

February 2, 2021

# How Myanmar's Opening to Democracy Got Crushed

Opinion by Jared Genser

(CNN) In a precision operation early Monday, Myanmar's armed forces chief Gen. Min Aung Hlaing summarily [deposed the country's government](#), arresting state counsellor [Aung San Suu Kyi, President Win Myint and dozens of other key officials](#). The military blocked roads in the capital Naypyidaw and Rangoon, disrupted television, telephone and internet service and imposed a curfew.

Later, it declared a [one-year state of emergency](#), claiming it would then hold new elections and hand over power to the winner. The coup was staged hours before the country's Parliament was set to meet for its first session since Suu Kyi's National League for Democracy [won a landslide 83%](#) of the seats in elections last November. The Parliament was expected to approve the election results and install the next government.

It wasn't supposed to be this way. In late 2010, Myanmar's military junta began opening to the outside world by releasing then democracy icon Suu Kyi, who had spent some [15 years under house arrest](#).

Five years later, the country held its first democratic elections in 25 years and her party won a historic majority. Despite the military controlling all matters of defense and security, it permitted the transfer to civilian rule, and the world cheered the transition from autocracy to democracy for this southeast Asian nation of some 57 million.

Yet it was never that simple.

In reality, the country's Constitution had been written by the junta to maintain its grip on power. The military clearly never had any intention of allowing Myanmar, also known as Burma, to evolve from a country dominated by the 65% of the population [who are Bamar](#) -- the vast majority of whom are Buddhists -- to one that is multiethnic and multireligious and protects minority rights.

Nowhere was this clearer than in western Rakhine State, where the army led a brutal campaign against the ethnic Rohingya, murdering [more than 10,000](#), and forcing more than million to flee in what the United Nations later described as a genocide. For her part, Suu Kyi was complicit in the commission of these atrocity crimes by her unconditional support of Myanmar's military, culminating in her [stunning defense](#) of Myanmar's generals from charges of genocide at the World Court.

But looking more closely, Suu Kyi also sought other ways to avoid conflict with the military. Despite her wide parliamentary majority, laws that [restricted free speech and assembly](#) were never abolished. She defended the [prosecution and imprisonment of journalists](#) who reported on the military's persecution of the Rohingya. She [took no action](#) to help three ethnic Kachin activists [found guilty and sentenced](#) to prison for defaming the military. And she did nothing to disrupt the incredibly profitable business activities of the [military owned conglomerates](#). It had been the conventional wisdom, until now, that Suu Kyi's support meant the military had no need to conduct a coup. What observers seriously miscalculated, however, was the [raw personal ambition](#) of Min Aung Hlaing.

Facing [mandatory retirement](#) in a few months, with no route to a civilian leadership role, and amid global calls for him to [face criminal charges](#) in The Hague, he was cornered. After getting only 7% of the available seats -- [33 of 476](#)-- in the November parliamentary election, the military alleged widespread fraud. Last week, Min Aung Hlaing [argued to senior officers](#) in a speech that the Constitution could be revoked if the country's election laws weren't being enforced.

On January 28, Myanmar's election commission formally [rejected the allegations of fraud](#) and [The New York Times reported](#) that representatives of Min Aung Hlaing sent Suu Kyi a letter "ordering a recount and delay in the Parliament or else." Over the weekend, the [military vowed](#) to "take action," which then led to the coup.

To his credit, US President Joe Biden just designated the military takeover to be a coup d'etat, requiring most [military and foreign assistance](#) to be cut. But much more needs to be done.

First, the US should work multilaterally to build support for advancing a global arms embargo and the referral of the situation in Myanmar to the International Criminal Court. If the US can build wide support for these actions, it will be much more difficult politically for China or Russia to veto these proposals at the UN Security Council.

Second, the US should also immediately sanction [Myanmar Economic Corporation](#) and [Myanmar Economic Holdings](#), the two massive military controlled conglomerates that usually through international joint ventures own and run well over 100 companies that work in construction, manufacturing, telecommunications, insurance, banking, gem extraction and tourism sectors. Such a targeted approach would immediately start to limit the military's ability to generate its own financial support.

And third, the international community should redirect funds that were being spent on helping the government with political and economic reforms to provide support for nongovernmental organizations that can offer humanitarian assistance across the border to the estimated [200,000 internally displaced persons](#) who have fled the human rights abuses of the military as well as to the some [1 million Myanmar refugees](#) in neighboring countries.

That said, there should be no illusions about the challenges ahead. Min Aung Hlaing is firmly in control of the Burmese military. He can be expected to pivot Myanmar rapidly to China, which has [\\$21.5 billion](#) in foreign capital and more than a third of all

Myanmar's trade. But the real unpredictable variable is how the Burmese people, who will overwhelmingly oppose the coup, will respond. If they [go to the streets](#) together as they have before, they could force the military back to the barracks. Whatever happens, we, in turn, must stand with them.

*Jared Genser is an international human rights lawyer who previously served as pro bono counsel to Aung San Suu Kyi between 2006-2010. The views expressed here are his own.*