

**BURMA COUP WATCH:
 URGENT ACTION REQUIRED TO PREVENT DESTABILIZING VIOLENCE**

- A month after its 1 February 2021 coup, the military junta's escalation of disproportionate violence and terror tactics, backed by deployment of notorious military units to repress peaceful demonstrations, underlines the urgent need for substantive international action to prevent massive, destabilizing violence.
- The junta's refusal to receive UN diplomatic and human rights missions indicates a refusal to consider a peaceful resolution to the crisis and confrontation sparked by the coup.
- In order to avert worse violence and create the space for dialogue and negotiations, the movement in Burma and their allies urge that:
 - International Financial Institutions (IFIs) immediately freeze existing loans, recall prior loans and reassess the post-coup situation;
 - Foreign states and bodies enact targeted sanctions on the military (Tatmadaw), Tatmadaw-affiliated companies and partners, including a global arms embargo; and
 - The UN Security Council immediately send a delegation to prevent further violence and ensure the situation is peacefully resolved.
- The coup violated multiple provisions of the Tatmadaw-designed 2008 Constitution.
- The junta's public statements and information warfare reflect a calculated plan to neutralize domestic democratic forces and pacify the international community.
- While portraying themselves as a gentler version of previous juntas, the Min Aung Hlaing regime has already attacked thousands of unarmed protestors. On 28 February the Tatmadaw killed at least 18, injured dozens more, and arrested at least 479, in a significant escalation of abuses. This brought the total to at least 30 killed, hundreds injured, and 1,132 politicians, activists, journalists, and others arrested, with most denied access to legal counsel.
- The coup also involved a systematic purge of members of the executive and key agencies including the Central Bank of Myanmar. The coup and crackdown have disrupted the economy, heightening concerns that political and economic destabilization will have regional and global impacts, intensifying reputational and operational risks, and resulting in withdrawals and suspensions of investment.
- The Tatmadaw has sought to weaken popular opposition by implementing or amending seven laws that violate human rights norms, eliminate privacy and threaten lengthy imprisonment for anybody perceived as an enemy of the junta.
- Millions of civilians continue to protest nationwide—in almost every township in Burma—despite military intimidation and brutal violence. The Civil Disobedience Movement (CDM) has been joined by workers and senior officials from the civil service, police officers, and the private sector.

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On 1 February 2021, Burma's military (Tatmadaw) jailed State Counselor Aung San Suu Kyi, President Win Myint, and other politicians from the National League for Democracy (NLD) party, and conferred emergency leadership of the country to Commander-in-Chief Min Aung Hlaing.¹⁵ Following the coup, the Tatmadaw replaced chief ministerial posts, including the Ministers for Health and Sports, and Planning, Finance, and Industry with its own appointees.¹⁶

This was a well-planned coup, with a public relations campaign ready to go, but the military did not foresee the widespread and persistent popular determination to oppose its dictatorship.

Movement calls for action

Within days of the coup, activists and their allies inside Burma and throughout the world urgently called for international action. Their main demands focused on:

1. Targeted sanctions against the Tatmadaw, its businesses, and cronies including a global arms embargo, in order to reduce the economic incentive for the Tatmadaw to prolong the coup and/or continue to commit human rights violations. Sanctions targeting military entities including the Myanmar Economic Holdings Limited (MEHL), Myanmar Economic Corporation (MEC), and Myanmar Oil and Gas Enterprise (MOGE) will undermine the military's unity, while minimizing the economic impact on independent small and medium enterprises and ordinary people of Burma.

Besides providing economic pressure for a peaceful settlement, targeted sanctions will mitigate economic and security threats:

Coup Timeline (as of 28 Feb):

2020	
8 Nov	<ul style="list-style-type: none"> NLD wins 82% of contested seats in the general election. Tatmadaw proxy Union Solidarity and Development Party (USDP) wins just 6% of seats.¹ Tatmadaw begins unsubstantiated claims of widespread voter fraud.²
2021	
29 Jan	<ul style="list-style-type: none"> Tatmadaw positions tanks and armored vehicles across major cities in Burma.³
1 Feb	<ul style="list-style-type: none"> Tatmadaw asserts state of emergency, stages coup in Naypyidaw, and illegally detains Aung San Suu Kyi, President Win Myint, and other NLD party leaders. Min Aung Hlaing declares himself leader of Burma.⁴ Internet shut down from 3am.⁵
2 Feb	<ul style="list-style-type: none"> Tatmadaw puts over 400 elected members of parliament (MPs) under house arrest. Hundreds of thousands take to the streets to protest coup.⁶ The Civil Disobedience Movement (CDM) is formed by health workers and civil society. Min Aung Hlaing establishes the State Administration Council (SAC) in order to solidify junta's power grab.⁷
4 Feb	<ul style="list-style-type: none"> Tatmadaw-controlled communications enterprise Myanma Posts and Telecommunications blocks access to Facebook, WhatsApp, and Twitter for 3 days.⁸ Norwegian-owned communications enterprise Telenor complies with the junta's demands and blocks Facebook.⁹
9 Feb	<ul style="list-style-type: none"> Police shoot Mya Thwe Thwe Khaing in the head at a protest in Naypyidaw, she dies of her injuries on 19 February.¹⁰ Over 300 MPs-elect join the Committee Representing Pyidaungsu Hluttaw (CRPH) to challenge junta.¹¹ Tatmadaw drafts Cyber Security Law, which will violate digital privacy and freedom of speech, to quell dissent.¹² Tatmadaw begins secretive trial for Aung San Suu Kyi and Win Myint, without defense counsel present.¹³
28 Feb	<ul style="list-style-type: none"> Tatmadaw increases brutality, killing 18 protesters in a single day.¹⁴

¹ Asia Foundation (10 Nov 2020) 2020 General Election: State and Region Hluttaws

² Myanmar Times (13 Nov 2020) Ethnic armed groups urge USDP to accept election result

³ Myanmar Now (29 Jan 2021) Tanks appear on city streets as fears of a possible coup continue

⁴ Reuters (1 Feb 2021) Aung San Suu Kyi and other leaders arrested, party spokesman says

⁵ Netblocks (1 Feb 2021) Internet disrupted in Myanmar amid apparent military uprising

⁶ Frontier Myanmar (8 Feb 2021) MYANMAR PROTESTS LIVE: Hundreds of thousands continue to defy ban on gatherings, threats of 'action'

⁷ Myanmar Times (2 Feb 2021) Myanmar Military Announces New State Administrative Council

⁸ Reuters (4 Feb 2021) Myanmar internet providers block Facebook services after government order

⁹ Telenor (4 Feb 2021) Directive to Block Social media

¹⁰ Al Jazeera (19 Feb 2021) Myanmar female protester dies as military crackdown hardens

¹¹ Committee Representing Pyidaungsu Hluttaw (5 Feb 2021) Over 300 elected representatives convened Emergency Union Parliament Meeting

¹² Frontier Myanmar (11 Feb 2021) Civil society, businesses condemn junta's draft Cyber Security Law

¹³ Bangkok Post (16 Feb 2021) Trial for Suu Kyi begins in secret

¹⁴ OHCHR (28 Feb 2021) MEDIA STATEMENT – UN Human Rights Office urges military to halt violence against peaceful protestors across Myanmar

¹⁵ Frontier Myanmar (1 Feb 2021) Tatmadaw seizes power under state of emergency, to rule for a year

¹⁶ Republic of the Union of Myanmar, Office of Commander-in-Chief of Defense Services (1 Feb 2021) Order No. 6/2021: Appointment and Duty Assignment of Union Ministers

(a) Until 2015 Burma's Tatmadaw-led kleptocracy crushed the country's economy and made it one of the most corrupt countries in the world (180/182 in 2011).¹⁷

(b) It is critical not to provide the Tatmadaw with resources it can use to escalate violence against civilians. The Tatmadaw's notorious track record for committing atrocity crimes against civilians has been extensively documented by the UN.

(c) A failure to impose targeted economic sanctions will signal the international community's tacit acceptance of the regime and embolden it to intensify its rule by force with impunity. This will intensify threats to human security and economic stability in a region already hit hard by the impacts of the COVID-19 pandemic.

2. A UN Security Council (UNSC) delegation to Burma, to ensure a peaceful resolution of the current situation and prevent further violence. Even without taking an explicit position on the legitimacy of the junta, such a delegation would help to demonstrate leadership and press the junta to stop its brutal repression of civilians. The UNSC previously sent a delegation to Cox's Bazar in Bangladesh, to address the ongoing Rohingya refugee crisis, which was instrumental in securing Burma's commitment to a compromise solution. The junta has so far rebuffed calls for diplomatic visits, including by UN Special Envoy to Myanmar Christine Schraner Burgener.¹⁸

3. Measures to halt and prevent financial support from International Financial Institutions (IFIs) to the junta. IFIs must immediately freeze all transactions, recall prior loans where possible; and dialogue with the Committee Representing Pyidaungsu Hluttaw (CRPH) and ethnic leaders to reassess their engagement with Burma, to ensure protection of and benefits to civilians.

Illegal even under the military-designed Constitution

On 1 February 2021, the Tatmadaw violated Burma's 2008 Constitution, which it drafted.¹⁹

Vice President Myint Swe, alleging massive voter fraud in the 2020 national elections, seized the Presidency and transferred all executive, legislative, and judicial powers to Min Aung Hlaing, citing Sections 417–19 of the Constitution.²⁰

Section 417 says: "If there arises or if there is sufficient reason for a state of emergency to arise that may disintegrate the Union or disintegrate national solidarity or that may cause the loss of sovereignty, due to acts or attempts to take over the sovereignty of the Union by insurgency, violence and wrongful forcible means, the President may, after co-ordinating with the National Defence and Security Council, promulgate an ordinance and declare a state of emergency."

(1) "if there is sufficient reason"

The Tatmadaw asserted that "the failure of the free and fair electoral process" and "[r]efusal to address the caverns [sic] raised by several political parties, ethnic groups, and the Tatmadaw" were sufficient grounds to invoke Section 417.²¹ However, international observers concluded the alleged widespread fraud did not occur.²² In any case, a dispute over elections does not constitute an attempt "to take over the sovereignty of the Union by insurgency, violence and wrongful forcible means."

(2) "the president may [...] declare a state of emergency"

The Tatmadaw's 1 February declaration is signed by Myint Swe as "Pro Tem (President)."²³ The 2008 Constitution ensures military power in part by mandating a military-nominated Vice President (as of

¹⁷ Transparency International (viewed 28 Feb 2021) Corruption Perceptions Index

¹⁸ UN News (16 Feb 2021) Myanmar: 'World is watching', UN Special Envoy urges military to refrain from violence;

¹⁹ Melissa Crouch (10 Feb 2021) "Why section 144 orders are unconstitutional"

²⁰ Myanmar Times (1 Feb 2021) Myanmar announces state of emergency

²¹ Republic of the Union of Myanmar (1 Feb 2021) Order 1/2021

²² Carter Center (10 Nov 2020) Carter Center Preliminary Statement on the 2020 Myanmar General Elections.

It should be noted that the 2020 election had voting issues—though not the ones the military took issue with. Over two million people were disenfranchised in the election, by removal from voter rolls and as a result of prior mass displacement. Just weeks before the election, the UEC cancelled voting in half of Rakhine State, as well as parts of five other States/Regions (see Myanmar Times (17 Oct) Voting in over half of Rakhine State cancelled, hitting Arakan party).

²³ Republic of the Union of Myanmar (1 Feb 2021) Order 1/2021

January 2021, Myint Swe), to sit beside the democratically-elected Vice President (as of January 2021, Henry Van Thio); with both subordinate to the President (as of January 2021, Win Myint).²⁴

To explain how Myint Swe could be the acting President of Myanmar, the junta must rely on Section 73 of the Constitution, which allows the Vice President with more votes to “serve as Acting President if the office of the President falls vacant due to his resignation, death, permanent disability or any other cause.”²⁵ However, the office of the President fell vacant because President Win Myint was (and remains) detained incommunicado by the Tatmadaw. Experts consider it clear that in this instance, the Vice President seizing power from the President has no legal or constitutional basis, and the phrase “any other cause” is not applicable.²⁶

While coup supporters may allege that a President’s arrest and detention—following the rule of law—could be sufficient to invoke Section 417, that is not pertinent here. First, Win Myint was detained on 1 February without any charge or asserted reason, along with all other elected NLD parliamentarians in Naypyidaw,²⁷ in violation of Section 347 of the Constitution (“The Union shall guarantee any person to enjoy equal rights before the law and shall equally provide legal protection.”).²⁸

Second, in order to retroactively justify Win Myint’s detention, the junta charged him with violating COVID-19 regulations because he waved to a campaign rally with his wife and daughter in front of the Presidential Palace.²⁹ This charge is problematic in light of Section 215 of the Constitution, which says “The President shall not be answerable to either any Hluttaw or to any Court for the exercise of the powers and functions of his office or for any act done or purported to be done by him in the exercise of these powers and functions in accord with the Constitution or any law.”³⁰ Furthermore, he was hauled into court secretly and without the benefit of legal counsel, in violation of Section 375 of the Constitution (“An accused shall have the right of defence in accord with the law.”).³¹

(3) “after coordinating with the National Defence and Security Council”

The 2008 Constitution says that the National Defence and Security Council (NDSC) is to be led by the President, and consist of the President, (2) Vice Presidents, Speaker of the Pyithu Hluttaw, Speaker of the Amyotha Hluttaw, Commander-in-Chief of the Defence Services, Deputy Commander-in-Chief, Minister for Defence, Minister for Foreign Affairs, Minister for Home Affairs, and Minister for Border Affairs.³² In part because the Constitution does not specify how decisions are taken by the NDSC, it is unclear whether it was *possible* for the President to coordinate with the NDSC on 1 February, while President Win Myint, Vice President Henry Van Thio, Speaker of the Pyithu Hluttaw T Khun Myat, Speaker of the Amyotha Hluttaw Mahn Win Khaing Than, and State Counsellor/ Minister for Foreign Affairs Aung San Suu Kyi were in detention.

Information warfare

The Tatmadaw’s communications before and after 1 February 2021 reveal its strategy to legitimize the coup, stifle domestic opposition, and allay concerns of the international community.

Between the general election in November 2020 and the coup in February 2021, the Tatmadaw and its proxy political party, the Union Solidarity and Development Party (USDP), consistently alleged voter fraud. This narrative primed a portion of civilians in Burma to view the NLD election winners as illegitimate, and to perceive the country as being in an existential crisis.

The military shut down cellular data access nationwide on 1 February 2021.³³ Internet access was intermittent over the following week, and Facebook, Instagram, Twitter, and WhatsApp were

²⁴ Republic of the Union of Myanmar (2008) Constitution of the Republic of the Union of Myanmar, §§ 58,60

²⁵ Republic of the Union of Myanmar (2008) Constitution of the Republic of the Union of Myanmar, § 73

²⁶ International Crisis Group (16 Feb 2021) Responding to the Myanmar Coup; ConstitutionNet (11 Feb 2021) Constitutional implications of Myanmar’s Coup on 1 February 2021; East Asia Forum (3 Feb 2021) Myanmar coup has no constitutional basis

²⁷ BBC News (1 Feb 2021) Myanmar coup: Aung San Suu Kyi detained as military seizes control

²⁸ Republic of the Union of Myanmar (2008) Constitution of the Republic of the Union of Myanmar, § 347

²⁹ Myanmar Times (4 Feb 2021) Myanmar State Counsellor and President Charged, Detained for 2 more weeks

³⁰ Republic of the Union of Myanmar (2008) Constitution of the Republic of the Union of Myanmar, § 215

³¹ Republic of the Union of Myanmar (2008) Constitution of the Republic of the Union of Myanmar, § 375

³² Republic of the Union of Myanmar (2008) Constitution of the Republic of the Union of Myanmar, § 215

³³ Myanmar Times (1 Feb 2021) Myanmar announces state of emergency

blocked.³⁴ On 7 February, internet connectivity was pushed down to just 14% of its pre-coup level. Civil society groups have already noted the danger of surveillance by MyTel—a military-backed telecommunications company—which some in Burma believe will have more reliable services following the coup.³⁵ Since 15 February, the internet has been shut down every night, 1–9am.³⁶

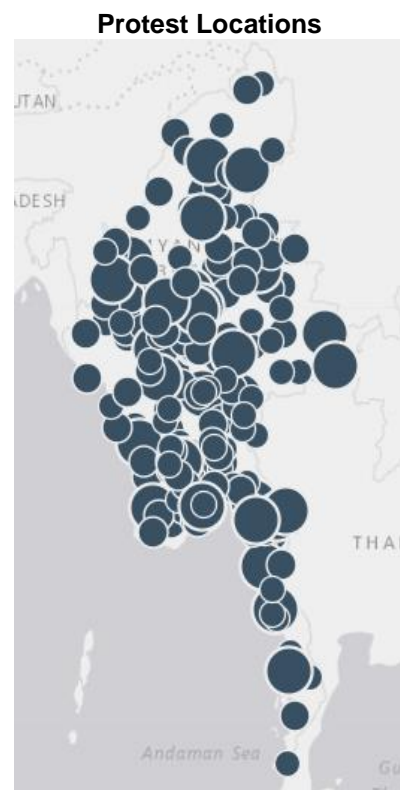
Upon seizing power, the Tatmadaw made several statements meant to cushion its dramatic move. First, it asserted that the state of emergency (and therefore its time leading the country) would last only one year.³⁷ In fact, this one-year limitation is a constitutional requirement for a state of emergency.³⁸ Second, it promised to re-constitute the Union Election Commission (UEC) and hold new elections that are free and fair.³⁹ This is merely a pretense for legitimacy; democratic elections since 1990 have indicated consistent popular support for the NLD,⁴⁰ and Tatmadaw supporters were the only ones suggesting that a coup was the proper way to address the situation. Third, it promised to address the COVID-19 pandemic and work for fulfilment of the Nationwide Ceasefire Agreement (NCA).⁴¹ Again, these can only be understood as propaganda; the Ministry of Health and Sports and COVID-19 response have been gutted since the coup,⁴² and the NCA is widely regarded as dead, due in part to Tatmadaw breaches and ideological inflexibility.⁴³

The military perpetuated the rumor, after Suu Kyi was detained on 1 February, that she was actually free.⁴⁴ It also spread rumors online that independent news sources could no longer be trusted, and that the current regime would lose their legitimacy if the protests stopped.⁴⁵

This barrage of misinformation and the violence inflicted against the people of Burma led Facebook to take down multiple pages of the Tatmadaw and its media entities on 24 February,⁴⁶ though it has fallen short of banning businesses related to the Tatmadaw. It did the same in 2018 after a UN report documented its instrumental role in violent campaigns against the Rohingya.⁴⁷

Min Aung Hlaing's promises on Rohingya, international investment:

One week after the coup, Min Aung Hlaing spoke on national TV and attempted to allay international concerns. Without referring to the Rohingya by name, he said that the junta would implement the joint repatriation agreement with Bangladesh.⁴⁸ On 23 February, the General Administration Department issued a directive to the



Armed Conflict Location and Event Database (ACLED) (25 Feb 2021) Dashboard: protests 1-20 February 2021

³⁴ NetBlocks (updated 1 Mar 2021) Internet disrupted in Myanmar amid apparent military uprising; Article 19 (6 Feb 2021) Myanmar: Nation-wide Internet shutdown deepens human rights crisis following military coup; Telenor (6 Feb 2021) Data network restored in Myanmar

³⁵ Coda (23 Jul 2020) Military-backed company in Myanmar seeks control of the country's internet; Twitter (1 Feb 2021) Justice for Myanmar

³⁶ NetBlocks (updated 1 Mar 2021) Internet disrupted in Myanmar amid apparent military uprising

³⁷ Republic of the Union of Myanmar (1 Feb 2021) Order 1/2021

³⁸ Republic of the Union of Myanmar (2008) Constitution of the Republic of the Union of Myanmar, § 417

³⁹ Republic of the Union of Myanmar, Office of the Commander in Chief of Defence Services (1 Feb 2021) Notification 1/2021

⁴⁰ Associated Press (3 Feb 2021) Key events in Myanmar, long under military rule

⁴¹ Republic of the Union of Myanmar, Office of the Commander in Chief of Defence Services (1 Feb 2021) Notification 1/2021

⁴² Republic of the Union of Myanmar, Office of the Commander-in-Chief of Defence Services (1 Feb 2021) Order 6/2021:

Appointment and Duty Assignment of Union Ministers; Republic of the Union of Myanmar, Office of the Commander-in-Chief of Defence Services (1 Feb 2021) Order 5/2021: Duty Termination from Deputy Union Ministers; Reuters (9 Feb 2021)

Coronavirus testing collapses in Myanmar after coup

⁴³ Asia Times (17 Dec 2020) Nail in the coffin of Myanmar's dying peace process; Radio Free Asia (4 Feb 2021) Military Coup

Sounds Death Knell For Myanmar's Peace Process: Experts

⁴⁴ Frontier Myanmar (24 Feb 2021) Twitter and SMS: Myanmar's new frontiers of fear

⁴⁵ Ko Swe Win (via Facebook) (18 Feb 2021) <https://www.facebook.com/events/144753320805597>

⁴⁶ Washington Post (25 Feb 2021) Facebook bans Myanmar's military, citing threat of new violence after Feb. 1 coup

⁴⁷ The Guardian (27 Aug 2018) Facebook removes accounts associated with Myanmar military

⁴⁸ NPR (11 Feb 2021) What Myanmar's Coup Means For The Rohingya

Ponnagyun Township ward administrators, to take actions according to the existing laws against those (Rohingya) who return to Burma illegally.⁴⁹ It remains to be seen whether the Tatmadaw, whose genocidal campaign targeting the Rohingya has subjected Burma to a suit at the International Court of Justice (ICJ) and an investigation at the International Criminal Court (ICC), will now work to protect and fulfil these communities' human rights.

In the same address, Min Aung Hlaing assured international investors that they were welcome.⁵⁷ The State Administration Council (SAC) echoed this by stating its objective “[t]o shape a stable market-oriented economic system by inviting foreign direct investments (FDIs) and developing the economy of the entire national peoples.”⁵⁸ The Tatmadaw’s kleptocratic and violent tendencies have previously scared off most international investors. In 2018, the year following the Tatmadaw’s genocidal violence against the Rohingya, new foreign direct investment in Burma fell by 67.74%, from USD 4.002 billion to USD 1.291 billion.⁵⁹

Nationwide opposition to the coup

Millions of people have protested the coup, in nearly every township of the country—in many places, every day. The ousted NLD government—which most people in Burma still consider the country’s legitimate, democratically elected authority—has formed a governing structure despite the junta.

Civil Disobedience Movement (CDM)

On 2 February, health workers and civil society actors across the country formed the CDM in response to the coup, joining nationwide protests representing diverse ethnic nationalities, LGBTIQ people, and religious leaders from all denominations.⁶⁰ The CDM now includes doctors, bank employees, teachers, civil servants, some police, and others who seek to challenge the coup by striking. CDM resistance has taken place every day in Naypyidaw, Mandalay, and Yangon, and public servants have joined the strike in 307 of 330 townships (in all States/Regions).⁶¹

Key CDM events:

- **2 Feb:** CDM founded by healthcare staff and civil society.
- **3 Feb:** Staff at 70 hospitals and medical departments in 30 towns stopped work to protest against the coup.⁵⁰
- **5 Feb:** Declared as nationwide CDM Day. 100 government hospitals, 22 universities, and 16 government departments join CDM and go on strike.⁵¹
- **9 Feb:** Mya Thwe Thwe Khaing shot in the head by police while supporting a CDM protest involving hundreds of thousands of protestors in Naypyidaw; she dies of injuries on 19 Feb.⁵²
- **16 Feb:** CDM strikes severely impact the junta’s capacity to function, with bank, media, transport, and government staff joining. In response, military police fire on striking railway workers, illegally detain over 400 people, and target healthcare workers for harassment.⁵³
- **20 Feb:** Police kill two civilians, and fire on ambulances at a CDM protest with workers at the Yadanarbon Shipyard of Domestic Transportation.⁵⁴
- **22 Feb:** Burma ‘Spring Revolution’ declared, general strike of diverse workers from all sectors of the economy, from noodle shops to railway workers.⁵⁵
- **24 Feb:** As of 24 Feb, over 23,900 civil servants from ministries including Health and Sports, and township-level government offices in 307 townships, have joined CDM.⁵⁶

⁴⁹ Republic of the Union of Myanmar, General Administration Department, Ponnagyun Township (23 Feb 2021) confidential directive

⁵⁰ Civil Disobedience Movement (via Facebook) (6 Feb 2021) [facebook.com/civildisobediencemovement2021/photos/pcb.355744125515235/355737345515913](https://www.facebook.com/civildisobediencemovement2021/photos/pcb.355744125515235/355737345515913)

⁵¹ Civil Disobedience Movement (via Facebook) (4 Feb 2021) [facebook.com/civildisobediencemovement2021/photos/a.349725656117082/353702225719425](https://www.facebook.com/civildisobediencemovement2021/photos/a.349725656117082/353702225719425)

⁵² Assistance Association for Political Prisoners (25 Feb 2021) Deaths and Injuries from Crackdown on Protests (2021)

⁵³ The Irrawaddy (16 Feb 2021) Despite Pressure, Myanmar Govt Employees Refuse to Work Under Military Rule

⁵⁴ Assistance Association for Political Prisoners (20 Feb 2021) Daily Briefing in Relation to the Military Coup 20 Feb 2021

⁵⁵ Myanmar Now (22 Feb 2021) ‘We’re getting closer’ - protesters hopeful of victory as general strike shuts down country

⁵⁶ Civil Disobedience Myanmar (visited 25 Feb 2021) Home

⁵⁷ Al Jazeera (8 Feb 2021) Myanmar military ruler defends coup as protests intensify

⁵⁸ Global New Light of Myanmar (24 Feb 2021) Republic of the Union of Myanmar State Administration Council Nine Objectives

⁵⁹ The World Bank (2019) Foreign direct investment, net inflows (BoP, current US\$) – Myanmar

⁶⁰ The Irrawaddy (2 Feb 2021) Myanmar Medics Prepare Civil Disobedience Against Military Rule

⁶¹ Civil Disobedience Myanmar (visited 25 Feb 2021) Home

Committee Representing Pyidaungsu Hluttaw (CRPH)

Despite the coup, parliamentarians have sought to fulfil their duties. On 8 February 2021, the Committee Representing the Pyidaungsu Hluttaw (CRPH) officially announced its formation, condemned the coup, recognized CDM and the long-sought goal of a federal union, and said it “gives assurance to overcome such obstacles and pledges its deepest and unwavering commitment to work towards achieving this common goal.”⁶²

The CRPH has since issued at least 14 official statements, and promulgated a law, “Law on the State Counselor 2021,” affirming the role and duties of the State Counselor.⁶³ It convened over 300 parliamentarians, on 5 February, in line with the parliament’s expected duties;⁶⁴ established a foreign delegation based in the US;⁶⁵ informed all Burma diplomatic missions that they should be accountable to the CRPH, rather than the Tatmadaw;⁶⁶ and established a plan of action for civilians to uphold their democracy until the legitimate government is back in power.⁶⁷

The CRPH asserts that the junta is not a legitimate governing body, having taken power after the unlawful detention of government officials on 1 February;⁶⁸ and that the CRPH should be viewed as the legitimate governing body of Burma. It explains:

1. We, the Representatives of the Pyidaungsu Hluttaw, have been elected as representatives of the people in the General Elections held on 8 November 2020.
2. The parliamentary session was due to be held on 1 February 2021, but on that day the military staged a coup without any justifiable or legitimate reason, and the people became aware that the parliamentary session could not be conducted as planned.
3. Nevertheless, the elected Representatives who were sworn in on 4 February 2021 at Sipin Hostel (2) are duly mandated to legislate and to select and appoint the Presidents as the selection committee for the Presidents, and appoint new cabinet members in accordance with the Constitution of the Republic of the Union of Myanmar.
4. We, the elected Representatives of the Pyidaungsu Hluttaw, will not recognise any institutions, ministries, and the cabinet appointed by the military who seized power through an illegitimate coup, and we declare that the military’s cabinet is illegitimate.
5. We officially announce to the international community, including the United Nations, that only the government led by President U Win Myint is the official Government of the Republic of the Union of Myanmar.
6. The illegitimate coup carried out by the military Commander-in-Chief is unconstitutional and it does not revoke our legitimate authority entrusted upon us by the people.
7. The military coup, therefore, has not taken away our authority, and cannot officially deter us from performing the responsibilities entrusted upon us by the people. [...].⁶⁹

On 26 February, Burma’s permanent representative to the UN, Kyaw Moe Tun, stood in solidarity with CDM and CRPH. He received overwhelming applause at the UN General Assembly, and support in Burma. The junta dismissed him from his post on 27 February and accused him of high treason.⁷⁰

Junta’s violent crackdown

The military and police have responded to protests with a strategy of violence, terror, and unlawful detention. Security forces have committed acts of violence and intimidation against CDM members and protestors, with pro-military counter protestors and gangs of hired thugs attempting to break strikes.⁷¹ Interviewees described the junta flouting due process by taking people from their homes

⁶² Committee Representing Pyidaungsu Hluttaw (8 Feb 2021) Announcement 1/2021

⁶³ Committee Representing Pyidaungsu Hluttaw (21 Feb 2021) Law on the State Counselor (1/2021) (Burmese); see generally crphmyanmar.org

⁶⁴ Committee Representing Pyidaungsu Hluttaw (5 Feb 2021) Over 300 elected representatives convened Emergency Union Parliament Meeting

⁶⁵ Committee Representing Pyidaungsu Hluttaw (8 Feb 2021) Notification 7/2021

⁶⁶ Committee Representing Pyidaungsu Hluttaw (20 Feb 2021) Letter to Myanmar foreign diplomatic missions and official staff

⁶⁷ Committee Representing Pyidaungsu Hluttaw (20 Feb 2021) Interim governance of the people

⁶⁸ Committee Representing Pyidaungsu Hluttaw (22 Feb 2021) Announcement 1/2021

⁶⁹ Committee Representing Pyidaungsu Hluttaw (5 Feb 2021) Statement 2/2021

⁷⁰ The Irrawaddy (28 Feb 2021) Myanmar Military Regime Dismisses UN Ambassador; Republic of the Union of Myanmar (28 Feb 2021) Press release

⁷¹ 177 Myanmar Civil Society Organizations (12 Feb 2021) An open letter from Myanmar civil society organizations to the UN Security Council

without evidence, sending them to jail without proper legal proceedings, and refusing to let the detainees see lawyers.⁷²

On 28 February, the Tatmadaw increased its brutality, killing 18 protesters, injuring dozens more, and arresting at least 479 protesters in a single day.⁷³ This brought the total to at least 30 killed, hundreds injured, and 1,132 arrested in the month following the coup.⁷⁴

Security forces have consistently ignored international standards related to the policing of assemblies and routinely used unnecessary, disproportionate, and, in many cases, lethal force against peaceful protesters. Members of the military and police units have frequently used live ammunition, tear gas, water cannons, and rubber bullets to disperse peaceful protestors.

On 9 February in Naypyidaw, security forces shot Mya Thwe Thwe Khaing in the head. She died of her injuries 10 days later.⁷⁵ On 17 February near the Mandalay Central Railway staff housing building, the Tatmadaw targeted striking workers by firing 40 shots.⁷⁶ On 19 February in Myitkyina (Kachin State), Tatmadaw soldiers beat, arrested, and shot at protesters.⁷⁷ On 20 February, soldiers from Light Infantry Division (LID) 33 killed two protestors in Mandalay and fired upon ambulances.⁷⁸

On 12 February, the Tatmadaw released 23,314 prisoners with military ties or sympathies.⁷⁹ The Assistance Association for Political Prisoners (AAPP) echoed activists' concerns that the mass release made space in prisons to detain more political prisoners, and that released prisoners would be recruited for the (violent) pro-military counter-protest movement.⁸⁰ On 25 February, plainclothes pro-military thugs in Yangon beat pro-democracy protestors with rocks and sticks, smashed cars and property; and police fired indiscriminately into a peaceful pro-democracy crowd.⁸¹ At the same time in Naypyidaw, police pointed guns directly at journalists to intimidate the press.⁸²

Brutal Light Infantry Divisions (LIDs) deployed

The deployment of the Tatmadaw's infamous counter-insurgency LIDs 33, 77, and 99 since the coup raises serious concerns about the potential for atrocity crimes. LIDs 33 and 99 were key to the Tatmadaw's "clearance operations" against the Rohingya in 2017—alleged as genocide in a case before the ICJ and an investigation at the ICC—and were involved in attacks against civilians in Kachin State before that.

On 20 February, an LID 33 sniper was present at the dockyard in Mandalay where a 16-year-old volunteer medic was killed by a high powered rifle shot to the head. In Muse Township, Northern Shan State, LID 99 clashed with the Kachin Independence Organization's Battalion 9 for several days following the KIO's condemnation of the coup, with stray shelling killing civilians.

On 14 and 28 February, soldiers from LID 77 were deployed to suppress Yangon, as they had been during the 2007 Saffron Revolution, when they opened fire on protesters and rammed them with a truck.

These LIDs are ruthless units with a track record of systematic atrocity crimes against civilians, particularly in ethnic areas. Pro-democracy protests were bloodily suppressed by LIDs in 1988 and 2007.

Reuters (26 Jun 2018) Tip of the Spear; The Irrawaddy (20 Feb 2021) Two Civilians Killed by Myanmar Security Forces in Mandalay; Shan News (24 Feb 2021) Burma Army Launch Offensive Against KIO/A; Poppy McPherson (via Twitter) (15 Feb 2021) twitter.com/poppymcp/status/1361201684861513728

⁷² ALTSEAN-Burma (Feb 2021) confidential field interviews 2101, 2103, 2104

⁷³ OHCHR (28 Feb 2021) MEDIA STATEMENT – UN Human Rights Office urges military to halt violence against peaceful protestors across Myanmar; The Irrawaddy (28 Feb 2021) Hundreds Arrested As Myanmar Security Forces Launch Nationwide Crackdown on Regime Protests

⁷⁴ Assistance Association for Political Prisoners (28 Feb 2021) 28 Feb 21 Daily Briefing in Relation to the Military Coup

⁷⁵ Al Jazeera (19 Feb 2021) Myanmar female protester dies as military crackdown hardens

⁷⁶ Radio Free Asia (17 Feb 2021) Gunfire at Mandalay Rail Station Amid Creative Myanmar Protests And Appeals to Civil Servants

⁷⁷ Irrawaddy (19 Feb 2021) Police Free 14 Detained during violent breakup of anti-coup protest in N. Myanmar; The Diplomat (25 Feb 2021) Myanmar's Kachin State under the Coup Regime

⁷⁸ Myanmar Now (21 Feb 2021) 'It was like a warzone' - soldiers linked to Rohingya atrocities involved in murders of Mandalay protesters

⁷⁹ CNN (12 Feb 2021) Myanmar military releases more than 23,000 prisoners as protests against coup continue, AAPP (13 Feb 2021) Daily briefing in relation to the coup 13 February 2021

⁸⁰ Assistance Association for Political Prisoners (12 February 2021) Daily Briefing in Relation to the Military Coup

⁸¹ The Guardian (25 Feb 2021) Myanmar military supporters attack anti-coup protesters

⁸² Myanmar Now (25 Feb 2021) Journalists run from soldiers and police in Naypyidaw to avoid arrest as nationwide protests continue

Instances of violence across the country, along with the Tatmadaw's history of human rights violations, have instilled terror in the population. Interviewees described how in Yangon, Mandalay, Shan State, and Karen (Kayin) State, activists, CSO members, union members, and students move from house to house and even township to township, to avoid being detained.⁸³ According to one interviewee, the locally drawn-up list of people to arrest on sight includes "protesters, CSO organization staff, artists, singers, actors, [...]. They even put Generation Z in the warrant, so it is very general."⁸⁴

During February, and in documentation compiled by the International Trade Union Confederation, Tatmadaw or police arrested and prosecuted 50 trade unionists, and 59 civil servants were suspended, dismissed or faced threats of dismissal with legal consequences.⁸⁵ On 26 February, the Tatmadaw also publically named 16 labor rights organizations that it deemed to be operating illegally because they are not formally registered.⁸⁶ Individuals involved in these organizations have been forced into hiding. The ILO has called for the Tatmadaw to uphold rights under the relevant Conventions, including freedom of association in an environment free of threats, intimidation, harassment and violence.⁸⁷

Eleven members of the Myanmar Press Council and more than 12 Myanmar Times staff left their jobs after the junta issued directives not to use the word "regime" or "junta," or otherwise report in a way it views as "instigating public unrest."⁸⁸ As of 27 February, security forces had detained journalists from 7 Day News, Myanmar Now, Monywa Gazette, the Hakha Times and The Associated Press.⁸⁹

Ongoing armed conflict

Even before the coup, the peace process was in jeopardy. During 2020, there were at least 1,024 direct attacks on civilians or armed clashes that failed to adequately protect them. These took place in 13 of 14 States and Regions, resulting in at least 242 civilians deaths, another 706 injured, and over 14,000 forcibly displaced.⁹⁰

Hostilities included the destruction of COVID-19 screening posts in Karen, Kachin, Chin and Rakhine States, which blocked critical aid and information.⁹¹ Recent fighting has displaced over 5,000 people in Karen State, where a peace agreement is supposed to be in place.⁹² Colonel Naw Bu of the Kachin Independence Army observed, "[a]t the same time people are protesting against the military regime in every town in Burma, offensives have been launched (against EAOs) in the jungle."⁹³

The Tatmadaw has made overtures to ethnic armed organizations (EAOs) in the face of massive popular ethnic resistance to the coup, but has found little support. The Arakan Army, United Wa State Army, and Ta'ang National Liberation Army have remained silent, while all 10 EAO signatories to the NCA as well as the Kachin Independence Organization, have expressly condemned the coup.⁹⁴ Meanwhile, ethnic leaders who support the coup have been overwhelmingly disowned, disavowed, or

⁸³ ALTSEAN-Burma (Feb 2021) confidential field interviews 2101, 2102, 2103, 2104; see also The Irrawaddy (26 Feb 2021) Myanmar Regime Hunts Down Labor Activists Despite International Condemnation

⁸⁴ ALTSEAN-Burma (Feb 2021) confidential field interview 2103

⁸⁵ International Trade Union Confederation (28 Feb 2021) internal documentation

⁸⁶ International Trade Union Confederation (28 Feb 2021) internal documentation

⁸⁷ ILO (23 Feb 2021) ILO statement on Myanmar; ILO (10 Feb 2021) ILO calls on Myanmar to respect freedom of association and restore democratic order

⁸⁸ The Irrawaddy (18 Feb 2021) Myanmar Journalists Leave Jobs in Face of Military Regime Restrictions on Media Freedom

⁸⁹ The Irrawaddy (28 Feb 2021) Hundreds Arrested As Myanmar Security Forces Launch Nationwide Crackdown on Regime Protests

⁹⁰ Armed Conflict Location & Event Data Project (ACLED) Data Export Tool, available at <https://acleddata.com/data-export-tool/>. The sub event types from ACLED that are included here are Abduction/forced disappearance, Air/drone strike, Armed clash, Arrests, Attack, Grenade, Looting/property destruction, Sexual violence, and Shelling/missile/artillery attack.

⁹¹ KPSN (Jun 2020) Virus Warfare: Burma Army destruction of Karen community defences against Covid-19; Kachin News Group (24 Jun 2020) Burma Army Destroys KIO COVID-19 Screening Point; Arakan Rohingya National Organisation (1 May 2020) "Leaving no one behind" amidst genocide: the Myanmar government's response to Covid-19 in Rakhine State.

⁹² Open Letter (14 Feb 2021) 85 Karen Organizations urgently appeal to the Karen armed organizations (KNU/KNLA, DKBA, KNU/KNLA-PC and Karen BGF) not to cooperate with the Myanmar military junta's illegitimate dictator-government

⁹³ Network Media Group (23 Feb 2021) Burma Army Attack KIO/A in Muse District

⁹⁴ Peace Process Steering Team (2 Feb 2021) The statement of Special Meeting of the Peace Process Steering Team (PPST); Kachin Independence Organization, Central Committee (17 Feb 2021) Statement. The NCA signatories are (All Burma Students Democratic Front, Arakan Liberation Party, Chin National Front, Democratic Karen Buddhist Army-Brigade 5, Karen National Union, KNU/KNLA Peace Council, Lahu Democratic Union, New Mon State Party, Pa-O National Liberation Army, and Restoration Council of Shan State).

criticized by their parties and the wider public.⁹⁵ Notable exceptions have been support from the Mon Unity Party and Arakan National Party.⁹⁶

The junta has established three committees: the Central Committee for National Unity and Peacemaking, the National Unity and Peacemaking Working Committee, and the National Unity and Peacemaking Coordination Committee.⁹⁷ However, it remains to be seen whether these will be any more productive than the Joint Monitoring Committee that has existed since 2016.

New laws and amendments attack human rights

Section 420 of the 2008 Constitution says that during a state of emergency, the Commander-in-Chief may “restrict or suspend as required, one or more fundamental rights of the citizens in the required area.”⁹⁸ The Section makes no mention of necessity or proportionality, which raises the threat of serious violations of international human rights law,⁹⁹ since the person in charge has staged a coup.

The junta amended Burma’s 1861 Penal Code in several fundamental and harmful ways.¹⁰⁰ It broadened the scope of acts, under Section 121, considered to wage war against the country and therefore be High Treason.¹⁰¹ It amended Section 124(A) to include that a person who “attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the [...] Defence Services or Defence Services Personnel shall be punished with imprisonment for a term of twenty years.”¹⁰² It introduced Section 124(C), which threatens 20 years’ imprisonment for “[w]hoever intends or causes sabotage or to hinder the success of performance of the Defence Services and law enforcement organizations.”¹⁰³ It introduced Section 124(D), which threatens seven years’ imprisonment for “Whoever causes or hinders the Defence Services personnel and Government employees.”¹⁰⁴ Lastly, it introduced Section 505(A), which threatens three years’ imprisonment for any person who causes or intends to cause “fear to a group of citizens or to the public in general,” “false news,” or a “criminal offence against a Government employee, a group of Government employees or Government employees in general.”¹⁰⁵ These amendments and additions violate international human rights law,¹⁰⁶ and **threaten lengthy prison sentences for anything the junta perceives as opposing the Tatmadaw or the coup.**

The junta amended the Ward or Village Tract Administration Law in threatening and oppressive ways. It reinstated requirements that: households inform ward or village tract administrators of arrival and departure of overnight guests; administrators maintain and disclose a register of all overnight guests; and administrators take action against those who fail to report such guests, who will be fined.¹⁰⁷ It also added the power of the SAC to appoint ward and village tract administrators.¹⁰⁸ These amendments violate international human rights law,¹⁰⁹ and return the Law to its 2012 status as a military tool for control, surveillance, wanton punishment; and a pretext for searches of people’s homes.

The junta suspended three sections of the Law Protecting the Privacy and Security of Citizens: Section 5, which safeguards privacy and security and mandates the presence of two witnesses for search, seizure, or arrest in a private space; Section 7, which prohibits detention for more than 24 hours without court permission or other legal basis; and Section 8, which requires a legally-obtained

⁹⁵ Frontier Myanmar (23 Feb 2021) Junta scrambles to form ethnic alliances amid nationwide dissent

⁹⁶ Frontier Myanmar (23 Feb 2021) Junta scrambles to form ethnic alliances amid nationwide dissent

⁹⁷ BNI Multimedia Group (19 Feb 2021) SAC seeks ‘pragmatic results’ with new peace process committees: military spox

⁹⁸ Republic of the Union of Myanmar (2008) Constitution of the Republic of the Union of Myanmar, § 420

⁹⁹ See UN (1966) International Covenant on Civil and Political Rights, Art. 4

¹⁰⁰ Republic of the Union of Myanmar (1861) Penal Code

¹⁰¹ Republic of the Union of Myanmar, State Administration Council (14 Feb 2021) Law 5/2021 to amend the Penal Code

¹⁰² Republic of the Union of Myanmar, State Administration Council (14 Feb 2021) Law 5/2021 to amend the Penal Code

¹⁰³ Republic of the Union of Myanmar, State Administration Council (14 Feb 2021) Law 5/2021 to amend the Penal Code

¹⁰⁴ Republic of the Union of Myanmar, State Administration Council (14 Feb 2021) Law 5/2021 to amend the Penal Code

¹⁰⁵ Republic of the Union of Myanmar, State Administration Council (14 Feb 2021) Law 5/2021 to amend the Penal Code

¹⁰⁶ See UN (1966) International Covenant on Civil and Political Rights, Arts. 9,18,19,21,22

¹⁰⁷ Republic of the Union of Myanmar, State Administration Council (13 Feb 2021) Law 3/2021: Fourth Amendment of the Ward or Village-Tract Administration Law, §§ 13, 17, 27

¹⁰⁸ Republic of the Union of Myanmar, State Administration Council (13 Feb 2021) Law 3/2021: Fourth Amendment of the Ward or Village-Tract Administration Law, § 16

¹⁰⁹ See UN (1966) International Covenant on Civil and Political Rights, Arts. 11,17

warrant or order for entering private property for search, arrest, or seizure; police surveillance; intercepting private communications; obtaining a citizen's telephone or electronic data; opening, searching, or seizing private property; or interference in personal or family matters.¹¹⁰ These changes violate international human rights law,¹¹¹ and broadly permit intrusion into any individual's life, property, or private affairs.

The junta's proposed Cyber Security Law calls for the "[p]revention, removal, destruction and cessation" of "[s]peech, texts, image, video, audio file, sign or other ways of expressions causing hate, disrupting the unity, stabilization and peace," "[m]isinformation and disinformation," and "[w]ritten and verbal statements against any existing law"; and threatens with a fine and/or three-year prison sentence "[a]ny person who is convicted of creating misinformation and disinformation with the intent of causing public panic, loss of trust or social division on [sic] a cyber space."¹¹² The law violates international human rights norms,¹¹³ and gives undue discretion to the junta to control information.

On 15 February, nine foreign chambers of commerce in Burma expressed serious concerns about the draft Cyber Security Law, saying it "does not align with international standards and relevant regional regulatory frameworks".¹¹⁴

The above-referenced amendments and proposed Cyber Security Law also violate Burma's 2008 Constitution, which states "[n]o one shall be subjected to arbitrary interference with his privacy, family, home or correspondence"; and "[f]reedom of expression and association and peaceful assembly without weapons shall be guaranteed."¹¹⁵

International condemnation

International leaders swiftly condemned the coup and repression of peaceful protests. UN Secretary General Antonio Guterres and UN High Commissioner for Human Rights Michelle Bachelet expressed fear and disapproval.¹¹⁶ Tom Andrews, UN Special Rapporteur on the situation of human rights in Myanmar, said "[t]he 'state of emergency' in Myanmar is the military itself."¹¹⁷

European Commission President Ursula von der Leyen, European Council President Charles Michel, and EU High Representative Josep Borrell condemned the coup.¹¹⁸ World leaders expressed their support for democratic governance in Burma, including US President Joe Biden, UK Prime Minister Boris Johnson, the Spanish Prime Minister, and the Foreign Ministries of France, Germany, Italy, the Czech Republic, Turkey, Iran, New Zealand, and Australia.¹¹⁹

Within the region, India, Japan, Indonesia, Malaysia also expressed their respect for the democratic process in Burma.¹²⁰ ASEAN called for a return to democracy (while reaffirming its commitment to noninterference), while Cambodia, Thailand, and the Philippines each described the coup as an internal affair.¹²¹ China and Singapore both called on "all sides" to reach a compromise and restore peace,¹²² though Singapore condemned the repression of peaceful protests.¹²³ Chinese state media

¹¹⁰ Republic of the Union of Myanmar, State Administration Council (13 Feb 2021) Law 4/2021: Amendment of Law Protecting the Privacy and Security of the Citizens

¹¹¹ See UN (1966) International Covenant on Civil and Political Rights, Arts. 17,18,19

¹¹² Republic of the Union of Myanmar, State Administration Council (6 Feb 2021) Cyber Security Law (draft)

¹¹³ See UN (1966) International Covenant on Civil and Political Rights, Arts. 17,18,19,21,22

¹¹⁴ EuroCham Myanmar et al. (15 Feb 2021) Joint Statement on Draft Cyber Security Law. The group includes EuroCham Myanmar, French Myanmar Chamber of Commerce and Industry, German Myanmar Business Chamber, British Chamber of Commerce, Greece-Myanmar Chamber of Commerce, New Zealand Myanmar Chamber of Commerce, American Chamber of Commerce Myanmar, Italy Myanmar Business Association and the India Myanmar Chamber of Commerce

¹¹⁵ Republic of the Union of Myanmar (2008) Constitution of the Republic of the Union of Myanmar, §§ 353–54

¹¹⁶ UN Press Release (31 January 2021) Secretary-General Condemns Detention of Myanmar Political Leaders as 'Serious Blow to Democratic Reforms', Urges Peaceful Dialogue; UN Office of the High Commissioner Human Rights (OCHCR) (1 Feb 2021) Comment by UN High Commissioner for Human Rights Michelle Bachelet on Myanmar

¹¹⁷ UN Office of the High Commissioner Human Rights (OCHCR) (10 Feb 2021) UN expert warns security forces in Myanmar: Following orders is no defence for atrocities

¹¹⁸ Politico (1 Feb 2021) EU leaders condemn military coup in Myanmar

¹¹⁹ Al Jazeera (1 Feb 2021) 'Serious blow to democracy': World condemns Myanmar military coup; Minister for Foreign Affairs Australia (1 Feb 2021) Statement on Myanmar

¹²⁰ Al Jazeera (1 Feb 2021) 'Serious blow to democracy': World condemns Myanmar military coup

¹²¹ Bangkok Post (1 Feb 2021) DPM Prawit calls Myanmar coup 'their internal affair'

¹²² Bangkok Post (1 Feb 2021) DPM Prawit calls Myanmar coup 'their internal affair'

¹²³ Al Jazeera (21 Feb 2021) Huge rallies in Myanmar as backlash grows over protester killings

described the coup as simply “a cabinet reshuffle” and has so far blocked the UNSC from taking action to support the democratically elected government, alongside Russia.¹²⁴ Bangladesh has remained focused on the repatriation of Rohingya refugees,¹²⁵ choosing to overlook the fact that the Tatmadaw currently stands accused of genocide against the Rohingya at the ICJ.

The UNSC has not moved beyond making a relatively mild statement expressing “deep concern” about the state of emergency and restrictions on civil society, journalists, and media workers.¹²⁶ Past UNSC engagement has spurred reaction from the Tatmadaw, such as its 2003 7-point roadmap to democracy.¹²⁷ Calls by the UK and EU resulted in a special session of the UN Human Rights Council, which ultimately issued a council resolution that did not mention the coup or call for accountability for actors involved.¹²⁸

Coup destabilizes the economy

The coup and the junta’s crackdown against dissent has dramatically affected Burma’s economic and business environment. The 1–9am internet shutdown, 8pm–4am curfew, and staff walkouts to protest the coup have shut down businesses, including banks nationwide. “Most banks have been forced to close branches since the coup because they lacked staff for functions ranging from counting money to providing payroll services to companies [...] lenders are trying to keep ATMs and online services operating but are struggling with staff shortages and the regime’s frequent internet shutdowns.”¹²⁹

On 1 March, the Central Bank of Myanmar announced that ATM withdrawals will be limited to MMK 500,000 per day (USD 354) for individuals, and MMK 20,000,000 (USD 14,165) per week for organizations.¹³⁰

On 1 February, the Tatmadaw arrested key players in Burma’s financial system. The junta detained at least three deputy governors of the Central Bank of Myanmar, including Bo Bo Nge, who remains in detention;¹³¹ and Australian Sean Turnell, who was an economic advisor to Aung San Suu Kyi.¹³² It replaced the Minister for Planning, Finance and Industry,¹³³ terminated three deputy ministers,¹³⁴ and later in the week detained two of these deputy ministers.¹³⁵

Corporations pull back

Foreign companies and corporate partners have begun to distance themselves from the Tatmadaw following the coup, and even pulled out of their investments. On 5 February, Japanese beer company Kirin severed ties with the Tatmadaw conglomerate Myanma Economic Holdings Public Company Limited (MEHL).¹³⁶ Australian energy giant Woodside announced that it is placing all its decisions under review and will demobilize its offshore operations.¹³⁷ Korean steel giant POSCO, which is a joint venture partner with MEHL, said on 5 February that it would suspend all dividend payments to MEHL until confirmation that payments had not been associated with human rights violations.¹³⁸

Thai industrial real estate developer Amata Corporation suspended its THB 140 million investment in Yangon, and Japanese car manufacturer Suzuki stopped operations at two factories in Burma that produced 13,300 cars in 2019.¹³⁹ HAECO, which is owned by Swire Group—parent company of Cathay Pacific—announced it will end its contract with Aero Sofi for the refurbishment of an Airbus

¹²⁴ BBC News (3 Feb 2021) Myanmar coup: China blocks UN condemnation as protest grows

¹²⁵ Ministry of Foreign Affairs Bangladesh (1 Feb 2021) Developments in Myanmar

¹²⁶ UN Security Council (4 Feb 2021) Press statement on the situation in Myanmar

¹²⁷ Security Council Report (updated 6 Oct 2020) Chronology of Events: Myanmar

¹²⁸ UN General Assembly (12 Feb 2021) Human rights implications of the crisis in Myanmar (A/HRC/S-29/L.1)

¹²⁹ Financial Times (25 Feb 2021) Myanmar protests imperil economy as banking slows

¹³⁰ Straits Times (1 Mar 2021) Myanmar central bank to limit cash withdrawal from banks, ATMs

¹³¹ The Irrawaddy (10 Feb 2021) Central Bank of Myanmar Staff Join Anti-Coup Protests

¹³² The Irrawaddy (9 Feb 2021) Deputy Bank Governor’s Location Unknown Since Military Detention: Wife

¹³³ Republic of the Union of Myanmar, Office of Commander-in-Chief of Defense Services (1 Feb 2021) Order No. 6/2021: Appointment and Duty Assignment of Union Ministers

¹³⁴ Republic of the Union of Myanmar, Office of Commander-in-Chief of Defense Services (1 Feb 2021) Order No. 5/2021: Duty Termination from Deputy Ministers

¹³⁵ The Irrawaddy (9 Feb 2021) Deputy Bank Governor’s Location Unknown Since Military Detention: Wife

¹³⁶ Financial Times (23 Feb 2021) Japanese companies stick with Myanmar despite putsch

¹³⁷ The Australian (27 Feb 2021) Woodside to pull out offshore drilling team amid Myanmar unrest

¹³⁸ Business & Human Rights Resource Centre (15 Feb 2021) POSCO’s response

¹³⁹ Bangkok Post (8 Feb 2021) Caught in the crosshairs

A300 owned by the Myanmar Air Force.¹⁴⁰ Singapore businessman Lim Kaling announced he will relinquish his stake in Tatmadaw-linked cigarette manufacturer Virginia Tobacco Company.¹⁴¹ Singapore firm TRD Consulting announced that it will stop selling anti-drone products to Burma's police (controlled by the Tatmadaw) "until a lawful society is re-established."¹⁴² Foreign clothing and other businesses Singapore-based payments firm Coda has deactivated Mytel, a Tatmadaw-linked telecom operator, from its platform, making it impossible for Mytel customers to make purchases using Coda's services.¹⁴³

Members of Action, Collaboration, Transformation (ACT)—which includes global retail brands sourcing from Burma and global trade unions—have condemned the coup and reiterated their commitment to freedoms of opinion, association, and peace assembly.¹⁴⁴ On 26 February, the Singapore stock exchange (SGX) directed Emerging Towns and Cities Singapore Co. Ltd. to prove that its Golden City project in Burma is not contributing to crimes, in order to remain on the exchange.¹⁴⁵

On 2 February, the Asian Development Bank stated it was "deeply concerned about the current situation in Myanmar, which could constitute a serious setback to the country's transition and development prospects."¹⁴⁶ On 25 February, the World Bank announced that it had put a hold on disbursements for all ongoing projects, and would not be processing withdrawal applications received on or after 1 February.¹⁴⁷ This statement followed a 17 February letter by over 200 civil society organizations in and outside Burma, calling for IFIs to immediately freeze loans and other financial assistance to the country (amounting to an estimated USD 11 billion), recall loans linked to the junta and military companies, and reassess engagement to ensure they do not benefit the junta that overturned the elected government in the 1 February coup.¹⁴⁸

Sanctions

Foreign states and regional organizations have also increased sanctions on the military:

On 9 February, New Zealand suspended all military and high-level political contact with Burma, pledged to block any aid that could benefit Tatmadaw leaders, and placed a travel ban on coup leaders.¹⁴⁹

On 10 February, the United States froze USD one billion in Burmese assets, widened sanctions against Tatmadaw leaders and their family members, and declared it would tighten export controls.¹⁵⁰ On 28 February, the Biden administration said it was "preparing additional actions to impose further costs on those responsible for this latest outbreak of violence and the recent coup."¹⁵¹

On 18 February, Canada announced it is adding nine individuals to its sanctions list.¹⁵²

On 19 February, the UK announced it was freezing military assets, imposing travel bans on military personnel, and said "[s]upport for government-led reforms has been axed, planned programmes will close. UK aid will continue to reach the poorest and most vulnerable in Myanmar, while suspending work with the military government."¹⁵³

¹⁴⁰ Justice For Myanmar (13 Feb 2021) Justice For Myanmar Commends HAECO's decision to end contract for upgrade of Myanmar air force plane

¹⁴¹ Global Trade Review (10 Feb 2021) Foreign businesses exit Myanmar over coup

¹⁴² Reuters (19 Feb 2021) Singapore anti-drone firm cuts Myanmar ties after coup

¹⁴³ Reuters (26 Feb 2021) Singapore bourse queries developer over Myanmar project

¹⁴⁴ See ACT (19 Feb 2021) Joint Statement of ACT Members on the Situation in Myanmar

¹⁴⁵ Singapore Exchange (26 Feb 2021) Regulatory Actions by SGX: Queries by SGX RegCo on matters pertaining to the Company's operations in Myanmar

¹⁴⁶ Nikkei Asia (13 Feb 2021) Myanmar coup removes central bank chief, alarming global financiers

¹⁴⁷ The Irrawaddy (25 Feb 2021) World Bank Halts Payments to Myanmar After Coup

¹⁴⁸ Open letter (17 Feb 2021) International Financial Institutions (IFIs) and State Donors: Stop loans and fully reassess Myanmar policy in light of coup d'état Do not fund the military junta or its cronies

¹⁴⁹ Al Jazeera (9 Feb 2021) New Zealand suspends Myanmar political, military ties after coup

¹⁵⁰ Reuters (11 Feb 2021) Biden approves order for sanctions on Myanmar generals, businesses

¹⁵¹ The White House (28 Feb 2021) Statement by National Security Advisor Jake Sullivan on Violence Against Peaceful Demonstrations in Burma

¹⁵² Government of Canada (18 February 2021) Regulations Amending the Special Economic Measures (Burma) Regulations

¹⁵³ Myanmar Times (19 Feb 2021) UK imposes sanctions on Myanmar's military leaders

On 22 February, the European Union agreed to sanction military leaders and withhold development support for government reform programs.¹⁵⁴

A corrupt kleptocracy returns

The coup itself and the regime’s attacks on human rights and communications have resulted in increased reputational, operational, and legal risks for businesses operating in Burma. Of equal concern is the possible return of the kleptocratic and corrupt economic management of previous military regimes, dominated by Tatmadaw conglomerates such as MEHL and MEC. Profits from the 134 individual businesses within these conglomerates are linked to extensive human rights violations.¹⁵⁵ MEHL and MEC are owned by military leaders and ‘institutional’ shareholders such as LID 33, which is responsible for war crimes and crimes against humanity, the Rohingya genocide, and recently killings in Mandalay during a peaceful anti-coup demonstration.¹⁵⁶

The SAC is formed of members from the upper ranks of the Tatmadaw, who are directly implicated in the coup and subsequent violent crackdown on peaceful protesters.

International business and investors have been linked to MEHL and MEC commercial activities, and the Tatmadaw appears to take great effort in hiding its connection with MEHL and MEC through subsidiaries, crony actors, and businesses, in order to attract international funders and partners.¹⁵⁷

Businesses with known links to individuals who stand to profit directly from the coup	
Business	Tatmadaw connection
A & M Mahar Company Limited (Medical/pharmaceutical)	Sr Gen Min Aung Hlaing
Aung Myintmo Lin Company Limited (Construction)	Lt Gen Aung Lin Dwe
Bhone Myat Pyae Sone Trading Company Limited (Construction)	Sr Gen Min Aung Hlaing
Everfit Company Limited (Hotel, gaming & leisure)	Sr Gen Min Aung Hlaing
Global Icon General Trading Company Limited (Real estate)	Admiral Tin Aung San
Mingalar Aung Myay Company Limited (Construction)	Lt Gen Aung Lin Dwe
Myanmar Economic Holdings Public Company Limited (MEHL) (Diversified holdings)	Sr. Gen. Min Aung Hlaing / Vice Sr. Gen. Soe Win / Adm. Tin Aung San / Lt. Gen. Aung Lin Dwe / Myanmar Economic Holdings Limited / Gen Maung Maung Kyaw
Myanmar Economic Corporation Limited (MEC) (Diversified holdings)	Senior Gen Min Aung Hlaing / Vice Senior Gen Soe Win
Nyein Chan Pyae Sone Manufacturing & Trading Company Limited (Wholesale)	Sr Gen Min Aung Hlaing
Paramount Events Myanmar Company Limited (Hotel, gaming & leisure)	Gen Maung Maung Kyaw
Paramount Myanmar Alliance Company Limited (Construction)	Gen Maung Maung Kyaw
Seventh Sense Company Limited (Hotel, gaming & leisure)	Sr Gen Min Aung Hlaing
Shwe Yee Phyo Pyae Company Limited (Unknown)	Lt Gen Aung Lin Dwe
Singa Systems Company Limited (Heavy machinery)	Gen Maung Maung Kyaw
Sky One Construction Company Limited (Hotel, gaming & leisure)	Sr Gen Min Aung Hlaing
Stellar Seven Company Limited (Hotel, gaming & leisure)	Sr Gen Min Aung Hlaing
The Yangon Restaurant And The Yangon Gallery (Hotel, gaming & leisure)	Sr Gen Min Aung Hlaing

Justice for Myanmar (11 Feb 2021) Myanmar military SAC members, their businesses & associates that require targeted sanctions. More information at: <https://www.justiceformyanmar.org/stories/myanmar-military-sac-members-their-businesses-and-associates-that-require-targeted-sanctions>.

Economic backsliding

The coup is likely to hurt the economy as a whole, but particularly civilian small and medium businesses already ravaged by the COVID-19 pandemic.

¹⁵⁴ Al Jazeera (22 Feb 2021) EU agrees to sanctions on Myanmar military, Russian officials

¹⁵⁵ Human Rights Council (5 Aug 2019) The economic interests of the Myanmar military (A/HRC/42/CRP.3); Amnesty International (2020) Military Ltd: The Company Financing Human Rights Abuses in Myanmar

¹⁵⁶ The Irrawaddy (21 Feb 2021) Myanmar Army Unit Accused of Rohingya Atrocities Used in Deadly Crackdown: UN

¹⁵⁷ Amnesty International (2020) Military Ltd: The Company Financing Human Rights Abuses in Myanmar

Burma's economy benefited greatly from reforms of the past ten years, though benefits were not distributed equitably. According to the World Bank, "Unification of exchange rates, initial liberalization of product and factor markets, integration into regional markets, and modernization of economic and financial institutions and systems resulted in rapid economic growth (above 7 percent per year) and measurable improvements in social welfare since 2011."¹⁵⁸

By contrast, the return to military rule, blocks on information and communication, and the purge of the Central Bank and government financial leaders threaten to move Burma's economy back toward its pre-2011 state. Meanwhile, nationwide labor strikes are ongoing despite persecution of labor leaders.

Trade experts and analysts have warned that the coup may further reduce the waning interest of potential western investors, and may prompt divestment of existing investors.¹⁵⁹

Even China—whose biggest trading partner is Burma—may be a less enthusiastic investor because of the coup. China has benefitted from the opening up of the country, a more stable investment environment, and a friendly diplomatic relationship with Aung San Suu Kyi, under whom Burma participated actively in China's Belt and Road Initiative (BRI) and signed the Regional Comprehensive Economic Partnership (RCEP).¹⁶⁰ By contrast, prior to 2015 China had a "fractious" relationship with the Tatmadaw leadership,¹⁶¹ who made Burma a less attractive investment environment through incompetence, corruption, unpredictability, and international sanctions.¹⁶²

¹⁵⁸ World Bank (updated 2 Oct 2020) The World Bank in Myanmar: Overview

¹⁵⁹ Reuters (1 Feb 2021) Myanmar coup to dampen U.S. trade, impact footwear companies, experts warn

¹⁶⁰ East Asia Forum (6 Feb 2021) China does not like the coup in Myanmar

¹⁶¹ Associated Press (4 Feb 2021) Coup a further complication for tricky Myanmar-China ties

¹⁶² East Asia Forum (6 Feb 2021) China does not like the coup in Myanmar