

A Commentary by Derek Tonkin on Remarks posted by Shafiur Rahman @Shafiur on “X” (Twitter) on 23 December 2024 concerning Aung San Suu Kyi

SR. Let me run through some thoughts: Derek, [your two pager](#) attempts to reframe Suu Kyi’s speech as a nuanced critique of the Tatmadaw. Needless to say I find your interpretation unconvincing.

DT. I have reframed nothing. I have been consistent in my views for some time. See for example my article [in the Lowy Interpreter of 22 February 2024](#) where I sought to offer a Buddhist interpretation of her actions. It was all there from the start, though many only saw those elements they wanted to see and ignored the rest. And why “needless to say”? I see an overwhelming need for you to explain.

SR. Her actions and statements at The Hague prioritised defending Myanmar’s military and denying genocide over seeking justice for victims.

DT. This is a popular interpretation, but I do not accept it at all. At The Hague Suu Kyi was defending the State of Myanmar, not the military, and went as far as she dare in her words of criticism without instigating an immediate coup against her. But she was inevitably sowing the seeds of her own destruction. At the same time, I would agree with those who criticise her for failing to recognise the seriousness of the Rohingya crisis. When she stated during her address in Nay Pyi Taw on 19 September 2017 that:

“Nevertheless, we are concerned to hear that numbers of Muslims are fleeing across the border to Bangladesh. We want to find out why this exodus is happening. We would like to talk to those who have fled as well as those who have stayed.”

she would seem to have been the only person in the room who did not understand that Rohingya were fleeing to Bangladesh in fear of their lives, though the extent to which mass hysteria was a main cause still remains uncertain. She cut, though, a sorry figure, quite out of touch with events.

SR. As State Counsellor she was appointed as “the agent” of Myanmar in her capacity as the Foreign Minister, effectively putting her as the lead defender.

DT. Her assumption of the title of “State Counsellor” was seen by the military as a direct affront to them. She was appointed as “the agent” in her capacity as Union Minister of Foreign Affairs, not as “State Counsellor”.

SR. Sure - the complexities of her position were real but these do not absolve her of her role in enabling and legitimising the Tatmadaw’s actions on the world stage.

DT. That is your opinion, but it is not mine. You offer no evidence for your assertions. The military’s actions were neither enabled nor legitimised by her appearance at The Hague. Quite the contrary.

SR. Your two-pager ultimately reads as an apologetic piece aimed at rehabilitating her reputation.

DT. On the contrary, it is not an apologia but a clarification of her situation. If any apology is necessary, it is from the Western media who demonised her without good reason.

SR. But you know as well as I do Derek that Suu Kyi’s decision to lead the defence at the ICJ was as much about rejuvenating the NLD’s political fortunes as it was about boosting her own image domestically.

DT. This may well have been one of several reasons for appearing at The Hague, but there were many others as well, including primarily her honest conviction that the State of Myanmar was not in breach of the Genocide Convention. The NLD’s fortunes hardly needed boosting. In the November 2020 elections the NLD won an overwhelming vote of confidence from the people.

SR. By framing the case as an issue of “national interest,” she effectively silenced political opponents who couldn’t afford to openly criticise her without appearing unpatriotic. So, if you like, there was her corporate interest in going to The Hague.

DT. Of course it was a matter of “national interest”, but she certainly didn’t silence political opponents, most of whom agreed with her that the State of Myanmar should defend itself against unjust allegations.

SR. Yet, incredibly, Derek, you suggest that Suu Kyi used her appearance at The Hague as an opportunity to criticise the military. This interpretation stretches credibility.

DT. It doesn't stretch my credibility in the least because The Hague offered a unique opportunity for her to express her frustrations with the military, which she did.

SR. Her criticisms, such as the mild rebuke over the Inn Din massacre pardons, barely scratched the surface and did nothing to hold the Tatmadaw accountable for the systematic atrocities they orchestrated.

DT. The military is intolerant of any rebuke, however mild, from civilian politicians, and especially from Suu Kyi. She did what she could to hold the military accountable. She approved [the Recommendations of the ICOE](#). The first Recommendation reads:

- 1. Myanmar's Office of the Judge Advocate General must expeditiously conduct the necessary investigations and seek accountability for responsible military personnel throughout the Chain of Command, based on facts, evidence and information found in ICOE's report.*

"...throughout the Chain of Command" means right to the very top. That hardly pleased Min Aung Hlaing. And it was hardly a case of a few bad apples as you have suggested elsewhere.

SR. Your article however portrays these statements as brave or significant. Yet any observer would say they pale in comparison to the scale of the atrocities.

DT. "Any observer" might, but not someone who took an independent or principled stand. Her statements highlight her bravery to stand up to the military and challenge their position, knowing full well that even the mildest of criticisms could bring down their wrath.

SR. Your argument that her references to constitutional reform or federalism were a pointed critique of the Tatmadaw ignores the reality that these were safe, well-rehearsed talking points with no tangible impact on challenging the military's authority.

DT. On the contrary, constitutional reform always was and remains at the very heart of Suu Kyi's struggle. There was nothing "safe" in her highlighting them.

SR. Far from a critique, Suu Kyi's speech served to legitimise the Tatmadaw on the global stage by denying genocide and insisting that domestic mechanisms could

address violations—an absurd claim given the powerlessness of her civilian government over the military.

DT. That may be your interpretation, but it is not mine. She denied genocide because she honestly believed that there had been no genocidal intent, whatever war crimes and crimes against humanity may have been committed. She also fully understood the immense problems of bringing the military to account for their crimes against humanity, but she did not shrink from saying that she would try.

SR. If anything, her defence at the ICJ reinforced her alignment with the Tatmadaw's narrative, attempting to silence international criticism while fortifying her domestic image. To suggest, as you do, that she took this stage to challenge the military is to fundamentally misread her actions—or worse, to deliberately misrepresent them to rehabilitate her reputation.

DT. On the contrary, the nature of her defence at The Hague infuriated the military who knew exactly what she was attempting. It is quite untrue that I set out to deliberately misrepresent her actions.

SR. Finally, the fact that your two-pager ends with the Myanmar Independent Commission of Enquiry (ICOE) is telling. The ICOE's reputation as a damage-control mechanism is well documented.

DT. The documentation of which you speak was mainly in the nature of undocumented assertions from human rights and activist sources who were determined to blacken the ICOE right from the very start.

SR. It has been widely criticised for its lack of independence, failure to meet international standards etc etc.

DT. This does not surprise me in the least. The ICOE operated on a very tight budget, but its members acted honourably and independently. But they had to contend with a near fanatical activist lobby.

SR. What's more damning is how Suu Kyi embraced the ICOE's findings as a defence!

DT. What is damning about using the ICOE's findings as a defence against the charge of genocide when that is what she and they honestly believed? Why should

you deny the State of Myanmar the right to defend itself against what Suu Kyi saw as unsubstantiated allegations?

SR. By doing so, she not only legitimised this deeply flawed commission but also aligned herself with its role in protecting the Tatmadaw from accountability.

DT. The commission was only “deeply flawed” in the eyes of those determined to condemn it, regardless of its findings. I have already drawn attention to her support for ICOE Recommendation 1 about seeking accountability for responsible military personnel throughout the Chain of Command. Annexes 16-28 of the ICOE report examined all the main atrocities reported by the UN Fact-Finding Mission, including Inn Dinn and Tual Toli massacres, and concluded that the military (and civilians) had a case to answer. Indeed, the ICOE presentation of particular atrocities was rather more convincing and better researched than those of the UN Fact-Finding Mission.

SR. Her position as State Counsellor was not one of powerlessness, as you suggest (her “narrow space for manoeuvre”) - it was one of active participation in enabling a narrative that downplayed atrocities and denied justice to victims.

DT. The military refused to recognise her position as State Counsellor. Her space for manoeuvre was very limited, as she was to discover on 1 February 2021 when the military moved against her. Her narrative at The Hague and subsequently did not downplay atrocities which may well have been committed. As she put it in her article in the Financial Times of 23 January 2020:

“I stated at the ICJ that there would be domestic investigations and prosecutions if the ICOE report presented further evidence of violations in Rakhine. The ICOE has done that, concluding that war crimes were committed during the internal armed conflict with the Arakan Rohingya Salvation Army by members of Myanmar’s security forces and civilians. The report details killing of civilians, disproportionate use of force, looting of property, and destruction of abandoned homes of Muslims. The ICOE found no evidence of genocide.”

She couldn’t have put it more clearly.

SR. Your attempt to portray her as a subtle critic of the military falls apart when confronted with her actions. Ending with the ICOE only demonstrates how hollow that portrayal really is.

DT. Nothing “falls apart”. The critique was not so subtle and her actions sowed the seeds of her own destruction. As for the ICOE, I have considerable sympathy with their problems, do not share your unsubstantiated condemnation of their findings and well understand why they did not release the rest of their Annexes which would only have excited yet more activist condemnation. The ICOE was the only body to actually visit the scene of atrocities and their reports are an invaluable supplement to and commentary on the UN Fact-Finding Mission’s reports. Its 22 recommendations were robust, well-targeted and uncompromising.

For the record, the ICOE’s Commissioners were Ambassador Rosario Manalo (Chairperson; Member, CEDAW; former Deputy Foreign Minister of the Philippines), Ambassador Kenzo Oshima (former UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator), Judge U Mya Thein (former Chair, Constitutional Court of the Republic of the Union of Myanmar), and Prof. Dr. Aung Tun Thet.

I have no idea what you have against these highly respected and distinguished personalities.

A Riposte on “X” (Twitter) by Shafiur Rahman posted on 24 December 2024

Ok let me gather all my replies in one long post, Derek. I am sure you are busy planning for the festive days ahead. As am I. So let me be brief.

Firstly, the FT piece. Tell me, Derek, did you have a hand in getting that slot for her?! Just asking... Clearly, it was a a calculated response to the intense international backlash she faced following her ICJ performance. Her international reputation plummeted. So she writes an article that can be seen as an attempt to soften the perception of her role by emphasising domestic investigations and framing her actions as a necessary balancing act in a difficult political landscape. She tried to reframe the narrative away from the issues that got her panned so badly. She

focuses heavily on Myanmar's sovereignty, the complexities of the situation, and her insistence on "time to deliver justice."

This suggests a deliberate effort to steer the narrative away from genocide denial and toward a plea for understanding and patience. And there was a bit of selective accountability, was there not? By acknowledging some war crimes while denying genocide, Suu Kyi likely aimed to appease international critics without alienating the Tatmadaw or her domestic base. It's a classic political move to navigate both domestic and global pressures. To me, it reads like a carefully crafted piece of political damage control, aimed at justifying her ICJ performance while attempting to rehabilitate her tarnished global image.

My point is that her Financial Times article continues the same minimisation strategy seen at the ICJ - acknowledging some things while denying genocide and framing systematic atrocities as isolated incidents. Whether or not she used the term "bad apple" (she didn't... she used other words), her narrative aligns perfectly with that excuse: blame a few individuals, shield the military hierarchy, and deny systemic intent. Also, Derek, her insistence on flawed domestic processes like the ICOE - widely criticised as a tool of impunity - shows she wasn't going "as far as she dared"; she was actively shielding the Tatmadaw.

If anything, her article doubles down on legitimising the military while deflecting from their crimes. That's not bravery; it's complicity. To me, your use of the "as far as she dared" reasoning is specious. It relies on an unprovable counterfactual that assumes any stronger criticism of the Tatmadaw would have resulted in catastrophic consequences for Suu Kyi or the country. But this ignores the reality: the coup happened anyway, despite her siding with the military and defending their actions on the global stage! Her ICJ appearance and subsequent Financial Times article weren't the actions of someone constrained by fear - they were deliberate choices to align with the Tatmadaw's narrative, deny genocide, and shield the generals. The idea that she was somehow courageously threading a needle doesn't hold up to scrutiny.

Also, your counterfactual serves as a convenient excuse for her supporters. It implies that any criticism of her actions is unfair because the alternative - a stronger stance - would have been worse. It conveniently avoids grappling with the moral and

ethical failures of her actual decisions. Leaders in far more precarious positions have taken bolder stances against oppression.

Your final reply on X, I believe, is this: “You're still only taking one occasion and not assessing her attitude over the years, nor trying to understand her dilemma. She has her flaws, some serious. Sad that she can no longer speak for herself.” Actually, Derek, I have read Lubina’s book on ASSK. So I am well aware of your thinking on ASSK. I just don’t see things the same way as you do, especially with regard to the issues above. Let me wish you a happy and warm winter solstice. Wishing you a peaceful end to the year and a happy New Year.

Comment by Derek Tonkin dated 24 December 2024 on Shafiur Rahman’s latest Posting

There are a surprising number of points in Shafiur Rahman’s latest posting with which I would agree, and some of which I am doubtful, but would not contest.

Where we differ is that Shafiur sets out a policy of critical confrontation which he feels strongly Suu Kyi should have followed, but which I have sought to show was against her fundamental instincts and philosophical stance. It simply is not reasonable to have expected her to adopt a strategy of confrontation with the military. It is not so much a question of what she might have done, or ought to have done, but rather of what the Burmese people generally thought she ought to be doing, and on this she had and still has their overwhelming support. My comments have been designed solely to explain why she took the stance she did, not to apologise for this stance as I see absolutely no need to do so.

[For the record, I had no hand and played no role in the Financial Times article of 23 January 2020.]

DT – 24 December 2024