Briefing Paper:

Effective Control in Myanmar

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Special Advisory Council for Myanmar

SAC-M

Summary

- The National Unity Government of Myanmar (NUG), the legitimate government of Myanmar, has the greatest claim to effective control of the country.

- The National Unity Government is at the centre of a democratic revolution shaped by organisations opposed to the Myanmar military junta, or resistance organisations. These organisations are the *de facto* authorities across more of the territory of Myanmar and for more of the population than the junta and are administering a growing range of government functions.

- The democratic revolution, solidifying around a shared vision of federal democracy, has a viable pathway to ending decades of oppression by the military. The mass uprising of Myanmar people against a return to autocratic military rule continues to build in intensity and is not going to cease anytime soon.

- The junta does not have effective control of Myanmar. It neither has full control of the country's territory nor of its people. It is unable to effectively administer the functions of government and shows no signs of establishing a permanent order. The military's strategy to gain control is focused on committing mass atrocities and causing humanitarian suffering amongst the civilian population.

- The junta is losing what control it does have at an increasing rate. The conflict's trajectory currently favours the democratic revolution as both armed and non-violent resistance to the junta continues to build. International support is required to put the country more decisively on a path to peace, stability and civilian rule. Denying recognition to the junta and providing it instead to the National Unity Government is a priority.


Photo - @DuwaLashiLa, Twitter

Introduction

There are two entities in Myanmar claiming to be the government of the country. One is the National Unity Government appointed in April 2021 by lawmakers elected in Myanmar's general elections in November 2020. The other is the illegal junta formed by the leaders of the military after they attempted a coup on 1 February 2021. Most foreign governments and international institutions have so far been reluctant to formally recognise either the junta or the NUG as the government of Myanmar. Governments and other officials do, however, engage with both entities. In addition to the NUG and the junta, there are also around twenty Ethnic Resistance Organisations (EROs) who have governed territory and populations across the country for many decades through legal and administrative bodies often based on indigenous practices.

The NUG is the legitimate government of Myanmar, having been formed on the basis of recent, credible elections held within the accepted constitutional framework of the time. It has been recognised internationally as the legitimate representative of the Myanmar people[1] but is often assumed to be a government-in-waiting or -exile without significant territorial control. The junta has no legitimacy and is widely recognised as being illegitimate but intergovernmental agencies and most states have assumed it is the *de facto* authority and engage with it on that basis. The purpose of this briefing paper is to correct these assumptions, with a detailed overview on the situation of 'effective control' in Myanmar, and to enable a better-informed international response to the crisis.


Photo - Mil.ru

Photo - Ministry of Defence - National Unity Government, Facebook

Resistance and Revolution

Myanmar is a country experiencing a mass uprising against the military. The population at large is visibly in revolt to end more than sixty years of full or partial military rule. The uprising, sparked by the military's 1 February 2021 attempted coup, demonstrates widespread societal rejection of the military's autocratic attempt at control and its continual use of extreme violence against the people.

The military junta failed to consolidate power after the attempted coup due to the immediate and widespread use of non-violent forms of resistance by Myanmar people. The junta responded to the peaceful resistance with brutality. As the junta's human rights violations steadily escalated in scope and intensity, armed defence eventually proliferated across Myanmar. The junta has since resorted to the routine use of mass atrocities against almost the entire population in an effort to suppress the resistance.[2] However, each act of violence appears to be strengthening the people's resolve against the junta rather than diminishing it. Armed resistance, bolstered by an extensive popular non-violent movement, is now so pervasive that the military risks losing control of territory wherever it is unable to commit resources to actively defend.

Since March 2021, the revolution has been shaped by an ever-growing alliance between elected lawmakers, EROs, strike and protest leaders, and civil society organisations.[3] At the centre of this alliance is the NUG and the broader, more representative National Unity Consultative Council (NUCC), an inclusive body that includes a range of revolutionary organisations that hold territory and act in alliance with the NUG. With popular support from all Myanmar's nationalities, the NUCC has laid down

an ambitious vision for a federal democratic system of government, based on political ideals held by the country's founders and primary political movements, with increasing commitment to human rights, diversity, and inclusion.[4]

Armed resistance to the military is being carried out by EROs and newly formed "defence forces", including the People's Defence Forces (PDF), most of them closely associated with the NUG, and "local defence forces" that are more autonomous or affiliated with specific ethnic groups. There are four major EROs that are cooperating intensively with the NUG and three or four others that are quietly collaborating with the NUG. There are up to a dozen more that oppose the junta's attempted rule but are not yet actively supporting the NUG. The total number of resistance fighters in the country is well over 150,000. [5] This paper refers collectively to all actors that actively oppose rule by the Myanmar military as resistance forces or resistance organisations.

The territory held by the NUCC-affiliated alliance is growing month-on-month, as the junta's territory recedes. The current trajectory of the conflict is one of junta forces losing more control rather than gaining it.

Increasingly, resistance forces cannot be viewed as single organisations but rather as joint or coalition resistance forces.

Photo -APHR

Recognition and Effective Control

International law lacks explicit guidance on the recognition of governments by other governments or international institutions. Foreign governments mostly choose for themselves which entity to recognise as the government of a state in cases where there are competing claims - such as in Myanmar - based upon their own political and policy considerations. International practice now favours recognition of states rather than recognition of governments, and most states practice this as policy. However, the practice is imperfect and there are many circumstances in which a state is required to express a view on whether an entity is the government of another state or not.

Three criteria are generally applied by states when they are considering the type of engagement they will have with an entity claiming to be the government of another state. The two main criteria are effective control and legitimacy. Adherence by the entity in question to international law can be a third factor. [6]Traditionally, effective control was the main requirement that mattered to other states and in international law. [7]But in more recent decades legitimacy has become increasingly important, and in many cases, legitimacy is the most important factor when governments and international institutions, including the United Nations General Assembly, consider recognition.[8]

Despite the tendency towards legitimacy in international law and practice, however, whether or not an entity has effective control is often still a defining factor in decision-making on recognition. Even if formal recognition is withheld, effective control remains extremely important to decisions by foreign governments and international institutions about how they should engage with an entity claiming to be the government of a state. Moreover, when other states claim to recognise states rather than governments, they are implicitly choosing to recognise whoever they believe to have effective control of the state in question.[9]

Photo - Karenni Free Burma Rangers

How is Effective Control Determined?

The terms effective control, effective power, *de facto* power and *de facto* authority are all used somewhat interchangeably by foreign governments and others in the context of whether and how to engage with entities making contentious claims to be the government of a state. This report focuses on the term effective control as it is the most common term and appropriate for the current context of Myanmar.

In international law, two defining characteristics of a state are that it has a defined territory and a permanent population. [10]An entity considered to be the government of a state by virtue of its effective control must therefore have control of some, but not necessarily all, of the territory and population.

However, control of territory and population does not simply mean the undisputed primacy of physical power, that is, raw military power manifest through violence. Presence of security forces is a major factor in controlling territory and populations, but equally important are questions of who the people trust, who has the most far-reaching local networks, who is able to harness the economy, who is able to deliver ordinary government services and so on. It means being able to command the general obedience of the population, which requires enough of the population to act in conformity or compliance with an entity's authority.[11] The population's acceptance of the entity in question is required and can be expressed through anything from passive or enforced submission to explicit consent. It does not mean that the population must necessarily like the government, but it must be clearly acting as if that entity is in fact the government.[12] A population that refuses to follow laws or pay taxes is not fully under an entity's control, even if it is unable to avoid checkpoints and roadblocks or respond to direct threats.

Control of territory and populations is essential if an entity is to be able to administer government functions. An entity claiming to be the government cannot be considered to have effective control if it cannot carry out basic affairs of state. Evidence of an entity having the ability to effectively administer government functions includes the courts sitting, the legislature legislating and government being

duly administered.[13] Moreover, the presence and rudimentary functioning of government agencies other than the military signifies that 'government' exists rather than mere military occupation.

Finally, control of territory and populations, and the ability to administer government functions, need to be demonstrated over a sustained period and with a reasonable amount of stability if effective control is to be properly established.[14] In other words, for an entity to be truly considered as having effective control, it needs to have a degree of permanency.

In summary, there are three general requirements for claiming effective control of the state: control of territory and populations, capacity to administer government functions, and a degree of permanency. The main focus of analysis in this paper is on the first criteria, control of territory and populations, detailed in the section below. Given the current context of armed conflict and contestation in Myanmar, the importance of establishing which entity meets the requirements of this criteria is of particular and immediate concern. Section five then goes on to provide further observations and assessment of the military junta and the NUG and its allies, respectively, in relation to their ability to administer government functions. That is followed by an assessment of the signs of permanency demonstrated by both the junta and the NUG and its allies, in section six.

Resistance forces and organisations are now the *de facto* authorities in the majority of the territory of Myanmar, and for the majority of the population.

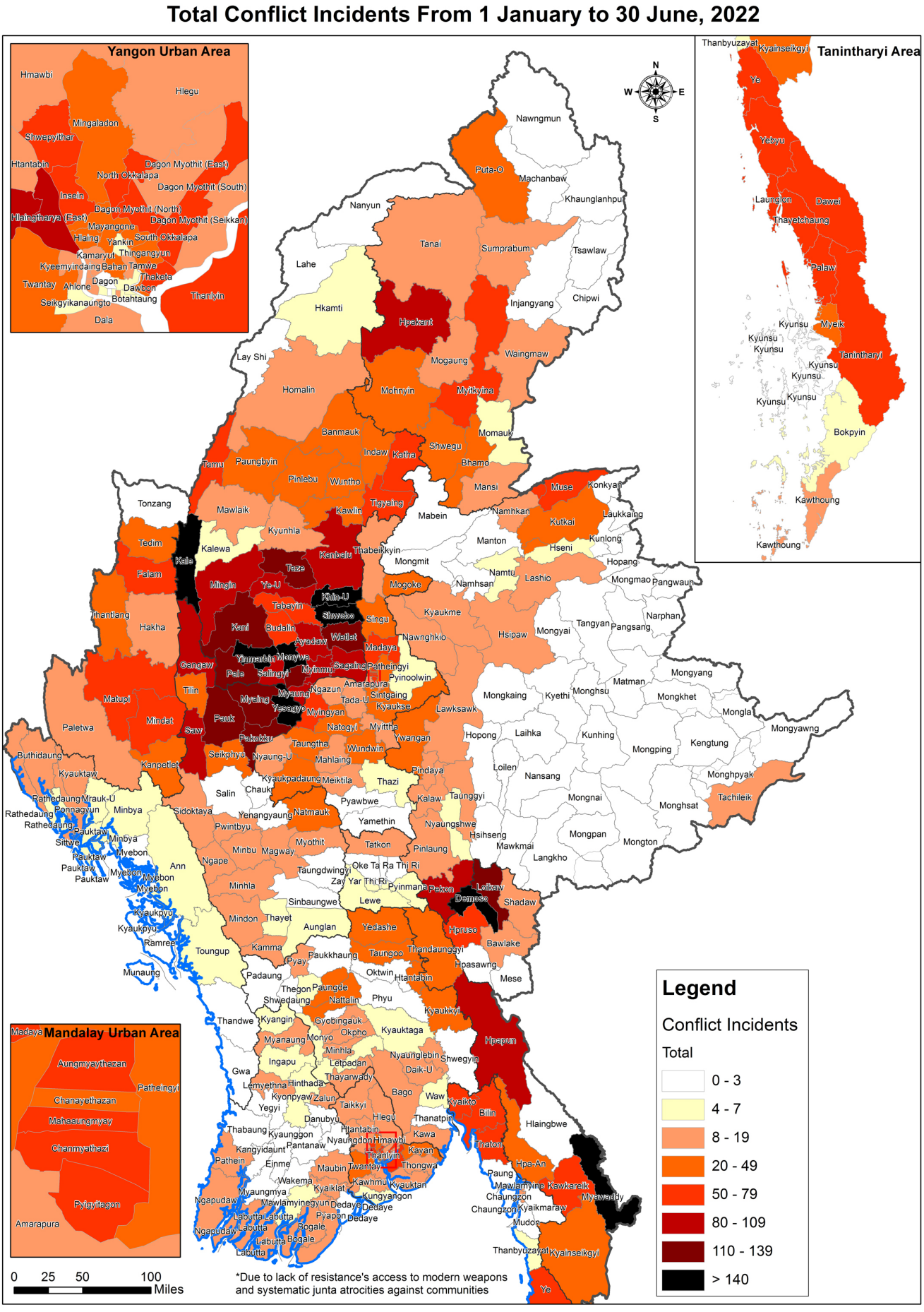
Photo -AP Photo

Control of Territory and Populations

This section first looks at the scale of armed resistance to the junta by assessing the conflict incidents between resistance forces and junta forces over the first six months of 2022. This demonstrates a) the extent to which the overall territory of Myanmar is being actively contested and b) the extent to which the population as a whole not only refuses to accept the junta as a government but is actively fighting against it. As an indicator of control, or lack thereof, this is a powerful expression of societal rejection of the junta.

This section then goes on to look more closely at the degrees of control junta forces have in different areas of Myanmar. As discussed above, assessing the level of control held by a particular entity is more complex than merely considering whether territory is being held through sheer military might. Control is determined by more than security - it is also demonstrated by whether an authority can gain compliance from society with its directives, laws and activities. Across Myanmar, there are many such ways in which control is exercised by different actors. By looking at these in more detail, it is possible to develop a clearer picture of the actual extent to which the junta has control over the territory and population.

Scale of Armed Resistance to the Junta



The most obvious indicator of the junta's lack of control is the sheer scale of conflict activity, which is escalating and spreading, eighteen months after the coup began.[15] Since the coup began, 308 of Myanmar's 330 townships have experienced at least one violent incident or act of resistance. [16]

In the first six months of 2022, 234 (71%) of the country's 330 townships experienced exceptional incidents of resistance to the junta.[17] The number of conflict incidents is increasing, having more than doubled in the first six months of 2022 compared with the period May to December 2021.[18] This demonstrates clearly that the situation is not 'normalising', as the junta claims. Even after multiple high-profile junta offensives, routine airstrikes and endless atrocities, armed resistance continues to grow in spread and intensity.

During the same period, 194 townships (59%) experienced at least one to two incidents every month, indicating how embedded conflict has become across widespread areas. This also highlights the increasing difficulty for the junta to rotate troops from theatre-to-theatre and focus resources, as they are pressed across the country. Put simply, the military is stretched thin across the country.

Map 1 depicts the conflict incidents from January 2022 to June 2022.[19] The map highlights a number of trends that demonstrate the junta's lack of control over the territory and population.

- **Armed resistance stretches across the length and breadth of Myanmar.** From northern Kachin State down to southern Tanintharyi and from western Chin bordering India over to eastern Karenni State bordering Thailand. The only area without sprawling swathes of terrain with active armed resistance is eastern Shan State, where the military is reliant on proxy militias or has ceasefires with EROs, neither of which represents direct control by the junta. The Myanmar military has not been stretched across so many fronts since the late 1940s.

- **Armed resistance spans both areas of long-standing ethnic resistance and large swathes of the Bamar majority 'heartland' regions.** Resistance to military dictatorship is now pervasive across all Myanmar's ethnic nationalities. While armed resistance is spread across the whole country, there are concentrations where resistance actors have become exceptionally active and entrenched in both traditional resistance areas and in majority Bamar areas that have long been peaceful.

- **A 'western crescent' of conflict areas – stretching from northern Rakhine State, across Chin State, Magway and Sagaing Regions to Kachin State – poses a strategic threat to the junta.** If resistance forces consolidate control in this region, they would enjoy a contiguous territory from the Indian border to the Chinese border and a potential launchpad for offensives towards the military's weapons manufacturing sites and core state infrastructure in Magwe, Bago and Mandalay. These areas are the traditional source of recruits for the military but are now against the junta, cutting the supply of personnel. Within this western crescent, the most intense fighting has occurred in Bamar heartland areas in southern Sagaing and northern Magway Regions. These areas have no modern history of armed rebellion but are now seeing dozens of attacks on junta forces daily. Sagaing, for instance, has intense, regular armed resistance in 32 of its 37 townships, with some townships seeing daily incidents . The Kachin Independence Organization has been leading joint offensives with People's Defence Forces (PDF) groups into Sagaing

and Magwe. The Arakan Army, which controls much of Rakhine State and parts of southern Chin State, has been supporting at last 10 resistance forces in these regions and is increasingly clashing with junta forces.[20]

- **Major international border crossings – Muse, Myawaddy and Tamu – have seen regular conflict incidents, demonstrating the junta's inability to ensure formalised trade and immigration.** Moreover, key highways leading to these crossings are heavily contested by resistance groups, particularly the highway from Myawaddy. The junta has been under attack in 22 (44%) of the 50 townships with land borders, while the majority of others are largely controlled by ceasefire groups or militia (see next section).

- **Armed resistance is at the doorstep of the junta's supposed fortress capital of Nay Pyi Taw.** Although Nay Pyi Taw is one of the few places in Myanmar under effective military control, intense armed resistance has emerged and become entrenched in the immediate neighbouring townships, notably Phekon Township in Shan State, but also increasingly across the northern Bago townships of Yadashe and Thandaunggyi and Magway Region's Natmauk and Myothit townships. There have also been attacks within Nay Pyi Taw itself monthly since May 2021.

- **Armed resistance is not confined to rural areas and occurs regularly in Myanmar's two largest cities – Yangon and Mandalay.** Armed resistance is not concentrated in narrow areas of these cities . All five of Mandalay's townships and 34 of Yangon's 45 townships saw routine conflict incidents each month. Meanwhile, armed battles have taken place in or around a number of state and region capitals, such as Myitkyina, Loikaw, Hakha and Monywa, where junta forces maintain a mostly defensive posture. Moreover, armed resistance is prominent within provincial towns across the country. For instance, within Sagaing Region, armed resistance regularly occurs in townships such as Budalin, Kalay, Tamu, Yinmarbin, Katha, Myaung, Pinlebu, Salingyi and Yinmarbin. The aerial bombing of principal cities, often for the first time in over 20 years, indicates that the military can no longer exert its control with ground forces. The junta is being challenged throughout the country.

The bottom line is that the junta risks losing control of any area that it does not actively defend. This is a key threshold in the conflict's overarching trajectory because it means the junta has no 'strategic depth', or safe zones, where it can rest, regroup and re-equip its forces or recruit on any meaningful scale. Junta military planners now face stark choices – moving forces from one area means potentially losing control of another. For example, units based in Nay Pyi Taw have been transferred to fight in Sagaing and Kachin while armed resistance increases in the immediate vicinity of the capital. Consequently, the junta does not have effective control of the territory of Myanmar.

Armed resistance has now 'saturated' wide swathes of townships across most states and regions. This means there are clusters of townships or individual townships that have seen armed resistance entrench itself to the point where attacks on junta forces occur many times weekly, even daily. This is despite months of junta ground offensives, air attacks and mass atrocities. A large proportion of the attacks on junta forces involve direct collaboration between EROs and

one or more PDFs, sometimes massing over 300 troops. Increasingly, resistance forces cannot be viewed as single organisations but rather as joint or coalition resistance forces. The over-arching trend has been one of resistance forces operating in an increasingly coordinated way over increasingly broad parts of the country.

Degrees of Control

Assessing the levels of control exercised over the territory and population by the junta and other actors requires more nuanced and qualitative analysis, beyond mapping the scale of armed resistance. Conflict incidents indicate the scale of active contestation but do not, for example, illuminate areas where resistance organisations have more firm control and are not currently engaged in battles. Conflict incident data also does not capture the scale of territory controlled by EROs that maintain ceasefires with the junta or where local militia under the loose command of the junta control territory.

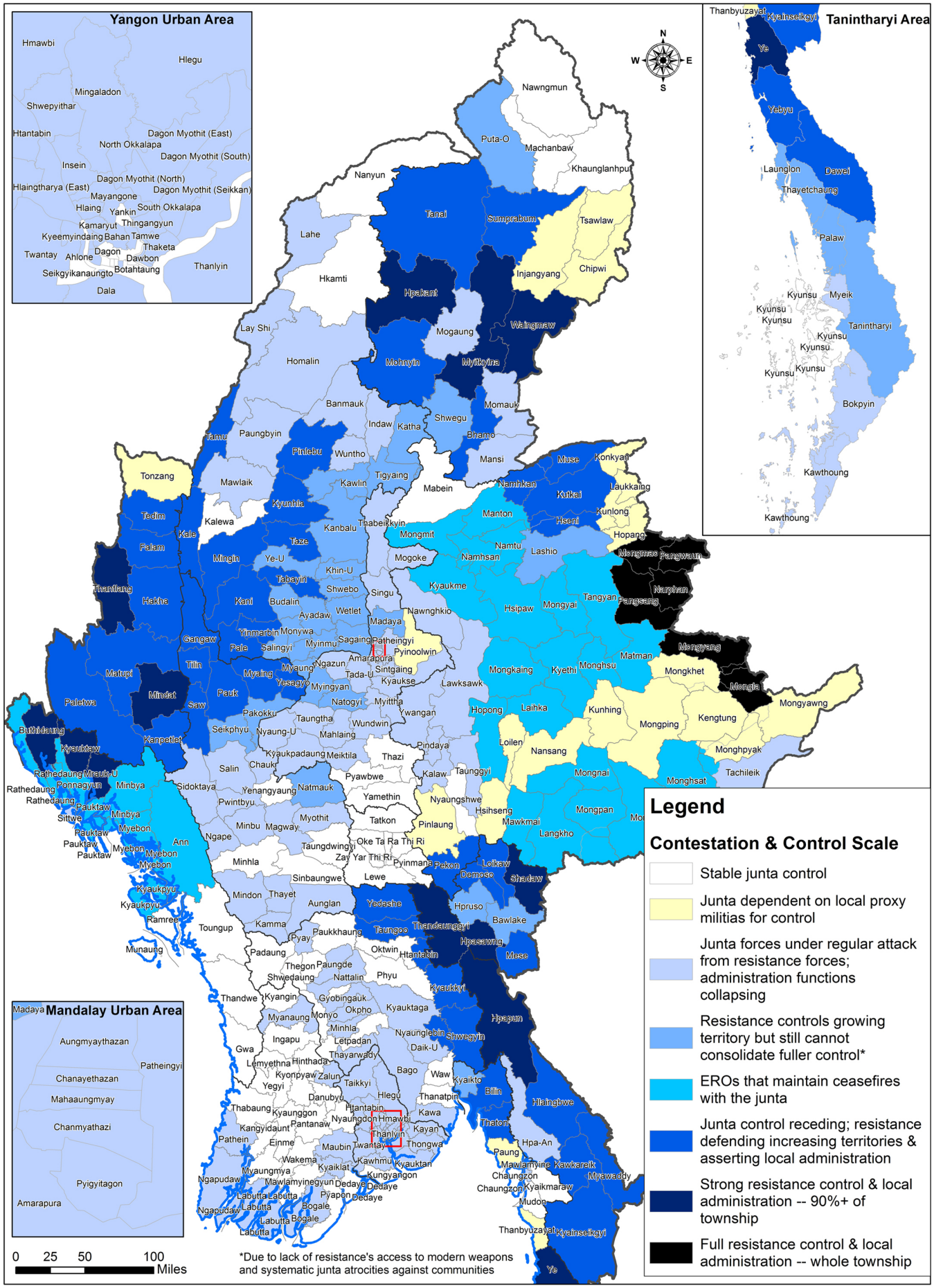
Control exists along a continuum. An illustrative scale of junta control, that categorises every township in Myanmar according to eight categories, is shown in Table 1 and Map 2. These varying degrees of control affect the military posture and capacities of each side and the security situation for local people.

Table 1 : Illustrative Categories of Control

Description of control	No. of townships	% of 330 townships	% of land area
1. Stable junta control	72	22%	17%
2. Junta dependent on local proxy militias for control	21	6%	8%
3. Junta forces under regular attack from resistance forces; governance functions collapsing	110	33%	23%
4. Resistance controls growing territory but still cannot consolidate fuller control*	32	10%	10%
5. EROs that maintain ceasefires with the junta	28	9%	12%
6. Junta control receding; resistance defending increasing territories & asserting local administration	48	14%	21%
7. Strong resistance control & local administration - 90%+ of township	13	4%	7%
8. Full resistance control & local administration - whole township	6	2%	2%
Total	330	100%	100%

* Due to lack of resistance's access to modern weaponry and systematic junta atrocities against communities.

Contestation & Control Across Myanmar: First Half of 2022



There are only 72 townships (22%) in which the junta enjoys stable control from a security perspective. Even this does not mean that they hold effective sway over the population, but simply that their security forces and core infrastructure do not need to be actively defended. Moreover, these townships make up only 17% of the country's land mass, as many are small urban townships (see Table 1). The junta's control is contested in 94% of all townships with land borders, with resistance forces holding notable territories in 60% of those townships and controlling the majority of borders.

There are 127 contested townships (39% of country's total) where resistance forces of various kinds control territory (see rows 4-8 in Table 1). But these areas vary greatly in their make-up and can be further disaggregated along a spectrum of control. The most autonomous are six townships on the Myanmar-China border, east of the Salween River, that are under the full control of the United Wa State Party (UWSP) and its smaller ally, the National Democratic Alliance Army. The junta remains subject to ceasefires from the 1980s that bar its forces from entering these territories without advanced permission. The UWSP has recently emphasised its autonomous rule of the Wa State outside the junta's legal purview and indicated that the ruptures in Myanmar politics were an 'internal issue' for Myanmar.

There are then 13 townships (4%) that we estimate are around 90% under the control of the resistance forces. These are all townships that are embroiled in the current conflict, where the junta has been effectively beaten back and is unable to adequately reinforce troops or send supplies. Most are in well-established ERO operational areas, but some are newly established by defence forces. In these townships, the junta is able to maintain troops isolated in the heart of the main towns and a few select bases but with significant supply limitations and unable to conduct regular operations. These bases depend on occasional air drops of supplies or on large and well-protected convoys that typically suffer significant casualties when they move through the township. Junta administrators from non-military departments and families of security forces have been evacuated from most of these areas. Before the end of the year, the central administrative towns could be seized by the resistance.

There are a further 48 townships (14%) where the junta has been steadily retreating and where active resistance forces have well-defended territories. These townships cover 21% of the country's land mass – they are mostly in Karen, Kachin and Karenni States but include some in Chin, Sagaing and Magwe. In these areas, resistance forces are extending their reach where there are large vacuums of authority and are strengthening their public administration systems in response to popular demand. Remaining junta bases are mostly under siege in these areas, although their forces may still be able to control some major roads and towns. In many cases, resistance forces are strengthening and restricting supplies to the junta and then taking outposts at well-timed moments, rather than engaging in constant hard-fought battles.

There are 28 townships (9%) (mostly in Shan and Rakhine States) where powerful EROs maintain precarious ceasefires with the junta while they control much of the rural territory. These EROs allow the junta a certain amount of manoeuvrability in the major towns and roads, while they slowly expand their own control and deepen relations with local communities. They have generally stood apart from the NUG and NUCC politically but do not cooperate with the junta and demonstrably do not allow junta security presence in their areas. They have trained

thousands of members of resistance forces and in some cases have given them logistical assistance. These townships also include areas of Shan State where EROs have been fighting each other, while at the same time moving into areas where the junta has retreated. The Shan State Progress Party and UWSP, in particular, have been expanding their control in central and southern Shan State, presenting a quiet but strategic security threat to the viability of the junta.

There are then 32 townships (10%), where resistance forces have gained territory and have begun to establish administration systems, but continue to face attacks from the junta. These areas are mostly in Sagaing and Magwe and are controlled by resistance forces formed since the attempted coup working in alliance with EROs. The junta is patently unable to control these townships or enforce any kind of order and so has been responding with widespread and indiscriminate scorched earth campaigns. It is using tactics seen commonly since the 1960s, including shelling or conducting airstrikes on civilian settlements to clear people from entire regions. In these areas, resistance forces still maintain a guerilla posture. They cannot defend areas from head-on junta campaigns and so junta forces periodically go from village to village, burning homes, killing any remaining people, laying landmines in fields and destroying food and livestock. These offensives demonstrate lack of junta control and do not indicate junta strength in these areas.

In addition to areas where resistance forces hold firm territories, there are 109 townships (33%) where the junta is being denied effective control due to constant daily pressure from urban guerillas or other relatively small resistance units in rural areas. Here, the main forces are local defence forces formed since the attempted coup, typically having limited military experience. They have generally been unable to claim significant territory but have greatly stretched the junta's forces and have restricted its capacity to enforce order or stability. In other words, they have denied the junta control but have not as yet been able to establish control themselves. Coupled with the collapse of the state courts and public administration apparatus (discussed in the following section), the authority of the junta in these areas is increasingly limited. It should be noted that many of these townships are urban townships that are small in terms of land area, and so only make up a small portion of the territory where resistance forces are active.

Finally, there are 21 townships (6%) where the junta is entirely dependent on local militia under its loose command for access to rural areas and to ensure supplies and movement in and out of the major towns. These militia include People's Militia Forces and Border Guard Forces formed in 2009 as well as smaller militia, special police forces and other groups. In some cases, junta officials are treated largely as guests, even in the towns, as the local militia are responsible for providing security. In other areas, local militia operate under the authority of the junta forces in return for business opportunities. The junta has lost considerable leverage over these groups since the attempted coup and has allowed them to expand illegal activities greatly without limitations.[21]

Critically, resistance forces and organisations are now the *de facto* authorities in the majority of the territory of Myanmar, and for the majority of the population .

Administering Government Functions

The second requirement for claiming effective control of the state is the capacity to administer government functions. This section first assesses the junta's performance and effectiveness in administering several key government functions previously administered by the central government in Myanmar, as indicative of the junta's overall capacity to conduct the affairs of state. The second part of the section then provides an initial overview of the systems for administration and social service delivery of resistance organisations, including the long established ERO systems and emerging people's administration bodies, that are mostly under the authority of the NUG.

The Junta's Collapsing Governance Capacity

Even in areas where the junta maintains a security presence, its public administration system is in disrepair. The courts, revenue system, general administration and social service infrastructure have all been brought to a virtual standstill due to widespread lack of professional and public cooperation, in addition to the protests, civil service strikes, social punishment campaigns, boycotts and armed resistance. Within the first weeks of the attempted coup, the historic Civil Disobedience Movement (CDM) effectively gutted the country's bureaucracy when upwards of 400,000 civil servants went on indefinite strike. The banks completely ground to a halt and township-level offices across the country became largely inactive as they were closed or were taken over by junta forces to use as bases. This set the stage for an escalating array of planned resistance tactics plus organic public rejections of authority that have made it impossible for the junta to govern.

The junta's approach to administration has been to purge anyone who could present a threat to its survival, to annihilate resistance to military rule.[22] Unqualified persons with military backgrounds or even on-duty soldiers are consistently rotated into important governmental leadership and administrative positions, for instance in the Central Bank, with no apparent regard for effectiveness, competent governance or professional service delivery. The General Administration Department (GAD), which coordinates all government departments, has also been put back under the control of a serving military commander.[23]

This militarisation of the state apparatus means that the junta has effectively become an occupying military force, not a government capable of delivering services or even maintaining law and order.

As a result, the junta has caused a near total collapse of governance in areas where it is the primary security presence.

Photo -The Irrawaddy

Photo -Myanmar NOW

Delivering Health and Education

The junta has forced a collapse of the education and healthcare sectors, both of which had seen major investments of public and international funds over the previous decade. Due to a widespread "military slave education" boycott campaign, CDM strikes of over 100,000 teachers and extensive security threats in an around schools, school enrollment is currently at around 50% of school-age children in areas outside of resistance control, having dropped as low as 10% in the year immediately after the attempted coup. This increase has likely been due to infeasibility for many families to keep the children out of school indefinitely but education specialists have noted that actual attendance is likely still much lower.[24] Security issues include the regular use of school buildings as military facilities by military soldiers,[25] as well as bomb attacks for which both sides have exchanged blame.[26] These dynamics have also caused grave damage to the country's universities, leaving many closed or lacking in teachers and students.

The healthcare sector has suffered enormous damage, as up to 70% of all health workers joined the CDM and went on strike. Junta forces have targeted doctors, nurses and other health workers in violent crackdowns. As of January 2022, 30 health workers had been killed and 286 (including 140 doctors) had been arrested, with 89 still behind bars in April 2022.[27] Unknown numbers of health workers remain in hiding on strike, have joined health departments linked to resistance organisations or have joined armed resistance forces. The junta's abject failure to contain COVID-19 had significant impacts on the virus's spread within the region, and there remain further risks of other major public health crises, such as an accelerated spread of drug-resistance malaria, which would have dramatic implications for malaria transmission across the world.

Village-Level Administration

At the village tract and ward levels, administrators, who were previously indirectly elected by their own communities prior to the attempted coup, resigned across the country shortly after 1 February 2021. The junta appointed thousands of new local administrators, who were often former soldiers, members of the military's proxy political party, local business cronies and former criminals who it

considered could be used to enforce control. Since May 2021, however, many of these junta appointees have been pressured to resign through social punishment campaigns or have been attacked and killed, as communities began to form self-defence forces to respond to escalating junta atrocities. Given the central role these local administrators play in a wide array of governmental functions – spanning revenue collection, justice provision and coordination across the wider state apparatus – these changes left the junta with limited access to local communities across large areas of the country. This left the junta even more dependent on violence as a means of attempting to assert a degree of authority over the public.

Revenue Collection

Mass refusal of Myanmar people to contribute to the junta's coffers through taxes and charges have led to state revenues plummeting by around 33% in real terms, which does not account for excessive inflation.[28] This has come about due to planned boycotts and widespread unwillingness to fund the regime and its operations. There were particularly sharp declines in income tax paid to the junta, reflecting a widespread popular boycott of the tax, that has been observed by large numbers of businesses.[29] Additionally, 69% of businesses reported not paying tax to the junta in the first three months of 2022.[30] Large numbers of households and small businesses have stopped paying electricity bills, costing the junta over a billion US dollars in lost revenue in 2021 alone.[31] As of June 2022, electricity bill collection was said to be down by 30 to 40% on pre-coup levels.[32] There have been reported cases of junta forces accompanying electricity bill collectors to coerce payments from households and businesses.[33]

Managing the Economy

As with past military dictatorships in Myanmar, some of the junta's most abject failures have been in the management of the economy and business sector. Scores of foreign businesses have suspended investment or withdrawn from the country altogether since the attempted coup, [34]both because of principled objection to the junta's brutality and because of the political and economic instability. Junta efforts to prevent the flight of foreign currency from the country have led to decrees and policies that have made it impossible for the economy to stabilise or for businesses to maintain employment.[35] This is having dramatic impacts on the country's hope for development. While only 40% of the country is connected to the national electricity grid, for example, the junta has demonstrated no willingness or capacity to make progress towards the country's goal of universal access to electricity by 2030.[36] Indeed, after a decade of improvement, the country has suffered massive, extended power outages since the coup, which are worsening over time.

Photo -RFA Video Screenshot/Local CCTV

Justice and Policing

Myanmar's police and courts have long been dominated by the military and focused on protecting elite interests and, since the attempted coup, have been focused entirely on attempting to prop up the junta and enforcing its will. The courts have given up any pretence of impartiality and any concern for the implementation of the law and are used almost exclusively for processing charges against the junta's political opponents. The junta has passed a new police law, forcing police, including traffic police, to assume front-line combat roles alongside soldiers, due to extensive loss of military personnel.[37] In most urban settings, police are focused on staffing checkpoints and undertaking patrols to check people's phones, among other surveillance tasks of the entire public. Lawyers report that victims of crime are unable to enter a police station, let alone get a case reported, investigated or heard.[38] The vast majority of criminal and civil cases in junta-controlled areas have to be handled informally through community mechanisms. Crime rates have soared[39] and lack of justice appears to be associated with a sharp increase in cases of sexual violence in some parts of the country.[40]

The Developing Governance Capacity of the NUG and the Resistance

The junta is destroying Myanmar's central administration, but the country has resisted becoming a failed state due to the growing capacity of the resistance to administer government functions and deliver essential services to millions of people during extreme crisis. Resistance organisations in Myanmar have developed a range of governance systems in areas under their control. These include

decades-old parallel public administration and social service bodies of EROs as well as newly emerging initiatives managed by CDM workers, community volunteers and PDFs. Many of the new initiatives receive assistance and oversight from the NUG or from consultative councils made up of political parties, EROs and other political actors. All of these institutions are more critical than ever to fill the void left by the junta-induced collapse of the central state and are proving their resilience and effectiveness in the crisis.

Long-Established Systems

The most developed systems are those run by or affiliated with EROs, which collectively govern millions of people across most of the 14 states and regions, especially in mountainous and border areas.[41] They have been essential lifelines of support for displaced and other conflict-affected people for decades, not least through the global pandemic and escalating national conflict. These departments and their affiliated networks collectively provide education to hundreds of thousands of students and healthcare to millions of people, and these numbers have rapidly grown as the central state has collapsed. Ethnic social service providers have been partners in delivering international aid for decades but some also provide services through donations and fees. The EROs also manage systems for justice, policing, land tenure, forest preservation and natural resource management, among other areas. They are currently strengthening and expanding their administrations in many parts of the country, while the junta recedes.

Newly Emerging Systems

In areas where new conflicts have erupted since the attempted coup, community-led systems have emerged to provide assistance to those in need. These have often been demand-driven, highly localised efforts to provide essential social services, particularly healthcare, education and support to internally displaced persons, of whom there are now more than one million in Myanmar. They firstly include the township-level people's administration bodies (known as Pa-Ah-Pa[42]) coordinated and partially funded by the NUG. There are also more independent Pa-Ah-Pa in some areas operating alongside local defence forces. In Chin State and Karenni State, local governance is being led by coalitions of EROs, township-level bodies, political parties and civil society in coordination with the NUG but under localised authority.[43] Similar hybrid models could emerge in other parts of the country where resistance groups from different backgrounds are operating. In all cases, local level community organisation and the collection of donations has been key to service delivery.

The activities of resistance administrative systems focus on three key areas: public mobilisation, local coordination and social services delivery. The Pa-Ah-Pa, both those mandated by the NUG and independent ones in Chin State, have focused initially on public mobilisation and local inter-agency coordination and then, where there is more local control, they have shifted towards a widening range of social services. They have typically prioritised emergency support to displaced populations due to the scale of junta atrocities but they also include a wide range of other efforts, such as support to CDM

civil servants, health and education, food security and aid to political prisoners and their families.[44] In townships of Sagaing, Magwe and Chin, thousands of children have been able to continue studies and sit for school exams, while large public sports events have been held. Police and local security bodies have also emerged in many resistance-controlled areas. Among other things, they are addressing the narcotics industry, illegal logging and other criminal activities. PAPs also channel funds raised by the NUG to support local communities.[45]

These new and developing governance systems are becoming critical in helping conflict-affected populations cope and in revitalising governmental services. They will become increasingly important in meeting developmental and security challenges, such as human trafficking, unregulated exploitation of resources, COVID-19 and drug-resistant strains of malaria. It is crucial to open and maintain cross-border channels for these locally recognised authorities to coordinate with governments of neighbouring states to receive external aid in response to Myanmar's humanitarian crisis. Failure to establish mechanisms for international support to these actors will deepen the humanitarian crisis and so greatly increase the risk of large-scale refugee outflows.

Logo of Mindat Township People's Adminstration Council

Photo - https://www.facebook.com/MindatAdministration

There are clear indications that the junta is in an increasingly unsustainable position. There are increasing military casualties, defections and desertions, and it cannot effectively recruit.

Degree of Permanency

The third criterion of effective control is that the authority in question has the potential to establish a new permanent order. In other words, there must be evidence that a regime is likely to maintain power for a sustained period of time. This section discusses, in turn, the prospects of both the junta and the NUG in relation to this criterion.

The Nation's Rejection of the Military's Role in Politics

The Myanmar junta has stated that it plans to hold elections in August 2023. This would be an attempt by the junta to legitimise the attempted coup and entrench the military again as the undisputed primary force in Myanmar politics. However, this is extremely unlikely to occur. The trajectory of the armed resistance indicates that at least 50% of the country's territory, including towns, large stretches of major roads, seaports, major trade gates and other core infrastructure, could be under the firm control of resistance organisations by this time next year. There are currently no signs that the junta has any capacity to reverse the historic losses it has suffered so far or regain the initiative. Meanwhile, the unity and sophistication of the resistance forces are increasing. Even if the junta attempts to hold an election in 2023, the result will have no legitimacy or credibility. The junta is likely to exclude the parties that won the vast majority of seats in the 2020 election and any new election would face widespread boycotts and protests. Only a small proportion of the electorate would be willing and able to participate in any election. Under the circumstances, the junta may be compelled to postpone its planned election repeatedly, as was the case with the military regimes that ruled Myanmar in 1962-1974 and 1988-2011. The junta lacks the bureaucratic capacity to stage elections, let alone to convene regular parliamentary sessions or other core processes required by the military-drafted 2008 constitution. Indeed, travel to and from Nay Pyi Taw from most parts of the country is currently near impossible.

Moreover, the junta cannot be confident of surviving until August 2023. The trajectory of the conflict is moving firmly in one direction: the junta is steadily losing whatever control it had and the democratic forces are consolidating control of the territory they have and gaining more territory all the time. There are clear indications that the junta is in an increasingly unsustainable position. In no state or region has the junta been able to pacify resistance and neither has it been able to secure new ceasefires with EROs battling its forces. There are increasing military casualties, defections and desertions, and it cannot effectively recruit. With the extension of state of emergency provisions in August, the junta itself issued startling figures indicating how much pressure it is under militarily, noting that there have been over 16,000 attacks on its positions and that over 1,800 members of the military-backed political party have been killed.

Perhaps most telling of the junta's fragility are recent economic policies that demonstrate desperation to stave off collapse. Directives to force conversion of foreign currency accounts in Myanmar kyat at artificially low exchange rates and for Myanmar firms to stop repayment of foreign loans amount to blatant theft from foreign partners.


Photo -CJ/Karen Information Center

Aspirations for Federal Democracy

The junta is not showing any signs that it can defeat the resistance militarily. Nonetheless, the NUG and its allies have had to organise under intense emergency conditions and have yet to firmly establish themselves as a permanent system of government throughout the country. However, the trajectory suggests that they are becoming increasingly more organised and are continually deepening ties across the diverse actors within the democratic revolution and among other EROs. Overall collaboration between the various actors, and their continued innovation in areas such as finance and local administration, demonstrate that a network of resistance territories is emerging that could establish itself as a viable bearer of the responsibilities of the State.

Perhaps the greatest indicator of the potential longevity of the NUG and its allies is the continued unwavering commitment of the Myanmar people to see a new country emerge, one finally freed from military dictatorship and based on federal democratic principles. This commitment is clear, evident across almost all sections of the population and across the country and demonstrated by the committed resistance in the face of relentless atrocities. Leaders and activists across the political and ethnic spectrums have remained adamant that the brutal military, perpetually committing crimes against humanity and war crimes, is not a welcome stakeholder in the country's political system or its political future. What is sought is a new country based on federalism and democracy, both inclusive and participatory.

The NUG acts on the basis of the Federal Democracy Charter that was negotiated at the NUCC and outlines a roadmap for the revolutionary (or "interim") period during which the junta is defeated, followed by a transitional period with a transitional constitution and then the promulgation of a

permanent federal democracy constitution. It seems certain that the "interim" period, which according to the Federal Democracy Charter Myanmar is currently experiencing, will be protracted as the fighting is unlikely to end without the junta agreeing to preconditions that it currently considers unthinkable. In that context therefore, legal mechanisms for governing the country in the interim must be established and strengthened.

Part II of the Federal Democracy Charter provides an interim constitutional framework that would link the resistance territories legally, while allowing them to maintain significant autonomy. Part II of the Charter is subject to ongoing negotiations and is still considered a working document by some key stakeholders, but the process of identifying and convening the bodies that will oversee this process is underway. In some areas, state-level councils, including armed resistance actors, political parties and civil society, have officially claimed the role of handling administrative and legislative affairs during the revolutionary period. They are establishing state-level government bodies to sit alongside the NUG at the national level, under a common framework. Some of the major EROs are also deliberating options for re-orienting their existing constitutional frameworks to the new situation, as they gain increasing autonomy and responsibilities for local populations.

Continued negotiation and implementation of the Federal Democracy Charter, widened to include other EROs and political parties, could lead to these various systems developing into a viable federal and democratic structure that would be able to assume the rights and responsibilities of the State. As discussed above, the overall structure is still emerging and yet to establish itself permanently. But, critically, and in direct contrast to that of the junta, the system of government being developed is one that is rooted in, and acceptable to, the aspirations of the Myanmar people, and the intention of the people to realise those aspirations shows no signs of dissipating. For that reason, the federal democracy sought by the revolution and represented at present by the NUG has the potential to finally bring about sustainable resolutions to Myanmar's protracted political crises.

The junta is no longer the primary agent of change in Myanmar.

Photo -CJ/Mizzima-News in Burmese

Conclusion

This briefing paper has shown that the Myanmar military junta does not have effective control of Myanmar. It has lost control over large portions of the country's territory and has lost authority over the population. It has suffered irreversible decline in its capacity to administer government functions and shows no signs of permanency. Its security presence is challenged in 72% of the country's townships, including 127 townships (39%) where resistance forces have effective control of the territory. This equates to 52% of the country, which is on top of another 23% of territory where junta forces are under regular attack by the resistance. The junta may well not survive through 2023, unless something dramatically alters the current trajectory.

Foreign governments, international institutions and others cannot engage with the junta on the assumption that it has effective control or as if it is the de facto authority in Myanmar. The junta is unable to act as a guarantor of international law or decisions and is unable to facilitate any meaningful engagement from the international community with the country, beyond increasingly precarious access to a dwindling number of economic sites. Its nominal control of Yangon and Nay Pyi Taw appears to be a major factor in international actors choosing to maintain diplomatic ties, but these ties are of increasingly little practical value and are increasingly compromising.

For example, there is no justification for granting the junta sole discretion over the distribution of humanitarian aid to the Myanmar people, as has been the approach taken to date by the Association

of Southeast Asian Nations and United Nations agencies. Depending on the junta for access has predictably, and shamefully, resulted in aid being held hostage as the acute humanitarian crisis caused by the junta worsens. The junta's stated plan for elections cannot manufacture any result that would satisfy even the lowest international expectations of a feigned democratic process, if it were to occur at all. The junta is not even in a position to be setting the terms of any eventual dialogue with the resistance. Simply, the junta is no longer the primary agent of change in Myanmar.

The NUG is the legitimate government of Myanmar and should be formally recognised as such. Moreover, this paper has shown that the NUG has a greater claim to effective control of Myanmar than the junta. The resistance controls more of the territory of Myanmar than the junta and resistance organisations represent the de facto authorities for the majority of the population. Importantly, they are also recognised as the legitimate authorities in the areas that they govern. The implications of these shifting dynamics on the ground in Myanmar must be pivotal for the international response to the crisis. Donors and neighbouring states must back initiatives led by the NUG, EROs and civil society partners to deliver aid to the areas under their authority with urgency.

Myanmar has withstood becoming a failed state due to the combined capacity of the resistance – the EROs, NUG, CDM and other civil institutions and movements – to administer government functions and deliver governmental services. Endorsement or recognition of any form of election or referendum must be for one that the majority of the population can and will participate in - for example, a people's election held in territory controlled by the resistance.

International actors must recognise that real change in Myanmar is being driven by the people. While the junta is destroying, the revolution is already building a new Myanmar, one rooted in the political aspirations of the population through the NUCC process and guided by the Federal Democracy Charter. This has the greatest potential of bringing resolutions to Myanmar's deep political crises; far more so than any process forcefully imposed by the junta or the international community. The more tangible support that the international community can provide to the NUG, the resistance and the revolution now, the better the prospects for Myanmar's future.

The Special Advisory Council for Myanmar is a group of independent international experts, who came together in response to the February 2021 military coup in Myanmar, to support the peoples of Myanmar in their fight for human rights, peace, democracy, justice and accountability. For information about SAC-M and details of our work, please visit - https://specialadvisorycouncil.org/

[1] For instance, such recognition has come from the Czech Republic, French Parliament, European Parliament, and the High Commissioner for Human Rights.

[2] These include many of the same tactics used in the Myanmar military's many campaigns against ethnic minority civilian populations, including the genocidal attacks on the Rohingya in 2016 and 2017.

[3] The term 'ethnic resistance organisations' is used in the English version of the Myanmar democratic movement's Federal Democracy Charter. In Burmese, the term တိုင်းရင်းသားတော်လှန်ရေးအဖွဲ့အစည်းများ is used, which can also be translated as 'ethnic revolutionary organisations'. The term is largely synonymous with 'ethnic armed organisation', which was used in the Nationwide Ceasefire Agreement of 2015. However, ethnic resistance organisations and their supporters prefer to be defined in relation to their resistance to centralised military rule and in a way that reflects their wide-ranging political and social roles. In this paper, an 'ethnic resistance organisation' is any armed organisation that is politically opposed to centralised military rule, including groups that maintain ceasefires but refuse to become militia under Myanmar military command.

[4] The Federal Democracy Charter that was negotiated at the NUCC is available at: https://mofua.nugmyanmar.org/publications/17

[5] Ye Myo Hein, "One Year On: The Momentum of Myanmar's Armed Rebellion," Wilson Center, May 2022. Available at: https://www.wilsoncenter.org/publication/one-year-momentum-myanmars-armed-rebellion (accessed 15 August 2022)

[6] SAC-M published a briefing paper in August 2021 on the international law and practice on recognition of governments where more information and an assessment of the NUG and the junta in relation to these criteria can be found. The conclusion of SAC-M's assessment was that the NUG is deserving of international recognition as the government of Myanmar. That assessment remains the same. Available at: Briefing Paper: Myanmar's Representation in the United Nations - Special

Advisory Council for Myanmar.

[7] H. Lauterpacht, Recognition of Governments, Columbia Law Review, (pp. 825-830), Volume XLV, No. 6, November 1945. Available at: Recognition of Governments: I on JSTOR. Numerous legal analyses have pointed to the Tinoco case as an important precedent in the 20th Century. See: Tinoco Claims Arbitration (Great Britain v. Costa Rica), UN Rep. International Arbitration Awards 369, 1923. Available at: Tinoco Claims Arbitration (Great Britain v. Costa Rica) | Case Brief for Law Students (casebriefs.com).

[8] Brad Roth, Secessions, Coups and the International Rule of Law: Assessing the Decline of the Effective Control Doctrine, Journal of International Law (pp. 35-38), Volume 310, 2010. Available at "Secessions, Coups, and the International Rule of Law: Assessing the Decline of the Ef . . ." by Brad R. Roth (wayne.edu) See also Marc Weller, "Is the ICJ at Risk of Providing Cover for the Alleged Genocide in Myanmar?", EJIL Talk!, 11 February 2022. Available at: https://www.ejiltalk.org/is-the-icj-at-risk-of-providing-cover-for-the-alleged-genocide-in-myanmar/ (accessed 9 August 2022).

[9] Roth, Secessions, Coups and the International Rule of Law: Assessing the Decline of the Effective Control Doctrine, p. 11.

[10] See: Article 1, Montevideo Convention on the Rights and Duties of States, 1933. Available at: Montevideo Convention on the Rights and Duties of States - The Faculty of Law (uio.no). Although the Convention was only signed by states in the Americas, it codifies the declarative theory of statehood as accepted as part of customary international law, and thus applies to all states, including Myanmar.

[11] Roth, Secessions, Coups and the International Rule of Law: Assessing the Decline of the Effective Control Doctrine, pp. 30-32.

[12] Lauterpacht, Recognition of Governments, p. 840 onwards.
[13] See: Facts and Evidence, Tinoco Claims Arbitration (Great Britain v. Costa Rica).

[14] Ibid.

[15] Conflict data is based on the compilation of a methodical dataset by Matthew Arnold, PhD of conflict incidents since the coup, which tallied at over 18,000 by the end of July 2022. Data sources include multiple daily security reports and media reporting.

[16] Myanmar's 330 townships are the basic administrative unit of the country. Each township is in turn comprised of village tracts and wards, of which there are approximately 17,000. Within the administrative hierarchy, townships then comprise districts which in turn form Myanmar's 14 states and regions plus the capital territory of Nay Pyi Taw. For a detailing of subnational governance structures, see State and Region Governments in Myanmar - The Asia Foundation.

[17] These could include everything from violent arrests of peaceful protesters and striking civil servants all the way to sustained attacks by armed resistance actors.

[18] Of 14,788 conflict incidents cataloged since May 2021 (i.e., the start of the PDFs), 9,007 occurred in the first six months of 2022 (61% of total). In the eight months of conflict in 2021 (May to Dec 2021), there was an average of 723 per month, but for the first six months of 2022, there was an average of 1,501 per month.

[19] By townships, this map can be understood as 194 townships having semi regular conflict incidents, at least 1 to 2 per month (i.e., between 8 and 10 over 6 months). Of those 194: 112 townships have experienced between 20 and 49; of those 66 townships have experienced between 50 and 79; of those 31 townships have experienced between 80 and 109; of those 17 townships have experienced between 110 and 139; of those 8 townships have experienced more than 140.

[20] Kyaw Saw Hlaing, "In Myanmar's Rakhine State, a Fraying Truce May Hold Key to Anti-Regime Fight," United States Institute for Peace, May 2022. Available at: https://www.usip.org/publications/2022/07/myanmars-rakhine-state-fraying-truce-may-hold-key-anti-regime-fight (accessed 15 August 2022)

[21] Priscilla Clapp and Jason Tower, "The Myanmar Military's Criminal Alliance," United States Institute for Peace, March 2022. Available at: The Myanmar Army's Criminal Alliance | United States Institute of Peace (usip.org) (accessed 17 August 2022).

[22] "Myanmar junta chief vows to annihilate opposition forces," 28 March 2022, Reuters. Available at: Myanmar junta chief Min Aung Hlaing vows to annihilate opposition forces - CNN (accessed August 15).

[23] These village and ward administrators fall under the General Administration Department (GAD), which has also been brought under the control of a ranking military commander. The GAD has long served as the administrative backbone of the state apparatus, stretching from the capital in Nay Pyi Taw down to the community level. In 2019, the NLD government moved the GAD out from under the military-controlled Ministry of Home Affairs to a civilian-led ministry. In 2021, the junta placed the GAD back under its Ministry of Home Affairs, which is led by a serving military officer. The GAD coordinates and oversights all other government departments and village and ward administrations and is responsible for a range of security responsibilities, including issuing curfew orders, collecting household data and registering household guests, which is used to identify activists who are hiding in other people's homes or in safehouses. For a detailed explanation of the GAD, see Administering the State in Myanmar (asiafoundation.org).

[24] Emily Fishbein and Nu Nu Lusan, "Community defy bombs to keep schools running in Myanmar," The New Humanitarian, 11 July 2022. Available at: The New Humanitarian | Communities defy bombs to keep schools running in Myanmar (accessed 15 August 2022).

[25] UNICEF and Save the Children stated that the military had occupied over 60 schools by March 2021. The number since then has grown considerably. "Occupation of schools by security forces in Myanmar is a serious violation of children's rights," Statement by Save the Children, UNESCO and UNICEF, 19 March 2021. Available at: Occupation of schools by security forces in Myanmar is a serious violation of children's rights (unicef.org) (accessed 15 August 2022).

[26] Emily Fishbein and Nu Nu Lusan, "Community defy bombs to keep schools running in Myanmar."

[27] During the crackdowns, health workers had typically been robbed and extorted. For reporting on this, see: "'Our Health Workers are Working in Fear': Targeted Violence against Health Care One Year after Myanmar's Military Coup," Physicians for Human Rights, Relief Web, 26 January 2022. Available at: https://reliefweb.int/report/myanmar/our-health-workers-are-working-fear-targeted-violence-against-health-care-one-year (accessed 15 August 2022).

[28] According to data from the Central Bank of Myanmar, revenue in FY 2020-2021 was 67% of that in FY 2019-2020 in real terms and this only covers 8 months of the post-coup period. Data is not yet available for FY 2021-2022. See: "Myanmar Economic Monitor July 2022: Reforms Reversed," (pp. 37-38), World Bank, July 2022. Available at: Myanmar Economic Monitor July 2022: Reforms Reversed (worldbank.org) (accessed 15 August 2022).

[29] According to data from the Central Bank of Myanmar, income tax revenue in FY 2020-2021 was 58% of that in FY 2019-2020 in real terms, without accounting for inflation, and this only covers 8 months of the post-coup period. Data is not yet available for FY 2021-2022.

[30] "Myanmar Economic Monitor July 2022: Reforms Reversed," World Bank, p. 38.

[31] "Myanmar's Electricity Sector After the Coup," Independent Economists for Myanmar, 14 July 2021. [Unpublished report by advocacy group]. See: "Myanmar's Electricity Sector Crippled Since Military Coup," Open Development Mekong, 22 July 2021. Available at: Myanmar's Electricity Sector Crippled Since Military Coup | Open Development Mekong (accessed 16 August 2022).

[32] Thompson Chau and Dominic Oo, "Myanmar energy crisis deepens as power plant investors balk," Nikkei Asia, 5 June 2022. Available at: Myanmar energy crisis deepens as power plant investors balk - Nikkei Asia (accessed 15 August 2022).

[33] Aung Naing, "Junta says hefty new telecoms taxes will curb 'extreme use of internet services'," Myanmar Now, 8 January 2022. Available at: Junta says hefty new telecoms taxes will curb 'extreme use of internet services' | Myanmar NOW (myanmar-now.org) (accessed 19 August 2022).

[34] Aung Naing, "Junta says hefty new telecoms taxes will curb 'extreme use of internet services'," Myanmar Now, 8 January 2022. Available at: Junta says hefty new telecoms taxes will curb 'extreme use of internet services' | Myanmar NOW (myanmar-now.org) (accessed 19 August 2022).

[35] "Myanmar revokes foreign company exemption from currency rules," Nikkei Asia, 15 July 2022. Available at: https://asia.nikkei.com/Spotlight/Myanmar-Crisis/Myanmar-revokes-foreign-company-exemption-from-currency-rules (accessed 18 August 2022).

[36] Thompson Chau and Dominic Oo, "Myanmar energy crisis deepens as power plant investors balk."

[37] Myanmar Junta Enacts Law Allowing It to Deploy Police to Front Lines," The Irrawaddy, 29 March 2022. Available at: Myanmar Junta Enacts Law Allowing It to Deploy Police to Front Lines (irrawaddy.com) (accessed 15 August 2022).
[38] "Crime rates on the rise as the junta cracks down on political unrest," Radio Free Asia, 1 January 2022. Available at: https://www.rfa.org/english/news/myanmar/crime-01142022181101.html (accessed 15 August 2022).

[39] "Myanmar crime increases after the coup," Mizzima, 18 February 2022. Available at: https://mizzima.com/article/myanmar-crime-increases-after-coup (accessed 15 August 2022)

[40] HURFOM [@HURFOM] Twitter, 18 July 2022. Available at: (20) HURFOM on Twitter: "1/5 Since the coup, organizations providing legal support to women and childen report increases in domestic assuaults and rape - particularly of children. One organization said they have twenty case files open regarding rape involving children, and 10 cases of domestic assault. https://t.co/GjaCaOPJK3" / Twitter (accessed 15 August 2022).

[41] For detail on the governance and social service systems of EROs and their affiliates, see: Kim Jolliffe, "Ethnic Conflict and Social Services in Myanmar's Contested Regions," The Asia Foundation, June 2014 (Ethnic Conflict and Social Services in Myanmar's Contested Regions - The Asia Foundation); Kim Jolliffe, "Ethnic Armed Conflict and Territorial Administration in Myanmar," The Asia Foundation, July 2015 (Ethnic Armed Conflict and Territorial Administration in Myanmar - Full Report (burmalibrary.org); Kim Jolliffe and Emily Speers Mears, "Strength in Diversity: Towards Universal Education in Myanmar's Ethnic Areas," The Asia Foundation, October 2016 (Strength in Diversity: Towards Universal Education in Myanmar's Ethnic Areas - The Asia Foundation); Bill Davis and Kim Jolliffe, "Achieving Health Equity In Contested Areas Of Southeast Myanmar," The Asia Foundation, June 2016 (Achieving Health Equity in Contested Areas of Southeast Myanmar - The Asia Foundation); Kim Jolliffe, "Security Integration in Myanmar: Past Experiences and Future Visions," Saferworld, May 2017 (Publications - Saferworld); Kim Jolliffe, "Ceasefires, Governance and Development: The Karen National Union in Times of Change," The

Asia Foundation, December 2016 (Ceasefires-Governance-and-Development-EN-Apr2017.pdf (asiafoundation.org).

[42] In Burmese, they are called pyithu aochoteye a'pweh. In English they have been translated as people's administrative bodies, groups or committees but no term has become universal.

[43] The NUG and consultative councils have developed specific policies for local administration as part of their efforts to defeat the military junta. Within the federal democracy movement, the NUG is viewed as the union-level government for the whole country, but local administration and judicial responsibilities can be delegated to state-level bodies or 'federal units'. In Chin State, township level people's administration bodies are highly active and work in coordination with the NUG but under localised authority, while efforts are underway to establish an interim Chin State government that would oversee these bodies. In Karenni State, the existing governance system of the KNPP is delivering critical services and justice, while the Karenni State Consultative Council (which includes the KSCC and other EROs, political parties and civil society) is in the process of establishing an interim state-level administrative structure to assume executive, legislative and judicial powers.

[44] For a comprehensive overview of education provision, again, see: Emily Fishbein and Nu Nu Lusan, "Community defy bombs to keep schools running in Myanmar," The New Humanitarian, 11 July 2022.

[45] For instance, see: MOHADM – NUG – Myanmar [@mohadmNUG], Twitter, 19 July 2022. Available at: (20) MOHADM - NUG - Myanmar on Twitter: "As providing public goods & services is one of the roles of a real capable government, in June 22, with the help of responsible citizens, @MoHADM provided 223.64 million kyats worth of humanitarian aid on ground to people in need affected by inhumane acts of military terrorists. https://t.co/e9chxCZC7H" / Twitter (accessed 15 August 2022).