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The Deadly Stalemate in Post-coup Myanmar

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What's new? A dangerous stalemate has developed between Myanmar's military regime and resistance forces. Both sides are determined to prevail, but neither seems likely to deliver a knockout blow imminently. With deadly attacks on regime targets and brutal regime retaliation continuing, violence and insecurity will persist across the country.

Why does it matter? The crisis is playing out against a backdrop of deepening economic recession, health system collapse, and surging poverty and food insecurity. In addition to violence and regime oppression, people across Myanmar face a dire humanitarian predicament and long-term development challenges, with serious implications for South East Asia and beyond.

What should be done? Myanmar's crisis should be a higher priority for Western and Asian governments, which should throw greater weight behind the so-far dysfunctional process led by the Association of Southeast Asian Nations. External actors urgently need to address the humanitarian emergency without reinforcing regime structures – a political challenge requiring creative diplomacy.

I. Overview

Since the 1 February coup d'état, Myanmar's military regime has brutally repressed the population as it tries to quash dissent and consolidate its grip on the country. A broad-based resistance movement is using non-violent and violent means to prevent the junta from succeeding. With no sign that the deadlock will end soon, vulnerable populations face a dire future. In addition to the insecurity, Myanmar's economy is in freefall, the national currency is crashing, health and education systems have collapsed, poverty rates are estimated to have doubled since 2019, and half of all households cannot afford enough food. Despite the severe situation and the considerable risks associated with having a failed state at the heart of the Indo-Pacific, international attention is waning. Myanmar needs to be a higher foreign policy priority for Western and regional governments, with greater weight thrown behind efforts by the regional bloc, the Association of Southeast Asian Nations (ASEAN). An urgent focus should be finding ways to deliver crucial aid – including COVID-19 vaccines – in a way that does not reinforce regime structures.

To date, most foreign governments, as well as the UN Security Council, have been content to leave the international diplomatic response to ASEAN. The ASEAN process, aimed at resolving the political crisis in Myanmar and providing urgent humanitarian assistance, gained initial momentum at a special summit the organisation convened in Jakarta in April 2021, which coup leader Senior General Min Aung Hlaing attended. The region's leaders agreed on a five-point consensus, including an immediate cessation of violence, the delivery of humanitarian aid and the appointment of an ASEAN envoy to facilitate dialogue among all parties concerned. Since then, the process has atrophied, with the bloc taking more than three months to appoint an envoy, who has not been able to visit Myanmar. As a result of the regime's lack of cooperation, ASEAN leaders decided to exclude Min Aung Hlaing from their 26 October summit.

Meanwhile, the military regime, or State Administration Council, has continued to target its foes as well as their supporters and sympathisers. Its forces routinely carry out summary executions and torture of detainees – including children – and have used heavy weapons heedlessly in attacking cities. UN investigators have stated that these tactics likely constitute crimes against humanity.

In response, the parallel National Unity Government (NUG) in September declared a "people's defensive war", calling on civilians across the country to rise up against the regime. While the NUG has no military capability of its own, and its declaration has not led to the hoped-for escalation, resistance forces continue to stage attacks on a daily basis, ambushing military convoys, bombing regime-linked targets and assassinating regime-appointed local officials, suspected informants and others seen as loyal to the ruling junta. The NUG's efforts to secure diplomatic recognition – including its goal of occupying Myanmar's seat at the UN – will be complicated by the fact that it has now put its imprimatur on a struggle that includes killing of civilians and use of indiscriminate weapons.

Outside powers have little room for manoeuvre, with both sides determined to prevail, and therefore showing no interest in any negotiated settlement. Still, international actors should redouble efforts to address the crisis's humanitarian and economic fallout. ASEAN, while continuing to pursue its five-point plan, should focus in particular on using its access to the generals to help negotiate expanded aid delivery. Other countries should back up their expressions of support for ASEAN with more active reinforcement of the bloc's efforts. They could, for instance, provide advice and expertise to bolster ASEAN's diplomatic and humanitarian engagement and help iron out divisions among its member states.

Any international strategy for supporting Myanmar's population will have to grapple with how to deliver aid at scale without reinforcing regime structures and how best to support civil society organisations without overwhelming their capacity or exposing them to security risks. These tasks will require political discussions with the junta, the NUG and other legitimate representatives as well as de facto local authorities such as ethnic armed groups to secure access, preserve operational space to deliver via non-regime channels and ensure that assistance has the buy-in of beneficiaries. The UN and its new special envoy are probably best placed to take the lead, in close consultation with donors and ASEAN. The rollout of COVID-19 vaccinations will be a key test in determining what is possible.

While it will be hard to de-escalate the conflict or protect civilians at present, international accountability mechanisms have an important role as a deterrent and to keep hope alive that those responsible for atrocities – primarily the military, but also other armed elements – can be brought to justice. Those outside actors engaging with the NUG and other resistance actors should also press them to take action on alleged violations by forces they claim to represent, and provide training and advice to help them do so.

II. A Deadly Stalemate

Eight months after the coup, the Myanmar junta continues to use violence, intimidation and arbitrary arrests in its efforts to secure its hold on power.[1] To date, it has reportedly killed at least 1,178 demonstrators, dissidents and bystanders, detaining 7,355 more.[2] In addition to small-scale acts of defiance and peaceful protests, locally organised anti-regime militias and underground networks operating in the country's larger cities (collectively known as "people's defence forces") are mounting resistance, including assassinations, improvised explosive device attacks and ambushes of regime targets.[3] On 7 September, the NUG – a parallel administration in hiding, appointed by elected lawmakers ousted in the coup – declared a "people's defensive war" against the regime, hoping to prompt a major escalation in resistance activity.[4]

With both sides dug in, but neither seemingly strong enough to defeat the other for good, a deadly stalemate has emerged in Myanmar that will likely continue for many months. Meanwhile, the country is suffering severe economic decline, runaway poverty and food insecurity, and terrible strain upon the health system amid a wave of COVID-19 infections.

A. *The Regime's Brutal "Pacification Campaign"*

Since the 1 February coup, the regime has cracked down hard on peaceful protesters, activists and the general population, triggering more violent forms of resistance. In its attempts to smash dissent, disrupt armed resistance and consolidate its grip on power, the Myanmar military, or Tatmadaw, relies on the following methods:

- The regime continues to carry out daytime and night-time raids on communities, detaining dissidents and suspected members of resistance groups, and in some cases arresting family members as hostages if they are unable to locate the person

[1] For Crisis Group reporting since the coup, see Asia Briefings N°s 166, *Responding to the Myanmar Coup*, 16 February 2021; 167, *The Cost of the Coup: Myanmar Edges Toward State Collapse*, 1 April 2021; and 168, *Taking Aim at the Tatmadaw: The New Armed Resistance to Myanmar's Coup*, 28 June 2021; as well as Asia Report N°314, *Myanmar's Military Struggles to Control the Virtual Battlefield*, 18 May 2021; and Richard Horsey, "A Close-up View of Myanmar's Leaderless Mass Protests", Crisis Group Commentary, 26 February 2021.

[2] See the Assistance Association for Political Prisoners tally at the organisation's website. The figures here are as of 16 October.

[3] See Crisis Group Briefing, *Taking Aim at the Tatmadaw*, op. cit.

[4] The NUG posted its declaration on its Facebook page on 7 September 2021. See also "Declaration of war necessary as international pressure fails: Myanmar shadow govt", *The Irrawaddy*, 9 September 2021.

they are looking for.[5] Some targets are summarily executed on site, and those detained are routinely tortured in interrogation centres, sometimes to death.[6] On 2 September, for example, soldiers arrested two men in Sagaing Region's Shwebo township, beating one to death during the arrest. The other, a 20-year-old, succumbed to his injuries two weeks later.[7]

- The military also deploys heavily armed combat battalions to crush urban dissent, using tactics that appear intended to kill as many people as possible. For example, security forces have fired rifle grenades at protest camps and herded unarmed civilians into what in military terminology are known as "kill zones" before starting to shoot.[8] The Independent Investigative Mechanism for Myanmar – established by the UN to build case files on possible international crimes to facilitate future prosecutions – says its preliminary analysis of information collected about such attacks "indicates that crimes against humanity … have likely been committed" by the Myanmar security forces.[9] The UN human rights office has issued similar findings.[10]
- In rural parts of the country where resistance groups are persistent in their attacks, the Tatmadaw has unleashed its pitiless "four cuts" counter-insurgency strategy. Long used by the Myanmar military when battling ethnic armed groups in the uplands, this approach aims to deny rebels four essentials – food, funds, intelligence and recruits – and deliberately targets civilians on the grounds that they are a key support base for insurgency.[11] The security forces are applying this approach against anti-coup militias in ethnic areas such as Kayah and Chin States, as well as against resistance groups in lowlands inhabited by the Burman majority.[12] For example, following a spate of ambushes by militias in Magway Region's Gangaw township, on 9-10 September the military occupied the area, killing and in some

[5] Crisis Group interviews, Myanmar human rights activists and journalists, September 2021. On detention of family members, see for example, "ကျိုက်ထိုက မြို့နယ်ထွေအုပ်စာရေးတစ်ဦး ဖမ်းဆီးခံရပြီး လေးရက်အကြာမှာ သေဆုံး [A Kyaikto township General Administration Department clerk dies four days after arrest]", *Voice of Myanmar*, 16 September 2021; and "'These are kidnappings': Junta targets relatives of activists on the run", *Frontier Myanmar*, 27 July 2021.

[6] Journalists and human rights researchers have documented scores of deaths. See, for example, "'I no longer fear death', says teen tortured by regime", *Myanmar Now*, 20 July 2021; and "Myanmar: Coup Leads to Crimes Against Humanity", Human Rights Watch, 31 July 2021.

[7] See "ရွှေဘိုမြို့မှာ စစ်ကောင်စီရဲ့ ဖမ်းဆီးနှိပ်စက်ခံရသူတစ်ဦး သေဆုံး [A person arrested and tortured by the military council in Shwebo dies]", Radio Free Asia, 16 September 2021.

[8] For a detailed analysis of one such massacre, see "Anatomy of a crackdown: How Myanmar's military terrorized its people with weapons of war", *The Washington Post*, 25 August 2021.

[9] "Report of the Independent Investigative Mechanism for Myanmar", UN Doc. A/HRC/48/18, 5 July 2021, para. 30.

[10] "Written Updates of the Office of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Myanmar", UN Doc. A/HRC/48/67, 16 September 2021.

[11] For details of the "four cuts" strategy, see Martin Smith, *Burma: Insurgency and the Politics of Ethnicity*, 2nd ed. (London, 1999), pp. 288ff.; Andrew Selth, *Burma's Armed Forces* (Norwalk, 2001), pp. 91-92; and Maung Aung Myoe, "Military Doctrine and Strategy in Myanmar", Strategic and Defence Studies Centre, 1999, p. 10.

[12] See Crisis Group Briefing, *Taking Aim at the Tatmadaw*, op. cit. The military also used "four cuts" tactics in the 2016-2017 ethnic cleansing of the Rohingya. See Crisis Group Asia Report N°292, *Myanmar's Rohingya Crisis Enters a Dangerous New Phase*, 7 December 2017.

cases torturing to death at least 24 villagers, including teenagers and elders, and burning down about 100 houses.[13]

In addition to the military's actions, a degree of mobilisation against resistance forces is taking place within communities. In light of the security forces' inability to protect regime-appointed local administrators, retired soldiers, members of the military-linked Union Solidarity and Development Party (USDP) and others marked for death by resistance groups (see below), regime supporters have formed their own paramilitary networks, known as Pyusawhti groups, particularly in rural areas. Pyusawhti was a semi-mythical king of Bagan, the dynasty that at its height around 1200 was the first to incorporate most of what is now Myanmar. The government used his name in the mid-1950s to describe the auxiliaries it recruited locally to deal with widespread lawlessness and insecurity.[14] The formation of these networks today has raised the prospect of escalated tit-for-tat killings in various localities, with Pyusawhti groups targeting active resistance members and vice versa.[15] There are indications that the regime is arming some of these groups, and some have reportedly fought people's defence forces alongside regular soldiers.[16]

B. *Violent Resistance to the Coup*

In the weeks after the 1 February coup, as the Tatmadaw began its campaign to quash protest and other dissent, many communities and groups of protesters across Myanmar began forming militias to protect themselves from regime violence and launch an armed resistance.[17] Some 250 such groups have emerged over the last six months and are carrying out regular attacks on regime targets.[18] Although numbers are difficult to verify, the NUG claimed in September that popular resistance forces and ethnic armed groups had killed 1,710 regime troops over the preceding three months.[19]

The resistance groups, many of which have the words "defence force" in their names, range from underground urban cells consisting of a few people to large, well-organised militias with hundreds of fighters equipped with modern light arms.[20] Some of these are working closely with – and being trained by – ethnic armed groups.[21] All the resistance groups rely predominantly on asymmetric warfare tactics, including:

[13] Crisis Group interviews, residents, Gangaw township, September 2021. See also "Days into military's occupation of Gangaw, five more civilians found murdered", *Myanmar Now*, 16 September 2021; and "Myanmar troops massacre 24 in village attacks in Magway", Radio Free Asia, 17 September 2021.
[14] On the Bagan king, see *The Glass Palace Chronicles of the Kings of Burma* (Yangon, 1960). On the 1950s program, see Mary Callahan, *Making Enemies: War and State Building in Burma* (Ithaca, 2003).
[15] See "Richard Horsey on Myanmar 7 months after the coup", *The Diplomat*, 1 September 2021.
[16] See "Dozens of Myanmar resistance fighters seized in Sagaing Region", *The Irrawaddy*, 29 July 2021.
[17] See Crisis Group Briefing, *Taking Aim at the Tatmadaw*, op. cit.
[18] Crisis Group interviews, conflict analysts, September 2021. For a detailed analysis, including numbers of militia groups and their geographical distribution, see Matthew B. Arnold, "Myanmar's Shifting Military Balance: Conflict Trends over July-August 2021", unpublished paper, 9 September 2021.
[19] See "Review of clashes and conflicts in Myanmar, June-August 2021", National Unity Government, Facebook, 14 September 2021 (Burmese). See also "Over 1,700 Myanmar junta soldiers killed in past three months, civilian govt says", *The Irrawaddy*, 14 September 2021.
[20] Crisis Group interviews, militia group members, local journalists and analysts, February-September 2021. See also Crisis Group Briefing, *Taking Aim at the Tatmadaw*, op. cit.
[21] For details, see Crisis Group Briefing, *Taking Aim at the Tatmadaw*, op. cit.

Assassinations. Resistance forces have been killing several people per day in recent months, including regime-appointed local administrators, USDP members, security force personnel and alleged informants (known as *dalan* in Burmese). The regime claims that, as of 9 September, the resistance had murdered 799 such individuals since the coup and injured another 726 in assassination attempts – numbers that are broadly consistent with Crisis Group tallies compiled from independent media reports.[22] On 30 August, for example, an assailant shot dead a village tract administrator in his home in Taungtha township, near Mandalay.[23] The junta had appointed the administrator two months earlier. A local anti-regime militia, the Taungtha Guerilla Task Force, claimed responsibility for the killing.[24]

Improvised explosive devices. Since early April, there have been hundreds of explosions across Myanmar.[25] While some of these incidents have gone unclaimed, the targets and the methods used suggest that anti-regime forces carried out the vast majority.[26] Targets include government and local administration offices and houses, businesses owned by or seen as supportive of the military, homes or businesses of alleged informants, public places (such as city intersections), and police and military posts.[27] In the lead-up to the school year, which began on 1 June, parties unknown planted bombs at schools – in some cases apparently to support an education boycott and in others to attack troops posted or billeted at schools.[28] (For their part, Pyusawhti groups appear to have carried out other bombings aimed at the regime's political opponents.[29])

Drive-by shootings and ambushes. As underground resistance cells have gained better training, mostly from ethnic armed groups, and managed to supplement their makeshift arsenals with more modern firearms, they have been conducting more deadly attacks on security forces. In various cities, militants have killed policemen and soldiers manning security posts and checkpoints in drive-by shootings.[30] In rural areas, resistance forces have regularly hit military convoys with roadside bombs, including as part of complex attacks where fighters follow the explosions with small arms fire, causing double-digit death tolls.[31] There have also been a few similar attacks in urban areas. On 9 September, for example, a resistance group threw a bomb into a passing army truck in downtown Yangon, and then engaged in a shootout with sur-

[22] See "Public request to continue cooperating in fight against terrorism", *Global New Light of Myanmar*, 12 September 2021.
[23] See "Recent junta-appointed village administrator assassinated in Mandalay Region", *Myanmar Now*, 31 August 2021.
[24] See the post by Taungtha Guerrilla Task Force, Facebook, 30 August 2021 (Burmese).
[25] Independent media outlets in Myanmar report numerous bombings every day. The regime claims a total of 2,390 such attacks between 1 February and 9 September. "Public request to continue cooperating in fight against terrorism", op. cit.
[26] Crisis Group interview, individual in close contact with several underground groups carrying out bombings, May 2021. For analysis, see also Arnold, "Myanmar's Shifting Military Balance", op. cit.; and Anthony Davis, "Prospects for a people's war in Myanmar", *Asia Times*, 6 August 2021.
[27] Crisis Group monitoring of incident reports in independent media.
[28] See Crisis Group Briefing, *Taking Aim at the Tatmadaw*, op. cit., section II.
[29] See Arnold, "Myanmar's Shifting Military Balance", op. cit.
[30] Crisis Group monitoring of incident reports in independent media.
[31] Ibid. See also Crisis Group Briefing, *Taking Aim at the Tatmadaw*, op. cit.

viving soldiers; a major and a private were reportedly killed, and several other troops injured.[32]

Sabotage of critical infrastructure. Resistance groups have also been targeting economic, communications and transport infrastructure deemed important to the regime. They have sabotaged more than 120 cell phone towers since June, most of which were used by MyTel, a company partly owned by the military.[33] Resistance groups have also hit electricity transmission towers, bridges and railway lines.[34] All these targets are soft and dispersed, making them difficult for the regime to guard effectively.

Decisions on who or what constitutes a legitimate target, and what methods and tactics are appropriate, are in the hands of the individual resistance groups, who lack experience or clear criteria for making such judgments. Recognising that abuses could discredit the resistance movement, the NUG has issued guidance, in the form of a brief set of ethical rules in May, followed by one page of disciplinary rules in September.[35] The NUG has no command and control over resistance groups, however, and no obvious way of enforcing compliance. In any case, the rules it laid out are very general, with no explanation of how militants should apply them in real-world situations.[36]

Resistance forces have staged a number of problematic attacks and sometimes failed to prevent harm to bystanders. In these cases, it is rare for any group to admit responsibility. On 25 May, for example, a parcel bomb disguised as a present exploded at the wedding of a well-known nationalist who had reportedly participated in pro-Tatmadaw rallies. He was unharmed, but his bride, cousin and another distant rela-

[32] See "Two junta soldiers, including a major, killed in Sanchaung bomb attack", *Myanmar Now*, 10 September 2021.

[33] Crisis Group monitoring of incident reports in independent media. See also "From boycott to bombings: PDFs launch D-day war on Mytel", *Democratic Voice of Burma*, 11 September 2021. State media also reported 68 such attacks up to 9 September. "Public request to continue cooperating in fight against terrorism", op. cit. Crisis Group has logged reports of some 60 attacks since then. On the impact on other telecommunications operators, see "Joint statement of mobile network operators Ooredoo and Telenor", 8 September 2021.

[34] See, for example, "Mine attack occurs at a bridge on Mandalay-Myitkyina railway in Kanbalu", *Eleven Media*, 17 September 2021; "PDFs hit regime targets in Magway and Sagaing Regions", *Myanmar Now*, 7 September 2021; and "Myanmar resistance landmines kill junta troops after attack on power line", *The Irrawaddy*, 18 August 2021.

[35] "Ethical Rules for People's Resistance Forces", Ministry of Defence, National Unity Government, n.d. (Burmese). Unlike most NUG statements, this one is undated and has no official notification number or signature; it was posted to the NUG's Facebook account on 24 May 2021. The disciplinary rules were issued as "Notification to People's Defence Army, People's Defence Forces, and Special Forces", Notification No. 3/2021, 7 September 2021 (Burmese). The NUG human rights ministry also appealed to armed groups, in particular the Tatmadaw, not to hurt civilians in the course of their operations. "Plea to armed groups to avoid harming civilians including children", NUG Ministry of Human Rights, 26 September 2021.

[36] It is also relevant in this regard that the NUG responded to an investigative article about one of its ministers attending an online bomb-making seminar with threats of legal action against the journalist and publication. The article pointed out that the seminar included instruction in how to manufacture indiscriminate weapons, such as pipe bombs and fragmentation devices, which would appear contrary to the NUG's ethical rules. See Aye Min Thant, "Dr. Sasa visits a bomb-making class", *New Naratif*, 9 September 2021; and "*New Naratif* responds to NUG's accusations", *New Naratif*, 9 September 2021.

tive were killed while three more people, including two children, were injured.[37] In another example, a bomb that exploded on 14 September in front of the USDP office in Magway town killed a five-year-old child and wounded two other passers-by.[38] Targeting alleged informants carries obvious risks of misidentification or other mishap: in some cases, militants might be acting upon personal grudges or misinformation from third parties.

C. *Socio-economic Crisis*

Myanmar's political turmoil and the resulting violence is taking place against a backdrop of a grave economic crisis, a sharp rise in poverty and food insecurity, a collapsed health system, and a serious COVID-19 outbreak. The junta may be able to insulate itself and its security apparatus from major hardship, but the implications for the population are devastating.

The shock of the coup hit a Myanmar economy already reeling from the global impact of COVID-19.[39] The World Bank has estimated that the economy will shrink by 18 per cent in the fiscal year to September 2021. Combined with the pandemic's effects in 2020, this damage will have made the economy shrink by close to a third in less than two years.[40] Myanmar's currency, the kyat, has lost half its value since the coup, dramatically increasing the cost of imports, such as cooking oil or refined petroleum products, which has a knock-on effect on the price of all goods.

The economic crisis is compounded by the fact that the coping mechanisms Myanmar people typically resort to when faced with economic difficulties, such as rural-urban migration and emigration overseas, are no longer available. Formal sources of employment have dried up, with a collapse in manufacturing, tourism, hospitality, construction and other sectors leading to 1.2 million job losses in the second quarter of 2021. Add these figures to COVID-19's ravages, and more than 3.2 million people, or 15 per cent of the formal work force, have lost their jobs between the end of 2019 and July 2021, while millions of others have seen their working hours reduced.[41] Women have been disproportionately hurt due in particular to the impact on the garment industry, which employs mostly young women.[42] Border closures and slow economic recovery in destination countries, particularly Thailand, means that heading abroad to work is not feasible.[43] The damage to livelihoods has been extreme, with

[37] The cousin had reportedly taken part in anti-coup demonstrations. "Parcel bomb explosion at wedding of known nationalist kills bride and two relatives", *Myanmar Now*, 28 May 2021.

[38] A local people's defence force denied responsibility. See "မကွေးတိုင်း ကြီခိုင်ရေးပါတီရုံးအနီး ဗုံးကွဲ၊ ကလေးတစ်ဦး သေဆုံး [Child dies in bombing near Magway Region USDP office]", Radio Free Asia, 14 September 2021; and "မကွေးကြီခိုင်ရေးရုံးအနီး ပေါက်ကွဲမှု PDF က မသက်ဆိုင်လို့ ကြေညာ [PDF says not involved in explosion near Magway USDP office]", BBC Burmese, 14 September 2021.

[39] See "Myanmar Economic Monitor: Coping with COVID-19", World Bank, December 2020.

[40] "Myanmar Economic Monitor", World Bank, 27 July 2021.

[41] "Employment in Myanmar since the Military Takeover: A Rapid Impact Assessment", International Labour Organization, 19 July 2021.

[42] Ibid.

[43] See "Migrant workers and Covid limbo", *Nikkei Asia*, 17 September 2021.

the number of people in poverty estimated to have doubled since 2019, and around half of households unable to afford sufficient food.[44]

Since the coup, Myanmar's public health system has fallen apart. Doctors and nurses have been at the forefront of protests and public-sector strikes known as the Civil Disobedience Movement.[45] The security forces have targeted medical staff, emergency responders and private clinics with violence, with the World Health Organization reporting 260 such attacks across the country.[46] The resulting blow to the health-care system has coincided with – and greatly exacerbated – a wave of COVID-19 that has killed thousands since July.[47] The collapse, combined with a general loss of public trust in regime-controlled services, has also severely disrupted routine childhood immunisation, as well as testing and treatment for communicable diseases including malaria, tuberculosis and HIV – putting many lives at risk and threatening a setback to global efforts to combat these illnesses.[48]

III. Future Trajectory

A. *The Regime's Political Roadmap*

On 1 August 2021, exactly six months after the coup, Senior General Min Aung Hlaing provided details of the regime's political roadmap.[49] He announced the formation of a "caretaker government" with himself in the new position of prime minister and most sitting ministers, who were appointed shortly after the coup, remaining in place.[50] Six weeks later, for reasons it did not explain, the junta renamed the caretaker government as a "union government" (the standard usage in Myanmar).[51] The State Administration Council (SAC) remains the ultimate decision-making authority, meaning that Min Aung Hlaing has given himself both the head of state (SAC chairman) and head of government (prime minister) positions.

In the same 1 August speech, Min Aung Hlaing announced that elections would be held and power transferred by 1 August 2023 – presumably with him as civilian

[44] "Myanmar Economic Monitor", World Bank, 27 July 2021; and "Myanmar's Poverty and Food Insecurity Crisis", International Food Policy Research Institute (Myanmar), July 2021.
[45] See Crisis Group Briefing, *The Cost of the Coup*, op. cit.
[46] The World Health Organization's incident data is available at its Surveillance System for Attacks on Health Care webpage.
[47] See "Covid-19 deaths spike amid coup-induced collapse of healthcare system", *Myanmar Now*, 13 July 2021.
[48] See, for example, Yu Nandar Aung, "The post-coup health crisis in Myanmar is not a local issue, it is a ticking time-bomb for the region", London School of Economics (blog), 23 June 2021.
[49] The regime announced its five-point roadmap – which covers COVID-19 response, peace and new elections – immediately after the coup and reprints it daily on the front page of state newspapers.
[50] The English-language state media in Myanmar have mistranslated "caretaker government" (*ein saun asoya* in Burmese) as "provisional government". The announcement of the new structure came in Order No. 180/2021, State Administration Council, 11 September 2021. See also Min Aung Hlaing's speech printed in *Global New Light of Myanmar* on 2 August 2021. There was a minor reshuffle of ministers at the same time, and some ministries were split apart, reversing changes made by the government in power before the coup.
[51] Order No. 152/2021, State Administration Council, 1 August 2021.

president.[52] The regime's timetable for holding new elections has thus slipped from the "one to two years" announced at the time of the coup to two and a half years.[53] While the coup itself was unconstitutional, this extended period is longer than the two-year maximum for a state of emergency set out in the constitutional provision that the junta invoked to justify the military takeover.[54]

It now seems clear that the military intends to refashion the electoral landscape to ensure a result amenable to what it perceives as its interests. In detention since the coup, Aung San Suu Kyi, the 76-year-old former head of government, faces a raft of charges that could see her sentenced to up to 75 years of prison.[55] The regime-appointed election commission has suggested that the state will dissolve her National League for Democracy party, which won the November 2020 polls with 82 per cent of the elected seats, due to unsupported allegations of fraud.[56] The junta and its election commission have also talked regularly about changing the electoral system from first-past-the-post, which has delivered large majorities to victors in nearly all Myanmar's elections since colonial times, to a more proportional system that would likely prevent any party from winning big, allowing the military to dominate a fractured legislature.[57] This change would seem to require altering the constitution, requiring a referendum, but the regime-appointed election commission has recently stated that no constitutional amendment is needed.[58]

The regime has shown no inclination toward dialogue as a way out of the crisis that the country is facing. It has designated the NUG a "terrorist" organisation, stated that it will not negotiate with terrorists and demanded that outside actors – such as the ASEAN special envoy – refrain from engaging with the parallel administration.[59] Rather, the regime is attempting to use violence and intimidation to bring the country to heel. It appears determined to crush the resistance as quickly as possible and move ahead with its political roadmap without compromise. Through mass arrests and interrogations, it appears to have improved its intelligence on its adversaries,

[52] Min Aung Hlaing speech in *Global New Light of Myanmar*, op. cit. Under the constitution, the president is chosen by Myanmar's elected representatives as well as military appointees. If Min Aung Hlaing does craft an outcome where he is president, under the constitution he would have to retire from the military.

[53] See "National Defence and Security Council of Republic of the Union of Myanmar holds meeting", *Global New Light of Myanmar*, 2 February 2021.

[54] According to section 425 of the 2008 constitution, a state of emergency lasts for one year, extendable for a further two six-month periods. On the unconstitutionality of the coup, see Melissa Crouch, "The constitutional fiction of Myanmar's coup", Jurist.org, 17 February 2021.

[55] "Aung San Suu Kyi faces 75 years in prison as Myanmar junta brings fresh charges", *The Irrawaddy*, 13 July 2021.

[56] Electoral observation bodies reported no widespread irregularities. See also "Myanmar junta's electoral body to dissolve Suu Kyi party – media", Reuters, 21 May 2021.

[57] See "Is electoral system change an answer?", *Eleven Media*, 15 September 2021. On the results of previous elections, see Richard Horsey, "Shifting to a Proportional Representation Electoral System in Myanmar?", Conflict Prevention and Peace Forum, 31 January 2013.

[58] Ibid., and "Junta steps up efforts to promote switch to proportional representation in elections", *Myanmar Now*, 14 October 2021.

[59] See "Union Minister for Foreign Affairs U Wunna Maung Lwin participates in ASEAN-European Union Ministerial Meeting", *Global New Light of Myanmar*, 7 August 2021; "Tatmadaw will accept negotiation with any ethnic armed organizations except for organizations declared as terrorist groups: Senior General", *Global New Light of Myanmar*, 8 August 2021.

leading to a number of arrests in September that have disrupted resistance cells, although to what degree is unclear.[60]

The junta's timeframe could, however, still stumble. In light of the great challenges it faces, and considering that some of the steps will not only be difficult but may provoke unrest given the regime's tenuous authority in many parts of the country, it is possible that the regime will not be able to meet its self-declared August 2023 deadline for returning power to civilians. In any case, a shift from direct military rule to an elected pro-military government with Min Aung Hlaing as president would do little to assuage public anger or placate the resistance movement. Despite its efforts to quash dissent and apply a veneer of legitimacy to its rule, the military is likely to face more resistance, both non-violent and violent.

B. *The Resistance Forces*

While the regime is focused on repression and rolling out its political roadmap, resistance forces continue their efforts to disrupt these plans and deny the junta the ability to rule. Locally organised networks, some of which are cooperating closely with ethnic armed groups, are carrying most of this load. On 7 September, in an effort to lend further momentum to these actions, the NUG declared a "people's defensive war", calling on the population "in every corner of the country" to rise up against the military regime.[61] Since then, resistance activities have continued to expand in some areas, but have not escalated dramatically nationwide.

The NUG hopes to develop its military and bureaucratic capabilities to be able to control territory and administer populations, but so far these aims remain aspirational. It has released a $700 million budget, including $300 million for mass COVID-19 vaccination, and large allocations for supporting striking public-sector workers.[62] The parallel legislative body, the Committee Representing Pyidaungsu Hluttaw (CRPH), issued a tax law for the fiscal year from October.[63] But the NUG's ability to raise tax revenue and execute its budget remains extremely limited due to its lack of administrative and territorial sway. These announcements are therefore more about projecting legitimacy than actual governance. Similarly, the war declaration allowed the NUG to demonstrate agency at a time when there were signs that people were increasingly perceiving it as "all talk and no action".[64]

That declaration, which gave the NUG's imprimatur to the actions of independent resistance groups, received a wary international reaction. It was not the first instance when the parallel administration publicly backed violent resistance. The CRPH first

[60] See, for example, detailed reports of arrests in *Global New Light of Myanmar* on 22, 23, 24 and 25 September. While Myanmar state media reports must be treated with extreme caution, Crisis Group interviews with individuals close to three of these cases suggest that the regime has disrupted active underground networks in those cases.

[61] See National Unity Government, Facebook live video, 7 September 2021.

[62] See "Myanmar parallel government to challenge regime with $700m budget", *Nikkei Asia*, 2 September 2021; and "Myanmar's shadow government plans US$300 million vaccination drive to cover '20 per cent of population'", *South China Morning Post*, 22 September 2021.

[63] See 2021 Union Tax Law (Law No. 6, 2021), promulgated by the CRPH on 20 September 2021.

[64] A number of internet memes have been circulating on Myanmar-language Facebook pages to this effect. See, for example, the Future of Myanmar Students page.

endorsed armed revolution a month after the coup, in March 2021.[65] The NUG then announced on 5 May its intention to form an armed wing, which remains a work in progress.[66] While many people in Myanmar welcomed the 7 September war declaration enthusiastically, the international response was lukewarm.[67] The British ambassador in Yangon tweeted that his country "supports peaceful efforts to restore democracy", warning that "further violence will harm vulnerable communities"; a State Department spokesperson said the United States "does not condone violence as a solution to the current crisis" and "calls on all sides to remain peaceful".[68]

The NUG's declaration came as the UN General Assembly was about to get under way in New York and needed to decide which competing set of credentials – those of the NUG or those of the regime – to accept.[69] The parallel government has denied that it timed its declaration with the aim of influencing the credentials debate, but regardless of whether it did, the call for war has complicated its diplomatic efforts.[70] Inevitably, the NUG will be now be seen as a party to a conflict, rather than a purely political entity. Despite its efforts to come up with a code of conduct for resistance forces, it also risks being perceived as endorsing tactics that have included the killing of civilians and the use of indiscriminate weapons.

The question of who represents Myanmar at the UN remains unresolved. Ahead of the General Assembly, the U.S. and China reached a deal, backed by other key states, that the UN would take no decision until at least October on the competing credentials submitted by the NUG and the regime.[71] The deal allowed the incumbent Permanent Representative of Myanmar in New York, who was appointed by the Aung San Suu Kyi administration and has backed the NUG, to remain in place for the moment, on the understanding that he will keep a low profile, in particular by refraining from speaking at the high-level debate.[72]

IV. What Can International Actors Do?

There is no end in sight to the deadly stalemate that has emerged in Myanmar, suggesting that civil strife will continue to roil the country for months, if not years to come. With both sides focused on defeating the other, there appears to be very little room for dialogue about a negotiated solution.

The outside world has little space or capacity to address the central political crisis and shows waning interest in Myanmar's plight. The crisis has dropped far down the

[65] "Informing the people of their right to self-defence according to the law as civilian population in case of violence", CRPH Declaration 13/2021, 14 March 2021.
[66] See National Unity Government Notification 1/2021, 5 May 2021.
[67] Crisis Group analysis of Myanmar Facebook posts in the days following the declaration. Crisis Group interviews, Myanmar journalists and analysts, September 2021.
[68] See tweet by Pete Vowles, @PeteVowles, UK ambassador to Myanmar, 8:17 am, 7 September 2021; and "The US calls on all sides in Myanmar to 'remain peaceful' to deal with current crisis", *Eleven Media*, 12 September 2021.
[69] See "Show us your credentials: The battle for Myanmar at the UN", *The Diplomat*, 13 September 2021.
[70] See "Declaration of war necessary as international pressure fails: Myanmar shadow govt", op. cit.
[71] Crisis Group interviews, diplomats close to the discussions, August-September 2021. The credentials committee normally meets in October or November.
[72] Ibid.

international agenda, partly due to other global priorities – COVID-19, Tigray, Afghanistan – and partly because most governments have concluded that they have little leverage in Myanmar and that while ruinous for the country, the current turmoil will have limited ramifications abroad.[73] The UN special envoy, Christine Burgener, has been increasingly vocal, but she still has not been able to visit Myanmar since the coup and the regime has repeatedly rebuffed her efforts to kickstart dialogue.[74] As a result, diplomatic efforts to address the crisis in Myanmar have largely been left to ASEAN.

ASEAN's efforts, notably a special summit it convened in April attended by Senior General Min Aung Hlaing, have gained little traction. The summit saw leaders agree upon a five-point consensus, including a call for an immediate cessation of violence, the appointment of an ASEAN envoy to facilitate dialogue among the parties and the delivery of humanitarian aid from ASEAN member states.[75] But immediately on his return to Myanmar, Min Aung Hlaing began walking back commitments he had made at the summit. There was no reduction in regime violence.[76]

Divisions among other ASEAN members then delayed the appointment of an envoy by another three months – Brunei's second minister for foreign affairs, Erywan Yusof, took on the role only in August.[77] He has not been able to visit Myanmar, as the regime has not consented to his precondition that he have access to Aung San Suu Kyi.[78] As a result of Myanmar's lack of cooperation and failure to implement the five-point consensus, ASEAN leaders decided to exclude Min Aung Hlaing from their 26 October summit, triggering an indignant response from the regime.[79] Erywan has signalled that his position will rotate as the yearly ASEAN chairmanship moves from Brunei to Cambodia for 2022, giving him only a few more weeks in the job.[80]

Despite its clear limitations, which largely stem from the body's consensus-based non-interference approach and its internal divisions, other international actors seem content to outsource the global diplomatic response to ASEAN. The UN Security Council has repeatedly expressed its support for the ASEAN process, as have its permanent members and many other countries and groupings, including the G7 and the Quad (Australia, India, Japan and the U.S.).[81] Beyond public statements, however, none of

[73] Crisis Group interviews, diplomats and analysts, June-September 2021.

[74] Tweet by Christine Burgener, @SchranerBurgen1, special envoy of UN Secretary-General on Myanmar, 7:15am, 14 September 2021.

[75] "ASEAN 'consensus' urges Myanmar junta to end violence", *Nikkei Asia*, 24 April 2021.

[76] "Tatmadaw wants 'stability' before heeding pleas on violence", Agence France-Presse, 27 April 2021.

[77] "ASEAN appoints Brunei diplomat as envoy to Myanmar", Reuters, 4 August 2021.

[78] Crisis Group interviews, diplomats and analysts, June-October 2021.

[79] See "Statement of the Chair of the ASEAN Foreign Ministers' Meeting", Ministry of Foreign Affairs of Brunei, 16 October 2021. The decision limits Myanmar's representation at the summit to a "non-political" representative, that is, a civil servant rather than a member of the regime or its cabinet. In response, the regime's foreign ministry issued a press release saying that "Myanmar is extremely disappointed and strongly objected to the outcome ... which was done without consensus and was against the objectives of the ASEAN, the ASEAN Charter and its principles". *Global New Light of Myanmar*, 17 October 2021, p. 1.

[80] Crisis Group interviews, diplomats and analysts, June-October 2021.

[81] "On Myanmar, Security Council gives the driver's seat to ASEAN", *The Wire*, 3 May 2021; "Russia backs ASEAN consensus on Myanmar crisis", Al Jazeera, 6 July 2021; "China to work with int'l community to help restore social stability in Myanmar", Xinhua, 1 September 2021; "Joint Statement from Quad Leaders", 24 September 2021; Carbis Bay G7 Summit Communiqué, Cornwall, UK, 12 July 2021.

these countries or groupings have provided tangible support to ASEAN in carrying out this role.[82] The continued expressions of support appear to stem more from an unwillingness on the part of these countries to address the problem themselves, rather than any conviction that the ASEAN process can achieve meaningful results.[83]

Action to address the crisis in Myanmar must start with recognition that the situation warrants greater international attention. Myanmar is a failed state in the heart of the Indo-Pacific, with a health system in tatters, a dysfunctional COVID-19 response, a massive humanitarian emergency unfolding and a crumbling economy. Its troubles will not stay within its borders: they are likely to be a significant regional and global challenge, due to public health concerns, refugee flows and security issues, particularly in the form of the drug trade and other illicit activities. There is also no prospect of resolution to the Rohingya refugee crisis as long as Myanmar's predicament persists.

While international actors, including ASEAN, have limited leverage for now to address the political crisis and its violent manifestations, they should redouble efforts to address the humanitarian and economic fallout. The extent of damage to the economy and social service delivery means that the prognosis for Myanmar's population is grim in the near to mid-term future. Supporting vulnerable people through the extremely tough months and years to come must be a priority for the outside world. At present, to be sure, aid delivery is fraught with difficulties, including potential aid diversion and the risk of giving undue recognition to the junta. But these problems should not lead donors to give up on the Myanmar people or limit their interventions to small-scale humanitarian projects. More attention and creative diplomacy can play a critical role.

International actors should thus throw greater weight behind ASEAN's process. While ASEAN should continue pursuing its five-point plan, its prospects for addressing the political turmoil are limited. It does have one of the few channels with some access to the generals, however, which can also play a role in negotiating expanded aid delivery. If ASEAN as the regional grouping is considered best placed to lead the charge, other countries should more actively reinforce its diplomacy. They could, for example, provide advice and expertise to ASEAN to reinforce its diplomacy and humanitarian engagement. They could also work more closely with ASEAN member states themselves, in part to help overcome divisions among them that have slowed the momentum of the process. While Indonesia, Malaysia, Singapore and the Philippines have been pushing for a more robust ASEAN intervention, other member states such as Vietnam and Thailand are wary of applying too much pressure on the Myanmar junta, for fear of harming their own interests, and arguing that isolating Myanmar would be counterproductive for ASEAN.

An effective aid strategy will need to address several complex issues. First is how and when it is appropriate to engage state structures. While working through the regime or its ministries is out of the question other than in exceptional cases, it will be difficult, for example, to restore childhood vaccinations and treatment for infectious diseases such as malaria, HIV/AIDS and tuberculosis without dealing with public-

[82] Crisis Group interviews, diplomats and analysts, June-September 2021.
[83] Ibid.

sector hospitals and clinics.[84] Second is how to support civil society organisations consistent with their own priorities while being conscious of constraints and risks they face. Those groups that have navigated the enormous security and logistical difficulties of delivering aid risk being swamped with funds that donors are desperate to spend, or having to comply with bureaucratic and documentation requirements that can put beneficiaries at risk by not accounting for the fact that aid must often be delivered discreetly.[85] Last is how to deliver cross-border assistance in a way that takes account of political sensitivities in neighbouring states, particularly Thailand, which does not want to anger the Myanmar regime.

Working out how to support vulnerable people without inadvertently reinforcing repressive regime structures or putting implementing partners or recipients at risk will be no small challenge. Donors might be able to draw some lessons from places like North Korea, Syria and now Afghanistan, though any solutions will have to be tailored to Myanmar itself. Aid delivery in Myanmar in the 1990s and 2000s offers lessons: for example, supporting civil society organisations with flexible small grants, achieving scale through multi-donor funds separate from government structures and reaching populations through cross-border delivery. That said, such approaches will need to be updated to factor in crucial differences today in the regime's nature (it has not managed to consolidate control and sees aid as more of a threat), external leverage (diminished even from the low levels it was at back then) and regional politics (with Thailand, for example, having far closer relations with the regime than in the 1990s).[86]

Apart from immediate humanitarian aid, long-term support for public health, education and livelihoods will be essential, as will other forms of assistance to civil society, such as protections for journalists, legal counsel for dissidents, and funding and other support for local organisations working on gender, human rights and environmental issues.

Overcoming the obstacles is a fundamentally political challenge. Progress inevitably requires political discussions with the regime to get visas, access and other permissions; and with the NUG and other legitimate representatives, as well as de facto authorities, such as ethnic armed groups, in parts of the country where the junta has little clout, to secure access, preserve operational space to deliver via non-regime partners and ensure that beneficiaries see the assistance as legitimate. Any negotiation is likely to be strewn with pitfalls. Still, discussions on these essential issues are, for now, more likely to bear fruit than efforts to tackle the political crisis.

While ASEAN's role is important and the body has an explicit mandate for humanitarian aid in the five-point consensus, the UN, given its expertise, is the most appropriate body to coordinate the actual delivery of assistance, in close consultation with ASEAN and donor countries. The new UN special envoy for Myanmar, who is expected

[84] An example of an exceptional case is the delivery of COVID-19 vaccines, which as in other countries requires legal indemnification from the regime for the vaccine manufacturers as well as use of the public health cold chain for distribution. According to health sector assessments, around 80 per cent of the functioning vaccination sites nationwide are part of the public health system. Crisis Group interviews, international aid officials and diplomats, September-October 2021.

[85] Crisis Group interviews, donor, NGO and civil society representatives, July-October 2021.

[86] For discussion of some of those successes and failures, see, for example, Crisis Group Asia Briefings N°s 34, *Myanmar: Update On HIV/AIDS Policy*, 16 December 2004; and 58, *Myanmar: New Threats to Humanitarian Aid*, 8 December 2006.

to be named imminently, can have a critical role to play in these efforts alongside the UN Secretariat and the incoming resident coordinator, whose appointment is urgent. The UN's planned rollout of COVID-19 vaccinations will provide an important early test case for these efforts.

Finally, while the regime is unlikely to be steered off its repressive path, it is vital to support international accountability mechanisms – both for any deterrent effect they may have and for ensuring that those responsible for atrocities can be held to account in the future. For example, countries should provide legal support to The Gambia in its genocide case against Myanmar at the International Court of Justice and consider joining the case; and provide diplomatic, practical and funding support to the Independent Investigative Mechanism for Myanmar.

Similarly, outside powers should stress the importance of preventing violations of international human rights and humanitarian law by resistance groups when engaging with the NUG and others arrayed against the junta. It is crucial that the NUG, ethnic armed groups and people's defence forces issue stronger guidance to their forces, promptly investigate alleged violations and publicise the findings, take action against perpetrators and provide remedies, possibly including reparations to victims of abuses. Countries or organisations with access and ability to do so should provide all necessary training, capacity building and assistance in this regard.

V. Conclusion

The Tatmadaw and resistance forces are locked in a violent stalemate that shows no sign of abating. The regime has stepped up raids and arrests to disrupt urban guerrilla activity, and is continuing brutal attacks on communities in areas where armed resistance groups operate. The resistance continues its efforts to prevent the generals from consolidating control, through ambushes of military convoys, bombings of regime targets and assassination of individuals associated with the junta. With both sides determined to prevail, the room for a negotiated solution is extremely limited.

This deadlock is having a catastrophic impact on the lives and livelihoods of Myanmar's people. The economy is in freefall, health and education services have collapsed, and rates of poverty and food insecurity are surging. The country is in dire straits and its plight will have serious implications for South East Asia and beyond. In addition to efforts to address the political crisis and associated violence, there is an urgent need for international actors to support vulnerable populations through the arduous months and years to come. Achieving this end is a political challenge that requires deft diplomatic engagement from states and the UN. Myanmar needs to remain a priority for the outside world.

Yangon/Bangkok/Brussels, 20 October 2021

Appendix A: About the International Crisis Group

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 120 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries or regions at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international, regional and national decision-takers. Crisis Group also publishes *CrisisWatch*, a monthly early-warning bulletin, providing a succinct regular update on the state of play in up to 80 situations of conflict or potential conflict around the world.

Crisis Group's reports are distributed widely by email and made available simultaneously on its website, www.crisisgroup.org. Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

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After President & CEO Robert Malley stood down in January 2021 to become the U.S. Iran envoy, two long-serving Crisis Group staff members assumed interim leadership until the recruitment of his replacement. Richard Atwood, Crisis Group's Chief of Policy, is serving as interim President and Comfort Ero, Africa Program Director, as interim Vice President.

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