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A Road to Nowhere: The Myanmar Regime's Stage- managed Elections

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What's new? The military regime in Myanmar has started laying the groundwork for elections, passing a new party registration law and updating the voter list. But with most of the country engulfed in civil war, and most citizens opposed to the exercise, no regime-run vote can be credible.

Why does it matter? Elections will trigger escalated violence. The regime is using the polls as a pretext for intensifying its counter-insurgency operations. It will likely respond to any boycott with repression. Ethnic armed organisations and resistance groups have threatened to disrupt the polls, with some already killing voter list enumerators.

What should be done? Western and regional actors that have tools or channels for influencing Naypyitaw should press it not to impose elections by force. They should send a concerted message that polls are illegitimate and withhold electoral support. The parallel National Unity Government should unambiguously oppose resistance attacks on electoral targets.

I. Overview

The Myanmar regime is undertaking the necessary legal and procedural steps for national elections. It has said it intends to hold the polls as soon it can, perhaps by November, although it has announced no date and delays are possible. Amid the state oppression following the 2021 coup, no election can be credible, especially when much of the population sees a vote as a cynical attempt to supplant the landslide victory of Aung San Suu Kyi's National League for Democracy (NLD) in 2020. The polls will almost certainly intensify the post-coup conflict, as the regime seeks to force them through and resistance groups seek to disrupt them. Governments in a position to influence Naypyitaw should press the regime to desist from using violence to impose elections. The West should coordinate with Asian allies in insisting that the polls are transparently unfair and dangerous; none should provide electoral assistance. For its part, the National Unity Government (NUG), the parallel authority created by elected lawmakers who were ousted by the coup, should make clear that resistance attacks on electoral targets are unacceptable.

On 1 February 2023, the two-year anniversary of the coup d'état, Myanmar's military regime unexpectedly (and unconstitutionally) extended the state of emergency by a further six months, thereby postponing polls that had been due to take place by 31 July. The junta claims the elections will inaugurate a return to civilian rule, but every indication is that it wants to enshrine its own political pre-eminence in the country. Its template remains the military-drafted 2008 constitution, which provides as one of its "basic principles" for the military to play the "leading political role" in Myanmar. The coup was intended not to overturn this constitutional order, but to remove Aung San Suu Kyi and the NLD from the political landscape, in favour of the military's vision of sharing power with a civilian administration deferential to its prerogatives. The elections are intended to achieve this outcome, rather than to be any kind of exercise for channelling the will of the people.

The problem for junta leader Senior General Min Aung Hlaing is that his personal interests do not fully align with the military's institutional objectives. The 2008 constitution was designed to prevent the emergence of a solitary autocrat, dividing authority between the commander-in-chief and the president, who cannot be the same person. But Min Aung Hlaing does not want to share power. Thus, if he aspires to be president, he must be sure that his replacement as commander-in-chief will do his bidding. If he stays on as commander-in-chief, he will need to instal a president who will act as his proxy. To do that, he will need full control of the military's chosen electoral vehicle, the Union Solidarity and Development Party (USDP), which, in the NLD's likely absence, is positioned to dominate the polls. The extension of the state of emergency, and corresponding election delay, suggest that Min Aung Hlaing is not yet confident in his plans for the post-election period. He may foresee major competition for the top job, probably a more significant consideration than the prevailing insecurity, his stated reason for putting off the vote.

Even with more time to prepare, the regime undoubtedly faces huge challenges in rolling out elections. Given the extent of popular opposition to the polls, the military will have to impose them by force – pacifying areas of the country where its hold is tenuous, attempting to deter attacks on electoral targets, and intimidating poll workers and voters into participating. Resistance groups, determined to disrupt the vote, have already killed enumerators in service of that goal. The lead-up to the polls will almost certainly see a further increase in violence and instability.

The NUG thus faces a dilemma. As the main anti-regime political force, it logically wants to express its strong opposition to the elections by encouraging a popular boycott and condemning anyone who participates in or supports the polls. That, however, could be seen as endorsing violence by armed resistance groups against electoral targets, making it easier for the regime – and countries that want to normalise relations with it – to cast the opposition as terrorists. Although the NUG does not have control over many resistance groups, as the opposition's apex political body its reputation will be damaged by their actions. The NUG should thus issue as soon as possible a set of principles governing dissent from the regime's elections, stating unambiguously that no one should attack electoral targets.

No foreign government or electoral organisation should provide support for the elections, which the regime would cite as evidence that its polls are legitimate. Foreign governments need to take clear public positions that the conditions are not in place for credible elections. Western countries appear to be already convinced, but

others, particularly those in Asia that are anxious to move on from the Myanmar crisis, may be inclined to consider polls a step toward restoring constitutional rule.

Western governments should work with the Association of Southeast Asian Nations (ASEAN), and its chair, Indonesia, to promote consensus as to the conflict risks of the elections and their lack of credibility. Japan and India – which are presidents of the G7 and G20, respectively, in 2023 and which have tended to pursue self-interested engagement with the Myanmar regime – should adopt more principled stances, given the clear security risks of the elections, and the damage that a business-as-usual approach could do to important alliances in the region and with the West. These countries should use what influence they have with Naypyitaw to press the regime to desist from violently imposing the elections. For its part, the West should engage with Japan and India and encourage them to be more outspoken on the risks of the elections and to deploy their influence with Naypyitaw. It is also worth exploring the space for further steps by the UN Security Council, of which Japan is now a non-permanent member. In December 2022, the Council adopted its first-ever Myanmar resolution, achieving consensus on Myanmar despite the geopolitical rifts at play.

More broadly, countries should work to address the multiple crises in Myanmar by continuing to impose targeted sanctions on the military and its business interests. In particular, they should expand targeted sanctions on senior police and military officers most responsible for post-coup abuses and repression, including in relation to the elections, as well as military-owned or linked companies. They should make clear that election-related repressive violence will be a basis for further sanctions. Donor countries should also continue to provide, and whenever possible increase, assistance to address the humanitarian emergency in Myanmar as well as the long-term health, education and livelihoods needs of its people. It remains extremely challenging to deliver aid in Myanmar. Donors should make funding flexible so as to channel it to the partners that can most effectively reach those in need, including local organisations, and give appropriate amounts of cross-border assistance.

II. The Regime's Election Plans

A. Political Objectives

On 1 February 2023, the day after the state of emergency announced at the time of Myanmar's 1 February 2021 coup was supposed to come to an end, Myanmar's National Defence and Security Council, which the military controls de facto, extended it by a further six months.¹ The decision prolonged military rule under the State Ad-

¹ For analysis of events since the 1 February 2021 coup, see Crisis Group 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; 168, *Taking Aim at the Tatmadaw: The New Armed Resistance to Myanmar's Coup*, 28 June 2021; 170, *The Deadly Stalemate in Post-coup Myanmar*, 20 October 2021; 171, *Resisting the Resistance: Myanmar's Pro-military Pyusawhti Militias*, 6 April 2022; 173, *Coming to Terms with Myanmar's Russia Embrace*, 4 August 2022; and 174, *Breaking Gender and Age Barriers amid Myanmar's Spring Revolution*, 16 February 2023; as well as Crisis Group Asia Reports N°s 314, *Myanmar's Military Struggles to Control the Virtual Battlefield*, 18 May 2021; 319, *Myanmar's Coup Shakes Up Its Ethnic Conflicts*, 12 January 2022; 325, *Avoiding a Return to War in Myanmar's Rakhine State*, 1 June 2022; 328, *Crowdfunding a War: The Money behind*

ministration Council until at least the end of July, delaying the elections that were to be held by that time until at least the third quarter of 2023. The regime continued to insist on the importance of holding national elections as soon as possible. But it justified extending the state of emergency on the basis that continued unrest in the country – triggered by the 2021 coup – did not allow them to be held.²

The extension was almost certainly unconstitutional, but the regime devised what it views as a workaround. The 2008 charter places a 24-month limit on states of emergency and imposes a six-month deadline for holding elections thereafter.³ It says the president and National Defence and Security Council “may normally permit” two six-month extensions of the state of emergency. The military leaned on the purported ambiguity of the word “normally” – saying today’s “extraordinary” circumstances (that is, the post-coup insecurity) allow further extensions – a contrived reading, but one its handpicked Constitutional Tribunal endorsed.⁴ Elections are thus unlikely to take place before November 2023, and possibly not until January 2024.

The regime’s emphasis on the elections is not merely rhetorical but reflects a real desire to shift from emergency rule to a more enduring form of military-directed political regime. The constitution, drafted under the previous period of military rule, describes as the “basic principle” that the military have a “national political leadership role” – which the military felt was shrinking under the NLD government (2016-2021). It has sought to restore and bolster this role via its coup and subsequent violence.⁵ The military remains committed to the 2008 constitution, which is why the regime goes to great lengths to present its actions as conforming to the charter, even though the coup itself was manifestly unconstitutional.⁶

New elections are important to the generals as a means of supplanting the 2020 results that delivered a landslide for Aung San Suu Kyi’s NLD.⁷ Thus, these new polls

Myanmar’s Resistance, 20 December 2022; and 330, *A Silent Sangha? Buddhist Monks in Post-coup Myanmar*, 10 March 2023. See also Richard Horsey, “A Close-up View of Myanmar’s Leaderless Mass Protests”, Crisis Group Commentary, 26 February 2021; “One Year On from the Myanmar Coup”, Crisis Group Commentary, 25 January 2022; and “Myanmar: Post-Coup Crisis and a Flawed Election”, Crisis Group Commentary, 31 January 2023.

² See “National Defence and Security Council of the Republic of the Union of Myanmar holds meeting 1/2023”, *Global New Light of Myanmar*, 2 February 2023; and National Defence and Security Council Notification 1/2023, 1 February 2023.

³ See sections 417, 421(b), 425 and 429 of the 2008 constitution.

⁴ The pertinent sections are 421(b) and 425. According to Myanmar legal experts, a good-faith reading of the constitution would suggest that “normally” allows the National Defence and Security Council to reject the two extensions, not to permit an open-ended number of further extensions. Crisis Group interviews, Myanmar lawyer and judge, January 2023. For the Constitution Tribunal endorsement, see “Extension of state of emergency conforms with Constitution: CT response”, *Global New Light of Myanmar*, 2 February 2023.

⁵ Section 6(f) of the 2008 constitution.

⁶ The generals claimed, implausibly, that their actions were rendered constitutional by their obtaining a state of emergency order from the National Defence and Security Council, but they took that step only after they had detained the president and most of the Council’s other civilian members. For background on the coup, including its unconstitutionality, see Crisis Group Briefing, *Responding to the Myanmar Coup*, op. cit. See also Melissa Crouch, “The constitutional fiction of Myanmar’s coup”, *Jurist*, 17 February 2021.

⁷ For detailed background on the 2020 elections, see Crisis Group Asia Briefing N°163, *Majority Rules in Myanmar’s Second Democratic Election*, 22 October 2020.

should be viewed not as any kind of popular consultation exercise, in which the will of the public will be expressed, but rather as a mechanism for the regime to rewrite history and reassert military control over politics. The regime has long flagged elections as its exit strategy from the emergency that it created, listing them as the fifth and final step of the roadmap it announced immediately after the coup.⁸

The transition that the regime is engineering is thus from direct military rule to a new political landscape of the military's design, in which it continues to exercise political authority via an elected administration. Min Aung Hlaing's repeated references to the constitution suggest that he envisages a return to the military-civilian power-sharing arrangement provided for in the 2008 charter, purged of popular democratic forces such as the NLD.⁹ That is, the military would be sharing power with its civilian proxy, the USDP. Such an arrangement would be abhorrent to much of the population. There is therefore no reason to believe it will offer relief from the political and security crisis set off by the coup. Indeed, in the short term, it is certain to unleash a surge in violence, which has already started (see Section III below).

B. *Timeline and Process*

No date has been fixed for the elections. The earliest they are likely to occur is November 2023, the same month as the 2010, 2015 and 2020 polls; the latest would be the end of January 2024, assuming no further extension of the state of emergency. A November election would mean that the regime should announce the polling date at the latest by July.¹⁰ Candidates would have to start submitting applications in August, with the typical two-month campaign starting in September.¹¹

The regime has announced a shift from the first-past-the-post system previously used in Myanmar to proportional representation.¹² In a first-past-the-post system, the plurality winner in each constituency earns the single seat in question. In a proportional representation system of the kind that Myanmar will likely use, each constituency has multiple seats, which are allocated proportionally according to party vote share. While it has not yet issued new laws or procedures to put such a system in place, it will have to do so by the time it sets the election date, since authorities will need to designate new constituencies.¹³

⁸ This five-step political roadmap was first published in state newspapers on 24 February 2021 and has been reprinted each day since. See "Five future programs of State Administration Council", *Global New Light of Myanmar*, 24 February 2021. After the 1 February 2023 extension of the state of emergency, an amended five-step roadmap was issued, but still with elections as the fifth step. The revised version has appeared daily in state newspapers since 4 February 2023.

⁹ The regime's political roadmap (see footnote 8) states that the elections "will be held in line with the 2008 constitution". For an example of Min Aung Hlaing's repeated mentions of the constitution, see his 2023 Independence Day speech, which makes five such references. For a copy of the speech, see *Global New Light of Myanmar*, 5 January 2023.

¹⁰ Previous practice has been to announce the election date around four months ahead.

¹¹ These dates assume a similar timetable to previous elections, with a November polling date.

¹² Crisis Group interviews, political party representatives and electoral experts, January-February 2023.

¹³ In recent elections, constituencies were designated at the same time that the polling date was announced.

Shifting to a proportional representation system will serve military interests in several ways. It lowers the bar for electoral success – as winning a plurality is not essential to gaining representation – so it may encourage smaller parties (most obviously ethnic parties, discussed below) to participate in the hope of winning seats. In addition, a proportional system implies multi-member constituencies that are significantly larger than the current single-member ones.¹⁴

Larger constituencies will make it easier for the military to avoid having to cancel elections in insecure parts of the country, given that only a single polling station is required for the election commission to declare a result in a given constituency; for example, the regime could ensure that voting took place in a town under its control, or even on a military base, and still have valid results for that constituency.¹⁵ Thanks to this arrangement, the regime could try to claim that its elections were held more widely than the 2020 polls, which were cancelled across much of Rakhine State and some other ethnic minority areas on security grounds – albeit in many cases at the military's insistence.¹⁶

On 26 January, the regime took another measure to tilt the playing field, issuing a highly restrictive new law forcing existing political parties to reregister with the election commission by 28 March.¹⁷ All Myanmar's parties had to decide immediately whether they would comply, since the law stipulated that any that did not would be automatically dissolved. The party registration law also requires all registered parties to compete for a minimum number of seats, so registration without participation is not an option. Yet any party that does decide to contest the regime's elections is likely to face considerable backlash and the risk of resistance violence.

The NLD has already made clear it will not participate. It called the regime's elections "illegal" and declared anyone cooperating with the polls to be "accomplices of high treason".¹⁸ It highlighted that 80 NLD MPs and senior party figures remain imprisoned – including Aung San Suu Kyi and deposed President Win Myint, both detained on the day of the coup – and that others have been killed or driven into hiding or exile.¹⁹ Since it will not reregister, the country's most popular party faces automatic dissolution by the election commission on 28 March. Considering it won 79 per cent and 82 per cent of the elected seats in the last two general elections, the NLD's participation is a fundamental requirement for credible polls in Myanmar.²⁰

The new party registration law also requires that national parties fulfil several other onerous requirements, including:

¹⁴ Crisis Group interview, Myanmar election expert, January 2023.

¹⁵ Ibid.

¹⁶ For detailed discussion of cancellations in 2020, see "The 2020 General Election in Myanmar: A Time for Ethnic Reflection", Transnational Institute, December 2020; and "Note on 2020 General Elections in Myanmar: Whole and Partial Cancellations and their Implications", International Foundation for Electoral Systems, October 2020.

¹⁷ Political Parties Registration Law, 26 January 2023. Section 25 of the law gives existing parties 60 days to re-register or be automatically dissolved.

¹⁸ Proclamation 1/2023, National League for Democracy, Central Work Committee, 29 January 2023.

¹⁹ Ibid.

²⁰ See also Mary Callahan, "From the coup to something called an 'election'", *Frontier Myanmar*, 3 January 2023.

- ❑ recruiting 100,000 party members within 90 days of registration (the previous requirement was for 1,000);
- ❑ holding funds of at least 100 million kyat (roughly \$35,000 at the market rate) in the party's registered bank account (this requirement is new);
- ❑ opening party offices in at least half of all 330 townships within 180 days of registration (another new requirement); and
- ❑ contesting at least half of all constituencies nationwide (the previous requirement was three constituencies).

Crisis Group interviews with political party representatives and electoral experts suggest that very few national parties will be able to meet these requirements.²¹ Only around twenty of the 92 currently registered parties would likely have sufficient funds on deposit, according to electoral experts who have seen the pre-coup election commission's party audits.²² Maintaining at least 165 party offices nationwide would also be a daunting financial, logistical and human resource challenge for most parties. Given the security risks that candidates will face, competing in half of all constituencies will be a tall order as well, even though the shift to proportional representation will reduce the overall number of constituencies. Finally, it will be difficult for parties to muster the necessary membership numbers, as few people would likely want to join a party at present, given widespread opposition to the elections as well as the danger of participating in campaigns.

The new law imposes much less onerous requirements for regional parties, which may compete in only a single state or region. They need to recruit only 1,000 party members, deposit funds of around \$3,500, open five party offices and contest at least one constituency. In the past, regional parties have mostly been ethnic parties seeking to represent geographically concentrated minorities. Thus, while the new law creates conditions for the USDP to dominate the so-called Bamar heartland, in Myanmar's centre, as well as the national legislature, there may be room for ethnic representation in the country's periphery, where ethnic minorities constitute a greater proportion of the population.

These new requirements have led to a significant reduction in the number of registered political parties in Myanmar, from 92 before the coup to 52 as of 24 March. Unlike in the past, most of these parties (40 out of 52) will contest only a single state or region. Of the eight parties that won more than a single seat in the national legislature in 2020, only four have reregistered.²³ The NLD – by far the most popular party in the country – is boycotting, as is the Shan Nationalities League for Democracy, the most successful ethnic party.

In early 2023, in addition to the new party law, the regime and its election commission have been working on voter list preparation.²⁴ Since Myanmar has no cen-

²¹ Crisis Group interviews, political party representatives and electoral experts, January-February 2023.

²² Ibid.

²³ The four that have registered are the USDP, Arakan National Party, Mon Unity Party and Pao National Organisation.

²⁴ See, for example, "Only when the commission obtains correct data across the nation will the voter lists be correct: Senior General", *Global New Light of Myanmar*, 24 January 2023.

tralised civil registration database, this process involves teams of officials across the country going door to door to verify paper records held at local administrative offices – an effort that commenced on 9 January.²⁵ This task is difficult and dangerous. Difficult, because the quality of local recordkeeping has long been extremely poor and, in the wake of the coup, resistance forces have raided numerous administrative offices, destroying records in an effort to undermine regime rule.²⁶ Dangerous, because resistance forces have regularly targeted regime administrators for assassination since the coup; election preparations are a particular red flag, due partly to the NUG's threat that anyone involved in or facilitating the voter list update will be punished under anti-terrorism legislation.²⁷

For this reason, armed soldiers and police have been routinely accompanying verification teams when they do their rounds – intimidating respondents into cooperating, but falling short of preventing attacks by resistance forces (see Section III.B below).²⁸ In some cases, even in parts of the largest city Yangon, officials, feeling too unsafe to conduct door-to-door enumeration, have dropped off packages of forms in wards, instructing locals to fill them out themselves.²⁹ Such a process is unlikely to produce complete or accurate data. In the end, however, like the election exercise as a whole, the voter list update is mostly theatre the regime is staging as part of its endeavour to present the polls as legitimate. The quality of the voter list matters little, since the junta will claim high accuracy whatever the reality, and many voters will boycott the polls in any case.

C. *Post-election Elite Competition*

Whenever the elections take place, a transition period will then ensue, lasting four to five months, before a new administration takes power. Under the constitution, the new legislature must hold its first session within 90 days of the vote.³⁰ In the past, it has typically taken a further two months for lawmakers to select a president and cabinet, and for those officials to be sworn in.³¹

The regime's intention is undoubtedly for the military to handpick the new administration, but who it will choose for key posts and how it will divide power is uncertain. The 2008 constitution was designed to prevent any one individual from having too much authority. This was a means of ensuring that former strongman Than Shwe could retire without threat to his family's safety and economic interests, and that a

²⁵ See "Government is responsible for enabling every eligible voter to cast votes: Senior General", *Global New Light of Myanmar*, 7 January 2023; "Census data collection starts in Yangon on 9 January", *Mizzima News*, 10 January 2023; and "Myanmar regime begins compiling voter lists for planned election", *The Irrawaddy*, 11 January 2023.

²⁶ Crisis Group interview, analyst with detailed knowledge of civil registration, January 2023. See also "Myanmar military blames 'rioters' for arson attacks", *The Irrawaddy*, 13 April 2021.

²⁷ "Notification prohibiting involvement in the terrorist military council's illegal fake election", Notification No. 2/2023, National Unity Government, Ministry of Home Affairs and Immigration, 9 January 2023.

²⁸ For reports of armed escorts with the teams, see, for example, tweet by DVB English, @DVB_English, 3:13 pm, 11 January 2023.

²⁹ Crisis Group interview, Myanmar election expert, January 2023.

³⁰ See 2008 constitution, section 123.

³¹ Such was the case following the 2010 and 2015 elections.

single autocrat could not hold the military's political power hostage as had occurred in the past.³²

Min Aung Hlaing's longstanding political ambitions suggest that he will want a prominent role in the post-election order, but given that he cannot be both president and commander-in-chief, which role he will opt for remains unclear. There are risks for him whatever he chooses, since as president he will have to deal with a new commander-in-chief who may not do his bidding, and if he remains as commander-in-chief, he will have to find a president he can trust to serve as his proxy. It was likely these uncertainties that led him to extend the state of emergency at the end of January, delaying the elections – rather than the insecurity across much of the country, the stated reason for the extension.

The difficulty for Min Aung Hlaing is that he cannot take for granted that the rest of the top brass or the broader Naypyitaw elite will cooperate fully with his plans. There is reportedly unhappiness in military-elite circles with his performance since the coup. Some see him as having been indecisive or incompetent, at times, and feel that he should not be allowed unchecked power in the post-election order.³³ The elections provide a mechanism for limiting his writ, either via the USDP, of which he has only partial control, or through more direct intervention by other influential individuals to determine who ends up in key positions in the new administration. From 2011 to 2016, the USDP was split by personal rivalries, with President Thein Sein's plans constantly frustrated by an ambitious speaker of the lower house and on occasion also by a commander-in-chief (Min Aung Hlaing) who was not under his thumb.³⁴

It will thus be extremely difficult for Min Aung Hlaing both to engineer the path forward that he desires for himself, and to ensure that his plan does not subsequently go off track. His prospects of doing so are unlikely to dramatically improve in another six months' time, when he will face a similar dilemma to the one that he faced in January. But another extension of the state of emergency at that time would highlight his inability to deliver on his political program, which in turn could increase elite-level frustration by creating the sense that he lacks a clear path forward.

III. Risks of Violence

When the regime does hold elections, they are likely to be the most violent in Myanmar's recent history. The majority of the population, seeing the polls as a cynical attempt by the military to perpetuate its political control, has no interest in participating. The regime is likely to ratchet up repression ahead of the polls, as it pressures parties, candidates and voters to participate, punishes those who refuse to do so, and deploys troops in an effort to pacify insecure areas for balloting to proceed. The elections will also be a target for resistance forces born as a result of the coup, some of which have already staged attacks.

³² For detailed discussion, see Crisis Group Asia Briefing N°118, *Myanmar's Post-election Landscape*, 7 March 2011, Section IV.B.

³³ Crisis Group interviews, three individuals close to elite circles in Naypyitaw, January 2023.

³⁴ See Thant Myint-U, *The Hidden History of Burma* (New York, 2020), chapter 8.

A. *Regime Repression and Violence*

The military regime has unleashed horrific violence against the population of Myanmar since the 2021 coup, killing more than 3,000 civilians and arresting many thousands more, almost 16,000 of whom remain political prisoners, according to an independent monitoring group.³⁵ In January, the UN asserted that in conflict-affected areas, the military is targeting civilians with “indiscriminate artillery barrages and airstrikes, extrajudicial executions, the use of torture, and the burning of whole villages”.³⁶

The lead-up to elections is likely to see escalating violence. Key steps of the electoral process will require regime administrators to have access to areas of the country where established ethnic armed groups or post-coup armed resistance groups operate. While some areas will remain inaccessible, it is likely that the regime, keen to hold polls in as many places as it can, will attempt to secure patches of territory by force.³⁷ It will likely send police and soldiers to guard the officials organising displays of draft voter lists, protect campaigning candidates, help administer advance voting, and establish and secure polling stations on election day. It has already conducted the voter list update under armed escort (see below).

Given broad public opposition to the regime's elections, many parties, candidates and voters are very likely to boycott. But the regime will be no less determined to project the polls as being legitimate, and it may well respond with intimidation and violence. For example:

- ❑ With its political party registration law (see Section II.B above), the regime has already taken steps to force parties to decide quickly whether they will participate. It may go further, and punish parties that refuse to take part, particularly those that have not yet openly opposed the junta (such as some ethnic parties), as their absence would expose the extent of opposition to the polls.
- ❑ For the same reason, the regime may force candidates to hold rallies or other campaign activities they might otherwise avoid due to security risks.
- ❑ Many polling station workers, who in the past have mostly been female schoolteachers, will likely be reluctant to undertake these duties, both because they oppose the elections and because they feel endangered.³⁸ The regime is likely to coerce them into participating, with the threat of punishment, just as it has strong-armed other civil servants into returning to work after the coup.³⁹

³⁵ Figures from the Assistance Association for Political Prisoners, 28 February 2023.

³⁶ “Two years after coup, Myanmar faces unimaginable regression, says UN Human Rights Chief”, press release, Office of the High Commissioner for Human Rights, 27 January 2023.

³⁷ Min Aung Hlaing made clear his desire to hold elections across the country, including less secure rural areas, in his presentation to the National Defence and Security Council. See “National Defence and Security Council of the Republic of the Union of Myanmar holds meeting 1/2023”, *Global New Light of Myanmar*, 2 February 2023.

³⁸ For the role of (mostly female) schoolteachers in elections, see for example “USDP lawsuits target teachers who risked it all”, *Frontier Myanmar*, 23 December 2020.

³⁹ Schoolteachers in Myanmar are state employees and hence part of the civil service. For regime punishment of civil servants who have gone on strike since the coup, or engaged in civil disobedience,

- ❑ Many voters will boycott the polls, in protest and out of fear of being targeted by resistance forces. The regime will likely introduce incentives and punishments to coerce people into voting, since it will not want empty polling stations undermining its narrative of a successful election. Its strategy could be similar to how it has dealt with silent strikes since the coup, when the public stays off the streets on key dates, most recently on the two-year anniversary of the coup.⁴⁰ It has scheduled administrative appointments – for example, vehicle registration renewals – for those days, to ensure that people cannot stay at home, and punished shop owners for closing their businesses.⁴¹
- ❑ The regime has already used the elections as a pretext to step up its attacks on resistance groups, ethnic armed organisations and civilians living in contested areas. In February, as a response to insecurity that it said would make it difficult to hold elections, it declared martial law in 40 townships across the country, a possible prelude to more intense counter-insurgency operations (another twelve townships were already under martial law, mostly in Yangon and urban Mandalay).⁴² In the short term, conflict in these areas is likely to get fiercer, but without ending in victory for the regime, based on the outcome of the military's operations since the coup. Elections therefore look set to escalate conflict rather than moderate it.

B. Resistance Efforts to Disrupt the Polls

Widespread popular opposition to new elections means that any polls will face boycotts and violent disruption by armed groups. Over the last two years, resistance forces arising in reaction to the coup have developed the capability to mount attacks in both urban and rural areas, regularly setting off improvised explosive devices and assassinating regime administrators, military and police officers both serving and retired, USDP members, Buddhist nationalists, members of pro-regime Pyusawhti militias and alleged informants.⁴³ Some groups are likely to use such tactics against electoral targets, and the military and police will likely have a hard time defending them all. Probable targets include candidates, polling stations, poll workers, political parties and voters themselves. Schools could also become a particular focus of violence if, as in previous elections, they host most polling stations.

Resistance forces have already started attacking teams collecting civil data for voter lists, killing more than a dozen individuals. The first such assault took place on 9 January, the first day of the exercise, when a local defence force in Tanintharyi

ence activities, see “Teachers in Myanmar caught in crossfire as conflict rages”, Radio Free Asia, 25 June 2022.

⁴⁰ See “Myanmar junta hit by Western sanctions as ‘silent strikes’ mark coup anniversary”, *The Guardian*, 1 February 2023.

⁴¹ Crisis Group interview, civil society organiser, January 2023. See also “Junta threatens business owners with imprisonment for cooperating with resistance movement”, *Myanmar Now*, 26 March 2021; and “Myanmar regime detains over 100 people for supporting silent strike online”, *The Irrawaddy*, 3 February 2022.

⁴² Martial Law Orders nos. 1-7/2023, State Administration Council, 2 February 2023.

⁴³ See Crisis Group Briefings, *The Deadly Stalemate in Post-coup Myanmar* and *Resisting the Resistance*, both op. cit.

Region's Launglon township shot dead an armed police officer who was escorting enumerators and injured another officer.⁴⁴ Local defence forces in Yangon staged non-lethal bombings in the city in the following days, warning that if the data collection continued, they would launch deadly attacks.⁴⁵ Since then, immigration offices have been bombed, and enumerators and security officers killed, in Mandalay, Sagaing and Magway Regions, as well as in Mon State.⁴⁶ In Bago Region, local administrators asked the regime authorities to provide them with weapons to defend themselves while conducting voter list enumeration tasks.⁴⁷ On 15 March, local defence forces burned down the immigration office in Yebyu town in Tanintharyi Region, reportedly destroying civil data on more than 100,000 people.⁴⁸

The NUG has taken an ambiguous position as regards violent disruption of election preparations. On 9 January, it issued an order to the public not to cooperate with the population survey, stating that it would charge anyone who did so under anti-terrorism legislation. It cannot do that in most areas, given its lack of criminal justice capacity and territorial control, but its directive could make such people targets of resistance forces.⁴⁹ On 17 January, apparently in response to the attacks on enumerators, Acting President Duwa Lashi La told a NUG cabinet meeting that people should show their opposition to the elections "in the right way", but did not elaborate further.⁵⁰ On 29 January, in response to the political party registration law, the NLD (whose representatives-elect make up a sizeable part of the NUG cabinet) issued a proclamation that inter alia stated that those cooperating with the regime's elections would be deemed "accomplices of high treason".⁵¹ The NUG does not have command over most resistance groups, but many of them would likely interpret these statements as giving them licence, and a motive, to attack anyone involved in election preparations.⁵²

Several ethnic armed groups have also criticised the regime's election plans, with those closest to the NUG taking the strongest positions. The Chin National Front, Karenni National Progressive Party and Karen National Union armed groups, in par-

⁴⁴ See "Police officer killed in attack on election officials in southern Myanmar", *Myanmar Now*, 10 January 2023.

⁴⁵ See "Population list enumerators attacked with a grenade in Tamwe township", *Democratic Voice of Burma*, 11 January 2023 (Burmese); and "Myanmar junta voter registration sites bombed by resistance forces", *The Irrawaddy*, 13 January 2023.

⁴⁶ Ibid. See also, "Myanmar junta census collection sparks deadly resistance attacks", *The Irrawaddy*, 16 January 2023; "Mine blast kills 2 pro-junta militia members in Sagaing region", *Radio Free Asia*, 23 January 2023; "13 election sub-commission offices, office furniture in regions and states damaged in mine blasts, armed attacks, setting fire by terrorists", *Global New Light of Myanmar*, 23 January 2023; and "Myanmar opposition attacks military's population survey", *Associated Press*, 24 January 2023.

⁴⁷ "Ward and village tract administrators ask junta to provide them with weapons for security while collecting census data for election", *Shwe Phee Myay News Agency*, 11 January 2023.

⁴⁸ "Data on more than 100,000 people reportedly destroyed in burning down of Yebyu immigration office", *Dawei Watch*, 16 March 2023 (Burmese).

⁴⁹ Order No. 1/2023, NUG Ministry of Home Affairs and Immigration, 9 January 2023. See also "Myanmar opposition attacks military's population survey", *op. cit.*

⁵⁰ Crisis Group interview, journalist who was briefed on the meeting, January 2023.

⁵¹ Proclamation 1/2023, *op. cit.*

⁵² Resistance groups have made threats of violence against people involved in the elections, and have followed through on some of those threats. See the references in footnotes 45 and 46 above.

ticular, have all voiced their opposition to the polls, vowing to disrupt electoral activities in their areas of influence.⁵³ Another NUG ally, the Kachin Independence Organisation armed group's chairman, spoke out against the polls in a new year speech, in which he called for concerted military action against the regime.⁵⁴ The Ta-ang National Liberation Army, which operates in Shan State, also said the elections "must be blocked".⁵⁵

Other armed groups have taken a more ambivalent stance. Some, like the Arakan Army, which has observed a fragile informal truce with the military since November 2022, have not taken a clear position. There are, however, indications that Myanmar's most powerful armed group, the United Wa State Army – which has a decades-long ceasefire with the military – may be contemplating allowing elections to take place in its territory for the first time. This point has been under discussion in the regime's peace talks with the group over the last two years, and in January media reports indicated that regime authorities had issued thousands of citizen ID cards to people living in the group's autonomous enclave – possession of which is likely to be required to vote in the elections.⁵⁶

IV. Recommendations

External actors have limited leverage over the junta, but they can still take some steps to mitigate election-related violence. To begin with, no foreign actor – whether a government or electoral organisation – should under the circumstances provide electoral support to the regime, which would point to any international participation as evidence that the polls are legitimate. More broadly, every foreign government with potential influence needs to make clear, through a public statement, that the conditions are not in place for credible elections. Soundings with key Western countries suggest they already believe as much, but others, particularly those in Asia who are eager to see the Myanmar crisis come to a close, could be tempted to bestow some degree of legitimacy upon the polls, presenting them as a return to civilian rule.⁵⁷

Western governments should therefore work with ASEAN, and Indonesia as chair, to promote consensus on the violence risks and non-credibility of the elections, given the risk that some ASEAN members – particularly Cambodia, Laos, Thailand and Vietnam – may otherwise be inclined to portray the junta's polls as a justification for normalising relations. India and Japan – which have tended to pursue self-interested

⁵³ See "Karenni National Progressive Party says it will not allow any political party or organisation to campaign in junta's election in Karenni State", *Kantarawaddy Times*, 9 November 2022; "Myanmar resistance steps up attacks in 2023", *The Irrawaddy*, 14 January 2023; "ASEAN must help reverse Balkanization of Myanmar", *Nikkei Asia*, 31 January 2023; and "Freedom is never free; it comes at a great price" – KNU", *Myanmar Now*, 6 February 2023.

⁵⁴ "Myanmar resistance steps up attacks in 2023", *The Irrawaddy*, 14 January 2023.

⁵⁵ "TNLA chairman urges all parties to stop the sham election and end the reign of military dictatorship at their national day", *Burma News International*, 14 January 2023.

⁵⁶ Crisis Group interview, individual with knowledge of the discussions, January 2023. See also "More than 4,000 household registration lists and more than 10,000 National Registration Cards issued in Wa SAD and Kokang SAZ", *Daily Eleven*, 17 January 2023.

⁵⁷ Crisis Group interviews, Western diplomats, New York and various Asian capitals, January–March 2023.

engagement with the junta rather than join the West's pressure campaign – should take a more critical stance on the elections, which involve clear security risks. Beyond the principles at stake, the business-as-usual approach currently adopted by these countries could damage important alliances in the region and with the West, at a time when both Japan and India have high-profile roles as presidents of the G7 and G20, respectively. Japan's current membership in the UN Security Council also elevates the importance of its role. For its part, the West should engage with both countries and encourage them to be more outspoken on the risks of the elections and to deploy their influence with Naypyitaw.

Although the regime has shown no inclination to listen to its critics abroad, like-minded countries and the UN special envoy should also make use of all available channels to press the regime to desist from violently imposing unwanted and non-credible polls. Possibilities include working through the UN Security Council – where it is worth exploring what space exists for further steps, following the Council's adoption in December 2022 of its first-ever Myanmar resolution, notwithstanding high geopolitical tensions. That resolution, intended in part to buttress Indonesian diplomacy, including within ASEAN, stressed the need to “uphold democratic institutions and processes in accordance with the will and interests of the people [of] Myanmar”.⁵⁸ The Council should therefore warn the regime not to hold elections in a manner that is clearly against the will of the majority of Myanmar's people and, given the high risk that the polls prompt violent escalation, against the interests of the country and out of keeping with the Council's demand to bring an immediate end to “all forms of violence”.⁵⁹

Given the fierce opposition from a vast majority of the population, the polls will be subject to widespread popular boycotts and civil disobedience. While such peaceful expressions of disapproval are legitimate, resistance forces should resist the temptation to try to disrupt the polls through violence. The polls' lack of credibility is already manifest, and international actors can, as recommended, help underscore this. Attacks on electoral targets will only serve to divert attention from that fact, making it easier for the regime to propagate its narrative that the resistance is committing terrorist acts. It will also damage the resistance's moral standing, and thereby have a negative impact on the NUG's international reputation. Those countries inclined to normalise relations with Naypyitaw for their own self-interest would then be better able to portray the conflict in Myanmar as a messy one, with both sides engaged in unacceptable behaviour.

To avoid this outcome, the NUG should issue a clear set of principles as soon as possible as to how resistance groups should approach the elections, building on Acting President Duwa Lashi La's comments about opposing the polls “in the right way” and making clear that violence against electoral targets is out of bounds. While the NUG does not have control of the actions of most resistance groups, many have pledged political allegiance to it, and it has considerable moral authority with many of them. In addition, issuing clear principles can help insulate the NUG from blow-back when resistance groups do resort to force.

⁵⁸ UN Security Council Resolution 2669, S/RES/2669 (2022), 21 December 2022. Crisis Group interviews, diplomats, December 2022.

⁵⁹ Ibid.

More broadly, Crisis Group continues to recommend that outside actors continue to develop targeted sanctions to stigmatise regime repression and, to the extent possible, deter abuses. In particular, they should expand targeted sanctions on senior police and military officers most responsible for post-coup abuses and repression, making clear that they will also sanction such individuals for involvement in election-related violence and other abuses; they should also keep tightening sanctions on military-owned or linked companies. Donor countries should also continue to provide, and whenever possible increase, assistance to address both Myanmar's humanitarian emergency and its people's long-term needs in health, education and livelihoods. Given regime restrictions on NGOs and humanitarian access, aid delivery remains extremely challenging. It is important for donors to adapt so that aid can more easily reach those in need – providing more flexible funding, working more closely with local organisations and allocating funds for appropriate levels of cross-border assistance.⁶⁰

V. Conclusion

Myanmar's military regime is making procedural preparations for elections that it says it wants to hold as soon as possible, issuing a highly restrictive new political party registration law in January and launching a voter list update the same month. But with the vast majority of the population – for good reason – rejecting the very idea of elections under the current regime, these polls will not be in any way credible. They cannot put an end to the crisis, as the junta hopes.

The conflict risks associated with the regime's elections are significant. The regime has already used them as a pretext for stepping up its brutal counter-insurgency operations, with further escalation likely as the polls draw near. Resistance forces have expressed their determination to disrupt any regime-held vote; already, they have killed enumerators engaged in the voter list update. It is important that countries in the West and Myanmar's vicinity apply pressure, including through the use and threat of targeted sanctions, and use whatever communication channels exist with the regime to deter it from resorting to force in pulling off the polls. Foreign governments should also develop common messaging on the elections' lack of credibility and the risk that they will trigger yet more instability. As the leading opposition force, the NUG should, for its part, issue at the earliest a clear set of principles opposing electoral violence by resistance forces.

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⁶⁰ See Crisis Group Reports, *Breaking Gender and Age Barriers amid Myanmar's Spring Revolution* and *Crowdfunding a War*, both op. cit.



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