

MYANMAR

BASELINE STUDY

PREPARED FOR ITI



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EXECUTIVE SUMMARY

- ✚ On 1 February 2021, Myanmar's military, the Tatmadaw, launched a coup, unseating the democratically elected National League for Democracy (NLD) government. The coup transferred all legislative, executive, and judicial powers of the Republic of the Union of Myanmar to the Commander in Chief of the Defence Services. Myanmar's de facto leader is now Senior General Min Aung Hlaing.
- ✚ State Counsellor Aung San Suu Kyi, President Win Myint and 3,555 key members of Suu Kyi's NLD as well as government figures were arrested by the military during the coup. Win Myint was replaced by the Tatmadaw-nominated first vice president, U Myint Swe, as acting president.
- ✚ The coup d'état has triggered mass protests across Myanmar. The security forces responded with brutal violence. The Assistance Association for Political Prisoners (AAPP) said on 3 May 2021 that security forces had killed 765 people since protests began on 1 February 2021. Security forces opened fire on some of the biggest protests against military rule in days on 2 May 2021, killing eight people.
- ✚ The Kachin Independence Army (KIA), one of Myanmar's most powerful rebel groups, on 3 May 2021 said it had shot down a helicopter after returning fire following air strikes by the military.
- ✚ On 5 February, 289 elected NLD Members of Parliament (MPs) announced the establishment of the Committee Representing the Pyidaungsu Hluttaw (CRPH). The committee claims it is Myanmar's sole representative body.
- ✚ The State Administration Council (SAC) is the military junta currently governing Myanmar. To limit the growth of the civil disobedience movement (CDM) and related protests and consolidate power, the SAC made a series of sweeping changes to the legal and judicial systems that criminalise even peaceful protests.
- ✚ The Restoration Council of Shan State (RCSS) and the Karen National Union (KNU) met separately with CRPH leaders. The KNU is providing armed protection to demonstrations in areas where it operates and also training to urban protestors.
- ✚ At the end of April 2021, Karen rebels and the army clashed near the Thai border in the most intense fighting in the area in 25 years.
- ✚ On 24 April, the Association of Southeast Asian Nations (ASEAN) held an emergency summit to address the ongoing crisis in Myanmar. At the end of the meeting, leaders from the 10 ASEAN member states, including Myanmar's junta leader General Min Aung Hlaing, established five points of consensus about the Myanmar crisis. A draft statement circulating the day before the summit reportedly included the release of political prisoners as one of its "consensus" points. But in the final statement, the language on freeing political prisoners had been watered down.
- ✚ The United States (US), United Kingdom (UK) and European Union (EU) continue to expand sanctions targeting the Tatmadaw.

- ✚ Chinese State Councillor and Foreign Minister Wang Yi, in March 2021, put forward a three-point proposal on de-escalating tensions in Myanmar that includes the NLD. Then, on April 3, Wang Yi issued a new statement, dropping all mention of China's relations with the NLD.
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INTRODUCTION¹

On 1 February 2021, Myanmar's military, the Tatmadaw, launched a coup and seized control of the government, less than a decade after the nation began its transition to democracy. The Tatmadaw ordered a year-long state of emergency under sections 417 and 418(a) of the 2008 constitution, promising that new elections would be held one year after what they labelled "fraudulent elections" in November 2020. The National League for Democracy (NLD) won 396 seats in parliament in 2020, up from 390 in 2015. The Union Solidarity and Development Party (USDP), the largest opposition party, representing the military, won 33 seats.

The coup transferred all legislative, executive, and judicial powers of the Republic of the Union of Myanmar to the Commander in Chief of the Defence Services. Myanmar's de facto leader is now Senior General Min Aung Hlaing. State Counsellor Aung San Suu Kyi, President Win Myint and 3,555 key members of Suu Kyi's NLD, as well as government figures were arrested by the military during the coup. Win Myint was immediately replaced by the Tatmadaw-nominated first vice president, U Myint Swe, as acting president.

The coup d'état has triggered a mass uprising across Myanmar. The security forces responded with brutal violence, first against demonstrators and now against the broader population, with the apparent aim of terrorising people into submission, particularly in cities. Battle-hardened troops were deployed into towns and cities. Establishing 'forward operating bases' in schools, universities and hospitals, these units are terrorising the public by using the harsh tactics employed against Myanmar's insurgencies. They are shooting protesters, attacking compounds of striking public-sector workers and targeting the general population in cities like Yangon and Mandalay, unleashing night-time terror by beating, arresting and even murdering people apparently at random, while destroying or looting private property. The Assistance Association for Political Prisoners (AAPP) said on 3 May 2021 that security forces had killed 765 people since protests began on 1 February 2021.

Far from quelling dissent, this approach has hardened many people's resolve to resist, including through strikes that paralyse governance and the economy, nudging Myanmar closer to state collapse.

HISTORY OF INSTABILITY (AND THEN SOME HOPE)

Insurgencies have been ongoing in Myanmar since 1948, the year the country, then known as Burma, gained independence from the United Kingdom. In 1988, nationwide student protests (key events occurred on 8 August 1988 and therefore it is known as the '8888 Uprising') resulted in the Burmese Socialist Programme Party (BSPP) and General Ne Win being ousted and replaced with a new military regime, the State Peace and Development Council (SPDC).

Aung San Suu Kyi emerged from the 8888 Uprising as a symbol of Myanmar's pro-democracy movement, leading the country's largest opposition party, the National League for Democracy (NLD).

¹<https://reliefweb.int/report/myanmar/acaps-briefing-note-myanmar-impact-1-february-coup-29-april-2021>;
<https://www.irrawaddy.com/news/burma/myanmars-shadow-government-vows-new-constitution-end-dictatorship.html>

The military junta arranged a general election in 1990, in which the NLD won a majority of the vote. However, the military junta refused to recognise the results and instead placed Aung San Suu Kyi under house arrest. The government introduced a new constitution in 2011 and instigated a period of political reforms, with thousands of political prisoners being released, including Aung San Suu Kyi. After the end of political reforms in 2015, the government began hosting a number of peace conferences in hope of ending the conflict. However, these efforts were criticised for not addressing the main proposals made by 'ceasefire groups', and for excluding the country's largest insurgent groups which were still active. Elections were held on 8 November 2015 and the NLD won a sweeping victory, taking 86% of the seats in the Assembly of the Union (235 in the House of Representatives and 135 in the House of Nationalities). Although NLD leader Aung San Suu Kyi was constitutionally barred from the presidency (as both her late husband and her children are foreign citizens), she was made the de facto head of government, after being appointed to a newly created office, the State Counsellor of Myanmar.

Htin Kyaw, an important ally of Suu Kyi, was the first elected president to hold the office with no ties to the military since the 1962 coup d'état. On 21 March 2018, amid speculations of ill health, it was suddenly announced that Htin Kyaw had resigned. First Vice President Myint Swe succeeded Htin Kyaw as President under the constitution, which also called for a new president to be selected by the Pyidaungsu Hluttaw within seven days of Htin Kyaw's resignation. Win Myint was subsequently elected as president, defeating the candidate of the Union Solidarity and Development Party, the largest opposition party, representing the military, Thawng Aye, with 273 votes to the latter's 27.

REASONS FOR THE COUP²

The Myanmar military took the world by surprise on 1 February, staging a coup d'état that abruptly curtailed the country's democratic transition and sparked mass protests that led to deadly violence. According to analysts the coup was driven by power considerations and the personal ambition of an army chief who felt he was losing control and respect. "This was a standoff between two people who were not allowed the presidency and both wanted it: Aung San Suu Kyi and the commander in chief, Min Aung Hlaing. And he put his personal ambition ahead of the good of the military and the good of the country," Yangon-based analyst Richard Horsey said.

With Min Aung Hlaing set to retire when he turns 65 in June, experts say he had his sights firmly set on the presidency.

The generals say their move is constitutional, alleging fraud in November 2020 elections that saw the NLD defeat the military-backed party, but these claims lack substance. Myanmar has seen coups before, in 1958, 1962 and 1988, but unlike in those cases, this time around the Tatmadaw has been at pains to paint its overthrow of the elected government as constitutional and seems intent on 'maintaining' the existing constitutional setup. Its first step in creating the appearance of legitimate rule, on 1 February 2021, was to appoint Vice President Myint Swe, an ex-general, as interim president. The move, although it did not satisfy constitutional requirements for when a president can be replaced, created a pretext for Myint Swe to exercise the president's constitutional power to invoke a state of emergency, transferring executive, legislative and judicial power to military Commander-in-Chief Min Aung Hlaing under Articles 417 and 418(a) of the constitution. The military said it would

²<https://d2071andvip0wj.cloudfront.net/b166-responding-to-the-myanmar-coup.pdf>;
<https://www.arabnews.com/node/1842531/world>; <https://www.economist.com/asia/2021/03/11/myanmars-generals-have-not-thought-their-coup-through>; <https://apjff.org/2021/6/Seekins.html>; <https://www.tni.org/en/article/reflections-on-military-coups-in-myanmar>; <https://indianexpress.com/article/explained/explained-what-has-led-to-the-coup-in-myanmar-7169624/>

remain in power for one year, reflecting the constitutional time limit for such a state of emergency. New regime leaders, now constituted as a State Administration Council (SAC), chaired by Min Aung Hlaing, have since tried to project an air of normalcy, signalling that they will 'continue governing as the previous government did' and indeed improve upon its performance. That has already been proven impossible, given the massive demonstrations against the coup, a broad civil disobedience movement that has crippled many government functions and the military's brutal response.

Some analysts argue that the Tatmadaw's concern in seizing power does not appear to be the system of hybrid civilian-military governance set out in the constitution but, rather, the political popularity of State Counsellor and NLD leader Aung San Suu Kyi.

The constitution the military drafted in 2008, after half a century of its direct rule, lays out a framework the generals still appear to consider apt, but which has done little to help Myanmar tackle its many challenges: an elected government; a politically empowered and largely autonomous military; and a president with broad executive powers who the military expects would be its ally. By crafting a constitution that reserves 25% of parliamentary seats for itself and requires more than 75% of parliamentarians to approve amendments to the constitution, the military dealt itself a veto over constitutional change.

What it did not contemplate was a scenario in which a figure as popular as Aung San Suu Kyi, as de facto civilian head of government, would be able to use her position to control the president's selection, as has been the case since 2016, and then wield power through her appointee. If the military hoped the 8 November election would curb this power, it was surely disappointed. The NLD's margin of victory expanded the party's influence, gaining it 83% of the elected seats in parliament, slightly better than even its 2015 landslide. By contrast, the military-backed Union Solidarity and Development Party (USDP) made a weak showing by winning only 7% of the same pool of seats. Other national opposition parties failed to win a single seat, and ethnic parties, widely expected to do better than in the past, were not able to improve on their 2015 performance. The failure of other parties to make a dent in the NLD's commanding position meant that even with a quarter of parliament's seats reserved for military officers, the commander-in-chief had no pathway to becoming president, long believed to be his ambition. His toxic personal relations with Aung San Suu Kyi and her perceived failure to treat the military and its concerns with due respect added to the friction.

The November election drove home that, a decade after it initiated the transition to partial democracy, Myanmar's military had two major problems on its hands: Aung San Suu Kyi's persistent domestic popularity and its own enduring unpopularity, as evidenced by the USDP's abysmal performance and the lack of improvement in results for other opposition and ethnic minority parties.

It seems that a second NLD term, with no imminent prospect of a return to the kind of military influence over the government and presidency envisaged by the authors of the 2008 constitution, was too much for the generals to swallow. Without evidence, they issued a long succession of accusations of massive electoral fraud to justify the coup, and then, on 1 February, made their move.

The continuing power and influence of the military placed Suu Kyi in a delicate position, as the NLD tried to move forward with its reform agenda while avoiding pushing too hard and potentially kindling a coup. Analysts say Suu Kyi and Min Aung Hlaing's relationship was bad from the moment she took office in 2015, but had recently deteriorated, leading to what is believed to be a breakdown in communication between the two power-sharing bodies. When she entered office, Suu Kyi was wildly popular because of her decades-long struggle against military rule. However, unlike her standing in the West, her popularity sustained at home over her first term. Suu Kyi's failure to condemn the

Rohingya crisis led to her fall from grace internationally, but her appearance defending the country and the military from accusations of genocide at the International Court of Justice (ICJ) may have actually increased support domestically ahead of the elections. Analysts say the generals may have underestimated her continued popularity and were wary of what they saw as her outsized role in the country's governance.

(Note: In 2019, the United States sanctioned Min Aung Hlaing for serious human rights abuses related to the atrocities committed against the Rohingya. A genocide case at the ICJ is ongoing.

In addition, the Independent Investigative Mechanism for Myanmar (IIMM), which was created by the United Nations Human Rights Council in 2018 to collect evidence of the most serious international crimes and violations of international law committed in Myanmar, is continuing its work to build case files that could facilitate criminal proceedings in national, regional or international courts in order to hold individuals responsible for such crimes. Furthermore, International Criminal Court (ICC) proceedings, at the investigation stage, are ongoing. In November 2019, the Pre-Trial Chamber of the ICC delivered a decision which stated that the Court had jurisdiction over crimes that were committed at least in part on the territory of a State party to the Statute of the International Criminal Court (the Rome Statute). Myanmar is not a party to the statute, but in response to the military's attacks of August 2017, Rohingya Muslims fled in their hundreds of thousands across the border to neighbouring Bangladesh, which is party to it. This meant part of the crime against humanity Myanmar is accused of – deportation – took place in a country that was a party to the Rome Statute, giving the prosecutor the power to investigate the crime of deportation. The Pre-Trial Chamber's decision also stated that the prosecutor could go further and investigate crimes related to deportation, such as persecution. This meant that, as well as the genocide proceedings being levelled against Myanmar as a state, members of the military now also face personal prosecution for crimes against humanity.

The military drafted constitution was originally designed to constrain her power. A clause bans anyone with foreign family members from becoming President, and because Suu Kyi was married to a British man, she was barred from the top job. To get around this clause, the NLD created the position of State Counsellor, making Suu Kyi de facto leader of the country and more powerful than the generals had ever intended for her to become. Referring to the NLD's apparent circumvention of the rules, Horsey said: "There was a feeling that the government and Aung San Suu Kyi violated the constitution and weaponised the military's own constitution against them." This perception was likely made worse by recent attempts by the government for constitutional reform seeking to curb the military's power. Though Suu Kyi was criticised for not doing more to stand up to the military in parliament, analysts say she was not keen to work with them either. "Negotiations, talks, discussion and deals are not in Aung San Suu Kyi's DNA," Khin Zaw Win, director of Yangon think tank, the Tampadipa Institute, said "She stonewalled everything that came from the military," he added.

The USDP claimed widespread voter fraud and the military demanded the election commission investigate, but the body said any voting irregularities were not enough to impact the result of the ballot. Min Aung Hlaing asked the NLD to hold a special session of parliament to discuss the claims, which was denied. "I think a feeling in the officer corps is that the NLD and Suu Kyi had disrespected them, and they were not paying any attention to their views and concerns. The military commander justified his coup via a manufactured crisis. But it tapped into genuine grievances among the top brass," Horsey notes. "Intense meetings between Min Aung Hlaing and Suu Kyi's envoys didn't go well in the days before the coup," according to Horsey. The opening of the new parliament in the capital was the opportune moment for the army chief to reassert his power. "This is a coup to protect their interests. They thought she has a mandate now to dilute our economic power and our constitutional power, and our immunity from prosecution. There is no way that we're going to allow ourselves to be that vulnerable," David Mathieson, an independent analyst based in Yangon said.

The huge ‘thumbs down’ which the voters in Burma gave the USDP and the indifference with which minorities supported the ethnic parties, as reflected in the election results, were perceived by the Tatmadaw as a major setback. But another dimension of the election was perhaps even more disturbing to the men in uniform: their inability, with the aid of Buddhist militant monks, to stick a pro-Muslim label on Suu Kyi and the NLD.

Over the years, especially since the previous general election in 2015, observers of local politics have noticed a particularly troubling trend: a coalition, or at least a perception of common interests, between the Tatmadaw’s more hard-line officers and the Buddhist militants, especially the Mandalay monk, Ashin Wirathu, and the MaBaTha, or the Association for the Protection of Race and Religion. Before the 2015 general election, the MaBaTha and its supporters succeeded in having the Union Parliament pass four laws designed to prevent the spread of Islam inside the country. Wirathu repeatedly claimed that despite the display of the peacock, the Burman national symbol, in its flag, Aung San Suu Kyi’s party was an instrument of Muslim interests, a “peacock defending Muslims.” Suu Kyi apparently earned renewed respect among the Burmese Buddhist majority for her testimony before the International Court of Justice in The Hague in 2019. In that sense, her allegedly amoral “pragmatism” reaped rich rewards for her during the 2020 general election. Not only did the USDP lose seats, but no candidates from extremist or ultra-nationalist parties won seats in the national-level or regional/state legislatures. The more Suu Kyi was silent on the treatment of Burmese Muslims, especially the Rohingyas, the more it seems she was esteemed among Burman Buddhists as a “mother figure.”

Moreover, the military has important businesses to protect. The Tatmadaw’s tentacles are wrapped so tightly around the levers of the economy, it is almost impossible for firms to do business in Myanmar without cooperating with at least one military entity. The generals that seized power on February 1 are from the same group that ruled Myanmar between 1962 and 2010 and as the screws tighten, they are re-visiting the system that kept them in power under their prior incarnation, the SPDC junta. Myanmar’s economy is expected to contract by over 20% because of the coup, but Myanmar has been here before. Under the SPDC, Myanmar appeared from the outside crippled by sanctions and wracked by ethnic civil war. Store shelves were often bare and the streets free from cars. For many observers, SPDC Myanmar was a failed state. But for the generals and the crony business elite, the SPDC days are viewed with nostalgia, and the current regime is re-visiting many of the policies from that era. Under the SPDC, infrastructure development and consumer goods were left to a small elite of crony businessmen.

Government contracts for highways, hotels, and the construction of the new capital Naypyidaw were allotted based on relationships and the cronies’ international connections. In conversations with the business elite after the 2011 reforms, many spoke nostalgically about the SPDC days when businesses did not have to worry about marketing, business development, and inventory management. Sanctions barred foreign companies from competing with inferior local products, which was fine as far as the cronies were concerned. Conglomerates like Asia World, Htoo Group, and Win Win Group turned over billions in profits on everything from logging to highway construction and transport while the population eked out a living in abject poverty. While the cronies handled domestic projects, military conglomerates like Myanmar Economic Holdings Limited, Myanmar Economic Corporation, and the Myanmar Timber Enterprise (MTE) were responsible for earning foreign exchange. These sprawling and parasitic enterprises contracted the cronies to mine jade or log for export. (Note: Logging was done through MTE, which was recently subject to US sanctions, meaning that any timber exports from Myanmar could be subject to sanctions).

The military also controls much of the country's banking sector, which was left badly underdeveloped following years outside the international financial system under sanctions targeting the 1962-2011 military regime. Last year, an Amnesty International investigation found that almost every military unit had shares in the military-founded conglomerate, Myanmar Economic Holdings Limited (MEHL), which runs a huge business empire that includes global partners. A 2019 UN report found that the military used its businesses and arms deals to support brutal operations against ethnic groups that include forced labour and sexual violence. "This is a completely unreformed and unreconstructed, authoritarian, brutish institution that has violence and cruelty in its DNA," Mathieson warns.

The NLD government had intended to issue banking licences to foreign banks by 2021, an effort thwarted by the coup.

The first NLD government (2015-20) tried to curb the power of the military by opening several sectors to competition but refrained from going toe-to-toe with the Tatmadaw. The NLD did, however, succeed in transferring power over the General Administration Department (GAD) from the military-dominated Interior Ministry to the civilian government in 2018. This was an important step in demilitarising the governance of the country. Given the wide-ranging powers of the GAD, from land administration and service delivery to tax collection, it was evident that taking power away from the military would eventually have ramifications for the Tatmadaw's stranglehold over the economy. In the 2020 election, the NLD government ran on a ticket of increased transparency and the transfer of power away from central authorities and the military, a move that would have been felt in the generals' wallets. Although boosting competition and transparency would no doubt have liberalised the economy and attracted foreign investment, it would also have threatened Myanmar's long-established power structures.

The military coup in Myanmar is also mirrored by some critical changes that have been taking place in the international environment during the past few years. According to the political scientist Francis Fukuyama, the international landscape has experienced two distinctive changes during the second decade of the 21st century: the upsurge of populism and illiberalism in many liberal countries; and the resurgence of authoritarian powers in different parts of the world. The first trend was highlighted by nationalist resurgence and the electoral victories of populist leaders in such countries as the US, the UK, India and Brazil, while the second phenomenon is demonstrated by the increase in power projection by China and Russia on the international stage.

Such trends in world politics also have an impact on Myanmar. Russia and China are the two most effective veto shields preventing criticisms of the SAC in the UN Security Council and in other international bodies. At the same time, the authoritarian nature of Chinese politics represents a significant challenge for the processes of democratisation in Myanmar. Being a dependent neighbour on China, the consequences could be far-reaching, as China is a non-democratic state with no obvious potential of changing into an electoral democracy during the next two decades. Chinese officials also present their country as an alternative model in socio-political development by which economic capitalism is combined with one-party rule in a centralised political system under state leadership. In short, the past decade has been a time of challenge in democratic progress in many countries around the world. Quite how international developments will influence events in Myanmar is, for the moment, difficult to assess.

Whichever factors flipped the switch, a revival of military dictatorship is materialising fast for the people of Myanmar. General Min Aung Hlaing is less interested in cultural purity or autarchy, obsessions of some of his predecessors, who shut the country off from the world. His concern, rather, is the Tatmadaw's 'prerogatives'. These include stakes in formal businesses as well as the drug, jade, timber and smuggling rackets at the heart of a predatory economy. Above

all, as Thant Myint-U, author of “The Hidden History of Burma,” puts it, the army wants to “wind the clock back and rerun the politics of the past decade,” with far tighter control.

RECENT DEVELOPMENTS

Overview³

On 1 May 2021, Aung San Suu Kyi completed a third month under military-ordered house arrest. Charged on six counts including sedition under Myanmar's official secrets law, Suu Kyi has been denied private meetings with her lawyers. Instead, she has had only a couple of video meetings that were physically monitored by security officials at both ends, her defence team said. "We haven't had the chance up to now to meet to get instruction from our client. Without getting instructions from the accused, how can we defend her?" lawyer Khin Maung Zaw said. Min Min Soe, another member of the defence team, said that Suu Kyi is cut off from information about the ongoing unrest at the house where she is being detained in Naypyidaw. Suu Kyi made another court appearance on 26 April 2021. Lawyers for Suu Kyi also appeared via video conference in a courtroom in Naypyitaw for a procedural hearing. Her lawyers said she again demanded a face-to-face meeting with her legal team, which has not occurred during her detention. Two other leaders from the overthrown civilian government, President U Win Myint and Dr. Myo Aung, Naypyitaw Council Chairman, also appeared before the court via video conference. The next hearing for all three will be held on 10 May 2021.

Suu Kyi was charged with breaching emergency COVID-19 laws, illegally importing and using radio and communication devices, specifically six ICOM devices from her security team and a walkie-talkie, an additional criminal charge for violating the National Disaster Act, violating communications laws, an intent to incite public unrest and another of violating the official secrets act. On 3 February, Win Myint was charged with breaching campaign guidelines and COVID-19 pandemic restrictions under section 25 of the Natural Disaster Management Law.

On 5 February, 289 elected NLD MPs announced the establishment of the Committee Representing the Pyidaungsu Hluttaw (CRPH). The committee claimed that it was Myanmar's sole representative body, declared U Win Myint the country's lawful head of state and government, and initially expressed its commitment to the 2008 constitution. Although the CRPH did not reach the necessary quorum to constitute the first session of the new parliament, it increased its membership over time and negotiated with armed ethnic groups to establish a government of national unity. In mid-April 2021, the CRPH announced the formation of a National Unity Government (NUG), based on an agreed Federal Democracy Charter. According to this Charter, the unity government will be composed of a president, state counsellor, two vice presidents, a prime minister, ministers and deputies. It will work to overthrow the junta by using all means: politically, economically, socially, diplomacy, defence and security.

The Charter outlines initial agreements on establishing a “federal democratic union” and interim constitutional arrangement before the country adopts a new Constitution that “can guarantee equality and autonomy through a national referendum.” Following the release of the Federal Democracy Charter to the public, the CRPH also announced the repeal of the 2008 Constitution, saying it was designed to prolong military rule and prevent the emergence of a democratic federal union. Note: The CRPH is in effect a government in exile. The Committee consists of 17 members of the Pyithu Hluttaw and Amyotha Hluttaw. The Pyidaungsu Hluttaw is the de jure national-level bicameral

³<https://carnegieeurope.eu/2021/04/14/struggle-for-legitimacy-in-post-coup-myanmar-pub-84302>;
https://www.acaps.org/sites/acaps/files/products/files/20210429_acaps_briefing_note_myanmar_impact_of_1_february_coup.pdf; <https://www.voanews.com/east-asia-pacific/myanmars-deposed-leader-aung-san-suu-kyi-makes-new-court-appearance>

legislature of Myanmar established by the 2008 National Constitution. The Pyidaungsu Hluttaw is made up of two houses, the Amyotha Hluttaw (House of Nationalities), a 224-seat upper house as well as the Pyithu Hluttaw, a 440-seat lower house (House of Representatives). *(See Annexure A for members of the CRPH and Annexure B for a summary of Federal Democracy Charter)*

The formation of the CRPH, coupled with the formation and growth of a civil disobedience movement (CDM) and associated protests, have constrained the military junta's ability to consolidate power and rule of law. Countrywide protests are ongoing, with the military junta using systemic and arbitrary violence against anti-coup protesters. The use of live ammunition, raids, strip searches, beatings, and detention have been reported.

Meanwhile, the State Administration Council (SAC) is the military junta currently governing Myanmar. The Council is composed of eight military officers and eight civilians, and is chaired by Min Aung Hlaing, the commander-in-chief of the Defence Services. The CRPH has designated the SAC as a "terrorist group."

The SAC's civilian members include Sai Long Hseng of the USDP; Thein Nyunt of the New National Democracy Party (NNDP); Khin Maung Swe of the National Democratic Force (NDF); Mahn Nyein Maung of the Kayin People's Party (KPP); Aye Nu Sein of the Arakan National Party (ANP); Saw Daniel, formerly of the Kayah State Democratic Party (KySDP); Banyar Aung Moe of the Mon Unity Party; and Jeng Phang Naw Taung, an Independent. Several organisations have distanced themselves from civilian members of the SAC. Following Mahn Nyein Maung's appointment, the Karen National Union (KNU) distanced itself from him and reiterated its opposition to the military coup. On 4 February, KySDP announced it had dismissed Saw Daniel from the party for accepting the appointment.

SAC has terminated the contracts of numerous civil servants across multiple government bodies, including the Supreme Court, union-level ministries, the Naypyidaw Council, and the Union Civil Service Board. It has quickly appointed replacements, including union ministers, mayors, agency executives, members of the Central Bank of Myanmar, Union Civil Service Board, judges, and Supreme Court justices. On 8 February, SAC appointed a new Constitutional Tribunal. On 11 February, SAC formed State and Region Administration Councils and appointed their leaders for Myanmar's 14 states and regions. It also appointed military officers to run Self-Administered Zone Councils for the country's autonomous zones. *(See Annexure C for some of the new appointments)*

The Tatmadaw issued a five-point roadmap, namely investigating the Union Election Commission and voting list; continuing COVID-19 preventive measures, including vaccination; supporting businesses affected by COVID-19 and upholding all existing investment agreements; broadening the Nationwide Ceasefire Agreement with ethnic armed groups "and to bring forth eternal peace"; and holding free and fair multi-party general elections after the end of the state of emergency and transferring power to the winner.

To limit the growth of the CDM and related protests and consolidate its own power, the SAC made a series of sweeping changes to the legal and judicial systems that criminalise even peaceful protests and enable violations of the right to privacy and arbitrary arrests and detention. These changes have had a notable impact on freedom of assembly and speech, with severe repercussions for CSOs, journalists, protesters, CDM participants, and humanitarian organisations. The SAC has also implemented severe limitations on access to information, including overnight internet blackouts between 01:00–09:00, cessation of mobile internet (including all mobile operators), suspension of public Wi-Fi, and removal of satellite dishes. As of 18 March, the five remaining licences of independent news outlets in the country had been revoked, and no independent newspapers were circulating. Underground newsletters emerged in mid-March, with physical copies being circulated in

areas with information blackouts. In mid-April, banks holding accounts for four NGOs were asked to undertake a financial audit and hand over the details to the military junta in an attempt to build a narrative of foreign interference in internal affairs. (See Annexure D on changes to legal and judicial systems)

The junta, on 26 February 2021, ordered foreign embassies, UN agencies and other international organisations in the country not to talk to "illegal entities" representing Aung San Suu Kyi's political party. The directive from the military-controlled foreign ministry said that the formation of groups such as the CRPH was illegal. "The ministry, therefore, would like to advise all diplomatic missions, the specialised agencies of the United Nations and international organisations accredited in Myanmar to refrain from making contacts or communications with those illegal entities," the directive said.

Continued Violence⁴

Security forces opened fire on some of the biggest protests against military rule in days on 2 May 2021, killing eight people. The protests, after a spell of dwindling crowds and what appeared to be more restraint by the security forces, were coordinated with demonstrations in Myanmar communities around the world to mark what organisers called "the global Myanmar spring revolution." Streams of demonstrators, some led by Buddhist monks, made their way through cities and towns across the country, including the commercial hub of Yangon and the second city of Mandalay. "Shake the world with the voice of Myanmar people's unity," the organisers said in a statement.

Explosions rocked Yangon on 1 May 2021, as protesters held flash marches for democracy, marching rapidly through the streets to avoid confrontation with police and soldiers. In Yangon's Insein township, a bomb blast went off around 10 am near a local school. By afternoon, two more blasts went off in Yankin, further south. The state-run evening news said a woman was wounded in the Yankin blasts, which it blamed on "instigators." No one has yet claimed responsibility for the bombings. The state-run broadcaster in its main evening news bulletin on 1 May gave details of at least 11 explosions over the previous 36 hours, mostly in Yangon. It reported some damage but no casualties. "Some rioters who do not want stability of the state have been throwing and planting handmade bombs at government buildings and on public roads," the broadcaster said. Khit Thit media reported a blast outside a police barrack in Yangon early on 2 May 2021. Vehicles were ablaze it said, but it gave no information on any casualties. Later, it reported another blast in the city. A news portal in Shan State reported a blast outside the home of a prominent businessman.

The Kachin Independence Army (KIA), one of Myanmar's most powerful rebel groups, on 3 May 2021 said it had shot down a helicopter after returning fire following air strikes by the military. The KIA's information department head, Naw Bu, said the helicopter was shot down around 10:20 at a village near the town of Moemauk in Kachin Province.

⁴<https://www.enca.com/news/bomb-blasts-flash-protests-myanmar-enters-fourth-month-under-junta;>
[https://www.businesslive.co.za/bd/world/asia/2021-04-30-myanmar-conflict-spills-into-thailand-as-villagers-flee/;](https://www.businesslive.co.za/bd/world/asia/2021-04-30-myanmar-conflict-spills-into-thailand-as-villagers-flee/)
<https://www.theguardian.com/world/2021/apr/27/myanmar-ethnic-armed-group-seizes-military-base-near-thai-border;>
<https://www.news24.com/news24/World/News/myanmar-rebel-group-says-it-shot-down-military-helicopter-20210503;>
<https://www.aa.com.tr/en/asia-pacific/rebels-shoot-down-myanmar-military-helicopter/2227946>

Targeting Journalists⁵

On 3 May 2021, World Press Freedom Day, 16 western countries and the European Union called on the military junta to immediately release scores of media personnel arrested since the February coup. One of the junta's first steps after seizing control of Naypyidaw was to gain control of the airwaves, the internet and print. It blocked all but the most military-friendly channels from satellite broadcasts, revoked the licenses of several media outlets, shut off internet and mobile phone services, and intimidated, assaulted and arrested members of the media, claiming that they had broken various laws for doing their jobs. According to a statement by the western countries, more than 80 journalists and media personnel have been arrested since the coup and more than half remain in detention. According to a Reporters Without Borders (RSF) tally, as of early May 2021, 73 journalists and media personnel have been arrested since the coup on Feb. 1, and 44 remain in detention.

"Media freedom is a cornerstone of democratic societies and a source of legitimacy that should be unconditionally preserved and guaranteed. Journalists must be free to report. We call for the immediate release of all media workers, the establishment of the freedom of information and communication and for the end of all internet restrictions in Myanmar," said a statement from the diplomatic missions of the countries and the EU in Myanmar, including the United States, Canada, Australia, the United Kingdom, France, Italy and Germany. Also signing the statement were the Czech Republic, Finland, the Netherlands, New Zealand, Norway, Spain Sweden and Switzerland.

The state-run broadcaster MRTV announced a ban on satellite television on 4 May 2021, saying that "satellite television is no longer legal" and alleging that foreign broadcasts encouraged people to commit treason and threatened national security, the rule of law, and public order. Those found using satellite dishes can face one year in prison and a fine of 500,000 kyat (\$320). Since early April, authorities have confiscated satellite dishes used to access outside news stations.

Myanmar's journalists say they are barely able to function, as the soldiers who toppled the country's democratically elected government moved to choke off the flow of information through intimidation, arrests, and violence. Multiple reporters, editors, and photographers cite a litany of measures, including internet and satellite blackouts, confiscation of mobile phones, closures of independent media outlets, beatings, and arrests, that the military regime is using to thwart them and to scare off sources from talking to media.

Subverting the junta's internet cuts and suppression of information, Myanmar's young people are printing underground newsletters and pamphlets and secretly distributing them in the streets. Some have revolutionary names like Molotov. Others, thrown from bridges or stuck to lampposts, feature news of the coup, arrests, military abuses, and even poems. Activists have now launched a shortwave radio station to reach the public and each other. Federal FM, formed in April by a group of activist volunteers, broadcasts news and updates on the political situation. Set up by members of the ethnic protest group General Strike Committee of Nationalities, their mission is to educate listeners about federalism — and hold the newly formed National Unity Government to account.

⁵<https://www.voanews.com/press-freedom/myanmar-journalists-living-fear-junta-curbs-freedoms>;
<https://www.rfa.org/english/news/myanmar/press-05032021183707.html>;
<https://edition.cnn.com/2021/05/03/media/myanmar-journalists-press-freedom-intl-hnk/index.html>;
<https://cpj.org/2021/05/myanmar-sentences-dvb-reporter-min-nyo-to-3-years-in-prison-for-criminal-mutiny/>;
<https://cpj.org/2021/05/myanmar-military-bans-all-satellite-tv/> ; <https://www.reuters.com/world/asia-pacific/japanese-journalist-detained-myanmar-arrives-japan-2021-05-14/>

Ethnic Militias and the Coup⁶

After the army enacted a coup in February, the CRPH reportedly approached ethnic militias about forming a “federal army.” Aung San Suu Kyi and her NLD were elected to power in 2015, in part on the hope that she would end the civil war, but the militias were unimpressed with her lacklustre approach to peace talks. Still, the one thing the militias dislike more than the NLD is the Tatmadaw.

The coup has upended the strategic calculations of ethnic armed groups. Some are seeking to steer clear of the crisis, or even trying to engage the regime to further their own goals.

Many armed groups and ethnic political leaders were deeply disappointed by the NLD government, which in their view offered few concessions at the peace table and did little to address their grievances in parliament over the last five years. Many ethnic leaders also feel that the Burman majority failed to support them when the military was carrying out abusive campaigns in ethnic areas over the years. At the same time, however, ethnic minorities have long experience of the army’s brutality and are alarmed at the prospect of a return to authoritarian military rule; there have been large anti-coup protests in several ethnic areas, and the sense that greater minority-majority solidarity may now be possible seems to be growing. Against this backdrop, different ethnic armed groups are approaching the unfolding crisis in different ways:

The United Wa State Army: The United Wa State Army, a 20-30,000 strong, well-equipped armed group (Myanmar’s largest) with de facto control of its territories on the Chinese and Thai borders, has remained aloof from the post-coup crisis but maintained informal contacts with the Myanmar military. It would likely seek a confrontation with regime forces only if its direct interests were threatened. It might be open to an agreement with the regime that would solidify its autonomous status.

The Arakan Army: The Arakan Army, which had been fighting a brutal two-year conflict with the Tatmadaw in Rakhine State until an informal ceasefire in November 2020, is the armed group most closely engaging the military. Its aim is an autonomous status for Rakhine State like the Wa’s. It sees an opportunity to further this goal at a time when the military cannot afford to be fighting on multiple fronts. There has been little unrest in Rakhine State since the coup, apart from in the NLD stronghold in its far south. Rakhine political and civil society figures have accepted positions in the junta’s national and state administrative councils, and the regime revoked the Arakan Army’s terrorist designation on 11 March. This willingness to work with the regime has divided Rakhine public opinion and the community’s main political party has stated that its cooperation with the regime is contingent on “added benefits” for the Rakhine people.

In a joint statement on 29 March, the Arakan Army (AA) and its two ethnic armed partners in the Brotherhood Alliance, the Ta’ang National Liberation Army (TNLA), and the Myanmar National Democratic Alliance Army (MNDAA), said if the military continued to “kill the people, we will cooperate with the protesters and fight back.” AA spokesman Khaing Thukha said that it was time for ethnic organisations to join hands to protect oppressed civilians from the military regime. Prior to the coup, the Brotherhood Alliance had negotiated individual bilateral agreements between each member and the military to stop fighting and announced a unilateral ceasefire to support the negotiations. After the military coup, they (the regime) extended the ceasefire unilaterally until March 31. On 10 April, the Brotherhood Alliance attacked a police station in Naungmon in Shan state, killing several

⁶<https://www.voanews.com/east-asia-pacific/myanmars-anti-junta-protesters-turning-rebel-armies-military-training>;
<https://www.bangkokpost.com/world/2108803/myanmar-ethnic-divisions-soften-after-coup>;
<https://www.voanews.com/east-asia-pacific/myanmar-shadow-government-forms-militia-oppose-military-junta>;
<https://www.reuters.com/world/asia-pacific/ten-myanmar-policemen-killed-attack-by-ethnic-armies-opposed-junta-report-2021-04-10/>

policemen. [Shan News](#) said at least 10 policemen were killed, while the [Shwe Phee Myay news](#) outlet put the death toll at 14. In May 2021, the AA announced it had halted its cooperation with the junta, which had given a Rakhine leader a seat on the SAC.

The Kachin Independence Organisation: The Kachin Independence Organisation (KIO) has had a de facto ceasefire with the military in Kachin State since mid-2018, though sporadic clashes between its units in northern Shan State and regime soldiers have continued over this period. Following the coup, the group informed the military that it “would not tolerate” violence against protesters in Kachin State and that it would “stand with the people” in any such confrontation. Since then, the military has shot protesters in the region, and the KIO has launched attacks on Myanmar military bases. It remains unclear whether these attacks were a direct response to the violence against protesters, although some in the KIO have made the link. Like other armed groups, the KIO has to strike a difficult balance between a desire to maintain its ceasefire and an imperative to stand with the Kachin population.

Armed groups that signed the Nationwide Ceasefire Agreement: The ten armed groups that have signed the Nationwide Ceasefire Agreement were quick to condemn the coup (these do not include the United Wa State Army, the Arakan Army or the KIO). They also collectively expressed their support for the CRPH and the demonstrators, and they suspended their formal engagement with the peace process as of 20 February. There have only been informal contacts with the military’s peace negotiators since then. The largest of these groups, the Restoration Council of Shan State (RCSS) and the Karen National Union (KNU) have also met separately with CRPH leaders. More than a thousand people – protest organisers, NLD MPs and civil society figures – have also sought refuge in areas under KNU and RCSS control.

In the long term, it is possible that the post-coup crisis could bring a new level of empathy to relations between the Burman majority and ethnic minorities, and a corresponding political realignment that could improve the prospects of a lasting settlement to Myanmar’s decades-old conflicts – assuming civilian rule is restored.

Apart from consultations with the RCSS and KNU, on 9 March, the CRPH appointed a prominent ethnic Karen politician, the ousted NLD speaker of the Upper House Mahn Win Khaing Than, as acting vice president and de facto civilian leader while President Win Myint is detained by the regime. It has also announced the removal of all ethnic armed groups from the lists of terrorist organisations and unlawful associations that were in existence before the coup and has spoken of future plans to replace the Burman-dominated military with a more diverse “federal army”.

In the short term, at least some ethnic armed groups could become entangled in the crisis, and violence in ethnic areas could increase as a result. The KNU is providing armed protection of demonstrations in areas where it operates, with its fighters escorting columns of protesters. Their presence has engendered tensions – though, so far, no clashes – with the Myanmar military and police. Local conflict in Kachin State could also escalate if the KIO follows through on its threat to intervene if the regime kills demonstrators in the state. Finally, with the Tatmadaw focusing its attention and resources on operations to quell urban dissent, some armed groups may take advantage of the circumstances to seek to expand their territory or to press territorial claims against rival groups – dynamics that have been visible in northern Shan State since the coup.

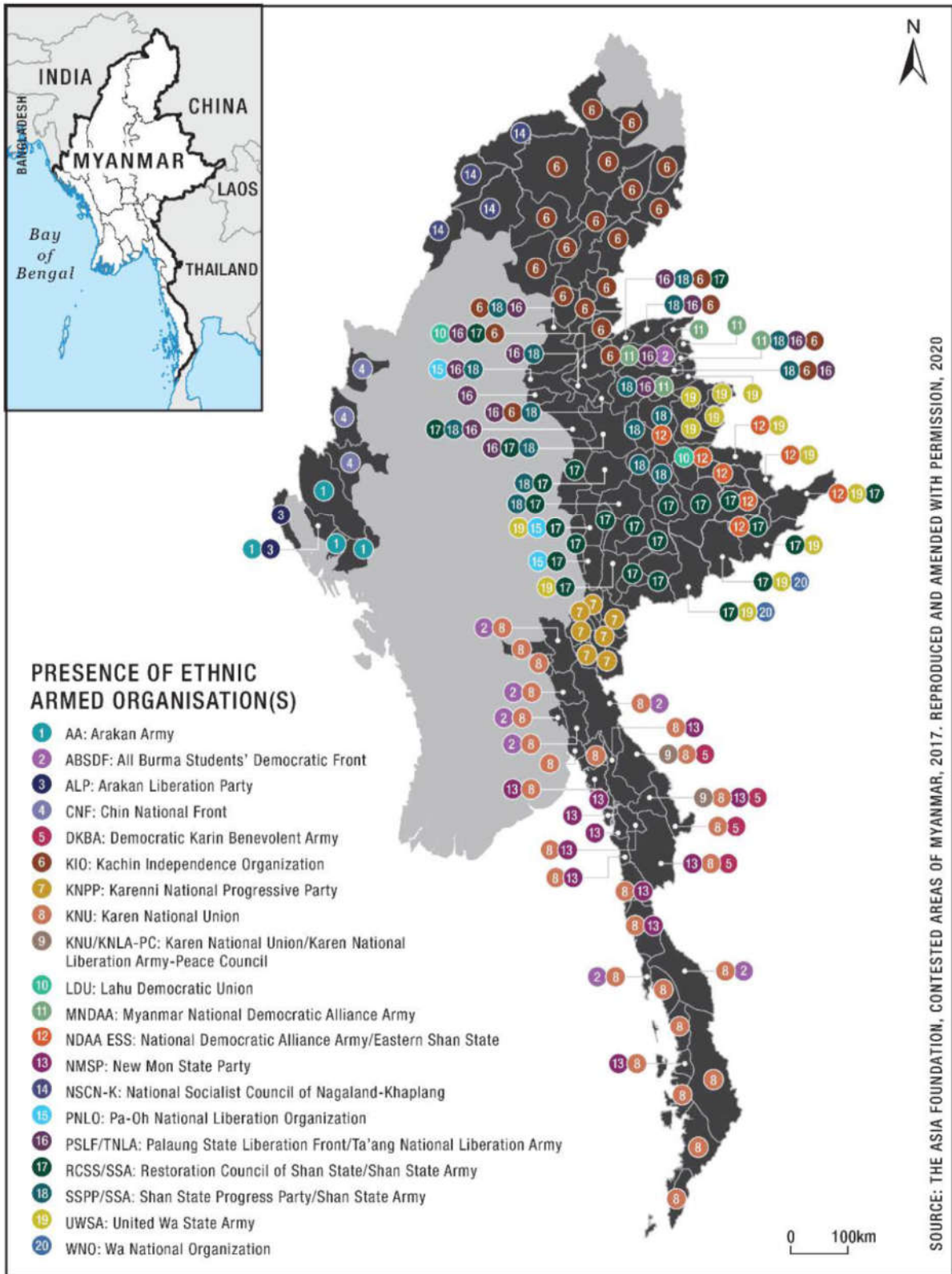
As the death toll from the military crackdown against peaceful protesters mounts, some are turning to armed combat to fight back. They are trading peaceful resistance against the coup in the cities and heading to the country’s remote borderlands to join a patchwork of rebel armies. One of the oldest and largest ethnic armed groups, the Karen National Union, said that protesters coming from the

lowlands of central Myanmar have been trekking to the rebels' jungle hide-outs for training since late March 2021.

"We train people who want to be trained and who want to fight against the military regime," said Maj. Gen. Nerdah Bo Mya, chief of staff of the Karen National Defence Organisation, one of the two armed wings of the KNU, said. "We are [on] the same boat, helping one another. [We] help each other to survive and get rid of the military regime and to re-establish what we call the democratic government," he added. He said that ethnic Karenni, Rakhine and Shan rebel groups were doing the same. Nerdah Bo Mya said many of the urban protesters turning to the KNU were coming with the intent of heading back to their towns and cities to put their new training to use. "All were welcome, Karen, Bamar and otherwise, for a regimen of physical training, a crash course in guerrilla tactics and practice with small arms, AK-47s, M-16s and so forth," he said, but no explosives. The general refused to say whether the trainees would be taking any of the weapons back with them. He said the aim was to teach the protesters how to defend themselves and others from attack. But he also warned of a sweeping armed resistance if the junta refused to retreat, blurring the line between defence and offense. "If the [Myanmar] military regime is not giving up their power and [will not] hand over the power back to the democratic government, then there will be bloody battles in the cities, in the jungles, everywhere," Bo Mya stated.

Nerdah Bo Mya would not say how many protesters his group was training but claimed that between the KNU and the other rebel armies doing the same they numbered in the thousands. Richard Horsey, a Myanmar analyst and senior adviser to the International Crisis Group, said they were more probably in the hundreds, so likely to make any urban fighting "relatively small-scale." Horsey added that it is not easy to set up an urban guerrilla force from scratch, especially with people who have not had previous military training. "While I do think there could be some violent incidents, and there already have been, that's very different from being able to launch a sustained urban guerrilla campaign," he added.

The stiffest armed resistance outside of areas held by the ethnic rebel armies has sprung up in Sagaing Region, in Myanmar's northwest. Local news reports say residents there have formed their own "civil army" and managed to supplement their homemade air guns and old hunting rifles with some AK-47 and M-16 automatic assault rifles. The military has reported casualties on its side. "How sustained that will be, I'm not sure. But it is happening, and I think it could happen in other parts of the country as well," Horsey said. If the rebel groups proved reluctant to arm the protesters themselves, decades of civil war had created a substantial black market in military weapons those with the cash and connections could tap, he added.



Conflict Spills into Thailand⁷

At the end of April 2021, Karen rebels and the army clashed near the Thai border in the most intense fighting in the area in 25 years. Villagers on both sides of the border have been forced from their homes. The Karen Peace Support Network said thousands of villagers were taking shelter on the Myanmar side of the Salween and they would flee to Thailand if the fighting escalated.

Karen fighters, on 27 April 2021, overran a Myanmar army unit on the west bank of the Salween in a pre-dawn attack. The Karen National Union (KNU), which is fighting the military near Myanmar's eastern border, said 13 soldiers and three of their fighters were killed. The KNU, which controls territory in eastern Myanmar near the Thai border, is a close ally of the resistance movement against the military coup. The Myanmar military responded with air strikes in several areas near the Thai border. Note: Over recent weeks, intensified violence, including airstrikes, has forced more than 24,000 people to flee their homes in the border region, according to the aid group Free Burma Rangers.

ASEAN Dithering⁸

On 24 April 2021, the Association of Southeast Asian Nations (ASEAN) held its much-anticipated emergency summit to address the ongoing crisis in Myanmar. At the end of the meeting, leaders from the 10 ASEAN member states, including Myanmar's junta leader General Min Aung Hlaing, established five points of consensus about the Myanmar crisis. First, that there should be "an immediate cessation of violence in Myanmar"; second, that the parties in Myanmar should seek a peaceful solution to the crisis via "constructive dialogue"; third, that Brunei, this year's ASEAN Chair, will appoint a special envoy to mediate in the Myanmar crisis; fourth, that ASEAN will provide humanitarian assistance to the country; and fifth, that the special envoy will travel to Myanmar to meet with all parties in the crisis.

Experts say this 'consensus' should not be gainsaid, given the dilatory response of the bloc thus far, and the vastly divergent views of the bloc's leaders, some of whom fear that a more interventionist approach might threaten their own grip on power. Nonetheless, there were several obvious areas in which the consensus fell short of the ideal. The first and most obvious shortcoming is that while ASEAN leaders "heard calls for the release of all political prisoners," the consensus statement did not call for their release, an assumed prerequisite to any "constructive dialogue" between Myanmar's coup government and its elected one. This omission came about due to the Myanmar junta's opposition. By calling on "all parties" to refrain from violence, moreover, the consensus statement perpetuates the "both-sidesism" that marred the statement that came out of the ASEAN foreign ministers meeting held by video link at the beginning of March. While this was perhaps unavoidable given the presence at the meeting of junta representatives, it nonetheless carried the false implication that both the opposition and the military are responsible for the violence, when in reality the vast majority of the violence has been carried out by the latter. The second major shortcoming was the lack of clarity around how and when ASEAN will engage with the NUG, the new shadow government that was formed to oppose the junta in mid-April.

⁷<https://www.businesslive.co.za/bd/world/asia/2021-04-30-myanmar-conflict-spills-into-thailand-as-villagers-flee/>;<https://apnews.com/article/myanmar-f64d4364ba64cd8ed074fd6620447ebf>

⁸<https://thediomat.com/2021/04/assessing-the-outcome-of-aseans-special-meeting-on-myanmar/>;
<https://www.reuters.com/world/asia-pacific/asean-changed-myanmar-statement-release-political-detainees-sources-2021-04-25/>;
<https://ewn.co.za/2021/04/25/myanmar-shadow-govt-welcomes-asean-call-to-end-violence>;
<https://www.reuters.com/world/asia-pacific/myanmar-people-slam-asean-junta-consensus-end-violence-no-immediate-protests-2021-04-25/>;
<https://www.reuters.com/world/asia-pacific/myanmar-activists-call-new-non-cooperation-campaign-2021-04-26/>;
<https://www.businesslive.co.za/bd/world/asia/2021-04-28-asean-wants-all-myanmar-prisoners-freed-before-any-talks/>

While ASEAN negotiators could reasonably claim that demanding the NUG's inclusion in the summit would have prevented the summit from going ahead at all, there is no indication as to how it plans to engage with the 'government' that probably enjoys the support of the vast majority of Myanmar's population. The third problem flows from the second: namely, that the consensus statement contained no timetable on a process of negotiation and mediation that even in the best-case scenario is likely to be protracted. To be sure, setting a timetable only invites its violation, and ASEAN might benefit from the flexibility of a more open schedule for negotiations. However, as Joshua Kurlantzick of the Council on Foreign Relations noted, with no timetable or obvious means of enforcing the agreed consensus, "the summit statement gives more time for the situation in Myanmar to continue on. And, time often favours the aggressor, which in this case is the Myanmar military."

Indeed, all of these shortcomings have been cast into relief by the junta's first official response to the ASEAN summit. A press release on 27 April makes no mention of the consensus, and states that the SAC, "will give careful consideration to constructive suggestions made by ASEAN leaders when the situation returns to stability." Moreover, the statement asserts that these suggestions would be "positively considered" only in the event that they "facilitate the implementation of the five-step roadmap laid down by the State Administration Council." Junta spokesman Zaw Min said that the regime was "satisfied" with the trip, saying they had been able to explain the "real situation" to ASEAN leaders. This alone indicates that Min Aung Hlaing's administration will only be willing to talk when it is more or less assured that its position is secure.

The press release would seem to validate the claims of those who said that ASEAN would achieve little by inviting Min Aung Hlaing to Jakarta, except to grant the junta a sheen of legitimacy. Yet taking the opposite approach – extending an invitation to the NUG as the country's legitimate government but excluding the junta – would ignore the reality that the military remains in possession of considerable reserves of lethal force and shows little indication of backing down. In a hostage situation, it makes no sense to ignore the man with the gun.

ASEAN's vacillating stance on the coup has been widely criticised by commentators, but in addition to reflecting ASEAN's structural shortcomings and deficit of unity, the summit's ambiguous outcome also reflects the intractability of the present crisis, in which neither side seems willing to acknowledge the other as a legitimate interlocutor. That could change with time, but for now the main challenge is whether and how ASEAN can push the junta to adhere to the five-point consensus, with the hope of eventually shifting the crisis onto terrain on which the junta and the NUG might be willing to enter into negotiations. The first step will be the appointment of a special envoy and his or her prompt dispatch to Myanmar, for talks with both the junta and the NUG. The statement from Myanmar's junta would seem to augur a slim chance of success.

A draft statement circulating the day before the summit reportedly included the release of political prisoners as one of its "consensus" points. But in the final statement, the language on freeing political prisoners had been unexpectedly watered down and did not contain a firm call for their release. The absence of a strong position on this issue caused dismay among human rights activists and opponents of the coup, fuelling criticism by them that the meeting had achieved little in the way of reining in the country's military leaders. However, the statement separately mentioned that the summit "heard calls" for their release.

The NUG welcomed the call for an end to violence. The NUG's minister of international cooperation, Dr Sa Sa, who is currently in hiding with the rest of his fellow lawmakers, said "we look forward to firm action by ASEAN to follow up its decisions and restore our democracy and freedom for our people and for the region." However, the NUG told the ASEAN bloc that it would not engage in talks until the junta

had released all political prisoners. NUG said that ASEAN should be engaging with it as the legitimate representative of the people. "Before any constructive dialogue can take place, there must be an unconditional release of political prisoners including President U Win Myint and state counsellor Daw Aung San Suu Kyi," the NUG prime minister, Mahn Winn Khaing Thann, said in a statement.

The summit marked the first international trip taken by Aung Hlaing, since seizing power. The leaders of Indonesia, Vietnam, Singapore, Malaysia, Cambodia and Brunei were present at the meeting, along with the foreign ministers of Laos, Thailand and the Philippines. Addressing the media, Malaysia's premier, Muhyiddin Yassin, said the outcome of the summit was "beyond our expectation," while Singapore's Prime Minister Lee Hsien added that the process still had a long way to go, "because it is one thing to say you will cease violence and release political prisoners, it is another thing to get it done." "We tried not to accuse his side too much because we don't care who's causing it. We just stressed that the violence must stop. For him, it is the other side that is causing the problems. But he agreed that violence must stop," Yassin added.

Myanmar's pro-democracy activists sharply criticised the 'agreement' between the junta and ASEAN. "We deplore the fact that the consensus was reached without any legitimate representation of the people of Myanmar," said a statement in the name of more than 400 Myanmar civil society groups, who said ASEAN should push the junta to hand over to the NUG. "Whether it is ASEAN or the UN, they will only speak from outside saying 'don't fight but negotiate and solve the issues'. But that does not reflect Myanmar's ground situation," said Khin Sandar from a protest group called the General Strikes Collaboration Committee. "We realized that whatever the outcome from the ASEAN meeting, it will not reflect what people want," said Wai Aung, a protest organiser in Yangon. "We will keep up protests and strikes till the military regime completely fails," Aung added. Activists opposed to military rule also called on people to stop paying electricity bills and agricultural loans and to keep their children away from school, adding to doubts about the regional bloc's push to end Myanmar's post-coup crisis. Phil Robertson, deputy Asia director of Human Rights Watch, said it was unfortunate that only the junta chief represented Myanmar at the meeting. "Not only were the representatives of the Myanmar people not invited to the Jakarta meeting but they also got left out of the consensus that ASEAN is now patting itself on the back for reaching. The lack of a clear timeline for action, and ASEAN's well-known weakness in implementing the decisions and plans that it issues, are real concerns that no one should overlook," he said in a statement.

Before the summit, Southeast Asian governments reacted to the coup in diverse ways that reflect divergent interests. Some, such as Singapore, have condemned the generals' violence against anti-coup protesters. Others, including Vietnam, have strategic concerns behind their limited willingness to speak out. In Indonesia and Malaysia in particular, criticism of the Tatmadaw, come on top of widespread disgust over ethnic cleansing of Myanmar's Rohingya population. The Philippine government's reaction has been chaotic, but ultimately supportive of the NLD. Meanwhile, Brunei, the current chair of ASEAN, has been quiet as it seeks to convene discussions among ASEAN members. The Thai government recognises that the political status quo inside Myanmar is unsustainable, but is hampered, as the product of a military coup itself, by worries that its response could lead to renewed domestic debate over its own legitimacy.

Elsewhere in mainland Southeast Asia, the governments of Vietnam, Laos and Cambodia have registered muted responses, each having strong reasons not to push too hard to restore Myanmar's deposed democratic leaders or otherwise wade into other states' affairs. Vietnam is warily navigating the pressure of assuming its term as president of the UN Security Council on April 1. In the case of Cambodia, the government is an ostensible beneficiary of the coup, given that it eases pressure from the diplomatic and business communities, which have grown increasingly concerned about a crackdown on civil society and political opposition. Together with the government of Laos, which has

reportedly participated in the disappearance of key activists and closed all space for civil society since 2012, Cambodia is quite happy to see Myanmar re-emerge as the main target of international criticism.

Western Sanctions⁹

The United States (US), United Kingdom (UK) and European Union (EU) continue to expand sanctions targeting the Tatmadaw. Over the past two months, the US and its European allies imposed sanctions on (a) the two major Tatmadaw-controlled conglomerates in Myanmar that provide financing for the armed forces; (b) additional gem, pearl and timber industry companies that provide sources of funding to the coup regime; and (c) further coup regime and Tatmadaw officials.

On 25 March 2021, the US Department of the Treasury's Office of Foreign Assets Control (OFAC) designated Myanma Economic Holdings Public Company Limited (MEHL or MEHPCL) and Myanmar Economic Corporation Limited (MEC) under the Specially Designated Nationals and Blocked Persons List (SDN). MEHL and MEC are designated pursuant to Executive Order (E.O.) 14014, "Blocking Property with Respect to the Situation in Burma," for being owned or controlled by the military or security forces of Myanmar. Both companies also are designated on the Entity List under the US Export Administration Regulations. According to OFAC, MEHL and MEC are conglomerate holding companies involved in a wide range of business interests spanning Myanmar's economy, including banking, trade, logistics, construction, mining, agriculture, tobacco, food and beverage. The two companies are actively involved in joint venture partnerships with foreign businesses. It is believed that their profits directly finance the Myanmar military with little or no public accountability. MEHL and MEC also are active in Myanmar's commercial real estate industry, which can impact foreign companies renting office space in Myanmar.

On 8 April 2021, OFAC added Myanma Gems Enterprise to the SDN list. This is a state-owned entity with broad responsibility for gemstones in Myanmar, a key source of revenue in international trade. On 21 April 2021, OFAC designated Myanmar Timber Enterprises (MTE) and Myanmar Pearl Enterprise. Both are state-owned enterprises under the Ministry of Natural Resources and Environmental Conservation (MONREC), and both previously had been sanctioned under the prior US regime before the designations were removed in 2016. Note: Where US primary sanctions jurisdiction applies, the SDN listings will prevent all transactions with and services for these Burmese companies and state enterprises, as well as companies in which they have a 50 percent or greater ownership interest, directly or indirectly (and individually or in the aggregate with other SDNs). The prohibitions apply to US dollar transactions that clear the US financial system, other activity in the United States, and US persons acting anywhere in the world. Signing documents with SDNs and blocked affiliates will be prohibited for US persons and any persons acting within US jurisdiction.

Meanwhile, the US Treasury Department sanctioned Myanmar's police chief, Than Hlaing and an army special operations commander, Lieutenant General Aung Soe, saying they were responsible for using lethal force against demonstrators. The US has already placed sanctions on Myanmar's top coup leaders. The Treasury also blacklisted the army's 77th Light Infantry Division and 33rd Light Infantry Division, which have been deployed to suppress anti-coup demonstrations in Yangon and Mandalay. *(See Annexure E for more details)*

⁹<https://www.jdsupra.com/legalnews/myanmar-update-u-s-uk-and-eu-continue-8667540/>; <https://www.voanews.com/east-asia-pacific/us-eu-impose-sanctions-myanmar-coup-leaders>; <https://www.aa.com.tr/en/asia-pacific/us-firm-chevron-offering-lifeline-to-myanmar-junta/2226638>; <https://www.usnews.com/news/world/articles/2021-04-27/senators-urge-biden-to-impose-more-sanctions-on-myanmar-junta>

In further developments, the Burma Human Rights Network (BHRN) strongly condemned American multinational energy corporation Chevron's efforts to lobby the US government to withdraw sanctions on oil and gas businesses owned by Myanmar's military junta. "By continuing its work in Burma, Chevron is offering a lifeline to the military to continue the transport of troops to kill and detain protesters, the launching of artillery in civilian areas, and the use of fighter jets to bomb civilian areas in Kachin and Karen state. Sanctions on the military's interests, particularly on energy, are one of the only ways the international community can limit the military's access to foreign cash and limit their ability to purchase the military equipment and fuel they rely on to terrorize the civilian population," the BHRN said in a statement. "It is utterly disgraceful that Chevron would use their power to protect their own bottom line while civilians are being murdered in the street by security forces they are directly funding," said Kyaw Win, the executive director of the BHRN. The London-based BHRN cited a report by The New York Times that said Chevron had "lobbied congressmen and the US State Department against sanctioning military-tied companies in the oil and gas sector because it would disrupt Chevron's operations in the country."

On 27 April 2021, a bipartisan group of US senators urged the Biden administration to slap more sanctions on the military junta, including choking revenues to Myanmar Oil and Gas Enterprise (MOGE). Senators Jeff Merkley, a Democrat, and Marco Rubio, a Republican, and four others urged Secretary of State Antony Blinken and Treasury Secretary Janet Yellen in a letter to "explore new avenues to support the people of Burma in their ongoing struggle for democracy in the face of escalating crimes against humanity." They want the Biden administration to stop royalties flowing from businesses including Chevron to MOGE. MOGE is a partner in Yadana, a natural gas field in which Chevron has a 28.3% stake. Gas revenues from joint ventures involving companies like Total and Chevron are the most significant single source of foreign exchange revenue for the Myanmar government, generating cash payments of about \$1.1 billion annually, the senators said. They proposed the ventures pay revenue into a trust to be held until Myanmar has a democratically elected government or to be used for humanitarian purposes. A Chevron representative said any diversion of revenues or taxes owed to MOGE into an escrow account "could be considered a breach of contract and potentially put employees of the joint venture partners at undue risk of criminal prosecution."

Meanwhile, President Joe Biden further redirected more than \$40 million of aid from the Myanmar government to civil society.

UK Sanctions Designation

On 25 March, the UK's Treasury Office of Financial Sanctions Implementation (OFSI) imposed similar asset-freeze sanctions against MEHL, and on April 1, OFSI imposed asset-freeze sanctions against MEC. These sanctions prohibit UK persons and any person within the UK from dealing in funds or economic resources of, or making funds or resources available to, MEHL or MEC, or any entity they own or control.

EU Measures

On 19 April 2021, the EU also imposed sanctions on MEHL and MEC, along with 10 members of the coup regime and Tatmadaw. For MEHL and MEC, the sanctions include an asset freeze and a ban on EU citizens and companies making funds available to the two entities and any entity owned or controlled by MEHL and MEC. Also, on March 22, the EU added 11 Burmese officials responsible for the military coup to its sanctions list. The EU issued a freeze on assets and a visa ban for the military's commander-in-chief, Min Aung Hlaing, as well as nine other senior military officers and the head of the country's election commission. An EU statement said the sanctions were part of the bloc's "robust

response to the illegitimate overthrowing of the democratically elected government and the brutal repression by the junta against peaceful protesters.” (See Annexure F for list of Individuals)

United Nations (UN)¹⁰

The UN Security Council on 30 April called for an immediate end to violence in Myanmar as stated in an ASEAN plan, giving unanimous approval to a statement watered down to satisfy China and Russia. The plan should be applied "without delay," the council statement says.

It was approved after a closed-door meeting of the council and forced Western countries to make concessions to China, Myanmar's main backer and Russia to win passage. At their request, the council eliminated clauses that said it "once again strongly condemned violence against peaceful protesters" and "reiterated their call on the military to exercise utmost restraint." The statement that was ultimately passed calls for the UN Special Envoy to Myanmar, Christine Schraner Burgener, to be able to visit Myanmar "as soon as possible." Schraner Burgener gave a report on her long meeting with Myanmar junta leader General Min Aung Hlaing, held on the side-lines of the ASEAN meeting. They agreed "to keep details of the exchange discreet to allow for continued frank and open discussions", she said. Diplomats said Schraner Burgener, who is currently based in Bangkok, once again had her request for a visit to Myanmar denied. During the meeting, Brunei, which currently holds the presidency of ASEAN, floated the idea of a joint visit to Myanmar by the UN envoy and her future ASEAN counterpart.

"We estimate around 20,000 internal displacements and almost 10,000 fleeing to neighbouring countries since February. The regional implications require urgent action. The common aspiration for democracy has united the people of Myanmar across religious, ethnic and communal divides like never before. Such strong unity has created unexpected difficulties for the military in consolidating power and stabilizing the coup," Schraner Burgener told the council.

The UN Secretary General (SG), Antonio Guterres condemned "the continuing brutal violence by the military in Myanmar." In recent statements the UN SG reiterated that he "continues to stand with the people of Myanmar and their aspirations to achieve a peaceful, stable and prosperous Myanmar." Guterres also called for "a firm, unified international response" and "to end violations of fundamental human rights and return to the path of democracy." His call was reiterated in a statement from the UN High Commissioner for Human Rights.

China¹¹

Chinese State Councillor and Foreign Minister Wang Yi in March 2021 put forward a three-point proposal on de-escalating tensions in Myanmar. First, China hopes all parties in Myanmar will keep calm and exercise restraint, address their differences through dialogue and consultation within the constitutional and legal framework, and continue to advance the democratic transition, according to Wang. The immediate priority is to prevent further bloodshed and conflict, and ease and cool down the situation as soon as possible, he said at a press conference on the side-lines of China's annual legislative session. Second, China supports ASEAN to uphold the principles of non-interference in internal affairs and making decisions through consensus, mediate in the ASEAN way and seek common ground. On the basis of respecting Myanmar's sovereignty and the will of its people, China stands ready to engage and communicate with all relevant parties and play a constructive role in easing the

¹⁰<https://www.voanews.com/east-asia-pacific/un-security-council-calls-asean-myanmar-plan-be-enacted>;
<https://www.aljazeera.com/news/2021/5/1/myanmar-risks-standstill-three-months-after-coup-un-envoy>

¹¹<https://www.usip.org/publications/2021/04/chinas-high-stakes-calculations-myanmar>;
<https://www.ft.com/content/39985f6a-38bd-43b1-a495-cd762be0f30b>

tensions in Myanmar, said Wang. Third, as China and Myanmar are a community with a shared future through thick and thin, China will not waver in its commitment to advancing China-Myanmar relations, and will not change the course of promoting friendship and cooperation, no matter how the situation evolves, Wang added. He stressed that China's friendship policy toward Myanmar "is for all the people of Myanmar."

By late March, China began signalling stronger support for the junta. First, it hosted the Russian foreign minister in Guangxi, China, on March 22, where the two officials issued a joint statement expressing concern that foreign powers were "exploiting the situation in Myanmar to advance their own interests," and saying that this must be prevented. Then, on April 3, Wang Yi issued a new statement, dropping all mention of China's relations with the NLD. This statement called for preventing further bloodshed; blocking United Nations Security Council involvement in Myanmar; and stopping "foreign powers from exploiting chaos in Myanmar to advance their selfish interests."

The statement makes the hierarchy of priorities among China's core interests abundantly clear: limiting foreign influence and preventing internationalisation of the conflict are top concerns, while engaging with the country's democratically elected leadership is unnecessary.

Also in late March, ahead of the high-level meeting with the United States in Alaska, China did send signals that it might be willing to mediate the conflict in Myanmar, but with an eye toward securing concessions on Xinjiang, Tibet, Hong Kong or trade. From the US perspective, this would be disastrous for regional allies.

Experts say this explains China's sudden turn to Russia, and Russia's foray into Myanmar's domestic politics through its high-level participation in the Tatmadaw's Armed Forces Day celebration on March 27, which sent a strong signal of Chinese and Russian willingness to continue protecting the Tatmadaw. An essay published by the Chinese think tank Taihe Institute illustrates the narrative forming in China around Beijing's position: "The [Civil Disobedience Movement] is fully backed by Western NGOs...meanwhile the CRPH has popular support...but is extremely weak compared to the military, it is an illegal association, and its leaders are wanted for sedition."

China would likely prefer that the coup regime emerges victorious over the civil disobedience movement and the NLD, thereby driving a deep wedge between its southern neighbour and the West. At the same time, China also sees clearly that the majority of ethnic armed organisations face serious public opinion costs if they fail to reject the coup and support the oppressed population. Given the degree to which many of the ethnic armed organizations in the north are dependent on China, Beijing does not mind them expanding their influence; it could benefit China in future bargaining with a weakened, but still intact, coup government. China's warnings to the Kachin Independence Army on April 3, though, made it clear that Beijing does not want any armed groups within its sphere of influence to align militarily with either the CRPH or other armed organisations outside of China's security umbrella.

China's actions will play a big part in steering the trajectory of the conflict, shaping the extent of potential alliances or picking likely victors in an ongoing contest.

However, some reports warn that a major flaw in China's analysis is its assumption that the civil disobedience movement and the CRPH have no autonomy, or that they are doomed to fail without international support. Despite the Tatmadaw's use of lethal violence and its institution of a nationwide reign of terror, the movement remains strong, and its support from ethnic armed groups continues to increase. The CRPH's moves to abolish the constitution and introduce a federal charter have further

bolstered its support from the public and the ethnic nationalities, uniting all nationalities in their opposition to the Tatmadaw for the first time.

The ultimate outcome of coup will affect a range of international actors but none more than China. As Asia's greatest power, China has strategic and economic stakes in its neighbour that leave little space for genuine neutrality behind a façade of non-interference. Although China has strong incentives to avert chaos or collapse, it more importantly views Myanmar as a battleground for preventing the encroachment of democratic values and Western interests on its periphery. Consequently, Beijing will continue to lend cautious support and legitimacy to a tyrannical and capricious military dictatorship.

China experts have long identified three key interests of Beijing in Myanmar. The first is to maintain stability in the China-Myanmar borderlands, where fighting between the military and powerful armed groups based along the China border will impact China's national security interests. Second, China aims to protect and advance a strategic economic and energy corridor linking its southwestern provinces to the Indian Ocean. Third, China seeks to prevent the internationalisation of Myanmar's conflicts, particularly preventing Western influence in the borderlands.

In the border area, fighting broke out almost immediately after the military seized power, first involving attacks by two organizations belonging to the Brotherhood Alliance based there — the Ta'ang National Liberation Army and the Myanmar National Democratic Alliance Army. Observing that the third member of their alliance, the Arakan Army, was positioned to benefit from the coup by consolidating territory acquired in Rakhine State since a 2019 cease-fire with the military, the two groups saw the post-coup landscape as an opening to realize their own territorial ambitions in the North. As the Myanmar army moved to counter these efforts, the neighbouring Kachin Independence Army began fighting back, attacking police stations in the Kachin capital.

While China urged armed groups dependent on it for supplies, trade and economic development to use restraint, this became increasingly untenable by mid-March as the military's crackdown on popular resistance to the coup continued and spread across Myanmar's ethnic states. Facing significant pressure from their constituencies, these ethnic armed groups expanded military operations.

With the Tatmadaw now deploying air strikes in Kachin and Shan states, China recognised the conflict will inevitably spill across the frontier. On March 29, Chinese authorities took the drastic step of locking down the border and bolstering security in southern Yunnan province under the pretext of controlling COVID-19.

China's economic interests also face a significant post-coup threat — in large part because Beijing refused to recognize that a coup had occurred. In the power grab's immediate aftermath, thousands of protesters targeted China's embassy in Yangon, demanding that it withdraw support from the Tatmadaw. As China maintained its "wait and see" posture, the Myanmar public threatened to shut down or even destroy major Chinese investment projects.

The threat materialised in early March when dozens of Chinese textile factories around Yangon suffered serious damage in a mysterious, coordinated attack that caused losses of about \$37 million. China's embassy confirmed the factories had been hit and Chinese staff injured and called on the regime to prevent further violence and protect Chinese workers and property. Chinese garment and textile plants in Myanmar employed about 400,000, it said. Meanwhile, Burmese regularly post pictures online of pipeline explosions, threatening China's most important investment in Myanmar, the Myanmar-China pipeline project, which provides 13 percent of China's natural gas imports and supplies oil to a multi-billion-dollar refinery outside of Kunming. Although the Tatmadaw has assured

China it can protect its investments, the chaos has seriously disrupted the lucrative border trade, rendered planning impossible for a rail line connecting the Chinese border to Mandalay, and halted the majority of Chinese construction projects in lower Myanmar.

Anti-China sentiment among opponents of the junta has been on the rise since the coup, owing to China's reluctance to condemn the Burmese military, including at UN Security Council meetings. There have been reports in the press and on social media of ethnic Chinese facing hostility and even threats of violence.

Russia¹²

From the very beginning Russia has refused to condemn the coup, with the Ministry of Foreign Affairs merely expressing hope for “a peaceful settlement of the situation through the resumption of political dialogue.” In the same statement, Moscow noted as an “encouraging sign” that the military intended to hold a new parliamentary election. Russian state-owned news agency RIA Novosti justified the coup by arguing that the “Myanmar army is the only viable guarantor of the multi-ethnic country’s unity and peace.”

The most visible manifestation of Russian support for the junta came in late March when Deputy Minister of Defence Alexander Fomin became the highest-ranking foreign official to attend Myanmar’s Armed Forces Day parade in Naypyidaw. While the military was violently cracking down on protestors, Fomin held talks with general Aung Hlaing. He called Myanmar “Russia’s reliable ally and strategic partner in Southeast Asia and the Asia Pacific” and emphasised that Moscow “adheres to the strategic course of enhancing relations between the two countries.”

There are several reasons why Russia is emerging as the most high-profile supporter of the Myanmar military government.

Moscow’s close ties with Myanmar date back to the 1950s. Given that for most of its modern history the Southeast Asian country has been governed by the military, Russia has developed a working relationship with its uniformed rulers. Min Aung Hlaing has visited Russia on numerous occasions, most recently in June 2020 to attend the Victory Day parade in Moscow and is known as a champion of Myanmar–Russia ties. Under Min Aung Hlaing, Myanmar–Russia military cooperation has received a boost. After China, Russia is the country’s second largest supplier of arms, being the source of at least 16% of weaponry procured by Myanmar from 2014–2019. Myanmar’s military is now awaiting the delivery of six Su-30 fighter jets ordered in 2019. The regime imported \$14.7 million in radar equipment in February, Russian customs data showed. Defence Minister Sergei Shoigu agreed to supply Myanmar with Pantsir-S1 surface-to-air missile systems, Orlan-10E surveillance drones and radar equipment during his visit to the Naypyidaw in January. It is unclear if the Russian radar equipment Myanmar imported in February was part of the January agreement.

Thousands of Myanmar’s military officers have also received training in Russia’s military academies. Tellingly, the Myanmar commander-in-chief maintains an official account on Russia’s VK social network while being banned from Facebook and Twitter. It is not coincidental that the Kremlin’s main interlocutor with Myanmar is defence minister Sergey Shoigu, who happened to visit the country just several days before the 1 February coup.

¹²<https://www.eastasiaforum.org/2021/04/27/why-russia-is-betting-on-myanmars-military-junta/>; <https://www.themoscowtimes.com/2021/04/20/myanmar-junta-imported-15m-worth-of-russian-radar-equipment-in-february-a73672>

Given this long-standing and profitable relationship with the Myanmar military, it stands to reason that Russia is not going to condemn the coup, let alone sanction the junta. President Vladimir Putin has never been known for his sympathies for pro-democracy movements backed by the West, and the Kremlin hardly sees the English-educated Aung Sang Suu Kyi, whose two sons are British nationals, as a desirable alternative to uniformed rulers.

Moscow's support for a military dictatorship could damage its international reputation, but with what has already transpired between Putin and the West, the Kremlin could hardly care less about its reputational fallout from Myanmar. In defence of its stance on Myanmar, Russia could also point to Western hypocrisy — neighbouring Thailand is ruled by generals with dubious democratic credentials, but the country remains in the West's good graces due to being a 'treaty ally' of the United States.

Viewing itself as a global great power, Russia has a stake in maintaining a strategic presence in Myanmar, a geopolitically important country in the Indo-Pacific. To retain and expand Russia's links with Myanmar, the Kremlin has banked on the generals.

It is unclear to what extent Moscow will coordinate its Myanmar policies with Beijing. They are likely discussing the situation in Myanmar, but their strategies differ. Russia is driven by the desire to keep lucrative military contracts and possibly gain a foothold in the Indian Ocean. By contrast, Beijing is guided by more long-term strategic interests dictated by Myanmar's immediate proximity to China's Yunnan province.

SCENARIOS¹³

Ardeth Maung Thawngmung, a professor of political science at the University of Massachusetts, and Interim Director, Peace and Conflict Studies, in March 2021 published an article "2021/30 Back to the Future? Possible Scenarios for Myanmar." She argues that neither the military nor the protest movement can be certain of the current crisis' ultimate outcome. Nine scenarios, based on the objectives of different players, their attempts to influence the nature and direction of the crisis, and the interaction of strategies employed by the military and the protest movement, are possible, according to Thawngmung. The best for the military is one featuring two-year or indefinite military rule. For protesters it is either a return to the pre-coup status quo and the exile of leading generals, or complete civilian control of the military and a federal democratic regime.

However, she warns, Myanmar appears stuck in a scenario marked by chaos where the military and the protest movement each attempt to steer the situation towards their own optimal outcomes. In the short term, Myanmar's military is intent on intensifying repression against the anti-coup movement should it adopt more comprehensive and diverse strategies. A tipping point may occur in favour of either side, depending on the additional resources or support that it obtains, either from other domestic actors or from international actors and defectors from the other side. Many groups and organisations can be expected then to bandwagon with the stronger party.

¹³ <https://www.iseas.edu.sg/articles-commentaries/iseas-perspective/2021-30-back-to-the-future-possible-scenarios-for-myanmar-by-ardeth-maung-thawngmung/>

Chart: Post-Coup Scenarios for Myanmar

		The Military's Strategy		
		<i>Non-accommodation</i>	<i>Partial accommodation</i>	<i>Full accommodation</i>
The Protest Movement's Strategy	<i>Compliance</i>	1 A One-year military rule; NLD abolished? <i>(1958 caretaker government)</i> <i>(Military's initial plan)</i>	2 A NLD enters new elections but wins far fewer seats than in the 8 November 2020 polls (2010-2015 situation)	3A A return to Pre-1 February 2021 status quo (NLD's initial objective)
	<i>Partial protest</i>	1B Military rule for more than one year; political repression and drafting of new constitution or revision of 2008 constitution (SLORC/SPDC 1988-2004)	2B Limited degree of political and economic freedom as long as the military is not criticised; release of top NLD leaders/low level leaders; some negotiations with NLD or CRPH (SPDC 2004-2010)	3B Pre-1 February 2021 status quo; top generals resign and possibly go into exile
	<i>Full protest</i>	1C Failed state characterized by chaos and anarchy (Current situation)	2C Failed state characterized by local self-governance with a self-defense structure supported by EAOs.	3C Top generals resign; elimination of 2008 constitution; military under civilian control with possible federal army and elimination of military's parliamentary seats; "federal democracy" (e.g. General Strike Committee, General Strike Committee of Nationalities, KNU/EAOs)

The chart of potential outcomes shows a range of choices or strategies on the part of the military, ranging from non-accommodation to partial accommodation and full accommodation. The military is unlikely to make any concessions ('non-accommodation') as long as it receives cooperation and support from domestic and international forces, particularly China, Russia and ASEAN; if it can exercise control over civil servants; and as long as it is not opposed by the many ethnic armed groups that have so far remained on the side-lines. The military could make some concessions or full concessions if its financial or logistic resources were significantly affected; if the scale and degree of defection from its ranks or among civil servants vastly increased; and/or if there were an internal military putsch, though this in itself would not guarantee a change of strategy. Effective mediation by external actors might lead to one of those same outcomes, with some or full concessions.

Note: On 26 February, to the satisfaction of the anti-coup movement, Myanmar's United Nations Ambassador Kyaw Moe Tun denounced the military takeover and pleaded for the international community to help restore democracy in Myanmar in a speech on the floor of the General Assembly. Whether in emulation of his open defiance of the military or not, further defections by diplomats posted to Myanmar missions in Los Angeles, Washington, Geneva, Berlin, Tokyo, and Jerusalem followed. So far more than 100 police officers have also defected to the protest movement, including a police colonel in Yangon, while a captain in the military became the highest-ranking defector in the armed forces on 4 March.

The chart also outlines choices for the protest movement, from full protest to partial protest or outright compliance with the military regime. Full-scale protest occurs when protesters are able to mobilise comprehensive protest strategies that both threaten the foundations of military support and also offer alternative mechanisms to fulfil the basic needs of ordinary people and thus sustain the movement in the long run. These mechanisms include domestic and international support to help finance, plan, and coordinate the protest campaign and put pressure on the military, as well as an internationally recognised parallel government with ministers overseeing assorted responsibilities including self-defence (potentially provided by ethnic armed organisations). The degree and scale of the protest movement can gradually diminish until it reaches the point of compliance as a result of the arrest of key leaders, fatigue, economic insecurity and/or political repression.

Scenario 1A reflects the endgame initially envisioned by the military, with full compliance from the protest movement. Upon seizing power, the military declared that it would reform the country's election commission during the "emergency" period and host another "free and fair" election. Unlike Myanmar's previous era of military rule between 1988 and 2010, when the State Law and Order Restoration Council established following a coup was made up only of military commanders, half of the members of the 16-member State Administration Council formed in the wake of the 1 February coup are civilians. The military would like to consider its present role to be similar to that of the "caretaker government" in 1958-60, when a civilian government asked the military to re-establish order and stability for elections.

The arrests of and charges against people elected to parliament in November and prominent NLD leaders, as well as the interrogation of the administrator of Aung San Suu Kyi's charity foundation, and the military's call to consider reform of the electoral system, are signs of the military's intention to eliminate the NLD as a political force. This plan has been stalled by nationwide resistance and is therefore likely to result in the extension of military rule for an indefinite period of time (Scenario 1B). This outcome would be similar to the period between 1988 and 2004, when the military intensified its repression while exploring an exit strategy by drafting a new constitution. By the end of the first week of March, in fact, state media indicated that the military had extended its timeline for interim rule from one year to 12-24 months.

At present, the situation in Myanmar most closely resembles Scenario 1C, with neither side displaying any willingness to concede, the breakdown of law and order, and the cessation of basic operations of government. The protesters are predominantly members of younger generations, but they also feature a wide variety of people across professional backgrounds and different ethnicities, including those who were unhappy with the policies and practices of the NLD government. They have been able to deploy a diverse range of nonviolent strategies never seen during the opposition to military rule in the 1988 nationwide anti-coup movement. Both widespread internet use and the involvement of the vast Myanmar diaspora have made many of these strategies possible. They range from street protests to banging pots and pans every evening, naming and shaming perpetrators of violence and their families on social media, boycotts of military businesses, refusal by civil servants to show up at work, and protests outside the Chinese embassy.

The CDM was started by medical doctors who built on courage and moral leadership that they had developed during the Covid-19 relief campaign. The CDM has spread to the education, transportation, banking and local government sectors. It has reached an unprecedented scale, with two in every three civil servants either on strike or unable to work because of the collapse of transport and government machinery. As a consequence, many basic operations of government and economic activities such as trade, banking and construction have come to a halt. Signs of economic stress have appeared everywhere, from a gradual rise in food prices to increased unemployment and shortages of cash and essential goods like gasoline.

If the military decides to make concessions to gain public support or due to pressure or international mediation, it may allow the NLD to contest elections and to win a number of seats under a modified proportional representation system that prevents the party from capturing a majority of elected seats (Scenario 2A). This scenario would represent a slight improvement on Scenario 1A, which would see the NLD abolished or forced to re-establish itself under a different name. Partial protest could result in the military extending its rule indefinitely, but with some degree of political and economic relaxation (Scenario 2B). Scenario 2B would be similar to the situation between 2004 and 2010, when the military relaxed restrictions on foreign and domestic private investors and civil society organisations that refrained from political mobilisation against the military. It is also a slight improvement on Scenario 1B, in which extended rule would be based on full-scale political repression.

If resistance continued at its present level, however, one could see the emergence of localised self-governing mechanisms of the sort that have already appeared in some areas to fill a vacuum of political authority (Scenario 2C). In the Thai-Myanmar border town of Myawaddy, and in Kachin State in the country's north, and in Kayah State, armed groups have protected and guarded protesters. In the Chin State town of Mindat, several villages jointly issued a statement announcing that they would administer their territory according to Chin customs and practices, while some armed groups, including several KNU brigades, declared that they would ally with neither the CRPH nor the military.

Most areas in the country are currently being administered by local communities composed of religious leaders and respected elders and guarded by volunteer night watch groups. Peripheral areas home to minority ethnic groups were also already being governed by ethnic armed groups before the coup. Scenario 2C is a slight improvement over Scenario 1C, which is characterised by complete chaos.

In the event that the military makes a full accommodation, there are three potential outcomes. Scenario 3A is the pre-coup reality, in which the military would recognise the November 2020 election results but retain its privileges under the 2008 constitution — such as controlling a quarter of reserved seats in parliament and thus retaining veto power in the legislature, along with control of the defence, border affairs and interior ministries. This is a scenario initially envisioned by the CRPH/NLD. More public protest could also result in the resignation of top military leaders responsible for the coup (Scenario 3B). Full military concession (Scenario 3C) would completely revolutionise Myanmar's political landscape by abolishing the 2008 constitution, potentially transforming the country from a quasi-democracy to full democracy with the military controlled by civilian politicians, and from a unitary system to a genuine federal democracy. These are the objectives of protesters indifferent or hostile to the NLD, such as younger protesters and members of ethnic minority groups, including ethnic armed groups, who see the anti-coup movement as a once-in-a-lifetime opportunity to abolish the 2008 charter and achieve a genuine federal democracy and the protection of minority rights.

The nine scenarios developed here are based on a simplified model of interaction between the military and protesters. They could overlap or prove volatile over a very short period of time. For instance, three different scenarios could emerge in separate parts of the country at the same time. For example, an anarchic situation (1C and 2C) could prevail during military rule (1A and 1B). Currently, Myanmar

seems to be stuck in the chaotic Scenario 1C, while the military and protest movement are both attempting to steer the situation towards their optimal outcomes.

In the short term, the more the anti-coup movement proves able to adopt comprehensive and diverse strategies, the more intense and even desperate the repression imposed by Myanmar's military will become. The military has, for instance, increasingly relied on the use of brute force and the extrajudicial killing of unarmed civilians, along with the torture of detainees. These tactics have replaced its reported original plan to use a "war of attrition" to wear down and conquer the public. In the meantime, key figures in anti-coup movement have been able to expand the CDM and mobilise supporters toward pushing for a situation resembling Scenario 3C. The CRPH, for instance, has added the elimination of the 2008 constitution, along with the promulgation of a new constitution based on principles of federal democracy, as one of its objectives. This situation could be brief or last for a long time, and it could manifest differently in different geographical areas. For instance, border areas governed by ethnic armed groups are more likely to do better, with their extant self-governing structures and access to neighbouring countries, than core urban areas susceptible to the military's strict control.

International mediation led by the UN or regional actors such as ASEAN, China, or Japan is a likely possibility if accepted by both the military and Aung San Suu Kyi. Mediation is, however, unlikely to result in a situation similar to the pre-coup political order, as that order will be unacceptable to both the military and the segment of the protest movement that wants a complete transformation in Myanmar politics in the form of genuine federal democracy and total civilian rule.

FUTURE PERSPECTIVES¹⁴

The UN human rights chief, Michele Bachelet, has warned that the country could still tip into an all-out civil war with "echoes of Syria." And the UN special envoy on Myanmar, Christine Schraner Burgener, told the Security Council that if "collective action" was not taken to reverse the coup, "a bloodbath is imminent." She warned of a "multi-dimensional catastrophe in the heart of Asia."

According to the International Crisis Group (ICG), beyond being morally repugnant, the regime's actions risk precipitating state collapse, where the generals may control the trappings of state but be unable to impose their will on the country as a whole, maintain order, or govern and deliver services effectively. Increasing levels of violence are hardening opposition and broadening a popular consensus that a return to military rule must be prevented at all costs.

A United Nations Development Programme (UNDP) study warns that, if unchecked, the combined effect of the coup and COVID-19 could push up to 12 million people into poverty. That could result in as much as 25 million people - nearly half of Myanmar's population - living below the national poverty line by early 2022, a level of impoverishment not seen in the country since 2005. Furthermore, around 80 percent of Myanmar's trade is seaborne and the UNDP estimates that the trade volume in ports has dropped by between 55 and 64 percent in the two months following the military takeover, due to delays in government clearance, logistical disruptions on account of political unrest and shipping lines temporarily suspending work, amongst other factors. The World Bank projects an economic

¹⁴<https://www.npr.org/2021/04/01/983414620/u-n-official-warns-of-bloodbath-in-myanmar-if-coup-isnt-reversed>;
<https://www.economist.com/asia/2021/04/15/myanmar-is-on-the-brink-of-collapse>;
<https://reliefweb.int/report/myanmar/un-chief-highlights-key-role-asian-regional-bloc-ending-myanmar-crisis>; Economic Intelligence Unit (EIU): Myanmar politics: Post-coup Myanmar: turbulence continues amid protests, 02 Mar 2021; <https://www.bangkokpost.com/opinion/opinion/2102927/myanmar-challenges-the-asean-way>;
<https://www.thestatesman.com/opinion/time-essence-end-myanmar-crisis-1502965844.html>;
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contraction of 10 percent in 2021 due to a combination of substantial employment and income losses, government relief not matching earning losses, stimulus not offsetting output shortfalls and public investment not being accelerated and scaled up. These reports indicate that Myanmar is approaching the point of economic collapse.

The coup could also give birth to a new type of conflict in Myanmar. The security forces' deadly crackdown on demonstrations has encouraged more determined protesters to use weapons such as Molotov cocktails, fireworks and swords. At least several hundred of these have now travelled to the territory of five different ethnic armed groups to obtain 'military training'. Some hope to form an armed group to conduct urban warfare against the regime; others are planning to return to the cities and engage in more informal resistance and asymmetric attacks. Although guns are easily available in Myanmar's conflict areas, the extent of people's capability and resources to pursue such a plan are difficult to assess with confidence. Still, high levels of anger and despair may drive some down this path, raising the prospect of violent escalation in the cities.

However, a "federal army" would have little chance of defeating the Tatmadaw in direct combat. The regular army, numbering some 350,000, dwarfs the militias' combined force of 75,000. And the guerrillas' style of warfare is not suited to lowland areas, where they would inevitably be drawn into open battle with the Tatmadaw. But if the insurgents begin stepping up their attacks on the army, "that would spread the military very thin", says Zachary Abuza of the National War College in Washington.

Meanwhile, the CRPH is trying to win over minorities by promising to realise their dream of turning Myanmar into a federal union. Yet ethnic political parties are wary of signing up. The CRPH is dominated by Bamar politicians, who have a history of marginalising minorities. Politicians from minorities tend not to trust their Bamar counterparts, or each other. Some militias have, for instance, clashed with each other over territory and money. Getting them to set aside their differences may prove difficult.

Conflict erupting on so many different fronts would send the country even further into a downward spiral, but there is little reason to believe the regime would feel it had to back down or that it was at risk of defeat. Such violence would undoubtedly stretch the Tatmadaw's capacity, but its size and firepower, unless it faces substantial desertions, are vastly superior to those of its potential opponents.

Given that the ethnic militia groups are not a united front, the regime can also cut deals with individual groups to relieve the pressure. Arms embargoes, while important, are unlikely to degrade the military's ability to fight. It manufactures most of its own light weapons and ammunition, and it retains close relations with key arms suppliers. In particular, Russia's embrace of the Myanmar military, with Deputy Defence Minister Alexander Fomin attending Armed Forces Day as a guest of honour, will have given the regime confidence that it still has the backing of important allies.

The civil disobedience movement's biggest impact on the functioning of the country has been via the banking system. Many staff at state-owned and private banks, as well the Central Bank of Myanmar, have been on strike since shortly after the coup. Most bank branches remain shuttered and back-office functions – including payroll, interbank transfers and international payments – are barely operating. There is little cash available through ATMs, and while mobile payment apps – widely adopted across the country in recent years – allow account-to-account transfers, in the current circumstances access to cash withdrawals via agents is severely limited. The banking crisis is starting to have systemic impact. Businesses are unable to reliably make or receive payments, crippling domestic production, supply chains and external trade. These effects are compounded by strikes of

other key workers, including customs agents, dockworkers, truck drivers and rail workers. Major container shipping companies have also suspended services to the country because the ports are paralysed by the civil disobedience movement, disrupting both essential imports and exports. Food security analyses are already showing shortages of basic commodities and higher prices, imperilling livelihoods.

Strikers and protestors are aware of the likely economic and humanitarian consequences of their actions and have set up informal support mechanisms to help cushion the blow to workers and their families. The movement is partly leaderless and loosely coordinated – endorsed, but not organised or directed, by the CRPH. Similarly, support for strikers is not centralised, and would be at greater risk of disruption by the regime if it were. By deliberately prompting an economic crisis with the intention of hurting the regime and its ability to govern effectively, people have accepted that their economic interests will also suffer.

The regime has responded to the crisis by trying to end the strikes – at first by cajoling workers and now by intimidating or attacking them. Private banks have been ordered to reopen or face severe consequences, ranging from fines to nationalisation. But no bank can force employees to work against their will, making pressure and fines on these institutions ineffective. Meanwhile, regime threats of nationalisation risk further undermining public confidence in the banks and precipitating a run on any branches that do reopen. Attempts to end strikes have also backfired, with much of the civil service still refusing to work for the regime.

The situation looks set for a further downward spiral into a deep, prolonged financial and socioeconomic crisis. That would do enormous damage to a national economy already reeling from the impact of COVID-19, but which had seen strong growth over the last decade of liberalisation, with the country's poverty rate halved between 2005 and 2017. The result will likely be millions of people falling back into poverty.

The fast-deteriorating situation represents a significant diplomatic and security challenge for the region. The already dim prospects of a resolution to the Rohingya refugee crisis have evaporated, and the risk of state collapse accompanied by broader instability and violence could result in new refugee flows to neighbouring countries. The military regime is already becoming a diplomatic deadweight for ASEAN, challenging the bloc's unity and consensus-based decision-making. Failure to deal effectively with this challenge will hurt both ASEAN's credibility as an institution and its diplomatic and economic relations with the West.

According to the ICG, while outside actors have not yet shown much capacity to influence the generals, who are well accustomed to resisting international pressure, it is incumbent upon foreign governments to use the tools they have to signal that the status quo is unacceptable, impose targeted costs on the military and its economic interests, and deny the regime the instruments that it is using to brutalise its own people. At the same time, keeping open available lines of communication so outside actors can convey concerns about the deepening crisis and finding ways to keep regional and Western governments working in unison will also be important. Economic sanctions, particularly on the military and their business interests, are useful in signalling the coup's unacceptability although, they are likely to have marginal impact on the regime and the course of events, especially as only Western countries are likely to impose them. Channels of communication with the regime should be kept open to the extent possible, including via the UN special envoy and governments in the region that enjoy privileged access to the junta, including China, Japan, India and ASEAN members. These channels may also help outside actors to identify and pursue any future openings for diplomacy and mediation. Military-to-military contacts can also be useful for non-regional powers in passing clear messages without conferring the legitimacy that could come from high-level political contacts with

the regime. These channels can be used to express clear opposition to the coup, condemn subsequent state violence and warn the military that the trajectory the country is on risks catastrophic state collapse.

In order to maximise leverage, it is crucial for Asian and Western powers to work together, including in the UN Security Council. Due to Russian and Chinese resistance, the Council is not prepared to impose coercive measures at present. But it can be a forum for quiet diplomacy. At the same time, governments willing to call out the regime's abuses can work through the UN General Assembly and Human Rights Council. China and Russia should recognise that if Security Council diplomacy bears no fruit, Western states will eventually default to a harder line there, too.

Forging a common front will be hard, given geopolitical friction, the economic interests important regional actors— including China, India, Japan, Korea, Singapore and Vietnam – have in Myanmar and the lack of interest some have in supporting democratic principles. Western powers should avoid the dynamics of the pre-reform period, when their imposition of broad sanctions angered some Asian governments and scuppered prospects for cooperation, for example, disrupting regional dialogues in the framework of the Asia-Europe Meeting. While West and East may respond differently to the military takeover this time, they must keep working together where there is common ground, particularly to ward off violence. Even for those disinclined to oppose the coup on grounds of democratic values, turmoil in Myanmar and the related risk of bloodshed run contrary to their economic and security interests.

The imposition of punitive measures should not keep international actors from seeking to maintain channels of communication with the military regime. Isolating Myanmar would equate to abandoning its people at a time when international support matters most. All those who wield any influence in Naypyitaw should use it to nudge the generals back to the path they chose themselves a decade ago, pushing for negotiations between the army and NLD.

Granted, the coup is a direct result of the breakdown of relations between the two, but such talks are not impossible, and they remain the best way to probe possible outcomes to the crisis. Some actors in Asia – notably Japan, Korea and Singapore – will likely have more buy-in with the new regime than others and would be better placed to engage in actual dialogue. While it has an important role to play, the US may need to take a back seat when it comes to direct engagement.

The UN's role will largely be tied to dynamics on the Security Council, where both Russia and China have traditionally shielded Myanmar from international scrutiny. The stronger-than-expected condemnation of the coup in the Council's initial statement could indicate that China is not entirely opposed to a UN role on Myanmar, even if it is unlikely to support any moves to put significant pressure on Naypyitaw through the Council. UN Secretary-General António Guterres has pledged to try to help reverse the coup. Taking her cue from the Council statement, the UN special envoy on Myanmar, Christine Schraner Burgener, could act as an intermediary between the military and regional and global capitals, and even potentially between the military and the NLD, although she has little direct leverage of her own.

[Core Conclusions/Proposals](#)

- ✚ Returning to the status quo that prevailed before the coup—the tenuous collaboration between the civilian National League for Democracy and the Tatmadaw—is impossible at this point. However, the military will almost certainly have to be part of any future political settlement, given how entrenched it is within Myanmar.

- ✚ Some form of consultation and dialogue needs to be initiated between all parties. However unpalatable it will be for many, the Tatmadaw has to be part of the discussions.
 - ✚ In the framework of a cessation of violence and other discussions, the deployment of UN/ASEAN observers needs to be considered.
 - ✚ ASEAN should make clear it will not grant Myanmar's junta legitimacy through a seat at its table except to discuss a resolution of the current impasse. It should sponsor a broad-based dialogue—involving Australia, China, India, Japan, South Korea, the US, and others—to forge a united front that delivers a clear and forceful message to the Tatmadaw and makes credible threats to shut off the military's access to banks, schools, hospitals, and other sources of support should the Tatmadaw fail to end the violence and agree to open discussions with Myanmar's elected representatives on a path forward.
 - ✚ The dispatch of a humanitarian mission by the ASEAN Secretary-General, as was the case with the cyclone Nargis disaster and during the Rohingya crisis, could potentially provide the interface with the military regime in Nay Pyi Taw to open up the space for humanitarian and subsequently broader dialogue with all the relevant stakeholders.
 - ✚ ASEAN must be creative in employing a multitrack approach whereby existing official channels of communication can be augmented and complemented by informal or behind-the-scenes diplomacy involving private individuals or organisations having both the links and the impartiality to serve as the conduit to build up trust and confidence among the respective parties in Myanmar. (Some have suggested big political names such as former Singaporean Prime Minister Goh Chok Tong, former Thai Prime Minister Anand Panyarachun, or former Malaysian Prime Minister Mahathir Mohamed to handle dialogue initiatives.)
 - ✚ The resilience of the daily protests, and above all, the CDM, has revealed the profound breadth and depth of public anger about the military's coup and more generally its influence. This will be a potent source of tensions for the government and broader society no matter how the movement ends, whether through the military's violent suppression or after the emergence of acute livelihood issues following months of strikes.
 - ✚ A quick return to a semblance of stability would, barring a reversal of the coup, be possible only if the widespread opposition remained latent or vulnerable to the regime's legal pressure. The burgeoning CDM poses the biggest threat to the junta through the serious damage that it has inflicted on government services and daily business operations.
 - ✚ To put an end to both the CDM and the supportive rallies, the junta would have to pay a high price, either from the consequences of the wanton use of violence or the cessation of essential economic activities. However, escalation of this kind will further constrict room for any meaningful political negotiation or a reconciliation process. Such a stifled and fractured environment often leads to recurring instability and stagnant development.
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