

Briefing Paper:

Effective Control in Myanmar 2024 Update

30 May 2024



Special Advisory Council for Myanmar

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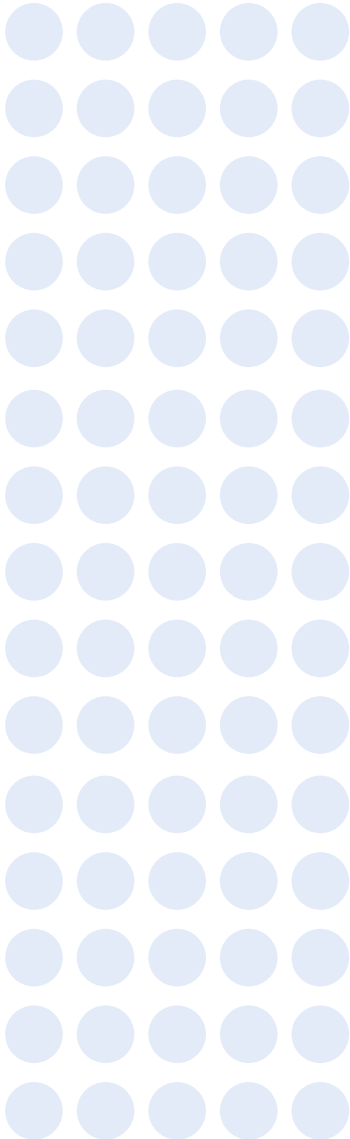
1. Key Messages

- The overall trajectory of conflict in Myanmar since 2022 has been one of expanding resistance control versus corresponding military junta losses. That trajectory has been consistent and escalated rapidly from October 2023.
- The junta has not pacified or suppressed resistance anywhere and has not brought any township that contained defended resistance territory in 2022 under stable junta control. The junta has very limited control and access in townships on Myanmar's international borders and is under pressure in much of central Myanmar. No city is free from regular conflict and many smaller cities and towns are fully or partially outside of junta control.
- The military junta is not a legitimate (de jure) government. It is not a de facto government either, as it does not meet the criteria for having effective control of the state. It has not demonstrated that it has the capacity to establish effective control.
- Resistance to junta control remains strong, widespread and deeply entrenched. External efforts to stabilise the junta are likely to be rejected and resistance will continue.
- A crescent of townships with increasing resistance control and containing large resistance territories now spans from Myanmar's eastern border with China in Shan state, across Kachin state in the north, through Sagaing region and Chin state bordering India on Myanmar's west, and south all the way to the Bay of Bengal. A smaller cluster reaches south from the eastern border with Thailand in Karenni and Karen states and almost connects with another group of townships with strong resistance control in Tanintharyi region along the Andaman Sea coast.
- The junta is by far the primary source of violence and instability and grave violations of international human rights and humanitarian law. It shows no willingness to meet the demands of the democratic revolution, only a commitment to further violence and suppression. International efforts to protect people from junta atrocities must be strengthened.
- Governance capacity is weak across the country while needs for humanitarian assistance and primary services are great and growing. International humanitarian and development assistance must be delivered in direct coordination with resistance actors who now have greater control than the junta in large tracts of the country.



2. Introduction

Soldiers from the NUG's PDF pose for a photo during an inspection by the NUG's Minister of Defence somewhere in the south of Myanmar on 18 May 2024. (NUG Ministry of Defence)



Nationwide resistance to the Myanmar military junta and a revolution to establish federal democracy are shaping new realities in Myanmar. Some of the shifts underway have become increasingly conspicuous, such as the junta's troops seeking refuge across international borders or surrendering at scale, and major highways and towns being seized by resistance actors. This paper seeks to look beyond the more high-profile individual events and provide analysis of how the dynamics of contestation and control are affecting the country as a whole.

The coup d'état launched by the Myanmar military on 1 February 2021 failed. The coup was overwhelmingly rejected by people in Myanmar in the form of mass non-violent resistance. The military responded with violence, prompting the subsequent evolution of an armed resistance and a revolutionary push to end decades of military oppression once and for all. The military junta has no claim to being a legitimate government. The military's actions in launching the coup were in violation of Myanmar law and Myanmar's military-drafted 2008 Constitution, which it effectively abrogated.

In 2022, SAC-M found that the military had no claim to being a de facto government either, on the basis of it not having effective control

of the country.¹ SAC-M found that the junta had neither full control of the country's territory nor of its people. The junta was unable to administer the functions of government effectively and did not show signs of being capable of establishing a stable permanent order. Effective control was being actively contested in almost every township of Myanmar along a trajectory that favoured resistance actors. What control the junta did have was being lost at an increasing rate while resistance was building in intensity and showed no signs of ceasing.

That overall trajectory has continued in the same direction since 2022 and accelerated from October 2023. This paper provides an updated snapshot of the situation of effective control in Myanmar at the end of March 2024 to inform a stronger, urgently needed response to the crisis from the international community for the immediate, medium and long-term.

Nationwide resistance to the Myanmar military junta and a revolution to establish federal democracy are shaping new realities in Myanmar

¹ See "Briefing Paper: Effective Control in Myanmar", SAC-M, available at: <https://specialadvisorycouncil.org/2022/09/briefing-effective-control-myanmar/> (September 2022).



MNDAA troops pose for a photo in front of a captured junta base in the town of Kunlong, near the Chinese border in Myanmar's northern Shan state in mid-November 2023. (The Kokang online media)

3. Methodology

Three maps based on qualitative assessments have been produced to provide illustrative visualisations of contestation and control across Myanmar's varied geography.

The assessments were guided by internationally accepted criteria for determining whether an entity has effective control as a de facto government of a state, derived from international case law. These criteria were established in the 1923 Tinoco Claims Arbitration (Great Britain v. Costa Rica). According to these criteria, for an entity to have effective control as a de facto government, it must:

- Control some, if not all, of the territory of the state;
- Be accepted by the population as being the government (this does not mean that people must support the entity or consider it to be legitimate, but they must, overall, submit to it as the ruling authority, even if this is achieved by force);
- Have the capacity to administer the functions of government;
- Demonstrate some degree of permanency in the exercise of the above criteria.

As these criteria demonstrate, effective control relies on various factors and so cannot be measured quantitatively, based simply on presence of military bases or any other specific indicator. Qualitative assessments have therefore been made of various forms of contestation that indicate degrees of control, while acknowledging the complex nature of different forms of influence at play. Qualitative assessments were made by consulting ground-level contacts across the country, local and other



experts, journalists and mapping specialists; reviewing the range of available news articles on key events; and corroborating with other available maps where necessary. SAC-M also benefited from the knowledge and experience of two expert analysts in this analysis.

The map of “Contestation and Control Across Myanmar: March 2024” (figure 1) was produced by assigning each of the country’s 330 townships to one of eight categories of contestation and control. The eight categories are depicted on a scale with the junta at one end and resistance at the other.

In the context of a popular uprising and with the existence of so many armed and governance actors in Myanmar, it is not possible to draw neat boundaries of territorial control. Armed and governance actors all exert various forms of influence (political, military, economic, informational, cultural and social) and their spheres of influence overlap with one another considerably. By characterising each township, we are providing an indication of the overall conditions and situation for people across that township, illustrating the extent of junta and resistance influence in general terms. The reality is that the majority of the population in Myanmar is under some form of mixed control at the current time. The indicative scale of control and contestation applied here provides an overview of varied forms of mixed control. Any attempt to map contestation and control requires extensive simplification for the sake of producing a visual model that provides a broad indication of the complex situation in different areas.

For these purposes, resistance actors are understood to be any armed and/or governance actor with explicitly stated political goals opposed to the political system pursued by the Myanmar military junta. That does not include militias that are subordinate to the junta and support, or at least accept, its system and rule. It includes all organisations that define themselves in revolutionary terms and maintain explicit demands for fundamental changes to the political and constitutional order, such as the political and administrative bodies and the People’s Defence Forces (PDF) acting under the National Unity Government (NUG), independent local defence forces and administrative bodies, and Ethnic Resistance Organisations (EROs). This includes organisations such as the United Wa State Party (UWSP), which has a ceasefire with the junta, but has defined itself as a revolutionary organisation, has rejected the military’s 2008 Constitution and leads and logistically supports an alliance whose members are waging extensive military campaigns against the junta. The term “resistance” does not automatically imply that the organisation has any connection to the NUG. The terms “revolutionary” and “resistance” are used somewhat interchangeably.

Resistance actors are not all working together, much less operating as a common bloc. Divisions and conflicts between them tend to be exaggerated by commentators, who often ignore the extensive coordination between numerous alliances and the level of collaboration required to force the junta out of vast areas. Instances of resistance forces fighting each other are rare, despite continuous efforts by the Myanmar military to mobilise them against each other. Nonetheless, political alignment is an ongoing and challenging process pursued through a variety of formal and informal channels as

a central priority for most resistance actors. Extant fragmentation is due to the default diversity and decades-old divide and rule strategies of the junta, which, at present, are slowly being overcome.

Finally, data from Myanmar's latest census, in 2014, has been used to estimate the size of populations in each township. The 2014 census was highly problematic as Rohingya were not allowed to self-identify and small parts of Kachin and Karen states were excluded. These inconsistencies impacted the township-level population estimates used here, most notably those in Rakhine state. There have also likely been considerable changes in the size and dispensation of populations since 2014, and there has been widespread displacement, including at least 2.7 million people internally displaced since the coup,² in addition to unknown levels of foreign migration, which are not captured here. The population figures in this paper are therefore intended only to provide a sense of variation in population density between different townships and between different situations of control and contestation.

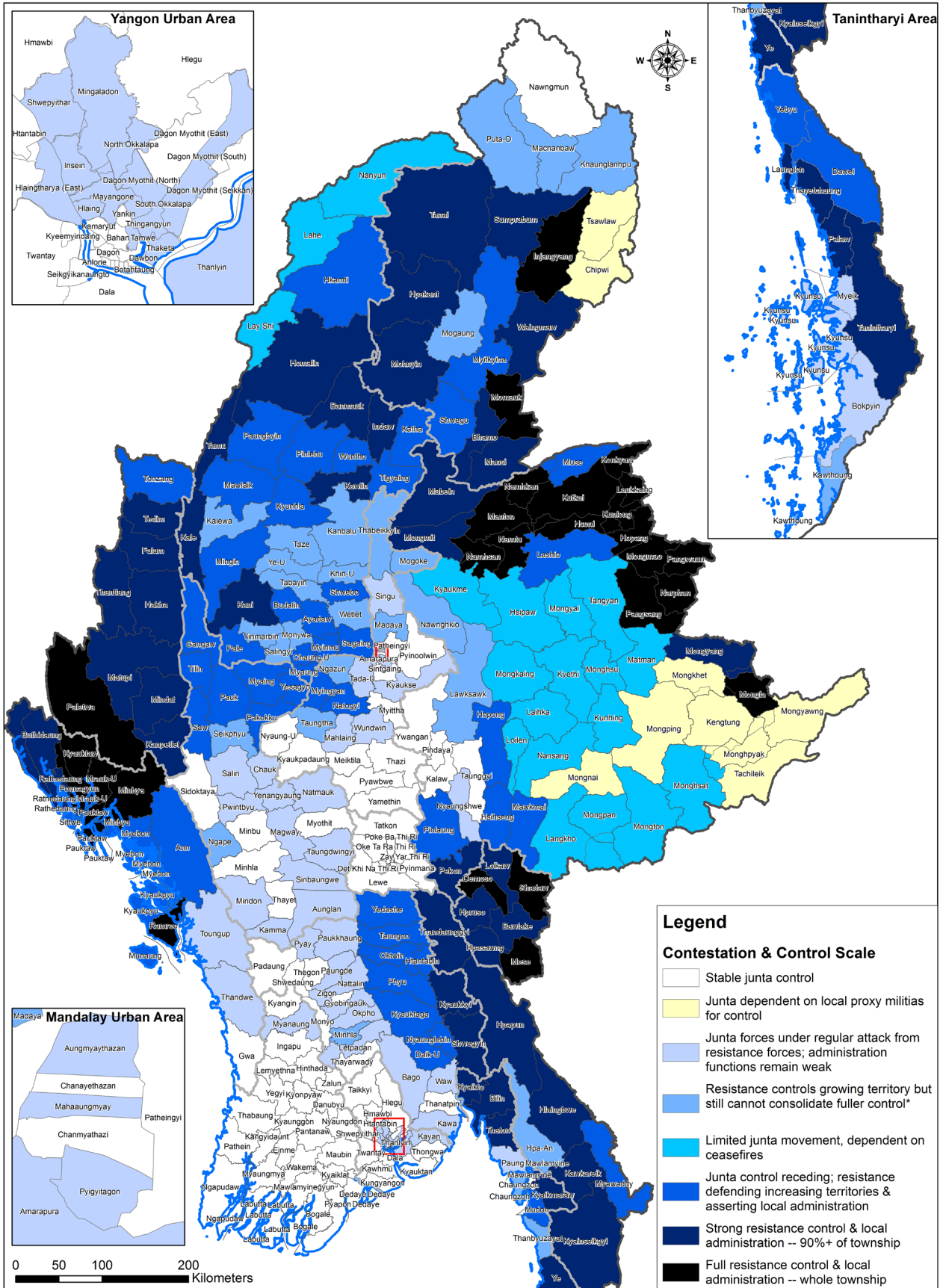
The maps are based on data collected up until April 2024 and so do not capture subsequent and ongoing shifts in control (mostly from the junta to resistance) across numerous areas, particularly Chin, Kachin and Rakhine states.

In the context of a popular uprising and with the existence of so many armed and governance actors in Myanmar, it is not possible to draw neat boundaries of territorial control. Armed and governance actors all exert various forms of influence and their spheres of influence overlap with one another considerably

² See "Published ECHO Daily Flash of 06 May 2024", Emergency Response Coordination Centre, European Civil Protection and Humanitarian Aid Operations, available at: <https://reliefweb.int/report/myanmar/myanmar-conflict-and-population-displacement-un-rchc-myanmar-dg-echo-echo-daily-flash-06-may-2024> (May 2024).

4. Maps

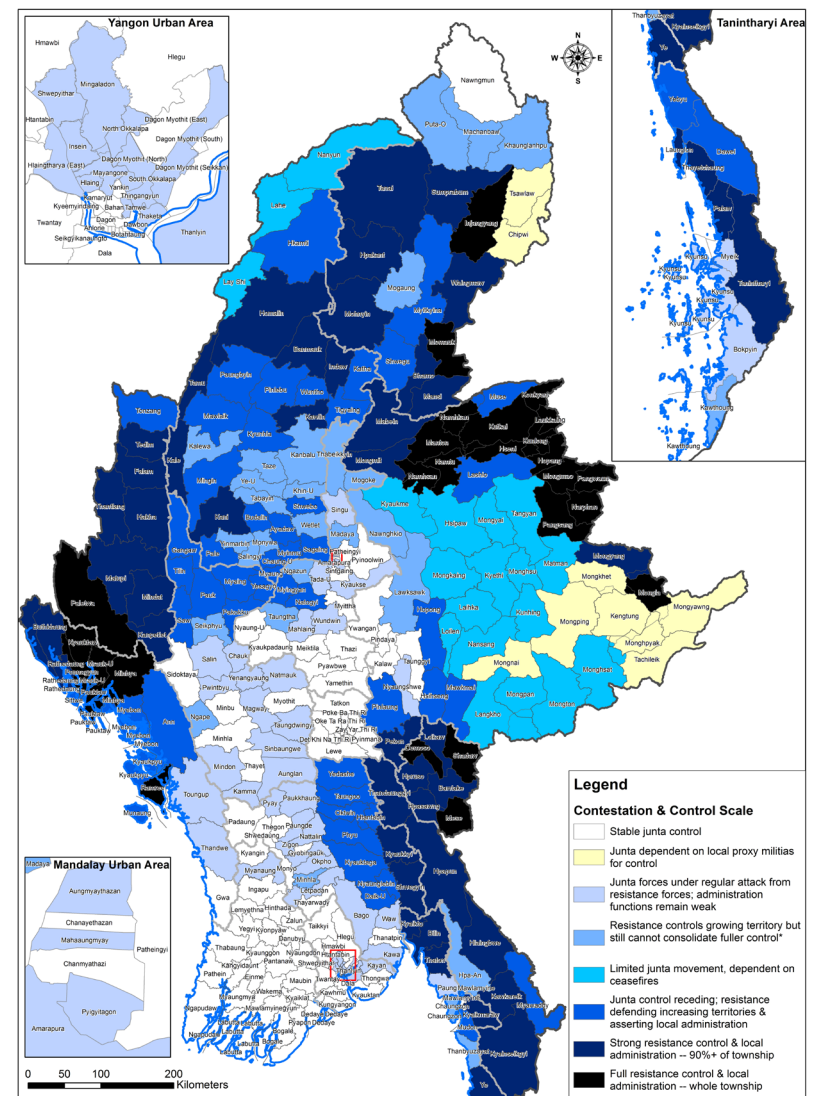
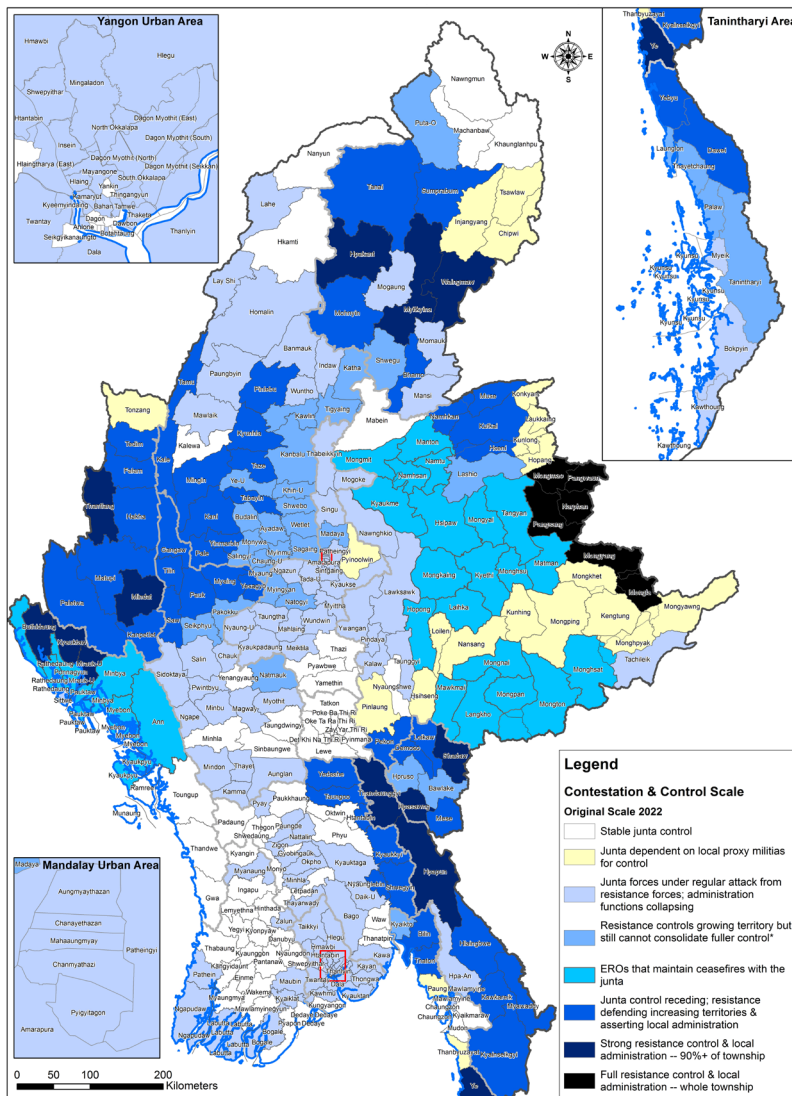
Contestation and Control Across Myanmar: March 2024 (figure 1)



Change Over Time in Contestation and Control Across Myanmar

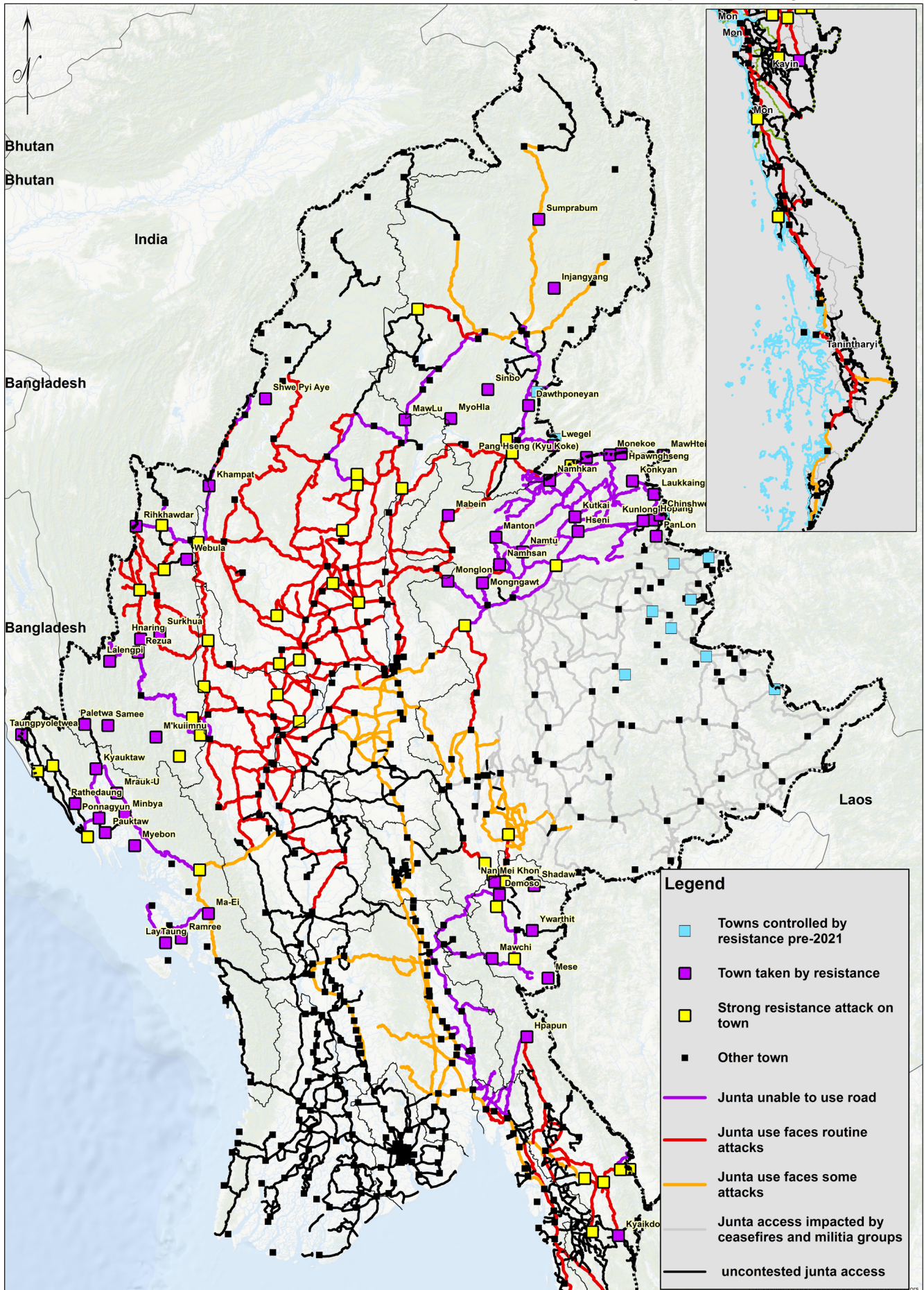
June 2022³

March 2024 (figure 1)



³ From SAC-M "Briefing Paper: Effective Control in Myanmar" (September 2022).

Junta Access to Towns and Roads: April 2024 (figure 2)



Shifts in Control of International Borders: April 2024 (figure 3)



5. Key Observations

Nationwide

- The Myanmar military junta does not have effective control of the country. Townships covering 86% of the country's territory and including 67% of the national population are not under stable junta control (categories 2-8).
- Townships with over 90% resistance control make up 34% of the country's landmass and contain 12% of the population (categories 7-8). Townships under stable junta control cover less than half of this landmass (14%) but contain a larger proportion of the population (32%) (category 1).
- The number of townships in the categories at both ends of the scale have grown since 2022. The trajectory of change strongly favours resistance actors, with territories with over 90% resistance control (categories 7-8) having grown at around 4 times the rate of territories under stable junta control (category 1).
- The junta has invested significantly in consolidating control in major cities with small territories and dense populations. This has raised the proportion of the population living in townships under stable junta control from 21% to 32% (category 1) since 2022.
- Not a single township that had any resistance-controlled territory in 2022 (categories 4-8) has been brought under stable junta control. A majority (57%) of townships where junta control was receding and resistance actors were starting to assert administration in 2022 (category 6) are now under 90-100% resistance control (categories 7-8).
- The majority of townships (60%) where junta targets were under regular attack from resistance groups in 2022 (category 3) are still not under stable junta control (category 1). 26% of those townships now contain defended resistance territories (categories 4-8).
- There are three large clusters of contiguous townships each with over 90% resistance control (categories 7-8). The biggest includes 26 townships stretching between Kachin and northern Shan. The second largest includes 23 townships spanning six states and regions in southeast Myanmar and almost connects with a further cluster of townships in Tanintharyi. The other includes 19 townships, connecting Chin, Magway, Sagaing and Rakhine.
- A crescent of townships with large resistance territories (categories 6-8) now spans from Myanmar's eastern border with China in Shan state, across Kachin state in the north, through

Sagaing region and Chin state bordering India on Myanmar's west, and south all the way to the Bay of Bengal.

- A focus for these areas should be cross-border provision of humanitarian assistance, the development of governance structures and services, and even appropriate initiatives to start reviving economic development under resistance auspices.



The Chin national flag flies above a border crossing on the Myanmar-India border at Rikhawdar, Chin state, after the town was captured by combined CNA and CDF forces on 13 November 2023. (CJ via The Irrawaddy)

Borders

Out of 51 townships that have international land borders:

- Only one is under stable junta control (category 1), a township with a population of around 7,000 people, abutting the foothills of the Himalayas.
- 30 townships (58%) have at least 90% resistance control (categories 7-8), including 14 townships (27%) with full resistance control.
- Only 4 townships (8%) remain under the predominant control of junta-proxy militias and these are the only townships where the junta has meaningful access to border trade and crossings (category 2).
- The majority of townships on the China border (11 out of 18) are under full resistance control (category 8), while two more have around 90% resistance control.

- Out of 14 border townships under full resistance control (category 8), 10 townships (71%) are on the China border, two (14%) are on the India border and two (14%) are on the Thailand border.
- The two townships on the Bangladesh border have around 90% resistance control (category 7) and are likely to shift to full resistance control within 2024. In two townships on the Laos border (which also border either Thailand or China), the junta is dependent on its proxy militia (category 2), with both also containing territory controlled by ceasefire groups.
- There are nine further townships with land borders (18%), where resistance actors are establishing control in growing territories (categories 4 and 6), including four that have experienced between 29 and 70 resistance attacks since October 2023.

Since 2022:

- Out of 4 border townships that were under stable junta control, only one remains so.
- Out of 14 townships bordering India, the number with over 90% resistance control (categories 7 and 8) has risen from 1 (7%) to 7 (50%), while the number under stable junta control (category 1) has fallen from 3 (21%) to 1 (7%). Resistance organisations control at least some territory (categories 4-8) in 13 (93%) of the townships.
- Out of 18 townships bordering China, the number with full resistance control (category 8) has risen from 6 (33%) to a majority of 11 (63%), while the number under stable junta control has remained at 0 (category 1). The number of townships in which the junta has secure access via its proxy militias has fallen from 6 (33%) to 3 (17%). Another 2 townships (11%) have around 90% resistance control.
- Out of 17 townships bordering Thailand, the number with at least 90% resistance control has risen from 3 (18%) to 8 (47%), while the number under stable junta control has remained at 0. Resistance organisations control at least some territory in all the townships that border Thailand.

Towns & Cities

- Resistance activity has been prevalent in cities and towns since the coup. Currently, no city is free from regular conflict and many smaller cities and towns are fully or partially outside junta control.
- 70 towns and cities across the country are under full resistance control (see figure 2). Of these towns and cities that have been brought under full resistance control since the beginning of the coup, 55 towns and cities (or 79%) were taken by resistance forces since the beginning of October 2023. 4 towns were taken before Operation 1027 while 11 were held before the coup.



The flag of the NUG's PDF is seen flying above the Kawlin township administrative office in Kawlin, Sagaing region, after the town was captured by combined PDF, Kachin Independence Army and Arakha Army forces on 6 November 2023. Resistance forces were forced to retreat from Kawlin in mid-February 2024 in the face of heavy junta airstrikes, artillery and arson attacks that destroyed much of the town and displaced thousands. (NUG Ministry of Defence)

- The nationwide urban population (29% of Myanmar's total) is living under much greater contested control than often assumed. Out of the total urban population:
 - » 34% live in townships not under stable junta control (categories 2-8).
 - » 84% live in townships where resistance forces have staged attacks against the junta since October 2023.
 - » Only 1% live in townships that experienced no conflict incidents in 2023.
 - » 32% live in townships with at least some defended resistance territory (categories 4-8), often meaning the town is under nominal junta control, but surrounding rural areas (including many roads) are controlled by resistance actors.
 - » 2% live in townships under full resistance control.
 - » 7% live in townships with over 90% resistance control, which in numerous cases means the main town is controlled by resistance organisations, while the junta has been pushed out to hilltop bases nearby.
- The junta regularly targets towns under full or partial resistance control with routine shelling and airstrikes, often targeting hospitals, markets and other core civilian infrastructure.
- Visitors to Myanmar are likely to have a distorted image of urban life if spending their time in restricted areas of Yangon, where crackdowns and authoritarian measures have increased the proportion of Yangon townships under junta control from 24% (11 townships) in 2022 to 67% (30 townships) in 2024. However, despite this:
 - » 33% of townships in Yangon city continue to see regular resistance attacks against the junta.

- » 60% of townships in Yangon experienced at least one conflict incident per month in 2023, which included events such as blasts or shootings of unknown origin, arrests of youths and other civilians, forced conscription and extortion.
 - » Only two townships (one of which is the deep-sea township, Cocoyun) experienced no conflict incidents in 2023.
- While all 8 townships in Naypyitaw district are under stable junta control (category 1), three have experienced resistance attacks since October 2023, including targeted drone attacks. Meanwhile, neighbouring areas are increasingly contested. Out of nine townships that border Naypyitaw district:
 - » Only 2 (22%) are under stable junta control (category 1).
 - » Seven (78%) experience regular attacks against junta forces.
 - » Four (44%) contain resistance territories (categories 6-8), including two (22%) that are 90% under resistance control (category 7).
 - » Townships to the east of Naypyidaw district connect to a contiguous cluster of 19 townships that each have at least 90% resistance control (categories 7-8).
 - » Directly south of Naypyidaw, a contiguous cluster of seven townships (which cover most of the Yangon-Naypyidaw highway) and portions of the Bago Yoma contain growing resistance territories as junta control recedes (category 6).

Proxies & Ceasefire Groups

- The junta is losing capacity to control significant parts of the country through proxy militias (including Border Guard Forces), as it has since the 1960s. Out of 21 townships that were predominantly controlled by junta-proxy militias in 2022 (category 2):
 - » Only one third (7 townships) remain in this situation (category 2).
 - » One quarter (5 townships) are now under full resistance control, most of which are in or abutting the Kokang region (category 8).
 - » Four contain growing resistance territories (categories 4 and 6).
- Junta-proxy militias and border guard forces that are active in townships that already had a strong resistance presence in 2022 (such as in Karen, Karenni or Kachin areas) have either defected completely or withheld their support for junta attacks on resistance actors, while attempting to adopt more neutral stances.
- The number of townships where active ceasefires provide the junta with conditional access (category 5), decreased from 28 to 19 since 2022.

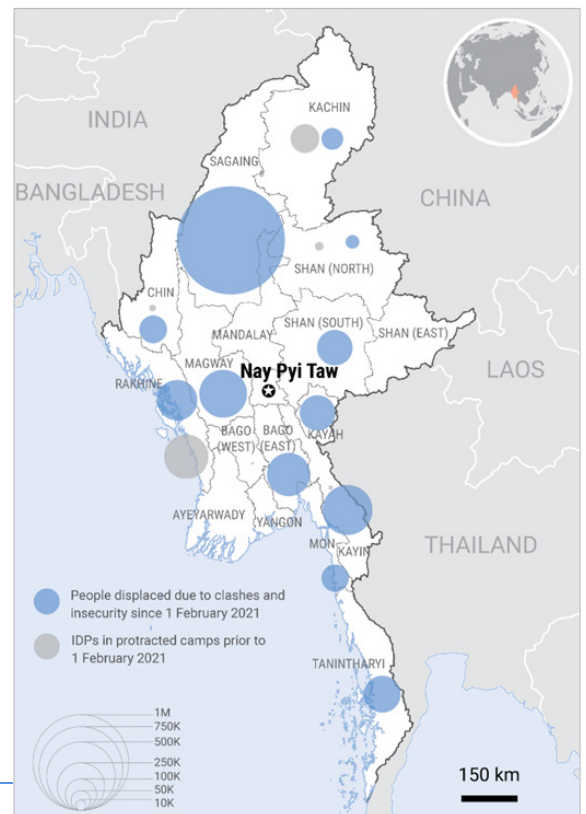
- Out of those 28 townships, half have seen significant resistance attacks since October 2023, leaving 21% under full resistance control, 11% with at least 90% resistance control and the remaining 18% in active conflict, with junta control rapidly receding as resistance-controlled territory grows.



Laei village public hospital in southern Shan state lies in ruins after it was destroyed in junta airstrikes that killed two medical staff on 22 March 2024. (Karenni Human Rights Group)

Humanitarian Needs

- Humanitarian needs are greatest in areas outside stable junta control. The vast majority of internally displaced persons (IDPs) are in these areas and these areas are subjected to the junta's attacks, which routinely target civilians and civilian infrastructure, driving humanitarian needs.⁴
- The junta actively fuels the humanitarian crisis as a strategy to undermine resistance. Part of this entails denying humanitarian actors access to areas where resistance is strong. But the junta itself has weak access to, and cannot move freely around, areas most affected by the humanitarian crisis it has caused.



A map of Myanmar showing UN estimates of IDP numbers by region as of 24 May 2024. (UNOCHA Myanmar)

⁴ See "Myanmar Humanitarian Update No. 38 | 24 May 2024", OCHA, available at: [https://www.unocha.org/publications/report/myanmar/myanmar-humanitarian-update-no-38-24-may-2024#:~:text=The%20next%20humanitarian%20update%20will%20be%20issued%20mid%20June%202024.&text=The%20humanitarian%20crisis%20in%20Myanmar,driving%20record%20levels%20of%20displacement.\(May%202024\).](https://www.unocha.org/publications/report/myanmar/myanmar-humanitarian-update-no-38-24-may-2024#:~:text=The%20next%20humanitarian%20update%20will%20be%20issued%20mid%20June%202024.&text=The%20humanitarian%20crisis%20in%20Myanmar,driving%20record%20levels%20of%20displacement.(May%202024).)



Troops from Cobra Column and Black Panther Column resistance forces are

seen saluting and raising the NUG and Karen national flags during a training graduation ceremony in the south of Myanmar on 25 May 2024. (Black Panther Column Fundraising Team)

6. Further Assessment

SAC-M makes further overall assessments below in relation to the international criteria for determining effective control, based on the maps and key observations above and drawing on SAC-M's 2022 paper on effective control.

Control of Territory

- The military junta does not control enough of the territory of Myanmar to uphold the core duties of the state.
- The junta's control of territory is particularly limited by its lack of ground access to international borders and along the majority of roads.
- The junta has abandoned significant territory and has been forced into a defensive posture in most parts of the country where it remains present.
- Even in central parts of Myanmar still predominantly controlled by the junta it is under pressure, contrary to perceptions that it remains strong in these areas and is consolidating.
- Resistance forces collectively have greater control in more territory than the junta, but no one group exercises de facto power over the state itself.

Acceptance of Population

- The junta has faced sustained and widespread resistance to its attempt to rule since the coup. It is manifestly rejected as a government.
- Resistance remains entrenched across Myanmar. Resistance activity has not been suppressed or pacified by the junta in any part of the country.



Capacity to Administer Functions of Government

- Governance capacity is weak across Myanmar.
- The junta's capacity to administer government functions is greatly weakened overall and, in some cases, has collapsed in areas of resistance control.
- What capacity the junta does still have to control government functions is primarily used to either insulate itself from the impact of the post-coup crises or to facilitate its attack on the resistance and its collective punishment of civilians.
- Resistance organisations have varying capacities to administer government functions and deliver services.
- Some EROs have well-established systems of governance, collectively serving millions of people with healthcare, education, justice and other functions. The NUG administers over 5,000 compulsory level schools, operates nearly 500 clinics and hospitals, and reaches 300,000-400,000 IDPs per month with assistance, alongside partner CSOs.⁵ In other resistance territories, village and township-level organisations work to sustain services, while newly formed landmark state and regional-level government bodies, notably the Karenni Interim Executive Council, are being established via coordination between resistance actors.
- Resistance organisations are under enormous strain to meet the vast needs of growing numbers of people within their reach suffering the adverse effects of years of conflict and displacement while receiving minimal international assistance.

Degree of Permanency

- At present, the outcome of the conflict is not clear.
- The overall trajectory of the conflict since the coup has been one of resistance gains versus junta losses. That trajectory has been consistent since 2022 and has escalated rapidly since October 2023.
- The junta has demonstrated limited capacity to retake territory that it has lost, despite its superior firepower.
- Outright defeat of the junta is not imminent and is not assured but it is not impossible either. Conversely, resistance to the junta continues to grow and shows no signs of ceasing.
- There are no indications that the junta will surrender to the demands of the democratic revolution. It has consistently demonstrated that its primary strategy is aimed at defeating resistance through the commission of extreme violence and the use of authoritarian measures. This shows no signs of changing.
- However, internal collapse of the current junta leadership is a possibility that is increasing. The current leadership has failed, at great cost to the military as a whole and to individual military leaders. Dissatisfaction with the failed junta must be high. A 'coup within the coup' has happened before in Myanmar and could happen again. Successor leaders could be worse than the current ones but they could also be more inclined towards settling the conflict.

⁵ See "Announcement: Interim Implementation of Local Administration and Social Services," NUG, available at: <https://gov.nugmyanmar.org/announcement-interim-implementation-of-local-administration-and-social-services/> (March 2024).



7. Conclusion

Anti-junta protestors in the streets of Yangon in February 2021.
(Hein Htet/The Irrawaddy)

Fundamental shifts in contestation and control have taken place in Myanmar since the coup. International actors must recognise and respond to the new and emerging realities. The changes taking place are continuing and have long reached a point where they cannot be unilaterally brought to a halt by any one actor. The conflict continues to be driven by a nationwide revolutionary uprising to remove the Myanmar military from political power and establish federal democracy. The military junta refuses to accept these demands, however. The junta has shown no willingness to negotiate a political roadmap for genuine democracy and the majority of resistance actors are no longer willing to entertain token ceasefire talks used by the junta to prevent political change. How the conflict will be brought to an end is not clear.

What can be established is that the junta is not a de facto government as it does not meet the criteria for having effective control of the state and it has not demonstrated that it has the capacity to establish effective control. Resistance to junta control is strong and deeply entrenched, and outside efforts to assist the junta to regain control will be rejected and resistance will continue. The trajectory of the conflict strongly favours the resistance, necessitating scenario-planning for a post-junta Myanmar. Concerns that such a scenario will involve further violence and bloodshed are warranted. However, the greater degree of stability within and between areas of greater resistance control underlines that the junta is by far the primary source of violence and instability. Alarming attacks against the Rohingya and other communities reportedly perpetrated by the Arakha Army and other armed actors, as well as the military junta, in northern Rakhine state, are a grave exception to this. For its part, the junta shows no signs of meeting the demands of the democratic revolution, only a commitment to further extreme violence and suppression. In the midst of this, governance capacity is weak across the country while needs for humanitarian assistance and primary services are great and growing.

SAC-M is firmly of the view that the swiftest and surest route to peace and stability in Myanmar is through realisation of the Myanmar peoples' aspirations for federal democracy. Responding constructively to this complex and fluid crisis therefore requires international actors to accept the dynamics on the ground and uphold obligations under international law to facilitate this outcome. That means immediately revising policies that are based on the false assumption that the junta is, or will ever be, a de facto government and rejecting efforts to impose external solutions that compromise on the demands of the democratic revolution and undermine self-determination. The role of the National Unity Government, ethnic resistance organisations and broader civil society in realising Myanmar's federal democratic aspirations must be promoted. The National Unity Government should represent Myanmar in international fora and in political processes aimed at addressing the crisis.

To alleviate the dire human rights and humanitarian situation in Myanmar, efforts to protect people from the military junta's systematic commission of atrocities must be increased and strengthened. These include embargos on all transfers of arms to the military junta, targeted financial and economic sanctions against the junta and more effective steps to hold the leaders of the junta to account for alleged genocide, crimes against humanity and war crimes. Resistance actors responsible for violations of international law must also be held to account for their actions. Meanwhile, the role of the National Unity Government, ethnic resistance organisations, state governments established by joint resistance actors, local defence forces and broader civil society in administering government functions and providing services must be recognised and supported. Urgent cross-border humanitarian assistance must be delivered to people in need in areas where resistance actors have greater control than the junta through direct coordination with those resistance actors. Beyond that, support for resistance actors to build the capacity of government departments and services and promote economic development is required along with practical engagement with resistance actors on issues of transnational and international concern. The international system has long failed the Myanmar people, but the crisis can no longer be ignored.

Responding constructively to this complex and fluid crisis requires international actors to accept the dynamics on the ground and uphold obligations under international law to facilitate the realisation of the Myanmar peoples' aspirations for federal democracy

8. Recommendations

To States:

- Recognise the National Unity Government as the government of Myanmar. Refusing to recognise a government in Myanmar is denying the Myanmar people international representation during a period of unprecedented national crisis.⁶
- Recognise the National Unity Government, ethnic resistance organisations, state governments established by joint resistance actors, and local defence forces as de facto authorities and as government service providers in their respective areas.
- Immediately cease and prohibit any transfer of arms, munitions, military equipment and dual use items to the Myanmar military junta. All States have an obligation under international law to refrain from transferring weapons and other material if there is an expectation, based on facts or knowledge of past patterns, that the weapons and material would be used to violate international humanitarian and human rights law. Transfers of arms, munitions, military equipment and dual use items to the Myanmar military junta may constitute an act of aiding war crimes, which is itself a crime under international law.
- Continue to impose and strengthen coordinated, targeted financial sanctions against senior military officials and all military-owned companies and their subsidiaries and crony companies.
- Increase support for efforts to urgently address the accountability deficit in Myanmar through international courts, principally the International Criminal Court and / or by establishing a special international criminal tribunal for Myanmar.
- Partner with the National Unity Government, ethnic resistance organisations and broader civil society to support service provision and the scaled-up delivery of humanitarian assistance to all people in need through the most effective and all available means, including through cross-border channels.

⁶ There are only two claimants to government in Myanmar – the NUG and the junta. SAC-M's 2022 paper on effective control, and this update, assess effective control, being a measure of government. SAC-M's 2022 paper found that, comparatively, the NUG had the greater claim to effective control in Myanmar than the junta. SAC-M acknowledges, and has noted, in the 2022 paper and in this update, that not all resistance actors are partnered with the NUG. All resistance actors are, however, by SAC-M's definition, politically opposed to the junta. At the same time, the stated political objectives of resistance actors are generally aligned to those of the NUG, to a greater or lesser extent. Therefore, based on an assessment of the criteria for determining effective control in relation to the junta and the resistance, and comparing the two claimants to government, SAC-M found that the greater claim is with the NUG.

- To neighboring States:
 - » Partner with the National Unity Government, ethnic resistance organisations and broader civil society to support service provision and the scaled-up delivery of humanitarian assistance to all people in need and facilitate full, safe and unhindered cross-border humanitarian access.
 - » Partner with the National Unity Government, ethnic resistance organisations and broader civil society to tackle insecurity, transnational crime, human trafficking, and illicit trade.
 - » Collaborate with the National Unity Government, ethnic resistance organisations and broader civil society on transnational governance issues such as trade, public health concerns and environmental management.
 - » Protect all Myanmar nationals within the territory of that State, including the Rohingya and other minorities, and respect the principle of non-refoulement.

To the National Unity Government:

- Prioritise governance and public service provision as well as taking and securing territory by developing administrative capacity and governance structures and collaborating with community-led social service providers.
- Request that the International Criminal Court issue an arrest warrant for Min Aung Hlaing and other leaders of the junta and for military commanders in conflict areas.
- Request that States, including through the United Nations General Assembly or Human Rights Council, establish a special international criminal tribunal for Myanmar.

To the Association of Southeast Asian Nations:

- Accept the National Unity Government as representing Myanmar in ASEAN forums and work with it through ASEAN forums and mechanisms to advance the federal democratic will and aspirations of the Myanmar people.
- Partner with the National Unity Government, ethnic resistance organisations and broader civil society to support service provision and the scaled-up delivery of humanitarian assistance to all people in need through the most effective and all available means, including through cross-border channels.⁷

⁷ Human Rights Council resolution 55/20 (2024) acknowledges at PP40 'the central role' of ASEAN 'in facilitating a peaceful solution in the interest of the people of Myanmar and in facilitating constructive and inclusive dialogue among all parties, including the National Unity Government, ethnic organizations and broader civil society, as well as in the provision of humanitarian assistance to all those in need'.

- Protect all Myanmar nationals within the territory of ASEAN Member States, including the Rohingya and other minorities, and respect the principle of non-refoulement.

To the United Nations Security Council:

- Ensure that the Permanent Representative of Myanmar to the United Nations in New York is present in Security Council meetings concerning Myanmar.
- Adopt a resolution on Myanmar under Chapter 7 of the Charter, in light of the military junta's non-compliance with Resolution 2669. The Chapter 7 resolution should:
 - » Demand that the military junta dissolve itself and that the military submit to democratic civilian control;
 - » Impose a comprehensive arms embargo on the Myanmar military junta with a mechanism to monitor and enforce it;
 - » Impose targeted financial sanctions against senior military officials and all military-owned companies and their subsidiaries and crony companies;
 - » Refer the whole situation in Myanmar to the International Criminal Court to grant the Court jurisdiction over crimes listed in the Rome Statute committed in the territory of Myanmar;
 - » Call for full, safe and unhindered humanitarian access, including cross-border access, and the urgent scaled-up provision of humanitarian assistance to all people in need, through the most effective means and all available channels.

To the United Nations General Assembly:

- Convene an emergency special session and adopt a resolution on the situation in Myanmar. The resolution should:
 - » Affirm support for the Myanmar people and their federal democratic will and aspirations.
 - » Recognise the importance of the National Unity Government, ethnic resistance organisations and broader civil society in realising the federal democratic will and aspirations of the Myanmar people.
 - » Demand that the military junta dissolve itself and that the military submit to democratic civilian control and a transition process determined by democratic institutions;
 - » Call on all States to immediately cease all transfers of arms, munitions, military equipment and dual use items to the Myanmar military junta.
 - » Call on the Security Council to refer the whole situation in Myanmar to the International Criminal Court.

- » Establish a special international criminal tribunal for Myanmar if the Security Council fails to refer the situation to the International Criminal Court.
- » Call for full, safe and unhindered humanitarian access, including cross-border access, and the urgent scaled-up provision of humanitarian assistance to all people in need, through the most effective means and all available channels.
- » Renew and elaborate on the mandate of the Special Envoy of the Secretary-General on Myanmar, which is currently placed in the annual resolution on the situation of human rights of the Rohingya and other minorities in Myanmar.

To the Human Rights Council:

- Accept the National Unity Government as representing Myanmar in Human Rights Council forums.
- Convene an emergency special session and adopt a resolution on the situation in Myanmar, with a focus on Rakhine state. The resolution should:
 - » Condemn all human rights violations and abuses against Rohingya, Rakhine and all other communities, and violations of international humanitarian and human rights law by the Myanmar military junta, Arakha Army and all other armed actors in Rakhine state.
 - » Call on all parties to comply fully with the provisional measures ordered by the International Court of Justice and to uphold international humanitarian and human rights law in Myanmar at all times.
 - » Affirm support for the Myanmar people and their federal democratic will and aspirations.
 - » Recognise the importance of the National Unity Government, ethnic resistance organisations and broader civil society in realising the federal democratic will and aspirations of the Myanmar people.
 - » Call on all States to immediately cease all transfers of arms, munitions, military equipment and dual use items to the Myanmar military junta.
 - » Call on the Security Council to refer the whole situation in Myanmar to the International Criminal Court.
 - » If the Security Council fails to refer the situation to the International Criminal Court, expand the mandate of the Independent Investigative Mechanism for Myanmar to attach a special international criminal tribunal for the prosecution of alleged perpetrators of grave violations of international law in Myanmar.
 - » Call for full, safe and unhindered humanitarian access, including cross-border access, and the urgent scaled up provision of humanitarian assistance to all people in need, through the most effective means and all available channels.

To the United Nations Country Team:

- Operate on a basis that reflects the legal and factual situation in Myanmar and facilitates adherence to principles of humanity, neutrality, impartiality and independence by:
 - » Not designating the junta as a de facto government or as de facto authorities for the whole country.
 - » Accepting the National Unity Government as representing Myanmar in United Nations forums.
 - » Recognising the National Unity Government, ethnic resistance organisations and, where applicable, defence forces, as de facto authorities in areas where they are such, and where coordination with them is practically necessary, and recognising their roles in local governance and service provision.

- Partner with the National Unity Government, ethnic resistance organisations and broader civil society to support service provision and the scaled-up delivery of humanitarian assistance to all people in need through the most effective and all available means, including through cross-border channels.

- Partner with the National Unity Government, ethnic resistance organisations and broader civil society to tackle insecurity, transnational crime, human trafficking, and illicit trade.

- Extend development assistance and technical support to the National Unity Government, ethnic resistance organisations and broader civil society.

SAC-M is an independent group of international human rights experts working to support the peoples of Myanmar in their fight for peace, genuine democracy, justice and accountability. For information about SAC-M and details of our work, please visit -

<https://specialadvisorycouncil.org/>
