

Self-determination under an interim constitutional framework:

Local administration in ethnic areas of Myanmar

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Snapshot

This briefing paper explores local governance dynamics in Myanmar's "ethnic" areas.¹ As the junta's public administration system collapses in these areas, the primary actors filling this void are long-standing ethnic resistance organisations and newly formed local coalition "councils" that include elected politicians, ethnic resistance organisations, civil society organisations and striking civil servants. This paper gives an overview of these existing or emerging systems and highlights some of the key opportunities and challenges they face.

The paper also highlights the potential importance of Part II of the Federal Democracy Charter, which provides a basic legal framework that could bring the territories of the ethnic resistance organisations, local councils and the National Unity Government under a common constitutional order, while allowing them to maintain autonomy and self-determination. Establishing a common overarching system could allow these governance actors to become increasingly recognised as the holders of sovereignty in Myanmar in the eyes of neighbouring countries and the international community.

To achieve this, stakeholders in the National Unity Consultative Council need to communicate about the working version of the Federal Democracy Charter more clearly to the public and international community, including their goals and remaining issues. As the junta's capacity to govern deteriorates and its international recognition as a sovereign entity diminishes, it is crucial that the world sees that it is being replaced by a new system of sovereign entities that are welcomed and recognised by the people.

International assistance should be provided to these self-governance entities to improve service provisions in their areas, to strengthen much-needed civilian-led coalitions, and to effectively counter regional development and security challenges. As the junta's governance apparatus continues to collapse, the best way to prevent the crises associated with "failed state" theories is to give direct financial and technical assistance to the most responsible civilian authorities and social organisations. The interim governmental system emerging within the framework of the Federal Democracy Charter needs to be backed and invested in with urgency.

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Disclaimer: This paper has been a work-in-progress since January 2022 and explores ever-evolving and rapidly changing dynamics. The contents of the paper reflect the own views of the authors. Please excuse any out-of-date or incorrect details. It is intended primarily as a discussion paper and an effort to outline major actors and trends.

focuses on Myanmar's seven states as well as parts of Bago and Tanintharyi Regions.

Key points

- As the junta's public administration system collapses across large swathes of the country, resistance organisations are building or strengthening governance institutions to fill the void. In Myanmar's "ethnic" areas, the primary actors leading these efforts are long-standing ethnic resistance organisations (EROs) and newly formed local coalition "councils" that include elected politicians, EROs, civil society organizations (CSOs) and striking civil servants. In fact, some ethnic areas have never been reached by any previous central government authority since independence.
- Territories under the control of resistance forces in Myanmar are expanding month-on-month as the military junta known as the State Administration Council (SAC) collapses and retreats.
- The SAC administration system is completely inactive across most of Kachin, Karen, Chin and Karenni States and parts of Mon State, Bago Region and Tanintharyi Region, where EROs and local defence forces (LDFs) closely aligned with the anti-coup federal democracy movement are consolidating control.
- ERO civilian administration wings and local coalition "councils" are actively developing or strengthening their governance systems, with an emphasis on local self-governance and self-determination within a federalised system. Local governance is recognised as a crucial objective even as conflict escalates, out of an obligation to support and protect civilians and as a core aspect of any successful strategy in asymmetrical warfare.
- Along with the expanding areas of the National Unity Government (NUG) and its People's Defence Forces (PDFs) in the Bamar heartland of central Myanmar, a core of territories controlled by resistance movements committed to the goal of federal democracy is emerging.
- Meanwhile, significant parts of Rakhine and Shan States remain under the control of well-established EROs that keep themselves at an arm's length from the anti-coup pro-democracy movement but stand in opposition to centralised rule from Naypyitaw and are highly distrustful of SAC.
- The Federal Democracy Charter, which was negotiated at the National Unity Consultative Council, not only provides a legal basis for the formation of the interim National Unity Government (NUG) following the abolition of the 2008 Constitution but also an interim constitutional framework that could allow the emerging governance systems of the NUG, local coalition "councils", and long-standing EROs to govern with significant autonomy but under a common system of sovereignty.

- Part II of the FDC provides a basic legal framework for governance during the “interim period”.² As the SAC loses grasp of any credible claim to sovereignty, the FDC Part II could provide a basis for resistance organisations to gain recognition as the bearers of the state’s duties in the eyes of the international community during the “interim period” and beyond.
- However, while Part I of the FDC is widely accepted by most stakeholders as a shared aspiration for a common future, Part II is still understood as a working document, is not fully accepted by all participating organisations and is not being prioritised by some key stakeholders for various reasons.
- The primary challenge that resistance actors face in governing remains SAC’s violence against civilians. Settlements that fall under resistance authority are being carpet bombed, shelled and burned with frequency across the country, as a direct result of the SAC’s lack of authority in those areas.
- Nonetheless, it is crucial to understand political authority as extremely fluid and as dependent on much more than military force. It is largely about whose rules the public follow, who they pay taxes to, who they receive goods and services from and who they are willing to accept as their government.
- Even while the SAC maintains its terroristic campaign against the public and is able to beat the resistance forces in most head-to-head battles, resistance actors are able to establish systems of authority due to their popular support, strong local networks and the public’s clear rejection of the SAC’s claim to authority. This means that resistance public administration systems can uphold critical local governance responsibilities even in areas where their military wings do not have full control.
- Neighbouring countries and international actors should assist and collaborate with such existing and evolving governance organisations to counter regional public health crises, promote safe migration, combat illicit trade and deliver humanitarian assistance, among other critical governance agendas.
- All organisations taking part in the Spring Revolution need to communicate the FDC more clearly so that their territories can be recognised as autonomous zones under one system of sovereignty, and thus represent a viable replacement to the junta. As the junta’s capacity to govern deteriorates and its international recognition as a sovereign entity diminishes, it is crucial that the world sees that it is being replaced by a new system of sovereign entities that are welcomed and recognised by the people.
- The FDC provides an important and viable framework, but more investments are needed from within the federal democracy movement and the international community to ensure this inclusive and pro-democratic framework continues to strengthen.

² The “interim period” refers to a period between now until the SAC is defeated and envisions a successive period under a transitional constitution, before a permanent federal democratic constitution is promulgated.

Acronyms

AA	Arakan Army
CDF	Chinland Defence Force
CDM	Civil Disobedience Movement
CNF	Chin National Front
CRPH	Committee Representing Pyidaungsu Hluttaw
DKBA	Democratic Karen Benevolent Army
ERO	Ethnic Resistance Organization
FDC	Federal Democracy Charter
ICNCC	Interim Chin National Consultative Council
KNDF	Karenni Nationalities Defence Force
KNLA	Karen National Liberation Army
KNPF	Karen National Police Force
KNPP	Karenni National Progressive Party
KSCC	Karenni State Consultative Council
KSP	Karenni State Police
KIO	Kachin Independence Organization
KNU	Karen National Union
KPICT	Kachin Political Interim Coordination Team
LDF	Local Defence Force
MNDAA	Myanmar National Democratic Alliance Army
NDAA	National Democratic Alliance Army
NLD	National League for Democracy
NUCC	National Unity Consultative Council
NUG	National Unity Government
PDF	People's Defence Force
SAC	State Administration Council
SSPP	Shan State Progress Party
UWSP	United Wa State Party

Introduction

Myanmar's federal democratic resistance movement is taking control and establishing parallel governance structures across large portions of the country. The Myanmar junta has lost effective control of most of the country, due to nationwide strikes, resignations of local administrators, widespread public disobedience, boycott of military products, social punishment and armed resistance, all of which continue on an unprecedented scale.

Even in areas where the State Administration Council (SAC) has a stable security presence, it is failing to enforce the law, collect bills and taxes or gain any meaningful cooperation from the population. In other areas, the SAC has also become increasingly reliant on loosely affiliated local militia to exercise a semblance of order, due to the weakness of institutions under its direct authority.³

Areas outside of junta control are increasingly coming under the governance of administration systems linked to the resistance. These include:

1. Long-standing ethnic resistance organisations (EROs) with their own governance systems;
2. Local coalition councils representing specific states of ethnic nationalities (see Box 2⁴), some of which are forming interim state governments;
3. The National Unity Government's (NUG's) People's Administration Bodies at township level;⁵ and
4. Township-level People's Administration Bodies in Chin State (and perhaps elsewhere) that are aligned with NUG but not under its direct authority.

These pre-existing and emerging public administration systems hold critical local governance responsibilities. Even the most rudimentary among them assist in the delivery of emergency aid, administer justice mechanisms, counter illicit trade and issue public health

Box 1: Key terms

People's Defence Forces (PDFs) – defence forces that explicitly formed under NUG directives from May 2021 and use that name.

Local Defence Forces (LDFs) – generic term for all defence forces set up since the 2021 coup, including PDFs, Chinland Defence Forces, Karenni Nationalities Defence Forces and independent defence forces set up by anti-coup youth groups.

Ethnic Resistance Organisations (EROs) – long-standing organisations that govern territory and wage armed resistance for the self-determination of their specific ethnic nationalities

Militia – paramilitary entities under the command of SAC, including Border Guard Forces, People's Militia Forces, Pyu Hsaw Hti and small people's militia.

³ At the same time, there is a constitutional void—the military implicitly broke with the 2008 constitution by carrying out an illegal coup d'état and the charter was formally repealed by elected parliamentarians in 2021.

⁴ The Federal Democracy Charter refers to these bodies as “the interim state/federal unit representative and ethnic-based organizations/councils.”

⁵ These are referred to as *Pyithu Aochoteye a'Pweh* in Burmese and known by the acronym Pa-Ah-Pa. In English they are sometimes referred to as PAPs, People's Administration Bodies, People's Administration Teams among other variations.

directives. The more advanced among them (e.g., certain EROs) oversee a full range of governance activities, including the management of social service systems, provision of land tenure and regulation of natural resources, under their own legal frameworks. They

In Myanmar's post-coup environment, these alternative governance systems are becoming increasingly important for the protection of the public and persecuted groups, delivery of emergency assistance, increasing access to education, countering non-traditional security threats along international borders, managing

the spread of COVID-19 and drug-resistant malaria, countering the illegal narcotics trade and cracking down on unregulated and exploitative natural resource extraction.

Box 2: Local coalition councils

Since 2021, several coordination or consultation councils and teams have been formed, including elected politicians, political parties, EROs and strike committees from particular ethnic nationalities or states.

These include but are not limited to:

- Interim Chin National Consultative Council;
- Kachin Political Interim Coordination Team;
- Karenni State Consultative Council;
- Mon State Interim Coordination Committee;
- Ta'ang Political Consultative Committee; and
- Pa-O National Federal Council.

Their exact structures, memberships, activities, goals and achievements so far vary greatly and some are more inclusive and active than others. Some are working directly on public administration and are establishing 'interim authorities' while others remain focused on political consultations and coordination.

The Federal Democracy Charter (FDC)⁶ that was negotiated at the National Unity Consultative Council (NUCC),⁷ not only provides a legal basis for the establishment of the interim National Unity Government but also an interim constitutional framework that could allow these varied political systems to co-exist under a common legal framework. As the SAC's regime further deteriorates it is possible that this framework could be used as a foundation for the governance systems of the resistance to become increasingly recognised as the sovereign state of Myanmar internationally. However, the charter is still understood as a working document by some key stakeholders and principles for local governance are not firmly agreed or adopted.

The roadmap contained in the FDC views the current period of revolution as the "interim" phase, in which all stakeholders are focused on overthrowing the dictatorship. This will be followed by a "transitional phase" with a transitional constitution, which will then be replaced by a permanent federal democratic constitution with elected governments at appropriate levels. Under Part II of the FDC, the NUG is understood as the union-level

⁶ The Federal Democracy Charter Parts I and II are available in Burmese and English at <https://bit.ly/3NGIXjr>; The Burmese versions of Part I and Part II were recently posted by the NUG, at: <https://mofua.nugmyanmar.org/publication-detail/charter>; and <https://mofua.nugmyanmar.org/publication-detail/federal-democracy-charter-part-2>.

⁷ The NUCC is a representative body made up of elected members of parliament (MPs), political parties, strike committees, EROs, local level councils and civil society. The NUCC was formed in March 2021 and led the formation of the NUG in April 2021.

government for the interim period,⁸ but it is supposed to share power with state governments and federal units. The newly formed township level people's administration bodies (Pa-Ah-Pa) and security in part of central Myanmar are seemingly direct responsibilities of the NUG in some areas but can be fully devolved to "states" and "federal units" in others. The existing and emerging systems of EROs and local coalition councils could also form those states and federal units to gain full recognition under the framework replacing the 2008 constitution. However, there remain concerns around Part II of the FDC and further agreements and increased focus of all stakeholders is needed.

This brief explores the emerging governance dynamics in Myanmar's so-called "ethnic" areas, with a particular focus on those controlled by EROs and local coalition councils. It focuses primarily on areas where EROs are participating in the federal democracy movement (i.e., Spring Revolution) but also looks at EROs that remain neutral but who refuse to come under the control of the SAC. "Ethnic" refers to the vernacular often used for non-Bamar ethnic nationalities, such as Arakanese, Chin, Kachin, Karen, Karenni, Mon, Shan, Ta'ang, Wa and others. National movements struggling both with and without arms for the self-determination of these various peoples have existed since the 19th century, following centuries of their relative autonomy from the central Myanmar dynasties or the colonial state.

The most established non-SAC territories are those controlled by EROs, which have their own governance systems and social service departments. Several have governed their territories autonomously for decades, including a handful that were formed before or around the time of Myanmar's independence in 1948. There are also vast areas that the Myanmar military used force and seized from EROs in recent decades that are now being taken back under ERO-control due to the collapse of local level SAC administration and the relative legitimacy of EROs in the eyes of local people. The local coalition councils have been particularly innovative in bringing together different, or even previously opposing, pro-democratic groups and pooling human resources at the local level to make significant gains against the SAC.

Even during the current revolutionary (or "interim") phase, in which the focus is on taking down the SAC, governance of civilians is recognised as a crucial objective of the resistance organisations. This is largely driven by their desire for self-determination or self-reliance and their sense of obligation to support and protect civilians as much as possible and because it is seen as a core aspect of any successful strategy in asymmetrical warfare. For most EROs, the focus is largely about strengthening, reforming and consolidating their existing systems; for the other actors, it is about establishing "interim administration" structures. All of these actors are actively establishing a foundation for inclusive civilian-led governance to reset and replace the 2008 constitution.

When it comes to the question of international recognition of the NUG—for example at the United Nations Credentials Committee—international actors should not simply assess the NUG as an individual entity. Instead, they should acknowledge the diverse forms of legitimacy embedded in a wide range of governance authorities throughout the country that

⁸ At union-level, the NUG is also accountable to the NUCC, People's Assembly and CRPH.

enjoy popular support and stand for human rights, democracy and the formation of a lasting federal union.

Collectively, these forces have a viable claim to statehood and to be recognised as the bearers of the state's obligations under international law. Myanmar needs to embrace and celebrate its diversity and give rise to local movements that are establishing self-determination, while at the same time making it clear that the country is not breaking up into a thousand pieces. Just as the resistance organisations are increasingly filling the administrative and security void left by SAC on the ground, they need also to fill the constitutional void left in the wake of the defunct 2008 constitution. This also has potential to provide significant international benefits.

It is, therefore, crucial that all actors in the Spring Revolution communicate about the FDC more clearly, so that the territories of all resistance forces exist under one system of sovereignty, and represent a viable replacement to the junta. Even though the FDC Part II remains imperfect, it could provide enough of a framework for the resistance movement to push their international status to the next level—in any case, the FDC is not intended to be permanent. As the junta's capacity to govern deteriorates and its international recognition as a sovereign entity diminishes, it is crucial that the world sees that it is being replaced by a new system of local self-governing authorities that are welcomed and recognised by the people.

It is also crucial to understand political authority as extremely fluid and as dependent on much more than military control.⁹ The concept of territorial control alludes to the fact that control is primarily about whose rules the public follow, who they pay taxes to and who they receive goods and services from. Even while the SAC maintains its terroristic campaign against the public and has the capacity to beat most resistance forces in head-to-head battles, resistance actors are able to establish systems of authority due to their popular support and strong local networks. The SAC relies entirely on coercion to maintain a semblance of control, but this approach continues to isolate it morally and increase public resistance to its rule.

Nonetheless, the primary challenge that resistance actors face in governing remains SAC's violence against civilians. Areas that fall under resistance authority are being carpet bombed by aircraft across the country. SAC infantry battalions are largely unable to establish a stable ground presence in most rural areas where EROs, LDFs and PDFs operate due to constant ambushes and disruption of supply lines. But they can still conduct short "clearance operations" in many areas, in which they shell civilian settlements to send people running and then enter the village and torture, shoot or burn-to-death those who remain. These "clearance operations" are all that stands in the way of the NUG and EROs bringing the majority of the country's rural territory under their control.

⁹ See an earlier brief by Matthew Arnold and Kim Jolliffe called "Gaining Ground: Local Administration by Resistance Actors in Myanmar", which provides a conceptual framework for understanding contested political authority and background on the importance of political authority in asymmetrical warfare. That paper also provides an overview of the township-level administration bodies being formed by the NUG.

The extent of this violence against civilians means that tens of thousands of people from communities that have been supporting the resistance and would otherwise be coming under its administration, have instead had to flee. Resistance administration, therefore, remains largely focused on providing mobile support to displaced communities who are in camps in defended territories or (more frequently) are in hiding sites, regularly having to move until they can re-enter their villages. The next major challenge for the resistance in establishing their administration will be to assist the public to recover from these bouts of violence by facilitating returns and making communities more resilient to the next wave of terror.

This briefing paper firstly provides an overview of the various organisations and entities that are taking part in the Spring Revolution and that have or are establishing governance systems in ethnic areas. The subsequent two sections give a brief overview of the governance systems of EROs that govern territory but are not directly involved in the Spring Revolution. The fourth section looks at some of the relative strengths of consultative or coordination councils as bodies to lead on interim administration. The briefing paper ends with a conclusion and recommendations.

Note that this brief provides a snapshot of the key organizations and their governance systems. It does not claim to provide a complete picture of all relevant actors and authorities.

Governance systems connected to the federal democracy movement

This section will provide an overview of the main governance systems that exist or are being established by resistance organisations taking part in the NUCC process and the federal democracy movement in ethnic areas. These include a handful of EROs, township-level bodies in Chin State and local coalition councils. Each of those EROs and local coalition councils has its own unique history and geography, meaning that a one-size-fit-all approach to establishing states or federal units would not work.¹⁰ Therefore, while an overarching legal framework is important to tie them all together, local leadership and solutions are crucial to build stronger and more coherent local governance systems that will eventually be parts and parcels of a more solid federal democratic nation.

Chin State

Chin State grabbed the attention of democracy supporters nationwide in March 2021, when determined groups of revolutionaries formed to defend peaceful protestors and deny SAC control of their state.¹¹ Invoking the 1948 Chin Act, which recognises Chin customary law and was never officially repealed, township-level bodies such as the Mindat People's Administration declared their areas as autonomous. As the SAC became increasingly violent

¹⁰ For example, some local coalition bodies such as Mon State Interim Coordination Committee (MSICC) has not put administration as their priority yet they are still in the process of making efforts to iron out differences among other groups outside their group and making the coalition more inclusive.

¹¹ Chin revolutionaries were involved in the first post-coup armed engagements between pro-democratic forces and the junta, which occurred in Kalay and Kantkaw areas of Sagaing, as rural communities began blocking junta reinforcements being sent to massacre protestors in the town. Similar clashes soon took place across much of Chin State, and the movement was initially called a "Tumi revolution", after the traditional home-made rifles of that name.

against civilians, Chinland Defence Forces (CDFs) formed in most of the state's nine townships and began defending rural areas and even towns from SAC's control.

Key leaders from these groups are young and ambitious activists who refused to go under military control and saw this moment as an opportunity to revive their autonomy and rewrite the Bamarnised version of history they were taught at school, in which Chin State was always a province of Myanmar kingdoms until the British divided them by establishing the autonomous "Chin Hills". Most Chin people believe that they were never fully under the Myanmar kingdoms and that they have been unfairly subjugated to centralised rule since Myanmar's independence and especially under military rule since 1962. There has always been strong support for democracy among Chin political leaders, many of whom have long-held ties to the National League for Democracy (NLD).

In March 2021, key groups from across Chin society, including elected MPs from the NLD, Chin national parties, protest leaders and members of the Chin National Front (CNF), began official talks with the Committee Representing Pyidaungsu Hluttaw (CRPH) as part of the NUCC. On 13 April 2021, shortly before the NUG was founded, these Chin leaders formed the Interim Chin National Consultative Council (ICNCC), vowing to fight for as long as it takes to bring down the dictatorship, to establish a Chin State Government that guarantees self-determination, to carry out administrative, legislative and judiciary functions at state level, and to join nationwide efforts to build a federal democratic country, by sending representatives to the NUCC and the NUG at federal level.¹² The ICNCC includes four stakeholder groups: elected MPs, political parties, the CNF and civil society. There are 18 members from each sector, including two co-chairs.

Towards the end of 2021, the ICNCC formed a committee to draft a Chin National Charter, which is still in the process of being finalised. The charter will lay the basis for an Interim Chin State Government. In May 2022, the ICNCC issued an update statement, explaining that the committee is still in the process of reviewing multiple suggested versions of key parts of the charter, submitted by stakeholders within the ICNCC. They said that they will produce a version that takes all of these needs into account in due course.¹³

In parallel, a Chinland Joint Defence Committee (CJDC) was formed in October 2021 to coordinate the various Chin armed resistance actors (including 18-20 Chin defense forces across 9 townships), the Chinland National Defence Organisation and the Chin National Front (CNF). The CJDC is centred at the headquarters of the CNF, which is the state's oldest ERO. These defences forces have taken over much of the state's rural territory, constraining SAC forces to towns and well-fortified military bases, forcing SAC troops to move only in formation.

Chin leaders have predominantly focused on the Chin State as their primary unit of focus, but the borders of that state may not be fixed along those recognised by Naypyitaw, which

¹² <https://www.facebook.com/icncc/photos/pb.100067971220563.-2207520000../103376615215558/?type=3>

¹³ <https://www.facebook.com/LuduNwayOo/photos/pcb.392150019641123/392149989641126/>

were established in 1974.¹⁴ Most of the ‘tribes’ in the state accept Chin as the over-arching label, but it is sensitive with some groups, especially Zomi. Within the Chin tribes there are also tensions over perceived political dominance by some groups. There are also Chin people in present-day Magwe, Sagaing and Rakhine. At the time of writing it is unclear which territories would be included in the Chin State under the Chin National Charter, but Chin leaders appear committed to collaborating with revolutionary comrades in neighbouring areas without being too distracted by arguments over territory until such negotiations can be undertaken peacefully and through political negotiations.

In lieu of a finalised Chin National Charter, township-level administration bodies have remained the most important governance actors among the resistance forces in Chin State. They have re-opened hundreds of schools in areas around Mindat, Thantlang, Kanpetlet and elsewhere and remain the key decision-making bodies on legal affairs, COVID-19 regulations, bans of illegalised SAC products and so on. Most of them have established humanitarian and social committees and some have small police forces at township level, made of police participating in the Civil Disobedience Movement (CDM). Thantlang, for example, has seven departments, including for education, healthcare, roads, construction and others.

These governance bodies have been particularly advanced for a number of reasons. First has been the sheer determination of the educated and bold youth leaders to outline their vision and inspire widespread support and determination. Secondly, the Chin diaspora from across the world has been extremely active in supporting the movement with skills, knowledge and funds. Thirdly, Chin society is already heavily oriented around their customary (often called “tribe-based”) governance systems, providing a bedrock for autonomous self-governance. These systems do not operate according to township boundaries but tie together collections of village tracts under common systems of political authority. Throughout the pandemic, these localised systems of governance became even more important as travel was restricted and communities were largely left without state support during economic decline.

Fourthly, the Myanmar military finds it very hard to send reinforcements to remote Chin areas due to poor road and airport infrastructure. This has allowed the highly determined and cohesive CDFs to inflict significant casualties on the SAC troops that are there (usually just a few hundred to a thousand) and effectively harass their supply lines. In many townships SAC units have been forced to garrison in towns and even to ask permission whenever they want to move. Nonetheless, these areas are subjected to sporadic focused campaigns that can be devastating to both civilians and the resistance forces. This happened in October 2021 and again in March 2022, forcing the Kanpetlet CDF to abandon its headquarters and causing the displacement of tens of thousands.

The key question relates to the overall trajectory of the conflict. It appears that the Myanmar military is playing “whack-a-mole” but cannot be everywhere all the time. The

¹⁴ There are Chin people in neighbouring areas of Sagaing, Magwe and Rakhine States. There are also parts of Chin State with significant ethnic diversity. As elsewhere in the country, it is crucial that all people enjoy full individual and collective rights regardless of which state they fall into. It is also crucial that border disputes do not create new localised conflicts between federal democratic forces. At the time of writing, there are no overt signs of significant tensions over these questions in and around Chin State.

March 2022 offensives likely reflect a push to cripple the CDFs as much as possible before the wet season. For the CDFs, resilience will come from being able to reduce their casualties, continue training and buying arms. It will also depend on their ability to maintain strong relations with community leaders throughout their areas and facilitate returns of displaced people with some regularity. As in other parts of the country, continued resistance has depended entirely on the resilience in the local community and widespread commitment to isolating the military politically and morally by refusing to go under its rule. This dedication has continued despite the increase in abject poverty, food shortages and other unthinkable hardships.

Kachin areas

Since the coup, the Kachin Independence Organisation (KIO) has emerged as core element of the Spring Revolution, firstly by sheltering CDM workers, activists and elected politicians from junta attacks. Following strong participation of Kachin youth in the anti-coup protests and their calls for the KIO to take action, the organisation soon began taking a more explicit political stance in favour of wider democracy movement and developed ties with the CRPH. The KIO's military wing, the Kachin Independence Army (KIA), has been training and undertaking joint operations with PDFs and LDFs in the north of the country since at least April 2021. Those forces have been some of the most successful in cutting SAC supply lines and overrunning bases around the Sagaing/Kachin border. The KIO has also taken in large numbers of CDM officials and political activists fleeing for safety.

In March 2021, the Kachin Political Interim Coordination Team (KPICT) was founded by the Kachin Independence Organisation (KIO), members of Kachin civil society and other representatives, including oversea Kachin organizations. The body was formed to facilitate political affairs in traditionally "Kachin areas" beyond the boundaries of the Kachin State seen on the Myanmar map today.¹⁵ KPICT signed a bilateral agreement with the CRPH before making a decision to send its representatives to serve in the NUG. That bilateral agreement still stands and includes just three principles:

1. Abolish the 2008 constitution;
2. Establish a federal democratic country acceptable to local communities; and
3. KIA will be responsible for security affairs in all Kachin areas (ကချင်ဒေသ), and KPICT will be responsible for political affairs.

The KIO was formed in 1961 and remains the primary ERO representing the Kachin people in Kachin State, northern Shan State, Sagaing and elsewhere (e.g., Yangon). Traditional Kachin leaders (Duwa) were given autonomy under the colonial system and then agreed to join Burma under the belief their autonomy would be retained. The 1947 constitution provided them with a Kachin State but was quite centralised in practice, and allowed Bamar leaders to send military troops for the first time, to make decisions on ceding territory to China and to nearly establish Buddhism as the national religion, which were all seen as unacceptable. The KIO was thus formed with an initial view to seek secession, but became a member of a

¹⁵ Accordingly, official statements of KPICT use the term "Kachin Areas" rather than "Kachin State".

pro-federal alliance of 12 EROs in 1976 and has officially retained a federalist stance since, while not ruling out the possibility of independence completely.

The KIO has a Department of General Administration under its civilian affairs wing, the Kachin Independence Council, and operates across eight administrative areas.¹⁶ Operating alongside the armed wing at division and sub-division levels, the department maintains strong relations with the local people and operates in close coordination with the customary governance systems that have long existed across Kachin State and parts of northern Shan State.

The most developed towns under KIO control are Laiza and Mai Ja Yang, which are both on the Chinese border and have twenty-four-hour electricity, a local TV station, road networks, hotels and other amenities. The KIO provides a range of development and humanitarian services to Kachin people, through its own departments and in collaboration with CSOs and church groups, especially in its autonomously controlled territories in Kachin State's border with China. It has a particularly advanced healthcare system that provides limited secondary and tertiary services and has been delivering COVID-19 vaccines with support from China. The KIO's Buga company also provides electricity via an exclusive power grid to the major towns of Myitkyina and Waingmaw.

The KIO has increasingly refer to itself as the KIO government since the coup and has been increasingly assertive in administrative matters in towns previously outside of its control. For instance, it is taking an active role in pandemic control in Kachin State's major towns and banning military-affiliated products. The KIO has been working with PDFs to expand its influence in numerous parts of Kachin State and Sagaing Region, including areas with long-standing Kachin communities, who will likely come increasingly under the governance system of the KIO. In May 2022, the KIO ordered all SAC staff to leave Myitkyina Township (the state capital). The KIO and PDFs have also put the SAC under extensive pressure even in its major garrison towns such as Putao.

Karenni State

Karenni (Kayah) State has been a key area for the Spring Revolution, having seen extremely widespread protests and CDM strikes in the wake of the coup, followed by the emergence of highly active armed resistance. Thousands of civilian youths have joined the armed struggle and received training from the military wing of the Karenni National Progressive Party (KNPP), the Karenni Army (KA), and have formed 21 battalions under a common banner, called the Karenni Nationalities Defence Force (KNDF). There are also three other PDFs fighting against the SAC, two of which are closely affiliated to NUG. Troops from numerous other EROs and militia have also supported the resistance directly or indirectly. In early 2022, the KNDF claimed they had taken over 90% of the state.¹⁷ In January 2022, the Karenni Human Rights Organization estimated that the number of displaced people has reached to around 170,000, which is about half of the state's population.¹⁸ Battles around Demawso in March 2022 forced resistance forces to retreat from fixed positions in the

¹⁶ These are called Ginwang Ginjaw and cover parts of Sagaing Region and northern Shan State in addition to Kachin State.

¹⁷ <https://www.bnionline.net/en/news/regime-controls-only-ten-percent-karenni-state-kndf-says>

¹⁸ <https://www.irrawaddy.com/news/burma/over-170000-people-displaced-by-clashes-in-myanmars-kayah-state.html>

flatland territories of that area and more recent battles have focused on areas in and around Pekon and Moebye towns.

The Karenni State Consultative Council (KSCC) was formed on 9 April 2021 by elected MPs from NLD and Kayah State Democratic Party (KySDP), the KNPP, the Kayan New Land Party (KNLP) and numerous other armed and non-armed organisations. The founding statement outlined its objectives to setup a “genuine federal state”, to achieve national unity within the Karenni State and to practice self-determination within its own state. The Karenni State is defined by KSCC according to the four areas historically designated as Karenni areas, which were independent during the colonial era (Kantayawaddy, Kyepoegy, Moe Bye and Bawlakeh). This covers some areas that the Myanmar state defines as in Shan State and Naypyitaw.

The KSCC nominated four deputy ministers to the NUG cabinet, three of which come from EROs. On 18 April 2021, the KSCC welcomed the formation of the NUG and vowed to work together with NUCC and NUG from the interim period until a federal democratic country can be achieved. Importantly, however, it stated that it would lead the administration, legislative and judicial affairs for Karenni State during the interim period, in partnership with NUCC and NUG.

This division of powers has set an important precedent for upholding the spirit of federalism during the interim period. However, there have remained some tensions due to local NLD loyalists who have resisted coming under the leadership of the KSCC and maintain unclear relations to the CRPH. There are concerns among KSCC leaders, which were echoed by interviewees from some other parts of the country, about the perceived lack of commitment to federalism among some NLD members. At the same time, despite its relatively small size, Karenni is replete with diverse smaller ethnic groups and political organisations with diverse histories and loyalties. KSCC, including EROs and organisations from numerous sub-groups, has prioritised the realisation of an inclusive political identity for Karenni. This remains the KSCC’s most important challenge and opportunity.

In August 2021, the KSCC formed a Karenni Security and Defence Committee with civilian members to oversee the KNDF, whose chief commander is from the KA. The committee also oversees the Karenni State Police (KSP), which includes over 250 CDM police plus new recruits organised across seven police stations. The KSP immediately initiated a reform programme in collaboration with civil society and human rights groups to move the KSP away from authoritarian practices of the Myanmar Police Force and instil democratic and service-oriented principles.

The KSP has been actively preventing crime and responding to public complaints since late 2021. It has established mechanisms for ensuring that people accused of being military informants were not targeted by defence forces but were referred to KSP to be investigated for association with SAC crimes. This has seemingly reduced the risk of arbitrary killings and abuses by other revolutionary forces in the state. The KSP has also been instrumental in responding to atrocities committed by SAC including by identifying and returning bodies of

burning victims, documenting evidence, speaking to the media¹⁹ and opening cases for future adjudication.²⁰

By November 2021, the KSCC had established state-level committees for education, healthcare, humanitarian assistance, defence and security, and alliance affairs. It reopened hundreds of schools across the state and is expanding mobile health services, among other key actions. The various social wings of the KNPP have been particularly essential in leading the new social bodies in collaboration with CDM committees, politicians and other actors.²¹

At the time of writing, talks are ongoing within the KSCC to establish an interim legal framework to formalise its administration system and establish a judiciary that can begin to hear cases being processed by KSP. A key question is how to adapt or integrate the existing governance structure of the EROs, most notably that of the KNPP. The KNPP established a Karenni Government in the 1950s, which draws on the state's recognition during the colonial era as an independent kingdom under British patronage. Leaders of KNPP are elected by the central congress that takes place every four years. The 14th central congress was successfully completed on 30 December 2021, bringing newly elected leadership to power.²²

The KNPP's Karenni Government has key departments in place but had become less active following Myanmar army assaults in the 1990s and 2000s and then ceasefires. It has become more active again since the coup as the organisation has gained more territory. The KNPP's healthcare, social welfare and education bodies remained highly active during the ceasefire period. The KNPP is training and strengthening its administration and justice ministries and recruiting a new generation of administrators to respond to the demands of its rising position within the state. Some departments have been consolidated in response to the stresses and demands of the coup and new leaders were elected in the 2021 congress to numerous key departments. They have continued to provide critical humanitarian assistance since the coup and are investing in considerable strengthening and rehabilitation of some departments and justice institutions.

The KNLP, another ERO, has a justice and administration system but is not as developed as the KNPP's—some of its members are active in the KSCC and NUG. Most of the other EROs have operated more like militia and do not have significant administration wings, but have cooperated with the social service departments of the KNPP or local CSOs. The Karenni National People's Liberation Front has cooperated to some extent with the KSCC, but retains significant business connections to the SAC—indeed, it retains two battalions formerly converted to be Tatmadaw Border Guard Forces (battalions 1013 and 1014).

Karen areas (Kawthoolei)

The Karen National Union (KNU) was founded in 1947 and has one of the country's oldest and most sophisticated civilian administration systems. This includes 14 highly active

¹⁹ <https://www.mizzima.com/article/karenni-police-confirm-details-christmas-eve-massacre>

²⁰ https://www.facebook.com/permalink.php?story_fbid=144013801336969&id=105859268485756

²¹ <https://www.federaljournal.org/fj-mm-5824-2/>

²² <https://www.facebook.com/photo?fbid=139229775161408&set=pcb.139230028494716>

departments providing healthcare and education, registering land and providing tenure to farmers, regulating forests, waterways resources and business activities.²³ The organization administers justice through its police force, the Karen National Police Force, an independent judiciary and four codified laws. It has also been found to tax more successfully than the state across much of rural southeast Myanmar, even in areas with a limited security presence, demonstrating the strength of its networks and public recognition.²⁴ The KNU's public administration system is arguably more robust than any of the other governance systems of resistance organizations participating in the Spring Revolution but it does not (at least yet) refer to itself as a government per se.²⁵

Known as "Kawthoolei", KNU-administered areas are structured in seven administrative districts and seven corresponding brigades, spanning across the territories Naypyidaw defines as Kayin State, Mon State, Bago Region and Tanintharyi Region. There are also a range of vibrant Karen community-based organisations officially affiliated with the KNU that provide crucial services to displaced persons, women, youth, children and other key groups.

KNU was among the first major EROs to decisively oppose the military coup. It became one of the key founding members of the NUCC and continues to be an influential participant in the body. The organisation has been vociferous in its commitment to ending military rule and establishing a federal democracy system in alliance with the wider revolutionary movement. However, some Karen stakeholders feel that the central KNU leaders have not clearly articulated their agenda for achieving the self-determination of Kawthoolei, as some other EROs and consultative councils have. The KNU chose not to nominate any members to the NUG cabinet but remains an organization that the NUG is reliant on for a range of political, humanitarian and security issues.

Since the coup, the KNU's armed wings, the Karen National Liberation Army (KNLA) and Karen National Defence Organisation (KNDO), have been conducting regular military operations against SAC troops and positions in Kawthoolei, in many cases in combination with PDFs they trained. There is a formalised structure that embeds KNLA commanders in every PDF/LDF unit under their leadership, ensuring a unified command structure that allows for more strategic operations and greater discipline.

The KNU has also received thousands of internally displaced persons (IDPs) of all ethnicities fleeing SAC's oppression in junta-controlled towns and cities. This required COVID-19 testing and quarantine programmes, the provision of housing and other governance functions, in addition to significant support from affiliated and independent CSOs. The KNU and Karen communities have been targeted with extremely violent military campaigns, involving regular air strikes of civilian communities. Schools administered by the KNU's Karen Education and Culture Department (KECD) and its affiliates have also received huge numbers of new students due to the closure of SAC schools and public defiance of the military-led Ministry of Education. In 2021-2022 academic year, KECD received over 10,000

²³ There are discussions underway about potentially reducing it to 12 central level departments, so this might change in coming months.

²⁴ <https://www.saferworld.org.uk/resources/publications/1194-security-justice-and-governance-in-south-east-myanmar-a-knowledge-attitudes-and-practices-survey-in-karen-ceasefire-areas>

²⁵ They do, however, refer to leaders as P'Doh, which translates roughly to "governor."

more students than expected across its over 1,300 elementary to high schools compared to the previous year.²⁶ This number has likely increased for the 2022-2023 academic year.

The KNU has continued to strengthen its administration system since the coup and is slowly reasserting authority in some of its former areas that had been conquered by the military regime in the 1990s and 2000s through offensive attacks or had experienced administrative expansion from the central government through development projects during the 2012-2021 ceasefire. Fighting has been most active in the KNLA 1st, 5th and 6th Brigade areas, which correspond to the south and north of the Myanmar state-defined “Kayin State”. The KNU has formally ordered SAC civil servants to leave numerous townships, where only security forces now remain, garrisoned in towns and unable to conduct significant operations.

The KNU may hold its Central Congress soon, which would include a leadership election for the organisation’s central leadership.²⁷ There have been two broad factions within the KNU for over a decade that had significant disagreements about the approach to ceasefire negotiations with the Myanmar military, but they are currently broadly aligned in their commitment to the anti-coup revolution. The congress would also be mandated to outline a broad strategic vision and key priorities for the coming four years, which could shape the organisation’s policy towards local administration and state-building for Kawthoolei.

Some in the wider Karen political and civil society community have advocated for the KNU to form a coordination body including politically aligned Karen stakeholders (e.g. akin to KPICT). There have also been calls for the KNU to formally declare its governance system as the Kawthoolei Government, as other actors in the Spring Revolution have.

The KNU has opted not to form a coalition council so far, due to relative strength, legitimacy and support that it already enjoys and the relatively weak or unpopular nature of other Karen political stakeholders. Overall, there are hopes that the KNU will more strongly articulate its political vision for the Kawthoolei area. These decisions may partially hinge on the outcome of the upcoming KNU Congress, whose date is yet to be announced.

The Democratic Karen Benevolent Army (DKBA) and KNU/KNLA-Peace Council, which are splinter groups that broke away from KNU/KNLA decades ago, continue to coexist with the KNU civilian administration in some small pockets of Karen State for practical reasons due to proximity, but have their own administrators, tax collectors and social services in some places. The Karen Border Guard Forces (battalions 1011-1023) remains aligned with the SAC and has been complicit in its attacks against civilians among other abuses. Since May, however, the Karen Border Guard Forces have retreated from frontline positions to take increasingly defensive stance to protect private interests.²⁸ Some factions of the Democratic

²⁶ <https://www.frontiermyanmar.net/en/amid-education-boycotts-ethnic-schools-help-to-fill-the-gap/>

²⁷ According to the KNU Constitution, the KNU holds a Central Congress every four years since its founding except when there are emergency cases. The 17th Central Congress was due to be held in 2021 but it has been delayed due to the Covid-19 Pandemic and post-coup political turmoil.

²⁸ The first splinter group was the Democratic Karen Buddhist Army, that formed in December 1994 and was co-opted with business interests to become a proxy force of the Myanmar military. That group then split again in 2009, with one faction forming the Democratic Karen Benevolent Army and another forming the Karen Border Guard Forces. The former has split again since, with a new faction retaking the name Democratic Karen Buddhist Army.

Karen Benevolent Army and KNU/KNLA-Peace Council are collaborating with the KNLA against the SAC, while others are engaging with the regime.

Governance systems of other EROs

This section looks briefly at the territories and governance systems of EROs that remain opposed to centralised rule by the Myanmar state and often in armed conflict with the SAC, but have not sided explicitly with the Spring Revolution that started after the 2021 military coup.

Many of these organisations have released statements condemning the coup, and some have provided asylum to CDM workers and politicians or have taken on silent roles in the NUCC and/or training and assisting LDFs. Although some of them accepted the SAC's recent invitation to "peace talks" and met with the junta, it should note that few of the EROs are neutral with regards to the SAC and NUG, following decades of fierce resistance and opposition to the Myanmar military and its political agenda. Given the military's consistent, historic refusals to negotiate political issues in good faith or to include ERO requests in constitution-making processes, these talks are unlikely to provide anything other than a photo opportunity or very minimalist transactional apolitical agreements.

Furthermore, it is important to recognise that these EROs are decades-old institutions, often with even older social bases, and have been trapped in cycles of conflict of their own for a very long time. Therefore, this moment of reckoning that central Myanmar is currently going through does not necessarily create the same sense of urgency for these ERO leaders, members and constituents. Due to the widespread perception that the then NLD-led government ignored ethnic demands for autonomy and that the party had reneged on agreements made with EROs during earlier years of joint resistance, some people in the ethnic political movements viewed the coup as related to the conflict between the NLD and Myanmar military. They were unsure if it would make any difference to the struggle for a more equal and federal society and some feared it would disrupt their existing territorial arrangements that have been relatively stable. Consequently, suspicion toward the NLD-heavy CRPH and, to a lesser degree, NUG, remains a reality.

This means that black and white assessments of which "side" EROs are on are often misguided. For all major EROs, resistance to SAC is paramount, while alliances with other actors depend on the extent to which those alliances will ultimately serve their claims to self-determination for their people. Economic interests have some influence, but only on small splinter groups that are focused on protecting private businesses that depend on the junta. The most profitable route for armed organisations in Myanmar has long been to form militia that are loyal to the Myanmar military.

For many EROs with aspiration for political self-determination and relatively established administration, the most important factors for deciding if and how to engage with the Spring Revolution relate to whether they think it will be successful and whether they think the NUG (especially CRPH) will actually follow through with promises to respect the autonomy of ethnic areas and ensure equality in union-level decision making. If the Spring Revolution continues to make gains against the SAC, and continues to demonstrate its

commitment to federalism by actually building a political system based on equality and unity, then other EROs will be increasingly encouraged to decisively take part. This has little to do with them agreeing with or even trusting the CRPH or NUG, but rather it depends on them believing that they can be part of a union of Myanmar in which they are guaranteed political autonomy in the law and in practice. Every single ERO is well aware that the SAC will never provide them with anything resembling genuine federalism.

United League for Arakan (ULA)/Arakan Army (AA)

The Arakan Army (AA) has established a security presence over around a third to a half of Rakhine State. The army made considerable military gains in 2019 and 2020 and holds significant influence over large rural territories, particularly to the north east of the Ann-Sittwe road, in the Mayu mountains in Rakhine State as well as Paletwa Township of Chin State. In December 2019, the AA and its civilian wing, the United League for Arakan (ULA), established the Arakan People's Authority with the goal of establishing an autonomous Arakan State in line with a philosophy called "Way of Rakhita".²⁹

Since the coup, the authority of the Arakan People's Authority has been strengthened considerably with the establishment of new public administration and justice systems across much of the state. The ULA/AA has benefited from an uneasy truce with the Myanmar military by focusing on developing its administration system on the one hand and exerting influence over the pre-existing governance structures of the state on the other hand.³⁰ The group has called for a "confederate" political arrangement in relation to the rest of Myanmar and has said it is waiting to see whether the federal union of Myanmar being pursued by the Spring Revolution will have the political space for the kind of confederation that our Arakanese people aspire to."³¹ The ULA/AA and NUG recently held their first highly publicized virtual meeting, as a sign of improving relations despite the fact that the latter was characterised as a "terrorist" organizations by the NLD government only years ago.³²

New Mon State Party (NMSP)

The New Mon State Party (NMSP) is the only other major ERO to maintain ceasefire territory recognised by the Myanmar military, which is based on its 1995 and 2012 bilateral ceasefires. The NMSP administers one of the most advanced ethnic education systems in the country through a network of hundreds of Mon National Schools and "mixed schools" that overlap with the central government system. The NMSP's social departments also provide humanitarian, healthcare and other social support to people in their areas, and have a popular justice system that is relied upon by many Mon communities. The group coordinates with a number of community-based organisations that also provide support to the public.

EROs in Shan State (as defined by Naypyitaw)

²⁹ <https://www.tni.org/en/article/the-nature-of-parallel-governance-and-its-impact-on-arakan-politics>

³⁰ <https://www.tni.org/en/article/the-nature-of-parallel-governance-and-its-impact-on-arakan-politics>

³¹ <https://www.dmediag.com/article/opinion/4224-looks-for-a-new>

³² <https://www.rfa.org/english/news/myanmar/talks-05162022175552.html>

The Restoration Council of Shan State (RCSS) governs IDP camps at five well-defended positions along the border with Thailand. Between 2007 and 2021, it significantly expanded its civilian administration in rural ethnic Shan communities away from the Thailand border into Laikha, Mong Kung and further north through Hsipaw, Kyaukme and even up to the China border. It absorbed some of these territories from the disbanded Shan State National Army was able to establish strong relations with local leaders in many villages, using tax amnesties, teacher stipends, backpack health provision and uncompromising crackdowns on local drug dealers and users to gain popularity.

Since the coup, the RCSS's war with the Shan State Progress Party (SSPP) and other EROs, has led to it being forced out of many territories. As a result of this conflict both the RCSS and SSPP have suffered a significant dip in relations with the Shan public due to their endless intra-ethnic violence that has displaced thousands. The Shan Nationalities League for Democracy remains a popular political force and is committed to the formation of a federal democratic union, but it has not cooperated openly with the Spring Revolution, due largely to its distrust in the NLD.

For its part, the SSPP has enjoyed only limited influence in rural Shan communities in recent decades, being increasingly pushed back into mountainous positions on the Salween River, opposite areas under the control of the UWSP. But recent fighting with RCSS has allowed the SSPP to expand its territorial presence through central and into southern Shan State. The SSPP administers populations around its headquarters area and provides limited healthcare and education services in coordination with Shan civil society organisations and the SNLD. It is currently charging road taxes in many new territories but has yet to establish administrative functions in those areas due to high displacement and insecurity.

The Pa-O National Liberation Organisation (PNLO) oversees a small patch of territory on the Shan-Thai border, where it provides critical primary healthcare services—among other support—to local people.³⁷ The much older and more powerful Pa-O National Organisation remains allied with the SAC and is a registered political party, with its Pa-O National Army formally constituted as People's Militia Force under the Myanmar military. It holds the largely symbolic positions within the Pa-O self-administered zone but wields significant administrative influence through its armed wing on the ground.

There are a large number of people's militia aligned with the Myanmar military, some of which splintered from the above EROs in previous eras. The most powerful among them including the Kokang Border Guard Force and associated police battalions, as well as two Shan People's Militia Forces, which splintered from the SSPP in 2009. These and other militia have often found ways to maintain a degree of nominal autonomy and in a few cases have their own governance and social service systems in place. As the SAC weakens and becomes a less viable business partner, we may see their alliances start to shift.

The benefits of local councils leading interim administration

³⁷ Some members of PNLO have attended NUCC and related meetings but have said they do not officially represent PNLO in those meetings.

The federal democracy movement's primary strength has come from its basis in diverse coalitions of self-motivated people, organisations and movements that share a common cause in the removal of the military regime. The union-wide coalition centred in the NUCC and NUG has been extremely important and will continue to be so. At the same time, state-level and ethnic nationality-level bodies are equally important as they form much-needed coalitions among the diverse groups in their areas. They are closer to the "ground" and can be more responsive to the people in their areas, quicker in decision-making, and more tuned into local realities, languages and customs.

These local coalition councils, particularly ICNCC, KSCC and KPICT, not only starve the junta of support, but also allow resistance actors to do things that were never possible when acting on their own. Elected politicians, EROs, civil society organisations, civil servants, protest leaders, youth activists, women's networks and other key blocs all bring different resources, capacities, connections and sources of legitimacy to the table. Together, they are greater than the sum of their parts, as proven by the astonishing resistance victories against the SAC troops or administration that some of them achieved in many places within a short period of time since the coup.

Stakeholders that have long been kept divided by being drawn into fruitless ceasefire talks and deals with the Myanmar military are now realising that they can overcome their common oppressor if they work together. This shift is made more significant by the impact it is having on the public consciousness at the mass social level. The revolutionary movement is helping to change values promote political transformation towards a more inclusive society, making the chances for democracy and peace more viable and resilient.

These councils are increasingly taking the form of local governments and forming the foundation for a thriving federal democracy. The KSCC and the Mindat People's Administration are the key examples demonstrating the ability to rapidly establish governance systems in early to mid 2021 due to autonomous local-level decision-making and partnerships (rather than waiting for NUG's instructions, for example).

Coordination at the local level also has the potential to create more unified command structures and systems to oversee LDFs. In Chin State, almost all armed resistance units are under the CJDF. In Karenni it is the KNDF, which falls under the security and defence committee of the KSCC, and so also provides a foundation for civilian oversight that can be strengthened. In Karen and Kachin areas, the EROs have direct command responsibility over the LDFs. Overall, these local level actors have had much greater success in establishing hierarchical control of LDFs than the NUG's Ministry of Defence has from the union level.

However, it is arguably only in Karenni State that we see an explicit structure for political leadership of CDM staff (e.g., Karenni State Police newly formed by the CDM police) and other civilian revolutionary actors, providing the foundation of a government. The ICNCC and KPICT have both played very important roles in managing CDM movements, but are yet to formally put those civil servants to work in new governance systems at the state level. The ICNCC hopes to achieve this through the establishment of an interim Chin State government to build on the impressive administration bodies already formed at township level.

It is yet unclear if the KNU, KIO or other key stakeholders in those areas plan to establish new government structures that include civil servants from their states or if they will attempt to expand their existing administrations with other staff. New administrative structures combining EROs, CDM workers and others could prove central to consolidation of territories in multi-ethnic areas being taken over by the KIO and KNU in coalition with PDFs. Multi-stakeholder groups of this kind might also be needed for urban governance as SAC is pushed out of towns and cities. The KIO has been reaching out to non-Kachin groups, such as Shan Ni and Naga people, to hear their voices in an apparent attempt to make their policies and systems more inclusive.³⁸ Since the coup, the KIO's popularity has grown among youth from ethnic communities that have long been tied to cultural organisations, businesspeople and militia that are aligned with the Myanmar military.³⁹ Local level diplomacy and public engagement will be crucial to the KIO's state building efforts.⁴⁰

Local-level leadership and staffing will also likely improve the effectiveness of administration systems in ethnic areas. Different ethnic (and in some cases religious) groups have different languages, land management systems, justice mechanisms and other customary practices, which leaders at union level have never been able to understand or taken into account. This is one of the main reasons why the central Myanmar state has never been able to effectively govern much of the country and its military has instead relied on brute force and intimidation to maintain a semblance of control. Public administration in Myanmar needs to be decentralised to have any hope of permeating the strong customary systems that exist at the community level and thereby becoming functional. This is true in the interim as much as in the long-term and in the development of consolidated democratic systems of governance.

The local councils have also had the benefit of pooling human resources from across the country and the diaspora, giving them access to much greater capacities and funds. Again, this has been possible due to the connection that those diasporas have to their specific homelands and because of relatively focused leadership for that level. State and ethnic nationality level councils are also in a much better position to manage diversity within their states, ensuring that administration systems reflect existing customary boundaries (like the tribal systems in Chin State or the "Kaw" customary land tenure system in Kawthoolei) and the political tensions between key groups and leaders.

The need for a common legal framework

As SAC continues to lose administrative and territorial control, it is important that the resistance organisations continue to strengthen their own civilian administrations while investing in a common framework that unites all resistance territories under a common system. The focus needs to be on connectivity and cohesion without an obsession with hierarchy or differences between systems. Fears of Myanmar collapsing into countless separate territories, with each group focused on defending itself, are often overblown.

³⁸ <https://burma.irrawaddy.com/article/2022/06/15/252549.html>

³⁹ <https://www.irrawaddy.com/news/burma/ethnic-kachin-fighters-to-attack-pro-junta-forces-in-northern-myanmar.html>

⁴⁰ The KIO has also threatened SAC-aligned militia and cultural organisations in Kachin State: <https://www.irrawaddy.com/news/burma/ethnic-kachin-fighters-to-attack-pro-junta-forces-in-northern-myanmar.html>

Despite its claims, the Myanmar military has done nothing to hold the union of Myanmar together over the decades and its absence does not make balkanisation any more likely.

Nonetheless, all stakeholders in the resistance need to invest more in managing diversity, avoiding unnecessary conflicts between them and building mutual understanding, respect and recognition. Building a functional union could be best achieved through a clear constitutional framework that determines the separation of powers more formally. For instance, leaders from Karen, Sagaing or anywhere else do not have to agree on everything. They do not even need to fully trust each other or have the same worldviews. As is the case with the relations between federal and state-level governments the world over, they just need clear divisions of responsibilities that are appropriate to the place and context.

In practice, a *de facto* arrangement is emerging in which predominantly Bamar areas are falling under the direct administration of the NUG, which only has union-level and township-level government structures, while administration of certain states or ethnic communities is devolved to the respective state or ethnic bodies. This is somewhat reflective of the 1947 constitution or to the system currently in place in the UK. This is not federal *per se*—it may be deemed appropriate in the interim period but some ethnic leaders and politicians will likely push for more clarity in time.⁴¹ There have been numerous meetings between the NUG's local administration committee and the EROs and coalition councils, aiding common understanding between the systems.

Public administration should naturally be decentralised for both practical and political reasons, particularly during this interim period, and especially in ethnic areas that have been struggling for their self-determination. Even in some so-called Bamar heartland areas, local groups with their own identities, such as the Yaw, are claiming a right to self-governance in association with the NUG. Localising governance also makes sense practically, especially during the interim period. But, in line with the principles of federalism, there must still be a common over-arching system that ties the different parts of the union together. If the 2008 constitution is no longer valid, there needs to be a clear framework to replace it until a fully federal democratic constitution can be agreed upon. This framework needs to be clear to foreign states so that they can recognise the sovereignty of the people of Myanmar.

Whatever the details, it could become extremely important to demonstrate to neighbouring countries and to the international community that a common, over-arching framework exists and that the NUG and its allies collectively represent the sovereign state of Myanmar. EROs in particular may feel that there is no need for them to gain recognition from the fledgling NUG, while the NUG leaders may feel that they just need to gain international recognition based on their democratic mandate and a degree of territorial control. But international recognition will likely depend on these pro-democratic self-administered units across the country being clearly unified within a shared system, albeit one that allows high degrees of autonomy. This could be instrumental in establishing humanitarian corridors, allowing new forms of international security assistance and other key goals. At a later stage in the conflict, the existence of a common constitutional framework could be central to

⁴¹ At least when it comes to the transitional constitution and future constitution of the union, there will likely be significant debates around the number of states in the Bamar heartland as this will have implications for that ethnic nationality's representation in the upper house.

receiving full recognition as a sovereign state, opening up potential to receive peacekeeper forces or other comprehensive interventions.

The potential (and limitations) of the FDC

The FDC does not include prescriptive principles for local administration. It simply establishes a framework for the interim NUG, and states that “the administrative, legislative and judicial mechanisms of the respective States/Federal Units shall be established as necessary,” which, it notes, is “in accordance with the principle of self-determination”. This gives the opportunity to EROs and local coalition councils to take the lead in forming themselves as state governments or as federal units and thus enjoying legal recognition. The FDC also vests judicial authority in the existing systems of EROs and in states and federal units, and recognises “customary laws that do not conflict with human rights”. It is possible that legal and judicial autonomy could underpin legal, administrative and security autonomy as local institutions are ultimately accountable to local courts.

These provisions are broad due to the sensitive nature of talks between the diverse actors in the NUCC and reflect a range of implicit agreements to suit different realities in different areas. They are also intended as a bare minimum for the interim period, in order to galvanise common purpose without getting distracted by complex debates over territory and so on. The importance of these provisions is simply in their recognition of varying levels of autonomy under a common broad framework. This could be the basis for a common system of authority and for relations between the diverse local institutions and those at union level.

Despite its potential as a broad framework, key stakeholders within the NUCC remain dissatisfied with Part II of the FDC. Indeed, some members of the NUCC have explicitly favoured delaying all talks on administration in order to focus on collaborative armed resistance. Recent tensions within the NUCC have further threatened the utility of the document.⁴² Overall, there has been a reticence among some members to focus on any complex agreements during the interim period and instead many have favoured focusing on the practical task of “eradicating the dictatorship”. For the FDC to really come to life, the broad contours need to be more firmly agreed upon. It then needs to be publicised and fully explained to the public and to foreign countries. That would need to be followed by further awareness raising and training for all the governance institutions affected.

It should be noted that even a broad interim framework could provide significant benefits. It would firstly strengthen claims of sovereignty made to the United Nations Credentials Committee and other bodies. The NUG cannot claim to control the entire country by itself. But, together, all the actors leading the Spring Revolution can claim to control significant and growing portions of it, stretching from east to west and north to south. There needs to be an unambiguous message from all stakeholders: SAC is not sovereign; the emerging federal democracy of Myanmar is sovereign, and its legal system provides a basis for the governing authorities to assume the international privileges and obligations that are afforded to the state of Myanmar.

⁴² For example, the NLD has stopped attending meetings and insisted that it has only ever been a partner organization. Other key members have withdrawn from meetings too, without clarity on their positions.

The NUCC has been a more inclusive political process than most past negotiations in Myanmar. The NUCC should be recognised as the primary forum for negotiating the political future of the country and remains a much more viable process than the so-called ceasefire talks being initiated by the SAC. But the NUCC needs to communicate its goals, decisions and achievements much more effectively. Doing so would also help stave off potential future efforts by other actors to resurrect the 2008 constitution or to undermine the principles agreed to in the FDC. The world needs to see more clearly that Myanmar is not breaking apart, but that there is a viable system of government supported by the people.

From the perspective of most ethnic stakeholders involved in Spring Revolution, the main barriers to progress stem from the attitudes of NLD and CRPH leaders who either lack acceptance of federal principles or tend to see the results of the 2020 elections as placing the NLD above of the rest. Figures in the local coalition councils that have been negotiating at the NUCC feel that members of the CRPH have blocked and hampered efforts to formally separate powers or to articulate a convincing vision in line with federal principles. At the same time, however, these bodies have not clearly or sufficiently communicated the current status of their states or territories. The opportunity exists for ethnic representatives to lead politically by raising public awareness about their governance systems and their expectations for the interim period and beyond.

Another key challenge will be avoiding getting sucked too soon into debates about exactly where borders between territories should lie or exactly how powers should be divided between the union and local levels. Many parts of the country are naturally associated with the identities of specific groups and have majorities of specific ethnic nationalities. It is important to recognise claims to self-governance in these areas and to place emphasis on the strong sense of belonging that these peoples have with their land. However, most stakeholders agree that the existing state/region boundaries have little relevance to on-the-ground realities and are marred by inconsistencies.

Heated debates over these matters should be postponed as much as possible until the transitional phase when a new constitution will be negotiated and implemented. At that stage, it will be important for stakeholders to be open-minded and allow for meaningful discussions about redrawing states or local boundaries where necessary. But even then, the focus must be on ensuring equal rights to all citizens (including their collective and identity rights), regardless of where they live.

The central goal should be to contain the SAC's administration as effectively as possible through the concerted effort of local coalitions of pro-democratic administration systems regardless of whether they are under NUG, EROs or the consultative councils, and to ensure that these various systems exist under one umbrella and are not in conflict with one another. This will require a shared understanding of the broad principles in the FDC as well as patient coordination on any sensitive issues. The details at the local level will often need to be figured out between local level administrators and commanders in good faith and in service of the broader common objectives.

The need for increased international assistance

Many international actors have decried the risks of Myanmar becoming a failed state. But, as the junta's governance apparatus continues to collapse, a failure to invest in the parallel apparatus being built by the resistance risks making the failed state thesis a self-fulfilling prophecy. The interim governmental system emerging within the framework of the FDC needs to be backed and invested in with urgency. International stakeholders should reinforce and stress the importance of having a common constitutional framework among the pro-democratic resistance actors when engaging with them individually or collectively.

This is firstly necessary for practical reasons:

- To manage the spread of COVID-19, drug-resistant malaria and other public health risks;
- To manage borders and associated cross-border security safely and securely with adherence to international law and regional priorities;
- To counter the risk of human trafficking into illicit and licit sectors across the region;
- To counter non-traditional security threats such as the international drugs trade;
- To ensure effective delivery of humanitarian and emergency aid, including to women, children and vulnerable groups in conflict-affected areas; and
- To ensure the re-opening of schools and a return to education for millions of young people that have already been held back for too long.

Assistance for the civilian administration wings of the resistance is also critical for helping the federal democracy movement to consolidate its incredible gains against the SAC. Passive international responses that only focus on denying resources to the junta are gravely insufficient. It needs active and principled strategies that invest in something better and take their lead from the huge investments and sacrifices that ordinary people across the country are making every day. The situation requires international actors to take sides and invest in good leaders and in virtuous institutions.

Significant investments were made by international actors towards democracy and peace in Myanmar over the past decade, which contributed significantly to the awakening and empowerment of a generation that is now taking a stand for their rights. The coup did not mark the end of this period of dramatic change – it marked the next phase. The SAC seized power to block further change and the rest of the country has risen up in a way never seen before. Sadly, many international actors took this as a cue to retreat to the sidelines at the very moment that the stakes were raised. Urgent investments are needed to consolidate the transformational changes taking place today. If international democracies continue to delay their support, they may be sleepwalking into another slow and painful victory for one of the worst manifestations of authoritarianism in the world today.

Specifically, international assistance should include financial, technical and institution building support to enable political and administrative bodies of the NUG, EROs, local council bodies and township-level people's administrations to carry out their priorities and build stronger coalitions. This kind of support is crucial to tipping the balance of civil-military relations within the movement in favour of the civilians as an important foundation for democracy. Civilian leaders, including women, need support for their offices, secure

communications, personal assistants and resources to lead trainings and workshops with their departments. Local administrators at the district, township and village/ward levels also need flexible budgets to establish themselves as governance bodies. Options for flexible grants and even on-budget support directly to authorities should be explored due to the urgency of the situation and rapidly changing challenges that they face on the ground.

There is also a need for recovery funds to support the return of displaced communities directly, rather than settling into project-based and camp-focused humanitarian responses that work against longer-term political progress. The SAC has lost control of rural communities across Chin, Sagaing, Kachin, Karenni, Karen and elsewhere due to the resignations of local administrators. Recovery funds are needed to help these communities (and their chosen leaders) to recover and rebuild with efficiency and to become more resilient to the next bombardment. Project-based humanitarian assistance is not effective if it is not based on the actual patterns of security and displacement that shape society in these areas. There is a need to support communities to rebuild materially and politically under their own chosen systems of governance, rather than being forced to move to camps in return for hand-outs.

People “vote with their feet” for as long as they choose to live in areas with resistance, refuse to pay SAC bills and provide support to the armed organisations who stand up for them. Outside assistance should be used to identify and invest in local leaders connected to the resistance, and to recognise them as legitimate partners in the effort to build resilient communities that can withstand terror and defy authoritarianism. This requires donors to transform the way that aid is conceived, relax strict reporting requirements and be open to non-traditional but creative accountability mechanisms that are suited to the challenging local context. In many cases, large international agencies may not be the most effective in delivering much needed aid to the local beneficiaries due to their stringent rules and procedures, their emphasis on empowering international staff with limited in-country experience and their desire to receive official permissions from the illegitimate military junta that is causing the displacement.

Foreign governments seeking to support local administration should also explore ways to provide more meaningful support necessary for protecting and saving civilian lives. Firstly, non-lethal assistance should be provided in the form of strengthening strategic planning, intelligence, counter-surveillance and communications capacity. Investment in these areas has been gravely lacking and the NUG and allied forces also need to step up more to this challenge if it is going to have any success. Military operations need to be taken up a level in sophistication for the resistance to completely block SAC’s supply lines, including key arteries like rivers and inter-township road networks. Foreign nations should provide expert training, non-lethal material support and cutting-edge technologies to support these efforts.

International governments should also take steps to engage and empower the NUG, EROs and coalition councils by integrating them into international coordination bodies on regional affairs. The challenges of COVID-19, counter-narcotics, human trafficking and smuggling of wildlife are all too important to withhold action or to just leave up to United Nations agencies that feel they must engage with the SAC in order to maintain their presence in the country. Resistance actors should be engaged as potential partners in efforts to improve

trans-border security and to reduce the risks of illegal transfers. China has no problem engaging with the groups on its borders to deal with these kinds of issues, because it is pragmatic and realistic about the positive role they can play. Other international actors cannot wait for Myanmar to form a perfect nation-state within the international system. Instead, foreign democracies need to engage pragmatically with the legitimate and most active authorities on the ground and take them seriously as security providers. The FDC provides a legal basis for doing this.

Finally, international actors should explore all other available means possible to curtail the immense loss of human lives, destruction of private homes and other atrocities being committed daily. So far, despite targeted sanctions and statements of condemnation, no meaningful international pressure has been applied to effectively impede the SAC's violent terror campaigns or to protect the people. Furthermore, the SAC has proven unamenable to anything other than direct confrontation and tangible constraints on its capacity to rule at gunpoint and abuse the people. It should be recognised that excessive use of force by the SAC against civilians, not only in combat situations but also in residential, religious and social sector buildings, is the most significant remaining barrier to establishing civilian rule. Principled, cautious and coordinated defensive assistance to the most responsible resistance actors should not be seen as off-limits.

Most of the funding for armed resistance comes from ordinary people who are donating huge portions of their earnings for the hope of a better future. Due to the restrictive regulatory environment, the people are paying a fortune to black market traders for small arms to defend their communities. This is a grave injustice by any measure. Despite their disproportionate access to arms, ammunitions and aerial bombing capability, the SAC troops have been experiencing heavy casualties and are frequently unable to send reinforcement or supplies to their outposts. The military is also facing increasing numbers of defectors and is struggling to acquire new recruits.

Many of the tens and thousands of brave young women and men fighting the ruthless regime on the frontlines are ordinary students, farmers, artists, lawyers, doctors, nurses and teachers. Myanmar has never experienced such a profound period of social transformation nor such a widespread national uprising that unites so many representative stakeholders with a shared desire to end military rule and to build a new inclusive nation together. The international community should not fail to seize this historic opportunity by helping them to establish a peaceful federal democracy, as this chance will not come twice.

Conclusion

The Spring Revolution has made unprecedented progress against the SAC over the past year. This has come in large part due to unified action and purpose across a wide set of stakeholders that have been abused by the Myanmar military and who are determined to achieve their aspiration for democracy and peace. This shift has also awoken a much greater public awareness of the decades-old struggles faced by ethnic resistance and indigenous movements that have been resisting oppressive centralised control and invasion of their lands.

As a result of this movement, the SAC has lost effective control even in the areas where its security forces remain strong, and it is losing its security presence across many areas. If one considers the SAC's loss of access to new recruits and economic challenges, the trajectory of this fight is moving overwhelmingly in one direction, despite the revolution's chances starting from a very low bar. Alternative administration systems linked to the resistance movement are being expanded or established across the country and are going from strength to strength, despite constant aerial and artillery bombardments and extreme human rights violations by the SAC. At the same time, the vastly unpopular 2008 constitution has been declared invalid and is fading from memory.

To consolidate these gains, the FDC could become an important tool in providing an overarching legal framework to connect the administration systems of the NUG, EROs and consultative councils. They should be viewed not only as resistance organizations but also recognized as nation-builders. This system of national and local governments could lay the core foundations for a full-fledged federal democratic government in the future. The details of how those the national and layers of local governments will be organized or re-organized in a new country remain to be seen. Regardless there is a need for continued strengthening of these administration systems on the ground, as well as heightened efforts to communicate the meaning of the FDC to the public and international community. Foreign democracies should also begin providing more direct and explicitly political assistance to the federal democracy movement in Myanmar, to ensure that failed state prophecies do not become self-fulfilling and that Myanmar can finally make the progress towards democracy and peace that it deserves.