

Submission to the Senate Foreign Affairs, Defence and Trade References Committee

Inquiry: Democracy and human rights in Myanmar

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Perspective: Supporting a peaceful return to inclusive civilian democratic government and the establishment of a genuine federal democratic union, from the perspective of the National Unity Government of Myanmar.

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1. EXECUTIVE SUMMARY

This submission addresses the state of democracy and human rights in Myanmar, with specific consideration of the military-managed phased elections commencing in December 2025 and the barriers to a return to an inclusive civilian democratic government. Evidence indicates widespread civilian harm, arbitrary detention, and severe restrictions on civic and political rights, alongside mass displacement, and humanitarian need. The election process is staged across selected areas with exclusions, in an environment shaped by coercive laws and surveillance, limiting participation and competition. The submission outlines the NUG's Federal Democracy Charter 12-step roadmap as a sequenced, civilian-led pathway to a Federal Democratic Union, and proposes practical actions for Australia consistent with its values and regional interests.

1.1 Key messages

- Democratic institutions and political rights have been dismantled since the coup, with intensified repression and shrinking civic space.
- Civilian protection has deteriorated sharply, driving displacement, humanitarian harm, and long-term impacts on health and education.
- The phased election lacks minimum conditions for credibility due to coercion risks, restricted campaigning and speech, and exclusion of key stakeholders.
- The process is structured to consolidate military supremacy rather than enable an inclusive civilian transition.
- Structural barriers include entrenched military doctrine, reliance on coercive local brokers, and conflict-linked illicit economies.
- The NUG's 12-step roadmap provides a clearer, constitution-first pathway to inclusive civilian federal democracy than elections conducted under coercion.

1.2 Top recommendations

- Do not recognise non-credible military-controlled elections; publish democratic benchmarks.
- Coordinate election messaging with ASEAN and like-minded partners—echoing Malaysia's view that ASEAN will not endorse Myanmar's military-run polls without free and inclusive participation—to uphold regional standards and avoid mixed signals.
- Engage structurally with the NUG and federal stakeholders on the 12-step roadmap.
- Increase coordinated pressure—bilaterally and with ASEAN and like-minded partners—on Myanmar's military to release all political prisoners (including Daw Aung San Suu Kyi and U Win Myint) and halt attacks on civilians as preconditions for credible, inclusive dialogue.
- Expand conflict-sensitive humanitarian assistance, including cross-border/local delivery with safeguards.
- Prioritise civilian protection, health, and education in assistance planning.
- Strengthen targeted sanctions/enforcement against abuse and conflict-financing enablers.
- Support accountability mechanisms and evidence preservation for future justice.
- Intensify regional action against scam compounds, trafficking, and illicit finance networks.
- Enhance counter-narcotics cooperation and demand-reduction initiatives.

2. ABOUT THE SUBMITTING ORGANISATION AND PERSPECTIVE

The National Unity Government (NUG) Representative Office in Australia is the official representative of Myanmar's National Unity Government, engaging the Australian Government, Parliament, civil society, universities, and the Myanmar diaspora on democratic transition, human rights, humanitarian needs, and regional stability implications arising from Myanmar's crisis. The Office works to promote a peaceful return to inclusive civilian democratic government and the establishment of a genuine federal democratic union, including through advocacy grounded in Myanmar's federal democracy transition framework and engagement with a wide network of community, humanitarian, and policy stakeholders.

Myanmar's worsening human rights situation and the military's engineered "phased election" have direct implications for Australia's values and national interests, including regional security, transnational crime risks, and humanitarian pressures. This submission also emphasises the importance of Myanmar-led democratic transition pathways—particularly the NUG's 12-step roadmap for restoring civilian rule and building a federal union—as the credible alternative to military-managed processes that entrench authoritarian control. This submission draws on publicly available reporting from the UN agencies, reputable human rights organisations and academic institutions, and credible media, supplemented by synthesis from partner monitoring and community feedback where disclosure is safe.

3. STATE OF DEMOCRACY AND HUMAN RIGHTS IN MYANMAR

Since the 1 February 2021 coup, Myanmar's democratic institutions have been dismantled and replaced by coercive, militarised governance amid expanding armed conflict. International reporting and official statements describe severe, ongoing human rights violations against civilians, large-scale displacement, and a deepening humanitarian crisis, alongside rising transnational crime risks linked to instability.

3.1 Civic space and political rights in Myanmar

❖ **Autocratization and the deliberate closure of civic space**

The coup triggered a project of "full autocratization": the Myanmar military junta attempts to rebuild control by combining coercion with strategies aimed at legitimacy, economic control, and dismantling alternative political authority (Stokke & Nyi Nyi Kyaw, 2024). This directly impacts political rights because the costs of public participation rise sharply: activists, journalists, civil servants, and CSOs face elevated risk, while routine civic action becomes harder to sustain (Chambers & Cheesman, 2024).

❖ **"Lawfare" and administrative rule as tools against association and expression**

Post-coup, the military council has increasingly relied on "lawfare" and administrative controls to restrict civic space and weaken political rights. Academic analysis finds the legal system is being instrumentalised to constrain civil society through mechanisms affecting organisational registration, privacy and security protections, and expanded state authority over communications, data, and search-and-seizure powers (Kyaw, 2024). These measures operate in a broader governance context marked by weak rule of law, limited judicial independence, and selective enforcement, sustaining pressure on CSOs—including through the Associations Registration Law and wider surveillance and data controls (Kyaw, 2024). Legal scholarship further shows the post-coup order is grounded in militarised emergency powers, where law is deployed as a tool against opponents, raising risks for researchers and civic actors and driving greater secrecy and closed networks (Crouch & Hmung, 2023).

Post-coup authorities have systematically narrowed Myanmar's information environment. Media regulation, coercion, and legal threats operate as "lawfare" to suppress press freedom and public communication, making information control central to political domination (Brooten, 2022). This reflects a broader struggle over authority and legitimacy, constraining citizens' capacity to speak and organise (Chambers & Cheesman, 2024).

❖ **Digital repression (shutdowns, surveillance, Chinese tech, and Cybersecurity Law)**

Since the 2021 coup, the military council (SAC) has tightened control of online civic space through shutdowns and platform blocks that restrict expression, information access, and peaceful assembly (Ryng et al., 2022). Citizens adapt communication strategies under censorship, surveillance, and propaganda pressures (Kim & Kim, 2025). Reuters reports the expansion of Chinese-sourced “safe city” CCTV systems with facial-recognition capability (Potkin, 2022), while leaked documents reported by *WIRED* suggest Great Firewall-style filtering and VPN-detection tools supplied by a Chinese firm have been deployed in Myanmar (Yang, 2025). Myanmar’s Cybersecurity Law (No. 1/2025) further strengthens criminal and regulatory controls, including platform obligations, extensive data-retention requirements, and penalties targeting unlicensed VPN services (Human Rights Myanmar, 2025; Tilleke & Gibbins, 2025).

❖ **Rights of minorities and exclusion risks**

Minority communities face heightened protection risks amid conflict and repression. Ethnic and religious minorities—including the Rohingya—continue to experience entrenched discrimination and exclusion, with impacts on citizenship status, freedom of movement, access to services and aid, and exposure to violence and displacement. These conditions restrict political participation and deepen barriers to an inclusive civilian, federal democratic transition (OHCHR, 2025; Andrews, 2025).

3.2 Civilian protection and humanitarian harm

The civilian protection environment in Myanmar continues to deteriorate. The Australian Government has stated it has “grave concerns” about Myanmar’s political and humanitarian crisis, condemning widespread human rights abuses and noting it remains “deeply concerned” by ongoing attacks against civilians, including airstrikes (DFAT, 2025).

UN reporting similarly documents sustained patterns of civilian harm, including airstrikes against civilian targets such as schools, clinics, monasteries, and displacement camps, as well as large-scale arson destroying civilian homes (Andrews, 2025). OHCHR has assessed that the military has intensified violence against civilians through retaliatory airstrikes and artillery shelling on civilian-populated areas, deliberate targeting of civilian infrastructure, and denial of humanitarian access—contributing to mass displacement and disruption of essential services such as education and health care (OHCHR, 2025).

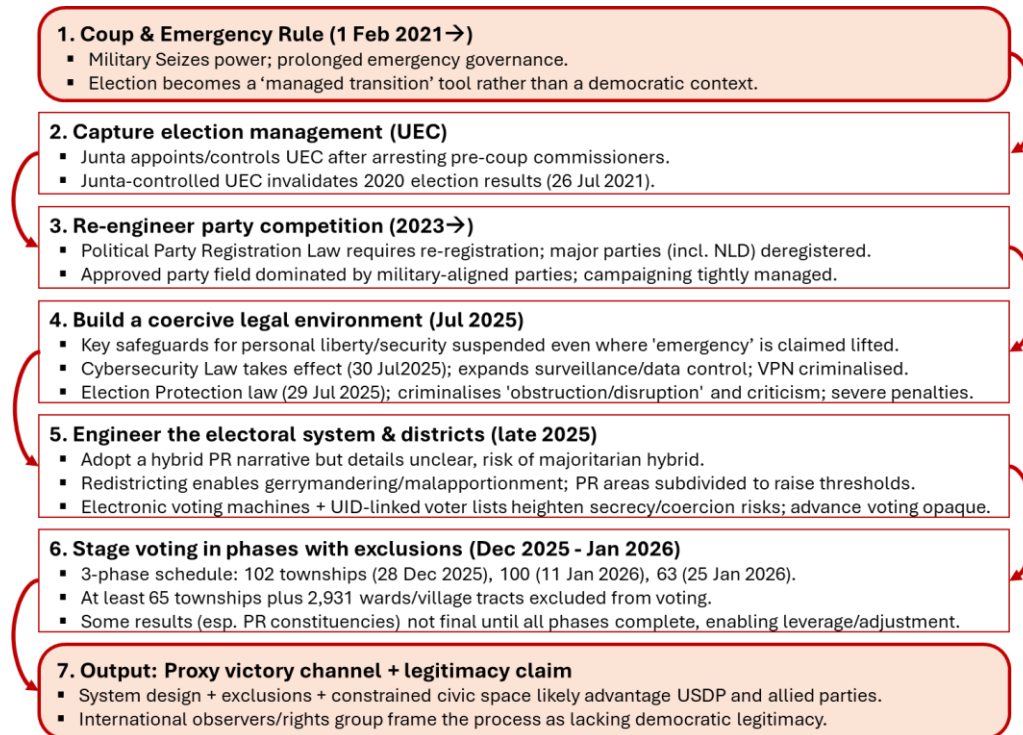
Humanitarian consequences are severe and compounding. OCHA reports that as Myanmar enters 2026, an estimated 16.2 million people—nearly one-third of the population—require humanitarian assistance, and more than 4 million people are displaced, many multiple times, with heightened protection risks for women and girls and widespread impacts on children’s education and protection (OCHA, 2025a). In its November 2025 update, OCHA estimated nearly 3.6 million people were internally displaced and documented significant access constraints and survival pressures, including high acute food insecurity affecting 11.8 million people and projected acute malnutrition affecting 410,000 young children and pregnant or breastfeeding women (OCHA, 2025b).

4. PHASED ELECTIONS FROM DECEMBER 2025: ENGINEERED MILITARY SUPREMACY

Available information indicates a sequenced approach in which election administration is consolidated under military authority, prior electoral outcomes are invalidated, and party competition is restricted through legal and administrative measures. Participation is then limited by permitting voting only in areas where authorities can operate while excluding contested or insecure areas.

In parallel, criticism of the process is deterred through criminal penalties and expanded surveillance and enforcement powers, increasing the risk of intimidation for voters, candidates, and media. Collectively, these measures support the presentation of a nominally civilian mandate while entrenching military supremacy behind an elected institutional façade. The phased elections have been shaped through **a sequenced process** that undermines minimum democratic standards.

Figure 1: Myanmar Military-led Election Process (2021-2026): From Coup to Staged Voting



1. From coup rule to “managed” election administration:

After seizing power in February 2021, the military extended emergency-style governance and repurposed elections as a controlled “transition” tool rather than a democratic contest (Noel, 2022). The junta then consolidated control over the Union Election Commission (UEC) and, on 26 July 2021, the junta-appointed UEC annulled the 2020 election results (Radio Free Asia, 2021). International IDEA has assessed that such decisions lack constitutional validity given the unlawful basis of the post-coup state of emergency and the replacement of lawful institutions (Noel, 2022).

2. Re-engineering party competition:

The competitive field has narrowed sharply through party re-registration requirements and the dissolution or exclusion of major opposition forces. Reuters reports that the National League for Democracy (NLD) and many other opposition parties were dissolved following the coup, leaving only junta-approved parties able to contest widely (Faulder, 2025). Analysts and election experts have characterised this as a one-sided contest designed to legitimise continued military rule (International IDEA, 2025).

3. A coercive legal environment criminalising dissent:

In July 2025, new legislation further constrained political rights around the vote. Fortify Rights documented the junta’s use of the “Election Protection Law” to silence and intimidate critics, including for speech and organising related to opposition to the election (Fortify Rights, 2025). CPJ likewise reported use of the Election Protection Law against media actors, reinforcing the chilling effect on reporting and public debate (Committee to Protect Journalists [CPJ], 2025).

In parallel, Myanmar’s Cybersecurity Law (in force from 30 July 2025) expanded regulatory and criminal controls over digital activity, including obligations affecting platforms and user data, and penalties relating to VPN use (Tilleke & Gibbins, 2025). These measures operate alongside broader post-coup repression documented by OHCHR, including arrests linked to expression about the election (OHCHR, 2025b).

4. Coercion and surveillance risks during voting:

The UN Human Rights Office warned that the election period is marked by intensified violence, repression, and intimidation, with civilians threatened regarding participation in the vote (OHCHR, 2025a). Reuters notes the election employs electronic voting machines and a redesigned electoral

approach, occurring amid civil war and repression (Faulder, 2025). In this environment, voters have limited ability to exercise free choice without fear.

5. **Selective participation through phased voting and exclusions:**

The election is not nationwide. State media and Reuters report voting is staged across three phases: at 102 townships on 28 December 2025, 100 townships on 11 January, and sixty-three townships on 25 January 2026 (Reuters, 2025). AP reports that sixty-five townships are excluded due to conflict, meaning large areas and populations are unable to participate (Associated Press, 2026a). On 5 and 27 December 2025, the military’s UEC declared that 121 constituencies across 56 townships unfit for “free and fair” elections; ahead of Phase III, the UEC further stated that 20 constituencies in nine townships and 1,064 sub-township areas (62 wards and 1,002 village tracts) would be excluded from voting. As a result, at least sixty-five townships plus 2,931 wards/village tracts were excluded from voting. (GNLoM, 2025)

6. **Managed outcomes and military-aligned dominance:**

Early reporting indicates a heavily managed contest in which the military-backed Union Solidarity and Development Party (USDP) dominates the phases held to date (Associated Press, 2026b). Reuters similarly reports the USDP leading under a process widely criticised as a sham intended to legitimise military rule (Faulder, 2025). International election observers and regional actors have declined to endorse the process; Reuters reports ASEAN will not certify the election or send observers, reflecting regional concern about credibility (Reuters, 2026).

5. BARRIERS TO A RETURN TO AN INCLUSIVE CIVILIAN DEMOCRATIC GOVERNMENT

The barriers to a return to inclusive civilian democratic government are structural and self-reinforcing: they stem from the Myanmar military’s political doctrine and institutional incentives, are reinforced by external backing and conflict diplomacy, and are compounded by militia-based control and expanding illicit economies. Together, these dynamics sustain violence and impunity while narrowing civic and political space—conditions incompatible with an inclusive civilian-led transition.

❖ **Institutional doctrine and mindset: resistance to civilian supremacy, federalism, and genuine democratisation**

A primary barrier remains the Myanmar military’s institutional worldview and self-assigned political role. Selth’s detailed survey of the Myanmar military’s mindset highlights enduring suspicion of civilian politics, with senior leaders portraying civilian politicians as corrupt, unpatriotic, and willing to sacrifice state unity to sectional interests (Selth, 2021). In this mindset, stability, unity, and sovereignty are framed as overriding “national causes,” and Selth notes that—in pursuit of these causes—seizing power from elected governments and applying force against citizens has been treated as permissible.

❖ **Decades of Myanmar military-led peace efforts demonstrate a persistent preference for military primacy over political settlement.**

Comparative political geography research describes Myanmar’s pre-coup peace initiatives as illiberal strategies of conflict containment—mixing coercion and co-optation to strengthen state authority—rather than substantive efforts to resolve underlying political grievances (Stokke et al., 2022).

Lintner’s analysis of peace efforts led by Myanmar military concludes that peace negotiations have repeatedly failed because the military side refused to address fundamental political issues, instead insisting on central control and offering “business opportunities” that can include illicit activity—creating incentives for armed actors to profit rather than to build durable peace (Lintner, 2020).

❖ **External dependence and China’s stability-first approach: weak incentives for inclusive political settlement**

Scholarly work on China–Myanmar relations characterises Beijing’s overriding interest as political stability, including strong influence in conflict-affected border areas (Seekins, 2021). Han (2024) similarly argues that, after the coup, China has pursued a hedging strategy by maintaining ties with

multiple stakeholders—including the Myanmar military authorities and ethnic armed organisations—reflecting a pragmatic approach to protect interests amid uncertainty rather than to advance democratic governance (Han, 2024).

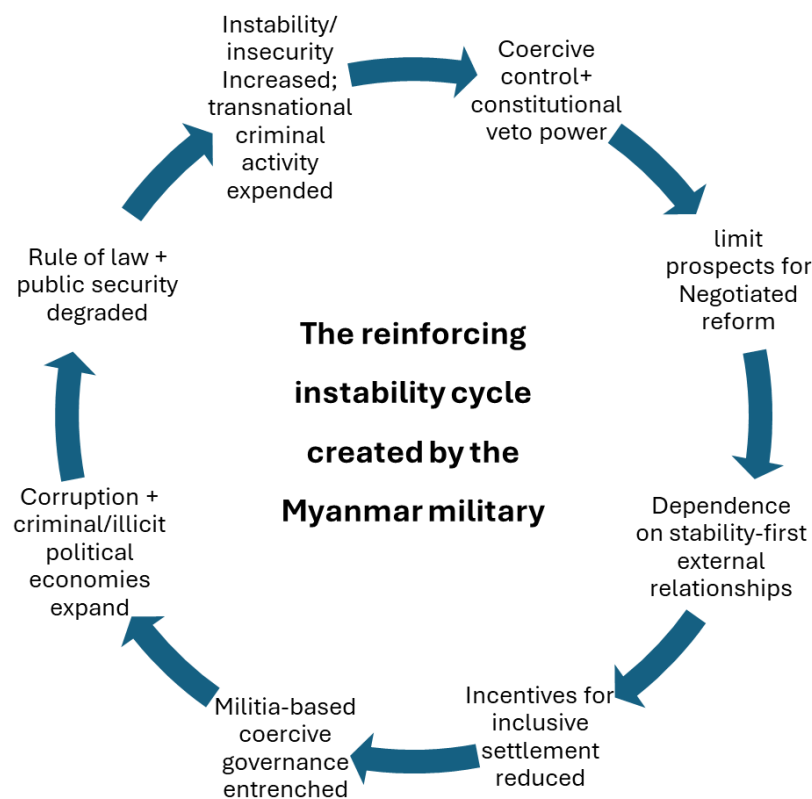
❖ **Reliance on militias and war economies: deterioration of rule of law and growth of transnational criminal activity**

A further barrier is the militarised governance model that relies on local militias and coercive brokerage to control resistance movement, which undermines the rule of law and empowers predatory armed actors. Lintner (2020) stresses that the military’s policies of local militias formation have contributed to drug trafficking, illegal “taxation,” and instability in frontier areas (Lintner, 2020). This pattern is visible historically in militia arrangements that traded counterinsurgency roles for access to government-controlled routes and smuggling opportunities (Lintner, 2020).

Recent research on borderland governance also links militia protection networks to the expansion of large-scale online scam operations and other organised crime in contested areas (Ruser, 2025). Watanabe (2024) describes scam compounds along the Myanmar–Thailand border operating under the protection of local armed groups, including militias formally linked to the Myanmar military, and notes the ways collusion can enable illicit economies to expand (Watanabe, 2024). The resulting governance landscape—fragmented, armed, and rent-seeking—is structurally incompatible with an inclusive civilian administration and accountable public institutions.

The system-level result and a reinforcing instability cycle: Taken together, these barriers create a self-reinforcing cycle: coercive control and constitutional veto power limit prospects for negotiated reform; dependence on stability-first external relationships reduces incentives for inclusive settlement; and militia governance entrenches corruption and criminal economies that further degrade rule of law and public security. Under these conditions, a return to inclusive civilian democratic government is unlikely unless the cycle is broken through (at minimum) restoration of civilian political authority, credible federal-democratic constitutional change, and a reduction in militia-based coercive governance and illicit political economies.

Figure 2: The System Level Result and the Reinforcing Instability Cycle in Myanmar since 2021

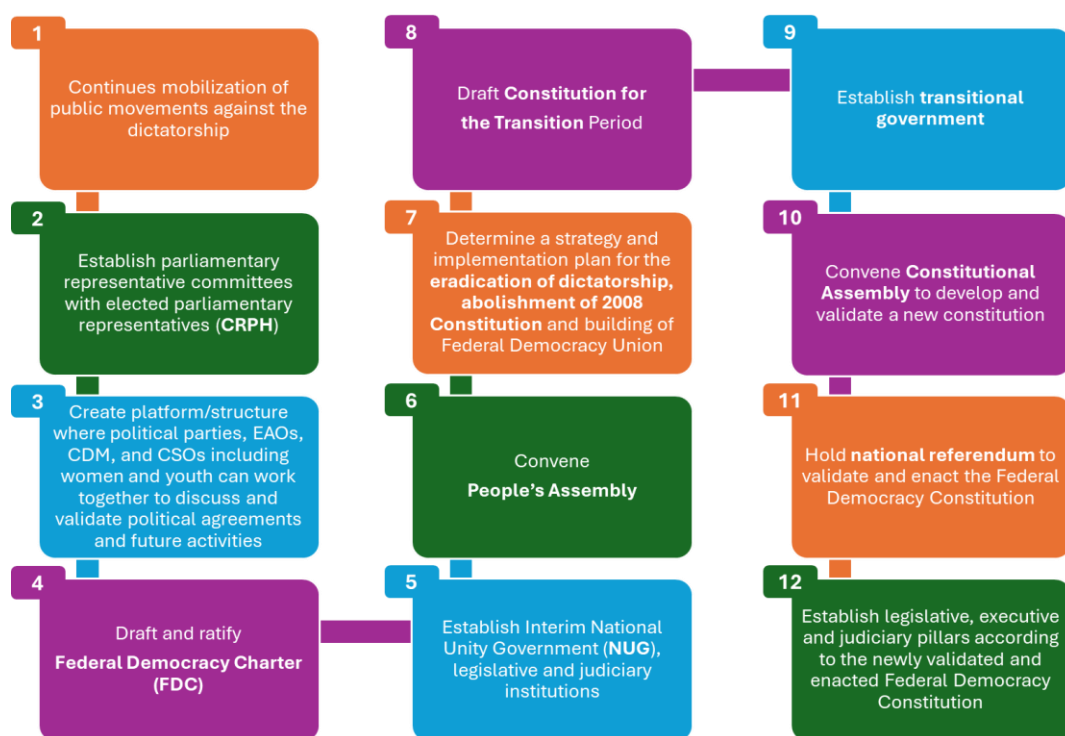


6. THE ALTERNATIVE PATHWAY: 12-STEP ROADMAP TO A FEDERAL DEMOCRATIC UNION

The Federal Democracy Charter (MoFUA, 2021) was developed by key stakeholders in Myanmar’s resistance movement against military rule, bringing together a broad coalition around shared federal-democratic objectives. It articulates a consolidated set of federal principles that had not been agreed to this level in Myanmar’s post-independence peace processes—most notably, it was achieved without Myanmar military representatives participating in the deliberations.

In Part I, the Charter also sets out a clear political roadmap for restoring democracy and building a genuine Federal Democratic Union of Myanmar. The roadmap sets out a sequenced transition for Myanmar: ending military dictatorship, establishing interim and consultative structures, developing transitional constitutional arrangements, and then proceeding through federal constitutional drafting, a referendum, and elections under a ratified federal democratic constitution. The sequencing is explicitly designed to prioritise legitimacy, inclusion, and civilian authority over coercion-based electoral claims. The 12 steps are as below:

Figure 3: 12-Step Political Roadmap of the National Unity Government



(Note: Current stage in the roadmap is Step 7 and 8)

6.1 Why this roadmap meets “inclusive civilian democratic government” tests.

- **Inclusive architecture:** the Charter identifies cooperation among elected MPs/CRPH, political parties, civil society, ethnic resistance organisations, and interim state/federal unit representatives—building plural participation into the transition design.
- **Sequencing restores legitimacy:** the roadmap prioritises transitional arrangements and constitutional settlement before national elections, reducing incentives to use elections as a coercive legitimisation exercise.
- **Federalism is explicit:** the Charter sets a federal vision grounded in equality and self-determination, power-sharing and fiscal federalism, and “unity in diversity.”
- **Civilian command of security forces:** the Charter states that security and defence forces should be under a democratically elected civilian government and guided by human security principles.
- **Rights and accountability orientation:** the Charter embeds human rights, minority rights, pluralism, non-discrimination, and gender equality as core values, and foresees independent commissions (e.g., elections, human rights, and anti-discrimination) that support rule-of-law governance.

7. AUSTRALIA'S NATIONAL INTEREST: WHY THIS MATTERS BEYOND MYANMAR

Australia has publicly stated grave concern about Myanmar's crisis and the regime's ongoing attacks on civilians, human rights violations, and discrimination against minorities. Australia's national statement at the United Nations frames Myanmar's situation as a combined political, humanitarian, and economic crisis with serious implications for regional peace and security.

❖ **Transnational crime and regional spillovers are a direct national-interest issue for Australia.**

Australia's UN statement explicitly links Myanmar's instability to "rising transnational crime," including narcotics production and trafficking, online scam centres, and human trafficking, harming Myanmar and neighbouring countries. UNODC reporting likewise describes an expanding cyberfraud ecosystem in border areas across the region—including Myanmar—where scam compounds are associated with trafficking for forced criminality and the cross-border movement of victims, proceeds, and criminal services.

❖ **Myanmar's conflict economy has clear relevance to Australia's domestic harm-reduction and law-enforcement burdens.**

Australia's latest "drug budget" estimate finds governments spent about \$5.45 billion in 2021–22 on proactive responses to illicit drugs, with 64.3% (about \$3.51 billion) allocated to law enforcement. This scale of expenditure underscores why upstream narcotics production and trafficking dynamics in Myanmar and the wider region matter for Australia's long-term drug-harm prevention objectives.

On scams, the National Anti-Scam Centre reports \$2.03 billion in combined reported losses in 2024 and notes combined reported losses of about \$2.7 billion in 2023—approximately \$4.7 billion across 2023–2024. UNODC reporting links the scam-compound business model to trafficking and cross-border criminal infrastructure; where governance is weak and coercive actors hold territory, scam operations can become entrenched and resilient.

❖ **A non-credible "phased election" risks prolonging the very drivers that sustain these cross-border harms.**

Human Rights Watch reports that elections planned from late December 2025 through January 2026 will not be free, fair, or inclusive, citing systematic dismantling of rule of law, party bans, criminalisation of election criticism, and the military's lack of territorial control to run a credible nationwide process. Regional diplomacy also reflects concern: Reuters reports Malaysia's foreign minister stating that ASEAN will not send observers and will not certify the results of Myanmar's ongoing staged election process. In practical terms, an engineered electoral façade that entrenches military supremacy is likely to deepen conflict incentives, extend displacement and illicit-economy growth, and therefore amplify regional instability—outcomes contrary to Australia's security and economic interests.

8. RECOMMENDATIONS

On behalf of the people of Myanmar, the representative office may wish to recommend that the Australian Government:

A. Phased election and legitimacy.

1. **State it will not recognise** any military-controlled election lacking minimum “free, fair and inclusive” conditions, to avoid legitimising coercive rule.
2. **Align election-related messaging with ASEAN and like-minded partners**—consistent with Malaysia’s Foreign Minister Mohamad Hasan’s statement that ASEAN will not endorse Myanmar’s military-run elections given the lack of free and inclusive participation—to reinforce common regional standards and avoid mixed signals.

B. Engagement with the NUG roadmap

3. **Deepen structured engagement** with the NUG and federal democratic stakeholders on the Federal Democracy Charter’s 12-step roadmap, to support a civilian-led transition pathway.

C. Inclusive Dialogue

4. **Increase coordinated diplomatic pressure**—bilaterally and with ASEAN and like-minded partners—on Myanmar’s military to immediately release all political prisoners, including State Counsellor Daw Aung San Suu Kyi and President U Win Myint, and to halt attacks on civilian areas as essential preconditions for a safe and credible environment for inclusive, constructive political dialogue."

D. Protection of civilians and humanitarian access

5. **Expand flexible, conflict-sensitive humanitarian support** (including cross-border and locally led delivery where appropriate) with safeguards, to reach civilians safely.
6. **Prioritise protection, health, and education** in assistance settings, to reduce long-term harm and strengthen community resilience.

E. Targeted pressure and accountability

7. **Strengthen targeted sanctions and enforcement** against perpetrators and conflict-financing enablers, coordinated with partners, to raise costs while limiting civilian impact.
8. **Increase support for accountability and evidence preservation** (including UN mechanisms and civil society documentation), to deter violations and keep justice options viable.

F. Regional security and transnational crime

9. **Expand regional law-enforcement and financial-intelligence cooperation** to disrupt scam operations, trafficking and illicit finance linked to Myanmar, to reduce harms to Australians and the region. The NUG is willing to assist in the initiatives.

G. Civic space and information integrity

10. **Enhance counter-narcotics cooperation and demand-reduction efforts**, to reduce cross-border drug harms driven by conflict. The NUG is willing to assist in the initiatives.

H. Protection pathways

11. **Strengthen protection pathways** for at-risk people from Myanmar (humanitarian visas, family reunion, and temporary safety options), consistent with Australian frameworks.
12. **Support independent media, civil society and digital safety** for journalists and defenders, to sustain accountability and reliable information flows.

9. CONCLUSION

Democracy and human rights in Myanmar continue to deteriorate amid conflict, repression, and displacement. The military’s phased election, limited in coverage and conducted under restrictive laws and surveillance, does not remove the barriers to an inclusive civilian transition. A credible alternative is the NUG’s 12-step Federal Democracy Charter roadmap, which sequences constitutional settlement and inclusion before elections. Australia can support protection, accountability, and regional stability through coordinated action.

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