

## Submission to the Australian Senate Inquiry into:

### The state of democracy and human rights in Myanmar, with specific consideration of the phased elections to be held from December 2025, and the barriers to a return to an inclusive civilian democratic government.

#### About the author

The Myanmar Community (ACT) represents Myanmar nationals in the Australian Capital Territory, advocating for democracy, human rights, and the rule of law in Myanmar. It raises awareness among Australians about the ongoing crisis since the 2021 coup, supports a return to civilian government via free and fair elections, and calls for international accountability for human rights abuses in Myanmar.

#### 1. Executive Summary

This submission addresses the Senate Inquiry's critical Terms of Reference regarding the phased elections in Myanmar, beginning December 2025. It asserts that the electoral process orchestrated by State Security and Peace Commission (SSPC), formerly, the State Administration Council (SAC), is not a pathway to democracy but **the final phase of a project to institutionalise a permanent military dictatorship in Myanmar.**

Since the illegal coup of February 2021, the junta has not merely seized power but has systematically reconstructed the state itself, embedding active and retired military personnel at every level, from the executive and parliament down to township administration and diplomatic posts, to create an unassailable vertically integrated command structure.

The planned election is a **regime-ratifying ritual** to be held under conditions of total military control, where all democratic institutions have been dismantled, political opposition eradicated, and the population subjected to widespread atrocities. To recognise the outcome of this sham process would be to legitimise the junta's five-year campaign of terror and its **blueprint for perpetual autocracy.**

For Australia, a nation publicly committed to a stable, rules-based international order and the protection of human rights in the Indo-Pacific, to accord any credibility to this process would constitute a profound strategic and moral failure. It would undermine regional stability and damage Australia's standing as a principled actor.

Consequently, this submission respectfully urges the Australian Government to adopt the following decisive policy positions:

- a. **Publicly denounce the 2025 electoral process as illegitimate** and lead international efforts to deny recognition to its outcome.
- b. **Formally declare that Australia will not recognize any government** emanating from these elections as the legitimate authority of Myanmar.
- c. **Redirect and intensify support to the legitimate representatives** of the Myanmar people, including through increased humanitarian aid via cross-border channels and robust engagement with the National Unity Government (NUG).
- d. **Unwaveringly uphold pathways to accountability** by supporting international justice mechanisms, including the Independent Investigative Mechanism for Myanmar and advocacy for an International Criminal Court referral.

## 2. The Erosion of Democracy and Human Rights Since the February 2021 Coup

The military's seizure of power was an illegal act that violently overturned the expressed will of the Myanmar people in the November 2020 general election. The regime's subsequent actions have been meticulously designed not just to suppress dissent but to **permanently eliminate the very possibility of a democratic alternative**, creating the preconditions for its sham election.

- **Illegitimate Power Seizure and the Dismantling of Democratic Institutions:** The SAC illegally deposed the civilian government, dissolved the legitimately elected parliament, and detained the President, State Counsellor Aung San Suu Kyi, and thousands of officials and activists. This was not a temporary interruption but the first step in a systemic purge, clearing the ground for the comprehensive militarisation of the state apparatus.
- **Systematic Violence and Atrocities as a Tool of Control:** The regime has employed extreme violence not only to crush peaceful protest but to terrorise the populace into submission and depopulate opposition strongholds. According to UN and human rights organisations, over 5,300 civilians have been killed and more than 27,000 arrested. The military stands accused of war crimes and crimes against humanity for its military actions, including airstrikes on civilian areas, torture, and village burnings. A stark example is the December 10, 2024, military airstrike on a hospital in Mrauk-U, Rakhine State, which killed at least 34 people. This violence is instrumental, aimed at disenfranchising millions and ensuring no credible challenge can emerge ahead of its planned election.
- **Total Closure of Political and Civic Space:** To cement its monopoly, the regime has criminalised all peaceful opposition. Key political parties like the NLD have been forcibly dissolved, independent media shuttered, and civil society paralysed. This strategic elimination of political alternatives ensures the 2025 "contest" will occur in a vacuum, leaving only the regime's proxies to participate. The erosion of fundamental freedoms is thus a deliberate precondition for the forthcoming electoral farce, not merely a concurrent injustice.

### 3. The Structural Entrenchment of Military Rule: Barriers to Inclusive Democracy

The Myanmar junta is not merely administering a state. It is completing a five-year project of total state reconstruction. Its goal is to permanently transform the country's governance architecture into an indistinguishable extension of the military (the *Tatmadaw*), thereby solidifying an authoritarian system resistant to public influence. The phased 2025 general elections – better described as the Generals' elections – serve as the final piece of this plan. Rather than providing real choice, they are intended as a symbolic demonstration meant to legitimise this new political order.

This permanent capture operates on three mutually reinforcing tiers:

#### **Constitutional Dictatorship: The Legal Lock-In**

The 2008 constitution drafted by the military regime, then known as the State Peace and Development Council (SDPC), is the regime's foundational fortress. Beyond reserving 25% of parliamentary seats for military appointees (giving it an automatic veto on constitutional change), its most destructive provisions neuter democracy in perpetuity. By granting the military exclusive, irrevocable control over the ministries of Defence, Home Affairs, and Border Affairs, it severs any future civilian government from authority over the military, police, or bureaucracy. Coupled with sweeping legal immunities, this creates a "state within a state," making a genuine civilian-led government a constitutional impossibility.

#### **Total Bureaucratic and Administrative Capture: The Regime's Nervous System**

The regime has pursued a meticulous and comprehensive militarization of the entire state. This represents more than the filling of key positions; it is the systematic integration of military command into the very framework of governance, both vertically and horizontally.

Vertically, the regime has established a continuous chain of military command. Since the February 2021 coup, it has systematically replaced civilian officials with serving and retired military officers at every tier - from the national executive and parliament, through all government departments, down to township administrators and police chiefs. This ensures direct military control over policy, resources, and security.

Horizontally, this capture extends to foreign policy. Myanmar's diplomatic corps is increasingly led by senior military officers, with post-coup ambassadorial appointments to strategic nations like China, Russia, and the United States. This ensures that diplomatic missions serve as extensions of regime security priorities, not channels for national representation.

This establishes an integrated command hierarchy in which all facets of governance: administrative, diplomatic, and enforcement align with military directives, thereby

ensuring that state operations effectively support the institution's objectives with no resistance to its directions.

#### 4. Analysis of the Planned 2025 Elections: A Regime-Ratifying Ritual

Holding an election within the junta's fully constructed architecture of control constitutes the final act of authoritarian consolidation - a **regime-ratifying ritual**. Credible elections require a neutral state, a free political space, and genuine choice. None of these conditions exist in Myanmar.

##### **Elimination of Political Alternatives and Oversight:**

The process began with the violent removal of all legitimate political actors. During the February 2021 coup, **197 political leaders**, including the President, State Counsellor Aung San Suu Kyi, government ministers, and members of the independent 2020 Union Election Commission were detained. Having seized the state, the regime moved to eliminate institutional opposition, forcibly dissolving **forty-nine political parties** in 2023, including the National League for Democracy (NLD).

##### **Control of the Electoral Process and Criminalization of Dissent:**

The regime has engineered every element of the electoral process to guarantee a predetermined outcome.

- The Office of the National Defence and Security Council appointed fourteen loyal associates to the **Union Election Commission (UEC)**, ensuring the body overseeing the vote is an instrument of the junta. The election is thus administered by the very entity contesting it.
- In July 2025, the regime enacted the **Law on the Protection of Multiparty Democratic General Elections**, a measure designed to criminalize criticism. With penalties ranging from 20 years' imprisonment to death, it has already been used to charge over 300 individuals, including opposition candidates. This law formally weaponizes the state to silence dissent, ensuring the "campaign" occurs in an environment of terror.

##### **Structural Guarantees of Military Supremacy:**

The process is designed to ratify, not alter, permanent military dominance.

- The 2008 constitution reserves **166 parliamentary seats (25%) for military appointees**, granting the *Tatmadaw* a constitutionally entrenched veto over any future legislative or constitutional change.
- The regime has **excluded 56 out of 330 electoral divisions** from the vote, disenfranchising millions in areas beyond its military control. This ensures the electorate is curated, not representative.
- The junta's electoral vehicle, the **Union Solidarity and Development Party (USDP)**, is chaired by retired Brigadier General Khin Yi, with Lieutenant General Myo Zaw Thein as Vice-Chairman. Over 20 of its candidates are high-ranking generals, highlighting the junta's approach to preserving influence over electoral outcomes and protecting military interests.

**Strategic Objective: A Façade for Permanent Autocracy**

The predictable result evidenced by the USDP's reported substantial lead after the first two rounds is not an accident but the core objective. The 2025 election is a calculated exercise in strategic deception. Its sole purpose is to rebrand the military junta as a “**constitutional, elected government**,” thereby demobilizing international opposition, fracturing sanctions regimes, and securing the legitimacy and resources needed to entrench its rule permanently.

To grant any recognition to this process is not an act of neutrality. It would be an explicit **endorsement of the junta's five-year project to destroy democracy** and a move to legitimize a permanent military dictatorship.

We must see this election for what it is: the ceremonial capstone on a captured state. International recognition or acquiescence would not only condemn the people of Myanmar to enduring tyranny but also validate a dangerous **global playbook for authoritarian consolidation**.

**5. Recommendations to the Australian Government**

Given that the phased 2025 elections is a fraudulent mechanism to cement a permanent military autocracy, the Australian Senate must recommend that the Australian Government adopt the following principled and strategic policy positions:

- 1. Publicly Denounce and Lead Non-Recognition of the Sham Election**  
declaring the process fundamentally illegitimate due to the total militarization of the state and the eradication of political freedoms.
- 2. Formally declare that Australia will not recognise any government** emanating from the 2025 elections as the legitimate authority of Myanmar.
- 3. Redirect and Amplify Support to the People of Myanmar and Their Legitimate Representatives:**
  - Dramatically increase humanitarian aid, ensuring it reaches those in need via cross-border and locally led civil society channels, bypassing the junta's predatory control.
  - Provide robust, non-lethal support to the National Unity Government (NUG) and civil society for humanitarian aid, and
  - Expand refugee protection and resettlement pathways for those fleeing the regime's persecution.
- 4. Unwaveringly Uphold Pathways to Accountability:**
  - Publicly and materially support international justice mechanisms, including the Independent Investigative Mechanism for Myanmar (IIMM), and actively advocate for the referral of the situation in Myanmar to the International Criminal Court (ICC).