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HEARINGS ON BURMA

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Testimony of

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Mr. Chairman and Members of the Subcommittee:

It is an honor to have been asked to participate in what I feel has been a long overdue dialogue on Burma/Myanmar<sup>1</sup> problems. I believe there are no easy answers to improving relations and making progress toward our several goals in that country, but I am, and continuously have been, a firm believer in dialogue on this issue within the United States, between the U.S. and other states, as well as with the Burmese themselves, both the government and the opposition. I thus applaud the Obama administration's decision to engage Burma/Myanmar.

I am supportive of this new look, including Senator Webb's trip to Burma/Myanmar. I believe this also reflects the views of a growing number of Burmese country specialists. It is, as I have written, only a first step. Secretary of State Clinton's statement that sanctions and engagement have both been tried and neither has worked is accurate, but for different actors. The U.S. continuously tried sanctions, gradually strengthening them in response to deteriorating conditions within that country. ASEAN's position has also evolved; it first tried "constructive engagement" that seemed mere economic exploitation. But "worked" for the U.S. meant regime change, and for ASEAN it later meant regime modification. This strategic divergence has perhaps both hindered achieving the changes in that country we seek and made more difficult an effective relationship with ASEAN. Of course, trying to force a government to leave power in the hope that one would then engage them is a non-sequitur. The new position, articulated by the Secretary of State, that sanctions and dialogue are not necessarily contradictory is accurate as far as it goes; it is a relatively temporary state, however, that should be resolved over some reasonable period, but it does not preclude other actions that might mitigate tensions and differences.

I believe most foreign observers want to see Burma/Myanmar make democratic progress and improve the well being of the diverse Burmese peoples. We are aware of and deplore the misguided economic, social, and ethnic policies that for a half-century have made what was predicted to be the richest nation in the region into the poorest. We share goals on

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<sup>1</sup> In 1989, the military changed the name of the state from Burma to Myanmar, an old written form. The opposition, followed by the U.S., has never accepted that change as from a government they regard as illegitimate. The UN and other countries use Myanmar; thus, the name of the country has become a surrogate indicator of political inclination. Here, both are used and without political implications. Burmese is used for the citizens of that country and as an adjective.

its political and economic future, but have differences in the tactics needed to secure these objectives. But by isolating Burma/Myanmar, we have in effect played into the hands of Burmese military leaders who thus justify their position that a garrison state under their control is necessary because of perceived foreign threats and the potential break up of the Union.

The U.S. in the past has not tried engagement and dialogue, although the U.S. now want them and the National League for Democracy (NLD) has called for them for some time. We now believe that the military must be part of any political solution; this is a new, evolved, and more positive position, and one now shared by the NLD and Aung San Suu Kyi. Our consideration of Burma/Myanmar has concentrated on governance issues to the virtual exclusion of a broad range of problems that should be analyzed. Indeed, by concentrating essentially on politics we may have missed opportunities to affect positively other deplorable conditions in that country.

We understand and sympathize with those who have suffered egregious human rights abuses. We understand the plight and frustration of those exiles who want a better Burma, and who place political change as the primary factor in this process. This approach, however, has not worked, and, in contrast, I would suggest we start by focusing on the Burmese people—their sorry condition and how to alleviate their plight. There is a major socio-economic crisis in that state, one that was early recognized by the UN but exacerbated by the Nargis cyclone, and one that requires pervasive reform and extensive assistance. It is also one that the government denies.

In this hearing, I have been asked to testify on three basic points:

- [1] Prospects for political reform and the potential role of the U.S. in promoting democracy and the upcoming elections;
- [2] The economic and strategic implications of unilateral U.S. sanctions;
- [3] Steps that can and should be taken to improve the U.S.-Burma relationship.

- [1] Prospects for political reform and the potential role of the U.S. in promoting democracy and the upcoming elections.

If we are to evaluate the prospects for reform, we must first understand that the present attitudes and positions of the U.S. and Burmese governments are virtually diametrically opposite with starkly divergent appraisals of the past and present reality. Both sets of perceptions reflect differing cultural backgrounds and different priorities, even how power and authority are viewed. Trying to reconcile these irreconcilable perceptions will not be productive now; it is time to concentrate on how to affect the future.

We may distinguish short term potential U.S. responses to encouraging the democratic aspects of the forthcoming 2010 elections from those that could foster democracy in the longer term. These two aspects of reaction are not seamless, but could produce antithetical results if unbalanced. Concentrating on the short term period before the 2010 elections and possible disappointments therein, while ignoring the longer-term future, may obscure more distant democratic opportunities. Considering only the longer term approach

could vitiate chances, however tenuous, for early progress. The results of the planned 2010 elections might result in a new political dynamic, one that eventually opens some political space that could evolve into more effective governance. We should not ignore that possibility.

The prospects for political changes before the 2010 elections, however, seem dim. The military will not renegotiate the new constitutional provisions approved in 2008, as the NLD has demanded. Whether the NLD would participate in the elections if allowed, is still uncertain. Various parties, both those government backed and opposition, are in the process of formation in advance of articulated state regulations. These elections from the junta's viewpoint are in part designed to wipe out the 1990 election results which the NLD swept, so the NLD has a dilemma: to participate destroys their previous claim to authority, but to abstain marginalizes them even further. The political end game is fast approaching, and the NLD needs to salvage its position or it may disintegrate or split. Whatever happens to the NLD, other opposition parties will participate and have some voice (rather *sotto voce*) in the new government, but one in which the military will have veto power on critical issues. There is no question but that the government and the legislature emerging from the 2010 elections will be dominated by the military, which will have 25 percent of the seats reserved for active-duty officers and thus can prevent unwanted amendments to the constitution, which require 75 percent approval. Military control will be taut on issues it regards as vital to the country and over its own defense affairs, but may allow some avenues for debate and compromise.

The U.S. should recognize that these elections will take place, and that their results, however fair or unfair, will strongly influence the future of Burma/Myanmar over the next half-decade and longer. We must deal with that reality. We should continue to call for the release of all political prisoners, the early promulgation of a liberal political party registration law and voting legislation, the ability of all parties to campaign openly and relaxation of the press censorship law so that parties may distribute campaign literature. We should encourage the UN and ASEAN to request permission to monitor the elections and vote counting. Although unlikely to be approved, the effort should be made. The U.S. might consider, through ASEAN or the UN, to supplying technical assistance and computer software for accurate ballot counting. This has been done in some other countries. These important considerations, however, even if ignored and even if the military were to engage in acts against the minorities or opposition that are reprehensible, should not terminate dialogue and a staged process of attempting to improve relations to mitigate these vital problems. I believe the Burmese administration sadly had no intention of allowing Aung San Suu Kyi out of house arrest before the elections, and that her trial was unnecessary for that purpose, for the junta would have found some rationale for her detention in any case.

A longer term approach to encouraging democracy in Burma/Myanmar should also be instituted at the same time. Yet the role of the U.S. in affecting positive change is limited by Burmese perceptions of the U.S., the U.S. internal political process, and U.S. past actions related to Burma/Myanmar.

The junta is suspicious of the U.S. There are two decades of distrust that strongly influence present and future relations. This heritage may not be insurmountable, but it is significant. The Burmese fear a U.S. invasion, however illogical that may seem to Americans.

This accounts for their refusal to allow the U.S. to deliver directly relief supplies to the Burmese in Cyclone Nargis. Our cry for regime change and the “outpost of tyranny” characterization are not forgotten. Our support for dissident groups along the Thai border reinforces these fears, as does the potential role of Thailand as a perceived surrogate and ally of U.S. policy in the region. The U.S. has held the Burmese to a different, and more stringent, standard that we have for other authoritarian regimes with which we deal in terms of the political parties, religious freedom, and even human rights. In the region, China, Vietnam, and Laos immediately come to mind. Strong congressional and public antipathy to dialogue, let alone more productive relationships with the regime, often center on the role and fate of Nobel Laureate Aung San Suu Kyi, and affect U.S. policy changes. Recent indications that she is willing to reconsider sanctions that she has in the past encouraged are welcome.

Several approaches to longer-range problems should be considered. The build up of indigenous civil society through the international NGO community is one element in the attempt to encourage more pluralism over the longer term and to begin to alleviate suffering and problems through local organizations more cognizant of local needs. Even under authoritarian regimes, civil society has important functions, and ironically the government since 1988 has allowed more civil society groups, both foreign and indigenous, to function then under the 1962 military government, although it has done so with political restrictions.

More basic human needs assistance (humanitarian aid) is necessary (health, education, nutrition, agriculture) to help the society out of the economic mire in which perhaps half the population is either under or at the World Bank defined poverty line. The education system may have been expanded, as the government claims, but the quality has been destroyed. Health care is dismal—said to be the world’s second worst. Thirty percent of children are malnourished to some degree. The per capita foreign assistance in Burma/Myanmar is about twenty times less than that provided to Laos. In a country like Burma/Myanmar, where the state intervenes administratively and personally at virtually all levels, it may be necessary to work with state institutions (such as the health system) if the people are to be helped. Depending on how this is done, it may be a small price to pay to assist the population.

In essence, by improving education and health, the groundwork of a more competent and vital populace will be developed that would better contribute to any new, and eventually more representative, government. Without such improvements, when changes come, as they inevitably will, a new more open government will be saddled with even more difficult problems that might have been earlier mitigated.

Third, there is one thing the U.S. does well—that is train people. Building up human capital is a primary requirement if the state is to progress. Modern training in basic human needs fields and in economics and related disciplines is essential. The country has lost perhaps three percent of its total population through migration due to political and economic problems and lack of opportunity, as well as through warfare and the threat of violence. Although two percent may be workers and undereducated minorities, one percent is an educated group who might have been the backbone of any new liberal administration. Even should internal conditions improve, many, perhaps most, would not return because they have become rooted in other societies. Either directly or through ASEAN, modern training should be provided either in the U.S. or in the region. This is essential for future progress. The

international NGOs employ some 10,000 Burmese and the UN some 3,000 more. They and others should be given the opportunity to acquire advanced skills so they can contribute to future development under improved governance.

The U.S. should recognize that the military is and will be for a long period a cardinal socio-economic force. The military now controls all avenues of social mobility in that society. This was not true in the civilian period. Beyond the public sector, they also have important economic assets in terms of military owned and run conglomerates that influence and even control large elements of economic activity. Those families that are ambitious and may even be opposed to the military in their administrative roles now send their sons into the military as the only real avenue of mobility and advancement. Alternative avenues, such as the private sector and other autonomous institutions, must be developed if there is to be an eventual balance between civilian and military authority. Real change will only come when these new avenues of social mobility are opened. This will take a long time, as it took in South Korea, and as it is now taking in Thailand and in Indonesia. The military will remain a vital element in that society for the foreseeable future. This should be recognized and efforts made both to help provide alternative avenues of mobility and also to broaden military attitudes and knowledge in terms of national development needs and social change. Military-to-military contacts are important, and I think it was wise of the U.S. to continue to have a military attaché attached to the embassy in Rangoon, in contrast to the EU, which withdrew them in 1996 and assigned them all to Bangkok.

## [2] The economic and strategic implications of unilateral U.S. sanctions

### [2a] Economic implications of sanctions

Although some in the Congress wanted to impose Cuba-like sanctions in 1997, cooler heads prevailed. The four tranches of sanctions (1988, 1997, 2003, 2008) have had several effects. It has denied market access to the U.S. It has resulted in other states, especially China, increasing its market share. It has also resulted in a loss of jobs for the Burmese peoples, a country already wracked with high un- and under-employment. And it has not resulted in an improvement in human rights or working conditions for the Burmese. In addition, it has lost to U.S. businesses markets and some jobs that would have been important, but it has not injured the Burmese government, which has simply substituted materials and services from other states, including some from our allies. Sanctions have been, admittedly, the moral high ground, but they have accomplished none of the U.S. objectives of reform and change. The present U.S. sanctions policy toward Burma/Myanmar illustrates how easy it is to impose sanctions, and how difficult it is to eliminate them once imposed. Yet, while encouraging the private sector, we should remember that although it is an important avenue for development, it is not a panacea. Those who consider that fostering foreign investment and encouraging the indigenous private sector will early bring democracy had better be prepared for an extended wait-witness South Korea (1961-1987) and Taiwan (1949-1992).

### [2b] Strategic Issues

Sanctions and an absence of dialogue have resulted in a lack of public recognition,

until recently, of the strategic importance of Burma/Myanmar in the region. The need in a democracy to discuss publicly the multiple bases of foreign policy has been ignored—we have concentrated on human rights and democracy alone. These are important, necessary elements of foreign policy, but not the complete picture. If the American public and the Congress are to support any administration's foreign policy, the full range of U.S. interests needs articulation.

Burma/Myanmar is the nexus on the Bay of Bengal. It will be a major issue in future China-India relations. Both countries are rapidly rising in economic terms and are likely to be eventual rivals. Chinese extensive penetration of Myanmar prompted a complete change in Indian policy from being most vehemently against the junta to a supporter and provider of foreign aid. A secondary motive was to mitigate the rebellions in the Indian Northeast, where rebel organizations have had sanctuaries in Myanmar. India bid for Burmese off-shore natural gas, but China has basically dominated that field and will build two pipelines across Myanmar to Yunnan Province—one for Burmese natural gas and the second for Middle-Eastern crude oil. China is supporting more than two dozen hydroelectric dams in Burma/Myanmar with important potentially negative environmental effects. One strategic Chinese concern is the bottleneck of the Straits of Malacca through which 80 percent of imported Chinese energy transits. Should the straits be blockaded, Chinese defense and industrial capacities could be negatively affected, and drops in employment could threaten political stability. Chinese activities in Myanmar mitigate this concern. In reverse, some Japanese military have said that the ability of the Chinese to import oil through Myanmar and avoid the Malacca Straits and the South China Sea is not in Japan's national interests. India is also concerned with potential Chinese influence in the Bay of Bengal through Burma/Myanmar.

The Burmese have used the issue of China in their analysis of U.S. attitudes toward that regime. Burmese military intelligence has specifically written that the interest of the U.S. in regime change in Myanmar was because Myanmar was the weakest link in the U.S.' containment policy toward China. Although the original statement was published in 1997, it had been reprinted 28 times by 2004. The Burmese have not understood that the U.S. concern was focused on human rights, but perhaps their statements were designed to, and have reinforced, the importance to the Chinese of support to the Burmese regime and thus increased Chinese assistance both economically and militarily. It should be understood, however, that Burma/Myanmar is not a client state of China. The Burmese administration is fearful of the roles and inordinate influences of all foreign governments, including the Chinese, the Indian, and the U.S., and with considerable historical justification. The Chinese government for years supported the insurrection of the Burma Communist Party, India is said to have assisted Kachin and Karen rebels and in the colonial period controlled much of the economy, and the Thai a multitude of insurgent groups. The U.S. previously supported the Chinese Nationalist (Kuomintang) remnant forces in Burma. More sustained dialogue could help us understand the strategic dynamics of Burma/Myanmar, including its obscured relationship with North Korea.

Although the U.S. under three presidents (Clinton, Bush, and Obama) have invoked the phrase "The actions and policies of the Government of the Union of Burma continue to pose an unusual and extraordinary threat to the national security and foreign policy of the

United States,” this statement is simply an administrative mantra and gross exaggeration because this language must be used (under the Emergency Economic Powers Act of 1997) if the executive branch wishes to impose unilateral sanctions (it was used recently in the case of North Korea). That does not mean there are no problems. Non-traditional security issues abound, such as illegal migration, trafficking, narcotics (now, metamphetamines), health issues, but none of them reach the status of an “extraordinary threat” either within the region or to the United States. Although Burma/Myanmar was once rightly castigated for its heroin production (although the U.S. has never accused the government itself as receiving funds from the trade-- it tolerated money laundering activities), the U.S. *National Drug Threat Assessment of 2009* indicates that opium production dropped significantly since 2002, and that since 2006 the U.S. could not chemically identify any heroin imported into the U.S. from Burma/Myanmar. Rather than assisting in the improvement of health as a cross-national problem, the U.S. refused to support the Global Fund, which was to provide \$90 million in that country over five years to counter HIV/AIDS, tuberculosis, and malaria. The Europeans instead funded the Three Disease fund with \$100 million of the same period to fight the same diseases.

We should be concerned about the stability of the state and administration. China, India, ASEAN, the U.S. and other countries want stability. Although the Burmese state appears strong in terms of its coercive control, poor and deteriorating economic conditions, internal displacement of peoples, delicate and potentially fluid and explosive minority relations, arbitrary and repressive military actions, political frustration, and the influx of massive illegal Chinese immigrants (estimated at perhaps two million) and their increasing hold over the economy are elements that could easily result in internal violence, ethnic rioting (as in 1967), and deteriorating conditions that are against the interests of all external actors and the Burmese people themselves. We should be trying to convince the Burmese administration itself that it is the interests of their country to reform, for only then will stability be possible.

### [3] Steps that can and should be taken to improve the U.S.-Burma relationship.

The Burmese authorities have been told by many that improvement in U.S.-Burmese relations will require significant actions by the Burmese themselves to justify changes in U.S. policy. Political attitudes in the U.S. preclude immediate or early lessening of the sanctions regimen without such reciprocal actions. In the first instance, however, increases in humanitarian assistance (basic human needs, such as health, education, nutrition, agriculture) are essential.

Step-by-step negotiations are a reasonable way to proceed, perhaps the only way. Signals have been sent by both sides that some changes are desirable, but good words alone will not work. And whatever the U.S. proposes must be done with the support of both the executive and legislative branches, in contrast to an abortive executive attempt to improve relations on narcotics in 2002 that faltered in the Congress. It should be understood that such staged dialogue by both sides is not appeasement, and that both sanctions and engagement are tactics to secure objectives, not ends in themselves.

It should also be understood that as a general commentary on such negotiations,

expecting the Burmese to humiliate themselves before any foreign power and give in to foreign demands, whether from the Chinese or the U.S., is a recipe for a failed negotiations. Public posturing should be avoided, and quiet diplomacy take place to which the Burmese can respond to the need for progress and change within their own cultural milieu and with a means of explaining to their own people that these are indigenous solutions to indigenous problems. Unconditional surrender, which the U.S. has advocated on many occasions, is not a negotiating or dialogue position.

To start the process, the U.S. should approve of a new Burmese ambassador (previously nominated) to Washington. The last one left in November 2004 after the ouster of Prime Minister Khin Nyunt in Burma/Myanmar and had nothing to do with sanctions issues. The administration should also be prepared to nominate an ambassador to Myanmar, even though there may be strong and negative congressional reactions. That person would be different from the ambassadorial position as coordinator under the Lantos 2008 sanctions legislation, and the choice of that person is important if there is to be credible dialogue with the government, since it calls for direct talks with the Burmese.

There are also areas where our interests overlap, and where coordinated efforts could be productive in themselves and in trying to build the confidence required if relations in other fields are to improve. We have a mutual interest in the environment, and indeed the U.S. has been working with the Burmese on protection of wildlife. There is much we could accomplish together and an urgent need. There are cooperative relations that could prove important in disaster preparation, for Burma/Myanmar is subject to earthquakes and cyclones that annually devastate the Burmese coast, although not normally with the force of Nargis. There is still work to be done on the missing-in-action U.S. soldiers whose planes went down in Burma flying from India to China during World War II. There are the needs of the minorities who have been generally excluded from development. An especial reference should be made to the Rohingyas, the Muslim minority on the Bangladesh border who have remained stateless and who have suffered the most. Although the U.S. has concentrated its attention on political issues and human rights in general, the minority question in Burma/Myanmar is the most important, long-range and complex issue in that multi-cultural state. There is a need to find some “fair” manner in the Burmese context for their development, the protection of their cultural identity, and the sharing of the assets of the state. Within the unity of Burma/Myanmar, the U.S. might be able to contribute to this process. Further, improving relations with Burma/Myanmar will help strengthen our relations with ASEAN. The U.S. has made significant and welcome progress in the recent past, and the dialogue with Burma/Myanmar would help that process. The U.S. signing the ASEAN Treaty of Amity and Cooperation in July 2009 was a forward step.

In a variety of authoritarian states, the U.S. has supported programs that were designed to improve justice and the rule of law. Although this may seem counterintuitive, such programs could be of value in training individuals and assisting institutions to administer justice more fairly when they are in a position to do so. Although the United States objected when Australia started some human rights training in Burma/Myanmar (as it had done in Indonesia under Suharto), the exposure of key individuals with some responsibilities for dealing with such problems would be an investment for a time when they are able to use that knowledge to further goals we all share. The U.S. could join with the



Australian program for ASEAN designed to provide counter-terrorism training courses at the Jakarta Centre for Law Enforcement. Burma/Myanmar has cooperated with the U.S. on some counter-terrorism activities, including but not limited to authorizing overflights of the country after 9/11.

The U.S. use of the term for the name of the state, Burma, rather than the military designated term, Myanmar (an old term, but one used in the modern written language) is simply a result of following the NLD. The military regard that as an insult. Although I believe the change in name was a tactical error, especially during a year when the government was trying to encourage tourism, many states, even those of which we disapproved, have changed their names and place names and the U.S. has followed. It did, however, take a couple of decades for the U.S. to change Peking to Beijing.

The Burmese need to respond to any U.S. overture. One might suggest to the junta that in light of the good performance of the international NGOs during the Nargis crisis, that the January 2006 stringent and deleterious regulations on their operation be waived, and that new ones formulated in collaboration with the NGO community. We want greater changes, but this start would be significant and allow the international NGOs to make a greater contribution to development in that country. Increases in humanitarian assistance, required in any event, would be greatly facilitated by such action.

If the Burmese were to respond to this step-by-step process, and if the 2010 elections were carried out in some manner with widespread campaigning and participation regarded as in a responsible manner (admittedly a term with strong cultural roots), then the U.S. could withdraw its opposition to multilateral assistance from the World Bank or Asian Development Bank if that government were to adhere to the bank's new requirements for transparency and good governance. Burmese economic policy formulation is opaque, and such activities might not only provide needed light, but also encourage a sense of reality among the military leadership, some of whom are said to be insulated from the dire conditions in the country. The U.S. could modify its sanctions approach; some have called for more targeted sanctions that could be an indicator of gradual improvement of relations. If we want to influence the new generation in Burma/Myanmar, why do we then under the sanctions program prohibit the children and grandchildren of the military leadership from studying in the U.S.? These are just some of the people from influential families whose attitudes toward the U.S. we should hope to change. If the sanctions policy were to be modified and gradually rescinded, it would require significant reforms for that to happen.

It is probable that not much will be possible before the 2010 Burmese elections, that date of which has not yet been announced. Until then, it is likely the Burmese government will be primarily focused on actions leading up to that activity and have limited interest in important changes. That does not mean we should not try to affect change in that period.

Some general comments may be in order. It is important in any international negotiations that the U.S. not be wedded to the interests of any particular foreign leader or group, for although their objectives may be similar, their tactics, views, and immediate interests may differ from U.S. national interests. U.S. policy should not be held hostage to foreign attitudes, however benign.

In negotiations, it is also important not to characterize the military as we have in the past with “rogue,” “pariah,” “thuggish,” and other such terms. The regime has to be treated with civility or any discussions will fail. We conceive grammatically and politically of the military as singular, but in fact it is plural, and there are elements who are not corrupt, who have a sense of idealism in their own terms, who want to do something for their own society, and who recognize that improved governance internally and better relations externally are part of that process. We should understand the potential diversity of the military and seek to identify and encourage positive thinking on their part.

The question will be asked whether dialogue and negotiations as suggested in the paper will provide an added degree of legitimacy to the present military regime or one evolving from the 2010 elections of which the U.S. may not approve. Any relationship involves a delicate equation in which one attempts to gauge the benefits and the disadvantages involved toward reaching the goals that have been set. In the case of Burma/Myanmar, I believe the advantages to the United States and to the peoples of Burma/Myanmar outweigh any slight fillip of legitimization the regime may claim. I believe the people of that country are more astute.

We should also negotiate with the Burmese on the basis that their primary national goal of the unity of the Union is a shared goal of the U.S., and that we do not want to see the balkanization of Burma, but that the actions of their own government and the attitudes of some of the military convey the impression that they are an occupying army in some minority areas, and this undercuts the willingness of some of the minorities to continue under Burman rule, and thus the ability of that government to reach its goal. It is in the interests of the region and the world not to see a break up of the country, but that unity can only be achieved through internal respect and dignity among all the peoples of the state, and through real developmental efforts to which the U.S. could contribute under conditions to be negotiated.

I am not sanguine about early progress, but what has been done in the past months and this hearing itself are important beginnings and should be continued and expanded.

Thank you for giving me this opportunity to contribute to the process of dialogue.

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