

**U.S. Senate Committee on Foreign Relations
Asia Subcommittee
Hearing on the Situation in Burma
March 25, 2021**

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The February 2021 Military Coup in Burma & US Policy Responses

Thank you Chairman Markey, Ranking Member Romney, and the rest of the subcommittee for giving me the opportunity to appear before the committee today on this timely and important topic. The past two months have been both a heart-breaking and an exhilarating time for the Burmese people. The February 1 coup once again laid bare the dark heart of the Myanmar armed forces – the Tatmadaw – who have dominated the country for the past seven decades and was a devastating setback to the Burmese people’s aspirations to continue their halting and hard-won progress. After ten years of expanding freedom and openness, the Burmese people are strongly resisting a return to military rule. Hundreds have died and thousands have been arrested due to Min Aung Hlaing’s vanity and arrogance. The Burmese people’s awe-inspiring bravery and defiance in the face of brutal and sustained violence has earned them regional and global admiration and support.

Same Same but Different

Since February 1, there has been a strong tendency among both Burmese commentators and long-time Burma watchers to debate how this latest chapter in Burma’s struggle for democracy compares to previous ones. While understandable, such debates have often obscured more than they revealed. The 2021 Spring Revolution movement has been characterized by optimism, creativity, public-spiritedness, and inclusion. From self-organized neighborhood watch groups to bank employees refusing to show up at work to protestors dressed in ball gowns, the people are actively resisting and effectively using social pressure to undermine the regime’s authority. Their fluency with information technology and social media savvy has allowed them to stay one step ahead of the junta’s Internet outages and censorship efforts. It has also allowed them to connect with and learn from their fellow democracy activists across the region, adding to the burgeoning “Milk Tea Alliance.”

The combination of persistent, nationwide street protests and the stay-at-home/non-participation of the Civil Disobedience Movement have tested the junta’s ability to retain control of the country. Young people, civil servants, and factory workers have been at the forefront of both street protests and Civil Disobedience Movement (CDM), and the opposition to the military coup has cut across class, geographic, ethnic, religious, and generational lines in unprecedented ways. Protest and CDM organizational structures are flat, flexible, and decentralized. Ethnic nationalities and women have played critical roles as organizers and frontline leaders. This diversity of leadership not only has led to clever protest memes such as the use of women’s dirty longyi to taunt superstitious soldiers, but it has also opened up dialogues about critical nation-building and societal issues that have long been suppressed as untimely or indelicate. This increased awareness of and empathy for the situation of ethnic people among the largely Burman

urban protestors has been one of the most remarkable and important features of this resistance movement.

After initially showing some restraint as protests grew, the Tatmadaw has responded to the people's aspirations for freedom, democracy, and human rights with its usual formula of terror, murder, and repression. They have attempted to instill fear across the population through mass arrests, enforced disappearances, and both random and targeted killings. At least 23 of the more than 250 victims have been under the age of 18, including a seven-year-old girl who was shot in her Mandalay home as she sat in her father's lap. Others were specifically targeted to send a message, including the grisly murders of two NLD local officials. Thousands more have been detained, mostly incommunicado, and subjected to severe abuse and torture. These actions are taking place in an increasingly restricted information environment, as the junta has extended the daily Internet and mobile wi-fi shutdowns. Media organizations are being systematically targeted, with individual journalists arrested and licenses revoked. This leaves the junta free to use its state-controlled media to broadcast lies and misinformation designed to demoralize and divide the population.

In the meantime, martial law is spreading across the country's major urban areas and the economy—already weakened by COVID—is circling the drain. Development gains of the past decade have disappeared overnight, as the World Food Program reports spikes in childhood malnutrition and food insecurity. Conflict areas have seen some of the worst effects, as humanitarian access was one of the first casualties of the coup. While the junta insists Burma is open for business as usual, there are very few takers and even Japanese businesses—traditionally the last Western investors standing, are packing it in.

Discipline Flourishing Autocracy

The Tatmadaw's ostensible justification for this coup was the abuse of democratic processes by the National League for Democracy (NLD). The NLD's November 2020 landslide election victory appears to have convinced Min Aung Hlaing that Burma had taken a wrong turn on the road to what the Tatmadaw likes to call "discipline-flourishing democracy." Detained NLD leaders Daw Aung San Suu Kyi and U Win Myint face a growing list of charges, ranging from the spurious to the existential. The prosecutions have been almost comically irregular at times, but the ultimate intent is quite serious: disqualifying the NLD from participation in any future electoral exercise. The junta has claimed that they intend to hold elections within a year, but they have also talked about the need to adjust the current political structure so it cannot be dominated by a single party – at least not one the military doesn't control.

With the party's top leadership detained, elected parliamentarians quickly formed the Committee Representing the Pyidaungsu Hluttaw (CRPH) as a kind of government-in-waiting until something sturdier can be constructed. Reflecting the ethos of the broader movement, the CRPH has been working hard to engage diverse stakeholders and build much-needed trust at all levels across all Burma's old fault lines. After some initial stumbles, the CRPH has established coordinating mechanisms for inclusive engagement with ethnic nationalities, civil society, professional associations, and other key actors. The beginnings of a shared program of action are taking shape, including support for scrapping and replacing the 2008 constitutional order

with a genuine federal democratic union, extensive security sector reform, and meaningful accountability for the Tatmadaw's past abuses. Even some of the most country's sensitive issues—including the need to confront the atrocities against and redress the identity of the Rohingya people—have seen remarkable progress over these 50 days. The CRPH has also been working to secure international recognition and deny the junta legitimacy, including by seeking defections of Burmese diplomats overseas and engagements with a range of diplomatic partners. Again, these efforts have not been perfect, but they are clearly more than what the coup plotters expected, and the junta have scrambled to respond to these asymmetric challenges with their usual toolkit of repression, divide-and-rule politics, and badly done propaganda.

Circuit Breakers Needed

Under the current dynamic, the people and the junta are pushing further apart every day, with the junta's shocking brutality and cynical political maneuvers up against the Burmese people's non-cooperation and fierce demands for democratic self-governance. As Burma becomes increasingly ungovernable, coup leaders are likely to become more desperate and violent. To date, the violence has primarily served to solidify opposition to it, but the current level of violence is still relatively low by historical Tatmadaw standards. Nonetheless, there are already signs that escalating violence is pushing the non-violent movement beyond its current peaceful self-defense efforts. Given the deep fault-lines in Burmese society, the movement's current level of unified effort is likely to be severely tested. A Syria-like scenario is not far-fetched given Burma's history of internal conflict and the presence of so many well-armed militias that operate under varying levels of state control. The military's core identity is built around holding Myanmar together, and they have a well-documented track record of attempting to do this by brute force. This is a formula for disaster.

Unfortunately, the international community's response to this generational opportunity to break with Burma's entrenched cycle of dysfunction has been underwhelming. This rapidly deteriorating situation will not benefit from more statements of deep concern and pin-prick sanctions. The Burmese people are doing the bulk of the work and taking huge risks as a result, making the weak-kneed international response look even more feckless. Urgent and decisive action is needed to circuit break the current trajectory and give the Burmese people a chance at a real democratic transition and genuine nation-building.

The Biden administration in particular has an opportunity to lead and, in doing so, retake the initiative in the ideational battle that was on display this past weekend in Anchorage. The United States should focus the international response around three key pillars:

Recognition and Legitimacy. The junta craves legitimacy; the United States and its allies must do everything they can to deny it what it craves. There are a variety of ways to do this that are relatively low cost for us but potentially game-changing on the ground:

- Speak clearly about the illegitimacy of the coup: The U.S. led in calling the coup by its right name, and other countries have taken steps in this direction. More can and should be done to delegitimize the coup and its supporters through both regular diplomatic and public diplomacy channels, including by maintaining pressure on regional and multi-

lateral organizations to either disinvite junta personnel or give CRPH representatives equal billing.

- PNG military attaches at Burmese embassies: They report directly back to the junta and are the instruments of coercion within embassies. There is no justification for allowing them to stay and their visas should have been revoked on February 1.
- Protect and empower democratic diplomats: Countries should also work with the Burmese embassy staff who espouse loyalty to the CRPH to be recognized as legitimate and protect them and their family members in Burma from reprisals. The U.S. recently took a step in this direction by extending Temporary Protective Status for Burmese visa holders.
- Reconstruct assistance pathways: Donors should work both bilaterally and through UN agencies and international financial institutions (IFIs), to restore parallel mechanisms for assistance including by working with CRPH, civil society, existing ethnic nationalities systems, and through cross-border aid. Prior to 2010, these practices were the norm in Burma, and donors have recognized the need for such heterodoxy in other countries in crisis.

Finally, governments and international organizations should work towards formal recognition of the CRPH and/or its successor government of national unity, as Myanmar's interim state authority. Part of this will be working with them to address accountability around the August 2017 atrocities against the Rohingya and outline a more serious response to the root causes of those horrific events. This will not be easy, but it must be part of the bargain.

Cut off the junta's money supply. The limited impact of sanctions to date should be no surprise considering the current pin-prick approach. The coup leaders cannot effectively control either the country or manage their critical internal patronage networks without revenue, and the US and others need to be more strategic in leveraging the junta's need for hard currency.

- Sanction key revenue streams: Instead of continuing to slowly drip out sanctions go after the main sources of revenue such as the large military holding companies and key state sectors, especially in the extractive industries. This means figuring out a way to cut off the flow of hard currency via the Myanmar Oil and Gas Enterprise (MOGE) without simultaneously cutting of the supply of refined energy back into the country.

Specifically, the American and European partners to oil and gas joint ventures with MOGE should invoke a three-month *force majeure* suspension of payments, and work with their governments' financial authorities to establish an escrow mechanism to facilitate continued contractual payments. This would force the junta to take them to arbitration or refuse to take delivery of refined fuel.

- Friends without benefits: In addition to military leaders, individual sanctions also should target key civilian cronies enabling or benefitting from the coup. Top of the list should be the head of Kanbawza (KBZ) Bank, Aung Ko Win, who is Min Aung Hlaing's golfing buddy and the financier of choice for his children's business enterprises.
- Look beyond sanctions: International partners should also use and aggressive enforcement of laws on money laundering and the illegal trade in extractive products

such as timber, and gemstones. These revenue streams are dirty in every sense of the word; they not only are environmentally devastating and drivers of criminal activity, but they primarily enrich the elite while providing little meaningful benefit to the Burmese people. The U.S., the U.K., and E.U. should work with and, if necessary, put pressure on financial institutions in Singapore and Hong Kong to examine their accounts for junta and other illicit activities.

Move a Security Council resolution. The failure to do anything beyond issue ineffective statements is daily undermining the international community's credibility and increasing the likelihood of broader violence. Nowhere is this more obvious than the ineffective approach of the UN Security Council. The UK and the United States wasted their respective February and March Council presidencies negotiating feckless statements that the junta promptly ignored. Their desire to have the Council continue to "speak with one voice" has been a serious strategic mistake. Since August 2017 this approach as given China and Russia an unwarranted upper hand in Council negotiations on Burma, and they have used it to cow like-minded countries toward inaction.

The like-minded should stop letting a veto threat keep them from acting. An open vote on a resolution forces China and Russia into a choice both have been strenuously avoiding, to either stand with the Burmese people or protect the junta. Unlike Russia, whose primary interests in Burma revolve around selling weapons and thriving on chaos, China has significant economic and strategic interests on the ground. Beijing worked hard to cultivate the NLD's blessings for its massive China-Myanmar Economic Corridor infrastructure plans, and effectively leveraged Aung San Suu Kyi's approval to manage what would otherwise be deeply unpopular projects. Since the coup, China's tone deaf and self-interested response to the violence and predation of the junta has enflamed Burmese public anger. The Tatmadaw—which anyway has no love for the Chinese—will remain largely transactional in its approach to Beijing and historically has proven very adept at playing off its big neighbor.

Much as China dislikes the prospect of Security Council action in response to the coup, they are rapidly approaching a tipping point where their attempts at neutrality and non-interference are increasingly unsustainable. With India and Vietnam currently serving on the Security Council, there are opportunities to use skillful diplomacy to leverage other regional dynamics that could box China in further. Russia is unlikely to veto on their own and will be especially reluctant if its other regional partners are inclined towards action. With so many competing strategic imperatives in play, a Chinese veto should not be assumed.

Core Principles

Such a robust approach must be underpinned with a recommitment to placing key principles of human rights and democracy at the center of US policy on Burma. Today, Burma is ground zero in the ideational battle that the United States and other democracies are facing around the world. Every day, Burmese people are risking their lives to fight for a different future for their country. They have embraced a democratic, rights-respecting, sovereign, inclusive, self-governing future. They are at an inflection point where self-reflection and shared sacrifice are leading to progress on addressing those issues that have held Burma back, especially with regard to the integration of the Rohingya into the broader nation-building project that is quietly underway.

These same issues have also challenged the United States and others to develop a comprehensive policy approach rooted in human rights and democratic values. In contrast to the promise of this moment, sticking with a conservative policy approach of hedging our bets dooms us to accept a failed or at least flailing Burma as an acceptable outcome. Finding a way to both support democratic aspirations and heal this deep wound would be transformational for everyone involved, and such opportunities typically are rare and fleeting. We should be exploring every possible means to support this process, not just because it is a reflection of our own nation's core values but because a different kind of Burma will be a better partner in every possible way, especially when the alternatives are a return to military rule or worse, a failing state.

The Biden administration has an historic opportunity to contribute to this potential path-breaking moment in Burma. The Burmese people have shown they are willing to do the work and make incredible sacrifices to change their fate. We should not be constrained by the soft bigotry of low expectations that arise from Burma's bloody history. We should instead be doing all that we can to support the aspirations of the Burmese people to write their own future. This is especially true when the relative near-term costs to us are so low and the potential downstream benefits are so great. Caution and deliberateness in foreign policy are generally good qualities. But excessive caution has real opportunity costs that are often underweighted when decisions are considered—leading us to calibrate past the point when doing something could help. When this happens, it only ever benefits the bad actors and makes the next set of decisions more costly with worse options.

Today, we have that rarest of circumstances where the core values of the United States and other democracies are aligned with both our interests and the aspirations of the Burmese people. This is one of those moments where the risks of taking action are far lower than the costs. Even if the prescribed actions do not immediately result in the removal of the junta, we will have put ourselves on the side of the people instead of their oppressors. And that alone should be enough of a reason to do the things we can.