

**U.S. House of Representatives  
Committee on Foreign Affairs  
“The Unfolding Crisis in Burma”  
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Thank you Chairman Meeks, Ranking Member McCaul, and the rest of the Committee for giving me the opportunity to appear before you today on this timely and important topic.

The past three months have been both traumatic and transformative for the Burmese people. Since their February 1 coup, the Burmese armed forces – the Tatmadaw – have cemented their place among the ranks of the most brutal and recalcitrant thugs on the planet. But this is a reputation they have been building for the past seven decades through their relentless effort to control Burma’s physical, political, economic, cultural, and even psychic domains. After ten years of expanding freedom and openness, the February coup was a devastating setback to the Burmese people’s aspirations to permanently leave behind a legacy of direct military rule. As the Burmese people have strongly resisted the coup, hundreds of innocent people have been killed; thousands have been unjustly arrested; and millions of dreams have been snuffed out -- all due to Min Aung Hlaing’s vanity and arrogance. While 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, this support has yet to translate into meaningful action. It is this failure to move from concern to action that I will address today.

Burma’s “Spring Revolution” has been characterized by optimism, creativity, public-spiritedness, and inclusion. From stay-at-home days and pot-banging nights, through the open confrontations between protestors and armed troops, the movement’s creativity and bravery has inspired their fellow citizens to join at various levels in resisting and undermining the regime’s authority. The combination of persistent, nationwide street protests and the active non-participation of the Civil Disobedience Movement (CDM) have tested the junta’s ability to retain effective control of the country. The CDM and protest movement cut across class, geographic, ethnic, religious, and generational lines in unprecedented ways. Their organizational structures are flat, flexible, and decentralized. Ethnic nationalities and women play critical roles as organizers and frontline leaders, not only inspiring clever protest memes but also opening up long-suppressed dialogues on key societal issues. Increased awareness of and empathy for the situation of ethnic people among the mostly urban Bamar protestors has been one of the most remarkable and important features of this resistance movement.

As savvy digital natives, the Generation Z cohort has helped the whole movement to stay one step ahead of the junta’s Internet outages and censorship efforts while generating viral content that flows into regional and global media feeds. This tech fluency and networking prowess has also allowed them to connect with and learn from fellow democracy activists across the region, adding to the burgeoning “Milk Tea Alliance.” The movement’s diversity and inclusiveness, together with a lack of personality-based or leader-driven structures, theoretically should make it harder for the Tatmadaw to divide or decapitate and easier for its participants to sustain.

As we pass the three-month mark since the coup, this conflict between the Burmese people and the Tatmadaw appears to be entering a new phase. After initially showing some restraint as protests grew, the Tatmadaw ratcheted up the level of violence and deployed its usual tools to instill fear across the population: mass arrests, enforced disappearances, torture, and both random and targeted killings. When this failed to quell resistance, the junta began enforcing martial law across the country's major urban areas.

The democratic and ethnic forces have responded by disavowing the military-drafted 2008 constitution, issuing their own federal democratic charter, and appointing an interim National Unity Government (NUG) that is among the most diverse in the country's history. There is also anecdotal evidence that young people are increasingly looking to join up with ethnic armed organizations (EAOs), and that these groups will form the basis of a new federal army loyal to the NUG. The NUG itself has been open about its intention to form such a federal army, with or without the Tatmadaw. The Tatmadaw has responded to these developments by ramping up attacks in ethnic areas, targeting communities that have aligned with pro-democracy movement. The Tatmadaw is reportedly taking heavy casualties in these conflicts, and ethnic armed groups report large numbers of surrendering POWs as well as posts and bases being abandoned by junta forces. Nonetheless, conflict areas have seen some of the worst impacts of the crisis. With unreliable troops on the frontlines, the junta has expanded the use of fixed-wing aircraft, UAVs, and distance-based heavy weaponry to indiscriminately attack civilian areas while simultaneously cutting off humanitarian access.

Under the current dynamic, Burma is likely to become increasingly ungovernable and violent. To date, the junta's violence has primarily served to solidify the domestic opposition, but the current level of violence remains relatively low by historical Tatmadaw standards. Increased violence is likely and, based on current trends, will likely drive the democratic forces further away from reliance on non-violent strategies. Given Burma's history of internal conflict and the presence of so many well-armed militias that operate under varying levels of state control, Balkanization and Syria-style state failure appear increasingly likely scenarios absent some circuit breaker.

Yet, to date, the international community's response to this crisis has been underwhelming. Urgent and decisive action is needed to change the current trajectory and give the Burmese people a chance at a real democratic transition and genuine nation-building, but instead the weak-willed and notoriously ineffective Association of South-East Asian Nations (ASEAN) has been tasked with leading toward a solution. Left to its own devices, ASEAN is unlikely to go beyond the disappointing efforts at the recent Jakarta special summit. A case in point is ASEAN's decision not to invite participation by the National Unity Government while coup leader Min Aung Hlaing was treated as Burma's *de facto* head of state. The weak Five Point Consensus that emerged from the special session was ridiculed by Burmese civil society, not least because the junta had disavowed and violated it before the ink was even dry.

The situation with the United Nations is no better. The Security Council has failed to hold a formal public meeting on Burma three months into the crisis, and there remain deep internal divisions even among the like-minded countries about the wisdom of putting forward a resolution in an open session. As the official "penholder" on Burma in the Council, the UK has been extraordinarily reticent to table a resolution, reportedly out of fear of a joint Chinese and

Russian veto. Beyond that, it is unclear what their strategy is and, unfortunately, countries that would normally demand action and accountability are following London's non-lead. Frustration with Council inaction has fueled growing talk of invoking the provisions of the UN Charter that allow the General Assembly to address an issue of international peace and security when the Security Council is unable or unwilling to act.

But within this troubled landscape, the Biden administration has opportunities to lead and inject some seriousness into the floundering international response. The United States should focus efforts to lead the international response around several 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 and bolster the nascent state-building efforts underway by the National Unity Government. The US must continue to speak clearly and openly about the illegitimacy of the coup. Our initial leadership in calling the coup by its right name caused other countries followed. Using regular diplomatic and public diplomacy channels, the United States must work with its allies to persistently object to situations where junta representatives are treated as legitimate representatives of the Burmese people or state. Specifically, the US and its allies should:

- Refuse to provide *agrement* to junta-appointed diplomats and expel Burmese military attaches who are currently terrorizing their embassy colleagues who attempt to oppose the coup;
- Object if junta-appointed representatives attempt to take the floor in UN bodies such as the Human Rights Council to the UN Economic and Social Commission for the Asia-Pacific (ESCAP); and
- Work with the current permanent representative in NY to ensure he is well-positioned to withstand an attack on his credentials for the upcoming UNGA session, providing legal assistance if necessary.

At the same time, the US and other countries should help the NUG encourage loyalty to and support for its efforts by aiding those Burmese embassy staff who espouse loyalty to the NUG. The U.S. has extended Temporary Protective Status for Burmese visa holders and is engaging with Burmese diplomats who are supporting the NUG, but right now this is not being done systematically across other countries. As part of this effort towards formal recognition, like-minded countries should be working with the NUG to incorporate accountability on the August 2017 atrocities against the Rohingya into their official platform, 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.

Finally, but importantly, donors should work both bilaterally and through UN agencies and international financial institutions (IFIs) to restore parallel mechanisms for assistance including by working with the NUG, civil society, existing ethnic nationalities systems, and through cross-border aid. If necessary, the US should set the example by returning to its pre-2010 policy of restricting its contributions to UN agencies from going towards any activity with entities acting under the junta's authority. Prior to 2010, these practices were the norm in Burma, and donors have recognized the need for such heterodoxy in other countries in crisis.

**Cut off the junta's money supply.** The limited impact of sanctions to date should be no surprise considering the current pin-prick approach. But given the economic hardship created by the domestic CDM and non-participation efforts, the coup leaders are increasingly reliant on external sources of revenue. They 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. 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 cutting off the flow of hard currency via the Myanmar Financial Transactions Bank (MFTB) and the Myanmar Oil and Gas Enterprise (MOGE). American and European partners involved in oil and gas joint ventures with MOGE should suspend or temporarily redirect contractual payments away from the junta on *force majeure* grounds. The companies could work with their governments' financial authorities to establish an escrow mechanism to facilitate continued contractual payments.

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: Min Aung Hlaing's golfing buddy and the financier of choice for his children's business enterprises. International partners should also use and aggressive enforcement of broader legal regimes 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 going back at least since the August 2017 Rohingya crisis, giving China and Russia an unwarranted upper hand in Council negotiations on Burma.

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. While in the past they were largely aligned on non-interference justifications around Burma, Russia and China increasingly have divergent interests in Burma. Russia's primary interests revolve around selling weapons and highlighting anything that can be used to equate democracy with chaos. China has significant economic and strategic interests on the ground and worked hard to cultivate the NLD's blessings for its massive China-Myanmar Economic Corridor infrastructure plans. Beijing effectively leveraged Aung San Suu Kyi's approval to advance what would otherwise be deeply unpopular projects; with her in detention, China's tone deaf and self-interested responses to the coup have reignited the Burmese public's latent anti-Chinese sentiment.

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 on the ground. With India and Vietnam currently serving on the Security Council, skillful diplomacy—including an incorporation of a role for ASEAN—would focus on leveraging the regional dynamics that could box China in further. Russia is unlikely to veto on their own and will be especially reluctant if other regional states are leaning towards action.

Today, Burma presents 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. Every day, Burmese people are risking their lives to fight for 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, including a reassessment of the place of the Rohingya within the broader nation-building project. The Burmese people clearly are willing to do the work and make incredible sacrifices to change their fate. We must stop being constrained by the soft bigotry of low expectations that arise from Burma's bloody history. Finding a way to both support their democratic aspirations and help Burma begin internal healing would be transformational for everyone involved, and the Biden administration has an historic opportunity to contribute to this hinge moment.

In foreign policymaking, as in other risky endeavors, we often underweight the opportunity costs of inaction and delay and allow these outweighed by even low levels of perceived risk around action. Caution and deliberation in foreign policy are generally good qualities but sticking with the current incremental approach will doom us to accept a failed or at least flailing Burma as an acceptable outcome. This would only benefit the bad actors and leave us with more costly and worse options down the line. We should be vigorously pursuing robust action, 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 to the United States in every conceivable way. This is especially true considering the alternatives are a return to military rule and state failure. While taking action does not guarantee we will get the desired results, it will put us firmly on the side of the Burmese people instead of their oppressors. Under the current circumstances, that should be reason enough for the United States to overcome bureaucratic inertia and policy caution to find a way to lead.

I look forward to your questions and am again grateful for the opportunity to participate in today's hearing.

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