



MYANMAR

**Testimony of Ambassador Kyaw Moe Tun
Permanent Representative of Myanmar to the United Nations
House Committee on Foreign Affairs
At a hearing titled “The Unfolding Crisis in Burma”
(May 4, 2021)**

Mr. Chairperson, Ranking Member, Members of the Committee,

Good afternoon and Mingalar par!

I wish to thank you, Mr. Chairman and members of the Committee for holding this important hearing on the serious situation of my country at this time, and for giving me the opportunity to appear before the esteemed committee. It is timely. I wish to express my appreciation to the House of Representatives for their deep concerns about Myanmar at this difficult time.

The situation in Myanmar is indeed an unfolding tragedy that continues to escalate overtime. The people of Myanmar are facing the military’s brutality and inhumane acts day and night. Fear tends to be the order of the day and we all are living under fear. Our people do not have access to enough cash, food is becoming scarce. The efforts to combat the COVID-19 pandemic have been put on hold, and supply chains for medicines have all dried up. The people of Myanmar are facing serious humanitarian crisis.

I am confident that at this hearing, I can convey at best the voices of the Myanmar people and of the National Unity Government (NUG) which was formed by the authority bestowed by the mandate of the people.

2020 General Elections

Mr. Chairperson,

Allow me to apprise you of the brief background. Myanmar was undergoing a process of democratization and building a democratic federal union. The free and fair general elections were successfully held on November 8, 2020 which is a mile significant milestone in our history. The people of Myanmar have already shown their solid confidence on the elected Government led by State Counsellor Daw Aung San Suu Kyi with their ballots. It is attested to by the NLD landslide victory at the elections. The civilian government has also made a very firm

determination to continue striving hard in compliance with the people's trust and confidence. Ever since the civilian government took over responsibility in 2016, it has never lost sight of the ultimate goal of establishing a peaceful and developed democratic federal union.

After the successful elections, the election observers rectified that the elections were free and fair. Many heads of states and governments and heads of the international organizations sent congratulatory messages to State Counsellor Daw Aung San Suu Kyi and her party, National League for Democracy for the landslide victory at the elections.

Total ignorance of the people's desire and without any proven evidence, the military announced the result of the November 8 elections as unfair and fraudulent, and on February 1, the day that the new parliament was supposed to convene its first meeting, the military detained the State Counsellor, the President and parliamentarians in early morning raids and staged a coup. It is a systematic attack on democracy – plain and simple. The coup, even by the questionable standards of the military-drafted 2008 constitution, is illegal and the military has no lawful or legitimate basis to govern in Myanmar. The military has created so called entity “State Administration Council (SAC)” to seize power illegally.

Peaceful Protest everywhere and Violence everywhere

Mr. Chairperson,

In the wake of the February 1 military coup, as you all witnessed, the past three months have been both heart-breaking and terrifying for the Myanmar people. Millions of people came out on streets to protest against the military. The overwhelming majority of the population has rejected this illegal coup. Since the coup, there has been a significant escalation in violence, human rights violations including arbitrary arrests and torture as well as vicious and irrational brutality, inhumane acts and killings against the innocent civilians. The military has killed at least 750 civilians who have dared to voice their defiance. Majority of the victims are peaceful protesters especially young people who are our future and the future of the country. In some instances, the military killed children as young as 7 year old. In addition, the military and security forces have conducted beating protesters to death, destroying property, looting shops. This brutal repression and continued escalation of violence places Myanmar on the brink of state collapse. The military is at war with its own people – people whom they are supposed to protect. It is grave concern and strongly deplorable.

The unproportionate and indiscriminate attacks by the military have forced the civilians to leave their homes and created displacement of large number of people. Here, I wish to remind that the brutality and mass killing of the military is no doubt an existential threat of epic proportion to regional peace and security.

Mr. Chairperson,

The people of Myanmar are resilient, perseverance and unprecedentedly united in fighting against the military, in calling for release of all unlawful detainees, for return of the state power to the people and for restoration of democracy and for building a federal democratic union. The persistent protests throughout the country are taking place even in the midst of the military brutal crackdown. It is crystal clear that we all do not want to go back to the system that we used to be in before.

On 26 February, I myself took the floor at the informal meeting of the United Nations General Assembly on the situation of Myanmar to stand with the people of Myanmar and express my disappointment with the military. I appealed the international community to take strongest possible action to immediately end the military coup, to stop oppressing the innocent people, to release all unlawful detainees, to return the state power to the people and to restore democracy in Myanmar.

Civil Disobedience Movement (CDM)

Mr. Chairperson,

Nationwide Civil Disobedience Movement (CDM) was initiated by doctors and nurses, heroes of the COVID-19 response and later widespread across the country accordingly. Teachers, shop owners, bankers and civil servants, among many others refuse to work for the regime.

It is highly deplorable that the military and security forces use the excessive force and violence against the non-violence pro-democracy movement. The CDM civil servants have been threatened in many ways and pressured to return to work. Through the military-controlled media, it was announced that the CDM doctors can be persecuted. In Magway Region, 100 workers from oil industry who joined the CDM were threatened to be charged under 505 (a) of the Penal Code, which carries a sentence of three years in prison, if they didn't return to work by 22 April. Through military-controlled media channels, a daily warrant list of individuals, politicians and public figures who speak out against the military and stand with the people for democracy, online and offline, have been announced.

The three forces are working hands in hands to end the military's brutal campaign, to call for an immediate and unconditional release of all unlawful detainees, to return state power to the people, to restore the democracy, and to create a federal democratic union. First force is the people especially our young people who are forefront and risking their lives to protest against the military. Second force is the civil servants and workers who join the Civil Disobedient

Movement, later the people at large join the CDM. Third force is the Committee Representing Pyidaungsu Hluttaw (CRPH).

Committee Representing Pyidaungsu Hluttaw (CRPH)

Mr. Chairperson,

Right after the military coup, on February 5, the CRPH was formed with members of parliament to resolutely perform necessary activities and duties that have been entrusted by the people as per the result of the November 2020 general elections, to ensure the unconditional release of those detained including the President and the State Counsellor, and to conduct the regular functions of the Pyidaungsu Hluttaw.

The Committee itself is fully operating in accordance with the ruled-based guidelines and has been engaging actively with the international community. Taking this opportunity, I would like to urge the United States Congress to engage extensively with the CRPH which has overwhelming support and mandate of the people as a legitimate representing body of the Pyidaungsu Hluttaw (Union Parliament).

Federal Democracy Charter

The CRPH released the Federal Democracy Charter on 31 March with the ultimate goal of drafting a new federal constitution by annulling the 2008 military-drafted constitution. The Federal Democracy Charter acts as an interim constitution while the new federal constitution is being drafted.

The Charter outlines an eight-step political roadmap towards building a new Federal Democratic Union of Myanmar, and it is a fundamental political pact which includes a roadmap of the state building process and future peace process of Myanmar. All stakeholders, including CRPH, ethnic armed organizations (EAOs), political parties, CDM participants, civil society organizations worked together in drafting the Charter. As such, I wish to highlight the fact that the Charter reflects the common interests of the people of Myanmar as a whole.

Establishment of National Unity Government of Myanmar

The National Unity Government (NUG) was formed by the CRPH on 16 April 2021, in line with the letter and spirit of the Federal Democracy Charter. The current Cabinet list includes President, State Counsellor, Vice President, Prime Minister, 11 Union Ministers, and 12 Deputy Ministers.

President U Win Myint and State Counsellor Daw Aung San Suu Kyi remain as the same positions. The current cabinet comprises of 13 members are various ethnic nationalities, and 8 members are women. I am particularly encouraged to note that some ministers belong to young generations who have

actively participated in anti-coup resistance movement, while the others are leaders from career backgrounds, political parties and civil society organizations.

The establishment of the NUG is based on (i) the authority bestowed by the people's mandate reflecting multi-party democratic elections held in November 2020, (ii) anti-military protests and (iii) the civil disobedience movement.

On April 17, Vice President Duwa Lashi La gave an address to the people of Myanmar, affirming that (a) practical implementation of its laid-down working plans and (b) international community's recognition of the NUG are the two main goals of the NUG. On the other hand, in his statement, Prime Minister Mahn Win Khaing Thann underlined the efficiency of the CDM in breaking the government maneuver controlled by the military regime.

The formation of the NUG was overwhelmingly welcomed by the people of Myanmar. In line with the people's will, the international community's recognition and engagement with the NUG is a critical step to take and it could pave the ways to end the violence, to save lives of innocent civilians and protect from the military brutal and inhumane acts, to restore democracy in Myanmar, and most importantly provide humanitarian assistance to the people in need.

ASEAN Leaders' meeting recently held in Jakarta

Mr. Chairperson,

I wish to stress that Myanmar is not just witnessing another major setback to democracy but also the crisis that we are encountering is threatening the regional peace and security. We are of the view that ASEAN can play a constructive role in developing a coordinated policy to end the coup and the violence committed by the military while respecting desire and will of the people of Myanmar.

Here I wish to recall the statement of the Prime Minister issued on 27 April with regard to the ASEAN leaders' meeting on April 24. Prime Minister Mahn Winn Khaing Thann stated that while the NUG appreciates the support and commitment of ASEAN members states to assist Myanmar and its people, it remains greatly concerned about the military's adherence to the five-point consensus reached at the meeting. Even though those five points do not entirely reflect the current unfolding situation and the interests and will of Myanmar people, right after the meeting, the military made the announcement that it will give careful consideration to constructive suggestions when the situation returns to stability in the country. It is a clear evidence of the military's decision to walk back the limited agreement made during the meeting. There is urgent need to establish an accountable mechanism for monitoring the SAC's compliance with the five-point consensus.

The NUG, in the spirit of the ASEAN Way enshrined in the ASEAN Charter, stands ready to engage with the ASEAN envoy, the ASEAN Secretary-General and other representatives of ASEAN collectively and individually. I would like to reiterate that whenever and whatever a dialogue to aim for solving the crisis in Myanmar is convened, it must be a meaningful one. As such, our leaders and other unlawful detainees must be released unconditionally before any dialogue takes place.

Actions against CDM Diplomats

Today at this hearing, I am proud to inform you that there are at least 20 Myanmar diplomats who have declared their allegiance to the civil disobedience movement, and publicly stood in defiance against the military junta. The CDM diplomats do not recognize the military as their legitimate government and refuse to represent the regime in the international arena.

Similarly to other CDM diplomats, on 23 April, my fellow colleagues in Geneva and Washington DC were terminated from their duties by the Ministry of Foreign Affairs under the illegitimate State Administrative Council (SAC). On the very same day, the diplomatic passports of all CDM diplomats and their family members from Geneva, Washington DC, Tel Aviv and Ottawa were declared null and void.

While visa issuance to diplomatic staffing replacements proposed by the junta still have been under careful consideration by the European countries, we have learned that two of the illegal military junta's representatives have been granted diplomatic visas to come to the United States. I strongly urge the United States government not to issue visas or accept visa applications of those who have are slated to replace our CDM diplomats. The commitment and determination made by our CDM diplomats for democracy and end of military coup should be acknowledged and they should be encouraged. Accordingly, we are looking forward to receiving kind consideration and strong support from the United States government in this regard.

To the United States Congress and the United States

Mr. Chairperson,

The people of Myanmar always value the consistent support extended by the U.S. Congress to our struggle for democracy, peace and national reconciliation. Taking this opportunity, on behalf of the NUG and the people of Myanmar, I would like to express my heartfelt thanks to the United States for being the first country to condemn the coup, imposing targeted sanctions, cutting off the military's access to the funds in the United States and above all, for the

continued support to the people of Myanmar. We also appreciate the recent U.S designation of Myanmar for Temporary Protected Status (TPS).

At the same time, we need the United States to take a decisive leadership role in helping resolve the Myanmar crisis, now more than ever. The United States must lead the way.

I hereby would like to urge the United States to take additional coordinated tougher measures against the military and the SAC, working together with other countries in the region and like-minded countries, to end the coup and the brutal repression by the Military against the unarmed civilians. Our request will remain until the democratically elected government is restored in Myanmar. The people of Myanmar inside and outside the country are working together and utilizing all possible ways and means to end the military coup and build a federal democratic union. Unwavering support and strong assistance from the international community is imperative and utmost needed in this regard.

On behalf of the NUG and the people of Myanmar, I wish to appeal to you and the House of Representatives as follows:

- 1) To save lives of innocent civilians, protection should be immediately extended to the people of Myanmar from brutal and inhumane acts committed by the military.
- 2) Humanitarian assistance should be urgently provided to people in need by applying all means.
- 3) Demands should be made to the countries concerned to provide necessary shelter, taking into account of the humanitarian ground, to those seeking refuge in neighbouring countries and elsewhere and necessary assistance be provided.
- 4) Work with relevant countries to declare no-fly-zone in relevant areas in Myanmar to avoid further bloodshed caused by the military airstrikes on civilian areas.
- 5) Global Arms embargo should be imposed immediately against the military.
- 6) Targeted, coordinated and tougher sanctions should be applied against the military, its businesses and their families and their businesses.
- 7) Bank accounts associated with the military and their members should be frozen and financial inflows into the military regime and its associates should be cut off instantly, and urge other countries to do so.
- 8) Foreign direct investment should be suspended until such time as the democratically elected government is restored in Myanmar.

In addition, all official engagement from the House of Representatives and the Senate of the United States should direct to the CRPH as a legislative body. I

would like to request the United States that to respect the will of the people, the NUG should be recognized as a legitimate government of Myanmar. Accordingly, the United States should allow the NUG to use the Myanmar funds put in freeze in the US for the people of Myanmar who are dire need for humanitarian assistance and their survival.

Furthermore, I wish to call on the United States to appoint a special envoy for Myanmar aiming at ending the crisis and restoring democracy in close cooperation with like-minded countries, countries in the region especially with ASEAN. While the people of Myanmar appreciate imposing targeted sanctions of the United States, we need more collective, concrete and unified action initiated by the United States. We have to accept the fact that imposing sanctions alone is not enough and issuing statements alone is not enough.

Let me repeat the words of Ambassador Linda Thomas-Greenfield, US Permanent Representative to UN, said at the UNSC Arria-formula meeting on Myanmar on 9 April. “The military needs to feel the costs associated with its horrific actions. The stability and prosperity of the region depends on swift action. To me, the answer is clear. We have to act.” I fully agree with her.

In conclusion, **Mr. Chairperson**, the Myanmar people’s desire is vividly clear that we want to build a nation where all the democratic values can be flourished, a place where each and every peace loving individual can play a role in that nation building. We are confident that ending the murderous military regime and the military role in politics and economy will pave a way to finding sustainable solutions to the challenges we face related to the effective protection and promotion of rights of ethnic, religious and all other minorities and equality for all. The people of Myanmar are resolute to achieve these goals. Time is of the essence for the people of Myanmar who feel helpless. Decisive and tough actions are imperative and needed immediately. The US and the international community must act now decisively in a collective, concrete, unified and timely manner to avoid further killing of innocent civilians and further bloodshed in Myanmar. Please act now. We will always remember the help and support of the United States at our utmost hour of need.

I thank you.