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Burma's Brutal Campaign Against the Rohingya: Reexamining US- Burma Military-to-Military Relations

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Events in Burma over the last month have been heartrending. The violence committed by Burmese security forces in Rakhine state and the resulting human exodus, however, is only the manifestation of several deeper realities that must be taken into better account in U.S. policy going forward. The Obama Administration paid insufficient heed to these realities in pursuing its opening to Burma. With Congress' acquiescence and cooperation, it moved too far, too fast, leaving only closer military-to-military relations to keep the normalizing bicycle moving. Supporters of engagement have, therefore, continued to press for what they see as the next logical step in America's opening to Burma. The problem is that for several reasons, outreach to the Burmese military is ill-suited to meet American objectives. It rests on several misjudgments. Among these are the Burmese military's relationship with China, its place within Burma's reform political dynamic, and its nature as a fighting force.

China–Burma Relations

To the extent that a U.S. opening to the Burmese military is about “balancing China,” it vastly overestimates U.S. leverage. The one inescapable geographical reality is that, in contrast to the United States which is at its strongest at sea in the Indo–Pacific region, China shares an unstable, porous land border with Burma. As a part of its effort to cope with this and support broader interests in its relations with Burma, China supports several ethnic armed groups (EAGs) in the vicinity of the border. Among these groups are the Kachin Independence Army (KIA) which is actively involved in conflict with the Burmese army, the Kokang Army, and the United Wa State Army (UWSA). As recently as 2015, the Kokang were widely reported to be operating from Chinese territory in military operations against the Burmese army. Perhaps more importantly, they have helped make the UWSA's 20,000–30,000 troops one of the best equipped insurgencies in the world. Support for the UWSA includes making available more than small-arms and ammunition. Heavy weaponry such as armed helicopters, armored personnel vehicles, and wheeled “tank destroyers” have also been supplied to the UWSA.¹ Chinese manufacturers have even helped give the UWSA the wherewithal to produce their own weapons and supply them to other EAGs.²

So Burma is an intensely local issue for China. But Burma also has major strategic implications for it. With the U.S. Navy prowling the narrow confines of the Western Pacific, a relationship with Burma offers China access to the Indian Ocean and alternative trade routes. In an attempt to diversify the routes by which crude oil reaches China, away from the Malacca Straits and South China Sea, it has built a pipeline that takes Middle East and African crude directly from the coast of Rakhine state to Southwestern China. A natural gas pipeline that pumps gas drilled offshore Rakhine to Southern China serves the same purpose, as well as helps diversify its sources of energy. The Chinese are now working on a deepwater port and industrial park, also in Rakhine state, that will serve as a critical node in its one-belt, one-road project. Reports indicate that with regard to the park, in fact, state-owned China's CITIC Group is seeking an extraordinary 85 percent stake in exchange for taking a loss on the suspended Myitsone dam project.³

¹Namrata Goswami, “Tracking the source of ‘Weapon Providers’ for NE Rebels,” IDSA Comment, November 07, 2013, http://www.idsa.in/idsacomments/TrackingthesourceofWeaponProvidersforNERebels_ngoswami_071113 (accessed on September 26, 2017).

²Lawi Weng, “AK-47's – Made in Wa State,” *The Irrawaddy*, December 16, 2008 http://www2.irrawaddy.com/article.php?art_id=14804 (accessed on September 26, 2017).

³Yimou Lee and Shwe Yee Saw Myint, “Exclusive: China Seeks up to 85 Percent Stake in Strategic Port in Myanmar,” Reuters, May 05, 2017, <http://www.reuters.com/article/us-china-silkroad-myanmar-port-exclusive/exclusive-china-seeks-up-to-85-percent-stake-in-strategic-port-in-myanmar-idUSKBN1811DF> (accessed on September 26, 2017).

The bottom line is that the Chinese are not about to stand by and watch relationships that have secured this position compromised by other outside powers. Neither will Beijing be critical of Burmese security operations in the very location of its investments.

Beijing essentially play both sides of the fence in Burma. From 1989, when both Burma and China were facing a difficult international environment, their militaries became very close. The Burmese were facing isolation for the crackdown on pro-democracy demonstrators and the arrest of Aung San Suu Kyi and China for the Tiananmen Square massacre. Chinese military assistance to Burma in the years following this marriage of convenience is estimated at \$2 billion. This was a level of engagement that “helped transform the Myanmar military from a ‘small, weak counter-insurgency force’ into a ‘powerful defence force capable of major conventional operations.’”⁴ And they continue today as the “single largest source of equipment and training for Burma’s military forces.”⁵

So, at the same time that the Chinese are receiving State Counsellor Aung San Suu Kyi in Beijing and facilitating her efforts to reach cease-fire arrangements with Burma’s EAGs, they materially support some of the most well-armed among them as well as support her rivals for power in the Burmese military. Yes, by all accounts, the Burmese military has problems with China. For decades it contended with a China-supported communist insurgency. The military distrusts the Chinese and wants to lessen their reliance on them. And yes, this was a factor in Burma’s decision to open up to the West, including to the United States. But in the geopolitical game, the Chinese have a team on the field, too, and it has a great deal more to offer than the training workshops that were proposed by the Senate Armed Services Committee earlier this month. For such meager feed, in fact, it is not clear that the Burmese are at all interested in closer ties with the U.S. military.

Reform Political Dynamic

The second misjudgment embedded in the pursuit of closer mil-to-mil relations is the thinking that through engagement with the military, the U.S. has the ability to significantly impact the Burmese political dynamic in favor of reform. As is well-known, the 2008 constitution gives civilian authorities in Burma no control over the military or the portfolios—defense, border affairs, and home affairs—that they hold in the cabinet. The theory, as I have heard expressed many times by proponents of closer mil-to-mil ties is that, given this, the U.S. should to induce the military to cooperate in reforms by giving it the direct benefit of a relationship with the U.S. military. The concern is that otherwise it will have no stake in democratic reforms, and will, therefore, be of a mind to subvert them.

Setting aside that the most plausible leverage in this regard were the prohibitions on doing business with military-linked businesses that were lifted at the end of Obama’s term, this theory ignores the equities that the military has in not fully cooperating with future reforms. The Burmese military had its own objectives for initiating the reforms under the previous regime, objectives that did not encompass fundamental reform of its own sources of power.

⁴Ian Storey, *Southeast Asia and the Rise of China: The Search for Security* (London: Routledge, February 2013).

⁵Priscilla A. Clapp, “China’s Relations with Burma,” testimony before the U.S.–China Economic and Security Review Commission on China’s Relations with Southeast Asia, May 13, 2015, <https://www.usip.org/publications/2015/05/chinas-relations-burma> (accessed on September 26, 2017).

So much has happened in Burma over the past six years. The military relinquished formal power over large swaths of the government. Political prisoners have been freed; restrictions on the press and assembly have eased; a national human rights commission has been established. The political environment has become competitive. Most significantly, democracy icon Aung San Suu Kyi was released from house arrest and allowed to organize politically. She led her party to victory in 2015 parliamentary elections, and in 2016 assumed power over the civilian government. However, Burma's human rights situation has remained challenging even with these changes. Although a far cry from the more than 2,000 political prisoners held in the pre-reform era, 98 people remain in jail serving sentences or awaiting trial for political crimes. And arrests continue—38 in the month of August alone.⁶ Human Rights Watch characterizes the situation as follows in its 2017 World Report: “Restrictions on the rights to freedom of expression and assembly persist, amid the government’s failure to contend with the range of rights-abusing laws that have been long used to criminalize free speech and prosecute dissidents.”⁷ Freedom House still classifies Burma’s press environment as “not free,”⁸ with a score worse than Cambodia. Again, Burma is much better off in regard to both press freedom and broader political freedoms than it was in 2010, but stalled in terms of forward progress.

The United States and other states in the international community can continue trying to chip away at these lingering issues, but the fundamental political reforms that are needed involve curbing the political power of the military. The grants of power given it by the 2008 constitution, guarantee of 25 percent of seats in parliament that enable it to veto any amendments, control over the three aforementioned ministries, “control over its own judicial processes, including when allegations of human rights violations are involved,”⁹ and extraordinary powers to reassert control in the event of an emergency—these all remain obstacles to fuller political reform and imbue the military with a sense of impunity.

By many accounts, the transition from military to civilian government that culminated in the 2015 election was meticulously planned. The military government’s 2003 “Roadmap to Democracy” was intended to get it to where it is today, not farther. Its freeing of Aung San Suu Kyi, as renowned Burma expert Bertil Lintner, who has reviewed internal documents related to the roadmap, says, was part of an effort to ease its opening to the West, no more, no less. Ultimately, he says, these documents are clear: The ultimate aim of the military is to “crush” the opposition.¹⁰ The military has power, it has a plan, and it is not going to bargain it away in exchange for a relationship with the U.S. military.

Nature of the Burmese Military

The third misjudgment in the pursuit of closer U.S.–Burma military-to-military relations involves the character of the Burmese military. Beyond the strategic decision it has made to share

⁶Political Prisoner Data, Assistance Association for Political Prisoners (Burma), <http://aappb.org/political-prisoner-data/> (accessed September 26, 2017)

⁷Human Rights Watch, “World Report 2017: Burma,” (accessed on September 26, 2017), <https://www.hrw.org/world-report/2017/country-chapters/burmaBurma> (accessed on September 26, 2017).

⁸Freedom House, “Myanmar Country Report: Freedom of the Press 2017,” (accessed on September 26, 2017), <https://freedomhouse.org/report/freedom-press/2017/myanmarMyanmar> (accessed on September 26, 2017).

⁹Amnesty International, “Myanmar 2016/2017,” (accessed on September 26, 2017), <https://www.amnesty.org/en/countries/asia-and-the-pacific/myanmar/report-myanmar/> (accessed on September 26, 2017).

¹⁰Bertil Lintner, “The People’s Republic of China and Burma,” Project 2049 Institute, May 9, 2017, http://www.project2049.net/documents/China_Burma_Lintner_Pauk_Phaw2049.pdf (accessed on September 26, 2017).

responsibilities with an elected civilian government, what has changed about the military that makes it a more palatable partner today than it has been in the past? In fact, there should be nothing surprising about its recent offensive against the Rohingya. This “text book example of ethnic cleansing”¹¹ has a decades-long history rooted in military governments’ denial of Rohingya rights commensurate with citizenship. The persecution reached its most recent previous climax in 2012. At a time when intercommunal violence between Muslims and Buddhists were flaring, Burmese security forces in Rakhine were documented working with extremist groups there to drive the Rohingya out of the country.¹²

In short, the images of people, wretched and fleeing Rakhine by sea or river crossings, is nothing new. And its treatment of the Rohingya is in keeping with the military’s behavior in other areas. The State Department’s most recent report on Burma’s human rights situation testifies to the continued fear that security forces exert in conflict areas more generally “through physical abuse and threats to individual livelihoods.” “Public information was unavailable as to the results of any military investigations into such abuses,” it says, “and generally security forces appeared to act with impunity.”¹³

This is essentially the same Burmese military today that it was prior to 2011. With so little upside to dealing with it, as explained above, the downside of associating with such characters carries only downsides.

Conclusion and Recommendations

One thing I hope Congress will take stock of as it addresses concerns about the current situation in Rakhine state and America’s approach to Burma more generally is its own history of leadership. For 20 years, Congress led on Burma policy. It established the laws—the 1997 investment ban, the 2003 Burma Freedom and Democracy Act, the 2008 Jade Act—that governed our policy. The extraordinarily complex set of overlapping authorities created by these laws and past Presidents’ executive orders were not the neatest way of addressing the problems in Burma. But they were responsive. They were responsive to developments on the ground in Burma and they were responsive to core American values. It should take leadership again. Burma has changed. The situation there, including in Rakhine, requires a fresh look. Congress should enact comprehensive legislation that reconciles these realities by setting new goals and the best ways of going about addressing them. The Heritage Foundation’s Asian Studies Center is currently engaged in a project to demonstrate what exactly this might look like. Some of its preliminary proposals are as follows:

- **Refrain from further normalization of military-to-military relations with Burma.** Senator John McCain’s (R–AZ) decision to remove provisions of the 2018 National Defense Authorization Act (NDAA) granting the Department of Defense authority to provide the

¹¹Annie Gowen, “‘Textbook Example of Ethnic Cleansing’: 370,000 Rohingyas Flood Bangladesh as Crisis Worsens,” *The Washington Post*, September 12, 2017, https://www.washingtonpost.com/world/textbook-example-of-ethnic-cleansing--370000-rohingyas-flood-bangladesh-as-crisis-worsens/2017/09/12/24bf290e-8792-41e9-a769-c79d7326bed0_story.html?utm_term=.bced0e5f00ca (accessed on September 26, 2017).

¹²Stuart Leavenworth, “‘Yale Study Accuses Myanmar of Genocide against Muslim Minority,’” McClatchy DC Bureau, October 29, 2015, <http://www.mcclatchydc.com/news/nation-world/world/article41822457.html> (accessed on September 26, 2017).

¹³U.S. Department of State, Bureau of Democracy, Human Rights and Labor, *Burma 2016 Human Rights Report*, 2016, <https://www.state.gov/documents/organization/265536.pdf> (accessed on September 26, 2017).

Burmese military consultation, education, and training was a step in the right direction.¹⁴

Congress should go further and rescind the authorities granted in the 2015 NDAA that laid the groundwork for them.

- **Codify the embargo on the export of defense articles and services to Burma that dates to 1993.** Codifying the embargo will make any relaxation of it subject to extensive consultations with Congress and require its explicit agreement.
- **Re-impose restrictions on Americans doing business** with military-linked companies and procurement/contracting entities.¹⁵
- **Continue the prohibition** on International Military Education and Training (IMET) and Foreign Military (FMF) assistance to Burma.
- **Re-impose asset freezes and visa bans on the Burmese military** and give these measures basis in new U.S. law tied to new policy goals.
- **Establish policy goals** to include a cessation of abuse against unarmed civilians in Rakhine state and other conflict zones; access to conflict zones by journalists, humanitarian groups, and international fact-finding missions; establish an environment conducive to the return of refugees; and verified cessation of military ties to North Korea.

Even in the midst of the crisis in Rakhine state, there will be objections to Congress taking a hard line on the U.S. relationship with the Burmese military. They will argue that it will take us out of the great geopolitical game vis-à-vis China. They will argue that the Burmese military needs to be given a stake in reform if it is to continue. Those arguments, as demonstrated, are specious. The stronger argument will cast doubt on the efficacy of new sanctions in furthering reform and bringing about change in the military. Indeed, it is difficult to translate pressure into transformation. It is extremely difficult to force a military like Burma's unrestrained by civilian authority to concede what it has determined is in the interest of its institution. In acting, however, Congress can give a modicum of leverage to democratic forces in Burma. And it can put the U.S. on the right side. This is not an opportunity we have in every country in the region. Each case requires an approach tailored to its circumstances. But in Burma, given factors of geography, domestic dynamics, and history, the U.S. should press home its values.

¹⁴News Release, "SASC Chairman John McCain Seeks to Remove Burma Military Cooperation from NDAA," Office of Senator John McCain, September 12, 2017, <https://www.mccain.senate.gov/public/index.cfm/2017/9/sasc-chairman-john-mccain-seeks-to-remove-burma-military-cooperation-from-ndaa> (accessed on September 26, 2017).

¹⁵Steptoe International, "U.S. Lifts All Economic Sanctions on Myanmar (Burma)," Steptoe International Compliance Blog, October 7, 2016, (accessed on September 26, 2017), <http://www.steptoointernationalcomplianceblog.com/2016/10/u-s-lifts-all-economic-sanctions-on-myanmar-burma/> (accessed on September 26, 2017).

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