

**U.S. RESPONSE TO THE
COUP IN BURMA**

HEARING

BEFORE THE

SUBCOMMITTEE ON EAST ASIA,
THE PACIFIC, AND INTERNATIONAL
CYBERSECURITY POLICY

OF THE

COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE

ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

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U.S. RESPONSE TO THE COUP IN BURMA

THURSDAY, MARCH 25, 2021

U.S. SENATE,
SUBCOMMITTEE ON EAST ASIA, THE PACIFIC, AND
INTERNATIONAL CYBERSECURITY POLICY,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:02 a.m. via videoconference, Hon. Edward J. Markey, Chairman of the Subcommittee, presiding.

Present: Senators Markey [presiding], Schatz, Merkley, Romney, Johnson, Rounds, and Hagerty.

OPENING STATEMENT OF HON. EDWARD J. MARKEY, U.S. SENATOR FROM MASSACHUSETTS

Senator MARKEY. Welcome everyone to the first hearing of the Subcommittee on East Asia, the Pacific, and International Cybersecurity Policy in the 117th Congress.

I want to extend a special thanks to Senator Mitt Romney for taking on the ranking member role of this subcommittee. He and I have had a long working relationship going back to the state of Massachusetts, and I am really looking forward to partnering with him over the next couple of years.

Senator Cory Gardner and I had a great working relationship on this subcommittee during our 4-year partnership, and I look forward to working with you, Senator Romney, as we take on the challenges and the opportunities in this region.

As we chart our course for subcommittee business, I intend to take on the fundamental issues of our time, including climate change, the proliferation of nuclear weapons, the undermining of democracy and human rights, and the authoritarian challenge posed by China to the United States, the Indo-Pacific, and the world.

I intend to bolster our support for United States' allies and find avenues for greater cooperation and U.S. investment in the region so that we can face this set of issues with a bipartisan approach, because we are, ultimately, even in an area like this in our first hearing, facing an increasingly aggressive posture from Beijing as we are with so many other issues.

We will reinforce and build on what we accomplished with the landmark Asia Reassurance Initiative Act, introduced and passed into law by me and Senator Gardner in 2018, and I look forward to partnering with Senator Romney and the rest of our colleagues on the subcommittee as we tackle these challenges.

Today, we turn our focus to one of the greatest crises in the Indo-Pacific: The situation in Burma. We will discuss the United States' response to the coup carried out by the Burmese military against the democratically-elected government on February 1st of this year.

It is my hope that we can coalesce around further concrete actions the United States Government can take to help alleviate the suffering of the people of Burma and demonstrate to the Burmese military leadership that this brazen and violent assault on democracy will not succeed.

The coup carried out by the Burmese military has sparked widespread civilian outrage inside Burma, leading to sweeping peaceful protests and strikes. The military, also known as the Tatmadaw, has met these peaceful civilians with extreme violence and inhumanity, killing an estimated 250 people since February 1st and detaining thousands more.

They have specifically targeted journalists and shut down internet communications in an attempt to keep their violations from the world. In that, they have not succeeded. The brutality of the military comes in sharp contrast to the bravery of protesters like 19-year-old Kial Sin, nicknamed Angel. She led fellow peaceful demonstrators in a chant of unity when police forces gunned her down.

Her final act on this planet was one of selfless service, opening a water pipe so her fellow protesters who had just been tear gassed could wash their eyes, and asking a friend to duck and cover as shots rang out.

The Biden administration's response to the coup was swift and I applaud their attention to this crisis. President Biden signed an executive order on February 10th allowing the Department of State and Treasury to impose targeted sanctions against the military leaders and their business holdings, and have announced additional designations this week, including an announcement this morning that they will be targeting two of the military's largest holdings, the Myanmar Economic Corporation and its Economic Holdings Limited corporation. This is a big step, and I thank the administration for taking it.

Other like-minded countries have imposed targeted sanctions, including the European Union. But more must be done to deny the army its economic lifeline and to deny it weapons of war. The United States should play a leading role in urging our partners and allies, including members of ASEAN, to take steps to cut off funding for the military, and we should work to ensure that American and other foreign companies are not engaged in activities that benefit the army.

Unfortunately, the recent brutality of the army is all too familiar. In 2017, many of the same military leaders who orchestrated the February coup oversaw atrocities against the Rohingya ethnic minority with human rights violations ranging from systemic gang rape and extrajudicial killings to forced displacement of more than 1 million Rohingya.

United Nations investigators have characterized this systemic campaign to wipe out the Rohingya in Burma by its rightful name, genocide. I have repeatedly called on the United States Government to do the same.

I want to thank all of you for being here today for this important hearing, and I look forward to the witness testimony.

[The prepared statement of Senator Edward J. Markey follows:]

Prepared Statement of Senator Edward J. Markey

Welcome everyone to the first hearing of the Subcommittee on East Asia, the Pacific, and International Cybersecurity Policy in the 117th Congress. I want to extend a special thanks to Senator Romney for taking on the Ranking Member role of this Subcommittee. Senator Corey Gardner and I had a great working relationship on this Subcommittee during our 4-year partnership, and I look forward to working with you, Senator Romney, as we take on the challenges and opportunities in the region.

As we chart our course for Subcommittee business I intend to take on the fundamental issues of our time—including climate change, the proliferation of nuclear weapons, the undermining of democracy and human rights, and the authoritarian challenge posed by China to the United States, the Indo-Pacific, and the world. I intend to bolster our support for United States’ allies, and find avenues for greater cooperation and U.S. investment in the region as we face an increasingly aggressive posture from Beijing.

We will reinforce and build on what we accomplished with the landmark Asia Reassurance Initiative Act, introduced and passed into law by me and Senator Gardner in 2018. I look forward to partnering with Senator Romney and the rest of our colleagues on the Subcommittee as we tackle these challenges.

Today, we turn our focus to one of the greatest crises in the Indo-Pacific—the situation in Burma— and will discuss the United States’ response to the coup carried out by the Burmese military against the democratically elected government on February 1st of this year.

It is my hope that we can coalesce around further concrete actions the United States Government can take to help alleviate the suffering of the people of Burma, and demonstrate to the Burmese military leadership that this brazen and violent assault on democracy will not succeed.

The coup carried out by the Burmese military has sparked widespread civilian outrage inside Burma, leading to sweeping peaceful protests and strikes. The military, also known as the Tatmadaw (taht-maw-daw) has met these peaceful civilians with extreme violence and inhumanity—killing an estimated 250 people since February 1st, and detaining thousands more. They’ve specifically targeted journalists and shut down internet communications in an attempt to keep their violations from the world. In that they have not succeeded.

The brutality of the military comes in sharp contrast to the bravery of protesters like 19-year-old, Kyal Sin, nicknamed “Angel.” She led fellow peaceful demonstrators in a chant of unity when police forces gunned her down. Her final act on this planet was one of selfless service—opening a water-pipe so her fellow protesters who had just been tear-gassed could wash their eyes and asking a friend to duck and cover as shots rang out.

The Biden administration’s response to the coup was swift and I applaud their attention to this crisis. President Biden signed an Executive Order on February 10th allowing the Departments of State and Treasury to impose targeted sanctions against the military leaders and their business holdings, and have announced additional designations this week, including an announcement this morning that they will be targeting two of the military’s largest holdings, the Myanmar Economic Corporation (MEC) and Myanmar Economic Holdings Limited (MEHL). This is a big step and I thank the Administration for taking it.

Other like-minded countries have imposed targeted sanctions, including the European Union. But more must be done to deny the Tatmadaw its economic lifeline and to deny it the weapons of war.

The U.S. should play a leading role in urging our partners and allies, including members of ASEAN (Ah-see-ahn) to take steps to cut off funding for the military, and we should work to ensure that American and other foreign companies are not engaged in activities that benefit the Tatmadaw.

Unfortunately, the recent brutality of the Tatmadaw is all too familiar. In 2017 many of the same military leaders who orchestrated the February coup oversaw atrocities against the Rohingya ethnic minority, with human rights violations ranging from systemic gang rape and extrajudicial killings, to forced displacement of more than one million Rohingya. United Nations’ investigators have characterized the systematic campaign to wipe out the Rohingya in Burma by its rightful name: genocide. I have repeatedly called on the United States Government to do the same.

I want to thank you all again for being here today for this important hearing and I look forward to the witness testimony.

I would now like to turn and recognize the ranking member, Senator Romney, for his opening statement.

[No response.]

Senator SCHATZ. Senator Romney, you are on mute.

**STATEMENT OF HON. MITT ROMNEY,
U.S. SENATOR FROM UTAH**

Senator ROMNEY. Thank you. I want to thank Chairman Markey for convening this hearing and for inviting me to participate.

This first hearing of the subcommittee on the United States policy responses towards Burma comes in the light of the recent military coup against the democratically-elected government, and I want to recognize our four witnesses who have graciously agreed to join us today.

I want to thank each of you for your service and we look forward to hearing from you.

In recent years, the Burmese military conducted a campaign of violence against the Rohingya people, murdering thousands, committing widespread sexual violence, destroying homes. More than three-quarters of a million Rohingya have fled in the last 5 years to live in refugee camps. Some 3,300 were murdered.

On February 1st of this year, as you know, Burma's military leaders directed a coup, removed the government that had been democratically-elected in November 2020. They have since killed 260 people and detained 2,200 citizens, including some 750 students.

In response, the Biden administration has imposed targeted sanctions against Burma's military leaders, including sanctions just announced today, and it has pledged to support Burmese civil society and humanitarian efforts.

Of course, the political situation in Burma is reaching a boiling point. People are protesting. The opposition has been silenced.

The military junta seems set on escalating the situation further, and, of course, there is risk of more murders, more refugees, and even civil conflict and the risk of all these things grows by the day.

The United States stands with the people of Burma and their fight for democracy and freedom, and we condemn the violence against them.

But we must also lead an international effort to expand and strengthen the sanctions and the embargo, and we must call upon China to join this effort or to suffer the public exposure of callous disregard for the plight of humanity.

I look forward today to hearing from the witnesses on the current conditions in Burma, including the risks of the conflict's escalation, China's role in this crisis, and what steps the United States can take from this point forward to support the people of Burma.

Thank you, Mr. Chairman. With that, I turn back to you.

Senator MARKEY. Thank you, Senator Romney. And now we will turn to our panel.

Our first witness is Ambassador Atul Keshap, who is a career senior Foreign Service officer serving as the Principal Deputy As-

sistant Secretary of State for the Bureau of East Asian and Pacific Affairs.

Throughout his 25-year career, the Ambassador has served around the world. He previously served as Deputy Assistant Secretary of State for South Asia as the U.S. senior official for Asia Pacific Economic Cooperation.

Prior to his current assignment, he served at the Department of Defense as the National Defense University's Vice Chancellor.

We welcome you, Ambassador, and whenever you feel comfortable, please begin.

STATEMENT OF AMBASSADOR ATUL KESHAP, PRINCIPAL DEPUTY ASSISTANT SECRETARY OF STATE, BUREAU OF EAST ASIAN AND PACIFIC AFFAIRS, U.S. DEPARTMENT OF STATE, WASHINGTON, DC

Ambassador KESHAP. Thank you kindly, Senator. I just want to make sure everybody can hear me and see me.

Okay, I am seeing nods. Fantastic.

Mr. Chairman, Ranking Member, Senator Romney, members of the committee, thank you very much for your time and attention today, and I am grateful to you for the opportunity to speak about the very tragic and deeply regrettable events in Burma as a result of the military coup.

I also want to thank you, Mr. Chair, and the members of this committee for their steadfast support in this regard and in many other things. I agree entirely with you, Mr. Chair, that the United States should play a leading role in responding to this tragedy and this coup.

The United States, under the Biden/Harris administration, has condemned in the strongest possible terms the military coup in Burma, the horrific violence against protesters, and the ongoing detentions of State Councilor Aung San Suu Kyi, President Win Myint, and other democratically-elected leaders as well as more than 2,000 civil society actors.

We denounced this takeover, which rejects the will of the people of Burma as expressed in November 2020 elections and worsens pre-existing crises, including the ethnic cleansing of Rohingya.

For the past 8 weeks the people of Burma have taken to the streets to protest peacefully and voice their aspirations for a return to democracy.

We have seen civil servants and medical personnel, Buddhist monks and Catholic nuns, 88 Generation activists and young students, trade union leaders, farmers, and ethnic community leaders all uniting in Burma's largest street protests since the 2007 Saffron Revolution and the largest civil disobedience movement since the 1988 uprising.

We have seen and witnessed their enormous bravery and their enormous sacrifice in demanding a return to civilian rule. We have also seen, Mr. Chair, the regime's brutal response.

Prior to the coup, military leaders had claimed widespread fraud in a meager attempt, a meager attempt, to mask this power grab in some sort of constitutional legitimacy.

Since then, Burma security forces have intensified their violent repression, killing at least 275 people and injuring hundreds of others. We utterly condemn these horrific attacks.

Since February 1, the United States has taken swift action to promote accountability for the military regime and support the people of Burma in their efforts to reestablish and safeguard their democracy.

First, we have worked to galvanize the international community to exert diplomatic pressure through two G-7 statements, two United Nations Security Council statements, and many joint and individual statements from partners and allies. We have signaled to the regime that its actions have consequences.

We have conveyed to military leaders that they must restore the democratically-elected government, cease attacks on peaceful protesters, and release all of those unjustly detained.

We are working to maintain the broadest coalition of partners, including ASEAN members.

Second, we have taken strong actions to promote accountability. President Biden announced February 10 an executive order that authorizes targeted sanctions in connection with the coup.

Since then, we have sanctioned 14 current and former military leaders, two military units, and three military-controlled entities. We also sanctioned Commander-in-Chief Min Aung Hlaing's two adult children and six entities that they control.

And just today, as you referenced, Mr. Chair, we imposed sanctions on the two largest military-owned conglomerates, Myanmar Economic Corporation, MEC, and Myanmar Economic Holdings Limited, MEHL, which will directly target the junta's revenue streams and personal fortunes, and demonstrates that we will continue to impose costs until the junta removes its stranglehold on democracy.

Third, we are working harder than ever to support the people of Burma through temporary protected status. We are also expanding support for Burmese civil society, and we will continue to engage with the committee representing the Union Parliament, CRPH, the National League for Democracy, ethnic party representatives, civil society representatives, and many others as they work to restore their democracy.

We thank the Congress for enabling the United States to be a global leader in responding to the Rohingya crisis. The coup does not change our commitment to those populations.

Fourth, I want to commend our embassy team in Rangoon and Ambassador Tom Vajda, who have been performing heroically to keep personnel, their dependents, and American citizens informed and safe, including supporting departures of Americans. We are continually assessing the security situation.

Finally, Mr. Chair, permit me to say that this is not the Burma of the eighties, nineties, or 2000s. A broad and impressive coalition of civil society actors of all ages, ethnicities, faiths, and regions have united and are pushing back to restore democratic governance.

The people have made their voices heard. They will not abide this takeover. To them, I say, "We hear your voices."

Thank you, Mr. Chair.

[The prepared statement of Ambassador Keshap follows:]

Prepared Statement of Ambassador Atul Keshap

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

Thank you for the opportunity to be here today. It is my honor to speak with you about recent events in Burma, the State Department's response, and our efforts to ensure the safety of our personnel and American citizens.

The United States has condemned in the strongest possible terms the military coup in Burma on February 1, the horrific and lethal violence against protestors, and the ongoing detentions of State Counsellor Aung San Suu Kyi, President Win Myint, and other democratically-elected government leaders, as well as more than 2,000 civil society actors. We denounced this takeover, which rejects the will of the people of Burma as expressed in their November 2020 elections, and worsens pre-existing crises, including the ethnic cleansing of Rohingya and the nearly one million Rohingya refugees in Bangladesh.

For the past 8 weeks, the people of Burma have taken to the streets to protest peacefully and voice their aspirations for a return to democracy and rule of law. We have seen civil servants and medical personnel, Buddhist monks and Catholic nuns, 88 Generation activists and young students, trade union leaders, farmers, and ethnic community leaders—all uniting in Burma's largest street protests since the 2007 Saffron Revolution, and largest civil disobedience movement since the 1988 democracy uprising. We have seen enormous bravery and enormous sacrifice.

We have also seen the regime's brutal response in an ongoing attempt to overturn the results of the November election. Prior to the coup, military leaders had claimed widespread fraud in a meager attempt to mask this power grab in some sort of constitutional legitimacy. Since then, Burma's security forces—at the behest of military leaders—have intensified their violent repression, killing at least 275 people since the coup and injuring hundreds of others. We condemn these horrific attacks. We also condemn the junta's attempts to block access to information.

Since February 1, the United States has taken swift action to do two things: promote accountability for the military regime and support the people of Burma in their efforts to reestablish and safeguard their democracy. We have done this through a whole-of-government response that includes close coordination with international partners.

First, we have worked to galvanize the international community to condemn this coup and exert diplomatic pressure. Through two G7 statements, two U.N. Security Council statements, and many joint and individual statements from partners and allies, we have signaled to the regime that its actions have consequences. In public and private messaging, we have conveyed to military leaders that they must restore the democratically-elected government, cease attacks on peaceful protesters, release all those unjustly detained, and respect the outcome of the 2020 elections. We are working to maintain the broadest coalition of partners, including ASEAN members.

Second, we have quickly adjusted our diplomatic and assistance responses, and taken strong actions to promote accountability. President Biden announced February 10 an executive order that authorizes targeted sanctions in connection with the coup. Since then, we have sanctioned 14 current and former military leaders, two military units responsible for related violence, and three military-controlled entities in the extractives sector. We also sanctioned Commander-in-Chief Min Aung Hlaing's two adult children and six entities they control.

In addition, we have strengthened our export control posture towards Burma to ensure the junta cannot benefit from sensitive U.S. goods or services, including by adding Burma to the Military End User List and adding the Ministries of Defense and Home Affairs, as well as Myanmar Economic Corporation (MEC) and Myanmar Economic Holdings Limited (MEHL), to the Entity List. And, of course, we continue robust enforcement of our longstanding arms embargo.

While the military coup triggered a statutory restriction on foreign assistance to the Government of Burma, only a small fraction of U.S. assistance before the coup benefited the government, instead supporting local organizations, civil society, democracy promotion, and life-saving healthcare and humanitarian relief. Nevertheless, we have undertaken an interagency review of our assistance, and de-scoped certain U.S. assistance away from work that engaged the Government and toward work directly benefiting the people of Burma. Our support to civil society is more important than ever.

Third, we are working harder than ever to support the people of Burma wherever they are. We provided Temporary Protected Status to individuals from Burma in the United States, as we recognize the catastrophe caused by the coup prevents them from returning home safely. We are also expanding support for Burmese civil society

leaders, activists, and journalists under duress. And we will continue to support and engage with the Committee Representing the Union Parliament (CRPH), National League for Democracy (NLD) leaders, ethnic party representatives and organizations, and others supporting the restoration of democracy, as they work to unify and maintain their movement. Any solution to this crisis must include them.

In addition, we again thank Congress for enabling the United States to be the global leader in responding to the Rohingya crisis. The coup does not change our commitment to supporting justice and accountability for atrocities against the people of Burma and to providing humanitarian assistance for vulnerable populations, including Rohingya.

Fourth, our Embassy team in Rangoon and Ambassador Tom Vajda have been performing heroically to keep personnel, their dependents, and U.S. citizens informed and safe, including by supporting the departure of American citizens. We are continually assessing the security situation to determine if a change in posture is needed.

Finally, this is not the Burma of the eighties, nineties, or even 2000s. A broad and impressive coalition of civil society actors of all ages, ethnicities, faiths, and regions have united and are pushing back on this coup. Though Burma's transition to democracy was far from complete before February 1, the people of Burma each day are showing their overwhelming preference for a civilian, democratic government.

I have been struck, in particular, by how protesters have adopted the three-finger salute from *The Hunger Games*—a popular American book and movie series, in which the people rise up against repressive, violent rule. No doubt most of the generals have missed this reference, in their focus on a misguided myth of Burma's military serving as the savior of the people. To the contrary, young people across Burma are looking forward, uniting like never before in a struggle to restore democratic governance. The people have made their voices heard. They will not abide this takeover. To them I say: we hear your voices. We and others must continue to act.

The people of Burma yearn to be part of the free and open global community, and we will continue to work with our partners in Congress to thwart the military's efforts to return the country to its isolated and repressive past. Thank you.

Senator MARKEY. Thank you so much. Thank you for your testimony. Much appreciated.

Our second witness on the first panel is Mr. Scott Busby, who is currently serving as the acting Principal Deputy Assistant Secretary of State in the Bureau of Democracy, Human Rights, and Labor at the Department of State, where in addition to the Bureau's budget and human resources, he oversees the Bureau's work on Africa, East Asia, and the Pacific, the Western Hemisphere, and the human rights of the LGBTQI persons, business, and human rights and human rights-based sanctions.

We thank you so much, Mr. Busby, for being with us. Whenever you are ready, please begin.

STATEMENT OF HON. SCOTT BUSBY, ACTING PRINCIPAL DEPUTY ASSISTANT SECRETARY OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, U.S. DEPARTMENT OF STATE, WASHINGTON, DC

Mr. BUSBY. Thank you, Mr. Chairman, and thank you to members of the committee.

We really appreciate your holding this important hearing to focus attention on the deteriorating human rights situation in Burma in the wake of the February 1st coup.

We greatly appreciate the Senate's ongoing concerns about Burma at this critical juncture in the nation and region's history.

Military leaders of Burma have brutally sought to remain in charge of Burma's future regardless of the people's will.

The pro-democracy protests and peaceful demonstrations of the civil disobedience movement have made it clear that the Burmese

people do not want to live in a country where their votes are summarily dismissed, their human rights and fundamental freedoms are not respected, and where the military is free to commit violence against them with impunity. Nor do they want to live in a country, once again, cut off from the world.

We are deeply alarmed by the deteriorating environment for civil society, labor unions, and journalists. Since February 1st, security forces have killed at least 275 people.

The Assistance Association for Political Prisoners, a Burma-based organization, has identified over 2,000 persons who have been arrested, charged, or sentenced in relation to opposing the military coup as of March the 15th.

We expect those numbers to increase as the military tightens its hold. We are continuing our long-standing support for programs that benefit civil society leaders, activists, and young people, and working to help those most at risk after the coup, including journalists.

The Administration is also working hard to protect those fleeing the repression. We have engaged with the U.N. High Commissioner for Refugees, nongovernmental organizations, and other governments in the region to provide persons seeking refuge with appropriate protection. We have urged those governments to respect the principle of nonrefoulement.

We are also providing protections to the people of Burma living in our own country. Earlier this month, the Department of Homeland Security, in consultation with the Department of State, designated Burma for Temporary Protected Status for 18 months so that Burmese nationals and habitual residents without nationality may remain temporarily in the United States.

Organized labor has been instrumental in initiating and sustaining the ongoing democracy movement. In response, the military junta has targeted workers and unions, and negated core labor rights and protections.

On March the 20th, United States issued a statement at the most recent session of the ILO governing body condemning the military's actions against trade unionists and workers.

The junta is, similarly, attacking the media. The junta's actions have created a culture of fear among independent news sources throughout the country. We are doing all we can to support independent journalism within Burma.

The junta also continues to restrict access to the internet and on-line communication tools. Days after the coup, for instance, the military ordered internet service providers to block access to Facebook, Wikipedia, Twitter, and Instagram.

The department is engaging with these service providers to encourage them to continue their operations to the extent possible, and we are training civil society actors on how to minimize risks in their use of circumvention and other tools.

Those who have led the military coup in Burma are many of the same individuals responsible for previous abuses, particularly in ethnic areas and including the horrific atrocities against the Rohingya.

We believe the safety and security of Burma's ethnic and religious minority communities is a critical part of the larger discussion on the way forward.

We remain committed to providing accountability for the perpetrators of atrocities against the people of Burma, including the Rohingya. Documentation of ongoing violence and human rights violations against protesters and civil society activists is essential to initiating accountability.

As you may recall, in 2019 the Department of State publicly announced senior leaders of Burma's military, including the Commander in Chief and their immediate family members, were ineligible for travel to the United States because of their involvement in gross violations of human rights, including those against the Rohingya.

The Department of Treasury similarly imposed Global Magnitsky sanctions on those same leaders. We also continue to support multilateral efforts to promote accountability for those responsible for these atrocities, including through the U.N.'s Independent Investigative Mechanism for Myanmar.

As a consequence of Secretary Blinken's decision to reengage with the U.N. Human Rights Council, we actively participated in a special session of the Council on Myanmar in February and co-sponsored the resolution that was adopted by the Human Rights Council yesterday, which, among other things, extends the important mandate of the Special Rapporteur on the human rights situation in Myanmar, Mr. Tom Andrews, who you will hear from later today.

The United States also continues to provide humanitarian and development assistance to ethnic and religious minority communities, notably, Rohingya communities impacted by ethnic cleansing and other human rights violations.

The United States remains the largest supporter of efforts to provide assistance to those affected by the military's ethnic cleansing and other atrocities in Rakhine State since 2016.

Again, thank you, Mr. Chair, and other members of the subcommittee, for holding this hearing on the U.S. response to the coup in Burma. We look forward to working with you and I am happy to take your questions.

[The prepared statement of Mr. Busby follows:]

Prepared Statement of the Honorable Mr. Scott Busby

Mr. Chairman and Members of the Committee, thank you for holding this important hearing to focus attention on the deteriorating human rights situation in Burma in the wake of the February 1 military coup d'état. We greatly appreciate the Senate's ongoing concerns about Burma at this critical juncture in the nation and region's history.

The military leaders of Burma have brutally sought to remain in charge of Burma's future regardless of the people's will. They have sought to consolidate power over the country's resources at the expense of the nation. They have violently attacked or imprisoned any who are perceived to threaten their power, with more than 2,000 detained since the start of the coup. The pro-democracy protests and peaceful demonstrations of the civil disobedience movement over the past 2 months have made it clear that the Burmese people do not want to live in a country where their votes are summarily dismissed, their human rights, and fundamental freedoms are not respected, and where the military is free to commit violence against them with impunity. They do not want to live in a country, once again, cut off from the world.

DETERIORATING ENVIRONMENT FOR CIVIL SOCIETY, LABOR UNIONS, AND JOURNALISTS

We are alarmed by the deteriorating environment for civil society, labor unionists, and journalists in Burma. Since February 1, security forces have killed at least 275 people. In every case for which we have specific information, the person died of gunshot wounds. Medical workers have said they are prevented by the military from helping injured protesters and security forces have attacked health care personnel and facilities.

The Assistance Association for Political Prisoners, a Burma-based organization, has identified over 2,000 persons who have been arrested, charged or sentenced in relation to opposing the military coup, as of March 15. We expect the numbers to increase as the military tightens its hold on the country.

The Administration is also working to protect those fleeing repression. We have engaged with the U.N. High Commissioner for Refugees, nongovernmental organizations, and other governments in the region to identify persons seeking refuge outside Burma and to provide them with the protection they deserve. We have urged other governments in the region to respect the principle of non-refoulement.

We are also providing protection to the people of Burma living in our own country. Earlier this month, the Department of Homeland Security, in consultation with the Department of State, designated Burma for Temporary Protected Status (TPS) for 18 months, so that Burmese nationals and habitual residents without nationality may remain temporarily in the United States.

ORGANIZED LABOR

Organized labor has been instrumental in initiating and sustaining the on-going pro-democracy movement. In response, the military junta has targeted workers and unions, and negated core labor rights and protections. It has declared 16 trade unions and labor organizations illegal, threatened them with prosecution, raided workers' housing complexes in search of union leaders, and violently attacked trade unionists peacefully exercising their fundamental rights. Many trade unions have ceased their operations due to the worsening environment, and many union leaders and members have gone into hiding.

On March 20, the United States issued a Statement at the 341st Session of the ILO Governing Body addressing the situation in Burma and condemning the military's actions against trade unionists and workers as an assault on democracy, the core values of the ILO, and workers' ability to exercise their human and fundamental worker rights.

MEDIA AND INTERNET

The junta is similarly attacking the media. We are deeply concerned by the recent arrest of eight journalists, who have been charged under Article 505(A) of the Myanmar Penal Code, for reporting on pro-democracy protests. Their arrest came on the heels of the revocation of operating licenses for five independent news outlets. As of March 21, 21 journalists remain in detention. The junta's actions have created a culture of fear among independent news sources throughout the country. We are doing all we can to support independent journalism within Burma as it faces escalating pressure from the security forces.

The junta also continues to restrict access to the Internet and online communication tools. Days after the coup, the military ordered Internet service providers to block access to Facebook, Wikipedia, Twitter, and Instagram. Authorities have blocked certain censorship circumvention tool websites as well as instant messaging apps, such as WhatsApp and Facebook Messenger and continue to impose nightly broad Internet blackouts, including cellular data and Wi-Fi. The Department continues to engage with these service providers to encourage them to continue their operations to the extent possible and we continue to train civil society actors on how to minimize risks in their use of such tools.

ETHNIC COMMUNITIES

Those who have led the military's coup in Burma are many of the same individuals largely responsible for previous abuses throughout the country, particularly in ethnic areas and including atrocities against the Rohingya. We believe the safety and security of Burma's ethnic and religious minority communities is a critical part of the larger discussion on the way forward in Burma.

We remain committed to promoting accountability for the perpetrators of atrocities against the people of Burma, including the Rohingya. Documentation of ongoing violence and human rights violations against protesters and civil society activists is essential to initiating accountability.

As you may recall, in 2019, the Department of State publicly announced senior leaders of Burma's military, including Min Aung Hlaing, and their immediate family members, were ineligible for travel to the United States under Section 7031(c) of the Appropriations Act because of their involvement in gross violations of human rights against ethnic minorities, including the Rohingya. Later that year, the Department of the Treasury imposed Global Magnitsky sanctions on those same senior military leaders. As we stated at the time, our public 7031(c) designations and sanctions were intended to deter abuses and violations of human rights against the Rohingya and other ethnic minorities.

We also support multilateral efforts to promote accountability for those responsible for these atrocities and other abuses, including the U.N.'s Independent Investigative Mechanism for Myanmar, whose mandate includes documenting ongoing abuses as well as those that took place in the past. As a consequence of Secretary Blinken's decision to re-engage with the U.N. Human Rights Council, we actively participated in a Special Session of the Council on Myanmar in February and have co-sponsored the resolution that was adopted by the Council yesterday, which, among other things, extends the important mandate of Special Rapporteur on the human rights situation in Myanmar, Mr. Tom Andrews, who you will hear from after us.

The United States will also continue to provide humanitarian and development assistance to ethnic and religious minority communities, notably Rohingya communities impacted by ethnic cleansing, other atrocities, and a deep and abiding legacy of societal intolerance and human rights violations. The United States remains the largest supporter of efforts to provide assistance to those affected by the military's ethnic cleansing and other atrocities in Rakhine State since 2016.

Again, thank you for holding this hearing on the U.S. response to the coup in Burma. We look forward to working with the Members of the Committee and I will be happy to take your questions.

Senator MARKEY. And now we will begin our question and answer period, and we will recognize members in order of seniority on the subcommittee.

Let me begin by just saying to you, Mr. Busby and to Ambassador Keshap, that I have been pleased that the Administration has taken strong initial steps to respond to the coup, including an announcement just this morning that you are designating two of the military's largest business holdings, the Myanmar Economic Corporation and the Myanmar Economic Holdings Limited, in the extension of temporary protected status for Burmese citizens living in the United States. I think that is very important.

And I also thank the State Department for its recent response to my bipartisan letter on the coup sent with a group of my colleagues in February.

Ambassador Keshap, the response to my letter indicated that the State Department is currently reviewing all assistance to Burma—can you please describe what specific aid the department is reviewing and what the implications may be as aid is cut off or redirected?

Ambassador KESHAP. Thank you, Senator. I think the philosophy guiding us is, essentially, that we want to make sure that American aid money benefits the people of Burma, that it strengthens civil society, that it strengthens democracy, and that it does not go to the military.

It does not go to the junta. It does not go to the people who have blocked the aspirations of the Burmese people.

We have redirected \$42 million in assistance to ensure that it even more greatly goes toward the people who need help at this time. I think for further details on that I would defer to USAID.

But the essential element here is to make sure that in no way, shape, or form do we support anybody who has been backing this

junta and we want to show a strong signal of support to civil society.

Thank you, Mr. Chair.

Senator MARKEY. Thank you.

Let me follow up with you, Mr. Busby. When Secretary Blinken appeared before the full Senate Foreign Relations Committee at his nomination hearing, he committed to me that he would oversee an interagency process to determine whether the crimes committed by the Burmese military against the Rohingya constitute a genocide.

Can you please tell us what the status is of that review, including which official and which office is overseeing it as well as when we can expect a determination?

Mr. BUSBY. Thank you for that question, Mr. Chair.

The review that Secretary Blinken committed to has begun. That said, the coup has, obviously, compelled us to consider and undertake a wide array of actions. Many of those actions, including the sanctions announced today against MEC and MEHL, apply to the same individuals and entities responsible for the atrocities against the Rohingya or for financially supporting those same individuals and entities.

However, we have not forgotten and will not forget the horrific atrocities suffered by the Rohingya and their ongoing plight. I personally have been to Rakhine State and to the refugee camps in Cox's Bazar, and I heard and saw firsthand what the Rohingya have suffered.

We will continue to do our utmost to hold accountable those responsible for that suffering and seek to remedy the injustices they have endured for so long.

Senator MARKEY. Where are you in terms of the determination of whether or not what the army has been doing constitutes a genocide? Where are you in that process?

Mr. BUSBY. As I mentioned, the process has begun. I cannot get into more details than that at this point, Mr. Chair. But the secretary is very committed to the review and to this process, and I think we will have an answer in the not distant future.

Senator MARKEY. As we see an escalation in violence by the army against the people in Burma, it is more important than ever that the United States call the crimes committed against the Rohingya what they are, genocide.

I want you to continue to send that message to the Administration. I think it is very important.

Ambassador Keshap, now that targeted U.S. and EU sanctions are in place and with the announcement of the designations of these army-related economic entities, what will be the primary source of ongoing foreign revenue for the military junta itself?

Ambassador KESHAP. Mr. Chair, that is a simple question with an extremely complicated answer that I think occupies a lot of people in the State Department, Treasury Department, and other parts of the Executive Branch.

We are studying this day by day. We have targeting and sanctions teams that are constantly at work and we are trying to get to the bottom of it.

Obviously, the situation in Burma is not exactly transparent. The military is an extremely secretive organization, and they are able to rely upon all sorts of revenues that are not easily tracked.

Whether it is the natural resources or it is drug trafficking or the arms trafficking that occurs in Burma, there are so many things happening that we try our best to track and ascertain.

We talk to a very broad cross-section of civil society and we are constantly at it. The approach—

Senator MARKEY. Let me ask you, can you focus on the Myanmar Oil and Gas Enterprise? That seems to be a huge source of revenues for them as they interact with international oil companies. Have you looked at that as a place where you could stop foreign revenues from going into the country?

Ambassador KESHAP. A great question. We are studying all of these possibilities, including MOGE. But the issue, I think, that guides us is the question of whether it mostly impacts the military or if it also has an impact on the people.

And so these discussions and deliberations are ongoing. I am not in a position to make any announcements at this juncture.

But I can assure you, Mr. Chair, that we look at all these things very, very closely, and there is a very careful analysis that is done of all of the various first order, second order, third order ramifications of whatever decisions we might make.

Senator MARKEY. I think that is wise. We do not want to invoke the law of unintended consequences when it comes to additional humanitarian damage which is caused at the same time, especially in the oil and gas area.

I have always found in my experience that that is where those cozy relationships get very questionable between oil companies internationally and the leaders of countries, especially authoritarian, which is what the army has now created in Burma.

You should look very carefully at that while, keeping humanitarian concerns at the top of the agenda.

Let me turn and recognize Senator Romney.

Senator ROMNEY. Thank you, Mr. Chairman.

Ambassador Keshap, why is it that the military decided to take the country back over to execute this coup? I presume it was for personal wealth. Is that true or are there other motivations, you think, that led to the coup?

Ambassador KESHAP. Senator, it is very hard for me to ascribe motive to the Commander in Chief. There are people who have offered various hypotheses about what may have triggered his decision, whether it was personal ambition or it was preservation of the military's vast and ill-gotten wealth, or if it was a mere power play over the democratic leadership and institutions of Burma, or if it was something else entirely.

I am not sure we will be able to get to a firm answer on that. But what I can tell you is what he decided is absolutely and completely out of step with the aspirations of the Burmese people and they let it be known.

Senator ROMNEY. Of course. Of course. Yeah, of course, that is true. I guess the assumption is it is money. You know, money and power often go together.

But, clearly, the reason many people want to have power is so they can get the wealth for themselves and their families and so forth that they aspire to.

I would note you, correctly, are concerned about the humanitarian needs of the people in Burma. But, of course, money is fungible, and if we are going to put pressure on the financial resources that are going to the Burmese military, their leadership, that could either be suffered by the people or by the leaders themselves.

But that is not going to be our choice. That will be their choice, and we will have to make a decision as to whether we want to put in place those kinds of painful elements.

Have we done anything? I mean, they have been here before. The military has been in charge of this country before, they carried out genocide against the Rohingya before, and so they suffered sanctions before. They, clearly, expected that that would happen again.

So what we are doing right now is not something they do not expect. Is there something we could be doing that they—that they really do not expect, that they say, holy cow, did not see this coming? Or are we, basically, going by the same playbook and expecting a different result than—as a result of doing the same thing we did before?

Ambassador KESHAP. Senator, thank you for that. You will forgive me if I want to keep the military guessing by not telegraphing what we might be planning to do.

But I will say that I would suggest that what we are doing now is a little different from the past. We really appreciated the intent of the sectoral sanctions like the JADE Act.

But what these are doing now is really pinpointing the Commander in Chief, his family, his ruling circle. These are very carefully sort of designed sanctions to put pressure on the Commander in Chief, to put pressure on his children, on his family to make him realize that he has bitten off more than he can chew, that he is out of step with his own people, and that he needs to start looking for alternatives to the current terrible situation.

Senator ROMNEY. Yeah, I presume we have done that before. So he expected it, and I do not imagine we have seen a change in behavior by virtue of what has been done so far.

Why is it that the Chinese have not condemned this coup? I mean, are they trying to protect this junta in some way, do you believe?

Ambassador KESHAP. Senator, I cannot authoritatively ascribe a motivation to the Chinese. But I do think that we are motivated by a desire to support the people. I would guess that they are motivated by a desire for stability.

They have profound strategic and economic interest in Burma. It is their back door to the Bay of Bengal for their remote interior provinces.

I think they care about stability more than anything, and while we have seen some cooperation with them in the U.N. Security Council, which helped us get through two U.N. Security Council statements on Burma, I think the Chinese are probably deeply anxious to see a return to stability so that they can keep preserving their strategic and economic interests, which, as I said, are compelling for them.

Senator ROMNEY. Is there a worst case scenario where, in fact, it is not a stable country but it devolves into violence of some kind?

Is that unlikely or—because, clearly, if their interest is stability without regard to the human cost, then if there were a threat of instability, potential conflict of a military nature, amongst the people—a civil unrest leading to conflict—that would be something they would be concerned about.

Is that not a downside or is the military in sufficient control that that would really not be an issue?

Ambassador KESHAP. I think we—look, diplomats are always, to an extent, believers in the Hippocratic oath. Things can always get worse and, therefore, we should always in our actions try to ensure that we do not do further harm.

There is always the possibility that things could get worse in Burma, which the situation could deteriorate. This is why we are working with friends and partners in the region, primarily in ASEAN but also with Japan and Korea, with India, and with European partners, Australia and others, and China.

We want to make sure that we can try to avoid any further degradation of the situation in Burma. We do not want to see any more humanitarian suffering than has already taken place, and we want to see how we can get more countries than just the United States to try to get the junta to see that the situation is untenable and that they have to recalculate. And they have to talk to their own people and they have to talk to the civilian-elected leadership of Burma.

And this is why I think we are engaged in constant conversations because we work very hard to ensure that things do not get worse.

Senator ROMNEY. Yeah. Thank you, Mr. Ambassador. I think I have taken my time. I do not see a clock here at the—Mr. Chairman, you have not told me how long we can go here. But I will yield my time so that other members of our committee get a chance to ask a question.

Senator MARKEY. We are operating under a kind of conscience clock in our brains, because it is difficult to know exactly how much time has elapsed.

Let me recognize Senator Schatz.

Senator SCHATZ. Thank you, Mr. Chairman, Ranking Member, and to our panel, thank you very much for doing this hearing.

I want to talk to you about the press crackdown. The military has cracked down on press freedom since the coup on February 1st and has suspended media licenses of five local outlets and it has raided offices and assaulted journalists. Human rights observers estimate that at least 38 journalists have been detained.

What can we do to protect journalists and others who are reporting on the demonstrations? First, for the ambassador?

Ambassador KESHAP. Well, Senator Schatz, thank you very much for that question. It is extremely important. Look, the United States bats for freedom of speech and media freedom and press freedom all around the world, and that is no different in Burma.

We have been very, very clear about this. I would like to turn to my learned colleague, Scott Busby, to talk a little bit more about media freedom, since that is in the particular wheelhouse of his bureau.

But we are doing everything we can to ensure that our values are very clearly on display, that the Burmese people know what those values are, and that journalists in Burma can always rely on the support of the United States.

Thank you.

Senator SCHATZ. Great. Mr. Busby?

Mr. BUSBY. Thank you, Senator. Thank you, Atul.

As Atul indicated, we continue to publicly support journalists and message to the military that crackdowns on journalists are unacceptable.

Specifically, our embassy has attended ongoing judicial proceedings on detained journalists to shine a light on such cases, and I think that demonstrates concretely the fact that we care about these sorts of cases.

Senator SCHATZ. Thank you.

Mr. BUSBY. We have supported independent journalism in Burma for a long period of time and will continue to do so.

Senator SCHATZ. Thank you.

You know, Senator Young and I have a bill to establish an ambassador-at-large for press freedom in the State Department. We look forward to working on a bipartisan basis to try to enact that

I want to move on to internet access. The military has tried to control internet access as part of the coup. Engineers were forced to turn off equipment and physically cut wires.

Burma, like a lot of places, is different than even a decade ago. In 2010, less than 1 percent of the country had access to the internet. Now it is about 30 percent. It is just a function of everyday life.

And so the military learned that it cannot just turn the internet off. They are still blocking websites and limiting communications, but they are struggling in part because Burma is not walled off from the rest of the world.

There are two aspects I want to discuss here. The first is our response to foreign support of the telecom sector. In 2014, Burma opened up to outside competition. So now you have companies like Norway's state-owned Telenor and Vietnam state-owned Viettel delivering service.

So what can we do in terms of working with companies that have a stake in Burma's telecom sector to ensure that they are not assisting in the coup by providing technical support to blocking websites?

And I will jump on whoever is more appropriate to answer that question.

Ambassador KESHAP. Would you permit me a general comment and then defer to Scott for the detailed answer?

Senator SCHATZ. Sure.

Ambassador KESHAP. The general comment, I think, is that the military is realizing that you are damned if you do and damned if you do not, when it comes to a coup. If you block the internet, you can constrain your people from communicating and exchanging views, but you also starve the economy.

And I think nations around the world have realized that if they maintain free and open access to the internet, it ensures an em-

powered, prosperous, and happy citizenry and contributes to democracy.

And so they are trying to play this delicate juggling act. But at the end of the day, the proof is already there that the Burmese people have tasted what freedom and openness look like, and there is no further proof needed than to see the people on the streets raising the three-fingered salute that comes from the American teen fiction “The Hunger Games” and from, you know, so many movies that they have seen.

So I think you have raised a compelling question, Senator, and let me turn it over to Mr. Busby. Over.

Mr. BUSBY. Thanks, Atul, and thanks, Senator, for that very good question.

The State Department and DRL, in particular, have ongoing connections with tech companies, and in this case, we have been speaking with them to seek to ensure responsible behavior.

As Atul mentioned, they are in a tough spot because in order to operate the Burmese Government requires them to do certain things. So it is a delicate balancing act that they have to play.

But we have been encouraging them, as we do in any situation like this, to abide by human rights norms consistent with something called the U.N. Guiding Principles on Business and Human Rights.

We do not believe that shutting down telecommunications will silence the voice of the people nor will it prevent information about what the junta is doing from getting out.

So I think this is, again, a demonstration of how afraid the junta is of giving the Burmese people the opportunity to communicate freely and to express their opinions freely.

Senator SCHATZ. Just one final comment for both the committee and the State Department and the international community as it works through these issues, just to try to get some granularity in terms of the various techniques of control around communications.

You know, snipping wires is one thing. Limiting access creating, you know, intranets rather than internets is another, and then there is the question of characterizing communications on social media platforms as terrorists or anti-government content.

I mean, those are—those are separate issues. Obviously, from the strategic standpoint, they may be moving in the same direction. But I think we have to get better about understanding the various techniques and understanding that each technique requires its own discrete response within the overall strategy.

Thank you.

Senator MARKEY. Thank you, Senator Schatz.

Senator Johnson.

[No response.]

Senator MARKEY. Senator Johnson, are you there?

[No response.]

Senator MARKEY. Senator Johnson, you are recognized.

[No response.]

Senator MARKEY. Senator Johnson, I can see your name up on the screen. I am just wondering if you are there.

[No response.]

Senator MARKEY. Are there other senators seeking recognition?

Senator ROMNEY. I would suggest the absence of a body.

Senator MARKEY. I agree with you, and have a couple of more questions. Senator Romney, maybe you have a couple more and then we will thank this first panel for their testimony.

May I ask, what is the State Department doing right now in terms of planning and coordination with other countries in the region for the possibility that a large-scale migration is going to occur, leaving Burma, creating a humanitarian—an additional humanitarian crisis in the region? What is the Administration doing right now to prepare for that possibility?

Ambassador KESHAP. Senator, thank you very much. We have a bureau, the Bureau of Population, Refugees, and Migration, that focuses on these issues and has received the tremendous generosity of the American people and the United States Congress over the years in taking care of refugee populations all around the world.

And I can say, as the son of a refugee, how much America's leadership matters in the world and how much America's compassion matters in the world.

So we have a refugee coordinator in Bangkok, a regional refugee coordinator. He is very engaged, and I would say at the apex level what we are trying to do is, going to Senator Romney's question, trying to ensure that the situation does not get worse.

Look, obviously, there are countries in the region that are—that are experiencing severe impact and already have, Bangladesh most prominently but also Thailand, Malaysia, and others, and so they have a great interest in what happens in Burma.

And so we are working with ASEAN. We are working with regional partners. There is a lot of, I think, diplomacy going on. You have seen the various statements by various ASEAN countries.

I know that Foreign Minister Retno Marsudi has been traveling in the region, also Foreign Minister Vivian Balakrishnan, those of Indonesia and Singapore, respectively.

And, of course, Secretary Blinken asked right away to talk with the ASEAN member parts in a collective discussion, and we are awaiting a response from ASEAN. It is a consensus-driven body.

But I am pleased to report to you that Secretary Blinken right from the outset has engaged unilaterally—bilaterally I should say—with all of—with many of his counterparts in ASEAN and beyond the region as well—Japan, Korea, Europeans, "Five Eyes"—to discuss the situation in Burma. It has also come up in Quad discussions.

And so the issue here is to ensure that we can try to avoid any further precipitous decline in the situation that would create even further burden on the nations in the region and, frankly, the world. Thank you.

Senator MARKEY. Okay. Thank you.

Senator Romney, do you have any other questions?

Senator ROMNEY. Yes, I do. Thank you. Comments and perhaps a question.

But that is—and I am being perhaps somewhat cynical here, but I think realistic at the same time, which is I cannot imagine that the military junta proceeded down this road without having a great deal of confidence that China was not going to stop them.

In many respects, I would not be surprised to find that China is encouraging or behind the scenes encouraging what has happened here. Perhaps China expects that the Myitsone Dam is going to get reopened and they are going to get the power they would like or some other deal, and so they are going to pretend like they oppose but they are not going to do things to really put pressure.

Because given the extraordinary economic connection between Burma and China, if China were really going to close things down, why, this thing would stop in a big hurry. And I mean, you look at the situation in Venezuela, for instance. We put all this pressure on Maduro. Maduro would not still be there were it not for Cuba and Russia supporting him.

And so I do think there is a very real possibility and probability that China is, in some respects, complicit in what we are seeing.

And what that suggests to me is that we ought to take advantage of communicating to the world that China is sleeping as people are weeping, if you will.

China is engaged in a worldwide effort to say that democracy does not work and that the world should adopt autocracy and become autocratic, that that is a better way to go for the people, and they seem to be winning. In the last 15 years autocracies have been gaining and democracies have been declining.

And I just think we need a very aggressive world effort, if you will, to let the world know what China is doing and to show what is happening by virtue of them turning a blind eye at least to what is happening to their neighbor and their largest—Burma's largest trading partner.

And I do not know how we can go about doing that in a more effective way. But, you know, we can sell Coca Cola around the world, right. We can market that extraordinarily.

For a little bit of caramel water we can charge people a buck a can. You would think that kind of marketing know-how would allow us to communicate effectively throughout the world what we are seeing and, perhaps, turn enough public heat up on China that they might decide, hey, we better push back on these Burmese military folks.

So I turn to the Ambassador and Mr. Busby. Any comments in that regard? Can we up our PR effort, our communications gains, throughout the region and, thereby, put a lot more pressure on China?

Because my guess is there is almost no sanction that we are going to put in place that is going to change the Burmese military from the course they are on. But China has the capacity to do that. Maybe India, to a lesser extent, but China, certainly, does.

Any thoughts about that?

Ambassador KESHAP. Senator, you have raised a profound set of issues.

I would say that from my service overseas as an ambassador and in the last 2 years serving in the EAP bureau as PDAS it is abundantly clear, and I am not stating anything you do not know, that the Chinese play a long game. And they play a long game in all of these countries and they have very clear strategic and economic interests, and they are very pragmatic in how they approach things.

We will always stand up for values. We will always stand up for American values, and I think that these young people in Burma know what those values are. And so I think, in a way, the U.S. Government is selling our version of Coca Cola, to make your point.

Our values are very strong and very clear. And we see these folks in the streets every day risking their lives to espouse these values. I am extremely impressed and inspired by them and their devotion to our values.

I do not think our Chinese counterparts have that. We also have an unbeatable alliance network and partnerships all around the world. I do not think the Chinese have that.

And so we, too, have to play a long game. We have to have faith in our values, faith in our strengths, faith in our friendships and our alliances that we have built up over many decades of careful effort.

And I am optimistic. We owe it to the little girl who was shot in her father's arms by security forces in Burma a couple of days ago. We owe it to the young people who were shot, teenagers who were protesting in the streets for their rights.

And so we are going to keep work—you know, we will keep working at it. I think the EAP Bureau has tried very hard working with the broader State Department to shine a light on the challenges that we face all around the world with regard to China's increasing assertiveness, and we will keep at it, sir.

Senator ROMNEY. Thank you.

Mr. Busby, any comment?

Mr. BUSBY. Can I just add, as you know, Senator, the Biden administration has made a priority of working in coordination with our partners around the world in pushing back on Chinese influence and pushing back on Chinese abuses.

And as you saw on Monday, for the first time we announced coordinated sanctions on Chinese officials complicit in the abuses in Xinjiang. So there is a very concerted effort to work with our partners in pushing back on Chinese influence and advancing our values.

Senator ROMNEY. Thank you. I would just note that sanctions is one tool we can use but publicity throughout the region is another tool we can use to put heat on China and, potentially, to get them to be dissuaded from their tacit protection of the military junta.

With that, Mr. Chairman, thank you. I appreciate this opportunity.

Senator MARKEY. That concludes our first panel, and we thank both of our witnesses for their service to our country and for your testimony here today.

We are going to move on to the second panel, and I will note that the roll call has now gone off up on the Senate floor. So both Senator Romney and I will have to vote at some point over the next 10 or 15 minutes, requiring us to leave for at least a few minutes, which will be my plan, and perhaps Senator Romney and I can swap the gavel back and forth just to make sure that we are both able to vote.

Let me begin then with our first witness on the second panel.

Tom Andrews, who is the U.N. Special Rapporteur on the situation of human rights in Myanmar. He is a former member of the

United States Congress representing the state of Maine and a Robina Senior Human Rights Fellow at Yale University Law School, and we just recognize the incredible amount of work on human rights that Congressman Andrews has done over the course of his career.

So we welcome you, Tom. Whenever you are ready, please begin.

**STATEMENT OF HON. TOM ANDREWS, U.N. SPECIAL
RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS IN
MYANMAR**

Mr. ANDREWS. Thank you very much, Mr. Chairman.

Chairman Markey, Ranking Member Romney, and distinguished committee members, thank you for inviting me here today to discuss the crisis in Burma.

Thank you for your strong opening statements and, certainly, thank you for your principled stand for the people of Burma. And for folks following this hearing within Burma, I would like to say [speaking foreign language.]

Mr. Chairman, as you recognize, Burma is now being controlled by a ruthless brutal illegal military junta. You have already heard about the killings and the arbitrary detentions.

This includes peaceful protesters being shot at point blank range. Just yesterday, a 7-year-old girl was shot and killed by Burmese security forces after they forced their way into her home in Mandalay.

Credible reports indicate the junta has also tortured and killed numerous individuals while in custody. They have systematically destroyed legal protections, from freedom of expression, assembly, and association to the right to privacy.

They have given themselves the authority to invade people's homes without warning, criminalized any criticisms of the junta, even making it illegal to call the junta a junta, enabled sweeping surveillance authorities, decimated the free press, banned most trade unions, instituted nightly countrywide internet outages, and banned gatherings of more than five people.

As distressing as these developments are, Mr. Chairman, the response of the people of Burma has been truly awe inspiring. For nearly 2 months now, despite a brutal and relentless crackdown by the junta, millions of people all over the country have been engaging in peaceful and powerful protests, calling for justice, democracy, and the end to the violence and an end to the military.

Buddhist monks are marching with Muslim clerics, healthcare workers, educators, bankers, construction workers, people from all walks of life, from every ethnicity and every age group are rising up in every corner of the country as diverse, yet powerfully unified.

A general strike was called just after the coup. It was heeded by millions, and now the nonviolent civil disobedience movement, or CDM, is an effective, powerful and growing movement, drawing its organic power from the unflinching commitment of the people of Burma.

Not knowing how to fight these weapons of peace, the junta has responded in much the same way it has for decades against ethnic groups throughout the country, with brutality and violence.

Mr. Chairman, the courageous and tenacious people of Burma need our help. In the face of widespread and systematic murders, tortures, and disappearances, there is a growing pressure on the opposition leadership to defend the people of Burma by taking up arms against the Burmese military.

I understand the pull to go down this path. But I believe that such a path would lead to a disastrous outcome for the people of Burma, with untold numbers of civilians caught in a protracted bloody civil war.

I also believe that there is another, an alternative that could be both effective and save countless numbers of lives.

But it will require a level of engagement, coordination, and exertion of leverage that has yet to emerge, an alternative that requires that the United States play an active leadership role.

It includes the imposition of tough, focused, and coordinated sanctions that are capable of impeding the flow of funds to the junta and demonstrate that its criminal acts will be met by meaningful retaliation.

I applaud the Administration's move announced today to include the junta's major business conglomerates for sanctions. This is a very important step forward, and I encourage the Administration to also sanction the oil and gas sector that provides the largest single source of revenue to the junta for their criminal activity.

This can be done without interrupting the flow of oil and gas to Burma and its neighbors through licensing measures by the U.S. Treasury.

But what is critically important is that the Administration work closely with our allies to coordinate international sanctions so that, taken together, their collective weight will deliver a powerful blow. This requires organization and outreach.

What is also required, Mr. Chairman, is an imaginative, tenacious, and coordinated diplomatic approach that joins those who share common ground, be that based on common values or common interests together.

To this end, I believe that an emergency summit on Burma should be organized as soon as possible that includes the representatives of the elected leadership of Burma, the Association of Southeast Asian Nations, or ASEAN, and nations who are willing to step up and support such an initiative, particularly those in the region, and it should also include China, who has a powerful interest in avoiding a conflagration on its border.

To be successful, this will require organization and leadership, a role that the United States is well positioned to help them on.

Mr. Chairman, the people of Burma need to know that the people of the United States and the world are with them not only in word but in deed, that we are willing to establish strong coordinated pressure and forward-leaning diplomatic engagement in support of a peaceful civil disobedience movement, and that this combined course of action—domestic peaceful resistance with international pressure and diplomatic momentum—will have a powerful chance for success than taking up arms.

Finally, Mr. Chairman, it is my sincere hope that the United States and the international community will rise to the occasion of this historic moment, that we will follow the lead and inspiration

of the people of Burma, and that we will stand with and for them in support of their courageous struggle for justice, democracy, and their children's future.

They deserve no less. Thank you, Mr. Chairman.
[The prepared statement of Mr. Andrews follows:]

Prepared Statement of the Honorable Thomas H. Andrews¹

Chairman Markey, Ranking Member Romney, distinguished members of the Subcommittee, thank you for inviting me here today to discuss the crisis in Burma. I am here to report on factors that led to the coup, the current state of the crisis, and, most importantly, what actions the international community, and specifically, the United States can take to help return the country to a democratically-elected government.

As we sit here, the crisis in Burma is at an inflection point. Peaceful opposition to the illegal coup has been widespread and sustained since the February 1st takeover. Protesters have taken to the streets by the millions and civil servant and private sector workers have gone on strike. Their courage has not wavered despite the Burmese military and police having murdered at least 275 civilians, arbitrarily detained over 2,200, and tortured many.

Mr. Chairman, there are strong indications that the Burmese junta is engaging in crimes against humanity. And I fear this horrific crisis will get far worse in very short order without strong diplomatic intervention from the United States and other members of the international community. I believe that to date, actions by the international community, including those of the United States, have fallen short of what is required to head off this deepening crisis.

In the face of widespread and systematic murders, tortures, and disappearances, there is a great deal of pressure on the opposition leadership in Burma, including pressure to take up arms against the Burmese military. I understand the pull to go down this path. But, I believe that such a path would lead to a disastrous outcome for the people of Burma with untold numbers of civilians caught in a protracted, bloody civil war. The United States and its allies should do everything in their collective power to avoid this outcome by providing the peaceful opposition movement in Burma the opportunity to succeed.

In my view, the actions needed now include the imposition of strong, coordinated sanctions to impede the flow of funds to the junta and to demonstrate that its criminal acts will be met by meaningful retaliation. I also believe that the international community, with leadership from the United States, must engage in a diplomatic offensive, that would include the convening of an emergency summit with representatives of the duly elected leadership of Burma, Burma's neighbors and influential states in the region, including China.

A critical step will be a united effort among states to stop the flow of revenue into the illegal junta's coffers. This can happen now. Coordinated bilateral sanctions should be imposed on the junta's major sources of revenue, including military owned and controlled enterprises and the oil and gas sector. The military directly owns two major conglomerates, Myanmar Economic Holding Limited (MEHL), and Myanmar Economic Corporation (MEC). These conglomerates and their subsidiaries provide untold millions in off budget revenue to the military. Meanwhile, the oil and gas sector accounts for the single largest source of revenue to the state, overseen by the Myanmar Oil and Gas Enterprise (MOGE), which is now effectively controlled by a murderous criminal enterprise.

While the Biden administration prevented the junta from taking \$1 billion in Burmese state funds from the Federal Reserve Bank in New York immediately after the coup, the U.S., EU, and other states have since focused sanctions largely on individuals and some limited companies that do not provide significant revenue to the military. MEC, MEHL, and MOGE remain untouched by sanctions despite a chorus of calls for sanctions on these entities by hundreds of civil society organizations from Burma. The United States must sanction these entities and their subsidiaries to meaningfully degrade the junta's sources of revenue.

Mr. Chairman, in my view the time for incremental steps has long passed. The U.S. should work to bring key allies together to establish a coordinated sanctions regime so that sanctions add up to a powerful whole that will have maximum impact on this murderous regime.

The people of Burma and opposition leaders must be able to recognize that the international community is working towards a diplomatic solution in support of the peaceful Civil Disobedience Movement, and that this combined course of action—do-

mestic peaceful resistance and international diplomatic momentum—will have a greater chance for success than taking up arms.

To this end I believe that an emergency summit on Burma that includes the Committee Representing Pyidaungsu Hluttaw (CRPH), the body that represents the duly elected leaders of Burma, and the Association of Southeast Asian Nations (ASEAN) is critical. The United States should work with ASEAN, in particular Indonesia and Malaysia who have been seeking a unified approach to the crisis, to hold this summit and bring to the fore robust and creative diplomatic initiatives to both support the Civil Disobedience Movement and also open a channel with the junta to identify terms for it to relinquish power.

Again, unless there is a new, concerted approach taken on Burma in the very near term, I fear we will see a dramatic escalation of bloodshed.

Mr. Chairman, allow me to step back and address some of the other points the Subcommittee has requested I speak to today, namely the factors that led to the coup, how to navigate justice for the Rohingya, and how to achieve the safe informed and voluntary repatriation for the Rohingya.

This coup was precipitated by the very structure of the Burmese state that the military constructed in its 2008 constitution. While the military ceded certain governing responsibilities to an elected government, it retained substantial power. Command and control of the military and police was kept in the military chain of command with no civilian oversight, the military gave itself one quarter of the seats in the Burmese parliament which gave it veto power over any constitutional reform measures, and it retained direct ownership over the most lucrative business conglomerates in the country. The constitution also contained provisions that allowed for the President to cede total control of the country to the military in times of national crisis. With this continued power, autonomy, and quick path to control, the military was able to quickly re-exert its control over the levers of power.

Against this backdrop, on November 8, 2020, national elections were held throughout Burma. The National League for Democracy won an outright majority, winning 396 out of 476 seats, with the military-backed party, the Union Solidarity and Development Party, winning only 33. The USDP alleged massive fraud and the military demanded the Union Election Commission (UEC) investigate allegations of voting irregularities. The UEC responded that there was no evidence to support the claim and resolved to certify the election. With the UEC having certified the election results, the new parliament was prepared to convene on February 1st. But, in the pre-dawn hours of February 1st, before parliament met, Burma's military conducted an unlawful coup d'état, seizing all levers of power in the country, consolidating control over the legislative, judicial and executive branches of government and arresting dozens of the government's civilian leadership, including State Counselor Aung San Suu Kyi, and President U Win Myint.

Mr. Chairman, even if election irregularities did exist, there was, and is, no justification for declaring a state of emergency, arresting the civilian leadership, and attempting to destroy Burma's fledgling democracy. It is notable that the military junta even failed to follow its own rules for taking control of the country as specified in the 2008 constitution that the military itself drafted. This coup is truly illegal in every sense of the word.

Whatever its thinking was in advance of the coup, it is clear that the junta badly misjudged the response from the people of Burma. For nearly 2 months now, despite draconian bans on gatherings, and knowing the history of the military's violent suppression of their right to expression, assembly, and association, millions of people all over the country have taken to the streets calling for a restoration of democracy. A general strike was called for days after the coup and has been successful in grinding the economy to a near halt. Not knowing how to fight these weapons of peace, the junta has responded in much the same way it has for decades against ethnic groups throughout the country, including the Rohingya, with brutality and violence.

On the question of how to seek justice for the Rohingya, and I would broaden that to all of the people of Burma who have come under attack by the military. One option is for the U.N. Security Council to refer the situation in Myanmar to the International Criminal Court so that these crimes can be investigated and those who are responsible prosecuted. That outcome is at this time unlikely given that Russia and China would probably veto such a proposal. In lieu of that, I have encouraged nations around the world with universal jurisdiction provisions of law to bring crimes against humanity and genocide cases against the Burmese military leadership in their own courts. We have seen this tack employed in many European countries in the Syrian context. I believe it can be an effective route. Moreover, the Gambia has brought a genocide suit against the Government of Myanmar at the International Court of Justice for its atrocity crimes against the Rohingya. The United States could consider signing on to this case.

And finally, with respect to the nearly one million Rohingya currently languishing in refugee camps in Bangladesh and in internally displaced persons camps inside Burma, the junta claimed that they will continue repatriation efforts of the Rohingya from Bangladesh and that they will pursue the return of Rohingya IDPs in central Rakhine State in an “instant manner.” This is deeply disturbing as this is the very same leadership that oversaw the slaughter and displacement of the Rohingya.

In reality, Rohingya civilians displaced by mass atrocity crimes in 2012, 2016, and 2017 appear no closer to returning home to rebuild their lives. The same would apply to Arakanese (Rakhine) and Chin civilians displaced by armed conflict in recent years in Rakhine State. Moreover, a quick repatriation of Rohingya to Rakhine State under current conditions would conflict with the principles of a safe, dignified, voluntary, and sustainable return. But the Rohingya need our support. Just this week, massive fires at camps in Cox’s Bazaar, Bangladesh resulted in the destruction of over 10,000 shelters, confirmed deaths of 15, with over 400 missing and 500 injured.

Mr. Chairman, the people of Burma are rising up from all walks of life, every ethnic and religious background, and from every corner of the nation as a diverse yet powerfully unified whole. They are doing so to demand democracy, human rights, an immediate end to the violence and an end to an illegitimate junta. The non-violent civil disobedience movement, or CDM, is drawing its growing, organic power from the unrelenting commitment of the Myanmar people. But, they need our help and they need it now.

Mr. Chairman, it is my sincere hope that the United States and the international community will rise to the occasion of this historic moment, that we will follow the lead and inspiration of the people of Myanmar and that we will join together in support of their courageous struggle for justice, democracy and their children’s future. They deserve no less.

Thank you.

Note

¹Nothing in these remarks should be understood to be a waiver, express or implied, of the privileges and immunities of the United Nations, its officials or experts on mission, pursuant to the 1946 Convention on the Privileges and Immunities of the United Nations

Senator MARKEY. Thank you, Congressman Andrews and thanks for all your great work.

Next, we are going to hear from Ambassador Kelley Currie, who served as U.S. Ambassador-at-Large for Global Women’s Issues and the U.S. Representative at the United Nations Commission for the Status of Women.

Welcome, Ambassador.

STATEMENT OF HON. KELLEY CURRIE, FORMER U.S. AMBASSADOR-AT-LARGE FOR GLOBAL WOMEN’S ISSUES

Ambassador CURRIE. Thank you, Chairman Markey and Ranking Member Romney, and the rest of the subcommittee for giving me this opportunity to appear before the committee today on this timely and important topic.

With your permission, I would like to enter my full remarks into the record and to note that I am testifying in my personal capacity today.

The past few months have been a heartbreaking and exhilarating time for the Burmese people at the same time. As other speakers have noted, this coup laid bare the dark heart of the Tatmadaw and showed us that after seven decades of dominating Burmese politics, the economy, and society, they have not given up power or the will to it, and that what they called their plan for a disciplined flourishing democracy, which those of us who live in a democracy know is a great oxymoron, it really was more about the discipline and less about the democracy.

The Burmese people have made it very clear they are not going to go back, however, to military rule and they have, as everyone noted, effectively organized themselves to resist through a combination of street protests and this amazing civil disobedience CDM movement.

If I had one word that I would use to describe this movement in all of its facets it would be inclusive, which is both ahistorical for Burma, as Ambassador Keshap noted, and essentially the diametric opposite of how the Tatmadaw thinks and operates.

The young people, civil servants, factory workers who have been at the forefront of both the street protests and the CDM movement, and they cut across class, geographic, ethnic, religious, and generational lines in a way that is totally unprecedented for Burma.

The ethnic nationalities and women who have also played critical roles as organizers and frontline leaders is also very different from what we have seen in the past. This has fomented an increased awareness among the Bamar nationally, the majority that is primarily in the cities, and raised for them an awareness and empathy for the situation of ethnic minorities and other disadvantaged groups in Burmese society who have fared even worse than they have under military rule.

And this has been one of the most important and, I think, under commented on facets of this resistance movement, and it has opened up some critical dialogues within Burmese society about the nature of the state and the nature of the nation and how—and the things that had previously been dismissed as untimely or indelicate to talk about.

So this has also been linked up with this technology explosion in Burma that has allowed these young people to connect not only with each other but with regional partners and become part of what is called the Milk Tea Alliance with Hong Kong and other activists who are similarly fighting against authoritarianism.

So it has been a really remarkable time. But as we know, the Tatmadaw has sharp teeth and they are baring them now. As their hold on the country has weakened, they have escalated the violence.

Martial law is spreading across the major urban areas. Others have talked about the brutality and mentioned the 7-year-old girl who was shot while she was being held by her father.

I would also call attention to the death in detention of two Muslim NLD local officials who, apparently, were tortured to death and some of the—with some of the most medieval and horrific things we have—you know, I have ever seen in 25 years of working on human rights.

So some—but what has been also interesting is the response from the NLD. With most of the senior leadership in prison, the younger members have coalesced and worked together across these multi-ethnic and multi-dimensional assets—facets of this movement to form a united front, and that is also new.

I want to quickly highlight before I run out of time the three things that I think the international community should be focusing on in their response, and there is more about this in my written testimony.

The first is around recognition and legitimacy. Deny the junta legitimacy and recognize the legitimacy of the democratic and independent movement that is taking place among the people.

Second, cut off the money supply for the junta, as we have discussed in other—with other witnesses, and the oil and gas is critical to that.

And then third, we need to move the Security Council resolution. That is critical to be able to get an arms embargo in place and that is—when you talk about things that the junta is not expecting to happen, that is at the top of the list. They believe China will continue to block it.

But, really, we are just holding ourselves back from even pursuing it due to the fear of a veto threat. We should stop that right now and get working with the U.K. and others on changing that dynamic.

With that, I am happy to take your questions and get into some of the more—get into some details on how we can move forward together with the Burmese people and align ourselves with them instead of their oppressors.

Thank you.

[The prepared statement of Ambassador Currie follows:]

Prepared Statement of Ambassador Kelley E. Currie

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 2 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 10 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 longyis 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 7-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 es-

calating 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 U.N. 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 U.S. 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 3-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 an 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 U.N. 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 has 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 U.S. 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.

Senator MARKEY. Thank you, Ambassador Currie. Let me begin by asking each of you about a sector that you both mentioned, oil and gas.

Unfortunately, across the country we can see very frequently that the leaders of Burma, become very dependent upon these oil and gas revenues in some cozy relationship with those industries.

Let me go to you first, Tom. What is your recommendation for what we would call for in terms of a cut off of those oil and gas revenues to the leaders of Burma?

Mr. ANDREWS. Thank you, Chairman Markey.

You are exactly right. This is the single largest source of revenue flowing into the hands of these criminals. So I think it is critical that we cut it off.

Now, I want to point out that over 440 organizations, civil society organizations throughout Burma, have called for this to happen. They say that it is vitally important for the revenue being flowed into the junta's hands from oil and gas, particularly, the Myanmar Oil and Gas Enterprise, to be cut.

Ambassador Keshap said he was concerned about the impact on the people of Burma and, of course, we are all concerned about whatever steps we take and our impact on the people. The people of Burma want this, and the United States can apply these sanctions in such a way, using the Treasury Department's licensing power, to make sure that the gas continues to flow but that the revenue stream from these—from oil and gas to the junta stops.

That is what we want, that can happen, and, more importantly, that is what the people of Myanmar are demanding, including the elected leaders of Myanmar.

Senator MARKEY. Thank you.

Let me come back over to you, Ambassador Currie. Can you follow up on what Tom Andrews just mentioned in terms of protecting against a humanitarian consequence as a result of cutting off oil and gas revenue?

Ambassador CURRIE. Well, a humanitarian disaster is already unfolding in Burma because the people of the country are inten-

tionally shutting down the economy themselves in order to punish the junta and cut off its internal streams of revenue and to resist it, and to make the country essentially ungovernable.

That is their whole strategy at the moment. So I think we should—you know, while we always want to avoid unintended consequences and do things that we can to try to maintain humanitarian pipelines, I believe that there are ways, as Tom has said, to do that in this situation.

First of all, using the licensing capabilities that Treasury has and working with—there are only a few companies that are part of a joint venture with the Myanmar Oil and Gas Enterprise that is based in Thailand, that is—that provides most of the revenue, and there are things that we can do.

The companies themselves are at risk of breach of contract unless they are forced to do something different. So the sanctions actually provide force majeure for them to suspend the normal payments—normal payment stream and put it into an escrow account so that they continue to make contractually-obligated payments while the—and that keeps the joint venture going.

The other thing that can be done is working with our partners in Thailand who are the other joint venture on this to make sure that the oil and gas continues to flow.

Then it would be up to the junta if they decide to refuse taking custody of the—of the oil and gas shipments, that is on them and there is nothing we can really do about that.

But there are ways to do this, and then we also have to think about cross-border assistance and renewing old habits that we used to have with Burma where we went around the government to provide assistance to the people in the past before 2010.

Senator MARKEY. Thank you, Ambassador.

Let me just follow up on that. The architect of the genocide against the Rohingya now is in charge of the country, and there are still 600,000 Rohingya inside of Burma.

Let me come back to you again, Tom Andrews, and ask you what should we be doing to ensure that there is a coalition of countries that is working to protect those 600,000 who still remain inside of Burma?

Mr. ANDREWS. Thank you, Chairman Markey.

You are exactly right. They are very vulnerable. We know just over the last year 33 Rohingya have been killed, just this past year. This is since the atrocity crimes committed in 2017.

So you are exactly right. I think what needs to happen is a very tough clear sanctions policy, but more importantly, on top of that a coordinated focused diplomatic initiative and emergency summit that includes precisely that issue, but then all the issues. Put them on the table and have those with an interest in moving forward move together.

Senator MARKEY. Okay, thank you.

Let me recognize Senator Romney.

Senator ROMNEY. Mr. Chairman, and I would note that I have voted. So if you need to run and vote—I am in my hideaway so I was able to vote quickly. If you need to run and vote, feel free to do so. But I will be here asking some questions and turn to other members if they are here.

Senator MARKEY. Okay. Please continue. No, I have done the same sprint that you have. So I am all set, too. Thank you.

Senator ROMNEY. Okay. Good. Just a couple of things, which is to both of you, Ambassador and Congressman Andrews.

How is the sanction system you are describing different than what we have done in the past when this military was running the country and we were protesting the genocide against the Rohingya?

How is what you are describing different than what we have done before, which did not yield a change in result? And I note that because we put in place crippling sanctions, for instance, on Venezuela, as we discussed with the last panel, and yet, Maduro is still there.

And, you know, we put crippling sanctions on Iran and yet the leadership is still there. And so, first, how is this different than the past, and number two, do you think we can carry out a change of behavior without getting China to also participate?

Ambassador CURRIE. If I can go ahead and take that first. I think that, first of all, actually, the sanctions before did have an effect because there is a lot of literature that says that the changes that took place in 2008 and 2010 were as a result of the isolation that the junta felt and that they had become overly dependent, in their own view, on China, were not comfortable with that.

There is no love lost between the Tatmadaw and Beijing at all. Quite frankly, they are actually not really very good friends. It is very transactional and about mutual—and about, you know, about transactions and benefits but not about any sense of brotherhood or friendship.

So they wanted to be able to have more engagement with the West and that is why they did a lot of the things they did between 2008 and 2012 which led to the lifting of sanctions, which they stated very explicitly was something that they wanted and needed to happen. They wanted Western engagement.

So I think that they do feel it. They can go for a long time, though. They did show that. What we are doing differently this time is that it is more targeted, as Atul Keshap mentioned, and we have a lot more information about how the economy works and show we can actually go after specific nodes within the economy that harmed the junta more than they harmed the people.

I think also here we have a very clear demonstration from the Burmese people that they want these sanctions. It is very plain. And so I think that you are right, we do need China to cooperate.

China is in a very difficult position right now because they have a lot of assets on the ground that they are defending through the Belt and Road and the China-Myanmar Economic Compact that they have negotiated, and they have strategic interests in Burma that they need to protect.

And they had benefited from the past arrangement of the past 10 years as well, and so they are not entirely happy about what is going on and all the instability, but not enough to get off the fence right now and get out of their usual noninterference mode.

Senator ROMNEY. Thank you.

Tom?

Mr. ANDREWS. Yes, Senator. Let me just say I think that about Ambassador Currie is exactly right. Sanctions can work, focused

targeted sanctions. That is what we are calling for. That is what the people of Myanmar are calling for.

But you are right, sanctions alone is not going to work. We have to combine sanctions with a very public, very visible diplomatic effort. Indonesia and Malaysia have both called for an emergency summit on Myanmar.

China has expressed its concern about what is going on. They say this is exactly not what we want. They say that they want to see the release of political prisoners in Myanmar. They have a great deal of interest in seeing a resolution to the crisis in Myanmar.

So I think there are many players, many countries in the region and beyond the region that have a stake in this or care deeply about the principles and values that are at stake here who would want to cooperate and come together.

But it is going to require organization and coordination. We have a hodgepodge of sanctions, a hodgepodge of arms embargoes. They have to work as a coordinated powerful whole, and they are not.

So I would strongly urge that the United States organize this coordinated effort along with our allies in the region so that we can see the kind of results that I think are possible.

Senator ROMNEY. Thank you so much. I am just going to ask one more question, and that is, I think, to Ambassador Currie and that is you made the point that we worry about a Security Council vote because China might veto it.

And I am interested in, perhaps, you elaborating on why that should worry us. I can think of some reasons why we might not want that. We may want, for instance, China to participate in this kind of gathering of a global effort and if we embarrass them somehow at the U.N., why, they may not want to be part of that.

But I am interested in your thoughts. Because that is one side. The other side might be that we want them to be embarrassed.

You know, we will let them stand up and veto a resolution of the Security Council so that we can communicate throughout the region that China is complicit with the outrageous abuses which the entire region is watching in Burma.

But so, Ambassador—and Tom, certainly, interested in your thought as well—but why not proceed with a Security Council resolution and see how China responds?

Ambassador CURRIE. Thank you, Senator, for the question.

I actually believe we should have done one immediately and we should have instead of messing around with statements that the junta, clearly, disregarded and actually escalated violence immediately after two Security Council statements.

I think that the UK, which is the traditional Penholder, should have moved forward immediately. But there is this fiction within the Security Council that we all need to speak with one voice on Burma, you know, all the P-5 especially.

What this has allowed China and Russia to do is hold the Council hostage on Burma. They did it in 2017 after the genocide of the Rohingya and they have been doing it ever since. And the problem is that when this goes on like this, China does not pay any meaningful costs for refusing to do the right thing here.

Our options are constrained but China is outcome neutral on what kind of government there is in Burma. They will deal with anybody. They do not care if they commit genocide. They are committing genocide themselves, so why would they care if the junta is?

So there is—but as long as they do not have to make a choice and do not have to take a stand, they are getting away with doing this scot-free.

As long as they can keep everything in the backroom, negotiate statements, and not have to publicly stand up and say, yeah, we are going to stand with these guys, these genocidal coup plotters—that is our team—as long as they do not have to do that they are getting away with this and the costs are relatively nothing for them.

But they do have strategic interests. The people on the ground are getting angrier and angrier at China. There has been violence against Chinese factories.

Debatable about who instigated it, but the Chinese do not want to be in a position where everybody, especially the younger generation of the Burmese people, hate their guts, which is currently the direction that they are headed in.

Senator ROMNEY. Thank you.
Congressman?

Mr. ANDREWS. Yes, Senator, there is no question that the Security Council should act, and the benefits of that are many but it includes the coordination that I am talking about could be done in this Security Council and accountability measures could also be established through the Security Council. So that is definitely what we should be moving toward.

But in the meantime, as we do this, we can also work together with those countries who are willing to put forward sanctions and accountability mechanisms. We have an opportunity to move them together and in a coordinated fashion to move an emergency summit forward.

So I say let us do both. Let us move forward with the Security Council but let us also work together with our ASEAN friends and other nations of the world to coordinate sanctions and accountability measures that are available right now.

Senator ROMNEY. Thank you very much. Appreciate the testimony that both of you provided.

Mr. Chairman, I yield to you.

Senator MARKEY. Okay, thank you so much. And I now turn to recognize Senator Merkley from Oregon.

Senator MERKLEY. Greetings, everyone, and I am sorry that other conflicts prevented me from being here at the beginning.

As you know, I have a deep interest in what happens in Burma. After the genocidal activity against the Rohingya, I led a delegation. Senator Durbin came with me, a number of House members came to follow up on Aung San Suu Kyi's statement that she had nothing to hide, the country had nothing to hide, and of course, they had a lot to hide.

And just the day before we left, they canceled our ability to visit the affected villages. We still did see quite a lot, though, and all

of it was disturbing, including going to refugee camps in Bangladesh.

So the questions I am about to ask may have been already answered, and my apologies. You can give brief answers and I will follow up with my team to get more information.

But I was delighted to see the Biden administration expand sanctions to include the military-owned enterprises, specifically the Myanmar Economic Corporation and the Myanmar Economic Holdings Limited, today.

And but another piece of the puzzle is the Myanmar Oil and Gas Enterprise, and while I realize that our witnesses in the second panel are not representing the Administration, I want to get their opinion on whether the Biden administration should ensure that companies like Chevron do not make payments of royalties and other revenues to the Myanmar Oil and Gas Enterprise and instead make those payments into protected accounts until there is a democratically-elected government restored.

Mr. ANDREWS. Well, Senator Merkley, let me just say, first of all, it is wonderful to see you and I want to recognize and thank you for your strong, strong leadership for human rights and justice in Burma.

And I would answer your question an emphatic yes. We have discussed it. Chairman—the chairman has brought this up already and we have talked about it extensively.

I think that it can be done, that it should be done, and it can be done in such a way that it does not impact the people of Myanmar, and that is through the Treasury Department

Senator Markey and others have expressed their concern and questions about this very subject.

Senator MERKLEY. Great. Thank you very much.

And, Ms. Currie, is there anything you would like to add to that?

Ambassador CURRIE. Chair, it is wonderful to be in front of you today and not facing confirmation, I will say that.

[Laughter.]

Ambassador CURRIE. And so I am happy to be able to say an unreserved yes, we should be moving forward expeditiously with sanctions on MOGE and moving forward with them, the companies that are involved in the joint venture, to ensure that the payments not just through sanctions, but also we should be using money laundering and other laws of general application that can be used to target not just oil and gas but other extractive industry revenue streams that are coming in and out of the country.

And those can be—we can do those right away with Singaporean banks and with others where the external dollar accounts are being held by the junta.

Senator MERKLEY. You know, I am thinking back to that time when the genocidal activities occurred against the Rohingya and, of course, it was part of a series of activities and there were also other actions against other ethnic groups.

So I do not want to ignore those. But the massive action against the Rohingya and just cultivation of hate against them for so many years, and going back to the mid-sixties with the first military coup, they became the target and were steadily deprived of docu-

mentation to be legitimate members of society and then squeezed into quarters.

To visit the Sittwe Muslim Quarter is to have chills go down your spine. The Muslim community is not allowed to leave the boundaries of a certain set of square blocks. It has echoes of German enterprises in the thirties and forties against the Jews, and the people cannot even leave that to go to the nearby hospital.

They have to get permission to go outside of Sittwe to a rural clinic to get a reference to come back to the city and get to a hospital. Getting teachers in and out was very hard, and they were only surviving because of the repatriated funds from the Diaspora, the Rohingya Diaspora, primarily from Canada because of our own restrictions on funds going to Muslim organizations.

But when I think about that, I thought the moment that we failed to take a strong, strong stand, we did so little during the Trump years. We did not declare it a genocide and we did not immediately lead the world in action and response.

It was here in the Senate difficult because the majority leader at that moment, our now minority leader, felt that he wanted to defend Aung San Suu Kyi from criticisms. So the Senate did not act. The Executive did not act.

I still think we do not—I do not think we yet got from our State Department of the new Administration a genocide declaration, and do you all feel that that is merited and should come forthwith?

Mr. ANDREWS. Well—

Ambassador CURRIE. I can—yeah, go ahead, Tom.

Mr. ANDREWS. Senator, let me say, first of all, that there is a lot that should have been done, that could have been done. And let me tell you right now that there are 600,000 Rohingya citizens living in Rakhine State in Burma.

They are in danger, and among them there are over 130 that are living in internment camps. They are called IDP camps, but they are internment camps really—

Senator MERKLEY. Yes, they are.

Mr. ANDREWS. —surrounded by military. They are living in horrible conditions. I know you have seen them. I have been there. Those conditions have not improved or changed, and even those outside of those camps are living in villages that are surrounded by the military and their movements are severely restricted.

They cannot leave their village without express permission by the military. That continues today, and as Senator Markey said at the outset, the very leadership that was responsible for those mass atrocity crimes in 2017, that was genocidal attacks, those very same leaders are now in control of the country.

So we need to have a very aggressive, strong, principled stand and not just words but action that can mobilize the region and the world with us to put maximum pressure on this junta and save these people who are in great jeopardy, and also save those throughout the country, the 54 million Burmese citizens who are also in great jeopardy right now.

Senator MERKLEY. Tom, that is so true, and part of the challenge with repatriation is if people were repatriated they would be repatriated to so-called—what the Burmese called model villages, which means internment camps.

Mr. ANDREWS. That is correct. That is correct.

Ambassador CURRIE. Yes. Yeah.

Senator MERKLEY. Ambassador?

Ambassador CURRIE. Yes. So thank you for your consistent and outspoken advocacy on this issue.

As you know, this is something that there was a lot of discussion internally within the Administration and a very fierce debate about, and I—you know, personally, I advocated very strongly for action and at times we were able to get certain things to move, such as the sanctions on Min Aung Hlaing and Ko Win and the senior leadership, where the United States was the only country in 2019 to have sanctioned the senior military leadership in response to the ethnic cleansing and the atrocities, which I believe were a genocide and crimes against humanity in Rakhine State and against the Rohingya.

So I think that we—and it is—it was deeply frustrating and it continues to be deeply frustrating that we failed as a community, as an international community to respond effectively.

I watched it unfold in the U.N. and the Security Council every day from August 2017 until the day I left at the end of 2018 the incredible failure of the response to these horrific atrocities, and there is no other word for it.

It was a collective failure on all of our part, and it was in large part due to this tension that you highlight about wanting to “protect” this democratic transition that was never, again, really a democratic transition.

It was a degree of civilianization, as I mentioned before. But, and to protect that process while—and trying to balance those concerns and also within the United States Government, certainly, concerns about pushing Burma closer to China were also very prevalent as a competing policy imperative that was used to kind of argue the issues about what is the foreign policy objective here.

So and I—you know, I do not know the degree. I am not involved in the current discussions. But I know that a lot of the work has been done, and should the Administration seek a determination, the work has been done for them to be able to do that.

What is the most remarkable thing, though, that I am seeing and which I think is very helpful, because if you do want people to return to something other than a horrific situation inside the country, the issues around identity and security for the Rohingya need to be addressed, and we are seeing that actually happening within the movement against the coup.

And it is really kind of remarkable, some of the conversations that I have seen, the degree of empathy, the willingness to call the Rohingya by their right name, to acknowledge what happened to them by members of the NLD, by members of the committee representing the Pyidaungsu Hluttaw, which is the kind of interim government that the NLD formed, and a real openness to talk about these issues that is not the—has not been the case for the past 4 years.

And that is the basis on which sustainable safe voluntary returns are going to be possible is addressing these root causes of second class citizenship and systemic racism within Burmese society and the thwarted state and nation building process that has been inter-

rupted by 70 years of military rule, almost, as you know, since the sixties during the first—from the first time Ne Win launched a coup in 1962 until today.

Burma has not developed a national identity rooted in anything other than Bamar Buddhist chauvinism and a unitary military mindset.

And they—you know, it is 2021. We have got to—this country has got to build a different—it is a multi-ethnic, multi-confessional country. That is not an appropriate fit.

And so the focus on federal democracy, the focus on addressing on accountability issues within the anti-coup movement has been really remarkable and it is one of the most important things that is happening, and it is so unusual.

Senator MARKEY. Thank you, Ambassador.

Senator MERKLEY. Thank you very much, Mr. Chairman.

Senator MARKEY. Thank you, Ambassador.

If I may just ask a couple more questions. You may as well have a few more questions, Senator Romney, and you too, Senator Merkley.

I would like to come back to the Security Council because, obviously, the Chinese have business interests. They are the largest single outside business interests inside of Burma, and the Burmese army have a business interest too. So what we have, essentially, is the Chinese army business corporation doing business with the Burma Corporation, run by the army.

It is just two armies that have a business interest. In going to the Security Council, we would be able to put a spotlight on that.

Why is China trying to veto a Security Council resolution? Could you talk about that, Tom, and in terms of our ability? Just spotlight what this corrupt relationship actually means for the ordinary people inside of Burma.

Mr. ANDREWS. Well, Mr. Chairman, I think it is important to move this forward in the Security Council because that is the proper venue for this.

Now, of course, as the Ambassador said, there has been reluctance to move measures that will not have complete consensus among the members of the Security Council. There is always concern about vetoes always when we talk about these sensitive issues.

But I think it is worth putting it forward. I think it is worth having an honest and open debate. I think it is important for nations to step up and be counted one way or another.

Listen, there is just too much at stake in this country, too much suffering going on right now, too many lives that could be lost very, very soon unless strong action is not taken by the international community and the Security Council.

This is a security issue, if I have ever seen one, and it demands the attention of the world at the highest levels. But as we move forward, let us simultaneously not hold back would be excuse, well, that is something for the Security Council, nothing for us to do unless they move.

Let us ourselves move with the region and all of those who are willing to work with us in coordinated sanctions, arms embargo, and other measures that will put the pressure on where it is needed.

Senator MARKEY. Okay. Thank you.

Back to you, Ambassador, if you could just expand a little bit on this identification of the Chinese army business interests partnering with the Burmese army business interests, and using the Security Council as a way of spotlighting that and the arms embargo as well.

Ambassador CURRIE. Sure. China does provide a substantial number of arms to Burma, but actually Russia is a bigger arms supplier to the Tatmadaw than China and has—so actually that is the basis under which people believe that Russia would veto a Security Council resolution is because of their arms sales interests with Burma, that they would not do it on their own if China were to abstain. That is kind of the thinking about this.

The reason that the Chinese have threatened to veto on Burma is because they see this as an internal affair, and China is very rigid about—well, they are very hypocritical but very rigid in saying that the Security Council should not be involved in matters that are the internal affairs of countries.

As you point out, though, or as Tom pointed out correctly, this is now a matter of international peace and security, and coups have been recognized by the Security Council in the past as matters of international peace and security.

So there is full justification for the Security Council to act here. China is acting in a very narrowly interested way. However, their business interests go far beyond the military. It is part of the Belt and Road, and this has really become tied up in Xi Jinping's personal prestige.

The situation of the China-Myanmar Economic Corridor is part of the Belt and Road and is a key link to the Indian Ocean through the Bay of Bengal.

And there are serious security interests here. When these projects have been taking place within the past 4 years, past 5 years, of the NLD Government, China has relied on the NLD to provide cover and Aung San Suu Kyi to provide cover for its economic exploitative projects in Burma.

Without her there, these projects become much more tenuous, and they will continue to invoke public antipathy and protests. And just as you have seen the people fighting against the military junta through noncooperation, they have also threatened the viability of Chinese projects in Myanmar if this junta continues.

So there are a lot of pieces here that I do not think we should assume a Chinese veto because they do have interest in not having this coup continue and, certainly, in having—not having the Burmese people despise them, which is what would happen if they were to veto a resolution in the Security Council.

Senator MARKEY. Do you agree with that? Do you agree with that, Tom?

Mr. ANDREWS. Yes, I think China has a lot of interest in moving this forward. I think that the anti-Chinese views and feelings among the people of Myanmar is—it is dangerous and it is not in

the interest of China or, really, Russia to stand in the way of the Security Council moving forward and I, certainly, hope they will not stand in the way.

Senator MARKEY. Thanks to both of you.

Senator Romney?

Senator ROMNEY. Thank you, Mr. Chairman. I have asked my questions and appreciate the testimony that we have heard from both the Congressman and the Ambassador. Thank you.

Senator MARKEY. Beautiful. Senator Merkley, do you have any other questions?

Senator MERKLEY. Yes, thank you. I just wanted to ask, do you feel our failure to mount an aggressive response to the attack on the Rohingya contributed to the military thinking that they could get away with this type of military coup, restoration of military power?

Ambassador CURRIE. Unquestionably, yes.

Senator MERKLEY. I see, Tom, you are shaking your head yes as well.

Mr. ANDREWS. Yes. Yes, Senator, I think yes. I think that there is a lot of lessons that need to be learned here and one of them is, is that the United States, the world, has to work together forcefully, aggressively, and creatively to address these just massive violations of human rights injustice and, certainly, that existed in 2017, needless to say. But it is before our very eyes right now. So this is happening just before our eyes. We need to take strong action.

Senator MERKLEY. You know, I think it sends a message not only to the military in Burma but to would-be dictators around the world that there was space for them to become more authoritarian, and that is why responding to the situations when they arise.

It is so important to be consistent and aggressive and firm, for people to know in advance there are going to be substantial world consequences to such actions.

Well, I do not have any more questions for you all now. But I really want to thank you all for the insights you have brought to the committee, for your advocacy, and I hope we can really help turn the world back in the direction of governments that work for the people from a citizen-up strategy rather than an authoritarian-down strategy that China is championing.

Thank you all very much.

Mr. ANDREWS. Thank you, Senator.

Ambassador CURRIE. Thank you.

Senator MARKEY. Thank you. Thank you to all the senators. Thank you, Senator Romney, for our first hearing. It will be one of many we have on East Asia Subcommittee here.

But we just call it the China subcommittee as it affects everyone else in East Asia and, unfortunately, it is, in most instances, negatively.

This is the first of our hearings. There will be many more, and we thank our great witnesses today. From beginning to end, you have been extremely helpful to us.

And for the information of the members, the record will remain open until the close of business on Monday, March 29th, including for members to submit questions for the record.

So this hearing is now adjourned with the thanks of the subcommittee. Thank you.

Mr. ANDREWS. Thank you, Mr. Chairman.

[Whereupon, at 11:44 a.m., the subcommittee was adjourned.]

