

Congress of the United States
Washington, DC 20515

January 31, 2022

The Honorable Antony Blinken
United States Secretary of State
The State Department
2201 C Street, NW
Washington, DC 20520

Dear Secretary Blinken,

As the one-year anniversary of the February 1, 2021 military coup against democratically elected leadership in Burma approaches, we write with deep concern about the country's deteriorating humanitarian and human rights situation. We believe the United States must do more and lead the world to formulate a comprehensive, coordinated strategy to support the democratic aspirations of the people of Burma. The United States must take steps to address the humanitarian and human rights crises unleashed by the coup, and seek justice for atrocities carried out, both before and after the coup, by the Burmese military. To do so, the United States must work with more energy to harness the power of like-minded representatives of Burmese democracy, including the National Unity Government, regional partners, civil society, the international community, and other key actors to establish democracy and respect for the rule of law in Burma.

On February 1, 2021, President Biden committed to “work with our partners throughout the region and the world to support the restoration of democracy and the rule of law, as well as to hold accountable those responsible for overturning Burma’s democratic transition.”¹ The imposition of sanctions on senior Burmese military officials through Executive Order 14014² and subsequent sanctions against the Myanmar Economic Corporation (MEC) and Myanmar Economic Holdings Ltd. (MEHL),³ were important steps in seeking to put pressure on this brutal regime. However, it is clear that actions taken so far are insufficient to achieve the United States’ stated objectives: more must be done to block funding for the Burmese military, support the democratic aspirations and humanitarian needs of the Burmese people, and achieve justice for the thousands of people harmed by this regime.

¹ *Statement by President Joseph R. Biden, Jr. on the Situation in Burma*, White House Briefing Room. (Feb. 1, 2022), <https://www.whitehouse.gov/briefing-room/statements-releases/2021/02/01/statement-by-president-joseph-r-biden-jr-on-the-situation-in-burma/>.

² *Executive Order on Blocking Property with Respect to the Situation in Burma*, White House Briefing Room. (Feb. 11, 2022), <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/11/executive-order-on-blocking-property-with-respect-to-the-situation-in-burma/>.

³ Press Release, Treasury Sanctions Military Holding Companies in Burma (Mar. 25, 2021).

Since the coup, the Burmese military (also known as the Tatmadaw) have been engaged in an all-out assault against political opponents, journalists, health workers, and civilians. The military has killed at least 1,500 people, including children, since the coup, with more than 11,000 arrested.⁴ The junta continues to detain and prosecute democratically elected leaders Aung San Suu Kyi and President Win Myint and others in sham trials that make a mockery of Burma's justice system.

The United Nations High Commissioner for Refugees counts nearly 300,000 internally displaced people inside Burma since the coup, with 25,000 having fled across borders to neighboring countries.⁵ On December 24, 2021, the military carried out a horrific attack on a convoy of civilians that resulted in at least 35 deaths, including women and children and two staff members of the international non-governmental organization (NGO) Save the Children.⁶ Many of the current military junta leaders were also the organizers and perpetrators of the atrocities carried out against the Rohingya minority in 2017 — atrocities that constitute genocide. There is no reason to believe that these brutal leaders will change course as long as they remain in power.

The United States must prepare and implement a whole-of-government approach towards Burma, in coordination with partners and allies, with the goal of pressing for a restoration of Burma's path to democracy as well as pursuing justice for the crimes committed against civilians, journalists, and political opponents.

As we near the one-year mark of the coup, and as you prepare to submit the Burma policy strategy to Congress required under the Fiscal Year (FY) 2022 National Defense Authorization Act, we urge you to immediately and urgently consider the following actions:

- 1. Coordinate with foreign governments, as well as private businesses, to cut off remaining revenue streams, financial flows, and assets to the Burmese military.** The United States should work with partners and allies such as EU member states, Singapore, and Thailand, as well as with businesses with large investments inside Burma, to cut off remaining revenue streams to the military, including oil and gas and gemstone revenues. Thousands of people in Burma have engaged in the Civil Disobedience Movement in

⁴ *Myanmar junta threatens pot-banging protesters with treason*, France 24. (Jan. 25, 2022), <https://www.france24.com/en/live-news/20220125-myanmar-junta-threatens-pot-banging-protesters-with-treason>.

⁵ *Myanmar Emergency Update*, UN Refugee Agency (Dec. 17, 2021), <https://reporting.unhcr.org/document/1242>.

⁶ *Save the Children Staff Identified among the Dead after Burnt Bodies Found in Myanmar*, Save the Children UK (Dec. 28, 2021), <https://www.savethechildren.org.uk/news/media-centre/press-releases/statement-on-myanmar-staff>.

support of such actions, fully cognizant of any possible economic impacts in the country.⁷ At the same time, the United States and like-minded governments must enhance their enforcement of existing sanctions, to better target foreign revenues from other extractive industries, including mining and gemstones, by focusing more on banks that handle transactions in these sectors. The United States should also take the lead in working to identify and disrupt the junta's ability to access the State of Myanmar's foreign currency reserves by assessing the transactional activity of the Myanmar Central Bank, Myanmar Foreign Trade Bank, and Myanmar Commercial Bank, as well as targeting the businesses and military 'cronies' who facilitate arms purchases.

2. Ensure existing and future sanctions are enforced to the fullest extent possible.

We urge you to provide guidance that gives teeth to OFAC's designation under E.O. 14014 of the State Administrative Council (SAC), the ruling junta itself. Currently, there is no indication that the targeting of the SAC has impacted its ability to receive funds. Similarly, for example, according to recent reporting, U.S. entities continue to import tons of Burmese teak despite the designation of Myanmar Timber Enterprise under E.O. 14014 in April 2021.⁸ Sanctions are meaningless without enforcement.

3. Convene an emergency meeting of the United Nations Security Council (UNSC).

Despite resistance from the People's Republic of China and Russia, the United States should seek a meeting at the UNSC and push for a clear statement condemning violence perpetrated by the Burmese military, restating the centrality of protection of civilians — including humanitarian personnel — and calling for compliance with international humanitarian law. The United States should also seek an enforceable, universal arms embargo against the Burmese military, with an emphasis on eliminating the sale of jet fuel and other materials that facilitate indiscriminate attacks on civilians.

4. Continue to urge partners and allies, including the Association of Southeast Asian Nations (ASEAN), of which Burma is a member, not to recognize or legitimize the military junta. The United States must impress upon our partners and allies that no one should take actions that legitimize the brutal military junta at the expense of the overturned, democratically elected government. ASEAN's decision to block attendance by Burmese military leaders at recent summits sent an important message to the junta and

⁷ Robert Bociaga, *Despite dwindling funds and constant fear of arrest, most members of the CDM remain adamant that they won't return to work until democracy is restored*, the Diplomat (Jun. 22, 2021), <https://thediplomat.com/2021/06/life-in-hiding-myanmars-civil-disobedience-movement/>.

⁸ *US Companies Imported Nearly 1,600 Tonnes of Myanmar Teak, Circumventing Sanctions*, Justice for Myanmar (Jan. 11, 2022), <https://www.justiceformyanmar.org/stories/us-companies-imported-nearly-1-600-tonnes-of-myanmar-teak-circumventing-sanctions>.

to the world. We are particularly concerned about the lack of progress in implementing the ASEAN Five Point Consensus.⁹ We urge you to work with ASEAN's Secretary General and the ASEAN Chair's Special Envoy for Burma to set clear timelines for the military junta to fulfill its commitments under the Five Point Consensus, especially the full cessation of violence and extending humanitarian assistance to those in need.

5. **Issue a formal determination on the question whether the military's crimes against the Burmese people, dating back to 2017 and through the coup period, constitute war crimes, crimes against humanity, or genocide.** At your nomination hearing before the Senate Foreign Relations Committee on January 19, 2021, and in subsequent written responses to questions for the record, you committed to overseeing an interagency review of whether the atrocities committed against the Rohingya in Burma constitute genocide. In a December 2021 visit to Malaysia, you stated that you were "very actively" looking at a Rohingya genocide determination.¹⁰ Yet to date, no such determination has been made either in relation to the crimes against the Rohingya, other ethnic minorities, or the atrocities carried out in the name of the coup. Since the coup, the Burmese military's violence has included attacks against a variety of ethnic groups including the murder of Karreni civilians in the December 24, 2021 attack.¹¹ Pro-democracy leaders are calling for the international community to hold the junta accountable – a formal determination by this Administration is an important step towards accountability that is long overdue.

6. **Provide increased humanitarian assistance and assistance for civil society, journalists and those who support democracy in Burma.** International NGOs estimate that over 14 million people in Burma are in need of humanitarian assistance.¹² With increasing numbers of internally displaced persons and refugees, work stoppages, and ongoing violent conflict in ethnic areas, the people of Burma are in dire need of additional assistance. The Administration should increase humanitarian assistance inside Burma, as well as to refugees in Thailand, Bangladesh, and other neighboring countries,

⁹ Michael Yong, *No 'significant progress' in implementing ASEAN's Five-Point Consensus on Myanmar: PM Lee to PM Hun Sen*, Channel News Asia (Jan. 15, 2009), <https://www.channelnewsasia.com/singapore/asean-five-point-consensus-myanmar-no-significant-progress-pm-lee-hun-sen-2437921>.

¹⁰ Press Release, Secretary Antony J. Blinken and Malaysian Foreign Minister Saifuddin Abdullah at a Joint Press Availability (Dec. 15, 2021).

¹¹ Zau Myet Awng, Emily Fishbein and Nu Nu Lusan, *Christmas eve killings reinforce views of 'evil' Myanmar military*, Al Jazeera (December 30, 2021), <https://www.aljazeera.com/news/2021/12/30/a-dark-christmas-in-myanmar>.

¹² *Crisis in Myanmar: Violent deadlock leaves millions in need*, International Rescue Committee (January 24, 2022), <https://www.rescue.org/article/crisis-myanmar-violent-deadlock-leaves-millions-need#:~:text=%E2%80%9CThe%20economic%20impacts%20of%20the,director%20for%20Myanmar%20Alan%20Moseley>.

and ensure humanitarian organizations have access to provide aid to populations most in need. The United States should also work with Burma's neighbors and local civil society networks to facilitate cross-border aid, to prevent forced returns of refugees, and to allow access for the UN refugee agency and international NGOs to newly arrived refugees. The United States should work with like-minded allies and partners to increase assistance to civil society, independent media, and peaceful democracy activists working to advance peace, support democratic institutions, reporting, and accountability efforts.

We hope that President Biden will adhere to his stated goal of promoting the resumption of the path to democracy, restoration of the rule of law, and accountability in Burma. In order to make effective progress, the United States must demonstrate stronger leadership in partnership with countries that share our commitment to supporting the will of the Burmese people, who have made their support for a representative democratic government that respects human rights and the rule of law abundantly clear.

We are looking forward to hearing from senior officials from your Administration soon when they appear in person to brief Congress on the Administration's approach to Burma, as required in the FY22 NDAA. In the meantime, we look forward to a timely response to this letter.

Thank you for your attention to this matter.

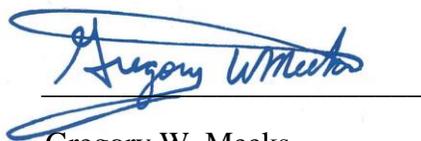
Sincerely,



Edward J. Markey
United States Senator



Marco Rubio
United States Senator



Gregory W. Meeks
Member of Congress



Steve Chabot
Member of Congress



Susan M. Collins
United States Senator



Richard J. Durbin
United States Senator



Thom Tillis
United States Senator



Jeffrey A. Merkley
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Benjamin L. Cardin
United States Senator



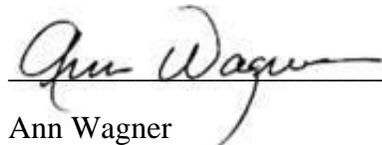
Chris Van Hollen
United States Senator



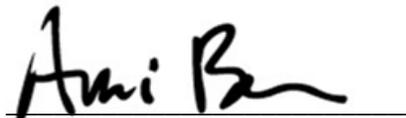
Jacky Rosen
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The Honorable Antony Blinken

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cc: National Security Advisor Jake Sullivan
Indo-Pacific Coordinator Kurt Campbell
Secretary of the Treasury Janet Yellen
U.S. Representative to the United Nations Linda Thomas-Greenfield
USAID Administrator Samantha Power