

Testimony to the
International Parliamentary Inquiry on Myanmar
July 2022

Members of the International Parliamentary Inquiry, I am pleased to be able to share with you my thoughts on the international response to the crisis in Myanmar. I am hopeful your efforts will make more people aware of the terrible situation in Myanmar and also offer some ideas to governments around the world.

I recently retired from the U.S. State Department after 37 years working as a diplomat, most recently as U.S. Ambassador to Myanmar from 2016 to 2020. I am currently the Oksenberg-Rohlen Fellow at Stanford University's Walter Shorenstein Asia Pacific Research Center, and Senior Advisor at BowerGroupAsia. My comments here reflect my personal views only.

I appreciate that the inquiry's focus is on what you have called an inadequate international response to the crisis, and I will target most of my comments to that point. I would like to begin, however, by emphasizing that – even as we call for the international community to do more -- we should not lose sight of the fact that it was and is the Myanmar military, and no one else, that has been responsible for creating the crisis and for the horrific human rights abuses, indiscriminate violence, and massive suffering that the people of Myanmar have been facing.

In terms of the international community, I would argue that there are two fundamental criticisms that can be leveled at the world's response to the ongoing crisis. This is not to say that there aren't additional issues or points to be made, only that in my view the world's inadequate approach boils down largely to two factors.

First is that a number of countries, including nations in the region that potentially have substantial influence, have chosen to ignore the suffering and the demands of the Myanmar people in favor of supporting the junta, presumably in order to advance their own narrow interests. I would include in this group China, Russia, and India, though there are others. Russia has been most shameless in supporting the junta, supplying it with weapons and full support. China has not been far behind, while India seems to have decided to go along with the junta for a variety of reasons. A few ASEAN countries likely fit in this group as well, but I will talk more about ASEAN's efforts in a moment.

Although many of the complaints about the inadequate international response to the crisis have focused on the United Nations and other countries for whom perhaps expectations were higher, in my view the harshest criticism should be leveled at this group of nations. They are the ones that are conferring legitimacy on an outlaw regime and, in some cases, supplying it with the weapons that it is using to wage war on its own people.

I know people have been quick to criticize the United Nations for inaction, and there are certainly some legitimate criticisms. It's important to point out, however, that the reason the UN – particularly the UN Security Council – has done so little is because Russia and China have blocked action. The UN, specifically the Security Council, cannot act if key members are blocking action. Rather than blame the UN, therefore, I would encourage more focus on those UN members that are preventing it from doing more.

The second fundamental problem is that even those countries and international organizations that have not supported the junta have, to varying degrees, relied on flawed analysis and conventional diplomatic tools and approaches that do not fit the reality of the situation in Myanmar. With all due respect to those who take this issue seriously and have worked hard to try to encourage progress, including via the imposition of sanctions and offering of humanitarian aid, overall even those parts of the international community sympathetic to the resistance have largely failed to summon the mental energy that is needed to develop more imaginative policy options. They also have allowed inertia to take over, sticking to the same approach long after it became clear it wasn't working.

Let me explain what I mean. In the immediate aftermath of the February 1, 2021 coup, top UN officials and numerous governments sharply criticized the military takeover, called for a return to democratic government, and demanded an end to the military's violence against peaceful protesters. Some imposed sanctions. Then, in late April 2021, ASEAN leaders reached agreement on a five-point consensus that called for an end to violence, peaceful dialogue, creation of a mechanism to allow humanitarian assistance, and the opening of a diplomatic channel to enable the ASEAN special envoy to engage with all relevant parties in search of a peaceful solution.

Any number of foreign governments and UN officials welcomed the ASEAN initiative and have consistently expressed support for it as the preferred path forward. Unfortunately, the ASEAN initiative was stillborn, for two reasons. First, the junta almost immediately reneged on its commitment to implement it, saying it only would consider the five points once it had "stabilized" the situation.

Second, the five-point consensus itself did not match the reality of Myanmar. It assumed that (a) Myanmar military leaders were reasonable people who cared about their country and people, (b) this was a "normal" political conflict between two political actors that enjoyed some popular support and credibility, and (c) there was a compromise deal to be worked out via dialogue. Although few said it aloud, there was also an implicit assumption that the Myanmar people's goal of forcing the military out of power was unrealistic, and that any solution would inevitably include the military retaining substantial political power.

None of those assumptions reflected the situation inside the country. First, the military leaders are brutal, uncompromising, and have shown over decades little regard for the Myanmar people. They are focused on maintaining power. Second, the junta had no domestic credibility or support, outside of the military and a few people connected to it. Third, it was from the

beginning almost impossible to imagine a compromise deal that would have been acceptable to the military or those opposing it, or that would have had any chance of working.

The trouble is that the ASEAN governments, as well as many other foreign governments, seemingly just reached into their diplomatic toolkit and pulled out the conventional tools of calling for an end to violence and promoting peaceful dialogue, rather than carefully analyzing the situation on the ground and developing an approach that fit the reality. It was clear within weeks, if not days, of launching the initiative that it had no chance of success. Nonetheless, ASEAN and many other governments – including the United States, Japan, and China – have continued to express support for the five-point consensus and call for it to be implemented, even though they must know by now it has failed and should be tossed aside.

That ASEAN and other governments continue to pursue or support this failed initiative – witness the ASEAN Special Envoy’s latest visit to Myanmar, despite knowing ahead of time that he would not be able to meet with Aung San Suu Kyi or others – suggests that they are just going through the motions, keeping the process alive so they can point to it as evidence they are doing something. In the case of ASEAN, this might be the result of a divide among its members, which causes it to follow a least common denominator diplomatic approach.

It’s not that there is another, magical diplomatic solution to the problem. There isn’t. Rather, the problem is that the constant focus on and highlighting of the ASEAN initiative means that little if any effort and mental energy is being invested in developing new, more creative diplomatic approaches.

In addition, the initiative is actually a net negative in two ways. First, every visit by the Special Envoy to Nay Pyi Taw confers a modest amount of legitimacy on a junta that, by any reasonable measure, is engaged in war crimes against its own people. Second, the decision by ASEAN and, stunningly, by UN OCHA to attempt to deliver humanitarian assistance via the junta is impossible to justify. I understand that humanitarian officials often have to make tough choices to get aid to people to save lives. In this case, however, anyone who knows Myanmar knows that there is zero chance the junta is going to allow humanitarian actors to deliver assistance to those who most need it. The junta has a long history of weaponizing aid, and during the current crisis even has weaponized COVID relief.

The international community needs to rethink its approach, starting with the understanding that Myanmar is not facing a conflict between two legitimate political actors, but rather a national resistance or revolution against an institution that has brutalized the country for decades for its own benefit and that is now waging war against its own population. To be fair, some governments understand that, as evidenced by a senior U.S. State Department official’s recent comment that the military were basically “thugs” with no support. Nonetheless, the United States has continued to sign on to statements expressing support for the ASEAN five-point consensus.

Part of the reason for that is that governments don’t know what else to do. There is no

panacea. There are, however, a number of things that the UN and sympathetic governments collectively could and should do:

- Stop promoting the ASEAN five-point consensus. It's dead and keeping it alive rhetorically is counterproductive
- Step up and publicize engagement with the NUG. Here credit should go to Malaysia, specifically Foreign Minister Saifuddin Abdullah, who has met with the NUG and urged other ASEAN nations to do the same, as well as to the United States and several European nations that also have engaged with the NUG. If ASEAN as a whole cannot summon a consensus to meet with the NUG, then individual members should follow Malaysia's example and start doing so.
- Increase and where possible publicize discussions with key Ethnic Armed Organizations, especially those that are actively opposing the junta, as well as ethnic minority communities. EAOs are playing and will play a key role in determining what happens over the coming months and years. The United States and others also should begin to meet with the Arakan Army, if they haven't already done so.
- Offer training to support nascent local administration efforts in areas controlled by the resistance. Slowly and in limited fashion, the resistance is establishing embryonic local governance mechanisms in some areas that could become the building blocks of a more federal democracy, but they need much more support and funding.
- Dramatically increase funding to help Myanmar students and scholars in the country, in Thailand, India, and elsewhere pursue further education wherever they are. Doing so would offer hope to at least some in the younger generation and bolster the skills of people who can contribute when Myanmar next has an opportunity to move forward.
- Take a hard look at imposing sanctions on the Myanmar Oil and Gas Enterprise (MOGE), which is the source of much of the junta's funding. I assume policymakers in Washington have looked at this, and have decided – for reasons I do not know – not to impose sanctions. It's time to take another look.
- Seek creative ways to provide funding, even if indirectly, to support NUG programs and/or to encourage defections from the military.
- The UN Secretary General should lead a high profile international effort to ramp up delivery of humanitarian assistance through non-junta channels. This will require an intensive diplomatic effort, particularly vis-à-vis Thailand, and won't be easy, but the Secretary General needs to make the effort. Meanwhile, the UN (and ASEAN) should stop cooperating with the junta on humanitarian assistance, unless and until it can show clearly that such aid is reaching people in need.

- Redouble international legal accountability efforts across the board.