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Burma: Background and Issues for Congress

Overview

Burma (also known as Myanmar) is a multi-ethnic Southeast Asian nation of 57.5 million that has been under some degree of military rule since 1962 and under an authoritarian military junta since a February 2021 coup d'état. The coup ended a decade-long period of partial democratization and ushered in a broad nationwide conflict that has killed tens of thousands of people and, according to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), displaced 2.7 million.

More than three years after the coup, the military (commonly known as the *Tatmadaw*) is fighting several ethnic armed groups on Burma's periphery as well as recently formed anti-junta militias across much of the country. Anti-junta activists overseas, including some members of the ousted National League for Democracy (NLD), the political party of Nobel Laureate Aung San Suu Kyi, have created a shadow government called the National Unity Government (NUG) and are seeking diplomatic recognition. In 2023, the NUG opened an office in Washington DC.

Congress has taken considerable interest in Burma since a democratic movement rose there in the late 1980s. In the 117th Congress, the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (NDAA 2023; P.L. 117-263) included provisions related to the coup that had been part of the Burma Unified through Rigorous Military Accountability Act (BURMA Act; H.R. 5497/S. 2937), passed by the House of Representatives on April 6, 2022. The NDAA states that it is U.S. policy to "support the people of Burma in their struggle for democracy, freedom, human rights, and justice" and authorizes additional sanctions and non-lethal, technical assistance to resistance groups, among other provisions. Congress also has appropriated resources to provide humanitarian assistance and promote democracy and human rights in Burma.

Background

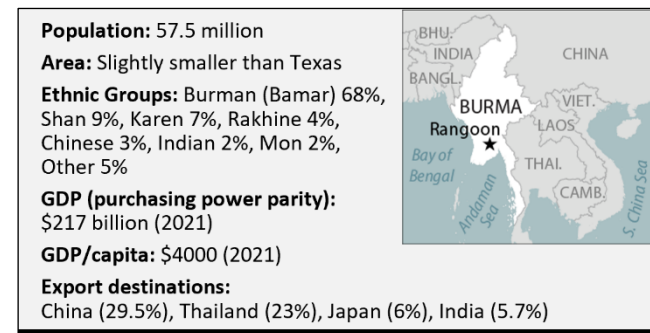
Burma gained independence from the U.K. in 1948, and in its early years, some political leaders including Aung San Suu Kyi's father, Aung San, sought to develop some form of federalism in the multi-ethnic nation. A 1962 coup installed a military junta, initiating a decades-long period of military rule. The junta, then known as the State Law and Order Restoration Council (SLORC), ignored the results of a 1990 general election won by Aung San Suu Kyi's NLD.

Beginning in 2010, Burma underwent a partial transition toward a more democratic system, in which a hybrid civilian-military government led the country following parliamentary elections in 2010 and 2015. The civilian side of the government undertook some political and economic

reforms, released thousands of political prisoners, and loosened restrictions on the media, while the military retained control of the country's security ministries. During this period, the military committed grievous human rights abuses, particularly against Burma's Rohingya minority.

Burma held another election in November 2020, in which the NLD won a majority of parliamentary seats, as it had in 2015. However, the ensuing coup halted the seating of the newly elected parliament and installed another junta, known as the State Administrative Council (SAC), led by military commander Min Aung Hlaing. The junta arrested Aung San Suu Kyi and many other NLD leaders.

Figure 1: Burma



Source: CIA World Factbook.

The ensuing conflict has spread across much of the country. Regional and international concern has mounted as the military has repeatedly used lethal force against peaceful protestors, waged offensives—including with airstrikes—against ethnic minority militias in war-riven regions, and allegedly committed a wide range of other human rights violations, including targeted killings, burning of villages, and sexual violence. OCHA reports that as of March 2024, more than 18 million people are in humanitarian need. It cites active fighting, administrative restrictions imposed by all sides, and violence and harassment of humanitarian personnel as barriers to providing assistance.

According to the World Bank, Burma's gross domestic product shrank 10% between 2019 and 2023, making it the only East Asian country that has not returned to pre-pandemic levels of economic activity. Observers report sharply rising food prices and persistent fuel shortages.

Diverse Resistance

The resistance to Burma's military junta is broad and diverse, and it is unclear whether its numerous elements share a common vision for the country's future. In April 2021, a group of ousted parliamentarians, most of them in exile, named a "shadow" cabinet, the NUG, which included Aung San Suu Kyi as "acting State Counsellor" and a full cabinet of ministers, including a shadow foreign minister.

Most of the NUG's membership is comprised of NLD members, but it also has named representatives of two minority groups as president and prime minister.

Numerous Ethnic armed organizations (EAOs) exert varying levels of administrative control in minority-dominated regions and have stepped up their decades-long fight for greater autonomy in ethnic regions. In late 2023, three ethnic armed organizations overran dozens of military posts near the Chinese border. Other opponents of the military government have formed informal militias known as People's Defense Forces (PDFs) and waged sabotage campaigns against the regime. Analysts say there is some level of communication and tactical coordination among the various forces, but broad agreement on political goals remains elusive. The NUG issued a Federal Democracy Charter in 2021, seeking to outline a roadmap to a post-conflict Burma, but disagreements remain, particularly with ethnic minority organizations, over the ultimate levels of regional autonomy the resistance seeks.

U.S. Policy

The Biden Administration has responded to the crisis with actions to restrict U.S. entities' interaction with the military government. Under Executive Order 14014, the Administration imposed a range of sanctions on the regime, its backers, and numerous military-linked companies including the state oil and gas monopoly, "to disrupt the regime's access to the U.S. financial system and curtail its ability to perpetrate atrocities."

The Administration also has withheld U.S. foreign assistance from Burma's government, as required by law, while continuing to fund non-governmental organization (NGO) projects to promote democracy and human rights and provide humanitarian assistance. For FY2022 and FY2023, it provided \$136 million annually in democracy, human rights, and governance programs as well as humanitarian assistance related to Burma. It has imposed travel restrictions against the coup's leaders and their family members, strengthened export controls against military-linked holding companies, and restricted the military's ability to transfer central bank assets held in the United States. It also made Burmese citizens who can demonstrate continuous residence in the United States as of March 11, 2021, eligible for Temporary Protected Status.

The United States also has sought to coordinate a multilateral response, including through the United Nations Security Council (UNSC), the G-7, and other fora. It has encouraged efforts by the Association of Southeast Asian Nations (ASEAN), of which Burma is a member, to pressure the junta to lessen violence and take part in dialogue with opposition actors. Several U.S. sanctions-designation announcements have been timed to coincide with announcements by other nations, including the U.K. and Canada.

International Actions

The U.N. Security Council has passed a series of resolutions condemning the coup and calling for a cessation of violence and dialogue among all stakeholders in Burma.

In December 2022, UNSC Resolution 2668 called for an immediate cessation of violence, unhindered access for the provision of humanitarian assistance, and the protection of all civilians. The United Nations Special Rapporteur on the Situation of Human Rights in Myanmar issued a report in January 2023, reiterating that the junta is "illegal and illegitimate" and stating that the "unrelenting violence that [the SAC] unleashed on the people of Myanmar has created a widespread human rights, humanitarian, and economic crisis and galvanised nationwide opposition."

Burma's neighbors in ASEAN have pressured the junta to lessen violence and engage with resistance groups. In April 2021, ASEAN's leaders agreed on a "Five-Point Consensus": an immediate end to violence in the country, dialogue among all parties, the appointment of an ASEAN special envoy, humanitarian assistance from ASEAN to Burma, and agreements that the special envoy could visit Myanmar to meet with all parties. In an expression of disappointment at Burma's resistance to those goals, ASEAN subsequently did not invite Min Aung Hlaing to its annual summits in 2021, 2022, and 2023.

Plight of the Rohingya

The Rohingya, a predominantly Sunni Muslim ethnic minority in Burma, have been subjected to systematic and pervasive discrimination and abuse by the Burmese military since a 1962 coup that initiated five decades of military rule. Unlike most other ethnic groups in Burma, the Rohingya are not recognized by the government or most ethnic-Burman citizens as an "official" ethnic minority. In 1982, the ruling military junta promulgated a citizenship law that stripped the Rohingya of citizenship. A 2014 census done by the Burmese government excluded Rohingya from its count, but nongovernmental organizations and the U.S. government estimated the Rohingya population at 1.1 million prior to October 2016.

In 2017-2018, systematic violence by the military and others in Rakhine state, home to most of Burma's Rohingya, killed over 9,000 Rohingya and resulted in the exodus of over 900,000 people into neighboring Bangladesh. The vast majority still reside in refugee camps in Bangladesh. Human Rights Watch estimates that another 130,000 Muslims, overwhelmingly Rohingya, live in internal displacement camps in western Burma, having been settled there during earlier periods of violence.

The United States has designated several military leaders, including Min Aung Hlaing, for sanctions and visa bans related to the violence in Rakhine. In 2019, the Gambia filed an application at the International Court of Justice, arguing that Burma had violated the 1948 U.N. Convention on the Prevention and Punishment of the Crime of Genocide. Secretary of State Antony Blinken announced in March 2022 that the United States had determined that members of the Tatmadaw had committed genocide and crimes against humanity against the Rohingya.

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