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Why Congress Should Not Pursue Normalization of Military Ties with Burma

Olivia Enos and Walter Lohman

The 2018 National Defense Authorization Act (NDAA) as approved by the Senate Armed Services Committee, and due to be taken up by the full Senate sometime after it returns from recess on September 5, includes authorization to expand the scope of U.S.–Burma military-to-military (mil-to-mil) ties.¹ The provision would allow the Department of Defense to train the Burmese military in regional and global security issues, as well as in best practices for countering human trafficking. In addition to similar authorities that Congress gave to the Defense Department in the 2015 NDAA, the provision would also enable consultation on maritime and peacekeeping operations.

An expansion of U.S.–Burma mil-to-mil ties at this time is inadvisable on several grounds. First, it would increase the scope and power of the Burmese military—an element of the government that has proven subversive to Burma’s democratic transformation, already possesses significant power, and has a track record of using that power for ill rather than good.² Current abuses by security forces in Rakhine state, which have sent thousands of refugees fleeing to neighboring Bangladesh, are a stark reminder of the oppressive nature of the Burmese military.

Second, contrary to the arguments of proponents, the proposed expansion of mil-to-mil ties would not have the intended effect of countering China’s influence in Burma: China’s ties are built on a history of engagement, threat, proximity, and interests that are not susceptible to American disruption.

Third, the U.S. previously stated that it would not pursue complete normalization of ties with the Burmese military because the military continues to support North Korea’s nuclear and missile program.³

Given these facts, Congress should not seek expansion of U.S.–Burma military relations.

Background on U.S.–Burma Relations

Over the past several years, the relationship between the U.S. and Burma has increasingly warmed. In 2012, the Obama Administration began easing sanctions on Burma. By the end of 2016, after Burmese elections in 2015 brought Aung San Suu Kyi and the National League for Democracy (NLD) to power, the U.S. lifted nearly all of the sanctions.

This withdrawal of sanctions was too much, too soon, and sacrificed U.S. leverage at a moment when it was critical for the U.S. to maintain influence during Burma’s democratic transition. While the international community had high expectations for institutional reform under NLD leadership, Aung San Suu Kyi has been slow to deliver transformational reform.

In large part, democratic transition is stalled because of the power the military exerts over the political process in Burma. The military controls key ministries, including the portfolios for interior, defense and border affairs. And, the Burmese constitution specifies that 25 percent of seats in parlia-

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Washington, DC 20002
(202) 546-4400 | heritage.org

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ment must be allotted to the military. This grants the military nearly automatic veto over attempts to alter the privileged constitutional position it enjoys, since constitutional amendments require 75 percent of the vote to pass.⁴ Consequently, Burmese constitutional reform is at a standstill.

Why Not Further Normalize U.S.–Burma Military Ties?

There are three critical reasons why the U.S. military should not further normalize relations with the Burmese military:

1. The Burmese Military Is an Irresponsible Actor. The United Nations has launched a fact-finding mission to explore the situation of Rohingya Muslims in Rakhine state, but the Burmese government has so far stated that it would deny the U.N.'s request for visas for the members of this mission.⁵ An interim report issued by a complementary investigative team, the Advisory Commission on Rakhine State, led by former U.N. Secretary General Kofi

Annan, found that "allegations have been made of serious violations of human rights law by the security forces."⁶ Other reports corroborate these findings. In February 2017, the Burmese military was implicated for raping, beating, and abusing Rohingya women and girls.⁷ They are also known for pillaging, burning down homes and landmarks, and murdering members of the Rohingya.⁸ The U.S. Holocaust Memorial Museum found that conditions facing Rohingya in Rakhine state may constitute genocide.⁹

The Burmese military committed a host of other abuses, including similar acts of abuse against other minority groups in Shan and Kachin state.¹⁰ They also maintain child soldiers and engage in human trafficking, despite their unmerited removal from the annually released child soldiers list and upgrade to Tier 2 in the 2017 Trafficking in Persons report.¹¹ The military, which exercises immense power over the Burmese political process, has used its power for ill rather than good, and seeks to undermine the democratic reform process.

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4. Olivia Enos, "Burma's Road to Democracy: Free Elections Are a Start, But No Guarantee," *Forbes*, November 14, 2015, <https://www.forbes.com/sites/realspin/2015/11/14/burmas-road-to-democracy-free-elections-are-a-start-but-no-guarantee/#1663c4ab3816> (accessed August 31, 2017).
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2. The China Argument. Proponents of further normalization of U.S.–Burma military ties contend that such ties will temper the influence of China over Burma. They get three things wrong.

First, by design of the Burmese constitution, the military—the Tatmadaw—is not controlled by any civilian power. So at most, the normalization proposed by the Senate Armed Services Committee would temper ties between the two militaries, not necessarily with any impact on the government. And with regard to influence on the Burmese military, anything the U.S. can offer is minimal compared to what China is offering.

China holds both the carrot and the stick in mil-to-mil relations with Burma, and China and Burma have close military ties.¹² China is a major source of military equipment for Burma and also provides training for the Burmese military.¹³ After supporting insurgent groups for many years, including the United Wa State Army, the Kachin Independence Army, and the Kokang Army, China began to increase its support for the Burmese military.¹⁴ China’s relationship to the insurgent groups then transitioned from supporting insurgents to playing a significant role in fostering peace talks between the Burmese military and insurgents.¹⁵

Second, China’s economic influence over Burma is already significant.¹⁶ China is Burma’s top trad-

ing partner as of 2015, when total trade between Burma and China was nearly \$15 billion.¹⁷ This pales in comparison to the \$377 million in trade between the U.S. and Burma that year.¹⁸ The U.S. also invests substantially less in Burma—\$1 million in 2015.¹⁹ On a historical basis, China is Burma’s top investor, and invested more than \$3 billion in 2015.²⁰ China is also investing in Burma as a component of its “Belt and Road” economic initiative; in one project alone, China promised investments of \$10 billion in the Kyauk Pyu Special Economic Zone.²¹

Third, the U.S. is at a greater advantage when it engages Burma politically. Strengthening the Burmese military not only sends mixed signals, but rewards the arm of the Burmese government most responsible for obstructing democratic reform in the country. Rather than strengthening the Burmese military, the U.S. should capitalize on its own primary strength and work with the NLD and Aung San Suu Kyi to shepherd in long-term, democratic reforms.

3. The North Korea Problem. Joseph Yun, the U.S. Department of State’s Special Envoy for North Korea, visited Burma in mid-July to press the Burmese government and military to suspend its ties to North Korea. Burma was one of a handful of priority countries to which the Trump Administration phys-

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ically dispatched officials for the express purpose of discussing curtailing ties to Pyongyang.

During his visit to Burma, Yun specifically stated that the U.S. would not fully normalize ties to the Burmese military if Burma does not discontinue its support for North Korea.²²

While Burmese military officials deny having any ties beyond “normal relations” with North Korea, publically available evidence suggests otherwise. In fact, Burma has aided North Korea’s missile program, and may even house North Korean defense facilities.²³ The two countries also have a shared history of drug trafficking, money laundering, and counterfeiting of money, drugs, and other products. Profits from these illicit activities often fill the private coffers of the Kim regime or help fund North Korea’s nuclear and missile weapons programs.²⁴

The Way Forward

There are many reasons why Congress should avoid deepening military ties with Burma. However, those same reasons form the basis for U.S. engagement with civilian authorities.

While Aung San Suu Kyi’s performance as Burma’s new leader has been somewhat disappointing, these failures can be partially explained by the fact that the military’s continued grip on power obstructs the path to reform.

The Administration and Congress should:

- **Refrain from any effort to deepen the U.S.-Burma mil-to-mil relationship.** The Burmese military is not a responsible actor worthy of a diplomatic reward at this time. Moreover, given the military’s place in government and the strength of its interests and ties to China, the downsides of engagement greatly outweigh the upsides.

■ **Continue to publicly condemn the Burmese military for its role in violence against the Rohingya and members of other minority communities in Burma.** The U.S. should be more vocal in its opposition to the genocide-like conditions facing the Rohingya, and the persecution of Christians in Shan and Kachin states. The U.S. should press the Burmese government for accountability over the situation in Rakhine state, in particular, and highlight the diplomatic and financial tools it has in its toolbox (such as the Specially Designated Nationals List and the Global Magnitsky Act) that enable the U.S. to seize and freeze the assets of individuals and entities perpetrating human rights abuses against the Burmese people.

- **Press Burma to allow the U.N. fact-finding mission access to Rakhine state.** The Burmese government denied access to the members of the U.N. fact-finding mission to investigate atrocities and human rights abuses committed by the Burmese military. The U.S. should privately and publicly press Burma to permit U.N. access.
- **Press Burma to discontinue its ties to North Korea.** After Ambassador Yun’s visit to Burma, the U.S. government should continue to monitor Burmese ties to North Korea and publicly pressure the Burmese military to cut ties to the brutal Kim regime.

—Olivia Enos is a Policy Analyst in, and Walter Lohman is Director of, the Asian Studies Center, of the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy, at The Heritage Foundation.

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