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Coup in Burma: Implications for Congress

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Contents

Overview 1
Background 4
Post-Coup Developments 4
Biden Administration Response 6
International Responses 7
Aung San Suu Kyi, the NLD, and the Shadow Government 8
Burma's Partial Transition to Democracy Pre-Coup 9
Ethnic Armed Groups Backing Opposition 10
Other Possible U.S. Responses to the Coup 12
Legislation in the 117th Congress 13

Figures

Figure 1. Reported Fatalities of Protestors and Demonstrators Since the Coup 3
Figure 2. Burma's Political Transition: 2008–February 2021 9

Contacts

Author Information 14

Overview

On February 1, 2021, Burma's military, known as the Tatmadaw, seized control of Burma's Union Government and detained State Counselor Aung San Suu Kyi (the country's de facto civilian leader) and members of her political party, the National League for Democracy (NLD).[1] The NLD had won parliamentary elections held in November 2020, and the coup d'état came as the country's Union Parliament was preparing for its initial session.[2]

The military's action was widely condemned internationally as a blow to Burma's partial transition from military rule to democracy. Regional and international concern has mounted as the military has repeatedly used lethal force against peaceful protestors and conducted new airstrikes in regions of the country affected by the nation's decades-long civil war. According to the Assistance Association for Political Prisoners (AAPP), a Burmese nongovernmental organization, as of May 7, 2021, over 770 individuals have been killed and over 3,700 remain in detention since the coup.[3]

An informal civil disobedience movement continues to stage large protests across the country. General strikes have disrupted the Burmese economy. On March 15, 2021, the military government declared martial law in parts of the country's two largest cities, Yangon and Mandalay. In addition, long-standing conflicts with ethnic armed organizations that control parts of the country have intensified. These factors have prompted concerns about a possible flow of refugees into neighboring countries, including Thailand, China, and India.[4]

Members of Parliament from the NLD and other parties have formed a protest body called the Committee Representing Pyidaungsu Hluttaw (CRPH),[5] whose members are largely in hiding, in exile, or under arrest. On April 16, 2021, the group named a "shadow" National Unity Government, which included Aung San Suu Kyi as "acting State Counsellor."[6] Small numbers of police officers reportedly have joined the civil disobedience movement or fled to India.[7] Several diplomats at Burma's Washington, DC, Embassy have issued a statement of support for the shadow government, and Burma's U.N. Permanent Representative, now serving as the shadow government's acting foreign minister, has called on the international community to use "any means necessary" to oppose the coup.[8]

The Biden Administration has responded to the crisis with a number of actions to restrict U.S. entities' interaction with the military government. It has redirected some U.S. assistance to Burma as required by law,[9] imposed economic sanctions and travel restrictions against the coup's leaders

[1] The country was officially known as Burma from independence in 1948 until 1989, when the ruling military government changed the country's name to Myanmar. The United States and some other countries, including the United Kingdom, continue to use the name Burma. The United Nations and most other counties refer to the country as Myanmar.

[2] See CRS Insight IN11594, *Coup in Burma (Myanmar): Issues for U.S. Policy*, by Ben Dolven and Kirt Smith.

[3] Assistance Association for Political Prisoners, "Daily Briefing in Relation to the Military Coup," May 7, 2021.

[4] UNHCR, "News Comment: UNHCR Calls on Myanmar's Neighbors to Protect People Fleeing Violence," March 31, 2021; UN News, "Protect All Those Fleeing Myanmar, UN Offices Urge Countries in the Region," April 1, 2021.

[5] The Pyidaungsu Hluttaw is the Burman name for the country's Parliament. The organization's statements are at https://crphmyanmar.org.

[6] Committee Representing Pyidaungsu Hluttaw, "Who We Are," https://crphmyanmar.org/who-we-are/.

[7] Anupam Nath, "Fleeing Coup, Myanmar Coup Refugees in India Seek Asylum," *Associated Press,* March 21, 2021.

[8] Margaret Mesheer, "Who Represents Myanmar at the U.N.?" *Voice of America,* March 3, 2021.

[9] Assistance to the government of any country where the State Department determines that the military has overthrown

and their family members, strengthened export controls against military-linked holding companies, restricted the military's ability to transfer central bank assets held in the United States, and suspended all trade-related diplomatic engagement. It also made Burmese citizens who can demonstrate continuous residence in the United States as of March 11, 2021, eligible for Temporary Protected Status.[10]

The United States has also sought to help coordinate a multilateral response, including through the U.N. Security Council, the G-7, and other fora. Michelle Bachelet, U.N. High Commissioner on Human Rights (UNHCR), said on April 13, 2021, "Statements of condemnation, and limited targeted sanctions, are clearly not enough. States with influence need to urgently apply concerted pressure on the military in Myanmar to halt the commission of grave human rights violations and possible crimes against humanity."[11] The extent to which the Burmese military, long used to international isolation, may respond to external pressure is debatable. Some regional officials have asserted that seeking to isolate the military government could prove counterproductive.[12]

The coup and subsequent events raise a series of difficult questions for U.S. policymakers and for Congress. These include: What leverage, if any, does the United States have to affect the actions of coup leaders, including discouraging the use of violence? What should the United States do, if anything, to support the shadow government and the civil disobedience movement? Should the United States impose broad economic sanctions that could effectively isolate it from Burma, as it did beginning in the 1980s? What new challenges may arise, including the possibility of new refugee flows to neighboring countries, or the deepening of the country's decades-long civil war? What are the prospects for further multilateral action, and how might the United States lead or participate?

a "duly elected" leader is restricted by a provision in annual State, Foreign Operations and Related Programs (SFOPS) appropriations legislation, most recently P.L. 116-260, Division K, Section 7008. See CRS In Focus IF11267, *Coup-Related Restrictions in U.S. Foreign Aid Appropriations*, by Alexis Arieff, Marian L. Lawson, and Susan G. Chesser.

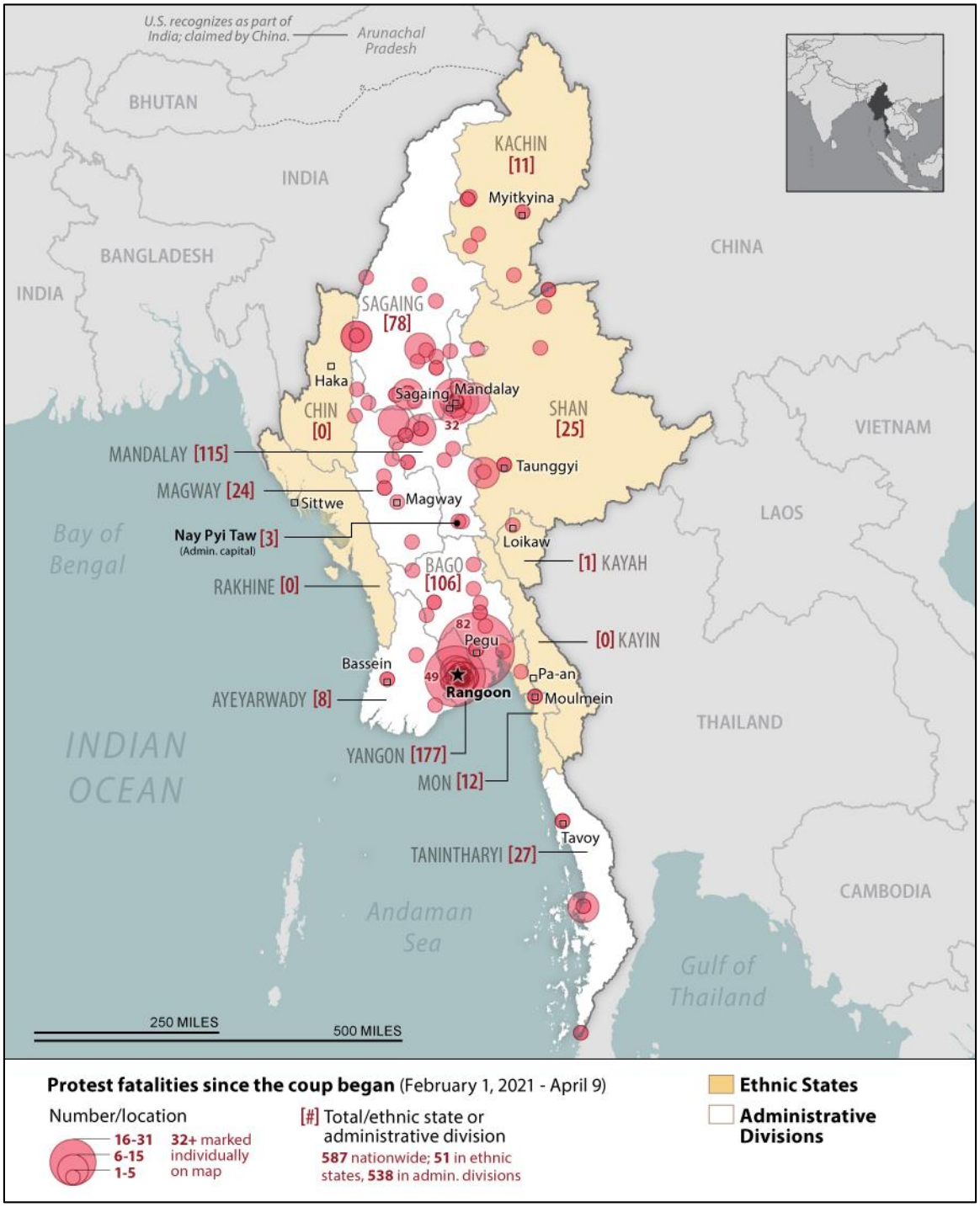
[10] "Secretary Mayorkas Designates Burma for Temporary Protected Status," Department of Homeland Security, March 12, 2021, https://www.dhs.gov/news/2021/03/12/secretary-mayorkas-designates-burma-temporary-protected-status.

[11] United Nations Office of the High Commissioner for Human Rights, "Intensifying Widespread, Systematic Slaughter by Myanmar Military Must Be Halted – Bachelet," April 13, 2021.

[12] See, for example, Bilahari Kausikan, "The Dangerous Impasse in Myanmar," *Foreign Affairs*, April 9, 2021.

Figure 1. Reported Fatalities of Protestors and Demonstrators Since the Coup

February 1, 2021–April 9, 2021



Source: CRS, with data provided by the Armed Conflict Location and Event Data Project (ACLED).

Notes: The figures in this map reflect the reported number of civilians killed during protests or demonstrations. Fatalities from other causes (civil war, air strikes, etc.) are not included. ACLED assembles its data from open source reporting. As a result, there is uncertainty concerning the exact number of fatalities.

Background

Burma has been under some degree of military rule since 1962, when the military seized power from a civilian government led by Aung San, Burma's revered independence leader and father of Aung San Suu Kyi. The country has been in a decades-long state of civil war involving the Tatmadaw and more than 20 Ethnic Armed Organizations (EAOs) that exert varying degrees of control over regions in the country. (See "Ethnic Armed Groups Backing Opposition," below.) Burma's population is made up of some 130 ethnic groups; the Burman (Bamar) ethnic group makes up 68% of the population.

Burma Factbox

Size: Slightly smaller than the state of Texas

Population: 54 million (2019)

Ethnic Groups: Burman (Bamar) 68%, Shan 9%, Karen 7%, Rakhine 4%, Chinese 3%, Indian 2%, Mon 2%, other 5%

GNI/capita (PPP): $5,170 (2019)

Life Expectancy at Birth: 67 years (2018)

Infant Mortality (per 1,000 births): 36 (2018)

Source: World Bank, CIA World Factbook

The Tatmadaw ignored the results of nation-wide elections in 1990—convincingly won by Aung San Suu Kyi's NLD—and staged another coup. Beginning in 2008, Burma's military junta, then known as the State Peace and Development Council (SPDC), began a process to transform the nation's government into what it called a "disciplined democracy." It rewrote the country's constitution to transfer some authority to the civilian government while keeping strong prerogatives for itself, including a guaranteed 25% of the seats in parliament. (See "Burma's Partial Transition to Democracy Pre-Coup" section below.) Burma held parliamentary elections in 2010 (boycotted by the opposition), 2015, and 2020. In both of the latter elections, the NLD won majorities of the electoral vote.

The NLD and Aung San Suu Kyi remained broadly popular as of late 2020, as evidenced in the party's sweep of that year's parliamentary elections. Its support came despite growing international disillusionment with Aung San Suu Kyi's defense of the military's conduct in the civil war, particularly the Tatmadaw's brutal 2018 offensive in Rakhine state, which led around 700,000 members of the country's Rohingya minority to flee to Bangladesh. (See box below on The Plight of the Rohingya.)

Post-Coup Developments

In statements following the February 1, 2021, coup, Tatmadaw officials claimed they had evidence of election fraud perpetrated by the NLD and Burma's Union Election Commission (UEC) in the November 2020 elections.[13] Several independent election-monitoring organizations in Burma, however, indicated that the electoral process and outcome were credible despite irregularities.[14] Other sources posit that the coup occurred after the military's Commander in Chief, Senior General Min Aung Hlaing, failed to convince Aung San Suu Kyi and the NLD to select him as the next President.[15] Min Aung Hlaing, 65, had reached the military's official retirement age. Many analysts believe he wished to transition to the civilian presidency, a

[13] Reuters, "Explainer: Crisis in Myanmar after Army Alleges Election Fraud," January 31, 2021.

[14] Myanmar Now, "Domestic Elections Observers Urge All Parties to Accept Results of Vote," January 30, 2021.

[15] Reuters, "Myanmar Coup: Army Chief Min Aung Hlaing Was Headed For Retirement Before Seizing Control," February 2, 2021.

prospect that the NLD's large majority in Parliament made virtually impossible without NLD agreement.

Following the coup, the Tatmadaw has effectively taken over the Union Government. It controls Naypyidaw, the administrative capital; Rangoon (aka Yangon), the largest city; and many regional capitals. The military government has increasingly blocked Internet connectivity. The Tatmadaw has appointed a State Administrative Council, chaired by Min Aung Hlaing, to govern until it holds new elections. The military government said new elections will be held in a year, after changes are made to the 2008 constitution and the Union Election Council.[16]

Protests and strikes continue, which have caused economic disruption. Many ports, factories, and banks reportedly are shuttered.[17] Hundreds of employees of the central bank and the Ministry of Electricity and Energy reportedly have refused to go to work.[18] Tens of thousands of urban residents reportedly have fled to rural areas, seeking to avoid violence.[19]

The military's use of lethal force against protestors has been widespread and distributed throughout the country. (See **Figure 1** above.) According to one humanitarian organization, more than 40 of those killed as of April 20, 2021, were children.[20] Burmese military officers have also allegedly engaged in looting and destruction of civilian property.[21] In mid-March, the World Food Programme warned that the conflict's impact on food supply chains and markets had begun to affect the country's poorest citizens.[22]

The intensification of conflict in ethnic minority-controlled regions raises concerns about a further breakdown in efforts to address Burma's conflicts with several large ethnic minority groups, including ethnic minority armies that control significant parts of the country. Thailand, which shares a long border with Burma, including some of the country's minority areas, already hosts numerous Burmese displaced by earlier fighting and is reportedly constructing new shelters where refugees may cross.[23] Thailand and India have each seen increased numbers of Burmese fleeing the conflict. China, which borders Burma to the northeast, has reportedly closed official border crossings in Yunnan province.[24] In late March, the U.N. Commission on Human Rights (OHCHR) and U.N. High Commissioner for Refugees both urged neighboring countries to protect those fleeing fighting in Burma.[25]

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[16] Reuters, "Myanmar Military Promises New Election; Suu Kyi Faces Additional Charge," February 15, 2021.

[17] Hannah Beech, "Myanmar's Protesters Answer Military's Bullets with an Economic Shutdown," *The New York Times*. March 19, 2021.

[18] Myanmar Now, "Hundreds of Central Bank Staff Have Now Joined Civil Disobedience Movement, Striking Worker Says," February 23, 2021; Dominic Oo, "When the Lights Go Out in Myanmar," *Asia Times*, April 13, 2021.

[19] Shibani Mahtani and Andrew Nachemson, "As Myanmar Unravels After Military Coup, People Flee Cities for Rural Backwaters," *Washington Post*, April 15, 2021.

[20] Save the Children, "Myanmar Coup: Facts, FAQ, and How to Help."

[21] The Irawaddy, "Myanmar Forces Loot, Destroy Civilians' Property Amid Crackdown," March 23, 2021.

[22] World Food Programme, "Rising Food and Fuel Prices a Looming Threat to the Poorest and Most Vulnerable in Myanmar, Warns WFP," March 16, 2021.

[23] Panu Wongcha-um, Poppy McPherson, "Thailand Braces as Refugees from Myanmar Coup Flee to Border Regions," *Reuters*. March 18, 2021.

[24] UNHCR, "News Comment: UNHCR Calls on Myanmar's Neighbors to Protect People Fleeing Violence," March 31, 2021; UN News, "Protect All Those Fleeing Myanmar, UN Offices Urge Countries in the Region," April 1, 2021; Gerry Shih and Lyric Li, "China Scrambles to Lock Down Myanmar Border Amid Fears of COVID and Post-Coup Instability," *Washington Post*, April 9, 2021.

[25] UNHCR, UN News, ibid.

The military government has introduced an escalating series of criminal charges against Aung San Suu Kyi, which her supporters assert is an apparent attempt to discredit her as a leader of the democratic opposition and disqualify her from holding future office.[26] She faces charges including alleged violation of the British-era Official Secrets Act, and faces penalties of up to 14 years in prison and disqualification from seeking future office.[27] Other NLD officials, including Win Myint, who served as President in the previous NLD government, also face charges that could disqualify them from office.

The shadow government maintains that it is working with some of the country's ethnic organizations.[28] The group has issued a series of statements and calls for action, and named what it calls an "acting administration" that covers the ministerial posts of the previous government. In addition to naming Aung San Suu Kyi as acting State Counsellor and her colleague Win Myint as acting President, it has named members of the Kachin and Karen minorities as Vice President and Prime Minister.

To some analysts, one important determinant of the sustainability of the protest movement will be whether its disparate participants cooperate on goals and tactics.[29] Under the NLD government, many minority groups were disillusioned by the lack of progress in the peace process, but most ethnic groups are also deeply antagonistic to the Tatmadaw. Aung San Suu Kyi and the NLD remain an inspiration for many in the protest movement, but many observers point to other groups, including labor and minority activists, as key participants in starting and sustaining the protests as well.[30]

Biden Administration Response

On February 1, 2021, President Joseph Biden called on allies, partners, and organizations in the international community to unite in support of defending Burma's democracy and to "stand with the people of Burma."[31] On February 2, the State Department announced that the recent events constituted a "coup d'état" under §7008 of annual foreign aid appropriations measures (P.L. 116-260), triggering restrictions on U.S. aid to the Burmese government.[32]

In the weeks following the coup, the Biden Administration imposed a series of economic sanctions and travel restrictions against Burmese military leaders and their family members, and took actions aimed at limiting the military's ability to access funds. The Administration also placed some Burmese military-linked companies, including military-linked holding companies Myanmar Economic Corporation (MEC) and Myanma Economic Holdings Ltd. (MEHL) and state-owned timber and gem companies, under strict export controls. Some Members of Congress

[26] Associated Press, "Myanmar's Junta Issues Fresh Charges Against Aung San Suu Kyi," April 12, 2021.

[27] Helena Regan and Sarita Harilela, "Myanmar's Aung San Suu Kyi Charged with Violating State Secrets as Wireless Internet Shutdown Begins," *CNN*, April 2, 2021.

[28] Philipp Annawitt and Moe Hteet, "Democratic Shadow Government Taking Form in Myanmar," *Asia Times*, March 11, 2011.

[29] Emily Fishbein and Kwaw Hsan Hlaing, "Protests Unite Myanmar's Ethnic Groups Against Common Foe," *Foreign Policy*, March 29, 2021.

[30] Andrew Nachemson, "'Spirit to Fight: Inside the Labor, Minority Rights Roots of Myanmar's Protests," *NPR*, March 23, 2021.

[31] The White House, "Statement by President Joseph R. Biden, Jr. on the Situation in Burma," February 1, 2021.

[32] For further discussion of the impact of such a declaration, see CRS In Focus IF11267, *Coup-Related Restrictions in U.S. Foreign Aid Appropriations*, by Alexis Arieff, Marian L. Lawson, and Susan G. Chesser.

have asked the Administration to designate other state enterprises, including Myanmar Oil and Gas Enterprise (MOGE).[33]

The United States Agency for International Development (USAID) announced on February 11, 2021, that it had redirected $42.4 million of assistance away from "work that would have benefited the government of Burma" towards programs "to support and strengthen civil society."[34] In addition to redirecting funds, USAID further stated that it would "continue its support to the people of Burma with approximately $69 million in bilateral programs."[35]

On March 12, 2021, the Biden Administration announced that the U.S. government would grant humanitarian protection to Burmese nationals and residents in the United States. On March 29, 2021, the U.S. Trade Representative's Office (USTR) announced the immediate suspension of all U.S. trade engagement with Burma under the 2013 Trade and Investment Framework Agreement (TIFA).[36] The announcement additionally stated that the USTR would "consider the situation in Burma with respect to the internationally recognized worker rights eligibility criterion as Congress considers reauthorization of the Generalized System of Preferences (GSP) program."[37] Burma exports certain items with reduced tariffs to the United States under the GSP program.

International Responses

On February 1, 2021, U.N. Secretary-General António Guterres "strongly condemn[ed]" the military's actions.[38] The U.N. Security Council (UNSC) issued a statement on February 4, 2021, that "stressed the need to uphold democratic institutions and processes, refrain from violence, and fully respect human rights, fundamental freedoms and the rule of law," and called for the release of Aung San Suu Kyi and NLD colleagues.[39] On March 10, 2021, the UNSC issued another statement that it "strongly condemns the violence against peaceful protestors, including against women, youth, and children."[40] However, some observers believe that China and Russia are loathe to utilize the UNSC for stronger action against the military government, including broad economic sanctions or an arms embargo.[41] Both historically have argued against intervention in the internal affairs of U.N. members.

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[33] Timothy Gardner, "Senators Urge Biden to Impose More Sanctions on Myanmar Junta," *Reuters*. April 27, 2021.

[34] "USAID Immediately Redirects $42 Million in Response to the Military Coup in Burma: Statement by USAID Acting Administrator Gloria Steele," USAID, February 11, 2021.

[35] Ibid. According to the press release, the $69 million in bilateral programs would include programs that "improve the health of the people of Burma, including by combating COVID-19, and strengthen the ability of civil society to guard democratic space, foster food security, support independent media, and promote peace and reconciliation in conflict-affected regions."

[36] Office of the United States Trade Representative, "USTR Suspends Trade Engagement with Burma following Military Coup and Violence against Civilians," March 29, 2021.

[37] Ibid. See also CRS In Focus IF11232, *Generalized System of Preferences (GSP)*, by Vivian C. Jones and Liana Wong.

[38] Office of the United Nations Secretary General, "Statement Attributable to the Spokesman for the Secretary General – On Myanmar," January 31, 2021.

[39] United Nations, "Security Council Press Statement on Situation in Myanmar," February 4, 2021.

[40] United States Mission to the United Nations, "Statement by the President of the Security Council on Myanmar," March 10, 2021.

[41] Matthew Smith, "How to Dodge the Chinese Veto on Myanmar," *Washington Post*, February 11, 2021; Chris Barrett, "'Tipping Point': Rudd Among 45 Ex-Leaders Calling For Myanmar Intervention," *Sydney Morning Herald*, March 31, 2021.

China's Ambassador to Burma said on February 15, 2021, that Beijing maintains "friendly relations" with both the Tatmadaw and the NLD, and that the coup is "absolutely not what China wants to see."[42] Beijing's focus on stability and security was heightened after more than 30 Chinese-invested business in Rangoon were vandalized and set on fire in mid-March, prompting Chinese officials to urge Burma to take "effective measures to stop all acts of violence."[43]

Burma's neighbors have had divergent positions on how to address the coup. The members of the Association of Southeast Asian Nations (ASEAN) have sought to encourage the military government to cease violent actions.[44] On April 24, 2021, ASEAN held an emergency Leaders Meeting on the crisis, attended by Min Aung Hlaing, and issued a statement that called for an "immediate cessation of violence in Myanmar and all parties shall exercise utmost restraint."[45] ASEAN Leaders also indicated the group will name a special envoy to mediate between the military and other stakeholders and provide humanitarian assistance.

Some U.S. allies and partners have adopted sanctions and other measures in line with U.S. actions. On March 22, 2021, for example, the European Union imposed sanctions on 11 Burmese individuals involved in the coup, each having been earlier designated for sanctions by the Biden Administration.[46] The New Zealand government suspended all official contact with the Burmese regime on February 8, 2021, and said it would ensure its assistance program "does not in any way support the military regime."[47] The UK, Canada, and Australia have also imposed sanctions against the coup's leaders.

Aung San Suu Kyi, the NLD, and the Shadow Government

Aung San Suu Kyi was arrested on February 1, 2021, and remains under house arrest. As noted, she has been charged with a series of crimes, including violating the Official Secrets Act and the country's import-export law, publishing information that could cause "fear or alarm," and accepting bribes. If convicted, she could face up to 14 years in prison and disqualification from seeking public office. Other members of the NLD, including deposed-President Win Myint and others who served as ministers in the previous government, have also been detained and charged with crimes that would bar them from holding public office if they are convicted. As noted, the shadow government is made up primarily of NLD members in hiding or in exile, and members of some of the nation's ethnic minorities.

The military government has declared that anyone working with the CRPH shadow government is committing treason, and issued arrest warrants for many former Members of Parliament

[42] Global Times, "Chinese Ambassador to Myanmar H.E.Mr. Chen Hai gives interview to Myanmar Media on the current situation in Myanmar" Published March 16, 2021.

[43] Leng Shumei and Li Sikun, "China Urges Myanmar to Punish Perpetrators After Plants Smashed, Burned," *Global Times*, March 14, 2021; Ministry of Foreign Affairs of the People's Republic of China, "Foreign Ministry Spokesperson Zhao Lijian's Regular Press Conference on March 15, 2021," March 15, 2021, https://www.fmprc.gov.cn/mfa_eng/xwfw_665399/s2510_665401/2511_665403/t1861145.shtml

[44] Burma is a member of ASEAN. The group's other members are Brunei, Cambodia, Indonesia, Laos, Malaysia, the Philippines, Singapore, Thailand, and Vietnam.

[45] ASEAN, "Chairman's Statement on the ASEAN Leaders' Meeting," April 24, 2021.

[46] Deutche Welle, "EU Imposes Sanctions in Response to Myanmar Coup," March 22, 2021.

[47] Reuters, "New Zealand Suspends Ties with Myanmar; to Ban Visits from Military Leaders," February 8, 2021.

affiliated with the body.[48] Some democracy advocates have called on foreign governments and the United Nations to take more active moves to recognize the group.[49]

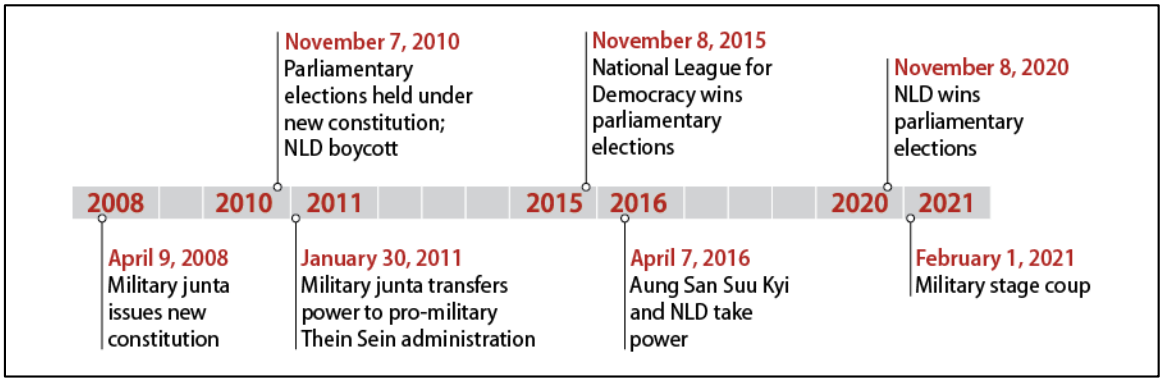
In an April 16, 2021, opinion piece published in the *New York Times*, the shadow government's acting foreign minister called on nations to recognize the group as Burma's legitimate government, and to provide it with financial and technical assistance. Additionally, he wrote:

> In the face of the Tatmadaw's escalating viciousness in recent weeks, we call on the United Nations, in collaboration with the Association of Southeast Asian Nations, to immediately establish a humanitarian corridor to deliver aid into the country. We ask U.N. member states to impose an arms embargo on Myanmar, establish no-fly zones in border areas sheltering displaced people and work with Myanmar's neighbors to assist any refugees, including members of the Karen minority in Thailand and the Rohingya in Bangladesh.[50]

Burma's Partial Transition to Democracy Pre-Coup

Before the coup, Burma had undergone substantial political transition since 2008. That year, the military regime, then known as the State Peace and Development Council (SPDC), held a national referendum on a new constitution that would establish a hybrid civilian/military Union Government. Many observers viewed the results of the referendum—in which over 90% of the voters supported the new constitution—as fraudulent.[51] On November 7, 2010, the SPDC held parliamentary elections that were boycotted by many political parties, including Aung San Suu Kyi's National League for Democracy (NLD). The pro-military Union Solidarity and Development Party (USDP) won nearly 80% of the contested seats (under the 2008 constitution, 25% of the seats in Burma's Union Parliament are uncontested and instead appointed by the Commander in Chief of Defence Services). The new Union Parliament appointed SPDC Prime Minister Lieutenant General Thein Sein as President.

Figure 2. Burma's Political Transition: 2008–February 2021



Source: CRS.

[48] Human Rights Watch, "Myanmar: Elected Lawmaker Group Declared Illegal," March 25, 2021.

[49] Allegra Mendelson, "Vying for Legitimacy as Myanmar's Recognized Government, Who Are the CRPH?" *Southeast Asia Globe*, March 12, 2021.

[50] Zin Mar Aung, "How To Defeat Myanmar's Military," *New York Times*, April 16, 2021.

[51] Human Rights Watch, "Burma: Referendum Is a Sham," May 1, 2008.

Following the establishment of Burma's Union Government, the Obama Administration adopted a new policy of greater engagement while maintaining sanctions imposed in previous years. President Obama used waiver provisions in sanctions laws to waive the enforcement of some of the sanctions, in part in response to President Thein Sein's undertaking some political reforms and releasing many political prisoners.

On November 8, 2015, Burma held nationwide parliamentary elections, in which the NLD won nearly 80% of the contested seats. (The military retained the 25% that were guaranteed by the 2008 constitution.) Aung San Suu Kyi, ineligible for the presidency due to the 2008 constitution's ban on individuals with non-citizen family members holding the office, was subsequently appointed to the newly created position of State Counsellor, as well as Foreign Minister. Many observers hoped the success of the NLD in the 2015 elections would lead to progress toward the restoration of democracy.[52] Soon after taking office, Aung San Suu Kyi indicated that she hoped to obtain the Tatmadaw's support to amend the 2008 constitution. She also stated that one of her top priorities would be negotiating an end to the nation's civil war. Neither of these goals were achieved, and relations between the Bamar majority and ethnic minorities arguably worsened.

Ethnic Armed Groups Backing Opposition

Since 1948, Burma's ethnic minorities have been fighting for autonomy or full independence from the Union of Burma, in part because they assert the government in Rangoon and the Tatmadaw has refused to allow the more than 20 ethnic minorities the high degree of autonomy promised at independence. A substantial portion of Burma's territory is controlled by ethnic political groups and their armed wings. (See **Figure 1**, above.) Over the decades of the conflict, civilians and human rights organizations have made allegations of serious human rights abuses perpetrated by the Tatmadaw and some of the EAOs, including the murder of civilians, sexual violence, torture, forced labor, and the recruitment and enlistment of child soldiers.

Historically, the Tatmadaw has not been able to sustain significant, simultaneous offensive operations against multiple fronts, nor has it been able to decisively defeat any of the major EAOs despite decades of fighting. It now faces substantial additional opposition from the CRPH in the ethnic Bamar heartland, including Rangoon and Mandalay. Should the disparate ethnic minority groups and the shadow government successfully coordinate—a possibility that many experts see as difficult—they would pose an increased challenge to the military government. A combined opposition could potentially lead to a stronger, more violent response by the Tatmadaw towards protestors, and to a heightening of conflict with the EAOs.[53]

Since the coup, fighting appears to have intensified between the Tatmadaw and EAOs. Two of the country's largest EAOs have launched offensives against Tatmadaw military positions. In mid-March, the Kachin Independence Army (KIA), which patrols parts of Burma's northern Kachin State, launched offensives on a number of military and police outposts, reportedly seizing control of one military base.[54] Additionally, the Karen National Union (KNU), one of 10 EAOs that signed a 2015 NLD-sponsored ceasefire agreement with the government, conducted multiple

[52] See, for example, Adam Chandler, "Myanmar's First Free Election in 25 Years," *The Atlantic*. November 11, 2015.

[53] Philipp Annawitt, "Myanmar's Civil War Has Already Begun," *The Diplomat*, April 19, 2021; Josh Kurlantzick, "Myanmar Moves Toward Civil War, Failed State," *Council on Foreign Relations*, April 12, 2021; Lucas Myers, "Myanmar Is on the Precipice of Civil War," *Foreign Policy*, April 8, 2021.

[54] "KIA Attacks Tatmadaw Base in Kachin's Mogaung Township," *Myanmar Now*, March 13, 2021.

attacks on Tatmadaw bases in Kayin State, seizing one military base in the process.[55] A KNU commander stated that the group carried out the attacks in response to the military regime's "bullying and killing of unarmed civilians" across Burma.[56] In response, in late March, the Tatmadaw conducted airstrikes in Karen State, near the Thai border, which reportedly pushed thousands of refugees into Thailand.[57]

The Tatmadaw may have hoped to consolidate their control over the country and build support for the coup by exploiting divisions between ethnic minority groups and the Bamar political opposition. Following the coup, the Tatmadaw reportedly sought to gain support from some minority groups, some of whom were frustrated by the lack of progress in the peace process following the 2015 NLD-sponsored ceasefire.[58] However, the coup has produced what many describe as an unprecedented level of unity among Burma's various ethnic groups. According to multiple sources, a number of minority groups—Kachin, Chin, Shan, and Karen—are working with other protest groups, including from the Bamar majority, to form a united front against the Tatmadaw, and some ethnic representatives have joined the shadow government.[59]

On February 20, 2021, the joint body of minority groups that had signed the 2015 NLD-sponsored ceasefire agreement, formally known as the Peace Process Steering Team (PPST), offered its support for the growing "civil disobedience movement against dictatorship" and stating that it would "collaborate with all national and international actors, including the international community, to end military dictatorship."[60] By early April, the PPST announced its "unwavering support" for the elected government, democracy, and the "establishment of a federal union," as well as the abolition of the 2008 military-drafted constitution.[61] It is unclear if the "shadow" government or CRPH have taken official positions on key ethnic priorities, including greater local autonomy and the creation of a federal army that would allow EAOs a role in the country's security.

[55] "KNU Seizes Control of Tatmadaw Base in Kayin State," *Myanmar Now*, March 27, 2021.

[56] Ibid.

[57] Jacob Goldberg, "Myanmar Airstrikes Cause Thousands to Flee Across Thailand Border," *The Guardian*, April 29, 2021.

[58] Emily Fishbein and Kyaw Hsan Hlaing, "Myanmar Military Tries to 'Divide and Rule' in Bid to Cement Power," *Al Jazeera*, February 15, 2021.

[59] "Myanmar Coup Sparks Unprecedented Unity of Ethnic Groups," Nikkei Asia, March 2, 2021; Poppy McPherson and Panu Wongcha-um, "As Ethnic Armies Unite Against Coup, War Returns to Myanmar's Borderlands," *Reuters*, March 30, 2021.

[60] "NCA Signatories Suspend Political Negotiations with Junta, Says Steering Team," *Development Media Group*, February 22, 2021.

[61] See "Peace Process Steering Team (PPST) Meeting (14/2021) Held via Video Conferencing Today," April 3, 2021, https://www.ncaseao.org/activity-detail/peace-process-steering-team-ppst-meeting-14-2021-held-via-video-conferencing-today.

Plight of the Rohingya

The Rohingya, a predominately Muslim ethnic minority largely from Rakhine State, have been subjected to systematic and pervasive discrimination and abuse by the Tatmadaw since the 1962 coup. Unlike most other ethnic groups, the Rohingya are not recognized by the government or most Burmese/Bamar citizens as an "official" ethnic minority, and in 1982, the Tatmadaw promulgated a citizenship law that stripped the Rohingya of citizenship. Unlike many of Burma's ethnic minorities, the Rohingya did not initially form a substantial ethnic armed organization (EAO). In August 2017, however, a new and relatively unknown Rohingya EAO, the Arakan Rohingya Salvation Army (ARSA), launched a series of coordinated attacks on security outposts along the Bangladesh border. The Tatmadaw responded with a "clearance operation" that resulted in the exodus of over 700,000 people into neighboring Bangladesh. According a United Nations Human Rights Council report that included accounts of survivors, the Tatmadaw raped hundreds of women and girls.[62] It is unclear how, if at all, the coup will affect conditions for Rohingya in Burma and the approximately 700,000 who are in refugee camps in Bangladesh, or if the ARSA has taken a position on the coup or the CRPH.

Other Possible U.S. Responses to the Coup

U.S. leverage over the Burmese military is considered comparatively limited, given the relatively low level of U.S. investment and trade with Burma, and long-standing limitations on military and other security engagement. Some of the individuals targeted in U.S. sanctions, including Min Aung Hlaing, were already subject to sanctions under Executive Order 13818, which implements the Global Magnitsky Act (P.L. 112-208) for violence against the Rohingya minority in 2018 and 2019.[63]

Some advocacy groups have called on the United States to pursue broader sanctions, including against some of Burma's largest business groups, many of which are linked to the military.[64] Others have urged the use of pressure or moral suasion on countries with more extensive economic and other linkages, or increased support for existing multilateral efforts to defuse the crisis.[65]

Targeting Tatmadaw Financing

The Tatmadaw's leadership—through various corporations and companies owned and controlled directly by them, their immediate family members, and their business associates—reportedly has extensive financial resources, with business interests spanning diverse sectors including construction, gem extraction, gas, insurance, manufacturing, ports, and telecommunications. In addition to its extensive legal business interests, the Tatmadaw also reportedly earns substantial revenues via illegal activities, such as the production and distribution of methamphetamines and opiates, and illegal mining and logging operations.[66]

[62] United Nations Human Rights Council, "Sexual and Gender-Based Violence in Myanmar and the Gendered Impacts of its Ethnic Conflicts," August 22, 2019.

[63] See U.S. Department of the Treasury, "Treasury Sanctions Individuals for Roles in Atrocities and Other Abuses," https://home.treasury.gov/news/press-releases/sm852. For more on the Global Magnitsky Act, see CRS In Focus IF10576, *The Global Magnitsky Human Rights Accountability Act*, by Michael A. Weber and Edward J. Collins-Chase.

[64] Amnesty International, "Myanmar: Leaked Documents Reveal Global Business Ties to Military Crimes," September 10, 2020.

[65] Andrea R. Mihaelescu, "How the US Should Respond to the Coup in Myanmar," *Atlantic Council*, February 12, 2021; Hui Ying Lee, "Myanmar Coup: ASEAN's Quiet Diplomacy is More Constructive," *Lowy Interpreter,* March 22, 2021.

[66] Vanda Felbeb-Brown, "Myanmar Maneuvers: How to Break Political-Criminal Alliances in Times of Transition,"

Much remains unknown about the full extent of the Tatmadaw's financing. However, recent investigative reports indicate that the Tatmadaw draws a considerable amount of revenue from three large conglomerates—the Myanmar Economic Corporation (MEC), Myanma Economic Holdings Limited (MEHL), and Myanma Timber Enterprise.[67] According to a 2019 U.N. Human Rights Council report: "The Tatmadaw's ability to supplement its budget with alternative sources of revenue, outside the official military budget, is a clear vehicle for bypassing civilian oversight."[68] MEC, MEHL, and Myanma Timber Enterprise are designated for U.S. sanctions under Executive Order 14014.

Other large state enterprises could also be designated for sanctions in efforts to curtail possible funding sources for the military. Among them are Myanma Oil and Gas Enterprise (MOGE) and numerous gemstone mining companies.

Other Options

The Biden Administration has sought to encourage a multilateral response to the crisis. It could encourage regional multilateral institutions such as ASEAN, or partnerships such as the Quadrilateral Security Dialogue (Quad)—which consists of the United States, Japan, India, and Australia—to exert pressure on the regime, or support opposition groups. Singapore, China, and Thailand are the three largest foreign investors in Burma, and some observers argue that they have comparatively more leverage over Burma.[69] In addition, the United States could press those countries that sell arms to Burma to cease such sales.

As noted, the shadow government has sought support from the international community, and the United States could support efforts to recognize the body or bring it and other pro-democracy stakeholders more formally into diplomatic efforts to lessen violence and seek a political resolution. Similarly, supporting efforts to bring ethnic groups into such dialogues could be a means to foster longer-term stability. Providing, or encouraging others to provide, humanitarian and other assistance to democracy advocates, including in ethnic areas, could help alleviate humanitarian costs. The prospect for a U.N. Security Council-approved international arms embargo, sanctions, or military measures to protect civilians appear less likely because of the historic reluctance of both China and Russia to agree to resolutions that could be understood to be interference in a sovereign state's internal affairs.

Legislation in the 117th Congress

Congress has introduced several legislative proposals related to Burma since the coup. These include

S.Res. 35 and H.Res. 134, two resolutions condemning the coup and the Burmese military's detention of civilian leaders, calling for an immediate and unconditional release of all those detained and for those elected to serve in parliament to resume their duties without impediment, and for other purposes.

United Nations University Center for Policy Research, April 2017.

[67] United Nations Human Rights Council, "Economic Interests of the Myanmar Military," September 16, 2019; Amnesty International, "Myanmar: Leaked Documents Reveal Global Business Ties to Military Crimes," September 10, 2020; Shibani Mahtani, "Myanmar Military's Vast Conglomerate Goes Public," *Wall Street Journal*, June 10, 2016.

[68] United Nations Human Rights Council, "Economic Interests of the Myanmar Military," September 16, 2019.

[69] Brian Harding, Jason Tower, "Myanmar Coup Weakens Southeast Asia Security and Cooperation," United States Institute of Peace, April 13, 2021.

- S.Res. 105, a resolution condemning the coup and calling for measures to ensure the safety of the Burmese people, including Rohingya, who have been threatened and displaced by a campaign of genocide conducted by the Burmese military.

H.Res. 348, a resolution expressing the sense of the House of Representatives that the United Nations Security Council should immediately impose an arms embargo against the military of Burma.

- H.R. 1112, the Protect Democracy in Burma Act of 2021, passed the House of Representatives on March 18, 2021. It calls on the Secretary of State to submit to Congress a report on the coup within 90 days of its passage, including a description of efforts to implement U.S. policy to encourage the release of democratically elected Members of Parliament and civil society leaders and a return to Burma's democratic transition; to instruct, as appropriate, representatives of the United States Government to use the voice, vote, and influence of the United States at the United Nations to hold accountable those responsible for the military coup in Burma; and engage with the Association of Southeast Asian Nations and ASEAN member states to promote a return to Burma's democratic transition and democratic values throughout Southeast Asia.
- S. 1142, a bill to require a determination as to whether crimes committed against the Rohingya in Burma amount to genocide.

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