



**Testimony of the Hon. Thomas H. Andrews
President and CEO of United to End Genocide
House Committee on Foreign Affairs, Subcommittee on Asia and the Pacific
“Oversight of U.S. Policy Toward Burma”
April 25, 2012**

Mr. Chairman, Members of the Subcommittee,

Thank you for holding this hearing on U.S. policy toward Burma. I greatly appreciate the opportunity to testify before you. Burma is at a critical juncture and your oversight of U.S. policy toward Burma is needed now more than ever.

I have been working to support human rights and democracy in Burma for decades, stemming back to the days when I served in this body as the representative from Maine’s 1st Congressional District. The very same year I was elected to the House of Representatives, Nobel laureate Aung San Suu Kyi led her party to an overwhelming electoral victory in Burma. I went to Congress. She went to prison.

Daw Suu’s movement from a prison cell, to house arrest, to Parliamentarian-elect is truly remarkable. The reforms that President Thein Sein has ushered into Burma should, indeed, be recognized. But, our recognition of progress in Burma must be prudent and clear-eyed because the fact of the matter is, a great deal has not changed in Burma. The United States has played a key leadership role in generating and sustaining the international pressure that has been instrumental in making the changes that we are witnessing in Burma possible. To abandon this leverage prematurely would be to jeopardize the forward momentum that we have seen and to condemn those who continue to suffer in Burma to more of the same.

While the world was watching and celebrating Burma’s relatively free and fair parliamentary by-elections on the first of April, attacks against ethnic nationalities continued unabated. I chose to spend election day on the front lines of this brutality, within Kachin State—a place the Burmese government did not want me to see and does not want you to know about.

Between March 31 and April 4, I was on the ground in Kachin State where 75,000 men, women and children have been forced to flee their homes because of the Burmese army’s attacks. I visited the towns of Laiza and Mai Ja Yang where—despite President Thein Sein’s orders to the contrary—the presence of Burmese troops, weapons and violence are escalating.

The Burmese army launched a military offensive on June 9, 2011 in Kachin State, breaking a 17-year ceasefire. I spoke with dozens of displaced villagers who were trying to flee the renewed conflict. I heard stories of killings, forced disappearances and death from disease because displaced populations have been largely cut off from international humanitarian access.

For the people of Kachin—and those living in the other ethnic national states—the April 1 election and declaration of reforms have meant nothing. The day after the election I asked a local NGO worker if she had heard any election news out of Rangoon. Her response: I could really care less about the election results. As long as there is war, elections are irrelevant to us.

On the day of the election, I stood just beyond the range of the Burmese army's mortar fire north of Laiza, a place that had been attacked the day before. We could see the Burmese army camp positioned on a hill across the valley. They had recently more than tripled their troop presence. Hundreds of soldiers occupied the hill and the valley floor below. Reinforcements were filling in from behind. Between where I stood and the location of the Burmese troops was a literal gold mine. Mining operations had been suspended due to the fighting.

As we were preparing to leave, a truck came speeding toward us with two older women in the back. Yi Ma Sa and Waw Ma Lay told us that they had just fled their village. The Burmese army had destroyed their livestock and crops. Fearing for their lives, the women hid in the jungle overnight, returning to their homes only once they were sure it was safe to grab what belongings they could carry. They would now be forced to join the tens of thousands already displaced.

In her parting words, Yi Ma Sa thanked us for coming. She said that she had prayed that the international community would learn about what was happening to the Kachin people and send help.

We met La Hpay Nang Bauk who spoke to us with a toddler afoot and an infant on her back. Her husband—a church minister—had attempted to return to their village to get supplies. He was captured by the Burmese army and had been missing for over a month. She's now taking care of their seven children while desperately trying to uncover news about her husband.

We met a farmer who had been harvesting corn with his wife and father-in-law when Burmese soldiers entered their field and ordered them to carry the harvest to a military encampment. They tried to escape the next morning. His wife was caught and he has had no word of her whereabouts—or safety—since.

Others told us about an elderly man who had been working in a rice paddy when the Burmese army shot and killed him. We heard about a nursing mother who had been stabbed and left to die in the jungle; her child forced to spend a cold night crying next to her body.

One of those most heartbreaking memories of my time in Kachin State happened two days after the election. I arrived at Bum Ring Zup camp in Mai Ja Yang. An 11-month-old baby—a little boy named Myu Jat Aung—had died the day before. I was invited to attend his funeral ceremony as an honored guest. He had reached the safety of the displaced persons camp after his family had fled the Burmese army. But, living in poor conditions with little access to medical treatment, a bout of diarrhea had become a death sentence. The family told us that we had been sent by God to see them, so the world would know about their loss. Stories similar to these are all too common.

The Burmese army has a long and brutal history of targeting ethnic minorities. They do it through direct violence—rape and killing—but also indirectly by destroying crops, livestock and preventing international humanitarian access. The stories we heard while on the ground in Kachin State indicate a clear targeting of civilians that shows no sign of abating.

Despite multiple public announcements from President Thein Sein in December 2011 ordering the army to cease offensive attacks in Kachin State, violence and troop escalation has continued. In the fourteen days following the election—between April 1 and 15—there were 64 attacks by the Burmese military in Kachin State according to the Burma Partnership. These attacks came as the international community was celebrating the election and moving forward with discussions of rewards for the Burmese government.

Certainly some progress has been made in Burma, but the fact remains that all of these changes can be easily reversed. Tragically for the people I visited, these changes have not mitigated their suffering in the slightest. In fact, things are getting worse in places like Kachin State. The United States should recognize progress and encourage reform in Burma but rewards and incentives must be measured, prudent, and reversible. In reviewing U.S. policy toward Burma, we must bear in mind three things:

1. Everything that the Burmese government has done can be easily undone. There are real questions about who is actually in control of the government. This was illustrated when the Burmese army escalated its troop presence in Kachin State immediately after President Thien Sein announced full withdrawal. The constitution itself enshrines power to the military, ensuring that no amendments can be made without its consent. According to analysts, final decisions on all government policies are made by the 11-member National Defense and Security Council—a seemingly paramount body that includes the commander-in-chief of the armed forces, the defense minister, and three other senior military officials.
2. The majority of Burmese business leaders, particularly in extractive industries, are members of the military, former members of the military, or cronies of the regime. Lifting sanctions on sectors of the economy—such as oil, gas, power and mining—will have minimal, if any, positive impacts on the people of Burma while advantaging those that have perpetrated or supported crimes against civilians.
3. Economic pressure has helped to push forward progress in Burma. Giving away rewards too quickly and in exchange for too little leaves the United States and international community without any leverage to ensure the resolution of outstanding issues, particularly the plight of ethnic nationals.

There is great economic interest in Burma. The same corporate forces that have fought against sanctions for years are now leading the effort to have them rescinded. For the people we met in Kachin State—trapped between hydropower projects, a new oil and natural gas pipeline, and situated along major trade routes to China—their economic advantages have become their misfortune. Rolling back sanctions prematurely is likely to further exacerbate conflict and human rights violations in the ethnic states while rewarding the very forces that are perpetrating crimes against civilians.

Recommendations for the U.S. Government

Given the ongoing violence and the dire humanitarian situation in ethnic areas, the U.S. government should opt for gradual removal of sanctions based on the Burmese government's progress regarding the following conditions:

- Demonstrated progress toward an end to gross violations of international human rights law and humanitarian law, including an end to attacks on civilians in all regions, and the provision of meaningful access for international human rights monitors;
- Entrance into meaningful collective nationwide negotiations that lead to a political settlement with ethnic minority groups; these should include negotiations over the grievances of ethnic nationalities including demands for constitutional decentralization/ federalism, power-sharing, a fair federal fiscal system, and the rights of individual minorities including religious, cultural, and linguistic rights;
- Implementation of constitutional changes that enable a civilian government to hold the military accountable, including reform of the judicial system to ensure independence and enabling the provision of legal mechanisms to hold perpetrators of human rights violations accountable;
- Drawing upon public participation and civil society input, establishing institutional reforms that will effectively hold perpetrators of human rights violations accountable for their crimes according to all relevant international legal standards;
- Allowing humanitarian access to people in areas of conflict; including unhindered access for humanitarian agencies;
- The unconditional release of all remaining political prisoners, and the repeal of laws that prohibit basic freedom including freedoms of assembly, speech, and press;
- Establishing the rule of law, including the creation of an independent judiciary with the proper training to fairly and transparently adjudicate cases;
- Ensuring the transparency of all revenues from taxation and the natural resources sector;
- Fully implementing ILO Commission of Inquiry directives to end forced labor; and
- Decreasing military spending while engaging in meaningful consultation with national stakeholders to develop an appropriate national budget, including sufficient expenditures on essential social services and other basic needs of the population.

Mr. Chairman, as much as we want to hope that the recent progress toward democracy in Burma will mark a turning point, nothing positive will last until the Burmese military stops committing atrocities and a political agreement is reached with the ethnic national states.

Congress can help by renewing the Burmese Freedom and Democracy Act and urging the Administration to take a measured approach on incentives. It is imperative that the United States government engage with the legitimate representatives of each ethnic nationality and support redress of their longstanding and unresolved concerns. Critically, even as progress moves forward, the United States cannot forget our commitment to cross-border humanitarian assistance. The more than half a million internally displaced people living in border areas depend on these aid networks for their survival.

I understand the desire to declare Burma a success story. I've been working on Burma for decades and want nothing more than to see true democratic transformation and an end to human right abuses. But, success isn't marked by removing sanctions—it's marked by lasting change for the people of Burma who have endured endless suffering under a brutal military regime. We must choose our next steps wisely. Let us reward genuine progress, but let us not condemn the people—particularly those living in ethnic minority states—to increased suffering under a long oppressive military regime that is suddenly freed of accountability and consequences for its behavior.

United States House of Representatives
Committee on Foreign Affairs

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1. Name:	2. Organization or organizations you are representing:
Hon. Thomas H. Andrews, President and CEO of United to End Genocide	United to End Genocide
3. Date of Committee hearing:	
Wednesday, April 25, 2012	
4. Have you received any Federal grants or contracts (including any subgrants and subcontracts) since October 1, 2008 related to the subject on which you have been invited to testify?	5. Have any of the <u>organizations you are representing</u> received any Federal grants or contracts (including any subgrants and subcontracts) since October 1, 2008 related to the subject on which you have been invited to testify?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
6. If you answered yes to either item 4 or 5, please list the source and amount of each grant or contract, and indicate whether the recipient of such grant was you or the organization(s) you are representing. You may list additional grants or contracts on additional sheets.	
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