

United States Senate

WASHINGTON, DC 20510

August 25, 2022

The Honorable Janet Yellen
Secretary
U.S. Department of the Treasury
1500 Pennsylvania Avenue NW
Washington, D.C. 20220

The Honorable Antony J. Blinken
Secretary
U.S. Department of State
2201 C Street, NW
Washington, D.C. 20520

Dear Secretary Yellen and Secretary Blinken:

Five years ago today, Burma's military began committing genocide against the country's Rohingya population. Three and half years later, many of those same actors were responsible for overthrowing the democratically elected government. Since the coup on February 1, 2021, the military has since killed over 2,000 people and reversed years of progress on the path to democracy. The recent execution of four pro-democracy activists following a sham judicial process is an especially appalling manifestation of the Burmese junta's brutality and a clarion call for the international community to do more to curtail the junta's ability to operate with impunity. By violating international laws and norms, the junta has foregone its right to be part of the international rules-based order.

The Biden Administration has been a leader in galvanizing the international community to respond to this crisis, but further U.S. leadership is needed. Now is the time to implement stronger sanctions that will reduce the junta's revenues and cut off the access to foreign currency that it desperately needs to purchase arms and sustain its machinery of repression. Following up on our letter from April 2021, we write to once again urge you to impose further sanctions on Burma, especially on the Myanmar Oil and Gas Enterprise (MOGE), leverage diplomacy with regional partners to impose additional costs on Burma, and mitigate the consequences of the authoritarian alliance solidifying between Burma and Russia. With all of our like-minded partners taken aback about the recent executions, the time is ripe for stronger action.

We call on the Biden Administration to use sanctions to stop the junta from seizing revenues from Burma's energy sector, especially through MOGE, which would help halt the flow of over a billion dollars in revenues that rightfully belong to Burma's elected government and to its people. This revenue represents nearly half of the junta's entire foreign currency income, meaning that MOGE sanctions are one of the most significant actions the United States could take to degrade the junta's ability to operate. With reduced access to foreign currency, it will be more difficult for the junta to purchase weapons and import replacement parts for the fighter jets and helicopters it is using to bomb homes and burn villages to the ground.

At the same time, sanctions can be designed to limit humanitarian impacts. MOGE sanctions need not shut down gas production – the Department of the Treasury should include waivers to

allow companies to continue operating gas fields – but should halt payment streams by forcing banks to stop processing financial transactions going to junta coffers. The junta has incentives to continue the flow of gas even if it is not receiving full payments, and with gas continuing to flow, concerns of energy disruption in Thailand are mitigated. Analysis shows this was the exact impact of the European Union’s sanctions from February. For the people of Burma, the dangers of allowing the junta to retain access to this massive amount of cash far outweigh the potential impacts that sanctions might have. We urge the Biden Administration to listen to the voices of Burma’s pro-democracy movement and the National Unity Government and sanction MOGE.

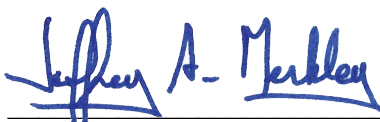
The Association of Southeast Asian Nations (ASEAN) will play a critical role in helping resolve this crisis, but it is time to move beyond the Five Point Consensus. While a landmark step for the organization, it is clear that Min Aung Hlaing never had any intention of implementing what he agreed to. Malaysia’s Foreign Minister has already said that it is time to update the Five Point Consensus, and Cambodia Prime Minister Hun Sen made a strong statement demanding Burma halt all executions going forward or ASEAN would have to revisit the consensus.

We hope that Secretary Blinken’s engagement with ASEAN Foreign Ministers has laid the groundwork for strong action by the organization. This begins with ASEAN suspending Burma’s participation in all ASEAN meetings and inviting members of the pro-democracy movement in an unofficial capacity instead. U.S. diplomacy, in addition to affirming U.S. support for democracy and human rights, should also focus on communicating the potential costs to ASEAN member states and other regional partners of the junta’s actions in Burma, which threaten to create a failed state on their borders that will threaten stability and inhibit development for years.

It was striking that while Secretary Blinken was meeting ASEAN foreign ministers last week, Russian Foreign Minister Lavrov was in Burma reaffirming Russia’s support for the junta. Russia has already demonstrated that it is a dastardly international actor and will support violent authoritarian regimes in order to disrupt U.S. alliances and interests. Russia is among the worst perpetrators of transnational repression, and is happy to export weapons, surveillance technology, and mercenaries so that authoritarians can suppress the rights of their own people. We have seen the terrible results of such support in Syria, and fear that Russia means to roll out the same playbook in Burma. The United States cannot stand by and watch as Russia increases its exports of arms and replacement parts to the junta, allowing them to continue an air war against their own people. We urge you to explore ways to put pressure on Russia diplomatically and financially to stem these ties.

We thank you for your consideration of these issues. We are eager to work with you to stem the violence and return Burma to the path to democracy.

Sincerely,



Jeffrey A. Merkley
United States Senator



Cory A. Booker
United States Senator



Dianne Feinstein
United States Senator



Edward J. Markey
United States Senator



Gary C. Peters
United States Senator