

To: Senator Chris Van Hollen from Maryland

From: Shirui Zhou (Policy Advisor)

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Subject: Analysis and Recommendation on the vote for Cohen Amendment to Burma Sanctions

Regarding the Cohen amendment, I recommend a "nay" vote on its tabling, leveraging this critical moment to reinforce your commitment to multilateral dialogues, diversity, and plurality. This position not only enhances our global stance but also attracts strong support from ASEAN.

Under the Foreign Assistance Act of 1961, a minimum of \$2,500,000 is allocated to strengthen democracy, support humanitarian endeavors, and drive media campaigns championing democracy in Burma. However, given the escalating human rights issues and democratic challenges in Burma post-1989, there's concern that the SLORC might misuse these funds, potentially hindering democratic movements. To mitigate this, SEC. 569 introduces sanctions, including prohibiting U.S. investments in Burma, instructing U.S. representatives in global financial institutions to oppose loans to Burma, and implementing visa restrictions on certain Burmese officials.

In response to sanction in Section 569 of the Foreign Operation Appropriation Bill, currently on the floor, Cohen's suggested amendment introduces provisions that provide the Administration with more discretionary authority. This is particularly evident in conditional sanctions based on Burma's treatment of notable figures like Daw Aung San Suu Kyi. The amendment encourages a multilateral strategy, promotes cooperation with international financial institutions, cultivates dialogue between the SLORC and its democratic adversaries, and necessitates Burma's full participation in U.S. counter-narcotics efforts.

Senator McConnell, a primary detractor of the Cohen amendment, equates Burma's situation to South Africa, observing the efficacy of sanctions in the latter in reinstating democracy. However, as emphasized by Senator Thomas, U.S. investments in Burma constitute less than 10% of all foreign investments, 7% of total exports, and under 1% of total imports. Given this data and the history of long-term isolation, the U.S. may suffer more than Burma from these sanctions by forgoing potential market prospects. Moreover, these sanctions might be interpreted as antagonistic by the SLORC, prompting them to adopt a more defensive and hostile stance, increasing risks to figures like Aung San Suu Kyi.

Recalling the tragic demise of James "Leo" Nichols in a Burmese prison for merely having a fax machine—a chilling indication of persistent atrocities—Senator Moynihan opposed the Cohen amendment based on both ethical and principled grounds. He argued that U.S.-led sanctions could motivate other nations to take similar measures against Burma, challenging SLORC's supremacy and advocating for balanced discussions with Aung San Suu Kyi. However, considering the commercial relationships between ASEAN countries and Burma, the absence of direct threats from the SLORC, and human rights violations in neighboring countries like Cambodia, it's uncertain if nations would prioritize democratic ideals over geopolitical considerations.

A compelling argument against the Cohen amendments references Aung San Suu Kyi's perspective. She distinctly expressed, "What we want are sanctions that clearly communicate that Burma's economic transformation is unfeasible without political reform." Dr. Sein Win, a prominent proponent of Burmese democratic change, passionately endorses economic sanctions, painting a bleak picture of Burma today, emphasizing how foreign investments chiefly support the military junta. The National Coalition Government

of the Union of Burma shares this view, advising a resolute stance against the military. Nonetheless, while Aung San Suu Kyi is heralded as a democratic symbol in the West, she openly acknowledges her role as a politician responsible to her constituents. It's vital to separate the concerns of everyday Burmese, who may directly suffer from the sanctions, from those of high-ranking officials. Additionally, Burma's deep-seated military governance history, rooted in societal norms, relationships, and socio-economic fabrics, can't be overturned merely by an election, especially one the military didn't expect to lose.

The U.S. administration, as expressed in a letter by the Assistant Secretary of State for Legislative Affairs, Barbara Larkin, staunchly supports the Cohen amendment. This letter not only displays the administration's approval but also stresses its dedication to retaining flexibility in response to the evolving Burmese scenario. Although the letter hints at some constitutional hesitations, it primarily conveys a favorable attitude. The Cohen amendment's discretionary provisions might grant the U.S. more adaptability and clout in its interactions with the SLORC. Negotiations typically gain traction when there's an established investment or "something at stake."

Reflecting on your personal experiences in countries like Pakistan, Turkey, India, and Sri Lanka, your profound understanding of South and Southeast Asian geopolitics stands unmatched in the Senate. Being a diplomat's son has provided you with direct insights into the nuanced relationship between local economies and politics in nations influenced by U.S. actions. In nations familiar with extended self-isolation, democratization's progression demands continuous communication between its people and a governance model heavily influenced by colonial residues.

Furthermore, your recent partnership with Senator Romney to propose legislation focused on intensifying economic and cultural relationships with Southeast Asian countries indicates your dedication to establishing U.S. principles and presence in the region. Supporting the Cohen amendment could fortify trade and investment bonds between the U.S. and ASEAN, demonstrating the U.S.' unwavering commitment to human rights and democratic principles in East Asian nations, including Burma.

Your decisive stand against the Burmese campaign aimed at the Rohingya community highlights your commitment to preserving individual human rights in the region, rather than solely advocating for a Western-centric regime. This bipartisan resolution identifies the grave offenses and campaigns for the respectful return of displaced refugees.

Lastly, considering Maryland's significant struggles with substance abuse, cooperating on counter-narcotics initiatives aligns perfectly with efforts to establish an Adult Drug Court in Maryland. Such programs, dedicated to assisting individuals battling substance use disorders, offer a holistic and consistent strategy addressing both domestic and international challenges.

In conclusion, while economic sanctions can serve as powerful tools for signaling disapproval and promoting change, their effectiveness often hinges on the specific geopolitical context and the broader international dynamics at play. Your leadership, wisdom, and nuanced understanding of these complex issues can guide the Senate to make an informed and strategic decision that upholds our nation's values and promotes stability and democracy in the region.