

US Senate Republican Leader Mitch McConnell made the remarks on the Senate floor on May 5 regarding the bill to renew sanctions against the Burmese junta.

Today I rise to introduce a bill that would renew sanctions against the Burmese junta. As in years past, I am joined in this effort by my good friend, Senator Feinstein. Senators McCain, Durbin, Gregg and Lieberman are original cosponsors of this bipartisan legislation and continue to be leaders on the issue.

Renewing sanctions against the military regime in Burma is as timely and important as ever. Over the past year, the regime has not only made clear that it has no intention of reforming; it is also trying to stand up a new sham constitution and to legitimize itself in the eyes of the world through a sham election. In my view, the US must deny the regime that legitimacy.

By way of background, a little history is in order. For nearly half a century, Burma has been under some kind of military rule and every popular effort to reverse that situation has failed. In 1988, military authorities violently put down a popular uprising. Two years later, the Burmese people went to the polls and handed an overwhelming victory to the pro-democracy opposition, and the junta ignored the results. It never seated these popularly elected candidates. It jailed pro-democracy leaders like Aung San Suu Kyi. And it has maintained its brutal rule ever since.

In response to these events, the United States established on a bipartisan basis various sanctions against the Burmese regime. These include a 1997 executive order; the annual import ban which has been renewed annually since 2003; and restrictions on Burmese jade, which were enacted in 2008.

On a number of occasions since 1990 the U.S. and the UN have attempted to engage Burma diplomatically.

These include, during the Clinton Administration, a delegation led by Deputy Assistant Secretary of State Thomas Hubbard; various efforts by former U.S. ambassador to the UN, Madeleine Albright; and two trips to Burma by then Congressman Bill Richardson in the mid-1990s.

Other diplomatic efforts included Assistant Secretary of State Christopher Hill's "road map" in

2006; and overtures made by the US through China in 2007. And in 2008, Admiral Timothy Keating met with Burmese officials as part of US efforts to provide humanitarian assistance in the wake of Cyclone Nargis.

The UN, for its part, has dispatched a human rights envoy to Burma 15 times and special envoys 26 times over the past two decades. And UN Secretary General Ban Ki-Moon has visited Burma on two occasions.

None of these efforts has yielded anything in the way of reform. Indeed, when Burmese citizens, led by Buddhist monks, took to the streets in peaceful protest against the government and its policies in the fall of 2007, these pro-democracy protestors, much like their predecessors, were brutally suppressed.

Nonetheless, the regime has sought at various times to save face internationally. In response to this last major challenge to its authority in the fall of 2007, for example, the regime unveiled a proposed constitution.

But a quick look at the document shows that it could scarcely have been less democratic. It precluded Suu Kyi from participating in the electoral process and ensured that the charter may not be amended without the military's blessing. The noted constitutional law professor, David Williams, of Indiana University, told the Senate Foreign Relations Committee last year it was one of the worst constitutions [he has] ever seen.

What's more, the vote to adopt this constitution took place two years ago in the immediate aftermath of Cyclone Nargis, the worst natural disaster in modern Burmese history, and international election observers were not permitted access to the country during the vote. If the regime was really interested in legitimacy, holding a vote like this in the middle of a natural disaster without election observers is not the way to do it.

So the results of this vote were roundly condemned, and for good reason. Still, despite widespread condemnation of this constitution and the circumstances surrounding its adoption, some held out hope that a subsequent election law might lead to democratic reform. But those hopes were dashed earlier this year when the regime actually issued the long-awaited election law. Among other things, the law would force the Democratic opposition, the National League

for Democracy, to expel Suu Kyi if the party chose to enter any of its candidates in the upcoming national election and it forbids political prisoners and Buddhist monks from political participation.

The deadline for registering candidates and political parties under the new law is later this week, and parties that fail to register before then will be deemed illegal. In other words, the law's practical effect would be to sideline Burma's most prominent Democratic reformer and force its leading opposition party out of business.

We also get periodic press reports of ties between Burma and North Korea, including a particularly alarming report in recent days about an alleged weapons transfer from Pyongyang.

Now, last year, the Obama Administration initiated a review of US policy with respect to Burma. As a result of that review, the administration decided it was time for the US to take another run at engaging the regime. That's why last summer, Secretary Clinton reportedly proposed to her Burmese counterpart at an international conference in Southeast Asia that the U.S. remove its investment ban on Burma in exchange for the unconditional release of Suu Kyi. Whatever the merits of this overture, this was a serious offer from a high-ranking US official aimed at improving bilateral relations.

Yet not only was Secretary Clinton's offer ignored and Suu Kyi not freed, the regime actually extended Suu Kyi's detention for another year and a half. And several months later the junta denied her appeal. It was shortly after that that the regime released the anti-democratic election law I just referred to. So however well intentioned, the administration's policy of engagement has unfortunately met with the same fate as earlier engagement efforts, notwithstanding the fig leaves the regime occasionally holds out as supposed proof of its willingness to reform.

Clearly, the regime craves legitimization of its rule. Why else would it suddenly move to finalize the constitution it had been working on intermittently for 14 years after its rule was challenged by the nonviolent Saffron Revolution in the fall of 2007? They did it for the same reason they trotted out a transparently flawed election law earlier this year: they wanted to provide the appearance of reform where there was none. But they can't have it both ways. If the regime wants legitimization, it must show real progress.

Secretary Clinton's policy review toward Burma concluded that engagement along with sanctions might produce results where sanctions alone had failed. Although we have yet to see any positive results from engagement, the administration itself concedes that sanctions should remain in place. But the administration, to its credit, has been quite candid about the lack of tangible progress by the regime.

Assistant Secretary of State Kurt Campbell acknowledged as much after the release of the Burmese election law. The US approach, he said, was to try to encourage domestic dialogue between the key stakeholders and the recent promulgation of the election criteria doesn't leave much room for such a dialogue. It should be noted parenthetically the absence of any tangible result from engagement has nothing to do with work of American diplomats. It has everything to do with the type of regime we're dealing with in Burma. But again, the fact remains that no progress has been made.

Legitimacy is the one thing the regime cannot impose by force. But if legitimacy is what it wants, a first step would be credible elections. And at this point there is no reason to believe that that's even possible under the current constitution, under the current election law, and in the current political climate in Burma.

So renewing sanctions is important because it denies the junta the legitimacy it so craves. A sanctions regime says to the junta and the world in no uncertain terms that the United States does not view this government as having the support of its citizenry. It says that the United States will not be a party to recognizing the junta's attempt to overturn the democratic elections of 1990, the last true expression of the Burmese voters. Sanctions should remain in place against the junta for the same reason the term Burma is used by friends of democracy instead of the junta's chosen name of Myanmar because Myanmar is the name of a government that has not been chosen by its people.

In short, sanctions should remain in place because lifting sanctions would give the regime precisely what it wants; namely, legitimacy.

I strongly urge my colleagues to support sanctions renewal against the Burmese regime. And I ask unanimous consent that the text of the joint resolution be printed in the Record.