

Applying Global Governance to Foster Political Reform in Burma by Alex Goddard — fourth year honours international relations

The international community has received the recent peaceful protests in Burma¹ and the subsequent violent response from the Burmese military regime with a mixture of concern, disappointment, and outrage. More than a message to the military junta in power, the protests were a plea to the outside world from an oppressed population who realize that any true reform of the prevailing conditions in Burma will ultimately require the support of forces that lie beyond Burma's borders. This paper explores possibilities of implementing change in the political status quo of Burma from a global governance perspective focussing specifically on the efficacy of economic sanctions and economic organizations, the role of the United Nations Security Council (UNSC), and the mission of UN envoy to Burma, Ibrahim Gambari. However, before exploring these three matters in detail, a brief overview of modern Burmese history as well as an examination of the current conditions in Burma will aid in constructing an image of the political climate of the country and provide a description of the socio-economic reality of the Burmese citizenry.

Small-scale peaceful protests began in Yangon, the ex-capital and largest city in Burma, the week of August 20, 2007 in reaction to the doubling of the price of fuel (*The Globe and Mail*, August 24, 2007). On September 18, monks joined the protest, the first time ever that the Buddhist clergy had become involved in the opposition movement in Burma. By September 24 there were the largest protests in Burma in 20 years with reports of up 100,000 people and 20,000 monks in the streets of Yangon, as well as large-scale demonstrations in many other locations throughout the country (*The London Times*, September 24, 2007). However, beginning on September 26, the military regime in power — the State Peace and Development Council (SPDC) — began to crack down on the protesters using brutality and massive arrests (*The Telegraph*, September 27, 2007). SPDC forces raided monasteries, fired live bullets as well as tear gas at protestors, and assaulted unarmed participants with batons. In the ensuing clampdown, at least 1,000 people are believed to have been arrested in Yangon alone (Amnesty International, October 1, 2007).

The recent protests are more than a reaction to an increase in fuel prices; they are a response to deplorable living conditions that have continued to be forced upon the population of Burma by a brutal and callous junta. Since the military regime assumed sovereignty over the country in 1962 under Ne Win, the Burmese government has continued to follow hardline policies on ethnic minorities, disallowed all opposition parties, and prohibited free speech (Thawngmung 2003: 445). Moreover, the government has taken control of virtually every aspect of Burmese society including education, the media, and public expression. To sever public access to information, the SPDC has enforced laws such as the *Computer Science and Development Law*, which authorizes a jail sentence of up to 15 years for anyone found in possession of an unauthorized modem or fax machine (Brooten, 2005: 135). Other alarming indications are the continued practice of forced conscription of child soldiers, forced labour, and the use of torture and degrading treatment of prisoners. (Amnesty International, November 10, 2007). In November 2006, a video posted on the Internet showing the wedding of the daughter of General Than Shwe, leader of the junta, provided fresh evidence of the extreme greed of the Burmese elite. The newly-weds were reportedly given fifty million dollars worth of wedding gifts including cars, jewelry, and houses (BBC

¹ The author has chosen to use the term Burma instead of the term Myanmar (official name changed in 1989) as the term "Myanmar" has been deemed to be no more inclusive of the ethnic groups of the country and acknowledges the legitimacy of the SPDC regime

News Online, November 2, 2006). In 2007, Transparency International ranked the SPDC as tied with the Somali government as the most corrupt government in the world (Transparency International, 2007).

There was little outside interest in Burma until 1988 when the country captured international attention with huge student-led protests, unforgiving military repression, and the emergence of Ms. Aung San Suu Kyi as the leader of the main opposition party, the National League for Democracy (NLD) (Guan, 2007: 121). Remarkably, in the wake of the 1988 protests, the junta permitted democratic national elections to be scheduled for 1990. However when the time for elections arrived, Suu Kyi was placed under house arrest and forbidden from running for office (Brooten, 2005: 138). Yet despite such measures and tight restrictions on its campaigning the NLD won 392 of the 485 seats in the election, compared to only 10 seats won by the military regime. The junta, however, had no intention of surrendering its power and declared that it would not talk to the NLD, was not bound by any constitution, and would continue to rule under martial law (Silverstein 1996, 89). Since the disappointing 1990 elections there have been no significant concessions granted by the government and no successful reconciliation talks have taken place. Aung San Suu Kyi remains under house arrest, having spent 12 of her last 18 years in confinement. Today, she is the only Nobel Peace Prize laureate who remains incarcerated (Aljazeera Online, November 11, 2007).

When confronted with a rogue state, governments and global governance bodies have a history of employing economic sanctions as a way of attempting to induce reform. In May of 2002, Aung San Suu Kyi reasserted, "I don't think we have found evidence that sanctions have harmed the Burmese people... Sanctions have a role to play because they are a strong political message. But also because they are an economic message" (Burma Campaign, August 23, 2004). Following Suu Kyi's requests the United States government passed the *Burmese Freedom and Democracy Act* in 2003, which bans the importation of all Burmese goods and prohibits the exporting of financial services, loans, and transfers to Burma, essentially cutting off all economic ties to the country (Rarick 2006: 61). The Canadian government took a similar stance on November 14, 2007, stating it would "impose the toughest sanctions in the world" on Burma, involving a ban on all exports and imports except humanitarian aid, a freeze on all assets of Burmese citizens connected to the junta, and a ban on investment in the country. However, the decision is largely a symbolic one as trade flows between Canada and Burma sank from \$46.8 million in 2002 to \$8.6 million in 2006 (*Reuters*, November 14, 2007).

The European Union (EU) has taken an alternative approach, opting to employ targeted sanctions focussed on industries where the regime benefits almost exclusively. On September 25, a policy statement by the EU called for a ban on exports, imports, and investment in Burmese logging, mining, minerals, and precious and semiprecious stone industries (EU Conclusions, October 15, 2007).

In April of 2005, Singapore's foreign minister reaffirmed that the Association of Southeast Asian Nations (ASEAN) cannot interfere in the domestic affairs of Burma, stating that whatever steps the country takes it will be the Burmese themselves who bear the consequences (Emmerson, 2005: 177). However, ASEAN has recently moved away from its posture of "constructive engagement" (non-intervention). It has expressed its "revulsion" with the current situation in Burma and it called upon the military regime to expedite its process of democratization and the release of political detainees (Kinley and Wilson, 2007: 401). Beyond mere reprimands, there exists opportunity for ASEAN to play a role in fostering reconciliation in Burma not unlike the role ASEAN played in the reconciliation process that took place in Cambodia in the early 1980s.

To foster rapprochement between Cambodia's political parties, ASEAN proposed a comprehensive political settlement before the 34th UN General Assembly in 1979 and gained overwhelming support from UN members (Soon, 1982: 548). With enough encouragement, ASEAN may foment a similar initiative to address the crisis in Burma. Indeed, if any economic pressure is to be put on the SPDC it is essential that nations and organizations that are highly integrated in the Burmese economy, such as ASEAN, play a role.

Despite Suu Kyi's call for economic sanctions, critics have questioned this policy. When asked whether sanctions were an appropriate option Razali Ismail, UN envoy to Burma until 2006, responded "No, No, No... if you go to Myanmar you'll see sanctions hurt the wrong people." (Kinley and Wilson,

2007: 402). Probing the efficacy of economic sanctions, research by the Institute for International Economics concluded that in less than 20 per cent of cases do economic sanctions achieve their stated aims (Lukas and Griswold, 2003). Moreover, initiatives to stifle the economic base of the regime are particularly unattractive in the case of Burma due the fact that the country's neighbours have demonstrated strong reluctance to impose sanctions. Resource-hungry states in the region such as China, India, and Thailand have proven themselves eager to fill the void created by the sanctions enforced by other states (Steinberg, 2004). Furthermore, harsh economic sanctions may result in making the regime more desperate and being driven further away from the international community and the UN. Critics have argued that economic isolation has inadvertently strengthened Burmese-Chinese relations to a degree that is worrying (Guan, 2001: 478). In part it is hoped that economic sanctions will shame a regime into reform, however the SPDC inherently lacks most forms of legitimacy and is unlikely to be receptive to any efforts at damaging the regime's "face."

Initiatives of complete economic isolation that attempt to cut off all economic ties to the country may only succeed in deteriorating the quality of life of the average Burmese citizen, the very people such sanctions are intended to help (Major and McGann, 2005). However, bold economic gestures like the sanctions enacted by Canada and the United States may be helpful as an impetus for more important players — such as China — to consider reforming their relationship with the SPDC. In efforts to specifically cut away the regime's power base while minimizing the harm to the citizens of Burma, it appears a more effective approach is the use of targeted sanctions such as those adopted by the EU. By focussing specifically on industries where the government is the sole beneficiary — such as timber, precious metals, minerals, precious stones, and especially oil and natural gas — the repercussions incurred by the average citizen are somewhat decreased. As stated earlier, underlying any potentially successful employment of economic sanctions must be international cooperation and cohesive global governance that succeeds in getting all significant parties on board. As long as states, particularly Asian states such as China, refuse to put pressure on the regime and continue to do business with the junta, there will be a market for the SPDC, making it possible for the regime to maintain its economic foundation.

The crisis in Burma has repeatedly been brought before the UNSC, yet to date no binding resolution has been passed. In January of 2007 the UNSC failed to pass a resolution condemning the SPDC due to vetoes exercised by China and Russia, who claimed that the "matter was an internal affair of a sovereign state and did not pose a threat to international or regional peace and security." The most recent resolution would have called on the SPDC to cease military attacks and begin a substantive political dialogue leading towards a genuine democratic transition (UNSC Resolution 8939).

To comprehend the UNSC deadlock it is essential to examine the vested interests, both economic and political, of the Russian Federation and the People's Republic of China (PRC). In recent years, the Russian arms industry has enjoyed a lucrative business relationship with the SPDC. Russia exported 100 large caliber artillery systems to Burma in 2006, 10 combat aircraft in 2002, and four combat aircraft in 2001 (Amnesty International, November 10, 2007). China has also sold military supplies to the SPDC, and since 1988 has been the Burmese government's greatest military ally. The PRC has provided munitions at a "friendship" price; signed an agreement with Yangon to train Burma's air force and naval officers; and engaged in military cooperation, training, and the exchange of intelligence. To further complicate matters, China has regularly declined to report arms transfers to the UN (Thawngmung, 2003: 448). Aside from military transactions, in the wake of economic sanctions Chinese firms have eagerly moved in to fill the void, tapping into Burma's rich supply of natural resources. Currently more than 26 Chinese multinational corporations (MNCs) are involved in more than 62 hydropower, oil and natural gas, and mining projects in Burma, from small dams to a dual oil and gas pipeline traversing Burma to Yunnan province in Southwest China (Earthrights International, September 2007).

Aside from Russia and China's economic ties to the SPDC, these two states are also reluctant to allow any UNSC resolution to be passed that would permit outside intervention in the domestic affairs of any sovereign state. Wary of the possible implications of international intervention into their own questionable domestic practices, China and Russia fear that setting such a precedent could come back to haunt them in the future. This hesitance on the part of Russia and China characterizes a recurrent paradox

of the UN Charter, whereby Article 1.3 calls for international cooperation in solving international problems of a humanitarian character, yet Article 2.7 holds that "nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state" (UN Charter, 1945).

Some critics have called for the Security Council to pass a binding resolution that forces the SPDC to enter negotiations. Other critics such as Amnesty International have called on the UNSC to impose a comprehensive and mandatory arms embargo on Burma, and called on China and Russia to suspend all arms supplies to the SPDC (Amnesty International, November 10, 2007). Getting Russia and China onboard is a fundamental stepping-stone in ensuring a unified international approach and fluid UNSC functioning. In particular, due to its predominant relationship with the SPDC, any concrete steps forward must involve China's decision to support the UN and not the generals. Fortunately with the 2008 Olympics in Beijing looming on the horizon there are indications that the Chinese may become more co-operative. They have recently taken a tougher stand with North Korea, Sudan, and Zimbabwe and may be persuaded to harden their position towards Burma (*The London Times*, September 29, 2007).

A third facet of global governance that has confronted the crisis in Burma is the recent mission of UN Special Envoy Ibrahim Gambari, who visited Burma on two occasions from September 29 to October 2 and from November 3 to November 8. The principle goal of Gambari's visits has been to foster communication between the opposition parties and the SPDC. Gambari emphasized that dialogue is "the only way forward to address the country's ongoing crisis" (UN News Centre, November 13, 2007). Among the successes of this initiative was that for the first time since she was last put under house arrest in May 2003, Suu Kyi was allowed to pronounce herself publicly through a statement read by Gambari on November 8. Moreover, Suu Kyi was also permitted for the first time in four years to meet with other members of the NLD (UN News Centre, November 13, 2007). Other apparent triumphs of the Gambari visit included the lifting of curfews put in place during the demonstrations, the withdrawal of a visible military presence from the streets, and the release of over 2,700 people detained during the course of the protests (UN News Centre, November 13, 2007). In addition the SPDC has set up a constitutional drafting committee; has agreed to receive the UN Special Rapporteur on human rights, Paulo Sergio Pinheiro; and has appointed deputy labour minister Aung Kyi to serve as the government's liaison with Suu Kyi (UN News Centre, November 13, 2007).

However, critics and residents have been divided over whether the results of Gambari's visits represent a step towards real change in Burma, or whether the concessions made by the junta are no more than a move by the military leaders to appease the international community and limit the damaging effects of economic sanctions. The fact that to date Than Shwe has refused to meet with Gambari or Suu Kyi is one strong indication that the junta is not serious about the UN mission or the reconciliation process. Moreover, the SPDC has yet to provide any assurance that it will lift restrictions on Suu Kyi (UN News Centre, November 13, 2007). Critics have also argued that the junta has made no substantive progress towards reversing the crackdown of the past two months and that it is essential that the Chinese, Indian, and Russian governments publicly back Gambari if the mission is to make any real progress on human rights in Burma (Human Rights Watch, November 2, 2007). Another discouraging indication is the SPDC's recent call for UN Resident Coordinator Charles Petrie to discontinue his work in Burma, accusing him of misrepresenting facts in his criticism of the country's deepening economic crisis. In response, UN Secretary-General Ban Ki-moon expressed "full confidence" in Petrie and his team and expressed his "disappointment" with the regime's decision (UN News Centre, November 16, 2007).

In regards to democratic reforms, the Burmese generals remember their loss in the 1990 free elections and as such are most likely very closed to the idea of another round of elections (Reynolds et al., 2001: 99). Therefore, the most appropriate remedy may not involve democratic elections and calls for a sweeping change of the status quo, highly likely to be shot down by the junta, but rather a more gradual process of reform to certain areas of Burmese politics and society. Juan Linz and Alfred Stepan argue that in some cases a process of "liberalization" is more suitable than a process of 'democratization.' Liberalization may entail "less censorship of the media... greater space for autonomous working class activities... the releasing of most political prisoners... and most important, the toleration of opposition"

(Linz and Stepan, 1996: 74). Democratization denotes much more profound changes, requiring "open contestation over the right to win control of the government, and this in turn requires free competitive elections, the results which determine who governs" (Linz and Stepan, 1996: 74).

Furthermore, it is essential that any reconciliation initiative integrate not only the SPDC and NLD, but also all significant ethnic groups in the country. While Burma has a large variety of ethnic groups, Bamar is the majority constituting approximately 65 per cent of the population and from which the current leadership is drawn. Burma has been afflicted by both horizontal and vertical conflict; not only do the people of Burma distrust the junta, but often the ethnic groups distrust each other as well. Democratic elections may eliminate the problem of the SPDC, but cannot in and of themselves nullify the multinational predicament (Reynolds et al., 2001: 101). Any approach to transform Burma from a weak to a strong state requires an understanding of the root cause of the internal, ethnic conflict in Burma and a suitable program catered to address these tensions (Guan, Ang Cheng, 2007: 133).

Appropriate global governance initiatives may succeed in bringing about positive reforms to the status quo in Burma. Some critics have deemed total economic sanctions unfavourable as they are likely to result in deteriorated living conditions of the citizens of Burma. If economic pressure is to be put on the junta, targeted economic sanctions may be efficacious but may also inadvertently drive the regime further away from the international community and into closer dependency on regional powers such as China. Underlying the successful application of any economic pressure is the necessity to get all significant players, particularly regional states, ASEAN, and China, onboard. So long as there are key economic actors that resist change the SPDC likely will maintain its economic base.

The UNSC has been deadlocked over the Burma issue due to vetoes executed by Russia and China, both of which have economic and political incentives to block intervention. Both states have enjoyed lucrative military deals with the SPDC and Chinese firms currently have significant investments in Burma's natural resource industries. Moreover, Russia and China are hesitant to pass binding resolutions that permit intervention into any state's sovereign affairs, wary that this precedent may be used in the future to merit intervention into their own domestic politics. Although no binding resolution has been passed to date, with the upcoming Olympics and with adequate pressure perhaps the PRC may be swayed to change its posture towards the SPDC and offer its support to the UN instead. The cooperation of China and Russia is a fundamental requisite for any UNSC progress on the Burma issue. Gambari's UN-sponsored mission to foster dialogue between the SPDC and opposition parties has been minimally successful. The SPDC has restored some conditions that existed prior to the clampdown in late September and has granted some minor concessions to the opposition. However, as Than Shwe has yet to meet with Gambari or Aug San Suu Kyi, the government has provided little indication that it is serious about reconciliation. Essential to a reform process is the integration of all significant groups. Moreover, to foment long-standing peaceful political reforms in Burma it is essential to appease not only the SPDC and NLD, but also to foster cooperation between all the significant ethnic groups in the country, which constitute over 30 per cent of Burma's population.

A process of liberalization may be more efficacious than a process of complete democratization; as such drastic changes have proven to be anathema to the junta and are unlikely to pass. Essentially, so long as the SPDC regime maintains power it appears that one of the most feasible avenues to pursue involves working towards smaller substantive goals, as opposed to a robust challenge to the regime's power. Such measures of gradual liberalization could include more open media access for Burmese citizens, the freeing of political prisoners, and most importantly, the toleration of political opposition. However, underlying all such initiatives is the necessary presence of legitimate outside observers in Burma, ideally from foreign institutions such as the UN. There must be access to indisputable evidence proving that measures agreed upon are actually being acted upon as promised by the Burmese government. A review of the history of Burma since independence demonstrates that if left to its own devices, it is likely that little substantial progress will take place. Any positive shifts in the status quo will ultimately require the help and continued support of foreign players.

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