
External Intervention and Democratisation in Myanmar: A Policy Evaluation

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Abstract

This paper will analyse how and to what extent have international initiatives to foster democratic change in Myanmar failed? The method adopted will be to analyse the policy of different actors of the international scene toward Myanmar.

Several methods for promoting democracy exist. Apart from being persuasive or coercive, methods to promote democracy can be of three types: political, economic or military. Sanctions comprise essentially economic sanctions and they can be conceptualised as a means of exerting what is called *coercive diplomacy*.

In 2003, as a consequence of the Depayin incident, the US decided to strengthen its sanction policy toward Myanmar. Regarding the goal of a change of regime or any democracychange of behavior from he military Junta, no significant results can be seen. The USpolicy of sanctions toward Myanmar suffers several shortcomings. The credibility of

US sanctions is especially undermined by the attitude of ASEAN countries which oppose sanctions and are tenants of a policy of constructive engagement. There is no clear consensus among international actors about how to act toward Myanmar and this clearly impacts on US sanctions.

The first EU Common Position adopted on Myanmar dates from 1996. It encompasses measures of arm embargo, suspension of defence cooperation, suspension of bilateral aid other than strictly humanitarian one, visa ban on members of the military regime, members of the government, senior military and security officers and members of their families and a suspension of highgovernmental visits to Myanmar. A general fallacy of the EU policy toward Myanmar is that it lacks a profound analysis of the special context within which the country finds itself. The EU policy is characterized by an underestimation of the transitional challenges that Myanmar needs to confront.

In 1993, Myanmar signaled for the first time its interest in becoming a member of ASEAN. The policy of ASEAN toward Myanmar has been characterized as one of constructive engagement. ASEAN support for Myanmar caused strain in relations with ASEAN western partners. It is indeed credible that Myanmar does not wish to be an embarrassment for ASEAN.

What are therefore, some hints of policy options that might reveal more effective toward Myanmar? The international community desperately needs a coherent Myanmar policy. Assistance is central in building the conditions necessary for a sustainable democratic government.

I. Introduction

The political situation in Myanmar appears to be in a dead end. Multiple efforts of the international community to restore the democracy that was confiscated to the Burmese in 1990 seem to have been total failures. Strategies of the Western governments have been centred around the idea that the best way to promote Human Rights in Myanmar was primarily by pushing for a democratic transition. This policy was followed mainly through the use of coercive means such as censure and sanctions but no visible impact could be seen on the will or capacity of the military rulers to maintain power. Another obvious example was democratization movement in 2007 which was also brutally defeated by the military rulers.

The constant efforts to oust the military Junta and open the way to democracy raise the question of the capability of the international community to exert influence in such situations and the question of the efficiency of the instruments at its disposal.

In this optic, several questions will be addressed in this paper:

How and to what extent have international initiatives to foster democratic change in Myanmar failed? What factors have contributed to the failure? Which circumstances could bring the authoritarian government to a negotiated democratic transition?

The method adopted will be to analyse the policy of different actors of the international scene toward Myanmar. Because of time and space, I will limit my analysis to the recent policy of the US and the EU and to the effect of Myanmar's entrance in ASEAN.

I will rely on the theoretical framework of democracy promotion through coercive instruments (such as economic sanctions) and through persuasive instruments (such as membership in a regional organization). According to this theoretical framework, several points can be drawn:

First, concerning US and EU sanctions, these failed because of the lack of close linkages between those blocks and because of the role played by "Black Knights" who have hindered the success of the sanctions. A second hypothesis could be that sanctions appear to be inefficient because they are judged according to the goal of creating a behavioral change of the target regime. In fact they respond to a symbolic imperative of western countries to "do something" whenever a regime does not respect human rights norms.

For what regards the regional organizations and democratization literature, the hypothesis can be made that ASEAN is not democratically oriented enough to create a democratic change in one of its member countries. It can also be argued that since the organization is not advanced much in the security sphere, it does not possess much leverage towards the military Junta of Myanmar.

II. Theoretical Framework

The basic context of the international community's action toward Myanmar is democracy promotion. It is therefore useful to give a definition of what is meant by democracy in the present work and also to explain according to which basis has democracy promotion become an important element of the foreign policy of several democratic countries.

2.1. Definition of Democracy and Democracy Promotion

The term democracy includes both the procedure to elect governing authorities (competitive, multiparty elections, public participation in politics); liberal principles such as

social, political, economic and religious rights; and the setting of limits to government power over society and individuals.¹⁾ Robert Dahl defines democracy by insisting on participation. In this perspective, legislation and education are building blocks of democracy. He argues that the Freedom of individuals to change the direction of events through political involvement is primordial. This has to be possible without incurring a retaliatory backlash from the state. According to him democracy goes beyond the freedom of street mobilisation and requires also the building of democratic institutions.²⁾

The end of the Cold War has brought about a time of strengthened policy in democracy promotion. Progressively, a democratic entitlement has emerged and has enjoyed a high degree of legitimacy within the international community. The diffusion of this new norm corresponds to the erosion of state sovereignty and the progressive dismissal of the principle of non intervention. Although prohibitions against interventions in the internal affairs of states are reaffirmed constantly in contemporary treaties and agreements, the norm of democracy promotion and the intervention it contains is gaining more and more popularity among policymakers.³⁾

Methods of Democracy Promotion

Several methods for promoting democracy exist. These methods can be persuasive or coercive in nature. The persuasive methods aim at convincing the targeted state to adopt a democratic regime, while the coercive methods are based on punishment and force or the threat to resort to it. Apart from being persuasive or coercive, methods to promote democracy can be of three types: political, economic or military.

Methods of political persuasion include for instance: discussing the importance of human rights, giving advice on how a political change can be achieved, institutional assistance, assistance in crucial events of the democratisation process such as electoral assistance.

Economic methods have been widely used as instruments to promote democracy. Most of the time, they take a coercive form through the use of sanctions. These sanctions strike the targeted state with deprivation and impoverishment because it refuses to adhere to the democratic principles.⁴⁾ Economic coercion is based on the assumption that trading with oppressive regimes will strengthen their ability to exert their power over their societies. In

1) Thawngmung A. Maung, "Preconditions and Prospects for Democratic Transition in Burma/Myanmar" in *Asian Survey*, vol. XLIII, no3, May/June 2003, p. 444.

2) Irving Horowitz, "The Struggle for Democracy" in *National Interest*, no 83, Spring 2006, p. 115.

3) David Hendrickson, "The Democratist Crusade. Intervention, Economic Sanctions, and Engagement" in *World Policy Journal*, vol. 11, no 4, Winter 94/95, pp. 2021.

4) Daniel Silander, "Democracy from The Outsidein?" in *Social Alternatives*, vol. 24, no 3, Third quarter 2005, pp, 2930.

contrast, for those who plead in favour of persuasion through economic engagement, the assumption is that the growing of commercial ties will enable the society to strengthen its position against the state. The increase in socioeconomic standards will raise the overall political consciousness and create a civil society more orientated toward democratisation and human rights. It also allows a greater openness of the country toward the outside world and therefore favour the diffusion of ideas.⁵⁾

A third set of methods to promote democratic change is military methods. These are often chosen in last resort, when other methods have failed. Such democracy promotion may mean establishing new democratic regimes through military intervention or securing governments already in power against antidemocratic forces.

Channels of Democracy Promotion

Democracy promotion can also be exerted through two different channels. It can be done through the topdown channel. This channel directs pressure primarily at the elite level. Most democracy promotion is of this kind. It can also be done through a bottomup channel. In this case the attention is directed at the society and the masses.⁶⁾ This was notably the case of the “coloured revolutions” of Serbia, Georgia and Ukraine. These revolutions were not tailored from abroad but the large support they enjoyed from the American government and from American NGO’s was essential to their development.⁷⁾ This type of democracy promotion can not work everywhere. It necessitates a certain ripening in the situation and it can only work in semiauthoritarian regimes. Indeed the success of these revolutions depends upon the political restraint of the actors involved and in particular the restraint of dictators toward the use of repression and violence.⁸⁾

Sanctions as a tool of democracy promotion

Sanctions comprise essentially economic sanctions and they can be conceptualised as a means of exerting what is called *coercive diplomacy*. Coercive diplomacy is defined by Alexander George as a strategy consisting in backing a demand on an adversary with a threat of punishment for non compliance that the adversary will consider credible enough to

5) David Hendrickson, *op. cit.*, p. 24.

6) Daniel Silander, *op. cit.*, p. 31.

7) Mark R. Beissinger, “Promoting Democracy. Is Exporting Revolution a Constructive Strategy?” in *Dissent*, vol.53, no1, Winter 2006, pp. 1920.

8) Francis Fukuyama, “Do we really know how to promote democracy ?” speech made at the meeting of the New York Democracy Forum on May 24, 2005, in *Romanian Journal of Political Science*, vol. 5, no1, Spring 2005, p 170.

persuade him to comply with the demand. So, the purpose is to persuade the target to stop and/or undo an action he is already embarked upon.⁹⁾ Coercive diplomacy can include the threat of a punishment and/or the limited use of force to persuade an actor to stop or undo an action.

Economic sanctions can be considered as limited use of force.¹⁰⁾

Generally speaking, economic sanctions are financial or trade restrictions used by a state in order to change another nation's policies in some prespecified manner.

Types of Economic Sanctions

Economic Sanctions can be *covert or overt*. Covert sanctions are efforts done by the sender to destabilize the target by other means than overt break off of trade relations. Covert sanctions may for example include the cutting of aid, loans, loan guarantees...¹¹⁾

Financial sanctions touch the elites more directly. They are designed to limit the financial freedom of officials of the targeted regime by curtailing their access to foreign currency. They are supposed to diminish their ability to control resources of critical importance.¹²⁾

A special type of economic sanctions is what is called *smart sanctions* or *also targeted* sanctions. These sanctions have the particularity to single out the individuals responsible for wrongdoings, namely the elites of the targeted regime. This type of sanctions has the advantage of avoiding to affect the general population. Examples of smart sanctions are aviations bans, arms embargoes, freezing foreign assets of leaders, withholding credit, restricting communications...¹³⁾

The efficiency of Economic Sanctions

A central question regarding economic sanctions is whether or not they are effective and if they can be effective, under which conditions. Although economic sanctions are widely

9) Alexander George, *Forceful Persuasion: Coercive Diplomacy as an Alternative to War*, Washington D.C, United States Institute for Peace Press, 1997, p.4.

10) Peter Viggo Jakobsen, *Western Use of Coercive Diplomacy After the Cold war. A Challenge for Theory and Practice*, Great Britain, United States, MacMillan Press, 1998, p. 13.

11) Cooper A. Drury, "Revisiting Economic Sanctions Reconsidered" in *Journal of Peace Research*, vol.35, no 4, Jul. 1998, p. 500.

12) Jaleh Dashti Gibson, Patricia Davis, and Benjamin Radcliff, "On the Determinants of the Success of Economic Sanctions: An Empirical Analysis" in *American Journal of Political Science*, vol.41, no 2, April 1997, p. 610.

13) Mikael Eriksson, "EU Sanctions: Three Cases of Targeted Sanctions" in Wallenstein, Peter and Carina Stabano, (eds), *International Sanctions. Between Words and Wars in the Global System*, London, New York, Frank Cass, 2005, p. 108.

used, the mechanisms for translating “economic pain” into “political gain” are still not well understood.¹⁴⁾ A reason for this is perhaps the extreme complexity of the mechanisms that lead to a process of democratisation. A domestic political change such as the change from an authoritarian state to a democratic state is always the result of particular linkages between inside and outside factors. It is therefore very useful to research this complex interaction between domestic and International factors and to take this interaction into account when evaluating the efficiency of external measures such as sanctions when the goal is to move a country toward the path of democratisation.¹⁵⁾

Moreover, it is necessary to judge the efficiency of sanctions according to their goal. The goal they serve is not always as clear and simple as it appears. If the change of regime is the primary goal that sanctions serve, they may also have secondary goals. A secondary goal could for instance be to send a message of support to the target country’s population or political opposition. So there is an interest at gauging the other impacts of sanctions rather than only pointing at the difficulties of sanctions themselves to change a regime.¹⁶⁾ So, success of sanctions must be evaluated in the light of their real goal. In this logic, the determinants of success will differ according to the principal goal of the sanction. If the goal is only to destabilize a non democratic government for instance, the principal determinant of success will be the initial stability of the target.¹⁷⁾

The examination of whether sanctions work should also be envisaged in the context of the logic of choice. This means looking at sanctions as a choice of a strategy by a policymaker. The evaluation of the success of this policy should therefore take into account not only sanctions but alternatives to sanctions as a foreign policy. If success is defined as a favourable outcome for the policymaker, then it is necessary to see what the balance is between costs and benefits while assessing success or failure.¹⁸⁾ Sanctions can be an efficient policy tool as they avoid giving a negative image of oneself by “doing nothing” in the face of a situation where human rights and liberties are not respected. In that sense, sanctions can appear merely symbolic but it is not exactly the case. They are a convenient tool to respond to domestic pressure to “do something” but in fact they are neither only

14) Kimberly Ann Elliott, “Trends in Economic Sanctions” in Wallensteen, Peter and Carina Stabano, (eds), *International Sanctions. Between Words and Wars in the Global System*, London, New York, Frank Cass, 2005, p. 3.

15) Schmitz, H. and Sell, K., “International Factors in Processes of Political Democratization” in Grugel, Jean, (ed.), *Democracy Without Borders. Transnationalization and Conditionality in New Democracies*, London, New York, Routledge, 1999, p.33.

16) Cooper A. Drury, *loc. cit.*, p. 498.

17) Jaleh Dashti Gibson, Patricia Davis, and Benjamin Radcliff, *loc.cit.*, p. 608.

18) David A. Baldwin, “The Sanctions Debate and the Logic of Choice” in *International Security*, vol. 24, no 3 Winter 1999/2000, p. 87.

instrumental nor only symbolic. Their use corresponds to a need of costeffectiveness.¹⁹⁾

In an instrumental perspective, different determinants of the chances for sanctions to provoke democratic change have been exposed:

The most general arguments is that the ability of sanctions to work depends on the costs that the sender is willing or able to impose on the target and on the capability of the target to avoid such costs. This is affected by the level of the previous trade linkage between the two countries and to what extend the target was relying on the sender for imports and exports.²⁰⁾

Costs inflicted to the target can be limited by the action of another nation that would aid the target, by supplying goods and offering a potential market. These “black knights” can seriously hamper the efficiency of economic sanctions. In this sense, globalization can help subverting economic sanctions by providing alternative trade and business partners.

Another factor affecting the probability of success of economic sanctions is the economic and political stability of the target. The more stable a target, the less effective the sanctions are.

What could improve the efficiency of sanctions is the involvement of an international organization in the sanctioning process. It ensures the coordination of the different sanctioning initiatives and the cooperation between the different sanctioning actors. This increases the effectiveness of the enterprise and also gives it more legitimacy.²¹⁾

Finally sanctions can see their efficiency reduced when the target government does not have a strong opposition movement. If it is the case, the sanctions risk to create a phenomenon of rally around the flag.

In conclusion, it can be said that sanctions’ efficiency depends upon many factors and different examples can prove them either very effective or totally useless. Sanctions’ common use can perhaps be explained by the fact that it is a convenient option when governments have no perceived vital interest in the country concerned but domestic pressures require them to “do something.”²²⁾

2.2. Noncoercive methods of democracy promotion

Studies have also focused on noncoercive methods that can foster democratic change in a particular country.

19) *Ibid*, p. 102.

20) Jaleh Dashti Gibson, Patricia Davis, and Benjamin Radcliff, *loc.cit.*, p.609.

21) Cooper A. Drury, *loc. cit.*, pp. 502506.

22) Thomas G. Weiss, “Sanctions as a Foreign Policy Tool: Weighing Humanitarian Impulses” in *Journal of Peace Research*, vol. 36, no 5, Sept. 1999, pp.500502.

Democratic change and regional organization membership

Jon C. Pevehouse has researched the link between belonging to an international organization and in particular regional organization and the process of democratic change. According to him, regional organizations possess more leverage to pressure member states to democratise because most of economic and military agreements are conducted under their auspices.²³⁾ They can therefore easily push for liberalization through economic pressure (if the organization decides or threatens to suspend trade and financial benefices) and diplomatic pressure (if the organization decides to delegitimize the state by isolating it).²⁴⁾

Apart from these pressures, membership in a regional organization can also create a phenomenon of volunteer acquiescence to political liberalization.

Firstly, regional organizations are susceptible to condition admittance to democratic standards. Researches conducted over the European Union have demonstrated a powerful effect of membership conditionality in prompting democratic changes.²⁵⁾ Economic incentives sometimes play an important role with regard to the democratic conditionality success as in the case of the Cotonou agreement for instance.²⁶⁾ The conclusions of this research regarding membership conditionality have broader implications that can be applied to other organizations that also rely on conditionality in entrance negotiations.²⁷⁾ But even in the case of international organizations whose status does not involve any political engagement, there seem to be a tendency to design some of their decisions to push certain countries toward democratization.²⁸⁾

Secondly, regional organizations can provide guarantees that can help key groups of the authoritarian regime to overcome their fear of democracy. In the case of a military rule, the military often fears transition because it perceives that its interests will be endangered in the case of democratization and subordination to the civilian rule.²⁹⁾ Regional organization (especially security ones) can act as a safeguard for the military since it ensures that a credible military force will be part of the agreement.³⁰⁾

23) Jon C. Pevehouse, "Democracy from the OutsideIn? International Organizations and Democratization" in *International Organization*, vol. 56, no 3, Summer 2002, p. 519.

24) Jon C. Pevehouse, *loc. cit.*, p. 522.

25) Judith Kelley, "International Actors on the Domestic Scene: Membership Conditionality and Socialization by International Institutions" in *International Organization*, vol. 58, no 3, Summer 2004, pp. 426.

26) Laurence Whitehead, "Entreprises de démocratisation : le rôle des acteurs externes" in *Critique Internationale*, no 24, July 2004, pp. 112.

27) Judith Kelley, *loc. cit.*, p. 454.

28) Laurence Whitehead, *loc. cit.*, p. 112.

29) Jon C. Pevehouse, *loc. cit.*, p. 525.

Thirdly, the process of socialization that happens via regional organization membership can bring about democratization. Socialization-based methods rely solely on the use of norms to either persuade, shame or praise actors into changing their policies.³¹⁾ Socialization can alter the belief system of authoritarian regimes and make them less inimical to democracy.³²⁾ For example, in case of military regimes, regional organization membership can socialize the military with the role of the military in a domestic society by persuading it that the role of the military is not to act as a domestic police force but to protect the state from outside aggression.³³⁾

The capacity of a regional organization to act efficiently as democracy promoter among its members will be greatly facilitated if the democratic density of the organization (the percentage of democracies within the organization) is high. First, this will reassure the elites contemplating democratisation because democracies are more likely to fulfill their international commitment. The reason for that is the potential audience costs democratic leaders can face if they do not respect their obligations. Second, democratization through socialization will be more likely if the organization is composed predominantly of democracies.³⁴⁾

III. Policy Analysis of External Intervention

3.1. The United States

Description of US sanctions

In 2003, as a consequence of the Depayin incident, the US decided to strengthen its sanction policy toward Myanmar. In July, the “Burmese Freedom and Democracy Act” was signed by George W. Bush. This act encompasses a set of economic sanctions much stricter than the law passed under the Clinton administration in 1997. The previous law only forbade American investment in Myanmar in a nonretroactive manner. The 2003 law has four main components: a the visa ban on officials of the SPDC and the USDA (Union Solidarity and Development Association a promilitary regime group), a ban on financial transactions between American and Burmese parties, a freeze of the US assets of Burmese officials, and an

30) *Ibid.*, p. 527.

31) Judith Kelley, *loc. cit.*, p. 428.

32) Jon C. Pevehouse, *loc. cit.*, p. 524.

33) Jon C. Pevehouse, *loc. cit.*, p. 528.

34) *Ibid.*, p. 530.

embargo on all imports from Myanmar to the United States.³⁵⁾

Effects of US sanctions

What has been the effect of these sanctions? Regarding the goal of a change of regime or any democracy-oriented change of behavior from the military Junta, no significant results can be seen. How can this lack of effectiveness be explained?

First, regarding financial sanctions decided by the US government, they effectively hit the country's business and trade by limiting the access to dollars but rapidly, the military government set up initiatives to implement alternate credit facilities utilizing euros instead of dollars to sustain the country's trade and tourism.³⁶⁾ Second, regarding the embargo, the possible effect, has been deflected by the action of "black knights" countries whose companies were willing to operate instead of the American ones. The US market share was not very important in the first place and has just been taken up by countries willing to trade with the military Junta. This is exemplified by the replacement of Apple computers by Japanese computers.³⁷⁾ China has been particularly important in this regard. Being Myanmar's most prominent backer, its action has been critical in enabling Myanmar to survive economic sanctions. The trade links between the two countries are substantial. China has provided the military regime with loans and debt relief following the US tightening of sanctions. China is also Myanmar's largest supplier of arms and military equipment. This good relation with China has considerably helped to soften the blow caused by the US sanctions to the Burmese economy.³⁸⁾

This does not mean that US sanctions have had no effect at all but they have disproportionately hurt the people instead of fostering any change in the Junta's attitude. The import ban had a serious impact on the local industry. Indeed, Myanmar was a significant exporter of textile to the United States. The embargo resulted in thousands of jobs being lost, mostly by young women. Some of them were forced to enter the sex industry after losing a job in a textile factory.³⁹⁾ So, sanctions certainly had the effect to

35) Donald M. Seekins, "Burma and U.S. Sanctions. Punishing an Authoritarian Regime" in *Asian Survey*, vol. XLV, no3, May/June 2005, pp. 439-440.

36) Helen James, "Myanmar's International Relations Strategy: The Search for Security" in *Contemporary Southeast Asia*, vol. 26, no3, 2004, p. 535.

37) Ernest H. Preeg, "Feeling Good or Doing Good with Sanctions. Unilateral Economic Sanctions and the US National Interest" in *Significant Issues Series, CSIS*, vol.21 3, 1999, p.135.

38) Helen James, *loc. cit.*, pp. 534-535.

39) Donald M. Seekins, *loc. cit.*, p. 442.

hurt the most impoverished classes of the Burmese society but apparently their leverage toward the Junta was low. The Junta has demonstrated little care about people's hardship over the past decades as is shown by the disastrous state of health, educational and social services. The military spending have always preceded the social and infrastructural spending. So there is little chance that the worsening of living conditions of the population caused by sanctions will make the Junta lean toward the path of democratization.⁴⁰⁾

What sanctions do is to reinforce the regime's already important tendency to xenophobia and nationalist rhetoric. It stimulates autarky and a strong desire to resist what is perceived as a form of neocolonialism of the West.⁴¹⁾ Indeed, the regime tries to build itself a legitimacy based on nationalism, the originality of Asian values as opposed to Western values and the necessity of the army to maintain the country's national unity and to prevent a process of disintegration. In past declarations, the Junta has often stated that parliamentary democracy was incompatible with Asian standards and that it could not be imposed upon them by Western powers. The junta perceives its role as protecting Burmese culture against Western ideas and preserving the country's unity and independence from outside forces.⁴²⁾

Whether or not this legitimacy rhetoric finds support among the masses is difficult to assess given the closed, repressed and fearful nature of the country.⁴³⁾ There is some evidence that suggests that the military regime does not enjoy genuine legitimacy as is shown by widespread support for Aung San Suu Kyi.⁴⁴⁾ However it seems that the regime generates ambiguous feelings among the general population. There is a general unhappiness with the prevailing social, political and economic situation but at the same time not all people hold a negative attitude toward the government. Some recognize that some senior officials are helpful to the public.⁴⁵⁾ The same sort of phenomenon can be found regarding the army. The army represents at the same time an oppressor and a benefactor. A lot of families are highly critical of the Junta but at the same time will strive to have someone of their family in the *Tatmadaw* (the army) in order to enjoy the benefits given to members of the militar

40) *Ibid.*, p. 444.

41) Helen James, *loc. cit.*, p. 548.

42) Kenneth Christie and Denny Roy, *The Politics of Human Rights in East Asia*, London, Sterling: Pluto Press, 2001, pp. 8485.

43) Ian Holliday, "Rethinking The United States's Myanmar Policy" in *Asian Survey*, vol. XLV, no 4 July/Aug. 2005, p. 605.

44) Donald M. Seekins, *loc. cit.*, p. 445.

45) Kyaw Yin Hlaing, "Myanmar in 2004. Why Military Rule Continues" in *Southeast Asian Affairs*, 2005, p. 253.

y.⁴⁶⁾ The members of the military operate in a separate system of social services, for instance, they possess their own health care system.⁴⁷⁾ In this sense, there is an ambiguity of the army that is perceived as the symbol of the oppression but at the same time as a re-distributor of goods.

Whether or not the sanctions enhance the Junta's legitimacy, it can be argued that sanctions have missed their primary objective of inflicting enough costs to the rulers to make them agree to democratize. Only if sanctions are observed through a symbolic lens can success be invoked. The US sanctions can be perceived a symbol, a function of the American domestic policy, without the leverage to provoke the political change they are officially aimed at. There is evidence to show that sanctions respond to a desire of moral high in the US foreign policy and that they result particularly of pressures of domestic constituents, especially from the Congress. Several congressmen are knowledgeable about Aung San Suu Kyi and her cause and some of them know her personally.⁴⁸⁾

In sum, the US policy of sanctions toward Myanmar suffers several shortcomings. Perhaps the most important is that the sanctioning effort is limited to the US and its closest allies. The efficacy of sanctions is reduced by the action of other countries which are too willing to take the US' place. The credibility of US sanctions is especially undermined by the attitude of ASEAN countries which oppose sanctions and are tenants of a policy of constructive engagement.⁴⁹⁾ There is no clear consensus among international actors about how to act toward Myanmar and this clearly impacts on US sanctions. This is rendered even more complex by the fact that the US is only a secondary player in terms of Myanmar's interest and relationships. In opposition, ASEAN seems to be of primary importance for the military regime.⁵⁰⁾

So Myanmar does not seem to possess the qualities that would allow a strategy of sanctions to be effective in fostering democratic change in opposition with the oft-cited case of South Africa. The case of Myanmar is different because international actors disagree on the best strategy to adopt toward the country, the economy offers less leverage as the country is less integrated in the global economy, the military junta is less isolated from its main support base and domestic opposition is less powerful.⁵¹⁾

46) Donald M. Seekins, *loc. cit.* pp. 445-446.

47) Joshua Kurlantzick, "Can Burma Reform?" in *Foreign Affairs*, vol. 81, no 6, Nov/Dec. 2002, p. 140.

48) Wayne Bert, "Burma, China and the U.S.A." in *Pacific Affairs*, vol. 77, no 2, Summer 2004, p. 277.

49) Ian Holliday, *loc. cit.*, p. 616 and p. 608.

50) Ernest H. Preeg, *loc. cit.*, p. 143.

51) Wayne Bert, *loc. cit.*, p. 279 and Ian Holliday, *loc. cit.*, p. 620.

Assessment of the US strategy

The US has chosen to adopt the strategy of overt sanctions to force Myanmar to democratise. This goal clearly could not be achieved via this method. The US sanctions were not successful in inflicting enough costs to the rulers. Particularly, these costs have been lessened by the actions of black knights and the costs inflicted upon the population did not incite the military to undertake reform. The sanctions could hardly destabilize the country which has been living in isolation for years and whose regime is not on the verge of collapse contrary to what has been erroneously pictured. The regime is in fact quite stable and the opposition is weak. The sanctions decided by the US constitute a unilateral move and suffer from the lack of coordination at the multilateral level, namely the fact that other nations pursue a policy toward Myanmar that runs exactly opposite of the US. Besides, the effect of the US sanctions might have been perverted by internal processes such as the nationalist rhetoric of the Junta and its use of the US as a scapegoat to blame for every economic problem endured by the country. Therefore, it can be concluded that the instrumental goal of bringing down the Myanmar authoritarian regime through economic sanctions has been a failure. But if regarded the tens of the logic of choice, these sanctions are not necessarily a failure. Sanctions through can be seen as costeffective in the context of the US domestic policy. It is a choice that is costeffective as it allows to satisfy domestic constituents, gives an image of morality of the US and avoids to resort to more costly options such as military intervention. The cost of military intervention does not seem justified in the case of Myanmar as the country is only of limited interest to the US. Sanctions seem to be the best option because they satisfy the public opinion by giving the impression that the US would not let a situation of violation of human and democratic rights without condemnation.

3.2. The EU and the evolution toward a critical engagement policy

The current EU policy

The EU has long presented itself as the defender of intelligent sanctions which do not hurt the majority of the population but only targets the heads of the regime. They are not named sanctions but *restrictive measures* and are defined in a Council Common Position that is regularly revised, the last version dating of April 25, 2005.⁵²⁾ The first EU Common Position

52) Council Common Position 2005/340/CFSP of 25 April 2005

http://eurlex.europa.eu/LexUriServ/site/en/oj/2005/1_108/1_10820050429en00880106.pdf

adopted on Myanmar dates from 1996, It encompasses measures of arm embargo, suspension of defence cooperation, suspension of bilateral aid other than strictly humanitarian one, visa ban on members of the military regime, members of the government, senior military and security officers and members of their families and a suspension of highlevel governmental visits to Myanmar. In 2000, the Council revised the Common Position to add an export ban on everything that could be used for internal repression. It also added the list of the people concerned by the visa ban and imposed a freeze of the assets held in Europe by the people named on that list. In October 2004, as no progress in responding EU's demands was registered, the *restrictive measures* were further tightened. The visa ban was extended to cover all officers of the regime and prohibition for EU companies to invest in Burmese state owned enterprises has been decided.⁵³⁾ This is added to the already longstanding ban on assistance to Myanmar from the World Bank, the International Monetary Fund and the Asian Development Bank.⁵⁴⁾

Regarding the level of aid there is no bilateral cooperation programme between the EU and Myanmar. Only a limited humanitarian assistance exists. It mainly includes assistance for refugees and contributions to the UN program to fight HIV/AIDS in the country.⁵⁵⁾

Fallacies in the current EU policy

Lack of indepth analysis of the context

A general fallacy of the EU policy toward Myanmar is that it lacks a profound analysis of the special context within which the country finds itself. First, the EU external policy toward Myanmar does not take into account the country's historical trauma caused by the loss of independence in the 19th century and the strong fear for foreign interference this has created. It has boosted the role of the military and renders any thought of a political reform that would undermine severely the role played by the military unrealistic.⁵⁶⁾ Second, the strategy the EU pursues is flawed because it runs counter the interests of regional neighbours of Myanmar. This prevents the possibility of a concerted strategy between the EU and Asian countries and it limits the EU's influence on events in the region.⁵⁷⁾

53) EU external relations Myanmar

http://ec.europa.eu/comm/external_relations/myanmar/intro/index.htm, consulted June 29, 2006.

54) Robert H. Taylor, "Myanmar. Roadmap to Where?" in *Southeast Asian Affairs*, 2004, p. 171.

55) EU external relations Myanmar http://ec.europa.eu/comm/external_relations/myanmar/intro/index.htm consulted June 29, 2006.

56) Robert H. Taylor and Morten Pedersen, "An Independent Report for the European Commission. Supporting Burma/Myanmar's National Reconciliation Process: Challenges and Opportunities", January 2005, p. 19.

57) Jacques Baudouin, "Birmanie: un enjeu majeur pour les relations euroasiatiques" in *Défense*

Underestimation of the transitional challenges

Moreover, there is certainly a simplified conception of the political and social reality of Myanmar and therefore no realistic scenarios for change can be designed. The EU policy is characterized by an underestimation of the transitional challenges that Myanmar needs to confront.

*** Seeking to reconcile the democratic and ethnic way**

One of the specificities of Myanmar is that it is confronted with a twofold question whose aspects are interlinked. First, there is the democratic question: How to evolve toward a democratic system? How to run the constitutional processes leading to democracy? Then there is ethnic question. How to live together in a country that is composed for 50% of one ethnic group and for 50% of hundreds of ethnic groups?

These two questions need to be addressed in parallel and render the Burmese path to transition extremely complex. The EU policy has for years been only oriented toward the democratic side of the equation. It is only recently that the importance of resolving the ethnic problem has been understood and that the term reconciliation has come to be more frequently employed.

*** The lack of state capacity**

Another complexity of the picture is the extreme lack of state capacity. The public sector is weak and corrupted and the efficiency of the services it provides is close to zero.

In this context, political and human rights reform is not sufficient for Myanmar. The problem of state capacity must be resolved for a sustainable democratic government to rule the country. A policy of sanctions or restrictive measures as it is practiced by the EU does not favor the good environment to revive the institutions that are necessary for a democratic government to succeed.⁵⁸⁾ The current situation rose from the socialist period during which the civil service was considered as an adversary and was systematically crippled. When the socialist regime fell, the state apparatus was destroyed to such an extent that all that remained was the military.⁵⁹⁾ Today, severe institutional problems are still plaguing the country. The civil service is still undermined. Civil servants are replaced by military officers. Their promotion is based on loyalty and patronage and their technical competence is low.

Nationale, no 3, mars 2005, p. 28.

58) Neil A. Englehart, "Is Regime Change Enough for Burma? The Problem of State Capacity" in *Asian Survey*, vol. XLV, no 4, Jul/Aug 2005, p. 623.

59) Neil A. Englehart, *loc. cit.*, pp. 632633.

Military officers are given the best position which alters the merit incentives for civil servants.

Furthermore, the wages of civil servants are so low that it encourages widespread corruption.⁶⁰⁾ This deficient capacity impedes all sectors of state apparatus and results in public services being curtailed.⁶¹⁾

In addition to this, the decentralization of authority to regional military commanders produces inconsistent, ad hoc forms of administration in which military enjoy tremendous executive power and in which bribery is the rule.⁶²⁾ The expansion of stable, modern governance structure and the rule of Law into areas currently under control of regional army commanders or former insurgent groups will be a particularly difficult and extended process. There are reasons to doubt that a civilian government could have the capacity to deal with the immense structural obstacles to peace and development even with international support. It is necessary to meet certain preconditions before any democratic transition can take place especially the establishment of administrative stability. Unless a serious preparation of the ground for democracy is made, democracy could be fragile and risk a quick return to authoritarian rule.⁶³⁾

* The strength of the opposition.

The opposition formed by the NLD is in a situation of weakness that is underestimated by the policymakers of the EU. Apart from the national figure of Aung San Suu Kyi, the democratic opposition is not as united as it appears and does not seem capable of bringing any effective responses to the regime, Members of the NLD are old, average age of members of the Central Executive Committee is nearly 80. Besides, the NLD has shown little openness to internal debate. The exile government does not enjoy unanimous support from the exile community. Furthermore, the NLD has spent most of its recent time trying to attract attention from the international community rather than strengthening the civil society. This absence of investment of resources to develop a politically conscious civil society, coupled economic hardship and fear of reprisals in case of political investment has contributed to the weakening of civil society.⁶⁴⁾ Moreover, the NLD has failed to build a true unity between the democratic opposition and the ethnic minorities. The two have not been able to agree on a common agenda until now. Many of the ethnic groups have insisted on identity claims above all and do not necessarily possess a political programme for the whole

60) *Ibid.*, pp. 635-637.

61) David I. Steinberg, *loc. cit.*, p. 180.

62) Neil A. Englehart, *loc. cit.*, p. 638.

63) Robert H. Taylor and Morten Pedersen, *op. cit.*, p. 21.

64) Kyaw Yin Hlaing, "Myanmar in 2004. Why Military Rule Continues" in *Southeast Asian Affairs*, 2005, p. 250 and p. 252.

of the country. So, divisions persist among the NLD and the ethnic groups, for instance around the question of the place of Buddhism in what would be the new democratic Myanmar. The NLD considers it essential while the leaders of Christian and Muslim minorities have a different opinion about it. These contradicting views have clearly diminished the strength of the reform movement.⁶⁵⁾ This weakness of the opposition forces, their lack of unity makes the policy of sanctions of the EU even less likely to be fruitful since it relies on the surrendering of power from a military powerful regime to democratic weak opposition.

Lack of understanding of the centrality of aid

Finally, the EU policy furnishes only a minimum of humanitarian aid while a policy of aid and development has a serious potential for creating the conditions needed for a democratic change to take place. Indeed, the failure to help promote economic reform through aid has slowed down all the important processes of social and economic change which are necessary to build an effective alternative to military rule.⁶⁶⁾ Targeted with sanctions and denied any aid except strictly humanitarian one, the military government has been inhibited in its willingness to address major economic reforms such as exchange rate rectification. Rates of the kyat are currently established arbitrarily. There is therefore a huge disparity between the official rate of the kyat to the US dollar and its rate on the black market. This practice makes sensible business planning almost impossible.⁶⁷⁾ The refusal of the military government to undertake structural adjustment reforms can partly be explained that the fact that Myanmar has been denied the financial and technical assistance usually provided by international financial institutions in case of structural reforms in lowincome countries.⁶⁸⁾ Even NGO activity in Myanmar is restricted. Myanmar is the only place in the world where NGOs have accepted an embargo on humanitarian assistance on political and Human Rights grounds.⁶⁹⁾ The practice of forced labour has also been encouraged because of the absence of financial assistance for infrastructural projects. The lack of assistance also maintains the level of drug production because no funds are available to ensure the development of alternative crops for drug producers.⁷⁰⁾

65) Renaud Egretreau, "Birmanie: la transition démocratique selon la junte" in *Critique Internationale*, no 24, July 2004, pp. 4546.

66) Robert H. Taylor and Morten Pedersen, *op. cit.*, p. 20.

67) Robert H. Taylor, *loc. cit.*, p. 181.

68) Thawngmung A. Maung, "Preconditions and Prospects for Democratic Transition in Burma/Myanmar" in *Asian Survey*, vol. XLIII, no 3, May/June 2003, p. 446.

69) Andrew McGregor, "Geopolitics and Human Rights: Unpacking Australia's Burma" in *Singapore Journal of Tropical Geography*, vol.26, no2, 2005, p. 194.

The limited definition of aid used by the EU does not help to address the enormous structural problems known by the Burmese society. It does little to help the resolution of conflicts, the development of competences and the economic and administrative reforms.⁷¹⁾ Negative social effects arise from this state of facts. Generally speaking, it prevents the Burmese population from improving its living condition. It hampers the development of strong civil society and of a middle class; two essential elements of a democratic society. Many people's first concern is about elementary needs not about politics.⁷²⁾ The potential of aid has not yet been really tested by the EU. Some argue that aid could be an important factor in fostering change but for this to happen aid must not be conditioned in the beginning. Aid could help building the foundations for a democratic society for instance through assistance project for conflict resolution and peacebuilding, through reinforcing civil society, through community initiatives favoring the contact with democratic institutions and culture... But above all, it, would also simply help the Burmese face the humanitarian crisis they find themselves into.⁷³⁾

New trends in EU policy

Some thinkers of the EU are starting to see the shortcomings of the EU policy and are developing new ways of thinking that are slowly penetrating the current EU policy toward Myanmar. Progressively, the EU is abandoning its policy of restrictive measures and its very strict speech about democracy and Human Rights and is starting to speak in terms of *critical dialogue*. An example of a measure of critical dialogue is Myanmar's final admittance to ASEM in 2004 in Hanoi where in the past there had been a clear refusal to accept Myanmar to these meetings.⁷⁴⁾ This was a significant step even though the meeting was not at the level of heads of state/government. Such a measure at least allows some dialogue to take place whereas restrictive measures prevent any type of communication.⁷⁵⁾ This policy of critical dialogue is still hard to put in practice since it necessitates an agreement of all members states and the issue of Myanmar is far from uncontroversial among member states. Some states favor a pragmatic stance toward Myanmar while others are more ideological in their position, often pushed by powerful Human Rights movements (e.g. in the Scandinavian

70) Robert H. Taylor, *loc. cit.*, pp. 182183.

71) Jacques Baudouin, *loc. cit.*, p. 32.

72) *Ibid.*, p. 29.

73) Jacques Baudouin, *loc. cit.*, p. 34.

74) Björn Hettne and Fredrik Söderbaum, "Civilian Power or Soft Imperialism? The EU as a Global Actor and the Role of Interregionalism" in *European Foreign Affairs Review*, vol. 10, no4, Winter 2005, p. 548.

75) Jurgen Haacke, "Myanmar's Foreign Policy" in *Adelphi Paper*, no38 1, June 2006, p.79.

states). But still new ideas are dispersed and are gaining ground in some European Institutions such as the European Commission. Within this institution, voices have been proposing several steps that could be taken to perhaps advance in breaking the current deadlock in Myanmar. These ideas insist on the necessity to recognize that democratization is a process and not an event, that it will require profound and longterm changes in attitudes and behaviors and that the future political structure of Myanmar will probably have to go through a period of “hybrid regime” before acceding to a Western style liberal democratic government.⁷⁶⁾ In this optic, it is argued that the EU should promote three longterm processes of change: political liberalisation, peace building and socioeconomic development. Therefore, the priority must be to build the conditions for a gradual transfer of power to a stable, competent civilian government. This would require less focus on weakening the military regime and more focus on encouraging new thinking within the military, building capacity within the state and society to deal with the country’s development needs and strengthening the democratic infrastructure.⁷⁷⁾ This point of view was reflected in a speech delivered by Eneko Landaburu as the Director General of external relations at the European Commission at the occasion of the Burma/Myanmar Forum in Brussels, the 29th of March 2006. In this speech, he recognized that a policy of only restrictive measures could not be effective and that a ‘balance between restrictive measures and critical engagement had to be found. He said EU policy should focus on maintaining dialogue, engaging the military government over its responsibility to develop the country and ensure assistance to the most vulnerable persons in society as well as extending aid. ECHO, the Humanitarian Aid Office of the European Commission has made funds available for vulnerable people in Myanmar, not only along the Thailand/ Myanmar border but also in Myanmar itself.⁷⁸⁾ But this is considered insufficient by the European Commission today which argues for more strategically planned assistance to ensure basic services in important domains such as health and education.

3.3. ASEAN and Constructive Engagement

The path of accession

In 1993, Myanmar signaled for the first time its interest in becoming a member of ASEAN. The SLORC nourished several hopes about the benefits of ASEAN membership.

76) Thawngmung A. Maung, *loc. cit.*, p. 458.

77) Robert H. Taylor and Morten Pedersen, *op. cit.*, p. 23.

78) Jurgen Haacke, “Myanmar’s Foreign Policy” in *Adelphi Paper*, no381, June 2006, p. 79.

First, closer association with ASEAN would provide the Junta important gains in terms of legitimacy.⁷⁹⁾ Second, Myanmar hoped that joining the association would allow it to benefit from assistance from the more developed ASEAN members in capacity building as well as better access for its agricultural products to regional markets, greater foreign direct investment from ASEAN members, more opportunities for developing entrepreneurial skills and better overall development prospects.⁸⁰⁾ Accordingly, the SLORC attended the ASEAN annual meeting in Thailand as a guest in 1994. On this occasion, ASEAN member states exposed their view that Rangoon's eventual admission to the organization would require further progress on the democratic front. The Thai government engaged in diplomacy to try to secure Aung San Suu

Kyi's release in order to facilitate Myanmar's accession. She was indeed released in 1995 and Myanmar got to sign the ASEAN Treaty of Amity and Cooperation which conferred it an observer status.⁸¹⁾ The U.S. voiced some concern about such a move but this did not succeed in breaking the ASEAN consensus on the widening of the organization to comprise all Southeast Asian states. The accession date of Myanmar was fixed for 1997 as for Cambodia anti Laos. But as the Junta cracked down on the opposition in 1996, more skeptics about Myanmar's accession appeared and Malaysian foreign minister Badawi, in his capacity of chairman of the ASEAN Standing Committee, told the Junta that the recent crackdown could jeopardize its membership. But finally Myanmar did accede in 1997. This decision was perhaps prompted by the US 1997 investment ban which might have hardened the ASEAN stance that isolating Myanmar was not the solution and its willingness to practice a softer form of engagement toward Myanmar.⁸²⁾

ASEAN's policy toward Myanmar: constructive engagement

The policy of ASEAN toward Myanmar has been characterized as one of *constructive engagement*. It relies on the belief that peaceful change can be promoted in authoritarian regimes by emphasizing shared economic and diplomatic benefit.⁸³⁾ The idea is to try to engage the military Junta through quiet diplomacy and economic ties. This policy finds its roots in ASEAN's values and conflict management style. In the ASEAN mentality the principle of non interference is primordial. Intrastate conflicts are regarded as domestic

79) *Ibid.*, p. 42.

80) *Ibid.*, p. 44.

81) Kay Möller, "Cambodia and Burma. The ASEAN Way Ends Here" in *Asian Survey*, vol. XXXVIII, no 12, Dec. 1998, p. 1090.

82) *Ibid.*, pp. 1092-1093

83) *Ibid.*, p. 1102.

matters with which ASEAN should not concern itself. The Treaty of Amity and Cooperation in Southeast Asia puts a lot of emphasis on non-interference. This centrality of non-interference derives from values that have been the core of ASEAN integration such as restraint and responsibility, patience, informality, consensualism, and respect for other traditions.⁸⁴⁾ The policy of constructive engagements is also linked to the belief that economic development has a positive effect on stability and security.⁸⁵⁾

Myanmar: a challenge to ASEAN culture

The events will quickly question the validity of the approach of constructive engagement toward Myanmar and in particular, the possibility for ASEAN to maintain a firm commitment to non-interference. Firstly, ASEAN support for Myanmar caused strain in relations with ASEAN western partners.⁸⁶⁾ Secondly, the results of ASEAN's quiet diplomacy were mitigated and in the face of the lack of significant progress toward democracy in Myanmar, the principle of non-interference was progressively replaced by a more proactive policy called "enhanced interaction." Through this principle, ASEAN does not seek to become involved in the domestic politics of members, although their policies and practices with trans border impacts may come under scrutiny.⁸⁷⁾ The impasse in the reconciliation process in Myanmar, the government incarceration of opposition leaders, the lack of progress in addressing social and economic reforms, and delays in curbing sources of drug production and distribution located inside the country all have gave regional consequences.⁸⁸⁾ Since the Depayin incident of 2003, impatience about Myanmar has grown within ASEAN and the issue has been disruptive and divisive among members. Following the Depayin incident, ASEAN issued a joint communiqué urging the Junta to resume initiatives of reconciliation.⁸⁹⁾ Ex Malaysian Prime minister Mahathir Mohamad even

84) Kamarulzaman Askandar, Jacob Berovitch and Mikio Oishi, "The ASEAN Way of Conflict Management: Old Patterns and New trends" in *Asian Journal of political Science*, vol. 10, no 2 Dec. 2002, pp.2223.

85) *Ibid.*, p. 30.

86) Report: *Quality of partnership. Myanmar, ASEAN and the World Community*, Burma Library Online, 15 Dec. 2003, http://www.asiandialogue.com/irc/download/pdf/quality_of_partnership/quality_of_partnership.pdf , p.11.

87) Jurgen Haacke in *Adelphi Paper*, *loc. cit.*, p. 46.

88) Report: *Quality of partnership Myanmar, ASEAN and the World Community*, Burma Library Online, 15 Dec. 2003, http://www.asiandialogue.com/irc/download/pdf/guality_of_partnership/quality_of_partnership.pdf, p. 11.

89) Jurgen Haacke, "'Enhanced Interaction' with Myanmar and the Project of a Security Community: Is ASEAN Refining or Breaking with its Diplomatic and Security Culture?" in *Contemporary Southeast Asia*, vol 27, no2, 2005, pp. 190192.

suggested that Myanmar could be expelled from ASEAN as a last resort if it failed to release Aung San Suu Kyi. But this threat remained without consequences as it had no legal basis.⁹⁰⁾ In the face of the political deadlock in Myanmar, Thailand forged a roadmap, for Myanmar that would see the SPDC commit itself to a timetable for the release of Aung San Suu Kyi and for the regime's steady move toward democracy. The first step of the Thai roadmap was the release of Aung San Suu Kyi.⁹¹⁾ This roadmap was unacceptable to Junta which came up with its own roadmap. The Junta roadmap was made of 7 steps and was supposed to lead to a "disciplined democracy." The first step was to be the reconvening of the National Convention, then the drafting of a new constitution, its adoption by general referendum, the holding of free and fair elections according to the new constitution, the convening of legislative bodies or Hluttaw, and the building of a modern, developed and democratic nation by the newly elected state leader s.⁹²⁾ Even though this roadmap made neither mention of the release of Aung San Suu Kyi nor of a timetable for implementation, it was welcomed by ASEAN which adopted a more conciliatory tone toward the country afterwards. But as no real progress was made in roadmap implementation, critics rose again and a link was established between Myanmar's progress in advancing toward democratization, the release of Aung San Suu Kyi and the chairmanship of the ASEAN Standing Committee by Myanmar in 2006. The chairmanship created unease among the members and Myanmar finally decided to relinquish its turn probably conscious that assuming the chair would not be in the interest of the association.⁹³⁾ It is indeed credible that Myanmar does not wish to be an embarrassment for ASEAN.⁹⁴⁾

Assessment of constructive engagement

The assessment is that constructive engagement does not seem to be an effective strategy to foster democratic changes in Myanmar. The roadmap was considered as a progress for a time although the kind of disciplined democracy it is supposed to lead to is highly questionable. But the roadmap process seems to have lost credibility since it is so vague and nobody can really keep track with its developments. ASEAN had hoped that constructive engagement would be more effective once Myanmar had joined the association but apparently this was not the case. The problem is that to be effective, economic and security regimes

90) Jurgen Haacke, in *Adelphi Paper*, loc. cit., p. 52.

91) Jurgen Haacke, in *Contemporary Southeast Asia*, loc. cit., p. 192.

92) Renaud EgretEAU, loc. cit., p. 40.

93) Jurgen Haacke, in *Adelphi Paper*, loc. cit., p. 55.

94) Thawngmung A. Maung, "The National Reconciliation Process in Myanmar" in *Contemporary Southeast Asia*, vol. 24, no 2, Aug. 2002, p.380.

must be able to make and act on decisions quickly. But division among ASEAN members regarding the right course of action toward Myanmar has prevented this capacity. The credibility of constructive engagement was put under serious threat as members could not agree on a common stance toward Myanmar.⁹⁵⁾ Indeed, nuances can be perceived in different members stances toward Myanmar. Indonesia, with its new democratic identity and the importance it attaches to the strengthening of ASEAN, certainly sees the regime in Myanmar as a disruptive element within ASEAN. Singapore, which has engaged in a strategic partnership with Washington, has been defending a hard stance. Thailand's good relation with the Junta has provoked disapproval within Thailand itself as well as in the U.S. The Philippines went as far as trying to put the Myanmar question on the agenda of the U.N. Security Council. In opposition, Laos, Vietnam and Cambodia have remained broadly supportive. These divisions have thus diminished ASEAN's leverage toward Myanmar. Myanmar has indeed made it very clear that it does not like and will not yield to public pressures from the association.⁹⁶⁾ This was demonstrated by the episode of the ASEAN special envoy Myanmar had agreed to receive and who was supposed to check on the country's advancement in political change. The Junta delayed his visit several times and when he was finally granted the authorisation to meet with the military leaders he was sent back after a very short interview.

Myanmar's democratic changes through ASEAN membership: not enough leverage?

ASEAN did not have the possibility to exert much pressure on Myanmar to democratise. No democratic conditionality was to be respected in order to be granted accession and even though public requests were made for democratic changes to take place before accession this was not a formal requirement but just an informal initiative relying more on Myanmar's willingness to please its neighbours than on compelling conditions to enter a regional organization. These requests were easily turned down by the Myanmar military government and the accession to the organization was granted anyway. The same kind of situation persisted once Myanmar had officially joined ASEAN. ASEAN governments were not necessarily happy about the lack of progress in political change in Myanmar but no compelling mechanism was at the disposal of the association to make Myanmar agree to work harder to surmount its political deadlock. No legal basis envisaged to withdraw some of its privileges from an ASEAN member or the possibility to expel a recalcitrant country.

95) Kay Möller, *loc. Cit.*, p. 1102.

96) Jurgen Haacke, in *Adelphi Paper*, *loc. cit.*, pp. 5960.

Concerning the evolutionary power of economic cooperation, the assessment is rather disappointing. It appears that ASEAN economic cooperation did not possess enough leverage to foster democratic changes in Myanmar. The economic advantages of the accession to ASEAN were not as important as expected by the military regime. The foreign direct investment from ASEAN countries did not amount to the level the Junta had hoped for. The ASEAN Free Trade Area (AFTA) did not yield as much benefits as thought either. ASEAN states became the largest source of imports for Myanmar but exports to those states did not change much. Furthermore, ASEAN has provided only a limited assistance to Myanmar.⁹⁷⁾

On the military side, ASEAN's security cooperation is still fledgling. Currently, the military and security cooperation is predominantly organized at the bilateral level and its intensity and quality varies across the region but such security agreements are virtually inexistent between old ASEAN members and new ones such as Myanmar. Impeded by rivalry, mistrust and suspicion, security cooperation under ASEAN auspices has largely remained potential rather than actual. However, in 2003, an agreement established an ASEAN community comprising three pillars, the second pillar being constituted by the ASEAN Security Community (ASC). The ASC idea proposed to use ASEAN existing mechanisms for resolving intramural disputes and much closer collaboration on transnational security challenges including terrorism, narcotics and human trafficking... The agreement is rather weak. It insists on non-interference, ruling out an ASEAN military alliance or a joint foreign policy.⁹⁸⁾ Therefore, it can difficultly act as a safeguard for the Junta and lessen its fears of a passage to democracy.

For what regards the process of socialization, its effectiveness seems to be weak perhaps because some of ASEAN members are themselves recent democracies or some are not democratic at all. The association has not made democracy one of its core principles even though the term "democratic nations" is stated in the document establishing the ASC.⁹⁹⁾ This lack of insistence on democracy as central objective of ASEAN combined with the fact that not all members are consolidated democracies and with the principle of non-interference might have limited the potential of socialization.

97) Jurgen Haacke, in *Adelphi Paper*, *loc. cit.*, p. 44.

98) Tim Huxley, "Southeast Asia in 2004. Stable but Facing Major Security Challenges" in *Southeast Asian Affairs*, 2005, p. 18.

99) Jurgen Haacke, in *Contemporary Southeast Asia*, p.201.

IV. Conclusion

Persuasive as well as coercive methods of democracy promotion have been unsuccessful in the case of Myanmar. Evidence suggests that neither sanctions nor constructive engagement has brought about much concrete result. While US sanctions have indeed been hampered by the action of black knights, EU sanctions appear to raise very low concerns to the military Junta whose primary interest lies more within the ASEAN region. However, Myanmar's accession to ASEAN has not brought about much significant change either. It is logic in the sense that the association does not put too much emphasis on democracy; no democratic requirements are to be met to accede and the principle of non-interference is not really compatible with a strong stance on democratic principles. However, it seems that the most decisive element in explaining ASEAN policy's failure toward Myanmar was the lack of common stance among ASEAN members and the dispersion of different initiatives. Even though the irritation with Myanmar is growing within ASEAN, certain members remain passively supportive of the Junta by sticking strictly to non-interference. This impossibility to act in a more consensual way has clearly diminished the credibility of the constructive engagement of ASEAN. It seems that although a new era of democracy promotion has emerged and sovereignty is eroding, concepts such as non-interference and sovereignty are still sensitive issues and that is certainly true concerning the ASEAN region. Perhaps democracy promotion is conceived as a western concept in this region where the importance of sovereignty is still felt as something primordial given the past experience of Western interference these countries have. This can be a impeding factor in any attempt of ASEAN to adopt a hard stance on democracy toward the Myanmar Junta. Moreover, given the limited economic advantages derived from participation to AFTA and the limitations of the ASC, ASEAN has not been able to exert much influence on Myanmar via economic and security cooperation.

The different efforts initiated by international actors to try to foster democracy in Myanmar have also been hindered by specific internal conditions. Perhaps the case of Myanmar gives the best example of the inextricable link between internal and external factors when explaining a process of democratization or nondemocratization. The stable and strong structure of the military government, the weakness of civil society, the disillusion about the ability of the NLD to play a meaningful role, the particularly bad state of the economy, all are elements that interfered with policies of external actors. While for the EU and the US, their policies seemed to be illadapted to the internal situation, it seems that in the case of ASEAN, the main factor explaining the failure of its action toward Myanmar lies within the association itself; its lack of consensus, lack of emphasis on democratic standards, lack of advancement in security

cooperation and the few economic rewards it has finally been able to provide Myanmar. All this has been combined with the fact that Western and Asian strategies have been running counter each other which has further diminished their efficiency.

Alternative policy options

What are therefore, some hints of policy options that might reveal more effective toward Myanmar? **Opt for a more nuanced set of sticks, and carrots*

Sanctions are not necessarily negative but they might work better if coupled with incentives and if at least the criteria for lifting them are clearly stated. Steps to be taken for sanctions or parts of sanctions to be lifted should not be too demanding at the beginning in order build some confidence on both sides.¹⁰⁰⁾ Incentives should be given for change and penalties for inertia. For instance, ethical investment of multinational corporations (investment that would alleviate poverty) could be tied to measurable and verifiable progress.¹⁰¹⁾

***Maintain dialogue**

Maintaining dialogue allows to criticize the regime while at the same time being able to propose something, instead. Dialogue can be instituted at a high diplomatic level but other types of dialogues can also be useful such as dialogue at the level of NGOs, businesses, religious leaders... The best would be to combine topdown and bottomup initiatives for dialogue. In the case of the US, a first step toward dialogue could be to signal support for diplomatic initiatives of its Asian allies.¹⁰²⁾

***Coordinate the different policies**

It would be wishful to make a sustained attempt to formulate a common strategy to stimulate change in Myanmar; facilitating the complementary efforts rather than working at cross purposes. The different efforts need to be coordinated in order to be credible. Multilateral initiatives are more likely to exert powerful influence than unilateral ones.¹⁰³⁾ The international community desperately needs a coherent Myanmar policy.¹⁰⁴⁾

***Engage in massive assistance**

100) Ernest H. Preeg, *loc. cit.*, p. 140.

101) Ian Holliday, *loc. cit.*, p. 618.

102) *Ibid.*, p. 620.

103) Wayne Bert, *loc. cit.*, p. 282.

104) Joshua KURLANTZICK, *loc. cit.*, p. 134.

Assistance is central in building the conditions necessary for a sustainable democratic government to arise. It will probably be useful to support World and Asian Development Bank project assistance to alleviate poverty, cure state capacity problems and help the country undertake the much needed economic reforms. The EU and the US could also raise significantly their level of assistance in order to reach these purposes.

***Expose to the outside world**

Openness can only profit to the process of political change. People need to be exposed to globalization, international exchange, science, research, international culture, academic thinking,... Through this process, people can encounter new alternatives. For these developments to take place, more investment, trade, tourism, scholarships for students... are needed. This is valid also for the military. Human rights violations can be reduced if the military receives adequate training. Trainings can be organized in several domains such as administrative support for instance. This would accustom the government and the general population in Myanmar to democratic ways. All these are clues and give no guarantees of success in bringing about democratic change in Myanmar but they are worth trying as other methods have demonstrated their inability to make a difference.

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국문초록

외부개입 정책과 미얀마의 민주화: 정책적 평가

전 광 호*

본 논문의 목적은 국제사회의 미얀마 민주화를 위한 노력에 대해 분석하고 이를 검증해 보는 데에 있다. 국제사회는 다각도의 노력을 통해 미얀마에 민주주의를 정착시키기 위해 노력하였다. 국제사회, 특히 서구에서는 미얀마의 심각한 인권상황을 개선시키기 위해서는 민주주의를 정착시키는 것이 가장 합리적인 방법이라는 데에 주목하여 정치적, 경제적, 군사적 측면 등 다양한 방법으로 미얀마에서 민주주의를 고양시키기 위하여 노력을 해왔다.

국제사회는 ‘강제적 외교’의 수단으로서 경제적 압박을 강화하는 한편 제한적인 지역기구에의 가입 등을 통한 우회적인 방법의 압력을 병행하였다. 미국은 2003년의 데파인 학살 사건 이후 기존 미국의 미얀마에 대한 직접 투자만을 제한하던 경제적 제재를 보다 강화하여 전면적인 경제제재 조치를 취하였다.

유럽은 1996년 이후 미얀마의 인권 및 민주주의의 정착을 위해 방위 분야 협력의 전면 제한, 무기 수출 금지, 인도주의적 지원을 제외한 모든 지원 금지, 군사정권 지도자들의 비자 발급 제한 등을 골자로 한 한층 강화된 미얀마 압박 정책을 취하고 있다.

ASEAN도 미얀마가 1993년 최초로 ASEAN 가입을 시도했던 시기부터 미얀마 문제에 직간접적으로 개입해 왔다. ASEAN이 직접 서구사회와 미얀마의 중재자 역할을 했음은 물론 아웅산 수지 여사의 연금 해제 등을 지속적으로 미얀마에 요구해 왔다.

그러나 이러한 모든 노력들이 소기를 성과를 거두지 못한 데에는 복합적인 요인이 작용을 한다. 즉, 국제사회의 노력이 미국, 유럽연합, ASEAN 차원으로 각기 분리되어 있는 점, 서구 및 ASEAN 국가들이 미얀마 군사정권의 대내외 정책에 효과적으로 빠른 대응을 하지 못 하는 점 등이 지적될 수 있을 것이다.

이에 따라 향후 국제사회는 미얀마의 민주화를 위한 노력을 더욱 다각적인 방법으로 강화하여야만 한다. 이를 위해 국제사회는 우산 미얀마 군사정권과 직접인 대화 창구를 상시 유지하여야 하고, 미국, 유럽연합, ASEAN 및 기타 국제사회가 합의된 방법으로 거시적인 대미얀마 정책을 수립, 집행하여야 한다. 또한 각 국가별 차원에서 보다 진일보하여 세계은행, 아시아개발은행 등이 더욱 적극적으로 미얀마 문제에 개입을 하여 미얀마에서의 인권 및 민주주의의 고양을 위해 상호협조적인 노력을 진행시켜야 할 것이다.

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