

5 Foreign policy as a political tool: Myanmar 2003–2006

Trevor Wilson

In the last quarter of 2004, observers were uncertain how the new leadership would handle Myanmar's international relations, notwithstanding the continuity at the top of the regime. Spokesmen for the new leadership initially were at pains to reiterate their continuing commitment to Myanmar's opening up to the world. Early statements were deliberately cast in reassuring terms for Myanmar's most important neighbours—although these statements were very general. The key statement was by the State Peace and Development Council (SPDC) spokesman Lieutenant-General Thein Sein, who gave a commitment that the national reconciliation 'road-map' would continue after the change of prime minister, because this was state policy and 'not the concern of a single individual'.¹ A week after the dismissal of General Khin Nyunt as Prime Minister, Senior General Than Shwe was on a state visit to India, while within two months the new Prime Minister, General Soe Win, began visiting Association of Southeast Asian Nations (ASEAN) neighbours. All of these occasions were used to demonstrate the regime's continued interest in foreign investment, tourism and, above all, 'friendly' relations with its neighbours. At that stage, at least, there was no trying to turn back the clock.

Initially, the new SPDC leadership did not rush either to cancel approvals given to international assistance programs or to stop international non-government organisations (NGOs) operating in their various humanitarian and capacity-building activities. It was tempting at this point to hope that it might be business as usual for the international community's operations in Myanmar, as most donors of international assistance continued their programs and patiently sought to resume more sensitive projects. But subsequent decisions by the authorities reveal decidedly more negative patterns and trends. Cooperation with United Nations agencies was particularly fraught, as it gradually became clear that the new leadership would continue to refuse access to UN Special Envoy, Razali Ismail, and UN Special Rapporteur for Human Rights, Sergio Paulo Pinheiro, each of whom had served for several years with some success and shown considerable understanding of Myanmar's position. While the leadership did not repudiate all cooperation with the United Nations after 2004, it was prepared to go to the brink in its relationship with the International Labour Organization (ILO).

As the post-2004 Myanmar leadership refined its handling of its overall policy approaches, it became evident that foreign policy did not enjoy the same priority that it had under Khin Nyunt, and was more than ever before subordinated to domestic military policy objectives and less influenced by 'professional' diplomatic considerations. While Prime Minister, General Soe Win, and the new Foreign Minister, Nyan Win (a former army officer), took on the responsibilities for representing Myanmar at international meetings, Vice-Senior General Maung Aye was believed to be playing a more active role behind the scenes, and a new conservative voice was the new Labour Minister, U Thaug, another retired military officer and former Ambassador to Washington (who was also Minister for Science and Technology). As a result, foreign policy was more reactive and defensive than before, partly reflecting the new leadership's lack of international experience, while the increased military domination of foreign policy made it more

introverted, more security conscious and less cooperative than ever before. These tendencies were only partly a product of the regime's own inward-looking character; they were also a response to the wider international environment of aggressive US unilateralism (in Iraq and elsewhere), to the tightening of selective bilateral sanctions against Myanmar by some countries and to the world-wide fixation with the threat of terrorism and 'rogue states' generally. Moreover, the previous more outward-looking international policies were being questioned, and sometimes jettisoned, merely because they originated with dismissed Prime Minister, General Khin Nyunt.

While some observers saw the new leadership as more isolationist, in fact it maintained a high level of activity in its relations with its neighbours between 2004 and 2006. Myanmar's greatest diplomatic triumph in this period was its inclusion in the Asia-Europe Summit meeting in Hanoi in October 2004, even though it participated at foreign-minister rather than head-of-state level. The Myanmar government could feel pleased with this victory when most other trends were not so favourable. Between 2004 and 2006, however, the new leadership's inflexible stance against its domestic political opponents generated growing discomfort internationally, even among some of the regime's most trusted 'friends' in its own Asian region. Moreover, the Myanmar leadership's more negative attitude towards the United Nations generated more intense international questioning of its readiness to cooperate with the international community.

Interaction with ASEAN

The main arena for Myanmar's international interaction remained its relationship with ASEAN and its collective and bilateral associations with its fellow ASEAN members. Significantly, one of the major changes in Myanmar's foreign relations in the three years from 2003 to 2006 was the far greater readiness of ASEAN to criticise and seek to influence Myanmar on its domestic political policies. Since 1997, ASEAN had been compliant and publicly uncomplaining about Myanmar,

but this changed after the detention of Aung San Suu Kyi in May 2003. When the Myanmar government remained resistant to outside requests to announce a time frame for political reform, ASEAN became uncharacteristically vocal in expressing its concerns. Another reason for ASEAN's discomfort was the increased international attention on it because Myanmar was to assume the chair of the association in 2007. This represented a major foreign policy dilemma for Myanmar, and generated tension between Myanmar and its fellow ASEAN members for much of the period after 2004. In addition, after a campaign by expatriate Burmese political activists, politicians from other ASEAN countries formed the anti-SPDC ASEAN Inter-Parliamentary Union Myanmar Caucus, over which ASEAN governments had little control.² ASEAN countries could also not ignore Washington's reluctance to include Myanmar in any ASEAN activities with which it was associated, which complicated the conduct of ASEAN-plus activities, even if US diplomacy was not always very adroit. Nevertheless, after a long tussle—much of it, unusually for ASEAN, conducted through the media—Myanmar finally announced in August 2005 that it would not insist on its turn as chair, offering the implausible excuse that the government would be preoccupied with its national reconciliation process.

By choosing to step aside as ASEAN chair, the Myanmar government failed in a cherished strategic policy objective, evident in its own statements in the years of Khin Nyunt's ascendancy in foreign policy, and in this case maintained after his departure. These statements had made clear the SPDC's keenness to demonstrate its international credentials and legitimacy by hosting the ASEAN Summit when its turn came up in 2007, and the Myanmar government initiated specific preparations for hosting the summit in many areas. Yet, while stepping down as ASEAN chair was a loss of face for Myanmar and humiliating for Myanmar's leaders, it was preferable to submitting to external pressure over the vital issue of political reform. Moreover, Myanmar was able to make a virtue of its decision tactically, as it helped Myanmar's fellow members of ASEAN extricate themselves from a difficult political situation.

Ultimately, stepping down probably achieved no more than buying more time for Myanmar and ASEAN. It did not foreshadow any change in Myanmar's approach, and in itself did not contain the ingredients for a compromise between Myanmar and ASEAN. In its collective responses to Myanmar's intransigence, ASEAN had for some time been a prisoner of its own traditional policy of non-intervention in the internal affairs of other members, a position reiterated publicly by ASEAN Secretary-General, Ong Keng Yong, as late as June 2006.³ Although Myanmar's diplomatic representatives worked hard to defuse this issue within ASEAN, they met decreasing success after 2003, and senior Myanmar spokesmen became annoyed by this perceived pressure from, and double standards being applied by, ASEAN.⁴

New signs of ASEAN resolve emerged in early 2006 when Malaysian Foreign Minister, Syed Hamid Albar, sought to visit Myanmar with an announced tougher mandate from ASEAN, and became the first ASEAN leader to seek to meet Aung San Suu Kyi. The Myanmar government unwisely irritated Albar, first by keeping him waiting for two months to make his visit and then by not allowing him to meet Aung San Suu Kyi. Despite Albar's failure to meet Aung San Suu Kyi, he continued to express public concern about the lack of progress towards reconciliation. The June 2006 SPDC decision to extend Aung San Suu Kyi's house arrest for another year was thus in part a direct rebuff to ASEAN and, if anything, produced a further toughening of ASEAN's position. Albar's July 2006 public response, that ASEAN 'could not defend Myanmar' (Albar 2006), merely underlined the clumsiness of the SPDC's handling of ASEAN.

From Myanmar's point of view, a series of visits from the heads of government of all the main ASEAN members during 2004–06—President Susilo Bambang Yudhoyono of Indonesia, Prime Minister Abdullah Badawi of Malaysia, Prime Minister Goh Chok Tong of Singapore and Prime Minister Thaksin Shinawatra of Thailand—went well. Most of these visits were accompanied by the signing of broad agreements on increased bilateral cooperation. The Myanmar government had thus succeeded in reaffirming its bilateral relationships with key

ASEAN countries after the October 2004 political changes, without having to make any noticeable concessions. Although more attention was reportedly paid to Myanmar's political situation during these visits than previously, Myanmar avoided undue public embarrassment over its refusal to release political detainees. As time went on, however, it became increasingly questionable whether Myanmar could maintain indefinitely its position with ASEAN. Rather, it now seemed that a truly satisfactory solution on Myanmar's standing in ASEAN would depend on substantial political changes occurring inside Myanmar.

China, India and Japan

For its part, the new Myanmar leadership can also claim considerable success in consolidating its political and economic relations with China since 2004. A series of high-level visits helped secure important new Chinese investment, valuable concessional loans for infrastructure projects and expanded two-way trade. Myanmar's relationship with China became more important than ever as most other foreign investors and businesses gave up on the country.⁵ China's position as a member of the UN Security Council sympathetic to Myanmar's point of view and opposing economic sanctions against Myanmar at a time when this was being actively canvassed in Security Council corridors, illustrates this point. Chinese support almost certainly ruled out any broadening of sanctions.⁶ This made China a highly valuable partner and Myanmar's leaders have been openly grateful for China's continued political support.

Yet Myanmar stopped short of total identification with, or subordination to, Chinese interests, and signs of mutual dissatisfaction between the two countries have surfaced more openly since 2003. The most notable recent example of Myanmar standing up to China was the issue of illegal logging in early 2006, when the Myanmar authorities made known their concern about the extent of illegal logging by Chinese entrepreneurs in Myanmar's northern border areas, convincingly documented in a January 2004 report by the environment group Global Witness. Relations with China deteriorated to the point

of Myanmar soldiers shooting and killing illegal Chinese loggers, to the apparent annoyance of the Chinese government.⁷ In 2003, the Myanmar government did not agree to a Chinese proposal for an integrated shipping route to the Indian Ocean via the Irrawaddy River to Yunnan, because China's request for exemption from customs duty offended the Myanmar leadership's insistence on national sovereignty.⁸

Equally, China's 'embrace' of Myanmar was by no means as open-ended, or its influence as total, as some would argue. Even though China had considerable success after 2003 in gaining access to valuable natural resources in Myanmar, China did not always achieve its goals. China worried about Myanmar's inability to control illicit drug trafficking and requested that this be addressed by the Myanmar authorities, proposing a new bilateral agreement to achieve this. China has been concerned about Myanmar's economic policies, and at times has held off providing loans because of Myanmar's inability to meet repayment schedules. Residual Chinese doubts about the long-term viability of the military regime's policies surfaced more openly in the lead-up to Prime Minister, General Soe Win's, formal visit to China in February 2006, when statements by Chinese President, Hu Jintao, that China 'wanted Myanmar to move towards national reconciliation' hinted clearly at these misgivings. Press reports apparently emanating from Chinese sources in the lead-up to General Soe Win's visit were surprisingly open about China's unhappiness with the situation in Myanmar. When Senior General Than Shwe last visited in February 2003, Vice-Premier, Wu Yi, reportedly told him that China wanted Burmese politics 'to move in a positive direction', as reported in *The Irrawaddy Online Edition*. Reporting from Bangkok more recently, Larry Jagan described Chinese views as including 'reservations concerning the SPDC's lack of progress towards political and economic reform'.⁹

China has long been recognised as potentially playing a key role in Myanmar. Despite the efforts of UN Special Envoy Razali to pursue a dialogue with China on Myanmar, China has not thus far been effectively brought into the UN process of resolving the Myanmar problem, but it could be forced to take a stance in the Security Council

deliberations. Although China could be the only country that can influence Myanmar's leadership, it will need to be more overtly engaged in a process to achieve this, and will need to be convinced that it is in its interest to become more proactive rather than pursue the benefits it already receives under the status quo.

Despite much commentary about India's policies towards Myanmar, India remains a second-tier player. By any hard measure of influence or interests—trade, investment, aid, loans, arms sales, gas purchases—India is well behind China, and even Thailand. But certainly the years since 2000 have seen an intensification of India's efforts to develop its relations with Myanmar, through, for example, a series of high-level visits, including by the two heads of state. These visits are largely symbolic, but they illustrate that both sides feel they can develop their relations further. The potential for further development of Myanmar–India relations is undoubtedly great, and there could be fewer inhibitions from Myanmar's point of view than with China. Moreover, India is probably the key to developing better physical infrastructure (roads, rail and ports) in the west of Myanmar.¹⁰ One of the main factors limiting India's influence is that India itself sees its relations with Myanmar essentially in terms of its strategic competition with China. While Myanmar sometimes chooses to take advantage of this competition, it also means that Myanmar's leaders are cynical about India's motives. India's reluctance to confront the problem of Myanmar's political impasse reduces the influence it can exercise, and makes India–Myanmar relations a negative rather than positive factor in terms of encouraging change.

Since 2003, Japan's relations with Myanmar seem to have entered a low point. The Depayin Massacre strengthened the position of pro-democracy supporters in Japan, where political attitudes on Myanmar/Burma are polarised. Japan has not abandoned its policy of 'engagement' or its preference for only limited sanctions, and in June 2006 surprised many by its reluctance to support the inscription of Myanmar on the UN Security Council's agenda. Generally, Japan adopted a much lower profile on Myanmar: between 2004 and 2006, the Japanese government issued fewer public statements on Myanmar

than in previous periods, sent fewer official visitors to Myanmar and generally sought a low profile.¹¹

While the Japanese government continued to issue protests against the detention of Aung San Suu Kyi, these seemed perfunctory. Japanese official development assistance flows remained significant when assistance from other sources was relatively small.¹² But Japanese official development assistance, which is purportedly for basic humanitarian needs, goes mostly to support Myanmar government activities. Although certain sectors of Japanese politics and business still support developing economic ties, the modest levels of Japanese trade and investment have not improved,¹³ reflecting the unattractive commercial environment of Myanmar for Japanese firms. Whatever influence Japanese engagement once had on the Myanmar government was undermined by Japan's weak links with opposition groups and by its obvious desire to retain its links with the government.

United States

Since 2004, the stand-off between Myanmar and key elements of the international community has intensified. The United States retains its leadership of the campaign of outright rejection of military rule in Myanmar. Burma is clearly not of strategic importance to the United States and officially no attempt is being made to engage the military regime. No senior US official has travelled to Rangoon to speak directly to the Myanmar leadership since 2003, reflecting the abandonment of any attempt at direct engagement and its replacement with a ratcheting up of public criticism of Burma.¹⁴ While US determination to place Myanmar on the UN Security Council agenda paid off in September 2006, it is not clear whether there will be effective follow-up action. To date, the Bush administration's strident criticisms of Myanmar, exaggerations in its own reporting of human rights abuses in Myanmar and its obvious subjugation to the partisan Burma lobby in the US Congress, all reduce the potency of US influence. More importantly, there is no evidence of wider US sanctions imposed in the *Burmese Freedom and Democracy Act* of 2003 producing any political concessions by the Myanmar

leadership. Rather, the effect of current US policies seems to make the Myanmar regime—which believes it has cooperated substantially with the international community on issues such as narcotics trafficking, religious freedom, money laundering and people trafficking, including by introducing specific legislation—even less compliant.

Although Washington has actively sought international support for its campaign against Burma, it has been only partially successful. The Bush administration's dialogue with Asian countries about Myanmar has not necessarily achieved the support the United States was seeking. Secretary of State, Condoleeza Rice, has only rarely attended high-level ASEAN meetings in ASEAN capitals, where she would meet her ASEAN counterparts (including the Myanmar representatives) on an equal footing, instead mostly choosing to meet them in specially convened meetings outside ASEAN countries. US policy has been partially responsible for ASEAN countries increasing their criticism of Myanmar, but has not persuaded ASEAN to support formal UN Security Council action against Myanmar. In June 2006, even Japan, which the United States at one time claimed was swinging to Washington's point of view,¹⁵ initially opposed the US proposal to inscribe Myanmar on the formal UN Security Council agenda under Chapter VII of the UN Charter. Generally, there is still no US policy with any credible prospect of bringing about its real goal of regime change or providing any realistic 'exit strategy' for the current Myanmar military leadership.

Europe

Myanmar's relations with Europe have long been dominated by attempts by European nations to find collective responses to Myanmar, through the European Union on the one hand and through the Asia-Europe Meeting (ASEM) on the other. The period from 2004 to 2006 witnessed a continuation of these efforts, with the Europeans sometimes succeeding and sometimes failing. Myanmar pursued a rather dogged approach to secure what it believed was its sovereign right to participate in ASEM, and was successful in maintaining ASEAN support for this position.

ASEAN's determination that Myanmar should be included in the ASEM process was the subject of tension between the two sides of the forum for several years, as the Europeans sought to block Myanmar's participation unless the government released Aung San Suu Kyi and moved ahead in its process of political transition. Europe's failure on this partly reflects continuing divisions among European countries on Myanmar, but Europe probably also misjudged its power and leverage on this issue. Yet in terms of substance, the ASEM/Myanmar issue was more symbolic and rhetorical than producing either major consequences or concrete outcomes. ASEM echoed other organisations in criticising Myanmar's non-compliance on issues such as international law enforcement, but it is debatable whether ASEM statements with no specific enforcement make much difference to the behaviour of the Myanmar leadership. Myanmar's presence on the ASEM agenda is, therefore, unlikely to have much impact on Myanmar policy.

With the advantage of hindsight, some Europeans now admit that 'the Asia-Europe partnership as a whole has been held hostage by the Burma/Myanmar issue in 2004' (Pereira 2005). A similar view held by the Asian countries was reflected in remarks by Singapore Prime Minister, Goh Chok Tong, in May 2004: 'the Burma/Myanmar issue disproportionately preoccupied Asia-Europe political exchanges and has become an obstacle to seeking common ground on other strategic issues' (quoted in Pereira 2005). An 'independent' evaluation of ASEM commissioned in early 2006 also singled out the Myanmar issue for the difficulties it caused the organisation, describing it as 'a pressing issue that requires attention', and expressed the vague but optimistic view that 'steps toward a constructive solution to this dilemma could be made at the Helsinki Summit in September 2006'.¹⁶ But after the Helsinki ASEM summit, there was still no sign of a more effective ASEM approach on Myanmar. Nor is there any sign of the Myanmar leadership being influenced by ASEM, now that it has achieved its primary, but essentially limited, goal of achieving recognition of its legitimate standing through its regular participation in ASEM.

On the other hand, EU policy on Myanmar as applied through the European Union's Common Position, became more discriminating in its targeting from 2004 to 2006. EU sanctions became tougher and more selective, although since 2003 the European Union abandoned its attempts via its troika mechanism to engage in meaningful engagement with Myanmar. Yet even in their 'smarter' guise, EU sanctions were isolated measures not implemented uniformly by EU members, and had no greater impact than before.¹⁷ Indeed, some elements of EU sanctions still contained anomalous, and sometimes counter-productive, provisions in relation to investment, freezing assets and visa bans.¹⁸ At the same time, the allowable scope of EU assistance programs to Burma was extended, with assistance for environmental programs allowed under the revised common position from April 2006. Ultimately, EU policies do not attract much attention from the Myanmar leadership, and this refinement of EU policy has had no visible impact on the SPDC. It is hard to disagree with a 2005 assessment that the European Union consistently 'punches below its weight' in Myanmar.¹⁹

Myanmar's international policies

Overall, foreign policy under the new Myanmar leadership was not only defensive, it lacked innovation. From 2004 to 2006, the SPDC's only new moves were the attempt to rekindle relations with Russia epitomised in Deputy Senior General Maung Aye's visit to Moscow in February 2006, and to resume diplomatic relations with North Korea. On the face of it, neither of these initiatives was likely to change the character of Myanmar's foreign or domestic policies. Russia's main role in Myanmar recently has been as a supplier of important military equipment, probably a key motive behind Maung Aye's visit. Russia's membership of the UN Security Council is also important to the Myanmar leadership, but this support did not require a high-level visit to Moscow. Despite the speculation prompted by Russia's 2002 offer of nuclear research assistance to Myanmar, Russia has otherwise been a minor player in the country. As of October 2006, negotiations on the

normalisation of relations between Myanmar and North Korea had still not been finalised, but this seemed to be no impediment to the North Koreans selling conventional arms to Myanmar.²⁰

Relations between Myanmar and the UN system and international non-governmental assistance agencies became the source of the greatest foreign policy challenges for all concerned during 2004–06. Since early 2004, the Myanmar government refused to allow either UN Special Envoy, Razali Ismail, or Special Rapporteur on Human Rights, Sergio Paulo Pinheiro, to visit the country in order to pursue their mandates. No reasons were ever given for this, and there is no evidence of either envoy breaching their mandates. The Myanmar leadership, however, appears to consider Razali to be too close to Aung San Suu Kyi and no longer politically neutral. So, when Razali announced in January 2006 that he was stepping down as Special Envoy after waiting almost two years without being allowed to visit, this seemed to represent a set-back for the prospects for international efforts to promote political reconciliation in Myanmar. Although the UN Secretary-General called on the SPDC to resume cooperation with the United Nations, as of late 2006 no successor to Razali had been appointed.

Meanwhile, without the benefit of access to the country, Pinheiro's reports on the human rights situation gradually—and inevitably—became more negative as he relied increasingly on outside reports and as he was frustrated by the lack of cooperation from the SPDC. These reports also became, no doubt, less and less appealing to a sceptical Myanmar government, which was disappointed with Pinheiro after 2002 when it could not persuade him to help refute allegations that rape was being used against ethnic minorities. Professor Pinheiro's term was extended for another year earlier in 2006 even though by then it seemed increasingly unlikely that an effective role for him as Special Rapporteur could be resuscitated.

Similar SPDC suspicions about international assistance—and some backward moves by the new leadership—were evident in relation to international NGOs (INGOs). Many INGO programs, however, were reviewed, especially those under the Ministry of Home Affairs, now

under a new minister who did not regard many of the INGO activities under his purview as being correctly his responsibility, and who generally took a sceptical view of the presence of INGOs. In the ensuing months, some INGO programs suffered as travel restrictions were tightened, and Myanmar officials began to express new doubts about INGO activities that had been previously condoned, if not approved. Little of this was articulated clearly in any policy pronouncements until July 2005, when the government issued draft guidelines for all international programs, prompting the August 2005 withdrawal of the Global Fund for HIV/AIDS, Tuberculosis and Malaria. The guidelines were criticised in the foreign media and reportedly became the subject of an official complaint by the UN Resident Coordinator, who could have feared a further loss of aid funding. The Global Fund decision was a set-back for international assistance to Myanmar in that it would have only confirmed the Myanmar leadership's cynicism about political bias against Myanmar.²¹

How much these official restrictions will affect international assistance agencies' operations will have to be tested in practice. Earlier, similar restrictions were not always rigorously enforced, but these formal guidelines imply an entrenched disposition to control international assistance, rather than facilitate it. Yet the reality was that, as of mid 2006, only one international humanitarian agency (Médecins sans Frontières) had withdrawn from Myanmar because it could no longer operate effectively. The Humanitarian Dialogue office was also forced to close down, when its head, Leon de Riedmatten, was not able to renew his visa despite playing a prominent advisory role under General Khin Nyunt.²² While all INGOs were affected by the increased slowness in obtaining government permissions—not helped by the move of government functions to Naypyitaw from late 2005—most were able to continue their basic programs satisfactorily and preferred to hope for improvements in the future. By the middle of 2006, for example, some INGOs had had new memorandums of understanding successfully approved or extended, had expanded their activities and were spending the highest amounts of assistance ever. Others, who chose to maintain a low public profile, claimed not to be experiencing significant disruptions to their activities.²³

Another serious set-back occurred with the International Committee of the Red Cross (ICRC), whose integrity, impartiality and confidentiality are universally accepted and which the regime had previously found highly useful.²⁴ By the end of 2005, the ICRC was having unprecedented problems securing access to political prisoners after the Myanmar authorities decreed that they wished to attach their own representatives to the ICRC prison delegates' visits, in breach of long-standing ICRC policy.²⁵ It seemed that the authorities would have been satisfied if a representative of the para-statal Union Solidarity Development Association (USDA) accompanied ICRC teams, but this was hardly likely to be acceptable. For the first six months of 2006, the ICRC sought unsuccessfully to negotiate a resumption of access to prisoners of security concern on the basis of procedures that were for it universally accepted. As of September 2006, it had not managed to obtain permission to resume its prison visits, but was maintaining its presence in various locations while carrying out its other programs more or less normally.²⁶

It was in relation to the ILO, however, that the SPDC's attitudes towards the UN system were at their worst.²⁷ ILO staff had displayed enormous patience and skill since 2000 and, for a period after 2003, there was some hope for progress as reports of forced labour were transmitted to the ILO Liaison Office for investigation, and some relatively junior officials were punished for ordering forced labour. With the ILO Liaison Office able to report some modest improvements in forced labour in 2003, the ILO's 'engagement' strategy seemed to offer slight prospects for progress. At the annual meeting of the International Labour Conference in June 2004, it was decided not to invoke sanctions, but to renew yet again the ILO's requests that the SPDC respond to its proposals for effective steps to deal with reports of forced labour. In this respect, the ILO showed that enormous persistence and forbearance could produce results for its engagement approach. While the Myanmar government continued to profess its readiness to cooperate with the ILO on ending forced labour, in practice, it repeatedly dragged its feet in implementing effective measures to bring forced labour to an

end. The main problem for the government remained the reality that local military forces depended on forced labour to carry out routine administrative and infrastructure works. Moreover, the army was accustomed to exercising its authority over local communities in this way and was not inclined to be dictated to by outsiders on its activities.

Any modest signs of progress on forced labour were reversed in 2005 when the Myanmar authorities announced a policy of prosecuting anyone who made what they considered a 'false complaint' of forced labour, and began to arrest and jail those who reported forced labour. This prevented the ILO Liaison Officer from passing allegations of forced labour that he received to the authorities for investigation, as had been happening for the previous two years. The last straw was when the government in 2005 allowed death threats to be sent to the ILO Liaison Officer and the ILO Facilitator. Making matters worse, in mid 2005, the SPDC also orchestrated (through its para-statal organisations such as the USDA, the War Veterans Association and the Myanmar Women's Affairs Federation) mass meetings across the country attacking the ILO and calling for Myanmar to withdraw from the organisation. Regime spokesmen also openly referred to the possibility of withdrawal from the ILO, in an apparent attempt to challenge the organisation to withdraw from Myanmar and to abandon its attempts to work towards the elimination of forced labour.

Myanmar had never before so actively canvassed the possibility of withdrawing from an international organisation of which it was a member, no matter how serious any disagreements. Official statements at this time were equally an outright contradiction of previous assurances that Myanmar would cooperate fully with the ILO and, if carried out, they would have certainly amounted to the clearest rejection of international norms ever by Myanmar. For its part, the military leadership was certainly aware of the consequences their withdrawal from the ILO would invite, having made their own assessment of the costs and benefits of withdrawal.²⁸

Subsequently, the SDPC backed down from this implied threat. This was communicated by the Myanmar Ambassador in Geneva to the ILO,

and mass rallies against the ILO and threats against the ILO Liaison Officer in Yangon ceased as suddenly as they had begun. Significantly, on the eve of the June 2006 International Labour Conference, the Myanmar authorities released two individuals who had been jailed for reporting forced labour. Hardly surprisingly, the ILO was not to be easily persuaded that it should let bygones be bygones and, at the 2006 International Labour Conference, it reissued an ultimatum to the Myanmar government to resume full cooperation with the ILO by November 2006 or face international sanctions. Having so many times deferred taking the ultimate decision and given the SPDC the benefit of the doubt, it seemed that the inevitable 'day of judgment' for Myanmar had arrived.

The conclusions to be drawn from this long and frustrating hiatus were that the new SPDC leadership was not ready to cooperate with the United Nations on political issues; that it fiercely resented the intrusion of external ideas into Myanmar's affairs; and that it preferred a self-sacrificing autarchic approach rather than submitting to outside pressure. Given the pattern of negative developments, it was hardly surprising that UN Security Council members yielded to pressure from the United States and the United Kingdom and Myanmar was discussed informally before Security Council members on 19 December 2005. Although Myanmar might not constitute a 'threat to international security' that would warrant a specific Security Council response under Chapter VII of the UN Charter, it was certainly not cooperating with the United Nations, and a number of its policies were directly and adversely affecting neighbouring countries. Bringing Myanmar's situation to the Security Council had long been a goal of Burmese activists and some Western countries, but Myanmar had always bitterly opposed this, usually with the full support of Permanent Security Council Members China and Russia. Pressure to go to the Security Council intensified after a report commissioned by former Czech President Václav Havel and South African Archbishop Desmond Tutu was presented to Secretary-General, Kofi Annan, in September 2005. Although the Myanmar government was not alone in criticising this report for its many inaccuracies and

for its lack of objectivity, the absence of any positive developments in Myanmar made it almost inevitable that UN Security Council action of some kind would occur. The issue for the Security Council turned to what specific measures could be endorsed for action.

The only positive note during this period was the May 2006 visit by UN Undersecretary-General for Political Affairs, Ibrahim Gambari, who met not only Head of State, Than Shwe, but Aung San Suu Kyi—the first outsider to meet her since June 2003. Apart from the Secretary-General himself, Gambari was the most senior UN official in several years to take a close personal interest in Myanmar. Gambari was precise and careful in his public comments about his visit. He tried to avoid raising expectations unrealistically and made it clear that his objectives were to improve Myanmar's relationship with the international community and the UN system, and to enable them to better help Myanmar by having 'better access and guarantees'. He said he reached agreement that the United Nations could 'play a role in promoting common ground between the Government and the National League for Democracy (NLD) so that the National Convention could resume in a more inclusive way', and that he saw 'signs of openings' for a commitment by the government 'to re-engage with the international community as partners'.²⁹ Gambari emphasised the language of conflict resolution and confidence building and, in a subsequent newspaper opinion piece, he called for 'sustained engagement' as the only way to marshal efforts to solve the Myanmar problem.³⁰

What induced the SPDC to receive Gambari in May 2006 is not clear, especially as it was Gambari who briefed UN Security Council members in December 2005. While the SPDC might have been seeking to head off further Security Council action by allowing Gambari to meet Aung San Suu Kyi, a single visit could have only limited positive impact. Nevertheless, Gambari's visit was seen as the first sign of a relaxation in the regime's new hard-line approach to political change, but translating it into further concrete progress towards acceptable political change remains a challenge. It is still doubtful that the Myanmar leadership would accept a more pro-active UN role, and probable that it would

find support in the Security Council to oppose any UN resolution under Chapter VI of the UN Charter, or any more specific UN mandate in Myanmar.³¹ The SPDC has not so far disclosed its intentions, however, now that the Myanmar issue has reached the highest echelons of the United Nations, continued pressure for a more vigorous UN effort is likely.

In September 2006, Myanmar was elevated to the formal UN Security Council agenda, but further action was delayed by the emergence of other more urgent international crises. Although there are expectations of a more effective UN role, the new UN strategy foreshadowed by Gambari had not emerged by October 2006 nor had there been substantial efforts by the United Nations to reopen dialogue with the Myanmar authorities. A uniform policy of sustained engagement by the international community towards Myanmar could hold some hope for a resolution of the long-standing Myanmar problem, but how this position might be reached is far from clear. Unfortunately, in the second half of 2006, the United Nations became preoccupied with more urgent problems, and it is not clear whether the new UN Secretary-General will display the same level of interest in Myanmar as his predecessor.³²

Prognosis

In 2006, Myanmar was by no means isolated internationally, despite sanctions imposed against it by some and despite its own less-than-complete restrictions on interaction between the Burmese people and the outside world. Much of the interaction between Myanmar and the international community is, however, not designed to achieve—or is intended to actively prevent—change and reform and greater efficiency and openness. These patterns have been exacerbated under the current military leadership, which masks socioeconomic failings behind its exaggerated concerns about sovereignty and security.

With almost no history of clearly successful outside influence being exerted over the highly introverted SPDC, the hopes of the

international community to reform Myanmar now rest almost entirely with the United Nations, although China and ASEAN have potentially important roles to play. The United Nations, however, still lacks an overall, specific and detailed strategy and has still not achieved a convincing political consensus in support of a better-defined UN role. Such a role would, of course, need to be backed by funding if it were not to fail. Aid donors need to work together more pro-actively and more transparently than they have in the past to bring a concerted, coherent focus to assistance programs.

Myanmar's international relationships are almost entirely the product of the policies and wishes of the present members of the SPDC and especially Senior General Than Shwe. Yet to change this equilibrium requires first and foremost a change in the attitude of the Myanmar leadership, without which the most carefully designed plans for increased engagement by the international community will fail. No sensible international strategy should, however, be content to be denied the potential benefits for the people of Myanmar from expanded, and better targeted, international engagement. At a time when the United Nations is endeavouring to recalibrate its strategies for assisting Myanmar and averting humanitarian and other crises there, it behooves the international community to get more solidly behind this attempt than it has in the past. Individualistic policies towards Myanmar pursued by great powers or small, countries near or far, will undermine this effort because they will confuse the message that the present Myanmar leadership needs to understand that it has failed the people of Myanmar comprehensively and is no longer entitled to remain at the helm of the country.

A key question remains whether ASEAN can sustain an effective approach to Myanmar that maintains some political integrity and exercises real leverage over the regime. Arguably, apart from China, ASEAN is one of the few sources of effective outside influence over the regime. The current Myanmar leadership is unlikely to permit ASEAN access to Aung San Suu Kyi—as this would enhance the NLD's claims to political legitimacy—but it could undermine its critics by allowing

selected representatives of the international community access to all legal opposition groups. At another level of regional economic and social integration, ASEAN can exercise a powerful normative effect on Myanmar (and the other new members of ASEAN), but much greater international assistance is needed for proven ASEAN programs to achieve their full potential in disseminating better governance and pursuing more ambitious outcomes. Myanmar seems to be losing some of the support it once enjoyed inside ASEAN, and the departure of Thai Prime Minister, Thaksin Shinawatra, is also a blow for the Myanmar government, although it might result in Thai policy being more in harmony with those of its ASEAN neighbours. The other key question is whether China will decide that its interests would be served by playing a more substantial political role.

International attitudes to Myanmar will continue to face difficulty in gaining acceptance by the Myanmar government until the international community makes it clear with a single voice that the issues surrounding Myanmar are its legitimate concern. Myanmar's leadership is adept at identifying rifts in international opinion that work to its advantage, and will not stop trying to deflect pressure on it to change policies. Moreover, the capacity of the current Myanmar military leadership to stand stubbornly in the face of international opinion should not be underestimated. This makes it all the more necessary for the international community, led by the United Nations, to draw the Myanmar government into a more focused and managed reconciliation process than has hitherto been the case, with sufficient incentives to persuade the current military leadership to participate fully in such a process. Ultimately, however, success can be achieved only if Myanmar believes that it 'owns' the process, that it has not been imposed from the outside.

Notes

- 1 The speech was given to National Convention delegates on 22 October 2004 by SPDC Secretary One, Lieutenant-General Thein Sein, who had also been acting as convener of the National Convention. It was reported under the headline 'Change of Prime Minister does not change the government's roadmap agenda' (Thein Sein 2004).
- 2 This is a grouping of MPs from Cambodia, Indonesia, Malaysia, Singapore and Thailand, set up in November 2004 with support from the Open Society Institute (OSI). See <http://aseanmp.org/index.php> and the OSI site, http://www.soros.org/initiatives/bpsai/focus_areas/grantee_folder_initiative_view
- 3 By being unexpectedly vocal about Myanmar, ASEAN undoubtedly elevated the level of discomfort for the Myanmar leadership, but what had it actually achieved? After the 2006 ASEAN Ministerial Meeting, there was still no overall ASEAN strategy of resolving the Myanmar problem or specific ASEAN proposals to encourage Myanmar to move on political reform. ASEAN's inconsistent performance on Myanmar left the perception that it remained a politically weak organisation without the procedures or traditions to deal effectively with political problems. Moreover, the differences in the attitudes of individual ASEAN member countries did not help ASEAN's collective management of the issue. The fact that some ASEAN countries could themselves be criticised on human rights grounds and had internal security provisions not unlike those of Myanmar also reduced ASEAN's credibility and limited the leverage it commanded.
- 4 Author's conversation with senior Myanmar Foreign Ministry official, March 2005, Yangon.
- 5 Myanmar's increasing economic dependence on China is described in Kudo 2006.
- 6 Although it consistently speaks out against any broadening of sanctions against Myanmar, China has not so far been noticeably vigorous in seeking the removal of international financial institutions' sanctions against Myanmar—for example, those imposed by the Asian Development Bank.
- 7 The impact of the Global Witness report *A Conflict of Interests: the uncertain future of Burma's forests* was magnified because it was also published in Burmese language. It could also have prompted the Myanmar authorities in mid 2006 to start to take an interest in the problem of corruption.
- 8 Author's conversation with senior Myanmar Foreign Ministry official at the time.

- 9 For reporting on General Soe Win's visit to China, see McGregor and Kazmin 2006. *The Irrawaddy Online Edition* article was published in the July 2004 edition. Larry Jagan's article appeared in *Asia Times*, 11 April 2006.
- 10 Naidu 2004 provides an interesting summary of India's approach to Myanmar.
- 11 The author's discussions with senior Japanese diplomats in July 2006 confirmed this to be official policy.
- 12 The Japanese government temporarily suspended new development assistance after the Depayin Massacre in 2003, but resumed it without fanfare in 2004.
- 13 For example, Japan's trade with Myanmar is well behind that of China, Singapore and Thailand, and Japan is the tenth source of foreign direct investment to Myanmar, whereas for ASEAN as a whole, Japan is second only after the United States. See Japan–ASEAN Centre Investment Statistics at <http://www.asean.or.jp/eng.index.html> (accessed 8 September 2006).
- 14 See, for example, Congressional testimony by Assistant Secretary of State for East Asian and Pacific Affairs, Christopher Hill, and Assistant Secretary of State for Democracy, Human Rights and Labor, Barry Lowenkron, on 7 February 2006.
- 15 *Washington Post* staff writer Glenn Kessler (2005) claimed 'Japan...was especially reluctant to challenge Burma, but Tokyo has abruptly shifted its position'.
- 16 Japan Center for International Exchange and the University of Helsinki 2006.
- 17 See various commentaries by Derek Tonkin, especially in his online newsletter, *Burma Perspectives*, 5 July 2005.
- 18 A notable case is the action by the Netherlands government to prevent the Myanmar Minister for National Planning, U Soe Tha, from attending an ASEM Economic Ministers meeting in the Netherlands in February 2005, even though his visit was permissible under the European Union's Common Position. This led to the cancellation of the meeting, a move calculated to irritate not only the Myanmar regime but its ASEAN colleagues.
- 19 Verghese Matthews, 2005. Quoted in *BurmanetNews*, 18 October, no. 2825. Available from editor@burmanet.org.
- 20 There was, however, no evidence to support some Australian media claims in mid 2006 that Myanmar was seeking nuclear weapons from North Korea.

- 21 They would recall the long and successful process they conducted to seek funding from the Global Fund for HIV/AIDS, Tuberculosis and Malaria, meeting all criteria through an open process of international bench-marking bids, only to have the substantial \$98 million program terminated. For an objective account of this decision, see International Crisis Group 2006. *Myanmar: new threats to humanitarian aid*, Asia Briefing No.58, International Crisis Group, Brussels.
- 22 de Riedmatten had also carried out the role of the ILO Facilitator, which could have accounted for the Myanmar government's decision not to renew his visa.
- 23 Communications to the author from Country Program Managers of one large and one small INGO with continuing Myanmar programs in July 2006.
- 24 But it should not be forgotten that once before, in 1995, the ICRC had withdrawn from Myanmar in protest against unacceptable restrictions placed on its activities.
- 25 In September 2006, the ICRC spokesperson in Yangon for the first time expressed publicly concern that ICRC prison visits had still not been resumed, repeating this in December and February. The ICRC does not normally publicise its problems.
- 26 Confidential communication to author, July 2006.
- 27 I am indebted to ILO Liaison Officer Richard Horsey for help with the factual accounts in these paragraphs, although the judgments here are entirely the author's.
- 28 In the early 2000s, the Myanmar government constituted its own advisory team on the forced labour issue made up mainly of retired Myanmar diplomats. Author's conversations with members of this team.
- 29 Press Conference on Myanmar, 25 May 2006, Department of Public Information, United Nations, New York.
- 30 See Gambari's own account (2006).
- 31 The Myanmar leadership might be concerned about China's position after China decided to support UN Security Council action against North Korea over its nuclear test in October 2006.
- 32 Gambari's own term will conclude early in 2007, and much will depend on the activism of his successor on Myanmar.

References

- Albar, S.H., 2006. 'It is not possible to defend Myanmar', *Asian Wall Street Journal*, 24 July.
- Asian Survey*. Annual surveys of developments in Myanmar, University of California, Berkeley.
- Bert, W., 2004. 'Burma, China and the USA', *Pacific Affairs*, 77(2) (Summer):263–82.
- DLA Piper Rudnick Gray Cary, 2005. *Threat to the Peace Report*, Report commissioned by Václav Havel and Desmond Tutu, DLA Piper Rudnick Gray Cary, New York. Available from: <http://www.unscurburma.org/Docs/Threat%20to%20the%20Peace.pdf>.
- Gambari, I., 2006. 'A crack in the Burmese door', *International Herald Tribune*, 21 June.
- Ganesan, N., 2005. 'Myanmar's foreign relations: reaching out to the world', in K.Y. Hlaing, R. Taylor and T.M.M. Than (eds), *Myanmar: beyond politics to societal imperatives*, Institute of Southeast Asian Studies, Singapore.
- Global Witness. 2003. 'A conflict of interests: the uncertain future of Burma's forests', report by Global Witness. Available from: <http://www.globalwitness.org/reports/index.php?section=burma> (accessed 24 April 2006).
- Haacke, J., 2005. "Enhanced interaction" with Myanmar and the project of a security community: is ASEAN refining or breaking with its diplomatic and security culture?', *Contemporary Southeast Asia*, 27(2):188–210.
- , 2006. 'Myanmar's foreign policy', Adelphi Paper No.381, Institute of International and Strategic Studies, London.
- International Crisis Group, 2006. *Myanmar: new threats to humanitarian aid*, Asia Briefing No.58, International Crisis Group, Brussels.
- James, H., 2004. 'Myanmar's international relations strategy: the search for security', *Contemporary Southeast Asia*, 26(3):530–53.
- Jagan, L., 2006. 'Myanmar woos China, Russia', *Asia Times Online*, 12 April. Available from: http://atimes01.atimes.com/atimes/Southeast_Asia/HD12Ae04.html

- Japan Center for International Exchange and the University of Helsinki, 2006. *ASEM in its Tenth Year—an evaluation of ASEM in its first decade and an exploration of its future possibilities*, Japan Center for International Exchange and the University of Helsinki, Tokyo and Helsinki.
- Kessler, G., 2005. 'US sees Burma as "test case" in Southeast Asia', *Washington Post*, 28 December 2005.
- Kudo, T., 2006. *Myanmar's economic relations with China: can China support the Myanmar economy?*, Discussion Paper No. 66 (July), Institute for Developing Economies, Tokyo.
- Kurlantzick, J., 2002. 'Can Burma reform?', *Foreign Affairs*, November/December.
- Matthews, V., 2005. 'Myanmar makes Europe a reluctant player', *New Straits Times*, 18 October.
- McGregor, R. and Kazmin, A., 2006. 'Burma's stability a concern for China', *Financial Times*, 14 February.
- Naidu, G.V.C., 2004a. 'Whither the look East policy: India and Southeast Asia', *Strategic Analysis*, 28(2), April–June:331–346.
- , 2004b. 'Looking East: India and Southeast Asia', paper presented at the Institute for International Relations/Institute for Defence Studies and Analyses Second Roundtable, 27–28 October, Taiwan.
- Pereira, R., 2005. 'The Fifth Asia–Europe Meeting summit: an assessment', *Asia Europe Journal*, No.3:17–23.
- Takeda, I., 2001. 'Japan's Myanmar policy: four principles', *Gaiko Forum* (in English), Summer.
- Thein Sein, 2004. 'Change of Prime Minister does not change the government's roadmap agenda', *New Light of Myanmar*, 23 October.
- Transnational Institute, 2006. *Drug Policy Brief*, No.17 (May), Burma Centrum Nederland:10–13.