How to promote human rights in the world’s most repressive states: lessons from Myanmar

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For two decades, Myanmar sat at the top of the international human rights agenda. With recent political changes, this may now be a thing of the past, but the bad old days hold important lessons that should not be forgotten. This article draws on interviews conducted mainly inside Myanmar over a period of 15 years to evaluate, contrast and compare the impact of different international human rights policies on the ground. It is argued that while the effects of both Western ostracism and regional business as usual have been largely counterproductive and often harmful to the Myanmar people, principled engagement by the United Nations and other international organisations has shown significant potential to help promote human rights. This is a lesson which may be worth heeding in other repressive states.

Keywords: Myanmar; human rights; foreign policy

Few questions are more important in world politics than how to help promote human rights in the world’s most repressive states. This is a matter not ‘only’ of the lives and dignity of the hundreds of millions of people whose every right is currently being denied, but also of national security in other countries which may be affected by instability, refugee flows, terrorism or other transnational security threats. The aim here is not to provide an answer as such, but rather to offer a piece of the puzzle by way of a case study of Myanmar.

During the 1990s and 2000s, Myanmar sat at the top of the international human rights agenda. The violent crushing of a popular uprising in 1988, coupled with its denial of the 1990 election results and continuing brutal counter-insurgency campaigns in ethnic minority areas, made the new military regime an instant pariah in the Western-led post-cold war international order. Two decades later, the situation has changed dramatically. The transition to a civilianised government after fresh elections in November 2010 has been followed by a series of political, social and economic reforms, which have

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received widespread international praise and seen the dismantling of most Western sanctions and dramatically scaled-up engagement by aid agencies and business alike. But before we forget, it is important to assess what went before.

Until the recent changes, a divided international community took three different and often conflicting approaches to Myanmar. While most Western countries shunned the new military regime and imposed a series of escalating economic and other sanctions aimed at forcing it to relinquish power to a democratic government (ostracism), Myanmar’s regional neighbours moved to normalise relations with the former hermit state, arguing that international trade and investment provide the best path to a more stable, prosperous and ultimately freer and rights-abiding country (business as usual). International organisations, meanwhile, attempted to chart a middle course, working with the military government, as well as broader groups in society, to advance the country’s political, economic and human development (principled engagement).

The present article draws on hundreds of interviews conducted, mainly, inside Myanmar over a period of 15 years to evaluate, contrast and compare the impact of these different international approaches, and identify important linkages or trade-offs between them. While Myanmar’s rulers—and the broader situation in the country—may have seemed impervious to external influences, each approach had important human rights and welfare consequences, positive or negative, which often went unrecognised in the policy debates. The article first provides a critique of ostracism and business as usual, followed by an assessment of principled engagement with a particular emphasis on foreign aid, each focusing on the period of military rule (1988–2011). It then briefly revisits these assessments from the perspective of December 2012 and, thus, with the benefit of hindsight on the dramatic changes that have taken place since the new government took over. It is argued that while the effects of ostracism and business as usual were largely counterproductive and often harmful to the Myanmar people, principled engagement had at least some limited immediate benefits and may well have contributed to setting the context for the recent domestically driven reforms.

Ostracism

The US-led strategy of ostracism was focused essentially on bringing about regime change. The underlying assumption was that external pressure would either compel the military rulers to relinquish political control or destabilise the regime, paving the way for democratic reforms and an overall improvement in the human rights situation, including peace and development.

Yet, two decades of shaming, shunning and sanctions left the military largely unmoved and firmly entrenched in power, while the opposition was further marginalised, leaving the West with no effective domestic partner in the push for regime change (see Callahan 2009; Kivimäki and Pedersen 2008). External
pressure may have helped induce the military regime to cooperate on certain limited issues, such as the release of political prisoners, forced labour and opium eradication. However, any prospect of further progress was undermined by the persistent failure of Western governments preoccupied with democracy to respond in kind to such concessions and thus to encourage a process of strategic bargaining (ICG 2004a; Pedersen 2008). Only in the case of forced labour, where the threat of sanctions was carefully calibrated to progress specifically on that issue and complemented by robust engagement by the International Labour Organization (ILO) with the relevant Myanmar authorities, were progressive and seemingly sustainable results achieved (Horsey forthcoming).

Sanctions advocates often argued that existing measures were simply too weak and needed to be ramped up. Yet, there was little that Western countries could realistically do to significantly increase the pressure, given the non-cooperation of Myanmar’s neighbours, which repeatedly rejected any talk of universal sanctions. China, in particular, deftly exploited the opportunities created by the imposition of Western sanctions to reinforce its economic position in Myanmar, and was never going to give that up (ICG 2009, 2010; Kudo 2008b). In any case, it is unlikely that even substantially stronger pressure would have caused the regime to cave in. As numerous quantitative studies have shown, sanctions rarely succeed in eliciting major political concessions, particularly when they are directed at authoritarian regimes,2 and Myanmar was never likely to prove an exception. The Myanmar military has always been highly resistant to external criticism, reflecting a potent mix of nationalism, political arrogance and fear of the consequences of giving up power (see Pedersen 2000, 2008). Moreover, with extensive control of the economy, it was able to compensate regime supporters for any economic losses resulting from sanctions or simply deflect the costs onto more marginal groups—something which greatly weakened the political impact of such measures.

The problem with ostracism, however, was not so much its inherent limitations, but rather its costs. Far from encouraging the military leaders to relinquish power, international interference in what they perceived as Myanmar’s sovereign affairs caused a nationalistic backlash, heightening the resistance to change, undercutting potential reformers and further discrediting Myanmar democracy groups, which came to be viewed as ‘fifth-columnists’ (Pedersen 2008; Selth 2010; Taylor 2004). Indeed, the threat of foreign intervention or subversion caused the government to increase political repression and security spending (Selth 2008), while economic sanctions became a scapegoat for the country’s underdevelopment, thus reducing the pressure for economic reforms. The tragic irony is that Western threats only fed into the nationalist ideology of the military, which needed enemies to justify its harsh rule and divert attention from its economic and other failures.

The curtailment of international trade, investment and aid also caused severe collateral damage, often hurting innocent bystanders. The devastating impact of the 2003 US import ban, which eliminated around 75,000 jobs in Myanmar’s
garment industry overnight, is the best documented example (ICG 2004a; Kudo 2005, 2008a). Yet, this was only the tip of the iceberg. The cumulative effects of US and European trade and financial sanctions and consumer boycotts substantially hampered growth in export sectors, as well as tourism, which were crucial sources of jobs and income for millions of impoverished families.\(^3\) While the generals and their cronies were negatively affected by this too, the consequences were far worse for ordinary farmers, fishermen and workers, who were denied vital livelihood opportunities, with grave implications for the life and health of themselves and their families (Kyaw Yin Hlaing 2004). Adding insult to injury, the Myanmar people for two decades were denied the international assistance normally provided to the world’s most vulnerable, with Myanmar receiving only a few dollars per capita per year in official development assistance—far less than comparable countries.\(^4\)

Finally, the refusal by the West to engage with the military government—or anyone seen to be associated with it, including ethnic armed ceasefire groups, government-organised non-governmental organisations (NGOs) and much of the corporate sector—left important avenues unexplored for influencing the minds of the country’s elites and building institutional capacity within the state, as well as in the wider society, to undertake much needed reforms. Steps taken by the regime in the 1990s to end the long-standing civil war and revive the stagnating economy presented particularly important opportunities to engage and help improve the structural conditions for human rights. Yet, all were largely ignored by Western governments, if not actively subverted, with proponents of ostracism insisting that any progress under the existing regime would only lessen the pressure for more important changes (i.e. democracy; ICG 2004b; Pedersen 2008; Seng Raw 2001). Alas, the outcome was less on all fronts: less peace, less development and less freedom.\(^5\)

These adverse effects of sanctions raise serious questions about an approach that—in the absence of any indication that it actually worked or could be made to work—was often justified as ‘simply the right thing to do’.

**Business as usual**

The track record of regional, mainly commercial, engagement in modifying the behaviour of the regime was no better, and the costs may have been even higher. Although this was by definition a long-term strategy, there are no indications that it worked in the intended direction.

The theoretical rationale for doing business with repressive states is to support what is implicitly perceived as the organic evolution of states towards greater conformity with human rights standards as they grow wealthier. According to this argument, foreign trade and investment promotes economic growth, thus accelerating a modernisation process, which gradually builds internal pressure for democracy and the rule of law, while also improving
socio-economic conditions for the general population (for an overview of the extensive literature, see Griswold 2004). Taiwan and South Korea are often held up as examples of these dynamics.

In the case of Myanmar, however, the military’s stranglehold on key parts of the economy, compounded by economic mismanagement, corruption and the absence of appropriate mechanisms for redistributing national wealth, stymied growth and increased inequality (Turnell 2006; World Bank 1999). Although partial market economic reforms, coupled with increased foreign trade and investment, saw a small class of ‘new rich’ emerge, many were closely associated with the top generals and had no interest in—or too much to lose from—‘rocking the boat’ by pushing for further reform. Little independent wealth was generated; indeed, the large majority of the population got poorer and, as a result, was too preoccupied with the daily struggle for survival to get engaged in politics.

Under these conditions, rather than promote political and economic development, international capital flows tended to enrich mainly the military leadership and their cronies, prop up the regime, worsen corruption and reduce the pressure for economic reforms (Turnell 2008). Moreover, foreign direct investment in many instances was associated with rampant human rights violations and environmental destruction by foreign companies or their local partners, which showed little accountability to local communities (EarthRights International 2009; Global Witness 2003).

This is not to say that Western economic sanctions were justified though (at least not from a human rights perspective). First, although bans on foreign trade and investment in the natural resource sector—which was largely controlled by the state and had few benefits for the broader economy or local communities—made sense in principle, the practical effect was simply to displace Western companies in favour of regional ones. This had little effect on the military regime’s revenue stream, while limiting the scope for those concerned with human rights to work for improved labour and environmental practices in this sector. Second, foreign economic cooperation in agriculture, fishery, manufacturing and tourism, which paradoxically were the sectors worst affected by sanctions, did have the potential to serve as an engine of longer-term growth and provide income and jobs for many impoverished families. These sectors had much greater private sector participation, were labour-intensive and had stronger positive links to the broader economy (Kudo 2008b). Rather than blocking foreign trade and investment, there was therefore a strong case to be made for looking instead at ways of ensuring that it was conducted according to international standards of corporate social responsibility.

**Principled engagement**

Principled engagement represents a ‘middle way’ between ostracism and engagement, combining normative pressure for change with active support
for positive steps (for a theoretical elaboration of this concept, see Pedersen and Kinley forthcoming). The hallmark of this approach is direct engagement with those responsible for human rights violations, as well as broader groups in society, to address concrete problems and improve the practical framework for human rights protection. While relying on non-coercive means, principled engagement entails proactive efforts to expose shortcomings, improve policies and practices, and strengthen internal drivers of change.

This approach was theoretically attractive in Myanmar for two reasons. First, by directly addressing priority human rights problems, it had the potential to immediately alleviate the suffering of victims of abuse and neglect. Second, it was particularly well suited to deal with the structural challenges of promoting human rights in a closed society, including the need to broaden the military’s world view, reverse the legacy of decades of dysfunctional governance and empower ordinary people.

In practice, the impact of principled engagement was greatly weakened by a lack of support from key governments in the West and the region alike, which left it largely in the hands of international organisations with limited leverage and resources. In fact, the confrontational approach of the West and the lenient attitude of Myanmar’s neighbours frequently ‘conspired’ to undermine attempts by others to effectively engage the military regime on human rights and related issues. While one bred obduracy, the other lessened the actual need for the Myanmar leadership to change.

Nonetheless, the experience with principled engagement was more positive than negative, indicating that this approach could have achieved more had it been pursued with greater coherence, comprehensiveness and commitment. While headline initiatives, such as the United Nations Secretary General’s ‘good offices’ mediation efforts and (weak) attempts by the International Financial Institutions and Japan to engage the military government on macroeconomic reform, failed to have much immediate impact, thus underscoring the very real difficulties of effective engagement, the more ‘quiet’ activities of foreign aid agencies on the ground made substantial contributions to human rights and welfare.

International humanitarian agencies delivering health information and consultations, medicine, water and sanitation, and other basic health-related services helped hundreds of thousands of Myanmar survive in good health rather than suffer unnecessary illness or death. In the 2000s, as agencies expanded their activities into more developmental areas, such as microfinance, agricultural extension services and education, they also began to affect and improve the broader livelihood opportunities for some of the most vulnerable communities across the country. Although the sustainability of much of this work was questionable while the root causes of poverty remained, the benefits to individuals and households were real. Moreover, foreign aid agencies often established substantial contacts with national and local authorities, as well as
close partnerships with Myanmar NGOs, which helped build local capacity and improve long-term viability.

In addition to providing for basic needs, humanitarian agencies offered protection against the Myanmar state and its agents. This was perhaps most evident in Northern Rakhine state, where a dozen agencies worked under the umbrella of the United Nations High Commissioner for Refugees to protect the rights of the Rohingya, a Muslim minority group, and in Eastern Shan state, where a similar coalition led by the United Nations Office on Drugs and Crime helped disenfranchised opium farmers cope with a local-government-imposed opium ban. Another example is the efforts by the Food and Agriculture Organization, United Nations Development Programme, CARE Australia and others, using existing community forestry laws, to secure land tenure for local communities and protect them against illegal land confiscations. Although this type of activity did not often affect formal policies or institutions, it did provide a check on arbitrary personal power exercised by corrupt local officials (Duffield 2008), which was a cause of much suffering all around the country and a main source of community resentment against the government.

While much of this humanitarian work took place at a local and largely informal level, there was a broader national impact in some areas. Research and advocacy by organisations such as the Joint United Nations Programme on HIV/AIDS, Médecins Sans Frontières and Population Services International was instrumental in improving government health protocols in critical areas, including HIV/AIDS, malaria and tuberculosis. Although underfunding and structural weaknesses in the national health system continued to hamper implementation, better protocols saved countless lives. The ILO, similarly, succeeded in substantially reducing forced labour on civilian government projects. The government introduced new legislation declaring forced labour illegal, and the last half of the 2000s saw a growing number of cases where offending officials were punished or victims of forced labour were compensated. ILO officials believe that this helped gradually change the culture of impunity within which many of these violations took place (Horsey forthcoming). Other areas where international engagement had a national impact include child rights, human trafficking, and agricultural policy and extension work (for an overview of some of these and other activities, see Allen 2009).

In addition to these immediate outcomes, aid influenced the broader conditions of governance, which are crucial to future progress on human rights. Conversations about aid, development and human rights gradually exposed ever widening circles of military officers and government officials to international norms and experiences, and helped build the will and confidence, among some at least, to experiment with new policies and cooperative arrangements. The potential of such engagement was perhaps most evident in the early 2000s when former intelligence chief General Khin Nyunt—who for many years was the front man for the regime’s engagement with the
international community—oversaw a period of unprecedented openness and cooperation. But other commanders showed similar signs of responding positively to cooperation with international (and local) development actors within their areas of responsibility. In fact, socialisation may have been the single most important effect of international engagement in a country where no major change was ever likely to be possible without the support of senior military leaders.

Progress was evident on the demand side as well. While advocates of ostracism mainly aligned with the National League for Democracy and exile groups around the democracy agenda, organisations engaged on the ground worked with broader segments of society, ranging from community development projects at the village level to broader efforts to strengthen formal civil society organisations and build networks among them (Dorning 2006). This work was not about regime change; yet, it helped empower people to take charge of their own lives and supported processes of bottom-up democratisation, which may now help the current democratic reforms to become meaningful at the local level (South 2004). Importantly, national policy changes—for example, on HIV/AIDS—were brought about through participatory processes, involving not only international and government agencies, but also local NGOs and representatives of beneficiary groups. This was unprecedented in Myanmar and quite revolutionary in a country where even pro-democracy groups tended to work in a highly top-down fashion with little consultation with their constituencies.

Finally, international aid helped build the capacity of the state and society to respond once the political will to reform emerged. The direct impact on state capacity was limited by donor restrictions on engagement with government officials, as well as weakened domestic political will to undertake administrative reforms, but in some lack of areas with substantial engagement, especially within health, administrative and technical skills were built. Moreover, substantial capacity-building took place within civil society organisations, as well as among the local staff of international organisations (Dorning 2006; Stallworthy 2005). Along with broader educational schemes, including scholarship programs, this helped build a cadre of competent government officials and especially civil society leaders, who are now taking on critical roles in the ongoing transition process.

There is no doubt that principled engagement was hard, and not always fruitful, work. However, claims by critics that foreign aid legitimised and enriched the military regime, thus delaying political change, were not generally borne out in practice (for an overview of these criticisms, see ICG 2002; see also Purcell 1999). Neither manipulation of aid for political purposes nor corruption was an insurmountable problem for those organisations that remained vigilant, or at least not a greater problem than in many other fragile states (ICG 2002, 2008; see also Carrière 1997). Although foreign aid agencies faced serious restrictions on the scope and type of activities they were able to undertake,
including access to politically sensitive areas, they generally operated quite independently at the community level, were free to select their beneficiaries and were able to monitor aid flows. Save the Children, for example, grew to employ 1500 staff working across 10 of the 14 states and divisions, making it one of their biggest programs anywhere in the world. It took an explicitly rights-based approach, which included lobbying for systemic changes in public services, as well as building civil society capacity to provide alternative services, and upheld global standards of independence and accountability (see Kirkwood 2009). In any case, any legitimacy or financial benefits the government might have derived from assistance programs were swamped by those arising from other sources, such as global diplomatic recognition and gas revenues. This is not to say that the government derived no benefits from foreign aid (or that it did not misuse or waste funds channelled through ministries without proper oversight). However, claims that aid shored up the military regime and delayed democracy were mostly unsubstantiated, often exaggerated and, ultimately, irresponsible. Indeed, in light of the substantial benefits of aid programs, the political and fiduciary costs seemed quite trivial.

In hindsight

With dramatic changes now under way in Myanmar and significant improvements in human rights already visible or seemingly within reach, some long-time advocates of ostracism are claiming that sanctions did, in fact, succeed. Such claims, however, are not credible. To begin with, the policy of ostracism was, in fact, intended to block the kind of military-controlled transition which is now taking place. Further, that transition is taking place from a position of strength, not weakness. It is true that the current government has been keen to get the sanctions lifted, but this is a new leadership with a radically different vision of how to govern. They are not bending to Western demands, but rather pointing out that they cannot do what they have set out to do without international support. This is not a story of sanctions success. On the contrary, two decades of isolation and minimal foreign assistance have contributed significantly to the dearth of government capacity, which is rapidly emerging as a major constraint on the reform process.

To the extent that any international actors can claim to have helped pave the way for the very positive changes that we are seeing in Myanmar now, it would be those who put in the hard and often thankless work of engaging with a pariah regime in the bad old days. Principled engagers have spent much time over the past 20 years trying to persuade Myanmar’s military leaders to start exactly the kind of incremental, top-down reform process that we are seeing now. What impact this has had is hard to say, but with the shift in US policy since 2009 towards cautious re-engagement, President Thein Sein and fellow reformers may have felt that this was the right time to do so. Certainly, once the
decision had been made to open up, the new government immediately reached out to organisations such as the International Financial Institutions and ILO, and a number of international NGOs, which had long been at the forefront of principled engagement and now came to play a critical early role in helping carry the new reforms forward.

Conclusion

Principled engagement is by nature an incremental, and even slow, approach, since it works within the existing political structures rather than seeking to overthrow them. Yet, by drawing Myanmar’s military leaders out of their shell and demonstrating the benefits of being part of the international community, it may well have become a catalyst for broader internally driven reforms. In the meantime, engaged agencies helped the general population cope with a bad situation and protected them from the worst excesses of individual abuses of power. Obviously, quicker and more thoroughgoing change would have been preferable. However, there was never any realistic way for Myanmar to move directly from dictatorship to democracy. If the country’s tortured history has showed one thing, it is that direct challenges to the military invariably lead to violent backlashes and the destruction of political society, not to mention significant collateral damage brought upon innocent bystanders. Given this sadly predictable outcome, it always made strategic sense to work instead for smaller, more incremental changes that, precisely because they did not threaten the military’s immediate interests, were able to penetrate the regime and gradually transform the configuration of power and interests to a point where bigger change became possible. This approach also had the advantage of facilitating efforts to build up state capacity and broader social capital, which may now help ensure that new political and economic reforms are sustained and become meaningful to the broader population—something which is not yet guaranteed.

These findings from Myanmar resonate with wider global experiences (Pedersen and Kinley forthcoming). There is a need, generally, in the international community for clearer thinking about how human rights can practically be improved. The paradigm of regime change favoured by many activists, which envisions the defeat of incumbent regimes followed by wholesale reforms by new elected leaders, is entirely unrealistic in most highly repressive states, given the distribution of power and interests, as well as the deep-rooted structural obstacles to democracy, peace, development and human rights. The assumption that foreign trade and investment will reform authoritarian leaders and institutions is equally questionable and, indeed, often seems like little more than a cover for the pursuit of national interests. Principled engagement, by contrast, is both a moral and practical approach, which puts human rights, humanitarianism and the welfare of ordinary people
at the centre. This is not to say that principled engagement provides the answer to human rights problems in every repressive country, or that it is the optimal approach to every issue all of the time. Yet, rather than the ‘poor cousin’ of other approaches that it is often portrayed as, it may be time to start considering principled engagement as a first choice.

Notes
1. The interviewees came from a broad cross section of Myanmar society, including government officials, dissidents, intellectuals, businessmen, community leaders, students and workers, as well as foreign diplomats and aid officials. Since nearly all requested anonymity, the interviews are used for background only. Complementary public sources are referenced where possible.
2. While the precise success rate of sanctions remains contested, there is broad consensus among scholars that such measures rarely succeed in bringing about major changes in the target state’s behaviour. The track record is particularly poor for military dictatorships and other illiberal regimes, whose internal political structures inhibit the translation of economic pain into political change.
3. Different sanctions affected different sectors in different ways. The European Union’s denial of the Generalized System of Preferences (GSP), for example, corresponded to a 13 percent tax on Myanmar imports—mainly garments and fishery products—which did not apply to similar products from other least-developed countries, while US financial sanctions blocking all trade with Myanmar using US dollars forced Myanmar exporters to trade through proxy companies in Singapore and repatriate earnings through the informal hundi system, thus adding significantly to costs. These measures, together with import bans and consumer boycotts of Myanmar products, significantly reduced Myanmar’s export earnings, which in turn depressed the prices paid to already impoverished Myanmar producers, and reduced jobs and salaries for workers in affected sectors.
5. For critical assessments of Western sanctions on Myanmar not otherwise cited here, see Badgley (2004), Englehart (2005), Holiday (2005), McCarthy (2006), Roberts (2006), Seekins (2005), Steinberg (1999), Taylor (1991) and Thant (2006). Oehlers (2004) and Turnell (2006) offered a more positive view of sanctions. Their assessments, however, were based on a macro-economic model, which largely ignored both the political and humanitarian effects of sanctions, and thus had major limitations as a tool for understanding the full impact of these measures.

References


