

# Myanmar: The limits to international mediation

Larry Jagan

Since Myanmar's military leaders seized power in a bloody coup more than eighteen years ago, the international community has tried to restore democracy to the country through a combination of dialogue, engagement, goading and sanctions. Asia (largely China, India and ASEAN), the West (Europe and the US) and the UN have all taken key roles in this process of either encouraging or putting pressure on Myanmar to reform. But the main problem has always been the major disagreement between those who favour sanctions and those who believe the only way to encourage change, is to engage the regime rather than isolate them. This paper will take a look at these efforts in order to reflect upon the broader question of possible limits to external engagement. In conclusion, several policy options are put forward.

## Understanding the Military: limits to dialogue?

Part of the problem that stands in the way of the international community's efforts to convince the generals that change is both necessary and in their interest has been the general failure to understand the motivations of the Myanmar military. Myanmar's leaders are extremely insular, chauvinist and xenophobic. As an example, General Than Shwe recently told the Cabinet that old white people should be expelled from the country.

Military leaders believe that only the army represents the country as a whole and can protect the nation (both from its enemies abroad and within); they see themselves as the only unifying force in the country that represents the national interest. "We truly represent the nation, the political parties can only represent a segment of society," the former Deputy Head of Military Intelligence, Major General Kyaw Win told me in an exclusive interview.

The army's top brass suffer from a siege mentality. This has been further emphasised a year ago when the whole government apparatus and the war office were moved to Pyinmana, four hundred kilometres north of the former capital, Rangoon. This was an important strategic move on the part of the top military ruler, General Than Shwe. But it was not as some have suggested for fear of a foreign invasion, namely by the US. This move was rather intended to put the military command closer to areas populated by ethnic minorities in order to better control them, centralise power, keep a closer grip on the regional commanders and insulate the military from the civilian population.

Myanmar's top generals do not trust civilians and prefer to deal with other soldiers. It is quite clear that other Asian military leaders have a better relationship with the junta than their foreign ministers. The Thai military, who faced possible trial for corruption, were informed within 12 hours of the arrest of Prime Minister, Khin Nyunt, while the Foreign Ministry had no idea what was happening.

More crucially the Myanmar military leaders cannot compromise and do not understand the notion of a win-win situation. For them, any concession means someone else gains what they lose. Everything is seen in terms of a military battle or campaign. So they are less likely to respond to overt pressure. According to senior military intelligence officers, General Khin Nyunt once wrote to the General Secretary of the National League for Democracy (NLD), Aung San Suu Kyi, that "the Burmese army never negotiates".

In the past decade or so there have been signs that the military were prepared to enter a dialogue with Aung San Suu Kyi and the National League for Democracy, while the regime has also tentatively opened up to the international community. These temporary windows of opportunity were largely the result of initiatives taken by the intelligence chief and one of the country's top three generals: Khin Nyunt.

### **In the interest of Myanmar**

General Khin Nyunt recognised that progress and prosperity in Myanmar could not be achieved without wider exposure to the outside world. He understood that, in order for the regime to increase trade and attract foreign investment, certain concessions had to be made to the international community's concern about the lack of political reform.

As a consequence, there was a partial opening up of the economy and some liberalisation in the mid-1990s. Foreign investment was sought with moderate success, and largely from neighbouring countries - China, Thailand and Singapore all became major investors in Myanmar. Much of this was focused on the tourism industry, with a plethora of hotels and tourist transport infrastructure built. This withered away after the Asian financial crisis - exacerbated by the regime's change of heart, bureaucratic incompetence, corruption and political stalemate.

Myanmar is currently reviving these plans for economic reform under Chinese tutelage. Apart from tentative plans for the privatisation of government industries, there are plans to set up five major tax-free export processing zones - Tachilek (on the border with Thailand), Muse (on the border with China), Arakan (which would have access to Bangladesh and India), Rangoon and Nay Pi Daw (the new capital). If these plans become reality, there will be greater opportunities for foreign intervention - not just investment.

During the 1990s, UN agencies and international NGOs were allowed to establish programs in various areas of the country to address health, education, agriculture, income generation, refugee issues and a variety of humanitarian problems. The establishment of a good working relationship with the United Nations International Drug Programme (UNDCP) - now United Nations Office on Drugs and Crime (UNODC) - was particularly important. The UN development and assistance presence expanded dramatically in Myanmar during the last decade.

The International Committee for the Red Cross (ICRC) was given access to prisoners and, crucially, political prisoners who had been languishing in detention for a decade or more. Later, the International Labour Organisation (ILO) was able to post a representative in Rangoon to address the problem of forced labour. This all appears to have been facilitated by the officers of the military intelligence, under General Khin Nyunt, who was consciously engaging the international community, particularly Myanmar's Asian neighbours.

### Engaging Myanmar's neighbours

This new engagement with its Asian neighbours was no coincidence, for it was Asia which caused the first major schism within the international community by adopting a policy of constructive engagement. (Chinese relations with Myanmar were cemented in the early years after the State Law and Order Restoration Council seized power in September 1988, and Beijing's temporary international isolation after the June 1989 crackdown on the pro-democracy movement may have also contributed to the burgeoning friendship.)

It was Myanmar's South East Asian neighbours in the Association of Southeast Asian Nations (ASEAN) that took the initiative. Having sorted out Cambodia, they now turned their attention to Myanmar. Malaysia was the driving force in this rapprochement, as then Malaysian Prime Minister, Dr Mahathir was keen to increase the number of ASEAN member states to 10 by the time the organisation celebrated its 30th anniversary in Kuala Lumpur under Malaysian chairmanship.

There was significant resistance to joining ASEAN in Rangoon. While Khin Nyunt was strongly in favour, other senior members of the junta, especially Maung Aye and Than Shwe himself, were reluctant. But the intelligence chief managed to convince his colleagues and Myanmar became a member of ASEAN in 1997 and began participating in regional activities.

This was an important juncture for the junta for it began to expose the military to the region, and gave them a sense of what Myanmar was missing out on because of its isolationist policies. Singapore and Bangkok were beacons for the men in green. Khin Nyunt's right-hand, Brigadier General Than Shwe often said Myanmar could and should emulate Thailand (he was also Military Attaché in

Bangkok in the late 1990s). The Deputy Head of Intelligence, Major General Kyaw Win never hid his admiration for Singapore.

But during the 1990s, apart from Japan, the rest of the international community was less keen on engaging Myanmar. For western governments, the issue was clear. Then British Foreign Secretary Robin Cook once told me: there is only one option, the National League for Democracy must be allowed to form a government - there has been fair and free elections, and the military refuses to hand over power to the legitimately elected democratic (civilian) government.

### **Missed opportunities?**

A more nuanced policy earlier by western countries may have helped capitalise on some of the opportunities that had been available at the time. US Congressman Bill Richardson's meeting with Aung San Suu Kyi in February 1994 - her first outside visitor since she had been arrested in July 1989 was a significant concession and reflected the regime's preparedness to explore a dialogue both with the NLD and with the international community. Later the junta's leading triumvirate - Than Shwe, Maung Aye and Khin Nyunt - met Aung San Suu Kyi in an even more important gesture.

However, the international community did not engage the regime, but instead heightened appeals for the immediate release of Aung San Suu Kyi. This was not what the regime was looking for.

After Aung San Suu Kyi was released in July 1995, other opportunities emerged for concessions and possibly the start of a renewed dialogue. The problem was that neither side was able or prepared to make concessions - both sides saw the onus on the other to take the initiative. At the time there was a lot of talk internationally of Aung San Suu Kyi following what was dubbed the "Mandela Model".

This would have required the pro-democracy leader to withdraw or resign from the NLD leadership and offer to work with the military as a national figure. However, she was too tied to the NLD (partly because of personal loyalty to the old men who had run the party for her during her detention, and because she was a key founder of the party). This option may now be pertinent again, but while Aung San Suu Kyi could comfortably play Mandela's, the question remains whether Than Shwe has what it takes to emulate De Klerk.

The UN for its part did not time well its political initiative. The plans for a five billion joint UN-World Bank fund for Myanmar, including a series of benchmarks failed as either side had little interest in this formula. It also came at a time when the war of words between the two protagonists had begun to escalate, and Aung San Suu Kyi's primary aim had become to test the limits of the regime by trying to travel outside Rangoon. There was no spirit of compromise on either side and the UN initiative was largely ignored. However, privately the initiative

did convince General Khin Nyunt of the need for some form of political change and dialogue with Aung San Suu Kyi, a senior intelligence officer told me confidentially. It underlined the benefits Myanmar could reap from accommodating the international community.

Although it took a while, Myanmar's military leaders finally agreed to talk directly, though secretly, with Aung San Suu Kyi and the NLD about the conditions for establishing a multi-party political system during the period 2000–2003. General Khin Nyunt was the main driving force behind the military's change of heart. "We are realists, if there is an impasse then we change our strategy," BG Kyaw Thein told me. "When we realised we could not defeat the ethnic insurgents militarily, we negotiated cease-fire agreements. We are not averse to trying different tactics as long as they yield results," he added.

For her part, Aung San Suu Kyi was more accommodating too, and secret talks between the two sides started. At the same time the UN appointed a new envoy, the former senior Malaysian diplomat, Razali Ismail - and with ASEAN support, especially the Malaysian Prime Minister, Dr Mahathir - managed to establish a reasonable rapport with the two sides.

During this period, Razali conducted a tentative form of shuttle diplomacy which helped yield some results. Aung San Suu Kyi was released in May 2002 and allowed to travel around the country for the first time since 1989. Thousands of political prisoners were released. General Khin Nyunt, who became Prime Minister in August 2003, announced a seven-stage road map that would start with the reconvening of the National Convention to draw up the guidelines for the constitution, followed by a referendum and fresh elections leading to the establishment of a civilian government.

But the talks stalled when Than Shwe decided the process was not going the way he wanted. When it became obvious to the generals that Aung San Suu Kyi had not been side-lined as they had hoped, but that her popularity had actually grown during her long years of detention and isolation, she was re-arrested in mid-2003. She is currently under strict house arrest and virtually incommunicado, only being permitted increasingly rare visits by her doctor.

Everything came to a head in early 2003, when Than Shwe decided it was time to stop courting the opposition leader and party, and go ahead without them. The crucial turning point seems to have been what proved to be Razali's final visit to Rangoon in the first week of March 2004. His statement after the visit, calling for Khin Nyunt to be given a mandate alarmed Than Shwe. He feared Khin Nyunt planned to build an alliance with Aung San Suu Kyi, which would then make him a powerful rival for the post of president under the new constitution. Myanma military leaders, especially Than Shwe, are masters at divide and rule; anything that is aimed at dividing the top leaders will only serve to unite them and dig their heels in.

Hence, it is unclear exactly why and when Than Shwe decided to remove Khin Nyunt – he was arrested in October 2004 and later tried for corruption and sentenced to nearly sixty years under house arrest. From early 2003, things began to fall apart. Though expectations were raised in April and early May that Aung San Suu Kyi would be released again along with other political prisoners, and the NLD was allowed to re-open their offices throughout the country and participate in the National Convention, these hopes were soon to be dashed. Than Shwe failed to honour his commitment and refused the release of Aung San Suu Kyi, in spite of her letters to the Senior General suggesting that they should leave the past behind and move forward together to help build the country.

### **Hopes dashed**

In hindsight, the international community were left high and dry by Khin Nyunt's arrest and the purge of reform-minded government ministers, like the Foreign Minister Win Aung and the military intelligence officers. So too were the hopes for change and political reform dashed by this palace-coup. "I should have done more to support Khin Nyunt," Razali said recently. Yet, it is difficult to see what could have been done to strengthen Khin Nyunt's position. Certainly the international cry for sanctions and Aung San Suu Kyi's immediate release did not help. The US's verbal attacks did nothing to soften the senior general's views.

In particular, Washington's insistence on not de-registering Myanmar as a drug state weakened Khin Nyunt's position. This was the minimum concession he could have expected – especially when both the UN and the US State Department acknowledged that much was being done to end the production of opium poppy inside the country.

Perhaps the biggest policy failure was the international community's concentration on Aung San Suu Kyi's freedom. It is more important that the regime starts serious talks with the pro-democracy parties on Myanmar's political future. Even Aung San Suu Kyi herself believes that this is the priority. She told me in 2003 shortly before the Depayin attacked her and her entourage in northern Myanmar, that she would happily remain in detention if the generals started a genuine political dialogue with the NLD.

The international community is currently repeating this strategic error. It merely convinces Than Shwe that Myanmar's opposition leader is a western puppet. A change of strategy is sorely needed. Early in 2003, with Khin Nyunt in full swing, there was a very real possibility of a major political break-through. It was quickly lost because the NLD and their international supporters did not understand or appreciate the opportunity. In true military style, these opportunities are usually partly hidden or deliberately obscured for fear of showing weakness. The onus is on the other side to recognise what is on the table.

After Khin Nyunt's fall, all immediate chances for a political dialogue involving the opposition were lost and international involvement in Myanmar's national

reconciliation was shunned. Now, the regime is beginning to understand that as they move – albeit slowly and indefinitely – towards a new era of political change as laid out in their roadmap, they need to win the support of both their own population and their Asian allies, who have grown impatient with Rangoon's intransigence and secrecy, even China.

The most overt sign of this is the increasing involvement of China – providing experts on development and economic change. The recent overtures to the UN, allowing the Under-Secretary for Political Affairs, Gambari to visit Myanmar (and meet Aung San Suu Kyi), and another visit planned for early November, have also underlined a potential thaw.

### Which way forward?

There are two possible levers that the international community could use. One is the economy. More can be done to assist this – training of government officials and senior military officers with regard to tax issues, investment incentives and the privatisation of state industries. Asia has substantial experience in these matters, and Eastern Europe may also be able to help. It could be a great opportunity for the EU and Asia to cooperate in this, perhaps under the auspices of the Asia Europe Meeting (ASEM). An increase in humanitarian assistance – through UN agencies and international NGOs would also be needed. The establishment of the new 3G Fund – to replace the Global Fund which pulled out a year ago – could provide a good model for the expansion of aid in other areas.

The second lever, ethnic minorities, is more sensitive as far as the regime is concerned. Ethnic minority groups are crucial for the country's political future. Most of them have retained their arms, and the cease-fire agreements have expired or are running out. For the junta, the need to disarm these groups is quickly becoming a major priority. Tension and mistrust in these cease-fire zones will make disarmament a major, if not violent operation.

Myanmar's military leaders are inward looking and reluctant to engage the international community. They are reclusive and insular, but Myanmar is not a second North Korea. Labelling them a pariah state only strengthens their tendency to shut out the outside world. Sanctions have not worked. Rather than affecting the leadership, they have restricted economic development and arguably increased the number of commercial sex workers in the country. Constructive engagement on the other hand has also produced few results. The argument was that with Myanmar inside the organisation, its neighbours would have more influence on the junta and be able to encourage change. "It was a mistake to bring Myanmar into ASEAN so quickly," the former Singapore Prime Minister told me a couple of years ago. It is time for new international initiatives that engage the regime, but still maintain pressure on them. Critical or flexible engagement – already alluded to by the UN Rapporteur for Human Rights, Professor Paulo Sergio Pinheiro and the former Thai Foreign Minister, Dr Surin Pitsuwan – should be elaborated on.

Pressure alone does not work. Punitive measures and sanctions are counter productive. The threat of them, including the threat to put Myanmar on the UN Security Council agenda is more effective than the actual measures. The recent US-move in the UN certainly helped produce some progress on the issue of the ILO. The continued scrutiny of Myanmar's human rights record has also produced results. There are far less rapes of women by Myanmar soldiers in border areas, far fewer women and children have been pressed into forced labour, and the number of children forcibly conscripted in to the army has fallen dramatically. It is now high time for the international community to cooperate and coordinate policies towards Myanmar aimed at producing political change.

National reconciliation could be the entry point. Talk should be of consensus, accountability and transparency rather than democracy and human rights. One area that could be explored is the establishment of a national truth and reconciliation council, similar to the one in South Africa. The generals fear the post-military era will bring genocide or war crimes tribunals or some other form of investigation. For this to have any real virtue, it must involve representatives of the key groups in the country - the military, pro-democracy parties, the ethnic minorities and the students of 888 who were released after Khin Nyunt's arrest, but have been detained again recently.

More than anything, the international community needs to work closely together and develop a real strategy. There are enough points on which they can agree though the West will need to make significant concessions.

### **Policy options:**

- Washington starts a High Level Dialogue with Rangoon on political change and humanitarian aid.
- Washington starts bilateral negotiations with Beijing on joint initiatives along the lines of their co-operation on the Korean peninsular issue and nuclear weapons.
- The EU appoints a High Level Ambassador (for instance Chris Patten) to quietly conduct a form of shuttle diplomacy between Beijing, Delhi, Tokyo, Thailand and Myanmar. (Norwegian style)
- Establish an International Aid for Myanmar forum or conference to assess the country's development and assistance needs, establish priorities and pledge funds. Possibly jointly chaired by Japan and Australia
- Reform the Bangkok Process along the lines of the Six-Party Talks on North Korea with representatives from Myanmar, Beijing, Delhi, Bangkok, Kuala Lumpur, Tokyo, Australia, the EU and the ASEAN chairman.

- Introduce a comprehensive programme of engagement with Myanmar's military to expose them to the outside world, allow them to travel abroad, study and attend courses and conferences. - This runs counter to EU and US policy, but is crucial if the Myanmar military mind-set is to be changed.
- UN offers help in facilitating peace talks with ethnic rebel groups that have not negotiated a cease-fire agreement, and assists with the disarming of the ethnic rebel groups that have cease-fire pacts as well as monitors the cease-fire zones.