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Do Not Back Down on Burma

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Known globally for headlines about brutal military crackdowns on protestors, incarceration of over 2,000 political prisoners, rampant corruption, ethnic war, press censorship, and shady dealings with North Korea—involving potentially the development of nuclear weapons—the reclusive nation of Burma has recently attracted attention for nominal reforms, among them the November 2010 election that created a “civilian” government and the subsequent release of Nobel Peace Prize winner Aung San Suu Kyi from house arrest.

As most of the rhetoric and “reforms” are either institutional window dressing or have been seen before,¹ they could very well prove nothing more than an extensive public relations campaign ahead of a decision on whether Burma chairs the Association of Southeast Asian Nations (ASEAN) in 2014. Burma remains far from taking action on the key indicators of real reform. Until it does, the U.S. should hold fast its sanctions and limit future engagement.

Burmese Reforms: Beyond the Surface. Few observers question that last November’s election was farcical at best. President Obama denounced it, asserting that it “failed to meet any of the internationally accepted standards associated with legitimate elections.”² Despite widespread criticism, the elections elevated former general and Prime Minister Thein Sein to the presidency.

Aung San Suu Kyi’s release from house arrest and August’s hour-long meeting with Thein Sein were positive steps—but hardly ones taken for benevolent

reasons. Simply put, President Thein Sein has likely calculated that her followers no longer threaten his regime, at least not until the 2015 elections. Indeed, with her National League for Democracy party banned from political activism, her movements closely scrutinized, and her appearances restricted, the Nobel Prize winner enjoys only a modicum of freedom. Earlier this month, she published her first article in the Burmese media in many years, yet the government slashed all political reference within it. Meanwhile, over 2,000 political prisoners are still languishing in Burmese prisons.

Burma still ranks abysmally in the annual Freedom House rankings, receiving the lowest score possible. Transparency International’s Corruption Perception Index lists Myanmar as the world’s second most corrupt nation,³ and The Heritage Foundation’s Index of Economic Freedom ranks Burma as Asia’s second-least-free economy, behind only North Korea. Burma has also “failed demonstrably” on counter-narcotics⁴ and is “of particular concern” regarding religious freedom.⁵ While few expected dramatic change after one year of civilian rule, policymakers should not forget the realities in Burma as characterized by these various rankings.

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Frankly, Burma is still miles away from meriting the lifting of sanctions. U.S. Special Representative and Policy Coordinator for Burma Derek Mitchell's recent fact-finding trip to Burma did nothing to change this outlook. Mitchell met separately with government and opposition leaders, discussing a broad range of issues. However, he admitted to "no outcomes that were tangible" and recognized that this trip's purpose was to engage relevant parties, build relationships, and foster trust.

What Should the U.S. Want from Burma, and What Should It Expect? What the U.S. should want from Burma is simple: rule of law, respect for internationally recognized human right standards, and stability. This will not happen overnight. At the most realistic levels, the U.S. should want Burma to take demonstrable steps toward developing a genuine democratic system, permitting real political dissent, further loosening restrictions on Aung San Suu Kyi, freeing political prisoners, protecting basic human rights, combating its drug trade, and severing its ties with North Korea.

What the U.S. should expect, however, is not so encouraging. The current regime still views maintaining power as its top priority, and without democratic legitimacy, brute force is ultimately its only claim to power. Any genuine challenge to its prerogatives of power will be swiftly extinguished. It will certainly entertain no changes that facilitate such challenge.

Stay the Course. With ASEAN set to decide soon whether Burma will assume the 2014 ASEAN chairmanship, the Burmese regime knows that any political crackdown would seriously jeopardize its

standing. To that end, Burma, acting in its national interest, should demonstrate with its actions that its reforms are not merely a public relations campaign.

Until then, U.S. sanctions, outlined through executive orders and congressionally passed mandates,⁶ should continue to push Burma toward more substantial political reforms and should not be lifted for the foreseeable future.

What the Administration Should Do:

- **Push for a U.N. Commission of Inquiry for Burma.** The Administration has publicly supported the inquiry into crimes against humanity and war crimes but refrained from exercising any diplomatic influence to make it happen. As currently constituted, this makes it either a cynical ploy to appease human rights groups or another effort at "leading from behind" that is actually not "leading" at all.
- **Limit engagement with the Burmese regime to the special envoy level.** Two years ago, President Obama accommodated the Burmese junta in order to convene the first ever U.S.–ASEAN Leaders Summit—he consented to attend despite the presence of the Burmese prime minister. If that is the price the U.S. must pay to engage ASEAN as a whole at the head-of-government level, it was a tolerable deal. But that annual meeting is where presidential-level engagement should end.
- **Establish concrete, identifiable benchmarks for continued diplomatic engagement.** These should include releasing political prisoners, lifting political censorship, ending the regime's war against ethnic minorities, and measurably improving

1. Burma Campaign UK, "Political Events in Burma: New or Recycled?" September 2011, at <http://burmacampaign.org.uk/images/uploads/15-Political-Events-in-Burma-New-or-Recycled.pdf> (September 27, 2011).
2. Scott Wilson, "Obama Condemns Burma Election as 'Neither Free Nor Fair,'" *The Washington Post*, November 7, 2010, at <http://voices.washingtonpost.com/44/2010/11/obama-condemns-burma-election.html> (September 20, 2011).
3. Transparency International, Corruption Perceptions Index 2010, October 26, 2010, at http://www.transparency.org/policy_research/surveys_indices/cpi/2010/results (September 20, 2011).
4. The White House, "Presidential Memorandum—Major Illicit Drug Transit," September 15, 2011, at <http://www.whitehouse.gov/the-press-office/2011/09/15/presidential-memorandum-major-illicit-drug-transit> (September 20, 2011).
5. U.S. Department of State, July–December, 2010 International Religious Freedom Report, September 13, 2011, at http://www.state.gov/g/drl/rls/irf/2010_5/index.htm (September 20, 2011).
6. See Walter Lohman, "U.S. Policy Regarding Burma: Making Virtue of Necessity," Heritage Foundation *WebMemo* No. 2560, July 23, 2009, at <http://www.heritage.org/research/reports/2009/07/us-policy-regarding-burma-making-virtue-of-necessity>.

its overall human rights conditions. Further engagement by Ambassador Mitchell should be contingent on identifiable steps toward these benchmarks.

- ***Make clear to ASEAN that, under current circumstances, Burma's 2014 chairmanship is unacceptable.*** Without major, irreversible political changes in Burma, it is absolutely inconceivable that any U.S. Administration will continue diplomatic engagement through Burma's chairmanship year. ASEAN should fully understand that if Burma is permitted the chairmanship in 2014, this means no U.S. participation in ASEAN-centered meetings—most notably the U.S.–ASEAN Summit, the East Asia Summit, and the ASEAN Regional Forum—and no new initiatives in the lead-up and through its chairmanship.

Sustain Pressure on Naypyidaw. U.S. sanctions alone have not yielded satisfactory results in Burma, but that does not mean the absence of sanctions would promote reform. In fact, a persuasive argument can be made that a sanctions policy involving the full weight of American diplomacy has never been tried.

Certainly, removing sanctions now would do more to bless the superficial changes that have taken place since 2010 in Burma than they deserve. With the 2014 ASEAN chairmanship in Burma's sights, a new campaign of U.S.-led pressure, along with continued sanctions, is needed to bring real reform to Burma.

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