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Myanmar: Effecting Positive Changes

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Introduction

For a long time now, there has been no good news coming out of Myanmar. On the contrary, the bad publicity associated with Myanmar has made the world even more wary of the iron-fisted sombre generals who govern the country. The artist, Andy Warhol, has said that everyone has 'his fifteen minutes' of fame. The generals in Myanmar are having theirs as well, but for the wrong reasons.

The Lady and the Generals

The latest in the series has been the conviction of Aung San Suu Kyi, the Nobel laureate in what has been called an 'Alice in Wonderland' trial with a 'sentence first, verdict afterwards' principle. The Court awarded her a three-year prison term, commuted immediately thereafter by an executive order of the strongman, Senior General Than Shwe to 18 months under 'house arrest', just long enough to prevent her from running in the election of 2010. She was accused of harbouring an allegedly unbalanced American John Yettaw, who, having had a vision that she may be assassinated, swam across a lake to her residence of incarceration. Ironically, Yettaw, who started it all and who was jailed for seven years, was allowed to go scot-free after an intercession on his behalf by the visiting United States Senator, James Webb.

Knack for Nukes?

Even earlier, there was another piece of sensational news last month reported by a reputed Australian strategic analyst, Professor Desmond Ball. Two Myanmar defectors code-named 'Moe Joe' and 'Tin Min' reported to him that North Korea was helping Myanmar build a secret nuclear reactor and plutonium extraction plant that would enable the production of an atomic bomb within five years. The nuclear complex was said to be hidden inside a mountain at Naung Laing in the country's north. It runs parallel to a civil reactor being built at another site by Russia, in accordance with an agreement signed in 2007.

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‘Moe Joe’ claimed that Myanmar was planning to send about 1,000 experts for further study and training at Russian nuclear facilities. The apprehensions in some western quarters is that, under a civilian legal cover, the junta was acquiring the capability to develop a nuclear programme. The defector also informed Professor Ball that North Korean experts were working to enrich uranium at Thabeik Kyin and, in return, Myanmar was providing ‘yellow-cake’ – uranium in its raw form – to North Korea and Iran.

‘Tin Min’ reportedly stated that Tay Za, a close associate of General Than Shwe, told him that the authorities knew they could not compete with neighbouring Thailand on conventional weapons but desired “power play” superiority like North Korea. The defector had been a senior official in a company known as Htoo Trading, considered a conduit of Yangon for cooperation with Russia and North Korea. He was quoted in the media as saying that the Myanmar government’s explanation that it was engaged in a civilian nuclear programme was “rubbish”. Recently, David Albright, head of the Institute for Science and International Security in Washington, which tracks worldwide nuclear proliferation, said senior officials of the North Korean company, Namchongang Trading Corporation, have been under western sanctions for suspicions of assisting clandestine proliferation.

However, many governments are skeptical about the reliability of the defectors’ reports. According to an Israeli analyst, Yossi Melman, the reports include Tel Aviv, which find no supporting evidence to prove the allegations. The same is the case with the Vienna-based International Atomic Energy Agency (IAEA), which oversees Myanmar’s nuclear programme. Myanmar has signed the Nuclear Non-Proliferation Treaty, and has Safeguard Agreements with the Agency. In its Report of May 2009, the IAEA, which checked 70 countries, including Myanmar, stated that there was no evidence that Myanmar had violated its declared intent to use its nuclear programme solely for civilian purposes. However, after a meeting with Prime Minister Abhisit Vejjajiva of Thailand, United States Secretary of State, Hillary Clinton said, “We know that there are growing concerns about military cooperation between North Korea and Burma, which we take very seriously”. It is noteworthy that she eschews any direct mention of any nuclear weapon programme.

The Episode of the Armoured Personnel Carriers

There is a story making rounds that, six years ago, Myanmar concluded a massive deal with Ukraine involving the purchase of 1,000 Armoured Personnel Carriers (APCs) of an estimated value of US\$500 million. The procurement would vastly enhance Myanmar’s current numbers which stand at 325, and give it a hefty leg-up on its two neighbours on the east and the west, Thailand and Bangladesh, whose inventories are 950 and 180 APCs respectively.

Initial reports of the transaction appeared in two reports in April 2004; one in ‘Irrawaddy’ published in Thailand which focuses on Myanmar and the other in the Russian media. The first was written by reputable ‘Myanmar-watchers’, William Ashton and Bruce Hawke. The credibility of the second was owed to Russian connections with Ukraine. The articles stated that the agreement was signed in May 2003 with deliveries spread over a 10-year period. The Ukrainian partner was said to be Malyshev HMB plant in Kharkov, with the sales arranged by the Ukrainian company, UkrSpetsExport.

It appears that the secrecy that tends to shroud these transactions fuels this kind of alarmist and distressing stories. The United Nations (UN) Register of Conventional Arms, a voluntary

mechanism aimed at promoting transparency, makes no mention of this deal. Neither does 'The Military Balance', the authoritative reference work produced by the International Institute for Strategic Studies in London. Dr Andrew Selth, a scholar who watches Myanmar at the Griffith Asia Institute in Australia, puts the issue in its proper perspective when he said, "As usual, we are left wondering what is going on inside Myanmar and what the generals are really thinking. The information gap is filled with rumours and speculation, encouraged by the activities of political lobbyists and those looking for a sensational story".

Ban Ki-moon's Visit: A Missed Opportunity?

Following the devastating Cyclone Nargis in May 2008 that killed over 22,500 people and rendered hundreds and thousands homeless, Myanmar initially resisted foreign help. There was much anger and frustration, particularly in the West, and the French Foreign Minister, Bernard Kouchner, even spoke of the need for the implementation of the principle of 'Responsibility to Protect', hinting at 'forced intervention' but that did not find any traction. The Association of Southeast Asian Nations (ASEAN) stepped in and UN Secretary General Ban Ki-moon's Special Envoy for Myanmar, Ambassador Ibrahim Gambari, renewed his efforts. Finally, Ki-moon was able to convince Than Shwe to allow for outside humanitarian assistance into the country. This infused some optimism into Ki-moon and he undertook a visit to Myanmar in early July 2009, seeking to obtain the release of Aung San and nearly 2,000 political prisoners, as well as positive changes, or at least promise thereof, in that country.

However, even prior to the visit, UN officials described it as 'risky' with the potential of failure. During his two days in Myanmar, Ki-moon had two rare and lengthy meetings with Than Shwe. However, his requests for a meeting with Aung San were rejected and his pleas for the release of political prisoners were ignored. Upon his return at the Bangkok Airport, Ki-moon said, "I believe the government in Myanmar failed to take a unique opportunity to show its commitment to a new era of openness". Later, in his post-visit briefing to the UN Security Council in New York, Ki-moon called Myanmar's refusal to grant him a meeting with Aung San not only a deep disappointment but also a lost opportunity.

However, Ban argued that the success or failure of his mission should not be judged solely on the benchmark of this meeting, or the lack of it. He said the visit served the purpose of allowing him to convey directly to the country's rulers what the UN and the international community expected from the regime, such as progress towards democracy. He added that he did that "as strongly as possible, as hard as I could press". He further stated that he believed – and this is important – that Than Shwe would "seriously consider" his proposals for making the national elections scheduled for 2010 "credible, inclusive and legitimate". Western Council members regretted that Ki-moon was unable to meet Aung San, which undercut the mission's impact. Others, such as China, said they understood why it was not possible for Myanmar's authorities to allow a meeting as she was under trial. However, significantly, and this has ramifications for future steps, all were unanimous in their support for Ki-moon's 'good offices' and advocacy.

The Verdict and the Aftermath

The international reactions to the verdict of 18 months of house arrest for Aung San ranged from outrage to caution. The United Kingdom's Prime Minister Gordon Brown wrote in newspaper articles on 12 August, "This was the moment for the generals to embrace the

growing clamour for change and choose the path of reform demanded by the region and the global community. They comprehensively shunned it. The charges were baseless, the verdict outrageous". The French President, Nicolas Sarkozy, whose country had advocated tough action following Cyclone Nargis, described the verdict as "brutal and unjust". United States President Barack Obama, whose administration had been mulling nuanced changes in its Myanmar policy, called for the "immediate and unconditional release" of Aung San and other political prisoners, and accused Myanmar's regime of continuing to disregard the UN Security Council statements (though the Security Council as we shall see, was deeply divided on the issue). Australia called for tougher sanctions and the European Union said it would impose newer ones. Indeed, in reaction to the verdict, the European Union extended its sanctions by slapping on a visa ban and asset freeze on, interestingly, members of Myanmar's judiciary.

Amnesty International's Secretary General, Irene Khan called the trial and verdict "political theatre". In a statement, the head of this reputable non-governmental human rights watch body said, "The Myanmar authorities will hope that a sentence that is shorter than the maximum will be seen by the international community as an act of leniency, but it is not, and must not be seen as such, especially by ASEAN and the UN. Aung San Suu Kyi...should never have been arrested in the first place".

The Chinese reaction was all caution and circumspection. In Beijing, Foreign Ministry spokesman, Jiang Yu, did not join the chorus of condemnation. Instead, she said that the judgment should be respected and that China hoped "all sides in Myanmar can push ethnic reconciliation through talks, and gradually realise stability, democracy and development. This not only accords with Myanmar's interests, but it is also beneficial to regional stability". Noticeably, implicit in this reaction was also the gentle but unequivocal reminder to Myanmar that reconciliation was good for Myanmar and the region.

The ASEAN Assertions

The immediate reaction to the verdict from Thailand, the current Chair of the 10-member ASEAN, which includes Myanmar, was an expression of "deep disappointment". Thailand reiterated earlier ASEAN statements, urging the release of all those under detention, including Aung San, to enable their participation in the elections next year. The statement said, "releasing them would contribute to national reconciliation among the people of Myanmar, meaningful dialogue and facilitate the democratisation of Myanmar. Only free, fair and inclusive election will pave the way for Myanmar's full integration into the international community". Malaysia called for an emergency meeting of ASEAN Foreign Ministers and Indonesia expressed concern. The strongest statement came from the Philippines which termed the verdict "incomprehensible and deplorable".

The measured Singapore reaction merits analysis, and indeed parsing. It is reflective of very careful balancing. At one level, there was the expression of disappointment. A statement from the Ministry of Foreign Affairs, not associated with any official such as the Foreign Minister directly, read, "We are disappointed to learn that Daw Aung San Suu Kyi was found guilty and sentenced to three years hard labour". Then it goes on to explain the reason for the disappointment, "Daw Aung San Suu Kyi did not plan to violate the terms of her house arrest, and the intrusion into her house was by a person who appears to be of unsound mind".

Then came an appreciation of Yangon's action in according partial amnesty, and of the relaxed terms of house-arrest, underscoring the fact of the latter having been noticed (and, therefore, Myanmar being expected to follow them scrupulously). Also hinting at the total commutation of her sentence, it further stated, "We are, however, happy that the Myanmar government has exercised its sovereign prerogative to grant amnesty for half her sentence and that she will be placed under *house-arrest* rather than *imprisonment*. We are heartened that (the Home Minister) had announced that (she) will be allowed to see doctors and nurses, communicate with her party, watch local television channels, read local newspapers and journals, and can receive visitors with the government's permission and that *there is a possibility that she could receive amnesty for the remainder of her sentence*. [Emphasis added]

Finally, acknowledging these positive points, there is pressure on Myanmar for future course of action. The message continues, "These are significant gestures by (Myanmar). We hope that (Myanmar) will allow (her) to *participate in the political process as soon as possible*. A meaningful dialogue between the Myanmar government, Daw Aung San Suu Kyi and all other political groups in an open and inclusive process of national reconciliations is the only hope for a long term political stability in the country". [Emphasis added] The Singapore statement was carefully designed and meticulously worded to resonate with all sides, and this could provide Singapore and its leadership to play a constructive role in the near future to cut this complex Gordian knot.

President Barack Obama's Overtures

As on several other global issues, the Obama Administration had been signalling some nuanced changes in the United States policy towards Myanmar, from that of George Bush who had advocated a very hard-line approach. Indeed, Washington maintains, as it must by law, strict sanctions on Myanmar, covering senior Myanmar officials and their families, and on imports from, and investments and exports to, that country. However there have been some signs that the policies may be under review. In March this year, Stephen Blake, Director of Southeast Asian Affairs at the State Department, visited Myanmar and met with Foreign Minister, Nyan Win. In July this year, Secretary of State, Hillary Clinton, appeared to hold out an olive branch when she offered potential investment opportunities to the junta, if Aung San was released and reforms effected.

There was a very important development from the United States side after the verdict in the visit of Senator Webb, a Democrat from Virginia, known to be close to President Obama. Senator Webb is a Vietnam veteran who chairs the Senate Foreign Relations subcommittee on East Asia and Pacific Affairs, which also includes Myanmar. In April 2009, Webb had argued for an 'affirmative engagement' with Myanmar with the aim of lifting sanctions though he also held that the Aung San trial would render this task more difficult. He visited Myanmar in mid-August 2009 and he was the first senior United States official to meet the reclusive Than Shwe and was allowed to see Aung San. He was able to secure the release of Yettaw though it was immediately unclear what other positive assurances of change he had received.

The visit drew criticism from activists who said it conferred "legitimacy on a brutal regime". Earlier, they had asked him to be wary of the regime using the visit for propaganda purposes and later criticised the Yangon statement that the visit "was satisfactory to both sides". However, Senator Webb is said to have had the blessings of the Obama administration, which

is important for future developments. He himself stated, “I am grateful to the Myanmar government for honouring [my] requests. It is my hope that we can take advantage of these gestures as a way to begin laying a foundation of goodwill and confidence-building in the future”. It is too soon to tell how this visit will play out in the United States and how much it will influence the Congress and the Obama Administration.

The UN Security Council: A House Divided

As was to be expected, the UN Security Council was deeply divided over whether to “condemn” Aung San’s conviction. After two days of intense debate, the President of the Security Council, the United Kingdom’s Permanent Representative, Ambassador John Sawyers, read out an agreed ‘Presidential Statement’, the most ‘toothless’ form of outcome in the pecking order of the Security Council’s decisions. In it, he stated the “serious concern” of the Security Council was very different from the “condemnation” that the earlier draft presented by the United States contained, which was opposed by the veto-wielding powers, China and Russia. The statement rather passively “reiterated the importance of the release of all political prisoners” but did not specifically “call upon” Myanmar to do so. It was a very watered-down version of what the Western members of the Security Council had hoped for, and the reasons were not far to seek.

With regards to Myanmar, the Security Council was ‘a house divided’. There are two groups with very different views on how to deal with Myanmar. The Western permanent members, that is, the United States, the United Kingdom and France, together with Austria, Mexico and Costa Rica, favour strong collective action against Myanmar. The other group, comprising mainly China, Russia, and Myanmar’s fellow ASEAN member, Vietnam, see the decisions within Myanmar as internal matters that did not threaten international peace and security and did not warrant immediate and vigorous Security Council action. Japan, the other non-permanent Asian member at the Security Council, advocated a firm approach but one based more on bilateral pressure than public denunciation. Japan, which is an aspirant for permanent Security Council membership, requires to be particularly careful so as not to rub any significant group the wrong way too much.

China is, of course, key in all this. China has many strategic interests in the stability of Myanmar. As recently as on 15 June 2009, China announced a plan to begin constructing a 1,100 kilometre crude oil pipeline starting from the port of Kyaukryu in Myanmar and ending in Kunming in Yunnan, China. The line responds to the “Malacca Dilemma” of China which is that the other option of procurement would be through the Malacca Straits, which would call for Chinese naval protection and, in turn would provoke blue-water projection there by other Southeast Asian states. Second, China would want to sufficiently ingratiate Myanmar to counter any potential influence by India over the country. According to Dr Sinderpal Singh of the Institute of South Asian Studies, Singapore, India has maintained a “golden silence” on recent developments in Myanmar for it also does not want to lose Myanmar to China. Third, if the Security Council could interfere in Myanmar, what guarantee was there it may not in future on Tibet or Urumqi, ‘red-line core issues’ for Beijing?

However, Chinese diplomacy is said to be imposing gentle pressure on Myanmar privately. The fact that China allowed the subject to feature on the Security Council’s agenda is a signal to Yangon. Also, publicly, its Foreign Minister, Yang Jiechi, has voiced support for the Secretary General’s ‘good offices’ and indicated favouring, like Vietnam, quiet diplomacy to encourage Myanmar to engage in reform, resisting, at the same time, the idea that Myanmar’s

issues can be resolved through western-style problem solving. Russia, too, continues to be supportive of Ki-moon's 'good offices' and stresses, like China, that this is a 'process' that would require 'patience'. China, Russia and Vietnam remain in favour of giving Myanmar time to make decisions and are concerned that forcing Yangon into a corner would be counterproductive.

Next Steps?

Therefore, it seems unlikely that any serious action that could impose a mandatory behaviour on Myanmar will emanate from the Security Council. The UN-imposed sanctions on Myanmar, therefore, can be ruled out to a certain degree. Those imposed by the United States and the European Union are unlikely to have any impact on Myanmar so long as China, ASEAN, Russia and India continue to relate to Myanmar and trade with it.

In an article in 'The Straits Times' on 27 July 2009, Ambassador K. Kesavapany, Director of the Institute of Southeast Asian Studies, Singapore, wrote, "In the final analysis, change will come about in Myanmar as a result of internal pressures. Force-feeding democracy in Myanmar may lead to undesirable consequences. One only has to see the damage done to Iraq by the ill-conceived attempt by the Bush Administration to spread democracy in the region".

Nonetheless, how can others help generate the internal pressures that could effect the desired positive changes in Myanmar? Another Myanmar-watcher, Professor Tin Maung Maung Than, has detected a penchant for Myanmar to embrace what he describes as 'constructivism' in an article entitled "Myanmar: A Matter of Face not Grace" in March 2005, which involves joining regional organisations such as ASEAN in 1997. Currently, Myanmar is an aspirant towards full membership of the South Asian Association for Regional Cooperation (SAARC). Could the SAARC make such membership contingent upon 'good behaviour' on the part of Myanmar? Unlikely, for the SAARC members – India, Pakistan, Bangladesh, Sri Lanka, Nepal, Bhutan and Maldives are unlikely to demand more of Myanmar than ASEAN has done, just to pander to Western wishes.

A positive sign is that ASEAN is considering initiatives. Thailand's Foreign Minister, Kasit Piromya, is trying to build a regional consensus in ASEAN around a letter to be jointly addressed to Myanmar by other members of the regional body. The letter is to make four broad points – First, express respect for the now completed judicial process; second, seek commuting the rest of Aung San's sentence under provision of the amnesty; third, to allow her and others to participate in the forthcoming elections in 2010; and forth, urge national reconciliation between the ruling generals and the opposition.

Malaysia and Indonesia are said to be supportive of the initiative. A very enthusiastic support has come from Foreign Minister George Yeo of Singapore. He said, "(By this), we hope to soften the hearts of the government in Myanmar in reviewing its decision and allowing a process which will in the end reaffirm ASEAN unity and strengthen the ASEAN family".

It must be recalled that all key players have backed Ki-moon's 'good offices' and efforts. These should continue. There already exists in New York a 'Group of Friends' for Myanmar. This includes the five permanent members of the Security Council, Indonesia, Singapore, Thailand, Vietnam from ASEAN, the European Union, India, Japan, South Korea, Australia and Norway. The Secretary General could add to it the other members of ASEAN and

SAARC and hold a 'Big Tent' meeting, not in New York, but in the region, perhaps in Bangkok. Out of this could be created a much smaller 'contact-group' of 'wise persons', headed by someone of the stature of Singapore's Senior Minister, Goh Chok Tong, who is widely respected in the region and who may maintain a continuous liaison with Myanmar and monitor the forthcoming elections. Mr Goh's association has already been talked about in some circles in this connection, including in New York.

Conclusion

The main challenge with Myanmar is to find the right balance between the carrot and the stick. The balance needs to tilt in favour of the carrot. The resolution of the problems in Myanmar lies not so much in the threatened or use of force as in peer pressure and persuasion. Thant Myint-U, grandson of the Burmese Secretary General of the UN, the late U Thant, in his book, "The River of Lost Footsteps", has powerfully argued for engagement as a tool of change.

The global community must keep emphasising on the need for a free, fair and credible election next year. Recently, a prestigious Brussels-based think tank called the International Crisis Group pointed out that the elections next year could alter the political landscape in Myanmar, even if it were not free and fair. The report stated that the current ageing leadership, Than Shwe, and his deputy, Maung Aye, may "step down or move to ceremonial roles" after the polls, "making way for a younger military generation". It went on to state that, "All stake-holders should be alert to opportunities that may arise to push the new government towards reform and reconciliation". Most importantly, it warned against a boycott of any kind of the elections, for that could play into the hands of the military.

This is, of course, not to say that there would be a transfer from military to civilian leadership. Yet, any incremental change can and should be channelled in the right direction. The military may fear the possibilities of retribution through war-crimes trials or Truth Commissions if they were to lose power. This is all the more reason why they should begin the process of reconciliation through dialogue, particularly with Aung San's National League for Democracy. The Greek philosopher, Heraclitus, said that the world is in constant flux and we never step into the same river twice. Myanmar will also change. All the concerned parties must calibrate endeavours to make changes for the better.

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