

## **Myanmar and U.S. Policy: Platitudes, Progress, and Potential Problems**

David Steinberg

It is not hyperbole to describe U.S. policy toward Myanmar for the last two decades as ineffective ossification. From 1988 to 2008, both the executive and legislative branches of the United States maintained a rigid position in response to the tragic, horrendous deprivation of the rights of the Burmese peoples. U.S. policy became entrenched in support for the National League for Democracy (NLD) after the party swept a free election (80 percent of the seats, 57 percent of the votes, although its Secretary General Aung San Suu Kyi was under house arrest at the time) in 1990, but whether those elections were for a government or a constitutional convention is disputed. U.S. policy was defined by regime change in favor of the NLD. It was a mantra of isolation as sanctions were morally intensified and subsequently exemplified by the symbol of the suffering and sacrifice of Aung San Suu Kyi, the courageous daughter of the founder of modern Burmese independence. She came to symbolize democracy and human rights even beyond Myanmar during this period and was awarded the 1991 Nobel Peace Prize.

### **Platitudes: “Boutique” Foreign Policy and Absence of Debate**

U.S. policymakers from both the right and left (the Clinton and two Bush administrations) agreed that the military junta, which had come to power in September 1988 after brutally suppressing a people’s revolution in the streets, should be removed. Condoleezza Rice described the junta as an “outpost of tyranny” in her confirmation hearing as Secretary of State.<sup>1</sup> Yet, that junta had simply replaced an

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<sup>1</sup> “Rice Names ‘Outposts of Tyranny,’” *BBC News*, January 19, 2005, <http://news.bbc.co.uk/2/hi/americas/4186241.stm>.

equally repugnant military-dominated regime that had lasted almost three previous decades and to which the United States had provided assistance.

In Washington, Burma policy remained a “boutique” foreign policy issue; it was a passionate cause among a relatively small group of aficionados, human rights organizations, and Burmese expatriates who commanded the high moral ground and effectively organized themselves as a lobbying force with widespread access to all administrations and Congress.<sup>2</sup> U.S. policy was completely devoted—with almost missionary zealotry—to the installation of democracy and improved human rights in that society, and the U.S. government officially supported Burmese dissident groups in Thailand. This provided a stark contrast to U.S. policy toward many other authoritarian societies in East Asia, which (e.g., China, Vietnam, Laos, Cambodia) exemplified diverse U.S. interests, such as economics, security, and other factors. Negative policies toward Myanmar also affected U.S. interests in the broader Southeast Asian region. For example, the United States, over vociferous objections by then-Secretary of State Madeleine Albright, did not consider signing the Association of Southeast Asian Nations (ASEAN) Treaty of Amity and Cooperation for over a decade because Myanmar became a member of ASEAN in 1997.

The Burma policy issue was more polarized than any other foreign policy debate in the United States during that period. In fact, there was no substantial policy debate, only a rigidity of state press releases. Although academics could raise policy concerns in other fora, there was no public dialogue in Washington, in contrast to the vigorous debates on policies toward North Korea, Iran, Palestine, and other difficult political venues. Conferences held were essentially one-sided sessions, necessary, perhaps, to shore up morale among dispirited Burmese expatriates, but hardly conducive to rethinking premises that had become questionable. Aung San Suu Kyi’s views, and those purported to be hers as stated by her supporters when she was under house arrest (and therefore could not communicate), made U.S. policy.<sup>3</sup>

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<sup>2</sup> David I. Steinberg, “The United States and Burma/Myanmar: A ‘Boutique Issue?’” *International Affairs* 86 (2010); the United States continued to officially call the country “Burma,” largely with Aung San Suu Kyi’s prompting, after the government changed the country’s name to an older form, “Myanmar,” in 1989.

<sup>3</sup> David I. Steinberg, “Aung San Suu Kyi and U.S. Policy toward Myanmar,” *Journal of Current Southeast Asian Affairs* 29, September 2010.

## Progress: An “Illegitimate” Regime’s “Legitimate” Reform Agenda

It was only after the Obama administration was inaugurated in 2009 that U.S. policy toward Burma was reconsidered, even though the sanctions policy had already been deemed ineffective by 2007.<sup>4</sup> The U.S. government began to conduct an intensive review of “Burma” policy. Until classified sources are released, the origins of such change will remain obscured: signs from the Burmese about their discontent (in spite of international opinion, many leaders were intensely patriotic), “low-hanging” policy fruit (policy changes which could most easily gain passage), U.S. frustration with previous lack of progress, potential economic interests, concerns about the vastly expanded role of China in Myanmar, or some or all of the above may have been contributing factors.<sup>5</sup>

March 2009 saw signals from the Burmese indicating interest in change, and those signals, at least in part, prompted an intensive policy review. A new policy was announced in September of that year. Under “pragmatic engagement,” as it was called, high-level dialogues would take place and sanctions would remain in force, but the United States would soften its stance and repeal sanctions step-by-step in response to positive Burmese initiatives. This policy was recognition that a complete break in U.S. sanctions would not be politically tolerated in the Congress, and as a former congressman said, “No one can be seen as voting for a pariah regime.”<sup>6</sup> As a “boutique issue,” no administration could use up too much political capital on Myanmar questions, when there were other, far more important worldwide issues that required congressional-executive branch negotiations.

A new Burmese administration was inaugurated in March 2011 after the May 2008 constitutional referendum and the November 2010 elections, both of which were considered by most Western states to be blatantly manipulated by the Burmese authorities. The new government immediately initiated progressive reform and an open set of policies that have astonished both Burmese and foreign observers with their breadth, speed, and intensity. Those favoring sanctions began to claim

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<sup>4</sup> Michael Green and Derek Mitchell, “Asia’s Forgotten Crisis: A New Approach to Burma,” *Foreign Affairs* (November/December 2007).

<sup>5</sup> Of course, the Chinese seem to believe that the U.S. policy shift toward Myanmar (later broadened and officially titled the “pivot,” and then renamed as “rebalancing” to Asia) was in effect part of a concerted U.S. effort to “contain” China.

<sup>6</sup> The author’s personal communication.

credit for the changes, denying that the Burmese had the capacity or interest in national progress to enact reforms and thus had to rely on foreign pressures. This assessment, a form of hubris, ignores the intense nationalism and patriotism (sometimes misguided) of the Burmese military.

The United States, the members of the European Union, and Japan all reacted positively. As a result, foreign assistance from bilateral, multilateral, and non-governmental sources came pouring into a state that had severely limited capacity to absorb it. Visits by then-Secretary of State Hillary Clinton and President Barack Obama (the first sitting U.S. President to visit the country) reflected the positive state of relations.

The distance between the state and the individual has vastly increased as a result of freedoms that had not been seen in that society for over half a century. A vigorous legislature, lack of most censorship, ability to form labor unions and publicly protest, promises of an independent judiciary, economic reforms, and other rights have become evident. While both the Burmese government's constitutional provisions and electoral irregularities have been branded internationally as "illegitimate," the government has at the same time pursued a "legitimate" reform agenda.

### **Potential Problems: Lingering Authoritarian Tendencies**

Severe problems remain, as attitudes, institutional histories, and individual memories are not all in concurrence. Many people still question the new course of reform. Authoritarian tendencies inculcated for over half a century are not easily removed, as is often the case in societies undergoing rapid governmental and economic transitions.

While some internal forces question the reforms as potentially undercutting rent-seeking and private prerogatives, many foreign observers who have advocated regime change have been critical that reforms have not moved swiftly enough and that certain issues of significance have not effectively been resolved. Many foreign and internal elements demand the ability of their icon, Aung San Suu Kyi, to run for the presidency or vice presidency from which she is constitutionally disbarred because of the foreign nationalities of her children. This is not constitutionally new in Burma/Myanmar, although there seems to be little doubt that the 2008

constitutional provision to bar people with close family members with foreign nationality from public office was personally directed.

The most intransigent problem facing the state since independence in 1948 has been that of majority-minority relations. The dominant, almost imperialist, role of the Burman two-thirds majority over a myriad of ethnic groups has been the major issue of the state—it is not yet a nation with an overarching national ethos.<sup>7</sup> A former head of state said that one million people have been killed in ethnic and political insurrections since independence in 1948. Dozens of ethnic rebellions along the Myanmar periphery have seen occasional cease-fires but no lasting peace treaties. This is the task the present administration is pursuing with more understanding and vigor than any previous government. The minority issues are compounded by strong anti-Muslim sentiment among the highly nationalistic Buddhist *sangha* (clergy) population, particularly against the Rohingya (called illegal Bengalis by the majority Burman ethnic group) along the Bangladeshi border. They are considered stateless in Myanmar and unwanted by the Bangladeshi government.

The ability to address governance and minority issues, including Muslims throughout Myanmar, is held hostage to the planned 2015 national elections from which a new government will evolve. How they are held, who can run, how votes are counted, how the constitution might be amended to deal with proposed changes are all elements that will affect internal dynamics and external relations.

## **The Dilemma for the United States**

Barring a major natural disaster such as the 2008 Cyclone Nargis, any attempt to postpone the elections would elicit an outcry from the West that could lead to the reimposition of some U.S. sanctions, elements of which remain in force against some individuals and institutions. However, the greater concern, perhaps because it is more likely, would be if significant elements of the population were prevented from voting or if the votes were not tallied in accordance with international norms. But if one agreed that campaigning for the elections were balanced, that those who wanted to vote could freely vote, and that the votes were counted accurately, would the results of the elections internally and externally then be

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<sup>7</sup> David I. Steinberg, “The Problem of Democracy in the Republic of the Union of Myanmar: Neither Nation-State Nor State-Nation,” *Southeast Asian Affairs*, 2012.

considered legitimate?

One would think so. But there are indications from both the human rights community and some U.S. (and UK) official sources that they would not be regarded as such. In addition to a solution to the almost intractable minority questions, some in the United States want several important changes before the elections: that Aung San Suu Kyi be allowed to run for the presidency or vice presidency (a previous military candidate for the vice presidency was denied approval because his child had married a foreigner); that the 25 percent of active-duty military members appointed by the military be removed from the legislatures at all levels for they control any veto over constitutional amendments; and that the military be placed under civilian control. Legislation was introduced in the Congress in April 2014 calling for civilian control or stopping all security assistance to that government. Burmese minorities want constitutional changes for more autonomy and a greater share of their natural resources.

For the United States to take the position that the candidates for office be inclusive (i.e., that Aung San Suu Kyi should be able to be president or vice president—she is now and still can be a member of the legislature) or the elections will not be considered free or fair is an important policy dilemma for the United States. Perhaps only the United Kingdom might back that position. If so stipulated, the United States's favorable position in that society—the best since independence in 1948—would decline and with it any potential influence it might have on further reforms. There would likely be congressional cries for the reimposition of some sanctions, and this would be considered blatant interference in the internal affairs of Myanmar—a charge that would carry considerable weight among the military, youth, and others in that nationalistic environment.

The near future of Myanmar hinges on the 2015 elections. The only “success” of U.S. foreign affairs in East Asia during the Obama administration, if there are successes in foreign policy, has been that of Myanmar. The improvement of ties between the United States and ASEAN was dependent on the improvement in U.S. relations with Myanmar. President Obama mentioned this himself in his State of the Union speech and his May 2014 West Point talk on foreign policy. However, should progress be delayed (there are already many media reports of U.S. and foreign dissatisfaction with the current state of play), or should reforms falter or backslide, the Myanmar “boutique” issue could play a

negative role in the assessment of the Obama administration's Asian "pivot."

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