International sanctions or international justice?
Shaping political development in Myanmar

ROMAN DAVID AND IAN HOLLIDAY*

International sanctions, which commonly seek to engineer target state compliance with human rights norms, often fail to deliver on their objectives. In recent years, however, a fresh approach has emerged through the rise of international justice, which can act as either a complement or an alternative to sanctions. In this article, the authors develop three hypotheses. Political change will be facilitated by: (1) lifting sanctions; (2) guarantees of non-prosecution; or (3) lifting sanctions combined with guarantees of non-prosecution. The authors test the hypotheses on Myanmar, a country that has long been subject to international sanctions, but that has rarely complied with human rights norms. Myanmar is also situated in a region where international justice is currently being applied through prosecution of former Khmer Rouge leaders in Cambodia. The authors’ test was undertaken in June 2010 through a vignette-based expert survey that manipulated international sanctions, international justice and their absence in a 2 x 2 factorial design. The findings point to the need for a consistent approach. Lifting sanctions and guarantees of non-prosecution, when applied in tandem, are thought likely to promote political change. At the other extreme, imposing sanctions and prosecuting state leaders, when done together, are also viewed as facilitators of political change, though support is considerably smaller.

Keywords: Burma; democratisation; international justice; international sanctions; Myanmar

Introduction

For nearly half a century, Burma/Myanmar has been subject to military control. For roughly half that time, each major milestone in the country’s political development has triggered debate about international sanctions. In 1988, when student protests turned into a nationwide movement for democracy

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and prompted a violent military crackdown, the wider world responded by imposing economic and political sanctions. In 1990, when a general election won in a landslide by the opposition National League for Democracy produced few, if any, governance changes, global society again looked to sanctions. In 1997, 2003 and 2007, when treatment meted out to democracy icon Aung San Suu Kyi and the wider progressive movement outraged US lawmakers and officials, economic sanctions were once more the chosen response. In 2007, after the suppressed Saffron Uprising and, in 2008, following the regime’s security-first reaction to Cyclone Nargis, sanctions were on the agenda. In 2011, when former army leaders heading a notionally civilian government oversaw a loosening of political repression, sanctions remained a staple of activist discourse. Throughout, however, the military machine remained dominant, and the objectives sought by the wider world were often unmet.

Despite this long record of failure, sanctions remain a key aspect of global debate about Myanmar. Indeed, even in the wake of a tightly managed general election held in November 2010 and clear reformist steps taken in 2011, the preferred policy instrument of activist groups like Burma Campaign UK is sanctions. In a lengthy online presentation, the group holds that ‘the power to reduce the burden of international sanctions is a significant bargaining chip’ (Burma Campaign UK 2011). However, this may no longer be the case. Today, another policy instrument is available in the rapid proliferation of international justice witnessed in the past 20 years, marked by the creation of international criminal tribunals for Rwanda and Yugoslavia, and of the permanent International Criminal Court (ICC) in The Hague. In South-East Asia, the Extraordinary Chambers in the Courts of Cambodia have been established to try Khmer Rouge leaders. In the Myanmar case, the United States was reported in August 2010 to be consulting key partners and stakeholders about an international commission on alleged junta war crimes (Irrawaddy 2010). Furthermore, there is a complicating factor in interactions between sanctions and justice. If two forms of punitive action are set in motion, the bargaining power of either one could be affected by the other. Paradoxically, the global anti-impunity movement and the expanding reach of universal jurisdiction may undermine the utility of international sanctions.

The entry of international criminal justice onto the scene thus raises a number of questions. Would it be more effective to replace international sanctions against a target country with criminal charges against its leaders? What is the utility of international sanctions vis-à-vis international justice? Do these two policy instruments indeed interact with each other? Does the presence of international justice undermine the impact of international sanctions? Or are international sanctions strengthened by the application of international justice? Empirical answers are difficult to find. While variable sanctions have generated variable results over many years, universal jurisdiction is a recent phenomenon which, strictly speaking, has been constant. Its impact is currently unclear. Consequently, in order to assess the comparative utility of international sanctions...
sanctions and international justice, it is necessary to generate answers by other means. We decided to focus on Burma/Myanmar, long subject to international sanctions and still a candidate for the application of international justice, and to conduct an expert survey. Our data collection was undertaken by means of a survey questionnaire based on a vignette. This was used because of its ability to combat endogeneity, and because it makes possible effective analysis of the interaction between international sanctions and international justice. The vignette manipulated international sanctions and international justice in a 2 x 2 fully crossed factorial design.

The analysis that follows is divided into six major sections. The first addresses dilemmas generated by international sanctions, revisiting the logic behind them as well as relevant criticism. The second considers dilemmas generated by international justice, reviewing arguments for international criminal courts and criticism levelled by supporters of amnesties, truth commissions and other alternative methods of justice. The third looks at potential interactions between international sanctions and international justice. Together, these three sections enable us to formulate our three hypotheses. The fourth section then moves to present key aspects of the situation in Burma/Myanmar. The fifth details our research design and data-collection process. The sixth presents our analysis and results. The final section is a brief conclusion. Our findings point to the need for a consistent approach. Lifting sanctions and guarantees of non-prosecution, when applied in tandem, are thought likely to promote political change. At the other extreme, imposing sanctions and prosecuting state leaders, when done together, are also viewed as facilitators of political change, though support is considerably smaller.

Dilemmas of international sanctions

International sanctions can take many political and economic forms. They can be applied by individual states or by coalitions of states brought together in the United Nations (UN), European Union (EU) and so on. They can be generalised or targeted in the form of so-called ‘smart’ sanctions. Usually, the dominant form is held to be economic sanctions, defined by Hufbauer et al. (2007: 3) in the major work on the subject as: ‘the deliberate, government-inspired withdrawal, or threat of withdrawal, of customary trade or financial relations’. They note that the sender country tries to inflict costs on the target in one or more of three main ways: limiting exports, restricting imports, or impeding the flow of finance (Hufbauer et al. 2007: 44–5).

While economic sanctions can be traced to antiquity and, in more modern times, formed part of the Wilsonian response to World War I, they came to the fore in the years after World War II. Then, the United States emerged as the principal sanctioning power, imposing unilateral embargoes on many countries, including Cuba, Iran, Libya and Vietnam. Indeed, Chan and Drury (2000: 3)
report that in little more than 50 years after 1945, ‘Congress passed 61 pieces of sanction legislation as an expression of its disapproval of almost half of the countries of the world’. In the multilateral sphere, the UN has emerged as a major sanctioner in the period since the end of the cold war, and the 1990s came to be characterised as the ‘sanctions decade’. In those years, the UN, having previously imposed embargoes only on Rhodesia in 1966 and South Africa in 1977, placed comprehensive or partial sanctions on Iraq, the former Yugoslavia, Libya, Liberia, Somalia, parts of Cambodia, Haiti, parts of Angola, Rwanda, Sudan, Sierra Leone and Afghanistan. In addition, UN member states applied unilateral, bilateral or regional economic sanctions on more than three dozen occasions (Cortright and Lopez 2000). In the new millennium, sanctions have retained a broad policy appeal (Alexander 2009; Hufbauer et al. 2007).

The dilemma of international sanctions is that they have a decidedly mixed track record. Exhibit A for any presentation of the case for is South Africa, subject from 1977 to a comprehensive UN arms embargo through Security Council Resolution 418, and thereafter to increasingly multilateral disinvestment campaigns. In the early 1990s, the country was finally pushed down the road from apartheid to democracy, with multiracial elections in April 1994 signalling a full transition through the election of Nelson Mandela’s African National Congress. However, this case is both unusual and much debated. It is unusual because comprehensive UN sanctions have generally been hard to come by. Only very rarely does global society come together on the issue of sanctions. It is much debated because some raise the relevant counterfactuals and argue that democracy would have come to South Africa in or around the 1990s even without international sanctions. In a brief but plausible analysis, Levy puts both sides of the argument and notes that it is impossible to argue conclusively either way. However, he presents an ‘ineffective sanctions’ story ‘that seems to fit the events more closely and that offers no role for governmentally imposed sanctions’ (Levy 1999: 420). What did trigger the demise of apartheid in this alternative interpretation were three different factors: the effectiveness of the political opposition of the black majority; the inefficiency and growing economic cost of the apartheid system; and the fall of the Soviet Union’ (Levy 1999: 415). The role of sheer chance was also important, notably in the stroke suffered by ‘big crocodile’ P.W. Botha in January 1989.

More generally, economists have found that sanctions typically fail to deliver on their objectives. Hufbauer et al. report that sanctions were ‘at least partially successful’ in 34 percent of the 204 cases they documented, meaning that 66 percent of their cases registered no success at all. They also note that sanctions are most likely to be effective when ‘modest policy changes’ are sought, with the success rate in their study rising to 51 percent under this heading (Hufbauer et al. 2007: 159). They caution that autocratic regimes tend to be especially resistant to this form of pressure: ‘It is hard to bully a bully with economic measures’ (Hufbauer et al. 2007: 166). Leading states in global society, including a rising China, are generally on the side of the sceptics, and
are only very rarely persuaded to join enthusiasts among the United States and its leading allies in imposing sanctions on recalcitrant states.

Notwithstanding the available evidence concerning effectiveness, sanctions continue to feature at the heart of debate about rogue states, and how the international community might bend them to its will. In the summer of 2010, Iran’s nuclear ambitions were the focal point for sanctions talk, but alongside this debate was the issue of how sanctions might be used to influence other rogue states such as Cuba, Myanmar and North Korea. At the same time, critics insist that sanctions are unlikely ever to deliver desired political change in any of the countries currently targeted by them. It seems probable that such debates will continue to rumble on for some time to come. The hypothesis we develop from critics of sanctions can be stated as follows: \textit{Lifting international sanctions is likely to facilitate political and social change in the target society.}

\textbf{Dilemmas of international justice}

International justice is currently one of the hottest debates in fields such as law, transitional justice, peace research and democratisation. While some arguments concern financial issues, procedural nuances and completion strategies, the major contested area is the very existence of international justice and its purported utility to act as a vehicle of political change. On the one hand, proponents of international justice express expectations that it will contribute to peace and reconciliation. On the other, sceptics argue that the link between international justice and peace is very elusive, if not running in the opposite direction.

The first international criminal tribunals were established in Nuremberg and Tokyo in the aftermath of World War II. As the war had already been won, the contribution of these trials to peace cannot be substantiated. Some 50 years on, war in the former Yugoslavia and genocide in Rwanda revived interest in international justice, which materialised in the establishment of two ad hoc tribunals: the International Criminal Tribunal for the former Yugoslavia (ICTY) in 1993 and the International Criminal Tribunal for Rwanda in 1994. The Security Council resolutions which established the tribunals articulated a belief that the operation of both courts would contribute to ‘the restoration and maintenance of peace’ in the former Yugoslavia (Resolution 827, 1993) and in Rwanda (Resolution 955, 1994). Similarly, the preamble of the Rome Statute, passed in 1998 to establish the permanent ICC in The Hague, stressed that ‘grave crimes threaten the peace, security and well-being of the world’ (UN 1998). Subsequently, the December 2002 resolution of the UN General Assembly on Khmer Rouge trials recognised ‘the legitimate concerns . . . in the pursuit of justice and national reconciliation, stability, peace and security’ (Resolution 57/228, 2002).
Attempts to explain the link between justice and peace have generated a number of possible mechanisms. A traditional utilitarian argument is that justice deters future abuses. This is echoed in the 1998 Rome Statute: justice helps to combat, or transform, the culture of impunity (Akhavan 2001: 8; Orentlicher 1991: 2540; Raab 2005: 83; Roht-Arriaza 1997). A second argument is that justice helps to uphold and strengthen the rule of law (Schrag 2004) by proliferating international standards to the domestic arena (Sieff and Vinjamuri 2002), and promoting learning experiences at the individual level (Bassiouni 2002: 820). A third argument is that justice helps to remove manipulative leaders from office, putting them in the dock or on the run (Akhavan 2001). A fourth argument is that justice results in truth, a corroborated account of historical events, which is a precondition to reconciliation (Hayner 2001: 133–53; Minow 2000). A fifth argument is that justice is a debt owed to victims. It helps targets of human rights abuses to heal and achieve closure, and it mollifies the retributive emotions they feel against transgressors (Bass 2000: 310; David and Choi 2009; Orentlicher 1991; Roht-Arriaza 1995: 19–21; Roth 1999).

Little empirical evidence has been advanced to support any of these claims. The ICTY, which has the longest track record of any functioning international court, has been hailed by individuals associated with it as ‘a great success’ (Schrag 2004: 427) or, given the challenging circumstances, as ‘relatively successful’ (Cassese 2004: 585–6; Raab 2005: 101). However, each of these individuals also presents clear contrary evidence. Indeed, justice delivered at the ICTY did not deter violations, but rather allowed the spillover of violence from Croatia to Bosnia and Herzegovina, and then to Kosovo. Indeed, empirical research carried out on the utility of the ICTY found that the arrest or condemnation of a wrongdoer increased hostility among ethnic groups in Bosnia and Herzegovina (Meernik 2005: 287). The proliferation of international standards was also problematic, at least at the outset. Little attention was paid to how the tribunal would be viewed in the former Yugoslavia (Schrag 2004: 429), and the significance of outreach was recognised only at a later stage (Schrag 2004: 433). In the end, it was the prospect of EU membership that provided ex-Yugoslavian countries with incentives to prosecute international crimes domestically.

Similarly, threatening to remove manipulative leaders may generate a mixed effect. On the one hand, the ICC arrest warrant for Sudanese leader Omar al-Bashir restricted his international travel. On the other, Bashir immediately expelled 10 humanitarian organisations from Sudan, even though some of them—such as Oxfam and Save the Children—had large-scale operations. At the international level, China, which buys two-thirds of Sudan’s oil, opposed the move, suggesting that the warrant would undermine peace in Sudan.

The healing effect of truth and justice has also been challenged. Critics claim that healing is a long-term process requiring more than mere emotional abreaction (Fletcher and Weinstein 2002: 593–4). They highlight the
experiences of victims testifying at the ICTY (Stover 2007). These claims are supported by empirical research. Findings from a cross-sectional survey in South Africa show that the contribution of truth to reconciliation does not reach all racial groups (Gibson 2004). A study of former political prisoners in the Czech Republic did not find any proxy for retribution to be a significant predictor of rehabilitation (David and Choi 2005). The first stage of a panel study conducted in Cambodia raised the possibility that the Khmer Rouge trials could increase social stress through the revival of painful memories (Sonis et al. 2009: 536).

Some critical voices come from the camp that blends a realistic approach to political science (Huntington 1991) with a consequentialist approach to law (Zalaquett 1992). They maintain that amnesty should never be completely ruled out. Although support for blanket amnesties is gradually decreasing, some forms of qualified amnesty, hailed as a significant factor in the South African transition, still remain open (David and Holliday 2006; Mallinder 2008).

Given the problems with international justice, and in spite of the many people still calling for its full pursuit, we formulate our second hypothesis in this way: Guarantees of non-prosecution are likely to facilitate political and social change in the target society.

Dilemmas of international sanctions and international justice

Finally, there is a real possibility that international sanctions and international justice will interact with each other, and that success on one side will be impacted by progress on the other. This possibility creates further dilemmas for our analysis. Logically, four scenarios can be sketched out. Two of the four have the virtue of consistency by point[ing both international sanctions and international justice in the same direction. These two can either be applied together or foresworn together. Either way, it is possible to argue the case that maximal pressure will facilitate change or, alternatively, that minimal pressure will do so. The other two scenarios require international sanctions and international justice to cut across each other. Again, the case can be argued either way. Applying international sanctions but at the same time guaranteeing non-prosecution is plausible because it offers clear incentives to leaders of the target state to fall in line with international society demands. Not applying international sanctions but insisting on full prosecution is also plausible because it focuses strictly on the core problem of abusive leaders, and does not impose the collateral damage on the wider society often associated with sanctions.

For consistency with our first two hypotheses, we formulate our third hypothesis as follows: Lifting international sanctions and providing guarantees of non-prosecution, when done together, are likely to facilitate political change in the target society.
Dilemmas of Burma/Myanmar

From the first stage of its post-colonial existence soon after World War II, Burma proved to be problematic. Within weeks of independence in January 1948, low-grade civil war broke out and soon developed into a widespread challenge to state legitimacy. Although conflict was quite quickly restricted to peripheral parts of a large country, one important legacy was a privileging of military forces within state structures (Callahan 2003). As party politics within the democracy fashioned for Burma at the time of independence became increasingly fractious during the 1950s, the result was first a caretaker military government for two years from 1958 to 1960, and then a full-blown military coup in March 1962 and the installation of an authoritarian regime. The new system, formally a one-party quasi-socialist state, remained in place for more than a quarter-century to 1988.

Much that happened in Burma from independence in 1948 to the collapse of one-party rule in 1988 was perplexing and perturbing to international observers. Among other things, this included ongoing civil war, mainly in peripheral areas, throughout the 40-year period; repressive military rule focused on the person of General (later U) Ne Win from 1962 to 1988; extreme economic underperformance for most of the four decades; and a generalised system breakdown that, by the end of the period, became increasingly difficult to disguise (Steinberg 2001). However, at no point in the years from 1948 to 1988 were sanctions against Burma seriously debated within international society.

That changed with the rise and, still more so, the violent demise of a mass democracy movement in the middle months of 1988. Triggered by student protests at police brutality in March 1988, the movement had swept much of the country by the time of the legendary 8–8–88 uprising, which to all intents and purposes was a general strike. The stand-off that followed was not resolved until six weeks later, when a military clampdown on the street protests and a military putsch against the collapsing one-party regime produced a formal military junta named the State Law and Order Restoration Council (SLORC). Although the SLORC promised in its first decree to restore democracy to Burma as soon as the most pressing tasks facing it had been taken care of, the reaction of the international community was deeply hostile and in key instances strongly pro sanctions. When the promised general election was, indeed, held in May 1990, but the handsome National League for Democracy victory that it generated was almost wholly ignored by the SLORC, the sanctions lobby became highly vociferous.

Nevertheless, early sanctions against Burma did not stray far into the economic domain broadly held to be the core of sanctions activity. Rather, the initial measures mainly targeted arms supplies, political links and humanitarian aid. Indeed, as the SLORC started to find its feet and impose a measure of law and order on the country, the open-door policy it inherited from
its doomed predecessor was widened and a number of global corporations started to invest (Mason 1998; Tin 2007). Outside of a small subset of resource sectors, however, global business engagement never took off. Rather, in response to activist campaigns launched overwhelmingly in the West, branded multinationals that had invested in Burma in the late 1980s rapidly disinvested from Myanmar in the early and mid 1990s (Holliday 2005). The sheer difficulty of doing business inside the country also contributed to the disinvestment campaign. By the time the United States imposed the first significant formal economic sanctions in 1997, very little US business was being done with Myanmar. The economic activity targeted by additional US sanctions on trade with Myanmar in 2003 and 2007 was also quite slight. The result was that, by the end of the 2000s, there was little more the United States—Myanmar’s principal sanctioner—could do to ratchet up economic pressure.

At the same time, however, there was always a great deal other nations could do in this sphere. While much of the broad Western bloc, including Asian outliers such as Japan, joined the United States in sanctioning arms supplies, political links and economic aid to Burma, very few nations moved to impose formal economic sanctions on Myanmar. This was, in fact, something of a grey area, for while the EU never developed economic sanctions that were as strict as those applied by the United States, some of its leading member states came close to the same policy by less formal means. Thus, the UK, which because of its colonial links with Burma often takes the EU lead on such matters, never created the panoply of formal economic sanctions found in the United States, but through official requests to UK corporations not to do business in or with Myanmar, it did generate much the same result. Beyond the EU, and indeed the Western bloc, economic sanctions were never seriously considered, with the result that, in Myanmar’s Asian neighbourhood, there have been virtually no key proponents.

Finally, switching from international sanctions to international justice, calls for bringing Burma’s gross human rights violators to justice were quite restricted at the time of the democracy clampdown in 1988 simply because international debate was not yet fully developed. That changed, however, with the end of the cold war and the emergence of global experience in this field. For at least the past 10 years, there has been small-scale but constant pressure for such action from bodies such as the Burma Lawyers’ Council. Moreover, with international justice having reached into South-East Asia through the swearing-in of the justices of the Extraordinary Chambers in the Courts of Cambodia in July 2006, there is a concrete possibility of extending such practice to Myanmar. Indeed, in August 2010, a senior White House official stated that the US government supports a Myanmar war crimes tribunal, as previously called for by UN Special Rapporteur Tomás Quintana (Irrawaddy 2010).

More than 20 years on from the upheaval of 1988 and the installation of a military junta, in 1997 renamed the State Peace and Development Council, Myanmar remains a problematic state in which fundamental human rights are
routinely violated. In September 2007, widespread civil unrest led by young Buddhist monks was brutally repressed (HRDU 2008). In May 2008, the junta’s response to devastation wrought by Cyclone Nargis in the country’s southern delta was tardy and evidently informed more by the core security concerns of a garrison state than by the extreme humanitarian needs of affected individuals and communities (Larkin 2010). In peripheral areas, the campaign of intimidation and repression long waged by Burmese armed forces against minority ethnic groups has generated many outrages and shows no sign of abating (AI 2010). Some 1500 political prisoners continue to be incarcerated, and space for civil action remains limited. Myanmar is, then, a case in which all three hypotheses can be tested.

Research design and data collection

In order to test our hypotheses, we used a vignette based on a 2 x 2 factorial design, which manipulated four combinations of international sanctions and international justice. The factorial design was used to study effectively the conditionality manifest in the interaction term (Neuman 2000). The vignette was embedded within a questionnaire survey completed by delegates at a Burma/Myanmar international symposium organised by the University of Hong Kong in late June 2010, and also by experts unable to attend the symposium, who were contacted by email within precisely the same time frame. The individuals who were invited to fill in the questionnaire came from many parts of the world, including Asia just as much as the West.

Independent variables

The vignette was set at ‘a recent Burma/Myanmar conference’. The reference to a conference was made for three reasons: (1) we wanted to suggest a venue that debates ideas and policy options in a manner that is more free and open than other forums, such as the UN, national parliaments, and so on; (2) the issue of applying international sanctions and international justice together has not been addressed by policy makers; and (3) conferences are forums that are familiar to the respondents. The vignette did not mention the topic of the conference, but respondents were told that it debated ‘the deadlocked situation’ in Burma/Myanmar. The reference to ‘deadlock’ was used to highlight the urgent need for political, economic and social reform. Burma/Myanmar was used to satisfy those who prefer one particular name for the country.

The vignette mentioned that ‘one of the delegates’ spoke about the topic, in order to suggest both a degree of expertise and that this opinion was one of many and could be accepted or rejected by others. Similarly, terms such as ‘expert’ or ‘professor’ were avoided in order to eliminate unnecessary noise: the specified level of professional standing could have led some respondents to
accept the opinion expressed. For similar reasons, we said nothing about the personal characteristics of the delegate.

The delegate was reported to have spoken about ‘international sanctions’ and ‘international justice’, the focus of interest here. The vignette then manipulated four scenarios in a 2 x 2 full factorial design. Our delegate argued for ‘strengthening’ or ‘lifting’ international sanctions, since partial international sanctions are the contemporary reality. Similarly, international justice is a ‘lurking reality’: advocacy groups often note that heads of state can end up facing criminal charges. The application of international justice would therefore include launching criminal prosecutions or giving credible assurances of non-prosecution as incentives to achieve certain political goals.

There were, then, four different versions of the questionnaire, though no individual participating in our survey was informed of this. In the most punitive version, respondents found the delegate arguing for strengthening sanctions and prosecuting military leaders. In the most benign version, respondents found the delegate arguing for lifting sanctions and providing guarantees of non-prosecution to military leaders. In the other two versions, sanctions were combined with non-prosecution, and prosecution was twinned with lifting sanctions.

**Dependent variables**

Our main dependent variable comprised a set of four questions. For the purposes of this research, political and social change was conceptualised as reforming the current situation in Burma/Myanmar. It included political reform, alleviation of repression, economic reform and alleviation of poverty. However, in view of the political stalemate in the country, we disentangled the concepts of political and social change, and created a scale of three items that captured only socio-economic change: alleviation of repression, economic reform and alleviation of poverty. The distinction between overall political change and social change adds an important analytical dimension to our study. In view of the semi-liberal autocracies in several Asian countries (Case 2009), it is possible to imagine that any international measure, or its absence, may spur social change without political change.

The responses were captured on the five-point Likert scale, ranging from ‘1: strongly agree’ (coded 4) to ‘5: strongly disagree’ (coded 0), and allowing a neutral response, ‘neither agree, nor disagree’. The alpha of the first scale was 0.89, which indicates high reliability. This allowed us to add the four items together to create an ‘overall reform scale’, which ranged from 0 to 16. The mean of the scale was 5.7 and the standard deviation was 3.9. The alpha value of the ‘social change scale’ was 0.87, which also indicates high reliability. The scale ranged from 0 to 12. The mean of the scale was 4.2 and the standard deviation was 3.0.
Socio-demographic variables

We also included two socio-demographic variables: gender and age group. The age group had five categories: (1) less than 30 years; (2) 30–39 years; (3) 40–49 years; (4) 50–59 years; and (5) 60 years and over. We did not include any other variables in order to ensure the anonymity of our respondents in the relatively small sample.

Control variables

Not all of the participants were academics, but most were, in fact, specialists who have worked in the field for a number of years and written extensively on it. For this reason, we also asked our respondents to identify the level of their expertise by formulating two other questions: whether they had ever written about Burma/Myanmar (for example, a column, an article, a conference paper, a report, a book) and whether they had ever visited Burma/Myanmar. In order to protect the anonymity of the conference participants, many of whom have published a great deal about the country, the question about writings was partnered with binary response categories: (1) Yes and (2) No. The other question about having ever visited Burma/Myanmar could also be answered either (1) Yes or (2) No. Since our survey was conducted in two waves, we also controlled for wave, in case there is any significant difference between the two pools of scholars.

Data collection

Our questionnaire was randomly distributed among a group of conference participants at an international Burma/Myanmar conference organised by the University of Hong Kong in June 2010. In total, 28 questionnaires were distributed and 22 were collected, representing a 79 percent response rate. In parallel, another wave of questionnaire collection was administered via email to other Burma/Myanmar experts who could not attend the conference. A sampling frame consisting of an alphabetical list of experts was compiled and a random number was assigned to the particular name. In total, 50 questionnaires were distributed and 33 were collected, representing a 66 percent response rate. Overall, 78 questionnaires were distributed and 55 were collected. The overall response rate was 71 percent. However, two of the questionnaires had missing values, giving us 53 questionnaires that could be coded into the SPSS package.

Analysis and results

The data was analysed in SPSS by means of the OLS (ordinary least squares) linear regression model. Before we embark on our multivariate analysis, we first characterise our sample.
In our overall sample of 55 returned questionnaires, 47 respondents (85 percent) had written about Burma/Myanmar. In total, 43 (78 percent) had visited the country. Most respondents indicated more than three visits to the country, some of them were natives, and some had visited the country illegally. The vast majority of respondents were male: 48 (87 percent). Eight respondents (15 percent) belonged to the youngest cohort under the age of 30; 18 (33 percent) were between 30 and 39 years old; 14 (25 percent) were between 40 and 49 years old; 4 (7 percent) were between 50 and 59 years old; and 11 (20 percent) were 60 or older.

Two linear regression models were used, one for each dependent variable: overall political and social change, and social change. Thus, in our first model, we explored the effect of lifting sanctions, amnesty and the interaction term on the overall political change scale, controlling for all other variables: expertise (whether the respondent had published on Burma/Myanmar or ever visited Burma/Myanmar), age, gender and wave. Table 1 presents the results.

Other things being equal, the main effect of lifting international sanctions was held to be positive, causing an increase of almost one point on the scale capturing overall political and social change (p < 0.05). This means that when implemented on its own, lifting sanctions was considered to be a facilitator of political change in Burma/Myanmar. The main effect of non-prosecution was held not to be significant, all else being equal. However, the interaction term between international sanctions and international prosecutions was thought to be significant, other things being equal (p < 0.01). This means that under

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<th>Model 1</th>
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<td></td>
<td>Political and social change</td>
<td>Social change</td>
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<tr>
<td>Lifting sanctions</td>
<td>0.98 (.43)</td>
<td>.028</td>
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<td>Amnesty</td>
<td>0.44 (.41)</td>
<td>.296</td>
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<td>Lifting sanctions * amnesty</td>
<td>1.26 (.41)</td>
<td>.004</td>
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<td>Age</td>
<td>-0.75 (.27)</td>
<td>.008</td>
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<tr>
<td>Gender</td>
<td>1.40 (1.34)</td>
<td>.300</td>
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<td>Visit</td>
<td>0.18 (1.08)</td>
<td>.865</td>
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<tr>
<td>Expert</td>
<td>1.41 (1.43)</td>
<td>.329</td>
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<tr>
<td>Wave</td>
<td>-0.68 (.83)</td>
<td>.417</td>
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<td>(Constant)</td>
<td>5.44 (2.94)</td>
<td>.070</td>
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<td>R-square</td>
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<td>Adjusted R-square</td>
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<td>N</td>
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B – unstandardized linear regression coefficients
S.E. – standard errors
Sig. – significance
the condition of amnesty, the total effect of sanctions increased by more than 2.2 points, other things being equal. This signifies that non-prosecution and lifting sanctions, acting together, were held by our expert panellists dramatically to increase the prospects for meaningful political change.

Among the socio-demographic variables, only age was a significant predictor of evaluations of political change inside the country. Other things being equal, the older the respondent, the lower the expectation that political change would occur ($p < 0.01$). This finding is not surprising given the number of ups and downs in the history of the country, which may have generated both disappointment and wisdom among our respondents. It is also important to note that our model does not indicate any significant difference between the two data-collection methods, other things being equal.

In our second model, we replaced our dependent variable: social change replaced overall political and social change. We observed a pattern that was very similar to our first model. Lifting international sanctions was still held to be mainly positive and significant, other things being equal. The effect of non-prosecution was still thought not to be significant, all else being equal. However, the significance of the interaction term increased to the $p < 0.001$ level, other things being equal. As was found in our first model, then, guarantees of non-prosecution were thought likely to boost the positive effects of lifting international sanctions. At the same time, we also observed that age remained a significant source of scepticism among our respondents ($p < 0.05$), other things being equal.

In addition, the adjusted R-square of the second model increased in comparison to the first model. This means that this model—which includes lifting sanctions, non-prosecution, their combination and socio-demographic factors—better predicts social change than overall political and social change. This is not surprising, given the congested political situation in the country. The experts in our survey were more optimistic that lifting sanctions and non-prosecution would bring about social change, trigger economic reform and alleviate poverty than they would facilitate political change.

**Conclusion**

The data collected from our expert panellists supported our third hypothesis about the conditional effects of lifting international sanctions combined with guarantees of non-prosecution. For our respondents, overall political and social change, and in particular social change, would be greatly facilitated by a consistent international policy towards Myanmar: lifting international sanctions partnered by credible assurances of non-prosecution given to junta leaders. It is true that our experts also held lifting international sanctions in and of itself to be a facilitator of political change. By contrast, we did not draw from them any belief that guarantees of non-prosecution would by themselves
promote overall political and social change, or even simply social change. However, our panellists’ belief was that the effect of both instruments would be greatly enhanced if they were applied in tandem. Lifting international sanctions should be accompanied by guarantees of non-prosecution in the eyes of Myanmar experts. This conclusion was reinforced by written comments submitted by about 10 respondents, most of whom argued for a strong dose of realism. On one side, several noted that sanctions could never be effective in this case because they could not secure the support of key regional players such as China, India and Thailand. On the other, several held that entrenched military leaders are able to play many effective cards both domestically and internationally, and are probably not unduly concerned about any external pressure for a war crimes tribunal or ICC referral.

But as any glass can be both half full and half empty, we can interpret our findings from another perspective. At the other extreme of policy consistency is the approach favoured by many activist groups: increased international sanctions combined with international prosecutions. Our experts argued that, applied as a stand-alone policy, enhanced international sanctions were likely to inhibit political and social change, other things being equal. However, once international prosecutions were added to the mix, they held the effect of sanctions to be marginally positive, all else being equal, because the interaction term remains positive. This means that in the opinion of Myanmar experts, international justice could offset the negative impact of international sanctions and enable them to regain some of their potency. However, while international justice was thought likely to minimise the negative impact of sanctions, it was still only considered likely to have a minimal impact on political and social change. In the written comments, several experts noted that effective sanctions and an ICC referral were both highly improbable in the Myanmar case because of the lack of regional support for such measures. Here, then, there was an important divergence between expert and activist opinion.

Above all, our findings strongly reinforce demands for greater policy consistency towards Myanmar. Lifting international sanctions and guarantees of non-prosecution were held by our experts to be the best combination for facilitating political and social change. At the other end of the spectrum, increasing international sanctions and prosecuting military leaders, a policy mix promoted by leading advocacy groups, was expected by our experts to have some marginally positive effects. But international sanctions alone were deemed to have negative effects, and international justice alone was also deemed to have negative effects, although it failed to reach a level of significance. In other words, our experts held that the international community could not ignore the spread of international jurisprudence in its dealings with Myanmar, for it could indirectly affect the utility of international sanctions as a bargaining chip in the pursuit of core policy objectives.
The clear view of our experts, recorded in June 2010, was that effectively shaping political development inside Myanmar was not likely to result from a choice between international sanctions and international justice. Rather, positive change would come, they thought, from implementing both policies in tandem. Above all, our experts defied much activist opinion in holding that revoking both policies had the best chance of promoting thoroughgoing reform inside the country. Given that this latter policy line has also long been the only combination capable of generating firm support from major Asian powers, it is also the only stance around which the international community could ever be expected to cohere. It should be taken seriously as a way forward in promoting political change in Myanmar.

Notes
1. Ian Holliday’s work on this article was supported by an award from the Research Grants Council of the Hong Kong Special Administrative Region, China [Project No. HKU 744407H]. A draft of the article was presented at a symposium entitled ‘Myanmar: 2010 Election and Beyond’, hosted by The University of Hong Kong on June 23–25, 2010. We are grateful for comments received from participants. The usual disclaimer applies.
2. For many years the name was Burma. In 1989, however, a military junta that one year previously had seized power from a destitute version of its own self decreed a series of changes. These gave new English names not only to the country, which became Myanmar, but also to many states, divisions, towns, streets, mountains and rivers within it. Rangoon, for instance, became Yangon. For the period before 1989, this article sticks with Burma. For the period after 1989, it falls in line with the junta’s changes, which are now used in most parts of the world outside the European Union and the United States.

References


