

The phased suspension of the EU's targeted sanctions against Myanmar is a test case for future sanction regimes

In April 2012, the European Union (EU) suspended its sanctions against Myanmar in response to a series of domestic political reforms that have been enacted since Thein Sein became the new president in March 2011. [Marco Bunte](#) and [Clara Portela](#) detail the beginning of Myanmar's reforms, the end of EU sanctions and the lessons for future EU sanction regimes.



Myanmar is generally regarded as one of the most enduring authoritarian regimes in the world. The military has been directly or indirectly in power since the coup in 1962. The refusal of the military junta to recognise the results of the 1990 elections, which were won by the National League of Democracy (NLD), led to the imposition of sanctions by the EU along with the US, Canada, Norway and Australia. Since March 2011, Burma/Myanmar has witnessed a liberalisation of the press and the initiation of a political dialogue between the regime on the one hand and the opposition and ethnic groups on the other. Over 700 political prisoners were released in October 2011 and January 2012. The government has also established an independent national human rights commission and passed new legislation that allows for labour unions and the right to strike. The reforms culminated in by-elections of April 2012, which in turn resulted in a landslide victory for Aung San Suu Kyi's NLD.

Political reforms in Myanmar are elite-driven and stem from the president and progressive members of the military-dominated party, the Union Solidarity and Development Party (USDP). The reform course is a reaction by the regime to both internal and external factors. Internally, the military felt secure enough to embark on the slow liberalisation of the political system. Externally, the growing economic presence of China seems to have worried the generals. Progress is, however, slow and uneven. The reform process is fragile and it is uncertain whether it will eventually lead to democratisation or to a different form of authoritarian rule. The driving forces behind the reforms are the new president and liberal elements within the ruling USDP, who face fierce opposition from hard-liners within the USDP and the military. Consequently, the way to democracy will inevitably be rocky and dangerous. Moreover, the influence of the military within the political system and the economy remains pervasive.

The EU has responded to the reforms by suspending almost all existing sanctions, with the exception of the arms embargo and the withdrawal of trade preferences, while starting to employ "carrots" such as development aid. By EU standards, agreement on the suspension of the virtual entirety of sanctions has been reached remarkably swiftly. The sanctions package imposed from 1991 did not result from a predesigned plan: measures were rather articulated gradually in accordance with the impulses provided by civil society campaigns. Over the years, the sanctions came to encompass measures such as a visa ban for high-ranking officials and a ban on the export of equipment for the timber and gems industries. In addition to the sanctions adopted under the Common Foreign and Security Policy (CFSP), Myanmar had its trade privileges under the Generalised System of Preferences (GSP) cut off in 1997 in response to the practice of forced labour. Myanmar was the first instance of EU withdrawal of GSP preferences, and was the only case until a



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similar decision was taken on Belarus.

While the Myanmar package has been atypically broad compared to other EU sanctions regimes, the measures imposed on Myanmar by the EU are “targeted” sanctions. In contrast to the comprehensive trade embargoes that characterised international practice for much of the 1990s, targeted sanctions are designed to direct harm towards specific individuals, elites, or economic sectors, rather than crippling the target’s economy as a whole. Trade between the EU and Myanmar was never fully banned, and development aid was never interrupted. Yet, while all EU measures fall under the rubric of “targeted sanctions”, they are not equally discriminating: some affect only blacklisted individuals, while others affect broader sections of the population and are thus more likely to display unintended consequences.

The targeted character of sanctions has key consequences for their removal. When full embargoes are lifted, the sender’s leverage disappears overnight. In contrast, targeted sanctions allow senders to negotiate a progressive lifting in exchange for concessions – precisely what the EU has been doing. The debate on sanctions against Myanmar, long characterised by a sharp division between the “anti-sanctions” and the “pro-sanctions” camps, has failed to realise that targeted measures open up possibilities unavailable with comprehensive sanctions. Indeed, senders have scarcely utilised the option of gradualism. In the 1990s, the United Nations Security Council (UNSC) imposed sanctions against Libya over the extradition of the suspects of the Lockerbie bombings. When Libya started to comply with the demands of the United Nations Security Council, the latter reacted by suspending the sanctions as an intermediate measure somewhere between continuation and lifting. Interestingly, it has been in the hardly publicised aid sanctions against African, Caribbean and Pacific countries that the EU has made its most skilful use of a gradual and conditional approach to removing sanctions, whereby individual measures are progressively lifted in reciprocation for the target’s steps towards compliance with a previously agreed roadmap.

In the context of the CFSP, by contrast, the gradual phasing out of sanctions has been piloted only in a few recent instances, and still needs to be matured. The EU’s phasing out of the Myanmar sanctions features an abrupt transition from a first easing, which entails only the suspension of the visa ban, to a suspension of everything but the arms embargo. In view of the small number of successes recorded in the still short history of targeted sanctions, Myanmar also emerges as a test case. Terminating sanctions wisely could have the effect of reassuring other targets that the EU is willing to lift sanctions where targets conduct the desired reforms.

This article is a shortened version of the GIGA Focus article, [Myanmar: The Beginning of Reforms and the End of Sanctions](#).

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