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The European Union's Myanmar Policy: Focused or Directionless?

Jörn Dosch and Jatswan S. Sidhu

Abstract: What is the European Union (EU) trying to achieve in Myanmar? Is the EU speaking with one voice and acting collectively (and does it really matter)? Were the sanctions lifted too early? These are some of the key questions surrounding the current role of the EU in relation to Myanmar. A close analysis of the EU's Myanmar policy demonstrates that, while clearly driven by normative convictions, the EU's approach and posture vis-à-vis Myanmar since 1988 has been more reactive than carefully planned and strategised. Whereas in the period from 1988 until early 2011 the EU's Myanmar policy frequently fluctuated between a "carrot" and a "stick" approach, depending on the circumstances, since 2011 the emphasis has been on carrots, which signifies an important shift in the application of normative power. The EU has generously provided large amounts of aid intended mainly to assist Myanmar in its transition. This approach does not seem to factor in the possibility of backward steps and is based on a scenario of ongoing, linear political and economic reforms. This optimism is shared by both the European Commission and most EU member states. However, the similar perceptions and compatible normative foundations on which their policies are based have so far not translated into well-coordinated and coherent strategies and development cooperation programmes.

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Keywords: Myanmar, European Union, sanctions

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1 Introduction

What is the European Union (EU) trying to achieve in Myanmar? Is the EU speaking with one voice and acting collectively (and does it really matter)? The organisation's current approach is based on enthusiasm and great optimism, but are the risks related to Myanmar's reform process factored into the strategy? Were the sanctions lifted too early? These are some of the key questions surrounding the current role of the EU in relation to Myanmar. Ever since "role theory" emerged in the 1970s (see Holsti 1970) to describe and explain the regular behavioural patterns of clusters of states in the international structure of the Cold War order – for example, "non-aligned", "allies", "satellites", etc. – Europe has taken centre stage as an empirical case.¹ Roles "are social positions (as well as a socially recognised category of actors) that are constituted by ego and alter expectations regarding the purpose of an actor in an organized group" (Harnisch 2011: 8). Role conceptions and role expectations apply as much to individuals as they do to states, groups of states, international organisations, and other actors in international relations.

In this context the EU is widely considered – by itself and others – to be a distinctly different type of international actor (for a detailed discussion see Tocci 2007). It has been labelled

- a "civilian power", based on the idea that it pursues the domestication or "normalisation" of international relations by tackling international problems within the sphere of contractual politics (Dûchene 1973; Maull 1990, 2005);
- a soft power, which exercises forms of foreign policy influence that rely on co-optation, multilateral cooperation, international institution-building, integration, and the power of attraction (Nye 2004); and
- a normative power, which is a foreign policy actor intent on shaping, instilling, and diffusing – and thus "normalising" – rules and values in international affairs through non-coercive means (Manners 2002).

It is particularly this last characterisation of the EU as a normative power that has captured the scholarly imagination. Before Manner's 2002 article provided the decisive input to the debate, Richard Rosecrance paved the ground when he wrote,

1 For one of the most comprehensive discussions and applications of role theory, see Harnisch, Frank, and Maull 2011.

Europe's attainment is normative rather than empirical. It is perhaps a paradox to note that the continent which once ruled the world through the physical imposition of imperialism is now coming to set world standards in normative terms (Rosecrance 1998: 22).

Two decades earlier, Johan Galtung (1973: 33) had already described normative power in international relations as the "the power of ideas".

Norms are collective expectations of appropriate behaviour (Jepperson, Wendt, and Katzenstein 1996: 54). In this sense, they are guidelines for action, and the members of a society generally abide by them. Norms "are not behaviour itself but what people think behaviour ought to be" (Cancian 1975: 6). Two forms of norms can be distinguished: constitutive and regulative. Within the international system, constitutive norms "create" actors (e.g. sovereign states or international organisations) and contribute to the formation of their identity, while regulative norms define forms of behaviour in certain circumstances. In the case of the EU, constitutive and regulative norms are closely intertwined. The very norms that form the normative pillars of the EU and indeed the European integration process define the endogenous and exogenous perceptions of how the EU should act in its external relations. For example, the Lisbon Treaty states that in international affairs the EU is guided by – and seeks to promote – the values on which the Union is founded, including democracy, human rights, fundamental freedoms, and the rule of law (Article III-193(1), Article I-2 and I-3). Bengtsson and Elgström (2011: 116) even go as far as to describe the EU as a "normative great power" – that is, an "actor that influences the thinking of other actors in the international system, rather than acting through coercive means to achieve its goals". The authors also introduce the useful category of a "meta-role" in international relations. Applied to the EU, this entails "expectations of consistent role behaviour across issue areas and/or over time" (Bengtsson and Elgström 2011: 15).

Consistent role behaviour requires the existence of coherent and comprehensive strategies, a point frequently neglected by role theorists. It is not sufficient to explain how the roles of international actors are socially constructed; it is equally important to analyse how roles manifest themselves as specific policy actions. Role concepts and expectations are not shaped by the existence of certain norms and values alone but are fundamentally rooted in the ability of actors to walk the talk in a consequent and continuous manner. This requires long-term strategic thinking. Myanmar both before and since 2011 provides an interesting empirical case with which to study the EU's strategic capacity to establish itself as

a normative power based on concise and coherent approaches. Hence, the article does not try to conclusively establish whether and to what extent European normative power has effectively contributed to change in Myanmar (for a discussion of this question, see Portela 2010 and 2014); rather, it discusses the ability of the EU to demonstrate consistent role behaviour in its relations with Myanmar. We argue that while the EU, both before and after 2011, has embedded its Myanmar policy with strong normative convictions, its approach has lacked clear benchmarks and deadlines. Overall, the EU has been more reactive than strategically proactive in its relations with Myanmar.

It is important to distinguish between the EU as a collective actor – meaning the European Commission (EC), and in particular the European External Action Service (EEAS), which was formerly the Directorate General for External Relations, and the Directorate General for Development and Cooperation (EuropeAid), which steers and implements the Union's development cooperation programme with Asia – and the EU member states, because the specific normative orientations of the two actor groups are not necessarily identical and in some cases even conflict with each other. In the following we discuss the EU's approach to Myanmar both before 2011 and since the beginning of the national reform process. This discussion includes an analysis of relations at the bilateral level and within the context and broader setting of EU–Asia/ASEAN interactions.

2 EU–Myanmar Relations before the Watershed

2.1 The Bilateral Dimension

In the late 1980s, most Western European states severed aid links with Myanmar. These countries included West Germany, which had been giving Myanmar aid worth approximately USD 35.14 million per year in technical grants and capital goods imports. However, almost the entire spectrum of EU actors started to rethink their approach towards Myanmar in the wake of the violent crackdown on pro-democracy protesters in August 1988. Most member states issued strong protest notes to the Myanmar junta in 1988 over the deaths of a large number of protestors. On 28 September 1988 and in a speech before the United Nations General Assembly (UNGA), the British foreign secretary, Sir Geoffrey Howe, denounced the killings in Myanmar. Even prior to the adoption of the EU's Common Foreign and Security Policy in 1996, the EC and individ-

ual member states coordinated their positions on Myanmar and, on several occasions, expressed deep concern over the deteriorating human rights situation in the country. In a number of declarations, the EC called on the Myanmar junta to improve its human rights record and initiate political reform. The European Parliament, which had awarded Daw Aung San Suu Kyi the Sakharov Prize for human rights in July 1991, made similar calls. Also in 1991 the EU implemented several measures in response to human rights violations in Myanmar. These included the suspension of defence cooperation, a visa ban for top officials of the State Law and Order Restoration Council (SLORC) and their family members, the expulsion of Myanmar's military personnel from the embassies of EU member states, the suspension of high-level bilateral government visits to Myanmar, and the suspension of all bilateral and multi-lateral non-humanitarian aid and assistance (ALSEAN-Burma 2003: 24; *Burma Affairs* 1991: 8).

As of 1996, the EU policy on Myanmar was guided by the "Common Position on Burma". The Common Position consisted of a series of restrictive measures that had been strengthened, reinforced, and extended over the years, mainly due to the failure of Myanmar's junta to make significant progress on political reforms and human rights improvements. These measures included an arms embargo, an export ban from the EU for any equipment that might be used for internal repression, a visa ban and a freeze on funds held abroad for regime members and their families, a prohibition on investment in Myanmar's state-owned enterprises for EU companies, and the suspension of high-level government visits to Myanmar (*The Irrawaddy* 1998a: 9). In December 1996, the EU suspended Myanmar's trade privileges under the General System of Preferences (GSP) for industrial products. This measure was further expanded in April 1997, when the EU suspended Myanmar's GSP privileges for industrial and agricultural products. The decision was based on evidence from the International Labour Organization (ILO) that demonstrated the ruling junta's use of forced labour. These benefits had provided Myanmar with 2 per cent to 5 per cent discounts on EU import tariffs, which saved the country approximately USD 365,000 in 1995 alone (BCUK 2004: 14; Collignon 1997).

In 1998, the EU expanded the scope of its earlier visa ban to include Myanmar's tourism officials, as well as a prohibition on entry and transit visas to all senior State Peace and Development Council (SPDC) officials. In 2000, the EU imposed an export ban on all equipment that could be utilised for internal repression or terrorism. In addition, it published a list of 153 Myanmar people included in the visa ban and pro-

ceeded to freeze their assets (*The Irrawaddy* 2000b: 3; Kenety 2000). Subsequently, in 2002, the EU updated the list of people subject to restrictive measures and issued a statement saying that should Myanmar fail to show progress on key issues pertaining to national reconciliation, the EU would strengthen and broaden the assets freeze, travel ban measures, and arms embargo in October 2002. However, as the Myanmar junta showed little progress in this direction, the EU only waited until June of that year to extend the scope of its visa ban and assets freeze, to strengthen its enforcement of elements of the arms embargo, to suspend all non-humanitarian aid and development programmes, and to withdraw all its military personnel from Myanmar. It also reiterated the expulsion of SPDC military personnel from EU member states (*ALSEAN-Burma* 2003: 24). Due to the military's brutal crackdown during the Saffron Revolution, the Common Position was further strengthened in 2007 to prohibit EU-based companies from investing in the logging, mining, and gemstone industries in Myanmar. This measure also included a ban on the export of these products to the EU (EU 2008).

Overall, the EU – and also US – sanctions impacted Myanmar almost immediately, as foreign investments, mainly from OECD countries, began declining from 1997 onwards (*MyanView* 1998: 5). By then many multinational companies had already withdrawn from Myanmar, with the notable exception of the French oil multinational Total. As these sanctions were not made retroactive, Total enjoyed an exemption from the EU's sanction regime. The withdrawal of the multinationals from Myanmar was attributed mainly to commercial considerations: by staying in the country they risked losing profitable contracts in their home countries as well as in other like-minded states that had imposed sanctions on Myanmar or were planning to do so.

Table 1: Corporate Withdrawals from Myanmar, 1992–2002

Company	Exit from Myanmar	Country of Origin	Sector/Product
Levi Strauss & Co.	June 1992	United States	Clothing
Petro Canada	November 1992	Canada	Oil and gas
Amoco	March 1994	United States	Oil and gas
Liz Claiborne	November 1994	United States	Clothing
Eddie Bauer	February 1995	United States	Clothing
Macy's Department Store	April 1995	United States	Clothing
Bank of Nova Scotia	September 1995	Canada	Banking
Columbia Sports-wear	April 1996	United States	Clothing

Company	Exit from Myanmar	Country of Origin	Sector/Product
OshKosh B'gosh Inc.	May 1996	United States	Clothing
Carlsberg	June 1996	Denmark	Beer
Heineken	June 1996	Netherlands	Beer
Interbrew (Labatt)	October 1996	Belgium	Beer
London Fog Industries	October 1996	United Kingdom	Clothing
Hewlett Packard	November 1996	United States	Computer
Motorola	November 1996	United States	Telecommunications
Phillips	November 1996	Netherlands	Electronics
Wente Vineyards	November 1996	United States	Wine
Pepsi-Cola Products	January 1997	United States	Beverage
Peregrine Capital	January 1997	Hong Kong	Banking
Eastman Kodak	January 1997	United States	Film
J. Crew	January 1997	United States	Clothing
Compaq	February 1997	United States	Computer
Anheuser-Busch International Inc.	April 1997	United States	Beer
Seagram Co. Ltd.	April 1997	Canada	Spirits
Burton Menswear	July 1997	United Kingdom	Clothing
Polo Ralph Lauren Co.	July 1997	United States	Clothing
British High Street	July 1997	United Kingdom	Clothing
Texaco	September 1997	United States	Oil and gas
Atlantic Richfield Co. (ARCO)	August 1998	United States	Oil and gas
Ericson	September 1998	Sweden	Telecommunications
Baker Hughes Inc.	March 2000	United States	Oil and gas
Ajinomoto Co.	May 2000	Japan	Food
Toyota Motor Corp.	May 2000	Japan	Automobiles
Best Western Hotel	June 2000	United States	Hotel
Jansport	August 2000	United States	Clothing/ Backpacks
Kenneth Cole	August 2000	United States	Shoes/Clothing
Premier Oil	September 2002	United Kingdom	Oil

Sources: *The Asian Wall Street Journal* 1995; *The Economist* 1995; *The Irrawaddy* 2003b, 2002, 2000d, 1997a, 1997b, 1997c; *Burma Debate* 1996; *Burma Alert* 1997a, 1997b; *Burma: Rangoon Suspense* 2002.

In the United States, where there is a large Myanmar expatriate community and many dissidents, who at that time totalled some 100,000 people,

a number of organisations were actively involved in lobbying for democracy in Myanmar (Luxner 2008; Steinberg 1992: 222). In Europe, similarly, a number of organisations existed for this end, including Actions Birmanie (Belgium), Association Suisse Birmanie and Birma Club (Switzerland), Burma Action Ireland, Den Norske Burmakomiteé (Norway Burma Council), Info-Birmanie (France), Burma Campaign United Kingdom (BCUK), Danish Burma Committee, Burma Centrum (Netherlands), and the Burma Centre Sweden. In addition to lobbying and sending petitions to Myanmar's military junta and relevant parties outside the country, these transnational advocacy networks (TANs) effectively utilised the Internet, even in its early days, as a tool to disseminate information on human rights violations in Myanmar. One of the first efforts in this direction was in the early 1990s, when some Myanmar exiles and students began communicating via e-mail. This "cyber war" escalated in 1996 (Than and Than 1998: 207). In 2000 alone, Myanmar-related cyber-activism was being carried out in approximately 28 countries worldwide (Zarni 2007: 71; Holmes 2007; Fink 1997). According to Liddell, the formation of pressure groups, especially in Europe, was the result of an international campaign on Myanmar launched by Amnesty International, which "successfully introduced many people, most of whom had never heard of 'Burma/Myanmar', to the human rights situation there" (Liddell 2001: 165).

There can be little doubt that the campaigns, censures, and sanctions pushed for by state and non-state actors in the EU, the United States and other like-minded states such as Canada, did impact the Myanmar junta. As the regime attempted to gain legitimacy through development, the sanctions frustrated it to some extent. In addition, sanctions and other international actions started to erode its legitimacy, both internally and externally. It is noteworthy that in addition to trying to improve its international image and relations through diplomacy, the junta tasked three public relations firms – Bain & Associates, Jefferson Waterman International, and DCI Associates – to convince the US government to lift its sanctions against Myanmar (ALSEAN-Burma 2002: 33–34). For instance, Jefferson Waterman International, through its newsletter the *Myanmar Monitor*, frequently labelled the US sanctions as "short-sighted" and called for them to be lifted. At the same time, it also stated that Myanmar's leaders were "feeling sorry for U.S. companies, which will lose out on future returns from investments" (Silverstein 1998: 22). Interestingly, the *Myanmar Monitor* also repeatedly stated that the sanctions were not hurting Myanmar but should nevertheless be lifted (*Information Sheet* 1997). While no such public relations efforts were specifically tar-

geted at the EU, the junta's move demonstrated that sanctions were, in general, taking their toll on the country.

In view of some tactical concessions made by the Myanmar junta, a group of states met to discuss the possibility of providing it with some "carrots" as a strategy to induce further concessions (*MyanView* 1999: 4). A "secret" meeting, also known as Chilston 1, was held on 12 and 13 October 1998 in Chilston Park, a small town in Kent, in the south-east of England. It was attended by 40 foreign diplomats and five Yangon-based diplomats. The foreign diplomats included representatives of Australia, Japan, the Philippines, Thailand, the United Kingdom, and the United States, as well as officials from the UN and the World Bank (WB). It was reported that in addition to trying to induce the Myanmar junta to make more political concessions, the new approach was adopted because the participants in the meeting had "detected a sense of desperation on the part of the Burmese government in coping with the growing economic difficulties inside Burma" (*The Irrawaddy* 1998b: 10; Yoon 1998). One of the major items discussed at the meeting was that the UN and the WB would resume offering humanitarian aid – to the tune of USD 1 billion – to Myanmar based on some preconditions (*The Irrawaddy* 1999: 19). The latter included a dialogue between the junta and the National League for Democracy (NLD), the unconditional release of all political prisoners, and free movement for Daw Aung San Suu Kyi and the NLD within the country (Crampton 1998). In return, the NLD was asked to cease its call for the convening of parliament. However, when the ensuing discussions became deadlocked due to a clear divide between those countries proposing tougher policies and those that preferred increased engagement with the junta, both sides eventually agreed to employ both "carrot" and "stick" approaches. The subsequent discussions again led to an impasse, and the proposal was simply rejected by the junta on the grounds that it had insulted the country (*The Irrawaddy* 1998b: 10).

The second meeting, Chilston 2, took place in Seoul on 5 and 6 March 2000 and was attended by delegates from 14 countries, the UN, and the WB, as well as two American academics.² Once again, there was a clear split between those who advocated a tough pro-sanctions policy aimed at isolating Myanmar and those who proposed engagement with the junta. On the one hand, diplomats from Britain, the United States, Canada, Norway, Portugal, and Sweden called for tougher measures against the junta, while on the other, diplomats from Japan, South Korea,

2 The two American academics who attended the meeting were David I. Steinberg and Mary Callahan.

Australia, Thailand, France, Germany, Malaysia, and the Philippines advocated a more conciliatory approach (Mitton 2000: 31; *The Irrawaddy* 2000a: 6, 2000b: 3). While it may appear that these meetings, though futile, indicated a degree of like-mindedness amongst the participating states, it must be remembered that those states which had previously introduced sanctions – namely, the United States, Canada, and some European states – remained firm on tougher measures. However, it is also worth mentioning that although the Myanmar junta did at one point in time even ridicule the aid offer, it was nevertheless willing to accept aid with strings attached – an indication that the junta was, in fact, in dire need of aid.

Yet despite the sanctions and other international actions pushed for by state and non-state actors in the EU and elsewhere, the Myanmar junta was not totally isolated within the international community. In particular, the country's admission to the Association of Southeast Asian Nations (ASEAN) in 1997 had provided it with some international leverage and legitimacy. The ASEAN membership softened Myanmar's global stigmatisation as it was, at least, no longer isolated from its South-east Asian peers (Radtke 2014: 90). For their part, these neighbours believed that through its acceptance into ASEAN, "Myanmar would be forced to socialise and abandon its isolationist foreign policy" (Maier-Knapp 2012: 18).

2.2 The Multilateral Dimension

In institutional terms, Europe's multilateral relations with Asia are based on two main pillars: the multilevel group-to-group dialogue with ASEAN, which has its roots in 1972, and the Asia Europe Meeting (ASEM), which was inaugurated in Bangkok in 1996. Conflictual topics such as human rights, sustainable development, and good governance had been a frequent disturbing factor in intraregional relations throughout the 1990s but ASEAN's 1997 initiative to admit Myanmar as a new member represented a major setback. In fact, Myanmar's ASEAN membership was strongly opposed by the EU – in concert with the United States (Renshaw 2013: 38). In the period 1996–1997, the EU changed its earlier policy of "critical dialogue" with Myanmar, suspended all ministerial contacts, and withdrew tariff preferences granted to industrial and agricultural goods under the GSP, as outlined above (Bridges 1999: 89). The conflict between the two groups over Myanmar's participation in the 1999 ASEAN–EU Ministerial Meeting (AEMM), planned to take place in Berlin, led to an overall low in interregional relations. The meeting was cancelled because neither side could present a solution accepta-

ble to the other. At a meeting in Luxembourg in April 2000, EU foreign ministers – led by Great Britain and Denmark – tightened sanctions against Myanmar and extended an earlier ban on Myanmar government officials visiting EU countries to attend the EU–ASEAN meetings (*Reuters* 2000).

Yet not all EU member states subscribed to the idea of pushing too hard for sanctions and confrontation, and some suggested adopting a policy of engagement. In 2000, “some EU officials suggested in private that to keep the EU–ASEAN process from becoming totally irrelevant, the EU must drop its insistence on a human rights clause [...]” (Lim 1999: 11). This, however, was hardly negotiable at a time when human rights began to emerge as the most visible element in the EU’s forcefully presented quest for normative power in international relations. After many years of hard diplomatic lobbying, in 2000, the EU finally succeeded in including human rights on the agenda of its official EU–Asia diplomacy. The Chairman’s Statement of the third ASEM summit, which took place in Seoul in October 2000, stressed,

Leaders committed themselves to promote and protect all human rights, including the right to development, and fundamental freedoms, bearing in mind their universal, indivisible and independent character as expressed at the World Conference on Human Rights in Vienna (ASEM 2000).

Conflicting views of the concept of human and civil rights had been the most serious intervening variable in Europe–Asia relations since 1991, when the EU decided to make human rights clauses compulsory elements of its international treaties. The inclusion of formally taboo core issues such as human rights, rule of law, and good governance on the Asia–Europe agenda represented a new component in intraregional relations. The new commitments made in 2000 in these fields were significant and have steered the ASEM process ever since. It has not been possible to back away from these commitments, as Michael Reiterer correctly predicted shortly after the Seoul summit (Reiterer 2001: 17).

Against this backdrop and even before the decisive Seoul summit, it was hardly possible that the EU could soften its common approach towards Myanmar while at the same time insisting on respect for human rights and other key liberal norms as the *sine qua non* for cooperation with it. A few months prior to the Berlin AEMM, which was scheduled for March 1999 and later cancelled, voices close to the organising German Foreign Office hinted that Germany was determined to press for Myanmar’s participation in order to keep the dialogue process going. Eventually, however, the German foreign policy elite presented itself as

the driving force behind Myanmar's exclusion from the meeting. Driven by economic interests, France was considered a "robust pro-engagement advocate" at the time and favoured Myanmar's inclusion. This position was backed by Portugal. On the other hand, the UK, Sweden and Denmark (strongly supported by non-EU members such as the United States, Canada, and Norway) held on to their preference for a strong sanctions policy against Myanmar (Mitton 2000: 31). The latter view continued to dominate the EU's official Myanmar approach and resulted in the Luxembourg statement mentioned above. It was only in 2002 that Myanmar's deputy foreign minister, Khin Maung Win, was allowed to participate in an EU–ASEAN meeting. This was considered a "diplomatic coup" by one source (*The Irrawaddy* 2003a: 7). In fact, the same source reported that "Burma's generals are working overtime to shed their image as an international pariah and befriend their erstwhile critics" (*The Irrawaddy* 2003a: 7).

Two years later, however, the entire ASEM process was under threat for several months prior to the fifth ASEM summit, in 2004 in Hanoi, when a compromise on the participation of Myanmar seemed to be out of reach. Prior to Hanoi, the EU's 15 original members and ASEAN's six original members, as well as China, Japan, and South Korea, had attended the summit. While the European side wanted the 10 new EU member states, which had been admitted to the Union earlier that year, to join ASEM, ASEAN insisted on including its three newest members, Cambodia, Laos, and Myanmar. However, the EU demanded that Myanmar be left out because of the regime's anti-democratic record and the continued house arrest of pro-democracy leader Daw Aung San Suu Kyi. ASEAN made it clear that it was prepared to veto the accession of the new EU member states to ASEM if the EU rejected Myanmar's participation. In August 2004, both sides finally agreed on a compromise. Myanmar was allowed to join ASEM along with Cambodia, Laos, and the 10 new EU member states. However, to be admitted into the forum, the EU set the condition "that the participation of the Burmese government at the ASEM Summit will be lower than at Head of State/Government level" (European Union 2004). Eventually, Tin Win, a minister to the Burmese prime minister's office, attended the meeting. The compromise was considered a victory for ASEAN, and particularly Myanmar. An editorial in the *Bangkok Post* suggested,

undeservedly, Burma is probably the biggest winner. Without lifting a finger – while other Asians and Europeans fretted over its record and eligibility – it has been inducted into another respecta-

ble club, 7 years after joining the Association of Southeast Asian Nations (Manibhandu 2004).

Based on interviews with both ASEAN and EU officials, Maier-Knapp (2012: 18–19) suggests that – following their realisation that ASEAN’s socialisation strategy had been less successful than hoped – Southeast Asian governments did not disagree with the EU’s position on Myanmar but simply preferred a less confrontational approach.

Regardless of what was thought and said in Brussels, Jakarta, and elsewhere, the controversy did not end in Hanoi. In September 2005, ASEAN ministers decided not to attend an ASEM economic ministers’ meeting in Rotterdam when the Dutch host refused to grant visas to the delegate from Myanmar. The meeting went ahead at the senior officials’ level, but the episode demonstrated the dilemma of the quid-pro-quo compromise on ASEM’s enlargement. A solution was only found in April 2006 on the occasion of the seventh ASEM Finance Ministers’ Meeting in Vienna, Austria. This time a visa was issued to Myanmar’s minister under the condition that the country’s political development and international actions would be discussed as part of the meeting’s official agenda. This became the *modus vivendi* for Myanmar’s participation in all subsequent ASEM gatherings: the critical evaluation of the junta’s self-proclaimed commitment to reform (which it first articulated in 2003), Myanmar’s human rights situation, and the country’s involvement in money laundering and human trafficking were considered default agenda items to be addressed in return for the regime’s high-level representation. This indicates that the EU enlargement in 2004 shifted the balance between those EU member states who favoured the international isolation of the regime and those who supported a critical dialogue with Myanmar towards the latter standpoint. However, beyond the compromise on the visa ban, significant concessions on the part of the EU did not come until October 2009, when Brussels announced the expansion of its aid programme to Myanmar. The EU pledged some EUR 35 million for a programme known as the Livelihoods and Food Security Trust Fund (LIFT). The move was in stark contrast to the EU’s decision of August 2009 to reinforce its sanctions policy towards Myanmar due to the sentencing of Daw Aung San Suu Kyi to 18 months under house arrest (Johnston 2009).

This apparent contradiction was driven by the simultaneous advancement of two different norms. While the EU continued to press for political reform and the junta’s adherence to human rights, the application of the Responsibility to Protect (R2P) norm required Brussels to increase humanitarian assistance. The decisive turning point was Cyclone

Nargis, which killed over 140,000 people and affected 2.4 million people in May 2008. This disaster prompted not only a new approach towards Myanmar but also a policy shift

in the way Western donor assistance flows to humanitarian programmes. "International donors had to review and redesign humanitarian funding after Nargis to direct money for smaller programmes run by local community groups," admitted a European diplomat. [...]

The European Union (EU), which gave 51.8 million U.S. dollars for relief efforts, is among those reflecting this shift in donor assistance. Money for smaller humanitarian programs that cost 10,000 euros (about 13,300 U.S. dollars) was given in addition to the usual flow of funds for larger initiatives by bigger, more established NGOs, which amounted to 500,000 euros (664,980 dollars) from the EU.

The bulk of the funding till this policy change was directed towards the 13 United Nations agencies and the estimated 54 international humanitarian agencies and international NGOs (INGOs) operating in Burma. The INGO budget in 2009 was 128 million dollars, up from 48.7 million dollars in 2008 before the cyclone struck (Macan-Markar 2010).

While Nargis can be taken as a major catalyst and important stepping stone towards the end of military rule in Myanmar, the reform process only began in March 2011, when U Thein Sein, a former general who was prime minister in the military junta, became president. Since then his nominally civilian government has taken several important steps towards democratic reform in the country, resulting first in the gradual easing and eventually the termination of EU sanctions (Bünthe and Portela 2012). In sum, it can be argued that, in the years leading up to 2011, the EU did make its voice count in relations with Myanmar and exerted normative power. However, this normative power emerged primarily out of the largely – but not always – converging normative convictions and interests of a patchwork of European actors, including, among others, the European Commission, the key member states, and civil society organisations, as well as like-minded non-European states. In most cases the EU acted in response to new developments and changes, and it sometimes even compromised its own normative positions (as in the case of Myanmar's ASEM membership), but it did not formulate and implement a coherent and concise strategy. Overall, its approach did not fit the description of a "normative great power".

3 The EU's Myanmar Policy since 2011

After almost five decades of military rule, Myanmar began undertaking a series of reforms in March 2011, when a new, nominally civilian government came to power – though only after a heavily rigged election in December 2010. The new government, led by the Union Solidarity and Development Party (USDP) under U Thein Sein, began implementing a number of reforms, including, among others, greater freedom of the press, association and assembly; the release of political prisoners; and the opening-up of the political sphere – though in a limited fashion. More importantly, these reforms enabled Myanmar to mend its damaged relations with the West, particularly the United States and the EU. It was against this backdrop that the EU suspended its sanctions on Myanmar in 2012 and finally lifted them (with the exception of the arms embargo) on 22 April 2013. While it congratulated the Myanmar government on the series of reforms that had been initiated, the EU also noted that it was “conscious that there are still significant challenges to be addressed” (Council of the European Union 2013a).

Since the middle of 2013, the EU's Myanmar policy has been guided by the Comprehensive Framework, which was adopted by the EU's Foreign Affairs Council on 22 July 2013. This three-year action plan was basically initiated as a response to criticisms that arose following the EU's lifting of sanctions on Myanmar. The framework focuses on four main areas – namely, peace, democracy, development, and trade – as well as Myanmar's engagement with the international community. It states that it aims to respond to Myanmar's needs by entering into a partnership with the government and other stakeholders to address a legacy of conflict, poverty, oppression, and weak institutions in the country. In the preamble of the framework, it is stated that “the European Union – which has, over the years, called for change and imposed sanctions – has a responsibility to help” (Council of the European Union 2013b: 1).

As the EU views peace as a prerequisite for the consolidation of democracy, the promotion of development, and the protection of human rights, the framework attempts to address the issue of both regional and communal violence, stating that the EU will “urge and encourage the [Myanmar] government to act.” To address the issue of regional peace or ethnic conflict, the EU will “encourage” an immediate end to all hostilities across the country (especially in Kachin State), support inclusive political negotiations, build the capacity of all stakeholders, press the Myanmar government for uninterrupted access to humanitarian assistance, and undertake rehabilitation and development in ethnic minority areas plagued with insurgencies (Council of the European Union 2013b:

2). To deal with communal violence, the EU will support the development of an accountable and responsible police force in Myanmar; press the government to ensure the accountability of all offenders; encourage all stakeholders to increase their advocacy of non-violent means; urge the Myanmar government to pursue and implement durable solutions to the conflict in Rakhine State; and urge the government to address the status of the stateless Rohingya minority (Council of the European Union 2013b: 2). Nevertheless, the insurgency in Kachin State is still ongoing, the issue of the stateless Rohingyas has yet to be settled, and there are still sporadic outbreaks of communal violence between Buddhists and Muslims. Although it can be argued that President U Thein Sein is probably trying hard to bring peace to Myanmar, especially when it comes to putting an end to the ethnic insurgencies that have plagued the country for more than 50 years, the country's army remains beyond his control (Wade 2012). The ongoing battles between the army and the Kachin ethnic groups at the same time that the government at the centre is trying to make peace demonstrate this (see Beech 2014).

In the area of democracy, the thrust of EU efforts is ostensibly directed towards creating a functioning democracy with an overarching respect for human rights and fundamental freedoms. These efforts include the EU "supporting, advising and assisting" Myanmar in areas such as a constitutional review; the strengthening of the parliament as an institution; working towards a credible, transparent, and inclusive election in 2015; the unconditional release of all political prisoners; the strengthening of human rights; Myanmar's swift ratification and implementation of core international human rights conventions; the creation of an independent National Human Rights Commission; the establishment of an independent, impartial and efficient judiciary; and the enlistment of local as well as foreign NGOs to support interactions between the government and the civil society sector (Council of the European Union 2013b: 3).

It can be argued that the above democracy-related aims are rather lofty. In fact, the EU has not worked towards achieving the most obvious objective – that is, securing a short-term commitment from the Myanmar government that it will ensure that the 2015 election is free, fair, and inclusive. With Myanmar's Election Commission still under the tight control of the government of the day, it is questionable that this can be achieved. All the more so when we take into account the fierce resistance from the USDP and the Tatmadaw (army) to any form of constitutional reform in the country (Strangio 2014). On another note, although President U Thein Sein had agreed to release all political prisoners in the

country by the end of 2013, as of May 2015 the Assistance Association for Political Prisoners (AAPP), based in Burma, reported that there were still approximately 158 political prisoners languishing in prisons around the country (AAPP 2015).

In the area of trade and development, the EU has committed to “help” Myanmar to, among other things, rebuild state institutions and reform the civil service; lay the foundation for inclusive economic development; focus on transparency in the extractive industries; eliminate all forms of forced labour; improve rural livelihoods and food security; rebuild the education system; provide support for the health sector; promote the development of sustainable tourism; and promote transparency and environmental protection (Council of the European Union 2013b: 4). As far as the reform of the state civil service is concerned, the major obstacle relates to the fact that much of the country’s bureaucracy is headed by former military men while the civilian bureaucrats are subservient to the whole system. On the state of Myanmar’s bureaucracy, the *Economist* noted that

beneath a thin veneer of expertise and dedication at the very top, much of the bureaucracy consists of former military officers who have been provided with sinecures. They constitute what is known as the “green ceiling”, which means that getting anything done can take a long time (*The Economist* 2013).

The issue of rural poverty is so acute that one in four people live below the national poverty line, while two in five children below the age of five are under-nourished. The underlying cause of this is the mismanagement of national resources. It is worth mentioning that Myanmar’s rural population accounts for approximately 70 per cent of its total population and that poverty is simply endemic in these areas.

For the purpose of Myanmar’s engagement with the international community, the EU will

work to enhance the country’s emergency response and early warning capability; support Myanmar’s participation in regional integration; and promote Myanmar’s adherence to and implementation of all relevant international agreements in the area of non-proliferation and disarmament (Council of the European Union 2013b: 5).

While some have argued that the framework is at best overtly ambitious and without a clear focus, others have asserted that the EU entered into a partnership too hastily, as the benchmarks it set prior to the removal of sanctions had not yet been met. Mark Farmaner, the director of the

BCUK, noted that “none of these [the benchmarks] has been met” and added that “they [the EU] are ignoring their own conditions and proceeding with lifting the sanctions without any clause that would allow reimposition” (cited in McElroy 2013). He considered the removal of sanctions “an extraordinary and reckless diplomatic move” (Farmaner 2013), stating,

First to be abandoned are the EU's own benchmarks for human rights improvements. These were laid out clearly in last year's Council Conclusions: all political prisoners should be released unconditionally (they haven't been); there should be an end to conflict (fighting has actually increased in Kachin State); there should be substantially improved humanitarian access (there hasn't been and lives have been lost as a result); and there should be improvements in the welfare and status of the Rohingya (the situation has deteriorated so badly that the Rohingya have been subjected to ethnic cleansing and crimes against humanity, with government forces allegedly complicit) (Farmaner 2013).

However, it should be added that the 2012 Council conclusions on Burma/Myanmar, which Farmaner refers to, did not explicitly mention conditions in a strict and watertight sense. Neither did Council Regulations No 817/2006 and No 94/2008, the two key documents which established “benchmarks” that had to be met before sanctions could be lifted. Regardless of whether or not conditions or benchmarks were ever clearly spelled out,

the objectives for which the sanctions were originally imposed back from 1990 to 2010 have been met: there has been a handover of power to a civilian government, and progress has been made towards respect for human rights and ‘national reconciliation’ (Portella 2014: 13).

Yet the question of whether the EU should have been more decisive in backing up and supporting its attempts to exert normative power with clearly stated specific – and enforceable – targets, and whether its approach has been too soft overall, remains.

As part of its strategy of mainly employing a “carrot” approach, the EU announced the establishment an EU–Myanmar Task Force – the fourth such EU task force and the first in Asia – during President U Thein Sein's visit to Brussels in April 2013.³ The Task Force is intended

3 The other three task forces are Tunisia (September 2011), Jordan (February 2012), and Egypt (November 2012).

to provide Myanmar with comprehensive support to enable its transition. Its first meeting took place both in Yangon and Naypyidaw from 13 to 15 November 2013 and was attended by leading political, development and economic figures from the government and the opposition as well as civil society groups. In a highly optimistic tone, the EU's high representative, Catherine Ashton, stated,

we are here to celebrate the progress of this wonderful country and in recognition of the journey that Myanmar has decided to undertake. We also come with a sense of expectation; expectation that is matched by the people, by the government, by civil society in Myanmar too. Expectation of what can be and what will be (EEAS, EU 2013).

On 8 December 2014, the EU announced its allocation of EUR 688 million (USD 900 million) to support Myanmar's transition over the period 2014–2020. The areas to be targeted include rural development and agriculture, food and nutrition security, education, governance and the rule of law, and peacebuilding. The breakdown of the funds is as follows: sustainable rural development (EUR 241 million); education (EUR 241 million); support for democratic and institutional reforms (EUR 96 million); and peacebuilding support (EUR 103 million). An interesting point under the support for democratic and institutional reforms states “a key element is our support to the organisation of credible, transparent and inclusive elections in 2015 and beyond” (EEAS, EU 2014).

The sums look impressive, but not all EU actors agree that the current approach is the best and most beneficial one. As a high-ranking European diplomat in Yangon asked, “What exactly happens with this money? It's easy to lose track. Some projects are nice to have but not absolutely essential” (author interview, October 2014). The EU only opened a Delegation in Myanmar in September 2013; it previously coordinated its relations via the Delegation in Bangkok. By contrast, some EU member states established embassies decades ago (for example, the United Kingdom in 1947, France in 1948, Germany in 1954, and Denmark in 1955) and maintained their diplomatic presence throughout the period of the sanctions and the suspension of development cooperation. There is therefore a certain tendency within diplomatic circles in Yangon to see the Commission as a newcomer to Myanmar with little on-the-ground experience. Furthermore, the member states have started to implement sizable cooperation programmes of their own, following objectives similar to those of the EU. These actions underline the EU's ambition of speaking with one voice in international affairs, based on a

coherent normative approach. However, there is lack of strategic alignment and little coordination between the Commission's development cooperation programme and those of the member states. For example, it is unclear how the UK's approach of supporting the "reform of key administrative institutions such as the civil service and local government/townships" and "building the Burmese government's capacity to manage public money" (Foreign & Commonwealth Office 2014) feeds into the EU's priority area of supporting democratic and institutional reforms.

Whereas some questions about the complementarity and mutually reinforcing nature of the individual approaches of different EU actors remain, the EU appears to be successful in promoting its normative viewpoints within the multilateral framework of its cooperation with ASEAN. Not only has the reform process in Myanmar removed the persistent stumbling blocks in EU–ASEAN relations of the 1990s and the first decade of this century, but ASEAN's – at least rhetorical – liberal turn, which materialised in the group's formal commitment to democracy, the rule of law, good governance, and human rights in the ASEAN Charter (2007) and the ASEAN Human Rights Declaration (2012), has also paved the way for a cooperative approach towards Myanmar. To this effect, the Co-Chairs' Statement of the 20th EU–ASEAN Ministerial Meeting, which took place in Brussels in July 2014, includes a mention of the situation in Myanmar:

The Ministers welcomed the ongoing process of democratic transition which is taking place in Myanmar [...] Ministers will continue to encourage Myanmar to address remaining challenges, including those related to national peace, human rights and reconciliation (European Union 2014).

The mention does not constitute a strong basis for joint action on the part of the EU and ASEAN. Yet it nevertheless has to be seen as a significant improvement over the years when Myanmar was a constant thorn in the side of EU–ASEAN relations. Maier-Knapp (2012: 29) rightly points out that "the EU's chance of increasing visibility and normative impact depends on the successful ideational internationalization by the counterpart." The internationalisation of democracy, good governance, and human rights as core norms promoted by the EU has progressed in both Myanmar and ASEAN, but the process is far from complete.

4 Conclusion and Outlook

A close analysis of the EU's Myanmar policy demonstrates that, while clearly driven by normative convictions, the EU's approach and posture vis-à-vis Myanmar since 1988 has been more reactive than carefully planned and strategised. Whereas in the period from 1988 until early 2011 the EU's Myanmar policy frequently fluctuated between a "carrot" and a "stick" approach, depending on the circumstances, since 2011 the emphasis has been on carrots, which signifies an important shift in the application of normative power. The EU has generously provided large amounts of aid intended mainly to assist Myanmar in its transition. The EU's official documents (especially since 2011) reflect a strong optimism about the reform process. More often than not these official documents have emphasised how Myanmar has made "remarkable" progress since 2011.

However, without clear benchmarks the current policy is unlikely to produce the anticipated results and thus does not put the EU in the position of a "normative great power" able to walk the talk and thereby induce change. A recent report by the UN suggests that Myanmar has begun backtracking on its reforms. This was revealed by the United Nations special rapporteur, Yanghee Lee, who noted that there has been an increase in the number of human rights abuses, particularly the harassment, intimidation, and prosecution of journalists, civil society activists, and protestors, while Rakhine State remains in a state of crisis due to hostilities between Buddhists and Muslims. She also raised concerns over the government's intention to introduce a package of four "race and religion" bills – namely, the Population Healthcare Control Bill, the Bill Relating to the Practice of Monogamy, the Bill on Religious Conversion, and the Myanmar Buddhist Women's Special Marriage Bill – as these "will legitimize discrimination, in particular against religious and ethnic minorities, and ingrain patriarchal attitudes towards women" (OHCHR 2015). Lee noted that "valuable gains made in the area of freedom of expression and assembly risk being lost" and "there are signs that since my last visit, restrictions and harassment on civil society and the media may have worsened" (OHCHR 2015). The EU's approach towards Myanmar does not seem to factor in the possibility of backward steps and is based on a scenario of ongoing, linear political and economic reforms. This optimism is shared by both the European Commission and most EU member states. However, the similar perceptions and compatible normative foundations on which their policies are based have so far not translated into well-coordinated and coherent strategies and development cooperation programmes.

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