

A Good Office?

Twenty Years
of UN Mediation
in Myanmar

Anna Magnusson &
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Cover Photo: UN Secretary-General Ban Ki-moon, 2nd left, and UN Undersecretary-General for Humanitarian Affairs John Holmes, center, pose for a group photograph with Myanmar Foreign Minister Nyan Win, left, and two other unidentified Myanmar officials at Shwedagon Pagoda in Yangon, Myanmar, May 22, 2008 (AP Photo).

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This book is dedicated to the many people of Myanmar who are working to bring about true reforms and create a bright and prosperous future for the country and its people.

Acronyms

ASEAN	Association of Southeast Asian Nations
AU	African Union
DPA	United Nations Department of Political Affairs
ESCAP	United Nations Economic and Social Commission for Asia and the Pacific
EU	European Union
ICMM	Informal Consultation Mechanism for Myanmar
ICRC	International Committee of the Red Cross
IFI	International Financial Institution
IFRC	International Federation of Red Cross and Red Crescent Societies
ILO	International Labour Organization
IMF	International Monetary Fund
KNPP	Karenni National Progressive Party
KNU	Karen National Union
NCGUB	National Coalition Government of the Union of Burma
NGO	Nongovernmental Organization
NLD	National League for Democracy
ODA	Official Development Assistance
RtoP	Responsibility to Protect
SLORC	State Law and Order Restoration Council
SPDC	State Peace and Development Council
SSA-S	Shan State Army–South

TCG	Tripartite Core Group
UN	United Nations
UNDP	United Nations Development Programme
UNODC	United Nations Office on Drugs and Crime
USDA	Union Solidarity and Development Association

Introduction

The UN Secretary-General's good offices on Myanmar, now in their twentieth year, have been one of the longest such diplomatic efforts in the history of the world organization. The mandate derives from the General Assembly, which since 1993 has been requesting "the assistance of the Secretary-General" in implementing its annual resolutions on the situation of human rights in Myanmar. Since a special rapporteur was already in place at that time, Secretary-General Boutros Boutros-Ghali defined his role as one of "good offices" rather than fact-finding, a decision that has remained unchallenged.¹ An informal 1994 framework agreement with the Myanmar government listed three broad categories of subjects for dialogue: (1) return to democracy, including the 1990 election, the National Convention, and the situation of Aung San Suu Kyi and other political leaders; (2) reintegration of the ethnic minorities into the political life of Myanmar; and (3) human rights and humanitarian issues.² Yet, in practice, three successive secretaries-general and their special envoys have focused on the first of these, a return to democracy—and in particular, on mediating between the military government and Aung San Suu Kyi, the leader of the democratic opposition.

Myanmar, also known as Burma, has long been one of the most militarized, conflict-prone, and impoverished countries in the world and a significant destabilizing factor in a region that otherwise has seen major advances in peace and prosperity. The failure of successive regimes since independence in 1948 to unite Burma's diverse peoples and build a legitimate and effective state has seen the country suffer endemic political instability and protracted civil war. While the army has been able to gradually impose its authority over most of the territory, this has been accompanied by a denial of basic freedoms and major human rights abuses. The absence of rule of law, especially in the border areas, has resulted in the flourishing of criminal economic activity and uncontrolled exploitation of the country's rich natural resources.

The military regime, which took power in 1988 after the collapse of General Ne Win's Burma Socialist Programme Party government, took significant steps to re-enter the international community by joining regional organizations and encouraging foreign trade, investment, and tourism. It also expanded access for international aid agencies in the country and permitted more of its citizens to travel and study abroad. The West, however, given the continued stubborn denial of democracy by a brutal regime, coupled with the emergence of Aung San Suu Kyi as one of the world's most recognized symbols of nonviolent resistance tended to see Myanmar's deep-seated political conflicts and development challenges through the prism of a morality play. Uncompromising demands for democracy were backed up by ostracism of "the evil regime" and a gradual ratcheting up of punitive sanctions, including significant pressure on regional countries to "get in line."

Myanmar's neighbors were concerned about the instability and transnational security threats emerging from Myanmar's conflict-ridden state but were hesitant to interfere in the country's internal affairs. Rejecting sanctions, they argued instead for a policy of quiet diplomacy and economic engagement, which allowed them, not incidentally, to also pursue economic opportunities in a resource-rich country.

Yet for all the rhetoric and bluster, Myanmar has remained mainly a "hobby issue" internationally, generating much more passion than real commitment to come to terms with the complex challenges facing the country. With no vital national interests of the major powers involved and few bilateral successes, Western and regional countries alike have instead looked to the UN, and the Secretary-General's good offices in particular, to take the lead in resolving Myanmar's deep-rooted problems.

In November 2010, Myanmar's military held multiparty elections and subsequently transferred power to a quasi-civilian government under a new constitution. Many initially dismissed the tightly controlled transition as a sham that would only further entrench military rule. However, the new government has taken major strides toward political and economic liberalization and is currently engaged in negotiations with former enemies in both the democracy and

ethnic nationalist camps. For the first time in fifty years the talks hold out a genuine promise of national reconciliation. The West, in turn, has started rolling back long-standing sanctions, and the UN and other international agencies are preparing to return to more normal country programs.

The central role played by the UN over such an extended period in a country of significant international concern offers important insights into the use of the Secretary-General's good offices as a mediation tool. With Myanmar now in the midst of major political, economic, and social reforms, and questions invariably being raised about the future of those "offices," it is an opportune time to revisit the history and achievements of the past twenty years of mediation efforts. Through in-depth interviews with past envoys and members of their respective teams, as well as others closely involved in the process,³ the present study sets out to capture and narrate some of the most important aspects of the Secretary-General's good offices—largely from the UN's perspective—and assess its achievements and shortcomings. It is hoped that the study can help the UN and member states better understand the past and serve as a modest contribution to informed policy decisions in the future in Myanmar but also in other situations of good offices and mediation more generally.

Chapter One

THE BEGINNING OF A VERY LONG ENGAGEMENT (1990-1994)

Strengthening the Hand of the Opposition

In the late 1980s, Myanmar seemed to be finally emerging from decades of military dictatorship, civil war, and self-imposed isolation. Former General Ne Win had retired after ruling the country since 1962. The first ceasefires were signed with ex-Communist Party of Burma militias in 1989, and others were soon to follow with promises of further talks toward a lasting peace.¹

In an acknowledgement of the failure of “the Burmese way to socialism,” the government was embarking on market-oriented economic reforms and opening up the country for outside aid, trade, investment, and tourism. The country was also seemingly moving toward a long-awaited political transition with multiparty elections scheduled for 1990.

But it was the brutal crackdown on demonstrators in 1988 and the later annulment of the 1990 elections following a landslide victory by Aung San Suu Kyi’s National League for Democracy (NLD) that grabbed the headlines and set the UN’s agenda. For months in the summer of 1988, people had come out on the streets, peacefully protesting soaring rice prices, harsh living conditions, and—as the protests grew—demanding regime change. On August 8th, the protests culminated in a bloody confrontation between the unarmed protesters and the security forces, resulting in the death of an estimated 3,000 people. The ruling Burma Socialist Programme Party (BSPP) announced that it would hold multiparty elections. However, protest

leaders demanded that a neutral interim government be put in place first to create conditions conducive to free and fair elections. On September 18th, the army took power, crushed the ongoing demonstrations, and established a new ruling council, the State Law and Order Restoration Council (SLORC) led by General Saw Maung. SLORC quickly announced that it would honor the promise of the previous government to hold multiparty elections. Yet, when elections were held in May 1990, they were held on the junta's terms. Aung San Suu Kyi—the daughter of Myanmar's independence hero, General Aung San, and leader of the newly formed National League for Democracy (NLD)—had been placed under house arrest in July 1989, and hundreds of other pro-democracy activists were in jail or had been forced to flee to the “liberated areas” along the Thai-Burmese border controlled by ethnic insurgents. Despite the asymmetric resources and means for campaigning between the newcomer NLD and the National Unity Party (NUP), a military-backed successor party of the BSPP, the NLD won nearly 60 percent of the vote and 80 percent of the seats in parliament. A shocked SLORC, however, insisted that a new constitution would have to be written before power could be transferred to a civilian government, a process that would turn out to take twenty years to finish and result in the effective annulment of the 1990 election results.

The events of 1988 and 1990 would draw the international community's attention almost singularly to the fate of Aung San Suu Kyi and her quest to bring democracy and “freedom from fear” to a troubled land.² Despite being barred from personally running in the elections, Aung San Suu Kyi was universally considered to be the rightful winner and leader of the country. Before this, the UN had no political concerns in Myanmar—its only engagement being a fairly small aid program. The international financial institutions (IFIs) had also been providing assistance since the late 1970s. However, the 1990 election would frame the UN's relations with Myanmar for the next two decades. Important parallel steps toward peace and a more market-oriented economy were largely ignored by the international community, or at least by the major Western powers that set the UN's Myanmar agenda.

A NEW AGENDA OF HUMAN RIGHTS

The first high-level UN engagement on Myanmar came in the form of a one-time visit by Professor Sadako Ogata, a Japanese scholar and diplomat, who a few months after the 1990 elections was sent as an independent expert of the UN Commission on Human Rights (the predecessor of the current Human Rights Council) to make direct contact with the Myanmar government. The commission had adopted a resolution in 1989 calling on the Myanmar government to respect the human rights and fundamental freedoms of its people. Though able to see a few political prisoners, Ogata was accompanied by regime officials at all times and was not given access to key jailed dissidents. Her report was finalized on December 27, 1990, and discussed at the spring session of the Commission on Human Rights, but it was to remain confidential.

Two years later, the first special rapporteur on the situation of human rights in Myanmar was appointed, the mandate established by a resolution of the Commission on Human Rights. The portfolio was held first by Yozo Yokota of Japan, who made four visits to Myanmar between December 1992 and October 1995. Like other country-specific rapporteurs, Yokota's mandate was fact-finding. He conducted missions, investigated allegations of human rights violations, and assessed and verified complaints from alleged victims. His reports documented widespread human rights violations, including forced labor, summary executions, abuses of ethnic minorities, and repression of civil and political rights. In 1996, Yokota was succeeded by Rajsoomer Lallah of Mauritius, but the Myanmar authorities took offense at the new rapporteur, and during his four-year tenure (1996–2000) Lallah was not granted a single entry to Myanmar.

Meanwhile Myanmar's incipient democracy movement became increasingly focused, at least in the eyes of the West, on a single person: Aung San Suu Kyi. In fast succession, she was awarded several human rights prizes: the Norwegian "Rafto" (October 1990), the European Parliament's "Sakharov" (July 1991), and—as an ultimate confirmation of her growing international status—the Nobel Peace Prize (October 1991) for her nonviolent fight for democracy and human rights. In the Nobel Committee's justification, Aung San Suu Kyi's struggle was described as "one of the most extraordinary examples of

civil courage in Asia in recent decades. She has become an important symbol in the struggle against oppression.”³

THE FIRST GENERAL ASSEMBLY RESOLUTIONS

Around the same time as Aung San Suu Kyi’s two sons Alexander and Kim (then aged eighteen and fourteen) accepted the prize on their mother’s behalf at the Nobel ceremony in Oslo, representatives of 192 countries met in the UN’s General Assembly in New York and passed its first resolution on Myanmar.⁴ The first General Assembly resolution was a lean document, not even half a page long and covering just four points.⁵ Recalling that the government of Myanmar had assured the UN of “its intention to take all necessary steps toward democracy in the light of the elections held in 1990,” the resolution expressed “concern at the information on the grave human rights situation” and stressed the need for “an early improvement.” It further urged the government “to allow all citizens to participate freely in the political process.” A year later, the resolution had grown to two pages long and was now expressing “grave concern” about the continued seriousness of the human rights situation.⁶ It called upon the government “to release unconditionally and immediately the *Nobel Peace Laureate* Aung San Suu Kyi” [emphasis added] and requested Myanmar to invite the presence of the International Committee of the Red Cross. The explicit reference to the Nobel Peace Prize infuriated the generals in Yangon, who had not come to terms with the respect and celebrity status enjoyed in the outside world by their main nemesis.

Successive annual General Assembly resolutions since then have continued to express grave concern over the human rights situation in Myanmar and urged the Myanmar government to “respect the results of the 1990 elections” or, later more generally, “restore democracy.” From its third year (1993) and onwards, the General Assembly resolutions have specifically requested the assistance of the Secretary-General in implementing the resolution. The most recent resolution from December 2011 is over six pages long—equal in length to the early reports on Myanmar of the Secretary-General to the General Assembly.⁷

A SUCCESSFUL HUMANITARIAN MISSION

The first high-level UN envoy to visit Myanmar was then Under-Secretary-General Jan Eliasson. Eliasson had been the permanent representative of Sweden to the UN in 1991 and helped push the first resolution on Myanmar in the General Assembly. In February 1992, when Myanmar's conflicts spilled over into Bangladesh in the form of 250,000 Muslim refugees, Eliasson—as the head of the newly created UN Office for the Coordination of Humanitarian Affairs (OCHA)—travelled to negotiate between Bangladesh and Myanmar.⁸ The influx of large numbers of refugees constituted a threat to the poor and already densely populated Bangladesh. And with increasing numbers coming across the border, the Khaleda Zia-led government found it hard to cope with the burden and requested third party mediation.

Eliasson's mission had an entirely humanitarian focus: to lessen the suffering of civilians and to prevent the humanitarian crisis escalating into an intrastate dispute. Thus, when the envoy held talks in Dhaka and Yangon over some intense weeks in March and April, no reference was made to the political situation. Aung San Suu Kyi and the 1990 election were deliberately left out of the conversation. At the end of Eliasson's mission, the two parties issued a joint statement on voluntary repatriation. The envoy was seen as having successfully secured the return of the expelled refugees. This early mediation experience could have provided useful lessons for the future good offices, as the success of this approach seems to suggest that more could have been achieved in humanitarian, economic, and even human rights terms (all areas were part of the official General Assembly mandate from early on), had the good-offices mandate been approached differently.

SECURING A GOOD-OFFICES MANDATE

In 1992, Francesco Vendrell became director of the UN's Asia and Pacific Division.⁹ Vendrell felt strongly about the Myanmar issue and thought that the UN ought to be able to do more to show solidarity with Aung San Suu Kyi and the democracy movement. But “there was no way the Burmese would accept a good offices role for the UN just like that. They needed to be trapped,” a person closely involved conceded.¹⁰ The annual resolution was normally adopted by

consensus, and it would be important not to provoke a vote. The resolution could not explicitly ask the Secretary-General to appoint a special representative charged with mediating between a regime and someone it viewed as a dissident. There was no precedent for this at the UN. A draft text that raised even the slightest suspicion that the UN was taking on a more active role would likely open up a debate and lose support from the many member states that had a firm policy of non-interference.

In 1993, without much consultation with his superiors, the Asia-Pacific director schemed with the Swedish delegation to the UN. Sweden, a country keen on the international promotion of human rights, had been one of the main sponsors of the initial resolution (under the leadership of Jan Eliasson as Sweden's permanent representative to the UN). With the Swedes advocating on its behalf, the Secretariat liaised closely with other Western member states and agreed on a wording that would be discreet enough not to raise any alarm bells among Non-Aligned Movement (NAM) countries yet would provide sufficient basis for increased political engagement. According to plan, an almost unnoticed line was inserted in the resolution that passed without a vote in December 1993. It simply "requests the Secretary-General to assist in the implementation of the present resolution"—a sentence which would pave the way for a broader political mandate for the UN, as solicited by the Secretariat.¹¹ The UN was moving into uncharted territory. For the first time in history the organization was suggesting the use of an armed conflict mediation tool for democracy promotion and regime change.

With the resolution in place, Sweden requested that Secretary-General Boutros Boutros-Ghali lay out a plan and explain what he intended to do. The wheels were set in motion for the dispatch to Myanmar, in early 1994, of the first representative of the Secretary-General, Rafeuddin Ahmed. Ahmed, a national of Pakistan, had served as Under-Secretary-General for Political Affairs and as the Secretary-General's chef de cabinet. By the time he went to Myanmar he was executive secretary of ESCAP, the United Nations Economic and Social Commission for Asia and the Pacific (1992–1994). Ahmed was never formally appointed envoy for Myanmar but was asked to lead this first delegation primarily tasked with delivering in person a

letter from the Secretary-General to the Myanmar leadership. The next delegation to visit the country, in 1995, would be led by Assistant Secretary-General for Political Affairs Alvaro de Soto.

Good Offices as Distinct from Special Rapporteur on Human Rights

The idea behind the line in the General Assembly resolution “requesting the Secretary-General’s assistance” was to create a clear mandate for the Secretary-General to exercise his good offices in trying to settle the issue in Myanmar. The term “good offices,” as UN scholar Teresa Whitfield puts it, is poorly defined but “has evolved very helpfully to mean almost anything—from a well-timed telephone call by the Secretary-General, to exploratory conversations, or a full-fledged mediation effort conducted in his or her name.” To conduct good offices or mediation “entails a process of dialogue and negotiation in which a third party assists two or more conflicting parties, with their consent, to prevent, manage or resolve a conflict without recourse to force.”¹² This role is distinct from the role of a special rapporteur, whose mandate it is to “examine, monitor, advise and publicly report.”¹³

In theory, however, the Secretary-General doesn’t need a General Assembly or Security Council resolution to take initiatives providing his good offices, although it can be helpful for budgetary reasons. The Secretary-General can at any point, in any context, choose to exercise his good offices by referring to Articles 33(1) and 99 of the UN Charter.¹⁴ The latter clause permits the Secretary-General to bring matters to the attention of the Security Council and was in essence enshrined in order to give the Secretary-General some power of agency. In 1954, Dag Hammarskjöld set the precedent for the Secretary-General using Article 99 to distance himself from resolutions adopted by the General Assembly. In what has become known as the Peking Formula, Hammarskjöld distanced himself from a condemnatory resolution initiated by the US in the context of China’s detention of US airmen. The move effectively enabled Hammarskjöld to safeguard his impartiality as mediator and maintain credibility in his dealings with China.

WESTERN SANCTIONS AND DWINDLING AID

While the UN was moving into a mediation role in Myanmar, Western member states were ratcheting up the pressure on the military regime in ways that would significantly impact the ability of successive secretaries-general to carry out their mandates. In direct response to the bloody crackdown in 1988, Western governments suspended aid to Myanmar. First was West Germany, Myanmar's second largest donor (after Japan). Others would follow in quick sequence: the United States suspended all arms sales and foreign assistance to the country except humanitarian aid, Japan suspended its economic aid, and the European Community suspended its development aid. While Japan soon reversed its decision and resumed most aid, the Bush administration in the United States moved quickly to further strengthen its new sanctions regime. The United States downgraded its Embassy in Yangon, to one headed by a *chargé d'affaires* instead of an ambassador. In December 1988, the US de-certified Myanmar from the list of countries cooperating in efforts against narcotics, a decision that not only terminated all US anti-narcotics assistance to Myanmar but would also have much wider implications, including for multilateral financing through the IFIs. In April 1989, the Bush administration suspended Myanmar's eligibility for benefits under the Generalized System of Preferences (GSP). A few months later, Aung San Suu Kyi called on foreign countries to impose a complete economic boycott, including a trade embargo—a message she would reiterate on several occasions during the 1990s and has only publicly retracted in 2012.

With the aid cut-offs in full swing in 1991, the UNICEF country director in Myanmar, Rolf Carrier, was already warning of a “silent emergency” afflicting Myanmar's poorest, especially its children.¹⁵ The country was in desperate need of humanitarian and development assistance. Aid to alleviate the growing humanitarian crisis, he argued, should not have to wait for the right government. Yet despite experts' calls for increased assistance to the Myanmar people, Western countries, spearheaded by the United States, went in the opposite direction by imposing restrictions on UN development activities in Myanmar. In 1994, the Governing Council of the United Nations Development Programme (UNDP) instructed that the UN's main development agency could no longer operate a normal country

program in Myanmar.¹⁶ The new rules of engagement aimed to avoid strengthening the regime. In practice, this meant eliminating anything that could be seen even remotely as developing the capacity of government officials.¹⁷ Instead of working through the government as in any normal country engagement, in Myanmar the UNDP and its implementing partners would work directly with grassroots actors, essentially like a large nongovernmental organization (NGO). The projects would focus particularly on areas of primary health care, HIV/AIDS, and food security. Together with the termination of all assistance by the IFIs and similar restrictions by bilateral donors, this essentially meant that Myanmar's government for the next two decades would be denied all support for development programs, including any technical assistance or capacity building. The only exception was some smaller initiatives by Japan and the Association of Southeast Nations (ASEAN), and more recently, China. Not only that, but Myanmar's people would in practice also be denied most assistance even for basic needs. While European donors in particular have been gradually expanding humanitarian assistance outside government structures since the early 2000s (initially due to concerns over HIV/AIDS and, later, the cataclysmic impact of Cyclone Nargis), by the time the State Peace and Development Council (SPDC) transferred power in 2011, official development assistance (ODA) to Myanmar remained a meager \$6 per capita, one of the lowest levels of aid for any of the least developed countries in the world. This has significantly limited the Secretary-General and his envoys, who have had only a highly truncated UN system at their disposal for the good-offices efforts.

SLORC STARTS CONSTITUTIONAL DISCUSSIONS

In 1992, General Saw Maung was replaced by General Than Shwe as chairman of the SLORC and commander in chief of the armed forces. General Maung Aye became vice chairman of SLORC and head of the army, while military intelligence chief General Khin Nyunt remained as secretary-1 of SLORC and number three in the hierarchy. Ohn Gyaw, a civilian, was appointed foreign minister. A year later, in 1993, the SLORC government convened the National Convention, tasked with laying down the principles for the writing of a new constitution. Despite being granted only 97 seats in the 702-member assembly, the

NLD joined this forum and for nearly three years worked alongside political parties, ceasefire groups, and various other functional groups. Many of the basic principles for the later 2008 constitution were drafted during these first few years. But the National Convention was soon criticized for being predetermined, serving only to enshrine the leading role of Burma's armed forces in the future affairs of the state. The discussions were widely perceived as controlled and the proceedings and decisions as untransparent. Delegates attempting to put forward proposals were reportedly intimidated by military intelligence.¹⁸

On September 20, 1994, General Than Shwe and Intelligence Chief Brigadier General Khin Nyunt met in direct talks with Aung San Suu Kyi for the first time since she was placed under house arrest in 1989. It was in this context that the UN decided to put action behind the words of the General Assembly resolutions. The next six UN missions to Myanmar, between 1995 and 1999, would be led by Assistant Secretary-General for Political Affairs Alvaro de Soto.

Chapter Two

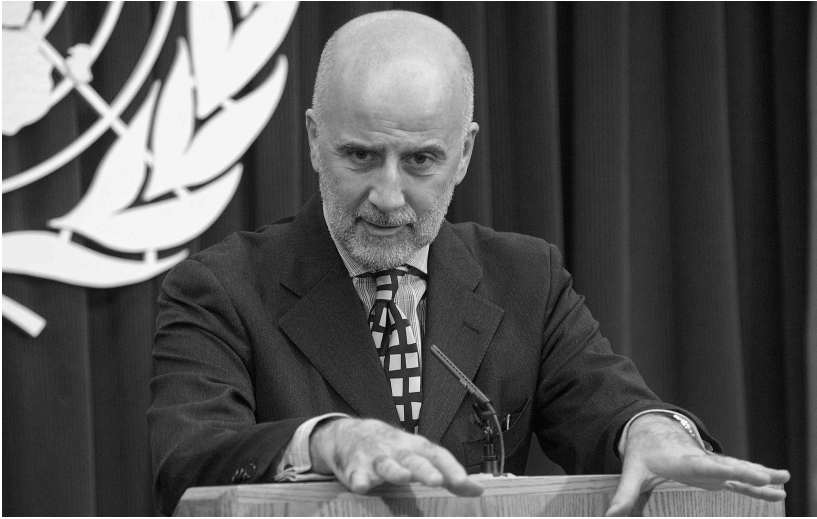
THE FIRST ENVOY: ALVARO DE SOTO (1995–1999)

Aid and Economic Development for
Political Progress

Alvaro de Soto, a Peruvian diplomat and long time UN staffer who had been brought into the Secretariat by his compatriot Secretary-General Javier Perez de Cuellar in 1982, came with a wealth of experience in dealing with military juntas. By the time he was appointed Assistant Secretary-General for Political Affairs in 1994 (responsible for the Americas, Europe, Asia, and the Pacific), he was an accomplished mediator having brokered peace accords that brought an end to decade-long civil wars in El Salvador, Guatemala, and Nicaragua, as Boutros Boutros-Ghali's personal representative for the Central American peace process. He was probably as prepared as anyone could be to take on the self-appointed military leadership in Myanmar. Unlike in Central America, however, he had little support from member states, or, for that matter, from the UN itself.

A FOOT IN THE DOOR

No one in the Secretariat believed that mediation efforts under the good offices would lead to a quick political breakthrough, but it would send a clear message of United Nations' support for the Myanmar people's democratic aspirations. "The good offices was really meant by some proponents to strengthen the opposition's hand in its own dealings with the SLORC."¹ The resolution would provide at least a foot in the door for engagement, through which the potential for talks could be explored. While a few visits wouldn't persuade the regime, it would allow the Secretariat to start building some relations on the ground in preparation for the change they believed would eventually



Alvaro de Soto (UN Photo).

come.² And if nothing else would come of it, “at the very least the UN would come out on the right side of history.”³ While this perhaps seemed sensible at the time, it would prove to be an overly optimistic assumption. Instead, the good-offices mandate became a sticky wicket for successive secretaries-general and their envoys.

At first, the good-offices engagement was mainly “going through the motions.” De Soto describes his first missions in February and August 1995 as analogous to “visits to the dentist.”⁴ They were checkups that had to be done. The trips were routinely organized in the context of preparing the annual reports of the Secretary-General to the General Assembly. Talking points for meetings with the Myanmar government were closely scripted based on the General Assembly resolution, systematically addressing every paragraph. The Myanmar officials had equally scripted responses to every question and issue brought up. During none of these first political missions did Senior General Than Shwe receive the Assistant Secretary-General. Meetings were held with SLORC secretary-1, Intelligence Chief Khin Nyunt, and the chairman of the Constitution Drafting Committee, Chief Justice Aung Toe. As the outward face of the regime, Khin Nyunt at the time was generally seen by foreigners as the person calling the shots.

De Soto was aware that the military men were interpreting all events in the country through a narrow security paradigm.⁵ This was not unique to the Myanmar regime. In fact, he saw a clear kinship between the SLORC and the juntas of the Americas of the 1970s and 1980s: the opaqueness and the suspicions between the generals, who were always checking on each other, and the inability of anyone to make any decisions on their own. This was reflective of the fear culture of a strongly centralized bureaucracy. The envoy recalls how, during one of his early visits, Khin Nyunt took him to a room with a television and showed him documentary images from the violent clashes in 1988, when the SLORC first took over. The images were graphic, depicting beheadings in the streets and other gory details. “We took power to avoid a repetition of chaos,” Khin Nyunt had explained, and added, “Myanmar is complex, with many ethnic groups and no social cohesion. One should not assume that it would be enough to satisfy Aung San Suu Kyi.”⁶ Considering the country’s history, the generals saw the army as a last bulwark against a plethora of centrifugal forces threatening to pull the country apart.⁷

Aung San Suu Kyi was released in July 1995. Although the release came shortly after de Soto’s second visit, the envoy admits that he did not have much to do with the junta’s decision.⁸ Aung San Suu Kyi’s release, however, was a welcome development and seen as a sign that the situation might have ripened. Perhaps an opportunity was at hand for compromise and reconciliation. But when de Soto during his next visit in August tried to encourage the SLORC and Aung San Suu Kyi to resume direct talks, the SLORC refused, arguing that Aung San Suu Kyi was an ordinary citizen and that it would not be fair to single out only one of many political parties for such talks.⁹ Nothing should detract attention from the National Convention, which the Myanmar leadership regarded as the designated forum for dialogue. Even if a compromise might have been possible, it was not clear that either side saw the usefulness of the UN facilitating talks.

In November 1995, Aung San Suu Kyi and the National League for Democracy (NLD) walked out of the National Convention in protest over the undemocratic procedures. As a result, the party was formally expelled by the authorities. Four months later, in March 1996, Aung San Suu Kyi demanded that the SLORC convene the 1990 parliament.

And in December 1996, student protests erupted in downtown Yangon and Mandalay. Senior General Than Shwe accused Aung San Suu Kyi of inciting the protests, which, while relatively small, posed the most serious challenge to the regime's rule since the 1990 elections.¹⁰ Clearly, there had been no softening of positions on either side. De Soto made no return visit that year, and the special rapporteur on human rights, Yozo Yokota, resigned citing inadequate resources to carry out the work.

MYANMAR'S FIRST "GROUP OF FRIENDS"

In an effort to bolster the good offices, a contact group was formed, the Informal Consultation Mechanism for Myanmar (ICMM). It was a small group comprising representatives of Australia, Canada, Japan, Malaysia, Sweden, Thailand, the UK, and the US. Conceived as a contact group of like-minded countries, the gathering deliberately excluded any sympathizers of the regime. De Soto, who had been the first to coin and form a "Group of Friends of the Secretary-General" (on El Salvador), would not call this one by that name. For it to be a real "group of friends," de Soto remarked, "the group was missing at least two key members: India and China. The friends group had no support from these two countries. China refused to discuss the issue altogether. They were completely absent from the good offices' entire approach in those days."¹¹ The group met sporadically, every few months. During these meetings the US and the UK worked to get Asian countries' support for increased pressure on Myanmar. While the United States had an interest in the issue, it was with a singular focus on democracy. "Myanmar was not sufficiently high on the agenda for the US to be contributing to an effective solution of the stalemate," recalled the envoy.¹² It had been different with El Salvador, de Soto's earlier successful mediation, which was located in the United States' backyard and had a war going on in plain view of Americans and the administration's home constituency. The envoy thus knew that the prospects for a breakthrough were limited.¹³

RAISING THE PROFILE UNDER A NEW SECRETARY-GENERAL

In January 1997, Kofi Annan succeeded Boutros Boutros-Ghali as Secretary-General of the United Nations. There was little to show for

the UN's efforts in Myanmar over the previous years. De Soto had made two visits to the country, but neither he nor the human rights rapporteur had been granted access during 1996.¹⁴ A meeting was held instead at UN Headquarters between de Soto and Myanmar's minister for foreign affairs, Ohn Gyaw.¹⁵ Another meeting took place in Bangkok between Ohn Gyaw and the UN's Asia-Pacific director, Francesco Vendrell, who were both travelling in Southeast Asia on other business at the time.¹⁶ The fiftieth anniversary of the *Universal Declaration of Human Rights* was coming up the following year. It was time to upgrade the UN's profile in its dealings with the regime in Myanmar. 1997 was also the year when US President Bill Clinton passed his executive order banning all new US investments in Myanmar, thus significantly stepping up international pressure. And so in 1997, in advance of his third visit to the country, de Soto was officially appointed as the first special envoy of the Secretary-General for Myanmar.

The appointment of de Soto as special envoy was a formality. While symbolically significant, it didn't mean much in terms of concrete resources, and it didn't mean that de Soto could dedicate his time fully to the Myanmar issue. Throughout, he maintained his responsibilities as Assistant Secretary-General for Political Affairs in charge of Europe, Latin America, and the entire Asia-Pacific region. He reported to the Secretary-General through Marack Goulding, the Under-Secretary-General for Political Affairs. The Department of Political Affairs was small at the time relative to today's number of staff. Apart from the active engagement of Vendrell who remained the director for Asia and the Pacific, only one junior political affairs officer was assisting the envoy, Hiroko Miyamura, who also handled a handful of other countries including China and Cambodia.

Information between visits was scarce. The desk officer tried to put together briefing papers and updates, but it was tricky to access and assess information at a time when the Internet was not used much at the UN.¹⁷ The Secretariat relied largely on exile groups and NGOs on the Thai border for information about what was happening inside the country. The Secretariat was also in close touch with the Thailand-based government in exile, the National Coalition Government of the Union of Burma (NCGUB).¹⁸ But the envoy was well aware that this

was not adequate for a mediation effort. “The lack of information is a perennial problem in the UN. And there’s only so far a mediation mandate can take you if you don’t have the means to make assessments based on informed analysis,” de Soto explained.¹⁹ The UN resident coordinator and UNDP resident representative on the ground in Yangon, Siba Das, was a helpful asset for the good offices. But he was careful not to be seen as having any direct part in the UN’s political effort.²⁰ UNDP already carried out its activities with great difficulties, constrained by its governing council. The resident coordinator did not accompany the envoy in his meetings with the government. During the time when Aung San Suu Kyi was not under house arrest, the resident coordinator would have her over for lunch at his residence every two months or so.²¹ Apart from briefing her on the programs of UNDP and getting her views, these meetings also served to convey messages from the envoy. It was assumed that the Myanmar government did not approve of their meetings, and the resident coordinator took care that the government did not perceive him to be seeing Aung San Suu Kyi too often.²² In between meetings, a UNDP staffer close to the NLD served as a messenger between the UN and Aung San Suu Kyi.²³ There were no similar back-channel arrangements between the envoy and the Myanmar authorities. The envoy relied entirely on official channels through the Myanmar representative to the UN in New York for assistance in arranging his semiannual meetings.

If nothing else, at least the upgrade to the formal rank of special envoy for Myanmar seemed to help secure meetings at the highest level. But, as de Soto later put it, “to get the Myanmar government to agree to a visit was an achievement in itself.”²⁴ Under the unspoken threat that the government would be branded as uncooperative unless the visits included meetings with all persons the UN wished to see, the envoy managed to see Aung San Suu Kyi during all six missions. In a 2011 interview he remembered her as “bright and articulate, with a strong personality,” someone who “held strong views and adhered to them unflinchingly.”²⁵

While the UN transitioned to new leadership under Kofi Annan, the Myanmar government was undergoing its own restructuring. Also in 1997, after several generals were accused of corruption, General Than Shwe dissolved the ruling SLORC and created in its place the

new State Peace and Development Council (SPDC). Apart from the top four generals, all other members of the SLORC were retired in the reorganization, and fifteen new high-ranking military officers were brought in. General Khin Nyunt remained as secretary-1 of the ruling council and would increasingly come to function as the de facto prime minister. However, Colonel David Abel, who as minister of finance and planning had been the driving force behind the SLORC's market-oriented economic reforms in the early 1990s, lost his line-ministry role, retaining only a more circumscribed cabinet post to deal with foreign relations. The name change ostensibly indicated that the interim military government was moving into a new, more development-oriented phase, but to outside observers it was hard to identify any immediate changes.

ASEAN TAKES A STANCE AND THE NLD GROWS IMPATIENT

In the mid-1990s, the Association of Southeast Asian Nations (ASEAN) was only starting to find its voice, and its internal position on Myanmar was still taking shape. Prime Minister Mahatir of Malaysia had vowed to make ASEAN a ten-member organization before the end of the millennium.²⁶ Despite external pressure and appeals from the United States not to let Myanmar into the organization, ASEAN members agreed to admit its neighbor. Myanmar became a full member in July 1997. In addition, ASEAN leaders affirmed their view that “constructive engagement” would have more positive effects than imposing sanctions.²⁷ Just a few days ahead of the EU-ASEAN summit in November 1997, the EU—citing its ban on contact with senior Myanmar officials—refused to attend unless the newest member, Myanmar, was only a “passive observer” at the meetings.²⁸ To further underline its point, the EU extended its bans on non-humanitarian aid, visas for ruling military leaders, and the sale of military equipment to Myanmar.²⁹ During the ASEAN ministerial meeting in Manila the following year, ASEAN countries debated a proposal to break with the traditional policy of non-interference in favor of “flexible engagement.” The Thai proposal, which argued that ASEAN could have more influence by working with the junta, was supported by the Philippines. But other ASEAN members, led by Singapore, Indonesia, and Malaysia, strongly opposed the plan. In the

end, the meeting informally adopted a vaguely defined formula of “enhanced interaction,” which would permit the group to comment on domestic issues and seek to help a member country addressing internal problems with external implications.³⁰ Critics claimed that the admission of Myanmar into ASEAN removed any leverage other members states might have had over the Myanmar government and bolstered the confidence of the military leadership.

With the tenth anniversary of the “8/8/88” brutal crackdown coming up, the NLD renewed its call for the convening of the 1990 parliament, this time with a deadline attached. The UN was worried that another confrontation was waiting to happen. The friends group tried to prepare a common response in the event of any of the following scenarios: (1) protests breaking out, (2) Aung San Suu Kyi being harmed, (3) the NLD being banned, or (4) the NLD announcing a new or shadow government.³¹ The Secretary-General informed the government of Myanmar that he wished to send the Malaysian permanent representative to the UN, Razali Ismail, as his emissary to the country to monitor how the situation developed around the anniversary.³² It was not spelled out why Razali would go in place of de Soto. This initial suggestion to have an Asian emissary marked the start of the UN’s attempt to engage regional governments in the good-offices effort. But the Secretary-General’s request was rebuffed. No emissary of the Secretary-General was welcomed to the country on this occasion, Asian or otherwise.

CONTEMPLATING NEW ENTRY POINTS

When, by 1998, the annual missions of the envoy had produced no tangible results, the UN had to start thinking anew about entry points. De Soto knew that the resolution he was going to Myanmar with represented a tall order. “For any negotiation to succeed,” according to de Soto, “you need to find some common ground, start with issues both parties could have an interest in discussing.”³³ Pressure and threats were unlikely to change the regime. There needed to be more positive incentives for them to engage with the opposition and with the good offices.

The envoy first considered whether the UN could help resolve the ethnic conflicts. By this time, more than a dozen ceasefires were in

place, but there had been no real progress toward consolidating the peace, and several other groups remained in rebellion, including the Karen National Union (KNU), the Karenni National Progressive Party (KNPP), and the Shan State Army South (SSA-S). In a big offensive against the KNU in 1995, the Myanmar Armed Forces—known as the Tatmadaw—had overrun nearly all the bases of this oldest and strongest of insurgent groups, including its headquarters in Manerplaw, which had also been the headquarters for the democracy movement in exile. The 1997 General Assembly resolution urged “the Government of Myanmar to engage, at the earliest possible date, in a substantive political dialogue with Aung San Suu Kyi and other political leaders, *including representatives of ethnic groups*, as the best means of promoting national reconciliation and the full and early restoration of democracy.”³⁴ But the UN didn’t know enough about the ethnic issues, the envoy admits.³⁵ And despite their mention in the General Assembly resolution, “it wasn’t really thought to be part of the good-offices mandate in those days.”³⁶ Besides, the issue of ethnic nationalities was very sensitive for the government, one in which they didn’t want any outside interference. Trying to further the peace with ethnic minority groups was thus deemed a non-starter.

Instead, de Soto decided to look at the economy. Myanmar under the SLORC had gone through a seemingly half-hearted attempt to liberalize its economy. A pipeline to Thailand was completed in 1998 and the country’s first revenues from natural gas sales started coming in. But the country was still broke. During his visits, de Soto had observed that Myanmar would need substantial help in rebuilding its economy. The needs were immense for infrastructure development, including roads, electricity, and fiber optic cables, and surpassed what the neighboring region could dream of providing. For de Soto, it thus seemed that a possible way of inducing the regime’s cooperation was to bring in economic issues in parallel with the political, and more particularly to try to develop a “carrot” for the regime:

The idea was for me as the UN envoy to include in my delegation on my next visit to Myanmar a World Bank official sufficiently authoritative to explain to the SPDC that in order to bring itself up to par with its ASEAN neighbors and partners in basic infrastructure, it needed international investment of an order of magnitude that could only be generated by an international financial institu-

tion such as the [World] Bank. By including a World Bank official as part of the good offices delegation, I also wanted to send the message to the junta that it was the UN that held the key—i.e., the junta would have to satisfy the UN that they were moving in the direction that the UN demanded in the General Assembly resolutions.³⁷

Within the UN, the idea was met with skepticism. The presumably neutral international civil servants were in reality as divided over the issue as the international community at large. And there were those who didn't make much of the economic openings, who thought them "token and benefiting just a few."³⁸ Even if the initiative were to be treated merely as a potential entry point, the UN would have to tread carefully to avoid any perception that it was abandoning Aung San Suu Kyi. As one strong voice within the Secretariat at the time declared, "The UN is not in Myanmar to start to build policy. We are there to protect one person."³⁹ But de Soto persisted.

MYANMAR AND THE WORLD BANK

The World Bank had stopped all assistance to Myanmar after 1988. Despite a formal pledge to work with all its members without any political reservations,⁴⁰ the World Bank had found itself under pressure from powerful shareholders not to provide assistance to Myanmar. Apart from staff participation in the annual "Article IV" missions of the International Monetary Fund (IMF) and supervision of projects funded before 1988, it had been five years since a World Bank official last visited the country. The results of the World Bank's latest thorough assessment of Myanmar's economy had been published in 1995.

In 1998 Myanmar stopped paying its debts, and the World Bank formally declared Myanmar in arrears. Myanmar, however, remained a member of the World Bank and continued to attend meetings and call for the relationship to normalize.

While there were World Bank staff who felt that the implications of the decision to go into arrears should be explained to Myanmar and recommended a mission for this purpose, shareholders were still opposed to the bank's staff travelling to the country. But when Myanmar extended an invitation to the executive director (who

represents a group of Southeast Asian countries including Myanmar on the board of directors), and the executive director in turn requested that a World Bank official accompany him on the trip, a visit by a World Bank official—the first in five years—could finally take place in mid-1998.⁴¹ Brad Babson, a senior advisor in the office of the Regional Vice President for East Asia and Pacific with responsibility for the World Bank's relationship with Myanmar accompanied the executive director on the visit. Babson returned to Washington, DC, with the clear impression that the government of Myanmar was sincere in its request for advice on economic issues.⁴²

CHILSTON PARK: AN AID CARROT TAKES SHAPE

At some point during the summer of 1998 de Soto started to explore the idea that the UN and the World Bank would join efforts around a potential aid “carrot.” It was time to convene member states and to do it on a higher level than meetings of permanent representatives of the ICMM in New York. Derek Fatchett of the UK Foreign and Commonwealth Office offered to host a meeting to discuss options and to get the international community's support for a plan. In October 1998, at Chilston Park deep in the countryside of Kent in Southeast England, foreign ministers, policymakers, and Yangon-based ambassadors and representatives of over a dozen countries⁴³ gathered to discuss with UN and World Bank officials under the Chatham House rule. Participants would later tell of a fractious discussion. There were avid proponents of a strong sanctions policy against Myanmar (the US and UK supported to varying degrees by Canada, Norway, Portugal, and Sweden) and “conciliators” who resisted (France, Germany, Japan, Malaysia, South Korea, and Thailand). Completely absent, as in the meetings of the ICMM, were China and India.

At some point during the Chilston Park discussions the question was asked, “If, hypothetically, there was to be an ODA [official development assistance] effort, what level of funding would we be talking about?”⁴⁴ A World Bank official cautioned that it was premature to begin discussing how much money might be required. The proposal was nowhere near that stage. However, he explained, there were two ways of roughly estimating the amounts that might be

mobilized for Myanmar should the relationship normalize. First, one could recall the pledges made by Japan, Germany, and others in 1987. Back then the ODA package was in the range of roughly \$1 billion a year. Second, one could look at a comparable economy that had normal relationships with the IFIs. Vietnam, also under sanctions until the early 1990s, was mentioned as a country of approximately the same GDP but with a population almost twice that of Myanmar. Given that Vietnam at its first donor meeting received ODA pledges of about \$1.8 billion, an estimate of the scale of start-up ODA funding needed for Myanmar could be approximately half of that. And so the number \$1 billion was arrived at as a reasonable price tag on a carrot.

Despite efforts to keep the discussions confidential, the news broke prematurely in the press just a few weeks later. Someone attending the meeting gave the scoop away to a journalist. Under the headline “\$1 Billion if Generals Will Talk with the Opposition,” a very preliminary discussion and hypothetical estimate was publicized as fact and commitment: “The United Nations and the World Bank have entered into secret negotiations...to offer the ruling military regime \$1 billion in financial and humanitarian aid in exchange for opening a dialogue with the opposition.”⁴⁵ The article even outlined a detailed set of step-by-step compromises that would supposedly have to be made, in turn, by the Myanmar government and the opposition, and these would be rewarded with increasing amounts of international assistance. This was a gross misrepresentation of de Soto’s plan, which was more prudent and exploratory. At no time was there a detailed plan for how the dealings with the junta would unfold, or a sequence of quid pro quos. The idea was simply to “test the waters.”⁴⁶ Yet, humiliated at the suggestion that they could be bought (and perhaps angry that such a proposal had not been anchored with them first), the Myanmar foreign minister’s response to the proposal was, “This is like offering a banana to a monkey and asking it to dance. We are not monkeys. We won’t dance.”⁴⁷

De Soto would later lament the unfortunate role played by the press at this juncture: “The idea of the UN brokering [a World Bank] engagement, initially jumped at by the SPDC, has not yielded results so far, partly due to unfortunate distorted press stories that triggered a paranoid reaction [by the government], fed also by almost equal

paranoia among supporters of Aung San Suu Kyi in NGOs abroad and particularly in the US Congress.⁴⁸

NAVIGATING BETWEEN SCYLLA AND CHARYBDIS

Some sort of deal might still have been possible if couched in a face-saving formula. But the Myanmar government was not the only obstacle. The real difficulty would prove to be convincing the United States of the merits of de Soto's proposal. The United States argued that Aung San Suu Kyi's preconditions would have to be spelled out and acknowledged by the SPDC before the United States would allow the World Bank even to participate in the proposed mission to Myanmar. And even though the envoy had not yet had the chance to discuss the proposal with Aung San Suu Kyi, her preconditions were articulated for her by Washington: "Release all political prisoners and let NLD operate freely. These conditions must be met before any carrots are given," Secretary of State Madeleine Albright wrote in a letter to the Secretary-General.⁴⁹ By December 1998, the attempt had spiraled way beyond the two sides the UN was struggling to mediate between. It was clear that it was no longer about the Myanmar regime's disinterest in what the UN had to offer. The envoy was not even given the chance to explore what might be of interest to Myanmar. And it was no longer about Aung San Suu Kyi's bottom line. It was more about a firm line held by a powerful member state.

The sentiments among member states became so entrenched and hardline that they added a layer of difficulty to the mediation effort. At the end of the year, de Soto found himself between a rock and a hard place as far as support for his strategy—or any UN strategy on Myanmar—was concerned. In his own words, he had to "navigate carefully between the Scylla of Japan's enthusiasm and the Charybdis of US reticence."⁵⁰ Consequently not much space was left for creative approaches on the part of the envoy. (In Homer's classic, Odysseus, forced to choose between the two perils, opted to sail past Scylla and lose only a few sailors rather than risk the loss of his entire ship in the watery vortex of Charybdis.)

Frustrated over the lack of support from the United States, de Soto in December 1998 requested an urgent policy-planning meeting to discuss the way forward. In a phone conversation with the envoy, the

UK Foreign and Commonwealth Office noted that Aung San Suu Kyi herself had now adopted a more flexible and malleable line than the US State Department.⁵¹ The point was proven when, a few days before Christmas, Aung San Suu Kyi acquiesced to de Soto's plan.⁵² A visit by the UN, accompanied by the World Bank, now gained Aung San Suu Kyi's blessing. Aung San Suu Kyi promised she would inform the United States of her endorsement. Three months later the United States came around "agreeing not to oppose" a World Bank official accompanying de Soto, as long as the official was not senior⁵³ and would make no commitments.⁵⁴ The United States was adamant that Myanmar could not receive any IFI loans until irreversible progress had been made toward democracy. But this was never really contested and should not have been the deal breaker, de Soto later reflected: "Myanmar knew well they could not get money from the IFIs, they were interested in the [World] Bank only for its technical assistance and advice."⁵⁵

As the endorsement of a World Bank travel companion had been slow in coming, de Soto had tried to undertake another mission to Myanmar in the meantime. But a World Bank representative short, the delegation was given the cold shoulder by the regime. De Soto's visit was off and on and then off again over the course of 1999. Several weeks after Albright's formal green light, the envoy's trip was still being held up. Further, with only lukewarm US support, the World Bank was reluctant to fully embrace the new engagement, however limited.⁵⁶ The initiative was going nowhere.

In June 1999 the World Bank put together a mission to Myanmar independently of the UN envoy. The World Bank team traveled to prepare a poverty assessment report that would complement the annual IMF Article IV Consultation Report. The team met with Aung San Suu Kyi to discuss the main findings at a lunch hosted by the Australian Ambassador with the advance knowledge of the government. This was a positive event, and a draft of the report was prepared over the summer and circulated to the government, Aung San Suu Kyi, and key countries prior to de Soto's next visit. Later the report was leaked to the press and eventually also given to the international NGO community and was generally positively received.⁵⁷

A POINT OF DIMINISHING RETURNS

The envoy eventually managed to travel to Myanmar accompanied by a World Bank official in October 1999, a year after de Soto's plan had been discussed at Chilston Park. But the trip was made possible only after the United States had been reassured that no commitments regarding future aid would be made during the trip. As insurance, the United States insisted on a more junior official being dispatched from the World Bank in place of the official who had participated in past missions for the bank. This meant that instead of building on existing rapport and relations developed in the past, new contacts between Myanmar authorities and the World Bank had to be established over a few days. The World Bank employee who accompanied de Soto was the primary author of the June 1999 poverty assessment report, and the idea was to discuss possible ways to collaborate on addressing the findings and recommendations of the poverty assessment.⁵⁸ By this time, however, the SPDC had cooled off dramatically at the idea of the UN brokering a deal with the IFIs.⁵⁹ The envoy felt that it was "too little, too late."⁶⁰ And Aung San Suu Kyi had similarly retreated. Recalling his last meeting with the opposition leader, de Soto remarked, "She had an outburst over how the World Bank issue had played out. It was horrendous. She was firm in the view that nothing could come Myanmar's way that the SPDC could take credit for. She wanted to withhold everything in order to try to punish the regime. I candidly explained that I was not giving them anything, I merely wanted to show them a picture of a carrot."⁶¹

Follow up by World Bank staff after de Soto's mission was again constrained by the bank's management, who insisted that the government first make a pledge to address underlying economic policy reform issues.⁶² Such a pledge was not forthcoming. As a result, the poverty assessment report was never formally discussed with the government nor finalized.

For de Soto, the whole experience confirmed what he had long suspected: that the situation in Myanmar simply was not ripe for mediation. In a note to the Secretary-General in late October 1999, he expressed deep pessimism about the prospect of the good offices, which he felt had reached "a point of diminishing returns."

The SPDC has never been enthusiastic, treating the visits of your special envoy as a major concession and an end in itself, discouraging any intermediation between it and the opposition.... The NLD seems to have concluded that at some point SPDC will crack and fall and don't seem to be unfazed at the prospect that it could be a long wait for it to happen. Aung San Suu Kyi describes her confrontational approach as psychological warfare, in which every bullet counts. She is not willing to let the SPDC take credit for anything at all and is therefore unwilling to give her blessings to any engagement with the SPDC. She rejects with indignation any suggestion that the loser of any longer confrontation might be the people of Myanmar.⁶³

In view of this assessment, the envoy recommended "benign detachment," that the UN stand back for a while and downgrade its leadership role. He suggested that this would put the ball back in the member states' court and force them to take more responsibility.⁶⁴ While recognizing that it might eventually be justified to upgrade the UN's involvement again, he suggested that the next General Assembly resolution should make no mention of a future visit by an envoy. The Secretary-General should be left total discretion to decide whether and when such a mission should take place, and should not routinely deploy an assistant secretary-general unless there were prospects of making headway. In view of the increasing humanitarian concerns in the country, the envoy recommended that the Secretary-General consider sending a senior OCHA official instead of a political envoy, to discuss humanitarian issues.⁶⁵

Shortly thereafter, de Soto dropped his Myanmar responsibilities in favor of Cyprus and a peace effort in which the UN's role as a mediator was actually desired by the two sides, the Greek Cypriots and the Turkish Cypriots.⁶⁶

MOBILIZING ASIA

The option of pausing the Myanmar effort was never seriously contemplated by the Secretariat or member states, however. Contrary to de Soto's tactical reasoning (aimed as much toward UN member states as the conflicting parties themselves), it was argued that such a move would signal to the regime that waiting out the international community's efforts had paid off. It was held that a more comprehen-

sive plan had to be articulated instead—a plan in which the Secretariat would draw more actively on the support of member states, particularly those of the region.⁶⁷

To flesh out this new approach and to affirm and encourage Asian governments to take more responsibility, an expanded high-level meeting of the ICMM was organized, similar to the Chilston Park meeting but this time hosted by South Korea. In March 2000, delegates from fourteen countries, the UN, and the World Bank, plus two academics, gathered at the Walker Hill meeting in Seoul.

As in earlier meetings, the conclave split between proponents of sanctions favoring the isolation of Yangon and pragmatists seeking to engage the generals. But two important agreements were reached. First, there was a general feeling, even among the most hardline governments, that more attention needed to be paid to the humanitarian situation in Myanmar, which was deteriorating. New data on a burgeoning HIV/AIDS epidemic were of particular concern. Although the United States and other Western member states remained adamant that no assistance could be provided to the military government and that the NLD must be fully consulted on any policy changes, the fact that humanitarian issues received such a prominent hearing was reflective of a growing concern in many quarters that the singular international focus on politics was unsustainable. Second, member states supported the emerging view within the UN that regional governments had a key role to play in supporting the good offices, and that the next envoy should be “a personality with stature in Asia,” preferably from an ASEAN country (since Myanmar was now a member of that organization).⁶⁸ Until that point, most regional countries had been hesitant to get involved in any form of mediation, holding the view that economic development in Myanmar, like in other Asian countries, held the key to political change. Malaysia and the other Asian tiger economies had been eyeing Myanmar with its new open-door economic policies as the next tiger cub. But the Asian financial crisis in 1997 had completely undermined this concept, leaving the neighbors exposed. There was growing recognition of the need for a political process, not just economic expansion.

A month later, in April 2000, Razali Ismail was formally appointed new envoy for Myanmar. Almost simultaneously the special rappor-

teur's baton was passed from Rajsoomer Lallah of Mauritius to Paulo Sérgio Pinheiro of Brazil. The UN now had at least the appearance of a plan—although a plan that, driven by Western member states, ignored the advice of the previous envoy—and an entirely new team.

Chapter Three

AN ENVOY FROM THE REGION: RAZALI ISMAIL (2000–2005)

Shuttle Diplomacy and Confidence Building

After many names and nationalities had been discussed at the UN, the choice of a new envoy fell on Razali Ismail, a Malaysian career diplomat who had just recently retired from the foreign service to focus on business and board meetings back in Malaysia. As former Malaysian permanent representative to the UN and president of the General Assembly, he knew the UN inside-out. Moreover, he came with the strong support of Prime Minister Mahathir bin Mohamad, who was credited with engineering Malaysia's rapid modernization and economic growth. A vocal advocate of Asian values, it is easy to imagine that Mahathir had struck a chord with Myanmar's Senior General Than Shwe, whom he had met on numerous occasions. These ties were promising. Razali would be the conduit for Mahathir's influence and bring the clout of the region to the good offices.

RAZALI'S PLAN

While the appointment of Razali was a strategic choice, more specific ideas about how to move forward with the good offices seemed to be in short supply at the UN Secretariat. It was clear to Razali that his main task was to secure the release of Aung San Suu Kyi and promote a dialogue between Aung San Suu Kyi and the SLORC. But even if the goal was clear, "the UN had no strategy," Razali later reflected, "They never discussed what could be done. Nor was there ever any attempt to quantify or qualify progress, or establish any benchmarking of achievements."¹ The envoy reported to the Secretary-General, but Kofi Annan was never directly involved. From his conversations with the Secretary-General's office, Razali gathered that he was expected to do



Secretary-General Kofi Annan and Razali Ismail (UN Photo).

little more than “just go there and observe how things were going.”² Alvaro de Soto’s end-of-assignment report was given to him as a handover note. With little involvement of the Secretary-General and the Secretariat, the envoy and his team were left to their own devices. Nothing was prepared in advance of his first trips. Plans were made as they went.

But Razali would not let a lack of central direction stand in his way, and particularly his first few years as envoy formed a period of significant initiative, innovation, and indeed some success. Strategically, three elements defined his term in office, even as tactics shifted over time. First, he dismissed Western “pressure politics” as detrimental to the cause of inducing the military regime to change and instead sought to encourage Myanmar’s rulers to “learn” from other countries in the region. Second, he broadened the agenda of the good offices. While maintaining a primary focus on persuading the military and the democratic opposition (or more specifically Aung San Su Kyi) to work together, he also recognized the importance of bringing the country’s ethnic minorities into the national reconciliation process. Third, he rejected the widespread notion that the UN’s role was simply to back Aung San Suu Kyi’s position, and set about persuading the opposition leader to adjust her hitherto highly princi-

pled stance to align with his own more pragmatic approach. Razali later commented that this took some convincing, but that on this point at least he seemed to be successful.³

REFURNISHING THE GOOD OFFICES

Razali also took a new and significantly different approach to the operational aspects of his assignment. Like de Soto, Razali formally reported to the Secretary-General through the UN Department of Political Affairs, supported by a New York-based Myanmar desk officer, Hitoki Den from Japan. But instead of moving back to New York and into the Secretariat, the new envoy set up office in his native Kuala Lumpur. He turned down offers of having a UN staffer as his aid and handpicked his own assistant, Damon Bristow, a British national funded by the UK's Department for International Development (DFID). This way, the good offices came to be almost divorced from the UN bureaucracy, at least in its day-to-day work, something that undeniably worked to its advantage. The geographical distance from New York meant that the envoy could selectively focus on countries in the region and keep Western member states at bay. Bringing the office physically to the region also largely removed the effort from the international media spotlight and the unforgiving scrutiny of pro-democracy activists in the US and elsewhere. Through these seemingly simple measures, Razali effectively created more space for his mediation effort than de Soto was ever given.

Also novel was the arrangement to have a presence on the ground in Myanmar. In Yangon, the envoy was represented by Léon de Riedmatten, a Swiss national and a former International Committee of the Red Cross (ICRC) delegate who had successfully negotiated the organization's access to the country's prisons. Through his previous work in Myanmar, de Riedmatten had gained the trust of and built unique relationships with the Myanmar authorities. Despite being from the heartland of humanitarian principles and the home of the world's human rights institutions, he had found a way to talk to the generals. He was also conveniently independent of the UN bureaucracy, which surely made his presence in Yangon easier to stomach for the Myanmar authorities.⁴ This dedicated band of "unaffiliated cowboys," to borrow a phrase from an official close to the process, would be instrumental for the Secretary-General's good offices during

the years that followed.

Razali was granted access to the country immediately upon his appointment, and on his first few visits received red-carpet treatment. As with de Soto, his main counterpart was General Khin Nyunt, secretary-1 of the SPDC and chief of military intelligence.⁵ But Mahathir's leverage seemed to work, because Myanmar's engagement increased and Razali was able to make more frequent trips, visiting the country almost every three months. In addition to Khin Nyunt he met also with Senior General Than Shwe on every other mission, and with General Maung Aye on most of his trips. The warm welcome extended to Razali was explained by cynical observers as a ploy by the regime to try to garner the support of fellow Asians.

Meetings with the government followed a similar script to de Soto's. There was usually a long speech by Than Shwe about the achievements of the SPDC, a listing of roads built and bridges constructed. At one meeting the senior general complained that he didn't understand why the international community was focusing on just "one individual" (Aung San Suu Kyi) out of a population of 55 million.⁶ But Razali took a much more proactive approach to his missions than his predecessor (and successors). The necessities of protocol, including a motorcade and state dinner, were taken care of on the day of the envoy's arrival. Once the formalities were done, the envoy would often send back the government-provided vehicle and travel with de Riedmatten in his personal car. Immediately upon entry to a country he would look at the proposed itinerary and matter-of-factly declare certain changes. By scrapping some government-suggested meetings—for example, with the military regime's civilian front, the Union Solidarity and Development Association (USDA)—Razali freed up time that was filled instead with informal meetings and dinners with businessmen, ethnic groups, and NGOs of his own choosing, organized by de Riedmatten. In between visits, he had de Riedmatten follow up and meet with other actors, whom the envoy's schedule had not permitted time to see, or who for strategic reasons were more usefully seen at working level.

THE GOOD OFFICES COME OF AGE

The early years of Razali's period as envoy arguably provide the only example of traditional mediation in the twenty-year lifespan of the

good offices. Razali had free access to Aung San Suu Kyi; in fact, he saw her twice on each visit. He would first meet with his main government counterparts and then with Aung San Suu Kyi. Then he would have a second round of meetings with the government and see Aung San Suu Kyi again after that. This created at least a minimum structure for “shuttle diplomacy” between the two main protagonists.

Able to operate outside the media spotlight, and thus to some extent free from having to justify every step to a Western audience for whom compromise was anathema, Razali was able to acknowledge the interests and fears of the government. Although he remained true to his mandate of bringing about democracy, he toned down the confrontational language of human rights in favor of a more positive model of change represented by other countries in the region. At the same time, Razali tried to “speak truth” to Aung San Suu Kyi’s principles. The envoy appears to have been rather smitten with the opposition leader. Reminiscing about their first meeting at Aung San Suu Kyi’s residence on University Avenue in Yangon, Razali recalls every detail: the scent of the flowers in her hair, her cool and composed poise, her dignified straight posture. He even confessed to having committed the “unthinkable faux pas” of telling her, “You are not only courageous but also attractive.”⁷ But personal sentiments aside, it appears that Razali did engage in critical discussions with the charismatic opposition leader and international icon of democracy, something which few others were inclined to do over the years. In his own words, he “pleaded with her to find ways to talk to the military leaders.” It was not an easy task. He remembers her from their initial meetings as being “imperious, principled, and unbending.”⁸

Razali was also the only of the four envoys to pay any significant attention to the ethnic question. Although he persuaded ethnic leaders that the right time to bring them into the national dialogue would be after a basic accommodation had been reached between the principal protagonists, he and his team had regular meetings with the many ethnic groups, both in Yangon and along the border, and encouraged them to work together to prepare for tripartite dialogue and find a common “ethnic” position.

A WINDOW OPENS FOR RECONCILIATION

As far as substantive results go, Razali got off to a somewhat rocky start. By the time the new envoy took up his mandate, relations between Aung San Suu Kyi's National League for Democracy (NLD) and the authorities had been deteriorating for some time. The growing frustration on both sides was evident, not least in the brinkmanship in which the NLD was increasingly engaged. In addition to the party's strident demands and deadlines for the convening of parliament, Aung San Suu Kyi was repeatedly challenging government restrictions on her movement. In one widely reported incident in August 2000, shortly after Razali's first visit to Yangon, her convoy was stopped in Dala township, fifty kilometers outside the capital, and was ordered by the police to return. She refused and spent the night in the car. A nine-day standoff ensued before the officers simply brought her back to Yangon. If the opposition leader had hoped to provoke a government backlash, she succeeded. And provoked they were. In September, after another attempt to defy government restrictions and travel outside of Yangon, this time by train to Mandalay, Aung San Suu Kyi was again arrested and returned to the confines of her house.

The government, however, seemed a rather reluctant jailer this time. When Razali returned for his second visit in October, he was assured by Khin Nyunt that the restrictions on Aung San Suu Kyi were only temporary. The envoy also observed that Aung San Suu Kyi herself now seemed more prepared to compromise.⁹ And true enough, some weeks later it became known to Razali and his team that secret talks were underway between Aung San Suu Kyi and the regime for the first time since 1994. Over the following year, the SLORC made a series of goodwill gestures: significant numbers of political prisoners were released, the NLD was permitted to reopen party offices around the country, and the ICRC was invited to start up prison visits, something which had been high on the international agenda for a few years. By early 2002, there had also been positive developments in relations with the International Labour Organization (ILO) regarding forced labor. Finally, on May 6th of that year, Aung San Suu Kyi was released from house arrest and all restrictions on her movement were lifted.

AUNG SAN SUU KYI RELEASED

In a dramatic departure from the hostile language of much of the 1990s, the government boldly declared that the release of the opposition leader “marks the start of a new page for the people of Myanmar and the international community.”

We shall recommit ourselves to allowing all our citizens to participate freely in the life of our political process while giving precedence to national unity, peace, and the stability of the country as well as the region.¹⁰

Colonel Hla Min, the government spokesman, announced that “the era of confrontation is over and the era of cooperation has arrived.”¹¹ Aung San Suu Kyi, a bit more cautiously, stated that “the phase of confidence-building is over” and that she looked forward to moving ahead to “another phase in the dialogue or national reconciliation process [that] could begin to tackle policy issues.”¹²

It is unclear exactly what role the good offices played in these events. The fact that the talks between the government and Aung San Suu Kyi were kept secret, even from the UN, for quite some time makes it clear that the world body was not driving the process. Razali himself would later emphasize that he was “a facilitator, not a negotiator” and that the process of dialogue was “homegrown.”¹³ It may be that Razali’s better start, compared to de Soto’s, had more to do with a change of game plan on the part of the regime than anything the envoy did or represented as such. The Asian economic crisis had significantly hurt the regime’s attempt to re-engage the world through the region, and Khin Nyunt at least had clearly decided that it would be in the regime’s interest to try to repair relations with the West (Senior General Than Shwe, it later became clear, was much less sanguine about this approach, although he allowed his number three to have a go at it). Nonetheless, it seems that Khin Nyunt was taking his cues from discussions with Razali. The concessions made by the government throughout this period matched almost step by step the confidence-building measures laid out by the envoy in his meetings with government officials, although the timing was clearly determined by internal regime imperatives.

HUMANITARIAN INTERLUDE

Aung San Suu Kyi being free from house arrest took a big weight off the UN. But the core challenge remained for the good offices to find some common ground that would allow the different sides to move forward together. Razali had the idea that the government and Aung San Suu Kyi might start by cooperating on humanitarian issues through a joint humanitarian council and in this way hopefully begin to build confidence for bigger things. There was increased recognition in the international community at the time, especially in Europe, that more attention needed to be paid to the humanitarian situation. This issue, as noted, had figured prominently in the Walker Hill meeting in Seoul in 2000 and achieved growing attention in the General Assembly resolutions that followed. In 2001, the UN country team in Myanmar wrote an open letter to their respective headquarters urgently calling for increased humanitarian assistance.¹⁴ With a humanitarian council, the envoy hoped to kill two birds with one stone: he could bring the government, the NLD, and possibly even other stakeholders together around a concrete issue, and at the same time help pave the way for more much-needed assistance to the country.

Razali had first brought the idea of a joint council on humanitarian assistance up with Khin Nyunt in 2001 and met with outright rejection. Aung San Suu Kyi had also initially been dismissive. “With democracy being her all-important goal, she was adamant that nothing should be done that might ease the pressure on the military regime and allow it to gain legitimacy.”¹⁵ Nonetheless, in the new, more positive environment, the early signals were promising. Khin Nyunt was looking to attract more international support and the government officially invited Aung San Suu Kyi to visit a number of state infrastructure projects to demonstrate the work they were doing to develop the country. Aung San Suu Kyi was also now ready to try something new. While she remained skeptical that aid could achieve anything positive as long as the military remained in power (a position that she would only gradually reassess over the years, as evidence that international aid agencies could work effectively in Myanmar became overwhelming), she understood that it might help her gain some practical influence and help bring some real benefits to the people of Myanmar, who were relying on her to bring change.¹⁶ After her release,

she agreed to visit several government project sites as part of her travels around the country to see the construction of roads, dams, and bridges. She also visited, at the UNDP's invitation, some UN projects, which got the UNDP into trouble with the authorities.

But the humanitarian council never got off the ground. According to Razali, "the government didn't have enough trust in Aung San Suu Kyi playing that role."¹⁷ The envoy may also have miscalculated the value that humanitarian assistance had as a carrot. While Khin Nyunt was looking to normalize relations with the West, humanitarian assistance was of minimal value to a government that had little concern for popular welfare; in fact, hardliners had long made it clear that they neither needed nor wanted "handouts" from the international community. In any case, the UN Secretariat wasn't very supportive either. "There were many in the UN who were not satisfied with what the good offices was doing," the envoy explained, "We shouldn't forget the original reason for being there. National reconciliation and democracy and the 2,000 prisoners was the priority, some thought."¹⁸ So the idea went nowhere, and whatever window for reconciliation there may have been soon closed again.

SOURING RELATIONS

After Aung San Suu Kyi's release in May 2002, a lunch was organized with her and Senior General Than Shwe, Vice Senior General Maung Aye, and General Khin Nyunt. Razali had advised Khin Nyunt to "treat her as a younger sister—she can be very useful for the country; please give her something to do." But Than Shwe and Aung San Suu Kyi were not on good terms; "they had no chemistry."¹⁹ And Khin Nyunt couldn't persuade the senior general to go any further. The government appointed a ministerial team to continue discussions. The team reported back to the top generals and undoubtedly took directions from them. But the talks never moved beyond "process" issues, and Aung San Suu Kyi soon lost patience.

While Than Shwe reportedly felt that it was inappropriate for him as head of state to meet with the opposition leader, Aung San Suu Kyi always expected to be treated as an equal dialogue partner. More practically, she was not happy that she had to meet with ministers with no power to make decisions and became increasingly worried that she

was simply being used to promote government projects.²⁰ With her wish to start substantive dialogue unmet, she grew increasingly frustrated, and her trips around the country took on more confrontational undertones as she refocused on rebuilding her party.

By the time of Razali's ninth mission in November 2002, the process had started to unhinge. Aung San Suu Kyi was threatening to terminate her "dialogue" with the government unless she could meet face to face with the top leaders.²¹ Upon inquiring about the hold up, Razali was told by his government interlocutors that Than Shwe was resisting. Supposedly, Australian Foreign Minister Alexander Downer and certain Western ambassadors had raised the ire of the senior general by pushing the issue too hard. The envoy was also warned to tell Aung San Suu Kyi that if she broke off the talks with the contact group, this would be the end of the process.²²

Razali tried pushing a new idea, suggesting that the government reconvene the National Convention, which had been suspended since 1996, and invite the NLD to return to the constitutional discussions. Indeed, at this point, in his desperation to avoid a total breakdown, he was promising the government all sorts of things to incentivize it to embrace change: a resumption of international lending and even immunity from prosecution for human rights violations.²³ Khin Nyunt and Aung San Suu Kyi were both open to the idea of formalizing discussions at the National Convention, but each wanted the other side to take the initiative. The general probably needed cover for his boss, while the opposition leader wanted to use the issue to secure another top-level meeting. Razali suggested to Aung San Suu Kyi that she might write a personal letter to Than Shwe to try to break the ice—a suggestion with which "she was not pleased," according to Razali.²⁴

Most ominously for the UN envoy, perhaps, there were mounting signs on this trip that he had found himself on the wrong side of the military leadership. Not only was his meeting with Than Shwe cut very short, but the senior general failed to respond to any of Razali's proposals, simply saying that he "will do what is best for the country." The envoy was subsequently informed by Khin Nyunt that Than Shwe was unhappy with his plans to travel up-country to meet Aung San Suu Kyi, who had left for Shan State on a trip to reinvigorate her party in the only state where the NLD didn't win in the 1990 election. Khin

Nyunt informed him that, were he to go, “the UN would no longer be seen as impartial and [his] future visits could be jeopardized.”²⁵ Separately, Khin Nyunt, with whom Razali generally had a good relationship, made it clear that there had also been opposition more broadly within the SPDC to the envoy’s visit. “There is,” Khin Nyunt explained, “a widespread perception that you are too close to Aung San Suu Kyi, and are exerting too much pressure.”²⁶

In his report on the trip to the Secretary-General, Razali lamented that Than Shwe was asserting control of the process, and that the senior general appeared to have concluded that he didn’t need the international community. Khin Nyunt, he wrote, “is full of good intentions but has little power.” He also suggested that, to a lesser degree, Aung San Suu Kyi was contributing to the deadlock: “While I understand her concerns, her position is seriously compromising what little room for maneuver she has.” The envoy emphasized that it was imperative “to use those channels open to us to encourage Aung San Suu Kyi...to exhaust all the channels open her.”²⁷

END OF THE ROAD

During the early months of 2003, Aung San Suu Kyi undertook several extended trips up-country. What had started out as an effort to revitalize and reorganize the party by visiting regional offices turned into virtual campaign trips with jubilant crowds turning out everywhere she went and numerous impromptu stops and roadside speeches. The opposition leader was repeatedly cautioned by the authorities not to challenge the boundaries of her freedom of movement. She insisted, however, that her being free would mean nothing unless she could travel. Back in 1989, she had gained worldwide fame for standing up to a captain who was threatening to shoot her. At that time, she was saved in the last minute by the intervention of a higher-ranking officer, but this time her courage and high principles had a more tragic end.

On the eve of May 30, 2003, just as Aung San Suu Kyi’s convoy reached the outskirts of Depayin (a town in Sagaing Division near Mandalay), it was attacked by a mob wielding metal clubs and other homemade weapons. There had been several earlier clashes between pro-government groups and NLD supporters, but the violence this

time was unprecedented. Human rights groups estimate that at least seventy people were killed. Aung San Suu Kyi's car just managed to escape the mob but was later stopped, and the opposition leader was detained under Section 10a of the National Security Law, which allows for anyone to be detained for 180 days without charge. When Razali returned to Yangon a week later on an emergency visit to assess the situation, he had to visit her in the notorious Insein Prison for the first time.

The government sought to dress the attack up as a spontaneous outpouring of popular discontent with Aung San Suu Kyi, who supposedly was “disturbing the peace.” But the conclusion by independent analysts was that the attack had been organized by senior government officials, possibly on Than Shwe's orders.²⁸ Khin Nyunt reportedly was livid—and had good reason to be, since the attack in one sweep destroyed everything he had tried to do to build international goodwill. But clearly he was not in charge of such matters.

TWO ROADMAPS

The attack and subsequent detainment of Aung San Suu Kyi created an international outcry. The US Congress moved with unprecedented speed to impose the most crippling sanctions yet, targeting trade and financial services. And the Informal Consultative Mechanism on Myanmar expressed its strong support for “any initiative the Secretary-General might wish to take in order to get ASEAN engaged on the matter of Aung San Suu Kyi's release and to restart the political dialogue.”²⁹

Responding to this implicit request for the Secretary-General to again take the lead, Razali and his team developed a new framework document for the good offices, a so-called Draft National Reconciliation Plan. Bearing striking resemblance to de Soto's departing notes, the working paper outlined two options for the UN: (1) to “pause” the Secretary-General's good-offices effort until the Myanmar government expressed its firm commitment to engage in the process or (2) to embark on a comprehensive plan, which would require firmer engagement by member states. The first option was based on a situation in which the national reconciliation process was considered to have been “damaged beyond repair.” Operationally it

would mean that UN activities would be reduced to humanitarian aid. The envoy thought this option was “premature.” The second option was laid out as a series of tit-for-tat steps by the government and the international community that would culminate with Myanmar’s scheduled assumption of the ASEAN chairmanship in 2006 and a full normalization of the country’s international relations. It was suggested that the Security Council explore the possibility of discussing Myanmar as a way of putting more pressure on the regime, and that attempts should also be made to “ramp up” the next General Assembly resolution. At the same time though, the plan suggested a gradual normalization of international aid programs, starting with new humanitarian assistance projects agreed upon in consultation with NLD but potentially extending to a resumption of multilateral lending through the IFIs—in other words, a stick-and-carrot approach.³⁰

Yet before the good offices team had a chance to discuss the new plan with member states, it was overtaken by a surprise initiative by the Myanmar government, which unveiled its own roadmap. With observers busy speculating about the apparent rift at the top of the regime, the SPDC demonstrated once again its uncanny capacity for pulling together when faced with threats to its survival, which made it one of the most cohesive and durable military regimes in the world.

KHIN NYUNT’S FINAL GAMBIT

In August, it was suddenly announced that Khin Nyunt had been appointed as prime minister, thus formally confirming what had long been the case in practice: that he was in charge of the day-to-day government functions of the regime. Some days later, in his first speech, the new prime minister announced a “Seven-Point Road Map to Discipline-Flourishing Democracy.” The seven steps laid out were: (1) reconvening the National Convention; (2) implementing a process to allow the emergence of a “genuine and disciplined democratic system”; (3) drafting a new constitution; (4) adopting the new constitution through a national referendum; (5) holding free and fair elections; (6) convening elected bodies; and (7) building a modern and developed democratic nation.³¹ Although nothing was really new in this compared to the promises made after the 1990 election, the government now had a formal plan and new momentum to

implement it after years of seemingly going nowhere.

The new roadmap narrowed the options for the future somewhat. However, with international pressure still at a high pitch after Depayin, Khint Nyunt tried his best to find some room within the framework to respond to external concerns and resuscitate his long-standing plan for reconciliation. In intense negotiations over the next eight months, he managed to convince first the ceasefire groups and later Aung San Suu Kyi that he was genuinely seeking to move the country forward. While this was not common knowledge at the time (and still is not today), a deal was in fact made whereby Aung San Suu Kyi would be released, the NLD would rejoin the National Convention, and restrictions on the party's political activities would be relaxed. Khint Nyunt also promised that the "Six Objectives" and "104 Basic Principles" of the new constitution that the military had imposed during the first round of the National Convention (1993–1996) could be reconsidered. Just days before the convention was to reconvene, as NLD members literally were packing the car to go to the new venue on the outskirts of Yangon, something went wrong. In the last minute Than Shwe refused to sanction the release of Aung San Suu Kyi. The NLD members in turn unpacked their car and stayed at home. The main opposition thus boycotted the first step of the roadmap, just as they would the fifth step (the elections) six years later.

THE FALL OF THE MODERATES

On May 17, 2004, the National Convention reconvened after an eight-year hiatus, and was in and out of session over several years before the first step of the roadmap was eventually completed in September 2007. However, frustrations were running high on all sides. Western countries dismissed the entire exercise as meaningless without the NLD. Ethnic groups tried but failed to get some of their concerns attended to. Khin Nyunt, who had once again seen his careful negotiations undercut by his boss, was perhaps as frustrated as anyone. According to regime insiders in Yangon at the time, the prime minister began openly challenging the orders of the senior general, sparking fears not least with the UN that the power of the moderate general was rapidly waning. A few months later, Foreign Minister Win Aung was suddenly removed, along with his deputy foreign minister. A month after that, on October 19, 2004, Khin Nyunt was arrested in Yangon

Airport as he returned from a trip up-country. He was immediately dismissed and replaced as prime minister and secretary-1 of the SPDC by General Soe Win, a renowned hardliner. A major purge followed of ministers, ambassadors, and other senior officers who had worked closely with Khin Nyunt. In fact, the entire military intelligence apparatus was dismantled, and many intelligence officers were jailed on corruption charges (a trick often used within the military regime to get rid of rivals and troublemakers). Khin Nyunt himself was spared jail but would spend the next seven years under house arrest just a few kilometers away from where Aung San Suu Kyi was similarly detained.

Officially Khin Nyunt was “permitted to retire for health reasons,” but the real reason behind the purge is widely held to have been a heightened worry within the army hierarchy about the autonomy and power of the intelligence service under Khin Nyunt, which had become a “state within a state.” Khin Nyunt’s inability to deliver a lifting of international sanctions despite, as the government saw it, the many concessions made to Western demands, was also suggested by analysts as a factor in his downfall.

ANOTHER ENVOY ADMITS DEFEAT

After the tragedy of Depayin and the failed launch of his reconciliation plan, Razali continued to try to facilitate a deal between Khin Nyunt and Aung San Suu Kyi. He was able to visit Myanmar three more times in June and October 2003 and March 2004, and was probably a factor in convincing the government to release the opposition leader from Insein Prison and return her to her own house, and later in hammering out the deal that would have seen the NLD return to the National Convention. However, with the collapse of the latter and the subsequent purge of all of his interlocutors he was effectively denied any further influence on events. Indeed, his twelfth visit in March 2004 was to be his last and the last of any senior UN official for two years. The special rapporteur on the situation of human rights, Paulo Sérgio Pinheiro, was also shut out.

Razali would continue for another fourteen months after Khin Nyunt’s fall to try to organize the international community behind an attempt to “reach” Senior General Than Shwe and the new lineup of more hardline government leaders that had replaced Khin Nyunt’s



The ruling generals of the Myanmar government look on during Armed Forces Day on Sunday, March 27, 2005, in Yangon (AP Photo/David Longstreath).

group. But he did not have much to work with. The United States, having fired another sanctions salvo in June 2003 with little effect, had returned to its default position of non-engagement apart from regular symbolic statements of protest over Aung San Suu Kyi's continued house arrest and condemnation of the National Convention. The EU was hesitant both to apply more sanctions, which it worried would simply hurt Myanmar's ordinary people, and to attempt further engagement that would be politically costly with domestic constituencies. ASEAN at this point was largely behind the SPDC's roadmap and basically inclined to wait and see where the National Convention would lead. Thailand, in December 2003, had convened a meeting of ten like-minded member states in Bangkok to discuss ways to encourage more inclusive processes within the context of the roadmap, which was the first of any such international meetings that included Myanmar. There was some talk about further meetings in what was dubbed the "Bangkok Process," but it all fizzled out. The Western participants were widely criticized by pro-democracy groups for even participating, and Myanmar subsequently let it be known that it was unwilling to return except to report on subsequent steps of the roadmap.

In December 2005 Secretary-General Kofi Annan designated his Under-Secretary-General for Political Affairs, Ibrahim Gambari, to give the first ever briefing on Myanmar to the UN Security Council. Razali resigned the following month.

RAZALI'S REGRETS

In hindsight, Razali expressed several regrets. In an interview in 2011, he said that he felt his largely singular focus on democracy was a mistake—that he should have also focused more on economic issues that might have helped unlock new opportunities. He also spoke about “failing” Khin Nyunt who had been trying to accommodate international demands but got nothing in return for the concessions he made and thus effectively lost his battle with more hardline members of the regime. The envoy expressed fears that he might inadvertently have worsened Khin Nyunt’s position when, in a press conference in Malaysia after his visit in June 2003, he publicly called on the SPDC to give Khin Nyunt more space to negotiate on its behalf. “That did not go down well with the other military leaders,” he said.³²

Mostly though, Razali blames the member states for their failure to support the UN’s mediation effort and the lobby groups who wanted it that way. “I tried to make the point [to the EU] that Aung San Suu Kyi’s release had to be reciprocated with development assistance or something. But nobody had the guts to encourage progress.” Instead even more difficult conditions were laid down: all the political prisoners had to be freed and dialogue had to start.³³ The US Congress would not budge either. The United States had asked the SPDC to cooperate on opium eradication, and it did. The United Nations Office on Drugs and Crime (UNODC) and even the United States’ own Drug Enforcement Administration were unequivocal that major progress must be made on reducing opium production. But lawmakers in Congress were under great pressure from advocacy groups that would not countenance any concessions to the generals. “The irony in all of this,” Razali said, echoing an observation made earlier by de Soto after the World Bank debacle, “is that these groups were often more hardline than Aung San Suu Kyi herself.”³⁴

The envoy is no more charitable in his assessment of his own country, Malaysia, or other countries in the region. “Business interests

were a primary concern in the region,” he explained. “They could have done more than just ceremonially call for Aung San Suu Kyi’s release. But they were afraid to ruin relations with the generals over Aung San Suu Kyi.” On the incentive side, “they could have helped bring Myanmar’s economy into the mainstream. For example, they could have offered technical assistance in financial management and stabilizing the kyat, Myanmar’s currency. This was something Myanmar was interested in. But ASEAN countries simply were not committed enough to bringing about change.”³⁵ Razali had also tried to get China involved, but Beijing wanted ASEAN to take the lead.

Chapter Four

THIRD TIME LUCKY? IBRAHIM GAMBARI (2006–2009)

Broadening the Agenda:
A “Three-Pillar” Approach

Ibrahim Agboola Gambari, a Nigerian scholar and diplomat, was the next UN high-ranking official to accept the Myanmar portfolio. In contrast to 2000, when Razali took over, Gambari's appointment was not preceded by months of pondering by member states. Neither does the appointment appear to have been part of any grand strategy. The Myanmar portfolio simply landed in Gambari's lap after he became the Under-Secretary-General for Political Affairs, succeeding Sir Kieran Prendergast of the UK in June 2005. Up until then Gambari had served Kofi Annan as Under-Secretary-General and Special Adviser on Africa for five years. His academic training and teaching assignments at leading American universities included a PhD in political science from Columbia University. Following the military coup of 1983, he returned to his native country to serve as Nigeria's foreign minister and then for nine years (1990–1999) as Nigeria's permanent representative to the UN, an experience that parachuted him into the UN Secretariat when Nigeria ended its thirty-three years of military rule. If being from the region was no longer sufficient to establish a UN envoy's relationship with the Myanmar authorities, perhaps an envoy who himself had served under a military regime, although as a civilian, could evoke a helpful sense of kinship. Some analysts were skeptical at the time of the appointment of an African envoy, citing Myanmar's deep-seated xenophobia. Others rejected this superficial judgment of credentials, noting that a savvy diplomat and likeable man like Gambari, with simple but polite manners, who listens at length and speaks little, in many ways was a better fit in the



Ibrahim Gambari (UN Photo/Eskinder Debebe).

Myanmar context than the previous envoy. Also important for the protocol-conscious Myanmar leadership was that, as Under-Secretary-General, Gambari had a higher rank than any of the previous envoys.

Myanmar in early 2006 was a fairly dormant issue at the United Nations. Expectations following Razali's anticlimactic effort were at a low point. Razali had not been welcomed in the country for almost two years. Pinheiro, the human rights rapporteur, had not been received in nearly three. The only opportunities for the UN to meet representatives of the Myanmar government during this long pause in missions had been at the annual General Assembly sessions and in the context of conferences in the region. In April 2005, there had actually been the first ever meeting between Senior General Than Shwe and a UN Secretary-General, when he and Kofi Annan met briefly on the sidelines of the fiftieth anniversary celebrations of the Non-Aligned Movement in Bandung, Indonesia. However, the meeting was cut short after the Secretary-General inquired about Aung San Suu Kyi, prompting Than Shwe to suddenly leave the room. In August of the same year, just after Gambari had taken up his new role as head of the UN Department of Political Affairs (DPA), Ali Alatas, the Indonesian elder statesman and former foreign minister was asked by Kofi Annan

to travel to Myanmar as his personal envoy. The trip was ostensibly to consult the Myanmar government on UN reform, something Alatas had been doing for the Secretary-General elsewhere in the region. But the trip to Myanmar was less about UN reform, and more an attempt to re-engage and gauge what was possible. Even though Alatas had a record two-hour-long and frank exchange with Than Shwe, nothing much came out of the discussion.¹ The feeling on both the thirty-eighth and thirty-seventh floors of the Secretariat was that not much was going to be possible on the Myanmar front for a while, at least nothing that would warrant the appointment of a full-time envoy.² Alatas himself had been considered for the job, but he informally declined, in part because Indonesian President Susilo Bambang Yudhoyono was then thinking of his own Myanmar initiative and wanted to use Alatas's rapport with General Than Shwe for himself. Kofi Annan, in any case, had other concerns, not least the 2005 summit on UN reform, as well as ongoing operations in Afghanistan and elsewhere. And so there was not much of a rush to appoint a new envoy and re-energize the good offices.

A NEW TEAM IN NEW YORK

As Under-Secretary-General, Gambari was in overall charge of the entire political department. Assisting him in the Myanmar portfolio was Michael Williams, director of the Asia division, a British national, and a former Indonesia scholar with a keen sense for mediation.³ Erwan Pouchous, a Belgian trained lawyer served as the desk officer covering Myanmar and ASEAN-related affairs. Importantly, the UN resident coordinator in Yangon, Charles Petrie, took an active role both in advising the new envoy and providing practical support during visits. Petrie had also been helpful during Razali's time as envoy but became more important now that the good offices no longer had a presence on the ground.

With the new team came also a new work style. While Razali had kept his cards close to his chest and little was shared or requested from outside his inner circle, Gambari reached out more widely for advice and generally took expert analysis seriously. Without much of a background on Myanmar or even Asia, he quickly established a number of base assumptions and approaches that more closely reflected the pragmatic, evidence-driven academic and think-tank

literature at the time than the often more polemic positions of the politically influential advocacy groups. Rather than reject the Myanmar government's roadmap out of hand, as many did at the time (and would continue to do until well after the current reforms got underway), Gambari decided from the outset to focus on trying to convince the government to make the process more inclusive. He also took seriously the argument that Myanmar's political, humanitarian, and economic problems were all interlinked and would later adopt the phrase "the three-pillar approach" to characterize a more comprehensive agenda for the good offices.

In May 2006, five months after Gambari took over the mandate, another good-offices visit became possible. There had been quiet talks with Myanmar's government for some time, primarily through the mission in New York, on the prospect of a visit. General Than Shwe perhaps felt that it was time to try to repair relations with the West and with the UN. For the UN, the main strategic consideration at this time was to try to rebuild relationships that would allow for at least some return visits.

The invitation in itself was a minor breakthrough for the Secretary-General's good offices after a more than two-year hiatus. And the visit exceeded expectations (which were admittedly low). Gambari was not only able to meet Senior General Than Shwe, but met his entire top team, including Vice-Senior General Maung Aye and number three in the military hierarchy, General Thura Shwe Mann. After the first formal meeting, the envoy had a private conversation with the two top generals, while Michael Williams and Charles Petrie—in a rare opportunity—sat and talked outside, unscripted, with Thura Shwe Mann and other senior officers. Gambari also met Aung San Suu Kyi—the first foreigner to do so since Razali's last visit in March 2004. If being granted permission to visit the country was an achievement, getting to see both the Senior General and Aung San Suu Kyi was a success. "There were all kinds of rumors at that time about her condition," Gambari later explained; he could now at least assure the world that the opposition leader was in fact in good health.⁴

After the visit, Gambari told the press that he believed the government was prepared to turn a new page: "They want to open up another chapter [in the] relationship with the international community."⁵ The

envoy also said he was encouraged by the fact that both the government and the NLD seemed to believe that the UN had a role to play. This was an important point to make in the face of all those who had begun doubting the UN's usefulness. Yet, just three days later, the SPDC extended Suu Kyi's house arrest by a year. And the critics were quick to judge. Symptomatic of the way the media has dealt with the good offices generally, an influential magazine would later say that "Gambari's optimism was his humiliation."⁶ But in fairness, Gambari was only cautiously optimistic about the government's willingness to conduct a dialogue with the opposition, repeatedly stressing that "the doors have been opened, but we have to wait and see. Engagement is a process, not an event."⁷ As a seasoned diplomat he knew, of course, that diplomacy often takes time.

Gambari returned to Myanmar in November 2006 and was again able to meet with both General Than Shwe and Aung San Suu Kyi. The government in the meantime had released several members of the National League for Democracy from prison. There seemed to be some sort of process moving now, however slowly.

ACTION IN THE SECURITY COUNCIL

The pressure on the military regime was substantially raised in September 2006 when the US and the UK succeeded for the first time in having the Myanmar issue brought before the Security Council as a potential "threat to international peace and security."⁸ A year earlier, Archbishop Desmond Tutu and former Czech President Vaclav Havel had commissioned a report titled "Threat to the Peace: A Call for the UN Security Council to Act in Burma," which among other things argued for a multilateral diplomatic initiative at the Security Council level to push for change in Myanmar.⁹ In December 2005, Security Council members had agreed to hear a Secretariat briefing on Myanmar under "other matters" during its informal consultations.¹⁰ After his May trip, Gambari again briefed the Security Council under "other matters." But the September 2006 briefing was different in that Myanmar was now formally placed on the Security Council's agenda. For the Myanmar government, their diplomatic opening to Gambari was thus coming together with an increased level of Security Council attention, something they had long dreaded.

If this was good news for the good offices, it would not last long. After the first formal Security Council meeting on Myanmar, lobby groups stepped up their calls for more forceful action in the form of a Security Council resolution. The prospects for this were dim. China and Russia had not even wanted Myanmar discussed on the council in the first place. Nonetheless, in January 2007 the US and the UK put a draft resolution to the vote. Gambari later complained that this was less about strategy than playing to domestic audiences.¹¹ Whatever the reasons, the move backfired. The draft resolution was vetoed by both China and Russia, the first double-veto in the Security Council since the end of the Cold War. South Africa voted against the draft as well. The SPDC, not surprisingly, considered this a diplomatic victory. And many of those involved with the good offices lamented that a promising opportunity for upping the pressure on the military regime had been wasted by pushing too far. China was seemingly motivated by the embarrassment of having to use the veto at the Security Council to later put more pressure on the Myanmar authorities to cooperate with the good offices. Still, the whole affair demonstrated once again how Western policy often worked at cross-purpose with the UN's efforts to bring about a solution to the deadlock in Myanmar.

A NEW UN SECRETARY-GENERAL

The same month that the Security Council voted on the draft resolution, Ban Ki-moon of South Korea became the eighth Secretary-General of the UN, replacing Kofi Annan. Ban had previously been South Korea's foreign minister and in this capacity had met with Myanmar officials. South Korea was a major investor in Myanmar's burgeoning oil and gas sector, and ties between the two countries had been friendly, if not particularly close over the years. With the new Secretary-General came a big reshuffle of senior staff. The head of the Department of Political Affairs (traditionally a British-held position up until the retirement of Prendergast) was going to come under American auspices. Lynn Pascoe, a career US State Department diplomat was appointed Under-Secretary-General, replacing Gambari. Gambari, however, was kept on in a new job created for him as special adviser to the Secretary-General on the International Compact with Iraq and other issues. Despite taking up a significant part of the adviser's title, however, the Iraq Compact was a minor part

of his portfolio. It was felt that Gambari had managed to build up a good relationship with the Myanmar authorities, and with Aung San Suu Kyi, and should continue in this role. Thus, he was asked to keep the Myanmar brief as the major component of the “other issues” in his title.

The new Secretary-General took some time to settle in and make his senior appointments, thus creating a lull in many UN activities, including the good offices on Myanmar. Once formally appointed to his new Myanmar role in June 2007, Gambari embarked on a tour of the capitals of key member states to try to shore up support for his mediation effort. Over three months, consultations were held in Washington, Beijing, Moscow, Paris, Brussels, London, Singapore, Bangkok, Jakarta, and Kuala Lumpur. Meanwhile, however, a new crisis was brewing inside Myanmar, which would throw a wrench in any carefully laid plans.

THE MONKS' UPRISING

On August 15, 2007, when the government suddenly hiked the official fuel prices, causing a sharp rise in prices of food and transport, it unintentionally sparked a series of escalating protests, which grew to present the gravest threat to the regime in nearly two decades.¹² The protests were the culmination of weeks of marches.¹³ Initially led by small numbers of political and social activists calling for relief for a long-suffering population, they were joined from late August by growing numbers of monks, who assumed a vanguard role almost by default as the original leaders were arrested. An attack by pro-government vigilantes on a gathering of monks in the small town of Pakkoku in central Myanmar prompted public demands from a newly formed group, the All Burma Monks Alliance, for the government to apologize to the *Sangha* (monastic community), lower commodity prices, release political prisoners, and enter into dialogue with the opposition. When the government failed to respond, the group called for a nationwide religious boycott of army officers and their families, and hundreds of monks came into the streets, marching with their alms bowls overturned.¹⁴ The protests quickly swelled in size and spread from Yangon to some two dozen towns around the country, mainly in central Myanmar, but also including Sittwe (Rakhine State), Myitkyina (Kachin State), and Mawlemyein (Mon State). On

September 24th, for the first time, a substantial group of NLD members with party banners marched behind the monks in downtown Yangon, along with a growing number of angry youth, and calls were made for the overthrow of the government.

The authorities initially showed unusual restraint in dealing with the revered monks. Yet, with political activists, students, and ordinary citizens joining the marches in growing numbers—and thousands more watching intently from sidewalks, windows, and rooftops—the decision was made in Naypyitaw to crush the protests before they escalated further. Shortly after midnight, between September 26th and 27th, troops raided several monasteries, beat up monks, and dragged several hundred off to special detention centers. The next day, riot police and soldiers used tear gas, batons, rubber bullets, and live ammunition to break up the crowds. An estimated thirty monks and lay people were killed.¹⁵

The crackdown on September 26th and 27th broke the back of the monks' movement, immediately reducing the numbers of red robes visible in the streets to a handful. However, the authorities continued determinedly to snuff out any dissent. Using photographs and video taken during the protests for identification, Special Branch intelligence officers moved systematically through neighborhoods, detaining thousands of people believed to have participated. According to first-hand accounts from released detainees, many monks and suspected leaders were severely beaten during interrogations, and some died.¹⁶

CRISIS MANAGEMENT

On September 26, 2007, Gambari briefed the Security Council on the unfolding situation. And over the following days, the UN Human Rights Council, the European Union, and the Association of Southeast Asian Nations (ASEAN), as well as the United States, the United Kingdom, and many other governments, expressed their strong condemnation of the use of force against protesters, which helped pave the way for Gambari to return to Myanmar on his first visit in nearly a year. Against the backdrop of a chorus of criticism, China for the first time was instrumental in securing a visa for the envoy.

With the entire international community watching, Gambari

made his third visit, from September 29th to October 2nd. The envoy was received at the highest level by Senior General Than Shwe and also met twice with Aung San Suu Kyi. Assuring him that the situation had already returned to “normal,” the government lifted security restrictions put in place during the crackdown. This was followed by several cooperative moves over the course of October and November. In line with Gambari’s requests, the government initiated talks with Aung San Suu Kyi through a newly appointed liaison minister, Aung Kyi, and relaxed the conditions of her house arrest, allowing her to meet with senior party officials. It also agreed to re-engage with the UN special rapporteur on human rights, who was allowed into the country for the first time in four years. The families of prominent political prisoners were permitted to visit them in jail. In meeting with the party’s leadership on November 9th, Aung San Suu Kyi for the first time in years expressed optimism about the political process. The good offices seemingly had shown its usefulness at a time when the government was clearly keen to manage the fallout from the violence the month before.

But, paradoxically, at a time that should have given cause for optimism, UN relations with the government were not looking positive. The day before Gambari was due to arrive for a follow-up visit from November 3rd to 8th, the Myanmar government announced its decision to expel UN Resident and Humanitarian Coordinator Charles Petrie from the country, ostensibly in reaction to a statement Petrie had made on UN Day on October 24th, which called on the government to listen to dissenting voices and warned of a “deteriorating humanitarian situation.”¹⁷ Gambari met with the country’s new prime minister, Thein Sein (but not with General Than Shwe). He was allowed to meet with Aung San Suu Kyi as well as with the new minister appointed to “liaise” with her, Labour Minister Aung Kyi. He broached the idea of a poverty commission to tackle the root causes of the protests. But his proposal for a tripartite UN-led dialogue between the SPDC, Aung San Suu Kyi, and himself was rejected. And in a meeting with Information Minister and Government Spokesman Kyaw Hsan, the minister lectured the envoy about the UN’s close ties with “big power bullies” and criticized him for having failed to stop the imposition of new sanctions by the United States, the EU, and

Australia despite the regime's effort to cooperate with the good offices.¹⁸

In this ambiguous atmosphere, Gambari may have made a misstep. Asked by Aung San Suu Kyi, he agreed to deliver a statement from her to the international community, which he read out at a press conference in Singapore on his way back to New York. The envoy didn't feel he had much choice, since declining to do so could have made him subject to intense criticism from the NLD and its supporters, including key Western governments.¹⁹ But the government considered it a breach of trust and did not take it kindly. Senior General Than Shwe was said to have been livid at the reading of the statement. He believed it was a partial act, which made Gambari look like a spokesman for Aung San Suu Kyi. From the general's point of view, he had shown goodwill toward Gambari from the start, allowing him access, including to Aung San Suu Kyi, and accommodating a number of his requests for political concessions.²⁰ Any such goodwill was now gone. Although Gambari would make four more visits to Myanmar over the next eighteen months, the senior general never agreed to see him again.

It would become evident over time that the government was in fact dissatisfied with Gambari over procedural issues as well. They were not happy with the way he—as they perceived it—used China to press for early visas on a number of occasions. Also, they complained that he held his post-visit press conferences outside Myanmar, and that he supposedly “reported selectively on what they told him.”²¹

Whatever the prospects for mediation (and there was some optimism at the time about the renewed contact between the government and Aung San Suu Kyi), Gambari continued to work toward bolstering the good offices. Capitalizing on the frustrations in the international community, the envoy was able to secure funding for a much strengthened in-house support team and brought in several UN staff with prior experience in or on Myanmar to help him. This team in fact became the envy of other sections of the political department, where few other country desks had comparable resources.

The envoy was also able, for the first time, to set up a formal “Group of Friends of the Secretary-General on Myanmar” composed

of fourteen members: all of the Security Council's five permanent members (P5), the EU chair, Australia, India, Japan, Norway, and four ASEAN countries—Indonesia, Singapore, Thailand, and Vietnam. The group was more strategic in its composition than previous, more informal groups of member states, and it first met in December 2007. Over the following years it was frequently able to hammer out something approaching an international consensus on the objectives of the good offices, at least in general terms. China's participation in particular gave Gambari a few more strings to play on, and China—which had remained very much on the sidelines for most of the good-offices period—was in fact widely credited over the next few years for its constructive approach.

However, if this had more substantive benefits, they were not immediately visible. The talks between the SPDC and Aung San Suu Kyi soon fizzled out. In February 2008 the government announced the completion of the drafting of the constitution and set the date for a referendum in May to promulgate the new constitution. When Gambari returned to Myanmar in March 2008, after another tour of the region that took him to Beijing, Jakarta, Singapore, and Tokyo, he was quite obviously snubbed, not only by Than Shwe (who chose to spend the days of the envoy's visit at Ngapali beach) but also by Prime Minister Thein Sein. Information Minister Kyaw Hsan flatly rejected all of Gambari's requests for reopening the constitution drafting process and more substantive dialogue with Aung San Suu Kyi, and he warned the envoy that his role as an impartial adviser would be brought into question if he "followed suggestions from Western nations."²² It seemed there was really no way Gambari could "win." Whatever he said or did, one of the parties to the conflict would hold it against him.

In a statement the following week, Paulo Sérgio Pinheiro, the special rapporteur on human rights, publicly stated: "There is a contradiction between what the government of Myanmar says it is doing and what is really happening. If you believe in gnomes, trolls, and elves you can believe in democracy in Myanmar."²³ The Secretary-General's good offices seemed to be in the doldrums again. Then tragedy struck again, this time from nature's hand in the form of Cyclone Nargis, and turned things upside down.

CYCLONE NARGIS

Cyclone Nargis was the greatest natural disaster in Myanmar's recorded history. It led to a personal intervention by Secretary-General Ban Ki-moon and to a major expansion of the international aid presence in the country, but only after tense negotiations with a government reluctant to accept assistance from long-hostile Western donors.

The category-four cyclone hit southwest Myanmar on May 2, 2008, with 200 kilometer-per-hour winds carving a wide path of destruction through the Irrawady Delta, the former capital Yangon, and parts of Bago Division and Mon State.²⁴ Low-lying coastal areas were hit by a four-meter high flood surge, which swept several kilometers inland, smashing hundreds of villages in its path and flooding huge areas of agricultural land. The official death toll was 140,000, but the actual figure may well have been closer to 200,000. Some 2.4 million survivors were severely affected. Many lost not only family members but also their homes, food reserves, livestock, tools, and livelihoods. Up to 800,000 people were displaced. Critical infrastructure sustained massive damage, including electricity, communication, and transportation networks; health facilities; and schools across an area half the size of Switzerland. Overall, the scale of destruction was comparable to the 2004 Indian Ocean tsunami.²⁵

The disaster prompted immediate offers of assistance from around the world. However, for several weeks, the Myanmar authorities stalled on issuing visas for international relief experts and support personnel. The few allowed in were mainly Asians. Foreign aid workers in the country also faced tight restrictions on access, especially to the worst-affected areas in the delta. While a few were able to deploy during the first week (or were already in the delta and were able to stay on), from the second week military checkpoints were set up on roads into the delta, and all access for foreigners was blocked.

Adding insult to injury, at a time when all the country's resources were needed to save lives, the government went ahead with the scheduled constitutional referendum. While everyone else was reeling from shock over the horrendous death toll, the state-owned press, surreally, was declaring that the people were happily marching toward

a bright future under the new constitution. In many cases, survivors of the cyclone were evicted from schools and other public buildings to make way for voting booths. The result, of which many were skeptical, was an overwhelming vote in favor of the constitution.

The Myanmar government's actions generated a barrage of criticism in the international community, where frustration over the lack of cooperation mixed with fears that more lives could be lost from disease and starvation. Despite pledges by Western leaders not to politicize the humanitarian crisis, years of confrontation and distrust at times broke through and delayed solutions further. Just two days after the cyclone hit and before much information was available, US First Lady Laura Bush lambasted the government in a White House press briefing for failing to warn the population about the impending disaster: "The response to the cyclone is just the most recent example of the junta's failure to meet its people's basic needs." She then criticized its repression of the opposition and urged neighboring countries to "use their influence to encourage a democratic transition."²⁶ The next day, President Bush signed legislation awarding Aung San Suu Kyi the Congressional Gold Medal for her struggle against the regime, while simultaneously urging the same regime to accept American aid, including naval ships to "help stabilize the situation."²⁷ Although most governments were more careful not to mix the humanitarian crisis with politics, nearly all Western countries qualified their offers of support by stressing that all aid would be delivered outside government structures.

The hostility increased further on May 7th when France called on the Security Council to authorize an international military intervention to secure access for relief aid under the principle of a "responsibility to protect" (RtoP). Although Western leaders insisted vigorously that their intentions were only to help save lives, the decision by the United States, France, and the United Kingdom to send naval ships carrying marines, military helicopters, and amphibious landing crafts into the Gulf of Thailand to support the relief operation was perceived by military leaders as a threatening move. The result was to heighten fears in Naypyitaw that Western countries would use the relief operation to promote a regime change agenda, further complicating sensitive negotiations over access to the delta.

It would take two unprecedented initiatives to break the deadlock. The most important was probably the establishment on May 19th, with Myanmar's blessing, of an ASEAN Humanitarian Task Force to lead and facilitate the international response, which helped alleviate the government's fears about ulterior Western motives.²⁸ However, credit was also widely given to UN Secretary-General Ban Ki-moon who, with time running out, threw caution to the wind and made a personal intervention with Senior General Than Shwe on behalf of the victims of the unfolding tragedy. Arriving in Yangon on May 22nd, Ban elicited a pledge from Myanmar's supreme leader to allow full access for foreign relief personnel (reportedly with the understanding that the Secretary-General would make the warships leave).²⁹ Ban Ki-moon sensibly left Gambari in New York, as all agreed to keep his humanitarian mission separate from the good offices. Yet in Ban's meeting with Than Shwe, the senior general voluntarily brought up political issues, thus perhaps planting the idea in Ban that he might be able to use their personal rapport in other negotiations at a later date.

Between them, the establishment of the ASEAN Task Force and the visit by the UN Secretary-General paved the way for an ASEAN-UN-sponsored international donors' conference in Yangon on May 25th. The Task Force was complemented on the ground by a Tripartite Core Group (TCG) consisting of three representatives each from the government, ASEAN, and the UN. In addition to negotiating day-to-day operational issues, the TCG took charge of the Post-Nargis Joint Assessment (PONJA), which in mid-June conducted a two-week detailed assessment of the damages and needs, involving 250 experts and volunteers, including substantial support teams from the World Bank and the Asian Development Bank.

The American, French, and British navy ships were still denied access but eventually left after offloading their supplies in Thailand for onward transportation by civilian agencies. On July 25th, UN Emergency Relief Coordinator John Holmes concluded, "This is now a normal international relief operation."³⁰

A CHANGED STRATEGIC LANDSCAPE

By the late summer, the UN was faced with a changed strategic landscape: on the one hand, the good offices had not progressed, and

indeed Gambari had played no role over the past few months. On the other hand, the UN's aid presence had ballooned and there was far greater cooperation and interaction between UN agencies, funds, and programs and parts of the Myanmar government than ever before. The TCG was functioning well and had developed into a precedent-setting coordination mechanism, involving the UN, the host government (Myanmar), and the regional organization (ASEAN). Access was open to all affected areas. And there was a sense that through this expanded aid presence and the work on Nargis recovery, new opportunities might be opening for cooperation in other areas as well. In a normal situation, relief efforts would be supplemented as soon as possible by plans for longer-term recovery and development. In Myanmar, no international development programs had been allowed. Should this be changed? And what did these possible new opportunities mean for the Secretary-General's good offices?

There were two schools of thought. The first believed that yes, it had been correct to put politics aside in the aftermath of Nargis and simply work to save as many lives as possible. But now it was time to resume the focus on political talks with the Myanmar government, before the SPDC's plans toward elections went any further. The other school of thought held that since political talks were at an obvious dead end, it was now necessary to capitalize on the progress that had been made over the summer and see whether improved humanitarian cooperation could lead to other related discussions. It wasn't necessarily about jettisoning political aims but trying to push ahead on a road that appeared already open and build a degree of confidence that had long been lacking. Gambari was to try to combine the two paths, although his sympathies lay with the second one.

A FIVE-POINT AGENDA

Gambari deliberately stayed in the background at the height of the disaster in order to avoid any risk of further politicizing the humanitarian crisis.³¹ However, taking hope from the re-engagement by the international aid community and successful cooperation between the UN, Myanmar's government, and ASEAN within the structures of the TCG, he returned to Myanmar for a sixth visit in August. In addition to carrying a personal letter from Ban Ki-moon to Than Shwe, he brought with him a five-point agenda, which had the explicit backing

of the group of friends (including the United States, the EU, China, and several ASEAN countries). The five points were (1) release of political prisoners; (2) regular and enhanced dialogue between the government and Aung San Suu Kyi; (3) a credible electoral process; (4) socioeconomic dialogue (specifically the establishment of a national economic forum for broad-based consultation); and (5) regularized engagement with the good offices, including the posting of a working-level staff officer in Yangon.³²

Gambari sought again to establish himself as a mediator between the government and Aung San Suu Kyi, as well as between the government and the international community, suggesting that both he and the Secretary-General were calling for more political space for international re-engagement, but that there had to be some “positive results” on the government side for this to work. But the government did not bite. While its new Spokes Authoritative Team promised to consider the five points, it went to significant lengths to try to convince Gambari that Aung San Suu Kyi and the NLD were no longer popular with Myanmar’s people and could not be taken seriously as dialogue partners.³³

And the government was not Gambari’s only problem. A scheduled meeting with Aung San Suu Kyi was crucial due to the importance of establishing her position on the roadmap after the referendum. But the opposition leader for the first time ever refused to meet the envoy. The intention was probably to send a message to the regime (rather than to Gambari), but left in the dark about Aung San Suu Kyi’s reasons, Gambari and his team stumbled into a public relations disaster. Having received notification from the authorities that despite repeated attempts to arrange a meeting with Aung San Suu Kyi, she had not responded favorably, two of the envoy’s staff were sent over to her house to try to persuade her. They were filmed by Myanmar television outside the opposition leader’s gate on University Avenue calling her name, megaphone in hand, while the gate remained closed. The UN looked “silly,” and the government had visual proof of its long-standing claim that Aung San Suu Kyi was inflexible.

In hindsight, this visit was really the beginning of the end for another envoy. Meeting with the press afterwards, Gambari expressed optimism about the political situation in Myanmar. However, with the

images of his failure on University Avenue widely available, pro-democracy groups went on the attack. Criticisms ranged from the basic observations that little had been achieved since Gambari took over in 2006, to his supposedly naïve optimism. Nyan Win, spokesman of the NLD, criticized Gambari for even discussing the 2010 elections, “as the NLD does not recognize the military-backed constitution.”³⁴ He also lambasted the envoy for commenting positively on the post-Nargis relief operation. “We feel,” he said, “that he [Gambari] is trying to appease the junta so much that he is being derailed off his main track [to promote dialogue between the government and the opposition].”³⁵ The main exile-opposition news magazine, *The Irrawaddy*, concluded, “The Burmese opposition and democracy forces have virtually no more confidence in Gambari and the good offices of the UN, which have been snubbed and exploited at will by the regime.”³⁶ Some wanted Gambari to be more openly critical of the regime. But others apparently felt that Gambari stood in the way of more forceful UN action through the Security Council and wanted him gone and for the good offices to be terminated.

Some criticisms of the envoy were not grounded in what was possible (unrealistic expectations were always one of the pitfalls of the envoy job). As one UN official later argued, “calls like that of Aye Thar Aung, secretary of the Committee Representing People’s Parliament, urging the envoy to ‘make full use of his UN authority’ to push the SPDC into dialogue and claiming that ‘the problems Burma are facing now could be easily resolved if Daw Suu and Than Shwe could have a talk,’³⁷ simply misunderstood the lack of power and leverage that Gambari, or anyone else, had to force Than Shwe into dialogue with his despised opponent.”³⁸ “UN authority” was clearly not worth very much at this point. However, as the same official admitted, other criticisms were perhaps more valid. Aye Thar Aung and others lambasted Gambari for “doing what the junta asked for”³⁹ and failure to challenge the rigid parameters of his visits imposed by the government. These latter criticisms were repeated within the UN as well, as each visit seemed to be more and more circumscribed by the government, leaving Gambari no opportunity to hear any views save those of the interlocutors the government allowed.

In October 2008, the US secretary of state weighed in with a

démarche to the Secretary-General requesting that Gambari be replaced. While insisting that the United States continued to view the good offices as an important vehicle for encouraging democratic progress in Myanmar, the démarche concluded that the United States could no longer support visits to Myanmar by Gambari. It pointed out that Gambari's access to the Myanmar government seemed to have contracted and that he had lost the confidence of leaders of the democracy movement. And it criticized him for his preoccupation with "peripheral matters such as an economic forum" that were described as a "distraction from what the Security Council has articulated as critical goals."⁴⁰

Gambari was back in Myanmar in February 2009, but Senior General Than Shwe again refused to see him. And Aung San Suu Kyi, while she did meet the envoy this time, made it clear publicly that she had little confidence in the process. It was evident that the SPDC was not interested in any compromise and was moving steadily if still somewhat slowly toward elections. The good offices were grinding to a halt.

PLAYING THE SECRETARY-GENERAL CARD (AGAINST ALL ODDS)

The UN had one card left to play—a return visit by the Secretary-General himself. The Secretary-General was keen to follow up on his successful intervention in the midst of the Nargis crisis. And the UK government in particular had been pushing for a return visit for quite some time. There was no apparent reasoning behind this, other than the hope that Ban Ki-moon might be in some way more forceful in pressurizing Myanmar's government. The Secretary-General himself believed that he had a good relationship with Senior General Than Shwe, and his office had been promoting his post-Nargis diplomacy as one of the high points of his tenure. A "breakthrough" in talks with the SPDC and Aung San Suu Kyi would be a significant achievement for Ban. But the situation was not propitious.

On the night of May 3, 2009, an American tourist, John Yettaw, swam across Yangon's Inya Lake to the compound of Aung San Suu Kyi, inadvertently creating another political crisis. Legally, the maximum term of Aung San Suu Kyi's house arrest was nearing an

end. Yet her allowing Yettaw to remain in her house without informing the authorities became the basis for new charges and introduced the prospect of a new sentence just a few months before the elections.⁴¹ Aung San Suu Kyi was moved from her house to a government guesthouse and charged with violating the terms of her house arrest. Faced with a possible sentence of three to five years in prison, she was put on trial.

In June, Gambari was dispatched for his eighth visit, this time with the primary objective of preparing the Secretary-General's upcoming visit and trying to secure meetings for him with Senior General Than Shwe and Aung San Suu Kyi. In follow up to the Secretary-General's and the Security Council's statements condemning the trial of Aung San Suu Kyi, he also intended to ask the government to drop the charges against Aung San Suu Kyi and let her play a role as an essential partner in national reconciliation.⁴² It was, however, to be one of the shortest visits in the now sixteen-year history of the good offices. The envoy had two rounds of meetings with Foreign Minister Nyan Win. Presented with the "expectations" for the upcoming visit, the foreign minister simply expressed his government's reservations about the timing and made clear that it would be difficult to arrange a meeting with Aung San Suu Kyi if a verdict had not yet been pronounced. And with that Gambari's trip was over. His additional requests to meet with Aung San Suu Kyi and the NLD, and even the US, the UK, and the Chinese embassies were not granted.

By then, there were strong reservations within the UN Secretariat about the prudence of going forward with a top-level visit. However, the Secretary-General was under strong pressure, from the UK in particular, and perhaps thought he had sufficient personal goodwill with Senior General Than Shwe from his last visit to achieve something. Thus, he decided to go ahead with the visit.

On July 3, 2009, Ban Ki-moon arrived in Myanmar on his second visit with a high-level team in tow and a journalist corps full of expectations.⁴³ The Secretary-General met with Senior General Than Shwe twice and put forward his request to see Aung San Suu Kyi. He was denied. The UN's "best card" in fast order became a spent card in Myanmar. Before his departure on July 4th, the Secretary-General

delivered a revised version of the farewell speech that had originally been prepared before the trip and before the government's refusal to let the Secretary-General see Aung San Suu Kyi. The speech was now peppered with references to Myanmar's poor human rights record, which infuriated the government.⁴⁴ UN-Myanmar relations had hit an all time low. Some say that the speech was the Secretary-General's saving grace. But, while insisting on a visit at the time of the most high-profile trial in Myanmar's history may have served the Secretary-General's human rights agenda, it did not advance the prospects of his good offices. Once again the good offices had been reduced to the single issue of Aung San Suu Kyi and democracy.

The trial of Aung San Suu Kyi concluded just a week later, on August 11th. A few weeks after that, US Senator Jim Webb became the first American leader to shake hands with Senior General Than Shwe. Without difficulties Webb was granted a meeting with Aung San Suu Kyi and flew out of the country on a US military plane with a released John Yettaw. The message was clear: it was the Americans that the military government really wanted to engage with. The UN good offices, it seemed, had simply been—or had become—a means to this end, perhaps because they came only with “impossible” demands and nothing substantial to offer in return, as Gambari had repeatedly pointed out.

ENTER ESCAP

As if to confirm this, an unexpected UN breakthrough was made outside the purview of the good offices. Just a month after Gambari had been snubbed by Than Shwe and a few weeks after the Secretary-General's own unsuccessful return trip, Noeleen Heyzer, Under-Secretary-General and executive secretary of the UN Economic and Social Commission for Asia and the Pacific (ESCAP), was received in Naypyitaw with open arms. During a weeklong visit she held meetings with several ministers, including ministers for planning and development and agriculture, and Prime Minister Thein Sein. Given a comparatively free leash, Heyzer, accompanied by her daughter and a government official, drove across the country, making stops talking to villagers, farmers, and shopkeepers along the road. This type of engagement was in sharp contrast to Gambari's stage-managed visits.

The visit at the end of July 2009, Heyzer's third, was at the special invitation of Minister of Agriculture Htay Oo. The trip wrapped up with a daylong session in Naypyitaw, which included a presentation by Heyzer on regional food security issues and relevant recommendations for Myanmar. To Heyzer's great surprise, Minister Htay Oo at the conclusion of the meeting announced to the public that the event marked the start of a Myanmar-ESCAP development partnership in policy dialogue on socioeconomic issues.⁴⁵ The parameters of the new dialogue were still unclear. Had the previously firmly shut door just been opened to ESCAP? Were parts of Naypyitaw signaling openness to discussing some of Myanmar's most pressing issues with a UN agency?

Although the announcement had come as a surprise, the initiative didn't appear out of thin air. Heyzer had cultivated the idea of starting a series of seminars tailored to Myanmar ministers for well over a year. She had also accompanied the Secretary-General on his first visit to Myanmar just after Cyclone Nargis and made a second trip as part of the ASEAN-led post-Nargis needs assessment. Since ESCAP is a non-operational UN organ with a mandate to convene discussions on socioeconomic issues in a regional perspective, it was fairly constrained to act even in the face of a disaster of unprecedented scale that had struck one of its least developed members. But Heyzer seconded a few statisticians to help with survey design and data analysis for the post-Nargis needs assessment. Next, drawing on participants from countries in the region that had experience with recovery work after natural disasters, she convened a regional high-level expert group meeting on post-disaster recovery and livelihood opportunities largely for the benefit of Myanmar officials. The event drew ministerial-level participation. Previously it had been very difficult to get political-level participation from Myanmar in ESCAP's activities. In fact, Myanmar had been quite absent from ESCAP for various reasons.

Even before Nargis, as a newly appointed leader of the commission, Heyzer had recognized that there was a need for a new and more active approach for ESCAP to engage Myanmar's leaders. Myanmar was lagging behind its neighbors in so many socioeconomic areas that it was becoming a liability for the rest of the region. Heyzer said, "It

was noticeable that for Myanmar to even be able to participate in policy discussions, it needed more assistance than other member states to be brought up on par [in terms of development thinking] with others in the region.”⁴⁶ She continued to engage with relevant Myanmar ministries throughout that year through informal channels, and in April the agriculture minister took an active role in that year’s commission discussion on food security in the region. “My aim [with the post-disaster conference and the food security discussion] was to provide a forum and platform in which Myanmar officials felt confident and reassured that they could speak among peers and neighbors.”⁴⁷ Interested in making the findings from the region and recommendations being implemented elsewhere available to his peers, the minister invited Heyzer to present in Naypyitaw.

AN AMERICAN NOBEL LAUREATE GOES TO NAYPYITAW

In December 2009, Heyzer pulled off an even more remarkable achievement: she brought a foreign Nobel laureate in economics to Naypyitaw (and an American at that). In the company of Myanmar economists, international development partners, and local nongovernmental organizations, the former chief economist of the World Bank, Joseph Stiglitz, discussed economic policies with members of the Myanmar junta. Not behind closed doors in the margins of an International Monetary Fund (IMF) Article IV mission, as per usual, but in plain view and in the presence of local journalists. It was a kind of “national economic forum” revisited. It was a frank discussion. Over a couple of days travel in the dry zone, Myanmar ministers took the opportunity to delve more deeply into issues and ask for Stiglitz’s frank advice. A version of the economic forum that Gambari had dreamed of for so long was finally taking place (although, significantly, it did not involve the NLD or other political parties and thus did not directly serve the broader purpose of national reconciliation). Nurturing a relationship in a regional context, within the generals’ comfort zone, had borne fruit.

A quiet and anxious day followed the seminar. The government-owned daily, *New Light of Myanmar*, failed to publish and there were rumors that Senior General Than Shwe had stopped it because of the economic forum. But then on the second day the issue was out

containing full coverage of the seminar and the issues discussed featured on the front page.

Exile media lambasted the event and called it “neocolonial.” Cynics said that the policy dialogue itself did not mean anything unless the Myanmar government also took steps to address some of the issues discussed. Diplomats called for ESCAP to present an outcome document and keep track of implementations of policy changes before any further dialogues were held.⁴⁸ Some heads of UN agencies on the ground cautioned that ESCAP was being played by the Myanmar regime—by being seen to have a process with one part of the UN (and a regional commission, which didn’t even have an office in Myanmar), they argued, Myanmar authorities were hoping to be let off the hook on other issues. Few outside recognized the significance of having started a dialogue on issues that could never before have been discussed. But Heyzer ignored the skeptics: “The UN’s role is to try to influence. We should do our best to pump in good ideas and expose decision makers to international best practices and experiences. We can never guarantee, of course, that the ideas will be implemented, in any country or context in which we are working. But we can do our best to share our knowledge.”⁴⁹ A number of Myanmar economists, similarly, argued that even if nothing else was achieved at least the event had opened the door for civil society to opine on pressing matters never before debated in public. A third policy dialogue focusing on the whole value chain of rice was held in August 2011.

In his end-of-assignment note, Gambari described the ESCAP breakthrough as if it were part of the good-offices effort.⁵⁰ But while there were similarities in the reasoning behind Gambari’s proposed economic forum and Heyzer’s initiative, it is doubtful that the former had much to do with the government’s embrace of the latter. The breakthrough likely is better understood as an extension of the widely praised tripartite program that came out of Nargis, which neither the Secretary-General nor Gambari had anything to do with.

ANOTHER ENVOY LEAVES THROUGH THE BACKDOOR

In December 2009, four years after Razali's "resignation" and ten years after de Soto's moving on, it was announced that the UN's third Myanmar envoy was being reassigned. Ibrahim Gambari, the former Africa adviser from Nigeria, would deploy to Sudan as joint AU-UN Special Representative on Dafur.

Like previous envoys, Gambari left deeply disillusioned and with few kind words to say about the member states. Seeing the changes in Myanmar that began with the transfer of power to a new government in 2011, he later lamented that, "We are now beginning to see changes that could have happened earlier if there had been some give on the part of the international community. I knew there would be no other roadmap—we should have focused on supporting and accelerating the implementation of the roadmap, not changing it. I tried to get support from China and ASEAN for this, but failed to get the West to recognize any forward movement."⁵¹

Chapter Five

THE LAST ENVOY? VIJAY NAMBIAR (2010–)

Searching for a Role in a Changing Landscape

Following the strained visit by the Secretary-General in July 2009, which did not match the expectations of the forward movement achieved during his first visit, there was not much UN appetite for political engagement with Myanmar's military government. Yet the General Assembly mandate remained in place, and no member states were willing to accept a pause in the good-offices process (perhaps because it would have put pressure on the member states to do more). With no way out, the poisoned chalice was passed on to another high-level UN official, Ban Ki-moon's chief of staff, Vijay Nambiar. Nambiar had served as chef de cabinet since Ban Ki-moon took office on January 1, 2007. Before this he had an illustrious career with the Indian government, which included positions as deputy national security advisor, permanent representative to the United Nations, and ambassador of India to Pakistan, China, Malaysia, Afghanistan, and Algeria. While he was not a mediator by training or background, Nambiar had long-standing experience in bridge-building work via his diplomatic career. Thus, he seemed a reasonable choice to hold the fort while the UN and everyone else waited to see what would transpire after the elections, scheduled for later in 2010.

A CHANGED ENVIRONMENT

By the time the Myanmar portfolio landed on Nambiar's desk, there had been a significant shift in international perspectives on Myanmar, even if not much had visibly changed yet inside the country. A few months earlier, in September 2009, the Obama administration, after a thorough review, had announced and put into action a new Myanmar

policy, which would uphold existing sanctions but complement them with direct engagement with the Myanmar government. Assistant Secretary of State for East Asian and Pacific Affairs Kurt Campbell had been given the task of implementing the new diplomatic initiative and had visited Naypyitaw in November—the most senior US official to do so since a visit by Secretary of State Madeleine Albright in 1995. He was reported to have had “very productive discussions,” including meetings with Prime Minister Thein Sein and Aung San Suu Kyi (but not Senior General Than Shwe). Regional countries, including China and the ASEAN countries, meanwhile had been making it abundantly clear that they saw the SPDC roadmap and the promised elections as a significant step in the right direction and that the international community should back this effort and help ensure that it would be successful.

It would be nearly a year before Nambiar was invited to visit Myanmar to observe “the successful completion” of the fifth step of the seven-step roadmap, namely the multiparty elections. During this time, the envoy and his team liaised closely with key member states, UN system partners, the international financial institutions, and local and regional civil society, with a focus on identifying common priorities around the transition process unfolding in Myanmar. Already, many were concerned that the numerous initiatives being planned by stakeholders, both inside and outside the country, duplicated efforts in some areas, while leaving gaps in other areas.¹ UN statements continued to highlight the importance of ensuring that the elections would be free and fair, while emphasizing that it stood ready to help with technical assistance to support Myanmar’s transition both leading up to and beyond the elections. In June, Nambiar made a tour of the region, with consultations in New Delhi, Singapore, and Beijing, which confirmed that these key governments continued to support the good offices and its three-pillar approach. The key message across the region was that the primary concern was Myanmar’s future stability, and that the UN and the international community needed to take a long-term perspective on the change process.² Nambiar ended his note to the Secretary-General on the consultations by identifying two key steps for follow-up: a meeting in New York with the UN permanent representatives of four ASEAN members of the group of friends (Indonesia, Singapore, Thailand, and Vietnam) and a senior-level



Vijay Nambiar (UN Photo/Paulo Filgueiras).

meeting of heads of UN agencies to develop a common platform for “system-wide engagement on socio-economic and development issues,” consistent with the three-pillar approach.³ A later request to visit Myanmar in August was rejected by the government.

For the Myanmar government there was only one thing that mattered at this point, the upcoming elections scheduled for November 7th. Nothing and no one would be allowed to stand in their way or disturb this critical event—not the UN and not, as it would become apparent, the opposition. With the NLD boycotting the elections, there were no serious challengers to the government party—the Union Solidarity and Development Party (USDP)—and its lineup of ex-generals. But the authorities were not leaving anything to chance, having clearly learned from the disastrous outcome of the 1990 elections. Reports of intimidation and bribery of voters were commonplace in the lead up to the elections. And in a number of those constituencies where the vote on election day did not favor key USDP leaders, outright vote rigging was used to ensure the desired outcome. On November 12th, the Electoral Commission could thus declare a landslide victory for the USDP, which took more than 80 percent of the seats up for contention in the two houses of the national parliament and only slightly less in the regional parliaments (25

percent of the seats in each parliament had already been set aside for military appointees). The National Democratic Front, which had split from the NLD to participate in the elections, and about a dozen regionally based ethnic parties won most of the remaining seats, thus ensuring that there would at least be a nominal opposition presence in the new parliament. Ten days after the elections, having secured a continued mandate to rule, the military government fulfilled another long-standing promise and released Aung San Suu Kyi, who by then had spent seven years and five months in near total isolation under house arrest. Ban Ki-moon put in a personal call to Aung San Suu Kyi to congratulate her on her release.

NAMBIAR'S FIRST VISITS

In late November, Nambiar was finally granted a visa for his first visit to Myanmar. The objective of the visit was to take stock of the situation after the election and to urge the government to ensure the democratization process was as broad-based as possible. This meant neither excluding nor ignoring the voices of key stakeholders that had not participated in the elections (i.e., the NLD), nor those working outside the “official tent” of parliament (i.e., ethnic nationalities, civil society, and the private sector). Nambiar simultaneously reaffirmed the UN’s long-term commitment to support progress in the political, humanitarian, and development areas.⁴ Compared to Gambari, Nambiar had unprecedented flexibility in organizing his program. While he did not meet with the president, the envoy met with the foreign minister and other key line ministers in accordance with the UN’s three-pillar approach. Critically, he was free to meet with Aung San Suu Kyi and other political parties and civil society groups on his own without any interference or oversight from the authorities. The government interlocutors showed great confidence and noted that they would address any outside concerns in the context of their own internal priorities and at a time that would be most beneficial to Myanmar’s democratization process.⁵ Aung San Suu Kyi, however, was on the defensive and looking for UN support, noting that “the UN should do more to express concern over developments and that she expected to have frequent interaction with the UN through a more active good offices, preferably with a full-time special envoy.”⁶

Nambiar’s main conclusion from the trip was that the long-

standing zero-sum logic of both the government and the NLD, was yielding to a third way—a “win-win” situation in which civil society groups began addressing issues they and their communities deemed critical, but within the framework of the country’s constitution (despite the many recognized concerns and “flaws” underscored by the latter). The continued use of the good offices as an “honest broker” could help identify common ground around these local approaches and simultaneously reflect and explain the shifting dynamics to the international community. At the same time, in accordance with the UN’s three-pillar approach, Nambiar saw good prospects for increased UN engagement in the socioeconomic area, so as to complement the organization’s efforts in the other two areas. Government ministers had explicitly called for a lifting of the restrictions on the UNDP’s mandate, and several of the new political parties and key civil society groups were keen to see more assistance come in. Ethnic parties in particular were focusing on the need to address economic disparities affecting their constituencies.⁷

In February 2011, the new parliament met to elect a president and two vice presidents. The choice fell on former Prime Minister Thein Sein and former SPDC Secretary-1 Tin Aung Myint Oo, with the second vice-presidential post going to a Shan, Sai Mauk Kham. The first two were former high-ranking generals who had only recently shed their uniforms, and the third was also a member of the government party, the USDP. This did not do much to dispel the foreboding felt in much of the international community about the nature of the new government. But a surprise was coming (the first of many). Recognized by insiders as a moderate, President Thein Sein wasted little time after the transfer of power from the SPDC to the new government on March 31st to show that he was also a visionary and his own man. In his first speech to the nation, the president laid out a highly progressive agenda for reform, which basically ticked all the boxes from national reconciliation to anti-corruption measures, economic reform, and poverty alleviation. He also appointed a number of respected, independent technocrats to serve as presidential advisors, suggesting that he actually meant to get something done. This was a first for a regime that had long been known for its top-down and secretive policymaking. In May, Nambiar was again invited

back to observe the progress made. Bringing a forward-looking message about increased dialogue between the UN and the six-week old government, he met with the newly appointed presidential advisers, as well as a broad selection of ministers, opposition members of Parliament, and civil society groups. He had yet to meet with the new president, but this was mostly a protocol issue. Since the Secretary-General had already met with the senior general, having the new president meet with the Secretary-General's envoy would look bad to some internal doubters.⁸

A NEW REFORM AGENDA

In many ways, the UN now remained stuck with the same dilemma that had crippled the good offices in the late 2000s. While Aung San Suu Kyi (and with her, key member states) was still dismissive of the potential for change in the government-controlled political process, the envoy's own assessment was that the only way to move forward was within a process that had buy-in from the new government, as well as other key stakeholders. As far as the government was concerned, however, the UN was now essentially pushing against an open door. Implementation of the president's new policy framework was delayed by the need to first secure consensus within the government; but from around July 2011, things really started to move—beginning with the top of the long-standing international wish list. After several meetings with Liaison Minister Aung Kyi, on August 19th Aung San Suu Kyi made the trip to Naypyitaw for a one-to-one meeting with Thein Sein and came away newly convinced that the president was sincere in wanting to take his reform drive forward. This was followed in October, coinciding with Nambiar's third visit, by a public recognition by the president of "the historical validity of the 1990 elections result." A bill put forward by the president was then signed into law, amending three key areas of the Political Party Registration Law and specifically designed to open the way for the NLD to re-register as a political party. In November, the main opposition party did just that, and in April 2012 the party ran in the by-elections securing yet another landslide victory. Although, with only about 10 percent of the total seats in Parliament up for grabs, the USDP maintained its clear majority. Aung San Suu Kyi won her constituency in a poor township just outside Yangon, taking more



Secretary-General Ban Ki-moon at a joint press stakeout with Aung San Suu Kyi, Yangon, Myanmar, May 1, 2012 (UN Photo/Mark Garten).

than 80 percent of the vote. In May she took her seat in Naypyitaw as a new member of Parliament (MP).

The international community was also waking up to the fact that something was new in Myanmar. In July 2011, Australian Foreign Minister Kevin Rudd became the first Western foreign minister to visit Myanmar in eight years. And in December came the big breakthrough in the two-decade-long standoff between Myanmar and the West: another foreign minister's visit, this one by Hillary Clinton. With both Aung San Suu Kyi and the US administration now backing the reform process, the new government rode from success to success in its international relations with a deluge of high-level visits by foreign ministers, delegations of Western MPs, and high-ranking international officials. And once the by-election results were in, Western governments moved quickly to begin dismantling if not all then at last significant parts of the long-standing sanctions regime.

NEW OPPORTUNITIES FOR THE GOOD OFFICES

Freed from the political constraints that had long hampered the good offices, the UN pushed forward with a number of new engagement initiatives. On September 20, 2011, Nambiar facilitated a first-time

confidence- and trust-building meeting between a ministerial-level Myanmar delegation and key member states, including the United States, China, Russia, Australia, and six ASEAN countries, in the offices of the Asia Foundation in New York. The meeting had first been broached with Myanmar's government during Nambiar's second visit in May and then thrashed out during a working-level visit by a member of the good offices team in late June (the first of its kind in the history of the good offices). The idea was to familiarize and perhaps sensitize Myanmar government officials to the outside world, and to reinforce international confidence in the reform process at home in Myanmar. And it seemed to work. The Myanmar delegation, which included the new foreign minister, Wunna Maung Lwin, and two presidential advisors, spoke freely and frankly. Building on this event, on September 22nd, the Myanmar and US delegations met bilaterally to continue discussions.

Two further visits by Nambiar to Myanmar followed in November 2011 and February 2012 (the latter subsequent to his formal appointment as Special Advisor for the Secretary-General on Myanmar). During the first visit, Nambiar addressed a mixed audience at a Forum on Green Economy and Green Growth in Naypyitaw. In his speech the envoy conveyed the essence of what some in the UN had, all along, been striving to help support in Myanmar:

The convening of this forum today is itself an indicator of the direction in which Myanmar must continue to move. The list of sponsors and organizers of this event indicates that it is now possible for a wide cross-section of Myanmar's critical stakeholders—including the business sector, academics, research institutes, government officials, civil society, and private citizens—to create a platform around which an issue of common concern or interest can be discussed openly.... An engaged society can help the government improve policy-making, reflect the people's legitimate interests and—as the President has noted—help “guarantee fundamental rights of citizens” also in the process.... As the UN has always maintained, it is in the interest of Myanmar and its people for the reform process to be broad-based and as inclusive as possible.⁹

In April 2012, the by-elections were held, in which the National League for Democracy agreed to participate, solidifying the clear 180-

degree change in relations between Aung San Suu Kyi and the government. The Myanmar government invited the UN (as well as the governments of other countries) to send a team to observe the vote; the United Nations, while distancing itself from formal observations, sent a political team that included a staff member from Nambiar's office. A very positive statement was subsequently delivered by the Secretary-General's spokesperson, and everything was in place for Ban Ki-moon to return.

At the end of April 2012, Ban Ki-moon made his third visit to Myanmar, under entirely different circumstances than before. The by-elections, which delivered a landslide victory to Aung San Suu Kyi and the NLD, had confirmed what all but the most hardcore skeptics had already concluded, that the new government was in the process of transforming the political landscape. Importantly, the transition now had the official stamp of approval of Aung San Suu Kyi. With these very positive developments providing the backdrop for the visit, there were no risks for the otherwise risk-averse Secretary-General to worry about, and no need to dwell on past misfortunes. Thus he flew into town with a clear but balanced message of UN support for the Myanmar government and the transition process. While highlighting the many challenges yet to be met, Ban made it clear, first privately in a meeting with President Thein Sein and later publicly in an address to the new parliament, that the UN was calling for a full normalization of international relations with Myanmar. He talked about a Myanmar that is "making history," a Myanmar that is poised "to retake its role as a responsible member of the international community," and he assured the government that it could count on the UN, and on him, to help them build for the future. The Secretary-General also met with Aung San Suu Kyi at her home, and held a joint press conference with her afterwards. Two months later, in June, Nambiar made his sixth visit, bringing further promises of UN assistance in dealing with the many transitional challenges going forward.

It seemed the good offices had emerged from a long dark tunnel into the light, to join in the celebration of exactly the kind of changes that it was set up to try to achieve. But exactly how did it contribute to this metamorphosis, and where does it go next?

CONCLUSION

Twenty Years On: What Are the Lessons Learned?

This study has chronicled and narrated the UN's good offices effort in Myanmar as told through the lens of those most involved. It is largely limited to the UN side of the story and in no way pretends to be a comprehensive or definitive history of the mediation effort in Myanmar. While limited in scope, the recurring themes, various approaches tested, and shortcomings observed do allow some important conclusions to be made and lessons to be drawn. The following analysis refers primarily to the time prior to the transfer of power from the SPDC to a quasi-civilian government in March 2011 and the start of the reforms that followed. The final section then takes a brief look at the status of the good offices in August 2012, sixteen months into Myanmar's democratic transition and the options going forward.

OBJECTIVES

The Secretary-General's mandate on Myanmar derives from a 1993 request by the General Assembly for assistance in implementing its annual resolutions on Myanmar, which has been reiterated every year since then. In principle, the mandate covers everything included in the resolutions, from political reform to ending ethnic armed conflict and a wide range of human rights, socioeconomic, and humanitarian issues. In reality though, the UN has focused primarily on promoting democracy. Particular emphasis has been placed on jump-starting a dialogue between the government and Aung San Suu Kyi, as well as securing the release of political prisoners and restoring political freedoms. During the "secret talks" between the government and Aung San Suu Kyi (2001–2003), UN envoy Razali Ismail acted as go-between. Later, efforts would focus on persuading the government to release Aung San Suu Kyi and open up the National Convention to allow genuine dialogue about the future constitution. The quest for a

resolution to Myanmar's long-standing armed ethnic conflicts has been largely subsumed under the quest for democracy. Discussions of economic and humanitarian issues, including a short-lived joint effort with the World Bank in 1999, have been mainly strategic, aimed at inducing Myanmar's government to undertake political reform. Substantive negotiations concerning broader human rights, including restrictions on humanitarian space, have been left up to other actors, notably the UN's special rapporteur on human rights, the International Labour Organization (ILO), and other UN bodies.

STRATEGIES

The attempt to use a peacemaking tool to promote democracy was a first for the UN; thus there was no real precedent to draw on. The mandate has been exercised, but mainly through four special envoys: Assistant Secretary-General Alvaro de Soto (1995–1999), former Malaysian Permanent Representative to the UN Razali Ismail (2000–2005), Under-Secretary-General Ibrahim Gambari (2006–2009), and Chef de Cabinet Vijay Nambiar. The primary means of mediation has been the “mission.” Since 1994, there has been nearly forty senior-level UN visits to Myanmar directly linked to the good-offices mandate, each involving at least a dozen meetings with senior government officials, members of the opposition (or oppositions), Myanmar civil society, and the international diplomatic and aid community. While each envoy has attempted to unite the international community behind their efforts, mainly through the establishment of various groups of friends of the Secretary-General, many aspects of international policy bearing on the good-offices effort have been effectively outside of the control of the secretaries-general or their envoys. Notably the UN has had little success in convincing Western governments to calibrate their use of sanctions or aid to support its mediation effort.

In retrospect, it appears as if each envoy started over, almost from scratch, only to reach very similar conclusions at the end of their respective terms—namely, that the UN had nothing to offer of interest to the Myanmar parties, in large part due to constraints imposed by key member states. It is remarkable that the shortcomings already identified by de Soto in the late 1990s were never adequately

addressed. Yet, if every phase bears resemblance to the others, some key features of each can nevertheless be distinguished.

Alvaro de Soto (1995–1999). From the start, the good-offices effort was premised on the importance of securing the release of Aung San Suu Kyi from house arrest and jump-starting a dialogue between her and the government. Short of this, it aimed to strengthen the hand of the opposition overall. It was perhaps reasonable initially to try this singular political track, given that the military government had pledged to return the country to democracy. But de Soto found early on that going empty-handed would get him nowhere with the regime. He came up with a formula, which he thought might have the potential to pique the interest of the government: the possibility of a resumption of assistance from the international financial institutions. However, with Aung San Suu Kyi at this point showing little inclination to compromise with a regime that was brutally repressing her party, the US refused outright to support even the exploration of possibilities, thus killing the initiative before it could be tested.

Razali Ismail (2000–2005). During the second phase of the UN's good offices in Myanmar, the world body desperately tried to get increased support from member states, in particular the countries in the Association of Southeast Asian Nations (ASEAN). But despite being from the region, Razali too found himself going largely empty-handed on his missions to Myanmar. Not even fellow ASEAN countries would help stitch together an appealing package. For lack of a better offer to put on the table, Razali tried to appeal to the humanitarian impulses of both the government and Aung San Suu Kyi's National League for Democracy (NLD). The government in this period showed its most reformist face to date with concessions such as prisoner releases and opium eradication programs. But with a regime still dressed in army fatigues, Western member states failed to appreciate the need to work with reform-minded officers, or even recognize when concessions were being made. With the years passing and some persuasion by Razali, Aung San Suu Kyi's interest in a compromise grew. But as her willingness to enter talks waxed, the government's interest waned. In 2004, the UN good-offices effort came perhaps as close to brokering a deal as it ever would. But with concessions made on the part of the government passing largely unnoticed—or at least unreciprocated—

by the international community, the leash on reform-minded members of the regime was soon reined in. In the end, the government did not go through with the deal. Perhaps the main problem during this phase was member states' failure to recognize progress and opportunities, despite these being clearly spelled out for them by the envoy.

Ibrahim Gambari (2006–2009). By the time Gambari took over the Myanmar portfolio it was clear to many that that political mediation was extremely unlikely to go anywhere without major revisions to the approach. Gambari tried to broaden the agenda and was probably the most active envoy in trying to engage member states in equipping the good offices with meaningful carrots to entice the regime into talks. Yet, the “toolbox” remained empty. Short on effective tools, the UN struggled to even get the Myanmar government's attention. Gambari may also have been the most creative envoy until that point in making use of the wider UN system, stressing a “three-pillar approach” comprising, in addition to the political, a humanitarian and a development track. However, bringing the tracks under the same hat rather than encouraging and more strongly supporting the advancement of each as separate agendas by different arms of the UN may unfortunately have rendered the humanitarian and development tracks guilty by association.

Vijay Nambiar (2010–). By and large, Nambiar has continued in the same mold as Gambari. But with important changes inside Myanmar as well as in the positions of key member states, he has been free for the first time in the history of the good offices to seriously pursue broader objectives that are complementary to the quest for democracy.

ACHIEVEMENTS

Popular perceptions of the achievements of the Secretary-General's good offices in Myanmar have been, and remain, overwhelmingly negative. Although member states have consistently, and increasingly, expressed their strong support for the continuance of the good offices, it has been rare for anyone to credit the secretaries-general or their envoys for any concrete achievements. Media coverage has generally been negative, and opinion pieces by human rights and exiled activists

often downright hostile. It has frequently seemed as if the good offices have been scapegoated for the collective failure of Myanmar's opposition and the international community to induce the military regime to democratize. And with everyone now clamoring to claim credit for the recent reforms, the actor that has received the least credit seems to be the UN.

This negative image of the good offices is not entirely justified. While clear achievements can be hard to identify, the efforts of successive envoys over the past twenty years have generally been constructive and, at times, even productive. At the level of ideas, the Secretary-General's good offices has frequently offered much needed fresh perspectives on the political situation and has consistently been ahead of the curve in terms of assessing the opportunities for change, or the lack thereof. The benefit of hindsight allows us to conclude that Razali was right when he insisted that the NLD would have to find a way to work with the government. Gambari was right in pointing out that progress in Myanmar would have to proceed along several interweaving tracks, and that the government's roadmap should not be discounted. And Nambiar was right in suggesting that the 2010 elections and the transfer of power to a "civilianized" government might present new opportunities for change, even if the process was deeply flawed. While these candid assessments were widely unwelcome at the time, they now appear entirely prudent and indeed to have had significant foresight.¹ In fact, the kind of changes we are seeing today may not have been possible if institutional voices like those amplified by the good offices had not been challenging the conventional wisdoms and vested interests that for so many years kept a deadlock in place.

Engagement by the UN and others over the past twenty years may well have helped build the confidence in the possibility of normalizing relations with the international community that President Thein Sein showed in 2011 when, with a significant leap of faith, he embarked on his reform program. If the Myanmar government at this time had only experienced ostracism by overtly hostile Western countries who would countenance nothing less than immediate democracy, it is hard to imagine that the president would have had the confidence to embark on a mission that to a significant degree hinged on international

support for it to succeed. The most significant international influences in this respect were probably the broader humanitarian re-engagement by donors after Cyclone Nargis in 2008, and perhaps especially the political re-engagement by the Obama administration, which began a year later. But it is fair to conclude that over the years the UN's good offices helped cultivate the ground for those shifts by making "engagement" a less dirty word and highlighting to all sides the cost of maintaining their zero-sum positions.

In more practical terms, the good offices made an impact, even if somewhat limited, both in terms of process and substance. First, UN visits under the good offices kept the lines of communication open with the senior military leadership as well as with Aung San Suu Kyi. The UN envoys are the only international actors that have succeeded in establishing a continuous dialogue with the military government about democracy and human rights. The significance of this achievement should not be underestimated given the military's long history of isolation and insularity. For long periods of time, the envoys were also the only actors with access to Aung San Suu Kyi, and among very few that consistently challenged the opposition leader to critically reflect on the strategy of the NLD. While the impact of discussion and persuasion can only be fully appreciated by those subject to it, the good offices have certainly helped to lessen the isolation of domestic parties, to clarify the positions of the international community to those parties—and to clarify domestic political positions and dynamics to external parties.

Second, the good offices have helped to maintain international attention on Myanmar, especially in the lulls between crises, and facilitate dialogue and coordination among different member states, which have rarely prioritized Myanmar in their bilateral talks. The UN envoys, through regular capital visits and groups-of-friends meetings, have been an important focal point for the partial coming together of the international community behind an agenda for change, even as they have failed to convince member states to do very much to implement it. At times, they also helped push for better coordination within the UN system itself, although more could have been done on this front, and with a more collegial approach (see below).

Third, in substantive terms, Razali played an important catalytic role in jump-starting and sustaining talks between the government and Aung San Suu Kyi in the early 2000s. That this window closed again does not detract from the fact that engagement by a credible and well-connected international envoy created an opportunity for reconciliation that went further and promised more than any earlier homegrown efforts had. Razali's efforts made a crucial difference to how Myanmar's leaders perceived their options at the time, specifically the prospects for improving their international standing. (Unfortunately, the actions of other international actors eventually led to a reassessment of those options, pulling the carpet from under the envoy's feet.)

Finally, the persistent push for the Myanmar government to undertake various confidence-building measures has had significant humanitarian benefits. During periods of heightened engagement by the UN, not only were significant numbers of political prisoners released, but the authorities also showed more openness and willingness to cooperate with international human rights agencies, such as the ILO, the UN Refugee Agency (UNHCR), the International Committee of the Red Cross (ICRC), and Amnesty International. There was also a considerable expansion of humanitarian space. Credit for any concrete achievements arising from these activities goes mainly to the agencies themselves. In fact, the UN's political priorities and activities—compounded by the politicization of international assistance, including UN assistance, by key member states—has at times created credibility problems for its representatives on the ground, whom the authorities have suspected of having political agendas. Nonetheless, the envoys played an important role in shaping the overall political environment, which made progress possible.

While flatly dismissing international demands for regime change, the Myanmar government has quite consistently tried to respond to suggestions by the UN envoys relating to confidence-building measures, if only as part of managing external pressure. It is a virtual certainty that without the good offices, there would have been even less space for the NLD, even less “dialogue,” even fewer political prisoners released, and probably also less space for engagement by

other international agencies. The desired political process did not materialize, but things could also have been worse. Critics of the good offices claim conversely that these efforts blunted international pressure and helped the government string the international community along, but this assumes that member states were ready to step up the pressure, and there is no indication that this was ever the case. On the contrary, with member states generally treating Myanmar as a “hobby issue,” the UN was for a long time the only high-level actor that tried to find solutions. It also assumes that the military leadership would have caved in to more pressure. Yet, without UN engagement and the personal contacts and trust established through this engagement, especially with reformist elements of the Myanmar government, it is more likely that the military would have stonewalled in response to Western pressure. The track record of Senior General Than Shwe on this is quite clear.

CONDITIONS OF SUCCESS OR FAILURE

As outlined above, some concrete achievements were made by the UN under the umbrella of the good offices. And the possibility that these efforts may have helped create the conditions under which President Thein Sein decided to embark on unprecedented reforms in 2011 begs further exploration. But any preliminary assessment of the good offices must ask why more was not achieved. To answer this question, the domestic and international contexts must be considered, and also the commitment and choices made by those executing the mandate (i.e., conditions within the UN itself).

Prospects for conflict resolution. It is questionable whether the conflict between the military and the democratic opposition, at least until very recently, was in fact susceptible to international mediation. Looking back over the past two decades, or indeed further back over Myanmar’s entire post-independence history, civil-military relations have exhibited many of the characteristics of intractable conflicts elsewhere in the world:² the situation has been highly complex, involving multiple actors and interlocking issues; the parties have seen the issues at stake as having a zero-sum nature; conflict has become deeply embedded in the mentalities and identities of the leaders on all sides; and there has been no mutually hurting stalemate, which could

push them toward compromise. While moderates have existed on both sides, dominant factions have stood rigidly on long-standing, principled positions, seemingly content with protecting their own “corner.” Those who have reached out to make peace have often faced strong opposition from within their own groups, while the other side typically has seen such gestures as signs of weakness and thus a reason to insist on its own demands and step up the pressure for a one-sided solution. As long as no side was able to impose its agenda, the situation remained deadlocked. In a sense, it was only once the military had secured “victory” in 2010 and could proceed from a position of strength that compromise and reform became possible.

Scope of mandate. The effectiveness of any mediation effort depends on the relevance of its strategic objectives to the sources of the conflict and the possibilities for its resolution. The UN’s good offices have been overwhelmingly focused on bringing about a change of regime. Although Razali and Gambari both spoke about the need to have a broader humanitarian and economic focus, this was largely rhetorical. In practice, their efforts in any of these “other” areas were aimed primarily at facilitating progress on the core objective of regime change. Even the resolution of Myanmar’s long-standing armed conflicts, which are principally about ethnic autonomy and equality, were never more than a secondary focus in a mediation effort that originated in the military regime’s denial of democracy and centered on the main contestants for national power—the military and the NLD (or really Aung San Suu Kyi as an individual). This narrow approach almost certainly wasted important opportunities to improve the welfare and human rights of Myanmar’s people, including by improving governance. Interventions by Eliasson in 1991 (following the Rohingya exodus) and Ban in 2008 (following Cyclone Nargis) demonstrated that it was possible to influence the behavior of the military regime in areas that did not threaten regime security (or as the generals saw it, national security). There are reasons to believe that progress could also have been made in other areas—for example, on macroeconomic reform and poverty alleviation—if they had been treated as separate from the political agenda of democracy promotion.

There is a view in some quarters that such broader issues were not appropriate objectives under a good-offices mandate; that, however

important, these were the tasks of other parts of the UN. The counter-argument would be that they are all highly relevant to human rights, and that the resolutions on which the Secretary-General's mandate was based were in fact human rights resolutions. But even if one takes a narrow view of the mandate and limits it to (political) mediation or conflict resolution only, ignoring those other issues was a major limitation of the good offices. As Myanmar scholars have long argued, it is inconceivable that democracy can take root and flourish in Myanmar unless the ethnic armed conflicts, which lie at the core of the military's reasons for taking and holding power, are resolved; unless a freer and more prosperous economy is built, which can distribute resources more evenly among political groups; and indeed unless the authoritarian political culture of the country begins to change.³ Today it is widely recognized that a transition to democracy in itself rarely holds the solution to violent social and political conflict and, in fact, risks exacerbating it.⁴ But in the case of Myanmar, this realization has come very late, at least for the UN and Western member states (and in fact has yet to be fully put into practice).

Clarity of objectives. It has never been clear exactly what the good offices were supposed to achieve, beyond regime change. Was it to install Aung San Suu Kyi as president? Was it free and fair elections (and if so, how free and fair—after all, more than half of the world's "democracies" have major limitations in this area)? Was it the end of military rule? Successive envoys have tried to adapt their agenda to fit with changing realities on the ground. However, pulled in different directions by their multiple masters and unable therefore to take a clear stand, stated objectives have tended to focus on process issues such as securing the release of Aung San Suu Kyi (and, secondarily, other political prisoners), starting a dialogue, or even simply getting the government to cooperate with the good offices or other parts of the UN. Indeed, the UN Secretariat itself has been divided on the issue. The result has not only been a lack of decisiveness on the UN side but also confusion among the protagonists inside Myanmar. The government on several occasions has been frustrated over lack of recognition of what it perceived as significant concessions to UN demands. Aung San Suu Kyi and the NLD for their part have seemingly perceived the good offices as their personal support team

and at times have castigated envoys for not doing what they, in their view, were “supposed” to. To the ethnic minorities it must have been unclear whether or in what way their concerns were part of the good offices process at all, except perhaps for the Razali period. The consequences of this lack of clarity have been dire: difficulties in formulating coherent strategies; an absence of clear benchmarks for progress (and as a result a failure to recognize and reward progress when it did happen); and unnecessary frustrations with the UN among stakeholders on all sides, which seriously undermined the ability of the envoys to build confidence with those they were supposed to persuade.

Impartiality. A mediator must be impartial (or must carry a very big stick, or carrot, with which to coerce, in particular, the strongest protagonists). This does not mean that he or she cannot have particular preferences or a particular end goal in mind. But any mediator that is seen to “take sides” will have a very hard time building trust with the other side(s). And without trust it is all but impossible to persuade anyone to accept a compromise. Lack of impartiality is a particular problem when siding against the stronger party in a conflict, since the stronger protagonist may not feel the need to negotiate and may instead be tempted to pursue a policy of force or coercion, aiming for all-out victory. This has been a major problem for the good offices in Myanmar. Although all four envoys have tried to move both sides toward a compromise and have at times been as frustrated with Aung San Suu Kyi as with the military leadership, they have been forced—by the mandate, by the United States in particular, and perhaps by their own values and sympathies—to speak primarily, and at times almost verbatim, for the opposition leader. This has not been lost on the Myanmar government, which generally has seen the good offices as directed against them (particularly in the case of Senior General Than Shwe). It is notable that while the first three envoys were initially welcomed (one might say, given the benefit of the doubt), they all ended up “disappointing” the generals and losing trust and access. In the case of both Razali and Gambari, what was perceived as action on behalf of Aung San Suu Kyi was the direct cause of their loss of access, at first to Senior General Than Shwe and then invariably to the country.

Calibration of ends and means. There has been a serious mismatch between the ends of the good offices, whatever the exact objectives, and the means or tools available to them. Every envoy from de Soto onward has spent an inordinate amount of time trying to convince member states to provide them with what Gambari referred to as a “toolbox”—essentially some significant “carrots” or incentives to complement the “sticks” or punishments that Western countries were already applying. Every one of them came up far short of what they hoped for and needed.

The policies of member states have been a big part of the problem. Aside from imposing an unrealistic mandate, Western governments, led by the United States, have repeatedly undercut the ability of the Secretary-General’s envoys to actually do their job of mediating. There has been no room for compromise, at least not any compromise that Aung San Suu Kyi had not signed off on; and while there has been lots of pressure, the UN has had no incentives to offer the government apart from an elusive promise of lifting sanctions (by others) once all demands were met. Repeated attempts by successive envoys to put together a “bargain” that might have been acceptable to the military regime have been blocked by key member states. Concessions by Myanmar’s government, few as they have been, have invariably been met with additional demands. There were opportunities along the way—for example, in the late 1990s and especially in the early 2000s when Khin Nyunt was trying to repair relations with the outside world. Even Aung San Suu Kyi seemed to acknowledge this at the time. But each time Western skepticism and domestic politics in key capitals blocked the UN from pursuing a meaningful process of mediation. In the latter situation, the refusal of the United States in particular to reward any progress short of democracy seemingly contributed to the downfall of the first reformist faction to emerge from within the regime in a decade and led to the reassertion of control by hardliners. It took nearly another decade before the kind of changes that seemed possible at that time became possible again.

Leadership. The history of the Secretary-General’s good offices in Myanmar raises fundamental theoretical questions about how far mediation can go when the mediator lacks impartiality, when he does not have direct control over many of the key means of mediation, and

not least when the parties involved effectively do not want to participate in mediation. In some respects, the UN mediation effort may have been doomed from the start. Still, windows for national reconciliation did open along the way, and there were other areas of the General Assembly resolutions where common ground might have been found or where progress could have been made by engaging more purposefully with the government. In these respects, less was achieved than might have been the case, had the task been approached differently.

While the main blame for sending the UN on a “mission impossible” falls on the member states, there has been a notable lack of leadership on the part of successive secretaries-general. Neither Boutros Boutros-Ghali nor Kofi Annan ever took much of a personal interest in the Myanmar portfolio. Ban Ki-moon has been significantly more proactive and personally involved, but for a secretary-general whose re-appointment was long in question, conflicting imperatives appear to have been at play. Certainly, the closest advisers on the 38th floor have, at times, seemed primarily concerned about whether there was anything for the Secretary-General to gain from becoming involved (or rather, how much there was to lose). While secretaries-general are invariably “hemmed in” by a multitude of political and bureaucratic constraints (and perhaps necessarily must be pragmatic), it is certainly within their authority to take a more independent line on issues than any of the three did regarding Myanmar. Much more could have been done to speak truth to the member states and to help carve out the space that their envoys so sorely needed to engage in any kind of meaningful mediation.

Tactical considerations. Besides the strategic limitations imposed by the absence of higher-level political support and member-state cooperation, tactical mistakes were made by the envoys themselves, which weakened their influence. Certain structural aspects of the conduct of the good offices at the working level stand out—chief among them are the failure to bring in people with backdoor channels to the regime, the tendency for the envoys to go it alone rather than bring in other parts of the UN system, the failure to focus efforts to build broader international support for the good offices among key member states, and the seemingly ad hoc way in which the envoys

dealt with the media.

Although all the envoys have had able advisors, and Léon de Riedmatten in particular brought important local contacts to the task, the almost sole reliance on foreigners in dealing with a highly nationalistic and secretive regime was a significant limitation of the good offices. For comparison, respected elders and other “third party” Myanmar nationals on a number of occasions have played an important role in domestic peace negotiations between the government and ethnic armed groups, thus demonstrating what can be achieved through personal connections and backdoor channels.

While Gambari and Nambiar in particular pursued objectives beyond the narrow political track and spoke in general terms about the need for a common UN effort, it is not clear that any of the envoys have truly sought to include and work with other UN agencies. At the same time, other parts of the UN have not always been willing partners. As in any big bureaucracy, especially where the incentives are not conducive to teamwork, there appears to have been significant issues with rivalry among different parts of the UN, which has weakened its ability to work as one. This perhaps raises broader theoretical questions about the appropriateness of using “the UN” as a mediator, even if it is under the auspices of the Secretary-General, who supposedly has the authority to bring everyone else into line.

All four envoys have sought to bring in member states to support their mediation efforts. However, the various “groups of friends” have all been of too diverse interests to be able to unite behind anything but the broadest objectives. Similarly, in touring the world’s capitals, the envoys may have cast their net too wide, when energy could have been focused on unlocking the position of a few key member states that could have credibly contributed to the negotiations. At the end of the day, for the Myanmar government it was really always about the United States and China. While the EU and ASEAN obviously are significant actors too, they never had much direct influence with the military leaders, and neither of these regional organizations ever demonstrated the decisiveness and coherence necessary to carve out a more central role. Much the same can be said for Japan and India.

Finally, dealing with the press has got the envoys into trouble on

many occasions. This has not always been their own fault, but there is little evidence that any of the envoys (except perhaps de Soto) has had a clear strategy for how to deal with the press or, for that matter, a clear sense of what information to share publicly and what not to. While many of the mistakes made can be explained by the intense pressure, especially over the last decade, to prove that each visit was “successful,” it is hard to accept that the envoys had no options in this regard. Keeping the press at a greater distance, and more strongly insisting on the need to keep the good-offices efforts confidential, could have significantly improved the envoys chances of effectively negotiating with the Myanmar government.

Each of these mistakes in the execution of the good offices may reflect another, structural, weakness—namely that the job as special envoy was always just a part-time job. If the international community wants a single diplomat to try to resolve a deeply entrenched conflict, the least it could do is make sure that the envoy can devote his or her full time to the task.

NEXT STEPS

With the Myanmar government now seemingly embracing peace, democracy, and international cooperation, and member states re-engaging in support of the new reforms, the main political constraints on the good offices have been removed. Both the Secretary-General and Nambiar in their most recent visits talked about “new opportunities” for the good offices. But what are the needs in Myanmar at this time of transition? And how can the good offices add value to this new equation?

Major political challenges remain in Myanmar—most immediately in terms of the peace talks with ethnic armed groups that have yet to produce substantive political agreements, but also in terms of hammering out a deal between the current government and the NLD that will allow all groups to move forward together through the 2015 elections. It is not obvious that there is a need for international mediation. After all, the major groups inside Myanmar are now all talking to each other, within and outside of the new parliament. But this still leaves a number of broader challenges relating to peace- and nationbuilding, economic reform, and all-round development of the

country for which international support is sorely needed. The question is whether the Secretary-General's good offices is appropriately positioned to take a lead role in any of this, the way it has tried, and been asked, to do in the past. Judging from the last few visits, it is not obvious that it is. On the other hand, the continued engagement by an influential, and neutral, figure like the UN Secretary-General would seem to have significant advantages for all sides in Myanmar.

Although Ban Ki-moon received rare accolades from the international press after his visit in May 2012, the trip unfolded at a moment when scores of local and international stakeholders were already working frantically and deeply with the reform process. The activities on the ground were far outpacing the policy formation processes at the UN and the diplomatic directives, which required clearance from various capitals around the globe. The critical reality during this phase in Myanmar's transition is that contrary to member state delegations, the Secretary-General and the UN have few large-scale, concrete, and/or financial gifts to offer. The UN, after all, can only give what it receives from member states, and by now the same member states that long refused to give anything to Myanmar are keen to bring the presents themselves.

Nambiar's follow-up visit in June clearly demonstrated that the UN needs to radically readjust its value-added role in an environment where long-term "confidence-building" efforts along largely binary lines are being supplanted by sustained work on the ground in concert with multiple stakeholders, both internal and external. The envoy had to ask for an invitation to the meeting of the new Peace Donor Support Group, which had been initiated not by the UN but by the Myanmar government with the help of Norway to provide support for the new government's peacemaking initiatives. Yet Nambiar did make an important appearance in Sittwe in Northern Rakhine State where violent communal clashes had tragically broken out between Buddhists and Muslim groups. The UN's messaging to all parties in real time and vis-à-vis (once again) polarized member state positions during this crisis underscored that the organization and the envoy still have an important role to play. However, the UN must do much better to identify the new roles and the new responsibilities it must take on to remain an important actor.

It is tempting to conclude that the UN, for all its efforts over the past twenty years, is left with few strategic relationships and little trust among the main stakeholders; that instead, its central role has been taken over by member states who, despite their failures and obstructive behavior in the past, have been able to respond to the new situation more decisively and indeed may benefit from their absence in the bad old days. There is no doubt that the UN carries a legacy of resentment or disappointment among many sides within Myanmar who have felt, for different reasons, that the good offices in the past did not sufficiently consider their interests. In the international donor community, while some acknowledge the potentially important role the UN can play in Myanmar, few seem to want the world organization to actually take the lead in coordinating international assistance to the country. (This, though, has more to do with perceptions of the current UN country team than the Secretary-General or the UN's potential more generally.)

Yet before the role of the UN—and the good offices in particular—is discounted, there are some important points to consider. The Secretary-General has been personally engaged with Myanmar for some time now, and with the more positive international environment he could be an important voice, not least in mobilizing international support and helping to keep heads cool when the inevitable setbacks come. The triple transition currently underway in Myanmar (from war to peace, from autocracy to democracy, and from a still relatively closed to a more open economy) really requires the best advice and assistance available, and the UN has significant experience with supporting such transitions—experience that few other actors can match.⁵ Importantly, there have been some indications recently that the Myanmar government is concerned about the possible vested interests of the bilaterals and may be looking to the UN for more neutral support in managing the difficult challenges ahead.

If there is a continuing role for the good office though, and there probably is, it will have to be a different good office from that of the past twenty years. First, and perhaps most importantly, the ties of the good offices to the General Assembly resolutions must be cut and a new mandate established. Since the beginning of President Thein Sein's reform program, the good offices has been placed in a

diplomatic dilemma where the pressure to shift its work and efforts in order to meet the new challenges in the country directly contradict the new government's desire to see the role of the office shrink due to its link to the General Assembly resolution. A new mandate is necessary to help re-establish the requisite trust and goodwill with the new Myanmar government, which remains deeply resentful of being subject to differential treatment. A termination of the annual country-specific resolutions would serve both as a symbolic recognition of the important progress the new government has achieved and as a practical step toward restructuring the UN's relationship with a new Myanmar.

Second, the execution and staffing of the good offices may need some adjustments. The role of the UN going forward is likely to be much less political and much more about providing technical and material support for the government to help make the reforms real (i.e., a more "normal" UN role in a transitional country). An actively engaged Secretary-General could still be helpful, not least to help forge a coherent UN strategy from among the diverse goals and approaches of the increasing number of UN funds and programs that are now engaging in Myanmar. But in the months and years ahead there is perhaps less need for a special envoy who drops in a few times a year for "summit talks," than for a special representative who can lead the overall UN effort on the ground, on a day-to-day basis, and help integrate new initiatives—for example, by the Peacebuilding Support Office and the Electoral Support Team—to complement the work of the existing country team. This may require a somewhat different role for the current envoy, Nambiar, perhaps a division of labor between him and another high-level UN official based in Myanmar, and certainly the establishment of a good-offices "office" in the country.

Contrary to the hopes of some of the early advocates of the good offices, at the time of transition in Myanmar the UN does not seem to have arrived with a head start. In fact, when the door finally opened for peace in Myanmar, it was not the UN that stepped through, but Norway; and when economic reform became a priority, it was the IMF and the World Bank to which both the government and others looked for leadership. But the UN still has a number of comparative advantages to offer, and if the Secretary-General is willing to take the

lead—and the member states are willing to lend him support—he may yet reshape his good offices to help provide strategic direction for the world organization and assist Myanmar in meeting the many critical challenges ahead. If successful, a final chapter may yet to be written on the UN’s long-standing mediation effort in Myanmar.

Endnotes

INTRODUCTION

1. The term “good offices” stems from the 1899 and 1907 Hague Conventions and has come to describe the independent political role of the Secretary-General in settling disputes. While not explicitly authorized in the UN Charter, successive secretaries-general have developed the good-offices function to cover mediation and fact-finding missions by the Secretary-General or an appointed envoy or high-profile mediator, with a view to preventing conflicts between and within states. See Thomas M. Franck, “The Secretary-General’s Role in Conflict Resolution: Past, Present and Pure Conjecture,” *European Journal of International Law* 6, No. 1 (1995): 361.
2. United Nations Secretary-General, *Situation of Human Rights in Myanmar*, UN Doc. A/49/716, November 25, 1994.
3. Interviews were carried out in February, March, and April 2011 with more than thirty persons directly involved in the good offices over the past twenty years. Complementary interviews were conducted in September and October 2011 and June and July 2012. Internal UN documents shared with the authors provide another important source for the narrative and analysis in the following pages.

CHAPTER ONE

1. Myanmar in the 1960s–1980s counted more than two dozen insurgent groups, the largest of which controlled what were essentially autonomous mini states along the country’s borders with China and Thailand. Ceasefires were signed in 1989 with United Way State Army, Myanmar National Democratic Alliance Army, Shan State Army–North, and New Democratic Army–Kachin, and in 1991 with Kachin Defense Army, Pao National Organization, and Palaung State Liberation Army. Ceasefire agreements were still being negotiated with other Kachin and Shan groups, and fighting was continuing between the army and the Karen National Union.
2. Aung San Suu Kyi was barred from running in the elections. But, as

leader of the NLD, she was widely considered to be the rightful winner. She has remained since then, without question, the most popular political leader in Myanmar and the symbol of hope for millions of disenfranchised citizens. In the international community she has become an icon of democracy, often compared with Mahatma Gandhi and Nelson Mandela

3. Nobelprize.org, “The Nobel Peace Prize 1991,” press release, July 31, 2011, available at http://nobelprize.org/nobel_prizes/peace/laureates/1991/press.html .
4. The resolution was passed in the third committee of the General Assembly—the committee engaged with social, humanitarian, and cultural affairs.
5. UN General Assembly Resolution 46/132 (December 17, 1991), UN Doc. A/RES/46/132.
6. UN General Assembly Resolution 47/144 (December 18, 1992), UN Doc. A/RES/47/144.
7. UN General Assembly Resolution 66/230 (December 24, 2011), UN Doc. A/RES/66/230.
8. Isak Svensson and Peter Wallensteen, *The Go-Between: Jan Eliasson and the Styles of Mediation* (Washington, DC: United States Institute of Peace, 2010).
9. Vendrell, a national of Spain, had most recently been the deputy for Alvaro de Soto negotiating the Central American peace processes from 1987–1992. He had also been involved in the UN’s early efforts to mediate between Timor-Leste and Indonesia.
10. Interview with former UN official, London, March 5, 2011.
11. UN General Assembly Resolution 48/150 (December 20, 1993), UN Doc. A/RES/48/150.
12. Teresa Whitfield, “Political Missions, Mediation and Good Offices,” in *Review of Political Missions 2010* (New York: Center on International Cooperation, 2011), p. 28.
13. Office of the High Commissioner for Human Rights, “Special Procedures of the Human Rights Council,” available at www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx .
14. Article 33(1) of the UN Charter reads: “The parties to any dispute, the continuance of which is likely to endanger the maintenance of interna-

tional peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.” Article 99 of the UN Charter reads: “The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.” *Charter of the United Nations*, 1945.

15. Rolf Carriere, “Responding to Myanmar’s Silent Emergency: The Urgent Case for International Humanitarian Relief and Development Assistance,” in *Burma: The Challenge of Change in a Divided Society*, edited by Peter Carey (London: Macmillan, 1997). The paper was originally written and delivered at a conference in 1991.
16. UNDP Governing Council (now called Executive Board) Decision 92/26 of May 26, 1992.
17. Former UN Resident Representative and Humanitarian Coordinator Charles Petrie, in his end-of-assignment report, wrote, “Officially the restrictions on UNDP’s mandate were defined as (i) not providing financial, military and political benefit to the SPDC, (ii) consulting with the NLD and the NCGUB on its operations, and (iii) UNDP should focus on grass roots community based initiatives.” See Charles Petrie, “End of Mission Report, UN Resident and Humanitarian Coordinator, UNDP Resident Representative for Myanmar 2003-2007,” April 1, 2008. Internal UN document in authors’ possession.
18. Aung Naing Oo, “Burma’s National Convention: Then and The Future,” in *Burma’s Modern Tragedy*, edited by Daniel A. Métraux and Khin Oo (Lewiston, NY: Edwin Mellen Press, 2004).

CHAPTER TWO

1. Interview with Alvaro de Soto, Paris, March 6, 2011.
2. At that time, the Myanmar effort was already being compared internally to the effort in Timor-Leste, an effort that had been going on for almost a decade before it started to move—and then moved very rapidly. The UN began its good-offices efforts in Timor-Leste in 1993, but essentially was waiting on the sidelines until the Asian economic crisis eventually blew in the winds of change and actual peace negotiations started to take shape.
3. Interview with Alvaro de Soto, Paris, March 6, 2011.

4. Ibid.
5. Ibid.
6. Ibid.
7. For an in-depth analysis of the military's worldview, see International Crisis Group, "Burma/Myanmar: The Military's View of the World," Asia Report No. 28, December 7, 2001; Morten B. Pedersen, "Regime Priorities," in *Promoting Human Rights in Burma: A Critique of Western Sanctions Policy* (Denver: Rowman & Littlefield, 2008).
8. Interview with Alvaro de Soto, Paris, March 6, 2011.
9. Ibid.
10. "Senior General Accuses Suu Kyi of Inciting Protests," *Bangkok Post*, December 11, 1996. "Fresh Student Protest," *Bangkok Post*, December 11, 1996.
11. Interview with Alvaro de Soto, Paris, March 6, 2011.
12. Ibid.
13. Ibid.
14. To the Secretary-General's February 1996 proposal that his representative visit the country, the Myanmar government had responded that "owing to the leadership's tight schedule," it would not be able to receive the representative until after August. United Nations Secretary-General, *Situation of Human Rights in Myanmar*, UN Doc. A/51/660, November 8, 1996.
15. Ibid. The meeting was held on April 4, 1996.
16. Ibid. The meeting on June 15, 1996 was held following the detainment of a large number of NLD members in connection with an event commemorating the sixth anniversary of the party's victory in the 1990 elections. The UN had insisted that the director visit Myanmar to get a first-hand sense of the situation
17. Interview with UN official, New York, March 11, 2011.
18. NCGUB was formed in Manerplaw on the Thai-Myanmar border in December 1990, by a group of members of Parliament elected in the 1990 election.
19. Interview with Alvaro de Soto, Paris, March 6, 2011.
20. Ibid.

21. Ibid. When Aung San Suu Kyi was released in July 1995, the resident coordinator deliberately waited until October to see her in order not to provoke the government. The resident coordinator knew he had to be prudent; his deputy had been reprimanded and almost thrown out of the country after he went to see her immediately on her release, a cake in hand.
22. Ibid.
23. Interview with Alvaro de Soto, Paris, March 6, 2011.
24. Ibid.
25. As reported by the *Christian Science Monitor* on December 10, 1997, cited in Peterson Institute for International Economics, "Case 88-1: US/EU/Japan v. Burma," *Case Studies in Sanctions and Terrorism*, May 2008, available at www.piie.com/research/topics/sanctions/myanmar.cfm .
26. The founding (1967) members Indonesia, Malaysia, Philippines, Singapore, and Thailand had been joined in 1984 by Brunei and in 1995 by Vietnam. The organization was set to expand by the joining of Lao PDR, Myanmar, and Cambodia.
27. Seth Mydans, "Southeast Asia Bloc Admits Burmese and Two Others," *New York Times*, June 1, 1997.
28. As reported by the *Financial Times* on November 13, 1997, cited in Petersen Institute, "Case 88-1."
29. As reported by *Agence France-Presse* on October 5, 1997, in Petersen Institute, "Case 88-1."
30. "ASEAN Must Reinvent Itself, Loosen Non-Interference Policy: Alatas," *Agence France Presse*, July 1, 2004, available at www.aseansec.org/afp/11.htm .
31. Myanmar: Informal Consultation Mechanism, Talking Points, dated August 13, 1998. Internal UN document in authors' possession.
32. Ibid.
33. Interview with Alvaro de Soto, Paris, March 6, 2011.
34. UN General Assembly Resolution 52/137 (March 3, 1998), UN Doc. A/RES/52/137. Emphasis added.
35. Interview with Alvaro de Soto, Paris, March 6, 2011.

36. Interview with UN official, New York, March 11, 2011.
37. Interview with Alvaro de Soto, Paris, March 6, 2011.
38. Interview with Francesco Vendrell, London, March 5, 2011.
39. Ibid.
40. According Article IV, Section 10, of the IBRD's Articles of Agreement "The Bank and its officers shall not interfere in the political affairs of any member; nor shall they be influenced in their decisions by the political character of the member or members concerned. Only economic considerations shall be relevant to their decisions, and these considerations shall be weighed impartially in order to achieve the purposes stated in Article I." Article I lists the purposes of the IBRD: "(i) To assist in the reconstruction and development...and the encouragement of the development of productive facilities and resources in less developed countries; (ii) To promote private foreign investment...; (iii) To promote the long-range balanced growth of international trade."
41. The executive directors represent the member countries. At the time, the position was held by Indonesia.
42. Interview with former World Bank official, February 2011.
43. Participating countries included: Australia, France, Canada, Germany, Indonesia, Japan, Malaysia, Norway, the Philippines, Portugal, Singapore, Sweden, Thailand, the United Kingdom, and the United States.
44. Interview with former World Bank official, February 2011.
45. Thomas Crampton, "\$1 Billion Is Possible If Generals Will Talk With the Opposition: UN Links Burma Aid To Political Dialogue," *New York Times*, November 26, 1998.
46. Interview with Alvaro de Soto, Paris, March 6, 2011.
47. Foreign Minister Win Aung quoted by Roger Mitton, "Sending Out Feelers," *Asia Week*, January 13, 2000.
48. Note signed by Alvaro de Soto and dated October 1999. Internal UN document in authors' possession.
49. *Letter to Secretary-General Kofi Annan* signed by Madeleine Albright, dated November 21, 1998. Letter in authors' possession.
50. Interview with Alvaro de Soto, Paris, March 6, 2011.

51. *Note for the File: Telephone Conversation with British Foreign Office Minister*, dated December 14, 1998. Internal UN document in authors' possession.
52. *Note of the Policy Planning Meeting on Myanmar Held at United Nations Headquarters on 22 December 1998*, dated January 1999. Internal UN document in authors' possession.
53. This restriction was presumably out of fear that the SPDC could use the visit of a senior official to portray the mission as if the World Bank would resume lending.
54. *Letter to Secretary-General Kofi Annan* signed by Madeleine Albright, dated March 20, 1999. Internal UN document in authors' possession.
55. Interview with Alvaro de Soto, Paris, March 6, 2011.
56. This reluctance was perhaps understandable. When the World Bank later that year sought to initiate discussions with Myanmar's government about the poverty situation in the country, the US Treasury Department—reportedly under pressure from a senior senator—threatened to cut all funding for the bank *worldwide* if it sent a senior level official to Rangoon (Interview with World Bank official, Bangkok, May 2003). A similar threat was repeated by Senator Mitch McConnell five years later, in 2004 (Mitch McConnell, "Statement on the State Department FY'05 Budget Request," Press Release, April 8, 2004).
57. Interview with former World Bank official, February 2011.
58. Ibid.
59. *Note to the Secretary-General* signed by Alvaro de Soto, dated October 25, 1999. Internal UN document in authors' possession.
60. Interview with Alvaro de Soto, Paris, 6 March 2011.
61. Ibid.
62. Interview with former World Bank official, February 2011.
63. De Soto, *Note to the Secretary-General*.
64. Other envoys would later reach the same conclusion.
65. De Soto, *Note to the Secretary-General*.
66. De Soto was appointed special adviser on Cyprus in December 1999. The appointment as special adviser on Cyprus was at the under-secretary-general level, a promotion for de Soto. He would later serve as

the Secretary-General's special representative for Western Sahara and special envoy for the Middle East.

67. Interview with UN official, New York, March 2011.
68. *Note to Mr Riza: Walker Hill Meeting on Myanmar*, dated March 10, 2000. Internal UN document in authors' possession.

CHAPTER THREE

1. Interview with Razali Ismail, October 4, 2011.
2. Ibid.
3. Ibid.
4. De Riedmatten was on the payroll of the Centre for Humanitarian Dialogue, a newly created, Geneva-based mediation support organization. Myanmar was the organization's second engagement after Aceh.
5. Other government interlocutors included Minister at the Office of the Chairman of the SPDC Brigadier General David Abel, Minister of Labour U Tin Win, and Deputy Foreign Minister Khin Maung Win.
6. Interview with Razali Ismail, October 4, 2011.
7. Razali Ismail, "Meetings with Aung San Suu Kyi," *Number One Wisma Putra*, Institute of Diplomacy and Foreign Relations, Malaysia's Ministry of Foreign Affairs, 2006, reproduced in *The Irrawaddy* 15, No. 4 (April 2007).
8. Interview with Razali Ismail, October 4, 2011.
9. *Note to the Secretary-General: My Second Mission to Myanmar* signed by Razali Ismail, dated October 18, 2000. Internal UN document in authors' possession.
10. Myanmar Information Committee, Information Sheet No. C2200, May 6, 2002.
11. *CNN News*, May 6, 2002. Quoted in Maung Aung Myoe, "The National Reconciliation Process in Myanmar," *Contemporary Southeast Asia*, 24(2), August 2002, p. 371.
12. *BBC News*, May 6, 2002. Quoted in Maung Aung Myoe, "The National Reconciliation Process," p. 372.
13. Interview with Razali Ismail, October 4, 2011.

14. *A Silent Humanitarian Crisis in the Making*. Letter to head offices, dated June 30, 2001. Letter in authors' possession.
15. Interview with Razali Ismail, October 4, 2011.
16. Ibid.
17. Ibid.
18. Ibid.
19. Ibid.
20. *Mission Report*, dated November 20, 2002. Internal UN document in authors' possession.
21. Ibid.
22. Ibid.
23. Interview with Razali Ismail, October 4, 2011.
24. Ibid.
25. *Mission Report*.
26. Ibid.
27. Ibid.
28. In its report on the attack, the Ad Hoc Commission on the Depayin Massacre observed that the attack was premeditated and well organized and the attackers were armed. The Asian Legal Resource Centre has stated that it is of the opinion that the attack at Depayin was a massacre that clearly amounted to a "widespread or systematic attack directed against [a] civilian population, with a knowledge of the attack" (Article 7.1 of the *Rome Statute of the International Criminal Court*), "and is therefore a crime against humanity," available at www.alrc.net/doc/mainfile.php/60written/239/ . Aung San Suu Kyi's driver offered an in-depth eye-witness description in Joseph Allchin, *Depayin and the Driver*, DVB, November 12, 2010, available at www.dvb.no/analysis/depayin-and-the-driver/12828 . Whether it was an assassination attempt on Aung San Suu Ki, as many claim, was less clear.
29. *Note to Mr. Riza: Informal Consultative Mechanism on Myanmar*, June 13, 2003. Internal UN document in authors' possession.
30. *Note to the Secretary-General in advance of SESG Razali's meeting with the Secretary-General*, dated July 11, 2003. Internal UN document in

authors' possession.

31. Khin Nyunt, "7-Step Roadmap to Discipline-Flourishing Democracy," *New Light of Myanmar*, August 30, 2003.
32. Interview with Razali Ismail, October 4, 2011.
33. Ibid.
34. Ibid.
35. Ibid.

CHAPTER FOUR

1. For a discussion of Alatas's meeting, see Richard Horsey, *Ending Forced Labour in Myanmar: Engaging a Pariah Regime* (New York: Routledge, 2011).
2. The Secretary-General and his closest advisers reside on the top floor of the thirty-eight-story building. The Secretariat's departments are said to follow underneath in order of importance, with the offices of the Department of Political Affairs on the thirty-seventh floor.
3. Razali's team residing in Myanmar, including de Riedmatten, had had to leave the country when their visas were no longer renewed.
4. Interview with Ibrahim Gambari, October 7, 2011.
5. "After Concluding High-Level Talks in Myanmar, UN Official Hopes for Better Ties," *UN News Centre*, May 24, 2006, available at www.un.org/apps/news/story.asp?NewsID=18599&Cr=myanmar&Cr1.
6. Seyward Darby, "Gullible Gambari," *The New Republic*, January 11, 2010.
7. "After Concluding High-Level Talks in Myanmar," *UN News Centre*.
8. Leading the effort, the United States had written to the president of the Security Council requesting a briefing on Myanmar, citing concerns over refugee flows and drug trade that supposedly made the country "a threat to international peace and security" and thus a legitimate subject of Security Council action.
9. DLA Piper Rudnick Gray Cary, "Threat to the Peace: A Call for the UN Security Council to Act in Burma," September 20, 2005.
10. The Security Council briefing, given by Gambari instead of Razali who

was still formally the Secretary-General's envoy, became Gambari's first engagement on Myanmar.

11. Interview with Ibrahim Gambari, October 7, 2011.
12. This section is based on research conducted by Morten Pedersen for the International Crisis Group in 2007 and first published in International Crisis Group, "Burma/Myanmar: After the Crackdown," Asia Report No. 144, January 31, 2008.
13. For a detailed account of the protests and the subsequent crackdown, see Paulo Sérgio Pinheiro, *Report of the Special Rapporteur on the Situation of Human Rights in Myanmar* (advance edited version), UN Doc. A/HRC/6/14, December 7, 2007. Also, Human Rights Watch, "Crackdown: Repression of the 2007 Popular Protests in Burma," 19, No. 18(C) (December 7, 2007), available at www.unhcr.org/refworld/docid/47594b4922b.html .
14. The overturning of alms bowls symbolized the refusal of the monks to receive alms or conduct religious services for regime members. This was a powerful tool of condemnation and pressure in a Buddhist society, where devotees rely on such actions to secure prosperity and security in their lives. It also signified the withdrawal of the legitimizing power of Buddhism from the regime.
15. Pinheiro, *Report of the Special Rapporteur*.
16. Kyi Wai, "Monks in Hell," *Irrawaddy Online*, October 11, 2007, available at www.irrawaddy.org/print_page.php?art_id=8981; "Silent but Defiant," *Guardian Unlimited*, December 14, 2007, available at www.burmanet.org/news/2007/12/14/guardian-unlimited-silent-but-defiant/; and Pinheiro, *Report of the Special Rapporteur*.
17. *Statement of the United Nations Country Team in Myanmar on the occasion of UN Day*, October 24, 2007, available at <http://reliefweb.int/report/myanmar/statement-united-nations-country-team-myanmar-occasion-un-day> .
18. Quoted by Altsean-Burma, "Chronology of UN Visits and Reports," available at www.altsean.org/Research/UN%20Dossier/EnvoysandRapporteurs.htm .
19. Interview with Ibrahim Gambari, October 7, 2011.
20. Interviews with Myanmar government officials, Yangon, 2008.
21. Ibid.

22. "Myanmar Junta Rejects Reform Calls From UN," *Associated Press*, March 7, 2008.
23. Paulo Sérgio Pinheiro, *Report of the Special Rapporteur on the Situation of Human Rights in Myanmar*, March 7, 2008, UN Doc. A/HRC/7/24.
24. This section is based on research conducted by Morten Pedersen for the International Crisis Group in 2008 and first published in International Crisis Group, "Burma/Myanmar after Nargis: Time to Normalise Aid Relations," Asia Report No. 161, October 20, 2008.
25. For a detailed assessment of the impact of the cyclone, see the Post-Nargis Joint Assessment (PONJA), available at www.aseansec.org/21765.pdf.
26. The first lady did offer American support for cyclone survivors, but it seemed little more than a footnote, and she appeared to make it conditional on the government allowing in an American disaster assessment and rescue team. See White House Press Briefing Room, "Statement on Burma," May 5, 2008, available at www.whitehouse.gov/briefing-room.
27. White House, "President Bush Signs H.R. 4286, Congressional Gold Medal: Daw Aung San Suu Kyi," May 6, 2008, available at www.whitehouse.gov/briefing-room.
28. The task force, which was agreed upon at an ASEAN foreign ministers meeting in Singapore was comprised of two representatives from each ASEAN state. Its advisory board included officials from the UN, World Bank, Asian Development Bank, and the IFRC, plus Bangladesh, China, and India.
29. An international official familiar with the discussion between UN Secretary-General Ban Ki-moon and Senior General Than Shwe noted that the Myanmar general was "very upset" about the presence of the warships just off Myanmar's coast and was unwilling even to discuss allowing foreign military access to the country.
30. IRIN, "Myanmar: Access Is There, Donors Should Respond Generously, says Holmes," July 25, 2008, available at www.irinnews.org/PrintReport.aspx?ReportId=79450.
31. The only exception was Gambari's decision to second one of his staff experienced in Myanmar to the TCG. The envoy hoped this might in some small way remind the government that he remained seized with the matter, but it was made clear that the staff member was serving in a

- humanitarian capacity. Personal communication with UN official, September 2012.
32. *Talking Points for Mr. Gambari's Visit to Myanmar, 15-24 August 2008.* Internal UN document in authors' possession.
 33. *Clarifications to UNSG's Special Envoy Mr. Ibrahim Gambari by the Spokes Authoritative Team of the SPDC*, dated August 23, 2008. In authors' possession.
 34. Quoted in "UN Burma Envoy 'Wasted His Time,'" *BBC News*, August 25, 2008.
 35. Quoted in "Burma Opposition Lambasts UN Envoy for Irrelevant Praise Job," *Mizzima News*, August 26, 2008.
 36. "It's a Process Perhaps, But a Failed One," *Irrawaddy Online*, August 29, 2008.
 37. Democratic Voice of Burma, "Politicians Defend Daw Suu," August 27, 2008.
 38. Communication, UN official, September 2012.
 39. Quoted by *Irrawaddy Online*, "Suu Kyi Refusal to Meet Envoy Sends Strong Message," August 25, 2008.
 40. US Secretary of State, "Replacement of SRSNG Gambari," Cable No. 08STATE107438, dated October 7, 2008.
 41. According to trial testimonies, Aung San Suu Kyi's staff found Yettaw outside the house and allowed him in. Aung San Suu Kyi met him the next morning and asked him to leave but he begged to stay because of exhaustion. She didn't inform security forces. Yettaw swam away the following night and was apprehended by security forces. The charges against Yettaw included trespassing and entering a restricted zone.
 42. Interview with Ibrahim Gambari, May 2011.
 43. The team included his Under-Secretary-General for Political Affairs B. Lynn Pascoe as well as Ibrahim Gambari.
 44. Ban Ki-moon, "Remarks on Myanmar to Diplomatic Missions, UN Agencies and Non-Governmental Organizations," Yangon, July 4, 2009, available at www.burmalibrary.org/docs07/UNSG-Rangoon-2009-07-04.pdf.
 45. Interview with Noeleen Heyzer, Bangkok, April 7, 2011.

46. Ibid.
47. Ibid.
48. Potential donor money was being withheld by this argument. ESCAP had no resources to continue the effort without extra budgetary funding.
49. Interview with Noeleen Heyzer, Bangkok, April 7, 2011.
50. Ibrahim Gambari, *End of Assignment Report*, dated January 15, 2010. Internal UN document in authors' possession.
51. Interview with Ibrahim Gambari, October 7, 2011.

CHAPTER FIVE

1. UN official, personal communication, September 2012.
2. *Note to the Secretary-General: Consultations in the Region*, June 16, 2010. Internal UN document in authors' possession.
3. Ibid.
4. *Mission Report*, dated December 1, 2010. Internal UN document in authors' possession.
5. Ibid.
6. Ibid.
7. Ibid.
8. UN official, personal communication, September 2012. Back-channel messages were passed from President Thein Sein to Nambiar stating that he very much wanted to meet the envoy to thank him for all his support and help, and that such a meeting would take place at an appropriate time.
9. Vijay Nambiar, "Opening Remarks," Forum on Green Economy and Green Growth, Naypyitaw, November 1, 2011, available at <http://unic.un.org/imucms/yangon/80/110/home.aspx> .

CHAPTER SIX

1. This is perhaps not so surprising. The UN envoys were among the few international actors who seriously engaged with Myanmar government

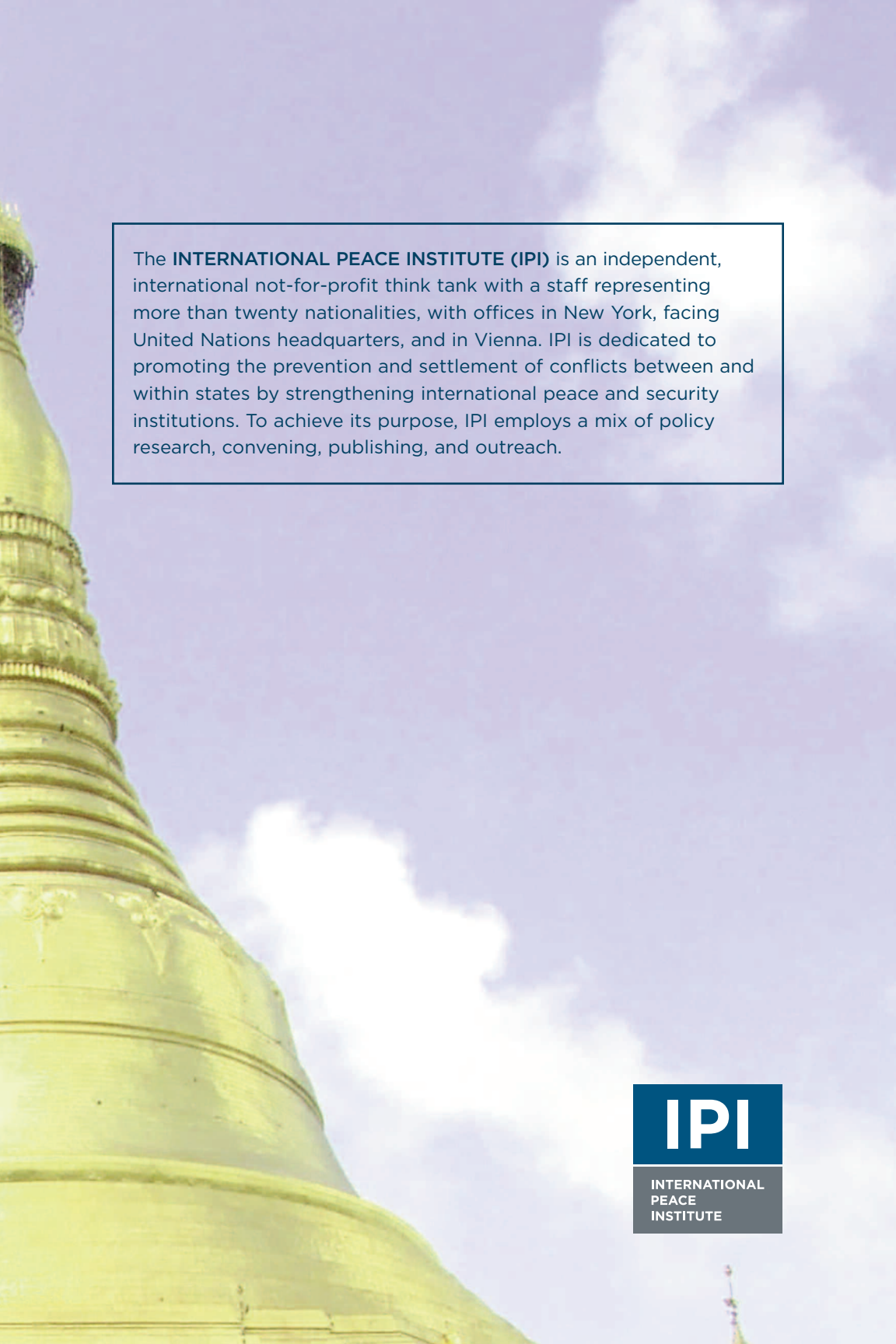
officials, as well as with the NLD and other key domestic groups, and therefore had a robust understanding of what was possible and what was not. By contrast, much advocacy and indeed policies of Western governments over the years have been driven more by normative positions than careful analysis of the conditions for change on the ground in Myanmar.

2. This analysis draws from Timo Kivimäki and Morten B. Pedersen, “Burma: Mapping the Challenges and Opportunities for Dialogue and Reconciliation,” report prepared for the Crisis Management Initiative, Martti Ahtisaari Rapid Reaction Facility, April 2008, p. 87.
3. See, for example, Morten B. Pedersen, *Promoting Human Rights in Burma: A Critique of Western Sanctions Policy* (Denver: Rowman & Littlefield, 2008).
4. Roland Paris, *At War's End: Building Peace After Civil Conflict* (Cambridge University Press, 2004).
5. See, for example, Charles T. Call, “UN Mediation and the Politics of Transition after Constitutional Crises,” New York: International Peace Institute, February 2012.

About the Authors

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