US ban on Myanmar generals a lot of bark not very much bite
The US government’s move is largely symbolic and will not have a significant impact on bringing the Myanmar military generals to justice, says Myanmar expert Nehginpao Kipgen.

By Nehginpao Kipgen
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NEW DELHI: The US’ imposition of sanctions on Myanmar military leaders over Rohingya abuses is a huge victory for human rights advocacy groups. When US Secretary of State Mike Pompeo announced on Tuesday (Jul 16) a ban that will prevent top generals in the Myanmar Armed Forces from entering the US because of their involvement in “human rights violations and abuses” against the Rohingya, activists who have been campaigning on the issue for years cheered.

The ban targets the military at the highest echelon – namely, Commander-in-chief Min Aung Hlaing, his deputy Soe Win and two brigadier generals, as well as their families.

But the reality is that the ban may not reshape the conduct of the Myanmar military. Instead, it will likely bring the military and the country's hardliners closer together.

The sanctions are also unlikely to move the needle on global action on the Rohingya crisis, or galvanise greater resolve from countries to provide the United Nations with a stronger mandate.

In fact, the move may have a counter-productive effect in drawing Myanmar closer to China and other like-minded countries – and further alienate the West.

LONG OVERDUE
No doubt such a move is long overdue.

Human rights champions and advocacy groups, especially the UN Human Rights Council which have called for the prosecution of Myanmar military leaders for war crimes, crimes against humanity and possible genocide, should take some time to celebrate this small victory that gives greater recognition to findings holding Myanmar leaders accountable for the persecution of the Rohingya.

The ban has found its target. After a military spokesperson responded the sanctions “harmed the dignity of the military”, no doubt the Myanmar military leadership is feeling the heat.

US officials are right when they say that no other government in the world has taken Myanmar’s military leaders to task.

Even Canada, which had adopted a unanimous resolution in September 2018 condemning the atrocities against the Rohingya as an act of “genocide,” has not taken substantive action, apart from symbolically stripping Aung San Suu Kyi from her honorary citizenship.

The ban is also a win for the Donald Trump administration, as the President looks to re-election in 2020 and is keen to show that he’s getting tough on foreign policy.

MORE FORM THAN SUBSTANCE
Though the US State Department’s announcement is a welcome move, unfortunately, it has been a move more in form than substance.
It is unlikely to bring any accountability to the sanctioned military leaders or their accomplices. The announcement publicly names and shames the military generals but does not go beyond that, at least for now.

Arguably, the US government should have taken such measures a long time ago. Pompeo had described the Myanmar military actions as “ethnic cleansing” as far back as when he first assumed the position in 2018, and had threatened to impose sanctions on those who were responsible for what he then called an “abhorrent ethnic cleansing”.

This delay in taking decisive action is also reflected in its declaratory diplomacy. The US State Department last year also considered labelling and condemning the Myanmar military’s brutality as “crimes against humanity” but ultimately decided not to. This was a missed opportunity.

Calling it so could have had several legal implications, including opening the channel to call for the International Criminal Court (ICC) to intervene. Or, it could have motivated and encouraged other countries to adopt a similar policy.

**COLLECTIVE ACTION NEEDED**

Merely imposing a travel ban is unlikely to deter or change the behaviour or conduct of the Myanmar military leaders. There are other countries that would welcome the sanctioned generals.

Without coordinated action from the international community, particularly the UN Security Council, the Myanmar military is unlikely to change its stance regarding the Rohingya.

The Myanmar military and civilian leadership understands well that so long as China, a close ally and a permanent member in the security council with a veto power, is on their side, they can escape punitive action.

Given China’s close ties with Myanmar – historically, economically and militarily - it is also very unlikely that there will be a change of attitude or policy from Beijing towards Myanmar.

It is not just China. Myanmar has also forged closer ties with Russia, another security council permanent member, and another regional power, India.

Following the US State Department’s announcement, there is a possibility that the Myanmar leadership may push to further strengthen its ties with China, Russia and other like-minded countries, and ditch hopes of developing ties with the West.

There is a little hope for the international community to come together on the Rohingya issue, despite several efforts from the UN Human Rights Council. It is not just China or Russia. Many other nations of the world are unwilling or unable to come together for a coordinated approach on the Rohingya issue.

The support of the UN Security Council is necessary for the ICC to play an effective role.

Even if the ICC may want to bring the perpetrators of human rights abuses to justice, the court needs the support and backing of the Security Council for effective implementation of its findings and recommendations.

Otherwise, it lacks necessary enforcement measures.

**PUSH HARDLINERS CLOSER**

The US State Department’s move will also likely bring together the military and the country's hardliners - the nationalists and ultranationalists. There is an overwhelming perception in Myanmar that the Rohingya are interlopers who have settled illegally in Myanmar.
Myanmar military leaders and the civilian leadership have denied any wrongdoing when it comes to the Rohingya crisis.

They maintain that the security forces were conducting clearance operations against the Arakan Rohingya Salvation Army which launched attacks on several security posts in Rakhine state.

So while the US government’s move ought to be welcomed as a victory for human rights and advocacy groups, the initiative is largely symbolic and will not have a significant impact on bringing the Myanmar military generals to justice, which should have been the intention of the sanctions.

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