

In 2002, Burma Campaign UK published the first 'Dirty List' of companies directly or indirectly helping the military dictatorship in Burma, or which were linked to human rights violations.

There had never been a call for blanket sanctions or a total boycott of everything from Burma, as there had been against the Apartheid regime in South Africa. Human rights and democracy activists from Burma had instead called for targeted sanctions aimed at the military regime, and for companies not to do business with them.

Solidarity groups responded to the call by campaigning for governments to impose targeted sanctions, and campaigning for certain companies to end their involvement in Burma.

Burma Campaign UK published the 'Dirty List' as a tactic to pressure companies to stop funding the military dictatorship, and to draw attention to the links between the UK and Burma. At the time the media paid little attention to the country, usually only reporting events if they involved Aung San Suu Kyi going into or out of house arrest.

The 'Dirty List' generated huge amounts of media coverage as people realised that companies with household names were involved in funding a regime that raped and killed ethnic minorities and tortured and jailed human rights activists. This in turn helped raise awareness and the political profile of Burma in the UK. This legacy lasts to this day, as demonstrated by frequent visits to Burma by British ministers.

As a result of publicity, or the threat of publicity, from being on the 'Dirty List' more than a hundred companies ended their involvement in Burma.



The 'Dirty List' was not uncontroversial, there were moral dilemmas.

Some critics argued that it was Burmese people who were hurt most. Some people did lose their jobs as a result of companies withdrawing from Burma. That is a terrible thing. Campaign groups always pressured companies pulling out to give generous compensation packages to workers who lost their jobs.

At the same time, workers in factories where British companies were involved were risking everything to smuggle out information on the names of the companies so we could target them. They risked going to jail and losing their jobs, but they did it as they saw it as a part of the struggle to weaken the military regime.

It was also argued that western companies pulling out were just replaced by Chinese or other Asian companies. In fact, this was not usually the case, but it did happen. Particularly in the oil and

gas sector. To argue it was wrong to pressure companies to withdraw because another would take its place is an argument devoid of morality. In effect it is saying, it is ok for me to do a bad thing because if I don't someone else will anyway.

It was also argued that western companies should stay because they treated workers better and cared more about human rights. Understandably, some Asian companies felt this was a very racist argument to put forward. It is also dubious given the record of Total Oil and Premier Oil, who went ahead with a pipeline despite being warned of the human rights violations which would likely result from it. British American Tobacco paying poverty wages to its workers is another example.

Some myths came to be widely believed, for example that sanctions resulted in huge jobs losses in the garment industry in 2002 and early 2003. In fact, there were no sanctions banning garment imports then. What had happened was that China joined the WTO and companies shifted production to China as trade barriers went down. Burma Campaign UK was privately told by some companies that this was the reason for moving production. Sanctions were being blamed for job losses before they even existed.

The withdrawal of GSP benefits was also cited for job losses in 2001-2003. In fact, the USA had withdrawn these in 1989 and the EU in 1997. Again, sanctions were being blamed for job losses for which they were not responsible.

The US Burmese Freedom and Democracy Act came into force on 28 July 2003 in response to the Depayin Massacre on 30th May 2003, and the subsequent crackdown. It targeted military-linked businesses in Burma. It did result in job losses in the garment sector as many factories had military links. Beyond the sanctions, some American companies switched production even though they were not legally required to do so by the sanctions, because of the prevailing political and economic climate relating to developments in Burma, and the US government's approach towards them.

When the USA introduced the import ban in 2008, that went further than Burma democracy groups and

international campaign groups had been calling for. We had never wanted a blanket ban on imports. Burma Campaign UK led many of the global campaigns against companies helping the military, but the whole time you could buy dried beans from Burma in Tesco, the largest supermarket in the UK. The focus was targeted pressure, with minimal impact on ordinary people.

Most political organisations from Burma, including Aung San Suu Kyi and the NLD leadership, and human rights groups, supported targeted sanctions and targeting certain companies. The NLD had a mandate from the people from the 1990 elections and they and others clearly had widespread support.

With requests from the democracy movement from inside Burma and in exile, and even from workers in factories which would be impacted, Burma campaign groups targeted companies helping to prop up the regime. No-one is arguing that these campaigns against companies brought down the dictatorship, or that it ever would. It was part of a tactic which one democracy leader described as adding more and more straws to the camel's back. All these small measures combined to contribute to change.

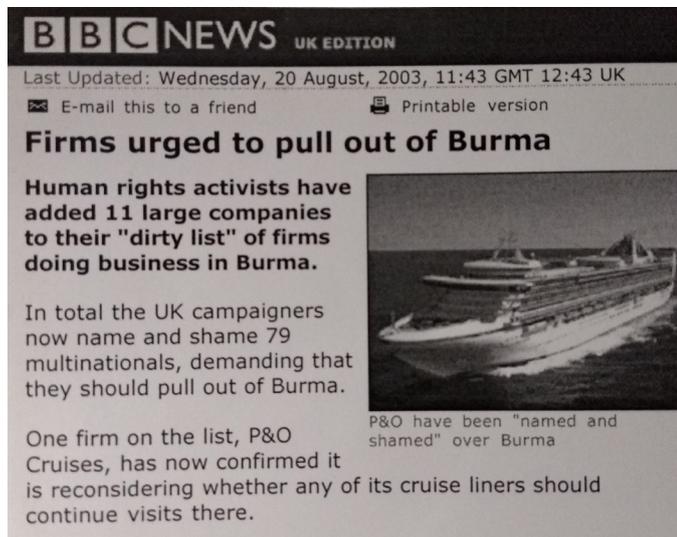
For all the talk of sanctions being tried and having failed, it is important to remember that one of the biggest sources of revenue for the military regime was gas fields operated in part by European and American companies. Unless Than Shwe, Thein Sein, and Shwe Mann make a statement that economic pressure did play a role in their decision to introduce some reforms, it is likely that the role and effectiveness of sanctions will be forever debated, continuing to cause disagreement just as it did during the years of direct military rule.



One thing is certain, as we can see from the behaviour of the military today, the generals didn't just wake up one morning having had an epiphany and believing in democracy and human rights. They were under significant pressure, domestically and internationally. Changes that have happened, happened because of this pressure, and economic pressure was part of that.

To see how important financial pressure was, look at how the Thein Sein regime prioritised foreign investment, and then with trade and investment flowing in, look at how the military budget started going up by around \$100 million per year, far more than health and education received.

These days barely a month goes by without the head of the military, Min Aung Hlaing, going on shopping trips abroad. He travels abroad more often than the Foreign Minister. The military are reaping huge benefits from the new system they have introduced, while life for ordinary people has improved little or not at all. To date, the military appear to be one of the main economic beneficiaries of the lifting of sanctions.



The image is a screenshot of a BBC News article. At the top, it says 'BBC NEWS UK EDITION'. Below that, it says 'Last Updated: Wednesday, 20 August, 2003, 11:43 GMT 12:43 UK'. There are two links: 'E-mail this to a friend' and 'Printable version'. The main headline is 'Firms urged to pull out of Burma'. Below the headline, it says 'Human rights activists have added 11 large companies to their "dirty list" of firms doing business in Burma.' To the right of this text is a photograph of a large cruise ship. Below the photo, it says 'P&O have been "named and shamed" over Burma'. To the left of the photo, it says 'In total the UK campaigners now name and shame 79 multinationals, demanding that they should pull out of Burma.' Below the photo, it says 'One firm on the list, P&O Cruises, has now confirmed it is reconsidering whether any of its cruise liners should continue visits there.'

At the same time as sanctions against the military have been lifted and as offers of military training and co-operation come piling in from several countries, the human rights violations they have been committing have reached such a serious scale that the United Nations have begun an investigation into possible war crimes and crimes against humanity committed by the Burmese Army in Rakhine, Kachin and Shan States.

Min Aung Hlaing is also blocking constitutional reform to make Burma more democratic. He is arresting journalists and critics, obstructing reforms via his control over so much of the civil service, depriving health and education of funds by demanding so much military spending, and making hard-line demands which will mean the current peace process cannot succeed. His soldiers have stamped on new born babies, executed villagers and buried them in a mass grave, even slit the throat of a baby crying for food as they gang raped its mother.

Instead of companies seeing Min Aung Hlaing as the criminal he is, instead of treating him as a pariah, they wine and dine him trying to sell him military equipment. They go into business with military owned companies, providing the military with more revenue, more money to conduct the military operations where they rape and kill and where they violate international law.

Burma Campaign UK has been asked why we are not targeting the companies supplying the Burmese military. We have been asked why we are not targeting companies doing business with the military. It has been suggested to us that we should revive the 'Dirty List' to target such companies.

Min Aung Hlaing and his military are the biggest obstacle to improving human rights, democratic reform, peace, modernisation, and improving health and education in Burma. But they suffer no consequences for their actions. The international community still treats them as if they are engaged in a transition to democracy and just need support and encouragement. Nothing could be further from the truth.

At the end of last year, Burma Campaign UK produced a detailed briefing paper, 'Time For A Rethink On Policy Towards Burma's Military', detailing how the approach of the international community towards the military is outdated and flawed. We stated that options needed to be explored for how pressure can be applied to persuade them to change their behaviour.

Economic action is one form of pressure which must be considered. By itself will it force the military to change? If there were universal, targeted economic sanctions and combined with political, legal and diplomatic pressure on the military, then the answer is very likely yes, but as we know from the last sanctions campaign, getting global agreement on sanctions is impossible. But as part of a tactic of starting to add straws to the camel's back, until the military feel forced to act rather than see the camel's back break, economic pressure probably has a role to play.

There are downsides to consider as well. It will be argued that people could lose their jobs. On the other hand, ethnic people argue that they are losing their lives. It will be argued that it will reduce tax revenue to the government. On the other hand, the military take far more than they give in taxes via the companies they own, and the actions and role of the military in government and politics helps put off investment and income.

The tired old argument that the military will retreat into their shell will be trotted out. Under Than Shwe's time this case was made despite his launching a global English language news channel, joining ASEAN, and engaging with the international community in numerous other ways. And we have seen now that throwing the doors open to Min Aung Hlaing, wining and dining him, makes no difference to the human rights violations his soldiers commit (in fact they are getting worse) or to the policies he pursues regarding blocking constitutional reform and the peace process.

Another possible argument against targeting companies supplying or doing business with the military will be the position of Daw Aung San Suu Kyi. At Burma Campaign UK we have grown used to the British government hiding behind Aung San Suu Kyi when faced with criticism over their action or lack of action, ranging from training the Burmese Army, what we consider was the premature suspension of EU sanctions, or lack of action on the Rohingya, the list goes on and on.

Companies targeted are likely to cite in their defence Aung San Suu Kyi's support for investment

and her statements in support of the military. If anyone knows the real reason why Aung San Suu Kyi has taken her current uncritical approach towards the military, then they are keeping it to themselves. Is it because she genuinely believes that she can reassure them and persuade them not to fear her or further reforms? Is it because she was backed into a corner and felt she had no choice after the Obama administration and European Union withdrew the critical support she had depended on for so long? Will there come a point when she decides that the military cannot and will not be charmed and persuaded and that a tougher approach will be needed? Given that she has stood by the military despite their actions in Kachin and Shan states, and in Rakhine State, even in the face of strong international criticism, a change of approach seems unlikely in the short term.



So, if Burma Campaign UK does decide to support targeted economic sanctions against the military, and if we relaunch the 'Dirty List' targeting companies supplying and doing business with the military, are we going against the wishes of Aung San Suu Kyi? Do we even risk undermining her strategy, whatever that strategy might be?

Given her recent approach, it would appear likely that Aung San Suu Kyi would not support Burma Campaign UK taking such action. Requests from the NLD and the democracy movement for economic pressure were a key part of the mandate of Burma campaign groups in targeting companies. We discontinued the sanctions and company

campaigns, including the 'Dirty List', when Aung San Suu Kyi dropped her support for them, and other parts of the democracy movement followed her lead.

Although we and many organisations inside and outside Burma personally thought her decision was premature, the mandate was largely gone, and the political reality was that gaining international support for them would be impossible anyway. The mantra of the international solidarity movement had always been that we followed the policies and priorities of the democracy movement, even though privately we sometimes disagreed with some decisions. They had the mandate and support and it was right that they took the lead and international groups followed.

This approach became more challenging in 2011, when without explanation, Aung San Suu Kyi began reversing some policies, and in 2012, it hit a crisis point. In the past the 'democracy movement' as it had broadly been called had been made up of NLD, 88 Generation, Burman civil society organisations, plus certain ethnic armed organisations and ethnic civil society, both in Burma and in exile. They had all generally been calling for the same things from the international community, which international Burma campaign groups such as Burma Campaign UK would then work on. With the Thein Sein regime taking different approaches to different ethnic and political groups in Burma, and some of those groups being willing to go along with that, he effectively divided them. We then saw a difference in what those groups wanted from the international community, if anything.

The Rohingya crisis in June 2012 was another factor that forced Burma campaign and support groups to rethink their approach. Political, democracy and human rights leaders made calls in support of actions which would violate the human rights of the Rohingya.

If we followed what several democracy leaders were calling for, we would be campaigning for all Rohingya to be rounded up and put into effective concentration camps awaiting deportation. Obviously, this was inconceivable. In response to this, and to the changing political situation, in 2013 many Burma campaign groups, including Burma Campaign UK, decided to change our approach.

We were still receiving many requests from many organisations and individuals in Burma for help, but less so from the 'mainstream' democracy movement such as NLD, 88 Generation etc, who were now engaged with the Thein Sein regime, in Parliament, and receiving official international support.

Many civil society organisations, however, were finding it harder to get their message out, and in Rakhine State, Shan State and Kachin State, the human rights and humanitarian situation had got much worse. Already it was clear a gap was opening up between the old mainstream democracy movement and civil society, especially ethnic and religious minorities.

As human rights campaign groups, we also didn't feel it was our role to support individual political parties now that they were playing a political role in Parliament rather than that of leading a movement for rights.

Despite the mantra of people saying they were 'cautiously optimistic' (they obviously hadn't read or understood the 2008 Constitution) we overwhelming received the message from civil society and community groups that our support, that international support, was still needed. It was not yet time for Burma campaign groups to close down.



Burma Campaign UK and others decided that instead we work to a mandate of support for civil society organisations working in line with the Universal Declaration of Human Rights and associated treaties and laws.

After 20 years of working with and in support of the democracy movement in Burma, this represented a significant shift in approach. We now found ourselves in the position of being critical of the

.....

policies and actions of organisations and people we had previously been supporting and working with. At the end of the day, defending human rights was of course our top priority and objective. It meant that when Aung San Suu Kyi failed to use her influence to try to change society's attitude towards the Rohingya, and even appeared to encourage that prejudice by talking about the Rohingya in the context of an immigration problem, we were critical.

Since the NLD have been in government there have sadly been many more issues where as a human rights organisation we have had to be critical of the NLD leadership's actions and policies. We fully understand that there are many issues which will take years to address and that the NLD-led government faces many challenges, but at the same time there are many issues relating to human rights where immediate improvements could be made. The failure to release all political prisoners is one issue, and the slow progress in the repeal of repressive laws another. Many of the military era laws and policies towards the Rohingya are clearly incompatible with human rights laws and norms and don't need a year-long investigation to know immediate action is needed, especially regarding restrictions on humanitarian access. Sadly, the NLD-led government cannot be said to be one which prioritises or respects human rights.

It is not our role to follow Aung San Suu Kyi or the NLD, it is our role to promote human rights and democracy. Increasingly, that has meant campaigning to the NLD-led government, rather than following them. When we surveyed our supporters, they were also firmly in favour of our lobbying the NLD-led government just as we would any other government regarding human rights.

A campaign pressuring companies not to do business with or supply the military would have a much wider impact than the economic impact, which admittedly may be limited.

It would help swing the main focus on human rights problems away from Aung San Suu Kyi and towards the military. While much criticism of Aung San Suu Kyi is justified, there has been a huge imbalance of the scale and intensity of criticism she has received compared to Min Aung Hlaing, who is the person actually responsible for most human rights violations in Burma.

.....

It would help rebuild the international support movement by making a connection between western countries and human rights violations in Burma, raising awareness that problems remain and countering a widespread perception that things are OK in Burma now.

It would start to reframe the way in which the military are looked at and treated by much of the international community, which is currently working with and supporting them. It would throw more of a focus on the human rights violations they commit, thereby increasing pressure on governments and others to start pressuring the military to end those abuses.

And, just as with the previous 'Dirty List', one of the most powerful arguments is that it is simply immoral and wrong to have human rights violators who are committing war crimes and crimes against humanity as your business partner or customer.

Min Aung Hlaing needs to be seen as the criminal human rights abuser that he is. He should be a pariah, not a dinner guest and business partner.

A new 'Dirty List' targeting companies doing business with or supplying the military could be part of a wider campaign aimed at highlighting the negative role the military are playing, and applying pressure on them to change their behaviour. This could include governments that are willing to do so applying sanctions that prevent their companies doing business in any form with the military and associated companies. It could include reintroducing visa bans of some form.

There also needs to be a complete recalibration of the kind of engagement with the military, away from soft and uncritical engagement offering military co-operation and training, and instead engaging in firm and robust engagement using every opportunity available to push for democratic reforms and respect for human rights.

Acceptance by the international community should be conditional on concrete changes on the ground, including ending the use of rape and sexual violence and the use of child soldiers.

Criticism of the military within Burma, or being seen to work against their interests, can result in imprisonment and even death. As under direct military rule, Burma Campaign UK is being encouraged again to speak out and say things that are dangerous for people in the country to say. Min Aung Hlaing and his military need to be called out on their behaviour.

There is no magic bullet which will persuade the military to change, but everything that can be done should be done. That requires a combination of economic, political, diplomatic, public and legal pressure. History shows that the military can be persuaded to change, albeit in a limited way, and we need to explore ways to persuade them to agree to further change.

The more the international community has embraced the military and relaxed pressure, the more we have seen the behaviour of the military worsen. Their top-down transition process is over, and as far as they are concerned it has been a success. As their confidence grows, they are more confident in asserting themselves within Burma and in being able to commit the most serious human rights violations with impunity, as seen in Rakhine, Shan and Kachin States in the past year.

What kind of message does Min Aung Hlaing receive when even as the United Nations is investigating whether his soldiers have committed possible war crimes and crimes against humanity, the German and Austrian governments give him red carpet treatment and take him to factories of suppliers of military equipment?

As the human rights situation in Burma starts to deteriorate further, it is clear that the current

international approach towards the military is not working. It is time for a new approach, a more robust approach based on what is actually happening on the ground, not on how parts of the international community wish things were.

Perhaps a new 'Dirty List' can play a small role in applying economic pressure, and perhaps it can play a larger role in raising awareness of the human rights violations and obstruction of reforms by the military, helping to rebrand them as the criminal human rights violators that they are. Without doubt, it's time to start adding straws to the camel's back.

A new 'Dirty List' could be one of those straws. It is something Burma Campaign UK is now actively considering.

We welcome thoughts and suggestions at info@burmacampaign.org.uk



Published by Burma Campaign UK, 28 Charles Square, London N1 6HT
www.burmacampaign.org.uk info@burmacampaign.org.uk tel: 020 7324 4710



for Human Rights, Democracy
& Development in Burma