

Why ‘Smart’ Sanctions Still Cause Human Insecurity

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This article seeks to answer the questions of whether sanctions are ‘smart’ as designed and why if they are not. Evidence appears to suggest that smart sanctions are not ‘intelligent’ enough to change political leaders’ alleged violent behavior or to protect innocent civilians from direct or physical as well as indirect or structural violence. Targeted government officials can always find ways to outsmart the sanction sender actors by resisting the latter’s coercive efforts because of their willingness and ability to take repressive action against their people and find alternative trading partners as well as support from powerful undemocratic states. Instead of minimizing human suffering, sanctions tend to exacerbate regime insecurity and perpetuate international alliance politics. The cases of Myanmar and North Korea validate this proposition.

Keywords human security, smart sanctions, national security, geopolitics, North Korea, Myanmar

Introduction

The 1990s was not only declared as the “decade of international law” but also regarded as the “sanctions decade” (Cortright and Lepez 2002). The number of sanctions increased from only two between 1945 and 1990 to 16 in the last ten years of the 20th century (Tostensen and Bull 2002, 373). One can also make the case that the 1990s was also the decade that gave rise to the idea of human security because of armed conflicts and the mass atrocities committed after the end of the Cold War in countries like the former Yugoslavia and Rwanda (Peou 2014). Much attention was given to intrastate political violence in various forms such as civil war and the most serious crimes (namely, war crimes, genocide, ethnic cleansing, and crimes against humanity) which were seen as prominent sources of threat to human security. Sanctions as a traditional policy tool were then refashioned to ensure that they would force alleged criminal regimes or their

leaders to change their behavior without causing ‘collateral damage’ to civilian populations. In this regard, economic sanctions are considered to be “targeted” and “smart.” As such, they have now become one of the major international policy tools adopted to target regime leaders, their supporters, and non-state actors accused of violating the norms of international law.

The question is whether this policy instrument works as intended. For liberal proponents, these types of sanctions are ‘smart’ enough to inflict pain on targeted individuals and spur positive change but spares innocent civilians from different forms of collateral damage. But there is no shortage of criticism leveled against the negative or harmful impact of this blunt policy instrument. Disagreement remains, partly because definitions, criteria used for measuring effectiveness or compliance, and methods of analysis are utilized differently. For instance, the term effectiveness means different things to different scholars. For some, the effectiveness of sanctions means targets’ behavioral or policy change or compliance. For others, it means yielding to sanctioners’ demands (Biersteker et al. 2018, 405-06; Lopez 2007). Different findings have also resulted from different methods of analysis: qualitative versus quantitative.

The purpose of this article is not to describe and explain in detail the impact of economic sanctions imposed on Myanmar and North Korea but to determine if there is a negative relationship between this policy tool and human insecurity (Peou 2019). Evidence appears to suggest that smart sanctions are not ‘intelligent’ enough to change political leaders’ violent behavior or to protect innocent civilians from direct or physical and indirect or structural violence. There is consensus that economic sanctions imposed on democracies tend to be more effective than authoritarian states, but more work is still necessary to show whether democratic and authoritarian regimes are in fact different in their capacity to resist sanctions or outsmart the sanction-sender actors. The cases of Myanmar and North Korea shed some light on their regime leaders’ similar responses to economic sanctions. The undemocratic regimes of the two countries were able to resist and outsmart the sanctioners to the detriment of their peoples’ security.

The Promise of Smart Sanctions for Human Security

Sanctions have been one of the major policy instruments long advocated and used by states and multilateral organizations to change the policy or behavior of those they judge to be violators of international law. Although sanctions were formally adopted by the United Nations (UN) after World War II when incorporated into the UN Charter, this policy tool is not really innovative but has seen an increase in frequency of usage since the 1990s. Around 2,400 years ago, for instance, ancient Athens is said to have declared a trade embargo on its

neighbor, Megara. After that, sanctions were rarely applied. Even during the Cold War, the UN only imposed two sanctions: one on Rhodesia in 1966; the other on South Africa in 1977. However, the number of sanctions began to increase in the 1990s and after. According to Emily Cashen (2017), "Since the early 1990s, the US, Europe and other developed economies have employed sanctions on other nations more than 500 times, seeking to assert their influence on the global stage without resorting to military intervention." According to George A. Lopez (2007, 50), the United States "has [since the mid-1990s] imposed sanctions to restore democratically elected governments, protect human rights, extradite international fugitives, and end inter-state and civil war," as well as to combat terrorism. Another source shows that "the U.S. has sanctions in place relating to more than 20 issues, including drug trafficking, terrorism, nuclear proliferation, and human rights abuses" (Week Staff 2017).

It is worth clarifying that smart sanctions are strategically distinct from comprehensive sanctions. The UN Charter recognizes comprehensive sanctions as a major coercive policy designed to force member states that violate international law into compliance with it. Chapter VII, Articles 39-42, equips the UN Security Council with the authority to maintain international peace and security through sanctions. Maintaining international peace and security is the UN' primary objective, based on the destructive consequences of World Wars I and II, and sanctions are one of the means to help the world achieve this policy end. Comprehensive sanctions take different forms, which include arms embargoes, diplomatic isolation, and trade restrictions. Article 43 in particular commits members of the UN "to make available to the Security Council, on its call...armed forces, assistance, facilities, including right of passage necessary for the purpose of maintaining international peace and security" (UN 1945).

There are several optimistic assumptions about the effectiveness of sanctions in general. One is based on the rationale that state leaders are rational actors who pursue their personal interests based on cost-and-effect calculations. Sanctions impose costs on target leaders whose political legitimacy depends on domestic and international support. As sanctions begin to bite, the targeted economy is expected to suffer and consequently create socio-economic hardships that prompt civilian populations to rebel against their political leaders or challenge their political legitimacy. Also according to other proponents, the level of sanctions' effectiveness has increased because of globalization and multilateral cooperation. As the world becomes increasingly globalized, national economies grow to be more sensitive and vulnerable to the pressure of international sanctions. States have learned that "unilateral actions seldom succeed," and become more willing to cooperate and "coordinate their actions to effectively monitor and enforce sanctions, target compliance increases significantly" (Lopez 2007, 50). Full support and cooperation by all permanent Security Council members are essential for success.

Overall, comprehensive economic sanctions do not have a good track record, especially in the context of human security. Not only have they often failed to accomplish their intended policy objectives but also resulted in huge human costs. This blunt policy instrument has a poor history of success in terms of their intended impact on target states: they failed to produce any intended effects on countries like Italy in the 1930s and produce limited success from World War I to 1990. According to Ramesh Thakur (2006, 134-35), sanctions “are ineffective, counter-productive, harmful to the economic interests of those imposing sanctions, damaging to relations with allies, morally questionable, yet difficult to lift once imposed.” The effect of the sanctions imposed on South Africa’s apartheid regime from the 1960s is believed to have moved the country toward democracy in the mid-1990s, but research findings suggest otherwise. Three other factors are attributed to the demise of the regime: “the effectiveness of the political opposition of the black majority; the inefficiency and growing economic cost of the apartheid system; and the fall of the Soviet Union” (Levy 1999, 3).

More recently, the UN imposed sanctions on Iraq after President Saddam Hussein invaded Kuwait in 1990, but the Iraqi people did not rise to rebel against the dictator. His political violence ended only after the United States militarily invaded his country in 2003. As the regime became more repressive, ordinary Iraqis suffered most from the sanctions, which reduced things like food imports and medical supplies, leading to widespread malnutrition and starvation, and impoverished them. This is a case of sanctions with disastrous humanitarian consequences. Between 670,000 and 880,000 children under the age of five are estimated to have died during the 1990-1995 period, “as a result of the impoverished conditions caused by the sanctions” (Cashen 2017; Cortright and Lepez 2002; Tostensen and Bull 2002).

Since the mid-1990s, much of the academic research has been about the effectiveness of smart sanctions as a policy response to the harmful effects of the comprehensive sanctions on Iraqi civilians (Drezner 2011; Lopez 2007; Brzoska 2003; Tostensen and Bull 2002; Cortright and Lepez 2002). Smart sanctions target specific individuals and groups accused of carrying activities such as terrorism, territorial aggression and human violations of which the international community or its members disapprove. Smart sanctions cover specific measures, most notably the freezing of assets, financial and travel restrictions, boycotts on specific commodities, and arms embargos (Cortright and Lepez 2002; Tostensen and Bull 2002). In general, the use of smart sanctions is based on the optimistic assumption that they are ‘smart’ enough to inflict pain only on the main targets, usually ruling elite members and non-state actors such as terrorist groups, but avoid collateral damage by sparing civilians from adverse effects and avoiding a repeat of the painful experience of ordinary people in Iraq.

The effectiveness of smart sanctions remains controversial and debatable, however. On one hand, proponents of smart sanctions think that this policy

instrument can be effective in removing repressive leaders and stopping their violence. The sanctions imposed on the former Yugoslavia, for instance, worked. President Slobodan Milosevic was removed from power by a civilian resistance effort against his repressive regime (Cortright and Lepez 2002, 21). On the other hand, smart sanctions have since been criticized by some proponents of human security and human rights for their harmful effects on civilian populations because of their unintended consequences such as humanitarian disasters (Thakur 2006). Although smart sanctions may be more effective than comprehensive sanctions in terms of minimizing harmful effects on civilian populations (Cortright and Lepez 2002, 6), critics still think that this policy instrument is far from effective. A major proponent of the UN and human security, Ramesh Thakur is highly critical of smart sanctions imposed by the UN Security Council, which he regards as “sanctions-happy.” In his view, “smart sanctions remain unproven in actual practice” (Thakur 2006, 134-35). According to another scholar, “the evidence to date suggests that smart sanctions are no better at generating concessions from the target state. In many ways, they are worse” (Drezner 2011, 104). Sanctions also have adverse effects on poverty, especially among the poor. This impact “increases with the severity of sanctions” and is “larger for multilateral sanctions than for unilateral sanctions imposed only by the United States” and “is long-lasting as the poverty gap increases over the first 21 years of a sanction regime” (Neuenkirch and Neumeier 2016, 111). According to Sorpong Peou (2014), smart sanctions are still “dumb” because they have not avoided causing human suffering to civilian populations.

Although they may not think that this policy tool has worked, proponents still think that sanctions can still be made to work smarter. One new strategy they advocate, for instance, is international public diplomacy designed to keep people in target countries informed of what they can do to challenge their leaders. As Brittny Lenard (2015) puts it, “Coupling sanctions with a concerted messaging campaign will diminish leaders’ ability to politicize these measures for their own ends. An informed public is a powerful asset in this regard, and engaging influential figures from fields such as business can be particularly effective”. However, the optimistic proposition about smart sanctions raises the question of whether targeted state elites and their supporters can be effectively outsmarted. As will be discussed, smart sanctions have not become much smarter. They are still ‘dumb’ when put in the context of human security.

Why Target Leaders Can Outsmart Sanctions-Sender Actors

What explains the fact that even smart sanctions are not smart enough to prevent human suffering or protect vulnerable people such as the poor? One reason is that most states have not adopted human security as part of their foreign policy

agendas. While democratic states may be willing to comply with international law and inclined toward the idea of human interest, not enough evidence suggests they are prepared to enforce sanctions on the grounds of human security. In the West, two champions of human security, Canada and Norway, subsequently abandoned or did not refer to the concept after they had adopted it at the turn of the 21st century (Peou 2019). Only two democracies in East Asia (Japan and South Korea) adopted human security in their respective foreign policy agendas (Peou and Kuhnle 2014; Peou 2014, 2009).

The liberal assumption that state leaders in a globalized world are rational actors who fear sanctions overlooks the fact that they are rational to the extent that they think they can still find ways to outsmart those that impose sanctions or inflict pain on them. The fact of the matter is that globalization is a two-edged sword: it cuts both ways. On one hand, globalization has complicated economic sanctions rather than making them more effective. When integrated into the globalized world, states may have more choices, more allies and business partners, different alternatives and loopholes that could help them to get around the sanctions imposed on them. As one writer puts it, “As one market closes with the imposition of sanctions, globalization means the target nation can simply shift its economic focus to new markets and trading partners, bypassing sanctions and maintaining a healthy level of trade” (Cashen 2017).

On the other hand, states that participate in imposing economic sanctions may not share the same degree of commitment to making sanctions work effectively when their national economic interests are at stake. The European Union (EU), for instance, prides itself on being a champion defending international law but its members are not always willing to enforce sanctions imposed by the United States. One example of such reluctance is when EU members hesitated to enforce the economic sanctions against Russia after its invasion and annexation of Crimea in 2014. Most likely due to the fact that the EU is Russia’s chief trade partner, Russia is also the EU’s third largest commercial partner. In 2012, before the sanctions were imposed, “the EU exported a record of €267.5bn (\$285 billion) of goods to Russia, after years of carefully fostering close economic ties with the country” (ibid.).

Globalization has not diminished state sovereignty to the point where the national interest gives way to humanity or where authoritarian regimes now care about human security. When imposed, smart sanctions may even result in escalating or exacerbating armed conflict between target states and sanctioners or lead them into geopolitical competition. There is evidence to suggest that the economic sanctions imposed by the United States and the EU prompted Moscow to move closer to China, which has refused to participate in the sanctions. As a consequence, economic sanctions may help reverse globalization and further weaken global governance. Russian President Vladimir Putin grabbed attention from people around the world when he declared in June 2019 that “the liberal

idea has become obsolete” (BBC 2019). Both China and Russia are now the world’s two most powerful illiberal states seeking to challenge the West, especially American hegemony (Mead 2014). This does not suggest that the two states have formed a strong security alliance, but the economic sanctions on Russia have definitely moved Moscow closer to China (Allison 2018; Aron 2019).

Some scholars argue that states and other actors have not collectively or universally participated in enforcing embargoes or policing them because they pursue their separate interests and pay only lip service to international law (Thakur 2006, 138). Other critics point to the same problem identified by Thakur, but place analytical focus on the political processes within the UN Security Council. According to Tostensen and Bull (2002, 395), “as the most powerful organ of the UN, [the Council] is also the most politically charged – tensions often exist between [its] goals...and those of member states.” They go on to argue that, “The political agendas of all Security Council members rarely converge; the agenda is even less uniform for all states throughout the rest of that organization” (ibid., 395). Critical of classical realism which they say treats states as unitary actors, the two scholars argue that domestic politics matters but then make the realist point that powerful states “may on occasion seek to hijack the sanctions exercise to satisfy their own foreign policy objectives, which may or may not be at variance with the broader goals of the UN” (ibid., 396). For neoclassical realists, both domestic politics and national power also matter (Rose 1998). For realists, interdependence and globalization may make targeted states or their leaders vulnerable, but the world has not become extensively globalized. Although debates on globalization continue, arguments made by hyper-globalists like Kenichi Ohmae (whose work on the “borderless world”) are far from compelling. Even moderate globalists have not made their case any stronger in recent years, as internationalists continue to show that the world is no more “global” than when it was in the 19th century (Cohen 2016, 7). Economic nationalism now appears to be making a comeback with a vengeance, as most evidenced by what the U.S. government has done, after Donald Trump was elected president in 2016.

The liberal assumption that socio-economic hardships lead to rebellions against their politically repressive leaders is also far from compelling. Civilians who have become increasingly discontent with their leaders do not necessarily or effectively take collective action for various reasons, such as fears of reprisal. Negatively affected civilians are unlikely to grow strong enough to take collective action against their repressive leaders or simply fall victim to the latter’s political manipulation. There is no strong reason to suggest that smart sanctions can have dramatic effects on target government officials who operate within authoritarian countries that are not economically integrated into the global economy. Leaders who commit human rights violations are those who tend to operate within countries that are not deeply integrated to the world economy. Sanction measures like travel bans or restrictions, asset freezing, arms embargoes and trade sanctions

may make life difficult for such leaders, but do not necessarily inflict enough damage on them. Repressive regimes under threat are likely to arm themselves with violent instruments that can be used to suppress challengers or violate human rights (Carneiro and Elden 2009; Wood 2008) and to reduce prospects for democratization (Peksen and Drury 2009, 241; Allen 2008). Leaders can “redirect the pain of sanctions onto the most vulnerable, or political opponents” (Cortright and Lepez 2002, 6). When embroiled in conflict with actors that impose sanctions, targeted leaders are likely to threaten their own populations by justifying the need to defend or strengthen national security. They may seek not only to find military allies that support them but also to legitimize the need to increase defense spending at the cost of social spending. Evidence further suggests that military conflict tends to have a greater effect on health outcomes than sanctions (Allen and Lektzian 2012).

In short, smart sanctions still appear to remain dumb, despite the good intentions of sender-states and sanctions-happy multilateral organizations like the UN and the EU, and despite innovative measures to make sure that only alleged violators of international law pay the price for their criminal actions. Target leaders who succeed in defying sanctions tend to operate in countries not well integrated into the global economy and thus can keep their means of survival protected from the outside world. Even if their countries have become integrated, globalization globalization can still provide them them means and ways to ensure their survival. Target state leaders can learn to outsmart the sanctioners by consolidating power at the expense of democracy and violating human rights and by moving closer to other states that offer them regime protection, thus leaving ordinary citizens to suffer instead. Seen in this light, economic sanctions may also contribute to the resurgence of geopolitics, which further strengthens national and regime security at the expense of human security.

As will be discussed, research on the economic sanctions imposed on both North Korea and Myanmar show that they have also contributed to human suffering. The two cases are comparable in that they are similar in one major area but different in several other respects. Both cases share something similar worth comparing: they have long been among the most heavily sanctioned states in the world. Differences between the two cases are obvious, however. Firstly, Myanmar is located in Southeast Asia and a member of the Association of Southeast Asian Nations (ASEAN); North Korea is located in Northeast Asia and internationally far more isolated. Secondly, the type of economic sanctions on North Korea is different from that on Myanmar. Those imposed on North Korea have been primarily directed at its nuclear programs, whereas those on Myanmar have been aimed at its condemned human rights violations. Thirdly, the two political regimes are inherently different. Myanmar had long been dominated by a military junta until it made a transition toward democracy in 2015 (Maw 2018; Callahan 2018), but this does not mean the junta has no lingering role in Myanmar politics

today. North Korea, however, has been under a dynastic rule backed by the armed forces and thus remains an unchanged dictatorial or totalitarian regime.

Myanmar and North Korea: Outsmarting 'Smart' Sanctioners?

The Case of Myanmar

Research into the cases of North Korea and Myanmar strongly suggests that the economic sanctions imposed on the two countries are far from smart in that the target actors have refused to change their policy behavior and that other factors have contributed to any concrete signs of change. The economic sanctions appear to have contributed mainly to suffering which civilian populations have endured.

It is worth providing a brief background of this country. Myanmar gained its independence in 1948; but despite pro-democracy struggles, democracy remained elusive during the Cold War and after. In 1962, a military coup put an end to democracy. Until the recent national election, Myanmar had been under military rule for nearly half a decade. After a military crackdown on the nationwide movement for democracy in 1988, leaving at least 3,000 dead, a new wave of economic and political sanctions hit the country. The country's one-party rule collapsed. A national election was held in 1990 and resulted in the National League for Democracy (NLD)'s victory, but the State Law and Order Restoration Council (SLORC) refused to give up power but instead imprisoned NLD members, forced others to leave the country, and cracked down on dissidents. Aung San Suu Kyi, the NLD leader and the 1991 Nobel Peace Prize winner, was put under house arrest. The United States, the EU and Japan imposed sanctions on the regime. More sanctions were imposed after the events in 1997, 2003, and 2007 respectively. In 2007, demonstrations led by young Buddhist monks became widespread after the government had removed fuel subsidies. More sanctions were subsequently imposed on the country.

The extent to which the 1997, 2003, and 2007 economic sanctions were effective is always a matter of debate. On one hand, proponents of sanctions would contend that the 2003 and 2007 did produce positive results when assessed in terms of improved political, economic, and human rights situations. A series of reforms were made. In 2011, a civilian parliament was established after the military junta had dissolved. Hundreds of prisoners were released. The government began to negotiate with ethnic groups to end their wars. The country was opened up for business through a new wave of economic reforms. The National Human Rights Commission was established. Democratization was once again put back on track. A new national election was held in 2015, and the opposition won, leading to the establishment of a new government.

On the other hand, the economic sanctions did not really end or deter violent repression and human rights violations. Each time a new round of

sanctions was imposed on Myanmar, the military junta resisted and allowed the political and social situation to deteriorate. In spite of the 1991, 1997, 2003, and 2007 sanctions imposed on the country, the government was not deterred from committing political violence against its own people despite each new round of sanctions. In 2008, for instance, the junta initially did not allow humanitarian intervention after Cyclone Nargis had killed more than 140,000 people. Today the people remain insecure, however. As one scholar puts it, “the human security of the most vulnerable sections of society...has been ignored, sacrificed, or directly threatened” (Howe 2013, 142). According to Moe Thuzar (2015, 1), “human security needs and challenges are acute.” By the mid-2010s, the human rights situation in Myanmar appears to have further deteriorated, as evidenced by “an increase in the number of human rights abuses, particularly the harassment, intimidation, and prosecution of journalists, civil society activists, and protestors, while Rakhine State remains in a state of crisis due to hostilities between Buddhists and Muslims” (Dosch and Sidhu 2015, 106). A new round of political repression and violence began to escalate out of control in August 2017 when the military took action that drove 700,000 Rohingya out of the country and into other parts of the region, most notably Bangladesh.

More economic sanctions were imposed on Myanmar after the regime was accused of committing mass atrocities against Muslim civilians. In June 2018, Canada and the EU slapped sanctions on Myanmar officials, freezing their assets (Harris 2018). Washington accused Myanmar’s armed forces of such crimes as ethnic cleansing, massacres, sexual assault, and extrajudicial killings (Wong 2018), but “have proven unable to improve conditions for the Rohingya” (Chen and Marston 2018). In August 2018, the United States then imposed targeted sanctions on four military and police commanders. UN investigators called for top Myanmar generals to face genocide charges at an ad hoc tribunal or the International Criminal Court and for the UN Security Council to impose an arms embargo on the country (Nebehay 2018).

The never-ending imposition of sanctions suggests that they may have some short-term positive effects, but evidence points to the overall ineffectiveness of this instrument. There are several reasons why the sanctions did not work or may have exacerbated the human security situation in Myanmar. Firstly, critics point to the failure of this policy tool in that it has made no significantly detrimental impact on Myanmar’s economy. ASEAN has done little to mitigate or help alleviate the human security situation in Myanmar, largely because of its policy toward state sovereignty and its principle of non-interference in the domestic affairs of states. More importantly, economic integration or interdependence with ASEAN does not appear to have made Myanmar vulnerable to its members. States within the region, such as China, India, and Thailand also did not really support the sanctions (David and Holliday 2012, 135).

Myanmar’s trade volumes increased from US\$ 6.28 billion in 2001 to US\$ 6.54

billion in 2003, to US\$ 7.1 billion in 2004, US\$ 8.57 billion in 2006, and US\$ 21 billion in 2014. Myanmar's exports to sanction sender states like the United States dropped, but the regime diversified its trading partners to include countries such as China, Thailand, Singapore, Japan, and South Korea (Ajmani and Joshi 2018). In 2015, for instance, the largest markets for Myanmar exports were China (37.3%), Thailand (32.2%), Singapore (6.1%), India (6%), and Japan (4.4%). Foreign direct investment continued to flow in and the four largest investors were China, Singapore, Thailand, and Hong Kong, which together provided some 80 percent of Myanmar's FDI in 2017 (Thomson 2018).

Secondly, the country remains under military rule, despite the civilian government establishment after the 2015 election. The military leadership unity was strengthened rather than disintegrating because it was "able to play many effective cards both domestically and internationally, and are probably not unduly concerned about any external pressure for a war crimes tribunal or ICC referral" (David and Holliday 2012, 135). The generals regarded any challenges to their power as a threat to their regime by disguising it in the form of national security and justifying its repressive actions against civilians. Fragile democracy in Myanmar is once again under threat (Pyun 2019), thus, making regime security far more important than human security.

What all this suggests is that the human security situation in Myanmar has at best witnessed little to no improvements after the international community applied sanctions to the regime, as evidenced by the allegations of ethnic cleansing and crimes against humanity committed against the Muslim population (Amnesty International 2018). The threat of judicial action directed at the military leadership, therefore, did not deter the mass atrocities in 2017 and might have encouraged some form of moral hazard by getting armed rebels to keep fighting the regime. A similar problem has been discussed elsewhere, such as NATO's intervention in Libya in 2011 (Kuperman 2013). What is interesting to note is that the attacks on Myanmar government forces by the self-declared Arakan Rohingya Salvation Army (ARSA, made up of Muslim rebels) were launched in October 2016, after the government army and eight armed ethnic organizations signed the Nationwide Ceasefire Agreement (NCA) on 15 October 2016. The attacks drew a disproportionate response from the army in November, leading the UN Office of the High Commissioner on Human Rights to issue a highly condemnatory report and the UN Human Rights Council to "establish an international Fact Finding Mission to investigate allegations of crimes against humanity by the military" (Callahan 2018, 245). Then on 25 August 2017, just hours after the Advisory Commission on Rakhine State led by Kofi Annan had issued its final report, ARSA launched a second round of coordinated attacks on some 30 police posts and an army garrison in northern Rakhine State, leaving 12 officers dead (Callahan 2018, 245-47; Meixler and Kidangoor 2018). The rebels also attacked and destroyed villagers belonging to other ethnic and religious

communities, including the Hindus (Amnesty International 2018, 13-14, 38-58). But counterattacks “by the police and military or fear of such attacks, as well as threats and vigilante action by local Rakhine villagers, led to the flight of hundreds of thousands of Muslims from northern Rakhine to Bangladesh” (Callahan 2018, 247). As previously noted, both the UN and Western states were together then drawn in deeper into the Myanmar humanitarian situation, intensifying their criticisms of the government and resulting in a bigger rift between the former and the latter.

Thirdly, the economic sanctions and threat of legal action also encouraged the regime to defend the traditional concept of security by perpetuating a perception of internal and external threats and justifying high military spending. Although the government has spent much less on defense compared to North Korea (as will be seen below), the military budget remains about 3 percent of the country’s gross domestic product (around US\$ 2.1 billion in the 2017-2018 fiscal year) or 13.9 percent of government expenditures. Although ethnic wars have been the primary threat to national security and consume most of the defense expenditures, the regime has also been concerned about external sources of threat. The rise of Buddhist nationalism in the country has been driven by the fear of Buddhists being overrun by the influx of Muslims and hostility toward international condemnation and interference (Callahan 2018, 250-51). Morten Pedersen is correct when making the following remark: “the escalation in international pressure had the effect of aggravating nationalist sensitivities” (2019, 235). In response to the UN charges of “genocidal intent,” Myanmar’s top general warned against meddling in his country’s internal affairs or any organization making decisions over a country’s national sovereignty. Thus, it is unlikely that the military-dominated government will reduce defense spending in favor of promoting human security as long as it remains concerned about threats from “both states and non-state actors that it claims enjoy state support or cross-border sanctuary” (Beehner 2018, 24) and from the UN and Western states.

Fourthly, it is unsurprising that Myanmar’s reliance on China has grown in recent years, as the newly elected civilian government has consolidated its relations with the latter, partly because of decreased economic relations with Western countries, partly because of Beijing’s willingness to use “its veto power to resist the West-led push at the UNSC to pressure Myanmar to put on trial those responsible for the attacks on the Rohingya” (Peng 2018). According to Stanley Weiss (2009, 4), “Not only have punitive sanctions and relentless public condemnation failed to moderate the regime’s behavior, they have pushed the junta further away from the West and into Chinese arms.” Myanmar opened up to the West in 2011, but “the Rohingya crisis has pushed Myanmar back toward China,” which became “Myanmar’s biggest supplier military hardware” between 2014 and 2018 (Tourangbam and Amin 2019). Myanmar’s Commander-in-Chief, Senior General Min Aung Hlaing, received an honor guard reception during his

visit to Beijing in November 2017. During his visit to Beijing in April 2019, he said that his country “regards China as an eternal friend and a strategic partner country” (Tiezzi 2019). Myanmar has now begun to “speed up progress on Beijing’s Belt and Road” initiative by “finally moving rapidly to embrace President Xi Jinping’s project” (Thiha 2018). The government seems to be moving fast in its economic interactions with China. Aung San Suu Kyi also travelled to China in 2017 and again met with the Chinese leader in Beijing ahead of the Second Belt and Road Forum for International Cooperation in April 2019.

The Case of North Korea

North Korea has also been heavily sanctioned, but this policy instrument has been ineffective, counterproductive and even harmful to human life, causing political and economic insecurity among the civilian population. Even proponents of smart sanctions have been unable to provide much evidence to validate their proposition that this policy instrument works as intended. Despite extensive sanctions, North Korea continued to test nuclear missiles.

The history of sanctions can be traced back to the Korean War that lasted from 1950 to 1953. More recently, sanctions have been imposed on the regime for its alleged nuclear program. Although North Korea ratified the Nuclear Non-Proliferation Treaty (NPT) in 1985, its first nuclear crisis began in 1993-1994, followed quickly by the second one in 2002. Pyongyang then officially withdrew from the NPT in 2003, conducted its first nuclear test in October 2006, second in May 2009, third in February 2013, fourth and fifth in January and September 2016, and sixth in September 2017. Brittney Lenard makes the following argument: “UN sanctions on North Korea have been useful in limiting the flow of nuclear materials and technology to the country, but have had no discernible effect on decision making, as the threat posed by Pyongyang’s nuclear program continues to grow” (2015). Additionally, the human security situation remains grim. As one scholar puts it, “the sanctions that target elite individuals are essentially being turned into suffering of the innocent masses” (Chen 2017, 530). Human rights violations became so serious that the UN Commission of Inquiry on Human Rights in the Democratic People’s Republic of Korea “recommended that the North Korean case be referred to the International Criminal Court” (Scarlatoiu 2015, 126).

Why have smart sanctions remained ‘dumb’ and contributed to the personal insecurity of people in North Korea? The answer is that this instrument tool has contributed to human suffering in several ways. Firstly, the economic sanctions have hurt the economy without pushing the country to the brink of total economic collapse and without fatally hurting members of the ruling elite. The leadership has managed to circumvent U.S. and UN sanctions by doing business with states and companies that either paid lip service to international law or refuse to help enforce it. North Korea has traded with countries throughout South

and Southeast Asia, Africa and Europe and its “trade has grown substantially since 2005” and, according to some scholars, North Korea “may have enjoyed a current account surplus in 2011” (Segal 2015, 106-07). China has often supported the sanctions against North Korea through its positive votes at the UN Security Council, but has hardly done anything to enforce them. In fact, China has been North Korea’s largest trading partner. Unilateral sanctions by Japan and South Korea show that North Korea’s exports to China increased significantly from 2001 to 2012, using various techniques of trade diversion (Jung 2016). In 2018, trade between North Korea and China totaled US\$ 2.43 billion, which accounted for about 90 percent of the former’s recorded foreign trade (Snyder 2019). Studies reveal how and why the economic sanctions failed when examining the Sino-North Korea border economy. According to one scholar, “the banking system has been circumvented altogether by carrying out transactions in hard cash, gemstones, specie and antiquities, or barter exchange” (Habib 2016, 62), and smuggling across the border. The vast majority of North Korean trade has been with China along their shared border. Instead of weakening the regime, the sanctions broadened the scope of evasive economic activity based primarily on cash and barter with minimal recourse to the formal banking sector (Lee and Grey 2017). Moreover, “financial sanctions have failed to exert any tangible macroeconomic impact on the country’s economy...Instead, the strengthening of financial sanctions against North Korea has coincided with the gradual recovery of the economy amidst the expansion of its economic ties with China” (ibid., 230).

Even when sanctions made a big dent on the economy of North Korea, there is no evidence to show that Pyongyang was willing to give up its nuclear program. For instance, the years 2017 and 2018 saw the country’s gross domestic product shrink by 3.5 percent and 4.1 percent, respectively (Yoo 2019), but the regime still rejected the demand for denuclearization. One question can be raised with regard to the fact that North Korea did not conduct nuclear tests in 2018. While this is true, the absence of a nuclear showdown between North Korea and the United States cannot be primarily attributed to the sanctions. The first summit between U.S. President Donald Trump and North Korean leader Kim Jong-Un in 2018 may explain why dialogue between the two countries put a break on North Korea’s nuclear program. The second summit in February 2019 further indicates that Pyongyang was prepared to denuclearize the country if and certain conditions could be met. At present, North Korea’s refusal to abandon its nuclear weapons still shows that the sanctions have not worked and the assumption that this policy tool would work one day is based on wishful thinking.

The relentless barrage of sanctions also has negatively affected economic, food, and health security (Scarlatoiu 2015; Howe 2013, 67-92; Lee 2011). Worsened by drought, the economic woes have made life painful for ordinary Koreans. Because of sanctions on exports of coals and minerals, for instance, “[o] utput in the mining sector shrank 17.8%” and “international trade fell by 48.4%

in value” as exports were cut by nearly 90 percent (Yoo 2019). The country’s oil consumption also fell by 80 percent between 1991 and 2017, resulting in “less diesel to run farm tractors and irrigation pumps, hitting farms already affected by droughts” (Bloomberg 2019). Based on a report by the World Food Program and Food and Agricultural Organization of the UN, Bloomberg (2019) writes: “The sanctions have led to shortages of other necessary agricultural items, including machinery and spare parts, and farm output has dropped in the provinces that make up North Korea’s southern and western breadbaskets.”

Secondly, the sanctions have failed to break up the unity among members of the ruling elite who have not relaxed their tight political control over the population. According to Yeon Joo Kim (2014), the regime tends to ensure domestic loyalty by increasing the level of internal vigilance (associated with the call for internal vigilance with the purpose of tightening control over the population) in order to prevent prospects for an uprising when North Korea faced an external military threat or regional instability. Although there is no clear relationship between sanctions and surveillance rhetoric, the sanctions encouraged the leadership to rely on this strategy when coming under threat (*ibid.*). Regime survival remains central to their strategic calculus, as they continue to perceive threats from within the country (Alagappa 2017; Habib 2016, 63). Instead of nudging the country toward economic liberalization and political democratization, the sanctions appear to have sustained political oppression and unity among elite members.

Thirdly, the sanctions worsened bilateral relations between North Korea and the United States and led the two countries almost to the brink of war. After coming to power in 2017, U.S. President Donald Trump made a series of threats to “totally destroy” North Korea. Pyongyang was also aware of what happened to the leaders of countries like Iraq, after President Saddam Hussein had been defeated by the United States and was killed, and Libya where its leader Muhammad Ghaddafi was killed after he had abandoned his nuclear program (Chen 2017, 434). Thus, it should come as no surprise to anyone that, as one observer puts it, “the regime is instinctively focused only on its top strategic objective—its own survival” (Scarlatoiu 2015, 125). One of the poorest countries in the world, North Korea still spends nearly a quarter of its gross national product (GDP) on military defence (around \$10 billion).

Fourthly, the economic sanctions have not only driven North Korea into deeper reliance on China for economic and regime survival but also strengthened its politico-security ties with Beijing and Moscow. According to Jin Park (2019), a former high-ranking South Korean official, “the sanctions have pushed North Korea closer to China and Russia for economic assistance and political support.” As a result, the three states have formed “a trilateral coalition to counterbalance the U.S., Japan, and South Korea.” Security alliance politics, as political realists see it, has strengthened the traditional concept of national security and

exacerbated geopolitics within the Asia-Pacific region, thus weakening the concept of human security. In short, then, the economic sanctions for North Korea's denuclearization are most likely to perpetuate geopolitics and exacerbate human insecurity in the region until the U.S. trade 'war' with China ends, the U.S. sanctions on Russia are lifted, and the North Korean leadership feels secure.

Conclusion

This paper demonstrates through the case studies of economic sanctions imposed on both North Korea and Myanmar that this policy instrument was not only ineffective but also harmful to human life. As to the question of why sanctions-sender states and international/regional organizations like the UN and the EU appear to be "sanctions-happy" is not too difficult to explain. They tend to think that this policy tool is less blunt or coercive than military intervention and helps justify their actions on the grounds that they do something against law-breaking actors, particularly state leaders who threaten international peace and defy international norms. What remains puzzling is the question of why smart sanctions designed to avoid causing collateral damage such as suffering among civilian populations has been generally ineffective and how targeted political elites learn to outsmart sanctions-happy actors, despite the fact that the former face the latter's preponderance of power.

Not only did the ruling elites of these two target states remain in power but they also stayed more or less united. They regarded sanctions as a threat to both the survival of their countries and their regimes as well as to their personal survival. As a result, they allocated considerable resources to boost 'national' defence at the cost of civilian or human development. This does not suggest that they did not care about political legitimacy as they adopted means to sustain the economy or to prevent it from collapsing. Their success in minimizing the negative effects of sanctions had much to do with several factors, one of which is that the economies were relatively insulated from the world economy. The argument that globalization has made trade and financial sanctions more effective overlooks the fact that globalization has not spread to every corner of the world and this process can be a double-edged sword. States in Asia also tend to be characterized as "Westphalian" in that they still conform to traditional state-centric norms, such as resistant to interference in their domestic affairs and largely undemocratic. Economic sanctions and the threat of judicial punishment have also given rise to nationalism in Myanmar and North Korea and driven them into the embrace of China, most willing to come to their defence, thus reinforcing the traditional concepts of national security and security alliance politics. But what may be surprising to some observers is that the democratically elected government led by the National League for Democracy, spearheaded

by Nobel Peace Prize laureate Aung San Suu Kyi, has also moved back closer to China in the midst of UN and Western condemnation.

What then should be done to address the challenges posed by Myanmar and North Korea? The quick answer is that economic sanctions and the threat of judicial punishment are not smart enough to achieve their objectives and that they may have done more harm than good as far as human security is concerned. Unless the problem of national, regime and personal insecurity and mutual distrust are effectively addressed, no lasting solutions are possible. Since “there is little it can do to reverse North Korea’s [nuclear] capabilities,” the world community must “focus on deterring and containing it” (Alagappa 2017, 27) thereby allowing it to possess capabilities enough for self-defence in exchange for its willingness to stop threatening other states. The same can be said about Myanmar: the fear of national disintegration due to ongoing ethnic conflicts must be effectively addressed through dialogue and compromise. The government should stop demanding that hostile ethnic organizations lay down their arms before any peace negotiations can get started (Thuzar and Cheong 2019, 248), nor should the latter push for self-determination and separate constitutions. External actors should also keep in mind that any threat to toughen sanctions and bring the leaders to justice, hoping that the regime will be more compliant, is likely to fail. If not carefully managed, these coercive measures may even exacerbate political violence when the ethnic armed rebels refuse to compromise by taking more risks, thinking that external actors have their back, thus perpetuating or worsening a situation to what can be called a ‘moral hazard.’

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