

THE ACHILLES' HEEL OF AUTOCRACIES: THE ROLE OF MEDIA IN TRANSITION TO DEMOCRACY

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I. INTRODUCTION

I was not amused when my U.S. internet hosting provider deleted a Belarusian pro-democracy group's web blog, which I administered. Although such treatment of dissidents is common in autocratic states like Belarus, this happened to me in the United States. It turned out that my hosting company adopted a policy of banning all accounts set up from Belarus in an overzealous and misinformed attempt to comply with the U.S. economic sanctions against Belarus.¹

Although U.S. economic sanctions imposed on Belarus de jure target only a few specifically listed persons, such sanctions de facto affect the entire population of the country, including its nationals living abroad. The foregoing story illustrates that, instead of promoting democracy and freedom of speech, economic sanctions block the development of civil society, prevent the spread of uncensored information, and contribute to further entrenchment of illegitimate regimes.

This Article draws on economic and political science literature to demonstrate that economic sanctions targeting autocratic states fail to

more dependent on its non-democratic allies and is being further isolated from democracies. This stimulates—rather than prevents—human rights abuses, and it helps autocrats remain in power. The ineffectiveness of economic sanctions against Burma and Belarus discussed

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election process.³ Take the opposite example of North Korea. Although most North Koreans are desperately poor, they remain ignorant and therefore are unable to unify to protest.⁴

Part II of this Article discusses the ineffectiveness of traditional economic sanctions against non-democratic states by focusing on the motivation and incentives of autocrats. Part III discusses in detail the economic sanctions introduced by the European Union against Burma and Belarus and explains why the measures failed to reach their goals. Part IV describes the currently underestimated significance of access to information in times of political transition and argues that bolstering people's access to uncensored information is more consistent

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According to the prevailing view, the probability of success of sanctions depends on their cost to the targeted nation, the extent of trade linkages between the sanctioned and the sanctioning countries, and the amount of time that the sanctions remain in force.¹⁰ The effectiveness of sanctions is also affected by the ability or willingness of the sanctioning countries to impose such costs, as well as by the capability of the sanctioned nation to avoid or bear such costs.¹¹

Intuitively, sanctions should be more frequently invoked against autocracies. First, autocracies are more predisposed to violate human rights in order to maintain control and remain in power. Second, a long period of exchange of information usually precedes the actual imposition of sanctions. Thus, if the country is a democracy, its political actors may change as a result of elections over the years of such an information exchange. Conversely, in an autocratic country, the ruling elite remains in power and therefore bears responsibility for human rights violations. This supposedly increases the probability that other countries will impose sanctions on the ruling elite.

What is often overlooked, however, is that the *effects* of

in times of serious economic crises.¹⁴ Autocratic regimes work hard to prevent civil unrest by aggravating the collective action problem¹⁵, taking actions such as blocking the creation of political parties, the formation of NGOs, the formation of trade unions, and the spread of uncensored information. The absence of strong social institutions and independent media allows rulers to be highly effective in defusing any opposition to their regime.

A significant difference also exists in terms of distribution of wealth in democracies and non-democracies. In democracies, the members of the elite redistribute resources by disproportional allocation of public goods to their supporters. Thus, they increase the probability that voters will support them during the next election cycle. This is why the literature shows that sanctions imposed on democracies are more likely to prompt concessions or promote regime change than the sanctions imposed on autocracies. There is very strong empirical evidence that the pressure directed at democracies results in much more government instability than that directed at autocracies.¹⁶

On the other hand, autocrats maintain power through buying the support and loyalty of key groups of influence, such as police, army, bureaucrats and selected businessmen. These groups are much smaller than the general population and require fewer resources to support. When sanctions result in resource constraints, the autocrats tend to transfer the cost of sanctions to the general population, while keeping the key elites supported.¹⁷

Although this may sound counter-intuitive, autocracies prefer to be economically inefficient. As explained further below, an

14. See STEPHAN HAGGARD & ROBERT R. KAUFMAN, *THE POLITICAL ECONOMY OF DEMOCRATIC TRANSITIONS* (1995) (providing evidence of the importance of economic difficulties in bringing about political change).

15. The collective action problem is understood here as a situation in which the uncoordinated actions of each individual may not result in the best outcome that he or she can achieve. This problem can be resolved through exchange of information, which would help individuals to coordinate and achieve the desired outcome.

16. *Id.* at 573.

17. Reed M. Wood, "A Hand upon the Throat of the Nation": *Economic Sanctions and the State Repression, 1976-2001*

inefficient economic structure pro

imposition of sanctions contributes to increased state-sponsored repression.³⁴ This results from the incumbents' efforts to prevent the defection of their core sponsored

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III. ECONOMIC SANCTIONS AGAINST BURMA AND BELARUS

The European GSP regime also provides a procedure for withdrawing preferential treatment from countries that seriously and systematically violate the principles of conventions listed in the annex to Council regulation, which establishes the regime of trade preferences.⁴⁷ The list of conventions includes all eight International Labour Organization (ILO) fundamental conventions.⁴⁸ The procedure for withdrawal consists of four stages: First, consultations take place between Member States and the Commission;⁴⁹ second, the Commission initiates and conducts an investigation;⁵⁰ third, the Commission monitors the situation for six months;⁵¹ and finally, the Commission makes its decision of temporarily withdrawal. This withdrawal permanently enters into force six months after its commencement, unless the reasons justifying the withdrawal no longer prevail.⁵²

So far, only two countries have been subject to exclusion of benefits under the GSP—Belarus and Burma. The next section

during three consecutive years and whose five largest sections of its GSP-covered imports to the Community represent more than 75% in the value of its total GSP-covered imports, and whose GSP-covered imports to the Community represent less than 1% in value of total GSP-covered impost to the Community).

47. *Id.* at art. 16.

48. Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, June 17, 1999, No. 182, 38 I.L.M. 1207, available at <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C182>; Convention Concerning Minimum Age for Admission to Employment, June 26, 1973, No. 138, 1015 U.N.T.S. 297, available at <http://www.ilo.org/ilolex/cgi->

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briefly addresses the circumstances that led to economic sanctions against these countries.⁵³

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Two years later, the European Union Council adopted a resolution temporarily withdrawing Belarus from access to the generalized tariff preferences due to the country's failure to enforce the rights of its trade unions.⁶⁶ Because the trade union situation did not improve, the resolution entered into force in June 2007.⁶⁷

A decline in the price of oil in recent months has reduced the revenue Belarus receives for transiting Russian oil to Europe and for exporting its own refined oil products.⁶⁸ Prices for other key Belarusian exports—including minerals and fertilizers—have also plum

situation in Burma continued to deteriorate following the bloody end of Burma's pro-democracy demonstrations, when troops massacred at least 3,000 students and mostly unarmed civilians on the streets of the capital and other cities in September 1988.⁷⁴ The SLORC generals consolidated their rule with forced labor, rape, torture, forced relocation, and intimidation.⁷⁵

The European Union imposed an arms embargo and suspended defense cooperation with Burma in 1990.⁷⁶ The subsequently introduced visa ban and asset freeze was directed at Burma's senior military officers, members of government, and their families.⁷⁷ European Union-registered companies were prohibited from making financing available to enumerated state-owned enterprises.⁷⁸ In 1995, the International Confederation of Free Trade Unions and the European Trade Union Confederation filed a joint complaint to the European Commission calling for withdrawal of Burma from the European Union GSP because of its use of forced labor.⁷⁹

In January 1996, the European Commission launched an investigation of the alleged forced labor widely used by the military regime of Burma.⁸⁰ As a result of that investigation, Burmese authorities did not implement ILO recommendations and refused to allow the ILO fact-finding team into the country.⁸¹ In 1997, Burma became the first country from which the European Union withdrew trade preferences based on the country's widespread use of forced labor.⁸² As of 2009, Burma still lacks trade preferences under the European Union GSP.

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IV. AUTOCRACIES AND ACCESS TO INFORMATION

The literature suggests that, in about 95 percent of cases, economic sanctions do not achieve their goals of altering the behavior of autocratic regimes.⁸⁷ Along with this remarkably low effectiveness, the damage to the wellbeing of the general population also shows that economic sanctions generally fail. Thus, finding alternative measures to influence autocratic regimes must be a priority.

To achieve their goals, the governments suppress independent media, discourage independent polling, and discredit surveys that reveal unflattering information.⁹¹

A truly massive and open dissent can cause political change. Scholars suggest that such open public dissent results from a tipping process whereby the incumbent political leadership loses its ability to mute the voice of popular discontent.⁹² People extract cost-benefit information from mass media and from those attending demonstrations. Massive demonstrations serve as an informational cascade that finally brings into the public light the information about the nature of the regime that was previously hidden.⁹³ According to Ted Robert Gurr's theory of relative deprivation, people become discontent when they perceive a discrepancy between their expectations and the society's ability to ensure the standard of living to which they believe they are entitled.⁹⁴

Controlling television and radio is crucial to preventing open dissent. As long as the majority of a country's population relies on the state-controlled mass media, people continue to believe that everyone supports the incumbent government. Absent extraordinary events and alternative sources of information, any significant change in the country's political situation is unlikely. Even if human rights organizations or opposition groups feature the best qualified leaders, their future is not promising unless citizens are aware of them. In fact, even if the majority of the population knows about the alternative leaders and supports them, they still cannot elect them at the polling stations because the regime in power does not count their votes.

Enabling people to obtain information will help avoid the harmful effects of economic sanctions on the general population. It should be noted, however, that more media coverage could potentially expose more opposition activists and thus stimulate more repression. Also, the authorities may put even more brutal pressure on dissidents in an effort to deter others from defecting. However, these costs are far outweighed by the benefits of the population's increased

91. Timur Kuran, *Now Out of Never: The Element of Surprise in the East European Revolution of 1989*, 44 *WORLD POL.* 7, 21 (1991).

92. See, e.g., *id.* at 7; Lohmann, *supra* note 89, at 42.

93. Lohmann, *supra* note 89, at 42.

94. See TED ROBERT GURR, *WHY MEN REBEL* (1970).

awareness of the real political situation in the country—and, more importantly, of the fact that the dissidents constitute a majority.

If the effective channels of mass media were in place, public discontent would be much more organized and influential. For example, it is widely agreed that U.S.-sponsored radio broadcasting was crucial to ending the Cold War.⁹⁵ Further, independent Channel 5 in Ukraine was the source of information during the Orange Revolution in 2006 from which the population learned about election fraud, protests in Maidan, and the negotiation process between the branches of power and the opposition.⁹⁶ This channel conveyed the impression that most of the people were opposed to the rigged elections, while the government-controlled channels minimized the level of the protests.⁹⁷

The massacre near the Vilnius Television tower in Lithuania was one of the most sym

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authorities target trade unions, but they also attempt to suppress NGOs and political parties.¹⁰² The most recent report on human rights in Belarus shows that infringement of free speech is by far the largest category of human rights violations in Belarus.¹⁰³

It is symptomatic that Belarusian authorities use most of their efforts to suppress the media. As economic conditions deteriorate, unemployment rates rise and financial

of journalists working on behalf of Belsat by issuing warnings and imposing heavy fines for those working for an unregistered Polish satellite channel Belsat.¹⁰⁹

In Burma, the population learned about the devastating cyclone of 2008, which caused tens of thousands of deaths, from foreign media outlets such as *Radio Free Asia* and *Voice of America*. The Burmese state media, on the other hand, remained silent about the disaster.¹¹⁰ Satellite channels were also a key source of information in Burma during 2007 anti-government protests. The regime apparently learned its lesson. In 2009, Burmese authorities raised the licensing fees for satellite television by 16,566 percent—effectively making it illegal for most of the population to view those channels because they simply cannot afford it.¹¹¹ This shows that Burmese authorities perceive satellite television as a real threat.

In forming a solution to these issues, it is not enough to enable the people of autocratic countries to merely watch foreign television stations. In fact, many people in Belarus are able to watch *Euronews*, the EU news channel, as well as other foreign news channels. Even if the target audience understands the language (as was the case in Eastern Germany during the Cold War), that information is not very influential.¹¹² It is crucial that the broadcastings be made *by* the oppressed people and *for* the oppressed people. Thus people can relate to the events covered by the broadcasts, rather than watch them passively as a movie about someone else's life. In this way, broadcasting can not only launch the information cascade, but it may also help opposing parties realize that they constitute a majority.

The role of the Internet deserves special attention. Although the Internet can play an important role—as was the case during the 2007

109. See *Journalists fined 700,000 Br for Giving Coverage to Oppositional Rally*, CHARTER '97, February 25, 2009, <http://www.charter97.org/en/news/2009/2/25/15497/>; *Journalists Warned Against Collaborating wla*

protests in Burma¹¹³—its capacity is inferior to that of broadcast media, such as radio and television. Although the Internet will always contain more information, its impact is not focused because it does not convey a clear and consistent message. Also, the majority of population, especially in poor countries, might not be able or willing to seek political news on the Internet because of lack of access to it. Also, it can be effectively used by authoritarian regimes themselves, who could hire an army of bloggers and forum participants to create an illusion of overwhelming support of the existing regime.¹¹⁴ Aware of this, the Belarusian government does not consider the Internet as a serious threat and has taken almost no repressive measures against it.¹¹⁵

In the past, shortwave radio was the only option for large-scale communication. It remains the main option for vast countries like Burma, where about one-fourth of the population turns to U.S.-funded shortwave radio stations.¹¹⁶ However, the importance of shortwave radio is waning because technological advancement moves on. It is important to look at each audience on a case-by-case basis, taking into account such factors as geography, audience habits, competition, and political reality.¹¹⁷

As is the case with economic sanctions, it is unwise to expect instant results when trying to influence authoritarian states.¹¹⁸ A long-term perspective is crucial. If access to free media will not bring about immediate political changes, it will certainly put pressure

113. See, e.g., Mridul Chowdhury, *Reluctant Internet &*

on the ruling elite by forcing rulers to deal with a better-informed, and better-organized, population and political opposition. This was the case in Burma, where the military junta was reportedly forced to negotiate with the opposition because the images and information about public protests had quickly spread around the world.¹¹⁹

C. Supporting Independent Media and International Law

Helping spread independent information is more in line with the international law principle of non-interference with internal affairs than are economic sanctions, let alone military intervention. It is true that media members are usually regulated by domestic authorities by means of national law, which fuels autocracies' complaints that any interference in this area violates international law. Indeed, Article 2(7) of the UN Charter provides that nothing in the present Charter shall authorize the United Nations to intervene in matters that are es

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general population, but undermines the political monopoly of autocrats.

As the famous dissident and Nobel prize winner Alexander Solzhenitsyn put it describing the Soviet system: The lie has been incorporated into the s

