

## CHAPTER 2

### STATES' RESPONSE TOWARD HUMANITARIAN SITUATION IN BURMA

The international responses to Burma's ongoing political crisis have varied considerably. The responses of these various actors can be ranked from the most intense response to the most meager: from the US, the EU, ASEAN and Japan and finally to Thailand, India and China as the weakest.<sup>16</sup> A variety of foreign policy approaches have been adopted including sanctions and aid boycotts centered on stated objectives of re-establishing democracy and improving human rights.

The political relationship between the United States and Burma worsened after 1988 and remains estranged. In 1990, the United States downgraded its level of representation in Burma from Ambassador to Chargé d'Affaires. Immediate U.S. policy objectives in Burma include securing the release of Suu Kyi, other key opposition leaders and political prisoners, encouraging a dialogue on democratic political reform and national reconciliation, and the re-opening of all NLD offices. The United States has been the most outwardly damning in its approach to Burma. The United States considers Burma a serious threat to peace and security, citing the junta's strategy that led to a range of destabilizing problems, such as drugs and human trafficking.

The United States has employed a variety of tactics to bring about change and facilitate improvement in the country. President Clinton imposed a ban on all new investment in Burma by U.S. companies in 1997. Congress passed the Burmese Freedom and Democracy Act in 2003 and an accompanying executive order to impose an import ban on all articles from Burma, prohibited export of financial services, instituted a targeted asset freeze of assets associated with the SPDC, and

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<sup>16</sup> Jeffrey Stacey, "Burma" in *Strategies for Democratic Change: Assessing the Global Response*, ed. Ted Piccone and Richard Youngs (Washington: Democracy Coalition Project, June 2006), p. 25.

established stricter visa restrictions on both current and previous Burmese officials preventing them from visiting the United States.<sup>17</sup>

The U.S. sanctions applied under various legislative and policy vehicles are by far the most significant foreign policy intervention in the domestic affairs of Burma. The trade ban introduced by the United States under the BFDA had a big impact on several of Burma's export sectors, particularly garments and textiles. Critics of the trade ban have noted that the entry of more women in the sex trade may contribute to higher numbers of HIV/AIDS cases. Research has shown that in Burma unprotected paid sex is a major driver of the epidemic. Others have argued that the sanctions did not create a large pool of unemployed garment workers with no option but to join the sex industry. Instead many ex-factory workers were reabsorbed into the local economy, working in markets or as day laborers.

Two areas in which the United States remains involved inside Burma are HIV/AIDS and drug eradication. Most of U.S. funding related to Burma is presently directed towards activities and beneficiaries outside of Burma. There is a general agreement among missions and agencies in Rangoon that funds being spent outside the country have minimal impact inside Burma. They would like to see different approaches tried, which would be of greater benefit to the millions of people living well away from the border areas.<sup>18</sup> The objective of U.S. policy is not engagement but isolation. It is believed that when the pain level raises enough, the people of Burma will rise up and overthrow their government.<sup>19</sup> The United States is not alone in condemning the Burmese government; however, it stands alone the extent of the sanctions.<sup>20</sup>

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<sup>17</sup> Havel and Tutu, p. 40.

<sup>18</sup> Kavita Shukla, "Ending the Waiting Game: Strategies for Responding to Internally Displaced People in Burma," *Refugee International*, June 2006, p. 25.

<sup>19</sup> Charles A. Rarick, "Destroying a county in order to save it: The folly of economic sanctions against Myanmar," Institute of Economic Affairs (Oxford: Blackwell Publishing, June 2006).

<sup>20</sup> *Ibid*, p. 2.

Over the last decade, the European Union (EU) has taken a number of measures with regard to Burma. All of these measures are largely symbolic and have been related to the EU's political and aid relationship with Burma – they do not have the effect or intention of applying severe economic pressure on the regime.<sup>21</sup> EU sanctions are more limited in scope than those of the United States. Investment sanctions prohibit EU companies from making financing available to certain businesses owned by the state, but place no ban on actual investment by EU companies or citizens. No action has been taken to halt the import of goods and services from Burma, and the most profitable sectors for the junta such as oil, timber and gas are omitted from sanctions. Some EU members favor stronger economic sanctions, but others are concerned about the legality of trade embargoes against a fellow WTO member, as well as the social costs of these measures on the Burmese population.<sup>22</sup>

Although the EU has not imposed sanctions nearly as severe as those implemented by the United States, it has been very vocal in its criticism of the regime. The EU consistently maintains that violations of human rights and fundamental freedoms are major international community concerns in Burma. Moreover, the EU maintains close relations with the United States and the United Nations in order to maintain a united front toward Burma and to have access to all available information that would enable the EU to regularly and accurately evaluate the Burmese situation.<sup>23</sup>

The member states of the Association of South-East Asian Nations (ASEAN) have chosen to approach Burma with the policy of constructive engagement initiated by Thailand rather than through harsh confrontation as the United States and the European Union have done. Thus, Burma became member of

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<sup>21</sup> Burma Campaign UK, “The European Union and Burma – the Case for Targeted Sanctions,” [www.burmacampaign.org.uk/reports/targeted\\_sanctions.htm](http://www.burmacampaign.org.uk/reports/targeted_sanctions.htm)

<sup>22</sup> Shukla, p. 28.

<sup>23</sup> Havel and Tutu, p. 39.

ASEAN in 1997, together with Laos and Cambodia.<sup>24</sup> Its inclusion was controversial and criticized by certain members of the international community. ASEAN members defended the decision to allow Burma to enter on the grounds that, as a member of ASEAN, Burma would be subject to member states' influence and would be led by their good examples. However, no progress has been realized from Burma's inclusion into ASEAN and some ASEAN member states have recently publicly declared their discontent over the situation in Burma, particularly the damage it is inflicting on ASEAN's reputation and regional stability.<sup>25</sup>

This miscalculation had disastrous consequences for the "miracle economies" of Southeast Asia, as it may have undermined international investors' confidence in the judgment of the region's leaders at a time when criticism of corruption and cronyism was becoming widespread. Perhaps it is too late for ASEAN to admit that it made a mistake in allowing Burma to join its fold. This marriage has had the rockiest of honeymoons, but now that it is time to live together, ASEAN has a moral obligation to assist Burma in working out her problems.<sup>26</sup>

Meanwhile, the relationship that the military regime in Burma has with its neighboring countries reflects another barrier and example of how political interest has overshadowed humanitarian interests. Thailand is the one neighbor most influenced by Burma's internal problems. The Thai government has realized that Thailand and Burma share a common destiny; a prosperous and secure Burma is vital for Thailand's security and well-being.<sup>27</sup> Thailand helped to diminish the extent of Burma's international pariah status following Burma's 1990 election and the failure of the regime to accept its outcomes. The policy of constructive engagement toward

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<sup>24</sup> Simone Eysink, "Intervention in Myanmar: An emotional demand or preferable reality," *EurAsia Bulletin* 9, no. 11 and 12 (November-December 2005), p. 23.

<sup>25</sup> Havel and Tutu, p. 36.

<sup>26</sup> Aung Zaw, "ASEAN-Burma Relations," in *Challenge of Democratization in Burma: Perspectives on Multilateral and Bilateral Responses* (Stockholm: International Institute for Democracy and Electoral Assistance, 2001), p. 56.

<sup>27</sup> Conference Report on Strategic Rivalries on the Bay of Bengal, Burma Debate, 2001, <http://www.burmadebate.org/archives/spring01strategic.html>.

the military regime was strongly reflected in official Thai foreign policy rather than the choice of international isolation of the military regime.

Burma is strategically situated between China and India, the two rising powers in East Asia. The Chinese dominance in the country is more present on the economic and social level.<sup>28</sup> China sees Burma as an important gateway through which it can expand its strategic influence into Southeast Asia and the Indian Ocean. Since 1988, China has been an important supporter of Burma in international forums such as the UN because it too opposes foreign demands to improve its domestic human rights record.

China is Burma's key defense ally and provides the military with hardware and training. During the last decade, China's military sales to Rangoon have been valued at around US \$2 billion. This has led to the Burmese military becoming more technically sophisticated and has enabled the army to expand from 180,000 to more than 450,000 soldiers. China has also provided Burma with more than US\$200 million in economic assistance and helped with the development of Burma's infrastructure, including the construction of roads, airfields, ports and dams.

China is believed to be the largest foreign investor in Burma, though the size of this investment is not recorded and remains invisible in international statistics. Many parts of northern Burma are heavily influenced by China. Chinese investment in Mandalay is believed to be so high that most of the property in the city is owned by businessmen of Chinese origin. Burma sends raw materials like teak and bamboo to China, and in exchange, receives cheap Chinese goods. Some analysts consider China to be one of the few countries to have some influence over Burma. An example is Chinese pressure on the SPDC to cut back the cross-border drugs trade which made the regime take steps in this direction.<sup>29</sup>

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<sup>28</sup> Racheal Schairer-Vertannes, "The Politics of Human Rights: How the World Has Failed Burma," *Asia-Pacific Journal on Human Rights and the Law* 2, no.1 (2001), p. 77-118.

<sup>29</sup> Shukla, p. 29.

India, at first an outspoken critic of the State Law and Order Restoration Council (SLORC), soon reassessed the value of a hard line against Burma. A major policy switch in the early 1990s revealed as India became afraid of China's embrace in Burma.<sup>30</sup> India's policy towards South-East Asia in general and Burma in specific is, thus, aimed at neutralizing Chinese dominance in the region and to prevent the region from becoming an exclusive Chinese sphere of influence.<sup>31</sup> China's rising profile in Burma was seen in Delhi as a direct threat to Indian security interests. India's economic interests also figure the calculated move from a principled position to give its support to pro-democracy struggles in the region to the active courting of the military junta. India calls today for "reconciliation" in Burma and simultaneously does business with the generals.<sup>32</sup>

Japan has attempted to bring about improvements in human rights and democratization in Burma through diplomatic contact and aid incentives. It is believed that Suu Kyi was released from house arrest in 1995 due to Japanese diplomatic efforts. Japan was promising to resume full-scale development aid if the regime restored political and economic openness in Burma.

While the Japanese government is eager to see democracy restored, it is worried that if it does not maintain influence with the Burmese regime, China will monopolize political and economic access to Burma. The Japanese government has expressed concern that Western criticism of the junta will make the SPDC stiffen its position and isolate itself further, making the chances of democratization even more remote. Japan has engaged in a tactic of "constructive dialogue" and supports the ASEAN approach on Burma as a workable one. It believes ASEAN efforts to promote democracy in Burma should be supported by the international community.<sup>33</sup>

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<sup>30</sup> Andrew Selth, "Burma and Superpower Rivalries in the Asia-Pacific," *Naval War College Review* 55, no.2 (Spring 2002), p. 53.

<sup>31</sup> Eysink, p. 22.

<sup>32</sup> Sudha Ramachandran, "Myanmar power play leaves India smiling," *Asia Times Online*, October 21, 2004, [http://www.atimes.com/atimes/South\\_Asia/FJ21Df01.html](http://www.atimes.com/atimes/South_Asia/FJ21Df01.html).

<sup>33</sup> Shukla, p. 29.

Japan's policy toward Burma, thus, consists of four approaches: dialogue, constructive engagement, joint U.S.-Japan policy, and promoting incremental change. As an ally of the United States and a close friend and investor in several Southeast Asian countries, Japan is in a policy bind, caught between strict U.S. policies toward Burma and the engagement policies of ASEAN. Japan attempts to straddle both policy approaches, generally supporting the goals of the United States and the West, and the efforts of the ASEAN nations.<sup>34</sup>

It is obvious that non-interference and total sanctions against Burma have not worked during the past sixteen years. On the contrary, they have general counterproductive results such as the extension of Suu Kyi's house arrest and the continuing imprisonment of Burmese political activists. In theory, the lack of progress toward democracy and human rights could be due to the failure by the international community to agree on comprehensive sanctions that would raise the costs for the regime to a level high enough to force change. In reality, effective global sanctions are not a realistic option, given the positions and interests of Burma's regional neighbors.<sup>35</sup>

Dr. Pavin also supported that the sanctions failed partly because the countries involved were far too tactical and distracted by great power politics and other economic interests.<sup>36</sup> Apart from refocusing their coercive diplomacy, Western governments need to significantly strengthen their engagement with the state and society on more technical issues using foreign aid.<sup>37</sup> For the moment, the international humanitarian aid agencies comes to play an important role to remain engaged, maintain pressure and make an effort to join forces in order to restore the peace and security in Burma and the region.

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<sup>34</sup> Burma Debate, 2001.

<sup>35</sup> Morten B. Pedersen, "A Comprehensive International Approach to Political and Economic Development in Burma/Myanmar," in *Myanmar's Long Road to National Reconciliation* (Singapore: Institute of Southeast Asian Studies, 2006), p. 279.

<sup>36</sup> "World needs to rethink Burma policy," *The Nations*, November 14, 2006.

<sup>37</sup> Pedersen, p. 289