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**ECONOMIC SANCTIONS AS A MEANS
TO ENFORCE HUMAN RIGHTS IN BURMA (MYANMAR)**

**A thesis presented in partial fulfillment of the requirement for the
degree of Master of Philosophy in Development Studies at Massey
University, Palmerston North, New Zealand**

By

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Chapter One – Page 5

Far Eastern Economic Review and Congressional Research Service are cited in
Case Studies in Sanctions and Terrorism by Institute of International
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(URL: <http://www.iie.com/research/topics/sanctions/myanmar.htm>)

Chapter Four – Page 124

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Chapter Seven – Page 200

Malaysia instead of *Malay*

*This work is dedicated
to the diverse Burmese peoples
who have suffered too much for nearly half-century.*

ABSTRACT

Since the end of the Cold War, human rights has become a central focus of international relationships, especially the relationship between developed countries (the West) and developing countries (the Rest). Burma is one of the developing countries whose relationship with Western governments is premised on the issue of human rights. In the pursuit of human rights enforcement, the United States and the European Union employ economic sanctions against Burma.

While economic sanctions are designed to encourage a transition to democratic rule and a greater respect for human rights, studies show that little attention has been paid to the effectiveness of such measurements. In this study, a literature review and a field research are carried out as an effort to assess the effectiveness of economic sanctions in Burma.

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Contents

Chapter One	Introduction	1
1.1	Background Information for the Topic of the Study	4
1.1.1	The Origins of 1988's People Revolution	7
1.1.2	Major Economic Sanctions on the Burmese Government	11
1.2	Research Problem, Central Question and Objectives	12
	Diagram – One (The Relationship among the SPDC, the West and the NLD)	15
1.3	Central Question of the Proposed Study	16
1.4	Objectives of the Proposed Study	16
1.5	Research Methodology in the Proposed Study	16
1.6	Summary	17
Chapter Two	Global Perspective on Human Rights Movement and Promotion of Greater Respect for Universal Human Rights	
2.0	Introduction	19
2.1	Human Rights and Democracy	19
Table 2.1	United Nations List of Human Rights Violation (1960s – 1990s)	21
2.1.1	The Concept of Human Rights	24
2.1.2	The Conventional Thought of Democracy in the Contemporary World	25
2.2	Universal Declaration of Human Rights (UDHR)	34
2.3	The Universalism of Human Rights and Cultural Relativism	36

- The Moral Value and Human Nature in the Theravada Buddhist Society	39
2.3.1 The History of Human Rights Development In the Western Civilization	44
2.3.1.1 Colonialism	47
Table 2.3.1.1 The Geographical Expansion of Western Civilization (1800-1900)	51
2.3.1.2 The Development of Bills of Rights in the West	52
2.3.1.3 The Development of Peace Treaties and Emergence of International Human Rights Society in the Twentieth Century	56
2.4 Human Rights Movement in the Contemporary World	60
2.5 Summary	62
Chapter Three Economic Sanctions From Global Perspective	
3.0 Introduction	64
3.1 The Definition of Economic Sanctions in This Study	66
3.2 Types of Economic Sanctions	68
Table 3.2 Senders and Targets in Sanctions Cases Initiated, 1970-1998	69
3.3 Economic Sanctions Policy and Economic Sanctions in the Twentieth Century	70
3.3.1 The United Nations and Economic Sanctions	72
Table 3.3.1 A Economic Sanctions and the League of Nations (1921-1939)	73
Table 3.3.1 B Economic Sanctions and the United Nations (1945-2003)	74
3.3.2 Economic Sanctions and the United States	78
Table 3.3.2 U.S. Unilateral Economic Sanctions And Their Success Rate (1945-1998)	79
3.3.3 Economic Sanctions and Regional Organizations	85

3.4	A Case Study of Iraq: Economic Sanctions Vs Human Rights Violations	89
3.5	Summary	97

Chapter Four Understanding Burma

4.0	Introduction: Burma or Myanmar?	99
(a)	Government	100
(b)	Geography and Demography	100
	- Map of Myanmar	102
(c)	Ethnicity	103
	Table 4.0 Burmese Tribal and Ethnic Groups	103
4.1	Pre-Burma's History and Its Background	105
4.2	The Pre-Colonial Burma (1044 A.D. - 1885 A.D.)	107
4.2.1	The Establishment of Theravada Buddhism in the Pagan Kingdom	108
4.2.2	Political Authority, Theravada Buddhism, Society and their Complex Issues in Pre-Colonial Burma Period	108
	- The Hierarchical Structure of Pre-Colonial Burmese Society	113
4.3	Colonial Burma (1885 A.D. - 1948 A.D.)	115
4.3.1	Transformation of Subsistence into Modern Economy Under British Administration	116
4.3.2	The Rise of Burmese Nationalism	119
	4.3.2.1 Theravada Buddhism and Sangha Community Under British Administration	120
	4.3.2.2 Education Under British Administration	123
	Diagram – Two (Burmese Indigenous Monastic Education System)	125

4.3.2.3	Nationalist Movements Led by the Buddhist Monks	128
4.3.2.4	Nationalist Movements Led by the Western-Educated Students	129
4.4	The Post-Colonial Burma Period (1948 - 1988)	133
4.4.1	Post-Colonial Burma from 1948 to 1962	134
4.4.1.1	The Disintegration of Communist Groups and Theravada Buddhism Under Attack	135
4.4.1.2	The Disintegration of the AFPFL and of the Ethnic Groups	137
4.4.2	Post-Colonial Burma from 1962 to 1988	141
4.5	The Post-September 1988: Human Rights Comes to the Front	146
(a)	Relationship between Burma and China	151
(b)	Relationship between Burma and Japan	152
(c)	Relationship between Burma and India	153
4.6	Summary	154

Chapter Five Research Method

5.0	Introduction	156
5.1	Adopting A Methodology	156
5.2	Selecting Participants	159
5.3	Seeking Approval from the Development Studies Ethic Committee, Massey University, New Zealand	163
5.4	Summary	163

Chapter Six Research Findings and Analysis

6.0	Introduction	164
6.1	Questionnaires and Answers	164

6.1.1	Interview with Ms. Rae Julian	164
6.1.2	Interview with A Human Rights Commissioner, New Zealand	170
6.1.3	Interview with Prof. David. I. Steinberg	179
6.1.4	Interviews with A Burmese Community, Auckland, New Zealand	184
	Table 6.1.4 A Summary of Answers Provided by Group A: Women Group	186
	Table 6.1.4 B Summary of Answers Provided by Group B	187
	Table 6.1.4 C Summary of Answers Provided by Group C	189
	Table 6.1.4 D Summary of Answers Provided by Group D	190
	6.1.4 E Summary of Answers Provided by Group E	191
6.2	Analysis of Research Findings	191
6.2.1	Analysis of the Research Findings Provided by a Development Practitioner	192
6.2.2	Analysis of the Research Findings Provided by a Human Rights Commissioner	192
6.2.3	Analysis of the Research Findings Provided by an Academic	193
6.2.4	Analysis of the Research Findings Provided by a Burmese Community	194
	Table 6.2 Summary of Participants' Opinions on the Effectiveness of Economic Sanctions and Human Rights Enforcement in Burma	195
6.3	Summary	196
Chapter Seven	Conclusion	197

Appendix II – A	
Universal Declaration of Human Rights 1948	207
Appendix III – A	
Defending the Massachusetts Burma Law, Harrison Institute For Public Law, Georgetown University Law Center	213
Appendix III – B	
Human Rights and Unilateral Coercive Measures Commission On Human Rights Resolution 1999/21	214
Appendix IV – A	
A List of 135 Diverse Ethnic Groups Including Eight Major Tribal Groups in Burma	217
Appendix IV – B	
Lists of Ethnic Rebel Groups and Cease-Fires in Burma	218
Appendix IV – C	
Buddhism: Religion of Individual Salvation	221
Appendix V – A	
Information Sheet for Participants	225
Appendix VII- A	
Myanmar: A Silent Humanitarian Crisis in the Making	229
Bibliography	233

Glossary

ABSDF	All Burma Students Democratic Front
ADB	Asian Development Bank
AFPFL	Anti-Fascist-People's Freedom League
AI	Amnesty International
AL	Arab League
ASEAN	Association of Southeast Asian Nations
BCP	Burmese Communist Party
BIA	Burma Independence Army
BIMSTEC	Bangladesh-India-Myanmar-Sri Lanka-Thailand Economic Corporation
BSPP	Burma Socialist Programme Party
CP	Common Position
Dhamma	Buddhist Teaching
EC	European Commission
ESCAP	Economics and Social Commission for Asia and the Pacific
EU	European Union
EUCFSP	European Union Common Foreign and Security Policy
FAO	Food and Agriculture Organization
GCBA	General Council of Burmese Association
GDP	Gross Domestic Product
IAEA	International Atomic Energy Agency
IIE	Institute for International Economics

ILSA	Iran-Libya Sanctions Act
IMF	International Monetary Fund
INGO	International Non-Governmental Organization
Jakata	Commentaries that tell Buddha's previous existences.
KNU	Karen National Union
MFN	Most Favored Nation
NGO	Non-Governmental Organization
NLD	National League for Democracy
NZAID	New Zealand Agency for International Development
OAPEC	Organization of Arab Petroleum Exporting Countries
OAS	Organization of America States
OAU	Organization for African Unity
Pali	Scripture for Buddhist Literature
RIT	Rangoon Institute of Technology
Shinbyu	A boy gets ordination at the age of 12-15 or sometimes younger than 12. In Burma, almost every Burmese boys from Buddhist family experience shinbyu.
SLORC	State Law and Order Restoration Council
SPDC	State Peace and Development Council
SVS	Savage-Victim-Savior
U.S.	United States
UDHR	Universal Declaration of Human Rights
UNDP	United Nations Development Programme
UNDCP	United Nations Drug Control Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNHCR	United Nations Human Rights Commissioner for Refugees

UNICEF	United Nations Children's Fund
UNSC	United Nations Security Council
UNSCOM	United Nations Special Commission
USAID	United States Agency for International Development
USDA	Union Solidarity and Development Association
WB	World Bank
WFP	World Food Programme
WHO	World Health Organization
WMD	Weapons of Mass Destruction
YMBA	Yong Men's Buddhist Association

Chapter One – Introduction

The expression of “human rights” is relatively new, having come into everyday parlance only since World War II and the founding of the United Nations in 1945 (B. H. Weston 1989:p13).

The ideological conflict between democratic regimes and communist regimes during the Cold War was far more important than ‘the friendly tyrant problem: the dilemma of cooperating with military juntas and dictators who were anti-communist and hence useful partners in the Cold War’ (S. P. Huntington 1996:p198). However, the issue of human rights slowly took place in the foreign policies of ‘the United States and like-minded nations as they tried to promote greater respect for human rights through development aid since 1970s’ (K. Tomasevski 1993:p1). In fact, the issue of human rights ‘for the first time provided the intellectual framework for U.S. President Carter’s foreign policy in the late 1970s’ (H. G. Askari, et al. 2003:p16). Despite this particular effort to promote greater human rights by the United States and the major Western European powers during 1970s, the issue was still debatable in their foreign policies because ‘controversy still raged over whether human rights were even an appropriate concern of foreign policy. As late as 1980, only a handful of states had explicit international human rights policies’ (J. Donnelly 2003:p38).

Nevertheless, towards the end of the Cold War human rights has clearly become a central focus of international relationships, especially the relationship between developed countries (the West¹) and developing countries (the Rest²) in which ‘human rights has become a regular aspect of bilateral and multilateral diplomacy’ (J. Donnelly 2003). For many academics, the issue of human rights in the Western governments’ foreign policy is a modern phenomena (D. Cortright & G. A. Lopez 2000). Burma is one of the developing countries whose relationship with Western governments is premised on the issue of human rights.

¹ West in this study refers to the United States, the European Union Countries, International Human Rights groups, International Financial Institutions, Multilateral Institutions, International Development Organizations, Overseas Burmese Democratic Organizations and their financier organizations ranging from small volunteer organizations to myriad organizations and foundations.

² The Rest in this study is limited to developing countries and their national and local governments, local non-governmental organizations in developing countries, academic and scholars in developing countries.

This study is not intended to be a 'solution' to the existing political stalemate in Burma. Neither it is a 'criticism' of Burmese Government's human rights record nor an accolade for Western³ governments efforts on enforcing human rights in Burma through economic sanction impositions. This study is an effort to assess the effectiveness of economic sanction impositions that have been pursued by Western governments in order to promote better human rights conditions for the peoples of Burma.

This chapter intends to introduce the nature of the proposed study and how it is pursued. It provides the background information for the topic of this study: *economic sanctions as a means to enforce human rights in Burma*. By providing background information, it is aimed to gain an understanding of the overall picture of the immediate cause of Western governments' economic sanctions against the Burmese Government, and at the same time the additional economic sanctions for the past sixteen years are introduced as they are used as a means to enforce human rights in Burma.

In Chapter Two, I present the literature findings of human rights discourses. In this section, I first discuss, the concept of human rights that is embedded in the internationally recognized human rights document: the Universal Declaration of Human Rights (UDHR). Moreover, the discussions of the universalism of human rights and cultural relativisms, the history of human rights development in the West, and the global perspective on the contemporary human rights movement are broadly presented. Chapter Three discusses the global perspective of economic sanctions in the historical as well as in the contemporary context. In this chapter, I particularly draw attention on the relationship between economic sanctions and human rights. While human rights are considerably favored for the betterment of political, social, civil and economic aspects of the peoples of a nation or nations, economic sanctions are expected to inflict the economic suffering on a sanctioned (target) country or countries.

³ Western : Refer to footnote 1.

In Chapter Four, I discuss the understanding of Burma which explains the nature of Burmese society and Burmese culture especially in the political context. This chapter in fact elaborates the understanding of Burmese society and culture in four historical periods: the pre-colonial period, the colonial period, the post-colonial period, and the post-1988 period.

Chapter Five provides an informative discussion of the methodology used in conducting field research. In this chapter, you will find a discussion of the selection of research participants and seeking approval from the Institute of Development Studies Ethic Committee. In Chapter Six, the research findings and analysis of findings are presented. The conclusion for the entire study is discussed in the Chapter Seven.

While economic sanctions are designed to encourage a 'transition to democratic rule and greater respect for human rights' (US Government: Report to the Congress Regarding Conditions in Burma and U.S. Policy Toward Burma (Memorandum of April 12, 2001) in Burma, careful consideration and evaluation on the effectiveness of sanctions are left aside. In fact, Steinberg has mentioned this particular concern in his work of *Burma/Myanmar: A Guide for the Perplexed?*, that 'the United States and some members of the European Union have embraced a single-strand policy. By concentrating solely on human rights and related issues, other concerns that should be included in any strategic approach toward Myanmar are ignored' (D.I. Steinberg 2004:p52).

In this study, a literature review and field research were carried out in an effort to assess the effectiveness of economic sanctions in Burma. It is undoubtedly that there is much work needs to be further done for this particular research. However, my intention is to provide a space for policy makers, political leaders, democracy and human rights activists, who have worked for the past 14-15 years to promote greater human rights conditions and restore democracy in Burma. It is necessary for them to step back and think of how internal and external strengths and weaknesses have shaped Burma human rights and democracy affair, and how those experiences might be able to channel into Burma present context with the

effective approaches. Last but not least, I wish to highlight the alarming HIV/AIDS condition in Burma which is not only a national concern but it is also an international concern since such possible outbreak may not wait till Burma is democratized and greater human rights practices are satisfactorily enforced by the hopeful political party, the National League for Democracy, (NLD).

1.1 Background Information for the Topic of the Study

Being brought up in a Buddhist society, I have always found human suffering unacceptable, yet inescapable. I did not name my struggles against human basic needs – food, shelter, clothing – as a fight for human rights neither did the majority of the society in Burma. Suffering comes and goes, same as wealth and poverty. The issue of human rights, that was popular outside our society especially in the West, had nothing to do with us inside Burma, a country which had and whose people were allowed to have little contact with the outside world until 1988. The Burmese version of the Universal Declaration of Human Rights, and its practical know-how were not widely published among the Burmese populace; only stored on the book-shelves. Perhaps, the successive military governments in Burma assume they do not violate human rights as the way Western governments perceive, rather they do what is necessary for the national unity and security for Burma.

Burma, a country governed by a military regime, is one of the developing countries who has been continuously criticized and condemned by the West for her human rights record since 1988, the year in which a widespread pro-democracy uprising took place throughout the nation. The military coup subsequently followed on the 18th September 1988 after a three-month long intensive and massive people's revolution, and the military constituted a new government for which one Burmese scholar called as 'crisis management team' (M. Shwe 2001:p29) – the State Law and Order Restoration Council (SLORC) in September 1988. The SLORC was later renamed as State Peace and Development Council (SPDC) in November 1997.

In opposition to the military government, the National League for Democracy (NLD) was also founded on the 24th September 1988, and it soon became the leading party of democracy movements in Burma. The general secretary of NLD, Daw Aung San Suu Kyi, the daughter of General Aung San who was the national hero of the independence movement, as well as the founding father of Burma Independence Army (BIA), soon became the heart of the party. She has been notable at national and international levels since 1988 as a non-violent democratic leader for all Burmese democratic movements. The mismanagement and armed suppression on demonstrators in 1988 soured Burma's relationship not only with most Western countries but also with some Asian countries such as India and Japan. China was the only country that maintained a good relationship with Burma at that time. The Western governments' moral expression regarding Burma's human rights record is framed within their foreign policy, that is imposing economic sanctions on the Burmese Government. For many scholars, political scientists and political leaders economic sanctions are indeed seen as an instrument of a foreign policy that resides somewhere between diplomacy and military intervention (H. G. Askari et al. 2003).

Following the military coup in Burma, the United States first imposed sanctions on the 23rd September 1988 in the areas of an arms embargo, a visa ban on high-level officials, and financial assistance: Washington suspended all arms sales and foreign assistance except humanitarian aid to Burma, a scheduled delivery to the Burmese army of ammunition for US-made carbines plus M-79 grenade launchers were stopped (ICG Asia Report No 11 2000:p39 and Far Eastern Economic Review, 3 November 1988, 17, CRS 1992:p124). Soon after the US's sanctions, the European Union (EU) also took similar actions against the Burmese Government. Despite 'the policies towards Burma were not uniform within Europe' (J. H. Badgley 2004:p25), an arms embargo imposed by the EU on the Government of Burma took place in 1990.

Other bilateral development programs from the United Kingdom (UK), Canada, Japan, Norway and Australia were suspended soon after the United States stopped arms sales and suspended financial assistance. After the repression of the

democracy movement in 1988, Britain participated actively in consultations among European Commission (EC) partners, which resulted in agreement to suspend all bilateral aid to Burma except for humanitarian and emergency aid. Canada suspended official commercial relations with Burma, withdrew support for Canadian firms doing business in the country, including export programs and commercial promotion, cancelled multilateral assistance through international financial institutions, and suspended bilateral aid. Japan suspended much of its bilateral aid program. Norway published a list of all Norwegian companies doing business in Burma, and suggested they pull out of Burma – or the Norwegian government will legislate them out. As a result of bilateral development aid suspension, Burma lost development aid worth US\$500 million in 1988.

New multilateral development aid programs from the World Bank stopped in July 1987, ‘the year in which the then-Burma Socialist Programme Party (BSPP) Chairman Ne Win, who was the head of state, confessed publicly that the country was in need of change in the political, economic and constitutional areas and called for suggestions on improvements as the country was in deteriorating condition’ (D.I. Steinberg 2001:p3). Existing World Bank projects stopped by the end of 1993⁴.

Therefore, it was clearly seen that most foreign development aid to Burma, both bilateral and multilateral aid, stopped in 1988 after the nationwide democracy movement was suppressed with armed forces. The United States and the European Union not only imposed economic sanctions but they also supported in prohibiting multilateral development assistance programs from the international and regional financial institutions such as the World Bank (WB), the International Monetary Fund (IMF), and the Asia Development Bank (ADB).

The renewal of existing sanctions and new sanctions are occasionally introduced upon the government’s house arrests on Daw Aung San Suu Kyi who is the national leader of the pro-democracy movements in Burma, for instance - ‘U.S. sanctions on trade and investment were first applied in 1997, strengthened in

⁴ See The World Bank Group - Projects and Programs (<http://www.worldbank.org/>)

March 2002 with a congressional resolution, and increased to restrict any trade in U.S. dollars following the May 30, 2003, attack on Aung San Suu Kyi's motorcade' (J. H Badgley 2004:p15).

1.1.1 The Origins of 1988's People Revolution

Ne Win publicly confessed in August 1987 that the country's economy was in a critically ill situation, he therefore began to reform the monetary and trade systems. Foreign debt exploded from US\$1 billion in 1979 to US\$4 billion in 1988 (S. Collignon 1997:p6), but the foreign exchange reserves were only US\$28 million in 1987 (D. I. Steinberg 2001:p6). The following month, September 1987 – many types of crop productions gradually end at this time of every year – the government granted trade liberalization in agriculture sector allowing previously restricted items such as nine types of grains including the main staple food rice to be traded freely in the market. After such liberalization, it allowed farmers to trade their crops in free markets throughout the country.

In February 1988, the government granted private sector to export rice. Before that, no private merchant was allowed to export rice. Contrary to this trade liberalization, 'merchants or traders however were not allowed to hold foreign currency (D. I. Steinberg 2001:p4). This eventually resulted in expansion of the black market in financial trading since 'foreign currency was strictly controlled and the local currency (the kyat) was not convertible under normal circumstances' (T. M. M. Than 2000:p3). Although the reform was intended to lighten the government's burden on the rural sector, which composed 75% to 80% of total population: 'approximately 40 million people in 1988' (Statistics Division, United Nations Economics and Social Commission for Asia and the Pacific (ESCAP) 2002), the outcome had rather an unintentional result which constituted negative effects mainly on the rural population such as rice shortage. Due to the expansion of black market, the inflation rate became very high and local currency became less valuable. Therefore, farmers were forced to sell extra rice taken out from their yearly stock in order to meet other basic needs. In fact, Burma was and is

still an agriculture-based country in which the majority of population depend on agriculture productions.

The stalled agricultural trade reform highlighted the government's mismanagement as these particular reforms could have been economically persuasive with immediate effect at least at local and district levels if the reforms were carried out in the high point of seasonal crop productions period. If the reforms fell in the harvest season, farmers would have been able to sell their crop immediately and would have generated revenue. However, in reality, farmers did not have much to sell though recently reformed free markets were provided, and as a consequence merchants did not have much to export to overseas. It is worthwhile to note that the majority of farmers in Burma usually produced up to subsistence level with one-crop system before the agricultural reform introduced by the government.

Less than a week after the second trade reform in agricultural products export sector, the most devastating monetary reform took place as all bank notes over Kyat 15, local currency 15 units, were declared illegal without any compensation and the government introduced new bank notes. Some said the demonetization took place as the government wanted to eliminate the financial black market so that the inflation problem could be solved. However, some limited amount of money conversion with new bank notes was allowed for university students in a few cities who needed to return home as universities were closed due to student demonstrations.

This particular demonetization or monetary system reform doubtlessly affected the entire nation. The price of staple food or rice in recently liberalized market went up, people felt insecure in holding cash as further demonetization could happen at any time, the commodities' prices became unaffordable as people wanted to stock up on commodities rather than hold cash. Peoples' frustration in the government's economic mismanagement was built up with enormous momentum, and these were the consequences that functioned as driving forces in upcoming demonstrations.

During all these financial and economic crises, police mismanaged a fight between some students from Rangoon Institute of Technology (RIT) and the owner of local teashop in the middle of March 1988. As a result of this particular incident, students demonstrated and police repressed them with force, 'forty-one young people suffocated in a police van into which they had been stuffed to be taken to jail' (D.I. Steinberg 2001:p6), and 'this report on suffocations was later said to be true and accurate as the party chairman Ne Win was informed by BSPP Central Executive Committee who conducted a formal inquiry into this affair' (D. I. Steinberg 2001:p6), however no satisfactory public report was revealed.

The partial market liberalization for agricultural products in September 1987, export and trade reforms for agricultural products in February 1988, monetary reform in attempting to eliminate the black market and control inflation in February 1988, harsh management which caused the lost of forty-one people's life in March 1988 contributed enough momentum to cause nationwide demonstrations in the country. As university students and monks had always been frontline leaders or organizers of Burma's independence movements throughout Burma's history, which you will see more clearly in chapter four, it was no surprise that the university students initially led such demonstrations in 1988.

The initial student demonstrations in March 1988 caused universities to close temporarily as the government intended to split students up and deter them from forming more demonstrations. Classes, however, resumed on the 30th May 1988. The country's economy was on the brink of collapse as well as in dire situation of political instability. In addition to an unstable economy, the government had virtually ignored the tripled up price of staple food, and students' demand on the government to explain the suffocation and the death of forty-one people. All these issues fueled the people power movements throughout the country and nationwide mass mobilization took place from 16th June 1988 till the military took power on the 18th September 1988. The 1988's revolution which took place within three months was the biggest people's revolution since Burma gained independence from Britain in 1948, and to Steinberg this revolution 'resembled

the Paris Commune of 1870⁵, (D. I. Steinberg 2001:p11) - the massive demonstrations marched by the Parisians wanting to establish federation of communes.

Within a very short period of time, many people – students, monks, civilians, civil servants – died due to the government's crackdown on student led-demonstrations, lootings and riots as they were consequences to the major economic collapse in the country⁶. The claim on the number of death varies – 'some observers estimated over a thousand died (D. I. Steinberg 2001:p2). The Amnesty International claimed that 'an estimated 3,000 people were killed by the security forces' (website⁷), the Human Rights Watch Group claimed that '3000 students and other largely unarmed civilians on the streets of the capital and other cities were massacred' (website⁸).

⁵ The spark for the war between Prussia and France was the candidature of Leopold of Hohenzollern to be King of Spain after the deposition of Isabella II. Even though this was withdrawn, there was public anger in France against Germany, and a war party was formed within the government, supported by the Empress Eugénie and the Parisian public. Napoleon III was too ill to resist, and Bismarck was also eager for war. The French were confident of victory, helped by their efficient rifles, but Prussian canons and the military genius of Moltke, who lead the Prussians and their south German allies, resulted in a crushing defeat at Sedan. Napoleon III surrendered to avoid a massacre. Following his abdication, a government of National Defence was formed, presided over by General Trochu. The Prussians surrounded and besieged Paris during the terrible winter of 1870-1871, beating off French armies raised in the rest of the country. Parisians suffered starvation, bombardments and disease, and balloons and pigeon post provided the only contact with the outside. British public opinion switched from support of Prussia to sympathy for the French. Paris was surrendered and the Prussians entered the city on March 1 1871. The new government of President Thiers passed legislation demanding rents from Parisians and withdrawing the pay of the National Guards. The government was established at Versailles. It tried to seize the cannon belonging to the city. The insurrection in Paris began in March when the Parisians kept their cannon by force. The Commune was proclaimed on 28 March, with its seat in the Hôtel de Ville, and its symbol the red flag. A civil war was fought between the Commune and the troops of the Versailles government. The Commune was suppressed by government troops during the last week of May 1871, known as the 'Semaine sanglante'. Parisians fought in vain at barricades, and many were shot without trial. The palace of the Tuileries, situated at the eastern end of the Louvre, the Palais Royal, the Hôtel de Ville, the Palais de Justice, the Finance ministry and police headquarters were burned down. Parties of British tourists came to view the smoking ruins. 147 Communards were shot in the Père Lachaise cemetery, and hundreds of Communards were buried in a ditch there. Many more were shot after courts-martial. Between 20,000 and 30,000 Communards were killed, and after a further 35,000 arrests, many were deported to New Caledonia in the Pacific.
(<http://www.bl.uk/collections/westeuropean/francoprussianwar.html>)

⁶ Economic collapse caused law and order breakdown and lootings & riots in Haiti (27 February 2004, New Zealand Television 3 News)

⁷ <http://web.amnesty.org/library/Index/engASA160242000?OpenDocument&of=COUNTRIES%5CMYANMAR>

⁸ <http://www.hrw.org/doc?t=asia&c=burma>, 1989

1.1.2 Major Economic Sanctions on the Burmese Government

In addition to the initial suspension of bilateral and multilateral development programs mainly from the West, the major economic sanctions have been placed on the Burmese Government by the governments of the European Union (EU) as collectively, and by the United States Government as unilaterally. In fact, there was another wave of democracy movements in September 1996 in Burma - a small wave compared to the major wave in 1988. Right after the September 1996-movement, the EU imposed 'the Common Position on Burma' in October 1996. By placing the Common Position (CP), the EU extended their existing sanctions: an arms embargo imposed in 1990, the suspension of defense co-operation in 1991, and the suspension of all bilateral aid other than strictly humanitarian aid. Moreover, CP also introduced a visa ban on the members of the senior military personnel and military intelligence officers, the members of the Burmese Government, and members of their families. Together with a visa ban, the suspension of high-level governmental visits to Burma from the European Union countries was also introduced (website⁹).

With the imposition of EU Common Position, it had a great impact on the tourism sector in Burma as the Burmese Government was in preparations to promote tourism development. The 'Tourist Myanmar Year 1996'¹⁰ was targeted in the late 1996 as weather friendly winter and beautiful seasonal greetings fall from October to February of the year. In 1997, the Preferential Trade Tariffs for Burmese exports of agricultural and industrial goods were withdrawn by the EU (ICG Asia Report No.11 2000:p35).

Another major blast of the economic sanction on the Burmese Government took place in 1997 and in 2003. In 1997, the President of the United States of America issued an Executive Order, 13047 on the 20th May - *Prohibiting New Investment in Burma*.

⁹ http://europa.eu.int/comm/external_relations/myanmar/intro/

¹⁰ Tourist Myanmar Year 1996 – The Burmese Government had prepared three to four years in advance to promote tourism development in 1996 with the slogan 'Tourist Myanmar Year 1996'.

I, WILLIAM J. CLINTON, President of the United States of America, hereby determine and certify that, for purposes of section 570(b) of the Act, the Government of Burma has committed large-scale repression of the democratic opposition in Burma after September 30, 1996, and further determine that the actions and policies of the Government of Burma constitute an unusual and extraordinary threat to the national security and foreign policy of the United States and declare a national emergency to deal with that threat (Presidential Documents-28301, Federal Register, Vol. 62, No. 99, Thursday, May 22, 1997).

The Bush Administration also issued another Executive Order, 13310 on the 28th July 2003 – *Blocking Property of the Government of Burma and Prohibiting Certain Transactions*.

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), the Burmese Freedom and Democracy Act of 2003 (July 28, 2003), and section 301 of title 3, United States Code, and in order to take additional steps with respect to the Government of Burma's continued repression of the democratic opposition in Burma and with respect to the national emergency declared in Executive Order 13047 of May 20, 1997 (Presidential Documents-44853, Federal Register, Vol.68, No. 146, Wednesday, July 30, 2003).

All these major economic sanctions impositions on the Burmese Government are still in force as of the completion of this study.

1.2 Research Problem, Central Question and Objectives

In the eyes of Western governments, there are two major political parties in Burma. They are the NLD which was elected by general election on the 27th May 1990, and the military regime which does not regard itself as a political party, instead the military government rather addresses itself as a transitional government: 'paving the way for multi-party democracy' (Tin Maung Maung Than 2000:p11). The military's claim on being non-political party could clearly be seen in the declaration made by the then-SLORC Secretary 1, Major General Khin Nyunt on the 12th April 1990 as he stated that 'the military would remain in

office after the elections until a new constitution was drafted and a 'strong' government was formed' (The Working People's Daily 1990).

As I have briefly mentioned above, the Western governments have imposed 'a bunch of unilateral economic sanctions' against the Burmese Government in addressing human rights in which the political and civil rights are being focused as primary rights. Therefore, 'pressuring the military regime to step down from power through economic sanctions and honoring the NLD, the winning party of 1990 general election, as a democratic government'¹¹ have been the goal of economic sanctions sender countries.

While the *goal* of Western governments is set to improve human rights and restore democracy in Burma (G. C. Hufbauer et al. 1990:p27), an *objective* is constructed so as to bring down the military government from power through economic sanctions which are therefore used as a means to enforce the goal. The concept clearly displayed by the Western governments is that democratically elected party, NLD, should be governing Burma since it gained legitimacy upon general elections held in 1990. In this idealistic concept, the NLD is seen as the democratic regime *which can promote greater human rights* whereas the military regime is seen as the tyrant *which violates human rights* that primarily addresses civil, political, social and economic rights. In another words, the military regime is seen as '*savage*', the NLD is seen as '*victim*', and the West is seen as '*savior*' (Makau Mutua 2002).

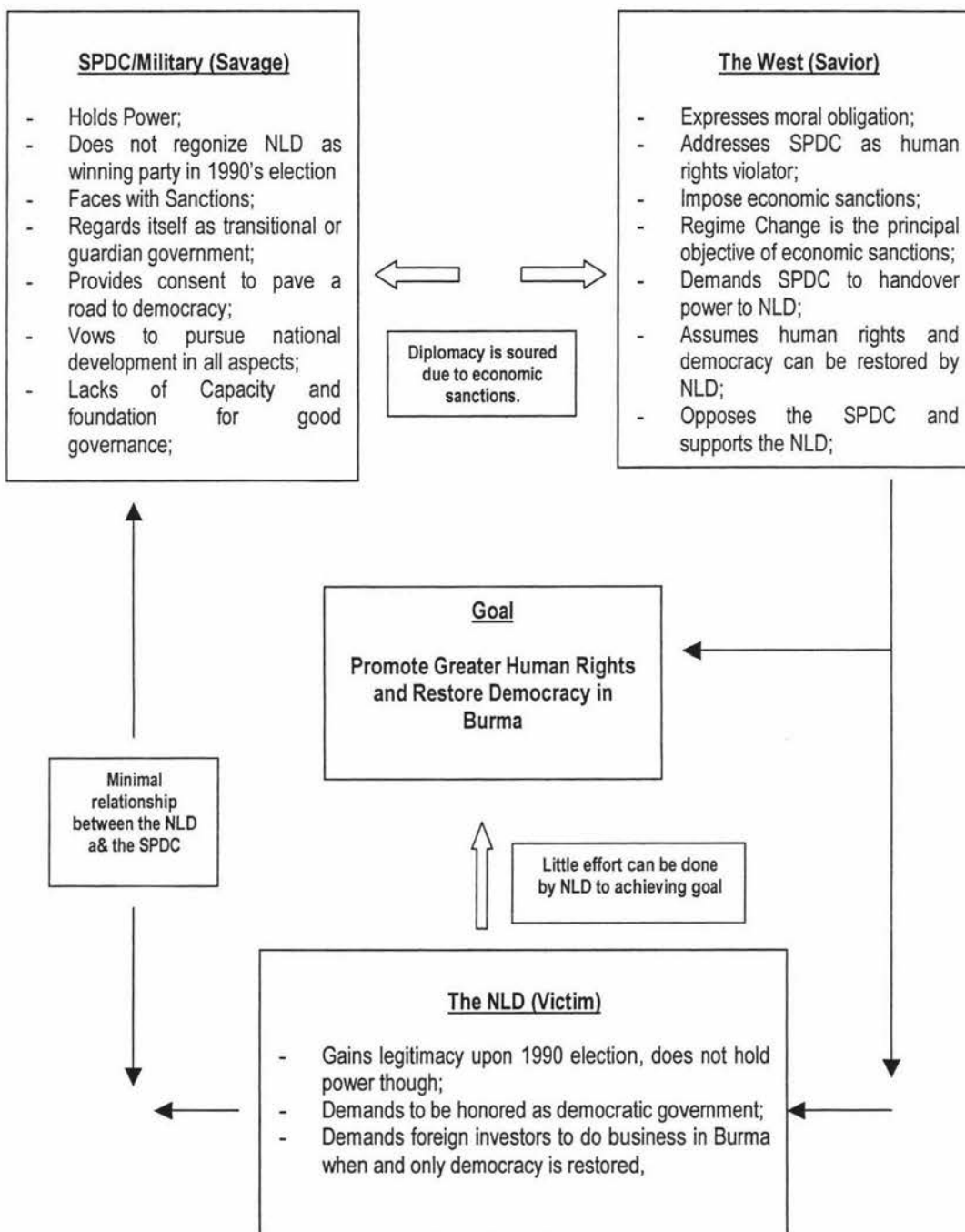
The diagram on the following page explains the relationship among three parties: the SPDC – economic sanctions targeted regime as '*savage*'; the Western governments – sender of economic sanctions as '*savior*'; the NLD – legitimated democratic party as '*victim*' or Savage-Victim-Savior (SVS) relationship. While the relationship between the SPDC and the Western governments is sour, the

¹¹ Successive U.S. administrations, both Republican and Democrat, formed a good diplomatic relationship with Aung San Suu Kyi with the intent of gaining democracy (regime change) in Myanmar. The Clinton administration insisted that the May 1990 election be honored and that the military step down from power. To this end, future U.S. investments in Myanmar were banned in 1997 (D. I. Steinberg 2004).

relationship between the NLD and the Western governments is firmly tied based on the moral concern expressed by the West. When the moral concern is taken into action, pressuring the SPDC through economic sanctions is placed in achieving the desired goal.

Diagram - One

The relationship among the SPDC, the West and the NLD



1.3 Central Question of the Proposed Study

In this thesis, I focus on the central question of '*are economic sanctions effective in enforcing human rights in Burma?*'. In a further elaboration, the question is whether it is effective to enforce human rights in Burma through economic sanctions to which the principal objective is 'regime change' (J. H. Badgley 2004:p9) or 'to bring down undemocratic military regime' (R. H. Taylor 2004:p34).

1.4 Objectives of the Proposed Study

- To provide a constructive attribution to assess the current economic sanctions impositions on the Government of Burma
- To provide a room for policy makers to have a better understanding on Burma

1.5 Research Methodology in the Proposed Study

Although many scholars have attempted to quantify the actual impact of economic sanctions on trade flow between Burma and the sanctions sender countries, the attempts have not produced adequate result so far. For one reason, the sanction-related information such as data collection, public census on the sanctions affected communities, etc. on Burma is hardly accessible. For another reason, there are various types of mechanisms involved in the economic sanctions against Burma, for instance - visa ban for government military officials, suspension of high level diplomatic visits, arm embargoes, prohibiting new investments in Burma, suspension of bilateral and multilateral aid, etc.

This particular research is designed to assess the effectiveness of economic sanctions from the point of political impact on the Government of Burma. In this process, the reasons to impose sanctions by the West and reactions and attitude of

the Burmese Government towards the West are also briefly included. This study is in fact a combination of a literature review and field research. With literature review, I intend to discuss the perspective of human rights movement and the promotion of greater respect for universal human rights, the employment of economic sanctions in the twentieth century, and the understanding Burma in respective chapters in order to gain a broader view particularly on the complexities of Burmese political issues and the nature of universal human rights movement in the historical and contemporary contexts.

With a field research, I intend to gather insightful knowledge and experiences from a group of participants: a human rights commissioner, an experienced development practitioner, an academic who specializes on Burma' affairs as well as a former US administrator of the United States Agency of International Development's (USAID) Burma program, a member of exile NLD government (National Coalition Government of the Union of Burma), human rights activists such as Amnesty International and Human Rights Watch Asia Group, and a Burmese refugees community.

For those participants who reside outside New Zealand, I communicated through telephone and emails. Personal interviews were conducted with a human rights commissioner and a development practitioner in Wellington, New Zealand. For the Burmese refugees community, personal interviews were conducted in Auckland, New Zealand. Although there are some variations in questions, all questionnaires are pre-constructed before all personal and correspondence interviews are carried out in order to seek approval from the Institute of Development Studies, Massey University, New Zealand Research Ethic Committee.

1.6 Summary

This study is in fact a product of the combination of a literature review and field research. This chapter introduces the overall thesis structure as well as the research problem including central research question and objectives of the study.

It also provides the background information on the topic of the research thesis. The diagram, Savage-Victim-Savior (SVS), is presented in order to illustrate the relationship among the SPDC, the NLD and the West.

Chapter Two – Global Perspective on Human Rights Movement and Promotion of Greater Respect for Universal Human Rights

2.0 Introduction

This chapter aims to explore literature inquiry/understanding on the areas of human rights from the global perspective. Although this study principally focuses on the issue of human rights, it is unavoidable to briefly include the issue of democracy as the voices of human rights and democracy activists largely contribute in the pursuance of economic sanctions impositions in Burma. I first intend to introduce the sequential structure of this particular chapter, that is divided into four major sections. In the first section, I discuss the concept of human rights together with the conventional thought of democracy in the contemporary world as it appears to be an inseparable issue from Burma's human rights affair. In the second section, the Universal Declaration of Human Rights, the universalism of human rights and cultural relativism are broadly discussed. Section three elaborates the debate over the universalism of human rights together with the history of human rights development in the West. Section four discusses the contemporary human rights movement.

2.1 Human Rights and Democracy

There is no single model of democracy, or of human rights, or of cultural expression for all the world. But for all the world, there must be democracy, human rights and free cultural expression....The Universal Declaration of Human Rights, far from insisting on uniformity, is the basic condition for global diversity. It is the standard for an emerging era in which communication and collaboration between States and peoples will determine their success and survival (Kofi Annan, 1997).

Since the end of World War II, the language of human rights has become fashionable rather in the areas of international relationships than in the areas of domestic relationships of which I refer to for instance, the issue of economic

disparity between urban population and rural population of a particular nation or rising domestic crime rate in a country, etc. It is because human rights predominantly addresses many foreign issues such as a challenge to state sovereignty, an agenda for preferred world policy, a standard for assessing national behavior of a particular country, or as a populist worldwide movement influencing international relations. Interestingly, the concern of human rights in the contemporary world has always been raised by either Western-led organizations or Western governments.

Oppressive rulers in the Third World (in the developing countries) like to use the argument of colonialism if for instance western governments accuse them of violating human rights. Western countries – so the argument goes – when making such accusations are guilty of neocolonialism and paternalism, and of meddling in the internal affairs of independent nations. In fact, however, the opposite is true: western countries would be guilty of paternalism if they did *not* apply international human rights standards to the Third World (P. R. Baehr 1996:p134-135).

As it is briefly mentioned above, the issue of human rights plays as a critical role in a foreign policy of Western governments for whether to cooperate with or to sanction a particular country. Moreover, the said ‘particular country’ frequently falls into the category of developing countries (see table 2.1 A as an example). Having human rights address those far-off issues, ‘the fundamental characteristic: the concept of human rights is therefore often overlooked by many human rights activists as well as by many politicians’ (B. Orend 2002) despite many human rights scholars discuss the concept of human rights in most of their work. One simplest way to draw attention on the concept of human rights is that there are two significant elements: *human* and *rights*. It is impossible for one to say human rights unless both human and rights are addressed together. For an eminent political scientist, Jack Donnelly, who has spent most of his academic career studying the theory of human rights and international human rights practices, the concept of human rights is that human rights are the rights that one has simply because one is human (J. Donnelly 1999:p60-61 & 2003: p8).

By virtue of very humanity, one therefore should find no distinction to any kind – *‘no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty* (Universal Declaration of Human Rights 1948: excerpt of Article 2). Despite the notion of the concept of human rights is as simple as that, it has profound implications in the implementation of human rights in the practical context since it is, without a doubt, a combination of both moral, cultural and political issues.

Table 2.1 United Nations List of Human Rights Violators (1960s – 1990s)

(Reproduced the work of K. Tomasevski 1993:p126-127)

Country	Commission	Sub-Commission	1503 Procedure
Afghanistan	1980-91	1981-88	1981-84
Albania	1988-91	1985-88	1984-88
Argentina	-	(1978)	1980-84
Bangladesh	-	-	(1988)
Bahrain	-	-	1990-91
Benin	-	-	1984-85, 1988
Bolivia	1981-83	1980	1978-81
Brazil	-	-	1974-75, 1990
Brunei Darussalam	-	-	1988-90
Burma	(1989-90)	1991	1979-80, 1989-91
Burundi	-	1988	1974
Cambodia	1979-80, 1984-89	1978-88, 1991	1979
Central African Republic	-	-	1980-81
Chad	-	-	1990-92
Chile	1975-90	1974-88	1975-79, 1981
China	-	1989	-
Colombia	-	-	1990
Cuba	(1988), 1990-92	-	-
Cyprus	1975-88, 1990	1974-88	-
El Salvador	1981-91	1981-92	1981
Equatorial Guinea	1979-85, 1989-90,	1979-80	1976-79

	1992		
Ethiopia	(1986)	-	1978-81
Gabon	-	-	1986
[Germany, D.R.]	-	-	1981-83
Grenada	1984	-	1988
Guatemala	1980-86, 1992	1982-86, 1989-92	1989, (1990)
Guyana	-	-	1974
Haiti	1984, 1987-90, 1992	1988, 1992	1981-87, 1989-90
Honduras	-	-	1988-89
Indonesia (East Timor)	1983	1982-84, 1987, 1989-90, 1992	1974-75, 1977-81, 1983-85
Iran	1982-92	1980-92	1974, 1983
Iraq	(1989), 1991-92	(1989), 1990-91	1988-89
Israel (Palestine)	1968-92	1968-92	-
Japan	-	-	1981
Korea, Rep.	-	-	1978-82
Kuwait	1991	1990	-
Lebanon	1985-92	1982-90	-
Malawi	1980	-	1978-82
Malaysia	-	-	1984
Mauritania	1982, 1985	1982, 1984-85	(1990)
Mozambique	-	-	1981
Namibia	1967-88	1967-88	-
Nicaragua	1979	1979	-
Pakistan	1985	1985	1984-85, 1988
Panama	1990	1990	-
Papua New Guinea (Bougainville)	-	1992	-
Paraguay	1985	1983-85, 1989	1978-90
Peru	-	1992	1990
Philippines	-	-	1984-86
Poland	1982-84	-	-
Portugal	-	-	1974
Romania	1989-91	(1989)	-
Somalia	1992	1991-92	1989-92
South Africa	1967-92	1967-92	-
Sri Lanka	1984, 1987	1983-84	-
Sudan	1992	-	1990-92

Syria	-	-	1989, 1990-92
Tanzania (Zanzibar)	-	-	1974
Tibet	-	1989-91	-
Turkey	-	-	1983-86, (1990)
Uganda	-	(1979)	1975-81
United Kingdom (Northern Ireland)	-	-	1974
Uruguay	1985	1983-84	1978-85
Venezuela	-	-	1982
Viet Nam	-	-	1975
Western Sahara	1981-87, 1989-90	1987	-
Zaire	1992	-	1985-89, 1990-92
[Yugoslavia]	1992	1992	-

Note: The first column refers to the consideration of specific countries under the human rights violations agenda item by the Commission on Human Rights, the second one to its Sub-Commission, and the third one to the 1503 procedure¹² whereby 'a consistent pattern of gross and reliably attested violations of human rights' may be investigated for any country.

Square brackets denote countries which do not exist any more, while round brackets refer to those resolutions or decisions of the respective United Nations bodies which were not formally adopted due to some procedural reasons.

2.1.1 The Concept of Human Rights

¹² Complaints of human rights violations: 1503 procedure

Step 1 Complaints from individuals and organizations received and registered by the UN Centre for Human Rights.

Step 2 The Centre for Human Rights acknowledges the receipt, and sends a copy to the government of the country where the alleged violation took place for its reply. The Centre analyses and summarizes the received complaints in a monthly confidential document.

Step 3 The Working Group on Communications meets annually before each session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and considers all communications appear to reveal a consistent pattern of gross and reliably attested violations and thus should be brought to the attention of the Sub-Commission. The Sub-Commission, on the basis of the confidential report of its Working Group, and the government replies, decides at a closed meeting which country situations to refer to the Commission on Human Rights, and for which ones to defer action or take no action.

Step 4 The Working Group on Situations meets annually before each session of the Commission and examines cases referred to in the confidential report of the Sub-Commission. It elaborates recommendations to the Commission on what type of action to take regarding specific country situations.

Step 5 The Commission on Human Rights examines at closed sessions country situations which appear to reveal a consistent pattern of gross and systematic violations. This includes a dialogue with the respective governments about possible measure to remedy the situation. The Commission may ultimately condemn individual governments for violations of human rights. (K. Tomasevski 1993:p124, Table 8.1)

A human right, like any other right, is *not* a property of persons; rather, it is *a reason to treat persons in certain way* (B. Orend 2002:p18).

The meaning of 'right' in what most English dictionaries say is 'what is just; fair treatment; fair claim; being entitled to privilege or immunity; thing one is entitled to, thing morally good' (The Little Oxford Dictionary: Fifth edition 1980; Oxford Advanced Learner's Dictionary: Sixth edition 2000). While 'right' provides explicit meanings, the question of what just means, to what degree just is different from one to another, how fair treatment is measured, to what extent a fair claim tolerates, and etc., is an embedded one for a person or for a group of people who exercise 'right'. In such linear concept, 'human' is the one who exercises right or rights, and for Orend, while 'human' is referred as right-holder, a 'right' is referred as 'a justified claim on someone, or on some institution, for something which one is owed' (B. Orend 2002:p15-17).

In the work of *Human Rights and Asian Values*, Donnelly also argues that 'right' in English has two principal - moral and political - senses. His argument claims as such that something being the right thing to do in the most general sense of rectitude indicates conformity with a standard of action, although entitlement in political sense is a narrower sense of 'right' (J. Donnelly 1999:p61). In fact Donnelly is not the only one who claims a 'right' in senses of rectitude and entitlement, there are also many other intellectual authors in human rights studies who put up similar claims such as B. Orend (2002), D. Little (2003), J. Locke (1952), and J. S. Mill (1989). For Little, the sense of rectitude involves in the concept of an individual right for which he argues based on a bunch of features: 'a right is an embodiment of a form of freedom; an individual has freedom with respect to a certain kind of action if (1) she has the power and resources necessary to carry out the action, and (2) there is no coercive restraint that prohibits or compels the action. Coercion and threats represent limitations or abrogations of freedom. Rights, then, are the embodiment of freedom or liberty' (D. Little 2003:p125-126). Therefore, the concept of human right according to Little implicitly carries the sense of entitlement in which one has to claim if such

entitlement is not attended and one can only exercise 'right' if conditions - power and recourse - are provided, or they are not prohibited.

Such concept clearly reveals the idea for one to claim right(s) for something from some person or institution, and therefore other person or some institution or state has an obligation(s) to fulfill as they are implicitly imposed with such claims. Despite human rights are not conceptualized as a *property* of persons, the concept of human rights somehow provides a sense of *ownership* for a person. Unsurprisingly, a list of rights that are adopted in the Universal Declaration of Human Rights, except article 29, indeed largely represents rather in a form of either claiming or demanding entitlements: what one has and what one is entitled to than in a form of embracing responsibility for being entitled to such rights.

Since the concept of human rights does not explicitly bind one to hold responsibility for being entitled to and for having exercised such rights, on one hand the concept primarily rests on the moral value, and on the other hand, a person's sense of ownership to such rights perpetuates the finding of ultimate solution in relation with legal matters. In fact, the concept of human rights in moral value is largely related to the social construction of human nature for which I will further discuss in the section - 2.3.

2.1.2 The Conventional Thought of Democracy in the Contemporary World

Democracy and human rights share a commitment to the ideal of equal political dignity for all (J. Donnelly 2003:p191).

The promotion of democracy is far more greater in the late twentieth century than 'in the early era of democracy movements in the first half of the seventeenth century in the West' (S. P. Huntington 1991:p13). Although democracy and human rights are distinct, many people including political leaders and policy makers tend to address democracy and human rights in the same breath. There is also a tendency for people to assume that if there is democracy, then there is

human rights as democracy and human rights are conventionally understood as 'two sides of the same coin' (Carothers 1994 and T. Evans 2001). For many people, it was an ideology – *democracy* – that overwhelmingly won the prolonged Cold-War (from 1945 to the early 1990s) and caused the collapse of communism. For this section, I only intend to discuss the conventional thought of democracy as it is assumed to provide a room for flourishing human rights: everyone is entitled to equal rights by virtue of their very humanity.

Democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives (The Vienna Declaration, June 1993, Vienna, Austria).

As what was briefly described in the chapter one, the immediate cause of sanction impositions in Burma was a result of armed forces' oppression on democracy movements in 1988, prior to the end of the Cold War, for which one could refer to 'some form of representative democracy' (T. Evans 2001:p624) as people wanted to find alternatives over Ne Win's¹³ way of socialism. People envied the Western political system and Western educated people, such as Daw Aung San Suu Kyi who 'dramatized the issue of good versus the evil of the incumbent regime' (S.P. Huntington 1991:p181). Burmese hoped the Western political system and Western trained people would bring better change for them in the search for alternatives over Ne Win's way of socialism to which democracy was desirable as an alternative to authoritarian government. For the majority of the Burmese populace, democracy means freedom: freedom from any form of oppression. Democracy activists who have been struggling for a democratic government for the past fourteen years simply express their desire for freedom from oppression. In the search for democracy, the liberal democratic nations in the Western Europe, North America, Japan, and especially the United States have become attractive models for the Burmese populace (J. Donnelly 2003: p202).

The identification of the United States with democracy was dramatically evident in the September 1988 demonstrations in

¹³ Ne Win is former Chairman of Burma Socialist Program Party, and he was in absolute power while he claimed in the practice of socialism to the national development from March 2, 1962 to July 23, 1988.

Rangoon against the military regime: half a million euphoric Burmese paraded through the streets of Rangoon, passing deserted government offices. The center of the demonstrations was the American Embassy. When the Ambassador, Burton Levin, rode in his official car, with American flags flying on the fenders, the crowds would applaud; as the Burmese knew, the United States had been the first nation to condemn the brutal killings under Sein Lwin¹⁴ in early August. Every day, speeches were made in front of the Embassy. The theme of the speeches was democracy, and America became the symbol of everything the Burmese wanted and lacked. Some demonstrators carried the American flag, and at one point a group of students came to the front door of the Embassy and recited the Gettysburg Address¹⁵ word for word in English (S. Sesser 1989:p80-81 cited by S.P. Huntington 1991:p286-287).

For the majority of Burmese populace, there is no clear distinction between human rights and democracy. For the winning political party, NLD, the only significant benchmark to differentiate between democracy and non-democracy is the 1990-general election and it has become NLD's manifesto. It has been sincerely assumed that only honoring the power of the democratically elected political party would promote greater respect for human rights. For NLD, the importance of political and civil rights has always been more favorable than that of economic and social rights. The following, an extract of interview conducted between Daw Aung Suu Kyi and John Pilger in June 1996 at her lakeside

¹⁴ Sein Lwin was the immediate successor after Ne Win's resignation from Burma Socialist Program Party and he was in power for nearly one month.

¹⁵ Fourscore and seven years ago our fathers brought forth on this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal. Now we are engaged in a great civil war, testing whether that nation or any nation so conceived and so dedicated can long endure. We are met on a great battlefield of that war. We have come to dedicate a portion of that field as a final resting-place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this. But in a larger sense, we cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead who struggled here have consecrated it far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here. It is for us the living rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain, that this nation under God shall have a new birth of freedom, and that government of the people, by the people, for the people shall not perish from the earth.. (Addressed by Abraham Lincoln on the 19th November 1863) (<http://www.cs.indiana.edu/statecraft/gettysburg.html>).

residence in Rangoon¹⁶, implicitly offers the essence of NLD's manifesto in which the honoring of the result of 1990-election is centered.

JP: Should foreign investors come?

SK: I do not think they should come yet - and I am speaking for them as well as for the people of Burma. From the point of view of the people of Burma, there is hardly any investment coming in now that will provide employment and better standards of living for those who really need help. From the point of view of the investors, the basic structures necessary for sustained economic growth do not yet exist in Burma. Investing now may go against economic growth because it may make the authorities think that the half-measures they have taken are sufficient... but they are not and this will lead to social and economic problems which will work against the interests of the investors themselves.

JP: What do you say to foreign politicians who say that Burma is heading towards democracy and therefore investment is justifiable?

SK: Investment is not justifiable now. But I am convinced that Burma is heading towards democracy because it's what the people want - and in spite of investment not because of it.

JP: A lot of Western politicians say that through commercial contacts with democratic nations the Burmese people will gain experience of democratic principles.

SK: Not in the least. The so-called 'open-market economy' is only open to some. Commercial contacts are certainly not going to help Burmese people get democratic ideas. New investments help a small elite get richer. I would have thought that this would work against the very idea of democracy because the gap between rich and poor is growing all the time.

JP: Should tourists stay away?

SK: Burma will always be here and when it is democratic it will be a place that I think tourists will enjoy visiting. They will [then] need have no qualms or guilt feelings.

In the discussion of democracy, one can always go back to the Greek philosophers who are said to have developed the concept of democracy as a form of

¹⁶ <http://www.ibiblio.org/obl/docs/peaceofpie.htm>

government (S.P. Huntington 1991:p5, W. Pereira 1997:p34, J. Donnelly 2003:p188).

Greek men, whose strict hierarchy put free men at the top of the human pyramid, over women and children, with slaves at the bottom, had the wealth and leisure to discuss and deliberate on democracy only because of the widespread use of slaves and women to provide them with sustenance and care (W. Pereira 1997:p34).

The nature of democracy - 'government *by* or *of* the people' - driven by the Greek words, however existed and still exists to some degree in all societies in this world, i.e., many tribal chiefs were elected and they formed democratic political institutions at least at the grassroots level or village level irrespective of Western or non-Western society. Despite it is widely acknowledged that the concept of democracy begins in the early fifth century B.C., the definition of democracy is still vague and imprecise until today, and it varies from one to another. Such variation occurs not only in the academic and non-academic environment but also in the political and non-political environment. 'Democracy': *a system of government in which all the people of a country can vote to elect their representatives* (Oxford Advanced Learner's Dictionary: Sixth edition 2000) has been a challenging issue throughout the history.

While all theories of democracy include a concern for rights, historically such rights were never extended to all people sharing a common territory. Athenian democracy, for example, bestowed rights only on adult males born in Athens, an exclusionary practice that denied formal political participation to women and slaves (T. Evans 2001:p628).

The South African political system denied voting participation to the 70 percent of its population that was black, Switzerland did to the 50 percent of its population that was female, and the United States did to the 10 percent of its population that were southern blacks (S. P. Huntington 1991:p7).

According to Huntington, the debates over the meaning of democracy have become widespread in the mid-twentieth. He pointed out three general approaches – sources of the authority for government; purposes served by

government; and procedures for constituting government – over the meaning of democracy that emerged in the mid-twentieth century. Among three approaches, Huntington argued that the first two approaches: sources of the authority for government and purposes served by government, have some serious problems of ambiguity and imprecision. In fact, these two approaches were effectively demolished by Joseph Schumpeter in 1942, and a new concept of democracy or democratic method was advanced at the same time (S. P. Huntington 1991:p6).

A democratic method is that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote (J. A. Schumpeter 1947:p269 cited by S. P. Huntington 1991:p6).

Schumpeter's new concept of democracy became a modern formulation among many scholars, politicians and policy makers alike, and as Huntington argued, it became popular since the 1970s. In fact, Schumpeter's new concept of democracy is well-known as a procedural concept of democracy in the late-twentieth century. This particular concept, Huntington said, made it possible to judge national political systems. Schumpeter's definition is later redefined by Huntington as 'most powerful collective decision makers are selected through fair, honest, and periodic elections in which candidates freely compete for votes and in which virtually all the adult population is eligible to vote' (S. P. Huntington 1991:p6-7).

There are two significant characteristics in both Schumpeter's definition and Huntington's modified definition, and they are participation (voting), contestation (competing). These two characteristics overwhelmingly occupy the procedural concept of democracy in the modern world and popularly play a crucial role in a free and fair election that primarily emphasizes the sine qua non: the majority of votes versus the minority of votes. Besides, they are the mechanisms observed by national and international communities to judge a nation's political system whether it is democratic or undemocratic, for instance - 'American foreign policy grossly overemphasizes the mechanism of elections' (J. Donnelly 2003: p194), and 'the multiparty election is widely understood as the single most important

requirement for a government to claim democratic credentials' (T. Evans 2001:p624).

In fact, the procedural concept of democracy also raises many controversial issues, and I intend to highlight three controversial issues that are discussed by Huntington in his work of *The Third Wave*. They are:

- (a) governments produced by elections may be inefficient, corrupt, shortsighted, irresponsible, dominated by special interests, and incapable of adopting policies demanded by the public goods despite such qualities may not make those governments undemocratic;
- (b) political leaders chosen by democratic means may be simply the fronts or puppets of some other group; and
- (c) the fragility or stability of a democratic political system, for instance – Freedom House classified both New Zealand and Nigeria as free at the beginning of 1984, nevertheless the military coup ended Nigerian democracy in 1984 (S. P. Huntington 1991:p9-11).

Nevertheless, with such popularity, the procedural concept of democracy in the contemporary world usually tends to overlook the history of democratization movements in the already matured democratic countries or the West, for instance, 'economic development, industrialization, urbanization, the emergence of the bourgeoisie and of a middle class, the development of a working class and its early organization, and the gradual decrease in economic inequality all seem to have played some role in the movements toward democratization in northern European countries in the nineteenth century' (S.P. Huntington 1991:p39). However, as Donnelly discussed in his work of *Universal Human Rights in Theory and Practice*, democracy contributes only contingently to the realization of most human rights, and they - human rights and democracy - run into different and significant directions (J. Donnelly 2003:p191). In fact, he even argued to the extent that 'human rights are in an important sense profoundly antidemocratic' (J. Donnelly 2003:p193).

With the understanding of a simple analogy, they conflict each other as the concept of human rights carries the notion of everyone is born free and equal in

dignity and rights by virtue of very humanity, whereas the procedural concept of democracy carries the notion of the will of majority versus of the will of minority in which minority's will is literally undermined. While the former aspires to empower individuals and overwhelmingly weighs on equal individual rights or liberty of every person of a nation, the latter considers sovereignty¹⁷ for the will of the majority of a nation. Although the individual rights or liberty is an essential measure for the existence of democracy, according to Huntington, 'democracies can and have abused individual rights and liberties, and a well-regulated authoritarian state may provide a high degree of security and order for its citizens' (1991:p28), for instance 'the US Supreme Court is often criticized as being antidemocratic, because it regularly frustrates the will of the people' (J. Donnelly 2003:p192).

Both arguments made by Huntington and by Donnelly can also clearly be seen from another point of view – the discussion of democracy in the globalization context – that is pursued by Tony Evans in 2001. Evens' discussion is based on three assumptions (2001:p625-627): (1) democratically elected governments face difficulties in sustaining national sovereignty under the globalization of economic flows, ideas, cultural exchanges, social interactions, political interconnectedness through the development of new technology and therefore such governments have little influence on decisions taken beyond the state that eventually affects the democratic community at national level (D. Held & A. McGrew 1993 and 1999); (2) the power of democratically elected governments declines as transnational decision making increasingly takes precedence over national decision-making processes, and as a contradictory, there is democracy at the national level but authoritarianism is in the global homeland (Sir S. Ramphal 1992); and, (3) the growing economic power of transnational corporations (TNCs) dominates over the needs of the economically less powerful global community as a whole, for instance – a prominent role in the Western-controlled international economic institutions for loans and grants to developing countries (S. P. Huntington 1996:p193 and C. Thomas 1998).

¹⁷ A definition of sovereignty includes non-intervention, domestic jurisdiction, self-determination and non-interference in the internal life of the nation. (T. Evans 2001:p623)

According to Evans, while there are people who fascinate the challenge of democracy in the globalization context as 'the great beauty of globalization is that no one is in control' (R. Hormats 1998 and T. Evans 2001), the critic of globalizations also evolves, for instance - there is a significant friction between the state which loses its autonomy because of decisions made at the global level and the democratic community at local level who challenge the authority and legitimacy of the existing democratic institutions. As a conclusion, Even argues that the state has no longer capable of promoting human rights satisfactorily because the policies, actions, decisions and authority of transnational organizations and corporations pursued at global level weaken the state's ability to deliver those rights.

In fact, Evans' argument rests on the fact that the promotion of democracy and human rights primarily relates to economic growth and development rather than rhetorical assumption in which human rights will be respected if democracy is restored. In his conclusion, he wrote that 'human rights and democracy do not necessarily share a symbiotic relationship, as is often assumed. Although the imagery of democracy has achieved a high profile in global and international politics in recent years, a political rationale has little to do with achieving the conditions for protecting and promoting human rights. Instead, the image of democracy is used to legitimate forms of behavior supportive of particular economic interests associated with globalization' (T. Evans 2001:p639).

Nevertheless, as Evans critically discussed, the perspective of Western democratic countries tremendously provides the notion as such that 'the promotion of democracy as the only legitimate form of government inevitably supports claims for universal human rights'. In fact this is the ideal perception that has become fashionable since the collapse of communism in the late 1980s and in the early 1990s. At least in the case of Burma, the procedural concept of democracy has become a promising conventional thought of democracy since 1990 and with which people assume the greater respect for human rights, proclaimed in the Universal Declaration of Human Rights, would come along with.

2.2 Universal Declaration of Human Rights (UDHR)

Addressing the Universal Declaration of Human Rights (UDHR) by many national and international organizations becomes a trend since the early post World-War II era. It becomes a fascinating ideological manifestation for many people, for instance –

United Nations General Assembly proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction (UDHR 1948).

Not only do human rights activists and organizations employ the listed rights in the UDHR, but there are also many political leaders who equally refer to those listed rights, adopted by the United Nations General Assembly on the 10th of December 1948 [See Appendix II – A]. In general some people are comfortable with the concept of human rights, that is principally embedded in the UDHR. However, for others, especially those political leaders in the developing countries, it has always been a controversial issue. The controversy revolves around whether the concept of human rights is universal or how it might be shaped in terms of its implementation in the culturally diverse world.

Some argue that human rights are universal which apply to all humans in this universe without any distinction or with little variation (J. Donnelly 2003), whereas others disagree by claiming human rights in the Universal Declaration represents Western ideologies that emphasize individual rights, and the promotion of human rights in the non-Western nations is therefore argued as the expansion of Westernization or using UDHR as a tool for Universalism (S. P. Huntington 1996 and M. Mutua 2002). Mutua also argues that ‘human rights, and the relentless campaign to universalize them, present a historical continuum in an

unbroken chain of Western conceptual and cultural dominance over the past several centuries..... The human rights corpus, only put into effect following the atrocities of the Second World War, had its theoretical underpinnings in Western colonial attitudes. It is rooted in a deep-seated sense of European and Western global predestination (M. Mutua 2002:p15&17).

It is widely acknowledged that the debates and disagreements over human rights have been evolving among political leaders, policy makers, human rights advocates, and intellectual scholars. For some, human rights contained in the universal declaration is the reflection of Western conceptualization and ignores non-Western cultural identities since the foundation of the principles of the UDHR can be found in the American Bill of Rights (1789) and the French Declaration of the Rights of Man and Citizen (1789). The UDHR was adopted with no-objection (48-0) votes by the then-United Nations member countries in 1948, while there were two absentees¹⁸, and eight nations¹⁹ abstained from voting, therefore one could not argue that UDHR was fully supported by all nations since it came into force.

The argument was sometimes extended to the point that the newly independent countries in the early post World-War II era were economically dependent on the Western countries for nations rebuilding, and therefore, the UDHR drafting process²⁰ led by the UN Human Rights Commission was one way or another influenced by Western interest as the West dominated the UN at its inception (S. P. Huntington 1996, W. Pereira 1997, M. Mutua 2002). Moreover, many parts of

¹⁸ Two absentees: Honduras and Yemen.

¹⁹ Byelorussia, Czechoslovakia, Poland, the Ukraine, the Soviet Union, Yugoslavia, Saudi Arabia and South Africa abstained from voting.

²⁰ UDHR drafting process was headed by Eleanor Roosevelt and its two vice-chairs were held by the Chinese representative Zhang Pengjun (P. C. Chang) and the French representative René Cassin. A drafting committee was then appointed consisting of representatives from Australia, Chile, China, France, Lebanon, the USSR, the United Kingdom, and the United States. The first draft outline of the UDHR was written by the Canadian legal scholar John P. Humphrey, director of the Human Rights Division of the UN Secretariat, who drew on texts and drafts presented by different individuals, NGOs, and states. Humphrey's draft was elaborated upon by Cassin, and this draft was then presented to the commission for discussion (M. Svensson 2002:p201). It is worthwhile to note that China at that time was pre-communist China, and Canada also nearly abstained in the final vote even though Professor John Humphrey of McGill University had participated in writing the first draft of the Declaration and strongly supported its passage (S. Wright 2001:p14).

Asia, Pacific and Africa were still under colonial rule at the time of preparation of the UDHR or drafting UDHR between 1946 to 1948, and therefore, they could not participate in drafting the declaration though they had a chance to exercise voting in December, 1948 (M. Mutua 2002).

Nevertheless, the promotion of human rights, that are enlisted in the UDHR, as an international standard and norm has been developed through institutionalizations and worldwide forums. In addition to the original declaration in 1948, the UDHR was further developed with two major conventions: the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) adopted in 1966. International conferences also took place around the world, such as human rights in developing countries (Nicosia, 1968); the participation of women in the economic life of their states (Moscow, 1970); human rights and scientific and technological development (Vienna, 1972); women, equality, development, and peace (Copenhagen, 1980); human rights teaching (Malta, 1987), human rights conference (Vienna, 1993); and 50th anniversary of UDHR in 1998.

Despite the debates over the promotion of human rights as universalizing Western culture or Western identity have never faded away, as Mutua discusses 'the UDHR is now popularly accepted as the normal script of human rights' (M. Mutua 2002:p15).

2.3 The Universalism of Human Rights and Cultural Relativism

Genuine universality is not possible if the core content of the human rights corpus is exclusively decided, leaving non-European cultures with only the possibility of making minor contributions at the margins and only in its form (M. Mutua 2002:p7).

The issue of cultural relativism in human rights discourses has been a heated debate for many years, for instance – many Asian and African governments argue that the universal human rights body is dominated by the Western culture. In the eyes of many Asian and African governments, it is a document that manifests

Western cultural imperialism. For them, universalism must be deeply embedded within each culture because culture provides basic support for the relativist position in relation to, such as, national sovereignty, economic development, the individual role's relative to the state, and etc. For many African scholars, 'the African conception of man is not that of an isolated and abstract individual, but an integral member of a group animated by a spirit of solidarity' (M. Mutua 2002:p65). In the defense for strong authority claimed by the Government of Singapore, the then Deputy Prime Minister (now Prime Minister), Lee Hsien Loong observed that 'outside observers, perhaps not understanding how consensus building works in Singapore, sometimes attribute our ability to make fast and drastic changes to our lack of freedom and dictatorial methods. If coercion and regimentation were the secrets of success, the highest growth rate in Asia would be North Korea' (P. J. Eldrige 2002:p47).

In the discussion of universalism, one particular question is very often raised, that is whether any universal value, in another words any moral value relevant for and applicable for all societies truly exist in the internationally recognized human rights. It is vital to acknowledge that there is always an idea that supports human dignity and integrity in some form to treat one another in harmonious behavior, respectable and appropriate manner regardless of any society in which any form of religion(s) is(are) practiced whether Buddhism, Islam, Judaism, Christianity, or any indigenous cults. On one hand, every society on this earth shares a common moral value, in other words universal moral value such as, murder is evil, stealing is bad, honesty is respectable, adultery is unpleasant. However, on the another hand, 'the world seems to be populated by at least as many potential rapists and murderers as many saints in this world' (J. Donnelly 2003: p14).

While societies share fundamental moral values, for instance, treating other people with cruelty and brutality is inappropriate, the question of how to protect human persons from such treatments is always a debate, for instance - stone death punishment for adultery, interrogating techniques for the purpose of national security in intelligent agencies, treatment to war of prisoners and to asylum seekers, racial discrimination, et cetera. Here, one may raise a question of

whether the above mentioned fundamental moral value that exists in every society plays a critical role in the debate over the universalism of the human rights.

Given such opportunity, I would resume the incomplete-discussion of the concept of human rights in moral value that is left out in the section 2.1.1. As what has already mentioned before, the moral value has always been complexly related to the social constructions of human nature. Although one cannot deny the fact that there is an intrinsic universal moral value in every society, the perception of human nature is shaped by specific society, and therefore it varies from one society to another.

Human nature is a social project more than a pre-social given. Just as an individual's 'nature' or 'character' arises from the interaction of natural endowment, social and environmental influences, and individual action, human beings create their 'essential' nature through social action on themselves (J. Donnelly 2003:p15).

Another similar argument can also be seen in the work of L. Billet, who argues based on the *Adam Smith's Moral Basis of the Wealth of Nations*, that human nature is characterized by social projects. In fact, such arguments make one acknowledge the enormous inter-connection between human nature and society for which the following excerpt from L. Billet's work significantly interprets.

Human nature is characterized by social or fellow-feeling capacities, which lead man to be concerned with the situation and views of others and which naturally result in morality, justice and society. The social and benevolent affections such as generosity, compassion, kindness, pity, mutual friendship make possible a human and virtuous life for the individual, as well as a happy society. Yet there are powerful anti-social elements and capacities in the human breast; envy, malice, and resentment, pride, selfishness, hatred, anger, which drive men from one another. Still, mankind is reasoning and reasonable. Indeed reason is undoubtedly the source of the general rules of morality, and of all the moral judgments which we form by means of them. But man finds it hard to sustain reason and is easily blinded by his passion, by self-love and superficial glitter. Man is prone to levity and inconsistency, to presumption and excessive self-confidence, to comparison and emulation. He is attracted to liberty and to authority; an active restless, imaginative, creature; generally

responsive more than anything else, to social approval and disapproval, having different talents and differing in the intensity, character and object of his desire. Man, though capable of wisdom is hardly ever distinguished by it or by pursuit of it (L. Billet 1984, 1993 & 1996:p214).

In order to exemplify the moral value in the social construction of human nature, a Theravada Buddhist society is observed as an example, and to which my discussion touches only a brief understanding of human nature. By approaching human nature from the religious perspective, I intend to highlight the societal moral value that plays as a significant cultural role in their daily life.

▪ **The Moral Vale and Human Nature in the Theravada Buddhist Society**

Like Hinduism, there is an underlying aspect in the daily life of Buddhists, by birth or by devotion, that one perceives the current condition as a platform from which to move on for future circumstances. By law of *Kamma*²¹: *the law of cause and effect*, one's current condition is primarily a result of one's past deeds derived from moral consequences. Therefore, the law of Kamma binds everyone for his actions and reactions, and provides the insight understanding of human nature for a Buddhist society.

In fact, in any Theravada Buddhist society, the perception of human nature has always been based on the *law of Kamma*. For instance, Evans argues in his work of *Buddhist Resignation and: Human Rights (Freedom is What I am)*, that according to Buddha the human condition is problem and possibility, and humans are a helpless creature of desire to which one lives on the present act that is a gap between *has-been* (past) and *will-be* (future), or in another words 'I create my own future in the same way that my past created my present or 'we cause our own sorrow and happiness', and therefore 'I am a *creator*' or 'freedom is what I am' (S. S. Evans 1998:p144-145). In another words, by D. E. Smith, 'being freed from desire and passion, one's actions no longer accumulate the potentiality of

²¹ *Kamma* in the Pali of the Theravada scriptures and *Karma* have the same definition. Some authors spell Kamma and some spell Karma. Kamma in this section is spelt by S. S. Evans.

Kamma which perpetuates the cycle of rebirth (1966:p10). From this analytical understanding, human beings are bonded in the cycle of birth, death, and rebirth which cycles based on the deeds derived from moral consequences, and therefore the subject of equality and inequality is inevitable in a Buddhist society.

Similar understanding can also be found in work of *Buddhism and Human Rights* by Phra R. Payutto, who is the recipient of United Nations Educational, Scientific and Cultural Organization (UNESCO) Prize for Peace Education 1994. Payutto argues that 'all men are born equal, but only in some respects, no man is born equal to any other man, and man's mistreatment of, or wrong attitude towards, this equality and inequality has given rise to all kinds of problems, from the social to the spiritual ones' (P. R. Payutto 1994:website²²). His argument is based on the Buddha's proclamation of the nature in which human is subject to birth, old age, grief, death, and rebirth, and no one can escape from this nature. He further argues that 'everyone reaps what he sows and the world keeps going on after the *Kamma* activities contributed to by everyone' (P. R. Payutto 1994:website²³).

From the point of nature, all men are born equal in the respect of nature, however the law of *Kamma* operates within the process of nature. Therefore, 'the moral value is considered as the most significant feature that attributes future circumstances as well as perpetuates man's bondage', and 'freedom from the bondage of this cycle of birth, death, and rebirth comes only by insight into the impermanent and substanceless nature of existence' (D. E. Smith 1966:p10).

Therefore, the ultimate goal of a Buddhist is to free from the bondage of the cycle of rebirths which is *Nirvana*²⁴. In the deepest level of Buddhist view on the human nature, freedom is in oneself and one needs not necessary to claim for such entitlement since 'freedom is what I am'. Evans also discusses that according to *Dhammapada* 127 – *the Buddhist literature*, 'there is nowhere to hide from freedom and responsibility even within a protective confines of a totalitarian state' (S. S. Evans 1998:p145-146). An example can be seen within the interest

²² <http://www.buddhanetz.org/texte/rights.htm>

²³ <http://www.buddhanetz.org/texte/rights.htm>

²⁴ *Nirvana: Freedom from the cycle of re-births.*

of right livelihood to which Evans explains that one may stay in silence in the face of a known injustice and an unjust government, as one's actions either in the support of the unjust government or in the opposition to the injustice may violate right livelihood (S. S. Evans 1998).

In fact, the moral codes for the laymen of a Buddhist society are relatively simple compared to the moral codes for the Buddhist monks. Five precepts – refraining from killing any beings, stealing, sexual misconduct such as adultery, telling untruth or deceit, and drinking liquor that causes confusion of mind - are fundamental moral codes that are recommended by Buddha to practice in the daily life of a Buddhist. Not only these moral codes are important to refrain from such acts, but the responsibility arises in due course from performing such acts in one's own choice, which is free, is also not less important than enjoying freedom of such acts.

From the above discussion, one may assume that the moral value, which is a fundamental characteristic for the freedom, in a Buddhist society is indeed meant for the individual's salvation. While such assumption is true, the moral value perceived by a Buddhist society does not ignore the benefits of others who live in the near and far away societies as well. For instance, there are thirty-eight ethical blessings of life recommended by Buddha in a Buddhist society especially in Burma, which are categorized as parents' ethical conducts, husband's ethical conducts, wife's ethical conducts, children's ethical conducts, teachers' ethical conducts, and pupils' ethical conducts, etc., however these ethical conducts are for individuals to perform upon freedom of choice (website²⁵).

Based on such elaboration of moral value and human nature in a Theravada Buddhist society, it is possible to distinguish a shared moral value, that particularly shapes the general perception of human nature of this particular society, from others. Similarly, it is no doubt that there is always a generally accepted moral value in every society, for instance – the ten commandments in

²⁵ <http://users.pandora.be/dhammakaya/repository/mj00.html>

Christian societies, the Islamic law (*shari'ah*²⁶) in Muslim societies, the Confucian view of moral value and human nature in some Asian countries, etc.

Therefore, the particular shared moral values in each society make possible for humans to interact among each other either individually or collectively on the issues of social, political, religious, ritual ceremonies, traditions, customs, etc., and such interactions generate specific human natures and characteristics, in another words – cultural relativism as a whole – that belong to particular societies. In fact, the interconnection between cultural relativism and the idea of human nature is not a new expression. For instance, 'for the idea of human (i.e., natural) rights to take hold as a general social need and reality, it was necessary that basic changes in the beliefs and practices of society take place, changes of the sort that evolved from about the thirteenth century to the Peace of Westphalia (1648), during the Renaissance and the decline of feudalism' (B. H. Weston 1989:p13).

However, from the point of cultural relativism, the question of whether there is any universal moral value that is applicable for and relevant for all societies has indeed become a controversial issue in the human rights discourse. For some, this issue is taken as a defense mechanism in which the cultural relativism is heavily emphasized for certain interests. In the illustration of some specific cultural relativisms, the following remarkable proclamations made by two Asian political leaders – Dr. Mohammed Mahathir and Lee Kuan Yew – explicitly and implicitly provide a clear message to the international human rights discourses. For them, the Western governments' effort to promote greater respect for human rights in the non-Western countries are clearly the expansion of Western culture.

The West tells us that democratic freedom and human rights are fundamental to the achievement of economic and social development. We in ASEAN never disputed that democracy for the people and opportunity for the individual to develop his or her own potential are indeed important principles....[however] the norms and precepts for the observation of human rights vary from

²⁶ The minute regulation of ordinary social life has been accomplished by the Islamic law (*shari'ah*). This law is a total system of duties which includes all branches of civil and criminal law. The *shari'ah* was developed on the bases of the Qur'an, tradition, analogy and consensus. Despite limitations, the *shari'ah* continues to exercise an extremely influential role in regulating the daily life of the Muslim (D. E. Smith, 1966:p20).

society to society.....Nobody can claim to have a monopoly of wisdom to determine what is right and proper for all countries and peoples. It would be condescending, to say the least, and suspect for the West to preach human rights to us in the East (Dr. Mohammed Mahathir, Former Prime Minister of Malaysia, cited by K. Christie and D. Roy 2001:p1).

The Confucianist view of order between subject and ruler helps in the rapid transformation of society.....in other words, you fit yourself into society – the exact opposite of the American rights of the individual. I believe that what a country needs to develop is discipline more than democracy. Democracy leads to undisciplined and disorderly conditions (Lee Kuan Yew, Senior Minister, Singapore, cited by K. Christie and D. Roy 2001:p1).

While the above two leaders are well-known in human rights debates for their strong protectionism of Eastern values, others consider this particular issue as a loose and inadequate mechanism to protect human beings as it is required to treat each citizen with equal concern and respect. For instance: ‘Government must treat those whom it governs with concern, that is, as human beings who are capable of suffering and frustration, and with respect, that is, as human beings who are capable of forming and acting on intelligent conceptions of how their lives should be lived. Government must not only treat people with concern and respect, but with equal concern and respect. It must not distribute goods or opportunities unequally on the ground that some citizens are entitled to more because they are worthy of more concern. It must not constrain liberty on the ground that one citizen’s conception of the good life....is noble or superior to another’s (R. Dworkin 1977:p272-273).

In fact, such arguments derived by the cultural relativisms produce some comparative assumptions in the debate over the universalism of human rights. For many political leaders in Asia and in Africa, the promotion of human rights through UDHR in non-Western countries has always been critically assumed as the expansion of Western culture. Therefore, the promotion of human rights through UDHR has always been seen as trying to undermine or ignore the non-Western cultures. There are many assumptions engaged in this debate, however my discussion will only focus on the history of human rights development in the

Western civilization as it has a great impact on the contemporary human rights movement. In this assumption, I will include a brief discussion of the colonialism which definitely has a great impact on the contemporary human rights discourses, and the development of bills of rights in the West which is argued many observers in human rights fields that it greatly contributes in the implementation of contemporary human rights document, UDHR.

2.3.1 The History of Human Rights Development in the Western Civilization

In the discussion of the history of human rights development in the Western civilization, one needs to note that this discussion does not disregard or intend to disregard any historical human rights developments in other civilizations such as Indian, Chinese, Jewish civilization, etc. The word 'civilization' in this particular discussion does not represent the dichotomy between being good and being barbarian. Civilization in this study is inspired by Huntington's work of *The Clash of Civilizations*. According to him,

a civilization is the broadest cultural entity in which villages, regions, ethnic groups, nationalities, religious groups, all have distinct cultures at different levels of cultural heterogeneity.....A civilization is thus the highest cultural grouping of people and the broadest level of cultural identity people have short of that which distinguishes humans from other species. It is defined both by common objective elements, such as language, history, religion, customs, institutions, and by the subjective self-identification of people (S. P. Huntington 1996:p43).

While other civilizations had evolved on their own history on different continents with certain level of interactions through wars, crusades, trade, commerce, religious missionary groups, and etc, the West or Europe in geographical term also had evolved with some achievement in wealth, territory, military power, artistic, literary, and scientific development. From the perspective of the historical human rights development, Western civilization began to establish the practice of claiming rights in the early thirteen century. The significant document

- 'Magna Carta'²⁷, - in the history of human rights, signed by King John of England in AD 1215 is known to be the first crucial step taken from monarchy towards right-respected societies in the future West.

According to B. Orend and many other scholars, 'King John of England had exhausted the national treasury fighting wars, particularly the Crusades²⁸ against Islam in the Middle East. As he needed cash desperately, he approached English land-owners who could support him with finance, in return he had to sign a document that recognized various rights claimed by the land-owners, and among whole list of rights, first and foremost was the recognition of their property rights as owners of vast tracts of land.' (B. Orend 2002:p102 &197).

Similar critics asserted that this particular charter was meant to protect land owners' rights in England, and it greatly had impact on the future human rights development and movement. Human rights movement in the Western civilization was in fact not a one-way mechanism. According to the studies of human rights development in the history, it had always been two-way mechanism in which one group claimed rights and another group accomplished rights since the middle age (B. Orend 2002). In a blunt scenario, the ruler or the king had to perform his duties of providing rights claimed by the influential property-owners, who portrayed themselves as they were entitled to claim rights, in order for him to stay afloat as king. By exercising such rights, it was believed to have land-owners empowered.

Marx speculated that the origins of rights thinking was in the hands of those property-owing aristocrats who either had ambitions for the throne themselves or at least wanted to protect themselves from whoever was able to win the throne (B. Orend 2002:p197).

While the Magna Carta is claimed as a greatest charter of the beginning of human rights movement in the Western civilization, the overall essence of this document

²⁷ The reader is invited to read the entire Magna Carta on the following webpage as well as for further readings related to this document, <http://www.australianpolitics.com/democracy/magna-carta.shtml>.

²⁸ Many European warlords heeded the call when the Church demanded a series of military crusades between AD 1000-1200, against the encroachment of Islam into Europe. Crusades were massive armed invasions of Muslim strongholds in Eastern Europe, the Middle East and North Africa (Brian Orend 2002:p197).

imposes a duty-based performance for a political regime in which a right-respectful governance is less considered. It is however undeniable that the 63-article charter reflects social, political and religious implications in the middle age England as it carries various issues ranging from women and children to the issues of Jews, taxation, liberty, to freedom for English Church.

However, from the perspective of human rights development, it clearly exhibits the non-existence of the concept of human rights – human rights are the rights that one has because one is human (J. Donnelly 2003:p7). Freedom for English Church did not represent the freedom for religions as there was obvious religious crusades between Christianity and Islam. There was no room for the concept of human rights in the Magna Carta except the king had to trade-off some extent of his political authority over the badly needed cash. It was in fact a legal document that made a monarchical government enable to continue military crusades against the encroachment of Islam into the West. Nevertheless it provided a technique of establishing legitimacy for the demand of non-political society as well as a foundation to discover further rights in the future human rights development discourses.

Before I proceed with further discussion, it is worthwhile to note the significance of the protection for Christianity²⁹ in England which plays as a necessary entity of the birth of the Magna Carta which is claimed as a very first important document of the human rights movement in the West (B. H. Weston 1989 and B. Orend 2002). After many centuries of the birth of Magna Carta, Huntington argued on the issue of Christianity and its implicit relation to present-day human rights movement led by the West. To discuss his argument, the following paragraph is derived on the assumption that if there is democracy, then there is human rights as they are, by Carothers (1994), two sides of the same coin.

²⁹ European Christendom began to emerge as a distinct civilization in the eighth and ninth centuries. Between the eleventh and thirteenth centuries, Hungary, Poland, Scandinavia, and the Baltic coast were converted to Western Christianity, with Roman law and other aspects of Western civilization following, and the eastern boundary of Western civilization was stabilized where it would remain thereafter without significant change (S. P. Huntington 1996:p50).

In the work of *the Clash of Civilizations*, Huntington argued that there were over thirty countries which shifted from authoritarian to democratic political systems during 1970s and 1980s and economic development in those countries was the major underlying factor for generating these shifts. However, his emphasis was on the influence of the United States, of the major Western European powers, of the Western-controlled international institutions, and of the Christianity in those countries. According to him, 'democratization was most successful in countries where Christian and Western influences were strong'. He argued that new democratic regimes appeared most likely to stabilize in the Southern and Central European countries that were predominantly Catholic or Protestant and, less certainly, in Latin American countries. In his examples, first - the Philippines, heavily influenced by American and the Catholic, was the country returned to democracy in the 1980s; second – Christian leaders promoted movement toward democracy in South Korea and Taiwan. His argument considerably emphasized the policies and action of the United States, the major Western European powers, and international institutions helped to bring democracy to Spain and Portugal, many Latin American countries, the Philippines, South Korea, and Eastern Europe (S. P. Huntington 1996:p192-193).

2.3.1.1 Colonialism

Colonialism is, quite understandably, seen as a denial of the equivalence of all human beings, and thereby of human rights (P. R. Baehr 1996:p134-135).

This particular discussion of *colonialism* is largely based on the contributions of S. P. Huntington 1996, P. R. Baehr (1996), W. Pereira (1997), and B. Orend (2002). As they discussed, although Europeans expanded their control in Spain and in the Mediterranean region during the twelfth and thirteen centuries, the collapse of Western Europe subsequently took place in the rise of Turkish power before they resumed their overseas contact with the New World – the Americas - in the late fifteenth century.

In our discussion of human rights development in the Western civilization, the discovery of the New World, the Americas, and the Caribbean Islands in 1492 would be non-negligible starting point as it was very first significant Europeans' contact with non-European natives in which major humanitarian catastrophes involved³⁰. As Baehr mentioned in his work of *The Role of Human Rights in Foreign Policy*, almost all developing countries in today's world were previously European colonial countries. In fact, the rise of the European culture, which brought along social pluralism, expanding commerce, technological achievements (S. P. Huntington 1996), significantly encouraged national monarchs, especially in Portugal, Spain, England, France and the Netherlands, to expand territorial areas first in the Americas, and later in the other continents of the world so as to exercise their desire for supreme power (B. Orend 2002).

Our land is full....(and) their land is empty....(T)heir land is spacious and void....Natives do but run over the grass, as do also the foxes and wild beasts. They are not industrious, neither have (they) art, science, skill or faculty to use either the land or the commodities of it.....(D. E. Stannard's words were re-quoted by W. Pereira 1997:p11).

Regarding the discovery of the Americas, Orend argued one specific point in the context of human rights movement. The colonialism, argued by Orend, urged the formation of European nation-states in which 'a mode of social organization destined to dominate modern life' (2002:p199), and therefore the idea of nation-state concerned with any contemporary human rights. The philosophy of the nation-state refers 'to a form of governance that is territorially concentrated in a compact, contiguous area, and that represents a people sharing a common language and history, and perhaps ethnicity and religion as well' (B. Orend 2002:p199).

According to Orend, there was a link between the issue of human rights violation in the New World and the issue of nation-states formation. Because of the strong

³⁰ According to Stannard whose work of 1993 was cited by Pereira in 1997, 'in Americas alone, between 70 and 90 million indigenes lost their lives in the last 500 years as it was carried out through multiple modes of genocide, from individual murders to large scale massacres (D. E. Stannard, 1993 and W. Pereira, 1997).

philosophy of nation-state mechanisms, the Europeans wanted to expand their territory in the New World, and Europeans committed human rights violations to Native peoples in the New World through the process of expansion of territory. As Orend mentioned, although the discovery of the Americas produced humanitarian catastrophes for natives and aboriginals, such humanitarian catastrophes created heated debates in Europe because of the way European treated Native peoples in the New World. In another words, the European leaders had concern for the treatment of native peoples in new colonial land, and such concern became a turning point in the development of respecting human rights.

Orend's discussion further went on to the issue of nationalism that was urged by the Protestant Reformation³¹ in 1517. In his discussion, a huge war occurred from 1618 AD to 1648 AD due to religious bitterness between Protestant north and Catholic south in former German areas and such bitterness rooted since the Protestant Reformation took place in the early sixteenth century, resulting in the killing of one third of the population of the regions during 30-year long war. The war was ended upon the signing the Peace Treaty of Westphalia which in future became popular as a very first document of modern international law for many contemporary human rights defenders.

Orend's intention of the discussion of nationalism relating to such Reformation was that first, since the development of the said peace treaty, many nation-states began to sign a treaty committing each other to respect certain standards of conducts in their dealings. Second, Orend drew attention on the development of the very earliest glimpse of religious liberty and freedom of conscience, belief and association. In addition to all these events, his primary intention on the Protestant Reformation is to emphasize on the aspect of Protestants' interest which,

³¹ The Protestant Reformation was begun by Martin Luther, a priest and thinker who rejected aspects of Catholic teachings, in German lands in 1517. The main reason of Reformation was more to do with the ambitions of local aristocrats and national kings who saw, in the Reformation, their chance to free themselves forever from the age-old need to court the Roman Catholic Church and keep its favour. A number of such kings and princes sided with the religious reformers and formed new national churches. The Reformation deeply divided European, and a severe split developed between the Protestant north and the Catholic south. Religious antagonism led Thirty-Years War (1618-1648) in German areas ended up killing fully one-third of the region's population and the Peace Treaty of Westphalia ended this war. First, it is cited as the first ever document of modern international law. Nation-states came together to sign a treaty committing each of them to respect certain standards of conduct in their dealings with each other.

according to him, has obvious affinities with human rights thinking – ‘an individual must come to his own personal relationship with Divine, so too persons need to be free to live their own lives as they best see fit, subject of course to reciprocity on their part’ (B. Orend 2002:p200).

Orend’s focus on the development of the human rights movement in the West with little attention to the human rights violation caused by Europeans in the non-Western world becomes controversial for some critique of human rights movement. W. Pereira (1997) and S. P. Huntington (1996) explicitly highlight various types of human rights violations committed by the Europeans in their colonies. Moreover, Orend also pointed out that the discovery of the Americas was partially a product of the development of nation-states in the Europe. However, for Pereira, colonialism was only a major outlet for combustible energies of Europeans. In his reasoning, Pereira asserted that Europeans wanted to expand their energy in the Americas as there were vast resources of land and labor, fields and forests, silver and gold that attracted the emigration of the surplus citizens of overpopulated Europe to other continents (W. Pereira 1997:p8).

From another different point of view, Huntington’s approach to European colonialism was based on the rise of Western civilization in fact contributes a large degree of implication on the contemporary human rights discourses. In the discussion, Huntington argued that the rise of European cultural in which ‘the social structure and class relations of the West, the rise of cities and commerce, the relative dispersion of power in Western societies between estates and monarchs and secular and religious authorities, the emerging sense of national consciousness among Western peoples, and the development of state bureaucracies’ (1996:p51) made possible for Western expansion in the non-Western world.

Huntington further pointed out that the immediate cause of the Western expansion was due to the technological development that came out of the Industrial Revolution wherein ‘the invention of the means of ocean navigation for reaching

distant peoples and the development of the military capabilities for conquering those peoples' (1996:p51), led to the creation of their global superiority between 1500 and 1750 together with the military revolution. While the non-Western world had been going through colonialism under European rulers, the Western world had been going through the industrial revolution. However, Huntington's incredible remark on the rise of the West through industrialization and colonialism was that,

the West won the world not by the superiority of its ideas or values or religion (to which few members of other civilizations were converted) but rather by its superiority in applying organized violence. Westerners often forget this fact; non-Westerners never do (S. P. Huntington 1996:p51).

The following table, derived from the Huntington's work of the *Clash of Civilization*, broadly explains the geographical expansion of Western civilization during 1800 and 1900.

Table 2.3.1.1 The Geographical Expansion of Western Civilization (1800-1900)

Controlled Group Of the Earth's Land	Year	Earth's Land Surface in percentage	Remarks
Europeans or former European colonies	1800	35%	Europeans controlled on in the Americas.
Europeans or former European colonies	1878	67%	
European or former European colonies	1914	84%	

As table 2.3.1.1 shows, non-European countries were carved up among Europeans – the English, the Belgians, the Germans, the Portuguese, the Spanish, the Dutch, and the French - for many centuries. As Baehr argues – 'until not very long ago,

colonialism and racial discrimination were about the only violations of human rights which were accepted as such by many African leaders (1996:p134-135)', it is therefore unsurprising and understandable that many political leaders from developing countries often emphasize the issue of colonialism whenever the issue of their human rights record is raised. Their emphasis is on the right of self-determination, and it is claimed as a primary right out of many other rights.

2.3.1.2 The Development of Bills of Rights in the West

The basic human rights texts drew heavily from the American Bill of Rights and French Declaration of the Rights of Man. There is virtually no evidence to suggest that they drew inspiration from Asian, Islamic, Buddhist, Hindu, African, or any other non-European traditions (M. Mutua 2002:p154).

In fact I have briefly drawn attention on such assumption – the contemporary human rights are heavily derived from the Western culture – in the previous sections. One of the assumptions that many human rights observers argue is that the current internationally recognized human rights manuscript, the UDHR, fundamentally underscores Western Bills of Rights that are derived from the Western or European culture and therefore, UDHR is not applicable universally or internationally. Therefore, it is important to take a look at the development of the bills of rights in the West and the emergence of the Western-dominated international system.

There are many historical rights documents having an influence on the UDHR such as, the Magna Carta which was already discussed in the early part of this section, the Petition of Right of 1628, the English Bill of Rights (1689), the American Bill of Rights which came into force between 1787 and 1789 after the first ten amendments were made, the French Declaration of the Rights of Man and Citizen (1789) – 'the most influential document throughout Europe and is often copied' (B. Orend 2002:p106 & 102-126). However, my discussion briefly sketches the development of English Bill of Rights, the American Bill of Rights and the French Declaration of the Rights of Man and Citizen.

Like the thirty-year war which occurred in the German areas during seventeenth century and ended with a Peace Treaty of Westphalia, similar experiences could be found in the English Civil War – between the defenders of the monarchy and supporters of a commonwealth or republic – of 1640-1660. Another similarity to the German experience was that there was ‘a strong conflict between Catholics and Protestants over who should sit on the throne, and how he or she should deal with residual religious antagonism’ (B. Orend 2002:p201). Due to all these rigid political situations inflicted with religion dichotomy within Christianity, the ‘Glorious Revolution’ took place in England in the late 1680s, more than twenty years after civil war. Together with Glorious Revolution, the new protestant monarchs – William and Mary originally from Holland – occupied the British throne in 1688-1689, and at the same time, the English Bill of Rights was signed. With this particular bill, the issue of political rights was particularly emphasized together with some degree of civil rights.

According to Orend, the English Bill of Rights rejected ‘absolute monarchy’, provided authority to an elected parliament to advise the monarch(s), and emphasized on the justice issues, for instance - ‘those convicted of a crime have the right not to be inflicted with cruel and unusual punishment’. In addition to widening the scope of existing property rights, this particular bill came into force to deal with certain rights to bear arms in self-defense, political participation, free political speech, and some personal security from cruelty and torture (B. Orend 2002: p102-103, 201). However, it did not remove ‘the class structure of English society, where all the rights were reserved for high-born and propertied nobles’ (B. Orend 2002:p103).

As discussed above, the English Bill occurred as a result of an exchange between the new Protestant monarchs and the Protestant supporters. Nevertheless, it somehow had a great impact on the future political and civil rights development in the human rights context because such event like Glorious Revolution (an occupation of British crown by Protestant monarchs) inspired the Americans who had to live in the New World under British colonial rule. An explicit explanation can be seen in the following paragraphs.

Like many other authors, Orend argued that the American Independence Revolution was surrounded around taxation and the desire to have their own views represented in the laws that governed them, in another words, the desire to have self-determination, which is often claimed by many leaders from developing countries in today's world. After twelve to thirteen years of the Independence Declaration from England, the Americans managed to bring the American Bill of Rights into force between 1787 and 1789. Although the vast majority of rights adopted in American Bill of Rights were inspired and influenced by the English Bill of Rights, there were two significant distinctions – rejection of the class structure of English society and religious freedom which was not available at the time in Europe as there was intolerance and murderous violence between Catholic and Protestant. In general, the American Bill of Rights carried a further development of political rights, for instance – it contains the right to liberty: people have rights to the free exercise of the religion of their own choice, as well as to freedom of speech and of the press, in the First Amendment (B. Orend 2002:p105).

After the American Independence Revolution, a subsequent revolution took place in Paris as the French were inspired by the Americans, and finally the French Revolution took place in 1789 which was to against the absolute French monarch, Louis XVI who once said *'the state, that's me'*. In fact the French Revolution was first attracted by the British-style constitutional monarchy, however later it was substantially inspired by the American-style republic. As a result of the French Revolution, the Declaration of the Rights of Man and Citizen was born into force in 1789.

However, the French Declaration was not earned easily. The French National Assembly headed the entire revolution as an active legislative body and all marginalized groups including urban street poor, females, radical and moderate middle classes, merchants and professionals, were involved in the revolution. Finally, the revolution had seized the monarchy's power by beheading Louis XVI and Queen Marie Antoinette in public. France went into a state of terror, a civil war, in which civil disorder, rioting, street mobs, violence, bloodshed, groups

struggling for control of the state resulted in a situation causing an invasion by monarchs from other parts of Europe (B. Orend 2002:p106 & p201-209).

However, France was saved in time by Napoleon Bonaparte, a military man who served in the French army during the Revolution. Despite the fact that he became the very first military dictator in French history, from the point of the human rights development, he provided security and order for the public, he tried to transform French society into a modernized society, promoting education for the French people as 'he believed in public education and in promoting people on the basis of merit rather than heredity'. Moreover, he also disseminated 'modern rights throughout Europe' (B. Orend 2002:p106 & p201-209).

In fact, the essence of the French Declaration of Rights of Man and Citizen can clearly be seen in the contemporary human rights contexts. For instance:

Men are born and remain free and equal in rights. (French Declaration of the Rights of Man and Citizen 1789: excerpt from Article 1).

All human beings are born free and equal in dignity and rights. (Universal Declaration of Human Rights 1948: excerpt from Article 1)

From the brief discussion of the development of various bills of rights in the West, it becomes clear that there is a shared common culture of the idea of human rights that represents the Western cultural relativism in their human rights documents. In fact, the development of the bills of rights in the West resembled a chain-reaction and most of the enlisted rights heavily emphasized the political, civil, property rights, and legal and political identity of individuals. It also provides a brief understanding on the Western culture in the context of political development – i.e., from absolute monarchy to constitutional monarchy, from colony to founding republic. Regarding Western cultural relativism, Huntington once mentioned that 'European peoples shared a common culture and maintained extensive contacts via an active network of trade, a constant movement of persons, and a tremendous interlocking of ruling families' despite the fact that 'they fought each other virtually without end' (S. P. Huntington 1996:p52).

2.3.1.3 The Development of Peace Treaties and Emergence of International Human Rights Society in the Twentieth Century

There were various types of peace treaties and treaties on how wars should and should not be fought developed in the late eighteenth century and throughout nineteenth century. For instance, the Treaty of Paris (1763) - ended the seven-years war between France and England; a Congress of Vienna (1815) – a peace treaty to overcome Napoleon's defeat signed by European powers; International Red Cross (1863) – a neutral body to care for those injured by war; the Declaration of St. Petersburg (1868) – a list of guidelines to American soldiers; and Hague Conventions between 1899 and 1907 – four extensive international treaties on the laws of war.

Many types of peace treaties were meant to end wars between nations and wars between civilians. They did not encourage wars, however it could not prohibit them either. Despite the development of peace treaties, wars were unable to be stopped. The first World War broke out in 1914. For W. Pereira, it was addressed as 'the 1914-1918 European war' but it was by no means a world war (W. Pereira 1997:p20). Of course, it ended with a peace treaty on the 11th November 1918. Interestingly, another major war took place in the next twenty years from 1939 to 1944. According to W. Pereira, in spite of such treaties, rules and regulations in order to prevent wars, 'the number of casualties during the 1914-1918 was estimated at 8.4 million on both sides with 21 million combatants wounded. However, for the 1939-1944 war, it was estimated at 35-60 million military and civilian deaths' (W. Pereira 1997:p20).

Therefore, the twentieth century can be seen as the century of wars from the point of human rights violations. However, an international organization – the League of Nations was established at the end of the 1914-1918 war – which tried to promote self-determination of nations, protection for minority groups within existing empires, and an impetus decolonization so that the League of Nations could preserve peace in the world. Moreover, it also sponsored the formation of the International Labor Organization. The League of Nations was in fact joined

by 28 nations, the majority of them were from Western Europe and North America except Japan who withdrew from the League in 1933 and the Soviet Union whose membership was terminated due to her co-operation with Nazi Germany. In spite the League of Nations, the World War II broke out in 1939, and ended in 1945, not with a peace treaty this time, as the American President Harry Truman ordered the dropping of two atom bombs on Japan (B. Orend 2002:p214-238).

After the end of 1945, there was no physical World War like the previous ones, however the Cold War lasted from 1945 to the early 1990s. According to Orend's discussion, the Cold War can be seen as a partial inheritance from the World War II settlement. With the World War II settlement, the world geopolitical zones were split among the now Soviet Union, the United States, Britain and France. While the Soviet Union took security control in the Eastern European countries, the United States reaffirmed its already controlled territory of Hawaii, other Pacific islands, and reconstructed Japan. Britain and France were allowed to keep their colonial power on the other continents (B. Orend 2002).

Nevertheless, the ideological conflict of communism which rooted in the early era of twentieth century became the central argument between the communist regimes led by the Soviet, and the democratic regimes led by the US during the Cold War. In addition to Korean War (1950-1953), the most significant event that highlights the Cold War is the Vietnam War (1965-1975) between the United States and the Vietnam (South). From the point of human casualties, there were 57,000 American soldiers and two million Vietnamese soldiers, including civilians, were killed (W. Pereira 1997:p55).

Despite all these events taking place, the emergence of the international society indeed begun to develop soon after the end of the World War II. The United Nations was founded in 1945. The four fundamental determinations were constituted in the United Nations Charter.

We the peoples of the United Nations determined:

- to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and
- to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and
- to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and
- to promote social progress and better standards of life in larger freedom (excerpt from the United Nations Charter 1945).

The foundation of the United Nations is based on the three-fold structure: legislative, executive and judicial branches, in which the United Nations Security Council is the most powerful organ to whom the five permanent members are Britain, the United States, France, China, and the Soviet Union. After the United Nations came into force in 1945, the Universal Declaration of Human Rights was adopted by the United Nations General Assembly on the 10th December 1948. The idea of promoting human rights internationally is a noble one which can clearly be seen in its preamble.

- Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,
- Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,
- Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,
- Whereas it is essential to promote the development of friendly relations between nations,
- Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

- Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,
- Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge (Preamble from UDHR 1948).

However, many critics have argued that the UDHR has been another type of peace treaty to protect the Western peoples.

For the first time, the major powers drew a line demarcating impermissible conduct by states toward their own people and created the concept of collective responsibility for human rights because neither the enslavement of Africans, with its barbaric consequences and genocidal dimensions, nor the classic colonization of Asians, Africans, and Latin Americans by Europeans, with its bone-chilling atrocities, was sufficient to move the West to create the human rights movement. It took the genocidal extermination of Jews in Europe – a while people – to start the process of the codification and universalization of human rights norms (M. Mutua 2002:p16).

H. B. Tolley. Jr . also argued that ‘the West did not create the human rights movement in order to save or civilize non-Europeans, although these humanist impulses drove the antislavery abolitionist efforts of the nineteenth century (H. B. Tolley Jr. (1994) cited by M. Mutua 2002).

In spite of such criticisms have been going on in the human rights discourses, as what have already discussed in section 2.2, the Universal Declaration of Human Rights has been promoted through international organizations as well as through international forums and conferences. For instance, despite the fact that ‘the US Supreme Court observed that the Constitution did not apply to the blacks as they were considered to be an inferior race, the blacks in the US finally achieved the right to equal status with the whites with the Civil Rights Act of 1957’ (A. Majumdar’s work (1993) was cited in W. Pereira (1997). Today, activities to promote human rights do not only come from the United Nations sponsored organizations. There are also many international non-governmental organizations

such as Amnesty International and Human Rights Watch, who actively participate in the promotion of greater respect for human rights globally.

2.4 Human Rights Movement in the Contemporary World

As noted, human rights movement has increasingly become significant since the end of the Cold War. Soon after the end of the Cold War, the international human rights conference took place from June 14-25 1993 in Vienna, Austria. The World Conference on Human Rights³² was attended by 7000 participants from 171 States, governmental organizations, non-governmental organizations, academics, United Nations bodies, etc. By this conference, the three imperatives: universality, guarantees, and democratization, were called and they were addressed by the then-United Nations Secretary General-General Boutros Boutros-Ghali in his opening address. It is worthwhile to note his address on the emphasis of the imperative of universality.

To be sure, human rights are a product of history. As such, they should be in accordance with history, should evolve simultaneously with history and should give the various peoples and nations a reflection of themselves that they recognize as their own. Yet, the fact that human rights keep pace with the course of history should not change what constitutes their very essence, namely their universality. (Excerpt from Address by the Secretary-General of the United Nations at the opening of the World Conference on Human Rights, Vienna 1993)

In fact, the above message implicitly highlighted the debated issue about universalism of human rights. Although the message acknowledges the international human rights as a result of historical development of human rights movement, which, as discussed above, involved massive human rights violations, the message declares that human rights are universal regardless of their historical milieu.

³² [http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.CONF.157.24+\(PART+I\).En?OpenDocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.CONF.157.24+(PART+I).En?OpenDocument)

Another significant World Conference was the 50th anniversary of the Universal Declaration of Human Rights on the 10th December 1998. The promotion and protections of human rights: *Without Human Rights, No Peace, Prosperity Can Endure* (claimed by the UN-Secretary General Kofi Annan on the 10th December 1998) became an essence of this particular World Conference.

While the World is moving towards the greater respect for human rights, the promotion and protection of human rights are noble and intrinsic. It is also true that a certain degree of the universality of human rights is inevitable and desirable. The issue of how to promote and protect human rights has however become central question in the quest for the development of human rights internationally. As what have already mentioned in the Chapter One, the Western countries together with international financial institutions have been trying to promote greater respect for human rights through development aid for which 'human rights has become a regular aspect of bilateral and multilateral diplomacy' (J. Donnelly 2003) and at the same time, 'human rights conditionality has been broadened throughout development aid (K. Tomasevski:1993:p9).

In the process of promoting and protecting human rights, first the state has become a necessity object in the assessment of its human rights records in order for the donors to make justified decisions.

Throughout their history, human rights have been seen to hold primarily against the state and society of which one is a member. Human rights require the state to provide certain protections, goods, services, and opportunities to every citizen (J. Donnelly 1999:p61).

In fact, human rights may be violated by various entities, such as states, organizations, individuals, private firms, etc. However, the international human rights predominantly address the issue of human rights violations committed by states. In the work of *Human Rights*, Mutua asserted three significant parties in relation to the process of promoting and protecting human rights internationally. They are the state who violates human rights (savage), the peoples of the state whose human rights are being violated (victim) – 'without the victim there is no

savage or savior, and the entire human rights enterprise collapse' (M. Mutua 2002:p27) and the donors who try to promote and defend human rights (savior). In general, the contemporary human rights movement for the greater respect for human rights is largely based on this particular Savage-Victim-Savior metaphor.

2.5 Summary

This chapter tries to draw attention to the human rights development and movement from the global perspective. First it elaborates the concept of human rights of which is embedded in the internationally recognized human rights document, Universal Declaration of Human Rights, UDHR. While the concept of human rights is being discussed, the concept of democracy to which I refer as the conventional thought of democracy in the contemporary world is also highlighted since human rights and democracy are inseparable issues in the case of Burma. In the further elaboration of the concept of human rights, the UDHR and the development of the international bills of rights are briefly discussed as they are widely considered to be consistent phenomena in the debate over the universalism of human rights and cultural relativism.

In my discussion of the universalism of human rights, I try to draw attention on the history of human rights development in the West. Together with the history of human rights development findings, the impact of colonialism on the contemporary human rights movement, the development of various bills of rights in the West contributes in the implementation of the current human rights document, and the emergence of international society in the post World War II era is briefly discussed at last. In the final section, the structure of human rights movement in the contemporary world is provided with an emphasis on the Savage-Victim-Savior metaphor.

The idea of rights reflected in the instruments, the particular rights recognized, and the consequent responsibilities for political societies, imply particular political ideas and moral principles. International human rights does not hint at any theory of social contract, but it is committed to popular sovereignty. 'The will of

the people shall be the basis of the authority of government' and is to 'be expressed in periodic elections which shall be by universal and equal suffrage'. It is not required that government based on the will of the people take any particular form (L. Henkin 1990:p7).

There is no doubt that the current human rights document, UDHR, is well meaning and intended for the betterment of the peoples on this earth. However, human rights suffers from the criticisms that come from various corners of world society. Some claim that human rights apply to all humans in every aspect without any distinctions. However some argue that human rights standards are only applicable to the Western culture, which is claimed to be focusing on the civil and political rights of individuals, as it has a reflection on the Western ideologies and on the development of human rights in the Western civilization. While such arguments are important to the insight understanding of the culturally diverse world in the age of rights, the issue of human rights is overwhelmingly occupied by the political societies to which the civil and political rights are considered to be favorable, for instance – 'the United States does not recognize economic and social rights as human rights' (K. Tomasevski 1993:p85).

Chapter Three – Economic Sanctions from Global Perspective

3.0 Introduction

US unilateral sanctions against Burma have not achieved the goal of ousting the authoritarian government from power. Instead, they have had harmful effects on US diplomatic and economic interests and on the economic and political well-being of the Burmese population (L. T. Hadar 2001:p411).

Although economic sanctions are generally seen as a foreign policy option that resides somewhere between diplomacy and military engagement, many scholars who study economic sanctions have noted that they have been employed throughout the history while little attention has been paid to their effectiveness as a foreign policy (H. G. Askari et al. 2003). According to many sanctions scholars such as F. Crouzet (1964), D. R. Hickey (1981), R. Renwick (1981), and G. Simons (1999), the economic sanctions and foreign affairs have been inter-related to each other in history. In fact, Simons' study of *Imposing Economic Sanctions* even considered the Megarian Decree of 432 B.C. as a form of economic sanction. The Megarian Decree, discussed by Simons and cited by Askari et al. (2003), was the very first documented example of peacetime economic sanctions by which the Athenian Pericles limited access to Megara's products due to Megarian violation of sacred Athenian land and other Athenian territory, and the decree had visible effects on the civilian population of Megara (G. Simons 1999 and H. G. Askari et al. 2003:p5-6).

Like the issue of human rights, the issue of the efficacy of economic sanctions has also resulted in a great deal of research and policy debate since the end of the Cold World War.

The Cold War is over, the Soviet empire has disintegrated, and foreign challenges to the United States have been starkly rearranged. While still searching for a post-Cold War paradigm for American foreign policy, the U.S. government has turned more frequently to economic sanctions in response to demands to 'do something' about ethnic conflict, human-rights violations, drug

trafficking, terrorism, or nuclear proliferation. The collapse of the Soviet Union also freed the United Nations (UN) from its Cold War straitjacket, allowing it to intervene more aggressively in international affairs, including the imposition of mandatory economic sanctions nine times since 1990, compared to just twice prior to 1990 (K. A. Elliott and G. C. Hufbauer 1999:p403).

In fact, the decade of 1990 is well-known as a sanctions decade among policy makers, political scientists and academics alike, for instance – there are 50 new economic sanctions between 1990 and 1998 whereas between 1914 to 1989 there were 120 cases (K. A. Elliott and G. C. Hufbauer 1999:p403-404).

In this chapter, I intend to provide a broad understanding of economic sanctions from a global perspective followed by a discussion on surrounding economic sanctions against Burma that are unilaterally imposed by the United States and collectively imposed by the European Union (EU). In addition, I also intend to provide a brief understanding of economic sanctions from the human rights perspective and for this reason, the issue of comprehensive economic sanctions against Iraq is discussed as a case study. Both economic sanctions and human rights are well-documented as part of the foreign policy of the Western governments and Western-led international organizations, however they have very distinguishing characters: the former, economic sanctions, are employed as a means to achieve the latter, human rights, which are the end. While human rights are considerably favored for the betterment of politics, social, civil and economic aspects of the peoples of nation(s), economic sanctions are expected to inflict economic suffering on a sanctioned (target) country or countries (Askari et al. 2003).

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood (Universal Declaration of Human Rights 1948:Article 1).

Economic sanctions are one of several methods for causing economic hardship in another country (H. G. Askari et al. 2003:p82).

It is indisputable that the very first article of UDHR is fundamentally important for a peaceful world society, at the same time it also raises complex issues, such as how to treat a group of peoples or states who do not act towards one another in a spirit of brotherhood; are economic sanctions justifiable to punish the group of peoples or states who do not act towards one another in a spirit of brotherhood; do economic sanctions undermine human rights, especially economic and social rights of a sanctioned country.

The implications of using sanctions against states are similar to a military action as their intent is always to inflict damage on the target. For this reason, the legitimacy of sanctions used without a decision by the United Nations Security Council has been questioned (I. Anthony 2002:p204).

Although such controversial issues have been overwhelmingly raised by many scholars, the use of economic sanctions has dramatically increased in the late twentieth century.

3.1 The Definition of Economic Sanctions in This Study

Although the word 'sanctions' is frequently used, it does not have an agreed definition. The UN Charter does not contain the word at all but refers to measures that may be adopted in response to identified threats to the peace, breaches of the peace and acts of aggression (I. Anthony 2002:p204).

Although sanctions do not have an agreed definition, sanctions are not new in today's world. In fact, they have been employed throughout the history in various forms. In fact, Simons and Askari argue that 'sanctions that deliberately deprive people of the means to *an effective economic life* by any means should be considered economic sanctions' (G. Simons 1999:p10 and H. G. Askari et al. 2003:p14). In another words to their definition of economic sanctions is that if sanctions deliberately deprive any means that are the effective economic life of people, then such sanctions should be considered as economic sanctions irrespective of any means that are employed to bring about that deprivation.

Even in the case of Iraq who was imposed with a broad range of sanction measurements including military actions, for Askari et al. (2003), sanctions accompanied by economic measurements and military actions against Iraq are still *economic sanctions* because they deliberately deprive the economic life of Iraqi people (H. G. Askari et al. 2003).

Regarding the definition of sanctions, Askari et al. (2003) further argues from the point of sanctions in history. According to Askari et al. (2003), economic sanctions in history were generally associated with a military conflict as a prelude or as a complement. There were various forms of economic sanctions in history such as 'sieges, naval blockades, and trade embargoes', and they were documented and described as actions taken to inflict economic distress on an adversary (H. G. Askari et al. 2003:p14), for instance, the Roman siege of Jerusalem in A.D. 72 that creates the economic hardship for the Jewish population and finally the civilian agony leads to an unconditional surrender of the city of Jerusalem; the American colonies' trade embargoes – non-importation and non-exportation – against Britain in an attempt to force the British to change their colonial tax and trade policies between 1760 and the early 1800s (G. Simons 1999, D. R. Hickey 1981, R. Renwick 1981, and H. G. Askari et al. 2003). On one hand, the studies of sanctions in history significantly provide the fundamental characteristic of sanctions that are one way or another intended to inflict deprivation on the economic and social life of the peoples of any target nation or entity. With such characteristic, as Askari et al. argues, 'siege becomes the quintessential economic sanction. Whether the objective of causing economic deprivation on the target is abandonment of their home, changes to their policies, or foregoing military action, sieges would still be classified as *economic sanctions* because they bring about economic suffering' (2003:p14-15).

The definition of economic sanctions, which is particularly derived from the studies of sanctions histories, is very similar to the contemporary view defined by many scholars and politicians alike.

Economic sanctions are coercive measures imposed by one country, or coalition of countries, against another country, its government or individual entities therein, to bring about a change in behavior or policies (The study of M. S. Daoudi et al. 1983 and D. E. Rennack 2000 is cited by H. G. Askari et al. 2003:p77).

The above discussion, sanctions or economic sanctions in this study, is indeed intended to highlight the sanctions that are employed to bring about a change in Burma. The sanctions against Burma are comprised of various measurements with which the main objective is to inflict economic deprivations on Burma. Please refer to the following paragraph as an implicit example.

United States sanctions policy on Burma has had disastrous economic consequences for Burmese citizens.....During the 1990s, Washington refused to send an ambassador to Rangoon and downgraded its diplomatic representation to charge d'affaires. In addition, Washington suspended economic and other aid, withdrew Burma's eligibility for trade and investment programs, blocked assistance from international financial institutions and imposed visa restrictions on senior Burmese officials and their families. These US policies to the suspension of Burma's trade benefits under the Generalized System of Preference (GSP) and of government insurance of US businesses in Burma. The policies also caused the termination of an US-Burma textile agreement and the denial of new loans to Burma by the World Bank, the International Monetary Fund (IMF) and the Asian Development Bank (ADB) (L. T. Hadar 2001:p411 and 414).

According to the definition of economic sanctions discussed by Simons (1999), Askari et al. (2003) and other contemporary sanctions scholars, sanctions imposed on the Burmese military government should be considered as economic sanctions instead of sanctions which, as Anthony argues, do not have an agreed definition.

3.2 Types of Economic Sanctions

There are basically two categories of economic sanctions: multilateral and unilateral economic sanctions (Askari et al. 2003). As many scholars argue, the distinction between unilateral and multilateral economic sanctions is made according to the number of entities participating in the act of sanctions. While the majority of unilateral economic sanctions are employed by the United States

especially by the end of World War II, the multilateral economic sanctions are employed by the League of Nations and the United Nations together with its member states. In another words, economic sanctions are generally employed by either economically well-developed country/countries or economically influential country/countries.

For economic sanctions to register a sizeable economic distress on a target, the sender must have a significant level of economic influence, which is normally an attribute of dominant economies (and even then the influence many be insufficient) (H. G. Askari et al. 2003:p25).

The following table produced by Hufbauer et al. (1999) from the Institute for International Economics (IIE), shows a general information on the senders and the targets in those sanctions cases between 1970 and 1998.

Table 3.2 Senders and Targets in Sanctions Cases Initiated, 1970 - 1998

(Presented in the American Economic Review, Vol. 89, No. 2, May 1999:p405)

Country	1970 – 1989	1990 - 1998
<i>Primary Sanctions Sender Countries:*</i>		
United States	52	25
Western Europe	7	19
Soviet Union/Russia	0	6
United Nations	0**	11***
<i>Targets (sanctions recipient countries)</i>		
<i>by Region:</i>		
Africa	11	19
Asia	14	6
Western Europe	6	6
Latin America	19	9
Middle East	6	2
Soviet Union/FSU	12	8

Note: FSU = Former Soviet Union; this category also includes Soviet bloc members.

Source: Hufbauer et al. (1999)

* These numbers are based on cases in which a sender country played a leadership role. They do not include senders that cooperated in a sanctions effort but without taking a leading role. UN cases are not included in the count of cases initiated by individual sender countries.

** Two UN cases initiated in the 1960's were ongoing in this period: Rhodesia and South Africa.

*** This count includes the threat of UN sanctions against North Korea in the mid-1990's and the authorized but not mandatory actions against the Khmer Rouge faction in Cambodia.

In some cases, the distinction between multilateral economic sanctions and unilateral economic sanctions are not very clear, for instance – the economic sanctions imposed by the European Union. For this kind of reason, Askari et al. provided four types of categories: unilateral (individual entity); multilateral (more than one entity); collateral (group of entities such as European Union); and totalateral (all applicable entities) (2003:p90-91).

3.3 Economic Sanctions Policy and Economic Sanctions in the Twentieth Century

The issue of economic sanctions is complex. According to Askari et al. (2003), 'the logic of an economic sanction policy holds that it is economic deprivation that will compel target country governments to yield to sender country demands. In the implementation of such policy, economic sanctions are just one among a number of possible instruments – for instance, embargo trade, restrict investment, limit development or humanitarian assistance – that might be employed to bring about economic loss in another country' (H. G. Askari et al. 2003:p81-82).

An economic sanctions policy may vary either from one group to another or within the same group. Moreover, economic sanctions policy sometimes plays a critical role in trade policy of a sender country as well. In fact, there are various factors considered by sender and many politicians alike with regards to their specific goal. For instance, while current Vice President Dick Cheney, a former executive of a US-based multinational corporation that had operated in Burma, has been a leading opponent of the sanctioning madness (L. T. Hadar 2001:p424), the Bush administration has issued an executive order in blocking property of the Government of Burma and prohibiting certain transactions in July 2003. Another example is that while Burma has been consistently measured by the successive U.S administrations for her human rights records with which trade policy is considered simultaneously, yet China's human rights records have been separated

from U.S trade policy with which China has subsequently gained an accession to the World Trade Organization (WTO).

Early in 1993, President Clinton issued an executive order requiring China to make 'overall significant progress' in complying with a long list of human rights demands within a year, or lose Most Favored Nation (MFN) status. China refused, claiming that the US violated the rights of its own citizens – the Natives, the Blacks and other minority groups – and so had no business telling others what to do. US manufacturers, worried about losing access to such a huge and profitable market for their products, pressurized Clinton not to remove China's MFN status. To solve this dilemma, the US has officially decided to separate human rights issues from trade policy (W. Pereira 1997:p73).

In fact, as many scholars argue, economic sanctions are a means to an end. They are nothing more than that. However, there are various types of ends or goals that senders seek to achieve with their economic sanctions policy. According to Askari et al. (2003), the goals for economic sanctions in history are 'conquest of territories, weakening an enemy during military conflict, punishing a country for failure to concur in a sender country's policy, and overturning a policy in the target country found unpopular in the sender country (p16). These goals for economic sanctions in the contemporary world have changed. As it is briefly mentioned above, especially after the end of Cold-War, the goals for economic sanctions are associated with doing something about ethnic conflict, human rights violations, drug trafficking, terrorism, or nuclear proliferation. There was no economic sanctions that took place in history because 'one country found another country's policies immoral or not in conformance with particular political, moral, or ethical principles' (H. G. Askari 2003:p17).

The Institute for International Economics, which is the most influential and widely cited organization for its study on the effectiveness of economic sanctions as a foreign policy (D. Cortright et al. 2000), mentioned in its work of *Ineffectiveness of Economic Sanctions* that 'the end of the Cold War meant the diffusion of power, not only from Washington and Moscow to capitals such as Beijing, London, Paris, and Bonn, but also to congressional and sub-federal players, and importantly, to nongovernmental organizations (NGOs)' (G. C.

Hufbauer et al. 1999:p405). For instance, the Massachusetts Burma Law³³ [See Appendix III – A] was supported by 78 Members of Congress, 22 State Attorneys General, 16 City and County Governments, 7 State and Local Government Associations, 66 Nonprofit Organizations³⁴ (Harrison Institute for Public Law, Georgetown University Law Center 2000:p2).

3.3.1 The United Nations and Economic Sanctions

The powerful states' (nations') policies (and interests) would be the decisive factor in the design of U.N. sanctions (H. G. Askari et al. 2003:p45).

As it is briefly mentioned in the section of 'types of economic sanctions', the economic sanctions imposed by the League of Nations or the United Nations are generally referred as multilateral sanctions. According to Anthony, multilateral sanctions can be defined as international sanctions because 'any restriction or condition established for reasons of foreign policy or national security applied to a foreign country or entity by a group of states using substantially equivalent measure' (I. Anthony 2002:p204).

In the twentieth century, using economic sanctions or threatening to use economic sanctions by the League of Nations or the United Nations are in fact frequently related to the potential outbreak of wars and war-oriented conflicts between nations or within a nation. The duration of economic sanctions threatened or imposed by the United Nations generally takes longer than that of economic sanctions threatened or imposed by the League of Nations. The following tables based on the work of Askari et al. (2003) are reproduced in order to provide a

³³ The Massachusetts Burma law was adopted in 1996, three months before Congress authorized federal sanctions against Burma. Unlike the federal sanctions that ban private investment, the Massachusetts law only limits purchasing by the state government. It provides a 10% preference for bids from companies that avoid doing business in Burma unless the preference would impair essential purchases or result in inadequate competition. (Harrison Institute for Public Law, Georgetown University Law Centre 2000:p2).

³⁴ A list of 66 Non-profit Organizations is provided in Annex III – A. As I have briefly mentioned in chapter 2 regarding the discussion of conventional thought of democracy, these organizations together with Burmese exile activists have greatly influenced the U.S politicians for the economic sanctions impositions against Burma. For instance, 'Secretary of State Madeleine Albright, together with human rights officials at the State Department, advocated the decision to impose the ban. At this time Albright had already established close political and personal ties with the leaders of Burma's opposition movement – the NLD' (L. T. Hadar 2001:p416).

brief information on the economic sanctions by the League of Nations or the United Nations in the twentieth century.

Table 3.3.1 A Economic Sanctions and the League of Nations (1921 – 1939)

(The work of H.G. Askari et al. is reproduced, 2003:p34-35 & 38-40)

Sender	Target	Active Year	Documented By	Issue	Remarks
League	Yugoslavia	1921	Simons Hufbauer et al.	Invasion of Albania by Yugoslavia	The threat of sanctions was sufficient to compel Yugoslavia to remove its troops from Albania.
League	Greece	1925	Hufbauer et al.	Border dispute between Greece and Bulgaria	The prospect of economic sanctions by the League convinced Greece to withdraw its troops from Bulgaria.
League	Japan	1931-1932	Simons	Invasion of Manchuria by Japan (Japan used armed forces against Manchuria in September 1931, and created a sovereign state, independent of China, with the name of Manchukuo in March 1932.)	The League got together in punishing Japan's invasion, but nothing was done to evoke the aggression. The League did not recognize Manchukuo.
League	Paraguay Bolivia	1932-1935	Hufbauer et al.	Border dispute between Paraguay and Bolivia	Sanctions imposed by the League were effective in having the parties reach a peaceful settlement.
League	Turkey Bulgaria	1933	Simons	Drug trafficking and production	The mere threat of international economic pressure worked in the same way for Turkey and Bulgaria.
League	Italy	1935-1936	Simons Hufbauer et al.	Invasion of Abssinia by Italy. (No restriction was placed on Italy's access to food, coal, steel, and oil; no attempt was made to blockade the Italian mainland.)	Careful sanction was adopted since the French and the British were concerned that sanctions might provoke a European conflict with Germany. The League action against Italy was very ineffective.
League	Spain	1936-1939	Simons	Civil war between Franco forces and Republican government.	The Republican government made a request to the League to consider the aggressions against Spain by General Francisco Franco's forces aided by Nazi Germany. But the British argued that intervention in a civil war was inappropriate. Finally the Republican government was overthrown by the Franco's forces. The League ignored the legitimate needs

					of Spain. A majority of the League members were involved in a policy that violated the essential elements of the League Covenant.
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Source: Hufbauer, Gary Clyde, Jeffrey J. Schott, and Kimberly Ann Elliott 1990, *Economic Sanctions Reconsidered: History and Current Policy*. 2nd ed. Washington, E.C. Institute for International Economics; Simons, Geoff 1999, *Imposing Economic Sanctions: Legal Remedy or Genocidal Tool?* London: Pluto Press; Hossein G. Askari, John Forrer, Hildy Teegen, and Jiawen Yang 2003:p34-35, 38-40, *Economic Sanctions: Examining Their Philosophy and Efficacy*. Praeger Publishers, USA.

Regarding economic sanctions imposed or threatened to be imposed by the League of Nations, Simons argues that four cases involving small nations – the invasion of Albania by Yugoslavia; the border dispute between Greece and Bulgaria; the border dispute between Paraguay and Bolivia; and the engagement of Turkey and Bulgaria in illegal drug trafficking and production – are considered as successful cases. However, the other three cases that are related to considerably powerful nations of European power and Japan are documented as ineffective economic sanctions (H. G. Askari 2003:p41).

Table 3.3.1 B Economic Sanctions and the United Nations (1945 – 2003)

(The work of H.G. Askari et al. is reproduced, 2003:p36-37)

Sender	Target	Active Years	Documented By	Issue
UN	North Korea	1945-1953	Simons	Conflict between the U.S. and the Soviet Union over the presence of American troops in South Korea
UN	Soviet Union	1948-1949	Simons	Conflict between the Soviet Union and the West-U.S., Britain, France, - over the control of Germany
UN	Portugal	1960-1974	Simons	Portuguese colonialism in Southern Africa
UN	South Africa	1962-1994	Simons Hufbauer et al.	Apartheid regime in Namibia
UN	Rhodesia	1965-1979	Simons Hufbauer et al.	Rhodesia's policies of racial discrimination
UN	Iraq	1990-2003	Cortright & Lopez U.N. document	Invasion of Kuwait by Iraq
UN	Yugoslavia	1991-1998	Cortright & Lopez U.N. document	War between Serbia and Croatia and fighting in Bosnia-Herzegovina
UN	Somalia	1992-on-going	Cortright & Lopez U.N. document	Civil war in Somalia between clan leaders and militia group
UN	Libya	1992-1999	Cortright & Lopez	Libya's involvement in the bombing of civilian

UN	Cambodia	1992-1993	U.N. document Cortright & Lopez	airplane Resistance to the peace process by Khmer Rouge and its political arm, the Party of Democratic Kampuchea
UN	Liberia	1992-2001	Cortright & Lopez U.N. document	Attack of National patriotic Party on regime of Samuel K. Doe
UN	Haiti	1993-1994	Cortright & Lopez U.N. document	Restore democratically elected government
UN	Angola	1993-on-going	Cortright & Lopez U.N. document	UNITA (the National Union for the Total Independence of Angola) was pursuing war efforts and becoming a large military force
UN	Rwanda	1994-1996	Cortright & Lopez U.N. document	Struggle between Rwandan Patriotic Front and the government of Juvenal Habyarimana
UN	Sudan	1996-2001	Cortright & Lopez U.N. document	Sudanese support for international terrorism
UN	Sierra Leone	1997-on-going	Cortright & Lopez U.N. document	Civil War
UN	Afghanistan	1999-on-going	Cortright & Lopez U.N. document	Taliban's support for international terrorism
UN	Ethiopia & Eritrea	2000-2001	U.N. document	Intensified military conflict between Ethiopia and Eritrea

Source: Cortright, David, and George A. Lopez, eds. 2000. *The Sanctions Decade: Assessing UN Strategies in the 1990s*. Boulder, Colorado: Lynne Rienner Publishing; Hufabuer, Gary Clyde, Jeffery J. Schott, and Kimberly Ann Elliott. 1990. *Economic Sanctions Reconsidered: History and Current Policy*. 2nd ed. Washington, D.C.: Institute for International Economics; Simons, Geoff. 1999. *Imposing Economic Sanctions: Legal Remedy or Genocidal Tool?* London: Pluto Press; United Nations. Office of the Spokesman for the Secretary-General. 2002. *Use of Sanctions under Chapter VII of the UN Charter*. Hossein G. Askari, John Forrer, Hildy Teegen, and Jiawen Yang 2003:p36-37, *Economic Sanctions: Examining Their Philosophy and Efficacy*, Praeger Publishers, USA.

As it is briefly discussed above, U.N. sanctions are mainly related to international peace and security for which the United Nations Security Council (UNSC) can take enforcement measures to maintain or restore international peace and security – articles 39, 40, 41 and 42 of the U.N. Charter are presented for easy reference.

Charter of United Nations (Chapter VII) – Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression (26 June 1945)

Article 39 : The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 40 : In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or

deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

Article 41 : The Security Council may decide what measure not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Article 42 : Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

For many sanctions scholars such as Cortright and Lopez (2000), the first three cases presented in Table 3.3.1B: North Korea, Soviet Union and Portugal are not considered as U.N. economic sanctions because the UN resolutions are one way or another rejected by the UNSC permanent members or their allied nations and they were referred as incomplete UN sanctions. These three cases can be seen as follows:

- the eight Soviet bloc countries rejected the UN sanctions against North Korea despite the United States which continued to prohibit all economic contact with North Korea in the interest of American Cold War policy;
- the land and sea blockades, which was originated with the conflict of introducing new currency in Germany, between the United States, Britain, France and the USSR lasted for a year, the UN was unable to impose sanctions on the USSR due to potential Soviet Union veto and therefore the UN effort was only calling four nations to come together to resolve the issue;

- the Organization for African Unity (OAU) called the UN to adopt the economic and arms boycott of Portugal until the African colonies (Mozambique and Angola) were freed, nevertheless it was argued that the U.N. efforts were ineffective because the United States, Britain, France, and West Germany somehow supported Portugal in its struggle to exert colonial control (G. Simons 1999 and H. G. Askari et al. 2003:p44-47).

Excluding the above three cases, most sanctions studies record that there are fifteen economic sanctions episodes employed by the U.N. between 1945 and 1990 and of which thirteen cases are employed in the 1990s.

The end of the Cold War brought with it a new willingness among the once contentious superpowers to use the Chapter VII instruments vested in the United Nations (UN) Security Council as the peace and security mechanism originally envisioned in the UN Charter (The study of J. Stremlau 1996 is cited by D. Cortright et al. 2000:p1).

In terms of the effectiveness of U.N. economic sanctions, studies show complex findings. According to Askari et al. (2003), 'the cases of international economic sanctions do not show a strong track record of success' (p60). Cortright and Lopez (2000), who study eleven cases of U.N. economic sanctions in the 1990s in the context of political impact and humanitarian impact on target countries, however argue that some cases are successful and some cases are unsuccessful. The effectiveness of the U.N. economic sanctions in 1990s and their success rate claimed by Cortright and Lopez is 27 percent (three cases out of eleven cases). For the Institute for International Economics (IIE), the overall success rate of the effectiveness of the U.N. economic sanctions in the 1990s is 34 percent (G. C. Hufbauer et al. 1999 and D. Cortright et al. 2000). For Alan Dowty, 'the success of sanctions depends on what goals they are measured against' (1994:p192).

Despite the findings of the U.N. economic sanctions are the mixture of success and failure, some scholars also discuss that the international economic sanctions or the multilateral economic sanctions are more likely to be viewed as effective

(R. N. Haass ed. 1998, E. H. Preeg 1999a, and H. G. Askari et al. 2003). It is generally assumed that the involvement of many countries in economic sanctions instead of one country – even it may be a powerful country – might result in significant economic impact on a target nation. In general, economic sanctions are considered as an alternative to military enforcement. As Askari et al. (2003) argue, for many people, engaging economic sanctions to enforce the policy of a target country is seen as the ‘right kind’ or ‘moral responsibility’ while engaging military intervention is seen as the ‘wrong kind’ (p15). However, like many other sanction scholars, Ian Anthony has concluded in his work of *Sanctions Applied by the EU and the UN* that ‘sanctions have not been effective in bringing about a change in the behavior of their targets when applied as a ‘stand-alone’ measure (2002:p227).

Richard Falk, who often eschews military intervention and advocates more nonviolent means of peacemaking, concedes that ‘the difficulty with economic sanctions is that they cannot be effective, or that it is hard to make them effective’. Nearly all academic studies share this gloomy assessment of sanctions efficacy. As a recent paper by UN analysts observed, the only real disagreement among sanctions scholars ‘relates to the degree to which sanctions fail’ (D. Cortright and G. A. Lopez 2000:p13).

3.3.2 Economic Sanctions and the United State

Interest groups have pursued economic sanctions to the detriment of US global economic and strategic interest (L. T. Hadar 2001:p412).

The end of the World War II has somehow provided a philosophy of non-military engagement when the diplomacy fails in international relationship. Economic sanctions, as already described above, have become an alternative and persuasive tools in international policy. As many studies obviously show, the United States has been the chief country of sending economic sanctions since the end of the World War II. According to the study of the use and effectiveness of economic sanctions as a foreign-policy tool conducted by the IIE, there were 115 economic sanctions involving U.S. as part of sanctions coalition and 68 unilateral U.S. sanctions between 1945 and 1998 (G. C. Hufbauer et al. 1999). The following

table extracted from the work of Hufbauer et al. (1999) is represented to provide the success rate of U.S. unilateral economic sanctions.

Table 3.3.2 U.S. Unilateral Economic Sanctions and Their Success Rate (1945 – 1998)

Time Period	Total number of Cases	Number of Successes	Successes as a percentage of the total*
<i>Cases Involving United States as Part of Sanctions Coalition:</i>			
1945 – 1969	30	16	53
1970 – 1989	49	10	21
1990 – 1998**	36	n.a.	n.a.
<i>Unilateral U.S. Sanctions:</i>			
1945 – 1969	16	11	69
1970 – 1989	40	5	13
1990 – 1998*	12	n.a.	n.a.

Source: Hufbauer et al. (1999)

* These numbers will differ slightly in some periods from what a calculation using the numbers in the other columns would suggest. This is because assessments are not yet complete for several new cases, which are included in the total but no in the number of successes.

** Cases added since the second edition was published in 1990, which covered episodes initiated through 1990.

However, the National Association of Manufacturers (NAM) reported in 1997 that ‘in just a four-year period (from 1993-96), 61 U.S. laws and executive actions were enacted authorizing unilateral economic sanctions for foreign-policy purposes. Thirty-five countries were targeted’ (website)³⁵. In his work of *Burma: US Foreign Policy as a Morality Play*, Hadar also described that ‘according to USA Engage and the National Association of Manufacturers, almost half of the 125 unilateral economic sanctions imposed by the United States since the First World War were implemented between 1993 and 1998’ (R. Wright 2001 and L. T. Hadar 2001:p412). The number of economic sanctions may vary from one

³⁵ <http://www.usaengage.org/archives/studies/nam.html>

study to another due to the definition of economic sanctions adopted by a particular study, i.e., some studies may not consider withdrawal of financial assistance from a target country as economic sanctions, some studies may consider restriction on diplomatic relationship as part of economic sanctions process. Nevertheless, most U.S. unilateral economic sanctions studies produce similar results on the effectiveness of sanction impositions. For instance, the President, Jerry Jasinowski, of National Association of Manufacturers (NAM) of the United States summarized the study of the U.S. unilateral economic sanctions between 1993 and 1996 and reported in March 1997 as follows (website³⁶).

- In just a four-year period (from 1993-96), 61 U.S. laws and executive actions were enacted authorizing unilateral economic sanctions for foreign-policy purposes. Thirty-five countries were targeted.
- The sanctioned countries represent 2.3 billion potential consumers of U.S. (42 percent of the world's population), and \$790 billion worth of export markets (19 percent of the world's total).
- In only a handful of the 35 cases could an arguable claim be made that the sanctions changed the behavior of the targeted government.
- All proposed sanctions should satisfy specific criteria relating to effectiveness, availability from foreign suppliers and enforceability. Provision should also be made for such measures to lapse absent re-authorization by Congress, or be waived if the President determines that it is in the national interest.
- An annual report should be produced by the U.S. government on all unilateral economic sanctions. The report should analyze both the impact of the sanctions on the targeted government and the impact on U.S. companies.

While NAM has reported the ineffectiveness of U.S. unilateral economic sanctions and their inability to topple the targeted government, Askari and together with his co-authors have also concluded in their work of *Economic Sanctions: Examining Their Philosophy and Efficacy* that 'no matter how well intentioned and no matter how just the cause, U.S. unilateral economic sanctions are an ineffective policy approach for bringing about policy changes in other countries and have poor prospects for success. Economic sanctions are blunt

³⁶ <http://www.usaengage.org/archives/studies/nam.html>

instruments and are ill suited to cause the precise and certain economic hardship in another country as intended (H. G. Askari et al. 2003:p67).

The U.S. economic sanctions irrespective of varying degree in its definition indeed represent the U.S. foreign policy towards the target nation. Some argue that the United States has the economic and political power to impose economic sanctions. In their work of *Carrots, Sticks and Cooperation: Economic Tools of Statecraft*, Cortright and Lopez explained that prior to 1990, most economic sanctions were predominantly and unilaterally employed by the United States because the East-West cooperation was rare (1998). Some also argue that the number of U.S. unilateral economic sanctions decrease since the end of the Cold War, however the increase in U.N. multilateral economic sanctions during 1990s are predominantly led by the United States.

As it is briefly mentioned in the previous sections, the objectives of U.S. unilateral economic sanctions are also various and they range from promotion of human rights and democratization, anti-terrorism, nuclear non-proliferation, political stability, anti-narcotics, worker rights/use of prison labor, to environmental protection in the post-Cold War era. In fact, with the objective of promotion of human rights and democratization, the U.S. has unilaterally imposed economic sanctions on thirteen countries between 1993 and 1996.

The promotion of human rights and democratization was the most frequently cited objective.....thirteen countries were specifically targeted: Angola, Bosnia-Herzegovina, Burma, Burundi, China, Croatia, Cuba, Gambia, Guatemala, Haiti, Nicaragua, Nigeria and Yugoslavia. Sanctions were also imposed against companies in Canada, Italy, and Mexico due to prohibited activities in Cuba under Helms-Burton Act³⁷ (website³⁸).

³⁷ In March 1996, the Cuban Liberty and Democratic Solidarity Act, more commonly known as the Helms-Burton Act (named after its chief sponsors), was signed into law. Its purpose is to facilitate the movement toward democratic rule in Cuba. It contains a mandatory denial of visas to individuals who "traffic" in confiscated property and permits a private right of action allowing U.S. citizens to sue in federal court any persons who traffic in expropriated property. The measures are targeted against mainly European and Canadian investors in Cuba. Sanctions have now been in effect against Cuba under nine Presidents, to little or no avail. Because of its extra-territorial reach, however, Helms-Burton Act has caused a whole new set of commercial problems with such allies as Great Britain, Canada and Germany. To repeal the extra-territorial provisions would require a new act of Congress. In addition to subjecting U.S. companies to retaliation, the

From the standpoint of international community, the U.S. unilateral economic sanctions in the post-Cold War era has caused heated debates among policy makers, sanctions scholars, and politicians (website³⁹). In addition to this, there was a substantial backlash between the U.S. and its allies such as Western Europe, Canada and Japan because the U.S. sanctions laws threaten or invoke secondary boycotts against those allied countries which dealt with target country or entity. For instance, 'the Western Europe and Canada have threatened to file a complaint in the World Trade Organization (WTO) against Helms-Burton Act as well as against Iran-Libya Sanctions Act (ILSA)⁴⁰, both European Union and Japan have requested formal WTO consultations over the Massachusetts Burma Law penalizing companies doing business in Burma' (G. Hufbauer et al. 1999:p405-406).

As it is briefly mentioned above, the U.S. unilateral economic sanctions and the U.S. led multilateral economic sanctions have drawn attention of many research fellows and scholars particularly in the 1990s. In his work of *Half the World Hit by the U.S. Unilateral Sanctions*, Singh mentioned that a group of sanctions scholars and research fellows⁴¹ had a meeting which was convened by the

measure is likely to be a perpetual irritant in U.S. relations with our major allies, (<http://www.usaengage.org/archives/studies/nam.html>).

³⁸ <http://www.usaengage.org/archives/studies/nam.html>

³⁹ <http://www.usrbc.org/events/DoorKnock/2001/Sanctions.htm>

⁴⁰ The United States has enacted two pieces of legislation to prevent investment in Iran, as a result of Iran's use of international terrorism, its violent opposition to the Middle East peace process, and its pursuit of weapons of mass destruction. In 1995, President Clinton issued two Executive Orders that prohibited any investment in Iran by American companies. On July 23, 1996, the United States Congress unanimously passed the Iran-Libya Sanctions Act of 1996 (ILSA), which extended sanctions to cover foreign companies that made investments in Iran in excess of \$20 million.

(<http://www.wws.princeton.edu/~wws401c/1998/ilsa.html>)

⁴¹ The members of the expert group participating in their personal capacities were: Claude Bruderlein (Switzerland); David Cortright (United States); Margaret P. Doxey (Canada/United Kingdom of Great Britain and Northern Ireland); Kimberly Ann Elliott (United States); Helga Hoffmann (Brazil); Randhir B. Jain (India); Hasan-Askari Rizvi (Pakistan); Nicolaas J. Schrijver (Netherlands); and Geedreck Uswatte-Aratchi (Sri Lanka). The group had before it five working papers presented to the meeting: "Coercive economic measures: the risks and costs of unilateralism" by Margaret P. Doxey; "The use of coercive economic measures: an international law perspective" by Nicolaas J. Schrijver; "Making sanctions smarter? The effects of financial sanctions" by Kimberly Ann Elliott; "Targeting financial sanctions: a review of the Interlaken process" by Claude Bruderlein; and "Bombs, carrots, and sticks: the role of economic sanctions and incentives in preventing the proliferation of weapons of mass destruction" by David Cortright, (Someshwar Singh 1998: <http://www.twinside.org.sg/title/half-cn.htm>)

Department of Economic and Social Affairs of the United Nations Secretariat (S. Singh 1998⁴²).

With this meeting, the group noted and agreed on four particular issues:

- a) the low level of effectiveness of unilateral coercive economic measures which are often counter-productive in bringing about the desired policy changes, may entail unwelcome political risks and excessive economic costs, give rise to serious humanitarian and ethical concerns, run counter to development goals and limit the scope for diplomacy, positive economic measures and international cooperation in general;
- b) the use of unilateral economic measures as a means of political and economic coercion, especially the practice of secondary boycotts against third-party States, should be strongly discouraged;
- c) the unilateral imposition of coercive economic measures is inconsistent with core principles and norms of international economic law, such as (a) freedom of international trade, investment and navigation; (b) non-discrimination, including the so-called most-favored nation (MFN) clause and the concept of national or equal treatment; and (c) sovereignty over natural resources and the right to regulate foreign investment and economic activities;
- d) the unilateral measures of coercion are increasingly at odds with the evolving principles and rules of international economic and social cooperation that are embodied in the Charter of the United Nations and the constituent treaties of multilateral trade and financial institutions, such as the World Trade Organization, and that seek to provide mechanisms and procedures for collective policy review and dispute settlement (S. Singh 1998).

In fact, not only sanctions scholars have increasingly paid attention to the effectiveness of U.S. unilateral economic sanctions, the U.N. has also produced a report in 1997. In this particular report, the U.N. has reminded that 'more than half of the world's population in 75 countries is subject to unilateral coercive economic measures or 'sanctions' by one country alone - the United States of America' (S. Singh 1998).

⁴² <http://www.twinside.org.sg/title/half-cn.htm>

From the standpoint of trade and development, the use of unilateral economic sanctions as a means of political and economic coercion against developing countries not only causes the severe consequences on the economy and development effort of the developing countries but it also has a general negative impact on international economic cooperation and on worldwide efforts to move towards a non-discriminatory global trading system. In the same year, 'the United Nations General Assembly urged the international community to adopt urgent and effective measures to eliminate the use of unilateral coercive economic measures against developing countries that were not authorized by relevant organs of the United Nations or were inconsistent with the principles of international law as set forth in the Charter of the United Nations, and that contravened the basic principles of the multilateral trading system'⁴³ (S. Singh 1998).

From the standpoint of human rights, the unilateral economic sanctions somehow tend to subordinate the exercise of target nations' sovereign rights. In 1999, the Commission on Human Rights (UN) urged 'all States to refrain from adopting or implementing unilateral measures not in accordance with international law and the Charter of the United Nations, in particular those of a coercive nature with extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of individuals and peoples to development' (Commission on Human Rights Resolution 1999/21, website⁴⁴). A copy of full resolution is printed in annex III – B.

As it is already mentioned above, the U.S. unilateral economic sanctions are a means to compel an adversary to modify its policies. For many U.S. politicians and policy makers, they are expressive foreign policy instruments not only because they are low-cost remedy but they are also a showcase of expressing US's genuine moral obligation for those who struggle for democracy and human rights in developing countries. Nevertheless, as Haass has written in the work of

⁴³ <http://www.un.org/ga/documents/gares52/res52181.htm>

⁴⁴ <http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/7cd657c1649129328025676300527797?Opendocument>

Sanctions Almost Never Work, 'sanctions are a form of intervention that can cause great damage to innocent people, as well as to businesses, workers and foreign-policy interests.....Foreign policy is not therapy. Its purpose is not to feel good but to do good. America's leaders should keep this in mind whenever they consider the imposition of sanctions' (R. N. Haass, June 19, 1998).

3.3.3 Economic Sanctions and Regional Organizations

Alongside with multilateral and unilateral economic sanctions, there are economic sanctions collectively employed by regional organizations, such as the Organization for African Unity (OAU), the Organization of Arab Petroleum Exporting Countries (OAPEC), the Arab League (AL), the European Union (EU), the Organization of American States (OAS), etc., as their foreign policy tools.

These regional organizations often play a role either in cooperation with or in opposition to other sanctioning (sender) entity or entities. For instance, the OAU played a significant role in the case of Portugal's colonialism in Africa. In this particular case, discussed by Askari et al. (2003), the United Nations General Assembly passed a resolution in December 1965 calling for an economic and arms embargo against Portugal until the Portugal's African colonies were freed. Nevertheless, the Western powerful countries or permanent members of Security Council only took action on arms embargo that could be used to suppress the native people because the strategic and trade links with Portugal's African colonies were prior concern for Western countries. In response to Security Council's action, the OAU passed a resolution condemning the United States, Britain, France, and Western Germany for their support for Portugal. In addition to this, the OAU also called all member states and friendly nations in 1973 to impose a total economic sanctions including an oil embargo against Israel, Portugal, South Africa and the minority regime in Rhodesia (Zimbabwe) for their support in Portugal's colonialism in Africa, and threatened to impose economic and diplomatic sanctions against the United States and the European countries if they continued to support those regimes in Africa (H. G. Askari 2003:p46).

Some regional organizations also use economic sanctions as a common foreign policy instrument. For instance, the oil embargo imposed by OPEAC in 1974 against the U.S had a great impact on the US as well as on other oil-importing countries; the Arab League's economic sanctions against Israel started in the late 1940s was designed to bring about economic collapse of Israel, and some of the sanctions mechanisms that used by the Arab League even included prohibition of Elizabeth Taylor's films in the member states because the actress supported Zionism (H. G. Askari 2003:p57-58).

Among those regional organizations, most collective economic sanctions are primarily employed by the EU as an instrument of it's common foreign policy, and they are not meant to be employed against EU Member States. According to Anthony, EU employs sanctions with an objective to implement UN sanctions more effectively (I. Anthony 2002:p210).

Unilateral coercive economic measures that violate international law must not be taken against any member of the international community notwithstanding the level of development, in the EU's view. In addition, EU makes a distinction between measures imposed unilaterally by individual States and those that are undertaken with full authority of the Security Council and in conformity with the Charter of the United Nations (S. Singh 1998).

Despite EU's view on the unilateral coercive economic measures appears to be disapproving, according to Hufbauer's study of *Ineffectiveness of Economic Sanctions*, the use of economic sanctions by the EU as collective actions has dramatically increased since 1990s. His study also explains that during the Cold War, the Soviet Union and its allies were targets of Western sanctions, however in the 1990s the Western sanctions against the former Soviet Union sharply diminished (G. Hufbauer 1999:p404). According to Anthony, 'international law – including decisions of the United Nations – provides legitimacy to EU sanctions, however there is not a direct link to a decision by the UN under Article 41 or Chapter 7 of the UN Charter in every case' (I. Anthony 2002:p210).

The Security Council has adopted a complete trade embargo against Iraq that has been implemented by the European

Community with Community measures. The same course of action was taken against Libya and Yugoslavia. In all these cases the exclusive competence of the European Community for the common commercial policy was complemented by resolutions of the Security Council imposing a trade embargo (S. Bohr1993:p257, website⁴⁵).

Anthony also further explains that those EU's sanctions outside the framework of UN decisions are usually related to promotion of human rights and democratization in developing countries, and Burma is one of the developing countries that has been imposed by EU's sanctions outside the framework of UN decisions. Therefore, EU sanctions especially in the post-Cold War era are used either in the form of autonomous EU sanctions or in the form of implementing particular resolutions of the United Nations Security Council (UNSC), and they are usually known as EU Common Position. An EU Common Position may include either one or more than one type of measurements, such as diplomatic sanctions (expulsion of diplomats, severing of diplomatic ties, suspension of official visits), suspension of cooperation with a target country, boycotts of sports or cultural events, trade sanctions (general or specific trade sanctions, arm embargoes), financial sanctions (freezing of funds or economic resources, prohibition on financial transactions, restrictions on export credits or investment), flight bans, restrictions on admission (visa or travel ban).

In fact, economic sanctions employed by EU in the post-Cold War era are within the framework of the European Union Common Foreign and Security Policy (EUCFSP) which is also article eleven of the Treaty of European Union (Maastricht Treaty) established in 1992 (website⁴⁶). As it is already mentioned above, the economic sanctions as coercive measures (non-military measure) or restrictive measures are targeted at non-EU Member States wherein violations of international law, violations of human rights, and policies that do not respect the rule of law and democratic principles are found by EU as unacceptable behaviors.

⁴⁵<http://www.ejil.org/journal/Vol4/No2/art7.pdf> by Sebastian Bohr

⁴⁶ http://europa.eu.int/comm/external_relations/cfsp/sanctions/#1.%20What%20are%20sanctions%20or%20restrictive%20measures

The following – article eleven of the Treaty of EU – has become desired objectives which are outlined in the pursuit of enforcing the standards of international law, human rights, respecting democratic principles in non-EU Member States.

- To safeguard the common values, fundamental interests, independence and integrity of the Union in conformity with the principles of the United Nations Charter
- To strengthen the security of the Union in all ways
- To preserve peace and strengthen international security, in accordance with the principles of the United Nations Charter and the Helsinki Final Act, and the objectives of the Paris Charter, including those on external borders
- To promote international cooperation
- To develop and consolidate democracy and the rule of law and respect for human rights and fundamental freedoms (website⁴⁷).

The enforcement process of international laws, international human rights and respecting democratic principles sometimes becomes very violent which has negative impacts on innocent people of a target country. For instance, almost a decade long UN comprehensive sanctions that were greatly influenced by EU for its implementation could not complete its mission in Iraq (D. Cortright et al. 2000 and H. G. Askari et al. 2003). According to Denis Halliday, ‘sanctions originate in the context of warfare. They are a form of siege, not in the military sense but in the sense that we isolate people and we punish them. We impose upon them restrictions to their lives and, in the case of Iraq, we’ve seen that that siege and those sanctions turned out to be extremely violent (Former United Nations Assistant Secretary General and Former Head of Oil for Food Program in Iraq, BBC Radio 4, 22 July 2004: website⁴⁸).

⁴⁷http://europa.eu.int/comm/external_relations/cfsp/sanctions/#1.%20What%20are%20sanctions%20or%20restrictive%20measures

⁴⁸ <http://news.bbc.co.uk/1/hi/programmes/analysis/3878311.stm>

In terms of the effectiveness of economic sanctions employed by EU, it is usually assessed based on promoting particular desired goal, i.e., whether impositions of economic sanctions manage to achieve promoting the desired goal. However, as far as this study is concerned, there is no particular study that shows the successful cases of economic sanctions employed by EU.

3.4 A Case Study of Iraq: Economic Sanctions Vs. Human Rights Violations

The industrial countries' unquenchable thirst for Middle East oil has always been antagonistic to democracy and human rights throughout the Arab world (W. Perera 1997:p62).

In the case of Iraq, economic sanctions imposed by the United Nations Security Council (UNSC) are technically called as comprehensive economic sanctions and they are said to have the largest in the history of the United Nations. In this section, I briefly discuss economic sanctions against Iraq as a case study from the perspective of human rights. The economic sanctions in Iraq lasted for nearly thirteen years; from August 6, 1990 to May 22, 2003. However, this discussion only focuses the early era of UN sanctions regime and its humanitarian consequences.

Iraq had informed the US about its intention to invade Kuwait if talks on long-standing disputes did not succeed. The US ambassador to Iraq, April Glaspie, told Saddam Hussein: "We have no opinion on the Arab-Arab conflicts, like your border disagreement in Kuwait." This gave the clear impression that the US would not interfere if Iraq did invade Kuwait (The study of R. Clark et al. 1992:p66 is cited by W. Pereira 1997:p58).

On 2nd August 1990, Iraq invaded and occupied Kuwait. Eleven hours later, UNSC adopted resolution 660 which condemned Iraq's invasion in Kuwait and called for immediate and unconditional withdrawal of Iraqi forces from Kuwait. Iraq and Kuwait were also called upon to negotiate their differences. On the same day, US President George Bush (senior) signed an executive order which froze Iraq's financial assets (A. Alnasrawi 2002:p65).

In response to Iraq's invasion and occupation in Kuwait, the very first UNSC sanctions-related resolution 661 under Chapter VII of the UN Charter was placed in force on the 6th August 1990, four days after Iraq's invasion in Kuwait. This particular resolution included a ban on all trade with Iraq, imposed oil embargo and arms embargo, suspended international flights, froze Iraqi government financial assets, and prohibited financial transactions. Sanctions Committee was also created in order to monitor the implementation of the sanctions.

The comprehensive sanctions included a total ban on all imports by Iraq except 'for supplies intended strictly for medical purposes, and, in humanitarian circumstances, foodstuffs' (UNSC Resolution 661, S/RES/661 (1990), 6 August 1990, par. 3, c). According to Alnasrawi, 'the definition of what constitutes 'humanitarian circumstances' was to be determined by the UNSC or its Sanctions Committee' (2002:p73). Nevertheless, UNSC did not formally acknowledge the humanitarian emergency in Iraq until April 1991 and therefore, food imports were also banned for several months (D. Cortright et al. 2000:p39). It is important to note here that more than 95 percent of Iraq's foreign currency earnings come from the exports of single product oil and Iraqi people depend on foreign exchange earnings to import foodstuffs and other goods (A. Alnasrawi 2002).

The Food and Agriculture Organization (FAO) study team to Iraq asserted that the sanctions were responsible for the deaths of 567,000 Iraqi children (The study of S. Zaidi et al. 1995 is cited by D. Cortright et al. 2000:p47).

Between August and September 1990, UNSC also called upon all member states to enforce naval and air blockades against Iraq. UNSC resolution 661 was adopted in order to achieve the two objectives: to secure the withdrawal of Iraqi forces from Kuwait; and to restore the authority of the Kuwait government (A. Alnasrawi 2002:p65). Studies showed that the comprehensive economic sanctions severely damaged Iraq's economy, for instance – 97 percent of its exports and 90 percent of its imports were effectively shut off (A. Alnasrawi 2002:p70). In terms of food shortages, Iraqi government introduced food rationing system on the 1st September 1990. With this system, ordinary Iraqi

people lost two-thirds of their caloric intakes overnight as the rationing system allowed 1270 calories per day per person. According to Simons, less than 2000 calories per person per day meant that Iraq was transformed from a relatively prosperous country to one of the poorest countries in the world (G. Simons 1998:p47).

Some argued that sanctions against Iraq were economically effective because Iraqi Government faced severe economic hardships, and therefore it should have given more time to produce political compliance, i.e., the recognition of Kuwaiti sovereignty. However, for others, the likely success of economic sanctions was doubtful because of the rigid Iraq's autocratic governance.

On 29th November 1990, the UNSC adopted resolution 678 which authorized member states 'to use all necessary means' to liberate Kuwait from Iraq's invasion unless Iraq withdrew its occupation by January 15, 1991 (W. Pereira 1997, D. Cortright et al. 2000, A. Alnasrawi 2002). Some argued that the UNSC resolution 678 was not supported by any article of the UN charter, and a majority of UNSC members were persuaded by the US and its allies through bribery, blackmail and threats (W. Pereira 1997:p59).

The Soviet Union was bought with \$4 billion from the Gulf States and by US promises to review its policies on food aid and agricultural credit. The US restored diplomatic relations with China and arranged for its first World Bank loan since the Tiananmen Square massacre. Turkey was bribed with \$8 billion military aid, a promise of admission to the European Community, a greater market for its products in the US, and a licence to persecute Turkish Kurds. Egyptian debts of more than \$14 billion were written off by the World Bank. Syria's President Hafez Assad, till then labeled by the US as one of the 'sponsors of terrorism', was given Washington's go-ahead to wipe out all opposition to his occupation of Lebanon, helped by \$1 billion worth of arms. Iran had been denied WB loans since the 1979 Islamic revolution; a WB loan of \$250 million was approved the day before the US launched its ground attack against Iraq. Britain had broken off ties with Iran because of the death sentence imposed by it on Salman Rushdie, a British citizen. Britain restored relations with no change in Iran's position, apparently on the moral principle that the enemy of my enemy is my friend. Afraid that the question of its

violations would be raised in the UN, the US bribed Zaire, the president of the council, by writing off its military debts. Zaire obligingly refused requests from Cuba, Yemen and India to convene the Security Council, even though it had no power to do so under the UN charter. Those countries which opposed the US position were duly punished: US aid to Yemen was stopped, it began to have problems with the WB and 80,000 Yemenis were expelled from Saudi Arabia. Zambia suddenly had difficulty obtaining IMF loans, and Sudan, though in the grip of a famine, was denied a shipment of food aid (The study of J. Pilger 1992 is cited by W. Pereira 1997:p59)

When Iraq did not withdraw its forces by the deadline set by UNSC, the coalition forces led by the US launched the six-week operation Desert Storm with intensive bombings over Iraq on the 16th January 1991. According to A. Alnasrawi, the initial plan of bombing was to focus on 84 targets and the number of targets was increased to 174 targets by September 13, 1990 (A. Alnasrawi 2002:p67). When the actual operation took place on January 16, 1991 the initial plan had grown into 1109 targets in the course of the war (US House Armed Services Committee 1992:p86) which included Iraqi's military targets, civilian infrastructure, power stations, transport and telecommunications networks, fertilizer plants, oil refineries, petrochemical plants, roads, railroads, iron and steel plants, bridges, schools, hospitals, government buildings, storage facilities, industrial plants, and civilian buildings (A. Alnasrawi 2002:p66-67). The Arab Monetary Fund also studied the cost of all the assets destroyed during the war, and it was estimated to be US\$232 billion (Arab Monetary Fund 1992:p18, cited by Alnasrawi 2002:p70)). A post-war study conducted by UN mission to Iraq has reported as follows.

It should, however, be said at once that nothing that we had seen or read had quite prepared us for the particular form of devastation which has now befallen the country. The recent conflict had wrought near-apocalyptic results upon what had been, until January 1991, a rather highly urbanized and mechanized society. Now, most means of modern life support have been destroyed or rendered tenuous. Iraq has, for some time to come, been relegated to a pre-industrial age, but with all the disabilities of post-industrial dependency on an intensive use of energy and technology (United Nations 1996: p186-188).

In the work of *Inhuman Rights*, Pereira argued that these bombings were an act of crime against humanity because civilian women and children, schools, hospitals, and civilian buildings should be protected under international laws of armed conflict, the Geneva Conventions of 1864 and 1906, and the Hague of Conventions of 1899 and 1907 (W. Pereira 1997:p60). The issue of massive bombings on the Iraqi's soil created intensive debates among observers, politicians, academics and scholars alike. In the work of *Iraq's Burdens*, Alnasrawi argued the bombings on non-military targets with three assumptions: 'some targets were attacked to destroy or damage valuable facilities that Iraq could not replace or repair without foreign assistance, many of the targets chosen were selected to amplify the economic and psychological impact of sanctions on Iraqi society, and targets were selected to do great harm to Iraq's ability to support itself as an industrial society' (A. Alnasrawi 2002:p67). According to Pereira's study, 'Pentagon officials later acknowledged that 43-day air attacks on Iraq's infrastructure and civilian installations were designed to make recovery from the war extremely difficult without foreign assistance' (W. Pereira 1997:p60). Alnasrawi also argued that 'even when the Sanctions Committee eventually recognized the existence of urgent humanitarian needs in Iraq in March 1991, nothing was done to alter the situation' (2002:p73).

The six-week operation Desert Storm – a massive air campaign followed by ground forces – drove out Iraqi forces from Kuwait and successfully achieved the original objectives of UNSC resolution 661. On the 3rd April 1991, UNSC adopted the longest and most complex resolution: 687 (1991) with which Iraq's obligations in post-war period were established. Some scholars, such as Cortright, refer the Resolution 687 as the mother of all resolutions. In order for sanctions to be lifted, the Iraqi Government needed to meet the entirely different set of conditions established in UNSC resolution 687, including a pledge not to commit or support any act of international terrorism. Among many conditions that Iraq needed to meet in order to have the sanctions lifted, some of the specific conditions described by Alnasrawi are outlined as follows:

- a. recognition of Kuwaiti's territorial integrity and newly demarcated international borders with Kuwait;

- b. the deployment of a U.N. observer unit to monitor the border;
- c. the elimination of Iraq's chemical and biological stockpiles and its ballistic missiles, the creation of a U.N. Special Commission to carry out immediate on-site inspections in order to take possession of these weapons and supervise their destruction and the development of a plan for the future ongoing monitoring and verification of Iraq's compliance with the ban on these weapons;
- d. the conditional undertaking by Iraq not to acquire or develop nuclear weapons or nuclear-weapons usable materials to be verified by on-site inspection. A special plan is to be developed for the future ongoing monitoring and verification of Iraq's compliance with the nuclear ban;
- e. acceptance by Iraq of its liability for any direct loss, damage (including environmental damage and the depletion of natural resources) or injury to foreign governments, corporations, and individuals as a result of the invasion. The compensation fund was to be financed from a portion of Iraq's oil revenue;
- f. the UNSC demanded that Iraq adhere to its foreign debt obligations; and
- g. Iraq was called upon to cooperate in the effort to facilitate the repatriation of other countries' prisoners and detainees (A. Alnasrawi 2002:p80).

The Resolution 687 lifted the ban on Iraq's imports of foodstuffs and other essential civilian needs. Nevertheless inadequate foreign currency due to total oil embargo did not help to improve humanitarian crisis and war-related damage. In the second week of April 1991, Iraqi government announced its acceptance of Resolution 687 though it criticized the resolution as unjust assault. On the 15th August 1991, the UNSC adopted a new resolution 706 which authorized oil for food program. This particular resolution permitted the sale of up to US\$1.6 billion worth Iraqi oil over six-month period for food and directed that proceeds be deposited in UN escrow account to finance humanitarian imports, war reparation (D. Cortright et al. 2000:p40). Therefore, Iraq was officially permitted to generate US\$3.2 billion income per year under the oil for food program. According to Alnasrawi, the UNSC recognized that US\$6.8 billion would be needed over one year for Iraq to care for its people, UNSC voted to authorize only for the sale worth \$1.6 billion for six months. In addition, only US\$934 million out of US\$1.6 billion was available for the humanitarian imports, and the rest of US\$666 million was to pay off other resolution's requirements such as compensation fund, the operation cost for Iraq-Kuwait boundary demarcation,

expenditures of the International Atomic Energy Agency(IAEA), expenditures of the UN Special Commission (UNSCOM), monitoring contracts of oil sales and inspections, costs of monitoring and distribution of humanitarian assistance by the UN in Iraq, and direct procurement of food and medicines by the UN. In fact, Iraq needed US\$3 billion per year just to cover its imports of food and medicine before the Desert Storm crisis (A. Alnasrawi 2002:p83-84). Nevertheless the search for Weapons of Mass Destruction (WMD) is still unfound to date.

Iraqi government complied many conditions of the Resolution 687 under UN mission and UN led international organizations, such as recognition of Kuwaiti territorial integrity and newly demarcated border, acceptance of demilitarized zone, elimination of nuclear weapons capabilities, etc. (D. Cortright et al. 2000). One of the Resolution 687 requirements was for Iraq to grant UN Special Commission (UNSCOM) to carry out immediate on-site inspections and assure the dismantling of all materials, systems, and capabilities related to weapons of mass destruction. Although this issue was controversial for many politicians, UNSCOM managed to succeed over the years in locating and dismantling much of Iraq's weapons capability (D. Cortright et al. 2000:p42-43).

As it was already mentioned above, the comprehensive economic sanctions against Iraq lasted for nearly thirteen years. The enforcement of economic sanctions was also followed up with frequent military attacks: bombing raids against Iraq since 1998 by the US led coalition forces. UNSC adopted many resolutions for its mission in Iraq. The goalpost of economic sanctions had changed, for instance – enforcing the Resolution 687 was no longer interested. Time went by and some of the powerful UNSC member states, such as China, Russia and France, wanted to ease economic sanctions in Iraq due to devastating humanitarian crisis of ordinary Iraqi people. The political differences grew among permanent UNSC member states. For the US, 'sanctions will be there until the end of time, or as long as [Hussein] lasts' (B. Crossette 1999, cited by D. Cortright 2000:p56).

The United States says American forces will enter Iraq to search for weapons of mass destruction even if President Saddam Hussein complies with an ultimatum to leave (BBC News 2003: website⁴⁹).

The US led coalition forces invaded Iraq on the 19th March 2003 without a mandatory approval from the UNSC. The primary forces were from the US (250,000 troops) and the UK (45,000 troops), while naval and ground forces from Australia, Poland, Denmark and Spain supported the US led invasion of Iraq. The debate over the legitimacy of invasion in Iraq divided international community (website⁵⁰). After approximately three weeks of fighting, the Iraqi government was toppled.

All series of UN comprehensive economic sanctions in Iraq except for those pertaining to weapons were lifted on the 22nd May 2003 with the UNSC Resolution 1483 which was passed by a 14-0 vote and there was no abstentions (CNN News 2003: website⁵¹). The Resolution 1483 also gives the United States and Great Britain authority to control Iraq until an elected government is in place. Prior to lifting economic sanctions in Iraq, the United States, the United Kingdom and Spain submitted a resolution to the UNSC on the 9th May 2003. In this particular resolution the following commitments are declared (website⁵²):

- the US, the UK and Spain will lift economic sanctions now,
- encourage the international community to assist in helping the Iraqi people build a better future for their country,
- establish a UN Special Coordinator,
- provide for humanitarian needs, while winding down the Oil-for-Food program
- support Iraqis in charting their own political future, and
- return the benefits of Iraq oil to the Iraqi people.

As many studies showed, it was undeniable that the former Iraqi government was one of the most ruthlessly repressive and undemocratic regimes in this world (W. Pereira 1997 and D. Cortright 2002). In the work of *In Human Rights*, Pereira highlighted the human rights violated regimes in the Middle East, especially the

⁴⁹ http://news.bbc.co.uk/2/hi/middle_east/2862273.stm

⁵⁰ http://en.wikipedia.org/wiki/Worldwide_government_positions_on_war_on_Iraq

⁵¹ <http://www.cnn.com/2003/WORLD/meast/05/22/sprj.iqr.main/>

⁵² <http://www.state.gov/documents/organization/20697.pdf>

two countries of Western allies: Turkey and Saudi Arabia. Iraq's oil was exported through these two countries and the Gulf. In his argument, Pereira asserted that 'Saddam Hussein had been maintained in power by the West for many years, in spite of his enormous human rights violations. While UN demonstrated its concern for the human rights of the Kurds in Iraq, the very little attention was given to the brutal suppression of the Kurds in Turkey: the Turkish army invaded the Kurdish areas and openly slaughtered the Kurds' (W. Pereira 1997:p58). Pereira also further highlighted the declaration provided by the King Fahd of the Saudi Arabian government, the close ally of the West: 'the democratic system does not suit us in the region' (W. Pereira 1997:p62).

3.5 Summary

I have discussed a broad range of economic sanctions from global perspective: economic sanctions and the League of Nations, economic sanctions and the United Nations, economic sanctions and the United States, economic sanctions and the European Union, and a case study of Iraq. Studies show that economic sanctions are generally used by powerful nation(s) as a foreign policy option. Studies also show that despite economic sanctions are primarily used to uphold international norms, they are rather frequently used on ad hoc basis by international body, the United Nations, or by powerful nations and organizations, such as the United States and the European Union. Despite the number of economic sanctions increased in the late twentieth century, the success rate studied by Institute for International Economics highlighted the need for sanctions sender countries and organizations to reconsider their sanction policy.

The end of the Cold War provides both United Nations and the Western countries unspoken legitimacy to respond to a wider variety of international and national agendas, such as ethnic conflict, human rights violations, drug trafficking, terrorism, nuclear proliferation, etc. With the agenda of human rights enforcement, there is only one sanction episode, the case of Haiti, employed by the United Nations, and the rest of the sanction episodes under this particular agenda are employed by the US and the EU.

However, the studies of economic sanctions show that there is a conflict between the fundamental characteristic of human rights and of economic sanctions. While 'human beings are endowed with reason and conscience and should act towards one another in a spirit of brotherhood' (UDHR 1948: excerpt from Article 1), economic sanctions deliberately inflict economic and social deprivations on human beings. In terms of the promotion of human rights internationally, the United Nations General Assembly proclaims that 'human rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society.....shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction' (UDHR 1948). The United Nations Commission on Human Rights also urged all States to refrain from using unilateral coercive measures as it creates obstacles to the full realization of the rights set forth in the UDHR and other international human rights instruments.

In fact, economic sanctions are a means to an end. They are nothing more than that regardless of using them multilaterally or unilaterally. However, studies show that they usually do not achieve goals set forth in specific sanction policy, yet the majority of economic sanctions do have impact on vast amount of people.

More than 90,000 tons of explosives were dropped on Iraq and Kuwait during the Gulf War (the Desert Storm). The bombing and short-lived ground campaign resulted in the deaths of thousands of Iraqi soldiers and civilians. The peculiar nature of the bombing campaign, which targeted vital electrical, water, sanitation systems, greatly magnified the destructive the consequences of the war and increased the civilian death toll. Many of these consequences continued into 1992 and beyond, contributing significantly to humanitarian suffering. The imposition and maintenance of comprehensive sanctions compounded and exacerbated these impacts, making it extremely difficult to rebuild economic infrastructure and repair war-related damage. The combination of war and years of comprehensive sanctions magnified Iraq's misery. The result has been an appalling humanitarian tragedy' (D. Cortright et al. 2000:p47-48).

Chapter Four – Understanding Burma

4.0 Introduction: Burma or Myanmar?

I believe a chapter providing a background of Burma should start from the clarification of the country's name. Confusion over the country's names, Burma or Myanmar, began in the middle of 1989 when the then-ruling government, the State Law and Order Restoration Council (SLORC) renamed Burma as Myanmar on the 18th June 1989. It was renamed 'with two main purposes: to provide a feeling of release from the British colonial past and to give a previously divided and fractious country a sense of national unity under the new banner of 'The Union of Myanmar' (On TV national news and newspaper on the 18th June 1989). According to the SLORC, the name 'Burma', given by the British Colonial Administration, is not only phonetically wrong, it is also nationally and historically misrepresentative. Changing the country's name from Burma to Myanmar created a debate especially between the SLORC and the major opposition political party, the National League for Democracy, the NLD. According to Maung, a stone plaque, which contained the inscription of *Myanmar* dated back to approximately AD 1190, was found inside Toungooni Pagoda, and it is now being kept in the Pagan Cultural Museum (L. Maung, *The New Light of Myanmar*, Friday, 30 August 2002, website⁵³).

The United Nations recognizes the name Myanmar. However, there are many countries mainly from the West and the NLD who still use Burma. For instance, the United States officially uses Burma. Due to the nature of this project, which is the study of economic sanctions primarily imposed by the United States and the European Union, I use the name **Burma** in order to simplify and smooth the flow of discussion. Under the old nomenclature, the word **Burmese** connotes both the official language and the people of the country, and the largest ethnic group in Burma is called **Burman**. Together with renaming Burma as Myanmar, the then-ruling SLORC renamed several cities, rivers, streets, roads, ministries and

⁵³ <http://www.myanmar.gov.mm/Article/Article2002/Aug/Aug30b.html>

regions. For instance, *Rangoon* the capital of Burma in the old nomenclature used by British Colonial Administration is now called as 'Yangon'. As for the country's name, all other names will also be of the old nomenclature. I will not discuss the issue of revising nomenclature further as it is beyond the scope of the study. However, by approaching this chapter with the clarification of names, I intend to highlight the intensive nationalistic atmosphere especially in the environment of the Burmese Government.

(a) Government

As I have briefly mentioned in the Chapter One, Burma has been under a military government called the State Peace and Development Council (SPDC) since September 1988. The name SPDC replaced the old name SLORC on the 15th November 1997, with majority of the senior military leaders remaining in the newly named government body. Despite the organizational restructuring for the middle ranked military and civilian officers which often takes place in Burma, the top three military leaders, Senior General Than Shwe, General Maung Aye, and General Khin Nyunt who is now the Prime Minister appointed by Senior General Than Shwe, still remain in office today, and they have absolute power. Although the government body is divided into four branches: the state, the legislative, the executive, and the military, there is no clear demarcation between civil and military roles as there are military personnel from top to the bottom of every single organization or department or sector throughout the entire country.

(b) Geography and Demography

Burma is approximately the size of Texas with a land area of 657,740 square kilometer, and a water area of 20,760 square kilometer combining to form the total land area of 678,500 square kilometer. Located in the northwest portion of Southeast Asia, Burma shares nearly 6,100 kilometers of land frontiers with five neighboring countries: China (2,192 km); India (1,331 km); Bangladesh (256 km); Thailand (2,096 km); and Laos (224 km). Its costal line starts from the Southwest, where the Bay of Bengal touches, to the very South, where the

Andaman Sea touches, and it is approximately 2,300 km-long. Burma lies between two most populous countries, India in the northwest and China in the north and in the northeast. A map of Burma is printed on the following page.

MAP OF BURMA



Source: <http://geography.about.com/library/cia/blcburma.htm>

In relation to population, the current population is estimated to have 50 million, and 80 percent of the total population's livelihood depends on agricultural productions or agricultural-related economy for which the fertile land area, or arable land area, is nearly 46 million acres. Burma is a Buddhist country with 89.4 percent of population Buddhist, 4.9 percent Christian, 3.9 percent Muslim, 0.5 percent Hindu and 1.3 percent of the population is animists (T.M.M. Than 2000).

(c) Ethnicity

In Burma, there are 8 major tribal groups⁵⁴ who can be further divided into 135 ethnic groups. They are presented in the following table accordingly.

Table 4.0 Burmese Tribal and Ethnic Groups

No.	Tribal Groups	Number of Ethnic Groups in Each Tribe	Total population (percentage)
1	Bamar or Barman	9	69 %
2	Chin	53	2.2 %
3	Kachin	12	1.4 %
4	Kayah	9	0.4 %
5	Kayin	11	6.2 %
6	Mon	1	2.4 %
7	Rakhine	7	4.5 %
8	Shan	33	8.5 %
9	Others (Chinese, Indians, etc)	-	4.5 % (approx.)

Source : *Myanmar: The Dilemma of Stalled Reforms* by Tin Maung Maung Than 2000:p2

⁵⁴ See appendix IV – A.

There have been ethnic armed rebel groups in Burma since early independence era, such as Kanren National Party, Kachin Independence Army and Burma Communist Party have begun armed revolution in the late 1940s. The number of rebel groups gradually increased in the 1980s. According to Steinberg, there were twenty four ethnic rebel groups⁵⁵ in Burma between 1983 and 1984. In addition, the Burma Communist Party, the Arakanese Communist Party (Rakhine Communist Party), and Yang Hwe-Kang group (Chinese Irregular Forces) were still active in the 1980s. The incumbent military government, the SLORC (SPDC) began the process of cease-fires since it came into power. As of July 1998, the military government managed to ceased fires with 22 ethnic rebel groups. A list of ethnic cease-fires studied by Steinberg is presented in appendix IV-B (D. I. Steinberg 2001:p194-196).

This chapter is divided into four sections which distinguish four historic periods: the pre-colonial period, the colonial period, the post-colonial period, and the post September 1988 period. By approaching Burma from the historical perspective as well as from the contemporary perspective, I intend to provide the insightful knowledge for one to become more sensitive to the complexities of Burmese historical and contemporary experiences which I believe is critical to understand why the Burmese Government is capable of resisting the current economic sanctions imposed by the West. When I raised a question to Steinberg over the issue of economic sanctions on the Burmese Government imposed by the U.S. and the EU to bring about compliance with the Universal Declaration of Human Rights, his answer, as stated below, came along with the Burmese Government's attitude.

Sanctions will not work as there will be a nationalistic reaction to their imposition by any foreign power. This is necessary to maintain the political legitimacy of the government (David. I. Steinberg's feedback on his discussion with General Khin Nyunt, the Prime Minister of the Burmese Government, in August 2003).

⁵⁵ See appendix IV – B.

In fact, the words 'nationalistic reaction' in Steinberg's feedback significantly highlight a strong political belief responded by the current Burmese military government. However, his comment reminds me of some similar pattern of political attitude which can be found in the following paragraph, the excerpt from the discussion of former democratically elected Burmese Prime Minister, U Nu.

First of all, as most of you probably know, Burma has a long history. We had a great and flourishing civilization in Burma based on one of the great religions of the world, Buddhism, at the time when William the Conqueror⁵⁶ was crossing the English Channel. This civilization, passed on to us by our forbears, has now become our national heritage. It is our way of life. We prefer it to any other way of life on this earth. We do not say that it cannot be improved, or that it cannot be adapted to suit modern conditions, but we do not wish to change its basis. We are not prepared to exchange it for any other way of life. This is not a matter of conceit. We do not claim that our way of life is better than that of other people. We merely say that it is different, that it suits us better, and that we cannot therefore be induced to give it up in exchange for some other way of life, be that the Communist way, the West European way, the American way, or any other way (U Nu, *An Asian Speaks*, National Press Club, in Washington, on the 1st July 1955).

Therefore, this is the chapter in which I intend to analyze the attitude and reactions of sanctions recipient country, Burma. In order to do so, I focus my discussion on the Burmese culture in the aspects of religion, economics, and politics as I believe they greatly contribute the current Burmese Government's political belief towards the West who impose sanctions on it. Having said that, there is much work needed to be done by another study in order for one to further understand the unique Burmese culture in much broader aspect as it is impossible to integrate all into this limited scope.

4.1 Pre-Burma's History and Its Background

'Myanmar a sa tagaung ka' which means the existence of Burmese started from the very first Tagaung Tharay Kittarar Pyu city-state in the central Burma. These

⁵⁶ William the Conqueror, Duke of Normandy, defeated Anglo- Saxons and founded today's England, which resulted the birth of English language in 1066 AD. (<http://www.myanmars.net/>)

words are printed in Burmese literature and historical textbooks. According to many historians and anthropologists, early waves of migrants who later became various ethnic groups of today's Burma shifted into Burma from inland Asia, and these various ethnic groups were known to have descended from two major groups: Mon-Khmer and Tibeto-Burman peoples. The Mon-Khmer group of people were largely considered to have been influenced by Indian and Hinduism as they created irrigation systems and had early contacts, both cultural exchange and commercial trading with India (see website⁵⁷). Tibeto-Burman group were also conjectured to have been shaped by Chinese culture as 'they occurred in relatively large concentrations in western and northern Burma, and were and still widely scattered in Yunan and along the China-Burma border south into Thailand and northern Indochina' (F. M. Lebar, G. C. Hickey, and J. K. Musgrave 1964:p-v).

According to Sinai, 'the earliest settlers in Burma were known to be Mon peoples from Mon-Khmer group who came down from central Asian tableland into Burma and later founded their civilization of Mon Kingdom of Thaton, southern part of Burma – around the deltas of the Irrawaddy, Sittoung, and Salween rivers (I. R. Sinai 1964:p110-111). Mon peoples were later followed by Karen and Chin peoples. There were also another wave of peoples from Tibeto-Burman group who migrated into Burma by crossing over mountains and forests around 500 A.D. The significant migration flows from inland Asia into Burma took place between the sixth and thirteen centuries. Shan peoples followed by Kachin peoples were the last group of people who settled in Burma. Various groups of new settlers in Burma moved about in quest of a place where they could form their own tribal communities, and they scattered throughout Burma from Shan plateau in the east to the Chin hills in the west, Kachin peoples in the far north to the Mon civilization in the far south. Their livelihoods were simple agricultural cultivations for which Sinai (1964) argued that Burma was able to create a simple agricultural civilization. It was only known to have existed kinship leadership in

⁵⁷ <http://www.asianinfo.org/asianinfo/myanmar/pro-history.htm>

those tribal communities and small states before the first Burmese empire appeared.

Although the above mentioned diverse groups of people settled down in Burma since early centuries of the first millennium, the proper history of Burma began only in the eleventh century (D. G. E. Hall 1960:p14). According to Burmese history, the Pagan Dynasty⁵⁸ was known as a city-state founded by King Thamu Darit in A.D107, yet the tribal groups and small states were still scattered all over the country. Nevertheless, in AD 1044 King Anawrahta unified all these tribal groups and small states with 'some measure of unified political control (D. E. Smith 1965:p12), and founded the first Burmese Empire in which all tribal groups were organized into a sovereign country as a whole. Subsequently, the Pagan in the central dry zone of Burma became the first capital city of Burmese Empire. The King Anawrahta is renowned as 'the founder of modern Burma and with him Burmese history properly begins' (D. E. Smith 1965:p1)

4.2 The Pre-Colonial Burma (1044 A.D. – 1885 A.D.)

In this first period, the pre-colonial Burma, I discuss the role of Theravada⁵⁹ Buddhism and state's administrative structure which, I believe, is critical to understanding the political philosophy of both Burmese society and of government in today's Burma. According to Smith and many other historians, King Anawrahta was not only founder of the first Burmese empire, he was also a founding father of Theravada Buddhism in Burma. In the early eleventh century, Theravada Buddhism was said to have already been well-developed in Mon kingdom via contacts with Indian both in commerce and culture. In a simple understanding on the journey of Theravada Buddhism, it was first promoted by King Ashoka in India in the third century B.C, later traveled to Sri Lanka, formerly known as Ceylon, through Buddhist missionaries. Having a relationship with India, Mon peoples in Burma received the Buddhist scriptures from India as

⁵⁸ Pagan Dynasty lasted from AD107 to AD1287 and was founded by King Thamu Darit. (<http://myanmars.net/history/rulers.htm>).

⁵⁹ Theravada means way of the elders. Please find the 'the brief understanding of Theravada Buddhism and Buddha's message in the Appendix IV – C (D. E. Smith 1965:p4-7).

well as from Ceylon. Theravada Buddhism became the predominant religion of the Mon kingdom. When King Anawrahta carried out his task of unifying scattered tribal groups and small states, he requested the copies of Pali Tripitaka, the Buddhist scriptures, from the Mon peoples. When King Anawrahta was repeatedly refused by Mon people, he used military forces to obtain the Buddhist scriptures later bringing them to the Pagan Kingdom in central Burma (D. E. Smith 1965).

4.2.1 The Establishment of Theravada Buddhism in the Pagan Kingdom

The interlinking relationship between religion (Theravada Buddhism) and political authority in Burma is rooted in the very early founding of Burma. According to many scholars⁶⁰ in Buddhism studies, a Mon monk, *Shin Araham*, who was a credible advocate of Theravada doctrine influenced King Anawrahta in the establishment of Buddhism in Burma. Theravada Buddhism was firmly established in Burma in the eleventh century. The religion's involvement in socio-political issues blurred the demarcation distinguishing religion from political authority which became perpetual problem in Burmese culture despite the notion that 'Buddhism had no political theory, because political structures were unrelated to the path of salvation' (D. E. Smith 1965:p7). In another words, since the early era of the establishment of the religion, Theravada Buddhism has always been inextricably linked with Burmese political authority.

4.2.2 Political Authority, Theravada Buddhism, Society and Their Complex Issues in Pre-Colonial Burma Period

Burmese society – composed of many tribal and ethnic groups such as Mon, Bamar, Karen, Chin, Shan, Kachin and their sub-tribal groups – had always been ruled by kings and their successors in the many dynasties between A.D. 1044 and A.D. 1885. According to Burmese history, there were ten dynasties between the

⁶⁰ Donald E. Smith (1965), T. Tun (1959), Sir C. Eliot and K. Paul (1957), N. Ray (1946), and G. E. Harvey (1925)

first Burmese empire and the last empire in 1885 A.D.⁶¹. Thus, by practicing a monarchical government system, the King had almost absolute power in which 'he was the centre of the country's political and religious life' (I. R. Sinai 1964:p112). There were three government bodies, the executive, legislative and judiciary body in the Burmese kingdoms in which the King or royal connections picked most of the appointees. Constitutional monarchical governance⁶² never existed until the British occupied the nation in A.D. 1885.

As discussed above, there is no place for politics in Buddha's theory. However, since the formation of Buddhism in the 11th century, Burmese political authority and religious leaders overwhelmingly influenced each other. This factor is critical to understanding Burmese administrative structure in pre-colonial days. First, Theravada Buddhism has been penetrated into the secular Burmese society through religious and political leadership. Second, the society has become very nationalistic under well-founded Theravada Buddhism led by the political and religious leaders. In fact, this particular feature still exists to a great degree in today's Burma.

The fall of the Pagan dynasty as a result of Mongol invasion in 1287 A.D did not sweep away the rulers' determined efforts to protect and promote Theravada Buddhism in Burma nor the influential efforts made by the religious leader, such as Shin Arahana, and his successors. With regards to the relationship between socio-political role and religion, Smith argued three essential developments in his work of *Religion and Politics in Burma*.

For any religion to maximize its socio-political role, three developments are essential. First, it must receive recognition and support from the political authority. Second, religion must come to provide the integrative principle in the social and cultural life of the people, and it must assume, at least partially, the function of social control. Third, religion must develop an effective internal organization, ideally an ecclesiastical hierarchy, by which it can exert its influence in a coordinated manner over both government at the top and society at the bottom (D. E. Smith 1965:p7-8).

⁶¹ <http://www.myanmars.net/history/kingdom.htm>

⁶² <http://www.myanmars.net/history/legal.htm>

Smith's argument of the three essential developments took place in Burma, however, as he pointed out, the developments did not occur with equal strength except the fact that the religious tolerance was laid out since the early day of the establishment of Buddhism in Burma. For instance, most of the kings extended the religious tolerance. The kings 'let the people come to worship their old gods, and then they will discover the truth of the new faith of Buddhism' (M. H. Aung 1962:p75). This was the philosophy to indigenous beliefs in *nat*⁶³ worship or in animism that had already existed before the arrival of Buddhism. Though there was a suppression of *Aris*⁶⁴ during the time of the Anawrahta Kingdom between 1044 A.D and 1077 A.D. In general, one can say that there is no major conflict between Theravada Buddhism and other religions throughout the history of Burma.

As what was discussed above, Theravada Buddhism received incredible recognition and support by the political authority. The development of the Sangha or the monastic communities was also supported by the political authority such as the King. In fact, the Sangha is the institution founded by the Buddha to propagate the Buddhist teachings, and there are 227 (Vinaya)⁶⁵ rules of conduct for Sangha communities (D. E. Smith 1965:p8 and 1966:p12). However, as Smith explained, 'the Buddha rejected the suggestion by monks at his presence that he appoint a successor, and after his death none appeared' (1965:p6). In relation to this particular Buddha's rejection, early Buddhist monks did not constitute an order in a sense of an organized monastic community, monks also did not have a permanent residence, except they took residence in one monastery during the rainy seasons. Moreover, as monks attempted to follow the teaching of the Buddha, their spiritual goal did not impinge on the social life of lay people but rather focused on their individualistic path toward the spiritual goal in order to attain *Nibbana*: freedom from the cycle of rebirths. Since monks did not become involved in social life, lay people including the King offered material needs for

⁶³ Nat or Nats were originally regarded as impersonal spirits which inhabited trees, hills, and lakes, but later became identified as distinct personages whose detailed life histories were known by their worshippers. (D. E. Smith 1965:p13)

⁶⁴ *Aris* was a group of monks who probably followed a corrupted form of Mahayana Buddhism (D. E. Smith 1965:p12-13)

⁶⁵ *Vinaya*: Rules of discipline for Buddhist monks (D. E. Smith 1965:p31)

the monks. However, the offering was never based on a binding responsibility, the offering came out of lay peoples' wish which was wanting to seek the good deeds by offering material support for the monks who were actively seeking *Nibbana*. By offering material support, lay people hoped to maximize their chances of attaining salvation in later existence (D. E. Smith 1965:p3-12).

Together with the development of organized Sangha communities, the establishment of the Sangha hierarchy subsequently took place in the early pre-colonial days of Burma. According to Smith, the existence of Sangha hierarchy could be traced back as early as to a fourteenth century inscription (D. E. Smith 1965).

The original intention of establishing the Sangha hierarchy was to maintain the discipline of the monastic communities, however the Sangha's involvement in the socio-political area was increasing slowly. Initially, monks were the ones who translated Pali Buddhist scriptures into Burmese language, wrote commentaries on the Buddhist scriptures, history, law that was based on ancient Hindu sources, poetry, and treatises on Burmese literature and grammar. (D. E. Smith 1965). The influential religious leaders normally advised kings about building pagodas and Buddha images with specific architectural and sculpture styles (I. R. Sinai 1964). Among all of these actions, the educational role that was conducted by Sangha was the most dominant social achievement in Burmese society, for instance – Henry Gouger observed that the nineteenth century Burma's literacy rate was higher than that of England (The study of Henry Gouger 1860 is cited by D. E. Smith 1965). Buddhist monasteries in Burma acted not only as religious buildings but they also functioned as schools both for royal family members and lay peoples where there was no social classification at the Buddhist monastic schools.

In terms of Sangha involvement in secular life, the senior monk advised the King and sometimes royal family members. Other monks who resided in provinces and villages consulted lay peoples in the areas of social issues including medical consultations. Sometimes monks became negotiators and moderators between

political authority and lay people, such as in the issues of taxation, death sentence, war of prisoners, etc. Monks protected lay people. Some senior monks even had to lead diplomatic missions sent by the King (D. E. Smith 1965). The religious leadership's involvement in the non-religious life soon became traditional and customary obligations of the monks in the Burmese society. Despite there were differences among various tribal and ethnic groups, the majority of Burmese population was unified under well-founded and systematically organized Theravada Buddhism led by the King and monks. Among many leaders, King Anawrahta who is founder of the First Burmese Empire, Mon monk Shin Arahan who is the co-founder of Theravada Buddhism and the founder of Sangha community in Burma, and King Mindon (1853-1878) who is the second last Burmese monarch are profoundly well-known for their efforts in unifying all tribal and ethnic groups through peaceful promotion of Theravada Buddhism.

Even though the King had the highest absolute power in the country, he usually could not undermine the power of Sangha communities who provided many cultural characteristics to the society. In addition to this factor, the King's great respect for Theravada Buddhism and his faith in the Three Gems: the Buddha, the *Dhamma* (Buddha's teaching or Buddhist doctrine), and the Sangha, made the King both emotionally and materially supported the promotion and protection of Theravada Buddhism as well as for the greater development of Sangha communities.

If there had not been the Sangha, the Dhama (doctrine) would have been a mere legend and tradition after the demise of the Buddha – it is the Sangha which has preserved not only the word of the Master, but also the unique spirit of the Noble Teaching since the Master's passing away (D. E. Smith 1966:p11).

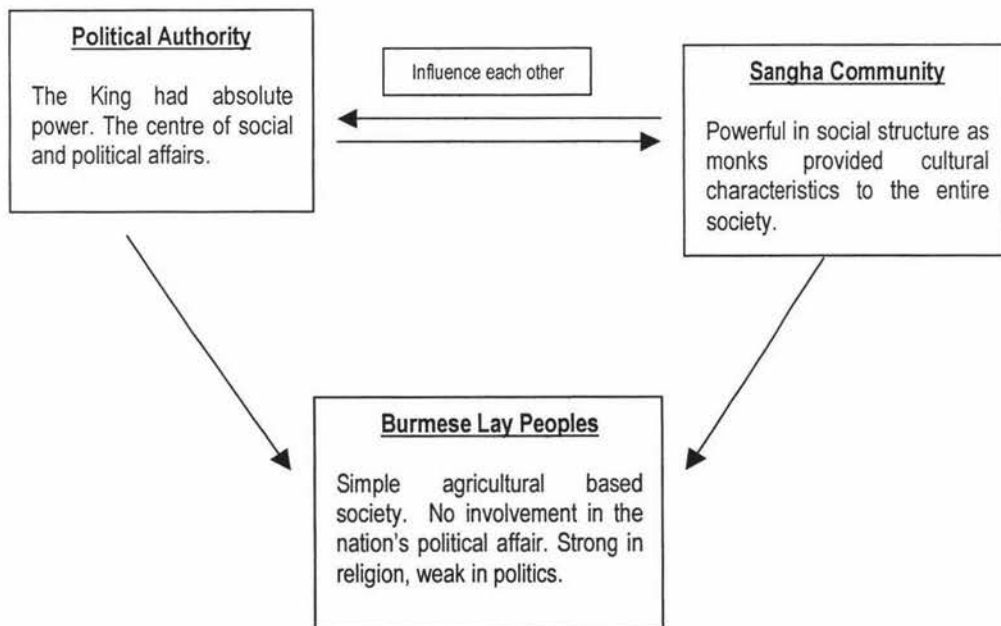
However, due to all these factors: the religious leadership's involvement in the non-religious life and the extraordinary support by the political authority for the promotion and protection of religion, the Burmese lay society was somehow left in a very small-articulated environment. In fact, Burmese lay society lived between two powerful bodies: the political authority and the Sangha communities.

From the point of social hierarchical structure, the lay peoples were at the bottom of the society.

On one hand, the Theravada Buddhism was meant for the freedom from the wheel of rebirths. On the other hand, the King's absolute power, the power of Sangha communities, and the consequences from practicing these powers for wishing to produce a better society, overlooked the need of other secular aspects for the Burmese lay society, such as the freedom of expression for the nation's political affair. From the point of the Burmese lay society, the political affairs were also not seen as something that they should be involved with. In fact, they rather wanted to stay away from political affairs, for instance, according to Burmese tradition, there were five kinds of great destructive forces: fire, flood, famine, storm, and the last one was king or political authority, (I. R. Sinai 1964).

The hierarchical structure of pre-colonial Burmese society is drawn as below.

The Hierarchical Structure of Pre-Colonial Burmese Society



Political authority was absolute. In Burmese, 'absolute power' means 'Thet-Oo-San-Paing'. However almost entire society with more than 90 percent of Buddhists seemed to accept the fact that the king had divine right to rule the country as 'the idealized Buddhist king was a Universal Ruler who governed by virtue of his merit and was destined to achieve Buddhahood'⁶⁶ (D. E. Smith 1965:p22). The acceptance behind this ideological notion was the strong belief in the concept of *samsara*: the wheel of rebirth that all creatures are involved in an endless cycle of existence, and *karma*: all acts performed in one existence are rewarded or punished by an appropriate state in future existences (D. E. Smith 1965:p4). According to this concept, the King performed good deeds in his previous existence(s), and thus accumulated merits made him possible to become Thet-Oo-San-Paing King in present existence. Therefore, it was acceptable to society and no revolution was required, even if the King performed poorly as his deeds would naturally cause him to be punished in any appropriate manner in the present or any future existences.

Moreover, Burmese' faith in Theravada Buddhism became very fundamental to the entire culture as Shwe Yoe wrote in 1882 that 'the best thing a Burman can wish for a good Englishman is that in some future existence, as a reward of good works, he may be born a Buddhist and if possible a Burman' (Introduction letter by John K. Musgrave in the work of *The Burman*, Shwe Yoe 1963:p-ix).

The pre-colonial Burma evolved in a spiritually rich environment where the kings built religious monuments together with the help of laymen who contributed the labor, generously and voluntarily, for which they had the same intention to earn merit for the present existence as well as for the future existences. This concept also applied in building irrigation canals, roads and many other things that were intended for communal use. This concept of accumulating merits still exists in today's Burma. It is worthwhile to note here that the contemporary human rights group's claims on the forced labor used by the Burmese military government. Such claims on the forced labor issue is very often misunderstood by the concept of contributing labor by lay peoples who wish to build up merits.

⁶⁶ The ideological concept of Buddhahood could still be seen in present-day Mahayana Buddhism in Tibet.

From the above discussion, one could see that pre-colonial Burmese society generally grew up in peaceful mind and less wants for which was simply derived from enjoying their life in religious functions, traditional cult festivals, contributing their labor for accumulative merit, agriculture cultivations for subsistence and trouble-free livelihoods. Lay people also believed that subsistence economy was one the profound Buddhist doctrines. Moreover, social differentiation and peculiarity between rich and poor were blurred. Men and women enjoyed equal rights in the areas of property ownership, divorce, inheritance, and business. For Sinai, 'they were a people without either great poverty or great wealth', and 'they have been called a democratic people and a race of individualists' (I. R. Sinai 1964:p122 and 125).

On one hand, the pre-colonial Burmese society was formed in such a way that faith and loyalty in religion provided great desire to adore personal dignity and integrity, respect, freedom from arbitrary restraints, enjoyment of equal rights in social norms, acceptance of monarchy as divine right to rule. There was no evidence in the pre-colonial Burma history that peoples' revolution against the political authority occurred except wars between monarchs. On the other hand, the political authority eventually enjoyed power in protecting its society, religion and culture as a whole. As a result of this perpetual tendency to hold onto power, brutal oppression and blood-shed power coup d'état sometimes took place among royal family members (I.R. Sinai 1964:p108-125). Nonetheless, peoples in the pre-colonial Burma in general, lived in harmony.

4.3 Colonial Burma (1885 A.D. – 1948 A.D)

After launching three great wars – the First Anglo-Burmese War (1824-1826), the Second Anglo-Burmese War (1852), the Third Anglo-Burmese War (1885) - Britain conquered the entire Burma, and the Burmese monarch, King Thibaw and his family were exiled to an isolated island belonging to India. In 1886, Burma was annexed as a province of the British-India Empire under Queen Victoria and it remained so until 1937. In this historic period, the transformation of the simple agriculture based Burmese society into modern Burma under British

administration occurred. It is during this period the rise of Burmese nationalism becomes important. It will be discussed in four aspects: Theravada Buddhism and Sangha community under British administration, education under British administration, nationalist movements led by the Buddhist monks, and the nationalist movements led by Western-educated university students. By discussing using these aspects, I aim to gain an understanding of the great forces that form extra-ordinary nationalistic society of the colonial period. In fact, this strong nationalistic culture is the most important characteristic that provides energy for the present Burmese regime to remain in power.

4.3.1 Transformation of Subsistence into Modern Economy Under British Administration

The British piecemeal occupation of Burma gradually transformed a traditional, essentially non-monetized, economy into an export-oriented one (D. I. Steinberg 1982 Vol.4:p126).

Transforming a subsistence economy into a modern economy was in fact one of the driving forces that produced the nationalistic response from the Sangha communities and from the Burmese lay society during colonial days in Burma. At the time when British occupied entire Burma in 1885, the British administration was inspired by the Victorian ideas of a laissez faire economy whereas the Burmese were satisfied with a subsistence lifestyle (I. R. Sinai 1964 and D. I. Steinberg 1982 Vol.4). As Sinai and Schumacher discussed, the Burmese peoples, who strongly believed in Buddhist doctrine and tried as best they could to accept 'Buddhist's essence of civilization not in multiplication of wants but in the purification human character', (E. F. Schumacher 1973 and 1999:p39) were not ready to adopt the British way of doing economic activity.

In Burma, the main objective of British rule was economic progress through trade (I. R. Sinai 1964:p126). As the British administration focused on economic progress, it achieved enormous economic development through encouraging three major industrial sectors: mining (including oil), the teak industry, and rice milling (D. I. Steinberg 1982). With the transformation of subsistence agriculture

production on plenty of fertile land into export-oriented production, Burma produced more than three million tons, out of a total world export of eight million tons (I. R. Sinai 1964:p126). Traditionally managed petroleum wells were converted into one giant Burma Oil Company (BOC), and large scale oil exploration began in the beginning of the century. Resource exploitation in the areas of teak forests and minerals such as tin, lead, silver, ruby, jade, etc. was developed, and infrastructure development in the areas of railroads, port facilities, modern transport and communication system subsequently took place in order to mobilize the export-oriented economic development in Burma. The capital city: Rangoon, where British administration and business enterprises resided, became one of the most beautiful imperial cities of Asia (I. R. Sinai 1964).

Moreover, the British success in Burma's economic development created an attractive place for foreigners such as British, Indian and Chinese nationals. While the economic development was less beneficial for the Burmese nationals, it however provided great opportunities for foreigners. In the government sector, the majority of middle class government servants were Indian nationals not only because Burma was annexed as a province to British-India Empire but also because 'India was highly civilized in which government systems, law and social organizations had already evolved much earlier than Burma' (D. E. Smith 1965:p9). For instance, according to Steinberg, 4.5 million Indians migrated into Burma between 1913 and 1929, and by 1931, 53 percent of the population in Rangoon was Indians while the Burmese population was only 32 percent. In terms of urban industrial area, the Indian nationals occupied 62 percent of the skilled and 95 percent of unskilled labor positions (D. I. Steinberg 1982:p126-127).

In the work of *Economic Growth with Equity?*, Steinberg pointed out that 'in 1917 the Secretary of State for India could report in Parliament that it was British policy to encourage as many Indians as possible to take up positions in the Burmese administration' (1982:p127). Regarding Indian domination of the industrial labor force, Sinai once wrote as 'Indian workers accustomed to lower wages were imported to make the roads, build the houses and to do all kinds of

menial labor as it was much cheaper and less troublesome than training Burmese nationals for these tasks (I. R. Sinai 1964:p128).

Indians migration not only populated the urban city such as Rangoon, they also reached to the rural areas as agricultural products and rice trading expanded. The majority of population who suffered from the most vulnerable conditions were from rural areas where Indians dominated the credit institutions. As Steinberg argued, the rural farmers needed agricultural credit due to the expansion of rice production from subsistence to the premier rice-export country in the world. However, 'the British government did not provide any significant degree of credits under laissez-faire economic policies' (D. I. Steinberg 1982 :p127). Burmese farmers did not have their own financial institutions nor did they have access to the Western banks. Moreover, they did not get any necessary legal protections from the government if they borrowed money from Indian creditors except 'with the introduction of Western law, failure to repay loans resulted in alienation of land' (D. I. Steinberg 1982:p127). As Steinberg discussed further, almost entire Burmese rural sector fell under the Indian Chettyar credit institution who came from Madras, India to establish financial institutions in Burma, and by 1929, this particular financial firm had a total capital of some US\$300 million in Burma.

The worst dire situation in rural Burma came during the world depression in 1930 and 1931 when the cost of production was much higher than the price of rice. In the history of Burma, 1930 was unforgettable year in which the Burmese peasantry revolution led by an ex-monk began took place. This was instigated since most of the best rice productive land were occupied by Indians and alienated from the Burmese. This revolution started with a slogan recited by farmers – *No Land to Run Away from Debts, But No Money to Repay* (personal learning experience in Burmese history).

As a nation, Burma somehow developed into a modern world for which her own nationals paid a great price, yet the wealth distribution was far reaching for them. 'The capital city of Burma – Rangoon, one of the most beautiful imperial cities of

Asia, and other towns became foreign enclaves where foreigners: Chinese, Indian and European nationals enjoyed modernity' (I. R. Sinai 1964:p126-128 and D. E. Smith 1965). The social segregation became inevitably wider as Sinai argued in his work of the *Challenge of Modernization: The Burmese Dilemma*, that 'a system of impersonal Western law, designed to encourage free enterprise and freedom of contract and of land alienation, replaced the old framework of social custom' (1964:p128).

Between the late 1950s and early 1960s, I. R. Sinai and J. C. Furnival's ideas on modern Burma were interchangeably discussed as 'Burma was transformed into a mere business concern and society became an arena in which men fought for place and profit, regardless of the rules and the means that they employed. As a business concern Burma was relatively successful. But the economic progress that was achieved did not bring the people into contact with world civilization but only with the world market. It failed to solve the problem of equipping Burmans (Burmese) for life in the modern world' (I. R. Sinai 1964:p131).

4.3.2 The Rise of Burmese Nationalism

Culture matters in any political context. In Japan, for example, in terms of politics there's a very strong connection to culture. Culture's very important to provide a sense of unity among the population and it's also politically important because you have an architectural setting—monuments, rituals, and so forth—that is linked to culture. So I think that actually in many countries, culture with a capital C—national Culture—is an ideal that many governments strive towards (G. Houtman 2004).

In the discussion, I intend to elaborate the relationship between traditional Burmese nationalism⁶⁷ and modern Burmese nationalism⁶⁸ in order to understand contemporary Burmese national culture. Long before the British had conquered

⁶⁷ Traditional Burmese nationalism in this discussion refers to the unbroken doctrine: to maintain and protect *Amyo* (race), *Bar-thar* (script and language) and *thar-tha-nar* (religious) that had always been carried forward by rulers throughout Burmese history.

⁶⁸ Modern Burmese nationalism in this discussion refers to the anti-colonialism and anti-fascist during colonial and early post-colonial eras. However, this particular notion of anti-colonialism and anti-fascist was transformed into a general concept as non-alliance to foreigners as it was strongly believed by political authorities in building national defense system for foreign interference since early 1960s.

Burma, traditional nationalism had always been protected by monarchy through its consolidated military and supreme political power to unify all ethnic groups who inhabited Burma. It had always been one of the most significant of the kings' duties since the very first Burmese Empire in A.D 1044 until the fall of Burmese kingdom into British Empire in AD 1885. As I have already discussed in the pre-colonial Burma period section, Theravada Buddhism, had always been the most influential component for the Burmese monarchy as well as for the Burmese society while 'other indigenous cults and animism were never superseded' (I. R. Sinai 1964:p121). Similar religious tolerance had also been extended to the other two major religions - Christianity and Islam - which arrived Burma later than Buddhism.

In fact, not only was religion powerful component that made the Burmese vigorously proud of their nationality traditionally, there were also other components, Burmese literature, language and culture, which gave Burmese tremendous national pride. Among other components the diverse society that comprised of 135 ethnic groups - 8 major tribal groups and other ethnic groups - shared the same historical events, the same pattern of livelihoods, the same practice of religious functions and traditional beliefs, and after all they shared geographical territories. Many dynasties evolved throughout three Burmese Empires over many centuries. However the unbroken performance that had always been carried out by the descending successors were preservation and promotion of Burmese nationalism to rest on cultural richness, ethnicity, linguistic conformity and, distinctiveness of all majority and minority ethnic groups as well as of nation as a whole under ultimate political authority to whom Burmese nationalism had always been inseparable in the history of Burma.

4.3.2.1 Theravada Buddhism and Sangha Community under British Administration

The very first heavy blow at Theravada Buddhism during colonial days was the loss of its patronage that had always been established by the king or the highest political authority since the 11th century when the last Burmese monarchy was

abolished and deposed the king and his immediate families were banished to Ratnagiri, a tiny island belonging to India. Unlike Burmese kings, the British administration at first did not provide any protection to the Sangha community as the British attempted to maintain its already established secular colonial governing policy that upheld religious neutrality in India for new province Burma (Roger Bischoff 1995:p126 and D. E. Smith 1965). In another words, the new colonial government did not recognize the Sangha community's ecclesiastical hierarchy instead favoring religious neutrality: 'strict non-interference by the government in religious matters' (D. E. Smith 1965:p40).

However, religious characteristics between India and Burma were fundamentally different. For instance, the extent of religious diversity is very low in Burma. Smith argued that in Burma, over 90 per cent of population professed one religion, Buddhism, and the minorities were of little importance socially or politically (D. E. Smith 1965:p42-43). In addition, the relative development of ecclesiastical organization in India either for Hinduism or for Islam did not develop as their strength lay in the socio-religious institutions whereas Burma developed Buddhist ecclesiastical structure which maintained the unity and discipline of the monk-hood' (D. E. Smith 1965:p42-43). However, such important characteristics were undermined by the British administration in Burma as the colonial administration was overwhelmingly occupied with profit making and resource exploitation for the betterment of Europeans. As a consequence, the Burmese national culture, which could not be addressed without Theravada Buddhism, was unintentionally yet inevitably neglected through the process of modernization.

During pre-colonial days, Sangha community was considerably well organized, unity of Sangha community was remarkably strong and had significant impact on almost the entire society, the discipline of monk-hood as well as of monastic order were firmly enforced. As has already been discussed in the previous sections, the Sangha community and the Burmese lay society were inseparable from each other in many ways. In most every single town and village of Burma, there were religious figures of monasteries, monks, pagodas and monuments, rituals that

followed Buddhist customs, and architectural settings which fundamentally symbolized the society's strong faith in Theravada Buddhism which still exist till present day.

Theravada Buddhism together with its religious figures as a whole was therefore a national emblem of Burma. However, the strength of all discussed characteristics – the unity, the discipline and monastic order of Sangha community – had already deteriorated when the British administration came to realize that the support of the Sangha community and its ecclesiastical hierarchy would have been a positive movement in governing the Buddhist society. In fact, this particular matter is pointed out by Smith as 'when the bulk of a nation is of the same religion, you cannot under any form of representative government separate church and state. Despite the existence of religious minorities, the basic fact was that the Buddhist church represented the Burmese nation' (D. E. Smith 1965:p75).

Religion was not the only factor that triggered confrontation with the colonial government, it was therefore unsurprising that monks or the Sangha community led the nationalist movements against British administration. The very first important issue that raised up modern Burmese nationalism was not economic inequality created by British administration, it was the issue in 1916 that Europeans wore shoes on Shwedagon⁶⁹ pagoda premise that opposed Burmese religious custom and the issue was taken as an insult to Burmese nationalism. When the issue was not settled to Burmese satisfaction, it finally stirred up the anti-British sentiment and became significant momentum in anti-colonial movements.

Nationalist sentiment is based on the group consciousness of 'what we are' and 'what we are not'. The positive national identity has meaning only because its self-differentiating character (D. E. Smith 1965:p81). Ideologically, Buddha or his doctrine of Theravada Buddhism does not carry nationalist sentiment that is attached to state, nation, race, history, and culture as a whole. However, it somehow provides room for those who put up strong faith in Buddhism to

⁶⁹ Shwedagon pagoda was said to be built-in with the Buddha' relic.

differentiate from who they are, Burmese nationals and who they are not, foreigners. Yet discrimination against other religions and cults can rarely be seen unless the Burmese religion, Theravada Buddhism or its custom is threatened. For instance, one out of many nationalist sentimental actions was that 'Ledi Sayadaw published a 95-page book in Burmese entitled *On the Impropriety of Wearing Shoes on Pagoda Platforms*' (D. E. Smith 1965:p88).

4.3.2.2 Education under British Administration

There were three types of schools in Burma during British colonial period: monastic schools which lasted from 1886 to 1920, the Anglo-Vernacular school, and the Christian missionary school. Burmese secular education system was established under British administration. Before that, there were traditional schools conducted on monastic premises. Monks or *pongyis*⁷⁰ were teachers as well as religious leaders on the same premise: monastery as well as school, for which acted as a central institution of Burmese social, cultural and religious life.

Traditionally Burmese monastic schools hosted boys starting from at the age of seven or eight years for their primary education allowing them to stay at monasteries which were similar to boarding schools without any fees applied. Boys studied as well as performed menial tasks of monastic life, the underlying moral aspect was that offering free education was one way of producing good merit (*ku tho* in Burmese) for present existence as well as for future existences; and offering labour for monastic menial tasks was also seen as good merit building. Therefore, it was two-way mutual performance between teachers who were monks and pupils. Even if the pupil was a prince or royal family member, he had to perform the same menial tasks as other, non-royal, boys. A diagram that broadly explains the Burmese indigenous educational system or monastic education is presented accordingly in the following page.

Girls did not normally study at monastic schools except for a few who went to monastic school only during school hours, as girls boarding at monastic schools

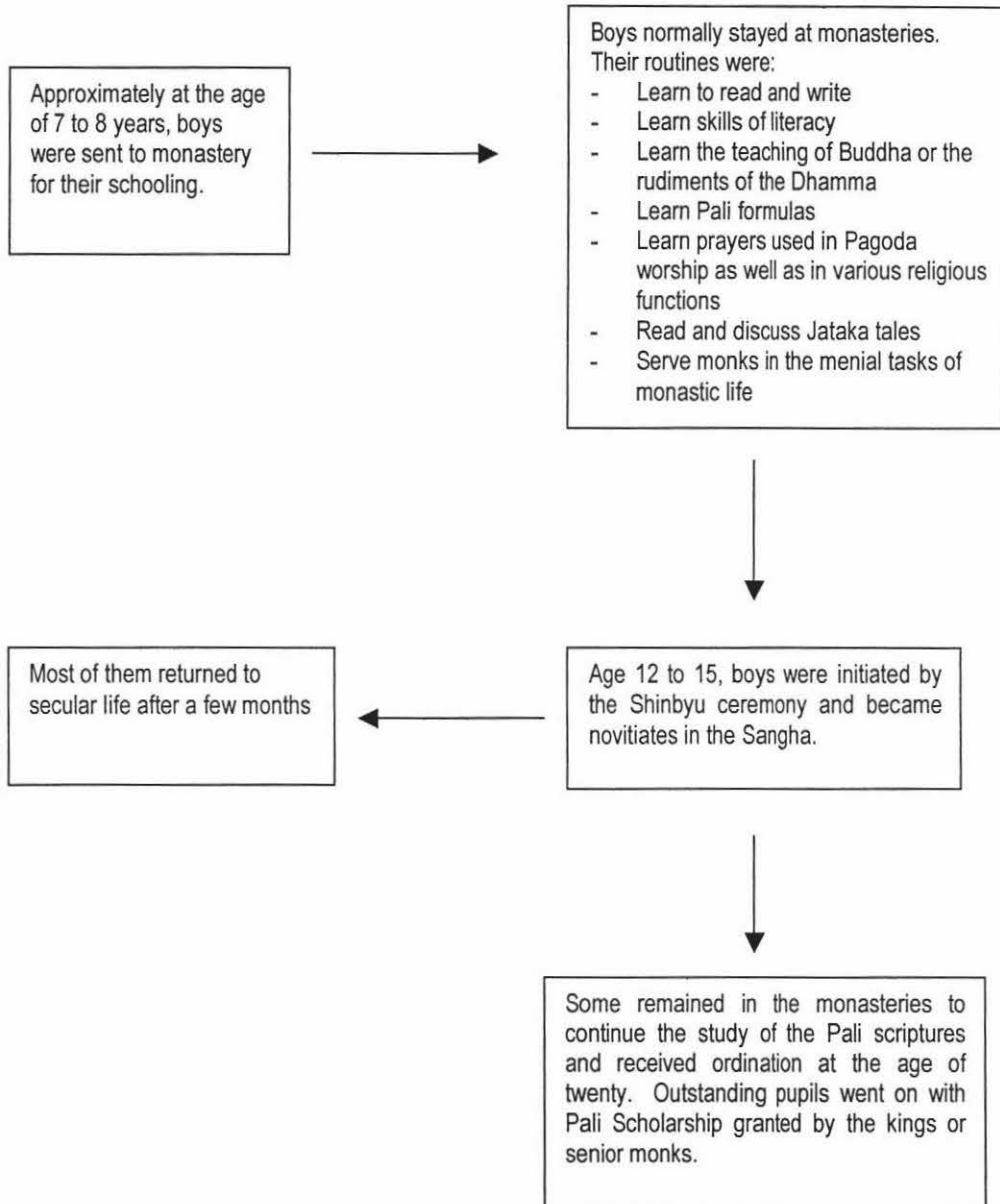
⁷⁰ Pongyi means Buddhist monk in Burmese.

was socially and religiously inappropriate. Girls' education was not as widespread and formal as boys' education nevertheless, as Lintner discussed in the work of *Access to Information: The Case of Burma*, 'education for girls was less universal, but even so, the census for British Burma in 1872 noted that female education was a fact in Burma before Oxford was founded' (B. Lintner 2001:p3). Girls education was in fact informally conducted through weekend community and family gathering after dinner for which Mi Mi Khaing argued in her work, *Burmese Family*, as 'domestic training: passing on religion, literature, discipline of mind and body to the younger generation by parents and grandparents'(1962:p37-39).

Diagram Two

Burmese Indigenous Monastic Education System

(Derived from Donald Eugene Smith's Work 1965:p57-66)



Note: Pali : Scripture for Buddhist literature

Dhamma : Buddhist Teaching

Jakata : Commentaries that tell Buddha's previous existences

Shinbyu : A boy gets ordination at the age of 12 to 15 or sometimes younger than 12. In Burma, almost every Burmese boys from Buddhist family experience Shinbyu.

The Burmese indigenous education system was therefore heavily associated with religious teachings for which almost the entire society was devoted to, and the British administration once therefore reported for this particular instance as 'Buddhism is closely associated in the public mind with nationalism, and the Burmese believe strongly in the moral efficacy of religious instruction' (Report on Public Instruction in Burma 1927-1928:p22). Despite the fact that the British administration was impressed by the effectiveness of the traditional monastic education system, the lack of secular subjects, such as geography and arithmetic, at monastic schools as well as at domestic trainings was obvious. When the British tried to integrate those monastic schools into the government's educational program which taught secular subjects in 1866, many monks were, unsurprisingly, unwilling to cooperate (D. E. Smith 1965:p57-59).

Nevertheless, there were many school masters and monks, who saw a great educational opportunity offered by the British so as to be in accordance with the requirements of modern times. As Smith discusses, thousands of monastic schools slowly agreed to integrate with the British secular education system, yet the school masters did not agree to receive government aid and regulation. One reason for this was monks did not want to be financially dependent on the British administration. Nor did they want to comply with regulations applied by the government, for instance – Smith argued that 'most of the monks disliked not only secular education but attendance records and the rest of the paper work so dear to the heart of the British colonial administrator' (D. E. Smith 1965:p63). Another reason was monks wanted to maintain the traditional ideology of which contributing education is for the purpose of finding the path of liberation and maintaining moral efficacy.

In relation to monastic schools, for almost half a century, from 1880s to 1920, there were difficulties encountered in working with monastic schools. The British Government sometimes managed to cooperate with monks, sometimes it did not go well due to many reasons such as some monks not wanting to get trained for secular subjects by the British educational department to be a teacher at his monastic school. Although there had considerable rate of monastic schools

registering at the British education department in some years, the registering rate of monastic schools fluctuated. By 1920, the British educational policy for the monastic school failed by stating that the monastic schools had no future (D. E. Smith 1965:p62-65).

At the same time, due to the expansion of new social and economic environment, a considerable percentage of Burmese, especially from urban cities, abandoned their traditional monastic education and went to government and Christian mission schools where English subjects were taught with the hope of working in the British administration work forces.

The failure of British policy in the monastic schools was also a failure for Buddhism. Had the Sangha been willing to cooperate with British educational reforms, a national system of primary schools incorporating the basic elements of both religious tradition and modern knowledge might have developed, to the great advantage of Burmese Buddhism (D. E. Smith 1965:p65).

However, as Smith explained, the failure was not due to British policy. It was the mentality of Sangha communities and of majority of lay society, who had strong faith in Buddhism, not wanting to cooperate with British rule and British administration which was different from Burmese and who did not pay much attention to the Burmese society. In the eyes of Sangha communities and the majority of lay society, 'the rapid economic expansion due to British occupation caused the rise of anti-social forces, the breakdown of many traditional villages and religious authority was the fundamental aspect of lawlessness in the country, and some critics even asserted that the opium and the British education was the chief causes of the rising crime rate in Burma (D.E. Smith 1965:p72).

In addition to all these factors, the Sangha communities emphasized the fact that students who went to Christian missionary schools had to study Christianity as a compulsory subject regardless of their religion whereas the monastic schools and government Anglo-vernacular schools did not have such policy except Buddhist pupils had to study instructions in Buddhism. Many Buddhist parents wanted to send their children to government Anglo-vernacular schools in order to avoid

studying Christianity, but there were not many government Anglo-vernacular schools due to government policy which refrained from opening them in areas where mission schools were already established. Therefore, Burmese did not have much choice but to send their children to mission schools.

4.3.2.3 Nationalist Movements Led by the Buddhist Monks

The Burmese began to form nationalist associations in the early era of the new century. The Young Men's Buddhist Association (YMBA) was formed in 1906 by some Western-educated, middle class Burmese who wanted to distinguish the values of Burmese culture and Buddhism from that of Western Christian institutions. Although the organization's initial concerns were related to social and religious education and secular education reform, the encouragement of art and literature, it later participated in the political arena under the leadership of Buddhist monks. The first YMBA political encounter in 1916 demanded the British administration legalize the customary law of not using footwear on pagoda platforms, since many Europeans did not follow Buddhist custom which insulted them.

When the YMBA was blamed by the British administration for participating actively in the political arena, the Burmese formed a new organization called, the General Council of Burmese Association (GCBA) in 1920. With the formation of GCBA, Burmese involvement in the nationalist movements extended to the masses. In this new association, not only Western-educated and middle class Burmese, many more Buddhist monks became actively involved and took a leading role in political causes. Together with this association, the nationalist movement of Buddhist monks made significant historical impact in Burmese history.

Monks had unique advantages and grievances to lead the nationalist movement (D. E. Smith 1965). First and foremost, monks lost the Sangha hierarchy. Second, their educational role in the lay society was taken away by the British education. Third, some monks were arrested and put in jail for their participation in the anti-

government activities, and that was an insult to lay society. Fourth, monks did not have much to loose as they did not work for their living, and fifth, they had the highest social prestige in Burmese society as Sangha was one of the Three Gems along with Buddha and Dhamma.

Thus, monks led the nationalist movements in colonial Burma very early on in the 1920s. Monks such as U Ottama, who was educated in India and was inspired by Gandhi's non-cooperation movement, made significant speeches in demand for releasing Burmese nationals from colonial rule. He was sent to jail by the British administration three times between 1921 to 1939 for his active participation in the lead of nationalist movement and he later died in jail in 1939. The power of nationalist movements led by Buddhist monks became the greatest political force in Burma and even politicians had to be careful to maintain the support of his own local monks in the later years (D. E. Smith 1965:p85-111).

4.3.2.4 Nationalist Movements Led by Western-Educated Students

Another significant nationalist movement was led by young Western-educated university students, such as Aung San who at that time was only 20 years old. He later became a national hero in the quest for independence from Britain. The students formed an organization, called *Dobama Asiayone* or 'We Burmese Society' in English in 1935. They also named themselves 'Thakhin', 'the word for lord or master customarily used in addressing Englishmen' (D. E. Smith 1965:p115 and I. R. Sanai 1964:p134). By looking at such nomenclature, one could clearly see the spirit of nationalistic atmosphere among youthful Thakhins as well as the essence of anti-English and anti-British administration in their nationalistic culture.

This group of young people wanted to make a clear separation from the Buddhist monks' involvement in the national politics. Youthful Thakhins 'regarded political independence for Burma as an end in itself and saw no need to resort to religious appeals to fight their cause' (D. E. Smith 1965:p115). In addition to separation from religion's involvement in the national politics, this particular

secular nationalistic sentiment was also greatly influenced by Marxism. According to Sinai, a set of Marxist writings was brought back to Rangoon from London by one of the Burmese representatives who attended the Round Table Conference convened by the British government to discuss Burma's future (I. R. Sinai 1964:p135). With the influence of Marxism, some of the Thakhins became communists who later formed the Burmese Communist Party while others became socialists. Discussions on the virtues of socialism and communism occurred in Burma around the time the communist spread of ideas in Asia.

Moreover, the youthful Thakhins were more interested in radical political actions or revolutionary nationalist movements. For instance, 'a thirty-comrade' was formed with the lead of Aung San, and they secretly went to Japan, whose military power was rising in Asia during the late 1930s and in the early 1940s, for military training.

Aung San was, in British eyes, a new and young element in Burma's politics which they did not like at all (G. Houtman 1999:website⁷¹).

On their return to Burma, the thirty comrades formed the Burma Independence Army (BIA). With the formation of BIA, the thirty comrades recruited revolutionary militants from all sections of society: politicians, university students, teachers, peasants, industrial workers, and ex-monks (some young monks intentionally resigned from being monk-hood in order to participate in the military revolutionary action against British), in order to force out the British occupation from Burma. Under the leadership of Thakhins, almost the entire Burmese society participated in the quest for independence from Britain.

In the eyes of Thakhins, the British's capitalism and imperialism in Burma fostered the spirit of individualism and that particular concept distorted the Burmese culture in which the most three important aspects - *Amyo (race)*, *Bar-thar (script and language)* and *thar-tha-nar (religious)* – were fundamentally embedded. In their nationalist fervor, Burma was developed only for the

⁷¹ http://homepages.tesco.net/~ghoutman/chapter_01.htm

capitalists and imperialists who were foreigners, such as English, Indians, and Chinese whereas the majority of Burmese nationals and Burmese culture were undermined under such capitalism and imperialism. Therefore, Thakhins' nationalism was not only against Britain and British rule, it also opposed capitalism. For instance, General Aung San, the strongest personality among the Thakhin leaders, once declared in 1941 that

what we want is a strong administration as exemplified in Germany and Italy. There shall be only One nation, One state, One party, One leader. There shall be no is no parliamentary opposition, no nonsense of individualism. Everyone must submit to the state which is supreme, over the individual. This form of state we call Republic for want of any other name, but it may become when actually in existence and operation, quite a new state-form peculiar only to our country' (The declaration made in Japan during military training was reprinted in March 1957 in the Guardian newspaper in Rangoon:p34, and cited by I. R. Sinai in 1964:p142).

In fact, the Thakhins not only managed to form BIA and organized almost entire Burmese society under their leadership, they also managed to bring in the Japanese military forces as the Burmese-Japanese collaboration in the fight for British. Japanese occupation lasted from 1942 to 1945 in Burma. With the help of Japanese military power, the Thakhins managed to force the British out of Burma until the British administration came back into power in Burma by the end of Japanese occupation.

As Sinai argued, the Japanese occupation initially laid the foundations for a new social order in Burma (1964:p138). Despite the Japanese forces were on Burma soil, they granted formal independence and allowed Burmese to experience managing their own affairs. In terms of socio-economic sector, the majority of the economic predominance of the British and Indian capitalist communities including Indian landlords and moneylenders were driven out of the country during the war between British and Burmese-Japanese collaboration. In relation to political freedom, Burma now had their own government in which Thakhin leaders became cabinet members of the government. For instance, Thakhin Aung San became the head of the Burma Defence Army, Thakhin Nu who would

become a very first democratic Prime Minister of Burma in the post-colonial period, Thakhin Ne Win who would later become a dictator between 1962 and 1988, and Thakhin Than Tun who would become the strongest leader of the communist insurrectionary groups in the post-colonial period.

However, in the middle of the Japanese occupation the Thakhins formed the Anti-Fascist-People's Freedom League (AFPFL) under the leadership of Aung San and Than Tun when the Japanese soldiers' cruel and insulting behavior spread throughout the nation (I. R. Sinai 1964). In addition to Japanese soldiers' cruelty, 'Aung San also realized that Japan was interested only in a puppet regime in Rangoon and not in true independence for Burma' (B. Lintner 1984:p406). The AFPFL was initially formed as a broad national united front and it soon included all ethnic and religious groups – Moslems, Buddhists, Christians, the Burmese National Army of which Aung San was also a leader, the All-Burma Peasant Organization, the All-Burma Trade Union Congress, the All-Burma Youth League, the socialists led by Thakhin Aung San, and the communists led by Thakhin Than Tun. In general, the AFPFL represented the entire Burmese society, and it later clearly stood as a major political party when the Japanese occupation was over in Burma in 1945. Nevertheless, during the Japanese occupation, the AFPFL also organized a resistance movement against the Japanese forces with the help of Lord Mountbatten, the supreme commander from British Army (I. R. Sanai 1964:p142-143).

Despite complex political developments and various nationalist movements which took place between 1935 and 1945, the Thakhins under the leadership of Aung San somehow finally managed to gain independence from Britain in 1948. During the struggle for independence, the Burmese from every section of society were united under the leadership of Aung San though the political ideologies were diverse, i.e., socialism and communism among the Thakhin leaders. As Houtman discussed in his work of *Mental Culture in Burmese Crisis Politics*, the Burmese society also learned the idea of nation and nationhood through Aung San (G.

Houtman 1999:website⁷²), and through many other nationalist Thakhins. In fact, the majority of the Thakhins served in the BIA and in the AFPFL as revolutionary militants during the struggle for independence. Some later resigned and served in the civil government in the post-colonial period, and some remained so in the army.

Sinai, whose critique on the colonial Burma for not being able to adapt into Western style modernization and Western civilization, once noted in his work of *The Challenge of Modernization: The Burmese Dilemma* that 'faced with the choice between independence and civilization, Burma has always, in the past, chosen independence' (I. R. Sinai 1964:178). In the eyes of Burmese society, the Thakhins and Aung San, who was the founding father of the Burma Independence Army, were national heroes who sacrificed their life to liberate the Burmese people from pro-longed foreign invaders from 1885 to 1947. This general perception, as Houtman further discussed, somehow laid a foundation for the future Burmese political legitimacy to have crucially linked to those Thakhins who previously engaged in the national independence struggle (G. Houtman 1999:website⁷³).

4.4 The Post-Colonial Burma (1948 – 1988)

This post-colonial Burma section is divided into two sub-sections. In the first sub-section, from 1948 to 1962, I discuss the complex political experiences in Burma as well as the disintegration of the pre-independent era Thakhin groups who embraced diverse political ideologies. In the second sub-section, the socio-political conditions between 1962 to 1988 under Ne Win, who is well-known for his 26-year dictatorship in Burma, is briefly discussed. The purpose of this post-colonial Burma discussion is to gain an understanding on the complex nature of Burmese society and their culture under a democratic and a strong dictatorship government. By discussing post-colonial Burma, I also aim to draw attention to

⁷² http://homepages.tesco.net/~ghoutman/chapter_01.htm

⁷³ http://homepages.tesco.net/~ghoutman/chapter_01.htm

the unbroken chain of extra-ordinary nationalism which is given as a heritage to the present Burmese Government in Burma.

4.4.1 Post-Colonial Burma from 1948 to 1962

In the late pre-independent years, the AFPFL was a major political organization which was significant in part it played in the struggle for achieving independence from Britain. People were united under the leadership of the AFPFL. Their fundamental tenet of political faith was, as Smith pointed out, to end the foreign rule. However, when Burma became independent and free from political interference from the foreign ruler, the tension among people who embraced different political concepts created divergence of groups who were previously united under the leadership of the AFPFL.

Six months prior to receiving independence from Britain, Thakhin Aung San and his five other colleagues were assassinated on the 19th July 1947. Before, his assassination, Aung San reached an agreement with Britain which gave the right of Burmese to freely decide their own destiny in January 1947. Thakhin Nu, who at that time was the speaker of the Constituent Assembly, had to take over the unfinished job that Aung San left. This was to implement the agreement that gave the Burmese the right to freely decide their own destiny and to choose whether to remain within the British Commonwealth.

Burma gained an independence on the 4th January 1948 and did not remain in the British Commonwealth. Thakhin Nu, who represented the socialist group of AFPFL, was democratically elected, and he became the first Prime Minister of Burma. However, the country was a war-torn zone in which the economy was in tatters. People were happy for being freed from foreign occupation, yet the social, political, and moral crisis was enormous (I. R. Sinai 1964). The government faced with not only the civil war but also an economic disaster. It also encountered with different groups of people whose political ideas of pursuing nation rebuilding were also different, i.e., socialism or communism.

In addition, Burma also faced a civil war between the government troops and the Karen militant groups, called as the Karen National Union (K.N.U), throughout 1949 and 1950, and the capital city Rangoon was besieged by the Karen troops. According to Sinai, there was an gloomy historical experience between the Karen ethnic group and the central Burmese political authority as the Karens since the eighteenth century tried to help the British in conquering Burma. With the Karen's historical tie with British, they served the British loyally during colonial days and the majority of Karens became Christians under British rule (I. R. Sinai 1964). Despite the government's attempt to offer the constitutional compromise which was to grant them with a special region, the Karens were not satisfied with the government's offer and they decided to go underground under the leadership of the Karen National Union (KNU) in January 1949 (I. R. Sinai 1964 and R. H. Taylor 1979).

4.4.1.1 The Disintegration of Communist Groups and Theravada Buddhism Under Attack

In terms of nationalism, as Smith argued, Burma inherited two nationalist traditions. First, 'the Sangha tradition which emphasized the total rejection of Western culture, intense and partly violent struggle against British rulers, the leadership of political monks, and the value complex of Burmese Buddhist race, religion, language, and culture as the highest loyalty' (1965:p118), and second, 'the Thakhin Aung San tradition, militant in its opposition to foreign rule but with considerable regard for Western political institutions, secular and Marxist-inclined in its ideological orientation' (D. E. Smith 1965:p118).

Despite the Thakhin Aung San's tradition of nationalism was more popular than the Sangha tradition of nationalism in the early era of post-colonial days, 'the Burmese politics', as Smith argued, 'underwent a profound ideological evolution from doctrinaire Marxism to moderate democratic socialism; Buddhism was one important factor in this evolution' (D. E. Smith 1965:p125). For instance, the majority of Marxists denounced Buddhism by accusing 'the Buddha's concept of *Nibbana* is an ideology of despair which promises liberation only through escape

from the world' (1965:p134). Some communists, such as Thakhin Soe and Thakin Than Tun, critically claimed that 'Buddhism is opium of the worst kind'⁷⁴. Some of them were even accused of claiming they would strip all the gold from the Shwedagon pagoda and use it for the government when they came into power (D. E. Smith 1965:p134). When Nu became Prime Minister, he tried to reconcile the different groups, especially the groups who embraced the communist ideology. In his attempt of reconciliation, he proposed the fifteen-point *Program of Leftist Unity* which allowed everyone who leaned towards Marxism to read, discuss, and propagate the writings of Marx, Engels, Lenin, Stalin, Mao Tse-tung, Tito, Dimitrov, and other followers of Marxism (Nu's work was cited by I. R. Sinai 1964 and D. E. Smith 1965).

Nevertheless, as Sinai discussed, 'the Burmese communists, after attending a meeting of the Indian Communist Party Congress in February 1948, decided to go underground and to launch their armed insurrection against the government (I. R. Sinai 1964:p147) under the leadership of Thakhin Than Tun and Thakhin Soe. Although there were many communists who went on with underground activities, there were also some communists who did not go underground and actively participated in propagating anti-Buddhism with the cooperation of their underground colleagues. Moreover, there was also a huge split between communist groups: the first group which believed in Lenin's way of Marxism, and the second group which believed in Stalin's way of Marxism. Throughout 1949, communists who went underground threatened to engulf the country completely (D. E. Smith 1965).

When the government was not successful in reconciliation with communist groups, the government decided to move away from the Marxist orientation. The Prime Minister also reasserted the traditional role of the Burmese state as the defender of the Theravada Buddhism, and rejected Marxism as a guiding political

⁷⁴ In Burma, Buddhists normally paste gold foils on the pagoda or Buddha images for the purpose of accumulating merit with or without any religious occasion and it has been traditional Buddhist culture.

philosophy except only some parts of the economic doctrine of Marxism⁷⁵ were accepted. Moreover, he also emphasized the establishment of a socialist state as a goal – ‘Burma was now to become a socialist welfare state, guided by the principles of democracy and freedom and buttressed by a revival of Buddhist values and Burmese social traditions’ (I. R. Sinai 1964:p153).

‘Nu was supported by all level of Burmese society at every step’ (D. E. Smith 1965:p148) as he opposed the Marxism which attacked their religion, Theravada Buddhism. In the eyes of the society, Buddhism does not only represent a religion, it is far more than a religion representing and exemplifying the culture and traditions of the Burmese peoples.

Independence brought to the war-ravaged country the insurrections, lawlessness, a serious communist threat, and a general sense of insecurity. In its search for new foundations the westernized elite found the new emphasis on Buddhism psychologically satisfying as a symbol of the reassertion of their national identity (D. E. Smith 1965:p147).

Nu was in fact far more famous for his role in promoting and protecting Buddhism and Buddhist values than his role in politics. The decline of religion’s involvement and socio-political affairs during the pre-colonial days was reasserted with the greater momentum during his days. Nu even proposed to proclaim Buddhism as the state religion in 1960 and his proposal was supported with a constitutional amendment. Despite the dire consequences were predictable, in August 1961, the Theravada Buddhism was officially adopted as the state religion for the first time in Burma.

4.4.1.2 The Disintegration of the AFPFL and of the Ethnic Groups

In fact, the pressure on the issue of Buddhism by some traditionalist leaders as a state religion originated since 1947. At that time, Thakhin Aung San was not convinced as he believed it would seriously impair the national unity (D. E. Smith

⁷⁵ Commodities should not be produced for profit making, but for the consumption and use of the people. (D. E. Smith 1965:p131)

1965). However, when Nu came into power, he was convinced that promoting Buddhism through state religion would be a great unifying force as his government faced national disunity, and moral decline throughout the nation of which the majority of population was Buddhists.

Old values such as kindness and good neighborliness declined, and greed and lust and selfishness took hold, not in the lower strata of society only but even in the highest places. Just as crimes of violence and lust increased, so graft and corruption and unashamed grabbing for high office and power tended to become a common, and almost accepted thing (Dr. Maung Maung's work was quoted by Sinai in 1964).

Among all of these factors, the major threat imposed on Theravada Buddhism by the communists was his greatest concern. With the main concern to protect Theravada Buddhism, Nu and his government made careful preparations of which he and his cabinet members also consulted with the senior monks before they proposed the issue of Buddhism as state religion. They considered three important possible consequences – ‘the step might have a serious effect on the unity of the country; it might be used by other countries to disrupt the internal stability of Burma; and it might create misunderstanding among the many loyal government servants who were not Buddhists’ – and, they therefore first attempted to ‘convince the non-Buddhists that such a move would not affect their religious freedom, equal citizenship rights, or state assistance to their respective religions’ (D. E. Smith 1965:P233).

Before the state religion bill was introduced into the public, the government conducted various types of social and religious activities to convince Buddhist lay people and monks to support the adoption of Buddhism as state religion. At the same time, Nu and his government also tried many ways to convince the non-Buddhist minorities, such as Christians, Muslims, Hindus, animists, that they would not be regarded as second-class citizens with such an introduction and their religious freedom would remain intact. Since the close of the Sixth Great Buddhist Council – a conference attended by representatives from most Buddhist countries – in 1956 until the adoption of Theravada Buddhism as state religion in

1961, the government's energy was largely occupied by the issue of the state religion (D. E. Smith:p230-280).

Nevertheless, the issue of Buddhism as state religion severely damaged national harmony. It also undermined the confidence of both non-Buddhists and Buddhists as there were also many Buddhists lay people and monks who did not believe that such a move would contribute positively to the unity of Burmese society. With the major disagreement over the issue of Theravada Buddhism as the state religion, the two senior cabinet members who were also Buddhists, Ba Shwe and Kyaw Nyein resigned in 1958 from the leading political party, the AFPFL. With their resignation, the AFPFL split into two: one became Stable AFPFL (the party of Ba Shwe and Kyaw Nyein); and another became Clean AFPFL (Nu's party).

In fact, not only was the strength and unity of the AFPLF deeply damaged, the non-Buddhist Kachins and Chins who lived in the hill areas of north-west and northern Burma also opposed and became involved politically on the issue of Buddhism as state religion. The majority of Kachin and Chin hill peoples were animists with the mixture of some Christians. Later, the Kachin Independence Army took violent actions against the adoption of Buddhism as state religion.

The Chin peoples also formed a Chin People's Anti-State Religion Organization. At the same time, the Mons and Arakanese – the majority of them were Buddhists – who had been demanding the government to provide the special statehood status for their regions within the Union also pressured the government for their demands. Another mainly Buddhist population, the Shans and the Kayahs also began to urge the government to adopt a policy of federalism (I. R. Sinai 1964 and D. E. Smith 1965).

The split over a leading political party in the country, disintegration among ethnic groups for various reasons, Burma was, as Smith argued, in a threat of civil war and therefore, the military led by General Ne Win took over power as a caretaker government in on the 28th October 1958 (I. R. Sinai 1964 and D. E. Smith 1965).

The basic aim of the army regime was to clean up the mess created by the politicians and then to hand the power back to them (the government) and thus give them (government) a better base on which to operate. Some of us, however, understood what was necessary for Burma. We knew that we could not move forward without separating religion from the state (and making it a private affair of the individual).....We could not muster the necessary strength to act ruthlessly against our old comrades with whom we had worked together for over twenty years. We did not want to become dictators. General Ne Win himself was quite satisfied with his present position and status. He was, moreover, filled with the idea of going down in history as the general who had taken power and then handed it back. (Excerpt from the Sinai's analysis which was confirmed in a private conversation with one of Burma's leading army officers.) (I. R. Sinai 1964:p173)

As Smith discussed, General Ne Win's caretaker government proved to be stable, honest, and efficient, and he later handed power back to the civilian Nu's government with the announcement to call for general election. Sinai also quoted that 'General Ne Win is the most conscientious and sincere in his democratic faith'. (I. R. Sinai 1964:p172 and D. E. Smith 1965:p235).

Despite some critiques argued that the issue of Buddhism as the state religion undermined the concerns of non-Buddhist communities, by exploiting his great personal charm, campaigning his sincere belief in Theravada Buddhism among Buddhist lay people and monks, sharing his liberal idea of freedom of religions for non-Buddhists, and advancing his vast knowledge of Burmese society and its culture, Nu won the elections again with 168 seats out of 216 seats on the 7th February 1960. While Nu had many opponents against his adoption of Buddhism as state religion, he also made harmonic and diplomatic relationship among many other non-Buddhist communities, for instance: 'some Muslim minorities supported the government's proposal to make Buddhism the state religion; the Roman Catholic archbishop assured Nu that the Catholic would not oppose or obstruct the government's proposal; Hindu communities generally supported the government's move' (D. E. Smith 1965:p248-249).

Despite Nu's overwhelming victory over democratic elections in 1960 and the establishment of Theravada Buddhism as state religion in 1961, Burma faced

another military coup d'état led by General Ne Win in March 1962 and formed a government called Revolutionary Council. According to the discussions of Siani (1964) and Smith (1965), the Revolutionary Council considered the parliamentary system unsuitable for Burma and the Council's clear intention was to restore Thakhin Aung San's tradition of national unity of which religion was to be a private matter instead of a state affair.

In fact, the complex political conditions in combination with the significant rise of Shan peoples, whose demand was to have greater political autonomy, between the late 1950s and the early 1960s finally convinced the Revolutionary Council that the only solution to solve the country's problems was to practice the Burmese Way to Socialism under strong leadership. According to Taylor, 'it was a threat of Shan demands for autonomy, possibly including the right to negotiate directly with foreign governments, that finally prompted the Army to conduct the 2nd March 1962 coup' (R. H. Taylor 1979:p237).

Burma, for the first fourteen years of the post-independent era, as Smith argued, experienced a significant evolution from a secular state to a Buddhist state: nationalism, socialism and democracy. While nationalism was extra-ordinarily associated with Theravada Buddhism, communism was a threat not only to the national unity but it was treated as a greater threat to Buddhism. At the same time, the tension between the government and ethnic minority groups were also firmly rooted within the first fourteen years of post-independent period. Among political leaders, the immature democracy was torn away between the ones who desired to follow traditional Burmese nationalism of which the Buddhism was a state's affair and the ones who desired to follow the Aung San's tradition of nationalism of which the religion was a private matter.

4.4.2 Post-Colonial Burma from 1962 to 1988

Civil society – a complex welter of intermediate institutions, including businesses, voluntary associations, educational institutions, clubs, unions, media, charities, and churches – builds, in turn, on the family, the primary instrument by which people are

socialized into their culture and given the skills that allow them to live in broader society and through which the values and knowledge of that society are transmitted across the generations (F. Fukuyama 1995:p4-5)

In this section, I will discuss the disappearance of the essential characteristic of civil society that is the civil autonomy of the Burmese society under the General Ne Win's Revolutionary Council and its successor the Burma Socialist Programme Party (BSPP) from 1962 to 1988. As I go along with the discussion, it is also aimed to draw attention to some of the significant changes done by the Revolutionary Council and by the BSPP as such changes greatly shape every aspect of Burmese society.

Taylor argued in his work, *Burma's 1974 Constitution*, that 'a key motive of the Army in taking power in 1962 was its concern that the powers of the separate ethnic states might be expanded to the detriment of the central government and national unity and security' (R. H Taylor 1979:p234). Win Aung, who is the Foreign Minister for the incumbent Burmese Government, also once said in *Time* magazine interview in 1999 that 'our program of democracy is secondary. Our fundamental program is national unity. Given the fact that we have so many diverse races living together, if we are not united, there will be no chance of survival. A new government can emerge, but unless we have solved our problems of national unity, it will not last long' (D. I. Steinberg 2001:p69).

In fact, the issue of national unity has always been dominant in the Burmese politics regardless of any period because Burmese nationalist leaders consider the independence has been that of national unity (R. H Taylor 1979). In another words, in the eyes of Burmese political leaders, if there is no national unity, then Burma will be invaded by foreigners. As stated in the previous section, General Ne Win took over power from democratically elected government on the 2nd March 1962 and one of the major reasons was of course national unity.

Now when we build our new Burma, shall we build it as a Union or as a Unitary State? In my opinion, it will not be feasible to set up a Unitary State. We must set up a Union with properly

regulated provisions to safeguard the rights of the National minorities. But we must take care that 'United we stand' and not 'United we fall' (Aung San 1947, quoted by D. I. Steinberg 2001).

By addressing the issue of national unity, Ne Win together with top military commanders overturned the nation into a totalitarian unitary state instead of prospering harmony and nourishing the spirit of nationalism for Burmese. The period between 1962 to 1988, or the Ne Win era, became the most remarkable period in the history of Burma in which Burmese Way to Socialism was a guiding principle in every aspect of Burma. Nevertheless, for the majority of Burmese people it was *Ne Win's Way to Socialism*. The Ne Win era was indeed full of miseries. Ne Win was said to have faith in democracy and socialism (D. E. Smith 1965). However, Burmese people feared of Ne Win and his government.

As soon as the military government came into power, the existing constitution adopted in 1947 and the parliamentary democracy were suspended with immediate effect on 3rd March 1962. The reason provided was that 'the 1947 constitution had loopholes and laxness which allowed the socialist goals of the nationalist movement to become lost during the first fourteen years of independence' (R. H. Taylor 1979:p234). At the same time, the government also formed the Burma Socialist Programme Party on the 4th July 1962 and declared as the only legitimate party of the nation (D. I. Steinberg 1981).

Within two years of their refuge in power, Ne Win and his military government began to nationalize every level of Burma's private sector, all over the nation, ranging from news agencies and foreign private banks to private primary schools and purchasing crops from farmers. The process of making private sector nationalized went on for the first ten years. With such process, 'some 15,000 private businesses were expropriated' by the Revolutionary Council (D. I. Steinberg 2001:p128) including grocery stores except a few private firms which were directly controlled by the military. Indians nationals – 'some 200,000, who owned and worked in private firms, were forcibly expatriated without their assets' (D. I. Steinberg 2001:p128). Sangha organizations and religious communities also had to register under military control, and monks were forbidden from

participating in political affair. In addition, the military government also isolated Burma from the outside world by eliminating incoming and outgoing contacts (D. I. Steinberg 2001).

Massive arrests of political parties took place throughout the country. Government troops even opened fired on Rangoon University students on the 7th July 1962 as students demonstrated due to the military's attempt in imposing stricter hostel regulations. This particular issue even went on to the extent that 'the University of Rangoon Students' Union building was blown up by the military on the 8th July 1962 as an act of revenge for student indiscipline, and universities and colleges were closed' (D. I. Steinberg 1981:250-251).

With the formation of BSPP, the government slowly and steadily mobilized the Burmese population under military control. By holding the absolute power, the BSPP had various types of organizations from the national level to village level under the guidance of Burmese Way to Socialism, such as youth organizations, peasant organizations, worker organizations, etc., and small party segments were also formed within one town in order to handle various types of performances ranging from family domestic problems, recruiting volunteers for social works to registering birth and death.

These organizations were initially mobilized with coercion and in the later years the incentives and benefits were introduced in order to persuade and convince the Burmese population to become members of the BSPP. For instance, the university stipend was available for those students who actively participated in the activities carried out by the BSPP. The words 'party unit' – pronounced the same in Burmese as well – became unavoidable words in the daily conversations and routine works of the Burmese society as the Burmese socio-politics, economic and religious life could not be separated from BSPP in any way.

In general, the entire society was created as an isolation camp in which the Burmese, regardless of any ethnicity, felt inferior to and feared the government. No one was allowed to explore or experience the innovative ideas that could

attract the mobilization of either the market or labor force. As Steinberg pointed out, 'fear of the hierarchy resulted in an inadvertent avoidance of unpleasantness'. What Steinberg meant was that people feared of the government. If the government considered a person creating unpleasantness towards socialism, then he or she would be punished in violent and brutal ways. At the same time the fear came from the potential damage in other social aspects of his or her immediate family members. For instance, an outstanding student would not be allowed to study medicine or engineering, which were treated as privilege subjects, if his or her parents or close relatives were linked to anti-government activities.

While civilians feared the military, the higher officers feared those in command, and even the cabinet feared the mercurial Ne Win and kept from his news it believed would anger him (D. I. Steinberg 2001:p107)

As it was quoted above, Fukuyama discussed the nature of civil society in his work of *Trust* that 'a strong and stable family structure and durable social institutions cannot be legislated into existence the way a government can create a central bank or an army' (F. Fukuyama 1995:p5). For Steinberg, 'civil society obviously means those institutions and groupings that are outside of government, and it is also seen as an essential element of political pluralism' (2001:p102). However, the Burmese society was transformed into Ne Win's miniature army in which the majority of youth organizations were partially provided with light military trainings.

During pre-colonial days, the British administration emphasized a laissez faire economic performance which benefited the majority of foreign private firms and its administration. British administration also did not allow overtly political organizations (D. I. Steinberg 2001:p105). Nevertheless, in terms of civil autonomy, there existed limited room though it was mainly practiced by the urban population. There were various types of organizations under British administration, such as student and labor union, Young Men's Buddhist Association, General Council of Burmese Associations, etc.

At the local level, as Steinberg discussed, these organizations were involved in social welfare and advocacy activities, and at the national level, these organizations somehow provided nationalist energy in the struggle for independence which was to achieve political autonomy from the British. For the first fourteen years of post-colonial days, the Burmese society experienced some degree of civil autonomy under a democratic government despite the fact that the experience was not matured yet. Ne Win's rigid regime (1962-1974) became a moderate regime (1974-1988). Nevertheless, as Steinberg mentioned in his work, the essential characteristic of civil society, that is the autonomy of civil society from the government, was thoroughly eliminated in Burma under the extraordinary leadership of the Revolutionary Council and its successor the BSPP (D. I. Steinberg 2001).

4.5 The Post-September 1988: Human Rights Comes to the Front

Since 1988, there are two political phases in Burma: the State Law and Order Restoration Council (SLORC) from 18 September 1988 to 14 November 1997, and the State Peace and Development Council from 15 November 1997 to till today. The two governmental bodies come from the same institution, Burma's Army. When the SLORC came into power, its main reason was to protect the national unity and national security in the wake of mass people's revolution. The Burmese military government claimed that it was following the foot-path of its founding father, General Aung San, because Aung San valued the national unity and the spirit of nationalism before he was assassinated in 1947. With this particular nationalistic culture, the military perceives its duty to safeguard the national unity as and when any potential threat to national unity arises, such as the breakdown of law and order in 1988. Safeguarding the national unity is treated as an inevitable national obligation that has to be done by the military. Various historical experiences such as, military's involvement in the course of independence, of protecting the national religion from communists' threats, of safeguarding the nation from ethnic armed-forces, etc. have given self-promoted legitimacy for the military to rule the nation. For instance, the State Law and

Order Restoration Council which is the first phase of the present military government.

Unity was a commanding theme in military thinking in Burma, and the need for such unity at almost any cost, or perhaps the great fear of disunity, on which precipice all institutions including the state and the military tottered, dominated military policies in a variety of fields and has affected administrative structures, human rights, and ideological orientation as well (D. I. Steinberg 2001:p187).

Burma – a multi-ethnic state with distinctive cultural pluralism – has been governed by military and ex-military officers for more than forty years. Perhaps the military will still be in power for quite some time in the future. For one reason, the power in Burmese politics is considered to be extremely personalized since Ne Win's era. The military has become bigger and stronger than ever before in Burma's history. According to Steinberg, the size of military was approximately 186,000 in 1988, however it has expanded to some 330,000 to 370,000 in the early 1990s. With the expansion of military size, the military expenses were also expanded. 'China provided a major loan \$1.2 billion plus an additional \$400 million to upgrade and modernize the military' (D. I. Steinberg 2001:p78).

Despite the chain of military governments have been continuous in power for the past forty years, the issue of human rights in Burma has been popular only after the 1988-democracy uprising, or perhaps only after the general elections held in 1990 of which the NLD led by Daw Aung San Suu Kyi won landslide victory.

The Washington Post reported on January 6, 1965 that a Pravda editorial had noted that Burma was pursuing the "correct path" to Socialism (D. I. Steinberg 1981:p259).

From human rights perspective, not only SLORC/SPDC committed violations, but Ne Win's government also committed various violations. For instance, 'government troops opened fire on Rangoon University students on the 7th July 1962 which killed hundreds of students and the University of Rangoon Students'

Union building was also blown up by the government on the 8th July 1962 as an act of revenge for student indiscipline' (D. I. Steinberg 1981:p250-251).

As has already been discussed in the Chapter One, Western nations have imposed economic sanctions on the Burmese military government (SLORC/SPDC) for its unsatisfactory human rights record, which is normally assessed annually by the United Nations as well as by the Western government and Western human rights organizations such as the U.S. State Department, Human Rights Watch Asia, Amnesty International, etc. For some analysts, the issue of economic sanctions is associated with the nature of authoritarian regime (The NBR analysis Vol. 15, No.1 - 2004). Regarding Burma's human rights issue, I only intend to highlight the Burmese Government's view on its human rights issue.

It is remarkable that the military and military-amended governments have always been obsessed with the issue of national unity, the role of the military, the orientation of political ideology, Burmese tradition and Burmese culture. The promotion of greater respect for human rights has never been publicly introduced by all military and military-amended governments in Burma since 1962. No matter how hard the Burmese Government tries to convince the national and international communities of their legitimacy, its political rise and human rights record will remain a controversial issue. An example of the Burmese Government's defense can be seen in the speech given by former foreign minister of the Burmese Government at the United Nations General Assembly in October 1991.

To the fullest extent permitted by our own national circumstance – not least among which is the continued existence of armed insurrection in remote parts of the country and the destructive activities of underground elements in urban and rural areas – we are doing our utmost to promote and protect fundamental human rights in conformity with the purposes and principles of the Charter and the provisions of the Universal Declaration of Human Rights.....However, a clear line must be drawn between the internationally binding character of the norms I have mentioned on the one hand, and the policy of implementing them by Member States in their own countries on the other. The modality of implementation is the primary responsibility of Member States, to

be formulated by each according to its own best judgment, in keeping with its own local conditions (Cited by D. I. Steinberg 2001:p87).

In fact, the United Nations Economic and Social Council's Commission on Human Rights began to focus on the Burma' human rights issue in late 1990. As Steinberg pointed out, 'the Third Committee of the United Nations unanimously passed a resolution urging the government Burma (Myanmar) 'to allow all citizens freely to participate in the political process in accordance with the principles of the Universal Declaration of Human Rights'. The resolution also concerned 'the continued deprivation of liberty of a number of democratically elected political leaders' (D. I. Steinberg 2001:p87).

It is true that the concept of political power in Burma has not changed very significantly as the military government still has control over all aspects of the society. From 1962 to 1988, the political power could clearly been seen only in the hands of Ne Win. However, its pattern has shifted since 1988. In fact, no one really knows who has the absolute political power among the top military commanders, despite many assumptions that are made both by national and by international communities that the first top three military generals hold absolute power.

Power in Burma (Myanmar) continues to be defined in a descending hierarchy: personally, institutionally, and ethnically. In each of these categories, rigidity of control prevents pluralism and autonomy of other leaders, institutions, or ethnic groups. (D. I. Steinberg 2001:p50)

The most significant change in post-September 1988 has been the economic system. The former government's guiding principle of the Burmese Way to Socialism, which was systematically employed in every aspect of the society, was completely eliminated. The BSPP government's formulation of the long-range twenty-year plan for socialist economy, which aimed at reaching to an industrialized socialist state by 1993/94, was abolished by the SLORC. Since 1989-90, SLORC introduced an open market economic system with initial introduction of private sector openings. This particular economic reform began

with the sales of much of the state's natural resources, especially teak (D. I. Steinberg 2001:p137).

Despite their unsatisfactory human rights record, the SLORC and its successor SPDC, are the ones who introduce new generations to the private sector in the areas such as education, technology, banking, the hotel businesses ranging from motels and guest house to service apartment and five-star hotels, construction, small-medium enterprises, the majority of agricultural products, and import and export trading including precious stones which were previously strictly restricted to Ne Win and his family. Comparing the previous Ne Win's regime, the current military government has become a moderate regime although the government's control has not been eliminated yet. In the eyes of the majority of Burmese people, these changes have been made only for the betterment of the military leaders and their immediate and extended families.

In terms of isolating the Burmese society from the outside world, the SLORC has made great improvements compared to the previous military-mandated socialist government, the BSPP, which kept most of Burmese society in isolation. People are now allowed to travel any part of the world, except North Korea. Although it requires some bribing of government officials – a well-known institutionalized black market procedure. The government also attempted to have a closer relationship with its neighbors and regional organizations. In fact, the cornerstone of Burma foreign policy under BSPP regime was non-alignment.

The junta's (the military government) shift from isolation to enthusiastic membership within Association of Southeast Asian Nations (ASEAN) in 1997 reflected major political changes under way throughout Asia. It was a startling departure for a country that helped found the Non-Aligned Movement and valued neutrality as a cornerstone to its foreign policy under both democratic and military rulers (J. H. Badgley 2004:p18).

The military government's diplomatic relationship with Asian countries in the post-September 1988 has been improved dramatically since early 1990s. Although the Australian Government imposed economic sanctions on Burma after the 1988 uprising, by 1997 the Australian Government abandoned its

confrontation policy towards Burma. Instead, Australia adopted an engagement policy which included cooperative agricultural projects to improve food security (J. H. Badgley 2004) and human rights advocacy training starting with government middle-ranking key officials (website⁷⁶). Burma became a member of the Association of Southeast Asian Nations (ASEAN⁷⁷) in July 1997 although Western governments attempted to influence ASEAN.

ASEAN embraced a policy of constructive engagement and voted unanimously in 1997 to admit Burma into its organization. ASEAN argued that its strategy of expanding economic ties with Rangoon was the most effective way to promote economic and political change. Moreover, ASEAN member states, led by Thailand, maintained that unless they engaged Burma, there was a danger that it would form closer ties with China, a development that would pose a direct strategic threat Vietnam (L. T. Hadar 2001:p415).

Not only the military attempted to improve relationship with Australia and ASEAN member states, but it also achieved a better relationship with other Asian nations such as Bangladesh, the Republic of Korea, China, Japan and India. The military government's relationship with China, Japan and India is briefly discussed as follow.

(a) Relationship between Burma and China

Prior to 1990, the relationship between Burma and China was not as close as now. A major obstacle between two countries was that the Chinese leader Mao Zedon and his successors offered packages of arms and military training to the Burmese Communist Party (BCP) since it went underground in the late 1940s until 1989 (J. H. Badgley 2004:p18). However, the end of the Cold-War gave a turning point to both countries. The Burmese Government wanted to deactivate BCP. Chinese became ambitious in the regional security and the expansion of its economic

⁷⁶ <http://www.atimes.com/oceania/BE02Ah01.html>

⁷⁷ There are ten member states: Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar (Burma), the Philippines, Singapore, Thailand, and Vietnam. (<http://www.aseansec.org/4736.htm>)

relationship. According to Badgley, thousands of Chinese ethnic minorities: Wa, Tai, Kokang, Kachin, Lisu, and Akha in Yunnan province, next to the Chinese-Burmese border, have been in contact with the Burmese through border trade since the 1980s. With this existing border trade, the Chinese wanted to accompany larger corporate investors including tourism business not only from border provinces but also from inland cities. A better relationship between two countries has also been motivated through the challenge of HIV/AIDS crisis in both countries. For this concern, China and Burma agree to seek a joint drug eradication which also includes Laos and Thailand (R. H. Taylor 2004). In the work of *Strategic Interests in Myanmar*, Badgley mentioned that 'Jiang Zemin's tour to Burma in 2001 secured access to new naval bases that Chinese technicians helped construct, and renewed both commercial and military assistance programs – a policy that appeared aimed at denying India (or conceivably the United States) access to China's back door through Burma' (J. H. Badgley 2004:p18)

(b) Relationship between Burma and Japan

The relationship between Burma and Japan has been through the Japan-Burma Veterans Association which is related to Japanese's occupation in Burma during the World War II. Among Asian nations, the relationship between Burma and Japan has been the most consistence since 1948. As Steinberg and Badgley asserted, successive Japanese governments have offered a steady flow of economic assistance and development aid to all Burmese democratic and non-democratic governments (D. I. Steinberg 2001 and J. H. Badgley 2004). Between 1950 and 1990, the amount of Japanese economic assistance to Burma was US\$ 2,266 millions (D. I. Steinberg 2001:p270-271). Despite a cutoff of aid following the government's democracy crackdown in September 1988, Japan resumed its assistance to Burma in February 1989 (D. I. Steinberg 2001:p254). Badgley also argued that although Japan reduced the level of assistance to Burma in the 1990s due to pressure from Western governments, 'the

Japanese government's strategic competition with China has motivated it to sustain cultural, social, and technical assistance programs within Myanmar (Burma)' (J. H. Badgley 2004:p19).

(c) Relationship between Burma and India

Myanmar (Burma) has posed no risks to India's security during the past half-century, but relations became problematic after Myanmar (Burma) signed a military aid agreement with China (J. H. Badgley 2004:p20)

Although Burma and India historically shared a number of cultural traditions: Pali script, Sanskrit classics, etc., the Ne Win's 1962 military coup distanced the relationship between two countries. In 1988, the New Delhi's government condemned Rangoon's military government for its repressive actions on democracy movement. However, both governments have eventually regained their ties since the early 1990s. The exchange of high level government officials' visits has taken place in 2001 and 2003. These visits have helped 'to lay a solid foundation for the promotion of bilateral cooperation in the economic, trade, education, health, science, technology, and cultural exchange sectors' between two countries (J. H. Badgley 2004:p20). In addition, Burma's relationship with India has dramatically increased through BIMSTEC ⁷⁸ (the Bangladesh-India-Myanmar-Sri Lanka-Thailand Economic Cooperation forum).

In general, the military government has made significant changes into the socio-political life of Burmese society. The concept of mass mobilization is, however, continued under new military regime. For instance, the Union Solidarity and Development Association (USDA) was formed on the 15th September 1993 and began recruiting members, similar to the process of mass mobilization under

⁷⁸ BIMSTEC began as BISTEC (the Bangladesh-India-Sri Lanka-Thailand Economic Cooperation) in June 1997 at a meeting of the trade ministers of four member countries, and in December 1997 expanded to include Myanmar, thus incorporating the entire rim of the Bay of Bengal within it membership. The director-general of the World Trade Organization attended the meeting of BIMSTEC trade ministers in New Delhi in April 2000. In February 2004, BIMSTEC members signed a landmark Framework Agreement for a Free Trade Area, which is widely seen as a major step toward greater free trade between South and Southeast Asia. (a footnote provided by J. H. Badgley 2004:p20)

BSPP regime. According to Steinberg's work published in 2001, there were 4,635,777 USDA members of whom 1,456,000 were from Rangoon. USDA members are not allowed to participate in any political parties (D. I. Steinberg 2001). Recruiting USDA members is an easy task only requiring the providing of incentives. For example, the unemployment work force are assigned to social work by providing some household's needs, the employment work force – i.e., teachers are attracted to possible promotion, etc.

A civil society which is autonomous of the government still does not exist in Burma. Steinberg argues that 'if civil society is strong and its citizens band together for the common good based on a sense of community or programmatic trust and efficacy, then this trust and efficacy somehow translate into overall trust in the political process of democracy or democratization and lead to the diffusion of the centralized power of the state. Civil society is thus seen as an essential element of political pluralism' (D. I. Steinberg 2001:102).

4.6 Summary

In this chapter, titled Understanding Burma, I have broadly discussed the nature of Burmese society largely from the political perspective. Burma, like all nations, is a product of its historical experiences. Various types of political development – absolute monarchy with a subsistence economy, a colonial administration with a Victorian laissez faire economy, parliamentary democracy with a socialist economy, a military regime with rigid socialist economy, and a military regime with a moderate open-market economy – have taken place in Burma's history. Due to their revolutionary experience during colonial times, the post-colonial military governments are considered to be still holding onto their strong belief in strict control over the entire society. From the point of international community and of the majority of Burmese society, the military government's claim to protect the national unity and nationalism by force is unjustifiable.

However, the Burmese political culture is still in the mixture of traditional Burmese nationalism: to maintain and protect *Amyo* (race), *Bar-thar* (script and

language) and *thar-tha-nar* (religious) and modern Burmese nationalism. While the former is always practiced by all Burmese political authorities with varying degrees of performances, the latter is now largely transformed by the current Burmese Government, the SPDC, into some degree of anti-West beliefs since it is being imposed with the economic sanctions by the Western governments.

I would like to tell my American friends that sanctions will hurt you more than us, says a government official in Rangoon. After all, we virtually imposed sanctions ourselves for 30 years, and we're still here. (Y. Cohen 1998:website⁷⁹)

As it is already discussed above, the military government does not hesitate to hold onto their strong belief at almost any cost whereas the society does not have any say in its government's political belief (D. I. Steinberg 2001).

⁷⁹ <http://csmweb2.emcweb.com/durable/1998/01/29/intl/intl.5.html>

Chapter Five – Research Method

5.0 Introduction

The study of *Economic Sanctions as a Means to Enforce Human Rights in Burma* is a combination of a literature review and a field research. In relation to the literature review, I have broadly discussed the issue of human rights, economic sanctions and understanding Burma in the previous chapters. By doing so, I aim to gain a broad understanding on the development of universal human rights in the historical and contemporary contexts, the complexities of Burmese political issues, and the controversial issues of economic sanction impositions so as to enforce international standards.

In this chapter, I provide an informative discussion of the methodology used in conducting field research. The entire field research is a series of interviews with which I intend to gather insightful knowledge and experiences from the participants. It is indeed a qualitative field research.

5.1 Adopting A Methodology

According to prominent sanctions scholars Cortright and Lopez, there are two purposes in imposing economic sanctions: symbolic or signaling purpose and instrumental purpose.

A full accounting of sanctions success must take into account both instrumental and symbolic purposes (D. Cortright and A. Lopez 2000:p17).

The symbolic or signaling purpose may include deterring future wrongdoing, demonstrating resolve to allies or domestic constituencies, upholding international norms, and sending messages of disapproval in response to objectionable behavior of a target country. The symbolic purpose of economic sanctions also aim to have a psychological impact on a target government as well as on its

people – ‘even if prospects for bringing the transgressor to heel are dim, an operational sanctions regime is worth imposing in order to stigmatize, contain, and punish the offender and thus uphold international standards’ (The work of L. L. Martin and J. Laurenti is cited by D. Cortright and A. Lopez 2000:p16). For instance, the initial suspension of bilateral and multilateral aid by the Western countries, downgrading diplomatic representatives, arm embargoes, etc. in the late 1980s and in the early 1990s in Burma can be considered as symbolic purpose of sanctions.

The instrumental purpose of economic sanctions may include boycotting a target country’s products, prohibiting investment in a target country, freezing financial assets of a target country, etc. In the case of Burma, the European Union Common Position in 1996, the Presidential Executive Orders 13047 in 1997 and 13310 in 2003, etc. can be considered as instrumental purpose of economic sanctions.

As it is mentioned in the Chapter One, many scholars have attempted to quantify the actual impact of economic sanctions on trade flow between Burma and the economic sanctions sender countries, with the intention to conduct the humanitarian impact on sanctions affected population. Nevertheless the attempts have not produced adequate result so far. The primary reason for being unable to produce such kind of result is because sanctions-related information such as data collection, public census on the sanctions affected communities, etc. on Burma is hardly accessible.

The most important factor for determining the likely success of sanctions is the nature of the objectives being sought (D. Cortright and A. Lopez 2000:p17).

Although it is undeniable that the humanitarian impact on the ordinary Burmese population is a significant moral factor, I believe it is more feasible to assess the effectiveness of economic sanctions against Burma from the perspective of

political impact than from the perspective of humanitarian impact. My argument is based on three assumptions:

- the actual impact on the sanctions affected Burmese population is inaccessible due to the political rigidity of the Burmese Government,
- many of symbolic sanctions imposed on the Burmese Government cannot be quantified, such as visa bans, suspension of defense co-operation, downgrading diplomatic representatives, limited humanitarian aid, etc., and
- the principal objective of the imposition of economic sanctions is the regime change.

I, therefore, decided to conduct a qualitative field research with which a broad range of political standpoints regarding the economic sanctions against Burma were gathered.

Interviews may be conducted as informal talks under a tree with a group of farmers about a broad range of agricultural activities, or they might be conducted through a structured sample survey questions (B. Broughton and J. Hampshire 1997:p59).

In this research, I primarily used a method of semi-structured interviews. All questionnaires were pre-constructed. According to Broughton and Hampshire, there are three advantages in this particular method, semi-structured interviews, and they are listed as follows:

- having open-ended questions which allow for expansion on the points raised;
- having a flexible sequence of questions which allows discretion for some interviewer as well as for interviewees; and
- leaving room for additional questions to be asked (B. Broughton and J. Hampshire 1997:p59).

In fact, one of the reasons to use this particular approach was to gain flexibility during the interviews. I also believe that the flexibility between researcher and participants is very important since the nature of the study was very much related to politics. By using this method, I aim to achieve the requirements that support to answering the central research question: *are economic sanctions effective in enforcing human rights in Burma?*.

Since the questionnaires are pre-structured and approved by the Development Studies Ethic Committee before conducting actual interviews, they reduce the tendency of personal influence of the researcher. In addition, in spite of flexible room exists in this method, the pre-structured interviews tend to be less time consuming as they provide a framework not to get sidetracked especially during group interviews.

5.2 Selecting Participants

Human rights is both a moral, cultural and political issue. I, therefore, try to include a number of participants whose expertise is diverse. In fact, their insightful knowledge, experiences, and approaches to the issue of human rights enforcement in Burma are no doubt helpful to my research. Six types of groups were invited, however only four groups participated in the research. Regarding the interviews with human rights groups, I first contacted the Amnesty International (AI) in New Zealand via telephone. It advised me to contact the AI office in the Netherlands as well as in Britain. Similarly, I contacted the Human Rights Watch Asia Group at its head-office in New York via telephone. I was advised to invite Mr. Brad Adam for his participation. The following is a list of groups who are invited for their participation in the research.

- 1) Ms. Rae Julian, Executive Director, Council for International Development, New Zealand, is invited to participate in the research for her experiences in international development, especially in Asia.

- 2) A Human Rights Commissioner as well as a former diplomat in Asia from New Zealand is invited to participate in the research. Under the agreement of anonymity and confidentiality, participant's name is embargoed.

- 3) Professor David I. Steinberg, Director of Asian Studies, Georgetown University is invited to participate in the research. He is a former US administrator of the United States Agency of International Development's Burma Program. In addition, he has been following Burma since 1956 (see some of his books on Burma such as *The Future of Burma: Crisis and Choice in Myanmar* (1990) and *Burma: The State of Myanmar* (2001)) and frequently visits Burma for his meeting with the Burmese Government officials. His latest visit to Burma was in 2003.

- 4) Dr. Zaw Oo, Hurst Fellow at the School of International Service, American University. He is a policy advisor to the National Coalition Government of the Union of Burma (the Burmese exile government of the National League for Democracy). He first agreed to participate in the research: 'I think I can help you with this research. I have done a number of studies, and in fact, I am already started work on this issue with regard to US sanctions.' (excerpt from his email). However, I have not received his response so far although I have followed up with a number of emails and phone calls.

- 5) Human Rights Activists
 Mr. Brad Adam, Executive Director of Human Rights Watch's Asian Division, New York, USA, is invited to participate in the research. He first agreed to participate in the research, nevertheless he finally declined: 'I must confess that I've been too busy to look at your questionnaire before/now. I'm afraid that this will take many hours to answer properly and for that reason I will not be able to participate. I'm very sorry.' (excerpt from his email).

Ms. Anja van Dijk, Burma Country Coordinator, Amnesty International, the Netherlands is also invited. In order to participate in the research, she attempted to have a coordinated interview with the two Amnesty International researchers who recently visited Burma in December 2003 for their research on human rights conditions in Burma. However, the attempts have not succeeded and I have not received any response from her so far. My direct attempt to have contact with the two researchers was not successful.

6) A Burmese Community, Auckland, New Zealand

I conducted semi-structured interviews with a Burmese community from December 2, 2003 December 10, 2003. There were fifty-seven people participated in the interviews under the agreement of anonymity and confidentiality. Each participant was provided with a set of questionnaires written both in English and in Burmese. Due to sensitivity of some questionnaires, I requested some community leaders to have personal interviews instead of group interviews. Nevertheless, the majority of participants were comfortable with answering them as most of them had similar experiences during their stay in refugee camps. Fifty-seven participants – Burman, Chin, Mon, Shan, Karen, Karenni (Kayah) and Kachin – were divided into five groups as follows. All participants emigrated to New Zealand under the arrangement of United Nations Human Rights Commissioner (UNHCR) and the New Zealand Government except participants from Group B. It is important to note here that, groupings and meeting venues are organized by participants themselves for the purpose of flexibility within their own community. All groups are a mixture of the abovementioned ethnicity groups.

1) Group A (10 participants)

Participants in this group are house wives. Before they came to New Zealand, most of them lived in refugee camps along Thai-Burma border

area. Some of them are former Rangoon university students. The participants are from Mon, Shan, and Burman ethnic groups. Two interviews were arranged for this group and each interview consisted of five participants.

2) Group B (7 participants)

In this group, all participants are men. They graduated from Australian universities. While some of them came to New Zealand as skill migrants, some migrated here with the help of Christian missionary groups. The participants are from Chin and Kachin ethnic groups. There was only one interview for this group.

3) Group C (20 participants)

All participants in this group are men. The majority of them are former university students in Burma. The participants are from Shan, Burman, Mon, and Karenni (Kayah) ethnic groups. Four interviews were arranged for this group and each interview consisted of five participants.

4) Group D (10 participants)

All participants in this group are men. The majority of participants worked in the Burmese military such as mechanics, clerks, soldiers, etc. before democracy uprising took place in 1988. The participants are from Mon, Shan, Rakhine and Burman ethnic groups. Two interviews were arranged for this group and each interview consisted of five participants.

5) Group E (20 participants)

There are twenty participants (a mixture of male and female) in this group. They are Karen and Karenni (Kayah) youths, age ranging from 18 to 25.

The majority of them were brought up in refugee camps. Four interviews were arranged and each interview consisted of five participants.

5.3 Seeking Approval from the Development Studies Ethic Committee, Massey University, New Zealand

Prior to conducting a field research inside and outside New Zealand, pre-constructed questionnaires for respective interviewees and a set of information sheet⁸⁰ were submitted to the Development Studies Ethic Committee, Massey University for its approval. Subsequently, all selected participants were provided with an approved information sheet which contained the condition of anonymity and confidentiality, the right of participant and the consent form.

5.4 Summary

This section summarizes a research method used in conducting a field research. The entire field research was carried out with semi-structured interviews. All questionnaires were pre-formulated before actual interviews took place. All selected participants were provided with a formal invitation letter, a set of information sheet, and a set of questionnaire. For the participants from outside New Zealand were communicated through emails and telephone.

⁸⁰ A set of an information sheet is printed in annex V – A.

Chapter Six – Research Findings and Analysis

6.0 Introduction

There are two major sections in this chapter. First, I present research questionnaires and subsequent answers provided by participants respectively. Second, I analyze the research findings so as to support the literature review. By doing so, I aim to determine the effectiveness of economic sanctions against Burma in the following chapter.

6.1 Questionnaires and Answers

In this section, you will find questionnaires for each group of participants and answers provided by them respectively. Questionnaires are slightly different from one group to another because they are constructed based on the participant's expertise.

6.1.1 Interview with Ms. Rae Julian

An interview is conducted with Ms. Rae Julian in her office on the 25th November 2003 and her answers are agreed to be audio taped. The following questionnaires are pre-constructed for Ms. Julian and her answers are presented accordingly.

- Q1. Do you agree or disagree that the unilateral sanctions impositions on the Government of Burma are an appropriate response for Burma's human rights record?
- A1. Yes. I do agree. I do support the sanctions. I am not sure that there are enough however. Because it's not cleared to me that the sanctions are working and I think that's probably because not enough people are imposing them. It seems to say that many ways to avoid and they can get support from others like China. Even India is giving them some support.

The sanctions are certainly good idea. They should be more rigorously imposed.

Q2. Do you think sanctions imposed by the U.S and the EU to bring about compliance with the Universal Declaration of Human Rights in Burma work? If so, please explain. If not, please elaborate.

A2. I don't think that the sanctions are bringing compliance. I think they quite clearly are not. As I understand, human rights breaches happened and are still happening. Just as seriously as they were when the sanctions started. One of the people I met recently at a NGO conference in Manila was a woman from the Shan women's network. She gave me a copy of report of the rape of Shan women and all the breaches of human rights. There has been seen sanctions. But it's very difficult to know what else they can do to try force the government to the compliance. Obviously, sanctions are not bringing about. But I think that's mainly because they are only being applied/imposed by the US and the EU. Everyone else, even New Zealand is giving in some ways to Burmese regime in limited ways. They can be done unilaterally. They can be done bilaterally by individual countries. I think what would be most effective is if ASEAN countries started imposing. A country such as Thailand or India or China, if they started imposing, then things would happen very quickly.

Q3. Do you agree or disagree that a country or a community who imposes sanctions on a country should be responsible for providing sufficient (humanitarian) aid for those people who are unintentionally affected?

A3. I certainly support the humanitarian aid for the people along the border areas. It's more difficult however for the people inside Burma because one of the problems is of bringing aid in as a number of countries, such as Australia. If aid provides assistance in the health area, then the Burmese Government is let off the hook, it does not have to do anything in that area. They say all the donors will help, the donors will provide money. The sanctions then are not working. On the one hand, there are sanctions. On the other hand, they are giving money. It weakens the effect of the

sanctions. There should be no link between sanctions and humanitarian aid. That's for the people inside Burma. It's different the ones from borders. If you give aid to borders, then you are not indirectly helping the Burmese government. Because they don't do any support for the border. So, yes, there should be sufficient humanitarian aid for the people who are unintentionally affected the people who have gone to the borders. For the people who are inside the country still, that's the tricky one but if the sanctions to be worked, they should – this is what ASSK said – you must not impose sanctions on one hand and then give money/give aid on the other hand because it weakens the sanctions.

- Q4. Do you think the sanctions imposed in Burma weaken the government or the people of Burma?
- A4. They weaken the people because they are not imposed right across the board. So the people who suffer most problems would be the people because the Government still makes its money.
- Q5. I understand that you have visited refugee camps along Thai-Burma border area a couple of times.
- a) How many refugee camps have you visited?
 - b) Do you think that the increased flood of immigrants to the Thai-Burma and Burma-Bangladesh borders is the result of sanctions or of a security factor in Burma?
 - c) Where are majority of refugees to those camps that you visited coming from?
- A5. 5 camps. They are the same ones but relocated. It's due to the affect of the force resettlement of people where they've gone to ethnic areas and force them to go to villages, set up new helmets so that they can be watched carefully and then people go to border areas or they want their children not to have forced into the army. Security is mainly, I think. May be some because of sanctions but I am not aware of it. All the people that I know about are due to security. Because of people I have visited have been all All Burma Students Democratic Front (ABSDF). They are from

all over, a lot of them are Burmans, but they are from all over. My own son-in-law is Pa-O. Katie's organization was having a big training seminar which had taken ages to organize and it brought people from all of the camps and I was able to meet Karenis, Mons, Shans and I met others. My main contact has been with Karens apart from students.

Q6. What is your view on the role of international non-government organizations (INGOs) and multilateral organizations in Burma?

A6. I don't think there should be any international NGOs in Burma. I never think of going in there and working. They are condemning the activities of an illegal regime. I feel quite that strongly. You know they say that they are helping the poor which is true but it's legitimizing. They are very presence of legitimizing. Remember when I talk about Burma, I am talking about Burma not the camps, not the border areas.

I feel slightly differently about multilaterals. Because I think they have to monitor. I think may be multilaterals can provide some sort of monitoring of what is happening. Because there needs to be someone inside who must speak out. When I said multilaterals, I am really talking about UN agencies and they can be a voice for. The people who don't otherwise have a chance. For example, UNICEF have to be monitoring what is happening to children. That's a sort of role that I can see that they could provide. Because they provide reports on the save world's children and that sort of thing. They should be monitoring and speaking out. It's not enough just to monitor. But there can be things done through some of these and a special rapporteur of human rights in the same way. I mean, he could play a role.

Q7. Can international non-government organizations (INGOs) and multilateral organizations assist the democratization of Burma? (For instance, far higher numbers of INGOs in Lao DPR than in Burma though two nations are economically similar neighbors; Burma received an equivalent of US\$2.60 per capita in foreign aid and Lao PDR received US\$45.00 per capita in foreign aid according to World Bank's estimation, 2001.)

- A7. It's not. I worked in Lao as well. Lao has a communist government and its one party state. But it's not the same of the repression of people as there is in Burma. There is some oppression but it's not comparable in anyway, not comparable in forced labor, torture and far less repression. And also I think the thing about Lao is that there are many NGOs working there and they can work relatively freely. My own organization worked there and I was managing projects in Laos. You can work pretty independently who work with the people. There wasn't that control. The levels of control were there if that would be in Burma. Therefore, Laos should get more aid than Burma.

But I will still say that aid should be channeled through NGOs, channeled through community – coming more districts to community level. We were working in community development, helping working with teaching, trainings teachers, service trainings of teachers working with health workers, working with agriculture workers, just sort of that level and that was fine. There wasn't any government's restrictions. There is some repression of the people. There are some problems with some of these. There is still an opposition among and the way they treat the Mon people who were the people back in the Thailand associated with the Americans. Still a lot of suspicions and a lot of forced resettlements there (Laos). But that's nothing comparable with what happens in Burma.

International NGOs, Multilateral organizations, and so on. I wouldn't put too much aid through Lao government either, because it doesn't necessarily end up with grassroots. I don't always think that aid should go through NGOs, I think there are many countries where governments help.

- Q8. What do you think would be the most realistic approach to helping the poorest of poor people in Burma?
- A8. You got to get regime change and it is the only way to help the poorest of the poor. Of course you can help a few people here and a few people there. But the regime is constantly creating more poor people. Anything

else you do is just putting a finger in a hole of a blocked pipe or something. Or when the whole pipe is rotten, so you should be replacing the pipe rather than just trying to sort of put a bit of plaster here or there. Regime change but not through military means. For that, never through military means. I am not saying Thailand should invade, because I don't support that, because people there suffer and are poor. But through pressures, through sanctions, and every possible means but not the military means.

Q9. Please share your opinion on the ethics of development in the context of human rights?

A9. I think you can separate them out. I mean I support a human rights approach to development. Because development is about the assistance to progressing all aspects of people's lives which includes not just how they get food or shelter or education, but also about their rights, participations, decisions affect their lives. Of course things like food and shelter and education are right too. So in the context of human rights, human rights are essential features of development. It's all part of the same package. There can't be development without human rights.

Q10. Can there be development without human rights?

A10. My answer to that is no. There can't be development without human rights. Because development is a human rights. There is even a UN convention on the right to the development. But when you think of what development is, it is human rights. The rights of everyone to live at the level.

Q11. Do you think Burma is being treated fairly as compared with other Asian countries and their questionable human rights record? (For instance, China.)

A11. I do think that Burma is being treated fairly. But the others are being let off too lightly. It is not because they are being singled out. But in Indonesia and other countries, I agree with you. It is also a matter of

degree. What Burma is doing is even worst than what the Indonesians are doing in Ache and West Papua. Because they are suppressing all of the people. I do think that Burma is being treated fairly and other countries also should be treated more strictly.

What I wouldn't like to see is a sanction on medicine. I don't think there are sanctions on medicine in Burma. Because we know what happened in Iraq as a result of US's sanctions there, half a million children died. There should not be any sanctions particularly in the area of medicine. Because people died as a result of sanctions does not help anything. I would then say the same, for example, if there were a draught, there were famine, there were emergency situation, if the sanctions were so strict that poor people were dying as a result of them, then that was not achieving anything. But I don't think there is anything like that in Burma.

6.1.2 Interview with A Human Rights Commissioner, New Zealand

An interview is conducted the 1st December 2003 and the answers are agreed to be audio taped. The following questionnaires are pre-constructed for the participant and the answers provided by the participant are presented accordingly.

- Q1. Many Asian governments argue that the concept of human rights is a Western value. Do you think that there is a difference between Western and Asian ways of practicing human rights?
- A1. Yes. The whole question of Asian Value is a debate which can be used politically depending upon what particular point people are wishing to make. In my view, there is no doubt that there are different ways of practicing human rights between Western thought and Western civilization if you like, and Asian civilization. There are clear differences there. But I believe very strongly that international human rights are universal and are not just a Western construct.

It's true that at the time, which for instance the universal declaration of human rights was adopted and majority of the countries are adhering to it and proposing it, were Western countries. But not all of them and it's interesting that you find many people are Indian scholars. I read of an Egyptian scholar, and also Chinese scholars, pointing to the fact that human rights are not a Western thing but they are universal. Back in Indian, Egyptian and Chinese civilizations, there is a lot which has resonance with international human rights as they are understood today. Moreover, some of these people go so far as to say that there is another aspect of Western arrogance to claim that human rights are Western. Of course demonstrably they are not.

As I said back in Confucian, Confucian teaching, or early Hindu teaching, Egyptian civilization there were many indications of their attitudes towards human rights which one degree or another always affected in what is now the universal declaration and also the contents on human rights. But I think there is a difference. The precise word of the universal question is the difference between Western and Asian ways of practicing human rights. I think that different cultures bring different attitudes and the manner in which human rights may be practiced. And I think that that's where the difference lies and universal human rights can in fact be implemented in such a way normally as not to involve any conflict with local culture. But there are still paramount consideration – "is that the human rights are universal?". So it is, I believe very strongly that, very difficult and very complex question. But I do not think it is necessary to put universal human rights on one side and culture or Asian culture on the other side, and say that two are in conflict. They do not need to be in conflict in my view.

- Q2. Do you think that the Universal Declaration of Human Rights undermines Asian Values?
- A2. I think, not. It does not generally undermine Asian Values. The Asian Values in a verse common set might undermine would be when Asian

politicians might choose to use the argument of Asian Values to justify undemocratic forms of government or abuses of human rights. I think that has happened. Some people have used the Asian Values agreement in respect of Myanmar (Burma), Malaysia, even Singapore. What they are really saying is that we as politicians don't like so much the implementation of universal human rights because it might undermine our power. Not Asian Values but our power.

Q3. Do you think that the concept of Asian Values has a place in the political arena?

A3. Very much, yes. But depending on what you mean by Asian Values. If you mean Asian Values by the form of authoritarian government designs to keep particular party or person in power like Suharto in Indonesia, I don't think Asian Values has any place there. It's more about power. But if you mean that there are different cultural attitudes which have to be taken into account in applying human rights, then yes – that's fine and Asian Values has a place.

If Asian Values means something simply relating to culture, yes it should be taken into account and it is not undermined because it does not have to be undermined by universal human rights. But if Asian Values means dictatorship and authoritarian rule, lack of human rights, it is undermined. So you have to choose what you mean by Asian Values. The problem is that some Asian politicians really mean by Asian Values as dictatorship if you like, but they pretend that they mean culture and that's the complication.

Q4. Do you agree or disagree that a society can still enjoy cultural rights regardless of the fulfilment of the civil and political rights?

A4. Yes to that. I will give you a copy of the discussion paper which has been put up by the human rights commission on the human rights and a treaty of Waitangi. Because this issue that you ask in the question is very relevant to Asia but it is also very relevant to New Zealand. The question

of whether or not Maori people in New Zealand can enjoy their cultural rights, and also have civil and political rights is a very important question in New Zealand. You will find in this draft discussion paper.

When you speak the rights of indigenous people, in one sense you are talking about cultural rights, and that is crucially important. My argument is yes, that a society can enjoy cultural rights regardless of the fulfilment of the civil and political rights. But there has to be a qualification in a sense that many cultures is necessary to take account of the sensitivities of the people of that culture in implementing universal human rights. It can be quite arrogant for Westerners to rush in and say – ok, this is the way you must do things. For instance, in New Zealand, there are Maori culture sensitivities which some Western people don't easily understand. Some recent issues about pregnant Maori women working on building site and it is bad and it could lead to bad consequences for pregnant women to do working on a building site. We have had some instances where there had been pregnant women, may be European women on the building site and Maori workers don't like it. So what do you do? You have a little bit of conflict. What we have to do in society like that is to work out a compromise. You don't say everything is black or everything is white. You work your way through. In some aspects, you have to involve in definite education.

- Q5. Do you think that the Universal Declaration of Human Rights (30 articles) are practically applicable to all countries or should they be applied more as moral obligations than as legitimated rights?
- A5. I think that they can be practically applicable to all countries. They have moral force, but they also have legal force. So they can be practically applied. But as I said, they may have to be applied with some sensitivity. You don't rush in and say – this is the way you must do, you say – we think there might be some opportunity for improvement, or we think you might wish to consider doing it another way.

Q6. Do you agree or disagree that the unilateral sanctions impositions on the Government of Burma are appropriate response to Burma's human rights record?

A6. In the case of Burma, the sanctions are appropriate. Generally, my believe is that sanctions should only be used as a last resource in trying to persuade governments to recognize human rights. I do not believe that as soon as there is a problem, may be a serious problem, there should be a resource to using sanctions. But in Burma case, the abuse of human rights has been prolonged period of time and numbers of attempts to persuade the Burmese Government or Myanmar Government to remedy the situation has been unsuccessful and I do agree therefore that there is a place in that situation for sanctions. A combination of the time period and the seriousness and I think, in Burma – there has been serious human rights problems over a considerable time period.

Q7. What do you think would be the most realistic approach to achieving human rights in Burma?

A7. They have to continue to be dialogued and sanctioned. I think that once the authorities in Burma indicate that they are prepared to achieve to recognize human rights in the country. Then it will be appropriate to not only reduce the sanctions but also possibly to offer some incentives and that is one of the approaches which has been used so far without success. But it is the only way that one continuation of what we call 'carrot and stick', I will bring the carrot, but there is also threatening stick in terms of penalty and sanctions.

Q8. Do you think Burma is being treated fairly as compared with other Asian countries and their questionable human rights record? For instance, China.

A8. This question of comparison is always difficult one. I think it is very hard to be 100% logical and fair in talking about how bad one country is compared to how bad another country is. In Burma, the situation, I think, has been significantly in some aspects has been worse than China because of the fact that the elected will of the people has been absolutely ignored

and dictatorial form of government has been pursued. In China, there has not been in a situation of elections which have been overturned or anything like that. There have been problems. But the Chinese have not been as blacken in the aspect and therefore, I think it is fair enough.

Q9. Do you think multilateral sanctions would be more effective than unilateral sanctions?

A9. Yes, they would, but it is very difficult to organize them and in the absence of universal international agreement on multilateral sanctions, some unilateral sanctions are probably sensible things to do.

Q10. Do you agree or disagree that sanctions impositions on a government is an alternative to war?

A10. Certainly it is. It's very desirable alternative to war. Yes, I agree.

Q11. Is the achievement of political and civil rights important enough to impose sanctions which deny access to basic human's needs?

A11. That's difficult. Imposing sanctions which actually denies access to basic human's needs is obviously undesirable. So I will not support sanctions which cause deprivation to people who are suffering from the problem. I do support sanctions, but not sanctions which will deny access to basic human's needs. The important thing in many ways is to try to target sanctions against the people who are causing the problem, not the people who are suffering from the problem. The people who are suffering from the problem are Burmese people so you don't want to call to have sanctions which will make them suffer more, but you do want to have sanctions will make the ruling elite which is causing the problem to suffer, and that is possible with targeted sanctions.

Q12. From your perspective, which is more important? The fulfilment of basic human's needs or achievement of political and civil rights? (For instance, Singapore.)

A12. Both. I don't think it's useful to try and say which is more important. You have to have both. Both are important. It is that human rights to have your basic needs satisfied. Human rights are not just political and civil rights, civil and economic as well and they are all equal. So I think it is fundamental that people's human rights overall are respected. I think Singapore does pretty well in terms of social and economic rights, probably not so well in terms of political and civil rights.

Q13. Can there be development without human rights?

A13. Well. That, I think, is a wrong question because the right to development is a human rights. So there can't be development without human rights. Because development is a part of human rights. We see human rights as a whole which includes political, civil, social, economic, and also the right to development.

Q14. Do you think sanctions have worked in other countries?

If so, please elaborate. If not, please elaborate.

A14. I believe that sanctions have had a useful impact in some countries. Sanctions were important in South Africa in ending apartheid. It was not only one factor, but it was an important factor for successfully ending apartheid. I think that sanctions were also a factor in Zimbabwe in bringing an end to White Rule. I think sanctions played a part there. In Iraq, sanctions against Iraq did not work. May be one reason why it did not work was because they were not targeted sanctions and they really made people suffered most and did not seem to have impact on the regime of Saddam Hussein. In the case of Fiji, following the coups in Fiji, there have been targeted sanctions against some of the politicians or instigators who involved in the coups. I think they have had some impact. Though not much, but I think there have had some impact.

Q15. Historically the Burmese military has involved in politics even before Burma gained independence from Britain, for instance – the Burma Independent Army (BIA) plead a leading role in building national unity to

gain independence from Britain. Remembering this, what are your opinion to the following questions?

- a) Do you think the role of the Burma's military will be critical in any future government?
- b) If Burmese national security is threatened even in a future democratically elected government, what role do you think the Burmese military would/should take?
- c) Do you think there is a possibility of peaceful resolution to the ethnic conflicts in Burma without current Burmese Government involvement?

A15. I have to confess to you that I am not expert on Burma. But I do know a little bit about Indonesia where similarly the army has historically very much involved in politics. In Indonesia's transition towards more democratic form of government which is taking place now, and they are making a lot of progress. It has to be with the consent of the army or else it doesn't work. Army has the power and they belong to the use of power and they can upset the whole process. Later, you have a situation in which the whole country is governed by civilians and the army knows it will be wrong, and it does not want to interfere. I think, in Malaysia for instance, there is a long tradition that there are soldiers and they do soldiering and they get involved in politics. That's not easy. It takes a while. It is such a process of persuading the military that its aim of life should be good soldiers, not to be bad politicians. I imagine that, that is the situation in Burma and it will be a long process.

When you say, the role of Burma's military will be critical in any future government, the acceptance by the military that they should not interfere in any future government is crucial. It might be appropriate to have the military still involved in the transitional period. That might be quite possible so long as that was the transition to appear where there were civilians and civilians control the military. But you can't jump in one day easily. But it can happen, if you have a head of the military. Sometimes when it happens most quickly will be the top generals themselves decide

that that is the right thing to do. That has happened before in some places. It happened in Indonesia, the military decided to move back.

Regarding national security, they may have to take actions in support of the democratically elected government. If security was threaten, then proper role for military would be to take whatever actions the democratically elected government asked them to take.

Q16. The Australian Government is currently providing human rights advocacy training starting with government middle-ranking key officials in Burma. (<http://www.atimes.com/oceania/BE02Ah01.html>)

- a) Do you think it will be effective in the long run?
- b) If so, should New Zealand Human Rights Commission provide similar trainings?

A16. I think that education is critically important. But I mean human rights in the broad sense, not just political and civil rights but also social and economic rights and right to development, and so forth. It is seen as a package. The right of citizens, you don't say this person has political and civil rights but also has basic needs. This person's basic needs are part of his or her life. So it is altogether. I think that kind of attitude towards human rights is something for us as much training as possible should be provided. Starting with government middle-ranking key officials. That's good. That needs to be extended as much as possible. I think it will be effective in the long run. More particularly it will be effective when the Burmese leaders are self-promoting it. That's the key thing. If it is endorsed and promoted by Burma leaders, then it will be effective.

For the New Zealand Human Rights Commission, it does not have resources to do this kind of thing. But it does sometimes help in programs which might be opened by New Zealand Agency for International Development (NZAID). We sometimes work with NZAID in human rights overseas. But we have very limited capacity. What I do suggest is that you might wish to consider talking with the organization called Asia

Pacific Forum of National Institutions. It's not government. It's human rights institution of Australia, New Zealand, Malaysia, Asia, Fiji, Thailand, and Korea. We work with them.

6.1.3 Interview with Prof. David. I. Steinberg

An interview is conducted with Prof. David. Steinberg through telephone and emails. The following questionnaires are pre-constructed for Prof. Steinberg and his answers are presented accordingly.

- Q1. Do you think sanctions imposed by the U.S and the EU to bring about compliance with the Universal Declaration of Human Rights in Burma work? If so, please explain. If not, please elaborate.
- A1. Sanctions will not work as there will be a nationalistic reaction to their imposition by any foreign power. This is necessary to maintain the political legitimacy of the government. This was discussed with me by General Khin Nyunt in August 2003. (General Khin Nyunt is Prime Minister of the Burmese Government.)
- Q2. Do you think multilateral sanctions would be more effective than unilateral sanctions?
- A2. Multilateral sanctions may be more effective, but it will not happen in Burma because China and Thailand are completely opposed to sanctions.
- Q3. Do you agree or disagree that the unilateral sanctions impositions on the Government of Burma are an appropriate response to Burma's human rights record?
- A3. They are neither effective nor appropriate because sanctions call for 'regime change' in Burma, and no government is going to adhere to that. This is not negotiating, it is asking for unconditional surrender.
- Q4. What do you think would be the most realistic approach to achieving human rights in Burma?

- A4. There needs to be a quiet set of staged steps, indicating what each side would do in response; that is, if Burma does 'A', the US or EU would do 'B,' etc. In other words, there has to be specific rewards for policy changes.
- Q5. Do you think Burma is being treated fairly as compared with other Asian countries and their questionable human rights record? For instance, China.
- A5. No, because the US has no other perceived interests in Burma. It disregards strategic, economic, humanitarian, narcotics, etc. issues and has a one-strand foreign policy. The US administration will not change that because the policy has been mandated in the US Congress, and the Executive Branch will not use up any political ammunition on Burmese issues. So I have been told within the Executive Branch and I believe this is accurate.
- Q6. Do you agree or disagree that restoring constitutional laws and regulations which have been lacking since 1988 is necessary for achieving human rights in Burma?; or
Do you think human rights enforcement is a necessary precondition for restoring constitutional laws and regulations in Burma?
- A6. Dualistic questions like this do not work. Constitutional laws are needed and human rights enforcement is needed, but they are mutually supportive and efforts, no matter how slow need to be started on both fronts. What is necessary is the establishment of a PROCESS of change, not simply declaring the PRODUCT (1990 elections) have to be honoured. The process will be slow and tedious but it is necessary.
- Q7. Many Asian governments argue that the concept of human rights is a Western value. Do you think that there is a difference between Western and Asian ways of practising human rights?
- A7. The Asian values argument in support of authoritarian governments is not substantial. There are differences in approaches (and since when is Asia one intellectual entity?). Some societies regard group rights and

responsibilities as more important than individual ones (of course, how big is the group? is an issue), but over time we have seen democratic values infused into Asian societies but the process is slow, thus the process becomes important.

Q8. Do you agree or disagree that while sanctions are designed to enforce basic human rights in Burma, in reality the sanctions inhibit the achievement of particular right found in Universal Declaration of Human Rights? For example, article 22. [Article 22: Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.]

A8. Sanctions are a moral position, not a real policy. As one US official said, they are 'chicken soup diplomacy,' meaning that they make you feel good but accomplish nothing. Sanctions hurt some rights, and sanctions are also against the WTO regulations, which both Burma and the US signed.

Q9. On 20th May 1997, the Clinton Administration issued Executive Order 13047 prohibiting new U.S. investment in Burma by stating that the actions and policies of the government of Burma constitute an unusual and extraordinary threat to the national security and foreign policy of the United States. Therefore, the President declared a national emergency to deal with this threat. What are your opinion to the following questions?

a) Do you think this Executive Order should have also included the termination of existing U.S investment in Burma?

A9(a) No. The issue of national security was a false one.

b) Do you think that there is a coalition between this Executive Order and the reduction of other countries' investment into Burma?

A9(b) Coalition is not the word. I think there is an effect because human rights groups worldwide organize effectively, but in some cases

thoughtlessly.

- c) Since U.S investment with Burma is historically minimal, do you believe the impact of this Executive Order is designed as a moral statement?

A9(c) Yes, see above. The US President will not fight with the congress on this, and the Congress (certain members) wanted it.

- d) If new investment was allowed in Burma instead of prohibiting it, could U.S. investors help enforce or defend basic human rights which might eventually lead to helping break the Burmese political stalemate? (For instance, economic development could possibly play as a constructive mediator between the government and the opposition party.)

A9(d) A mediator, no, but it would expose the Burmese government to all kinds of new pressures, which in the long term would be positive. Would it help 'legitimate' the military in the short run? To a degree, but it would provide jobs for a very poor country.

Q10. What is your opinion on the latest sanctions imposed by the Bush Administration (Burmese Democracy and Freedom Act issued on 28th July 2003) that resulting in the loss of thousands of jobs in Burma textile industry?

A10. I think it is a disaster for the Burmese people and a failed policy for the US.

Q11. Historically, the Burmese military has involved in politics even before Burma gained independence from Britain, for instance – the Burma Independent Army (BIA) plead a leading role in building national unity to gain independence from Britain. Remembering this, what are your opinion to the following questions?

- a) Do you think the role of the Burma's military will be critical in any future government?

A11(a) Yes, and they will retain veto-power over critical issues no matter what government is in office.

b) If Burmese national security is threatened even in a future democratically elected government, what role do you think the Burmese military would/should take?

A11(b) They will either take over or effectively veto any action a Burmese government takes to threaten the unity of the state, as that has been since independence their primary concern.

c) Do you think there is a possibility of peaceful resolution to the ethnic conflicts in Burma without current Burmese Government's involvement?

A11(c) No, the government must be involved, and reconciliation is necessary and face saving solutions must (and could) be found.

Q12. What is your opinion on the government's latest introduction of the Road Map to Democracy?

A12. It will lead before 2006 to a multi-party civilianized state along politics in Indonesia under Suharto—'disciplined democracy' is what the military called it.

Q13 Do you think that the opposition leader, Daw Aung San Suu Kyi who initiated the call for sanctions on the government should appeal to the international community (the U.S. and the EU) to lift sanctions if she is included as an equal participant in implementing the democracy road map?

A13. I think she calls for sanctions, elimination of tourism, and originally a boycott on humanitarian assistance was wrong from the beginning and should be rescinded.

Q14. Do you think sanctions have worked in other countries?
If so, please elaborate. If not, please elaborate.

A14. They worked only in South Africa because all the countries around South Africa approved of them, the elite of SA was geared to Western Europe, the economy and banking system were also oriented there. None of those conditions apply to Burma. Look instead at the lack of effect of sanctions on Cuba.

Q15. Can there be development without human rights?

A15. If by development, you mean economic development and if by human rights you mean political rights, the answer for quite a long period is yes. Look at China, South Korea from 1961-1987, Taiwan from 1949-92, etc.

6.1.4 Interviews with A Burmese Community, Auckland, New Zealand

The following questionnaires written both in English and Burmese are provided to all participants from a Burmese community.

1. How did you become landed immigrant (refugee) in New Zealand?
2. How many landed immigrant (same ethnicity) in your community?
3. Are they happily living in New Zealand?
4. Do they feel economically secure living in New Zealand?
5. Do community members have difficulty in getting into job market?
6. Do you know anybody who experienced physical torture while he or she was in Burma?
7. Do you know anybody who was misguided or forced into the sex trade while he or she was in Burma or in refuge camp along Burma border?
8. What is the min livelihood of your community members?
9. What are your opinion to the following questions?
 - a) Do you think sanctions imposed by the U.S and the EU to bring about compliance with the Universal Declaration of Human Rights in Burma work?
 - b) Do you think the sanctions imposed in Burma weaken the government or the people of Burma?
 - c) Do you think that the opposition leader, Daw Aung San Suu Kyi who initiated the call for sanctions on the government should

appeal to the international community (the U.S. and the EU) to lift sanctions if she is included as an equal participant in implementing the democracy road map?

10. Historically the Burmese military has involved in politics even before Burma gained independence from Britain, for instance – the Burma Independent Army (BIA) plead the leading role in building national unity to gain independence from Britain. Remembering this, what are your opinion to the following questions?
 - a) Do you think that the role of the Burma's military will be critical in any future government?
 - b) If Burmese national security is threatened even in a future democratically elected government, what role do you think the Burmese military would/should take?
 - c) Do you think there is a possibility of peaceful resolution to the ethnic conflicts in Burma without current Burmese Government's involvement?
- 11) Do you agree or disagree that restoring constitutional laws and regulations which have been lacking since 1988 is necessary to achieving human rights in Burma?
- 12) From your perspective, which is more important in Burma? The recognition of individual ethnic identity or the national reconciliation? (For example, Karen State). Why?
- 13) Which army poses the greatest threats to individual security in Karen, Mon, Karenni, Shan states, etc.?

The answers provided by all groups from a Burmese Community are tabled accordingly.

Table 6.1.4 - A Summary of Answers Provided by Group A: Women Group

Questionnaire	Answers provided by Group A
3	The majority of them are not happy living in New Zealand. The primary reasons are difficulty to adapt into local culture and language barrier.
4	All basic needs are met and they are grateful to the Government of New Zealand.
5	All of them are house wives. Their husbands have difficulties in getting into job markets because of lack of formal education and of language barriers. Nevertheless, they try to earn by working casual jobs as they feel that it is unfair to depend on the government provided social welfare system.
6	None of them had experienced physical torture while they were in Burma or in the refugee camps. They did not know anyone who experienced physical torture in Burma.
7	During their stay in Burma and in refugee camps, they saw many girls who went into sex trade in Thailand due to economic hardships. Those girls were from inland Burma as well as from those villages near to the border area.
8	Income from casual jobs.
9	<p>a) No, sanctions are not working in Burma because the military government is still in power. In terms of human rights, if the military government is removed, Daw Aung San Suu Kyi will make a better place for all Burmese people.</p> <p>b) Sanctions are hurting poor Burmese people since the military government and their extended families are the minority group who are rich in Burma.</p> <p>c) Support any government who will provide the Burmese people with basic needs.</p>
10	<p>a) Whenever there is a war or an arms-conflict, no military is reliable for any ethnic group in Burma. While soldiers from Burmese military may provide food and security for civilians, other ethnic militants may harm civilians though they may be from the same ethnic group.</p> <p>b) No idea.</p> <p>c) A compromise is needed to solve all ethnic conflicts in Burma. All arms-conflicts in Burma are fighting the same</p>

	people, because Burma is after all one nation for all ethnic groups. It is a waste of time, resources, and people's lives.
11	No idea. But the only answer to solve human rights violation is having a good government and that is a civilian government.
12	See answer 10 (c)
13	All militant groups pose threats to civilians. Some groups are helpful, but some are not.
Expansion of discussion	<p>Q. Do you think economic sanctions are effective in Burma? If yes, please explain. If no, please explain.</p> <p>A. No idea on that issue. But what we know is that the military government is still in power and people become very poor. For us, we follow Daw Aung San Suu Kyi's call because we believe in her. The majority of Burmese have been very poor since 1960s. Therefore, we believe that we can resist poverty if sanctions are going to remove the military government.</p>
Remarks	All participants are Buddhists, age ranging from 28 to 37 years old.

Table 6.1.4 - B Summary of Answers Provided by Group B

Questionnaire	Answers provided by Group B
1	Some came to New Zealand as skill migrants. Some came here with the help of Christian missionary groups.
2	There are 20 Chin and 10 Kachin people in their community.
3	The majority are quite unhappy.
4 and 5	Some of them do not feel economically secure because the job market is very limited in NZ. They earn degrees from Australian universities, nevertheless this factor does not help them very much.
6	Yes, Five participants experienced physical torture while they were in Burma in relation to their active participation in democracy movements.
7	No.
8	Some survive on incomes from casual jobs. Some have contract jobs with private firms.
9	<p>Sanctions do not work in Burma. In order to bring about compliance with international human rights standard, Burma should be invited into international community. The reasons are:</p> <p>a) isolating Burma may have caused greater human rights violations over the years due to the psychological impact on the military government and isolation has more destructive effects than constructive effects for anyone regardless of a</p>

	<p>government or any individual person. The Burmese generals/government can only learn to respect democratic principles and human rights enforcement through interaction with international community who wants to enforce human rights in Burma.</p> <p>b) Sanctions have more impact on poor people than on the government.</p> <p>c) Daw Aung San Suu Kyi should call for lifting sanctions immediately even if she is not included as an equal participant in any political aspects. Sanctions are a wrong choice in the case of Burma.</p>
10	<p>a) Burma's military will definitely be critical in any future government as a result of Burma historical experiences. In addition, lack of political institutions and bureaucratic infrastructure in Burma will give a greater role to the current military government. For Burma, a strong government is necessary for the next 25-30 years until the country is stable, while a greater respect for human rights is a necessity.</p> <p>b) No comment because it is not sure that any future democratically elected government will be accountable.</p> <p>c) Yes. There is no major conflict among ethnic armed-groups. The only target for all ethnic armed-groups is Burmese military government.</p>
11	Restoring constitutional laws and regulations are important. But respecting human rights must be in force with or without a constitution. They are two different issues.
12	This question is wrong. Every ethnic group in this world wants to be recognized. So do ethnic groups in Burma. Feasible solution may be adopting federal government system in Burma.
13	No idea.
Remarks.	<p>All participants in this group are Christians, age ranging from 28 to 36 years old.</p> <p>Six participants strongly oppose economic sanctions in Burma while one participant strongly supports economic sanctions as he believes imposing economic sanctions is the only way to punish the military government though he is not sure whether sanctions will topple it.</p> <p>There are two participants (Chin and Kachin) who strongly feel that Burmese culture is only suitable for socialism though they do not support Ne-Win's Way to Socialism. They also confessed that they were physically tortured in Burma in relation to their involvement in pro-democracy movement.</p>

	Nevertheless, six-year living in Australia makes them to understand that the Western way of practicing human rights is not feasible for Burmese culture and Burmese population regardless of any government is in power.
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Table 6.1.4 - C Summary of Answers Provided by Group C

Questionnaire	Answers Provided by Group C
3	The majority of them are not happily living in New Zealand.
4	So long as basic needs are met, they are happy.
5 & 8	Some depend on government provided social welfare system and some depend on incomes from casual jobs.
6	Most of participants' family members are very often interrogated for their whereabouts. For participants, physical torture began during their stay in forest-camps where ethnic insurgent groups occupied. They went to forest-camps not because the Burmese military government tortured them, just because they believed that the only way to topple the military government was an armed-revolutionary.
7	Many girls from nearby villages to Thai-Burma border area as well as from inland Burma are forced to go into sex trade due to economic hardships.
9	Although poor Burmese people may be suffering from economic sanctions, the international community should impose economic sanctions on the Burmese military government for their human rights violations. Sanctions are not enough. Multilateral sanctions should be in place in order to support to Daw Aung San Suu Kyi's call for sanctions.
10	The military should never involve in politics.
11	Constitution is very important. However, respecting human rights and constitution are two different issues.
12	Recognition of individual ethnic group is important. However, federal governmental system is not feasible for Burma.
13	It depends on political situation in Rangoon. If the military government is trying to negotiate with Karen armed-forces for cease-fire, then the greatest threat comes from Karen for any ethnic groups/individuals in that area. No armed-forces are reliable in insurgent areas.
Expansion of Discussion	<p>Q. Do you think economic sanctions are effective in Burma? If yes, please explain. If no, please explain.</p> <p>A. No. They are not. The military regime is still in power. Sanctions are not enough. United Nations led economic sanctions are needed.</p>

	<p>Q. Why do you support economic sanctions if you think that they are not effective?</p> <p>A. This is the only way for us to voice out. We do not want the military government in power. Regime change is a necessity.</p>
Remarks	All participants are Buddhists, age ranging from 26 to 36 years old.

Table 6.1.4 - D Summary of Answers Provided by Group D

Questionnaire	Answers Provided by Group D
9	Sanctions are not enough in Burma. All nations should impose economic sanctions on the Burmese military government. Siege is a solution to topple the government. Daw Aung San Suu Kyi should be calling in for more economic sanctions from all nations.
10	National security is a false information. Time has changed. No country will militarily invade Burma. Therefore, military should go back to barracks. Daw Aung San Suu Kyi is capable of leading Burma if she is given a chance, and it is no doubt.
11	The issue of constitution and human rights are two different things.
13	No armed-forces are reliable in insurgent areas. A Karen soldier who serves for Burmese military may be killed by a Karen insurgent group if there is a conflict. Or a Karen soldier who serves for a Shan insurgent group may be saved by the Burmese military. In the insurgent areas, life and death depend on individual. Nothing really to do with any specific ethnic insurgent groups or Burmese military.
Expansion of discussion	<p>Q. Do you think economic sanctions are effective in Burma? If yes, please explain. If no, please explain.</p> <p>A. No. They are not effective because economic sanctions are not enough and therefore the military regime is still in power.</p> <p>Q. Why do you support economic sanctions if you think that they are not effective?</p> <p>A. We want the military government to know that we are not happy with it. The military government abuses power and corruption is everywhere in Burma. We want a civilian government.</p>
Remarks	All participants are Buddhists, age ranging from 39 to 46 years old.

6.1.4 - E Summary of Answers Provided by Group E

This group only agreed to express their opinion on the Burmese Government, economic sanctions and human rights. They all are Christians, age ranging from 18 to 25 years old.

1. They want a civilian government for whatever reason it may be.
2. They have lived more than half of their life in the military conflicts and therefore, they do not even want to hear 'war, armed-conflicts, etc.'.
3. The older Karen generations wanted to have a separate country, such as Karen State. As younger generations, they, however, feel that it is not feasible. Understanding and compromising differences between ethnic groups and the Burmese military government are the best for future generations.
4. The majority of participants do not support economic sanctions because they have been through economic hardships while they were in Burma and in refugee camps. They also do feel that economic sanctions will not topple the Burmese military government as the military is very strong.
5. All of them support Daw Aung San Suu Kyi. However, most of them are not sure whether she can make a better country for all Burmese people.
6. The majority of participants do not wish to go back to Burma even Burma becomes a democratic country in the near future. Because they do not want to suffer from poverty.

6.2 Analysis of Research Findings

This section offers a summary of analyses of the research findings provided by each group of participants. As mentioned in the Chapter Five, there were four types of group who participated in the research: a development practitioner, a human rights commissioner, an academic, and a Burmese community.

6.2.1 Analysis of the Research Findings Provided by a Development Practitioner

Compared to China and Cambodia, Burma's human rights record is intolerable and therefore, economic sanctions impositions on the Government of Burma are an appropriate response. It is also examined that economic sanctions do not bring about compliance with the international human rights standard as the human rights violations still exist, and they are as serious as they were when the economic sanctions started in the late 1980s. It is acknowledged that while economic sanctions weaken the poor Burmese people, they enrich the Burmese government.

In relation to humanitarian aid, it is supported for the people along the border area because aid agencies can manage without influences from the Burmese Government. However, humanitarian aid should not be provided for the people inside Burma because as it supports the Burmese Government directly. In contrary, sanctions on medicines should not be imposed because it might effect children. Nevertheless, it is examined that there should not have a link between economic sanctions and humanitarian aid.

Economic sanctions against Burma are not systematically and sufficiently employed, therefore they are not effective in the human rights enforcement. A regime change is a realistic and alternative approach to enforce human rights in Burma.

6.2.2 Analysis of the Research Findings Provided by a Human Rights Commissioner

Burma's human rights record in some aspect is worse than China. First, the Burmese Government did not respect the elected will of the people as a result of the 1990-elections. Second, there has been serious human

rights problems in Burma over a considerable time period. Therefore economic sanctions are an appropriate response to Burma's human rights record. It is also examined that multilateral economic sanctions would be more effective than unilateral sanctions, however it would be difficult to organize them. Therefore, an approach of offering incentives and economic sanctions – carrot and stick – should mutually play in the pursuit of human rights enforcement in Burma. In addition, the role of education such as human rights advocacy trainings starting with middle-ranking key officials is critically important. For the policy change in Burma, the consent of military to establish a process of change is the most realistic.

6.2.3 Analysis of the Research Findings Provided by An Academic

It is examined that economic sanctions does not and will not work in Burma as there is and will be a nationalistic reaction from the Burmese Government. In addition, economic sanctions against Burma demands for regime change, and no government will adhere to such unconditional surrender. It is also examined that Burma is treated unfairly because the United States does not have perceived interests in Burma. Since there is no interest in Burma, the US Government will not change its one-strand policy towards Burma.

In terms of economic sanctions from the standpoint of human rights, sanctions do violate some rights such as economic rights of the Burmese people while they play as a moral position. Economic sanctions have made an economic and social disaster for the Burmese people as well as a failed policy for the US. Daw Aung San Suu Kyi's call for sanctions on investments, tourism and a boycott on humanitarian assistance were wrong and they should be rescinded.

The realistic approach to achieving human rights in Burma is to offer specific rewards for policy change. The establishment of a process of change by the Burmese Government is more realistic than of honoring the

product of the 1990-elections despite the process will be slow and tedious. It is also acknowledge that the current economic sanctions against Burma are not effective and they rarely work in elsewhere, except South Africa.

6.2.4 Analysis of the Research Findings Provided by a Burmese Community

The majority of Burmese support economic sanctions as an appropriate response for Burma's human rights record. There are two major reasons for their support in economic sanctions impositions. First, it is a channel of expressing their frustration and disapproval of the military government. Second, it is a moral support for Daw Aung San Suu Kyi who calls for economic sanctions against Burma.

While the majority of Burmese consider the regime change as a realistic approach to enforce human rights in Burma, the minority of Burmese believe that the regime change is not feasible. The minority group believe that it is important to invite the Burmese military government into the international community and provide nation-wide human rights advocacy training in Burma. It is also examined that Western way of practicing human rights is not suitable for the Burmese people and Burmese culture under military or non-military government. The findings also show that the Burmese community acknowledge the ineffectiveness of economic sanctions in Burma. While the majority of Burmese believe that human rights violations exist in Burma because the military government is still in power, the minority of Burmese consider human rights violations become seriously committed because the economic sanctions are in force.

It is worthwhile to note here that according to personal interviews with participants, some participants naively assume that the West led by the United Nations will take a military action against the Burmese Government.

The following table is derived as a summary of analyses. It is primarily based on the participants' opinion on the following factors:

- appropriateness of economic sanctions against Burma;
- effectiveness of economic sanctions in Burma; and
- realistic approach to enforce human rights in Burma.

Table 6.2 Summary of Participants' Opinions on the Effectiveness of Economic Sanctions and Human Rights Enforcement in Burma

Type of Participants	Appropriateness of Economic Sanctions	Effectiveness of Economic Sanctions	Approach to Enforce Human Rights
Development Practitioner	Yes	No	Regime Change
Human Rights Commissioner	Yes	No	Carrot and Stick, Providing education and advocacy training.
Academic	No	No	Offering specific rewards for policy changes.
Burmese Community			
Women Group	Yes	No	A Civilian Government, which means regime change is an alternative.
Overseas Graduates	No	No	Constructive engagement and education.
Former Rangoon University Students	Yes	No	Regime Change
Former employees of BSPP regime	Yes	No	Regime Change
Youth Group	No	No	A Civilian Government, which means regime change is an alternative.

As table 6.2 shows, the majority of participants, 62.5%, agree that the economic sanctions impositions on the Government of Burma are an appropriate response for Burma's human rights record. Their opinion on the enforcement of human rights is a regime change.

25% of participants do not agree that the economic sanctions are an appropriate response for Burma's human rights record. This particular group believe that a realistic approach to the enforcement of human rights in Burma is to adopt constructive engagement with the Burmese Government.

For 12.5% of participants, the imposition of economic sanctions on the Government of Burma is appropriate, however it needs to be carrot-and-stick approach which means while economic sanctions, stick, are imposed in order to punish or bring a target regime on to the bargaining table for its policy change, incentive, carrot, plays an important role to achieve the goal.

Research findings also show that all participants consider the economic sanctions on the Burmese Government are not effective despite their opinions on human rights enforcement in Burma vary.

6.3 Summary

This chapter offers a series of research questionnaires and subsequent answers provided by respective group of participants. It also outlines a summary of analyses that is examined based on the research findings.

Chapter Seven – Conclusion

Mirinda Bennett, an American whose husband works for an oil company in Rangoon, argues sanctions hurt the very people they are supposed to help. 'As US citizens, we can't stop what's happening.....just by saying, we're not going to feed your children' (Y. Cohen 1998).

This chapter offers an ultimate discussion on the topic of economic sanctions as a means to enforce human rights in Burma. As I have broadly discussed in the previous chapters, human rights and economic sanctions have become regular aspects of bilateral and multilateral diplomacy by the end of the Cold War. Following the 1988-democracy uprising, Burma's human rights records have become a central focus of international community, especially of the West. When the military government of Burma did not honor the power to the democratically elected party, the National League for Democracy (NLD) and its party leader, Daw Aung San Suu Kyi, the relationship between Burma and Western community became gloomy. With the initial sanctions: arms embargo, suspension of defense co-operation, suspension of all bilateral and multilateral aid, downgrading diplomatic representatives and visa ban on high officials, the United States (U.S.) and the European Union (EU) had further imposed economic sanctions on the Government of Burma in 1996 and 1997 subsequently. These economic sanctions are renewed every year and they are still ongoing as of the completion of this study.

Economic sanctions imposed on the Government of Burma are indeed intended to have enforced human rights in Burma, especially in the areas of political and civil rights such as effective rule of law and judiciary, freedom of speech, press, assembly, association, and honoring power to the democratically elected party. While economic sanctions address the issue of human rights condition in Burma, they also call for regime change: 'the Clinton administration insisted that the May 1990 election be honored and that the military step down from power' (D. I. Steinberg 2004:p50).

Nevertheless, years of economic sanctions have not achieved their objective of regime change. In addition, the report on human rights practices in Burma produced by the U.S. Department of State still shows no improvement yet: 'The Government's extremely poor human rights record worsened and it continued to commit numerous serious abuses. Citizens still did not have the right to change their government.' (The U.S. Department of State 2004: website⁸¹). Similarly, the Common Position renewed by EU also shows no improvement of human rights conditions in Burma: 'by the failure of military authorities to respect for human rights and democracy, the continuing detention of Daw Aung San Suu Kyi.....and the continuing serious violations of human rights, the Council deems it necessary to maintain the measure taken under Common Position against the military regime in Burma' (The Council of European Union 2004: website⁸²).

In their work of *Sanctioning Iraq* and *The Sanctions Decade*, eminent sanctions scholars such as Dowty (1994) and Cortright & Lopez (2000) have raised the important issues of goal and objective that are set in an economic sanction. For instance, Dowty asserts that 'the success of sanctions depends on what goals they are measured against' (A. Dowty 1994). Likewise, Cortright & Lopez also claim that 'the most important factor for determining the likely success of sanctions is the nature of the objectives being sought' (Cortright et al. 2000:p17).

In view of the studies that I have pursued in the previous chapters including the findings from the field research, I argue that the economic sanctions as a means to enforce human rights in Burma are not effective. My argument is further supported by the following observations.

The goal of economic sanctions against Burma – protecting and promoting greater respect for human rights – is indeed noble and intrinsic. However, the objective of economic sanctions – regime change which is an unobtainable task – has hindered the effectiveness of economic sanctions. Moreover, the economic sanctions policy practiced by the West is an illusion because the policy – impose

⁸¹ <http://www.state.gov/g/drl/rls/hrrpt/2003/27765.htm>

⁸² <http://register.consilium.eu.int/pdf/en/04/st08/st08315.en04.pdf>

an economic loss on the Government of Burma by restricting international commerce such as restrict investment, suspend bilateral and multilateral development aid, limit humanitarian aid, freeze financial assets – only pays attention to the sender (West) perspective and ignores the perspective of Burmese Government.

From the sender (West) perspective, the imposition of economic sanctions is justified because it is seen as a moral obligation to deter the military government from committing human rights violations which are measured against the Universal Declaration of Human Rights. Protecting and promoting greater respect for human rights in Burma through economic sanctions are also one way to succor and encourage the peoples of Burma, especially Noble Peace Prize Laureate Aung San Suu Kyi (1991), who calls for economic sanctions and advocates humanitarian aid to be provided only if there is a good governance in Burma.

In Burma, the underlying cause of the social, political and economic crises which have created untold hardships for the people is the lack of good governance. There cannot be good governance without responsibility, accountability and transparency. The provision of humanitarian aid should be made in such a way as to promote these qualities. If the provision of aid simply enables an authoritarian government to assume less responsibility for the welfare of the people, or to strengthen its despotic grip, or to increase the opacity of its administration, it will do irreparably more harm than good⁸³ (Aung San Suu Kyi 1999).

Since the economic sanctions policy emphasizes the sender (West) perspective, it overlooks other critical factors which are important in supporting the likely success of economic sanctions. As many sanctions scholars argue, bringing about the desired level of economic loss on the Burmese Government is one of the necessary conditions of a successful sanctions policy, however this condition alone is not sufficient to produce the desired goal of achieving human rights

⁸³ Aung San Suu Kyi's foreword to the Humanitarian Crisis, Aid and Governance in Burma, A Working Paper for the Workshop on Humanitarian Aid to Burma.
(http://www.burmafund.org/Pathfinders/Research_Library/ASSK%20foreword%20to%20Humanitarian%20Aid%20to%20Burma.htm).

enforcement in Burma. From the standpoint of economic loss, it is true that Burma suffers from economic sanctions, for instance, the unemployment rate became out of control in 1998 after the US President's Executive Order to prohibit new investment in 1997 and the EU Common Position to boycott tourism promotion in 1996 – 'unofficial estimates were between 20 and 30 percent of workforce' (K. Y. Hlaing 2004:p79).

However, this kind of situation pushes Burma to rely on Asian markets instead of having a high degree of trade dependency on the U.S. and the EU member states. For instance, Burma became a member of the Association of Southeast Asian Nations (ASEAN) in 1997, whose members' political systems range from democracy in the Philippines and Thailand to 'soft' authoritarianism in Singapore and Malay to communism in Vietnam. It is worthwhile to note here that prior to 1988, Burma's economy was subsistence economy which primarily relied on its agricultural productions and did have little contact with international commerce, and the current military regime began to open the country to trade and liberalize markets only in the late 1980s. In another words, Burma was in a situation of economically self-isolated nation for 26 years prior to 1988. However, the end of the Cold War has significant impact on the global economy to which the West's influence over other countries' economies has become difficult: 'globalization is tightening the weave of international economic and financial markets, and the growing importance of regional trade blocs in the world economy also makes countries less vulnerable to economic sanctions' (Askari et al. 2003:p113-114).

There are also other factors that are overlooked by the economic sanctions policy pursued only from the sender perspective. First, the West's economic sanctions policy does not consider that Burma has different cultures, philosophies of morality, perspectives on political authority and legitimacy, and views about ethnics and religious beliefs. Economic sanctions policy, which is pursued by the West with a great influence of overseas Burmese expatriate community who oppose the military regime, does not necessarily convince the majority of the Burmese populace that the West is doing such things so as to promote greater respect for human rights in Burma. On the other side of economic sanctions, for

example, the loss of 300,000 jobs⁸⁴ employed directly or indirectly under tourism industry due to tourism boycotts by the West would become a propaganda weapon for the military regime.

In addition, economic sanctions employed by the West regardless of whether they are employed unilaterally or multilaterally, they are employed on ad hoc basis despite their goal is usually to be standardized with the international laws and standards. This factor has also allowed Burma and other target nations to come up with an argument, claiming that it is hypocrisy and rhetoric for the West to pursue such diplomacy towards them while other nations' human rights records are trade off with other Western interests, for instance: the China's Tiananmen Square in 1989⁸⁵, and China's policy towards Tibet.

Second, the West's economic sanctions policy only considers the National League for Democracy (NLD) and its party leader, Daw Aung San Suu Kyi, as a legitimate political party and leader of Burma. In considering such legitimacy, the NLD led by Daw Aung San Suu Kyi is the only hopeful civilian government that will promote international human rights and practices of democratic principles: 'Washington has been so overpowering that any hint of approval of a Burmese government policy or action, however modest, is frowned upon in official sources, and no official criticism of the opposition or Aung San Suu Kyi is tolerated. U.S. legislation even mandates that Suu Kyi approve the UNDP program' (D. I. Steinberg 2004:p51).

This kind of West's response creates greater autarky in Burma as well as enflames nationalist sentiments among military generals rather than generating political disintegration among them. Given historical experiences of nationalist movements in Burma, economic sanctions unfortunately provoke the military regime to expand the state's coercive capacities as a matter of survival under the banner of national unity which is also the fundamental principle of Burmese politics throughout history. On

⁸⁴ Bangkok Post 18 April 2004 - 'Sanctions miss the mark' by Myint Shwe

⁸⁵ 'The June 4, 1989 massacre of thousands of students peacefully protesting for democracy in Tiananmen Square made the world realize that the Chinese government would stop at nothing to stay in power and prevent sweeping democratic reforms from occurring.' by Kyle Mehalek (2002). (<http://home.rochester.rr.com/kjmpage/tiananmen.htm>)

the other side of nationalist sentiments is that there is a tendency to redirect the dissatisfaction created by economic sanctions through weakening the political dynamics of the NLD and Daw Aung San Suu Kyi.

In addition to these factors, Western economic sanctions policy also undermines the position of reformers within the military regime and discourage their attempts to open the country to the international community. What this sanctions policy does not challenge to recognize is that nearly the same pattern of military regime has been in power for more than 40 years (1962 – 2004), and a strong power hierarchy within the military regime to which hopeful reformers may have been facing difficulties to breakthrough [See Chapter Four for Burmese Government's effort to restore bilateral and regional diplomacy in Asia since the early 1990s].

In fact, economic sanctions are meant to cause hardship for the leadership of the Government of Burma – directly or indirectly – but, not on the general population. However, no matter how carefully the economic sanctions are targeted at the Burmese Government, they somehow have effects on general population. For instance, the economic sanctions imposed by the Bush Administration in May 2003 had a great impact on Burma's garment industry⁸⁶: 'according to Burmese businessmen, more than 80,000 workers - mainly young women - have been thrown out of work' (L. Jagan, 2003). However, according to US deputy assistant secretary of state Matthew Daley, the country's garment industry was hardest hit, and more than 40,000 people may have been thrown out of work, many of them ending up in the sex industry⁸⁷ (L. Jagan, 2003).

Third, the West's economic sanctions policy also implicitly expects that the economic hardship on the general population might provoke people's power movement to overthrow the military regime from power like the former socialist regime Burma Socialist Programme Party (BSPP) was overthrown in 1988. However, as Hlaing asserted in the work of *Will Western Sanctions Bring Down the House?*, 'the people's power movement in 1988 was nationwide facilitated by

⁸⁶ Myanmar exported US\$356 million worth of textiles to the United States a year before the current sanctions were applied in July 2003, cited by Kyaw Yin Hlaing, 2004:p83.

⁸⁷ <http://news.bbc.co.uk/2/hi/asia-pacific/3161498.stm>

the Burmese Communist Party (BCP)' (K. Y. Hlaing 2004:p83). By the end of the Cold War, the BCP have become inactive, and at the same time, the majority of those students who led the 1988-democracy movements have increasingly become exiled in the Western countries or have been kept in Burma's prisons as political prisoners. Therefore, the people's power movement is, as far as this study is concerned, not feasible. Moreover, the military government has successfully relocated various institutions and social groups over the years so as to discourage public demonstrations and protests. For instance, the University of Rangoon and the Rangoon Institute of Technology wherein the 1988-democracy movements originated have become less active as students have been forced to study at newly built universities which are located outside of Rangoon; various social groups have been relocated in the newly established satellite towns.

Cortright and Lopez argue in the work of *The Sanctions Decade* that 'sanctions are more likely to be effective in societies where there is some degree of democratic freedom than in rigidly totalitarian states (D. Cortright and G. A. Lopez 2000:p22). The argument made by Cortright and Lopez proves to be relevant to the case of Burma where the military practices one-party dictatorship. In Burma, not only various institutions and social groups have been successfully relocated, but the opposition political party, NLD, and its activities have been systematically crackdown over the years. Under this kind of circumstances, it is no surprise that the Burmese society is very weak. In addition, the majority of Burmese whose religion is Theravada Buddhism simply try to cope the economic, social, and political hardships with the *Law of Karma*⁸⁸ which I have broadly discussed in the Chapter Two.

While Aung San Suu Kyi remains popular, the public has become resigned to the belief that nothing will change (K. Y. Hlaing 2004:p83).

According to the World Bank reports, Burma has been one of the poorest countries in the world due to economic mismanagement caused by the former

⁸⁸ The Law of Karma: cause and effect, operates inexorably to ensure that his rebirth will be the moral consequence of actions in the past life (D. E. Smith 1966:p10)

socialist regime⁸⁹. Such condition has been deepened by the current military regime which lacks of capacity in managing the nation's economy. According to UN team report in April 2003, Burma is a country with a per capita GDP of just US\$300⁹⁰. It is also undeniable that Burma's human rights record is poor, primarily in the area of political freedom. However, these conditions have not favored the likely success of economic sanctions as a means to enforce human rights, they rather have had deleterious social effects on an already poor country [See Appendix VII – A].

If we just stand by and allow the poor to become poorer, then we are systematically destroying the fabric that will eventually be needed for a democratic society," says an American health care worker in Rangoon.....Burmese receive only \$1 in overseas assistance for every \$82 that aid agencies give their Laotian neighbors (S. Burton 1999).

In fact, everyone seems to know that what an economic sanction is when they see it, with little justification. An imposition of economic sanctions is a punishment for those who violate international laws and norms, therefore little justification is justified: good versus evil. However, how does one justify the deaths of the economically poor and politically weak in a country due to poor health or unsanitary conditions resulting from economic sanctions which are imposed in the pursuit of international human rights enforcement? As Daw Aung San Suu Kyi, the Noble Peace Price Winner, advocates, does humanitarian crisis need to wait till the good governance is established by the hopeful civilian government?

While economic sanctions protect Daw Aung San Suu Kyi and her party as a moral obligation, they fail to address the underlying courses of political impasse between the military regime and the NLD. Such failure has caused the high price for the majority of poor Burmese populace and left them in humanitarian crisis. In fact, not only economic sanctions are ineffective in enforcing human rights in Burma, but they also sustain authoritarian governance as they are pursued by the

⁸⁹ See The World Bank Group (<http://www.worldbank.org/>)

⁹⁰ UN Country Team, 'A Review of the Humanitarian Situation in Myanmar' unpublished report, April 2003.

interest group based foreign policy, which does not address to the resolution of the political impasse (H. James 2004:p64).

The West has attempted to position itself as a champion of human rights for the peoples of Burma. However, the definition of human rights is narrowly confined in the ballot box of the 1990 elections and its product. In the view of the Universal Declaration of Human Rights, human rights reaches values beyond the sanctity of the 1990 elections and the liberty of Daw Aung San Suu Kyi and her fellow human rights activists.

UN WIRE: What do you see as the proper role of the United Nations in this struggle?

SUU KYI: I think the proper role of the United Nations in Burma, as elsewhere, is to promote the articles of the United Nations Declaration of Human Rights and, through establishing the universality of human rights, to bring peace to the world⁹¹.

Universal human rights also includes the right to development, to employment, to social security, and to a standard of living adequate for the health and other basic human needs such as food, clothing, shelter, and these rights are denied to the peoples of Burma not only because of the military generals' incompatible governance and corruption, but they are also denied partly because of economic sanctions demanded by Daw Aung San Suu Kyi and pursued by the Western governments who mistakenly believe that economic sanctions will bring down the military regime. It is undeniable that the development of universal human rights has been chiefly influenced by the Western historical background of division, segregation, and competition, [See Chapter Two], however, in the age of 21st century, human rights can only be sustained if and only there is an environment of compromise wherein each party agrees to give in a little to one another in order to achieve some mutual benefit. The attitude of human rights must be obtained through demand, which comes from the Western historical experiences of human rights development [See Chapter Two], rarely works in Burma where the majority

⁹¹ See UN Wire Interview with Daw Aung San Suu Kyi on the 16th August 2002.
(<http://www.geocities.com/CapitolHill/Lobby/3190/assk/asskint8.html>)

of society acknowledge the *Law of Karma* as a fundamental doctrine of human nature.

By calling a policy change or a regime change in Burma by means of the imposition of economic sanctions, the West will not simply enforce greater respect for human rights in Burma. Such demand is indeed an unconditional surrender which no government will adhere to. As Askari et al. (2003) argues, 'we may not all agree on what is the best U.S. policy, but we generally agree that we do not want anyone else telling us what our policies should be' (Askari et al. 2003:p104).

APPENDIX II – A

Universal Declaration Of Human Rights (1948)

U.N.G.A. Res. 217a (Iii), 3(1)U.N. GAOR Res. 71, U.N. Doc. A/810 (1948)

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations, fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

THE GENERAL ASSEMBLY

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

No one shall be held to slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

1. Everyone charged with a penal offence has the right to presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

1. Everyone has the right to freedom of movement and residence within the borders of each state.

2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.

2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

1. Everyone has the right to a nationality.

2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

2. Marriage shall be entered into only with the free and full consent of the intending spouses.

3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

1. Everyone has the right to own property alone as well as in association with others.

2. No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.

2. No one may be compelled to belong to an association.

Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

2. Everyone has the right of equal access to public service in his country.

3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and

in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

2. Everyone, without any discrimination, has the right to equal pay for equal work.

3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

3. Parents have a prior right to choose the kind of education that shall be given to their education.

Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.

2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

APPENDIX III-A

Defending the Massachusetts Burma Law
Harrison Institute For Public Law
Georgetown University Law Center

A Moral Standard for Avoiding Businesses that Support Repression
A Guide to Natsios v. NFTC, Supreme Court Review of the Massachusetts Burma Law
Oral Argument is Wednesday, March 22nd, at 10:00 AM
Release of March 7, 2000

66 Nonprofit Organizations joined a brief submitted by the Harvard Law School Human Rights and Immigration programs. **Contact:** Peter Rosenblum, Harvard Program on Human Rights, 617-496-2825, <prosenbl@law.harvard.edu>. **Themes:** (1) International law authorizes the Burma law. The Massachusetts law is authorized by at least three international human rights agreements. (2) The lower court decision could place hundreds of state and local laws at risk. By overturning a state law based on WTO obligations, the lower court decision empowers the European Union, Japan and other nations to invalidate environmental and consumer laws simply by complaining that the laws violate U.S. obligations under various WTO agreements.

Alliance for Democracy American Lands Alliance Arise Resource Center, MN As You Sow Foundation, CA Asia Pacific Center for Justice & Peace Boston Mobilization for Survival Burma Lifeline Catholic Foreign Mission Society of America (Maryknoll Fathers & Brothers) Center for Constitutional Rights Center for Economic and Policy Research Center for Economic Justice Center for International Environmental Law Center for Labor & Community Research, IL Citizens Action Network Consumers Choice Council Co-op America Defenders of Wildlife Delta County Alliance for Democracy, CO Dictator Watch Dominican Sisters of Hope Earth Action Earth Rights International East Timor Action Network/U.S. Edmonds Institute, WA Free Burma Coalition Free Burma - No Petrol Dollars Global Exchange Rev. Thomas Shaw, Presiding Bishop, Episcopal Diocese of Massachusetts Ruckus Society Seattle Burma Roundtable, WA Sierra Club	Human Rights Watch Humane Society of the United States Independent Voters of Illinois – Independent Precinct Organization Institute for Agriculture & Trade Policy International Comm. Of Lawyers for Tibet International Human Rights Clinic. University of California School of Law International Human Rights Law Group International Labor Rights Fund International League for Human Rights International Rivers Network Jesse Smith Noyes Foundation Jewish Labor Committee, NY Langley United Church Long Island Progressive Coalition Los Angeles Burma Forum, CA Merrimack Valley People for Peace, MA Minnesota Advocates for Human Rights National Lawyers Guild, MA Chapter New England Burma Roundtable Philadelphia Burma Roundtable Physicians for Human Rights Project Maje, OR Rainforest Relief Rev, Frank Griswold, Presiding Bishop, Episcopal Church (USA) Sisters of St. Joseph-Office of Peace And Justice, MI Songbird Foundation Sustainable America
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APPENDIX III – B

*United Nations Human Rights Commissioner for Human Rights
Human Rights and Unilateral Coercive Measures Commission on Human
Rights Resolution 1999/21*

The Commission on Human Rights,

Recalling the purposes and the principles of the Charter of the United Nations,

Reaffirming the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 which declares that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Recalling its resolution 1998/11 of 9 April 1998 and noting General Assembly resolution 53/141 of 9 December 1998,

Taking note with interest of the report of the Secretary General on human rights and unilateral coercive measures (E/CN.4/1999/44 and Add.12),

Recognizing and reiterating the universal, indivisible, interdependent and interrelated character of all human rights and, in this regard, reaffirming the right to development as an integral part of all human rights,

Expressing its concern about the negative impact of unilateral coercive measures in the field of international relations, trade, investment and cooperation,

Recalling that the World Conference on Human Rights called upon States to refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of all human rights,

Deeply concerned that, despite the recommendations adopted on this issue by the General Assembly and United Nations conferences and contrary to general international law and the Charter of the United Nations, unilateral coercive measures continue to be promulgated and implemented with all their negative implications for the social humanitarian activities of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals,

1. Urges all States to refrain from adopting or implementing unilateral measures not in accordance with international law and the Charter of the United Nations, in particular those of a coercive nature with extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights and other

international human rights instruments, in particular the right of individuals and peoples to development;

2. Rejects the application of such measures as tools for political or economic pressure against any country, particularly against developing countries, because of their negative effects on the realization of all human rights of vast sectors of their populations, inter alia children, women, the elderly, disabled and ill people;

3. Reaffirms, in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

4. Also reaffirms that essential goods such as food and medicines should not be used as tools for political coercion, and that under no circumstances should people be deprived of their own means of substance and development;

5. Underlines that unilateral coercive measures are one of the major obstacles to the implementation of the Declaration on the Right to Development and, in this regard, calls upon all States to avoid the unilateral imposition of economic coercive measures and the extraterritorial application of domestic laws which run counter to the principles of free trade and hamper the development of developing countries, as recognized by the Intergovernmental Group of Experts on the Right to Development in its most recent report;

6. Invites the new open-ended working group on the right to development, which will meet after the fifty-fifth session of the Commission on Human Rights, to give due consideration to the question of human rights and the negative impact of unilateral coercive measures;

7. Invites all Special Rapporteurs and existing thematic mechanisms of the Commission in the field of economic, social and cultural rights to pay due attention, within the scope of their respective mandates, to the negative impact and consequences of unilateral coercive measures;

8. Decides to give due consideration to the negative impact of unilateral coercive measures in its task concerning the implementation of the right to development;

9. Requests:

(a) The United Nations High Commissioner for Human Rights, in discharging her functions in relation to the promotion, realization and protection of the right to development, to pay due attention and give urgent consideration to the present resolution;

(b) The Secretary General to bring the present resolution to the attention of all Member States and seek their views and information on the implications and negative effects of unilateral coercive measures on their populations, and to submit a report thereon to the Commission on Human Rights at its fifty-sixth session;

10. Decides to examine this question, on a priority basis, at its fifty-sixth session under the same agenda item.

52nd meeting

23 April 1999

[Adopted by a roll-call vote of 37 votes to 10,
with 6 abstentions.]

APPENDIX IV – A

A List of 135 Diverse Ethnic Groups Including Eight Major Tribal Groups in Burma

(The list is derived from the Burmese Government Information Centre.)

- (A) Kachin comprises (12) different ethnic groups;
Kachin, Trone, Dalaung, Jinghpaw, Guari, Hkahku, Duleng, Maru (Lawgore), Rawang, Lashi (La Chit), Atsi, and Lisu.
- (B) Kayah comprises (9) different ethnic groups;
Kayah, Zayein, Ka-Yun (Padaung), Gheko, Kebar, Bre (Ka-Yaw), Manu Manaw, Yin Talai, and Yin Baw.
- (C) Kayin comprises (11) different ethnic groups;
Kayin, Kayinpyu, Pa-Le-Chi, Mon Kayin (Sarpyu), Sgaw, Ta-Lay-Pwa, Paku, Bwe, Monnepwa, Monpwa, and Shu (Pwo).
- (D) Chin comprises (53) different ethnic groups;
Chin, Meithei (Kathe), Saline, Ka-Lin-Kaw (Lushay), Khami, Awa Khami, Khawno, Kaungso, Kaung Saing Chin, Kwelshin, Kwangli (Sim), Gunte (Lyente), Gwete, Ngorn, Zizan, Sentang, Saing Zan, Za-How, Zotung, Zo-Pe, Zo, Zahnyet (Zanniet), Tapong, Tiddim (Hai-Dim), Tay-Zan, Taishon, Thado, Torr, Dim, Dai (Yindu), Naga, Tanghkul, Malin, Panun, Magun, Matu, Miram (Mara), Mi-er, Mgan, Lushei (Lushay), Laymyo, Lyente, Lawhtu, Lai, Laizao, Wakim (Mro), Haulngo (Mro), Anu, Anun, Oo-Pu, Lhinbu, Asho (Plain), and Rongtu.
- (E) Bamar comprises (9) different ethnic groups;
Bamar, Dawei, Beik, Yaw, Yabein, Kadu, Ganan, Salon, and Hpon.
- (F) Mon comprises (1) different ethnic group.
Mon
- (G) Arakanese comprises (7) different ethnic groups;
Arakanese, Kamein, Kwe Myi, Daingnet, Maramagyi, Mro, and Thet.
- (H) Shan comprises (33) different ethnic groups;
Shan, Yun (Lao), Kwi, Pyin, Yao, Danaw, Pale, En, Son, Khamu, Kaw (Akha-E-Kaw), Kokang, Khamti Shan, Hkun, Taungyo, Danu, Palaung, Man Zi, Yin Kya, Yin Net, Shan Gale, Shan Gyi, Lahu, Intha, Eik-swair, Pa-O, Tai-Loi, Tai-Lem, Tai-Lon, Tai-Lay, Maingtha, Maw Shan, and Wa.

APPENDIX IV – B

Lists Of Ethnic Rebel Groups And Cease-Fires In Burma

(By David I. Steinberg, *Burma: The State of Myanmar*, Georgetown University Press, Washington D.C. 2001: p194-196)

A. Ethnically Related Rebel Groups in Burma (1983-1984)

1. Abi Group (Lahu)
2. Arakan Liberation Party (Rakhine Liberation Army)
3. Arakan National Liberation Party (Rakhine Muslim Liberation Party, Mujahids)
4. Kachin National Union (successor to the Karen National Defense Organization)
5. Karen Liberation Army
6. Karenni National Progressive Party
7. Karenni State Nationalities Liberation Front
8. Kayah New Land Revolutionary Council
9. Lahu National Unity Party
10. National Democratic Front (umbrella organization)
11. Muslim Liberation Front
12. National Socialist Council of Nagaland
13. New Mon State Party
14. Palaung Patriotic Army
15. Palaung State Liberation Organization
16. Pa-O National Organization
17. Rohingya Patriotic Front
18. Shan State Army
19. Shan State Nationalities Liberation Group
20. Shan State Volunteer Organization
21. Shan United Army
22. Shan United Revolutionary Army
23. Wa National Army
24. (unnamed) Chin Group

B. Other Rebel Organizations

1. Burma Communist Party
2. Arakanese Communist Party (Rakhine Communist Party)
3. Yang Hwe-Kang Group (Chinese Irregular Forces)

C. Ethnic Cease-Fires as of July 1998

1. Myanmar National Democratic Alliance Party (1989)
2. United Wa State Party (or Myanmar National Solidarity Party) (1989)
3. National Democratic Alliance Party (1989)
4. Shan State Army/Shan State Progress Party (1989)
5. New Democratic Army (1989)
6. Kachin Defence Army (Kachin Independence Organization (KIO) 4th Brigade) (1991)
7. Pao National Organization (1991)
8. Palaung State Liberation Party (1991)
9. Kayan National Guard (1992)
10. Kachin Independence Organization (1994)
11. Karenni State Nationalities Liberation Front (1994)
12. Kayan New Land Party (1994)
13. Shan State Nationalities Liberation Organization (1994)
14. New Mon State Party (1995)
15. Democratic Karen Buddhist Army (1995)
16. ongko Region Defence Army (1995)
17. Shan State National Army (1995)
18. Mong Tai Army (1996)
19. Karenni National Defence Army (1996)
20. Karen Peace Force (ex-Karen National Union (KNU), 16th Battalion) (1997)
21. Communist Party of Burma (Arakan Province) (1997)
22. Mergui Mon Party (1997)

D. Forces in Revolt as of July 1998

1. Arakan Liberation Party
2. Chin National Front
3. Karen National Union (1995 – 96 talks broke down)
4. Karen National Progressive Party (1995 cease-fire broke down)
5. Lahu National Organization
6. Mergui-Tavoy United Front (ex – BCP)
7. National Socialist Council of Nagaland (East and Main Faction)
8. National Unity Party (Front) of Arakan
9. Rohingya National Alliance (Arakan Rohingya Islamic Front and Rohingya Solidarity Organization)
10. Shan United Revolutionary Army (reformed 1996)
11. Wa National Organization (1997 talks broke down)

(Note from personal experience: Most democratic forces went into military revolution during 1988 democracy uprising.)

APPENDIX IV – C

Buddhism: Religion Of Individual Salvation

(By Donald Eugene Smith, *Religion and Politics in Burma: Buddhism and the state in old Burma*, Princeton, New Jersey, Princeton University Press 1965:p4-7)

Siddhartha Gotama was a historical figure of the sixth century B.C., a prince in a small kingdom of southern Nepal⁹². The Buddha (Enlightened One) was an honorary title later applied to him by his disciples. While Gotama the Buddha taught new doctrines which contradicted basic tenets of the Hindu philosophical and religious tradition, it is also true that his system was built upon two of these older tenets, *samsara* and *karma*. *Samsara* is the wheel of rebirth; all creatures are involved in an endless cycle of existence – birth, death, and rebirth. The process is interpreted in moral terms by the doctrine of *karma* (*kamma* in the Pali of the Theravada scriptures), according to which all acts performed in one existence are rewarded or punished by an appropriate state in future existences. This universal law of causation operates in such a manner that a man's next existence might be that of a god, a prince, a beggar, or an animal.

It was in the Buddha's analysis of the precise nature of this cosmic process that his distinctive doctrines appeared. Chained as it is to the wheel of rebirth, all existence is impermanent (*anicca*), substanceless (*anatta*), and full of suffering (*dukkha*). While good deeds in one existence will lead to a better material and spiritual life in the next, this approach does not get to the root of the real problem, which is that suffering is inherent in the endless round of existences. Emancipation from the cycle of rebirth is the only solution to the problem of suffering. This is the goal which the Buddha called *nibbana* (Sanskrit *nirvana*), and which he attained himself. The path to *nibbana* is the essence of the Buddha's message.

The Four Noble Truths epitomized the new doctrine. First, existence is suffering; birth, decay, death, sorrow, pain, not to get what one desires – all are suffering. Second, the origin of suffering is found in the desires and cravings which are

⁹² Christmas Humphreys, *Buddhism*, Penguin Books, Harmondsworth, 1952, pp. 25-33.

doomed to unfulfilment and frustration by the transitory nature of existence. Third, the extinction of suffering comes only with the extinction of desire, with the liberation and detachment from craving, with the attainment of *nibbana*. Fourth, the path that leads to the extinction of suffering is the Noble Eightfold Path – right understanding, right thought, right speech, right action, right livelihood, right effort, right mindfulness, right concentration.

In explaining the Noble Eightfold Path to his disciples, the Buddha emphasized not only the excellence of the goal, but the highly individualistic nature of the quest, and the withdrawal from society which it required. “If you follow this path, you will put an end to suffering. But each one has to struggle for himself; the Perfect Ones have only pointed the way.....And that supreme goal of the holy life, for the sake of which sons of good families rightly go forth from home to the homeless state: this you will in no long time, in this very life, make known to yourself, realize, and make your own⁹³.” The layman, involved in all the cares and concerns of wordly life, could not seriously aspire to *nibbana* in this existence; the meditation and self-discipline required to attain enlightenment was clearly beyond his capacity. With very few exceptions, salvation could be won only by renouncing the world.

The earliest Buddhist monks did not constitute an order in the sense of an organized monastic community. They were wandering mendicants attempting to follow the *dhamma* (teaching) of Gotama the Buddha. The individualistic path toward the spiritual goal implied the unsocial life of the seeker. The early wandering monks came together chiefly during the rainy seasons; only later did monasteries become permanent residences. Only gradually did the followers of the Buddha evolve into the Sangha (monastic order) with its fixed rules and discipline, regular meetings twice a month, and distinctive appearance (yellow robes and shaved heads).⁹⁴

⁹³ See U Thittila, “The Fundamental Principles of Theravada Buddhism,” in Kenneth W. Morgan, *The Path of the Buddha*, Ronald Press Company, New York, 1956, pp. 103-104.

⁹⁴ Sukumar Dutt, *Early Buddhist Monachism*, Asia Publishing House, Bombay, 1960, pp. 94-102.

The Buddha rejected the suggestion that he appoint a successor, and after his death none appeared. In a historically unique development, the governance of the Sangha changed from a monarchical form into a democratic one. Full and frequent assemblies were held, and elaborate rules of conduct based on the Buddha's admonitions and decisions (but attributed to him in their entirety in the texts), provided procedures for handling all kinds of disputes within the Sangha. While the monk was expected to show deference and respect to his seniors, there was no requirement of obedience to a superior as in Christian monasticism. "The idea of the paramount authority of a person – a recognized head, a spiritual dictator, an abbot or a *ganadhara* – was foreign to the constitution of the Buddhist Sangha"⁹⁵.

There was very little place for the laity in the early Buddhist scheme of things. Their most important function was to provide the material support of the monks, who were actively seeking *nibbana*. Such good works would maximize their chances of attaining salvation in a later existence. The lay morality taught by the Buddha was very elementary; the Five Precepts instructed the layman not to kill, steal, commit adultery, lie, or drink alcohol. Attempts to elaborate a way of life for Buddhist laymen were half-hearted and superficial. Jainism, another heterodox system which arose in the sixth century B.C., produced an effective parish organization of the laity, but no such development took place in Buddhism. Commenting on the nature of early Buddhism, Max Weber asserted: "Its inner consequence, and thereby also its external weakness, lay in the fact that in practice it confined salvation to those who actually followed the path to the end and became monks, and that at bottom it hardly bothered about the others, the laity."⁹⁶

From what has already been said, it will be clear that early Buddhism was, to use Weber's words, "specifically unpolitical and anti-political."⁹⁷ It had no political theory, because political structures were unrelated to the path of salvation.

⁹⁵ *Ibid.*, p.119

⁹⁶ Max Weber, *The Religion of India: The Sociology of Hinduism and Buddhism*, Free Press, Glencoe, Ill., 1958, p.233.

⁹⁷ *Ibid.*, p. 206

Buddhism rejected the priestly claims of the Brahmins and ignored caste within the Sangha, but made no attempt to change the social order. Buddhism evolved no civil law based on sacred texts, and while Buddhists ridiculed the alleged authority of the Vedas, they continued to follow the regulations of Hindu law in civil disputes and other matters. Buddhism arrived late on the Indian scene; a complex and pervasive Hinduism had already provided answers to the questions of political theory, law, and social order. The unique message of Buddha concerned the way to *nibbana*, and this was what early Buddhism offered.

APPENDIX V – A

Information Sheet for Participants

School of People, Environment & Planning
Institute of Development Studies, Massey University
Turitea Campus, Palmerston North, New Zealand

Introduction

Research Title : Economic Sanctions as a Means to Enforce
Human Rights in Burma

Name of Researcher : Ma Kyi Kyi Thin
and contact details : Email : milarni@yahoo.com
Phone : 0064-6-355 2790

Name of Research : Dr. Barbara Nowak
Supervisors and : Email : B.S.Nowak@massey.ac.nz
Contact details : Phone : 0064-6-356 9099, ext. 2502

Prof. John Overton
Email : j.d.overton@massey.ac.nz
Phone : 0064-6-356 9099, ext. 2504

Purpose and Type of Study

My name is Ma Kyi Kyi Thin. I am a MPhil student of development studies at Massey University, New Zealand. For my degree, I am researching the effectiveness of sanctions as a means to enforce human rights in Burma. Human rights is both a moral, cultural and political issue, and it is these issues I would like to explore with you particularly in relation to Burma.

APPENDIX V – A (*continued*)

Anonymity and Confidentiality

I will ensure what you tell me will be kept in the strictest confidence and your identity will remain anonymous if you so wish.

In order to ensure researcher's security, the thesis will be embargoed upon its completion for two years.

The Right of Participant

You are not required to participate in this study. If you agree to participate, you have the right to:

- decline to answer any particular question (s);
- withdraw from participation at any time with no consequences;
- raise any questions regarding the research at any time during participation;
- refuse the use of an audio tape in the course of participation or ask to have it turned off;
- request a summary of the research upon completion;
- be assured that provided information will only be used for the purpose of writing the thesis and publication upon its completion – no other purpose is intended.

All questions regarding the research can be addressed to me or my thesis supervisors at the contact details provided above.

APPENDIX V – A (*continued*)**CONSENT FORM***(for participants inside New Zealand)*

I have read the Information Sheet and I understand that I may ask further questions at any time.

I understand that I have the right to withdraw from the interview and study at any time prior to the final submission of the research.

I understand that I need not answer the questions and that I may ask for the tape recorder to be turned off at any time.

The information will be used only for this research and publications arising from this research project.

I **agree/do not agree** to the interview being audio taped.

I agree to participate in this interview/study under the conditions set out in the Information Sheet and with the understanding of my rights as participant.

Signed : _____

Name : _____

Date : _____

APPENDIX V – A *(continued)***CONSENT FORM**

*(for participants who were contacted
through email outside New Zealand)*

By virtue of filling out and returning the questionnaire you agree to participate in this research. Please remember that you have right to decline to answer any particular question (s).

APPENDIX VII – A

Myanmar: A Silent Humanitarian Crisis In The Making

(retrieved from <http://www.ibiblio.org/obl/docs/peaceofpie.htm>)

(Text only)

UNITED NATIONS

Office of the Resident Coordinator, Yangon, Union of Myanmar

Reference: ORG/130/1/1 (RC/UNCT)

30 June 2001

Myanmar: a silent humanitarian crisis in the making

Myanmar is on the brink of a humanitarian crisis. At a time when economic sanctions against Iraq are being redesigned and when the world is reaching out to reintegrate North Korea into the wider international community, we, the members of the UN Country Team (UNCT) in Myanmar, wish to bring to your attention our deep concern over Myanmar's humanitarian situation. We summarise our critical concerns below:

- Estimates in the UNAIDS "Report on the Global HIV/AIDS Epidemic" of June 2000 reveal a figure of over 530,000 HIV infected persons in Myanmar as of the end of 1999. During the past twelve years, over 26,000 HIV sero positive cases have been identified of which 3,500 were confirmed as AIDS. A recent analysis of data available in the country covering the last three years indicates that the Human Immuno-deficiency Virus has moved into the general population.
- Official figures of net enrolment and retention rates of school-age children reveal that only half of the Myanmar children aged 5 to 15 years old complete the primary cycle. Based on these figures, it is estimated that 25% of children never enrol and, out of those who do, only one third are able to complete the full 5-year cycle of primary schooling. Furthermore, approximately one quarter of the children in the 10-14 age group (about 1.25 million children) are engaged in paid work and there is a growing number of "street children" concentrated in urban areas. This is further aggravated by the plight of thousands of children and women who have become the victims of cross-border human trafficking with neighbouring countries.
- Maternal health, tuberculosis and malaria are major concerns in the country. The Maternal Mortality Ratio (MMR) is high with estimates ranging between 230 and 580 per 100,000 live births. It is estimated that about half of maternal deaths are due to complications resulting from unsafe abortions. Almost one quarter of Myanmar babies are born underweight, with long-term nutritional implications. By the time children reach the age of 5, one in three is moderately to severely malnourished. This is compounded by the fact that about 3.6 million children and 1.1 million pregnant women live in areas considered to be at high or moderate risk for malaria transmission.

Furthermore, the country is estimated to have no less than 81,000 new cases of tuberculosis annually. To date only a limited proportion of the population has had access to drugs for proper treatment.

- Economic activity has slowed down – with high inflation and wide fluctuations in the value of the local currency since January 2001, as well as contraction of real public expenditure on basic services. This inflicts further hardship on the poor.

Under these critical circumstances, humanitarian assistance to Myanmar is a moral and ethical necessity, as well as an obligation of the international community. To deny the people of Myanmar basic humanitarian assistance not only causes unnecessary suffering in the short-term, it also has long-term negative implications.

The cost of neglecting assistance will be substantially higher if delayed, as the magnitude of problems escalates (e.g. HIV/AIDS), human capital disintegrates (e.g. increasing illiteracy, low completion rates in primary school), natural resources diminish and disparities widen (e.g. among geographical regions and among ethnic minorities). Delayed assistance may also have an escalating effect on the illicit narcotic business, resulting in negative social impact within Myanmar and in the region, as well as on other transnational problems, such as human trafficking, illegal migration and population displacements. The current peripheral or piece-meal assistance provided to Myanmar is not adequate to reverse or even slow down certain negative trends. Nor is it sufficient to decrease economic and social disparities, which pose a potential threat to internal and regional peace and security.

While recognising that fundamental change of domestic policies is necessary to fully address the above challenges, accelerated and efficient delivery of humanitarian assistance will have positive short-term effects by alleviating suffering and maintaining a minimum standard of well-being. It will also be conducive to longer-term fundamental change in Myanmar. Indeed, strengthening human capital, developing leadership capacity, and encouraging a more dynamic civil society will contribute to laying the foundations for democratic processes.

However, the fact remains that Myanmar has very limited access to Official Development Assistance (ODA) and does not benefit from assistance from the International Financial Institutions. As a result, the population's needs are only marginally addressed by restricted humanitarian assistance mostly provided through the UN system. The total annual ODA currently provided to Myanmar is about US\$1 per capita compared with US\$35 for Cambodia and US\$68 for Laos (1997 figures). This very low level of ODA fails to uphold the minimum threshold to cover basic humanitarian needs.

In addition, governing bodies of some UN organisations have laid down specific caveats that limit their ability to deliver full assistance in accordance with their global mandates and their assessment of the country's needs. Nevertheless, UN organisations operating in Myanmar make the utmost effort to address the most crucial humanitarian issues in a co-ordinated and

collaborative manner, within the above-mentioned financial and *modus operandi* constraints.

As an immediate response to the above, we, the members of the UN Country Team, have selected three important areas for consultation and common action based on our assessment of the country situation. These areas are HIV/AIDS (where action is already underway through the UN Joint Plan of Action), illicit drugs and food security. They are by no means exclusive of future joint action in other areas. Furthermore, this initiative is part of a larger process that includes a continued UN humanitarian assessment of the country, and dialogue with the international community.

This common approach must be viewed as in the context of Myanmar's political environment that forms the backdrop for all humanitarian assistance to this country. However, the nature and magnitude of the humanitarian situation does not permit delaying until the political situation evolves.

In addition, UN organisations operational in Myanmar working effectively to address the most urgent needs could contribute significantly to the ongoing work of the UN Secretary General's Special Envoy, Mr. Ismail Razali, and the UN Special Rapporteur on the Situation of Human Rights in Myanmar, Mr. Paulo Pinheiro, as well as to the work of the ILO.

Taking into consideration the need to accelerate humanitarian interventions, we, the members of the UN Country Team in Myanmar, have decided to take steps to actively contribute to change and to pursue this matter with the support of our respective headquarters and the international community. We therefore appeal for your support to attain the following:

1. a dramatic overhaul of the budget allocations for Myanmar within the UN system, and an increased effort for a concerted advocacy strategy to expand ODA to Myanmar through the UN system;
2. a consistent approach related to the mandates of the respective UN organisations active in Myanmar;
3. a cohesive approach between the activities of the UN organisations operational in Myanmar and the political and normative initiatives launched from within the UN system, as well as a close anticipatory consultation between both;
4. a presentation of the complex humanitarian situation in Myanmar to the UN organisations' constituencies.

It is our earnest hope that all possible and appropriate action may be taken to address this situation urgently.

With our very best regards,

(signed)

UN Resident Coordinator, Patrice Coeur-Bizot

UNICEF Representative, John B. Mendis

WFP Chief of Operations, Bradely B. Guerrant

UNFPA Country Director, Sheila Macrae

UNDCP Representative, Jean-Luc Lemahieu

UNHCR Chief of Mission, Rajiv Kapur

FAO Representative, Francis Rinvile

WHO Representative and UNAIDS Theme Group Chairperson, Agostino Borra

UNDP Deputy Representative (Programme), Renata Lok-Dessallien

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