



## U.S. Policy Regarding Burma

By Philip S. Robertson Jr.

Springing from obscurity to America's editorial pages, college campuses, city councils, and state legislatures, Burma has become a major foreign policy issue seemingly out of proportion to its relatively limited ties to the United States. Ruled by a series of harsh military regimes since 1962, Burma serves as a test case for U.S. policy on several fronts: human rights; a growing worldwide heroin epidemic; the role of U.S. state and local governments in relation to international trade policy and practice; forced labor, international labor standards, and the new prominence of the International Labor Organization (ILO) in the era of globalization; and the role of multinational corporations in supporting dictatorships. U.S. verbal commitments to promote human rights and democracy are being put to the test as an

embattled democracy movement—led by 1991 Nobel Peace Prize winner, Aung San Suu Kyi—faces a relentless campaign of arrests and intimidation by the State Law and Order Restitution Council (SLORC) military junta, renamed the State Peace and Development Council (SPDC) in November 1997.

SLORC came to power in September 1988, when it commanded the Burmese army to smash a nationwide democracy movement by gunning down more than 3,000 protesters in Rangoon and thousands more in smaller cities and towns. Nine consecutive years of UN General Assembly resolutions condemning the junta demonstrate that little has changed

since then. The UN Human Rights Commission (UNHRC) has criticized the SPDC for “extrajudicial, summary or arbitrary executions, death in custody, torture, arbitrary and politically motivated arrest and detention, absence of due process of law, severe restrictions on freedom of opinion, expression, movement, assembly, and association, including portering for the military.” The use of forced labor by the SPDC affects as many as 800,000 Burmese daily, according to the International Confederation of Free Trade Unions (ICFTU). In November 2000, the ILO will likely employ—for the first time—Article 33 of its constitution and call on member states to take action against the junta. The ILO is demanding that the SPDC scrap legal authority for the use of forced labor, order all govern-

ment authorities to cease using it, and prosecute those responsible, especially the military.

Attempting to legitimize its rule, SLORC/SPDC organized a multiparty election on May 27, 1990. The move turned out to be a huge miscalculation, as Suu Kyi's National League for Democracy (NLD) party won a landslide victory, taking 392 of 485 seats in the Parliament. The official military party won just 10 seats, and the military promptly refused to honor the results of the election. When the SPDC employed mass arrests to prevent the convening of the elected Parliament in August 1998, the NLD announced the formation of the Committee Representing the People's Parliament.

Civil society groups continue to be totally repressed. Only in July 2000 did the SPDC reopen universities shuttered since 1996 to prevent student gatherings. The dominance of military spending has relegated Burma's once-proud health service to 190th (out of 191) in overall health system performance, according to the World Health Organization.

The SPDC has consolidated control over ethnic groups in border areas by employing the infamous “four cuts” strategy, designed to cut off insurgents from food, funds, intelligence, and recruits. The result has been forced relocations and human suffering that rivals anything seen during ethnic cleansing in Bosnia or Kosovo. Detailed research on internally displaced peoples (IDPs) among ethnic groups has found that over 300,000 Shan, more than 200,000 Karen, and over 30,000 Karenni citizens have been forced from their homes. Hundreds of villages have been turned into free-fire zones, in which heavily armed SPDC battalions, using civilians as forced porters and minesweepers, wreak havoc. Another 100,000 refugees have fled to Thailand.

The People's Republic of China—the SPDC's closest ally and primary diplomatic supporter—has provided \$1.8 billion in military equipment for the SPDC's military modernization drive. The Coalition to Stop the Use of Child Soldiers, a coalition of nongovernmental organizations (NGOs), recently revealed that Burma has one of the highest numbers of child soldiers in the world. Yet Western and Asian multinationals continue to invest with government ministries or entities like the Union of Myanmar Economic Holdings, controlled by military officers.

Successful efforts by activists to pass “Burma selective purchasing” legislation in two states (Massachusetts and Vermont) and 21 cities (including New York and Los Angeles) have pressured at least 39 international companies to withdraw from Burma. But on June 19, 2000, the Supreme Court upheld the National Foreign Trade Council challenge to the Massachusetts Burma law, marking a counterattack by a coalition of America's largest businesses, who oppose any restrictions on foreign trade.

### Key Points

- A world-class human rights abuser, Burma's military junta is condemned both by the UN Human Rights Commission—every year since 1989—and by the International Labor Organization for its systematic use of forced labor.
- The SPDC continues to refuse to recognize the results of the 1990 elections, won overwhelmingly by the National League for Democracy (NLD), and has imprisoned over 55 NLD parliamentarians.
- Economic sanctions by the U.S. and other nations continue to pressure the SPDC regime, despite a recent ruling by the Supreme Court overturning the Massachusetts Burma law.

# Problems with Current U.S. Policy

In 1995, after her release from six years of house arrest, Aung San Suu Kyi challenged the military regime to enter into a dialogue—with no preconditions—to craft a final political settlement in Burma. This call, repeated hundreds of times by NLD leaders since then, has been consistently ignored by the junta. The SPDC has instead mounted an intensifying campaign to dismantle the NLD through arrests of its elected parliamentarians and members, seizures of property, and junta-organized “no-confidence” rallies against NLD parliamentarians in their constituencies. An SPDC-appointed constitutional drafting convention waits in the wings, at work on a document that most observers believe will permanently enshrine military rule.

With their backs to the wall, Suu Kyi and the NLD have called for international economic sanctions against the SPDC, an international tourism boycott, and no new foreign investment in Burma. Following a strategy reminiscent of the African National Congress during its struggle against apartheid in South Africa, the NLD believes that international sanctions will deprive the SPDC and its cronies of opportunities to enrich themselves and will contribute to pressure for an unconditional, tripartite dialogue between the SPDC, the NLD, and the leaders of the ethnic nationalities.

In May 1997, a concerted grassroots campaign in the U.S. finally persuaded the Clinton administration to impose economic sanctions to ban future U.S. investment. The measure takes aim both at actions to facilitate investment (including those by foreign nationals) and attempts to evade the investment prohibitions. But all investment contracts signed by U.S. companies before that date are considered legal. In a test case to hold U.S. corporations accountable, Burmese directly affected by forced labor in the building of the Yadana Gas pipeline have joined forces with two U.S. NGOs to use the Alien Torts Claims Act to sue the Unocal oil company for human rights abuses stemming from its partnership with the SPDC.

Unfortunately, Washington balks at the next logical step—banning all Burmese imports into the United States, which are not covered by the May 1997 sanctions. In fact, the National Labor Committee found that between 1995 and 1999, apparel imports from Burma soared 272%. In the year 2000, U.S. companies will import more than \$340 million worth of garments from Burma, including those produced in factories owned by drug traffickers. U.S. activists have vowed that selective purchasing and corporate accountability campaigns will continue, despite opposition from free trade acolytes in the current administration, who played a critical role in persuading the Justice Department to side with U.S. businesses in arguments before the Supreme Court.

Washington's reluctance to ban Burmese imports is even harder to understand, now that it is clear that the SPDC is profiting from collaboration with narcotraffickers. The Drug Enforcement Agency estimated in 1998 that 14% of heroin entering the U.S. is from Southeast Asia and Burma ranks as the world's second largest producer of heroin. Burma's banks can accept foreign currency deposits of any size with no questions asked, as long as a 30% tax is paid. Cheap amphetamines produced by ethnic groups like the Wa, who have a close relationship with a top SPDC official, Gen. Khin Nyunt, are flooding into Thailand. Yet the U.S. only responds with the same old drug war interdiction efforts, treating the symptoms rather than taking concerted political action against the SPDC regime, which condones these activities.

SPDC intransigence has scuttled good faith international efforts to create a road map for political reform that would involve guarantees of aid in exchange for reform. Meanwhile the Clinton administration, while taking commendable steps to unilaterally stop new U.S. investments in Burma, has failed to use its leadership to lobby Australia, Canada, and key European countries to deepen Burma's diplomatic and economic isolation. As a result, the ASEAN (Association of Southeast Asian Nations) policy of constructive engagement toward the SPDC, primarily composed of forging commercial links and defending the SPDC from external criticism, continues largely unchallenged.

Moreover, Japan is now moving to resume partial overseas development assistance to the SPDC.

Another problem is the lack of adequate humanitarian assistance from the U.S. and other nations. The intensifying military campaign against ethnic nationalities along Burma's borders has created a humanitarian crisis that continues to be largely ignored by the international community. Hundreds of thousands of internally displaced Burmese remain trapped, hiding in the jungles. Yet only a pittance of international assistance reaches them. Meanwhile, Thailand continues to insist on an overly narrow definition of a refugee as someone who is “fleeing from fighting,” has declined to accede to the 1951 UN Convention on the Status of Refugees, and refuses to consider setting up refugee camps for ethnic Shans. Between 700,000 and 1.5 million illegal migrant workers—many of whom could qualify as refugees—work in the underground economy in Thailand.

## Key Problems

- Current U.S. sanctions are inadequate, because they only ban new investments—allowing most existing projects to continue unimpeded—and do not address imports into the United States.
- The Clinton administration has opposed state- and local-level sanctions as barriers to trade.
- U.S. policy has failed to respond sufficiently to SPDC complicity in heroin trafficking networks.

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# Toward a New Foreign Policy

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One of the first steps the U.S. should take is to increase resources for cross-border humanitarian assistance (food and medicine) to the internally displaced population while marshalling greater international attention to the plight of the ethnic peoples of Burma. Washington should also proactively work with the Royal Thai government to broaden its definition of a refugee, allow Shan camps to be established, and ensure that no involuntary repatriations occur.

U.S. policy correctly urges a tripartite dialogue between equals—the SPDC, the NLD, and ethnic leaders. As

Aung San Suu Kyi recently wrote in the *Washington Post*, this dialogue should be aimed at achieving a “negotiated settlement acceptable to major political forces in our country.” The problem is that this call, echoed by the international community, has been met by the SPDC with shrill rhetoric, the jailing of NLD representatives, and further repression. The main issue for U.S. foreign policy is how to use political and economic leverage to accomplish a sustained dialogue leading to a just settlement.

It is still clear that with economic and military backing from China as well as diplomatic support from ASEAN, the SPDC believes it can bide its time and selectively dismantle the NLD.

The U.S. must intensify political and economic pressure to deny legitimacy and resources to the SPDC junta. The ILO Commission of Inquiry into Forced Labor, headed by three respected international jurists, found systematic use of forced labor in every state and division in Burma. A 1996 report by the U.S. embassy in Rangoon found that 3% of Burma’s GDP comes from forced labor. In order to ensure that no products produced with or benefiting from forced labor (which is often used to build transportation infrastructure such as ports and roads) reach American consumers, the U.S. should immediately ban the import of all goods from Burma. Such a move would directly impact sectors closely tied to the Burmese military (like garment production and teak harvesting) and would uphold American principles against forced labor anywhere in the world.

At the same time, the current administration must recognize the legitimacy of U.S. state and local governments refusing to do business with companies operating in Burma. Given the flood of heroin entering the U.S. from Burma, the administration should invoke a national security exemption (citing the Government Procurement Agreement) with regard to the World Trade Organization to fend off future attempts to overturn selective purchasing laws. Grassroots activists will certainly continue a concerted campaign of trade-related tactics to target U.S., European, and Asian

companies invested in Burma, and the U.S. government should not put obstacles in their way, based on misguided appeals to free trade.

At the United Nations, the General Assembly’s annual resolutions on Burma are increasingly ignored by specialized UN agencies. In the first half of 2000, both the Food and Agriculture Organization (FAO) and UNESCO held major conferences with the SPDC government in Rangoon, lending international legitimacy to the junta. Although there is merit in the efforts of some activists in lobbying for suspension of the SPDC as the legitimate representative of Burma at the UN, China’s veto in the UN Security Council will make that politically impossible. Instead, the U.S. and its allies should undertake an effort to forbid all UN agencies from conducting regional meetings in Burma and should urge the UN secretary-general to critically review all UN programs in Burma in light of the General Assembly’s policy decision to promote human rights and the restoration of democratic rule. The U.S. should also call a session of the UN Security Council to pass a resolution condemning Burma’s continued failure to transfer power to the winners of the 1990 election, forcing China to protect its client on the international stage, and further undermining the SPDC’s independence in the eyes of its own people.

The U.S. should continue its policy of blocking loans and assistance to Burma from the World Bank and the International Monetary Fund and should do likewise at the Asian Development Bank (ADB). An ADB project, the Greater Mekong Subregion (GMS) program, is being used to foster transportation, trade, and investment links between Burma and its neighbors. At the ADB annual meeting in May 2000 in Chiang Mai, invitees included at least two Burmese bankers with direct ties to drug traffickers. Initiatives like a GMS Business Forum, which would help foster closer links between SPDC companies and corporations in neighboring countries, are wholly inappropriate at this time. The U.S. should work with its European counterparts on the ADB board to insist on excluding Burma from all GMS projects or, failing that, should defund the program in its entirety.

The U.S. must hold the line as a consistent supporter of the restoration of democratic rule, based on the 1990 election. Without U.S. influence in the international community, promoting a comprehensive policy of economic pressure and political persuasion to push for final political status negotiations, the SPDC may continue its record of grave human rights abuse and repression for many more years.

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## Key Recommendations

- The U.S. must develop a proactive policy to deal comprehensively with the humanitarian needs of internally displaced persons in Burma and refugees in Thailand.
  - The U.S. needs to expand efforts to delegitimize the SPDC internationally and must work with allies to apply economic and political pressure on the junta. Unilaterally, the U.S. should ban imports from Burma.
  - The U.S. should support stronger action at the United Nations, including toughened multilateral sanctions, in concert with the forthcoming ILO call for governments to critically review their relationships with the SPDC regime.
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# Sources for More Information

## Organizations

**Burma Project, Open Society Institute**  
400 West 59th Street  
New York, NY 10019  
Voice: (212) 548-0632  
Fax: (212) 548-4655  
Email: burma@sorosny.org  
Website: <http://www.soros.org/burma/>

**Free Burma Coalition**  
Box 19405  
Washington, DC 20036  
Voice: (202) 387-8030  
Voicemail: (202) 777-6009  
Fax: (202) 234-5176  
Website: <http://www.freeburmacoalition.org/>

**National Coalition Government of the Union of Burma (NCGUB)**  
Representation Office/U.S.  
815 15th Street NW, Suite 910  
Washington, DC 20005  
Voice: (202) 393-7342  
Fax: (202) 393-7343  
Email: [ncgub@igc.org](mailto:ncgub@igc.org)  
Website: <http://www.ncgub.org/>

**U.S. Department of State**  
Burma Desk Officer  
EAP/BCLTV, Room 5206  
2201 C Street NW  
Washington, DC 20520  
Voice: (202) 647-3132  
Fax: (202) 647-3069  
Website: <http://www.state.gov/>

## Publications

John Brandon, ed., *Burma: Myanmar in the Twenty-First Century: Dynamics of Continuity and Change* (Bangkok: Thai Studies Section, Chulalongkorn University, 1997).

Alan Clements and Leslie Kean, *Burma's Revolution of the Spirit* (New York: Aperture Books, 1994).

Bertil Lintner, *Burma in Revolt: Opium and Insurgency Since 1948* (Boulder, CO: Westview Press, 1994).

Julie Sell, *Whispers at the Pagoda: Portraits of Modern Burma* (Bangkok: Orchard Press, 1999).

Martin Smith, *Burma: Insurgency and the Politics of Ethnicity* (Atlantic Highlands, NJ: Zed Books, 1991).

## World Wide Web

**The Burma Net News**  
<http://theburmanetnews.edittthispage.com/>  
**International Labor Organization**  
<http://www.ilo.org/>  
**Government of Myanmar (Burma)**  
<http://www.myanmar.com/>

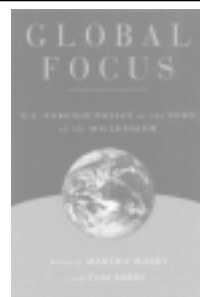
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