



MALMÖ UNIVERSITY

DEPARTMENT OF GLOBAL AND
POLITICAL STUDIES

The Dark Side of Economic Sanctions: Unveiling the Plight of Women from Myanmar/Burma

-A Minor Field Study in Myanmar and Thailand

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Master Thesis in Human Rights

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Country profile

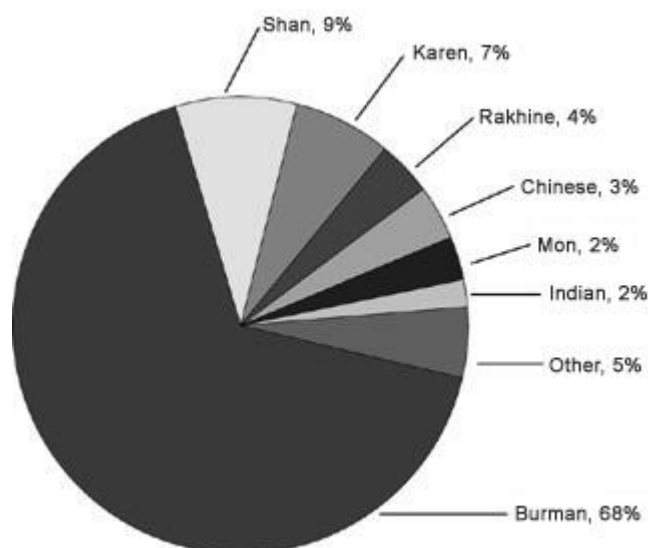
Population: 54 million
Ethnic groups: 8 major - Burman, Chin, Kachin, Karen, Karenni, Mon, Rakhine, Shan.
Government Type: Military junta.
Civil War: Ongoing since 1948
Major languages: Burmese, ethnic languages
Major religions: Buddhism, Christianity, Islam
UN Country Status: LDC (Since 1987)
Main income for SPDC: Natural gas, Hydropower, Timber, Minerals. Gems

Refugees

- More than **450,000** refugees from Burma in neighboring countries: Bangladesh, India and Thailand
- Approximately **140,000** refugees living in the recognized camps in Thailand

Internally Displaced People: About **600,000** persons

Peoples of Burma



Burma's world ranking

- Military manpower rank (by number of active troops): **No 10** in the world
- **Largest** user of child soldiers in the world
- **Biggest** user of forced labor in the world
- **Second largest** producer of opium in the world
- **One of the 50** poorest countries in the world¹
- Corruption ranking: **no. 179** (bottom place)²
- Overall health performance: **190 out of 191** countries
- Implementation of Education For All: **94 out of 129** countries

Burma's Chronology (up to May 2008)

1885	Britain's colonization of Burma proper
12 Feb 1947	Signing of Pang Long Agreement (between Burmese leader Aung San and ethnic Shan, Kachin and Chin leaders, agreeing to cooperate to demand independence for Burma)
19 July 1947	Aung San was assassinated along with
Sept 1947	Federal Constitution ratified, granting Karenni and Shan the right to secede after a decade of independence.
4 Jan 1948	Burma regained independence ; civil war broke out shortly afterwards; over the years, various ethnic groups took up arms to fight the central government
2 March 1962	The army seized power in a coup , ending Burma's period of democracy; a series of military regimes have ruled until today
1962-1988	Military-led " Burmese Way to Socialism " bankrupted the country
1987	Burma became LDC (one of world's Least Developed Countries)
1988	Nationwide student-led pro-democracy uprising
18 Sept 1988	Regime, renaming itself the State Law and Order Restoration Council (SLORC), regained power with a brutal crackdown on peaceful demonstrators
May 1990	Regime held general election ; National League for Democracy (NLD) won more than 80% of vote, but regime has refused to honour results of election until now
Post 1990	Many elected MPs arrested , imprisoned, forced to resign; some fled into exile
1992	Regime started process of " National Convention " to draft new constitution, to solidify military power
1995	NLD began boycott of National Convention
1997	SLORC renamed itself the State Peace and Development Council (SPDC)
30 May 2003	Aung San Suu Kyi attacked by members of USDA (regime's proxy organization)

Jan 2004	Regime announced 7-step Road Map to "Disciplined Democracy"
Aug 2007	"88 Generation" activists demonstrated against oil price hike
Sept 2007	Saffron Revolution
Feb 2008	Regime announced referendum to endorse their own constitution in May
2 May 2008	Cyclone Nargis , killing over 130,000 and affecting nearly two and a half million people
10 May 2008	People forced to vote in referendum throughout Burma except cyclone-hit regions
24 May 2008	Referendum in cyclone-hit area

Source: Women's League of Burma, 2008.

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Malmö, Sweden
7 January 2009*

The Dark Side of Economic Sanctions: Unveiling the Plight of Women in Myanmar/Burma

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1 INTRODUCTION

1.1 Background

Once again like déjà vu the land of Myanmar splashed international front page headlines for its recent brutal crackdown on protestors and monks in the autumn of 2007. People intercepted the news with unsurprised horror as their memories flashed back to the infamous 1988 uprisings that prematurely ended the lives of at least 1,000 civilians in Rangoon alone and possibly 3,000 nationwide.¹ This time around it was different with the international community and media quickly coming to the aid of the protestors in voicing condemnation of the junta's actions and calling for support for the protestors. Human rights and exiled Burmese activists further increased pressure on the international community to take action against Myanmar and distance themselves from the military regime. The 2007 anti-government protests (lasting from August 15th until approximately October 31st) were initially led by students and pro-democracy activists in response to the government's increase of fuel prices, which consequently caused a spike in public transport and staple food prices.² In what was already an impoverished situation with inflation at ahistorical levels, it was of course no surprise that social unrest ensued. This particular fuel hike served as a watershed event for all the economic problems that had been troubling the people of Myanmar for the last two decades since the last uprising of 1988 took place. Monks from all over the country eventually joined in and took to the forefront of the protests in what would be dubbed the —Saffon Revolution” symbolizing the color of the robes the monks wore. This did not appease the junta leaders as they proceeded forward with a brutal crackdown on the protestors that resulted in the beating and killing of both civilians and monks alike. The final death toll of the junta crackdown varies between the junta's own official figures of 10 up to the 200 casualties claimed by dissident groups. In addition, many monks were consequently detained and put in prison camps while some fear that many of them were murdered. Upward to 6,000 demonstrators in all were arrested with many of them being gradually released.³

As if it was not enough that Myanmar had garnered worldwide criticism for its loathsome antics, Cyclone Nargis would draw renewed world attention and criticism to the country. On

¹ Ferrara, 2003: 314.

² AlJazeera, 2007.

³ USA Today, 2007.

May 2nd of 2008, less than a year after the Saffron Revolution, Myanmar experienced the worst natural disaster in the recorded history of Myanmar claiming the lives of over 100,000 people. Abundant criticisms were directed toward the junta from the bungling of their own relief effort to the blockage of international aid, and of their undeterred determination to proceed with elections the following weekend. All of the mishandling and mismanagement of the crisis kept the junta on the front page news while the international community desperately explored alternatives to get help to those who needed it most. Yet again the junta reminded the world of its indifference to its own people and mocked the world community for its inability to do anything. It is unforeseen at this point whether this catastrophe has resulted in anything more than minimal cooperation from the regime and often it is only for handouts of international aid. Cyclone Nargis will presumably serve as a painful lesson that even in the worst state of crisis the junta of Myanmar will still refuse to buckle to outside pressure.

Twenty years has now passed since the 1988 uprisings that initially brought international attention to Myanmar and Nobel laureate Daw Aung Suu Kyi to the forefront of the democratic opposition. Due to Aung San Suu Kyi and her party comrades' repeated arrests and detentions for their political activities, the international community has adopted numerous diplomatic strategies over the years with the hopes of coercing the junta into releasing the political prisoners and into accepting the 1990 election results that favored Suu Kyi and her party, the National League for Democracy (NLD). There has been consistent international pressure and activism over the years for the release of the more than one thousand political prisoners locked up for their participation in the 1988 demonstrations and/or other political activities. Despite the myriad approaches undertaken by various actors the last two decades, Daw Aung Suu Kyi and many others remain in captivity and the junta still rules the country with an iron fist. The most popular approach utilized by state actors against the junta has by far been the imposition or threat of economic sanctions. The historical timing of Suu Kyi's arrests and Myanmar's deplorable human rights behavior against the backdrop of the post-Cold War relations proved a pivotal stimulus for the use of economic sanctions as a diplomatic tool.

In terms of international cooperation in the United Nations, it wasn't until the end of the Cold War that the international organization finally achieved unprecedented cooperation in the United Nations Security Council (UN SC). Prior to this relations amongst the Security Council permanent members had chilled from the start of the Cold War and dimmed any hopes for cooperation in the Security Council. The renewed cooperation that brought an end to the chilly

relations in the UN SC was marked by the Iraq invasion of Kuwait. As a result of this new unity, a string of peacekeeping and enforcement activities followed suit, howbeit it was not military activities that proved the most popular method of choice, but alternatively it was economic sanctions that proved most appealing to Security Council members. It comes as no surprise then that the 1990s has been dubbed ~~the~~ “the decade of economic sanctions.”⁴ Howbeit, not all these economic sanctions consisted of multilateral mandatory economic sanctions as outlined under article 41 of the UN Charter. On the contrary, many economic sanctions were and are indeed today unilateral.

Since the rejuvenation of the UN SC following the Cold War, economic sanctions have persistently been issued often to the detriment of the civilian population. A strong majority of the literature on economic sanctions have questioned and raised doubts over the efficacy of sanctions. A magnitude of political leaders, human rights activists, and scholars remain for the most part oblivious and aloof to the detrimental harms of sanctions despite that nearly all are aware that the infamous Iraqi sanctions campaign claimed the lives of half a million (of which the majority were children). This is clearly another case of —collective amnesia” since the international community too often forgets the catastrophic errors of their time in spite of slogans that cry “*Never Again*”. Sanctions are assumed to be a less costly alternative to armed force when measuring the cost of lives, but as former UN Secretary-General Boutros Boutros-Ghali expressed:

Sanctions, as is generally recognized, are a blunt instrument. They raise the ethical question of whether suffering inflicted on vulnerable groups in the target country is a legitimate means of exerting pressure on political leaders whose behaviour is unlikely to be affected by the plight of their subjects.⁵

An overwhelming amount of literature and research by experts and scholars concede that sanctions have had in fact drastic implications for vulnerable populations and frequently did not achieve the objectives it had aimed for. My particular concern in this debate, which is needy of more research, is the impact of sanctions on women. Women have appeared to suffer the brunt of sanctions according to numerous anecdotal evidence since women are often times more vulnerable to economic sanctions due to their gender and their relative impoverished and disempowered position. Be that as it may, research in this area remains obsolete or very minimal and is henceforth worthy of attention due to the urgency of this problem as this paper will show.

⁴ Cortright and Lopez, 2000.

⁵ Boutros-Ghali, 1995: 26.

My own interest in this area was ignited by the strengthening of economic sanctions on Myanmar (Burma) by the United States in 2003.⁶ What really caught my attention was the allegation that thousands of jobs were lost within the textile or garment industry as a result of the newly strengthened sanctions policy that supposedly compelled women to enter the sex trade and prostitution via trafficking or forced migration. On this basis, I began to examine other sanctions regimes and uncovered that likewise women suffered disproportionately in respect to the rest of the population. It has been generally accepted that children are particularly vulnerable to sanctions; however it can be argued that women's weakened position only reinforce the vulnerability of children to sanctions since women are frequently their primary caregivers. Countless accounts revealed that women had experienced similar harms and hardships under the various sanctions regimes, but somehow the plight of Iraqi women went largely unnoticed especially in light of the publicity and studies directed at the victimization of Iraqi children to the decade-long sanctions imposed by the United Nations. The degree to which women and children suffer from sanctions demand further examination since both groups frequently occupy the same site and location where they may have shared experiences and suffer the same implications from economic sanctions. And of course, we must keep in mind that a female child is doubly affected due to her lowest status in most, if not all, societies.

The current sanctions in Myanmar constitutes an exemplary case of what we can expect in the future from sanctions regimes since we are just beginning to fathom the reprehensible effects of sanctions in the face of another adversary, which is constituted by the dark forces of globalization that has come to dominate the modern era. Some proponents have argued that the imposition of sanctions has personally delivered the women of Myanmar over to the dark side of traffickers, pimps and brothels with the anticipation of gaining wealth and power from these women's externally imposed economic destabilization. Hence, it is worthwhile to investigate whether these two independent phenomena of trafficking and economic sanctions are inadvertently working together at the detrimental expense of women.

Scholars have consistently highlighted how civilian populations often suffer disastrous implications as a result of sanctions. Meanwhile women categorically have been neglected or ignored in numerous studies, discussions and publications despite evidence of their increased

⁶ In 1989, the military regime officially changed the name of Union of Burma to the Union of Myanmar. Since no democratic legislature or process was undertaken to implement the name change, various governments and groups continue to recognize the name, Burma, as a protest against the abuses of the Burma regime. I have opted to use the name Myanmar as the official name recognized by United Nations and other international organizations.

vulnerability and suffering from sanctions. One major reason that may account for this is the lack of concrete data, which is attributed to the lack of monitoring of civilian populations under the various sanctions regimes to date. The fact that no official body is monitoring for the effect of sanctions on the civilian population is appallingly negligent since economic sanctions do not distinguish themselves at all between the intended targets and civilian population as “smart weapons” supposedly do, hence the necessity for a monitoring organ for economic sanctions is vitally necessary. Another reason why women are neglected as a group is that no formal feminist theory has been developed to analyze the utilization of economic sanctions or formed a base for an examination of why women are unequally affected by economic sanctions.

Too often sanctions are praised as harmless diplomatic alternatives to armed force, which is quite the contrary as evident in the staggering amount of lives lost under the Iraq sanctions in contrast to the lives lost during the combat period of the first Gulf War and the ongoing Gulf War combined. Iraq Body Count has tabulated civilian deaths from the beginning of the second Gulf War in 2003 up until the end of 2008 at between 89,369 to 97,568 fatalities.⁷ A controversial Food and Agricultural Organization (FAO) study reported in *The Lancet* in 1995 blamed economic sanctions for the death of 567,000 Iraqi children. Other more reliable reports appeared at the turn of the century and appraised the deaths to be less than half of the deaths that were reported by the FAO. Even when we accept a figure of approximately 300,000 deceased children as a result of the sanctions in Iraq, this does not include adult and elderly populations, so the figure would be a bit higher.⁸ Hence, the number of violent deaths in the Gulf Wars does not quite simply measure up to the innumerable slow deaths inflicted on the children and other vulnerable populations under the sanctions regime.

1.2 Research Problem and Purpose

The aim of this study is to examine how economic sanctions affect women disproportionately and illustrate the specific ways they suffer in contrast to other parts of the populations under the same sanctions regime. It is also interesting to find why the international community continues to perpetuate economic sanctions in spite of mounting evidence. My investigation focuses on the current economic sanctions and boycotts imposed on Myanmar as I attempt to discover whether

⁷ Iraq Body Count is a human security project that maintains a public database of violent civilian fatalities incurred during and since the 2003 invasion.

⁸ Cortright, 2001. According to David Cortright, the two most reliable scientific studies on sanctions in Iraq are the 1999 report "Morbidity and Mortality Among Iraqi Children" by Columbia University's Richard Garfield and "Sanctions and Childhood Mortality in Iraq," a May 2000 article by Mohamed Ali and Iqbal Shah from *The Lancet*.

this has led to the unexpected implications of women migrating or being trafficked into neighboring Thailand's entertainment industry. I have also tried to find out how organizations and NGOs in Thailand perceive and address the problem of sanctions in Myanmar, if they do at all. This is particularly crucial in understanding whether women's organizations and NGOs have condoned or contributed to the neglect of understanding how women suffer under sanctions regimes. My own perspective on this problem is informed by various feminist theories, especially within the area of international, humanitarian, and human rights law and as well as international relations. However, since no publication to date has formulated a comprehensive feminist framework on the effects of economic sanctions, it is entirely up to me to combine different strands of feminist thought to adequately unravel the problem of economic sanctions for women.

1.3 The Approach to the Problem

Since no feminist perspective has been developed on economic sanctions, I have opted to combine different strands of thought from various disciplines. Of practical use is the feminist perspective on international law and humanitarian law that may address why the international community has neglected the special circumstances of women under economic sanctions. Lori Buck, Nicole Gallant, and Kim Richard Nossal's pioneering essay on a gendered perspective of sanctions in the field of international relations is of some use, although it falls short in that it does not provide a theoretical framework for analyzing economic sanctions. I further wade into the current discussions and debates on economic sanctions in the context of its history and background and its use and purpose. Much of the debate on sanctions centers on the effectiveness and efficacy of sanctions. Lastly, an examination of trafficking and forced migration is reviewed in order to define and distinguish a phenomenon that oftentimes lack clarity.

The primary focus of the essay is clearly on Myanmar and some of the recent effects that have developed since the imposition of U.S. sanctions on Myanmar in 2003. Other case examples will additionally be examined in order to confirm the similar disproportionate effects of sanctions on women, which have been also been found in the sanctions on Cuba, Haiti, and Iraq. After familiarizing ourselves with these cases, I will then proceed to the case of Myanmar and specifically address how sanctions subordinate women to a stronger degree when combined with the extenuating forces of the modern era. We will discover that women in Myanmar may not only be "trafficked" to neighboring Thailand, but also to the larger cities of Myanmar.

Further, not all women are “tricked” into the trade since many women more or less voluntarily go into the trade or contact a broker to take them to the “golden land of opportunity”. It must be clarified though that the end result is the same in that they may discover themselves oppressed, imprisoned, abused, underpaid, ill, or dying with AIDS with little or no resources to aid them.

My final and most important approach to the problem has been made possible due to interviews with individuals and organizations operating in Thailand and Myanmar, which work to different degrees with the trafficking and the migration of Myanmar women into Thailand and the urban centers of Myanmar. My field study was funded by the Minor Field Study (MFS) grant provided by the Swedish Development International Cooperation Agency (SIDA) that enabled me to have funding to carry out my investigation for a period of eight weeks in December 2005 through January 2006. During my study I conducted a handful of interviews with women from Myanmar who have been or are currently in the sex industry in Thailand. It is not so much the number of interviews that count since I am convinced of the power of narratives and oral histories of such women, so that they may “right the injustice” of the multitude of women who have come under fire from sanctions. Jean Bethke Elshtain concurs in that: “One who bears witness voices the discontents of society’s silenced, ignored, abused, or invisible members. The witness proffers reasons for that suffering in order that the silence may find a voice, cry out for justice, demand to be seen.”⁹ By sharing the narratives and oral histories from a handful of women from Myanmar, it enables the reader to place him or her in the shoes of the women and contemplate their situation. Through the power of the narrative, the reader is able to comprehend some of the drastic effects that these women face as a consequence of economic sanctions that have been infringed upon them. A few powerful narratives may be all that is needed for the reader to emphasize with the countless other women who face the same predicament and have yet to share their stories.

1.4 Problem Formulation

What follows below is a list of areas that this research will focus on. Some of these questions may to some degree overlap one another, but it is useful for me as a research to have a clear framework and picture of the phenomenon I am trying to research. This essay will thus concern itself with the following four areas:

⁹ As quoted in Reinhartz, 1992: 136.

-
- How and why do women suffer disproportionately more than other segments under sanctions regimes? Why has this aspect been largely ignored?
 - How are women from Myanmar affected by economic sanctions in terms of forced migration and trafficking into Myanmar and Thailand's entertainment industry? And what are the personal experiences of trafficked/migrant women that render it a human rights concern in relation to economic sanctions?
 - Have organizations and NGOs in Thailand or Myanmar recorded, articulated or addressed the problem of economic sanctions in relation to the trafficking and migration into the entertainment industry? If they have not addressed this, why is that?
 - What are some alternatives or solutions to economic sanctions, or at minimal, how can the international community offset the negative implications of sanctions? On this note, how can the international community respond to the dreary human rights situation in Myanmar and the situation of women in Thailand?

1.5 Sources and Material

Within this essay, various materials will be used including primary and secondary resources such as reports, working papers, essays, articles, books, and studies within the related fields of international law, peace and security studies, human rights, and gender studies. Some sources may also be used from the Internet to lend support to the study. Interviews conducted with organizations and individuals working with women who are/were in the entertainment industry will also be referred to. However, it is the empirical and final section that will prove the most pertinent for this essay.

I have chosen to use Myanmar as a contemporary case, which is gaining increased recognition and notoriety the world over for its flagrant abuse of human rights. Myanmar has recently undergone strong criticism from the world community including economic sanctions, consumer boycotts and even an MTV campaign promoting the democracy movement and its leader Daw Aung San Suu Kyi. The support for economic sanctions against Myanmar grows stronger everyday although the likelihood for multilateral sanctions at this time, and maybe even in the long term, is bleak. Furthermore, I did not want to limit this discussion to cases that have already passed, but instead contribute to a growing debate on the use of sanctions against Myanmar. More specifically I would like to show the significance of the women's plight as a result of the recent U.S.-imposed sanctions on Myanmar, which has been frivolously overlooked

upon to this date. Lastly, it is pertinent that a feminist perspective is applied to the use of economic sanctions if women as a group are ever going to be considered or recognized when addressing the moral implications of economic sanctions.

1.6 Research Design and Field Study Interviews

In order to address the research questions, I have met with organizations, NGOs, and individuals in Thailand and Myanmar working with migration and trafficking issues, so that I can uncover the current situation of women from Myanmar in the entertainment industry. Through such interviews, I have aspired to understand how economic sanctions may have caused the forced migration of these women to Thailand and other cities in Myanmar and how NGOs and organizations have approached this issue. Likewise, women from Myanmar that are or were previously in the entertainment industry have also been interviewed to provide oral narratives and "her"stories of their personal experiences. This was made possible with the assistance of Burmese women's organizations.¹⁰ The purpose of oral narratives is to share the plight of women in the entertainment industry in order to expose the immediate urgency of this growing problem that has not only been caused by the intolerable regime in Myanmar, but also by Western formulated policies of economic sanctions and NGO organized boycotts.

The research design of this study is primarily built upon semi-structured qualitative interviews that were semi-structured that has been documented with a tape-recording device. Since the interviewees widely varied in their background and area of knowledge, the questions were differentially developed for each session. With the exception of the five commercial sex workers (CSW), a separate interview guide was specifically developed for each interviewee highlighting particular topics or questions deemed necessary for covering. On the other hand, only one interview guide was developed for all the sex workers despite the spontaneous nature of most of the interviews that allowed the interviewees to elaborate in sharing their story and for other questions and issues to arise. The sex workers' account additionally differed from the other interviewees in that they provided compelling testimonies and oral histories of their life and background leading up to their entry into the entertainment industry, their lives within in, and for one of them her life afterwards.

¹⁰ I acknowledge here that a number of women's organizations operating in Thailand label themselves as Burmese women's organizations and would desire to be labeled as so since many do not recognize the official name of Myanmar.

At times, interpreters were used to communicate with women unfamiliar with the English language. Most importantly, I have limited myself to interviewing women who have previously shared their stories of working in the entertainment industry since I realized that this is a sensitive topic that is not easily shared with foreigners or strangers. By interviewing women that have previously opened themselves to NGOs and were willing to share their stories, I can anticipate a bit more honesty and in addition have less worry about submitting an interviewee to unexpected emotional or psychological duress. I am also aware of the problems of using interpreters in such sensitive discussions, hence I have made sure to depend on an interpreter who is accustomed to discussing these kinds of issues

Since the oral histories of the CSWs were of a topical nature, it is natural that the interviews be conducted via open-ended interviews that were guided by the topic and area under study.¹¹ The primacy for utilizing oral histories for this particular research can be argued as follows as framed by Shulamit Reinharz:

Some histories *must* be transmitted orally because the individual is incapable of writing. Oral testimony is invaluable for historians who seek information unlikely to be contained in written records. To the extent that men's lives are more likely to produce written documentation, men are more likely to be the subject of analysis by historians who sue archival data. Thus oral history, in contrast to written history, is useful for getting information about *people* less likely to be engaged in creating written records and for creating historical accounts of *phenomena* less likely to have produced archival material. Relatively powerless groups are therefore especially good candidates for oral history research.¹²

I also would add that even in the event one is educated with the knowledge to write, one can unfortunately be rendered silent and powerless simply because one does not possess the language skills to write or speak in one of the dominant hegemonic languages of the modern world. Hence, this aspect should be seriously considered when evaluating the role of social researchers, qualitative research, and the so-called powerless subjects under study. We might quite possibly, as social researchers, render our participants even more powerless in reminding them whose language and voice really matters most as soon as they witness their story taking shape under the pen and force of the researcher. Thus, we must carefully consider in what ways our informants are really powerless and how our role as researchers is only made possible due to their imposed powerlessness and our more fortunate position in the world. In spite of this critique, I am compelled to share the stories I was told since I was fortunate to have an eager and willing group of women who not only wanted to share their stories, but also help other women escape the same hardships and predicament.

¹¹ Reinharz, 1992: 126.

¹² Reinharz, 1992: 131.

1.7 Limitations and Encountered Problems

There were a number of problems I encountered in writing this paper and in conducting the field study. First, the topic/s I have ventured to investigate for my paper is quite a large one that originates out of a number of concepts and theories. I was required to familiarize myself with at least three different concepts, which are economic sanctions, feminist theories in international law, and trafficking and forced migration. In addition, it was also important that I have a good grasp of the country that I was working with. I also had the empirical results from my field study that I was not at all short on any kind of material for this essay. All in all this was an enormous undertaking that should have required meticulous planning from the very beginning in order to ensure the best use of space and organization for this essay. My biggest regret is not getting around to some of the materials I really looked forward to working with that I am sure my selection of materials plays an important role in how this paper is written.

When it concerns the field study in Thailand and Myanmar, I would have liked to conduct follow-up interviews with some of the respondents. It would have not hurt to have more women to interview to gather more narratives so that I may have a better grasp of the situation of women working in the entertainment industry. Due to limited time and having to cover a large geographical space, it just was not possible to conduct follow-ups or gather more women to meet with. One of the biggest misfortunes was a result of technical difficulties I encountered with my recording device in that I lost portions of some of the interviews I conducted. These interviews I lost, either in portions or its entirety, were among the best material I had, so this was very frustrating.

Since I have covered an enormous amount of material and several large concepts, I can readily admit that I am not deeply familiar with any one concept over the other. My knowledge has been spread thin to cover as many areas as possible that I recognize the advantage in limiting one's research focus and questions. However, I have always gained tremendous satisfaction from connecting ideas that at once seemed unrelated in order to make a significant connection in the hopes of making some positive contribution to the study of women's rights and gender. This paper provided my first opportunity to conduct a field study that I gained a lot from the experience that I am sure it will prove useful in the future. I am actually quite grateful for the opportunity to write this paper as it has been a tremendous learning experience since it was really the mistakes and tribulations I learned most from.

2 ECONOMIC SANCTIONS

2.1 What are Economic Sanctions?

Over the years economic sanctions have picked up many names: blockades, embargoes, boycotts, or alternatively quarantine or economic coercion. Sanctions are frequently utilized by an individual state or a group of states cooperating to induce particular types of pressure (i.e. diplomatic, moral and military).¹³ There are at minimum five classes of economic sanctions that have been identified which can be imposed: (1) on the exports of arms, munitions, and implements of war; (2) on imports (3) on raw materials; (4) on technology; and (5) an international boycott”.¹⁴ Even though various terms are used interchangeably in place of economic sanctions it is noteworthy to establish some particular distinctions.

A *boycott* is an action that has intentions of bringing about ~~the~~ economic or social isolation of an individual, group or nation to express disapproval, to coerce change, or to function as a supplement to a military campaign.”¹⁵ Often boycotts are conducted as a public campaign in order to express criticism and apply coercion against its intended target. An *embargo*, on the other hand, is defined by international law ~~as~~ a ban on the movement of goods to a foreign country by land, sea or air.” Embargoes serve various purposes such as aiding a war effort, coercion of another state, and promoting commercial production by preventing scarce resources from leaving the country. Thus, embargoes are typically imposed during times of war or hostilities and are very strong measures often carrying the force of law. A boycott differs in that it frequently does not have the force of law and is conducted in the private arena intended to direct ostracism towards the intended target.¹⁶

A *sanction* is a penalty levied against a nation to coerce it to comply with international law or to compel a change in its policies or behavior. Not only have international organizations such as the United Nations, and its predecessor League of Nations, imposed sanctions, but it is often used unilaterally by powerful states, particularly the United States. This is a powerful tool of foreign policy when levied against a relatively weak state since that state is unable to mount an effective challenge against collective mandated sanctions or even against unilateral sanctions by

¹³ Simons, 1999: 8.

¹⁴ Daoudi & Dajani as quoted in Simons, 1999: 8.

¹⁵ Simons, 1999: 8.

¹⁶ Simons, 1999: 8-9.

a powerful nation. A *sanction* is, thusly, employed as a punitive measure against the targeted state, which has outwardly deviated in its ethical or legal conduct.¹⁷

We can now move on to identifying economic sanctions according to the following definition:

Economic sanctions (coercion) are actions initiated by one or more international actors (the ‘senders’) against one or more others (the ‘targets’) with either or both of two purposes: to punish the targets by depriving them of some value and/or to make the ‘targets’ comply with certain norms the senders deem important.¹⁸

Moreover, Geoff Simons raises the controversy of when economic sanctions becomes an instance of “economic warfare”, especially when it is used in conjunction with a military action as in the case of Iraq.¹⁹ Economic warfare is defined by William Medlicott as “a military operation [used] to deprive the enemy of the material means of resistance,” but “[i]t must be distinguished from coercive measures appropriate for adoption in peace to settle international differences without recourse to war.”²⁰ Nevertheless, Simons points out that even ordinary economic sanctions (i.e. pacific blockades) can have drastic implications for populations denying them the necessities of life, thus Medlicott’s distinction only serves to undermine the harms that are inflicted by economic sanctions and further the perpetuation of the use of ordinary sanctions.²¹

Askari, Forrer, Teegen, and Yang have outlined economic sanctions into four distinct categories in their insightful book on economic sanctions.²² These categories are helpful in understanding how economic sanctions are applied in different ways in order to produce different outcomes. The first category of sanctions is *purposeful*, which can be described as sanctions developed to coerce another nation to adopt specific policy goals or a course of action. This category is reminiscent of most economic sanctions that we find today. The second category of sanctions is *palliative*. Sanctions that are palliative are often symbolic sanctions used to convey a symbolic message or as a signaling device. These sanctions are employed to protest some event and are not necessarily invoked to change the target’s behavior, but alternatively to express some displeasure. The third type is *punitive* and is invoked as a punishment to the target. In this sense, the sender aims to cause a significant economic loss for the target, which may

¹⁷ Simons, 1999: 9-10.

¹⁸ Daoudi & Dajani as quoted in Simons, 1999: 10.

¹⁹ Simons, 1999: 10.

²⁰ Medlicott as quoted in Simons, 1999: 10.

²¹ Simons, 1999:11.

²² Margaret P. Doxey suggests eight political goals for why senders adopt economic sanctions. They are classified as: (a) Deterrence (b) Compliance (c) Punishment (d) Destabilization (e) Limitation of conflict (f) Solidarity (g) Symbolism and (h) Signalling. Doxey, 1996: 54-58. See appendix 7 for Doxey’s typology of non-violent sanctions.

punish others as well. Punitive sanctions are oftentimes imposed to punish a nation for its behavior or wrongdoing and are employed as a warning. Although not always successful in deterring nations to end illicit or immoral behavior, target nations may be influenced in its future actions and decisions. The last category of sanctions is *partisan*, which is more or less “intended to result in an economic benefit or loss for a particular group in the sender country”.²³ This sort of sanction often profits a particular individual, group, or sector in the sender country at the expense of the target nation. By restricting the imports of a particular good, this can benefit domestic producers at an unfair advantage.²⁴ Askari et al. contend that these sanctions can never be justified since economic sanctions are increasingly becoming “a convenient means for the United States to express its displeasure with the behavior of other countries”.²⁵

When taking into consideration the four different categories of sanctions, it is important to acknowledge the possibility of overlap among these different types. Sanctions are often invoked for more than one reason at a time and one can also challenge whether sanctions are simultaneously employed as a strategy of restricting imports or trade. Askari et al. point out that “as globalization adds to competitive pressures for many sectors, increased pressures will come to address that competition, including the imposition of economic sanctions in the guise of noble public policy which in reality is no more than a means to manipulate markets.”²⁶ This should especially spring to mind when determining who the target countries are in that nearly all of them are developing countries and nearly half of all target countries are classified as least developed countries (LDCs) by the United Nations (See Appendices 5 and 6). It is especially peculiar that economic sanctions became a popular policy tool just when many developing countries and LDCs were trying to grab their share of the world economy in the new post-Cold War world order. Doxey further argues how “the deliberate impoverishment of a Third World country which is already unable to meet its people’s basic needs hardly commends itself as an appropriate international policy, even if its government’s behavior falls seriously short of acceptable standards”.²⁷ What is also important to investigate is whether sanctions are justified when used for the sole purpose of providing symbolic or moral support to the people or opposition movements from the target country especially when unable to measure whether the

²³ Askari et al, 2003: 94-95.

²⁴ Askari et al, 2003: 96.

²⁵ Askari et al, 2003: 119.

²⁶ Askari et al, 2003: 119.

²⁷ Doxey, 1996: 106.

moral and symbolic benefits outweigh the harms to the civilian population.²⁸ Recent economic sanctions have frequently been lobbied and encouraged by opposition movements or figures from the target country. In the case of Myanmar, these figures are among the strongest advocates and adherents of economic sanctions and are often affiliated with organizations and campaigns that lobby for sanctions against Myanmar.

2.2 History of Economic Sanctions

The use of economic sanctions, in some form or other, has been dated back to the earliest times as conflicts have arisen amongst societies. The benefits of sanctions were acknowledged early on by proponents who wished to crush their enemy's capacity as an aggressive adversary:

by depriving him...a useful knowledge of physics and chemistry, or by depriving him by the means to fight (enemy forces may be denied munitions, oil, transport and other war supplies; and food, potable water and medical provisions-to facilitate a helpful extermination by indirect methods).²⁹

One of the earliest examples of economic sanctions was enacted by Pericles in 432 BC issuing a block on Megarian trade to discourage what Athens perceived as open hostilities and betrayal by Megara during peacetime. By enacting a trade block, Athens saw itself as pursuing a middle road, however this middle-road approach was to generate the Peloponnesian War.³⁰ Since then the use of economic sanctions has varied and widened in scope, but it was not until the last century that economic sanctions were articulated as a policy tool and became a formulated option under international law within the League of Nations. Table 2.1 on the following page provides a historical overview of the use of sanctions from the time of the Megarian-Athenian conflict up until the 19th century.

²⁸ Askari et al, 2003: 101.

²⁹ Simons, 1999: 12.

³⁰ Simons, 1999: 14.

Table 2.1 Economic Sanctions in History

Sender	Target	Active Years	Issue
Athens	Megara	432 B.C.	Megarian violation of sacred Athenian land and the kidnapping of Athenians
Rome	Jerusalem	A.D. 72	Roman conquest of Jerusalem
King Stephen of England	Baldwin de Redvers	1138	Rebellion against King Stephen of England
Geoffrey of Anjou	Rouen	1144	Conquest of Normandy by Geoffrey of Anjou
Mongolia	Baghdad	1257	Baghdad's rejection to the demand of Mongolia for homage
American Colonies	Britain	1765	Colonial boycott of British goods in response to the Stamp Act
American Colonies	Britain	1767-1770	Colonial boycott of British goods in response to British regulation of American commerce
Britain France	France Britain	1792-1815	Maritime blockade by the British and the —selfblockade” of the continent by the French
United States	Britain	1812-1814	United States' embargo of British goods in response to belligerent acts by the British
Union States	Confederate States	1861-1865	Lincoln's order for a naval blockade against the Confederate States
Prussia	France	1870	Prussian siege of Paris as part of the Franco-Prussian War
Versailles	Paris	1871	Civil war between Paris Commune and Versailles

Source: Table imported from Askari et al, 2003: 6.

The origins of modern day economic sanctions trace back to the League of Nations, although as Peter Wallensteen rightly points out, the use of sanctions reflected different concerns and aims. This usage according to Wallensteen can be redefined at 30-years intervals beginning with the 1930s, then again in the 1960s, and finally reoccurring in the 1990s.³¹ Wallensteen labeled these three sanctions debates as following: the first as *Sanctions against Aggression*, the second debate as *Sanctions for Decolonization*, and the current debate of the 1990s as *Sanctions and the New Wars*.³²

³¹ Wallensteen, 2002: 3.

³² Wallensteen, 2000.

2.2.1 *Sanctions against Aggression*

The principle purpose for the foundation of the League of Nations was to resolve international disputes and conflicts without the use of military action, thus the discussion of employing economic sanctions reasonably surfaced during the drafting period of the Convention. It was acknowledged that the economic sanctions utilized during the First World War against Germany and its allies had been effective in contributing to its defeat.³³ The final result of the draft was the novel concept of collective security embodied with a range of collective sanctions from diplomatic, legal, and economic to military sanctions.³⁴ Having such a range of options available short of war fell in line with the League of Nations' objective in preventing or deterring military aggression. It was thoroughly believed at the time that economic sanctions were an infallible way to prevent war. Woodrow Wilson, one of the biggest supporters of the League of Nations and the concept of collective security, claimed that one need not raise an army when "[w]e shut their doors and lock them in. They are absolutely boycotted by the rest of mankind. I do not think that after that remedy it will be necessary to do any fighting at all."³⁵ Thus, this sanctions debate centered its concern and aim in deterring aggression and in the event that aggression was to be exerted it was believed that the application of economic sanctions against the targeted state would lead to the aggressor's downfall and eventual retreat.

In practice this turned out not to be the case since the League in times of such crises demonstrated itself to be reluctant in imposing economic sanctions. In addition, any participation by States in the implementation of sanctions were minimal while powerful states opted out, thus violating the Covenant and undermining the sanctions option under the League of Nations.³⁶ The sanctions option was an overall failure and as the world would discover the League miserably failed as a whole in preventing the Second World War.

2.2.2 *Sanctions for Decolonization*

By the second sanctions debate in the 1960s, the United Nations assumed their position in place of the League and was founded by the victors immediately following the Second World War. The five major victors of the war assigned themselves Permanent Membership out of a general membership of fifteen council members on the United Nations Security Council, which is the

³³ Wallensteen, 2000: 1.

³⁴ Simons, 1999: 49-50.

³⁵ Simons, 1999: 50-51.

³⁶ Simons, 1999: 52.

only organ bestowed the primary responsibility for the maintenance of peace and security. The UN Charter did not include an automatic sanctions provision similar to that of Article 16 of the League of Nations Covenant, which was seen both as a strength and weakness.³⁷ Instead, the UN SC was designated the only organ that may impose mandatory collective economic or military sanctions as prescribed under Chapter VII of the UN Charter. Furthermore, similar to the League of Nations, one of the United Nation's primary purposes was to maintain peace and security; however the UN had adopted a second core principle in ensuring the respect for human rights and fundamental freedoms. By this time a new set of economic sanctions were coming into place that none concerned the issue of territorial aggression like those of the first sanctions debate.³⁸

This shift in concern ~~was~~ with regimes and their treatment of their populations, the foreign policies they pursued (notably the alliances the governments were part of) or the threats they may have posed to neighboring countries.” This resulted in the first UN mandated sanctions against Southern Rhodesia, which was the most comprehensive sanction up to this time imposed by a world body.³⁹ Moreover, this new sanctions debate reflected the principles of the UN, which incorporated the issue of decolonization within the UN Charter and thus formed a new debate and security concern at the height of decolonization in Africa in the 1960s.

2.2.3 Sanctions and the New Wars

While states have been free to impose unilateral sanctions to varying degrees and for various purposes during the Cold War, the United Nations Security Council only imposed two mandatory sanctions. The first against Southern Rhodesia in 1966 and the second against South Africa in 1977, which lasted for nearly two decades until 1994.⁴⁰ The use of sanctions during the Cold War was consequently curtailed due to the lack of cooperation in the UN SC, but was then revitalized after the demise of the Cold War and renewed cooperation in the UN SC. The invasion of Kuwait by Iraq in 1990 welcomed the exercise of Chapter VII under the UN Charter, which had been seldom used since the UN's inception. The UN SC authorized the use of armed force only once in 1950 against Korea and Article 42 was not invoked again until 1991 against Iraq for its invasion of Kuwait. After initially imposing sanctions against Iraq, the UN SC concluded on the use of armed force, which led to a speedy expulsion of Iraq from Kuwait and a decade of sanctions to follow.

³⁷ Simons, 1999: 70.

³⁸ Wallensteen, 2000: 2.

³⁹ Wallensteen, 2000: 2

⁴⁰ Cortright and Lopez, 2004: 167.

It is postulated that with the invasion of Kuwait and renewed cooperation in the Security Council willing to apply measures under Chapter VII, that this created a new impetus for the preponderant use of economic sanctions as defined in Article 41. Just within one decade the UN SC invoked ten new cases of economic sanctions against separate nations after the imposition of sanctions against Iraq. The dozen years or so that followed the invasion of Iraq witnessed ~~more~~ more than seventy sanctions resolutions levied against fourteen distinct targets, including such nongovernmental entities as the Khmer Rouge in Cambodia, the União Nacional para a Independência Total de Angola (UNITA), and Al-Qaida”.⁴¹ This signals a significant paradigm shift, which reflects some new security concerns that have recently come to dominate the international arena such as internal conflicts, terrorism, and internal affairs relating to treatment of citizens although the case of Iraq was a traditional issue of territorial aggression. Once again peace and security has been redefined by a Security Council ready to embrace new issues to fall under UN purview, thus enlarging the UN agenda and enabling it to extend sanctions and armed force to cases that would have not been considered some years before.⁴²

2.3 International Law and the (Il)legality of Economic Sanctions

This section will examine the legal framework underpinning modern economic sanctions and how economic sanctions can violate principles of international law and human rights even when they are imposed legally under Chapter VII of the UN Charter.

2.3.1 Unilateral versus Multilateral Economic Sanctions

Economic sanctions is commonly divided into two categories: unilateral and multilateral sanctions. Unilateral sanctions is defined by when one entity (generally a country) alone imposes the sanction, otherwise all other sanctions are considered multilateral. When speaking about unilateral sanctions, most discussions revolve around the role of United States unilateral sanctions since the U.S. has resorted to economic sanctions more than any other country as a primary tool of foreign policy. U.S. unilateral sanctions are highly controversial since many proponents argue that unilateral sanctions are ineffective in compelling nations to change their policy and behavior. Economic sanctions are viewed as more effective when levied by a coalition of countries rather than one nation imposing sanctions unilaterally since there is clearly more strength in numbers and it is presumed that the target country will suffer total economic

⁴¹ Cortright and Lopez, 2004: 167.

⁴² Wallensteen, 2000: 3-4.

isolation as a consequence.⁴³ In addition, any symbolic message intended by economic sanctions will lose its symbolism if not invoked in collaboration with other countries as this would signal a lack of unity between the sender and other countries.⁴⁴

Multilateral sanctions are mostly found within the forum of the United Nations, although they are not the only international and regional organization that imposes some degree of sanctions.⁴⁵ Economic sanctions have also become a preferable alternative when challenging military aggression or other charter violations.⁴⁶ Table 2.2 below outlines economic sanctions that have been imposed under the auspices of the United Nations.

⁴³ Askari et al, 2003: 31.

⁴⁴ Askari et al, 2003: 96.

⁴⁵ The World Trade Organization, World Bank, IMF, and ILO are some international organizations that impose sanctions. Regional organizations that have used sanctions are the EU, Asian-Pacific Economic Cooperation (APEC), Organization of American States (OAU), and as well as NATO.

⁴⁶ Askari et al, 2003: 32-33.

Table 2.2 History of Multilateral Sanctions in the Twentieth Century, UN (1945-Present)

Sender	Target	Active Years	Issue
UN	North Korea	1945-1953	Conflict between the U.S. and the Soviet Union over the presence of American troops in South Korea
UN	Soviet Union	1948-1949	Conflict between the Soviet Union and the West – U.S., Britain, France – over the control of Germany
UN	Portugal	1960-1974	Portuguese colonialism in Southern Africa
UN	South Africa	1962-1994	Apartheid regime in Namibia
UN	Rhodesia	1965-1979	Rhodesia's policies of racial discrimination
UN	Iraq	1990-2003	Invasion of Kuwait by Iraq
UN	Yugoslavia	1991-1998	War between Serbia and Croatia and fighting in Bosnia-Herzegovina
UN	Somalia	1992-ongoing	Civil war in Somalia between clan leaders and militia group
UN	Libya	1992-1999	Libya's involvement in the bombing of civilian airplane
UN	Cambodia	1992-1993	Resistance to the peace process by Khmer Rouge and its political arm, the Party of Democratic Kamouchea
UN	Liberia	1992-2001	Attack of National Patriotic Party of Samuel K. Doe
UN	Haiti	1993-1994	Restore democratically elected government
UN	Angola	1993-2002	UNITA was pursuing war efforts and becoming a large military force
UN	Rwanda	1994-1996	Struggle between Rwandan Patriotic Front and the government of Juvenal Habyarimana
UN	Sudan	1996-2001	Sudanese support for international terrorism
UN	Sierra Leone	1997-ongoing	Civil War
UN	Afghanistan	1999-ongoing	Taliban's support for international terrorism
UN	Ethiopia & Eritrea	2001-2001	Intensified military conflict between Ethiopia and Eritrea

Source: Table imported from Askari et al, 2003: 36-37. Note: Table is updated as of December 2008.

As one can see from reading this table, there has been sharp rise in the imposition of multilateral sanctions by the United Nations. This dramatic increase has been termed “the decade of economic sanctions” by scholars Cortright and Lopez who have collaborated together on a number of books and articles on economic sanctions.⁴⁷

⁴⁷ Cortright and Lopez, 2000.

Unilateral sanctions are criticized for lacking consensus and smacking of self-interest, which is opposed to the idea of multilateral sanctions. Sanctions have been assumed to be cost-free, but others argue that it is costly and highly ineffectual. Below are six points argued by proponents against U.S. unilateral sanctions, which has been compiled by Askari et al:

1. Sanctions impose such suffering and deprivation on innocent citizens of other countries that they can end up solidifying the power of authoritarian rulers.
2. Sanctions can be bypassed through reexport from third countries.
3. Loss of exports to target countries imposes significant economic costs on citizens of sender countries through lost output and jobs.
4. Loss of imports from target countries imposes higher costs on businesses in sender countries and affords fewer choices to consumers.
5. Sanctions can inadvertently inflict damage on third countries.
6. Sanctions rarely cause the target to modify its behavior.⁴⁸

These particular arguments are also used in discouraging the practice of multilateral sanctions and each of these points have been well-founded and well-researched that scholars and policymakers are trying to overcome these obstacles to make sanctions more efficient and effective. Askari et al. encourages U.S. policymakers to rethink its economic sanction policy because they argue 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 instruments and are ill suited to cause the precise and certain economic hardship in another country as intended...The overall impact of U.S. unilateral economic sanction policy is more indiscriminate, more misdirected, and more lasting (after sanctions are lifted) than ever envisioned, or at least acknowledged, by its supporters.⁴⁹

What is more is the assumption that the U.S. exerts such a level of influence over other nations' economies which is becoming more unfounded in an increasingly global economy. But, as long as the United States remains the world's leading economy it is unlikely to change its position on economic sanctions. By recognizing that they have the strongest economy only leads the U.S. to take their chance on a 36 percent success rate of sanctions (which of course becomes lower in cases of unilateral sanctions).⁵⁰

The largest problem underlying the perception of economic sanctions, which not only stands true for U.S. unilateral sanctions but UN multilateral sanctions alike, is —anoverly simplistic conceptual model of what economic sanctions are all about”.⁵¹ The same simplistic model is repeatedly applied to various countries without taking into consideration the target countries' unique circumstances and situation. Too often, this has resulted in underestimating the

⁴⁸ Askari et al, 2003: 66.

⁴⁹ Askari et al, 2003: 67.

⁵⁰ Askari et al, 2003: 68 and 115.

⁵¹ Askari et al, 2003: 74.

target countries' internal problems and political/economic situation, that sender countries have initially developed flawed policy objectives or sanctions based on simplistic and/or faulty reasoning. Multilateral sanctions differ in its characteristics from unilateral sanctions in a number of ways. First, there is an economic dimension that is particularly important. The target country is more likely to incur large losses economically if countries act in concert together to sanction the target country. In the case of invoking unilateral sanctions, target countries can continue trading and doing business with other friendly countries with minimal loss from the sender country unless the target country happens to be heavily dependent on the sender country. A second dimension is political and how economic sanctions come to be developed. Multilateral sanctions demand negotiation, discussion, and compromise that multilateral economic sanctions entail a plurality of ideas. The United States often imposes unilateral economic sanctions to achieve an objective that is relevant to its own national interest, thus acting unilaterally is only preferable in the case it wants to achieve a personal policy objective.⁵² The last dimension is the moral dimension. Askari et al. outlined three possibilities of how unilateral economic sanctions are opposed to multilateral sanctions:

1. Other countries do not believe that the policies of the target nation are sufficiently objectionable to warrant sanctions.
2. Other countries believe that the policies of the target country are objectionable, but not enough to incur the costs of imposing sanctions.
3. Other countries do not believe that economic sanctions will be effective, irrespective of their views on the merits of objecting to the policy of the target country.⁵³

In this respect, taking unilateral action may suggest —a belief in the moral superiority of the sender country”.⁵⁴ Repeated refusals to take pause in shaping unilateral policies routinely result in the United States projecting an air of moral superiority that may overshadow the legitimacy of its intentions and aims of what it wants to achieve.

It does not mean that multilateral sanctions are free from criticism or problems. Criticisms directed toward unilateral sanctions apply to multilateral sanctions too. In addition, multilateral sanctions are limited in that some sending parties may be tempted to break away for whatever reason, thus minimizing the effectiveness of the sanction regime.⁵⁵ Unilateral sanctions may not have the same legal authorization as multilateral sanctions, but to label them outright as illegal misses the mark since there has been an apparent lack of diplomatic or legal action against

⁵² Askari et al, 2003: 86-87.

⁵³ Askari et al, 2003: 87.

⁵⁴ Askari et al, 2003: 87.

⁵⁵ Askari et al, 2003: 61.

countries imposing unilateral sanctions. For instance, Andreas F. Lowenfeld argues that —the suggestion that economic sanctions are unlawful unless approved by the Security Council (or by a regional organization such as the OAS) is obsolete, if indeed it was ever sound.”⁵⁶ It would be more efficacious instead to focus on the human rights and humanitarian dimensions that are afflicted by economic sanctions in understanding the illegality of them and why multilateral sanctions are consequently preferable in ensuring that human rights and humanitarian law are respected.

2.3.2 Human Rights and Economic Sanctions

The severe humanitarian impact suffered among the innocent and vulnerable populations as a result of sanctions on Iraq has made the Security Council acutely aware of the collision in promoting the two central mandates of the United Nations Charter. Hence, —[a] the Council moved forcefully to use sanctions as a means for advancing the UN mandate to preserve peace and security, it found that these very same measures were undermining the second pillar of its mandate: to enhance the human condition.”⁵⁷ In 1995 the newly formed UN Department of Humanitarian Affairs authored a report on the impact of sanctions on humanitarian assistance efforts. In the years that followed, this department and its successor, the UN office for the Coordination of Humanitarian Affairs (OCHA), would present a number of assessment reports and missions on the impact of sanctions to the Security Council. This led to the growing awareness of the Council’s responsibility in balancing the harms inflicted on the general population from economic sanctions against the gains of compliance from the target state. While it has been acknowledged that complete compliance has not been achieved in any of the sanction regimes, the Security Council has had minimal successes in gaining partial compliance from some states that in some instances amounted to some significant change.⁵⁸

When we consider whether human rights are violated by the international community in the name of economic sanctions, there is an apportioning of responsibility that can be attributed to a number of organs of the United Nations, especially the Members of the UN Security Council:

[I]n effect, it is the weaker, poorer societies of the South, which are held morally culpable for the harsher conditions prevailing there, and whose populations become objects of corrective interventions by the international community of the more powerful prosperous Northern states...While the international human rights regime’s imperative to secure the goods is undermining universal equal rights, it is not securing global

⁵⁶ Lowenfeld, 2001. 96.

⁵⁷ Cortright and Lopez, 2004: 167.

⁵⁸ Cortright and Lopez, 2004: 167-168.

justice. The prospects of securing justice globally are effectively deferred, since the international human rights model fails to address the inequalities between the North and actually reinforces them.⁵⁹

Indeed, a number of human rights violations are committed by UN economic sanctions and from prosperous states of the North unilaterally imposing sanctions. The most significant human right that is clearly violated in the case of Iraqi sanctions is the right to life. This has been determined by the UN Human Rights Committee to be “the supreme right which no derogation is permitted even in time of public emergency”.⁶⁰ How can the international community, and particularly the UN Security Council, escape condemnation and responsibility in face of the tragic loss of life inflicted in Iraq due to sanctions? The loss of life in Iraq is among the many violations that have been committed against the people of Iraq in the name of sanctions. Other rights violated include the right to health and an adequate standard of living that can be found under Article 25 of the Universal Declaration of Human Rights (UDHR) and Articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR).⁶¹ The UDHR also guarantees every person the right to the enjoyment of economic, social and cultural rights indispensable for her dignity (Article 22) and the right to work and the right to free choice of employment (Article 23).

A specific concern that had been raised in connection to the sanctions levied against Iraq was the disproportionate amount of suffering among children. Children have been afforded special protections under human rights law due to their unique vulnerability and the Convention on the Rights of the Child (CRC) has been signed and ratified by nearly every country in the world (more than any other human rights treaty in history). Provisions recognized under the CRC are that “every child has the inherent right to life” and that “States Parties shall ensure the maximum extent possible the survival and development of the child” and furthermore that State Parties will adopt appropriate measures “to diminish infant and child mortality”.⁶² In light of this, Roger Normand assigns a large measure of responsibility to the UN Security Council for its continued maintenance of economic sanctions against Iraq and for not taking steps to prevent this suffering. Norman further muses that:

It is hard to think of a more grave breach of child rights in modern history than the suffering and death of hundreds of thousands of children under the age of five caused by a political dispute between their government and the international community.⁶³

⁵⁹ Pupavac as quoted in Mashall and Thatun, 2005: 54.

⁶⁰ United Nations Human Rights Committee, 1982.

⁶¹ Normand, 1999: 29.

⁶² UN Convention on the Rights of the Child Articles 6 and 24.

⁶³ Normand, 1999: 29.

The Security Council has remained steadfast in holding Iraq solely responsible for civilian suffering and human rights violations by arguing that Iraq had failed to comply with ceasefire resolutions. There were especially resolutions that allowed for the sale of oil in exchange for food and medicine (the infamous Oil-for-Food Programme) that UN proponents argued that it was Iraq's mismanagement in spending scarce resources toward luxury items for Saddam Hussein instead of on food and medicine, which caused the actual suffering of the population. What this all amounts to is the need to emphasize the "Council's obligation to promote human rights" and the assurance that it will "take reasonable steps to ensure that its activities do not seriously harm those rights".⁶⁴ As Normand clearly points out: "There can be no legal justification for the Council to insist on a uniquely severe sanctions regime that punishes innocent members of the world community".⁶⁵ Hence, some kind of check and balance mechanism needs to be in place to ensure that the Security Council does not commit similar errors in their ultimate duties of maintaining peace and security and guaranteeing the respect for human rights.

2.3.3 Humanitarian Law and Economic Sanctions

Despite that economic sanctions experience more leeway under humanitarian law, even the Security Council sanctions on Iraq had violated well-established legal norms. Two basic principles found at the heart of the laws of war are those of distinction and proportionality. According to the first principle of distinction, "belligerents are required to distinguish between civilians and combatants at all times and to direct attacks only against military targets. This is the fundamental principle upon which the entire humanitarian foundation of the laws of war is based. The corollary principle of proportionality is designed to ensure that attacks against military targets do not cause excessive civilian damage."⁶⁶ In fact, this latter principle is reflected in the UN Charter under Article 42, which provides that, "Should the 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". It further goes on and recognizes that Council actions that are deemed appropriate and necessary for the advancement of its stated purposes should "not affect other interests to an extent which is disproportionate to the advantage obtained or pursued. At the

⁶⁴ Normand, 1999: 29-30.

⁶⁵ Normand, 1999: 30.

⁶⁶ Normand, 1999: 30.

very least, the Security Council may not take any action which is unnecessary for the removal of a threat to the peace.”⁶⁷ This principle is but one limit to Security Council powers, however it offers limited protection to target States since it is largely a subjective principle applied to the particulars of any given case and frequently the Security Council has already pre-determined the outcome of the proportionality test when formulating its objectives and goals that it is later difficult to challenge on this basis.⁶⁸

Judith G. Gardam and Michelle J. Jarvis point out that there are no rules of humanitarian law that specifically regulate economic sanctions, but some provisions of international humanitarian law (IHL) are still relevant in this context.⁶⁹ The Geneva Conventions define proportionality accordingly as the prohibition of any —~~attack~~ attack which may be expected to cause incidental loss of civilian life, injury to civilians, damages to civilian objects...which would be excessive in relation to the concrete and direct military advantage anticipated”.⁷⁰ Roger Normand concurs and adds that:

Imposing comprehensive sanctions that cause total economic collapse and the deaths of hundreds of thousands of civilians appears on its face to violate the principle of distinction. Protocol I to the Geneva Conventions explicitly outlaws the use of starvation as a method of warfare, stating that “in no event shall actions (...) be taken which may be expected to leave the civilian population with such inadequate food or water as to cause its starvation”. The critical issue under the principle of distinction is whether the sanctions are targeted at the entire population as a means to influence the regime – a clear violation – or at the regime, causing collateral damage to civilians. Even granting, for the sake of argument, that sanctions are directed against the regime rather than the people, the Security Council must still demonstrate that there has not been a disproportionate impact on civilians.⁷¹

The principles of distinction and proportionality are significant contributions to the rules of war, which should be similarly applied to sanction regimes since they currently stand outside the bounds of IHL and are subject to no formal regulation or obligations. That the source of economic sanctions comes from the Security Council means that they are above IHL since Article 103 of the UN Charter mandates that State parties’ obligations to the UN Charter will prevail over all other conflicting obligation found in other international agreements and that includes IHL as well.⁷² It is all the more reason why IHL should be extended to economic sanctions.

⁶⁷ Angelet, 2001: 72-73.

⁶⁸ Angelet, 2001: 73.

⁶⁹ Gardam and Jarvis, 2001: 127.

⁷⁰ Geneva Convention Protocol I, 1977: Article 51 (5)(b).

⁷¹ Normand, 1999: 31.

⁷² Gardam and Jarvis, 2001: 127.

2.4 A Word about Consumer Boycotts

Consumer boycotts have become a popular phenomenon in recent decades especially when States and institutions have been complacent to act or take measures against other private actors such as multinational companies, individuals, and other countries. What is probably —offikely interest to students of social change is the use of the boycott instrument to serve not only consumer economic objectives, such as lower prices, but also the political objectives of various special interest groups outside the consumer movement.” An important source of boycotts has been its social justice role, especially in the U.S. where it has been used since the Revolutionary War. Monroe Friedman argues that —he boycott has been used more than any other organizational technique to promote and protect the rights of the powerless and disenfranchised segments of societies. Indeed, Scott, in a penetrating historical analysis of the efforts of peasants to resist oppression, referred to the boycott as a —weapon of the weak”.”⁷³ There are a number of highly publicized boycotts from the previous century such as the bus boycotts in Montgomery, Alabama in the 1950s that put Martin Luther King Jr. on the map and the United Farm Workers’ boycott of grapes and lettuce from the late 1960s through the 1990s under the leadership of labor leader César Chávez. Other earlier significant boycotts included the anti-Nazi boycott of German goods by the American Jewish Community in the 1930s and 1940s.⁷⁴ The most recent successful boycott was the organized consumer boycotts against South Africa. Concerned citizens globally organized various campaigns against South Africa’s apartheid system, which took on many forms. There was the powerful international —Bycott Shell” campaign and the divestment campaigns that encouraged individuals and institutions to sell their holdings in corporations that had direct investments in, or granted loans to, South Africa. By 1982 nearly three dozen U.S. colleges divested over one hundred million dollars in banks and corporations operating in South Africa at the behest of the student movement that had grown out of the 1970s. Such divestment campaigns had the effect of bringing new consciousness to hundreds of campus nationwide which would soon spill over into other realms of civil society and private life.⁷⁵ It is difficult to measure the overall impact of the consumer boycotts and divestment campaigns in the South African case, but if anything they most positively had the effect of appealing to the conscience of the general public on the issue of apartheid in South Africa.

⁷³ Friedman, 1999: 2-3. James C. Scott authored a book titled *Weapons of the weak: Everyday forms of peasant resistance* in 1985.

⁷⁴ Friedman, 1999: 3.

⁷⁵ Davis, 1995: 177.

More relevant to this paper were the campaigns leveraged on Myanmar beginning at the end of the last century, which was very successful in appealing to the general public and Wall Street too. The Internet proved to be a vital, new tool in the political organization of Burmese dissidents and their supporters. In fact, in just a short time, —Bur~~m~~ese dissidents in exile and their supporters around the world have transformed what had been an obscure democratic struggle in mainland Southeast Asia into one of the largest human rights campaigns in the world.” With the Internet at their disposal, they were able to form coalitions and share tips and strategies with activists in as many as 28 countries worldwide.⁷⁶ One of the pivotal, defining figures bringing dissidents and their supporters together was the image of Nobel Laureate Daw Aung San Suu Kyi. In 1995 the Free Burma Coalition (FBC) was created by founder Zarni in the United States making it the largest Internet-based political communities of its time. FBC supporters and activists spanned approximately 150 colleges and universities, over one hundred community-based support groups, thirty high schools, and had supporters from 28 countries. The inspiration for FBC was the worldwide antiapartheid movement and —the two primary objectives of the FBC [were] (1) to end foreign investment in Burma under the current military dictatorship through economic activism/ and (2) to build a genuinely grassroots international Free Burma movement in support of Burma's freedom struggle.” The FBC was so successful in achieving its first objective that it witnessed the withdrawal of one dozen multinational companies, most famously PepsiCo Inc., from Myanmar; convinced twenty-one U.S. municipalities as well as the state of Massachusetts to pass —Burma Free” business ordinances and laws; and most significantly contributed to the passage of the economic sanctions bill in the U.S. in 1996.⁷⁷ Despite these achievements, the FBC reversed its stance on pro-sanctions campaigns and pro-isolationism of Myanmar in 2004 and instead now advocates for constructive engagement with the country since little change resulted from sanctions and boycotts except for deteriorating the livelihood of the common people.

Similar campaigns also took place in Europe since exiled dissidents had spread out all over Europe, the United States, and Australia. The more notable organizations in Europe include Burma Campaign UK and Burma Centrum Nederlands, which both strongly advocate for political and economic boycotts of Myanmar in addition to a tourism boycott of the country. Lingerie giant Triumph International was one of Burma Campaign UK’s recent and largest —tr~~u~~mphs” in coercing multinational companies to leave the country in 2002. Other corporations that have been compelled to leave Myanmar under threat by Western consumers are Pepsi Cola

⁷⁶ Zarni, 2000: 1.

⁷⁷ Zarni, 2000: 6-8.

as mentioned previously, Texaco, Sony Ericsson Apple, Reebok, and Levi-Strauss.⁷⁸ In 1996 Dutch beer giant, Heineken abandoned plans for breweries in Myanmar as did the Danish beer maker Carlsberg, thus joining the Burma Campaign UK's "Clean List".⁷⁹ The Burma Campaign UK diligently post companies and multinationals that operate in Myanmar or have investments in the country on their "Dirty List" of which they consider are perpetuating the regime through their economic investments.⁸⁰ Aside from boycott campaigns, these organizations also invest efforts to lobby the European Union to adopt stricter sanctions policies and convince travelers to not to visit Myanmar. It is thanks to modern technologies and the Internet that boycott activists are becoming increasingly organized and successful in their missions and this is clearly the case when we observe this phenomenon in relation to Myanmar. One of the largest awareness campaigns yet has been the MTV Europe's campaign for Aung San Suu Kyi in cooperation with the Burma Campaign UK, which had the privy of entering 113 million homes in Europe. If anything, it is fair to surmise that these combined campaigns have most assuredly raised global awareness about this little-known country and the Lady they continue to imprison.

2.5 *The Future of Economic Sanctions*

It is crucial for the success and future of economic sanctions that the international community investigates the "amount of economic distress that is necessary to change the behavior of target countries" and the form of economic sanctions necessary to achieve this goal.⁸¹ At this time, the ability to determine this is flawed and lacking. The international community has a duty to revisit the issue of sanctions and investigate its effects and efficacy before forging ahead with additional economic sanctions. Judith G. Gardam and Michelle J. Jarvis make this all the more clearer:

The deleterious impact of economic sanctions on the civilian population is documented. The particular effects of such measures on women, however, is largely overlooked, although graphically illustrated by the Persian Gulf conflict (1990-91), where a mandatory sanctions regime has continued long after the cessation of armed hostilities.⁸²

To understand the impact of sanctions more fully, an investigation into the gendered impact of sanctions is urgently necessary as made evident by the continued neglect of attention to women during times of sanctions. Attention should not only be afforded to women, but additionally to other vulnerable populations that have been specifically neglected to date such as the elderly and

⁷⁸ Burma Campaign UK, 2002.

⁷⁹ Tomasevski, 1997: 128.

⁸⁰ Go to the Burma Campaign UK's website to view the "Clean List" and "Dirty List" of companies operating or not in Myanmar at http://www.burmacampaign.org.uk/dirty_list/dirty_list.php.

⁸¹ Askari et al, 2003: 119.

⁸² Gardam and Jarvis, 2001: 127.

impoverished people. This is not to mean that children should not be given continued attention, on the contrary, children are considered as uniquely vulnerable and are of consequence in need of special protection, especially when one considers the female child who faces increased levels of discrimination and hardships.

In recent years, there has been a preference by the UN to adopt “targeted sanctions” that consist of financial sanctions, arms embargoes, travel bans, and commodity boycotts to replace the prior preferred policy of general trade sanctions or embargoes. Targeted sanctions were developed to minimize unintended humanitarian impacts and inflict harm on the target:

By imposing costs specifically on those responsible for violations of international law, rather than on innocent bystanders, the Security Council seeks to serve its primary mission of enhancing peace and security without jeopardizing its parallel mission of improving the human condition. Targeted sanctions apply pressure on specific decisionmaking elites and the companies or entities they control. They deny access to specific products or activities that are necessary to the conduct of an objectionable policy and that are valuable to decisionmaking elites.⁸³

At the insistence of analysts, the Security Council has appointed independent expert panels and monitoring mechanisms for the purposes of effective monitoring in hopes that it will lead to successful sanctions implementation. Such examples are the UN Independent Commission of Inquiry (UNICOI) following the arms embargoes against rebel groups of eastern Zaire between the years of 1996 to 1998, and the Sanctions Enforcement Support Team to strengthen the implementation of sanctions aimed towards the Taliban regime.⁸⁴ However, the monitoring organs and mechanisms created by the Security Council frequently did not have the interests of the civilian population as its primary concern and was more or less developed for the purposes of monitoring the impact and efficiency of the sanctions against the target. Any concerns reported regarding the civilian population was discovered in connection to investigations and/or field work by other UN agencies, international organizations, and NGOs. For instance, a Working Paper was prepared by Marc Bossuyt in 2000 at the request of the UN Commission on Human Rights and was titled accordingly as “The adverse consequences of economic sanctions on the enjoyment of human rights.”

Although a sanctions committee is created by the Security Council when a sanctions resolution is passed, there is still an apparent lack of direct monitoring of civilian populations by the sanction committees. This shortcoming is a result of the committees’ framework and outlined responsibilities. Its primary duty is to monitor the implementation of sanctions and unfortunately,

⁸³ Cortright and Lopez, 2004: 170.

⁸⁴ Cortright and Lopez, 2004: 172-173.

these administrative bodies do not have any on-site monitoring capacity of the sanctions occurring in the target country. —The committees usually discharge the tasks of advising the Council on how to improve the effectiveness of the sanctions, advising States at their request on the scope of their obligations, investigating and reporting to the Council violations of the sanctions, and regulating humanitarian exceptions. In the latter area, the committees generally have to approve individual exceptions to the sanctions at the request of states or international agencies”.⁸⁵ The effectiveness of the committees has varied and has been dependent on the cooperation of the Security Council members, the geopolitical circumstances of the target country, and as well as the leadership and the cohesion of the committee members themselves.⁸⁶ The sanctions committees have been accused as being highly politicized and lacking transparency and accountability since they meet in private sessions and records are strictly restricted from public scrutiny.⁸⁷ Not all sanctions committees have been abysmal failures like the Iraq Sanctions Committee, which was completely paralyzed in its ability to effectively guide the sanctions policy on Iraq. The Angola Sanctions Committee at the turn of the century was hailed as a great success and David Cortright and George A. Lopez have argued for the creation of a —sanctions coordinator” to be modeled on Robert Fowler who was the chair of the Angola Sanctions Committee. Previously committee chairs had played a more passive role and depended on the action of member States for reports and feedback, but then took little action to secure international compliance. Fowler, on the other hand, developed a new, proactive approach as the committee chair by visiting governments, regional organizations, and private officials in the region that were affected by the sanctions directed against the UNITA rebel movement. Based upon all his meetings and travels to the region, Fowler issued reports containing recommendations for improving the implementation of sanctions. Fowler’s commitment was unprecedented in the history of UN sanctions that it breathed new life and a degree of seriousness in the sanctions enterprise not witnessed before.⁸⁸

A —sanctions coordinator” would be one step in the right direction in ensuring the efficiency of economic sanctions. For one, it would be independent of the UNSC, which many scholars and proponents have long argued for. Cortright and Lopez point out that such a coordinator —would strengthen the institutional and policy framework for sanctions

⁸⁵ Burci, 2001:

⁸⁶ Staibano, 2005: 50.

⁸⁷ Cameron, 2005: 184 and Burci, 2001: 144-145.

⁸⁸ Cortright and Lopez, 2005: 69.

implementation.” According to them, the proposed coordinator could feasibly be a temporary appointee or a permanent post instituted within the Security Council division of the UN Secretariat. Cortright and Lopez outline the functions of the coordinator below:

Three distinct functions would be associated with the sanctions coordinator position: political outreach, special assistance, and policy guidance. The first would enable the Security Council to engage with member states, regional organizations, and other actors to communicate the purposes of sanctions resolutions and encourage greater compliance and enforcement. The second would provide feedback to the UN system on the support services, member states and regional organizations may require to fulfill their obligations. The third would include organizing and coordinating the delivery of such services.⁸⁹

However, it still seems that there is much focus on the compliance and enforcement of member states in imposing sanctions and the monitoring the efficiency of sanctions against the target and yet little emphasis on the monitoring of civilian populations under sanctions regimes. The previous UN Secretary-General Kofi Annan concurs that, —although sanctions regimes established by the Security Council normally do include humanitarian exemptions, some human rights treaty-monitoring bodies have stressed the need for such regimes to include specific measures protecting the human rights of vulnerable groups.”⁹⁰ To complement this deficit, an office should be established to handle investigations, on-site monitoring, and cooperation with UN agencies, NGOs, and international and regional organizations concerning the humanitarian status and well-being of citizens under sanctions regimes. An NGO or an official agency monitoring the specificity of women and children’s situation during times of sanctions is the ultimate hope of this paper.

Lastly, there are policy advisors that are optimistic about utilizing a positive sanctions scheme opposed to traditional sanctions that are of a more punitive nature. According to Peter Wallensteen, positive sanctions are defined as:

measures which add something (a resource, recognition, membership status, etc.) of what it had at point zero. A negative sanction is a measure which deprives the targeted actor of something (resources, recognition, membership status, etc.) of what it had at point zero. This means that promises and threats are part of the situation, but also they do not include the actual act of adding or depriving the actor of anything until after point zero...However, the sanctions actions we are interested in have specific demands attached to them. The purpose is to make an actor change behavior in a particular critical situation. The change, furthermore, is expected to be of lasting quality...Thus, positive sanctions are those measures which add something (a resource, recognition, a membership, etc.) to a targeted actor beyond what exists at point zero in expectation of compliance to a specified demand (or demands).⁹¹

Wallensteen compiled several typologies of positive sanctions into a table as a starting point, which is presented below in Figure 2.1.

⁸⁹ Cortright and Lopez, 2005: 66.

⁹⁰ As quoted in Genugten et al., 1999: 152.

⁹¹ Wallensteen, 2005: 232.

Figure 2.1 Positive Sanctions: Possible Measures***In the field of economics***

Extending most-favored nation status
 Granting access to international economic organizations
 Providing export or import licenses
 Encouraging capital imports or exports
 Granting access to advanced technology
 Increasing assistance in development, reconstruction, compensation

Making tariff reductions
 Extending subsidies to exports or imports
 Guaranteeing investments
 Extending favorable taxation
 Giving debt relief
 Making direct purchases

In the field of international security (narrowly defined)

Extending diplomatic and political support
 Pushing for membership in military organizations (alliance)

Initiating military cooperation
 Giving security assurances

In the field of security (broadly defined)

Extending environmental and social cooperation
 Opening for membership in democratic international organizations

Intensifying cultural exchanges
 Giving support for citizen diplomacy

Note: The verb forms are meant to convey the notion that the sanction measures move positively from level zero.

Source: Figure imported from Wallensteen, 2005: 233.

There have been some examples of positive sanctions undertaken over the years, which have demonstrated to be somewhat successful. However, as Wallensteen points out it is not as simple to convert a committed international community to change from one kind of action to another.⁹² In the meantime, targeted (negative) sanctions will probably remain the popular policy tool for some time, but the previous UN Secretary-General Kofi Annan advises caution on the use of —smart sanctions”:

The international community should be under no illusion: these humanitarian and human rights policy goals cannot easily be reconciled with those of a sanctions regime. It cannot be too strongly emphasized that sanctions are a tool of enforcement and, like other methods of enforcement, they will do harm. This should be borne in mind when the decision to impose them is taken, and when the results are subsequently evaluated.⁹³

3 APPLYING FEMINIST PERSPECTIVES OF INTERNATIONAL LAW TO ECONOMIC SANCTIONS

3.1 Feminist Perspectives on International Law

One potential approach for analyzing why the international community has neglected attention to women’s disproportionate impact from economic sanctions is to examine the area of international law itself. Since it appears that no feminist analysis of economic sanctions has been developed as of yet, I have opted to develop a feminist analysis of sanctions by utilizing feminist

⁹² Wallensteen, 2005: 237.

⁹³ As quoted in Genugten, 1999: 152.

international legal thought. My aim is to successfully bridge a feminist perspective on economic sanctions to those on international legal methods in order to thoroughly account for how and why women are more susceptible to economic sanctions and why the international community and scholars neglect them as a specific population. What will follow are some conceptual challenges posed by feminists within current international law.

3.1.1 *The Public/Private Distinction and State-Centric Model*

One central feminist critique of international law has long questioned the international structure itself and the norms perpetuated through international law, which consequently hinder the advancement of women. Hilary Charlesworth rightfully proclaims that since:

the law-making institutions of the international legal order have always been, and continue to be, dominated by men, international human rights law has developed to reflect the experiences of men and largely to exclude those of women, rendering suspect the claim of the objectivity and universality of international human rights law.⁹⁴

Feminists have labeled this perpetuation within the legal order as the “public/private distinction”. It is best understood as a hierarchy of oppressions with men fearing oppression by the State and with women fearing oppression by both men and the State. So, while both men and women do fear oppression from the State, feminists argue that international law (as formulated by men) has neglected to address the “~~pub~~lic” oppression women face which has often been reduced to “~~priv~~ate” matters.⁹⁵ The public/private distinction is based on the dichotomy of the male and female gender with each gender assigned respectively to the public and the private sphere with the public sphere accorded more value over the private:

The public realm of the work place, the law, economics, politics and intellectual and cultural life, where power and authority are exercised, is regarded as the natural province of men; while the private world of the home, the hearth and children is seen as the appropriate domain of women....The distinction...thus vindicates and make natural the division of labor and allocation of rewards between the sexes.⁹⁶

What happens to women in the home or by non-public officials including incidents of torture, assault, rape, and other forms of violence and oppression has traditionally been reduced to “~~priv~~ate” matters, but violence against men in the context of being committed in the public sphere has been contrarily deemed more deserving of outside and even international intervention.⁹⁷ There is overwhelming evidence that women suffer disproportionately on a wider scale from torture in the forms of rape, molestation, and violence within the domestic sphere than

⁹⁴ Charlesworth, 1995: 103.

⁹⁵ Fellmeth, 2000: 667.

⁹⁶ Charlesworth, Chinkin, & Wright, 1991: 626.

⁹⁷ Fellmeth, 2000: 667

men do from torture in the public arena. Despite this international law has primarily emphasized the instances of torture in the public realm, thus failing to address the pervasive violence women face in the domestic sphere. The continued prioritization of civil and political rights as connected to the public sphere additionally serves to relegate economic, social and cultural rights that are so pertinent for the advancement of women. There is also the problem of invisibility and minimal representation of women in national and international legal institutions which further perpetuate the dominance of male perspectives and marginalize women's experiences in international law.

Another critique reveals how the public/private distinction is repeatedly abused by the State (and men) as a strategy to preempt public (governmental) intervention, which renders women suffering from "private" wrongs as "analytically invisible" under international law.⁹⁸ States persist as the main subject of international law since its inception when it was chiefly developed for regulating relations among states. It is true, however, that individuals finally gained increased attention within international law under the auspices of human rights.⁹⁹ The problem with the State at the center of international law is the fact that the State cannot adequately represent women at the international level since they often fail to do so at the national level.¹⁰⁰ This is even more so the case during times of conflicts, which is apparently reflected in how States and the international community have repeatedly neglected to address women's actual experiences in war and conflicts. One lucid example of this is the failure of the Geneva Conventions to specifically articulate rape as a crime although it enumerates numerous, detailed provisions focusing on the protections and rights of combatants and civilians. Kelly D. Askins points out that:

Because many regulations protecting either combatants or civilians are often described in minute exhaustive detail, it is simultaneously shocking and disturbing, and yet consistent with the standard treatment of women and the silence surrounding women's issues, that very little mention is either specifically or even generally made of war crimes regularly committed against half the population, most particularly crimes of rape, sexual slavery, and other forms of sexual violence.¹⁰¹

It was not until recent years, thanks to much lobbying and organization on behalf of women, that rape was finally articulated as a crime by the International Criminal Tribunal for Rwanda and former Yugoslavia marking a new precedence in international humanitarian law (IHL), but this still does not sufficiently address rapes occurring within the private sphere. Judith G. Gardam and Michelle J. Jarvis have additionally identified a gendered hierarchy that permeates not only

⁹⁸ Fellmeth, 2000: 668.

⁹⁹ Sullivan, 1995: 126.

¹⁰⁰ Fellmeth, 2000: 669.

¹⁰¹ Askin, 1999: 45-46.

the provisions of IHL, and international criminal law applicable in armed conflict, but also the developing concern of the Security Council for victims of armed conflict”.¹⁰² When taking this into consideration in the context of economic sanctions, what role do women have, if any, on the agenda of the Security Council when formulating or reevaluating mandatory economic sanctions?

Feminists identify the sovereign state as an extension of male power, and thus, with reason hold the State responsible for violations that occur against women in the private sphere. For too long violence has been perceived to be a cultural tradition, but Charlotte Bunch argues that it is an outcome or an extension of domination:

Stay in your place or be afraid. Contrary to the argument that such violence is only personal or cultural, it is profoundly political. It results from the structural relationships of power, domination, and privilege between men and women in society. Violence against women is central to maintaining those political relations at home, at work, and in all public spheres.¹⁰³

Violence is a tool which structures the gender relations throughout society reminding women of their role and place in society that when women deviate from these expectations, violence is invoked as a consequence for challenging the gender order. Women are consistently reminded of this at night when they map the safest way home or when a male stranger pulls over and offers a ride home. To wander in the dark of the night or accept a ride from a stranger is to risk reprisal for her careless or confident foray into the public. As the saying goes, “~~He~~ personal is political”. As long as women’s oppression is firmly rooted in gender power relations then it will be nothing else, but political.

3.1.2 The Organizational and Normative Structure of International Law Through a Feminist Optic

This criticism particularly finds fault with the organizational structure of international law which is chiefly made up by states and international organizations. States are viewed as overtly masculine power structures since they most of the time lack female representation and participation and this becomes even more so in significant positions of power. International organizations are also included since they are viewed as extensions of states organized for the purposes of achieving collective objectives and they even replicate the State in its organizational structure and restrict women to insignificant and subordinate roles.¹⁰⁴ The United Nations is a

¹⁰² Gardam and Jarvis, 2001: 251.

¹⁰³ Charlotte Bunch as quoted in Charlesworth, et al., 1991: 629.

¹⁰⁴ Charlesworth, et al., 1991: 622.

prime example of international organizations that have failed to extend equal inclusion to women within every level of its organization despite a provision that “[t]he United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.”¹⁰⁵ By lacking adequate representation of women in significant positions within the UN and other international bodies, “[w]omen are excluded from all major decision making by international institutions on global policies and guidelines, despite the often disparate impact of those decisions on women.”¹⁰⁶

Consequently, such long-term domination of males at national and international levels has led to the misconception of *general* human concerns as women’s concerns too, when in fact they are the traditional concerns of men. The problem with this is that women’s concerns have fallen under a special, limited category relegated to a specialized and marginalized sphere that is regrettably regulated by weaker methods.¹⁰⁷ This is clearly established by the —speciā’ rights accorded to women within the *UN Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW). CEDAW is, howbeit, one of the biggest triumphs realized by women in the international arena, as it is the only international document that has been formulated by women specifically addressing the rights of women. It has unfortunately been severely crippled due to its weak implementation procedures and unusually high number of reservations made by the signature parties. While a significant achievement for women, CEDAW has helped to marginalize women’s rights or more accurately human rights for all since:

—women’s rights” are an inadequate solution to female oppression because women’s rights sometimes compete with the —rights” of men, which means that women’s needs or desires may not always prevail over men’s. For example, religious rights or cultural beliefs may lead to continued oppression of women in fundamentalist societies, and protection of family rights might preserve the unequal power structure within the family in traditional societies.¹⁰⁸

This raises an additional critique of how human rights as constituted within international law construct a hierarchy of rights that is inherently biased against women.

Human rights law consists of various rights that are divided into a so-called generation of rights. The three generations of rights are each accorded a hierarchal value with the North conveniently favoring civil and political rights, which represent the first generation of rights and is assigned the highest import and protections. This is juxtaposed with the South, which has more or less emphasized the importance of second and third generation of rights. The second

¹⁰⁵ *UN Charter* Article 8.

¹⁰⁶ Charlesworth, et al., 1991: 623.

¹⁰⁷ Charlesworth, 1995: 105.

¹⁰⁸ Fellmeth, 2000: 685.

generation of rights concerns economic, social, and cultural rights and does not have the same protective mechanisms as civil and political rights do as established in the International Covenants. The so-called rights of the third generation mainly are human rights that are ‘rights of solidarity’ or group rights, such as the right to self-determination, the right to peace, the right to food, the right to development, and environmental rights. It is often assumed that these rights benefit not only individuals but groups and peoples.¹⁰⁹ The first generation differs from the other two in their application since the public/private distinction has deeply penetrated the foundation of international law. Civil and political rights are assumed to be applicable to the public sphere where it is dominated by men and thus geared toward the protection of men in their relations with each other, in public life, and their relationship with the State. The first generation of rights are repeatedly enshrined in various international documents and contain the strongest enforcement mechanisms found within human rights law while on the other hand, the second generation of rights is accorded a lesser value and is perceived as more valuable to the private sphere and specifically so for women. Second and third generation rights have, for instance, weaker enforcement and implementation mechanisms due to the insistence of the West that States could not guarantee to ensure such rights to the same degree as civil and political rights due limitation of resources. States are consequently not expected to ensure the latter group of rights once again failing to further the advancement of women (and minority peoples) and dismiss the needs and rights that are vitally essential for women. For example, what does the right to vote, practice one’s belief, and speak freely mean for a woman who is lacking shelter, work, and food? Any talk of civil and political rights may sadly be viewed as meaningless until a woman is able to achieve meaningful living conditions and be allowed to participate in the public sphere on an equal footing with men. It is integral that the generation of rights not be deemed as divisible or accorded to a hierarchy because to do so is to diminish the quality of life for not only women, but men too who are in dire need of having their economic, social, and cultural rights, and as well as group rights, realized.

Finally, it has been difficult to summarize some critical feminist perspectives on international law and human rights law into such a condensed version, but I hope that this brief exposé will sufficiently demonstrate its relation to the disproportionate effect of economic sanctions on women as the following sections will attempt to do.

¹⁰⁹ Rosas and Scheinin, 2000.

3.1.3 Feminist Strategies and International Law

One major area that needs to be addressed is the low participation of women at all levels of decision-making. The United Nations Development Report has recorded rapid progress in the improvement of health and education of women worldwide, as well as the reduction of the gender gap in education to more than half. However all this amazing progress has not granted women any significant economic and political power.¹¹⁰ Paragraph 181 of the Beijing Platform for Action at the UN Fourth World Conference on Women reiterates that:

women's equal participation in political life plays a pivotal role in the general process of the advancement of women. Women's equal participation in decision-making is not only a demand for simple justice or democracy but can also be seen as a necessary condition for women's interests to be taken into account. Without the active participation of women and the incorporation of women's perspective at all levels of decision-making, the goals of equality, development and peace cannot be achieved.¹¹¹

However, merely including women in decision-making structures may not achieve the desired results since an “add women and mix” approach may be doomed to failure in transforming the current power structures. A good example is to envision military institutions and whether women could make any difference or impact in reshaping them. Proponents argue that women qualified to attain positions of influence and power have quite possibly demonstrated “their ability to mould themselves to the existing gender structure.” Feminists who adhere to the idea of the inherent “difference” between the sexes are more optimistic on the other hand that the caring and nurturing qualities of women may have the potential to alter institutions. Other feminists question this line of thinking by pointing out that the inherent “difference” between men and women is merely a gendered construct posing females as feminine and males as masculine and to stress otherwise is to tread on dangerous ground.¹¹²

Regardless of whether the inclusion of women will make any difference at all, the crux of the matter is that it is a “matter of simple justice.”¹¹³ Countless significant decisions are made daily resulting in considerable effects on women's lives with minimal input or participation of women in the decision-making process. Women's participation in formulating decisions and legislation at the national and international level have long been minimized and there is an overall failure to acknowledge that women may offer specialized insight based from their own experiences that can be taken into account when formulating policies and undertakings that concern women. Gardam and Jarvis confess that “as long as men make the decisions for women,

¹¹⁰ Gardam and Jarvis, 2001: 259.

¹¹¹ Beijing Platform for Action.

¹¹² Gardam and Jarvis, 2001: 260-261.

¹¹³ Gardam and Jarvis, 2001: 261.

irrespective of how well-intentioned they may be, the particular experiences of women in armed conflict will always tend to be overlooked.”¹¹⁴ Not only in armed conflicts, but overall in general whenever decisions are being made that impact women’s lives. It does not mean that any woman should be elected to make determinations over all other women, but instead those who are deemed to be rooted with the similar experiences and situational knowledge of the women in question. This is because women do not constitute one monolithic category since they have different privileges, backgrounds, values, physical attributes, and experiences that subsequently form their identities.

According to Francine D’Amico:

Because so few women have sat on the Security Council, women’s voices and perspectives have been virtually excluded from the central decisions made by the organization – that is, from the major political and security decisions of the past fifty years...The lack of women also excluded them from key personnel matters, since the Security Council —recommends” (nominates) top UN officials, such as the Secretary-General and judges to the World Court. Further, women have been absent not only from the making of Security Council decisions but also from their enforcement.¹¹⁵

Certainly, it is rare when women have been given command over UN peacekeeping missions as is the case with humanitarian interventions in natural disaster efforts whether domestically or internationally. Men consistently head operations of disaster relief efforts with the effect of lacking female input at the higher levels. This almost always results in the dire neglect of the needs of women during disaster relief operations in that basic supplies such as feminine napkins and diapers are not provided and that the protection for women from violent crimes is either lacking or deficient.

After a critical analysis of the international legal paradigm and the international system, it is clear what strategies need to be adopted to ensure women’s entry and recognition in international law. Andrew Brynes has some suggestions for what actions women can incorporate as part of their overall approach to the international system and they are as follows: (1) strengthening existing enforcement mechanisms in human rights law and developing new ones; (2) increasing the feminist presence on human rights bodies; (3) using existing procedures to greater effect; and (4) effectively using the reporting procedures under the various UN human rights treaties.¹¹⁶ The first two points of creating new enforcement mechanisms in international law, namely human rights law and IHL, and increasing women’s presence in the international system is by far the most vital strategies needed at this time. These two points are interrelated

¹¹⁴ Gardam and Jarvis, 2001: 259

¹¹⁵ D’Amico, 1999: 33.

¹¹⁶ Brynes, 2000: 110-115.

since with the increase of women in significant positions comes potentially new enforcement mechanisms reflecting the needs of women and vice versa with better enforcement mechanisms that promote women's rights come the equal and better treatment in ensuring women's access to not only to international system but hopefully the political system overall.

3.2 Applying Feminist Strategies to Economic Sanctions

Gardam and Jarvis have insisted that women be more included in coordinating humanitarian assistance in times of armed conflict, but women must also be welcomed as a force in advising in the development of economic sanctions policies.¹¹⁷ The distribution of humanitarian aid and assistance along with essential supplies are as important during times of economic sanctions as in armed conflicts and should require the participation of women in developing measures and policies concerning sanctions. Women can play an important role in fact-finding missions in both armed conflicts and under sanctions regimes since they can be found in a number of organizations and NGOs serving the local and international communities. Sanctions that are enforced in connection to military interventions also are an instance where due diligence is needed because the ~~im~~position of economic sanctions associated with armed conflict, exacerbates the situation. The use of sanctions as a non-violent alternative to the use of force has been increasingly questioned in recent years, given their indiscriminate and devastating effects on vulnerable sections of the target community, including women.”¹¹⁸ Yet, sanctions are just another extension of war and should not be classified as separate since they both inflict harm on innocent people and require the intervention to protect them.

One of the damning critiques Gardam and Jarvis direct at international humanitarian law is the dominant position it has held *vis á vis* human rights law. IHL has been around a lot longer than human rights law and is a well developed part of international law. Gardam and Jarvis have a utopian vision of the integration of human rights law and IHL where IHL will no longer be under the dominant influence of the military and effective methods to monitor the implementation of it will finally be developed. As of now there is limited scrutiny of state compliance with IHL that there is a necessity for monitoring mechanisms similar to the UN human rights treaty bodies. For this to be a reality a new conventional instrument is needed to structure the new system. Gardam and Jarvis also emphasize the necessity for either an IHL or human rights instrument as an appropriate vehicle for dealing with women in armed conflict. If

¹¹⁷ Gardam and Jarvis, 2001: 259.

¹¹⁸ Gardam and Jarvis, 2001: 43.

such a step is taken then it is advisable to integrate economic sanctions in such a treaty since the monitoring mechanisms and humanitarian services for both kinds of warfare are most likely compatible and require an onsite presence. It is also desirable since “cold” and “hot” wars can precede or follow one another that monitoring should be in place as soon as a war has commenced. Interestingly, Dr. Stephen Sestanovich from Columbia University has compared sanctions regimes to a “cold war”. He states: “I think of sanctions as a kind of post-Cold War policy of disapproval towards states that you think you can pressure. An alternative model would be one that I’d call “creating situations of strength,” a Cold War formula. It implies a focus on maintaining and increasing the cohesiveness of your own alliance.”¹¹⁹

At the UN Fourth World Conference on Women in Beijing in 1995 the Beijing Platform for Action was adopted. Twelve critical areas of concern were highlighted in the Platform as areas for Member States, the international community and civil society to specifically address. Among them were women in armed conflict although sexual violence remained a central focus. Paragraph 44 of the Beijing Platform calls on:

“Governments, the international community and civil society, including non-governmental organizations and the private sector”... “to take strategic action”, *inter alia*, in relation to “the effects of armed or other kinds of conflict on women, including those living under foreign occupation”.¹²⁰

A number of strategic objectives were embodied in the Platform to realize this goal, but Gardam and Jarvis insist that this kind of effective action requires coordination for its achievement. One solution they have proposed is a Centre of Expertise on Gender Issues and Armed Conflicts, which would be a:

specialist unit focusing on all aspects of women and armed conflict [that] should be established within the UN system. This centre is best placed within the Office of the UN high Commissioner for Human Rights to reflect the increasing recognition that humanitarian considerations should prevail in future approaches to armed conflict. The mandate of this body should include such matters as on-going data collection, advice to and training of relevant agencies, organizations and individual in gender aspects of armed conflict, and dissemination of information regarding women and armed conflict, including applicable law.¹²¹

It would be highly interesting to explore if economic sanctions could be incorporated into such a Centre as the mandate sounds precisely what is required to monitor the impact of sanctions on women and perhaps other vulnerable populations. A separate entity working with civilian populations, however, under sanctions regimes would probably be prudent but then it should be open to cooperation with the Centre and vice versa.

¹¹⁹ Sestanovich, 2008: 3.

¹²⁰ Beijing Platform as quoted in Gardam and Jarvis, 2001: 163.

¹²¹ Gardam and Jarvis, 2001: 262.

The following chapter will now provide some examples of case studies of sanctions regimes in Haiti, Cuba, and Iraq in addition to their specific implications for women living under them. These case studies will be followed by a chapter on the background of sanctions against Myanmar with a historical overview of Myanmar. The next chapter will go over the concepts of trafficking and forced migration and its consequences and underlying factors before proceeding to the empirical chapter, which will hopefully unite all these chapters into one concrete picture.

4 IMPLICATIONS OF ECONOMIC SANCTIONS ON WOMEN

4.1 *Haiti*

In response to a military coup d'état resulting in the overthrow of the first democratically elected President of Haiti, Jean-Bertrand Aristide, the UN SC initially imposed mandated sanctions on petrol and arms effective June 23, 1993. The following year on May 6, 1994, the embargo was extended to all commodities and products with the exception of medical supplies and foodstuffs. Even before this second act, the United States' unilateral sanctions imposed early on had more far-reaching consequences for the civilian population of Haiti. Although all sanctions were eventually lifted in the autumn of 1994, the comprehensive sanctions imposed that same year would have irreparable consequences for a country that had only known poverty and had not seen basic human rights realized for more than a lifetime.¹²²

The disruptive impact of sanctions on an already impoverished country would have lasting implications for women and children suffering disproportionate effects from sanctions in various ways. To begin with, one of the hard hit segments of the economy was within the assembly export industry responsible for manufacturing garments, electronics, sport supplies, and toys. By October of 1992, 29,780 jobs had disappeared as a result of U.S. imposed sanctions while the same year 17,080 workers were laid off in the garment industry alone. Exports from Haiti to the U.S. for manufactured shoes plummeted 96 percent and clothing 55 percent. As of May 1994, only 8,000 jobs remained within the assembly industry of the 44,000 jobs that existed previously in September 1991. Consequently, women were the hardest hit group making up 80 percent of the assembly industry workers and at least a third of them were heads of households. The overall impact would not be limited to women workers, but instead up to a quarter of a

¹²² Gibbons, 1999: 9.

million Haitians were affected since workers averaged six dependents in need of their principal source of income.¹²³

Of consequence, many women were compelled to remain with abusive partners for need of housing, especially those with children. Extensive internal and external migration additionally led to the increased breakup of the family adding to an already high level of female-headed households. The imposed impoverishment of sanctions would have lasting implications in the breakup of the family structure and the abandonment of children.¹²⁴ Furthermore, “women in both urban and rural areas were frequently drawn away from home in order to sell their wares at markets often going farther and farther in an effort to provide for their families survival.”¹²⁵ However, when selling goods failed to produce for the family’s survival, some women resorted to commercial sex work, or to prostituting their daughters:

Mireille is 12 years old. Her mother has been paralyzed for several years and she does not know her father. Mireille has two younger brothers. She has been supporting the family for two years. Before that, she managed her mother’s small business. Since the embargo put her out of business, she says she has no other choice than prostitution. She was arrested because of that.¹²⁶

Moreover, the time mothers spent away from home in search of income resulted in less time preparing meals, breastfeeding, and attending to children thus reducing the quality and consumption of food for children.¹²⁷ Children were extremely affected during the duration of sanctions due to lack of potable drinking water, decreased sanitation, lack of medicines and vaccines as well as health services. It is likely that the lack of health services additionally contributed to a 29 percent increase of the maternal mortality rate between 1989 and 1994 in which the mortality rate was estimated at 450 per 100,000 births.¹²⁸

While it is possible to go on listing in detail the implications the sanctions had on women and children as well as the population in general, this section will instead conclude with an account of what damage had been incurred after the sanctions finally ended:

At the end of the crisis in 1994, the state infrastructure was even more dilapidated than it had been in 1991, its human resources depleted and demoralized...because ordinary people, in an effort to survive the crisis, were forced into illegal activities like smuggling, black-marketeering, and prostitution, the embargo had another subtle, but perhaps more corrosive, effect on Haitian society: it helped undermine public morality, social cohesion, and respect for what little rule of law there was.¹²⁹

¹²³ Gibbons, 1999: 10-11.

¹²⁴ Gibbons, 1999: 20.

¹²⁵ Gibbons, 1999: 17.

¹²⁶ Perault, Nadine as quoted by Gibbons, 1999: 17.

¹²⁷ Gibbons, 1999: 18.

¹²⁸ Gibbons, 1999: 26.

¹²⁹ Gibbons, 1999: 31 and 42.

This statement rings so true when one thinks back to what had occurred in Haiti just some years ago when the country was once again destabilized and people took to the streets. It is time that the international community initiates some sincere steps and measures to ensure not only peace and security, but also the democratization and rights entitled to Haitians that they have so long struggled for.

4.2 Cuba

Cuba is an exceptional case in that it has endured half a century of total and comprehensive unilateral sanctions from their big neighbor, the United States. However, it was not until the last decade that the sanctions were really felt by Cuba which was primarily due to the breakup of the Soviet Union and Communist bloc countries. Over the years the U.S. has added more measures to tighten sanctions like a vise on the life of Cuba and the most recent ones were imposed in the mid-1990s. Since the end of the Cold War, Cuban civilians have been hard hit by sanctions because Cuba has no access to U.S. markets and therefore must pay above-market prices and tariffs on goods that are shipped from distant markets. Cuba spent an additional \$43.8 million in 1996 for four basic food items than it would have if the embargo was not in place.¹³⁰ Consequently, health and nutrition have been the two primary areas that have succumbed to U.S. sanctions having disastrous results for the Cuban people.

Women have played a pivotal role during Cuba's time of crisis in "becoming protagonists and strategists in the drama of family survival." Women specifically had to incorporate the harsh effects of the sanctions into their regular routine resulting in daily difficulties "created by shortages of food, delays in receiving supplies of essential products, difficulties in obtaining articles for personal and family hygiene, limitations in acquiring clothing and footwear, short supplies of medicines, the absence of transportation, and costs in terms of time, among many others." Further, the lack of water and electricity contributed to a rise in labor in the domestic area requiring more time from women.¹³¹ While women invest much of their time in the domestic area, women are also called to fully participate in all of society's tasks as outlined in Cuba's social plan, so as a consequence many women participate in the labor market balancing her responsibilities at home. Although a gender victory, women are still expected according to cultural traditions to carry sole responsibilities for the household including raising the children, domestic chores and other countless tasks to assure the well being of the family. There has been,

¹³⁰ United Nations Commission on Human Rights, 2000: 22-23.

¹³¹ Hidalgo and Martinez, 2000: 109-110.

however, one particular effect for women from the blockade in the restructuring of employment, which has led to a 16 percent decline of women in the labor force. A portion of women were transferred to the informal sector or to small-scale private businesses working with food preparation, family restaurant services, and providing lodging for tourists in their homes. As of the year 2000, women constituted 27 percent of the informal sector creating a migration of qualified female workers into this sector. Regardless of these changes, women still remain at the forefront of the labor market as they continue to balance their roles at home.¹³²

The blockade has led to difficulties within the family structure leading to an increase of divorce that has reached unprecedented levels throughout the 1990s.¹³³ One can assume a rise in female-headed households adding an extra burden to women during Cuba's time of crisis. The Committee on the Elimination of Discrimination against Women has commented how the blockade against Cuba has impeded women's progress by reducing access to women's health services including medicines and contraceptives.¹³⁴ A shocking rise in the maternal mortality rate was reported at 50 percent between 1993 and 1994.¹³⁵ An additional worry has been the reemergence of prostitution—a phenomenon that had all but disappeared.” Commercial sex work appears to be a similar aspect that has been perpetuated by nearly all sanctions regimes, subsequently resulting from the economic degradation of women compelling them to find other means for survival. Despite the negative impact of sanctions, many women have remained optimistic that the crisis had forced them to be creative and well organized, thus strengthening their self-esteem.¹³⁶

While many women in Cuba may have become a galvanizing force in becoming strategists and protagonists, not all women experienced it positively, not in Cuba and not for other women living under other sanctions regimes. One thing is for certain, the impact of economic sanctions on women vary and differ according to the country, historical and cultural context women live in, as well as the extent and length of the sanctions. Hence, from a more optimistic account in Cuba to yet, a grim one in Iraq where proponents have went as far to label genocide, it is surely nothing to feel optimistic about.

¹³² Hidalgo and Martinez, 2000: 109 and 111.

¹³³ Hidalgo and Martinez, 2000: 112.

¹³⁴ Cited in United Nations Commission on Human Rights, 2000: 23.

¹³⁵ United Nations Commission on Human Rights, 2000: 23.

¹³⁶ Hidalgo and Martinez, 2000: 112.

4.3 Iraq

Sanctions in Iraq have been the most comprehensive and total sanctions ever imposed by the world community lasting over a decade. Of significance, the sanctions were imposed following or in connection to the destruction and debilitation of the Iraq state infrastructure from the first Gulf War. The consequences of the Gulf War for Iraq:

were a devastated land, a ruined society, massive human casualties, and a traumatised survivor population struggling to comprehend the apocalypse that had befallen it. Now the [U.S.] insisted on imposing a fresh sanctions-based onslaught on the Iraqi people - denied any means to rebuild a shattered society, denied sewage-free drinking water, denied medical facilities, and denied food in adequate supply...denying essential humanitarian relief to an increasingly diseased and starving people.¹³⁷

For this reason, it has been extremely difficult for experts to ascertain with confidence the extent of damages on the civilian population from economic sanctions alone, however over the years many attempts have been made and after more than a decade it is pretty, if not absolutely, certain that economic sanctions ultimately had far-reaching implications for the people of Iraq. One thing many experts agree on is that women, children, and the elderly were disproportionately affected by the onslaught of sanctions.

Saeid N. Neshat stated that one of the most significant features of the economic sanctions was the ~~total~~ deterioration in the status of women in the absence of a powerful women's movement inside the country. Women were the real victims of war and sanctions. The worse economic situation affected on their health and educational needs."¹³⁸ Iraqi women, before the invasion of Kuwait, were the most educated and professional throughout the region resulting in an improved status of women, but these achievements of the decade before would be lost to sanctions.¹³⁹ The sanctions invited wild inflation shutting down the economy and causing massive unemployment and reduction of revenue to the public sector, the primary employer of women.¹⁴⁰ The salaries for women remaining in the public sector dropped dramatically in contrast to the cost of living and high inflation rates. As the economy and society collapsed, crimes increased including violent burglaries that created an environment where women and children did not feel safe. Women frequently had to comfort and accompany their traumatized children in a climate of crime and continued threat of bombings.¹⁴¹

¹³⁷ Simons, 1999: 173-174.

¹³⁸ Neshat, 2003: 57.

¹³⁹ Al-Ali, 2000: 76-77.

¹⁴⁰ Neshat, 2003: 58.

¹⁴¹ Al-Ali, 2000: 77-78.

The dire economic conditions created by the sanctions additionally induced forced migration of men and the abandonment of families, which resulted in a rise of single female-headed households. War widows and an increase of divorcees also contributed to the number of female-headed households while marriage was on the decrease. A UN working paper published in June of 2000 echoed concerns that “sanctions have an overwhelmingly greater negative medical and social impact on women, as women bear the brunt of the social and economic displacements and upheaval.”¹⁴² Even with men in the household, women were still expected to perform all the household duties, care for the children, be responsible for health and sanitation within the family, and acquire water. When gas and electricity were disrupted, women were expected to gather fuel. Despite that men were freed from employment and had excess time to contribute to the household, women were still held solely responsible for household chores as culture dictated since household work was viewed as “a degradation of manhood”. Two women testified in a study “that their unemployed husbands remained at home or spent time at coffee shops, responding to suggestions that they might look for work more aggressively by threatening to take a second wife.”¹⁴³ Polygamy had consequently become another aspect of the sanctions as a result of abundant female headed-households, which may explain why wives were eager to maintain the household responsibilities with little complaint.¹⁴⁴

In respect to the shortage of food supplies, food-related worries became a central concern among women since it was the woman’s main responsibility. Women often ate whatever was left after the husband and children ate reflecting an intra-household distribution often practiced in the South:

In most societies in the world women first feed the men, then their children; only then do they eat what—if anything—remains....the tendency of women and girls to eat last, and least, hits a subset of women particularly hard: those who are pregnant and lactating.¹⁴⁵

A personal account shared by Dr. Nadjé Al-Ali confirms this pattern as experienced by many Iraqi women during Iraq’s time of crisis as well as another element in the breakdown of society as a result of the food shortage:

I would feed my children and my husband, before eating anything myself. Often I would stay hungry. I would also feed my children before visiting anyone. Before the sanctions, people were very generous. You would always serve tea and biscuits, if not a meal when people came to see you. Now, people stop visiting each other, so that they do not embarrass each other.¹⁴⁶

¹⁴² United Nations Commission on Human Rights, 2000: 17.

¹⁴³ Buck et al, 1998: 81.

¹⁴⁴ Al-Ali, 2001b.

¹⁴⁵ Bertini from UN WFP in Buck et al, 1998: 75.

¹⁴⁶ Al-Ali, 2000: 75.

The lack of food, medicine, and medical care all helped to contribute to an ever increasing maternal and child mortality rate. For instance, between 1990 and 1994 the maternal mortality rate increased at 265 percent.¹⁴⁷ Chronic malnutrition most common ~~among~~ adolescent girls and young mothers endangered both their and their children's health and well-being. The high rate of anemia among pregnant women added to these risks."¹⁴⁸ While it is obvious that the health of an infant would depend on the health of the mother, many scholars and experts nevertheless advanced the mortality rate of babies and young children in Iraq as separate episodes from that of the women, or mothers, obscuring her own sufferings. The Iraqi women rarely received any mention by scholars in connection to the mortality of young children as if it was all occurring in a vacuum, thus erasing the prominent role of women as care providers since it is certain that they each reflected each other's condition. Finally, if children and relatives became sick, women had the burden of caring for them among their numerous daily duties.

A phenomenon that has been observed in Iraq is a turn towards conservatism and religiosity. Dr. Nadjie Al-Ali has noted an inversion of moral values and cultural codes and the social fabric of Iraq coming undone. She additionally noted that many women were troubled by the ~~new~~ "cultural" environment which [was] marked simultaneously by a decline in moral values pertaining to honesty, generosity and sociability and an increased public religiosity and conservatism".¹⁴⁹ Dr. Al-Ali quoted someone close to her saying: ~~You~~ know, bridges and houses can easily be rebuilt. It will take time, but it is possible. But what they have really destroyed here is our morale, our values."¹⁵⁰ The other breakdown in morality reflects the rise in prostitution in which conservatism became the response. Many women turned to sex work (in addition to other shameful activities such as begging in the streets) in order to feed their families and many Iraqi women were even found to be in Jordan constituting the majority of CSWs there.¹⁵¹ With the rise of conservatism —honorcrimes" became commonplace and even legalized, hence increasing pressures and fear upon women in Iraq. Domestic violence also rose with women on the receiving end from men venting frustrations and grief over the current situation.¹⁵² But, not all women painted a grim picture of their relationship to men:

¹⁴⁷ Neshat, 2003: 59.

¹⁴⁸ Neshat, 2003: 59.

¹⁴⁹ Al-Ali, 2001a.

¹⁵⁰ Al-Ali, 2000: 80.

¹⁵¹ Al-Ali, 2000a and Buck et al, 1998: 83.

¹⁵² Al-Ali, 2001a.

My husband never did anything in the house before the sanctions. He used to work in a factory outside of Baghdad. Now that he has stopped working, he helps me to bake bread and to take care of the children. We get along much better than before, because he has started to realize that I'm working very hard in the house.¹⁵³

Not all relationships suffered in the face of sanctions, albeit it was ultimately difficult with the numerous challenges posed by the sanctions.

Another frustration facing women or families is the illegality of contraceptives, which were legal before the sanctions. The government's aim was to encourage women to produce more children to replace the lives lost to the wars and sanctions. As a result, women took extreme risks with their health and lives by seeking back-alley abortions with the current economic situation so bleak to give birth to a child they could not feed. Women also resorted to leaving newborn babies on the street either as a result of illicit relationships or quite simply babies were "left by married women who just can't face not being able to feed their children".¹⁵⁴ With all the predicaments women faced during the sanctions, many women ultimately found solace in religion. Although it was a result of growing pressures, many women chose to adorn the *hijab* of their own free choice, which women did not wear a decade before. It is evident that women turned to religion as a coping mechanism to help them through their time of crisis. It is uncertain how this new aspect of conservatism and religiosity will turn out for women in Iraq's new democracy in the coming years. Finally, a last mention is appropriate in pointing out that the women of Iraq are not just passive victims. Instead, the women of Iraq interacted with the crisis at hand the best they could forcing them to be creative, resourceful, and adaptable and versatile according to the special circumstances. With the sanctions now over and the future of Iraq questionable, it should be thoroughly recognized that the Iraqi women with all their strength and all that they have learned should be likely partners in the rebuilding and democraticization of Iraq.

5 ADDRESSING ECONOMIC SANCTIONS IN MYANMAR

5.1 *Background in Myanmar*

The Kingdom of Burma was colonized by the English from the end of the 19th century up until 1948 when Myanmar finally attained its independence. The modern Myanmar that is known today is the result of the United Kingdom's demarcation of different neighboring states into one large state to be known as Burma. This particular demarcation of Myanmar continues to trouble

¹⁵³ Al-Ali, 2000: 83.

¹⁵⁴ Al-Ali, 2001a.

the nation even today. Some years prior to independence Japan encouraged the formation of a Myanmar armed force (Tatmadaw) by providing training to a group of young student nationalists known as the Thirty Comrades in the aims of occupying Myanmar and heading into India. Among these comrades were Thakin Aung San, the father of Aung San Suu Kyi, and Thakin Shu Maung (a.k.a. Ne Win). Just before the end of the war leading to Myanmar's independence, General Aung San wittingly outmaneuvered the Japanese by rejoining the British and eventually formed a force that neither side could match. The role of the Burma Independence Army (BIA) in the war as led by Gen. Aung San formed a core part of the —Myanmar nationalist tale of heroism”.¹⁵⁵

The 1947 Panglong Agreement choreographed by General Aung San and signed by some of the major ethnic nationalities —was based on the principles of equal rights of ethnic minorities and self-determination guided their common understanding of creating the Union of Burma.”¹⁵⁶ The agreement was ultimately adopted as the federal constitution following independence, but the untimely death of General Aung San just months after led to a state of political instability and conflict that the Panglong agreement never became fully implemented. Ethnic groups and Chinese-supported communist groups struggled once again for control of the country which resulted in a military coup led by General Ne Win in 1962. For nearly half a century, the military regime of Myanmar remained paranoid and insecure of ethnic takeovers and integration that they were so bent on suppressing any ethnic or democratic aspirations and challenges. The junta firmly believed that without a strong military that Myanmar would not remain a united country, which has since been the rationale and justification of the regime ever since.¹⁵⁷ The role and history of the Tatmadaw in Myanmar is important to understand in this regard as Robert H. Taylor underscores in the following passage:

The Army thus became more than a pillar of the post-colonial state, it became the state's guarantor and protector. As the army grew and consolidated its economic power during the 1950s, it developed its own ideology which sought to ensure that the —lessons” of the civil war which Myanmar experienced at independence would not be forgotten. In particular, the dangers of divisions among nationalist forces was held up as the greatest of these lessons and from then on the search for national unity became paramount in the army's definition of national security.¹⁵⁸

The independence of Myanmar, to no surprise, came as a mixed blessing as ethnic groups continue to struggle today with the Tatmadaw to regain control of Myanmar.

¹⁵⁵ Taylor, 2005: 13-14.

¹⁵⁶ Pal Singh, 2003: 135.

¹⁵⁷ Pal Singh, 2003: 135-136.

¹⁵⁸ Taylor, 2005: 15.

During Ne Win's rule for a quarter-century from 1962, he would oversee a number of political and institutional changes that contributed to the slow demise of Myanmar. What was potentially a wealthy country was declared a "Least Developed Country" (LDC) by the United Nations in 1987 and was done so at the behest of the junta in the hopes of receiving more foreign aid. Japan was increasingly displeased with the junta's slow progress for reform and was becoming less willing to give aid as they had consistently done so in the past, which then propelled the junta to lobby for LDC status. Pressures for repayment of international debts and for reform by Japan culminated in Ne Win's speech advocating for political reforms at the next planned BSPP (Burma Socialist Programme Party) Congress in two years time. Within just a matter of days in response to Ne Win's speech, the government immediately proceeded forward in deregulating key agricultural crops and as well as demonetizing small bank notes of 25, 35, and 75 kyat. These economic reforms threw the economy into turmoil as many people found their savings wiped out without any compensation. A series of events occurred, each one increasingly displaying the junta's incompetence, thus leading up to the resignation of Ne Win and the collapse of the BSPP as we will see.¹⁵⁹ Social unrest ensued after the economic reforms were implemented since disenchantment had already simmered from the years of privation the people had suffered under Ne Win's rule. Thousands of people took to the streets in so-called pro-democracy demonstrations with the regime often responding with force, but nothing would compare to the brutal crackdown that occurred on August 8, 1988 that finally put an end to Ne Win's long rule. The events of 1988 were a significant turning point that Martin Smith states, "For many reasons, then, the turbulent events of 1988 were to mark a symbolic watershed in concentrating attention on the ossified and non-conciliatory way that Burmese politics had stagnated in the post-colonial period. Not unexpectedly, after a quarter century of such deadlock, political developments did not end here, and, for a brief moment, the genie appeared out of the bottle as national politics went into uncertain freefall."¹⁶⁰

On September 18, the junta reconstituted itself as the State Law and Order Restoration Council (SLORC). The new-formed council, initially led by Saw Maung, had the intention of handing over power to a civilian government once it was formed. During the growing tensions and social unrest of 1988, Daw Aung San Suu Kyi had left her husband and two sons at home in England to care for her ailing mother in Yangon. With remarkable timing, here entered a prominent elite figure, a descendent of national war hero General Aung San, with no connection

¹⁵⁹ Taylor, 2005: 16-21.

¹⁶⁰ Smith, 2001: 17.

to the tainted political past drawing immediate strong support catapulting her to lead the National League for Democracy (NLD). She was outspokenly critical of the regime and General Ne Win and she drew the ire and resentment of the SLORC. Suu Kyi was placed under house arrest in July 1989 for attempting to organize along with her supporters of the NLD a demonstration to parallel annual ceremony held by the government in honor of General Aung San and other national heroes.¹⁶¹ The election took place in 1990 as planned and the NLD won about 62 percent of the votes, culminating in a win of 80 percent of the 485 seats contested. The National Unity Party (NUP), which was the reincarnation of the BSP, won only ten constituencies. There was, however, one snag: since the previous constitution had been annulled at the time of the 1988 coup, the military junta, finding a loophole, insisted that it would maintain all its legislative, executive, and judicial power until a new constitution was promulgated and that the elected representatives' primary role was to draft a constitution. The NLD's landslide victory emboldened them to challenge the junta's position, thus beginning the political deadlock that still lasts until today. There were several later attempts to convene a constitutional convention with the first in 1993, but by late 1995 the NLD walked out dissatisfied with the terms. By then, Suu Kyi was released from house arrest and the convention was soon adjourned.¹⁶² By 1997, the SLORC renamed itself as the State Peace and Development Party (SPDC) with a number of ministerial changes, but this had no substantial change in policy from that of the SLORC.¹⁶³

In August 2003 Myanmar announced its intention to reconvene its National Convention and introduced the SPDC's "Seven Step Roadmap to Democracy". The announcement of the roadmap came just three months after the Depayin massacre when Suu Kyi's motorcade was attacked along with other followers by USDA (Union Solidarity Development Association) militias, which is the strong-arm of the government in imposing political repression. Aung San Suu Kyi and fellow NLD leader Tin Oo were immediately incarcerated at Insein Prison and then put under house arrest. Eight years later after the first Convention was laid down, NLD leader Daw Aung San Suu Kyi was once again under house arrest, thus compelling the National League for Democracy to call for boycotts of the National Convention on the condition that Suu Kyi be released.

Since the announcement of the SPDC's Roadmap a number of events have taken place. Ethnic ceasefire groups were in attendance at the first session of the National Convention in 2004

¹⁶¹ Taylor, 2005: 22.

¹⁶² Taylor, 2005: 22-23.

¹⁶³ Taylor, 2001: 3 fn5.

up until the final drafting stages of the constitution. However, the constitutional process was and is not without criticism or skepticism since many of the participating groups attempted to submit their own constitutional drafts and suggestions or points of changes that were not taken into consideration. In addition, the NLD boycotted the convention, so they have had no input on the constitution. The final constitution was finally completed in February 2008 but already back in October 2006, the international Inter-Parliamentary Union Governing Council at its 179th session in Geneva charged that “the National Convention, in its present form, is designed to prolong and legitimize military rule against the will of the people.”¹⁶⁴ Many would agree with this charge against the Myanmar government and it does appear that the finalized constitution only reaffirms the junta’s firm grasp over the country. Human Rights Watch in a report released this year points out that “the SPDC’s ‘Seven Step Roadmap to Democracy’ project has been designed in large part to entrench within the constitution continued military rule. The draft constitution makes this clear in its opening clauses, listing as one of the six ‘pursuits and objectives of the State’ ‘for the Tatmadaw [military] to be able to participate in the national leadership role of the State.’”¹⁶⁵ Strikingly, one-quarter of the parliamentary seats are reserved for military appointees while military officers are still free to run for the other remaining seats, which they are likely to do, thus raising the minimum quota of the military within the proposed “civilian” government.¹⁶⁶ In a likely attempt to bar Aung San Suu Kyi and other exiled political opponents, the constitution also has a clause that bars potential presidential candidates that have not resided “continuously in the country for at least 20 years up to the time of the election” and as well as have parents, spouses, or children that are citizen of another country. Suu Kyi has always maintained her Burmese citizenship, but her deceased husband and two sons are all British citizens which would bar her from running.¹⁶⁷

Even all the skepticisms and doubts raised over the new constitution did not deter the government from pressing forward with the referendum on the constitution just a week after Cyclone Nargis hit (afflicted areas voted approximately three after). This action drew international condemnation from many countries and agencies since the Myanmar government was so slow to respond to the humanitarian crisis at home, that it was a wonder that it had somehow managed to prioritize the referendum. After such actions on the junta’s behalf, many

¹⁶⁴ Human Rights Watch Chronology, 2008: .

¹⁶⁵ Human Rights Watch, 2008: 44.

¹⁶⁶ Human Rights Watch, 2008: 44.

¹⁶⁷ Human Rights, Watch, 2008: 46.

seriously question what is to come in the multi-party election to take place in 2010. However, not much has changed in the past twenty years since Aung San Suu Kyi arrived to Myanmar that an upcoming election in 2010 holds the only glimmer of hope as exiled political activists reconsider coming home to end the political deadlock and pursue the only door to be opened in nearly half a century. As new political parties and ethnic groups prepare for the election, those standing on the outside looking in are sure to feel left out in the cold that they are sure to find their way into the political system in spite of their exiled status thanks to the modern technologies that exist today. Hence, no one can predict what the elections will look like and what will happen, but it is sure to be an apprehensive, scary, but even hopeful time. Whatever happens, the world will surely be watching.

5.2 History of Sanctions in Myanmar

Myanmar has within the last two decades received worldwide attention for its poor human rights treatment and repressive non-democratic regime. Myanmar has been reported to engage in nearly every human rights violation imaginable in addition to the number of crises challenging the people of Myanmar today. HIV infection rates in Myanmar is amongst the third highest in Southeast Asia and the only Southeast Asian country to face a serious epidemic in face of rising infection rates while other neighboring countries are experiencing a decline.¹⁶⁸ Since the regime invests all its resources into the military there is an ever-growing shortage of health care, medicines, and supplies. The ILO has repeatedly advised Myanmar to change its practices of forced labor in respect to civilians being captured to be used as porters for the military. Myanmar has also been warned to end the use of child soldiers, which has been recorded to use the highest amount of children in the world. It also frequently uses fear and repression to suppress political movements and organization and the date of August 8, 1988 has left an imprint on every individual in Myanmar. The bloodshed of August 8th left hundreds dead as the military shot into a crowd of thousands as they gathered to protest the regime. A number of political prisoners remain incarcerated for their participation or attendance at the demonstration and Myanmar continues to incarcerate prisoners of conscience and political prisoners, which consist of approximately over 2,000 today.¹⁶⁹ Daw Aung San Suu Kyi, a Nobel Peace prize laureate, has been repeatedly imprisoned and placed under house arrest since 1989. Aung San Suu Kyi's imprisonment has invited international scrutiny and outrage, as the international community

¹⁶⁸ AVERT, 2004.

¹⁶⁹ Amnesty International Report 2008.

repeatedly demands the Myanmar military regime to recognize the 1990 electoral results and concede parliamentary power to Suu Kyi and the NLD. The SPDC's new constitution has been denounced as a farce in order to legitimate the rule of the regime and despite having approved the new constitution by referendum, Aung San Suu Kyi's continued house arrest brings a shadow over the legitimacy of the constitution and the SPDC's "seven-point roadmap".

5.2.1 EU Sanctions on Myanmar

The European Union (EU) has been constantly criticized by many parties for its weak policies against Myanmar, which has not exceeded or measured up to the rank of United States' policies in condemning Myanmar for its poor human rights record. Although the EU has utilized tougher sanctions against other nations for reasons of human rights concerns, it still recognizes that disincentive policies or negative sanctions may in themselves be:

grave and persistent violations of human rights or serious interruption of democratic processes...the EU has pledged to try and avoid penalising the population and make efforts to continue helping the more vulnerable parts of the population through the intermediary of non-governmental or informal channels while at the same time keeping a distance from the government concerned.¹⁷⁰

Despite repeated criticism, the EU has been slow to tighten sanctions on Myanmar since first imposing sanctions against Myanmar in 1996. The Council of the European Union once again renewed its restrictive measures against Myanmar in April 2008, which is reviewed annually and has been renewed every year since the Common Position was formulated in 1996. Hence, there has been neither weakening nor strengthening in the effects of the sanctions since its imposition in 1997.¹⁷¹ The current sanctions imposed by the EU include a visa ban on members of the SPDC, government and military officials, and other key individuals close to the regime including members of their families. There is in addition a ban on technical assistance, on the financing and financial assistance related to military activities, and a ban on the export of equipment that may be used for internal repression.¹⁷² Beginning from the inception of sanctions, the EU set up five conditions that must be met before sanctions be lifted: (1) Release of all political prisoners; (2) an end to the arrest of political dissidents; (3) the restoration of political dialogue with pro-democracy leaders; (4) a new democratic general election at the earliest opportunity; and (5) a guarantee of freedom of speech and movement.¹⁷³ Despite continued EU sanctions, very little

¹⁷⁰ Oo and Grieg, 1999: 111.

¹⁷¹ European Union, 2008.

¹⁷² European Union, 2008.

¹⁷³ Oo and Grieg, 1999: 113.

has changed in Myanmar today as in the beginning when a crackdown on the NLD soon ensued the following year after the European Union's initial sanctions.¹⁷⁴

In fact, the ruling junta in Myanmar has attempted to mobilize national sentiments against EU policies by appealing to nationalism and priding itself in resisting the West. While not as stringent as U.S. sanctions, EU policies against Myanmar have been surprisingly credited for achieving some gains. The EU has consistently refused to allow Myanmar participate in ASEAN-EU joint meetings within recent years, thus sending a clear message of disapproval to not only the military junta, but also their nearby neighbors in Asia. On the other hand, since interest groups for Myanmar have not achieved what they have aspired to in encouraging the EU to increase disincentive measures on Myanmar; they have alternatively found much more success in international boycotts in shutting down business and production in Myanmar.

5.2.2 U.S. Unilateral Sanctions on Myanmar

The Clinton Administration followed the European Union's lead and similarly imposed sanctions against Myanmar in 1997. However, Washington took it even further and banned all new investments by U.S. firms and nationals within Myanmar.¹⁷⁵ In response to the most recent confinement of NLD leader Daw Aung San Suu Kyi in 2003, the Bush Administration passed the Burmese Freedom and Democracy Act of 2003 blocking all imports and financial services, ~~making~~ it one of the tightest unilateral sanctions regimes, similar to that of Cuba.¹⁷⁶ Be that as it may, many proponents are skeptical of U.S. comprehensive sanctions on Myanmar and question its efficacy and usefulness. While sanctions may provide opposition groups, like the NLD, international legitimacy and morale, there are limitations on the effects of sanctions on the military junta to consider. For one, top leaders in Myanmar are accustomed to living frugally and are driven more by the ~~taste~~ for power and sense of patriotic duty than a lavish lifestyle". Further, the regime takes pride in standing up to the ~~un~~justified bullying of the U.S. and Europe. The psychological impact of sanctions is greatly diminished because they are imposed overwhelmingly by Western governments and organizations.¹⁷⁷

In addition, the rationale that the economy in Myanmar will collapse prompting the regime to compromise does not pan out either. Myanmar was in economic isolation for decades until it decided to liberalize its markets in the early 1990s; hence Myanmar is a self-sufficient

¹⁷⁴ Oo and Grieg, 1999: 113.

¹⁷⁵ International Crisis Group, 2004: 15.

¹⁷⁶ International Crisis Group, 2004: 18.

¹⁷⁷ International Crisis Group, 2004: 16.

nation in terms of food and does not depend on external resources for its survival. Most people are still living at the subsistence level and it is likely that the informal sector exceeds the formal sector while most of the upper class extracts its income from rent-seeking activities all of which are invulnerable to economic sanctions.¹⁷⁸ A primary concept behind imposing sanction regimes is to inflict economic hardship on the citizenry until it becomes intolerable enough to rise up and apply pressure on the targeted state for political change.¹⁷⁹ But, as Marc Bossuyt in a Working Paper prepared for the UN Commission on Human Rights points out:

This “theory” is bankrupt legally and practically, as more and more evidence testifies to the inefficacy of comprehensive economic sanctions as a coercive tool. The traditional calculation of balancing civilian suffering against the desired political effects is giving way to the realization that the efficacy of a sanctions regime is in inverse proportion to its impact on civilians.¹⁸⁰

In addition, no one can deny that the likelihood of the people in Myanmar rising up against the regime is very minimal in light of the brutal repression they have experienced, the dismal conditions they live in, and the regime’s consistent use of terror and fear as a tool.

If anything, imposed sanctions may only reinforce support for the military junta as the economic conditions deteriorate for two reasons. First, the junta may convince its people that the sanctioners care nothing of the lives of the people in Myanmar and only care about their own foreign policy objectives. And second, the junta prides itself on its resistance to Western imperialism and consistently polarizes Myanmar, or the East, against the West, thus refusing to accommodate or negotiate its national pride.¹⁸¹ Leaders of Myanmar have actually been able to benefit from the economic crisis by shifting blame on external actors and neglecting to evaluate or expose their own political and economic mismanagement. The mounting economic crisis enables the regime to continue to disillusion and distract its members from questioning the economic and political realities.¹⁸² Hence, the efficacy of U.S. sanctions on Myanmar is marginal especially in face of the obvious facts that the United States:

is only the fifth largest foreign investor in Burma...account[ing] for less than 10 percent of total foreign direct investment...In 1994 the United States accounted for about 1 percent of Burmese imports and took in about 7 percent of that country’s exports...the U.S. economic stake is limited and that Burma therefore is not susceptible to U.S. economic pressure. Cutting U.S. economic ties with Burma will only reduce the already limited leverage the United States has on Rangoon. Consequently, the failure of U.S. unilateral sanctions to change the behaviour of Burma’s rulers is inevitable.¹⁸³

¹⁷⁸ International Crisis Group, 2004: 17.

¹⁷⁹ Winkler, 1999: 135.

¹⁸⁰ United Nations Commission on Human Rights, 2000: 13.

¹⁸¹ Addis, 2003: 585.

¹⁸² International Crisis Group, 2004: 17-18.

¹⁸³ Leon T. Hadar as quoted in Oo and Grieg, 1999: 100.

Disincentive measures taken by Washington merely amount to symbolic gestures although it perhaps may drum up international attention to the current situation in Myanmar; however it is unlikely to invoke any real change in Myanmar as witnessed by the regime's recent brutal crackdown on demonstrators last year and its complete indifference to allow international assistance into the country following Cyclone Nargis. In the meantime, the people of Myanmar will continue to bear the burden and even more so, the women as has been epitomized by the other three cases in this essay. Discussions concerning the specific impact of economic sanctions on women of Myanmar will be presented in the next chapter.

5.3 The Role of ASEAN and Myanmar's Powerful Neighbors

One of the most significant aspects that underlie the political difficulties in trying to have a real dialogue with Myanmar is its geographical placement in Asia. Most people dismiss Myanmar as a small, isolated country, most probably even an island in the Pacific somewhere. In fact, it is a rather large country, about the size of Texas, and is located right in between two of the most populous and advancing countries of the world: India and China. They are also the major powers in Asia and as well as powerful players on the world stage that Myanmar's placement between them is a rather significant factor in need of inquiry. The country also borders Thailand, Bangladesh, and Laos and is larger than Thailand with an abundance of natural resources, but somehow little is known about this country with a population of 54 million people.¹⁸⁴ When discussing the futility of economic sanctions, one has to ask what about Myanmar's neighbors? Where do they stand and what influence and power do they have over Myanmar? These are valuable questions that should be examined in order to gain a fuller picture of how geopolitical obstacles may be obstructing the efficacy of economic sanctions against Myanmar.

In 1997 Myanmar joined the Association of Southeast Asian Nations (ASEAN) along with Laos, both following Vietnam's steps when it first joined in 1995 and Cambodia followed suit in 1999 as the last nation to join the organization. ASEAN was created in 1967 and its founding members included: Indonesia, Malaysia, the Philippines, Singapore, and Thailand. Brunei later joined ASEAN in 1984 after gaining independence from the UK, thus forming the original ASEAN-6. This has been argued as problematic since it has produced a two-tier relationship with the ASEAN-6 enjoying "higher degree of development" and the newer countries having a lower degree of development. It should be acknowledged that the older countries run on modern

¹⁸⁴ Women's League of Burma, 2008: 1.

capitalist economies, which contrasts with newer countries Laos and Vietnam still under communist regimes and Myanmar ruled by a military junta. Cambodia is the only new member that has a democratically elected government. After the new countries from the Mekong region joined ASEAN, it became the first regional organization in Southeast Asia since all ten countries are represented. However, ASEAN is a regional organization that lacks legal obligations since the Bangkok Declaration that created ASEAN is simply a declaration and not a legally binding convention.¹⁸⁵ Nonetheless, ASEAN has come a long way in developing and maturing the cooperation among its member countries.

Mya Than argues in his book that just like the EU, ~~the~~ primary reason for establishing ASEAN was political rather than economic. ASEAN was seen as a means of maintaining regional peace and stability by providing a forum for the discussion and resolution of regional security issues.”¹⁸⁶ There are many that allege that ASEAN has not performed this function very well since a number of ASEAN countries have had domestic troubles at home and Myanmar continues to host a military regime. The principle of non-interference in ASEAN has been a consistent trait of ASEAN even in cases of large-scale human rights abuses. ASEAN has experienced much pressure about Myanmar’s human rights record from the international community including the UN, the EU, and the United States. It was in 1998 when Thai Foreign Minister Surin Pitsuwan announced in a speech that ASEAN members should be willing to ~~intervene~~” in domestic affairs ~~in~~ the form of peer pressure or friendly advice, when a matter of domestic concern poses a threat to regional stability.”¹⁸⁷ This concept was consequently known as ~~constructive intervention~~” and it was directed at Myanmar. Surin was attempting to challenge the old order of trying to settle domestic issues in quiet back-door meetings, but he saw that member countries had an obligation to intervene if domestic developments in one country could threaten the stability of neighboring countries or if the credibility of ASEAN was coming under question. Surin later softened his stance by proposing ~~flexible engagement~~”. He still held that the principle of non-interference must be adhered to but also recognized that ASEAN must find ways to respond to the new problems and challenges otherwise ASEAN may risk damage to their credibility and legitimacy if left unaddressed.¹⁸⁸

¹⁸⁵ Than, 2005: 5, 9

¹⁸⁶ Than, 2005: 9.

¹⁸⁷ As quoted in Than, 2005: 19.

¹⁸⁸ Than, 2005: 19-20.

ASEAN's —constructive engagement" approach to Myanmar was actually taken from Thailand's foreign policy towards Myanmar in the late 1980s. This approach is described by Maung Aung Myo as:

The underlying rationale of this policy was to encourage political coexistence rather than isolation and criticism as the most effective means to influence positive changes in Myanmar...Amitav Acharya, a scholar on Southeast Asia regional security, has argued that while the nature and scope of the policy of constructive engagement was somewhat obscure, the political restraint it embraced was consistent not only with the ASEAN principle of non-interference in the internal affairs of the state but it was also a pragmatic move.¹⁸⁹

ASEAN's policy of —constructive engagement" has been under heavy criticism from the West as well as from some ASEAN members. Displeased with this approach and expecting ASEAN members to take a more proactive stance with Myanmar, the EU pressured ASEAN to convince Myanmar to forfeit their ASEAN chairmanship to begin in 2006. It was announced in April 2005 that Myanmar decided not to host the ASEAN summit due to internal problems, however it was more than likely that they were pressured by ASEAN members due to international condemnation and pressures. The EU had particularly threatened to abandon Asia Europe Meetings (ASEM) if Myanmar was not excluded. This served as a pressure point on ASEAN to push Myanmar to reform. Despite that ASEAN has insisted on the participation of all ten members, the EU's refusal to allow Myanmar to attend ASEM seem to have paid off as the junta has now forfeited the ASEAN presidency to the international community's approval.

The admittance of Myanmar has been ASEAN's most difficult addition and even led the organization in 2002 to —break ASEAN's non-interference principle and demand reconciliation, bringing further pressure on Myanmar to seek mediation."¹⁹⁰ But even so, ASEAN has minimal influence over the junta as was demonstrably clear by the military's handling of the protesters last year and the debacle of Cyclone Nargis earlier this year. Other key players in the region include China, India, and Japan. Myanmar and China have developed unprecedented close relations at the end of the century following the demise of the Burmese Communist Party (BCP) since Beijing had long provided material and political support to the regime's most serious enemy – the BCP. China has a number of special interest in Myanmar that the regime has benefited from this exchange by using its big brother as a shield from external criticism:

Burma serves Beijing's geo-strategic, economic and development interests: it can offer China access to the Indian Ocean where it might build a nuclear fleet and project its naval power. China desires and needs to use Burma, with over 1,000 miles of Sino-Burmese border, as the land bridge between it and India, as well as Southeast Asia; Burma offers a nearby market and natural resource base for China's economically backward interior provinces. In return, Beijing can serve as Burma's guardian, strategic counsel, military advisor and protector against potential enemies. The SPDC may be uneasy about dependence on China for much-needed

¹⁸⁹ As quoted in Than, 2005: 21.

¹⁹⁰ Badgley, 2004: 23.

support, but it enables them to resist hostile pressures from the Anglo-American alliance. Out of pragmatic, survival instincts, Burma has embraced China as its “brotherly, *paukpau* neighbor.”⁵² Rangoon and Beijing have tied their knot in a way the West can not undo, short of military intervention or a complete reversal of its failed sanctions policy.¹⁹¹

Therefore, China is considered the single most important foreign power to influence Myanmar. That is not to assume that Beijing is pleased with the junta because it has been at times a thorn in its side as other countries pressure China to influence the junta for political reforms and to improve its treatment of its peoples. Beijing has been extremely concerned about the HIV/AIDS crisis in its territories and seen Myanmar as a big source of the problem in its role of opium production in the region. The Chinese perception of Myanmar as a threat may make it a likely partner with the United States and Europe in combating opium production and narcotics exports from Myanmar.¹⁹²

India shares a long border (1,600 km) with Myanmar to its West, just marginally shorter than China’s border with Myanmar. There is a considerable amount of cultural exchange between the two countries including their shared histories of being under British colonial rule. While India has never considered Myanmar a security threat, it has always had its eye on China and has now begun only recently to approach Myanmar to balance China and Myanmar’s new friendship. India is currently “restoring cordial relations, attempting to equalize China’s burgeoning influence and prevent Myanmar from falling entirely into China’s sphere.”¹⁹³ As a result, Indian public and private investors are returning to Myanmar, which was facilitated through the countries’ membership in BIMSTEC (the Bangladesh-India-Myanmar-Sri Lanka-Thailand Economic Cooperation forum). Thailand is an additional key ally for Myanmar since it is Myanmar’s largest trading partner, although China has maintained the largest trade volume over the last five years. Prime Minister Thaksin Shinawatra even initiated a plan to eliminate import taxes by forming a four-country trading bloc that would benefit Thailand’s neighbors – Laos, Cambodia, and Myanmar. Shinawatra saw this as an opportunity to pull these countries out of poverty and solve the economic and political problems in the border areas. Hence, the refugee situation and occasional fighting that spills over to Thailand’s western border has been a specific concern for the Thai government.¹⁹⁴

Japan has been an important player since its interests and policies have been more consistent over the years than any major power. It has been a steady source of loans and grant aid

¹⁹¹ Free Burma Coalition, 2004: 49.

¹⁹² Badgley, 2004: 19.

¹⁹³ Badgley, 2004: 19-20.

¹⁹⁴ Badgley, 2004: 20-22.

and as well as non-military assistance the last half-century. However, Japan has now rescinded much of its support in the form of trade and investments as a result of sanctions. Again due to China's rising influence, the Japanese government maintains its cultural, social, and technical programs in Myanmar although it has been reduced. In spite of Western pressures, a number of small and medium-size Japanese trading companies continue to operate in the country, thus bringing in more support to the country.

It is apparent that there is no lack of partners for Myanmar in gaining military or economic assistance, or trade development. Its regional placement in Southeast Asia has enabled the military junta to take advantage of its strategic placement to its benefit, which suggests that the government cleverly positions both their supporters and non-supporters in a web of mistrust and doubt and doubly serve as a convoy of regional stability among its key partners. Nevertheless, no specific approach has seemed to succeed in improving the situation in Myanmar. The major approaches can be described as —Washington's policy of isolation and sanctions, Asia's —Constructive Engagement" policy, and EU's middle-of-the-road, stick-and-carrots approach. To date, none of the policies laid out here has accomplished their stated objectives of bringing about change since Burma first drew attention from the international community in 1988 when it erupted into a series of political upheavals."¹⁹⁵ The varying approaches levied against Myanmar must indeed be dizzying and imply a lack of unity among those players and organizations expressing disapproval of the junta. Considering the importance of the other major key players discussed in this section, one wonders what advancements could be made if these parties came together to adopt a common position on Myanmar. In that case, the United States will likely have to abandon their bellicose position and the neighboring countries will have to sacrifice some of their national interests and the principle of non-interference.

6 THE TRAFFICKING AND FORCED MIGRATION OF WOMEN

6.1 *Defining Trafficking and Forced Migration*

Before proceeding further to discuss the specific situation of the women of Myanmar, this chapter will explore and attempt to define trafficking and forced migration of women in general. I will also present some of the underlying causes for trafficking as well as look at the repercussions of trafficking for women. Due to limited space in this paper, I will primarily focus

¹⁹⁵ Free Burma Coalition, 2004: 47.

on trafficking but I wanted to at least provide some ground for why we should consider forced migration in the same light as trafficking when considering the impact of economic sanctions on gendered forms of migration. I have chosen to include the phenomenon of forced migration because although most migration may appear to be voluntary, there may be other “push” and —pull” factors that compel women to migrate. Furthermore, it often makes no difference whether a woman was trafficked or has voluntarily migrated; they often are still vulnerable to similar abuses and end up at similar destinations that are frequently sites of exploitation and abuse. The passage below from Jagori clearly substantiates this claim:

The contexts within which trafficking takes place are similar to those within which migration takes place and include economic compulsions, social and cultural practices, historical and political factors, and the systemic gender discrimination and violence that girls and women face. There are multiple factors that increase women’s vulnerabilities which are enhanced because of their structural position within patriarchal society. The conditions which allow for deception, coercion, bondage, violence, and exploitation of labor are the daily realities of the lives of many girls and women.¹⁹⁶

Although the trafficking of human beings is not at all a new phenomenon, it appears to have expanded rapidly throughout the world and assumed a global character. Howbeit being as old as migration, what is different today is the —rapid changing structures and circumstances in the global arena [that] have led to a continuous development of new forms, purposes, routes and sources of trafficking”.¹⁹⁷ Trafficking has expanded so much in fact that it has in recent years drawn much attention and concerns from the international community, thus generating new initiatives and cooperation in order to tackle this complicated issue. Trafficking is very complex and involves so many factors that cases of trafficking can vary widely from case to case, hence any definition of trafficking is unlikely to cover the whole spectrum. Be that as it may, the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, which entered into force on 25 December 2003, offers one of the most modern and comprehensive definitions. The Protocol states that:

—“Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.¹⁹⁸

This definition is by far the most accepted since the definition is the most used by anti-trafficking NGOs and domestic law enforcement agencies globally. Even though this essay primarily

¹⁹⁶ Jagori, 2005: 172.

¹⁹⁷ Derks, 2000: 7.

¹⁹⁸ Article 3(a) of the Protocol to the UN Convention against Transnational Organized Crime.

concerns the trafficking of women, this definition responsibly recognizes that both children and adults of both sexes can at any time become victims of trafficking. Despite that this definition is widely used by NGOs and law enforcement agencies it does mean it is not bound to criticism, on the contrary.

The Trafficking Protocol definition contains three distinct elements. The first element concerns the act of trafficking, which includes the recruitment, transportation, and/or harboring of persons. The second is the means of trafficking that requires coercion by force or the threat of force and/or deception. Lastly, the purpose of trafficking involves the exploitation for sexual or labor purposes. All three elements must be present to constitute a true case of trafficking according to the Protocol definition. Article 3(b) of the Protocol additionally acknowledges that the consent of the victim is irrelevant when means of coercion and/or deception are used while Article 3(c) does not require the consent of a child under the age of 18 in any shape or form when a child is simply “trafficked” to a destination for the purposes of exploitation. Be that as it may, Nikolas Win Myint argues that meeting all three prerequisites is highly problematic since there are many cases of trafficking that do not fall neatly within this definition. For example, oftentimes people may opt to enter labor situations that are considered exploitative since it may be somewhat of an improvement over their present situation. Other times individuals are deceived into labor conditions with longer hours, lower pay, and/or worse conditions than they agreed to that so long as they continue working without being forced to then it no longer constitutes trafficking according to the above definition.¹⁹⁹ More particularly, the second element of coercion and deception is additionally questionable since many individuals voluntarily migrate and consequently fall into a trafficking situation. It is not even “necessary to include all the “means” listed in the protocol definition, since it is clear that no one can consent to forced labor or slavery, making the listing of coercive means with regard to these situations superfluous.”²⁰⁰ Indeed, Nicola Piper points out how “some proponents [argue] that a woman never consents to working in prostitution and that she is driven by socio-economic circumstances seriously limiting her choices.”²⁰¹ Like Piper though I do not want to project any negative associations on individuals in this kind of income-generating activity, which is why I prefer to use labels such as commercial sex work/workers over prostitution/prostitutes. By avoiding such terminology I avoid, like others, engaging in the morality of prostitution that has

¹⁹⁹ Win Myint, 2008: 38.

²⁰⁰ Chew, 2005: 74.

²⁰¹ Piper, 2005: 206.

long pervaded trafficking discourse. Thus, the issue of “~~consent~~” is hotly debated when discussing women’s participation in commercial sex work, but I can still agree that even “~~when~~ an individual is aware of the nature of work she is entering, she may still be unaware of the degree of control, manipulation and exploitation”.²⁰²

Alexis Aronowitz describes the victimization as found within trafficking and migration discourse as a continuum that begins at one end with complete coercion of individuals who are abducted against their will. Next on the spectrum is the outright deception of victims in being promised legitimate employment only to end up in servitude. Moving further down the continuum are individuals that are, for instance, “~~deceived~~ through half-truths where they are told they will be working within the “~~entertainment~~ industry” as dancers and strippers, but are then forced into sexual contact with customers.”²⁰³ Finally, at the end of the continuum are those who are well aware of the nature of work they are entering as commercial sex workers but not aware of the “~~extent~~ to which their human rights would be abrogated through intimidation, increased debts, control and violence”.²⁰⁴ This particular spectrum consequently problematizes the issue of “~~consent~~” especially when immigration and enforcement officials view trafficked victims as “~~willing~~ participants, and thus not victims of trafficking but accomplices in smuggling schemes and illegal immigrants”.²⁰⁵ Fortunately, when interpreting the UN Trafficking Protocol, the issue of consent of the victim is deemed irrelevant. Nevertheless, immigration and state officials have been slow (or reluctant) to incorporate this in their immigration policies.

One does not, however, need to be trafficked for the purpose of commercial sex work to be rendered vulnerable to sexual exploitation and abuse. Women and minors who are at minimum trafficked to any other site outside of the commercial sex industry are rendered highly vulnerable to similar sexual abuses and exploitation.²⁰⁶ What is more is that vulnerable individuals who are migrating risk any time along the way to being trafficked or exposed to abuse and exploitation. The UN Special Rapporteur on Violence Against Women, Radhika Coomaraswamy, reports from her mission to Bangladesh, Nepal, and India that “[t]rafficking of girls and women often follows the same route as legitimate migration... ‘traffickers fish in the stream of migration’ ...”²⁰⁷ Migration has increasingly become an everyday reality for women as

²⁰² Aronowitz, 2003: 87.

²⁰³ Aronowitz, 2003: 87.

²⁰⁴ Aronowitz, 2003: 87.

²⁰⁵ Aronowitz, 2003: 88.

²⁰⁶ Sanghera, 2005: 7.

²⁰⁷ As quoted in Jagori, 2005: 160.

they venture out in —search of survival and fulfillment, in search of ways to create new identities and a better life for themselves and their families”.²⁰⁸ It should be distinguished though that those individuals who are —smuggled” often travel willingly but may also suffer similar danger and discomfort just as those who are trafficked. However, the most significant distinction is that:

upon arrival in the destination country, smuggled individuals are free to apply for asylum or remain illegally in the country and look for work on the ‘informal’ or ‘unregulated’ market. Trafficked persons are, upon arrival, put in a situation of debt bondage and forced into slavery-like practices in the sex industry or labor market. They are subjected to control and various types of psychological and physical abuses. Exploitation usually occurs over a long period of time. It is the human rights violations, perpetrated against the victims during the exploitation phase, which are at the core of the trafficking issue.²⁰⁹

Howbeit, trafficking should not be observed as a separate phenomenon outside of migration. The trafficking of human beings is facilitated along the same traditional routes of migration (legal and illegal) and can be classed as one of three different exploitative migration practices. The —three major types of migration that lead to many abusive and exploitative practices” are: (1) undocumented labor, (2) refugee migration, and (3) human trafficking.²¹⁰ Women are —trafficked for a variety of reasons, including for the purposes of prostitution, domestic work, marriage, industrial and agricultural work, and trade in human organs” and the Protocol definition more or less reflects this.²¹¹

It has been long criticized that —trafficking has been conceptually conflated with prostitution and illegal migration, and more recently, the commercial sexual exploitation of children (CSEC)”. This conflation dangerously leads to the confusion of extending the abuse and violence found in trafficking to the actual site of work and kind of labor. More so, the recent expansion of the trafficking definition enables us to perceive trafficking as a human rights problem as well as avoid the pitfall of perceiving it as a problem of law and order or public morality, which is often projected when addressing prostitution. Another criticism of the trafficking paradigm is the failure to make a distinction between women and children. I do not want to commit the same error as it is apparent that many victims of trafficking in spite of the age they were discovered were actually underage when it occurred.²¹² It is readily apparent, however, that female children are not only selected on the basis of being children, but even more so because they are female children rendering them additionally vulnerable than adult women and male children. One could anticipate that female children will grow up into docile women that

²⁰⁸ Jagori, 2005: 161.

²⁰⁹ Aronowitz, 2003: 87.

²¹⁰ Piper, 2005: 227.

²¹¹ Sanghera, 2005: 7.

²¹² Sanghera, 2005: 10 and 13.

are easily manipulated and controlled especially since women's vulnerabilities —are enhanced because of their structural position within patriarchal society. The conditions which allow for deception, coercion, bondage, violence and exploitation of labor are the daily realities of the lives of many girls and women."²¹³ It is furthermore important to challenge the perception that those women coerced into the sex industry are suffering the brunt of migration/trafficking. —The focus on sex work as the ultimate site of work of a trafficked woman leaves aside a large number of other sites into which women migrate and face abuse, coercion, and sexual exploitation."²¹⁴ After exploring the case of Myanmar, we will find that this is true.

So, what about forced migration? The concept of forced migration that I have conceived developed out of the idea that women many times migrate (voluntarily or not) due to external factors that are predominantly economically-based and in this case, due to economic sanctions. Just as armed conflicts and natural disasters frequently lead to people's displacement, so can the closure of factories compel people to move as well. Alan James envisions the concept of —forced migration" as a spectrum where some instances at one end are easily perceived as a case of forced migration as in the case when people are forced to migrate under the barrel of a gun. At the other end of the spectrum are an unlimited number of situations that may appear doubtful or ferociously debated of whether individuals are forced to migrate or not.²¹⁵ Andrew Bosson defends such scenarios that are likely to be dismissed as forced migration and reasons that:

displacement is caused by a series of events, including coercive measures imposed by the authorities such as forced labour, land confiscation, extortion and forced agricultural practices. These measures, which constitute serious violations of human rights, typically act cumulatively over time, reducing the family's resource base, and thus its income, until the household economy collapses and leaving home becomes the best or only option...The coercive measures operate in, are affected by and exacerbate a situation of widespread poverty, rising inflation and declining real incomes...In other words, people leave home due to a combination of interconnecting coercive and economic factors. One has to consider the whole process leading to displacement rather than a single, immediate cause. Where coercive measures are involved, which is generally the case in Burma/Myanmar, the resulting population movement falls squarely within the scope of the Guiding Principles on Internal Displacement, even if the situation that actually triggers movement – frequently food insecurity – may also be described in economic terms.²¹⁶

While economic factors may play a large role in people's decisions to migrate, it is often compounded by other social factors or special circumstances.²¹⁷ —It is important to recognize that inequalities, discrimination, and violence within the home, during the journey or movement, and at the sites of work make women vulnerable to being coerced, deceived, and violated. Patterns of

²¹³ Jagori, 2005: 172.

²¹⁴ Jagori, 2005: 161.

²¹⁵ James, 2004: 39.

²¹⁶ Bosson, 2008: 16.

²¹⁷ Ahmad, 2005: 212.

violence and exploitation within the family also play a role in women's decisions to migrate in search of work."²¹⁸ In elucidation of this, one scholar points out:

Such "voluntary" entry into the sex industry, however, need not necessarily imply that, in an ideal world, prostitution would be the chosen occupation. Lack of alternative opportunities in village economies, and the responsibility of daughters to sacrifice themselves to support their families, undermine the whole idea of freedom of choice in poor societies...Entry into the sex sector is thus an attempt to help families escape from poverty rather than an occurrence forced upon them by unscrupulous traffickers. In these contexts, however, any meaningful distinction between free will and coercion becomes academic.²¹⁹

So, to what degree does voluntary migration remains truly voluntary? This account does not only apply to those in sex work, but in other sites of work where both women and men migrate in search of a better place in life.

Some scholars, however, do not define forced migration on such flexible terms as is clear by Alan James' three rigid categories of forced migration. He subsumes fourteen classes into three broad categories of forced migration. The first category called "derivative forced migration" is of a "passive kind, where no physical movement is involved." This kind of migration occurs by a simple stroke of a pen on a map causing the alteration of borders and the transfer of people from one state to another. Another term for this is "static migration".²²⁰ The second category is called "responsive forced migration", which are migrations that are more or less voluntarily undertaken in that individuals make their own decisions rather than being obliged to migrate. There are five grounds on which such migrations occur. Two are "inward-directed migrations—those which occur when people move primarily on the basis of their own values." One's conscience may determine one's choice to migrate in search of a place to worship without persecution. Totalitarian is another instance that can make lives unbearable or perilous that impel people to migrate.²²¹ The remaining three grounds for responsive forced migration "affect an impulsion to migrate arising from impersonal external circumstances which impinge acutely upon those concerned. These particular spurs are tyranny, warfare, and famine."²²² The last category is "purposive forced migration" which are migrations that are purposively imposed on a particular group of people. "A certain group or type of people are deliberately made to depart, or subjected to behavior which leaves them with little option but to go. They are the target victims of an antagonistic, hostile, or malevolent human agency, which—crucially—is in a more powerful position than them". This category of forced migration is founded on eight

²¹⁸ Jagori, 2005: 161-2.

²¹⁹ Skeldon, 2000: 18.

²²⁰ James, 2004: 41-42.

²²¹ James, 2004: 44-46.

²²² James, 2004: 44.

grounds. The first is founded on profit, or greed. The second class is culture as in what happens when countries impose dictatorial programmes to improve or extend culture to other groups, which consequently result in forcing internal migration on individuals and collectivities. Race, religion, and nationhood —have to do with instances where forced migration is the outcome of xenophobia.” The final three classes —concern cases where people are moved because of something specific which they have done or are alleged to have done, or because of worry about what they might do. One of the classes represents the uprooting of people in the interests of the state’s security (a preemptively inspired migration), another the imposition of punishment, and the last the taking of revenge.”²²³

Figure 6.1 Classification displaying 14 types of Forced Migration

Derivative Forced Migration – also known as —static migration”, which occurs when national borders are moved

Responsive Forced Migration – somewhat voluntary migration rather than being obliged to migrate

Inner-directed migration: people move primarily on the basis of their own values

- (1) Conscience
- (2) Totalitarianism

External-directed migration: an impulsion to migrate arises from impersonal external circumstances which impinge acutely upon those concerned

- (1) Tyranny
- (2) Warfare
- (3) Famine

Purposive Forced Migration - migrations that are purposively imposed on a particular group of people

- (1) Profit (or greed)
- (2) Culture

Displacement as a result of xenophobia

- (1) Race
- (2) Religion
- (3) Nationhood

Preemptive inspired migration or forced migration as retribution

- (1) Uprooting people in the interest of the security of the state
- (2) Punishment
- (3) Revenge

Source: James, 2004.

²²³ James, 2004: 44, 48.

Ashley South, a scholar on Burma and Southeast Asia, has similarly defined forced migration in Myanmar on similar terms. He has divided forced migration into three types. Type 1 is “armed conflict-induced displacement”, which can either be a direct consequence of armed conflict and counter-insurgency operations, or because such fighting has directly impacted human and food security and is thus linked to severe human rights abuses. Type 2 is called “military occupation- and development-induced displacement” and “this is generally caused by a) confiscation of land – following armed conflict – by the Burma army or other armed groups, including for natural resource extraction and infrastructure construction and b) predatory taxation, forced labour and other abuses. According to South, these two types of displacement are products of armed conflicts, the first being directly caused by armed conflict and the second caused by latent conflict or the threat of use of force. Both constitute forced migration and cause internal displacement that such persons could qualify as IDPs (internally displaced persons) according to the Guiding Principles on Internal Displacement. The last type of displacement is “livelihoods vulnerability-induced displacement” and it is the main form of internal and external migration within and out of Myanmar. Determining factors can vary from inappropriate government policies and practices to limited availability of productive land and poor access to markets, which can contribute to food insecurity and lack of social services such as education and health services. Frequently, such people constitute a vulnerable set of economic migrants.”²²⁴

I would have to disagree with Ashley South’s dismissal of his last category of people as “economic migrants” and concur with Andrew Bosson that such irresponsible policies and practices can have a long-term and cumulative effect in deteriorating the respect for human rights and undermining economic and food security. Such negative effects over a longer duration have a potential to uproot and displace people especially when policies and practices interfere with peoples’ livelihood and survival. I do not mean to only restrict this flexible interpretation to a domestic government’s irresponsible mismanagement of its country, but to extend it even further to sanction-imposing countries or even to international organizations such as the WTO, which has been repeatedly criticized for its one-sided interference in imposing neo-liberal policies on developing countries to the detriment of its peoples. Having spent ample energy summing up the discourses on trafficking and forced migration, it is appropriate now that we examine the repercussions and underlying causes of trafficking and forced migration.

²²⁴ Ashley, 2008: 16.

6.2 *Underlying Factors for the Trafficking and Forced Migration of Women*

The increase of trafficking in persons has been —attributed to many factors, including poverty, lack of sustainable livelihoods, structural inequities in society, gender discrimination, war and armed conflict, and other forms of natural or constructed disasters”.²²⁵ It should be noted though that these factors are not in themselves responsible for trafficking, but that they —rarely exacerbate the vulnerability of marginalized and disadvantaged groups and render them increasing more susceptible to a variety of harms”.²²⁶ Other external factors for the increase of transborder and in-country movement and migration are: —the reconfiguration of the global economy, the ability to travel, displacement and dispossession of marginalized populations, the awareness through consciousness-raising that there are better options elsewhere, armed conflict, and of course the basic human aspiration to explore the world.”²²⁷ Other scholars point out that the transition from a socialist to free market economy following the end of the Cold War has led to —socio-economic disparities resulting in the re-emergence of prostitution — with some enjoying higher incomes to take advantage of the feminization of poverty driving women into prostitution”.²²⁸ It should not be denied, however, that globalization has at the same time led to increased awareness of the availability of opportunities abroad, whether true or false, as many women set out to secure their situation and livelihood.²²⁹ Often enough though, —hopeful migrant workers are easily caught up in an invisible web of criminal networks designed to exploit their ambitions for self-improvement”.²³⁰ Women face additional pressures from family to find ways to earn money to support them making it their primary purpose in life.²³¹

The laws developed by receiving and sending countries can also undermine the battle against trafficking in making it more difficult for desperate women to migrate, thus intensifying women’s dependency on agents and exploiters. Current legislation in many countries penalize women and/or deprive women of social resources for trafficking survivors that it seems the laws work more in favor of traffickers and agents who face no responsibility for repatriating the survivor.²³² —In the receiving countries there is, and always will be a demand for cheap labour and sex. In countries of origin there is always a dream of a better life and the ability to support

²²⁵ Sanghera, 2005: 7.

²²⁶ Sanghera, 2005: 7.

²²⁷ Kapur, 2005: 27.

²²⁸ Piper, 2005: 207.

²²⁹ Piper, 2005: 208.

²³⁰ Skrobanek et al., 1997: 100.

²³¹ Skrobanek et al., 1997: 73.

²³² Skrobanek et al., 1997: 102.

oneself and family members at home. There is never a shortage of those willing to take risks to fulfill that dream.”²³³ Thanks to diminishing legal channels for migration and increasing demands for migrant labor this has enabled scrupulous entrepreneurs to garner a profit.²³⁴ It is presumed that much of the profit is being reaped by illegal organizations that smuggle/traffic and exploit human beings, but it is by far the legitimate economy that reaps the benefits of exploited labor. Often many smaller operations are subcontracted by larger enterprises for its cheap exploited labor, hence there is a —symbiotic relationship between the legal and illegal economies in this type of labour market”.²³⁵

Natasha Ahmad’s study of Bangladeshis migrating to India revealed a variation of reasons for their migration, but —economic migration” was by far the most influential factor:

In our study, most movements, involving men and women, appeared to be voluntary. But behind each voluntary movement there were reasons that ranged from sheer poverty, to deception by known persons, to legal complications. Individual reasons for leaving the home country were also influenced by persons who were involved with the respondent’s movement....economic compulsions remained a major factor that triggered the undocumented, but voluntary, movement across the border...as much as 61 percent claimed to have migrated for direct economic reasons.²³⁶

When families are facing economic hardships, it is frequently determined that it is the women who should migrate. Women are more likely to maintain contact with the family back home as well as send money to the family, especially if there are dependent children left behind.²³⁷ As a consequence, women often leave home to find work in order to overcome family poverty and to improve their family’s financial situation by working as sex workers, child-minders, or domestic workers among other work found in the cities.²³⁸ Skrobanek et al. provide similar narratives by women who left their villages for the cities in order to be sex workers:

Our family was poor, Mom and Dad were suffering. We wanted to help them by making the burden lighter. (Rim Mon village)

I had no alternative in life. I was to go to work in the south. My family had suffered a lot through poverty. That’s why my Mom sold me. I had to go because I loved them. (Soi Dao village)

Nobody forced me to go into prostitution. I have never felt fed up. My parents could not afford to educate me. Commercial sex was my only option. In the old days, my family and I lived in a shack. My parents could not earn enough to keep all of us. Some days I had nothing to eat. I didn’t even have a piece of land to live on. (Rim Mon village)²³⁹

²³³ Aronowitz, 2003: 89-90.

²³⁴ Aronowitz, 2003: 89.

²³⁵ Aronowitz, 2003: 90.

²³⁶ Ahmad, 2005: 212.

²³⁷ Skrobanek et al., 1997: 13.

²³⁸ Skrobanek et al., 1997: 30.

²³⁹ Skrobanek et al., 1997: 30

While poverty has been a very influential factor for women migrating to the cities for work and increasingly into the area of sex work, one woman from Soi Dao noted a new phenomenon in the migration of women as described below:

There are two types of prostitutes. The first type are spoiled teenagers, who want to have a car, a house, to be well-dressed with gold ornaments and lots of money to spend. And this is a new social status for them. The second type are women who are forced into prostitution by necessity, such as separation from husband, being widowed, the poverty of their parents, or debt.²⁴⁰

This is not the only problem being noted on the migration of women into the sex trade:

The expectation of parents that their daughter must contribute to enhancing the economic status of the family, even if that means working in prostitution, reflects a major change in attitude. When parents insist that children must pay them back with money for their upbringing, this suggests that the relationship has become commercialized. Many young women feel that their primary purpose is to provide material comfort to the rest of the family.²⁴¹

What is more is when poor families in rural areas observe how their neighbors become rich and are thus tempted to follow the same path. Acquaintances, friends, and family members may give the impression that it is a simple feat that many will eventually migrate to increase their own prosperity. The Research and Action Project on Traffic in Women reaffirms that word of mouth is indeed vital in determining who migrates and who doesn't.

So far, we have observed three areas that have been influential in the trafficking and forced migration of women. The first concerns the issue of globalization and the restructuring of economic systems due to neo-liberal policies. The second concerns legal and political causes that contribute to the vulnerability of trafficked and illegal migrants. The last factor just discussed addressed economic migration, which is extremely important in that it appears to be among the primary reasons for why individuals choose to migrate into risky forms of labor and unsafe conditions. However, we cannot ignore the socio-cultural causes that lead to the trafficking and forced migration of women. The simple fact that women and children are oppressed within the patriarchal family structure and that women are subordinated to men directly accounts for why they fall prey to traffickers. Women seldom enjoy the same privileges and opportunities as men and suffer from discriminating treatment and attitudes, which render them particularly vulnerable as trafficked persons and migrants.²⁴² Women do not only suffer gender-based discriminations but also race, class and other forms of discriminations which may exacerbate her vulnerable situation.

²⁴⁰ Skrobanek et al., 1997: 32.

²⁴¹ Skrobanek, 1997: 73.

²⁴² Swedish Ministry Foreign Affairs, 2003: 17.

Edward Newman and Sally Cameron have categorized such underlying factors as discussed above into two categories, namely, structural factors and proximate factors. I have included a text box down below as found in their book, which nicely sums up the factors as outlined by them.

Figure 6.2 Examples of structural and proximate factors involved in trafficking

Structural Factors

Economic factors: Globalization; poverty; deprivation and economic downturns and trends; free market economics; deregulation; migratory movements

Social factors: Social inequality; gender discrimination; discrimination and marginalization based upon age (children and minors); gender status; disadvantaged cultural, regional and linguistic status; prostitution

Ideological factors: Racism; xenophobia; gender and cultural stereotyping

Geopolitical factors: War; civil strife; violent conflict; military bases and operations

Proximate factors

Legal and policy aspects: Inadequate national and international legal regimes; poor law enforcement; immigration/migration laws and policies; inadequate and poorly enforced labour laws and standards

Rule of law: Corruption; complicity of state in criminal activities; support by state officials of underground criminal networks; organized criminal/parallel entrepreneurship including underground sex trade; smuggling; trade in arms and drugs

Inadequate partnership between civil society and state: Weak education campaigns; low awareness among vulnerable communities; apathetic civil society; poor accountability of state organizations

Note

Some structural and proximate factors apply to both source and destination countries; some apply solely to one or the other

Source: Figure imported from Newman and Cameron, 2008: 3.

Understanding these underlying causes can also help us to account for why women may be exceptionally vulnerable to forced migration as well. What is needed is an expansion in the concept of forced migration that is not only limited to inhospitable government policies, but extended to social inequalities and expectations that persistently undermine women's labor choices and pressure them to migrate for the purpose of supporting their families according to their gendered responsibilities. Additionally, a number of cases of trafficking can easily qualify as an act of forced migration in which some persons do not have any choice in their migration when they are blatantly kidnapped, coerced, or deceived. Unfortunately, most states have been slow to grant refugee status to such trafficking survivors and have alternatively insisted on a policy of return to their home country. There have been some cases of trafficking survivors granted asylum when it was proven that there is a credible threat to their bodily integrity if returned home, but these cases are quite marginal and do not form a consistent policy in any country.

Maroussia Hajdukowski-Ahmed challenges the status of “refugee” as a Eurocentric and gender-blind social category which was formulated during the processing of refugee settlements following the Second World War. For Hajdukowski-Ahmed, the distinction between involuntary and voluntary migrants is not always clear that determining “whether asylum seekers, economic migrants, and those displaced by war and in of protection are “voluntary” or “involuntary” migrants” can be difficult to ascertain.²⁴³ The World Council of Churches (WCC) prefer the term of “uprooted” people over the traditional conception of “refugee”. According to the WCC, “Uprooted people are those who are forced to leave their communities: those who flee because of persecution and war, those who are forcibly displaced because of environmental devastation and those who are compelled to seek sustenance in a city or abroad because they cannot survive at home.”²⁴⁴ This essentially recognizes that displacement need not occur over national borders, but they can and do occur within nations and it acknowledge the differentiated experiences of displacement that occur in the South that has not been accounted for in the 1951 Convention relating to the Status of Refugees. Root causes for forced migration can be attributed, for instance, to “aggressive land reforms and policies, lack of development initiatives, civil strife, natural disasters, environmental destruction, foreign debt, urbanization, and a lack of conformity to human rights treaties and standards.”²⁴⁵ This list of root causes is not exhausted and can and should include economic sanctions when they are applied in such a way that they completely debilitate a country and its people. I echo Hajdukowski-Ahmed when she argues that the “concept of uprootedness thus opens up a semantic space that allows us to expose the gendered effects of poverty and exploitation in countries that are not at war, for example the sexual trafficking of women in Central Europe. The term “forced migration” conveys the same dialogical transformation.” The artificial dichotomy of political refugee and the economic migrant is outright dangerous in that it grants more legitimacy to the former while “in reality the two are often intertwined. Both the political situation and economic situation affect women in specific ways; for example a women’s poverty puts her more at risk of violence and exploitation. Second, the [Refugee] Convention separated the public sphere from the private sphere, concealing the violence that women may experience in their own home as well as the political activities they may undertake at home.”²⁴⁶ Certainly, women’s experiences of forced migrations will continue

²⁴³ Hajdukowski-Ahmed, 2008: 32-3.

²⁴⁴ As quoted in Hajdukowski-Ahmed, 2008: 33.

²⁴⁵ Hajdukowski-Ahmed, 2008: 33.

²⁴⁶ Hajdukowski-Ahmed, 2008: 34.

to get dismissed as voluntary so long the concepts that are available today neglect and ignore the political relations, which at times are violent and unequal, in the domestic sphere.

6.3 *Repercussions of Trafficking and Forced Migration for Women*

As mentioned earlier, the extreme ruthlessness of trafficking in persons has gained widespread international attention in recent years. It is a “ruthless, cynical form of exploitation; traffickers prey on and profit from adversities, distress and vulnerability of other people”.²⁴⁷ In today’s world there are many sites of work that are solely dependent on the supply of migrant livelihood-seekers, which enable certain sectors of the economy to maximize its profit. Such drive for the maximization of profit “under a competitive economic regime fields a demand for workers who are the most vulnerable and therefore the most exploitable and controllable. Children, followed by women, fit this description perfectly. It must be remembered that trafficking of persons is, most importantly, a demand-driven phenomenon”.²⁴⁸ A Third World activist further sums up: —Because everything becomes marketable, and everything becomes a commodity in the new world of globalization, men can travel thousand of miles just to buy girls from poorer countries.”²⁴⁹ This is not to say that only women are trafficked into the sex industry and nor are women confined to being trafficked into the sex industry. Men and children are also trafficked into the sex industry, but too often enough men are dismissed as —smuggled” labor migrants with the trafficking category then being reserved only for women and children.²⁵⁰ Additionally, children are not only trafficked for sexual exploitation but can be found, for instance, as bonded labor to work in sweatshops while young men and boys are trafficked to work illegally in the “three-D” jobs (i.e. dirty, difficult, and dangerous).²⁵¹ According to the United Nations Inter-Agency on Human Trafficking in the Greater Mekong Sub-region (UNIAP), the purpose of trafficking is for exploitation and it can take on a number of forms (but is not limited to) such as the following: forced begging and soliciting, forced and exploited labor (work on construction sites or in mines, stores, small shops, and factories), forced prostitution, forced or exploitative domestic work, forced work on plantations, and forced work in fisheries.²⁵²

²⁴⁷ Swedish Ministry for Foreign Affairs, 2003: 11.

²⁴⁸ Sanghera, 2005: 7-8.

²⁴⁹ Shifman as quoted in Sanghera, 2005: 13.

²⁵⁰ Piper, 2005: 217.

²⁵¹ Ebbe, 2008a: 21.

²⁵² UNIAP.

Due to the sites of work women are often found in (i.e., sex work, domestic work, dangerous work, illegal work, prohibitive work, etc.), women lack the same protections afforded to men as workers, thus lacking recourse for labor benefits, entitlements and claims.²⁵³ Migrants today are disproportionately responsible for the costs of migration more than ever due to increased competition and higher debts resulting in minimal benefits for migrants. —Nicola Piper concurs that —intensified migration pressures have resulted in the supply side of migrant labor outbalancing the demand, resulting in reduced financial benefits for migrants because wages have been pushed down and recruitment fees up.”²⁵⁴ As undocumented workers, a pattern of exploitation emerges according to three types: (1) low remuneration and excessive hours of work, (2) hazardous work conditions, and (3) physical and mental abuses.²⁵⁵ The working conditions trafficked and migrant women from Myanmar find themselves in Thailand include sex establishments (brothels, escort agencies and call-girls, massage parlors, traditional dance bars, go-go bars, beer bars, etc.), the marriage market, sweatshops and factories, and most popular, domestic work.²⁵⁶ Migrant workers are exceptionally vulnerable to being utilized for slave and forced labor and are:

subject to blackmail, extortion and fear of exposure, often captives in closed and clandestine work-sites. Women migrants who may have departed with the intention of doing industrial or domestic work are frequently coerced into prostitution or sexual service...Their illegal status prevents them from seeking redress; their unfamiliarity with the language of the country depowers them, and exposes them to torments that only now are being told.²⁵⁷

In addition, illegal and legal migrants are discriminated against and as of consequence are not afforded the same protections, thus instilling minimal trust and faith in the authorities among migrants. What is more is that migrant women are particularly vulnerable to abuse, discrimination and attack by police and local authorities that they may be fearful to seek help or retribution.

The act of trafficking can have devastating long and short-term consequences on a trafficked person's physical and mental health in addition to their legal, social, and financial situation that it is important that this aspect is distinguished from other forms of so-called voluntary migrations. —Trafficking can damage its victims' health – often severely – in a number of ways: She or he is usually subjected to cruel mental and physical abuse designed to break

²⁵³ Jagori, 2005: 172.

²⁵⁴ Piper, 2005: 207.

²⁵⁵ Piper, 2005: 214.

²⁵⁶ Skrobanek et al, 1997: 56-66.

²⁵⁷ Skrobanek et al, 1997: 99.

down initial resistance, including confinement, seclusion, threats, humiliation, beatings, and sexual abuse. This treatment places the victim under severe stress, often leading to trauma and depression.”²⁵⁸ Women in the sex industry and those sexually abused at their work sites have a high risk of contracting sexually transmitted infections (STIs) from Chlamydia to HIV/AIDS, incurring unwanted pregnancies, and undergoing unsafe and dangerous abortions. For those who suffer extreme cases of abuse, their physical, mental and social development may be severely impaired that their experiences may mark them for life.²⁵⁹

Howbeit, the phenomenon of trafficking is not limited to the individual level, but can on the contrary have deleterious social consequences of legitimizing patriarchal attitudes. The problem with trafficking is that it continuously provides vulnerable female laborers, especially into the sex industry that —his in turn has repercussions for gender equality and views on male and female sexuality. It reinforces the notion that people and even sexuality can be bought and sold. Moreover, the sexual exploitation of women and children can contribute to the spread of HIV/AIDS with its devastating effects on individual income, rising care costs, weakened families and social suffering.”²⁶⁰ It is dangerous to assume that all men are responsible or are equally responsible for the trafficking of women and children since that would assume that all men have equal access to the resources and power enshrined in masculinity.²⁶¹ The power as found in masculinity is clearly stratified according to race, class, and sexuality that this has the effect of shaping more than one kind of masculinity. For R.W. Connell, a hegemonic masculinity in a society has tremendous influence in shaping and determining other —masculinities” by providing powerful images and ideals of what manhood is. But, a hegemonic masculinity is never constant, universal, or static and is always up for transformation and reinterpretation throughout time and places.²⁶² In this light, it may be rash to place blame with all men for the causes and demands for trafficking. Thus, the real critical task of challenging the current gender inequalities is to locate and identify the actual hegemonic masculinities that are driving the phenomenon of trafficking today although a difficult task since these hegemonic masculinities may vary geographically and temporally.

²⁵⁸ Swedish Ministry for Foreign Affairs, 2003: 13.

²⁵⁹ Swedish Ministry for Foreign Affairs, 2003: 14.

²⁶⁰ Swedish Ministry for Foreign Affairs, 2003: 14.

²⁶¹ Kojima, 2007: 45 and Piper, 2005: 217.

²⁶² Connell, 1995.

6.4 Instruments and Initiatives on Trafficking and Migration

The recognition that trafficking is a global problem is evident by the number of initiatives and instruments developed to combat trafficking. Southeast Asia alone has taken numerous steps to tackle this pervasive problem. A report prepared by the IOM (International Organization for Migration) in 2000 estimated that at least 200,000-225,000 women and children were trafficked annually, which represented a current figure of nearly one-third of the global trafficking trade.²⁶³ Seeing that trafficking in the region is a persistent problem, it is understandable that many steps have since been taken.

Numerous regional meetings and declarations have been established to combat trafficking to assist local governments in adopting regional, cooperative and integrative approaches. It is difficult though to gauge how successful these meetings and declarations have been in alleviating the problem and others may argue that local government enforcement has only done more harm than good.²⁶⁴ More instrumental has been the role of international organizations and NGOs in developing initiatives, projects, and programs that combat trafficking in human beings. For instance, there have been ongoing projects established by the ILO (International Labor Organization) such as International Program on the Elimination of Child Labor (IPEC) and the Mekong Sub-regional Project to Combat Trafficking in Children and Women. Besides the ILO, other international organizations and agencies such as the IOM, UN Development Program (UNDP), UN Children's Fund (UNICEF), UN Office for the High Commissioner on Human Rights (UNHCHR), UN High Commissioner for Refugees, UN Development Fund for Women (UNIFEM), and UNAIDS (Joint United Nations Program on HIV/AIDS) have similarly adopted programs addressing the proliferation of trafficking. Other important regional and international NGOs working in Thailand include ECPAT (End Child Prostitution in Asian Tourism), GAATW (Global Alliance Against Trafficking in Women), World Vision International, and Save the Children Fund.²⁶⁵ However, there have been numerous instances where NGOs have negatively affected the situation of trafficked persons in their moral crusade to rescue and save those deemed underage and/or employed in immoral work.²⁶⁶

Despite the recent attention afforded to trafficking, there are some significant concerns. There is an overall lack of cooperation and exchange of information between the organizations

²⁶³ Derks, 2000: 5.

²⁶⁴ Derks, 2000: 19.

²⁶⁵ Derks, 2000: 19-27.

²⁶⁶ Pollock, 2008.

working within trafficking, that much work and energy is being duplicated in the combat against trafficking. Additionally, because so much work and research has been duplicated, this has resulted in an unavailability of reliable and necessary data in addition to governments' reluctance to disclose their own statistics and data.²⁶⁷ Another result of the duplication of efforts on trafficking is the focus on women and children, thus neglecting the situation of male victims that are trafficked.²⁶⁸ Some programs have attempted to address such problem areas, such as the UN Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region (UNIAP), but not always with complete success. Most of male trafficking on a universal scale remains anecdotal that there are very few NGOs prepared to work with the trafficking of men and boys since they are most likely to be dismissed as smuggled or illegal migrants. This sadly becomes the case when the US Trafficking in Persons (TIP) Report categorizes victims trafficked into forced or bonded labor as "labor trafficking", thus distinguishing it from women and children trafficked into sex work.²⁶⁹ It is common knowledge now that young men and boys, especially from Myanmar, are trafficked to Thailand as seafarers to spend years on end on fishing boats without ever setting foot on land that there is no justification for anti-trafficking organizations to continue to neglect men and boys as trafficked victims.

Normative provisions have also been created at the international and regional levels for the purpose of enforcing illegal trafficking and migration activities. Most of these provisions have been created under the auspices of the United Nations and other regional organizations. Even though many initiatives have enacted to combat trafficking, the policy implementation at national levels has thus far been terribly inadequate as nations struggle to harmonize their national legislation.²⁷⁰ The central document referred to today is the *UN Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*. The convention was adopted in December of 2000 and has recently entered into force in December 2003. Its predecessor, the *UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others*, adopted in 1949, has received numerous criticisms due to its moral opposition to prostitution as well as its conflation of both trafficking and prostitution and its limited focus on women as vulnerable victims in need of protection. Other significant instruments that are used in

²⁶⁷ Piper, 2005: 214-215.

²⁶⁸ Piper, 2005: 215.

²⁶⁹ Pollack, 2007: 196.

²⁷⁰ Swedish Ministry for Foreign Affairs, 2003: 20.

articulating the legal and human rights framework on trafficking and migration include the *UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*; *UN Convention on the Rights of the Child (CRC)* and its *Optional Protocol on the sale of children, child prostitution and child pornography*; the *ILO Forced Labor Convention, 1930*; and the *ILO Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, 1999*.

Since this paper concerns the trafficking (and to a small degree forced migration) of women from Myanmar into Thailand, I will go over the legal framework addressing trafficking and migration in Thailand, which is helpful in addressing the situation of trafficked and migrating women of Myanmar in Thailand. Some mention will also be made about the legal framework in Myanmar on trafficking and migration in connection to this. The most obvious international instrument tackling the problem is trafficking is the UN Trafficking Protocol, which both Myanmar and Thailand have ratified in recent years. Myanmar has particularly taken a lot of steps to eradicate trafficking or so it seems, but this may actually be a means of trying to gain the authoritarian regime some credibility. For years the military junta had denied any migration or refugee problem and had alternatively upheld the myth that no citizen had any desire to leave. In this sense, the Myanmar government has been very proactive in attending conferences, signing agreements, and initiating their own laws on trafficking as a way to draw away attention from the problem of migration as an internal problem and onto a third, unknown force constituting brokers, transnational crime gangs and organizations, and anything other than the very country itself.²⁷¹ In September 2005, the *Anti-Trafficking in Persons Law of the Union of Myanmar* came into being and is hailed as strong piece of legislation on the trafficking for prostitution, but neglects to address trafficking for the purposes of forced labor.²⁷² This law was enacted just three months after the United States named Myanmar among the worst offenders of human trafficking in Asia that the junta's response was to promulgate this new law and impose one of the severest penalties for the trafficking of human beings. The trafficking of women and children can fetch a person a minimum of 10 years up to a maximum of life imprisonment.²⁷³ When one considers the harsh realities of the country and the number of innocent people in internment, it is no surprise the country is capable of imposing one of the severest penalties when it comes to trafficking.

²⁷¹ Pollack, 2007: 175-6.

²⁷² Asis, 2008: 199.

²⁷³ Ebbe, 2008b: 41.

One of the recent biggest breakthroughs with the Myanmar government on the issue of migration of citizens into Thailand was the signature of the *Memorandum of Understanding (MoU) on Cooperation in the Employment of Workers with the Government of the Kingdom of Thailand*, which had the aim of regularizing illegal workers currently employed in Thailand. This enabled the Thai government to identify Myanmar citizens who lacked an identity due to lack of documentation and papers and as a result were working and/or living in the country illegally. Under this agreement, the MoU allows migrants to work for two successive two year periods, but upon the end of the four-year period they are not allowed to return to Thailand for three years. Cambodia and Laos were additional signature countries to the MoU of which the three countries together have the largest influx of migrants and/or refugees in Thailand. Myanmar people are by far the largest group with 800,000 migrants registered to work in 2007 and about an equal amount unregistered.²⁷⁴ Thailand has enacted on a national level the *Measures in Prevention and Suppression of Trafficking in Women and Children Act*. This law requires law enforcement to engage in the prevention and prosecution in cases of trafficking. It outlines the rights of the trafficked victim as well as guidelines for victims testifying against their traffickers. While provided food and shelter, it is only temporary and in most cases last as long as the trial against the said trafficker/s is complete. The eventual outcome of most national policies on trafficking is, of course, repatriation to one's country of origin. The big drawback of most of Thailand's legislation and initiatives on trafficking is that it limits trafficking victims to only women and children. As we will see this is problematic as I will discuss in more detail in the following section.

Besides enacting national laws on trafficking, there are other regional and international instruments that are useful in articulating the rights of trafficked victims and illegal and legal migrants. Myanmar and Thailand have both ratified or acceded a number of these conventions, but there are some vital treaties that they have not signed on to or ratified as exemplified below in Table 6.1

²⁷⁴ Pollack, 2007: 172.

Table 6.1 Status of ratification of trafficking and migration instruments

Legal Instruments	Thailand	Myanmar
UN Trafficking Protocol	X	X(a)
UN Smuggling Protocol		
UN Migrant Workers Convention		
UN Forced Labour Convention	X	X
UN Convention on the Elimination of All Forms of Discrimination Against Women	X	X
Convention on the Rights of a Child	X	X
ILO Convention No. 182, Elimination of Worst Forms of Child Labor	X	
ILO Convention No. 29, Forced Labor	X	X
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	X(a)	
Optional Protocol to the Convention on the Rights of the Child in Armed Conflict	X(a)	

Convention Relating to the Status of Refugees

Notes: –X” signifies ratification, whereby a state agrees to be legally bound by the terms of a particular convention; and –X(a)” signifies accession to the instrument, which implies that a state has ratified a convention, the convention’s standards are incorporated into national law and the country becomes a state party to the convention.

Source: Asis, 2008: 200 and UNIAP at <http://www.no-trafficking.org>.

Both countries have not signed the UN Migrants Worker Convention, Refugee Convention, or the Smuggling Protocol, which is not surprising since Thailand receives an enormous amount of migrant workers and refugees, smuggled or not. For Myanmar to sign such treaties on Myanmar’s behalf would mean to acknowledge that there are citizens and displaced persons leaving the country voluntarily using at times covert and often risky means. Myanmar has also not signed conventions addressing children in armed labor or worst forms of child labor since the country has been notorious the world over for its use of child soldiers, human shields, and porters and has among the most child soldiers in the world.²⁷⁵

Thailand has passed a number of cabinet resolutions, laws, MoUs, and mechanisms concerning migration, trafficking, labor, and prostitution. The MoUs I have already touched upon previously. Cabinet Resolutions on the Employment of Illegal Aliens for temporary employment while awaiting deportation went into effect in 1996 and since then a number have

²⁷⁵ Coalition to Stop the Use of Child Soldiers, 2008.

been passed. This enabled Thailand to issue out temporary work permits to illegal migrants from Myanmar, Cambodia, and Lao PDR. Only since 2001 have domestic workers been allowed to register for permits, but entertainment workers are still excluded from registering. Registered migrants, however, are barred from traveling outside to the province where they are registered, which renders them vulnerable by binding them to the employer. *The Labor Protection Act, 1998*, concerns labor protections for workers and protects all workers regardless of their immigration status, but certain categories of work are exempt from protection. These include: sex workers, entertainment workers, domestic workers, beggars, agricultural workers, and seafarers.²⁷⁶ Other national laws worthy of mention are the *Prevention and Suppression of Prostitution Act* (1996), which lowered the criminal offense for sex workers and placed the punishment on the procurers and customers of sex workers and criminalized forced prostitution; the *Child Protection Act* (2003) that increases the protection of rights of children as victims, witnesses, and offenders; and the *Measures in Prevention and Suppression of Trafficking in Women and Children* (1997) as discussed above.

I will not go into detail here on the legal and human rights violations committed in the arena of human trafficking or of illegal migrants in this section as I will examine this aspect in the following section, which will also examine some of the shortcoming and pitfalls in anti-trafficking initiatives, legislation, and the discourse overall. Before I proceed I just want to mention three final instruments that did not get much attention and that is *Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the UN Convention against Transnational Organized Crime*; *UN Convention relating to the Status of Refugees*; and the *Guiding Principles on Internal Displacement* (non-binding). Unfortunately, none of these three are binding on Myanmar and Thailand since the first two are not signed or ratified and the last is non-binding, but that does not mean we cannot speak about the rights of forced migrants, IDPs, trafficked victims, and other illegal and legal migrants using these legal frameworks.

6.5 Human Rights Violations and Trafficking

What is occurring globally at an alarming rate is the —feminization” and the —illegalization” of labor migration.²⁷⁷ Women’s illegalization hinders them from claiming freedoms and rights that are generally available to all human beings. Living hidden and invisible lives, they avert public authorities and state agents in order to avoid apprehension or remain at a distance from

²⁷⁶ Pollack, 2007: 178-9.

²⁷⁷ Piper, 2005: 205.

employers and fellow exploiters to further minimize any opportunity for exploitation.²⁷⁸ Due to their illegal residence and illicit work, women frequently do not have any rights to medical care and social services that are provided to legal residents.²⁷⁹ Trafficking may be perceived as a crime with transnational dimensions, but this is false in that most cases of trafficking are occurring within communities and countries. Whether one is crossing the border or not, —its the exploitation and human rights‘ violations which are at the core of the trafficking offence’.²⁸⁰

All this talk of —~~v~~ictim” and —~~v~~ictimization” should not however undermine women who have been trafficked or forced to migrate since —~~h~~ey are often the go-getters of their home communities. It is ironic that in this framework the ambitious and industrious poor who undertake migration are unrewarded, while —~~p~~athetic” victims garner greater sympathy.”²⁸¹ Melissa Ditmore clearly points out: —~~T~~rafficked persons are for the most part migrants—usually undocumented—seeking work elsewhere, who find themselves in untenable working conditions.”²⁸² The use of the term —~~v~~ictim” repeatedly fails to account for the complexity of this particular problem or the experiences of all the different people who have went in search for a better life via economic migration leaving behind their homes and families.²⁸³ Even more problematic is how States perceive women who have been trafficked as victims in need of state protection, but this often becomes an avenue for the State to violate women’s rights by restricting their movement. States have also been clever to shift the focus of trafficking to the site of prostitution in an attempt to divert —~~t~~he debate from one of rights and vulnerabilities to issues of morality”.²⁸⁴

It is true that trafficked persons (or those who were forced to migrate illegally) lead particularly difficult lives as they remain hidden and invisible from state agents in order to avoid being apprehended. Their illegalization and own concealment —~~k~~eps them from accessing most of the freedoms and rights that are extended to all as human beings”.²⁸⁵ When it concerns the traffic of women as a phenomenon, it clearly is a grave violation of human rights and a contemporary form of slavery.²⁸⁶ Projecting trafficking as a human rights problem and issue is imperative in order to pressure governments in taking more responsibility than they previously

²⁷⁸ Sanghera, 2005: 9.

²⁷⁹ Skrobanek et al, 1997: 66.

²⁸⁰ Aronowitz, 2003: 88.

²⁸¹ Ditmore, 2005: 110.

²⁸² Ditmore, 2005: 110.

²⁸³ Ditmore, 2005: 110.

²⁸⁴ Sanghera, 2005: 10.

²⁸⁵ Sanghera, 2005 :9.

²⁸⁶ Skrobanek, 1997: 9.

have in fighting trafficking. It also reinforces the legal obligations States have in eliminating trafficking as has been stipulated in the various regional and international agreements signed by their respective governments.²⁸⁷ There are overarching explanations for why States have been poor in combating trafficking which include weak mechanisms for investigation and prosecution, misunderstanding or abuse of the category of trafficked persons, and portraying all trafficked persons as victims.²⁸⁸ Yu Kojima points out that —*state's* responsibility to protect the human rights of trafficked persons has yet to be fulfilled in Thailand, as in many other countries. In this respect, three types of drawbacks are identified:

- Persistent bias and social and occupational stigma of unskilled female migrant laborers, particularly for [private care services] and [commercial sex services], internalized in the present judicial system;
- Prevalent discriminatory practices by law-enforcement authorities;
- Lack of political will to deliver the protection and support prescribed in the available legal measures.”²⁸⁹

Hence, it is not merely enough to ratify and enact nice-sounding treaties and laws; there are clearly some social and cultural obstacles to overcome in the legal and justice system, like primarily overcoming racial and gender discrimination.

Another problem in the discourse of trafficking is that of the distinction between trafficking and smuggling. What occurs as a result of such distinctions is that since smuggling and trafficking of migrants is so intertwined that those not fitting the standard narrow interpretation of —*victim*” are prematurely denied the protections under trafficking laws, which are generally more generous.²⁹⁰ But most of all, one of the most glaring neglects of the Trafficking Protocol and the legal discourse itself is its absolute silence on human rights in relation to trafficking. Even though anti-trafficking instruments and laws address some of the inhumane factors contributing to the vulnerability of women and children and as well as the inhumane and abusive situations experienced by such persons, there is nevertheless a careful avoidance in the usage of human rights language *per se*.²⁹¹ The drafters of the Trafficking Protocol commit this negligence by focusing on the negative obligations of State Parties in the forms of protection and assistance, which in turns —*provides* a potent constraint on the scope of

²⁸⁷ Derks, 2000: 14.

²⁸⁸ Kojima, 2007: Chapter 5.

²⁸⁹ Kojima, 2007: 148.

²⁹⁰ Kojima, 2007: 141.

²⁹¹ Noll, 2007: 353-4.

human rights in the Protocol's context."²⁹² Any potential role of positive human rights obligations is not affirmed both in the prevention and the protection realms of trafficking. The primary and final aim of most instruments and laws on trafficking (and as well as other forms of migrations) is repatriation of the said victim or migrant to his or her origin country, which is predominantly cast in terms of hard obligations by requiring that home countries accept the return of nationals.²⁹³

Even in cases where individuals have suffered extreme human rights violations on their passage to or within the destination country, there is no provision in the Protocol guaranteeing a victim or illegal migrant's stay within the host country although such national provisions can vary internationally, but very minimal countries have barely even been generous on this question. Gregor Noll summarizes the major flaws of the Protocol, which I will quote at length:

In all, the Trafficking Protocol will be read as a comprehensive multilateral readmission agreement, suggesting that return will be the standard response in handling trafficking victims. The proper place of the trafficked migrant is at home...Beyond that, the Trafficking Protocol articulates human rights violations as those committed by traffickers against trafficked persons. Technically, it is odd to emphasize human rights in an area where their capacity to bind actors is at its weakest. After all, private actors have not ratified human rights treaties, but States have. And the extent to which States' positive human rights obligations to protect individuals from violations inflicted by third parties will be contested, and does certainly not comprise *any* violation. From this perspective, it would have made more sense to employ human rights language to reiterate the human rights obligations incumbent on countries of origin, and related to the root causes of trafficking.²⁹⁴

We return once again to the public-private distinction, where once again States have their hands tied behind their back in having any influence in the matter. The trafficking discourse and the Protocol are clearly gendered and far from gender-neutral and this clearly smacks of this when States attempt to displace the responsibility onto private actors. Just as States are absolved of any legal responsibility for their male citizens that commit various forms of torture on their women folk under human rights provisions since they are not agents of the State, so do States once again escape their obligations when traffickers and brokers are all to blame for all the misery and suffering that victims incur. The Trafficking Protocol is not so much a treaty for human rights than it is a criminal legal framework, or as Gregor Noll puts it, —a comprehensive multilateral readmission agreement.” This becomes blatantly obvious when one acknowledges where the Trafficking Protocol has its place in the human rights system; that is under the *UN Convention against Transnational Organized Crime*. It is perhaps worthwhile to ponder this connection

²⁹² Noll, 2007: 354.

²⁹³ Noll, 2007: 356.

²⁹⁴ Noll, 2007: 357.

because it may be the actual culprit that has been constraining the trafficking legal discourse that such an examination may yield some hard-earned answers.

To sum up, women clearly suffer human rights violations when they are trafficked, but similar human rights abuses occur also for those who are displaced, smuggled, and voluntarily migrate since a person can experience more than one form of migration in the course of one journey. Additionally, such categories of migrants frequently travel the same route of migration that their journeys are intertwined that a distinction between these categories can be meaningless and problematic. This section provided some explanations why trafficked victims as women are neglected in human rights discourse and they are quite simply as follows: (1) the invisibility and illegal element that illegal migrants are often found in, which hinders them from accessing their rights; (2) weak law enforcement mechanisms and misunderstandings of the trafficking category; (3) the —victim” and —victimization” discourse in trafficking legislation; (4) discrimination against trafficked persons by the authorities; (5) silence on human rights in trafficking legislation; and (6) the public and private distinction that is prevalent in international law that enables States to displace responsibility onto private actors. Now with all this in mind, we can finally proceed to the empirical section of this essay.

7 ECONOMIC SANCTIONS AND THE PLIGHT OF WOMEN IN MYANMAR

7.1 Background

It was a U.S. Department of State report entitled —Conditions in Burma and U.S. Policy Toward Burma for the Period March 28, 2003 - September 27, 2003” that had initially drawn my attention to the problem of sanctions for women in Myanmar. In July of that year, President George W. Bush signed into force the Burmese Freedom and Democracy Act of 2003 imposing additional significant economic sanctions on Myanmar. What these additional measures consisted of was the prohibition of imports into the United States, a ban on the provision of financial services to Myanmar, and finally a freeze of assets belonging to designated Burmese institutions, including the State Peace and Development Council (SPDC). On September 9th, President Bush imposed (in an ironic twist) —further trafficking in persons-related sanctions on Myanmar, which barred U.S. funding for Myanmar government officials or employees in

educational and cultural exchange programs”.²⁹⁵ The Bush administration’s war on trafficking is highly controversial since it is wreaked with unsystematic data collection and lack of evidence and analysis that States can easily be sanctioned on this weak basis. Kamala Kempadoo alleges that the U.S.’s policy of sanctioning countries that fall into the lowest tier in the combat against trafficking is politically motivated:

That Iran and many countries that are seen by the US State Department to harbor people who oppose US imperialism or to have majority Arab or Muslim populations, such as Indonesia, the United Arab Emirates, Afghanistan, Bahrain, Lebanon, Sudan, Qatar, Turkey, and Saudi Arabia, were all placed in the lowest tier in 2002, and thus were defined as sanctionable, most clearly illustrates the political intention of the ranking. This highly politicized assessment is further underscored by the fact that even though the Bush administration made trafficking an important dimension of US foreign policy in 2003, it simultaneously backed out of international plans to crack down on trafficking to avoid imposing sanctions on Israel, Russia, South Korea, and Greece, while announcing its intentions to impose sanctions on Burma, Cuba, and North Korea. This coincidence between what the Bush administration declares to be irresponsible countries on the issue of trafficking and those defined by the same administration as “rogue states” or supporters of terrorism should be reason for acute suspicion of the way in which “facts” about trafficking are constructed.²⁹⁶

The sanctions imposed by the Burmese Freedom and Democracy Act had far-reaching implications as the U.S. State Department report highlighted. With the Myanmar economy already severely weakened, the economy took another hit when these new measures cut Myanmar off from the U.S. market, which accounted for \$356 million in 2002. The hardest hit sector was the garment industry resulting in an estimated loss of 40,000 jobs. Included in the report were the expressed concerns by NGOs over the newly-unemployed women and the potential for these women to turn or be duped into work in the sex industry. There was not only the concern that workers would enter the region’s flourishing illegal sex trade and entertainment industries, but further that there would be a growth of economic migrants seeking illegal work inside Myanmar or over the border in China or Thailand. It was projected that as many as 100,000 jobs would be lost in the garment industry in the long term of which the report acknowledges are primarily held by women who have few, if any, employment opportunities available to them.²⁹⁷

This is not to say that this particular aspect of the report has gone undisputed. On the contrary, these claims have invoked much criticism and debate as policy makers, academics, and democratic activists have attempted to convince each other of its validity or not.²⁹⁸ My own research in Thailand and Myanmar resulted in a similar mix of responses, however when

²⁹⁵ U.S. Department of State Report, 2003: 1.

²⁹⁶ Kempadoo, 2005: xxi.

²⁹⁷ Kempadoo, 2005: 1 and 4.

²⁹⁸ See Seminar Transcript for a lively discussion and debate. “Asian voices: Promoting Dialog between the US and Asia” Seminar Program on *Reconciling Burma/Myanmar: Re-examining U.S. Relations with Burma* (Sasakawa Peace Foundation USA) March 25, 2004.

reaching my conclusion there appears to be a degree of overlap and consensus between the interviews and respondents as I will further elaborate in my final findings below. One thing worth underscoring that I have discovered from my own research (those who are aware of the pains of researching trafficking and migration statistics and movements understand completely what I mean) is that there is no way today to prove without a doubt that a significant number of women who lost their jobs in the garment industry in 2003 had been trafficked into neighboring Thailand's entertainment industry. On the other hand, understanding the process of trafficking and forced migration in conjunction with the following testimonies may lead us determine that such a phenomenon may be probable and thus lead us to conclude that more responsibility must be taken by the international community to ensure that monitoring procedures are implemented to oversee sanction regimes. With monitoring mechanisms in place, the international community can receive immediate reports of any harmful negative implications and examine more closely the impact and implications of economic sanctions on the target government and civilian population. By arming ourselves with such knowledge and information we can finally expect to fine-tune economic sanctions to have the maximal effect in harming the target state while simultaneously having only minimal impact on the civilian population, thus producing the desirable outcome of changing the target state's policy and/or behavior.

As a result of U.S. sanctions, one of the catastrophic effects for these young women out of work was their exposure to being lured, forced, or duped into the sex industry constituting the dark side of globalization. As the U.S. report confirms: —Some may feel they have no alternative other than to enter the region's flourishing illegal sex and —entertainment” industries. We have started to receive credible reports of such displacement.”²⁹⁹ The UN Special Rapporteur for Burma, Paulo Sérgio Pinhero, echoed similar concerns in his recent report to the UN Commission on Human Rights:

Suspension of exports to the United States, combined with consumer boycotts in Europe and a generally dismal economic situation for manufacturers and foreign investors, has allegedly resulted in the closure of at least 62 factories, mostly in the garment sector, in the Hlaing Tharyar and South Dagon townships of Yangon, leaving about 50,000 people without jobs, the vast majority of them women, many the only breadwinner in the household. Women and girls indeed appear to be particularly vulnerable to the risk of being trafficked or exploited or ending up as illegal migrants, especially those who left their villages to find work in those factories and now have no work and no place to go.³⁰⁰

Evidently, the enforcement of sanctions and boycotts has had enough impact on these particular women determining whether they have a life with work in the garment industry or a life doomed

²⁹⁹ U.S. Department of State, 2003: 4

³⁰⁰ UN Special Rapporteur for Burma, 2004: 18.

to violence and HIV/AIDS within the sex industry or alternatively in other exploitative situations of forced labor in the many industries of Thailand. David I. Steinberg has also openly accused the recent U.S. policy for contributing to the trafficking of women and children, the flight of refugees into Thailand, and the spread of HIV/AIDS and as well as other diseases like malaria.³⁰¹

The trafficking of women from Myanmar and ethnic Burmans to Thailand's sex and —entertainment" industries has been an ongoing phenomenon that captured the attention of NGOs and human rights workers since the early 1990s. This phenomenon is not subsiding and may actually be propelled by the recent destabilization of women's position in Myanmar as some initial reports have been showing. Accurate numbers for women from Myanmar in the Thai sex industry have been difficult to assess since many sex establishments identify only Thai nationals with other workers most likely being illegal immigrants. However, various agencies and NGOs that interact with commercial sex workers have discovered women from Myanmar to constitute an overwhelming majority in some cases and more than a third in others. What is most alarming is the prevalence of HIV/AIDS amongst these workers in Thailand due to lack of information, health care, and contraceptives. Additionally, most women end up in brothels where their freedom of movement is limited and access to the media in the form of television and radio is curtailed, thusly contributing to their lack of knowledge regarding HIV/AIDS.³⁰² This is disturbing since Thailand has suffered an HIV pandemic since the 1990s and it is believed that approximately 700,000 Thais carry the virus today even though Thailand has succeeded in reducing the annual new infection rate from 140,000 of the 1990s to the current 30,000 new infections a year.³⁰³

Hnin Hnin Pyne reiterates the threat of the HIV pandemic for the trafficking of women and girls into commercial sex work in addition to the cruel treatment they suffer:

The women lack access to health care, information, and support networks. They possess no bargaining power with either brothel owners or clients and live in constant fear of torture and psychological abuse. All these factors place the Burmese women who have been trafficked across the Thai-Burmese border into sexual slavery in a position of extreme vulnerability to the AIDS virus.³⁰⁴

This immediately springs a statement to mind made by NLD leader Daw Aung San Suu Kyi on the issue of sanctions who has been a prominent promoter and defender of the imposition of sanctions on Myanmar:

³⁰¹ Steinberg, 2004: 52.

³⁰² Pyne, 1995: 218 and 222.

³⁰³ United Nations Population Fund.

³⁰⁴ Pyne, 1995: 223.

I can say with absolute confidence that the general public of Burma would be very little affected, if at all, by sanctions...the kind of investments that have come in have benefited the public very little indeed...Perhaps they would be affected, but my concern is not with them but with the general public.³⁰⁵

I am not in any way challenging Daw Aung San Suu Kyi's admirable courage and struggle to bring about peace and democracy in the face of the military junta or her role as an instrumental and valuable symbol of the people of Myanmar. However, what did she mean or what was she thinking when she made this comment? Was she willing to sacrifice the women of Myanmar for a greater cause or for the general public? Nicholas D. Kristof also concurs that the only victims from sanctions are innocent civilians, also adding that while 100,000 jobs may be lost, the regime can plan on keeping theirs. But, his next statement, shocking as it is, may be construed as representative of the international community's rationale on sanctions:

If we knew that sanctions would lead to a better Burma, I could understand sacrificing helpless young women. But when sanctions, especially unilateral ones, are mostly ineffective - one major study found that they worked to some degree one-third of the time - why is the United States so eager to adopt measures that impose such suffering on innocent Burmese, or Cubans or Syrians?³⁰⁶

Kristof and Suu Kyi hardly differ in their utilitarian perspectives even though Kristof criticizes Suu Kyi for neglecting to recognize the failure of sanctions in Myanmar, but they both ultimately agree that sacrifices, if it achieves a greater good in the long run are well worth it. Aung San Suu Kyi stubbornly believed that sanctions could work with minimal harm to the general populace while Kristof was highly skeptical that any possibility of sanctions harming the regime was nonexistent.

The main problem with this, and in other cases of sanctions, is that the people mostly affected by such measures do not have much say in the matter and certainly did not ask to become the official sacrifice for the greater good. And in cases when sanctions are openly recognized as failures and welcomed merely as punitive or symbolic measures, this signals an outright devaluation of those who are especially vulnerable, thus subsequently subjecting many lives to indignation all in vain. But, previous sanction regimes have similarly had opposition movements and exiled activists welcoming the imposition of sanctions as exemplified even in the case of Iraq, where it is estimated that up to a million have perished as result of sanctions. Although many people from Myanmar are enormously dissatisfied with the ruling junta and support Daw Aung San Suu Kyi and the NLD, some have expressed frustration over the current situation. One Buddhist monk in his early 40s reportedly stated:

³⁰⁵ Kean and Bernstein as quoted in Oo and Grieg, 1999: 121.

³⁰⁶ Kristof, 2003.

I'm sure the Western countries have good intentions. They might really want to help us obtain democracy. But the truth is, those pro-democracy people abroad and the Western governments have their own fantasy as to what things should be like in Myanmar. They probably even have a fantasy as to what things are like in Myanmar now. Thus, when they look at Myanmar, it is always from their perspective. They don't pay attention to what we really want and how we want things to be. We have become victims of their fantasies.³⁰⁷

Indeed, one woman revealed her frustrations with the newly imposed sanctions and her externally imposed victimization for the greater good of Myanmar:

People tell me that in life some people will have to be sacrificed for the interest of the country. Look at us; they have sacrificed us women, who have to turn to prostitution, our lives will never be normal, we will never gain respect from our people. Burmese men want to marry virgins and we are obviously not. We could get all sorts of diseases. And we ask ourselves, if we are the sacrifices, is it worth it?³⁰⁸

Of course, there is an evident gender bias of sanctions in that women do not have the same employment opportunities or options as men to join the military or enter a monastery, but instead they are left with limited options that are often interlaced with violence, death, and disease³⁰⁹. Thus, when worse comes to worse, women have no option of joining the loathed Tatmadaw (Burma Army) or becoming a monk that just trying to survive starts to look pretty grim.

What is discerning is how enterprises in natural resources in Myanmar have remained immune to sanctions and boycotts. Many of these enterprises are immune since disincentive measures have selected to address “new investments” and this coincidentally excludes those investments that have a much larger stake in Myanmar and the regime. This diverges from the garment industry in Southeast Asia, which is highly mobile and always has an available feminine labor force in the region. Had it been Total, Unocal and other fuel conglomerates asked to abandon their projects in Myanmar, we may have witnessed a rather different conclusion on the issue of sanctions. Thus, the garment industry was to be the sacrificial lamb for such policies: a highly mobile industry with an expendable labor force that can easily be replaced. As we see, States have a continued interest in maintaining natural resource projects and these interests will not be ceded for the promotion of human rights, democraticization, or for any other moral purpose. The garment industry and financial services ban was a feasible and reasonable effort while relinquishing valuable natural resources may be a little too much to ask for in the name of peace and democracy for Myanmar.

Finally, this should not absolve the ruling junta's own mismanagement and misruling as the primary culprit of the current political and economic climate in Myanmar. The regime is primarily responsible for the inhospitable climate and ongoing illicit behavior and treatment of

³⁰⁷ Hlaing, 2004: 84.

³⁰⁸ Hlaing, 2004: 84.

³⁰⁹ Pyne, 1995: 217.

women as portrayed by the military's own abuse and killing of women, which is tantamount to women being trafficked into Thailand while even exceeding in its own level of brutality and violence. A paper by "Concerned Individuals from Burma" further highlights some key issues contributing to the root causes of the current humanitarian problems in Myanmar on behalf of the military junta. One serious concern is that increased militarization is resulting in a prioritization of military spending over health and social services. This only leads to more conflict and repression of the people in addition to negligence in addressing the HIV crisis looming in Myanmar. Another root cause is the constant warring with ethnic groups that has lasted for more than 50 years. Many people have been killed, terrorized, and displaced under the junta's regime destabilizing the political climate and denying ethnic groups their livelihood in the process. A third concern is the regime's own mismanagement of the economy of which relates to this paper on sanctions.³¹⁰ It is obvious that without sanctions, Myanmar is already a state in turmoil with pervasive political and economic instability that has experienced high inflation rates and a distortion of prices and resource allocation. However, sanctions only serve to perpetuate the problem further as the inflation rates continue to go up and job opportunities and the purchasing power continue to go down. What we can ultimately agree on is that the sanctions up until this time have failed to hurt the regime and that only the general populace has been disproportionately affected including the vulnerable population of women.

7.2 The Sample and Sampling Process

In order to get at the root of the research problem, it was determined that a sample from the immediate area would be most fitting for the purpose of this research. Hence, locating a sample of trafficked women either in Myanmar and the border areas of Thailand or alternately those working and familiar with the border areas of Thailand was deemed the most appropriate. The sample is therefore divided into two groups of informants which are constituted by (1) oral testimonies shared by the commercial sex workers and Burmese activists and (2) interviews with individuals from a diverse background such as women activists, social workers, scholars, diplomats, doctors, NGO fieldworkers, and UN representatives, and so on. Various contacts were made before arriving to Thailand which proved fruitful in providing me access and entry into the community of those working with trafficked women or migrant women from Myanmar. My initial contacts in Myanmar were a bit more limited since I had only several contacts before

³¹⁰ Concerned Individuals from Burma.

arriving to Myanmar. I was fortunate however to gain access to a list of the different organizations operating in Yangon, Myanmar that I was impressed to find a very active civil society with INGOs and local NGOs working with various issues.

My field study was made possible by the Minor Field Study (MFS) grant provided by the Swedish Development International Cooperation Agency (SIDA) that enabled me to have funding to carry out my investigation for a period of eight weeks in December 2005 through January 2006. Below is a list of the participants that took part in the interviews:

- Five commercial sex workers in Ranong, Thailand
- Women activists from the Burmese Women's Union in Ranong, Thailand
- Anna Engblom, ILO Bangkok, Thailand
- Jackie Pollack, Migration Assistance Program (MAP) in Chiang Mai, Thailand
- Shirley Seng, Kachin Women Association in Thailand (KWAT) in Chiang Mai, Thailand
- SuSu Thatun from UNIAP Bangkok
- Anonymous INGO social worker from Yangon, Myanmar
- Anonymous INGO trafficking expert from Yangon, Myanmar
- Anonymous INGO health worker in Yangon, Myanmar
- Anonymous INGO director in Yangon, Myanmar
- Anonymous diplomat and scholar from Yangon, Myanmar
- Ma Thanegi from Yangon, Myanmar

When it concerns Myanmar, the issue of anonymity is particularly important since the operation of NGOs is extremely vulnerable to being scrutinized by government authorities or at worst, shut down. It is frequently important for these organizations to be discreet and keep a low profile if they are to continue to carry out their valuable work that they provide for the local population and community. In some cases I have even changed the profession of the respondents to protect their identity since some are high profile individuals that would be recognized immediately and thus risk exposure. Furthermore, the names of the sex workers and Burmese Women's Union activists in the next two sections have been changed to protect their identity and maintain anonymity since some of the details can be sensitive.

7.3 *Oral Testimonies of Five Commercial Sex Workers in Ranong, Thailand*

My interest in Ranong was informed by a well-known but controversial report published by Human Rights Watch in 1993 and conducted by Asia Watch and the Women's Rights Project. The report was titled "A Modern Form of Slavery: Trafficking of Burmese Women and Girls into Brothels in Thailand." This report was highly controversial and according to Jackie Pollack, following the report's publication:

brothels all over the country were raided in what seemed more of a publicity stunt than an operation motivated by concern for the situation of migrant women and girls. In some cases, the raids forced women to leave their jobs and lose their income. In other cases, the raids released women and girls from exploitative conditions but, in the process, they lost assets (clothes, jewelry and savings) and were deported to a country in which slave labour and systematic rape were common (Burma). In all the actions, there was little, if any, consultation with sex workers on how to proceed or what was the best course of action.³¹¹

Another article that had first informed me about the deep troubles in Ranong was a chapter in an anthology called "AIDS and Gender Violence: The Enslavement of Burmese Women in the Thai Sex Industry".³¹² Hnin Hnin Pyne wrote a very informative exposé of the sex industry in Ranong and the prevalence of HIV among the sex workers there. Her study was also used in the Human Rights Watch report before it became published. This chapter was what ultimately led me to visit Ranong since it was a border town that had many citizens from Myanmar and from what I thought had a very active civil society, but I would find this was not the case.

Ranong is a fishing village situated right across the water from the southernmost tip of Myanmar and is in the south of Thailand about 550 kilometers from Bangkok. It is also the only town where women and girls from Myanmar reported that the majority of their clients come from Myanmar. Men from Myanmar constitute the majority since there is a large male migrant population working in the fishing industry.³¹³ My access to the five sex workers were made available by the only NGO operating in Ranong called the Burmese Women's Union (BWU). None of the women from BWU spoke English that I communicated via a translator who was a native speaker of the Burman language, but was not a fluent English speaker that there were moments of confusion and misunderstandings. I spent a period of four days interviewing the sex workers and the BWU activists and as well as spending time with them that I developed a rapport with the translator that over time the communication and expectations between the two of us became clearer. However, I do realize how much better results the results could have been if I

³¹¹ Pollack, 2008: 175.

³¹² The anthology is called "Women's rights, human rights : international feminist perspectives" by editors Julie Peters and Andrea Wolper and was published in 1995 by Routledge.

³¹³ Human Rights Watch, 1993: 14 fn18.

had obtained a trained translator, but if one understands the political climate of Ranong, it is perfectly understandable why the resources and —womanpower” were completely lacking there that I was quite fortunate enough to find a male interpreter willing to bear through embarrassing questions...and moments.

One of my overall impressions of the interviews with the five sex workers were their overwhelming candidness, eagerness, and honesty in response to the questions. I have found that this is highly unusual since I became convinced in thinking that Myanmar women were completely open in discussing sexual topics and relations, but I had found from others that it is actually the contrary as is true in most societies. The women activists I met in Ranong also exhibited an ardent openness and candor when discussing sensitive issues while being very positive and lively that I wondered if this was the climate they had fostered for these sex workers I interviewed and as well as other women who have come to them for help and assistance. My main concern in interviewing sex workers was exposing them to any kind of harm, but I soon became relieved that they were more than prepared in sharing their stories as they probably have at least several times before. I had intended to interview more than a handful or up to a dozen of sex workers that when I interviewed the initial five in Ranong I was quite satisfied with my responses and amazed at the easiness in accessing respondents that I opted to look for more respondents at other locations during my field research. However, it was not as easy as I assumed and some of my contacts did not work out as planned that I was going to have to make do with the five. The stories I will then share below are these women's stories and theirs alone and should not over-represent the experiences of other women, but as I share these stories they of course sound reminiscent of the many women that came from Myanmar to Thailand in search of a better chance at life.

Down below is a table summarizing the background information of the Ranong sex workers. The interviews were conducted in December of 2005.

	Kyaing Kyaing	Tin Tin Myint	Kyi Kyi Ohn	Khin Khin Win	Mya Mya San
Age	27	20	35	30	42
Educational level	5 th grade	6 th grade	8 th grade	8 th grade	6 th grade
Birthplace	Yangon	Yangon	Insein, Yangon	Dala, Yangon	Kawkareik, Karen State
Previous work	None	Helped in a school	Garment worker	None	Freelance card player
How long in Thailand?	Arrived in 2004	Arrived in 2002	Arrived in 2003	Arrived in 2001	Arrived in 1998
Parent's job description	Both work in a market	Both worked as hospital workers	Both are Farmers.	Father is a farmer Mother is deceased.	Father is govt. security guard Mother is housewife
Entry into sex work?	Entered voluntarily	Seduced by female owner	Trafficked by a male friend	Entered voluntarily	Enter voluntarily
Reason for coming to Thailand	Lack of work and to support the family	Lack of work and to support the family	Too little pay at last factory in Yangon	Gambled money away and lack of work	More money in Thailand
Sick leave and open hours	No. 9 am to 1 am	No. 9 am to 1 am	N/A. 6 pm to 4 am	Yes. 10.30 pm to 1 am	Yes. 10.30 pm to 1 am
Service cost*	200 baht	200 baht	400 baht	1000 baht	1000 baht
Violence from brothel owner	Minimal physical abuse, mostly scolding	Minimal physical abuse, mostly scolding	Extreme physical violence and no freedom of movement	Owner is kind and only scolds	Owner is kind and only scolds
Explanation to family back home	Housewife in Ranong	Housewife in Ranong	Worked in factories at Mae Sot	Married to a Malaysian man in Kawthoung	Working as housemaid in Ranong

*100 Thai baht = 23,39 Swedish kronor = 2.88 US Dollars as of 3 January 2009.

One of the interesting observations I made from these interviews was how the confidence and background played a large role in how much mobility and bargaining power the women had. The women who had more adventurous experiences were more likely to be paid more,

experience better treatment by the brothel owners, and have permission to miss work when ill. The younger and more attractive women were underpaid and more vulnerable to mistreatment. It defied all expectations that the older and less attractive sex workers were getting paid at least four times more than the much younger, beautiful women.

The interviews were conducted in three sessions with the first being with Tin Tin Myint (20) and Kyaing Kyaing (27) coming from the same brothel, the second session was with Kyi Kyi Ohn (35) who was trafficked into sex work and was now married with a small child and no longer working, and the last with Khin Khin Win (30) and Mya Mya San (42) who worked together in the same massage parlor. The first and third groups were a complete contrast in their background, pay, and working conditions as revealed by the table above. Their dress attire revealed the different worlds they came from and most probably how the brothel expected them to present themselves. The younger women were very reserved and shy and dressed up in long out-dated evening gowns in bright pastel colors and almost resembled made up dolls although with a timid, unsure air about themselves. When the last group of women came in they were much more laid back and casual and exerted an air of rugged confidence. Dressed in blue jeans and simple blouses, they resembled modern and independent women of the West. It was as if little thought went into their dress attire that I wondered if that's what they wore to work and still managed to get paid so much.

Of all the five women, three entered the sex industry voluntarily due to economic constraints and hardships. Tin Tin Myint, on the other hand, was seduced by a female brothel owner while she was working at her restaurant in Kawthoung and Kyi Kyi Ohn was tricked by a male acquaintance she met up with in Mae Sot while working there in the garment factories. Kyi Kyi lacked a work permit and got laid off that the male friend she made first took her to Bangkok to find her work and then to Ranong where he tricked her into the brothel. This Burmese friend of hers was having a romantic affair with the Thai brothel owner and the other 7 women at the brothel were also from Myanmar and tricked there too. Her freedom of movement was restricted and she was not allowed to leave unless to meet clients at their hotels. If any of the women attempted to leave the compound or anger the brothel owner, they would get repeatedly whipped by a stingray tail whip (it is a whip formed by a dead stingray tail that has an abrasive, barbed texture) all over their body, which is excruciatingly painful. She left after eight months of working there when one of her clients took her hand in marriage and helped clear her debts with the brothel owner. The other women at the brothel still remain there as it appeared it did not

matter if they cleared their debts. Her husband is a fisherman and she now cares for their small toddler and only has a stay permit which prohibits her from working. What was specifically interesting about Kyi Kyi was that it appeared she had left Yangon where she had work in the garment sector the same year the factories closed down. It was unclear however if she left because she lost her job or because the wages were too low, although it defied reasoning that she would take extreme risks as she did if she was employed at the time. If she emerged in just a handful of interviews, I wonder how many women we would discover with the same story as Kyi Kyi if given the time and resources.

Tin Tin spent several years in Kawthoung before embarking onto Ranong in 2002 with an assistance of an agent. Since she had already worked in a brothel in Kawthoung, she continued at another one in Ranong. Hence, she was not tricked or coerced into doing sex work once she crossed the border and this is one example of how problematic the conflation of trafficking and prostitution can be. Tin Tin was coerced into sex work while in her home country, but later entered the trade voluntarily in her new host country that this conflation does not at all apply to Tin Tin. However, Tin Tin was not technically trafficked to Thailand or to Ranong (internal trafficking does exist) that none of the trafficking legislation would apply to her. Her co-worker Kyaing Kyaing joined some friends to Kawthoung since there was a lot of talk about Kawthoung in having a lot of work and the possibility of making an easy living. She met her husband there and got pregnant, but then a previous wife she didn't know about returned to him. After giving birth, she went to Ranong in 2004 and gave her baby up for adoption. She had worked as a waitress by day and sex worker at night back in Kawthoung for the same owner and went into sex work when she arrived to Ranong.

The last two sex workers had more of a sordid past full of daring misadventures that evidently formed their toughened exterior. Khin Khin Win originally ran a gambling racket with her husband betting on the 1998 World Cup games back in Yangon when they eventually lost all their money and then decided to travel down to Kawthoung in 1999 to gain employment. They barely survived selling fish that they decided to make their way to Ranong where there was more money. Soon after arriving in 2001 Khin Khin's husband asked for a divorce and returned home to Yangon. Since she was alone Khin Khin approached a brothel for work where she worked for three years until it got raided by the Army after a soldier posed as a client. She sat in jail for several months before she could raise the money to pay the court and jail fines. She borrowed 4,000 baht from a brothel owner whom she met through a guard from the jail. She then joined the

new brothel and worked the loan off and continues to work there to this day. Mya Mya San, the second woman who works at the same brothel with Khin Khin, originally came from Karen state, but is an ethnic Burman. She started earning her first real money freelancing and playing cards and since she did so well, she decided to take her business south to Kawthoung and eventually Thailand where there was more money to be had. When in Kawthoung she lost a lot of money and accrued a large debt that she decided to then flee to Ranong. After exchanging her money into Thai baht, she gambled all that away and then went to a brothel to earn some money. She remarkably managed to save up a tremendous amount of money and returned to Yangon to stay six months there. Once she blew all the money, she made her way back to Ranong again and began working at her current brothel. These narratives totally differed in that they had better conditions and better pay so that they could manage to save up money. The first group barely managed to save any of their earnings since the pay was so low and what they did earn went towards their own expenses including regular physical check ups or clinic visits when they became ill.

One shared refrain among the women was the sexual violence they experienced from their clientele, particularly the Thai men, which they described as violent when they were intoxicated. All the respondents divided the clientele into three groups: foreigners or Europeans, Myanmar men, and Thai men. The last group were the most frequent visitors, Myanmar men the second most, and last foreigners. Foreigners and Thais paid higher fees and Burmese men were often able to negotiate lower fees since they made much lower wages. Foreigners were more likely to tip with the Thai clients rarely tipping and the Myanmar men tipping when they can. All the women accounted for violence from Thai customers and some had stories to share either about themselves or other women they knew. Down below are some examples:

At one time I was forced to have sex with six men since one of the clients was a friend to the brothel owner. Only the friend had to pay for the price of one while all the rest of his friends got services for free. I wasn't allowed to argue or say anything since the man was a friend to the owner. (Khin Khin Win)

There was one woman from our brothel that got raped and robbed of all her money, gold and jewelry by a Thai customer. She couldn't say anything to the owner or anyone else, so nothing happened. (Khin Khin Win and Mya Mya San)

Little was said about the Myanmar men as they were described as normal and average clients and they didn't seem to mind that they paid less. Foreigners or Europeans were described as being drunk and rough sometimes, but some described them as better since they tipped more. They were even described as odd when they would not have sexual intercourse, but only pay to sleep

with them. On average, most of the women never saw more than three or four clients in a day and it was not uncommon to go days without a client or even have only one client in a week, thus their final pay was determined with the amount of clients they serviced.

Finally, as is clear from other accounts on Myanmar female migrants, very few ever return home to settle down since they never accumulate the money they need to do so. All of the women described a lack of work and jobs back home and the pressure to send money back home. They all send money home whenever they can and they have a cover for the current work they are doing. The sex workers from the first group, Tin Tin and Kyaing Kyaing, both expressed a longing to return home, but could not do so until they saved enough money to help their family and provide for their keep. They both surmised that they would need to save up 30,000 baht (ca 7000 Swedish kronor or 863 U.S. Dollars) before they could return home. I asked them both how much they have begun to save up for their return home and they both sadly replied that they had not saved one single baht since the owner does not help them out with one single thing. The conditions were indeed so difficult at their brothel that the women could not ever help out each other financially that all they could offer was their moral support and their kindness in caring for each other when they were sick. At the conclusion of the interviews, I gave each respondent a small token compensation for their time and risk in meeting with me that I could not help but extend a little ray of hope to both Tin Tin and Kyaing Kyaing by reminding them that now they can begin to save for their return home and they both nodded in appreciative agreement. I, however, could not help but worry that it would be a long, long journey before they ever reached that goal and that it was more likely that the money would be most easily spent than saved.

7.4 Shared Stories and Testimonies of Burmese Women's Union Activists

During my stay in Ranong, the Burmese Women's Union (BWU) called a special meeting which was arranged within a matter of hours. When I arrived to the office I found twelve women there anticipating my arrival. The women's ages ranged from 16 up to the early-50s. The women arranged themselves in a semi-circle and one by one shared their stories and tribulations of their lives in Thailand as Burmese migrant women. The shared theme among the women's testimonies was namely about the economic difficulties they endured as migrant workers, the unfair labor conditions and treatment that is prevalent in Thailand, and the discrimination by the Thai people and authorities. One of the participants, Daw Lin Lin, neatly summarizes many of the problems facing Burmese migrants in Ranong:

The Burmese people came to Ranong due to economic troubles and the situation in Burma. The Burmese people experience discrimination by the Thai people. Life in Thailand is very tough and the work is hard. Educational opportunities for Burmese children and adults are very limited that we only learn spoken Thai, no reading or written Thai. Families are stuck with odds jobs just to make a living and they often earn lower salaries than their Thai counterparts even when working the same jobs. They earn a third of what Thai workers earn. What is more is that work and stay permits have nearly doubled in costs in recent years that many new arrivals cannot afford the permits under the new laws, thus they are forced to travel back and forth to Kawthoung to renew their seven-day border pass which actually costs more than a permit in the long run. The children are suffering from malnutrition due to the parents' low income. There is a strong need for NGOs to come to Ranong and help the Burmese against the discrimination from the Thai people and authorities. (Daw Lin Lin)

All the migrants, men and women, suffer from extreme prejudice and discrimination from the Thai people and the authorities, however the women were also vulnerable to physical and sexual harassment by their co-workers and employers as some of the narratives made clear:

At the local fish factory where I work, I am often picked on since I don't speak Thai very well. The male workers even come onto me and make advancements and I know they only do it because I am Burmese and powerless to do anything. (Ma Khin Thein, age 18)

Most of my jobs consist of working in different restaurants. I have had to change jobs because my employers have treated me badly. I have had employers who sexually harassed me and made advancements by grabbing my hair, hand, or other parts of my body. I finished high school and even started to study in Rangoon, but we didn't have money so I had to quit. My father passed away, so my mother, sister, and I came to Ranong to find work. (Ma Tin Kyi, age 16)

The next narrative concerns the unfair treatment by employers of Thai and Burmese female workers:

I work at a shrimp factory, but I had to take a leave of absence since I am due to have a baby any day. I do not get any pay or benefits when I am away from work due to my pregnancy that I have to return to work as soon as the baby is born. I will have to hire someone to care for my baby so that I can continue to work. I see an obvious difference in the way my employer treats the Burmese and Thai women when they are pregnant and we do not get any of the same privileges or benefits as the Thai women do. (Ma Sein Sein, early 20s)

Persecution of the Burmese people in Thailand is not unusual at all, but many had no choice but to leave their home so that they could find work and provide for themselves and their families.

Other incredulous stories were revealed of various gross mistreatments of Burmese migrants that one wonders how things could go on for so long. The government has deemed the whole southern part of Thailand as unsafe for agencies and organizations to operate in due to terrorist activities in the south. However, Ranong is a long way from any such terrorist activities and the only real security threat is the corruption of the police and the local officials. Numerous human rights abuses and legal violations are thus able to keep occurring since no organizations or agencies are present in Ranong to adequately address these systematic violations. One story that really struck a chord of how corrupt police officials are was about when police officers had intervened onto a funeral and demanded to see identification of the participants. One man had left his permit at home, so the officers decided to round up all five men that were present and

take them down to the station. Employers were then bribed to bail out some of their workers and even then the police continued to ask for more money until they were satisfied. All this occurred despite that the missing identification papers were shown at the station verifying the man's legality. Ma Swe Swe shared a similar story of her own:

There was a time when the police locked me up even when I had a stay permit. The police made me pay 3000 baht even though I didn't have it. I had to take a loan with interest to bail myself out. Now I earn my money cooking for friends and family just to earn some pocket money. (Ma Swe Swe, mid-20s)

Discrimination and violence is experienced and perpetuated even by the children, so these relations are already formed at a very early age. Daw Aye Nyo is a primary school teacher and is particularly concerned about the education of Burmese children, but also about the mistreatment and violence of Burmese children:

Our teenagers and children are ill-treated by the Thai community including children and teenagers. The Burmese children get bullied and beat up and night time is particularly dangerous for Burmese youth as they risk being beat up by Thai youth. The Thais look down upon the Burmese people due to their refugee status and situation. The Burmese people come here in hope of getting work and often work hard only to be exposed to discrimination and long hours with very low pay. Even educated Burmese people lose their status once arriving to Thailand. (Daw Aye Nyo)

Hence, discrimination and persecution of the Burmese appears to permeate every level of society that no Burmese, child or adult, women or man, is immune.

Finally, I will end this section with some wishes and hopes of the BWU, which I feel is important to address in order to give them the respect they deserve and most of all for the time and respect they gave to me in sharing their stories:

Life is very hard back in Burma due to the military regime. There is a lack of jobs and there are so many taxes on so many things. Back home in Burma, there is no freedom of speech, press or association. Just a gathering of five people can result in an arrest or surveillance. Companies should stay out until the regime changes its government in order to gain confidence of the people. When this happens then can companies invest in Burma. The Burmese people have left due to economic hardships and want to return quickly once Burma is restored. For now the Burmese people have a better life here in Thailand despite the hardships they experience. Much of this has been possible due to freedom of information, speech, press, and association. We have better facilities here including health and education, which we don't have back home. (BWU activists in Ranong, 18 December 2005).

The desire to return home to a restored Burma is a constant refrain that is expressed by nearly all Burmese migrants as is clear from the above passage. Daw Yin Hla, one of the older women of the group, thus expressed a burning hope shared surely by all the people of Burma:

The military regime has forced out so many Burmese into Thailand. Daw Aung San Suu Kyi needs her freedom in order for the Burmese people to have a new life in Burma. Freedom is absolutely necessary for the Burmese people. Many of us have been separated from our friends and family. Indeed, lots of separation has occurred to the Burmese people that we look forward to the day when we can reunite with our friends and family. (Daw Yin Hla)

7.5 *Economic Sanctions and the Plight of Women in Myanmar*

A number of people contacted for the field study were interviewed in relation to the topic of trafficking and migration of women from Myanmar into Thailand (although internal trafficking was sometimes also addressed). What I frankly wanted to know was whether women had actually been trafficked or forced to migrate as a result of the economic sanctions and boycotts leveraged on Myanmar. Did tens of thousands of women really end up in Thailand as a result of the closure of factories due to the U.S.'s tightening of sanctions in 2003? The responses of the participants were somewhat mixed although a majority of them firmly believed that this latter event actually occurred while others were skeptical in face of lack of concrete evidence. Many trafficking experts agree that economic hardships play a major role in people's choice to migrate and as well as render them vulnerable to being trafficked. Anna Engblom, Associate Expert at the ILO Mekong Project to Combat Trafficking in Children and Women, had this to say about the possibility of women being trafficked to Thailand:

Well, I am not at all an expert on Burma, but it's pretty clear when all of a sudden you have a huge unemployment rate and you have situations where families are depending on the incomes of these women. At the same time, there were a lot of garment factories being put up on the Burmese border of Thailand like in Mae Sot for instance. The Thai garment industry is more or less dependent on Burmese migrants, so of course in the flow there would naturally be this kind of trafficking.

Anna Engblom additionally did not think it impossible for a sudden influx of unemployed women to be rendered vulnerable to economic sanctions since it is not unusual for economically burdened women to be exploited by traffickers due to their desperate situation.

There were other individuals who were absolutely certain that women were trafficked as a result of the closure of garment factories back in 2003. One Yangon trafficking expert working for an INGO followed this phenomenon and even discovered that not only were the newly unemployed women affected, but also the people that rented their rooms, provided their foods, and drove them to work. Individuals directly impacted by the sanctions consequently affect the family members and those around that depend on them. Hence, the net of those affected by the closure of factories was much wider than those who lost their jobs. An increase of trafficking and migration recruiters in response to the sudden mass unemployment was also detected by the trafficking organization. The trafficking expert further stressed the ongoing lack of job opportunities in the cities for women and how agricultural work outside the cities went mostly to men, although it is seasonal or part-time work anyway. She protested that the harms inflicted by the economic sanctions primarily hurt the poorest populations and those most vulnerable, especially the women. The most pressing issue of concern to the expert was the ever-growing

demand of NGOs in Myanmar to receive outside financial and logistical support in order to deal with the myriad of problems facing the country today. In spite of this, funding to NGOs in Myanmar faced numerous setbacks from international donors in recent years:

There is an assumption that the NGOs are unable to operate in this country because of the regime, but it's untrue. Each of the NGOs has found ways to work in this country. It's like having a box with holes in it and then trying to work with all those small holes. Those small holes are what allow us to do our job in helping the people here. Our organization almost lost our major donor because of the U.S. sanctions and it took us a year to convince them to continue their support for our work.

My visits with other individuals heading INGOs in Yangon expressed similar sentiments and many of them were incensed by the recent decision of the Global Fund to Fight Aids, Tuberculosis and Malaria to withdraw their support from Myanmar in 2005. To many this was an appalling move since it was estimated at the time in 2005 that 600,000 people in Myanmar have HIV or AIDS and it is widely believed that Myanmar has the highest rates of tuberculosis in the world.³¹⁴ One director of an INGO who has been working for NGOs for over 22 years disputes the claim that it is difficult to operate in Myanmar:

There is the impression that it is an impossible place to work. It is very paradoxical. I have to say this organization works in over fifty countries. I think we get more done here than anywhere. It's bizarre. You have far more opportunities to do good...here than many, many countries. There is so much that can be done here. The problem with most NGOs in general in my opinion, is that NGOs content themselves with small-scale thinking and derive a lot of satisfaction from helping fifty clients, or something like that. That is unacceptable. They could be more ambitious. One of the main obstacles is our ambition.

Another participant in the study who works with HIV and trafficking likewise accredited the lack of job opportunities on the economic sanctions and boycotts that have targeted the countries since the 1990s. This respondent previously worked as a textile engineer and production manager at a garment factory for a number of years before becoming a social worker. She explained the importance of garment factories for women in Myanmar as the following:

The factory I worked at employed about 400 women, which was typical for a garment factory. Factories tend to have anywhere from 400 to 1000 women. Working at a garment factory can provide a stable life and income for many women. The salary was not much. In 1987 a salary as a garment worker was 450 kyat a month and I earned about an equivalent of 4 to 5 dollars a month as a manager. The salary was not much and one may not be rich, but one can live on it without owing any debts. One cannot support a family on this wage though. Myanmar culture has traditionally dictated that women should work at home and not in the workplace. That one should be a wife and mother and not a worker. When a woman has a job, she is granted freedom that she would not otherwise have as a wife and mother. Often if she loses her job, she loses her freedom. When the sanctions came, there was not only an economic impact from the sanctions, but also a social and mental impact on the women that were affected by the U.S. sanctions. Women have lost their freedom that they previously had. Women frequently have fewer possibilities as a worker, so any jobs lost to sanctions result in fewer opportunities for work.

This was a very telling account on the role of the formal labor market in freeing women from traditional gender roles. What was even more riveting according to the social worker's account

³¹⁴ BBC News, 2005.

was that sudden unemployed women may be compelled to marry a current boyfriend as a way to circumvent poverty and homelessness instead of maintaining an independent life as many working women do. Proponents against sanctions argue how an influx of foreign companies can improve working conditions and worker's rights as well as introduce a business culture of accountability and transparency into a society, but it is also clear that increased employment opportunities for women would greatly improve gender equality as well as minimize the potential for exploitation of women as victims of trafficking or illegal migrants.

One healthcare worker at an INGO was very discouraged over the limited amount of resources, support, and aid given to the country:

The HIV situation and STDs prevention [in Myanmar] is totally under funded. So what I usually say in interviews is that there is a lot more to be done by the Myanmar government and by the international community. I think that it is sad to do these things [such as imposing boycotts and cutting off humanitarian aid]. Myanmar is the lowest recipient of overseas development aid in the world by far. If you look in Myanmar now, it has just increased to two dollars per person per year. In Laos it is 60 dollars per person and in Cambodia it is 45 dollars. Even in North Korea it is much higher than here. So, is it because Myanmar is a bad country or something like that? Well, North Korea is not a much favorite state. I think it is very, very unfair. The Myanmar people have a government that doesn't take very well care of their health. And the international community says —wellyeah right” and then gives them a double hit. I really do think there is a great injustice. You don't have to give the money to the Myanmar government. If you make sure that money is going to the beneficiary, then there is absolutely no reason not to increase funding to Myanmar for people with AIDS and for all the usual diseases. I really, really hate this. I think there is no justification.

Since the informant above worked at an organization handling HIV cases and sex workers, I decided to ask about his take on the sanctions and its impact on the women of Myanmar. He confirmed that economic sanctions had worsened the situation of the women while observing a rise in sex workers over the years. He believed it was erroneous to distinguish between the women who are trafficked and the ones who go into sex work voluntarily since the end results were the same:

I met with five sex workers who admitted to coming voluntarily because they heard the town was great, but when there were no prospects there then the only place left to go were the brothels. Only one of them was trafficked. I don't think you can distinguish between the two because in the end they both suffer the same hardships in being oppressed and abused. Sometimes they even end up being in caged or slave-like conditions.

And yet, another passage by the same aid worker on the “forced voluntariness” of women to become sex workers:

A voluntary choice that is pressured by economic hardship or family, I mean it is not like there is a stick. I can work at this place or at that place or I can work at a brothel. I prefer to work in a brothel because I can earn two times more and do something for my kids AND my parents. That is very frequently the story. So, voluntary? Well no...but yes. When you have hit bad events, like when your husband has walked off and you have two kids. Unless there are some goldmines around to dig, then it's very difficult. That is I think probably the most frustrating. I mean they say that sex workers are bad women especially the upper and middle classes. Number one, they all visit sex workers. And two, these are angels. They are taking responsibility for the family. Instead, the guy walks off that it really should be that these are bad men instead of that these are bad women. But it is the women who take care of the parents and take care of the children.

Overall this aid worker did not think sanctions were delivering any progress and he had a number of criticisms that I will save for the next section.

Few informants, such as the INGO director mentioned previously, were skeptical that sanctions were directly responsible for the deterioration of the economy since the junta had done a nice job of it themselves the last four decades:

Women are affected just like everybody is affected...They say that the economy supposedly in some way is affected by sanctions, but I am not really in a position to make a judgment about how much of that is true. There are people who say that sanctions have very little effect and at the same time the sanctions are hurting the people of Myanmar. You take your pick. I don't know if anybody knows. That's why it's easy to say what you want. I find it hard to imagine that the sanctions have much effect. This country is in dire straits and it needn't be. It's got fantastic human and natural resources; it should be a perfectly wealthy country. We have to say it is because of mismanagement by their own government for at least forty years, if not longer. So I think women, like everybody else here, the vast majority being poor, have a worse life than they need to, than they should have. Sanctions are only a tiny feature of that when you look at 45 years of history, if not more. And the internal conflict, of course. But primarily misrule by successive military government, that's what causes problems in Myanmar not what the Congress decides in the U.S.

It is not my aim to be an apologist for the junta as I agree that the sanctions are just a piece of the picture when we look at the economy. However, the impact of economic sanctions encompass more than just the economy and have far wider consequences for the society at large and its politics as illustrated in the following section. When I asked the director to elaborate on the situation of the loss of jobs in connection to the closure of garment factories, he responded the following:

Everybody talks about the textile workers or female garment workers who supposedly lost their jobs as a result of sanctions. Umm, there may be something to it, but again it is very complicated because again one would have to know what the role of exports to the U.S. is and the overall investment decisions people make to invest in garment factories. And then there is the fact as I understand it that global textile agreements were coming to an end ending whatever the quota system was and that every country was going to have a hard time competing with China anyway. So, even if some garment factories closed, was it because of U.S. sanctions or were they going to close anyway because of the competition in China? So, a number of textile workers, women, apparently lost their jobs and some people attribute that to U.S. sanctions. The fact that there are not job opportunities after 45 years of economic mismanagement of the country is not because of the sanctions. U.S. sanctions might have closed off one sector of job opportunity at one moment in time, but you have to look at the bigger picture why the country is vulnerable to 20,000 to 50,000 jobs in 2003 is not because of U.S. sanctions. It is because of mismanagement of the country.

....

Then people say that some of them went into sex work. Well, some might have. I've heard it said that typically if they did, it was not immediately. That they would go into small trading, try looking for a job in a shop or hairdresser, maybe be out a number of months or so. I have spoken with sex workers who have said that before the sanctions that there were garment workers making 14,700 kyat and they said that when you left the factory every evening there were a row of pimps who would ask "wanna make a monthly salary in one night?" And then they did. Before the sanctions came around, there were a lot of women who went from garment factories into sex work because of the money. So that was happening anyways, it's not because of sanctions. There probably has been an increase in the number of women who engage in transaction sex. And again there are lots of forces and factors that result in that phenomenon. It happens all the time and then in 2003 you get the factory closure. You have to see it as a minor piece of an overall trend. We don't know how many sex workers there are in the country. It depends on how you define sex workers. My best bet is 25 to 30 thousand. But there does seem to be a small increase in supply this year of people offering sexual services. And an increase in demand as

well. People are seeking sex as a commodity because it's a social trend. So to me those social trends are so much more powerful and significant and fundamental in the society than the closing of some factories because of sanctions. So, I am a bit of a skeptic. I find it easy for people to make sound bites.

Indeed, being a skeptic at times is necessary in order to not lose complete sight over the real parties responsible for the current situation in Myanmar. That does not mean I completely agree with the above passage since I cannot simply dismiss the loss of thousands of jobs from sanctions as the junta's own doing. In this case I do not accept that ~~two~~ "two wrongs make a right" as they say.

On the other side of the border in Bangkok, I met with Dr. SuSu Thantun, Program Manager at the UN Inter-Agency Project on Human Trafficking (UNIAP), which garnered some interesting observations and discussion. I asked about the UNIAP's work and whether they had produced any results or studies on the impact of economic sanctions on women from Myanmar. She explained that the information the agency had received was secondary rather than primary and that such anecdotal evidence was provided by their partner agencies in the region. Her interpretation of the situation according to her sources was that the economic sanctions that led to the closure of garment factories in 2003 most probably affected 20,000 workers with the majority being female, but male workers were affected too. However, the majority adversely affected by sanctions were female and while the impact has not been carefully studied according to Dr. Thantun, it has been:

documented in that they were let go overnight without any social support structure to cushion the lack of employment. In Myanmar there is no framework to support such a situation. They were left jobless overnight. Many of them attempted to look for other work in Rangoon or had to find some other work. Some ended up working as domestic workers and others ended up in indirect sex work. They may have started by looking to work in restaurants and other work, but then they were led to informal sex work. Others went directly into sex work. Others tried to go cross the border so that they can find work on the other side of the border. Others did not know what to do. So you have a number of scenarios. All of this was reported from our partner agencies.

She also reported how a sizeable group of newly employed sex workers that previously worked in the garment sector were located by partner agencies in Thailand when they were out doing health promotion work with condoms. In these interviews with the sex workers by the partner agencies, they discovered that these new recruits had lost their jobs in the factories and had no alternatives but to enter the sex trade in order to send money home and take care of their family. Dr. Thantun elaborated about how most of the factory workers were originally from the dry zone, or the central part of Myanmar, and how it was mostly ethnic Burmans most affected from the economic sanctions. This would in turn result in migration patterns that significantly differ from ethnic groups and Burmans living along the borders that have traditionally migrated to

Thailand, thus rendering it more difficult to monitor and detect whether these newly unemployed women were trafficked or migrated internally or abroad to Thailand. Many of the organizations that have worked with migrants and trafficking victims from Myanmar have tended to work close to the border in Thailand and work closely with ethnic minorities or Burmans who came from the border states. Other organizations working at the borders are ethnic-based women's organizations that Burman women are not likely to come in contact with these organizations.

Dr. SuSu Thantun explained how the geographical location of the source community of a woman is a strong determinant over where she decides to go. If a woman is from the dry zone or central Myanmar, she will lack the social networks to travel to Thailand and may risk being trafficked internally instead. There is a much higher incentive for those living close to the border to go to Thailand since the income is at least 8 or 10 times higher than what one could earn at home and for some of the ethnic groups the language and culture may not be so different than their own. It is unreasonable that one would travel to the bigger cities of Myanmar when the border is so much closer and hosts an availability of jobs that will pay much more. For women living far away from the borders, however, it is a riskier undertaking and very difficult to travel there that there are a multitude of outcomes and migration routes. In addition it is not a decision made overnight, so in that light it would be difficult to assess if a large number of women had migrated or were trafficked to neighboring Thailand as a result of one instant period of factory closures. Thantun's explanation of the potential migration possibilities of the unemployed garment workers is feasible since it accounted for why organizations in Thailand weren't giving much notice to this problem.

Jackie Pollack, an NGO worker, who was working with the Migration Assistance Programme (MAP) and had previously worked at EMPOWER, did not note any kind of influx of women coming from Myanmar after the U.S. imposed sanctions. When I asked her why the local NGOs weren't at least trying to investigate it, she responded that it was about prioritization especially since nothing was coming up on the radar:

On the scale of things in Burma, it's such a small issue. I mean the economic situation of whether economic sanctions are going to make an impact is not going to affect Shan State and Chin State, but in Rangoon it has a bigger effect. So, I guess that's what they were saying, you got to prioritize, there's like every abuse issue ever imagined in Burma, so we prioritize.

Many organizations barely get by with the limited funds they have that it would make little sense to start investigating any claims or allegations that are lacking concrete evidence or proof especially when there are more pressing matters at hand. These organizations have plenty of issues to work with and people that are continuously knocking on their door for help and

assistance that these are the tangible things that they can work with. However, many of the Burmese women's groups operating in Thailand are heavily politicized and nearly all of them are members of umbrella organization Women's League of Burma (WLB), which vigorously campaigns for economic sanctions against Myanmar. A WLB statement as recent as October 2007 called on the EU to strengthen their sanctions ranking it among some of their political activities in lobbying for sanctions and as well as pushing the Myanmar government to engage in a tri-partite dialogue with the ethnic minorities groups and Aung San Suu Kyi and her party, the NLD. There are twelve organizations that are members and have approved the constitution and therefore promote a united position on sanctions, but it appears that organizations and activists are more flexible and do not necessarily follow the mainstream political agenda determined by the WLB.³¹⁵

My other visits to other Burmese women's organizations in Thailand contradicted Jackie Pollack's testimony to my surprise. One ethnic women's organization located in one of the Thailand border towns readily acknowledged that economic sanctions did indeed have an impact on the women in Myanmar, but mostly for Burman women and not women of their ethnic minority. The women activists readily shared that it was clear that women had left home to come to this border town for work due to loss of work and income due to the economic sanctions imposed in 2003. Additionally, many women from Myanmar are continually trafficked to the Thai border towns that the activists argued that the trafficking has long been enabled by the military regime. Despite the noted increase of women coming to Thailand as a result of sanctions, the organization duly supported the WLB principles of non-investment in Myanmar and tourist boycotts. I also met with Shirley Seng from the Kachin Women's Association in Thailand (KWAT) based in Chiang Mai and she had this to say about economic sanctions:

We are supporting economic sanctions because only the military government has gotten money from the economy with no money going to our communities or to the mountainous ethnic groups. Since the foreign investments mostly went to the main part of Burma, nothing has really changed for Kachin women as a result of sanctions. If the foreigners want to come and invest in Burma, then they should decide where to put their money and not the government. If countries really want to help they should help by providing cross-border humanitarian aid since we really are in need of schools and healthcare.

³¹⁵ The twelve WLB member organizations constituted by the Burmese Women's Union (BWU), Kachin Women's Association in Thailand (KWAT), Karen's Women Organizaton (KWO), Karenni National Women's Organization (KNWO), Kuki Women Human Rights Organization (KWHRO), Lahu Women's Organization (LWO), Palaung Women's Organization (PWO), Pa-O Women's Union (PWU), Rakhaing Women's Union (RWU), Shan Women's Action Network (SWAN), Tavoy's Women Union (TWU), and Women's Rights & Welfare Association of Burma (WRWAB)

I had asked about whether it was the position before to oppose humanitarian aid to Myanmar and Shirley Seng conceded that this had been the position of the democratic movement since Daw Aung San Suu Kyi opposed humanitarian aid in the 1990s. The democratic movement has since changed their position in 2004 and organizations were now getting the message out to bring in cross-border humanitarian aid on the condition that it did not reach the junta.

There did apparently seem to be an overall consensus among the respondents and organizations that economic sanctions were having a role in the trafficking and forced migration of women from Myanmar to Thailand. Nevertheless, no one really knows for certain how large this phenomenon really is and what happened to all these women. Some argue, on the other hand, that the garment factories would have left anyways since the WTO-sponsored ‘Agreement on Textiles and Clothing (ATC)’ was coming to end in 2005, thus eliminating a preferential quota system that favored Myanmar. This is just guesswork and since the factories have left anyways, no one can conclusively know what would have really happened if the U.S. sanctions of 2003 were never instituted. In light of all the anecdotal evidence that suggest the correlation of economic sanctions and the trafficking or forced migration of women, Dr. SuSu Thantun agreed that there needed to be monitoring of sanctions and that there quite simply:

needs to be a mechanism in place ahead of time to see what the impact of poverty is. There is total lack of follow-up mechanisms. There is chaos in terms of the follow-up mechanism and nobody knows what the impact is. All you can get from the ground is that we now are seeing a lot of streetwalkers. We really don’t know the impact.

Indeed, since no mechanism was presently in place before or immediately after the sanctions hit, there is little likelihood that anyone will be able to answer the questions that I went to Thailand and Myanmar in search for. I may not have revealed irrefutable evidence linking the sanctions and the plight of women from Myanmar, but what I did alternatively discover is an international system that has absolved itself to investigate and prevent these potential violations and a dire need for NGOs or human rights bodies to monitor and provide humanitarian service to such vulnerable groups if they are indeed affected by sanctions.

7.6 Unraveling Sanctions, the Military Regime, and the People of Myanmar

Many of the respondents and participants I met with had many things to say about sanctions having witnessed the effect of sanctions over the years firsthand. One respondent who is a health worker at an INGO in Yangon had many disparaging things to say about the economic sanctions and its futility as is clear below:

I am against sanctions. I don't even doubt about it. I mean this government, like them or don't like them, they are pretty stable. They are here and they have been here for a long time and I don't see any signs that they are weak or something. They are not weak. They don't mind isolation actually that's what they do themselves. So, if now the people want to attack or weaken the government, you do exactly what the government did for themselves.

Dr. SuSu Thantun also could not understand how economic sanctions would be effective on a country that has been in isolation as Myanmar has:

It's just amazing for any country to target Myanmar. It's just really interesting for me because for a country that has been so used to practicing isolationist policies for 2-3 decades it is no use. It's not a country that has been involved in trading. In terms of its structure, how could it impact that structure because it's immune to it. It's always been isolated more or less. It has been a very smart country in that sense. For me, it is the impact on the people that matters. For every person that is being affected, that is one person too many.

I can agree that when the sanctions are just plainly not working, then one person whose life is being adversely affected is one too many. But, even if economic sanctions are effective, just how many is not too many and is it possible to design a just sanctions regime? These are some things that needs to be examined by using the principles from international humanitarian law such as the principles of distinction and proportionality, but that will require the official integration of economic sanctions into IHL before we can be confident that these principles will be applicable in measuring sanctions.

Other respondents expressed that opening up the country to foreign companies and investments would bear more fruit since it would open up a once isolated country and bring with it some other values, which can have some influence over regime change. Dr. SuSu Thantun encourages the international community to have “constructive engagement” with the regime instead of perpetuating the isolationist policies that many countries have been doing thus far. She points out that engagement should not occur only on a political level, but on various levels including the economic level of which foreign investments should be welcomed as well as foreign aid. However, there needs to be oversights to ensure that investments are made responsibly, and donor responsibility too, in order to make sure that the money is being directed for the right purposes. Dr. Thantun believes that once the community engages with the country then the exchanges of values can begin to occur, especially for Myanmar. When Myanmar turned to an open market policy in the late 1980s many Western countries came bringing their products and values with them. The Yangon social worker I met with explained that prior to Heineken's arrival to the country there was no beer culture in Myanmar, but once the brewery departed due to boycotts the factory was taken over to make domestic beers and now Myanmar sells their own beer (which ironically profits the regime directly). The Dutch company had invested all its

money into building the brewery that it left the country the same year it was to start operating due to the boycotts and thus left the junta the possibility to brew their own beer at a 100% profit margin versus the 40% the government initially agreed to before they left.³¹⁶ My visit with Ma Thanegi, a one-time close aide to Daw Aung San Suu Kyi and pro-democracy activist and writer, revealed a similar story about how the departure of Pepsi in 1997 enabled the partner company to take over and produce their own line of soft drinks. Instead of sharing the profits with foreign investors the junta and their cronies now get to reap all the benefits once investors pull out and leave.

Another similar tale shared by the Yangon health worker was about the presence of Triumph International, a lingerie manufacturer, before it left the country. Apparently, other garment factory bosses from China and Korea were displeased that Triumph had increased the workers' benefits worried that their own workers would press for similar benefits and push up the costs. But, then Triumph eventually abandoned the factory leaving everything behind due to boycotts and left it to one of the junta's cronies to take over without any cost. The women with the recently increased benefits were also out of jobs unless they continued on with a new contract and surely not with the same benefits, so Triumph's departure made a lot of folks happy. The health worker clearly agitated at this turn of events then asks:

Finally, well who won and who lost? Well actually it's 1-0 for the Army because they got the factory. And it is zero for the people of Burma and that is I am sure NOT the goal of Burma Centre Netherlands, Burma Campaign UK....at least I hope. Boycotts harm the people and most generals, yeah maybe they buy a cheaper golf ball or something. It will not even hurt them. They are not going to fall down to their knees and say –oh sorry, oh please, I have been hurt so much and now we will do what you say.” I mean there is no general that is going to sell his car or his golf club. It's not going to happen.

The trafficking expert from Yangon conceded how foreign investors could improve the working conditions of the workers instead of allowing China and other Asian countries to dominate the labor practices and conditions as they see fit. According to the social worker, Asian countries were staying on in Myanmar to employ their workers since the wage was so low. Workers were only making enough to buy one to two bowls of curry a day, which is far below a living wage.

But, as Dr. Thantun pointed out if investments are to be made in Myanmar they need to be done responsibly. This can be relatively difficult since there are many areas in Myanmar that are completely disconnected from the capital and major cities and are lacking roads and infrastructure since most of the population live in rural and agricultural communities. Shirley

³¹⁶ Zwart and Tulder (2006).

Seng from KWAT was doubtful that foreign investments could benefit the Kachin people even while agreeing that the sanctions were harming the ordinary Burman people:

The Kachins do not benefit from foreign investments. We are agricultural people so we need roads to carry the agricultural production to sell to the cities. We only plan to grow rice for ourselves since we cannot sell the rice since the government is so bad. Kachin State is quite far from any other area. Too far to get anything and build or get an education. There is not much development in this area. I am not sure if economic sanctions if they go on if they will benefit our people. But if the European peoples and countries can help in other ways like cross-border humanitarian aid for schools and health then that might help.

Even if it was possible to set up the infrastructure and roads to ensure that the Kachins could benefit from foreign investments, Seng was not very confident that the regime would go along with that, but nor am I, especially since the junta has been bent on suppressing any hopes of ethnic independence and aspirations. However, even if sanctions don't work against the Myanmar government, there are some who think that it can be of symbolic value for the people as the INGO director insists on:

There's another aspect that people won't talk about though and that is the symbolic value of sanctions. I can see the arguments that they're not going to affect the regime. They may have some small negative effect on people's livelihood but on the other hand they may have some large psychological affect on people that they are not forgotten. That people think that we are not forgotten, our regime is not considered okay by the rest of the world.

Ma Thanegi who I met with disagrees with this line of thinking and she pointed out how exiled opposition activists and groups have argued how sanctions serve as moral support for the democratic movement, but this is at a very high cost of the people living inside of Myanmar and as she always asks —How long are the people going to be held in economic hostage?" According to the INGO director, twenty years might be long enough for the people to appreciate the symbolic value of the sanctions:

Twenty years of sanctions might be important to people who are living through it for ten, twenty years. At least I know that people [the junta] are not sitting side by side being treated nicely by George Bush. I do think people derive some strength from that.

After twenty years of isolation and sanctions from the West, I am quite sure the people must start to feel pretty appreciated by then. The problem with this is it is as what some political critics call chicken soup diplomacy: It might make you feel good, but it doesn't cure the disease.

On the other hand, some argue that all the negative international publicity, campaigns, and attention brought to the country has some irreprehensible consequences. A senior diplomatic analyst from Yangon presented another view of the Myanmar people and the state of the nation today. His analysis presented a bleak picture of despair and hopelessness and a country broken down by years of misrule and economic mismanagement. He summarized the feelings that have permeated the society from the peoples he had conversed with from different walks of life:

Never have the people experienced such frustration, despair, resignation, and hopelessness in realizing their dreams for a better life since the time we gained independence. Never has the country been so humiliated due to the national humiliation and being framed as a pariah state. The country can no longer continue on the same path it is on today.

He further described the serious erosion of social morals that was undermining the society as a result of the rampant corruption. There is such a severe crisis of confidence on behalf of the population in the leadership that the society is crippled and is getting nowhere. In some way it is as if the people are sabotaging it since they are unhappy and are showing their displeasure the only way they can:

Resistance, silent protest and non-cooperation is taking place consciously and non-consciously in a subtle way that no one is cooperating, which is resulting in the biggest problem. The regime must wake up and realize they cannot continue to function like this as they won't be able to fight against this. There can be no moving forward when the majority is working against the regime.

However, the junta is able to perpetuate the illusion since they are immersed in their own propaganda and lies. They live very lucrative and comfortable lives and live within a society within a society that is segregated from the mainstream population that the illusion is well kept.

The social worker, completely frustrated over the order of things, accentuated that:

the people of Myanmar, they have no time to think about democracy since they can only think of their own economic situation. How can they even think about things like democracy? When fewer resources come to the country, the military grab it all leaving the rest of us with even fewer resources than before. They have all the power, thus the powerful have the agency to mobilize the resources for themselves while the powerless have no agency at all.

This is quite despairing to soak in especially when she adds that she believes that the people of Myanmar have given up on Western promises since they are so economically desperate that it takes too much to have hope anymore.

7.7 Reconsidering Sanctions and Possible Solutions for the Future

The last section attempted to dissect the mentality of the people and the military living under economic sanctions and Western-imposed isolationism. Many of the narratives, firsthand accounts, and personal analysis were valuable in revealing how they personally perceived the sanctions and how the people around them were affected by them. It is generally true that most people living in the country oppose economic sanctions and welcome tourism, but it is hard to wonder why no one is listening to the people that really matter. The INGO director I interviewed concurred that most people would want sanctions lifted as a way to better their own condition:

I suspect that probably a majority of them would prefer to see sanctions lifted. On the grounds that we want exposure, we want technology. And yes, our regime would benefit, but at this point we are so cynical about whether our regime is going to change so we might as well have some of the other benefits for us even if even if they benefit.

Then again as was pointed out earlier, the benefits would most likely not be equally distributed throughout the country if the sanctions were to be lifted tomorrow. It is important to emphasize the need for socially-responsible investments in order to ensure that the benefits are distributed equally otherwise there is a large risk that the rural and agricultural states in Myanmar will lag behind in development, which can have a tremendous impact on their ability to sustain their society and livelihood and as well as participate in a democratic society.

This section is not going to provide solutions on how to save the future of Myanmar since this is one of the most complicated cases, which is beyond my knowledge and capabilities as a political analyst. I also have confidence that there are a lot of scholars and individuals that have the right set of skills and knowledge and a personal stake in solving this ongoing political deadlock and conflict. My real endeavor in this paper is to propose some recommendations and solutions in improving the situation of women under sanctions regimes. I have argued in a previous chapter for the need for improved monitoring mechanisms of civilian populations under sanctions regimes, which is what I will focus on here. Dr. SuSu Thantun from the UNIAP agreed in our interview that governments had the responsibility to revisit economic sanctions and that a politically neutral agency under the auspices of the UN should be created to monitor the impact of sanctions or at least investigate the connection between economic sanctions and trafficking in women. She also illuminated the prioritization of armed conflict over sanctions:

Sometimes you know, hot wars and armed conflicts tend to command an immediate response in that the impact of that armed conflict is very visual and very immediate so that has an impact on how people think and the responses they come back with. Whereas the impact of economic sanctions, the result of that is not very physical. You don't see a person get a bomb thrown on them. Instead you see a person going through a gradual famine or not being able to get through school. People should realize that that it is really bad. The emotion of economic sanctions is not at that level. How can we get people to prioritize? I don't know, it's a very difficult challenge. While they are willing to put aside certain resources for [alleviating and preventing] armed conflict, we also need to ensure that it is not at the cost of supporting other kinds of things...It is also important that you let your own governments realize that this IS an issue and that is not an *–either or game*". There are some games where you put more resources on the other, but it doesn't mean that you should put fewer resources on this. '

Since it is clear that women (as well as children) are vulnerable or unequal in every society in the world it makes every bit of sense that some kind mechanism is implemented to offset the negative implications of sanctions for women. Even as the international community changes course in utilizing *–targeted sanctions*", it is readily acknowledged that even if:

arms embargoes, financial sanctions, and travel bans have fewer undue consequences as compared with the comprehensive trade sanctions they were designed to replace, they may still cause unintended harm to individuals, businesses, general populations of civilians, and third States. Unintended negative impacts of targeted sanctions include both the direct and extended social costs of the disruption of trade and commercial activities, increased incentives for criminal evasion, increased civilian dependence on criminal economic

activities, and damage to the financial and reputational standing of individuals and entities associated with those who are listed as targets, as well as those who may be unjustly targeted.³¹⁷

Because targeted sanctions are not foolproof it is strongly urged by the Stockholm Process on the Implementation of Targeted Sanctions that the Security Council designate an agent that can oversee impact assessments as a way of providing “periodic assessments of humanitarian, social, and economic impacts on third parties during the course of sanctions,” which should be clearly stated in the mandate of the Security Council.³¹⁸ A “sanctions coordinator” as proposed by David Cortright and George A. Lopez as discussed in section 2.5 could fulfill such a role since the sanctions committee is considered by many as a futile enterprise that the new creation of this agent could bring positive, new changes.

However, I fully appreciate Gardam and Jarvis’s recommendation to establish a Centre of Expertise on Gender Issues and Armed Conflicts and think it prudent to include the realm of economic sanctions here. I also agree that it is best placed in the UN High Commissioner for Human Rights since it is vital that this emanates from a human rights perspective and not marginalized as a humanitarian or Security Council issue. Many of the implications women suffer from in armed conflict and under sanctions regimes are human rights violations that it is important that these abuses don’t become neglected due to inactivity of highly politicized sanction committees or the inability of Security Council to act due to ideological differences. The Centre should of course cooperate with the sanction committees or alternately, the sanctions coordinator to ensure exchange of information, assist in impact assessments, and provide services to those who need it in times of sanctions. This list should not be exhaustive, but are some ideas of how the two groups could complement one another. The Centre should additionally have direct access to the Security Council in providing impact assessments or making requests for humanitarian exemptions or assistance and have full cooperation and access to all the offices working with UN-mandated sanctions. Perhaps it is feasible for the Centre to oversee unilateral sanctions in the event a set of sanctions is ascertained to have negative implications for civilians in a target nation. Alternately, NGOs can play an important role in representing women and affected civilians under sanctions regimes. Feminist NGOs have spread worldwide to confront nearly every issue imaginable, but there is no such NGO today that works

³¹⁷ Wallenstein, et al., (2003): 20.

³¹⁸ Wallenstein, et al., (2003): 22. The Stockholm Process Report is based on studies of targeted sanctions by three Working Groups. This process follows the Interlaken Process first initiated by Switzerland to study financial sanctions and then the Berlin-Bonn Process (Germany) that examined arms embargoes, aviation sanctions, and travel bans. These two volumes were presented to the UNSC in 2001 when Sweden announced that it would host the Stockholm Process.

with women and economic sanctions. NGOs have long been commended for its ability to make great accomplishments in the name of human rights, thus they most probably embody the hope and potential to push for such reforms that I have been discussing. It is consequently up to women's groups, activists, NGOs, and scholars to revisit sanctions and question its viability as a political tool and when those inquiries are made, then they should determine the best course of action and act on them.

8 CONCLUSION

At the conclusion of this paper, it is probably pretty evident that women bear the brunt of the sanctions as exemplified in the four cases of Cuba, Haiti, Iraq, and Myanmar. The last case is a rather contemporary one that will most likely continue to raise new concerns over the preponderant use of sanctions. The issue of Myanmar is an unfortunate one without any simple solutions. There are the proponents arguing for —constructive engagement” and incentive measures in the form of foreign aid, investments, and trading privileges. ASEAN has been firm on its principle of non-interference and opposes the West's imposition of sanctions, which may undermine the efficacy of current sanctions against Myanmar. ASEAN's policy of constructive engagement is juxtaposed to the United States' policy of economic sanctions and isolationism that some fear that despite that economic sanctions have failed to hurt the regime that they are further isolating them from the internationalization process. The EU maintains the middle-of-the-road approach to this day since little has changed in the Common Position since it was first adopted in 1997. European NGOs claiming to represent Burmese interests have proved far more successful in forcing companies out of Myanmar and bringing negative attention to the junta than European governments have.

It should be added that this paper did not intend to neglect the harms suffered by other groups during times of conflict and sanctions and if it did so, it was an unintentional result of focusing on the specific experiences of women. For example, men also face highly gender-specific death and violence perpetrated by combat and war that men often bear the brunt of the attacks, so this aspect should not be neglected.³¹⁹ Nevertheless, this gender discourse was necessary since much discussion and debate had arisen over the impact of sanctions on civilians with little or no attention paid to the harms of sanctions for women. This was quite frankly a

³¹⁹ Buck et al, 1998: 83.

discourse that was severely lacking and needed to be addressed especially as economic sanctions continue to be the most prevalent policy tool today. There are some problems, however, in using a gendered perspective, which we should seek to avoid as highlighted by Buck, Gallant, and Nossal. The first is that we should aim to avoid perpetuating the dichotomy of gender roles because to do so is to perpetuate women's subordination and the reinforcement of these dualisms that serve to make men more powerful.³²⁰ We additionally run the risk of minimizing women to the status of victims in need of protection, also identified as the 'women and children' syndrome that was so prevalent in the Gulf conflict.³²¹ It is quite difficult at times to avoid the victimization of women, but it is also extremely necessary —to examine empirically how economic sanctions as international processes have a gendered impact in a way that has not generally been recognized" and —to examine how sanctions 'work' on the ground."³²² Thus, this essay is not primarily concerned over whether sanctions work or not in producing behavioral change of target states, but it is more or less occupied with their 'real' implications on women, thus posing a moral question on the use of sanctions.

It is overtly apparent that women fare worse off than men economically in nearly every society, if not all. In light of this fact, it comes as no surprise that the onslaught of sanctions only serve to aggravate the economic inequality experienced by women even further.³²³ Hence, if women are suffering the brunt of sanctions are they then the political force that is expected to rise up and demand political change? I believe this essay has in many ways provided the answer to this, however I will give the final words to Buck, Gallant, and Nossal from their discussion on sanctions:

If women generally have limited political power within societies—even less in overtly androcentric societies such as Iraq's—then how could the deprivations caused by sanctions—deprivations that are primarily felt by women—have anything but minimal political impact?³²⁴

³²⁰ Buck et al, 1998: 83.

³²¹ Buck et al, 1998: 84.

³²² Buck et al, 1998: 84.

³²³ UNDP.

³²⁴ Buck et al, 1998: 84.

APPENDIX 1

ACRONYMS AND NAMES

ASEAN	Association of South East Asian Nations
BIA	Burma Independence Army
BSPP	Burma Socialist Programme Party
BWU	Burmese Women's Union
CEDAW	UN Convention on the Elimination against All Forms of Discrimination against Women
CRC	UN Convention on the Rights of a Child
CSEC	Commercial Sexual Exploitation of Children
CSW	Commercial Sex Worker
ECPAT	End Child Prostitution in Asian Tourism
EU	European Union
FBC	Free Burma Coalition
GAATW	Global Alliance Against Trafficking in Women
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
IDP	Internally Displaced Person
IHL	International Humanitarian Law
ILO	International Labor Organization
INGO	International Non-Governmental Organization
IOM	International Organization for Migration
MoU	Memorandum of Understanding
NGO	Non-Governmental Organization
GONGO	Government-operated Non-Governmental Organization
LDC	Least Developed Countries
NLD	National League for Democracy
OCHA	UN Office for the Coordination of Humanitarian Affairs
SLORC	State Law and Order Restoration Council
SPDC	State Peace and Development Council
Tatmadaw	The Burmese Military
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNAIDS	Joint United Nations Program on HIV/AIDS
UNDP	United Nations Development Program
UNHCHR	United Nations Office for the High Commissioner on Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNIAP	UN Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region
UNICEF	United Nations Children's Fund
UNCOI	UN Independent Commission of Inquiry
UNIFEM	United Nations Development Fund for Women
UN SC	United Nations Security Council
UN WFP	United Nations World Food Program

APPENDIX 2

CHRONOLOGICAL TIMELINE OF MYANMAR'S HISTORY

1885	Britain's colonization of Burma proper
1945	Daw Aung San Suu Ky is born
12 Feb 1947	Signing of the Panglong Agreement (between Burmese leader Aung San and ethnic Shan, Kachin and Chin leaders, agreeing to cooperate to demand independence).

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- 19 July 1947** Aung San was assassinated
- 4 Jan 1948** Burma regained independence; civil war broke out shortly afterwards; over the years, various ethnic groups took up arms to fight the central government.
- 1960** Suu Kyi accompanies mother to Delhi on her appointment as Burmese ambassador to India and Nepal and studies politics at Delhi University.
- 2 Mar 1962** The army led by Ne Win seized power in a coup, ending Burma's fragile period of democracy; a series of military regimes have ruled until today.
- 1964-1967** Suu Kyi studies for a BA in philosophy, politics and economics at St. Hugh's College, University of Oxford.
- 1962-1988** Military-led —Burmese Way to Socialism" bankrupted the country
- 1987** Burma became LDC (one of the world's Least Developed Countries)
- 1988** Suu Kyi returns to Myanmar to look after sick mother and becomes involved with politics.
- 23 Jul 1988** General Ne Win steps down and demands the BSPP to hold a referendum on the future of Myanmar's political system.
- 8 Aug 1988** —8888 Uprising" takes place in the form of anti-demonstrations against the government and several thousands are massacred.
- 26 Aug 1988** Suu Kyi addresses a half-million mass rally in front of the famous Shwedagon Pagoda in Yangon and calls for a democratic government.
- 18 Sept 1988** A coup takes place and the regime renames itself the State Law and Order Restoration Council (SLORC) promising multiparty elections.
- 20 Jul 1989** Aung San Suu Kyi is placed under house arrest in Rangoon under martial law that allows for detention without charge or trial for three years.
- May 1990** Regime holds a general election; NLD wins more than 80% of the parliamentary seats (392 out of 485); the Shan Nationalities League for Democracy (SNLP) come second and wins 23 seats; and the military-backed party, the National Unity Party (NUP) just win 10 seats.
- Post 1990** Many elected MPs are arrested, imprisoned, forced to resign; some fled into exile
- 1991** Daw Aung San Suu Kyi receives the Nobel Peace Prize
- 1992** Regime started process of —National Convention" to draft new constitution; only 15% of the 702 delegates are those elected in 1990; the majority of delegates are township-level officials selected by the SLORC.

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- 1995** NLD began boycott of the National Convention
- July 10 1995** Aung San Suu Kyi is released from house arrest, but is told that if she leaves the country to visit her family in the UK she may never return to Myanmar.
- 31 Mar 1996** The National Convention is adjourned by the SLORC following the departure of NLD representatives.
- 1997** SLORC renamed itself the State Peace and Development Council (SPDC)
- Sept 2000** Aung San Suu Kyi is put under house arrest for the second time
- 21 Mar 2001** Seven ethnic nationalities groups sign ceasefire agreements with the government; the “ethnic ceasefire groups” are Kayan New Land Party (KNLP), Karenni National People’s Liberation Front (KNPLF), New Mon State Party (NMSP), Palaung State Liberation Organization (PSLO), Shan Nationalities People’s Liberation Organization (SNPLO), Shan State Army (SSA), and Shan State National Army (SSNA); these groups additionally call on the SPDC to begin a more inclusive negotiating process for political development and democracy and national unity.
- 6 May 2002** Aung San Suu Ky is released after nineteen months of house arrest
- 30 May 2003** Aung San Suu Kyi attacked by members of USDA (Union Solidarity Development Association) and Suu Kyi was kept in secret detention for three months and then put under house arrest for the third time where she remains until today.
- 30 Aug 2003** Prime Minister General Khin Nyunt announces the SPDC’s “Seven-Step Roadmap to Democracy”.
- 17 May-9 Jul 2004** National Convention reconvened and many of the ethnic ceasefire groups attend the first post-“Roadmap” session.
- 19 Oct 2004** Prime Minister General Khin Nyunt, widely believed to be the architect of the “Roadmap” process, is arrested and nearly 1,000 of his military intelligence officers are purged, many of them later being charged with corruption and imprisoned.
- 17 Feb-31 Mar 2005** National Convention conducts another session with 1,075 delegates attending including members of ethnic ceasefire groups, to discuss legislative power sharing. Some Shan delegates leave the convention in February following the arrest of leaders of the Shan Nationalities League for Democracy.
- 7 Nov 2005** The SPDC relocates its administrative capital from Rangoon to a purpose-built city in the mountains near Pyinmana, a town called Naypyidaw (“Royal Capital”), over 300 kilometers north of Rangoon.

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- 5 Dec 2005-** The National Convention conducts its third post—"Roadmap" session in
31 Jan 2006 Nyaungnabin Camp with 1,074 of 1,080 invited delegates attending. The session
—adopted the detailed basic principles of the chapters on the sharing of the
executive and judicial powers.”
- 10 Oct-** The National Convention sits for its fourth session, completing the chapters on the
29 Dec 2006 role of the military (Tatmadaw), and national legislature, comprising the People’s
Assembly (Pyithu Hluttaw, the lower house) and Nationalities Assembly
(Amyotha Hluttaw, the upper house), and the fundamental rights and duties of
citizens.
- 1 Jan 2007** The government releases 2,831 prisoners, including 40 political prisoners.
- 18 July 2007** The National Convention resumes for its pronounced final session. The state-
controlled press starts running convention-linked parables, such as: —The best
time to plant a tree was twenty years ago, the second best time is now.”
- 16 Aug-** Demonstrations by members of the ‘88 Generation Students, NLD-Youth, and
25 Aug 2007 others are broken up by plainclothes members of the security forces, USDA, and
paramilitary groups, following a dramatic increase in fuel prices. Over 100
activists are detained.
- Sept 2007** Saffron Revolution
- 19 Feb 2008** The SPDC announces that the Constitution Drafting Commission has finalized the
constitution.
- 2 May 2008** Cyclone Nargis hits Myanmar; killing over 130,000 and affecting nearly two and a
half million people.
- 10 May 2008** People forced to vote in referendum throughout Myanmar except cyclone-hit regions
- 24 May 2008** Referendum is held in cyclone-hit areas
- 25 May 2008** Myanmar extended Suu Kyi's detention for another year - keeping her confined to her
residence for a sixth straight year.
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Source: Human Rights Watch (2008) *Vote to Nowhere: The May 2008 Constitutional Referendum in Burma*
<http://www.hrw.org/sites/default/files/reports/burma0508chronology.pdf> [Accessed on 12 December 2008]; The Burma
Campaign UK (2008) *A biography of Aung San Suu Kyi*, [http://www.burmacampaign.org.uk/aboutburma/aung_](http://www.burmacampaign.org.uk/aboutburma/aung_san_suu_kyi.htm)
[san_suu_kyi.htm](http://www.burmacampaign.org.uk/aboutburma/aung_san_suu_kyi.htm) [Accessed on 13 December 2008]; and Women’s League of Burma (2008) *Burma: Fact Sheet for the*
42nd Session of CEDAW Committee [pamphlet].



Source: Women's League of Burma (2008) *In the Shadow of the Junta: CEDAW Shadow Report - Burma 2008*. Available at: <http://www.womenofburma.org/> [Accessed 12 January 2009].

APPENDIX 4 MIGRATION FLOWS FROM MYANMAR



Source: Asian Migrant Centre (2005) *Resource Book: Migration in the Greater Mekong Subregion*.

APPENDIX 5

LIST OF SANCTIONED AND EMBARGOED COUNTRIES

The following countries are listed as under U.S. comprehensive sanctions and are either “enemy combatants or terrorist countries”:

Afghanistan	Indonesia
Angola	Liberia
Armenia	Mauritania
Azerbaijan	Nigeria
Belarus	Pakistan
Burma (Myanmar)	Rwanda
Burundi	Somalia
Cambodia	Sudan
China	Syria
Congo, Democratic Republic of	Tajikistan
Cyprus	Turkey
Gambia	Ukraine
Guatemala	Vietnam
Haiti	Yemen
India	Zaire (Democratic Republic of the Congo)

The following countries are listed as under embargo:

Angola	Iraq
Armenia	Liberia
Azerbaijan	Libya
Belarus	Montenegro
Burma (Myanmar)	North Korea
China	Pakistan
Congo, Democratic Republic of	Rwanda
Cuba	Somalia
Cyprus	Sudan
Federal Republic of Yugoslavia, Serbia	Syria
Haiti	Tajikistan
India	Vietnam
Indonesia	Yemen
Iran	

Source: Askari et al, 1993: 195-197.

Note: This list is not updated or may be incomplete since it is dated to 1993. However, a current list would look strikingly similar with relatively new change in the geographical location of target countries.

APPENDIX 6

LIST OF LEAST DEVELOPED COUNTRIES

1	Afghanistan#	26	Madagascar
2	Angola	27	Malawi
3	Bangladesh	28	Maldives
4	Benin	29	Mali
5	Bhutan	30	Mauritania
6	Burkina Faso	31	Mozambique
7	Burundi	32	Myanmar
8	Cambodia	33	Nepal
9	Cape Verde	34	Niger
10	Central African Republic	35	Rwanda #
11	Chad	36	Samoa
12	Chomoros	37	São Tomé and Príncipe
13	Democratic Republic of the Congo #	38	Senegal
14	Djibouti	39	Sierra Leone
15	Equatorial Guinea	40	Solomon Islands
16	Eritrea #	41	Somalia #
17	Ethiopia	42	Sudan # *
18	Gambia	43	Timor-Lesté
19	Guinea	44	Togo
20	Guinea-Bissau	45	Tuvalu
21	Haiti #	46	Uganda
22	Kiribati	47	United Republic of Tanzania
23	Lao People's Democratic	48	Vanuatu
24	Lesotho	49	Yemen
25	Liberia # *	50	Zambia

Note: # Countries under U.S. embargoes; * Countries under U.S. sanctions.

Source: UN-OHRLLS at <http://www.un.org/special-rep/ohrls/ldc/list.htm> [Accessed 14 December 08] and U.S. Department of State at http://pmddtc.state.gov/embargoed_countries/index.html [Accessed 14 December 2008].

APPENDIX 7

TYPOLOGY OF NON-VIOLENT SANCTIONS

I. DIPLOMATIC AND POLITICAL MEASURES

- (a) Public protest, censure, condemnation
- (b) Postponement, cancellation of official visits, meetings, negotiations for treaties and agreements
- (c) Reduction, limitation of scale of diplomatic representation affecting status of post, diplomatic personnel, consular offices
- (d) Severance of diplomatic relations
- (e) Withholding recognition of new governments of new states
- (f) Vote against, veto admission to international organization; vote for denial of credentials, suspension of expulsion; removal of headquarters, regional offices of international organizations from target

II. CULTURAL AND COMMUNICATIONS MEASURES*

- (a) Curtailment, cancellation of cultural exchanges, scientific cooperation, educational ties, sports contacts, tourism
- (b) Restriction, withdrawal of visa privileges for target nationals
- (c) Restriction, cancellation of telephone, cable, postal links
- (d) Restriction, suspension, cancellation of landing and overflight privileges; water transit, docking and port privileges; land transit privileges

III. ECONOMIC MEASURES

- (i) Financial
 - (a) Reduction, suspension, cancellation of development assistance, military assistance
 - (b) Reduction, suspension, cancellation of credit facilities at concessionary or market rates
 - (c) Freeze, confiscation of bank assets of target government, target nationals
 - (d) Confiscation, expropriation of other target assets
 - (e) Freeze interest, other transfer payments
 - (f) Refusal to refinance, reschedule debt payments (interest, principal)
 - (g) Vote against loans, grants, subsidies, funding for technical or other assistance from international organizations
- (ii) Commercial and Technical
 - (a) Import, export quotas
 - (b) Restrictive licensing of imports, exports
 - (c) Limited, total embargo on imports, exports (Note: arms embargoes)
 - (d) Discriminatory tariff policy, including denial of most favored nation (MFN), status to General Preferential Tariff
 - (e) Restriction, cancellation of fishing rights
 - (f) Suspension, cancellation of joint projects
 - (g) Suspension, cancellation of trade agreements
 - (h) Ban on technology exports
 - (i) 'Blacklisting' those doing business with the target
 - (j) Curtailment, suspension, cancellation of technical assistance, training programmes
 - (k) Ban on insurance and other financial services
 - (l) Tax on target's exports to compensate its victims

*These measures can also have economic effects.

Source: Table imported from Doxey, 1996: 14-15.

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