Moral Sanctions with Immoral Impacts

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Abstract

This paper looks at whether or not economic sanctions employed to reduce human rights abuses and regime change able to effectively achieve their stated goals. The 1990s saw a large increase in the utilization of sanctions as a less violent method of diplomatic force, alternative to warfare. However, scholars have debated whether or not economic sanctions are an improvement from warfare given the humanitarian suffering that they create and their relatively low success rate. Due to the low success rate of economic sanctions overall, it is often argued that sanctions are used to generate a diplomatic stance in the international community and satisfy domestic constituencies within the sender country, without actually taking much formal action or suffering financial losses. One aspect of sanctions that has largely been overlooked by the literature is the process for their removal and the unintended consequences for industry in the target country. This paper uses Burma/Myanmar as a case study in order to highlight three points. First, increased human rights abuses and a concentration of the oil and gas sector in the country demonstrate the negative impacts and unintended outcomes that sanctions produce in target countries. Second, despite knowing that unilateral and piecemeal sanctions are ineffective, Western nations still chose to deploy sanctions, demonstrating ulterior motivations. Finally, the removal of sanctions in Burma/Myanmar was triggered by cosmetic regime change, which created a domino effect where in all countries dropped their sanctions at once, eliminating bargaining power and catering to the demands of companies in sender countries over the demands of sanctions.

Introduction

In the post-Cold War era, the United States, as well as other Western powers, have relied more heavily on sanctions than direct military engagement as their weapon of choice in destabilizing unsatisfactory regimes and discouraging human rights abuses (Hufbauer et al 2007, 10; Peksen and Drury 2009, 394). Throughout the 1990s, there was a huge increase in the number of sanctions employed; however, as the utilization of sanctions increased, so did the study of their effectiveness, and the majority of the findings showed that sanctions were ineffective at reaching desired policy goals and led to large scale suffering of the overall population (O'Sullivan 2003, 306; Hufbauer et al 2007, 173; Marks 1999, 1510; Duffy 2008, 150; Hayes 2006; Peksen 2009; Allen 2008). In Myanmar/Burma, sanctions were imposed following the military violence that erupted in response to pro-democracy rallies throughout the country (Rarick 2006, 61; Bünte and Portela 2012, 1; Firth 2013, 365). The continued dominance of the military regime and accusations of widespread human rights abuses led to increases in sanctions in the late 1990s and early 2000s. Despite the fact that sanctions were in place for over 20 years, there is little evidence that they were able to rally a powerful anti-government opposition or alter the actions of the regime (Wilson 2011; Du Rocher 2013, 207). This lack of efficacy is largely attributed to: the unilateral application of the sanctions by the United States, European Union, and Australia without the support of China, Japan, or the ASEAN nations; the repressive and autocratic nature of the ruling military junta; and the regime's emphasis on national security over economic development.

In 2010, however, a shift in the goals and leadership of the military regime led to open elections and economic reforms designed to make foreign investment opportunities more appealing (Pedersen 2014, 29; Lwin 2014, 31). Then in 2012 by-elections were held including the military regime's main opposition party and release of political prisoners (Lwin 2014, 31). These alterations in the regime led to a loosening of sanctions on the country, which created large-scale benefits to the local population and created an opportunity for economic and political advancement amongst the most marginalized groups. The alteration of the regime has largely occurred through a top-down approach where the military leaders themselves are initiating the changes, and the military leaders still form a majority of the ruling government (Pedersen 2014, 30; Egreteau 2013, 277). Despite the minimal immediate alterations, the shift in government led Western countries to remove sanctions, due to the regime's transition to more democratic rule.

The sanctions were placed on Myanmar with the goal of achieving democratic reform that included the opposition party, the National League for Democracy (NLD), and held free and fair elections, as well as ending human rights abuses in the country (U.S. Senate 2003, 866; Rarick 2006, 61). Throughout the period when sanctions were in place the human rights abuses continued – and in some cases, worsened – and all opposition parties were silenced (Engvall and Linn 2014, 159; Rarick 2006, 63). Furthermore, the goals of the sanctions were not achieved through the 2010 or 2012 elections, with the military government maintaining control under the new constitution, the NLD not receiving an equal voice in the government, and human rights abuses continuing even today (Fuller 2012, 36; Al Jazeera 2013; Kean 2014, 47; Stiem 2014, 61; Pedersen 2014, 33). Despite the failure to achieve the goals of the sanctions, Western nations opened up to Myanmar to combat a burgeoning Chinese oil monopoly and satisfy the sender countries' domestic interests looking to invest in the country (Du Rocher 2013, 209; Roughneen

2012; Firth 2013, 370). The unilateral sanctions placed on Burma/Myanmar to promote the West's moral agenda, not only served to worsen the living conditions in the country, but also led to increased investment in state owned enterprises such as the Myanma Oil and Gas Enterprise (MOGE); when the West finally decided to lift sanctions, they did so under the premise of regime change in order to satisfy domestic demands and ensure they would not lose out on investment opportunities.

Whether the sanctions helped to create the regime alteration is doubtful. Overall, the West's unilateral, piecemeal application of sanctions did little to stop investment in the Myanmar/Burma by its neighbors. The continued investment by ASEAN countries and China led to a concentrated investment in several sectors that were mainly owned by the military rulers (Chenyang and Fook 2009, 265; Pedersen 2014, 30). The countries applying sanctions were well aware that they would not be effective without multilateral support, yet they pursued sanctions all the same in an attempt to take a stance on human rights (Firth 2013, 365; Ewing-Chow 2007, 158; Guimelli 2013, 29). At the same time, public infrastructure and investment in health care and education decreased due to lack of development aid. This lack of infrastructure and economic concentration decreased opportunities for employment and reduced the overall quality of life for the average citizen (Ewing-Chow 2007, 174). Furthermore, throughout the period in which sanctions were applied, there was no visible effort by the government to reduce forced labor and there were continued incarcerations of political prisoners, showing an overall continued abuse of human rights in the country (Lwin 2014, 139; Rarick 2006, 61; Wilson 2011; Freedman 2003, 91). Finally, even at the point of sanctions removal in 2012 there were persistent human rights abuses. These findings show that economic sanctions were established in order to highlight a moral stance, and wound up having minimal impact on target leaders while deteriorating the quality of life for average citizens and allowing for the persistence of human rights violations. What is more, when the sanctions were finally lifted, the countries that had originally imposed the sanctions focused more on economic opportunity than human rights abuses, leaving the unmet goals of the sanctions to be forgotten.

This paper looks at the motivations for the application of sanctions in Myanmar as well as their implications for both the ruling military junta and the population at large. The first section will look at the literature that exists on sanctions applied due to human rights abuses in order to set a theoretical context for the analysis. The next section will briefly cover Myanmar's history, with an emphasis on the junta's rise to power and their goals for the country. After this I will look at the Western world's reaction to the military junta and their decision to hold Myanmar up as an example of their dedication to human rights by isolating the regime from Western investment. Following that I will look at the how these sanctions that created suffering for the masses while allowing the military government to continue 'business as usual.' Finally, I will turn to the recent removal of sanctions on Myanmar in order to highlight the regime change that was brought about, not from political pressure by opposition parties as hoped for by sanctions, but rather as a top down strategy from the ruling military party. I will discuss how the removal of sanctions triggered by this regime change has benefitted the general population, but still has failed to address the human rights issues originally targeted by the sanctions.

Literature Review

In the post-Cold War era, economic sanctions have become an increasingly widespread tool for coercion. One of the main drivers for the increased employment of economic sanctions was the view promoted by Woodrow Wilson that sanctions provided a way to change states' behavior without the negative human costs implicit in warfare. The use of economic sanctions in the post-WWII period expanded to include goals of regime change and a reduction in human rights violations in target countries, rather than just the traditional use for military benefit (Hufbauer et al 2007, 10; Peksen and Drury 2009, 394). Between 1945 and 1990, there were close to sixty sanctions utilized on the global scale, only two of which were multilateral (Weiss et al 1997, 3); then, between 1990 and 1996 there was a sharp spike in sanction use, with close to 50 new sanctions being imposed by the United States alone (O'Sullivan 2003, 12), the number of sanctions decreased in the post 1997 period, dropping down to pre-1990 levels (Hufbauer et al. 2007, 17). Following this explosion of use in sanctions in the early 1990s, there was an increased discussion amongst scholars regarding the role of sanctions, which may have led to the decrease in new sanctions. O'Sullivan (2003) argues that the increase in sanctions in the early 1990s was due to increasing globalization and more prominent ethnic, religious, and 'single-issue' lobbies in the post Cold-War period, whereas the reduction in the late 1990s was due to increased pressure from American businesses (23). Several viewpoints have come to dominate the literature surrounding economic sanctions, namely: the effectiveness of sanctions; whether the impacts are worth the humanitarian costs and human rights violations in target countries; and the likelihood of and motivations for sanctions termination.

In a comprehensive study of 174 sanctions applications, Hufbauer et al (2007) found that sanctions achieved partial success in their policy goals in 34% of cases (159). While most scholars recognize that the vast majority of sanctions do not work, they contend that sanctions can be useful when utilized in the right context (Hufbauer et al 2007; O'Sullivan 2003; Doxey 2009; Baek 2008). There is general consensus among this group of scholars that sanctions are not effective when deployed on their own, and they must be coupled with other policy tools – including both restrictions and incentives – in order to be effective (O'Sullivan 2003, 288; Weiss 1999, 503). Additionally, the authors find that in cases where there are previously cordial relations and strong trade dependencies between the sender and the target states, economic coercion through sanctions has higher success (Doxey 2009, 549; Hufbauer et al 2007, 165; Whang 2010, 572). This can be explained by dependency theory, where the target is largely dependent on political and trade relations with the sender and therefore the sanctions have a larger impact on the targeted country's economy than they would if relations between the countries were minimal. Along with this perspective is the finding that allied targets are more likely to give in to the pressure of sanctions than non-allies, arguably due to the fact that the maintenance of the alliance is of higher importance than the behavior change required for the sanctions' removal (Whang 2010, 572; Hufbauer et al 2007).

The authors also find that sanctions that are implemented all at once are more effective than those applied piecemeal over a long period of time, arguing that sanctions applied incrementally may actually strengthen the regime in the target country (O'Sullivan 2003, 296; Hufbauer et al 2007, 171-172). By employing the sanctions as a package, sender countries are not only able to inflict a greater cost on the target country, as argued by Hufbauer et al (2007, 168), but they also allow for greater bargaining power by the sender country as they have the ability to remove or alter the sanctions based on the target's response (O'Sullivan 2003, 315-316). This is supported by the findings of both Hufbauer et al (2007) and Whang (2010) that more costly economic sanctions lead to overall higher rates of success (168-171; 572). Hufbauer et al (2007) found that comprehensive sanctions that combined financial, export, and import sanctions had a forty percent success rate, whereas sanctions regimes that utilized only one of these methods had success rates lower than twenty-five percent (168). In conjunction with the idea of rapid and forceful application is the finding that sanctions with "modest and limited goals" (Hufbauer et al 2007, 158) or "specific threats" (Krustev and Morgan 2011, 372) lead to increased success. This is often due to the fact that modest goals are easier for the sender to articulate, and less costly and contentious for the target to concede (Hufbauer et al 2007, 162; Krustev and Morgan 2011, 372). However, modest and limited goals contradict the typical basis of sanctions being used as a last resort as is often argued by sender countries. In addition, opposing authors argue that increasing the overall costs of sanctions causes negative humanitarian impacts on the population at large with limited impacts on the target regime (Duffy 2008, 150; Hayes 2006; Peksen 2009; Marks 1999, 1510; Allen 2008). These authors find that the human costs to the general population fail to create the desired anti-government uprising that sanctions aim to achieve and exacerbate the suffering of vulnerable populations in target countries, particularly when extensive sanctions are deployed. I argue that this was the case with the economic sanctions in Burma, where the economic sanctions imposed by Western governments led to the furthering of human rights and labor abuses from the ruling military imposed on the nation's ethnic minorities and economically vulnerable populations.

Amongst the authors who argue that economic sanctions can be effective, there is debate over when multilateral versus unilateral sanctions should be employed. One view argues that multilateral sanctions are most useful for producing positive sanctions outcomes, as they are able to effectively cause injury to the target country (O'Sullivan 2003, 300; Cortright and Lopez 2005, 20). O'Sullivan (2003) argues that in general unilateral sanctions are most effective only if they can serve as catalysts for eventual multilateral action (O'Sullivan 2003, 300). Although O'Sullivan (2003) for the most part finds unilateral sanctions that do not serve as catalysts for multilateral action are largely ineffective, she does recognize that they can be useful in generating short-term shocks to economies with specialized exports and can therefore be helpful in generating behavior change in target countries (306).

Hufbauer et al (2007), on the other hand, argue that multilateral sanctions are unnecessary in the majority of cases and are only truly required for what they term "high-policy" cases (173) – cases in which major policy change is the intended outcome, such as altering nuclear policy in Iran or regime change in Cuba. Their findings highlight that the complexity involved in multilateral sanctions can inhibit the effectiveness of sanctions policy and that, overall, there does not exist a notable difference between unilateral and multilateral successes, except in cases of high policy (Hufbauer et al 2007, 174). They also found that high policy sanction regimes often rely solely on financial sanctions or multilateral aid sanctions, and that these sanctions often have disproportionate economic impacts due to general economic instability in the target country (171). Some authors also argue that multilateral sanctions have more extensive negative impacts on the general population in target countries such as poverty, malnutrition, and poor overall health (Peksen 2009, 74). For example, Gordon (2010) reported that in Iraq – which had perhaps the most complex and comprehensive sanctions yet implemented (20) – seven years after the implementation of sanctions, approximately "31 percent of children under five suffered from malnutrition, that safe water and medicine were 'grossly inadequate' and that the health infrastructure suffered from 'exceptionally serious deterioration,' including unreliable electricity, inadequate storage conditions, interrupted water supplies, and nonfunctioning hospital waste disposal systems" (112). Supporting this claim, Duffy (2008) found that sanctions in Iraq led to widespread food shortages and declining levels of child nutrition (45-146), and sanctions on Libya that blocked air travel denied chronically ill patients access to sufficient medical care (144). These findings contradict the widely held belief among scholars that multilateral sanctions are inherently more successful than unilateral ones due to the ability of multilateral sanctions to ensure negative economic costs to the target country (O'Sullivan 2003; Doxey 2009).

For the most part, authors who argue that sanctions can be successful find that targeted sanctions are most successful in achieving desired outcomes (Lopez 2012, 137; O'Sullivan 2003, 300; Allen 2008, 939; Doxey 2009, 546; Duffy 2008, 148; Hufbauer et al 2007, 170). Targeted sanctions were first utilized in the early 1990s and were largely implemented in the late 1990s in response to the humanitarian crisis that resulted from the comprehensive sanctions policy in Iraq (Biersteker 2010, 99). Targeted sanctions, such as financial sanctions, asset freezes, and travel restrictions, are designed to hurt the regime of the target country without inflicting significant negative costs on the general population (Hufbauer et al 2007, 97; Weiss 1999, 503; Lopez 2012, 137). They are thought to be more effective in general due to their ability to inflict direct economic costs on the target regime, therefore weakening their overall ability to repress anti-government sentiments, build support, or fund propaganda regimes (O'Sullivan 2003, 290). In addition, Duffy (2008) discusses the benefits of targeted sanctions (rather than trade sanctions) for domestic constituencies; he concludes that targeted sanctions have lower costs for businesses within sender countries, while also being more effective for behavior change in the target country (147). The main criticism of targeted sanctions, as argued by Biersteker (2010), is that they can generate individual human rights abuses as the individuals being targeted to not have any rights to due process (101), especially important in this issue is the difficulty and lack of procedure for delisting individuals who have been wrongfully targeted (113).

Those authors who find successes amongst sanctions still recognize that certain sanctions regimes are less effective than others (Hufbauer et al 2007; O'Sullivan 2003; Lopez 2012; Weiss 1999; Doxey 2009). The authors find an "inverse relationship between success and the duration of sanctions" (Hufbauer et al 2007, 172), as longer sanctions are less likely to effectively change target's behavior (Krustev and Morgan 2011, 372-373). Hufbauer et al (2007) points out that longer lasting sanctions provide target countries time to find new allies for economic support, which also applies to sanctions with piecemeal applications (172). Arms embargoes have also been deemed largely unsuccessful as they often are hard to enforce due to the near-universal presence of the illegal weapons trade (Doxey 2009, 546; Lopez 2012, 143). However, Lopez (2012) points out that arms embargoes have improved in recent years as the UN has dedicated more research to the flaws of these embargoes and utilized this research to change the implementation structure (143). In addition, Hufbauer et al (2007) argues that sanctions with lofty goals are unlikely to succeed (162-163). Scholars find the goal of regime change to be extremely difficult to obtain, with sanctions having a minimal effect on changing political regimes, particularly in target countries with autocratic regimes (Hufbauer et al 2007, 162; Allen 2008, 924). The difficulty of regime change is exemplified by the case of Burma, as seen later in this article, as well as in Cuba, where over fifty years of sanctions failed to create the political climate necessary to overthrow Castro (Hufbauer et al 2007, 146). Finally, there is a discussion about tailoring sanctions to meet the goals of the sanctions regime (O'Sullivan 2003, 4; Hufbauer et al 2007, 175-176; Weiss 1999, 507). Overall, there seems to be an agreement that policymakers always lean toward the realm of more sanctions as being more effective, rather than selecting sanctions that are designed to meet goals in different policy areas, which may sometimes mean reducing the sanctions in place (O'Sullivan 2003, 295). However, these authors still contend that, as a whole, sanctions can be a useful tool in bringing about behavior change in regimes, particularly when used in conjunction with other policy tools and when implemented in a well-planned and strategic manner. An example of sanction success can be seen in the sanctions regime employed on Libya where near universal participation helped to isolate Qadhafi and indirectly alter his behavior (O'Sullivan 2003, 300).

In opposition to the argument that sanctions can work under the right circumstances, is the argument that sanctions are not only ineffective, but counterproductive in reducing human rights abuses and triggering regime change (Drury and Li 2007; Peksen and Drury 2009). These authors argue that – rather than aiding the anti-regime movements and increasing anti-government action in target countries – economic sanctions lead to: a consolidation of power amongst target regimes; increased repression of anti-government movements; an increase in human rights violations; and increased government support due to a 'rally-around-the-flag' mentality (Peksen and Drury 2009, 395; Peksen 2009, 62; Allen 2008, 923; Drury and Li 2006, 321-2). Peksen and Drury (2009) find that "because sanctions restrict the flow of goods and services to the target state and the leadership can control the flow of remaining resources within the country, groups that are key supporters of the leadership become more dependent on the regime for those resources" (400). This in turn serves to solidify the regime's power structure and support, therefore leading to an overall consolidation of power amongst the leaders of the regime while at the same time shifting the economic hardship to the government opposition groups that sanctions often aim to bolster (Peksen and Drury 2009, 400-401; Peksen 2009, 62; Doxey 2009, 542). In addition to, and largely as a result of, this consolidation of power, authors found that in authoritarian regimes with high levels of repression sanctions led to increased repression of political activity (Allen 2008, 923; Peksen and Drury 2009, 935). Allen (2008) argues that this creates an uneven cost-benefit tradeoff for anti-government action in repressive states as the cost of anti-government action rises with sanctions impositions disproportionate to benefits (922). Peksen (2009) argues that increased economic costs felt by the larger population may cause discontent and political violence from the general public, leading to stronger repression by the government (62-63). Somewhat in contrast to the increased repression theory, some authors find that sanctions applied in particular ways can increase overall support for the government, through what is referred to as the 'rally-round-the-flag' hypothesis (Doxey 2009, 542; Hufbauer et al 2007, 172; Peksen 2009, 64). This hypothesis argues that governments will utilize sanctions to create an "us versus them" view for their populations in order to increase patriotism and shift the blame of economic and human suffering from the regime (target) to the outside (sender) (Peksen 2009, 64). This was employed by the regime in Cuba who was able to utilize the hardships generated by economic sanctions to emphasize external threats from sender countries to divert attention away from domestic issues (Peksen 2009, 64). However, Allen

(2008) found that anti-government action did not decrease in regimes that employed the rally-round-the-flag technique (938).

In addition to the success versus failure debate about economic sanctions, there is a significant body of literature dedicated to the implications of sanctions regarding humanitarian issues, political stability, and human rights protections (Hayes 2006; Peksen 2009; Donlan 2001; Marks 1999; Weiss 1999; Drury and Li). These authors discuss the relative benefits and costs of sanctions on the populations of target countries in relation to their goals in order to argue whether sanctions are worth the humanitarian costs. Marks (1999) argues that the economic and humanitarian suffering of sanctions is comparable to that of warfare as highlighted by UN sanctions on Iraq which caused increased illness and malnourishment and a deterioration of health care infrastructure (1510). In support of this view, other authors have found that the impact on vulnerable and powerless populations within target countries is not worth the limited successes that sanctions bring (Weiss 1999, 501; Duffy 2000, 143; Hayes 2006, 25). This argument is made from a moral standpoint, and can be argued both ways. Some authors find that it is the fault of the target country for allowing widespread suffering of their populations to continue rather than altering their actions to have sanctions lifted, whereas other authors see the responsibility for human suffering in the hands of the sending countries who choose to utilize sanctions that deprive populations of basic human needs in order to pursue larger policy goals rather than providing aid to the vulnerable populations in target countries (Weiss 1999, 505-506). These authors also find that the longer sanctions last and the more extensive they are, the larger the costs to health and well-being in target countries and the lower their chance of success (Peksen 2009, 69). In addition to the humanitarian impacts, some authors, such as Peksen (2009), argue that economic sanctions – though often designed with the goal of reducing human rights violations – can exacerbate human rights violations in target countries (74). Much of the cause of these human rights violations align with the argument that sanctions are counterproductive – such as control of scarce resources and increased repression tactics – but also stem from the nature of sanctions themselves (Peksen 2009, 62-5). The rationale for sanctions is that by cutting off economic investment, oppressed groups will feel compelled to rise up against the government; however, the lack of economic integration denies the target country's population opportunities for economic growth. Because middle class socioeconomic groups are the main drivers of political uprisings, lack of foreign direct investment can decrease the chance of uprisings and economic advancement, therefore decreasing the motivations of governments to protect human rights (Peksen 2009, 64). Overall, these authors find that economic sanctions, and even threats of sanctions (Drury and Li 2006, 322), are unable to create behavior changes amongst regimes to better humanitarian and human rights conditions. Overall, they lead to malnourishment, poor health, and widespread poverty amongst the general populations (Hayes 2006, 25; Donlan 2001, 39; Duffy 2008, 150), and increased power amongst the targeted leaders (Allen 2008, 925; Peksen 2008, 62). One exception to this rule was South Africa, where sanctions were successful with minimal suffering for the general population. There were market aversions that made the risk of investment appear particularly high, even where formal sanctions were not in place or were easy to get around, ensuring that private investors and informal lenders did not replace investments lost by sanctions (Hufbauer et al 2007, 47). However this was a unique case, and these market aversions are not typically present in target countries.

With the employment of so many sanctions and such a low rate of success over the last several decades, one would expect a large body of literature discussing the terms under which sanctions are removed and the most politically and economically appropriate ways for removing them. However, there seems to be a general lack of study regarding the termination of sanctions, with only several scholars looking at the reasons and processes of termination. Those who do analyze the termination of sanctions tend to focus on regime change in both the target and sender country as indicators of sanctions being lifted (Krustev and Morgan 2011; McGillivray and Stam 2004). There seems to be general consensus across the literature that a change in leadership of the target country is likely to lead to a decrease in, or complete termination of, the sanctions from the sender country (McGillivray and Stam 2004, 156; Krustev and Morgan 2011, 355); however, this is only true in the case of non-democratic states (McGillivray and Stam 2004, 170). This is attributed to two factors. First, sanctions are often employed with a goal of regime change, therefore even if complete success has not been achieved, one purpose of the sanctions has been fulfilled (McGillivray and Stam 2004, 170). Second, regime change, particularly in non-democratic states, signals a change in the landscape of interests represented by the government, therefore the new ruling party or coalition is more likely to concede to the demands of the sender country or may simply work towards improved relations with the sender (Krustev and Morgan 2011, 355; McGillivray and Stam 2004, 370). Other scholars point out that the strict application of sanctions hurts the domestic economies in target states, therefore necessitating the target state, particularly in democratic countries, to change their behavior to meet sender demands (Krustev and Morgan 2011, 372-373). However, both of these findings look at the termination of sanctions due to at least partial success of sanctions. There is little to no literature that discusses the lifting of sanctions without success of demands.

In the case of Burma, sanctions are being lifted as the regime is altering its structure, despite the fact that the underlying goals of the sanctions – namely democratic regime change with the inclusion of the NLD and human rights abuses – have not been met. Therefore, this paper will analyze the impact and effectiveness of sanctions on Burma over the last two decades and the motivations for the current termination of these sanctions. The sanctions on Burma support the finding that economic sanctions generate widespread human suffering without significant impact to the regime, therefore making them harmful and ineffective. In addition they highlight the failure of unilateral sanctions in reducing the power of the target regime, and the ability for autocratic and repressive regimes to utilize sanctions to their benefit by generating a nationalistic sentiment and crushing weakened pro-democracy movements. Finally it will turn to sanctions removal and argue that domestic pressures from firms looking to invest arose as the discussion of sanctions removal surfaced on the international stage in response to cosmetic regime changes.

The Military Junta in Burma

Burma, also referred to as Myanmar, is a state that is known for its military dictatorship, isolationist policies, human rights abuses, and the world's longest running civil war. Situated between China, Thailand, India, and Bangladesh with access to the Indian ocean, it is a country of strategic importance in the Southeast Asia region. Burma was colonized by Great Britain from 1886 to 1948, during which time the British pitted ethnic groups against one another by favoring select minorities over the Burmars (Sachs 2014, 17). Following negotiations between Generalissimo Aung San and the British after World War II, Burma gained independence in 1948 (Aung 1967, 306-7). Over the next decade there was political and economic turmoil in the country with 18 different ethnic groups engaged on and off in civil wars, largely caused by the tensions created by the colonial regime (Sachs 2014, 17). The Burma Socialist Programme Party (BSPP) came to rule under military control in 1962 (Steinberg 2001, 8), thus consolidating power under one party, and in many respects one ruler – Ne Win (Steinberg 2001, 12). The military ruled under the idea that it was a guardian of the state in times where conflict threatened to undermine and destabilize any form of non-military rule (Pedersen 2014, 22). The rise of the BSPP did not curb the ethnic conflicts in the country and the civil wars throughout Burma continued throughout their rule (Sachs 2014, 17). The BSPP ruled as a dictatorship until 1988, when student protests drastically altered the ideology of the ruling class.

During the summer of 1988 students across Burma and particularly in the capital city of Rangoon led massive protests calling for democracy. These protests engaged people of a variety of walks of life including students, civil servants, factory workers, and others marginalized by the military rule (Oo 2004, 34). As the civil unrest became more pronounced, the military began a violent attack against the protesters on August 8th, killing upwards of 3,000 people and effectively crushing the pro-democracy movement (Du Rocher 2013, 195; Firth 2013, 365). This led to the implementation of direct military control over the country. The new regime, led by a military junta, referred to themselves as the State Law and Order Restoration Council (SLORC), which was eventually renamed the State Peace and Development Council in 1997 (Rarick 2006, 60; Steinberg 2001, 76). The SLORC organized democratic elections in 1990 in order to try to appease the population (Firth 2013, 365). However, the opposition party known as the National League for Democracy won over 82% of the seats in the National Assembly with approximately 60% of the total vote, whereas the military won only 10 of 458 seats (Steinberg 2001, 45; Firth 2013, 365). The military government did not anticipate losing by such a large margin, which was made clear when the SLORC refused to recognize the results of the election, maintaining power and imprisoning the leader of the NLD, Aung Sun Suu Kyi (Firth 2013, 365; Steinberg 2001, 85). This led to the initial imposition of sanctions by Western powers, which continued until the next democratic elections of 2010 and the by-elections of 2012. These sanctions were placed due to the West's refusal to accept the military regime's takeover in light of the election results; they were imposed with the goal of reinstating the elected government, assuming an uprising of the NLD would occur due to worsening conditions as a result of the sanctions (Rarick 2006, 61).

The SLORC regime has become well known for its repression tactics, human rights abuses, and isolationist policies. Since the 1988 uprisings and the subsequent failed elections of 1990, the use of forced labor by the ruling junta has increased, particularly for infrastructure projects (Lwin 2014, 139). The junta has also been accused of rape, forced religious oppression such as forcing children into Buddhist monasteries, political prisoners, and forced labor for government projects, repression of freedom speech – particularly for the media (Rarick 2006, 61). The United States, European Union, and International Labor Organization increased their sanctions in response to these violations of human rights. One of the most documented human rights abuses was the detainment of political prisoners, such as Aung San Suu Kyi; her decision to stay in the country under house arrest rather than return to her family in England earned her the Nobel Peace Prize in 1991 (Al Jazeera 2013). In the early 2000s, military leaders released

Aung San Suu Kyi, creating the appearance of a positive change in the country, which many believed was a result of the regime's desire to see sanctions eased (Council on Foreign Relations 2003, 24). However, shortly thereafter in 2003, organized opposition by the NLD led to a resurgence of government repression resulting in the killing of several members of the party and Aung San Suu Kyi's arrest (Ewing-Chow 2007, 157; Council on Foreign Relations 2003, 23).

In 2007, Western countries froze investments of officials who were involved in the oil industry due to accusations of forced labor (Solomon and Hookway 2007). The Burmese government reacted by removing subsidies on fuel, leading to protests by Buddhist monks (Firth 2013, 358-58). The protests resulted in a violent reaction by the military government that led to the destruction of monasteries, mass arrests, and deaths of protesters due to government violence in what became known as the Saffron Revolution (Firth 2013, 358). The international community continued to respond in the same way it had in the past, strengthening sanctions and limiting ties with the country. In 2008, the ruling party staged a referendum for a new constitution that would allow for a transition to a semi-democratic rule with free elections that ensured the military would hold twenty-five percent of the seats in both houses (Kean 2014, 46). The constitution was accepted and led to elections in 2010 that were boycotted by the NLD due to the continued incarceration of political prisoners (Kean 2014, 47). However, in 2011, many of these prisoners were released and the NLD was registered for the 2012 by-elections where they won 43 of 44 contested seats (Lwin 2014, 138). These events led to the removal of sanctions by Western powers (Firth 2013, 368).

Despite the somewhat positive political changes in the country, human rights abuses in the country have continued, and even worsened in some cases. This was highlighted in the 2012 Human Rights Watch report to the UN which documented a range of human rights abuses including: ongoing forced labor; attacks on the Kachin ethnic minority, including rape, killing of civilians, destruction of property, and forcible recruitment of child soldiers; and destruction of entire villages (Fuller 2012, 36). One Kachin man reported being detained with a group of 20 people in late 2011. He said they were forced to walk up a mountain where they were instructed to remove all of their clothing. He said that "the soldiers touched [the women's] breasts, and they touched their necks very slowly, and they pointed sharp knives at the women's necks… On October 19, the soldiers started sleeping with the women… They all raped them" (Fuller 2012, 44). In addition, the government has ignored the quasi-genocide of the Rohingya minority by the Rakhine National Party in the Rakhine state. In 2012 – around the time of sanctions removal – the Rohingya people, a minority Muslim group in the Rakhine state, were targeted by the Rakhine Buddhist majority (Al Jazeera 2013). Entire villages were burned, people were indiscriminately killed in the streets, and the Rohingya were forced to flee (Al Jazeera 2013). The Rohingya were then denied entry into Bangladesh and forced to return to Myanmar where they have been placed in 'refugee camps' (Al Jazeera 2013). These refugee camps have extremely limited access to food and shelter, and virtually no access to medical services or educational facilities; moreover, if they leave these camps they can be arrested or (Al Jazeera 2013). Despite these horrific events and the presence of over 100,000 Rohingya still in camps, the government refuses to recognize their existence or provide them with any form of human rights protection (Al Jazeera 2013; Ellick and Kristof 2014). In addition to these ongoing human rights abuses, the government has reversed some of its policies in the last couple of years reducing the freedoms of press, assembly, and religious minorities (Anguelov 2015; Solomon 2014).

Sanctions Imposed by the United States

Since the 1988 protests and the 1990 elections that resulted in the SLORC establishing a strict and authoritarian military regime in Burma, the Western world, and the United States in particular, has utilized an isolation-based tactic for trying to bring about positive change in the country. The policies have failed to isolate the regime, and instead driven Myanmar to become more dependent on trade with China, India, and Thailand, and increased investment in the oil and gas sector of the economy (Steinberg 2004, 165; Staff Working Paper 2012, 5). Their main tactics have been the refusal on the part of the United States and other Western nations to recognize the regime, and therefore a refusal to recognize the country of Myanmar, in addition to the imposition of sanctions (Rarick 2006, 61). In the United States, sanctions implemented between 1990 and 2008 comprised six federal laws and five presidential executive orders banning business in and trade with Burma and restrictions on multilateral assistance, as well as targeted sanctions aimed at the leaders of the ruling military junta (Rarick 2006, 61; Crow 1997, 37; Ewing-Chow 2007, 157; Hiebert and Killian 2013). These sanctions have largely been implemented unilaterally, considering Burma's trade with China, India, and ASEAN nations, as well as some trade with the European Union has continued during much of this period (Steinberg 2004, 165; Ewing-Chow 2007, 160; Du Rocher 2013, 206). The general population has felt the largest impacts of these sanctions, as the industries controlled by the ruling party, including many natural resource sectors, have been able to find replacements for lost US investments through Chinese businesses. This was particularly true in the northern states where state-owned Burmese enterprises and both state-owned and private Chinese enterprises invested in the extraction of resources including jade, copper, gold, iron ore, coal, and timber (Fuller 2012, 29).

The United States first imposed sanctions in 1988 following the military violence surrounding the pro-democracy protests. These general sanctions involved the "stoppage of military sales and assistance, the anti-narcotics program, and the modest economic assistance" (Steinberg 2010, 42), in order to demonstrate that the actions taken by the junta in response to these protests were not supported by the US government. These sanctions remained in place following the events of the 1990 elections, during which time the United States withdrew its Ambassador from the country and suspended Burma from the Generalized System of Preferences, prohibiting approximately $9 million of Burmese exports (Hadar 1998). The military government remained in power and was accused of numerous human rights abuses – ranging from forced labor to extrajudicial killings – , as described earlier (Fuller 2012). Subsequently, in 1996, the US Congress passed the Foreign Operations Act, which gave the president the power to impose sanctions that would ban all new investment in Myanmar (Rarick 2006, 61). In 1997, due to mounting public and congressional pressure, Clinton decided to enforce the sanctions (Hadar 1988), which he had not originally imposed due to the potential economic impacts for US businesses, as well as potential consequences to US relations with ASEAN (Steinberg 2001, 242). The decision to implement sanctions despite concern in Congress about inconsistencies in foreign policy and potential negative impacts to the general population of Burma "was a testament to the strength of the anti-SLORC lobby in the United States, which had become effective in mobilizing public opinion at both the national and local levels" (Steinberg 2001, 242). Public and private sector pressure on the US government to create these sanctions was largely based on media reports (promoted by the anti-SLORC lobby) on the repression by Burma's junta government of democratic movements and political violence, as well as human rights abuses occurring in the country such as forced labor and "forced relocations of entire villages" (U.S. Economic 1997, 38-9; Crow 1997, 37). While these sanctions grandfathered in the business already being conducted in Burma by US firms, they prohibited the expansion of these businesses into new sectors of the economy or new regions of the state (Hadar 1998), therefore eliminating any opportunities for local economic mobility that the firms might have provided through job growth and infrastructure development. However, by allowing businesses already present in Burma to continue conducting business there, the sanctions permitted the continued investment of around $240 million, largely concentrated in the oil and gas sector, which, as discussed earlier, is largely dominated by state-owned enterprises (Crow 1997, 37).

In 2003, the US State Department published the report, "Burma: Country Reports on Human Rights Practices – 2002," accusing the SPDC of committing human rights abuses such as rape, torture, forcible recruitment of child soldiers, and murder (Ewing-Chow 2007, 156-7). Shortly thereafter, Burma placed Aung San Suu Kyi back under arrest and killed NLD supporters (Burmese Freedom and Democracy Act 2003, 864). Mounting consumer pressure from human rights groups led US businesses including Adidas, Wal-Mart, Tommy Hilfiger, and Levi Strauss to pull their businesses out of the country (Staff Working Paper 2012, 4). In response to the human rights abuses and public pressure from the US Campaign for Burma and the businesses that had already pulled out of Burma, Congress passed the Burmese Freedom and Democracy Act (BFDA) of 2003 (Ewing-Chow 2007, 157; Burmese Freedom and Democracy Act 2003, 865). This Act placed a "ban [on] the importation of any article that is a product of Burma" (Burmese Freedom and Democracy Act 2003, 865) and prohibited financial services exports to Myanmar (Rarick 2006, 61). The Act states that these bans are to remain in effect until the Burmese government is able to – among other things – end human rights violations, release all political prisoners, and transfer power to democratic rule through collaboration with the NLD and ethnic nationalities (U.S. Senate 2003, 866). The NLD, and Aung San Suu Kyi in particular, was in full support of these sanctions being place despite the humanitarian costs, leading international and domestic sanctions critics to claim that she was in favor of poverty, widespread suffering, and lack of security for ethnic minorities (Steinberg 2010, 40; Zarni 2005).

The BFDA had devastating effects on particular sectors of the economy and overall employment levels. The textile sector was hit particularly hard with an estimated 60,000 jobs lost (Ewing-Chow 2007, 158); estimates of job loss across all sectors due to the BFDA ranges from 40,000 to 140,000 (Ewing-Chow 2007, 174). Despite the painful impact that these sanctions had on the general population of Myanmar, they had virtually no impact on the ruling class who was able to draw on other, more profitable economic sectors such as oil and gas through continued trade with ASEAN and China (Pedersen 2014, 29; Chenyang and Fook 2009, 259). China has supported Myanmar with free aid and low-interest loans, duty-free trade, sales of weapons, and increased investment in their oil sector, with China now holding over $400 million in trade with Myanmar (Chenyang and Fook, 2009, 259 and 265-6; Rarick 2006, 62). In addition, ASEAN has refused to comment on Myanmar's human rights abuses due to the Principle of Non-Interference, which will be discussed in more detail later, and has increased investment in the country over the last several decades (Staff Working Paper 2012, 4), as seen by Thailand's investment in Myanmar's natural gas sector, which – as of 2007 – generated approximately one fifth of Thailand's electricity (Liu 2007). The combination of increased investment by China and Thailand, the continued investment by Western oil and gas enterprises, and the decrease in investment in the manufacturing industry led to an overall consolidation of Myanmar's economy in the oil and gas sector, with over 80% of all FDI in the country concentrated in oil and gas (Staff Working Paper 2012, 5). The US Senate recognizes that the unilateral sanctions are largely ineffective and often result in civilian suffering; nevertheless, they continued to pursue the unilateral approach throughout the 2000s (Ewing-Chow 2007, 158). The sanctions have been utilized largely as a "symbolic stand for justice" (Sachs 2004, 17), to show the United States' opposition to human rights abuses.

Utilizing Myanmar in order to take a stance on human rights was an economically and politically viable solution for the United States, which saw Myanmar as a limited portion of its economy and saw it as a chance to satisfy domestic human rights groups (Ewing-Chow 2007, 178; Steinberg 2001, 241), as compared to cases such as China and Afghanistan where the United States tolerated human rights abuses due to the large economic investments they held in these countries (Steinberg 2001, 242). In addition, it was a chance for the US government to "obtain political gain, to hold sway over Myanmar, and to win the support of American voters for the US president and congressmen" (San 2004, 137). San (2004) goes on to argue that the sanctions imposed on Myanmar were designed to show US domestic interests and the international community that the United States was committed to democracy and human rights without requiring that they invest large amounts of money in development programs like the Marshall Plan (137-138). This provides the sender countries the moral superiority of taking action, despite the fact that sanctions are causing more harm than good (Steinberg 2004, 169).

Sanctions Imposed by the European Union and Australia

While the United States had a clear and hardline stance on Burma that was comprised of full isolation of Burma until the country was able to end human rights abuses and recognize the results of the democratic elections of 1990, other Western countries held a less firm stance. The European Union and Australia both imposed sanctions to a certain extent in Burma/Myanmar, but neither imposed sanctions as comprehensive as those utilized by the United States (Rarick 2006, 61). Furthermore, sanctions utilized by Australia and the European Union were often imposed as a reaction to a particular event in order to highlight their political viewpoint on the issue. This piecemeal application, as pointed out by the literature, reduced the effectiveness of sanctions by not providing clear goals and restrictions as a whole (O'Sullivan 2003, 296; Hufbauer et al 2007, 171-172).

In the European Union, the sanctions imposed in 1991 immediately following the elections were similar to those of the United States, including suspension of non-humanitarian aid, an arms embargo and the withdrawal of "military staff of embassies" (Guimelli 2013, 30). In 1996, in response to the detention and subsequent death of a British authority in the country due to his "unauthorized use of fax machines," the European Union suspended of bilateral contracts with Burma and imposed a travel ban on all individuals involved in his arrest and death, as well as on any individuals supporting the regime (Guimelli 2013, 30). They also revoked the benefits of the Generalized System of Preferences, which wound up impacting $30 million worth of exports from Burma (Ewing-Chow 2007, 159). By 2000 they had frozen the assets of members and supporters of the military junta regime, which they then expanded in 2003 to include more Burmese citizens in reaction to the arrest of Aung San Suu Kyi and the military-sponsored killings of members of the NLD (Council on Foreign Relations 2003, 23). Then in 2007, in reaction to the events of the Saffron Revolution the European Union led an economic boycott that banned products that were thought to bring profit to the military junta (Guimelli 2013, 30). Despite these sanctions, the European Union continued to be the largest investor in Myanmar between 1995 and 2005 with over $1.8 billion of FDI from the Europe accruing during this period (Du Rocher 2013, 206). Much of this was due to the exemption of the oil sector from sanctions due to French and British private sector investments (Esfandiary 2013, 5).

In 2006, China overtook the European Union as Myanmar's largest investor; both Thailand and China have been the dominant investors in the country since (Chenyang and Fook 2009, 259; Ewing-Chow 2007, 176; Staff Working Paper 2012, 5). Because of the piecemeal application of sanctions toward Myanmar, there were significant oversights that reduced the impact of the sanctions on the regime overall and allowed for Myanmar to continue in a business as usual manner (Du Rocher 2013, 206). Furthermore, like the United States, the European Union refused to engage in any acts of diplomacy, with the European Union making sanctions their only policy toward the country (Du Rocher 2013, 196). This reduced the efficacy of the sanctions as the regime had little interest in altering their actions in order to appease international actors that refused to work with them toward a diplomatic solution. Furthermore, these actions were viewed by officials in Myanmar, as well as by their allies in the ASEAN nations and in China, as a form of neo-imperialism wherein the West was continuing to try to assert its dominance over former colonies (Du Rocher 2013, 205).

Australia's approach was somewhat unique compared to that of the European Union and United States. While it did impose a ban on arms exports and travel by regime members following the 1988 protests and 1990 elections similar to US and EU actions, it did not impose any financial sanctions until after the Saffron Revolution (Firth 2013, 361). Instead, it attempted to encourage a reduction in human rights violations by holding workshops sponsored by the Australian Agency for International Development, at which 'trainers' from Australia would utilize the Universal Declaration on Human Rights and ILO conventions in order to discuss opportunities for improving human rights with government officials in Burma (Firth 2013, 366). These actions were taken by Australia at a time when it was being heavily criticized for not having a strong enough stance on human rights, therefore providing a perfect opportunity to demonstrate its commitment to universal human rights (Firth 2013, 366). Overall the workshops had no impact on the human rights abuses carried out by the military regime and appeared to be a naive and neo-colonial attempt for Western countries to control the actions of a post-colonial government. The program was suspended following the repressive acts toward the NLD that resurfaced in 2003 (Firth 2013, 366). After the events of the Saffron Revolution, Australia's policy shifted and began to resemble something more similar to the sanctions imposed by the United States and European Union, where it placed financial sanctions on key members of the SPDC and suspended of bilateral aid (Firth 2013, 361; Firth 2013, 365). Wilson (2011) argues, “There is no empirical evidence that Australia’s sanctions have added any direct weight to western sanctions, or had any impact in terms of moderating policies of the military regime.” He finds that the largest impact of Australia’s sanctions was likely their symbolic weight, which demonstrated Australia’s commitment to human rights (Wilson 2011).

Policy of International Institutions

The International Labor Organization also imposed sanctions against Burma due to continued use of forced labor in the country both by the regime and by outside investors and the lack of government support in ending this practice. It first barred Burma from attending ILO meetings in 1999 due to findings in a 1998 report of ‘widespread and systematic’ use of forced labor and child labor, largely for infrastructure projects such as the construction of roads or oil pipelines (ILO Committee 2004; Council on Foreign Relations 2003, 16; Ewing-Chow 2007, 160). Then in 2000, it found that no action had been taken on the part of the Burmese government to end the use of forced labor and therefore it asked member nations to “take measures to ensure that their relations with the regime do not contribute to the use of forced labor in Burma” (Council on Foreign Relations 2003, 17; Ewing-Chow 2007, 160).

ASEAN nations, as well as India and China, refused to impose sanctions on the regime of Burma, therefore reducing the overall impact of the sanctions. ASEAN’s ‘Principle of Non-Interference’ makes it unwilling to reprimand member nations for their domestic affairs, therefore ensuring that they did not impose any sanctions against the regime ((Du Rocher 2013, 200). China acted in a similar manner, preferring to leave the regime be and focus on economic investments in the country (Chenyang and Fook 2009, 267-8; Firth 2013, 364). China saw the strategic location of Myanmar on the Indian Ocean, their access to the Malacca Straits, the abundance of natural resources, and the large oil and gas reserves as key reasons to invest (Chenyang and Fook 2009, 258-260; Ewing-Chow 2007, 160; Steinberg 2004, 165). As of 2008, China was importing 50% of their oil (Chenyang and Fook 2009), therefore, Myanmar’s large oil and gas reserves were likely a key motivator in their decision to invest in the country. China has consistently been opposed to sanctions, claiming that they refuse to recognize national sovereignty (Chenyang and Fook 2009, 267-268) and that both the refusal to recognize the elected party by the military junta and the human rights abuses are domestic issues that should not be controlled by the international community (Chenyang and Fook 2009, 264). Both China and ASEAN nations called for Western nations to remove sanctions due to their inefficacy and their negative effect on economic development in one of the world’s Least Developed Countries (Pedersen 2014, 29; Murdoch 2012, 9). The continued investment by and trade with neighboring countries allowed the ruling junta to maintain power and continued income for those associated with the regime in power, therefore undermining the goals of the sanctions imposed by the West.

The Shortcoming of Sanctions

The application of sanctions to Myanmar has had minimal impact on the authorities of the regime. The military regime has been more focused on national security than with economic or social development, largely due to their colonial history (Packer 2008, 52; Free Burma

Coalition 2005). Many studies have actually found that the regime finds it as a point of pride that they are able to resist the economic sanctions imposed on them by the West, and the Burmese have utilized sanctions as a way to promote a nationalistic agenda (Pedersen 2014, 28; Steinberg 2004, 169). In addition, due to the unilateral nature of the sanctions imposed by the United States and Europe (and to some extent Australia), the lost investments have been made up through investment by other countries, particularly China and Thailand (Rarick 2006, 62; Ewing-Chow 2007, 176; Steinberg 2001, 91). Finally, although the general population has felt the impact of US sanctions to a large extent, it has not led to a strong opposition of the government regime as the repressive nature of the regime has discouraged any public expression of anti-government sentiment (Ewing-Chow 2007, 175; Rarick 2006, 61).

As discussed earlier, sanctions policies were not effective in stemming all investment in the country, therefore ensuring that the effect of the sanctions was never fully felt by the regime, but only by the most vulnerable groups within the population. The extraction of US businesses from the country left a void for investment, particularly in natural resource extraction, that was filled by Chinese and Thai investors (Staff Working Paper 2012, 2-3, 5). It is interesting that Thailand continued investing so heavily in Myanmar despite their being a close US ally and trading partner. Thailand did face some criticism from the United States, but no firm actions were taken by the United States or Europe to alter Thailand's actions (Symon 2007). In addition, where Western nations did attempt to limit ASEAN investments in Burma (such as the BFDA, which calls for USDA and SPDA members to cease trade), trade with the country became more secretive, providing preferential trade for the limited number of countries willing to work with Burma behind closed doors (Anguelov 2015). The lack of firm action by Western nations, coupled with decreasing natural gas reserves in Thailand and the ASEAN policy of non-interference encouraged Thailand to continue investing in Myanmar despite human-rights abuses (Symon 2007; Staff Working Paper, 4). The ASEAN, Chinese, and Indian firms that moved into this newly available space did little for local workers and largely ignored the environmental repercussions of their actions (Opening Soon 2012, 78). The employment opportunities offered by these new investments were also lower than those of previous investors in labor intensive industries such as manufacturing, leaving a job deficit that left certain populations trapped in poverty. In addition, the military regime had a large stake in the state oil companies; therefore, "although the overall economy was in dire straits, gas exports and other natural resources kept the state solvent (and its top leaders comfortable)" (Pedersen 2014, 29). Therefore, rather than causing injury to the regime, the sanctions from the West simply provided an opportunity for China and ASEAN nations to strengthen their economic ties with Myanmar allowing the regime to continue acting as it had been, with an almost complete disregard for human rights.

While the sanctions did little to impact the ruling junta, they have led to widespread suffering of the population at large through lack of access to jobs, a decrease in infrastructure investment due to a lack of government funding, and exploitative trading practices due to limited partners. The BFDA had the largest impact on employment in the country, with estimates of some 60,000 jobs lost by the removal of the textile industry alone and per-capita income falling by almost 50% in the two years following the application of the sanctions (Ewing-Chow 2007, 158). The overall export percentage of garments dropped from around thirty percent of total exports to less than one percent of exports between 2000 and 2011 (Staff Working Paper 2012, 2), with the BFDA being implemented in 2003. US sanctions also encouraged the application of sanctions by other countries that were allies of the United States that might have otherwise chosen to continue business in Burma (Steinberg 1999, 285). In 2006, Purdue University Professor Charles A. Rarick remarked on the implications that export and financial aid sanctions were having in Myanmar:

> The situation in Myanmar is growing bleak. The educational and healthcare systems are failing, the private banking sector has collapsed, power generation is very sporadic and unreliable, the prices of basic goods are rising, and an increasing percentage of children are malnourished. Diseases such as tuberculosis, malaria and HIV are rising, and increasing numbers of young women are forced to cross into neighbouring countries to work in the sex trade. Economic sanctions by the United States are working, working to destroy a country in order to save it (63).

This sentiment was echoed by many scholars analyzing the impact of sanctions in Myanmar and reflects similar results to those reported by Gordon (2010) about the impact of economic sanctions in Iraq (112). Due to the lack of access to development aid and FDI, the infrastructure in Myanmar has deteriorated, the poverty level has risen, secondary school enrollment rates have dropped to around 50 percent, and access to modern communication systems remains limited (Engvall and Linn 2014, 159; Rockett 2013). Rather than deteriorating the regime, the sanctions imposed by the United States and Europe, and later those implemented by Australia, have hurt local populations by decreasing their access to jobs and the proper infrastructure for economic development.

Sanctions were ineffective at strengthening the pro-democracy movement in the country, both due to the deterioration of overall living conditions, as well as government repression of opposition forces. Sanction theory posits that imposing sanctions will lead to increased misery in the country, which will motivate an anti-government movement; however, the literature has found that when sanctions have been applied to repressive regimes, they generate increased government resistance to opposition movements and further discourage individuals from opposing the regime in power (Allen 2008, 923; Peksen and Drury 2009, 935). This was seen in Myanmar where the actions of the NLD were largely diminished during the period in which sanctions were applied (Rarick 2006, 61). This occurred for several reasons. The first is related to the rally-round-the-flag hypothesis discussed earlier. The ruling party in Myanmar utilized sanctions to promote nationalistic thought by arguing that the Western world’s lack of economic support was the cause of the human suffering, rather than government policy (Steinberg 2004, 169). In repressive and closed off regimes such as Burma and North Korea, “survival is all-important and their control of the levers of power, which may actually be enhanced by sanctions, enables them to shift any burden of hardship on to the mass of the people” (Doxey 2009, 542). Second, the military government’s repressive tactics made the costs of protesting too great. The ruling junta arrested thousands of individuals who were members of the NLD party and held them as political prisoners, choking off any leadership that might have arisen in opposition to the ruling SPDC (Rarick 2006, 61; Lwin 2014, 138). In addition, opposition groups were less likely to demonstrate as “previous protests [had] been met with violence, which decrease[d] incentives for uprisings” (Rarick 2006, 61) by increasing the costs of protesting. Third, some authors argue that the widespread Buddhist religion generates values that emphasize patience and acceptance over demands for change (Ewing-Chow 2007, 175). This argument is somewhat flawed as it is dependent upon a similar framework as the Asian Values argument, which has been criticized for generalizing values across large groups and argues that the people of Southeast Asia do not need or desire equal rights (Leong 2008). Finally, as pointed out by Esfandiary (2013) and Pedersen (2014), "Myanmar's military rulers have always taken pride in resisting external pressure" (28), which turned the sanctions into a reason for the military to increase support for repressive leaders rather than attempt to promote reform.

In addition to the inefficacy and issues created by sanctions, the sanctions themselves were applied in such a way that they were flawed. The largest issue with the application of sanctions, namely those applied by the United States and the European Union pertaining to investments in the country, was that they were not retroactive (Crow 1997, 37). This allowed for a lot of investments (mainly in the oil and gas sectors) to be grandfathered into the system, most importantly, Unocal and Total who had investments in the Yadana gas fields (Liu 2007). Senator McConnell, who brought the 1996 Foreign Operations Act through Congress, originally pushed for sanctions to become retroactive as well to ensure a full removal of investment in the country, but it never succeeded (Crow 1997, 37), which is likely due to lobbying by Unocal who argued that unilateral sanctions would only serve further harm to the country, and their withdrawal from the country would lead other countries to take their place (Crow 2000, 29). In addition, they argued that they were providing jobs and infrastructure development to Myanmar's rural population (Crow 1997, 37). When the sanctions were imposed, US firms including Unocal, Texaco, and Arco had around $240 million invested in Burma (Crow 1997, 37; Prasso 1997, 40). The French oil and gas firm Total, as well as private oil and gas companies from the United Kingdom, held similar lobbying power and ensured that sanctions would not be applied to the oil and gas sector (Esfandiary 2013, 5). Both Total and Unocal have faced accusations and lawsuits regarding their collaboration with the military government and their utilization of forced labor provided by the military junta in order to build gas pipelines (Freedman 2003, 91). Here, not only were sanctions ineffective in halting human rights abuses to local populations, but their oversight of key sectors actually allowed firms from sanctioning countries to become complicit actors in the promulgation of human rights abuses. This follows the trend in the literature where piecemeal application of sanctions reduces the overall impact on the regime (O'Sullivan 2003, 296; Hufbauer et al 2007, 171-172), in this case by allowing sectors controlled by the state to continue generating enough money to keep supporters of the comfortable. Overall, the sanctions increased the domination of the natural resource economy, increased the presence of China, India, and ASEAN countries, increased malnutrition and disease, and led to the deterioration of education systems, while still failing to reduce the military's power or foster a strong anti-government sentiment.

Sanctions Removal

The process of removing sanctions has been understudied in the literature, and has occurred in Burma despite the fact that the government still has failed to meet the original demands laid out by sanctioning nations and international bodies. The 2008 constitution, the 2010 elections and 2012 by-elections, along with the release of political prisoners in 2011 and 2012 led to sweeping sanctions removals by the United States, European Union, and Australia over the past several years (Firth 2013, 368; Du Rocher 2013, 205; Yun 2013, 6). The original goal of the sanctions was “bringing to a conclusion an agreement between the SPDC and the democratic forces led by the NLD and Burma’s ethnic nationalities on the transfer of power to a civilian government” (U.S. Senate 2003, 866). The 2010 elections were boycotted by the NLD due to the large military presence in government guaranteed by the 2008 constitution and the fact that the junta continued to hold – and refused to recognize – thousands of the NLD members as political prisoners, including party leader Daw Aung San Suu Kyi (Kean 2014, 47). Due to the lack of reconciliation amongst the SPDC and the NLD, the United States and the European Union remained firm on their sanctions, but also stated that free and fair elections that would include the NLD would lead to sanctions removal. Largely due to the pressure from Western countries to include the NLD in the democratic process, by-elections were held in April 2012 following the release of political prisoners (Lwin 2014, 138). The NLD won 43 of 44 contested seats in these elections, and Western countries responded with the suspension of some sanctions.

The European Union had the most dramatic reaction to the by-elections and suspended all sanctions, eventually lifting them, except for the arms embargo despite continued human rights abuses in the country including forced labor, regime support and military participation in the ethnic cleansing in the Rakhine State, and political prisoners (Croft and Pawlak 2013; Lwin 2014, 151-2; “Burma Activists” 2012). The EU decision to lift sanctions was stated to be a response to the positive developments toward democracy in the nation with the hopes of encouraging further democratic reform (Croft and Pawlak 2013). The ability to suspend sanctions and reapply them if necessary was built into the EU policy, making them more easily tailored to benefiting positive change and punishing negative change by the regime (Bünte and Portela 2012, 2; “Burma Activists” 2012). Moreover, the lifting of sanctions in reaction to the cosmetic regime changes in Myanmar gave Europe the ability to show other countries where they imposed sanctions that efforts to alter their behavior would be rewarded (Bünte and Portela 2012, 2). In addition, the European Union needed to act quickly in order to have a competitive investment edge when Western nations began discussing lifting sanctions (Du Rocher 2013, 208-9). This is highlighted by the domino effect caused by the EU’s decision to lift sanctions, which led the United States and Australia to ease their sanctions as well over the next several months (Du Rocher 2013, 210; “Burma Activists” 2012).

The United States lifted the sanctions in pieces over a 6-month period following the elections. They began by allowing investments by nonprofits, then opening up to export services including business with the Myanmar Oil and Gas Enterprise, which is the single largest revenue provider to the state of Myanmar, and finally removing import bans for goods produced in Myanmar (Hiebert and Killian 2013). Several weeks after the United States suspended its sanctions Australia also lifted all of its sanctions except for the arms embargo (Yueyang 2012). Interestingly, shortly after the elections (and subsequent sanctions removal), fifty-nine of the military representatives with high-ranking officials, increasing the involvement of powerful members of the military in legislative debates (Egreteau 2014, 275). This reversal in the apparent opening of the regime went largely unnoticed by Western powers, and sanctions continued to be lifted.

While it may be appear that the sanctions removals were based purely on the regime change and domestic changes in Myanmar, there were underlying political and economic motivations that also helped to drive the removal of sanctions. EU and US relations with ASEAN have been strained by their rocky relations with Myanmar, which ASEAN tends to view as a form of neo-imperialism (Du Rocher 2013, 205; Hadar 1998), this was particularly true of Europe due to their colonial history in the region. The lifting of sanctions served as a benefit for ASEAN-EU relations, as was seen by the decision to resume Free Trade Agreement talks after the European Union lifted some of the last economic and trade sanctions on Myanmar in early 2014 (ASEAN Briefing 2014). In addition, ASEAN members originally argued that placing sanctions on Burma would create positive change in the country and would only result in increased relations between China and Myanmar (Hadar 1998), which did eventually occur. The political restructuring in Myanmar has provided the European Union and the United States a chance to mend their relations with the country in a way that will benefit their relations with ASEAN as a whole (Du Rocher 2013, 192). In 2011, ASEAN announced that Myanmar would serve as the ASEAN chair in 2014 for the first time (Tiezzi 2014) and called for the international community to lift sanctions (Ferguson 2011; Nu 2013, 104). This accompanied government changes previously discussed, and likely contributed to the US decision to reappoint an ambassador to Burma later that year, and the EU decision to lift sanctions in 2012 (Tiezzi 2014; Nu 2013, 105).

When the sanctions were originally imposed, the United States and the European Union did not have a large economic interest in Myanmar, but they still managed to play a huge role in the Burmese economy. The US was Myanmar's largest trading partner throughout the 1990s, importing over one quarter of all of Burmese exports, but Myanmar was a small portion of US trade (Staff Working Paper 2012, 4; Steinberg 2001, 242). From 1997, when sanctions against Myanmar were strengthened by the United States and by extension many of their trading partners, until 2006 FDI in Myanmar declined continuously (Staff Working Paper 2012, 4). However, this pattern of decline changed in the late 2000s as FDI from China, India, and ASEAN countries – Thailand in particular, increased. As discussed earlier, Thailand and China are now the largest investors in the country (Ewing-Chow 2007, 160; Staff Working Paper 2012, 5). China's investment in the country sharply increased over this period and focused largely on the oil and gas sector of the economy, eventually importing fifty percent of all Myanmar oil exports (Staff Working Paper 2012, 5; Chenyang and Fook 2009, 259). The increased economic presence of China peaked both US and EU interests and started to concern the leaders of the regime who have consistently been concerned with maintaining national and institutional autonomy and security (Free Burma Coalition 2005; Bünte and Portela 2012, 1). Western firms were particularly interested in the opportunities for oil and gas investment that were highlighted by China's economic activity in the country, and the United States held a vested interest in edging China out of the competition (Du Rocher 2013, 209; Opening Soon 2012, 78). The lifting of sanctions along with a decrease in popularity of Chinese businesses among Myanmar's population, has successfully reduced the hegemonic power that China was accruing in the region, with Chinese investment declining as a result of Myanmar's decision to cater to Western nations (Tiezzi 2014), with Singapore now controlling a larger share of investment than China (Tweed and Thu 2014).

Western nations were not the only areas concerned by the rising influence of China, but also created hesitation among the ruling junta in Burma (Bünte & Portela 2012, 1). The military regime is highly focused on issues of national security. Steinberg (1999) argues that "the Myanmar regime believes that the country is surrounded by enemies – real and potential" (294) –

assumed to be a result of their colonial history. While the emphasis of national security is one of the reasons that Myanmar's regime is not highly invested in Western investment in the nation, it also makes them cautious of too much influence from China, India, or Thailand. Throughout the sanctions regime, Burma saw an increasing dependence on China, Thailand, and India for economic support and the supply of goods (Steinberg 2001, 91). It could be argued that one of the reasons that Myanmar began to alter their regime and try to encourage the removal of sanctions. In a way, it could be argued that this was a success of the sanctions, but the increased investment from neighboring countries were unintended consequences that caused a consolidation of the economy in oil and gas and was highly dependent on forced labor and benefitted the generals over the general population (Freedman 2003, 90; Staff Working Paper 2012, 2-3). Firth (2013) summarized this well, stating that "the generals have grown rich overseeing the export of gas, timber, gems and other natural resources to China, India, Thailand and elsewhere, while the mass of the ordinary people live in poor circumstances" (Firth 2013, 364). This highlights how even though Myanmar did eventually attempt to alter the regime in order to lift sanctions, it was due to an increased economic presence of China, Thailand, and India, rather than the decreased presence of the west. This presence of these countries and their investments in state-owned enterprises caused widespread human rights abuses, and did little to kept regime leaders in a relatively strong financial position. Therefore, the attempt to eliminate human rights abuses through sanctions by the Western nations actually exacerbated the human rights abuses in the country, and ensured investments in the country flowed straight to the regime.

Following the political alterations of the regime in 2008 and 2010, the European Union, Australia, and the United States saw an opportunity for increased economic investment as pressure from human rights groups subsided. The United States was particularly interested in reducing the monopoly of Chinese investment in the region and pressure from US firms to remove investment restrictions (Du Rocher 2013, 209; Roughneen 2012), whereas the European Union and Australia, did not want to see their opportunity for investment squeezed out by competition between the United States and China (Du Rocher 2013, 208; Firth 2013, 370). This is highlighted by the reactive nature that the sanctions removals took where sanctions removals by the United States triggered similar action by Australia (Yueyang 2012), as well as by the European Union's decision to lift investment sanctions 4 weeks before the United States in anticipation of their decision (Du Rocher 2013, 210). This domino effect based on economic competition resulted in all of the sanctions being lifted at once (Firth 2013, 370); rather than utilizing a slow removal process, which would have encouraged continued reform. It appears as though these increased opportunities for investment have taken center stage, while some of the goals of the original sanctions remain unmet (Firth 2013, 368; Steinberg 2010, 42). This altering of priorities was demonstrated through US decision to change the requirements for sanctions removal so that regime change was no longer required, but rather the release of political prisoners, "better governance and human rights and 'free and fair and inclusive' elections" (Steinberg 2010, 42). This change in demands not only reduces the overall goals of the sanctions in order to make them easier to lift, but also uses vague terms such as 'better governance' and 'better human rights' which are difficult to define. Therefore, a small change in the way the government addresses human rights abuses could be sufficient to remove sanctions allowing for US firms to begin investing in the country. This alteration allowed for the removal of sanctions in 2012, despite the fact that the government still holds political prisoners and is actively engaged in ethnic cleansing in the Kachin State (Stiem 2014, 61; Pedersen 2014, 33).

Overall, the removal of sanctions has been more beneficial to protecting human rights in Myanmar than the application of sanctions was. Increased investment has led to an overall improvement in economic well-being, particularly due to the fact that the vast majority of new investments in the country are in labor intensive industries, such as manufacturing (Engvall and Linn 2014, 162). It has also led to increased support for international development programs in the country, which have contributed to improved health and education systems within the country (Yun 2013, 6). Even more telling though is the fact that following the removal of sanctions, Myanmar stated it would be willing to work with the ILO towards developing a policy for improving labor conditions and reducing the utilization of forced labor in the country (ILO Lifts 2012). Here the removal of sanctions was able to achieve the very goal of the sanction application, which had practically no effect when originally applied in 2000 (Council on Foreign Relations 2003, 16; ILO Lifts 2012). It is worth considering whether the sanctions themselves were able to achieve any impact on the regime, or if diplomacy might have been more useful. As seen in the sanctions removal process, the promise of increased economic partners led Myanmar to cooperate with the ILO.

ASEAN nations, China, and India have all utilized the path of diplomacy in dealing with Myanmar, arguing that development will only come if economic resources are made available to the country, and that interaction and trade with other countries is more likely to stimulate opposition parties than the isolationist policies of the West (Anguelov 2015; Du Rocher 2013, 198-9; Murdoch 2012, 9). However, investment from these nations, Thailand and China in particular, during the last several decades has served only to feed the regime and has done little to benefit the general population through development projects, job growth, or increased rights (Chenyang and Fook 2009, 259; Rarick 2006, 62). This is not to say that Western sanctions did the job of increasing human rights, generating economic growth, and promoting democracy, as this paper demonstrates it did none of these things; however, it is important to discuss which policy caused more harm to the regime, foreign investment or economic sanctions. Particularly as the rapid removal of sanctions may have occurred to quick. There have been continuous human rights abuses in the country and many of the political freedoms that were originally granted by the new government are being reduced (Fuller 2012, 36; Anguelov 2015; Solomon 2014). Furthermore, the NLD and other opposition parties have not had an opportunity to significantly contribute to government policy, but rather have been assigned the role of 'silent participants' (Egreteau 2013, 277). Because West eliminated virtually all of their sanctions, they have no bargaining power in the country. Significantly, the United States is starting to employ new sanctions in order to show its opposition to these reversals in policy (Anguelov 2015; Solomon 2014), showing a regression to previous policy methods. Perhaps it is not one or the other but a more strategic application of economic incentives and punishments, or "carrots and sticks," that is needed in order to generate desired policy outcomes, and it may be that that is the goal of the new and limited sanctions being employed by the United States.

Conclusion

There is no doubt that the SLORC/SPDC regime that seized authoritarian rule of Myanmar in 1988 was corrupt and repressive. However, the international community's reaction to the regime was far from successful in generating benefits to the local population. The Western world utilized the corruption and human rights abuses in Burma/Myanmar to affirm their commitment to human rights and democracy, without needing to get their hands dirty through actual on the ground interference or suffer significant financial losses. The imposition of unilateral sanctions served to drive the marginalized populations further into poverty while allowing the ruling elite to continue earning incomes through their holdings in oil and gas enterprises, which received continued investments from China, Thailand, and even some European and US firms. Throughout the time when sanctions were applied to the country, there was a marked decrease in per capita income, education levels, and infrastructure investment. In addition, there were persistent human rights abuses carried out by the regime leaders ranging from the incarceration of political prisoners, to the forced labor of ethnic minorities, to rape of women and girls by the ruling military elite. However, the government, of its own volition, decided to alter its structure and move toward a more democratic system in order to reduce dependence on any one country. This led to widespread praise by Western governments, who jumped on an opportunity to invest in the country's large oil and gas sector and reduce China's monopoly in the region. While the opening of the regime has seen the release of some political prisoners and active removal of labor rights violations, ethnic cleansing persists in the Kachin State and the same regime that is accused of gross human rights violations still holds power in the country. Today, with sanctions removed, we see a regression of the regime to former, repressive tactics. The placement of sanctions did not negatively impact the ruling elite and the rapid removal rewarded minimal alterations to the government structure, leading both to fail at the overarching goals democratic reform and an end to human rights abuses.

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