

US POLICY TOWARDS MYANMAR:
Analysing the Transition from Isolation to Engagement

*Thesis submitted to Jawaharlal Nehru University
in partial fulfilment of the requirements
for the award of the degree of*

Doctor of Philosophy

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2016



Date: 21.07.2016

DECLARATION

I declare that the thesis entitled, "US Policy Towards Myanmar: Analysing the Transition from Isolation to Engagement" submitted by me for the award of the degree of **Doctor of Philosophy** of Jawaharlal Nehru University is my own work. The thesis has not been submitted for any other degree of this University or any other university.

VANLALPARI

CERTIFICATE

We recommend that this thesis may be placed before the examiners for evaluation.

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For My Family

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ACKNOWLEDGEMENT

*I would first of all like to thank my supervisor, **Prof. Christopher S. Raj**, who gave me his unending support and his valuable time to guide me through this research. I am highly indebted to him for his intellectual counsel for the improvement of the quality of my work and his patience in correcting its many flaws. The limitations in this research though remain are mine and mine alone.*

I am also extremely grateful to all the faculty members of the Centre for Canadian, United States and Latin American Studies for their guidance throughout my course work. To all the friends and fellow scholars who assisted me in this research especially Vanlalmangaiha, Lalhlimpuii Pachuau and Vanlalrani to whom I am highly indebted for their tireless effort in proof-reading my work, my special thanks goes to them.

I would also like to mention and thank the Central Library, JNU; Indian Council of World Affairs (ICWA) Library; Institute of Defence Studies and Analyses (IDSA) Library and the American Centre Library and their staff without whose help the resources necessary for this research would have been a difficult task to extract. I am also deeply grateful to the Ministry of Social Justice & Empowerment and the Ministry of Tribal Affairs for providing me with much needed financial assistance for this study. I would also like to thank the Indian Council of Social Science Research for the grant at the advanced stage of my research which enabled me to complete this study.

Last but not the least, I would like to acknowledge my family who have supported me throughout this journey and whose unending prayers have been the source of my strength for the completion of this research.

Praise be to God for giving me the health and the strength to finish my work in due time.

21.07.2016

Vanlalpari

List of Abbreviations

AFPFL – Anti-Fascist People’s Freedom League

APEC – Asia-Pacific Economic Cooperation

ARF – ASEAN Regional Forum

ASEAN – Association of Southeast Asian Nations

ASEAN+3 – ASEAN plus China, Japan and South Korea

BFDA – Burmese Freedom and Democracy Act of 2003

BSPP – Burmese Socialist Programme Party

BSR – Burmese Sanctions Regulations

CPB – Communist Party of Burma

E.O. – Executive Order

EAS – East Asia Summit

E-IMET – Expanded-International Military Education Training

IEEPA – International Emergency Economic Powers Act

IFI/IFIs – International financial institution/institutions

IMET – International Military Education Training

JADE Act – Junta’s Anti-Democratic Efforts Act of 2008

KNU – Karen National Union

MAPHILINDO – Greater Malayan Confederation for Malaya, the Philippines and Indonesia

MNDAA – Myanmar National Democratic Alliance Army

NEA – National Emergency Act

NDAA – National Democratic Alliance Army

NLD – National League for Democracy

P.L. – Public Law

SLORC – State Law and Order Restoration Council

SPDC – State Peace and Development Council

TAC – ASEAN Treaty of Amity and Cooperation

TIFA – US-ASEAN Trade and Investment Framework Agreement

TPP – Trans-Pacific Partnership

UNA – United Nationalities Alliance

UNCLOS – United Nations Convention on the Laws of Sea

UNHRC – United Nations Human Rights Council

USAID – United States Agency for International Development

USCIRF - United States Commission on International Religious Freedom

USDA – Union Solidarity and Development Association

USDP – Union Solidarity and Development Party

Preface

The current robust engagement between the US and Myanmar was hardly imaginable in the two countries relation over two decades ago because of the US sanctions and isolation policy and declaring Myanmar “outpost of tyranny” and “rogue state.” The new relationship even ushered in the first ever visit of a sitting American president on 20 November 2012 when President Obama undertook the historic trip to Myanmar. This trip manifested the improving relations between the two countries which has been unfolding since Obama entered the White House in 2009. The trip was undertaken as a part of the larger “rebalancing to the Asia-Pacific” foreign policy initiative officially announced by the Obama administration in 2011 but already formulated and intently pursued since 2009 in which a policy review towards Myanmar was also made. The intention to review US policy on Myanmar was announced by Hillary Clinton after her first visit to Southeast Asia as the new Secretary of State in 2009 and the Obama administration then on undertook the process to build better ties with the country.

To further demonstrate the commitment of the US towards this new policy, Secretary Clinton visited Myanmar on 29 November 2011 after 56 years since a US Secretary of State last made the trip to the country. Hence, a new approach called “pragmatic engagement” became the new US policy towards Myanmar and decades of isolating the country effectively came to an end while some sanctions were reviewed but majority of sanctions remain intact. President Obama’s trip was also a gesture to further encourage the political developments and reforms that were taking place since 2011 after Thein Sein became the new president of Myanmar. The US has since undertaken several initiatives to deepen ties with the country of which the waiving of sanctions is the most significant.

Myanmar, on its part, has also been undertaking reform movements since the election of 2010 guaranteed the transformation of the military government to a democratic government. Myanmar’s transition had been carefully formulated and planned by the military since 2003 through a process they named the “seven-stage road map to democracy” and a National Convention was summoned in 2004 to move forward this plan. The main opposition party, the National League for Democracy (NLD) headed by

Aung San Suu Kyi, and the “United Nationalities Alliance” (UNA), a coalition of ethnic national parties, were not convinced of the military’s plan and refused to attend the Convention which resulted in both parties to be de-recognised. A new constitution was adopted through a referendum in 2008 and a general election was held affirming this in 2010 which saw the victory of the Union Solidarity and Development Party (USDP), a party supported and composed of military men. The election was observed as highly flawed because the military had dominated the whole process to transition the country to a democracy. It was, therefore, surprising for observers when swift reforms began to take place under the new president of the country, Thein Sein who was also a former military general.

These reforms encompassed Myanmar’s political, economic and social sphere and brought in changes which have been absent in the country for a very long time. Essentially, these were the guarantee of fundamental rights like freedom of speech and assembly as well the right to form labour unions, easing of media restrictions, release of political prisoners to mention only a few. One of the most important gestures made by the new government was towards improving relation with the NLD especially Suu Kyi which eventually resulted in the NLD registering back as a political party to contest for the 2012 by-election. This election as expected was won by the NLD which formally brought them into the new politics of Myanmar as an official opposition party in the Parliament. These developmental policies towards strengthening the fragile democracy that was established by the election have, thus, been astounding ever since they were undertaken in 2011 and have attracted tremendous attention and observation especially in academia. This change and the new engagement policy with the US have been topics of intense examination for the past few years. The US making a policy change after maintaining the sanctions and isolation policy for decades triggers an interest to ascertain the reason underlying the decision of the Obama administration to alter US policy. It is for this reason that a research on the US-Myanmar bilateral relation has been pursued in this study.

The study encompasses both the policies of isolation with sanctions and the recent engagement where sanctions remain which therefore covers the period from the 1990s to

the current Obama administration. The study aims to understand the successful conclusion on the question of US abandoning isolation and opting engagement with Myanmar. As we know, the sanctions and isolation policy was triggered by the military's brutal suppression of protests in 1988 and their subsequent denial to honour the 1990 election result which was won by the National League of Democracy, Aung San Suu's party. In the study, the isolation period is examined by focussing on two basic issues where one of them relates to US policy-making towards Myanmar and the other on the efficacy of the sanctions and isolation policy in bringing change in Myanmar while the new engagement policy is examined with respect to the larger political environment of Southeast Asia and US interest in the region. Historical background giving an overview of the limited contact between the US and Myanmar in the period before 1988 is also briefly examined as it is important to understand the history of the two countries relations as well as the political condition of Myanmar in that period for a thorough and meaningful study of the bilateral relations.

The survival of the sanctions and isolation policy for such a long time demonstrates the strong support of the approach in the policy making circle of the US government despite the goal of establishing democracy in the country with improved human rights condition not being realised throughout the period. It is on the debate of this strong support for the policy that the study first of all examines the issue of US policy making towards Myanmar focussing on the various administrations' policy formulation as well as their conduct regarding the sanction laws. The role of the main actors of US foreign policy – the executive and the Congress – have been analysed and through this, the study examines which of the actors play the more prominent role in determining the imposition of sanctions on Myanmar. The current engagement policy opted by the Obama administration questions the efficacy of the previous US policy in affecting the military rulers of Myanmar to bring change to the country. Here, the study examines whether there can be a definite conclusion on this debate or whether the answer to the question of the policy's efficacy remains as ambiguous as ever.

The Obama administration has been displaying a strong intent as well as vigour in altering US policy on Myanmar. Pertaining to this, the study examines whether the US strategic interests in the region played a role in influencing this attitude. Within this focus, the study examines the current political environment of Southeast Asia which is witnessing a rising and more assertive China in which the US, through the “rebalancing policy” has been aiming to deepen relations with countries and regional organisations in the region. The study therefore analyses the role of Myanmar in the larger plan of the US to safeguard and enhance its strategic interest in the region which includes checking China as well as improving its relation with the ASEAN. Finally, the study adds certain issues that the US can further strengthen in the relations with Myanmar because the NLD, headed by Aung San Suu Kyi and supported by the US since 1990, is now in power in Myanmar.

Map of Myanmar



Source: United Nations. [Online: web] Accessed on 14 June 2016 URL: <http://www.un.org/Depts/Cartographic/map/profile/myanmar.pdf>

CHAPTER 1

Introduction

The US-Myanmar relation has been undergoing an incredible adjustment towards closer engagement these past few years. The relation has otherwise been marked for well over two decades by limited engagement due to the sanctions and isolation policy which constrained the US approach on the country. The reconstruction of relations with Myanmar by the Obama administration has been amongst the initial policy initiatives undertaken by the administration soon after taking over in 2009. The administration had made it clear from early on that the US was willing to start diplomatic engagement with countries that were previously termed as “outposts of tyranny” due to their poor human rights records, provided that these countries were willing to do so (Clapp 201: 411). Taking this forward, the Obama administration made an in-depth re-evaluation of the US policy towards Myanmar soon after former Secretary of State, Hillary Clinton, returned from her maiden trip to Southeast Asia in 2009 (Clapp 2010: 410, 411; Robert H. Taylor 2010: 204). Secretary Clinton voiced the dissatisfaction over the futile US policy of sanctioning and severing ties in the bid to push the military to step down and democracy be established in the country, though equally stating that the policy of engagement opted by the Asian countries had little effect on Myanmar’s military rulers (Clinton 2009; also cited in Clapp 2010: 411).

In the process to reform the US policy, the Obama administration needed to bring the US Congress on board. This is because there has been active Congressional participation ever since the first decision to take actions against the military government was taken in 1988 (Martin 2012: 66-67). Several legislations calling for as well as implementing sanctions on Myanmar have been passed in the Congress with tremendous bipartisan support and

because of this, the Obama administration's task of shifting the policy to engagement was not easy and had been attained after a difficult and "hard-fought debate" (Clapp 2010: 419). The administration held countless discussions with Congressional leaders apart from other groups like human rights groups who have all played substantial parts the formulation of US policy towards Myanmar so that the concern of these groups would be considered when formulating the new policy (Clapp 2010: 411).

Various policy undertakings have since then been vigorously pursued by the US to move forward the policy goal of improving relations with Myanmar. Official visits to the country by former Secretary of State, Hillary Clinton in 2011 after a 56 year gap of visit from top rank American diplomat since the 1955 (Thuzar 2012: 209) and President Obama on 20 November 2012 are clear indicators of the improving US relations with Myanmar which has been unfolding since 2009 (Steinberg 2014: 118). President Obama's trip in 2012 significantly marked the first American presidential visit to the country and was a gesture to further encourage the remarkable political reforms and developments in Myanmar since a civilian government took over in 2011 though the trip had been conducted as part of the larger US "rebalancing towards the Asia-Pacific" policy (Baker 2012, Nakamura 2012). The political developments in Myanmar have in turn encouraged the easing of US sanctions through "presidential waivers" beginning from December 2011 even though sanctions remain intact and can be re-imposed anytime in the future (Martin 2013: 1, 5).

The reforms and developments in Myanmar have been possible due to the regime transformation to a democratic state which was pursued through the "seven steps roadmap to a disciplined democracy" announced by the military regime in 2003 and a general election took place in 2010 affirming this (Robert H. Taylor 2009: 214; Bunte and Portela 2012: 2; Beech 2013: 24). But with the military having a firm hand on the planning and execution of the transition process, the election was anticipated to be largely unfair (Clapp 2010: 204; Beech 2013: 24). Nonetheless, the Obama administration was intent on moving forward with engaging Myanmar whatever be the outcome of the

election (Steinberg 2011: 182) indicating that strengthening US relation with Myanmar was indeed an important agenda to the new US government.

The positive reforms undertaken under President Thein Sein shortly after taking over in 2011 have been an unexpected yet welcoming change in a country which has been under the military rule for most of the time since the country's independence in 1948. Because of these incredible reforms and developmental works, the rigid military control slowly mitigated (Bunte and Portela 2012: 2). The US on its part has done away with isolation, granting several sanctions waivers which enabled President Thein Sein's visit to the US in September 2012 which would otherwise have been impossible because sanctions effectively bar the military leaders from entering the US (Rustici 2012). By March 2012, the US confirmed Derek Mitchell as the US ambassador to Myanmar ending the refusal to appoint an ambassador to the country since 1990 (BBC 2012; Mishra 2014: 156).

The Obama administration also announced the shift of US strategic interest back to the Asia-Pacific region with the announcement of the "rebalancing to the Asia-Pacific region" policy in 2011 (Muni 2014: 3; The White House Office of the Press Secretary press release, 2012). China's growing assertiveness in the region apart from its tremendous rise in the past decades seems to have warranted this move. With the wars in Afghanistan and Iraq and the economic crisis, the US status as the most powerful country was perceived as relatively weakening in power and prestige especially in Asia while that of China was rising (Bader 2012: 2). Especially in Southeast Asia, the ASEAN even felt the US was negligent of not just the organisation but the whole region (Lum et al. 2009: 1). This was because the then US Secretary of State, Condoleezza Rice, was absent from the ASEAN Regional Forum meetings both in 2005 and 2007 and President Bush Jr. cancelled the 2007 US-ASEAN conference (Ba 2009: 378). US relation with the ASEAN has nonetheless been disrupted many times because of the Myanmar issue. Myanmar's membership to the ASEAN in 1997 was highly disapproved by the US who believed the military regime should be punished while the ASEAN had opted constructive engagement to influence the regime for policy change (Acharya 2006: 124-125; Overholt 2008: 175). From observing these issues in Southeast Asia, it has therefore been observed

by several scholars that the rise of China as well as the larger interest on deepening ties with the Association of Southeast Asian Nations has influenced the US to seek for policy change towards Myanmar (ASEAN) (Lum et al. 2009: i; Clapp 2010: 417).

What this brief overview of the recent developments in US-Myanmar bilateral relation indicates is the tremendous enthusiasm from the US to improve and strengthen relations with Myanmar. This shift in US policy towards Myanmar indicates a change of US perception of the country to that of having growing importance (Baker 2012) unlike the former when severing ties with the country could be afforded due to Myanmar not having significance for maintaining and furthering US strategic interest in Southeast Asia (Brooten 2005; Thawngnung and Sarno 2006; Steinberg 2007). Therefore, these developments warrant the need to further examine why the US is promoting engagement with Myanmar after maintaining the sanctions and isolation policy for more than two decades. The policy change has questioned the efficacy of the sanctions and isolation policy as well as the US interest in the larger political environment of contemporary international relations especially in the region of Southeast Asia which has been necessitated due to China's rise and the intensifying aggressiveness in its territorial claims in the region.

Definition and Scope of Study

The study, therefore, is a thematic analysis of the US-Myanmar relation which focuses on the periods from the sanctions and isolation era to the present. Examining both the US policies of isolation with sanctions and the recent engagement with the easing of sanctions, which is imperative, the study has analysed why the Obama administration espoused a policy change towards Myanmar by taking into account the impact of the sanctions and isolation policy as well as US interests in the region of Southeast Asia. The study includes an examination into role of the US Congress in US policy towards Myanmar; efficacy of the sanctions and isolation policy for the promotion of democracy; and, US interest in strengthening ties with the ASEAN as well as managing China's rise

through engagement with Myanmar. For a thorough and efficient study of US-Myanmar relation which is what this research aims to deliver, the study also covers a discussion of the historical background of the two countries' relations as well as Myanmar's state of affairs in the times before the sanctions and isolation policy was imposed on the country.

Research Questions

- Is the US Congress more active than the White House for the imposition of sanctions towards Myanmar?
- Is there a decline in the support for sanctions in the US Congress with the policy change from isolation towards engagement?
- Do recent developments in Myanmar demonstrate the efficacy of US sanctions in the country, in particular, in achieving the stated goal of democracy promotion?
- Can robust engagement with Myanmar offer the US an advantage to revive relation with the ASEAN for furthering its strategic interest in the region of Southeast Asia?
- Does China's rise facilitate urgency amongst US policy makers to make policy change towards Myanmar?
- Does the engagement with Myanmar facilitate the maintenance of power balance in Southeast Asia notably checking China's growing influence in the region?

Hypotheses

- US Congress has been more proactive compared to the White House in pushing for sanctions on Myanmar.

- Sanctions that evolved as an instrument of democracy promotion in US foreign policy conduct towards Myanmar had unclear demonstrable effect.
- *Realpolitik*, especially increasing Chinese engagement with Myanmar and its global rise, triggered US foreign policy makers to initiate a process of robust engagement with Myanmar.

Structure of the Research

The study has been divided into five chapters. Myanmar will be used in general discussions in this study unless for those within quoted texts where Burma has been used. The first chapter is the introductory chapter and holds the basic definition, scope and aim of this research. Postulated questions and hypotheses for the successful conduct of this study are enumerated in this chapter and the basic literatures highlighting only the focus of study in each chapter that were examined are also mentioned. Apart from this, the historical background of US-Myanmar relations before the sanctions and isolation policy was imposed as well as Myanmar's situation during the 1988 and 1990 incidents are encompassed within this chapter.

Chapter 2 is an examination of the US sanctions policy in Myanmar which starts off with the broad definition of sanctions and how sanctions evolved as prominent instrument of US foreign policy in the execution of which the role of the Congress is highlighted. Following this, the focus shifts to the different types of US sanctions imposed on Myanmar and the various US administrations' conduct in the enforcement of the policy on Myanmar. There is also a brief highlight of the congressional reaction to the conduct and result of Myanmar's 2015 election. The study's focus in this chapter is on the roles of both the executive and the Congress in US policy making towards Myanmar in order to determine which of them plays a more prominent role.

Chapter 3 analyses the impact of sanctions in Myanmar to determine if the country's democratic transition is a consequence of the US sanctions and isolation policy. The

chapter highlights the growing importance of ideals specifically human rights and democracy as important agendas in US foreign policy then comes directly to the new US policy on Myanmar under the Obama administration since the sanctions policy is already covered in the previous chapter. The current situation in Myanmar is then traced by looking through the country's road to political transition finally culminating to the reforms under the new Myanmar government. US policy impact on Myanmar and the 2015 Myanmar election impact on the US policy are then discussed.

Chapter 4 holds discussion of the current political environment in the region of Southeast Asia and US strategic-interest. An examination of the Obama administration's policy of "rebalancing towards the Asia-Pacific region" is made followed by discussions on the general policy of the US towards Southeast Asia with a focus on the South China Sea and the ASEAN. It also encompasses China's interest in Southeast Asia and its policies on the South China Sea, the ASEAN and Myanmar along with a general overview of US-China relation. Analysis is made on how Myanmar plays a role in the larger interest of the US in Southeast Asia. Finally, the summary of findings from each chapter as well as further discussion on what the US can enhance to deepen ties with Myanmar are included in Chapter 5 of the study.

Review of Literature

For this research, numerous literatures have been utilized for giving the framework and base of the study. Here will be highlighted only a few selected literatures to give a brief summary of what each chapter focussed on. The selected literatures examined here give an insightful account to the important issues in the US-Myanmar relation relevant for the conduct of this research. They are categorised thematically, the pattern of which are reflected in the chapters. They are as mentioned below:

a) *Post-World War II Myanmar Setting and American Indifference*

The theme has been incorporated in this introductory section of the research and deals with the political history of Myanmar and the history of the relation with the US for which the works of Josef Silverstein (1959), J.R.E. Waddell (1972), John H. Badgley (2004) and David I. Steinberg (2006) are reviewed to give an insight on the main issues discussed within this theme. For giving an insight to the most important political issue in the US-Myanmar relation which are the incidents of 1989 and 1990, the works of Bertil Lintner (1990), Lisa Brooten (2005), John Bray (1995) and Steinberg (2010) are also examined. The basic focus here is on the political situation in Myanmar towards the end of World War II till the early 1990s. Though the country was still officially called Burma during this period, Myanmar will be used for the purpose of consistency in the study.

Both the works of Josef Silverstein (1959) and J.R.E Waddell (1972) capture in detail the post-World War II political situation of Myanmar which first saw the establishment of a democratic government after the country's independence from British colonization in 1948 but that an unstable domestic political situation demanded a temporary military take-over to oversee the country between 1958 to 1960 when elections brought back a democratic government (Silverstein 1959: 83-89; Waddell 1972: 111). The noteworthy military coup of 1962 which resulted in the formation of the first military government, the Burmese Socialist Programme Party, which continued to rule the country till 1988, is discussed in the works of Waddell (1972: 111-112) as well as David I. Steinberg (2006: 223). Waddell (1972) makes a brief highlight on US relation with Myanmar which was hardly significant during this period though U Nu's "liberation front," which was ousted by the military was believed to have been secretly aided by the US though it was launched from Thailand (Waddell 1972: 115-117).

US political interaction with Myanmar which began a little towards the final stages of World War II is covered in the works of John H. Badgley (2004) and Steinberg (2006). Both Badgley (2004) and Steinberg (2006) highlight the first significant contribution of the US relating to Myanmar which happened towards the end of World War II when the US participated with the Allied forces to end Japanese occupation of the country

(Badgley 2004: 13-14; Steinberg 2006: 223). Badgley (2004) distinctively classified the US role in Myanmar into three broad issues. First, the search for the bodies of US soldiers who died in the Hump during the operation to stop the Japanese forged cooperation between US and Myanmar which has become significant till date (Badgley 2004: 13). Second, the US government and private organisations supported the decision to assist the country during the Cold War though the aids increasingly became irregular due to the military regime's distrust of the US and the unfolding socialist policy in the country (Badgley 2004: 14). Third, liberalization process became enhanced by the interactions with the international community which was especially boosted by the reengagement with the US and the UN after 1976 and increased people's interest in the governance of the country especially at the local and regional level that eventually resulted the 1988 protest against the military rule in the country (Badgley 2004: 14-15).

Steinberg (2006) also states in his work that US interests in the country increased because of the Cold War since the initial US view of Myanmar was not of strategic but simply as a British colony (Steinberg 2006: 223). His work gives an insight of how the Cold War started US interest in the country and an official team was sent to Asian countries including Myanmar to survey on how the US could aid in checking the spread of the Soviet influence and that US assistance programme in Myanmar was also conditioned by the Myanmar-China relation as the common perception of Myanmar's neutral stance in the Cold War alignment system was influenced by China (Steingberg 2006: 223). Here, the important issue noted by Steinberg (2006) is how US aid was disallowed as Myanmar was suspicious of the US role towards the Kuomintang troops fleeing China and the military leaders were concerned about the pursuit of these troops from China (Steinberg 2006: 224). Another important issue for the US, the issue of heroin production in Myanmar, compelling the US to assist Myanmar through various instruments and choppers necessary for checking production of these drugs is also listed in the works of Badgley (2004: 14) and Steinberg (2006: 224).

This limited engagement between the two countries took a new turn by the late 1980s which is captured thoroughly by Bertil Lintner (1990) and David I. Steinberg (2010).

Both works throw an insight on Myanmar's domestic situation which was caught in turmoil in 1988 due to the protests against the military's mismanagement of the country that culminated on the 8 August which was suppressed by the military in the most atrocious way and the refusal to accede to the 1990 election result of the country and instead continued their rule of the country (Lintner 1990: 2-12, 182; Steinberg 2010: 77-80, 91-93). The important things that figured during this period such as Aung San Suu Kyi's debut at the political scene and her evolution as the leader of the democratic movement of the country as well as the evolution of a new military rule under the State Law and Order Restoration Council (SLORC) (Lintner 1990: 109, 131; Steinberg 2010: 88-89, 91-93). Lisa Brooten's work also highlights the important role of Suu Kyi as the promoter of democracy within the country and as the image of it outside the country (Brooten 2005: 145). The US reaction to the situation which was sanctioning and severing ties with Myanmar from this period are well captured in the works of Steinberg (2006: 225) and John Bray (1995: 10-11). As is known, the US followed this policy for more than two decades.

b) *Sanctions: Congress and White House Priorities*

The second section brings us to the issue of sanctions which have been an important policy of the US towards Myanmar. Selected works concerned with the general sanctions policy debate, the two incidents in Myanmar that were responsible for US sanctions and those that discuss the role and influence of the US Congress and the White House on the sanctions policy are studied here. Roman David and Ian Holliday (2012) mention in their work that the nuance with international sanctions is that their result is difficult to be clearly determined and in most cases, sanctions have been found to be unyielding towards their goals by economists (David and Holliday 2012: 124). The work of Gary Clyde Haufbauer, Jeffrey J. Schott and Kimberly Ann Elliot (HSE 1990) where a review of 115 cases of sanctions from 1914-1990 were evaluated are amongst the few case studies that demonstrates positive result for sanctions where 40 (34 %) cases are considered as successful (Pape 1997: 93). Their work defends that sanctions are successfully realised

when the targets are already in depleting political and economic situations, when good relations have previously been maintained with the sender country, and when they have been under the sanctions regime for a long time and when the enforcer is supported by a third party or when it employs minimal force though this can be checked by another force aiding the target and most importantly the “nature of US involvement” on the execution of sanctions (Thawngmung and Sarno 2006: 41).

Though their work generates immense positive view of the economic sanctions, it draws a number of criticism of which Robert Pape’s has been largely famous. Pape (1997) criticises that the work of HSE is highly erroneous where only 5 cases can be properly regarded as successful (Pape 1997: 93). He argues that majority of the HSE’s work does not fit the proper definitive meaning of economic sanctions, which he considers of utmost importance when determining the success of sanctions, as most of the cases were more of “trade wars” or “economic warfare” while sanctions must be limited to actions aimed at reducing the target’s overall economic welfare by constraining the target’s overseas trade to force political change in the target (Pape 1997: 93-94). Though advocating that sanctions would not really accomplish significant foreign policy objective, Pape believes economic pressure can be exercised along with the use of force (Pape 1997: 110).

Dursun Peksen and A. Cooper Drury (2010) in their work on the assessment of the negative impact of economic sanctions concludes that economic sanctions inadvertently give target regimes a good excuse to further limit “democratic freedoms” in their state while unnecessarily reducing the opposition’s available resources which in turn constrict their capability to force the government to heed to their political demands (Peksen and Drury 2010: 257-258). They advocate “smart sanctions” which are targeted solely on the responsible people to reduce the burden on the opposition and propose the use of foreign aid and assistance, economic loans with low interest rates, and diplomatic engagement because they opine that “inducement” would reduce the unnecessary sufferings that often further diminish democratic administration (Peksen and Drury 2010: 259).

Sanctions have become a policy option for the US in its relation with Myanmar since the early 1990s. Scholarly works of David I. Steinberg (2006; 2007), Broten (2005),

Brendan Taylor (2010a), and Martin (2012) all state that it was the 1988 brutal suppression of the uprising against the military and the refusal of the military to honour the 1990 elections result as the reasons that made the US imply the policy on Myanmar as a protest against these (Brooten 2004: 137-138, Steinberg 2007: 222, Brendan Taylor 2010a: 74, Martin 2012: i). Brendan Taylor (2010a) in particular observes that the US was especially moved by these incidents because the US oriented its foreign policy for a “new world order” due to the end of the Cold War in which human rights and democracy were to be prioritized (Taylor 2010a: 75).

In sanctioning Myanmar, the US Congress has been playing an important role. The eminent role of the Congress in compelling US administrations for new sanctions on Myanmar especially during the Clinton administration and that the sanctions could have been more severe had it not been reduced by the differences in the Congress is well captured in the work of Brendan Taylor (2010a: 76). Taylor’s (2010a) work highlights the convenient reduction of partisan debate on Myanmar issue in the Bush Jr. administration which was favoured by a Republican dominated Congress and therefore more sanctions towards Myanmar were passed. On this topic, another scholar Robert H. Taylor (2009) also states that the military regime in Myanmar misconceived the US political conduct in which the influence of Congressional members and pressure groups can control the outcome of decision makings on issues of less significance to the US President (Robert H. Taylor 2009: 213).

Michael F. Martin (2012) succinctly captures the policy and kinds of US sanctions on Myanmar in the Congressional Research Survey (CRS) report prepared for the US Congress. The Congressional role especially as a more stronger force in pushing for sanctions on Myanmar than the White House is clearly stated in the report (Martin 2012: 66-67). The report highlights the various laws passed by both the Senate and the House of Representative enacting sanctions on Myanmar. The report mentions that the overwhelming support to the resolutions criticising the 1988 brutal act of the military regime while supporting democracy in Myanmar by both the Senate and the House of Representative motivated the Reagan administration to slap Myanmar with sanctions

(Martin 2012: 4). The report gives a detailed account of how the Congress closely monitors the actions of the military regime and responds accordingly.

The influential role of the Congress on the sanctions policy is clearly phrased in the work of Priscilla Clapp (2010) stating that US policy towards Myanmar has been upheld by various laws which have been passed with tremendous support from both houses of the Congress because of the conviction that Myanmar's military must be challenged with forceful sanctions (Clapp 2010: 418). The work of Clapp (2010) clearly indicates that it is this severe measure towards the military regime that made the US policy change favouring engagement with Myanmar a very difficult task and which was attained after a difficult and "hard-fought debate" (Clapp 2010: 419). The countless discussions with Congressional leaders apart from other groups like human rights groups, who have all been significant influencers of the US policy formulation towards Myanmar, so that the concern of these groups would be considered when constructing the new policy have been clearly stated in her work (Clapp 2010: 411). Her work also highlights several important developments concerning the US Congress that were made during the Obama administration's proposal of policy orientation towards Myanmar. One was the support from Senator Jim Webb (Democrat, Virginia), Chairman of the "Senate Foreign Relations Committee's Subcommittee on Southeast Asia," who stated that sanctions unintentionally pushed Myanmar closer to China and his support was critical for the administration because several leading Congressmen stated early on that revoking sanctions without significant development towards human rights and democracy in the country would not be endorsed (Clapp 2010: 412). The other issue highlighted was the support for Senator Webb's argument for better engagement with Myanmar by other noted Senators like Richard Lugar and John Kerry who were also disturbed about the "strategic balance" in Southeast Asia apart from the concern for the people of the country (Clapp 2010: 419).

Both of David I. Steinberg's works (Steinberg 2006 & Steinberg 2007) that are consulted for this study indicate that the Congress's powerful influence has resulted in sanctioning Myanmar whose members were in turn convinced by the strong lobbying of human rights

groups (Steinberg 2006: 226; Steinberg 2007: 223). In his work, Steinberg also highlights how the pragmatic foreign policy option pushed the State Department to limit Myanmar sanctions only on prospective US investment in the country as well as barring military men from travelling to US though some Congressmen were favouring a ban on all future as well as past investments in the country (Steinberg 2007: 223). In another work of Steinberg published in 2011, the Obama administration's examination of both the strong Congressional support for Suu Kyi and her party as well as the failure of sanctions to bring the desired goal of political transition are clearly highlighted along with the administration's resolve to not do away with sanctions because of strong support from the Congress and instead abandon the previous demand of "regime change" (Steinberg 2011: 182). These literatures have thus clearly indicated strong Congressional support towards the sanctions and isolation policy of the US.

c) *US Sanctions and Isolation Policy - The Impact on Myanmar*

The literatures examined here deal with the issues influencing the US sanctions policy on Myanmar, the recent political developments in Myanmar and the assessment of the sanctions policy. The fact that sanctions in general has been an important tool of US foreign policy ever since the nation was formed and its eventual emergence as a fundamental force of US policy conduct with the growth of US power in the world has been mentioned in Brendan Taylor's work (2010a: 32, 33). In concern with Myanmar, scholars like Lisa Brooten (2005), David I. Steinberg (2007), Brendan Taylor (2010a), and Michael F. Martin (2012) have all stated in their works that the absence of respect for human rights in the country is the central reason why the US sanctioned Myanmar and that the continued decline of importance to the issue by the military has compelled harsher sanctions from the various US administrations in the past. The stated goal of the sanctions regime which was for the establishment of a democratic government in the country is highlighted in all their works.

The democratic leader, Aung San Suu Kyi's effective role in influencing US policy conduct on Myanmar is stated in the works of Lisa Brooten (2005), Brendan Taylor (2010a), Michael F. Martin (2012) along with other scholars like Thawnghmung and Sarno (2006), Steinberg (2011) and Moe Thuzar (2012) all arguing in their work about the US policy of sanctions being often determined by the military's conduct towards Suu Kyi. Brendan Taylor (2010a) specifically points out the Clinton administration's policy towards Myanmar being conditioned by Suu Kyi herself who encouraged sanctioning the military regime and that the slight progress in the relation between the Bush Jr. administration and the military was crushed by the military's actions towards Suu Kyi (Brendan Taylor 2010a: 76, 94-94). Michael F. Martin (2012) and Thawnghmung and Sarno (2006) both mention in their works that appealing for Suu Kyi's release from house arrest as well as democratic political reforms in exchange for relaxing some sanctions had always been the bargaining chip for the US with the military regime (Martin 2012: 6, Thawnghmung and Sarno 2006: 44). The continued influence of Suu Kyi as the symbol of the country's democracy and would still garner international support if the new civilian government elected in 2011 pursue any policies to side-line her. In line with this, Moe Thuzar's work throws an insight on the criticality of building close ties with Suu Kyi by the country's new leadership for the furtherance of developments in Myanmar since 2011 based on the notion that she still commands great influence over the international community.

The influential nature of various interest groups has also significantly shaped US policy conduct especially in relation to sanctions. Brendan Taylor's work (2010a) highlights the imposition of sanctions for the achievement of US foreign policy goals is generally related to most of the demands of the various interest groups such that it is openly accepted that US policy conduct would be influenced by them (Brendan Taylor 2010a: 40). David I. Steinberg (2007) also mentions how these groups especially those concerned with human rights and exiles from Myanmar managed to guide the actions of some influential congressmen in US policy making in regards to Myanmar. The work of Robert H. Taylor (2009) also talks at length about how the democratic plight of the

country continued because of the activists from the country as well as the expatriates who succeeded time and again in influencing observers of the country.

Focussing on the role of sanctions as instrument for promoting democracy, Stephen D. Collins' work throws an important light on this issue. His work is a study of US sanctions in general and deals with the evaluation of the US sanctions policies throughout the Cold War and post-Cold War years or rather the bipolar era and the multipolar era. According to him, sanctions have become considerably more effective after the Cold War to promote democracy than during the War with the absence of rival power like the Soviet Union to challenge US sanctions and there is no third party counter-balancing actions because the target has no alternative to look to for aid (Collins 2009: 70, 72). An important highlight in his work is the uncertainty over the continuation of US unipolarity in the second decade of the 21st century with the possibility of a multipolar world evolving or else a new bipolar world which would alter the importance of sanctions. Here, he mentions China's massive growth as a strong contender for the US because the economic gap between them is decreasing with time and China has begun to counteract US sanctions particularly in Africa and Asia (Collins 2009: 89). Another important point that Collins (2009) points out is that multilateral effort makes "democracy sanctions" more efficient. He concludes that sanctions still remain a compelling tool for the US and they will retain importance in the demand for democratic reforms in other countries because the restriction on trade and assistance from the US will continue to push countries to reform their policies (Collins 2009: 91-92). Collins (2009) also highlights the fact that the richest countries and biggest economies in the world are mostly democracies has been (and are in favour)? favourable for democratic sanctions (Collins 2009: 92).

Looking into the current political developments that are taking place in Myanmar, Robert H. Taylor (2009) highlights the military's plan towards transforming the country to a democracy through a seven step roadmap which included the 2008 adoption of the country's new constitution through a popular vote and the general election of 2010. He also briefly observes the rigid limitations that emphasised only on security which influenced the progress of a free political environment which is critical for electoral

politics to function efficiently in the country. At the initial stage of the transition, scholars such as Steinberg (2011) were highly critical because the military has guaranteed itself to continue holding power in some form such as the twenty-five percent seats to be held by active military officers. He questions the true essence of democracy in the military's "discipline-flourishing democracy" that had been pursued after the election and adds that with power still monopolized by them though more subtle than before, the basic ground rule for a performing democracy which is limited role of central authority has not been achieved at all. This critical view of the 2010 election in Myanmar is also reiterated in Thuzar's (2012) work where highlight is made on how observers were highly unconvinced about the 2010 election.

Thuzar's work (2012) also follows the situation after the new government was inducted where she captures the initial perception about Myanmar's transition quickly changing to hopeful anticipation within six months after establishing democracy because positive changes started to happen in the country. The changes that she mentions include the abolition of media curtailment, reforming economic policies which yielded beneficial results, political reforms more attentive on citizen's grievances and policies implemented to address these issues as well as increasing official visits from the US, the UN, ASEAN member countries and others who have strategic interest in Myanmar.

The work of Thawngmung and Sarno (2006) particularly highlights the need for the US to be open to any constructive progress in the country while acknowledging the military's part for establishing democracy in the country. The US needing to take advantage of the political change in Myanmar is also reiterated by Gareth Price (2011) who believes that the US must use the recent opportunity handed by the country's transition to bring more progress in the country. Price's work (2011) states the reactions from outside observers on the political transition of the country where the US who is still monitoring the developments would continue engaging the country but not remove sanctions while continuing with the demand of freedom for more political prisoners, elections to be conducted fairly and settling differences with minorities if there is to be more assistance from the US.

Assessing the impact of sanctions on Myanmar, Brendan Taylor's (2010a) observation affirms the ineffectiveness of sanctions on Myanmar in altering the actions or mind-set of the military leaders and attributes the good ties that Myanmar enjoys with neighbours notably China, ASEAN and India as contributing to the continued rule of the military. This has also been previously shared by other scholars like Thawngmung and Sarno (2006), Christopher Roberts (2006), Steinberg (2007). The Clinton years where there was greater US support for sanctions in the country but not from these Asian neighbours and the unconcerned attitude from the Clinton administration on this lack of international support is highlighted in the work of Taylor (2010a). He also highlights the imposition of tougher sanctions which ended the little improvement made between the two countries at the beginning of the Bush years because of the military's conduct towards the attack on Suu Kyi's envoy on 30 May 2003 and the 2007 Saffron Revolution.

Myanmar's non-strategic status in US policy calculation is also attributed as the reason why sanctions is pursued by the US which is clearly stated in the works of several scholars like Lisa Broton (2005), Thawngmung and Sarno (2006) and Steinberg (2007) with Thawngmung and Sarno (2006) adding that sanctions have been an important tool for the US to display their disapproval of the military without bearing so much cost. Steinberg (2007) particularly mentions in his work the increasing dissatisfaction amongst US policy-makers on the effectiveness of sanctions and that new attitude towards policy on Myanmar has started to come up.

Though most scholars mentioned here opine that sanctions have not achieve their goals in Myanmar. Michael F. Martin (2012) in the CRS report argues that it is difficult to claim outright that sanctions have failed. He states that though there is no definite clarity whether sanctions indeed have noteworthy effects on the military, it is also difficult to ascertain if the political situation of the country would be any better without the US sanctions (Martin 2012: 7). In the report, Martin (2012) states that a new debate on US policy towards the country on the issue of lifting sanctions partially or completely has evolved which will be conditioned by the new government's policy conduct as well as

how the government will handle the on-going fight with the insurgent groups (Martin 2012: 28).

d) *Rise of China and US Quest for Regional Balance: Situating Myanmar*

Here, scholarly works on the topic of the influence of China in US policy change towards Myanmar and the political environment of Southeast Asia are examined. Andrew Selth (2001) observes that the rise of China these past two decades has propelled China to a position where it seems to have reached the capacity to challenge the US' dominance in the Asia-Pacific region. According to him, Myanmar's close relation with China especially on defence issue raised an alarm for the fear of regional balance being upset which compelled Asian neighbours to alter policy towards the country and attributes this as the reason for the country's admittance to the ASEAN (Selth 2001: 26-27). The strategic geographical location of Myanmar which is important in China's larger interest in the Indian Ocean is also noted by him.

Steinberg (2006, 2007 & 2011) on discussing about China's interest in Myanmar particularly on the strategic and security issues, also adds the increasing unease from China about the real purpose of the US on its policy alteration towards the country which has largely been perceived by the Chinese as an aim for curbing Chinese influence not only in Myanmar but the whole Southeast Asia region. The new policy of the US under the Obama administration which has continued the sanctions imposed by both the Clinton and Bush Jr. administrations while also making a move towards more engagement and dialogue with Myanmar is also examined by Steinberg (2011). On examining the policy change in the US, the work of Priscilla Clapp (2010) highlights the important Senator Jim Webb's critique of sanctions – that sanctions allowed China to make tremendous inroad in Myanmar – which was instrumental in persuading the US Congress of the need for a changed policy towards Myanmar. On the part of Myanmar leaning towards the West, Clapp (2010) supports the argument of Myanmar's military government striving to

dissociate itself from China and play a significant role in the acclimation of power balance in the region of Southeast Asia (Clapp 2010: 417).

It is in Clapp's work (2010) that mentions the role of Myanmar in the US policy calculus towards the ASEAN. The difficulty in US-ASEAN relations due to dissimilar views and policies on Myanmar is highlighted in her work. Also mentioned is how the new US policy will further be enhanced by the US government only one step at a time, very much conditioned by Myanmar's progress in its reform programmes, and that the new engagement is still being constrained by sanctions from evolving into a full bilateral partnership. Apart from the changed US policy being the basis for promoting further change in Myanmar, Clapp (2010) believes the policy is an instrument for closer and more effective cooperation with the regional institutions in Asia to enhance the process of democratization in the country. Her work also mentions the new US policy as indicative of the willingness to accept the military as a part of Myanmar's political conduct as long as the various reforms undertaken in the country are not hindered by them.

Moe Thuzar (2012) also highlights China's role in affecting change in the US-Myanmar relation. Her work points out the importance of the ASEAN in Myanmar's new political environment where she states the necessity for Myanmar to engage itself deeper in the undertakings of the ASEAN as this can be effective for strengthening the reform policies in the country and how the ASEAN can in turn be a strategic tool for improving the country's status by linking Myanmar closer with the region as well as neighbours. Gareth Price (2011) states that greater political progress in Myanmar can propel the ASEAN's capacity of engaging the West since the country has been a problem in the relation between the US and the ASEAN. His work also concludes that swift reform movements of the new Myanmar is hinting on the country's aspiration to limit the influence of China while trying to make it evident to western governments that Myanmar is indeed changing as well as an effort to allay citizens' grievances and deliver peoples' aspirations for the country (Price 2011: 8).

From all the literatures discussed here, it is clear that the US had used the policy of sanctions on Myanmar largely to address the US concerns for human rights and

democracy in which there seem to be a strong influence of the Congress. The overall assessment of the sanctions policy in focus with the political developments in Myanmar by the scholars discussed here suggests that there is mixed perception on the adequacy of sanctions in Myanmar in attaining the goal of bringing democracy with improved human rights condition in the country. Though some scholars mention Myanmar's non-strategic status in past US foreign policy calculus, the recent willingness of the US to engage with the country is nonetheless observed as a move by the US to facilitate its interest in the ASEAN and the region of Southeast Asia. China's influence in Myanmar and the broader region of Southeast Asia is also in the literatures examined with scholars suggesting that the US engagement with Myanmar might have been pushed by the need to balance power and contain China's growth in the region. A closer examination and assessment of all these issues is thus necessary to evaluate the nature of interest that the US has on Myanmar. These issues have thus been addressed in this study so that this research can contribute to the ongoing study of US-Myanmar relation in the larger academia.

Historical Background

Before Myanmar attained independence from the British in 1948, only limited contact was established between the US and Myanmar. It was only after the end of the World War II and throughout the Cold War that the US became more engaged with the country mostly through aids and assistance programmes. Highlighted here will be not just the US policy conduct towards the country but Myanmar's own political condition during those years. Though the official name of the country was still Burma during before it was renamed to Myanmar by the military, Myanmar has been used nonetheless.

Myanmar is situated in Southeast Asia and shares long borders with Asia's two big powers China and India along with Bangladesh and Southeast Asia's Thailand and Laos. It is the largest country of mainland Southeast Asia where two-third majority of the population is comprised of the Burmans who occupy the important geographic lowlands while different ethnic minorities – Chin, Kachin, Wa, Shan, Naga, PaO, Kayah, Mon,

Karen and the Muslim Rohingya as well as other small tribes – settle in the highlands (Steinberg 2010: xxvi). By 1885, the British had conquered the country in the third Anglo-Burmese War and on 1 January 1886, the whole country was attached to the Indian sub-continent for administrative purposes thereby making Myanmar another British colony in Asia (Silverstein 1959: 77; Waddell 1972: 103; Steinberg 1982: 28). Therefore, because of British colonization, America did not pay much attention to the country though few American Baptist missionaries worked amongst the minorities and non-Buddhists during the nineteenth century (Steinberg 2006: 223).

The World War II however changed the US attitude towards the country. The War compelled the US to participate with the Allied forces to free Myanmar from the Japanese occupation (Steinberg 2006: 223). The US offensive was launched from the Kachin area where American soldiers and the Kachins guerrillas fought together in northern Myanmar to keep a check on the advancing Japanese (Badgley 2004: 14). Many US airmen were killed while flying over the Hump during this offensive against the Japanese and the search for the bodies of these fallen soldiers was coordinated by the joint effort of the militaries of the two countries which has continued till today (Badgley 2004: 13).

Myanmar itself witnessed several important changes because of the Japanese invasion especially in domestic political situation as it unexpectedly ended the British rule (Silverstein 1959: 83). Two important developments in the country guaranteed by the Japanese rule were the conception of an army controlled by the Burmese but trained and supported by the Japanese and self-governance granted in 1943 as promised for gaining the loyalty of the people due to the difficulty in controlling the entire country because of the continuous disturbances from the Allied forces (Silverstein 1959: 83; Steinberg 1982: 32). The establishment of the army, eventually called the ‘National Army’ by 1943, led to the rise of Myanmar’s prominent leaders such as General Aung San, father of Aung San Suu Kyi, and paved way for the country’s full independence with the revolt against the Japanese and siding with the Allied forces on 27 March 1945 to wrest the country free from the Japanese occupation (Silverstein 1959: 84; Waddell 1972: 108; Steinberg 1982:

32). However, once the Japanese were driven out, the British Military Administration once again governed the country until 1948 when Myanmar was formally granted independence (Silverstein 1959: 84). On the issue of self-rule, the short stint gave the necessary exposure and confidence for self-governance to the Burmese even though the government headed by Dr. Ba Maw took care of administrative charges under the close monitoring of the Japanese and the effect of the governance was confined to the urban areas (Silverstein 1959: 84).

It was during these times that Myanmar's political aspirations began to take shape. The Anti-Fascist People's Freedom League (AFPFL) was formed by Aung San as a political organisation to revolt against the Japanese and was associated with his private army, the People's Volunteer Organisation which was developed from the remnants of the Burma National Army but later disbanded when the British took over once again at the end of World War II (Silverstein 1959: 84; Waddell 1972: 108). The AFPFL party welcomed people of different ethnicity, religion and political beliefs as its members and rose to become one of the most important voices in the politics of the country (Silverstein 1959: 83). It was the AFPFL which negotiated for Myanmar's freedom from the British rule, with Aung San proving to be an efficient leader (Silverstein 1959: 85-87).

The end of World War II also ended European colonial rule in the world. In Myanmar, the AFPFL won the April 1947 election granted by the British government on January 1947 and a Constituent Assembly held in May agreed that the Governor's Executive Council would act as the caretaker government before power was handed over to Myanmar (Silverstein 1959: 85-86; Steinberg 1982: 33). A very important development which took place during this time was the Panglong Meeting where the issue of ethnic minorities on being part of the union was discussed by the Burmese leaders and the minority leaders and on 12 February 1947. It was stated that a union would indeed be formed with the Shans, Kachins and Chins acceding to the plan but that the Shans and the Kayah tribes could leave the union after ten years while the Kachins would be given statehood (Silverstein 1959: 86; Steinberg 1982: 33). However, till date, problems with the ethnic minorities have endured as will be highlighted in the subsequent chapters.

At this critical juncture of charting the future course for the country, tragedy shook Myanmar. A former Burmese political leader before the Japanese invasion, U Saw, ordered the assassination of Aung San and six members of the Executive Council because he expected to take the leadership of the country but he was later caught and executed (Waddell 1972: 109). Thakin Nu, a close aide of Aung San and popularly known as U Nu, therefore took over the leadership and with the constitution being completed, the final agreement on the country's political future was signed with the British on 17 October 1947 which was ratified by the British Parliament in December that year and the Union of Burma was born on 4 January 1948 (Silverstein 1959: 87). The Constitution proclaimed the country "an independent sovereign republic" and thus, Myanmar declined joining the British Commonwealth but this was more to appease the strong left wing which felt that joining would be against the notion of being an independent nation (Steinberg 2010: 44-45).

It was after Myanmar's independence and the Cold War had begun between the US and the Soviet Union, the two most powerful nations at the end of World War II, that Myanmar came to surface more prominently in US policy calculus. According to the noted scholar of Burma studies David I Steinberg, Professor of Georgetown University (USA), "US interests in Burma were essentially a product of the cold war" because "anti-communist sentiment" became an instant importance to the US due to the 1949 triumph of the China's communist party over the Kuomintang leading to the formation of the People's Republic of China in 1950 and the Korean War which started in 1950 as well (Steinberg 2006: 223). Therefore, feeling the need to keep a check on the communist influence, the US sent official scouts to Asia to ascertain how the US would aid Asian countries including Myanmar in this quest and thus, "foreign assistance programmes" were started in Asia though at a much smaller scale than its European counterpart, "the Marshall Plan" (Steinberg 2006: 223).

It was through this programme that Myanmar also began to receive US aid. The assistances from both the US government and independent organisations became the chief source of international aid as well as financial advising bodies for Myanmar

(Badgley 2004: 14). However, the anxiety over possible Chinese pursuance of the Kuomintang troops, believed to be secretly assisted by the US, inside Myanmar compelled Prime Minister U Nu to stop the assistance programmes only to be reactivated in 1956 but eventually ended in 1964 through mutual agreement between the US and the Burmese Socialist Programme Party (BSPP), the new government formed by the military in a 1962 coup (Steinberg 2006: 223-224). Through much of the period under U Nu's governance, trade and foreign investments increased only to be disrupted by politicians who favoured socialism and General Ne Win himself especially after the military's takeover in 1958 and 1962 (Badgley 2004: 14). General Ne Win considered US assistance as harmful to the security interest of Myanmar since he believed the country was not totally non-aligned by receiving such assistance from one of the power blocks (Badgley 2004: 14). China, being a more powerful and stronger neighbour, conditioned much of Myanmar's policy making since this time but this will be discussed in detail in Chapter 4.

Myanmar ever since its independence had to deal with uprisings which left the country quite vulnerable and unstable (Silverstein 1959: 87). Mostly, it is the ethnic issue mentioned earlier which could not be resolved that led to revolts from the ethnic groups leading the rise of insurgency in the country. It was because of this that the country came under military rule in the first place as was mentioned. In 1958, with civil war becoming more of a possibility, the military commanded by General Ne Win took over the government but at the request of the then Prime Minister U Nu (Silverstein 1959: 89; Waddell 1972: 111). The military thereby took control from 1958-1960 and their success in bringing law and order during that time made the subsequent civilian government, formed by the 1960 election, over-reliant on them to safeguard the "national sovereignty" and check ethnic rebellions (Jha 2009: 325).

The civilian government could however maintain power only till 1962 when the military through a successful coup took over (Waddell 1972: 111-112; Steinberg 2006: 223; Badgley 2004: 14). U Nu's mismanagement of the country and his invitation of the military to take over in 1958 had emboldened them to seize power, strongly confident

that they could run the country (Steinberg 2010: 59). However, the military defended their action as crucial for upholding unity in the country because as mentioned before, an agreement was made during the days of independence from the British rule that allowed some minority groups to be independent after ten years and with the fear that this could materialise, the military believed they were the best institution to see that the country was not subjected to this situation as the effect could be disastrous for Myanmar (Steinberg 1982: 74-75; Steinberg 2010: 60). This period marked the beginning of the continuous military rule in the country for almost three decades till they finally stepped down in 2011.

The US aid which was suspended in 1964 was again requested by the BSPP in 1978 and because the aid programme was only suspended and not terminated, it could be promptly continued (Steinberg 2006: 224). The change in the military government's attitude towards US aid was because the recently elected military officers to the Party's Central Committee at that time felt a great urgency of the need to abandon the country's self-imposed isolation (Badgley 2004: 14). The US also had other interests in the country and an improved relation with Myanmar was crucial (Steinberg 2006: 224). One interest was for observing the Sino-Soviet split as well as the assistance of these countries to Myanmar from Rangoon, as it was called then and which was then the capital of Myanmar, because it housed both the Soviet and Chinese embassies (Steinberg 2006: 224). Also of a big concern was the heroin trade from Myanmar which was permeating the US market during this time and with the urge to check this flooding, the US provided the necessary facilities such as helicopters for the inspection and stopping of drug manufacturing in the country (Steinberg 2006: 224; Badgley 2004: 14). As will be discussed in the coming chapter, narcotics production became one of the many sanctioning criteria of the US in relation to Myanmar. This counter-narcotics cooperation thereby enabled a platform for more open discussions as well a basis for deeper relations between the two countries and was credited for the renewed US aid of 1978 (Badgley 2004: 14).

Myanmar was also enhancing its engagement with UN agencies between 1976 and 1977 and these broadened ties along with the growth of the country especially economically subjected the country to more exposure and liberal policies which paved the way for the 1990 election and more citizens took interest in the politics of the country both at the local and regional level (Badgley 2004: 15). Thus, the rekindled relation with the US and the UN allowed the country to make more progress towards “political freedom, economic development and human rights” and must be duly noted even though the outcome, such as the 1988 tragic incident, was painful for the country (Badgley 2004: 15).

Myanmar in itself was completely transformed by the military after their 1962 takeover. General Ne Win began his brutal crusade by ripping apart the constitution and sending many political leaders including the former Prime Minister U Nu to jail, thereby abruptly ending democracy in the country (Waddell 1972: 112-113). The BSPP which was developed as a political party by General Ne Win was to be solely controlled from the top and even though all was welcomed to the party, its “full members were trained, hand-picked men” and the party arrangement and ways of conduct were a reflection of the Communist methods (Waddell 1972: 113). “The Burmese Way to Socialism,” published on 30 April 1962, advocating General Ne Win’s political philosophy of socialist economic policy was followed where “agricultural and industrial productions, distribution, transportation, communication, external trade and other vital means of production” became centralised and non-resident businessmen were driven-out from the country and the State took control of all the banks (Waddell 1972: 117-118; Steinberg 1982: 75; Steinberg 2010: 64).

These drastic moves by the military government did more harm than good to the country. The socialist policies affected the economically weaker section the most especially the demonetisation action to curb inflation which resulted in scarcity of basic necessities in the villages whose stores had become empty due to the “nationalisation of retail trade” (Waddell 1972: 118). The nationalised business and industries were managed by a bureaucracy which “was incompetent to manage a far more simple economy” because the Burma Civil Service had been replaced by army personnel who had no previous

experience to deal with such issues (Steinberg 2010: 66). Export also suffered because of these measures and the country's biggest export – export of rice – drastically fell, thereby resulting in “trade deficit and foreign exchange shortage” (Waddell 1972: 118).

By the 1980s, conditions in the country deteriorated tremendously with prices on the country's export items falling; production of agricultural commodities declining due to shortage of imported fertilizers and pesticides; exorbitant prices of essential imported items like spare parts for industries and consumer goods; and the increasing illegal trade on precious stones, rice, textiles and medicines through the border areas (Steinberg 2010: 75-76). Though the government eventually declared the most ambitious liberalisation policy ever in the country on 1 September 1987, demonetization was announced within a week which effectively diminished any hope for economic recovery of Myanmar (Steinberg 2010: 76).

Myanmar under the military rule also largely isolated itself from the outside world. This was because of General Ne Win's extreme suspicion on other countries as could be witnessed from the previous discussion on the US aid programmes. Apart from limiting itself to engage few countries and international organisations, tourists were not entertained to visit the country with visas issued only for 24 hours visit and later prolonged to one week with the visit confined to Rangoon (now Yangon), Pagan and Mandalay for safety and security reasons (Steinberg 2010: 67). Besides the absence of television, imports of books and magazines were strictly controlled and the local media was banned by the government and all over-seas investment in the country was prohibited till 1988 excluding one West German firm, Fritz-Werner, which manufactured “small arms” and artillery for the government (Steinberg 2010: 67-68). These clearly indicate the self-imposed isolation of the country under General Ne Win.

Though the country was sliding backwards under the BSPP rule, there was one thing that the military failed to curb which was the students' movement. Especially after students' uprising in 1974, the military disallowed any student association and promoted distance learning as well as community colleges in the states and divisions so that only bright students would be allowed to join universities while the others would be taught

vocational subjects for “local employment” and even sent groups to the US to learn the experience but the system did not work out (Steinberg 2010: 68). With the country sliding backwards, it was in due time that the students began to demand more from the incompetent government which eventually resulted in protests and agitations across the country culminating to the 1988 mass protest.

1988 Onwards and Changing US Perception

Extreme changes to Myanmar both in its domestic and international conduct happened due to the 1988 and 1990 incidents. The beginning of all these changes took place in 1988. A small incident at the Rangoon Institute of Technology (RIT) in March that year started what eventually became a nationwide agitation against the government. Student protest started when locals who were guilty of beating up a student in an earlier clash with some students were released because one of them was the son of the local People’s Council chairman (Lintner 1990: 2, Steinberg 2010: 78). With the chairman declining to hear out the students’ pleas, the protest became bigger as more students got involved and spread across the city with the public joining in more numbers and eventually evolved into a nation-wide agitation which gathered momentum until the 8.8.88 mass protest where the military killed hundreds of protestors and jailed thousands (Lintner 1990: 2-12, 69-128; Bray 1995: 4; Steinberg 2010: 77-80). Therefore, the “spark” that lit the mass movement was not essentially political in nature in the beginning but because of the degrading political, economic and social condition of the country, it evolved into something much bigger than what it actually started as (Steinberg 2010: 77-80).

An important history of Myanmar happened during this despairing moment in the country. Aung San Suu Kyi, daughter of Aung San the respected former leader of Myanmar, rose to prominence in the country’s political scene. After being away since her teenage years and being married to a British, she had returned home to take care of her sick mother just before the 1988 uprisings (Lintner 1990: 109, Bray 1995: 7; Steinberg 2010: 88). Even though she was non-committal at the beginning of the crisis, with the

persisting call to be involved in the movement especially after the 8th August incident because her father, Aung San, is revered by many as the symbol of a “free, democratic and prosperous” Myanmar that she finally joined the revolution in August of that year, she gave new hope and enthusiasm to the people (Lintner 1990: 109). Right from that moment, she started to represent the hope for democracy in the country’s future not only in the eyes of the Burmese people but also outside observers (Steinberg 2010: 88, 89). Therefore, Bertil Lintner, the Swedish journalist and writer who has written countless reports on issues relating to Myanmar, has aptly observed Suu Kyi’s return when he wrote, “Unintentionally, she had come to play an important role in that future i.e. the future of the country” (Lintner 1990: 109).

Suu Kyi as the icon of Myanmar’s democracy in the eyes of the international community has in the past played significant role in influencing other countries’ policy towards Myanmar, especially western governments. This is especially true in the US policy making towards Myanmar which will be discussed in the subsequent chapter. In the US, she is largely portrayed by the media as the representative of democratic aspirations of the people in Burma (Brooten 2005: 135). As the following chapter will highlight, the military’s actions toward Suu Kyi had a huge effect on US decision towards sanctioning Myanmar especially during the Clinton and the Bush Jr. administrations (Taylor 2010a). The US had often appealed for Suu Kyi’s release from house arrest to the military regime in exchange for the easing of sanctions (Martin 2012: 6, Thawngmung and Sarno 2006: 44).

Another historical moment that took place during this time was the birth of Myanmar’s strongest opposition party. In September 1988, with the need that arose for a strong political party to stand as an opposition to the military, the National League for Democracy (NLD) was formed with Aung Gyi as the Chairman, Tin U as Vice Chairman and Aung San Suu Kyi as General Secretary (Lintner 1990: 144; Bray 1995: 7; Steinberg 2010: 88). During this period of political unrest, General Ne Win resigned as the leader of the BSPP and a ruthless officer, General Sein Lwin took over but remained in power for only twenty three days (Steinberg 2010: 78). With the political chaos that was

surrounding the country, the military on the pretext of bringing order in the country once again took control through another coup naming itself the State Law and Order Restoration Council (SLORC) on 18 September 1988 (Steinberg 2012: 224; Bray 1995: 5; Steinberg 2010: 82). This military coup was in the actual sense a “reshuffle” because majority of the leaders of this new party were previously members of the BSPP and were loyal supporters of General Ne Win (Bray 1995: 5).

The SLORC was led by the army chief of staff, Gen. Saw Maung and constituted nine regional commanders of the Burmese army with their stated goal of securing a peaceful environment in the preparation for the establishment of a democratic country with a multi-party system (Lintner 1990: 131, Bray 1995: 5; Steinberg 2010: 82, 90). With protest and unrest in the call for democracy not just within Myanmar but also from outside communities, the government, headed by President Dr. Maung Maung hinted on the possibility that a general election could be conducted within that year itself (Los Angeles Times, 1988; Steinberg 2010: 86). However, it was rejected outright by the opposition party stating that time was extremely limited for the preparation for the election and they also believed that the proposed election would be highly rigged if it took place that year itself (Los Angeles Times, 1988).

The election was then scheduled for 1990 and the SLORC even announced that opposition parties were now legal with as much as 235 political parties registering to contest for the election (Bray 1995: 6; Steinberg 2010: 87, 91). Some months before the election was conducted, the SLORC also announced that the country’s new constitution would have to be drawn up and validated by popular vote before it handed over power to whoever formed the new government (Robert H. Taylor 2009: 211). The SLORC was also keeping a close watch on the conduct of the NLD. The revolution had now evolved into something better because of the experience from the previous year with capable NLD leaders discussing important issues like the authoritarian power of Ne Win, the essence of democracy and the importance of restraint and regulation and the protestors were no longer as rowdy and most importantly, Suu Kyi had become a mass leader whose message was heeded not just by supporters but also the armies sent to discharge the

gatherings (Lintner 1990: 173). She was quite outspoken and not hesitant about criticising General Ne Win which bothered the military (Bray 1995: 7). She was, therefore, placed under house arrest by the SLORC from 1989 until 1995 when she was released for a short while and in between these years, her party won the 1990 election and she was also given the Nobel Peace Prize in 1991 (Bray 1995: 7).

With these developments in the protest taking a new turn and Suu Kyi leading it, the military became uneasy about the situation. In Lintner's words, "From the SLORC's point of view, a new, dangerous situation was emerging" (Lintner 1990: 173). Therefore, the start of the mass arrest of political dissenters began under the SLORC and apart from Suu Kyi, Tin U another leader of the NLD, was confined to house arrest (Lintner 1990: 174). The 16 January 1990 statement from the election commission that Suu Kyi was not allowed to contest in the election became the final testament that the election was not going to be free and fair which was already indicated by the SLORC's regular arrest of almost all the opposition leaders as well as political activists (Lintner 1990: 182).

The military's move to upset the democratic development in the country is a definite indication of the military's perception of the danger that they foresee in Suu Kyi and her party which can, and they did so when the results were announced, oust them from their control of the country. These clearly indicated that the SLORC knew their position was not safe as long as the NLD was strong besides the party being inclined towards "paternal despotism" where the popular belief was only the military was capable of managing the country properly (Lintner 1990: 176). Hence, it was not surprising that the results in which the NLD won a landslide victory, taking 392 seats out of 485 that were up for grabs, was nullified (Bray 1995: 6).

This overwhelming victory surprised the military who had encouraged tremendous participation of political parties and independent candidates as mentioned earlier, though ninety three parties and eighty seven independent candidates finally contested, in the hope that "the votes would be widely split that the military could remain in control" (Steinberg 2010: 91-93). The military's refusal to honour the result claiming irregularities in the voting process while the NLD and governments from across the world felt that they

were legally elected to form the government and the US until recent times had always demanded that the military honour this result (Steinberg 2010: 92). The military then started to take a firm grip on power, arresting political activists in masses. The US, observing the political developments in Myanmar, had already started to distance itself from the country by 1988 (Mann 1988). In fact, the US became the most vocal in criticising the military's action both in the 1988 and the 1990 incidents. The US soon decided on severing ties with the country and penalise the military with economic sanctions. The following chapter will discuss the US policy in detail.

CHAPTER 2

Sanctions – White House and Congress Priorities

Sanctions, the policy choice of the US government to punish the military regime of Myanmar for their ruthless actions towards peaceful protestors in 1988 and the crushing of democracy in the country since their refusal to accept the 1990 election result coupled with the continued poor human rights records, consequently have survived for well over two decades now. Through the policy of sanctions aided by isolation, the US aimed on changing Myanmar's military system of governance to a democratic system along with improving the condition of human rights in the country. After decades of imparting sanctions and isolating Myanmar, the US has finally embarked on a new approach in its Myanmar policy when Obama came to office in 2009 with the purpose of reviewing US policy towards the country. The new policy approach embraces "pragmatic engagement" and replaces the previous policy of isolation. Despite this welcoming change, sanctions have however remained. Though President Obama has lifted several sanctions in the country since 2011, sanctions have not yet been abolished by the US and can be re-imposed anytime in the future. Therefore, as sanctions occupy an important place in the two countries' relations, a study on the role of sanctions in US-Myanmar relations is imperative. This chapter will thus examine the US sanctions regime on Myanmar focussing on the various administrations' policy reactions against the military government.

In the US foreign policy execution, the executive branch is the prominent actor while other actors like the legislative branch or the Congress; the American public; the interest groups; the state or local governments have each played significant roles in influencing the formulation and conduct of US foreign policy. Even in the employment of sanctions

in US foreign policy undertakings, this trend is visible. While taking the case of Myanmar, a detailed study of US-Myanmar relations has revealed that there has been active Congressional participation ever since the first decision to take action against the military government was taken in 1988 (Martin 2012: 66-67). In consideration of this active Congressional participation, this chapter examines if it can indeed be inferred that the Congress plays a more proactive role than the executive branch in the US approach towards the country specifically in concern with sanctions in both the isolation and engagement eras. To successfully analyse this proposition, these questions have therefore been postulated: i) Is the US Congress more active than the White House for the imposition of sanctions towards Myanmar? ii) Is there a decline in the support for sanctions in the US Congress with the policy change from isolation towards engagement?

This chapter starts off with the various definitions of economic sanctions followed by a brief summary of the history of economic sanctions in US foreign policy conduct. Following this is a brief discussion on the role of the Congress in US sanctions policy. Then a thorough examination of US sanctions policy towards Myanmar which includes the various kinds of sanctions imposed on the country has been made followed by the various administrations from Reagan's to Obama's policy decisions on Myanmar within which the role of the executive and the Congress have been discussed. In this study, economic sanctions and sanctions have been used interchangeably. Another important thing to note is that though Congress will be referred to as a single entity, whatever decision outcomes are presented as decisions of the Congress must be understood as products of vehement debates amongst the variously abled Congressmen with differing "ideas, interests and perspectives" in both chambers of the Congress (Lindsay and Ripley 1994: 9).

Sanctions – Definition

The warning for the use of sanctions or the real execution of the instrument has always been a strong policy tool for governments in their foreign policy conduct (Stevenson

2013: 183). Though they have been used since ancient times for the purpose of changing the policies of target countries in line with the sender's goal, sanctions in general have been employed by various countries more frequently than ever before. The scholars, Gary Clyde Hufbauer, Jeffrey J. Schott, Kimberly Ann Elliot and Barbara Oegg in their famous work on sanctions studies – *Economic Sanctions Reconsidered* (3rd ed. 2007) – mention that sanctions are critical components of international statecraft used for the purpose of pressurizing targets to respond to specified demands (Hufbauer et al. 2007: 5).

Sanctions have indeed evolved as important political instruments since they are less harmful than hostile military confrontation though capable of imparting enough injury to target states while on a much lesser scale than what war can inflict. Sanctions, conceptualized as alternates to military confrontations by President Wilson, have been largely used as a signal to show that hostile conflict may not be far or else to achieve small concessions from a target country such as setting political prisoners free or simply to appease domestic citizens' concern on issues in target countries, all the while evolving and expanding its scope to include trade prohibitions (import-export); various financial restrictions; and several measures that aim only at specific members of the target government (Hufbauer et al. 2007: 141).

Sanctions have been one of the most fiercely argued topic amongst scholars of the study as many critics are of the opinion that sanctions do indeed bring unnecessary harm to innocent civilians and have not been effective in achieving stated goals. There is a big dilemma with international sanctions in that they have a “mixed track record” and more generally have been found by economists to be generally inefficient in achieving their goals (David and Holliday 2012: 124). Exponents of sanctions have argued that sanctions serve purposes far better than military confrontations. The work of Hufbauer, Schott and Elliot (HSE 1990)¹ where 115 cases of sanctions from 1914-1990 were evaluated and in

¹ HSE (1990): HSE is the short for Hufbauer, Schott and Elliot whose work *Economic Sanctions Reconsidered* (1990) was critiqued by Robert Pape in his article published in the *Journal of International Security* (1997). Those parts referred from Pape's (1997) work have been cited as “HSE (1990).” This study has otherwise used “Hufbauer et al. (2007)” for referring the same work *Economic Sanctions Reconsidered* but of a later edition (3rd edition) published in 2007 which included a new author Barbara Oegg.

which 40 cases (34%) were concluded as successful cases has been highly extolled (Pape 1997: 92). HSE (1990) have argued that sanctions are successfully realised when the targets are already in depleting political and economic situations, when good relations have previously been maintained with the sender country, and when they have been under the sanctions regime for a long time plus when the enforcer is supported by a third party or when it employs minimal force though this can be checked by another force aiding the target and most importantly the “nature of US involvement” on the execution of sanctions (HSE 1990 cited in Thawngmung and Sarno 2006: 41).

The work of HSE (1990) has however drawn various criticisms of which Robert Pape’s has been largely famous. The American political scientist best known for his work on international security, Pape (1997) critiqued that the work of HSE had been highly erroneous (Pape 1997: 93). His argument had been that HSE’s majority cases did not qualify as economic sanctions by definitive term, which he considers as of utmost importance when evaluating the impact of sanctions, as most of the cases belong to “trade wars” or “economic warfare” while only those actions aimed at reducing the target’s overall economic welfare by constraining the target’s overseas trade to force political change in the target must fall in the ambit of sanctions (Pape 1997: 93-94). According to him, only 5 cases from the 115 examined could measure up to the test of economic sanctions while 18 were finally aided by force either directly or indirectly; in 8 cases there were no proof of the target giving in to the demands; as much as 6 cases could not be properly termed as economic sanctions and the status of 3 could not be determined at all (Pape 1997: 93). Pape further opined that contemporary state systems are capable of enduring pressure from other countries due to “pervasive nationalism” where states take pride in pursuing their interest and pay the penalty thereby making even the weakest or most disorganised states firm against external pressure (Pape 1997: 93). Though he held that sanctions will not really deliver foreign policy objectives, he believed that economic pressures can be successfully exercised together with the use of force (Pape 1997: 110).

In their study of the effects of economic sanctions on democracy, the scholars, Dursun Peksen and A. Cooper Drury, faculties at the University of Memphis and the University

of Missouri (USA) respectively, concluded that economic sanctions seem to provide the target states more chances to further curb democratic freedoms while unnecessarily reducing the resources of the opposing groups thereby effectively hindering their capability to pressure the target government to agree to their demands (Peksen and Drury 2010: 257-258). They advocated “smart sanctions” which are targeted specifically on the responsible violators to reduce the burden on the opposition while proposing the use of aid and assistance, economic loans with low interest rates, and diplomatic engagement with the target governments because “inducement” would reduce the unnecessary sufferings that often further diminish democratic functioning in the target states (Peksen and Drury 2010: 259). These endless debates on the success of economic sanctions however will be no longer considered here as the following chapter deals with the efficacy of sanctions.

What is important in sanctions study is the clarity on the definition of sanctions as an unclear definition has the potential to affect the outcome of the study. This is clearly understood by the prominent Canadian scholar of international relations, Margaret P. Doxey (Emeritus Professor of Political Science, Trent University) whose work on sanctions studies has given a good explanation of what economic sanctions are. In her study, Doxey has highlighted the importance of clarifying the meaning of international sanctions itself because the current usage can lead to a high degree of perplexity (Doxey 1987: 2). Even Pape (1997) opined that a distinct clarification of the meaning of economic sanctions must be applied for the successful analysis of the policy’s impact and hence this was his main instrument for criticising the work of HSE (Pape 1997: 93-98). Then again, before highlighting these definitions, worthy of mention is the fact that the definition of the term ‘economic sanctions’ itself can attract a vast range of interpretations.

There can be endless debate of just how wide the term can be made to extend, which again is likely to draw confusion. Brendan Taylor, Head of the Strategic and Defence Study Centre in the Coral Bell School of Asia Pacific Affairs at Australia National University (ANU), simply stated, “The term ‘sanctions’ is one of the more confused and

confusing to have entered the lexicon and discourse of international politics (Brendan Taylor 2010b: 11).” And with the capacity to attract tremendous diversity to its actual interpretation, this is understandably acceptable (Brendan Taylor 2010b: 11). This is why, while a narrow definition can constrict one’s perception of economic sanctions, a much too extensive focus on what can be included in the study also has its own hindrances (Drury 2005: 16). This clearly shows that defining the term “economic sanctions” is quite a task. Even the renowned political scientist David A. Baldwin (1985) is of the opinion that though the well-entrenched position of the term “economic sanctions” in economic statecraft studies makes it impossible for it to be side-lined, the diverse meanings attached to economic sanctions makes it appealing to avoid the term altogether (Baldwin 1985: 36).

While most scholars include policies such as economic sieges, blockade, embargoes, trade wars, economic warfare etc. as the different kinds of sanctions (Simons 1999 cited in Askari et al. 2003: 14, HSE 1990 cited in Pape 1997: 95-97), others like Robert Pape strictly delineate economic sanctions as those where the goal must be to reduce the target’s overall economic welfare by constraining the overseas trade to force political change in the target as mentioned earlier (Pape 1997: 93-94). Even the work of the scholars Hossein G. Askari, Jiawen Yang, John Forrer and Hildy Teegen (Askari et al.), where the philosophy and efficacy of economic sanctions have been examined, claimed that there is a great shift in the usage of the term “economic sanctions” where policies like siege, embargo etc. are nowadays mostly classified separately under military sanctions while those that never were really considered as tools of economic sanctions in the past like punishments for human rights abuses, religious persecution, denial of democratic freedom, terrorism etc. have now become important issues relating to economic sanctions (Askari et al. 2003 15-17). Therefore, while considering “both the means and ends or goals of coercive policy” is very important in the study of economic sanctions, Drury believes that it is impossible to clearly designate which instruments qualify as economic sanction (Drury 2005: 11).” This is because scholars themselves have synonymously employed the terms “economic coercion, economic statecraft,

economic leverage, economic diplomacy and economic warfare” with economic sanctions (Brendan Taylor 2010a: 4).

Coming back to the definition of economic sanctions, it is most widely accepted that economic sanctions are actions undertaken against a target government or on selected individuals related to the government, as a means to alter the policies and conduct of the victim (Rennack and Shuey 1998 cited in Askari et al. 2003: 14). It can also mean an economic tool exerted by a single or many international players against another, evidently for the purpose of determining the target’s foreign policy conduct as well as its “security policy behaviour” (Brendan Taylor 2010b: 12).” Drury (2005) believes that economic sanctions are a type of statecraft which aims at a complete policy change of the targets and not just undermining them by coercing the targets (Drury 2005: 13). Economic coercion according to Drury (2005) therefore is the utilization of economic force to bring damage to the target or to deplete the economic welfare of the target with the aim of stopping them from approving policies relating to the political and economic in foreign policy (Drury 2005: 17).

However, David A. Baldwin made a distinction between economic sanctions and economic coercion in his prestigious book, *Economic Statecraft*² (1985) and not sanctions as just a type of coercion as suggested by Drury (2005) as was mentioned earlier (Baldwin 1985: 35-40). Baldwin (1985) identified three types of economic sanctions which are the economic actions employed to bring compliance to international law, “values” that are either meant to be diminished or enhanced in the target countries and finally, the employment of sanctions which conform to the notion of economic statecraft which Baldwin prioritised in his study (Baldwin 1985: 35-36). As for economic coercion, Baldwin (1985) believed that it is a “relational concept” which is more appropriate for explaining end results than the actual “undertakings” (Baldwin 1985: 39). These differences in understanding sanctions as a type of coercion or simply identifying them as separate tools of economic statecraft affirms the difficulty in bringing a clear cut

² The book *Economic Statecraft* (1985) earned David A. Baldwin an award from the American Political Science Association in 1985 for best political science publication on US national policy.

definition to the term economic sanctions. However, an attempt to clarify whether the terms sanctions and coercion are identical or not in meaning and action will not be made here as this is not a study of economic sanctions per se.

Hufbauer et al. (2007) simply defined economic sanctions as the calculated revocation or the warning to revoke the “customary trade” or “financial relations” with the target states (Hufbauer et al. 2007: 3).” According to them, the use of sanctions can mean three things which are: showing disregard of the target’s policies by the sender government; signalling to allies in the target country that the sender supports them by not only by words but actions as well; and letting the domestic public know that their government is committed to protect the nation’s strategic interests (Hufbauer et al. 2007: 7). A scholar of American foreign policy at the Nitze School of Advanced International Studies (SAIS) in Johns Hopkins University (USA), Professor Charles A. Stevenson has defined sanctions as tools which are “from the bag of sticks, seeking to punish objectionable behaviours or to coerce a change in behaviour” (Stevenson 2013: 183). And the American diplomat, Richard N. Haas (1997), in his famous article “Sanctioning Madness” has described economic sanctions as “penalties” which are mostly economic in nature but also include the political and the military and are targeted on states or other entities to bring change towards offensive political or military conducts and have been extensively used for different purposes by states (Haas 1997: 74).

From these definitions, an understanding emerges that economic sanctions are instruments employed by one state/government or more towards another which has been categorised as a threat and whose behaviour it wishes to alter solely for gaining its national interest or else the larger interest of the international community. It is also a general agreement that the sanctions especially those employed after the World War II had been for the purpose of avoiding war altogether, so that the target may be subjected to harm which is much less than can be incurred upon by military conflict. So, economic sanctions are basically instruments that are used by states to right a wrong that has been committed in the political conduct of states while avoiding the high casualties that war can bring.

To have a clear picture on the kinds of methods that states employ when imparting economic sanctions against a target, the noted sanctions scholar, Margaret P. Doxey's "economic measures" which she classified as part of the four types of what she called "non-violent" sanctions has been highlighted here (Doxey 1987: 10-12). They are listed as under:

a. Financial measures which include

- Restriction of any type of military aid, food assistance, developmental aid and "funding of technical assistance."
- Restrictions on "credit facilities" at "concessionary/market rates."
- Blocking of "bank assets" of targets.
- Seizing any other assets of target.
- Barring "interest payments."
- Barring "transfer payments."
- Denial for the refinancing and rescheduling of "debt repayments" which includes both "interest" and "principal."
- Blocking "capital movements."

b. Trading and technical policies which include

- Allocation of imports.
- Allocation of exports.
- Selective import permit.
- Selective export permit.
- Specified or complete blockade on imports.
- Specified or complete blockade on exports.

- Unfair tariff practice which includes refusal to grant most favoured nation (MFN) status.
- Termination of fishing rights.
- Termination of joint projects and any other industrial investments.
- Abrogation of business deals.
- Ban on export technology.
- “Blacklisting” of any person or corporations engaging in business with the target.
- Halting “technical” support and skill-development programmes.
- Restriction of “insurance services.”

(Source: Doxey 1987: 10-12)

Sanctions also occupy an important place in US foreign policy conduct. They have been employed extensively till date especially towards countries which it classifies as “rogue states.” Until recently, Myanmar was also classified amongst these states as is widely known. Before coming to the sanctions policy on Myanmar, the role of sanctions in the general foreign policy conduct of the US will be examined briefly.

Sanctions and US Foreign Policy

Sanctions are not something new in the execution of US foreign policy. In fact, the history of sanctions as a tool of US foreign policy has been considered to be as old as the nation itself (Brendan Taylor 2010a: 32). Apart from becoming the most preferred policy tool by the US, economic sanctions are “increasingly at the core” of US foreign policy conduct (Haas 1997: 74). Indeed, especially after the World War II, sanctions have become a convenient tool for the US which it imparts either in collaboration with the UN or on its own (Mangi 1998: 32). According to Doxey (1987), the use of sanctions in

general by states unilaterally outside of the UN was enhanced after the “Tehran hostage crisis” and the “Soviet intervention in Afghanistan” in 1979 which led to numerous conspicuous sanctions propelling the United States as the leader and chief advocate of sanctions (Doxey 1987: 1). Other scholarly works have also claimed that the US is fast becoming one of the top proponents of unilateral sanctions (Askari et al. 2003:2, Elliot 2005: 3).

What then can be the reason for this increase in the frequency of sanctions usage by the US? Sanctions usage has become popular because, according to Haas (1997), they present what looks like a just reaction to problems where US strategic interest are less critical (Haas 1997: 75). They are often used for indicating disapproval of actions of a certain country or countries so that domestic expectations to take some action towards the issue are allayed, to strengthen the obligation towards norms like human rights and generally due to the hesitance on using military force (Haas 1997: 75). Sanctions have thus been considered important tools of US foreign policy which can be situated between statecraft and war (Askari et al. 2003: 65). This indicates that the US employs sanctions when there is the need to react powerfully to some situation when diplomacy is not the option or has not been successful and neither is the use of force.

Political instigation galvanized by US interests has been the main reason behind a majority of the cases where the US resorts to economic sanctions (Mangi 1998: 33). Especially after the World War II when economic measures came to be used more frequently than military power, the US took up the duty of being the global policeman and employed sanctions not only to safeguard US interests but the interests of the larger international community (Hufbauer et al. 2007: 10). This statement clearly shows that apart from economic sanctions becoming more prominent in US foreign policy conduct, the country has now evolved as a great power more involved in international affairs than it was before the World War I. The US assuming the role of a responsible power can also be understood here.

Sanctions in general have been employed by the US since the era of the pre-American War of Independence by the colonists as a response to the highly detested British taxes

and trade system (Brendan Taylor 2010a: 32). After the American republic was formed, sanctions were employed several times by the US against several opponents like the British due to their intrusion in the trade and shipping of the US during the Napoleonic Wars and in the 1807 Chesapeake incident; the Confederate states during the American Civil War; and Spain during the 1898 war between them (Brendan Taylor 2010a: 32-33). This trend continued as America began to get more involved in world affairs in the periods between World War I and World War II when the isolationist approach in foreign affairs was finally shed. During the Cold War years sanctions came to be used more frequently in number and which have sustained well into the 21st century.

The US has imposed both unilateral and multilateral sanctions for various reasons that it considers will best serve its national policy goals. But as has been mentioned earlier, the US has been employing sanctions unilaterally more often than in concert with others after World War II. According to the study of Askari et al. (2003), the US alone imposed fifty six sanctions from the end of World War II upto the end of the Cold War (1945-1990) of which forty unilateral sanctions and forty nine others in cooperation with other countries were imposed during the later Cold War years (1970-1989) and finally, twelve unilateral and thirty six multilateral sanctions were imposed by the US towards the close of the Cold War i.e. 1990 till 1998 (Askari et al. 2003: 2). These numbers as can be seen are clear indicators of the growing employment of sanctions by the US alone in its policies towards other countries.

It is interesting that the US has been relying on this tool with such frequency and hence there is a need for a good explanation on why sanctions have attained such a position. Various sanctions scholars have given numerous reasons as to why sanctions have been employed by the US increasingly and a few have been highlighted here. Hufbauer et al. (2007) have stated in their work that it has been the big countries with “active foreign policy” that generally employ sanctions and countries like the US which is relatively big in size have the capacity to affect international affairs and thereby have largely exerted sanctions against other countries (Hufbauer et al. 2007: 5). This definitely is a good argument in the case of the US because it is indeed a big and powerful nation whose

voice has such a valuable impact in the conduct of world politics. Another reason stated by them as the reason for why countries impose economic sanctions is to display a commanding role towards a crisis which is specifically fitting of the US which employs sanctions as an instrument to display its leadership in global events (Hufbauer et al. 2007: 5). Though sanctions are rarely seen as achieving policy goals, their usage enables leaders to avert condemnations as incompetent authorities (Drezner 1999: 12). Occasionally, American presidents are compelled to act even though there is less chance of altering the conduct of the target because imparting sanctions is seen as more rewarding compared to losing the trust of domestic citizens as well as the international community by not reacting to a crisis (Hufbauer et al. 2007: 5).

Though US unilateral sanctions increased from the Cold War years even well after the end of it, Kimberly Ann Elliot (2005), whose name has rose to prominence due to the heated exchange of debate with Robert Pape on the efficacy of sanctions, has suggested that a deeper observation of US sanctions usage reveals that the imposition of sanctions by the US has not been as high as assumed by many even though the US has increasingly resorted to the use of sanctions in the 1990s and that more sanctions are employed multilaterally than in the past (Elliot 2005: 3). She has therefore contradicted the conventional claim that US unilateral sanctions has largely increased especially after the Cold War years. This to her is because the EU has become more active in sanctioning countries often in collaboration with the US; the US Congress' ways of affecting sanction policies has changed; the UN, which after the disintegration of the Soviet Union, has gained more freedom to involve itself more strongly in global affairs including sanctioning countries; and also globalisation which makes sanctioning become more difficult with economies getting more integrated than ever before (Elliot 2005: 3).

Even if the rate of economic sanctions application may have not increased tremendously when strictly considering the sanctions imposed by the US alone since the Cold War ended as has been argued by Elliot (2005), they no doubt have been employed by the US far more frequently than during the times before the World Wars. It is also to be noted that the US remains at the top of sanctions employer countries more because of the

imposition of the policy in coordination with other players (Hufbauer et al. 2007: 125). This shows that the sanctions employed by the US after the Cold War has become more multilateral in nature. Sanctions have otherwise also remained till date the fundamental instruments for the US to demonstrate both its power and commitment to safeguarding not just its national interests but also the peace and prosperity of the world. Brendan Taylor (2010a) in his examination of the sanctions policy of the US in the Asia-Pacific region has accurately put the importance of sanctions in US foreign policy when discussing the possibility of a military conflict in the region especially between the US and China over Taiwan or North Korea (Brendan Taylor 2010a: 2). In his words,

“Although diplomacy will continue to play an indispensable role in avoiding the realization of such catastrophic scenarios, the ability to better understand and employ other (non-military) forms of coercion, such as sanctions, will also become increasingly pertinent for those instances where the application of hard power may still be called for” (Brendan Taylor 2010a: 2).

In the US approach towards the employment of sanctions in relations with other countries, the Congress has been an active participant both by influencing the executive branch and by passing legislations concerning sanctions for target countries. A more detailed discussion on the Congress’ role in US sanctions policy is imperative because, as will be revealed by the discussions on various US administrations’ formulation and conduct of the sanctions policy on Myanmar, the Congress’ role is conspicuous. To draw a deeper understanding of the Congressional role in the Myanmar’s policy, a wider discussion on how the Congress involves itself in the general US sanctions policy formulation and conduct will now be made.

Congress and US Sanctions Policy

Since the president is not the sole entity that can employ economic sanctions in the conduct of foreign policy by the US, Congress often uses its legislative powers to take the lead in the formulation of foreign policy occasionally going beyond its normal

jurisdiction to include its demand and often in opposition to the president (Hatipoglu 2014: 432). Just as it has been generally believed that the US increasingly imposed sanctions after the Cold War as a response to the call to react to numerous new international problems, the Congress has also been observed as getting more involved in these actions along with numerous interest groups in influencing these policy changes (Elliot 2005: 3, 6). However, Elliot (2005) has once again revealed that a thorough study of the cases where the US has employed sanctions showed the Congress being active on foreign policy conduct since the 1970s though not as visible as the post-Cold War years due to the limited legislative laws passed merely to influence the president to take actions towards the achievement of the goals of the Congress or for blocking aids be it military or economic and that too for short durations (Elliot 2005: 6).

Hufbauer et al. (2007) have mentioned in their work that though the president has been granted extensive powers by numerous legislations passed for the exertion of sanctions against target countries to address national security concerns and foreign policy issues, the Congress has nonetheless on numerous specific circumstances dictated or affected the sanctions policies (Hufbauer et al. 2007: 133-134). This congressional “activism” in sanctions policy is done through various directives which are summarised into three categories by Hufbauer et al. (2007) in their detailed study of economic sanctions. The first one is the passing of legislations which are targeted towards particular conducts rather than the target countries thereby instigating the president to employ sanctions generally to cut down US assistance in specified conditions but at the same time permitting the president both to determine the status of violation as well as to grant sanction waivers in the interest of the country (Hufbauer et al. 2007: 134; Stevenson 2013: 183). This ability to “generate” and “enact substantive” laws is a very important source of influencing foreign policy by the Congress (Lindsay and Ripley 1993: 17-31 cited in Taylor 2010a: 43).

Related to these congressional legislations is the enduring legislation passed during the Cold War that bans aiding communist countries and the “Jackson-Vanik amendment of 1974” is one such similar law where most-favoured nation (MFN) trade status is denied

and trade credits are not given to states practising “nonmarket economy” which deliberately forbid “emigration” (Stevenson 2013: 183). There are other legislations which prohibit US assistance to those countries which violate certain norms and conditions such as: the ousting of democratically elected leaders by a military coup; the annexation of American properties without giving any remuneration; the disregard for human rights; not cooperating in US counter-narcotics ventures; sharing and testing nuclear technology “outside of international controls”; and, supporting terror networks and activities (Stevenson 2013: 183-184). Another way of imparting economic sanctions by the Congress is through the blocking of various assistance and aid in relation to economic or military issues in the “appropriation bills” to specific countries when the president has not responded to the call of the Congress to undertake actions on issues which fall under the previously mentioned “subject-specific statutes” (Hufbauer et al. 2007: 134).

And finally, there is the passing of country-specific laws which according to Hufbauer et al. (2007) is the most effective tool of the Congress in influencing foreign policy (Hufbauer et al (2007: 134). The Congress has employed these country-specific legislations as another game plan to push the president to agree to congressional appeals on certain matters (Martin 1992: 105). The laws, therefore, were generally designed to narrow the president’s authority for the guarantee of strong actions against “pariah regimes” (Stevenson 2013: 184). The laws had been indicators of the most notable change in congressional activism from the 1970s to the 1990s which was matched by increasing sanctions laws from the executive to block the more stringent congressional laws (Elliot 2005: 6). Myanmar as will be discussed later is also under this category of country-specific designated sanctions.

The Congress has therefore made use of the various sanctions laws to have an impact on foreign policy by influencing the executive branch which is the main executor in US foreign policy conduct. Stevenson (2013) has remarked that the Congress in many occasions likes to enforce severe sanctions and get approval from citizens, despite authorizing the president “to set most of the provisions aside if he submitted the required

finding” (Stevenson 2013: 184). In concern with these legislations, there is often disagreement between the executive branch and the Congress. A good example is the provision that concerns “extraterritoriality” that would allow foreign companies to be questioned by US courts for ignoring US sanctions but this has been fiercely resisted by the executive branch as it can create problems in foreign policy dealings (Stevenson 2013: 184).

However, not all differences between the Congress and the executive is good for policy conduct as these can prolong needs that require urgent responses. Laws, as we know, take time to be fully drafted and are very hard to undo once they are passed. Laws are therefore generally rigid, while diplomacy requires excellent manoeuvrings with space for adjustability and while it takes time to get a law passed by the Congress, conditions can rapidly turn around (Lindsay 1994: 7 cited in Hatipoglu 2014: 432). This is a clear indication of the fact that the slow decision making process in the legislative branch can stand in the way of addressing compelling issues in as much as the rigidity of laws constrains decision making where flexibility would more likely be conducive. The legislations passed by the Congress thus have the prospect to limit the choices available when formulating foreign policies (Hatipoglu 2014: 432).

Coming back to the various congressional legislations discussed before, a very important issue in which the Congress has been very active is the issue of human rights. In several occasions, the Congress has passed legislations to prohibit US assistance on security and other issues and authorize voting in opposition to multilateral aid for those countries which violate human rights norms (Stevenson 2013: 184). This issue has been mentioned specifically here in relation to congressional activity because it is one of the important issues in US policy towards Myanmar, one of the goals of US sanctions being an improved condition of human rights as has been mentioned earlier. The former State Department Desk Officer for Burma (1989-1990) Mr. Tom Reich has even stated that Myanmar is amongst those few countries in the world where US policies have been largely dictated by the concern for human rights (Deutz 1990: 164-165). Before coming to the discussion on the issue of human rights in relation to Myanmar, a brief overview of

the congressional activities related with the issue will now be made. The evolution of human rights as an agenda of US foreign policy will however be discussed in the upcoming chapter.

Congress on Human Rights

By the early 1970s, there was a tremendous spur on sanctioning countries disregarding human rights and this had been an outcome of active congressional push for the issue to be recognized in US foreign policy conduct instead of the executive branch even though the Carter administration had mostly been credited as the one which championed the promotion of the human rights policy (Martin 1992: 101). It was in fact these congressional developments that convinced Carter to make human rights a basis of his foreign policy (Forsythe 2012: 213). The Congress, therefore, has been playing a critical role in carving an important place for human rights issue in US foreign policy formulation. The increasing usage of the issue as a measure for building or severing relations with other countries clearly demonstrated the impact of growing congressional activism in US foreign policy conduct as well.

As we know, the World Wars as well as the Cold War altered the US “isolationist policy” to a more involving “internationalist posture” in foreign affairs (Brendan Taylor 2010a: 43). This seems to have led to more differences between the office of the president and the Congress in the conduct of foreign policy and the Vietnam War and the Watergate scandal of the 1970s added more to the divide between the two branches especially where the issue of human rights was involved (Brendan Taylor 2010a: 43; Martin 1992: 101). These incidents resulted in a new high of congressional activism which most of the time was successful in making foreign policy conduct difficult for the executive branch (Brendan Taylor 2010a: 43; Martin 1992: 101).

Indeed presidents are very much constrained regarding this issue because of the ability of the Congress to “assert” itself regularly (Forsythe 2012: 213). During the Eisenhower administration, the then “conservative” Congress was successful in forcing the

government to give up the conspicuous stand it had on human rights because human rights was perceived as an undermining influence though years later, by the end of Nixon's presidency, the Congress reintroduced human rights in foreign policy to show that his presidency was highly lacking moral values in the conduct of American affairs abroad (Forsythe 2012: 213). Not only the Nixon administration but also the Ford administration was marked with differences between the executive and the legislative branches due to the increasing involvement of the Congress regarding human-rights issues which resulted in regular disputes between the two branches and disappointed many in the Congress (Martin 1992: 101).

However, prior to the 1970s, not much consideration was given to the issue in the conduct of foreign policy but at the hearings held by the "International Organisations and Movements Subcommittee of the Congress" in 1973, it gained the needed attention in the Congress (Martin 1992: 102). As a result, the issue became one of the agendas taken into consideration when the Foreign Affairs Committee drew up the "foreign economic assistance authorization bill" and placed uninvited attention to those regimes having records of mistreating their citizens (Martin 1992: 102). The hearing also had a very substantial outcome which was a report called "Human Rights in the World Community: A Call for US Leadership" calling for twenty-nine distinct recommendations such as making the issue of human rights an essential part of US bilateral and multilateral engagements, propelling the efficiency of the UN and other international organizations and the reshuffle of several bureaucratic divisions in the executive branch (Martin 1992: 102). The setting up of the "Bureau of Human Rights" in the US State Department during the Carter administration was also the outcome of strong congressional activism (Forsythe 2012: 213). Eventually, human rights evolved as an important criteria for foreign aid and the legislative branch could yield influence over the executive particularly by demanding more information not just on the condition of human rights in other countries but also the report on how much human rights affected the policy making of the executive branch and by placing more stringent restrictions on economic and military aids to constant abusers of universal human rights norms (Martin 1992: 102-103).

The Congress has since passed many legislations, be it general or country-specific, calling for the imposition of sanctions under various administrations because of different reasons that have been perceived as threatening for US security and national interests as well as for the concern of human rights conditions in various places. Coming now to the case of Myanmar, sanctions have also been the chosen policy tool to punish the military government which first of all brutally suppressed a peaceful protest in the country in 1988 and continued to disrespect human rights norms in its conduct and also trounced democracy in 1990 when an elected party was denied its right to form the government as has been mentioned before. The country was also effectively isolated because of these violations. Sanctions have therefore been imparted by the US in the hope that the military would eventually relinquish their grip on power so that the political as well as human rights conditions could improve in the country with the restoration of democracy. A detailed examination on the various sanctions imparted towards Myanmar by the US will now be made.

US Sanctions and Myanmar

The stated goals for sanctions to achieve democracy and improve the condition of human rights in Myanmar had not been something that was fashioned out by the US during the 1988 incident in the country. For the US, because of the constant employment of sanctions to check violators of human rights, the Carter administration initiated a “trend” of sanctioning in US foreign policy conduct in relation to human rights and democracy which by the year 2000 had resulted in the vigorous employment of the policy, more than half in fact, against “illiberal democracies” and “authoritarian regimes” to end the curtailment of civil and political liberties and if not, then minimizing the capacity of their military and government in subjugating these freedoms (Peksen and Drury 2009: 394). This issue on the growth and advancement of human rights and democratic ideals in American foreign policy execution however will be discussed in detail in the next chapter.

Sanctions, as we know, have been time and again imparted by big powers as a symbol to show that they are committed in taking actions against those countries which have made certain violations even if the targets may not be of relevance for the imposing country (Hufbauer et al. 2007: 7). The case of Myanmar fits well with this argument. The sanctions imparted on Myanmar have also been observed as largely influenced by the need to allay concerned American citizens, to “make moral and historical statements,” and to indicate to future violators of the global political order that the US will take necessary actions (Hufbauer et al. 2007: 6). The US imposed sanctions, which have lasted well over two decades now, demonstrate to the military government that its disregard for human rights and the freedom of its citizens were not acceptable to the US (Martin 2012: i).

By this time, the US had emerged as the sole superpower with the end of the Cold War. This new era somewhat signified a defeat of not just the Soviet Union but rather a triumph of democracy and liberal market economy and the US, its main proponent, became the responsible guardian for it. It was in the backdrop of this, that punishment to those who did not respect the democratic principles and basic human rights norms was met with the imposition of sanctions. In 1988, a peaceful demonstration was violently suppressed in Myanmar by the care-taker military government raising an alarm in countries especially in the West and to make matters worse, the election of 1990 in the country was nullified by the military and political leaders aspiring for democracy were imprisoned including the leader of the elected party, Aung San Suu Kyi (Brooten 2004: 137-138, Steinberg 2006: 211; Steinberg 2007: 222, Taylor 2010a: 74, Martin 2012: i, 4; Martin 2013: 6). The introductory chapter has already given a proper discussion on this. The US promptly reacted with sanctions to bring across the message to the military that its conducts both during the 1988 protests and the 1990 election result would not be tolerated by the US. The situation during this time has been aptly captured by Brendan Taylor (2010a) who wrote:

“Coming at the dawn of the post-Cold War era and against the backdrop of efforts to construct a so-called ‘New World Order’ where human rights and democracy

promotion were to be given greater pride of place, Washington was particularly sensitive to the SLORC's egregious human rights violations and its unwillingness to acknowledge the results of the 1990 election" (Taylor 2010a: 75).

Since Myanmar at this time was not much regarded as a strategic country for the US, the US interests and reaction was, according to Taylor (2010a), "largely moral and symbolic in nature" (Taylor 2010a: 75). Taylor's (2010a) argument is very supportive of the one by Hufbauer et al. (2007) that has been mentioned earlier. Over the years, sanctions imparted by the US have increased mainly because military control continued and human rights abuses did not abate.

Before sanctions were officially imposed on Myanmar, as a reaction to the actions of military's unethical conduct, all US assistance programmes to Myanmar including the counter-narcotics programmes were halted on 23 September 1988 by the Reagan administration and immediately stopped the sale of all military equipment to the country, gradually starting the progress of sanctions on Myanmar (Martin 2012: 4; Martin 2013: 6). Under the Bush Sr. administration, Myanmar was suspended from the preferential treatment of the "Generalized System of Preferences (GSP)" on 13 April 1989; was marked as a drug manufacturing and illegally trading country under the "Foreign Assistance Act of 1961" by which the US could block any international financial institutions from giving loans to Myanmar; was subjected to the "Customs and Trade Act of 1990" on 5 August 1991 and the "Bilateral Textile Agreement" with the country was not restarted after it lapsed in 1990 (Martin 2012: 4-5; Martin 2013: 6-7).

During the Clinton presidency, apart from the extension of the previous sanctions, further restrictions such as ban on travel visas were made and new sanctions provisions with regard to Myanmar which prevented new investments in the country were signed into law on 30 September 1996 (Taylor 2010a: 76-75; Martin 2012: 6; Martin 2013: 8; Govt. of US, Dept. of Treasury: 3). During the Bush Jr. administration, the "Burmese Freedom and Democracy Act" which was introduced during the Clinton administration was finally signed into law on 28 July 2003 and all export/re-export of financial services to Myanmar were also barred; and further sanctions were imposed due to the 2007 military

suppression of the protest led by the Buddhist monks such as the “freezing of assets” of specified military leaders, expanded the list of military leaders including their families from entry to the US, blocking business transactions which includes import and export from and to Myanmar as well as with Myanmar’s businesspersons; and the “Tom Lantos Block Burmese JADE Act” which was signed into law on 29 July 2008 (Taylor 2010a: 94-95; Martin 2012: 6; Martin 2013: 2, 8; Dept. of Treasury, Govt. of US: 3)

Currently under the Obama administration, as has been mentioned at the beginning, the sanctions policy has been undergoing a change. Though they are still firmly in place, the President has issued several waivers so that US-Myanmar relation can be rebuilt on interactions and mutual trust. Before highlighting these waivers it is also important to mention that despite the improved relations between the US and Myanmar, additional sanctions have also been added. President Obama under new executive orders (EOs) has continued sanctions on Myanmar under “E.O. 13047,” “E.O. 13310,” “E.O. 13448” and “E.O. 13464” and granted the continuation of the authority of Secretary of Treasury on existing sanctions which will be undertaken after discussing the matter with or on the instruction of the Secretary of State against those persons in persistent disturbance of Myanmar’s reform process, who continued to disregard human rights norms, who endorse ethnic conflicts and those who participate in illegal arms deal with North Korea (Martin 2012: 6; Dept. of Treasury, Govt. of US: 3; Embassy of Govt. of US, Rangoon). As mentioned, President Obama has also issued several waivers the first of which was lifting sanctions in connection to the “Victims of Trafficking and Violence Protection Act of 2000” on 3 February 2012 (Martin 2012: 6, 24). This was followed by other waivers such as:

- a) Permitting financial services to Myanmar as well as new investments since 11 July 2012;
- b) Granting the resumption of specific US aid that were blocked due to Myanmar’s incompetence in countering illegal manufacturing and trading of narcotics since 14 September 2012;

- c) Lifting the travel ban against President Thein Sein and Speaker Shwe Mann since 19 September 2012;
- d) Permitting the US to support the aid sent by international financial institutions (IFIs) to Myanmar since 12 October 2012;
- e) Permitting the import of merchandise from Myanmar since 16 November 2012, except rubies and jadeite or any jewellery containing these items barred by the “JADE Act amendments” to the “Burmese Freedom and Democracy Act.”

(Sources: Martin 2013: 4; Dept. of Treasury, Govt. of US: 3-4)

The sanctions imparted by the US are under several legislative laws and executive orders (E.Os) issued by the President which are directly aimed at Myanmar as well as those directed towards other countries but related to Myanmar’s violations of norms concerning issues that are prioritized by the US such as “nuclear proliferation” and “human trafficking” amongst others (Martin 2012:1; Martin 2013: 1). So far, six laws and six presidential executive orders (EOs) of which one has been recently added by President Obama and several “presidential determinations” as well as proclamations, memoranda, and other statements in concern with Myanmar have been handed out which clarifies the details of each sanctions to be imparted or alter how far sanctions in place can cover (Martin 2013: 1-2; Dept. of Treasury, Govt. of USA).

An overview of the legislatures and executive orders imposing sanctions on Myanmar as highlighted in the 2012 and 2013 Congressional Research Survey (CRS) report for the US Congress on US sanctions on the country as well as those available from the website of the Department of Treasury (Govt. of USA) are as follows:

a) Laws/Legislations:

- Legislation that requires presidential authorization upon the determination that economic sanction is fitting for Myanmar unless there is certification from the president that human rights conditions and counternarcotic

efforts have been duly met. This is under “Section 138 of the Customs and Trade Act of 1990 (Section 138)” which is covered by “Public Law 101-382 (P.L. 101-382).”

- Legislation which restrains the US from dispensing funds to specified international organizations that conduct affairs with Myanmar. This is under “Section 307 of the Foreign Assistance Act of 1961 (Section 307),” covered by “P.L. 87-195” and has been amended by the “Foreign Relations Authorization Act, Fiscal Years 1994 and 1995” which is covered by “P.L. 103-236.”
- Legislation which enforces various sanctions on Myanmar except on the conditions certified by the President that definite standards for human rights and democracy have been achieved. This is under “Section 570 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Section 570)” which is covered “P.L. 104-208” and has been drawn into “Title 1 of the Omnibus Consolidated Appropriations Act, 1997.”
- Legislation prohibiting the import of merchandise from Myanmar; “freezing the assets” of specified military leaders; obstructing US assistance for loans from “international financial institutions” (IFIs); and visa bans for selected officials of the country. This is under the “Burmese Freedom and Democracy Act of 2003 (2003 BFDA)” which is covered by “P.L. 108-61.”
- Legislation that blocks import of Burmese jadeite and rubies either direct or indirect; extends the lists of officials who are under “visa bans” and “financial sanctions;” and permitting “restrictions on using correspondent accounts for providing services to Burmese officials.” This is under the “Tom Lantos Block Burmese JADE (Junta’s Anti-Democratic Efforts) Act

of 2008 (Tom Lantos Block Burmese JADE Act)” which is covered by “P.L. 110-286.”

- Legislation providing the authority to the President for lifting US obstruction to IFIs’ assistance to Myanmar. These are under “P.L. 112-192.”

b) Executive Orders (E.O.):

- 13047 – Date of Effect: 20 May 1997. Issued by President Bill Clinton after declaring “national emergency” towards Myanmar. The order effectively bans all new US investments in Myanmar appropriated by Section 570 of the “Foreign Operations, Export Financing, and Related Programs Associated Act” (P.L. 104-208); the “International Emergency Economic Powers Act” (IEEPA) (50 U.S.C. 1701-1706); and the “National Emergencies Act” (NEA) (50 U.S.C. 1601 et seq.).
- 13310 – Date of Effect: 28 July 2003. Issued by President George W. Bush. The order is in conformity to specific provisions of the BFDA such as “freezing of assets” and “prohibition of financial services.”
- 13448 – Date of Effect: 18 October 2007. Issued by President George W. Bush. This order widened the ambit of and adding supplementary steps to the national emergency stated in E.O. 13047 and expanded the list of military officials and “entities” covered under “freezing of assets.”
- 13464 – Date of Effect: 30 April 2008. Issued by President George W. Bush. This order added supplementary steps in relation to the national emergency stated in E.O. 13047 and expanded further the list of military officials and “entities” covered under “freezing of assets.”
- 13619 – Date of Effect: July 11, 2012. Issued by President Obama. This order altered the range and extent of the national emergency stated in E.O. 13047 while expanding the list of Burmese citizens under “visa ban,” “freezing of assets” and other sanctions issued to specified military officials.

- 13651 – Date of Effect: 7 August 2013. Issued by President Obama. The order abolished the provisions of E.O. 13310 through which the BFDA’s ban on imports of merchandize from Myanmar was enforced though the order still blocks importation of any accessories containing rubies and jadeite from Myanmar that was initially set by the JADE Act modification to the BFDA. The President also lifted sanctions covered by Section 5(b) of the JADE Act.

(Sources: Martin 2012: 1-2; Martin 2013: 1-2; Dept. of Treasury, Govt. of US)

Apart from these laws and executive orders, there are five sanctions laws of Myanmar. Three of which, namely – Section 570 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act; The Burmese Freedom and Democracy Act of 2003; The Tom Lantos Block Burmese JADE Act of 2008 – have already been mentioned in the legislatures above. The other two are:

- The International Emergency Economic Powers Act (IEEPA) which is covered under P.L. 95-223 (50 U.S.C. 1701 - 1706) vested the power of enforcing specific “financial or international trade sanctions” on the President to address any danger posed on the “national security, economy or foreign policy” of the US.
- The National Emergencies Act (NEA) which is covered under P.L. 94-412 (50 U.S.C. 1601 - 1651) grants the power to the President to “declare a national emergency under certain conditions.”

(Sources: Martin 2012: 2; Martin 2013: 2; Dept. of Treasury, Govt. of US)

The executive orders (EOs) by which Myanmar is sanctioned is governed by the “authority” granted to the President by the US Constitution as well as the five legislatures or laws mentioned before and the two statutes mentioned above (Martin 2013: 3).

A brief overview of the various sanctions imparted on Myanmar under various administrations has been mentioned before. A detailed observation of these sanctions will be now be made. They are mentioned as they have been categorised in the CRS reports

prepared for the US Congress (Martin 2012: 7-22; Martin 2013: 9-25; plus, additional pages 1-7 of Martin 2013):

➤ *Visa Restrictions*

- i) Effectively denies visas to particular military leaders and other officials involved in the suppression of “peaceful political activity” and the abuse of human rights norms along with their families and their business partners.
- ii) Governed by Section 570 of the Foreign Operations, Export Financing and Related Programs Appropriations Act of 1997; Burmese Freedom and Democracy Act of 2003; the Tom Lantos Block Burmese JADE Act; Presidential Proclamation 6925³; Executive Order (E.O.) 13619.

➤ *Financial Restrictions*

- i) Specific government officials of Myanmar, their families and business associates are restricted from any financial services from the US or in the US.
- ii) Governed under E.O. 13047; E.O. 13310; the Tom Lantos Block Burmese JADE Act; and E.O. 13619.

³ Presidential Proclamation 6925: Denial of permission for entering the US both as immigrants and non-immigrants to those who are involved in making policies threatening the process of Myanmar’s democratic transition or those that profit from the policies. “61 *Federal Register* 52233-52234,” 7 October 1996 (Martin 2013: 9).

➤ *Freezing of Assets*

- i) Specified Burmese individual's assets held by US entities are frozen under this restriction.
- ii) Governed under E.O. 13310; E.O. 13448; E.O. 13464; E.O. 13619; Burmese Freedom and Democracy Act of 2003; and the Tom Lantos Block Burmese JADE Act.

➤ *Restriction on Imports of General Items*

- i) Prohibits the import of Burmese merchandize.
- ii) Governed under Section 138 of the Customs and Trade Act of 1990; the Burmese Freedom and Democracy Act of 2003; E.O. 13310.

➤ *Restrictions of Imports on Selected Items*

- i) Prohibits entry of stated types of goods from Myanmar as well as from certain companies.
- ii) Governed under the Burmese Freedom and Democracy Act of 2003; and the Tom Lantos Block Burmese JADE Act.

➤ *Restriction of Investment in Myanmar*

- i) Prohibits new investments in Myanmar as well as third companies.
- ii) Governed under Section 570 of the Foreign Operations, Export Financing and Related Programs Appropriations Act of 1997; and E.O. 1307. Also, General License No. 17 of the Office of Foreign Assets Control of the Department of Treasury ban investments with selected entities or people.

➤ *Restrictions on Bilateral and Multilateral Assistance*

- i) Prohibits any US funded international financial institution (IFI) from giving compensation loans to Myanmar.

- ii) Governed under Section 307 of the Foreign Assistance Act of 1961; and Section 570 of the Foreign Operations, Export Financing and Related Programs Appropriations Act of 1997.

(Source: Martin 2012: 7-22; Martin 2013: 9-25, plus additional pages 1-7 of Martin 2013)

These are just a brief outline of the various types of sanctions imposed on Myanmar that have been excellently outlined by Michael F. Martin for the CRS report as has been mentioned (Martin 2012; Martin 2013). In all of these sanctions, the laws governing each of them have been specifically allotted “provisions of waivers” mostly to be executed by the US President under specific conditions which are of US national interests. President Obama has utilised these authorities granted to him to lift several sanctions on Myanmar as could be seen from the various presidential waivers he granted that have already been highlighted earlier. Each of these laws have also been given ‘terminal,’ “duration” or a “renewal” condition which again depends largely on the national interests of the US. This means that the laws can be withdrawn under various conditions when certain actions from the military government of Myanmar satisfy US policy makers and this in turn will “ease” the specific sanction under consideration. These will however not be elaborated upon.

Apart from these, additional sanctions have also been imparted by the US on Myanmar which are related to “functional issues” such as conscription of children to the military, human trafficking, illegal drug trade or manufacturing, “money laundering and organised crime,” violation of freedom of religious worship, the rights of workers and actions disrupting world peace as well as jeopardizing the security and foreign affairs of the US (Martin 2012: 22-29; Martin 2013: additional pages 8-11). These are also governed under the various US laws that have already been highlighted before. Because of these functional issues, Myanmar is effectively barred from receiving various aids and assistances not only from the US but also from international organizations when opposed by the US.

The narrative presented covers the types of US sanctions on Myanmar and the laws governing them. What can be drawn from this examination is that strict laws are governing each of these sanctions which therefore makes it difficult for them to be suspended altogether. They at the same time contain clauses which allow presidential certification for the lifting of sanctions and these have been utilised by the Obama administration to foster further engagement with Myanmar. Earlier, a brief mention of the various actions undertaken by the administration from 1988 had been made. A more detailed examination of that will now be made in which not just the executive's action but also the congressional actions in each administration's reactionary policy to Myanmar will be discussed.

US Administrations and Sanctions on Myanmar

Discussion on this topic will start with the Reagan years since it was during the presidency of Ronald Reagan that the 1988 incident occurred in Myanmar. The introductory chapter has already mentioned how the US maintained limited relations with the country before ties with the country were severed from 1988. The following account has examined the actions taken by the US under various administrations from President Reagan to President Obama.

a) The Initial Years – The Reagan and Bush Sr. Administrations

The Reagan administration reacted severely to the August 1988 incident by cancelling all US assistance and the sale of military equipment to Myanmar on 23 September 1988 (Martin 2012: 4, Martin 2013: 6). It was the call of the Congress, led by the Senate and followed by the House of Representatives which had passed resolutions condemning the acts of the military, that prompted the Reagan administration to undertake appropriate action against Myanmar's military (Martin 2012: 4; Martin 2013: 6). Though the US was quick to respond to the situation, the actions were perceived as more of a moral justification as well as a demonstration that the US highly detests the conduct of the

military because the country did not have any strategic importance in the American foreign policy calculus during this time (Brendan Taylor 2010a: 75). A wider explanation clarifies this matter. The issues of human rights and the promotion of democracy had evolved as important agendas of the US foreign policy pursuit and the US evolving as the power safeguarding these ideals with the notion of a responsibility to act to situations like the Myanmar case had the perfect opportunity to show that countries violating these norms will have to face consequences of their actions. The previous discussion on US foreign policy and sanctions has already highlighted this.

The prompt response of the US government started just three days after the 8 August 1988 incident, when the Senate criticised the military's action of killing and imprisoning unarmed protestors by passing the S.Res. 464 (Senate Resolution) stating the endorsement for the return of democracy in the country and urging the Reagan administration to hold discussions with Myanmar's military officials on the issues of human rights and possible compromise with the opposition (Martin 2012: 4; Martin 2013: 6). This resolution was introduced by the late Senator Daniel Patrick Moynihan (Democrat, New York), a powerful figure in the US Congress who was supported by other powerful and prominent congressmen like the late Senator Edward Kennedy (Democrat, Massachusetts), on 10 August 1988 in disapproval of the brutal military actions in Yangon and calling for an end to the one-party military ruled system as mentioned and was passed on 11 August 1988 (Lintner 1990: 110). When demonstrations continued in the country, Myanmar which was a non-aligned country drew much foreign interest to it and US interests in the political conditions of the country were escalated when Congressman, Representative Stephen J. Solarz (Democrat, New York) visited Myanmar on 3 September 1988 for two days meeting with the then president, Dr. Maung Maung as well as U Nu, Tin U, Aung San Suu Kyi and Aung Gyi who were leaders of the main opposition (Lintner 1990: 124). Then the Senate action was quickly followed by the passing of H.Res.529 (House Resolution) by the House of Representatives on 7 September 1988 which also condemned the actions of the military while sympathizing with the Burmese people and their endeavour for democracy and also calling the Reagan administration to reconsider the US assistance to Myanmar because of these conditions

(Martin 2012: 4; Martin 2013: 6). Both the Senate and the House resolutions passed sought reactions from the executive branch and thus, have the merit for influencing the US government to spring into action. By 1988, the US government was starting to take several steps to dissociate itself from the regime in Myanmar (Mann 1988).

In 1989, another noteworthy event took place which was the trip to Yangon by Representative Dana Rohrabacher (Republican, California), a Congressman-Elect at that time who later became an important voice in the US policy formulation towards Myanmar, even though his visit to the country was not official (*The Los Angeles Times* 1989). Congressional support for the cause of Burmese people continued when the country's 1990 parliamentary election result was nullified by the military rulers. Many of the opposition leaders including the newly elected National League for Democracy leader Aung San Suu Kyi were arrested and protests condemning this were again violently suppressed. The Congress to show their disapproval included sanctions on Myanmar in the "Customs and Trade Act of 1990" (P.L. 101-382) which was passed on 20 August 1990 and as such, under Section 138 of the law authorised the President to employ sanctions which he finds suited for Myanmar and any sanctions that fit under the "Narcotics Control Trade Act of 1986" (Martin 2012: 5, Martin 2013: 7). This Act as a bill, after recommended amendments were made since it was not passed at the first introduction, was finally passed in the House of Representatives with a 221-169 majority on 7 September 1989; then passed by the Senate after amendments on 24 April 1990 with a 92-0 majority and after referral to a conference on the bill, it was passed by both the chambers and finally signed into law (Congressional Legislation, US 101st Congress, 1990). The Bush Sr. administration's response was to use the authority granted to him to mark Myanmar as a manufacturer and trader of illegal drugs on 28 February 1990 and to refuse the renewal of the Bilateral Textile Agreement with Myanmar in 1991 and before this on 13 April 1989, the administration had cancelled Myanmar's qualification for the Generalized System of Preferences (GSP) (Martin 2012: 5, Martin 2013: 7). Both the Reagan and Bush Sr. administration had thus been encouraged by the active participation of the Congress regarding the situation in Myanmar.

b) The Clinton Administration – Heightened Congressional Pressure

From 1993 onwards, active congressional role on the issue of Myanmar could be witnessed. The Congress dealt with a significant number of bills and resolutions recommending more sanctions on Myanmar though only a few of them were eventually passed (Martin 2012: 5, Martin 2013: 7). The “Foreign Relations Authorization Act of FY 1994 – 1995” contained in “P.L. 103-236” was passed on 30 April 1994 (Martin 2012: 5, Martin 2013: 7). This Act was introduced in the House of Representatives and was passed by a 273-144 majority on 22 June 1993 which was then passed by the Senate by a 92-8 majority votes on 2 February 1994 after amendments to the bill were made and a conference for the bill was then called in which both chambers agreed to the amended bill and was finally signed into law by President Clinton (Congressional Legislation, US 103rd Congress, 1994). It was during the Clinton administration that even though the US primary focus had been on democracy, human rights and checking illegal drug production, the Congress became increasingly concerned about Aung San Suu Kyi and her party, the NLD, and many times these issues dominated and influenced the decision making on Myanmar (Pedersen 2008: 23; Brendan Taylor 2010a: 75). This became clearly evident when in 1996, the Clinton administration was urged to impose further sanctions on Myanmar because of the arrest of more than 250 supporters of Suu Kyi in May when the party conference of the NLD was to be held and the arrest continued as the year went on, thereby, triggering the enforcement of visa ban barring travel to the US against all military leaders on 3 October 1996 (Brendan Taylor 2010a: 76). Suu Kyi also played a huge role in influencing the Clinton administration’s decision on increasing the sanctions of Myanmar (Brendan Taylor 2010a: 76).

The Congress was however the most influential player to direct the sanctions towards Myanmar during Clinton’s presidency (Brendan Taylor 2010a: 76). The “Free Burma Act of 1995” was introduced in the Senate by Senator Mitch McConnell (Republican, Kentucky) which as introduced would have barred all investments and aid in Myanmar by the US; admission of the military leaders and their families to the US; US imports of merchandize from Myanmar; travel to and from Myanmar; diplomatic representation of

Myanmar; and US funds to international financial institutions giving assistance to Myanmar (Brendan Taylor 2010a: 76; Martin 2012: 5-6; Martin 2013: 7). The Bill later came to be included as an amendment to the “Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997” and was finally signed into law 30 September 1996 after amendments were made (Brendan Taylor 2010a: 76-77). During this time, new sanctions were approved by the Congress under “Section 570 of the Omnibus Consolidated Appropriations Act of 1997” (PL 104-208) stopping all assistances except humanitarian aid, imposed travel ban on government officials of Myanmar and directed US officials working in IFIs to oppose any loans or financial assistance to Myanmar despite Suu Kyi being released from house arrest and this was followed by President Clinton’s “Presidential Proclamation 6952” introducing visa bans on 3 October 1996 and a year later on 20 May 1997, “E.O. 13047” which banned all new investments in Myanmar was issued (Martin 2012: 6; Martin 2013: 8). In the Congress, the House of Representatives had passed the bill on 13 June 1996 with a 278-126 majority, the Senate passed the amended bill on 18 July 1997 with a 72-27 majority and after a conference on the bill was accepted, it was passed by both Chambers (Congressional Legislation, US 104th Congress, 1996). Steinberg (2006) has also mentioned that these sanctions became successfully implemented by the Clinton administration because of the pressure by the Congress (Steinberg 2006: 226).

Even after these sanctions were passed, the Congress continued to mount pressure on the Clinton administration which seemed to have a bearing on the April 1997 sanctions on Myanmar (Brendan Taylor 2010a: 77). Apparently, the President had been approached by various important congressmen like Senator Daniel Patrick Moynihan (Democrat, New York), Senator Edward Kennedy (Democrat, Massachusetts), Senator Jesse Helms (Republican, North Carolina) and Senator Mitch McConnell (Republican, Kentucky) to impose new sanctions on Myanmar because the conditions in the country had further degraded (Lippman 1997 cited in Brendan Taylor 2010a: 77). The senators, McConnell (Republican, Kentucky) and Moynihan (Democrat, New York), had also drawn up a fresh bill for sanctioning the country right before the new sanctions were made public seeking

co-sponsors for the bill in the Congress (Erlanger 1997 cited in Brendan Taylor 2010a: 7).

c) The Bush Jr. Administration – The Congress Yet Again

The Bush Jr. administration also experienced the same congressional vigour as with previous administrations concerning sanctions on Myanmar. However, though numerous drafts and orders for the imposition of greater sanctions on Myanmar had been introduced in the Congress since 2000, they were not passed until 2003 when the situation once again compelled new sanctions against the country (Martin 2012: 6; Martin 2013: 8). The situation had nonetheless been a bit different in the early period of the Bush Jr. administration and thus, when stringent sanctions were imposed once again in 2003 and later in 2007, it was a bit sudden because the strain between the US and Myanmar which had been persistent in the Clinton years had begun to disappear in the initial year of the Bush Jr. term (Brendan Taylor 2010a: 92).

Two incidents had allowed a slight improvement in the countries' relation – the military holding talks with Aung San Suu Kyi in October 2000 who was in house arrest at this time and the 9/11 attack of the US by terrorists which triggered the US war against terrorism duly supported by Myanmar's military regime (Steinberg 2006: 230). Apart from these, the administration had from the very start indicated to the military that if US demands for improvement of human rights and democracy are achieved, it would be welcomed by the US as a positive development in their relations (Brendan Taylor 2010a: 92). Apparently, Myanmar's government gave whatever intelligence data they had to the US and permitted the US military overflights to the Middle East while taking extra security measures to protect the US embassy in Yangon and signed the "US-ASEAN Joint Declaration for Cooperation to Combat International Terrorism" on 1 August 2002 at the Brunei conference which was attended by the US Secretary of State (Steinberg 2006: 231-232).

The Bush Jr. administration for its part was also taking steps to bring some improvement with Myanmar. The State Department's February 2002 six months evaluation report of

the Myanmar situation was documented without the mention of the US insistence on the military to accept the May 1990 election result as has always been done but instead was replaced by the call for developments in democratic governance and human rights conditions which as mentioned would be responded to positively (Steinberg 2006: 233). This certainly was a change of attitude on the part of the US and seemed to have an effect on the 2002 release of Suu Kyi though by November it was subtly altered back to the previous demand for respecting the 1990 election result and Myanmar was denied the certification that it had passed the new standard on anti-narcotics compliance which it did according to the reduced standard for Mexico (Steinberg 2006: 233-234). The absence of the “anticipated dialogue” between the military and Suu Kyi as well as the newly Republican controlled Congress ushered in by the 2002 US election once again urging the administration to be more harsh on Myanmar seemed to have played effective roles in this (Steinberg 2006: 234).

But the biggest congressional action came when Suu Kyi who had been released from house arrest in May 2002 was attacked on 30 May 2003 during a political tour with her NLD party members in Northern Myanmar (Steinberg 2006: 234; Brendan Taylor 2010a: 93; Martin 2012: 6; Martin 2013: 8). The “Depayin Incident” as it is popularly known was enough to draw a quick reaction from the Congress through the passing of the “Burmese Freedom and Democracy Act of 2003” on 28 July 2003 which was followed by a presidential executive order E.O. 13310 on the same day (Congressional Legislation, US 108th Congress 2003; Steinberg 2006: 234; Taylor 2010a: 94; Martin 2012: 6; Martin 2013: 8). This Act, as has been mentioned earlier had already been introduced in 1995 and had the provision of imparting much more strict sanctions law on Myanmar. The Act garnered tremendous support from both the chambers of the Congress, with 97-1 majority votes in the Senate and 418-2 majority votes in the House of Representatives supporting the bill, and left President Bush Jr. with no other choice than to give his consent to it (Brendan Taylor 2010a: 94; Congressional Legislation, US 108th Congress 2003). As mentioned earlier, because the 2002 US election brought in a Republican dominated Congress, the bipartisanship that was prevalent in both chambers of the Congress

diminished and this ensured the passing of the sanctions that was introduced in the earlier Clinton administration (Brendan Taylor 2010a: 98).

Another big incident during the Bush Jr. administration which prompted more severe congressional action was the military clampdown on a peaceful protest led by Buddhist monks in late September 2007 famously known as the “Saffron Revolution” (Brendan Taylor 2010a: 94; Martin 2012: 6; Martin 2013: 8). The Congress counter action was the “Tom Lantos Block Burmese JADE Act of 2007” which was followed by presidential executive orders E.O. 13448 on 18 October 2007 and E.O. 13464 on 30 April 2008 (Martin 2012: 6; Martin 2013: 8). This Act was first introduced on the House of Representative on 18 October 2007 by the late congressman, Tom Lantos (Democrat, California) and finally passed the House on 15 July 2008 after the amendments of the Senate in pursuant of H.Res. 1341 was duly accepted and passed the Senate with unanimous consent on 22 July 2008 and finally signed into law by President Bush Jr. on 29 July 2008 (Congressional Legislation, US 110th Congress 2008).

A little before President Bush signed the bill for new sanctions, in May 2008, the Cyclone Nargis disaster struck Myanmar and the military government was reluctant to allow relief assistance initially from other countries while its own efforts were clearly not enough (Clarke et al. 2010: 19; 26). The military was once again severely blamed for its poor conduct towards the welfare of its citizens. However, the military eventually allowed assistance from abroad and the US also undertook humanitarian efforts in helping the country deal with the disaster and even became the top donor amongst the countries sending aid (Clapp 2010: 411). The US had also made a move during the Bush Jr. administration in 2007 to list Myanmar as a danger to the peace and security of the world by exerting significant pressure on the UN Security Council but could not get it passed as the proposal was vetoed by both China and Russia in the Council and Myanmar’s neighbours who had favoured engagement with the regime also did not support this move (Steinberg 2007: 221).

d) And Still Sanctions – The Obama Administration

A reorientation of foreign policy conduct was made as soon as President Obama assumed office in 2009. Priscilla Clapp, a retired Minister-Counselor in US Foreign Services who held the “charge of affairs” in Myanmar from 1999-2002 and who is currently senior advisor to NGOs focussed on Myanmar such as Asia Society, has stated that the Obama administration’s stated goal upon taking office had been to alter US foreign policy conduct towards enhancing cooperative engagement and partnership with countries and organisations already in good terms with the US and to facilitate relationship with those countries that the US had labelled as “outposts of tyranny” (Clapp 2010: 411). This therefore clearly indicates that the Obama administration was going to create an environment where previously isolated countries would be encouraged to have dialogue with the US to improve relations. Myanmar, as we know, has in the past been designated as one of these countries by the US government. Clapp’s work clearly highlights the condition during this time and hence will largely be stated here.

This new policy has done away with the earlier attempts to cut off the military regime from the international community and instead foster a “pragmatic engagement” with the military while still maintaining sanctions by facilitating constructive dialogue with the higher ranking officials of Myanmar’s military government and undertaking successive “confidence-building steps” to advance engagement and greater understanding of each other (Clark et al. 2010: 6). These stated goals were quickly executed when a re-evaluation of the US policy on Myanmar was made soon after Hillary Clinton returned from her inaugural tour to Southeast Asia as the new Secretary of State in which she issued a statement that the US sanctions policy towards the country as well as the engagement policy of the Asian countries had both not succeeded in changing the government of the country (Clinton 2009 cited in Clapp 2010: 411).

As could be seen from the earlier administrations’ policy undertakings especially in regard to Myanmar, the Congress played an effective role in the formulation of US conduct towards Myanmar. Hence, in the formulation of the new engagement policy, the Obama administration held countless discussions with congressional leaders apart from

other groups like human rights groups who had all played a strong role in the US policy so that the concern of these groups would be duly considered and weighed on why sanctions had not been successful so far (Clapp 2010: 411; Steinberg 2011: 182). At the beginning of Obama's term, some congressmen had already voiced their disagreement for lifting sanctions unless human rights and democratic conditions improved in the country (Clapp 2010: 411-412). This is an indicator of the mood of the Congress towards Myanmar which had not changed even after all these years of sanctions not yielding the desired result of setting up a democracy in the country.

Though things went ahead without much hindrance early on in the administration's review of policy, it was soon suspended due to the jailing of Suu Kyi because she had failed to report, John Yettaw, an American who had secretly entered her home and stayed for several days (Clapp 2010: 412). The Senate urged the President through a resolution passed on 21 May 2009 to once again strengthen US efforts in collaboration with the international community in demanding Suu Kyi's freedom as well as other political prisoners while criticizing the conduct of the SPDC (Clapp 2010: 412). Though the review proceeded after the trial on Yettaw was done, according to Clapp (2010), the Obama administration nonetheless needed to make up for the harm done by this issue on the US developing ties with Myanmar so that the US strategic interest could be moved forward in the region of Southeast Asia (Clapp 2010: 413).

A new phase was also unfolding in Myanmar politics by the early 2000s. Though relations with the West could not improve during these times, the military was however intent on bringing reforms to the country with the announcement of the 2003 plan of a "seven step roadmap" to the building of a "disciplined flourishing democracy" (Robert H. Taylor 2009: 214). In this strictly managed reform policy, a general election was therefore scheduled for late 2010. A detailed account of this new policy will however be made in the subsequent chapter but what is clearly deducible from this is that Myanmar's slow and military dictated process of change with its many imperfections provided a great opportunity to forward US policy of engagement with the country.

On examining this intention of engaging Myanmar, the Distinguished Professor of Asian Studies at Georgetown University, David I Steinberg who is a noted specialist on Myanmar; the Korean Peninsula; Southeast Asia and US policy in Asia, has written that the administration was very clear about the continuation of the engagement policy with the new Myanmar government though the US government itself already claimed that the 2010 election in Myanmar would not be “fair nor free or inclusive” (Steinberg 2011: 182). The US hence took the bold step to engage with the new disciplined, democratic Myanmar. However, even with this fervour to engage a once pariah state, as Myanmar’s election was drawing close, the Congress and human rights groups were keen that sanctions should increase on specific individuals rather than waiving it altogether and they eventually succeeded in making the US government agree to an investigation of whether the military government had indeed violated human rights but this move was not supported by many not just from the US but also Suu Kyi herself once she was freed from house arrest (Steinberg 2011: 182-183). This attitude of the Congress supported by human rights group indicates an atmosphere of caution in the Congress in concern with Myanmar.

However, despite the continued concern over human rights issue and democratic principles amongst the congressmen, the Obama administration’s proposed policy change towards Myanmar during its formulation had the support of the Congress in the voice of former senator from Virginia, Jim Webb (Democrat) who was holding the chair in the Subcommittee on Southeast Asia of the Senate Foreign Relations Committee (Clapp 2010: 412). He had made a very important argument that the US isolating Myanmar affected the US inattention to the Southeast Asia’s “strategic dynamics” and the sanctions pushed Myanmar closer towards China and that it was critical for the US to be able to manage both its regard for human rights issue as well as its vital interests in the larger region (Clapp 2010: 412; Congressional Hearings I, US 111th Congress, Senate 2009). Senator Webb’s argument here shows how current political issues are important factors that affect policy undertakings. His argument was supported by senators, John Kerry (Democrat, Massachusetts) and Richard Lugar (Republican, Indianapolis) who believed that the “strategic balance” in Southeast Asia has become critical for the US in its

approach towards Myanmar apart from the concern for the people of the country (Clapp 2010: 419). The support of these congressmen was important for the Obama administration in convincing the Congress of the new strategy towards Myanmar.

When the election was finally held in Myanmar in 2010, many observers including the US believed that it was deeply flawed. The provision of the new Myanmar Constitution had guaranteed the continuation of the authority of the military whereby twenty-five percent seats are reserved for active-duty military officers and the ministries of strategic importance such as home, defence and border affairs had been set aside for the military (Robert H. Taylor 2009: 220). The election was won in majority by the Union Solidarity and Democratic Party (USDP), the political wing of the military, thereby also ensuring military control of power in the country (Steinberg 2010: 173; 176). Hence, not much change was expected when the new civilian government took over in 2011 but the new president, Thein Sein, starting off straight away with important reforms in the country left observers of the international community astounded. This reform movement of Myanmar also acted as an important catalyst in furthering the Obama administration's desire to take the engagement policy with the country to a new level. As has been mentioned, by 20 November 2012 President Obama visited Myanmar as the first sitting American president to do so and his trip had been preceded and succeeded by many visits from US officials and congressmen like former Secretary of State Hillary Clinton and Senator Jim Webb to name a few (Nakamura 2012; Thuzar 2012: 209; Clapp 2010: 412, 416, Lum et.al 2009). The Senate confirmed the appointment of Derek Mitchell as ambassador to Myanmar on May 2012 which brought an end to the twenty-two years of US non-ambassadorial level representation in the country (BBC 2012).

Even though there was much effort on the part of the Obama administration to foster better relations with Myanmar, there are several indications that the Congress is still hesitant in this approach towards Myanmar. Deep concerns on the progress of reforms still loom large in the Congress like the one voiced by Representative Steve Chabot (Republican, Ohio), the chair of the 2013 Session I of the Congressional Hearings in the House of Representatives' Subcommittee on Asia and the Pacific, over the

unaccomplished commitments made by President Thein Sein to President Obama during his US visit in 2012 especially concerning human rights issues in relation to the ethnic minorities, the Rohingya Muslims in particular (Congressional Hearings I, 113th Congress, House of Representatives 2013: 2). This is just one example of the many concerns that the Congress has raised on the recent reform movements in Myanmar. As has been mentioned earlier, the Congress is still very much in favour of keeping the sanctions intact even if engagement with the country is made. A good evidence of this is that soon after the 2010 Myanmar election, the Senate still voted for the extension of sanctions for one year more with the noted senator, Mitch McConnell (Republican, Kentucky) remarking that sanctions must be intact till real transition to a democracy has been successfully made and that so far, Suu Kyi's release had been the only positive news about the new regime (Jha 2011).

Coming back to the role of the Congress, several legislations have already been introduced in the Obama administration alone even though the engagement policy is now in full swing. While some sanctions have been extended, many have been waived as were mentioned earlier on the discussion on the various kinds of sanctions in Myanmar. The Congress has also taken several positive steps in reacting to the reforms in Myanmar such as the support both from the Senate and the House of Representatives by unanimous and voice voting on the waiver of sanctions to allow IFIs to assist Myanmar once again (Congressional Legislation, US 112th Congress, 2012). Sanctions nonetheless have also been extended with the push from the Congress itself (Jha 2012). The concern for human rights issue is still important for the Congress and has been voiced in the several legislations introduced so far since Obama took office in 2009. A good example is the House of Representative resolution, H.Res.418 passed on 7 May 2013 which was agreed to in the 113th Congress by simple voice vote calling on the government of Myanmar to end the mistreatment of the Rohingya people and to abide by international human rights norms in its conduct towards all ethnic minorities and religious groups inside Myanmar (Govt. of US 113th Congress 2013, House of Representatives). This was passed because of the attention drawn by the ethnic problem that Myanmar has been facing in the

Rakhine state since 2012 where Rohingya Muslims are under constant threat of persecution by the Buddhist majority (Wade 2012).

As mentioned, both chambers of the Congress had also agreed on renewing certain sanctions and it was under the Burmese Freedom and Democracy Act that this extension had been made for another year in spite of ongoing reforms in Myanmar because the Congress wanted more reforms from the country especially concerning the release of political prisoners (Jha 2012). The legislation was passed by the House of Representatives on 2 June 2011 by a 231-188 majority and after amendments, passed the Senate by voice vote on 26 September 2011 which again underwent approval by the House and finally was signed into law by the President on 30 September 2011 under the “Continuing Appropriations Act of 2012” and did not rule down the previous presidential waivers issued by President Obama earlier that year (Congressional Legislation, US 112th Congress, 2011). Senator Mitch McConnell (Republican, Kentucky) stated that the clear majority support for the sanctions in the Senate demonstrated the perception of the new government is that it had not differed much from the military regime (Jha 2012).

With the tremendous progress of democracy in the country, the Obama administration also looked to the possibility of “military partnership” with Myanmar. In 2013, there was a recommendation by both the State and the Defense Departments for the reintroduction of the “International Military Education Training” (IMET) programme in Myanmar though in a modified form called the “expanded-IMET” (E-IMET) the original IMET was met with fierce resistance by some congressmen and NGOs (Haacke 2015: 20-21). However, despite the E-IMET limited only to include issues related to “education and training” in the field of “civilian-controlled military,” universal human rights law, global humanitarian law, “management of defence resources” and collaboration in checking illegal production and trade of drugs, the plan could not materialise due to the strong opposition from the Congress and other concerned groups and citizens (Haacke 2015: 21). The regular IMET funds as well as the funds for “Foreign Military Financing” through the “The State, Foreign Operations, and Related Programs Appropriations Act of 2014” hence did not include Myanmar and the funds granted by the State Department for

the E-IMET programme for fiscal year 2015 which was a mere US \$259,000 was instead allocated for the enhancement of democracy and human rights (Haacke 2015: 21). Through the “National Defence Authorization Act” for FY 2015, the US Defense Department was limited to improve only those activities that has already been undertaken in Myanmar and made it compulsory that reports be given to several committees of the Congress thereby encompassing not just future military ties between the two countries but how these ties would reinforce the security plan of the US as well as the reforms in Myanmar (Haacke 2015: 21). As such, some observers believe that there is “congressional resurgence” in regards to the policies towards Myanmar in this engagement period (Lohman 2014).

More recently in 2015, S. Res. 116 was introduced in the Senate on 26 March 2015 calling for a “free and fair elections” especially for the 2015 election and was referred to the Senate Committee on the Foreign Relations (Congressional Legislation, US 114th Congress, Senate 2015). Apart from appealing for a free and fair election in Myanmar, the bill also called upon the US President and the Secretary of State to support the various efforts of reform movements in Myanmar such as the push for the amendment of the Constitution which would enhance democratic reforms and keep the possible military interference in check; encourage the UN special body inspecting human rights conditions in the country to point out the noncompliance of the Burmese government to engage with such groups; and that the Burmese government did not resort to force when pursuing cease-fire talks with insurgent groups (Congressional Legislation, US 114th Congress, Senate 2015). For ensuring a free and fair election in the country, the bill further stated the US and other donors to the country should guarantee that the Union Election Commission function properly as an independent body impartial towards any group throughout the election period (Congressional Legislation, US 114th Congress, Senate 2015). In particular concern with sanctions, the bill still called for the President to sanction specific people who were ascertained by him as hampering the process of a free and fair election and advised that the US government must continue to remain cautious in policy undertakings towards the enhancement of the engagement policy if the election turned out to be highly unfair (Congressional Legislation, US 114th Congress, Senate

2015). The in-depth observation of this particular bill therefore clearly reflects the mood of the Senate still advising caution in the new US approach towards Myanmar so that the country may be rewarded only when significant change on democracy has been made.

Election 2015 and Sanctions

On 8 November 2015, the much anticipated general election finally took place in Myanmar. As was largely expected, the NLD under the leadership of Aung San Suu Kyi won the election. 1171 seats were open for contestation in both the houses of the Parliament, the State and Regional Assemblies (IFES 2015: 1). However, on the actual Election Day, only 1150 seats were contested as 21 regions were declared as unsafe for conducting the election. Out of these 1150 seats, 887 seats were won by the NLD which is 77.1 percent of the total seats, an outright majority and it secured the majority in both the lower and upper houses of the Parliament while the military backed party the USDP managed to secure only 10 percent (117 seats) (Holmes 2015). The success of the peaceful conduct of the election as well as the military backed government's readiness to respect the result of the election was praised by international observers. On 16 December 2015, the US Senate passed a resolution S.Res.320 which bears a congratulatory statement to the people of Myanmar on their committal to a peaceful election in the country (Congressional Legislation 2015, S.R.320).

By early December 2015, the Obama administration hinted that sanctions could be amended as US financial trade had been impossible through Myanmar's main port terminal as it is owned by one of the businessmen blacklisted by the US and in effect, the State Department even consulted the Congress on how to address this issue though the aid and activist groups have doubted the measures to remove blacklisted persons for the promotion of US trade as too early and as discrediting the remaining sanctions policy (Pennington 2015). Though there is much optimism largely due to the successful November 2015 election, the US Congress still remains cautious of the country's democratic future because the military still remains a dominant force and the issue of the

Rohingyas who were not allowed to vote in the election and are still facing repression in the country persists (Pennington 2015).

The US soon announced a six-month non-permanent easing of certain sanctions allowing the trading of merchandise in and from Myanmar (Hookway and Rubinfeld 2015). This was done through the issuing of a general license by the Office of Foreign Assets and Control of the US Treasury Department on 7 December 2015 which approved specified business deals which had otherwise been blocked by the “Burmese Sanctions Regulations (BSR)” and would promote more trade deals for persons, corporations and financial institutions (Govt. of US, Dept. of Treasury 2015). This would allow business houses in the US to transact merchandise from Myanmar’s main port in Yangon which as mentioned earlier had been blocked by sanctions and would allow the companies to provide services which do not include banking and investment from as well as in the country (Hookway and Rubinfeld 2015).

Thus, from these examinations of the various administrations’ reaction to Myanmar from 1988 till date, what is clearly seen is the active participation of the Congress throughout. The passage of all the sanctions laws against Myanmar shows that the Congress seems to have succeeded in using its legislative powers to influence the executive branch. Though only the laws that have been passed have been listed here in this chapter, it is also important to note that there are several others, much more in fact, that have only been introduced in both the chambers of the Congress but not passed which voice the concern for both the social and political conditions of Myanmar. Now, in American foreign policy dealings, the executive branch has the upper-hand when compared to the Congress and rightly so because strategic foreign policy issues which are detrimental to the security and prosperity of the nation need urgent responses which is best executed by the compact executive branch rather than the Congress which is much more broader in size and takes a longer time to deal with an issue. However, when examining the Myanmar issue, it is clearly visible that the Congress has played a strategic role in the policy makings towards the country.

Conclusion

This chapter has dealt with the practice of sanctions in American foreign policy conduct tracing its usage in the political history of the US and then coming to the main focus which is the sanctions policy on Myanmar. From these observations, it is clearly evident that the US is indeed a constant employer of sanctions in the conduct of its affairs abroad (Haas 1997: 74; Askari et al. 2003:2; Elliot 2005: 3). Important to note is the usage of sanctions which became increasingly frequent for the US after the World Wars but that imparting it unilaterally, according to Elliot (2005), may have not increased so much after the Cold War as has been generally understood (Elliot 2005: 3). Knowing that such is the role of economic sanctions for the US, it therefore becomes fitting that this tool has been resorted to as a response to the unacceptable atrocious conduct of the military in Myanmar. The reorientation of the US foreign policy during the later years of the Cold War in which ideal principles like human rights and democracy became accommodated as important policy issues in foreign affairs also had a lot of impact on the US reacting sharply to the military crackdown of the peaceful protest in 1988 as well as the denial of setting up a democratic government in 1990 (Martin 2012: i).

Examination of the US sanctions policy on Myanmar clearly points out each administration's strong reaction to the situation in Myanmar from 1988 onwards. In this, the executive for most of the policy actions was influenced to act on the strong insistence of the legislative branch. As could be seen, from the very first reaction to Myanmar's political mismanagement in the early 1990s, the Congress urged then president, Ronald Reagan, to react strongly to the military's crackdown of the peaceful process in Myanmar. Sanctions were imparted from the succeeding Bush Sr. administration with every subsequent administration witnessing this bout of congressional activism in pushing the executive for imparting more sanctions on Myanmar. A good example highlighted was the Clinton administration which acted after strong congressional push for further sanctions on the country (Taylor 2010a: 76).

The examination on the number of votes supporting the resolutions passed in each chamber of the Congress on the policy undertakings towards Myanmar by all the US

administrations since Reagan is another clear indication of strong congressional support for action on Myanmar. The various votes passing certain legislations specific to Myanmar in both the Senate and the House of Representatives got huge majorities as has been highlighted. This strong support for each of the legislations passed is demonstrative of the fact that the president does not really have a choice but to sign the laws unless there is serious threat to the national security of the US which in the case of Myanmar was clearly absent. The previous discussion that President Bush Jr. had not much option but to give his consent to the “Burmese Freedom and Democracy Act of 2003” into law on 28 July, 2003 because it had such great support from both the chambers of the Congress is clearly demonstrative of this. Another important issue in the conduct of sanctions policy on Myanmar had been the Congressional bipartisanship clearly evident in the support for US sanctions policy on Myanmar. Looking at the various numbers of votes in the Congress when each sanctions law on Myanmar was passed, there has always been a majority support by a huge margin which shows the absence of a partisan divide between the Republican Party and the Democratic Party.

There are also several occasions when administrations have had to alter their policies on the pressure of the Congress and the most visible one was again during the Bush Jr. administration. As have been mentioned, when the standing US policy of demanding the military to respect the May 1990 election result was dropped in the State Department’s February 2002 assessment of Myanmar’s condition and instead replaced with an appeal for conspicuous progress in democratic governance and human rights conditions (Steinberg 2006: 233), the administration had to readjust this by November because the newly elected Republican controlled Congress once again put pressure on the Bush Jr. administration to be more tough towards Myanmar and the administration went back to the demand for the recognition of the 1990 election result (Steinberg 2006: 234).

Even in the current Obama administration, the examination of the conduct towards Myanmar reveals the importance of the Congress in the formulation of the new engagement policy. Kegley Jr. and Wittkopf’s (1996) remark that the Congress in reality cannot exercise much influence when decision making includes critical issues, but it

nonetheless remains a strategic part of the “exceedingly complex institutional labyrinth” where policies of fundamental and important issues are made (Kegley Jr. and Wittkopf (1996: 460) is particularly evident in the Obama administration. This is because as mentioned, the administration had been resolute in pursuing the engagement policy even though many congressmen voiced their opposition to the policy especially in concern with sanctions when the Myanmar policy was re-evaluated. For the Obama administration, US strategic interest in Southeast Asia definitely plays an important role as could be seen in the administration’s remark that engagement would be pursued even if the 2010 Myanmar election turned out to be highly unfair.

This did not mean that the Congress was successfully ignored when the new policy was drawn up and the close numerous consultations with important congressmen during the reassessment of the previous policy bears witness to this. Also, though many sanctions have been recently waived by the President pertaining to various issues, the fact that the sanctions have not been repealed altogether plus the extension of various sanctions also demonstrates that the advice of the Congress is still very much relevant on the Myanmar issue because till date, there is still much concern in both the chambers of the Congress on Myanmar as can be seen from the several legislations that are still being introduced. This trend will continue for a while despite the fact that the engagement and easing of sanctions policy will continue unless drastic act by the Myanmar government compel the US to retreat back to the old policy.

It is therefore clearly evident that the Congress has been more proactive than the executive branch in concern with the sanctions policy of Myanmar. Given the rise of congressional activism in US foreign policy undertakings that had started during the Cold War in the aftermath of the Vietnam War as well as the growing support in the Congress for sanctions, it therefore is not surprising that the Congress has been playing the lead role these past decades (Jentleson 2000: 143; Hook and Spanier 2007: 133; Taylor 2010a: 43). One of the huge impacts of the Vietnam War in US foreign policy making was limiting what was called the “imperial presidency” and boosting the role of the Congress to assume a more assertive role which by then had become more efficient due to the new

and well educated congressmen who had vast and rich experiences on specific issues and the expanded congressional committees which had more professional staffs that tremendously enhanced the functioning of the Congress (Jentleson 2000: 143; Hook and Spanier 2007: 133).

The growing congressional activism as well as growing importance of human rights in the Congress definitely influenced a great deal of decision making in foreign policy and especially concerning Myanmar, stringent laws punishing those violating human rights have been strongly supported by the Congress. This concern for human rights in the Congress has not yet abated till date as has been discussed earlier, and even though sanctions are now eased to foster closer ties with Myanmar as well as to further encourage reforms in the country, sanctions are therefore not yet removed. Even after the recent election in the country which took place on 8 November 2015 which resulted in the victory of the NLD, the Congress remains more cautious than the executive branch in furthering relations with Myanmar of which the removal or addition of sanctions play an important role. Complete removal of sanctions will very much depend on the country's progress on its transition to a democracy. Myanmar not being a strategic country for the US for the past two decades and the country posing no dangerous immediate threat for the national security and interest of the US also boosted overall activism of the Congress on the sanctions policy on Myanmar. Therefore, it can be concluded that the support for sanctions have definitely continued in the Congress even in this new pragmatic engagement between the US and Myanmar.

CHAPTER 3

US Sanctions and Isolation Policy - The Impact on Myanmar

The recent move by the US reorienting its previous policy towards Myanmar has brought in the need to examine why engagement with the country is being encouraged recently by the Obama administration when the isolation policy could be maintained since 1991. This move questions a very important issue in concern with the previous US policy, which is: has the sanctions policy failed to achieve the stated goal of establishing democracy in Myanmar and thus, resulted in US policy shift? As has been highlighted previously, US policy goal on imposing the sanctions and isolation policy was to push Myanmar towards a democracy with improved human rights condition. Though engagement has now been favoured instead of isolation, it is also important to note that the US has nonetheless kept sanctions intact and has so far eased sanctions only in limited forms as had been discussed in the previous chapter. Therefore, it is imperative to examine the US sanctions and isolation policy and its impact on Myanmar to determine why change has been made in the policy. The changed US policy is in fact a result of the very first detailed, seven month long re-evaluation of the bilateral relationship made by the Obama administration after decades (Clapp 2010: 410). As mentioned, in this new policy the earlier efforts of isolating the military regime would no longer be implemented but replaced by a more a balanced policy which will encourage pragmatic engagement while keeping sanctions intact (Clark et al. 2010: 6).

Sanctions study has always been marked by a tremendous debate on its efficacy in achieving the intended goal with most arguments favouring the failure of the policy. The previous chapter had already highlighted a general discussion of various scholarly

arguments on the efficiency of sanctions and thus, a repetition will be avoided here. The chapter's focus instead is on the assessment of US policy on Myanmar to determine if the policy had compelled US to change course and if the policy had any influence on Myanmar's political transition. Since Myanmar's political transition is a top-down approach with the reform movements initiated by the military leaders, it is also important to examine if sanctions played any role in influencing the military leaders to desire transition in the country.

Democracy and human rights were and remain the issue of concern for the US in its policy towards Myanmar. With the military's continued rule as well as the continuous violation of human rights norms since 1990, the sanctions and isolation policy therefore remained intact for a long time. For a better understanding of this priority on democracy and human rights in US-Myanmar relation, the chapter has started off with a discussion on the evolution and growth of these issues in US foreign policy conduct. Following this is the discussion on the US policy reorientation towards Myanmar under the Obama administration. A discussion on Myanmar under the military has then been made which includes the steps taken by the military for the country's transition followed by the reforms undertaken by the civilian government which had replaced the military from 2011 onwards. Finally, discussion on the impacts of US sanctions in the country in general and the impact of the latest November 2015 election in focus with the sanctions policy has then been made.

US Foreign Policy and American Ideals

It is well-known that Americans have high regards of their ideals and attach a great sense of commitment towards the protection and promotion of these special moral values both in domestic and foreign policy conducts of the US. The renowned American political scientist, Samuel Huntington, stated that there has always been a general adherence amongst the Americans to the "democratic, liberal, individualistic and egalitarian values," termed as "the American Creed" by the Swedish Nobel laureate Gunnar Myrdal,

which have been accepted as the basis of “American national identity” as far back as the eighteenth century (Huntington 1989: 220). As such, throughout the history of the country, US presidents have been engaged in that pursuit in the country’s foreign policy undertakings though the level of intensity have differed from president to president (Fukuyama and Mcfaul 2008: 32). According to Francis Fukuyama, the noted American political scientist, and Professor Michael McFaul of Stanford University, if the commitment towards these cherished values in any way decline in the government’s conducts both at home and elsewhere, public support on the conduct of US affairs in foreign countries would be tremendously reduced and so would the capacity of America’s power of influence over other countries in supporting US foreign policy goals (Fukuyama and Mcfaul 2008: 32).

Serious promotion of these values by the US began only after the country became more engaged in world affairs after World War II. History stands as a witness to how the great wars altered the political system of the world which includes the ranks of states within it and the twentieth century, with both the World Wars and the Cold War, is no different where the United States has also been deeply affected to “confront its destiny” because of its growing significance in global politics, economic and military affairs (Kegley Jr and Wittkopf 1996: 1). Although the United States could afford to retrieve back to the isolationist stance in world affairs after the World War I, the World War II had made it difficult for it to remain isolated because the war spread far wider in the world and its devastating effects was so much more than the previous world war thereby permanently changing the conduct of world politics (Kegley Jr. and Wittkopf 1996: 2). It was the 7 December 1941 Japanese attack on Pearl Harbor that compelled the US to finally come out of its isolationist policy and participate in the rebuilding of world peace (Jentleson 2010: 71). With its tremendous wealth and power, the US therefore emerged as the greatest power with the end of the World War II and its foreign policy reoriented to an internationalist approach and a new “global activism” in responding to the various challenges of the post-war world (Kegley Jr. and Wittkopf 1996: 2-3).

In this new approach, quickly assuming an important position in the agendas of American foreign policy was the promotion of its ideals. Assuming this new role of leadership in world affairs, the United States which had prided itself on being rooted to the ideals of liberal and democratic values felt the need to promote them in foreign policy conduct as well. In fact, one of the important reasons the United States participated in the World War I was for the preservation of democracy as President Wilson famously said, "...to make the world safe for democracy" (Jentleson 2010: 17). But as is widely known, the US did not however participated in world affairs thereafter and hence Wilson's famous rhetoric could not be advanced further by the US until after the World War II. To advance American ideal of liberty in other countries, Huntington (1989) stated that it is important for American power itself to expand as well (Huntington 1989: 245). This opportunity was presented to the United States after the World War II when European power was further reduced because of the two great wars while the prosperity and power of America peaked. This and the new internationalist approach to foreign policy which the US could no longer avoid offered a good opportunity to advance US interests and ideals abroad. Therefore, the "promotion" and not just the "reflection" of the liberal values in other countries became important for most Americans and was agreed that foreign policy goals should not be limited to national interests prioritising security and economics but also exhibit American political values and principles (Huntington 1989: 233-234).

With this growing attachment of more importance to American ideals in foreign policy conduct, it therefore does not come as a surprise that democracy and human rights have been the guiding principles of the US its relation with Myanmar since the 1990s. With the previous chapter already discussing the specific US-Myanmar relation based on this, a brief examination of the promotion of these ideals in wider US foreign policy undertakings will now be made so that more clarity can be made of US policy towards Myanmar.

Democracy Promotion and American Foreign Policy

Amongst the most promoted ideals abroad by the US is democracy. Fukuyama and Mcfaul (2008) have stated that the enhancement of democracy in the world has been the most rewarding for the US itself (Fukuyama and Mcfaul 2008: 24). By the twentieth century when the US evolved as a major power in the world, the “democratic tradition” that is deeply etched in the politics of the country became largely instrumental in the formulation of foreign policy (Bouchet 2013: 33). Speaking of the trend of US democracy promotion, John G Ikenberry, the renowned international theorist and specialist of American foreign policy, stated that the advancement of democracy by the US especially after the World War II can be generally understood best as a grand design encompassing “liberal” ideals which demonstrates a practical, progressing and refined perception of how a “stable international political order” can be created with a suitable secure condition (Ikenberry 2000: 103).

Nicolas Bouchet, Deputy Editor in Research at Chatham House, has identified the US as taking democracy promotion at the “ideational level,” “strategic level” and at the “policy level” and that each administration has differed in their approach as well as on their emphasis of “democracy” in the conduct of foreign policy (Bouchet 2013: 35-51). His observation will be largely cited here as it encompass a detailed examination of the issue. In the first level, the perspective of the “liberal universalists” dominates the discourse influencing leaders to formulate policies not just limited to America’s security and economic strategic interests but also to influence other countries to embrace the political values of the US (Bouchet 2013: 36). To Americans, democracy is all about “national identity,” “liberalism,” “exceptionalism” and “universalism” and have become the main issues that are prioritised by the US in the conduct of foreign policy (Bouchet 2013: 38). Thus, US foreign policy undertakings especially after the World War II when the “internationalist” approach was finally embraced had democracy evolving as an important agenda in those undertakings. The US by now a major superpower had also become more adventurous on taking the lead in world affairs.

With the emergence of US power and the start of the competition with the Soviet Union around the late 1940s resulting in the Cold War happening at around the same time, “liberty” and “democracy” advocated by the US got promoted tremendously in the world (Huntington 1989: 245). During these periods, basically from the late 1940s to the end of the 1960s, the US was vigorously pursuing the promotion of these ideals through various aid programmes. This was done not just for enhancing democracy but also very much to check both the Soviet expansion as well as the promotion of socialism. The European Recovery Plan or the Marshall Plan of the US which helped in rebuilding Europe at the end of World War II is the best example of this endeavour (Hook and Spanier 2007: 59) and is the kind of democracy promotion at the “strategic level” that Bouchet (2013) mentioned.

Though occupying great importance in US strategic calculus, democracy has never really been the prime focus in foreign affairs and always takes a back seat when security and economic interests of the nation are at stake (Bouchet 2013: 40). Hence, US democracy promotion has always attracted criticism for its inconsistency. The danger that the Soviet Union posed dominated US strategic calculus that all those who were not influenced by communism, be they dictators or as undemocratic, were accommodated due to the fear that government change in autocracies would rather embrace communism instead of evolving into democracies or be friendly to the US (Fukuyama and Mcfaul 2008: 25). It because democracy promotion can be pushed back easily when other issues become more critical that the US continues to face criticism in its pursuit of democracy abroad even after the end of the Cold War. Coming back to the Cold War, it has thus been observed by Bouchet that the US did not make much effort either “exclusively” or “specifically” to advance democracy in other countries during this time (Bouchet 2013: 33).

Democracy promotion, simply, never is “the overriding goal” of US foreign policy undertakings (Fukuyama and Mcfaul 2008: 29). According to Fukuyama and Mcfaul (2008), the US promotion of democracy in post-World War II Japan and Germany was done because it was more advantageous for the US to enhance its strategic goals with them becoming a democracy while at the same time, democracy was not pursued in the

US relation with autocratic regimes especially in the Middle East because of strategic interests again (Fukuyama and Mcfaul 2008: 30). This clearly explains the nature of US democracy promotion which therefore is often observed as highly deceiving. Thomas Carothers, a leading scholar of democracy, human rights, and US foreign policy amongst others, has therefore quite appropriately termed the nature of democracy promotion in US foreign policy as “semi-realist” in that it assumes a position of importance in foreign affairs when it is seen as “consistent with major interests” but otherwise, it is mostly sidelined (Carothers 2000: 3, cited in Bouchet 2013: 33-34).

What must also be remembered in US foreign policy dealings is that to successfully achieve US national interest abroad, US presidents need the support of American public and the Congress. Many US presidents such as “Woodrow Wilson, Franklin Roosevelt, Harry Truman, George H.W. Bush” and others have all successfully employed ideals most notably “freedom” and “democracy” to “frame” grand US foreign policy undertakings and not simply by “strategic terms” (Fukuyama and Mcfaul 2008: 33). This statement indicates a trend where democracy has been effectively used time and again by the US to gain support for other strategic goals as well as for achieving an environment which can enhance the achievement of US national interest abroad. Therefore, for the US, promotion of democracy is both a morally good thing to do as well as a strategic instrument in policy making (Fukuyama and Mcfaul 2008: 33). Though democracy promotion will never be the main driver in foreign policy conduct of the US, it will remain a powerful instrument influencing policy makers in the formulation of other policy goals such as economics and security (Bouchet 2013: 33).

Of the most important development in democracy promotion that Bouchet (2013) mentioned is at the “policy level” where the creation of various institutions and laws to further the cause of democracy in foreign policy has taken place (Bouchet 2013: 46). In the past, American leaders did not give much importance on creating policies of democracy promotion because for a long time, it was done only at the “ideational” and “strategic” levels (Bouchet 2013: 45). It was only around the 1980s that actual policy undertakings came to be influenced by democracy promotion which became more

constant after the Cold War ended (Bouchet 2013: 45). US democracy promotion was undertaken mostly through various aid programmes in the 1960s resulting to the formation of various institutions like the “United States Agency for International Development (USAID),” “Peace Corp,” passing of the “Foreign Assistance Act” and others and this was bootstrapped with the rise of human rights issues in American foreign policy around the 1970s in which the Congress played a critical role (Keys 2010, cited in Bouchet 2013: 46). Other institutions like the “Bureau of Democracy, Human Rights and Labor” and other congressional initiatives enhanced the promotion of democracy along with human rights in US foreign policy formulation (Bouchet 2013: 46).

The Reagan administration promoted democracy distinctly and not together with human rights issue through various US aid programmes and the creation of the “National Endowment for Democracy” which the succeeding administrations of Bush Sr. and Clinton vigorously followed due to the urgency for the recovery of the countries of Eastern Europe mostly the former Soviet Union and for constructing a “new collective security arrangement in Europe” as the Cold War had come to an end (Bouchet 2013: 46-47). The 9/11 incident greatly influenced how the Bush Jr. administration promoted democracy as a movement against terrorism and according to Bouchet (2013), the administration enhanced the “institutionalization, funding and operationalization of democracy promotion” through programmes like the “Millennium Challenge Corporation” etc. while under the Obama administration, the pursuit of democracy has not been as conspicuous as his predecessors and instead the policy of “dual-track engagement” with autocracies and the people of those countries has been the main approach towards promoting democracy in those countries (Bouchet 2013: 48-49).

Therefore, with the growth of support for democracy promotion throughout these times, Myanmar also became an important place to promote US ideals. While the Reagan and Bush Sr. administrations had very much considered Myanmar as “symbolic battleground” for enhancing freedom and democracy (Grubbs 1988: 8 cited in Brooten 2005: 139), the succeeding Clinton administration advanced more human rights issue in relation to democracy promotion and in the Bush Jr. administration, democracy was largely linked

with the military's action towards Suu Kyi as she has been considered the symbol of democratic movement in the country (*All-American Issues: Seven Stories from the Homeland* 2003 cited in Brooten 2005: 139).

In the Myanmar case it is therefore clear that the US promotes democracy more as a moral justification than for strategic interests. Therefore, sanctions imposed on the country focussing on the concern for democracy and human rights have been “largely moral and symbolic in nature” (Taylor 2010a: 75). US sanctions policy had more to do with placating concerns of US citizens, to demonstrate virtuous and symbolic actions and to signal that any other future disruption like the case of Myanmar would not be tolerated (Hufbauer et al. 2007: 6). Thus, though US goal through sanctions was to push the military government of Myanmar to respect the 1990 election result and steer the country towards democracy, there certainly was no strategic interest attached to it as the country did not gain importance in US foreign policy making for a long time (Taylor 2010a: 75). The approach towards democracy promotion as mentioned had been very different from the Obama administration as mentioned before. This policy of engaging past enemies of the US has been manifested successfully in Myanmar (Bouchet 2013: 49).

Human Rights and American Foreign Policy

The importance of human rights in American foreign policy has been briefly discussed in the previous chapter but there, focus was made only on how they affect decision making in relation to sanctions towards target governments. Here, their evolution as important agendas in the foreign policy of the US will be discussed. Professor David P. Forsythe of the University of Nebraska (USA), an ex-consultant to the International Red Cross and Red Crescent Movement as well as to the United Nations Office of the High Commissioner for Refugees, has stated that nationalism or how a nation imagines itself or “its informal ideology” plays a great role in formulation of foreign policy on human rights (Forsythe 2012: 205). He further argues that this self-righteous image often influence countries approach on human rights where there is a strong belief in the

conviction that others need to be counselled by them (Forsythe 2012: 205). Both observations of Forsythe clearly reflect US behaviour towards human rights in foreign policy conduct.

Issue of human rights in American thinking has been generally considered in the context of safeguarding and promoting “legal” and “political rights” (Hastedt 2000: 27). Simply put, human rights in US foreign policy conduct is basically urging other countries to advance both personal and political freedoms (Forsythe 2012: 206). These rights are best safeguarded from the threat which comes from the government itself by “laws” and “free elections” echoed in the “Fourteen Points” that President Wilson proposed which laid the foundation of the League of Nations as well as President Franklin Roosevelt’s “Four Freedoms” which became the backbone of the United Nations (Hastedt 2000: 27). But, just the same as democracy promotion, Cold War national interests priorities made this issue to be neglected several times (Hastedt 2000: 27). There were also countless instances where leaders, mostly rebels fighting communism, who were highly questionable on the issue of human rights were aided by the US. However, as discussed in the previous chapter, the Vietnam War became the milestone in which human rights attained importance in American foreign policy which was a result of the rise of congressional activism.

It was during Jimmy Carter’s presidency that human rights became a central issue in US foreign policy, broadening its definition to accommodate issues of “oppressive social and economic” situations (Hastedt 2000: 27). President Carter’s worldview is totally different when compared with Nixon’s and Eisenhower’s views, and runs more parallel with “Wilsonian idealism” and human rights to him is an acceptable foundation for US foreign policy (Hook and Spanier 2007: 151). Thus, he committed towards making “respect” for human rights a condition in US engagement with other countries be they rich or poor and the US attention was more focussed on the poorer developing countries (Hook and Spanier 2007: 152). From his administration onwards, the “institutionalization” of human rights in US governmental functioning through the creation of various departments as

well as the passing of various human rights related laws gained prominence (Bouchet 2013: 46).

Huntington (1989) stated that this “new moralism” or the growing concern for human rights however constrained American power though it supported the progress of liberty in the world (Huntington 1989: 253). As such, the growth of American power in the early Cold War years of 1940s and ‘50s resulted in the progress of liberty and democracy abroad while the “new moralism” coincided as well as contributed to the recession of American power along with the deterioration of liberty and democracy in the world (Huntington 1989: 254). The limiting of American power however seemed to have been desired by the Carter administration. President Carter believed the advancement of competition between the two superpowers throughout the world resulted not only in the rise of military dictatorships but also greatly hampered economic development which worsened the living conditions of people particularly in the developing countries (Hook and Spanier 2007: 152). Thus, instead of projecting an America with great power and military might, the administration wanted to influence other countries by displaying America as a role model respecting democracy and basic human rights norms. Hence, the US reverted back to being a country safeguarding moral principles after “having reclaimed its democratic heritage and a moral basis for its foreign policy” under President Carter’s watch (Hook and Spanier 2007: 152).

Across the world, democracy was usurped by dictatorships especially in the developing and under-developed nations which had no respect for moral values and thus, influenced the growth of the issue in US policy making. Huntington (1989) believed that the United States became more involved with safeguarding human rights at the time when its capacity to defend it declined and that the congressional success of enacting “Title IX to the foreign assistance act in 1966,” for the enhancement of democratic values occurred just at the time when US economic aid to other countries was constantly declining (Huntington 1989: 254). The Congress, therefore, issued several legislations which had strict requirements in relation to human rights issues and liberty for the engagement with

other countries and Huntington (1989) believes that this was to redress the diminishing capacity of American power abroad (Huntington 1989: 254).

However, with the succeeding Reagan administration, the concern for human rights was aligned to political rights and the Soviet threat was identified as paramount to any other danger posed towards the US (Hastedt 2000: 27). This was even true of the Bush Sr. administration and during the presidencies of both Reagan and Bush Sr., there was more preference to American concept of human rights over universal human rights laws to avoid the scrutiny of “international rights standards” and those institutions which safeguard it (Forsythe 2012: 206-207). Therefore, this is a clear interpretation of the US promoting values and norms that it only accepts. Reagan and Bush Sr. did not like US foreign policy to be constrained by universal human rights laws and hence, their presidencies can be characterised as a reversal of the Carter administration’s policy which favoured adherence to international law for human rights.

The Clinton administration also continued the policy of advancing human rights but the “self-interested” concerns for economic and strategic goals of the US were nonetheless very much present in US foreign policy conduct (Forsythe 2012: 214). This concern although spasmodic has been interpreted by Forsythe (2012) as “squarely within the activist tradition of American exceptionalism” (Forsythe 2012: 213). The succeeding Bush Jr. administration also continued with this tradition though on a very different level. While freedom and democracy occupied majority presidential speeches, human rights was barely touched upon and even when the National Security Strategy was outlined after the 9/11 incident, there was only vague discussion on human rights while individual freedom and democracy were stressed upon (Govt. of US 2010, White House; also cited in Forsythe 2012: 215). Like President Clinton, since human rights in foreign policy touched upon international law, President Bush was not so keen on emphasizing the issue and his administration was nonetheless recognised as more keen on the unilateral employment of force (Forsythe 2012: 215).

In the Obama administration, there is both a continuation and alteration of human rights issue from his predecessor’s approach (Forsythe 2012: 216). Even though the US election

campaign of 2008 was overshadowed by the issue of economic recession, President Obama, once he assumed office, countered the previous administration's policies like ending the cruel treatments of prisoners captured during the war on terrorism by the CIA and bringing the US back to the "UN Human Rights Council" which the Bush Jr. administration had declined to join (Forsythe 2012: 216). However, the permission to let the Guantanamo Bay prison, which holds "security prisoners" from the war on terrorism, keep on functioning very much demonstrate the continuation of the previous administration's policy though the Congress had much role to play here and also those which Obama's own team suggested such as keeping the courts from attending to prisoners plight of abuse in the prison (Forsythe 2012: 216).

The various US administrations despite having different approach to foreign policy conduct share the same "inconsistency" in their approach towards human rights and they all managed to handle the issue to some degree (Forsythe 2012: 217). According to Forsythe (2012),

This was inherent in the subject, with many internationally recognized human rights, many countries and organizations on the US foreign policy agenda, many different conceptions of US interests, and much shifting domestic concern and pressure. Nixon and Bush I were not consistently realist, Clinton and Obama were not consistently liberal, and Reagan and Bush II were not consistently neo-conservatives (Forsythe 2012: 217).

In spite of the eager support for universal human rights in talks, the US nonetheless strongly preserve and follow its own set of rules than international laws and though there is support for development in a liberal democratic stance, the US has always engaged with many authoritarian countries to enhance its economic interests (Forsythe 2012: 220).

From this wider view of democracy and human rights in US foreign policy conduct, the concern for these issues in relation with Myanmar thus seem more of a moral justification to demonstrate the US commitment in safeguarding the issues in its foreign policy conduct especially since Myanmar had never really been strategic for the US in the past decades (Taylor 2010a: 75). Even only to demonstrate its leadership role as a protector of rights and freedom, there certainly was a resolve that firm action needed to be taken

against Myanmar because the situation in the country was not something which could be ignored. Thus, the sanctions and isolation policy was imposed on Myanmar due to the 1988 and 1990 incidents, which have already been described in detail in the introductory chapter, where the brutal actions of the military were seen as issues which much be firmly addressed as a guardian of moral principles like human rights and democracy.

As such, the US maintained the policy of sanctions and isolation with the aim of coercing the military regime to give up their rule in the country, honour the 1990 election result and let the National League for Democracy form a new government as well as to improve the human rights condition of the country. The previous chapter discussed in detail how the policy survived for such a long period without realising these goals which is why the Obama administration upon the assumption of office in 2009 came with the intention of altering this policy. An examination will now be made on the US policy shift.

US Policy Reorientation and Myanmar

“That’s why what happens here is so important – not only to this region but to the world,” President Obama has said of the importance of Myanmar in today’s international politics for the fact that the country is situated in the region where the economy has grown the fastest and the most dynamic (Beech 2013: 23). This is clearly indicative of the growing interest and importance that the country has gained in the US foreign policy calculus and no doubt the policy of isolation has been replaced with pragmatic engagement. On 20 November 2012, President Obama made the momentous travel to Myanmar cementing the US new commitment to engagement. The trip demonstrated the increasing diplomatic engagement between the two countries which was not the case throughout the sanctions and isolation period and marked the first ever visit of an American president to the country while also encompassing a move to further encourage the reforms and development in Myanmar’s democratic transition (Baker 2012, Nakamura 2012). A robust engagement which once was a distant dream is now becoming a reality because of the strong commitment of the Obama administration to alter the policy on Myanmar.

The Obama administration had clearly stated from the very beginning that the preceding administration's stance of entering into dialogue with Myanmar's military government only when it served US interest while imposing more stringent sanctions on the country had not been enough to safeguard larger US interests in the region (Robert H. Taylor 2010: 204). The administration was, therefore, committed to not further isolate the country as clearly stated by Hillary Clinton after her trip to Southeast Asia as the new Secretary of State where she voiced the disappointment over the previous US policy as well as the engagement policy pursued by the Asian neighbours in bringing any worthwhile change in the military's conduct since the 1990s (Clinton 2009; also cited in Clapp 2010: 411). Therefore, an immediate reassessment of the Myanmar policy was made by the Obama administration after her return from the trip in 2009 (Clinton 2009 cited in Clapp 2010: 411; Robert H. Taylor 2010: 204).

In the new approach towards Myanmar, it was announced that there was to be a "direct dialogue" with the military leaders to discuss the framework for improving their relationship which was to encompass important topics like democracy and human rights; collaboration on global security issues such as nuclear non-proliferation as well as counter-narcotics drive, and working together for the recovery of the remains of US soldiers killed during the World War II in Myanmar (Robert H. Taylor 2010: 204, Clark et.al 2010: 6). One important thing that was also duly pointed out by the Obama administration was that without significant advancement on reforms, sanctions would not be revoked and noteworthy was the fact that there was no specific detail on what would be considered by the administration as concrete in the reform movements which would be enough to remove all sanctions in Myanmar (Robert H. Taylor 2010: 204; Clark et al: 6). This statement indicates both the positive expectation in the evolving engagement between the two countries as well as the safeguard against any backlash on the part of Myanmar's transition.

The new policy was consequently put into action when the Assistant Secretary for East Asian and Pacific Affairs, Kurt Campbell and his assistant, Scott Marciel visited Myanmar for two days in November 2009 where they engaged the ruling military leaders like

former Prime Minister General Thein Sein and senior officers in the regime, members of various rebel groups in ceasefire agreements with the military regime and leaders of the NLD and other political groups even though Suu Kyi cancelled her meeting as another NLD leader, Tin Oo, was barred by the military from attending the meeting (Robert H. Taylor 2010: 205). In September that year, Campbell had also met some of the military leaders attending the UN General Assembly held in New York and met them again a year later in May 2010 in Naypyidaw (Clapp 2010: 415). The administration's commitment on engaging with the military leaders was also demonstrated by the meetings between Myanmar's foreign minister and former Secretary Clinton both in 2009 and 2010 at the post "ASEAN Ministerial Meetings" and between President Obama and Myanmar's then Prime Minister, Thein Sein, in November 2009 at the "Singapore US-ASEAN Summit" and between President Obama and the foreign minister of Myanmar at the "2nd US-ASEAN Summit" in September 2010 which was held on the sidelines of the UN General Assembly (Clapp 2010: 423). This certainly has been a new breakthrough in the two countries relation because even though there have been limited contacts with the military rulers by the US government, it has never really been done on such a large scale. Though some critics from the US policymakers were voicing concern on the slow progress of the initiative by the end of 2009, the dedication given to the new policy however indicated that other US interests than simply the goal of trying to achieve US approved democracy were conditioning the changed policy and that this move granted some new scope to develop in US-Myanmar relations after the 2010 election in the country (Robert H. Taylor 2010: 205).

The previous chapter clearly showed the strong congressional support for sanctions on Myanmar. Hence, a major boost for the Obama administration was the support of Senator Jim Webb (Democrat, Virginia) who made an important argument in the 2009 US policy review of Myanmar that China's influence in the country expanded because of US sanctions and that it had become important for the US to bring a compromise between the concern for human rights and the strategic interests of the US (Clapp 2010: 412). His argument was supported by senators, John Kerry (Democrat, Massachusetts) and Richard Lugar (Republican, Indianapolis) who were also disturbed about the "strategic balance"

in Southeast Asia apart from the concern for the people of the country (Clapp 2010: 419). Their support had been crucial in advancing the policy of US engagement with Myanmar in the Congress. He also became the first congressman going for an official visit to the country after ten years in 2010 where he became the first American official to be hosted by General Than Shwe and was also granted the permission to meet Suu kyí (Clapp 2010: 416). In a major boost for this policy however, Hillary Clinton made the trip to Myanmar on 29 November 2011 after 56 years since the last US Secretary of State visited the country (Thuzar 2012: 209). These official visits to the country even before reforms were undertaken by Myanmar in 2011 have indeed signified the changing perception of Myanmar to US policymakers. Another significant move undertaken by the Obama administration was the restoration of US representation in the country at the ambassadorial level with the appointment of Derek Mitchell in 2012 which ended the US refusal to keep an ambassador since 1990 even though an official for the *charge de affaires* was maintained (BBC 2012).

Though these undertakings to increase engagements between both countries' leaders and to restore diplomatic engagements have been pursued vigorously, the waiving of sanctions by President Obama has been the most important and significant of these changes. Without any change in the sanctions regime, it is impossible to really make real progress in the engagement policy with the military regime. The sanctions against Myanmar have become increasingly stringent as the years passed on since the 1990s as could be seen from the discussions in the previous chapter. Hence, the Obama administration has been making use of the provisions granted by each sanctions laws which includes the waiver clause that the president can apply when he approves that there has been improvements made by the military towards democracy and human rights (Martin 2012: 6, 24; Martin 2013: 4; Govt. of US, Dept. of Treasury: 3-4).

The plans to improve the relationship through the easing of "targeted sanctions" which was announced by the Obama administration could make progress once they were formally lifted on 11 July 2012 by which new US investments in the country were now allowed by the US government (Lowrey 2012). It was because of this easing of sanctions

that the new president of Myanmar, Thein Sein, could travel to the US in September 2012 as visa restrictions on the military leaders bar them from the US (Rustici 2012). Trade and investments by US companies in Myanmar were now allowed to be resumed at some level but the companies owned by the military leaders as well as the Ministry of Defence were excluded from this waiver (Lowrey 2012). Though waivers have definitely led to progress in the economic engagement of the two countries, there is still a long ways to go for business to thrive between them as sanctions are still firmly in place which still have the potential to constrain ongoing engagement and most importantly, the Congress remaining unconvinced for the complete removal of sanctions.

Despite the growing engagement between the US and Myanmar, there is continued scrutiny from the US on the various activities within the country. When announcing waivers on some of the sanctions, President Obama himself stated that there is continued concern for the absence of “transparency” in the investment process of the country as well as the military’s involvement in the country’s economy (Lowrey 2012). Though US companies now have the official permit to do business in Myanmar, the government has also made it mandatory for investment transactions crossing \$500,000 to submit annual reports to the State Department which must include the “rights of workers,” “dealings on land acquisitions” and the “payments made to any government entities of Myanmar including state-owned enterprises exceeding \$10,000” (Lowrey 2012). This demonstrates the caution in US approach towards Myanmar which is still evolving as a democracy.

Though the Obama administration has made a great effort in normalising relation with Myanmar as is witnessed from these undertakings, results of the US efforts have been quite encouraging because of the efforts from the side of Myanmar as well. If Myanmar had not itself embark on the road to transition itself to a democracy and bringing reforms and developments in the country’s political, economic and social conditions once the civilian government took over in 2011, the efforts by the US would not have made such great progress. US policy change was and remains conditioned by Myanmar’s progress on democracy and human rights as have been mentioned. It also remains important to bear in mind that the Congress which has played an important role in the sanctions and

isolation policy Myanmar remains a keen observer of these developments. If there comes any incident which the Congress feels is severely hampering the democratic transition, there is no doubt that the Congress would be making a stand once again to take actions against the country. The study of congressional activities in the previous chapter highlighted the continued introduction of numerous legislations in the Congress till date in concern with Myanmar and its current developments. Thus, Myanmar's democracy and human rights policies still remain closely monitored by the US.

In keeping a close watch over the progress in Myanmar, the US has nonetheless been responding to the developments positively. Official visits by the US which marked the historic turn of events in the two countries relation have been taken forward till date. In 2014 when Myanmar was the Chair of the ASEAN Regional Forum (ARF), the US President along with the Secretary Kerry and other notable figures from the US government visited the country several times on ASEAN summits and later in the "US-Burma Human Rights Dialogue" held in January 2015 where critical issues relating to human rights and freedom of religion were discussed (USCIRF⁴ Report 2015: 29). Human rights, religious freedom and democracy remain issues of US concern till date. Just before the 2014 visit by President Obama, a member of Myanmar's parliament, Aung Thaung was subjected to sanctions since he was actively involved in disrupting the country's reform process as well as provoking religious and ethnic intolerance (USCIRF Report 2015: 29).

US assistance in Myanmar is mostly through economic and democratic enhancement programmes and has even moved towards starting a "military-to-military engagement" even though the arms embargo is still in place (USCIRF Report 2015: 30; (Govt. of US, Dept. of State). As mentioned before, the US Congress is still very much cautious of the new approach towards Myanmar and this new move towards a military cooperation is

⁴ USCIRF: The United States Commission on International Religious Freedom is "an independent, bipartisan US federal government commission...dedicated to defending the universal right to freedom of religion or belief abroad." The members, appointed by the President and Congressional leadership of both parties, "reviews the facts and circumstances of religious freedom violations and makes policy recommendations to the President, the Secretary of State, and Congress (www.uscirf.gov)."

one of the most pressing concern for the Congress (Haacke 2015: 21). The Congress has therefore passed the “National Defense Authorization Act 2015” to limit the undertakings of the US Department of Defense to “human rights training programmes” and collaboration on “humanitarian aid” and “disaster relief” as well as the “2015 Omnibus Spending Bill” which blocks economic assistance within the “foreign military financing and international military education and training” (USCIRF Report 2015: 30; Haacke 2015: 21). Myanmar has nonetheless been granted the permission for its military to observe specific drills covering issues such as humanitarian assistance, disaster management etc. in the biggest military exercise in Asia, the “Cobra Gold,” where the US is also a participant (Haacke 2015: 20). The US and Myanmar have also continued the search for US soldiers who have gone untraceable during the World War II engagements in Myanmar (Haacke 2015: 20). This has been pursued by the countries during the periods before the sanctions and isolation policy as was highlighted in the introductory chapter. Even though full military cooperation between the two countries will take a much longer time and will largely depend on democratic progress that Myanmar can further make, yet it is welcoming that this type of engagement could now be a possibility.

Now, as has been mentioned, the US plan of engaging Myanmar has largely successful than was initially imagined not only because of the Obama administration’s pragmatic commitment but also because of the change that the military undertook towards reforming the political system of the country. It has taken a very long road for Myanmar to finally move towards a democracy. This has been possible because of the military regime’s plan for the transition as well as their actions affirming this. Before real developments and reforms started taking place in Myanmar, the military carefully planned and undertook various steps to ensure that a ‘disciplined’ transition to democracy could take place.

Myanmar and the Road to Transition

Bertil Lintner, a Swedish journalist who has written vastly on Myanmar's political condition, had expressed with a faint hope just before the May 1990 election, "Either way, the general consensus in the spring of 1990 is that the movement towards democracy which began exactly two years ago is irreversible" (Lintner 1990: 183). However, the 1990 election could not sustain democracy and instead Myanmar took more than two decades to finally move forward to establishing a democratic government. The strong military which had ruled the country for majority of the time since Myanmar's independence had remained strong enough to suppress any movement towards a change which could do away its rule throughout their continuous rule.

Despite firmly establishing their rule, Myanmar's military, the SLORC at this time which took over the country in 1988 as mentioned in the introductory chapter, nonetheless took various steps to improve the conditions of the country socially, politically and economically with the intention of improving relations with other countries. Of this, one of the most important strategies used by them had been none other than the country's democratic ruler Aung San Suu Kyi. A meeting with the SLORC that Suu Kyi had requested since 1988 finally happened on 21 September 1994 with the leaders Than Shwe and Khin Nyint in central Yangon at a government guest house which was succeeded by another meeting on 28 October 1994 and were publicised on state owned radio, television network and newspapers (Bray 1995: 12). This was probably to demonstrate to the international community that developments towards the easing of tensions in the country were happening in the country. Though there was much hype about these meetings which many hoped would lead to some developments, by mid-1995, the other proposed meetings did not however progress until the surprising announcement on 10 July 1995 that Suu Kyi would be released from house arrest (Bray 1995: 12-13). The SLORC also found the need to once again reinvent itself in 1997 as the State Peace and Development Council (SPDC) which by its "new designation" demonstrated alteration of "its functions" and only four SLORC leaders remained while the rest of the new SPDC members were "regional commanders" who were rotated from time to time (Steinberg

2010: 83). The SPDC remained in power till 2011 when it officially handed over control to the new civilian government which was elected the previous year in 2010.

Throughout these turn of events in Myanmar, the military regime was guilty of the abuse of several human rights norms. The SLORC was no different than the previous BSPP military regime under General Ne Win except that there was increasing curtailment of freedom of the common people. Apart from the brutal massacres of thousands of unarmed protestors between the years 1988 to 1990, the military arrested thousands of political prisoners and forcibly relocated many people to villages while further restricting freedom and political rights, and many other atrocities which made them the target of international condemnation and sanctions (Bray 1995: 10-11). The US sanctions and isolation policy towards Myanmar was started as a sign to demonstrate that the US did not endorse such kind of unacceptable behaviours as the previous chapter clearly highlighted. As such, from 1988 to 2001, the US policy on Myanmar could basically be summed up as a concern concentrated only on human rights where other compelling issues relating to “economic, strategic, narcotics and not even humanitarian” were not undertaken (Steinberg 2006: 225).

Coming back to the discussion on the military government trying to redeem itself time and again, it is not surprising that Suu Kyi had been used as a bargaining chip by the military. This is because she is regarded as the symbol of democracy in Myanmar and highly respected by the international community especially the West for her sacrifice to bring back democracy to the people of Myanmar. She had been placed under house arrest for fifteen long years but in between had been released for short durations time and again only to be restricted soon after every release (Human Rights Watch 2010). The military clearly did not feel confident enough about their rule in the country which they see could easily be upset by Suu Kyi if she is given freedom. Since she has such influence not only amongst her countrymen but also on outside observers, every conduct of the military towards Suu Kyi had been closely monitored in the past. Therefore, though time and again demonstrating positive attitude towards her, their poor conduct against her always dragged the military into trouble with other countries specifically the US.

The Clinton administration “ironically” started putting more pressure on Myanmar after the 1995 release of Suu Kyi especially after the 1996 crackdown on the NLD party meet where many NLD party workers were arrested (Brendan Taylor 2010a: 76). The US action was also influenced by Suu Kyi herself who called for harsher sanctions on the country and as mentioned in the previous chapter, due to the great pressure from the Congress, President Clinton signed new laws sanctioning Myanmar’s military (Brendan Taylor 2010a: 76-78). Though granted freedom from house arrest, Suu Kyi’s activities were nonetheless heavily restricted by the military especially from 1997 but it was only on 23 September 2000 that she was once again subjected to house arrest (Human Rights Watch 2010). However, after confining her for almost two years, she again was released on 6 May 2002 until the “2003 Depayin incident” which had her initially confined at the Insein Prison in the Yangon and later moved to her home and once again subjected to house arrest which got extended by the military year after year until her release in 2010 (Human Rights Watch 2010).

In 2003, the Depayin incident happened when Aung San Suu Kyi, released from house-arrest in 2002, was touring the country with her NLD party workers and her convoy was attacked by men believed to be members of the “Union Solidarity and Development Association” (USDA) which is the political wing of the SPDC, because of which she was once again placed under house arrest (Seekins 2005: 437-438). On 23 May 2007, the duration of her arrest was prolonged for another year (Human Rights Watch 2010). The same year, on 22 September the country witnessed another protest after a long time but this time it came from the Buddhist Monks called the “Saffron Revolution” who went to Suu Kyi’s house and gave her their blessings (Human Rights Watch 2010). The protest, led by Buddhists monks and democracy activists, was severely suppressed by the military and it again attracted worldwide condemnation with the western governments notably the US and EU reacting with harsher and tighter sanctions (Wood 2008: 489). Following this incident was the “Cyclone Nargis disaster” which brought devastation to the country in May 2008 which once again brought severe condemnation in the military’s handling of the situation because of delay in bringing help to the victims, especially from the US which was not allowed in the initial stages to give humanitarian aid and assistance.

Though full of shortcomings, the military nonetheless had made their own plan of veering the country back to a democracy and thus, in 2003, the “seven step road map” to build a “disciplined flourishing democracy” was announced (Robert H. Taylor 2009: 214; Bunte and Portela 2012: 2; Beech 2013: 24). With a democracy sanctioned and managed by the military, the name “disciplined democracy” does seem perfectly fitting. The ASEAN and China gave their support of the plan and the UN Secretary General’s Special Envoy for Myanmar, Razali Ismail, also gave consent to the “seven-stage road map to democracy” though the prospect of being a fair plan was very bleak while the NLD and the “United Nationalities Alliance” (UNA), a coalition of ethnic national parties, were not convinced and they refused to attend the “National Convention” which was summoned in 2004 because of which the parties were de-recognised (South 2004: 236; Than 2011: 190). Even though it was boycotted by the NLD and UNA, many of the ethnic insurgent groups in ceasefire agreement with the government nonetheless joined the Convention and participated in the referendum with the hope that the new system would work for their concerns (South 2004: 236). In fact, five key NLD members were released from house-arrest in 2003 and subsequently as much as twenty nine members were freed and the possibility of the “Karen National Union” (KNU) being dissolved made the Convention looked very encouraging at the initial stage (Robert H. Taylor 2006: 7).

As a part of this plan, a new constitution was adopted through a referendum in 2008 in the aftermath of the Cyclone Nargis calamity and a general election was held affirming this in 2010 and then from 31 January 2011 onwards, the new constitution became functional (Robert H. Taylor 2009: 214; Steinberg 2012: 228; Bunte and Portela 2012: 2). However, the election “laws” and the “by-laws” set by the military was observed as over exclusive and biased by the NLD and its supporters both in Myanmar and in other parts of the world (Than 2011: 195). This was not surprising as the whole process was totally managed by the military since recommendations from the NLD or the ethnic groups towards establishing a democracy were more or less nil and echoed the military’s “world view” of a “state structure” that did not reflect the diversity of Myanmar but rather a very “centrist” approach (Bunte and Portela 2012: 2-3). But as argued by a senior research

fellow at GIGA's⁵ Institute for Asian Studies, Marco Bunte and Clara Portela, Assistant Professor at Singapore Management University, this approach has resulted in a “top-down” reform movement which is slow but peaceful with reforms backed by the top military leaders themselves which affirms no future coup from them (Bunte and Portela 2012: 3).

The military's approach, therefore, created mixed feelings towards the new developments for the upcoming election. As mentioned, while the NLD and its supporters were not willing to participate because they consider it highly flawed, there were those like “non-partisan observers,” “civil society groups” and some “ethnic politicians” who opted to participate to bring any change that could be established from the limited “political space” that was granted by the election (Than 2011: 195). In the midst of all the shortcomings and problems encountered, the election in Myanmar was successfully conducted on 7 November 2010 with a high turnout of voters from the 29 million registered voters (Than 2011: 198). As was expected, the proxy party of the military – the Union Solidarity and Development Party (USDP) which was earlier called – won the election but the verdict was observed as highly flawed both the losing minority parties and foreign observers (Than 2011: 197, 199-200). With a military backed party becoming victorious and the constitutional guarantee of a 25 percent reservation for active military officers, their grievances were not uncommon as the future seemed highly predictable since there was not much retreat of the military from the politics of Myanmar. The Asian neighbours like China, India and Vietnam who was chairing the ASEAN at that time nonetheless welcomed the result (Than 2011: 200).

The new parliament of Myanmar is bicameral with separate constituencies for “minority areas,” “provincial level parliaments” and “specific sub-administrative units for six ethnic areas” whose elected members' term is for five years and in each of these levels, the remaining 25 percent from the total number of seats are to be filled by “active-duty officers” who will be picked by the Defence Minister (Steinberg 2012: 228). Even though the military continues to yield significant command in this new setting, the country's

⁵ GIGA: German Institute of Global and Area Studies

political system finally having “three national assemblies” and the Parliament comprising of two houses, the upper and lower house, is a welcoming change (Lall 2012: 174-175). This means that a “pro-regime” and “opposition to the regime” are now prevalent in Myanmar’s political structure which gives the space to oppose the government legally and grants political authority to the minorities through the “seven regional and seven state assemblies” where they now can make “local decisions” (Lall 2012: 175). These reforms are, therefore, indeed very welcoming when considering the political history of the country.

Apart from the planned national political transition, the military government was also largely successful in maintaining several ceasefire movements with ethnic insurgent groups. In fact, the SPDC had been the most successful in maintaining ceasefire with the insurgents because of “compromise, patience, negotiation, and material and psychological persuasion” than any other before it and tremendously helped the military government to have more leverage in the conduct of the border areas than had been possible in the past (Robert H. Taylor 2006: 9). Insurgency has always been a huge problem for Myanmar since independence because ethnic minorities have largely been left out from contributing to the national political management especially after the 1962 military coup (South 2004: 238). Ethnic problem is a very big issue in Myanmar’s political transition because they consist of one-third of the 54 million people in the country with a completely different culture and language from the Burmans and most important of all, they occupy the border areas of the country which are rich in natural resources (Diamond 2012: 145-146). Without a successful cooperation from them, Myanmar will never be truly reformed. Ceasefire has been maintained with the Kachin insurgent groups since 1994, the Mon States since 1995 and negotiations with the KNU were underway by 2003 (South 2004: 239; Robert H. Taylor 2006: 7). The ethnic and insurgent issues continue to be pressing issues for the new government but this will be covered a bit later in the chapter.

Other remarkable improvements during the rule of the SPDC were the rise in the country’s production of rice of which one million was exported, growth in trade with its

neighbours, the growth in tourism industry which once again picked up pace by 2009 year end and “sale or privatization of several government assets” though warnings of the failing of the country’s economy were ever present (Robert H. Taylor 2010: 213). Though the military did manage to bring some developments in the country during their rule, yet without significant change that the country badly needed, the military had no choice but to pave the road to a disciplined democracy. It is true that engagement with neighbouring countries had helped in sustaining the rule of the military in Myanmar this long, but the country itself had become the poorest amongst the Southeast Asian countries even with abundance in natural resources (Robert H. Taylor 2010: 213). This was a result of the mismanagement of the country by the military coupled with western isolation and sanctions. Though the real motive of the military to transfer power to a civilian government is yet difficult to ascertain, the change in the political system coupled with the reforms and developments since 2011 has been welcoming though the country is yet to establish itself firmly as a democracy.

Myanmar and the Beginning of Reforms

The international community was highly sceptical of the proposed election of 2010 (Beech 2013: 24). But with the successful conduct of the election and the takeover of the country in 2011 by the new president, Thein Sein, who was Prime Minister under the SPDC, the attitude of observers changed. According to Moe Thuzar, lead researcher of the ASEAN Studies Centre at the Institute of Southeast Asian Studies (ISEAS-Yusof Ishak Institute, Singapore), the previous suspicion on the new democratic government slowly changed to “cautious optimism” because of the reform movements that followed swiftly soon after the new president assumed office (Thuzar 2012: 204). These positive reforms under the presidency of Thein Sein since 2011 helped in directing the country away from the “authoritarian policies” that had been prevalent since 1962 (Bunte and Portela 2012: 2). With such developments that were unimaginable a few years back taking course beyond expectation, the countries which were once hostile towards the military regime, especially western countries, started responding enthusiastically. The

isolation policy became redundant and construction of new engagement with Myanmar began in full swing with sanctions no longer barring most of them except the US which as mentioned retains it but has since waived several of them.

Despite many hindrances, Myanmar slowly but steadily moved on with the transition under former President Thein Sein who stated during his term that his conviction towards democracy had grown stronger than ever before and believed that democracy is the right way to bring growth to the country's economy (Beech 2013: 24). His words were an affirmation that Myanmar's transition was not going to be rolled back as feared by some because then, the government was still heavily military dominated. Even though the military was adamant that it would block any attempt in minimising its role in the country's politics through the amendment of the constitution, the government's strong support in the enhancement of the democratic institutions and the institutions steady performance gave hope for a "free and fair" 2015 election (Pedersen 2015: 224). This prospect became a reality in the November 2015 Myanmar election which was won overwhelmingly by the NLD.

The reforms in Myanmar being from the top, which can be called "elite driven" as it was led by President Thein Sein and other reform minded political leaders of the USDP, guaranteed the country to be steered towards a course of political liberalization (Bunte and Portela 2012: 1, 2). These reforms coming from the top level downwards have also succeeded in safeguarding a peaceful transition and because of this Myanmar's transition has stood out amongst other transitions that have been taking place at the same time across the world. When weighed against other transitions especially the Arab spring, the transition in Myanmar has remained constant without hostility and is interesting in the fact that the same military which had been labelled as a "global pariah" a few years back by the US was taking the lead in transforming the country to a liberal democracy (Beech 2013: 22). Thus, despite Myanmar's long history of military rule, the military's willing participation in the country's transition definitely played a vital role.

In 2011, power was finally transferred to the new democratically elected government headed by President Thein Sein at the end of March from the hands of the military (Lall

2012: 176). The first two presidential speeches on 17 August 2011 and 22 August 2011 were focussed on strategic developmental issues for the country of which economic development was the primary focus and commitments towards the development and strengthening of democracy in the country and other compelling issues were covered in the speech and expatriates were invited to return and participate in the country's reform process (Lall 2012: 176). Through the political reforms undertaken, fundamental rights such as "freedom of speech and assembly" as well "the right to form labour unions" have been guaranteed to the citizens which were absent for a very long time in the country (Beech 2013: 24). The political reform movements have certainly been a giant leap forward when compared the period of military rule and Myanmar has become a more open society because of the progress made towards a liberal civil society which is an essential element of democracy. Taking the reforms a step further was a review committee set up for existing laws which spent the whole 2011 summer examining these laws and consulting with "the International Labour Organisations (ILO) and the UN Office for the Coordination of Humanitarian Affairs and NGOs in the country" (Lall 2012: 176-177). Most important of all, to improve the conduct towards human rights issues which remains a huge concern of the West, Myanmar's government set up an independent "National Human Rights Commission" and laws have also been passed by the government granting the permission for the formation of labour unions as mentioned as well as the right to strike (Bunte and Portela 2012: 2; Thuzar 2012: 208).

The new government also worked on improving relation with the NLD especially Suu Kyi. On 19 August 2011, President Thein Sein had a talk with Suu Kyi and at the "National Workshop on Reforms for National Economic Development" in the capital, Suu Kyi had good interactions with a number of ministers in the new government and was given a special dinner party by the president's wife which indicated the new government's intention of a "national reconciliation" (Lall 2012: 177; Thuzar 2012: 207). Because of these initiatives and the reform movements, the NLD became convinced of the progress made and re-registered as a political party in November 2011 and went on to win 43 seats out of the 44 seats that were contested in the April 2012 by-election and entered the country's politics as opposition party in the Parliament (Lall 2012: 181;

Beech 2013: 24; Bunte and Portela 2012: 2; Thuzar 2012: 208-209; The Economist 2015). The NLD was no longer denied of their rightful position and Suu Kyi had been allowed to contest unlike the 1990 election. Thein Sein's presidency can thus be given the credit of ensuring Suu Kyi and her party to be a part of Myanmar's new political transformation. Though Suu Kyi's influence as the country's "freedom fighter" will remain, the "enabler" of this freedom in the country had been President Thein Sein (Beech 2013: 24).

Another important step taken by the government in the reform process and which made a great impact on the West apart from Suu Kyi was the release of political prisoners (Bunte and Portela 2012: 2). Especially in connection with the sanctions regime of the US, this certainly was a very important step. As has been mentioned in the previous chapter, the waiving of sanctions by the US can be done only when Myanmar's progress in democratic movements and human rights have been assessed by the US President as appropriate for the easing of sanctions. Hence, the release of political prisoners which demonstrates the progress in both democracy and human rights became critical for Myanmar to impress the US in particular. In 2011, the government released as much as 270 political prisoners and around 651 in 2012 which includes Min Ko Naing and Ko Ko Gyi, the student leaders of 1988 protest (Lall 2012: 178-180; Thuzar 2012: 207; Bunte and Portela 2012: 2).

The media has been another tremendous benefactor of the new reform process due to the easing of the stringent media rules including domestic censorship regulations and the ban on the "websites of exile radio and TV stations such as Democratic Voice of Burma and Voice of America" (Bunte and Portela 2012: 2; Thuzar 2012: 205). News coverage of the NLD which was then the opposition party became a possibility in the country due to this new freedom (Bunte and Portela 2012: 2). Also making a big news was the halting of construction of the Myitsone Dam by the government on 30 September 2012 which affected its relation with China, a detailed discussion of which will be made in the next chapter (Lall 2012: 178; Thuzar 2012: 208). With concerns for the environment and the local people's sentiment stated as the reasons for the suspension of construction, the

move has definitely been used as a tool for demonstrating to the people that a more reliable government which gives concern to citizens' grievances is now the reality in Myanmar (Thuzar 2012: 208).

As has been mentioned earlier, the military government had in the past taken various steps to bring ceasefire agreements with the ethnic armed groups. In fact, reconciliation with these ethnic groups is very important for whichever government comes to power in Myanmar, be it military or civilian, because these groups occupy the resource rich areas of the country as well as the border areas with neighbouring countries. Thus, they have geo-strategic importance for the government. Reconciliation is also crucial for furthering the development and reform process as well as to build a stronger democracy. The issue, therefore, posed a very serious threat as well as challenging issue for the new government (Thuzar 2012: 211). For this reason, the government took several initiatives toward this end. The ceasefire agreements made during the military regime were carried forward with many of the ethnic groups of which the agreement with the KNU became the most prominent as the agreement ended the longest armed conflict in Asia (Lall 2012: 180; Bunte and Portela 2012: 2; Thuzar 211). Constructing an active dialogue with the NLD as well as the ethnic groups which was essential in enhancing the reform movements in Myanmar were clearly understood by President Thein Sein and he indeed made a huge progress towards this end.

Reforms on Hold?

In spite of these significant changes in the country, many observers by 2014 had started expressing their concern especially on the issues of the government's lack of success on reviewing the Constitution, several new restrictions on the "media and social protesters," new conflicts in ceasefire regions, increasing "anti-Muslim" uprisings and huge "land grabbing" problems (Perdersen 2015: 223). In fact, Aung San Suu Kyi herself expressed that reforms had halted and not progressed as much in the past two years and stated that the US was considered at times as too "optimistic" about the reforms but nonetheless

acknowledged that the US remains very concerned with the lack of progress in the country (*BBC* 2014). This backtracking of the reforms in Myanmar was also reported by the “UN Human Rights Council’s (UNHRC) Special Rapporteur for human rights situation in Myanmar,” Ms. Yanghee Lee after her visit to the country and meeting “government officials, members of Parliament and judiciary, the National Human Rights commission and civil society in Naypyidaw and Yangon” as well as jailed political activists at the Insein prison and those who got arrested in “protest related offences” (OHCHR 2015).

The “United States Commission on International Religious Freedom” (USCIRF) Annual Report 2015 stated that even by 2014, Myanmar’s religious and ethnic minorities were still subjected to ongoing “intolerance, discrimination and violence” and that this was most prominent in the case of the Rohingya Muslims (USCIRF 2015: 27). This concern has also been shared by the UNHRC Special Rapporteur who stated “intercommunal violence” as a concern that continues to hinder “peace to prosperity” everywhere in the country (OHCHR 2015). Conflict between the Buddhist majority and the Rohingya Muslim minorities who are considered as illegal citizens of the country started in the state of Rakhine in 2012 and gradually escalated throughout the country (USCIRF 2015: 28). The government under President Thein Sein did not succeed much in bringing the situation under control. The USCIRF Report (2015) stated that the recent access to the internet and social media exacerbated the propaganda against the minorities and the introduction of four controversial bills in the 2015 opening session of the Parliament concerning “race and religion” proposing stricter limitation towards freedom of religion as well the intolerance on religious issues specifically concerning “conversions, marriages and births” indicated the prejudice not just on minorities but women as well (USCIRF 2015: 27).

Intolerance towards religious minorities is not constricted to Muslims only but also includes the Christian minorities as well. Several incidents have occurred against the Christians of which making the headlines in 2015 was the incident in the Shan State in early January where two Christian women volunteer teachers were raped and murdered

prompting the US, amongst others, to urge the government to inspect the matter properly (USCIRF 2015: 29). Apart from these issues, the lack of significant progress towards “national reconciliation” with the ethnic tribes and the failure in trying to amend the constitution remained compelling issues till the 2015 election (USCIRF 2015: 28). The military by 2015 remained engaged in continued conflict with the “National Democratic Alliance Army” (NDAA) in the Kokang area of Shan State as well as with the Kachin rebels (The Economist 2015). It was not just the communal violence and fighting with insurgents that exacerbated by 2015, there were also several incidents of harsh suppression of student protests against the new education bill in which as much as 127 protestors were jailed and several of them injured in March at the Letpadan incident alone (Zin 2015: 1). The country’s civil society groups, foreign observers as well as the US State Department were quick to criticize the acts (Zin 2015: 1).

The USCIRF report also pointed out several other issues that remained critical but left largely unaddressed by the outgoing Thein Sein government which were the exclusion of the Rohingyas as well as some ethnic tribes in Kachin State in the country’s 2014 census, the political prisoners who remained in jail despite the promise of their release by 2013 and other unfulfilled issues concerning the country’s reform that the government pledged to President Obama and other leaders (USCIRF 2015: 28). The UNHRC Special Rapporteur’s report also included the deep concern for the political prisoners remaining in jail because though official record maintains only 27 as remaining, Special Rapporteur, Ms. Lee, regarded many prisoners were political prisoners such as the 78 farmers who had been accused as encroachers during “land protests” against the government and hundreds of those who were accused of politically instigated crimes (OHCHR 2015).

Despite the negative observations becoming more vocal by 2014 and early 2015, Morten Pederson of the University of New South Wales (Canberra, Australia) and previously an expert analyst at the “International Crisis Group in Myanmar” (2001-2004), stated that these negative observations were largely exaggerated in media reports which influenced policy makers and activists to appeal to their governments, especially in the West, to review their assistance in the country and went as far as calling for the reinstatement

sanctions despite Suu Kyi's protest against it (Pedersen 2015: 224). Myanmar did indeed made important progress throughout the term of Thein Sein especially in drawing overseas investments. Between the years 2010-2013, investments from outside continuously poured in by a rate that almost tripled which surpassed all the ASEAN countries apart from the Philippines (*The Economist* 2015). The geostrategic location of the country between China and India which have huge market potential with high population coupled with Myanmar's still "young and cheap workforce" as compared to neighbour Thailand which is "ageing plus expensive" and the country's huge deposit of "natural resources of precious stones, timber, natural gas and oil" have been considered as the propellants of growth of investment in the country (*The Economist* 2015). Even the World Bank overview on Myanmar stated that reforms in the country have been rewarding and that the developments in sectors such as "construction, manufacturing and services" aided the economic growth of the country in Fiscal Years (FY) 2013/14 which was approximately up by 8.3 % (World Bank Report 2014). Due to high production of gas and continued growth of investment, this growth has been predicted to increase in the FY 2014/15 probably going up to about 8.5 % making future prospect quite positive provided that the reforms remain constant (World Bank Report 2014).

As mentioned before, the government of Thein Sein was under pressure for amending the constitution but that there was no headway made. By the end of 2014, the issue of amending articles 436 and 59.f of Myanmar's new constitution was still undecided, though several leaders of the government were also voicing that there indeed is a necessity for amendment while the opposition had been pushing hard for it since they took oath in 2012 (Pedersen 2015: 224-225). Article 436, as mentioned earlier, reserved 25 % seats to the military in the parliament and grants them "veto power" for any change in the Constitution by mandating a requirement of 75 % votes and a nation-wide referendum to make amendments (Drennan 2015; Pedersen 2015: 225). The call was for the reduction of the majority percentage to seventy so that changes can be made to the Constitution without the need to secure such high percentage of votes for any amendment (Drennan 2015). Another important amendment pushed by the opposition was Article 59.f of Myanmar's new constitution that denied any person from holding the top office of

the country “if married to a foreigner or have children who hold foreign citizenship,” which no doubt clearly targets Suu Kyi (Pedersen 2015: 225).

Few progress finally could be made towards this issue the following year and on 25 June 2015, votes were finally taken in Myanmar’s assembly towards alteration of the articles 436 and 59 (f) (*Radio Free Asia* 2015; Drennan 2015). Though 66.55 % voted for change despite the NLD having only 45 seats, the requirement of more than 75 % majority for amendment however effectively denied any change in the constitution that had been anticipated (*Radio Free Asia* 2015; Drennan 2015). In the voting, only 50 member were absent from the total 633 strength and as much as 583 members casted their votes amongst which 467 (73.78 %) were “elected representatives” while the rest 166 (26.22 %) members were from the military (*Radio Free Asia* 2015). This failure to bring the necessary changes in the Constitution was thus observed as another indication of the “backsliding” of reforms in the country (Drennan 2015). However, it is still welcoming that majority voted for change and had it not been for the 75 % majority requirement, the verdict would have been a great milestone.

Though the reform movements and developmental progress that Myanmar had achieved in the past under the transitional government are not entirely positive or successful, it is nonetheless significant that these achievements have been made and that too without any major setbacks that could undo the establishment of democracy. The reforms have laid a good foundation towards strengthening democracy in the country which has become more favourable now that the NLD is in power. Since the election of the NLD in November 2015, Myanmar has been witnessing increasing positive response from other countries especially the US.

Coming back to US sanctions and policy, the policy survived for more than two decades. During this period, the policy affected both the military and the civilians even though the target was the military. As the previous chapter highlighted, the US eventually increased the sanctions on the country whenever the military’s actions or responses to situations usually do not meet the expectations of the US.

US Sanctions and Its Impact on Myanmar

Reed M. Wood, an assistant professor at the School of Politics and Global Studies in Arizona State University (USA), in his study of US sanctions on Myanmar opines that US and EU sanctions definitely played a role in degrading Myanmar's economy and have been the reason for the economic mismanagement by the military which resulted in the agitations against the military and hence, the brutal suppressions of the protests (Wood 2008: 489-490). Though most of US sanctions like the "visa ban," "freezing of assets," "banning of US investments" and others have become more specific in their targets, the restriction on the import of Burmese goods especially garments severely affected the common people. It was the "Burmese Freedom and Democracy Act of 2003" which brought this devastating effect on the Burmese people of which majority were women.

This sanction was imposed by the Bush Jr. administration due to the "Depayin incident" or the "Black Friday" as it is famously called (Kudo 2005; Seekins 2005: 439). Because of the new restriction under this sanction law, as much as sixty four garment warehouses had to be closed down resulting in the loss of employment by about 80, 000 people with the majority being women of lower income families whose family are solely dependent on their earnings (Steinberg 2003 cited in Seekins 2005: 442). Therefore, the ban on all products from Myanmar affected the garment industry the most because almost half of all textiles sold from the country went to the US and this comprises around 80 % of all the products that the US purchase from Myanmar (Kudo 2005: 4). With the resulting unemployment rate spiralling to an alarming rate, the military government even condemned the US for bringing unnecessary harm to the people (Ko Lay 2005 cited in Kudo 2005: 4). Though the US increasingly used "smart sanctions" aiming solely on reducing the economic strength of Myanmar so that the military may be weakened, the effect of this sanction clearly demonstrated that sanctions unintentionally harm innocent civilians.

The growth in unemployment then resulted to the rise of desperate women entering prostitution to earn their livelihood (Seekins 2005: 446). With the rise in prostitution, the spread of HIV/AIDS becomes inevitable. Thus, US sanctions also harmed the welfare of

common citizens especially those who belonged to the weaker section of the society. Hence, when the deeply integrated economy gets manipulated, it have far reaching effects like in the case of the garment industries workers who have families in the villages or else in Yangon but are solely dependent on them, thereby, are affected just the same by this unemployment (Seekins 2005: 446). The military on the other hand are insulated because their main aim is to let their regime survive in spite of the constraints of sanctions and with the country's resources monopolised in their hands, sanctions become less effective on them.

Despite the long duration of its survival, US sanctions on Myanmar is often considered not yielding. In the previous chapter, President Clinton's term with the strong support for sanctions had been highlighted. Though the influence that was driving the US could clearly be detected, its impact on the ruling military regime was however difficult to ascertain (Taylor 2010a: 78). This was largely because the military was the most "opaque regimes" thereby making it complicated for sanctions to alter the conduct of "this reclusive and highly repressive regime" and hence, becomes really complicated for observers to bring concrete conclusion on the effects of sanctions on the military (Taylor 2010a: 78). The same went for the administration of President Bush Jr. During his term, sanctions had become more specific in their targets aiming specifically on individual military officers, their families or their business partners but nonetheless, the impact of sanctions on their conduct remained difficult to discern (Taylor 2010a: 95). However, the military conducting the trade dealings of the country in Euros due to the restrictions of the "Burmese Freedom and Democracy Act of 2003" suggests that it indeed was difficult for the military to continue economic policies without the US dollar (Seekins 2005: 441, also cited in Taylor 2010a: 95).

With the difficulty in assessing the impact of sanctions on the military and their ability to continue their rule in the country, many observers therefore believe that sanctions have not been successful in Myanmar. Amongst the many reasons attributed to this is the difference in the policies countries maintained with Myanmar. While the US and most of the western democratic governments largely the EU, Canada, and others have been

pursuing sanctions and isolation as their main approach towards the military government, Asian countries especially Myanmar's neighbours have been engaging the country. Particularly in the case of the ASEAN, constructive engagement was favoured with the anticipation that this policy, amongst other reasons, would be more effective in trying to change the behaviour of the military and so Myanmar was inducted as a member in 1997 much against the protests of western governments. And China has long been maintaining good relations with the country and India also remains in this group. Donald M. Seekins who currently teaches in Southeast Asian Studies at the College of International Studies, Meio University (Japan) states that sanctions can alter behaviour of targets only when they are "universally" imposed and simply concludes that in the case of Myanmar, the presence of so many "defectors" has rendered even the most stringent of sanctions to be ineffective (Seekins 2005: 447-448). The assistance from Asian neighbours helped the military regime to counter restrictions of sanctions to a large extent.

The general use of sanctions in enhancing US strategic interests is also becoming "deplorable" according to Richard N. Haass (1997), currently president of the American think tank, Council on Foreign Relations, not just because of their costly nature nor their success rate being questionable but because sanctions hardly "contribute" to the foreign policy goals of the US and are both expansive as well as "counterproductive" (Haass 1997: 75). He also argued that their drawbacks are more distinct as compared to their success and amongst his various arguments supporting this claim is the difficulty in obtaining international support for sanctions (Haass 1997: 77, 78). This also falls in line with the argument given by Seekins (2005) that the universal application of sanctions is important for the success of sanctions. As was mentioned, though western governments support the US cause by applying their own set of sanctions, Myanmar's military was able to elude the adverse effects of the policy due to engagement with its neighbours like China, India, the ASEAN to name a few which have supplied them with economic and military aids that they have been unable to procure from the West due to sanctions.

Despite many arguments supporting that US sanctions on Myanmar have been largely unsuccessful, Lorianne Woodrow Moss, an international affairs scholar at American

Action Forum and former US Senate foreign policy assistance, opined that sanctions have indeed played a role in the military's decision to reform the country and her argument has been based on the remarks given by none other than Suu Kyi herself who said, "The very fact that there's a strong desire to have sanctions limited shows they were effective" (Moss 2012: 2). According to Moss, sanctions influenced the military to take the necessary steps to improve relations with the US because sanctions is largely held as the reason of Myanmar's poverty and also because of the growing negative perception towards China as the country became more dependent on it (Moss 2012: 2). The stoppage of loans from financial institutions supporting US sanctions and expatriates lending their support on these sanctions also played significant roles (Moss 2012: 2). Bunte and Portela (2012) also argued that the reforms which are visible now in Myanmar are resulted by sanctions because according to them, the progress of these reforms largely requires assistance from other countries (Bunte and Portela 2012: 3). This argument suggests that reforms have been undertaken with the anticipation of removing sanctions altogether in Myanmar.

2015 Myanmar Election and Its Impact

The November 2015 general election in Myanmar has become another important stepping stone in Myanmar's transition to a democracy. Apart from the various reforms and developments of the country since 2011, the election demonstrates that Myanmar is indeed making progress towards democracy basically due to the successful conduct of the election, the victory of a civilian democratic party, the military's acceptance of the result and finally, the smooth handing over of power to the newly elected government. Though issues such as the mistreatment of the Rohingyas still remains a serious point for assessing the country's democratic transition, observers agreeing that the conduct of the election was largely free as well as fair shows that the democratic process of the country is still moving forward steadily.

The US in particular welcomed the result of the election. As mentioned in the previous chapter, there was so much scepticism especially in the Congress on the fairness of the election. President Obama promptly congratulated Suu Kyi on the NLD's remarkable success while Thein Sein was praised for the successful, free and fair election (Holmes 2015a). Another noteworthy incident in the aftermath of the election was the government in office conceding their defeat and making a statement early on that the result of the election would be respected and would pave the way for the NLD to form the new government of Myanmar in 2016 (Holmes 2015b). This really is a truly remarkable change especially when considering the 1990 election when the NLD who had won the majority was not allowed to form the government and the military instead took control. Soon after the official declaration of the election result, Suu Kyi also took an important decision to meet and discuss the situation with Myanmar's then president, Thein Sein and the chief of the army, Min Aung Hliang (ABC 2015). This talk which has been labelled as a "national reconciliation talk" signified a very important step for the country in its forward march to achieve democracy as the talk was about how power would be transferred (ABC 2015).

The election result also had a very promising hope for Myanmar in concern with sanctions as mentioned in the previous chapter. The election was perceived by the US as the triumph of the people of Myanmar with the potential to influence the waiving of more sanctions on the condition that the military approves the result and many US officials including President Obama signalled that the US was keen on deepening relations with Myanmar but that human rights issue are still of great importance in their evaluation of Myanmar's conduct of which the case of the Rohingyas is the most prominent (Brunnstrom and Schectman 2015). Even from Myanmar's side, businessmen who have been under restriction by the US had great expectation for change in US sanctions policy so that the remaining sanctions would be eased for more business opportunities between the two countries (Mahtani 2015). When the outgoing government and the military announced their acceptance of the election result, the US reacted positively. By early December, the "Office of Foreign Assets Control" (OFAC) of the US Department of Treasury circulated a permit valid for six months allowing the temporary easing of

sanctions so that goods can flow in and out of Myanmar and US business can be carried out through a port in Yangon owned by a businessman under sanctions restriction (Hookway and Rubenfeld 2015). These are clear indicators of the US willingness to reward Myanmar on promising steps towards attaining a full democracy. On Myanmar's part too, reversing the road for establishing a full democracy is certainly not going to favour the military anymore. It is in their best interest to respect the country's transition and support the developments so that they can also reap the benefits because they remain a powerful force in the country.

The NLD will of course be largely assessed in its future governance since it is the first democratic party to be elected in the country by the people with great aspiration for a better future. Since democracy remains a very important issue in US policy towards the country, any US reaction will be triggered by the various policies taken by Myanmar towards that end. Apart from democracy, human rights issue will also remain a very important element in the two countries relation of which Myanmar has a lot more to work on. As has been mentioned, the run up to the 2015 election saw the release of many political prisoners which is a very important step for the country but it is also clear from earlier discussion that more needs to be done on this. Though at the same time, issues relating to ethnic groups and minorities especially the Rohingyas which has been highlighted time and again will be major points in the assessment of the country's human rights policy.

Conclusion

The chapter's main focus on the effects of US sanctions and isolation policy in Myanmar to determine whether the policy had been responsible for Myanmar's transition has, therefore, been examined through a wider discussion of Myanmar's political transformation along with US policy reorientation. The discussion on the evolution of US approach towards democracy and human rights in the general conduct of its foreign policy gave an explanation on why the decision to impart the policy on Myanmar was

appropriate for the US given the situation at that time. The discussion of the US policy change towards Myanmar under the Obama administration elucidated the reason for the shift in US policy as well as the process of how the new policy was formulated. Myanmar under the military rule was then examined for a better understanding of the country's situation under the sanctions regime where the discussion of the country's road to a democratic transition has also been included. This discussion summarised both the positive and negative policies of the military during their continuous rule since 1990 and clearly showed that the steps taken by the military for Myanmar's transition had been properly planned and managed by them so that their role in the country's future politics would not diminish. Finally, the general impacts of US sanctions on Myanmar were discussed highlighting both the negative as well as the positive effects of the US policy. A brief examination of the latest 2015 general election of Myanmar and the reaction of the US was then where focus was specifically on the election's impact on the sanctions policy.

From the overall observation of the sanctions policy on Myanmar, it is clear that there can be a great debate on the efficacy of the policy in affecting change on the military regime. First of all, the secretive nature of the military government makes it extremely difficult to assess the specific impact of the policy on them. As the earlier discussion clearly mentioned, even though sanctions became more stringent both with the Clinton and Bush Jr. administrations, there is great difficulty in ascertaining a concrete conclusion towards the effect of sanctions on the military due to the lack of transparency in the internal conduct of the military (Taylor 2010a: 78, 95).

Examination of the sanctions and isolation policy not yielding to the US demand of establishing a democracy, specifically the acknowledgement of the 1990 election result, and the continued rule of the military for almost three decades can easily claim that sanctions have not been successful in Myanmar. Even former Secretary Clinton's statement which highlighted the disappointment on the sanctions and isolation policy for not bringing the desired result even after such a long duration also leans towards the notion that the policy has been largely unsuccessful. However, the acknowledgment by

Secretary Clinton that the policy of engagement followed by most of the Asian neighbours equally not bringing regime change in the country clearly states that affecting change in the military is nonetheless difficult whether by sanctions or without it.

It is also important to note that sanctions can be highly constricted when another party assist the target. Hence, though not bringing a regime change in Myanmar, engagement policy did play a significant role in diminishing the effects of sanctions on the military and as argued by sanctions scholars, this aide in the form of a third party plays a significant role in altering the effects of sanctions altogether because they provide the target an incentive from the severe impact of sanctions. Thus, it becomes unclear if sanctions would have succeeded had not it been for these countries through which Myanmar's military rulers could escape the impacts of sanctions because engagements began in the same period when the sanctions policy was started in Myanmar with China in the early 1990s followed by the ASEAN and India by the mid-1990s.

The military's decision to bring democracy in the country is again suggestive that sanctions play a role in the military's aspiration for change of policy with the US since this could be progressed only with the removal or easing of sanctions which in turn is conditioned by the demand that the country had to make progress towards a democracy. This is affirmed by Suu Kyi who stated that the determined effort of the military to lessen the sanctions restrictions demonstrate that sanctions did affect the military leaders (Moss 2012: 2). Throughout the military rule, observation previously made on the military's conduct towards Suu Kyi specifically on her release from house arrest several times throughout her incarceration also demonstrated the military's signal to show that progress had been made in the country. Though the democracy that Myanmar started out with does not fit the ideal western democratic institution as the whole set-up was managed by the military, the country's reform movements since 2011 has been promising towards the strengthening of democratic institutions in the country which can eventually result in the establishment of full democracy in the country though critical issues such as amending the constitution for the further reduction of the military's power remains the most critical

issue to be addressed. The victory of the NLD in the November 2015 election definitely encourages the enhancement of democratic progress.

It is, however, clear that there is great difficulty in bringing concrete examples showing the success of sanctions in altering the military's behaviour. The most visible example of the military making changes in their conduct because of sanctions was the previously discussed "Burmese Freedom and Democracy Act of 2003" which affected the military to conduct Myanmar's trade dealings in Euro as dollars were restricted from them (Seekins 2005: 441, also cited in Taylor 2010a: 95). Arguments by Moss (2012) and Bunte and Portela (2012) highlighted before have also credited sanctions as playing an effective role in pushing the military to take the step towards altering their policy conduct in the country.

It also another question if sanctions can indeed play effective role in promoting democracy. Stephen D. Collins, Associate Professor at the Department of Political Science and International Affairs, Kennesaw State University (Georgia, USA) argues that sanctions can be relatively efficient in promoting democracy and even though "military intervention" and "institution building" through aid and assistance are the more popular instruments for advancing democracy, sanctions have also been used by the US countless of times though there is less study on the subject (Collins 2009: 69-70).

During the Cold War period, the use of sanctions by the US in around 17 cases had democracy promotions as the main US objective and succeeded in enhancing human rights or "political liberties" (Collins 2009: 73). Though sanctions were largely considered as futile during this period due to the capability of the Soviet Union to challenge US power, Collins (2009) states that by the end of the Cold War, the use of sanctions increased due to absence of a competing power (Collins 2009: 70, 72, 85). Therefore, after the end of the Cold war, promotion of democracy became an important condition for the implementation of economic sanctions (Collins 2009: 77). Collins' study highlights that majority of the cases (77 %) where the US pursued democracy through economic sanctions have been successful but that achievement comes only after several years (Collins 2009: 78, 83). However, the 21st century has been a different case

with the rise of China and that it is essential for the US to sustain its influence and power, especially economic, for the continued success of sanctions (Collins 2009: 89). The China effect is clearly visible in the case of Myanmar as dependence on China helped the military to sustain their rule. A detailed examination of the relation between China and Myanmar covered in the next chapter will clarify this.

Myanmar altogether is certainly a difficult case to clearly bring a conclusion on whether sanctions affected the military government to change or not. Nonetheless, it can be affirmed that sanctions do have a certain level of influence in the country's transition. Hence, conclusion will be made that it remains as ambiguous to clearly determine that US sanctions have played an effective role in the transition of Myanmar to a democracy. When observing the condition of Myanmar till 2014, Pedersen remarked, "Myanmar is not yet a democracy," even after such incredible reform movements towards a democracy since 2011 (Pedersen 2015: 224). These observations now stand to be tested as the NLD had formed a government in Myanmar.

The November 2015 election result affirmed that democracy will stay for a while with the resounding victory of the NLD. A repeat of 1990 had not been witnessed as was feared before the election took place by many like Bunte and Portela (2012). However, the fragility remains on how Myanmar under the NLD will handle the issues of development and growth for the country with a fair balance on minority and ethnic issues like the case of the Rohingyas which is firmly tied with both democracy and human rights. This will largely impact US policy in the country. For now, it remains a better option for the US to continue with the policy of easing sanctions as per developments made by Myanmar than totally revoking them.

CHAPTER 4

China's Rise and US Quest for Regional Balance

– Situating Myanmar

The rise of China as well as the larger interest on deepening ties with the Association of Southeast Asian Nations (ASEAN) are perceived by various scholars as influencing US policy shift towards Myanmar (Lum et al. 2009: i; Clapp 2010: 417). The Obama administration's foreign policy alteration through the policies of "rebalancing towards the Asia-Pacific" and reaching out to countries previously termed as "outposts of tyranny" have encompassed the reorientation of US policy towards Myanmar (Clapp 2010: 441). When Myanmar is, thus, situated within the ambit of the US policy change towards the larger Asia-Pacific region, it becomes interesting if *realpolitik*, especially increasing Chinese engagement with Myanmar and its global rise, triggered US foreign policy makers to initiate a process of robust engagement with Myanmar. The aim of the chapter is to make an assessment on this proposition. Questions that have been postulated are: does robust engagement with Myanmar offers the US an advantage to revive relation with the ASEAN for furthering its strategic interest in Southeast Asia? Does China's rise facilitate urgency amongst US policy makers to make policy change towards Myanmar? Can the engagement with Myanmar facilitate the maintenance of power balance in Southeast Asia notably checking China's growing influence in the region?

The previous discussions on the sanctions and isolation policy highlighted that though the aim of the policy was to punish the military regime, it also unintentionally drove Myanmar closer to China which became its closest ally throughout the SLORC/SPDC era (Myint-U 2011: 114). Asian countries who became alarmed by China's relative rise in power and concerned with the close relationship between China and Myanmar have since

then opted engagement with Myanmar (Roberts 2006: 49). Thus, Myanmar became an ASEAN member in 1997 with the anticipation that through constructive engagement, dependence on China could be minimized while the regime could still be persuaded to change its policies (Selth 2001: 27; Myint-U 2011: 72). The US had protested against the ASEAN move and this difference in their Myanmar approach often created problems between them (Lum et al. 2009, Limaye 2010: 310).

Throughout the 1990s, China was improving its ties with Myanmar and the other ASEAN countries and the organisation while the US shifted its interest to other regions (Acharya 2006: 123-126). Especially during the Bush Jr. administration, the war on terrorism drew so much US attention that the ASEAN even felt the US was negligent of not just the organisation but the whole Southeast Asia region (Lum et al. 2009: 1). However, the countries of Southeast Asia are also not confident of China's conduct either. China's massive military developments as well as its growing assertiveness in the region especially in concern with the South China Sea disputes have alarmed its southern neighbours (Odgaard 2012: 92). Hence, with the need to keep a check on the alarm caused by both the rise of China and the fear of declining US influence in the region, the decision to shift US focus towards the Asia-Pacific can be seen as prudent and timely.

The chapter begins with a brief overview of the US foreign policy shift under the Obama administration and the rebalancing policy which is followed by the discussion on the US policy towards the larger Southeast Asia region, the South China Sea and the ASEAN. As the previous chapters already discussed in detail US-Myanmar relation from past to present, a repetition is avoided here. Instead the discussion moves on to highlight China's policies towards Southeast Asia with particular focus on the South China Sea, the ASEAN and Myanmar in particular as it is imperative in the study to have an understanding of China and its policy towards its southern neighbour. Then a brief examination of US policy towards China under the Obama administration has been made followed by the analysis on situating Myanmar in the changing US policy under the Obama administration.

US Foreign Policy Shift and the Rebalancing Strategy

The Obama administration after assuming office in 2009 has brought significant reconstruction in US foreign policy conduct in relation to the changing political environment. By the time Obama came to office in 2009, the US was deeply engaged in the war against terrorism because of the 11 September 2001 terrorist attack on the US and was already in a bad economic condition due to the depression that plagued the country since 2001 (Singh 2012: 42-43). With the costly wars in Afghanistan and Iraq coupled with the economic crisis, the US status as the most powerful country was perceived to be on slow decline while that of China was rising. Especially in Asia, the common impression from the region was that the US had been relatively weakened in power and prestige due to its preoccupation with the war and the recession (Bader 2012: 2). Then there was the new challenge of maintaining “global order” by division of power and responsibility necessitated by the emergence of new powers including not only China but also India, the European Union and Brazil along with compelling global geo-political issues plus other issues of international concerns like poverty, injustice, economy, environment and others which needed to be addressed through multilateral cooperation (Singh 2012: 44).

Hence, by the time Obama assumed office, the US had to address these compelling issues and adjust itself in the new political order in which the US still remained the most powerful nation but highly constricted in matters of global affairs by new emerging powers. The Obama administration resorted to a “pragmatic” approach aligning US unilateral power in the new political environment where it was already facing a deep constraint and at the same time undertaking policies which would enhance US recovery at home (Singh 2012: 44). This was to be achieved by getting the US more engaged with other powers and multilateral institutions defined as “strategic engagement” policy and from the early start of the administration, rigorous efforts to enhance cooperation and engagement with “renewed diplomacy” could be seen which was very different from the previous Bush administration where unilateralism was more visible (Singh 2012: 44; 51).

Asia in particular occupied an important position in this shift of US foreign policy. The maiden trips of Hillary Clinton as the new Secretary of State to the region during the first part of 2009 visiting Japan, Indonesia, South Korea, China as well as the ASEAN's office and Indonesia indicated early on that the US under President Obama would place US attention on the region even before the official policy announcement was made in 2011 (Sutter 2009: 214; Muni 2014: 4; Bader 2012: 9-17; Singh 2012: 51). In 2011, after formally stating that the US would be ending the wars in Iraq and Afghanistan and shifting attention towards the Asia-Pacific region (The White House Office of the Press Secretary press release, 2012), it was clear that the region once again had become a US foreign policy priority. With the rise of China being an important element in the formulation of policy for foreign affairs by the Obama administration (Muni 2014: 6), it is therefore not surprising that the US has shifted focus back to the Asia-Pacific region which is affected most by China's policy undertakings.

The importance of China in the Obama administration's policy calculus can be seen from the administration's calculated policy formulation. For an effective Asia policy, the administration, therefore, took into account China's present status. With China already fully integrated in the world economy with the support of the US ever since the Nixon administration, extreme measures like military confrontation and economic pressures including sanctions, which had not been that successful, and passive means like being indifferent to China's assertive policies which could encourage a more aggressive behaviour from China had to be avoided (Bader 2012: 3; Muni 2014: 6-7). Apart from the concern for China, the other important consideration taken into account was the need for the US to be more involved in Asia through dynamic engagement with regional organisations such as the ASEAN, the ASEAN+3 (ASEAN with China, Japan and South Korea) and the ARF (ASEAN Regional Forum); the APEC (Asia-Pacific Economic Cooperation); the EAS (East Asia Summit) and the Shanghai Cooperation (Bader 2012: 3-4).

In the previous Bush Jr. administration, the US had maintained fairly good relations with the big countries of Asia especially towards China and a balanced political environment

was ensured during that time (Bader 2012: 1). However, with the preoccupation with the wars in Afghanistan and Iraq, US policies even within the region of Asia could not be uniform though the region became an important front in the war on terror. While bilateral relations were given due importance and improved upon significantly in Asia, regional organisations were not so much emphasized on. The absence of then US Secretary of State, Condoleezza Rice, at the ARF both in 2005 and 2007 and the cancellation of the 2007 US-ASEAN conference by President Bush Jr. are demonstrative of the US attitude during the Bush Jr. era (Ba 2009: 378). The ASEAN perceived this neglect as an indication that the US was not keen on a more committed relation with not just the organisation but the whole region though from the side of the US, abstaining from such conferences when there are other prevailing matters was highly excusable as the conferences are not platforms for collective policy decision-makings (Bader 2012: 2). A detailed discussion concerning this issue will be made later on in the chapter.

The “rebalancing towards the Asia-Pacific policy” was therefore duly announced by President Obama on 17 November 2011 during his address to the Australian Parliament where he described the policy as a wider reorientation of US policy towards the region (Muni 2014: 3; The White House Office of the Press Secretary press release, 2012). Although the economic potential of the region for US economic recovery had been the stated primary reason (Clinton 2011), it also encompassed the US aspiration of moulding the “development of norms and rules” in the region and to a lesser extent managing China’s rise while placating the fears of neighbouring countries by vigorously committing the US in the Asia-Pacific region (Lawrence 2013: 6). The policy, therefore, is both for advancing and sustaining the larger US strategic and economic interests in the region (Muni 2014: 5).

The aim of the policy is the accomplishment of greater engagement with the region through various activities such as the rotation of military forces in Australia, stationing naval troops in Singapore and improving military cooperation with the Philippines; improving relations with multilateral organisations like the ASEAN and its related organisations and the East Asia Summit to ensure that the US is not left out from these

institutions and there is no Chinese dominance in the institutions; deepening relations with traditional allies like Japan, South Korea, Australia, Thailand and the Philippines along with Asia's rising powers like India, Vietnam, Malaysia and Indonesia; reorienting policy towards Myanmar; using the Trans-Pacific Partnership to push for greater free trade with the region; and to promote democracy and human rights (Lawrence 2013: 6; Muni 2014: 10-11). It was also stated that the US rotation of troops would shift sixty percent of its naval contingent in the Asia-Pacific region by 2020 (Muni 2014: 10).

As can be seen, rebalancing US policy towards Asia-Pacific includes important changes in US-Southeast Asia relation as well. As mentioned earlier, with the sense of neglect dominating perceptions of the US in Southeast Asia and China looming large in the neighbourhood, it became compelling for the US to address these concerns as the effectiveness of the new policy depends greatly on the success of the US in enhancing its influence in the region. The US nonetheless has been interested in the region since the Cold War. A more detailed observation will now be made on the relationship between Southeast Asia and the US.

US and Southeast Asia

The US policy in the wider East Asia and Pacific region, which began since the 19th century with very limited trade, visits and missionary works, has often been described as “deeply rooted but poorly defined” (Sutter 2003: 21). To date, the region has remained a strategic significance in wider US foreign policy conduct. It was only after World War II ended and the Cold War began that the US began to consolidate its influence and position in the region. With the Cold War eventually dividing the world into two camps, the US and the Soviet Union became deeply engrossed in enhancing their influence the world over and the region was amongst the most contested places with several of the proxy wars fought between the two powers taking place there. Coming out of World War II as the wealthiest country, the US could afford several arrangements including these “costly

military containment” in the world like in Southeast Asia to limit the spread of Soviet Communism (Sutter 2003: 23).

Vietnam was one of the most contested areas by the US in its fight to contain the spread of Soviet Communism in Southeast Asia. It was from the Nixon administration that the pull-out from Vietnam started. Following the departure from Vietnam in 1975, US bases in Thailand were shut down and the Southeast Asia Treaty Organisation (SEATO) formed as a military alliance at the height of the Cold was disbanded in 1977 indicating a new shift in US foreign policy where treaty allies were expected to manage their own security though the US would continue their support through military and economic aid but no longer participate in direct conflict (Mauzy and Job 2007: 623). The succeeding Carter administration improved relation with China to counter growing Soviet influence in the region and eagerly assisted the ASEAN in resisting Vietnam’s invasion of Cambodia despite the administration not concerned about Southeast Asia initially as détente was started with the Soviet Union(Mauzy and Job 2007: 624). The policy of assisting the ASEAN was continued by the Reagan administration as well (Mauzy and Job 2007: 624).

The end of the Cold War however changed the concern of US in the region. In the words of the Canadian scholar Amitav Acharya, Professor of International Politics at the American University (Washington D.C., US), “In Southeast Asia, the post-Cold War era began with plenty of uncertainty about the US policy objectives and engagement in the region” (Acharya 2006: 123). With the Cold War ending, there no longer was the need for the US to maintain its military presence and the US shifted its focus to other regions of the world as the “security climate” of Southeast Asia was not as volatile as in the Middle East, Northern Asia and South Asia though economic relation was maintained (Acharya 2006: 123-125). The US was now reorienting its policy from security concerns in the region to economic prospects with particular focus on advancing free trade in the region and was continued by the Clinton administration (Mauzy and Job 2007: 625). The market forces controlling the economic ties between the US and Southeast Asia in the

early 1990s guaranteed the preservation of a healthy economic relationship (Acharya 2006: 124).

The opportunity for better investment and security links in Northeast Asia than in the Southeast also reduced overall US interest in the region and with the unstable political conditions with poorly managed economic affairs after the 1997-1998 economic crisis, US investments became more limited in the region (Sutter 2003: 75). Concerning security issues, after the pull-out from Philippines' Subic Bay and Clark Air Force Base in 1992 as had been mentioned, the US switched to a system of military coalition and alliances with individual countries in the region (Odgaard 2007: 68). In this new policy, the US maintained the "places and not bases" policy for its naval and air force in places like Singapore's bases though they were miniscule as compared to the bases maintained by the US in the Philippines (Acharya 2006: 123). This arrangement answered the ASEAN's invitation to the US to safeguard the military balance in 1992 and granted the US the needed space to check China's military growth (Odgaard 2007: 69). Overall perception however was that US interest was declining ever since the pull-out of its forces from the Philippines in 1992 and with the sporadic attention to the region following the move, Southeast Asia was no longer US top priority as was during the Cold War (Sutter 2012: 34).

However, the 2001 terrorist attack on the US once again altered the US-Southeast Asia relation. Southeast Asia once again became strategic for the US in the war against terrorism and focus was shifted back to the region from Northeast Asia (Mastanduno 2006: 33). According to Robert Sutter, Professor at the George Washington University (Washington D.C., US) and specialist on US policy towards Asia and the Pacific, "The September 11, 2001, terrorist attack on the United States caused U.S. leaders to focus renewed attention on Southeast Asia as a second front in the war on terrorism" (Sutter 2012: 34). The War again brought the US back to Southeast Asia's security domain and got the support of governments of Southeast Asian countries including Myanmar even though the general public was not as supportive as their governments (Acharya 2006: 126-127; Odgaard 2007: 68-69). The campaign against terrorism enhanced the

cooperation of US and Southeast Asia on intelligence sharing, increased US assistance on economic and military sphere and most importantly, enlargement and strengthening of military-to-military engagement between the US and several countries of the region (Ba 2009: 376).

Southeast Asia houses huge Muslim population, Indonesia being the largest Muslim country in the world, and offers a favourable condition for nurturing Islamic extremism (Ming-te and Liu 2012: 197). It is no wonder that the region became the “second front” for the Bush administration in its campaign against terrorism (Sutter 2009: 206; Ba 2009: 376). Though governments of Southeast Asia were supportive to the cause, the general public was not as supportive with the big Muslim countries like Indonesia and Malaysia keeping low profile on the cause (Overholt 2008: 174; Sutter 2009: 208). For majority of the Muslim population, the campaign was perceived more as a war against the religion of Islam itself and as a defence for US power projection (Ba 2009: 376). But for countries like the Philippines, which often endured unstable governments and financial instability, the War helped to deepen relation with the US once again (Overholt 2008: 174) and with counter-terrorism efforts continuing since October 2001, as much as 660 US troops were stationed once again in the Philippines by January 2002 even though the US no longer maintained its base there (Odgaard 2007: 68).

However, some conflicting issues continued to plague the US-Southeast Asia relations throughout the 1990s even though the Soviet influence was effectively rolled back. The Cold War containment policy was substituted with the policy of the “enlargement of democracy and human rights” but notoriously, the US was not so earnest about its promotion in Southeast Asia and good relations were maintained with the authoritarian regimes of Indonesia and the Philippines though Myanmar became an exception (Acharya 2006: 124). It was especially after Myanmar became a member of the ASEAN that friction arose in the US-ASEAN relation (Acharya 2006: 125). Southeast Asian governments embracing the Asian values or “Asian Way” often contested with Western values supported by the US which often led to disagreement between the two though the 2001 US war against terrorism brought positive changes to this (Odgaard 2007: 117-119).

Liselotte Odgaard, Fellow at the “Asia Program” of the “Woodrow Wilson Center for Scholars” (Washington D.C., US), has noted that continued disagreement between the US and Southeast Asian countries over issues of democracy and rule of law prevailed during the 1990s because these governments, while following the US policy of market capitalism, denounce liberalist ideals as the state and society are perceived unsuitable for this form of government (Odgaard 2007: 117). But as mentioned, due to the economic and strategic ties with the region, the US also accommodated several regimes that continued following “soft authoritarianism” (Acharya 2006: 125).

Other issues that mar the US-Southeast Asia relation during the 1990s were the Asian financial crisis of 1997-1998 and the induction of new members to the ASEAN – Vietnam in 1995, Laos and Myanmar in 1997 and Cambodia in 1999 – which will be explained in detail later on in the discussion on US relation with the ASEAN (Overholt 2008: 172-174). Though differences remained, the security concerns resulted by China’s behaviour in the region especially in the South China Sea, Southeast Asian countries such as Thailand, Singapore, Malaysia and Indonesia agreed to the US “military access arrangements” in 1998 with the Philippines following suite by signing “Visiting Forces Agreement” in 1999 with the US (Mauzy and Job 2007: 627).

As mentioned, the US war on terrorism brought positive changes in US-Southeast Asia relation because the strategic importance of the region for the US compelled the Bush administration to pay less attention to issues of democracy and human rights in the region while for Southeast Asian countries like Singapore, the Philippines, Malaysia, Indonesia and Thailand, US presence in the region both as a security and economic partner is central to their security (Odgaard 2007: 119). However, the Bush administration did not make much effort towards strengthening relations with multilateral organisations in Asia as it was more inclined on unilateralism and neo-conservatism and was less obliged to undertake policy actions through international organisations (Mastanduno 2006: 30; Ming-te and Liu 2012: 198). The Bush administration also prioritised bilateral free-trade agreements (FTAs) where countries supporting the US in the war in Iraq were favoured over the others which largely left out the ASEAN countries adding to the disappointment

on the US (Overholt 2008: 176). A later discussion on the ASEAN relation with the US will reveal this. As mentioned previously, the US being engrossed in Afghanistan and Iraq and with the inattentiveness towards the ASEAN, a sense of US neglect grew and US commitment in the region was even questioned. Though this was the case, one thing that was also clear was that the US power was still important in the region as the Tsunami disaster in the Indian Ocean in 2004 illustrated. US response to the disaster was so efficient that it won high praises for this despite the wars in Afghanistan and Iraq heavily reducing US global image.

The Obama administration was, therefore, left with many complicated issues to resolve with Southeast Asia. Earlier discussion has clearly shown that Southeast Asia is a central part of the Obama administration's rebalancing policy. In fact, from early on, President Obama stated that the US would revert back to Southeast Asia and vigorously work on deepening bilateral engagements to effectively address international problems such as economic crisis, issue of terrorism, environmental problems and others (Ming-Te and Liu 2012: 197). The US has several national interests in the region which it aims to achieve such as the enhancement of US economic, political and military interest in Southeast Asia and gaining the confidence of ASEAN countries, strengthening US leadership role in the region while managing China's growth in power and countering terrorism (Ming-Te and Liu 2012: 197).

The frequent visits of the region by US political leaders with the overtures to deepen relation with the ASEAN and its associate organisations like the ASEAN+3 and the ARF and extending support to the ASEAN countries through military and non-military assistance in the recent past have indicated US efforts in enhancing its influence in the region (Mishra 2014: 151). Several important steps have also been undertaken to strengthen bilateral ties particularly with countries like Indonesia, the Philippines, Vietnam, Thailand and most importantly Myanmar (Mishra 2014: 151). With the renewed interest on Southeast Asia, the US could not help but be more involved in the issues pertaining to the South China Sea. A brief highlight will be made on this.

US Policy on the South China Sea

The US role in the security of the region had always been welcomed since the early 1990s as mentioned earlier when the ASEAN invited the US to maintain a military presence in the region though initially, Indonesia and Malaysia perceived the US military presence to be subversive for the region (Odgaard 2007: 69, 73). The South China Sea has grown to be the most contested area between China and the ASEAN countries namely the Philippines, Malaysia, Vietnam, Cambodia, Thailand, Singapore, Brunei and Indonesia ever since China became more assertive in its territorial claims in the Sea (Elleman et al. 2013: 313). It encompasses an important commercial route where more than half of the world's shipping passage takes place and is rich in natural resources which is of high ecological significance sustaining the livelihood of many people in Southeast Asia such as fish apart from the Sea serving as the main transit for them (Zhiguo 2005: 330). It has been proved that the Sea is also abundant in oil and natural gas with considerable gas build-up around the rim of the Sea (Zhiguo 2005: 331; Herberg 2008: 77).

The US interest in South China Sea is particularly the strategic location of the Sea for naval and commercial traffic but the US avoids getting dragged into the disputes though joint US-Southeast Asia naval exercises are undertaken to demonstrate the position of the US on maintaining freedom of the high seas (Odgaard 2007: 71). Apart from the Sea being an important naval route for the US, its treaty ally the Philippines is bordered by the Sea and is also a claimant to the conflicting reefs and islands and this plays an important role in US interest in the Sea (Lawrence 2013: 20). Even though the US lays no claim on the territories in the South China Sea and clearly stating that it will not take side with any of the disputing parties, recent revival of interest towards Southeast Asia has resulted in enhanced US attention to the disputes in the Sea (Kleine-Ahlbrandt 2015: 113).

With the need to preserve both its interests in the area as well as its neutral position in relation to the disputes, the US has, therefore, pushed for conflict resolution in a multilateral platform through peaceful means. The Obama administration is very much

involved in this policy. The US commitment to resolving conflicts in the naval waters of the Asia-Pacific by peaceful settlement was reaffirmed when the Senate passed a resolution (S.Res. 167) on 29 July 2013 which was largely criticised by China (Lawrence 2013: 20). However, the call for multilateral settlement and the respect for international maritime law along with the growing bilateral ties between Southeast Asian countries and the US, notably the claimant states of the Sea like Vietnam and the Philippines and other strategic countries like Malaysia, have triggered Chinese opposition to US military presence as well as its interest in the area (Kleine-Ahlbrandt 2015: 115-117).

Nonetheless, the Obama administration has shown keen interest on maintaining peace in the area. Preservation of the shipping lanes in the South China Sea was declared an important national concern for the US by former Secretary of State Hillary Clinton in July 2010 (Lawrence 2013: 21). Secretary Clinton's statement also reaffirmed the US neutral stance to claims in the South China Sea and defended US interests of unhindered navigation, resolving the territorial claims through UNCLOS⁶, unrestrained commerce, backing the resolution of disputes through multilateral institutions and the readiness to initiate talks of mandatory "code of conduct" for the region (Bader 2012: 105). Subsequently, in August 2012, a report by the US State Department also added that the US concern in the waters is to be interpreted as the preservation of "peace and stability," abidance to international law, unconstraint navigation as well as free flow of authorized commerce in the South China Sea and fully supported Southeast Asian countries in their attempt to bring resolution of the disputed claims with China through the regional conferences (Lawrence 2013: 21).

US and the ASEAN

The ASEAN was set up as a regional organisation by the Southeast Asian countries of Indonesia, Malaysia, Singapore, the Philippines and Thailand who adopted the ASEAN Declaration on 8 August 1967 in Bangkok (Lum et al. 2011: 5). The organisation

⁶ UNCLOS: United Nations Convention on the Laws of Sea

expanded its membership between the 1980s and 1990s, thereby including Brunei, Laos, Vietnam, Myanmar and Cambodia to become the current 10 members association it is today (Lum et al. 2011: 5). The fundamental goal set by the “Bangkok Declaration” was to “strengthen the economic and social stability” of Southeast Asia while striving to maintain “peace, prosperity, progress, cultural development and peaceful community” through economic cooperation (Jones 2012: 45). On 15 December 2007, a new ASEAN Charter came into effect replacing the Declaration with a more extensive goal (Lum et al. 2011: 5).

The US has always maintained a firmly established relation with Southeast Asia and gives high regards for the ASEAN ever since its inception (Lum et al. 2011: 1). According to William H. Overholt, President of “Fung Global Institute” and former Asia Policy Distinguished Research Chair at the “RAND Corporation” (California, USA), the ASEAN formation was supported by the US because of “national security reasons” as the efforts of forming other regional organisations to contain Soviet influence during the Cold War failed thereby resulting in tremendous US support of the organisation through programmes of “advisory, aid and institution building” and this assistance grew to be the basis of the ASEAN countries’ economic success (Overholt 2008: 171). Through this assistance, the US was able to broaden an efficient semi-alliance system to counter the Soviet influence in the region (Overholt 2008: 172).

However, it can be said that relation between the US and the ASEAN slowly took a backseat from the start of the 1990’s. As mentioned before, the US interest in the region started declining after the Cold War as the US shifted its interest to other parts of the world. Economic relation however continued robustly with the ASEAN due to the fact that priorities had then been given to economic relation over security relations highlighted in earlier discussion. On the other side, the ASEAN’s global political role was also getting more ambiguous due to the “Asian financial crisis of 1997-1998, the increase in the ASEAN membership, the war against terrorism and the changing roles of the US and China” (Overholt 2008: 172).

With the US at the end of the Cold War more concerned about promoting economic development in Southeast Asia prior to the 9/11 attack, Southeast Asian countries like Indonesia and Thailand gained tremendously from this changed policy of the US and with tremendous economic development which stabilized their countries, they were setting good examples for the other Southeast Asian countries to follow (Overholt 2008: 173). The Asian financial crisis of 1997-98 however affected these two countries badly and did not only weaken the ASEAN's growth but also caused friction in the US relation with the association. The international rescue package for Thailand's recovery was not approved by the US and this caused great resentment of the US in the region with the international economic institutions like the International Monetary Fund (IMF) and the World Bank losing their credibility with the ASEAN due to the perception that their responses were deeply influenced by the US (Acharya 2006: 126; Overholt 2008: 174-175). It was in this period that China scored big with the ASEAN because of the sound response it gave to the crisis by not devaluing its currency (Lum et al. 2008: 2; Goh and Simon 2008: 4). China's relation with the ASEAN will be discussed later in the chapter.

The ASEAN expansion during the same period became another issue of altercation between the US and the organisation. Around the mid-1990s the ASEAN began to welcome the remaining Southeast Asian countries to the organisation including Myanmar. The US with its new policy of propagating democracy and human rights by the start of the 1990s had reacted strongly against the Myanmar military regime's action which violated human rights and democratic principles by isolating and sanctioning the country. Though the US had been accommodative of authoritarian regimes in Southeast Asia, the Clinton administration was very much against the ASEAN's decision to undertake "constructive engagement" with Myanmar and highly resented Myanmar's 1997 official entry into the organisation (Acharya 2006: 124-125; Overholt 2008: 175). The Myanmar issue continued to create differences in the US-ASEAN relation which will be discussed in detail under the US policy towards Myanmar.

Another issue that changed US-ASEAN relation was the war on terrorism. It has been discussed that the US interest was back again on the region because of the campaign

against terrorism and bilateral relations with Southeast Asian countries improved significantly. Because of the terrorist attack on the US soil, the Bush Jr. administration's foreign policy became narrowly defined by the concern on national security (Overholt 2008: 175). The central US policy of prioritizing the advancement of economic and social progress secured by the military was now replaced solely by concern for military security and multilateral economic enhancement became secondary (Overholt 2008: 176). ASEAN's disillusionment with the US commitment to it stemmed mainly from the absence of the then Secretary of State, Condoleezza Rice, at the ARF meetings in 2005 and 2007 and the cancellation of the much awaited "2007 US-ASEAN" conference by President Bush (Ba 2009: 378; Lum et al. 2009: 4). ASEAN has always considered its regional forums as an important function of the organisation and as such read these as a sign of declining US support to it.

The US nonetheless made efforts to work with the ASEAN on the issue of countering terrorism. One of those efforts was the "US-ASEAN Joint Declaration for Cooperation to Combat International Terrorism" and was basically for "intelligence sharing, capacity building and improved border control" though practically, policies such as the "US-ASEAN multilateral security cooperation" is difficult to realise (Acharya 2006: 136). Though the war against terrorism once again raised the issue of security cooperation between the US and ASEAN, as mentioned previously, the six ASEAN members had formally requested the US presence in the region in 1992 for the sustenance of a "secure military balance" which the US readily accepted (Odgaard 2007: 69). An ambassador to the ASEAN was also appointed by the Bush Jr. administration and the "US-ASEAN Trade and Investment Framework Agreement" (TIFA) was also introduced (Lum et al. 2011: 3). The US nonetheless did not join the ASEAN Treaty of Amity and Cooperation (TAC) and was often hesitant to take part in the East Asia Summit (EAS) whenever the TAC was a prerequisite for participation in the Summit (Sutter 2009: 210).

With the Obama administration's shift in policy towards Southeast Asia, it had been made clear that revival of relation with ASEAN is an important part of the policy. The visit of the ASEAN's Secretariat by former Secretary of State Hillary Clinton, the

accession of the US to the ASEAN's Treaty of Amity and Cooperation and the participation of President Obama at the ASEAN leaders meeting at the beginning of Obama's tenure in 2009 are clear examples demonstrating the new commitment of the US (Lum et al. 2011: 1, 4; Manyin et al. 2011: 23). Agreements on anti-terrorism, transnational crime and non-proliferation as well as announcement on the "Joint Report on Strengthening the Partnership of Sustained Peace and Prosperity" were made in 2009 during the first US-ASEAN leaders meet after President Obama took over (Ming-Te and Liu 2012: 211). The reason for this renewed interest is because the Obama administration believes that Southeast Asia plays a crucial strategic role in US national interest when it comes to economic, security, military or political issues (Ming-Te and Liu 2012: 196).

Myanmar is another issue that the US and the ASEAN could not see eye to eye for most part of the 20th century. In the 1990s, the US had more divergent views with the "new" ASEAN over the issue of how to deal with Myanmar because the ASEAN had expanded its membership to include Myanmar as well (Overholt 2008: 173-174). As stated time and again, the US in continuation of promoting democracy and human rights in its foreign policy conduct severely criticised, sanctioned and isolated Myanmar's military government while the ASEAN opted for engagement with Myanmar from the beginning of the early 1990s (Acharya 2006: 124-125, Lum et al. 2009). In 1997, Myanmar was granted membership of the ASEAN despite the vehement protest of the US because member states wanted to limit China's dominance in the country (Selth 2001: 27). However, the Obama administration made it clear that Myanmar would no longer be an issue of conflict in the US relation with the ASEAN and improving relation with Myanmar has definitely enhanced US-ASEAN relationship.

Having highlighted the US policy in the region of Southeast Asia, attention will now shift to China and its policies towards Southeast Asia. It is important to include this discussion because China's rise has been perceived as an important factor both in US policy change towards Myanmar and the larger Asia-Pacific region as mentioned earlier. China's rise in general has resulted in policy shifts in the region of Southeast Asia. As the country is no longer hesitant on demonstrating its power especially in concern with territorial claims in

the waters of the South China Sea, the countries of Southeast Asia have seen the need to maximize their efforts to limit China and hence, engagement with the US has been seen as the most viable option to accomplish this. How this situation developed will be explained from over-viewing China's relation with Southeast Asia.

China and Its Southern Neighbourhood

To the south of China lies the region of Southeast Asia with which it shares significant land boundaries with the countries of Myanmar, Laos and Vietnam and maritime boundary with Vietnam, the Philippines, Malaysia and Indonesia to a lesser extent. China's policy towards the region has changed tremendously, especially from the Cold War years to post-Cold War years. Today, observers feel that China is taking advantage of its economic strength to dictate its policy towards Southeast Asia and other parts of the world (Lum et al. 2008: 1). Southeast Asia offers multiple advantage to China through its strategic location, its significant role as a point for administering the security system of Asia and the triumph of socio-economic development models of authoritarian regimes in Malaysia and Singapore which is consistent with China's goal of maintaining unlimited sovereignty and non-intervention (Odgaard 2012: 93).

Being a much larger country than its Southeast Asian neighbours, it is only natural that China exerts influence and power over these countries to its south. Historically, China perceived these countries to be its area of influence (Muni 2002: 5). In fact, the kingdoms of Southeast Asia during the late 13th century, excluding three Tai principalities, were never keen on rising up against China but instead paid homages to China obliging to its wishes for the assurance of their security (Stuart-Fox 2010: 84). The advent of European imperialism in Southeast Asia however brought a new political environment in the region and the suzerainty of China for some countries as well as the tributary relationship it maintained with others declined effectively (Muni 2002: 5-6). China's dominant position was, therefore, effectively checked by the European colonists who ruled over most of the Asian countries till the end of World War II.

Most of the countries of Southeast Asia became independent with the end of European colonialism and started charting their own political course. In the wider global political canvas, the United States and the Soviet Union emerged as the two dominant super-powers due to the decline of European powers and eventually became fierce competitors for power and influence which came to be known as the Cold War. Hence, the world was divided into two camps, one under the US influence and the other under the Soviet influence with countries aligning themselves either with the US or the USSR. However, for most of the newly independent countries of Africa, Asia and Latin America, it was not desirable to be under a new dominant power. Thus to avoid this situation, the Non-Alignment Movement was started.

The end of World War II also saw China evolve as a new political power. The nationalists led by Chiang Kai-Shek were soon overrun by the Communist and the People's Republic of China was established in 1949 as a communist country which needed to consolidate itself to the world especially to those closer to its vast periphery. The Communist party's take-over of China came at the most opportune time just when Western imperialism was ending in Southeast Asia (Stuart-Fox 2010: 81). China now had a great advantage to exert its influence in the neighbourhood as many of these newly independent countries opted to be non-aligned as had been mentioned. Even though China established itself as a communist country, it desired having its own sphere of influence without being dictated by the Soviet influence and hence, established its own ideology under Mao Zedong's guidance which it tried to export to its neutral or non-aligned neighbours (Storey 2011: 14-15). Therefore, during this period, advancing the Maoist ideology played a major role in its Southeast Asia policy (Storey 2011: 15).

However, since Southeast Asia at this time was fighting against communist fragments which were becoming hostile to the newly formed governments of the region, China's strategy of supporting communist insurgencies was therefore not welcomed by Southeast Asian countries and hence, China was viewed as more of a disruptive force in the region (Muni 2002: 7). China's relation with its neighbours therefore became complicated (Chi 2013: 14). Even China's initial perception of the Association of Southeast Asian Nations

(ASEAN) which was created in 1967 was that of “an anti-Chinese” and “an anti-communist” coalition (Ba 2010: 215) and was described in the 18 August 1967 issue of the *Peking Review*, the newsletter of China’s Communist Party, as an instrument of US imperial desire and Soviet revisionist policy designed for the outright opposition of China and its ideals and people (Storey 2011: 26).⁷

However, China’s active backing of rebellions in neighbouring countries ended in 1976 with the death of Mao Zedong (Muni 2002: 8). A reorientation of policy under the new premier, Deng Xiaoping, focussing more on economic development and modernisation as well as promoting peaceful co-existence was then undertaken (Muni 2002: 8). The December 1978 significant launch of market reforms thereby became the starting point of a new age in economic relations between Southeast Asia and China (Storey 2011: 35). China’s focus on economic progress not only resulted in improved ties with its neighbours but the swift expansion of the trade and business ties (Chi 2013: 17). By early 1990s, China was already intently pursuing the drive to improve relations with neighbours including Southeast Asia through the new policy of “international cooperation” with the aim of advancing China’s economic development while promoting its image as an accountable power (Bolt 2011: 278; Chi 2013: 17).

Aiding the initiatives undertaken for improving ties with Southeast Asia was the 1997 Asian financial crisis that boosted the image of China when it restrained from devaluing its currency and which helped in the economic stabilisation of Southeast Asia earning accolade from the region (Lum et al. 2008: 2; Goh and Simon 2008: 4). Thus, Southeast Asia became the best example of China’s success in advancing “common interests” to calm previous suspicion and unease about the territorial claims of China (Goh and Sheldon 2008: 4). China assist Southeast Asia by “non-development aids” and loans with little interest and with the “no-condition” clause on these aid and assistance, as opposite to those from other countries, it has earned praises as well as growing influence in the region (Lum et al. 2008: 4-5). The “non-interference” policy on internal affairs of other

⁷ Ian Storey (2011: 26) has cited the Peking Review’s 1967 report from the work of R.K. Jain (1984: 130).

countries also boosted the image of China in the region because China is perceived as a responsible country that respects the sovereignty of other countries (Lum et al. 2008: 5).

China, therefore, succeeded in advancing its economic growth through the close relation with Southeast Asia with which trade and investments grew massively. But as China grew to be a major power in the region, the security, political and economic environment of Southeast Asia also changed (Goh and Simon 2008: 1). China's growth has clearly generated an atmosphere of unease in Asian countries especially amongst the closer neighbours and a growing disquiet in Southeast Asia in particular that China may be forming its own area of influence with a tributary relation with some neighbours (Hao and Chou 2011: 2). While economically Southeast Asia has gained tremendously from closer relation with China, the region has become disturbed by the presence of a more powerful and dominating China (Cho and Park 2013: 69). Since the region is China's immediate neighbour, the threat of China's power is more real to them than it is for distant countries. Therefore, because of their geographical location, neighbouring countries of China are indeed "at the 'front line' of Beijing's rising power" (Elleman et al. 2013: 311).

Since the 1990s, China has been successful in yielding significant influence over countries such as Southeast Asia due to its effective economic policies as a prominent source of foreign aid, trade and investments in the region (Lum et al. 2008:1). The diplomacy exerted by China plus its reputation as an exemplary of progress and rich cultural history as well as its devotion to "shared Asian values" have also helped China's success in the region (Lum et al. 2008: 1). With these successes and its growing power, China, therefore, has become more confident in executing its political will in its foreign policy approach in the region. Though, China seemed to be focussing on restricting itself from inciting any violent dispute with its neighbours by embracing a tedious method of dialogue and procedures of conflict management in consent with all involving parties (Odgaard 2012: 87), its approach towards areas which it claims as a part of China has grown more and more questionable in recent years. In Southeast Asia, the South China Sea dispute has over the years displayed the growing assertiveness of China's approach.

The South China Sea issue is an important topic which has today become one of the most contentious issues in China-Southeast Asia relations because of the conflicting claims between China and some of the ASEAN countries.

China's Claim in the South China Sea

The one issue that has grown to put Southeast Asia in constant alert in relation to China's policy in the region has been the issue of South China Sea of which the latter has made a strong claim. The South China Sea has remained the most volatile in all of China's surroundings especially with its rise in the past decade (Elleman et al. 2013: 313). Scholars examining China's policy towards the South China Sea have highlighted that the major reason why China is laying vast claim over the Sea is because of its irredentist claim that several islands such as the Spratlys, the Paracels and others were under China's control centuries ago making it the legitimate owner today (Lo 1989; Shee 1998: 369-371). Shee Poon Kim, Visiting Professor at the Institute of International and Area Studies, Seoul National University (Korea), states that it is also critical to understand the South China Sea from this viewpoint of China as it exhibits the country's ambition and undertakings towards the Sea and Southeast Asia (Shee 1998: 369).

Today, many Chinese analysts are still supporting the claim that the South China Sea is an "internal lake" of China (Shee 1998: 369). Nonetheless, China's policy on the South China Sea throughout the Cold War period was neither a consistent nor far-sighted tactical approach due to the country's "anti-hegemonic" policy during the 1950s to 1970s as well as the "independent and peaceful co-existence" policy of the 1980s (Shee 1998: 370). However, the growth of China's power and influence since the early 1990s has made it more assertive in the area causing disputes with individual Southeast Asian countries. This dispute has made Southeast Asia become wary of overall Chinese policy towards the region despite China's claim in the sea being contested only by certain individual countries.

Therefore, China's calculated interests in the South China Sea cannot be made distinct from its general interest of Southeast Asia (Shee 1998: 376). Though China's shift towards Southeast Asia was because of the re-positioning of its force at the start of the Cold War from a "northward continental strategic perspective to a southward maritime perspective," its presence gradually raised security concern despite China's initial intention in the region's naval sphere being ambiguous (Odgaard 2012: 92). As a matter of fact, in recent decades the disputes of the South China Sea have become the ASEAN's top-most "security-related diplomacy" (Lum et al 2011: 8).

In 2002 the "Declaration on the Conduct of Parties on the South China Sea" was agreed to by the ASEAN states and China but it took another ten years to conclude negotiation on the actual Code of Conduct in 2012 (Desker 2015). Even though disputes over the territorial waters have been continuing since ancient times, it is the recent activities of China that has been creating new tensions in the area especially with the Philippines and Vietnam which are not willing to grant China a de facto control of the disputed areas (Desker 2015). China has been constructing artificial islands in the Sea housing airstrips, ports and helipads and enacting military equipment at an alarming speed thereby laying claim over 3.5 million square kilometres in the Sea (Benner 2016; Frasure 2016). It has also made it clear that it will not attend the Permanent Court of Arbitration at The Hague where the Philippines have resorted to for settlements on claims in the South China Sea because China wants bilateral settlements on the issue (Benner 2016; Frasure 2016). The ruling has declared its verdict against China's claim and though it is an important breakthrough, China has stated that it does not accept it.

China and the ASEAN

As previously discussed, China's initial perception of the organisation was of suspicion and distrust (Ba 2010: 215). The resentment between China and ASEAN began to change by early 1980s when the new foreign policy of peaceful coexistence and promotion of economic development under the leadership of Deng Xiaoping came into force and

China's support for communist insurgency in Southeast Asia ended (Muni 2002: 8-10). As China's economic growth facilitated the need for markets as well as trading partners, neighbouring countries became priorities of China and the end of Cold War plus the sympathies from Asian countries that China got in the Tiananmen incident of 1989 presented the country to forge good relations with its neighbours (Muni 2002: 11-15). China grabbed this opportunity to establish its influence in the region and a new path in China-ASEAN relations was soon paved. By the end of 1980, China was already making great efforts on building relations with those ASEAN countries with which it had not establish bilateral relations and this ultimately resulted in officiating China-ASEAN relations (Swee-Hock et al. 2005: 1).

The year 1991 is remarked as a watershed moment in China-ASEAN relation by Xue Hanqing, former Chinese ambassador to the ASEAN (Bolt 2011: 279). From this year on, China took several initiatives to express its interest in working with the ASEAN and became a "Consultative Partner" till 1996 when it was granted a "full Dialogue Partner" status at the "29th ASEAN Ministerial Meeting" in Jakarta (Swee-Hock et al. 2005: 1-2). When the Asian economic crisis happened in 1997, China's image as a responsible leader was boosted in the region. China by this time was making efforts to put economic progress through "multilateral trade" and "investment liberalization" central in its foreign policy agenda (Overholt 2008: 176). Because of this it was keen on developing good economic relation with its neighbouring countries and thus, reacted soundly to the 1997 Asian financial crisis by not devaluing its currency as discussed earlier. This helped in the economic recovery of the ASEAN countries and relations entered a new high.

Ever since this period, China and the ASEAN have been in good terms especially when speaking on economic relations. Trade and investment grew tremendously while cooperation on security issues also increased (Swee-Hock et al. 2005: 2-4). Noteworthy of mention is China's accession to ASEAN's "Treaty of Amity and Cooperation (TAC)" as well as the embrace of each other as key partners of peace and prosperity with the signing of the "Joint Declaration on Strategic Partnership for Peace and Prosperity" both in 2003 (Swee-Hock et al. 2005: 3, Solingen 2008: 29). China by 2003 had realised that

by consenting to the principle security interest of the region, China's own national security aspiration could be strengthened (Odgaard 2012: 94).

Another important aspect of the ASEAN-China relations is the expansion of ASEAN in the 1990s with Vietnam, Laos, Myanmar and Cambodia joining the organisation. For China this had multiple strategic importance because the enlargement provided the much need thrust for China's economic assimilation with Southeast Asia; for strengthening the voices against Western pressures of respecting human rights and political liberalisation as well as security issues; for opening and developing its landlocked Yunnan Province as well as access to the Bay of Bengal; and to effectively deal with the rising drug problem (Muni 2002: 16; 18). But interestingly, the primary reason of the ASEAN in welcoming these countries was to help them minimize their over reliance on China even though their reputations and records on human rights and democracy plus their economic conditions were indeed very low (Muni 2002: 18). This will be examined further when the Myanmar issue is discussed later on.

China's power growth especially concerning its growing military has failed to mitigate the growing unease in the region even though relation with the ASEAN improved significantly with time. The South China Sea issue, where China has been the most vocal in territorial disputes since the 1990's, has thus clearly hampered the development of closer relation between China and the ASEAN (Sutter 2012: 34). Nevertheless, as a result of ASEAN's active diplomacy in working on a resolve to the issue through a "Code of Conduct" between the late 1990s and early 2000s, China and the members of ASEAN could sign the "Declaration on the Conduct of Parties in the South China Sea" in November 2002 (Lum et al. 2011: 8). However, conflicts arising time and again do exemplify the limit or reluctance of the organisation to address the issue and recent incidents between China and the Philippines as well as Vietnam have been dealt with by the involving parties rather than the ASEAN as a whole (Lum et al. 2011: 8).

Though China has been expanding its influence in Southeast Asia by improving the bilateral ties with the countries in the region as well as with the ASEAN since the 1990s as could be clearly seen from the previous discussion, it is in Myanmar that China has

been the most successful. Specifically focussing now on Myanmar, examination will be made on how the bilateral relation has evolved throughout the times when China had taken great effort in enhancing its relation with Southeast Asia and the ASEAN.

China and Myanmar

China and Myanmar are nearby neighbours with around 1384 miles of Myanmar's north and northeast sharing the border with China's Yunnan Province. Myanmar, as is well known, maintained a good relation with China throughout the period of sanction and isolation from the West resulting in massive dependence of the country on China for assistance, so much so that the country has been described as a "de facto Chinese state" or "a virtual Chinese satellite" (Haacke 2006: 26; Zhao 2011: 253). However, issues of "illegal immigration, drug trafficking, gambling, transnational crime and smuggling" generated problems in the two countries relation apart from the fact that China's clout got minimized due to improved relations with countries like India, Thailand and Russia since the mid-1990s (Zhao 2011: 254).

But, the most significant and important factor bringing noteworthy changes in the two countries relation has been the recent political transition in Myanmar that has brought Western players notably the US in the country. According to the scholar Yun Sun, an expert on China's foreign policy and currently a visiting fellow of the "John Thornton China Centre" at Brookings Institute (USA), this has resulted in China's current economic engagement being contested by the West as well as its own political system with the overdue political reform being questioned by its own people (Sun 2012: 52). Myanmar's reorientation of foreign policy seem to be undermining China's initial plan of taking advantage of Myanmar's strategic importance in various platforms such as the ASEAN, the Indian Ocean and the whole region (Sun 2012: 52).

Scholars have mentioned that China's policy towards Myanmar being driven significantly because of the strategic location of Myanmar for China's opening in the Indian Ocean (Bert 2004: 264, Steinberg 2007: 220; Myint-U 2011: 29). Myanmar in fact occupies a

geo-strategic position of great importance as it is situated between India and China which are both nuclear powers and at the point where South, Southeast and East Asia meet (Selth 2003: 1). Because of this strategic location, Myanmar had in the past been compelled to bear the brunt of unwanted interest from neighbours as well as foreign powers which often subjected the country to an attack from outside (Selth 2003: 1).

Looking at China's interest in particular, the "Two Oceans" policy, which includes the Pacific Ocean and the Indian Ocean, has been documented by Chinese scholars in which Myanmar had been perceived as the connection to the Bay of Bengal and the wider ocean for China (Myint-U 2011: 29). Another important issue documented has been the "Malacca Dilemma" largely viewed by Chinese strategists as a future headache for China because of the dangers that the energy supply route of China could be blocked by adversaries in case of any hostility in the waters (Myint-U 2011: 29). Majority of China's commercial undertakings by sea passed through the Malacca Strait and thus, Myanmar offers a shorter and safer route transporting China's energy imports from other countries by skirting this route from the Bay of Bengal directly to Myanmar and then to China (Steinberg 2007: 220, Myint-U 2011: 29).

Closely related to this issue is the fact that Myanmar again is strategic for the development of the landlocked southern provinces of China like Yunnan which can be reached more easily from Myanmar as they share borders (Bert 2004: 264; Steinberg 2007: 220; Myint-U 2011: 29) Not just being advantageous for transporting China's energy supply, the two countries relation has been enhanced because of huge Chinese investments for the exploration of natural gas in Myanmar which is another Chinese interest (Herberg 2008: 81). Myanmar's rich natural resources like timber, precious stones, coal, natural gas have also attracted massive Chinese investments making China the number one investor in the country (Egretau 2003: 81-82; 87).

With these strategic interests on Myanmar, China's eagerness for strong bilateral relation since the 1970s does not come as a surprise. A further discussion highlighting the two countries relation so far will now be undertaken under three sub-division namely – bilateral relation before 1990; relation between 1990-2010; and relation since 2011.

Bilateral Relations before 1990

The earliest known contact between China and Myanmar was during the rule of the Tang Dynasty in China where records dating back to the early ninth century/802 A.D. showed that a musical troupe had performed at the royal court then (Than 2003: 190; Myint-U 2011: 37). This established warm relation between the two countries though border conflicts occurred then and again and with time Myanmar was subjected to several incursions from the side of China which was eventually resolved in December 1769 by the “treaty of peace and friendship” (Than 2003: 190). The British takeover of Myanmar by 1886 changed the political landscape of the country and because of the growing Burmese economy, trade was established with China resulting in Chinese migration to Myanmar though not as much as the Indians (Steinberg 1982: 39). Diplomatic relations were however established only after Myanmar’s independence from British colonial rule in 1948 as well as after the formation of the Republic of China in 1949.

Ever since its independence, Myanmar has chosen to be non-aligned in its foreign policy undertakings like many of the newly independent nations of Asia and Africa. In spite of this policy choice, China was always central in Myanmar’s policy making since this time due to the unease created by a big and more powerful neighbour and hence, good relation with China was desired by the Burmese government (Myint-U 2011: 50). It was therefore not surprising that Myanmar promptly gave recognition to the newly established People’s Republic of China in 1949 (Myint-U 2011: 50). According to the noted Burma studies expert, David I. Steinberg, even when Myanmar made the choice to remain neutral in the Cold War and in the dispute between China and Soviet Union, Burmese policymakers were very much attentive to China’s response on Myanmar’s policies (Steinberg 2006: 223). As such, by the mid-1950s a friendly relation owing to the strong bond between U Nu and Zhou Enlai, the leaders of Myanmar and China at that time, which is often described as *Paukphaw* in Burmese meaning brothers or cousins, was established by the two countries (Than 2003: 191). Eventually, as the friendship warmed, the treaty of “Friendship and Mutual Non-Aggression” along with the agreement on border issues were signed on 28 January 1960 (Steinberg 1982: 82; Than 2003: 191). Myanmar was

then granted with as much as \$84 million in aid in 1961, which was however suspended soon after the Chinese Cultural Revolution started creating a short period of tension between the two countries (Waddell 1972: 115-116; Steinberg 1982: 83-84, 123; Egreteau 2003: 74-75; Myint-U 2011: 51).

China's Cultural Revolution under Mao Zedong prioritized the promotion of Maoist ideology in neighbouring countries by supporting various communist rebels as has been previously discussed (Myint-U 2011: 51; Storey 2011: 14-15). In Myanmar, the "Communist Party of Burma" (CPB) by this time had transformed itself into a Maoist group and Maoist ideology was taught in Chinese Embassy funded schools with the purpose of forming "Red Guards" from students and handed out pamphlets propagating this, much to the dismay of the Burmese government and the people (Myint-U 2011: 51). Myanmar had by then been completely under the military rule which took over in 1962 in a coup and the "Burmese Way to Socialism" was undertaken with the nationalization of the country's economy (Steinberg 1982: 74-79). The Burmese people used the opportunity to carry out their disappointment on the new military government's unpopular policy on the Chinese businessmen leading to violence in the country (Steinberg 1982: 83). It was eventually ironed out when an agreement was reached by the two countries on October 12, 1970 which restored the relation with the exchange of ambassadors (Waddell 1972: 116).

China began embarking on a new policy by the 1970s under the new leadership of Deng Xiaoping, who had taken over since the death of Mao Zedong, and economic development was prioritised with the resolve to not interfere in internal affairs of others, promoting the notion of "peaceful co-existence" with its neighbours (Muni 2002: 8). Relation with Myanmar also improved and Deng Xioping made a visit to the country in 1978 (Egreteau 2003: 75). Since 1979, the intention to establish good relations with Myanmar is encompassed in China's larger policy of maintaining a peaceful environment especially in its neighbourhood for rapidly enhancing its own growth and development (Shee 2002: 35). But the major and most significant success of China in the bilateral relation began after Myanmar was sanctioned and isolated by the West in the early 1990s.

Relations from 1990-2010

The SLORC's decision to forge closer relation with China because western sanctions and isolation was starting to limit the country significantly improved China's relation with Myanmar from the early 1990s (Selth 2003: 1). With the West severing ties with the military regime of Myanmar and some Asian countries like India refusing to accept the military rule and distancing themselves, China therefore "entered a vacuum" where there was little or no foreign and local competition and made tremendous headway in the country (Myint-U 2011: 44). With the lack of fierce competition, China rose to become the number one ally of Myanmar with the deepening cooperation especially on defence issues causing an international concern especially amongst neighbouring countries (Selth 2003: 3). Around this time, China had also reacted severely against a pro-democratic demonstration in Tiananmen Square in 1989 and the countries, caught in similar situation, found solace in each other against the massive condemnations from the international community of their conducts (Egreteau 2003: 76).

As mentioned before, Myanmar's strategic location is central in China's interest and policy goals and since the 1990s, China has thus been demonstrating earnest commitment towards this and rigorously executing its plans through actions proving that the goals are "not just talks" (Myint-U 2011: 30). Because of this effort, the Myanmar-China border reopened for trade in early 1990 after being closed down for many years and resulted in the migration of more than two million Chinese in northern and north-eastern Myanmar whose businesses have now monopolised the economy of these places because almost all commercial firms from the "small shops to the big mining and construction firms" are owned by them (Myint-U 2011: 30). Over the years there have been heavy Chinese investments in Myanmar on various projects most prominently in the economic and military sectors. Hydroelectric dams from which majority of power generated will belong to China are amongst the important projects undertaken during this period (Myint-U 2011: 30).

With the absence of the West, China became the main supplier of military equipment to Myanmar and has since provided trainings for military personnel and with the exchange

of visits by military officers from both countries taking place frequently (Egreteau 2003: 89-101; Haacke 2006: 26-27; Sutter 2012: 33). It is true that the modernisation of Myanmar's military would not be possible without China's assistance (Than 2003: 207). China also undertook massive military and civil groundwork development projects such as the newly developed and renovated harbours and airfields for access to the Indian Ocean including those in Yangon, Kyaukpyu, Bassein, Sittwe, Mergui and Hainggyi Island (Selth 2003: 4; Egreteau 2003: 92; Haacke 2006: 26). However, the installations of SIGINT (Signal Intelligence) on these places became of great concern to other countries especially India (Egreteau 2003: 94-95; Haacke 2006: 26-27).

The deepening political relation between Myanmar and China throughout the military rule was demonstrated by the several state visits of leaders from both countries (Haacke 2006: 32-33). China's policy of "non-interference" in internal affairs of other countries has given Myanmar the much needed shielding against those which have tried to take actions on its poor human rights condition (Haacke 2006: 31). Tin Maung Maung Than, a senior research fellow at the Institute of Southeast Asian Studies (ISEAS, Singapore) has stated in his work,

In the United Nations General Assembly and other international fora such as the International Labour Organization(ILO) congresses, Western attempts to condemn and impose punitive measures on Myanmar on issues of democracy, human rights, and forced labour were repeatedly attenuated by China's refusal to accept harsh/sharp language and concrete measures (Than 2003: 195).

As such, in several occasions, China even acted as a mediator between Myanmar and the international community which is often critical of the actions of Myanmar's military leaders (Sutter 2012: 44). One noteworthy incident was the January 2007 veto by China and Russia on a resolution forwarded by the US at the UN Security Council calling for an action against the regime (Sutter 2012: 44). Then later in September 2007, when Myanmar was once again severely criticized by the international community on the insensitive crackdown on protestors led by Buddhist monks, China played the role of bringing Myanmar and the UN together for talks (Myoe 2015: 31-32). Time and again Myanmar also demonstrated its support for China's actions on incidents such as the Taiwan issue, and the military leaders have never been shy to show their gratitude on

China for its constant support while vociferously defending the nature of their relationship but repudiating the presence of any “influence” of China in Myanmar’s activities (Than 2003: 195).

Relations from 2011 to present

Domestic policy alterations to boost Myanmar’s reform process which began as soon as Thein Sein took over the presidency also influenced the country’s foreign policy undertakings. As China had been Myanmar’s closest friend during the military rule, putting off the on-going construction of the Myitsone Dam, a Chinese investment, by the new government in September 2011 signalled a new turn in the relation and became a defining moment of Myanmar’s policy reorientation towards China. The suspension of the Dam was interpreted as a bold move to indicate the country’s keenness to be less dependent on China though the official reasons stated were concern for the local people’s sentiment and the environment (Price 2011: 8; Steinberg 2015: 7; Seekins 2015a: 26; Clapp 2015: 2-3). Overall, many on-going Chinese projects started facing obstacles since the transition took place which even resulted in a less than \$1 billion drop in Chinese investments during the 2012-2013 fiscal years (Clapp 2015: 2).

The situation before the transition was however very different as could be seen from the previous discussion. Sanctions compelled the military rulers to depend on China whose influence became overwhelming especially in the business sector (Myint-U 2011: 114). This resulted in China becoming the number one investor in Myanmar as well as its most important marketing partner and a valuable source of capital and expertise (Haacke 2012: 57). However, in time, this increasing dependence led to the growth of sentiments against China overwhelmingly from the common people and even from some of the military leaders (Myoe 2015: 28). It is no doubt that the transition is increasingly observed as a measure by Myanmar to lessen dependence on China (Thuzar 2012: 214). The military rulers became more concerned of China’s growing influence in the country especially after the 2007 crackdown on Buddhist monks and the 2008 Cyclone Nargis disaster

where China was urged by the international community to push Myanmar's rulers to accept assistance from outside which is demonstrative of the perception of other countries of China as having a great influence on Myanmar's policy undertakings (Myoe 2015: 32-33).

However, despite China's investment projects in the country experiencing various hindrances since the transition, to assert that the bilateral relation would remain intact and close, President Thein Sein made an official trip to China in 2012 (Trivedi 2014: 96). The competition coming from the West especially the warming relations with the US (Clapp 2015: 6-7) and Myanmar's actions since the transition nonetheless compelled China to quickly realise the need to reorient its aids and assistance as well as its role in Myanmar's politics, economic and humanitarian grounds (Zhao 2014: 20). Therefore, initiatives on improving relations with the common people of Myanmar have been undertaken and 'friendship tours' have been conducted to foster better awareness of both countries where various Myanmar's political parties including the NLD, media and civil society groups have been prioritized (Zhao 2014: 20). China was also credited for bringing truce between Thein Sein's government and the "Myanmar National Democratic Alliance Army" (MNDAA), a rebel group in the region of Kokang, in June 2015 who were engaged in conflict that intensified early that year (McLaughlin and Zaw 2015).

China's rise has, therefore, brought many important changes in the region of Southeast Asia with the countries in the region undertaking various steps both to counter and accommodate China. With the rise of China changing not only the political contour of Southeast Asia but of the world, it has become critical for the US, the most powerful country till date, to alter its policies according to China and its activities in global political affairs while safeguarding US interests. According to Overholt (2008), "The greatest dilemma in US policy is how to respond to China's dynamism..." (Overholt 2008: 225). The previous discussion on the new rebalancing strategy of the US towards the Asia-Pacific region mentioned how the Obama administration took into account the role of China in the region. A detailed examination on the overall approach of the Obama

administration towards China will now be made to bring more clarification of the new US approach towards Myanmar.

The Obama Administration and China

The US-China relations remain an important conditioning factor in the management of global affairs especially after the end of World War II. The relation is also a unique one complicated by the entanglement of the countries in many spheres such as the strategic; economic; cultural; environmental; regional; and global to name only a few (Shambaugh 2013: 3). Their power is demonstrated by the massive size of their economies; powerful military and naval contingents; energy consumption; and other important firsts, with the US being China's biggest foreign direct investor while China is the largest foreign creditor of the US and they are the second largest trading partners to each other (Shambaugh 2013: 3). In such an environment, it is difficult yet important for the US that power balance is maintained not just for its national interest but also for the security especially of the Asia-Pacific region.

China has established an important "global strategic clout" because of its impressive economic success (Lawrence 2013: i). Despite the recent growing concern over China's projection as a major power, the Obama administration has continued with the policy of engaging China like his predecessors. China's power rise which became prominent by the early 1990s became a big dilemma for the US to construct an effective policy to manage the new emerging power. The Clinton administration opted engaging China and deepening economic ties with the country and acceded the "permanent normal trade relations" (PNTR) after much debate which eventually facilitated the country's entry into the "World Trade Organisation" (WTO) in 2001 (Tellis 2013: 79). Bush Jr. administration also continued with further enhancing economic relations with the country as well as its "global partners" despite the move to "strengthen the democratic states in China's periphery" so that their enhanced capabilities would counter China's "misuse of power (Tellis 2013: 92).

Though this choice of not containing China in the wider international political sphere has been opted, recent incidents indicate that the relation is not a close one but with a sense of growing disquiet which, however, is highly subdued (Aziz 2013). This is especially pronounced in the Asia-Pacific region where China's increasing military strength is seen as a growing threat. Evidences from the US military testaments to the Congress as well as the public statements ever since the end of 2009 have been increasingly showing the unease on the burgeoning military force of China and its growing aggressive behaviour in East Asia (Chye 2012: 112). The 2013 Congressional Research Survey report on US-China relation has stated that the US government perceives the military development of China as being targeted towards limiting the "US military's freedom of movement in Asia..." (Lawrence 2013: 2).

Despite this growing unease, President Obama in his meeting with China's President Xi Jinping in 2013 stated that the "peaceful rise" of China is embraced by the US because China's achievements are seen as critical for the growth of the world economy and would help in nurturing China to be in a position to address global problems that must be addressed through cooperation (The White House Office of the Press Secretary 2013; also cited in Lawrence 2013: 5). This was a reaffirmation of the administration's objective stated since the start of Obama's presidency that China would be perceived more as a "potential partner" in addressing global crisis than as an "inevitable adversary" (Bader 2012: 69). As such, the US has been undertaking policies that China's growth in power would continue to be passive and not disturb the peace and stability of the Asia-Pacific region by nudging China to adhere to international laws and rules especially the economic norms through increasing participation in multilateral platforms (Bader 2012: 70; Lawrence 2013: 5).

China's overwhelming growth throughout the 1990s has resulted in an altered behaviour of China these past years in its foreign policy conduct where it is seen as abandoning its "peaceful rise" policy especially in its immediate neighbourhood. Observers both from the US and China are increasingly writing about the decline of the US due to the economic recession as well as the war against terrorism which is limiting its foreign

policy conduct while China which was not affected much by these problems especially the recession has been observed as becoming a US challenger especially in Asia (Bader 2012: 80-81). Critics have often remarked that initially the Obama administration had “no strategic vision on Asia” and was more keen on “managing America’s decline than preserve its pre-eminence in the global order and work with China to sort global problems” (Pant 2012: 237). And because of this behaviour of the US, China abandoned the “superpower-in-waiting approach” and began to conduct itself like a fully established powerful nation (Pant 2012: 238).

In Southeast Asia in particular, China’s policy conduct in the South China Sea where it is currently involved in territorial disputes with several of the Southeast Asian countries as discussed earlier became clear evidences of China’s growing behaviour as a predominant power in the region. Clearly, it is also because of these developments that the US focus was shifted back towards the Asia-Pacific region when President Obama took office in 2009. With the US having multiple strategic interests on the region, it is indeed important for the US to make strong policy moves to preserve its interests especially from other powers who has the capacity of denying it. Though in the larger world context, there is still a huge gap between the US and China and China’s power may yet not be as threatening, in the Asia-Pacific region particularly in Southeast Asia however, the threat is paramount. The countries of Southeast Asia being much weaker than China need to keep a check on the growing power of China from over dominating them and thus, the US remains a significant source of strength for these countries. It is here that one questions how Myanmar comes into the larger picture of US policy interest in Southeast Asia.

US Strategic Interest in Southeast Asia and Myanmar

The Asia-Pacific region has become the new centre of power rivalry, increasingly labelled as the “New Great Game” in contemporary international politics with the region of Southeast Asia occupying a strategic part (Mishra 2014: 149). China’s growing power

as well as its uninhibited attitude in displaying its power especially its military strength in relation to disputes in the region has yielded this strained political environment (Mishra 2014: 151). Its steady rise in the past twenty years has also enhanced its prospect of becoming a formidable opponent of the US in the Asia-Pacific region (Selth 2001: 25; Muni 2014: 9). With the winding down of the wars in Afghanistan and Iraq, the region has also seen the “return” of the US through the “rebalancing policy” which is in part a move to reaffirm US commitment in the region particularly Southeast Asia (Clinton 2011; also cited in Muni 2014: 8-9). Though in actuality the US never abandoned the region per se, however with the need to focus US attention elsewhere as has been discussed before, a feeling of neglect became particularly vocal from the ASEAN (Lum et al. 2009: 1). Therefore, the focus of the rebalancing policy in Southeast Asia has been not only to strengthen ties with countries in the region but also to improve relations with the ASEAN with the concern for China especially the issue of the South China Sea being prominent in the agenda.

As previous discussions highlighted, altering US policy towards Myanmar has also been an important part of the new US policy reorientation. Though the dissatisfaction over the previous sanctions and isolation policy has been highlighted by the Obama administration as the main reason for the move (Clapp 2010: 411), it is difficult to isolate the policy change from the larger political situation of Southeast Asia and the role of China (Haacke 2012: 54-55). In the region itself, since the 1990s, the close Myanmar-China relation especially concerning the military partnership drew considerable attention and hyped the more acute apprehension that the relationship could endanger regional balance resulting in important policy changes from Asian governments such as the inclusion of Myanmar in the ASEAN (Selth 2001: 26-27). For the Asian neighbours, the geostrategic location of Myanmar and the impact that China’s dominance in the country could make in the region became the drivers of policy making concerning Myanmar. The case had been different for the US throughout these periods and with Myanmar having no strategic importance in US policy calculus, the US could afford to isolate and sanction it (Brooten 2005; Thawngmung and Sarno 2006; Steinberg 2007).

With this sense of Myanmar's insignificance dominating US policy towards Southeast Asia in the past, the policy reorientation of the Obama administration has, therefore, led to the perception that the impending political situation in Southeast Asia has driven the US to change its perception of Myanmar from a "pariah" to a "strategic" country. The issue of China's growing influence in Myanmar was also noted by some US policymakers as well, like Senator Jim Webb (Democrat, Virginia) who opined that US sanctions compelled Myanmar to depend more on China (Clapp 2010: 412; Congressional Hearings I, US 111th Congress, Senate 2009). The Senator's proposal for improved ties with Myanmar was backed by other leading congressmen like Senator John Kerry (Democrat, Massachusetts) and Senator Richard Lugar (Republican, Indianapolis) who were also disturbed about the "strategic balance" in Southeast Asia apart from the concern for the people of the country (Clapp 2010: 419). Their support had been crucial in advancing the policy of US engagement with Myanmar in the Congress.

The Obama administration announced from early on that the primary focuses of the US is on Myanmar's dedication to its domestic reforms and on the enhancement of democratic principles and human rights in the country and not about challenging China for sphere of influence in the region (Haacke 2012: 53; Sun 2014: 1; 5). Nonetheless, China occupying an important position in the new policy calculation towards Myanmar is also evident in the "larger strategy" of the Obama administration and demonstrated in the appointments of officials such as the Assistant Secretary of State Kurt Campbell, who has been part of the initiator of US policy change towards Myanmar, had previously worked extensively on the issue of the rise of China as well as the balance of power in the region of Asia and had been an important part of the team devising the new US policy toward Asia (Haacke 2012: 56). In fact, Obama's 2012 visit to Myanmar had been interpreted as an indication that the administration's Asia policy also encompasses minimizing the influence of China in the region (Mishra 2014: 156).

The Obama administration promotes the enhancement of cooperation and multilateralism when dealing with issues of international concern which has in the past years reduce the burden on the US to manage global affairs so that the government could concentrate on

strengthening the domestic economy and reassure the general public that the country has moved on from the Bush Jr. era “foreign policy adventurism” (Aziz 2013; Muni 2014: 8-9). The rebalancing policy in the Asia-Pacific region has also been intently pursued by strengthening US bilateral relations as well as improving relations with various regional organisations in the region. Particularly in Southeast Asia, the US policy intention could be clearly interpreted from the early indication that relation with the ASEAN would be given due importance and as earlier discussion highlighted, the Obama administration has been actively pursuing steps to improve the relationship (Lum et al. 2011: 1, 4; Manyin et al. 2011: 23; Mishra 2014: 151). Though differences in the approach towards Myanmar had in the past created tension between the US and the ASEAN, the Obama administration stated that the Myanmar would no longer be the reason of contradiction in the US relation with Myanmar (Bader 2012: 95). While engaging Myanmar has been perceived as an advantage for the US in furthering its wider goal of strengthening ties with the ASEAN (Sun 2014: 5), this goal of strengthening the US-ASEAN relation cannot be isolated from the concern over China’s growing power and its increasing engagement with countries of Southeast Asia either (Haacke 2012: 55; also cited in Sun 2014: 5). In fact, the US has intently pursued policies to balance China’s growing dominance and assertiveness in Southeast Asia especially on the issue of the South China Sea (Sun 2014: 5). The 2009 Congressional Research Service report on US-ASEAN relations stated that the US approach towards the ASEAN and Southeast Asia is “a cast against the backdrop of great power rivalry in East Asia, and particularly China’s emergence as an active diplomatic actor in its geographic backyard” (Lum et al. 2009: i). Therefore, it is quite evident that China’s growing power is indeed occupying important position in US policy towards Southeast Asia.

What all these have resulted to is the growing debate on US interest in Myanmar, on whether the geo-political importance of Myanmar can assist US in managing China and its rise (Steinblock 2014). This bent shows the serious concern over China’s growing assertiveness in the region and how Myanmar is increasingly seen as a crucial element in the larger US strategic calculation for the management of its interests in Southeast Asia. It is for this reason that Myanmar is increasingly perceived today as an important factor

along with other countries like Australia, Japan, India, Korea and the Philippines for managing China's growing assertiveness in the region (Aziz 2013).

Conclusion

The "strategic contours" and "security concerns" of the Asia-Pacific region have been deeply affected and altered by both China's growing power and by the US reaction to this development especially after President Obama came to office in 2009 (Muni 2014: 3). With the Asia-Pacific region becoming the new centre of geopolitical attention, the changed policy towards Myanmar came at the most opportune time. The Obama administration's objective of committing the US towards greater partnership and combined efforts on compelling global issues and to facilitate relationship with countries considered as "outposts of tyranny" which have been isolated by the US in the past had indicated the US intent on forging a new relationship with Myanmar (Clapp 2010: 411).

The keenness and haste in the process to alter the conduct towards Myanmar after more than two decades of isolating and sanctioning the country certainly highlights that there indeed is a larger interest beyond the frustration voiced by Hillary Clinton upon her return from her first official trip as the US Secretary of State that the previous US policy was not nearing the goal of setting up a democratic government in the country (Clinton 2009; Clapp 2010: 413). The seven months long reassessment of the Myanmar policy had in fact been the first expansive evaluation undertaken by the US of the two countries relation after many years (Clapp 2010: 410). With China's growing power and increasing claim over the territorial waters of the South China Sea getting stronger, the US policy of strengthening its ties with Southeast Asia has become more critical both for the US and the countries of the region. As such, the reorientation of policy towards Myanmar has also come at the most opportune time both for the US and Myanmar.

Therefore, maintaining relation with Myanmar is definitely encompassed within the Obama administration's resolve to reset US foreign policy focus primarily on Asia and to enhance relationships with China's neighbours in the region which has become tense

about the growing “assertiveness” of China (Baker 2012). Abraham M. Denmark of the National Bureau of Asian Research (Washington D.C., USA) believes that US rebalancing to the region is important for preserving the prevailing political condition as well as the “power balances” which have stabilised the region till date though the US policy itself would not bring significant change in the “fundamental structure or nature of US-China relation” (Denmark 2015: 29). In such an environment, it therefore is important for the US to maintain close relation with all the countries of Southeast Asia so that its interest of preserving the status quo in the region is safeguarded. As such, the US has been giving its full effort to enhance its relation with Southeast Asian countries including Myanmar so that China’s climb towards the stature of a “hegemon” in Asia may be averted (Mishra 2014: 151).

Myanmar itself has been perceived by many observers as becoming the new area of competition for influence between the US and China in Southeast Asia (Steinbock 2014). As mentioned, the political transition of Myanmar to a democracy tremendously boosted US policy reorientation towards the country while minimizing the influence of China on Myanmar. China’s burgeoning influence which has been clearly highlighted before could be reduced only because the transition brought in new players, notably western countries, which has resulted in greater “geopolitical competition” amongst the big powers of Asia and enabled Myanmar to manoeuvre its policy conduct with more independence (Denmark 2014: 76). The US is slowly easing sanctions and increasing investment in the country while China is encountering various obstacles in important investment projects which has been agitating Chinese investors these past few years (Steinblock 2014). The country’s political transition has therefore allowed Myanmar the much needed flexibility for maximizing its national interests through cooperation with multiple players.

Coming back to the US and its policy interest in the region of Southeast Asia, the improved relation with both the ASEAN and Myanmar is definitely an advantage for the US especially in its management of China’s influence in the region. As has been highlighted, engagement with Myanmar has already helped in improving its relation with the ASEAN. As mentioned, the Obama administration is keen on working on global

issues and crisis by involving more players than by a unilateral approach both due to the economic constraint of the US as well as to not over commit the US beyond its capabilities while at the same time reassure other nations that the US is still leading in the management of global affairs. Therefore, the more its relation with countries in Southeast Asia and the ASEAN is strengthened, the US has more advantage in advancing its policy goals in the region of which preserving peace and prosperity of the region is an important part and the reason why China's growing power needs to be balanced out.

CHAPTER 5

Conclusion

Fostering engagement with Myanmar has been the Obama administration's remarkable foreign policy achievement. The recognition that Myanmar is currently enjoying from the US is very different when compared to the previous interest it triggered in US policy making. From being one of the most criticized and neglected country of the US in terms of strategic interest, even earning a position amongst those considered as "rogue states" or "outposts of tyranny" because of its bad record on the issue of human rights condition in the country, to becoming the new centre of US attention in the region in itself speaks volumes on the changing relation as well as the improving status of Myanmar in US policy calculation. The country is definitely moving out from the position of minimal importance it once occupied in America's grand design of the Asia-Pacific region to one that is more instrumental for US policy conduct in the region (Baker 2012). The change, no doubt, will remain an important watershed in the two countries relation.

This remarkable re-adjustment of US policy towards Myanmar has been examined in this study through the analyses of the sanctions and isolation policy as well as the larger strategic interest of the US in the region of Southeast Asia. To bring more clarity on the issues to be analysed, the study first examined the political history of Myanmar and the beginning of relations with the US. Hence, the historical background listed in Chapter 1 gives an overview of Myanmar's political condition from the later period of World War II until 1990 within which the country which started out as a democracy came under permanent military rule in 1962 after its independence from British colonialism in 1948. Various sources, especially the literatures perused, reveal that the early US ties with the country, starting with the effort to drive the Japanese out from Myanmar during World War II (Steinberg 2006: 223; Badgley 2004: 14), eventually evolved as a part of the

wider Cold War strategic design of the US for checking Soviet expansion in Southeast Asia (Steinberg 2006: 223) and that the involvement through economic aid and assistance, counter-narcotic initiatives and searching for the remains of US soldiers who perished during the offensive against the Japanese became largely inconsistent after the military take-over in 1962. The chapter also described how these US engagements finally came to a halt after the take-over of the military in a second coup in 1988 when the brutal suppression of protestors by the military took place followed by the military's refusal to accept the verdict of the 1990 election result. From this period on, the US sanctions and isolation policy arrested the two countries' relations and the policy, especially the intensification of US sanctions, lasted for more than two decades mostly because the military continued their rule ignoring democracy and there was no improvement in human rights condition, and it was only in 2009 when President Obama entered the White House that he and his administration brought an overall different approach towards Myanmar.

Pertaining to the sanctions and isolation policy, the study narrowed the focus down to two basic issues concerning the policy which are: i) the role of US policy makers, notably the executive branch headed by the President and the legislative branch or the Congress, in the formulation and undertaking of the policy on Myanmar since its initiation in the early 1990s; and ii) the efficiency of the policy in achieving the stated goal of democracy and improved human rights condition in Myanmar. The first issue of focus was addressed in Chapter 2 where an in-depth examination of the US sanctions and isolation policy was made to determine if the Congress was indeed the more active player than the executive in the policy towards Myanmar both in the isolation and the engagement periods. For this, the chapter focussed on the US conduct on Myanmar under various administrations starting with Ronald Reagan to Barack Obama and how the sanctions and isolation policy was formulated and executed by each administration.

For the sanctions and isolation period, analysis was made from the reactions of both the executive and the Congress in condemning the various behaviours of the military and when passing legislations for sanctioning the military. The observation made in the

Chapter clearly highlighted the overwhelming majority of support from the Congress for each of these undertakings. This tremendous support in the Congress also highlighted the strong bipartisanship in the Congress concerning sanctions on Myanmar. Moreover, the Congress had been more prompt than the executive in reacting to situations in the country and a majority of executive actions conducted were undertaken after a strong push from the Congress. Strong congressional influence also at times altered US policies towards Myanmar and these evidences of prominent actions of the Congress in US decision making, were therefore considered as clearly determining the Congress as the more proactive force. Even in the engagement policy under President Obama, though a stronger executive action had been prominent with many congressmen initially unsupportive of the new plan, nevertheless, it is being concluded that there is definitely a continuation of active congressional participation. The numerous consultations made with the congressmen during the planning of the new policy, sanctions remaining intact despite the decision to abandon isolation. Besides, there was the extension of several sanctions despite the lifting of some by President Obama. Moreover, the recent activities of the Congress especially in relation to the defence and military cooperation with Myanmar where the Congress has been allowing only the continuation of on-going programmes in these areas and denying any expansion to include more comprehensive issues were highlighted as determinants of the continued active role of the Congress.

Another issue related to the sanctions and isolation policy which, as mentioned, analysed the efficacy of the policy in altering the behaviour of the military to bring democracy in the country and the improvement of the country's human rights condition was captured in Chapter 3 of the study. The observation made in Chapter 3 demonstrated that claiming the policy as not achieving the stated goal and an outright failure in affecting the military regime to change had been difficult to be affirmed (Martin 2013: 8). The examination of the continuation of the military's capability of ruling the country for almost three decades though sanctions were in place affirmed that the policy did not affect the military leaders to change and the continued decline in human rights conditions of the common people with the continued arrest of political dissenters, and the conflict with ethnic groups also support this claim. The unintentional effects of sanctions on ordinary citizens, especially

after the implementation of the BFDA of 2003 which resulted in unemployment for thousands of workers a majority of which were women also demonstrated that sanctions resulted in unwanted consequences. However, a more in-depth examination on the conduct of the military regime showed that releasing Suu Kyi from house arrest several times throughout her incarceration and the military's own desire to transform the political system to a democracy surely were signalling the desire to improve relations with the US several times. Then it is observed that Suu Kyi made the claim that it was the growing constricting nature of sanctions which became more and more specifically targeted towards military leaders that pushed the military towards reform in order to reduce the limitation of sanctions. Therefore, the study finds the outright claim of the failure of the sanctions policy as ambiguous and hence concluded that the effects of sanctions in achieving the stated goal cannot be clearly determined.

Finally, in Chapter 4, the study made an observation on how Myanmar features in the larger US interest in the region of Southeast Asia particularly on the ambition of deepening ties with the ASEAN and keeping a check on the rise of China. In this Chapter, the study's aim was to determine if the deepening ties between Myanmar and China as well as the rise of China itself compelled the US to reorient its Myanmar policy. Analysis had been made from the examination of the US "rebalancing to the Asia-Pacific" policy and how Myanmar had been encompassed in this policy. The study examined the importance of China's rise in the recent past; China's policy conduct in Southeast Asia in the context of US rebalancing policy; how the concern for China's strong ties with Myanmar played a role in influencing the Congress to support the engagement policy; and how Myanmar was considered as an important factor for improving ties with the ASEAN which in turn is essential in enhancing and protecting US interests in the region. All these aspects influenced the reorientation of US policy towards Myanmar and promoted engagement with Myanmar.

The study of US policy change on Myanmar under the Obama administration, therefore, encompassed a wide range of issues critical in the two countries relation. The role of the Congress which remains prominent since the period of sanctions and isolation to the new

engagement period will remain a formidable force in checking the executive on the conduct and approach towards Myanmar to make sure that US interests are realised without compromising on any of Myanmar's slip-up on its reform movements. The most crucial of developments between the two countries had been the waiving of sanctions since 2012, also discussed in previous chapters, which has continued till date with the most recent one being waived in May 2016 which eases the ban on ten public sector companies relating to "banking, timber and mining industries" though many sanctions which block trading and investment with companies owned by the military are still very much in place (*BBC* 2016). This demonstrated that sanctions will certainly be eased further with Myanmar's progress and development, which is highly promising now that the NLD has come to power, but its complete removal may however not be in close sight apart from the fact that laws are difficult to be repealed, and the Congress would have to be fully convinced that the country's development would not be reversed back by the military.

Though it looks like an unlikely event for the military to forcibly retain power in the near future, yet the concern is difficult to erase because of the guarantee of the military's continued dominance in the country's politics by the Constitution granting them twenty-five percent seats in Myanmar's parliament which indefinitely gives them the power of veto. Without the amendment of this clause, scepticism no doubt remains. In fact, before the November 2015 election in Myanmar, votes were taken in June 2015 for the reduction of the requirement of a seventy-five percent majority for any amendment to the Constitution and even with sixty percent majority voting in favour, the clause requiring seventy-five percent majority blocked the prospect of the reform to the Constitution (*Radio Free Asia* 2015; Drennan 2015).

Though these past few years have directed US attention to other parts of the world because of several impending crises especially in the Middle East, the US remains committed to the Asia-Pacific region and the "long term strategic-imperatives" of the region remains a critical part of US policy interest as stated by Secretary of State, John Kerry, in his speech at the East-West Centre in Hawaii, USA (Kerry 2014, See also

Appendix). The importance of Myanmar in this US strategic calculus in the region of Asia was reaffirmed by Secretary Kerry during a joint press meet on 22 May 2016 in Naypyidaw with Suu Kyi, who now holds the portfolio of Foreign Minister and State Counsellor of Myanmar, when he stated that Myanmar is the prime focus in the US policy on Asia just as Asia is being given prime importance by President Obama in his administration's foreign policy conduct and added that the US would continue assisting the country further on its ongoing reform movements (Kerry 2016). The transition to a democracy becoming more concrete because of the victory of the NLD in the 2015 general election in Myanmar and the party already heading the government since March with the induction of President U Htin Kyaw, Suu Kyi's close aide, it has become extremely favourable for strengthening the democratic institutions already in place in the country and for further enhancement of the progress and development in the country which have been undertaken since 2011.

The US is, thus, presented with a great opportunity to intensify its assistance on Myanmar's reform movements and deepen relation with the country. The initial steps of enhancing ties with Myanmar was undertaken by opening dialogue with the country with important exchanges of state visits by leaders and officials of both countries followed by the appointment of a new ambassador to the country in 2012 as highlighted before. There is robust continuation of these activities till date. With the NLD's victory opening more favourable circumstances for the US, it is important that the US formulate a "new, constructive role for itself in this fast-changing environment" (Nguyen 2015: 1). There are several prospects for the US that can be enhanced during the rule of the NLD which would not only assist Myanmar's democracy to become stronger but most importantly, for safeguarding and enhancing US political and economic interests in Southeast Asia.

The United States efforts to strengthen its ties with Myanmar as well as to further encourage the country in moving ahead with its democratic transition have been undertaken mostly through economic aid and assistance, trade and investments and US support through funding and technical assistance of international institutions aiding Myanmar (Govt. of US, Dept. of State). The US still needs improvements on several of

these undertakings. The crisis in the state of Rakhine where Rohingyas Muslims are facing continued persecution is one the most important issue that needs to be properly evaluated and addressed by the new government. Because of the sensitiveness of the issue, the NLD especially Suu Kyi is already under pressure and attacks for not being more vocal about the problem. Since the US is already providing assistance for aiding “vulnerable communities” in the country including those in Rakhine (Govt. of US, Dept. of State), the US can also push the new government to settle this issue by proposing substantial policies to the NLD government (Nguyen 2015: 3). This issue had been seriously raised by the Obama administration through various officials including President Obama himself several times in the past. Anne Richards, US Assistant Secretary of State, has even proposed granting of citizenship to the Rohingyas as the way to solve the problem rather than “segregation” as is happening now in the country since 2012 or “resettlement” which is also the current situation (Haacke 2015: 23). This is going to be the most challenging task for the new government and presents a good opportunity for the US to offer its advice and counsel for settling the problem.

The development and growth of US-Myanmar economic relations since the transition which has been enabled by the waiving of sanctions is one important issue that requires further progress. Though US trade and investments in the country have increased after the removal of restrictions on imports and exports, there is still continued reluctance by big US companies especially the banks in making more investments in the country because of the danger of sanctions getting re-imposed (Dalpino 2014: 33). It has been found that whatever investments the US made so far in the country are “slow to materialize” (Haacke 2015: 20). However, now that the NLD is in control, there is greater prospect that the US will bring more waivers of sanctions in the coming future which, would definitely hasten economic partnership with the country. Trade between the two countries has already increased tremendously from \$10 million in 2010 to \$184 million in 2015 but is still very weak when compared to other countries in Asia. A strong Myanmar economy which according to the Asia Development Bank (ADB) is estimated to grow at a high 8.3 percent in early 2016 and 2017 (ADB 2016), is definitely in US interest. Hence, to further

assist Myanmar in sustaining this growth, it is important that the US enhance its trade and investment with and in the country.

The US assistance had been undertaken through many US government institutions of which the USAID (United States Agency for International Development) Mission plays a very important role. Through the mission, the US has given tremendous support to Myanmar's reform movements since it was restarted in 2012. The developmental assistances where the United States have given more than \$500 million since 2012 have encompassed the enhancement and continuation of support for primary economic and political reforms, to guarantee that common citizens are not left out from the country's reform movements and to aid in the country's effort in checking "division and conflict" (Govt. of US, Dept. of State). Soon after the 2015 election, officials of USAID met NLD leaders to learn the policy choices of the party and how the US may assist it (Nguyen 2015: 2). The US in fact has a great opportunity to assist the NLD in the new term of the government because "the capacity-building" requirements by the newly elected NLD lawmakers is quite extensive as many of them have no experience in the practice of state governance and will definitely need huge development funding (Nguyen 2015: 2).

Another favourable issue that could be enhanced further with the NLD in power is the defence partnership between the two countries. As of now, the partnership is limited to training, discussions and education on issues of human rights, the rule of law especially concerning armed hostility, "civilian-control of the military," disaster management and learning English (Haacke 2015: 21; Nguyen 2015: 2). The State and Defense Department in 2013 proposed an E-IMET (expanded-International Military Education Training) programme which would include only the education of and the training on issues such as non-combatant military activities, universal human rights and humanitarian laws, administration of military assets and mutual effort in countering illegal drug production in place of the regular IMET programme because the Congress was strongly against its reinstatement (Haacke 2015: 20-21). Working towards bringing this programme to action in the future would definitely be a way forward. For the E-IMET programme, the State

Department even allocated funds amounting to \$250,000 for the FY 2015 but the opposition by the Congress and other groups resulted in barring of this fund for Myanmar through the “State, Foreign Operations, and Related Programs Appropriations Act of 2014” with the “National Defence Authorization Act” allocated for FY 2015 further constricting the Defense Department’s undertakings beyond the programmes already in place and required that different committees of the Congress be briefed on activities and issues which would allow the Congress to check any future “military-to-military” ties which would reinforce the national security plan of the US as well as the reforms in the country (Haacke 2015: 21). Apart from the economic relation, this partnership is another important issue for the US in the pursuit of its larger goals in Southeast Asia. Though not the head of the government due to constitutional ban, Suu Kyi is still the driver of the government and this provides a great opportunity for the Obama administration to help strengthen the democracy in Myanmar to convince the Congress that defence cooperation can be enhanced a little further than what is currently pursued.

Last but not the least, China issue is another important prospect that the US can promote and pursue. The current study has already highlighted the importance of China for the US political and security plan in Asia. Though the Obama administration denied that China’s strong role in Myanmar is a factor that drove US engagement policy with Myanmar (Haacke 2015: 21), it has been affirmed in this study that there indeed is an influence of China in US policy on Myanmar. Instead of the disappointment over the sanctions and isolation policy urging the administration to change the conduct towards Myanmar, the compelling security and political relations in Southeast Asia looks more prominent and dominating in influencing the policy change on Myanmar. The US surely does not promote hostility with China and is not in its interest to do so either, but for guaranteeing that its strategic goals in Southeast Asia are not curtailed by China, the US has taken several steps as has been highlighted in the current study. Constructing “political-security” relations with Myanmar is in US interest so that this partnership would enhance US ties with the ASEAN and augment the endeavours of the Obama administration to build as well as strengthen security cooperation in the larger “Indo-Pacific region” (Haacke 2015: 22). As stated before, Secretary Kerry affirmed the centrality of Myanmar

in this grand design of the US. Therefore, with China's relation with Myanmar suffering a decline since the transition took place, there is great opportunity for the US to deepen its ties with Myanmar. The study previously highlighted how China has already taken efforts to improve its image in the country of which improving ties with the NLD was undertaken before the 2015 election was conducted and therefore, China would definitely push its influence now that the NLD is in power. It is in this environment that the US will need to carefully calibrate its policy on Myanmar by not taking steps that could trigger problem with China but at the same time would check China's influence in the country as well as in the region so that the strategic interest of the US are not hampered. Being the biggest supporter of the NLD since the days of the early 1990s when it was hardly imaginable that the party would one day come to power, the US now has full advantage to fortify its relation with Myanmar.

The study, therefore, gave us an outline of the US-Myanmar relation and how the tie that never really was important evolved into something of strategic importance. With Myanmar's transition to a democracy progressing far greater than was initially expected especially now that the first civilian democratic party is in power, the democratic foundations of Myanmar is getting stronger than it ever was. The US with its policy of supporting democracy in the country since the 1990s has finally seen what it aspired for the people of Myanmar though the way it evolved has not been how the US imagined it. However, with the strong support for the enhancement of democracy in the country since the transition took place, the US definitely has a place to congratulate itself. As David I. Steinberg (2014), a prominent expert on Myanmar issues, puts it, "The only 'success' of US foreign affairs in East Asia during the Obama administration, if there are successes in foreign policy, has been that of Myanmar" (Steinberg 2014: 120).

APPENDIX

U.S. Vision for Asia-Pacific Engagement

Remarks by John Kerry, Secretary of State

East-West Centre Honolulu, Hawaii

13 August 2014

MR. MORRISON: Well, thank you. Aloha. I want to welcome everyone. And for our online audience, and also for the Secretary, I'd like to describe who is here in our audience. We have the mayor of Honolulu, Mayor Caldwell. We have our senator, Mazie Hirono. We have our former governor, George Ariyoshi, and our other former governor, John Waihee. We have many members of the business and intellectual and public affairs community here in Honolulu. We have members of the diplomatic corps. We have members of our men and women in uniform. We have the members of the board of governors of the East-West Center. We have the staff of the East-West Center. We have friends of the East-West Center. And most importantly, we have future leaders of the Asia Pacific region. And I was just telling the Secretary, I think yesterday we welcomed 130 new participants from the United States and 40 other countries. They're here on a unique program to prepare them for being future regional and global leaders.

Now, how do you introduce a man who is so well-known for his own leadership and --

SECRETARY KERRY: First thing, you can just tell everybody to sit down.

MR. MORRISON: Oh. (Laughter.) Please sit down, yes. (Laughter.) Thank you, Mr. Secretary. Anyway, as you know, he has served in war and peace. He was a senator for 28 years; 59 million Americans voted for him for president, including 54 percent of the voters of Hawaii. (Laughter and applause.) But as a former senate staff person, I thought the way to really check him out was to see how his confirmation hearing went. Now, the issues were controversial but the nominee was not controversial, and what his former colleagues said about him, Republicans and Democrats, I think give the essence of the man: extremely well prepared, born in a Foreign Service family, served all 28 years on

the Senate Foreign Relations Committee, four years as the chairman of that committee. He knows the languages – several foreign languages, countries, leaders, and issues. He is a man of incredible moral and intellectual integrity. He brings conviction and compassion to his job and great energy. He has been, I think, on his seventh trip to Asia, coming back and so we want to welcome him back to the United States. We want to welcome him to our most Asia Pacific state, and we want to welcome him to the East-West Center, an institution that's building community with this vast region which is so systemically important to the future of the United States.

Mr. Secretary of State. (Applause.)

SECRETARY KERRY: Thank you. Well, good afternoon, everybody. Aloha. It's wonderful to be here in Hawaii, and man, I can't tell you how I wish I was as relaxed as some of you in your beautiful shirts. (Laughter.) Here I am in my – whatever you call it – uniform. Uniform, some would say. But it is such a pleasure to be here. Mr. Mayor, it's great to be here with you. And Mazie, thank you. It's wonderful to see you, Senator. I'm very happy to see you. Thanks for being here. And governors, thank you for being here very much.

Ladies and gentlemen, distinguished guests all, it's a great, great pleasure for me to be able to be here. And President Morrison, thank you very much for that generous introduction. I appreciate it very much.

Charles was way ahead of the curve, folks, in seeing the trend towards regionalism in the Asia Pacific in the early 1990s. And he was calling for community-building within East Asia well before it became a standard topic of discussion on the think tank circuit. So clearly, and to everyone's benefit, he's had an ability to focus on the long game. And that is a talent that he actually shares with one of the founding fathers of this institution, a former colleague, beloved to all of you, who became a great friend to me, and that's Senator Dan Inouye. During my sort of latter years, I actually moved up to about seventh in seniority or something in the United States Senate, and had I not been appointed to this job, with all of the retirements that are taking place, I don't know, I might have been third

or fourth or something, which is kind of intimidating. But as a result of that, I got to sit beside the great Dan Inouye for four or five years in the Senate. Our desks were beside each other, and we became very good friends. He was one of the early supporters of mine when I decided to run for President in '04, '03. But most importantly, Dan Inouye, as all of you know, was a patriot above all who commanded remarkable respect and affection of all of his colleagues. And Hawaii was so wise to keep him in office for so many years.

Having just visited yesterday Guadalcanal, having stood up on what was called Bloody Ridge, Edson's Ridge, and walked into one of the still remaining bunkers that Marines were dug in on against 3,000-plus Japanese who kept coming at them wave after wave in the evening, it's – it was a remarkable sense of the battle that turned the war. And no place knows the meaning of all of that better than here in Hawaii.

Yesterday commemorated really one of the great battles of the Second World War, and so it gave me a chance to reflect with special pride and with humility about Dan's service to our country. He was a hero in the war, against difficult circumstances which we all understand too well. But he became the first Japanese American to serve in the House of Representatives and the United States Senate, against all the odds of what was still a prevailing sense in our country of misunderstanding between people. And he just never let that get in the way. He shared a very personal commitment to strengthening ties between the United States and the Asia Pacific. And that's why he championed the East-West Center for decades, and I want you to know that President Obama and I strongly support your mission of bringing people together to think creatively about the future of our role in the region and how we overcome the kinds of inherent, visceral differences that sometimes are allowed to get in the way of relationships, and frankly, in the way of common sense.

We remember too well in America that slavery was written into our Constitution long before it was written out of it. And we all know the struggle that it took – excuse me – to write it out. So as we look at the world today – complicated, difficult, tumultuous, volatile – for so many of us who have spent decades working on issues central to the Asia Pacific, there's actually something particularly exciting about this moment. It's almost

exhilarating when you look at Asia's transformation. And like Dan Inouye, I have had the privilege, as many of you have here I can see, you've lived a lot of that transformation firsthand.

A number of my – (coughing) – excuse me, it's the virtue of many hours in an airplane. A number of my ancestors from Boston and from Massachusetts were merchants whose ships dropped anchor in Hong Kong as they plied the lonely trade routes to China. My grandfather, actually, was born in Shanghai and was a businessman who had a partnership with a Chinese businessman. So in our family and in Massachusetts, we've had a long sense of the possibilities and of this relationship. Today, East Asia is one of the largest, fastest growing, most dynamic regions in the entire world. And when the Trans-Pacific Partnership negotiations are complete, about 40 percent of global GDP will be linked by a high-standard trade agreement, a trade agreement that creates a race to the top, not a race to the bottom, where people understand the rules of engagement and there's accountability and transparency, and business and capital know exactly what the rules of the road will be so they're attracted to invest each in each other's countries.

After college, I had the privilege of serving in the United States Navy. And I went through Pearl Harbor. I had a remarkable several days here as a young officer on a frigate before we set sail to cross the Pacific. And I drove all over the island everywhere, in places I probably wasn't supposed to. But I loved it and then spent a second tour in the rivers of Vietnam. And back then, the word Vietnam – just saying Vietnam – carried with it an ominous meaning. It meant war. It meant huge dissent in America, families torn apart. But today, Vietnam, when you say it, has a whole different meaning to most people. It's now a dynamic country filled with economic opportunity. It's a market for our businesses and our investors. It's a classroom for our children. It has one of the largest Fulbright programs in the world. And it's a partner in tackling regional economic and security challenges.

Such extraordinary transformations have actually become almost the norm in this region. I'll never forget, 15 years ago, I visited in then Burma – no confusion with Myanmar but now people choose what they want to call it. But I visited with Daw Aung Sung Sui Kyi

in the very home in which she was imprisoned for nearly two decades. And this week, I had the privilege of again going back to the very same house – it hadn't changed, looked the same. She, by the way, 20 years later looks the same. And she is now free to speak her mind as a member of parliament.

It's remarkable. It doesn't mean all the president are solved. But these transformations are just some of what makes Asia the most exciting and promising places on the planet.

I am returning, as President Morrison has said, from actually my sixth trip to the Asia Pacific in 18 months as Secretary of State. And later today, I'll be meeting with our outstanding Commander of United States Forces in the Pacific to review a range of America's formidable military presence issues. I have returned again and again to this region – I can't tell you how many times I went, Mazie, as a senator to the region. And we are now – we take our enduring interests there, obviously, very, very seriously.

We know that America's security and prosperity are closely and increasingly linked to the Asia Pacific. And that's why President Obama began what is known as the rebalance to Asia in 2009. That's why he's asked me to redouble my own efforts in the region over the next two and half years. And that's why I want to talk to you today about four specific opportunities: creating sustainable economic growth, powering a clean energy revolution, promoting regional cooperation, and empowering people.

Now, these important opportunities can and should be realized through a rules-based regional order, a stable regional order on common rules and norms of behavior that are reinforced by institutions. And that's what holds the greatest potential for all of us for making progress. We support this approach, frankly, because it encourages cooperative behavior. It fosters regional integration. It ensures that all countries, big and small – and the small part is really important – that they have a say in how we work together on shared challenges. I want you to know that the United States is deeply committed to realizing this vision. President Obama is excited about it. He wants us all to be committed to fostering it and also to understanding why we're doing it. And frankly, it is this vision

that is the underlying reason that so many countries in Asia choose to work with the United States.

You hear some people today talking about the United States retrenching or disengaging. Nothing could be further from the truth. I think we're more engaged and more active in more countries and more parts of the world than any time in American history. And I can tell you that because just driving over here I was on the phone to people in the Middle East, talking about a ceasefire which is now going to be in place in the next days; talking about the road ahead. Just came back from Afghanistan, where we're working on the transition to the people of Afghanistan, to their future. We're engaged with Iran, working on the nuclear program; with the DPRK, with China, and Sudan, and Central Africa. We just had 50-plus African leaders to Washington to talk about the future of American engagement there. We are deeply engaged in a very, very complex world.

But this speech and this moment here at the university and at the center, and the trip that I just made to Asia, are meant to underscore that even as we focus on those crises that I've just listed and on conflicts that dominate the headlines on a daily basis and demand our leadership – even as we do that, we will never forget the long-term strategic imperatives for American interests. As Secretary of State, my job isn't just to respond to crises. It's also about defining and seizing the long-term opportunities for the United States. And having just traveled to Burma, Australia, and the Solomon Islands, I can tell you that nowhere are those strategic opportunities clearer or more compelling than in the Asia Pacific.

That's why we are currently negotiating a comprehensive and ambitious Trans-Pacific Partnership Agreement that will create thousands of new jobs here in America as well as in other countries, and it will spur this race to the top, not to the bottom. It raises the standards by which we do business. That's why we're elevating our engagement in multilateral institutions, from the ASEAN Regional Forum to the East Asia Summit. And that's why we are revitalizing our security partnerships with our treaty allies: Japan, Australia, South Korea, and the Philippines. And that's why we are standing up for the

human rights and the fundamental freedoms that people in Asia cherish as much as any people in the world.

I have no illusions about the challenges, and nor does President Obama. They are complex in this 21st century, in many ways far more complex than the bipolar, East-West, Soviet Union-versus-West world – the Cold War that many of us grew up in. This is far more complicated. It's far more, in many ways, like 19th century and 18th century diplomacy, with states asserting their interests in different ways and with more economic players in the planet than we had in the 20th century with power and with a sense of independence. But what I want to emphasize to you all today is there is a way forward. This is not so daunting that it's indescribable as to what we can do.

So how do we make our shared vision a reality for the region and ensure that Asia contributes to global peace and prosperity? First, we need to turn today's economic nationalism and fragmentation into tomorrow's sustainable growth. I say it all the time: Foreign Policy is economic policy, and economic policy is foreign policy. They are one and the same. There's no denying that particularly in Asia Pacific. Asia Pacific is an engine of global economic growth, but we can't take that growth for granted.

Because what we face something that is really a common challenge. Across the world, we have seen a staggering growth in youth populations. At the Africa summit it was just underscored to us there are 700 million people under the age of 30. We've seen staggering growth in these youth populations. And guess what. In the 21st century, in 2014 when everybody's running around with a mobile device and everybody's in touch with everybody every day all the time, all of these people are demanding an opportunity. They're demanding dignity. And juxtaposed to their hopes, a cadre of extremists, of resisters, of naysayers are waiting to seduce many of those young people into accepting a dead end. And let me tell you, when people don't have a job, when they can't get an education, when they can't aspire to a better future for themselves and for their families, when their voices are silenced by draconian laws or violence and oppression, we have all witnessed the instability that follows.

Now happily, many, if not most governments, in Asia are working to present booming youth populations with an alternative, with a quality education, with skills for the modern world, with jobs that allow them to build a life and a confidence in their countries. That is part of the reason why the young people in Asia are joining the ranks of the middle class, not the ranks of violent extremists. And the fact is that too many countries around the world are struggling to provide those opportunities. There's a lack of governance, and we ignore the importance of this collective challenge to address the question of failed and failing states in other parts of the world.

In the 21st century, a nation's interests and the well-being of its people are advanced not just by troops or diplomats, but they're advanced by entrepreneurs, by chief executives of companies, by the businesses that are good corporate citizens, by the workers that they employ, by the students that they train, and the shared prosperity that they create. That is why we are working with partners across the Asia Pacific to maintain and raise standards as we expand trade and investment by pursuing a comprehensive Trans-Pacific Partnership agreement.

Now, the TPP represents really an exciting new chapter in the long history of America's mutually beneficial trade partnerships with the countries of the Asia Pacific. It is a state-of-the-art, 21st century trade agreement, and it is consistent not just with our shared economic interests, but also with our shared values. It's about generating growth for our economies and jobs for our people by unleashing a wave of trade, investment, and entrepreneurship. It's about standing up for our workers, or protecting the environment, and promoting innovation. And it's about reaching for high standards to guide the growth of this dynamic regional economy. And all of that is just plain good for businesses, it's good for workers, it's good for our economies. And that's why we must get this done.

Now, every time I travel to Asia, I have the privilege of meeting with young entrepreneurs and business leaders. In fact, at the Africa summit the other day we had this wonderful group of young African leaders – all entrepreneurs, all these young kids in their 20s doing extraordinary things. It's call the Young African Leaders Initiative, which President Obama started.

In Hanoi last December, I launched the Governance for Inclusive Growth Program to support Vietnam's transition to a market-based economy. I've met with entrepreneurs in Seoul and Manila to talk about how we can drive innovation. On Saturday, I discussed with my ASEAN counterparts the framework for creating business opportunities and jobs that we call Expanded Economic Engagement, or E3. And just yesterday, I met with business leaders in Sydney, Australia to explore ways to reduce the barriers to trade and investment.

To broaden the base of support for this strategy, we need to focus not only on rapid growth, but we also need to focus on sustainability. And that means making the best use of regional institutions. President Obama will join APEC economic leaders in Beijing this fall to focus on promoting clean and renewable fuels and supporting small businesses and women's participation in the economy and expanding educational exchanges. And just a few days ago, I met with ministers from the Lower Mekong Initiative countries to deepen our partnership and help them wrestle with the challenges of food and water and energy security on the Mekong River.

Ultimately, the true measure of our success will not be just whether our economies continue to grow, but how they continue to grow. And that brings me to our second challenge: We need to turn today's climate crisis into tomorrow's clean energy revolution. Now, all of this – all of us in this room understand climate change is not a crisis of the future. Climate change is here now. It's happening, happening all over the world. It's not a challenge that's somehow remote and that people can't grab onto.

But here's the key: It's happening at a rate that should be alarming to all of us because everything the scientists predicted – and I'll tell you a little addendum. Al Gore – I had the privilege of working with Al Gore and Tim Wirth and a group of senators – Jack Heinz – back in the 1980s when we held the first hearing on climate change in 1988. That's when Jim Hansen from NASA came forward and said it's happening. It's happening now in 1988. In 1992 we had a forum down in Brazil, Rio, the Earth Summit. George Herbert Walker Bush participated. We came up with a voluntary framework to deal with climate change, but voluntary didn't work. And for 20 years nothing much

happened. Then we went to Kyoto. We went to all these places to try to do something, and here we are in 2014 with a chance next year in 2015 to do it.

And what's happening is the science is screaming at us. Ask any kid in school. They understand what a greenhouse is, how it works, why we call it the greenhouse effect. They get it. And here's what – if you accept the science, if you accept that the science is causing climate to change, you have to heed what those same scientists are telling us about how you prevent the inevitable consequences and impacts. You can't – that's why President Obama has made climate change a top priority. He's doing by executive authority what we're not able to get the Congress to do. And we're working very hard to implement the Climate Action Plan and lead by example. We're doubling the fuel efficiency of cars and trucks on America's roads. We've developed new standards that ensure that existing power plants are as clean as possible and as efficient as possible. And we're committed to reducing greenhouse gases and emissions in the range of about 17 percent below 2005 levels by 2020.

So we're heading in the right direction. But make no mistake about it: Our response has to be all hands on deck. By definition, rescuing the planet's climate is a global challenge that requires a global solution. And nowhere is all of this more evident than in the Asia Pacific. And no two nations can have a greater impact or influence on this debate or this challenge than China and the United States.

During the Strategic and Economic Dialogue last month, Secretary of Treasury Jack Lew and I were in Beijing for two days. And we and China together sent a clear message: The world's two largest greenhouse gas emitters, the United States and China, are committed to advancing a low-carbon economic growth pattern and significantly reduce our countries' greenhouse gases. And we're working together to launch demonstration projects on carbon capture, utilization, and storage. We're adopting stronger fuel efficiency standards for heavy- and light-duty vehicles. We're advancing a new initiative on climate change and forests, because we know that the threat of deforestation and its implications of a changing climate are real and they're grave and they're growing. And

I'll just say to you this is not an issue on which you can be half pregnant. No such issue. If you accept the science, you have to accept that you have to do these things about it.

Now, the United States and China have a special role to play in reducing emissions and developing a clean energy future. But everybody – every nation – has a stake in getting it right. I just came from the Solomon Islands yesterday, a thousand islands, some of which could be wiped out if we don't make the right choices. The Pacific Islands across the entire Pacific are vulnerable to climate change. And just yesterday, I saw with my own eyes what sea level rise would do to parts of it: It would be devastating – entire habitats destroyed, entire populations displaced from their homes, in some cases entire cultures wiped out. They just had flash flooding in Guadalcanal – unprecedented amounts of rainfall. And that's what's happened with climate change – unprecedented storms, unprecedented typhoons, unprecedented hurricanes, unprecedented droughts, unprecedented fires, major damage, billions and billions of dollars of damage being done that we're paying for instead of investing those billions of dollars in avoiding this in the first place.

That's why we are deepening our partnerships with the Pacific Island nations and others to meet immediate threats and long-term development challenges. And we're working through USAID and other multilateral institutions to increase the resilience of communities. And we're elevating our engagement through the Pacific Islands Forum. And we've signed maritime boundaries, new maritime boundaries with Kiribati and the Federated States of Micronesia in order to promote good governance of the Pacific Ocean and peaceful relations among island nations. And we're also working on a Pacific Pathway of marine protected areas that includes President Obama's commitment to explore a protected area of more than a million square miles in size in the U.S. remote Pacific.

We just held a conference on the oceans in Washington the other day with nations all over the world came to it – unbelievably productive. We produced \$1.8 billion of commitments to help with fisheries enforcement, anti-pollution, dealing with acidification, and to protect these areas as marine sanctuaries.

The good news is in the end – and this really – it really is good news. Sometimes you have an issue – Mr. Mayor, I know you know this. Governors, you know this. You're looking at an issue and, man, you scratch your head and you're not quite sure what the solution is, right? And you work through it. Well, the good news is the biggest challenge of all that we face right now, which is climate change in terms of international global effect, is an opportunity. It's actually an extraordinary opportunity because it's not a problem without a solution. The solution to climate change is simple. It's called energy policy. Energy policy. Make the right choices about how you produce your energy – without emissions, without coal-fired power plants that don't have carbon capture and storage or aren't burning clean – then you can begin to produce clean energy.

And the new energy market that we're looking at is the biggest market the world has ever seen. Think about that for a moment. The wealth that was generated in the 1990s – I don't know if you know this, but most people think that America got the richest during the 1920s when you had the so-called, even in the late 1800s, robber baron years, and then you had the great names of wealth – Carnegie, Mellon, Frick, Rockefeller, and so forth. And no income tax – wow, gonna make a lot of money.

Guess what. America made more wealth and more money for more people in the 1990s than at any other time in our history. And what it came from, the wealth that was generated then, was the high-tech computer revolution of the 1990s, and guess what. It came from a \$1 trillion market with 1 billion users, 1 for 1. The energy market that we're looking at in the world today is six times bigger, by far more important. It's a \$6 trillion market today with 4 to 5 billion users today, and it will go up to 7 to 9 billion users in the next 30 years. The fastest segment by far of growth in that market is clean energy.

We need to build a grid in America. We need to – we could use solar thermal to produce heat in Massachusetts, in Minnesota, take wind power from our states, sell it somewhere else. We can't even do that because we don't have that grid in place.

So I want to emphasize to all of you: We're not going to find a sustainable energy mix in the 19th century or 20th century solutions. Those are the problems. We need a formula

for 21st century that will sustainably power us into the 22nd century. And I believe that, working together, the United States and countries across the Asia Pacific can make this leap. That's an exciting opportunity and that's what we're working on with China today.

The bottom line is we don't have time to waste. If we're going to power a clean energy revolution, we have to work together to dampen security competition and rivalry in the Asia Pacific and focus on these other constructive efforts. And so our third challenge is clear: We need to turn maritime conflicts into regional cooperation.

All of us in this room understand that these disputes in the South China Sea and elsewhere, they're really about more than claims to islands and reefs and rocks and the economic interests that flow from them. They're about whether might makes right or whether global rules and norms and rule of law and international law will prevail. I want to be absolutely clear: The United States of America takes no position on questions of sovereignty in the South and East China Sea, but we do care about how those questions are resolved. We care about behavior. We firmly oppose the use of intimidation and coercion or force to assert a territorial claim by anyone in the region. And we firmly oppose any suggestion that freedom of navigation and overflight and other lawful uses of the sea and airspace are privileges granted by a big state to a small one. All claimants must work together to solve the claims through peaceful means, big or small. And these principles bind all nations equally, and all nations have a responsibility to uphold them.

Now, I just participated in the ASEAN Regional Forum, and we were encouraged there to – we encouraged the claimants there to defuse these tensions and to create the political space for resolution. We urged the claimants to voluntarily freeze steps that threatened to escalate the disputes and to cause instability. And frankly, I think that's common sense and I suspect you share that. I'm pleased to say that ASEAN agreed that the time has come to seek consensus on what some of those actions to be avoided might be, based on the commitments that they've already made in the 2002 Declaration on Conduct.

Now, we cannot impose solutions on the claimants in the region, and we're not seeking to do that. But the recent settlement between Indonesia and the Philippines is an example of

how these disputes could be resolved through good-faith negotiations. Japan and Taiwan, likewise, showed last year that it's possible to promote regional stability despite conflicting claims. And we support the Philippines' taking steps to resolve its maritime dispute with China peacefully, including through the right to pursue arbitration under the UN Convention on the Law of the Sea. And while we already live by its principles, the United States needs to finish the job and pass that Treaty once and for all.

Now, one thing that I know will contribute to maintaining regional peace and stability is a constructive relationship between the United States and China. President Obama has made it clear that the United States welcomes the rise of a peaceful, prosperous, and stable China – one that plays a responsible role in Asia and the world and supports rules and norms on economic and security issues. The President has been clear, as have I, that we are committed to avoiding the trap of strategic rivalry and intent on forging a relationship in which we can broaden our cooperation on common interests and constructively manage our differences and disagreements.

But make no mistake: This constructive relationship, this “new model” relationship of great powers, is not going to happen simply by talking about it. It's not going to happen by engaging in a slogan or pursuing a sphere of influence. It will be defined by more and better cooperation on shared challenges. And it will be defined by a mutual embrace of the rules, the norms, and institutions that have served both of our nations and the region so well. I am very pleased that China and the United States are cooperating effectively on the Iran nuclear talks and we've increased our dialogue on the DPRK. We're also cooperating significantly on climate change possibilities, counter-piracy operations, and South Sudan.

So we are busy trying to define a great power relationship by the places where we can find mutual agreement and cooperation. We've seen the benefits of partnerships based on common values and common approaches to regional and global security. Secretary of Defense Chuck Hagel and I met with our Australian counterparts in Sydney earlier this week and we reviewed the U.S.-Australian alliance from all sides. And though we live in very different hemispheres, obviously, and at opposite ends of the globe, the United

States and Australia are today as close as nations can get. Our time-honored alliance has helped both of our countries to achieve important goals: standing with the people of Ukraine, supporting long-term progress in Afghanistan, promoting shared prosperity in the Asia Pacific, and collaborating on the United Nations Security Council. And we also agreed to expand our trilateral cooperation with Japan, and that will allow us to further modernize the U.S.-Japan alliance as we address a broader array of security challenges. Similarly, with our ally South Korea, our partnership on a growing range of regional and global challenges has brought much greater security to Asia and beyond.

History shows us that countries whose policies respect and reflect universal human rights and fundamental freedoms are likely to be peaceful and prosperous, far more effective at tapping the talents of their people, and far better partners in the long term.

That is why our fourth and final challenge is so important: We need to turn human rights problems into opportunities for human empowerment. Across the region, there are bright spots. But we also see backsliding, such as the setback to democracy in Thailand.

We all know that some countries in the region hold different views on democratic governance and the protection of human rights. But though we may sometimes disagree on these issues with the governments, I don't think we have any fundamental disagreement with their people.

Given a choice, I don't think too many young people in China would choose to have less access to uncensored information, rather than more. I don't think too many people in Vietnam would say: "I'd rather not be allowed to organize and speak out for better working conditions or a healthy environment." And I can't imagine that anyone in Asia would watch more than a 130 million people go to the polls in Indonesia to choose a president after a healthy, vigorous, and peaceful debate and then say: "I don't want that right for myself." I also think most people would agree that freedom of speech and the press is essential to checking corruption, and it is essential that rule of law is needed to protect innovation and to enable businesses to thrive. That's why support for these values is both universal and pragmatic.

I visited Indonesia in February, and I saw the promise of a democratic future. The world's third largest democracy sets a terrific example for the world. And the United States is deeply committed to our comprehensive partnership. Indonesia is not just an expression of different cultures and languages and faiths. By deepening its democracy, and preserving its traditions of tolerance, it can be a model for how Asian values and democratic principles inform and strengthen one another.

In Thailand, a close friend and ally, we're very disturbed by the setback to democracy and we hope it is a temporary bump in the road. We call on the Thai authorities to lift restrictions on political activity and speech, to return – to restore civilian rule, and return quickly to democracy through free and fair elections.

In Burma last week, I saw firsthand the initial progress the people and the government have made. And I'm proud of the role – and you should be too – that the United States has played for a quarter of a century in encouraging that progress.

But Burma still has a long way to go, and those leading its democratic transformation are only now addressing the deepest challenges: Defining a new role for the military; reforming the constitution and supporting free and fair elections; ending a decades-long civil war; and guaranteeing in law the human rights that Burma's people have been promised in name. All of this while trying to attract more investment, combating corruption, protecting the country's forests and other resources. These are the great tests of Burma's transition. And we intend to try to help, but in the end the leadership will have to make the critical choices.

The United States is going to do everything we can to help the reformers in Burma, especially by supporting nationwide elections next year. And we will keep urging the government – as I did last week – to take steps to ease the humanitarian crisis in Rakhine state, and push back against hate speech and religious violence, implement constitutional reform, and protect freedom of assembly and expression. The government owes it to the people of those – of that movement to do those things.

And so, my friends, in the great tradition of our country, we will continue to promote human rights and democracy in Asia, without arrogance but also without apology.

Elsewhere in Asia, North Korea's proliferation activities pose a very serious threat to the United States, the region, and the world. And we are taking steps to deter and defend against North Korea's pursuit of a nuclear-armed ballistic missile capability. But make no mistake: We are also speaking out about the horrific human rights situation. We strongly supported the extraordinary United Nations investigation this year that revealed the utter, grotesque cruelty of North Korea's system of labor camps and executions. Such deprivation of human dignity just has no place in the 21st century. North Korea's gulags should be shut down – not tomorrow, not next week, but now. And we will continue to speak out on this topic.

So you've heard me for longer than you might have wanted to – (laughter) – describing a pretty ambitious agenda. And you're right; it's a big deal. We are super engaged. We are ambitious for this process: completing the TPP negotiations, creating sustainable growth, powering a clean energy revolution, managing regional rivalries by promoting cooperation, and empowering people from all walks of life – that's how we're going to realize the promise of the Asia Pacific. And this is a region whose countries can and should come together, because there is much more that unites us than divides us. This is a region that can and should meet danger and difficulty with courage and collaboration. And we are determined to deliver on the strategic and historic opportunities that we can create together.

That's why, together with our Asian partners, we're developing modern rules for a changing world – rules that help economies grow strong and fair and just, with protections for the environment, safeguards for the people who have both too often been left behind.

That's why we're building a region where Asia's major cities are no longer clouded with smog and smoke, and where people can depend on safe food and water, and clean oceans,

clean air, and shared resources from its rivers and its oceans, and with a sense of responsibility one generation passes on to the next to preserve all of that for the future.

That's why we're building a region where countries peacefully resolve their differences over islands, reefs, rocks by finding the common ground on the basis of international law.

And that's why we're building a region that protects the universal human rights and fundamental freedoms that make all nations stronger.

There is still a long road ahead. But nothing gives me more hope in the next miles of the journey than the courage of those who have reached a different and more hopeful kind of future. And that is the story that I want to leave you with today.

When I became a senator, getting increasingly more and more involved in the region as a young member of the committee and then later as Chairman of the Subcommittee on Asian and Pacific Affairs, the first trip I took in 1986 was to the Philippines. Strongman Ferdinand Marcos had called a sham "snap" election to fake everybody to prove how in charge he was, to preserve his grasp on power. President Reagan asked Senator Richard Lugar and me to be part of a delegation to observe those elections.

And I will never forget arriving in Manila and seeing this unbelievable flood of people in the streets all decked out in their canary yellow shirts and banners of pro-democracy protest. Some of us knew at that time there were allegations of fraud. I was sent down initially to Mindanao to observe the morning votes and then came back to Manila, and was sitting in the hotel there when a woman came up to me crying and said, "Senator, you must come with me to the cathedral. There are women there who fear for their lives."

And I left my dinner and I ran down to the cathedral. I came in to the Sacristi of the cathedral and talked with these 13 women who were crying and huddled together, intimidated for their lives. And I listened to their story about how they were counting the raw tally of the votes that was coming in from all across the nation, but the raw tally of votes they were counting was not showing up on the computer tote board recording the votes. They blew the whistle on a dictator. We held an international press conference right there in the cathedral right in front of the altar, and they spoke out, and that was the

signal to Marcos it was over. Their courage and the courage of the Filipino people lit a spark that traveled throughout the world, inspiring not just a freshman senator from Massachusetts, but popular movements from Eastern Europe to Burma.

Now, I think about that moment even today, about the power of people to make their voices felt. I think about how Cory Aquino rose to the presidency atop a wave of people power when few believed that she could. I think about how her husband fought for democracy, even at the cost of his own life. And I think about how, decades later, their son would rise to the presidency in democratic elections. In his inaugural address, President Benigno Aquino said: “My parents sought nothing less, died for nothing less, than democracy and peace. I am blessed by this legacy. I shall carry the torch forward.”

My friends, today we must all summon up some of that courage, we must all carry that torch forward. The cause of democracy and peace, and the prosperity that they bring, can bring our legacy in the Asian Pacific, it can define it. Our commitment to that future, believe me it is strong. Our principles are just. And we are in this for the long haul – clear-eyed about the challenges ahead.

Thank you. (Applause.)

Source: [Online: web] Accessed on 24th March 2015,
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