

Human Trafficking in Burma and the Solutions Which Have Never Reached

Thanawat Pimoljinda, Institute of International Studies, Ramkhamhaeng University (IIS-RU), and the National Electronic and Computer Technology Center (NECTEC) (Thailand)

Apiradee Thianthong, Institute of International Studies, Ramkhamhaeng University (IIS-RU), and Asia Regional Trafficking in Persons Projects (ARTIP) (Thailand)

Abstract: *Since the 1980s, the problem of human rights and trafficking in persons in Burma has become one of the prominent matters on the agendas at various levels of international forums. However, this article argues that even if enormous efforts have been put into democratizing the political-economic system, which would ultimately alleviate the issue, none were effective due to the discrepancies of strategic-oriented foreign policies of the key actors involved. First, despite its rules-based mechanisms under the ASEAN Charter, the way ASEAN members act in response to the problem in Burma still depends mainly on the normative foundations of the ASEAN Way, emphasizing the non-interference in the internal affairs of each other. Burma is also becoming an important geo-political concern of both China and India because of its energy sources needed for economic growth. The economic and military assistance to the SPDC in exchange for that demand is thus provided with less concern over human rights situation. The above two issues have also devalued the measure of economic sanction imposed by the U.S. and the EU. In addition, even if the EU humanitarian aid is aimed at improving Burma's social and human security, it is by no means the way to solve the problems of migration and human trafficking in Burma as the authoritarian rule still continued.*

Keywords: *Burma's Ruling Junta, Ethnic Minorities, Human Rights, Human Trafficking, Migration*

Introduction

“Trafficking in persons shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception,

***Thanawat Pimoljinda and Apiradee Thianthong, Institute of
International Studies, Ramkhamhaeng University (Thailand)***

of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs” (United Nations, 2000).

By reference to the definition mentioned above, human trafficking is thus perceived as a non-traditional security issue and is widely recognized as a kind of transnational crime. However, the determinant factors causing trafficking in persons are varied depending on both national and regional political, economic, and social circumstances. In particular, the appropriate measures that should be manipulated to address such issues are still much in debate. Especially in the case of Burma, the problem of human trafficking has proved notoriously difficult to remedy. It has been argued that there have been various factors which are influential forces behind the problem.

The first emerged as the consequence of internal political turmoil and despotic politics. In view of the first military coup led by General Ne Win in 1962 followed by the second coup in 1988 that resulted in the establishment of a new ruling military junta, which is now known as the State Peace and Development Council (SPDC), all spheres of Burma’s domestic affairs have been placed under the central control of the ruling junta. Even though the 1990 parliamentary election resulted in a landslide victory of the National League for Democracy (NLD) led by Aung San Suu Kyi, the SPDC continued its authoritarian rule to dominate their population, especially over ethnic minorities in the eastern border zones. This problem has led the United States, the European Union (EU), and some other Western countries to become directly engaged in Burma’s domestic affairs by imposing a range of economic sanctions and related measures against the military regime.

The second factor, as closely related to the former, concerns the accession of Burma as a member of the Association of Southeast Asian Nations (ASEAN) in July

1997. The SPDC can use the status of being a member of ASEAN to guarantee its internal political power, and to ensure that the other parties will respect commitments already made. That is because, according to the statement of the 1967 ASEAN Declaration, whatever the posture of such states will be, it left membership in the organization open to all states in the Southeast Asia region subscribing to the aims, principles, and purposes of ASEAN (ASEAN Secretariat, 1967). In addition, neither the Treaty of Amity and Cooperation (TAC) in Southeast Asia nor any other agreements requires ASEAN members to change their political regimes (ASEAN Secretariat, 1976). Instead, they advocated the so-called network-style of cooperation by making use of interpersonal and informal relations to pursue what they referred to as an Asian-style of cooperation. This might also be in accordance with what they promoted as the ASEAN Way.¹ At this point, even though attempts were launched to alleviate the problem of human trafficking in Burma, limitations on the role of ASEAN institutions and its mechanisms were a matter of controversy. At the same time, as ASEAN's partners like China and India have developed close political, military, and economic relations with Burma, these could also improve the bargaining power of the SPDC to against the sanction measures imposed by the West.

Besides the political pressure, the third factor concerns the deepening of economic disparities among ASEAN member states. To get a better standard of living, millions of ethnic minorities such as Shans, Karens and Kachins have migrated from Burma. The number of Burmese people leaving their country has grown to one of the largest migration flows in the Southeast Asia region. Unfortunately, a large number of them have been trafficked to Thailand, China, India, Pakistan, Malaysia, and South Korea for commercial sexual exploitation, domestic servitude, and forced labor. Burmese children are subjected to conditions of forced labor in Thailand as hawkers, beggars, and for work in shops, agricultural, fish processing, and small-scale

¹ The ASEAN Way is a method of interaction and a decision-making process which seeks to reach corporate decision through consultation and consensus building. When common decision cannot be reached, they agree to go their separate ways. As ASEAN evolved, the organization has developed formula that allowed it to adopt positions without unanimity, see Narine (2005).

industries. In parallel, Burmese women are largely trafficked for commercial sexual exploitation to Malaysia and China, and some other trafficking victims transit Burma from Bangladesh to Malaysia and from China to Thailand (Aronowitz, 2009; Office to Monitor and Combat Trafficking in Persons, 2009).

In view of the national and regional circumstances mentioned above, even though ASEAN leaders and some major players outside the region made various attempts at developing measures which would ultimately quell the problem of human trafficking in Burma, none were effective. However, in recent years, there have been important changes at both regional and international levels which might pave the way to the changing of democratization process in Burma in general, and human rights and trafficking in persons in particular. The first is the development of an ASEAN Charter which would give ASEAN a more rules-based organization, while the second is the U.S.'s high-level engagement with Burma's military leaders and the EU's humanitarian aid programs. With these events in view, the emphasis of this article falls on the role of ASEAN member states and its newly rules-based mechanisms of the ASEAN Charter, as well as the influences of key players outside the region in responding to the human trafficking situation in Burma.

To clarify these matters, the first issue of exploration is that even if many treaties and agreements related to the case of human trafficking were signed, and some ASEAN member states have seemingly been affected by the illegal migration of Burmese people, question remains on whether each ASEAN member can change its quiet diplomacy and the rejection of adversarial posturing in negotiations under the principles of the ASEAN Way into a proactive role in promoting human rights and democracy in Burma. In addition, as the ASEAN leaders signed the Kuala Lumpur Declaration in ratifying the establishment of the ASEAN Charter at the 11th ASEAN Summit, a landmark constitutional document for ASEAN regional cooperation which was to come into effect on December 15, 2008, the analysis is also placed upon whether ASEAN members can create any effective rules-based mechanisms for supervisory purposes (ASEAN Secretariat, 2010).

Also involved is the question of whether ASEAN will take a more consideration on how to cope with any potential challenges that arise from external powers, especially from the two competing economic powers like China and India which have close relations with the SPDC. Therefore, the second issue is to explore the impact of China's and India's strategic foreign policies might have upon human trafficking situation in Burma, and the role of ASEAN in dealing with it. At the same time, while economic sanction is still manipulated, diplomatic pressures through both multilateral consultations and high-level official meetings are also encouraged. However, actions taken by each key player seem to have different objectives, as the EU provides humanitarian aid for social security while the U.S. mainly stimulates high-level engagement in democratization process. Therefore, the third issue is to explore the potential impact such two different approaches might provide crucial change for the human rights and human trafficking situation in Burma.

The Human Trafficking Situation in Burma

In regard to the theoretical perspective, a great deal of the world's ethnic and nationalist tension can be explained in terms of people who are forced to live in an unrepresentative political system that they have not chosen (Paribatra and Samudavanija, 1986). During the Cold War, even if social unification and creation of a nation-state were the main purposes for central governments, many ethnic minorities put enormous efforts into their struggles for self-determination that would free them from the control of the central government. Efforts at self-determination could be understood by the fact that most developing countries were controlled by one-party rule or military governments. In particular, such regimes were highly undemocratic and brutally used political and military power to govern their population, although political and military leaders there believed it to be justified and necessary.

For Burma, after achieving independence in 1948, the major domestic problem was that the majority ethnic group, so-called "*the Burman*," was split into many rival political

groups as well as the fact that there were long-established rivalries between the majority of the population of Burma and other ethnic groups. Those ethnic groups live primarily in the Tanintharyi Division, an administrative region of Burma covering the long narrow southern part of the country, and in the Shan, Mon, Kayah, and Kayin States in the east, where ethnically-based armed opposition groups have been fighting against the *Tatmadaw* (the Burma Armed Forces) (Amnesty International, 2001; Case, 2002). Such ethnic groups have sought to gain greater autonomy, or in some cases, independence from the dominant ethnic Burman majority.

Even though the 1947 Panglong Agreement resulted in some ceasefires between the *Tatmadaw* and armed ethnic groups,¹ confrontations among them still continued and even intensified as a result of the SPDC's plan to transform armed opposition groups into *Tatmadaw*-Commanded Border Guard Forces before the 2010 election (Amnesty International, 2010).² In parallel, as part of the "four cuts strategy" (an attempt to cut off food, funds, intelligence, and recruits to the insurgents), the *Tatmadaw* has perpetrated widespread violations of economic, social, and cultural rights, including the deprivation of means of livelihood, the destruction of houses, excessive taxation, and coercion. It is also argued that the *Tatmadaw* has often used force against the innocent people who live in ethnic minority-dominated areas far in excess of the level necessary for its military operations. Under these circumstances, the ethnic minorities are obviously treated unequal as compared with the Burman, or even, in some cases, are not recognized as the

¹ The Panglong Agreement was first signed between General Aung San and leaders of the Chin, Kachin, and Shan ethnic groups in February 1947. Since 1989, around 19 armed ethnic groups have agreed to ceasefires with the SPDC. The agreement basically guarantees self-determination of the ethnic minorities and offered a large measure of autonomy, including independent legislature, judiciary, and administrative powers, see Walton (2008).

² According to the blueprint of the Border Guard Forces (BGF), it plans to give a greater control of ethnic armed groups to the *Tatmadaw* by putting all ethnic armies under the command of the commander-in-chief, currently General Than Shwe, head of the SPDC. The BGF plan is authorized under the military-backed 2008 constitution. The commander-in-chief of the *Tatmadaw* can assign duties relating to security and border affairs in self-administered zones or among ethnic armed group-controlled areas, see also in Amnesty International (2010).

citizen of Burma.¹ They are inevitably forced to flee their homes. Displacement and other state-sponsored coercive measures such as forced labor and land confiscation have also been manipulated, thereby as a consequence causing massive refugee outflow (International Displacement Monitoring Center, 2010).

What should also be taken into account is the failure of state-formed agencies whose primary function is to promote basic human rights for all people, especially for women and children. Indeed, it was hoped that the problems of human rights abuse and trafficking in persons in Burma would be alleviated when the SPDC made some progress by establishing some new independent organizations to work for women and children such as the Myanmar Maternal and Child Welfare Association (MMCWA), Myanmar Women Entrepreneurs' Association (MWEA), and Myanmar Women Sports Federation (MWSF) since the 1990s (Women's League of Burma, 2005). They were established with the aims of upholding the welfare and advancement of Burmese women and children, as well as promoting the participation of women and children in all kinds of social activities. But none of them was effective. Rather, it is surprising that despite all such organizations tried to work upon the problems, the ruling junta continued its offensive campaigns particularly in the eastern ethnic areas, thereby causing various problems such as forced relocation, destruction of homes and property, and extra-judicial killing.

On the basis of what have been discussed above, ethnic minorities feel not only marginalized economically, but also that their social and cultural rights are being suppressed. This kind of circumstance is in accordance with what the United Nations Development Program (UNDP) has referred to as the threat to human security, especially in terms of personal security stressing the protection of basic human rights of all people and the absence of physical violence (United Nations Development Program, 1994). In addition, according to the U.S. State Department in its 10th

¹ Basically, all people should have identity card (ID card) when they are 18 years old. But in Burma's rural areas, most of the members of ethnic minorities have no proof of identification. For example, Kachin is Kachin, he or she is not Burman. Without ID card, they cannot travel legally outside of their hometown.

annual trafficking in persons report in 2010, Burma falls among the 13 countries that fail to meet the U.S.'s minimum standards in fighting the crime of human trafficking (Office to Monitor and Combat Trafficking in Persons, 2010). As a result, this political pressure has a destabilizing influence resulting in the large number of refugees, economic migrants, and drugs flowing out of the country.

Since the early 1990s, an estimated 3 million people—especially those from ethnic minorities along the borderline—have been leaving Burma with the hope for economic opportunities in neighboring countries (International Displacement Monitoring Center, 2010). Evidence for this is the fact that GDP per capita in Burma increased just from US\$198.4 million in 2005 to US\$419.5 million in 2009, while those of Thailand, Malaysia, and Singapore increased from 2,708.8, 5,280.6, and 27,342.9 million U.S. dollars to 3,950.8, 6,822.1, and 36,631.2 million U.S. dollars in the same period (ASEAN Finance and Macroeconomic Surveillance Unit, 2010). Nevertheless, most of them have been subjugated to the conditions of involuntary servitude in the low-skilled works. For example, the Burmese migrants are allowed to work in the areas that the Thai workers do not want to do such as commercial seafood and fishing industries, as well as construction sites and domestic work sectors. Especially in the case of women and children, they have been trafficked into situations of forced labor and commercial sex industry. Therefore, what followed from the inflows of migrants and refugees are the smuggling of illicit drugs and the epidemic of HIV/AIDS as a result.

As discussed above, even though the reason for the migration of Burmese people is simply because of the poverty, but the main factor behind such movements is political discrimination. Additionally, there have many arguments concerning the reasons for the existence of the problems. Even though enormous efforts have been put into promoting the law enforcement, serious problems remain because the SPDC is not complying with minimum standards for the elimination of trafficking in persons. Instead, it allows military and civilian officials remain involved in forced labor. Although the government agencies tried to protect the victims of cross-border human trafficking, but it revealed limited attention to protect victims

of internal sex trafficking existing within its borders. With these in view, it can be argued that the existence of laws that prohibit sexual offenses and provide strong punishments does not mean they are adequately, or perhaps really, enforced.

ASEAN and its Institutional Mechanisms

Similar to the issues of the 1997 economic crisis and the bloodshed in East Timor during the course of its separation from Indonesia, which were drawn into the forum for top-level political discussion, ASEAN members have—since the 1st ASEAN Conference on Transnational Crime held in Manila in December 1997—called for firm measures to combat transnational crime and trafficking in women and children particularly in Burma (ASEAN Secretariat, 1997). Change in regard to the norm of non-interference in the internal affairs of each other was also taken into account. At that time, Thai Foreign Minister Surin Pitsuwan, who is now the Secretary General of ASEAN, openly said that it was time for ASEAN to review its non-intervention doctrine such that it is modified to allow it to play a constructive role in preventing or resolving domestic issues with regional implications. To make the grouping more effective, Surin has urged that when a matter of domestic concern poses a threat to regional stability and security, a dose of peer pressure or friendly advice at the right time can be helpful (Acharya, 1999).

Indeed, many treaties and agreements related to transnational crime and human trafficking were signed since 1997. For example, part of the Hanoi Plan of Action (HPA) declared in December 1998 clearly defined the implementation of the ASEAN Plan of Action for Children, providing a framework for ensuring the survival, protection, and development of children, and for strengthening the collaborative action in combating the trafficking in, and the crimes of violence against, women and children (ASEAN Secretariat, 1998). These campaigns were also reiterated in a continuing action plan, the Vientiane Action Program (VAT),

which was proclaimed during the 10th ASEAN Summit held in Laos in November 2004 (ASEAN Secretariat, 2004).

The expectation for real change concerning the trafficking in persons was increased when ASEAN leaders—at the 11th ASEAN Summit held in Kuala Lumpur in December 2005—formally signed the Kuala Lumpur Declaration in ratifying the establishment of an ASEAN Charter, which became effective in December 2008. The development of the ASEAN Charter would not only give ASEAN a more rules-based organization, but also would serve to reduce the destabilizing effects of intra-regional conflicts (ASEAN Secretariat, 2010). Nevertheless, a remarkable point is that this charter could more or less affect the concept of the ASEAN Way in which informal and non-legalistic procedures of cooperation have always been promoted by all ASEAN member states.

Also included is the establishment of independent agencies aimed at dealing with the problem of human rights violation and trafficking in persons such as ASEAN Human Rights Body and the Working Group for an ASEAN Human Rights Mechanism.¹ Surprisingly, during the Working Group's deliberations, some diplomats expressed the opinion that the new human rights body should not intervene in domestic human rights issues such as the current crisis in Burma at all, but instead should protect countries from foreign meddling (*The Irrawaddy*, 2009). They also proposed that the primary task of the nascent human rights body should be to promote and protect human rights, which in its view include raising awareness, advising and sharing information, and advocating, but not to pass judgment regarding human rights in any member states.

With these in view, even if attempts between ASEAN members have been made to the issue of anti-trafficking, a growing perception among related parties to such attempts is that ASEAN members fail to deal adequately with trans-border migration in general, and they lack the same degree of law enforcement at the national level in particular. This

¹ ASEAN members agreed upon the terms for the human rights body stipulated in the ASEAN Charter, to be known as the Asian Intergovernmental Commission on Human Rights (AICHR), in July 2009. However, no one is sure what effect, if any, the AICHR will have upon the human rights situation in Burma.

means that the criminal justice in response to trafficking in persons is typically structured and generally only operated within the state's realm of jurisdiction. Additionally, while regional organizations and forums attended by delegates from ten member states are already playing a role fostering transnational network, they have yet to become policy-making institutions as they should be.

Theoretically, regional cooperation does not come about unless the governments and peoples of each state within a given region want it. By analogy with this statement, ASEAN leaders did not develop a joint policy on the issue of large-scale migrant labor because each member has never seen eye-to-eye on the problem. Instead, in hindsight, ASEAN being guided by a national rather than a supranational approach of its members is evidently even much further away from the development of social policies on anti-trafficking in persons at the ASEAN level. Although the policy was formulated to appear as a helping hand to Burma, it was, not surprisingly, a policy that from the outset was meant to benefit ASEAN's members first and foremost. At this point, it can be argued that the Southeast Asian governments focus mainly on economic cooperation, which they believe can bridge the economic development gap among member states and pave the way to closer ASEAN regional cooperation, but with little or no attention being given to how to cope with the issues of cross-border migration and human trafficking (Pimoljinda, 2010). Under the surface of this is the fact that both legal and illegal migrants have provided the rich member states a desirable pool of cheap labor.

Also involved in this regard is that ASEAN members and related local agencies who are working on trafficking in persons have not considered the problem in a holistic perspective, and are unable to deal with it in a synergistic approach. Wherever the country of origin or destination might be, they have segregated the issues of migration and human trafficking into different areas which reveal a lack of understanding about the problem. In addition, they did not think of the matter of transnational crime in connection with the social aspects of human trafficking or vice versa. An interesting point followed is that whether the existing ASEAN institutions combining a search for regional order mainly

through a legally binding agreement of the ASEAN Charter can improve the human trafficking situation in the region, especially within Burma.

It is believed that this charter is significant as it provides a legal framework for ASEAN regional cooperation after its forty years of institutionalization, turning the group from an *ad hoc* body to a rules-based organization with clearer structures and mechanisms of cooperation. Some important political commitments prescribed in the document also stress that ASEAN members will share commitment and collective responsibility in enhancing regional peace, security, and prosperity by taking all necessary measures, including consultations on matters seriously affecting the common interests of ASEAN, to effectively implement the provisions of this charter and to comply with all obligations of membership. Nevertheless, in line with what were discussed above, together what is referred to as the ASEAN Way, ASEAN members undoubtedly still preferred informal and non-legalistic procedures rather than rigid institutional mechanisms.

Admittedly, ASEAN members seemingly reject the idea that regional institutions require a pooling of the sovereignty of their component states. Instead, under the aegis of the ASEAN Way, they believe that regional institutions should more or less enhance the national sovereignty of them all. Furthermore, in the case of non-intervention approach, it is difficult to change because many ASEAN members are not democratic country in which some of them still face the problem of human rights violation. In this regard, the existing institutional mechanisms might be put into implementation if all member states agreed to allow for a greater interference in each other's domestic affairs. It can be said that help is possible, but intervention is difficult. In this regard, even if efforts among ASEAN members to promote and protect the rights of women, children, and migrant workers have been made, these are seemingly far away from what should be done so as to prevent internal problems stemmed from undemocratic rule and centralized economic policies.

Interface of the Problems: China and India

Apart from what was discussed above, the challenges of external powers over human trafficking in Burma must be taken into account. As Burma is placed at the front lines of the geo-political and geo-economic strategies between China and India, any potential influences upon the policy choices of the military junta, especially toward the issue of human trafficking, should thus be explored. While the rise of China and India as Asian economic centers provides opportunities for ASEAN members in opening up their national and regional economies to the global dimension, it becomes the potential challenge to the ASEAN regional cooperation in retaining its solidarity. At the same time, as these two countries are the major military suppliers of the SPDC, such military assistance could more or less intensify the situation of human rights violation in Burma as well. As a result, of concern is the impact these relations might have upon the social security and human rights situation in Burma, on the one hand, and how they affect ASEAN's collective action toward the issue of trafficking in persons in Burma on the other.

The relationships Burma has with China and India run deep, including expanding trade links. The reason that Beijing and New Delhi have supported the SPDC over recent years is grounded on the fact that the stability of Burma serves the interests of both sides or vice versa. Even if foreign direct investment flowing into Burma is among the lowest of the ASEAN members, China's trade with Burma has been increasing. The bilateral trade between the two countries reached US\$2.9 billion in 2009 (*People's Daily Online*, 2010). Besides the sixty-year long diplomatic relations, the China-Burma corridor projects serve as an important facilitator of the burgeoning bilateral trade between them. The construction of gas and oil pipelines connecting to China from Arakan State in Burma began recently at Madae Island off the Arakan Coast. It starts on Madae Island in Kyauk Pru Township on the western coast of Burma, and enters China at the border city of Ruili in China's Yunnan Province. It will then be extended by an

additional 1,700 kilometers from Yunnan to Guizhou and Guangxi Provinces, moving 12 billion cubic meters of gas (Arakan Oil Watch, 2009).

In addition, during a two-day visit in June 2010, Prime Minister Wen Jiabao signed 15 cooperation documents, including oil and gas pipeline projects with Burma (*China Daily*, 2010). However, human rights abuses and environmental damages occurring due to China's investments in Burma were being neglected from the agenda of the discussion. At the same time, Beijing wants to improve its security capabilities by expanding its access to military assistance in Burma both through supplying the SPDC with some military equipment and providing diplomatic support in the United Nations Security Council (UNSC). In parallel, as the world's largest democracy, India has provided important military and financial assistance that helps to keep the SPDC in power. After China, India is perceived as a major power that has the best relations with Burma's ruling junta. There have been a number of high level visits between the leaders of the two countries. To improve the connectivity with Burma, India has taken up a number of construction projects (*Asian Tribune*, 2010).

Recently, as a result of a five-day visit of General Than Shwe to India in July 2010, New Delhi agreed to help Burma in developmental activities covering information technology, industry, and infrastructure. Among other things, the issue of investment in natural resources is the main emphasis. Indeed, in February 2010, India's Cabinet committee on Economic Affairs had approved a US\$1.35 billion investment in gas projects in Burma, including financing for the construction of the Shwe pipeline (*The Huffington Post*, 2010). It might be said that such relations are guided by national economic and political interests rather than human rights and social development. Specifically, under the surface of these overt investments are the geo-strategic and geo-economic moves in response to China's expansion westward into Pakistan, Bangladesh, Sri Lanka, and Burma. In this regard, when it comes to human rights and democracy in Burma, both Beijing and New Delhi choose to remain silent as they look forward to maintaining a good relationship with the SPDC.

Supporting this notion is the evidence that Beijing has paid little attention to stop the flow of Burmese women particularly those from Kachin and Shan States being sold into forced marriage with Chinese men (Network for Human Rights Documentation-Burma, 2010). At the same time, while the most significant investment of India is in the massive Shwe gas project, which is expected to provide Burma on an average of US\$580 million per year, an estimated 100,000 Burmese refugees residing in India are still forced to work in low wage industries, and many Shin women have been forced into commercial sex industry (Refugees International, 2009). With these in view, the presence of China and India concerning non-intervention to interstate relations and their rejection regarding international sanctions against Burma may allow the SPDC to increase its political and economic leverage at home and abroad on the one hand, and deteriorate human security and trafficking situation on the other. Also, it could be possible that Burma itself will make use of its geo-strategic position dovetail with the influence of its partners like China and India to against the rest of the world, and even the ASEAN countries if the possible future sanctions upon it are manipulated.

Exogenous Pressures

During the Vietnam War, the authoritarian governments were encouraged by Western powers so long as they promoted political stability and anti-communism. However, after the end of the Cold War, U.S. foreign policy toward the Southeast Asia region has been reoriented as a result of the changing patterns of new great power rivalries, particularly in the case of China and India. Besides ASEAN leaders, U.S. policymakers and analysts have become increasingly concerned by the potential impact of China's and India's more proactive foreign policies toward Burma. While keeping sanctions in place, in line with President Barack Obama's policies, a major policy shift of the U.S. toward Burma involves high-level engagement with the ruling junta (Steinberg, 2010). Key to this policy is the emphasis placed upon a return to constitutional democracy,

implementation of the rule of law, and restoration of human rights, as well as combating trafficking in persons.

As observed, U.S. interests are not only placed upon political change in Burma, but also various security concerns emitting from Burma, including the outflow of narcotics, rampant human rights abuses, and large refugee populations in neighboring countries (*Asia Times Online*, 2009). However, it is argued that sanctions are rarely culminated in an expected outcome because of the refusal of ASEAN, China, and India to support it. Especially in the case of ASEAN, they might think that a policy of isolation and pressure on the SPDC would only heighten its domestic insecurity, leading to even more brutal repression within the country. Importantly, economic sanctions would have run counter the policy of non-interference in domestic affairs. These circumstances have made Burma insensitive to the U.S.'s unilateral economic pressure as a result.

In parallel, soon after Burma was admitted as an Asia-Europe Meeting (ASEM) member state in 2004, the authoritarian rule of the junta and its atrocious human rights record provoked severe criticism from the EU. Indeed, since the early 1990s, the EU has maintained a set of sanctions on Burma that has been strengthened over time. The sanctions comprise a travel ban on junta leaders, members of the judiciary, and political figures associated with the junta, including assets freeze, a ban on the export of regime-linked entities working in the industries of woods, metals, and construction materials. Even at the 18th ASEAN-EU Ministerial Meeting held in Madrid on May 26, 2010, the EU called on Burma's rulers to ensure that this year's planned election is credible, transparent, and democratic. Nevertheless, unlike the U.S., the EU and ASEAN ministers agreed to continue their dialogue on Burma, including on how to step up assistance aimed at improving Burma's social and economic conditions (*The Irrawaddy*, 2010).

An estimated 17.25 million euros humanitarian aid provided through the European Commission's Humanitarian Aid Department (ECHO) is expected to improve the standard of living of the ethnic groups living along Burma's borderline and refugee camps in Thailand (*NEWEUROPE*, 2010). However, it is provided to the ethnic groups without any

measures that can ensure their protection from being abused and exploited by the SPDC. More importantly, it is doubtful that whether such humanitarian aid scenarios provided would conversely make the SPDC fewer concerns about the problem of human rights and trafficking in persons. With these in view, besides economic and military assistance provided by China and India, the discrepancy existed between the EU's and the U.S.'s policy choices can also reduce the impact of sanctions upon Burma.

Conclusion

Although the causes of human trafficking in Burma are quite similar to what have been happened elsewhere, but key actors involved and their influences make it difficult to resolve. First of all, even though the ASEAN Charter became effective in December 2008, it remains the case that whether its emphasis on human rights and trafficking in persons are adequately comprehensive. In order to alleviate such problems and uphold social security, the issues of human rights and trafficking in persons should not only be viewed as a threat affecting social stability of each, but should also be recognized as an important challenge diminishing the regional security and development as a whole. In view of this, it should helpful for ASEAN members to raise this issue on their national agenda, and in particular on the regional forum for top-level political and economic discussion. In doing so, individual members of ASEAN must relinquish some of their autonomous power in order to develop common decision-making and settlement of issue. They should also be concerned about the specific code of conduct or legal-based settlement for any potential problems occurring in each member state that may affect internal and regional security rather than adopt the diplomatic or negotiation approach under the principles of the ASEAN Way.

Parallel to this is the repositioning of the diplomatic or strategic approach toward Burma's partners outside the region. Multilateral consultations between ASEAN members and China and India as to what should be done—specifically on the basis of the ASEAN Charter and its legally binding

**Thanawat Pimoljinda and Apiradee Thianthong, Institute of
International Studies, Ramkhamhaeng University (Thailand)**

dispute settlement mechanisms—so as to upgrade human rights record in Burma should be addressed. In regard to the role of the U.S. and the EU, unilateral sanctions and condemnations against Burma and multilateral efforts made at the international forums have proved impossible to change the policy direction of the SPDC, or even leading to the changing of political regime. That is because sanctions are not focused directly on human trafficking situation, but democratization process and human rights in general. At the same time, not only this policy choice has a far-reaching effect upon Burma's national economy, but also it has profound effect upon social conditions and human security by putting the poor at risk of being trafficked. Relevant to this is the issue of rapid economic development of China and India. It is not only altering the global balance of power, but it is also increasing Burma's resistance to the pressures of the international community.

At this point, if the U.S. and the EU want to solve the problem of human trafficking in Burma, a new direction of their policy choices will require a greater cooperation with key regional players in order to succeed. They should hold bilateral talk on the matter of the problem with ASEAN members, and do so with China and India, either formally or informally, or both. Specifically, as India and some other East Asian countries such as Japan, Singapore and South Korea are its major allies in Asia, Washington should make use of its well relationship with these Asian countries in pressing Beijing to take a more active role in responding to the problem of human rights and trafficking in persons in Burma.

References

- Acharya, A. (1999). *Realism, Institutionalism, and the Asian Economic Crisis* [Modern Asia Series]. Harvard: Harvard University, Harvard University Asia Center.
- Amnesty International. (2001). *Myanmar: Ethnic Minorities: Targets of Repression*. London: International Secretariat.

- Amnesty International. (2010). *The Repression of Ethnic Minority Activists in Myanmar*. London: International Secretariat.
- Arakan Oil Watch. (2009). Shwe Gas Will be Piped to China for 30 Years Starting from 2012. *The Shwe Gas Bulletin*, 3(5), 1-8.
- Aronowitz, A. A. (2009). *Human Trafficking, Human Misery: The Global Trade in Human Beings*. Connecticut: Greenwood Publishing Group.
- ASEAN Finance and Macroeconomic Surveillance Unit Database. (2010). Gross Domestic Product per Capita in ASEAN, at Current Prices (nominal), in U.S. dollars Annual: 2004-2009. Retrieved April 15, 2010, from www.aseansec.org/sts/Table7.pdf.
- ASEAN Human Rights Body Lacks Power to Punish. (2009, February 27). *The Irrawaddy*. Retrieved June 14, 2010, from www.irrawaddy.org/article.php?art_id=15201.
- ASEAN Secretariat. (1967). *The ASEAN Declaration [Bangkok Declaration]*. Jakarta: ASEAN Secretariat.
- ASEAN Secretariat. (1976). *Treaty of Amity and Cooperation in Southeast Asia*. Jakarta: ASEAN Secretariat.
- ASEAN Secretariat. (1997). *ASEAN Declaration on Transnational Crime, 1997*. Jakarta: ASEAN Secretariat.
- ASEAN Secretariat. (1998). *Hanoi Declaration of 1998*. Jakarta: ASEAN Secretariat.
- ASEAN Secretariat. (2004). *Vientiane Action Program*. Jakarta: ASEAN Secretariat.
- ASEAN Secretariat. (2010). The ASEAN Charter. Retrieved June 30, 2010, from www.aseansec.org/publications/ASEAN-Charter.pdf.
- Case, W. (2002). *Politics in Southeast Asia: Democracy or Less*. Richmond: Curzon Press.
- China, Myanmar to Enhance Bilateral Trade and Cooperation Through CAFTA. (2010, March 8). *People's Daily Online*. Retrieved August 1, 2010, from <http://english.peopledaily.com.cn/90001/90776/90883/6911486.html>.
- EU, ASEAN Urge Credible Election in Burma. (2010, May 27). *The Irrawaddy*. Retrieved June 14, 2010, from www.irrawaddy.org/article.php?art_id=18564.
- EU Gives Myanmar 17 Million Euros, Designed For the Poor. (2010, March 7). *NEWEUROPE*. Retrieved August 3, 2010, from

**Thanawat Pimoljinda and Apiradee Thianthong, Institute of
International Studies, Ramkhamhaeng University (Thailand)**

- www.neurope.eu/articles/99467.php.
- India-Myanmar-China Relations. (2010, July 7). *Asian Tribune*. Retrieved July 25, 2010, from <http://www.asiantribune.com/index.php?q=node/6641>.
- India's Burma Policy is Not Pragmatism, It's Realism. (2010, July 29). *The Huffington Post*. Retrieved August 14, 2010, from www.huffingtonpost.com/matthew-smith/indias-burma-policy-is-no_b_663198.html.
- International Displacement Monitoring Center. (2010). Myanmar: Increasing Displacement as Fighting Resumes in the East. Retrieved March 30, 2010, from www.internal-displacement.org.
- Narine, S. (2005). State Sovereignty and Regional Institutionalism in the Asia Pacific. *The Pacific Review*, 41, 1-31.
- Network for Human Rights Documentation-Burma. (2010). Human Trafficking Increases on Sino-Burma Border. Retrieved August 5, 2010, from www.nd-burma.org/news/feautres/364-human-trafficking-increases-on-sino-burma-border.html.
- Office to Monitor and Combat Trafficking in Persons. (2009). *Trafficking in Persons Report, 2009*. Washington, DC: U.S. Department of State, Office to Monitor and Combat Trafficking in Persons.
- Office to Monitor and Combat Trafficking in Persons. (2010). *Trafficking in Persons Report, 2010*. Washington, DC: U.S. Department of State, Office to Monitor and Combat Trafficking in Persons.
- Paribatra, S. and Samudavanija, C-A. (1986). Internal Dimensions of Regional Security in Southeast Asia. In Mohammed Ayoob (Ed.), *Regional Security in the Third world*. London: Croom Helm.
- Pimoljinda, T. (2010). Ethno-Religious Movements as a Barrier to an ASEAN Community. *Global Asia*, 5(1), 90-94.
- Premier Wen Visits Myanmar, 15 Deals Inked. (2010, June 3). *China Daily*. Retrieved July 20, 2010, from www.chinadaily.com.cn/china/2010-06/03/content_9929826.htm.
- Refugees International. (2009). India: Close the Gap for Burmese Refugees. Retrieved August 1, 2010, from www.refugeesinternational.org.
- Steinberg, D. I. (2010). The United States and Myanmar: A Boutique Issue? *International Affairs*, 86(1), 175-194.
- United Nations. (2000). Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,

- Supplementing the United Nations Convention Against Transnational Organized Crime. Retrieved August 30, 2010, from www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf.
- United Nations Development Program. (1994). Human Development Report 1994: New Dimensions of Human Security. Retrieved August 2, 2010, from <http://hdr.undp.org/en/reports/global/hdr1994/chapters/>.
- U.S. Takes a Radical Turn on Myanmar. (2009, September 30). *Asia Times Online*. Retrieved July 25, 2010, from www.atimes.com/atimes/Southeast_Asia/KI30Ae01.html.
- Walton, M. J. (2008). Ethnicity, Conflict, and History in Burma: The Myths of Panglong. *Asian Survey*, 48(6), 889-910.
- Women's League of Burma. (2005). Any Progress for the Lives of Women in Burma. Retrieved June 10, 2010, from www.womenofburma.org/Report/Bplus10.pdf.