

Panel 3: The political aspects, including a comprehensive and concluding cost-benefit analysis

**The importance and political positive impact of the international and EU economic and political sanctions issued in the case of Burma/Myanmar in the last 21 years**

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Are sanctions or, as the EU calls them, “Restrictive Measures”, the right means to counteract violation of international obligations, or not? Are they a helpful tool or are contributing to the humanitarian disaster of affected populations?

Are sanctions the cause of poverty, forced displacement of populations, trafficking in women, child labour, and health crises? Or the policies of governments, that violate international human rights norms, cause all such negative impacts, often in countries that are potentially rich, but who lack a shred of democratic governance and respect of fundamental human rights?

Diplomacy, military and economic instruments, such as trade, and arms embargos, limitations of travels, political limitations, could be used to oblige a State to respect international obligations and are certainly one of the many tools and strategies available to international institutions and governments, to avoid the use of force. They are one of the most common tools of international diplomacy but the most controversial.[1]

We do not want to enter into a general academic analysis on the use of sanctions by the UN, or by intergovernmental coalitions or unilaterally, even though it would be interesting to discuss, which could be the alternatives proposed by the academy of experts in this field, particularly in cases in which there is no or little space for dialogue on negotiations, as proved in the case of Burma/Myanmar, during the 1962-2011 military dictatorship and now, given the present military coup and the genocidal strategy of the military, to impose its grip on the Burma /Myanmar population.

Yes, of course, sanctions should be linked, when possible, to a diplomatic strategy, aiming also to negotiate with the sanctioned governments, and the case of Burma/Myanmar can be a good example to show that such an approach has been persistently sought. One example was the adoption of the GSP by the USA in 1976, in the mid of the Burmese dictatorship the Burma Most Favoured Nation (MFN), and the provision of developmental assistance by international financial institutions[2]. In this case, the first sanctions were imposed only in 1988.

In the case of Burma/Myanmar, without the implementation of both instruments: sanctions and negotiations, there would not have never been a change, both on the strict issue of forced labour, land confiscation, children recruitment into the army, and freedom of association, nor on the wider objective of a transition to a semi-civil government. But we need also to underline that, since the first formal trade unions complaint in 1993 at the ILO, that lead – after 7 years- to the sanctions in 2000, the solution took place only in 2012.

It took 19 years, during which, tens of thousands of people have been victims of forced labour, arrests, and extrajudicial killings, villages set on fire, and poverty, that remained rampant, not due to sanctions, but because the military confiscated land and crops, allocated the highest percentage of the national budget to the defense and illegally exported the profits of their military enterprises abroad.

It was a long process of dialogue and complex negotiations, stops and go, due to the military culture, that was an obstacle to the carefully played and monitored ILO work and of its constituents: government, employers and workers organizations, and the ILO Committee of Experts.

The question that many academics or policymakers often ask, is whether these choices were legitimate and whether they have been effective. History shows that there is no one solution for all, and that, it is important to understand under which conditions, restrictive measures can reach their objectives.

Many have argued that sanctions have been affecting the Burmese population and not the military or, that the alternative markets offered mostly by China and other Asian countries have nullified the impact of such sanctions over the years, creating a preferential relation with those countries. Others argue that regime repressive policies increased concerning retaliation against local political opposition with the result “that significant political opposition groups are unable to develop and participate in political action, even after the

*end of sanctions*". [3] This declaration does not represent the articulated and complex reality of Burma/Myanmar since, during the whole dictatorship the even though clandestine opposition, was vital and active in the country and abroad. Others argue that that government engagement with the international community, rather than isolation, lead to beneficial civil social transformation[4]. In the Burma/Myanmar case, the international institutions and particularly the ILO tried hard, but with very limited and often contradictory results, threats, and obstacles that took place during the long decades of Burma/Myanmar military dictatorship, confronting governments, with the real protagonists of the Burmese conflict: the military in power on one side, and the political and social opposition forces, that played a very important role inside and at the international level. Even the Liaison Officer received a series of death threats (21 in total), which were subsequently described as part of an organized campaign of intimidation. These very grave attacks at that time were accompanied by organized USDA, women, veterans mass demonstrations calling on the Myanmar authorities to withdraw from the ILO.

One of the true problems, that hinder the strong effectiveness of sanctions, until now, is that to make sanctions efficient, world leaders should adopt a common coherent strategy. Smart sanctions require international cooperation[5]. In this regard, the geopolitical interests of China and Russia, with their continuous UN Security Council vetoes, weakened but did not invalidate the role of sanctions, as a means to obtain results. Moreover, many vassal countries of these two powers, joined them, in opposing sanctions and ILO monitoring procedures. It is easy to check the declarations and the results of the voting in that institutions.

The peculiarity of the Burmese case, compared to other cases in which international institutions have imposed political and economic sanctions on governments, lies in our opinion, in the fact that such sanctions have been repeatedly requested by the Burmese political and social opposition of the country and not imposed just by other governments or international institutions. Therefore, with a very strong legitimacy. Over the years, another peculiarity, compared to the well-known case of Iraq, is that over the years the multiple sanctions adopted against the Burmese military regime have excluded humanitarian aids. The European Commission started to provide funds for humanitarian aid in 1994, and since 2000 totaled approximately € 30 million for main health-related projects. Since 2000, the EC has been the largest donor assisting uprooted people in Burma/Myanmar. In 2006 the EU adopted further funding for the other 40.5 million euros.

Another problem in the impossibility of solving the violation of human rights, within a defined time frame, is the absence of binding procedures and deadlines, as it is the case for the violation of international trade rules, agreed through the WTO dispute settlement mechanism.[6] For these reasons in 1996 an ICFTU (International Confederation of Trade Unions) delegation took part to the first WTO Summit, and launched the proposal of the inclusion of the so-called "social clause" in the trade agreements, linking trade and labour standards within WTO. Despite some governments' support, namely USA, France, and others most developing countries, but also the UK considered this a proposal to have a protectionist aim. In the end, the Ministerial Declaration while committing: *"to the observance of internationally recognized core labour standards, entitled the ILO as the competent body, to set and deal with these standards"* and governments reaffirmed their *"support for its work in promoting them"*. *"We believe that economic growth and development fostered by increased trade and further trade liberalization contribute to the promotion of these standards"*. A principle that has been widely contradicted by the most recent history. Governments reacted to the developing countries' concerns underlining that they *"rejected the use of labour standards for protectionist purposes, and agree that the comparative advantage of countries, particularly low-wage developing countries, must in no way be put into question. In this regard, we note that the WTO and ILO Secretariats will continue their existing collaboration"*[7].

That is the reason for Michelle Hansenne, ILO Director-General, that was not allowed to take the floor in such Summit, for declaring: *'The ball is now in the ILO court. The ILO has now been recognized as the organization mandated to consider workers' rights in the context of trade'*. [8] All that paved the way for the ILO decisions, taken four years later in Myanmar.

One has to remind that before the introduction of sanctions more than 20 years had passed, since the 1962 military coup. In all those years the country underwent social and economic mismanagement and continuous repression of human rights, by the junta, as well as the long internal ethnic conflicts that produced the impoverishment of a country which, for its extraordinary natural resources, could be thriving and economically advanced.

As stated by the EU:[9] *"Official double-digit growth figures for 2000/2001 and 2001/2002 are unlikely to reflect the realities of the economy. In 2003, the country's official growth figure stood at 5.1%. However, according to external estimates several severe shocks to the economy in 2003 – private banking crisis (February*

2003), together with new US sanctions (July 2003), and a Government export ban of six major crops including rice (December 2003) – may have led to an actual contraction in economic output in 2003 and 2004. The fiscal and monetary situation remains critical. The practice of monetizing fiscal deficits has been at the heart of Burma/Myanmar’s macroeconomic difficulties and results in high inflation and negative real interest rates.” “Corruption is systemic at the political and economic level. The military regime intentionally pursues a policy of corporate cronyism and allows privileges such as car import and telephone licenses to favored companies and family members. The unpredictable regulatory environment breeds rent-seeking behavior across all levels of the economy. At a smaller scale, corruption is part of a coping strategy of public sector employees given their inadequate salaries.”

The next pages will be dedicated to briefly recalling the complex decisions taken step by step and some of the motivations they brought to the strengthening of the sanctions.

At the outset of the 1962 military coup, the nationalization of the economy and industry, originated by the strategy to build a socialist state, the withdrawal of the 1947 Constitution, the militarization of the administration, the increasing trade deficit and cost of imports and external debt payment, brought the UN Social and Economic Council on the 8th of July 1987 to decide to recommend, that the General Assembly approve the inclusion of Burma in the list of least developed countries.

The economic crisis caused by the nationalization and the generalized repression through the prohibition of any form of freedom of association, which traditionally are key instruments for economic conflict resolution, increased the students and workers strikes and protests and have been violently repressed by the military junta.

The most well-known took place in 1988, when bloody repression of mass labour, students, and people demonstrations, caused more than 3.000 victims. Protests of governments and international institutions contributed to creating a vast political opposition, both inside the country, also thanks to the emergence of a new political leader as Aung San Suu Kyi, that formed the National League for Democracy (NLD). awarded the Nobel Prize in **1991, contributed to giving legitimacy to** the wider coalition against the military junta, which started an international campaign requesting the withdrawal from the country of multinationals and the introduction of economic sanctions to undermine the wealth of the junta, strangling the army and putting an end to the strategy of opening to foreign investments.

Pressured by the international dismay, in **1989**, the government indicated in its report to the ILO that “*major political changes are currently underway in Burma. In particular the former single-party system is in the process of being transformed into a multi-party system*” and this would produce substantial changes. But such changes never arrived. Despite such announcements, repeated years after years by the Burmese diplomatic delegations to the UN, **since 1988** the junta, instead of investing in the eradication of forced labour and promotion of productive decent jobs, doubled its army, The number of active-duty personnel in the armed forces was estimated to have grown from about 175,000 in FY 89/90, when the SLORC came to power, to about 350,000, out of which 70.000 were forcibly recruited children, under the age of 18.

In FY 95/96 with the intent to reach at least 475.000 and with authorized personnel level of the armed forces was about 550.000 with a 22,9 % of the Central Government Expenditure and just to understand that poverty was not deriving from sanctions, from FY 93/94 through FY 95/96, defense operating disbursements constituted about 40% of central government operating disbursements, thus not calculating the hidden subsidies to the Ministry of Defence from other parts of the public sector, in the form of costless or below-cost provision of goods and services[10]. Needless to say that in those years there were no foreign security threats that could induce the government to increase their defence expenditure, never less, in those years there has been an increase in arms imports, from Europe (including Italy) [11]and from China through long term loans.

## **THE LONG NEGOTIATIONS AGAINST FORCED LABOUR, AS A MEANS TO ERADICATE THE DICTATORSHIP**

The process that brought to the adoption of political and economic sanctions toward the junta was characterized by continuous, institutional failed efforts to reach an effective, transparent, and true dialogue with the military, while the use of forced labour, forced portering, children forced recruitment into the army, rapes and sexual harassment, land confiscation, and other human rights violation against those who have been denouncing the use of forced labour in Burma/Myanmar were constantly increasing.

It is worth underlining that during the following years the process that brought to the adoption of 31 UN General Assembly Resolutions and a series of sanctions by international institutions, the EU and the US, and

other governments was activated by the Burmese workers' organizations and the democratic opposition, that were, and are, the legitimate representative of those who have been affected by forced labour and violation of fundamental human rights at work, and who preferred to swallow sanctions than live their whole life under a dictatorship.

The UN and ILO Resolutions, and sanctions received the opposition of a series of governments, China and Russia in primis, and other authoritarian governments, who, by principle, were against "any interference in another country internal affairs" and who were afraid that a precedent could be used against them sooner or later.

After decades of self-imposed isolation, in those years, the military junta, strangled by the internal weak economic situation, adopted a policy of opening to foreign investments, particularly in the tourist sector. Many foreign investors were attracted by the great natural resources, by the oil and gas sector, and by the lack of labour rights, that granted a cheap, silent, and abundant labour force.

Pressures and negotiations by international institutions intensified, in particular, due to the denial by the junta to recognize the 1990 democratic elections. In the same year the UN appointed a Special Rapporteur on Human Rights for Burma, while, Australia imposed autonomous sanctions in response to the Myanmar Government's failure to recognize the victory of the National League for Democracy in the 1990 Myanmar elections, the EU formally declared the SLORC as illegitimate.

One of the key factors that led to the approval of sanctions by international institutions in Burma/Myanmar was the violation of the ILO Convention No.29 on Forced Labour that Burma/Myanmar ratified in 1955.[12] In January **1993**, the ICFTU (International Confederation of Free Trade Unions) presented to the ILO another complaint under article 24 of the ILO Constitution, addressing the case of forced recruitment and abuse of porters by the military, which was, at that time, the primary cause of concern. The year afterward the ILO GB November session "*adopted a report of the Committee it had established to examine the representation made by the ICFTU against the government of Myanmar for its failure to ensure effective observance of Convention No.29*"[13].

**Again**, the ICFTU and the ETUC (European Trade Unions Confederation) supported by the FTUB (Federation of Trade Unions of Burma), set up in exile by Burmese trade unionists in 1991, presented to the EU System of Generalized Preferences a formal complaint on forced labour cases, **in 1995**. It has to be recalled that until now, the GSP arrangements withdrawal, in case of serious and systematic violations of labour standards have been adopted very rarely, even though they are the only instrument internationally, that impose clear economic sanctions, through its temporary withdrawal mechanisms[14].

In such a complaint the trade unions were denouncing the use of forced labour in the construction of infrastructures, financed by foreign investors. As result, the EU included the prohibition of forced labour among the criteria for the suspension of the GSP and the next year, the EU Commission suspended the trade privileges given by the GSP to Burma/Myanmar, due to the wide use of forced labour.[15] **Again in 1996**, forced labour was at the centre of a historical suit, filed by FTUB and four plaintiffs, applying the Alien Torts Claim Act, against the offshore mining activities in Myanmar of **UNOCAL**[16], TOTAL FINA and PTTEP at the 9th Federal Court in the USA. The case was called "**Doe versus Unocal**". Doe was used to avoid revealing the names of the plaintiffs to avoid reprisal actions against them[17]. It was the first time that an Act was used to sue a multinational company, and after nine years, UNOCAL asked for a settlement.

In the same year, the ICFTU presented once again a complaint, under article 26 of the ILO Constitution, against the use of forced labour by the military in activities connected with portering of ammunition, food, and other activities for the army, including mines sweeping. The ICFTU complaint showed moreover, that such activities could not, in any case, be listed among the exceptions included in the Convention. In the complaint, the ICFTU cited a series of ILO Constitution articles, among which the art. 33 of the ILO Constitution. The USA withdrew its investments, while the EU published a Common Position,[18] highlighting that despite discussions in New York and Jakarta: "*it is disappointed at the unwillingness of the State Law and Order Restoration Council (SLORC) to enter into a meaningful dialogue with it. The European Union reaffirms its determination to resume such dialogue at any time*". In the same document the EU reaffirms the adopted measures that included an arms embargo, visa bans".

Such restrictive measures have been reiterated in the following years and were of great support for the appointment by the ILO Governing Body **in 1997** of a Commission of Enquiry[19]. In the impossibility to visit the country, due to the authority's prohibition, the Commission received over 6,000 pages of documents and heard testimonies, given by representatives of several non-governmental organizations and by some 250

eyewitnesses, with recent experience of forced labour practices. [20] Its final report was presented on 20th of August 1998. [21]

The final report, made up of more than 10,000 pages of data, interviews with victims, trade unions, witnesses, official documents, accused the junta of the widespread and systematic exploitation of forced labour “as part of a pattern of human rights abuse throughout Burma”. Moreover underlined that forced labour was permitted by the Village Act and Towns Act and that sanctions were foreseen by the Convention 29 art. 25 were not implemented by section 374 of the Myanmar Penal Code, underlining the impunity of government officials at different levels and military that used forced labour as a political system based on the use of force and intimidation to rule the country [22].

For these reasons, the Burmese trade union FTUB, supported by the ICFTU, launched a strong campaign against the presence of multinationals in Burma/Myanmar. Some American multinationals started joint ventures with local cronies, as was the case of Pepsi, which opened a bottling plant in Yangon at the end of 1991 through a joint venture with a businessman linked to the SLORC. Thanks to the US students boycott campaign led by the Free Burma Coalition FBC in 1997 Pepsi withdrew totally from Myanmar. This campaign brought other important multinationals such as Heineken, Texaco, Sony Eriksson, Reebok, and Levis to leave the country. Apple left in 1996 after the approval of the law in Massachusetts, the same with Eastman Kodak and Hewlett-Packard, while the garment industry pulled out before the economic sanctions. Sanctions were decided, as Secretary of State Madeleine Albright said, due to the refusal of the Burmese military to heed repeated American appeals to open a political dialogue with Burmese democrats, including Nobel Peace Prize winner Aung San Suu Kyi.

In the same period, the ICFTU and the ETUC wrote to EU Commissioner Sir Leon Brittan, protesting at the EU, under WTO rules, over the City of Berkeley, California (1996) and State of Massachusetts' refusal (1996) to deal with companies, who did business in Burma, because of human rights violations.

In 1997, Japan and the European Community (EC) called for WTO Consultations, claiming that the Massachusetts Burma Law violated the WTO's Agreement on Government Procurement (AGP). The Consultations did not resolve the conflict, however, and Japan and the EC both filed requests for a dispute settlement panel. As of June 2000, when the Supreme Court issued its decision in the Massachusetts case, twenty-four municipal, county, or state governments had enacted selective purchasing laws specifically targeting Burma [1].

The trade union organizations asserted that, if the actions of Massachusetts did not comply with WTO rules, then the WTO rules needed to be changed. Plus they called on the EU to ban investment in Burma by EU multinational companies.

Based on the Commission of Inquiry Report, the ILO Governing Body at its 279th Session in **November 2000**, decided to implement the Resolution of the International Labour Conference, adopted in the 88th ILO Conference of June 2000, aimed at compelling the Government of Myanmar to comply with Convention 29 on forced labour.

For the first time, the ILO Governing Body, under the never-before invoked article 33 of the ILO Constitution [23], approved the historical Resolution (by a vote of 257 in favor, 41 against, and 31 abstentions), that decided the implementation of a series of measures, including the exclusion of the military regime from almost all ILO activities, all ILO technical assistance, and banned it from attending meetings, except where it was intended to ensure compliance with the recommendations of the Commission of Inquiry. Burma's violation of the forced labour and freedom of association Conventions was also the subject of a “special paragraph [24]” in the report of the Conference Committee on the application of Conventions. [25] In support of the implementation of the ILO Resolution, the ICFTU, and the Global Unions Federations set up a database of companies with links with Burma/Myanmar, in violation of such ILO 2000 Resolution. On 28 October 2002, the Global Unions Federation and the ICFTU released a new database of over 325 foreign companies with business links to Burma [26], links that contributed to sustaining the use of forced labour in support of the brutal and repressive dictatorship, and called on governments, to impose a ban on investment, as well as for companies to stop doing business there. The following year other 48 companies were included.

To further support the thesis of the link between multinationals and forced labour, the ICFTU presented a dossier that included allegations from Burmese villagers that forced labour was used in connection with road

building and other infrastructure works developed for the Yadana pipeline operation, a joint venture of TOTAL-FINA-ELF, UNOCAL, Thailand's PTT-EP and the junta-controlled MOGE. For this reason, in 2005 even though Total had denied the use of forced labour, the company paid 5.2 million €, to settle such legal proceedings presented in the French Court in 2002.

Both the ICFTU and the FTUB, supported the view of Aung San Suu Kyi, who called students to support the adoption of international sanctions in 1997 in a speech read by her husband at the American University of Washington, aiming at restoring democracy in the country: “use your freedom to promote ours take a clear stand against multinationals who have business relations with the Burmese military”.

In December **2003**, the year in which the SPDC again detained Aung San Suu Kyi, the ICFTU released an updated list of companies with business links to Burma with 48 new entrants (Marriott Hotels, Triumph International, Accor Hotels, Premier Oil, British American Tobacco, Total, Unocal, Ivanhoe Mines, Daewoo, Austrian Airlines).

Each of the companies in the database with business links with Burma was in direct contact with the officials of the regime or promoted tourism in the country, a sector that saw the use of forced labour, particularly by prisoners used in the restructuring of the Hotel sector, museums and roads. The database listed the information available on each company (starting from 15 November 2000), and copies of correspondence from those companies to the Global Unions Federation.

The ILO 2000 Resolution was the basis for a work that lasted 12 years with mixed results and due to the total unwillingness of the military in adopting the necessary legislative, institutional, financial and operational changes, without which significant progress could not be made. Most importantly from the real beginning that is from the first High-Level Team mission, it was clear that the military had no intention to prohibit forced labour due to the structure of the army since it was an instrument of a well-established system, linked to a policy of self-reliance by the military, that gave them the possibility to find, independently, a way for their economic sustenance, empowering soldiers to oblige farmers and villagers to execute forced labour for them, to serve as porters or minesweepers or to confiscate their crops.

The appointment of a Liaison Officer in Myanmar, after the signature of a formal Understanding, between the ILO and the Myanmar junta, as underlined by the High-Level Team, aimed to establish a program to effectively address the root causes of the forced labour. This agreement was supplemented in 2007 by a “Supplementary Understanding” which established a complaints mechanism on forced labour. Along the years, thanks to the work of the clandestine trade unions and the ILO staff, people started to trust the Office and present the complaints, This was something the military could not accept in reality, and two trade union representatives, U Aye Myint, Min Kyi, and Shwe Mann were arrested and accused, among other things, of passing information about forced labour to the International Labour Organization (ILO November **2003**). Similarly, the case of Su Su Nway was symbolizing the great risk for those who wanted to denounce the cases of forced labour. This young labour activist accused the Village head, of the use of forced labour in the construction of a road in her village. For the first time in history, the village Head was sentenced to 16 months of prison, but immediately after she was accused of defamation and condemned to 18 months of jail. Only thanks to the international pressure, and after at least one year, all these labour activists could be released. On November 18, 2003, the US Secretary of the Treasury, designated Burma as a jurisdiction of primary money laundering concern and applied a “special measure” under Section 311 of the USA PATRIOT Act. [27]

Due to the increasing internal political divisions within the junta, and the consequent refusal to continue to cooperate with the ILO, and their policy to prosecute the complainants, it was clear that the ILO “wait and see” strategy, based on the dialogue, was not going anywhere. Many ILO Governing Body sessions and in between meetings, discussed possible sanctions, among them (1) A binding ruling by the International Court of Justice (ICJ) under article 37 (1) of the ILO Constitution; (2) A decision through the establishment by the ILO of a tribunal under Article 37 (2) of the ILO Constitution; (3) An advisory opinion from the International Court of Justice. [28] The workers' group has been working with a series of international experts, among which Professor Luigi Condorelli, and the US based PILPG lawyers, to prepare the request for an advisory opinion of the International Court of Justice, but no effective decision could be taken due to the ILO Office resistance and those of some key governments.

It took one year to reach the signing of a Supplementary Understanding in February 2007, and nevertheless, during the year labour activists, and persons associated with the facilitation of forced labour complaints continued to be arrested, and in September, the well-known “Saffron Revolution” was strongly cracked down by junta. It came for governments the time to take serious decisions on the level of sanctions. USA, Canada, Australia, and the EU tightened their economic restrictive measures, that for the EU included not only visa ban and assets freeze, but also the prohibition to do business, import or export with more than 1.207 companies, directly owned by the military or their cronies in most sectors, thus excluding oil and gas and oil, due to the strong opposition of France. The EU nominated also Mr. Piero Fassino as Special Envoy for Burma/Myanmar. But despite the numerous missions and high-level meetings, the results deriving from the attempts at dialogue have been, few if any. The impact of the EU restrictive measures have been undermined, particularly in Italy, due to the lack of monitoring by the Italian customs and the acquaintance of the government that did not adopt any measure against those companies, and on the contrary, closed the eyes on one of them well established in Myanmar with strong ties with the military junta. For three years in the row, since October 2007 CISL[29] published the list of import and exports and economic ties with Myanmar, from which it was clear that more than 375 companies were violating the EU Regulations. The same happened in 2009 and 2010.

Still, during the 2011 ILO Special Sitting, the Workers Group raised once again the issue of ILO policies consistency. Indeed, after 10 years from the Resolution, the workers were still requesting to ensure that the Myanmar junta made: *“the necessary budget allocations so that workers are freely contracted and adequately remunerated”* and: *a) avoiding the distraction of FDI revenues. b) Resolving the crucial problem of tax extortion, lack of accountability, corruption, as well as the illicit capital export, denounced by the UNDP, that classified Burma among the LDC, and as the 10th exporter of illicit capital for 8.5 billion \$. c) shifting public resources from the defence sector to public works.* The Workers Group denounced also: *“programs to develop Scud-type missiles, the building of hundreds of military tunnels, of a nuclear power plant, and the signing of contracts to import 62 armoured helicopters from Russia and weapons of mass disruption from North Korea”*, and as denounced by the Security Council in November 2010: *“the shipments of banned nuclear technology and missiles from North Korea to Burma. [30]”* This to underline that the responsibility of poverty was caused by corruption, alliances with other dictatorships and strategic political choices.

Moreover, the November 2011 312 GB saw another attack by the Workers Group, who denounced how, despite the ongoing political changes, including the approval of the new Labour Organization Law, still it was registered a widespread use of convicts for forced porting by the military in, inter alia, northern Karen State and subject to horrifying conditions that breached domestic and international humanitarian law. In Rakhine State, it was denounced that, while forced labour demand decreased immediately preceding the elections, the exaction of forced labour did not only resume but increased immediately after. The report also noted that observers estimated that 35-40% of forced labourers were children – some as young as 10 years old[31].

The Thein Sein semi-civil government embarked on a series of political reforms aiming to show the willingness of change by the military. It authorized the formation of trade unions, even though with a series of heavy constraints and limitations, and passed legislation, that made forced labour a crime, with penalties under the Penal Code, with a commitment to eradicate forced labour within 2015. Such legal and political changes enabled the ILO Conference in June 2012 to lift the restrictions imposed in 2000 against the Myanmar government. Decisions were celebrated with the participation of the ILC of Aung San Suu Kyi, who addressed the plenary with a historical speech that underlined the importance of the ILO tripartite constituency and that: *“Foreign direct investment that results in job creation should be invited. Investors should adhere to codes of best practices. Track records regarding internationally recognized labor standards and environmental responsibility should be examined.” “With the lifting or suspension of sanctions and with the restoration of the general system of preferences (GSP), we will have an unprecedented opportunity for economic development that should be part and parcel of democracy-friendly human rights development growth that would bring peace and prosperity to our country” [32].*

Following what seemed a real political change, both the EU, Canada, and the USA lifted their sanctions, except for the arms embargo, and started a new path of dialogue, programs of financial, technical, and humanitarian support to the democratic transition.

In the 19 years between the first ILO complaints and the new legislation and political commitments, there has been also deep changes at the social level with the blooming of a strong civil society, trade unions,

environmental and women activists, that thanks to social media, and strong international support. Nevertheless, what did not change is the structure of power given by the military constitution and the culture at the basis of the military strong power.

No dialogue, no concession, no soft approach, as indicated by the critics of sanctions such as Agnes Frittin and Niklas Swanstrom, proposing alternative strategies such as: Creating common ground, Creating content for relationships; Creating more trade and business[33], would have succeeded not even in cracking the armor that holds the military together. As clearly written by an old connoisseur of the country's complex events and conflicts of power, Bertil Lintner:” a much stronger factor than the supposed “patriotism! Of the military is the fact that since it first seized power in 1962 it has evolved into a privileged state-within- a state, where perks, privileges, and power over the country’s economy are phenomena that they don’t want to give up and are prepared to do anything-no matter how brutal- to crush those opposed to their rule.

### **NEW COUP, NEW TYPE OF SANCTIONS AND BOYCOTT INITIATIVES**

“*You messed with the wrong generation* “is the slogan launched by students, factory workers, trade unions, nurses, teachers, etc. during the demonstrations and strikes taking place from the 4<sup>th</sup> of February after the 1st February 2020 coup. A coup, that did not come like a bolt from the blue. On the contrary. It had been announced by the army spokesman and then denied by the commander in chief of the armed forces, but no one ever seriously thought that the initial threats were the result of the mere misrepresentation.

It was a planned decision, and not because the military seriously believed that there have been 8.6 million electoral frauds, but because in the recent political elections, the USDP, the military's rib party, got only crumbs, arousing in the military the strong concern, that the constitution they imposed by force in 2008 could be radically reformed they had no power to elect the next President, nor to control key political and economic reforms particularly those targeting corruption, transparency in the main economic holdings in the hands of the military, their families and friends, and drug trafficking.

As underlined by the Report of the Independent Investigative Mechanism for Myanmar presented to the UN Human Rights Council The Mechanism’s preliminary analysis of collected information concerning events in Myanmar since the 1 February 2021 military coup indicates that crimes against humanity falling within the Mechanism’s mandate, including murder, persecution, imprisonment, sexual violence, enforced disappearance and torture, have likely been committed.

Since the coup, the military regime took revenge on those fighting for democracy and has fired hundreds of thousands of ministerial employees, more than 11,000 university professors have been suspended for opposing the military coup, many universities have been closed. It is estimated that more than half of the 400,000 teachers in the education system (excluding universities) participate in the Civil Disobedience Movement, as well as construction workers, industrial workers that the junta forces are harassing, arbitrarily detaining, torturing, and killing. A report dated October 28 by the Associated Press[36] documents the numerous cases of torture by the security forces, with credible and consistent with the torture of 28 detainees released in recent months, with information from victims, forensic analysts, and military deserters who witnessed the abuses.

The military continues to raid charity and health facilities, destroying, damaging, or confiscating medical equipment, while abducting, beating, and arbitrarily detaining their colleagues. The SAC imposed martial law, searched civilian homes, carried out roadblocks, random killings of over one thousand and three hundred civilians, including dozens of children; Junta forces attacked healthcare workers or facilities. The army is devastating religious sites and convents, bombing churches, municipalities, and villages across the country, launching airstrikes on villages in ethnic states to put pressure on the armed ethnic groups that are protecting peaceful and civilian protesters. Soldiers also use heavy artillery to attack civilians. During October, with the end of the rainy season, indiscriminate attacks against villages and cities intensified, especially in Sagaing, Magwe, and Chin State. In particular, the town of Thantlang was bombed and over 100 buildings and churches were set on fire without the possibility of extinguishing the flames due to the absence of ad hoc structures. In the village of Khatea, in Shan State, some inhabitants, who had remained in the village because they were

elderly, were kidnapped, blindfolded, and forced to walk in front of the troops tied to a rope and used as human shields.

Still, after 10 months of violent, brutal repression the opposition is there, getting stronger both inside and internationally. The military did not understand that the 2020 environment is different from that of 1962, 1988, 1990, 2007.

One of the main differences has been the mushrooming of civil society organizations, of Generation Z, the strength of the trade unions particularly, but not only in the industrial sector, which are the backbone of the strikes in all sectors, paralyzing the economy; the fact that the coup, with the arrest of the President, formally breached their military Constitution, a key element that together with the unwillingness to reach dialogue, are even bending the ASEAN toward a stronger position; the need for political and social stability to make Chinese investments to continue, particularly within the belt and road initiative are new elements that make things deeply different from the previous failed revolutions.

Moreover, the strength of the internet created an interconnected just in time opposition. The StatCounter of GlobalStats underlined that, in February 2021, 97,4% of the population were using Facebook, and even if now due to military restrictions the users are 87,89% these numbers, enabled to inform, just in time, on repressive activities and opposition's initiatives.

Sanctions in this new contest have been supported by the fact that, since the real beginning, any kind of interlocution was rejected by the military. One example is represented by the call from the European Union's military chief of staff, Vice- Admiral Hervé Bléjean, to Soe Win, on March 9, to urge the military to stop all violence and release the country's democratically-elected leaders. The New Light of Myanmar reported that they had discussed the State Administration Council's efforts to establish community peace and the rule of law.[\[34\]](#)

From February until now, while the UN Security Council has expressed its "deep concern at the declaration of the state of emergency imposed in Myanmar by the military on 1 February and the arbitrary detention of members of the Government, including State Counsellor Aung San Suu Kyi and President Win Myint and others" and on the 10th of November again expressed deep concern at further recent violence across Myanmar. They called for an immediate cessation of violence and to ensure the safety of civilians, due to China and Russia vetos no stringent Resolution has been decided yet [\[35\]](#).

On the 18th of June, the Assembly further called on the armed forces to immediately and unconditionally release President Win Myint, State Counsellor Aung San Suu Kyi, and all others arbitrarily detained, charged or arrested, and in a very mild way, the General Assembly additionally called on all Member States to prevent the flow of arms into Myanmar. The vote was not unanimous: 118 in favour, Belarus voted against and the other 36 governments abstained, including some of the ASEAN member countries.

The international community and the EU have entrusted ASEAN with the primary negotiating role for the opening of a dialogue between the military regime and the democratic opposition represented by the National Unity Government, to obtain the restoration of democracy, the release of all prisoners, politicians. Unfortunately, only on 24 April last, the ASEAN Summit, to which the architect of the coup d'état and head of the Burmese armed forces Min Aung Hlaing had been invited, produced a five-point agreement signed on 24th of April 2021: 1) the immediate cessation of violence in Myanmar; 2) constructive dialogue among all parties concerned to seek a peaceful solution in the interests of the people; 3) mediation to be facilitated by an envoy of ASEAN's chair, with the assistance of the secretary-general; 4) humanitarian assistance provided by ASEN's AHA Centre and 5) a visit by the special envoy and delegation to Myanmar to meet all parties concerned.

Once again, the strategy of dialogue versus that of sanctions has proved to be unsuccessful. The Commander in Chief and head of the genocidal junta, who signed the agreement, still after seven months refuses such contents.

The military stubbornness, enabled WHO, FAO, and ILO, to refuse the SAC credentials to their Conferences, and even the ongoing UNGA, has accepted that the Myanmar ambassador Kaw Moe Htun, appointed by the

NLD government will stay, until the Credential Committee will be asked to evaluate the request for credentials presented by the National Unity Government, formed in April 2021 and by the military junta.

From April 24th with three different decisions, the EU Council adopted a series of restrictive measures aimed at natural and legal persons, entities, and bodies whose activities undermine democracy and the rule of law in Myanmar/Burma, companies under military control such as Myanmar Economic Holding Public Company Ltd (MEHL) and Myanmar Economic Corporation Limited (MEC) and companies operating in the wood, precious stones, and jade sectors; as well as travel bans and asset freezes; a ban on EU citizens and businesses from making funds available to listed persons and entities. Measures that are added to the previous restrictive measures, including the embargo on weapons and equipment that can be used for internal repression, a ban on the export of dual-use goods;

While the EU Parliament adopted on the 7th of October a strong Resolution requesting the EU Council to impose further targeted and robust sanctions among which “*asset freezes and bans on international financial transfers to the two state-owned banks, the Myanmar Foreign Trade Bank and the Myanmar Investment and Commercial Bank, through which all foreign currency is collected, and adding to the sanctions list the state-owned Myanmar Oil and Gas Enterprise, which generates the junta’s single largest foreign currency inflow*”;

These decisions respond in part to the call launched by 183 Myanmar Civil society organizations (mainly, the Labor-Alliance, made up of 16 labour organizations, with a leading role of the Confederation of Trade Unions of Myanmar; nurses organizations, Women organizations, a long list of university student unions from different towns, Education Boards of various townships and Regions; Computer University Kengtung Teachers Union, Dagon University Education Workers Basic Workers Union, Printing and Publishing Workers' Union, Electricity Distribution Workers Union, Myanmar Railways Workers Union, Mon State Health Department, Yangon Medical Network, Mandalay Medical Family, CDM Medical Network, LGBT Alliance, LGBT Union – Mandalay, Myanmar Labour Alliance, engineers’ network, Economic Network, medical network,) all requesting for the adoption of comprehensive economic sanctions.

To respond to the claims that previous sanctions on Myanmar had negative humanitarian impacts, while the US State Department estimated that a 2003 US ban on Burmese textile imports cost 50-60,000 jobs (although orders from the EU mitigated the effect)[37] and to respond to the worries of a Myanmar expert[38] that argued that ordinary people rather than the government could again pay the price, especially if the sanctions turn into a broader attempt to bankrupt the state, the 183 organizations signatory of the appeal have a clear idea of their requests and the potential impact:

*“We understand that Comprehensive Economic Sanctions- CES can cost millions of jobs in Myanmar and possibly further decimate the situation in the country. However, the long-term presence of the military will only worsen and prolong human rights and workers’ rights violations, forced labour issues, unemployment, food shortages, refugee crisis, and other oppressions. To escape from these crises and oppression, uprooting the military regime completely is the only way. Comprehensive Economic Sanctions-CES can destroy pillars of the military, and shorten their lifespan. Therefore, it is the choice we must make to build a new federal democracy people desire.*

*We the following (182) organizations from Myanmar including workers, farmers, students, teachers, medical professionals, lawyers, youth, and women organizations request the international governments including the Governments of Europe and the United States of America to promptly implement the Comprehensive Economic Sanctions CES on the Myanmar Economy. The requested Comprehensive Economic Sanction calls for the stopping of international financial services (international bank transfers and bank credits), stopping the insurance and reinsurance services, effectively stopping arms and weapon selling and related support goods trading and dealing, oil, and gas exploring, excavation, exporting and trading of natural resources of Myanmar such as gems, woods, and other forest products”.*

For this reason, to hurt the military regime, sanctions must go beyond being selective. Comprehensive economic sanctions should be imposed, meaning across the board trade restrictions, and a banning of all commercial activity with the Myanmar regime. Only by taking strong measures, it will be possible to “starve and drive out the regime.”[39]

In particular, the IWFM affiliated with the Confederation of Trade Unions of Myanmar, which is leading the Comprehensive Economic Sanctions CES Campaign, had been working since February to oppose the military coup, with strikes and demonstrations that saw workers, particularly women in the forefront, while the junta declared the martial law in the Mandalay and Yangon industrial zones. In Hlaing Thar Yar (Yangon) with more than 500 factories in operation, from March onwards, between 150,000 and 200,000 workers have fled the zone due to random killings, arbitrary arrests, violence and arson attacks on houses and factories. IWFM, which is part of the ACT agreement (Action, Collaboration, Transformation between global brands, retailers and trade unions to transform the garment, textile and footwear industry and achieve living wages for workers through collective bargaining at industry level) discussed and agreed with the ACT members' brands that suppliers, should have not to punished those workers who exercised their rights to freedom of association and peaceful assembly and joined the demonstrations. A large number of workers lost their jobs, without getting severance allowances. Factories reopened, but many workers could not go back to work, due to attacks by the military inside the industrial zone. For those workers who fled the violence and returned to their villages, return was impossible, due to blocked roads and checkpoints, with many travellers' subject to harassment, search and detention by the military.

Unfortunately, most brands did not accept the unions requests and workers in the industrial zones continue to be harassed, threatened, or obliged to work in very dangerous conditions, due to the lack of even the basic protections from the Covid19 pandemic. Most factories requested the presence of the military or police in front of their gates, to threaten workers, who are frightened while entering the working places. The reality is that most Myanmar employers are using the dictatorship to cut all the labour rights, foreseen by the law and the international human and labour standards. No means can prevent the military from targeting, arresting, torturing, or killing trade unionists or workers cooperating with trade unions in reporting about violations of labour rights and laws in the factories. For these reasons, in the impossibility for multinationals and brands to grant the due diligence and respect of fundamental workers rights at workplace, the 183 organizations coalition is asking multinational companies to leave the country and the implementation by governments of Comprehensive Economic Sanctions.

The CTUM has been actively operating to maintain a strong social opposition in the whole country, supporting those workers and families that have been sacked, due to their participation in the CDM. What cannot be obtained through international sanctions, is organized by the trade union coordination with hundreds of thousands of workers and trade union activists: ministerial employees, teachers, and university professors; construction workers, industrial workers, which are the backbone of the democratic opposition, with the result that until now in the Ayeyawaddy Region the gas and oil pipeline maintenance is running at 20%; the education and staff and education regional office work at 50%; while in Bago Region the high and middle schools work at 20%; nurses at 20%; energy and electricity sector work at 40%; railways at 20%; in Magwe Region Energy production and test wells at 85%; fertilizers sale blocked; Refineries 50%. In Mandalay region the railways and cargo handling work at 5%; In Mon State at 10%; health and doctors at 50%; in Naypyitaw railways work at 10%; as well as in Yangon Region.

Trade unions, the Generation Z and the CDM, while asking brands to leave the country to avoid being complicit with the regime, have also decided to boycott products made by military-owned companies. Due to this situation, to the banks restrictions, to the rampant inflation rate, the exodus of multinational companies from the country continues. Especially European companies. The closure of the wholesale sales company Metro has been in recent days, preceded by the abandonment of companies especially in the garment sector, due to the impossibility to carry out the due diligence, or due to the banking crisis, the paralysis of ports and logistic sector, the currency fluctuation etc.. British Tobacco is planning to leave the country, as well as the Adani Ports, which was building a US \$ 290 million container port, on an area owned by the junta. The same has been for the Norwegian telecommunication giant Telenor, which sold the company to a Lebanese corrupt company, without respecting the OECD guidelines on Multinationals, and for this reason, there is an open complaint to the OECD National Contact Point. The Japanese Kirin decided to leave as well. In addition to the issue of human rights violations, investors were put off by the financial turmoil caused by the dictatorship.

After the coup, the EU has been quite cautious and insisted that targeted sanctions are to be preferred, while asking companies to implement due diligence in their business in Myanmar. An approach that, as mentioned above, has been rejected by the trade unions, claiming that despite the UN Guiding Principles on Business and Human Rights, the OECD Guidelines on Multinational Enterprises, and the ILO fundamental Conventions are the normative standards to be respected concerning human rights, due diligence in multinationals and their supply chains, such principles in a country ruled by fear and terror, the call of the EU Parliament Resolution on the “EU-based businesses with operations or supply chains in Myanmar to conduct heightened human rights due diligence” cannot be implemented nor reach positive conclusions.

Still, there is an ongoing discussion with the EU on the suspension of the GSP and EBA regulations, since the EU is convinced of the possibility to carry out due diligence and to impose to the Myanmar suppliers the respect of core labour standards. Such an approach was ignored by the EU Parliament that invited the Commission to revise the GSP and the EBA toward Myanmar, following the Rakhine crisis in 2017. Such suspension would have affected particularly, but not only the garment sector, due to the effect of a potential withdrawal from the whole country by many brands punishing all workers of the country and not the military. In that case, the CTUM actively lobbied, against the withdrawal of the GSP, while recognising that there were no excuses for the harsh human rights violations in Rakhine State or in any other ethnic state.

Now after the military coup, when democracy and human rights are denied to the entire population, the trade unions are stressing the fact that it is time to decide for a temporary suspension of the EU GSP.

In summary, looking at the country's history, the major obstacles and restraints for the correct and concrete implementation of sanctions and their effectiveness were based, on the obstacles created by the unwillingness of the business community and regional governments. The US “selective Purchasing Laws voted into laws in (24) cities, counties and states “started in 1994 were so effective that in 1997 the law was challenged by a group of business organizations in the US federal court then taken to the WTO by Japan and the EC to the WTO rules. The Consultations did not resolve the conflict. However, and Japan and the EC both filed requests for a dispute settlement panel. One clear thing: it was not the sanctions not being unsuccessful, but the business community using the US Federal Court and the WTO to shoot down an effective people-generated political mechanism. As of June 2000, when the Supreme Court issued its decision in the Massachusetts case, twenty-four municipal, county, or state governments had enacted selective purchasing laws specifically targeting Burma.[40]

The ASEAN bloc created the “constructive engagement dialogue approach”. It sounded smart, but the regime was smarter, and used it as a shield to prevent either the UN or the EU or the US and other countries from applying to follow up measures to the many resolutions. This approach created space for the military to destroy the country for over twenty years.

It also became the screen for the “wait and see” approach of the EU, and for Singapore's role in allowing the Myanmar business to open a Letter of Credit with Singapore banks while the US Government was applying US dollar bans, was another factor that enabled the Myanmar military to continue their business.

Another obstacle was China, Russia, India using the Asean shield to defend their interest. Individually but with the same geopolitical objective of grooming the regime for their regional influence, these governments and their actions were bad examples of the obstacles that limited concrete follow-ups of the international commitment toward the solution of the military power.

[1] ODUMUNC 2020 Issue Brief. UN General Assembly Fourth Committee: Disarmament, The Role of the Sanctions in Diplomacy *ODU United Nations Society*.

[2] US Sanctions on Burma, Michael F. Martin Specialist in Asian Affairs, July 2010 Congressional Research Service Report for Congress

[3] Economic Sanctions vs. Soft Power Lessons from North Korea, Myanmar, and the Middle East, Nikolay Anguelov *Alternative to Sanctions*, Tiffany Kaschel and Nikolay Anguelov

[4] Smith and Wiest (2005)

[5] Smart Sanctions: A Short History by Uri Friedman. *FP Magazine*. 23.1 (2012)

[6] “there are three main stages to the WTO dispute settlement process: (i) consultations between the parties; (ii) adjudication by panels and, if applicable, by the Appellate Body; and (iii) the implementation of the ruling, which includes the possibility of countermeasures

in the event of failure by the losing party to implement the ruling Handbook on the WTO Dispute Settlement System” the second edition 2017.

[7] Singapore, WTO Ministerial Declaration. [https://www.wto.org/english/thewto\\_e/minist\\_e/min96\\_e/wtodec\\_e.htm](https://www.wto.org/english/thewto_e/minist_e/min96_e/wtodec_e.htm)

[8] The WTO and the Social Clause: Post-Singapore Virginia A. Leary

[9] EC – Burma/Myanmar strategy paper (2007-2009)

[10] 1997 Myanmar USA Embassy Foreign economic trends, page. 15

[11] Transforming the Tatmadaw: the Burmese armed forces since 1988 Andrew Selth 1996

[12] In 1930, the ILO adopted Convention 29, while Convention 105 was adopted in 1957. The first has been ratified by Burma/Myanmar, and foresees that “forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”. And the art. 1 states moreover that “Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period

[13] Report of the Commission of Inquiry appointed under article 26 of the Constitution of the ILO to examine the observance by Myanmar of the Forced Labour Convention 1930 (No.29)

[14] The perspective of social clauses in international trade. Adalberto Perulli, WP CSDL “Massimo D’antona” INT 147/2018

[15] <http://www.ipsnews.net/1997/03/trade-human-rights-eu-withdraws-trade-privileges-from-burma/>

[16] In 1992 UNOCAL signed a contract with Total and the Burmese junta for the construction of a gas pipeline, knowing thanks to a report of the Control Risks Group, that assessed that forced labour was rampant in Burma.

of the use of forced labour by the military do tasks like clearing paths in the forest, building bridge embankments, and serving as porters for the military. Some people were tortured and executed. <http://students.washington.edu/burma/Unocalupdate.htm>

[17] <http://students.washington.edu/burma/Unocalupdate.htm>

[18] Common Position of 28 October 1996 defined by the Council based on Article J.2 of the Treaty on European Union, on Burma/Myanmar (96/635/CFSP)

[19] <https://www.ilo.org/public/english/standards/relm/gb/docs/gb273/myanmar.htm>

[20] The reports showed that about 800.000 people were involved in such programs. Roads, airports, electric plants highways were built through forced labour. The most famous example was the Ye-Tavoy railway, where over 20,000 people had been enslaved on a rotating shift basis from hundreds of villages between Ye and Tavoy. In that case, roughly 160.000 Karen and Mon people were moved from that area and more than 30.000 soldiers were utilized to repress eventual protests. The case was symbolic because among the proofs there were leaflets from the authorities which were distributed in the villages and that explained clearly which were the punishments for those who refused to leave the family and the village itself. Two major foreign companies were involved in such activities and both of them were working in the construction of gas pipelines. For such activities, entire villages were obliged to be destroyed. Further use of forced labour at the time was for the restoration of monuments, and other tourist infrastructures (bridges, airports, hotels, etc..) to respond to the new trend of economic opening up.

[21] <https://www.un.org/ruleoflaw/blog/document/forced-labour-in-myanmar-burma-report-of-the-commission-of-inquiry-no-29-2/>

Report of ILO Commission of Inquiry, that reveals widespread and systematic use of forced labour in Burma/Myanmar and that the Convention had been violated in law, as well as in practice, in a widespread and systematic manner.

[22] www.ilo.org GB273, Report of the Commission of Inquiry 1998 page. 542

[23] *Article 33 of the ILO Constitution*: In the event of any Member failing to carry out within the time specified the recommendations, if any, contained in the report of the Commission of Inquiry, or the decision of the International Court of Justice, as the case may be, the Governing Body may recommend to the Conference such action as it may deem wise and expedient to secure compliance therewith.

[24] The discussions and conclusions of the situations examined by the Conference Committee are published in its report. Situations of special concern are highlighted in special paragraphs of its General Report.

[25] <https://www.tuc.org.uk/research-analysis/reports/chapter-13-international>

[26] The multinationals database included British American Tobacco (BAT) subsidiary Rothmans Pall Mall Myanmar Private Ltd, in a joint venture with Burmese company UMEH; Suzuki (in which General Motors had a 20% stake); Pinault-Printemps-Redoute, that imported clothes made in Burma; Shin Corporation, a telecom group linked to the Thai Prime Minister Thaksin Chinnawat family; and Austrian Airlines, Hyundai; Korean Gas Company with Daewoo; and LG Electronics.

[27] Burma: Economic Sanctions Larry A. Nicksch Specialist in Asian Affairs Martin A. Weiss, Specialist in International Trade and Finance August 3, 2009, Congressional Research Service.

[28] ILO 95th Conference 2006 provisional records. Review of further action that could be taken by the ILO following its Constitution to: (i) effectively secure Myanmar’s compliance with the recommendations of the Commission of Inquiry; and (ii) ensure that no action is taken against complainants or their representatives

[29] Adnkronos: [http://www1.adnkronos.com/Archivio/AdnAgenzia/2007/10/04/Economia/MYANMAR-BONANNI-CISL-IMPRESA-ITALIANE-STACCHINO-LA-SPINA-A-GIUNTA-MILITARE\\_101534.php](http://www1.adnkronos.com/Archivio/AdnAgenzia/2007/10/04/Economia/MYANMAR-BONANNI-CISL-IMPRESA-ITALIANE-STACCHINO-LA-SPINA-A-GIUNTA-MILITARE_101534.php)

[30] C. Brighi, 100th ILO Conference Special Sitting 4.6.2011

[31] 312th Session of the Governing Body - November 2011 Workers Briefing Note Institutional Section

[32] [https://www.ilo.org/global/about-the-ilo/newsroom/statements-and-speeches/WCMS\\_183369/lang--en/index.htm](https://www.ilo.org/global/about-the-ilo/newsroom/statements-and-speeches/WCMS_183369/lang--en/index.htm)

[33] European Sanctions against Myanmar, Institute for Security & Development Policy. Policy Brief n 15, January 20, 2010

[34] Is there a way forward Now for Myanmar? Bertil Lintner, Global Asia, March 2021, (Vol16, No1)

[35] Security Council press Statement, February 4th, 2021

[36] <https://apnews.com/article/myanmar-torture-military-prisons-insein-abuse-390fe5b49337be82ce91639e93e0192f>

[37] US State Department Archive, <https://2001-2009.state.gov/p/eap/rls/rpt/32106.htm>

[38] Could sanctions on the military ever work? By Tim McDonald BBC News April 9th, 2021

[39] ‘Myanmar Trade Unions Call for Comprehensive Economic Sanctions’, IndustriALL, 22 July 2021, <http://www.industrialunion.org/myanmar-trade-unions-call-for-comprehensive-economic-sanctions>.

[40] Massachusetts, Burma, and the World Trade Organization: A Commentary on Blacklisting, Federalism, and Internet Advocacy in the Global Trading Era Peter L. Fitzgerald. Cornell International Law Journal, Volume 34, Issue 1 2001

