

FLYING BLIND

INVESTIGATING THE HUMANITARIAN AND HUMAN RIGHTS IMPACTS OF THE US SANCTIONS REGIME ON BURMA

Jason Burwen, Sara Moore, Corey Ponder, Cozette Tran-Caffee, Jennifer Tucker

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Goldman School of Public Policy
University of California, Berkeley

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The Human Rights Center (HRC) at UC Berkeley is an evidence-based research organization interested in the human rights and humanitarian impacts of the US sanctions regime on the people of Burma. This report was undertaken at HRC's request.

EXECUTIVE SUMMARY

The deplorable human rights and humanitarian conditions on the ground in Burma are apparent; the role of the ruling military junta in perpetuating those conditions is clear. The US has imposed an increasingly strict series of sanctions in response to the Burmese military government's refusal to respect the results of the democratic elections of 1990. What is unclear is *whether US sanctions are having an impact on, or can be correlated with, human rights abuses or humanitarian conditions on the ground.*

We defined a set of human rights and humanitarian indicators by which to measure changes in human rights conditions, based on prevailing methods for evaluating the humanitarian impacts of sanctions. Unfortunately, consistent and reliable data on these indicators are difficult to find and in many cases do not exist. Also, baseline data (that is, data prior to US sanctions) are largely absent. Without baseline or subsequent consistent data over the period of US sanctions, we could not establish empirical correlation, let alone causality.

Nevertheless, we recommend that human rights impact be considered more carefully when considering future policy changes. Additionally, the US policy of addressing human rights conditions through sanctions should be reevaluated.

PART 1 | INTRODUCTION

Why Examine Sanctions? Arguments For and Against

Countries employ sanctions to force either behavior change or regime change. There are two main debates about sanctions:

1. Are sanctions effective tools for achieving foreign policy goals?
2. Do sanctions have an impact, positive or negative, on human rights realities or daily living conditions?

For the purposes of this paper, we intend to examine the latter question. We will dispense with the former question simply by noting that the military government in Burma continues to rule largely as it has since 1992 without significant threats to its power despite US sanctions.

The debate over the humanitarian impact of US sanctions on Burma appears to be conducted without an empirical basis. The following are a representative sample of voices on this matter:

Pro-Sanctions Voices

“...the impact of sanctions on the population is minimal because foreign investments in Burma concentrate on natural resource extraction, which has very little trickle-down effects in terms of creating employment and small business opportunities within the overall economy.” – Zaw Oo, policy advisor to the Burmese exile government¹

¹ Zaw Oo, 2002.

“As sanctions will primarily affect the cross-border flows of goods, services and finance, this [informal] sector – with its low level exposure to external markets – will be relatively insulated from any consequences. The informal sector is by far the most important for ordinary people in Burma, around which, most of their lives revolve.” –Alfred Oehlers, Professor at the Asia-Pacific Center for Security Studies²

Anti-Sanctions Voices

“These sanctions mean the majority of people will suffer without even knowing that they are being sanctioned.” –anonymous Burmese citizen³

“As many of the businesses operating in Burma have pointed out, the sanctions' main victims are the Burmese people themselves... US companies train workers and transfer technology more readily than do their Asian and European competitors. They promote democratic values, set a positive example, and improve the general quality of life by providing fair pay, safe working conditions, and health and education benefits.” –Cato Institute, a libertarian US think-tank⁴

“My argument against sanctions is that they hurt the people more than the government... The low-income unskilled people—most of whom do need jobs to feed their families on a daily basis and keep a roof over their heads—will be the ones most hard hit without employment opportunities.” – Ma Thanegi, Yangon-based journalist⁵

It is important to note that US policy focuses on establishing political rights for the Burmese people, signified by insistence that the 1990 election results be realized in a transfer of power to the NLD. This does not exclude concern for the human rights and humanitarian impact of sanctions per se, as political rights, such as freedom of expression and assembly, are part of a greater human rights framework and so are not wholly separable from humanitarian concerns. In this respect, the argument about the policy effectiveness of sanctions is not entirely separable from impact on humanitarian and human rights indicators. We acknowledge this fact, although for the purposes of measuring human rights indicators we need not engage in arguments of effectiveness.

We examine the human rights and humanitarian impacts of US sanctions on the people of Myanmar (Burma hereafter). Below we present a brief **background** on Burma and the US sanctions regime (Part 2), a detailed examination of the **methodology and availability of data** in this study (Part 3), our **conclusions** about the impact of sanctions (Part 4), recommendations for **further research** (Part 5), and recommendations for **action**, should policy windows open in the future (Part 6).

Limitations

We recognize that sanctions are often a direct response to policy change in the target country; separating the impact of the Burmese military government's actions or other exogenous factors from the effects of US sanctions is challenging. In addition to this methodological limitation, we also operated with constraints on our research. First, we were constrained to one semester of research.

² Oehlers, 2003.

³ Soe Win Than, 2003.

⁴ Hadar, 1998.

⁵ Ma Thanegi 2002.

Additionally, we did not consider studies in languages other than English or conduct thorough interviews of experts in the field. Also, we have limited knowledge of international diplomacy and strategies for negotiating with an entrenched military regime such as the junta. Therefore, this study cannot adequately address approaches to pressuring the Burmese government to begin respecting human rights. We do, however, ultimately suggest possible approaches in which the US could play a role, should the opportunity for meaningful action arise.

PART II | BACKGROUND

Political Context

Military governments have ruled Burma for most of its post-independence history. In Burma's last election in 1990, Burmese citizens voted to oust the regime in favor of the opposition National League for Democracy, led by Aung San Suu Kyi. The military ignored the results of the election, confined Aung San Suu Kyi to house arrest, and arrested many NLD members. The military, under the leadership of Senior-General Than Shwe since 1992, continues to rule Burma in the face of increased condemnation from the United States and other countries.

The human rights situation in Burma is dire. The military does not hesitate to use violence against its citizens. Extrajudicial killing, arbitrary arrest, and torture appear to be commonplace. The military is reported to expropriate private land and use forced labor on a widespread basis.⁶ There is no freedom of expression or assembly, and an estimated 1,350 political prisoners are currently jailed.⁷ Moreover, long-standing oppression of ethnic minorities and conflict with ethnic separatist armies in Burma's border states has resulted in an estimated one million internally-displaced persons and an atmosphere of lawlessness.⁸

Decades of economic mismanagement have left Burma the most impoverished nation in the region and one of the poorest in the world. GDP per capita is estimated at \$200-300.^{9,10} Economic conditions across Burma are uneven, as there are great disparities between urban and rural areas as well as between lowland and mountainous areas; moreover, the degree of government control and administration varies greatly among and within states. Modest market-oriented economic reforms since 1988 have led to increased imports, foreign direct investment, and economic growth,¹¹ although it appears that much of the benefits accrue to the military government. The state controls all natural resources, notably oil and gas, and state-owned companies run much of Burma's trade, transportation, and manufacturing.¹² The military government's spending on its people is relatively low; education spending is estimated at 1.3% of GDP (compared to 3.2% for other low-income

⁶ For narrative accounts representative of these actions, see *The Findings in the Open Heart Letter Campaign* of the 88 Generation Students activist group, issued in March 2008.

⁷ Amnesty International, 2005.

⁸ Internal Displacement Monitoring Center, 2008.

⁹ Economist Intelligence Unit, 2007.

¹⁰ Turnell, 2008.

¹¹ Economist Intelligence Unit, 2007.

¹² Steinberg, 2005.

Asian countries) and health spending is estimated 0.5% of GDP (compared with 1.5% in Vietnam and 2% in Thailand).¹³

Burma has strong economic ties with its neighbors. India and China have increased investment and trade with Burma over the last two decades, and both countries seek cheap raw materials from Burma. Moreover, China has strategic interests in ensuring access to the Indian Ocean. It has given Burma \$2-\$3 billion in military aid since 1990 and substantial economic aid on an ongoing basis.¹⁴ Thailand derives 20% of its electricity from Burma's natural gas, making it Burma's greatest customer and accounting for over half of export revenues for the Burmese government.¹⁵

Types of Sanctions

Punitive sanctions can be military, political, or economic in nature. Military sanctions consist of the use of physical force, ranging from targeted military strikes to full-scale invasion; acts requiring physical force for implementation, such as bans on aviation into or out of a target country, fall into this category. To date, the United States has not enacted any such sanctions towards Burma.

Political sanctions consist of acts affecting the political status of target country governments, such as:

- Downgrading or removal of diplomatic officers from a target country;
- Denial of visas to target country officials or their nationals;
- Prohibition of a target country from participation in international sporting and cultural events;
- Suspension of a target country from multilateral bodies.

To date, the United States has downgraded its diplomatic officers in Burma and denied visas to a wide range of Burmese officials.

Economic sanctions consist of acts affecting the transactions of a target country, such as:

- Arms embargoes;
- Commodity embargoes;
- Removal of trade benefits;
- Prohibition of trade (imports or exports) with a target country;
- Prohibition of investment in a target country;
- Prohibition of financial services (foreign exchange) for a target country;
- Freezing target country assets;
- Prohibition of economic assistance to a target country (from sender or from multilateral organizations);
- Prohibition of humanitarian agencies from operating in a target country.

In its policy toward Burma, the United States has enacted all of the aforementioned options, with the exception of specific commodity embargoes and prohibition of humanitarian agencies from operating in Burma.

¹³ UNDP *Human Development Index* 2007.

¹⁴ Nicksch, 2007.

¹⁵ Economist Intelligence Unit, 2007.

In addition to comprehensive sanctions, United States and other sender governments have recently adopted “smart sanctions” that target specific firms or individuals responsible for human rights abuses, public corruption, and material and financial backing to a target country government and its officials. Smart sanctions are a relatively recent tool of US foreign policy, having been initially explored in the late 1990s and used with greater frequency following the September 11, 2001, attacks. The United States has enacted smart sanctions toward individuals and firms associated with the Burmese government.

Also, sender countries can use secondary sanctions, targeting third-party countries or firms that violate sanctions on a target country. To date, the United States has not used secondary sanctions with respect to Burma.

US Sanctions to Date

United States sanctions have become increasingly comprehensive as a response to actions inside Burma since 1988.

Following the military’s violent suppression of the landmark pro-democracy demonstrations of 1988, the US Senate passed a resolution condemning the Burmese government. The outgoing Reagan administration suspended all arms sales and foreign assistance to Burma, with the exception of humanitarian aid.¹⁶ In the following year, the administration of George H.W. Bush decertified Burma from the list of states cooperating in anti-narcotics efforts, a move that blocked aid and loans to Burma from the Export-Import Bank, the Overseas Private Investment Corporation, and international financial institutions¹⁷ receiving US funds.^{18,19} Moreover, such decertification enabled the Bush administration to revoke Burma’s trade benefits under the Generalized System of Preferences.²⁰

Following the Burmese military’s disregard for the 1990 elections in Burma, the US Congress included a provision in the Customs and Trade Act of 1990 enabling the President to impose comprehensive trade sanctions against Burma’s military government. These trade sanctions are required remain in force until the Burmese military recognizes the results of the 1990 elections and makes progress on anti-narcotics efforts.²¹ In 1991, the first Bush administration invoked this provision in refusing to renew a bilateral textile agreement that had expired the previous year.²²

¹⁶ Peterson Institute for International Economics, 2006.

¹⁷ This includes the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guarantee Agency, the Asian Development Bank, and the International Monetary Fund.

¹⁸ Peterson Institute for International Economics, 2006.

¹⁹ However, Burma had not received any loans from the World Bank since July 1987. See US Department of State (2007) *Background Note: Burma*, Retrieved May 8, 2008, from <http://www.state.gov/r/pa/ci/bgn/35910.htm>. “Since 1998 Burma has been in non-accrual status with the Bank. The IMF performs its mandated annual Article IV consultations, but there are no IMF assistance programs. The ADB has not extended loans to Burma since 1986. Bilateral technical assistance ended in 1988. Burma has not serviced its ADB loans since January 1998.”

²⁰ Peterson Institute for International Economics, 2006.

²¹ Public Law 101-382

²² Peterson Institute for International Economics, 2006.

However, we did not find other instances in which the Bush administration imposed further trade sanctions.

On September 27, 1996, Burmese security forces surrounded Aung San Suu Kyi's home, detained over a hundred NLD members, and prevented their party congress from taking place. Three days later, President Clinton signed the FY 1997 Foreign Operations Appropriations bill, which included a provision²³ that barred US assistance to Burma, except for humanitarian and anti-narcotics purposes, "until measurable and substantial progress in improving human rights practices and implementing democratic government." It also called for the president to block new private American investment there in the event of "large-scale repression of or violence against" the country's opposition.²⁴ Three days following this, the Clinton administration imposed a ban on entry visas to Burmese military leaders.²⁵

In 1997, events inside Burma instigated further congressional pressure. In response to student protests, the Burmese military closed universities temporarily and restricted Aung San Suu Kyi's movement. Amnesty International released a report describing the current human rights situation as the worst since 1989, and pressure against US firms operating in Burma mounted.²⁶ In response to Congressional momentum toward harsher actions,²⁷ on May 20, 1997, President Clinton issued Executive Order 13047, barring new investment in Burma. This order did allow existing contracts to be fulfilled but not to be modified or expanded.²⁸

On May 30, 2003, a mob organized by the Burmese military stopped Aung San Suu Kyi's motorcade during a political tour, killing and detaining NLD leaders. In the following days, the military closed NLD offices countrywide. In response, the administration of George W. Bush initially expanded the visa ban to members of the Union Solidarity Development Association (USDA), a "civil society" front organization associated with the military, and to managers and immediate families of Burmese state-run enterprises.²⁹ Shortly thereafter, the US Congress passed the Burmese Freedom and Democracy Act of 2003,³⁰ which enabled the President to ban all imports from Burma, freeze US assets of the Burmese government and its officials, prohibit the extension of financial services to any Burmese entity, and expand the visa ban to Burmese government officials in the State Peace and Development Council.³¹ President Bush immediately signed Executive Order 13310, ordering the provision to be executed. Also, the act specifically instructed US officials at international financial institutions to actively oppose loans not already prohibited to the Burmese government. The Act, which expires after one year if not renewed, has been renewed several times in subsequent years.³²

²³ Section 570, the "Cohen-Feinstein Amendment."

²⁴ Peterson Institute for International Economics, 2006.

²⁵ Peterson Institute for International Economics, 2006.

²⁶ Chief amongst these events was a landmark decision by Los Angeles US District Judge Richard Paez, who rejected Unocal's motion to dismiss a class-action lawsuit and held that individual plaintiffs had the right to pursue claims against Unocal for human rights abuses committed by the Burmese regime, a partner in the pipeline project. Moreover, a number of US states and cities by this time had either put in place or were on the verge of putting in place restrictions on firms with operations in Burma. (Peterson Institute for International Economics, 2006.)

²⁷ Peter Baker, "U.S. to Impose Sanctions on Burma for Repression," *Washington Post*, April 22, 1997

²⁸ Peterson Institute for International Economics, 2006.

²⁹ Peterson Institute for International Economics, 2006.

³⁰ The text of this act closely resembles the Burma Freedom and Democracy Act of 1995 proposed by Senator Mitch McConnell (S.1511, 104th Congress, Senate).

³¹ P.L. 108-61

³² P.L. 108-272 and P.L. 109-39

In 2007, following the violent suppression of pro-democracy protests, President Bush signed Executive Order 13448, initiating the first of several “smart” sanctions. Chief among those targeted was Tay Za (See Appendix 1), chairman of the Htoo group of companies and owner of several other companies involved in trade, transportation, and natural resources. This was followed in April 2008 with Executive Order 13464, which further targeted three state-owned companies involved in gems, pearls, and timber. For a list of all Burma-related smart sanctions to date, see Appendix 2.

It is significant to note that comprehensive and continuous US sanctions towards Burma have only been in place since 2003. Only new investment by US firms has been prohibited since 1997, and prior to that economic sanctions have been discretionary and of small scope. Assistance from international financial institutions appears to have ceased prior to US actions in 1990 that forbade such assistance.

While it is somewhat beyond the scope of this document, US sanctions have been complemented by similar actions from the European Union and other US allies, such as Canada and Australia.

TABLE 1 SANCTIONS BY US AND US ALLIES (NOT BORDERING BURMA)

	US	EU	Japan	Australia	Canada
Visa ban for government leaders	X	X		X	X
Withdrawal of trade benefits	X	X			X
Arms embargo	X	X		X	X
Burmese government asset freeze	X				X
Ban on non-humanitarian foreign assistance funds	X	X			X
Ban on Burmese imports	X				X
Ban on investment in Burma	X				X
Ban on financial services for Burma	X				X
“Smart” sanctions	X	X		X	X

This table does not illustrate the nuances of US allies’ varying approaches toward Burma, which include a variety of diplomatic actions and non-punitive programs. (For a brief discussion, see Steinberg 2007.)³³

³³ Steinberg, 2007.

PART 3 | METHODOLOGY AND AVAILABILITY OF DATA

Establishing a relationship between US sanctions and the human rights environment in Burma depends on the availability of reliably measured trends over time, as well as the ability to compare those trends to established baseline conditions. We were unable to unearth data that satisfy either condition.

Humanitarian Indicators as a Proxy for Human Rights

We considered a range of humanitarian indicators, as measures of the living conditions for the people of Burma. Humanitarian indicators do not automatically translate into information on human rights fulfillment, but they can provide substantial relevant information.

The Sanctions Assessment Handbook (UN IASC, 2004) suggests two main factors to account for when looking at the impact of sanctions through a human rights lens: discriminatory access to resources under sanctions, and the immeasurable nature of human rights.³⁴ To measure the impact of sanctions on discrimination, researchers must be sure to ask questions about the potential for sanctions to change resource allocations in favor of particular population groups: raw development indicators do not show this. To measure the impact of sanctions on the fulfillment of human rights, one must look past the fact that human rights are entitlements that cannot be diluted, and instead identify and use indicators that provide an assessment of the degree to which human rights are being fulfilled.³⁵ Furthermore, to measure the impacts of sanction on human rights using humanitarian indicators, one must make judgments on the legal obligations of the state in upholding and safeguarding human rights. It is up to the human rights analyst to interpret these empirical indicators concerning their demonstration of constraints on or violations of human rights.

Indicators of Interest

The main subject areas for humanitarian indicators suggested by the Sanctions Assessment Handbook used by the UN are “core” indicators (the basic existential needs of the individual) and “systemic” indicators (the socioeconomic environment within which those core needs are located). It is likewise important to note whether the indicator measures a process (number of people inoculated) or an outcome (number of people contracting an infectious disease). Additionally, attempts should be made to identify probable causal factors, as these can be independent of the existence of sanctions.

See Appendix 3 for our complete list of indicators considered.

Findings

The necessity of baseline data creates a fundamental problem with assessing the impact of sanction-related shocks in Burma. A baseline assessment of conditions prior to, or at the onset of sanctions, allows the subsequent data to carry meaning as measures of impact. When human rights are the focus, it is particularly crucial to have baseline data about the vulnerability of the population.

³⁴ UN IASC, 2004

³⁵ Ibid

Barring this, researchers can only identify the deficiencies in existing data and extrapolate based on best guesses.³⁶

US sanctions activity against Burma began in 1988. Investigation of several data sources including various UN agencies, the World Health Organization, and the Asian Development Bank, among others, revealed that pre-1988 data are available on very few indicators. Furthermore, indicators that have been consistently reported since that date are even scarcer. Table 2 summarizes the available humanitarian data on Burma. It is worth noting that most of the consistently available indicators measure macro-level economic conditions and do not provide information relevant to human rights.

Some available data were further complicated by reliance on official Burmese government data, which are generally regarded as unreliable.³⁷ Sources that rely on national reports for data include UNESCO and the World Health Organization.³⁸ Additional complexities arise from data being recycled from earlier years, or being reported out of turn.³⁹

TABLE 2 AVAILABLE HUMANITARIAN DATA ON BURMA

Source	Indicators available pre-1988	Indicators available continuously since 1988
Economist Intelligence Unit ⁴⁰	Macroeconomic indicators only	Macroeconomic indicators only
Internal Displacement Monitoring Centre ⁴¹	None	None
International Labor Organization ⁴²	<ul style="list-style-type: none"> • Wages by industry • Occupational injuries • Economically active population • Total employment • Unemployment • Hours of work/day • Consumer prices • Strikes and lockouts 	None

³⁶ UNIASC, 2004

³⁷ The Economist Intelligence Unit outlines this lack of reliability in their 2007 Burma Profile as follows: “Despite receiving technical assistance from UN agencies in recent years, the quality of Myanmar’s published official data remains extremely poor. Publication of statistics is patchy and irregular. Regular monthly data are available on some key indicators, including inflation and trade. However, these data often give only a partial picture. Trade data, for example, are distorted by the confused exchange-rate regime and by extensive smuggling. The data are also subject to frequent revisions. Myanmar’s GDP data are particularly troublesome. In recent years the SPDC has reported massive increases in the size of the economy and in GDP growth rates, but has published little supporting statistical information. The most recent *Statistical Yearbook* from the Central Statistical Organisation was published in 2004.”

³⁸ See UNESCO Institute of Statistics “Understanding the UIS Education Data – FAQ” and World Health Organization “About the WHO Mortality Data” for examples of the reliance on national reporting of data.

http://www.uis.unesco.org/ev_en.php?ID=5092_201&ID2=DO_TOPIC and <http://www.who.int/healthinfo/statistics/mortdata/en/index.html>

³⁹ See the notes appended to UNDP’s 2007/2008 Human Development Report on Burma for an example of these data complexities. http://hdrstats.undp.org/countries/data_sheets/cty_ds_MMR.html

⁴⁰ Economist Intelligence Unit 2007

⁴¹ [http://www.internal-displacement.org/8025708F004CE90B/\(httpCountries\)/59F29664D5E69CEF802570A7004BC9A0?opendocument&cont=10000](http://www.internal-displacement.org/8025708F004CE90B/(httpCountries)/59F29664D5E69CEF802570A7004BC9A0?opendocument&cont=10000)

⁴² All yearly statistics from LABORSTA database of labour statistics: <http://laborsta.ilo.org/>

FIRST ⁴³	None	None
Transparency International ⁴⁴	None	None
UNDP ⁴⁵	None	None
UNESCO Institute of Statistics ⁴⁶	None	None
UNHCR ⁴⁷	None	None
World Bank (World Development Indicators) ⁴⁸	<ul style="list-style-type: none"> • Immunization, measles (% of children ages 12-23 months) • Military expenditure (% of GDP) 	None
World Governance Indicators ⁴⁹	None	None
World Health Organization ⁵⁰	<ul style="list-style-type: none"> • Under-5 mortality rate • Deaths due to Tuberculosis⁵¹ • Prevalence of Tuberculosis • Incidence of Tuberculosis 	<ul style="list-style-type: none"> • Deaths due to Tuberculosis • Prevalence of Tuberculosis • Incidence of Tuberculosis
Asian Development Bank ⁵²	Macroeconomic indicators only	Macroeconomic indicators only
International Monetary Fund ⁵³	Macroeconomic indicators only	Macroeconomic indicators only

Figures 1–3 map all the consistently reported relevant indicators we found. The four indicators (tuberculosis deaths among the HIV- population, tuberculosis deaths among the HIV+ population, tuberculosis prevalence, and tuberculosis incidence) are reported by the World Health Organization, which relies on official government records from Burma. It is also important to note that increases and decreases in tuberculosis cases and death have numerous influencing factors, not all of which are related to the existence of sanctions.

⁴³ Facts on International Relations and Security Trends database <http://first.sipri.org/>

⁴⁴ http://www.transparency.org/regional_pages/asia_pacific

⁴⁵ Human Development Report statistics: <http://hdrstats.undp.org/buildtables/>

⁴⁶ All Literacy measures and all Education measures except Student Mobility Indicators. Custom table built April 28, 2008. http://stats.uis.unesco.org/unesco/TableViewer/document.aspx?ReportId=143&IF_Language=eng

⁴⁷ 2000–2006 data from UNHCR statistics database: <http://www.unhcr.org/statistics/45c063a82.html>. Accessed March 14, 2008.

⁴⁸ All World Development Indicators available from the WDI Online Dataset <http://web.worldbank.org/WBSITE/EXTERNAL/DATASTATISTICS/0,contentMDK:20398986~menuPK:64133163~pagePK:64133150~piPK:64133175~theSitePK:239419,00.html>

⁴⁹ All World Governance Indicators available 1996–2006 only. From Kaufmann D., Kraay, A. & Mastruzzi, M. (2007). Governance Matters VI: Governance Indicators for 1996–2006. World Bank Policy Research Working Paper no. 4280. Data available from: http://info.worldbank.org/governance/wgi2007/sc_country.asp

⁵⁰ All core health indicators from WHO Statistical Information System: <http://www.who.int/whosis/en/index.html>

⁵¹ All tuberculosis related indicators begin in 1990.

⁵² All Macroeconomic and Social indicators available from the Asian Development Bank statistical database system. Available from: <https://sdbs.adb.org/sdbs/index.jsp>

⁵³ <http://www.imf.org/external/data.htm#data>

FIGURE 1 TUBERCULOSIS DEATHS IN BURMA (EXCLUDING HIV+)

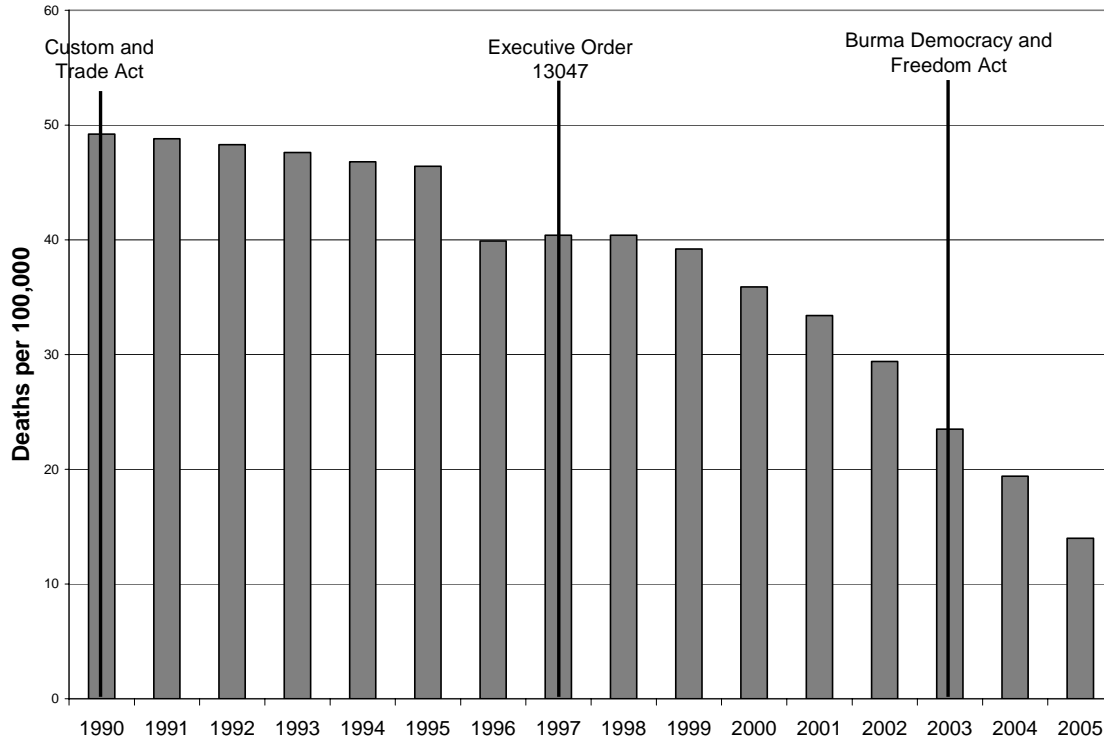


FIGURE 2 TUBERCULOSIS DEATHS AMONG HIV+ POPULATION IN BURMA

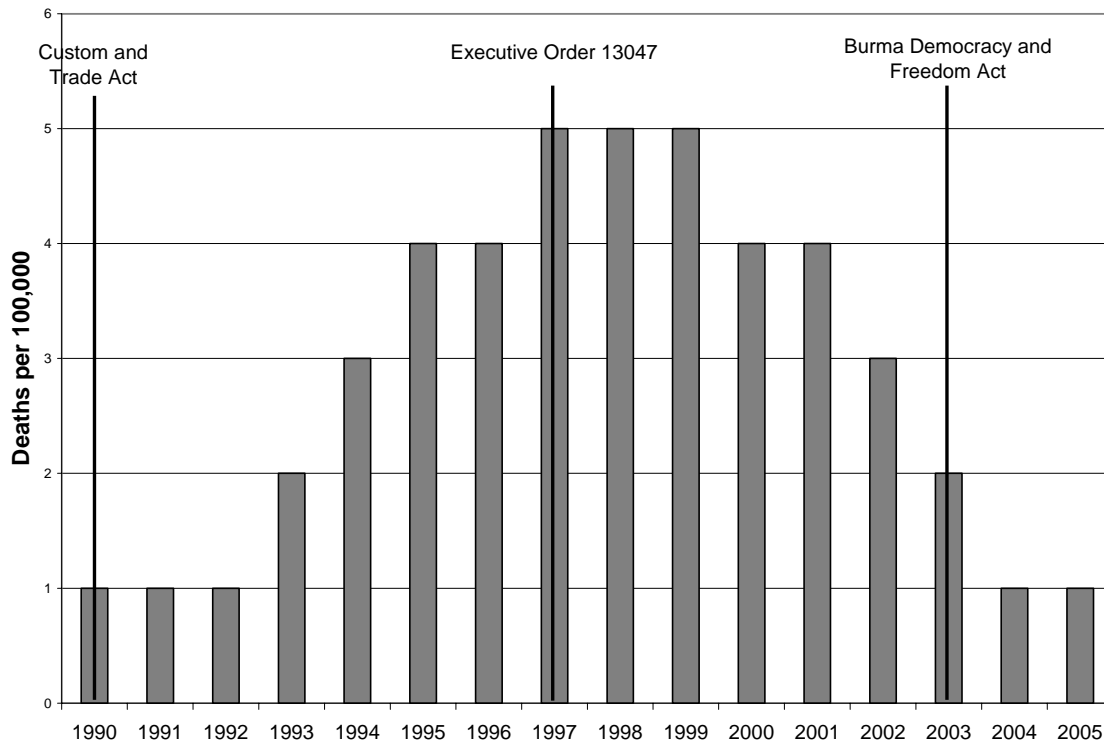
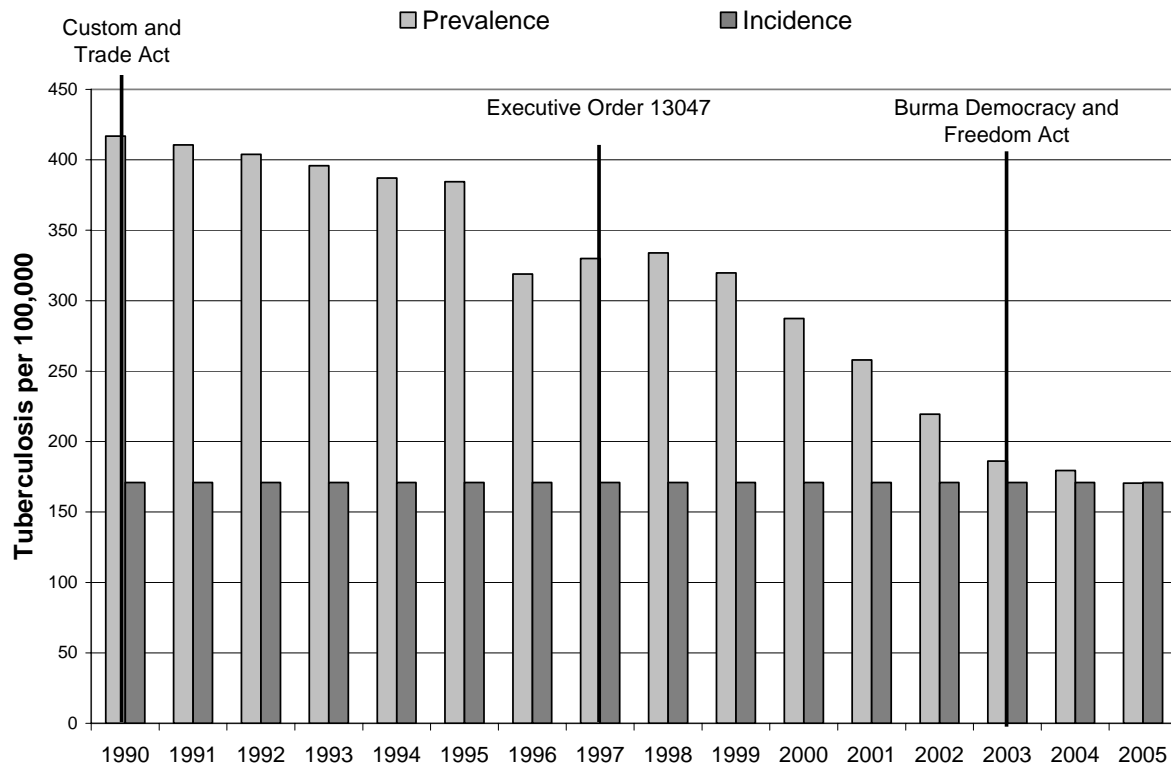


FIGURE 3 TUBERCULOSIS PREVALENCE AND INCIDENCE IN BURMA



Narrative Sources

Having explored and discounted the possibility of finding adequate quantitative data, we turned to evaluations of the humanitarian and human rights conditions in Burma that are more narrative in nature. The primary narrative sources investigated were the US Department of State Country Reports on Human Rights Practices for Burma for the years 1993–2007.

Although these reports focus on human rights violations such as extrajudicial killings, disappearances, arbitrary arrests, and torture, among others, this information did not appear to be systematically collected. It is likely that such information appears in country reports if and when it is reported to the State Department, providing an inadequate picture of changing trends over time.

Specific Claims

We have also attempted to evaluate specific claims regarding the impact of US sanctions on the population of Burma. The most prominent recurring anecdote involves the collapse of the garment industry resulting from the implementation of the import ban in accordance with the Burmese Freedom and Democracy Act of 2003. Estimates of the impact of that legislation on the garment

industry range from 40,000 to 180,000 jobs lost.⁵⁴ We could not verify the related claim that many of the newly unemployed women and girls subsequently entered the sex trade.⁵⁵ There is some debate around whether attributing this impact exclusively to sanctions is appropriate; the garment industry was facing the end of an export quota system within the year, and that may have had the same result. However, that the end of the quota system would have necessarily had this result is unclear, and the claim that the sanctions enacted in 2003 caused the closure of scores of textile factories is credible.⁵⁶ Attempts to identify additional anecdotal evidence of the impact of sanctions were unsuccessful. This may be a consequence of the limited US – Burma trade relationship that existed before 2003.

Current Conditions

An informal survey of reports published by nongovernmental organizations working on human rights issues in Burma indicates the persistence of grave human rights violations.⁵⁷

PART 4 | CONCLUSIONS ON THE EFFECTS OF SANCTIONS

It is not possible to establish correlation or causation.

We were not able to find the data necessary to evaluate the effects of sanctions on human rights conditions in Burma. Indeed it is probable that the data simply do not exist. Data collection and research have been constrained by government policies that restrict the work of international aid organizations and NGOs. In 2006, the junta further constrained the ability of international aid agencies to gather relevant data declaring that international agencies should "avoid conducting or distributing any surveys not mentioned and approved in the original project documentation."⁵⁸ It remains unlikely that the junta will allow future data collection efforts that threaten to expose human rights violations, the results of economic mismanagement, or the true extent of the humanitarian crisis.⁵⁹ In addition to official constraints on data collection, the Burmese people are often hesitant to be in contact with international personnel for any reason beyond service delivery, due to fear of being labeled a dissident.⁶⁰

The lack of data, particularly baseline data, contributes to our inability to establish a correlation between the sanctions regime and changes in the human rights situation in Burma. Even with good data, establishing causality is difficult considering the complexity of factors contributing the changes in human rights indicators, the likelihood of omitting pertinent variables and the reality that

⁵⁴ Daley 2003 and Steinberg 2003

⁵⁵ Canberra Times 2003

⁵⁶ Seekins 2005 and Kudo 2005

⁵⁷ Organizations surveyed include the United Nations Development Programme Independent Assessment Mission, Bureau of East Asian and Pacific Affairs, Human Rights Watch, International Labour Organization, International Committee of the Red Cross, Women's League of Chinland, Kachin Development Network Group, Human Rights Documentation Unit of the National Coalition Government of the Union of Burma, and Karen Human Rights Group, The Burma Campaign UK, Free Burma Coalitions, Online Burma/Myanmar Library, Burma Human Rights Yearbooks, Open Society Institute, Project Maje Mekong Network, The Free Burma Rangers.

⁵⁸ GAO, 2007

⁵⁹ Ibid.

⁶⁰ Interview with a Burmese scholar, April, 2008 who asked to remain anonymous for reasons of personal safety.

sanctions are imposed and tightened in response to changing political conditions in the receiving country. Thus it is improbable that researchers will be able to parse out the effects of sanctions on humanitarian indicators.

The US sanctions regime is not improving conditions in Burma.

Despite these difficulties we offer a few conclusions. First, the Burmese government is primarily responsible for the dire humanitarian situation and significant improvements are unlikely without dramatic changes to the structure of power and politics in Burma. Second, all indications are that human rights violations have not significantly decreased since the imposition of US unilateral sanctions in 1990. Our primary conclusion is that sanctions have not improved the lives of the general Burmese populous. Lastly, the junta's hold on power remains strong and the stated goals of the US sanctions regime have not been met.

It is important to note that we cannot observe what would have happened in the absence of sanctions. Two potential counterfactuals exist. If economic engagement and the corresponding exposure to Western values would have indirectly led to a societal opening, the sanctions regime may have exacerbated the human rights situations. Some members of the business community believe this to be true.⁶¹ Alternatively, the global attention generated by sanctions may have prevented the junta from resorting to even more violent forms of repression. Some NLD members posit that sanctions provide important protection for at least some rudimentary forms of political organization and may have prevented complete destruction of the main opposition party.⁶²

Sanctions negatively affected the Burmese garment industry: future sanctions should target capital-intensive industry rather than labor-intensive industry.

Research indicates that US sanctions did contribute to garment factory closure in which at least 80,000 workers lost their jobs.⁶³ Complicating factors include hesitancy of some name brands to buy products with a made in Myanmar label due to activist pressure and concurrent changes in the structure of exports quotas. 80% of Burma's exports to the US were textiles, thus the impact of import sanctions were primarily contained within the textiles sector.⁶⁴ The effects of the garment industry collapse inside Burma were concentrated on small to medium sized firms and their primarily female workforce. The junta was largely unaffected. Indeed, their power and financial strength lie in capital-intensive industries like resource extraction, most importantly, natural gas.

President Clinton's 1997 ban on investment in Burma contained a loophole that grandfathered in the Yadana gas field project, operated jointly by US-based Chevron (formerly Unocal) and the French company Total. Sale of natural gas to Thailand, primarily from the Yadana field, brought the Burmese junta direct revenue of US\$2.16 billion in 2006.⁶⁵ Project operators point to numerous community development projects to benefit local people, but in 2004 Unocal and Total settled a lawsuit for an undisclosed sum brought by Burmese villagers for complicity in forced labor and

⁶¹ Hader, 1998.

⁶² Williams, 2005.

⁶³ Kudo, 2005

⁶⁴ Kudo, 2005

⁶⁵ Burma: Foreign Investment Finances Regime, 2007

other abuses.^{66,67} The capital-intensive gas industry funnels revenue directly to the junta without producing benefits, like jobs, for the people of Burma. Meanwhile, the willingness of Unocal and Total to settle with the claimants suggests that there is credibility to the allegations of abuse.

In contrast, garment factory jobs producing textiles for export paid wages on par with factory jobs in other East Asian countries and considerably higher wages than comparable low-skilled jobs inside Burma. By including the Unocal loophole, US lawmakers missed an opportunity to cut major financial flows to the junta. We recommend that economic sanctions be targeted toward capital-intensive industries rather than labor-intensive industries like textiles, where low-wage workers are most likely to be harmed.

In recent policy, the US is relying on smart sanctions to avoid the possibility of unintended negative impacts on the people of Burma through sanctions, such as the garment industry impacts described above. The US only began imposing smart sanctions on Burmese nationals in October 2007, so the impacts are yet difficult to measure. However, one positive anecdote exists, documented in an article from February 2008, wherein those associated with businessman Tay Za's state-linked commercial empire were targeted. One of Tay Za's holdings, Air Bagan, is Burma's first privately invested airline. Air Bagan has felt the greatest impact of the new smart sanctions: upon blacklisting by the US, the company's bank in Singapore gave notice it would no longer deal with Air Bagan. The bank is not required by the sanctions to reject the account, but it preferred not to risk its international reputation by maintaining relations with Tay Za.⁶⁸ Though it is too soon to tell, this is a promising sign that smart sanctions may hold the answer to the question of how to inconvenience the junta without risking massive harm to the people of Burma.

PART 5 | RECOMMENDATIONS FOR FURTHER RESEARCH

The follow are approaches future researchers might take in order to better determine the humanitarian impacts of US sanctions on Burma.

Data Collection; Comparative Studies

There should be continued attempts at field research to acquire new data on governance and human rights conditions. Further efforts should also undertake a comprehensive review of all possible sources of historical data.

At present the humanitarian situation in the wake of Cyclone Nargis is dire, with a current death toll estimated at 60,000 to 100,000.⁶⁹ This provides a new imperative to admit aid agencies to the country and may present an opportunity for international aid agencies to reestablish themselves

⁶⁶ Chevron Statement on Myanmar, 2007

⁶⁷ ENS, 2004

⁶⁸ McCartan, 2008.

⁶⁹ AP Wire, May 7, 2008

inside Burma. Data collection for purposes of guiding the aid effort may be required by international agencies.⁷⁰

Given that any humanitarian or human rights crisis has disparate impacts on different sectors of society, we recommend researchers pay special attention to data collection concerning vulnerable populations, like non-Burmese ethnic groups, and women and children.

Research should extend to studies in languages other than English, and to interviews of experts in the field. Researchers trying to reconstruct baseline data could make estimates from regional averages, specifically looking at economically comparable Southeast Asian nations.

Future researchers may want to tackle the question of how other data collection efforts were undertaken in the presence of a hostile regime. In Serbia and Iraq the humanitarian impacts of sanctions were measured with relative thoroughness; these case studies may prove useful. Researchers should investigate how a regime treats aid agencies based on the level of coordination among sanctioning countries.

The Back Pack Health Worker Team, an organization providing health services on the Thai-Burma border, provides a potentially useful model for data collection under hostile conditions. While attending the needs of internally-displaced people, the workers systematically collect documentation on health and human rights abuses.⁷¹

Smart Sanctions

The US administration has great hope that smart sanctions will be more effective than conventional sanctions. Further research should monitor the positive and negative effects of smart sanctions, considering both direct and secondary impacts. Supporters point to the case of Air Bagan, described above, wherein a Singaporean bank refused the accounts of the owner presumably because he was targeted by US smart sanctions.⁷² This suggests smart sanctions may be a useful tool to pressure powerful individuals connected with the Junta.

Secondary Impacts

Private foundations may respond in different ways to the deteriorating conditions in Burma. While some foundations may be expanding available funding for Burma-related work, there is anecdotal evidence of some private fellowships being discontinued.⁷³ Changes to opportunities for research inside Burma, as well as for Burmese to travel abroad on educational programs, should be monitored closely.

Programs of Engagement

⁷⁰ “[Australia’s] Foreign Minister Stephen Smith urged Burma’s junta to allow ‘independent agencies in to do the usual examinations to work out the most effective way of supplying that aid.’” (Denby, May 8, 2008 “Junta stalls as Burma suffers.”)

⁷¹ Semeniuk, 2007

⁷² McCartan, 2008.

⁷³ In 2003 Rockefeller and Gates foundations reportedly discontinued fellowships previously offered to Burmese people. (Confidential Interview with Burmese National, April 2008)

The governments of Japan and Australia have taken a “constructive engagement” approach to improving conditions in Burma. Both governments run development programs within the country. Alongside studies of sanctions impacts, these programs of engagement should be evaluated for effectiveness.

Impacts from Changes to the US Sanctions Regime

As stated above, it is important that the humanitarian impacts of changes to the US sanctions regime be evaluated. In these evaluations, particular attention should be paid to impacts on labor-intensive industries.

PART 6 | POLICY RECOMMENDATIONS AND WINDOWS

US policymakers should reconsider their approach to improving conditions in Burma and formally incorporate humanitarian effects into policy calculations.

Considering the inability of the US sanctions regime to weaken the junta's hold on power or substantively improve the human rights situation within Burma, the US should reconsider the structure of its sanctions regime. Given the junta's demonstrated willingness to allow significant deterioration of economic and humanitarian conditions in order to maintain power, the point at which economic sanctions are successful in undermining the government may be the point at which Burma becomes a failed state.

When evaluating the current sanctions regime or considering changes to it, lawmakers should consider several criteria. First, lawmakers must try to formally anticipate the humanitarian impacts before imposing tighter sanctions despite the difficulties involved in developing quantitative measures to do this. Research should continue to investigate the links between the sanctions regime and the state of human rights in Burma. Second, decision makers should consider the nature of the industry targeted by sanctions and analyze whether sanctions will affect financial flows to the Burmese government or the livelihood of Burmese people. Third, secondary sanctions should be considered. The junta is being propped up by powerful neighbors and sanctions polices must be accompanied by the political will to generate the multilateral participation needed to increase the likelihood of success. Finally, we must be willing to ask difficult questions about the legitimacy of sanctions if empirical evidence points to their failure.

Ultimately, we should not underestimate the enormity of the moral quandary of sanctions on Burma: the question of doing the "right thing" – censuring the junta with strict sanctions – versus doing the thing that helps the most. Policy makers may have to choose between the morally correct avenue and policies that could positively affect the lives of the Burmese people.

Prioritize coordinated, multilateral strategies.

Across countries, policies toward Burma are uneven. This fragmented approach undermines the international community's ability to leverage needed economic and political pressure to force change. Even amongst Western allies of the United States, significant policy differences exist. The US should prioritize forging coordinated, multilateral strategies to address the grave human rights situation in Burma.

The US must incorporate into its strategy the role of China and India in propping up the junta. Both countries have significant strategic geopolitical and resource interests in Burma which shape their interactions with the regime. Indeed, both countries maintain friendly diplomatic relations with Burma. China and India provide the junta with access to capital, resources and arms instrumental in the Junta's ability to maintain a hold on power. In 2007, trade between Burma and China reached \$1.5 billion USD⁷⁴ while the bilateral trade target between India and China was \$1 billion USD.⁷⁵ Additionally, both countries have an eye on Burma's significant gas resources. Currently, China is

⁷⁴ Kripalani, 2007

⁷⁵ Burma Campaign UK, 2008

negotiating with the junta for access to gas from the expansion of two major Burmese fields.⁷⁶ India is a major investor in the Shwe gas project which is expected to generate from \$800 million to \$3 billion in annual revenues.⁷⁷ Both China and India have been major suppliers of arms and military assistance to the Burmese military. The member countries of the Association of South East Asian Nations (ASEAN) have a particularly prominent role to play in any such coalition, though inducting their participation will be politically difficult.

Policy Windows and Opportunities for Action

Conditions in Burma are not static. The US should anticipate opportunities for action and plan accordingly.

Cyclone Nargis

The unexpected tragedy of Cyclone Nargis may force the junta out of isolation. Current reports estimate over 100,000 deaths.⁷⁸ At present, May 9, 2008, the junta remains resistant to accepting international aid.⁷⁹ However the level of destruction caused by the cyclone has the UN calling forcefully for the government to accept supplies and aid workers⁸⁰ and it has been suggested that the UN act even without the junta's approval.⁸¹ Furthermore, the junta's disregard for the health and lives of the Burmese people may inspire international outrage and increased will to intervene in Burma's internal affairs. A best case scenario could involve international aid organizations reestablishing a presence within Burma, providing opportunities for data collection and human rights monitoring.

Referendum

The junta has scheduled a constitutional referendum vote for May 10, 2008. Voting in the townships hardest hit by Cyclone Nargis has been delayed to May 24, 2008.⁸² Critics of the proposed constitution voice concerns that the referendum primarily serves to legitimize and perpetuate military control of the government.⁸³ However, the proposed constitution does include a provision for democratic elections to be held in 2010. Although election guidelines remain problematic,⁸⁴ and it is far from certain that they will in fact be held, voter approval of the referendum *may* be the first step towards increased democracy in Burma.

Association of Southeast Asian Nations (ASEAN)

Close relationships with China, India, and ASEAN have helped to insulate Burma from the effect of US sanctions. The inclusion of Burma in ASEAN reflects member states' policy of constructive

⁷⁶ Reuters/Beijing, 2008

⁷⁷ Htoo, 2004

⁷⁸ CNN, May 2008

⁷⁹ Schuettler, D. (2008, May 8).

⁸⁰ Newman, A. (2008, May 9).

⁸¹ Parsons, C. (2008, May 7).

⁸² The Irrawady (2008, May 6).

⁸³ MacKinnon, I. (2008, May 1).

⁸⁴ Charbonneau, L. (2008, April 24).

engagement.⁸⁵ However, membership in ASEAN has so far done little to mitigate human rights abuses by the Burmese government. At present, ASEAN is in the process of ratifying a charter which includes a human rights accountability mechanism. The Philippines have threatened to veto the charter unless **Burma explicitly embraces democracy and frees opposition leader Aung San Suu Kyi.**⁸⁶ States with closer ties to Burma may have more leverage.

Change in US Leadership

The upcoming change in the US Administration may provide an opportunity to revisit US policy towards Burma. President George H.W. Bush, President Clinton, and President George W. Bush have all opted to address the problems in Burma through the use of sanctions. Political will remains strongly in favor of continuing the sanctions regime. However, recent events in Burma, coupled with a new president in the US, may result in a shift of approach.

UN Security Council (UNSC)

Concerned with the deteriorating situation in Burma, in 2006 US Representative to the UN John Bolton requested putting Burma on the UNSC agenda.⁸⁷ The UN has also sent a special envoy, Ibrahim Gambiri, to Burma and to the annual ASEAN membership meeting in order to facilitate some discussion of the May referendum at the international level. While difficulties exist with influencing Burma through the UNSC,⁸⁸ the potential to build on these moves should be pursued.

Popular Uprising

We should not rule out the possibility of popular revolt. Although general impoverishment suppresses the capacity for grassroots organizing, the people of Burma have repeatedly staged mass protests against the ruling junta. There is a small possibility that further deteriorating conditions will lead to mass action that will succeed in overthrowing the junta. In considering action capitalizing on this policy window, the international community must anticipate the repercussions that would fall on the participants of any popular uprising. The cost in human life would be high, and the conditions on the ground would likely further deteriorate before improving.

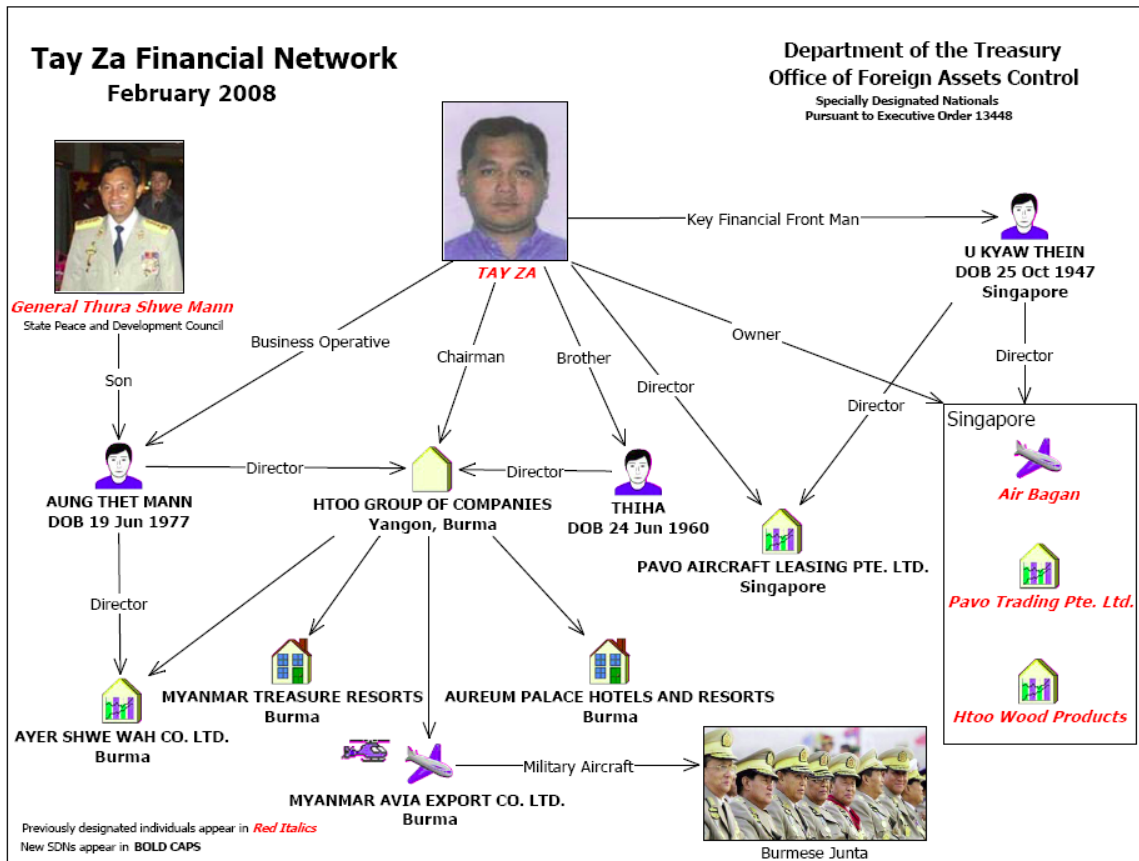
⁸⁵ Kingston (March 2008)

⁸⁶ Reuters (2007, December 7).

⁸⁷ Bolton, J. (2006).

⁸⁸ The move to put Burma on the UNSC agenda was blocked by China and Russia, who claimed that Burma is not a threat to international or regional security. Lynch, C. (2007, January 13).

APPENDIX 1 MAP OF TAY ZA FINANCIAL NETWORK



Office of Foreign Assets Control (2004). Tay Za Financial Network, Retrieved April 30, 2008, from <http://www.treasury.gov/offices/enforcement/ofac/programs/burma/burma.shtml>.

APPENDIX 2 LIST OF INDIVIDUALS AND FIRMS ASSOCIATED WITH THE BURMESE MILITARY GOVERNMENT UNDER US SMART SANCTIONS

Executive Order 13448 (October 18, 2007)

Individuals

1. Tay ZA; Managing Director, Htoo Trading Company Limited; Chairman, Air Bagan Holdings Pte. Limited (d.b.a. Air Bagan); Managing Director, Pavo Trading Pte. Ltd.; DOB Jul 18, 1967; nationality, Burma
2. Pye Phyo Tay ZA; DOB Jan 29, 1987; nationality, Burma
3. Thidar ZAW; DOB Feb 24, 1962; nationality, Burma
4. Htay MYINT; Chairman, Yuzana Company Limited; DOB Feb 6, 1955; nationality, Burma
5. Khin SHWE; President, Zay Gabar Company; DOB Jan 21, 1952; nationality, Burma

Entities

1. Htoo Trading Company Limited; Yangon, Burma
2. Pavo Trading Pte. Ltd.; Singapore
3. Air Bagan Holdings Pte Ltd. (d.b.a. Air Bagan); Singapore
4. Air Bagan Limited (d.b.a. Air Bagan); Burma
5. Htoo Wood Products Pte. Limited; Singapore; Yangon, Burma
6. Yuzana Company Limited (a.k.a. Yuzana Construction); Yangon, Burma
7. Zay Gabar Company (a.k.a. Zaykabar Company); Burma

Executive Order 13464 (April 30, 2008)

1. Myanmar Gem Enterprise (a.k.a. Myanma Gem Enterprise; MGE); Yangon, Burma
2. Myanmar Timber Enterprise (a.k.a. Myanma Timber Enterprise; MTE); Yangon, Burma
3. Myanmar Pearl Enterprise (a.k.a. Myanma Pearl Enterprise; MPE); Naypyitaw, Burma

APPENDIX 3 INDICATORS OF INTEREST

HUMAN RIGHTS VULNERABLE TO SANCTIONS IMPACTS:⁸⁹

Right to life UDHR(3), ICCPR(6)

Right to liberty and security of person UDHR(3); ICCPR(9)

Right to freedom of opinion and expression UDHR(19); ICCPR(19); CRC(13)

Right to adequate food, and to be free from hunger UDHR(25); ICESCR(11)

Right to the highest possible standard of physical and mental health CRC(24); ICESCR(12)

Right to the provision of medical assistance and healthcare UDHR(25); ICESCR(12); CRC(24)

Right to adequate clothing and housing UDHR(25); ICESCR(11)

Right to adequate environmental conditions ICESCR(12)

Right to a standard of living adequate for health and well-being UDHR(25); ICESCR(11), CRC(27)

Right to education UDHR(26); ICESCR(13); CRC(28)

Right to work, and to just and favourable conditions of work UDHR(23); ICESCR(6,7)

Right to social security UDHR(22); ICESCR(9); CRC(26)

Right to participate in government UDHR(21); ICCPR (25)

HUMANITARIAN INDICATORS

1. Core Indicators

Health

Related human rights:

Right to life UDHR(3), ICCPR(6)

Right to the highest possible standard of physical and mental health CRC(24); ICESCR(12)

Right to the provision of medical assistance and healthcare UDHR(25); ICESCR(12); CRC(24)

- Adult mortality
- Infant and under 5 mortality
- Life expectancy
- Morbidity rates (incidence, prevalence, attack rates)
- HIV Infection (number of AIDS orphans)
- Low birth weight
- Mental health status (capacity of mental health services)
- Maternal Health (maternal mortality, births attended by professionals, antenatal care, existence of repro. health services, contraceptive prevalence)
- Birth rates
- Prevalence/ Incidence of infectious diseases (immunity against the six vaccine-preventable diseases)
- Adequacy / accessibility of medical services (availability of preventative services, number of doctors/nurses per population, medical visits per population, expenditure on health services,

⁸⁹ Garfield, Richard (1999). The Impact of Economic Sanctions on Health and Well-Being.
<http://www.reliefweb.int/library/documents/Networkpaper.pdf>

availability of medical goods/ pharma, hospitals and health centers in operation, hospitalizations/ labs/ x-rays/ operations performed per population)

- Reported cases of previously-eradicated diseases
- Cases of G-I disease or acute respiratory illnesses diagnosed/ treated
- Capacity of health information/ surveillance system

Food and nutrition

Related human rights:

Right to life UDHR(3), ICCPR(6)

Right to adequate food, and to be free from hunger UDHR(25); ICESCR(11)

Right to a standard of living adequate for health and well-being UDHR(25); ICESCR(11), CRC(27)

- Percentage under 5 malnourished
- Nutritional status (weight for height/ wasting, weight for age/ underweight, height for age/ stunting)
- Percentage of adolescents, adults, or elderly with low body mass index
- Low weight gain in pregnant women
- Prevalence of vitamin/mineral deficiencies (vitamin A, iron, Iodine)
- Household income and expenditures
- Daily/household calorific intake
- Cost of basic food items/ basket
- Household coping strategies
- Public rationing/ shortages of foodstuffs (average duration of rationed food in hh per month)
- Average number of times meat eaten per month
- Percent infants exclusively breastfed < 6 months (percent breastfed [complementary] under 2 yrs)
- Percentage of disposable income spent on food

Water and sanitation

Related human rights:

Right to life UDHR(3), ICCPR(6)

Right to adequate environmental conditions ICESCR(12)

Right to a standard of living adequate for health and well-being UDHR(25); ICESCR(11), CRC(27)

- Access to safe water: urban/ rural (number of households with piped water access, water quality, clean water treatment facilities without chlorine, individual access to potable water, capacity of clean water treatment, status of water pumping system)
- Garbage collection
- Access to adequate sanitation: urban, rural (capacity of waste water treatment)

Education

Related human rights:

Right to education UDHR(26);ICESCR(13); CRC(28)

- Adult literacy rates
- Primary school enrollment ratio, drop-out rate (should also include actual attendance rate)
- Secondary school attendance rate
- Primary school children reaching grade 5
- Percentage of students passing critical exams
- Student/ teacher ratio (teacher drop-out rate)
- Computer literacy
- Tertiary education enrollment ratios (tertiary students in science)
- Female participation in education (female primary age group enrollment, female secondary age group enrollment, female tertiary students)
- Expenditure on education (condition/ capacity of schools, incl. available materials)

2. Systemic Indicators

Governance & Oppression

Related human rights:

Right to life UDHR(3), ICCPR(6)

Right to liberty and security of person UDHR(3); ICCPR(9)

Right to freedom of opinion and expression UDHR(19); ICCPR(19); CRC(13)

Right to participate in government UDHR(21); ICCPR (25)

Right to freedom of peaceful assembly and association UDHR(20)

Governance Indicators

- Measurement of violence and imprisonment (frequency of murder / assault)
- Degree of internal restrictions on movement (specifically as it relates to humanitarian conditions- e.g. travel to clinics)
- Ability of independent civic organizations (engaged in humanitarian activities) to function
- Existence and implementation of instruments of public order (specifically as it relates to humanitarian conditions)
- Government budgetary allocations
- Access to asylum for displaced persons
- Capacity of governing bodies to function (financial resources, personnel resources)

Oppression Indicators

- Transparency Corruption Perceptions Index rating
- Reporters Without Borders Press Freedom Index rating
- Index of freedom of information
- Prevalence of extrajudicial execution
- Prevalence of arbitrary arrest / detention
- Prevalence of forced resettlement/ displacement

- Prevalence of torture
- Prevalence of “disappearance”
- Conscription practices (of minors)
- Prisoner access to legal counsel and speedy trial
- Percent of population imprisoned/ confined against will

Economic Status

Related human rights:

Right to adequate clothing and housing UDHR(25); ICESCR(11)

Right to a standard of living adequate for health and well-being UDHR(25); ICESCR(11), CRC(27)

Right to education UDHR(26); ICESCR(13); CRC(28)

Right to work, and to just and favourable conditions of work UDHR(23); ICESCR(6,7)

Right to social security UDHR(22); ICESCR(9); CRC(26)

- Measurement of wealth, poverty
- GNP/ capita
- Purchasing power (commodity) of average daily salary
- Official Development Assistance received
- Unemployment
- Household assets and loans
- Income distribution (national/ subnational)
- Public/ private sector employment ratio (dependency on state-sponsored employment)
- Presence/ absence of black market
- Trends in market prices, currency and inflation
- Foreign Direct Investment (inwards)
- Dependency on key industry/ service sectors (contribution of key industry/ service sectors to government revenue)

Physical Environment

Related human rights:

Right to a standard of living adequate for health and well-being UDHR(25); ICESCR(11), CRC(27)

Right to adequate environmental conditions ICESCR(12)

- Land use (deforestation rate, agricultural production)
- Access to safe housing (supply v. demand of housing, population in temporary/ improvised shelters)
- Environmental pollutants
- Capacity of transport infrastructure
- Energy generating capacity (number/ duration of power cuts)
- Capacity of communications system
- Fuel sources

Demography (& Community)

Related human rights:

Right to a standard of living adequate for health and well-being UDHR(25); ICESCR(11), CRC(27)

Right to freedom of movement and residence within the borders of each State UDHR(13)

- Adequacy of support and assistance to major social groups (e.g. destitute, displaced, persons with disabilities, older persons)
- Migration trends/ population flows (involuntary migration, presence/ growth of refugee camps/ IDPs)
- Household composition (persons per household, changes in household composition, head of household dependency ratio)
- Child protection (number of minors incarcerated, prevalence of girl prostitution, number of minors working according to national labor laws/ number of children below legal working age/ children working in hazardous conditions, existence of drug prevention programs and child-specific counseling services, adequacy of services for violence against children, number of minors living without families)
- Population profile/ dependency ratio
- Urban/ rural population mix
- Measurement of social cohesion, community integration

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