

CHAPTER III

HUMAN RIGHTS NORMS AS A GLOBAL UNIVERSAL VALUES AND THE ROLE OF THE US TO PROMOTE HUMAN RIGHTS

In this chapter, the writer will explain about the original ideas of human rights in the world beginning from how can the human right ideas be universal norms of the world with the signals there are some international protections of human rights practices and other supporters to implement human rights ideas. This beginning from Europe until the US, both countries also use the human rights ideas in their foreign policies. Because the US was colonialized by Europe especially England, so the idea of human rights of the US was influenced by European thinkers. Along with the development, The US believes that enforcement of the human rights ideas is not inave when only implementing in the domestic policy of the US, but also the US has responsibility to promote it over the world. Moreover, when the US use the human rights ideas in struggling against England colonization, US can get the freedom then can be super power country, so the US regard that human rights ideas as the best way to make the world more peace.

In this chapter, the writer will divide the role of the US in promoting human rights values in the cold war era and post cold war era. In the cold war era, the US presidents are very unceasing to promote human rights values through their speech, but the fact is those kinds of promotion was only lip services because the real purpose of the US foreign policy was only to get hegemony by conducted

some interventions and rejecting the development of communism related with Uni Soviet power. And then after the collapsed of the Soviet Union, the US as if as did not have any kinds of issues to interence other countries, then the US use the human rights issues. After cold war, the US interence some countries by the reason responsibility to protect then known the term of humanitarian intervention beginning from Bosnia and other countries. But the next question is emerge when Myanmar do human rights abuses until now, the US do not implement humanitarian intervention in that country.

A. Human Rights Norms as a Global Universal Values

Before discussing about human rights, so the pioneer of human rights ideas is democracy. In the 5th BC, the original term of democracy came from ancient Greece language that *demokratia* it means that *demos* (people) and *kratos* (government), so the eans of that term is people government, can be defined as the dovernment from the people, by people, and to people. At that time, the society has been given by government for freedom of thingking and having a notion about law and state problems. The existence of governmental system in Athena was regarded as the first example from a system that was related with modern democracy law. In this Athena governmental system, people were involved of the process of decison making in a state. One of the prominent figure of democracy, Socrates argued that state is not absolute governmental system, because the original ideas of state came from human attitude and behaviours, then has obligation to create law, that were conducted by leaders that was choosen by their society. Then Socrates ideas were continued by his student, Plato. Then Plato

ideas were continued by Aristoteles. Aristotles known as about some educations about people agreement where the sources of democracy came from people rights, so those kinds of rights develop from the local, national, global then universal.

The beginning development of human rights values to be universal in the end of 18th century, it was implemented in the positive laws in some countries. By beginning of the process of extension "right of man" ideas by recognizing the anti slave trade in Europe. Then the the exact time of this real process, beginning in the globalization and after 1945 era, by the signals that world can see many government and non governmental organizations as declarations or agreements that which give more attentions about human rights issues such as Amnesty International, IMF, and others.⁴²

The Table of 1. The International Protection of Human Rights

No	Kinds of Treaties
1.	The Universal of Human Rights adopted by the United Nations General Assembly in 1948
2.	The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights of 1966
3.	The European Convention for the Protection of Human Rights and fundamental freedoms of 1950

⁴² John Baylis and Steve Smith (2005). *The Globalization of World Politics : An introduction to international relations*, Oxford University Press., Page 690

4.	The American Convention on Human Rights of 1969
5.	The African Charter on Human and People's Rights of 1981, usually referred to as the Banjul Charter
6.	The Convention on the Prevention and Punishment of the Crime of Genocide of 1948
7.	The International Convention on the Elimination of All forms of Racial Discrimination of 1965
8.	The International Convention on the Elimination of Discrimination Against Women of 1979
9.	The Vienna Declaration and Action Programme of 1993

The table shows that the broadening the idea of human rights consist of three generations. The first generation is rights such as freedom of speech and assembly and 'the right to take part in the government of his country, directly or through freely chosen representatives' (Universal Declarations, Article 21), the second generation right to the 'economic, social and cultural rights indispensable for his dignity and the free development of his personality' (Article 22) and these economic and social rights feature very largely in later UN documents, especially in the International Covenant on Economic Social, and Cultural Rights, Third generation rights based on this a collective dimension and concern the rights of 'peoples' for example under the Banjul Charter explained that people have the rights to 'freely dispose of their wealth and natural resources (Article 21(1)),

while the individual has a duty to serve his natural community by placing his

physical and intellectual abilities at its service' and to 'preserve and strengthen positive african cultural values in his relations with other members of the society' (Article 29(2) and (7)).⁴³

The ideas of human rights more and more develop year by year and be universal as a norm in every decision making process of governmental, moreover the US as super power state has commitment to promote this ideas.

B. The Role of the US in Promoting Human Rights

The process development of the US democracy was very influenced by Europe thinkers. This sondition was caused that the US had been colonialized by England. It cause the attitude and behaviours of the US people to conduct governmental system in the future was very influenced by Europe govermental system. Most of the thinkers mentioned about the equality of people rights. Such as freedom declaration in the 1776, Thomas Jefferson admitted the influence of John Locke and Rousseau in arranging freedom drafts.⁴⁴ From Locke argued that all people were created equality and they have rights to live equality, freedom and looking for happiness. Because actually since people were born have collectivity of basic rights and even where the conditions without state, every person had have life rights, free rights, and owner rights.⁴⁵ From Rousseau argued that all people in

⁴³ Ibid pg 690-691

⁴⁴ Sejarah dan Perkembangan Demokrasi. Retrieved from <http://dewamahendracenter.blogspot.com/2009/12/sejarah-dan-perkembangan-demokrasi>. Accessed on May 27th, 2011.

⁴⁵ Sammuel C. Patterson, Roger H. Davidsaon, Randall B. Ripley, (eds), A More Perfect Union : Introduction to American Government, Harward Ulinia: The damer: Press, 1986. Pg 6

a state can against their government when the
those kinds of rights.

Then France revolution was very influence
system in the US, such as the ideas of the b
distributione. Those kinds of branches are legi
be disperated. France people make collapse
practice of human rights ideas in the case of f
refusing toward supression.

The modern democracy of the US is i
representative democracy. The emerged of
people have nauseated with taxes without pay
fair of representative system where people can
their government. They want to have represent
representative will rule te government. The
civilian rights as the existence of people in
their representative with considering ce
representative in their constituent, then the g
branches that is executive, legislative and j
had absolute power. This stricts regulation l
people that had have authoritative leader in

The ideas about human rights that came from democratic values, it is not only effected toward domestic governmental system, but also the US has commitment to promote democratic and human rights values in over the world as the best way to conduct governmental system. And the issues of human rights had have been one of the consideration of the US in decision making process, particulary in the post cold war era. In the cold war, the issue about human rights was ignored because highly competitive between America and Soviet Union.

B.1. Cold War Era

The beginning discourse of human rights with the signal of forming United Nations in 1948 through *Universal Declaration of Human Rights*, the purpose of this chapter is for some quarrelling countris as long as World War II in order that more respecting with human rights values. Before that there were some declarations about human rights such as American constitutions 1776, France Revolution 1789 (*declaration des droits l'homme at du citoyen*), and even there was Magna Charta on 1215 that force england king to admitt their people rights as highly taxes based on absolut power of a king, forbide to disturb self freedom without through law process.⁴⁶

Until 1950 almost all independet countries have certain democratic principles. Most of them adopted democratic principles in their governmental system from America as a role model of democracy. Democratic system is more popular

⁴⁶ Tahir Abubakar dikutip dari Adnan Buyung Nasution, *Aspirasi Pemerintah Konstitusional di Indonesia : Studi Socio-Legal atas konstitusi 1950-1959*, PT Pustaka Utama Grafiti, Jakarta

together with popularity of the US to keep on promoting democratic principles. Its like the president of Ronald Reagen's speech in the 1988 :⁴⁷

....."I have always tried to speak plainly about the enduring values upon which this nation was founded : Faith in God, commitment to democarcy, the quest for peace, limited government, reliance on the free enterprise system, and an unyielding believe in human freedom as the essential key to human achievement and the progress of mankind.....democarcy, freedom, economic opportunity-these are not uniquely American concepts, but ideas that lift the heart and compel the aalegiance of people throughout the world"

In his speech, Ronald Reagen clamourig for democracy with the purpose to announce democracy as the best ideology and respecting toward human rights. This kind of human rights reason where will be the reason of the US policies to other countries for achieving theri national interest in the future.

From the datas and explanations above shows that the relations between democracy and human rights is so closed. A country can be said as capable and succes country if those countries can conducted the practice of human rigts values well, but the opposite that a country can be said failed if those countries can not conducted the practice of democratic principled related with human rights values.

Since achieving declaratons of Human Rights by United Nations, make some countries that had been cononialized by Europe follow the members of United Nations, so emerge some new countries. UN in looking human rights as :

⁴⁷ Albertina Minderaa, PRAGMATISME Sistem hubungan Internasional, Pustaka Pelajar, Yogyakarta, 2005

“ human right could generally be defined as those right which are inherent in nature and without which we can not live as human being.”

Then in other disperated drafts in 1955,Declarations drafts of Human Rig from United Nations mentioned that:

“Every countries has rights to consider their own life. Based on this rig they decide any kinds of their freedom and by freedom they try to achieve development of their economic, social, and culture.”

In the international politic arena, the US is one of the countries who human rights issues as the main considerations to make foreign policies. development of human rights in the US can be explained that:

1. First Charter of Virginia in 1606
2. Ordinance of Virginia in 1618
3. Mayflower in 1620

Mayflower is a collective pledge which was said by new comer to American ocean in 1620 in the Mayflower ship. Those pledges contains of democracy & human rights ideas, taht give contributions for US constitutions.⁴⁸

4. Pennysylvania Priveleges in 1701
5. Declaration of Independence in 1776⁴⁹

⁴⁸ Albertina Mindasan, PRAGMATISME Sistem Politik dan Prinsip Politik Luar Negeri Amerika

The manuscripts of this declarations also involved of Bill of right in the US version that was arranged by Thomas Jefferson and entering about respecting of human rights.

"we hold these thruths to be self evident, that all men are created equal, that they are endowed by they creator with certain unalienable right, that among these are life, liberty and pursuit of hapiness...."

In the arrangement, Jefferson gets many helpings and influences from John Locke, taht has basic arguments that the guarantee of human rights in a state is the main obligation of leaders. A democratic leader must be able to be critized, protested or even changed, because the essence of this declaration is that human were created by the God as equality creation and has all kinds of rghts as life right, freedom rights, and right to get happiness.⁵⁰

6. The Four Freedom of F.D Roosevelt pada tanggal 1941

The background of this case is the effect of Nazi atrocities that conducted genocide toward certain clan and the atrocity of Germany that caused world involved in the World War II. In front of Congress, Roosevelt said that actually human have rights to conduct as citizen and state people, those kinds of rights are:

- a. Freedom of Speech
- b. Freedom of Religion

⁵⁰ A. F. S. (1941). The Four Freedoms of F. D. Roosevelt. In F. D. Roosevelt (Ed.), The Four Freedoms (pp. 1-4). New York: The Four Freedoms Committee.

- c. Freedom from fear
- d. Freedom from want

After this speech, the US has standardizations to conduct human rights values in country over the world as the standardization diplomacy America over the world.

This contents as follows:

1. Obligation to respect rights (two articles)
2. Civilian and political rights :
 - a. Right for self identity
 - b. Right for live (one article, 6 verses)
 - c. Freedom from torture (one article, 6 verses)
 - d. Freedom from slavery(one article, 3 verses with clear explanations of 4 points)
 - e. Right of individual freedom (one article, 7 verses)
 - f. Rights of fair investigation jurisdiction (one article, 5 verses with 6 point of brief explanation)
 - g. Freedom from ex post facto constitutions (there is no one can be punished because anykinds of conduct guilty or not conduct guilty, based on the law when those kinds of guilties is taking)
 - h. Rights to compensation
 - i. Rights of privacy (one article, 3 verses)
 - j. Rights to make group (one article)
 - k. Freedom for collective (one article, 3 verses)
 - l. Family rights (one article, 5 verses)

- m. Rights of a name
- n. Rights of children
- o. Rights of citizenship (one article, 3 verses)
- p. Right of natural welfare (one article, 3 verses)
- q. Freedom to move and build the land (one article, 9 verses)
- r. Rights to involved on the government (one article, 2 verses with three points of brief explanations)
- s. Rights of equal protection
- t. Rights of jurisdiction protection (one article, 2 verses of brief explanation)

Teoritically, the US is very appreciate of human rights, this condition was influenced by some thoughts that be concepts of human rights and concepts of democratic governments as a government which appreciate toward human rights. One of the thinkers that influenced America governmental system is John Locke, he described the *status naturalis* condition, where human has basic rights of personal and in the collective condition, life in the more development as called *status civilis*, where human that has position as citizenship, their basic rights basic rights must be protected by a state.⁵¹

But in the Cold War era, the human rights issues were still ignored. Because, generally, the conditions of international politic impeded to develop human rights.

⁵¹ Sejarah Hak Asasi Manusia. Retrieved from <http://emperordewa.wordpress.com/about/sejarah>

Competition between two countries to get global hegemony make the efforts to repair human rights condition be neglected.⁵²

In the Cold War era, the world as if as divided to be two powers that is west block which consists of Amerika and Europe, then east block consists of Soviet Union. Two of blocks disparted Germany to be West and East block.

When the England can not influence Greece and Turkey, because England had many times involved on the wars. By this condition, the US worried if Uni Soviet becoming both countries as the basis power in the Middle East.

Then president Truman made the doctrine as known "Truman Doctrine", to take over both countries from England. Truman convinced their society that both countries have big potencies, especially in the economic considerations, both countries have natural oil in Middle East and in the political considerations, If Turkey and Greece fall into the hands of Soviet Union so it will make larger political power of Russia toward Europe, because Europe is very depend on oil from Middle East.

Beside that US also formed Marshal Plan with the purpose to prevent the influence of Soviet Union especially to prevent the growing of communism in the bad economic condition and to force England and France in order that to make unity Germany to be only West Germany. This agenda purposely that the US want

⁵² Randy Truman and Abdul Aziz said, "human rights : A forgotten victim of the cold war", human

to centralize all dignification strategies of Europe to bring into reality the growing up of west Europe which freedom from communism.

Here can be conclude that human rights issues in the Cold War, not really be basic of actions for the US to decide its foreign policies. Because US more concern to make hegemony and prevent communism ideology.

B.2. Post Cold War

The significant changing in decision making process of the US in foreign policies when the end of Cold War with the signal when the fall down of Wall Berlin so it makes US be super power country. So it makes US as if as lose the issue about communism as be basic of US foreign policy change to issue around environment, democracy, and human rights.

Related with the human rights and democracy promotion over the world, there are three focuses of America. Firstly, fair and free the general election with same chance for healthy competition. Secondly, good governance with representative institution, transparency, and responsible based on law and involved of independent legislatif and yudicative institution. Thirdly, strong civilian society and independent media taht can create honest government, involved of society, and keep in order that reformation based on rule of the way.s

But those kinds of promotion were still in the peace condition. After cold war, it is not guarantee that the losing for military invasion. There are still some reasons of the US to use force to apply foreign policies. The reasons of the US for invasion based on humanity considerations but it was done with killing

humanity. Especially after 9/11 tragedy, the US really condemned human rights abuses over the world, so by this tragedy more like America's legitimacy to attack other countries that regard involved of that tragedy and the countries which did not apply the democratic values in their government. So Bush created policy "war on terror" with the slogan "...join with us or terrorist" that becoming the values about human rights change to be more uncontroversial standard, it can be seen from US foreign policies toward certain countries. America use term of humanitarian intervention, that is intervention with the purpose to help humanity by military invasion before and after 9/11 tragedy that give big effect toward the world especially bring America to unending war in globalization era.

C. American Intervention in the Name of "Responsibility to Protect" in the Post Cold War

Humanitarian intervention can be held based on the considerations that conflict in a certain region contains the elements of human rights abuses that creating security instability, creating starvation, or give influence toward refugees.⁵³ Humanitarian intervention consists of four elements, those are use forces toward sovereignty, conducted by a state, not based on agreement or consensus.

⁵³ "Humanitarian Intervention in Somalia", Nov 29th, 2010. Retrieved from <http://azmuheram.blogspot.com/2010/11/humanitarian-intervention-in-somalia.html>. Accessed on

The reason of the US implement humanitarian definitely with those kind of reason, and with the considerations cost and benefits. The kinds of humanitarian intervention by US will be explained as follows.

Firstly, the US intervention toward Bosnia, this intervention was very important in the role of America in promoting human rights especially for new Clinton's administration. The background of this problem was war between some sides involved of Bosnia and federal republic of Yugoslavia⁵⁴. This conflicts was very complicated conflict because tend to the conflict of ideology, religion, clan and other sensitive issues. The freedom of Bosnia which was announced based on the general election on 1991 was refused by Serbia ethnic which is dominated Yugoslavia. Serbia ethnic refuse this result by military violence, big suppression and even apply the genocide toward Serbia people especially Muslim. Serbia people conducted atrocities toward Bosnia people such as the capital city of Bosnia was bombed by Serbia then patriotist of Bosnia were arrested and tortured in the concentration camp, thousands of woman and missies were rappist. The data explained that since this war was happened the amount of the Muslim Bosnia people for about 200.000 people were killed and 50.000 Bosnia muslim woman were rappist.⁵⁵

⁵⁵ Pembantaian Etnis Bosnia Oleh Etnis Serbia; Polemik Antara Pembantaian Etnis dan Pembantaian Agama. Retrieved from <http://www.theindonesian.com/2010/04/pembantaian-etnis-bosnia-oleh-etnis-serbia/>

This condition make US and Europe The United States has a large r helping the security of the Bosnian peace agreement. The US believes that it strong commitment to the principle that the security and stability of Europe : fundamental interest to the US and also as the partner of the US. Clinton sai if the negotiations fail and the war resumes, there is a very real risk that it spread beyond Bosnia, and involve Europe's new democracies as well a NATO allies. Most of the troops in UNPROFOR have been provided by n allied with the United States under the NATO Treaty.⁵⁶ Working with its N allies, the United States has played an important role in the United Na dispute-settlement efforts and in UNPROFOR's Bosnian operations. It contri combat-equipped fighter aircraft and other resources to NATO's enforcement the Security Council's no-fly ban.⁵⁷ It also provided military assets to impl NATO's February 9, 1994, decision to attack military targets near Sarajev occasion, United States military forces, under the auspices of NATO, engaged in combat in support of UNPROFOR. On February 28, 1994, U States aircraft on air patrol for NATO engaged Serb aircraft violating the : ban, destroyed three of them, and downed a fourth. On April 10 until 11, United States combat-equipped aircraft engaged Bosnian-Serb aircraft gunners in defense of UNPROFOR personnel who had come under atta Gorazde. On November 21, 1994, NATO conducted airstrikes involving 1

⁵⁶ PROPOSED DEPLOYMENT OF UNITED STATES ARMED FORCES INTO BOSNIA November 30,2005. Retrieved from <http://www.justice.gov/olc/bosnia2.htm>. Accessed on July 1 2011.

⁵⁷ Bill Clinton's Bosnia and Bush's Iraq, Dick Morris, November 30, 2005. Retrieved from <http://archive.newman.com/archives/articles/2005/11/30/135002.shtml>. Accessed on July 1

nine United States and allied aircraft in response to Serb air attacks that had threatened 1,200 UNPROFOR troops in Bihac. The President reported each of these incidents by formal letters to Congress.⁵⁸

The signal of the climax conflicts in this country when three powers which ruled in Bosnia did not have basic constitutional about religion and the ideology, this condition was more dangerous when external powers use this weakness to break their unity based on certain interest in this country. Moreover, this country is very strategic country because have many natural resources, almost 80% of the mountain with the river is the benefits region for providing hydropower plant, and also the richness of bauxite, magnesium, asbestos, dolomite, coals and others. When Tito as the father of Unity and brotherhood in Yugoslavia ruled this country, almost 60% factories were located in Yugoslavia. These factories consists of some equipment for wars such as tank, Oil Refinery, aluminium, chemical ingredients, and others.⁵⁹By this condition Europe worried about the delivery of the gun from east block then will develop the organization of the *black gun* in Europe, of course this condition will make dangerous for the stability of Europe security. So with the existence of the conflict in Bosnia, indirectly the delivery gun will suspended only in Bosnia. As the alliance of the Europe, US try to help Europe in order that do not want to lose their power in Europe and United Nations and also have strategic interest related with economic and military in this country.

⁵⁸idem

⁵⁹PROPOSED DEPLOYMENT OF UNITED STATES ARMED FORCES INTO BOSNIA, November 20 2005. Retrieved from <http://www.jurimetrics.org/vol41/bosnia2.htm>. Accessed on July 1

Secondly, Humanitarian intervention by US in Somalia. This was happened between 1992 until 1993. This operation was to create a protected environment for conducting humanitarian operations in the southern half of Somalia. The Background of this invasion was happened civil war. The internal problem in this state is so chronic, in the 1991 war between ethnics was still going on and causes political dispute and humanity crises. Thousands of people be victims in this dispute and fleeing to abroad. Basically, sorces of problem in this country is low government system, ideology fight, battle for power, social dispute that can not be managed around Somalia Region.⁶⁰

The conflict is still ongoing, in the 2009, Somalia announced that emergency condition and ask helping assistance as soon as possible from international community and military intervention, and in the may 2010, was happened big bombing in the mosque caused 45 victims and by tens other were paned.⁶¹ The role of Intervention of the US higher, because US has interests in this intervention. War between Somalia divided into two groups, they are Eritrea and Ethiopia. Eritrea group in the Islamic court side and Ethiopia group in the Washington (America) side. This conflict related with economic interest, controlling trade rute, harbour, and airport. To strengthen its national interest of the US finance training more than 1000 Somalia navy, provide 2 milion dollars to

⁶⁰“Somalia Humanitarian Intervention 1992-1993 by G.P.Valladares.Retrieved from www.luisedruke.com/luise/book_thess/valladares_621_667.pdf.Accessed on June, 9th,2011.

⁶¹ “Humanitarian Intervention in Somalia”,November,29,2010. Retrieved from <http://ezmuharam.blogspot.com/2010/11/humanitarian-intervention-in-somalia.html>. Accessed on

pay soldiers in Djibouti and US build naval base in that country by using result of American taxes.⁶²

Thirdly, humanitarian intervention by the US was in the Haiti on 1994-1995. This operation was to remove the military regime by the 1991 Haitian coup, which overthrew the elected President Jean-Bertrand Aristide. This operation was ruled by the US and Allied forces for a forced entry into the island nation of Haiti. U.S. Navy and Air Force elements start from Puerto Rico and southern Florida to prepare to support the airborne invasion. This Operation officially ended on 31 March 1995 when it was replaced by the UN Mission in Haiti (UNMIH). Directly, US president Bill Clinton and Haitian President Jean Bertrand Aristide presided over the change of authority ceremony. After US intervention, directly American shows its national interest such demanded many economic changes as the compensations that the US have big role for democratic transition in Haiti. Those compensations involved of slashing the civil services, reducing tariff, and the privatization of state monopolies. Actually Haitian president want to refuse those kinds of the US economic policies, but he did have no choice, he just claimed that those kinds economic policies can cause "increasing the riches of Haiti's elite and stripping the poor of their national wealth".

Forthly, Humanitarian intervention by the US in Yugoslavia in the 1999. This operation was to stop Military operation for Albanian ethnic minority in Kosovo by Serbia as the majority groups. This conflicts cause about thousands of refugees and hundred people were deaths. With considerations cost and benefits,

⁶²ibid

the US involved by this conflicts with invasion Yugoslavia without agreement from United nations first, US give almost all high military technology for this missions. Many critics toward this intervention, but US still going on because the US has some military, economic , political interest.

Fivethly, US intervention in Libya on March 2011 based on United Nations Security Council Resolution 1973. This inversion to responce civil war in Libya because of the dictatorship of Caddafi government. The final goal for this invasion is to collapsed Caddafi government to be more democratic system. As long as, Libya ruled by Caddafi, there are many civil wars. In other than, as the purposes of intervention before, the factor of the US interest be one of the factor also. The US want to wide oil energy in Libya.

The last but not the least is humanitarian itervention of the US in Iraq and Afghanishtan after 9/11 tragedy. This tragedy makes US promote war on teror overseas and on the US itself. Even the reason of the US for self defence but there resulting in a number of attacks where innocent civilians were killed. Many scientists argued that this humanitarian intervention is failed because this interventions is not primarily by humanitarian purposes but also rezime change and other national interest of the US related with oil energy.

In one of the country in South East Asia,that is Myanmar. The cases of that countries are almost similiar with the cases where are applied forcible humanitarian intervention by the US. But the weird is the US did not apply humanitarian intervention toward Myanmar who conducted bigly human rights

abuses. Those kinds abuses will be explained in the next chapters conditions of the US related with a rational actor that is president who Myanmar case, involved of deep analysis with begin to try answer wi analysis about the condition of the US related with promoting hur intervention in Myanmar.

D. The Policy of the US toward Myanmar

The rising policy of the US toward Myanmar since 1988 until condition by the signal of *Burmese Freedom Democracy Act* by US Most of the contents policies were the sanctions related with human ri in Myanmar. The writer try to conclude those kinds of sanctions as foll

On August 1988 : because of slaughtering of opposition democracy group), US senate decide resolution that give puni Myanmar government and sue the democracy maintenance in My resolution insists that US end all kinds of army selling and foreign a Myanmar government except humanity assistance.

On April 1989 : Bush administration really insists that My involved more on the member of countries lies who have purpos narcoticts spreading in the 1989. So that Bush rejected disadvantages under *Generalized System of Preferences* (GSP).

On August 1990 : Senat agreed about prohibition for goods import from Myanmar with the voices 92-0 then finally this agreement will be a part of *Custom and Trade of 1990*. Furthermore, the congress in similiar month asked to president to imposed on economic sanctions toward Myanmar if there was no any significant changing the condition of political and social in Myanmar related with human rights and the sources of narcotics.

1994 : Under decision of *Foreign Assistance Act of 1961*, US congress entered Myanmar as the one of “The International “Outlaws” States”, beside that prohibit foundations that came from America toward International Organization to be used for Myanmar programs.

Sept 1996 : President Clinton signed 1997 Foreign Operation Appropriations Bill without calculate US foundations for Myanmar except for emergency foundation, and also appeal for delay of US new investment in Myanmar to prevent the existing of nationalization or confiscation all properties of the US in Myanmar.

October 1996 : President Clinton prohibit the leaders of Myanmar to enter US country, then this condition got responce from Myanmar government by decreasing the degree of US representative in Burma from the status of “ambassador” to be “*Charge d’Affairs*”.

May 1997 : Presient of the US prohibits any form of US new investment in Myanmar in personally form or even institutions, and also delayed any kinds of bilateral foundations except humanity foundations

2001 : a constitutions proposal was purposed by Senator Harkin toward US senate, the contents were about prohibiion of goods imports that was produced by Myanmar. This proposal refers to ILO Resolution in 2000 where before recommended reopening relations between US and Myanmar.

May 2002 : President Bush showed his satisfaction because of the freedom of Aun San Suu Kyi as home arrested by the hope of the existence of the beginning democracy and national reconciliation in Myanmar.

Feb 2003 : The member of the Congress, Pitts, purpose the suggestion to *House of Representative* to place *International Human Right Monitors and Peace Maker* in Myanmar in order that solve the problems of refugees, ethnic cleansing, production of narcotics.

June 2003 : The decision of Myanmar government to re-arrest Aun San Suu Kyi and NLD activists. Making US congress decide Burmese Freedom and Democracy Act 2003, the contents as follows :

- Prohibition of import for all kinds of Myanmar products
- Solidification of SPDC assets either institution assets or personal assets in US
- Against all kinds of loans either billateral loans or multilateral loans
- Expanding of visa prohibition for SPDC and USDA

2007: Following mass protests in Yangon and elsewhere caused by the sudden removal of government fuel subsidies, President Bush issued Executive Order 13348 that expanded sanctions to include asset freezes against individuals designated as responsible for human rights abuses and public corruption and individuals and entities that provide financial or material support to those designated individuals or the military government in Myanmar.⁶⁴

2008: On 30 April President Bush signed Executive Order 13464, which further expanded sanctions to permit asset freezes against designated Myanmar entities. Currently, approximately 110 individuals and entities have been designated for asset freezes under these authorities. On 2 May Cyclone Nargis made landfall on Myanmar, causing destruction and mass casualties along the Irrawaddy delta and the southern parts of the country. The Myanmar authorities hesitated to accept foreign aid in the first days of the catastrophe but eventually opened the country to controlled international relief. On 6 May, President Bush signed into law that an award a congressional gold medal to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma. Then after the US House of Representatives voted unanimously in favour of the resolution. On 10 May, despite the aftermath of Cyclone Nargis, Myanmar held a

⁶⁴ Timeline: US/Burma Relations Retrieved from [http://en.wikipedia.org/wiki/Timeline:_US/Burma_Relations/](http://en.wikipedia.org/wiki/Timeline:_US/Burma_Relations) Accessed on

constitutional referendum to foster a "discipline-flourishing democracy" and prepare for multi-party elections in 2010. Under the new Constitution, the leadership of the Myanmar government will return to civilians although the military will retain key levers of power. The NLD called for a no vote on the referendum. On 12 May, the US Treasury Office of Foreign Assets Control authorized unlimited remittances to Myanmar as necessary aid following Cyclone Nargis. In July, the US Congress enacted the Block Burmese JADE (Junta's Anti-Democratic Efforts) Bill which bans the import of rubies and jadeite and expands the categories of individuals and entities subject to travel restrictions and asset freezes.⁶⁵

2009: The administration of President Barack Obama concluded a comprehensive review of America's Myanmar policy in September, opting for a balance between economic sanctions and "pragmatic engagement" and for augmenting contacts with the higher levels of the Myanmar military. In August, Senator Jim Webb of Virginia became the first member of the US Congress to visit Myanmar in ten years. In November, Assistant Secretary of State Kurt Campbell travelled to Myanmar to meet with government officials, ethnic-minority leaders and leaders of the pro-democracy movement including Aung San Sun Kyi who had been jailed

2010-2011 : Obama has applied diplomacy policies and try to open the dialogue with Myanmar of course with some of the considerations. The main reason of Obama administration to achieve this policy that US feel that the last sanctions that was conducted by some US president is ineffective and there is no national interest of the US that can be achieved.⁶⁷

E. The Causes of Uneffectiveness Sanctions

But the implementations of sanctions of the US toward Burma receive some obstacles. Those kinds of obstacles are the existing of helping assistance from some Asian and European countries politically and military for Myanmar moreover Myanmar people have low position and give keep no actions toward authoritative junta military government. These conditions were caused by the actions from Junta military government to Myanmar people when they protest demonstration.

The most significant obstacles in applying the sanctions is the existing Asian and European countries in making cooperation with Myanmar because those countries have big interests with Myanmar particularly with Republic of China, Thailand, Russia, and India. Besides the high economic interest, these countries also give gun reserves for Myanmar. China is the most dominant countries in helping assistance for Myanmar, because China is the big

governmental system. This support was shown by China when Myanmar facing the suppression from international community related with embargo and economic Sanctions especially from the US.

With the existence of high political and economic assistance from those countries, will give the big effect toward natural gas reserve in Myanmar until the end 2006 reach for 538 millions cubics, however this amount is only 0,3 of reserve over the world, but if seeing from the efficiency of production until 2007 and moreover the agreement of price with Thailand, this natural gas will have more capability to give contribution for 2 billions \$ for Myanmar and will give more benefits until more than 40 years.⁶⁸

With those kinds of conditions those sanctions that is given by the US for Myanmar government is ineffective because there is no significant change for Myanmar governmental system until now to be more democratic system as US want. The sanctions are ineffective to support junta military government for ending their authoritative and repressive power. And even The chief of SLORC itself insists that those sanctions will not give any kinds of effect for us to change the government system.⁶⁹ So if seeing with the whole analysis related with the Myanmar people, US sanctions are not guarantee the problem solving of Myanmar case or conflict that was happened, particularly in the interest of Myanmar people.

⁶⁸ LANGKAH-LANGKAH PENERAPAN *COERCIVE DIPLOMACY* AMERIKA SERIKAT TERHADAP JUNTA MILITER MYANMAR DAN KENDALA-KENDALA YANG DIHADAPI (2003-2007). Retrieved from www.library.upnvj. Accessed on August 8, 2011

⁶⁹ Pro dan Kontra Sanksi. Retrieved from www.library.chin.edu/indonesi. Accessed on August

It can be seen with some cases that this sanction give big disadvantages for Myanmar people directly such as many textile industries that was reported close because of embargo and trade sanctions that cause 750.000 workers lose thier jobs, whereas those kinds of industries are not dominated by military.⁷⁰ Then most of the bussinesman have anticipated the US sanction by closing 300 of their factories and almost 350.000 workers lose their jobs and of course will give effect with indefinitely of family destiny.⁷¹

With those kinds of uneffectiveness sanction, it does not make US decide the hardest policy for Myanmar such as humanitarian intervention. The brief analysist will be explained by the writer about why US did not implement humanitarian intervention will be explained in the next chapter.

⁷⁰KAJIAN MENGENAI STATUS FAILED STATES NEGARA MYANMAR ERA PEMERINTAHAN JUNTA MILITER (1962-2010),by R.M ARIA RANGGA KUSUMA Retrieved from www.lentera.ui.ac.id Accessed on June 16 2011