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HUMAN RIGHTS AND THE RIGHT TO DEVELOPMENT: INSIGHTS INTO THE MYANMAR GOVERNMENT'S RESPONSE TO RIGHTS ALLEGATIONS

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ABSTRACT

Myanmar is ruled by a military government that is strongly condemned for human rights abuses. In responding to these allegations, the Myanmar government repeatedly adopt the language of Right to Development as a counter perspective and counter allegation. The Right to Development is not well reflected in the Western human rights discourse, and both its development and Myanmar's position in the Right to Development dialogue are considered. This paper looks at the differing perspective that an understanding of the official public Myanmar response to rights allegations brings to the human rights debate surrounding Myanmar, highlighting contested ideas concerning the identity of rights duty-bearers, conceptions of those duties, and allegations of double standards. While the Myanmar position that sanctions violate the Right to Development is rejected, it is suggested that this difference in perspective is a contributor to the impasse and communication gap between the West and the Myanmar regime over human rights.
1. Introduction

Myanmar (Burma) is ruled by a military government that is strongly condemned for human rights abuses. The United Nations General Assembly has passed resolutions condemning human rights violations in Myanmar at every sitting since 1991, the most recent declaring the UN "strongly condemns the ongoing systematic violations of human rights and fundamental freedoms of the people of Myanmar" (UN 2009b). The Human Rights Council likewise pass regular resolutions condemning human rights abuses in Myanmar, presenting the regime with a long list of specific demands (e.g. UNHRC 2009b). A Special Rapporteur for Human Rights in Myanmar has been monitoring the situation since 1992, while the US State Department regularly describe Myanmar as a major violator of human rights in its annual Country Reports on Human Rights Practices.

So how does the Myanmar government respond to such widespread and persistent human rights condemnation? While the official discourse from the regime is "generally dismissed as nothing more than primitive propaganda without any substantial content" (Rozenberg 2009), this paper identifies with Houtman (1999) who, in an attempt to understand the political mentality of the current rulers, considers the possibility that the official discourse does instead derive from a more coherent ideology. This paper originates from the observation that this official public response to rights allegations regularly invokes the Right to Development. This paper does not question the existence of serious human rights abuses in Myanmar, nor seek to justify the Myanmar regime. Rather, it examines whether an understanding of the Right to Development response adds to the rights dialogue surrounding the country, or offers any additional perspectives on the impasse between the regime and the international community.

The Right to Development is a contested right, often not reflected in the Western human rights discourse. With the 'rights-based approach to development' being increasingly championed as a preferred approach (e.g. see ACFID 2009; Nyamu-Musembi & Cornwall 2004), rights have come directly into the domain of development studies. My interest in human rights and the Right to Development stems from questions of the applicability and application of the rights-based approach to development in Myanmar (see Ware 2010).

1 In 1989 the new government changed the official name of the country from 'The Union of Burma' to 'The Union of Myanmar'. The EU, UN and ASEAN accepted the name change, while Australia, the UK and the USA (amongst others) rejected it in solidarity with Aung San Suu Kyi. For many the choice of name is political. This paper would prefer an apolitical position, and out of a pragmatic consideration for the agencies working inside the country uses 'Burma' to refer to the country prior to 1989, and 'Myanmar' for the period after this date.
2. The Right to Development

2.1. Origins

The Right to Development evolved from quite different origins than the majority of human rights, originally being a claim against developed countries linked to demands for a new international order more favourable to the economic development of post-colonial states. This perspective alone highlights its attractiveness to the Myanmar government.

The concept dates back to ideas implicit in the 1944 ILO Declaration of Philadelphia and to drafts of the UN Declaration on Rights and Duties of States in the 1940s (Alston 1979; Sengupta 2002). However, the term itself appears to have first been used in 1966 by the Senegal Foreign Minister, in a plea to the General Assembly for the creation of a New International Economic Order. The term was subsequently popularised by representatives from developing countries during the UN debate over the New International Economic Order being advanced by the Non-Aligned Movement. Thus, the Right to Development stemmed from ideas surrounding rights and duties of states in the era of decolonisation, and debate over resources and global economic justice for newly-independent developing countries.

The UN High Commissioner for Human Rights argues the concept is also rooted in the provisions of the Charter of the United Nations and the 1948 Universal Declaration on Human Rights, as well as the two International Human Rights Covenants. Nonetheless, the International Conference on Human Rights in 1968 expressed a belief in the "collective responsibility of the international community" to ensure minimum standards of development, seen as important to realising human rights, (UNHCHR 2010). In 1977 the Commission requested the UN Secretary-General study "the international dimensions of the Right to Development as a human right in relation with other human rights ... taking into account the requirements of the New International Economic Order." This culminated in promulgation of the Declaration on the Right to Development (UN 1986), article 1 of which declares that

all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realised ... The human right to development also implies the full realization of the right of peoples to self-determination (UN 1986)
Article 2 expressly indicates that states have both rights and duties under this declaration, another concept clearly appealing to developing-world governments, as in Myanmar.

The Right to Development is a so-called third generation right, although this terminology is widely considered misleading and unhelpful (Marks 2004a). It is fundamentally different to other human rights in that it makes the international community a duty-bearer alongside the state (Umbricht 1979). During the 1991 *Global Consultation on the Right to Development as a Human Right*, the advisor to the Special Rapporteur of the Commission on Human Rights suggested the Right to Development is "a human right in the context of relations between developing and developed countries" (UN 1991), originally perceived as "the logical next step in the programme of decolonization" (Beetham 2006: 79-80).

The Right to Development was reaffirmed in the *Vienna Declaration* (UNHCHR 1993), at the World Conference on Human Rights, where it was explicitly noted as an integral part of fundamental human rights, which are indivisible, interdependent and interrelated. The Right to Development now features prominently in the mandate of the UN Human Rights Council, and is a key part of the UN Development Program's mandate (Bunn 2000), despite being consistently opposed in the UN by the US and, at least till 2008, very largely also by the EU (Gouwenberg 2009). In 1995 the General Assembly required the High Commissioner for Human Rights to establish a new branch whose primary responsibility would be the promotion and protection of the Right to Development (Marks 2004a).

### 2.2. Burma/Myanmar in the Human Rights and Right to Development debates

There were only fifty-eight member states of the UN at the time the *Universal Declaration on Human Rights* was adopted, with most colonial states not gaining independency until after this date. This has led to allegations that these 'universal' human rights are therefore more Eurocentric than universal (Uvin 2004 explains this position and presents a sound counter-argument). Regardless, having attained independence in 1948, Burma was a member of the United Nations at the time, and voted for the *Universal Declaration*. Subsequent Burmese military governments have never denied the validity or applicability of human rights.

Nonetheless, it must be recognised that Burma gained independence with significant feeling over the authoritarian abuse of colonial rule in that country, and of having been exploited—
convinced for example that vast profits from rice production and other resources had been exported to England and India while very little Burmese resource had benefitted Burmese people. The intensity of this feeling of loss of control of their country, their resources and their future was behind the momentum of Burma's push not just to be one of the first countries to gain independence after WWII, but also demanding an immediate and early exit from the British Commonwealth. They believed their economic development and resources would not be truly in their own hands while they remained in the Commonwealth.

Burma was a founding member of the Non-Aligned Movement, and actively engaged in UN processes during their democratic era 1948-1962. They played an active, even leading role in the early work of the UN Special Committee on Decolonisation, and consistently supported and argued for the right of peoples to self-determination. Despite being relatively reclusive and autarchic during the 1970s and 1980s while the Right to Development was being debated, Burma continued active involvement in the debate as a member of the Non-Aligned Movement throughout the Cold War. They voted in favour of the Declaration, and have been a member of the UN's Open-Ended Working Group on the Right to Development, formed in 1998 and headed by Arjun Sengupta, seeking to operationalise the Right to Development and principles for development partnership into binding international law (Marks 2004b). Within the Working Group, they have been part of a grouping of countries interpreting the Right to Development primarily as a claim against the developed world, calling for fairer trade, differential access to technology, debt relief, and the international community to fulfil its obligations to create better conditions for development (Marks 2004a).

Burma/Myanmar has therefore been a consistent voice for a particular Right to Development perspective. Despite the already mentioned widespread tendency to dismiss the official discourse from the Myanmar regime as "nothing more than primitive propaganda without any substantial content" (Rozenberg 2009), consistent policy positions like this expressing strong, unswerving post-colonial sentiment "must be taken seriously when pursued as consistently as in the Burma/Myanmar case" (Holiday 2005).

2.3. A Contested Right

Since its inception, though, Right to Development discussion has been polarised between developing and donor countries. This is despite the fact the Declaration "was, in effect, an
attempt to revive the immediate post-war consensus about human rights developed by US
President Roosevelt, based on four freedoms—including the freedom from want" (Sengupta
2002). The preamble to the Declaration argues that "The Right to Development unifies civil
and political rights with economic, social and cultural rights into an indivisible and
interdependent set of human rights and fundamental freedoms" (UN 1986).

Questions have been raised over "the foundational basis of this right, its legitimacy,
justiciability, and coherence", as well as the identity of the duty bearers, the nature of the
responsibilities it conveys upon those duty bearers, and the identity of the rights bearers
(Sengupta 2002). Despite being reaffirmed by consensus at the 1993 Vienna World
Conference, it has evoked responses ranging from being hailed a major human rights
breakthrough to being debunked as a distracting or dangerous ideology (Chowdhury et al.
1999). It has even been claimed it will be detrimental to the poor rather than benefit them
(Bunn 2000), and that it is used to try to claim a "right to everything" (Kirchmeier 2006).

Developing states largely interpret the right as requiring the international community to
provide a more equitable and democratic international trading and financial system, debt
relief, and international assistance and cooperation (Gouwenberg 2009). It is therefore often
perceived as implying the developed world have a duty to transfer resources and provide
international aid (Marks 2004b; Umbricht 1979). On the other hand, developed states
predominantly emphasise the individual as the central subject of all rights, and the state as the
primary duty-bearer. The US, the principal opponent of such UN resolutions, argues that if
there is a Right to Development at all it can only be right of the individual to develop his/her
capabilities through the exercise of the full range of civil and political rights (Gouwenberg
2009). It is argued this re-definition demonstrates a "conceptual inflation" or "terminology
creep," to individualise and remove any collective claims on what was clearly originally
promulgated as a collective right (Beetham 2006). The US also object on ideological grounds.
The USSR strongly supported the Right to Development, while the US maintain development
comes from entrepreneurialism and a liberal economy—and that the Right to Development is
invoked as a pretext for violating civil and political rights (Marks 2004a).

Myanmar would appear to agree with concerns that such individualistic conceptions of human
rights, focussed primarily on civil-political liberties, are simply an "ideological disguise for
cultural imperialism" (Freeman 2002; see also Donnelly 1988; Pollis 2000). Such challenges
to the content of human rights agendas are too lightly dismissed as ideologically justifications for oppression, when maybe it should be recognised that

for those who have experience colonial rule and intervention under such beautiful slogans as 'humanity' and 'civilization,' 'human rights' looks nothing more than another beautiful slogan by which great powers rationalise their interventionist policies. (Yasuaki 1999)

Certainly, the Right to Development explicitly confers primary responsibility on the developing state, particularly to ensure national and international conditions favourable to the realisation of the Right to Development, and equality of opportunity for all within their country (specifically including a fair distribution of income). Yet it concurrently confers upon developed states the duty to cooperate in empowering developing states in their advancement of this right (Sengupta 2002). The right makes equity and justice essential to development, for both domestic and international duty bearers (Sengupta 2001, 2000). The Declaration presupposes that donors will facilitate the efforts of developing countries to advance the Right to Development by relaxing resource constraints, including in areas such as trade, debt, technology, and finance. (Andreassen & Marks 2006)

The key contribution of the concept lies in highlighting the centrality of equitable access to resources and the profit from them, whether global trade or natural resources, and seeing any denial of access to the requirements for development as a human rights violation (Beetham 2006). "When development is seen as a human right, it obliges the authorities, both nationally and internationally, to fulfil their duties" (Sengupta 2001). The Right to Development becomes a claim to equity and justice in resource distribution and opportunity, domestically and globally. It holds both the state and the international community as duty bearers.

The Right to Development has not been expressly articulated in international conventions, instead still being the subject of debate and resolutions in the UN. There would be significant economic implications if developed nations accepted into law the developing world's conception of a Right to Development of poorer nations. To the UN's Working Group on the Right to Development this collective responsibility is expressed in Millennium Development Goal 8, which calls for a global partnership for development. They argue that the implementation of this goal should be based on the Right to Development (Kirchmeier 2006).
Nonetheless, contemporary Western discourse on human rights, particularly in the context of the rights-based approach to development, displays little awareness of the Right to Development (Nyamu-Musembi & Cornwall 2004). For example, the UK Department for International Development (DFID) makes no reference to the Right to Development in any of its White Papers on *Eliminating World Poverty* (1997, 2000 or 2006), despite discussing the rights-based approach to development, while the UK Foreign and Commonwealth Office specifically advised proponents of the rights-based approach to exclude any reference to the *Declaration*. DFID makes it quite clear that it does not ground development assistance in the *Declaration on the Right to Development*, and that its assistance is based on a moral – not legal – obligation to alleviate poverty (Piron 2002).

Myanmar has a clearly different but consistent perspective.

3. **Myanmar's Response to Human Rights Allegations**

It has been noted that Myanmar is frequently criticised as a major violator of human rights by the UN General Assembly, the Human Rights Council, and the US State Department annual reports, amongst many others. A comparison of the Myanmar government's official public response to these reports in speeches and press releases over the past 5 years, shows a number of common responses:

a) **Unfounded.** They deny the allegations against them as unfounded, claiming they respect human rights and suggest these allegations emanate from disinformation campaigns by insurgent groups and anti-government elements.

b) **Politically motivated.** They question the human rights record of the countries pursuing allegations against Myanmar, and the politics out of which they make accusations. In particular, they suggest human rights is being used as a vehicle by certain countries for their own political agendas.

c) **Right to self-determination.** They argue from the UN Charter, UN resolutions and the ideals of the Non-Aligned Movement to claim the need for cooperation and dialogue rather than confrontation, and the right of peoples and nations to self-determination, non-interference, sovereignty, and the like. With their claims of political motives behind human rights accusations, they argue, for example, that the 1993 *Vienna Declaration* says self-determination does not allow any action which
would impact the territorial integrity or political unity of sovereign and independent states, something they see these rights allegations as designed to do.

d) **Right to development.** They talk about their efforts to provide peace and stability in the country, essential to them providing the Right to Development to their people, and through development being able to provide human rights for the people. They then allege the international community obstructs the Right to Development of the Myanmar people, demonstrating a double standard by the countries making accusations.

### 3.1. Examples of Myanmar's Responses to Human Rights Allegations

A few illustrations of this standard response will suffice. For example, in debate within a UN committee preparing the draft of the latest resolution on the human rights situation in Myanmar (UN 2009a), the Myanmar delegation (UN 2009c) argued that the resolution derived from allegations made by the misinformation campaigns of exiles and insurgents, that using human rights allegations to target weaker countries for political purposes contravened the Charter of the United Nations, that the resolution overlooked both the challenges and the peace and stability being achieved in Myanmar, and that together with sanctions and the denial of development aid, such a resolution was political, immoral, and a violation of the peoples' Right to Development.

In a similar vein, the Myanmar Ministry of Foreign Affairs released a press release rejecting the 2008 US Department of State Myanmar Country Report on Human Rights Practices (GoUM 2009c). The press release labelled the allegations of rights abuses in the report as unfounded and unsubstantiated, argued that Myanmar has long been a victim of a systematic disinformation campaign launched by anti-government elements with foreign funding, and suggested the United States should concentrate on uplifting its own human rights record. They asked for cooperation rather than politicisation of human rights, and indicated the high priority Myanmar accords to the Right to Development. They argue that the Myanmar government has been striving for development across the country, paying attention to narrowing the gap between urban and rural areas and in ethnic minority areas on the borders, in fulfilment of their obligations under the Right to Development.
This is a standard response from the Myanmar government. Again, in the 2007 press release rejecting the 2006 US State Department human rights report (GoUM 2007), U Nyan Win, Minister for Foreign Affairs argued that the report reproduced unfounded allegation which must have emanated from systematic disinformation campaigns by insurgent groups. He alleged the report was part of a US strategy to exert pressure on Myanmar in pursuit of its own political agenda. And in denying the accusations he claimed the Myanmar Government was doing all it could to promote fundamental human rights and the Right to Development. However, he reiterated that development was required to fulfil the basic needs of its entire population, and that required prior peace and security. The press release asserted that the report turned a blind eye to the peace and tranquillity achieved, and reflects double standards by the United States.

4. Discussion on Myanmar's Right to Development Argument

"Too little is firmly known about important aspects of the state in Burma, both historically and contemporaneously, to make hard-and-fast judgements" on their thinking and ideology (Taylor 1987). Government submissions to international agencies and the press are clearly propaganda, increasing the possibility of rhetoric over substance. However, this does not preclude the possibility of the responses containing significant political ideology. Any time propaganda is used to defend the indefensible it will lack coherence to some extent. The level of coherence and consistency would seem, therefore, to be illuminating.

The Myanmar government's most common response to rights allegations is recourse to the right to self-determination, something they have argued passionately and consistently since independence—and something closely linked to the Right to Development. For example, at the recent Non-Alignment Movement meeting in Egypt, the Myanmar Foreign Minister, U Nyan Win (GoUM 2009b) reminded the group that the Movement was founded during the Cold War by developing nations wishing to determine their own destiny without outside interference. But, he argued, powerful developed countries today single out easy targets from the developing world, using the pace of democratisation or alleged human rights infringements as a pretext for exerting political power over domestic affairs, while the human rights violations of those powerful countries claiming to be champions of human rights are ignored. He went on to urge that special attention should be given by the Movement to the issues of poverty, underdevelopment, marginalisation, and the Right to Development.
There are three aspects to the Myanmar government's Right to Development argument, which illustrate an alternative perspective on human rights: their understanding of the duty of the state in development, and of the duty of the international community, and thus their perception of double standards at work.

**4.1. Duty of the State in development**

Article 3 of the *Declaration on the Right to Development* asserts that, "States have the primary responsibility for the creation of national and international conditions favourable to the realisation of the Right to Development" for their people. Much of the official discourse from Burmese/Myanmar governments since independence has emphasised peace and security, and the central function of the state in national development. Key political objectives for this Myanmar government, first articulated in 1995 and reprinted ever since daily on the front page of the government newspaper include: stability of the state, community peace and tranquillity, prevalence of law and order, national reconsolidation, and building a modern developed nation with a market economy (although not at the expense of national security) (Pedersen 2008). Indeed, the perceived central duty of the state in national development is highlighted by the particular attraction military generals have to infrastructure projects, something by which the military government seek to legitimise their rule.

Myanmar argues that their attempts to bring about peace, security and unity in the country are essential to their fulfilment of their human rights responsibilities under the Right to Development, and repeatedly appear frustrated that the international community does not endorse this as commitment to ensuring human rights. For example, at the 61st session of the Commission on Human Rights in 2005, Ambassador U Nyunt Maung Shein (GoUM 2005) argued that Myanmar had achieved remarkable progress towards peace and stability, and that because of that peace and stability the Government could concentrate more of its attention on other areas of national development, including the right to education, the right to economic development, the right to enjoy social services including health-care. This is a typical response by the Myanmar government to human rights allegations, and suggests an insight into their understanding. Obviously, one of the key human rights concerns the West has of Myanmar is their respect for individual rights in their military attempts to end armed insurgency. Likewise, one of the greatest criticisms Myanmar has of its critics, such as the annual US State Department human rights reports, is that they 'turn a blind eye' to the
achievement of peace and tranquillity nation-wide, and the subsequent increased efforts to accelerate development, including in remote ethnic border areas (e.g. GoUM 2007).

This attitude reflects a long tradition in Burmese political thought extending back perhaps a millennium, prioritising unity and security under centralised authority prior to rulers acting magnanimously (Ware forthcoming). Regardless, the Right to Development argument is convenient international terminology for the Myanmar regime to use to express the traditional Myanmar political values surrounding peace and security, and of the duty of the state in development. In fulfilling these traditional values they perceive they are fulfilling their duty under the Right to Development, and are upset at not being given credit for it as meeting their human rights responsibilities.

### 4.2. Duty of the international community in development

Article 3 of the Declaration on the Right to Development goes on to assert that the international community are also primary duty-bearers, with a duty to assist in facilitating development and to promote a just international order based on sovereign equality. The Myanmar government therefore argue that for members of the international community to take action that perpetuates or accentuates poverty, underdevelopment, and marginalisation of the people of Myanmar in an attempt to isolate and pressure particular rulers they do not like into political change, constitutes a gross violation of human rights under the Right to Development. They see unilateral economic sanctions in order to force democratisation as hampering the Right to Development of the Myanmar people, and thus constituting a human rights violation. Myanmar regularly argues that this demonstrates double standards on the part of the very countries most strongly alleging human rights violations by Myanmar.

For example, at the First Session of the Human Rights Council in 2006, U Nyan Win, Myanmar Minister for Foreign Affairs (GoUM 2006) argued that subjecting Myanmar to unilateral sanctions, including denying access to the capital necessary for development, weakened the government's capacity to ensure the realisation of other human rights. He argued that economic development facilitates the ability of the states to ensure individual human rights, and that international restrictions on their economic development restricted the government's ability to ensure the rights of the people.
Likewise, in his statements at the 63rd UN General Assembly (GoUM 2008) Foreign Minister Nyan Win was more explicit, arguing that unilateral sanctions deprive the Myanmar people of their Right to Development. He argued that the Right to Development meant the international community had an obligation to create an environment facilitating development in Myanmar, including fulfilling their ODA commitments, providing increased investment flows, and giving fair market access.

Prime Minister General Thein Sein followed this up at the 64th UN General Assembly (GoUM 2009a) where he requested additional development assistance. He alleged that the economic sanctions against his country are themselves a form of violence against the people, hindering economic and social development, and as a violation of the Right to Development cannot be regarded as a legitimate tool to promote human rights.

4.3. Double standards

Article 6 of the Declaration on the Right to Development states that human rights and fundamental freedoms are indivisible, interdependent and interrelated with the Right to Development. This was reiterated in the Vienna Declaration. This is a core argument of the Myanmar position.

For example, at the 1st Session of the new Human Rights Council in 2006, U Nyan Win, Myanmar Minister for Foreign Affairs (GoUM 2006), referred in his speech to the 1993 World Conference on Human Rights in Vienna which reaffirmed Myanmar's belief that the Right to Development is an inalienable right, an integral part of fundamental human rights. He asked that the new Human Rights Council treat all categories of human rights, including the Right to Development, in a fair and balanced manner. Their argument hinges on the idea that the Right to Development is equally a human right as any other human right, and thus that it is inconsistent to talk about human rights in Myanmar without considering the Myanmar government's efforts to facilitate the people's Right to Development—and without considering the impact of unilateral sanctions and questions of the failure in duty of international community towards the people of Myanmar. They allege the denial of aid, capital and trade is a violation of human rights by the very countries most seeking to champion human rights.
They challenge that the same powerful countries claiming to be champions of human rights and attacking Myanmar's record conduct similar human rights violations in the necessary pursuit of peace and security, for example violations incurred during the War on Terror, but because of the political and military might of these powers these abuses are largely ignored (e.g. GoUM 2009b). Consistent with such a claim, the Myanmar government have pursued involvement in the UN in forums implicitly questioning the human rights record of Western states. For example, they actively participate in a working group of the Commission on Human Rights investigating the use of mercenaries as a means of violating human rights, seeking to produce a binding international legal instrument regulating use of private military companies. The United States is clearly an implicit primary target of the working group, with Afghanistan being directly named in their 2009 report (UN 2009d; UNHRC 2009a).

Further, Myanmar also regularly allege that pressure on them toward democracy, human rights and greater openness is politically motivated. In particular, there is evidence Myanmar military intelligence believe pressure on their country is part of US policy seeking to contain Chinese expansionism in the Bay of Bengal region, and that the US perceives Myanmar as the weakest link in the region. (Steinberg 2009) Their allegation of double standards stems from an understanding that the international community is less concerned about human rights per se, than about how they might use this issue for other, hidden political agendas.

5. Analysis of the Myanmar response

This examination of Myanmar's official response to rights allegations suggests an alternative perspective and priority on human rights, based on their apparent interpretation of the Right to Development. They express concern that progress towards ensuring peace and security is ignored, while any violations of rights in the pursuit of this peace are magnified. They express concern that work towards state-led development is discounted, while at the same time the international community renege on their perceived duties under the Right to Development. They therefore charge the international community with double standards in both these areas. Most passionately, though, they argue that economic sanctions against the country over alleged human rights abuses are a form of violence against the people, hindering economic and social development, and as such are a violation of the Right to Development—not a legitimate tool to promote human rights.
Beetham (2006) takes a similar line, arguing that the Right to Development requires policies and institutions at the international level not damage a country's economic development or encourage a markedly unequal form of development. Nonetheless, the chair of the UN's *Open-Ended Working Group on the Right to Development* (of which Myanmar is a part), argues that the Right to Development also entails a legitimate right to reprimand parties which fail to deliver on their obligations. He suggest such reprimand could involve compensation or reparation on the one hand, or international pressure or sanctions against a government on the other (Sengupta 2001). Multilateral (but not unilateral) sanctions are therefore regarded as a legitimate tool, even under the Right to Development.

While the Right to Development does demands the international community offer differential treatment of developing countries, increased aid, debt relief, revision of structural adjustment policies, fairer trading rules, regulation of transnational corporations, and avoiding unilateral coercive economic measures, it also demands national governments respect individual human rights, and ensure participation, equity, and accountability (Sengupta 2001). The Right to Development places a number of legal obligations on states, particularly that they formulate policies with a view to the development of all their people, eliminate massive and flagrant violations of human rights, and respect the principles of international law concerning friendly relations and cooperation among states (Bunn 2000). And most significantly, it requires the state ensure non-discrimination and fair distribution of the benefits of development, and that its policies are in accord with human-centred participatory approaches (Marks 2005).

If the government of a developing country claims the Right to Development against the international community on behalf of its citizens, the legitimacy of such a claim depends on the existence of appropriate mechanism to ensure that the entire population enjoys the benefits of the right, rather than it being a source of elite privilege (Andreassen & Marks 2006)

These concerns are reflected by the arguments of international donors that the conditions for sustained economic development do not currently exist in Myanmar due to lack of political will, no rule of law, poor governance, and self-serving policy (Moore 2009; Ware 2009).
6. Conclusion

Returning to the significant observation by Sengupta (2001) that the Right to Development associates development with equity and justice, the Myanmar government feels aggrieved and demands greater equity and justice globally in terms that clearly echo themes of postcolonial discourse. Consistent with their interpretation of the Right to Development within the UN working group, they see this right as a convenient label for those grievances and demands against the international community. However, Sengupta is clear that the Right to Development associates development with equity and justice at the domestic level as much as the level of global politics, and that states claiming the Right to Development globally must also ensure the fulfilment of the individual human rights of their people consistent with the same principles of equity and justice they claim at the global level, specifically including free and full participation, equal opportunity, and fair distribution of resources and resource income. While these aspects of the Right to Development are flagrantly ignored domestically, the international community can do little more to ensure the Right to Development of the Myanmar people.

This paper considers the official public response to allegations of human rights abuse by the Myanmar government, and does not take into account the wide range of personal views of individuals connected with the regime, nor the institutional arrangements themselves, which are not always consistent with the official public response. However, examination of Myanmar's responses in terms of the Right to Development provides insights into the regime's ideology, and suggests some coherence around a number concerns with potential validity. It highlights the regime's interpretation of human rights and the Right to Development, and concludes that their interpretation that sanctions and concomitant restriction of development funding, access to development capital and unrestricted trade violate this right, is not supported by any interpretations of this right. Nonetheless, an understanding of their difference in perspective may help bridge the impasse and communication gap between the West and the Myanmar regime over human rights.
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