

## **P7\_TA-PROV(2012)0142**

### **Situation in Burma/Myanmar**

#### **European Parliament resolution of 20 April 2012 on the situation in Burma/Myanmar (2012/2604(RSP))**

*The European Parliament,*

- having regard to Articles 18 to 21 of the Universal Declaration of Human Rights (UDHR) of 1948,
- having regard to Article 25 of the International Covenant on Civil and Political Rights (ICCPR) of 1966,
- having regard to the EU Presidency statement of 23 February 2009 calling for all-inclusive dialogue between the authorities and the democratic forces in Burma/Myanmar,
- having regard to its previous resolutions on Burma/Myanmar, in particular those of 25 November 2010<sup>1</sup> and 20 May 2010<sup>2</sup>,
- having regard to the European Union's set of restrictive measures, as set out in Council Decision 2010/232/CFSP of 26 April 2010 and as most recently amended by Council Regulation (EU) No 1083/2011 of 27 October 2011,
- having regard to the Council conclusions of 12 April 2011 on lifting the suspension of high-level meetings and suspending the visa ban for civilian members of the government (Council Decision 2011/239/CFSP),
- having regard to the declaration by the High Representative of 28 April 2011,
- having regard to the report of the UN Special Rapporteur on the situation of human rights in Burma/Myanmar of 12 March 2012,
- having regard to the UN Secretary-General's statement of 2 April 2012 on the elections in Burma/Myanmar,
- having regard to the decision taken at the ASEAN Summit in November 2011 to confer the ASEAN Presidency on Burma/Myanmar in 2014,
- having regard to the statement made by the President of the European Council on 30 January 2012 on the path of reform in Burma/Myanmar,
- having regard to the High Representative's declarations of 28 April 2011 and 14 October 2011 on the alignment of certain third countries with Council Decisions 2011/239/CFSP and 2011/504/CFSP on restrictive measures against Burma/Myanmar,

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<sup>1</sup> OJ C 99 E, 3.4.2012, p. 120.

<sup>2</sup> OJ C 161 E, 31.5.2011, p. 154.

- having regard to the EU Foreign Affairs Council conclusions of 23 January 2012 on Burma/Myanmar,
  - having regard to Commissioner for Development Andris Piebalgs' visit to Burma/Myanmar on 12-14 February 2012,
  - having regard to the results of the First EU-Burma/Myanmar Inter-Parliamentary Meeting of 26 February-2 March 2012,
  - having regard to the statements by the High Representative, in particular those of 13 November 2010 on the release of Aung San Suu Kyi, of 13 January 2011 and 12 October 2011 on the release of political prisoners, and of 2 April 2012 on the conduct of by-elections,
  - having regard to the ASEAN Summit statement of 3 April 2012 concerning the outcome of the 1 April 2012 by-elections and calling for sanctions to be lifted,
  - having regard to the various meetings between President U Thein Sein of Burma/Myanmar and Daw Aung San Suu Kyi since August 2011,
  - having regard to the State of the Union speech given by President Thein Sein on the occasion of the first anniversary of his government on 1 March 2012, in which he acknowledged that, despite the efforts made, there is still 'much more to do',
  - having regard to Rule 110(2) and (4) of its Rules of Procedure,
- A. whereas, on 1 April 2012, Burma held by-elections for over 40 seats in its lower house of parliament (Pyithu Hluttaw), in which Aung San Suu Kyi's National League for Democracy Party (NLD) was able to fully participate; whereas these by-elections, which were broadly deemed to be free and fair by the international community, are an indication that Burma/Myanmar is on the path to democratic change;
  - B. whereas, during its first year in office, the government of President Thein Sein has made more progress towards democracy and peace than was made in the last decades;
  - C. whereas the opposition currently holds only 6.6 % of seats in the parliament (42 out of 659) while a large majority of seats is controlled by the ruling Union Solidarity and Development Party (USDP), including the 25 % of seats reserved for military officers;
  - D. whereas the next general elections, scheduled for 2015, when 75 % of seats will be contested, will be the real test of the Burmese authorities' will to democratise the country;
  - E. whereas the conduct of the 1 April by-elections and the invitation to, and presence of, foreign observers and journalists, including a European Parliament representative, is proof of the willingness of the Government of Burma/Myanmar to continue its process of reforms, which should be sustainable and irreversible;

- F. whereas these ongoing changes create important opportunities for developing a much improved relationship between the European Union and Burma/Myanmar;
- G. whereas there is a need for caution, bearing in mind that, according to the report of the UN Special Rapporteur on Human Rights in Burma/Myanmar, serious human rights concerns remain, hundreds of political prisoners are still in prison and many of those who are no longer detained have only been released conditionally;
- H. whereas the government is addressing the legacy of decades of civil war and armed unrest, resulting in a series of ceasefire arrangements with the majority of armed ethnic groups, the Kachin situation being the exception, while humanitarian aid to tens of thousands of displaced civilians is blocked and the policy of discrimination against the Rohingya minority continues unabated;
- I.. whereas the government has indicated that it is pursuing a three-step process of peace building: firstly a ceasefire, secondly socio-economic, cultural and political processes and finally an all-encompassing agreement – involving changes to the constitution – on ethnic issues, including demobilisation and integration of ex-combatants, resource sharing and greater autonomy;
- J. whereas there is a gap between the political decisions at the highest level and the limited institutional and technical capacities on the ground, and whereas changes are slow to impact on the life of the majority of Burmese citizens, who continue to face great poverty, high levels of indebtedness, lack of employment and an absence of social services;
- K. whereas in the past many sectors of economic activity in Burma/Myanmar, such as mining, timber, oil, gas and dam construction, have been directly linked to serious human rights abuses and environmental destruction and have, at the same time, been the military's main source of government revenue;
- L. whereas the government has taken steps to expand civil liberties in the country, with greater freedom of information and expression, the lifting of the ban against many sites and publications, freedom of assembly, the establishment of a National Human Rights Commission and the planned abolition of the censorship board before the end of 2012;
- M. whereas Baroness Ashton, High Representative for Foreign Affairs and Security Policy, will visit Burma/Myanmar shortly after the Council meeting on 23 April 2012;
- N. whereas an independent and impartial judiciary is essential if there is to be respect for the rule of law and justice in Burma/Myanmar; calls on the Government of Burma/Myanmar also to initiate legal reforms in order to ensure a truly independent and impartial judiciary;
- O. whereas the government is at last taking note of people's concerns regarding projects that may be environmentally and socially disruptive;

- P. whereas the EU restrictive measures against Burma /Myanmar will come up for revision at the next General Council meeting on 23 April 2012;
1. Welcomes the transparent and credible conduct of the by-elections of 1 April, deemed to be free by international observers, while noting the reported irregularities in the run-up to the poll; trusts that the newly elected parliamentarians will take up their duties as soon as possible; supports the authorities in their efforts to guarantee that the reform process is sustainable and irreversible;
  2. Expresses its great respect for the long struggle over decades of opposition leader and Sakharov Prize winner Aung San Suu Kyi, congratulates her on her party's victory in the April by-elections and applauds her courage and tenacity as an example of selfless courage and struggle for freedom and democracy in the face of tyranny;
  3. Recognises the steps taken by President Thein Sein and other reformers in the Burmese regime to implement democratic reforms over the past year, and encourages them to continue this process as a matter of urgency, so that change becomes irreversible;
  4. Warmly welcomes the efforts by the government, the parliament and the leadership of the armed forces to seek an end to internal armed conflicts waged over decades, and urges the rapid finalisation of peace negotiations with the Kachins;
  5. Urges the Burmese Government to introduce amendments to the 2008 constitution, prior to the 2015 elections, that would remove the military's role in civilian politics, notably its seats in both houses of parliament;
  6. Welcomes the mutual rapprochement between President U Thein Sein and Daw Aung San Suu Kyi, and the dialogue between the government and opposition;
  7. Welcomes the high-level international efforts to encourage democratic change in Burma/Myanmar, notes the visit by British Prime Minister David Cameron, following the April by-elections, and welcomes the fruitful discussions he held with Burma's President Thein Sein and with Aung San Suu Kyi;
  8. Welcomes the release of significant numbers of political detainees and the much improved media and internet freedom, while expressing concern at continuing censorship and restrictions; welcomes the new legislation on freedom of assembly and the reported progress on changes in law and practice to eliminate the use of forced labour;
  9. Calls on the Government of Burma/Myanmar to release all remaining political prisoners without delay and conditions, allowing free access for the ICRC and international human rights bodies to Myanmar's prisons; calls also on the National Human Rights Commission to intensify its work of promoting and safeguarding the fundamental rights of citizens;

10. Calls for changes to the 1982 law on citizenship to ensure due recognition of the right to citizenship of the Rohingya ethnic minority;
11. Calls on the Burma/Myanmar authorities to guarantee free and independent media and ensure that the new media law allows for unrestricted access to communication and information technology;
12. Calls on the Government of Burma/Myanmar to initiate legal reforms in order to ensure a truly independent and impartial judiciary and to establish a process of justice and accountability for past human rights abuses;
13. Welcomes the outcome of the 19th Session of the UN Human Rights Council, which extended the mandate of the Special Rapporteur on the situation of human rights in Burma/Myanmar for another year;
14. Calls on President Thein Sein to investigate allegations of sexual violence by the Burmese army and to prosecute those soldiers who have engaged in such acts; urges the Government of Burma/Myanmar to put an immediate end to the recruitment and use of child soldiers, to intensify measures to ensure the protection of children from armed conflict and to pursue its collaboration with the UN Secretary-General's Special Representative for Children and Armed Conflict;
15. Calls on President Thein Sein to consult the local communities affected by the planned dam projects and to carry out independent environmental impact assessments;
16. Welcomes the EU's positive gestures in support of the beginning of the political transition in the country, including the pledging of EUR 150 million for humanitarian assistance, aimed in particular at developing the country's health and education facilities and assisting the displaced persons;
17. Welcomes the measures taken by the Burmese authorities with regard to the Burmese currency's exchange rate;
18. Calls on the Council to suspend the restrictive measures currently in place, with the exception of the arms embargo, for an initial period of one year, and closely to monitor the situation in the country;
19. Calls on the Commission and the Council to set clear timelines and benchmarks regarding the evaluation of the ongoing political and economic reform process in Burma/Myanmar;
20. Acknowledges that responsible and sustainable trade and investment – including with and from the European Union – will support Burma/Myanmar's efforts to fight poverty and to ensure that measures benefit broader sections of the population, and calls on the Council and the Commission to consider allowing Burma/Myanmar to have privileged market access to the European Union;
21. Welcomes the EU's commitment to increasing aid to conflict-afflicted populations and calls on the Government of Burma/Myanmar to allow aid agencies and the United Nations access to ethnic states, or to ensure that local community-based and cross-border aid is provided in order to reach these vulnerable populations;

22. Welcomes the forthcoming official visit by Baroness Ashton, High Representative for Foreign Affairs and Security Policy, and her decision to establish a diplomatic presence in the country and to inaugurate the EU Office in Yangon on that occasion;
23. Recalls the invitation to the Sakharov Prize winner, Daw Aung San Suu Kyi, to visit the European Parliament in order to be officially presented with the Sakharov Prize which she was awarded in 1991 for all she has done to promote democracy and freedom in Burma/Myanmar;
24. Instructs its President to forward this resolution to the Council, the Commission, the High Representative for Foreign Affairs and Security Policy, the parliaments and governments of the Member States, the Secretary-General of the United Nations, the Secretary-General of ASEAN and the Parliament and Government of Burma/Myanmar.