



Plenary sitting

B8-0525/2017

12.9.2017

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on Myanmar, in particular the situation of Rohingyas
(2017/2838(RSP))

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B8-0525/2017

European Parliament resolution on Myanmar, in particular the situation of Rohingyas (2017/2838(RSP))

The European Parliament,

- having regard to its previous resolutions on Myanmar and on the situation of Rohingya Muslims, in particular the one of 7 July and 14 December 2016, of 15 March 2017 on EU priorities for the UN Human Rights Council sessions in 2017 and of 13 June 2017 on statelessness in South and South East Asia,
- having regard to the briefing of UNHCR spokesperson Duniya Aslam Khan of 8 September 2017 in the situation in Myanmar,
- having regard to the Statement by the Spokesperson of the EEAS on the Final report of the Advisory Commission on Rakhine State, Myanmar of 25 August 2017,
- having regard to the Statement by the High Representative/Vice-President on the situation in Rakhine State, Myanmar of 6 September 2017,
- having regard to the joint communication by the Commission and the High Representative of the Union for Foreign Affairs and Security Policy to the European Parliament and the Council, entitled ‘Elements for an EU strategy vis-à-vis Myanmar/Burma: A Special Partnership for Democracy, Peace and Prosperity’,
- having regard to the Council conclusions on Statelessness of 4 December 2015,
- having regard to the briefing of the Office of the United Nations High Commissioner for Human Rights (OHCHR) of 3 February 2017 which concluded that the widespread violations against the Rohingya population following the October 2016 ‘clearance operations’ indicated “the very likely commission of crimes against humanity”,
- having regard to the End of Mission statement by the UN Special Rapporteur on the situation of human rights in Myanmar, Yanghee Lee, of 20 January 2017, concluding that “the situation is now worse than at any point in the past few years”,
- having regard to Report of the Special Rapporteur on the situation of human rights in Myanmar of 1 March 2017
- having regard to the 1951 UN Convention on the Status of Refugees and the 1967 Protocol thereto,
- having regard to the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness,
- having regard to the UNHCR Global 2014-24 Action Plan to End Statelessness,
- having regard to the Universal Declaration of Human Rights (UDHR) of 1948,

- having regard to the Final Report of the Advisory Commission on Rakhine State,
- having regard to the International Covenant on Civil and Political Rights of 1966 and the International Covenant on Economic, Social and Cultural Rights of 1966,
- having regard to the ASEAN Charter,
- having regard to Rules 135(5) and 123(4) of its Rules of Procedure,

A. Whereas according to the UNHCR, about 270,000 Muslim Rohingya fleeing violence in Rakhine (Arakan) state have sought refuge in Bangladesh in the past two weeks, bringing to 357,000 the number of Rohingya who have sought refuge in Bangladesh since October 2016;

B. Whereas in the past months conflicts have escalated also in Shan and Kachin states and there are renewed clashes in Karen State as well; whereas human rights violations against ethnic minorities are on the rise not only in Rakhine but also in Kachin and Shan including extrajudicial killings, sexual violence, torture and direct military attacks on civilians; whereas over 100,000 people have been displaced from their homes in Kachin and Northern Shan State since a 17-year ceasefire broke down in June 2011 between the Myanmar military and Kachin Independence Organization;

C. Whereas the Rohingya have been officially stateless since the 1982 Burmese Citizenship Law and those fleeing Myanmar are now stateless refugees, making them even more vulnerable and adding more challenges to the search for solution;

D. Whereas the approximately one million Rohingya living mainly in Rakhine state and representing the largest percentage of Muslims in Myanmar are a stateless and have faced discrimination and extreme poverty for decades, not being allowed to exercise their basic rights including the freedom to move, right to education, work and other social, civil and political rights

E. Whereas the latest wave of mass exodus started reportedly when Rohingya insurgents staged an attack on police posts and an army base in Rakhine state on 25 August 2017, triggering an army counteroffensive with reportedly serious and large-scale human rights violations; whereas many Rohingya crossing the border into Bangladesh are documented to be arriving with bullet and burn injuries;

F. Whereas human rights organisations, notably Human Rights Watch, using satellite imagery, have reported large-scale destruction of homes and other buildings in parts of northern Rakhine State currently inaccessible to NGOs and independent observers;

G. Whereas government and military outrightly deny the abuses, refuse to allow independent investigations and take reprisals against witnesses; whereas the government increasingly uses oppressive laws such as Article 66(D) of the 2013 Telecommunications Law and the Associations Act to silence critics through harassment and/or arbitrary arrest;

H. Whereas the military in Myanmar continues to enjoy impunity, control over key portfolios and veto power over constitutional amendments under the 2008 constitution;

I. Whereas UN agencies reportedly continue to be blocked in delivering humanitarian aid, including food, water and medicine to the Rohingya, while reportedly the government has imminent plans to stop support for IDP camps throughout the country;

J. Whereas the UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein has warned all sides against further fuelling the violence and has called on the political leadership to condemn the inflammatory rhetoric and incitement to hatred that is proliferating;

K. Whereas conflicts over control of Myanmar's vast natural resources has been a decisive factor for the fueling of conflict in the country; whereas the UN Special Rapporteur on the situation of human rights in Myanmar has underlined the need for inclusion of commitments to, and mechanisms for natural resource sharing and land to be included in the ongoing peace dialogue;

L. Whereas a fair, transparent, inclusive and accountable approach to natural resource governance is crucial to achieving an inclusive and enduring peace in Myanmar, nearly 140 Myanmar civil society groups called on the parties to the peace talks to agree a new approach to natural resources, based on principles of: participation; sustainability; access; safeguards; transparency; strong institutions; benefit-sharing; monitoring,

1. Strongly condemns of the ongoing extremely serious and large-scale attacks against civilians in Rakhine State by the Myanmar military, which might amount to ethnic cleansing, including killings, destruction of civilian property, and the forced displacement of hundreds of thousands and calls for an immediate halt;

2. Recalls that the Myanmar authorities have a duty to protect all civilians without discrimination from abuse, to investigate human rights violations and to prosecute those responsible in accordance with international human rights standards and obligations;

3. Calls on the authorities of Myanmar to grant immediate and unhindered access to independent monitors, notably the UN Fact-Finding Mission established by the UN Human Rights Council in March, to ensure independent and impartial investigations into allegations of serious human rights violations by all parties;

4. Reiterates its call for humanitarian aid to be able to reach all conflict areas and displaced people without discrimination;

5. Calls on the Government of Myanmar and notably Nobel Peace and Sakharov Prize laureate Aung San Suu Kyi to condemn unequivocally all incitement to racial or religious hatred and to combat social discrimination and hostilities against the Rohingya minority;

6. Acknowledges the efforts by Bangladesh in the face of this humanitarian catastrophe to facilitate protection for hundreds of thousands of Rohingya refugees; calls on all countries to increase financial and material support for the refugees, including ECHO and the European Commission; strongly encourages the authorities of Bangladesh to continue admitting all those fleeing violence in Rakhine State, and to respect the principle of non-refoulement;

7. Calls on the government of India to put its plan to deport around 40 000 Rohingyas back to Myanmar on hold;

8. Calls furthermore on ASEAN and regional governments to take immediate action to advance pressure on the Myanmar government to halt rights abuses and protect all civilians in Rakhine State;

9. Calls on the European External Action Service, the EU High Representative, and EU member states to significantly enhance their pressure on the Myanmar government and security forces to halt rights abuses, fully cooperate with UN investigators and international humanitarian agencies, and ensure accountability for grave violations of internal law, including by taking the following EU measures: 1) sponsoring a resolution at the September UN Human Rights Council extending the mandate of the UN Fact-Finding Mission, 2) sponsoring a resolution at the UN General Assembly condemning abuses, insisting on access to Rakhine State, and demanding accountability for serious violations of international law by all parties, and 3) making clear that the EU stands ready to consider targeted punitive sanctions against individuals and entities;

10. Calls on the EU High Representative to report back to the European Parliament regarding EU initiatives in the United Nations and in the context of the EU Foreign Affairs Council;

11. Urges the ASEAN governments to rapidly adopt a binding regional treaty on migrant workers to protect them and their families from abuse, which has been under negotiation for years;

12. Calls on the Myanmar government to prioritize natural resource management in the peace process, and to pass legislation that prohibits the military and other security services, and their individual serving officers, from establishing, operating, or exercising beneficial ownership over companies

13. Urges the EEAS to promote the implementation of the Extractive Industries Transparency Initiative's Civil Society Organisation protocols as part of the EU's Roadmap on Engagement with civil society in Myanmar;

14. Calls on the Myanmar government to suspend or amend criminal defamation and other oppressive laws used to stifle democratic participation and free speech, and to drop existing cases;

15. Underlines that both, the Peace Nobel and the Sakharov Price are awarded for outstanding achievements in peace and human rights and serious considerations should go into whether these prizes need to be revoked for the case that the laureates violate those criteria after attribution;

16. Instructs its President to forward this resolution to the Government and Parliament of Myanmar, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Commission, the Governments and Parliaments of the EU Member States, the Secretary General of ASEAN, the ASEAN Intergovernmental Commission on Human Rights, the UN Special Rapporteur on the situation of human rights in Myanmar, the UN High Commissioner for Refugees and the UN Human Rights Council.