



Plenary sitting

B9-0117/2021

8.2.2021

MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy

pursuant to Rule 132(2) of the Rules of Procedure

on the situation in Myanmar
(2021/2540(RSP))

Heidi Hautala, Francisco Guerreiro, Rosa D'Amato, Monika Vana, Bronis Ropé, Mounir Satouri, Saskia Bricmont, Ernest Urtasun, Hannah Neumann, Sara Matthieu, Jordi Solé, Alviina Alametsä, Niklas Nienaaß
on behalf of the Verts/ALE Group

**European Parliament resolution on the situation in Myanmar
(2021/2540(RSP))**

The European Parliament,

- having regard to its previous resolutions on Myanmar and on the situation of the Rohingya, in particular those of 7 July 2016¹, 15 December 2016², 14 September 2017³, 14 June 2018⁴, 13 September 2018⁵ and 19 September 2019⁶,
- having regard to the Council conclusions of 26 February 2018 and of 10 December 2018 on Myanmar/Burma,
- having regard to the Council decision of 23 April 2020 to renew current restrictive measures against Myanmar for a further twelve months,
- having regard to the 6th European Union-Myanmar Human Rights Dialogue held on 14 October 2020 by video conference,
- having regard to the statement by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy of 1 February 2021, and to the statement of the G7 Foreign Ministers of 3 February 2021 on the situation in Myanmar,
- having regard to the UN Security Council report by the Secretary-General on conflict-related sexual violence published on 23 March 2018 (S/2018/250),
- having regard to the UN Human Rights Council (HRC) report of 8 August 2018 (A/HRC/42/50) on the detailed findings of the Independent International Fact-Finding Mission on Myanmar (UNIFFM), the UN HRC Resolution of 3 October 2018 on the situation of human rights of Rohingya Muslims and other minorities in Myanmar (A/HRC/RES/39/2), the UN HRC report of 5 August 2019 on the economic interests of the Myanmar military (A/HRC/42/CRP.3), the UN HRC report of 7 August 2019 on the UN Independent Investigative Mechanism for Myanmar (A/HRC/42/66), and the UN HRC report of 3 September 2020 on the situation of human rights of Rohingya Muslims and other minorities in Myanmar (A/HRC/45/5),
- having regard to the UNIFFM report of 22 August 2019 on sexual and gender-based violence in Myanmar and the gendered impact of its ethnic conflicts (A/HRC/42/CRP.4),

¹ OJ C 101, 16.3.2018, p. 134.

² OJ C 238, 6.7.2018, p. 112.

³ OJ C 337, 20.9.2018, p. 109.

⁴ OJ C 28, 27.1.2020, p. 80.

⁵ OJ C 433, 23.12.2019, p. 124.

⁶ Texts adopted, P9_TA(2019)0018.

- having regard to the reports by the Special Rapporteur on the situation of Human Rights in Myanmar, by the Office of the High Commissioner for Human Rights, and the reports by the ILO supervisory mechanism,
 - having regard to the final report and recommendations of the Advisory Commission on Rakhine State (Annan Report),
 - having regard to the Decision of the Pre-Trial Chamber III of the International Criminal Court of 14 November 2019 Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation into the Situation in the People’s Republic of Bangladesh/Republic of the Union of Myanmar ,
 - having regard to the International Court of Justice’s Order of 23 January 2020 on the Request for the indication of provisional measures submitted by the Republic of the Gambia in the case concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar),
 - having regard to the Geneva Convention of 1949 and the additional protocols thereto,
 - having regard to the Universal Declaration of Human Rights of 1948,
 - having regard to the 1951 UN Convention on the Status of Refugees and the 1967 Protocol thereto,
 - having regard to the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide,
 - having regard to Rule 132(2) of its Rules of Procedure,
- A. whereas the Myanmar Armed Forces, also known as Tatmadaw, have arrested political leaders and civil society activists, including State Counsellor Aung San Suu Kyi and President Win Myint, in a coup against the legitimate civilian government of Myanmar; whereas the military announced a one-year state of emergency; whereas only Win Myint, as the President of Myanmar, is authorised under the constitution to enact a state of emergency;
- B. whereas the rights of the people of Myanmar have been further limited, including freedom of expression, information, assembly, and association; whereas force has been used to disperse protests unlawfully; whereas protests and civil disobedience campaigns continue to be organised; whereas internet and phone lines across large parts of the country were unnecessarily and disproportionately restricted, preventing the flow of information, the functioning of media services, and infringing on people’s ability to express political views; whereas in this regard internet service providers are required to prevent adverse human rights impacts linked to their operations under the UN Guiding Principles on Business and Human Rights;
- C. whereas the first session of the elected Parliament of Myanmar was due to be held in the first week of February 2021; whereas there is no evidence of systematic election fraud in the parliamentary elections in November 2020; whereas an estimated 1.5 million voters from ethnic minorities in conflict-affected areas, most of them Rohingya, were

not allowed to participate in the election; whereas Myanmar's Citizenship Law declares the Rohingya 'non-national' or 'foreign residents', depriving them of citizenship;

- D. whereas Myanmar is responding to a health crisis like the rest of the world, with more than 140 000 COVID-19 cases in total; whereas Myanmar's current healthcare system is underdeveloped because of years of neglect by the military regime, and depends largely on external funding from multilateral institutions; whereas the internally displaced peoples in Myanmar are especially vulnerable to the pandemic; whereas the civilian government's health response for internally displaced people is not sufficient as it for example does not include testing for COVID-19;
- E. whereas since August 2017 more than 740 000 Rohingya have fled to safety in neighbouring Bangladesh, suffering unsanitary conditions and threats in overcrowded refugee camps; whereas the total number of Rohingya refugees in Bangladesh has exceeded 1 million; whereas the murder, rape and torture of Rohingya by Myanmar armed groups and the burning down of their villages in Rakhine State are used as tools to permanently damage the social structure of the Rohingya and to traumatise the population;
- F. whereas some 600 000 Rohingya are estimated to remain in Rakhine State, and are being subjected to persistent discriminatory policies and practices, systematic violations of their fundamental rights, arbitrary arrests, confinement in overcrowded camps, a lack of freedom of movement and severely limited access to education and healthcare;
- G. whereas the Pre-Trial Chamber III of the International Criminal Court decided on 14 November 2019 to authorise an investigation into the crime of deportation of Rohingya people from Myanmar to Bangladesh; whereas according to the latest UNIFFM report of 16 September 2019, the actions of the Myanmar Government continue to be part of a widespread and systematic attack against the remaining Rohingya in Rakhine State that amounts to persecution and other crimes against humanity;
- H. whereas the International Court of Justice's (ICJ) Order of 23 January 2020 issued a provisional measures Order in the case relating to the Genocide Convention and the Rohingya brought by The Gambia against Myanmar; whereas Myanmar's Government, with Aung San Suu Kyi leading its defence at the ICJ, has called the genocide allegations a misleading and incomplete factual picture of the situation; whereas Myanmar's Government has taken a limited number of steps to counter human rights violations through several presidential directives ; whereas the Government has yet to amend or repeal key laws that facilitate discrimination against the Rohingya, including the 1982 Citizenship Law;
- I. whereas Parliament has on numerous occasions expressed its condemnation of human rights violations and the systematic and widespread attacks against the Rohingya population; whereas the authorities in Myanmar refuse to seriously investigate human rights violations against the Rohingya, and hold their perpetrators to account; whereas the most senior military figures who supervised the attacks against the Rohingya remain in their posts; whereas the authorities refuse to cooperate with UN mechanisms; whereas impunity is deeply entrenched in Myanmar's political and legal system;

whereas none of the ad hoc inquiry commissions and boards created by Myanmar authorities meets the standard of an impartial, independent, effective and thorough human rights investigation;

1. Strongly condemns the coup by the Myanmar Armed Forces against the civilian Government, which attempts to overturn the people of Myanmar's strong attachment to democracy;
2. Urges Myanmar's military to immediately and unconditionally release all political leaders and civil society activists who have been arrested; calls for the immediate end to the unlawful state of emergency and an end to impunity in the country, the restoration of the civilian government, the re-establishment of a path towards democracy, and a swift opening of Parliament with the participation of all elected representatives, as outlined in the constitution;
3. Expresses its concerns about the current Myanmar constitution which was imposed on the people of Myanmar by the military in a process which was neither fair nor free, and which does not reflect the people's will or interests, and illegitimately grants the military exceptional and unjustified powers, such as a fixed share of parliamentary seats, fixed government control over certain ministries as well as the right to block any constitutional changes; urges the military and the rightfully elected Government of Myanmar under President Win Myint to initiate a free and fair process of drafting and implementing a new constitution together with the people of Myanmar, in order to deliver true democracy and a state that works for the well-being and the prosperity of all people in Myanmar, specifically guaranteeing the recognition and representation of all ethnic groups in Myanmar including the Rohingya, and that ensures security, freedom, harmony and peace for all;
4. Expresses its serious concern that the people of Myanmar are now not only facing a humanitarian crisis with the persistent violation of human rights, especially the rights of minorities such as the Rohingya people, and a health crisis with rising COVID-19 cases, but also a political crisis as well as a democratic crisis;
5. Calls on the EU Delegation in Myanmar and the embassies of the Member States to closely monitor the human rights and health situation in Myanmar, as well as the cases of political leaders and civil society activists who are currently under arrest; asks EU diplomatic missions to offer support and possible protection to people at risk of persecution, including by providing safe haven at embassies, and facilitating entry for asylum or temporary refuge; expects the European External Action Service (EEAS) to take a leading role in coordinating an international humanitarian and health response for the people of Myanmar in case of urgency;
6. Is of the opinion that ASEAN can serve as a channel for aid from the international community to Myanmar if needed, as it did after Cyclone Nargis devastated Myanmar in 2008; further encourages ASEAN to play an active role in mediating the current crisis in Myanmar; believes that election observation missions can be an effective tool for ASEAN to support democratic consolidation in its Member States, since these missions give an additional degree of legitimacy to the electoral process;
7. Welcomes Council's 2020 decision to renew restrictive measures against Myanmar for

a further twelve months until 30 April 2021, and to amend the list of persons and entities subject to restrictive measures; urges the Council to amend the mandate of the current scheme of restrictive measures to include breaches of democracy, and to extend targeted sanctions to the entire leadership of Myanmar's military, including Senior General Min Aung Hlaing, Vice-Senior General Soe Win and all those involved in the coup; urges the Council, further, to amend the current scheme of restrictive measures to include the possibility of listing companies and extending targeted sanctions to the vast economic holdings of Myanmar's military and its members, which provide the military with its revenue; encourages the EU to foster international coordination and multilateral action in this regard;

8. Recalls that Myanmar was suspended from the Everything But Arms (EBA) scheme from 1997 to 2013, but was reinstated as an EBA beneficiary in 2013 on the basis of the trend towards democratisation in the country; underlines that the enhanced engagement process was already launched in 2018, focusing on compliance on human rights conventions and labour rights; stresses that the coup restores the state before the democratisation processes and undermines the conditions for granting EBA preferences; urges the Commission to swiftly launch an investigation pursuant to Article 19(1)(a) of the Generalised System of Preferences (GSP) Regulation with a view to suspending the trade preferences that Myanmar, especially companies of members of the military, benefits from in specific sectors, and to keep Parliament duly informed about the steps to be taken;
9. Welcomes the UN Human Rights Council's report A/HRC/42/CRP.3 of 5 August 2019 outlining that companies with commercial ties to Myanmar's military and its conglomerates, Myanmar Economic Holdings Limited (MEHL) and Myanmar Economic Corporation (MEC), with all its subsidiaries support the Tatmadaw's financial capacity; asks the EU and its Member States, in this regard, to promote the adoption of a resolution at the next UN Human Rights Council to investigate violations and risks associated with the military coup, and request the Office of the High Commissioner for Human Rights to produce a database of business companies that are contributing to, or are economically benefitting from, their business contracts with Myanmar's military and its conglomerates;
10. Welcomes the inclusion in the Commission's Work Programme for 2021 of a legislative initiative on mandatory human rights and environmental supply chain due diligence legislation; is of the view that, in order to effectively address the issue of forced labour and other human rights violations in companies' supply chains, such legislation should also include a prohibition on placing the goods in question on the EU market; urges the Commission to issue urgent advisories to EU-based businesses alerting them to the human rights, reputational, and legal risks of doing business with Myanmar's military, and also to support EU-based businesses in establishing and intensifying economic ties with companies owned by private civil entities; urges the Commission, further, to ensure that no EU funds contribute to Myanmar military's operations and wealth, as might be the case for the Commission Implementing Decision on the financing of the annual action programme in favour of the Asia region for 2020 part 2, which made it possible for Myanmar's Government to deal with the crisis in Rakhine State through the Union Enterprise for Humanitarian Assistance, Resettlement and Development in Rakhine (UEHRD), thereby economically benefitting the military;

11. Strongly urges EU-based businesses to conduct thorough human rights due diligence, and to ensure they have no ties with Myanmar's security forces, their individual members, or entities owned or controlled by them, and that they are not contributing, directly or indirectly, to the military's crackdown on democracy, and human rights; calls on EU-based undertakings, including parent holdings and subsidiaries, to urgently re-evaluate their business ties in Myanmar and suspend any relationships with companies linked to the military; calls on EU-based businesses to publicly disclose all relevant information, including names, addresses, and ownership, on subsidiaries, suppliers and business partners in their value chain within Myanmar; welcomes in this regard the announcement by Kirin Holdings Company Limited's of 5 February 2021 that they would terminate their current joint venture partnership with Myanmar Economic Holdings Public Company Limited;
12. Calls on the EU and the Member States to foster international coordination in order to prevent any unauthorised goods from being illegally exported from Myanmar, specifically benefitting the military economically, and to end the production of illegal goods, especially the exploitation of natural resources such as illegally harvested wood;
13. Calls on the Council to review, and possibly amend, the EU's arms embargo on Myanmar, to ensure that the embargo covers all dual-use products and equipment, including surveillance equipment, that can be used by the military in its crackdown on rights and dissent;
14. Calls on the EU and the Member States to take the lead in achieving UN Security Council (UNSC) unity in its condemnation of the military coup in Myanmar, and calls on the People's Republic of China to end its blockade in this regard; urges the UNSC to adopt targeted individual sanctions, including travel bans and asset freezes, against those who appear responsible for the coup and serious crimes under international law, and to impose a global comprehensive arms embargo on Myanmar, suspending all direct and indirect supply, sale or transfer, including transit and transshipment of all weapons and dual use products, munitions and other military and security equipment, as well as the provision of training or other military and security assistance;
15. Welcomes the decision of the International Criminal Court (ICC) to authorise an investigation into the deportation of Rohingya people from Myanmar to Bangladesh; calls on Myanmar, once again, to become a signatory of the Rome Statute of the ICC; calls on the UN Security Council to refer the situation in Myanmar to the ICC, including all crimes under its jurisdiction committed against the Rohingya, or to create an hoc international criminal tribunal; reiterates its call for the EU and its Member States to take the lead in the UNSC on the request to refer the situation in Myanmar to the ICC; welcomes, further, the initial Order of the International Criminal Court on the indication of provisional measures in the case concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*The Gambia v. Myanmar*);
16. Strongly welcomes the leadership shown by the EU in establishing the UN Independent Investigative Mechanism for Myanmar (IIMM) in order to collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations committed in Myanmar since 2011; urges Myanmar to cooperate with international efforts to

ensure accountability, including by finally granting the IIMM full access to the country; calls for the EU, its Member States and the international community to ensure that the IIMM has the requisite support, including financial support, to execute its mandate;

17. Is alarmed by the recent report A/HRC/45/5 of the Office of the United Nations High Commissioner for Human Rights of 3 September 2020 outlining ongoing and severe human rights violations against Rohingya and other minorities in several areas of Myanmar; urges Myanmar's Government to take the necessary measures to immediately stop these human rights violations, including sexual and gender-based violence;
18. Insists that the Myanmar authorities ensure the safe, orderly and legal return of the Rohingya people, under the auspices of the UN, once the conditions for return are fulfilled; reaffirms the principle of non-refoulement, and insists that no refugees should be forcibly returned to Myanmar; urges the government of Myanmar to fully implement the recommendations of the Rakhine Advisory Commission and the Order of the ICJ without delay, and to appoint an implementation body as soon as possible; encourages the EU, UN and other international actors to support this process;
19. Encourages Myanmar to sign and ratify the International Covenant on Civil and Political Rights; further encourages Myanmar's ratification of the four fundamental ILO Conventions it has not ratified yet, namely the Right to Organise and Collective Bargaining Convention 1949 (No. 98), Equal Remuneration Convention 1951 (No. 100), Abolition of Forced Labour Convention 1957 (No. 105), and the Discrimination (Employment and Occupation) Convention 1958 (No. 111); urges Myanmar to swiftly act on the requests from the ILO supervisory mechanism it has repeatedly received over many years, in particular on forced and child labour, and freedom of association;
20. Instructs its President to forward this resolution to the legitimate Government and Parliament of Myanmar, Myanmar's President Win Myint, Myanmar's State Counsellor Aung San Suu Kyi, the Tatmadaw 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 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.