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*Plenary sitting*

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**B9-0120/2021**

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))

**Kati Piri, Marianne Vind, Tonino Picula**  
on behalf of the S&D Group

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

*The European Parliament,*

- having regard to its previous resolutions on Myanmar, in particular those of 21 May 2015<sup>1</sup>, 7 July 2016<sup>2</sup>, 15 December 2016<sup>3</sup>, 14 September 2017<sup>4</sup>, 14 June 2018<sup>5</sup>, 13 September 2018<sup>6</sup> and 19 September 2019<sup>7</sup>,
- having regard to the declaration by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) on behalf of the European Union of 2 February 2021 on Myanmar,
- having regard to the statement by the VP/HR of 1 February 2021 on Myanmar,
- having regard to the G7 Foreign Ministers' statement of 3 February 2021,
- having regard to the G7 Foreign Ministers Communiqué of 6 April 2019, and in particular to paragraph 41 thereof,
- having regard to the joint statement by diplomatic missions in Myanmar of 29 January 2021 on support for Myanmar's democratic transition and efforts to promote peace, human rights, and development in the country,
- having regard to the UN Security Council's press statement of 4 February 2021 on the situation in Myanmar,
- having regard to Council Decision 2013/184/CFSP of 22 April 2013 concerning restrictive measures against Myanmar/Burma<sup>8</sup> and the Council's subsequent decisions on the extension of sanctions, including Council Decision (CFSP) 2020/563 of 23 April 2020 amending Decision 2013/184/CFSP concerning restrictive measures against Myanmar/Burma<sup>9</sup>, which extended the measures until 30 April 2021,
- having regard to the EU's announcement of 2 July 2020 that it would suspend USD 98 million (134.6 billion MMK) in debt for Myanmar,
- having regard to the Sixth European Union-Myanmar Human Rights Dialogue held on

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<sup>1</sup> OJ C 353, 27.9.2016, p. 52.

<sup>2</sup> OJ C 101, 16.3.2018, p. 134.

<sup>3</sup> OJ C 238, 6.7.2018, p. 112.

<sup>4</sup> OJ C 337, 20.9.2018, p. 109.

<sup>5</sup> OJ C 28, 27.1.2020, p. 80.

<sup>6</sup> OJ C 433, 23.12.2019, p. 124.

<sup>7</sup> Texts adopted P9\_TA(2019)0018.

<sup>8</sup> OJ L 111, 23.4.2013, p. 75.

<sup>9</sup> OJ L 130, 24.4.2020, p. 25.

14 October 2020,

- having regard to the Association of Southeast Asian Nations (ASEAN) Chairman’s statement of 1 February 2021 on the developments in the Republic of the Union of Myanmar,
  - having regard to the principles enshrined in the ASEAN Charter, including adherence to the principles of democracy, the rule of law and good governance, and respect for and protection of human rights and fundamental freedoms,
  - having regard to the statement by the Spokesperson for the UN Secretary-General of 31 January 2021 on Myanmar,
  - having regard to the report by the UN Special Rapporteur of 1 September 2020 on the situation of human rights in Myanmar and to his statement of 1 February 2021,
  - having regard to the UN Human Rights Council (HRC) report of 8 August 2018 on the detailed findings of the Independent International Fact-Finding Mission on Myanmar (IIFMM), to the UN HRC resolution of 3 October 2018 on the situation of human rights of Rohingya Muslims and other minorities in Myanmar, to the UN HRC report of 7 August 2019 on the UN Independent Investigative Mechanism for Myanmar, and to the UN HRC report of 5 August 2019 on the economic interests of the Myanmar military,
  - having regard to the UN HRC report of 22 August 2019 on sexual and gender-based violence in Myanmar and the gendered impact of its ethnic conflicts,
  - having regard to the 2008 Constitution of the Republic of the Union of Myanmar,
  - having regard to the statement of the Union Election Commission (UEC) of Myanmar of 28 January 2021,
  - having regard to the Universal Declaration of Human Rights of 1948,
  - having regard to Rule 132(2) of its Rules of Procedure,
- A. whereas general elections were held in Myanmar on 8 November 2020 in line with the democratic progress made by the country since the end of military rule in 2010; whereas these were the second truly contested elections after almost 50 years of military dictatorship;
- B. whereas the strong electoral turnout unequivocally signalled the Myanmar people’s support for democracy;
- C. whereas the National League for Democracy party, led by State Counsellor Aung San Suu Kyi, won 83.2 % of the seats up for election;
- D. whereas prior to the elections, human rights organisations raised concerns over the constitutional allotment of 25 % of parliamentary seats in both houses of the Assembly of the Union to the Myanmar Armed Forces (Tatmadaw); whereas, under the 2008 Constitution, the Tatmadaw controls the home affairs, border affairs and defence

ministries, appoints one of the country's two vice-presidents, and is not subject to democratic scrutiny;

- E. whereas the Tatmadaw and its political proxy, the Union Solidarity and Development Party (USDP), have increased allegations of electoral irregularities in recent weeks, calling on the UEC to intervene; whereas the elections of 8 November 2020 had demonstrated the USDP's further loss of electoral support across the country; whereas no evidence of sustained and coordinated electoral fraud was presented;
- F. whereas the UEC has confirmed the regularity of the general elections, inviting those with concerns about possible election fraud to seek remedy through the proper legal channels; whereas on 29 January 2021, the UEC formally rejected the Tatmadaw's claims of voter fraud;
- G. whereas on 1 February 2021, the Tatmadaw, under the leadership of the Commander-in-Chief of the Myanmar Armed Forces, General Min Aung Hlaing, declared a state of emergency for one year and seized all levers of power in the country, consolidating control over the legislative, judicial and executive branches of government; whereas in doing so, the Tatmadaw prevented the official inauguration of the newly elected Parliament of Myanmar and the election of the president and speakers from taking place on 1 February 2021;
- H. whereas this coup d'état constitutes a clear violation of the 2008 Constitution of Myanmar; whereas the constitution allows for a temporary military takeover in a state of emergency only if a decision to that effect is issued by the President of Myanmar; whereas the President of Myanmar has issued no such decision; whereas on 28 January 2021, General Min Aung Hlaing suggested that the constitution be repealed;
- I. whereas, following the coup d'état, the Tatmadaw declared the objective of the military takeover to be the reconstitution of the UEC and the organisation of free and fair elections; whereas on 3 February 2021, the Tatmadaw appointed a new six-member UEC;
- J. whereas the leaders of the civilian government, including State Counsellor Aung San Suu Kyi and President U Win Myint, have been imprisoned and their whereabouts are unclear;
- K. whereas State Counsellor Aung San Suu Kyi has been charged with possession of illegally imported walkie-talkies; whereas President U Win Myint has been charged with breaking coronavirus restriction laws; whereas on 5 February 2021, the chief aide to the State Counsellor, Win Htein, was arrested after he criticised the coup;
- L. whereas hundreds of officials, members of the new parliament, members of Aung San Suu Kyi's National League for Democracy party and activists are reportedly being detained or held under house arrest;
- M. whereas a heavy police presence has been reported around Myanmar's capital Yangon, and communication networks and internet connectivity in Yangon and Naypyidaw, including mobile and Wi-Fi networks, have been largely disrupted or shut down; whereas on 5 February 2021, the Tatmadaw, citing the spread of 'fake news', ordered

access to three main social media platforms to be blocked; whereas a near-total internet blackout was imposed on 6 February 2021;

- N. whereas the military takeover is threatening to deliver a damaging blow to Myanmar's nascent democratic consolidation; whereas although the Tatmadaw continued to hold sway over parts of the Myanmar Government, the past decade has witnessed two democratic elections, the relaxation of restrictions on the media and civil society, and the release of political prisoners;
- O. whereas thousands of people joined popular protests against the army's takeover and arrests during the weekend of 6 February 2021; whereas protests had been muted throughout the week in the light of the Tatmadaw's brutal repression prior to the country's democratic transition;
- P. whereas this move away from Myanmar's democratic transition could quickly have destabilising consequences for the wider region of Southeast Asia; whereas on 5 February 2021 Indonesian President Joko Widodo and Malaysian Prime Minister Muhyiddin Yassin called for a dedicated ASEAN meeting on the matter;
- Q. whereas in recent years, the military has allegedly committed serious human rights violations and atrocities, including rape and war crimes, in Rakhine, Kachin and Shan States, prompting the International Criminal Court (ICC) to open an investigation with specific regard to the situation of the Rohingya minority; whereas the IIFFMM has called for the investigation and prosecution of General Min Aung Hlaing for genocide in the north of Rakhine State, as well as for crimes against humanity and war crimes in Rakhine, Kachin and Shan States;
- R. whereas the EU has consistently called for those responsible for such crimes to be held to account and sponsored the resolutions adopted at the UN HRC of 27 September 2018 and at the Third Committee of the UN General Assembly of 16 November 2018; whereas the most senior military figures who supervised the attacks against the Rohingya remain in their posts and have participated in the coup;
- S. whereas on 23 April 2020, the Council extended the restrictive measures on Myanmar by one year until 30 April 2021, including asset freezes and travel bans on 14 senior military, border guard and police officials in Myanmar responsible for human rights violations committed against the Rohingya population, ethnic minority villagers and civilians in Rakhine, Kachin and Shan States; whereas no restrictive measures have been imposed on General Min Aung Hlaing or Deputy Commander-in-Chief General Soe Win;
- T. whereas the Tatmadaw derives its income from a wide array of enterprises, including in the construction, banking, manufacturing, tourism and natural resources sectors; whereas the Tatmadaw's senior leadership, including General Min Aung Hlaing and General Soe Win, own and influence Myanmar Economic Holdings Limited (MEHL) and Myanmar Economic Corporation (MEC), as well as their subsidiaries and affiliates;
- U. whereas foreign companies, including EU companies, have commercial relationships with Tatmadaw businesses; whereas the IIFFMM has established that any foreign business activity involving the Tatmadaw and its conglomerates MEHL and MEC poses

a high risk of contributing to or being linked to violations of international human rights law and international humanitarian law;

- V. whereas the IIFFMM has recommended the imposition of targeted financial sanctions against all Tatmadaw-owned companies, taking full account of any potential negative socio-economic impact on the civilian population, as well as a comprehensive arms embargo on Myanmar;
1. Strongly condemns the military takeover of 1 February 2021 orchestrated by the Tatmadaw, under the leadership of General Min Aung Hlaing, as a coup d'état; opposes any attempts to alter the outcome of the legitimate elections of 8 November 2020, which constituted the democratic expression of the will of the people of Myanmar in line with the country's 2008 Constitution;
  2. Calls for the immediate release and reinstatement of all members of government, officials and elected representatives detained and arrested during the coup, including State Counsellor Aung San Suu Kyi, her aide Win Htein and President U Win Myint, and for all charges against them to be dropped;
  3. Urges the EU and its Member States and the international community to withhold recognition of Myanmar's military leadership, including General Min Aung Hlaing, General Soe Win, and acting President Myint Swe, and to act accordingly;
  4. Welcomes the organisation of the second democratic general elections in Myanmar of 8 November 2020 and calls on all parties concerned to strictly respect the will of Myanmar's people; urges all parties to resume Myanmar's democratic transition; insists that both houses of the Assembly of the Union be convened immediately to allow for their inauguration and the appointment of the country's highest leadership, including the president, vice-presidents and the new civilian government, in a fully transparent and democratic manner;
  5. Expresses its solidarity with Myanmar's people and fully supports their unequivocal choice to move away from the country's military past and peacefully embrace democracy; insists that their right to peacefully protest against this illegitimate coup may not be impeded and that civilians may not be subject to reprisals in any form; urges the Tatmadaw to refrain from the use of force, violence and arbitrary arrests to curb the protests of Myanmar citizens asking for a return to democracy;
  6. Expresses concern that the internet blackout imposed on 6 February 2021 hampers the right of Myanmar's population to information and could provide cover for the violent repression of peaceful pro-democracy protests; calls on the Tatmadaw and telecommunications providers to urgently reverse the internet blackout and restore full connectivity, including unimpeded access to communications applications;
  7. Calls on the Tatmadaw to respect the general election result of 8 November 2020, to immediately end the state of emergency and to hand power over to the elected civil authorities; recalls that any allegations of electoral irregularities must be supported with evidence and investigated through the proper democratic channels, with full respect for the decision of the legitimate authorities; takes the view that the current UEC as appointed by the Tatmadaw on 3 February 2021 is illegitimate and unable to certify any

past and future election results; insists that the previous UEC must be reinstated without delay;

8. Denounces the Tatmadaw's crackdown on independent activists, the media and civil society organisations in the wake of the coup; calls for the immediate release of all arrested civil society activists, monks and journalists arrested solely for expressing dissent;
9. Calls on the EU Delegation to Myanmar and the Permanent Representations of the Member States to monitor the court proceedings of State Counsellor Aung San Suu Kyi, President U Win Myint and any other individuals detained in relation to the coup, to attend their trials, and to visit them in prison or in the houses in which they remain under arrest;
10. Urges the Commission and the Member States to work with democratic partners, both globally and within the region, including regional organisations such as ASEAN, towards the peaceful resolution of the present situation in Myanmar;
11. Expresses deep concern for the safety of all of Myanmar's citizens, including the Rohingya in Rakhine State and those in the process of being repatriated; insists that all conditions be put in place to ensure the safe, voluntary and dignified return of those who have been displaced; calls for full and unimpeded humanitarian access to Myanmar;
12. Calls for international humanitarian observers, including the EU Special Representative for Human Rights, the UN Special Rapporteur on the situation of human rights in Myanmar, and the Special Procedures of the HRC, to be granted immediate and unhampered access to the entire territory of Myanmar;
13. Welcomes the statement by the UN Security Council calling for the immediate release of all those detained; calls on the UN Security Council to adopt, at the earliest possible occasion, a resolution denouncing the Tatmadaw coup and imposing clear, binding and enforceable consequences should the Tatmadaw continue to violate democratic processes;
14. Calls on the EU and its Member States to promote the adoption of a resolution on Myanmar at the next session of the UN HRC;
15. Urges the EU and its Member States to increase pressure on the Tatmadaw and take any measure at their disposal to ensure the return to power of the elected authorities; calls for the adoption of targeted sanctions against all Tatmadaw leaders under the EU Global Human Rights Sanctions Regime; calls on the EU Foreign Affairs Council to impose targeted financial sanctions on all Tatmadaw business interests, taking due account of any potential adverse socio-economic consequences on the population of Myanmar;
16. Recalls that Myanmar must fulfil its obligations and commitments in relation to democratic principles and human rights, which are an essential component of the Everything But Arms (EBA) scheme; expects the Commission to launch an investigation in this regard to identify specific sectors for the withdrawal of preferences which would target the military with minimal economic impact on the poorest in the



country; regrets the fact that the Commission has not yet launched such an investigation;

17. Calls on the EU to continue programmes that help the country's citizens and to step up support where necessary in the light of the current crisis, including humanitarian assistance and democracy support initiatives; commends the decision of 1 July 2020 by Austria, Finland, France, Germany, the Netherlands and Poland to suspend Myanmar's debt repayment of USD 98 million to help the country to manage the severe impact of the COVID-19 pandemic; urges the Member States to ensure that development aid is not funnelled through Myanmar government channels, which are now in the hands of the Tatmadaw;
18. Is committed to the adoption of effective EU corporate due diligence legislation imposing human rights due diligence obligations on EU companies and companies operating in the single market, ensuring that companies that contribute or have links to violations of human rights and international humanitarian law in Myanmar are held accountable, and that products and services produced by these companies cannot be purchased in the single market;
19. Reiterates its strong condemnation of all past and present human rights violations and the systematic and widespread attacks, including killings, harassment, rape and the destruction of property which, according to the records of the IFFMM and the Office of the UN High Commissioner for Human Rights, amount to genocide, war crimes and crimes against humanity, perpetrated by the armed forces against the Rohingya population; stresses that the Tatmadaw has constantly failed to respect international human rights law and international humanitarian law;
20. Welcomes the reintroduction and extension of sanctions by the EU's Foreign Affairs Council against military personnel and officials from the Tatmadaw, border guard and police responsible for serious human rights violations against the Rohingya population and expects those individuals to be the subject of constant review under the sanctions regime; reiterates its call on the UN Security Council to impose a comprehensive arms embargo on Myanmar and to adopt targeted sanctions against those natural and legal persons responsible for the coup d'état and for serious human rights violations;
21. Reiterates its support for the decision of the ICC Chief Prosecutor to open a preliminary investigation into crimes committed against the Rohingya population and for any suitable initiative contributing to holding those responsible for atrocities, including General Min Aung Hlaing and General Soe Wen, to account;
22. Instructs its President to forward this resolution to the legitimate President and Government of Myanmar, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Commission, the EU Special Representative for Human Rights, the governments and parliaments of the EU Member States, the Secretary-General of the Association of Southeast Asian Nations (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.