

Statement by members of the European Burma Network

18 March 2020

As the European Union (EU) approaches the renewal of the Common Position on Burma in April, members of the European Burma Network (EBN) are calling on the EU to strengthen its commitment to human rights in Burma.

Mass atrocity crimes have been committed against the Rohingya and other minorities across the country. Armed conflicts continue to severely impact the lives of civilians, especially in ethnic-minority areas. Humanitarian access to conflict-affected communities is restricted. Repressive laws that restrict free expression, freedom of assembly, and limit people's ability to participate in democratic processes are being used to silence critical voices. Journalists, human rights activists, and others who speak out face charges and imprisonment under legislation that the incumbent NLD-led government has refused to reform, despite the power to do so. The EU must prioritise the release of political prisoners and urge the Burmese government to reform repressive legislation in line with international standards.

The peace process is failing to produce tangible results. The peace architecture has proven incapable of addressing the long-standing grievances of conflict-affected communities; it fails to tackle the root causes of conflict and discuss viable political solutions. Yet the EU continues to pump money into the government-led peace process. An independent evaluation of EU funding to the peace process should be conducted before further funding is thrown into this black hole.

The 2020 elections, expected to be held towards the end of the year, come at a critical time. In its own election follow-up mission in 2019, the EU concluded that little progress had been made since the 2015 elections. Only two of the 50 recommendations made by the 2015 EU election monitoring mission had been fully implemented as of April 2019. Large groups of potential voters were unable to participate in the 2015 elections, and the risk of substantial voter disenfranchisement remains high as the 2020 election draws nearer. The Rohingya are unlikely to be allowed to participate and voting might be cancelled in conflict-affected areas. The EU must stress the importance of inclusive elections and should not lend its legitimacy to the electoral process if potential voters are prevented from participating in the democratic process. EU support should therefore be directed towards civil society organisations, free media and election monitoring.

It is deeply troubling that the EU does not consistently use the word Rohingya when talking about the Rohingya. In a recent response to the ruling of the International Court of Justice (ICJ) on provisional measures, the EU issued a statement in Brussels using the word Rohingya. However, in a local statement issued by the EU delegation in Yangon, the word Rohingya was left out. This supports the Burmese government's repressive policy of denying the Rohingya their right to an identity.

In light of the findings and recommendations of the Independent International Fact-Finding Mission on Burma (IFFM) on the vast economic interests of the Burmese military, the EU should impose restrictions on dealings with military-owned and controlled companies. The IFFM has recommended that all financial and other support to the military be cut off, as the revenue the military earns from its businesses "substantially enhances its ability to carry out

gross human rights violations with impunity.” The embassies of some European countries have instructed their partner organisations in Burma to report on their dealings with military-owned or controlled companies. This is a positive measure that could be replicated. The EU should instruct its member states to call on their partners to terminate all business relationships with military-owned or controlled companies. In addition to this, the EU should enact targeted financial sanctions against military-owned and controlled companies, e.g. by placing such entities on the restrictive measures list.

In light of the above, we call on the European Union to:

- Formally endorse the conclusions of the Independent International Fact-Finding Mission on Burma and implement its recommendations;
- Call for the immediate and unconditional release of all political prisoners and urge the Burmese government to reform repressive legislation. Charges against human rights defenders and activists must be dropped;
- Stop using services from military-owned or controlled companies and request EU member states to do the same;
- Enact targeted financial sanctions against Burmese military-owned and controlled companies;
- Support the process in the International Court of Justice looking into possible breaches of Burma’s obligations under the Genocide Convention;
- Continue to call on the Burmese government to implement the provisional measures ordered by the International Court of Justice, as is required under international law, and closely monitor their implementation;
- Call on the Burmese government to cooperate with and grant access to the Special Rapporteur on the situation of human rights in Burma and the IIMM;
- Always use the word Rohingya in public statements when talking about the Rohingya;
- Ensure that the humanitarian needs of internally displaced persons in Rakhine, Kachin, Shan and Karen states are met, and continue to call on the Burmese government to allow unhindered humanitarian access to affected communities. Also ensure that the humanitarian needs of refugees outside the country are met, including by restoring funding for the camps in Thailand, until essential preconditions for safe, voluntary, dignified and sustainable returns are in place;
- Support in principle a global arms embargo against Burma;
- Support in principle a referral of the situation in Burma to the International Criminal Court, or the establishment of an international tribunal;
- Conduct an independent and public review of EU support to the peace process.

Supported by:

Burma Campaign UK
Burma Human Rights Network
Burmese Rohingya Organisation UK
Christian Solidarity Worldwide
Civil Rights Defenders
Info Birmanie
Swedish Burma Committee
Swiss Burma Association
Progressive Voice (EBN observer)