

Statement from Members of the European Burma Network

**Tuesday 26<sup>th</sup> March 2013**

European Union Should Not Lift Sanctions On Burma

The European Union is currently reviewing its policy on sanctions on Burma. On 22<sup>nd</sup> April the EU Foreign Affairs Council will decide whether to continue the suspension of EU sanctions, or to lift sanctions. We are concerned that the premature lifting of European Union sanctions will undermine the reform process in Burma, and could even encourage further serious human rights abuses.

There is no doubt that there have been dramatic changes in Burma in the past two years, and that there is opportunity for further change which must be encouraged. However, we believe that European Union members have a tendency to highlight the positives while ignoring some important and harsh realities on the ground.

Burma's generals did not suddenly wake up one morning and decide they wanted Burma to be a democracy. International pressure has clearly played a motivating role in the reforms currently taking place. Therefore, to relax too much pressure too soon risks reducing the motivation for further reform. A careful balance needs to be struck between continued pressure and encouragement. The European Union is not getting that balance right.

When suspending sanctions on 26th April 2012, the European Union made clear the progress it expected to see in response, stating in the Council Conclusions:

"...the EU still expects the unconditional release of remaining political prisoners and the removal of all restrictions placed on those already released. It looks forward to the end of conflict and to substantially improved access for humanitarian assistance, in particular for those affected by conflict in Kachin State and along the Eastern border, as well as to addressing the status and improving the welfare of the Rohingyas."

At the current time none of these benchmarks has been met.

Hundreds of political prisoners remain in jail and the vast majority of those who have been released have only been released conditionally. Following his visit to Burma in February 2013, the UN Special Rapporteur not only highlighted the on-going detention of political prisoners, but also the increasing reports of the use of torture against some detainees.

Conflict in the country has not ended. In fact, in December conflict increased when the Burmese Army launched a big military offensive in Kachin State. During this offensive shells were fired into the predominantly civilian town of Laiza, killing civilians including children. Acts such as this can qualify as war crimes. While conflict

has temporarily reduced now, this is only because the military offensive had achieved its goals.

Humanitarian access cannot be said to have substantially improved. As the 2012 United Nations General Assembly resolution on Burma stated just three months ago, restrictions on humanitarian access violate international law.

In Kachin State there have only been a handful of occasions when convoys delivering aid have been allowed to enter areas under the control of the Kachin Independence Organisation, where most of the IDPs live in temporary shelters. Repeated promises of improved access have been broken or only resulted in one-off visits or convoys.

During the past year new restrictions were introduced in Rakhine State, and while there has been some improvement in access to camps for internally displaced people, restrictions are still in place, resulting in appalling conditions, leading to UN humanitarian coordinator Valerie Amos stating after visiting one camp: "I have seen many camps during my time as the ERC but the conditions in this camp rank among the worst."

The final benchmark referred to in the Council Conclusions was "addressing the status and improving the welfare of the Rohingyas." This benchmark has clearly not been met, and in fact the status and welfare of the Rohingya has dramatically worsened in the past year following communal conflict, which later evolved into systematic attacks against the Rohingya. The government of Burma has not only failed to provide safety and security for the Rohingya, it has also encouraged those committing acts of violence by validating their prejudice. Government ministers have spoken of the Rohingya being foreigners and President Thein Sein has asked for international assistance in deporting all Rohingya to third countries. During his visit to Europe, President Thein Sein said he has 'no plans' to revise the 1982 Citizenship Law, stating 'the law intends to protect the nation'. No significant efforts are being made to try to enable Rohingya displaced by attacks to return to their homes and villages and a policy of effective apartheid seems to be developing. Therefore, the benchmark of addressing the status and welfare of the Rohingyas has not been met.

Given that none of these four benchmarks has been met, to move from suspending to lifting EU sanctions would be premature, and also undermine the credibility of the European Union.

Burma remains a country ruled by a military-backed government, and still has one of the worst human rights records in the world. The European Union should continue the suspension of EU sanctions until its own benchmarks are met and there are legal and constitutional reforms which make Burma democratic. Policy must be based on the facts on the ground, not promises which have yet to be delivered.

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