

The logo for FIDH (Fédération internationale des droits de l'homme) consists of the lowercase letters 'fidh' in a bold, black, sans-serif font.

Ministère des Affaires Étrangères et Européennes
To : Minister of Foreign Affairs
37, quai d'Orsay
75351 PARIS

Paris, March 10th, 2014

Subject : Renewal of the European Common Position on Burma

Dear Minister,

We write you this letter with a view towards the next meeting of the foreign ministers of the EU, and more specifically *a propos* the review of the common European position on Burma scheduled to take place in April.

During the past two years, the European Union has looked favorably on the developments occurring in Burma, and made the decision to lift all sanctions against the country with the exception of the arms embargo. The EU has expressly specified that these steps were taken both in light of the progress already achieved, and in order to “encourage the continuation of this positive development.” **However, the Burmese government has met none of the demands formulated during the last meeting, including those that merely restated the demands of 2012 when the sanctions were initially lifted. In a number of ways, the situation has actually gotten worse.**

Liberation of all Political Prisoners

President Thein Sein has not honored his promise to liberate all political prisoners before the end of 2013, although he committed to doing so in person before the international community. Furthermore, the arrests of farmers, activists, human rights

defenders and members of ethnic minorities continue in an alarming fashion.

In addition, the prisoners freed up until the present day have only been liberated in a conditional and temporary manner. Potentially, they can be sent back to prison at any moment. In addition, they have not received compensation for the years and sometimes decades passed unjustly behind bars.

Conflict in the Kachin state

In light of the Council's most recent findings, the EU called for an end to the hostilities in the Kachin State. One year later, the conflict is still raging. Recent battles have directly affected civilian populations and no new cease-fire agreement has been signed. On the contrary, February 2014 witnessed the massive deployment of Burmese troops in Kachin state, where the conflict between the Kachin Independence Army and the Burmese Army resurfaced in June 2011. Though 14 armed groups have signed the cease-fire, little progress has been made towards the creation of a significant political dialogue.

Attacks against the Rohingyas

In the Council's conclusions from April 2013, the European union emphasized « *the need to address the problem of violence between the communities,* » and added: « *The EU welcomes the promise of President Thein Sein to prosecute all perpetrators of violence, as well as his commitment to the creation of a multicultural, multiethnic, and multireligious society, a commitment which necessarily includes the will to fight against the root causes of violence.* » However, this promise remains unfulfilled.

The status and living conditions of the Rohingyas have deteriorated due to sectarian violence in the form of systematic attacks against their community. Additionally, the perpetrators behind these attacks benefit from total impunity, while the government and its security forces are often involved in the violence. The most recent attacks took place in the village of Du Chee Yar Tan in January 2014. According to the United Nations, these acts claimed the lives of at least 48 Rohingyas. The government, however, has refused to acknowledge the murder, pillaging and rape taking place and has once again failed to conduct an investigation.

Furthermore, the conclusions of the Council stipulate that "the government continue to research and to implement durable solutions to the underlying causes of the tension, including adequately addressing the situation of the Rohingyas." One year after the drafting of these conclusions, the Rohingyas remain unable to attain Burmese citizenship. In this regard, the next census is largely criticized because it risks of exacerbating the country's ethnic tensions (*le prochain recensement est quant à lui largement critiqué car il risque d'exacerber les tensions ethniques dans le pays*). Finally, Thein Sein has publicly rejected the call from the United Nations General Assembly to revise the 1982 citizen law that discriminates against Rohingyas.

Access to Humanitarian Aid in Conflict Zones

In its most recent conclusions on Burma, the EU also highlighted “the need to provide those working in humanitarian and developmental aid with total and unhindered access to all communities affected by the conflicts and intercommunal violence.” As of today, this is still not the case. In the Kachin State, humanitarian organizations and the United Nations have extremely limited access to the displaced persons camps situated in zones controlled by the KIA, leaving many people without adequate food and sanitation facilities. In the Arakan state, only a few organizations have had permanent access to the camps. Even more importantly, the government has not guaranteed the safety of aid workers, which has significantly impeded relief efforts. The suffering of those living in displaced persons camps across the country is immense. They number 140,000 in the Arakan State, 150,000 in the Kachin State, and 650,000 people in total.

In conclusion, the continued trends of violence with impunity, human rights violations, and serious breaches of international law should prevent any decision to lift the arms embargo. Our organizations ask you to remain particularly vigilant and firm on this point during future discussions concerning the revision of the restrictive measures adopted by the PESC.

In the response you sent to us after the lifting of sanctions in April 2013 (in a letter dated on 22 April 2013), you stated the vigilance of France "on the remaining concerns, particularly on the situation of the Rohingya and the Kachin conflict "and you assured us "the determination of France to encourage the continued momentum of reforms in Burma". The European Union must additionally recognize the total failure of the Burmese government to implement the demands outlined over the past two years, demands which form the basis of the EU's renewed diplomatic engagement.

As a consequence of this failure, our organizations propose reducing the time frame for revisiting the decision concerning the restrictive measures from one year to six months. In addition, we demand that the EU's following conclusions proceed from an accurate description of the situation on the ground and attest to the utter lack of progress achieved. Finally, Point 33 of the European Union's 2012 action plan, adopted in connection with its strategic framework regarding human rights and democracy, commits the EU and its member states to the implementation of all tools at its disposition (dialogue, targeted support, incentives, and restrictive measures). At the current moment, this promise has not been kept and we insist that European Union fully honor its commitment. To this end, we call on the European Union to publicly announce all of the efforts undertaken to achieve human rights progress in Burma and to report on the results achieved. We demand clarifications on all potential financial and technical support that the European Union may offer in reforming the police, the army and/or the justice system, their human rights benchmarks, their results, and in the case required, the ways in which these strategies are adapted to the changing conditions on the ground. We equally demand clarifications concerning measures undertaken by the EU to

encourage respect for human rights in terms of investment in Burma, in full recognition of the fact that the authorities continue to arrest activists documenting violations surrounding land confiscation and the impact of mining and gas projects.

Thank you for taking our concerns and recommendations into consideration. Please do not hesitate to contact us for any questions or additional information on the current situation in Burma or on the dialogue between France, the EU and the Burmese authorities.

Respectfully yours,

Bernard Pinaud,
Executive Director - CCFD-Terre Solidaire



Mathieu Flammarion,
President - Info Birmanie



François Soulage,
President - Secours Catholique – Caritas France



François SOULAGE

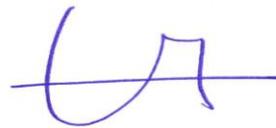
Karim Lahidji,
President - FIDH



Pierre Tartakowsky,
President - Ligue des Droits de l'Homme
Watch



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