



# LAST MONTH IN PARLIAMENT

A summary of Burma-related issues  
in the British Parliament and Europe

OCT  
2011

## ANSWERS TO WRITTEN PARLIAMENTARY QUESTIONS

### *Internally Displaced People*

**13 Oct 2011 Mr Burrowes:** To ask the Secretary of State for International Development whether his Department has had access to internally displaced people at the Kachin-China border; and whether his Department has provided food and medical assistance to those people.

**Mr Andrew Mitchell:** Department for International Development (DFID) staff are in regular contact with United Nations agencies and non-governmental organisations (NGOs) with access to internally displaced people in Kachin State, Burma. DFID staff have not themselves had access to the China-Burma border. I have agreed that funding through the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and a humanitarian NGO already working in the area may be used to assist people displaced by recent conflict in Kachin State.

**25 Oct 2011 Bob Russell:** To ask the Secretary of State for International Development what assessment he has made of the humanitarian needs of displaced people in Kachin State, Burma; and if he will make a statement.

**Mr Andrew Mitchell:** Department for International Development (DFID) staff have been closely monitoring the humanitarian situation in Kachin State following the outbreak of conflict earlier this year. We are in contact with a number of organisations working in the affected areas, both from inside Burma and from across the border in China. We understand that as many as 20,000 people have been displaced by recent fighting, many without access to basic needs such as food, clean water and medicine. I have agreed that funding through the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and a humanitarian non-governmental organisation already working in the area may be used to assist displaced people in Kachin State.

### *Overseas Aid*

**13 Oct 2011 Mr Burrowes:** To ask the Secretary of State for International Development if he will provide funding to the Kachin Women's Association Thailand for emergency relief in Kachin State, Burma.

**Mr Andrew Mitchell:** The Department of International Development (DFID) has carefully considered a funding request from the Kachin Women's Association Thailand (KWAT) for emergency relief in Kachin State Burma. DFID staff have recently informed KWAT that we are not able to support this request. I have however agreed that funding through the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and a humanitarian non-governmental organisation already working in the area may be used to assist people displaced by recent conflict in Kachin State.

**26 Oct 2011 Valerie Vaz:** To ask the Secretary of State for International Development what funding he is providing for capacity building work in Burma.

**Mr Andrew Mitchell:** The UK does not have a specific allocation for capacity building in Burma. A number of Department for International Development programmes in Burma include the provision of capacity

building for Burmese non-governmental organisations as well as training for individuals such as farmers, community teachers, and health staff and volunteers responsible for the direct delivery of health services. DFID does not provide capacity building for the Burmese central government.

**26 Oct 2011 Valerie Vaz:** To ask the Secretary of State for International Development what steps he is taking to ensure the effective delivery of aid to Burma.

**Mr Duncan:** In all countries where the Department for International Development (DFID) operates, the effectiveness of spending is maximised by: identifying the sectors and areas where DFID can have the greatest impact; preparing detailed business cases for each project which focus particularly on expected results and value for money; regularly monitoring and evaluating projects; and working closely with the organisations which implement projects and receiving feedback from project beneficiaries.

In Burma, UK aid is delivered through UN agencies and non-governmental organisations. DFID takes close account of the ability of recipient organisations to meet project objectives and to account properly for aid funds.

**31 Oct 2011 Malcolm Wicks:** To ask the Secretary of State for International Development what projects his Department funds to support civil society capacity building in Burma.

**Mr Andrew Mitchell:** The Department for International Development (DFID) has recently approved an innovative new four-year programme of support to local civil society in Burma. This will help local organisations and individuals to work together to give an estimated 94,000 people a greater say in decisions affecting their lives. The programme—formally called the Burma Civil Society Strengthening Programme—will provide grants, mentoring and other support totalling £11 million to Burmese civil society organisations. It builds on the previous programme which provided £4 million for civil society capacity building in Burma between 2008 and 2011.

Further details of DFID's projects are available on the DFID website:  
[www.dfid.gov.uk](http://www.dfid.gov.uk)

## ***Politics and Government***

**13 Oct 2011 Mr Burrowes:** To ask the Secretary of State for International Development what assessment he has made of the humanitarian situation in Kachin State, Burma since 9 June 2011.

**Mr Andrew Mitchell:** Department for International Development (DFID) staff have been closely monitoring the humanitarian situation in Kachin State following the outbreak of conflict earlier this year. We are in contact with a number of organisations working in the affected areas, both from inside Burma and from across the border in China. We understand that as many as 20,000 people have been displaced by recent fighting. I have agreed that funding through the United Nations Office for the Co-ordination of Humanitarian Affairs (OCHA) and a humanitarian non-governmental organisation already working in the area may be used to assist displaced people in Kachin State.

## ***Deaths***

**26 Oct 2011 Bob Russell:** To ask the Secretary of State for Foreign and Commonwealth Affairs what steps he has taken to press the Burmese authorities to provide an explanation for the deaths of Saw Kaw Lar and Saw San Pe on 21 and 22 August 2011.

**Mr Jeremy Browne:** Foreign and Commonwealth Office officials have consulted local contacts and media archives in Rangoon but have been unable to find any information about the death of any individuals by the name of Saw Kaw Lar or Saw San Pe on 21 and 22 August 2011. I would welcome further information to enable our embassy in Burma to follow up on these cases.

## ***Human Rights***

**26 Oct 2011 Mr Andrew Smith:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he

will press for any UN General Assembly resolution on Burma to include a recommendation to establish a Commission of Inquiry to investigate allegations of human rights violations in that country.

**Mr Jeremy Browne:** It is essential that mechanisms be found that deliver a credible response to allegations of human rights abuses in Burma, both past and present. The Government have therefore made clear its support for the UN Special Rapporteur's recommendation for the UN to consider establishing a Commission of Inquiry into human rights abuses in Burma as a means to achieving this goal.

Over recent months there have been some indications that the regime in Burma is willing to embark upon meaningful and inclusive political reform, including through investigation of human rights abuses. With this in mind, we are working in close coordination with international partners to ensure the widest possible support in the UN General Assembly for a strong resolution on the human rights situation in Burma, which reflects our concerns and urges the Burmese authorities to address accountability for human rights abuses.

## **INTERNATIONAL DEVELOPMENT COMMITTEE - WRITTEN EVIDENCE**

**Session 2010-12 - HC 1569  
October 2011**

### **Written evidence submitted by Burma Campaign UK**

#### **1.Executive Summary**

DFID has identified Burma as a priority country and significantly increased aid to the country. DFID has also identified conflict affected countries and those affected by conflict, and the empowerment of women and girls as priorities, two issues which are particularly relevant in Burma. However, Burma Campaign UK is concerned that DFID has not changed the way it works in Burma in order to respond to these priorities. There still appears to be unwilling and even resistance to finding creative alternative methods to supporting conflict affected communities and in particular assisting women in conflict areas of Burma where organisations with memorandums of understanding with the government are blocked or severely restricted in their operations.

#### **2.Burma Campaign UK**

Burma Campaign UK was established in 1991 and has a mandate to promote human rights, democracy and development in Burma. It has supporters in more than 60 countries, and is a respected source of information and analysis on Burma. In 2007 Burma Campaign UK gave evidence to the International Development Committee as part of its inquiry into aid to Burma.

#### **3.DFID in Burma**

Economic mismanagement, corruption, and misallocation of revenues have led to the impoverishment of Burma. Burma's government spends almost 25 percent of its budget on the military (plus other undisclosed funds) and just 1.3 percent on health. Conflict affected ethnic states in Burma have some of the highest levels of poverty, disease and human rights abuses. The government severely restricts delivery of assistance to communities in these areas.

4.With the government of Burma breaking long-term ceasefire agreements with armed ethnic political parties, and the Burmese Army deliberately targeting civilians in the increasing conflict, the need for urgent assistance to affected communities is increasing, but there does not appear to be a cohesive policy by DFID to address this growing problem.

5.Burma Campaign UK has warmly welcomed the significant increase in DFID support to the people of Burma. However, we remain concerned that DFID is still not doing enough to ensure that complementary alternative mechanisms are used to ensure target vulnerable populations receive essential assistance which is frequently blocked by the government of Burma via official channels.

6.Key recommendations made by the International Development Committee in its report: DFID Assistance to Burmese Internally Displaced People and Refugees on the Thai-Burma Border, published 25th July 2007, have still not been implemented or have only been partially implemented.

7. These recommendations relate to structural reform priorities identified by DFID in its Business Plan 2011-15, namely conflict and women.

8. International political and humanitarian attention has often focussed on central Burma. In recent years there has been a welcome increase in humanitarian assistance provided in some of Burma's ethnic states, but even in the areas of these states where agencies can operate, they face restrictions, and some of the poorest areas, and most of the areas affected by conflict, cannot be reached at all.

9. DFID and the rest of the international community do not do enough to challenge the restrictions on humanitarian assistance imposed by the government of Burma. Restrictions are routinely raised in meetings, but tend to be one of many talking points. There is no coordinated international pressure on this issue. Repeated resolutions at the Human Rights Council and General Assembly calling for an end to such restrictions and respect for international humanitarian law have been ignored by the government of Burma, but no further action has been taken to tackle this problem.

10. Until such a time as these restrictions are lifted, significant populations in Burma can only be reached by local communities crossing into neighbouring countries to collect aid and return with it, known as cross-border aid. In response to recommendations made by the IDC in its 2007 report, DFID does now fund some cross-border aid, but it does so on a very small scale compared to the need, and the institutional resistance to funding such aid which was highlighted by members of the IDC in a follow up hearing on Burma in 2008, still appears to remain.

11. This institutional resistance means that DFID is not working in an effective way to meet its own structural priorities, or achieve the Millennium Development Goals (MDG) in conflict affected ethnic states of Burma, especially MDG 3 on gender equality, MDG 4 on child mortality and maternal health, and MDG 6 on HIV/AIDS, malaria and other diseases.

12. Many of the 2007 IDC Burma report recommendations relate to the above areas. Those which have not been implemented, or only partially implemented, include Recommendation 3: '...appropriate funding of exile groups who carry out crucial work both inside and outside Burma to support IDPs and other vulnerable groups...women's groups are particularly worthy of support.'

13. Recommendation 20 related to funding of women's groups working on and across the border who document rape and other human rights abuses, and provide health and education services. The Shan Women's Action Network (SWAN) is the only such women's organisation to have received any such support, and their grant is not the 'appropriate' level of funding envisaged by the IDC. In 2010 DFID provided SWAN with a grant of just £76,413.

14. IDC Burma report recommendation 14 suggested a complementary mechanism to the Three Diseases Fund to provide healthcare in border areas, because of the inability of official funds to reach all border and conflict areas. This is critical in relation to MDGs 3, 4 and 6. No such funding has been allocated, and it was only in the summer of 2011, three years after the IDC recommendation for increased funding for cross-border healthcare, that the Backpack Health Worker Team finally had a grant application approved.

15. Recommendation 18 related to the Thailand Burma Border Consortium being allowed by DFID to start spending funds on cross-border aid, yet DFID had not committed extra funds for this purpose. This remains the case.

16. There is an almost total lack of specialised support and even basic humanitarian support for former child soldiers and victims of rape who flee to Thailand, or who hide in camps for internally displaced people close to the Thailand Burma border. DFID has not allocated any significant specific funding for this kind of support.

### **Recommendations for action**

17. DFID will not be able to meet its own goals and priorities outlined in the DFID Annual Report and Resource Accounts 2010-11 and Business Plan 2011-15 without a significant increase of alternative mechanisms of aid delivery in Burma such as cross-border aid and unofficial underground networks, as

previously recommended by the IDC in 2007.

18.DFID should do more to challenge restrictions on aid in Burma, and with the assistance of the Foreign and Commonwealth Office coordinate high-level international pressure on the government of Burma to lift all restrictions.

19.DFID should significantly increase funding for cross-border aid to conflict affected communities in Burma, including the funding of women's organisations.

20.DFID should increase funding to the Thailand Burma Border Consortium, including funding for cross-border aid.

21.DFID should commission a study into the needs of child soldiers and victims of rape who escape to Thailand and other neighbouring countries, or live in camps for the internally displaced which cannot be reached from inside Burma, and allocate sufficient funding for their psychological and physical needs, including their security.

22.The root causes of poverty in Burma are the actions and policies of the government of Burma. DFID should support the capacity building work of underground networks in Burma working via neighbouring countries, which educate Burma population about and expose these root causes.

## **Documents considered by the Committee on 19 October 2011 - European Scrutiny Committee**

### **17 Restrictive measures against the regime in Burma**

Council Regulation amending Regulation (EC) No.194/2008 renewing and strengthening the restrictive measures in respect of Burma/Myanmar  
(33157) 14330/11 COM(11) 565

*Legal base:* Article 215 TFEU; QMV

*Department:* Foreign and Commonwealth Office

*Basis of consideration:* EM of 7 October 2011

#### *Previous Committee Report:*

None; but see (32668) —: HC 428-xxiv (2010-12), chapter 14 (27 April 2011); (31494) —: HC 428-i (2010-12), chapter 53 (8 September 2010); (31405) —: HC 5-xiv (2009-10), chapter 5 (17 March 2010); (30854) —: HC 19-xxvi (2008-09), chapter 17 (10 September 2009); (30542) —: HC 19-xiv (2008-09), chapter 12 (22 April 2009); (29621) —: HC 16-xix (2007-08), chapter 9 (23 April 2008); (29368) 5401/08: HC 16-xi (2007-08), chapter 9 (6 February 2008); and (29083) —: HC 16-ii (2007-08), chapter 21 (14 November 2007)

*To be discussed in Council:* To be determined

*Committee's assessment:* Politically important

*Committee's decision:* Cleared

## **Background**

17.1 Starting with Common Position 1996/635/CFSP, the EU has adapted and strengthened its sanctions regime against Burma over the years in response to deteriorating circumstances on the ground and the continuing failure by the government of Burma to make progress on human rights and national reconciliation. In line with EU sanctions policy, the EU has worked to achieve change in Burma by placing pressure on those responsible for its policies, whilst minimising any adverse impact on the general population.

17.2 In 2006, EU Common Position 2006/340/CFSP imposed the following measures:

- a visa ban and assets freeze against named members of the military regime, the military and security forces, the military regime's economic interests and other individuals, groups, undertakings or entities associated with the military regime and their families;
- a visa ban against serving members of the military of the rank of Brigadier-General and above;
- a comprehensive embargo on arms and equipment that might be used for internal repression and ban on military personnel being attached to diplomatic representations in and from Burma;
- a ban on high-level bilateral government visits at the level of Political Director and above;
- a suspension of most non-humanitarian aid; and
- prohibition on EU companies making finance available to, or extending participation in, named Burmese state-owned companies, their joint ventures and subsidiaries.

17.3 In view of further deterioration of the situation in Burma, the EU adopted Common Position 2007/750/CFSP on 19 November 2007 (which the previous Committee cleared on 14 November 2007). This provided for new restrictive measures concerning certain imports from, exports to and investments in Burma/Myanmar, targeting its timber and extractive industries, which provide sources of revenue for the military regime. It also broadened the scope of the existing restrictions on investment by applying them also in respect of investment in enterprises owned or controlled by persons or entities associated with the military regime, and broadened the categories of persons targeted by the freezing of funds and economic resources.[82]

17.4 Then, on 6 February 2008, the previous Committee cleared a revised Council Regulation which

- extended the current restrictive measures which provide sources of revenue for the military regime of Burma/Myanmar in respect of;
  - extending and updating persons subject to a travel ban;
  - the freezing of their assets; and
  - extending and updating the list of enterprises in Burma subject to an investment ban.
- proposed additional restrictive measures;
  - an export ban on the industrial sectors of logs and timber and defined metals, minerals, precious and semiprecious stones; to include diamonds, rubies, sapphires, jade and emeralds (the Regulation will now include finished products with an exemption for personal items of jewellery);
  - an import ban on products from the above mentioned sectors;
  - an investment ban on new trade in the above mentioned sectors; and
  - the provision of technical assistance or training related to relevant equipment and technology destined for enterprises in the above industries in Burma/Myanmar.

17.5 This was subsequently adopted as Council Regulation 194/2008.

17.6 Later, on 21 April 2008, the previous Committee cleared Common Position 2008/349/CFSP, which renewed the current restrictive measures on sources of revenue for the military regime for a further 12 months and amended the Annexes in respect of:

- updating persons subject to a travel ban (with the inclusion of members of the judiciary) who are responsible for implementing acts of repression by the regime;
- the freezing of their assets; and
- updating the list of enterprises in Burma subject to an investment ban by adding a further 30 names to the list.

17.7 The Common Position that the previous Committee considered on 23 April 2009 essentially extended the existing Common Position for a further 12 months, with the list of entities subject to an asset freeze and the list of persons subject to an asset freeze/travel ban being updated to take account of changes within the government. This was in response to the continuing lack of improvement of the human rights situation and of substantive progress towards an inclusive democratisation process.

17.8 Then came the arrest on 13 May 2009 of opposition leader Aung San Suu Kyi (ASSK) (the result of an American man who swam across the lake surrounding her house, shortly before the date upon which her house arrest was due to expire, when it was widely accepted that the Burmese authorities were using the opportunity offered by this event to ensure ASSK could not participate in elections due in Burma early in 2010). In response, four individuals overseeing ASSK's trial were added to the list of those subject to a travel ban and asset freeze within the EU; several new entities, most notably the media organisations responsible for the Burmese junta's propaganda were subjected to an asset freeze; and 48 other entities currently subject to an investment ban had also been identified to have any assets held within the EU frozen.

17.9 Though leaving it to others to judge what the likely impact of these additional measures would be, the previous Committee found it difficult to be optimistic in the light of a recent US\$5.6 billion deal between China and Burma, with the help of Indian and South Korean companies, to supply China National Petroleum Corporation (CNPC) with gas for 30 years.[83]

17.10 In June 2010, the Minister for Europe (Mr David Lidington) explained that, despite the signs in late 2009 that the Burmese authorities were more willing to engage with ASSK and the international community, the recently-released new electoral laws, designed to prevent credible opposition in the upcoming elections, suggest that nothing had changed. The Government's position, he further said, was therefore that there should be no easing of sanctions in the absence of tangible progress and a renewal of the Common Position (now a Council Decision) for a further 12 months, which had found a broad consensus amongst Member States and was adopted on 26 April 2010 (during the dissolution).

17.11 The Minister also noted that the only changes were updating the language to reflect the adoption of the Lisbon Treaty and the list of those individuals/entities subject to these measures to reflect changes that had occurred in Burma over the last year. These measures were, he said, consistent with EU policy, often led by the UK, to increase pressure on the military regime to enter into a meaningful and genuine dialogue with the democratic opposition — the ultimate aim being the eventual transition to civilian rule and full respect of human rights, including the release of political prisoners and recognition of the rights of ethnic communities.

17.12 The previous Committee had normally not regarded the straightforward extension of an existing package of restrictive measures in response to well-known circumstances as warranting a substantive Report to the House. But, given the traditionally high level of interest in the House in developments in Burma and the Minister's remarks about the new Government's contacts with China and ASEAN, we felt that one was warranted one on this occasion.[84]

### **Council Decision 2011/239**

17.13 In his Explanatory Memorandum of 11 April 2011, the Minister for Europe (Mr David Lidington) recalled that Burma had held elections for the first time in 20 years in November 2010 and that Aung San Suu Kyi was released from house arrest a week later. But, he said, neither event signified a material improvement in the human rights situation or a weakening of the military regime's grip on power. Human rights abuses continued to be widespread and severe. Restrictions on fundamental freedoms intensified in the run up to the November elections and the number of political prisoners held was over 2,000. The final few months of 2010, continuing into 2011, had also seen further conflict between the Burmese army and ethnic groups on the Thai/Burma border, prompting thousands of civilians to flee into Thailand. The political situation in Burma at the beginning of 2011, the Minister said, reflected the regime's clear intention to maintain its dominance. On 28 January 2011, Aung San Suu Kyi's NLD party had lost its appeal against dissolution. Shortly after, on 31 January, the upper and regional houses of Parliament held their inaugural session. Over 80% of all seats in both upper and lower houses were held by a regime proxy party and members of the military regime, thus ensuring that the current military leadership retained control of policy.

17.14 Against this background, the Minister said that the changes to the restrictive measures via the adoption of this amending Council Decision would be:

- amending the list of persons and enterprises subject to the restrictive measures has to take account of changes in the Government, the security forces and the administration in Burma, as well as the personal situations of the individuals concerned;

- updating Annex I, which is the list of companies involved in sectors where restrictions apply, to remove duplicate entries;
- the suspension of restrictive measures for new lifelong civilian members of the Government not already listed for abuses, and the Foreign Minister; and
- ending the suspension of high-level bilateral government visits to Burma until 30 April 2012 with a view to encouraging dialogue with relevant parties in Burma, including Aung San Suu Kyi.

17.15 The Minister said that the Coalition Government's position was that there should be no easing of EU restrictive measures in the absence of tangible progress in Burma. Negotiations in the EU had been tough. A number of Member States were minded to see the political developments in Burma as progress and pressed for a relaxation of restrictive measures. But the Government had secured a technical rollover of the Council Decision for a further 12 months, with the existing framework of sanctions protected and maintained. This sent a strong EU message that the developments in Burma thus far could not be seen as progress.

17.16 With regard to the sanctions imposed on individuals, the Minister said that the updating retained the principle that all senior members of the Government would be listed, while individuals not subject to the travel ban or assets freeze over this period would be subject to review. Senior members of the Government and military currently listed would continue to be subject to EU sanctions. The newly created Chief Ministers of the Regions and senior members of the regime's new political party would also be listed. Listing but then suspending selected officials, the Minister said, made it clear that they were on notice and would be judged on their actions; it should also help empower the civilian elements within the Government and influence policy by exposing them to international views and best practice.

17.17 The Minister explained that the suspension of the prohibition of EU or national high-level visits to the country (i.e. at the level of Political Director and higher) was conditional on such visitors being able to see the genuinely democratic opposition, including Aung San Suu Kyi, and that visits were coordinated through the EU.

17.18 With regard to its own activity, the Minister said that the Government had remained in close contact with Aung San Suu Kyi, as well as with other democratic groups, during the EU negotiations and had agreed the steps above because they are in line with Aung San Suu Kyi's wishes to promote dialogue with the government and to encourage a move towards more democratic institutions.

17.19 These measures were adopted as Council Decision 2011/239 by the Foreign Affairs Council on 14 April 2011

### **Our assessment**

17.20 We acknowledged the Minister's endeavours to keep the Committee abreast of the difficult negotiating process and, on this occasion and in these circumstances, did not object to his having overridden scrutiny.

17.21 We also reported these developments to the House because of the widespread and longstanding interest in developments in Burma/Myanmar.[85]

### **The Minister's letter of 4 August 2011**

17.22 The Minister wrote on 4 August 2011 to update the Committee on changes to the annexes of Council Decision 2011/239. He noted that agreement to the roll-over of sanctions on Burma in April included a technical review of the annexes in order to ensure they remained accurate and relevant; this review had now been completed by the EU Missions in Rangoon (in which the UK mission in Rangoon had played a prominent role) and the recommendations agreed in the EU.

17.23 The Minister went on to explain that it was agreed that the EU should review the list of companies operating in the three sectors subject to trade and investment restrictions — timber, gems and precious metals — and that the outcome had seen a net reduction in around 250 entities named in the Council Decision. These companies fell into three categories: (i) repeated entries; (ii) companies that were no longer operating; and (iii) companies that were now operating in sectors outside the sectoral ban. In

addition to some entities being de-listed, around 40 new companies that had started to operate in those sectors were being added to the list.

17.24 The Minister then noted that it had also been agreed to de-list from the EU travel ban and assets freeze, Ministers who had retired from their positions and the military who had no connection to previous human rights abuses — around 120, which includes spouses and family members of retired Ministers.

17.25 The Minister concluded by noting that the amended Council Decision did not introduce any new measures or change the substance of the sanctions that were in place, but that he wanted to ensure that the Committee was kept updated and aware of the changes being made.

17.26 The Committee thanked the Minister for providing this update, but explained that it had some concerns about the non-deposit of these changes on this occasion. It presumed that in so doing, the Minister was relying on the protocol agreed between Parliament and the then Government (which was subsequently issued as Cabinet Office guidance) that minor changes to lists of people and/or organisations subject to restrictive measures did not need depositing — the purpose of the agreement being to avoid the Committee being inundated with such regular amendments, where a name is deleted and/or another is added, within an established policy framework that has already cleared scrutiny. We went on to note that: — it had been emphasised to the FCO at official level on several occasions that what might constitute “minor changes to lists of people and organisations subject to restrictive provisions in existing measures” (the wording used in the Cabinet Office guidance) was a matter of judgement; that the guidance was just that, rather than being tablets of stone; and that prior official-level consultation should be the order of the day if there was any doubt as to their significance; — had this taken place in the usual way, we would have asked for these amendments to have been deposited with an Explanatory Memorandum because, given the background and the present situation in Burma, it was difficult to see at first blush how an operation of this nature and on this scale amounted to only “minor changes to lists of people and organisations subject to restrictive provisions in existing measures”.

### **The proposed Council Regulation**

17.27 In his Explanatory Memorandum of 7 October 2011, the Minister for Europe (Mr David Lidington) explains that this document seeks to bring the (implementing) Council Regulation into line with the amendments made to the listing criteria when Council Decision 2011/239/CFSP was adopted in April 2011.

17.28 Moving on from his earlier political assessment, the Minister notes that conflict between ethnic armed groups and the Burmese army in Shan and Kachin States broke out in March 2011 and is ongoing; there are now estimated to be over 40,000 internally displaced persons and refugees in Kachin State and unverified reports of over 30,000 villagers having fled their homes in Shan State; and that the Government remains in close contact with UN agencies and other organisations working in the areas affected by fighting.

17.29 The Minister then continues as follows:

“Over the past few weeks there have been some welcome developments in Burma, including Aung San Suu Kyi’s freedom to travel outside Rangoon, her meeting with President Thein Sein on 19 August, the visit to Burma by the UN Special Rapporteur, Tomas Ojea Quintana from 21 to 25 August and the limited easing of media restrictions. While these events are encouraging, we are not assuming that change is guaranteed, especially while political prisoners remain in detention and human rights abuses in ethnic regions continue.

“Our Ambassador to Rangoon remains in close contact with Aung San Suu Kyi and most recently met her on 27 September. She hopes to have a clearer view within the next month of whether the Burmese authorities will follow through on their pledges to announce and implement substantive reform.

“The Government will continue to engage closely with Aung San Suu Kyi and will be ready to issue a coordinated response to either progress or the breakdown of talks.”

### **The Government’s view**

17.30 The Minister continues to reiterate the longstanding aim of UK policy towards Burma, viz., including

through sanctions, to bring an end to human rights abuses in Burma and to encourage an early transition to civilian, democratic rule, without any adverse impact on the general population of Burma.

17.31 He describes the purpose of this amended Council Regulation as to bring it into line with the changes that were made by Council Decision 2011/239/CFSP:

“Therefore Article 11 of the Regulation has been split into two separate Articles which combined, give effect to the amendments agreed in April. Article 18 has also been amended to include the necessary provisions on legal safeguards that came with the Lisbon treaty.”

17.32 These changes to the Regulation, the Minister says, should have been made shortly after Council Decision 2011/239/CFSP was adopted; however, the European Commission inadvertently failed to draft a proposal until now.

17.33 Looking ahead, the Minister says that the document will be adopted once parliamentary scrutiny obligations have been met.

17.34 On 12 October 2011, the spokesperson of Catherine Ashton, High Representative of the Union for Foreign Affairs and Security Policy and Vice President of the Commission, issued the following statement: “We welcome the decision of the President of Myanmar (Burma) to grant an amnesty to a significant number of prisoners. We are pleased to learn that a number of political prisoners are included in this amnesty and have been set free. Their release is a sign that the new Government is committed to honouring the promise of the President to respect the rule of law and to safeguard fundamental freedoms. It is one among a number of steps the authorities have taken recently that help to make promises of reform more credible. But, we need to see the full picture first. The EU continues to advocate the unconditional release of all political prisoners and encourages the Government of Myanmar to continue this process of positive change. In this context, the EU reconfirms the essential importance of a genuine process of dialogue and national reconciliation for a transition to democracy.”

## Conclusion

17.35 Although these technical changes raise no questions, we are reporting them to the House because of its continuing interest in developments in Burma/Myanmar, particularly at this juncture.

17.36 We now clear the document.

82 See headnote. Back

83 See [http://www.timesonline.co.uk/tol/business/industry\\_sectors/natural\\_resources/article6809986.ece](http://www.timesonline.co.uk/tol/business/industry_sectors/natural_resources/article6809986.ece) for further information. Also see headnote: (30854) -: HC 19-xxvi (2008-09), chapter 17 (10 September 2009). Back

84 See headnote: (31494) -: HC 428-i (2010-12), chapter 53 (8 September 2010). Back

85 See headnote: (32668) -: HC 428-xxiv (2010-12), chapter 14 (27 April 2011). Back

## HOUSE OF LORDS

**13 Oct 2011 Question asked By Baroness Cox To ask Her Majesty’s Government:** What representations they have made to the Government of Burma regarding their protection of the human rights of ethnic Burmese people.

**The Minister of State, Foreign and Commonwealth Office (Lord Howell of Guildford):** My Lords, our ambassador in Rangoon regularly raises our human rights concerns about Burma’s ethnic people, most recently on 19 and 20 September, with the Ministers responsible for border affairs, agriculture and irrigation, home affairs, and labour and social welfare, and with the president’s office. He urged the Government to start a genuine dialogue towards national reconciliation and to address accountability for past and current human rights abuses. Foreign and Commonwealth Office officials made the same points to the Burmese ambassador in July.

**Baroness Cox:** I am most grateful to the noble Lord for his reply. Does he agree that some recent

developments deserve a cautious welcome, such as more meaningful dialogue between Aung San Suu Kyi and the Burmese Government; the announcement of the release of more than 6,000 prisoners, some of whom may be political prisoners; and the decision to suspend the construction of the Myitsone dam in Kachin state? However, does he also agree that serious concerns remain over military offensives against the Kachin and Shan peoples, many tens of thousands of whom have fled for their lives and are now hiding in conditions of terrible deprivation in the jungle? Will Her Majesty's Government raise with the Burmese Government concerns over these military offensives and can the Minister say what help can be given to those who have been forcibly displaced?

**Lord Howell of Guildford:** I agree that there have been recent developments that we should welcome. We are encouraged by the steps taken by the Burmese Government, including dialogue with Aung San Suu Kyi and the creating of greater space for political debate. We also welcome news of the release of 206 prisoners so far—that is the number we have a record of—and we look forward to seeing news of further releases and progress on other important issues.

As to the other concerns that the noble Baroness rightly raised, we agree that there are grounds for very serious worry over conflict in the ethnic regions, including in Shan, Kachin and Karen states. We will continue to raise these issues with the Burmese Government and press for an immediate end to hostilities and for the start of a genuine process to build long-term peace. The Department for International Development has agreed funding that will reach displaced Kachin people. UK aid is reaching people in all ethnic states, including Shan and Kachin. Most is delivered through nationwide programmes for health, education, rural livelihood and civil society. DfID also provides cross-border aid where that is the only way to reach vulnerable people, including £1.5 million a year for Burmese refugees in Thailand. As for forcibly displaced people, we are getting strong wording into the upcoming UN resolution on that matter.

**Lord Avebury:** Does my noble friend think that the Burmese army's military offensive against the Kachin armed opposition was because of their obstruction of the Myitsone dam project? Since the indefinite suspension of that project was announced last month, does he think that there is scope for the UN to respond to the appeal by the Kachin independence organisation for help in stopping the conflict and achieving national reconciliation?

**Lord Howell of Guildford:** Yes, I do think that there is scope. We are striving at this moment. As my noble friend knows, there is an upcoming annual resolution by the third committee which will survey the whole human rights scene in Burma. We are putting forward very strong texts to be included in that resolution to meet precisely the points that my noble friend has mentioned. As for the decision to suspend the Myitsone dam project, it is important that the Burmese Government listen to the needs and interests of their people in deciding the future of this project. We note that Aung San Suu Kyi supported the president's decision to suspend the construction during her meeting with the Burmese minister of labour on 30 September. We welcome this further stage of dialogue and urge the Burmese Government to ensure that it continues.

**The Lord Bishop of Chichester:** My Lords, I, too, thank the noble Lord, Lord Howell, for his Answer to the original Question. Of course we take comfort from the fact that there have been some releases, some of them of political prisoners, but presumably the Government are aware that there have been many occasions previously when the Burmese Government have made token releases of prisoners. Can the Minister give some assurance about the confidence that can be derived from this being a rather more successful long-term process?

**Lord Howell of Guildford:** The right reverend Prelate is absolutely right. Of course this is in a sense just a beginning, an opening. There have been abuses, and a long history of political imprisonment which is totally unacceptable. We are again trying to put all these points into the strong text in the UN third committee resolution and we shall press them very hard indeed.

**Lord Faulkner of Worcester:** Does the Minister agree that the progress that Aung San Suu Kyi has made with the Government in Burma represents a great deal more than window dressing and that she should be given every encouragement to continue the dialogue that she is now engaged in? Does he also agree that the reregistration of the NLD is an essential step if Burma is going to move towards any form of democracy?

**Lord Howell of Guildford:** Yes, I agree with both those things. We strongly support and welcome the Aung San Suu Kyi dialogue and believe that it should be encouraged and supported at every stage.

**Lord Alton of Liverpool:** Does the Minister agree that, notwithstanding these tentative and welcome steps, there are still 2,000 political prisoners in Burma, some who have been sentenced to 65 years in prison? Given that some 40 per cent of Burma is comprised of ethnic minorities, has he had a chance to consider the impact of the talks with Aung San Suu Kyi and the regime on those minorities, not least because of the recent reports from the Shan state by Amnesty International that troops are using innocent civilians as human shields and minesweepers and are using systematic rape, including the rape of a 14 year-old girl?

**Lord Howell of Guildford:** These are deeply worrying developments, and although we welcome the release of these initial prisoners, there remains a great deal to be done. The noble Lord's comments indicate what challenges there are and where we have to seek major changes and major improvements. We are currently working to secure the toughest possible resolution at the UN General Assembly which we hope will repeat calls for Burma to release all political prisoners and to start working towards national reconciliation in a nation that is obviously deeply divided and riven by ethnic problems of all kinds. As the noble Lord knows, a famous book by Martin Smith on Burma's ethnic problems reminded us of that long ago. There are many problems ahead.

**Baroness Kinnock of Holyhead:** Does the Minister agree that the very limited prisoner release announced by the regime in Burma yesterday is merely cosmetic? Is it not clear that the Government are in fact a legalised dictatorship and that they are undertaking action in an effort to get sanctions lifted, not to advance democracy in Burma? Will the Minister give an assurance that the UK will strongly oppose any relaxation of European Union sanctions, especially when there is clear evidence that, as the Minister said, the regime has increased the use of torture, rape and other unspeakable abuses against ethnic nationalities in Burma?

**Lord Howell of Guildford:** I can give an assurance that we will not review or dilute the sanctions yet, and indeed it is the view of Aung San Suu Kyi and others that we should not do so. The noble Baroness is absolutely right about that. I would take a slightly different tone from that which the noble Baroness uses in her comments. It is, of course, only the beginning. There is a horrific past, and horrific atrocities, to be accounted for, and people held to account for them. There are many problems ahead. However, this is a step that Aung San Suu Kyi herself recognises could lead to a more constructive dialogue with the Burmese Government. We should not do anything to discourage it at this stage, while keeping an eye open that there are many more difficult problems ahead.

## **EARLY DAY MOTIONS**

### **EDM 112 HUMAN RIGHTS IN BURMA**

That this House sends its best wishes to Daw Aung San Suu Kyi, who will spend her 65th birthday in detention on 19 June 2010; calls for the immediate release of Daw Aung San Suu Kyi and all political prisoners in Burma; rejects the elections planned by Burma's generals later this year which, due to election laws and ongoing repression in Burma, cannot be free and fair; condemns Burma's new constitution which is designed to maintain dictatorship in civilian guise and does not grant rights or protection to Burma's ethnic minorities; notes that all diplomatic efforts to reform the dictatorship's sham roadmap to democracy have failed; recalls that the United Nations Security Council, General Assembly, Secretary General and Human Rights Council have all stated that the solution to the problems in Burma lies in dialogue between the dictatorship, Aung San Suu Kyi's National League for Democracy, and ethnic representatives; and calls on the Government to support a United Nations-led effort to pressure the dictatorship to enter into such dialogue.

**Total number of signatures: 147**

### **EDM 787 AUNG SAN SUU KYI AND ELECTIONS IN BURMA**

That this House acknowledges reports that Burmese political prisoner Aung San Suu Kyi may be released on the completion of her current term of arrest on 13 November 2010; is concerned that, as this date falls six days after scheduled elections in Burma on 7 November, Ms Suu Kyi may not be permitted to utilise her

vote; is further concerned that her National League for Democracy party will play no part in the election, having boycotted it on the grounds of Ms Suu Kyi's and others' continued political imprisonment, her exclusion from political office and party membership and the Burmese junta's new election laws, which ban groups including civil servants and Buddhist monks from joining a political party; firmly believes that Aung San Suu Kyi should be released unconditionally as a matter of urgency; and calls on the Government to condemn strongly the Burmese junta's recent election laws as obstacles to the free and fair conduct on democracy.

**Total number of signatures: 41**

### **EDM 788 BBC WORLD SERVICE AND HUMAN RIGHTS**

That this House considers the BBC World Service to be not only a world-class broadcasting network, but also a lifeline for political prisoners and other suppressed persons; strongly believes that any move to cut this service, for example in Burma, will remove vital access to current and impartial information from those such as Aung San Suu Kyi who have no alternative source of unbiased news; further believes that such cancellation would constitute a failure of the Government to promote or support human rights on the international stage; and urges the Government to strongly oppose any reduction in this important service.

**Total number of signatures: 57**

### **EDM 989 ELECTIONS IN BURMA AND ADVANCE VOTING**

That this House notes with concern reports of widespread manipulation of advance votes during the recent Burmese elections, boycotted by the National League for Democracy; believes that this is yet another blow to the prospects for democracy in Burma; dismisses this election as no more than a sham to reinforce the ruling regime's power; and urges the Government to make further representations for the immediate and unconditional release of Aung San Suu Kyi and more than 2,200 other prisoners of conscience currently detained in Burma.

**Total number of signatures: 26**

### **EDM 1014 RELEASE OF AUNG SAN SUU KYI**

That this House welcomes the unconditional release of Daw Aung San Suu Kyi from her house arrest in Rangoon on 13 November 2010; supports her calls for a peaceful revolution and for dialogue with the ruling regime in order to work towards change in Burma; urges continued international attention to the political system in Burma; and further supports Daw Aung San Suu Kyi's belief that nothing can be achieved without the participation of the people.

**Total number of signatures: 47**

### **EDM 1649 BURMA AND THE EU**

That this House notes that despite holding an election in November 2010, Burma has failed to meet the requests of the EU Common Position, last renewed on 26 April 2010, which called on Burma to take steps to bring about a peaceful transition to a democratic, civilian and inclusive system of government, to release political prisoners, to provide for free and fair elections, to engage with the international community and to respect international human rights and humanitarian law; further notes with concern that these requests have not been met; further notes that the November 2010 elections were widely dismissed as neither free nor fair, and that although Daw Aung San Suu Kyi has been released more than 2,000 political prisoners remain in detention; and calls on the Government to make representations in support of a UN Commission of Inquiry into war crimes and crimes against humanity in Burma, ahead of the EU Council Position renewal in April 2011.

**Total number of signatures: 37**

### **EDM 1659 BURMA EARTHQUAKE**

That this House notes with grave concern reports of an earthquake of magnitude 6.8 in north east Burma near to the Thai border; sends its sincere condolences to those affected by the fatalities, casualties and destruction of homes and infrastructure; acknowledges the logistical and political challenges of providing assistance in this situation; and calls on the Government to take all possible steps to offer emergency aid

and assistance to the people of Burma.

**Total number of signatures: 29**

### **EDM 1739 AUNG SAN SUU KYI AND THE BRIGHTON FESTIVAL**

That this House welcomes Daw Aung San Suu Kyi as guest director of the 2011 Brighton Festival; notes that although Daw Aung San Suu Kyi will not attend the festival she plays a significant role in inspiring the programme through her plea to 'use your liberty to promote ours'; congratulates the Festival organisers for their choice of guest director and planning of a wide-ranging and vibrant programme; looks forward to a dynamic celebration of arts, culture and freedom over the three weeks of the Festival; and urges the Government to maintain pressure on the Burmese regime to free the more than 2,000 political prisoners still in detention and to move towards free and fair democracy in Burma.

**Total number of signatures: 13**

### **EDM 1966 BIRTHDAY OF DAW AUNG SAN SUU KYI AND HUMAN RIGHTS IN BURMA**

That this House recognises Daw Aung San Suu Kyi's 66th birthday and Burma Women's Day, celebrated on 19 June 2011; welcomes Daw Aung San Suu Kyi's Reith lectures on the theme of securing freedom, to be broadcast on 28 June and 5 July 2011 on BBC Radio 4; is concerned that despite the release of Daw Aung San Suu Kyi from house arrest on 13 November 2010 the human rights situation in Burma has not improved; notes that more than 2,000 political prisoners remain in detention; is gravely concerned by the Burma Campaign UK reports that the breaking of the ceasefire between the Burmese regime and the Shan State Army has resulted in violence including against civilians in the area; and urges the Government to call for a nationwide ceasefire, to support humanitarian efforts to provide assistance in these areas and to call for the release of political prisoners in Burma.

**Total number of signatures: 41**

### **EDM 2101 AUNG SAN SUU KYI AND THE MARTYR'S DAY MARCH**

That this House notes that the winner of the Burmese general election and pro-democracy and opposition leader Aung San Suu Kyi has been invited to march in the city of Yangon on Martyr's Day, 19 July, to mark the tragic assassination of her father, General Aung San, and eight other independence leaders in 1947; seeks the reassurances of the Burmese government that it will protect the security of both Aung San Suu Kyi and those supporters who are expected to join her; further notes with concern that, despite the release of Aung San Suu Kyi in 2010, the reported human rights situation in Burma has not improved; calls on the Burmese authorities to permit free speech and peaceful protest; and further calls on the Government to make representations to the Burmese government to ensure these protestors are not exposed to danger.

**Total number of signatures: 32**

**Published by Burma Campaign UK, 28 Charles Square, London N1 6HT  
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**for Human Rights, Democracy  
& Development in Burma**