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NOTE

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At its meeting on 23 April 2012, the Council adopted Council Conclusions set out in the Annex to this note.

COUNCIL CONCLUSIONS

on

Burma/Myanmar

1. The European Union has followed with respect and appreciation the historic changes in Myanmar/Burma over the past year and encourages the wide-ranging reforms to continue under President U Thein Sein, the Government and the Parliament, in a developing partnership with political and civil society actors, including Daw Aung San Suu Kyi. These reforms will need time to implement and to bear fruit. The foundation for development is legitimate government, the rule of law and national reconciliation. The EU praises the peaceful nature of the process and the readiness of the parties to work towards the same goals, with a shared vision for political, social and economic reforms.

2. It also welcomes the concrete steps taken towards these ends:
 - the overall transparent and credible conduct of the by-elections on 1 April, resulting in the election of Daw Aung San Suu Kyi and members of the National League for Democracy party, which will support steps towards national reconciliation;
 - the progress on changes in law and practice to enable freedom of assembly and of association and to eliminate the use of forced labour;
 - the release of a substantial number of political prisoners and the Government's willingness to work on open cases;
 - the Government's efforts to conclude cease-fire arrangements with armed groups in the ethnic regions, in particular with Karen National Union, and its readiness to look towards wider and more durable political settlements.

3. These and other unprecedented developments allow the EU to open a new chapter in its relations with Myanmar/Burma. The Council therefore welcomes the upcoming official visit of the High Representative to the country, marking a new beginning in bilateral relations, as highlighted by the opening of an EU Office in Yangon.

As a means to welcome and encourage the reform process, the Council will suspend restrictive measures imposed on the Government, with the exception of the arms embargo, which it will retain. The Council will monitor closely the situation on the ground, keep its measures under constant review and respond positively to progress on ongoing reforms.

4. In this regard, 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.
5. The EU wants now to enter into an active collaboration with Myanmar/Burma as a whole, with a view to assisting the reform process and contributing to economic, political and social development.
6. On the basis of the discussion the EU Development Ministers will have in May, the EU will continue to engage in a dialogue and cooperation with the authorities and other stakeholders, including in the following areas:

- the EU looks forward to collaborating with the central and local authorities and others concerned to support the process of bringing peace and stability to ethnic regions and to open a long-term perspective for their development, as part of national reconciliation;
- the EU and its Member States have announced significant new funding for economic and social development, democratic transformation and the strengthening of civil society and the public administration's capacity at central and regional level, in order to help improve governance and to establish an effective administration in a democratic and inclusive state;
- the EU stands ready to assist all actors in their endeavour to strengthen the rule of law and the respect for human rights. In this regard, the EU looks forward to working with the legislature and the national Human Rights Commission. The EU will also work with the authorities, including the Election Commission, in reviewing the electoral system with a view to the general elections in 2015.

In all these areas, donor coordination will be important and the EU looks to the Myanmar/Burma authorities to show leadership in this, fostering a wide-ranging consultation with all stakeholders, including political parties, regional authorities and civil society, applying principles such as participation, inclusion, transparency and accountability. This will be discussed at the next Foreign Affairs Council/Development.

7. The EU recognises the vital contribution the private sector has to make to the development of Myanmar/Burma and would welcome European companies exploring trade and investment opportunities. This should be done by promoting the practice of the highest standards of integrity and corporate social responsibility. These are laid out in the OECD Guidelines for Multinational Enterprises, UN guiding principles on business and human rights and the EU's own CSR strategy 2011-2014. The EU will work with the authorities, the private sector and the people of Myanmar/Burma to create the best possible regulatory environment.

8. The Council supports reinstating the Generalized System of Preferences (GSP) for Myanmar/Burma as soon as possible once the required conditions are fulfilled, following the assessment of the International Labour Organisation.

9. The EU also welcomes the willingness of the Government to address environmental risks, in particular those related to deforestation and the loss of biodiversity. It therefore encourages the Government to begin a dialogue with the EU on ways to ensure the sustainable management of Myanmar/Burma's forests and harvesting of timber in compliance with national legislation, consistent with fighting poverty and securing livelihoods. It will work with the authorities to promote transparency and accountability in extractive industries as well as in environmental protection, in particular through Forest Law Enforcement, Governance and Trade (FLEGT) .

10. The EU now looks forward to a future in which it will be able to collaborate constructively with the Government and the people of Myanmar/Burma to foster unity and build prosperity.
