

(Acts adopted pursuant to Title V of the Treaty on European Union)

**COUNCIL COMMON POSITION 2003/297/CFSP
of 28 April 2003
on Burma/Myanmar**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Whereas:

- (1) On 28 October 1996, the Council adopted Common Position 96/635/CFSP on Burma/Myanmar⁽¹⁾, which expires on 29 April 2003.
- (2) In view of the further deterioration in the political situation in Burma/Myanmar, as witnessed by the failure of the military authorities to enter into substantive discussions with the democratic movement concerning a process leading to national reconciliation, respect for human rights and democracy and the continuing serious violations of human rights, including the failure to take action to eradicate the use of forced labour in accordance with the recommendations of the International Labour Organisation's High-Level Team report of 2001, the Council has deemed it necessary to further expand and strengthen the measures taken under Common Position 96/635/CFSP against the military regime in Burma/Myanmar, those who benefit most from its misrule and those who actively frustrate the process of national reconciliation, respect for human rights and democracy.
- (3) Accordingly the scope of the visa ban and assets freeze should be extended to include further 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 who formulate, implement or benefit from policies that impede Burma/Myanmar's transition to democracy and their families and associates.
- (4) The Council also deems it necessary to modify the arms embargo to prohibit technical training or assistance.
- (5) The Council has decided to suspend the extension of the visa ban and assets freeze, along with the prohibition of technical training or assistance under the arms embargo, up to 29 October 2003 at the latest. Those measures

will not be imposed if by that time there is substantive progress towards national reconciliation, the restoration of a democratic order and greater respect for human rights in Burma/Myanmar.

- (6) Exemptions should be introduced in the arms embargo in order to allow the export of certain military rated equipment for humanitarian use.
- (7) The implementation of the visa ban should be without prejudice to cases where a Member State is bound by an obligation of international law, or is host country of the Organisation for Security and Cooperation in Europe (OSCE), or where the Minister and Vice-Minister for Foreign Affairs for Burma/Myanmar visit with prior notification and agreement of the Council.
- (8) The implementation of the ban on high level visits at the level of Political Director and above should be without prejudice to the Troika visit scheduled to take place before 29 October 2003 provided certain conditions are met, and to cases where the European Union decides that the visit is directly in pursuit of national reconciliation, respect for human rights and democracy in Burma/Myanmar.
- (9) Action by the Community is needed in order to implement certain measures.
- (10) In the light of the above developments, Common Position 96/635/CFSP should be repealed and replaced,

HAS ADOPTED THIS COMMON POSITION:

Article 1

All military personnel attached to the diplomatic representations of Burma/Myanmar in Member States shall be expelled and all military personnel attached to diplomatic representations of the Member States in Burma/Myanmar shall be withdrawn.

⁽¹⁾ OJ L 287, 8.11.1996, p. 1. Common Position as last amended by Common Position 2002/831/CFSP (OJ L 285, 23.10.2002, p. 7).

Article 2

1. An embargo on arms, munitions and military equipment shall be enforced against Myanmar ⁽¹⁾.
2. The provision to Burma/Myanmar of technical training or assistance related to the provision, manufacture, maintenance or use of the items mentioned in paragraph 1 by nationals of Member States or from the territories of the Member States, shall be prohibited.
3. Paragraphs 1 and 2 shall not apply to supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training, nor shall they apply to protective clothing, including flak jackets and military helmets, temporarily exported to Burma/Myanmar by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel for their personal use only.

Article 3

Non humanitarian aid or development programmes shall be suspended. Exceptions may be made for projects and programmes which should be, as far as possible, defined in consultation with democratic groups, including the National League for Democracy, and run with their involvement:

- in support of human rights and democracy,
- in support of poverty alleviation and, in particular, of the provision of basic needs for the poorest section of the population, in the context of decentralised cooperation through local civilian authorities and non-governmental organisations,
- in support of health and basic education through non-governmental organisations.

Article 4

1. Member States shall take the necessary measures to prevent the entry into, or transit through, the territories of senior members of the State Peace and Development Council (SPDC), Burmese authorities in the tourism sector, senior members of the military, the Government or the security forces who formulate, implement or benefit from policies that impede Burma/Myanmar's transition to democracy, and their families.
2. The persons to which paragraph 1 applies are those listed in the Annex.
3. Paragraph 1 will not oblige a Member State to refuse its own nationals entry to its territory.
4. Paragraph 1 shall be without prejudice to the cases where a Member State is bound by an obligation of international law, namely:
 - (a) as a host country of an international intergovernmental organisation;

⁽¹⁾ The aforementioned embargo covers weapons designed to kill and their ammunition, weapon platforms, non-weapon platforms and ancillary equipment. The embargo also covers spare parts, repairs, maintenance and transfer of military technology. Contracts entered into prior to 8 November 1996 are not affected by this Common Position.

- (b) as a host country to an international conference convened by, or under the auspices of, the United Nations; or
- (c) under a multilateral agreement conferring privileges and immunities.

The Council shall be duly informed in each of these cases.

5. Paragraph 4 shall be considered as applying also in cases where a Member State is host of the OSCE.

6. Member States may grant exemptions from the measures imposed in paragraph 1 where travel is justified on the grounds of urgent humanitarian need, or on grounds of attending inter-governmental meetings, including those promoted by the European Union, where a political dialogue is conducted that directly promotes democracy, human rights and the rule of law in Burma/Myanmar.

7. A Member State wishing to grant exemptions from measures imposed under paragraph 6 shall notify the Council in writing. The exemption will be deemed to be granted unless one or more of the Council Members raises an objection in writing within 48 hours of receiving notification of the proposed exemption. In the event that one or more of the Council members raises an objection, the Council, acting by qualified majority, may decide to grant the proposed exemption.

8. In cases where, pursuant to paragraphs 4, 5, 6 and 7, a Member State authorises the entry into, or transit through, its territory of persons listed in the Annex, the authorisation shall be limited to the purpose for which it is given and to the persons concerned thereby.

Article 5

Funds held abroad by persons referred to in Article 4(1), as identified in the Annex, will be frozen.

Article 6

No equipment which might be used for internal repression or terrorism will be supplied to Burma/Myanmar.

Article 7

Without prejudice to the Troika visit, scheduled to take place provided certain conditions are met, high-level bilateral governmental (Ministers and Officials at the level of Political Director and above) visits to Burma/Myanmar shall be suspended. The Council may, in exceptional circumstances, decide to grant exceptions to this rule.

Article 8

The Council, acting upon a proposal by a Member State or the Commission, shall adopt modifications to the list contained in the Annex as required.

Article 9

Unless the Council decides otherwise:

- (a) sanctions set out in this Common Position shall, no later than 29 October 2003, be extended to include further 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 who formulate, implement or benefit from policies that impede Burma/Myanmar's transition to democracy, and their families and associates.
- (b) the provisions of Article 2(2) shall remain suspended until 29 October 2003.

Article 10

1. The implementation of this Common Position will be monitored by the Council and will be reviewed in the light of developments in Burma/Myanmar. Further measures may need to be considered.

2. In the case of a substantial improvement of the overall political situation in Burma/Myanmar, not only the suspension of the aforementioned measures, but also the gradual resumption of cooperation with Burma/Myanmar will be considered, after assessment of developments by the Council.

Article 11

Common Position 96/635/CFSP is hereby repealed and shall be replaced by this Common Position. Existing references to Common Position 96/635/CFSP shall be read as references to this Common Position.

Article 12

This Common Position shall take effect on the date of its adoption. It shall expire on 29 April 2004.

Article 13

This Common Position shall be published in the *Official Journal of the European Union*.

Done at Brussels, 28 April 2003.

For the Council
The President
G. PAPANDEOU

ANNEX

List of persons referred to in Article 41. *State Peace and Development Council (SPDC):*

Senior Gen Than Shwe	Chairman, also Prime Minister and Minister of Defence (2.2.1933, Kyaukse)
Vice Senior Gen Maung Aye	Vice-Chairman (25.12.1937, Kon Balu)
Gen Khin Nyunt	Secretary One and Political Advisor (11.10.1939, Kyauktan)
Lt-Gen Thura Shwe Mann	Chief of Staff and Co-ordinator of Special Operations
Lt-Gen Ye Myint	Special Operations 1
Lt-Gen Aung Htwe	Special Operations 2
Lt-Gen Khin Maung Than	Special Operations 3
Lt-Gen Maung Bo	Special Operations 4
Lt-Gen Soe Win	Chief of Air Defence
Lt-Gen Kyaw Win	Chief of Armed Forces Training
Lt-Gen Thein Sein	Adjutant General
Lt-Gen (Thiha Thura) Tin Aung Myint Oo	Quartermaster General
Lt-Gen Tin Aye	Chief of Military Procurement and Head of UMEH

2. *Former members of SLORC:*

Lt-Gen Phone Myint (5.1.1931)
Lt-Gen Aung Ye Kyaw (12.12.1930)
Lt-Gen Sein Aung (11.11.1931)
Lt-Gen Chit Swe (18.1.1932)
Lt-Gen Mya Thin (31.12.1931)
Lt-Gen Kyaw Ba (7.6.1932)
Lt-Gen Tun Kyi (1.5.1938)
Lt-Gen Myo Nyunt (30.9.1930)
Lt-Gen Maung Thint (25.8.1932)
Lt-Gen Aye Thoung (13.3.1930)
Lt-Gen Kyaw Min (22.6.1932, Hanzada)
Lt-Gen Maung Hla
Maj-Gen Soe Myint
Lt-Gen Myint Aung

3. *Former members of SPDC:*

Commodore Nyunt Thein	Former C-in-C Navy
Maj-Gen Kyaw Than	Former C-in-C Air Force (14.6.1941, Bago)

4. *Regional commanders:*

Maj-Gen Myint Swe	Yangon Command
Brig-Gen Ye Myint	Central Command
Brig-Gen Maung Oo	Western Command
Brig-Gen Maung Maung Swe	Northern Command
Brig-Gen Khin Maung Myint	Eastern Command
Brig-Gen Khin Zaw	Triangle Command
Brig-Gen Thar Aye	Coastal Command
Brig-Gen Htay Oo	South Western Command
Brig-Gen Thura Myint Aung	South Eastern Command

Brig-Gen Myint Hlaing	North Eastern Command
Brig-Gen Soe Naing	North Western Command
Brig-Gen Aung Min	Southern Command

5. *Deputy regional commanders:*

Brig-Gen Nay Win	Central Command
Brig-Gen Tin Latt	Coastal Command
Col Myint Aung	Eastern Command
Brig-Gen San Thein	North Eastern Command
Brig-Gen San Tun	Northern Command
Brig-Gen Soe Myint	North Western Command, formerly Deputy Regional Commander of Northern Command
Brig-Gen Myo Hla	South Eastern Command
Brig-Gen Tint Swe	South Western Command
Brig-Gen Aung Thein	Western Command
Brig-Gen Thura Maung Ni	Southern Command
Brig-Gen Hsan Hsint	Rangoon Command
Col Myint Aung	Triangle Command

6. *Other State/divisional commanders:*

Col Thein Kyaing	Magwe Division
Col Aung Thwin	Chin State
Col Saw Khin Soe	Karen State
Col Kyaw Win	Kayah State

7. *Ministers:*

Maj-Gen Nyunt Tin	Minister for Agriculture and Irrigation
U Aung Thaug	Minister for Industry I
Maj-Gen Saw Lwin	Minister for Industry II (1939)
Maj-Gen Hla Myint Swe	Minister for Transport
U Win Aung	Minister for Foreign Affairs (28.2.1944, Dawei)
U Soe Tha	Minister of National Planning and Economic Development
Lt-Gen Tin Ngwe	Minister for Cooperatives
U Than Shwe	Minister in the Prime Minister's Office
U Tin Win	Minister of Labour and former Ambassador to the United States of America
U Pan Aung	Minister of Rail Transportation
Brig-Gen Lun Thi	Minister of Energy
U Than Aung	Minister for Education
Maj-Gen Ket Sein	Minister of Health
Brig-Gen Pyi Sone	Minister of Commerce
Maj-Gen Thein Zaw	Minister of Hotels and Tourism and also Minister of Telecommunications, Posts and Telegraphs
U Khin Maung Thein	Minister of Finance and Revenue (11.11.1934, Mandalay)
U Aung Khin	Minister of Religious Affairs
Maj-Gen Saw Tun	Minister of Construction
U Thaug	Minister of Science and Technology

Maj-Gen Kyi Aung	Minister of Culture
Maj-Gen Sein Htwa	Minister of Immigration and Manpower and also Minister of Social Welfare, Relief and Resettlement
Brig-Gen Kyaw Hsan	Minister of Information, formerly Deputy Minister of Commerce
Col Thein Nyunt	Minister for Progress of Border Areas, National Races and Development Affairs
Maj-Gen Tin Htut	Minister of Electric Power
Brig-Gen Thura Aye Myint	Minister of Sports
U Aung Phone	Minister of Forestry
Col Tin Hlaing	Minister of Home Affairs
Brig-Gen Ohn Myint	Minister of Mines
Brig-Gen Maung Maung Thein	Ministry of Livestock and Fisheries
Lt-Gen Min Thein	Minister at the Office of the Chairman of the SPDC
Brig-Gen David Abel	Minister at the Office of Chairman of SPDC — 28.2.1935, Maymyo

8. *Other tourism-related appointments:*

Brig-Gen Aye Myint Kyu	Deputy Minister of Hotels and Tourism
U Aung Myint	Head of Office of Minister of Hotels and Tourism
Lt-Col Khin Maung Latt	Director-General, Ministry of Hotels and Tourism
U Myo Lwin	Deputy Director-General, Ministry of Hotels and Tourism

9. *Other senior Ministry of Defence officers:*

Vice Adminal Kyi Min	C-in-C Navy. Wife Daw Aye Aye
Brig-Gen Myat Hein	C-in-C Air Force
Col Khin Aung Myint	Director of Public Relations and Psychological Warfare
Brig-Gen Win Hlaing	Managing Director, Directorate of Defence Procurement
Col Thein Tun	Director of Signals
Col Hla Tun	Director of Ordnance Services
Col Than Htay	Director of Supply and Transport
Brig-Gen Maung Nyo	Vice Adjutant General
Brig-Gen Kyaw Win	Vice Quartermaster General
Maj-Gen Tin Ngwe	Military Appointment General
Col Khin Maung Sann	Military Appointment Colonel
Maj-Gen Thein Soe	Judge Advocate General
Brig-Gen Saw Hla	Provost Marshal
Rear Admiral Soe Thane	Chief of Staff (Navy)
Col Myint Swe	Chief of Staff (Air)
Lt-Col Zin Aye	Colonel, General Air Staff
Capt Kyaw Naing Myint	Directorate of Defence Procurement, Ministry of Defence
Brig-Gen Khi Yi	Director-General of Myanmar (Burma) Police force (formerly commander of MOMC 21 based at Mong Mit)

10. *Members of the office of the chief of military intelligence (OCMI):*

Maj-Gen Kyaw Win	
Brig-Gen Myint Zaw	Division Head
Brig-Gen Hla Aung	
Brig-Gen Kyaw Han	Division Head

Col San Pwint	
Major Shwe Moe	
Lt- Col Khin Maung Thein	11.11.1934, Mandalay
Brig-Gen Thein Swe	
Brig-Gen Kyaw Thein	Division Head
Brig-Gen Si Thu	
Lt-Col Than Aye	
Col Than Tun	Division Head
Lt-Col Maung Htay	
Lt-Col Hla Min	
Commander Ngwe Tun	Chief Foreign Liaison, OCMI
Maj Myo Khine	Deputy Chief Foreign Liaison, OCMI
Capt Ko Ko Oo	Foreign Liaison Officer, OCMI
Lieut Htin Aung Kyaw	Foreign Liaison Officer, OCMI
Capt Soe Than	Foreign Liaison Officer, OCMI
11. <i>Former members of government:</i>	
Lt-Gen Thein Win	Former Minister of Transportation (1937)
Brig-Gen Myo Thant	Former Minister in the Prime Minister's Office
U Kyin Maung Yin	Former Minister in the Deputy Prime Minister's Office (9.4.1931)
U Ohn Gyaw	Former Minister for Foreign Affairs (3.3.1932)
Maj-Gen Kyaw Than	Former Minister of Commerce
Brig-Gen Sein Win	Former Minister of Sports
Col Thein Lwin	Former Area Regional Commander
Col Aye Myint Kyu	Former Deputy Regional Commander
Brig-Gen Pyay Sone	Former Regional Commander
12. <i>Former members of government added from 2000:</i>	
Vice Admiral Maung Maung Khin	Deputy Prime Minister (23.11.1929)
Lt-Gen Tin Tun	Deputy Prime Minister (28.3.1930)
Lt. Gen. Win Myint	Formerly Secretary Three of SPDC
Lt-Gen Tin Hla	Former Deputy Prime Minister and Minister for Military Affairs and Quarter Master General
U Aung San	Former Minister for Cooperatives
Vice Admiral Tin Aye	Former Minister of Labour
Maj-Gen Saw Lwin	Former Minister of Hotels and Tourism (1939)
Brig-Gen Win Tin	Former Minister of Telecommunications, Posts and Telegraphs
U Win Sein	Former Minister of Culture (10.10.1940, Kyaukkyi)
Maj-Gen Lun Maung	Former Minister in the Prime Minister's Office
Brig-Gen Kyaw Saw	Former Minister of Information
Brig-Gen Maung Maung	Former Deputy Regional Commander Southern Command, and former Minister at the Office of the Chairman of the SPDC
Then Saw	Minister of Hotels and Tourism (1939)
Brig Gen Chit Than	Former Regional Commander, Triangle Command
Brig Gen Aye Kyaw	Former Regional Commander, Coastal Command