

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

COMMON POSITION

of 28 October 1996

defined by the Council on the basis of Article J.2 of the Treaty on European Union, on
Burma/Myanmar

(96/635/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article J.2 thereof,

HAS DEFINED THE FOLLOWING COMMON POSITION:

1. The European Union, considering the recent discussions with Burma/Myanmar at meetings in Jakarta and New York, is disappointed at the unwillingness of the State Law and Order Restoration Council (Slorc) to enter into a meaningful dialogue with it. The European Union reaffirms its determination to resume such dialogue at any time.

2. The European Union is concerned at the absence of progress towards democratisation and at the continuing violation of human rights in Burma/Myanmar. It deplores, in particular, the practice of torture, summary and arbitrary executions, forced labour, abuse of women, political arrests, forced displacement of the population and restrictions on the fundamental rights of freedom of speech, movement and assembly. It condemns the detentions in May and September 1996 of members and supporters of the National League for Democracy (NLD). It calls for the immediate and unconditional release of all detained political prisoners. The NLD and other legitimate political parties, including those from ethnic minorities, should be allowed to pursue freely their normal activities. It calls on the Slorc to enter into meaningful dialogue with pro-democracy groups with a view to bringing about national reconciliation.

3. The European Union recalls its great concern at the failure of the Slorc to respect the results of the May 1990 elections and the subsequent maintenance of the military rule. It notes that the military regime has yet to demonstrate convincingly its intention to establish civilian democratic rule, within a credible time-frame. In addition, the European Union notes the failure of the Slorc to demonstrate any willingness to respond to the

concerns of the United Nations General Assembly and the European Union.

4. The European Union recalls that it has already requested the Special Working Group on arbitrary detention and imprisonment to visit Burma/Myanmar, the UN High Commissioner for human rights to take action against Burma/Myanmar, and the Special Rapporteur on Burma/Myanmar to investigate the circumstances leading up to, and surrounding, the death of Mr James Leander Nichols.

5. With a view to promoting progress towards democratisation and securing the immediate and unconditional release of detained political prisoners, the European Union:

(a) reaffirms the following measures already adopted:

- (i) expulsion of all military personnel attached to the diplomatic representations of Burma/Myanmar in Member States of the European Union and withdrawal of all military personnel attached to diplomatic representations of the Member States of the European Union in Burma/Myanmar;
- (ii) an embargo on arms, munitions and military equipment⁽¹⁾ and suspension of non humanitarian aid or development programmes. Exceptions may be made for projects and programmes in support of human rights and democracy as well as those concentrating on poverty alleviation and, in particular, the provision of basic needs for the poorest section of the population, in the context of decentralized cooperation through local civilian authorities and Non-Governmental Organisations;

⁽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 the date of entry into force of the embargo are not affected by this common position.

(b) introduces the following, additional measures:

- (i) ban on entry visas for senior members of the SLoRC and their families;
- (ii) ban on entry visas for senior members of the military or the security forces who formulate, implement or benefit from policies that impede Burma/Myanmar's transition to democracy, and their families; and
- (iii) suspension of high-level bilateral governmental (Ministers and Officials at the level of political director and above) visits to Burma/Myanmar.

6. The implementation of this common position will be monitored by the Council, to which the Presidency and the Commission will regularly report, and will be reviewed in the light of developments in Burma/Myanmar. Further measures may need to be considered.

In the case of a substantial improvement of the overall 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 careful assessment of developments by the Council.

7. This Common Position shall take effect on 29 October 1996 for a renewable six months period.

8. This Common Position shall be published in the Official Journal.

Done at Luxembourg, 28 October 1996.

For the Council
The President
D. SPRING