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**'I/A' ITEM NOTE**

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From: General Secretariat of the Council  
To: Permanent Representatives Committee (Part 2)/Council  
Subject: Draft Council conclusions on EU strategy with Myanmar/Burma

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1. The Asia Oceania Working Party discussed the Draft Council conclusions on an EU strategy vis- à-vis Myanmar/Burma on 10 June 2016.
2. At its meeting on 15 June 2016, the Political and Security Committee reached an agreement on the text as set out in Annex.
3. The Permanent Representatives Committee is therefore invited to approve the draft Council conclusions as set out in annex and to transmit them to the Council for adoption.

**Draft Council conclusions on EU strategy with Myanmar/Burma**

1. The European Union has a strategic interest in strengthening its relationship with Myanmar/Burma and welcomes the peaceful transfer of power following credible and competitive elections in November 2015. The new government has an historic opportunity to consolidate democracy and to achieve peace, national reconciliation and prosperity. In addition to benefiting Myanmar/Burma and its people, this could further strengthen ASEAN and enhance stability in the Asia-Pacific. Moreover it has the potential to serve as a positive example to the region. The European Union reiterates its commitment to support this remarkable transition through the full use of all instruments at its disposal.
2. The Council welcomes the Joint HR-Commission Communication: 'Elements for an EU strategy vis-à-vis Myanmar/Burma: *A Special Partnership for Democracy, Peace and Prosperity*'. The Communication lays out a plan for a coherent, ambitious and forward-looking EU engagement and intensified cooperation with the country to overcome the formidable challenges it faces.
3. The European Union will expand its engagement with all stakeholders, including the military, to support Myanmar/Burma and its new civilian government on its path to become a vibrant democracy with full respect for the rule of law and fundamental human rights. Building effective democratic institutions, including an independent and impartial judiciary and a strong civil society, and the promotion of good governance will require particular attention to achieve this objective. The European Union stands ready to support the Government of Myanmar/Burma in this endeavour. Implementation of the recommendations provided by the EU Election Observation Mission will be highly important to advance electoral reforms and to improve future electoral processes. Constitutional reform remains central to consolidating democratic governance.

4. The Council welcomes the release of political prisoners, activists and human rights defenders. It looks forward to the unconditional release of all those who remain arbitrarily detained for peacefully exercising their fundamental rights. The early amendment and revoking of some restrictive laws and listing of many others for review is a positive step towards increased democratic space. The European Union encourages the Government of Myanmar/Burma to continue and bring all existing legislation into line with international law and standards. It urges the Government of Myanmar/Burma to implement the recommendations of the resolution on the '*Situation of Human Rights in Myanmar*' adopted at the 31<sup>st</sup> session of the United Nations Human Rights Council, including the establishment of a country office of the Office of the United Nations High Commissioner for Human Rights.
5. The European Union calls on the Government of Myanmar/Burma to protect the rights of persons belonging to minorities through a comprehensive approach including by efforts to reduce poverty and ensure inclusive development. Restrictions on the freedom of movement should be lifted and unimpeded access to basic services should be ensured for all, in particular for health and education. The European Union strongly encourages initiatives to promote religious and ethnic tolerance and social inclusion and fight against all kinds of radicalism. Those who incite hatred, hostility and violence against minorities need to be held accountable. The Council encourages the Government of Myanmar/Burma to take measures to end violence against and trafficking of women and girls.
6. The European Union takes positive note of the efforts of the Government of Myanmar/Burma to begin work towards addressing the challenges of Rakhine State, including the situation of the Rohingya. This will require inclusive development in all areas and a political process, including solving citizenship for stateless persons in a non-discriminatory manner through a transparent, voluntary and accessible procedure and ending displacement. The European Union will engage in dialogue with the Union and State governments as well as all local actors to help build trust with the ultimate aim of promoting human rights and prosperity for all.

7. Myanmar/Burma's transition cannot succeed without putting an end to conflict. Much progress has been achieved over the past years but peace remains fragile and incomplete. Ongoing clashes in Kachin, Shan and Rakhine States result in continued human suffering and undermine confidence in the peace process. Fighting has to cease immediately and disputes need to be resolved through negotiation. The Council welcomes the decision of the new Government of Myanmar/Burma to make peace and national reconciliation a key priority. It is essential that all stakeholders, particularly ethnic armed groups which are yet to sign the Nationwide Ceasefire Agreement, ethnic and other political parties and civil society, including women and youth, can effectively participate in the forthcoming political dialogue and the so called '*21<sup>st</sup> Century Panglong Conference*'. The process needs to be in line with UN Security Council Resolution 1325 and subsequent resolutions on Women, Peace and Security. The European Union reaffirms its strong commitment to peace and national reconciliation and will continue to support the process politically and in particular through contributions to the Joint Peace Fund.
8. The Council reiterates its significant support for Myanmar/Burma's transformative agenda, including through the bilateral Multiannual Indicative Programme 2014-2020 and joint programming of EU and Member States' development cooperation, recognising that joint programming must be voluntary, flexible, inclusive and tailored to the country context. A review of EU bilateral development cooperation will be undertaken, if possible in 2017, once a new national comprehensive development plan becomes available. It is of the utmost importance that aid is delivered effectively and sustainably, where possible through government systems, reaches all communities, including those in conflict affected areas, and supports the implementation of the 2030 Agenda for Sustainable Development. Enhanced donor coordination remains vital to achieve this objective.

9. The European Union welcomes the expansion of bilateral trade with Myanmar/Burma since the reinstatement of trade preferences under the "Everything But Arms" scheme in 2013. The conclusion of an Investment Protection Agreement will provide further economic opportunities and contribute to sustainable growth while underscoring commitment to responsible investment. Economic and labour market reforms are key to increased competitiveness which can bring about development and employment opportunities and promote fundamental labour rights and practices in order to help transform the country into an attractive trade and investment partner. In this context, the European Union stands ready to assist Myanmar/Burma in its efforts to reform its labour law and align it with international labour standards, including through the *'Initiative to Promote Fundamental Labour Rights and Practices in Myanmar'*.
10. The European Union looks forward to cooperating with Myanmar/Burma as an active member of the Association of South East Asian Nations (ASEAN) in strengthening the regional integration process on the basis of the EU-ASEAN enhanced partnership as defined in Council conclusions on EU-ASEAN relations of 22 June 2015 and the Joint HR-Commission Communication: *'The EU and ASEAN: a partnership with a strategic purpose'*.
11. The Council calls on the High Representative and the Commission to work in close cooperation with EU Member States on the implementation of the priorities identified in the Joint Communication.