



Council of the
European Union

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COASI 268
ASIE 65
CFSP/PESC 1142
RELEX 1039
COHOM 160
CSDP/PSDC 718
CONUN 282
COHAFA 114

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
To: Delegations

No. prev. doc.: 14946/18

Subject: Myanmar/Burma
- Council conclusions (10 December 2018)

Delegations will find in the annex the Council conclusions on Myanmar/Burma, as adopted by the Council at its 3662nd meeting held on 10 December 2018.

Council conclusions on Myanmar/Burma

1. The Council expresses deep concern over the findings of the independent international Fact-Finding Mission (FFM) of the UN Human Rights Council (HRC) and of other reports which conclude that gross human rights violations were committed in Kachin, Rakhine and Shan States, in particular by the Myanmar/Burma military (Tatmadaw), many of which amount to the gravest crimes under international law. The European Union has consistently called for the accountability of those responsible for such crimes and acted promptly at international level by presenting and sponsoring resolutions adopted on 27 September 2018 at the UN HRC¹ and on 16 November 2018 at the UN General Assembly Third Committee², to follow up on relevant recommendations of the FFM, in particular the establishment of an *"independent mechanism"* to further investigate and prepare for fair and independent criminal proceedings in accordance with international law standards in order to address the important issue of accountability. The Council underlines that the new mechanism should be created in full recognition of the jurisdiction of the International Criminal Court.

¹ A/HRC/39/CRP.2 of 17 September 2018

² A/C.3/73/L.51 of 16 November 2018

2. The Council takes note of the establishment of an Independent Commission of Enquiry by the Government of Myanmar/Burma as a step toward ensuring accountability for the human rights violations and abuses committed in Rakhine State, provided that the Independent Commission of Enquiry, unlike previous national investigative mechanisms, is able to work with independence, impartiality, transparency and objectivity. The Council further welcomes the cooperation extended so far to the Special Envoy of the UN Secretary General. It reiterates its call on the Government to take, without further delay, meaningful action and to make progress on all areas of concern referred to in its conclusions of 26 February 2018 including with regard to access for the UN and humanitarian agencies in Rakhine, Kachin and Shan States and the creation of conditions conducive to a safe, voluntary, dignified and sustainable return of displaced persons from Rakhine State to their places of origin. Genuine efforts must be made to address root causes of the crisis, by transparent and verifiable implementation of the full range of recommendations by the Advisory Commission on Rakhine State. Moreover, the Council reiterates its support to the Government and people of Bangladesh in addressing this unprecedented refugee crisis.
3. In line with its conclusions of 26 February 2018 the Council invites the Myanmar/Burma authorities to cooperate with the European Commission in the framework of the Everything But Arms (EBA) scheme and recalls that the respect of human and labour rights underpins the granting of these trade preferences.
4. The Council reaffirms its continued strong support for Myanmar/Burma's democratic transition, peace and national reconciliation process and inclusive socio-economic development.
5. The Council recalls the measures already taken for a strengthened arms embargo and a framework of targeted restrictive measures against perpetrators of serious and systematic human rights violations by the military (Tatmadaw) and the border guard police in place since 26 April 2018.

6. In this context, the Council intends to adopt additional designations for restrictive measures against senior military and border guard police officers responsible for human rights violations. The Council is committed to keeping the list of designations under constant review and agrees to explore possibilities for expanding the scope of restrictive measures to also include entities.
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