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**From:** (TRADE)  
**Sent:** 16 October 2014 12:29  
**To:** (TRADE)  
**Subject:** FW: Myanmar - Report of meeting with FIDH-ALTSEAN - 19 June 2014

**From:** (TRADE)  
**Sent:** Tuesday, June 24, 2014 11:21 AM  
**To:** PETRICCIONE Mauro Raffaele (TRADE); (TRADE); (TRADE); (TRADE); (TRADE);  
(TRADE); (CAB-DE GUCHT); (CAB-DE GUCHT)  
**Cc:** (TRADE); (TRADE);  
(TRADE)  
**Subject:** Myanmar - Report of meeting with FIDH-ALTSEAN - 19 June 2014

*Summary*

DG TRADE (B2, C2 and D1) met with Debbie Stothard, Secretary General of FIDH and coordinator of Altsean-Burma, a Bangkok-based network working to support non-violent strategies to promote human rights and democracy in Myanmar. The stated purpose of the meeting was to discuss the upcoming negotiations of the EU-Myanmar investment protection agreement. Ms Stothard denounced human rights violations in Myanmar, notably land grabbing, and pressed the EU, with its future EU-Myanmar investment agreement to act as a model of high standard of human rights. She also expressed concerns about lack of judicial, lack of proper CSR policy, and labour rights concerns. Worryingly, she also denounced the situation regarding the Muslim community (Rohingyas) in the Rakhine state and increasing concerns about the adoption of discriminatory ("racist") laws against Muslim communities and enquired how the EU would reconcile this with the right to regulate under the EU-Myanmar investment protection agreement.

*Detail*

On 19 June, DG TRADE ( ); from D1, Trade and Sustainable Development Unit; from B2, Investment Unit and from C2, South East Asia Unit) met with Debbie Stothard, **Secretary General of FIDH** (International Federation for Human Rights) and **coordinator of Altsean-Burma** ("Alternative ASEAN Network on Burma"), a Bangkok-based network working to support non-violent strategies to promote **human rights and democracy in Myanmar**. Ms. Stothard is involved in the regional campaign on Myanmar and works throughout the Asian region, both as a campaigner and as a resource person for human rights training sessions. She was accompanied by FIDH's office in Brussels. The **stated purpose of the meeting** was to discuss the upcoming negotiations of the **EU-Myanmar investment protection agreement**.

Ms Stothard denounced **human rights violations** in Myanmar, and made the case that trade and investment, and hence the future EU-Myanmar investment agreement, would encourage investments and ignore human rights. Ms Stothard denounced the "seductive" policy of the Myanmar government with third countries but its lack of commitment to implement. In this respect she urged the EU to use the economic engagement as a leverage to encourage further reforms, to prevent that the Myanmar government but also former military groups act against the communities in total impunity. She urged the **EU to act as a model of high standard of human rights** not only for other third countries companies but also for local companies.

Among the more serious human rights issues, she raised **land grabbing** and the lack of appropriate access to protection of local communities (lack of recognition of customary ownership, lack of equitable and fair acquisition process) and appropriate access to remedy (compensation). In resource-rich regions, where there is scope for lucrative investment and joint ventures, she stressed that land grabbing is reigniting conflicts (Karen of Rakhine States).

where land eviction is reportedly carried out arbitrarily and people evicted were not allowed to go back to their "commercially useful lands". In addition, she argued that the local Government is adopting discriminatory and "genocidal" laws.

**Labour rights** are also of concern, as the Myanmar government does not respect core labour standards, despite cooperation with the ILO.

Regarding **Corporate Social Responsibility**, she noted that there is a **Centre for Responsible Business** that does good work of awareness-raising but the lack of transparency and information makes it almost impossible for foreign investors and enterprises to carry out due diligence along their supply chains.

Regarding the **judicial**, she further argued there is no institutionalised process nor body to receive complaints in case of violations of human rights linked to a business nor a remedy mechanism. She referred to the case of the Thilawa Special Economic Zone (SEZ) where the Japan International Cooperation Agency (JICA) is investing and is now accused of land evictions.

She also stressed the **possible adoption of racist laws** against Rohingyas and Muslims (e.g. "genocidal" reproduction restrictions on births and marriages of Muslims and bans on inter-racial marriages as well as business relations) in the run-up to the 2015 general election campaign. In this respect she asked how the EU would reconcile these laws and Myanmar's right to regulate under an EU-Myanmar investment agreement. As another example, she questioned how the EU would (re)act in case an EU company would not be able to create a joint venture with a Muslim-owned company because of these laws?

DG TRADE briefly outlined the EU relations with Myanmar, and more specifically in the trade and investment area. While acknowledging the existing challenges, we pointed to the progressive engagement with the country and the achievements so far (EU-Myanmar Forum, Task Force, Human Rights dialogue, civil society dialogue). We also explained EU initiatives in promoting international labour standards. The exact and limited scope and aim of the investment protection agreement was recalled as well as the fact that it is only one part of the puzzle of our relations and policies/instruments with Myanmar. Moreover, we indicated that investment protection agreements had the potential to reinforce the rule of law in host countries.

Best regards,



**European Commission**

DG TRADE

Unit C.2

South and South East Asia, Australia and New Zealand