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Foreign &
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Office

Our reference : 19139

Caroline Lucas MEP
B-1047 Brussels

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Minister for Europe

Dear Caroline —

Thank you for your letter of 7 October to the Foreign Secretary about the continuing violation of human rights and the call for the United Nations Security Council to act in Burma. I am replying as Duty Minister. I apologise for the delay in replying to you, this is due to an administration error.

We remain deeply concerned about the political and human rights situation in Burma. I share your concerns about the plight of the ethnic groups there. We have been at the forefront of efforts over many years to bring pressure to bear on the military regime to reform and to respect human rights. We are actively working with our European and international partners, as well as through the United Nations and the International Labour Organisation (ILO), to press the regime to end the widespread human rights violations in Burma. We regularly raise our concerns on human rights in Burma with the military regime, most recently on 31 October when our Ambassador in Rangoon met the Burmese Foreign and Labour Ministers.

Human rights violations have been highlighted by successive highly critical UK co-sponsored UN Resolutions on Burma. The UK played a leading role in drafting the Resolution most recently adopted at the UN General Assembly in December 2005, which called on the military regime to end the systematic violations of human rights in Burma; to release Aung San Suu Kyi and all other political prisoners; to take action to fight the HIV/AIDS epidemic and to ensure that the National Convention process is inclusive and credible.

We strongly support the UN Secretary General's efforts to promote national reconciliation in Burma and the work of the UN Special Rapporteur for Human Rights in Burma, Professor Sergio Pinheiro. We urge the Burmese regime to work closely with the UN in the interests of lasting peace and inclusive democratic reform in Burma.

Professor Sergio Pinheiro has not used the terms "genocide" or "crimes against humanity" in describing the situation in Burma. The nature of the crimes would need to be tested in a fair and independent trial. This is impossible to envisage within Burma's court system. While it is possible that the crimes in Burma might be covered



by the Statute of the International Criminal Court (ICC), Burma is not a state party to the ICC and hence not covered by the Court's jurisdiction. The only way that a non-state party to the ICC can be referred to the ICC's jurisdiction is under a Chapter VII Resolution of the UN Security Council, in order to maintain or restore international peace and security.

We fully support any action in the United Nations, including in the UN Security Council, which would help to promote reform and positive change in Burma. UN Security Council members discussed the situation in Burma on 16 December. The United Kingdom took an active role in this discussion, raising our concerns about human rights abuses, including the detention of political prisoners, internal conflicts and the spread of HIV/AIDS and other diseases. The Council members agreed that Burma faced a number of problems and that the international community should do more to address them.

Through the EU's Common Position on Burma we have imposed a comprehensive programme of targeted measures on the regime. We regularly review the terms and conditions of the Common Position with our EU partners and believe that the use of multilateral sanctions offers the best chance of bringing pressure to bear on the regime. We renewed the Common Position in April 2005, taking account of the continued lack of democratic reform in Burma.

The UK has already worked hard to get the strongest possible measures in the EU Common Position on Burma, commensurate with the situation on the ground. The decision process to decide these measures is based on unanimity. We believe the EU Common Position sends a clear signal to the regime that all EU partners share grave concerns about the situation in Burma and that we will continue to press strongly for progress towards national reconciliation and respect for human rights.

The Department for International Development (DFID) is the leading bilateral EU donor, and expects to spend at least £7 million over the next three years. The programme focuses on health (£10 million over three years for HIV/AIDS), education, rural livelihoods and the transition to democracy. This is to meet both the humanitarian need and to help build the capacity of the Burmese people to prepare for an eventual transition to democracy. UK-funded programmes have helped civil society and young leaders to build the skills they need to participate in the democratisation of the country.

We continue to offer humanitarian assistance to the ethnic groups and those fleeing the internal conflicts. DFID gives support to the International Committee of the Red Cross (ICRC), which carries out protection and humanitarian assistance in conflict-affected areas of the country, including Karenni State and Karen State, and raises reports of abuses confidentially with the Burmese regime. DFID provided £500,000 for the ICRC's work in Burma in 2005.



Our website contains further information on Burma, including the Foreign and Commonwealth Office's Annual Report on Human Rights. It can be found at www.fco.gov.uk.

Yours ever,
Douglas.

DOUGLAS ALEXANDER