

ITUC – FTUM Statement on the Lifting of EU Sanctions on Myanmar
April 23, 2013

On April 26, 2012, the European Union (EU) agreed to suspend for one year its restrictive measures on Myanmar, while signalling several important issues where the country needed to make further progress. The EU has now decided to permanently lift those sanctions. Important steps have been made in the intervening year. However, the International Trade Union Confederation (ITUC) and the Federation of Trade Unions – Myanmar (FTUM) believe that much work remains to be done.

The Labour Organizations Law, which took effect on March 2012, created a legal framework for the establishment and operation of trade unions - undoubtedly a major step forward. A new Settlement of Labour Dispute Law was enacted on March 28, 2012, which now provides rules for the resolution of disputes through conciliation and arbitration, as well as regulating industrial action. The new laws, while a meaningful improvement, do not yet fully afford the rights guaranteed under international law. Of particular concern, the laws provide inadequate protection against anti-union discrimination – which is a serious problem. All too often, workers who exercise their rights under law are dismissed with impunity. Further, agreements reached between employers and workers through the conciliation process are not always respected and are not enforced as binding agreements.

In 1997, the ILO established a Commission of Inquiry on Forced Labour, which in 1998 made three specific recommendations to the Government of Myanmar: to amend its laws, to eliminate forced labour in practice and to strictly enforce penal sanctions against those responsible. Today, the Villages Act and the Towns Act has been amended, which brings the definition of forced labour into line with ILO Convention 29, though the Constitution remains to be amended. In practice, forced labour is reduced but still continues, particularly in the Kachin and Rakine states. Finally, many of those who have exacted forced labour have received relatively light punishments, if any. Few have actually faced imprisonment for engaging in this serious crime.

We appreciate that the EU Council Decision last year recognized the importance of responsible and accountable investment in Burma following the suspension of sanctions. This is all the more important now. We urge the EU to do more than merely promote guidelines and principles. As we have seen, voluntary initiatives alone have proven to be highly ineffective tools. The ITUC and FTUM strongly believe that governments should require those doing business in Burma to uphold human rights standards. A resolution is now before the International Trade committee of the European Parliament which calls for a requirement on European enterprises to perform and report publicly on due diligence policies and their application and to disclose supplies chains within Burma. These will no doubt be useful to ensure that corporations are adhering to high standards of human rights in their business relationships. We look forward to working with responsible companies in building a mature industrial relations system in the country.