

Brussels and Geneva, 9 January 2024

To:

**Ms Ursula von der Leyen**

*European Commission*

[ec-president-vdl@ec.europa.eu](mailto:ec-president-vdl@ec.europa.eu)

## Re.: Continued EU support for MADE in Myanmar in light of ILO report

Dear President von der Leyen,

We thank you for your letter of 4 September 2023, in which you respond to our concerns about the Multistakeholder Alliance for Decent Employment in the Myanmar Apparel Industry programme (“MADE in Myanmar”), and the EU’s Everything But Arms (EBA) preferential trade agreement with that country.

In your letter, you state that the EU “fully supports the ongoing work of the ILO Commission of Inquiry” into Freedom of Association in Myanmar. You further call on the government of Myanmar - the State Administrative Council (SAC) of the military junta - to “fully cooperate” with the inquiry, and to “ensure that workers’ and employers’ organizations are able to exercise their rights in a climate of freedom and security, free from violence, arbitrary arrest, and detention...”. You endeavoured to “duly analyse the findings of the report and respond accordingly”.

As you know, the ILO has [released its report](#), which finds far-reaching violations of freedom of association and forced labour Conventions, and urges the military authorities to cease violence and repression against trade unionists and workers’ representatives. The SAC did *not* ensure that workers are able to exercise their rights in freedom and security: the report details, in 207 pages, violence against trade union leaders, the issuing of arrest warrants and the cancellation of passports, instances of forced labour, the use of human shields, forced recruitment to the military and the imposition of martial law.

The military junta did not cooperate with the inquiry. In a letter acknowledging receipt of the report, the SAC wrote that implementing the recommendations was “not practical”, and rejected the report as “politically motivated” and using “distorted information”.

The ILO governing body [decided in November](#) to prepare further measures to secure compliance from the military regime, and urged the regime not to retaliate against those who had assisted the inquiry. However, instead of ensuring that trade unionists can exercise their rights, on 20 November, the military regime sentenced Thet Hnin Aung, general secretary of the MICs-TUFs union, to seven years hard labour on terrorism charges.

A [briefing prepared by the ITUC](#) outlines the current situation: 53 trade unionists have now been killed, and more than 400 imprisoned. The ITUC is calling on its member federations to ask their governments to exert diplomatic pressure on Myanmar, and to support a policy of divestment. With the structures of the ILO, workers' representatives will work to persuade governments and employers' organisations to support article 33 measures to secure compliance with the report.

In this context, it is not possible for MADE in Myanmar to fulfil its stated aim of "improving labour conditions and workers' rights". Without freedom of association and expression, the "heightened human rights due diligence" required by the EU is not possible. More and more EU brands, including H&M, Inditex and Lidl, have reached this conclusion independently and have committed to a responsible exit from Myanmar.

Further, the European Parliament [resolved in May this year](#) to call upon the Commission to demonstrate that EBA does not benefit the junta, and that the MADE programme is contributing to enhanced human rights due diligence. We ask you again to provide evidence that this is the case.

Given the intransigence of the military regime, and yet more proof that it is impossible for workers' representatives to operate freely, we urge you to reconsider your policy. We believe that EU policy is driven by the philosophy of "Wandel durch Handel", where trade with authoritarian regimes is believed to encourage democratic change. The flaws in this approach were made apparent by the Russian invasion of Ukraine. Rather than making Russia more democratic, the policy left Europe exposed. In Myanmar, this policy extends a lifeline to the junta and undermines core EU values.

There are many [reports in the media](#) about the crisis facing the military junta, which has lost significant territory to opposition groups, and faces a critical shortage of the foreign exchange it needs to buy weapons, ammunition and fuel for transport and power generation.

The EU's continued support for MADE in Myanmar and EBA constitutes a vital lifeline to the military junta, allowing it to maintain its grip on power. The sooner this support is cut, the sooner the regime will fall, and be replaced by the legitimate National Unity Government (NUG).

This point was made explicit in a press conference organised by the Tripartite National Delegation of Myanmar on 7 December, with representatives of the NUG, trade unions and the employers' association. The NUG outlined its "three cuts" strategy against the junta: cut the weapons, cut the cash, cut the impunity.

The tripartite structure welcomed the ILO report, and in a letter to the Director General of the ILO, sent on 3 November, committed to implementing the recommendations when democracy is restored.

Speaking at the press conference, Nai Suwunna, the Union Minister for Labour for the NUG, said:

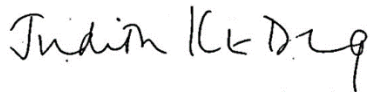
"As long as the military authorities remain in power in Myanmar, all basic human rights and freedoms will continue to be lost. Only a government elected by the people will be able to implement these rights after the dictatorship has been rooted out.

"Our tripartite mechanism, led by the Ministry of Labour, Government of National Unity, has a genuine commitment to protect basic labour rights, and necessary preparations are being made for the reform and development of labour laws and administrative systems in line with international labour standards and ILO provisions."

Given the above, we urge you to reconsider your policy, and to end your support for MADE in Myanmar and EBA, and to work towards implementing the ILO recommendations in a democratic Myanmar, as outlined by the tripartite structure.

We request your assistance in organising a meeting in Brussels between ourselves and DG EMPL, DG TRADE and EEAS.

Yours sincerely,



**Judith Kirton-Darling**  
Acting Joint General Secretary  
IndustriAll European Trade Union



**Atle Høie**  
General Secretary  
IndustriALL Global Trade Union