

Written evidence submitted by PROTECTION APPROACHES (TCD0017)

Executive Summary:

1. This submission addresses a number of the questions set out in the International Trade Committee's terms of reference for the inquiry regarding the UK's future trade relationships with developing countries, notably
 - *In what other ways might the UK seek to support development through trade?*
 - *In what ways might the UK coordinate its trade policy with other policies (e.g. development assistance) in order to support development?*
2. While the successful promotion of international trade is evidently a matter of national interest so too is the pursuit of global stability, security and development. The absence of a cross Government mechanism tasked with viewing UK decision-making through a security and development 'lens' has resulted in a trade policy that is at times inconsistent - or in direct contradiction to- the UK's development policy and its stated national and international commitments to human rights. This discrepancy is most apparent in the UK's bilateral trade relations with certain states and regimes conducting or threatening to perpetrate the gravest human rights violations, namely mass atrocity crimes (genocide, ethnic cleansing, crimes against humanity and war crimes.) These relationships stand in contradiction to the UK's stated commitment to uphold its responsibility to protect populations from this crimes, contribute to global insecurity, undermine the efforts of the rules based international order, and tarnish the UK's international reputation.
3. A truly global and responsible Britain will need to address such discrepancies in future trade agreements and relationships. This inquiry provides an important opportunity to apply scrutiny to the manner in which the UK seeks to do and promote British business around the world.
4. This submission presents the case of Burma/Myanmar¹ and recent British trade policy with that country as an exemplary but by no means unique example of the inconsistent, sometimes directly contradictory, policies and commitments of the UK Government that result from the absence of a cross-Whitehall atrocity prevention strategy
5. As the UK prepares to withdraw from the European Union, and will therefore undertake to review and replicate the process of applying and upholding sanctions in domestic process, this question is urgent not only for those concerned with the UK's contrition to protecting lives from the gravest crimes but also Britain's international reputation outside of the EU as a responsible trading nation

About Protection Approaches

6. Protection Approaches is the only organisation in the UK that works specifically to assist the UK in better predicting and preventing identity-based mass violence, particularly mass atrocity crimes (genocide, ethnic cleansing, crimes against humanity and war crimes). Protection Approaches is registered charity in England and Wales, charity number 1171433 For more information please see www.protectionapproaches.org.

¹ Hereafter Myanmar

7. This submission has been prepared by Dr. Kate Ferguson, Director of Research & Policy and Managing Director of Protection Approaches. Dr. Ferguson is an experienced analyst in the fields of atrocity prevention, violent extremism, and civilian protection. She is a member of the Centre for Science & Policy's Network for Evidence and Expertise at the University of Cambridge and the British Academy Network on the Responsibility to Protect. She is Editor of Refugee History and Honorary Research Fellow at the University of East Anglia where she lectures on human rights. She has a PhD from UEA on the dynamics of modern mass violence, and an M.Phil in Russian and East European Studies from the University of Oxford.

Rationale

8. The ongoing violence against Rohingya in Myanmar has rightly prompted outcry from the British Government, Parliament and across civil society. It has also rightly prompted scrutiny of the Government's recent engagement with Myanmar.
9. In Myanmar, the UK government pursued (and continues to support) a 3-part policy of democracy promotion, supporting an inclusive economy and of traditional development. This approach was pursued as three separate strands rather than as political strategy and did not integrate an atrocity prevention component into decision making or risk assessment. This approach contributed to the UK's ineffective response to warnings about identity-based violence and mass atrocity crimes.
10. Had what is sometimes called an 'atrocity prevention lens' been applied to UK decision making in Myanmar, particularly decisions relating to the development of bilateral trade relations and its international development strategy, the UK Government would at the very least have been better informed and therefore better placed to make decisions regarding its contribution to the effective protection of Rohingya and other marginalised communities in Myanmar
11. Matters of international trade are necessarily related to the work of the British Foreign and Commonwealth Office and until July 2016 these sat within the FCO. Therefore, during the period of so-called democratic transition in Myanmar, trade relations was a matter for the FCO. This close relationship will continue despite the creation of a separate Department for International Trade. However, UK policy towards countries such as Myanmar and Yemen (in its trade with Saudi Arabia), both states experiencing high levels of atrocity violence expose acute inconsistency and at times direct contradiction between the UK's trade activities and its humanitarian, human rights, and development policies and states national and international commitments. Efforts to revive trade relations with Sudan, whose head of state is wanted by the International Criminal Court for counts of genocide and crimes against humanity is an other example that is a major cause for concern.
12. In 2005 the UK and all other UN member states committed to uphold the Responsibility to Protect civilians from atrocity crimes. This is a commitment that this and all UK governments since 2005 have firmly reiterated. The UK prides itself on being a flag bearer of the norm and as a champion of global human rights.
13. For at least half a decade, Myanmar has appeared at the top of numerous lists warning that the Rohingya are the population most at risk of *genocide* in the world. However, the UK continued to prioritise UK-Myanmar business relations while failing to respond to the urgent warning signs of genocide and other forms of identity-based violence.

- 14. Are there any countries or regimes in the world that the UK would not trade with? Are there any human rights violations committed by a state that would preclude the UK from promoting bilateral business relations?** The answer is patently yes, as can be seen from the UK's commitment to international sanctions. **However what processes exist in UK decision making that assess if and where these red lines may lie in a country and determine what actions should be taken by the UK Government should those red lines be crossed?**
15. Did the UK's focal point for the responsibility to protect, who sits within the FCO, raise these concerns with colleagues in Myanmar tasked with promoting British business in Myanmar?

A brief history of UK-Burma trade relations

16. Myanmar has been plagued by violence and conflict for decades. Much of this has been directed by the state, its army, and its auxiliaries against ethnic and religious minorities and has resulted in historical trade sanctions being imposed upon them. EU and UK sanctions were lifted in 2013 but an arms embargo remains in place. The US also placed sanctions on Myanmar but lifted them *after* the UK sanctions were removed and *some remain in place*.
17. Since the country commenced a series of political reforms in 2011, the UK government has promoted trade opportunities between British businesses and Myanmar. This began prior to the partial lifting of US sanctions. A 3-day British delegation trip to Rangoon and Naypyidaw began shortly after UK sanctions were lifted but were accused of 'talking down human rights abuses and talking up positive changes in order to justify their policy' by Burma Campaign UK. This characterised FCO engagement with Myanmar until the most recent period of violence against the Rohingya began in summer 2017 despite increasing concerns for the safety, security, and rights of Rohingya and other minorities.
18. In 2014, Myanmar conducted a census that the FCO helped fund by providing around £10 million. This money was used to support the government conduct the census and to make sure it was conducted in a credible manner². However, the census did not allow anyone who identifies as Rohingya to be included as part of the census and caused 'significant political and humanitarian impact on the Rakhine State'³.
19. As a result, Rohingya were effectively stripped of their citizenship. Structural violence against the community continued to worsen and actual violence against Rohingya increased. Excluded from the the political process, from legal mechanisms of redress, and from large parts of the formal economy, it is difficult to see how the Rohingya were able to participate in the 'inclusive economy' that was and remains a cornerstone of UK policy in Myanmar
20. Despite this worsening situation and numerous warnings from experts around the world that the Rohingya were at risk of identity-based violence, including genocide, the FCO chose to release 'Doing business in Burma: Burma trade and export guide' on 24 June 2014 (updated on 22 September 2015⁴) promoting trade ties with Myanmar. The report emphasises the potential for Myanmar's economic growth and celebrates opportunities for British business. It only references 'inter-communal tensions between Buddhist and Muslim communities.'⁵ This did and does not appropriately describe the nature of the threats or

² <https://publications.parliament.uk/pa/cm201415/cmselect/cmfaff/551/551.pdf> p.27

³ *Ibid.*

⁴ <https://www.gov.uk/government/publications/exporting-to-burma>

⁵ <https://www.gov.uk/government/publications/exporting-to-burma/doing-business-in-burma-burma-trade-and-export-guide>

actual identity-based violence occurring against the Rohingya and other minorities in Myanmar.

21. The Government guidelines set out a number of UK companies that have already established successful operations in Burma. These include BG Group, Shell, Unilever, Aggreko, Rolls Royce. Dulwich College was building a brand new campus in Rangoon due to open in September 2016. It has since opened in a private school in Yangon. British business, with the support of the British Government, has played an important role in strengthening Myanmar's economy and in rehabilitating its international reputation
22. In February 2015 UK Trade and Investment (UKTI) Burma and the British Chamber of Commerce were "delighted" to support the Myanmar Investment Summit, which was held in London. The director of UKTI Burma, Lisa Weedon, said "I'm really excited about this summit – it offers British companies an opportunity to learn about the reality of doing business in Burma...I hope this summit will encourage even more British businesses to take the plunge and do business here [in Myanmar]." ⁶ The press release states UK goods exports to Burma increased by 239% between 2012 and 2013, albeit this was starting from a very low base. ⁷
23. UKTI was established in 2013 and operated from within the British Embassy compound. The UK Government prioritised building trade in Burma even while US sanctions were still in place while failing to address and at times acknowledge the growing risk of identity-based violence.
24. The Government is now rightly scrutinising its recent engagement with Myanmar. Concerns about Myanmar and the Rohingya, expressed by the UK at the UN, were not matched by the Government's trade policy, diplomatic efforts or international development focus. This made reduced the likelihood of and opportunity for more timely, preventative interventions that could have saved lives and money.

What could the UK have done differently?

25. While the promotion of international trade is clearly a matter of national interest it is also clear that a truly global and responsible Britain will need to address such discrepancies in future trade agreements and relationships.
26. One tool that would assist the UK's future trade relationships would be to apply an atrocity prevention "lens" to its decision making. An atrocity prevention lens does not mean reinventing the development or conflict prevention wheel. It simply means adapting or augmenting existing strategies in such a way that would help close gaps and encourage consistency. It can also mean integrating atrocity prevention concerns into existing human rights mechanisms as recommended by the new UN secretary general in his first report on the implementation of the Responsibility to Protect.
27. Any mechanism or office tasked with viewing UK policy challenges through a prevention lens would have to respond to warning signs and initiate processes of sharing information, scrutinising government policy, and communicating with other prevention stakeholders here in the UK and abroad.

⁶ <https://www.gov.uk/government/news/london-summit-aims-to-boost-uk-burma-trade>

⁷ *Ibid.*

28. Viewing issues through a prevention lens ensures that a central focus in decision making is how best to mitigate violence and how best to protect populations. These objectives are good for business as well as global stability and human security. If such a lens or mechanism was applied across UK Government, including the Department for International Trade, it would assist the UK in better predicting crises and strengthen its capacity to respond in a more timely and cost effective manner. Addressing these root causes and pathways to violence 'upstream' saves lives and money, and to be effective strategies but be both holistic and consistent. That is why this is a matter for the Department for International trade and the manner in which the UK does business abroad.
29. The absence of such an approach leaves gaps; an atrocity prevention strategy across government would help close these gaps and facilitate early preventative, upstream action and—once the point of violence has been reached- codify the manner in which the UK can act⁸.
30. In light of recent UK failures to identify and respond to warning signs of identity-based violence and mass atrocity crimes in Myanmar, the question can be asked whether the UK would continue to invest in trade relations with a country if an atrocity prevention "lens" was applied during the decision-making process?

Other cases

31. Myanmar is not the only country with which the UK continues to do business despite ongoing or risks of mass atrocity crimes. Accusations of hypocrisy of values have been levelled at the Government regarding ongoing arms sales to Saudi Arabia despite those arms being used in the Saudi military action in Yemen. In International Development Committee inquiry into the crisis in Yemen found that:
 - a. *The UN Secretary General recently described Yemen as a region "awash with weapons", stating that "we need States that are party to the Arms Trade Treaty to set an example in fulfilling one of the Treaty's main purposes: controlling arms flows to actors that may use them in ways that breach international humanitarian law."*¹²¹ e Arms Trade Treaty (ATT), along with UK national arms export criteria and the EU Common Position on arms exports, which regulate the UK trade in arms, say that licences cannot be granted "if there is a clear risk that the items might be used in the commission of a serious violation of international humanitarian law."⁹
32. Overtures being made by the British Government to Sudan, whose President is wanted by the International Criminal Court (ICC) to answer charges of genocide and crimes against humanity is another example exposing inconsistency between UK stated commitments to upholds its collective responsibility to protect populations from atrocities and the apparent move towards rehabilitating bilateral trade. Shortly before Christmas, Foreign Secretary Boris Johnson drew condemnation from MPs and rights organisations for his stance regarding opening trade talks with Sudan and his participation in the highly controversial UK-Sudan trade and investment forum.¹⁰

⁸ Dr Kate Ferguson, [Maintaining momentum in a changing world: Atrocity prevention in UK policy](#) May 2017.

⁹ The Crisis in Yemen, International Development Select Committee, <https://publications.parliament.uk/pa/cm201516/cmselect/cmintdev/532/532.pdf>

¹⁰ <https://www.theguardian.com/global-development/2017/dec/11/boris-johnson-trade-forum-sudan-rights-abuses>

33. If a mechanism tasked with viewing situated UK decision making and risk assessment through the lens of how this country could better predict and prevent mass atrocities was integrated into DIT processes, these inconsistencies, which damage UK reputations abroad and undermine the collective effort to prevent these grievous crimes, could be mitigated
34. This submission does not seek to limit the freedoms of the UK government in its bilateral trade activities nor is it promotion of British business. Rather it highlights the inconsistencies that necessarily arise from the absence of an atrocity prevention strategy.

Recommendations

- 35. The UK, including the Department for International Trade, can make the following simple but effective changes to strengthen its contribution to the worldwide prevention of mass atrocity crimes:**
- 36. Acknowledge the prevention of identity-based violence and mass atrocities as a distinct global challenge and a national priority**
- 37. Integrate prediction and prevention horizon scanning or risk analysis into existing decision-making processes within the Department for International Trade**
- 38. A cabinet portfolio or cross party special advisor with a mandate to raise early warning signs and make recommendations for action would aid cross-government communication on areas of concern**
- 39. We urge that the committee, DIT, and Government engage with the UK Working Group on Atrocity Prevention, coordinated by Protection Approaches.**

February 2018