



SECURITY COUNCIL REPORT UPDATE REPORT



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Myanmar

Expected Council Action

The Council is expected to receive a briefing on 11 September in a closed session from Ibrahim Gambari, the Secretary-General's Special Advisor on Myanmar. Gambari visited Myanmar from 18-23 August 2008. This is his first visit since the May national referendum which ratified the draft constitution. (Gambari has made six visits to Myanmar since assuming the position of Special Advisor in early 2007.)

Recent Key Developments

On 22 May, twenty days after Myanmar was hit by Cyclone Nargis, the Secretary-General went to Myanmar to try and persuade the Myanmar government to accept international aid. The government agreed to accept humanitarian personnel who began to arrive in early June. It was also agreed that the aid effort should be led by ASEAN and this resulted in the formation of an "ASEAN-UN-Myanmar tripartite mechanism." The post-Nargis joint assessment by the UN and ASEAN released in July 2008 indicate that \$1 billion is needed for relief and reconstruction work.

Gambari's six day visit from 18-23 August took place three months after the referendum on a new constitution. This had taken place on 10 May (and 24 May for those parts of Myanmar affected by the cyclone). The referendum and the process leading up to it had been the object of criticism from the international community. The results were accused by some as being a sham.

Gambari met with Myanmar Prime Minister Thein Sein and Foreign Minister U Nyan Win as well as other members of the State Peace and Development Council (SPDC). He also met diplomats based in Yangon, representatives of the ICRC and the ASEAN-Myanmar-UN tripartite group set up after Cyclone Nargis. However he was not given access to General Tan Shwe, head of the SPDC. Aung San Suu Kyi who had met him twice during his March visit declined to see him. However Gambari met twice with representatives of her party, the National League of Democracy (NLD).

It appears that Gambari's assessment is likely to be more positive than after his March 2008 visit which had he described as "disappointing". In contrast Gambari since his return has been providing more up-beat assessments indicating that the Myanmar government appeared more receptive this time and more open to the five points which had been agreed upon with the Secretary-General's Group of Friends for Myanmar (India, Thailand, Indonesia, Singapore, Vietnam, the five permanent members of the Council, Australia, Norway, Japan, Republic Of Korea, the EU presidency) and the Council before his visit. The five points are:

- release of political prisoners including Aung San Suu Kyi;
- dialogue with Aung San Suu Kyi;
- a credible political process;
- addressing socio-economic issues including the idea of an economic forum; and
- regularisation of the Good Offices role (including some regular representation on the ground).

It seems that the Myanmar government will submit a paper on how to address socio-economic problems and has invited Gambari back for a visit "soon" and agreed that his staff could apply for visas allowing them to visit before his next trip. It also appears that Gambari was encouraged to identify points of agreement between Aung San Suu Kyi's party, the NLD, and the Myanmar government.

Gambari last briefed the Council on 24 July ahead of his August visit. That briefing was also in a closed session. Vietnam as president of the Council said after the briefing that the Council had reaffirmed support for Gambari's Good Offices role. The United States in speaking to the press after the briefing said that the Council expected "concrete results" from Gambari's visit.

There have been media reports of critical statements from members of some opposition parties in Myanmar, including the NLD, about Gambari's lack of progress with the political stalemate in Myanmar. He has also been accused of prematurely offering electoral assistance from the UN with the 2010 elections. (Gambari has a mandate from the General Assembly to offer assistance in elections and has offered to discuss with the Myanmar government at a technical level whether it would be possible for the UN to provide electoral assistance.)

The Group of Friends held its fourth meeting on 23 July to discuss Gambari's August visit. It is expected to meet again on 12 September following Gambari's briefing to the Council. A ministerial level meeting of the Group is scheduled to take place on 29 September.

A separate group known as the Focus Group on Myanmar (made up of China, India, Indonesia, Myanmar and the UN) was formed early this year and has held several meetings in New York. It appears that this group might also meet at the ministerial-level during the General Assembly.

UN Under Secretary-General for Humanitarian Affairs John Holmes made a second visit to Myanmar at the end of July to assess the situation two months after Cyclone Nargis (his first visit was in the aftermath of the cyclone, 19-21 May). At a press conference following his visit Holmes said that humanitarian access had improved but challenges remained. He cited the need for a systematic pipeline of aid for the next six to nine months. He also said that the tripartite mechanism had tackled issues in a constructive way. He also discussed problematic exchange rates and how that had affected the aid received.

On 3 September, Gambari briefed the president of the General Assembly on his visit to Myanmar. The president reiterated the General Assembly's continued engagement to "promote national reconciliation, democracy and respect for human rights in Myanmar as mandated by the General Assembly". He also pointed out the need for serious and credible engagement from all parties with the aim of achieving concrete results.

Aung San Suu Kyi's party has said that she has been refusing food deliveries for the last three weeks as well as visits from her doctor. The Myanmar government has denied that she is on a hunger strike. Recently she also refused to meet with Aung Kyi who was appointed by the government as her liaison officer in October 2007. They have met five times but there have been no meetings since January 2008.

On 17 August five activists were jailed for taking part in a demonstration marking the twentieth anniversary of the crack-down on a mass uprising against military rule on 8 August 1988.

It appears that the Secretary-General may make a follow up visit Myanmar by the end of the year.

Related Developments in the Human Rights Council

The Special Rapporteur of the Human Rights Council, Tomas Ojea Quintana, visited Myanmar from 4-7 August 2008. This was his first visit to Myanmar. Quintana replaced Paulo Sergio Pinheiro, whose term ended in April. While in Myanmar Quintana met with government officials from the ministries of Foreign Affairs, Labour and Home Affairs, the Myanmar police chief and representatives of the National Convention and Holding Commission. He also met with the Tripartite Core Group and visited areas affected by the cyclone and talked to representatives of the opposition and NGOs. He was also able to meet with prisoners in Insein prison. He did not meet with Aung San Suu Kyi although he had requested a meeting. He indicated after his visit that there were signs that the Myanmar government had accepted his mandate to investigate human rights abuses. He will present his findings to the General Assembly later this year and submit his report to the Human Rights Council in March 2009. A second visit is possible before the March session of the Human Rights Council.

Options

One option is for members of the Council to listen to Gambari's briefing and state their positions but not take any action.

A possible option is a press statement reiterating key elements in the two presidential statements such as the need to release prisoners and engage in genuine dialogue.

Another possible option is a presidential statement reemphasising the key elements from the Council's October presidential statement:

- inclusive national reconciliation;
- ongoing involvement of the United Nations;
- genuine dialogue with Aung San Suu Kyi;
- measures to address political and human rights issues; and
- measures to address the economic and humanitarian needs of the people.

Such a presidential statement could also comment on the May referendum as well as steps taken to address issues such as releases of political prisoners following the October 2007 events.

Another option is to request the Secretary-General to meet with the Council prior to his possible visit so that he has an up to date appreciation of the positions of Council members.

Key Issues

The key issue for the Council is how to encourage Myanmar to act promptly on the five points as well as the requirements contained in its two presidential statements.

A related issue is providing Council input to the task which Gambari now has of identifying points of agreement between the NLD and the regime which could be used as a starting point for dialogue, thereby helping to revive and reinforce the Good Offices role and make it more effective.

A practical issue is if there is a better way of coordinating the different players— the Secretary-General's Good Offices, the Security Council, the Office for the Coordination of Humanitarian Affairs, the Human Rights Council, the Group of Friends and the Focus Group—all of which have overlapping goals with regard to Myanmar. The General Assembly this year is likely to once again adopt a resolution on Myanmar. Traditionally, the lead on the General Assembly resolution is the EU presidency. With France in this position as well as on the Council there may be an opportunity to improve coordination somewhat.

An issue is whether the Council should explore ways of working with the ASEAN-Myanmar-UN mechanism which has been successful in working with the Myanmar government on humanitarian issues.

A significant issue is how to ensure that the Secretary-General's possible visit achieves concrete progress and how to secure sufficient encouragement in advance for the visit to proceed. A related issue is ensuring the Secretary-General's presence is not simply used to legitimise Myanmar's "7-step roadmap to democracy".

An issue for the UN, and to some extent for the Council is how to manage the wave of negative publicity on the UN's lack of progress in dealing with Myanmar. A spate of negative media stories have circulated which are obviously having an impact on public opinion and attitudes toward the Good Offices role and the Council.

Council Dynamics

Although there is a still support for Gambari's Good Offices role there is growing impatience among some members who feel that a more rigorous approach is needed. Talk about UN sanctions against Myanmar seems to have receded. But as a result there is likely to be even stronger pressure for use of diplomatic tools including a return to the Council's demands outlined in its two presidential statements. The UK appears particularly eager for a frank evaluation of the situation in Myanmar in order to better assess the path ahead. The US has said that it is "deeply disappointed" that the Myanmar government failed to work with the UN to bring about "democratic progress".

China continues to be uncomfortable with having Myanmar on the Council's agenda and prefers to avoid any action from the Council at this point. It has however used its influence with Myanmar in assisting the Good Offices role and is playing a key role in the Focus Group.

Indonesia's key role in acting as a mediator between the Western members of the Council and members like China on this issue has been acknowledged by many of the Council members. It does not agree with some of the Western members of the Council that stronger action is the way forward. Like many of the countries in the region it believes that the best way of bringing about change is to work with the Myanmar government. Indonesia, however, has been constructive in offering language that in the past led to agreement over the presidential statements. Indonesia is also playing a leading role in the Focus Group and within ASEAN. Vietnam, the other ASEAN member, has stressed the need for a comprehensive approach which also meets the development needs of the country.

UN Documents

Presidential Statements
<ul style="list-style-type: none"> • S/PRST/2008/13 (2 May 2008) was the presidential statement noting the commitment of the Myanmar government that the referendum would be free and fair and underlining the need for the government of Myanmar to "establish the conditions and create an atmosphere conducive to an inclusive and credible process". • S/PRST/2007/37 (11 October 2007) was the presidential statement strongly deploring the use of violence against demonstrations and emphasising the importance of early release of prisoners.
Selected Letters
<ul style="list-style-type: none"> • S/2008/289 (2 May 2008) was the letter from Myanmar objecting to the Council's 2 May presidential statement.
Draft Resolution
<ul style="list-style-type: none"> • S/2007/14 (12 January 2007) was the draft resolution vetoed by China and Russia.

Selected Press Statements
<ul style="list-style-type: none"> • SC/9228 (17 January 2008) was the press statement affirming the Council's support for the objectives set out in its October presidential statement and regretting the slow progress on meeting those objectives. • SC/9171 (14 November 2007) was a press statement on Myanmar.
Other Documents
<ul style="list-style-type: none"> • S/PV.5753 (5 October 2007) was the record of the discussion following the crackdown in Myanmar. • S/PV.5526 (15 September 2006) was the record of the discussion before putting the provisional agenda, that included the situation on Myanmar, to the vote. • S/Agenda/5526 (15 September 2006) was the provisional agenda for the meeting that added Myanmar to the Council agenda.