



SECURITY COUNCIL REPORT UPDATE REPORT



22 November 2006 No. 3

MYANMAR

Expected Council Action

The Council expects a briefing from Under Secretary-General for Political Affairs Ibrahim Gambari before the end of the month on his second visit to Myanmar. The briefing is expected to take place in closed informal consultations. A draft US resolution is possible but it may be tabled separately, after the briefing.

Options

The Council's options are:

- listen to the briefing and question Gambari but take no action;
- respond informally if the US expands on its plans for a resolution;
- agree to discuss any US proposals at the experts level; and
- discuss the alternative of a presidential statement.

Recent Developments

Under Secretary-General for Political Affairs Ibrahim Gambari visited Myanmar for the second time this year from 9 to 12 November. He met with top government officials, the leaders of the National League for Democracy (NLD) and Aung San Suu Kyi. He was also allowed to meet for the first time with ethnic political groups taking part in the National Convention. While Gambari's trip in May was largely to establish contact with the Myanmar government, the aim of this trip was to build on those relations by engaging the Myanmar government in frank discussions.

In his meetings with government officials Gambari emphasised the importance of concrete steps being taken toward all-inclusive democracy in the near future. He delivered a letter from the Secretary-General to State Peace and Development Council leader Senior General Tan Shwe. He also raised the following issues:

- the release of Aung San Suu Kyi and other political prisoners;
- making the constitution writing process all-inclusive and democratic;
- halting military offensives in Kayin State;
- coming to an agreement with the International Labour Organisation (ILO) on the issue of forced labour; and
- providing the UN and other humanitarian agencies with safe access.

Gambari has indicated that this time there was “hard bargaining” in his talks with the military leaders. Once again he also had an hour-long meeting with Aung San Suu Kyi who welcomed the UN engagement with Myanmar.

Frustrated with Myanmar’s lack of progress in agreeing on a mechanism to deal with complaints of forced labour, the ILO agreed on November 16 that it would decide at the March 2007 session of its Governing Body whether to move on legal options, including taking Myanmar to the International Court of Justice. It also asked the ILO Director-General to bring these developments to the attention of the Security Council.

US President George Bush raised the issue of Myanmar with some ASEAN leaders at the Asia-Pacific Economic Cooperation summit in Hanoi last week urging them to persuade the junta to move in a positive direction. While some ASEAN members have openly criticised Myanmar recently, indicating a move away from ASEAN’s traditional policy of non-interference in the affairs of its members, there are divisions within ASEAN on how to deal with Myanmar.

The National Convention which is working on the national constitution resumed on 10 October but did not include the NLD or many ethnic political parties.

In October the UN Special Rapporteur for Human Rights in Myanmar, Paulo Sergio Pinheiro, who has been denied access to Myanmar for the last three years, reported to the General Assembly on the human rights situation in Myanmar.

Key Issues

The main issue the Council has to decide is whether to move towards more active formal measures or to let the Secretary-General’s good offices continue to be the key UN vehicle, for now, in persuading the Myanmar government to improve its human rights and move the reconciliation process forward.

A related issue is how long to wait before considering active Council engagement and whether Council engagement can be sequenced in a way that sends signals at the outset before moving up to more active measures. The Council has to decide at what point it should begin to act if there is no action taken by the Myanmar government on the issues raised by Gambari.

A likely future issue is the potential instability resulting from human rights abuses against ethnic minorities and food scarcity which have led to soaring food prices. By contrast Council members will not want to see the adverse effects of punitive measures like sanctions on the wider population.

Council Dynamics

Myanmar continues to be a divisive issue for the Council. Having succeeded in getting Myanmar on the Council’s formal agenda in September the US has said that it hopes to introduce a resolution on Myanmar before the end of the year. China’s position that Myanmar should not be on the Council’s agenda, as it is not a threat to international peace and security, has not changed.

A resolution at this point is also likely face opposition from Russia, Qatar and Congo who, together with China, voted against putting Myanmar on the agenda. In addition a number of countries who were supportive of having Myanmar on the agenda have indicated that they would find it difficult to support a resolution although a less formal Council action may attract wide support.

UN Documents

Selected Letter

- S/2006/742 (15 September 2006) was the letter from US ambassador John Bolton requesting a meeting of the Council to discuss Myanmar. An Annex to this letter contains Bolton's 1 September letter asking for Myanmar to be placed on the Council's agenda.

Other

- 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.

Selected General Assembly Reports

- A/61/369 (21 September 2006) and A/61/369/Corr. 1 (18 October 2006) was the latest report of the Special Rapporteur on the situation of human rights in Myanmar.

Selected General Assembly Resolutions

- A/RES/59/263 (7 February 2006) requested the Secretary-General to provide his good offices and pursue his discussions with the Government and people of Myanmar.