



# SECURITY COUNCIL REPORT UPDATE REPORT



26 May 2006 No. 6

## MYANMAR

### Expected Council Action

The Council expects a briefing from Under Secretary-General for Political Affairs Ibrahim Gambari early next week on his visit to Myanmar.

Council members have expressed an interest in hearing about Gambari's visit, particularly the details of his meeting with Aung San Suu Kyi.

### Options

Most likely, the Council will not take any immediate action as some members are reluctant to place Myanmar on the formal agenda of the Council.

Options include:

- Issue a statement to the press with basic information on the briefing. Even this would have to be kept short and factual to be accepted by all members.
- Issue a presidential statement. However, this is likely to be more than some members would be comfortable with at this point.
- Agree to draft a resolution calling on Myanmar to work with the UN in bringing peace and stability to Myanmar through making the National Commission more representative of Myanmar's political and ethnic composition. This is highly unlikely at this stage given the sensitivities of some Council members.
- Support and provide advice on the appointment of a Secretary-General's Special Envoy. This is one way in which the Council might be able to influence the next stage of engaging Myanmar.
- Institute a process of regular follow up briefings

The option of taking up Myanmar formally in the Council's agenda will continue to be pushed by some Council members. But the option of eventually placing Myanmar on the formal agenda seems unlikely unless the security situation significantly deteriorates.

### Recent Developments

Under-Secretary-General for Political Affairs Ibrahim Gambari visited Myanmar and held high-level talks with the Myanmar government and opposition leaders from 18 – 20 May.

His objectives for the trip were:

- To see first hand what was happening in Myanmar;
- To establish communication and contact with the Myanmar government and UN agencies to facilitate communication in the future;
- To open doors for UN country teams with Myanmar leaders especially after the move to the new capital in Pyinmana; and
- To draw the attention of Myanmar's leaders to the concerns of the international community regarding the democratisation and human rights situation in Myanmar

His trip was significant as he is the first high-ranking UN envoy to be allowed into Myanmar in two years. He met with Senior General Than Shwe, leader of the State Peace and Development Council (SPDC) and other senior members of the SPDC. Perhaps even more significantly, he was allowed to meet for an hour with Aung San Suu Kyi, leader of the NLD, who has been under house arrest for 10 of the last 16 years. This was the first time in more than two years that Suu Kyi has been given access to a foreign visitor. Suu Kyi's current two-year term of house arrest will expire on 27 May and both Kofi Annan and Paulo Sergio Pinheiro, the Special Rapporteur on the situation of human rights in Myanmar have made public appeals for her release.

In his meetings with Myanmar government officials, Gambari made it clear that Myanmar could only improve its relations with the international community if there was progress on human rights and the democratisation process. He stressed the need for Myanmar to turn a new page and to maintain constructive dialogue. He also asked directly for the release of Suu Kyi and other political prisoners.

The ruling military government has closed its doors to UN diplomats over the last two years. Razali Ismail, the former UN Special Envoy for Myanmar charged with facilitating national democratisation and reconciliation stepped down in January after trying to get into Myanmar for more than two years. The UN Special Rapporteur on human rights in Myanmar Sergio Pinheiro has not been able to enter Myanmar since November 2003.

The Association of Southeast Asian Nations (ASEAN), which admitted Myanmar in 1997, has fared only a little better in getting into Myanmar. In December Myanmar agreed to allow Malaysian Foreign Minister Syed Hamid Albar to monitor the progress of its seven-step democracy road-map. After a three month delay, Albar was allowed to visit in late March but was given limited access and was not allowed to meet Aung San Suu Kyi.

Gambari's visit took place at a time of strong international reaction over the Myanmar army's biggest offensive against the ethnic Karen minority in 10 years. Since November, thousands of villagers have been forced from their homes in Karen State. UN human rights investigators have called on the junta to stop targeting the Karen and cited allegations of killings, rape and torture by soldiers. In the last two months 2,000 refugees have crossed the border to Thailand. There are an estimated 140,000 refugees in nine camps giving rise to an increasing recognition that the situation in Myanmar could affect international peace and security.

In addition, Myanmar's military rulers have recently stepped up pressure on political rivals and rebels by accusing them of being linked to terrorist groups.

The Security Council had its first ever briefing on Myanmar on 16 December 2005 after the US requested an official briefing from the UN Secretariat on the situation in Myanmar. At this briefing by

Gambari, which the UN Secretary-General attended, the situation in Myanmar was described as a humanitarian emergency.

On 18 May the US Senate adopted a resolution calling for a legally binding, non-punitive resolution on Myanmar that would force Myanmar's government to work with the UN on a plan for national reconciliation. It also extended unilateral economic sanctions on Myanmar for another year. The EU arms embargo, suspension of bilateral aid, travel sanctions on regime leaders and restrictions on investments in Myanmar are also still in place.

### **Key Issues**

The main issue is whether the actions of the military government have serious trans-national effects that constitute a threat to peace and security and regional stability. While the US has argued that this is indeed the case, other members of the Council like China, Russia and Japan have argued that the Myanmar situation is primarily a human rights issue and should not be on the Council agenda.

Another issue is how best to proceed with the Myanmar government. The briefing is likely to indicate that it is important to keep up the momentum generated from this visit. Possible factors that led to greater openness for this visit were the seniority of the UN representative, the backing of some members of the Council and willingness on the part of Myanmar to appear more open.

A related issue is what role the UN should play now that the Myanmar government has agreed that the UN can help it find common ground with the NLD. A decision needs to be made on how the UN can help Myanmar move towards an all inclusive process of democratisation.

An emerging issue is the possibility of a humanitarian crisis in Myanmar. The attacks on the Karens have led to large refugee flows across the border and thousands of internally displaced people. The Myanmar government has indicated that it is willing to allow a UN fact finding mission to go to the border areas.

### **Council Dynamics**

While there are still divisions in the Council on the need to formally place Myanmar on the Council agenda, all members of the Council were willing to have this second briefing.

The US, together with the support of the European countries, has been at the forefront of the campaign to have the Council consider Myanmar. These members will want to keep the momentum going after this briefing and will be looking for some follow-up and further involvement. Given the US Senate's call for a resolution, the US may feel the need to push for more concrete action from the Council. There is likely to be opposition from members like China, Russia and Japan, who are still uncomfortable with anything beyond a briefing at this stage. Some of the newer members of the Council like Peru feel that Myanmar is more a human rights issue but if the situation warrants it they are open to Council involvement.

Overall most members of the Council are waiting to see what comes out of the briefing before committing to any specific action.

For a historical background and more complete list of documents, please see our 15 December 2005 *Update Report* on Myanmar.

## UN Documents

### Selected General Assembly Reports

- A/60/221 (12 August 2005) is the latest of the Special Rapporteur's reports on the situation of human rights in Myanmar.

### General Assembly Resolutions

- A/RES/59/263 (23 December 2004) requested the Secretary-General to provide his good offices and pursue his discussions with the Government and people of Myanmar
- A/RES/55/231 (24 December 2001) strongly urged the Government of Myanmar to take urgent and concrete steps to ensure the establishment of democracy.

### Selected Commission on Human Rights Reports

- E/CN.4/2006/34 (7 February 2006) is the latest report of the Special Rapporteur to the Commission of Human Rights
- E/CN.4/2005/130 (7 March 2005) is the latest report of the Secretary-General and his Special Envoy for Myanmar.

### Selected Commission on Human Rights Resolutions

- E/CN.4/RES/2005/10 (14 April 2005) extended the mandate of the Special Rapporteur by one year.
- E/CN.4/RES/1992/58 (3 March 1992) decided to establish the mandate of a Special Rapporteur on human rights in Myanmar.