

Agreement. Commending the work of the United Nations efforts in Bougainville, many speakers noted how it could serve as a model for small United Nations missions entrusted with handling regional conflicts and peacebuilding initiatives. Acknowledging the challenges ahead, the majority of speakers underscored the need for the Autonomous Bougainville Government to develop both a sustainable economy and administrative capacity in order to consolidate the peace efforts.

The representative of Papua New Guinea expressed his gratitude to the United Nations, the Security Council and the Member States Australia, Fiji, New Zealand and Vanuatu for their efforts leading to the successful conclusion of the mandate of UNOMB.⁷

⁷ *Ibid.*, pp. 16-19.

26. The situation in Myanmar

Initial proceedings

Deliberations of 15 September 2006 (5526th meeting)

At the 5526th meeting,¹ on 15 September 2006, the President (Greece) drew the attention of the Security Council to a document that included the provisional agenda,² and to a letter dated 15 September 2006³ addressed to the President of the Council, in which the representative of United States requested a meeting of the Council under the item entitled “The situation in Myanmar” in order to receive a briefing from the Under-Secretary-General for Political Affairs on the situation, as well as on the status and progress of the Secretary-General’s good offices mission.⁴

At the start of the meeting, the President asked whether any member of the Council wished to speak on the question of the provisional agenda before the Council, following which statements were made by the representatives of China, Qatar and the United States.

The representative of China questioned the relationship between the situation in Myanmar and threats to international peace and security. He cited a letter sent on 10 July 2006 by the Non-Aligned

Movement to the President of the Council,⁵ in which the Movement put forward its categorical opposition to the inclusion of Myanmar on the Council’s agenda. He expressed the view that to request that the Council discuss an issue that by nature pertained to the internal affairs of a country not only exceeded the mandate given by the Charter of the United Nations to the Council, but also undermined the Council’s authority and legality. To force the Council to intervene would not only be inappropriate but would also further complicate the situation and have a negative impact on future interaction between Myanmar and the United Nations. China was unequivocally against including the question of Myanmar on the agenda of the Council.⁶ The representative of Qatar also objected to the inclusion of the item, on the grounds that such an inclusion could close the diplomatic channels opened by Myanmar with the relevant human rights mechanisms and with the Secretary-General.⁷

The representative of the United States referred to his letter of 1 September 2006 to the President of the Council,⁸ noting the grave human rights and humanitarian conditions in Myanmar, the detention of over 1,100 political prisoners and the outflow of refugees, drugs, HIV-AIDS and other diseases, and the resulting destabilizing effect on the region.⁹

The President (Greece) then put the provisional agenda to a vote; it was adopted by 10 votes to 4 (China,

¹ For more information on the discussion at this meeting, see chap. XI, part I, sect. B, with regard to Article 39 of the Charter, and chap. XII, part I, sect. D, case 6, with regard to Article 2 (7) of the Charter.

² S/Agenda/5526.

³ S/2006/742.

⁴ The Secretary-General was mandated by the General Assembly to provide his good offices assistance to Myanmar in order to engage in a process of inclusive dialogue leading to national reconciliation, the restoration of democracy, and full respect for human rights.

⁵ Not issued as a document of the Council.

⁶ S/PV.5526, pp. 2-3.

⁷ *Ibid.*, p. 3.

⁸ Not issued as a document of the Council.

⁹ S/PV.5526, pp. 3-4.

Congo, Qatar, Russian Federation), with 1 abstention (United Republic of Tanzania).¹⁰ The meeting was then suspended.

The meeting was resumed on 29 September 2006 in private. At the meeting, members of the Council, the Under-Secretary-General for Political Affairs and the representative of Myanmar had an exchange of views.

**Decision of 12 January 2007 (5619th meeting):
rejection of a draft resolution**

At the 5619th meeting,¹¹ on 12 January 2007, the President (Russian Federation) drew the attention of the Council to a draft resolution submitted by the United Kingdom and the United States.¹² By the draft resolution, the Council would, *inter alia*, have expressed support for the Secretary-General's good offices mission; urged the Government of Myanmar to respond to those efforts; and called on the Government of Myanmar to cease violations of humanitarian and human rights law, cooperate with the International Labour Organization on questions of forced labour, permit international humanitarian organizations to operate without restrictions, release political prisoners and lift restrictions on political actors, and begin an inclusive political dialogue leading to a democratic transition.

The draft resolution was put to the vote; it received 9 votes in favour, 3 votes against (China, Russian Federation and South Africa), with 3 abstentions (Congo, Indonesia, Qatar), and was not adopted, owing to the negative votes of two permanent members of the Council.¹³

During the meeting, statements were made by most members of the Council,¹⁴ and by the representative of Myanmar.

The representative of China said his country was firmly opposed to the draft resolution, as the Myanmar issue was mainly the internal affair of a sovereign State, and all of the immediate neighbours of Myanmar, all Association of Southeast Asian Nations (ASEAN) member States and most Asia-Pacific countries believed that the current domestic situation in Myanmar did not constitute a threat to international or regional peace and security. The representative of China stated that there was no need for the Council to get involved, and if it took action, it would exceed its own mandate. It would also hinder discussions by other relevant United Nations agencies and bring no benefit to the Secretary-General's good offices effort. Finally, he expressed the view that the international community could offer all kinds of constructive advice and assistance, but needed to "refrain from arbitrary interference".¹⁵ Several speakers stated that the situation in Myanmar was not a clear threat to international peace and security, that the proposed resolution could hinder the good offices effort and that other competent United Nations organs, such as the human rights mechanisms, were more appropriate venues for addressing the problem of Myanmar.¹⁶ The representative of the Russian Federation said his delegation considered any attempt to use the Council to discuss issues outside its purview to be unacceptable.¹⁷

The representative of the Congo noted that his delegation had voted against the inclusion of Myanmar on the agenda of the Council, as the neighbouring countries did not believe that Myanmar posed a threat to international peace and security. He therefore logically could have voted against the draft resolution. However, in the spirit of reconciliation, his delegation preferred to abstain, but he also noted that this matter fell under the purview of United Nations bodies other than the Council.¹⁸ The representative of Panama observed that the topic being addressed was the functions and mandate of the Council, specifically its capacity to act preventively and in conformity with the scope and range of Articles 32, 33 and 34 of the Charter. He stated that his delegation had voted on the understanding that the resolution incorporated the views of the neighbouring countries and of the Non-Aligned Movement,

¹⁰ For more information, see chap. II, part II, sect. A, case 2, with regard to the consideration of requirements for the inclusion of an item in the agenda.

¹¹ For more information on the discussion at this meeting, see chap. XI, part I, sect. B, with regard to Article 39 of the Charter; and chap. XII, part I, sect. D, case 6, and part II, sect. A, case 12, with regard to Article 2, para. 7, of the Charter.

¹² S/2007/14.

¹³ See S/PV.5619, p. 6; for more information, see chapter IV.

¹⁴ The representative of Peru did not make a statement at the meeting.

¹⁵ S/PV.5619, pp. 2-3.

¹⁶ *Ibid.*, pp. 2-3 (China); pp. 3-4 (South Africa); pp. 4-5 (Indonesia); and pp. 5-6 (Qatar).

¹⁷ *Ibid.*, p. 6.

¹⁸ *Ibid.*, p. 8.

specifically, that Myanmar was not currently a threat to international peace and security. His delegation felt that the inability of the Council to reach consensus on this item was quite unfortunate.¹⁹ The representative of Italy noted his delegation's view that, while they shared the concerns expressed in the draft text, punitive approaches had not yielded satisfactory results and should not be sought by the Council.²⁰

Other speakers expressed strong support for the draft resolution and stressed the importance of a resumption of a political dialogue in Myanmar and an end to human rights abuses.²¹

The representative of the United States asserted that the situation in Myanmar did pose a risk to peace and security beyond its borders. He said that the draft resolution would have supported the good offices mission and would have helped the Council to act in cooperation with other United Nations organs in a holistic manner.²² In the same way, the representative of France noted that conflict in Myanmar had repercussions beyond the country's borders, and further stated that the Council could not remain indifferent to the situation of civilians in conflict zones.²³ The representative of the United Kingdom also believed the issue to be within the competence of the Council, but not solely so, in that other organs, including the agencies, funds and programmes of the United Nations, had a key role to play. He urged the Council to continue to monitor the situation in Myanmar, which would not be an impediment to its consideration by any other part of the United Nations family.²⁴

The representative of Ghana, referring to the principles and objectives enshrined in the Charter and the Universal Declaration of Human Rights, expressed the view that the maintenance of international peace and security in the current radically changed world necessarily involved addressing complex challenges that were cross-cutting and interrelated. In recent times, the Council had dealt with many intra-State conflicts. He further noted that the interests of humankind were

best served when the organs of the United Nations were devoted to complementing each other's efforts.²⁵

The representative of Myanmar remarked that the draft resolution, if it had been adopted, would have set a dangerous precedent, clearly exceeded the mandate given by the Charter and would have undermined the Council's authority and legality. Finally, he pointed out that cooperation with the United Nations was the cornerstone of the foreign policy of Myanmar.²⁶

**Decision of 11 October 2007 (5757th meeting):
statement by the President**

At its 5753rd meeting,²⁷ on 5 October 2007, the Council included in its agenda a letter dated 3 October 2007 from the representative of the United States addressed to the President of the Security Council,²⁸ which requested an urgent meeting of the Council and invited the Special Adviser to the Secretary-General on Myanmar to supply information on his mission.

The Council heard briefings by the Secretary-General and the Special Adviser, following which most members of the Council made statements,²⁹ as did the representatives of Myanmar and Singapore.

The Secretary-General, expressing deep concern at the recent events in Myanmar and the reports of continued human rights violations, underlined the fact that the use of force against peaceful demonstrators was abhorrent and unacceptable. He expressed serious concern about the overall situation in Myanmar, especially with regard to the unknown predicament of the large number of individuals who had been arrested without due process. He advocated a serious and comprehensive political dialogue between the Government and the political opposition.³⁰

The Special Adviser reported on his recent mission to Myanmar during a Government crackdown on peaceful demonstrations. He detailed his mission, which had had three main objectives: first, to assess the

¹⁹ Ibid., p. 10.

²⁰ Ibid., p. 7.

²¹ Ibid., p. 6 (United States); p. 7 (United Kingdom, Italy); p. 8 (Belgium); pp. 8-9 (Slovakia); and p. 9 (France).

²² Ibid., p. 6.

²³ Ibid., p. 9.

²⁴ Ibid., p. 7.

²⁵ Ibid.

²⁶ Ibid., p. 10.

²⁷ For more information on the discussion at this meeting, see chap. XI, part I, sect. B, with regard to Article 39 of the Charter and part III, sect. B, with regard to Article 41 of the Charter.

²⁸ S/2007/590.

²⁹ The representative of the Congo did not make a statement at the meeting.

³⁰ S/PV.5753, p. 2.

situation on the ground in the wake of recent demonstrations; second, to deliver clear messages from the Secretary-General to the Myanmar authorities at the highest level; and third, to try to promote dialogue between the Government and the opposition as the best path to ending the current crisis and achieving national reconciliation. He observed that while the protests had coincided with the Government's sudden decision on 19 August to sharply increase the price of fuel, the marches by monks across the country appeared to have provided a catalyst for the demonstrations to become explicitly political in nature. He observed that by the time his mission had started, the protests in the streets of Yangon had largely been put down, although there were continuing reports of abuses being committed by security and non-uniformed elements, particularly at night, and of mass relocation outside Yangon of monks arrested in the course of the demonstrations. He had made several recommendations to the Government, including releasing all those arrested during the demonstrations and ensuring respect for human rights and the rule of law in the exercise of law enforcement.³¹ Both the Secretary-General and the Special Adviser noted that a united Security Council would give important support to the Secretary-General's good offices efforts to help Myanmar achieve national reconciliation, democratization and full respect for human rights.³²

Most speakers deplored the events in Myanmar and advocated a peaceful solution through inclusive dialogue. They also expressed support for the Special Adviser's visit.

Many speakers stressed the need for the Council to give its full and unified support to the good offices efforts.³³ Some speakers called explicitly or implicitly for a presidential statement capturing the common concerns of the Council.³⁴ A number of speakers acknowledged the role played by China in supporting the visit of the Special Adviser.³⁵

The representative of Slovakia noted that the deteriorating situation in Myanmar could become a regional threat.³⁶ The representatives of Belgium, France and Italy noted the strengthening of the targeted sanctions adopted against the leadership of Myanmar by the European Union.³⁷ The representative of the United States cautioned that his country was prepared to introduce a draft resolution in the Council imposing sanctions.³⁸

The representative of Indonesia informed the Council that ASEAN had expressed concern, "indeed revulsion", over the developments in Myanmar and had called on the Government to desist from the use of force and seek a political resolution.³⁹ The representative of Panama argued that any gesture undertaken by the Council should reflect the positions of ASEAN and the Human Rights Council.⁴⁰

The representatives of China and Myanmar reiterated their positions that the situation in Myanmar did not represent a threat to international peace and security, and that the Council should refrain from any action that could interfere with the good offices efforts.⁴¹

At the 5757th meeting,⁴² on 11 October 2007, the President (Ghana) made a statement on behalf of the Council,⁴³ by which the Council, *inter alia*:

Welcomed the recent mission by the Special Adviser to the Secretary-General on Myanmar, Mr. Ibrahim Gambari, and reaffirmed its strong and unwavering support for the Secretary-General's good offices mission;

Strongly deplored the use of violence against peaceful demonstrations in Myanmar; emphasized the importance of the early release of all political prisoners and remaining detainees;

Stressed the need for the Government of Myanmar to create the necessary conditions for a genuine dialogue with Daw Aung San Suu Kyi and all concerned parties and ethnic groups in order to achieve an inclusive national reconciliation with the direct support of the United Nations; encouraged the Government to

³¹ *Ibid.*, pp. 3-4.

³² *Ibid.*, p. 2 (Secretary-General) and p. 3 (Special Adviser).

³³ *Ibid.*, pp. 7-8 (Indonesia); pp. 10-11 (Belgium); p. 11 (South Africa); p. 14 (Qatar); p. 16 (Russian Federation); pp. 16-17 (Peru); p. 17 (Ghana); and pp. 18-20 (Singapore).

³⁴ *Ibid.*, pp. 6-7 (United Kingdom); p. 10 (France); p. 13 (United States); and p. 15 (Italy).

³⁵ *Ibid.*, p. 7 (United Kingdom); p. 12 (United States); p. 15 (Italy); and p. 20 (Singapore).

³⁶ *Ibid.*, p. 11.

³⁷ *Ibid.*, p. 9 (France); p. 10 (Belgium); and p. 15 (Italy).

³⁸ *Ibid.*, p. 13.

³⁹ *Ibid.*, p. 7.

⁴⁰ *Ibid.*, p. 16.

⁴¹ *Ibid.*, p. 9 (China) and p. 18 (Myanmar).

⁴² For information on the discussion at this meeting, see chap. XI, part I, sect. B, with regard to Article 39 of the Charter, and part III, sect. B, with regard to Article 41 of the Charter.

⁴³ S/PRST/2007/37.

consider seriously Mr. Gambari's recommendations and proposals; and also called upon the Government to take all necessary measures to address the political, economic, humanitarian and human rights issues that were the concern of its people and emphasized that the future of Myanmar lay in the hands of all of its people;

Welcomed the public commitment by the Government of Myanmar to work with the United Nations and the appointment of a liaison officer with Daw Aung San Suu Kyi; and urged the Government and all parties concerned to cooperate fully with Mr. Gambari.

**Deliberations of 13 November 2007
(5777th meeting)**

At its 5777th meeting, on 13 November 2007, the Council heard a briefing by the Special Adviser to the Secretary-General on Myanmar, following which all Council members made statements, as did the representatives of Japan, Myanmar and Singapore.

The Special Adviser informed Council members about his visit to Myanmar, including, *inter alia*, information about the lifting of curfews, the withdrawal of military presence from the streets and the release of some detainees. He commented that while the Government had assured him that it intended to proceed with the drafting of a constitution and the holding of a referendum and elections, there was still a lack of clarity about the timing. He noted that he had not been able to meet with all the interlocutors requested, including General Than Shwe; but he had met with Daw Aung San Suu Kyi, although the Government had yet to provide assurances that it would lift the restrictions on her. Daw Aung San Suu Kyi had issued a statement through the Special Adviser on her commitment in the interest of the nation to work with the Government through meaningful and time-

bound dialogue, and on the role of the United Nations in that regard. Additionally, the Government of Myanmar had agreed to receive a visit from the Special Rapporteur on the situation of human rights in Myanmar and had agreed in principle to allow access to the remaining detainees by the International Committee of the Red Cross.⁴⁴

All speakers expressed support for the work of the Special Adviser. A number of representatives expressed concern about detentions and violence used by the military leadership. Some speakers regretted the expulsion of the Resident Coordinator. Several speakers advocated political dialogue, national reconciliation, respect for human rights and a transition towards democracy, and a few speakers emphasized that a return to the status quo ante was not an option. Many representatives welcomed the statement by Daw Aung San Suu Kyi and her readiness for dialogue.

Several speakers noted that the approach of the Myanmar authorities to the Special Adviser's mission had not been in line with the expectations of the Council.⁴⁵ Several speakers also referred to the important role of ASEAN.⁴⁶ The representatives of China and Myanmar maintained their positions that the situation was not a threat to international peace and security.⁴⁷

⁴⁴ S/PV.5777, pp. 2-5.

⁴⁵ *Ibid.*, p. 5 (United Kingdom); p. 7 (United States); p. 9 (Belgium); p. 11 (France); and p. 12 (Italy).

⁴⁶ *Ibid.*, p. 7 (South Africa, United States); p. 9 (Belgium); pp. 10-11 (China); pp. 13-14 (Russian Federation); pp. 14-15 (Peru); p. 15 (Congo); pp. 15-16 (Ghana); p. 16 (Qatar); pp. 16-17 (Indonesia); 18-20 (Singapore); p. 20 (Japan).

⁴⁷ *Ibid.*, p. 10 (China) and p. 18 (Myanmar).