

## 4.4 Mission Notes

# Myanmar

On 30 March 2011, after nearly five decades of military rule under the State Peace and Development Council (SPDC), Myanmar transitioned to a civilian-led government, headed by the junta's former Prime Minister Thein Sein. This event was heralded by multi-party elections on 7 November 2010, the first general elections since 1990, when the regime refused to recognize the victory of the National League for Democracy (NLD) led by Aung San Suu Kyi. Leading up to the elections, some 20 members of the junta resigned their military posts in order to stand for election and to take up posts in the new civilian cabinet, which is dominated by members of the previous regime.

The election was tightly controlled. Suu Kyi and other leading political dissidents were banned from standing under an electoral law that forbids candidates with prior criminal convictions. The law also barred members of religious orders, effectively aimed at the leaders of the 2007 anti-government monk protests. Many ethnic minority parties likewise were banned from participating, or chose not to stand. The NLD boycotted the vote, though several NLD leaders, contesting the decision, split off to form the National Democratic Front. Nonetheless, 37 new parties participated in the vote and, for the first time, local elections were also held for 14 newly established state and regional legislatures. The Union Solidarity and Development Party – an outgrowth of the former junta's Union Solidarity and Development Association – won an

overwhelming 259 of 330 directly elected seats in the 440-seat lower House of Representatives and 129 of 168 directly elected seats in the 224-seat upper House of Nationalities. Twenty-five percent of parliamentary seats in both houses were set aside for the military.

In his first speech to parliament, Sein presented an ambitious national agenda for reform in which he called for national unity and reconciliation, particularly with the country's ethnic minorities – a subject not openly discussed under the SPDC. He also promised to strengthen respect for human rights. Myanmar has been repeatedly condemned by national and international rights groups, as well as by the UN General Assembly, for systemic violations, including the detention of more than 2,100 political prisoners, forced labor and the use of child soldiers.

Amid the shift in Myanmar's political terrain, the government released Aung San Suu Kyi from house arrest a week after the November national election. Since then, Suu Kyi has called for dialogue and democratic transition, but the government's position that any reconciliation must occur within the forum of parliament, from which the NLD is absent, and within the constitutional framework, the provisions of which the NLD opposes, makes it unclear whether she will be allowed to resume any political role. Nonetheless, following the inauguration, there are tentative reports that the government has relaxed censorship laws, enabling new political parties to work more openly, to discuss coalitions and to discuss political prisoners.

### Special Adviser, Myanmar

<b>Authorization and Start Date</b>	23 December 1994 (UNGA Res. 49/197)
<b>Acting SASG*</b>	Vijay Nambiar (India)
<b>First SASG</b>	Alvaro de Soto (Peru)
<b>Budget</b>	\$1.2 million (1 January 2011-31 December 2011)
<b>Strength as of 30 April 2011</b>	International Civilian: 5

*Note: \*After the former Special Adviser Ibrahim Gambari was appointed the Joint Special Representative for Darfur in December 2009, Vijay Nambiar, the UN Secretary-General's Chief of Staff, began acting as the temporary Adviser. See "Daily Press Briefing by the Offices of the Spokesperson for the Secretary-General," 6 January 2010, <http://www.un.org/News/briefings/docs/2010/db100106.doc.htm>.*

*For detailed mission information see p. 184*

### EU Special Envoy for Burma/Myanmar\*

<b>Authorization and Start Date</b>	6 November 2007 (Press Release S315/07)
<b>EUSE</b>	Piero Fassino (Italy)
<b>First EUSE</b>	Piero Fassino (Italy)

*Note: \*The mandate of the EUSE expired on 31 August 2011.*

Despite Thein Sein's calls for national unity and his attempt to bring the country's ethnic armies within the legal fold, there are signs of continued insecurity in the border regions, as a number of ethnic groups break away from the government's border guard force (BGF) in Karen, Shan and Kachin states along the northern and eastern borders. In November 2010, the Kachin Independence Army (KIA) rejected an offer from the then-SPDC to become part of the BGF, fueling concerns of renewed civil war. In June 2011, clashes between the KIA and government military forces were reported, threatening to destabilize the border region, and likely affecting natural resource and energy investments by China, which has a significant presence in the area and has played an arbitrating role between the government and rebel

armies. There have also been reports of fighting between the Shan State Army and government since February 2011, when it rejected a similar proposal to join the BGF.<sup>1</sup>

Insecurity has not been limited to the volatile border regions; bombings that the government frequently blames on ethnic rebels are not unknown in Yangon, the former capital. Meanwhile, opium production in the region – an economic mainstay of several ethnic rebel groups – has skyrocketed in the past few years. According to the UN Office on Drugs and Crime, Myanmar's share of global production has increased from five percent in 2007 to 12 percent in 2010.<sup>2</sup>

Reports of systematic human rights violations by government troops in the east and northern border regions prompted the UN Special Rapporteur on Human Rights in Burma, Tomás Ojea Quintana, to renew calls for a commission of inquiry. Speaking in May 2011 on the situation of human rights in Burma, Quintana stated, "the situation of ethnic minority groups in the border areas presents serious limitations to the government's intention to transition to democracy."<sup>3</sup>

In June, the US appointed its first Special Envoy for Burma amid a recalibration of its twin policy of sanctions combined with political engagement in place since 2009. Although economic sanctions continue, during the past two years, the US has sought greater dialogue with the military government. However, suspicions of North Korea providing nuclear technology to Myanmar is likely to prejudice US policy; the US intercepted a ship suspected of carrying nuclear material bound for Myanmar on 13 June 2011.<sup>4</sup>

The European Union appointed its Special Envoy for Myanmar during the 2007 monk demonstrations, with the mandate to coordinate EU efforts to support democratic change, improve human rights and development and to support the UN special adviser. In April 2011 the EU provisionally eased a visa ban on certain civilian members of government in order to facilitate diplomatic engagement. In June, the Envoy, who has been denied access to Myanmar since appointment, visited the country for the first time along with a high-level EU delegation to meet the new

government and Suu Kyi. Following debates within the EU about the effectiveness and wisdom of its own policies as well as the rationale for the envoy, the mandate for the envoy was not renewed and expired on 31 August 2011.

## ROLE OF THE UN SPECIAL ADVISER

The position of a Special Adviser to the Secretary-General on Myanmar has been in place since 1997 pursuant to a 1993 General Assembly mandate. After the reassignment of the previous adviser Ibrahim Gambari, who held the position between May 2007 and December 2009, the Secretary-General's chief of staff, Vijay Nambiar was designated the acting Special Adviser on 1 January 2010.

The aim of the UN's political engagement in Myanmar is to provide good offices in support of national reconciliation between the government and opposition groups, to facilitate democratic transition and promote respect for human rights. The General Assembly has urged the government of Myanmar to grant the special adviser "unrestricted access to all relevant stakeholders, including the highest level of leadership within the army, political parties, human rights defenders, representatives of ethnic groups, student leaders and other opposition groups."<sup>5</sup>

However, without a continual presence and accompanying process on the ground, dialogue has been intermittent – and corresponding progress on reconciliation, democratic transition, or human rights has been limited. Special Adviser Vijay Nambiar has stated that the new government's commitment to reform is encouraging, but needs to be matched with concrete actions. The government has taken only small steps towards releasing political prisoners and engaging in political dialogue; steps that have been insufficient and fallen short of expectations.<sup>6</sup>

The lack of notable progress in response to the UN's efforts stems from three main constraints: the limited political space for engagement provided by the government of Myanmar, the limited range of tools available to the UN and the adviser's narrowly defined good offices mandate.



Myanmar democracy opposition leader Aung San Suu Kyi (R), who was released from seven years of house arrest two weeks ago, poses with Vijay Nambiar (L), acting UN special adviser, at her house in Yangon, Myanmar, on 27 November 2010.

EPA/Nyein Chan Naing

Engagement between the UN and the government has slowly improved since the resumption of the good offices in 2006 following a two-year junta imposed hiatus. No visits occurred between July 2009 and November 2010, limiting engagement between Myanmar and the UN at a moment of significant political transition. At the invitation of the government, however, Nambiar visited in November following the election and the release of Aung San Suu Kyi, and again in May 2011 following the establishment of the new government. In contrast to his predecessor, the adviser was given greater freedom by the government to set his own program, and to meet with Suu Kyi and civil society. Nambiar nonetheless has faced criticism from human rights groups and European governments concerned about the lack of progress by the government in engaging with the NLD and other opposition groups outside of parliament. The visit confirmed that while space for political engagement by the UN exists, government response remains limited.

There have been calls, including from Aung San Suu Kyi and the United Kingdom, for the appointment of a full time UN envoy. Other member states have called for continuity in the UN's substantive approach, rather than focusing on how the post is filled. From the UN's point of

## Initiatives on Mediation and Preventive Diplomacy at the UN

Mediation and preventive diplomacy were both topics of diplomatic discussions at the United Nations in 2011. On 22 June, the General Assembly approved by consensus a resolution affirming the importance of mediation as a tool for conflict prevention and resolution. The strong support for this resolution was, in part, generated by a newly formed Group of Friends of Mediation, which has been co-chaired by Finland and Turkey. The resolution highlights the work of the Department of Political Affairs— which backstops all of the UN's political missions except that in Afghanistan - and its Mediation Support Unit.

The resolution calls on other organizations to enhance their mediation capacities, in addition to encouraging governments to invest more in mediation. This General Assembly resolution reflects a growing focus on diplomatic crisis management across the UN system, which has also resulted in increased attention to the role of political missions. This link was made explicit in a report by the Secretary-General to the Security Council on preventive diplomacy, published in September 2011. The report highlights the role of political missions in preventive diplomacy, and underscores the importance of regional political offices, i.e. UNOCA, UNOWA and UNRCCA. In outlining the UN's role in preventive diplomacy, the report uses both UNOWA's involvement in averting election-related violence in Guinea and UNRCCA's contribution to avoiding a full-blown ethnic conflict in Kyrgyzstan as examples.

The Secretary-General's report situates political missions among the UN's other preventive tools, including the Security Council's leverage, the work of individual envoys and peacekeeping operations. The report illustrates how recent preventive diplomacy engagements by the UN and its partners have made a difference on the ground in a range of different contexts. It highlights some of the challenges preventive efforts continue to face and makes general observations on the future of preventive diplomacy, highlighting the need for better information-sharing between the UN and other organizations and improved training of the UN's staff.

view, the issue is not its own capacity to engage, but the government's disposition towards this engagement. Proposals by the Secretary-General for the establishment of a United Nations field presence in support of the good offices mandate, for example, have yet to be agreed to by the government of Myanmar.

The second constraint facing the UN – the limited political tools at the disposal of the UN – is due to deep divisions within the international community on how to respond to the situation inside Myanmar. While some states, particularly in the West, frame the issue in terms of dialogue with Aung San Suu Kyi and human rights, others emphasize respect for sovereignty, oppose on principle country-specific human rights resolutions and view Myanmar's democratic transition as a domestic matter. At the same time, underlying national and regional interests of China, India and ASEAN members are also guiding their positions in UN fora.

Between 1994 and 2008, the mandate was extended by consensus of the General Assembly, but three years ago, Myanmar succeeded in putting

the resolution to a vote, which has exposed fault lines. In 2011, the General Assembly reaffirmed its support for the mandate by a vote of 96 to 28, with 60 abstentions.<sup>7</sup> Yet, no members of ASEAN voted in favor, and Brunei, Cambodia, Vietnam, and Malaysia voted “no.” ASEAN members, along with China and India, also opposed calls by UN special rapporteur Quintana for an international commission of inquiry for which the US and Europe have expressed support.

At issue, though, is a differing understanding of the nature of the challenge. The government of Myanmar is focused on the ends: it is now firmly locked onto completing its “seven-step political roadmap to democracy,” aimed at ending the country's international isolation. The West is focused on the means: political repression and systematic human rights violations – a position perceived as rolling back the political clock to 1990. Meanwhile, ASEAN is pursuing its agenda of regional integration. The Secretary-General's good offices role is thus caught in the precarious position of having to balance opposing positions, both within the country and between Myanmar and the broader



international community, while retaining its role as impartial mediator.

The Security Council has continued to hear briefings on the situation in Myanmar, but has not taken any action since August 2009, when it released a press statement expressing serious concern at the conviction of Aung San Suu Kyi and reiterating the importance of releasing political prisoners.

Given divisions over assessments of the situation in Myanmar and the roles of special adviser and the special rapporteur, the Group of Friends on Myanmar – established by Ban Ki-Moon in December 2007 – is one of the few forums at the disposal of the Secretary-General to generate support for the good offices role among member states. The friends group has fifteen members, including the five permanent members of the Security Council and four members of ASEAN.

The scope of the Secretary-General's good offices mandate is the third constraint. As noted, from the perspective of the government of Myanmar and its political allies in the General Assembly, the mandate of the special adviser has been perceived as biased toward Aung San Suu Kyi and the NLD *against* the government, rather than seeking to mediate between the two positions for the good of the country. The mandate places comparatively less emphasis on resolution of the ethnic conflicts in the border regions, and excludes any peacemaking role for the UN. Given the resistance of the government to internationalizing the ethnic conflicts, it is unlikely that a more robust UN role in broader conflict management would be welcome.

## CONCLUSION

With the holding of national elections, convening of the parliament and transfer of authority to the new civilian administration, the government has concluded its “seven-step roadmap” for building a “modern, developed, democratic nation.” The influence of the former military regime in government, and non-participation of key opposition and ethnic constituencies remains a hurdle to reconciliation. Yet, despite its imperfections, the current political transition provides the first window in over two decades for renewed engagement by the UN, with the support of the wider international community, in an effort to deepen democratic transformation and normalization.

The international community has yet come up with fresh approach in response to the fluid circumstances on the ground. Myanmar's deepening political and economic ties within Southeast Asia and the wider region are gradually undermining efforts to isolate the country and force change. If the US and European countries wish to sustain UN action, then they will likely need to engage more closely with regional member states to ensure continued support for the mandate. Looking forward, sustained UN political action will likely require closer engagement and convergence between the US and European countries on one hand, and regional member states on the other, to ensure common support for mandate.

The vision laid out by the new civilian government, if implemented, would mark a dramatic redirection of course. But the onus remains on the government to demonstrate its commitment to these goals.

**NOTES**

- 1 Alex Ellgee, “Inside the KIA-Ramping-Up and Staying Alert,” *The Irrawaddy*, April 7, 2011.
- 2 This is in part due to reductions in Afghanistan’s share of production, which accounts for 74 percent. United Nations Office on Drugs and Crime, *Global Drug Report 2011* (Vienna: UNODC, 2011), p. 20.
- 3 Simon Roughneen, “UN Envoy Doubts Burma Govt Commitment,” *The Irrawaddy*, 23 May 2011.
- 4 David E. Sanger, “U.S. Said to Turn Back North Korea Missile Shipment,” *New York Times*, 12 June 2010.
- 5 A/RES/65/241 (24 December 2010).
- 6 United Nations, “UN committed to helping Myanmar on road to peace and democracy – Ban” *UN News Center*, 8 June 2011, available at <http://www.un.org/apps/news/story.asp?NewsID=38663&Cr=myanmar&Cr1=>.
- 7 A/RES/65/241 (24 December 2010).