

delayed owing to an inexplicable reluctance, including on the part of United Nations agencies, to facilitate the return of refugees.¹²⁵

¹²⁵ Ibid., p. 35.

25. Letter dated 31 March 1998 from the Chargé d'affaires a.i. of the Permanent Mission of Papua New Guinea to the United Nations addressed to the President of the Security Council

Deliberations of 6 May 2004 (4962nd meeting)

At its 4962nd meeting, on 6 May 2004, the Security Council heard a briefing by the Assistant Secretary-General for Political Affairs on the activities of the United Nations Political Office in Bougainville (UNPOB), Papua New Guinea, following which all members of the Council made statements, as did the representatives of Fiji, Japan, New Zealand¹ and Papua New Guinea.

In his briefing, the Assistant Secretary-General noted that with the support of the Council, the recommendation of the Secretary-General to downsize UNPOB and to establish its successor, the United Nations Observer Mission in Bougainville (UNOMB), had been implemented. The new Mission was working in close cooperation and consultation with the national Government of Papua New Guinea and the leaders of Bougainville. On 17 December 2003, the Bougainville Revolutionary Army and the Bougainville Resistance Force had consolidated their agreement with regard to the destruction of all contained weapons as stipulated in stage III of the Action Plan for the Completion of Weapons Collection. By decentralizing the process of weapons destruction, which had allowed for the ex-combatants, united commanders and communities themselves to decide on the exact date and method of destruction, the Mission had succeeded in greatly expediting the destruction of weapons. Eighty-one per cent of the arsenals of the Bougainville Revolutionary Army and the Bougainville Resistance Force had been destroyed by the Bougainvilleans under the supervision of UNOMB. The Bougainville Constitutional

Commission was in the process of working on the third and final draft of the constitution, which would be submitted for approval by the Bougainville Constituent Assembly in June 2004, followed by submission to the national Government of Papua New Guinea for endorsement by the end of July 2004. The Assistant Secretary-General noted that subsequent to the completion of all constitutional phases, UNOMB would consult with the Government of Papua New Guinea and the parties in Bougainville regarding their intention to proceed with elections. The National Executive Council of the Government of Papua New Guinea had delegated police powers and functions to the Bougainville Interim Provincial Government on 17 December 2003, and, in a further step towards autonomy, the Governor had appointed the former leader of the Bougainville Resistance Force as the first Minister of Police of Bougainville. The Governments of Australia and New Zealand had also been supporting the development of the security sector of Bougainville.

The Assistant Secretary-General noted that some progress had been achieved with regard to the involvement of Mr. Francis Ona, the main Bougainvillean leader remaining outside the peace process. The dominant faction in the Me'ekamui Defence Force of Mr. Ona had completed the destruction of its weapons in April 2004. However, other elements of the Me'ekamui Defence Force had not contained their weapons. UNOMB had been informing Mr. Ona of the developments in the peace process and had expressed its readiness to resume regular contacts with him. Overall, therefore, the Assistant Secretary-General observed that the influence of Mr. Ona had continued to be reduced. Finally, the Assistant Secretary-General urged the parties to redouble their efforts in completing the Bougainville constitutional process, which would open the way to

¹ On behalf of the Pacific Islands Forum (Australia, Fiji, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu).

the election of an autonomous Bougainville government as soon as practical.²

Most speakers welcomed the progress achieved in the implementation of the peace process in Bougainville with regard to the advancement of both the constitutional process and stage III of the weapons disposal plan and the delegation of police powers and functions to the Bougainville Interim Provincial Government. Highlighting the nexus between a durable peace and a self-sustaining economy, many speakers underlined the need for continued socioeconomic development supported by the international community. Several speakers reiterated the need for the faction of Mr. Ona to be brought into the peace process.³ Speaking on behalf of the Pacific Islands Forum, the representative of New Zealand stressed that the international community would remain engaged in the future of Bougainville and the rest of Papua New Guinea with regard to socioeconomic development.⁴

**Decision of 15 June 2005 (5201st meeting):
statement by the President**

At its 5201st meeting, on 15 June 2005, in which the representative of Papua New Guinea was invited to participate, the President (France) made a statement on behalf of the Council,⁵ by which the Council, *inter alia*:

Welcomed the first general elections for the president and members of the House of Representatives of the Autonomous Region of Bougainville held from 20 May through 9 June 2005, and considered that they were competently and transparently conducted, as noted by the international observer team;

Urged those who did not participate in the electoral process to respect the outcome of the elections and support without delay the Autonomous Bougainville Government in its peacebuilding efforts;

Paid tribute to the efforts of the Government of Papua New Guinea and the Bougainville leaders for fully implementing the Bougainville Peace Agreement;

Noted with satisfaction that the performance of UNOMB, as well as that of its preceding UNPOB, demonstrated that a small United Nations special political mission with a clearly defined mandate could make a critical contribution to a regional conflict resolution effort in an efficient and effective manner.

Deliberations of 6 July 2005 (5222nd meeting)

At its 5222nd meeting, on 6 July 2005, the Council heard a briefing by the Assistant Secretary-General for Political Affairs, following which all members of the Council made statements, as did the representatives of Australia, New Zealand and Papua New Guinea.

In his briefing, the Assistant Secretary-General reported, on behalf of the Secretary-General, that the mandate of UNOMB had been fully implemented. On 14 June 2005, in the wake of the first elections for the President and members of the House of Representatives of the Autonomous Region of Bougainville, the parties to the Bougainville Peace Agreement had convened the final meeting of the Peace Process Consultative Committee. The Committee resolved that its objectives under the Lincoln Agreement and the Bougainville Peace Agreement had been achieved. Subsequently, the parties had agreed to dissolve the Committee and manage relations between the national Government and the Autonomous Bougainville Government through the permanent Joint Supervisory Body. Following the completion of the Action Plan for the Completion of Weapons Collection and the implementation of autonomous arrangements, the final pillar of the Peace Agreement remained, that is, the holding of a referendum on the future political status of Bougainville in 10 to 15 years, in which the final decision on its outcome would be left to the Parliament of Papua New Guinea. The Assistant Secretary-General stated that the Bougainville administration was in the process of developing a coherent development plan to improve economic development and government services. Finally, he expressed his appreciation to the members of the Council for the support given to UNPOB and its successor, UNOMB, in the implementation of its mandate.⁶

Most speakers welcomed the establishment of the Autonomous Bougainville Government and expressed their appreciation to the Government of Papua New Guinea for its efforts to implement the Peace

⁶ S/PV.5222, pp. 2-5.

² S/PV.4962, pp. 2-4.

³ *Ibid.*, p. 6 (Germany); p. 11 (Benin); p. 12 (Russian Federation, Pakistan).

⁴ *Ibid.*, p. 15.

⁵ S/PRST/2005/23.

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.