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The Burma Fund is dedicated to promoting and sharing knowledge and building capacity essential to the establishment of durable democracy in Burma.

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## *The Crisis in Burma: An Agenda for United Nations Security Council?*

Recent events in has led to calls for the United Nations Security Council to address and take action on the situation in Burma. It is long overdue. Since 1992 the Security Council has increasingly been prepared to define what has essentially been an internal situation as constituting a 'threat to international peace and security' under Article 39 of the United Nations Charter. Such a determination can justify enforcement action under Chapter VII of the Charter which is binding on all Member States. Recent practice of the Security Council shows that there is a clear case for the Council to determine that the internal situation in Burma constitutes a threat to international peace and security under Article 39 such as to justify enforcement action under Chapter VII of the Charter. Three classes of situation have been recognized by the Security Council as constituting (at least in part) threats to international peace and security: internal conflicts; violations of fundamental norms of international law such as human rights and humanitarian law, and humanitarian crises; and disruption to democracy. All these classes of situation are present in Burma.

This paper will first discuss the role of the Security Council assigned by the United Nations Charter for the 'primary responsibility for the maintenance of international peace and security', then explore the recent practice of the Council in determining what constitutes a 'threat to international peace and security' under Article 39 sufficient to trigger the coercive powers conferred on the Security Council in Chapter VII. The paper then applies this practice to the situation in Burma to argue that the situation fulfils the substantive requirements of the Council for it to determine that Burma constitutes a 'threat to international peace and security'. The paper then discusses the potential for the United Nations Secretary-General to use the powers conferred on him under Article 99 of the Charter to bring to the attention of the Security Council any matter which in his or her opinion may threaten the maintenance of international peace and security if Council members do not display the necessary political will to place Burma on the Council's agenda. The final part of the paper discusses the coercive measures available under Chapter VII of the Charter before proposing a model targeted sanctions regime for Burma.

### ***Notable Quotes***

"I stand by economic sanctions against Burma because I do not think that economic sanctions have hurt anybody except the richest people, and it is partly because of these people ... that we are not achieving genuine progress."

Aung San Suu Kyi quoted by *Agence France Presse*, February 17, 1998.

"Unless the parties concerned are able to engage in substantive dialogue, the international community will have to conclude that the home-grown national reconciliation process no longer exists."

United Nations Secretary-General Kofi Annan, 1 October 2003.