



Office of Hon Murray McCully

Minister of Foreign Affairs
Minister for Sport and Recreation

Joshua Grainger
fyi-request-673-4f6aef7c@requests.fyi.org.nz

Dear Joshua Grainger

Thank you for your Official Information Act request for the following information relating to Myanmar/Burma:

- *Any Cabinet papers, briefings reports, aide memoire, or other such documents on the recent decision to recognize Myanmar over Burma;*
- *Any Cabinet papers, briefings, reports, aide memoire, or other such documents on the decision of approximately two years ago to recognise Burma over Myanmar.*

Attached are copies of:

- October 2012 Cabinet paper on changing the name New Zealand uses for Burma to Myanmar; and
- June 2009 Cabinet paper on changing nomenclature from Myanmar to Burma.

Some small redactions have been made in the 2009 Cabinet paper on the grounds that release of this information could prejudice the international relations of the Government of New Zealand (section 6(a) of the Official Information Act refers).

Under section 28(3) of the Act you have the right to request the Ombudsman to investigate and review the decisions to withhold information.

Yours sincerely

Hon Murray McCully
Minister of Foreign Affairs

Encl

Chair,
Cabinet External Relations and Defence

Changing the name New Zealand uses for Burma to Myanmar

Proposal

To propose changing to Myanmar the name New Zealand uses officially for Burma.

Executive summary

- Cabinet decided in 2009 to use Burma as that country's official name, except on specific occasions such as multilateral meetings and dealings with the Burmese government.
- This move was taken to demonstrate disapproval of Burma's poor human rights record, suppression of opposition parties and the continued house arrest of the key opposition figure, Aung San Suu Kyi.
- Over the past year there has been rapid and significant improvement in all areas, including the freeing of most political prisoners and Aung San Suu Kyi's release and return to mainstream politics. These developments merit a meaningful response from New Zealand, including adopting the country's preferred name.
- Myanmar is the name used not only by its political leadership, but also officially by ASEAN, the United Nations, the World Trade Organisation and many other countries, including some EU members. Australia recently changed its official nomenclature in favour of Myanmar.
- By changing our naming policy in favour of Myanmar, New Zealand would further signal approval for Burma's political and economic reforms, as have our like-minded partners. Recent developments continue to provide reassurance that these are increasingly ingrained and sustainable.
- Over Labour Weekend, Burma's Foreign Minister, Wanna Maung Lwin, will visit New Zealand to have bilateral discussions with the Minister of Foreign Affairs.

Comment

Cabinet agreed in 2009 it would adhere to the name Burma in official references to that country. This reflected our disapproval that the change to Myanmar in 1989 was implemented by the then military junta. Its name change announcement coincided with the imposition of martial law and mass arrests, and followed an uprising in 1988 which was violently suppressed. The junta then annulled the opposition's victory in the 1990 elections. At the time of Cabinet's 2009 decision the human rights situation in the country was again deteriorating, with the junta continuing to disregard basic human rights and showing little inclination to respond to international criticisms of its actions. Opposition parties, including Aung San Suu Kyi's National League for Democracy, maintained the use of 'Burma', as they did not recognise the legitimacy of the government or its authority to rename the country.

2. In my 2009 Cabinet paper that led to New Zealand changing its official naming policy to 'Burma', I noted our concern at that country's poor human rights record, including the continued detention of more than 2000 political prisoners and house arrest of Aung San Suu Kyi. By using 'Burma' instead of the regime's preferred name, 'Myanmar', we were reinforcing symbolically New Zealand's and the wider international community's demands for her release and that of the political detainees, for an improvement in human rights more generally, and for meaningful steps to restore democracy.

3. Following the election of President Thein Sein in 2010, rapid and fundamental political and economic reforms under his leadership over the past year have significantly changed the power equation in Burma. These reforms include the release of Aung San Suu Kyi from house arrest and her return to political participation. The NLD won all but two of the 45 seats contested in April by-elections. Recently further prisoner releases and a Cabinet reshuffle favouring reformers have built on the positive trend. The move to ease media restrictions in August is also a clear sign of how far the government has moved.

4. Reporting from our posts and in the media continues to provide sufficient reassurance Burma's reform process has become ingrained and - barring a major setback - appears sustainable. The international community have moved to support this momentum, including through substantial increases in aid, the easing of many sanctions and an elevation in political contacts and diplomatic engagement, including some announcing they will open new posts on Yangon. The visit to New Zealand over Labour Weekend of the Burmese Foreign Minister, Wunna Maung Lwin, provides an opportunity for me to welcome publicly Burma's reforms and New Zealand's closer high-level engagement in response.

5. In light of these developments, I recommend it is time to acknowledge the progress made. The choice between Burma and Myanmar as the name countries use officially has symbolic importance. Adopting the name Myanmar and using it consistently would provide recognition we welcome Burma's reforms and would be making a gesture of confidence they will continue.

6. If New Zealand were to adopt Myanmar as its official name for that country, it would also align us with ASEAN and many other countries, most recently including Australia, though Britain and the United States continue to use the name Burma officially. Aung San Suu Kyi has now also shifted her position on this issue, in a speech in Washington recently describing the use of the name Myanmar as "a matter of personal choice".

Consultation

The Ministry of Foreign Affairs and Trade and Department of Prime Minister and Cabinet were consulted and agree with the proposal.

Financial implications

None

Human rights

None

Legislative implications

None. The terms Myanmar and Burma both appear in existing New Zealand legislation, and there is no interpretation difficulty associated with this.

Regulatory impact analysis

None

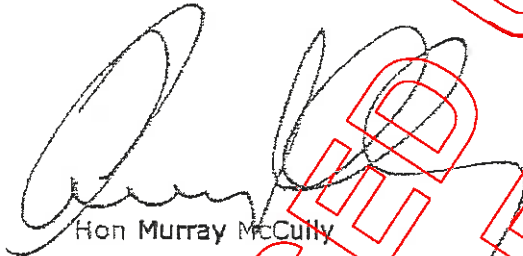
Publicity

None

Recommendations

The Minister of Foreign Affairs recommends that the Committee:

- Note that Cabinet decided in 2009 that New Zealand would officially use Burma as that country's name, except on specific occasions such as multilateral meetings and dealings with the Burmese government;
- Agree to change New Zealand's official naming policy in favour of Myanmar to recognise symbolically that country's political and economic reforms;



Hon Murray McCully

Minister of Foreign Affairs

16 October 2012

RELEASED UNDER THE OFFICIAL INFORMATION ACT

11/6/2009

Office of the Minister of Foreign Affairs

Chair,
Cabinet External Relations and Defence Committee

MYANMAR: NAME CHANGE PROPOSAL

Proposal

This paper seeks Cabinet's approval for New Zealand to adopt the use of 'Burma' rather than 'Myanmar' as the default reference to the country (while noting that there will be official occasions/documentation where we will need to revert to Myanmar, as the country's official title).

Executive Summary

2 New Zealand started using 'Myanmar' when the military regime officially changed the name in 1989. Previous New Zealand practice has been to accept the official name of any country as designated by that country. Officials have advised, however, that there are no specific impediments to changing New Zealand practice and referring to the country as 'Burma'. Official documentation would still need to use 'Myanmar' given it remains the country's official name. As a consequence, some discrepancy in terminology would be inevitable. For example, despite Australian practice of using 'Burma', the ASEAN-Australia-New Zealand Free Trade Area (AANZFTA) was signed with Myanmar (not Burma).

3 The main implications for any change are likely to be political,

'but given that partners, including Australia, already use the 'Burma' nomenclature, potential fall-out is expected to be manageable.

Background

4 The Myanmar Government continues to disregard basic human rights. There are still over 2,000 political detainees, including pro-democracy leader Aung San Suu Kyi (ASSK). New Zealand, along with the wider international community, has repeatedly urged the Government to release ASSK immediately, and to take meaningful steps towards the restoration of democracy. The recent detention and trial of ASSK is yet another setback for Myanmar, and casts more doubt over the credibility of the planned 2010 elections. New Zealand will continue to urge Myanmar's government to bring its behaviour into line with regional and international expectations.

6(a)

6(a)

5 Myanmar became a full member of ASEAN in 1997 and most of our bilateral contact occurs in that context. There has been occasional Ministerial contact with the members of the State Peace and Development Council (Ministers' equivalent) in the margins of regional and international meetings. In order to maintain a means of communication, the daily work of the New Zealand Embassy in Bangkok in relation to its accreditation to Myanmar, continues. This incorporates accreditation visits, and, subject to my approval, meetings with Myanmar Ministers during such visits if appropriate.

6 Myanmar is part of the ASEAN-Australia-New Zealand Free Trade Area (AANZFTA). However, New Zealand's trade with Myanmar remains minimal and that is not expected to change. In the year to December 2008, New Zealand exports to Myanmar were valued at around NZ\$8 million and imports at NZ\$3 million. As a Least Developed Country, Myanmar has duty-free-quota-free access to the New Zealand market along with all of the Least Developed Countries currently recognised by the WTO.

7 In July 2009, Myanmar will hand over its role as New Zealand's ASEAN dialogue partner to Malaysia. During its term as our dialogue partner (mid-2007-2009) contact has been minimal. The usual dialogue meetings were cancelled and we have liaised directly through the ASEAN Secretariat and other partners.

8 Given our limited bilateral relationship, attention has focused on registering our concerns with those countries with the most influence on Myanmar, in particular ASEAN members, plus China and India. ASEAN's position remains that change in Myanmar will only come through 'constructive engagement' with the Myanmar government.

6(a)

Nomenclature

9 The country's name was officially changed in 1989 to 'Myanmar' by the military government. 'Burma' was the name used by the colonial British administration (it comes from *Bama*, which is the colloquial term and relates also to the majority ethnic group in the country – the Burmans). The regime maintains that *Myanma* is more inclusive of the country's ethnic minorities than *Bama*.

10 Burmese opposition groups, including Aung San Suu Kyi, continue to use the name 'Burma' as they do not recognise the legitimacy of the government or its authority to rename the country. The National Council of the Union of Burma (NCUB) has called on the Government to alter New Zealand practice and use the name 'Burma' rather than 'Myanmar'. NCUB is the main Burmese opposition group representing those elected in 1988 who were forbidden from forming a government. The United Nations, WTO, ASEAN, and some EU countries call the country 'Myanmar'. Australia, Canada, the United Kingdom, and the United States use 'Burma'.

11 Previously, New Zealand practice has been to accept the official name of any country as designated by that country, evidenced by New Zealand's recognition of Zimbabwe from Rhodesia, and of Democratic Kampuchea from Cambodia (and back again). Myanmar from Burma is a more recent example.

12 There are three broad approaches adopted by countries that use 'Burma': Australia refers to 'Burma' as a general rule but to 'Myanmar' in all official communications with the country and multilateral contexts; the United Kingdom and the United States refer to 'Burma' in most settings, but to 'Burma/Myanmar' in multilateral contexts; and Canada uses 'Burma' in multilateral settings, but uses 'Myanmar' for direct official correspondence with the country (such as visa requests, Ambassadorial accreditation).

13 I would propose to follow the Australian approach (using 'Myanmar' in multilateral meetings). The practical implications of referring to 'Burma' in the multilateral context are that the Myanmar delegation halts proceedings by calling a point of order on the "incorrect usage" of 'Burma'. The result is that the intended message is often diluted by process, and generally the substantive points are diminished. For practical purposes, New Zealand and Australia would need to adopt the same nomenclature when required to make a joint statement that mentions Myanmar.

Comment

14 In practice, it is envisaged that a change to New Zealand's approach would mean the following:

- public comments by Ministers and officials would refer to 'Burma';
- 'Burma' would be used on the websites of departments and government agencies (there would need to be an explanatory note explaining New Zealand practice so that anyone searching for 'Myanmar' was directed to the appropriate material);
- official correspondence from New Zealand would still require the use of 'Myanmar', for example seeking *agrément* for the Ambassador, correspondence between the Embassy in Bangkok and Myanmar government officials;
- bilateral or multilateral arrangements or agreements entered into would be with 'Myanmar', as was the case for Australia with AANZFTA;
- at meetings hosted by New Zealand such as the ASEAN Regional Forum, or multilateral meetings such as the International Labour Organisation, we would propose to follow UN meeting practice and use official country name for each participant.

Consultation

15 Relevant divisions of the Ministry of Foreign Affairs and Trade have prepared this paper.

Financial Implications

16 There may be some small costs associated with updating websites and publications.

Human rights, legislative implications, regulatory impact and business compliance cost statement

17 This paper has no inconsistencies with the Human Rights Act 1993. There are no legislative implications or regulatory impacts arising from the recommendations in this paper.

Publicity

20 Appropriate publicity will be given to the decisions taken by Cabinet.

Recommendations

21 It is recommended that the Committee:

1 approve the use of 'Burma' rather than 'Myanmar' in the following situations:

1.1 public comments by Ministers and officials; and

1.2 on the websites of government departments and government agencies, with an explanatory note explaining the New Zealand approach;

2 agree that New Zealand will continue to refer to 'Myanmar' in the following contexts:

2.1 official bilateral correspondence between the New Zealand government and the Myanmar government;

2.2 any bilateral or multilateral arrangements or agreements with Myanmar;

2.3 regional or multilateral meetings hosted by New Zealand involving Myanmar; and

2.4 when making statements in multilateral contexts, such as the International Labour Organisation;

- 3 agree that all government departments should update websites and publications accordingly and consult the Ministry of Foreign Affairs and Trade as required.



Hon Murray McCully
Minister of Foreign Affairs

11 JUN 2009

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