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**QUESTION OF THE VIOLATION OF HUMAN RIGHTS
AND FUNDAMENTAL FREEDOMS IN ANY PART OF
THE WORLD**

SITUATION OF HUMAN RIGHTS IN MYANMAR

**Report of the Secretary-General submitted pursuant
to General Assembly resolution 57/231**

Executive summary

The present report is based upon the good offices efforts undertaken by the Secretary-General and his Special Envoy, Mr. Razali Ismail, in facilitating national reconciliation and democratization in Myanmar, in accordance with General Assembly resolution 57/231 of 18 December 2002. The discussions that the Secretary-General and his Special Envoy have had separately with the Myanmar authorities during this reporting period have focused on the issue of how the United Nations can be of assistance in moving the confidence-building talks, which started between the Government and Daw Aung San Suu Kyi in October 2000, to a more substantive dialogue. Some significant developments have taken place, including the restoration on 6 May 2002 of Daw Aung San Suu Kyi's freedom of movement. However, substantive dialogue between the Government and Daw Aung San Suu Kyi has yet to take place. Concerned that the positive momentum generated since last spring would be lost unless some tangible progress is made in the near future, the Secretary-General reiterates his call on the Government and Daw Aung San Suu Kyi to set aside their differences, unite for the larger cause and start their political dialogue as soon as possible so that a national reconciliation acceptable to all interested parties in Myanmar can be achieved at an early date.

Introduction

1. The present report is submitted pursuant to paragraph 6 of General Assembly resolution 57/231, by which the Assembly requested me to continue to provide my good offices and to pursue my discussions on the situation of human rights and the restoration of democracy with the Government and people of Myanmar, to submit additional reports to the General Assembly during its fifty-seventh session on the progress of these discussions, and to report to the Assembly at its fifty-eighth session and to the Commission on Human Rights at its fifty-ninth session on the progress made in the implementation of that resolution.
2. As indicated in previous reports, I view the role entrusted to me by the General Assembly to be one of good offices, as distinct from the fact-finding mandate assigned by the Commission on Human Rights to the Special Rapporteur on the situation of human rights in Myanmar.
3. Since the submission of my last report, my Special Envoy for Myanmar, Mr. Razali Ismail, has visited Myanmar three times: from 23 to 26 April, from 2 to 6 August, and from 12 to 16 November 2002. His primary interlocutors on the Government side are: General Khin Nyunt, Secretary-1 of the State Peace and Development Council (SPDC); the Foreign Minister, U Win Aung; and the Deputy Foreign Minister, U Khin Maung Win. Others whom my Special Envoy has also had discussions with include: Brigadier-General David Abel, Minister in the Office of the Chairman of the SPDC; U Tinn Win, Minister for Culture and Labour; Major-General Tin Hlaing, Minister for Home Affairs; and U Soe Tha, Minister of National Planning and Economic Development. During his April and November visits, he also met with Senior General Than Shwe and Vice Senior General Maung Aye, Chairman and Vice-Chairman, respectively, of SPDC.
4. During each of his visits, he met separately with the General Secretary of the National League for Democracy (NLD), Daw Aung San Suu Kyi. My Special Envoy has also visited NLD headquarters to meet with Central Executive Committee members, including its Chairman, U Aung Shwe, Vice Chairman U Tin Oo and Spokesman U Lwin. In addition, he has exchanged views with representatives of the ethnic nationalities, the diplomatic corps, the United Nations Country Team and international non-governmental organisations in Myanmar, including the International Committee of the Red Cross (ICRC).

I. CONTENT OF THE DISCUSSIONS

5. Some positive developments, such as the continued release of political prisoners and the relaxation of some of the constraints on the lawful political activities of NLD and some of Myanmar's other legal political parties, had taken place by the end of 2001. The expectations were thus heightened in early 2002 that the time had come for the Government and Daw Aung San Suu Kyi to start a substantive dialogue. My Special Envoy and I focused our separate discussions with the Myanmar authorities on the issue of how the United Nations can be of assistance in moving the confidence-building talks that started between the Government and Daw Aung San Suu Kyi in October 2000 to a political dialogue on more substantive issues.

6. During his visit to Yangon in April, my Special Envoy stressed the importance of the Government's lifting the remaining restrictions on Daw Aung San Suu Kyi's freedom of movement and entering a political dialogue with her as soon as possible. The Government leaders informed him of the scope of contacts between the Government and Daw Aung San Suu Kyi and NLD. In addition, they assured him that despite the coup plot uncovered in March, they were not delaying their confidence-building talks with Daw Aung San Suu Kyi, that the national reconciliation process was on track and that positive developments would take place in the near future.

7. The remaining restrictions on Daw Aung San Suu Kyi's freedom of movement were lifted on 6 May. In its statement, the Government proclaimed that it would re-commit itself to "allowing all our citizens to participate freely in the life of our political process". Daw Aung San Suu Kyi responded by remarking: "The confidence-building stage is over". I welcomed this move as a major development that could provide fresh momentum to the confidence-building and national reconciliation process.

8. My Special Envoy continued his discussions with the Myanmar authorities on my behalf when he returned to Yangon in August and again in November. He reiterated the call for the Government and Daw Aung San Suu Kyi to start substantive dialogue by seizing the positive momentum generated since May. In addition, he reminded the Government that the release of political detainees was an important barometer of the national reconciliation process. He reiterated his call for the majority, and eventually all, of the remaining detainees to be freed as soon as possible, preferably through an amnesty or a series of amnesties. During his November mission, my Special Envoy called on the Government to release at least 200 political detainees by the end of 2002.

9. While acknowledging that dialogue on substantive issues has yet to start, the Government informed my Special Envoy that discussion with Daw Aung San Suu Kyi was continuing through a new team led by the Education Minister. On the issue of political detainees, Secretary-1 explained to him that because of the need for maintaining national security and stability, the Government would continue to consider the release of political detainees on a case-by-case basis. Shortly after his mission, on 21 November, the Government announced that 115 political detainees would be freed. To date, however, there is no confirmation that all of the 115 have indeed been released. Furthermore, I note with concern that since my Special Envoy's last visit, there have been credible reports of new political arrests.

10. During his separate meetings with the Government and Daw Aung San Suu Kyi, my Special Envoy discussed the possibility of increasing United Nations and international humanitarian assistance to help Myanmar address the challenges posed in such areas as HIV/AIDS, education and food security. He urged the Government and Daw Aung San Suu Kyi to cooperate on one or more humanitarian projects. The Government assured my Special Envoy that Daw Aung San Suu Kyi would have complete freedom to visit any project sites run by the United Nations, international non-governmental organizations and even by the Government, if the two sides agreed on these visits beforehand, and expressed its readiness to welcome the recommendations that she would make based on her visits. On her part, Daw Aung San Suu Kyi informed my Special Envoy that, as a consequence of her travel to Mandalay and Mon State, she

was willing to “cooperate with the Government in ways that would directly benefit all the peoples of Myanmar and are conducive to the evolution of a democratic State”. Separately, my Special Envoy raised the related issue of Myanmar’s economy, and the need for adjustments to be made in parallel with the ongoing process of national reconciliation and the objective of democratization, with both the Government and Daw Aung San Suu Kyi.

11. My Special Envoy made an effort to explain recent developments in the national reconciliation process to representatives of ethnic nationalities, whose eventual inclusion in the process is supported by the United Nations. He told them that the United Nations believes that substantive dialogue, leading to a national reconciliation acceptable to all the people of Myanmar, must eventually include all of the country’s relevant political players, including representatives of ethnic nationalities. For their part, the ethnic nationality leaders have expressed their support for the ongoing talks, and hope that they would be invited to take part in the national reconciliation process at an appropriate time.

12. On my part, I encouraged the Government to start its political dialogue with Daw Aung San Suu Kyi as soon as possible when I met with Foreign Minister Win Aung during the fifty-seventh session of the General Assembly. Emphasizing that all the political prisoners should eventually be released, I also urged the Government to implement a massive release of the remaining prisoners, which in my view would send a powerful message of its commitment to the national reconciliation process. I called on the Government to support United Nations efforts for expanded assistance to address HIV/AIDS and other humanitarian issues facing Myanmar and, to that end, to cooperate fully with the United Nations Country Team’s programmes in the country. Foreign Minister Win Aung assured me that his Government was committed to working to realize the people’s aspiration to achieve a multi-party democratic system, but at the same time, he stressed the need for building a strong nation that could withstand any challenges to its territorial integrity.

II. OBSERVATIONS

13. I regret to note that substantive dialogue has yet to begin between the Government and Daw Aung San Suu Kyi. While some significant developments have taken place, including the removal on 6 May 2002 of the restraints on the movement of Daw Aung San Suu Kyi, the national reconciliation process in Myanmar appears to have stalled over the past several months. I am concerned that the national reconciliation process could be reversed unless some tangible progress is quickly made in the near future. I strongly appeal to Senior General Than Shwe, other leaders of the Government, and Daw Aung San Suu Kyi to set aside their differences, unite for the larger cause of national reconciliation, and commence substantive dialogue as soon as possible. It is only through an all-inclusive dialogue that Myanmar will be able to ensure that national reconciliation is durable and the transition to democracy smooth. I also reiterate my call on the Government to find ways to release quickly all the remaining political detainees and to relax the remaining restrictions on the activities of the legal political parties. The people of Myanmar should begin to benefit directly from the process of national reconciliation presently under way in the country. I therefore urge the Government to cooperate with NLD and other

legal political parties, as well as with the United Nations and relevant NGOs, to ensure the effective and transparent distribution of humanitarian assistance. In addition, I encourage the Government to accept invitations from the international financial institutions to start discussions on how to make certain necessary adjustments to the Myanmar economy.

14. I am very grateful for the support that interested Member States, both inside and outside the region, have provided me and my Special Envoy to facilitate the national reconciliation process in Myanmar. I stand ready to continue to do my utmost in facilitating this process, together with the assistance of all interested Member States.
