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

The situation of human rights in Myanmar*

Report of the Secretary-General

* In accordance with General Assembly resolution 53/208B, paragraph 8, this document is submitted late so as to include the most up-to-date information possible.

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Summary

The present report is based upon the good offices efforts undertaken by the Secretary-General in facilitating national reconciliation and democratization in Myanmar, in accordance with General Assembly resolution 60/233 of 23 December 2005.

As indicated in his report to the General Assembly (A/60/422), the Secretary-General's efforts to engage with the authorities to address various concerns of the international community regarding Myanmar's democratic reform remain stalled. His Special Envoy, Tan Sri Razali Ismail, stepped down in January 2006 upon the expiration of his contract and after having been denied access to the country for nearly two years since March 2004. Paulo Sérgio Pinheiro, Special Rapporteur of the Commission of Human Rights on the situation of human rights in Myanmar, has not been allowed to visit the country since November 2003. Consequently, political discussions with the Government of Myanmar have taken place only outside the country on limited occasions.

The National Convention was reconvened from 5 December 2005 to 31 January 2006, again without the participation of representatives of the National League for Democracy (NLD) and other political parties. On 27 November 2005, the detention of Daw Aung San Suu Kyi, the NLD General Secretary, under house arrest was extended for at least six months.

Despite the lack of progress in the national reconciliation process, the Secretary-General remains committed to offering his good offices. First and foremost, the Secretary-General strongly appeals to the Myanmar authorities to resume without delay a substantive political dialogue with the representatives of all ethnic nationality groups and political leaders to help achieve a genuine process of national reconciliation.

He maintains his view that the resumption of dialogue should be followed by such steps as the lifting of the remaining constraints on all political leaders, the reopening of NLD offices and the release of all political prisoners, including elected officials, and that some, if not all, of these steps should be implemented by the first half of 2006.

I. INTRODUCTION

1. The present report is submitted pursuant to paragraph 5 of General Assembly resolution 60/233, adopted on 23 December 2005, entitled the "Situation of human rights in Myanmar", by which the Assembly requested the Secretary-General, *inter alia*, to continue to provide his good offices and to pursue his discussions on the situation of human rights and the restoration of democracy with the Government and people of Myanmar, including all relevant parties to the national reconciliation process in Myanmar, and to report to the Assembly at its sixty-first session and to the Commission on Human Rights at its sixty-second session on the progress made in the implementation of that resolution.
2. The Commission will be aware from his report to the General Assembly (A/60/422) that the Secretary-General's efforts to engage with the authorities to address the concerns of the international community remain stalled. The house arrest of Daw Aung San Suu Kyi, the General Secretary of the National League for Democracy (NLD), who has spent a total of approximately 10 years in detention, was extended for a further 6 months in November 2005. An estimated 1,147 political prisoners remain detained in either prisons or interrogation centres throughout the country.
3. Significant segments of the population are experiencing extremely difficult socio-economic conditions. Critical humanitarian concerns include the rapid rise of HIV/AIDS infection among the most vulnerable groups of the population; food insecurity; limited health care; inadequate education opportunities; and forced labour practices. Displacement on a substantial scale has occurred because of the continuing conflicts in certain parts of the country despite the ceasefires negotiated in recent years.
4. The Secretary-General's Special Envoy for Myanmar, Tan Sri Razali Ismail, stepped down in January 2006 upon the expiration of his contract and after having been denied access to the country for nearly two years since March 2004. Paulo Sérgio Pinheiro, Special Rapporteur of the Commission of Human Rights on the situation of human rights in Myanmar, has not been allowed to visit the country since November 2003. Consequently, political discussions with the Government of Myanmar have taken place only outside the country on limited occasions, such as during the sixtieth session of the General Assembly.

II. ACTIVITIES OF THE SPECIAL RAPPORTEUR

5. During the sixtieth session of the General Assembly, Ibrahim Gambari, Under-Secretary-General for Political Affairs, met on behalf of the Secretary-General with Myanmar's Foreign Minister, U Nyan Win, on 22 September 2005. In an effort to coordinate international efforts to help facilitate national reconciliation and democratization in Myanmar, he also convened and chaired an informal consultative meeting of interested Member States on 5 October, taking advantage of the Special Envoy's presence in New York. During these meetings, the United Nations called on the Myanmar authorities to resume political dialogue among all stakeholders, including the representatives of ethnic nationality groups and political leaders.
6. The expectations of the United Nations, as stipulated by the Secretary-General on many occasions, remain largely unfulfilled. The National Convention, designed to lay down detailed

principles for the country's new Constitution, was reconvened on 5 December 2005, again without the participation of the representatives of the NLD and other political parties. The Secretary-General regrets that the repeated calls for dialogue from the NLD since December 2004 have gone unheeded by the Government. The Convention was adjourned on 31 January 2006 with an announcement that it would resume its session at the end of the year. Meanwhile, the peace talks that resumed between the Government and the Karen National Union (KNU) in 2004 have not yet produced tangible progress, and sporadic fighting has been reported on several occasions along the Thai-Myanmar border. The Secretary-General is further concerned about the long and severe sentences handed down in November 2005 to several Shan leaders who had been detained since their arrests in early 2005.

7. The situation in Myanmar has also become increasingly difficult for various international humanitarian actors, as they have been compelled to operate in a more restricted operational environment. On 7 February 2006, the Government presented a set of operational guidelines to the wider assistance community in Myanmar. The intrusive and restrictive nature of the proposed guidelines may compromise ongoing attempts to respond to the humanitarian situation in Myanmar. On 16 February, the United Nations Resident Coordinator wrote to the Minister for National Planning and Economic Development in an effort to engage the Government in a dialogue over the operational guidelines. There is also concern that the relocation of key government ministries to Pyinmana, some 320 kilometres north of Yangon, announced on 7 November 2005, would aggravate the situation further. Development agencies and organizations working closely with Government departments have been given no indication as to how to continue their interaction with Government counterparts once the move to Pyinmana is completed.

8. The Security Council unanimously requested a briefing from the Secretariat on the situation in Myanmar. On 16 December 2005, during informal consultations attended by the Secretary-General, Mr. Gambari provided the Security Council with a comprehensive briefing, in which he highlighted the lack of political reform, the continued violations of human rights and the ongoing humanitarian emergency in Myanmar. Mr. Gambari reiterated the Secretary-General's message contained in his report to the General Assembly (A/60/422) encouraging the Myanmar authorities to resume dialogue with representatives of all ethnic nationality groups and political leaders. In the Secretary-General's view, the resumption of dialogue should commence as soon as possible and be followed by the release of political prisoners, the lifting of the remaining constraints on all political leaders, the reopening of offices of the National League for Democracy, and inclusion of the aforementioned groups in the ongoing road map process. The Secretary-General believes that some, if not all, of these steps should be implemented by the first half of 2006.

9. During the informal consultations, the Secretary-General stated that while the situation in Myanmar did not pose an immediate threat to international peace and security, many issues did have cross-border implications, give cause for significant concern and could pose a threat to human security. The Secretary-General welcomed the Security Council's support for his good offices and political efforts in Myanmar. He stated that, as a first step, the Council could request the Myanmar authorities to allow the Secretary-General to fully implement his good offices mandate, which had been reinforced by recently adopted General Assembly resolution 60/233. In addition, the Secretary-General invited members of the international community to coordinate an effective and consistent strategy to address the pressing humanitarian needs in Myanmar.

10. Concern over the lack of progress in the national reconciliation process in Myanmar was also shared by the leaders of the Association of South-east Asian Nations (ASEAN) during their eleventh Summit in Kuala Lumpur on 12 December 2005. ASEAN encouraged Myanmar to expedite the process of political reform and called for the release of political leaders under detention. ASEAN furthermore decided to send Foreign Minister Syed Hamid Albar of Malaysia to assess progress made in Myanmar's democratization process. Despite the initial indication that Myanmar was agreeable to receiving him in January 2006, the Foreign Minister's visit has yet to take place.

III. OBSERVATIONS

11. More than 10 years have passed since the Secretary-General was first asked by the General Assembly to provide his good offices in facilitating national reconciliation and democratization in Myanmar. In the meantime, the citizens of Myanmar have endured social and economic hardship because of the absence of an all-inclusive process of democratization and national reconciliation in their country. Their predicament has been compounded by economic policies that have prevented the vast majority from improving their livelihoods.

12. The Secretary-General thus reiterates his call upon the Myanmar authorities to take the necessary steps to make reform efforts more inclusive and credible, taking advantage of the suspension of the National Convention on 31 January 2006 until its proposed resumption at the end of the year. The Secretary-General further calls upon countries in the region, particularly China, India and ASEAN member States, to encourage the Myanmar authorities to accelerate the pace of their political, economic and socio-humanitarian reform. In this context, he commends the recent call by ASEAN during its eleventh Summit for Myanmar to expedite both its political reform efforts and its release of political detainees. The Secretary-General also welcomes ASEAN's decision to send Malaysian Foreign Minister Syed Hamid Albar to Myanmar, and urges Myanmar to receive him as soon as possible.

13. Despite the lack of progress in the national reconciliation process, the Secretary-General remains committed to offering his good offices. If progress occurs, the Secretary-General is prepared to do his utmost to mobilize all the necessary international assistance to support the Myanmar authorities in facilitating their national reconciliation efforts in order to ensure that the people of Myanmar can partake in the same benefits of economic, social and political development as are enjoyed in neighbouring countries.
