



General Assembly

Distr.: General
14 September 2010

Original: English

Sixty-fifth session

Item 69 (c) of the provisional agenda*

Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Situation of human rights in Myanmar

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 64/238 and covers the period from 26 August 2009 to 25 August 2010. Upon the reassignment of Ibrahim Gambari on 1 January 2010, I designated my Chef de Cabinet, Vijay Nambiar, as Special Adviser to oversee the good offices mandate.

Since my last visit to Myanmar in July 2009, there have been some signs of flexibility from the Myanmar authorities in response to my proposals, such as the release, on 17 September 2009, of over 130 political prisoners as part of a broader amnesty. However, the detention of other political prisoners and the continued house arrest of Daw Aung San Suu Kyi remain of grave concern. It is regrettable that further opportunities to advance meaningful political dialogue among key stakeholders have not been pursued.

Throughout the reporting period, continuous efforts were made to engage the Myanmar authorities and key stakeholders, in order to pursue the objectives of the good offices mandate. However, the Government, has not extended an invitation to my Special Adviser to engage further with the authorities and other concerned parties in the country since my last visit. This lack of meaningful engagement is disappointing. It is also a lost opportunity for Myanmar. Member States have an interest and responsibility to actively ensure that Myanmar extends the necessary cooperation.

* A/65/150.



The upcoming elections, the country's first in 20 years, present a major test of the prospects of peace, democracy and prosperity in the country. Myanmar's senior leaders have made repeated statements of commitment to free and fair elections. The Government has issued electoral laws, appointed an 18-member Union Electoral Commission and announced an election date of 7 November 2010. As at 25 August, the Commission had approved the registration of 42 out of 47 political parties to contest the elections, including 5 of the 10 parties that had contested the 1990 elections and had re-registered. While this suggests that political space may have opened up by the standards of the past two decades, it is all the more necessary for the authorities to ensure that the elections are conducted in an inclusive, credible, participatory and transparent manner. In this regard, I reiterate my call for the release of all political prisoners, including Daw Aung San Suu Kyi, as the clearest signal of such commitments.

During the reporting period, the Special Adviser exerted efforts to engage at the senior level with relevant United Nations offices, such as the interdepartmental working group on Myanmar, where a number of system-wide priorities were identified. The Economic and Social Commission for Asia and the Pacific (ESCAP) continued a wide-ranging policy dialogue with the Government aimed at addressing the country's developmental priorities and challenges. The United Nations country team and the Government reached agreement on a two-year joint humanitarian initiative on Northern Rakhine State. Two years after the establishment of the Tripartite Core Group mechanism by the Government, the United Nations and the Association of Southeast Asian Nations (ASEAN), its mandate was concluded on 31 July 2010, with recognition and gratitude expressed by the Myanmar authorities.

Myanmar must make progress in overcoming its twin legacies of political deadlock and armed conflict. Addressing the parallel challenges of respect for human rights, national reconciliation and democratization is an essential goal that remains to be fulfilled. It is critical to pursue dialogue and cooperation among all stakeholders, as well as greater political, social and economic openness.

I am committed to continuing cooperation with the Government and people of Myanmar to enable their efforts to make a successful transition to a credible civilian and democratic Government. Myanmar stands to benefit greatly from the wide-ranging experiences of the United Nations and its efforts to assist in the humanitarian and socio-economic areas. I reiterate my call for unity of purpose and unity of action among key interested Member States, regional entities, multilateral development actors and international financial institutions, to encourage all domestic stakeholders to contribute to positive change in the national interest of Myanmar.

I. Introduction

1. The present report is submitted pursuant to paragraph 30 of General Assembly resolution 64/238, in which the Assembly requested me, *inter alia*, to continue to provide my good offices and to pursue discussions on the situation of human rights, the transition to democracy and the national reconciliation process with the Government and the people of Myanmar, including democracy and human rights groups and all relevant parties; to offer technical assistance to the Government in this regard; and to report to the General Assembly at its sixty-fifth session, as well as to the Human Rights Council, on the progress made in the implementation of the resolution. The report focuses on the period from 26 August 2009 to 25 August 2010. A separate progress report by the Special Rapporteur on the situation of human rights in Myanmar was issued on 10 March 2010 (A/HRC/13/48).

II. Key developments

2. Following the appointment of my former Special Adviser, Ibrahim Gambari, as the joint African Union-United Nations Special Representative for Darfur effective 1 January 2010, I designated my Chef de Cabinet, Vijay Nambiar, as Special Adviser to oversee the good offices mandate.

3. Since my last report, further efforts have been made to engage the Myanmar authorities and key stakeholders with regard to the objectives of the good offices mandate. Discussions focused on the following five key areas, as endorsed by the Group of Friends of the Secretary-General and in the Security Council: (a) the release of all political prisoners, including Daw Aung San Suu Kyi; (b) the need for an all-inclusive, substantive and time-bound dialogue; (c) the need to create conditions conducive to a credible political transition to a civilian and democratic Government; (d) avenues for improving socio-economic conditions; and (e) regularizing the good offices process between Myanmar and the United Nations.

4. Since my last visit to Myanmar from 3 to 4 July 2009, the Government has not extended an invitation to my Special Adviser to further engage with all concerned parties in the country. However, consultations continued outside Myanmar with the Government, democracy and human rights groups, and other actors. Consultations were also held with key Member States, including through my Group of Friends on Myanmar. Regular discussions were held with the United Nations country team and the broader United Nations system, as well as with the Economic and Social Commission for Asia and the Pacific (ESCAP) and international financial institutions.

A. Release of political prisoners and human rights

5. On 17 September 2009, the Government of Myanmar released over 130 political prisoners as part of a broader amnesty following my last visit to the country. This is the third amnesty since the resumption of my good offices in 2007. In a statement on 23 September following a meeting of my Group of Friends (see sect. III below), I welcomed this as a step in the right direction, while calling for the release of all remaining political prisoners and the lifting of restrictions on Daw Aung San Suu Kyi, General Secretary of the National League for Democracy (NLD).

6. On 2 October, the Yangon divisional court rejected Daw Aung San Suu Kyi's appeal of 3 September 2009 against her extended house arrest. On the same day, the Human Rights Council unanimously adopted resolution 12/20 which, *inter alia*, called on the Government of Myanmar to release Daw Aung San Suu Kyi and all political prisoners.

7. On 13 February 2010, I issued a statement welcoming the release, on the same day, in Yangon, of U Tin Oo, Vice-Chairman of NLD, upon expiration of his six-year term of house arrest. I expressed my hope that this development would contribute to the advancement of substantive dialogue between NLD and the Government of Myanmar as an essential step towards a more credible and inclusive political process. To that end, I reiterated my call on the Government of Myanmar to lift, without further delay, the restrictions on Daw Aung San Suu Kyi and to release all remaining political prisoners.

8. On 26 February, the Supreme Court rejected a second appeal lodged by Daw Aung San Suu Kyi on 16 October 2009. In a statement on the same day, I expressed my disappointment at the decision and reiterated my call for her release and that of all political prisoners as essential steps for national reconciliation and democratic transition.

9. On 10 May, Daw Aung San Suu Kyi was given "special leave" by the Supreme Court to lodge a special appeal to the Myanmar Chief Judge. On 12 May, she filed a third appeal to the Myanmar Chief Judge. No decision on this matter has been made public since that date.

10. On 18 January, the International Labour Organization (ILO) and the Government agreed to extend, for an additional year, the supplementary understanding that provides a mechanism for the processing of labour and underage recruitment complaints in the country. On 30 April, ILO and the Government agreed to jointly distribute literature on forced labour throughout Myanmar. They have also had ongoing discussions about assistance in the development of a trade union act.

11. From 15 to 19 February, the Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, conducted his third mission to Myanmar since his appointment. During the visit, he met with the Home Minister, the Foreign Minister, the Attorney General and the Chief of Police. He also met with NLD, the National Unity Party, representatives of ethnic groups, Daw Aung San Suu Kyi's lawyers and the judges who presided over her trial. As on previous missions, he visited several prisons and met privately with a number of political prisoners. He also travelled to northern Rakhine State.

12. On 15 March, the Human Rights Council considered the Special Rapporteur's progress report on the human rights situation in Myanmar (A/HRC/13/48) submitted pursuant to Council resolution 10/27. The report covered human rights developments in Myanmar since the Special Rapporteur's second report to the Council (A/HRC/10/19) and to the General Assembly (A/64/318).

13. On 26 March, the Human Rights Council adopted resolution 13/25 by consensus which, *inter alia*, called on the Government of Myanmar to release all prisoners of conscience without delay and to allow their full participation in the political process; urged the authorities to ensure a free, transparent and fair electoral process with the participation of all voters, political parties and other relevant stakeholders; and called on the Government to lift restrictions on the freedom of

assembly, association, movement and expression. The resolution extended the mandate of the Special Rapporteur by one year.

14. On 5 May, prior to the 6 May deadline for party registration, the Special Rapporteur issued a statement urging the Government to take affirmative action towards peaceful transition and national reconciliation that would allow the people of Myanmar greater enjoyment of human rights. The Special Rapporteur drew attention to the importance of the upcoming elections, noting that they provided an opportunity for improving the human rights situation in the country. The Special Rapporteur also called for the release of all prisoners of conscience, including Daw Aung San Suu Kyi, to take part in the elections.

15. On 7 May, the United Nations Working Group on Arbitrary Detention adopted an opinion on Daw Aung San Suu Kyi, which was made public on 16 June. Similar to its previous five opinions, the Working Group found the continuous deprivation of her liberty to be arbitrary and in violation of articles 9, 10, 19 and 20 of the Universal Declaration of Human Rights. The Working Group requested the Government of Myanmar to implement its previous recommendations and to remedy the situation, to conform with the Declaration. The Special Rapporteur issued a statement on the same day, urging the immediate release of Daw Aung San Suu Kyi and all prisoners of conscience.

16. On 10 and 11 May, the Office of the United Nations High Commissioner for Human Rights (OHCHR) organized a workshop in Nay Pyi Taw in preparation for Myanmar's universal periodic review in 2011. The workshop included participants from the Government and civil society, representatives of United Nations agencies and experts from Indonesia, Lao People's Democratic Republic, Thailand and Viet Nam.

17. On 19 June, on the occasion of Daw Aung San Suu Kyi's sixty-fifth birthday, I expressed my continued deep concern regarding her house arrest. I reiterated my call on the Government of Myanmar to release all political prisoners, including Daw Aung San Suu Kyi, without conditions and as soon as possible, so that they would be able to participate in the political process preceding the elections.

B. National dialogue and reconciliation

18. On 25 September 2009, Daw Aung San Suu Kyi wrote to the Chairman of the State Peace and Development Council, Senior General Than Shwe, reiterating her proposal to cooperate with the Council on lifting the sanctions against Myanmar. She requested permission to meet with the chargé d'affaires of the United States, the Ambassador of Australia and the Ambassador representing the European Union to enquire about the imposed sanctions, the extent of their impact on Myanmar and the positions of the concerned Governments. She also requested to meet with members of NLD to discuss their position. On 9 October, the Government arranged for a meeting between Daw Aung San Suu Kyi and the requested foreign diplomats in Yangon, which was attended by the Ambassador of Australia, the chargé d'affaires of the United States and the Ambassador of the United Kingdom in his capacity as representative of the European Union.

19. On 11 November, Daw Aung San Suu Kyi wrote a second letter to Senior General Than Shwe in which she thanked the Council for having arranged the aforementioned meeting and for having enabled political organizations to meet with

United States Assistant Secretary of State for East Asian and Pacific Affairs Kurt Campbell during the latter's visit to Myanmar on 3 and 4 November. She requested a meeting with all members of the NLD Central Executive Committee in order to discuss the party's work programme, noting that the Committee would be cooperating with the Council on programmes benefiting the nation. On 15 December, she met with three senior members of the Committee: Chairman U Aung Shwe, Secretary U Lwin and U Lun Tin. She also met with United States Assistant Secretary of State for East Asian and Pacific Affairs Kurt Campbell during two visits to Myanmar, on 4 November 2009 and 10 May 2010, and with United States Senator Jim Webb on 15 August 2009.

20. During the reporting period, four meetings were held (on 3 and 7 October 2009, 8 December 2009 and 15 January 2010) between Daw Aung San Suu Kyi and the Minister for Liaison, U Aung Kyi, the latter's position having been established by the Government at the request of my Special Adviser, to facilitate dialogue between the Government and the NLD leadership.

21. On 12 March 2010, the Government gave permission for the reopening of NLD regional and local offices across the country. During the reporting period, the party expanded the membership of both its Central Executive Committee and Central Committee and was able to hold national convention meetings.

22. Negotiations continued between the Government of Myanmar and ethnic ceasefire groups following the Government's announcement in April 2009 that armed elements of ethnic ceasefire groups should transform into border guard forces, which would partially fall under the control of the national army. While some groups have carried out the transformations, others continue to hold discussions with the Government to reach a mutually satisfactory agreement.

C. Political transition

23. During the reporting period, Myanmar's senior leaders made repeated statements of commitment to hold "free and fair" elections in 2010, in accordance with the Government's seven-step road map. These included speeches by Senior General Than Shwe on the occasion of Union Day (12 February 2010) and Armed Forces Day (27 March 2010), in which he stated that elections would be "free and fair" and that preparations were being made to be ready in every aspect for a gentle transition to democracy and a market-oriented economic system.

24. On 8 March 2010, the Government announced the enactment of laws governing the elections of representatives to three legislatures: the national bicameral "Pyidaungsu Hluttaw" (Union Assembly), which consists of the lower house, the "Pyithu Hluttaw" (People's Assembly) and the upper house, the "Amyotha Hluttaw" (National Assembly); and the 14 regional/state legislatures. The laws include: (a) the Law on Election to the Lower House of Parliament; (b) the Law on Election to the Regional Parliaments; (c) the Law on Election to the Upper House of Parliament; (d) the Party Registration Law; and (e) the Law establishing the Union Electoral Commission, which will administer the conduct of the elections. On 11 March, the Government appointed the 18-member Electoral Commission.

25. On 10 March, I issued a statement taking note of the announcement by the Myanmar authorities of the new electoral laws. While noting that the indications available at the time suggested that the laws might not fully measure up to the

international community's expectations, I reiterated my call for the Myanmar authorities to ensure an inclusive political process leading to fair, transparent and credible elections, in which all citizens of Myanmar could freely participate. I reiterated this call on 25 March, following a meeting of my Group of Friends on Myanmar.

26. On 18 March, the Electoral Commission opened the registration period for political parties, with a deadline of 6 May for the re-registration of existing political parties. On 7 April, the Electoral Commission announced the establishment of subcommission offices at the State, division and district levels. On 22 June, the Commission issued a directive on electoral practices during the pre-campaign period, including requirements for printing materials, organizing meetings and making speeches. It has been reported that, since its establishment, the Commission has also drawn up lists of eligible voters; overseen the distribution of voter identification cards; delineated electoral constituency boundaries; designated places for polling stations; and organized the training of local electoral capacity.

27. As at 25 August, 47 political entities were officially reported to have applied for registration with the Electoral Commission with a view to participating in the national and/or regional elections, and 42 political entities had been approved to contest the elections.

28. Five of the ten parties that contested the 1990 elections had re-registered with the Electoral Commission by 6 May, including the Kokang Democracy and Unity Party, the Lahu National Development Party, the Mro or Khami National Solidarity Organization, the National Unity Party, and the Union of Karen/Kayin League. In addition to NLD, which announced its decision not to re-register following a meeting of the party's Central Committee on 29 March, the other parties that did not re-register include the Shan Nationalities League for Democracy, the Union Pa-O National Organization, the Shan State Kokang Democratic Party and the Wa National Development Party.

29. On 6 April, the NLD Central Executive Committee issued a "Message to the people of Burma" explaining that the 29 March decision had been made because the electoral laws issued by the State Peace and Development Council were unfair and unjust. It also noted that NLD leaders, members and Members of Parliament-elect had made numerous, fully recorded attempts to establish a system of democracy in Burma and achieve national reconciliation. Those attempts had been ignored by the Council, rendering them unsuccessful. It further noted that "all these efforts were to no avail as a result of one-sided suppression and annihilation by the authorities". The Committee pledged to "continue to achieve its goals for democracy through systematic, peaceful and non-violent means, guided by Daw Aung San Suu Kyi".

30. On 7 May, a group of former senior NLD leaders, led by Than Nyein, announced their intention to form a new political party, the National Democratic Force, to contest the elections. On 25 May, the founding members submitted their application to register the party, which was approved by the Electoral Commission on 9 July.

31. On 26 April, Prime Minister Thein Sein and 22 Government ministers resigned from their military positions, reportedly to form the Union Solidarity and Development Party and participate in the elections. On 29 April, 27 applicants, including Prime Minister Thein Sein, Government ministers and senior officials

from the Union Solidarity and Development Association, applied to the Electoral Commission to register the new party, which was approved by the Electoral Commission on 8 June.

32. On 11 August, the Commission formally released the lists of the 330 designated constituencies for the Pyithu Hluttaw (People's Assembly) and the 12 designated constituencies for the Amyotha Hluttaw (National Assembly).

33. On 13 August, the Union Electoral Commission announced that the elections would be held on 7 November. It called on political parties to submit their candidate lists between 16 and 30 August, stressing the 3 September deadline for the withdrawal of candidates and noting that candidate applications would be processed between 6 and 10 September. Also on 13 August, I issued a statement reiterating my call on the Myanmar authorities to honour their publicly stated commitments to hold inclusive, free and fair elections in order to advance the prospects of peace, democracy and development for Myanmar. As essential steps for any national reconciliation and democratic transition process, I also strongly urged the authorities to ensure that fundamental freedoms were upheld for all citizens of Myanmar and to release all remaining political prisoners without delay, so that they could freely participate in the political life of their country.

D. Socio-economic and development engagement

34. During the reporting period, ESCAP and the Government of Myanmar continued a wide-ranging policy dialogue aimed at addressing the country's socio-economic and developmental priorities and challenges. On 15 December 2009, ESCAP Executive Secretary, Noeleen Heyzer, visited Nay Pyi Taw for the second of a series of seminars initiated in July 2009 in the context of the development partnership round table and development forum jointly organized by ESCAP and the Government of Myanmar. The event brought together senior Government officials, policymakers and international and local development practitioners and scholars, including the Nobel laureate in economics, Joseph Stiglitz, to discuss a comprehensive economic policy framework that could support an overall improvement in the country's rural livelihoods and, in the longer term, the reduction of the country's overall poverty.

35. In parallel, my Special Adviser deployed efforts to engage at the senior level with the United Nations country team and relevant United Nations offices, agencies and programmes engaged in Myanmar. On 17 March 2010, my Special Adviser convened and chaired a senior-level meeting of the interdepartmental Working Group on Myanmar set up internally in the wake of cyclone Nargis in May 2008, with the participation of the United Nations Development Programme, ESCAP and the international financial institutions, to exchange information and enhancing system-wide coherence and donor support to the United Nations efforts in Myanmar in the political, humanitarian and development areas. In the course of those discussions, five system-wide priorities were identified in the humanitarian and development areas, as reported to my Group of Friends on 25 March. These include the need to bolster capacity in social services structures to meet basic needs; bolster data collection and analysis capacity for measuring progress in social support; improve access to vulnerable and poverty-stricken areas; assist the Government in meeting its obligations as a member of ASEAN and the international community;

and mobilize greater donor support and funding to ensure that these elements, which are vital in any democratic transition, do not falter.

36. Following the two-year anniversary of the establishment of the Tripartite Core Group mechanism by the Government of Myanmar, the United Nations and ASEAN, the ASEAN foreign ministers, at their forty-third annual meeting in Hanoi on 19 and 20 July, agreed to officially conclude the mandate of the Tripartite Core Group and the ASEAN humanitarian task force by 31 July. They recognized the assistance and cooperation rendered by the Government and people of Myanmar and expressed their highest appreciation and gratitude to the United Nations, the dialogue partners of ASEAN, donor agencies and countries and the international community for their generous contributions and full support to the ASEAN-led post-Nargis operation. They further noted that the Ministry of Social Welfare, Relief and Resettlement of the Government of Myanmar would take over the responsibility of coordinating and utilizing assistance from the international community in post-Nargis recovery efforts.

37. For decades now, but especially in the wake of cyclone Nargis, the United Nations has demonstrated that it is possible to help the people of Myanmar and to strengthen livelihoods, in accordance with international standards and using a transparent, accountable and collaborative approach. I am glad to report that, today, 15 United Nations agencies, 50 international organizations and a similar number of local non-governmental organizations are now operating inside the country and are working not only in the Ayeyarwaddy delta, but in all regions of Myanmar. Looking forward, the United Nations and the Government of Myanmar have reached an agreement to collaborate on a two-year joint humanitarian initiative (2010-2011) on northern Rakhine State, a border area whose population faces a particularly difficult combination of socio-economic and humanitarian factors. I welcome this initiative, as it aims to provide a unified response to meet the immediate needs of the region's populations while focusing on longer-term developmental objectives and goals.

E. Mutual engagement and cooperation

38. During the reporting period, my Special Adviser and I deployed every effort and maximum flexibility to continue to engage directly with the authorities and other stakeholders in Myanmar, in follow-up to my last visit to the country. However, despite repeated indications of the Government's interest in inviting my Special Adviser for that purpose, the Government has remained unresponsive to our efforts to build on the mutual engagement and cooperation developed thus far. While this has precluded direct engagement with the Myanmar Government and other stakeholders in the country, consultations have continued with the authorities and others outside Myanmar.

39. On 18 September 2009, I met with Foreign Minister U Nyan Win at Headquarters to extend an invitation to Myanmar to participate in a planned high-level meeting of my Group of Friends on Myanmar, on the margins of the sixty-fourth session of the General Assembly. I expressed my hope that, following my last visit to Myanmar, the Government would be more forthcoming in taking concrete measures to enable stakeholders to participate freely in the political process, so that the Government's efforts could be broadly recognized and the elections seen as credible. I also encouraged the Government to make every effort to ensure that the

gains achieved to date with armed ethnic groups were rendered irreversible through dialogue with all concerned. The Foreign Minister stressed that his Government had endeavoured to respond to my proposals to the extent possible, as part of its commitment to hold free and fair elections. He further stated that, while it might not currently be possible for Myanmar to accept my invitation, his Government attached great value to the discussions and outcomes of my Group of Friends.

40. On 28 September 2009, I received Prime Minister Thein Sein of Myanmar at Headquarters, together with the Minister of Science and Technology, U Thaung, and the Minister for Foreign Affairs, U Nyan Win. This marked Prime Minister Thein Sein's first visit to the United Nations and Myanmar's highest level of representation to the General Assembly since 1995. During our meeting, I reiterated my commitment to help the Government and people of Myanmar on a broad range of issues, including political dialogue, elections, economic development and the promotion of the Millennium Development Goals, and to continue to mobilize international support for greater mutual engagement and cooperation between the United Nations and Myanmar in that regard. I noted that, while there had been some signs of progress following my visit to Myanmar, they still fell short of expectations. I welcomed the amnesty granted to certain political prisoners on 17 September 2009 and strongly encouraged the Government to release all remaining political prisoners, including Daw Aung San Suu Kyi, so that they could freely participate in the political process. I stressed that the release of political prisoners along with a timely announcement of the election date would send a clear signal of Myanmar's commitment to a new era of openness and willingness to create conditions conducive to a credible electoral process.

41. The Prime Minister stressed that his participation in the General Assembly reflected the importance that his Government attaches to cooperation with the United Nations as a cornerstone of Myanmar's foreign policy. He noted that the recent amnesty was the second granted to a large number of detainees, and underscored the desire of Myanmar's people to establish stability and the prevalence of law and order as the country's main priority after 50 years of insurgencies. With regard to Daw Aung San Suu Kyi, the Prime Minister noted that Senior General Than Shwe's decision to commute her sentence by half specifically indicated that she had the opportunity to be released. He noted the possibility of her being considered for amnesty if she abided by the restrictions imposed on her. The Prime Minister reaffirmed the Government's commitment that elections would be free, fair and inclusive so that all parties could participate, and noted that the election date would be announced at an appropriate time when peace and order prevailed. He stressed that the country's political stalemate could be resolved if all parties, including Daw Aung San Suu Kyi and NLD, participated in the elections.

42. Following our meeting, I issued a statement reiterating my expectation that the Government of Myanmar would respond in a timely manner to the proposals I left with the senior leadership during my last visit to the country, emphasizing that the onus was on the Government to create the necessary conditions for credible and inclusive elections, including the release of all political prisoners, as well as dialogue with all stakeholders. I further reiterated my commitment to work through my good offices with the Government and people of Myanmar to address the political, humanitarian and development challenges of the country, as endorsed at the ministerial level by my Group of Friends on Myanmar.

43. In addition to the above, my Special Adviser met twice with Prime Minister Thein Sein and his delegation on 28 September 2009, including a working lunch with the participation of United States Senator Jim Webb, and twice with Foreign Minister U Nyan Win on 18 and 24 September.

44. In his address to the General Assembly on 28 September, Prime Minister Thein Sein called for the lifting of economic sanctions against Myanmar, noting that, without such sanctions, socio-economic progress in Myanmar would be greater. He also noted that the success of the cooperation among his Government, the United Nations and ASEAN in the context of the Tripartite Core Group in response to cyclone Nargis had been given due recognition by the international community and had been acknowledged as an exemplary mechanism for future disaster relief and rehabilitation undertakings. He expressed the gratitude of the Government and people of Myanmar to the individuals, organizations and the international community at large for the generous help and assistance extended to them during their hour of need.

45. The Prime Minister further stated that peace and stability in Myanmar and the successful holding of democratic elections were essential for the democratization process of Myanmar. Multiparty elections would be held in 2010, the Union Assembly would be convened, and a Government would be formed, in accordance with the new Constitution adopted in May 2008. Under the new Constitution, the country would have a bicameral legislature and a presidential system of governance with a President elected by a presidential college. The State would be composed of seven states, seven regions, five self-administered zones and one self-administered division. The Constitution also established 14 state and regional bodies. The Prime Minister stated that the transition to democracy was proceeding based on the larger interest of the entire people of the nation. He noted that the Government had urged all citizens, "whether they agree with us or not", to actively participate in the process. In that context, he described the systematic steps being taken by the Government to hold free and fair elections, including the promulgation of electoral laws and the establishment of an electoral commission so that political parties could be formed and could contest the elections. He also noted that the released prisoners would be able to participate in the general elections, in accordance with the law. Stressing that the multiparty elections were a significant step in Myanmar's transition to a peaceful, modern and developed democratic State, the Prime Minister concluded by stating that the international community could best assist Myanmar as a new nation, based on the principles of justice, freedom and equality enshrined in the new constitution, by demonstrating understanding.

46. On 8 February 2010, I wrote to Senior General Than Shwe to reaffirm the commitment of the United Nations to support a transition process that is broadly inclusive and acceptable to all the people of Myanmar. Welcoming Myanmar's declared commitments to lay the foundations for a prosperous future and to create conditions conducive to a free and fair electoral process, I noted the opportunity for Myanmar to make use of the assistance extended by the international community in that regard. To that end, I underscored again the need to release all political prisoners so that they could participate in the election. I took note of the meetings between Daw Aung San Suu Kyi and the Liaison Minister and urged the Senior General to intensify and elevate such talks. I also encouraged the Government to make further efforts in negotiations with armed ethnic groups, with a view to securing durable peace and advancing national reconciliation. I offered the

continued support of my good offices through my Special Adviser to engage with all concerned and facilitate further efforts in these and other areas ahead of the planned elections in 2010.

47. On 5 May, I wrote again to Senior General Than Shwe, noting that expectations remained high that his Government would make further concrete efforts to implement its commitments and meet the legitimate aspirations of all the people of Myanmar. While noting that the issuance of new electoral laws was highly significant, I underscored the international community's concerns, expectations and encouragements regarding the electoral framework and the political environment. I expressed my disappointment that Myanmar had not yet availed itself of a visit by my Special Adviser to engage on these and other issues, but reaffirmed my continued readiness to use my good offices to work with all concerned to help enhance the credibility of the political and electoral process, and reiterated my Special Adviser's availability in that regard.

48. On 9 May, I received a letter dated 7 May from Foreign Minister U Nyan Win, in which he stated his Government's view that an all-inclusive political process was crucial to the successful conclusion of the general election, and noted that, according to the Electoral Commission, the political parties and individuals registered to date were representatives of Myanmar's different strata, ethnic groups and regions. He expressed the Government's regret that NLD had decided not to participate in the elections. While conveying the Government's appreciation for the international community's offer to extend electoral assistance to Myanmar, the Foreign Minister noted that it was up to the Electoral Commission to consider whether any assistance was necessary and to announce the election date in due course. He concluded by stressing that his Government was preparing for a smooth transition to democracy and a market-oriented economic system and that failure to make a systematic step-by-step transition from one system to another might endanger the nation and the people.

III. Consultations

49. In parallel with my efforts and those of my Special Adviser to engage directly with the Government and other relevant parties in Myanmar, consultations continued with key interested Member States. On 23 September 2009, I convened and chaired the second meeting of the Group of Friends on Myanmar at the Foreign Minister level on the sidelines of the General Assembly. In preparation for the meeting, my Special Adviser held consultations in Stockholm and London from 1 to 8 September 2009 with the European Union presidency and counterparts from interested European Union members, including the Foreign Minister of Sweden, Carl Bildt, and the Foreign Minister of France, Bernard Kouchner, the Foreign Secretary of the United Kingdom of Great Britain and Northern Ireland, David Miliband, and the office of the Prime Minister of the United Kingdom, and the European Union Special Envoy, Piero Fassino. Preparatory consultations were also held by my Special Adviser in Washington, D.C., on 14 and 15 September 2009 with counterparts from the United States of America, including Assistant Secretary of State for East Asian and Pacific Affairs Kurt Campbell, Senator Jim Webb, senior staff at the National Security Council and senior congressional staff.

50. Although Myanmar was invited to participate in the ministerial meeting of the Group of Friends, the Government did not take advantage of the opportunity. In the course of our high-level discussion, I welcomed new efforts by several Member States, including the United States, as announced at the meeting by Secretary of State Hillary Clinton, and European Union members, to engage directly with Myanmar. In my statement summarizing our discussion, I noted the strong collective interest of all the Friends in the future of Myanmar and their broad support for my good offices, as demonstrated by the high turnout. Noting that 2010 would be a critical year for Myanmar, I expressed the Friends' shared view that Myanmar's first planned election in 20 years must be held in an inclusive and credible manner to advance the prospects of stability, development and national development. I took note of the amnesty granted to a number of political prisoners, while stressing the need for all political prisoners to be released. The meeting gave the Friends an opportunity to consolidate unity of purpose and action in three important respects: (a) to urge Myanmar to work with the United Nations to ensure an inclusive process of dialogue and create the necessary conditions for credible elections, consistent with the five-point agenda endorsed by the Group of Friends and with the proposals that I left with Myanmar's senior leadership during my last visit; (b) to uphold the role and experience of the United Nations with regard to Myanmar's immediate and long-term challenges, including in fostering national reconciliation, promoting respect for human rights, supporting sustainable development and helping the transition to democracy; and (c) to signal the international community's willingness to help the people of Myanmar to address their political, humanitarian and development challenges in parallel and with equal attention, particularly to advance the Millennium Development Goals.

51. On 19 and 20 October and 29 and 30 November 2009, my Special Adviser held new consultations in Washington, D.C., with United States Assistant Secretary of State for East Asian and Pacific Affairs Kurt Campbell, prior to and following the latter's visit to Myanmar on 3 and 4 November.

52. On 15 November, in the joint statement of their first meeting, the leaders of the Member States of ASEAN and of the United States reiterated their continued support for my good offices in the democratization process of Myanmar. They underscored the importance of achieving national reconciliation and stressed that the general elections planned for 2010 must be conducted in a free, fair, inclusive and transparent manner in order to be credible to the international community. They called on the Government of Myanmar to help to create the conditions for credible elections, including by initiating a dialogue with all stakeholders to ensure that the process is fully inclusive.

53. Since January 2010, my Special Adviser has held further consultations at Headquarters, including with the European Union Special Envoy, the Foreign Ministers of Thailand and Japan, the Secretary of State of Norway and the Permanent Representatives of key interested Member States, including neighbouring, regional and donor countries.

54. On 24 March, at the request of the Security Council, my Special Adviser briefed the members of the Council in informal consultations, following the issuance by the Myanmar Government of new electoral laws.

55. On 25 March, I convened and chaired a meeting of the Group of Friends on Myanmar to hear a briefing by my Special Adviser and review developments. In my statement following the meeting, I summarized two key messages from our

discussion. First, the Group stressed the need for elections to be inclusive, participatory and transparent in order to advance the prospects of stability, democracy and development. We encouraged all parties to work in the national interest and called on the Government to create conditions that give all stakeholders the opportunity to participate freely in the elections. I noted that this included the release of all political prisoners and respect for fundamental freedoms. I also took note of continued engagement between the Government and other parties to achieve national reconciliation, including through ongoing negotiations with the ethnic ceasefire groups and several meetings with Daw Aung San Suu Kyi, but expressed disappointment that there had not been more progress despite such efforts. Second, the Group stressed the need to work for better standards of living for the people of Myanmar, reiterating our view that Myanmar's political, humanitarian and development challenges should be addressed in parallel and with equal attention.

56. On 9 April, in the Chairman's statement adopted at the sixteenth summit of ASEAN in Hanoi, the leaders stressed the need for Myanmar to continue to work with ASEAN and the United Nations in the process of democratization. They noted that they had been briefed by Prime Minister Thein Sein on recent political developments and the progress made in the implementation of the road map to democracy, especially the preparations for the general elections in 2010. They underscored that national reconciliation and the holding of the general elections in a free, fair and inclusive manner would contribute significantly to Myanmar's stability and development.

57. On 26 April, in its conclusions on Myanmar, the Council of the European Union welcomed the ASEAN Chairman's statement of 9 April; reaffirmed the European Union's support for my good offices mission and welcomed my continued personal commitment to further the political process; and called upon the authorities of Myanmar to engage with the United Nations in a meaningful manner. The Council further stated that the European Union would continue to actively support my Group of Friends and raise the situation in the country, and its possible implications for regional stability, with key actors.

58. From 8 to 12 June, my Special Adviser held consultations with Government counterparts in New Delhi, Singapore and Beijing, namely with the Foreign Secretary and National Security Adviser of India, the Foreign Minister of Singapore and the Deputy Foreign Minister and Assistant Foreign Minister of China. In early August, my Special Adviser and I also had the opportunity to discuss the Organization's ongoing efforts in Myanmar with the Prime Minister and the Foreign Minister of Japan.

59. On 22 July, in the Chairman's statement adopted at the forty-third ASEAN Ministerial Meeting and seventeenth ASEAN Regional Forum in Hanoi, the Foreign Ministers and representatives of the Regional Forum emphasized the need for Myanmar to continue to work with ASEAN and the United Nations in the process of national reconciliation and the economic and social development of Myanmar. They noted the briefing by Myanmar on recent political developments in the country, including progress made in the implementation of the road map to democracy and in preparations for the 2010 general elections. They reiterated the importance of holding the general elections in a free, fair and inclusive manner, as that would lay the foundation for long-term stability and prosperity. The Ministers welcomed ASEAN's readiness to extend its support to Myanmar and reaffirmed their commitment to remain constructively engaged with the country.

IV. Observations

60. The upcoming elections in Myanmar are the country's first in 20 years and only the third multiparty elections in more than 60 years since independence. As such, they present a major test for the prospects of peace, democracy and prosperity in the country. An inclusive and credible electoral process can serve to unite the country and meet the aspirations of its people for a better future. On the other hand, failure to seize this opportunity could undermine the credibility of the process, efforts to advance national reconciliation and the prospects of needed reforms in the political, social and economic fields.

61. Since my last visit to Myanmar in July 2009, there have been some initial signs of flexibility from the Myanmar authorities in response to my proposals. These include the release of certain political prisoners; the possibility for Daw Aung San Suu Kyi to engage further with outside interlocutors; several discussions between Daw Aung San Suu Kyi and the authorities; and ongoing negotiations between the Government and armed ceasefire groups. However, the authorities' implementation of their commitments has been slow and incomplete. The detention of political prisoners and continued house arrest of Daw Aung San Suu Kyi remain of grave concern. It is regrettable that further opportunities to advance meaningful political dialogue among key stakeholders have not been pursued at a time when the political process requires maximum buy-in and the participation of all concerned. The fact that negotiations between the Government and key armed ethnic ceasefire groups remain pending at a time when maximum confidence and stability is required for any transition to succeed is also cause for concern.

62. While certain key stakeholders have determined that conditions do not make it possible for them to participate in the elections, the fact that some parties have decided to participate both nationally and locally suggests that some political space may have opened up by the standards of the past two decades. However, opinion remains divided about the credibility of the political process and its implications for the prospects of stability and democracy; this makes it all the more necessary for the Myanmar authorities to ensure that the elections are conducted in an inclusive, credible, participatory and transparent manner. In this regard, I strongly urge the Myanmar authorities, once again, to release, without delay, all the remaining political prisoners, including Daw Aung San Suu Kyi, so that they can freely participate in the political life of their country. This will be the clearest signal of their commitment to a credible electoral process. Respect for the fundamental freedoms of expression, peaceful assembly and association for all citizens, including engagement in political debate and access to the media, is also essential in order for the process and its outcome to be broadly representative and acceptable. Failure to fulfil these responsibilities could seriously undermine the credibility of the elections.

63. There should also be progress in overcoming Myanmar's twin legacies of political deadlock and armed conflict. Myanmar faces the longer-term challenges of reversing two generations of non-democratic rule as well as socio-economic stagnation. Addressing the challenges of national reconciliation, democratization and respect for human rights remain essential responsibilities. In that regard, it is critical to pursue dialogue and cooperation among all stakeholders, as well as greater political, social and economic openness. In order to respond to the expectations of the people, it will be necessary to establish a credible civilian system and shift to greater pluralism and broad-based policymaking. Myanmar will

need to invest in civilian governance and promote administrative capacity-building, including by enabling civil society and the private sector to participate more fully in the development of the country.

64. As I observed in my last report, the past 15 years have seen a significant reduction in the overall level of conflict in Myanmar. Further opening and broadening of the political space is needed to ensure that such gains become irreversible and to prevent any risk of relapse into conflict. This will require maximum flexibility by all sides in negotiations that must take into account the concerns of the relevant groups, in full respect for the national unity and integrity of the State.

65. As Secretary-General, I am committed to continuing to work with the Government and people of Myanmar to enable their efforts to make a successful transition to a credible civilian and democratic Government. Myanmar stands to benefit greatly from the Organization's wide-ranging experience, including in the areas of political facilitation, peacebuilding, good governance and sustainable development. The efforts of the United Nations agencies, funds and programmes to assist in the humanitarian and socio-economic areas could be more fruitful if the Government were to adopt a more constructive approach in response to the international community's well-meaning expectations and overtures for engagement.

66. I wish to reiterate my call for unity of purpose and unity of action among key interested Member States, regional entities, multilateral development actors and international financial institutions. This is critical to encourage all domestic stakeholders to bring about positive change in the national interest of Myanmar. I welcome the support of key interested Member States, in particular in the context of the Group of Friends, to address Myanmar's political, humanitarian and development challenges in parallel and with the same level of attention. This is also a crucial time for donors to explore opportunities to help foster social peace and the emergence of a capable civil sector in Myanmar, and to pave the way for broader change in the country. Myanmar's neighbours and fellow ASEAN members have a particular interest and responsibility to encourage Myanmar not to forgo such opportunities and to foster greater interconnection within the broader region.

67. It is a source of disappointment that, despite our best efforts, Myanmar failed to utilize my good offices and engage meaningfully on issues of mutual interest and concern during the reporting period. This is a regrettable lost opportunity for Myanmar to pursue our shared goals. Myanmar's lack of engagement is deeply frustrating, as it not only contradicts its stated policy of cooperation with the United Nations but also limits my ability to fully implement the mandate entrusted to me by the General Assembly. It also disregards the support that Member States have invested in the good offices mandate. Member States thus have an interest and responsibility to express their support by actively helping to ensure that Myanmar extends the necessary cooperation.

68. I wish to express my gratitude to Mr. Gambari and Mr. Nambiar for their strenuous efforts to deepen and broaden my good offices with all parties concerned and with the broadest possible support from the international community. I would also like to thank the Government of Sweden and others for their financial contribution in support of my good office's efforts during the reporting period.