



Ten Years of Detention
Too Many Years of Empty Words
Time for UN Security Council Action on Burma

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Index

Executive Summary - Too Many Years of Empty Words.....	3
Chapter 1 - Empty Words.....	4
Chapter 2 - Time for UN Security Council Action.....	15
Chapter 3 - Ignoring the UN Secretary-General.....	21
Chapter 4 - Ignoring the UN General Assembly (UNGA).....	27
Chapter 5 - Ignoring the UN Commission on Human Rights (UNCHR).....	35
Chapter 6 - Ignoring the reports of the Secretary-General to the UNGA.....	43
Chapter 7 - Ignoring the reports of the Secretary-General to the UNCHR.....	50
Chapter 8 - Ignoring the Special Rapporteur (1).....	57
Chapter 9 - Ignoring the Special Rapporteur (2).....	66
Chapter 10 - Ignoring the International Labour Organisation.....	73
Recommendations.....	83

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Executive Summary

Today, 24 October, 2005, Aung San Suu Kyi has spent ten accumulated years in detention in Burma. In the 16 years that have passed since the first of her three periods of arrest, the situation in Burma has deteriorated steadily.

The international community has failed during these years to initiate any democratic progress in the country. Protracted hand-wringing, inertia, the counter economic interests of some key countries, and a marked absence of creativity, energy and vision, has meant that there has been, and remains, no coherent or consistent strategy from any government, or any body of governments such as the European Union or the Association of South-East Asian Nations (ASEAN) or indeed from the United Nations (UN) on how to tackle Burma's intransigent rulers.

As Aung San Suu Kyi enters her eleventh year of detention, on what is ironically also the 60th anniversary of the official establishment of the UN, and in the face of a desperate and deteriorating political and human rights situation in Burma, this report makes the case for there having been too many years of empty words spoken about Burma by the United Nations in particular.

The repetitive words of fourteen years worth of UN reports, resolutions and statements, and the efforts of a sequence of UN Special Envoys and Rapporteurs have failed to affect any positive change in Burma whatsoever. Instead, at each turn Burma's Generals have opted to reject, snub and embarrass a UN system whose approach to the issue of Burma has been mired by an absence of both strategy and sense of urgency. After a combined total of twenty-seven failed resolutions by the UN General Assembly and UN Commission on Human Rights a coherent UN strategy for tackling Rangoon's intransigence is long over-due.

This report supports the proposal that an urgent, vigorous multilateral approach now be deployed through the auspices of the United Nations Security Council (UNSC) to end the long-standing political deadlock in Burma. Having exhausted all other non-enforceable mechanisms, only the unifying and binding power of the UNSC can now help restore peace, promote reconciliation and facilitate a return to democratic rule in Burma. Burma's Generals have shown they will respond to nothing less. Such intervention on the part of the UNSC is now critical; not only to avert further deterioration in the precarious situation in Burma, but also to avoid Burma's regime posing an ever-greater threat to the peace and security of the entire region.

Chapter One

Empty Words

This June, on Aung San Suu Kyi's 60th birthday, leaders the world over honoured and celebrated the world's only imprisoned Nobel Laureate; the words of support pouring in from London to Mongolia:

Malaysian former PM Mahathir Mohamad – “I fought hard for Myanmar to be admitted into ASEAN. I think the leaders of Myanmar should consider public opinion (in support of Aung San Suu Kyi's release) and there is nothing they have to lose...It is up to the government of Myanmar to decide. It would make things easier for everyone.”¹

UK Foreign Secretary Jack Straw - “On Sunday Aung San Suu Kyi will spend her 60th birthday under house arrest, cut off from family, friends and political colleagues. Her treatment by the Burmese authorities is indefensible and I urge them to release her and the 1,300 other political prisoners immediately. The Burmese authorities should begin a genuine process of reform and political dialogue - involving all political parties and ethnic groups - to achieve national reconciliation so that the Burmese people can at last live in peace and freedom. Releasing Aung San Suu Kyi is not only a moral imperative but a crucial step to start this process...The UK Government will continue to support the poorest and most vulnerable people in Burma. We will also continue to work with our partners in the region, and through the UN, to persuade the Burmese authorities to live up to their stated commitments and obligations to the people of Burma.”²

UK Junior Foreign Minister Ian Pearson – “We welcome the opportunity (of Aung San Suu Kyi's birthday) to cast a spotlight on the appalling human rights record in Burma and to discuss what action the UK can take to put pressure on the regime. We will discuss with our EU partners if more can be done, if we can find more effective measures.”³

US President George W Bush – “I send my best wishes to Daw Aung San Suu Kyi for her 60th birthday, June 19. Her strength, courage, and personal sacrifice in standing up for the oppressed people of Burma have inspired those who stand for freedom. Only a return to democracy and reintegration with the international community can bring the freedom and prosperity that the people of Burma deserve. The United States looks forward to the time when Burma is democratic and free.”⁴

The European Union's foreign policy chief, Javier Solana – “I together with millions of European citizens have admired your struggle over many years for decent democratic government." He promised to "take every opportunity" to help and added that "I hope that this will be the last birthday that you will spend under house arrest.”⁵

¹ June 17, AFP

² June 16, FCO Press Release

³ June 16, Reuters

⁴ June 17, White House Press Release

⁵ June 18, AFP

German Foreign Minister Joschka Fischer – “Many people in Germany have you in their thoughts, particularly on your birthday... Together with them I wish you a quick release and continued strength and courage for your decisive efforts for democracy and human rights.”⁶

US Secretary of State Condoleezza Rice - “Your message of non-violence and courageous support for the establishment of democracy in Burma in the face of the junta’s brutal repression and your continuing house arrest inspires people around the world. We look forward to the day when you can celebrate your birthday in a democratic and free Burma where fundamental human rights are respected.”⁷

Italian President Carlo Azeglio Ciampi – praised Aung San Suu Kyi’s “brave battle for democracy and human rights, which has been made more noble by the high price you have paid and are still paying”.⁸

Philippines Foreign Secretary Alberto Romulo – “Secretary Romulo reiterated the Philippine position that Myanmar should implement its road map to democracy, release Daw Aung San Suu Kyi from house arrest, the inclusion of the NLD in the crafting of a new constitution and allowing the UN Secretary General’s Special Envoy to visit Yangon soon. Secretary Romulo in extending his greeting to Daw Aung San Suu Kyi on her 60th birthday urges the Myanmar authorities to implement its promised road map to democracy and democratic reforms.”⁹□

Former Thai Ambassador to United Nations Asda Jayanama – speaking at a birthday ceremony at Thamassat University in Thailand, said it was time for Asean countries to adopt a collective stand against Burma's junta: “What then did Asean get from Burma's entry? Actually nothing, except problems...Burma never respects Asean's rules and even tried to get Asean to adjust to its own needs. And Asean just let that happen...if we compare Asean to a dog, and Burma as its tail, it seems that the tail is now wagging the dog.”¹⁰

Norway’s Nobel Committee – “We ask that she will immediately be given full freedom, and look forward to the day when there will again be democratic rule in her homeland” Nobel Prize Committee Chairman Ole D. Mjoes says in a statement.¹¹

Norwegian Prime Minister Kjell Magne Bondevik – “Aung San Suu Kyi is the very symbol of the fight for democracy in Burma. I am very disappointed by the country's regime that it has not yet lifted Suu Kyi's house arrest.”¹²

United Nations General Secretary Kofi Annan – “I wish she were out amongst her people and her supporters, pushing for stability and democracy and democratisation of her society...I will still urge (Than Shwe) to release her and let her join her party, and join the process on the national dialogue and national reconciliation.”¹³

⁶ June 18, AFP

⁷ June 20, The Nation

⁸ June 20, The Nation

⁹ June 21, Philippines Dept of Foreign Affairs

¹⁰ June 20, Bangkok Post

¹¹ June 18, Norway Post

¹² June 18, Norway Post

¹³ June 17, Christian Today

Belgian former Prime Minister Ms Jean-Luc Dehaene and Pierre Harmel, Spanish former Prime Minister Felipe Gonzalez, French former Prime Minister Lionel Jospin, and former European Commission president Jacques Delors – “Today, calling for her release is no longer enough. But to support her, we must now take action. For means of action do exist. Aung San Suu Kyi and the Burmese democrats in exile have been asking us for years to take three practical steps: economic sanctions, an intervention by the UN Security Council, and greater vigilance from Southeast Asian countries. There is no better way of supporting Aung San Suu Kyi's struggle than by doing everything we can to achieve these three goals...Diplomatic initiatives can only be effective if accompanied by deterrents, so it is urgent that the UN Security Council tackle the Burmese issue and coordinate pressure on the regime.”¹⁴

Sweden – In Sweden, representatives for all of the parties represented in parliament expressed to Aung San Suu Kyi their “deepest respect for your courage and loyalty to the struggle for democracy for the people” of Burma.¹⁵

Open letter from Nobel Peace Laureates including, His Holiness the 14th Dalai Lama, Dr. Wangar, Shirin Ebadi, John Hume, David Trimble, Jody Williams, Bishop Carlos Filipe Ximenes Belo, Prof. Joseph Rotblat, Rigoberta Mench Tum, Prof. Elie Wiesel, Bishop Desmond Tutu, Adolfo Pérez Esquivel, Betty Williams, Mairead Corrigan –

“We wish to use this opportunity, on the occasion of Aung San Suu Kyi's 60th birthday, to reaffirm our solidarity with the people of Burma and their legitimate struggle for democracy, human rights and civilian rule...We call upon the international community to maintain pressure against Burma's military junta. We applaud those countries that have imposed sanctions to deny the regime the wealth it craves to sustain itself...They remind Burma's military leaders that they cannot reconcile with the world until they reconcile with their own people.”¹⁶

Georgian President Mikheil Saakashvili – “Her continued arrest by Burma’s military junta is an outrage, her courage in the face of terror and intimidation serves as an inspiration to those throughout the world who cherish freedom and democracy...To the millions of Burmese who are imprisoned with Aung San Suu Kyi in their own country, I say this: Doi Yea (Our Cause)! Because your cause is our cause. Wherever freedom-loving people rise up to carry on the legacy of the Rose Revolution, the spirit and support of the Georgian people stand with you.” (June 16, Embassy of Georgia)

Office of the Prime Minister of Mongolia, Elbegdorj Tsakhia – “It is a tragedy that she could not be celebrating her birthday among her family, friends and the Burmese people. Her continued jailing is a powerful symbol of the strength of Burma’s democracy movement and the weakness of those trying to block this country’s path to freedom. Friends, it is up to each of us living in free societies to reach out and help those living under oppression to find their freedom. I can assure the Burmese people

¹⁴ June 18, International Herald Tribune

¹⁵ June 18, AFP

¹⁶ June 15, Open letter, Peace People

of one thing: No dictatorship, no military regime, no authoritarian government can stand against the collective will of a people determined to be free.”¹⁷

Vaclav Havel, former president of the Czech Republic – “I appeal to the European Union to ... step up the pressure on the Myanmar regime both within the framework of the United Nations and in other international forums – and to do it in clear and comprehensible terms...Since 1990, the ruling State Council for Peace and Development has repeatedly promised that it would take steps leading to gradual democratization of the regime. Not a single one of these promises has been even partially fulfilled...Seemingly unshakable totalitarian monoliths are sometimes as cohesive as proverbial houses of cards, and fall just as quickly. Continuing democratization of the whole region, together with growing dissent inside the country, must eventually have a positive effect. As Suu Kyi celebrates her 60th birthday, I wish for her that those changes will happen as soon as possible...”¹⁸

These statements were certainly genuine in their intent, and from some quarters were representative of a long and sincere commitment to Burma’s democratic cause. However, from other quarters these words of concern, in the months that have followed, have failed once again to translate into constructive and effective action of any kind. Over the years this has proved to be a key problem with regard to international policy on Burma – this consistent failure to match words with action.

Since June, in the absence of any action from the international community Burma’s situation has unsurprisingly deteriorated further. Below is a summarised chronology of key arrests and abuses that have occurred in the period since the fleeting international attention generated by Aung San Suu Kyi’s 60th birthday on June 19th.

Chronology of Abuses/Arrests (June-September 2005)

Compiled by the Alternative Asean Network on Burma (Altsean)

21 Jun	U Kyaw Hla, a Village Peace and Development Council chairman, and six other Rakhine members of the NLD in Mrauk-U Township, Arakan, are arrested by the SPDC. <i>Kaladan (21 June 2005) NLD members arrested in Arakan State</i>
30 June	Burma's war veterans' group urges the country to quit the U.N. International Labour Organization, which has repeatedly criticized the ruling junta for allowing the use of forced labour. "The ILO is applying political pressure which has nothing to do with labour affairs ... therefore, Myanmar should resign from the ILO," said Hla Swe, chairman of Magwe Division War Veterans Organization Supervisory committee. <i>Associated Press (30 June 2005) Myanmar war veterans urge military government to quit International Labour Organization</i>
5 July	Burma's official women's organization, the Myanmar Women's Affairs Federation calls for the continued detention of Aung San Suu Kyi. "As she creates various problems wherever she travels, people live in fear. I suggest

¹⁷ June 3, Statement from the Office of the Prime Minister of Mongolia

¹⁸ June 17, The Washington Post

	<p>that the government maintain the status quo," Thanda Hpone Win, a representative of the Myanmar Women's Affairs Federation, is quoted as saying by the Myanmar Ahlin daily.</p> <p>Newspapers and mass organizations such as the federation are under the tight control of the ruling military, and publication of such remarks can be taken as a reflection of official opinion.</p> <p><i>AP (5 July 2005) Women's group calls for Suu Kyi's continued detention, Myanmar's state media reports</i></p>
8 July	<p>Vice-chairman of ceasefire group Shan State Army-North, Col. Sao Khai Hpa, and three others are arrested by the police. The police later release Col. Sao Khai Hpa. Reports suggest that their arrest is another sign of increased tension between the SSA-N and the junta, which began after the junta arrested the group's leader, Gen Hso Ten, in February.</p> <p><i>Mizzima (8 July 2005) Shan ceasefire leaders still in detention</i></p>
11 July	<p>A senior member of the National League for Democracy and two sympathizers are jailed on a charge of distributing a videotape of speeches by Aung San Suu Kyi.</p> <p>NLD chairman of Kin-U Township, Sagaing Division, Dr Win Aung is sentenced to 10 years imprisonment, while two others, Soe Win and Khin Maung Win, have been sentenced to 10 years and three years. The three have been convicted of offences under the Video Act and Print Act.</p> <p><i>Irrawaddy (11 July 2005) Three receive prison terms for watching Suu Kyi tape</i></p>
11 July	<p>A member of the NLD and some supporters of the party from Pegu are arrested by the local authorities on 4 & 5 July. NLD member U Hla Myint Than is arrested on 4 July and U Win Myint and his wife and son are arrested the following day. The son is released on 6 July. Four further youths Phoe Zaw (a.k.a.) Ko Khin Zaw, Ko Wai Lin, Ko Thein Win and Ma Myo from Ma-Zeen Ward, are arrested on 5 July. It is not clear why they are arrested and where they are being detained.</p> <p><i>DVB (11 July 2005) More NLD supporters arrested in Burma</i></p>
11 July	<p>Three villagers, including an eight-month-old child, are killed and two more injured in Karen State when Burmese soldiers mistake an explosion in the village for a Karen National Union attack and open fire.</p> <p><i>Irrawaddy (11 July 2005) Army Attacks Karen Village</i></p>
11 Jul	<p>Shan relief workers in Chiang Mai, Thailand say that shortage of rice in Burma is causing new waves of immigration to Thailand from Burma as prices escalate.</p> <p><i>SHAN (11 July 2005) Rice shortage forcing more people to leave</i></p>
13 July	<p>SPDC troops increase their attacks on the Karen National Union (KNU) despite provisional ceasefire agreements between the two sides. KNU spokesman and General Secretary Pado Mahn Sha says that the increasing attacks don't bode well for the future of the country. Mahn Sha warns that it would be more useful for the SPDC and the country to hold talks rather</p>

	<p>than staging attacks on the KNU.</p> <p><i>DVB (13 July 2005) Burmese troops increasing attacks on KNU despite "gentlemen agreement"</i></p>
14 Jul	<p>The ruling Burmese military junta continues to detain and restrict the activities of pro-democracy campaigners.</p> <p>On July 12, Chit Swe, vice-chairman of Rangoon's Thanlyin (Syriam) Township NLD office, is arrested by local authorities for holding a pro-democracy gathering. He awaits trial in Thanlyin prison.</p> <p>Naw Ohn Hla, a senior member of the NLD's women's group, was arrested for wearing an Aung San Suu Kyi t-shirt on June 19, the detained NLD leader's birthday. She is later released, though local authorities insist she report to the local police station at frequent intervals.</p> <p>On July 8, a senior NLD member and two sympathizers from Sagaing Division are jailed on a charge of distributing a videotape containing speeches by Suu Kyi.</p> <p>At least three NLD members are arrested in Pegu for listening to the BBC's Burmese service.</p> <p><i>Irrawaddy (14 July 2005) Arrests and restrictions continue unabated</i></p>
19 Jul	<p>Pro-democracy groups are prohibited from holding ceremonies to mark 58 years since the assassination of the country's independence leaders.</p> <p><i>AFP (19 July 2005) Myanmar bars opposition from honouring slain independence leaders</i></p>
20 Jul	<p>Authorities arrest a respected magazine cartoonist in a round up of at least 12 democracy activists over the preceding two weeks. Cartoonist and opposition National League for Democracy (NLD) member Chit Swe is arrested on unspecified charges on July 12 shortly after the NLD meet at his home.</p> <p><i>AFP (20 July 2005) Cartoonist among 12 democracy activists arrested in Myanmar: media groups</i></p>
22 July	<p>Mon members accused of an assassination plot two years ago are interrogated after a bomb explosion in Rangoon. "Some were taken away by authorities to be investigated by the (SPDC) who suspected them of being linked to the bomb blast in Rangoon," a political activist from the capital says.</p> <p><i>Kaowao (22 July 2005) Detainees interrogated after Rangoon explosion</i></p>
1 Aug	<p>Reports that five hundred Arakanese villagers from the northern part of the state have been forced to work on clearing a path for the construction of a gas pipeline between Burma and India. Villages located in the path of the Pipeline are ordered to relocate by the military personals by the end of the raining season. No compensation for the relocation, says a villager.</p> <p><i>Narinjara (1 Aug 05) Arakanese villagers forced to aid in construction of gas pipeline</i></p>

2 Aug	<p>Imprisoned MP of Arakan State Buthidaung Township, Kyaw Min and his family are given lengthy prison terms and fines. Kyaw Min is sentenced to 47-years in prison and his wife and children each receive a 17-year prison term. A kangaroo court within Rangoon Insein Jail fines them 50,000 kyat each and orders them to serve an extra two years each if they fail to pay. Family relatives attempt to see them at the prison on 1 August, but are turned back by guards. The health conditions of Kyaw Min's wife Tiza and one of her daughters are reported to be poor.</p> <p><i>DVB (2 Aug 05) Burma Arakan MP Kyaw Min and family fined on top sentences</i></p>
3 Aug	<p>Chit Swe, cartoonist and vice chairman of the NLD in Thanlyin Township, Rangoon, is sentenced to one month's imprisonment for organizing an NLD meeting at his home.</p> <p><i>Irrawaddy (3 Aug 05) Rangoon cartoonist jailed</i></p>
4 Aug	<p>Reports that the Burmese army, on 7 July, mounted a major raid in Tagu Village, Irrawaddy Division, on suspicion that villagers may have been in contact with the KNU. They kill one villager and arrest more than 30 others. The 30 people arrested, including one local NLD member, are transferred to a Rangoon interrogation centre.</p> <p><i>DVB (4 Aug 05) Burmese army raid kills one villager in Irrawaddy region</i></p>
4 Aug	<p>Shan State Peace Council (SSPC) chairman Gen Hso Ten is to be sentenced on 8 August, according to reports from Burma. He was charged with treason, apparently for attending a meeting of Shan activists earlier in the year. It is unclear whether 9 other Shan leaders in custody including SNLD chairman Khun Htun Oo and Sec. Nyunt Lwin detained with Hso Ten will also be sentenced.</p> <p><i>DVB (4 Aug 05) Shan leader Hso Ten to be sentenced on 8 August</i></p>
5 Aug	<p>Reports that more than 30 people, including two NLD members, from Tagu Village, Irrawaddy Division are still being detained by Burmese military authorities for interrogation. The majority of those detained are Karen ethnic nationals.</p> <p><i>DVB (5 Aug 05) More than 30 people detained in delta region</i></p>
5 Aug	<p>SPDC arrest Sa Oo Kya, a member of the Shan State Advisory Council (SSAC) on 3 August. Oo Kya is the nephew of the last Sawbwa (Prince) of Hsipaw, Sa Kya San, and a cousin of detained SNLD chairman Khun Htun Oo.</p> <p><i>DVB (5 Aug 05) Another Shan leader detained by Burma junta</i></p>
5 Aug	<p>Shan State Consultant Committee member Sao Khun Kyar is arrested at his Hsipaw residence. A local said, "It is still unclear why he was arrested. Maybe he is related to the case of Sao Se Htin who attended Shan State Consultant meeting held in Taunggyi. Sao Khun Kyar attended the meeting as a Hsipaw representative." A political analyst based on the Thai-Burma border says he believes there will be more such arrests in the future.</p> <p><i>Mizzima News (5 Aug 05) Burma arrests Shan leader Sao Khun Kyar</i></p>

6 Aug	<p>Kyaw Thike dies at his home in Rangoon on 5 August. He was severely tortured by military intelligence agents while detained and suffered psychological problems. When he was released at the end of 2001, he received medical treatment for his illnesses but never recovered. He died from a brain haemorrhage.</p> <p><i>DVB (6 Aug 05) Another ex-Burmese political prisoner dies young</i></p>
8 Aug	<p>Local authorities in Rangoon ban a ceremony marking the 17th anniversary of the 8888 uprising, which was to be attended by famous student leaders such as Min Ko Naing and Ko Ko Gyi. Activists planned to provide morning nourishment to Buddhist monks and observe religious rites at a famous monastery, in memory of those who gave up their lives for democracy and human rights.</p> <p><i>DVB (7 Aug 05) Burmese authorities ban 8888 uprising commemoration ceremony</i></p>
17 Aug	<p>Reports that ten Rohingya farmers from Buthidaung Township, Arakan State, were arrested on 24 July. The farmers are told to pay 2 million kyat each for their freedom or face a 12-year prison term. Authorities at Ma-U Pin District in Irrawaddy Div confiscate more than 70 acres of paddy fields with the excuse that natural gas has been found on them. The landless farmers receive no compensation.</p> <p><i>DVB (17 Aug 05) Burmese farmers arrested and their farms seized</i></p>
18 Aug	<p>The SPDC continues to use sexual abuse as a weapon of war, the Lahu National Development Organization reports.</p> <p>Lt-Col Toe Myat rapes Ah Sha, a 14-year-old, in front of her parents on June 26 after LIB 329 surrounds the villages of Jani and Ah Pawday. The villagers are warned, "If there is any failure in future to inform about the rebels' movements, you are going to witness more excesses from us." On July 1, Hajakhai Village was surrounded. Finding no signs of SSA, a 15-year-old girl is picked out and raped by the commander while the headman and her parents, under armed custody, stand helpless outside the bedroom.</p> <p><i>SHAN (18 Aug 05) Still no signs of outlawing license to rape</i></p>
18 Aug	<p>The SPDC arrest 17 ethnic Karen in Irrawaddy Division on suspicion that they assisted the KNU in carrying out the May 7 bombings in Rangoon. Mahn Sha, Gen-Sec of KNU, denies that any of the detainees were connected with the KNU. Among them were 2 NLD members, Saw Myo Chit and Saw Poe Dye. They are being kept in an undisclosed location.</p> <p><i>Irrawaddy (18 Aug 05) NLD members among 17 arrested for Rangoon bombings</i></p>
18 Aug	<p>A human rights activist and two friends arrested on Aug 13 by military authorities and charged with possessing unauthorized VCDs, tapes and a Kachin language political book, all reportedly produced by exiled Burmese human rights groups, remain in custody in Myitkyina.</p> <p><i>Irrawaddy (18 Aug 05) HR activist, two others arrested in Kachin State</i></p>

19 Aug	<p>The Global Fund pulls its funding from Burma blaming travel and other restrictions imposed by the junta. The Fund said its decision was regrettable given Burma has up to 610,000 with HIV/AIDS and one of the highest rates of tuberculosis in the world. But new travel curbs imposed in July on UN staff overseeing fund-financed programs and bureaucratic hurdles to procuring medical supplies violated Rangoon's agreement with the Fund, it said.</p> <p><i>Reuters (19 Aug 05) Global AIDS fund quits Myanmar, cites restrictions</i></p>
25 Aug	<p>SPDC increases taxes on water, electricity and land eight fold, causing more problems for the already impoverished nation. Despite the tax hikes, water and electricity shortages are still regular events. The prices of consumer commodities such as rice, cooking oil and salt have also been rising rapidly.</p> <p><i>DVB (25 Aug 05) Tax hikes in Burma cause increasing problems for people</i></p>
31 Aug	<p>In Burma's Chin State, no less than 40 cases of forced labour have been documented since the beginning of this year, CHRO says in a report. Troops regularly requisition forced labour from civilians to construct or renovate military camps and outposts and forced people as young as those in primary schools to carry army rations and supplies.</p> <p><i>CHRO (Jul-Aug 05) The Forced Labor Pandemic</i></p>
3 Sept	<p>Authorities detain Aye Myint, a High Court lawyer from Pegu for reporting the confiscation of farmlands by the SPDC to the ILO's Rangoon office. The report prompted officials to return the land to the farmers. Aye Myint was released from prison in early 2005 after being arrested on July 20, 2003 and given a life sentence on November 28, 2003. The 2003 arrest was for reporting forced labour practices to the ILO.</p> <p><i>DVB (05 Sep 05) Burmese lawyer Aye Myint detained again</i></p>
5 Sept	<p>The NCGUB release an update on the situation of political prisoners in Burma. It says that there are over 1,400 political prisoners, including 13 MPs, still in the military junta's prisons.</p> <p><i>NCGUB (05 Sep 05) – "Members of Parliament " situation update</i></p>
7 Sept	<p>Min Ko Naing, chairman of the All Burma Federation of Student Unions (ABFSU), calls on the international community to provide humanitarian aid to Burma in light of the pullout of Global Fund from Burma. They emphasize that the aid should reach those who need it most. The distribution must be "impartial, open, transparent and accurate."</p> <p><i>Mizzima News (07 Sep 05) - Burma's Student Leaders Call for Humanitarian Aid</i></p>
14 Sept	<p>The SPDC is yet again using forced labour in the construction of a road in Palawa Township, Chin state, according to an Arakanese human rights activist. Villagers from Kha Wai, Yet Chaung, Abung Tha, Fat Chaung and Ray Tan Kun are now working on the road daily from 9 am to 4 pm bringing their own food and without any compensation, said a Kha Wai villager.</p> <p><i>Narinjara (14 Sep 05) Forced Labour used in Road Construction in Burma</i></p>

18 Sep	<p>Thida Htway, human rights activist and former political prisoner, flees Burma and takes refuge on the Thai-Burma border. SPDC authorities arrested Thida Htway for her involvement in the 9999 student uprising and sentenced her to 29 years in jail. SPDC authorities also recently detained, interrogated and tortured Thida Htway for three days in connection with the bomb blasts that rocked Rangoon on May 7, 2005.</p> <p><i>DVB (18 Sep 2005) (DVB) - Another Burmese ex-prisoner absconds to Thailand</i></p>
19 Sep	<p>Hla Aye, NLD vice-chairman of Rangoon Hlaing Thaya Township, and his son, a NLD youth member receive 25-month prison terms. Hla Aye and his son were charged under Act 332 for obstructing and intimidating (civil servants) while carrying out their duties.</p> <p><i>DVB (19 Sep 05) Ill Burma NLD member dragged out of bed and sent to prison</i></p>
20 Sep	<p>Monywa Aung Shin (a.k.a.) Aye Kyu, a 62-year old political prisoner and author is said to be very ill. Monywa Aung Shi is currently serving a lengthy prison term in Rangoon's Insein Jail. According to Monywa Aung Shin's son, Thet Tun Lin, Aung Shin has is suffering from breathing problems, insomnia, low blood pressure and chronic fatigue.</p> <p><i>DVB (20 Sep 05 - Burmese prisoner Aung Shin not well</i></p>
23 Sept	<p>Farmers from more than 70 villagers within Nyaung Kaing region at Meikhtila Township, Mandalay Division, are forced by local authorities to destroy their vegetable crops for wetland paddy cultivation. Those who refuse are threatened with a 5-month prison term, according to the farmers.</p> <p><i>DVB (23 Sep 05) Burmese farmers forced to destroy crops</i></p>
27 Sept	<p>The junta's air force is preparing to start air-to-surface missile launching practice to control the airspace along the coastal Tennesserim region in southern Burma and defend the country from attacks.</p> <p>Exiled army expert Htay Aung said the exercises are to be carried out by fighter pilots based at Mergui (Myeik/Beik) airbase. He added the army has been choosing targets for the missiles and confiscating lands from local people. Similarly, authorities at North Ye in Mon State are confiscating lands from farmers, to be used as target practice. To launch the missiles, the Air Force is using MIG-29 fighter planes recently bought from Russia and S-7 type planes made in China. Burmese fighter pilots are carrying out military exercises under the instruction of Russian military experts.</p> <p><i>DVB (27 Sep 05) Burmese Air Force targets coastal Tennesserim region</i></p>
30 Sept	<p>Burma's currency, the kyat, falls to an all-time low of 1,330 to the US dollar on the black market, driving up prices of ordinary commodities. The kyat has been falling gradually all year, from 880 kyat per US dollar in Jan to 950 in May and 1,170 in Aug.</p> <p><i>AP (30 Sep 05) Myanmar's kyat currency crashes to historic low against US dollar</i></p>
30 Sept	<p>Sa Oo Kya, a member of Shan State advisory council is handed a 13-year jail term by Kyaukme District court, Northern Shan State. The 65-year old</p>

	<p>was arrested on 3 Aug and charged with Act 124A for allegedly defaming the State, and under the Hotel and Tourism Act 26, apparently for illegally meeting foreign tourists. He is related to SNLD chairman Khun Htun Oo who is being detained at Insein with 9 other Shan leaders. They remain in prison, denied access to their lawyers.</p>
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DVB (30 Sep 05) Burma Shan leader Oo Kya gets 13 years

Chapter Two

Time for UN Security Council Action

Current situation in summary

Fifteen years on from the democratic elections of 1990, seventeen years from the democracy uprisings of 1988, and some forty-three years on from the military coup of 1962 (which spelt the end of Burma's first independent democratic government), the regime continues to refuse to engage in tripartite dialogue with the legitimate victors of the 1990 elections the NLD, and with the ethnic nationalities. Political rights and the right to freedom of speech are still routinely denied. Harassment, torture and murder of opponents are commonplace. Aung San Suu Kyi remains imprisoned and silenced. Grave human rights violations also continue, including the use of rape as a weapon of war against women and children; widespread forced labour; the systematic destruction of villages; the massive forced displacement of civilian populations; the use of more child soldiers than any other country in the world; the sustained persecution of Burma's ethnic nationalities and the detention of more than 1,350 political prisoners. Some 700,000 refugees have fled oppression in Burma in recent years causing considerable strain on the resources of other countries in the region. Burma remains one of the world's leading producers of opium and heroin, directly contributing to the spread of HIV/AIDS to neighbouring countries.

The role of the UN

The UN has expended significant time and effort throughout these years on promoting positive change in Burma through the resolutions, reports and statements of the Secretary General's office, the UN General Assembly, the UN Commission on Human Rights, a significant number of UN Committees and Working groups and the International Labour Organisation as well as through the efforts of a succession of Special Envoys and Special Rapporteurs on the country.

Since 1991 and 1992 respectively Burma has been the subject of annual resolutions by the UN General Assembly and UN Commission on Human Rights (key excerpts of these are set out at the end of this report). These resolutions have consistently outlined the reforms necessary to move Burma from dictatorship towards democracy. They have repeatedly expressed "grave concern" at the ongoing violation of human rights in Burma. They have consistently asked that the regime cease its harassment of the NLD and other political groups, and instead engage in dialogue with elected NLD members and ethnic groups to move the process of democratisation and reconciliation forward. They have also called year on year for the immediate release of Aung San Suu Kyi. They have been consistently and unashamedly ignored by Burma's military authorities.

The International Labour Organisation too has taken Burma repeatedly to task over the widespread and systematic use of forced labour. In 2000 the ILO invoked article 33 of its Charter for the first time in its history - calling upon its three constituencies to review their relationship with Burma in order to ensure that they do not contribute to the continuation of forced labour. The call was 'suspended' temporarily in 2001 to give the authorities time and space to comply with requests made, but reinstated on

24th March, 2005 after the regime made clear, through its attitude and continued lack of action, its unwillingness to co-operate.

Neither the words of the resolutions, nor the efforts of the Secretary-General's office, nor the determined efforts of the UN's Special Envoys and Rapporteurs have achieved any progress in Burma. Indeed, neither the current Special Envoy or the Special Rapporteur have been permitted even to enter the country they are responsible for in recent years. The regime continues to reject any assertion of human rights abuses, has shown no commitment to years of UN mediation efforts and has refused to cooperate with current non-enforceable UN efforts. It has also failed to end the practice of forced labour as required by its ILO treaty obligations. Burma's regime has persistently and blatantly snubbed and embarrassed the entire United Nations system.

It is clearly time for a more coherent international response to Rangoon's intransigence. In light of the critical situation in Burma, political intervention from the international community is essential to avert further deterioration and any greater threat to the peace and security of the region as a whole.

If UNSC action is not forthcoming, it now seems clear there will be no democratic progress in Burma. In addition, without the unifying and binding power of the Security Council to call for the immediate cessation of human rights violations it is clear they will continue.

A new report 'Threat to the Peace, A Call for the United Nations Security Council to Act in Burma', was launched on 20 September, 2005. The report, compiled by US Law firm DLA Piper Rudnick Gray Cary and commissioned by Archbishop Desmond Tutu and former President of the Czech Republic Vaclav Havel, looks for the first time not only at the international community's failure concerning Burma but more significantly provides an objective and definitive new account of the threat that Burma's illegitimate regime poses not only to its own people but notably to regional peace and security. The evidence presented in the report makes starkly clear that, given Burma's "threat to the peace" of the region, the UN Security Council must now become engaged in seeking a resolution to the situation in Burma.

The report, available on <http://www.burmacampaign.org.uk/pm/reports.php>, examines key factors judged in previous UN Security Council resolutions to be a factor in determining a threat to international peace and security. The report concludes not only that each of these key factors is present in the case of Burma, but uniquely that all are present concurrently and have frequently proved to be of a more severe nature than in other instances when the UNSC has historically taken action.

These factors include:

1. The overthrow of a democratic government
2. Conflict between the regime and ethnic groups
3. Widespread internal humanitarian/human rights violations
4. Substantial outflow of refugees
5. Drug production and trafficking and the export of HIV/AIDS

The prospects for success

The launch of the Tutu-Havel report, and the support it has already garnered, marks the beginnings of the first potentially effective multilateral effort to bring about change in Burma. For those countries which have until now decried the uselessness of a strong unilateral position on Burma, in the absence of any multilateral stance, this must now give them pause to reconsider their failure to act.

The effort also addresses concerns about the presumed isolationist attitude towards Burma, encompassing as it does the most significant attempt yet to engage the regime diplomatically. In addition, any resolution achieved at the Council would not be asking for sanctions, thereby bringing pro and anti-sanctions advocates together for the first time.

The Tutu/Havel resolution would rather:

- 1) Outline the major reasons for the Security Council intervention, focusing on the threat to the peace caused by the major issues described in the (Tutu/Havel) report;
- 2) Require the Government of Burma to work with the Secretary-General's office in implementing a plan for national reconciliation and a restoration of a democratically elected government;
- 3) Request the Secretary-General to remain vigorously engaged with the dispute resolution process and require that he report back to the Security Council on a regular basis;
- 4) Urge the Government of Burma to ensure the immediate, safe, and unhindered access to all parts of the country for the United Nations and international humanitarian organisations to provide humanitarian assistance to the most vulnerable groups of the population, including internally displaced persons; and
- 5) Call for the immediate and unconditional release of Aung San Suu Kyi and all prisoners of conscience in Burma.

The report has already been seized upon by a significant number of domestic, regional and international actors who have recognised the unique opportunities it presents and come together in supporting its proposals.

Domestically the report has so far been endorsed and its recommendations supported by the National League for Democracy, the Committee Representing the People's Parliament, the Karen National Union, the Restoration Council of the Shan State, eleven of the ethnic nationality parties that won seats in the 1990 elections, and several of the ethnic cease-fire groups, including the Kachin Independence Organisation (KIO) and Mon New State Party (MNSP). Additionally, key prominent student leaders who led the 1988 democracy uprising – including Min Ko Naing - have issued statements of support. In exile the National Coalition Government of the Union of Burma, the National Council of the Union of Burma, the Members of Parliament Union-Burma and the Ethnic National Council (ENC) (the largest ethnic

political alliance in Burma) are all united in their call for the UNSC to take up the issue of Burma.

Burma's regime has already proven itself to be seriously rattled by the potential for this new multilateral show of unity on Burma. A statement issued by Burma's Ministry of Foreign Affairs on Thursday 29th September dismissed the Tutu/Havel report as being "based on misinformation by a few remaining insurgents and foreign funded expatriates," and an "attempt to discredit the government." The report was described as "counterproductive and not of assistance in the efforts of Myanmar [Burma] towards democratization."

Selected statements of support:

The National league for Democracy

The cardinal objective of the National League for Democracy is to create and establish democracy and human rights in Burma. It has always welcomed any and every effort or process that will bring about political change which in turn will work for the solution of the dire problems that Burma is now experiencing.

The National League for Democracy is therefore grateful to the former Czech president and the Archbishop for the detailed and accurate report they have submitted. We believe that the report has been prepared out of genuine and sincere motives. Moreover, in their report, these two outstanding and respected world figures have not in anyway cast a slur or blemish on any organization or country. The report focuses on Burma's problems and its needs and the way to solve them. For these reasons we are convinced that this is the outcome of genuine goodwill.

When this subject is brought before the Security Council we urge and solicit all members to unite and cooperate and work together for a successful outcome and to refrain from exercising their veto powers.¹⁹

Karen National Union

It is only appropriate for the former Czech President Vaclav Havel and retired South African archbishop Desmond Tutu to call for an urgent initiative at the UN Security Council to bring reforms to military-ruled Burma. We, the KNU, fully agree with the proposal of the two World Leaders of Conscience calling upon the UN to intervene in Burma for "implementing a plan for national reconciliation and restoration of a democratically-elected government.

In conclusion, we would like to affirm our earnest support for the timely action of former President Vaclav Havel and Archbishop Desmond Tutu for freedom, justice, stability and peace in Burma. At the same time, we call on the SPDC military dictatorship to submit to reason, release all the political prisoners at once, cease its attempt to perpetuate its hold on power immediately, accept the decisions of the UN Security Council without hesitation and fully cooperate with the United Nations, before it is too late.²⁰

¹⁹ September 21, Central Executive Committee, National League for Democracy, Rangoon. October 3, Burma UN Service Office, burmalun@igc.org

²⁰ 25 September, 2005, Central headquarters statement, Karen National Union

Committee Representing the People's Parliament

We believe that the report of President Havel and Bishop Tutu truthfully review and present the real situation in Burma and constructively propose a suggestion, calling the UN Security Council to act in Burma. Furthermore, two leaders do not suggest using the economic sanctions, exercising force and pressure, but only suggest to applying the power of the UN Security Council to implement the political dialogue in Burma. This good will of two leaders correctly reflect the will of the people of Burma, including the political parties, ethnic nationality parties, democracy forces and people from all walks of life.

The State Peace and Development Council (SPDC) (formerly known as the State Law and Order Restoration Council-SLORC) continuously fail to implement the numerous resolutions and suggestion of the UN General Assembly, and as of today, it even stops cooperating with the UN's Special Envoy. Ignoring the good will of the United Nations, the SPDC is trying to create the future of the country with its one-sided formula. If the authorities continue to move forward with its one-sided path, we will see the future of country and lives of the people of Burma in dangerous situation.

At this critical juncture, we wholeheartedly appreciate former President Havel and Bishop Tutu for making a constructive proposal, calling the UN Security Council to act in Burma. We also urge the members of the UN Security Council to pay serious attention on the recommendations of two leaders for the best interest of the people of Burma, and especially request the member states to refrain from exercising the use of veto power to object it.²¹

Min Ko Naing

"The call aims to support the UN's efforts to help Burma's reform. We can work something out in common even if we have our own differences." Min Ko Naing said Asean should regard the positive response by opposition and ethnic groups to the call for the Burma question to be addressed by the UN Security Council as "a reflection of the will of Burmese people".²²

Regional support

Regionally the ASEAN Inter-parliamentary caucus on Myanmar has given the report its fullest support and called upon ASEAN governments to back the initiative. A resolution of the kind proposed is consistent anyway with repeated calls from ASEAN for the SPDC to work with the UN Secretary General's Office to promote change. The Tutu/Havel resolution will strengthen ASEAN's calls because it will demand the regime follow the norms of regional and international diplomacy.

ASEAN Inter-parliamentary Caucus on Myanmar (AIPMC)

The AIPMC wishes to voice its strong support for the findings and recommendations of the report "Threat to the Peace: A Call for the UN Security Council to Act in Burma" jointly commissioned by former president of the Czech Republic Vaclav Havel and South African Nobel Peace Prize Laureate Bishop Desmond Tutu.

The 70-page report's findings detail what we have been saying all along: the deteriorating situation in Myanmar is affecting not only those within the country but

²¹ Democratic Voice of Burma, 1430 GMT 30 Sep 05. Also October 3, Burma UN Service Office burmalun@igc.org

²² 30 September, The Irawaddy

people outside its borders as well. Quite apart from its truly disgraceful human rights record, Myanmar's troubles ranging from ethnic conflicts and refugee outflows to drugs and the unchecked spread of HIV/AIDS have become a serious cause for concern for ASEAN and the international community.

The urgency of the situation cannot be underestimated. It must be raised at the highest levels of governments, regional organizations and the United Nations now. The inclusion of Myanmar on the Security Council's agenda is essential to ensure such diplomatic efforts are effective. Diplomatic interventions by the UN secretary general Kofi Annan and his special envoy Razali Ismail have so far been resisted by the SPDC largely because they were not backed-up by the weight of a Security Council resolution.

We urge ASEAN governments not only to support the move but, as Myanmar's closest neighbours, to lead this multilateral effort to help bring about change there. As the report points out, the situation in Myanmar is, in some aspects, worse than in countries where the Security Council had previously decided to act such as Sierra Leone, Yemen and Haiti.²³

What next?

It is clearly vital that all this new energy and focus is not now wasted. Individual governments, the European Union, the Association of South-East Asian Nations and, in particular, the current member states of the United Nations Security Council must now get fully behind this effort; to look to achieving binding Security Council intervention at the earliest possible opportunity. UN Security Council action is key to restoring peace, promoting reconciliation and facilitating a return to democratic rule in Burma.

Truly then the time for words is now done. However, there is a place for repeated words of concern if they can prove our wake-up call to get focused and take action. In the pages that follow key excerpts from fourteen years of the reports, resolutions and recommendations of the major bodies of the UN system are set out. As Aung San Suu Kyi enters her eleventh year of house arrest, these years of words, laid down by the bodies of the United Nations and ignored by the Burmese authorities, must prove a stark reminder to us of how little has been achieved and how much there is still to be done if we are to match these words with real action. In this way these words can now help garner the energies of a concerned international community into an invigorated multi-lateral and committed effort through the United Nations Security Council to effect democratic change in Burma. The people of the country after forty-three years of illegitimate military rule and oppressive government have waited long enough.

²³ September 23, www.aseanmp.com

Chapter Three

Ignoring the United Nations Secretary General

The following are excerpts from a selection of United Nations Secretary General Kofi Annan's official statements on Burma since 2002. They do not include comments made in reports, speeches or at press conferences. All of these requests have been ignored by Burma's military dictatorship.

8 November 2002

The Secretary General is concerned
The Secretary General calls for negotiations

"..the Secretary-General is concerned that the positive momentum generated for the on-going national reconciliation process in Myanmar since the restoration of Daw Aung San Suu Kyi's freedom of movement on 6 May could dissipate unless some tangible progress is made in the near future."

21 November 2002

The Secretary General is hopeful
The Secretary General calls for negotiations

"The Secretary-General welcomes the release of political prisoners that began in Yangon on Thursday following a statement by the Government that 115 political prisoners would be freed, including many members of the National League for Democracy (NLD)...The Secretary-General hopes this first large-scale release will provide fresh momentum for the national reconciliation process in that country."

12 February 2003

The Secretary General is concerned
The Secretary General calls for negotiations

"The Secretary-General is concerned by the arrests by the Myanmar authorities of 12 members of opposition parties, including 7 members of the National League for Democracy (NLD) as well as Sai Nyunt Lwin, the Secretary-General of the Shan National League for Democracy (SNLD). He once again urges the Myanmar authorities to release without delay all political prisoners, and to engage in substantive political dialogue with Daw Aung San Suu Kyi."

14 May 2003

The Secretary General is hopeful
The Secretary General calls for negotiations

"The Secretary-General hopes that the Special Envoy's visit will reinvigorate the process of national reconciliation in Myanmar, which appears to have stalled over the past several months. He reiterates his call on both the Government and Daw Aung San Suu Kyi, General Secretary of the National League for Democracy (NLD), to

redouble their efforts to start substantive political dialogue by taking advantage of Mr. Razali's forthcoming visit.”

31 May 2003

**The Secretary General is concerned
The Secretary General calls for negotiations**

“The Secretary-General is following closely, and with concern, the situation in Myanmar after the Government announced Saturday that Daw Aung San Suu Kyi and several other leaders of the National League for Democracy (NLD) were taken into "protective custody" after clashes reportedly broke out between her supporters and pro-government protesters in northern Myanmar.”

“He believes that the latest developments underline the urgent need for national reconciliation in Myanmar and renews his call on the two sides to start their substantive dialogue as soon as possible.”

2 June 2003

**The Secretary General is increasingly concerned
The Secretary General calls for the release of Aung San Suu Kyi**

“The Secretary General is increasingly concerned with the situation in Myanmar, following the incidents this weekend in the North of the country. He is especially worried by the continued detention in 'protective custody' of Daw Aung San Suu Kyi (ASSK) and other senior leaders of the National League for Democracy (NLD). The Secretary-General believes that Daw Aung San Suu Kyi and other senior members of the NLD should be released immediately.”

6 June 2003

**The Secretary General is gravely concerned
The Secretary General calls for the release of Aung San Suu Kyi**

“The Secretary-General continues to be gravely concerned about the continued incommunicado detention of Daw Aung San Suu Kyi and other leaders of the NLD, and is particularly troubled by reports of injuries suffered by them. He fully expects that his Special Envoy will be allowed to meet all his interlocutors, and that Daw Aung San Suu Kyi and other NLD members will be released without further delay.”

10 June 2003

**The Secretary General is seriously concerned
The Secretary General calls for negotiations**

“However, the Secretary-General remains seriously concerned about the fact that Daw Aung San Suu Kyi and other senior leaders of the National League for Democracy (NLD) are still denied freedom of movement. He, once again, strongly urges the Government of Myanmar to release her and other NLD leaders from the continued detention immediately and begin a dialogue aimed at national reconciliation without further delay.”

23 June 2003

The Secretary General is gravely concerned

The Secretary General calls for the release of Aung San Suu Kyi and for negotiations

“The Secretary-General is gravely concerned about a report he received recently that Daw Aung San Suu Kyi, the leader of the National League for Democracy (NLD), is being held in Insein Jail outside Yangon. He considers the conditions under which she is being held - incommunicado and without charge - to be truly deplorable. The Secretary General urges the Government of Myanmar again to heed the repeated calls of the United Nations and the international community, including the member nations of ASEAN, to immediately release Daw Aung San Suu Kyi and other members of the NLD detained on 30 May; to acknowledge that the people of Myanmar are overwhelmingly in favour of change; and to join-hands with all parties, including the NLD, to bring about national reconciliation in Myanmar as soon as possible.”

16 July 2003

The Secretary General is gravely concerned

The Secretary General calls for the release of Aung San Suu Kyi and for negotiations

“I expressed my grave concern about the safety and well being of Daw Aung San Suu Kyi and other leaders of the National League for Democracy (NLD), who have been held incommunicado since the incident of 30 May. I emphasized that they should be released without further delay and that it was the responsibility of the Myanmar Government to ensure the safety of Daw Aung San Suu Kyi and her NLD colleagues, in or out of detention. I remain convinced that the only way to build durable peace in Myanmar is to release the detainees, ensure their political freedoms, and begin substantive dialogue with Daw Aung San Suu Kyi immediately. To that end, I requested that the Government take the initiative and meet with her.”

22 September 2003

The Secretary General remains concerned

The Secretary General calls for the release of Aung San Suu Kyi

“The Secretary-General remains concerned about the well being of Daw Aung San Suu Kyi and other NLD leaders and reiterates his call that they should be released without further delay. He expects his Special Envoy to meet with Daw Aung San Suu Kyi, find out her condition and work with Government officials towards her immediate and unconditional release.”

31 March 2004

The Secretary General is interested

The Secretary General calls for the release of Aung San Suu Kyi and for negotiations

“The Secretary-General notes with interest the announcement by the Government of Myanmar that it will convene a National Convention to draft a new constitution on 17 May 2004. The Secretary-General believes that for the National Convention to be credible, it should be all-inclusive. He thus urges the Government of Myanmar to lift the remaining restrictions on Daw Aung San Suu Kyi and her senior colleagues in the National League for Democracy (NLD) as soon as possible, and allow the party to participate in the preparations for the reconvening of the National Convention, together with other political parties and ethnic nationality groups.”

17 May 2004

The Secretary General is concerned

The Secretary General calls for the release of Aung San Suu Kyi and for negotiations

“The Secretary-General notes with concern that Myanmar's National Convention was reconvened today without the involvement of the National League for Democracy (NLD) and other political parties who won the majority of seats in the elections of 1990. The Secretary-General reiterates that, for the National Convention to be credible, it must be all-inclusive and that all the delegates must be able to express their views without sanction. The release of Daw Aung San Suu Kyi, who has clearly indicated her willingness to work with the Government, and U Tin Oo, Deputy Chairman of the NLD, as well as the lifting of the remaining restrictions on the NLD, are essential if the international community is to recognise the National Convention as a legitimate forum for democratisation and national reconciliation in Myanmar.”

17 August 2004

The Secretary General calls for the release of Aung San Suu Kyi and for negotiations

“The Secretary-General calls on the SPDC to make full use of the National Convention's adjournment by immediately releasing Daw Aung San Suu Kyi and engaging the NLD and other political parties in substantive dialogue on how they can work together for the benefit of the people of Myanmar.”

19 October 2004

The Secretary General is seriously concerned

The Secretary General calls for the release of Aung San Suu Kyi

“Noting the change in the top leadership of the Government, the Secretary-General calls on the Myanmar authorities to remain committed to the process of national reconciliation and democratization. To that end, he urges the Myanmar authorities to resume as soon as possible substantive dialogue with the National League for Democracy (NLD) and other political parties, as well as furthering its dialogue with ethnic nationality ceasefire and non-ceasefire groups.

The Secretary-General is also concerned about the welfare of Daw Aung San Suu Kyi and her deputy, U Tin Oo, who have been kept under house arrest since May 2003. He reiterates his call on the Myanmar authorities to release them without further delay.”

30 November 2004

The Secretary General calls for the release of Aung San Suu Kyi

“The Secretary-General reiterates his belief, which is shared by ASEAN and the countries of the region, that Daw Aung San Suu Kyi's continued detention is not in the interest of the process of national reconciliation and democratization in Myanmar. The Secretary-General urges the Myanmar authorities to seize the momentum created by the recent announcements to release some 9,000 prisoners by releasing her, as well as all those detained for expressing their political beliefs, as soon as possible.”

16 December 2004

The Secretary General is seriously concerned

The Secretary General calls for negotiations

“The Secretary-General is seriously concerned to learn that Daw Aung San Suu Kyi's personal security detail has been withdrawn, and the already limited access to her by her physician that currently exists has been further restricted. He reminds the Myanmar authorities of their responsibility to ensure Daw Aung San Suu Kyi's security and well-being.”

The Secretary-General also reiterates strongly his calls on the authorities to honour their expressed commitments to the United Nations and to ASEAN by lifting all the restrictions on Daw Aung San Suu Kyi's movement and activities as soon as possible; and by taking the requisite steps to ensure that the process of democratisation and national reconciliation in Myanmar is fully inclusive.”

18 February 2005

The Secretary General calls for negotiations

The Secretary General asks that the UN Special Envoy to Burma be allowed to visit Burma

“The Secretary-General notes that on 17 February, Myanmar reconvened its National Convention to continue drafting the principles on which a new constitution will be based. Regrettably, contrary to his earlier suggestions, this happened without the participation of the National League for Democracy (NLD) and other political parties.

It remains the Secretary-General's view that the National Convention, in its present format, does not adhere to the recommendations made by successive resolutions of the General Assembly. He thus reiterates his call on the Myanmar authorities, even at this late stage, to take the necessary steps to make the road map process more inclusive and credible.

He also renews his readiness to facilitate national reconciliation efforts among all parties concerned and, to that end, urges the authorities to agree to a visit of his Special Envoy.”

8 March 2005

The Secretary General calls for negotiations

The Secretary General asks that the UN Special Envoy to Burma be allowed to visit Burma

“The Secretary-General also urges the Myanmar authorities to use this occasion to enhance inter-ethnic harmony and political stability by engaging the representatives of all ethnic nationality groups and political leaders in a substantive political dialogue aimed at national reconciliation.

The Secretary-General also calls on the Myanmar authorities to allow his Special Envoy to return to the country as soon as possible so that he can facilitate efforts for resuming political dialogue among all the parties concerned.”

6 July 2005

The Secretary General calls for the release of political prisoners

The Secretary General calls for negotiations

“The Secretary-General welcomes the release of 249 prisoners today, reportedly including two prominent journalists and a close aide of the still-detained National League for Democracy (NLD) leader Aung San Suu Kyi.□The Secretary-General reiterates his call for the lifting of remaining constraints on all political leaders and the re-opening of NLD offices. □He further calls on the Myanmar authorities to resume their political dialogue with all parties concerned.”□

Chapter Four

Ignoring the United Nations General Assembly

Excerpts of UN General Assembly Resolutions on the situation of human rights in Burma (1991 to date)

Below are some of the key recommendations and statements of concern issued over fifteen consecutive years of UN General Assembly resolutions. Each and every one of them (and these are only excerpts taken from hundreds more) has been consistently ignored or rejected by the Burmese authorities, necessitating repetition of the same recommendation or statement year after year, after year.

1991 – Forty-sixth session

Expresses its concern at the information on the grave human rights situation and stresses the need for an early improvement of this situation;

1992 – Forty-seventh session

Gravely concerned that the Government of Myanmar still has not implemented its commitments to take all necessary steps towards democracy in the light of the results of the elections held in 1990,

Gravely concerned also at the continued seriousness of the situation of human rights in Myanmar, including reports of torture and arbitrary execution, continued detention of a large number of persons for political reasons, the existence of important restrictions on the exercise of fundamental freedoms and the imposition of oppressive measures directed in particular at ethnic and religious minorities,

Deeply concerned at the continuing problem of large numbers of refugees from Myanmar in neighbouring countries, including the almost 265,000 Myanmar Rohingya refugees in Bangladesh,

Calls upon the Government of Myanmar to release unconditionally the Nobel Peace Laureate Aung San Suu Kyi, who is now in her fourth year of detention without trial, and other political leaders and remaining political prisoners;

□

1993 – Forty-eighth session

Gravely concerned that the Government of Myanmar still has not implemented its commitments to take all necessary steps towards democracy in the light of the results of the elections held in 1990,

Gravely concerned also at the continued violations of human rights in Myanmar, as reported by the Special Rapporteur, in particular summary and arbitrary executions, torture, forced labour, abuse of women, restrictions on fundamental freedoms, including the freedom of expression and assembly, and the imposition of oppressive measures directed in particular at ethnic and religious minorities,

Strongly urges the Government of Myanmar to release unconditionally and immediately the Nobel Peace Prize Laureate Aung San Suu Kyi, who is now in her fifth year of detention without trial, and other political leaders and remaining political prisoners;

Encourages the Government of Myanmar fully ... to create the necessary conditions to ensure an end to the flows of refugees to neighbouring countries and to facilitate their speedy repatriation and their full reintegration, in conditions of safety and dignity...

1994 – Forty-ninth session

Gravely concerned that the Government of Myanmar still has not implemented its commitments to take all necessary steps towards democracy in the light of the results of the elections held in 1990,

Repeats its call on the Government of Myanmar to release unconditionally and immediately the Nobel Peace Prize Laureate Aung San Suu Kyi, who is now in her sixth year of detention without trial, and other political leaders and remaining political prisoners;

Urges the Government of Myanmar to ensure full respect for human rights and fundamental freedoms, including freedom of expression and assembly, and the protection of the rights of persons belonging to ethnic and religious minorities, and to put an end to violations of the right to life and integrity of the human being, to the practices of torture, abuse of women, forced labour and forced relocations, and to enforced disappearances and summary executions;

Encourages the Government of Myanmar to create the necessary conditions to ensure an end to the flows of refugees to neighbouring countries and to facilitate their speedy repatriation and their full reintegration, in conditions of safety and dignity;

1995 - Fiftieth session

Gravely concerned that the Government of Myanmar still has not implemented its commitment to take all necessary steps towards democracy in the light of the results of the elections held in 1990,

Urges the Government of Myanmar to engage, at the earliest possible date, in a substantive political dialogue with Aung San Suu Kyi and other political leaders, including representatives of ethnic groups, as the best means of promoting national reconciliation and the full and early restoration of democracy;

Also strongly urges the Government of Myanmar to ensure full respect for human rights and fundamental freedoms, including freedom of expression and assembly, and the protection of the rights of persons belonging to ethnic and religious minorities, and to put an end to violations of the right to life and integrity of the human being, to the practices of torture, abuse of women, forced labour and forced relocations, and to enforced disappearances and summary executions;

Encourages the Government of Myanmar to create the necessary conditions to ensure an end to the movements of refugees to neighbouring countries and to create

conditions conducive to their voluntary return and their full reintegration, in conditions of safety and dignity;

1996 - Fifty-first session

Noting with concern that the Government of Myanmar has not yet agreed to visits by a representative of the Secretary-General and by the Special Rapporteur,

Gravely concerned that the Government of Myanmar still has not implemented its commitment to take all necessary steps towards democracy in the light of the results of the elections held in 1990,

Urges the Government of Myanmar to engage, at the earliest possible date, in a substantive political dialogue with Aung San Suu Kyi and other political leaders, including representatives of ethnic groups, as the best means of promoting national reconciliation and the full and early restoration of democracy;

Also strongly urges the Government of Myanmar to ensure full respect for human rights and fundamental freedoms, including freedom of expression and assembly, the right to fair trial and the protection of the rights of persons belonging to ethnic and religious minorities, and to put an end to violations of the right to life and integrity of the human being, to the practices of torture, abuse of women, forced labour and forced relocations and to enforced disappearances and summary executions;

Encourages the Government of Myanmar to create the necessary conditions to ensure an end to the movements of refugees to neighbouring countries and to create conditions conducive to their voluntary return and their full reintegration, in conditions of safety and dignity;

1997 - Fifty-second session

Noting with concern that the Government of Myanmar has not yet agreed to a visit by the Special Rapporteur,

Gravely concerned that the Government of Myanmar still has not implemented its commitment to take all necessary steps towards democracy in the light of the results of the elections held in 1990,

Urges the Government of Myanmar to pursue its contacts with the National League for Democracy with a view to engaging, at the earliest possible date, in a substantive political dialogue with the General Secretary of the League, Aung San Suu Kyi, and other political leaders, including representatives of ethnic groups, as the best means of promoting national reconciliation and the full and early restoration of democracy;

Also strongly urges the Government of Myanmar to ensure full respect for human rights and fundamental freedoms, including freedom of expression and assembly, the right to a fair trial and the protection of the rights of persons belonging to ethnic and religious minorities, to put an end to violations of the right to life and integrity of the human being, to the practices of torture, abuse of women, forced labour and forced relocations and to enforced disappearances and summary executions, to fulfil its obligation to end the impunity of perpetrators of human rights violations, including

members of the military, and to investigate and prosecute alleged violations committed by government agents in all circumstances;

Encourages the Government of Myanmar to create the necessary conditions to ensure an end to the movements of refugees to neighbouring countries and to create conditions conducive to their voluntary return and their full reintegration, in conditions of safety and dignity;

1998 – Fifty-third session

Gravely concerned that the Government of Myanmar still has not implemented its commitment to take all necessary steps towards democracy in the light of the results of the elections held in 1990,

Noting with concern that the Government of Myanmar has not permitted a visit by the special emissary of the Secretary-General,

Noting with deep regret the continuing failure of the Government of Myanmar to cooperate with the Special Rapporteur,

Urges the Government of Myanmar urgently to expand and intensify its contacts with the National League for Democracy with a view to engaging in a substantive political dialogue with the General Secretary of the League, Aung San Suu Kyi, and other political leaders, including representatives of ethnic and other groups, as the best means of promoting national reconciliation and the full and early restoration of democracy;

Further strongly urges the Government of Myanmar to ensure full respect for human rights and fundamental freedoms, including freedom of expression, association, movement and assembly, the right to a fair trial and the protection of the rights of persons belonging to ethnic and religious minorities, to put an end to violations of the right to life and integrity of the human being, to the practices of torture, abuse of women, forced labour and forced relocations and to enforced disappearances and summary executions, and to fulfil its obligations to end the impunity of perpetrators of human rights violations, including members of the military, and to investigate and prosecute alleged violations committed by government agents in all circumstances;

Expresses concern that the situation of human rights in Myanmar, and the lack of stability, have resulted in flows of refugees to neighbouring countries, and may have further negative effects on those countries, and therefore calls upon the Government of Myanmar to create the necessary conditions to ensure an end to the movements of refugees to neighbouring countries and to create conditions conducive to their voluntary return and their full reintegration, in conditions of safety and dignity;

1999 - Fifty-fourth session

Deeply regretting the failure of the Government of Myanmar to cooperate fully with the relevant United Nations mechanisms, in particular the Special Rapporteur, while noting the recent increased contacts between the Government of Myanmar and the international community,

Expresses its grave concern at the escalation in the persecution of the democratic opposition, notably over the past year, in particular members and supporters of the National League for Democracy, at the harsh long-term prison sentences imposed and the use by the Government of intimidatory measures against elected representatives and members of the National League for Democracy, which forced them to resign from their positions and to dissolve their party offices;

Strongly urges the Government of Myanmar, taking into account the assurances it has given on various occasions, to take all necessary steps towards the restoration of democracy in accordance with the will of the people as expressed in the democratic elections held in 1990 and, to this end and without delay, to engage in a substantive political dialogue with political leaders, including Aung San Suu Kyi, and representatives of ethnic groups, and, in this context, notes the existence of the Committee representing the People's Parliament;

Deplores the continued violations of human rights, in particular those directed against persons belonging to ethnic and religious minorities, including summary executions, rape, torture, forced labour, forced portering, forced relocations, destruction of crops and fields and dispossession of land and property, which deprives those persons of all means of subsistence;

Urges the Government of Myanmar to end the enforced displacement of persons and other causes of refugee flows to neighbouring countries and to create conditions conducive to their voluntary return and full reintegration in conditions of safety and dignity;

2000 – Fifty-fifth session

Still gravely concerned at the deterioration of the human rights situation in Myanmar, especially the unabated suppression of the exercise of political rights and freedom of thought, expression, association and movement in Myanmar, as reported by the Special Rapporteur, and deeply concerned that new restrictions have been placed on Aung San Suu Kyi and other members of the National League for Democracy,

Deeply regretting the failure of the Government of Myanmar to cooperate fully with the relevant United Nations mechanisms, in particular the Special Rapporteur, who still has not been invited to Myanmar, despite assurances by the Government of Myanmar in 1999 that it would seriously consider a visit,

Deplores the continued violations of human rights in Myanmar, including extrajudicial, summary or arbitrary executions, enforced disappearances, rape, torture, inhuman treatment, mass arrests, forced labour, including the use of children, forced relocation and denial of freedom of assembly, association, expression and movement, as reported by the Special Rapporteur;

Strongly urges the Government of Myanmar, taking into account the assurances it has given on various occasions, to take all necessary steps towards the restoration of democracy, in accordance with the will of the people, as expressed in the democratic elections held in 1990 and, to that end, without delay, to engage in a substantive political dialogue with political leaders, including Aung San Suu Kyi, and representatives of ethnic groups, and, in that context, notes the existence of the committee representing the People's Parliament;

Deplores the continued violations of human rights, in particular those directed against persons belonging to ethnic and religious minorities, including summary executions, rape, torture, forced labour, forced portering, forced relocations, use of anti-personnel landmines, destruction of crops and fields and dispossession of land and property, which deprives those persons of all means of subsistence and results in large-scale displacement of persons and flows of refugees to neighbouring countries, with negative effects for those countries, and an increasing number of internally displaced persons;

Urges the Government of Myanmar to end the systematic enforced displacement of persons and other causes of refugee flows to neighbouring countries and to create conditions conducive to their voluntary return and full reintegration in conditions of safety and dignity and to allow the safe and unhindered access of humanitarian personnel to assist in the return and reintegration process;

Expresses its concern at the growing incidence of human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) infection, and urges the Government of Myanmar urgently to address this issue, which will have a serious long-term impact on the development of the country, and to ensure that the health system receives sufficient funding to enable health workers to meet the right of all people to the highest possible standard of health care;

2001- Fifty-sixth session

Still gravely concerned about the human rights situation in Myanmar, especially the suppression of the exercise of political rights and freedom of thought, expression, association and movement in Myanmar, and about restrictions placed on Aung San Suu Kyi and other members of the National League for Democracy, inter alia, on their freedom to function and to communicate with the outside world,

Deplores the continued violations of human rights in Myanmar, including extrajudicial, summary or arbitrary executions, enforced disappearances, rape, torture, inhuman treatment, forced labour, including the use of children, forced relocation and denial of freedom of assembly, association, expression, religion and movement;

Strongly urges the Government of Myanmar to take urgent and concrete measures to ensure the establishment of democracy in accordance with the will of the people as expressed in the democratic elections held in 1990 and, to this end, to extend the talks initiated with Aung San Suu Kyi, General Secretary of the National League for Democracy, to encompass a genuine and substantive dialogue with all the leaders of political parties and of ethnic minorities, with the aim of achieving national reconciliation and the restoration of democracy, and to ensure that political parties and non-governmental organizations can function freely, and, in this context, notes the existence of the committee representing the People's Parliament;

Deplores the continued violations of human rights, in particular those directed against persons belonging to ethnic and religious minorities, summary executions, rape, torture, forced labour, forced portering, forced relocations, use of anti-personnel landmines, destruction of crops and fields and dispossession of land and property, which deprives those persons of all means of subsistence and results in large-scale displacement of persons and flows of refugees to neighbouring countries, with

negative effects for those countries, and an increasing number of internally displaced persons;

Urges the Government of Myanmar to end the systematic enforced displacement of persons and other causes of refugee flows to neighbouring countries and to create conditions conducive to their voluntary return and full reintegration in conditions of safety and dignity and to allow the safe and unhindered access of humanitarian personnel to assist in the return and reintegration process;

Urges the Government of Myanmar to promote and protect the human rights of people living with HIV/AIDS and guard against the marginalization and discrimination that they may experience and to ensure that the health-care system receives sufficient funding to enable health workers to provide the highest possible standard of health care;

2002 - Fifty-seventh session

Strongly urges the Government of Myanmar:

To restore democracy and implement the results of the 1990 elections and to ensure that the contacts with Aung San Suu Kyi and other leaders of the National League for Democracy move without delay into substantive and structured dialogue towards democratization and national reconciliation and at an early stage to include other political leaders in these talks, including the representatives of the ethnic groups;

To end the systematic violations of human rights in Myanmar and to ensure full respect for all human rights and fundamental freedoms and, to end impunity, to investigate and bring to justice any perpetrators of human rights violations, including members of the military and other government agents in all circumstances;

To end the systematic enforced displacement of persons and other causes of refugee flows to neighbouring countries, and to provide the necessary protection and assistance to internally displaced persons and to respect the right of refugees to voluntary, safe and dignified return monitored by appropriate international agencies;

To recognize further the gravity of the situation regarding HIV/AIDS and the need to take necessary action against the epidemic, including through the effective implementation in Myanmar of the United Nations joint action plan on HIV/AIDS, in cooperation with all relevant political and ethnic groups;

2003 - Fifty-eighth Session

Strongly urges the Government of Myanmar:

To end the systematic violations of human rights in Myanmar and to ensure full respect for all human rights and fundamental freedoms;

To immediately and unconditionally release Daw Aung San Suu Kyi, other leaders of the National League for Democracy, and members of the League detained on or after 30 May 2003, and to allow them to play a full role in bringing about national reconciliation and the transition towards democracy;

To put an end to impunity by investigating and bringing to justice any perpetrators of human rights violations, including members of the military, and the Union Solidarity and Development Association, and other government agents in all circumstances;

To restore democracy and respect the results of the 1990 elections and to enter immediately into substantive and structured dialogue with Daw Aung San Suu Kyi and other leaders of the National League for Democracy directed towards democratization and national reconciliation and, at an early stage, include other political leaders in these talks, including representatives of the ethnic groups;

2004 - Fifty-ninth session

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Calls upon the Government of Myanmar:

To end the systematic violations of human rights in Myanmar, including extrajudicial killings, the use of torture, the use of rape and other forms of sexual violence persistently carried out by members of the armed forces, discrimination and violations suffered in particular by persons belonging to ethnic minorities, women and children and violations of the right to an adequate standard of living; to ensure full respect for all human rights and fundamental freedoms; to end impunity; and to investigate and bring to justice any perpetrators of human rights violations, including members of the military and other government agents in all circumstances;

To restore democracy and respect the results of the 1990 elections by, inter alia, releasing immediately and unconditionally the leadership of the National League for Democracy, including Daw Aung San Suu Kyi, and members of the League detained on or after 30 May 2003, as well as other prisoners of conscience, and to cease the ongoing harassment of the League and other political parties and allow the reopening of the offices of the League throughout the country;

To end the policy of the systematic enforced displacement of persons and other policies leading to displacement within Myanmar and refugee flows to neighbouring countries, to provide the necessary protection and assistance to internally displaced persons and to respect the right of refugees to voluntary, safe and dignified return monitored by appropriate international agencies;

To immediately ensure the safe and unhindered access to all parts of Myanmar of the United Nations and international humanitarian organizations so as to ensure the provision of humanitarian assistance and to guarantee that it reaches the most vulnerable groups of the population, including internally displaced persons and returnees;

To formulate a clear and detailed plan for the transition to democracy, which includes concrete timing and the involvement of all political groups and ethnic nationalities in a way that ensures the process is transparent and inclusive;

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Chapter Five

Ignoring the UN Commission on Human Rights

Excerpts of UN Commission on Human Rights Resolutions on the situation of human rights in Burma (1992 to date)

Below are some of the key recommendations and statements of concern issued over fourteen consecutive years of UN Commission on Human Rights resolutions. Each and every one of them (and these are only excerpts taken from hundreds more) has been consistently ignored or rejected by the Burmese authorities, necessitating repetition of the same recommendation or statement year after year, after year.

1992 – Forty-eighth session

Noting with particular concern ... that the electoral process initiated in Myanmar by the general elections of 27 May 1990 has not yet reached its conclusion, that no apparent progress has been made in giving effect to the political will of the people of Myanmar, as expressed in the elections, and that the final results of the elections have not even been officially released,

Noting with concern the seriousness of the situation of human rights in Myanmar, the existence of important restrictions on the exercise of fundamental freedoms and the imposition of oppressive measures directed, in particular, at minority groups,

Expresses its concern at the seriousness of the human rights situation in Myanmar and, in particular, at the fact that a number of political leaders, including Daw Aung San Suu Kyi and other leaders of the National League for Democracy, remain deprived of their liberty;

Calls upon the Government of Myanmar to create the necessary conditions that would end the exodus of Myanmar refugees to neighbouring countries as well as to facilitate their early repatriation from their countries of refuge;

1993 – Forty-ninth session

Noting with particular concern ... that the electoral process initiated in Myanmar by the general elections of 27 May 1990 has not yet reached its conclusion and that the Government still has not implemented its commitments to take all necessary steps towards democracy in the light of the results of those elections,

Deplores the continued seriousness of the situation of human rights in Myanmar, and in particular the fact that a number of political leaders, including Daw Aung San Suu Kyi and other leaders of the National League for Democracy, remain deprived of their liberty;

Urges the Government of Myanmar to release unconditionally and to ensure the physical integrity of the Nobel Peace Prize laureate, Daw Aung San Suu Kyi, detained without trial for the last four years, as well as other detained political leaders and all political prisoners;

Calls upon the Government of Myanmar to create the necessary conditions that would end the flow of Myanmar refugees to neighbouring countries, and to facilitate their early repatriation and their full reintegration, in conditions of safety and dignity...

1994 – Fiftieth session

Noting with particular concern ... that the electoral process initiated in Myanmar by the general elections of 27 May 1990 has not yet reached its conclusion and that the Government still has not implemented its commitments to take all necessary steps towards democracy in the light of those elections,

Deplores the continued seriousness of the situation of human rights in Myanmar and, in particular, the fact that a number of political leaders, including Daw Aung San Suu Kyi and other leaders of the National League for Democracy, remain deprived of their liberty;

Strongly urges the Government of Myanmar to restore full respect for human rights and fundamental freedoms, in particular the freedom of expression and opinion and the right of association and of assembly, to restore protection of persons belonging to minority groups, notably against discrimination, especially in the framework of the citizenship laws, and to put an end to violations of the right to life and integrity of the human being, to the practice of torture, abuse of women and forced labour, to enforced displacements of the population and to enforced disappearances and summary executions;

Strongly urges the Government of Myanmar to release immediately and unconditionally the Nobel Peace Prize laureate, Daw Aung San Suu Kyi, detained without trial for the last five years, as well as other detained political leaders and all political prisoners, to ensure their physical integrity and to permit them to participate in the process of national reconciliation;

Requests the Government of Myanmar to create the necessary conditions to facilitate the early repatriation of Myanmar refugees in neighbouring countries and their full reintegration, in conditions of safety and dignity, and to implement fully the Memorandum of Understanding concluded with the Office of the United Nations High Commissioner for Refugees on 5 November 1993, concerning refugees in Bangladesh;

1995 – Fifty-first session

Noting with particular concern ... that the electoral process initiated in Myanmar by the general elections of 27 May 1990 has not yet reached its conclusion and that the Government still has not implemented its commitments to take all necessary steps towards democracy in the light of those elections,

Strongly urges the Government of Myanmar to release immediately and unconditionally the Nobel Peace Prize winner Daw Aung San Suu Kyi, detained without trial for more than five years, as well as other detained political leaders and all political prisoners, to ensure their physical integrity and to permit them to participate in the process of national reconciliation;

Deplores... the military offensive carried out by the Government of Myanmar against the Karen National Union, Burmese student activists, and other groups of the political opposition, which is incompatible with the Government's declared policy of national reconciliation;

Strongly urges the Government of Myanmar to guarantee full respect for human rights and fundamental freedoms, in particular the freedom of expression and opinion and the right of association and of assembly, to restore protection of persons belonging to minority groups, in particular against discrimination, especially in the framework of the citizenship laws, and to put an end to violations of the right to life and the integrity of the human being, to the practice of torture, abuse of women and forced labour, to enforced displacements of the population and to enforced disappearances and summary executions;

Encourages the Government of Myanmar to create the necessary conditions to facilitate the voluntary repatriation of refugees and their full reintegration, in conditions of safety and dignity, in close cooperation with the Office of the United Nations High Commissioner for Refugees;

Urges the Government of Myanmar to cooperate fully and unreservedly with the Commission and the Special Rapporteur and, to that end, to ensure that the Special Rapporteur effectively has free access to any person in Myanmar whom he may deem it appropriate to meet in the performance of his mandate, including Daw Aung San Suu Kyi;

1996 – Fifty-second session

Noting with particular concern ... that the electoral process initiated in Myanmar by the general elections of 27 May 1990 has not yet reached its conclusion and that the Government still has not implemented its commitments to take all necessary steps towards democracy in the light of those elections,

Deplores the continuing serious violations of human rights in Myanmar and, in particular, the fact that a number of political leaders, including leaders and elected representatives of the National League for Democracy, remain deprived of their liberty;

Encourages the Government of Myanmar to continue to create the necessary conditions to facilitate the voluntary repatriation of refugees and their reintegration, in conditions of safety and dignity, in close cooperation with the Office of the United Nations High Commissioner for Refugees;

Urges the Government of Myanmar to cooperate fully and unreservedly with the Commission and the Special Rapporteur and, to that end, to ensure that the Special Rapporteur effectively has free access to any person in Myanmar whom he may deem it appropriate to meet in the performance of his mandate, including Daw Aung San Suu Kyi;

1997 – Fifty-third session

Expresses its deep concern:

At the absence of significant steps towards the establishment of democratic government after the democratic elections of 1990, while noting that, according to the Special Rapporteur, the absence of respect for the rights pertaining to democratic governance is at the root of all the major violations of human rights in Myanmar;

Calls upon the Government of Myanmar:

To guarantee an end to violations of the right to life and integrity of the human being, to ensure full respect for human rights and fundamental freedoms, including freedoms of thought, opinion, expression, association and assembly, the right to a fair trial by an independent and impartial judiciary and the protection of the rights of persons belonging to ethnic and religious minorities, and urgently to improve conditions of detention;

To create the necessary conditions to remove the causes of displacement and of refugee flows to neighbouring countries and to create conditions conducive to their voluntary return and their full reintegration, in safety and dignity, in close cooperation with the Office of the United Nations High Commissioner for Refugees;

1998 – Fifty-fourth session

Calls upon the Government of Myanmar:

To take urgent and meaningful measures to ensure the establishment of democracy in accordance with the will of the people as expressed in the democratic elections held in 1990 and, to this end, to engage immediately and unconditionally in substantive dialogue with the leaders of political parties, including Aung San Suu Kyi, and with leaders of ethnic groups, with the aim of achieving national reconciliation and restoration of democracy, and to ensure that political parties and non-governmental organizations can function freely;

To end the enforced displacement of persons and other causes of refugee flows to neighbouring countries and to create conditions conducive to their voluntary return and full reintegration in safety and dignity, including, where these are lacking, rights of full citizenship, in close cooperation with the Office of the United Nations High Commissioner for Refugees;

1999 – Fifty-fifth session

Strongly urges the Government of Myanmar:

To take urgent and meaningful measures to ensure the establishment of democracy in accordance with the will of the people as expressed in the democratic elections held in 1990 and, to this end, to engage immediately and unconditionally in a genuine and substantive dialogue with the leaders of political parties, including Aung San Suu Kyi, and of ethnic minorities with the aim of achieving national reconciliation and the restoration of democracy, and to ensure that political parties and non-governmental organizations can function freely, and in this context notes that the National League for Democracy has established a committee to represent temporarily members of Parliament elected in 1990 who are prevented by the authorities from exercising their democratic mandate conferred on them by the people of Myanmar;

To end the enforced displacement of persons and other causes of refugee flows to neighbouring countries and to create conditions conducive to their voluntary return and full reintegration in safety and dignity, including returnees who have not been granted rights of full citizenship, in close cooperation with the international community, through the United Nations system and its specialized agencies, governmental and intergovernmental organizations, as well as non-governmental organizations;

2000 – Fifty-sixth session

Strongly urges the Government of Myanmar:

To implement fully the recommendations made by the Special Rapporteur;

To ensure full respect for human rights and fundamental freedoms, including the freedoms of expression, association, movement and assembly, the right to a fair trial by an independent and impartial judiciary and the protection of the rights of persons belonging to ethnic and religious minorities, and to put an end to violations of the right to life and integrity of the human being, to the practices of torture, abuse of women, forced labour and forced relocations and to enforced disappearances and summary executions;

To take urgent and meaningful measures to ensure the establishment of democracy in accordance with the will of the people as expressed in the democratic elections held in 1990 and, to this end, to engage immediately and unconditionally in a genuine and substantive dialogue with the leaders of political parties, including Aung San Suu Kyi, and of ethnic minorities with the aim of achieving national reconciliation and the restoration of democracy...

To end the enforced displacement of persons and other causes of refugee flows to neighbouring countries and to create conditions conducive to their voluntary return and full reintegration in safety and dignity, including returnees who have not been granted rights of full citizenship...

2001 – Fifty-seventh session

Strongly urges the Government of Myanmar:

To implement fully the recommendations made by the Special Rapporteur;

To ensure full respect for all human rights and fundamental freedoms, including economic, social and cultural rights;

To take urgent and concrete measures to ensure the establishment of democracy in accordance with the will of the people as expressed in the democratic elections held in 1990 and, to this end, to extend the talks initiated with Aung San Suu Kyi, Secretary-General of the National League for Democracy, to a genuine and substantive dialogue with all the leaders of political parties and of ethnic minorities, with the aim of achieving national reconciliation and the restoration of democracy, and to ensure that political parties and non-governmental organizations can function freely;

To end the enforced displacement of persons and other causes of internal displacement and refugee flows to neighbouring countries and to create conditions conducive to their voluntary return and full reintegration in safety and dignity, including returnees who have not been granted rights of full citizenship...

2002 – Fifty-eighth session

Strongly urges the Government of Myanmar:

To implement fully the recommendations made by the Special Rapporteur;

To ensure full respect for all human rights and fundamental freedoms, including economic, social and cultural rights, in particular to ensure full respect for the freedoms of expression, religion, association, movement and assembly, the right to a fair trial by an independent and impartial judiciary, and the protection of the rights of persons belonging to ethnic and religious minorities;

To recognize the political rights of members of all political parties, to allow the National League for Democracy and all other political parties to participate in the democratic process and to enter into a substantive political dialogue with them in order to accelerate the democratic transition, to ensure the irreversibility of the process and to develop, as a matter of priority, an electoral system that allows the creation of a structure of democratic governance and guarantees the participation of all political forces including ethnic minorities;

To put an end to the causes of the systematic forced displacements of persons and the flow of refugees to neighbouring countries and create adequate conditions for their safe and voluntary return and complete reintegration, to allow humanitarian personnel safe and unhindered access to assist their return and reintegration, and to address the problems of trafficking of women and children, especially in the border area;

To cooperate fully with the United Nations international humanitarian organizations, and all sectors of the community through consultation, to facilitate the granting of authorization to work throughout the country to United Nations and international humanitarian personnel, to allow the provision of humanitarian assistance and to guarantee that it actually reaches the most vulnerable groups of the population, in cooperation with all relevant political and ethnic groups;

2003 - Fifty-ninth session

Strongly urges the Government of Myanmar:

To restore democracy and respect the results of the 1990 elections and to enter immediately into substantive and structured dialogue with Aung San Suu Kyi and other leaders of the National League for Democracy towards democratization and national reconciliation and at an early stage to include other political leaders in these talks, including representatives of the ethnic groups;

To end the systematic violations of human rights in Myanmar, to ensure full respect for all human rights and fundamental freedoms, to end impunity and to investigate and bring to justice any perpetrators of human rights violations, including members of the military and other government agents in all circumstances;

To end the systematic enforced displacement of persons and other causes of refugee flows to neighbouring countries, to provide the necessary protection and assistance to internally displaced persons and to respect the right of refugees to voluntary, safe and dignified return monitored by appropriate international agencies;

To recognize further the mounting gravity of the situation regarding HIV/AIDS and to carry out fully the necessary action against the epidemic, including through the effective implementation in Myanmar of the United Nations joint action plan on HIV/AIDS, in cooperation with all political and ethnic groups and with the cooperation and assistance of all relevant international agencies;

2004 - Sixtieth session

Expresses its grave concern at:

The events of 30 May 2003, the corresponding, subsequent and continuing violations of human rights, which constitute a serious setback for the human rights situation in Myanmar, and the apparent involvement of the Government-affiliated Union Solidarity and Development Association, as well as the ongoing systematic and consistent harassment of members of the National League for Democracy and other opposition activists;

Strongly urges the Government of Myanmar:

To end the systematic violations of human rights in Myanmar, to ensure full respect for all human rights and fundamental freedoms, to end impunity and to investigate and bring to justice any perpetrators of human rights violations, including members of the military and other government agents in all circumstances, and to initiate a full and independent inquiry, with international cooperation, into the Depayin incident of 30 May 2003, as called for by the General Assembly;

To restore democracy and respect the results of the 1990 elections by, inter alia, releasing immediately and unconditionally the leadership of the National League for Democracy, including Aung San Suu Kyi and members of the National League for Democracy detained on or after 30 May 2003, and to allow them to play a full role in bringing about national reconciliation and the transition towards democracy...

To enter into a substantive and structured dialogue with Aung San Suu Kyi and other leaders of the National League for Democracy intended to lead towards democratization and national reconciliation and at an early stage to include other political leaders in these talks, including representatives of the ethnic groups;

To end the systematic enforced displacement of persons and other causes of refugee flows to neighbouring countries, to provide the necessary protection and assistance to internally displaced persons, in cooperation with the international community, and to respect the right of refugees to voluntary, safe and dignified return monitored by appropriate international agencies;

To elaborate the road map for the transition to democracy, which is still lacking in essential elements such as concrete timing and an adequate plan for the involvement

of all political groups and ethnic nationalities, in a way that ensures the process is transparent and inclusive;

2005 – Sixty-first session

Expresses its grave concern at:

The ongoing systematic violation of human rights, including civil, political, economic, social and cultural rights, of the people of Myanmar, in particular discrimination and violations suffered by persons belonging to ethnic minorities, women and children, especially in non-ceasefire areas;

The fact that the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar as well as the Special Envoy of the Secretary-General for Myanmar have been unable to visit the country for more than a year, despite repeated requests;

The extension of the house arrest of National League for Democracy General Secretary Aung San Suu Kyi and her deputy, Tin Oo, for another year and the persistent denial of their human rights and fundamental freedoms...

The renewed attacks by military forces on ceasefire groups, in violation of ceasefire agreements, and the subsequent and continuing violations of human rights, in particular the deterioration of the enjoyment of human rights by the affected populations;

Calls upon the Government of Myanmar:

To restore democracy and respect the results of the 1990 elections by, inter alia, releasing immediately and unconditionally the leadership of the National League for Democracy, including General Secretary Aung San Suu Kyi and members of the National League for Democracy detained on or after 30 May 2003, as well as the recently arrested Shan leadership, and to allow them to play a full role in bringing about national reconciliation and the transition towards democracy, and in this regard draws attention to the recommendation of the Special Rapporteur that only the full and unconditional release of all political prisoners would play a positive role in the process of national reconciliation and democratization;

To end the systematic enforced displacement of persons and other causes of refugee flows to neighbouring countries, to provide the necessary protection and assistance to internally displaced persons, in cooperation with the international community, and to respect the right of refugees to voluntary, safe and dignified return monitored by appropriate international agencies;

Chapter Six

Ignoring the reports of the Secretary General to the UNGA

Excerpts of Reports of the Secretary-General to the United Nations General Assembly (UNGA) on the situation of human rights in Burma (1994-2005)

Below are excerpts of the Secretary-General's key reports on Burma to the United Nations General Assembly issued over twelve consecutive years. His repeated calls for 'substantive and productive' dialogue with the National League for Democracy, for the release of Aung San Suu Kyi and for full access for his Envoy and Rapporteur have all so far been ignored.

Forty-ninth session

25 November 1994

While this first phase of the dialogue with the Government of Myanmar has not so far produced the results hoped of it, I welcome the fact that it has begun. I also welcome the Government's agreement to continue it in the months ahead and I propose to proceed accordingly.

Fiftieth session

24 November 1995

The Myanmar Government's decisions to lift unconditionally the restrictions placed on Daw Aung San Suu Kyi and to free, before the conclusion of their prison terms, several other political leaders are a positive development which I applaud. I hope that these steps will be followed by other measures along the lines suggested on my behalf to the Myanmar authorities, which would pave the way to the establishment of a multi-party democratic system. Crucial to this effort would be the start of a substantive and productive dialogue with the political forces and national races, as recommended by the General Assembly, to address the underlying problems that were at the root of the political strife and armed conflicts which have afflicted the country in the past.

I am deeply appreciative of the willingness of the Government of Myanmar to continue its dialogue with me and my representatives, as reiterated at the last round of talks. Without underestimating the usefulness of this dialogue in itself, its success can only be assessed in terms of its results. I stand ready to intensify my efforts to bridge the gap in perceptions that separates Myanmar from important sectors of the international community and, should the parties so wish, to facilitate the process of dialogue and national reconciliation in the country.

Fifty-first session

8 November 1996

While I am appreciative of the expressed readiness of the Government of Myanmar to pursue a dialogue with me on matters of concern to the international community, I cannot hide my disappointment that it has not been possible, since the adoption of General Assembly resolution 50/194 a year ago, for my representatives to visit Myanmar. It is my considered view that, for the adequate discharge of my mandate, it

is essential for my representatives to meet with the highest governmental authorities as well as with leaders of other relevant political forces. I must also express my regret that no progress can be reported, since my last report to the General Assembly, in the areas on which the General Assembly and the Human Rights Commission have repeatedly expressed their concern. I am firmly convinced that the opening of a genuine political dialogue between the State Law and Order Restoration Council and the leaders of the political party that won a clear majority in the 1990 elections and of other relevant political forces, including the national races and ethnic groups, is essential to achieve the Government's stated objectives of democratization and national reconciliation and to assuage the concerns that have been repeatedly expressed in the General Assembly and the Commission on Human Rights about Myanmar. I wish to take this opportunity to reiterate my commitment to continue my efforts towards the achievement of these goals.

Fifty-second session
10 November 1997

I was gratified by the visits to Myanmar in the first half of 1997 by my Envoy and the Director of the East Asia and the Pacific Division, since I regard it as essential that my representatives meet regularly with the highest authorities in the State Law and Order Restoration Council, as well as with leaders of other relevant political forces. I regret that it has not been possible so far to arrange a visit in the second half of 1997. I welcome the contacts between the Government and the NLD as an initial step, which I earnestly hope will be the harbinger of a genuine political dialogue with the party that won the majority of votes at the last general election and which, together with the involvement of the national races, I consider essential for the achievement of the twin goals of democratization and national reconciliation. I also take positive note of the fact that the NLD was recently able to hold a party congress and hope that the same tolerance will be shown towards other NLD events and to its members on future occasions. At the same time, I cannot hide my disappointment that I am not in a position to report further progress as regards the areas regarding which the General Assembly and the Commission on Human Rights have for several years expressed concern. I wish to conclude by reaffirming my commitment to continue the dialogue with the Government and other political forces of Myanmar in pursuit of the goals set forth by the membership of the Assembly.

Fifty-third session
10 November 1998

I must register my disappointment at my inability to report genuine, substantive progress on the part of the Myanmar Government in addressing the appeals to it in repeated General Assembly resolutions, notwithstanding my efforts. I am concerned at the deterioration in the situation and the tensions that have arisen. I believe such efforts should be intensified in the coming months.

Fifty-fourth session
27 October 1999

... I welcome the visits by ICRC to prisons and places of detention — something which the General Assembly has repeatedly asked the Government of Myanmar to allow to take place. However, I am unable to report concrete progress on other issues

which the international community has raised time and again in successive resolutions of the General Assembly and the Commission on Human Rights. It is my very strong desire to see the Government take action on these other issues as well. I hope the Foreign Minister's indication that "serious consideration" would be given to a visit by the Special Rapporteur will translate into the setting of a date very soon, in time, I hope, for the submission of a report to the Commission on Human Rights at its fifty-fifth session.

Fifty-fifth session

20 October 2000

I welcome the fact that my Special Envoy was able to hold a discussion with the senior General Than Shwe and to meet twice with Daw Aung San Suu Kyi during his second mission to Myanmar. I also welcome the announcement by the authorities that universities and colleges in Myanmar have been reopened for the first time in three years. While I am unable to report concrete progress on other issues that the international community has raised time and again in successive General Assembly and Commission on Human Rights resolutions, it is my strong hope that the discussions that my Special Envoy had with the top leadership of Myanmar and with Daw Aung San Suu Kyi will give rise to a new momentum for a resumption of the process of dialogue between the two sides in the coming months. I stand ready to continue to do my utmost to assist the process of national reconciliation in Myanmar, in particular with the assistance of countries in the region.

Fifty-sixth session

24 October 2001

The national reconciliation process in Myanmar is at a crossroads. Important positive developments have taken place since January 2001, and I am encouraged by the growing indications that a climate of understanding between the Government and Daw Aung San Suu Kyi and her NLD is taking root. I commend the Prime Minister and Chairman of the State Peace and Development Council, Senior General Than Shwe, and Daw Aung San Suu Kyi, for their decision to enter into a dialogue on national reconciliation and democratization in Myanmar. The process is, however, still at the confidence-building stage and the present positive climate must lead to more positive results in the process towards national reconciliation and democracy. Much more needs to be done to make the process irreversible. To that end, I urge the Government to continue releasing the remaining political detainees and to further restore freedom of activity for legitimate political parties at an early date. At the same time, I note with regret that Daw Aung San Suu Kyi remains at her house, and express the hope that the ongoing talks between the two sides will soon lead to the restoration of her rights to move freely around the country, as the leader of a lawful political party. I appeal to Senior General Than Shwe and other leaders of the Government and Daw Aung San Suu Kyi to continue to work closely together to ensure that a national reconciliation that is acceptable to all involved parties in Myanmar can be achieved at an early date. I also call upon the international community to continue to respond in equal measure to further progress in the national reconciliation process. The international community must play its role in various ways to encourage realization of the goals of national reconciliation and democracy. The United Nations remains committed to assisting the people of Myanmar to achieve progress and social viability in a democratic framework, since this is their inalienable right. I am particularly grateful for the consistent support that certain interested Member States, both inside

and outside the region, have provided to my Special Envoy's mission of good offices over the past year. I stand ready to continue to do my utmost to assist the process of national reconciliation in Myanmar, especially with the assistance of those countries.

Fifty-seventh session
16 October 2002

The national reconciliation process in Myanmar has reached a pivotal stage. Some significant developments have taken place over the past two years. However, it is five months since Daw Aung San Suu Kyi resumed her activities as the leader of a lawful political party, and, despite the indications given to my Special Envoy, substantive dialogue between the Government and Daw Aung San Suu Kyi has yet to commence. I am concerned that the positive momentum generated since this spring could dissipate unless some tangible progress is made in the near future. It is my strong belief that the objectives of preserving stability and pressing ahead with much-needed reforms are mutually compatible. While recognizing the Government's desire to build a strong nation that can withstand challenges to its territorial integrity, history has proved that a system of governance is more stable and sustainable when it is flexible enough to accommodate diverse opinions and allow peaceful change. This is all the more necessary in the current international and regional environments, where rapid economic progress is accompanied by the requisite social change.

I appeal once again to Senior General Than Shwe, other leaders of the Government and Daw Aung San Suu Kyi to set aside their differences, to unite for the larger cause of national reconciliation and to 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 evenly the remaining restrictions on the activities of the legal political parties. The people of Myanmar also need to begin to benefit directly from the process of national reconciliation and democratization currently under way in the country. I therefore urge the Government to cooperate with NLD and other legal political parties, the United Nations and relevant non-governmental organizations 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 commence discussions on how to make certain necessary adjustments to the Myanmar economy.

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 in Myanmar. Myanmar is not alone in its endeavour to achieve national reconciliation and democratization; the international community is genuine in its commitment to assist in the transition process. A stable, prosperous and democratic Myanmar is, after all, not only the aspiration of its own people but that of the international community as well. Myanmar should not hesitate to take advantage of the good will, advice and assistance offered by the United Nations and the international community. At the same time, I remind the Government of Myanmar that the longer it delays in realizing its commitment to enter a substantive dialogue with Daw Aung San Suu Kyi, the harder it will become for the international community to provide a framework within which the process of national reconciliation can move naturally towards its logical conclusion. In this context, I call on the international community to continue to respond appropriately and

proportionately to developments in the national reconciliation process. On my part, I stand ready to continue to do my utmost in facilitating the process of national reconciliation in Myanmar, with the assistance of all interested Member States.

Fifty-eighth session
28 August 2003

As a result of the events of 30 May and subsequent developments, the three-year-old home-grown process of national reconciliation, as understood by the United Nations, has come to a complete halt. The longer the detention of Daw Aung San Suu Kyi and other NLD leaders goes on and the longer sustained absence of substantive dialogue continues, the harder it will be to revive the process. Despite this prognosis, the Secretary-General continues to believe that dialogue remains the answer to the challenges confronting Myanmar today and that there is still a small window of opportunity at the present moment to save the process.

As the Secretary-General stated in his previous report, the objectives of ensuring stability and the multi-ethnic nature of Myanmar's society and pressing ahead with the transition to the return of democracy and other much needed reforms are mutually compatible. While recognizing the desire on the part of the Government to build a strong and stable nation that can withstand challenges to its territorial integrity, any system of governance is more stable and sustainable when it is flexible enough to accommodate diverse opinions and allow peaceful change. This is all the more necessary in the current international and regional environments, where rapid economic progress is accompanied by the requisite social change. The Secretary-General is convinced that the primary job of a Government is to ensure the well-being of its people with respect to human rights and fundamental freedoms, as well as to enhance the stability of the country.

The people of Myanmar have waited too long for change and for the benefits that change will bring. The Secretary-General therefore appeals once again to Senior General Than Shwe and other leaders of the Government to release Daw Aung San Suu Kyi and her colleagues without delay and to initiate immediately substantive dialogue with NLD. Dialogue that includes the ethnic nationality groups should occur soon after or in parallel. The Secretary-General continues to maintain that it is only through an all-inclusive dialogue that the Government of Myanmar will be able to ensure that national reconciliation is durable, the transition to democracy is smooth and Myanmar's future as a stable, prosperous and multi-ethnic nation is secure.

Unless the parties concerned are able to engage in substantive dialogue, the international community will have to conclude that the home-grown national reconciliation process no longer exists. It would then fall on the General Assembly to review the situation carefully and to provide, in its resolution, a clearer framework for further action by Member States and the Secretary-General as to how to help promote national reconciliation and democratization in Myanmar.

The Secretary-General is very grateful for the support that interested Member States, both inside and outside the region, have provided to him and to his Special Envoy. In particular, he wishes to commend the crucial role that ASEAN has played since its ministerial meeting in Phnom Penh in June. He has also noted the growing interest among certain countries in the region to help facilitate the all-inclusive democratic transition process in Myanmar. The United Nations, ASEAN and the international

community at large must join hands in order to facilitate the democratic transition in Myanmar in time for 2006, when the country assumes the ASEAN chairmanship. For his part, the Secretary-General stands ready to do his utmost, together with all interested Member States, to reinvigorate the process of national reconciliation in Myanmar.

Fifty-ninth session

16 August 2004

The Secretary-General accepts that the Union of Myanmar faces complex and difficult challenges in its transition to democracy and its quest for national reconciliation. For that reason, he cautiously welcomed the announcement by the Government of its seven-stage road map, and acknowledged the potential role that a body such as the National Convention could play in the transition to democracy. However, the Secretary-General has consistently advised that for the process to be credible it has to be all-inclusive and democratic, permitting views to be expressed freely and openly from the beginning. Thus the Secretary-General believes that the National Convention, as currently configured, does not adhere to the recommendations made by successive resolutions of the General Assembly and the Commission on Human Rights. Daw Aung San Suu Kyi and her deputy, U Tin Oo, remain under house arrest. No indication has been provided as to when they will be released. The NLD has been allowed to resume some of its political activities, but other than its headquarters its offices have not been allowed to reopen. Moreover, the SPDC has not responded to efforts by the ethnic nationality ceasefire groups who are in the National Convention or by the NLD and other parties who are outside it, to discuss the pre-set and proposed constitutional principles. A large number of political prisoners also remain in detention despite consistent calls for their release.

It is the Secretary-General's firm and unwavering position that, unless the views of the NLD and other political parties on Myanmar's future are sought, considered and acted on, the National Convention and the road map process will be incomplete, lacking in credibility and therefore unable to gain the full support of the international community, including the countries in the region, especially ASEAN member States. At the same time, the Secretary-General believes that the recent statements and submissions reflecting on the rights and powers to be exercised and shared at the Union and region/state level reportedly made by the ceasefire groups in the National Convention are a positive development, but it remains to be seen what would be accepted by the National Convention authorities. Against this backdrop, the Secretary-General calls on the SPDC to make full use of the National Convention's adjournment by immediately releasing Daw Aung San Suu Kyi, who has expressed her willingness to work with the SPDC for the good of the people, and engaging the NLD and other political parties in substantive dialogue on the next steps, with a view to moving the process of democratization and national reconciliation ahead within a specified time frame. He also urges the SPDC to conclude, in parallel, a mutually acceptable agreement with the above-mentioned ceasefire groups, believing that it would be a positive step towards resolving longstanding conflicts and could provide a basis, albeit incomplete, for national reconciliation and democratization.

In the belief that a solution can still be found through dialogue, the Secretary-General further urges the SPDC to allow his Special Envoy to return to Myanmar as soon as possible to continue his facilitation efforts and discuss ways to enhance Myanmar's cooperation with the good offices efforts of the United Nations. He also hopes that

countries of the region, especially ASEAN member States, will take a leading role in actively counselling the SPDC to “add substance to the expression of its democratic aspiration”, as recommended by the Chairman’s statement at the eleventh meeting of the ASEAN Regional Forum, and to accelerate the process of democratization and national reconciliation, by taking the aforementioned steps.

Finally, the Secretary-General believes that the SPDC has an obligation to the people of Myanmar to ensure that they experience the same benefits of economic, social and political development as their counterparts elsewhere in the region. Myanmar’s citizens have endured unnecessary 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 majority of them from improving their livelihoods. The Secretary-General is firmly of the view that Myanmar’s citizens are unfortunate casualties of the prevailing situation. In that context, he wants to take the opportunity to underscore the United Nations system’s parallel commitment to investing in Myanmar’s long-term future, within the existing constraints, by enhancing the scale and scope of its social and humanitarian engagement with the people and communities across the country. In the event that sustainable progress towards democratization and national reconciliation occurs, the Secretary-General remains committed to taking further, appropriate steps to underpin progress, in partnership with the international community.

Chapter Seven

Ignoring the reports of the Secretary-General to the UNCHR

Excerpts of Reports of the Secretary-General to the United Nations Commission on Human Rights (UNHCR) on the situation of human rights in Burma (1995-2005)

Below are excerpts of the Secretary-General's key reports on Burma to the United Nations Commission on Human Rights issued over the last eleven consecutive years. His repeated calls for 'substantive and productive' dialogue with the National League for Democracy, for the release of Aung San Suu Kyi and for full access for his Envoy and Rapporteur have all so far been ignored. In his 2005 recent report his frustration is apparent; he says "the refusal to allow (my) Special Envoy to visit Myanmar for more than a year casts serious doubt on the prospects for the United Nations to play an effective role as a facilitator in furtherance of the relevant resolutions of the General Assembly". He also confirms his judgement that "... the National Convention does not adhere to the recommendations made by (the Secretary-General) or by the General Assembly in successive resolutions."

Fifty-first session

21 February 1995

The Commission will be aware from my report to the Assembly that, following an exchange of letters with the Government of Myanmar and myself, two rounds of talks were held in New York and Yangon in October and November 1994 respectively, between the Minister for Foreign Affairs of Myanmar and my Representatives.

Prior to his departure for Myanmar, my Representative had requested the Myanmar authorities, through the Permanent Representative in New York, to be allowed to meet with Daw Aung San Suu Kyi. While in Yangon he repeated the request. Regrettably, the Myanmar authorities did not find it possible to accede to this request.

In his meetings in Yangon, Mr. de Soto further discussed a series of ideas put forward at previous meetings by my Representatives regarding the Government's plans for the establishment of a multi-party democratic system, the composition, procedures and objectives of the National Convention, the situation of Daw Aung San Suu Kyi and other political leaders, the Government's efforts towards the reintegration of the national races in the political life of the country and, in that context, the recent military developments in the Karen (Kayin) State as well as other human rights and humanitarian issues spelt out in General Assembly resolution 49/197 and in the report of the Special Rapporteur to the Commission at its current session (E/CN.4/1995/65).

The Government of Myanmar and my Representative have agreed that a new round of talks will take place in the spring in the course of a visit to New York by the Minister for Foreign Affairs of Myanmar.

Fifty-second session

17 April 1996

I welcome the willingness of the Government of Myanmar to pursue its dialogue with me and my Representative and I am thankful to the Minister for Foreign Affairs for travelling to the United Nations to meet with him. Nevertheless, I regret that it was not possible for my Representative to visit Yangon prior to the submission of the present report. I trust that such a visit will take place in the future since I regard it as essential for the effective implementation of my good offices mandate, in order to gain a first-hand impression of developments in Myanmar, as well as to have an opportunity for an in-depth exchange of views with the highest leadership echelons of the State Law and Order Restoration Council and with other relevant personalities in Myanmar's political scene and thus be in a position to discharge the mandate entrusted to me by the General Assembly and assist in a constructive manner in the process of democratization and national reconciliation.

I must also express disappointment at the lack of substantive steps toward alleviating the concerns reflected in General Assembly resolution 50/194. In particular, I regret that the Government has not found it possible to follow up on its welcome release of Daw Aung San Suu Kyi and other prominent political leaders with the opening of a substantive dialogue with them as well as with other political forces and national races as called for by the Assembly and the Commission. I remain committed to pursuing my efforts in the months ahead with the support of the international community and the cooperation of the Government of Myanmar.

Fifty-third session
27 March 1997

I welcome the recent visit to Myanmar by a member of the Secretariat and the fact that he was able to conduct discussions with the Government and with representatives of political parties; and I note the Government's desire to continue a dialogue with me on issues of concern to the international community, as expressed in successive General Assembly and Commission resolutions. On the other hand, it is my strong hope that my Envoy, who has not been able to visit Myanmar for over a year and a half, will be able to do so in the very near future. Such visits are essential if I am to carry out the wishes of the membership. I must also express my disappointment that I cannot report progress about the areas on which the General Assembly and the Commission have repeatedly expressed concern.

Fifty-fourth session
9 April, 1998

I welcome the opportunity I had to discuss the situation in Myanmar with the Chairman of the State Peace and Development Council and the reception accorded to my envoy during his visit in January. It is important that contacts with the Government of Myanmar and with other political personalities continue, which it is my wish to do so. I regret however that I am not in a position to report substantive progress on any matters on which the Commission has repeatedly raised concerns and that the contacts that I have had directly and through my envoy with the Myanmar authorities have yet to produce progress towards meeting these concerns.

Fifty-fifth session

7 April, 1999

Mr. Alvaro de Soto, Assistant Secretary-General for Political Affairs, met Foreign Minister U Ohn Gyaw on 25 September 1998 at United Nations Headquarters. At that meeting, the Foreign Minister conveyed his Government's positive response to a proposal, made in July, to have Mr. de Soto visit Yangon as my Special Envoy.

Mr. de Soto visited Yangon from 27 to 30 October 1998 and held consultations with Secretary-1 of the State Peace and Development Council (SPDC), Lieutenant-General Khin Nyunt, Foreign Minister U Ohn Gyaw and Minister in the Office of the Prime Minister, Brigadier-General David Abel. He also held discussions with Central Executive Committee members of the National League for Democracy (NLD), including its General Secretary, Daw Aung San Suu Kyi. These consultations are described in my report to the General Assembly. However, it has not been possible to arrange for senior-level contacts with the SPDC since the adoption of resolution 53/162 by the General Assembly.

Efforts are currently being undertaken for a visit to Myanmar by my Special Envoy in the month of May. I will therefore report to the General Assembly and to the Commission, as appropriate and timely, in light of the continuation of that dialogue.

Fifty-sixth session

24 March 2000

The Commission will be aware from my report to the General Assembly (A/54/499) that my Special Envoy, Mr. Alvaro de Soto, Assistant Secretary-General for Political Affairs, visited Myanmar from 14 to 18 October 1999 and held consultations with Secretary-1 of the State Peace and Development Council, Lieutenant-General Khin Nyunt, Minister for Foreign Affairs, U Win Aung, Minister in the Office of the Chairman of the State Peace and Development Council, Brigadier-General David Abel and Minister for Home Affairs, Colonel Tin Hlaing. He also held consultations with the members of the Central Executive Committee of the National League for Democracy, including its General Secretary Daw Aung San Suu Kyi, and the representatives of various ethnic political parties and groups such as the New Mon State Party and the Kachin Independence Organization.

Mr. de Soto assumed new responsibilities after completing his mission to Myanmar in October 1999, and I am in the process of appointing a new Special Envoy for Myanmar in his place. I expect the new Special Envoy to visit Myanmar shortly after his appointment to hold consultations with the relevant political leaders in the country. This will enable me to report to the General Assembly during its current session.

Fifty-seventh session

22 March 2001

I welcome the latest developments in Myanmar, in particular the on-going dialogue between the authorities and Daw Aung San Suu Kyi, and sincerely hope that the dialogue will soon lead to a more transparent process of discussions involving the

Government, political parties and ethnic groups, as called for by the resolutions of the General Assembly, a process that, in my view, is indispensable for achieving national reconciliation in Myanmar. To that end, I reiterate my call on the Myanmar authorities and Daw Aung San Suu Kyi to seize the momentum and work towards the goal of national reconciliation, while appealing to the international community to continue to support the ongoing process of dialogue. I will continue to do my utmost to assist the process, together with the international community and, in particular, countries in the region.

Fifty-eighth session
18 March 2002

The national reconciliation process in Myanmar is at a delicate stage. On the one hand, a number of positive developments have taken place since January 2001, which have helped to build confidence between the Government and the NLD/Daw Aung San Suu Kyi. On the other, these efforts to build confidence have not progressed as quickly as many had hoped or expected. Therefore, much more needs to be done over the next 12 months to make the process irreversible. Specifically, as my Special Envoy has suggested, there is a clear need to move the national reconciliation process from the present confidence-building stage and to begin dialogue on substantive political issues.

I urge the Government of the Union of Myanmar to find quickly an appropriate way to release all remaining political prisoners, especially those members of the Parliament elected in 1990. Connected to this, it is my hope that the ongoing talks between the two sides will soon lead to the restoration of rights for Daw Aung San Suu Kyi so that she may conduct normal activities as the leader of a lawful political party. The right of freedom of activity for all legitimate political parties, including the NLD, should also be restored at the earliest possible date. Movement in these three areas, moreover, should pave the way for, or could even run parallel to, discussions between the Government and Daw Aung San Suu Kyi on the transition to democracy.

In advocating such a course of action, the United Nations is mindful of the need to ensure that the transition to democracy takes place in an orderly manner, so that Myanmar's stability is not endangered. Experience suggests that the most sustainable and stable systems of governance are those that are flexible enough to accommodate diverse opinions in periods of great change. An orderly transition is not necessarily one that is managed closely from the centre or by one political group. Rather, such transitions occur when all those participating in the process agree on a common agenda, objectives and rules. In their efforts to bring about a national reconciliation acceptable to Myanmar, I therefore urge all those parties engaged in the process to embrace these concepts in the year ahead.

The United Nations remains committed to assisting the people of Myanmar to achieve progress and social viability in a democratic framework, since this is their inalienable right. In helping to facilitate this objective, I am grateful for the consistent support that a number of interested Member States, both from within and outside the region, have extended to my Special Envoy's mission of good offices. I am confident they will continue to be just as steadfast and as forthcoming in their support. For my part, I will continue to do my utmost to assist the national reconciliation process in Myanmar in the year ahead.

Fifty-ninth session
10 March 2003

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.

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.

Sixtieth session
3 March 2004

I have been closely monitoring the developments in Myanmar since the announcement by the Government of its seven-step road map for democratic transition. The Government's road map has the potential to be considered a positive step towards achieving national reconciliation in Myanmar. However, success will depend on how the road map is implemented. As I have stressed on numerous earlier occasions, for the road map process to be productive and credible it must involve all interested parties from the beginning and be conducted in a free, fair and transparent manner. All those detained for engaging in peaceful political activities should also be released. The United Nations acknowledges the ongoing discussions between the Government and various ceasefire groups about their participation in the National Convention, and the willingness of a number of these groups to participate. The United Nations also takes note of the peace talks that have been resumed between the Government and the Karen National Union. I hope that these talks will not only result in enhancing national reconciliation in Myanmar, but will also be paralleled by a process of genuine democratization.

It is high time for the Government, Daw Aung San Suu Kyi, and ethnic nationality representatives to set aside their differences, unite for the larger cause of national reconciliation and commence substantive dialogue on ways to achieve democratic

transition in Myanmar. To that end, I appeal to the Government of Myanmar to complement its discussions with the various ceasefire groups by restoring the freedoms of movement and political activity for Daw Aung San Suu Kyi and NLD without further delay. Likewise, the Government should start dialogue with Daw Aung San Suu Kyi and NLD, and the representatives of Myanmar's other political parties, on ways to implement the road map in a credible fashion, starting with the reconvening of the National Convention. In this context, my Special Envoy should be allowed to visit the country as soon as possible, and as frequently as possible thereafter, so that he can play a role in "facilitating" discussions among the parties concerned.

Sixty-first session

March 2005

The Secretary-General accepts that Myanmar faces complex and difficult challenges in its transition to democracy and its quest for national reconciliation. For that reason, he cautiously welcomed the announcement by the Government of its seven-stage road map, and acknowledged the potential role that the National Convention could play in the transition to democracy. However, the Secretary-General has consistently advised that for the process to be credible, it has to be all-inclusive and democratic, permitting views to be expressed freely and openly.

The Secretary-General believes that the National Convention, as currently configured, does not adhere to the recommendations made by successive resolutions of the General Assembly and the Commission on Human Rights. He is firmly of the view that the continued detention of Daw Aung San Suu Kyi and other members of her party, the detention and arrest of other ethnic nationality leaders, the continued imposition of restrictions on the activities of the country's political parties, and the continued presence of large numbers of people in prison for expressing their political views are wholly incompatible with a process of democratization and national reconciliation, however defined. The Secretary-General is further disappointed that the Myanmar authorities have not yet responded to efforts by certain ethnic nationality ceasefire groups that are in the National Convention, or by the NLD and other parties who are outside it, to discuss the pre-set and proposed constitutional principles. He is also mindful that the National Convention has not taken into account the views of the Karen National Union and other non-ceasefire groups. This is a necessary step if order, unity and stability are to prevail in Myanmar.

It is the Secretary-General's firm position that, unless the views of the NLD, other political parties, and all the country's ethnic nationality groups on Myanmar's future are sought, considered and taken into account, the National Convention and the road map process will be incomplete, lacking in credibility. As this is not currently being done, it remains the Secretary-General's judgement that the National Convention does not adhere to the recommendations made by him or by the General Assembly in successive resolutions. He thus reiterates his call on the Myanmar authorities, even at this late stage, to take the necessary steps to make the road map process more inclusive and credible. Specifically, the Secretary-General appeals to the Myanmar authorities to resume without delay a substantive political dialogue with the representatives of all ethnic nationality groups and political leaders, including Daw Aung San Suu Kyi, to help achieve a genuine process of national reconciliation. He reiterates the need for the remaining constraints on all political and ethnic leaders to

be lifted, for NLD offices to be allowed to reopen and for political prisoners, including elected officials, to be released.

Furthermore, the Secretary-General encourages the authorities to ensure that the third phase of the road map, the drafting of the constitution, is fully inclusive. A national referendum will be held after that, and it is also his considered view that unless this poll adheres to internationally accepted standards of conduct and participation it may be difficult for the international community, including the countries of the region, to endorse the result.

The Secretary-General further urges the authorities to demonstrate their commitment to a genuine and credible process of democratization and national reconciliation by allowing his Special Envoy to resume the normal rhythm of his visits to Myanmar as soon as possible in order to continue his facilitation efforts, and to discuss ways to enhance Myanmar's cooperation with the good offices efforts of the United Nations. The refusal to allow his Special Envoy to visit Myanmar for more than a year casts serious doubt on the prospects for the United Nations to play an effective role as a facilitator in furtherance of the relevant resolutions of the General Assembly.

The Secretary-General further hopes that countries of the region, especially Myanmar's neighbours, will take a leading role in actively counselling the Myanmar authorities to deliver on the expressed commitments that it has made to ASEAN, the ASEAN Regional Forum and the Asia Europe Meeting by releasing Daw Aung San Suu Kyi from detention, accelerating the process of democratization and national reconciliation in the country, and allowing his Special Envoy to return to Myanmar to resume his facilitation role in a substantive manner.

Finally, the Secretary-General reiterates his belief that the Government of Myanmar has an obligation to ensure that its people derive the same benefits of economic, social and political development as elsewhere in the region. Myanmar's citizens have endured unnecessary 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 majority of them from improving their livelihoods. The Secretary-General is firmly of the view that Myanmar's citizens are unfortunate casualties of the prevailing situation. In this context, he wishes to take this opportunity to underscore the parallel commitment of the United Nations system to investing in Myanmar's long-term future, within the existing constraints, by enhancing the scale and scope of its social and humanitarian engagement with the people and communities across the country. In the event that sustainable progress towards democratization and national reconciliation occurs, the Secretary-General remains committed to taking further, appropriate steps to underpin progress, in partnership with the international community.

Chapter Eight

Ignoring the Special Rapporteur's reports to the UNGA

Excerpts of Reports to the UN General Assembly by the Special Rapporteurs on the situation of human rights in Burma (1992-2004)

Professor Yozo Yokota (1992-1996)

Judge Rajsoomer Lallah (1996-2000)

Professor Paulo Sergio Pinheiro (2000-)

Below are excerpts of the reports to the UNGA by the Secretary-General's Special Rapporteurs over the last thirteen years. The current Special Rapporteur has not been granted access to Burma in recent years. Repeated statements of concern and requests for action have been ignored on an annual basis.

1992 (47TH Session)

13 November 1992

The Special Rapporteur encourages the Government of Myanmar, in a spirit of humanitarian goodwill, to invite the presence in Myanmar of the International Committee of the Red Cross and the United Nations High Commissioner for Refugees in order to carry out their purely humanitarian tasks.

The Special Rapporteur urges the Government of Myanmar to continue its policy of allowing Daw Aung San Suu Kyi to receive visits from her family and to receive all resources necessary for her well-being. The Special Rapporteur encourages the Government to extend this policy to other persons in detention or restriction.

1993 (48th Session)

16 November 1993

Please indicate what measures have been taken to comply with the obligations undertaken under ILO Convention No. 87 and explain what workers rights are protected under the present legislation and what lawful trade unions or other syndicates presently exist.

The Special Rapporteur would appreciate information from the Government ... indicating what steps have been taken to comply with the results of the elections of May 1990.

The Special Rapporteur would appreciate receiving information regarding any steps taken by the Government to improve the situation of human rights in Myanmar since his last visit.

The Special Rapporteur urges the Government of Myanmar to release Daw Aung San Suu Kyi and to ensure that there are no threats or acts of intimidation or reprisal towards her.

1994 (49th Session)
28 October 1994

The Nobel Peace Prize winner, Daw Aung San Suu Kyi, is still being held under prolonged house detention without trial; on 20 July 1994, she passed her fifth anniversary in detention. Seeking her release and return to freedom in Myanmar, including respect for all of her civil and political rights under international law, parliamentarians, non-governmental organizations and individuals from throughout the world sent thousands of petitions to the United Nations in the last few months.

...Numerous reports from a wide variety of sources still characterize most of the contributed labour as being conducted under various threats of violations of personal integrity rights or property rights. In general, reports of such forced labour may be divided into three categories: forced portering, other forced labouring and different kinds of obligatory guard duty.

Reports continue to be received alleging the forced relocation and internal displacement of persons on a wide scale: in the past six years, it has been estimated that over 1 million persons have been forcibly relocated, without compensation...

According to information received by the Special Rapporteur, approximately 75,000 refugees from Myanmar are estimated to live in camps inside Thailand along the border with Myanmar. An unknown number of persons, possibly as many as 100,000, are said to be internally displaced on the Myanmar side of the border. These persons are reported to have fled their villages in fear of ill-treatment, forced portering, forced labouring or other human rights violations. Some 200,000 Muslim refugees from the northern Rakhine State are still in Bangladesh after fleeing their homes in Myanmar. Many of them reportedly allege that they were forcibly relocated or that their land was confiscated for government construction projects, prawn cultivation or timber projects during 1990-1992.

1995 (50th Session)
16 October 1995

...There continued to be credible reports of instances of brutality sometimes resulting in the killing of civilians by Myanmar military forces under a variety of circumstances

...The Special Rapporteur has continued to receive reports from reliable sources indicating that Myanmar citizens (especially political party leaders) continue to be subject to restrictions on their liberty, especially freedoms of expression and association.

I welcome the announcement made by Myanmar authorities, on 10 July 1995, to release Daw Aung San Suu Kyi. In this connection, I trust that her release is without condition and will enable her fully to enjoy her liberty and personal freedom in accordance with international human rights standards.

The Special Rapporteur is concerned after the announcement made on 16 June 1995 by the International Committee of the Red Cross (ICRC) to withdraw from Myanmar because ICRC's standard requirements for visits to places of detention (i.e., that it

meet prisoners in private, have access to all prisons and be assured of repeated visits) were rejected by the Myanmar authorities...

... *the Special Rapporteur would appreciate* receiving an indication from the Government of Myanmar as to whether it is prepared to resume its dialogue with ICRC and to reach an agreement with regard to the standards applied by ICRC for visits to places of detention.

The Special Rapporteur has received numerous allegations, often in considerable detail and from different sources, describing civilians being subjected to torture or cruel, inhuman or degrading treatment by forces of the Myanmar military.

The Myanmar Government reportedly made extensive use of various forms of forced, unpaid labour for a variety of development projects aimed at building the infrastructure of the country. Various sources have reported an especially extensive use of forced labour in relation to several completed or ongoing railway construction projects.

According to several reliable sources, the Myanmar Government has launched a largescale military offensive in the Kayeni area along large stretches of the Thai/Myanmar border. The sources claim that the offensive is directed at ethnic nationalities and student camps along the border, and that over 30,000 well-armed soldiers from the Myanmar Army are taking part in the offensive. The civilian population in the area is said to be fleeing and seeking refuge across the border...

1996 (51st Session)

8 October 1996

Judge Rajsoomer Lallah

These concerns constitute the substantive content of the Special Rapporteur's mandate. They may be summarized as follows:

(a) The electoral process initiated in Myanmar by the general elections of 27 May 1990 has yet to reach its conclusion and the Government still has not implemented its commitments to take all necessary steps towards the establishment of democracy in the light of those elections;

(b) Many political leaders, in particular elected representatives, remain deprived of their liberty;

(c) Violations of human rights remain extremely serious, including, in particular, the practice of torture, summary and arbitrary executions, forced labour, including forced portering for the military, abuse of women, politically motivated arrests and detention, forced displacement, serious restrictions on the freedoms of expression and association, and the imposition of oppressive measures directed, in particular, at ethnic and religious minority groups;

(d) The continuing fighting with ethnic and other political groups, despite the conclusion of cease-fire agreements, together with the continuing violations of human rights, has resulted in flows of refugees to neighbouring countries.

Recommendations

The Government of Myanmar is urged to take all necessary measures to accelerate the process of transition to democracy and to involve in a meaningful way in that process the representatives duly elected in 1990. In this regard, the Government of Myanmar should without delay begin a process of genuine and substantive dialogue with the leaders of the National League for Democracy and with other political leaders who were duly elected in the democratic elections of 1990, including representatives of the ethnic minorities.

The Government of Myanmar should ensure that all laws rendering violations of human rights legitimate are urgently repealed, that laws are given due publicity and that the principle of non-retroactivity of penal laws is respected.

The Government of Myanmar is urged to comply with its obligations under ILO Convention No. 29, prohibiting the practice of forced labour and forced portering.

The Government of Myanmar should take the necessary steps to bring the acts of soldiers, including privates and officers, in line with accepted international human rights and humanitarian standards so as to prevent arbitrary killings, rapes, and confiscation of property, or forcing persons into acts of labour, portering, relocation or otherwise treating persons without respect to their dignity as human beings.

1997 (52nd Session)

16 October 1997

Recommendations

All necessary measures should be taken to accelerate the process of transition to a democratic order and to involve in a meaningful way the representatives duly elected in 1990. Genuine and substantive discussions should take place without further delay between the present military regime and the leaders of NLD and with other political leaders who were duly elected in the democratic elections of 1990, including representatives of ethnic minorities.

Immediate measures should be taken to put an end to the harassment of the leaders and the membership of NLD, to ensure that the General Secretary of NLD is genuinely free and able to exercise her functions without fear of attack and to ensure that all political parties are able freely to exercise their rights;

The Government of Myanmar is urged to comply with its obligations under ILO Convention No. 29 prohibiting the practice of forced labour and forced portering. The Government should urgently take measures to repeal the offending legal provisions under the Village Act and the Towns Act to prevent the continuation of the practice of forced labour. The Government is encouraged to cooperate with the ILO Commission of Inquiry;

The Government of Myanmar should take immediate steps to put an end to the enforced displacement of persons and to create appropriate conditions to prevent the flow of refugees to neighbouring States. In the event that the relocation of villagers becomes necessary in circumstances that are in conformity with international norms, proper consultations should take place with the villagers, including the payment of

appropriate compensation, reviewable by independent courts, and measures to ensure that adequate food, housing, medical care and social amenities, including arrangements for the education of children, are provided;

1998 (53rd Session)

10 September 1998

Recommendations

Given the refusal of the Government of Myanmar to give effect to the resolutions of both the General Assembly and the Commission on Human Rights, the Special Rapporteur feels constrained to repeat the recommendations made in paragraphs 77-97 of his report to the Commission on Human Rights earlier this year (E/CN.4/1998/70).

1999 (54th Session)

4 October 1999

Conclusions and recommendations

Except for the developments highlighted ... there has been no progress in the situation of human rights in Myanmar. If anything, the situation is worsening... This regime of repression puts the right to life, liberty and physical integrity - when it is not simply violated - permanently at risk. The rule of law cannot be said to exist and function, as the judicial system is subject to a military regime and serves only as handmaiden to a policy of repression.

No effective measures have been taken to restrain forced labour amounting to no less than a contemporary form of slavery, in spite of freely assumed international obligations; and the practice still continues in the name of tradition, or else of economic development.

In the ethnic areas, the policy of establishing absolute political and administrative control brings out the worst in the military, and results in killings, brutality, rape and other human rights violations which do not spare the old, women, children or the weak.

For all these reasons, the Special Rapporteur must unfortunately renew the recommendations he made in his last report to the General Assembly.

2000 (55th Session)

22 August 2000

The Special Rapporteur has not so far been authorized to visit Myanmar.

The Special Rapporteur notes with deep concern the continuing deterioration of the human rights situation in Myanmar since his last report. The suppression of all opposition political activity, inhuman treatment towards members of the opposition and ethnic minorities, and the absence of respect and protection for the liberty, health, education and human development of its population remain matters of grave concern,

and urgent and meaningful measures to halt and reverse the downward spiral of this situation are called for.

In this connection, the Special Rapporteur wishes to draw attention to the recommendations made in paragraphs 80 to 83 of his 1999 report to the Commission on Human Rights (E/CN.4/1999/35) and paragraphs 50 to 55 of his last interim report to the General Assembly (A/54/440).

2001 (56th Session)

20 August 2001

Conclusions and recommendations

...*More than ever it is required* that the Government of Myanmar adopt a more "pro-people" stance. The Special Rapporteur is convinced that a breakthrough that guarantees this course will require at the same time a new flexibility on the part of the military Government, Western democratic countries and the international community as a whole.

... *More than ever it is necessary* that all States, especially those with responsibilities at present because of their role in the past and those in the region, put a serious emphasis on continuous dialogue and negotiation with the Government of Myanmar.

The Special Rapporteur joins his voice to several other voices in the United Nations, as well as in the academic and international arenas, which declare that a serious humanitarian situation exists in Myanmar... there is no permanent solution for the pressing needs of the Myanmar peoples outside the framework of a process of transition to democratic constitutionalism.

... **the Special Rapporteur stresses** once more that only the full release of all political prisoners will pave the way to national reconciliation and the establishment of the rule of law leading towards the democratization process. No transitional process can be effective without the release of all political prisoners.

2002 (57th Session)

9 August 2002 □

Conclusions

□

In the Special Representative's view, recent mellowing on the political front has not and could not possibly bring about significant improvements to the complex human rights and humanitarian situation; this is only feasible in the context of a sustainable process of political transition and national reconciliation...

The experience of political transitions in other countries suggests that the present delicate situation in Myanmar, presenting new prospects for reconciliation and democratization, needs to be handled with great care and generosity on the part of all who wish the people of Myanmar well. The Special Rapporteur is of the view that the international community should start thinking about options to strengthen contributions from its various actors in the context of principled engagement with key

players in the country: SPDC; ethnic and religious leaders; NLD; other political parties; and local community-based organizations.

The United Nations should, in particular, begin assessing the priorities for its engagement, including through the involvement of the executive boards of some of its agencies, funds and programmes...

The Government should make every effort to enable humanitarian assistance to be more effective in meeting needs through the involvement and representation of all stakeholders so that priorities can be ordered and agreed.

□

2003 (58th Session)

5 August 2003

Concluding observations and recommendations

The Special Rapporteur's conclusions and recommendations given in earlier sections of the present report, as well as his previous reports (E/CN.4/2003/41 and E/CN.4/2002/45), remain valid in view of the prevailing situation in Myanmar.

Without an immediate and concrete commitment of the Government to suggest otherwise, the "home grown" national reconciliation process begun in 2000 is now arguably, dangerously damaged. Without genuine progress towards national reconciliation there can be no real improvement in the human rights situation in Myanmar.

□

The Special Rapporteur sadly concludes that the grave events of 30 May and thereafter cast a dark shadow on the political and human rights developments that had been taking place since his appointment to this mandate in December 2000...the rupture of the process of dialogue with the National League for Democracy in such a violent way has spoilt all the progress achieved in confidence-building and has shattered people's hope for political transition.

...The saddest yet perhaps most predictable consequence is that by keeping Daw Aung San Suu Kyi in detention, the State Peace and Development Council (SPDC) has completely paralysed the opposition movement that greatly depends on her leadership. It has effectively adjourned until an unforeseeable date the start of the political transition to democracy that it had repeatedly promised to its people and to the international community.

... *SPDC has put at serious risk* the process of addressing urgently the existing precarious humanitarian situation, with all potential ramifications for the exercise of all human rights.

The Special Rapporteur is firmly convinced that if SPDC wishes to renew its commitment to the process of political transition, it must start by immediately and unconditionally releasing Daw Aung San Suu Kyi, together with others detained in connection with the 30 May incident, as well as all other remaining political prisoners. This is the order of the hour. Those responsible for the 30 May violence must be held accountable.

The Special Rapporteur strongly recommends that SPDC return to dialogue with NLD and other political forces in the country, so that the Myanmar people can find solutions for the immense challenges ahead.

□

The Special Rapporteur hopes that SPDC will consider positively his request for an urgent visit to Myanmar to assess the post-30 May situation first-hand. If SPDC does not accept this request... the Special Rapporteur will be ready to support a recommendation that the situation in Myanmar be brought to the attention of other instances in the United Nations.

In his view, the current SPDC course of political repression and interruption of dialogue is not in its own interests and would surely further exacerbate the terrible suffering of the people of Myanmar, who have made clear their overwhelming desire for, and have thus far been denied the benefits of, positive change.

□□

2004 (59th Session)

30 August 2004

□

The conclusions and recommendations of the Special Rapporteur contained in the present report join those in his previous reports, which remain valid in view of the prevailing situation in Myanmar (see, for example, E/CN.4/2002/45, E/CN.4/2003/41 and E/CN.4/2004/33).

□

2005 (60th session)

August 2005

Recommendations

The Special Rapporteur believes that the Government of Myanmar needs to explicitly reaffirm and demonstrate its commitment to implement political and constitutional reform by guaranteeing the full and effective participation of all political actors, including NLD, political parties and ethnic leaders, in a meaningful and substantive dialogue.

The Government needs to clearly state the procedural steps it plans to take in drafting the constitution and in conducting the referendum and genuinely free and fair elections.

The Special Rapporteur calls on the Government to ensure the full and effective participation of all those political actors who are trying to build a free, open and just society throughout the political transition process. The constitution should prescribe a model of government that reflects and involves the diverse ethnic and political communities that make up the country.

The Special Rapporteur reiterates that the General-Secretary of NLD, Daw Aung San Suu Kyi, the Vice-Chairman of NLD, U Tin Oo, ethnic leaders such as Khun Htun Oo, Chairperson of SNLD, and elderly prisoners such as the poet and journalist U Win Tin, should be released. The immediate release of all 1,100 political prisoners would send a powerful signal to the people of Myanmar and the international community that the Government is seriously committed to a genuine process of reconciliation and to constituting a participatory democracy in Myanmar.

The Special Rapporteur reiterates the pressing need for State institutions to receive and fully investigate all complaints of human rights abuses and to prosecute, where necessary, in accordance with international standards. The State must assume the responsibility to protect and promote the well-being of its people.

The Special Rapporteur calls on the Government to allow humanitarian access to ethnic minority areas, where the civilian population is suffering the ill effects of military operations, and to ensure that article 3 common to the four Geneva Conventions, of 12 August 1949, is fully implemented during the conduct of hostilities.

...There is an urgent need for the Government of Myanmar to initiate fundamental reforms with the assistance of the international community and multilateral organizations.

The Special Rapporteur...very much hopes that the Government will give favourable consideration to facilitating his mandate and allowing him to resume his visits to the country.

Chapter Nine

Ignoring the Special Rapporteur's reports to the UNCHR

Excerpts of reports to the UN Commission on Human Rights by the Special Rapporteurs on the situation of human rights in Myanmar

Professor Yozo Yokota (1992-1996)

Judge Rajsoomer Lallah (1996-2000)

Professor Paulo Sergio Pinheiro (2000-)

Below are excerpts of the reports to the UNCHR by the Secretary-General's Special Rapporteurs over the last thirteen years. The current Special Rapporteur has not even been granted access to Burma in recent years. Repeated statements of concern and requests for action have been ignored on an annual basis.

1993

17 February 1993

Forty-ninth session

Recommendations

... the Special Rapporteur believes the Government should give effect to the political will of the people by transferring power to the freely and fairly elected civilian government...

The Government should take measures to comply with its obligations under ILO Convention No. 29 by eradicating the practice of forced portering and other forced labour which has provoked systematic torture, cruel inhuman and degrading treatment or punishment, disappearances and mass arbitrary executions

The Special Rapporteur recommends, in the light of the seriousness of the refugee and repatriation problem, and the grave threat this situation poses to the physical integrity of Myanmar ethnic and racial minorities as well as to the peace and security in the region, that an international human rights monitoring team, in conjunction with the mandate of the Special Rapporteur, be allowed access to the border areas.

1994

16 February 1994

50th Session

Recommendations

With respect to Daw Aung San Suu Kyi, the Government should release her immediately. In any event, she should not be kept under house arrest after 20 July 1994 when, according to the Government's own interpretation of Myanmar law, there will be no legal basis to continue to keep her under house arrest;

The Government of Myanmar should take the necessary steps to bring the acts of soldiers, including privates and officers, in line with accepted international human rights and humanitarian standards so that they will not commit arbitrary killings, rapes

and confiscations of property, or force persons into acts of labour, portering, relocation or otherwise treat persons without respect for their dignity as human beings.

Given the magnitude of the abuses, official condemnation should be made by the Government of all acts by authorities involving human rights violations. Such acts, including all acts of intimidation, threat or reprisal, should not benefit from the present system of complete denial by, and impunity under, the Government;

1995

12 January 1995

51st session

Recommendations

With respect to Daw Aung San Suu Kyi, the Government should release her immediately and unconditionally;

The Government of Myanmar should take the necessary steps to bring the conduct of the military, including ordinary soldiers and officers, into line with accepted international human rights and humanitarian standards so that they do not arbitrarily kill, rape, confiscate property, force persons into acts of labour or portering, relocate them or otherwise treat persons without respect to their dignity as human beings.

Given the magnitude of the abuses, official condemnation should be made by the Government of all acts by authorities involving human rights violations. Such acts, including all acts of intimidation, threat or reprisal, should not benefit from the present system of almost complete denial by, and impunity under, the Government;

1996

5 February 1996

52nd session

Recommendations

The Special Rapporteur regrets that he finds it necessary to repeat most of the recommendations made in his report to the Commission on Human rights in 1995. In the light of the foregoing conclusions, the Special Rapporteur also finds it necessary to make additional recommendations for the consideration of the Government of Myanmar.

The Government of Myanmar should comply with obligations under the International Labour Organization Convention No. 29, prohibiting the practice of forced portering and forced labour. In this connection, the Government of Myanmar should urgently take the appropriate measures to repeal the offensive legal provisions under the Village Act and the Towns Act to prevent the continuation of the practice of forced labour. The Government of Myanmar should also publicize and rigorously implement the "Secret Directives" which discourage the practice of forced labour without payment.

The Government of Myanmar should take all necessary measures to accelerate the process of transition to democracy and to include in that process the representatives

duly elected in 1990 who are excluded from participating in the meetings of the National Convention. In this regard, the Government of Myanmar should without delay begin a process of genuine and substantive dialogue with the leaders of the National League for Democracy and with other political leaders, including representatives from ethnic groups.

The Government of Myanmar should take the necessary steps to bring the acts of soldiers, both private soldiers and officers, into line with accepted international human rights and humanitarian standards so that they will not commit arbitrary killings, rape, or confiscations of property, or force persons into labour, portering, relocation or otherwise treat persons without respect to their dignity as human beings.

Given the magnitude of the abuses, official condemnation should be made by the Government of all acts by authorities involving human rights violations. Such acts, including all acts of intimidation, threat or reprisal, should not benefit from the present system of almost complete denial by, and impunity under, the Government.

1997

6 February 1997

53rd session

Recommendations

The Special Rapporteur regrets that he finds it necessary to repeat all of the recommendations made in his report to the General Assembly in 1996. In the light of the foregoing conclusions, the Special Rapporteur submits the following recommendations for the consideration of the Government of Myanmar:

The Government of Myanmar is urged to take all necessary measures to accelerate the process of transition to democracy and to involve in a meaningful way in that process the representatives duly elected in 1990. In this regard, the Government of Myanmar should without delay begin a process of genuine and substantive dialogue with the leaders of the National League for Democracy and with other political leaders who were duly elected in the democratic elections of 1990, including representatives of the ethnic minorities.

The Government of Myanmar is urged to comply with its obligations under ILO Convention No. 29, prohibiting the practice of forced labour and forced portering. In this connection, the Government of Myanmar should urgently take the appropriate measures to repeal the offending legal provisions under the Village Act and the Towns Act to prevent the continuation of the practice of forced labour. In this regard, the Government of Myanmar is encouraged to cooperate with ILO to that end.

The Government of Myanmar should take the necessary steps to bring the acts of soldiers, including privates and officers, in line with accepted international human rights and humanitarian standards so as to prevent arbitrary killings, rapes, and confiscations of property, or forcing persons into acts of labour, portering, relocation or otherwise treating persons without respect to their dignity as human beings.

The Government of Myanmar should take urgent steps to put an end to the enforced displacement of persons and to create appropriate conditions to prevent the flow of refugees to neighbouring States.

1998
15 January 1998
54th session

Recommendations

All necessary measures should be taken to accelerate the process of transition to a democratic order and to involve in a meaningful way in that process the representatives duly elected in 1990.

In this regard, genuine and substantive discussions should take place without further delay between the present military regime and the leaders of the National League for Democracy and with other political leaders who were duly elected in the democratic elections of 1990, including representatives of the ethnic minorities.

Immediate measures should be taken to put an end to the harassment of the leaders and the members of the National League for Democracy, to ensure that the General Secretary of the National League for Democracy is genuinely free and able to exercise her functions without fear of attack, and to ensure that all political parties are able freely to carry out their activities.

The Government of Myanmar is urged to comply with its obligations under ILO Convention No. 29, prohibiting the practice of forced labour.

Urgent steps should be taken to put an end to the enforced displacement of persons and to create appropriate conditions to prevent the flow of refugees to neighbouring States.

1999
22 January 1999
55th session

Recommendations

Since the situation of human rights in Myanmar is worsening and the repression of civil and political rights continues unabated, the Special Rapporteur feels bound to renew the detailed recommendations he made in paragraphs 7 to 97 of his last report to the Commission on Human Rights (E/CN.4/1998/70) and in paragraphs 61 to 63 of his interim report to the General Assembly (A/53/364).

2000
24 January 2000
56th session

Recommendations

As no concrete progress can be discerned from the totality of the information provided to the Special Rapporteur, he considers it necessary to reiterate the recommendations he made in paragraphs 80 to 83 of his last report to the

Commission on Human Rights (E/CN.4/1999/35) and paragraphs 50 to 55 of his last interim report to the General Assembly (A/54/440).

2001

In 2001 the newly-appointed Special Rapporteur did not submit a written report to the Commission.

2002

10 January 2002

58th session

Recommendations

The full and unconditional release of all political prisoners should proceed more rapidly.

Broad-based social mobilization and advocacy is essential for preventive and curative action against HIV/AIDS;

The situation of human rights in Myanmar would benefit from broadening the focus of efforts to combat violence against women to cover violence in the community, particularly in areas of conflict between the army and armed groups where the most serious forms of violence against women are reported;

The Government, its armed forces and the armed opposition groups should exercise maximum restraint and respect international humanitarian law relating to the protection of civilians and prisoners, and consider alternative avenues for resolving their differences notably through political dialogue;

In order to address the humanitarian situation more adequately, it is crucial that the commitment of the Government go hand in hand with the involvement of the NLD in the planning and managing of international humanitarian assistance;

It is time to start a substantive dialogue with the leaders of the NLD and all other political parties and ethnic nationalities if the Government is serious about achieving national reconciliation and the restoration of democracy. Nothing can help Myanmar better in this regard than the building of democracy through an all-inclusive, accountable and fair process.

2003

27 December 2002

Fifty-ninth session

□□

Recommendations

...It should still be insisted that a road map for substantive dialogue and setting out objectives for both sides is essential for progress towards democratic transition

□

The Special Rapporteur believes it is urgent that the SPDC establish efficient mechanisms for holding army personnel accountable for the alleged human rights violations with a view to ensuring the protection of the civilian population in ethnic

areas.□It is time to finish the war of words.□Denial is the worst path for national reconciliation...□

□

It is past time for the apparent stalemate that has so far characterized the contacts between the SPDC and the NLD to end.□The Special Rapporteur is convinced that greater progress in the promotion and protection of human rights will be conducive to the creation of an atmosphere that will break the impasse.□As he has said in his previous reports, there can be no credible political transition in Myanmar without starting to implement concrete measures.□

□

2004

5 January 2004

Sixtieth session

Recommendations

... the Special Rapporteur requests SPDC to give serious consideration to implementing the recommendations for human rights reforms set out in his reports.

The Special Rapporteur requests, as does the General Assembly, that the authorities of Myanmar initiate a full and independent inquiry into the Depayin incident, with international cooperation. The results should be announced publicly, those responsible should be held accountable and redress should be afforded for victims. There should also be guarantees that those who cooperate in establishing the truth about Depayin will not be subjected to reprisals or intimidation.

In order to reverse the regression, all those who have been in detention or under house arrest since 30 May 2003 should be immediately and unconditionally released. In addition, compensation for the surviving victims and the families of those who lost their lives should be considered. NLD offices should be reopened.

The Special Rapporteur reiterates, as he expressed in his meetings with SPDC, that the freedom of movement and political activity for Daw Aung San Suu Kyi and other leaders and members of NLD must be restored immediately. This decision will contribute to securing their early participation in the first stages of the National Convention and send a powerful signal that SPDC is genuinely serious about democratic transition.

... In the view of the Special Rapporteur, the current political proposal of SPDC, which posits a road map towards political transition to a civilian regime, must be accompanied by real and tangible changes on the ground towards a genuinely free, transparent and inclusive process involving all political parties, ethnic nationalities and elements of civil society.

The Special Rapporteur reiterates once more the need for the immediate and unconditional release of all political prisoners.

2005
2 December 2004
Sixty first session

Recommendations

□

In the view of the Special Rapporteur, the pronouncements made and action taken by the current leadership in Myanmar do not yet appear to signal any new policy direction in respect of the National Convention process...

□□

The Special Rapporteur has already articulated his concerns regarding the proceedings of and the inclusiveness of and participation at the reconvened National Convention (E/CN.4/2004/33, paras. 27-36 and A/59/311, paras. 7-16) and believes there is still scope for some adjustments to be made that would transform its next session into a genuine forum for achieving national reconciliation and political transition, with the participation of key representatives from all legitimate organizations.

The Special Rapporteur believes that in order to bring about a more sustainable solution to the political process in the country, credible endeavours to ensure that NLD and other parties join the National Convention process should be made by all actors.

□

the Special Rapporteur believes... that only the full and unconditional release of all political prisoners will pave the way for national reconciliation and the rule of law.

The Special Rapporteur remains convinced that there is an urgent need to re-establish a common focus for the various United Nations and international community actors and agencies and to coordinate all political, humanitarian and human rights initiatives. It is more vital than ever before that all States, particularly those in the region, place serious emphasis on continuous dialogue and negotiation with the Government of Myanmar.

Chapter Ten

Ignoring the International Labour Organisation

Excerpts of reports of the Committee of Experts on the Application of Conventions and Recommendations. Concerning Convention No. 29 on Forced Labour. (1991 to date)

Below are excerpts of fifteen years of annual reports of the Committee responsible for monitoring and reporting back on Burma's progress with regard to ILO convention No.29 on forced labour. Despite some achievement in securing an ILO presence in Burma, the 2005 report "... notes once again with grave concern, that the recommendations of the Commission of Inquiry have still not been implemented: the provisions of the Towns Act, 1907, and the Village Act, 1908, allowing requisition of labour in violation of the Convention, have not been repealed; forced labour continues to be exacted in many areas of the country, in circumstances of severe cruelty and brutality; and no person responsible for the exaction of forced labour has been prosecuted or convicted under the relevant provisions of the Penal Code. The Committee expresses its strongest condemnation and urges the Government to demonstrate its expressed determination to eliminate forced labour and to take the necessary measures to ensure compliance with the Convention".

On 24 March 2005, the ILO Governing Body reactivated the "measures" first imposed by the International Labour Conference resolution of June, 2000 (see attached) due to the regime's absence of progress.

1991

The Committee hopes that the Government will provide detailed comments on these allegations (of forced labour) as well as full information on any measures adopted or contemplated to ensure observance of the Convention.

1992

The Committee notes that no report was received from the Government. The Committee must therefore repeat its previous observation (of 1991)...

The Committee again expresses the hope that the Government will provide detailed comments on these allegations as well as full information on any measures adopted or contemplated to ensure observance of the Convention.

1993

The Committee further notes that... the International Confederation of Free Trade Unions... made a representation alleging non-observance by Myanmar of the Convention. The Committee notes that at its 255th Session (March 1993) the Governing Body (to) set up a committee to examine it. Consequently the Committee is suspending examination of this matter, pending the conclusions of the above committee.

The Committee requests the Government to comment on the detailed testimony (of forced labour) reported by the UN Special Rapporteur.

1995

The (ILO) Governing Body urged the Government to take the necessary steps:

(i) to ensure that the relevant legislative texts, in particular the Village Act and the Towns Act, are brought into line with the Convention; and

(ii) to ensure that the formal repeal of the powers to impose compulsory labour be followed up in practice and that those resorting to coercion in the recruitment of labour be punished.

The Committee requested the Government to comment on the detailed testimony reported by the UN Special Rapporteur.

The Government is asked to report in detail by 1 September 1995, at the latest.

1996

The Committee notes that no such details have been provided by the Government...

The Committee notes these indications with concern...The Government's latest report persists in blurring the distinction between compulsory and voluntary labour and contains no indication whatsoever that concrete measures have been taken to abolish the powers to impose compulsory labour either in law or in practice.

The Government is asked to supply full particulars to the Conference at its 83rd Session.

1997

The Committee has...noted the Government's persistent failure to implement the Convention.

The Committee further notes that... 25 Workers' delegates to the International Labour Conference presented a complaint under article 26 of the Constitution against the Government of Myanmar for non-observance of the Convention... and that the Governing Body of the ILO, at its 267th Session in November 1996, decided that the Government of Myanmar should be requested by the Director-General to communicate its observations on the complaint by 31 January 1997.

In the circumstances, and pending consideration of the complaint made under article 26 of the Constitution, the Committee defers its examination of the observance of the Convention by Myanmar.

1999

The Commission of Inquiry has made the following recommendations:

*In view of the Government's flagrant and persistent failure to comply with the Convention, **the Commission urges the Government to take the necessary steps to ensure:***

(a) that the relevant legislative texts, in particular the Village Act and the Towns Act, be brought into line with the Forced Labour Convention, 1930 (No. 29) as already requested by the Committee of Experts on the Application of Conventions and Recommendations and promised by the Government for over 30 years, and again announced in the Government's observations on the complaint. This should be done without further delay and completed at the very latest by 1 May 1999;

(b) that in actual practice, no more forced or compulsory labour be imposed by the authorities, in particular the military. This is all the more important since the powers to impose compulsory labour appear to be taken for granted, without any reference to the Village Act or Towns Act. Thus, besides amending the legislation, concrete action needs to be taken immediately for each and every of the many fields of forced labour examined in Chapters 12 and 13 above to stop the present practice. This must not be done by secret directives, which are against the rule of law and have been ineffective, but through public acts of the Executive promulgated and made known to all levels of the military and to the whole population. Also, action must not be limited to the issue of wage payment; it must ensure that nobody is compelled to work against his or her will. Nonetheless, the budgeting of adequate means to hire free wage labour for the public activities which are today based on forced and unpaid labour is also required;

(c) that the penalties which may be imposed under section 374 of the Penal Code for the exaction of forced or compulsory labour be strictly enforced, in conformity with Article 25 of the Convention. This requires thorough investigation, prosecution and adequate punishment of those found guilty. As pointed out in 1994 by the Governing Body committee set up to consider the representation made by the ICFTU under article 24 of the ILO Constitution, alleging non-observance by Myanmar of the Forced Labour Convention, 1930 (No. 29), the penal prosecution of those resorting to coercion appeared all the more important since the blurring of the borderline between compulsory and voluntary labour, recurrent throughout the Government's statements to the committee, was all the more likely to occur in actual recruitment by local or military officials. The power to impose compulsory labour will not cease to be taken for granted unless those used to exercising it are actually brought to face criminal responsibility.

The recommendations made by the Commission require action to be taken by the Government of Myanmar without delay.

The Government is asked to supply full particulars to the Conference at its 87th Session and to report in detail in 1999.

2000

The Committee notes that the Government has not supplied a report on the application of the Convention.

The concrete measures called for by the Commission of Inquiry "to ensure that nobody is compelled to work against his or her will" have not yet been taken...

there is no evidence that actual practice has changed since the Commission of Inquiry presented its report; on the contrary the exaction of forced or compulsory labour by the authorities has continued and is well documented.

The Committee deplors the continued brutal imposition of forced labour on the civilian population by military officers in conditions of apparent impunity; the failure by the Government to implement the three recommendations of the Commission of Inquiry; and persistent failure by Myanmar to observe the Forced Labour Convention, 1930 (No. 29).

The Committee urges the Government to implement the recommendations of the Commission of Inquiry, to halt the scourge of forced labour and to restore its credibility within the international community as a government which is prepared to comply with its international obligations.

2001

The Committee notes that the Government has not supplied a report on the application of the Convention.

The Committee has, however, taken note of...

- the resolution (attached) adopted by the International Labour Conference at its 88th Session concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Myanmar to secure compliance with the recommendations of the Commission of Inquiry, and the entry into effect of those measures on 30 November 2000, following consideration of the matter by the Governing Body at its 279th Session (November 2000);

At a press conference held 18 November 2000 in Yangon on the decision of the Governing Body of the ILO to activate measures on the subject of Myanmar, the Government indicated that it would no longer cooperate with the ILO in relation to the Forced Labour Convention, 1930 (No. 29), but that it would continue to take steps to prevent forced labour, as this was its policy.

The Government is asked to report in detail in 2001.

2002

The Committee has noted the Government's reports on the application of the Convention.

In short, the Committee notes that none of the three recommendations formulated by the Commission of Inquiry and accepted by the Government have so far been met.

Despite longstanding promises, as well as the Government's assured good will, the Village Act and Towns Act have not yet been amended. While Order No. 1/99, as supplemented, has been widely publicized and may for the time being have affected certain civil infrastructure projects, by itself the order has not stopped the exaction of forced labour, in particular by the military. There is no indication that the necessary specific and concrete instructions and budgetary provisions have been

adopted or even prepared with a view to effectively replacing forced labour by offering decent wages and employment conditions to freely attract any workers needed. Finally, there is no indication that any person responsible for the exaction of forced labour and often concomitant crimes was sentenced or even prosecuted under section 374 of the Penal Code or any other provision, in conformity with Article 25 of the Convention.

The Government is asked to supply full particulars to the Conference at its 90th Session.

2003

The Committee has noted the Government's responses on the application of the Convention...

The Committee notes that, pursuant to an understanding concluded on 19 March 2002, the Government agreed to the appointment of an ILO Liaison Officer in Myanmar, as a step towards the establishment of a continued ILO presence in the country capable of contributing effectively to the objective of eliminating forced labour. The mandate of the Liaison Officer has been defined as covering all activities relevant to the objective of ensuring the prompt and effective elimination of forced labour in the country. Pursuant to this agreement, an interim Liaison Officer was appointed from 6 May 2002 to October 2002...On 7 October 2002, a permanent ILO Liaison Officer took up her appointment in Yangon and already has had a range of contacts and meetings with government officials and others during October and November of 2002.

The Committee indicates that in spite of the indications and rhetoric of the Government, none of the three recommendations formulated by the Commission of Inquiry and accepted by the Government have so far been met. Despite longstanding promises, as well as the Government's assured good will, the Village Act and Towns Act have not yet been amended. While Order No. 1/99, as supplemented, has been widely publicized, by itself the Order has not stopped the exaction of forced labour, in particular by the military. There is no indication that the necessary specific and concrete instructions and budgetary provisions have been adopted or even prepared with a view to effectively replacing forced labour by offering decent wages and employment conditions to freely attract any workers needed. Finally, there is no indication that any person responsible for the exaction of forced labour and often concomitant crimes was sentenced or even prosecuted under section 374 of the Penal Code or any other provision, in conformity with Article 25 of the Convention.

The Government is asked to supply full particulars to the Conference at its 91st Session.

2004

To summarize, in the last three years, the Government, at the highest levels, has given repeated assurances of its intention to put an end to the widespread violations of the Convention which had been noted by the Commission of Inquiry in its report. As noted in the Committee's observation, a number of steps have been taken in this direction, in particular, orders have been issued to prohibit the use of forced labour. These orders have been translated into six ethnic languages and measures have

been taken to make them known to public officials and the general public. A mechanism has been established to promote the observance of the orders and to disseminate awareness of them. An intensive dialogue has developed between the ILO and the authorities, which has resulted in the establishment of a presence in the country in the form of an ILO Liaison Officer.

The Committee is bound to observe that the three main recommendations of the Commission of Inquiry are still to be implemented. In spite of the Government's assurances of its good intentions, the measures taken until now have not brought about significant progress in actual practice. Forced labour continues to be exacted in many parts of the country, mainly by the army. No person responsible for imposing forced labour has ever been prosecuted or sentenced under the relevant provision of the Penal Code.

In view of the slowness of the progress, it could be hoped that the process of dialogue and cooperation which has developed between the ILO and the Government can offer a real chance of bringing about more rapid and concrete results. The Committee considers that the Joint Plan of Action agreed in May 2003 offers an opportunity for the Government, with the technical assistance of the ILO and the financial support of the international community, to move from procedural steps to substantive progress and to dispel the doubts that the current reality may cast about the seriousness of its commitment. The Committee can only express the hope that the Government will do its utmost to ensure the continuation of this process of dialogue and cooperation and will take all the necessary steps in the very near future to make it possible for the Joint Plan of Action to be implemented.

The Committee reminds the Government that in any event the obligation under the Convention to suppress the use of all forms of forced or compulsory labour remains its responsibility.

The Government is asked to supply full particulars to the Conference at its 92nd Session.

2005

The Committee notes once again with grave concern, that the recommendations of the Commission of Inquiry have still not been implemented: the provisions of the Towns Act, 1907, and the Village Act, 1908, allowing requisition of labour in violation of the Convention, have not been repealed; forced labour continues to be exacted in many areas of the country, in circumstances of severe cruelty and brutality; and no person responsible for the exaction of forced labour has been prosecuted or convicted under the relevant provisions of the Penal Code. The Committee expresses its strongest condemnation and urges the Government to demonstrate its expressed determination to eliminate forced labour and to take the necessary measures to ensure compliance with the Convention.

(On 24 March, the ILO Governing Body reactivated the “measures’ contained in the International labour Conference resolution of June, 2000 (see attached)).

Resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Myanmar

The General Conference of the International Labour Organization,

Meeting at its 88th Session in Geneva from 30 May to 15 June 2000,

Considering the proposals by the Governing Body which are before it, under the eighth item of its agenda (*Provisional Record* No. 4), with a view to the adoption, under article 33 of the ILO Constitution, of action to secure compliance with the recommendations of the Commission of Inquiry established to examine the observance by Myanmar of its obligations in respect of the Forced Labour Convention, 1930 (No. 29),

Having taken note of the additional information contained in the report of the ILO technical cooperation mission sent to Yangon from 23 to 27 May 2000 (*Provisional Record* No. 8) and, in particular, of the letter dated 27 May 2000 from the Minister of Labour to the Director-General, which resulted from the mission,

Considering that, while this letter contains aspects which seem to reflect a welcome intention on the part of the Myanmar authorities to take measures to give effect to the recommendations of the Commission of Inquiry, the factual situation on which the recommendations of the Governing Body were based has nevertheless remained unchanged to date,

Believing that the Conference cannot, without failing in its responsibilities to the workers subjected to various forms of forced or compulsory labour, abstain from the immediate application of the measures recommended by the Governing Body unless the Myanmar authorities promptly take concrete action to adopt the necessary framework for implementing the Commission of Inquiry's recommendations, thereby ensuring that the situation of the said workers will be remedied more expeditiously and under more satisfactory conditions for all concerned;

1. Approves in principle, subject to the conditions stated in paragraph 2 below, the actions recommended by the Governing Body, namely:

(a) to decide that the question of the implementation of the Commission of Inquiry's recommendations and of the application of Convention No. 29 by Myanmar should be discussed at future sessions of the International Labour Conference, at a sitting of the Committee on the Application of Standards specially set aside for the purpose, so long as this Member has not been shown to have fulfilled its obligations;

(b) to recommend to the Organization's constituents as a whole – governments, employers and workers – that they: (i) review, in the light of the conclusions of the Commission of Inquiry, the relations that they may have with the member State concerned and take appropriate measures to ensure that the said Member cannot take advantage of such relations to perpetuate or extend the system of forced or compulsory labour referred to by the Commission of Inquiry, and to contribute as far as possible to the implementation of its recommendations; and (ii) report back in due course and at appropriate intervals to the Governing Body;

(c) in regards international organizations, to invite the Director-General: (i) to inform the international organizations referred to in article 12, paragraph 1, of the Constitution of the Member's failure to comply; (ii) to call on the relevant bodies of

these organizations to reconsider, within their terms of reference and in the light of the conclusions of the Commission of Inquiry, any cooperation they may be engaged in with the Member concerned and, if appropriate, to cease as soon as possible any activity that could have the effect of directly or indirectly abetting the practice of forced or compulsory labour;

(d) to invite the Director-General to request the Economic and Social Council (ECOSOC) to place an item on the agenda of its July 2001 session concerning the failure of Myanmar to implement the recommendations contained in the report of the Commission of Inquiry and seeking the adoption of recommendations directed by ECOSOC or by the General Assembly, or by both, to governments and to other specialized agencies and including requests similar to those proposed in paragraphs (b) and (c) above;

(e) to invite the Director-General to submit to the Governing Body, in the appropriate manner and at suitable intervals, a periodic report on the outcome of the measures set out in paragraphs (c) and (d) above, and to inform the international organizations concerned of any developments in the implementation by Myanmar of the recommendations of the Commission of Inquiry;

2. Decides that those measures will take effect on 30 November 2000 unless, before that date, the Governing Body is satisfied that the intentions expressed by the Minister of Labour of Myanmar in his letter dated 27 May have been translated into a framework of legislative, executive and administrative measures that are sufficiently concrete and detailed to demonstrate that the recommendations of the Commission of Inquiry have been fulfilled and therefore render the implementation of one or more of these measures inappropriate;

3. Authorizes the Director-General to respond positively to all requests by Myanmar that are made with the sole purpose of establishing, before the above deadline, the framework mentioned in the conclusions of the ILO technical cooperation mission (points (i), (ii) and (iii), page 8/11 of *Provisional Record* No. 8), supported by a sustained ILO presence on the spot if the Governing Body confirms that the conditions are met for such presence to be truly useful and effective.

292nd Session of the Governing Body of the International Labour Office.

Developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29)

March 2005

Conclusions

1. The easiest and most pleasant part of my task is to convey on our joint behalf our sincere gratitude to the members of the very High-Level Team (vHLT) for having accepted a very difficult assignment and for their dedication in discharging it scrupulously both in letter and spirit. Now comes a much more painful and difficult task, and I am indebted to my colleagues the Officers for having given me their support and advice.

2. In drawing the conclusions of the present debate it is important to recall the

conclusions reached by the Governing Body at its previous session, which set the parameters for our present consideration of the matter. Following recent leadership changes, the main preoccupation of the Governing Body in establishing the vHLT was to have an objective basis to evaluate the attitude and the real will of the authorities at the highest level, and their determination to continue their effective cooperation on the outstanding issues; this evaluation would then enable the Governing Body to draw the appropriate consequences in full knowledge of the facts, including as regards action under article 33.

3. In that framework, after hearing the message from the Ambassador, Mr. Nyunt Maung Shein, we have had a broad debate.

4. The most largely shared sentiment was one of condemnation over the failure of the highest authorities to take advantage of the unique opportunity that the visit of the vHLT represented to resume a credible dialogue on the issues of concern, and also the feelings of grave concern over the general situation that this reveals.

5. Indeed, the Prime Minister's indications to the Members of the vHLT as well as the comments of the Ambassador allege that the necessary political will exists. However, the attitude towards the vHLT, along with the press conference held in Yangon on 15 March and even some of the remarks made this morning by the Ambassador of Myanmar, casts into grave doubt the credibility of this message and the usefulness of the ILO approach.

6. Apart from the assurances and indications, there are the facts. Some of them seem to a number of us to go in the right direction, in particular the prosecutions and punishment of authorities responsible for having recourse to forced labour and the establishment of a focal point in the army on the initiative of the Vice-Senior General.

7. But in the circumstances the overall assessment falls far short of our expectations. And this is the reason why, according to the Workers' proposal, joined by certain Governments, the Governing Body has no other choice but to ask the Office to take a certain number of formal steps to strengthen the measures under the resolution of June 2000, but also at the same time to strengthen the Liaison Office.

8. Other Government members and the Employers, while sharing the same sense of condemnation of the actions of the authorities, were in view of the closeness of the International Labour Conference starting 31 May inclined to test, for the last time, the true will of the authorities to cooperate with the ILO, before resuming the examination of these measures and taking a decision on them. Other Governments limited themselves to calling for an urgent restarting of an effective and meaningful dialogue, without reference to specific measures.

9. In the treatment of this particularly difficult case, the solidarity of all the groups has always given strength to the position of the ILO. It is the view of my colleagues and myself that this strength should be maintained. Three considerations may help us.

- *First, the question is not strictly speaking for us to adopt new measures under article 33. These measures have already been taken under the resolution adopted by the Conference in 2000, which is binding on the Governing Body and the other organs of the ILO as long as it has not been modified. These measures clearly remain in force with regard to all*

- constituents and others to whom the resolution is addressed.*
- *The next question is whether it is time for members to resume their consideration of the action which they have been and still are called upon to take under the resolution of June 2000. This question arises because most of them have suspended their action since the beginning of 2001 as a result of the progress which seemed to be under way at the time, and which resulted in certain concrete developments in particular through the ILO presence. At this stage, and on the basis of the information at our disposal, the growing feeling is that the “wait-and-see” attitude that prevailed among most members, following the initiation of meaningful dialogue since 2001, appears to have lost its raison d’être and cannot continue.*
 - *A third consideration is that under the resolution the ILO cannot prejudge the action which each individual member may find it appropriate to take as a result of their review; the only thing which is expected from all of them is to report at suitable intervals to explain what they have done and why.*

10. At the same time it is clear that the ILO is not closing the door to the resumption of a positive dialogue with the Myanmar authorities in line with the views wisely expressed by the vHLT and a large number of those who took the floor during the debate; it is clear in particular that the existence of such dialogue and the concrete results it could produce should be taken objectively into account by members when deciding the outcome of their review. The extent to which progress will be achieved with regard to the strengthening of the ILO presence as well as the other items covered by the vHLT’s aide-mémoire, including the immediate release of Shwe Mahn, should be a concrete test in this regard.

11. In the light of these considerations, the conclusions that myself and my colleagues think the Governing Body could unanimously agree on taking is to transmit to all those to whom the 2000 resolution was addressed – including relevant agencies – the results of our deliberations reflected in the present conclusions, with a view to them taking the appropriate action resulting from the above considerations.

12. The Officers of the Governing Body are mandated to closely follow any developments. These developments will be the subject of a document before the Committee on the Application of Standards of the International Labour Conference in June.

Recommendations

The UN Security Council should adopt a resolution on the situation in Burma in accordance with its authority under Chapter V11 of the UN Charter (Article 41), past Security Council precedents and as proposed in the Tutu-Havel report 'Threat to the Peace'.²⁴

This resolution should:

- Outline the major reasons for the Security Council intervention, focusing on the threat to the peace caused by the major issues described in this report;**
- Require the Government of Burma to work with the Secretary-General's office in implementing a plan for national reconciliation and a restoration of a democratically-elected government;**
- Request the Secretary-General to remain vigorously engaged with the dispute resolution process and require that he report back to the Security Council on a regular basis;**
- Urge the Government of Burma to ensure the immediate, safe, and unhindered access to all parts of the country for the United Nations and international humanitarian organizations to provide humanitarian assistance to the most vulnerable groups of the population, including internally displaced persons; and**
- Call for the immediate and unconditional release of Aung San Suu Kyi and all prisoners of conscience in Burma.**

²⁴ Threat to the Peace, A Call for the UN Security Council to Act in Burma
– DLA Piper Rudnick Gray Cary