

refugee camps along the Thai border by troops allegedly supported by the Tatmadaw.

In its conclusions, the report states that the structure of power under the military regime remains autocratic and accountable only to itself and rests on the denial and repression of most fundamental rights. The SR repeated the recommendations from the report to the 1998 Commission on Human Rights and further recommended that:

- ♦ an independent inquiry be held into the circumstances of the deaths of Mr. Nichols in June 1996 and of U Thein (NLD) in February 1998 while detained in Insein Prison; action be taken against the individuals who may have been responsible for their deaths or harsh treatment;
- ♦ steps be taken by all governmental authorities to put a stop, once and for all, to forced labour and portering and to comply fully with the obligations under ILO Convention No. 29; and
- ♦ the government, with the least possible delay, implement the recommendations of the ILO Commission of Inquiry into forced labour.

Report of the Secretary-General

The report of the Secretary-General (A/53/657) was prepared, as requested in GA resolution 52/137, and reflects a "good offices mission" and efforts by the Secretary-General's Special Envoy to resolve the political issues impeding the establishment of a democratic order in Burma. The report notes that in the context of the July 1998 developments in Burma, the Secretary-General requested that the government receive a visit by a special emissary, Tan Sri Razali Ismail (President of the 51st General Assembly) to discuss matters of mutual concern. The government replied that the time was not appropriate for this visit to take place and also refused a second request for a visit by a special emissary. A visit by the Special Envoy did take place in October 1998.

The discussions with the government focussed on: progress towards the restoration of democracy in the light of the results of the 1990 elections; the opening of a substantive dialogue with political parties, particularly the NLD and Aung San Suu Kyi, and with representatives of the national races; restrictions on the functioning of the NLD and other political parties; and the situation of human rights. The need for the Commission's Special Rapporteur to visit the country was also raised. The government was encouraged to open a genuine dialogue with the NLD and make the dialogue between the government and national races more intense and transparent. The report notes that the mandate is one of discreet good offices and does not include detailed reporting on the factual situation regarding human rights. As such, the good offices mission should not be considered a substitute for the work of the Special Rapporteur.

In response to the efforts made by the Special Rapporteur, the government stated that it would continue to move forward "in a systematic way towards [the] goal of a peaceful, prosperous, modern and developed State with a multi-party democratic system and a market-oriented economy". With regard to the dialogue with political parties, and the NLD specifically, the government stated that the negative approach of the NLD, and Aung San Suu Kyi in particular, made it difficult to establish contacts with that party.

On other points, the government noted: with regard to the freedom of political parties, the prevalence of peace and stability throughout the country was a prerequisite for democratization, as was progress towards development; restrictions on Aung San Suu Kyi's freedom of movement had stemmed out of concerns for her safety; with regard to national races, the Constitution being drafted would give important powers to the states, divisions and self-autonomous areas and zones and adequately reflect their views; and the Commission's Special Rapporteur would be invited to visit at an opportune time.

Points raised and made by the NLD included: an overall deterioration of the situation in the country; continued and widespread harassment against its members and supporters, including forced resignations from the party, arbitrary arrests, torture, suppression of freedom of expression and association, and severe and enforced restrictions on movement, as well as on other normal political activities; denial to the general population of the right to education and economic development; continued forced relocation and labour on a large scale, particularly in the ethnic minority areas; and the June 1998 call for the convening of parliament was neither a confrontation nor an attempt to assume power, but rather an attempt to accelerate the opening of a meaningful dialogue with the government.

Resolution of the General Assembly

The 1998 session of the General Assembly adopted by consensus a resolution on the situation of human rights in Burma (A/C.3/53/L.59). The GA, *inter alia*: recalled that the Universal Declaration states that the will of the people shall be the basis of the authority of government; noted the contact between the government and the National League for Democracy (NLD), but regretted the government's failure to engage in a substantive political dialogue with Aung San Suu Kyi and other political leaders, including representatives of ethnic groups; urged the government to cooperate fully with all UN authorities and bodies, in particular, and without further delay, the Special Rapporteur; deplored the continuing violations of human rights, including extrajudicial and arbitrary executions, rape, torture, inhuman treatment, mass arrests, forced labour, forced relocation and denial of freedom of expression, assembly, association and movement; noted with deep concern the increased restrictions on the freedom of movement and the large numbers of arbitrary detentions and harassment of political activists; urged the government to permit unre-