

Report of the S-G on discussions aimed at national reconciliation

The Commission on Human Rights also had before it the 27 March 1997 report of the Secretary-General (E/CN.4/1997/129) on discussions that have been held with the government aimed at national reconciliation. The report notes that three rounds of talks were held between April and October 1996. A visit to Burma by the Director of the UN's East Asia and the Pacific Division took place from 17 to 21 February 1997 during which consultations were held with a number of representatives of government ministries and departments as well as others. Among points made by the government during discussions were:

- ▶ the next task of the National Convention, which had not met since March 1996, is to consider power-sharing between the central government and the states, regions and self-administered areas in the context of the chapters in the draft Constitution on the legislature, executive and judiciary;
- ▶ the Constitutions of 1948 and 1974 had failed because they had not adequately addressed the aspirations of the national races, and it was important to ensure that the future Constitution reflected their aspirations;
- ▶ once the issue of power-sharing had been resolved it should be possible to move faster with the drafting of the remaining chapters, namely, on the formation of political parties, the Tatmadaw (Burmese Armed Forces), citizens' rights and responsibilities, elections, emergency provisions, amendments to the Constitution, the national emblem and capital, transitional provisions, general provisions, and the division of powers between the legislative, executive and judicial branches;
- ▶ some representatives of political parties and national races indicated that they were not aware that discussions between the government and the ethnic groups were taking place;
- ▶ the priority for Burma was the resolution of the various insurgencies that had plagued the country since its independence;
- ▶ only after there were no more threats to the stability of the country could discussions on multi-party democracy be held and that only a "disciplined" body like the Tatmadaw was in a position to ensure that the armed groups gave up their weapons once the drafting of the Constitution had been completed;
- ▶ four meetings had been held in 1996 with representatives of the KNU, considered to be the last remaining armed ethnic group which had not entered the legal fold;
- ▶ no agreement had been reached with the KNU because the KNU leadership could not accept the same conditions which had been agreed by the other armed ethnic groups and the government could not treat the KNU differently from the other groups by agreeing to a separate set of demands, including a political dialogue, which could only take place within the National Convention;
- ▶ in view of the failure of the negotiations, the government had decided to send troops to the border areas to clear out

the KNU camps and reassert government control over the entire national territory;

- ▶ little significance should be attached to the Mae Tha Raw Hta meeting of ethnic groups held in January on the Burmese-Thai border, which was reportedly attended by representatives of several national races and which, inter alia, called for the dissolution of the "sham" National Convention and a tripartite dialogue between the State Law and Order Restoration Council, Aung San Suu Kyi and "pro-democracy forces", and leaders of the ethnic nationalities;
- ▶ most of the ethnic groups that were "in the legal fold" had not attended the meeting, and those that had done so had informed the government subsequently that they had not signed the declaration issued at the conclusion of the meeting;
- ▶ with regard to the prospects for a dialogue with Aung San Suu Kyi and the NLD, the only forum for political discussions was the National Convention, from which the NLD had chosen to withdraw in November 1995;
- ▶ the 1990 elections had not been held for the purpose of an immediate transfer of power since the 1974 Constitution had become irrelevant and a new Constitution was required before a transfer of power could occur, and more than six years had elapsed since the holding of those elections;
- ▶ there were no mechanisms to amend the composition and functioning of the National Convention and there was little point in opening a dialogue, however informal, on that or other matters with Aung San Suu Kyi and the NLD; and,
- ▶ a visit by the Special Rapporteur on the situation of human rights in Myanmar would take place at "an appropriate time".

Resolution of the Commission on Human Rights

At the 1997 session the Commission adopted, by consensus, a resolution (1997/64) in which it: expressed concern at continuing violations including summary/ arbitrary executions, death in custody, torture, arbitrary/politically motivated arrest and detention, absence of due process, restrictions on freedom of opinion, expression, movement, assembly and association; expressed concern at forced relocation, forced labour by children and adults, forced portering for the military, abuse of women and children by government agents and oppression of ethnic and religious minorities; expressed concern at the absence of significant steps towards establishment of democratic government; regretted the failure of the government to facilitate a visit by the Special Rapporteur; expressed concern at the exclusion of representatives elected in 1990 from the process of the National Convention and restrictions on delegates to the Convention process; expressed concern at restrictions on Aung San Suu Kyi and other political leaders, and the harassment, detention and forced resignation of elected representatives; expressed concern at forced relocation and other violations of rights of persons belonging to minorities; referred to the systematic recruitment of children into forced labour in violation of the Convention on the Rights of the Child; called on the government to end