

SPDC CONSTITUTION

On 9 February 2008, SPDC announced a referendum to ratify the constitution in May 2008, and elections under the new constitution, in 2010. Concerns about the SPDC constitution are:

1. The SPDC constitution drafting process was not democratic in process:
 - The National Convention delegates were hand-picked by the SPDC;
 - 1990 election winning parties made up only 10% of the delegates;
 - No debate on the constitutional principles was allowed;
 - Law No.5/96 proscribes 20-year jail terms for anyone discussing the constitution;
 - No recommendations made by delegates between 1993-2007 were accepted.
2. The SPDC constitution drafting process was not inclusive. Excluded are:
 - 1990 election winning parties including the National League for Democracy that won 80% of the parliamentary seats;
 - Ethnic nationality forces that do not have a ceasefire with the military.
3. The SPDC constitution is not democratic in content. The constitution has not yet been published. Based on the National Convention guidelines, the new constitution:
 - Political prisoners like Aung San Suu Kyi cannot contest the elections;
 - Basic human rights are not guaranteed;
 - Concentrates power in the President, who must have military experience;
 - There will be no independent judiciary;
 - There will be no independent legislature;
 - The President can decide the national budget;
 - The Commander-in-Chief can seize power if he deems national security is threatened;
 - The Commander-in-Chief will appoint 25% of national legislators;
 - The Commander-in-Chief will appoint 33% of regional and state legislators;
 - The Commander-in-Chief will appoint the Minister of Defence who reports to him;
 - The military will be independent of the new elected government;
 - Cannot be amended for 10 years.
4. The SPDC constitution will not lead to a democracy – ‘disciplined’ or otherwise.

The Burmese military first seized power in 1962. The State Peace and Development Council (SPDC) claims that it is a transition government; that the army had to seize power in 1988 to restore law and order, and stability; and that it is trying to establish a ‘disciplined democracy’.

The SPDC convened a National Convention to draw up guidelines for a new constitution in 1993. The guidelines are designed to give the military a leading role in politics. The process was completed and a constitution drafting commission was appointed in November 2007.