

A Critique of the SPDC Constitutional Principles¹

This paper provides a critique of the proposed constitution that has emerged from the *National Convention* process in Burma (Myanmar).² The Constitution will be referred to as the ‘SPDC Constitutional Principles’, on account of the fact that the military junta, the self-claimed *State Peace and Development Council* (SPDC), has dominated the drafting of this constitution and sidelined all other political voices.

Burma has lacked a constitution since 1988 when the former reincarnation of the SPDC, the State Law and Order Restoration Council (SLORC), abrogated the 1974 Constitution. Certain political observers inside Burma say that at least having a constitution – regardless of whether it is the best one or not – is better than having none at all.³ Such commentators believe that if a constitution emerges from the current National Convention process, then it would inevitably bring some, rather than no, advantages. As a result, the country would emerge from its dire straits.

This paper offers a counter-argument to the above viewpoint. Based on an analysis of the SPDC’s constitutional principles and the substantive flaws found within, it is argued that this model should be discredited as a constitution worthy of adopting. More specifically, the military junta’s dominance of the three arms of government, the lack of separation of powers, and the failure to genuinely guarantee basic human rights, provide sufficient grounds to reject the SPDC’s proposed constitution.

An Ideal Constitution

It is instructive to start by asking what a constitution is, and what purposes it should serve. For the purposes of this paper, a constitution is defined as: “A system, often codified as a written document, that establishes the rules and principles that govern an organization or political entity. In the case of countries, this term refers specifically to a national constitution defining the

¹ This analysis is based primarily on presentations given by U Aung Htoo, General Secretary of the Burma Lawyers’ Council, in line with the guidance of the BLC Executive Board, at the “Burma in Diversity” Symposium held at Thammasat University on 5 August 2007, as well as at the National Council of the Union of Burma (NCUB) press conference on 15 July, 2007. Lin Lei, a volunteer lawyer from Australia, with the assistance of other staff attorneys at the BLC, contributed to its compilation.

² BLC refers to the country as Burma, rather than Myanmar, in recognition of the fact that the military government unilaterally changed the name of the country without any democratic consultation.

³ Such opinions were reported by Khun Myint Tun, National League for Democracy MP-Elect during the NCUB press conference on 15 July, 2007.

fundamental political principles, and establishing the structure, procedures, powers and duties, of a government. Most national constitutions also guarantee certain rights to the people.”⁴ In other words, only when the constitution carries such fundamental provisions that grant rights and define governmental power, would it be better for a country to have one. Such a constitution would function to repeal any repressive laws that already exist, and similarly ensure that any legislation passed after the constitution is enacted, is not inconsistent with it.

A constitution should be formulated on the following grounds, all of which collectively embrace past, present and future concerns:

- Recognizing historical events and problems;
- Ascertaining the causes of problems presently facing the nation;
- Laying foundations for dealing with future problems.

A constitution carries the destiny of a country’s future. It should be an authoritative legal document that is reflective of lessons learnt in order to help bring about good governance, peace and stability for the people in the future. Most importantly, a constitution should be a primary mechanism to facilitate the peaceful resolution of conflict. It should have the effect of promoting the positive development of society and the country as a whole, and not be an instrument for justifying violence and repression.

Protection of Basic Human Rights

In selecting several provisions that ostensibly protect the basic human rights of citizens, it is evident that the wording operates in such a way to allow for those protections to be undermined by existing repressive laws. This can be illustrated by Principle 35:

SPDC Constitutional Principle 35 addresses the liberty of a person:

“No citizen shall, except matters on precautionary measures taken in accordance with law for the security of the state or prevalence of law and order or the peace and tranquility and interests of the people or matters permitted under an existing law, be held in custody for more than 24 hours without the remand of a competent magistrate”.

On first impressions, this provision appears to guarantee the security of the private person and seems to be reasonable. On closer analysis, however, there is a reservation about the custodial requirements which states, “except...permitted under an existing law.” This is known as an *exception clause*, and means that if a relevant existing law can be applied, then a person may be held in custody for more than 24 hours without the remand of a competent magistrate.

In present day Burma, there are several laws which restrict the liberty of a private person, and it is these such existing laws that would almost certainly

⁴ *Wikipedia Constitution* <http://en.wikipedia.org/wiki/Constitution> Accessed 12 August, 2007.

be invoked. For instance, the *1975 State Protection Law* is the one of the most abusive laws as it allows for a person to be held in custody for up to five years without any charge or trial. Burma's democratically elected leader, Daw Aung San Suu Kyi, is currently being held under house arrest pursuant to this law. Were the SPDC constitution to be enacted, this law would remain in force and therefore a person's right to a trial, and right not to be held in arbitrary detention, would be violated.⁵

The next area for examination is how the SPDC Constitutional Principles deal with other civil and political liberties, namely the freedom of expression, freedom of association, and freedom of assembly.

SPDC Constitutional Principle 10

"There shall be liberty in the exercise of the following rights subject to the laws enacted for State security, prevalence of law and order, community peace and tranquility or public order and morality:

- a) The right of citizens to express freely their convictions and opinions;
- b) The right of the citizens to assemble peacefully without arms;
- c) The right of the citizens to form associations and unions;
- d) The right of the citizens to develop their language, literature, culture they cherish, religion they profess, and customs without prejudice to the relation between one national race and another, or among national races and to other faiths."

This provision is very important in terms of measuring the degree of political freedom that Burmese people would be permitted. From a superficial reading, it seems that all the rights in question are clearly mentioned and that a constitutional guarantee is provided. Yet, on closer scrutiny, there is once again, an exception clause. While stating that citizens shall have the rights of freedom of expression, freedom of association and freedom of assembly, those rights will not be available if their exercise conflicts with the "laws enacted for State security, prevalence of law and order, community peace and tranquility or public order and morality." Put simply, citizens can demand those constitutionally guaranteed rights only when the exercising of those rights does not conflict with the broad range of abusive laws which the SPDC regime has enacted at its whim.

It is instructive to compare Principle 10 with a similar provision in Burma's 1974 Constitution.

"Every citizen shall have freedom of association, freedom of assembly and procession, freedom of speech, expression and publication to the extent that the enjoyment of such freedom is not contrary to the interests of the working people and of socialism".⁶

⁵ Pursuant to the *Universal Declaration of Human Rights*, especially Articles 9, 10, 11. G.A. res. 217A (III), U.N. Doc A/810 at 71 (1948).

⁶ The Constitution of Burma 1974, Article 157. See Burma Lawyers' Council website <http://www.blc-burma.org/html/Constitution/1974.html#cpt11>.

Following the enactment of the 1974 Constitution, workers demonstrated in the streets for an increase in state-issued rice rations. This public action was made by the workers in the belief that it was their constitutionally guaranteed right to assemble and express themselves in such a way. Nevertheless, the Ne Win regime cracked down on the demonstrators with armed violence, claiming that their actions were unconstitutional as they were contrary to Socialist beliefs.

Owing to the broad scope of the exception clause in SPDC Constitutional Principle 10, it is anticipated that even more severe restrictions will be imposed on the people of Burma than the 1974 predecessor. This point is best made with reference to the existing laws which are certain to be included in the interpretation of laws that are “enacted for State security, prevalence of law and order, community peace and tranquility or public order and morality.”

- Emergency Provision Act 1950
- Printers and Publishers Registration Law 1962
- State Protection Law 1975
- Law relating to Formation of Organizations 1988
- The Television and Video Law 1985
- The Motion Pictures Law 1996
- The Computer Science and Development Law 1996
- Law Protecting the Peaceful and Systematic Transfer of State Responsibility and the Successful Performance of the Functions of the National Convention against Disturbance and Oppositions 1996

This raft of legislation is Draconian in nature, and will remain in effect following the putative enactment of the SPDC Constitution. The resultant effect will be that such laws will severely curtail the people of Burma’s rights to expression, association and assembly.

Legislative Bodies

Section 1 of the SPDC Principles on the Legislature states the following: “The legislative power of the State is apportioned to the Union Assembly [People & National Assemblies]; the Regional Assemblies; and the State Assemblies.”

Meanwhile, the size and composition of the various legislative bodies are designated as such:

- Out of 440 representatives, 110 military personnel nominated by Chief of Staff of the Defense Forces will be members of the People’s Assembly.
- Out of 224 representatives, 56 military personnel nominated by Chief of the Staff of the Defense Forces will be the members of the National Assembly.
- Military personnel, submitted as representatives by Chief of Staff of the Defense Forces, whose number shall be equal to one third of the

number of representatives, will be members of the Regional and State Assemblies.

There is a clear abrogation of the principle of popular sovereignty, despite SPDC claims in the alternative. The SPDC has in effect decreed that i) military representatives will occupy one quarter of the seats in Parliament; ii) former military personnel and their cronies may also be elected as civilian representatives; iii) representatives of the Union Solidarity and Development Association (USDA), which is similar to Indonesia's Golkar Party,⁷ will participate in the election and occupy seats in the Parliament.

With the legislature weighted so heavily in the military's favor, any attempts made by elected civilian representatives to repeal unjust laws and enact just laws will surely be defeated.

Lack of Civilian Access to Law Making Processes

Since the military coup in 1962, all legislature processes have taken place behind closed doors. From 1962 – 1974, the military-constituted *Revolutionary Council* made the laws, while from 1974 – 1988, law-making was held under the tight reins of General Ne Win's Burma Socialist Programme Party (BSPP). While Members of Parliament were elected, they were effectively silenced under forced adherence to BSPP ideology.

The present situation is not so different. While an Attorney-General's Office exists, its function is simply to draft laws in strict accordance with directions handed down by the SPDC. There is still an absolute dearth of publicly accessible information about the law-making procedures.

Under the SPDC Constitution, the participation of the people of Burma in the law making process is systematically denied or excluded. As long as this is the case, there will be a stark deficit of laws which actually benefit the people, and the advancement of the country. Instead, laws that serve only to subjugate and repress Burmese people will persist.

The BLC submits that the following recommendations be integrated either in form or spirit into the Constitution of Burma, in order to encourage participatory democracy, accountability and transparency regarding the legislative process.

The legislative process should take into account the following:

- Members of the public should be able to raise questions or submit their opinions through avenues in the media;
- Civil society organizations should also be consulted about their opinions;
- Academics should also be able to present their research and findings;

⁷ The Golkar Party of Indonesia was the ruling party during Suharto's regime (1966 – 1998) and is the biggest party in Indonesian politics today. Besides being dominated by Suharto, it was also controlled by the Army, which allowed for it to pass legislation without any interference and form a Cabinet of Golkar-only members.

- Public debates should be allowed in universities and other open forums;
- Judicial officers should have access to legislative bodies regarding creation of judicial laws;
- Persons with the relevant expertise and experience according to the law in question should be consulted. For example, laws enacted about HIV/AIDS, environment, and land;
- Film footage of parliament in session should be taken and broadcast publicly;
- Written records of what is discussed in Parliament (also known as the *Hansard*) should be maintained and publicly available.

There is no provision in the SPDC Constitutional Principles about the above practices. Without such safeguards to ensure that democratic governance is upheld, it is certain that Burma's law-making process will remain unfair and abusive.

The Judiciary

It is widely accepted that democratic societies should adhere to the following principle regarding officially appointed arbiters of the law: that the Judiciary must be both independent and impartial.

Notwithstanding the SPDC Constitutional Principle that the Judiciary is to "Administer justice independently, according to law," the reality is far different from that which is implied. The structural and political factors are not in place for the Judiciary to be properly independent, and accordingly, the Judiciary does not enjoy institutional independence from the interfering hand of the SPDC military government.

In an effort to ascertain the degree to which a Judiciary is independent, there are seven factors that should be considered: How the judges are appointed and by whom; whether or not judicial tenure is guaranteed; how the removal of judges from office is to be done; how the remunerations and the compensation of judges are managed; how the budget for administering justice is allocated; how the laws which govern the justice system are enacted; and, how much power the courts are entitled to.

Appointment of the Chief Justice of the Supreme Court

The 1947 Constitution of Burma states the following three elements as necessary in the appointment of the Chief Justice:

- The advice of the Prime Minister;
- The approval of both chambers of parliament in joint sitting;
- Appointment by the President [whose role is ceremonial].⁸

⁸ Article 141 of The Constitution of the Union of Burma (1947): "The Chief Justice of the Union shall be appointed by an order under his hand and seal, in consultation with the Prime Minister and with the approval of both Chambers of the Parliament in joint sitting."

The matching provision in the SPDC Constitutional Principles states that:

- The Chief Justice is to be appointed by the President [who will exercise full executive power];
- With the approval of both chambers of parliament in joint sitting;
- The Parliament cannot reject the Chief Justice nominated by the President unless the Parliament can provide evidence that the Chief Justice should be disqualified for the position.⁹

A brief comparative analysis between the 1947 Constitution and SPDC provisions illustrates the deficiencies in the latter in terms of securing independence and impartiality for the Judiciary. The 1947 Constitution provided a strong degree of judicial independence, and the appointment of the Chief Justice was no exception. Appointments were made by President on the advice of the Prime Minister, and with the approval of both chambers of parliament in joint sitting. The Prime Minister was not authorized to appoint the Chief Justice as [s/]he was charged with exercising supreme executive power. In other words, appointments were made not by the Executive but by the President.

While the 1947 system of a President-appointed Chief Justice seems to be the same as the SPDC proposal, they are markedly different in practice. Under the 1947 Constitution, the President is merely the ceremonial head of the state and does not exercise Executive power. By contrast, the SPDC constitutional principles call for the Chief Justice to be appointed by a President, who is also the Head of the Executive with full powers.

Moreover, the composition of the Parliaments under the 1947 and SPDC constitutions differ significantly. While the former comprises members of parliament who are elected directly by the people, the latter requires that 25 percent of the members be appointed directly by the military. A striking difference is that under the 1947 Constitution, Parliament was able to hold free and open debates about the appointment of the Chief Justice. Under the SPDC constitutional principles, Parliament is restricted from debating any topic other than whether there is sufficient proof for disqualifying the Chief Justice. Exactly what conditions must be met in order to prove the case for disqualification is left unclear. It is arguable that the SPDC constitutional principles allow the President broad enough powers to appoint a Chief Justice according to whatever grounds suit him/her.

Removal of the Chief Justice

1947 Constitution

- The removal of the Chief Justice must be informed formally with the signature of one-quarter of the members of parliament;
- The charge on the Chief Justice must be taken into consideration only when half of the parliament members who attend the meeting approve it.

⁹ Detailed Basic Principles for the Judiciary, Section 2(c).

SPDC Constitution

- The President shall submit his proposal for impeachment to the Union Assembly
- For any of the following reasons:
 - Commission of high treason;
 - Violation of any provision of the Constitution;
 - Gross misconduct.

Clear safeguards exist for a fair process of dismissal of the Chief Justice pursuant to the 1947 Constitution, such as ensuring at least 25 percent of parliamentarians agree formally to the decision and that at least 50 percent of parliamentarians who are in attendance when the decision is taken approve it. By contrast, the SPDC principle vests the President just one individual with the executive power to propose the termination of the Chief Justice's term of office. Moreover, it may be done on such nebulous grounds as "high treason" and "gross misconduct." This begs the question of just how widely these terms should be interpreted and applied. What kinds of action can be called "high treason"? As there are no guidelines or explanation in the SPDC Constitutional Principles, it may be concluded that the chief justice will always be under the threat of dismissal by the President, and would be required to keep favor with the President in order to retain his/her position.

The Executive

The next focus is the Executive chapter of the SPDC constitution. A serious problem is that the SPDC's legal advisors (including the Supreme Court Chief Justice), who have a major responsibility in conducting the National Convention, have never consulted the delegates about different forms of government that could be adopted.

In basic terms, there are two main institutional forms of government:

1. Parliamentary system (principle of representative democracy)
 - The party which wins the majority of seats in the parliament can form the cabinet;
 - The executive body is led by the Prime Minister who is elected by the winning party, and not by direct popular vote.
2. Presidential system (principle of direct democracy)
 - The candidate who won the majority votes in the presidential election, together with his/her party, forms the government;
 - The President is elected by direct popular vote and leads the Executive.

Under the presidential system of government, the roles of the President and the parliament are separated. The parliament's task is to make law and the President's task is to exercise executive power. The Presidential system works effectively in countries where there are some well developed structures in place, such as civil society organizations, media, political watchdogs, and a relatively high level of political awareness amongst the public. For example,

the United States practices a very robust form of government using the presidential (also known as a congressional) system. A large proportion of countries in the so-called developing world (approximately 33 countries), and especially in Latin America, which have instituted the Presidential system, have ended up in chaos, violence and civil war. A common problem is that the parliament could not check and balance the power of the President.

Under a parliamentary system of government, the Prime Minister is not elected directly by popular vote but instead by the parliament from among his/her peers. Generally, the majority winning party forms the Executive body but this is not always the case. Even if the winning party occupies the majority of seats in the Parliament, it may give the Prime Ministerial role to a party which occupies fewer seats. An electoral system of proportional representation helps ensure Parliamentary representation of all political forces, regardless of the total numbers of ballots that each political party receives. Such a system will foster a political culture based on negotiation in the Parliament, resulting in the emergence of a united polity inclusive of Burma's diverse ethnic populations.

Concerns with the Presidential System for Burma

If the presidential system of government were to be instituted in Burma, there would be three key areas of difficulty:

1. Nationality problem: Which nationality would the President represent? Given that the country's population consists of a Burman majority along with a diverse group of ethnic minorities, the ethnicity of the President would have great significance and impact.
2. Predictable election outcome: Since the President is to be elected directly by popular vote, it is highly likely that the President will always be from the dominant political party that has the greatest number of members.
3. Political exclusion: A political party which is founded on the basis of a particular ethnic nationality would not have an opportunity to become a major political party. This would preclude an ethnic minority group from fielding one of their own candidates for President, unless they were co-opted by one of the dominant parties.

A Fabricated Electoral System: Deceiving the People

Almost all countries which practice the Presidential system elect the President by direct popular vote, regardless of potential problems. An outstanding feature of the SPDC presidential system of election is that there are no other countries in the world that use a similar one. Pursuant to the SPDC constitution, the President is not elected directly by a popular vote. Instead, the President is selected from one of the three different groups which make up the parliament, and one of these is a military personnel representatives group appointed by the chief of staff of the defense forces. The result is that the President is no longer accountable to the people, and accordingly the

people can not control the actions of the President. This is certainly an unusual electoral system that has been designed to deceive and confuse the people of Burma.

The Presidential Election body will comprise three groups:

- 1) elected representatives of the National Assembly
- 2) elected representatives of the People's Assembly
- 3) military personnel representatives

Each group shall elect one candidate and the President will emerge from these three individuals. The remaining two will become the deputy Vice-Presidents. Considering this, it is a certainty that a representative from the military personnel will become either the President or the Vice-President of the State. It is further problematic that an SPDC principle states that the status of the Chief of Staff of Defense carries the same status as Vice-President.

Additional structural concerns are as follows:

1) The SPDC Constitution states that only the President ranks above the Chief of Staff of Defense; and the Minister for Defense is ranked under the Chief of Staff of Defense. Constitutionally, the Minister for Defense should rank above the Chief of Staff. Moreover, the SPDC constitution provides that military generals shall be appointed as Ministers in the following government departments: Defense Services, Security, Home Affairs, and Border Affairs. And of grave concern is that the President is also appointed to be the President of the Treasury Commission, which means that the military controls the financial management of the country.

2) The relationship between the Supreme Court and the President is also worrisome. In most countries with the presidential system, the Supreme Court has the ability to hand down a judgment that may over-rule a decision by the President. In the case of the SPDC Constitution, the reverse is true and the President has complete control over the Supreme Court.

Evidently, rigid centralization and continued domination by the military is clearly provided for in the SPDC Constitution.

Lack of Civilian Rule

A general analysis indicates that civilian ruled governance is absent from the SPDC constitution. Rather, the supremacy of the military is still evident. It appears that the SPDC constitution relies strategically on exercising divide and rule tactics over Burma's ethnically diverse population, which provides dim hope for the establishment of a harmonized society. Acceptance of the SPDC constitution will likely perpetuate the worst centralized military rule in Burma's modern history. Given that the Chief of Staff of Defense is constitutionally recognized as the highest judicial officer in the military justice

system, the life and destiny of the Army personnel will assuredly be in the hands of the Chief of Staff of Defense.

Lack of Incorporation of International Law

As the world becomes increasingly globalized, it is a matter of good foresight that all constitutions contain provisions relating to the means of adoption and implementation of international law at the domestic level. And yet there is no provision in the SPDC Constitution relating to the incorporation of international law. Instead, it allows the Chief of Staff of Defense Services and his subordinates to control the country according to their own will.

Denial of Emergence of Civil Society

In light of global environmental problems such as climate change, there are no provisions in the SPDC constitution relating to the effective protection of the environment. In today's media and information age, news agencies are serving people by distributing information and empowering them with knowledge and the capacity to solve problems through cooperation. And yet there is no provision in the SPDC Constitution relating to the importance of a free and independent media. Moreover there are no constitutional provisions that recognize the need for and value of civil society. At a bare minimum, the constitution should grant the existence and independent function of social organizations which, for example, provide aid to children, orphans, women, and HIV/AIDS patients, and that of environmental organizations.

No Rule of Law Foundation for Economic Development

The SPDC claims that political stability under a disciplined democracy will allow for the development of the country's economy. While this is not entirely untrue, as there is a connection between political stability and economic development, it is important to note that political stability can only be genuinely achieved if, and when, the rule of law exists. These ingredients provide a firm basis for economic development. To illustrate this point, Singapore may not be a fully-fledged democracy but since the rule of law is clearly in existence, its strong economy can be attributed in part to its democratic practices. China's situation is similar, particularly commencing from 1980. Another case in point is South Korea. From dictatorship to democracy, the economy moved from strength to strength as political stability and democratic practices based on the rule of law have taken root.

It is important to understand the development of a country's economy in connection with the existence of the rule of law. The collapse of Burma's economy has much less to do with the economic sanctions that are advocated for by pro-democracy groups, and much more to do with foreign investors withdrawing due to the desperate lack of infrastructure, namely inadequate energy sources, poor transportation and communication – all of which are essential for doing business properly. The inescapable culture of corruption and bribery were additional reasons why foreign business started to decline.

For example, the Singapore company *Yaung Chi Oo* operated its business inside Burma for approximately 4 ~ 5 years only to have the SPDC unilaterally seize the company in its entirety. The company was completely ruined and consequently withdrew from Burma. Following that episode, many foreign companies withdrew from Burma after taking stock of the negative experience of *Yaung Chi Oo*. These foreign investors' rationale was not about supporting democracy in Burma, but rather, coming to terms with the lack of rule of law which has detrimental effects on the country's economy and major industries. In spite of this, the SPDC constitution fails to include provisions which prevent such incidents from taking place again in the future. At the same time, approaching the issue of economic development from a labor rights perspective is also critical. Constitutional provisions that would allow for the domestic incorporation of International Labor Organization (ILO) Conventions do not exist.

Democratic Transition

When a country transitions from authoritarian rule to democracy, it is essential to have transitional provisions in the constitution to help provide guidelines and limitations. No such provision exists in the SPDC Constitution. Issues such as how to address the massive human rights violations of the past; resettlement of refugees, internally displaced persons, and migrant workers to their respective home towns; and how to provide remedies to those who have experienced forcible relocation, destruction of their villages, and land confiscation, all need to be broached. Provisions dealing with the disarmament of ceasefire and militant groups, and their transformation into legitimate civil society organizations are worthy of mention.

Moreover, constitutional provisions regarding the formation of essential institutions and mechanisms to help put the country back on track must be considered. An independent human rights commission to protect people from human rights violations; and the establishment of an Ombudsman to supervise and inspect the performance of public servants, are two such examples. Others would include the establishment of an administrative court to impeach the governmental agencies if duties were improperly executed, and a constitutional (or federal) court to settle problems arising between different tiers of government, and also with political parties, in a federal system.

Conclusive Analysis on the SPDC's Constitutional Principles

There are nine key reasons why the SPDC Constitution is substantively flawed.

- Basic human rights are not guaranteed;
- Principles of equality and popular sovereignty are ignored;
- The rule of law, which is a major foundation for economic development, is neglected;
- Existing unjust laws will remain in force and more unjust laws will emerge;

- The Judiciary will be under the direct control of the Executive and justice will be denied;
- Self-rule and shared rule for ethnic nationalities will not be a reality;
- The Executive is the focal point of the Constitution and the President, together with the Chief of Staff of Defense Forces, will exercise rigid centralization;
- Governmental institutions which will balance the power of the Executive are absent;
- Military supremacy, rather than civilian supremacy, will be exercised.

It is almost certain that repressive laws, policies and institutions of the ruling military regimes will remain in force even after the putative adoption of a new SPDC constitution. Despite the SPDC constitution having already been in the drafting process for 14 years, self determination for ethnic nationality groups, and the guarantee of civil and political rights remain elusive. The SPDC Constitution will not help to resolve the long-running conflicts which exist within the society. Nor will it provide the fundamental principles for a genuine democratic state where human rights are respected and good governance may develop. On the contrary, it is highly plausible that the SPDC Constitution will serve to further ingrain the conflicts, and pull the people of Burma into deeper poverty. In turn, this may result in greater instability and the eventual collapse of the society.