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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. (A detailed analysis can be observed in the attached file.)

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