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## Preface

Under the sponsorship of the Military Regime, State Law and Order Restoration Council (SLORC), now known as State Peace and Development Council (SPDC), the general elections were held in Burma in May 1990 to form *Pyithutt Hluttan*, or People's Assembly. Following the electoral victory of opposition party National League for Democracy (NLD) led by Nobel Peace Prize winner Daw Aung San Suu Kyi, the military junta issued Order 1/90 to justify their refusal to recognize the election result. Order No. 1/90 stated that the duty of the elected representatives is nothing more than drafting a new constitution and the military, that held power under martial law, was not bound by any constitution, and would hold power until it ensures that a sufficiently strong constitution is in place.

In mid 1992, SLORC announced a plan to convene a National Convention, or Constituent Assembly, to lay down guidelines and basic principles for a new constitution. The National Convention held its first session on 9 January 1993. Sessions of the National Convention have been postponed several times. After almost seven years, the National Convention still has not completed its work.

SLORC unilaterally declared that the National Convention was convened to achieve 6 aims, with the primary stipulation that the *Tatmadaw* (army) would take the leading role of national politics in the future. The legality of the National Convention is highly controversial and arguably illegal: it is self evident that the military junta has no political mandate or legitimacy to convene it. This became clear after the NLD withdrew from what many have called the "shady manoeuvrings" of the regime.

The principles being laid down by the National Convention do not meet the will of the people and the needs of Burma's diverse ethnic groups.

It is anticipated that Burma's current military regime, the State Peace and Development Council (SPDC) will soon reconvene its National Convention to formally "endorse" the military's constitution. There will be no further debate or public discussion. There will not even be a free and fair vote on the new constitution within the National Convention. The military's constitution will be imposed on the people of Burma without their approval, perhaps in the form of a staged referendum (similar to the staged referendum used to endorse the military's 1974 constitution).

This booklet will examine how the constitution drafting process of the Military Regime, the National Convention and the constitutional principles approved by it are undemocratic.

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## **The Military's Constitutional Principles: Strengthening Military Authoritarianism**

Significant portions of the military's new constitution have now been published in the "New Light of Myanmar", Burma's pro-military newspaper. The detailed "principles" suggest that the military's constitution is now close to its final form. (See detailed Constitutional Principles)

The constitution establishes an authoritarian centralist government with very few checks and balances. The military is to be entrenched in every institution of State, including the Union Presidency, the Union Government, the Union Assembly (comprising the People's Assembly and the National Assembly) and the Regional or State Assemblies. The constitution is fleshed out with repetitious and irrelevant provisions. In many respects the constitution is vague and confusing and open to conflicting interpretations. Drafting a constitution in this manner appears designed to conceal the true nature of the constitution.

The military is effectively established as an ultra-constitutional organization. It is to be above the constitution and above the law. The "Chief of Staff of the Defence Forces" is the most powerful person under the constitution. His appointment and removal are not referred to in the constitution. It is anticipated that he will be beyond the control of a civilian government. The Chief of Staff of the Defence Force and the military will be regulated by the military's own regulations, which will override the constitution.

The Chief of Staff of the Defence Forces is entitled to nominate twenty five percent of all members of the People's Assembly, the National Assembly and the State and Regional Assemblies. The Chief of Staff of the Defence Forces is also entitled to nominate the Minister for Defence (i.e. the Chief's own boss), the Minister for the Interior and the Minister for Border affairs.

Members of the Union Assembly appointed by the Chief of Staff of the Defence Forces are entitled to nominate a Vice-President of the Union. The "elected" members of the Union Assembly nominate two further vice Presidents.

Members of the Union Assembly then form an Electoral College to elect a President of the Union from among the three Vice-Presidents. It is anticipated that the members of the Union Assembly appointed by the military will form a block vote and unite with the

## **The Military's Constitutional Principles: Strengthening Military Authoritarianism**

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political parties aligned with the military to ensure that the Vice-President nominated by the military is elected as the President.

The proposed system is essentially a presidential system, with extensive powers vested in the President who is subject to very few limitations. Apart from the ministers nominated by the military, the President nominates the ministers in the Union Government. A minister may come from inside or outside of the Union Assembly, and may or may not be a military officer.

The Union Assembly is the national legislature and will comprise of a Peoples Assembly and a National Assembly. The National Assembly, theoretically, represents the states and regions. Seventy-five percent of the membership of each Assembly is to be "elected". The constitution is vague as to the true nature and functions of each Assembly. It is unclear whether the Assemblies may exercise any "legislative" powers at all.

The constitution is silent on the entire law making process. It is unclear who can initiate laws and whether laws must be passed through the one house or both houses of the Union Assembly. It is unclear whether the President and the Ministers of the Union Government are subject to laws passed by the Union Assembly. It is unclear whether the President can veto or ignore laws passed of the Union Assembly. These discrepancies are deliberate and are designed to give the military some flexibility in controlling the government.

The Union of Burma is to be divided into seven states and seven regions (similar to the division established by the military's 1974 constitution). The President will appoint a Chief Minister for each state and region. A partially elected Legislative Assembly will also be established in each state and region. It is unclear whether the governments of the states and regions will have any administrative and legislative functions. No functions are guaranteed by the constitution. Any administrative or legislative functions must be delegated (and can be removed) by the President of the Union. The military has deliberately avoided the formation of any type of federal system of government in accordance with the demands of Burma's ethnic nationalities. However the military is attempting to create the appearance of a federal system by establishing powerless state governments and legislatures.

While seventy-five percent of each legislature established in the Union of Burma is to be "elected", there are no constitutional guarantees of democratic procedures. There are no guarantees that the representatives will be elected by the people in a free and fair vote. There are no guarantees of free speech or political activity. There is no freedom for the media. There are no human rights protections. In fact there are no general protections for the people or at all in the constitution. There are no guarantees of equal rights or any special protections for Burma's ethnic nationalities.

Freedom of association is not protected by the constitution. At present it is not possible to establish or join a political party. It is anticipated that the military will establish a Suharto style democracy in which only political parties approved by the military are permitted to contest a staged election, which will be dominated by the military's new political face, the Union Solidarity and Development Association (USDA).

The USDA was established in September 1993, under the patronage of Senior General Than Shwe, as an instrument for the mobilisation of support for the military government. The objectives of the USDA were almost identical the SLORC's own objectives, i.e. "to strengthen state sovereignty, to prevent disintegration of national unity", etc. Members of the USDA are believed to be responsible for the attack on Daw Aung San Suu Kyi's motorcade in November 1996.

The constitution also establishes a servile judicial system comprising of a Supreme Court and subordinate courts. There are no guarantees for the rule of law or for the independence of the judiciary from interference from the military. Judges of the Supreme Court are to be nominated by the President and must be independent of "party politics". There are no guarantees of tenure for the Judges who may be dismissed in the discretion of the President. While the constitution provides a mechanism for the impeachment of a Judge, the President is not obliged to follow this procedure or to comply with a negative outcome of a trial held in accordance with the procedure.

The jurisdiction of the Supreme Court is neither detailed nor guaranteed by the constitution. It is unclear what matters the Supreme Court may consider. It is unclear whether the Supreme Court can even interpret the constitution. It is also unclear whether there are any limits on the court's jurisdiction. There is nothing in the constitution to prevent the Supreme Court convicting a person on the basis of a retrospective law or in the absence of any law at all.

The National Convention has been a farce and a sham to camouflage a constitution drafted by the military to entrench its own role in the future political affairs for Burma. The military has abused the constitutional drafting process to cling to power while progressively dismantling the democratic opposition within Burma.

The military's undemocratic constitution will form the basis for a new mutation of military rule to extend its control of Burma, entrenched since 1962, into the foreseeable future.

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## Background Facts on the 1990 General Election and the National Convention

Almost nine years have now passed since general elections were held to elect representatives to the Burma's Parliament. For almost nine years Burma's military rulers have denied the people's representatives an opportunity to convene their Parliament on the fallacious pretext that a parliament cannot be convened in the absence of a constitution. For almost seven years the military has been drafting a new constitution under the cloak of a "National Convention". The National Convention has been contrived by the military to legitimize an undemocratic constitution entrenching a "leading role in national politics" for the military. The degradation of the constitutional drafting process by the military denies the people of Burma an opportunity to establish a genuine democratic system of responsible government.

### The 1990 General Election: Elections for the People's Assembly

General elections were held in Burma on 27 May 1990 following over two years of civil disturbance against the military's rule. The National League for Democracy (NLD), under the leadership of Daw Aung Suu Kyi, won over 80 percent of the seats in the new parliament. Political parties dedicated to the restoration of democracy, including the NLD, won all but 10 seats in the 485-seat legislature.

These elections had been called "to elect representatives of the People's Assembly" (According to the introductory words of the State Law and Order Restoration Council Order Law No. 14/89 of 31 May 1989. Also referred to as the 'People's Assembly Election Law').

A "People's Assembly" (i.e. Parliament) was established by Burma's 1974 constitution and operated (under the control of the military) until it was dismissed by the military on the 18 September 1988. According to Article 41 of the 1974 constitution:

"The People's Assembly is the highest organ of state power. It exercises the sovereign powers of the State on behalf of the people"

While Burma's parliament and other state institutions were abolished by the military in

September 1988, the Constitution of 1974 remained in effect though suspended by implication of the military's coup.

In its first announcement on assuming power on 18 September 1988, the military's State Law and Order Restoration Council (SLORC) advised that it had assumed state power, *inter alia*, "to stage democratic multiparty general elections". The SLORC quickly promulgated the Political Parties Registration Act and permitted political parties to register, recruit members and to engage in limited political activities.

On the 31 May 1989 the SLORC enacted the People's Assembly Election Law "In order to hold free and fair multi-party democratic general elections and to elect representatives of the People's Assembly". According to Article 3 of the Election Law: "The People's Assembly shall be formed with the People's Assembly representatives who have been elected in accordance with this law".

Although the 1974 constitution remained effective, the SLORC advised in its 43<sup>rd</sup> News Conference of the 9 June 1989:

"Presently we have two constitutions in our country; that is the 1947 Constitution and the 1974 constitution ... The elected representatives can choose one of the constitutions to form a government, and we will transfer power to the government formed by them. We are ready to transfer power to the government that emerges according to the constitution. If they do not like the two existing constitutions, they can draw up the constitution ... The elected representatives are to draw up the constitution"

### The military refuse to convene the People's Assembly

Following the stunning victory of the democracy parties in the May 1990 elections, it quickly became apparent that the military had no intention of transferring power to the newly elected Parliament. At least, it would not transfer power to a parliament dominated by pro-democracy parties. The military had anticipated a victory by the pro-military, National Unity Party, the successor organization of the former ruling Burma Socialist Program Party, which was heavily financed and backed by the military.

However the popularity of Daw Aung San Suu Kyi and the NLD had skyrocketed and the people's disenchantment with the military and awareness of democratic alternatives were at a peak.

To deflect the mounting domestic and international pressure to recognize the election results and to convene the People's Assembly the SLORC announced that a new constitution must first be approved before the People's Assembly could be convened.

### The Military's steps toward a new constitution

## Background Facts on the 1990 General Election and the National Convention

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In the SLORC's first official statement of its position since the May elections, Maj-Gen Khin Nyunt, First Secretary of the SLORC, announced during the SLORC's 100<sup>th</sup> News Conference on 13 July 1990:

"At the present time we should consider the choice between the 1947 Constitution and the 1974 Constitution. It is evident, because of changing times and conditions, that neither constitution is now suitable or usable. So which constitution should we use in transferring power? We should draft a new constitution. For a strong government to emerge we should proceed systematically according to the law.

...The winning parties are to work for the emergence of a resolute constitution in the long term interests of the state and the entire people. The political parties are responsible for drafting the constitution.

As for our SLORC, we will not regard it as something that is of no concern to us. I would like to say that the SLORC would give as much possible assistance as possible. ...it is of concern to us and we are responsible for it."

Two weeks later, on the eve of a meeting of NLD representatives elected to the People's Assembly, the SLORC issued Announcement No. 1/90.

"... a political organization does not automatically obtain the three sovereign powers of legislative, administrative and judicial powers by the emergence of a People's Assembly. These powers can only be obtained based on a constitution.

... the representatives elected by the people are responsible for drafting a constitution for the future democratic state.

Drafting an interim constitution to obtain state power and to form a government will not be accepted in any way, and if it is done, effective action will be taken according to the law."

The elected representatives of the people would not be permitted to convene the People's Assembly. They would, according to these announcements, be permitted to draft the constitution, but not an interim constitution.

In its Announcement No.1/90 the SLORC also announced its three guiding tasks: "the prevention of disintegration of the Union, the prevention of disintegration of national unity and the perpetuation of sovereignty". These principles would soon become the guiding principles for the drafting of SLORC's own constitution. These principles of extreme nationalism are designed to deny equality and self-determination to Burma's numerous ethnic nationalities.

### The demands of the People's Representatives

Despite SLORC's Announcement No. 1/90, the NLD's elected representatives to the

People's Assembly gathered at Gandhi Hall in Rangoon to discuss the issue of the transfer of power and the formulation of an interim constitution.

In its Gandhi Hall Declaration of the 29 July 1990 the NLD parliamentarians, representing over 80 percent of the elected representatives of the People's Assembly, endorsed the NLD's "1990 Provisional Constitution (draft)". This interim constitution was based on Burma's 1947 Constitution and provided a solid constitutional basis for the convening of the People's Assembly. The NLD representatives announced that: "It is our conscious opinion that this provisional constitution will bring about the transfer of power in accordance with the law".

In respect of the drafting of a permanent constitution the NLD representatives declared in point 9 of the Gandhi Hall Declaration:

"Only the People's Assembly has the responsibility to adopt the new constitution. ... A constitution drawn up at any time and at any place other than the People's Assembly ... will not have an executive power [and] will not have any honour. It is of vital importance to convene the People's Assembly expeditiously so as to draw up a new constitution which aims at building a new democratic union aspired by the people."

It was also resolved to call on the SLORC to convene the People's Assembly in September 1990 and for the SLORC to engage in a dialogue with the NLD.

In a joint statement dated the 29<sup>th</sup> August 1990, representatives from the NLD and the United Nationalities League for Democracy (who collectively represented over 95% of all elected representatives of the People's Assembly) issued the Bo Aung Gyaw Declaration No. 1. This declaration endorsed the resolutions of the Gandhi Hall Declaration and further stated that "the People's Assembly should write and promulgate a lasting constitution". A committee of suitable persons, including representatives of Burma's ethnic peoples, was to be established under the supervision of the People's Assembly to formulate principles for the drafting of a new democratic constitution.

### **Emergence of the National Convention**

The SLORC refused to convene the People's Assembly or to enter negotiations with the NLD. The SLORC soon hinted that it would establish a National Convention to discuss the constitution. However over two and a half years passed before the SLORC's National Convention held its first session in January 1993.

According to the National Convention Procedural Code (1993) the National Convention was tasked with "laying down principles for the drafting of a 'firm' constitution". Theoretically, the People's Assembly remained responsible for drafting the final constitution, and once the constitution was finalized the transfer of power to a democratically elected government would be effected by the military.

The SLORC's National Convention has many superficial qualities creating the



## Background Facts on the 1990 General Election and the National Convention

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appearance of a genuine constitutional drafting institution. The term "National Convention" itself is frequently used to refer to constitutional drafting institutions established by democratic nations seeking popular participation in their constitutional making processes.

The SLORC has also incorporated the terminology (but not the spirit) of Bo Aung Gyaw Street Declaration No. 1. Hence the National Convention is tasked with "laying down principles" rather than drafting a constitution itself. Also, representatives from several ethnic peoples and other appropriate organizations and individuals are said to be participating in the convention.

The National Convention also appears to be a predominately civilian organization, with delegates coming from an apparently diverse range of social groups. The SLORC therefore argues that it is engaging in widespread public consultation in its constitutional making processes. A small number of elected representatives were also entitled to participate in the National Convention.

The National Convention Procedural Code contains several features to cloak the National Convention in a veil of legitimacy. For example, one (of the six) of the aims of the constitution is the "development of genuine multi-party democracy" (Art. 1(d)). Delegates "have permission to openly discuss their ideas and suggestions ..." (Art. 5 (c)). There are also vague references to "efforts for consensus" between delegate groups (Art. 30(a)).

### The nature of the National Convention: Total control of the military

In reality the National Convention is a scam. It is tightly controlled by the military to ensure its acquiescence to a constitution drafted entirely by the military. In reality the representatives of the people elected in the May 1990 elections have been entirely excluded from the constitution drafting process.

The SLORC has adopted several mechanisms to control the National Convention which have been revealed from an analysis of media reports and the National Convention Procedural Code and in particular from the eye witness testimony provided by two former participants, U Daniel Aung and U Khun Marko Ban, who have since fled to Thailand.

Firstly, almost all delegates were pre-selected by the military. Only 99 out of the total of 702 delegates were elected representatives. Many of the civilian delegates were unaware of the true nature of the National Convention and attended in good faith in the belief that they may influence the military's new constitution. However delegates to the National Convention were predominately pre-selected on the basis that they were expected to support the military's objectives. While in attendance at the National Convention delegates were entitled to a significant wage, housed in comfortable accommodation and provided with medical and shopping facilities. Various goods and services were provided to delegates that were not ordinarily available to members of the public.

Secondly, the military directly controls the proceedings of the National Convention through its organizing committees (including the NCCC and the NCCWC). These committees are dominated by senior military officers and co-ordinate and manipulate every aspect of the convention. For example, every speech must be approved by the military's NCCWC committee and every session of the National Convention is chaired by a member of the NCCWC. A row of military officers (being members of the NCCC and NCCWC) sit along the front row of the National Convention creating an intimidating environment for each speaker. All delegates to the National Convention are constantly monitored by military intelligence. A delegate expressing any dissatisfaction with the military or the National Convention is quickly removed. One delegate was arrested and expelled for suggesting, in private, that the current military rulers, the SLORC, were the same as the former ruling Burma Socialist Program Party.

Thirdly, the National Convention Procedural Code, on the whole, is the primary instrument for the suppression of free dialogue at the National Convention. All discussions and principles derived by the National Convention must be within the aims set out in Article 1 of the code, and include the "participation of the military in the leading role of national politics" (art. 1(f)), the "non-disintegration of national unity" (art. 1(b)) and the "stability of sovereignty" (Act. 1(c)).

A delegate may only speak before the National Convention if approved by the military's NCCWC (art. 5(c), 16(c) & 37). To obtain approval a delegate must first submit a discussion paper to the NCCWC for its approval. If approved, the delegate's discussion paper may be substantially edited by the NCCWC. A delegate may only speak in accordance with the approved discussion paper (art. 45(j)). All "discussions" (i.e. recitation of the discussion paper) during the National Convention must be limited to promoting the aims set out in Article 1 of the Procedural Code (art. 5(c)). Further, delegates must not indulge in "grandstanding speeches"(art. 45(i)), nor "use language damaging to national unity" (art. 45(b)), nor speak "defamatorily against the beneficence of the State" (art. 45(a)). Delegates must not indulge in speeches "damaging the prestige of other organizations" (i.e. the military)(art. 45(i)) and a delegate must not distribute any papers on the convention premises, without the permission of the NCCWC (Art 47(e)).

Breaches of these provisions are severely dealt with by the military authorities. One delegate, Dr Aung Khin Sint, was arrested and sentenced to 20 years imprisonment for distributing a paper among delegates.

Fourthly, the military controls the flow of all information from the National Convention. All information in relation to the National Convention, including discussion papers, are regarded as "state secrets" (Code art. 8(j), 16(h), 47(f)). All "news" in relation to the National Convention may only be released by the military's NCCWC (Code art. 8(j)). It is theoretically illegal to discuss even the colour of the floor coverings at the National Convention. Any criticism of the military's constitution expressed by a delegate on the floor of the National Convention will never reach the ears of the Burmese public. In fact it would be very difficult to know what happens in the National convention if it was not for the information supplied by former delegates who have fled Burma.

Fifthly, delegates to the National Convention are not permitted to form a collective

## Background Facts on the 1990 General Election and the National Convention

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view on any issue. Delegates are only permitted to discuss issues in relation to the constitution, which have been approved by the military's NCCWC. Delegates are not permitted to vote on any issue or attempt to form any type of consensus. The Procedural Code makes no provision for voting, secret or otherwise, on any issue before the National Convention.

In reality, delegates to the National Convention have not approved the constitutional principles emanating from the National Convention. This is not their function. Delegates to the National Convention may only express an opinion of support for constitutional principles submitted by the military.

Finally, the National Convention is being held in Burma, which has been ruled by the military since 1962. There is no freedom of speech, freedom of press or freedom of association. Human rights abuses by the military are widespread throughout Burma. Delegates to the National Convention are frequently subjected to intimidation by the military while the convention is out of session. One delegate, Sai Soe Nyunt, was severely beaten by a group of soldiers in December 1996. Suffering from severe injuries, including a broken jaw, he was bound and dragged to a military camp of Infantry Battalion 58. After further beatings he was taken to Maj. Win Thu who told him "...National Convention. It is full of whores, drug abusers, and drug runners. It is nonsense! Get out of it!". Sai Soe Nyunt received no medical treatment for his injuries, and no action was taken against his attackers.

The National Convention established by the military lacks any credibility as a constitutional making body. It is un-elected and unrepresentative. There is no freedom of speech or discussion. There has been no public consultation or participation. Public discussion outside the National Convention is prohibited. The National Convention is a front. The draft constitution presented to the media has been fully drafted by the military without any significant assistance from the National Convention.

### The NLD and the National Convention

The National League for Democracy, elected to represent the Burmese people in the May 1990 elections, is prevented from forming a government and has been denied the opportunity of taking any significant role in the constitutional drafting process.

There were initially 88 members of the NLD invited to attend the military's National Convention, out of a total of 702 delegates. Only one member of the NLD was permitted to join the 45 person "presidium", which was given a minimal role in chairing the National Convention. During the early sessions of the National Convention the NLD members were given limited opportunities to express their opinions in relation to the proposed constitutional principles. However the views of the NLD were not subject to a free and fair vote and were not publicised outside the National Convention. It quickly became apparent that while the military was engaging in the pretence of hearing the views of the NLD on some constitutional issues, it was refusing to incorporate any suggestions of the NLD into its new constitution. The latest draft of the military's constitutional principles entirely exclude any suggestions of the NLD.

On 27 November 1995, the National League for Democracy sent a letter to the SLORC requesting the proceedings of the National Convention to be liberalised. The military rejected the NLD's appeal and on the 28 December 1995 the NLD began a boycott of the National Convention. Almost immediately all delegates from the NLD were expelled by the military from the National Convention. Very few elected members of the People's Assembly are now participating in the National Convention.

### Law No. 5/96

Following its dismissal from the National Convention the NLD announced that it would continue to work on a new democratic constitution for Burma based of respect for human rights and the equality for all of Burma's peoples. As a direct consequence the military issued law No 5/96 titled: "*The Law Protecting the Peaceful and Systematic Transfer of State Responsibility and the Successful Performance of the Functions of the National Convention Against Disturbances and Opposition*".

This draconian law provides for the imprisonment of any person for up to 20 years or the banning of an organisation who/which:

- "draft and disseminate the constitution of the state" (cl. 5(d))
- "carry out the functions of the National Convention" (cl 5(d))
- "deliver speeches or make statements to undermine, belittle and make people misunderstand the functions being carried out by the National Convention" (cl 5(c))
- "deliver speeches or make statements in order to undermine the stability of the State" (cl.5(a)).

It therefore became illegal for any person in Burma to draft a new constitution, or to discuss alternative constitutional principles or alternative constitutional drafting processes. Burma has therefore become the only nation in the world to assert that its constitution is drafted with the participation of the public while at the same time threatening to imprison a person for 20 years for criticising the constitution drafted by its rulers.

It is interesting to note that since the expulsion of the NLD members, the military has rarely convened the National Convention. Despite the infrequent sessions of the National Convention the military has been slowly drafting its new constitution without any pretence of consultation with a National Convention.

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# Detailed Constitutional Principles Approved by the National Convention

## Chapter on the State

1. Burma is a sovereign and independent State.
2. The State shall be called Republic of the Union of Burma.
3. The State is the country in which the various ethnic nationalities collectively live together.
4. The sovereignty of the State emanates from the citizens and abides throughout the country.
5. The bounds of the State that include the land, sea and air are those that exist at the time when the Constitution comes into force.

## Formation of the State

1. The State is established on the Union system.
2. The State is divided and demarcated as seven Regions, seven States and Union Territories, as follows:
  - Kachin State
  - Kayah State
  - Karen State
  - Chin State
  - Sagaing Region
  - Tanessarim Region
  - Pegu Region
  - Mergui Region
  - Mandalay Region
  - Mon State
  - Arakan State
  - Rangoon Region
  - Shan State

- Irrawaddy Region
- Union Territories.

3. The respective Regions and States are equal in status.
4. For the change of name of a Region or a State, the question shall be put to a referendum of the eligible voting citizens of that Region or State, and shall be changed by the enactment of law.
5. The Regions, States, Union Territories, Autonomous Units that are in the country, shall never secede from the State.

#### **6. In uniting of the State**

- Villages shall be grouped together as a Village Tract;
- Wards shall be grouped together as a City or Township;
- Village Tracts and Wards or Cities shall be grouped together as a Township;
- Townships shall be grouped together as a District;
- Districts shall be grouped together as a Region or State;
- In the Autonomous Zone, the townships in that Zone shall be grouped together as the Autonomous Districts;
- In the Autonomous Division, the townships in the Division shall be grouped together as districts, and the districts shall be grouped together as the Autonomous Division;
- If in a Region or a State there is an Autonomous Division or Autonomous Zone, the Autonomous Division, Autonomous Zone and Districts shall be grouped together as the Region or State; and
- The Regions, States and Union Territories shall be grouped together as the State.

#### **7. Alteration of the State's Border**

- (a) If it becomes necessary to change the border of the State, the State President shall firstly notify the Chief of the Union Assembly to get the opinion of the Union Assembly concerning the matter.
- (b) On receiving notification from the State President concerning the need for changing of the State's border, Chief of the Union Assembly shall obtain the opinion of the assembly members as follows:
  - (1) Affirmative vote of half or more of the members of the Assembly that consists of equal number of members from the Regions and States;
  - (2) Affirmative vote of half or more of the members of the Assembly elected on population basis;
  - (3) Affirmative vote of half or more of the total membership of both the Assemblies of the Region or State, whose border is affected.
- (c) If the respective affirmative votes are achieved as above, Chief of the Union

Assembly shall inform the State President to change the border as necessary.

- (d) If according to the procedures specified above, either Assembly or members of both Assemblies of the Region or State concerned, disapprove the change of the border, the opinion of the Union Assembly shall be obtained. If two thirds or more of the total membership support, Chief of the Union Congress shall inform the State President for changing the border of the State as necessary.
- (e) On receiving the opinion of the Union Assembly, the State President shall perform as necessary with regard to alteration of the border.

#### **8. Alteration of border of a Region or State**

- (a) If occasion arises for the border of a Region or State to be altered, the opinion of the electorate of the affected Township shall firstly be taken.
  - (b) If an affirmative vote of over half the electorate is not achieved, the alteration of the border shall not be made.
  - (c) If over half of the electorate of that Township support for change, the opinion of members of Assembly of the Region or State affected shall be taken.
  - (d) If three fourths and more of the total members of the Region or State Assembly support the change, the State President shall obtain the approval of the Union Assembly and alter the border of a Region or State.
  - (e) If the affected Region or State Assembly disapproves the alteration of border, decision of the Union Assembly shall be obtained.
  - (f) If two thirds or more of the total representatives of the Union Assembly vote in support for change of the border, the State President shall alter the border of a Region or State as necessary.
  - (g) If occasion arises that village, village tract, quarter, city, township or district, within a Region, State, Autonomous Division, or Autonomous Zone, needs alteration of its boundary, to be formed or a change of name, the respective Region or State administration authority, shall recommend the matter to the State President, who shall take measures, as necessary.
9. If the name of an Autonomous Division or Autonomous Zone is desired to be changed, it shall be done in accordance with the same procedure used for changing the name of a Region or a State.

#### **10. Designation of Union Territories**

- (a) Rangoon, which is the capital of the country, is designated as Union Territory under the direct administration of the State President.
- (b) Coco Island Township, which is under a unique situation, is designated as Union Territory under the direct administration of the State President.
- (c) Due to the need relating to defense, security, administration, economy and etc. of the State, territories under unique situation may be designated as a Union Territory, under the direct administration of the State President, by enactment of a law.

## The Legislature

### 1. Legislation

- (a) The legislative power of the State<sup>1</sup> is apportioned to the Union Assembly, the Regional Assemblies and the State Assemblies.
- (b) The autonomous territories are vested with the legislative power as provided for by the Constitution.

### 2. The Two Assemblies

- (a) The Assembly composed of representatives, elected on the basis of population, and the military personnel, submitted as representatives by Chief of Staff of the Defense Forces, shall be known as the People's Assembly; and
- (b) The Assembly composed of equal numbers of representatives, elected by the Regions and States, and military personnel, submitted as representatives by Chief of Staff of the Defense Forces, shall be known as the National Assembly.

### 3. The Union Assembly

The Union Assembly consists of the following two assemblies:-

- (a) The People's Assembly composed of representatives elected on the basis of population and military personnel, submitted as representatives by Chief of Staff of the Defense Forces; and
- (b) The National Assembly composed of equal numbers of representatives, elected by the Regions and States, and military personnel submitted as representatives by Chief of Staff of the Defense Forces.

### 4. Size of People's Assembly

The People's Assembly shall be composed of a maximum of 440 representatives (members)<sup>2</sup> as follows;

- (a) No more than 330 representatives elected on the basis of population; and
- (b) No more than 110 military personnel, nominated and submitted as representatives, pursuant to law, by Chief of Staff of the Defense Forces.

### 5. Officers and Deputies of the Assemblies

For the swearing in of the representatives and election of the assembly Chairman and Vice-chairman, at the first session of each new term of the respective Assemblies, the presiding officer shall be referred to as *Thabarpati*<sup>3</sup>, whereas the Chief officer and deputy officer of the Union Assembly shall be referred to as Patron and Vice-patron, and the Chief officer and deputy officer of the People's Assembly, the National Assembly, the Regional Assemblies or State Assemblies



shall be referred to as the Chairman and Vice-chairman.

**6. Election of *Thabarpati* of People's Assembly**

- (a) At the first session of the new term of the People's Assembly, a member shall be elected as *Thabarpati*.
- (b) The *Thabarpati* shall take oath in the presence of the People's Assembly.
- (c) The *Thabarpati* shall preside over the People's Assembly session, until the People's Assembly Chairman and Vice-Chairman shall have been elected.

**7. Election of People's Assembly Chairman and Vice-chairman**

- (a) In the People's Assembly,
  - (1) The representatives shall elect from among themselves the Chairman and Vice Chairman.
  - (2) If the office of the Chairman or Vice-chairman falls vacant, the vacancy shall be filled at the next People's Assembly session.
  - (3) When the Chairman is unable to perform his duties the Vice-chairman shall temporarily perform the duties of the Chairman.
- (b) Procedures for election of the People's Assembly Chairman and Vice-chairman shall be regulated by law.

**8. Functions and dismissal of People's Assembly Chairman and Vice-chairman**

- (a) The People's Assembly Chairman and Vice-chairman shall serve as Chairman and Vice-chairman until the first session of the next term of People's Assembly.
- (b) If the People's Assembly Chairman or vice-chairman resigns or dies, or is dismissed as a member of the People's Assembly, or is no longer eligible to continue as the People's Assembly member, or is relieved from the duties of Chairman or Vice-chairman by the People's Assembly, he shall have been dismissed as Chairman or Vice- chairman.

**9. Duties, powers and rights of Chairman and vice-chairman of People's Assembly**

The duties, powers and rights of the Chairman and Vice-chairman of the People's Assembly shall be regulated by law.

**10. Status of Chairman and Vice-chairman of Assembly**

For the purpose of reference in the enactment of law regarding the duties, powers and rights of the Chairman and Vice-Chairman of the People's Assembly, the status of Chairman is admitted as equivalent to that of the Vice-President and the Vice-Chairman as that of the Union minister.

## **11. In the People's Assembly**

- (a) Committees of the People's Assembly:-
  - (1) The People's Assembly shall form, with its members, Committee on Bills, Committee on Budget, Committee on Rights of the Assembly, and Oversight Committee on Guarantees, Agreements and Treaties taken upon by the Government.
  - (2) When occasions arise for study and report on matters relating to defense and security or military affairs, the People's Assembly shall form, with its members from the military, a Defense and Security Committee having a fixed term. In forming the Defense and Security Committee, appropriate non-military members may be included, if it is necessary to include them on technical ground.
  - (3) If it is necessary for the People's Assembly for a study and report on matters relating to legislation, administration, ethnic nationalities, economic, finance, social, foreign and others, it may form committees, having fixed terms, with its members.
  - (4) The People's Assembly shall specify the size, duties, powers, rights and term of the People's Assembly Committees.
  - (5) If occasion arises for the People's Assembly to confer with the National Assembly on certain matters, the People's Assembly, for the formation of a Joint-Committee, may elect, from among its members, delegates to the Joint-Committee, which shall consist of equal numbers of representatives from the two Assemblies. The term of the Joint-Committee shall extend until the completion of reporting to the respective Assemblies.
  - (6) If a matter, that falls outside of the jurisdiction of the Committees, mentioned above, in Paragraph (1) and (2), needs the study of both the Assemblies, the Chairmen of the two Assemblies shall negotiate between themselves and may form a Joint-Committee, with equal numbers of representatives from the People's Assembly and the National Assembly, to investigate the matter. The People's Assembly may elect representatives, from among its members, to serve on the Joint-Committee. The term of the Joint-Committee shall extend until the completion of reporting to the respective Assemblies.
- (b) Formation of People's Assembly Commissions and Bodies:
  - (1) Apart from matters studied by the Committees, the People's Assembly may form Commissions and Bodies for other matters, with its members or together with competent citizens.
  - (2) When the People's Assembly forms the above mentioned Commissions and Bodies, it shall specify the number of members, duties, powers, rights and terms of the Commissions or the Bodies.

## **12. Term of the People's Assembly**

The term of the People's Assembly is five years from the day it holds its first

session.

### **13. The National Assembly**

The National Assembly shall be formed with a maximum number of 224 members as follows:

- (a) A total of 168 elected representatives, elected on the basis of 12 per Region, including the Union territories, and 12 per State, among whom shall be one representative from each Autonomous Division or Province;
- (b) A total of 56 military personnel, whom Chief of Staff of the Defense Forces has nominated and submitted as representatives, pursuant to law, on the basis of four per Region, including Union Territories, and four per State.

### **14. Election of *Thabarpati* of National Assembly**

- (a) At the beginning of the first session of the new term of the National Assembly, a member shall be elected as *Thabarpati* of the National Assembly.
- (b) The *Thabarpati* shall take oath in the presence of the National Assembly.
- (c) The *Thabarpati* shall preside over the National Assembly session until the Chairman and Vice-chairman of the National Assembly shall have been elected.

### **15. Election of Chairman and Vice-chairman of National Assembly**

- (a) In the National Assembly,
  - (1) The National Assembly shall elect from among its members the Chairman and Vice-chairman of the Assembly.
  - (2) If the Chairman or Vice-Chairman's office falls vacant, it shall be filled at the next National Assembly session.
  - (3) When the Chairman is unable to perform his duties, the Vice-chairman shall temporarily perform the duties of the Chairman.
- (b) Procedures for the election of National Assembly Chairman and Vice-chairman shall be regulated by law.

### **16. Functions and dismissal of National Assembly Chairman and Vice-chairman**

- (a) The National Assembly Chairman and Vice-chairman shall perform the functions of Chairman and Vice-chairman until the first session of the new term of the next National Assembly.
- (b) When the National Assembly Chairman or Vice-chairman resigns or dies, or is dismissed from the position of National Assembly member, or is no longer eligible to serve as the National Assembly member, or is relieved from the duties of Chairman or Vice-chairman by the National Assembly, he shall have been dismissed as Chairman or Vice-chairman.

**17. Duties, powers, and rights of Chairman and Vice-chairman of National Assembly**

The duties, powers and rights of the Chairman and Vice-chairman of the National Assembly shall be regulated by law.

**18. Status of Chairman and Vice-chairman of National Assembly**

For reference in the enactment of law regarding the duties, powers and rights of the Chairman and Vice-chairman of the National Assembly, the status of Chairman is admitted as equivalent to that of the Vice-President and the status of Vice-chairman is admitted as equivalent as that of the Union Minister.

**19. Formation of National Assembly Committees**

- (a) The National Assembly shall form, with its members, the Bill Committee, People's Budget Committee, Assembly Rights Committee and Over-sight Committee on Guarantees, Agreements, and Treaties taken upon by the Government.
- (b) When occasions arise for the study and report on matters relating to defense and security, or military affairs, the National Assembly shall form, with the military representatives of the National Assembly, a Defense and Security Committee, having a fixed term. This Defense and Security Committee, in accordance with necessity of the task, may also include appropriate non-military members of the National Assembly.
- (c) When it is necessary for the National Assembly to study and report on matters relating to legislation, administration, ethnic nationalities, economic, finance, social, foreign and other matters, it may form Committees, with its members and having a fixed term.
- (d) The National Assembly shall specify the number of members, duties, powers and rights of the National Assembly Committees.
- (e) If occasions arise for the National Assembly to confer with the People's Assembly on certain matters, the National Assembly may elect from among its members, representatives to the Joint Committee, which shall have equal number of members from the two Assemblies. The term of the Joint-Committee is to extend until the completion of the reporting to the respective Assemblies.
- (f) If a matter, that falls outside of the jurisdiction of the Committees, mentioned above, in Paragraph (1) and (2), needs the study of both the Assemblies, the Chairmen of the two Assemblies shall negotiate between themselves and may form a Joint-Committee, with equal number of members from the National Assembly and the People's Assembly, to investigate the matter. The National Assembly may elect from among its members, representatives, to serve on the Joint-Committee. The term of the Joint-Committee shall extend until completion of reporting to the respective Assemblies.

**20. Formation of National Assembly Commissions and Bodies**

- (a) Apart from matters studied by the Committees, the National Assembly may, for other matters, form Commissions and Bodies, consisting of its members or together with competent citizens.
- (b) When the National Assembly forms the above mentioned Commissions and Bodies, it shall specify the numbers of members, duties, powers, rights and terms of the Commissions or Bodies.

### **21. Term of National Assembly**

The term of the National Assembly is the same as that of the People's Assembly. The term of the National Assembly expires, as well, on the date on which the term of the people's assembly expires.

### **22. Functions of Patron and Vice-Patron of Union Assembly**

- (a) The National Assembly Chairman and Vice-Chairman shall serve concurrently as the Patron and Vice-Patron of the Union Assembly, for 30 months, starting from the first day of the term of the People's Assembly, whereas Chairman and Vice-Chairman of the People's Assembly shall concurrently serve as the Patron and Vice-Patron of the Union Assembly for the remainder of the term.
- (b) When the Patron of the Union Assembly is unable to perform his duties, the Vice-Patron shall temporarily perform the duties of the Patron.

### **23. Formation of Regional and State Assemblies**

Regional or State Assemblies shall be formed as follows:

- (a) Representatives elected on the basis of 2 per township in the Regions or States;
- (b) In the Regions, other than those that have already obtained autonomous territories, one elected representative from each ethnic nationality, having a considerable population amounting to zero point one (0.1) percent or more, as recognized by the authorities, of the total population of the State;
- (c) In the States, other than those that have already obtained autonomous territories, one elected representative each from every ethnic nationality having a reasonable population amounting to zero point one (0.1) percent or more, as recognized by the authorities, of the total population of the State;
- (d) Military personnel, submitted as representatives by Chief of Staff of the Defense Forces, pursuant to law, whose number shall be equal to one third of the number of representatives, elected according to paragraph (a) and (b), or (a) and (c).

### **24. Election of the *Thabarpati* of Regional or State Assembly**

- (a) At the beginning of the first session of the new term of a Regional Assembly or State Assembly, a member shall be elected to serve as the *Thabarpati* of the

- Assembly.
- (b) The *Thabapati* shall take oath in the presence the Regional Assembly or State Assembly.
  - (c) The *Thabapati* shall preside over the Regional Assembly or State Assembly session until a Chairman and Vice-chairman of the Regional Assembly or State Assembly shall have been elected.

**25. Election of Chairman and Vice-chairman of Regional or State Assembly**

- (a) In the Regional or State Assembly,
  - (1) The members of the Regional or State Assembly shall elect a Chairman and Vice-chairman of the Regional or State Assembly, from among themselves.
  - (2) In case of vacancy of the Chairman or Vice-chairman office, it shall be filled at the next session of the Assembly.
  - (3) When the Chairman is unable to perform his duties, the Vice-chairman shall temporarily perform the duties of the Chairman.
- (b) Procedures for the election of the Chairman and Vice-chairman of the Regional or State Assemblies shall be regulated by law.

**26. Functions and termination of duties of Chairman or Vice-chairman of Regional or State Assembly**

- (a) The Chairman and Vice-chairman of the Regional or State Assembly shall perform the duties of the Chairman and Vice-chairman until the first session of the next term of the Regional or State Assembly.
- (b) When the Regional or State Assembly Chairman or Vice-chairman resigns, or is dismissed as the Region or State Assembly member, or has been relieved from the Chairmanship or Vice-Chairmanship by the Regional or State Assembly, or dies, he shall have been terminated as Chairman or Vice Chairman.

**27. Duties, powers and rights of Chairman and Vice-chairman of Regional or State Assembly**

The duties, powers and rights of the Chairman and Vice-chairman of the Regional or State Assembly shall be regulated by law.

**28. Status of Chairman and Vice-chairman of the Regional or State Assembly**

For reference in the enactment of law on the duties, powers and rights of the Chairman and Vice-chairman of the Regional or State Assembly, the status of Chairman of the Regional or State Assembly is admitted as equivalent to that of the Union Minister, whereas the status of Vice-chairman is admitted as equivalent to that of the Minister of the Region or State.

**29. Formation of Regional or State Assembly Committees**

- (a) The Regional or State Assembly may, when necessary, form Committees and Bodies, with respective Regional or State Assembly members to study and report on matters relating to legislation or affairs of the ethnic nationalities, in accordance with powers granted by the Constitution.
- (b) The Regional or State Assembly may include appropriate citizens in the formation of the above Committees and Bodies.
- (c) The Regional or National Assembly shall, on the formation of Committees or Bodies, specify the number of members, duties, powers, rights and terms of the Committees or Bodies.

**30. Term of Regional or State Assembly**

The term of the Regional or State Assembly shall be the same as that of the People's Assembly. On the day that the term of the People's Assembly expires, so does that of the Regional or State Assembly.

**31. Duties, powers and rights of members of People's Assembly, National Assembly and Regional or State Assembly**

The duties, powers, and rights of members of the People's Assembly, National Assembly and Regional or State Assembly shall be regulated by law.

**32. Qualifications of candidates for People's Assembly**

A person having the following qualifications have the right to stand as a candidate in the election to the People's Assembly. A person who:

- (a) Has attained to the age of 25 years;
- (b) Is a citizen, both the parents of whom are citizens;
- (c) Has resided continuously in the Union of Burma, for at least 10 years, at the time of the election;
- (d) Possesses qualifications as stipulated in the election law.

**33. Persons not eligible to be candidate in election to People's Assembly**

The following persons shall not be eligible to stand as a candidate for election to the People's Assembly. A person who:

- (a) Has been convicted by a court of law for a certain crime and is currently serving a prison term;
- (b) Has been banned, by the authority concerned, either prior or subsequent to the enactment of this Constitution, for violation damaging his/her own qualification required to be a candidate to the People's Assembly, and the term of the ban against him/her has not yet expired;
- (c) By the relevant law, is categorized as insane;

- (d) Has yet not been released from bankruptcy, as declared by the relevant court;
- (e) Owes allegiance to a foreign government, or a subject of a foreign government or a citizen of a foreign country,
- (f) Is a beneficiary to privileges entitled to the subject of a foreign government or citizen of a foreign country;
- (g) Directly or indirectly receives and uses money, land, house, building, vehicle, property and etc., of a foreign country, or a religious or other organization, or is a member of an organization which receives such support;
- (h) For politics, uses religion, speaks or gives a speech or issues a statement urging to give or not to give votes, or who encourages such things to be done, or is a member of an organization engaged in such activities;
- (i) Is a religious servant;
- (j) Is a state servant;  
Exception: The term shall not apply to military personnel, who are members of the Assemblies.
- (k) Directly or indirectly receives or uses the State's money, land, house, building, vehicle, property and etc., or is a member of an organization which receives and uses such things;  
Exceptions:
  - (1) The expression, "State's money" does not include pension, allowances, cash, or the salary, allowances and cash awarded legally by the State for good services to the State;
  - (2) The expression, "State's land, house, building, vehicle, property" does not include the use, pursuant to a certain law or, allowed by the State to use while on duty - the use of State-owned land, house, building and room, other building and room, State-owned airplane, train, vehicle, property and etc., or hired with the State's money.
- (l) Has been banned by authorities concerned, either prior or subsequent to the enactment of this Constitution, from election to the People's Assembly for unbecoming conduct, in violation of the election law, or failed to abide by the provisions of the election law, and the term of ban against him/her has not yet expired.

#### **34. Qualification of military representatives to People's Assembly**

The military personnel nominated and submitted by Chief of Staff of the Defense Forces according to law, shall also have the qualifications as specified for the candidates to the People's Assembly.

#### **35. Qualifications of candidates to National Assembly**

Candidates to the National Assembly

- (a) Shall have attained to the age of 30 years;
- (b) Shall have the same qualifications as those specified for the candidates to the People's Assembly, except the age limitation;
- (c) Shall also be subjected to the provisions disqualifying candidates in election to the People's Assembly.



**36. Qualification of military personnel nominated to National Assembly**

The military personnel who are nominated and submitted by Chief of Staff of the Defense Forces, according to law, shall also have the same qualifications as specified for the candidates to the National Assembly.

**37. Qualifications of candidates to Regional or State Assembly**

Candidates in election to the Regional or State Assembly:

- (a) Shall have the same qualifications as specified for candidates to the People's Assembly;
- (b) Shall also be subjected to the provisions disqualifying candidates in elections to the People's Assembly.

**38. Qualifications of military personnel nominated to Regional or State Assembly**

The military personnel nominated and submitted by Chief of the Defense Forces, according to law, for the Regional or State Assembly, shall also have the same qualifications as specified for the candidates to the Regional or State Assembly.

**The Executive**

**1. The Union Government**

- (a) Chief of the State Executive is the State President.
- (b) (1) The executive power of the State is apportioned to the Union, the Regions and the States.  
(2) The autonomous areas are vested with the executive power as provided for by the Constitution.
- (c) In the State, the Union Government is formed with the following officers:
  - (1) State President,
  - (2) Vice-Presidents,
  - (3) Union Ministers,
  - (4) Union Attorney General.
- (d) The State President, with the approval of the Union Assembly:
  - (1) May specify the number of Union ministries, as required, and effect changes to them;
  - (2) May specify the number of Union Ministers as necessary and vary the number specified.
- (e) Union Ministers shall have the following qualifications:
  - (1) Having attained to the age 40 years;

- (2) Having the qualifications necessary for candidates to the People's Assembly, except the requirement for age;
- (3) Being loyal to the State and the citizens.

## **2. Appointment of Union Ministers**

- (a) The State President, for the appointment of Union Ministers:
  - (1) Shall nominate appropriate persons, whether from among members of the Assembly or non-members, who have the specified qualifications;
  - (2) Shall obtain the list of names of appropriate members of the armed forces from Chief of Staff of the Defense Forces, for the defense, security/home and border affairs ministries;
  - (3) Shall consult with Chief of Staff of the Defense Forces, if he so desires to appoint members of the defense forces as ministers for ministries other than defense, security/home, or border affairs.
- (b) The State President shall submit the list of persons he has nominated and the one received from the Chief of Staff of the Defense Forces, to the Union Assembly for approval.
- (c) The Union Assembly shall not have the right to reject the person whom the State President has submitted unless there is a clear proof that he does not possess the qualifications required to become a Union Minister.
- (d) The State President shall have the right to resubmit a new name for approval in place of the person that fails to receive the approval of the Union Assembly.
- (e) The State President shall appoint the persons who have received the approval of the Union Assembly as Union Ministers. In the appointment, the State President shall specify the ministry or ministries that each individual Union Minister shall be responsible for.
- (f) The State President shall inform the Union Assembly, whenever he appoints a Union Minister.
- (g) The Union Ministers shall be responsible to the State President.

## **3. Appointment of Deputy Ministers**

- (a) The State President may appoint persons, with the following qualifications from among assembly members or non-members, as Deputy Ministers for assisting the Union Ministers:
  - (1) Having attained to the age of 35 years,
  - (2) Having the qualifications required of the People's Assembly members, except age requirement;
  - (3) Being loyal to the State and the citizens.
- (b) The State President, in the case of appointment of deputy ministers for defense, security/home and border affairs ministries, shall receive a list of appropriate military personnel from Chief of Staff of the Defense Forces.
- (c) If the State President wishes to appoint military personnel as deputy ministers for ministries besides the defense, security/home and border affairs ministries, he shall consult with Chief of Staff of the Defense Forces.
- (d) In appointing a deputy minister, the State President shall specify the ministry he will be responsible for.

- (e) The deputy ministers shall be responsible to the Union Minister under whom he serves, or to the State President through the Union Minister.

#### **4. Impeachment of Union Minister**

- (a) Any Union Minister may be impeached for any of the following matters.
  - (1) Commission of high treason;
  - (2) Violation of a provision of the Constitution;
  - (3) Misconduct;
  - (4) Impairment in qualifications required for a Union Minister as specified in the Constitution.
- (b) If an impeachment of a Union Minister is required, it shall be undertaken in accordance with the provisions in the Constitution specified for the impeachment of the State President or Vice-President.
- (c) However, if the impeachment of a Union Minister proves to be valid, and if the Assembly conducting the investigation reaches the decision that he is no longer appropriate to continue serving in the position of a Union Minister, the State President shall terminate the duty of the Union Minister under impeachment.
- (d) If the Assembly conducting the investigation decides that the impeachment is not true, the Assembly Chairman concerned shall report to the State President on the decision.

#### **5. Term, Resignation, Relief from Duty and Filling Vacancy of Union Ministers and Deputy Ministers**

- (a) The term of office of the Union Ministers and Deputy Ministers shall normally be the same as that of the State President.
- (b) The Union Minister or Deputy Minister, if, before the end of the term, wishes to resign from office, he shall submit his resignation in writing to the State President and resign from office.
- (c) The State President:
  - (1) May issue a directive instructing any Union Minister or Deputy Minister who is failing to perform the duties entrusted to him, to resign. If he does not follow the directive he shall be relieved from duty;
  - (2) Shall consult with Chief of Staff of the Defense Forces in the case where a military personnel serving as a Union Minister or Deputy Minister is required to resign or to be dismissed from duty.
- (d) The State President may appoint a new Union Minister or Deputy Minister according to provisions of the Constitution relating to appointment of Union Minister or Deputy Minister, when a vacancy occurs either due to the resignation or dismissal from duty or death or some other reason. The term of office of the Union Minister or Deputy Minister filling the vacancy shall extend only to the end of the term of the State President.
- (e) If the Union Minister or Deputy Minister is a member of either Assembly, he shall be considered as having already resigned as a member of the Assembly concerned, on the day he is appointed to serve as a Union Minister or Deputy Minister.

- (f) (1) If the Union Minister or Deputy Minister is a state employee, he shall be considered as having been pensioned off from his employment, in accordance with the rules and regulations governing civil service, from the day he is appointed as the Union Minister or Deputy Minister.  
(2) The military personnel appointed as Union Ministers or Deputy Ministers in the defense, security/home and border affairs ministries shall not be required to retire or resign from the armed forces.
- (g) If the Union Minister or the Deputy Minister is a member of a political party, he shall not involve himself in the functions of that political party during his term of duty, starting from the day he is appointed as a Union Minister or Deputy Minister.
- (h) (1) If the office of State President who has appointed the Union Ministers and Deputy Ministers, falls vacant, due to resignation, death or for any other reason, before the end of the term, the Union Ministers and Deputy Ministers shall continue to serve in their positions, until the new State President, elected to fill the vacancy, shall have appointed new Union Ministers and Deputy Ministers.  
(2) The term of office of the new Union Ministers and Deputy Ministers shall extend only to the end of the term of the new State President.
- (i) The duties, powers and rights of the Union Ministers and Deputy Ministers shall be regulated by law.

## **6. The Terminology for Attorney General**

He shall be addressed or referred to as Union Attorney General.

## **7. Appointment and Assignment of Duties to Union Attorney General**

- (a) The State President, with the approval of the Union Assembly, shall appoint and assign duties to an Assembly member or a non-member, who has the qualifications mentioned below, as the Union Attorney General, for the purpose of acquiring advice on legal matters and entrusting him with duties relating to legal matters.
  - (1) Having attained to the age of 45 years;
  - (2) Having the qualifications specified for representatives to the People's Assembly except the age requirement;
  - (3) (aa) Having served for a minimum of five years as a judge of a Regional or State Supreme Court, or  
(bb) Having served a minimum of ten years in a judiciary or legal service having a status of not lower than that of the Region or State, or  
(cc) Having served as an advocate for a minimum of twenty years, or  
(dd) Having regarded by the State President as a prominent academic in law.
  - (4) Being loyal to the State and the citizens.
- (b) The Union Assembly shall not have the right to reject the person whose name has been submitted by the State President as the Union Attorney General, unless a concrete evidence can be presented that he does not have the qualifications specified for the Union Attorney General.

- (c) The State President shall have the right to submit a new candidate for the position of the Union Attorney General, to the Union Assembly, in place of the person who fails to receive the approval of the Union Assembly.
- (d) The Union Attorney General shall be a member of the Union Government.
- (e) The Union Attorney General shall be responsible to the State President.

#### **8. Impeachment of Union Attorney General**

- (a) The Union Attorney General may be impeached for:
  - (1) Commission of high treason;
  - (2) Violation of a provision of the Constitution;
  - (3) Misconduct;
  - (4) Not having the qualifications specified, in the Constitution, for the Union Attorney General.
- (b) If the impeachment of the Union Attorney General is required, it shall be done according to provisions in the Constitution for the impeachment of the State President or Vice-President.
- (c) However, if the impeachment of the Union Attorney General proves to be valid, and if the Assembly conducting the investigation reached the decision that he is no longer appropriate to continue to serve as the Union Attorney General, the State President shall dismiss the Union Attorney General from duty.
- (d) If the Assembly conducting the investigation decides that the impeachment is not valid, the Assembly concerned shall report to the State President on the decision.

#### **9. Appointment of Deputy Attorney General**

- (a) The State President shall, at his own discretion, appoint an Assembly member or a non-member, who has the qualifications mentioned below, as the Deputy Attorney General, to assist the Union Attorney General.
  - (1) Having attained to the age of 40 years;
  - (2) Having the qualifications specified for members of the People's Assembly except the age requirement;
  - (3) (aa) Having served for a minimum of five years as a judge of a Regional or State Supreme Court, or
    - (bb) Having served for a minimum ten years in the judiciary or legal service having the status of not lower than a Region or State, or
    - (cc) Having served as an advocate for a minimum of fifteen years, or
    - (dd) Having been regarded by the State President as a prominent academic in law.
  - (4) Being loyal to the State and the citizens.
- (b) The Deputy Attorney General shall be responsible to the Union Attorney General, and, through the Union Attorney General, to the State President, as well.

#### **10. Term, Resignation, Relief from Duty and Filling Vacancy of Union Attorney**

### **General and the Deputy Attorney General**

- (a) The term of office of the Union Attorney General and Deputy Attorney General shall normally be the same as that of the State President.
- (b) The Union Attorney General or the Deputy Attorney General, if, before the end of the term, so wishes to resign from office, shall submit his resignation in writing to the State President and may resign from office.
- (c) The State President may issue a directive instructing the Union Attorney General or the Deputy Attorney General who is unable to fulfill the duties entrusted to him to resign from office. If he does not follow the directive, he shall be relieved from duty.
- (d) When the office of the Union Attorney General or Deputy Attorney General falls vacant due to resignation, relief from duty, death or any other reason, the State President may appoint a new Union Attorney General or Deputy Attorney General according to the provisions of the Constitution relating to the appointment of Union Attorney General or Deputy Attorney General. The term of office of the substitute Union Attorney General or Deputy Attorney General shall extend only to the end of the remaining term of the State President.
- (e) If the Union Attorney General or Deputy Attorney General is a member of either Assembly, he shall be considered as having already resigned as a member of the Assembly concerned, the day on which he is appointed as the Union Attorney General or Deputy Attorney General.
- (f) If the Union Attorney General or Deputy Attorney General is a state employee, he shall be considered as having been pensioned off from his employment, in accordance with the prevailing rules and regulations, governing the civil service, from the day he is appointed as the Union Attorney General or Deputy Attorney General.
- (g) If the Union Attorney General or Deputy Attorney General is a member of a political party, he shall not involve himself in the functions of that political party, during his term of duty, starting from the day he is appointed as the Union Attorney General or Deputy Attorney General.
- (h) (1) If the office of the State President who has appointed the Union Attorney General or Deputy Attorney General falls vacant due to resignation or death or for any other reason, before the end of the term, the new State President, elected to fill the vacancy, may retain them or may appoint new Union Attorney General and Deputy Attorney General, according to the provisions of the Constitution. The old Union Attorney General and Deputy Attorney General may be requested to continue in office, until the new Union Attorney General and Deputy Attorney General shall have been appointed.  
(2) The term of office of the new Union Attorney General and Deputy Attorney General shall extend only to the end of the term of the new State President.
- (i) The duties, powers and rights of the Union Attorney General and the Deputy Attorney General shall be regulated by law.

### **11. Specification of Status of Union Attorney General and Deputy Attorney General**

For reference in the enactment of law relating to the duties, powers, and rights of the Union Attorney General and Deputy Attorney General, the Union Attorney General is admitted as having the status equal to that of Union Minister and the Deputy Attorney General as that of Deputy Minister.

## **12. Terminology and Reference to Auditor General**

He shall be addressed and referred to as the Union Auditor General.

## **13. Appointment of Union Auditor General**

- (a) The State President, with the approval of the Union Assembly, shall appoint an Assembly member or a non-member, as the Union Auditor General, who shall have the qualifications mentioned below, to examine the State's budget for the submission of it to the People's Assembly and the National Assembly:
  - (1) Having attained to the age of 45 years;
  - (2) Having the qualifications specified for members of the People's Assembly except the age requirement;
  - (3) (aa) Having served for a minimum of ten years as an auditor in a position that is not lower than that of Regional or State audit officer, or  
(bb) Having served for a minimum of 20 years as a registered accountant or people's accountant with certificate, or  
(cc) Having been regarded by the State President as a prominent academic in accountancy, statistics or economics.
  - (4) Being loyal to the State and the citizens.
- (b) The Union Assembly shall not reject the person, submitted for approval, by the State President as the Union Auditor General, unless there is concrete evidence to prove that he does not have the qualifications specified for the Union Auditor General.
- (c) The State President shall have the right to submit a new candidate to the Union Assembly, for the position the Union Auditor General, in the place of the person failing to receive the approval.
- (d) The Union Auditor General shall be responsible to the State President.

## **14. Impeachment of Union Auditor General**

- (a) The Union Auditor General may be impeached for any one of the following matters:
  - (1) Commission of high treason;
  - (2) Violation of a provision of the Constitution;
  - (3) Misconduct;
  - (4) Failing to have qualifications, specified for the Union Auditor General, in the Constitution.
- (b) If the impeachment of the Union Auditor General is required, it shall be done according to provisions, in the Constitution, for the impeachment of the State President or Vice-President.
- (c) However, if the impeachment of the Union Auditor General proves to be

valid, and if the Assembly undertaking the investigation has reached the decision that he is no longer appropriate to continue to serve as the Union Auditor General, the State President shall relieve the Union Auditor General from duty.

- (d) If the Assembly undertaking the investigation has decided that the impeachment is not valid, the Assembly concerned shall report to the State President on the decision.

### **15. Appointment of Deputy Auditor General**

- (a) The State President, at his own discretion, shall appoint an Assembly member or a non-member, who has the qualifications mentioned below, as a Deputy Auditor General, to assist the Union Auditor General;
  - (1) having attained to the age of forty years;
  - (2) Having the qualifications specified for the People's Assembly members, except for the age requirement;
  - (3) (aa) Having served for a minimum of 10 years in as an accountant in a position that is not lower than that of Regional or State audit officer, or (bb) Having served for a minimum of 15 years as a registered accountant or People's accountant, with certificate, or (cc) Being regarded by the State President as a prominent academic in accountancy, statistics or economics.
  - (4) Being loyal to the State and the citizens.
- (b) The Deputy Auditor General shall be responsible to the Union Attorney General and, through the Union Auditor General, to the State President, as well.

### **16. Term, Resignation, Relief from Duty and Filling Vacancy of Union Auditor General and Deputy Auditor General**

- (a) The term of office of the Union Auditor General and Deputy Auditor General normally is the same as that of the State President.
- (b) If the Union Auditor General or the Deputy Auditor General, for some reason, wishes to resign from office, before the end of the term, he shall submit his resignation in writing to the State President.
- (c) The State President may issue directive instructing the Union Auditor General or the Deputy Auditor General, who is unable to discharge duties entrusted to him, to resign from office. If he does not follow the directive, he shall be relieved from the duty.
- (d) When the office of the Union Auditor General or Deputy Auditor General falls vacant due to resignation, relief from duty, death or any other reason, the State President may appoint a new Union Auditor General or Deputy Auditor General according to the provisions of the Constitution relating to the appointment of Union Auditor General or Deputy Auditor General. The term of office of the Union Auditor General or Deputy Auditor General, thus appointed, shall extend only to the end of the remaining term of office of the State President.
- (e) If the Union Auditor General or the Deputy Auditor General is a member of



either Assembly, he shall be considered as having already resigned as a member of the Assembly concerned, on the day he is appointed as the Union Auditor General or Deputy Auditor General.

- (f) If the Union Auditor General or the Deputy Auditor General is a state employee, he shall be considered as having been pensioned off from the employment, according to existing rules and regulations, starting from the day he is appointed as the Union Auditor General or Deputy Auditor General.
- (g) If the Union Auditor General or Deputy Auditor General is a member of any political party, he shall not make himself to be involved in the functions of that political party, during the term of office, starting from the day he is appointed as the Union Auditor General or Deputy Auditor General.
- (h) (1) If the office of the State President, who has appointed the Union Auditor General and the Deputy Auditor General, falls vacant due to resignation, or death or for any other reason, before the end of the term, the new President, elected to fill the vacancy, may retain them, or may appoint new Union Auditor General and Deputy Auditor General, according to the provisions of the Constitution. If new appointments are to take place, the old Union Auditor General and Deputy Auditor General may be requested to continue in office, until the new Union Auditor General and Deputy Auditor General shall have been appointed.  
(2) The term of office of the substitute Union Auditor General and Deputy Auditor General shall extend only to the end of the remaining term of the new State President.
- (i) The duties, powers and rights of the Union Auditor General and Deputy Auditor General shall be regulated by law.

#### **17. Status of Union Auditor General and Deputy Auditor General**

For reference in the enactment of law relating to the duties, powers, and rights of the Union Auditor General and Deputy Auditor General, the status of Union Auditor General is admitted as equivalent to that of Union Minister and the Deputy Auditor General to that of Deputy Minister.

#### **18. Formation of Union Civil Service Commission**

- (a) The State President shall form the Union Civil Service Commission to administer the selection and training of civil servants, formulate rules and regulations of the civil service.
- (b) The State President shall appoint persons, with the qualifications mentioned below, as Chairman and Members of the Union Civil Service Commission:
  - (1) Having attained to the age of 50 years;
  - (2) Having the qualifications specified for members of the People's Assembly, except the age requirement;
  - (3) Professional experts and academics;
  - (4) Being loyal to the State and the citizens;
  - (5) Non-members of political parties;
  - (6) Non-members of either Assembly.
- (c) The Chairman of the Union Civil Service Commission shall be responsible to the State President, and Members of the Union Civil Service Commission shall be responsible to the Chairman and, through him, to the State President.

- (d) The term of office of the Chairman and Members of the Union Civil Service Commission normally shall be the same as that of the State President.
- (e) The formation of the Union Civil Service Commission, its duties, powers and rights, and the resignation and relief from duty of the Chairman and Members, shall be regulated by law.

#### **19. Status of Chairman of Union Civil Service Commission**

For reference in the enactment of law regarding responsibilities, powers and rights of the Chairman of the Union Civil Service Commission, the status of the Chairman is admitted as equivalent to that of the Union Minister.

#### **20. Terminology for Chief Minister and Members of Regional or State Government**

- (a) The Chief of a Region or State shall be referred to as Chief Minister of the Region or State.
- (b) Members of the Regional or State Government shall be referred to as Minister of the Region or State.

#### **21. Formation of Regional or State Government and Appointment of Regional or State Chief Minister**

- (a) A Regional Government shall be formed in every Region and a State Government shall be formed in every State.
- (b) The Regional or State Government shall be formed with the following persons:
  - (1) Regional or State Chief Minister;
  - (2) Regional or State Ministers;
  - (3) Regional or State Legal Chief.
- (c) The State President, with the approval of the respective Regional or State Assembly:
  - (1) May specify the number of Regional or State ministries as necessary. In addition, he may alter the number of ministries specified;
  - (2) May specify the number of Regional or State ministers as necessary. In addition, he may alter the number specified.
- (d) The Regional or State Chief Minister and Ministers shall have the following qualifications:
  - (1) Having attained to the age of 35 years;
  - (2) Having the qualifications specified for the members of Regional or State Assembly, except the age requirement;
  - (3) Being loyal to the State and the citizens.
- (e) The State President for appointment as the Regional or State Chief Minister shall:
  - (1) Select from among the members of the respective Regional or State Assembly, an appropriate member having the specified qualifications;
  - (2) Send the name of the member selected to the respective Regional or State

Assembly and obtain its approval.

- (f) The State President shall appoint Assembly member for whom approval has been obtained from the respective Regional or State Assembly, as the Chief Minister of the Region or State.
- (g) The Region or State Assembly shall not have the right to reject the person submitted by the State President as a candidate for the post of Chief Minister, unless concrete evidence can be presented showing that the person does not have the qualifications specified for Regional or State Chief Minister.
- (h) The State President shall have the right to submit a new name to the Regional or State Assembly in place of the candidate, failing to receive the approval of the Regional or State Assembly.

## **22. Appointment of Regional or State Ministers**

- (a) The Regional or State Chief Minister, for the appointment of respective Regional or State Ministers shall:
  - (1) Select appropriate Regional or State Assembly members or non-members having the qualifications as specified;
  - (2) Request for the names of appropriate military personnel from Chief of Staff of the Defense Forces, so as to be able to entrust responsibilities concerning security and border affairs;
  - (3) Obtain the list of names of the Chairmen of governing bodies of the Autonomous Divisions or Autonomous Territories within the respective Region or State;
  - (4) Obtain the list of the names of Assembly members elected to administer the affairs of the ethnic nationalities in the respective Region or State, from the respective election commission.
- (b) The Regional or State Chief Minister shall submit the list of the candidates he has selected, together with the list of military personnel obtained from Chief of Staff of the Defense Forces, to the Regional or State Assembly for approval.
- (c) The Regional or State Assembly shall not have the right to reject anyone submitted by the Regional or State Chief Minister, for positions of Regional or State Ministers, unless there is concrete evidence to prove that a candidate does not possess the qualifications specified for Regional or State Ministers.
- (d) The Regional or State Chief Minister has the right to submit a new list of names to the respective Regional or State Assembly, in place of the candidates failing to receive approval of the Regional or State Assembly, for appointment as Regional or State Ministers.
- (e) The Regional or State Chief Minister shall submit the list of the candidates that have received the approval of the Regional or State Assembly, the Chairmen of the Autonomous Divisions or Autonomous Territories, and Assembly members elected to administer the affairs of the nationalities, to the State President for appointment as Regional or State Ministers.
- (f) The State President shall appoint the candidates, whose names have been submitted by the Regional or State Chief Minister, as Regional or State Ministers of the respective Region or State. In appointing thus, the State President, in consultation with the Regional or State Chief Minister, allocate each Regional or State Minister the ministry or ministries he shall be responsible for.

- (g) The State President shall:
  - (1) Entrust the Chairman of Autonomous Division and Chairman of Autonomous Territory, who are Regional or State Ministers, with the responsibility to perform the affairs of the respective autonomous division or autonomous territory.
  - (2) Entrust the Assembly member elected to administer the affairs of the ethnic nationalities, which are Regional or State Ministers, with the responsibilities to serve the respective ethnic nationalities.
- (h) In the appointment the respective Chairman of the Autonomous Division or Autonomous Territory or Assembly member elected to serve the affairs of the ethnic nationalities as a Regional or State Minister, the State President may be lenient with regard to age requirement specified for in the Constitution.
- (i) The State President, may, in consultation with the Chief Minister, entrust the Autonomous Division or Autonomous Territory or Ethnic Affairs Ministers with the responsibility to concurrently head other ministries.
- (j) If the Regional or State Chief Minister wishes to appoint military personnel as ministers for other Regional or State ministries, other than the security and border affairs ministries, he shall request a list of names from Chief of Staff of the Defense Forces, obtain approval of the Regional or State Assembly and submit it to the State President.
- (k) The State President shall notify the respective Regional or State Assembly, as well as, the Union Assembly of the appointment of Regional or State Chief Minister and Ministers.
- (l) (1) The Regional or State Chief Minister shall be responsible to the State President.
  - (2) The Regional or State Ministers shall be responsible to their respective Regional or State Chief Minister and, through the respective Regional or State Chief Minister, to the State President.
- (m) The term of office of the Regional or State Chief Minister and Ministers shall normally be the same as that of the State President.

### **23. Impeachment of Regional or State Chief Minister or a Minister**

- (a) The Regional or State Chief Minister or any minister may be impeached for any of the following matters:
  - (1) Commission of high treason;
  - (2) Violation of any provision of the Constitution;
  - (3) Misconduct,
  - (4) Lack of qualifications as specified, in the constitution, for the Regional or State Chief Minister and Ministers.
- (b) If the Regional or State Chief Minister or any Minister is to be impeached for the matters mentioned above, a minimum of one fourth of the respective members of the Regional or State Assembly shall sign their names and submit their impeachment to the respective Assembly Chairman.
- (c) The respective Assembly Chairman shall form an investigation body and specify the time in which to complete the investigation, taking into account the scope of the investigation work.
- (d) When the investigation concerning the impeachment is completed, the Regional or State Chief Minister or Minister, under the impeachment, shall be

allowed the right of defense, either personally or through a representative.

- (e) (1) When the investigation body makes its report on its findings concerning impeachment of a Regional or State Chief Minister or a Minister by the respective Regional or State Assembly, the Assembly Chairman shall submit it to the respective Regional or State Assembly. If a minimum two thirds of the members decided that the impeachment is valid, and that the person is no longer appropriate to continue to serve as the Regional or State Chief Minister or Minister, the Chairman shall convey the decision to the State President.
- (2) The State President, on receiving the submission, shall dismiss from office, the Regional or State Chief Minister or Minister.
- (3) If the Assembly concerned decides that impeachment is not true, the Assembly Chairman shall inform the State President of the decision reached.

#### **24. Resignation, Relief from Office, and Filling of Vacancy of Regional or State Chief Minister or a Minister**

- (a) If a Regional or State Chief Minister or a Minister wishes to resign, for any reason, before the end of his term of office, may submit his resignation in writing to the State President and resign from office.
- (b) The State President;
  - (1) May issue a directive to the Regional or State Chief Minister or a Minister, failing to perform his duties well, to resign. If the directive is not followed, he shall be relieved from office;
  - (2) If the resignation or termination from office concerns a military personnel who is a Regional or State Minister, it shall be done in consultation with Chief of Staff of the Defense Forces.
- (c) If the office of the Regional or State Chief Minister or a Minister falls vacant due to resignation or dismissal or death or for any other reason, the State President may, in accordance with provisions of the Constitution, appoint new Regional or State Chief Minister or Minister to fill the vacancy. The term of office of the person appointed, thus, shall extend only to the end of the remaining term of office of the State President.
- (d) (1) If the Regional or State Minister is a state employee, he shall be considered as having been pensioned off, according to prevailing rules and regulations governing the civil service, on the day of appointment as Regional or State Minister.
- (2) The military personnel who are appointed as Ministers in the Regional or State Government to head the Security and Border Affairs Ministries do not need to be pensioned off or to resign from the military service.
- (d) The duties, powers and rights of the Regional or State Chief Minister or Ministers shall be regulated by law.

#### **25. Status of Regional or State Chief Minister and Ministers**

For reference in the enactment of law relating to the duties, powers and rights of the Regional or State Chief Minister and Ministers, the status of Regional or State Chief Minister shall be admitted as equivalent to that of Union Minister, whereas the status of Regional or State Ministers as equivalent to that of Deputy Minister.

**26. Regional or State General Administration Department Chief**

The Chief of the Regional or State General Administration Department, in respect of position, is Secretary of the respective Regional or State Government. In addition, the Regional or State General Administration Department is also Office of the Regional or State Government.

**27. Terminology for Regional or State Attorney General**

He shall be called the Regional or State Legal Officer General.

**28. Appointment of Regional or State Legal Officer General**

- (a) For acquirement of legal advice and entrusting obligations regarding legal matters, the Regional or State Chief Minister, shall submit a member of the Regional or State Assembly or non-member, having qualifications mentioned below, to the State President, with approval of the respective Regional or State Assembly, for appointment as Regional or State Legal Officer General:
  - (1) Having attained to the age of 40 years;
  - (2) Having qualifications specified for members of Regional or State Assembly, except the age requirement;
  - (3) (aa) Having served in a position not lower than that of the Regional or State judicial officer or legal officer for a minimum of five years or having served in a position not lower than that of district judicial or legal officer for a minimum ten years, or  
(bb) Having worked as an advocate for a minimum 15 years, if he is an advocate.
  - (4) Being loyal to the State and the citizens.
- (b) The State President shall appoint the person submitted as a candidate for the position of Regional or State Legal Officer General by the Regional or State Chief Minister, with the approval of the respective Regional or State Assembly, as Regional or State Legal Officer General.
- (c) The Regional or State Assembly shall not have the right to reject the person who has been submitted by the respective Regional or State Chief Minister as a candidate of Regional or State Legal Officer General, unless there is concrete evidence to prove that he does not possess the qualifications specified for Regional or State Legal Officer General.
- (d) The Regional or State Chief Minister has the right to submit a new person to the respective Regional or State Assembly, in the place of the candidate failing to receive the approval of the Regional or State Assembly, for the position of Regional or State Legal Officer General.
- (e) The Regional or State Legal Officer General shall be a member of the government of the respective Regional or State Government.
- (f) The Regional or State Legal Officer General shall be responsible, through the respective Regional or State Chief Minister, to the State President, or to the Union Attorney General, or to the respective Regional or State Chief Minister.

- (g) If a matter arises for the impeachment of the Regional or State Legal Officer General, it shall be done in accordance with provisions of the Constitution applicable to the impeachment of the Regional or State Chief Minister or a Minister.
- (h) Provisions of the Constitution governing resignation, termination of duties, filling vacancy, considering a state employee as already being pensioned off on appointment to the new position, applied to the Regional or State Chief Minister and Ministers, shall also apply to the Regional or State Legal Officer General.
- (i) Duties, powers and rights of the Regional or State Legal Officer General shall be regulated by law.

### **29. Status of Regional or State Legal Officer General**

For reference when enacting law defining the duties, powers and rights of the Regional or State Legal Officer General, the status of the Regional or State Legal Officer General is admitted as equivalent to that of the Regional or State Minister.

### **30. Terminology for Regional or State Auditor General**

He shall be referred to as Regional or State Auditor General.

### **31. Appointment of Regional or State Auditor General**

- (a) To examine the Regional or State Budgets for submitting to the respective Regional or State Assembly, the Regional or State Chief Minister shall, for appointment as Regional or State Auditor General, with approval of the respective Regional or State Assembly, submit to the State President, an assembly member or non-member having the following qualifications;
  - (1) Having attained to the age of 40 years;
  - (2) Having qualifications specified for Regional or State Assembly members, except the age requirement;
  - (3) (aa) Having served in a position not lower than that of a Regional or State audit officer for a minimum of 5 years, or in a position not lower than that of the district audit officer for a minimum of 10 years, or  
(bb) Having served as a registered accountant or certified public accountant for a minimum of 15 years.
  - (4) Being loyal to the State and the people.
- (b) The State President shall appoint as Regional or State Auditor General, the candidate submitted by the Regional or State Chief Minister for the position of Regional or State Auditor General, with the approval of the respective Regional or State Assembly.
- (c) The respective Regional or State Assembly shall not have the right to reject the person submitted, for approval, by the Regional or State Chief Minister as Regional or State Auditor General, unless concrete evidence can be produced to show that he does not possess the required qualifications for Regional or State Auditor General.

- (d) The Regional or State Chief Minister has the right to submit a new name to the respective Regional or State Assembly, in the place of the person failing to receive approval of the Regional or State Assembly, for the position of Regional or State Auditor General.
- (e) The Regional or State Auditor General shall, through the respective Regional or State Chief Minister, be responsible to the State President, or the Union Auditor General or the respective Regional or State Chief Minister.
- (f) If a matter arises for the impeachment of the Regional or State Auditor General, it shall be done in accordance with provisions of the Constitution applied to impeachment of the Regional or State Chief Minister or Minister.
- (g) The provisions of the Constitution regarding resignation, termination of duties, filling a vacancy, the case of state employee being considered as having already resigned from service, applying to the Regional or State Chief Minister and other Ministers, shall also apply to the Regional or State Auditor General.
- (h) The duties, powers and rights of the Regional or State Auditor General shall be regulated by law.

### **32. Status of Regional or State Auditor General**

For reference in the enactment of law relating to duties, powers and rights of the Regional or State Auditor General, the Regional or State Auditor General is admitted as having the status equivalent to that of the Regional or State Minister.

### **33. Terminology for Autonomous Division or Autonomous Zone Governing Body**

The governing body of the Autonomous Division or Autonomous Zone shall be referred to as the Autonomous Division Supervisory Body or Autonomous Territory Supervisory Body.

### **34. Formation of Autonomous Division Supervisory Body and Autonomous Zone Supervisory Body**

- (a) The Autonomous Division and the Autonomous Zone, being self-administrative units, are equal in status.
- (b) In each of the several Autonomous Divisions and Autonomous Zones, the Autonomous Division Supervisory Body or the Autonomous Zone Supervisory Body is formed. These supervisory bodies also exercise the legislative power entrusted to them by the Constitution.
- (c) The Autonomous Division Supervisory Body or the Autonomous Zone Supervisory Body shall have a minimum of 10 members.
- (d) The Autonomous Division Supervisory Body or the Autonomous Zone Supervisory Body shall be formed with the following persons:
  - (1) Regional or State Assembly members elected from the townships that are in the Autonomous Division or Autonomous Zone;
  - (2) The military personnel who have been submitted, according to law, by the Chief of Staff of the Defense Forces for the purpose of undertaking the



- security or border affairs responsibilities;
- (3) Representatives selected by persons mentioned in subparagraphs (1) and (2).
- (e) Members of the Autonomous Division Supervisory Body or Autonomous Zone Supervisory Body, mentioned in Paragraph (d), Subparagraphs (1) and (2), above, shall consult among themselves and elect an appropriate Regional or State Assembly Member, elected from the townships in the Autonomous Division or Autonomous Zone, as Chairman of the Autonomous Division or Autonomous Zone. The person thus elected shall be submitted to the State President through the Regional or State Chief Minister.
- (f) The State President shall appoint the person whose name has been submitted as Chairman of the respective Autonomous Division or Autonomous Zone.
- (g) The position of Chairman of the Autonomous Division or Autonomous Zone shall be equivalent to that of the Regional or State Minister. Therefore, provisions applying to Regional or State Ministers shall, with the exception of the appointment procedure, shall also apply to Chairman of the Autonomous Division or the Autonomous Zone.
- (h) The respective Chairman of the Autonomous Division or Autonomous Zone and members of the Supervisory Body:
- (1) Shall select an ethnic representative from each of the ethnic nationalities, having a reasonable population of at least 10,000 and above as recognized by appropriate authority and living in the Autonomous Division or Autonomous Zone, apart from the ones that already have an Autonomous Division or Autonomous Zone of their own, to be members in the Autonomous Division Supervisory Body or Autonomous Zone Supervisory Body. The persons to be selected thus shall have the qualifications specified for Regional or State Assembly members.
- (2) If the number of members of the Autonomous Division Supervisory Body or the Autonomous Territory Supervisory Body has not reached the required 10, the needed number of representatives shall be selected from among the appropriate residents of the Autonomous Division or Autonomous Zone, who have the qualifications specified for members of the Regional or State Assembly.
- (i) The Chief of Staff of the Defense Forces may, as necessary, fill up positions for the military personnel whose number in the Autonomous Division Supervisory Body or Autonomous Zone Supervisory Body is at least one fourths the total number of the supervisory body members.
- (j) The military personnel whose names Chief of Staff of the Defense Forces has submitted, according to law, for entrusting responsibilities as members of the Autonomous Division or Autonomous Zone Supervisory Body, shall have the qualifications specified for members of the Regional or State Assembly.
- (1) The respective Autonomous Division Supervisory Body Chairman or Autonomous Zone Supervisory Body Chairman shall announce the names of the members of the Autonomous Division Supervisory Body or Autonomous Zone Supervisory Body.
- (2) The Autonomous Division or Autonomous Zone Supervisory Body Chairman shall be responsible to the respective Regional or State Chief Minister and, through the respective Chief Minister, to the State President.
- (3) The members of the Autonomous Division or Autonomous Zone

- Supervisory Body shall be responsible to the Chairman.
- (4) The specification concerning term of office, disciplinary action, resignation, termination from duties, filling of vacancies of the Chairman or members of the Autonomous Division or Autonomous Zone Supervisory Body shall be regulated by law.
  - (k) The duties, powers and rights of the Autonomous Division or Autonomous Zone Chairman and members of the supervisory body shall be regulated by law.
  - (l) The respective Chief of the General Administration Department of the Autonomous Division or Zone, shall serve, also, as Secretary to the Autonomous Division or Zone Supervisory body. Besides, the Autonomous Division or Zone General Administration Department shall also be the Office of the respective Autonomous Division or Zone Supervisory Body.
  - (m) [Among the basic principles laid down at the National Assembly plenary session, in place of Paragraph (1) Sub-paragraph (5) of the principles concerning Legislation and Executive, which reads, "matters mentioned in the above Paragraph (d), Sub- paragraphs (5) and (6), paragraph (g) Sub-paragraph (5) and, Sub-paragraph (4) of this Paragraph are to be implemented by the State by forming a commission," shall be, "matters mentioned in the above Paragraph (d) Sub-paragraphs (5) and (6), Paragraph (g) Sub-paragraph (5) and Sub-paragraph (4) of this Paragraph shall be implemented by the National Assembly at the same time.

### **35. Administration of Rangoon City Union Territory**

- (a) Rangoon City, which is the Union territory, includes all the districts and townships that are in the municipality at the time this Constitution comes into force.
- (b) The State President may, as necessary, re-designate the districts and townships in Rangoon City, which is the Union Territory.
- (c) The State President:
  - (1) Shall establish Rangoon City Council;
  - (2) Shall appoint persons having the specified qualifications as City Council Chairman and Members.
  - (3) Shall obtain names of military personnel, having the specified qualifications, from Chief of Staff of the Defense Forces, for appointing as Council Members and entrusting responsibilities relating to matters of security of Rangoon City.
  - (4) May specify, according to law, the number of members, including Chairman, for the Rangoon City Council, as necessary.
- (d) The Council Chairman and Members shall have the following qualifications:
  - (1) Having attained to the age of 35 years;
  - (2) Having qualifications specified for members the People's Assembly, except the age requirement,
  - (3) Having other qualifications as Specified by the State President.
- (e) The Rangoon City Council Chairman shall be responsible to the State President and the Members shall be responsible to the Rangoon City Council Chairman and, through the Chairman, shall also be responsible to the State

President.

- (f) Term of Office, Resignation, Termination from Duties and Filling Vacancies
  - (1) The term of office of the Chairman and Members of the Rangoon City Council shall normally the same as that of the State President.
  - (2) If the Chairman or any Member of the Council wishes, for some reason, to resign from office before the end of the term, he shall inform the State President in writing, and may resign.
  - (3) The State President:
    - (aa) May issue a directive instructing the Rangoon City Council Chairman or any Member who is unable to fulfill his duties, to resign. If he does not comply with the directive, he shall be relieved from duty.
    - (bb) Shall consult with Chief of Staff of the Defense Forces if it concerns the resignation or relief from duty of a military personnel in the Rangoon City Council.
  - (4) Due to resignation, or relief from duty, or death or any other reason, if the office of the Rangoon City Council Chairman or that of a council member falls vacant, the State President may, according to provisions of the Constitution, relating to the appointment of Council Chairman and Members, appoint a new Council Chairman or Member. The term of office of new Council Chairman or new Member, thus appointed, shall extend only to the end of the remaining term of the State President.
- (g) If the Council Chairman or any member is a member of any Assembly, he shall be considered as having already resigned as a member of the Assembly on the day he is appointed as Council Chairman or Member.
- (h) If the Council Chairman or any Member is a state employee, he shall be considered as having already resigned from the position of a state employee according to prevailing public service rules and regulations on the day he is appointed as Council Chairman or Member.
- (i) The military personnel, that have been appointed as Council Members for, security matters of Rangoon City, shall not be required to retire or resign from the military.
- (j) If the Council Chairman or any Member is a member of a political party he shall not involve himself in the activities of that political party from the day he is appointed as Council Chairman or Member through out his term of office.
- (k) Formation of the Rangoon City Council, the duties, powers and rights of the Council Chairman and Members shall be regulated by law.
- (l) The Chief of Rangoon City Council General Administration Department is, in term of position, shall be the Secretary of the City Council. The Rangoon City Council General Administration Department shall be the Secretariat of the City Council.

### **36. Specification of Status of the Rangoon City Council Chairman and Members**

For reference in the enactment of law concerning duties, powers and rights of the Rangoon City Council Chairman and Members, the status of Council Chairman is admitted as equivalent to that of Union Minister.

**37. Administration of Coco Island Union Territory**

The administration of Coco Island Township, which is a Union territory, shall be incorporated with the administration of Rangoon City, which is also a Union territory.

**38. Administration at District and Township Levels**

The administration at district and township levels shall be entrusted to the civil service employees.

**39. Administration at Ward or Village Tract Level**

For ward or village tract administration, a person enjoying the respect of the local inhabitants and having moral integrity shall be appointed, according to law, and entrusted with the duties.

**The Head of State**

1. The Head of State is the State President.
2. The State President represents the State.
3. The State President receives the highest position among all the citizens throughout the Union of Burma.

**4. Qualifications of the State President and Vice Presidents**

- (a) The State President shall be a person loyal to the State and the citizens.
- (b) The State President, himself, and both parents must be indigenous Burmese citizens, born in the jurisdiction of the State.
- (c) The candidate for the State President shall have attained to the minimum age of 45 years.
- (d) The State President shall be a person having vision concerning national affairs, such as politics, administration, economy, military, and others.
- (e) The State President shall be a person who has resided in the State continuously for a minimum of 20 years, at the time of election as the State President.
- (f) The State President, either of his parents, his spouse, any legitimate child or the spouse of any of the legitimate child, shall not be a loyal subject to any foreign government or a person under the influence of a foreign government or citizen of an alien country. They shall not be beneficiaries of privileges and loyalties enjoyed by persons under the influence of a foreign government or

citizens of an alien country.

- (g) In addition to the qualifications specified for Assembly Members, the State President shall have the special qualifications specified for the State President.
- (h) The Vice-Presidents shall have the qualification specified for the State President.

## **5. Election of the State President and Vice-Presidents**

- (a) The State President shall be elected by the Presidential Election Body.
- (b) The Presidential Election Body shall be formed of three groups of Members of the Assemblies, as follows:
  - (1) The group of elected Assembly Members from the Assembly which is composed of equal number of members from the Regions and the States;
  - (2) The group of elected Assembly Members of the Assembly which is composed of members elected on population basis;
  - (3) The group of military personnel, who have been submitted by Chief of Staff of the Defense Forces, to serve as assembly members, in the above mentioned two assemblies.
- (c) Each group shall elect a Vice-President each either from among the Assembly Members or non-Member.
- (d) A body that comprises of Chiefs and Deputy Chiefs of the Union Assembly, and the National Assembly and People's Assembly, shall scrutinize whether the Vice-Presidents elected have the qualifications specified for the State President.
- (e) The Presidential Election Body that includes all the Members of the Union Assembly shall elect from among the three Vice-Presidents the State President.
- (f) A statute shall be enacted to regulate the election of the State President.

## **6. Term of office of State President or Vice-Presidents**

- (a) The term of office of the State President or Vice-President is five years.
- (b) The State President and Vice-Presidents shall continue to serve their duties until the election of a new State President at the completion of their term in office.
- (c) The State President and Vice-Presidents shall not serve for more than two terms.
- (d) Serving as the State President or Vice-President for an interim period shall not be regarded as a term.
- (e) If, for a certain reason, office of the State President or Vice-President becomes vacant, and the vacancy is filled by a by-election, the term of office of that new State President or Vice-President shall extend till the end of the remaining term of office, only.

## **7. The State President or Vice-President shall not be a member of any of the two Assemblies.**

- (a) If the State President or Vice-Presidents are members an Assembly, or state

employees, they shall be considered as having resigned or retired on the day they are elected as State President or Vice-Presidents.

- (b) If the State President or Vice-Presidents are members of a political party, they shall not take part in the activities of that political party, from the day they are elected as the State President or Vice-Presidents and throughout their term of office.

#### **8. Swearing in of State President and Vice-Presidents**

To Solemnly proclaim and swear that he shall:

- (a) Be loyal to Republic of the Union Burma and the citizens;
- (b) Always dedicate to the prevention of disintegration of the Union, prevention of disintegration of the unity among the ethnic nationals, maintenance of sovereignty;
- (c) Abide by the Constitution and also obey and practice the country's laws;
- (d) Perform his duties with honesty and with utmost diligence;
- (e) Promote the natural laws of justice, freedom and equality in the Republic of Burma;
- (f) Sacrifice his life for the State and for the benefit of the Republic of the Union Burma.

#### **Duties, Powers and Rights of State President and Vice-Presidents**

- 9. The State President and Vice-Presidents shall exercise the duties and powers entrusted by the Constitution and other laws.
- 10. The State President and Vice-Presidents shall not accept any other position that receives salary, expenses and other benefits.
- 11. The State President and Vice-Presidents shall submit to the Chief of the Union Assembly the lists of land, houses, buildings, businesses, money saved, other valuable properties, with estimated value, commonly owned by their families headed by them.
- 12. The State President and Vice-Presidents shall receive the specified salary, expenses and decorations. They shall also receive a decent housing.
- 13. The State President and Vice-Presidents, except in the case of impeachment and dismissal from office, shall receive reasonable pension and support, on retirement at the completion of duties.

#### **Impeachment of State President or a Vice-President**

- 14. The State President or any of the Vice-Presidents may be impeached for any of the following reasons:
  - 1) High treason,
  - 2) Violation of provisions of the Constitution,

- 3) Misconduct,
  - 4) Lack of qualification of the State President or Vice-President as specified in the Constitution.
15. If impeachment against the State President or a Vice-President is to be made, at least one fourth of the total membership of any one of the two Assemblies of the Union Congress shall sign their names and submit their proposal to the respective Assembly Chief.
  16. The impeachment shall proceed only at the support of at least two thirds the total membership of that assembly.
  17. If one Assembly supports the impeachment proposal, the other Assembly shall begin investigation for impeachment or shall form a body for investigation.
  18. At the time of the investigation, the State President or Vice-President shall have the right to defend himself personally or through representative.
  19. At the completion of the investigation, if at least two thirds of the total membership of the Assembly, that has undertaken the investigation or has authorized the investigation, decides that there is reason for impeachment, and that it is no longer appropriate for the State President or Vice-President to continue in office, that Assembly shall submit to the Chief of the Union Assembly, a proposal for the dismissal from office of the State President or Vice-President.
  20. The Chief of the Union Assembly shall, on receiving the proposal, immediately issue a promulgation dismissing the State President or Vice-President from office.

#### **Vacancy of Office of State President or Vice-President**

21. If the State President or any Vice-President wishes to resign before the completion of his term he shall be permitted to resign.
22. If the office of State President becomes vacant, due to resignation, death or permanent incapacitation, before the end of his term, the Vice-President receiving the second highest vote at the time of the election of the State President, shall serve as Acting State President.
23. If the vacancy of the State President office occurs at the time when the Union Assembly is in session, the State President shall immediately notify the Chief of the Union Assembly so as to enable the Union Assembly to elect a new State President, within seven days.
24. On receiving the notification from the Acting State President, Chief of the Union Assembly shall arrange for the group of Assembly members who had, initially, elected the State President and Vice-Presidents, to elect a new Vice-President.
25. Following the election of a new Vice-President, the Union Assembly shall elect the State President from among the three Vice Presidents.

26. If the occurrence of vacancy is not during a session of the Union Assembly, the Chief of the Union Assembly, on receiving the notification from the Acting State President, shall convene the Union Assembly within 21 days and elect the new State President, according to the procedures mentioned above.
27. If, before the end of the term, a Vice-President office becomes vacant during the session of the Union Assembly, due to resignation, death, or permanent disability, or for any other reason, the State President shall immediately notify the Chief of the Union Assembly, so as for the electoral body consisting of assembly members, that has elected the Vice-President in question, shall in seven days elect a new Vice-President.
28. If the Union Assembly is not in session, the Chief of the Union Assembly shall, within 21 days, after receiving the notification from the State President, convene the Union Assembly, for the respective electoral body consisting of assembly members, to elect a new Vice-President, according to specified procedures.

## The Judiciary

### 1. Distribution of State Judicial Power

The State judicial power is distributed among:

- (a) The Supreme Court of the Union, the High Courts of the Regions, the High Courts of the States, the Courts of the Autonomous Divisions, the Courts of the Autonomous Zones, the District Courts, the Township Courts, other Courts, established according to law, and Justices appointed according to the Constitution or other laws;
- (b) Military Courts established according to the Constitution or other laws;
- (c) The Constitutional Tribunal.

### 2. Supreme Court of the Union.

- (a) Supreme Court of the Union is established in the State. The Supreme Court of the Union, without prejudice to the Constitutional Tribunal and the Military Court, is the Union's highest Court.
- (b) (1) Chief of the Union Supreme Court shall be called the "Chief Justice of the Union";  
(2) A minimum of seven and a maximum of eleven Justices of the Supreme Court of the Union, including Chief Justice of the Union, may be appointed;
- (c) (1) The State President shall appoint the Chief Justice of the Union, with the approval of the Union Assembly.  
(2) The Union Assembly shall not have the right to reject candidate for Chief Justice of the Union, submitted by the State President, unless there is concrete evidence to prove that the candidate fails to possess qualifications



- specified by the Constitution for Chief Justice of the Union.
- (3) The State President shall have the power to submit a new candidate for the position of Chief Justice of the Union, in place of the one rejected by the Union Assembly.
  - (4) The State President shall appoint the candidate approved by the Union Assembly as Chief Justice of the Union.
- (d) (1) The State President, in consultation with Chief Justice of the Union, shall submit a list of candidates to the Union Assembly for approval, for positions of Justices of the Supreme Court of the Union.
- (2) The Union Assembly shall not have the right to reject, unless there is concrete evidence to prove that the candidates do not have the qualifications, specified by the Constitution, for Justices.
  - (3) The State President shall have the right to submit a new candidate, in place of the one rejected by the Union Assembly.
  - (4) The State President shall appoint the candidates approved by the Union Assembly as the Justices of the Supreme Court of the Union.

### **3. Qualifications for Chief Justice and Justices of the Supreme Court of the Union**

Chief Justice of the Union and the Justices of the Supreme Court of the Union shall have the following qualifications:

- (a) Not younger than 50 years and not older than 70 years of age;
- (b) Possess the qualifications specified for members of the People's Assembly, with the exception of the provision for age;
- (c) (1) Having served a minimum of five years as a Region or State High Court Judge; or
  - (2) Having served a minimum of ten years as a judicial officer or law officer in an office with a status not lower than the Region or State level; or
  - (3) Having worked for a minimum of 20 years as an advocate; or
  - (4) A person regarded by the State President as a famous and dignified expert in law.
- (d) Being loyal to the State and the citizens;
- (e) Not being a political party member;
- (f) Not being an Assembly Member.

### **4. Empowerment of the State President**

- (a) The State President may impeach the Chief Justice of the Union or a Justice of the Supreme Court of the Union for any of the following matters:
  - (1) Commission of high treason;
  - (2) Violation of any provision of the Constitution;
  - (3) Gross misconduct;
  - (4) Failing to have qualifications for the Chief Justice of the Union or a Justice of the Supreme Court of the Union, as specified by the constitution.
- (b) If the State President has to impeach the Chief Justice of the Union or a Justice of the Supreme Court of the Union, he shall submit his proposal for impeachment to the Patron of the Union Assembly.

- (c) The *Patron* of the Union Assembly shall form an investigation body and direct it to conduct an investigation, according to law.
- (d) An equal number of the People's Assembly and the National Assembly members shall be included in the body. A suitable member from among these shall be entrusted with duties of the chairman of the investigation body.
- (e) A time period shall also be designated, taking into account the magnitude of the investigation to be conducted.
- (f) The State President, may either in person or through a representative, witness the impeachment before the investigation body. He shall also have the right to present evidence and witnesses.
- (g) The Justice under impeachment shall be granted the right to defend himself in person or through a representative during the investigation period.
- (h) When the investigation body presents its findings, the Patron of the Union Assembly shall submit them to the Union Assembly.
- (i) If two-thirds of the total membership of the Assembly decide that the impeachment is valid and that the person is no longer suitable to serve as the Chief Justice of the Union or Justice of the Supreme Court of the Union, the *Patron* of the Union Assembly shall notify the State President of the decision.
- (j) On such notification, the State President shall dismiss the Chief Justice of the Union or the Justice of the Supreme Court of the Union.
- (k) If the Union Assembly decides that the allegation is not true, the *Patron* of the Union Assembly shall notify the State President of the decision.

#### **5. Impeachment of Chief Justice or any Justices of the Supreme Court of the Union**

- (a) The Chief Justice of the Union or a Justice of the Supreme Court of the Union may be impeached for any of the following matters:
  - (1) Commission of high treason;
  - (2) Violation of any provision of the Constitution
  - (3) Gross misconduct
  - (4) Failing to have the qualifications for Chief Justice of the Union or a Justice of the Supreme Court of the Union, as specified by the constitution.
- (b) Impeachment of Chief Justice of the Union or a Justice of the Supreme Court of the Union shall be undertaken, in accordance with the Constitution.
- (c) If the investigating Assembly decides that the impeachment is valid and that the person is no longer suitable to continue in office, the State President shall dismiss the Chief Justice of the Union or Judge of the Supreme Court of the Union.
- (d) If the investigating assembly decides that the allegation is not valid, the respective Assembly Chairman shall notify the State President of the decision.

#### **6. Term of office of the Chief Justice and the Justices of the Supreme Court of the Union**

The Chief Justice of the Union or a Justice of the Supreme Court of the Union may, unless any of the following matters occurs, remain in service, until the attainment of the age of 70 years:

- 1) Resignation from office on his own free will;
- 2) Termination of service in the office, as a result of impeachment;
- 3) Termination of service, on the recommendation of the medical body, established according to the law, that he is permanently disabled either physically or mentally;
- 4) Death.

#### **7. Independence of Chief Justice and Justices of the Supreme Court of the Union**

- (a) Chief Justice of the Union and the Justices of the Supreme Court of the Union shall be independent from party politics.
- (b) If the Chief Justice of the Union or a Justice of the Supreme Court of the Union is a State employee, he shall be regarded as having been pensioned, according to the existing rules and regulations of the civil service, from the day he is appointed as Chief Justice or a Justice of the Supreme Court of the Union.

#### **8. Duties, powers and rights of Chief Justice and Justices of the Supreme Court of the Union**

The duties, powers and rights of Chief Justice of the Union and the Justices of the Supreme Court of the Union shall be regulated by law.

#### **9. Status of Chief Justice and Justices of the Supreme Court of the Union**

For purposes of reference on enactment of law concerning the duties, powers and rights of Chief Justice of the Union and Justices of the Supreme Court of the Union, the status of Chief Justice shall be admitted as equivalent to that of the Vice-President and the status of Justices of the Supreme Court of the Union shall be admitted as equivalent to that of Union Ministers.

#### **10. Formation of High Court of a Region or State**

- (a) A High Court is established in every Region and State.
- (b) (1) The Chief of the High Court of a Region or that of a State shall be called Chief Justice of the High Court of the Region or the State.  
(2) A minimum of three and a maximum of seven Justices of the High Court of the Region or State, including the Chief Justice, may be appointed in the High Court of the Region or the State.
- (c) (1) The State President, in consultation with the Chief Justice of the Union and the respective Chief Ministers of the Regions or State, shall prepare a list of candidates for the positions of Chief Justices of the High Courts of the Regions and the States and submit it to the respective Regions and States. The Chief Ministers of the Regions and States, in consultation with the Chief Justice of the Union, shall prepare a list of candidates for positions of Justices

of the High Court of their respective Regions and the States and submit them to the respective Region or State assemblies.

- (2) The Region or State Assembly shall not have the right to reject the candidate the State President, in consultation with the Chief Justice of the Union and the Respective Chief Minister of the Region or State, has nominated as the Chief Justice of the High Court of the Region or State. It neither shall have the right to reject the candidates nominated by the Chief Minister, in consultation with the Chief Justice of the Union, for positions of Justices of the High Court of the Region or State, unless concrete evidence can be supplied that the candidate or candidates fail to possess qualifications for Chief Justice or Justices of the High Court of the Region or State, as specified by the Constitution.
- (3) A new candidate or candidates can be submitted according to the procedure mentioned in sub-paragraph (2), in place of a candidate or candidates rejected.
- (4) The State President shall appoint the persons approved by the respective Region or State Assemblies as the Chief Justice and Justices of the High Court of the respective Regions or States.

#### **11. Qualifications for Chief Justice and Justices of High Courts of Regions or States**

The Chief Justices and Justices of the High Courts of the Regions or States shall have the following qualifications:

- (a) Being not younger than 45 years and not older than 65 years of age;
- (b) Having qualifications specified for Regional or State Assembly Members;
- (c) (1) Having served at least for five years as a judicial officer or law officer at a level not lower than that of the Region or State, or having served at least for ten years as a judicial officer or law officer, in an office that has a status not lower than that of the district; or  
(2) Having worked for a minimum of 15 years as an advocate; or  
(3) Being regarded by the State President as a famous and dignified expert in law;
- (d) Being loyal to the country and the citizens;
- (e) Being not a political party member;
- (f) Being not an Assembly Member.

#### **12. Empowerment of State President and Chief Minister of the Region or State**

The State President may impeach the Chief Justice of a High Court of a Region or State, and the Chief Minister of a Region or State may impeach any of the respective Justices of the High Court of the Region or State, for any of the following matters:

- (a) (1) Commission of high treason;  
(2) Violations of any provisions of the Constitution;  
(3) Gross misconduct.

- (4) Failing to have the qualifications for the Chief Justice or Justice of the High Court of the Region or State, as specified by the Constitution.
- (b) If the State President has to impeach the Chief Justice of a High Court of a Region or State, or if the Chief Minister of a Region or State has to impeach any of the respective Justices of the High Court of the Region or State, he shall submit his proposal for impeachment to the Chairman of the Regional or State Assembly.
- (c) The Chairman of the Region or State Assembly shall form an investigation body and direct it to conduct an investigation, according to the law.
- (d) The investigation body is to be formed with Members Regional or State Assembly. A suitable person from among the members shall be entrusted with duties of the chairman of the investigation body.
- (e) A time period shall also be designated taking into account the magnitude of the investigation.
- (f) The State President or respective Chief Minister of the Region or State, may either in person or through a representative, witness the prosecution before the investigation body. He also has the right to present evidence and witnesses.
- (g) The person under impeachment shall be granted the right to defend himself in person or through a representative during the investigation period.
- (h) When the investigation body presents its findings, the Chairman of the Region or State Assembly shall submit it to the Region or State assembly.
- (i) If two-thirds of the total membership of the Assembly Members decide that the impeachment is valid and that the person is no longer suitable to serve in the office as Chief Justice or a Justice of the High Court of the Region or State, the Assembly Chairman shall submit the decision the State President, if it is the Chief Justice, or to the Chief Minister if it is a Justice. The Chief Minister of the Region or State, on receiving such report, shall forward it to the State President.
- (j) On receiving such a report, the State President shall dismiss from office, the Regional or State High Court Chief Justice or Justice, concerned.
- (k) If the Regional or State Assembly decides that the impeachment is not valid, the Chairman of the Region or State Assembly shall inform such a decision, in the case of the Chief Justice, to the State President, and in the case of a Justice, to the Chief Minister of the Region or State.

### **13. Basis for Impeachment of Chief Justice or a Justice of High Court of Region or State**

- (a) The Chief Justice or a Justice of the High Court of a Region or State may be impeached for any of the following reasons:
  - (1) Commission of high treason;
  - (2) Violation of any provisions of the Constitution;
  - (3) Gross misconduct.
  - (4) Lack of qualifications for Chief Justice or a Justice of the High Court of the Region or State as specified by the Constitution.
- (b) If there is a need to impeach the Chief Justice or Justice of the High Court of a Region or State, a minimum of one-fourth of the total membership of the respective Regional or State Assembly shall sign their names, and submit the proposal to the respective Chairman of the Region or State Assembly.

- (c) Chairman of the Region or State Assembly, concerned, shall form a body for investigation and direct it to conduct an investigation. A time limit for the investigation shall also be designated, taking into account the magnitude of the investigation required.
- (d) During the investigation period, the person under investigation shall be allowed to present a defense either personally or through a representative.
- (e) When the investigation body presents its findings, the Assembly Chairman shall submit it to the respective Regional or State Assembly. If two-thirds of the total membership decide that the impeachment is valid and that it is no longer appropriate for the person, in question, to serve in the office of the Chief Justice or as a Justice of the High Court of the Region or State, the Assembly Chairman shall submit such a decision to the State President, if it is the Chief Justice, or to the Chief Minister, if it is a Justice of the High Court of the Region or State. On receiving such a report, the Chief Minister shall forward it to the State President.
- (f) On receiving such a report the State President shall dismiss from office, the Chief Justice or Justice, concerned, of the High Court of the Region or State.
- (g) If the Region or State assembly decides that the impeachment is not correct, the Chairman of the Regional or State Assembly shall inform such decision, in the case of the Chief Justice, to the State President, and in the case of a Justice, to the Chief Minister of the respective Region or State.

#### **14. Term of office of Chief Justice or Justice of High Court of Region or State**

The Chief Justice or a Judge of the High Court of the Region or State may serve in office, until the attainment to the age of 65 years, unless any of the following matters occurs:

- 1) Resignation on his own free will;
- 2) Dismissal from office after impeachment, according to provisions of the Constitution;
- 3) Dismissal from office, on recommendation by a medical body established according to law, for permanent disability, either physically or mentally;
- 4) Death.

#### **15. Independence of Chief Justice or Justices of High Court of Region or State**

- (a) Chief Justice or a Justice of the High Court of a Region or State shall be independent from party politics.
- (b) If the Chief Justice or a Justice of the High Court of a Region or State is a State employee, he shall be regarded as having been pensioned, according to the existing rules and regulations of the civil service, from the day he is appointed Chief Justice or a Justice of the High Court of the Region or State.

#### **16. Duties, powers and rights of Chief Justice or a Justice of High Court of a Region or State.**

The responsibilities, powers and rights of the Chief Justice or a Justice of the High

Court of a Region or State shall be regulated by law.

**17. Status of Chief Justice or a Justice of High Court of a Region or State**

For reference in enactment of law regarding the duties, powers and rights of the Chief Justice or a Justice of the High Court of the Region or State, the status of the Chief Justice is admitted as equivalent to that of a Union Minister, whereas the status of a Justices is admitted as equivalent to that of a Deputy Minister.

**18. Formation of Subordinate Courts under High Court of Region or State**

Under the High Court of the Region or State, various levels of Courts are formed as follows:

- (a) If there is no autonomous territories in the Region or State:
  - 1) District Courts;
  - 2) Township Courts;
- (b) If there are autonomous territories in the Region or State:
  - 1) In an Autonomous Divisions:
    - Divisional Courts;
    - Township Courts.
  - 2) In an Autonomous Zone
    - Autonomous Zone Courts
    - Township Courts
  - 3) In the remaining Region:
    - District Courts
    - Township Courts
- (c) In the Union Territory:
  - 1) District Courts
  - 2) Township Courts
- (d) Other Courts, established according to law

**19. Appointment, duties, powers and rights of Justices**

- (a) Appointment of Justices, empowerment of them with judicial rights, specification of duties, powers and rights of the sub-ordinate Courts of the High Court of a Region or State shall be according to law.
- (b) The formation of employees associations, including the office employees and other levels of employees of the Supreme Court of the Union, High Courts of the Region or State and other Courts, and the specification of responsibilities, powers and rights shall be according to law.

## **National Convention Procedural Code (January 1, 1993)**

### **Section (1) Aim of National Convention**

1. In order to lay down the principles on which the drafting of a firm constitution of state is to be based-discussions and derivation are to be made within the context of the aims mentioned below.
  - (a) Non- disintegration of the Union;
  - (b) Non- disintegration of the national unity;
  - (c) Stability of sovereignty;
  - (d) Development of genuine multi-party democracy;
  - (e) Promotion of social truths such as justness, freedom, equality & etc. in the



- state;
- (f) Participation of the military in the leading role of national politics in the future State.

Section (2)  
**Duties and Competence of National Convention Delegates and  
Members of the Presidium**

**National Convention Delegates**

2. Delegates, the number of which has been specified by the national Convention Convening Commission (NCCC), from the groups mentioned below are to attend the National Convention (NC).
- (a) Political parties' delegates,
  - (b) Elected Representatives' delegates,
  - (c) Indigenous nationalities' delegates,
  - (d) Peasants' delegates,
  - (e) Workers' delegates,
  - (f) Intelligentsia's delegates,
  - (g) Civil service delegates,
  - (h) Appropriate persons,

**Entitlement**

3. The delegates shall report to the Credential Committee, the office of which is at Kyaikkasan ground, not later than January 6, 1993. The delegate must produce, at the time of reporting, credentials from the respective group, stating that he has been nominated as delegate.
4. After inspection, the Credential Committee shall issue a delegate- badge to the respective delegate.

**Duties and Competence of the Delegates**

5. The duties and competence of the delegates are as follows:
- (a) Respect for laws, orders and directives;
  - (b) Respect for rules, procedural rules and directives issued by NCCC, NC Convening Work Committee (NCCWC) and NC Management Committee
  - (c) Having permission to honestly and openly discuss about their ideas and suggestion, within the context of the aims, in order to lay down basic principles on which the drafting of a firm State constitution is to be based:
  - (d) Attending the NC meetings regularly;
  - (e) Submitting to the presidium for leave of absence in advance for inability to

- attend the NC meeting for some valid and special reason;
- (f) Maintaining confidentiality concerning Convention secrets;
- (g) Performing thoroughly the duties entrusted by the presidium.

### **Rights of the Delegates**

6. Rights of the delegates are as follows:
  - (a) To enjoy cash grant, daily allowance and other allowances allotted;
  - (b) To enjoy, in the case of a civil servant, his salary or other payments from office or work where he has been originally serving, during the period he is attending the Convention.
7. The time spent by a civil servant delegate, as mentioned in Art. 6, paragraph (b) shall be regarded as the original in-service time.

### **Code of conduct and discipline of the delegates.**

8. Convention delegates shall observe the following code of conduct and discipline:  
The delegates-
  - (a) Shall not have allegiance to any other State except to State of the Union of Myanmar (Burma);
  - (b) Shall obey the directives issued by Chairman of the delegate group or the Convention Presidium;
  - (c) Shall conduct themselves in a manner befitting a Convention delegate;
  - (d) Shall not abuse the duty of the Convention delegate for personal benefit;
  - (e) Shall discuss matters objectively in the Convention meetings and shall avoid defamatory attacks on individuals or an organization;
  - (f) Shall salute the state flag on entering or leaving the Convention assembly hall or delegate group meeting hall;
  - (g) Shall, in the case of male, wear Burmese traditional jackets and collar-less shirts, and in the case of a female wear long-sleeve blouses. Full costumes according to indigenous nationalities may also be worn. Similarly, delegates from the armed forces and police can also wear their service uniforms;
  - (h) Shall not bring, either into the Convention assembly hall or delegate group meeting hall, weapons, ammunition, voice recording devices, video and photo cameras;
  - (i) Shall pin the delegate badge on the left side of the chest. In case of damage or loss of the badge, the matter must be reported promptly to the NC Convening Work Committee (NCCWC) office.
  - (j) Shall keep all news relating to the NC as secret before it is released by the NCCWC, which is responsible for all press releases relevant to the NC.
  - (k) Shall not bring into the convention assembly hall food or shall neither eat smoke in it.

### **The Presidium**

9. For the forming of presidiums, the following shall nominate delegates, who will

serve as presidium members, as has been specified.

- (a) From NCCWC delegate 5
- (b) Delegates from political parties and elected representatives delegates 10
- (a) Indigenous nationalities delegates 5
- (b) Peasants' delegates 5
- (c) Workers' delegates 5
- (d) Intelligentsia's delegates 5
- (e) (g) Civil service delegates 5
- (f) Appropriate persons 5

10. In the nomination 10 presidium members from political parties' delegates and elected representatives Delegates, adjustment shall be from each of the following political parties.
  - (a) National League for Democracy
  - (b) Shan Nationalities' League for Democracy
  - (c) National Unity Party
  - (d) Union Pa-o National League
  - (e) Shan State Kokan Democratic Party
  - (f) Myo (AKA) Khami National United Organization
  - (g) (g)Lahu National Development Party
  - (h) Union Karen National League
  - (i) Kokan Democracy and Unity Party
  - (j) Wa National Development Party
11. After nomination of the presidium members mentioned, according to classification through consultations, the list of presidium members approved by the majority shall be sent to the NCCWC.
12. The NCCWC, on receipt of the list of presidium members, shall form 9- member presidium consisting of a member from NCCWC and 8 delegate groups.
13. Of the 9 members of the presidium, the member from the NCCWC shall preside as chairman and the remaining 8 members shall preside as alternate chairman.
14. The NCCWC shall announce, from time to time, the list of presidium members shall preside as alternate chairman.
15. The duties and competence of the chairman are as follows:-
  - (a) To supervise so as to make the Convention meeting proceed systematically;
  - (b) To take responsibility for maintaining order in the convention meeting;
  - (c) To allow in turn the delegates, who have been permitted to speak to take the floor;
  - (d) To warn a delegate who indulges in unbecoming manners, and expel from the meeting room, if the delegate fails to obey the warning and reports to the presidium if he thinks that action should be taken against the delegate;
  - (e) To decide whether the matter discussed by a delegate is in order as to the meeting agenda, and found to be out of order, to give warning, and report to the presidium if he thinks that action should be taken against the delegate;
  - (f) To adjourn meeting temporarily, for a break, if necessary;

- (g) To stop the meeting temporarily, after consultation with the presidium, if the situation becomes out of control, and if necessary, to adjourn the meeting after consultation with NCCWC;
  - (h) During a Convention meeting, if an alternate chairman finds something to submit to the meeting, he shall do it.
16. Duties and competence of the presidium are as follows:
- (a) To supervise Convention meetings;
  - (b) To take the responsibility for keeping the Convention meetings in order;
  - (c) To allow delegates, who have enlisted for discussion, to discuss matters on the date specified by the NCCWC.
  - (d) If a delegate should not be allowed to attend meetings for disorderly manners in Convention meetings, the respective presidium shall submit the matter to NCCWC.
  - (e) If it should expel a delegate from the meeting for a limited period, for disorderly manners, it shall do so after receiving the approval of the NCCWC.
  - (f) To take action, with the approval of the NCCWC, against a delegate who has damaged the prestige of the NC or made the performances of the NC to be seen in a misleading light, in writing, by behavior or by speech.
  - (g) To take action, after convention and with approval of the NCCWC, against a delegate who fails to attend convention meetings without a leave of absence from the presidium or without valid reason.
  - (h) To classify if it is seen as necessary, with the approval of the NCCWC, the subject of discussion of a delegate as state secret;
  - (i) To decide, with the approval of the NCCWC, the manner of action to be taken against a delegate, who has leaked state secrets.

**Responsibilities of Convention Coordinator and Joint- Coordinator.**

- 17. The NCCWC shall select persons who will serve as coordinator and joint-coordinator when Convention meetings are held.
- 18. At the convention meetings, after the chairman has place, the coordinator shall ask permission from the chairman to begin the proceedings. When chairman's permission has been received, the coordinator shall read out the agenda of the meeting. Subsequently, the coordinator is to perform according to agenda and call upon the delegates who are to lead the discussions.
- 19. When it is time for a break, the coordinator shall announce for a break, with the permission of the chairman.
- 20. The joint-coordinator is to assist the coordinator as necessary.

**Responsibilities of coordinator and joint-coordinator at the delegate group meetings**

- 21. The NCCWC shall select persons who will serve as coordinator and joint-coordinator at the delegate group meetings. In consultation with the presidium of

the delegate group, the coordinator shall prepare agenda of the meeting. With the permission of the presidium, the meeting is to be conducted according to the agenda.

**Section (3)**

**Holding of NC meetings Designation of place, date and time**

22. Normally, the NC meetings are to begin at (11 a.m.) at the designated place and on the designated date. A 15-minute break in the morning, a one-hour break at noon and a 15-minute break in the afternoon may be given.
23. To suspend meetings temporarily, if necessary, for some special reason or situation.
24. To suspend convention meetings on public holidays. However, if necessary, the presidium can hold a meeting on those days, with the approval of the NCCWC. If convention meetings are to be continued after (7 p.m.), the presidium, with the approval of the NCCWC, may continue holding meetings up to an appropriate time.

**Work of Credential Committee and seating of Delegates**

25. The Convention Credential Committee shall examine the credentials of the delegates attending NC meeting, prepare a list of the number of delegates, calculate the percentage of attendance and submit requests of the delegates to respective presidiums.
26. The delegates attending the Convention meetings shall sign their signatures with the Credential Committee Office to show their attendance, and, for seating in the Convention assembly hall, they may get seat numbers from the Convention Credential Committee.

**Quorum**

27. (a) The attendance of 50 % of the entire number of delegates shall constitute the quorum for NC meetings.  
(b) Meeting agenda shall be distributed in advance and pasted on clearly visible areas of the notice boards.

**Opening Session**

28. On the opening day of the NC meeting, chairman of NCCC shall serve as chairman of the meeting and the secretary shall serve as coordinator.

**Section (4)**  
**Methods for Discussion**

**Consultation for Allocation of Headings In Order to be Able to Lay Down Principles on Which the Drafting of State Constitution is to be Based**

29. In consultation to designate headings to the fundamentals to be discussed for the laying down of basic principles on which the drafting of a firm State Constitution is to be based, the delegates, in order to be able to present their views, the ideas and suggestion systematically in the NC, shall perform as follow:
- (a) The NCCWC shall make arrangement so as the delegate groups may be able to discuss and suggest headings for the basic principles on which the drafting of a firm State Constitution is to be based.
  - (b) Member of delegate groups, after discussions in their respective delegate groups, and the formulation of headings they want to suggest, may submit them through the presidiums of their respective delegate groups.
  - (c) In suggesting heading by delegate groups, similar suggestions be explained by a suitable member or members of respective group in the NC meetings.
  - (d) The delegates having suggestions other than the similar suggestions mentioned in paragraph (c), can discuss their suggestions in delegate group meetings. Only after submitting to such presentation, they may be presented in the NC meetings.
  - (e) Delegates from the political parties are to present headings suggested by individual political parties.
  - (f) Delegates of the elected reps. group, if they are from political parties, can present suggestions made by their respective parties, and if they are independents, can present their suggestions separately.
  - (g) Delegates having suggestions other than the similar ones, can present their suggestions separately, whether they are from a political party as mentioned in para (e), or whether they are of elected reps group and representing a political party as mentioned in paragraph (f).
  - (h) As it has been explained, delegates having suggestions to be presented, shall have the permission to present the headings they want to suggest, in the NC meeting, only after they have present them in their respective delegate group meetings, whether they be a political party, a delegate to present suggestions separately.
  - (i) If there are differences in positions in the presentations made as provided for in the paragraphs above, by political parties, delegate groups and individual delegates presenting separate suggestions, the NCCWC shall undertake, to the utmost extent possible, to iron out the differences.

**Discussion on Headings Resulting after Utmost Effort for Consensus by the NC**

30. In order to have permission to present systematically, the ideas suggestions they want to present, in the NC, the NC delegates shall perform as follows:-
- (a) The NCCWC shall make suitable arrangement in order to enable the delegate

groups to present in the NC meeting, the result of their discussions, made in accordance with the headings resulting after utmost effort for consensus in the NC meeting.

- (b) The delegate groups shall discuss separately, by headings resulting after adjustment, the ideas and suggestions they want to present, in relation to the principles on which the drafting of constitution is to be based.
31. For presentation in the NC meeting, each delegate group shall prepare a separate discussion paper for suggestions made. Delegates from political parties can present separate discussion papers representing the views of their individual parties. The elected representatives, if they are from political parties, can make a separate presentation of discussion papers according to their respective parties.
32. In the presentation of discussion papers by delegate groups, each group is to compile all the points agreed upon. If there are suggestions, different from the ones agreed upon by all to be made by a political party, a delegate group or an individual delegate, a separate paper shall be prepared and presented in the NC meeting through group presidium.
33. In preparing discussion papers, the points to be discussed are to be stated precisely and clearly.
34. The political parties, the delegate group or the individual delegates shall submit a copy of their discussion papers, to be presented, to their own delegate group presidium, in the time specified. At the time of submitting a paper, the names of the delegates who have been selected to read the paper shall also be submitted. When there are different suggestions to be presented, the individual delegates presenting them shall also submit their names
35. The delegate group presidium shall send the papers and name of the delegates, who are to discuss, to the committee preparing the list of designated speakers.
36. The NCCWC shall convene the NC meeting on receiving the names of the delegates, who are to discuss and the discussion papers.
37. Only the delegates who have sent their names and discussion papers through the delegates group presidium shall have the permission to participate in discussions.
38. If there are differences in suggestions submitted by different delegate groups or submitted by delegate of the same delegate group, in NC meeting, the NCCWC shall arrange as necessary for re-submission, so as reconciliation of views may be effected as much as possible.

#### **Discussion in NC Meeting**

39. (a) In NC meeting when the coordinator invites a delegate for discussion, he shall go up the stage designated, firstly pay respect to the presidium by bowing. If he is wearing a military or police uniform, he is to give the service salute.
- (b) Discussion is to be started by addressing to the chair as “ Mr. Chairman.”

- (c) On signal from the chairman to stop, the delegate shall stop his discussion and obey the instruction of the chairman.
- (d) After finishing the discussion, the delegate shall go to the chairman and hand over the discussion paper. At the end of the meeting for the day, the chairman shall deliver the discussion papers to the NCCWC.

#### **Discussion in a delegate group**

- 40. The delegate groups are to hold discussions, in designated places, according to headings assigned to each group. Each discussion is to be Presided over by one of the members of 5- member presidium, elected by delegates of the group, and the remaining four are to serve as alternate chairman.
- 41. The members of 10- members presidium elected jointly by political parties and elected reps. delegates, shall select 5- members from among themselves, through consultation, for the duty of presiding over the political parties delegate group and elected reps. delegate group.
- 42. The duties and competence of chairman and the presidium are as provided for in Articles 15 and 16. However, the presidium is to have freedom for making appropriate decisions so as to give a fair chance to all those who want to participate in discussions.
- 43. The Convention delegates, making discussions, have the permission to discuss about all ideas and suggestions they want to present, within the context of the 6- point aims and Objects. However, they shall not violate the provisions of this Procedural Code.
- 44. The office staff on duty shall assist the delegate group as necessary, in matter of management, in the preparation of discussion papers.

#### **Rules That Shall be Observed in Discussions**

- 45. In making discussions either in the NC meeting or in the delegate group meetings, the NC delegates:-
  - (a) Shall nor speak defamatorily against the beneficence of the State;
  - (b) Shall not use a language that would damage the effort for non-disintegration of the Union, national unity and stability of sovereignty;
  - (c) Shall not speak in the interest of organizations and persons who are not within the legal fold;
  - (d) Shall not use a language that would damage national unity, harmony and amity;
  - (e) Shall not speak ill against any religion;
  - (f) Shall not speak about anything that is not related to the matter under discussion;
  - (g) Shall not abuse the privilege to speak in the convention delegate;
  - (h) Shall not abuse the privilege to speak in the convention by indulging in grand-standing speeches or speeches damaging the prestige of other organizations



- and persons;
- (i) Shall read and discuss in accordance with the discussion paper he has delivered in advance and shall not speak about matters not in the discussion paper. Either some points contained in the delegate group paper are left to read or some new points are discussed, documentation shall be done only according to the discussion paper.
  - (j) Shall not leave the convention meeting or the delegate group meeting in protest, either singly or in-group.
46. If only the name of one delegate has been submitted for reading the discussion paper and he is not able to read for some reasons, the presidium shall, in consultation with the NCCWC, arrange for someone from the delegate group to read and discuss. If the names of more than one delegate have submitted to read the discussion paper, one of the remaining delegates, with the permission of the presidium, may read it.

**Section (5)**  
**Prohibitions**

47. No one shall violate any one of the following prohibitions. Any one violating shall be prosecuted according to existing laws. No one shall:-
- (a) Unjustly influence, entice or intimidate a delegate who is to discuss in the convention meeting;
  - (b) Harass a delegate either in the convention assembly hall, in the meeting hall designated for delegate groups, in buildings designated for the delegates to lodge or on the premises of them;
  - (c) Shall harass, prevent or resist either a delegate or a security personnel of the convention, in the performance of his duty;
  - (d) Shall present forged papers or signatures with the intention of misleading either the convention or a delegate group;
  - (e) Shall distribute papers, without the permission of NCCWC, in the meeting hall designated for delegate groups, in the building designated for the delegates to lodge or on the premises of them.
  - (f) Shall leak to the outside papers classified as secret by the NCCWC. Matters in such papers shall not be spoken of, written about, printed or published outside.
  - (g) Shall bring weapons or ammunition either into the convention assembly hall, the meeting hall designated for the delegates to lodge or the premises of them, apart from the security personnel on duty.

**Section (6)**  
**Revocation of the Delegate Status**

48. The NCCWC shall decide whether the delegate status should be revoked from a

delegate failing to attend, in two consecutive days, without the prior permission of the presidium or valid reason, either the convention meeting or meetings held by the delegate groups, on group by group basis.

49. Due to the violation of rules laid down or a law in existence, the name of the delegate, whose delegate status has been revoked, shall be announced.

**Section (7)**  
**General**

50. Only when the convention delegates stay together in one place, the tasks of finishing the businesses of the NC smoothly and successfully in time, and the holding of the delegate group meetings as and when necessary, can be successfully performed. All the NCCWC has arranged for quartering all the convention delegates in one place, it is necessary for all the delegates to help make that aim a success by lodging in one place.
51. During the time the convention is in session, the application of a delegate for leave, with valid reason, to return home temporarily, with the permission of the NCCWC, he shall do so with his own arrangement
52. When amendments to the provisions of this Procedural Code are necessary, the NCCWC is to perform them as necessary.

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<sup>1</sup> Here, the Burmese word "Naing-gan-daw" is translated as "**State**", as done normally. Apart from it being used synonymously as "government", it has been used by the SLORC/SPDC military regime to carry the connotation of "imperial power" or "empire."

<sup>2</sup> Translator's note: The term "representatives" is used synonymously as "members."

<sup>3</sup> *Thabarpati* is a *Pali* word that may be loosely translated as "Presiding or Acting Chairman."