
" 10. Failure to convene the Pyithu Hluttaw is not only ignoring the will of the people, but an abrogation of the promise that was to the people.

11. The responsibility to convene a Pyithu Hluttaw in accordance with the will of the people and the voters, now devolves on all those elected representatives from the NLD, nationalities, other political parties and independents.

12. Therefore, the National League for Democracy proclaims that it will shortly convene that Pyithu Hluttaw which will include all the elected representatives."

2. After the NLD had proclaimed its policy regarding this matter of convening the Pyithu Hluttaw, the Minister for Home Affairs met U Than Tun and U Soe Myint, NLD members of the Central Executive Committee, and read the SLORC's Law 5 of 96 to them. This was to threaten them that should they go ahead with their plans, action would be taken against them.

3. It must be obvious to all that Law 5 of 96 has no relevancy whatsoever to the convening of a Pyithu Hluttaw by the NLD.

4. Law 5 of 96 has a preface and 4 chapters. In the introduction it is stated that-

" The work of the National Convention is being disrupted and attempts are being made to dishonour and discredit it through speeches and utterances and publications which amount to placing obstacles and impeding the transfer of power in a peaceful and systematic way."

5. " In order to fulfil our responsibility to bring about peace and prosperity and a systematic transfer of power, for a successful outcome of the National Convention; and for the achievement of peace, prosperity in building a modern and
progressive nation; the State Law and Order Restoration Council finds it necessary to protect and prevent disruptions and hereby makes the following law."

6. The provisions in Chapter 1 of this law gives the name and the definitions. In Chapter 2, the prohibitions are set out. Chapter 3 gives the penalties, and Chapter 4 contains miscellaneous provisions. There are five sections in Chapter 2. Two sections refer to general prohibitions and the remaining three refer to special prohibitions.

7. Every law contains a provision indicating the law which must be referred to as a guide for definitions and interpretations. That law was made in 1973 by Revolutionary Council which repealed the existing General Clauses Act. Chapter 2 of that law gives "Guidelines for definitions" and Section 3 (b) states

   "In defining the meaning of words in a law, the intention of the authorities making that law must be taken into account."

8. In law 5 of 96, the intention of the law makers was clearly stated in its introduction. It was the National Convention that the law makers had in mind and action to undermine the completion of that event was made an offence against that law. Then in Section 3(d) of the law giving guidelines for definitions. It is stated that

   "the provisions of a special law overrides the provisions of a general law and the special provisions of a law overrides the general provisions of that law."

9. Therefore the general provisions contained in section 3(a) and (b) of Chapter 2 of law 5 of 96 are overridden by the special provisions contained in Section (c), (d), and (e) which have been set out as:-

   (c) Our priority being the production of a firm and durable constitution, anything done to harm, dishonour, discredit, cause trouble, or destroy the work of the convention through intimidation, preaching, uttering, writing and distributing.

   (d) without legal authority, performing the duties of the national convention, or drawing up a constitution, or writing and distributing a constitution,

   (e) Contravening the about provisions or aiding and abetting the doing of such acts that are prohibited.

10. Therefore, the NLD has not contravened any of the provisions of Law 5 of 96.
11. Section 2(a) of the Pyithu Hluttaw Election Law states that

"Hluttaw means Pyithu Hluttaw "

and Section 3 states that

"the Hluttaw must be convened with the elected representatives from the constituencies as prescribed by this law ".

Apart from these two sections there are no provisions of law in relation to the convening of the Hluttaw. According to past practices, parliament is convened about 90 days after the holding of elections. SLORC and their successors have not only ignored the wishes of the people as expressed in the overwhelming votes given at the 1990 elections, but are circumventing existing laws and precedents.

12. On 23 September, 1998, the chief of staff of the defence services made a statement clarifying their position and said

"We want to make it clear that the only reason we assumed power and formed a government was to enable us to share responsibility and perform the duties necessary for the perpetuity of the nation and for the continuity of diplomatic relations. Taking on so must responsibility by a small group is not because we want to exercise power indefinitely and we publicly announce for the world to know that in this short duration we cannot give our attention to long turn projects like Health, Education and Social Security. Those matters will be the responsibility of the government that is voted in by the people after the multi-party democratic elections."

13. The government that started with 9 ministers (including a prime minister) has after ten years expanded to 41 (including a prime minister). In addition the number of deputy ministers as of 17-11-97 was 35.

13. The authorities today have blatantly abrogated and annulled the promises and statements made by the Chief of Staff of the Defence Services made at a news conference on the 5th July 1989. His words were

" I will transfer power in accordance with the law . If a government can be formed with a majority vote, power will be transferred . I agree." Then again he continued " If you want a new constitution , you can draw up one. I have no dispute about how many members of parliament there must be to form a government. Of course we will transfer power. What constitution do you want. If there is a nation, there must be a government . There must be a constitution. Which constitution will we
recognise? Do you want amendments? These details must be worked out by the political parties."

15. Now it is the duty of all elected representatives from the NLD, the Nationalities, other political parties and independents to assemble together and form the Pyithu Hluttaw so that the will of the voters and the people can be fulfilled.

16. For all the above reasons, the National League for Democracy announced that it will be convening a Pyithu Hluttaw in the near future.

Central Executive Committee
National League for Democracy

Rangoon
10 September 1998.