Unofficial translation

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National League for Democracy
No: (97/b) West Shwegondine Road
Bahan, Rangoon

Statement No: 52 (8/98)

1. The State Law and Order Restoration Council, now succeeded by the State Peace and Development Council, assumed power on 18/9/88. On 23/9/88 the Defence Services Chief of Staff announced;

"We have formed a government with a small group of individuals with many responsibilities to carry out the main functions that have to be performed by a government and for the continuance of diplomatic relations so it is obvious that we have no intention to govern for a long time. We respectfully make this promise to the monks and the people of the nation with sincerity and good faith."

Xxxxx

" We want you to bear in mind that we are sons of the Tatmadaw (army) who have sworn allegiance to the country and are duty bound to serve the people and we will not under any circumstances whatsoever break the oath that we have taken."

Xxxxxx

" Because we will be taking charge for a very short period we can not attend to matters of health, education and social security. These are long term projects and will be the responsibility of the party that is elected into office at the multi-party elections."

Xxxxx

" We again reiterate that as members of the armed forces we will revert to our primary duty of defending the country for the security of the nation and the rule of law after the transfer of power to a government comprising the people's representatives who you will elect in free and fair elections."

Xxxxx

2. Law 4/88 (Political Parties Registration Law) was later promulgated permitting genuine political activity by multi-parties to contest in the general election in which the people could indicate their wishes in selecting their representatives for the purpose of acting on their behalf.
3. In order that a de jure government could be formed, SLORC, the de facto government promulgated the Peoples Assembly Elections Law 14/98 and Rules 1/89, Peoples Assembly Elections Rules to provide rules relating to the multi-party elections.

4. In addition, on 27/3/89 the Chief of Staff of the Defence Forces specifically explained the role of the army and that of the new government that would govern after the elections. His words were:

"We anticipate that the new government will do its utmost to develop the economy of the country as a matter of priority. As for us, the members of the defence services, we will return to our barracks and our former tasks. Our most important duty is to see that the Union does not disintegrate, and to preserve and strengthen the sovereignty of the nation."

5. In relation to the forming of a de jure government after the elections, the Chief of Staff made the following statement on 5/7/89.

"In taking over the powers of the government today, I will not be doing just anything that pleases me. I will act in conformity with the regulations and will make a submission to the parliament when it is created. We will transfer power according to law. I consent. Do you want to draw up a new constitution? We will say, yes. U Nu, the ex prime minister, made a statement at a press conference about the number of parliamentarians etc. Yes, it is correct that power must be transferred if a certain number of seats are obtained. We have nothing against that. If you can form a group, do so. We have to transfer power. Which constitution will you take? If there is a nation, there must be a government. It will have to have a constitution. Which one will you recognise? Will you make amendments? Other things? There are matters for the parties to consider."

6. Again on 9.1.90, the Chief of Staff made the following statement in reference to the elections and the new government that would be formed.

"We have repeatedly said that in relation to the governing power, you can have it back after the elections in accordance with law. To make it possible for such a government we will be holding elections. This is our responsibility. According to law we will not be responsible for forming a government after that. This is an undertaking that I make openly and without any reservations."

"A civilian government is only months away. There is no other way for a civilian government to come into being except through elections. Only a government formed through the process will be representative of the
majority of the people to fulfil their true and genuine desire."

Statement made by the Chief of Staff on 27/3/90 with reference to a de jure government are reproduced below-

" xxxx To build up a democratic system, the only path is through elections. I want to emphasize this point especially to the political parties. Xxxxx"

" The important things is that in this elections all of you can freely choose individuals who are truly honest with a vision for the future good for the entire country. Only then a stable government will eventuate. Xxxxxx"

" Some people may say that the principal point is not the elections, but the constitution and that power should be transferred to a temporary government while a new constitution is down up. As far as this is concerned do as you please. The tatmadaw's only promise is that we will hold elections. Xxxx"

7. The above events, statement and promises made to the people cannot be denied. This is historical and true evidence. People were led to believe and rely on them. Ninety three parties were formed and 2296 individual offered themselves as candidates in the elections. The people cast their votes for candidates from these parties and independent candidates also. From the 485 constituencies, the National League for Democracy gained 392 seats. The people of Burma and the entire world recognised that the elections were free and fair.

8. The United Nations General Assembly and the United Nations Human Rights Commission have passed resolution noting that the results of those elections have not been implemented. Those resolutions were unanimous decisions made by all the member countries. Burma is a member country and should adhere to such resolutions. Ignoring them brings shame and disgrace to the country.

9. After the elections, the Chief of Staff made this statement on 3/7/90 with reference to the constitution.

"xxxxxx What is to be done after the elections? A constitutions must be written. This matter has been clarified by me on 5/7/89. SLORC will not write the constitution. We have said this. We can not take the position of an accused xxxx"
"It's a matter for the elected representatives of the people to write the constitution."

10. Secretary(1) of the State Law and Order Restoration Council (SLORC), now known as State Peace and Development Council made the following statement at the 104th press conference.

"SLORC will not draw up the constitution. It is the duty of the peoples representatives to do that. We have made our position clear on this issue. Now, those people who have been elected from the various political parties and the representatives from the states and the prominent political party must give priority and attend to this matter."

11. From the above statements it is very clear that the Peoples Assembly that is created after the elections has the duty and the right to not only write the constitution, but also to take on the three main branches of the government which are the Legislature, the Executive and the Judiciary. Secretary (1) also made the following statement at the 104th press conference.

"The very fact that we have successfully conducted free and fair elections as originally planned goes to show that we have no intention of clinging to power. If we had the intention not to transfer power the elections would never have been held."

"Accusations that we do not intend to transfer power and that we cling to it till the end of time are still being made. If we wanted to cling to power till the end of time it was not necessary for us to exert all our energy in holding elections as we have done. You should understand that from the very start we had the desire to return power to the people."

12. Authorised publications in the newspapers about the convening of parliament and the duties of parliament are reproduced below;

"When the next government is formed, the position of political parties and matters relating to the election will be as decided by the government."

"The State Law and Order Restoration Council has no intention of giving any directions regarding the process of writing a constitution. That will be the task of the peoples representatives to decide in parliament."
13. Under the heading "Noble Intentions" was a passage that appeared in the papers.

"The State Law and Order Council had no alternative but to take control and assume the sovereign power that belongs to the people because of its first concern for the preservation of the union, the peoples living standards and their security. It wants to return this sovereign power to the people as soon as it possibly can."

14. The reason for relating what the authorities said and the laws and orders that were promulgated and the promises that were made is because the above were the actions and statements of those responsible persons who seized power. The State Peace and Development Council (SPDC) have stepped into the shoes of the SLORC and they are absolutely bound by what was said and done by their predecessors. If they now cancel or rescind their promises and obligations they will be placing the blackest spot in Burma's history that can never be obliterated. They will have no credibility.

15. Therefore the National League for Democracy has repeatedly asked the authorities to convene parliament in accordance with the Section 3 of the Peoples Assembly Law because it wants to maintain a good record in Burma's history.

16. But there has been no response whatsoever by the authorities. Now we intend to convene the Peoples Assembly soon (comprising the elected representatives of the people and states) in accordance with the provisions of the Peoples Assembly Law and for the maintenance of the rule of law. The primary task of the Peoples Assembly is to make laws for the benefit of the people. Only by Acts of Parliament can laws and matters relating to the Executive, the Legislature and the Judiciary have the force of law.

17. After holding free and fair elections the de facto government has continued for a long period of time to govern and is therefore faced with grave problems in the political, economic and social spheres. Today we are faced with a crisis that will shape the country's future. These problems can not be solved by abuse of power, arrest and imprisonment of members of political organisations and elected representatives of the people.

18. The time has come for the people's representatives to make decisions in accordance with the wishes of the people for the nation in its present predicament and for its future. This can not be avoided. If we turn away from this responsibility there can be very grave consequences. Therefore, the individuals who have been empowered by the people in the free and fair elections that were held have the right to convene in accordance with the provisions of Section 3 of the Peoples Assembly Law. This is why we made it known to all that all elected
representatives of the people and the states will convene and form the Peoples Assembly.

Central Executive Committee
National League for Democracy

Rangoon
11 September, 1998