National League for Democracy
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(Unofficial Translation)

The people will vote the “The Draft Constitution of the Republic of the Union of Myanmar” in the upcoming referendum on May 10, 2008. From studying it, the referendum law and related procedures, we found there is no freedom and justice from the beginning.


“(441) This Constitution, which is adopted in a referendum by the assenting votes of a majority of more than half of all the people who have the right to vote, shall come into force throughout the Union from the first day of the convening of the Pyihtaungsu Hlutttaw (Union Parliament).”

According to this provision, the draft Constitution can be approved easily. This provision is created to approve the draft Constitution comfortably with the supporting votes of just more than 25% of all the people who have the right to vote. However, to amend provisions from some chapters of the Constitution, OVER 75 % of supporting votes in the Parliament and over 50% of support of all the people who have the right to vote in a referendum are required. This is purposely designed to make any amendment difficult. While only over 25% support of all the people who have the right to vote is required to adopt the draft Constitution, any amendment can only be done with over 75% of the vote in the Parliament and over 50% of the vote in a national referendum.

2. We also found that the Referendum Law and the detail procedures do not met with (international) standards. While there are provisions to prohibit the activities of the voters and penalties for those who violate any prohibition, we found no provision to punish members of the Commission and Sub-Commissions for Holding Referendum, if they violate their responsibilities, duties, powers and principles. It is totally one-sided.

3. After closing the polling booth, the polling booth team is to count votes-in-favor, votes-against and cancelled votes and then prepares the list in the presence of not less than ten persons eligible to vote. However, people are not allowed to be present at the Commission and Sub-Commissions at all administrative levels, Village-track, Ward, Township, District, State and Division, which were formed by the authorities with the persons they trust, when they count the total numbers of votes-in-favor, votes-against and cancelled votes from the lists submitted by polling booths. This lack of transparency may lead to the opportunity to cheat.

4. Furthermore, the Chairman of the National Convention Working Committee, the Commission to Draft the State Constitution, and the Commission for Holding Referendum for the Approval of the Draft Constitution of the Republic of the Union of Myanmar 2008 are the same person. This should not happen for freedom and justice. Because, when the Chairman of the National Convention Working Committee, which adopted the fundamental and detailed principles for the Constitution, became the Chairman of the Commission to Draft the State Constitution, he made the Draft Constitution almost identical to the fundamental and detailed principles that he helped adopt. Then when he became the Chairman of the Commission for Holding Referendum for the Approval of the Draft Constitution of the Republic of the Union of Myanmar 2008, he will surely try to get approval for the Draft Constitution. And this Commission is not an independent one and serves for the pleasure of the State Peace and Development Council.
5. The contents of the Draft Constitution are not widely publicized through daily newspapers, radio and TV. People are not well aware of the contents, as the authorities have not tried to explain their meaning. As of today, the authorities have not widely distributed the Draft Constitution, so the people have not had enough time to study it.

6. We also know that civil servants and factory workers, who will not be away from their respective areas and who do not have plans to travel to another region on the referendum day, are forced to cast their vote in advance unnecessarily and in front of the authorities, so they can secure their votes-in-favor. This is violation of the Referendum Law.

7. Despite the fact that there are no democratic principles and democratic rights in the Draft Constitution, the authorities' mouthpiece newspapers are misleading the people, who are sincerely and actively demanding democracy, by placing slogans such as “For the Emergence of Democracy, Approve the Constitution”, “Democracy Can Be Achieved through the Constitution”, with big headlines.

8. The State Peace and Development Council (the ruling military junta) allows all of the state apparatuses from the top to the bottom and its subordinate organizations to campaign freely and openly for the approval of the Constitution. These organs apply pressure, and use intimidation, cheating, misuse of power and the providing bribe to the people to get their support. However, they act differently in regards to publications of statements, appeals and facts that promote awareness of the conducts of the referendum, issued by the National League for Democracy.

(A) The authorities from Daedaye Township, Irrawaddy Division, tried to confiscate these literatures from the members of the NLD and interrogated two NLD members.

(B) The authorities from Wakhema Township, Irrawaddy Division confiscated these literatures and later returned only some of them. Township NLD organizers were also summoned and interrogated.

(C) The authorities also confiscated NLD publications and statements in Taung Twin Gyi Township in Magwe Division, Dala Township in Rangoon Division, and Sittwe Township and Taung Gok Township in Arakan (Rakhine) State. NLD members were also summoned, arrested and interrogated by the authorities.

9. Furthermore, the authorities are threatening the people, saying that they will know surely who votes against the Constitution, that those who vote against will be revenged by expelling students from schools, dismissing workers from work, confiscating lands from farmers, arresting villagers from their village, etc. The authorities are trying every way to make this referendum not free and fair.

Nevertheless, the referendum will be conducted by a secret ballot system, and the referendum procedure stipulates that a person should make his or her desire by making a (X) mark on the ballot paper if he or she does not approve the draft constitution. For the people who have the right to vote, we would like to encourage again all voters to go to polling booths and make a (X) mark without fear, in order to create their own destiny and use their rights effectively.

According to the decision made by the Central Executive Committee in the meetings on 21 April 2008

Central Executive Committee
National League for Democracy

Rangoon
April 24, 2008