Interview With Sao Seng Suk

(Sao Seng Suk is the Chairman of the Shan State Constitution Drafting Committee. Following is a literal transcript of the interview he had with U Aung Htoo and B.K. Sen).

“Do you consider the constitution to be the core issue in a peaceful political settlement in Burma?”
Sao Seng Suk: “Yes, I certainly do. Because all problems arose since Pyidaungzu was established in 1947 from the then constitution. If all accept democratic constitution, historical problems can be settled peacefully and the country rebuilt according to constitution, as there will be many kinds of freedom, freedom of expression, freedom of activities, etc.”

“What type of Constitution will be viable?”
Sao Seng Suk: “Federal type constitution, federal is suitable for us. First, our history has given us a duty to have a federal constitution. Secondly, it has to be a union guided by federalism. There is no model constitution for Burma, we have to study the constitutions of South Africa, America, Germany, India, Malaysia, etc. There are differences with us. We have to take the good things from them. We have to be careful that a social welfare state evolves. There must not be centralization of power. In order to have a social welfare state, there has to be empowerment of people at grassroots level and we should be careful that this will not be undermined”.

“Do you want restoration of the 1947 constitution?”
Sao Seng Suk: “It is too early to answer. In 1960-61 at the Taunggyi Conference this issue was discussed. But at present it is premature to deal with it in detail. At an appropriate time this can be discussed at all levels of society and institutions. The essence of the Taunggyi Conference was how to deal with genuine federalism. Whether or not the future constitution should be based on the principle of the Taunggyi Conference is too early to answer”.

Federalism in Burma
“Do you want restoration with amendments? If not, which or what constitution do you want?”
Sao Seng Suk: “No. Although it is too early to answer in full, I think federalism satisfies most of the conditions necessary for empowerment of people and improvement of the condition. The constitution should be improved from time to time”.

“Do you think that the 1990 election gave indications of what constitution Burma needs?”
Sao Seng Suk: “SPDC and NLD led by Daw Aung San Suu Kyi are presently engaging in preliminary talks, it’s a confidence-building period. Eventually they will come to the point where they will have to discuss drafting of the Federal Constitution. The time will come when all the people of Burma can openly discuss and consult with each other what kind of constitution we all desire and is best for us. Therefore, it is also premature to answer the question through the media and publications on a wider scale”.

“Do you think that the Army will have to be given a role in drafting the constitution?”
Sao Seng Suk: “The army is duty-bound to promote democracy as one of the institutions of democracy and civil society. Only the elected representatives of the people have a legal role”.

“Do you think for the transitional period, the army shall have a place in the transitional constitution?”
Sao Seng Suk: “According to the present circumstances, the army may be given a chance to take part in the formation of the interim transitional government”.

“Do you think a unitary constitution will be a solution?”
Sao Seng Suk: “No”.

“Do you think the future constitution should contain a clause for secession?”
Sao Seng Suk: “It is too early to say, I could answer at a more suitable time in the near future, when there will be full discussion on this issue in an open political arena”.

“What do you think of division of state on ethnic basis?”
Sao Seng Suk: “Yes, it should be on ethnic basis. It is a historically accepted principle”.

“Should the present regions form into one state comprising a Burman
majority? If yes, does it mean only for the purpose of the upper house of nationalities, or for both houses?”
Sao Seng Suk: “Yes, the regions should form into one State but it is for the Burmans to decide its formation. Both Houses should have equal legislative power. There should be no question of big or small when you talk about equal rights”.

“You have minorities in Shan State, e.g. Pa-O, Wa, Lahu, Palaung. How would you provide equality for them in your State Constitution?”
Sao Seng Suk: “First, we have accepted self-determination. We have to initiate it. We have representatives of different nationalities in our Constitution-drafting committee. We have to lay the foundation. We have initiated projects which are based on self-determination. We are practically implementing fundamental principles that we all aspire and preach”.

“How will you determine the representation of the minorities in the CDC? Who is the leader?”
Sao Seng Suk: “You can do that by following democratic procedures such as a referendum or an election”.

“If the minorities say that they want to secede, will you agree?”
Sao Seng Suk: “We would have dialogue. We are not ‘Big Brother’. We can talk about power-sharing. We will initiate discussion from top to grassroots level. We have to do awareness-building, capacity-building. We recognize self-determination. If self-determination is respected there is no question of secession”.

“While drafting Shan State Constitution, have you kept in view its position in correlation with the future federal union constitution of Burma?”
Sao Seng Suk: “There is Federal chance but that will come at a later stage. Our focus is now only on the State Constitution, although we do think in terms of Federal. We have had experiences with federalism since 1922, when the Federated Shan States were formed. The Burmans need to build awareness on federalism and capacity-building into that direction. By doing that, the tension between ethnic nationalities can be relaxed”.

“Don’t you think that the process of drafting a State constitution will strengthen the hands of SPDC?”
Sao Seng Suk: “No, on the contrary, it will weaken them. The successive military dictators, the minority Burmans among the majority Burmans, have abused the rights of the Burman majority”.

“Is there any timeframe for the completion of the drafting process?”
Sao Seng Suk: “That will depend on achievement of peace in Burma which will result from dialogue and peaceful transition”.

**Extracts from Statements**

KNU leader: “We, the non-Burmans, truly believe that we can work together to rebuild the Union of Burma if we respect the spirit of Panglong—self-determination, equality and democracy”.

KNPP leader: “As the process develops and the eight constituent states of the Union of Burma prepare for a new Panglong Conference to draft a new federal constitution, it will be necessary to take steps to ensure that all parties in the 8 states can participate”.

CHIN Seminar (Ottawa, 3 May 1998): “Under genuine democracy and right of self-determination in its fullest extent, we are willing to work together to consolidate unity among all nationalities in Burma to form a Federal Union”.

(It is much regretted that the views of all the ethnic leaders could not be covered due to shortage of time. They will be taken up in our next issue).

**Endnote**

Interview taken by B.K. Sen and U Aung Htoo, Members of the Burma Lawyers’ Council.