Human Rights Norms in Burmese Society

Khin Maung Win*

Certain human rights norms exist in Burmese society. Human rights violations occurring in Burma would not have happened if there was greater opportunity for these human rights norms to be upheld or practiced. To understand this problem it is necessary to study the source of the norms before considering why the norms haven’t been respected. Human rights norms found in Burmese society come from three sources:

• Buddhism and Buddhist literature;
• Common law and Burmese legal traditions; and
• International obligations.

This article looks at each of these sources and concludes that they provide a foundation for informal Bill of Rights that operates in Burma.

Buddhism and Buddhist Literature

A wide range of human rights norms can be found in the teachings of Lord Buddha and Buddhist literature1. However, the construction of human rights in Buddhist countries may not be the same as their construction in western societies. This difference should not be interpreted as showing there are no human rights notions in Buddhism and in the societies influenced by Buddhism like Burma. When looked at through the western rights prism, the human rights norms of Buddhism are not so apparent.

Rights and duties in the western approach

Provisions of most of the human rights documents of the western soci-
ety - from Magna Carta (1215) to Universal Declaration of Human Rights (UDHR, 1948) - deal mainly with rights. Given their historical genesis it is clear why these documents have a rights focus: such rights are fundamental for citizens to resist repressive monarchs/regimes. Therefore, one common approach in western societies is that claiming, or belief in, rights strengthens the power of the powerless. This belief can be seen as a reflection of the period surrounding the American and French revolutions of the 18th century that produced such seminal declarations as the American Declaration of Independence (1776) and French Declaration of Rights of Man and Citizens (1789) respectively. These prominent human rights documents claim mainly the rights of the free man, not incorporating any significant duties of those they are seeking to protect.

Western human rights documents, however, do remind us that there are duties that sit alongside rights. The UDHR (particularly articles 29 and 30) and several provisions of other international human rights documents such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) articulate positive and negative duties to be performed by parties concerned. According to Raz, rights are the grounds of duties in the sense that one way of justifying holding a person to be subject to a duty is that this serves the interest on which another's rights is based. But not all documents sufficiently express duties. Nickel expressed frustration with human rights instruments that they do not sufficiently or clearly define who is obliged to ensure the enforcement and implementation of the rights they declare. These statements demonstrate that the generating and performing of duties by the right-holders is part of the construction of human rights also in western societies. What western experience suggests is that there are always duties along with rights.

Duties and rights in Buddhism

As Keown suggests, the lack of words equivalent to “rights” (human rights) in Theravada Buddhism does not necessarily mean that there is no concept of rights in Buddhism. The concept of rights exists in Buddhism even though a word for it does not. Most of the human rights concepts found in Buddhism are of the duty-oriented type. The fact that Buddhism addresses duties, rather than rights, could be misinterpreted in some situations that Buddhism does not promote human rights. In Buddhism what is due in any situation is determined by reference to Dharma. Dharma, as Keown points out, determines not just “what one is due to do” but also “what is due to one”. Performance of duty by one is aimed to ensure the rights of another (or others). Through X’s performance of...
his or her duty, Y receives enjoyment to which he or she is entitled. The duties of one party correspond to the entitlement or “rights” of another (or others).

Buddha laid down codes of duties to be performed by every individual in six social categories of pairs, according to rank and position in life. These are:
1. Parents-children
2. Teachers-pupils
3. Husband-wife
4. Friend-friend
5. Employer-employee
6. Recluse-devotees

Fulfilment of duties by the one in any of above pairs will ensure the enjoyment of rights by other(s). The relationship of persons in these social pairs may be seen as a patron-client relation. It is typically different from the western human rights concepts in which the rights concept is based on equality of abstract human beings. However, being characterised as a patron-client relationship doesn’t necessarily mean that the human rights concept is absent. Each individual fulfilling their duties assures the rights of their counterpart in the social pair. For example, the five duties of parents are to assure the rights of their children.

The classical model of patron-client relationship that generates the rights of clients can be found in “king-citizen” relationship, which Buddha also provided for scripting ten duties for the king. The ten duties of the king are:
1. Dana or giving
2. Sīla or moral integrity
3. Pariccaga or philanthropy
4. Ajjava or uprightness
5. Maddava or gentleness
6. Tapa or self-control
7. Akkodha or absence of anger
8. Avihimsa or non-violence
9. Khanti or patience
10. Avirodhata or absence of obstruction

It is the duty of king to serve regally in accordance with the standards of these rules. Where the king (or government in modern sense) performs these duties, such performance automatically leads to the enjoyment of rights by the citizens. In many cases, government in a Buddhist country
often fails to perform the duties. It is obvious that the ongoing human rights violations in Burma happen in direct contradiction with, or ignorance of, the ten duties that the rulers have to perform as a government (king).

What Buddha suggested is that individuals, whatever social category they are in, are responsible to perform their duties in order to make sure others can enjoy rights. If one neglects his or her duties, he or she neglects his or her responsibility, which will result in the gradual disappearance of peace and harmony in society. It can be seen then that Buddha approached human rights from the perspective of duties. The performance of duties by each and every individual will automatically afford them their rights. Its essence is reciprocity which is a key feature of many societies and relationships.

**Buddhism and universal human rights**

Phra Dhammapitaka underlines the commonalities between Universal Declaration of Human Rights and Buddhism as follows.

As for Buddhists, we can certainly see in the UDHR the likenesses that are inherently similar to Buddhist practice. Comparing the UDHR to the Five Precepts, we will see that the Five Precepts serve as principle social pillars. If human beings act in accordance with Five Precepts, then there is no need for the UDHR; however the UDHR was needed precisely because of its universality. Buddhism that contains in essence these Five Precepts, like other religions, is not universally practised. The combination of the Five Precepts and the Six Directions (sometimes referred to as Six Social Categories as above) are then to be found with the UDHR and its acceptance into Burmese society is in a sense a reflection of the wider practices of Buddhism. The UDHR, in this regard, supports the principles of the Lord Buddha’s teachings by:

1. Translating the teaching into precise standards to give effect to the practice of the Five Precepts in real life, with control mechanisms so that the Five Precepts yield concrete results;
2. Introducing greater detail for practice, for example, the First Precept (on abstaining from taking life or doing bodily harm) or the Second Precept (on abstaining from taking what is not given) as modified into 4-5 standards and to suit with time.
Phra Dhammapitaka continues:

Comparing with Buddhism, the provisions contained in the UDHR have similar nature with Five Precepts and Six Directions. What the UDHR illustrates is that the Five Precepts or Six Directions are not sufficient to give direct guidance. The UDHR being more particular gives guidance. They serve as minimum requirements or social standards which, at least, protect the world from setting on fire, enabling people to live together and develop life to even a higher plane. In doing so, we need to go beyond the Five Precepts and the Six Directions, we need to develop ourselves further through the Sila, Samadhi, Panna.\textsuperscript{12}

**Negative and positive duties**

Some western scholars, like Henry Shue, have divided rights into positive and negative rights, corresponding to the division of rights into social, economic, and cultural rights as positive rights and civil and political rights as negative rights. Positive rights require positive duties or to act in such an order that these rights will be realized; while negative rights require negative duties or not to act in a way that will harm the rights of others. Further, three correlative duties - duties to avoid depriving, duties to protect from deprivation and duties to aid the deprived - are provided by Shue for the realization of rights.\textsuperscript{13}

Buddha’s teaching of duties also incorporates this negative-positive paradigm. The negative duties in the Five Precepts are directed at what behaviour to avoid in order to not harm the rights of others. On the other hand, five positive duties to act with - kindness, renunciation, contentment, truthfulness and mindfulness - are suggested.\textsuperscript{14} Buddha encouraged the accumulation of individual property only by striving hard and in righteous ways in order to fulfill one’s own requirements and to perform many duties.\textsuperscript{15} According to Buddha’s teaching, one who is wealthy has duties to aid others in need. This duty, according to Shue, is a duty to aid the deprived.

**Preventive action**

The history of the human rights movements has many examples demonstrating that the calls for protections of human rights mostly occur when such rights are violated or seriously threatened. In such environments, the human rights movement has proved that actions taken after violations are always a step behind the promotion and protection of human rights.
Therefore, many scholars have called for preventative actions rather than reactive actions in order to fully realize human rights. Scholars like Philip Alston and international institutions including the United Nations have proposed more effective preventive measures. A point of interest is that traditional human rights notions found in the teachings of Lord Buddha are all about preventative measures that can effectively promote and protect human rights. If they are practised with due diligence in Burmese society, then such violations or threats would be avoided.

Justiciable rights

For rights to be recognized as human rights to be upheld or protected in a legal setting, they must be triggered with a “claim”. To enforce a right is to do so by staking a claim against someone who has either violated it or not upheld it. To have a claim is to have a case meriting consideration, that is, to have reasons or grounds that put one in a position to engage in claiming. For Martin, human rights are claims plus something else - namely, the appropriate form of social recognition. According to Martin a human right claim which lacks such social recognition is still a claim, and may even be a morally valid one, but it cannot qualify as a human right. After gaining social recognition, a right so claimed shifts to a legitimising process. It means a right in question is examined by the concerned parties, government in particular, and integrated into domestic legal provisions for enforcement. Enforceable rights are also known as justiciable rights.

Human rights norms found in Buddhism and Buddha teachings are more than claims. Some of the norms are found as legal provisions in Burmese laws capable of legal enforcement. For example, actions such as killing and harming others, sexual misconduct and stealing or destroying one’s property are not only prohibited in the Five Precepts, but also feature in Burma’s criminal law. A Burmese legal expert pointed out that Burmese Buddhist Customary Law provides better protection of the rights of women, than similar laws in societies of neighbouring countries like in India and Pakistan. Of course, where there are found to be discriminations based on gender, simply being not as bad as neighbours does not make them good laws, however the comparison is useful for argument. Therefore, human rights notions found in Buddhism and Buddha teachings are more than merely claims as they have won social recognition and some have been integrated into domestic laws. In other words, human rights norms found in Buddha teachings either have been transformed into justiciable right or have strong ground to become justiciable rights.
Common Law and Burmese Legal Traditions

Common law and human rights

In England and many of its former colonies, the practices of promotion and protection of human rights come from a common law tradition. The Magna Carta of 1215, the Petition of Right of 1628 and the Bill of Rights of 1689 are seminal human rights instruments in forming the common law system. The unwritten constitution of England puts emphasis on the virtue of the common law and the legislative supremacy of the parliament. It relies on the political process to secure that parliament does not override the basic rights and liberties of the individual, nor remove from the courts the adjudication of disputes between the citizens and the state arising out of the exercise of public power thus preserving judicial review a key precept of protection for the individual.20

One commentator explained the common law’s role in improving human rights:

“[The] common law has protected or can protect civil and political rights in various ways. First, the common law has, for a long time, recognized and protected various rights and freedoms which it has seen as fundamental. Secondly, the common law, responding to the avalanche of legislation which regulates our conduct, has developed rules of statutory construction which reduce the degree of legislative encroachment on those rights and freedoms. Furthermore, the common law system includes foremost human rights notions and standards that later came into practice not only in Britain, but almost all of the countries and societies which follow the common law tradition.”21

Legal principles that are fundamental to the protection of human rights are embodied in at least five writs widely practiced in the common law system. They are summarised as follows.22

1. **Habeas Corpus** - A prerogative writ used to challenge the validity of a person’s detention, either in official custody or in private hands. Deriving from the royal prerogative and therefore originally obtained by petitioning the state. If, on an application for the writ, the court is satisfied that the detention is prima facie unlawful, the custodian is ordered to appear and justify it, failing which release is ordered. In addition to being used to test the legality of detention, the writ may be used to obtain review of (1) the regularity of extradition process, (2) the right to or amount of bail, or (3) the jurisdiction of a court that has imposed a criminal
sentence.

2. **Mandamus** - A prerogative order from the court instructing an inferior tribunal, public official, corporation, etc., to perform a specified public duty relating to their responsibilities. One example would be to implement the result of a lawful election conducted by the state.23

3. **Certiorari** - A remedy in which the High Court orders decisions of inferior courts, tribunals, and administrative authorities to be brought before it and quashes them if they are ultra vires or show an error of law on the face of the record. Since the remedy exists for the public good the applicant need not show a direct personal interest, but he must apply for it within three months and it is always discretionary. Originally a prerogative writ, it is now obtained by an application for judicial review.

4. **Prohibition** - A remedy in which the High Court orders an ecclesiastical or inferior court, tribunal, or administrative authority not to carry out an ultra vires act. One example may be where the lower body is hearing a case or doing something, outside its jurisdiction. Prohibition is available in cases in which, had the act been carried out, the remedy would have been certiorari and it is governed by broadly similar rules.

5. **Quo Warranto** - The writ of Quo Warranto is an application to examine matters related to the appointment or election of a certain person to determine under which authority he or she is acting. It is a procedure to protect an infringement of a citizen’s rights by the correction of an abuse of power by a state authority.

**Burmese legal system**

Burmese legal system was the most developed in Southeast Asia in the pre-colonial period. The lively Burmese legal culture was at its height between 1752 and 1819, under the first five kings of Konbaung dynasty (Third Burman Empire).24 The legal system at that time was mostly derived from the *dhammasat*.25 Dhammasats were rulings/decisions of the Burmese courts during monarchical rule before the British took over Burma. The Burmese legal culture was gradually supplanted when the British took final control over Burma in 1885. Nevertheless, dhammasats still constitute important part of today's Buddhist customary law in Burma.
Modern Burmese law is derived from the common law tradition of this period of British colonial rule. Despite the fact that totalitarian and authoritarian regimes introduced several repressive laws, the basic common law legal foundation remains strong. In addition to the British common law tradition, the Burmese legal system constitutes three strands—customary law, statutory law and judicial decision making. Burma’s Penal Code, the Criminal Procedure Code and some other laws that are directly or indirectly dealing with the rights of defendants and the citizens were given birth during the British colonial rule.

Some of the common law traditions become distorted under the military rule. Habeas Corpus, for example, was first included in Burma’s 1947 constitution. However this was expunged by General Ne Win’s military regime, which formally ruled Burma from 1962-1988, to deny the rights of his political opponents. If most of the common law traditions that existed or are existing in Burmese legal system are upheld, some violations especially violations against political activists would not have happened or would, at least, be provided with an effective remedy.

Constitutional provisions

Independent Burma has had two constitutions - the 1947 constitution and the 1974 constitution. The rights and freedoms guaranteed under “Fundamental Rights” in the 1947 constitution included several civil and political rights; among others freedom of expression and opinion, peaceful assembly, the right to form associations and unions, freedom of conscience, the right to choose and practice religion, several anti-discrimination provisions and constitutional remedies for these rights and freedoms if violated. The chapters “Relations of the State to Peasants and Workers” and “Directive Principles of State Policy” deal with economic, social and cultural rights.

The 1974 constitution provided a long list of economic, social and culture rights and limited civil and political rights which include peaceful assembly and the right to recall elected representatives. The provisions that outline specific human rights can be found in the following articles.

Article 2 (Brotherhood amongst the ethnic groups)- The Socialist Republic of the Union of Burma is a State where in various national races make homes together.

Article 8 (Peaceful-coexistence)- There shall be no exploitation of man by man nor one national race by another in the State.
Article 10 (The rights of child; economic, social and cultural rights)- State shall cultivate and promote the all-round physical, intellectual and moral development of youth.

Article 21 (The rights of minority, state responsibility)- (A) The State shall be responsible for the constantly developing and promoting unity, mutual assistance, amity and mutual respect among the national races. (B) The national races shall enjoy the freedom to profess their religion, use and develop their languages, literature and culture, follow their cherished tradition and customs, provided that the enjoyment of any such freedom does not offend the laws or the public interest.

Article 22 (equality; economic, social and cultural rights)- All citizens shall: (A) be equal before the law, regardless of race, religion, status, or sex; (B) enjoy equal opportunity; (C) enjoy the benefits derived from his labour in proportion to his contribution in manual or mental labour; (D) have the right to inherit according to law.

Article 23 (civil right)- No penal law shall have retrospective effect.

Article 24 (respect for dignity)- Punishment shall not be awarded in violation of human dignity.

Article 42 (political right) - The Pyithut Hluttaw (People’s Assembly) shall be formed with People’s representatives elected directly by the secret ballot by citizens who have the right to vote under this constitution and other electoral laws.

Article 102 (cultural rights, respect for ethnic languages)- The Burmese language shall be used in the administration of justice. Languages of the national races concerned may also be used, when necessary, and arrangements shall then be made to make interpreters available.

Spirit of the human rights provisions

There is no constitution in operation in Burma currently. However, the constitutional principles discussed above suggest the following two points.

Burma’s constitutional principles are widely adapted from the human rights principles articulated in the UDHR, as well as in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Although the implementation is very weak, the reality is that
Burma’s constitutional principles generally follow international customary law in terms of rights and freedoms. Abolition of the constitution by the military regime in 1988 was due to political reasons to pave the way for the army to take over state power. Experiences of other countries, as well as in Burma, tell us that constitutions are more than bills of rights. Constitutions provide the political system and administrative structure of the government organs. The abolition or amendment of an existing constitution comes when the need arises to change the political system and administrative structure. Constitutional change should not be with the intention of destroying the rights and freedoms embedded in the constitution. When a new or amended constitution is approved, more or less the same set of rights and freedoms are included, because most countries draw rights and freedoms from the UDHR and other international human rights instruments. This should also be the case for Burma when a new constitution is drafted.

Looking at these two points, it can be said that the spirit of constitutional principles dealing with human rights inculcated in Burmese society are alive, even though there is no constitution in operation.

Although some legal principles sometimes lay dormant, the legal foundation of the common law is still in operation. This system underpins the Criminal Procedure Code and other laws protecting human rights such as those to be found in the Burmese Buddhist Customary Law. Rights protected in these laws can be enforced through the existing judicial mechanisms. Attempts by the National League for Democracy and other political activists to remedy the violation of their rights such as breaches of criminal law and the Political Parties Registration Act, through the judicial mechanism demonstrates that Burmese citizens know how rights can be protected and remedied.\(^{35}\) The lack of success of these proceedings is simply due to an absence of rule of law and due legal process.

**International Obligations**

**Obligations under the conventions**

Most obvious international obligations come from the human rights instruments to which Burma is a state party. They are listed in the following table.
The lists of major international instruments to which Burma is a party

<table>
<thead>
<tr>
<th>No</th>
<th>Name of Instrument</th>
<th>Date of Accession/Signature/Ratification</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.</td>
<td>Geneva Conventions (but not to protocols)</td>
<td>ratification- 25 August 1992</td>
</tr>
<tr>
<td>6.</td>
<td>ILO Convention 29 on Forced Labour</td>
<td>ratification- 4 March 1955</td>
</tr>
<tr>
<td>7.</td>
<td>ILO Convention 87 on Freedom of Association and Protection of the Right to Organize</td>
<td>ratification- 4 March 1955</td>
</tr>
</tbody>
</table>

These treaties show that Burma has obligations under international law in terms of promotion and protection of human rights.

Obligations under international customary law

Some human rights, obligations in international law are found in some general legal norms recognized by nations that are often referred to as international customary law. Unlike treaties which contain more prescriptive catalogues, customary law is now confined to the protection of a fundamental and nucleus of human rights. All states are in agreement that the commission of gross human rights violations are contrary to general international law, indeed, to international *jus consens*, and therefore all states have an obligation to prohibit them from happening. Burma as a nation has also accepted international customary law, in an implied manner similar to other states. The constitutional provisions (referred to above) and other domestic laws, such as Criminal Procedure Code and Evidence Act, reflect international customary law. The fact that many of UDHR provisions have been integrated into Burma’s domestic laws including its constitutions, demonstrates that Burma cannot deny its acceptance of UDHR as international customary law.
Signing/ratifying of, or accession to, international human rights instruments by the successive Burmese governments means that the government promises its people and the international community that it will respect and protect rights in these instruments. Citizens do not need to claim the rights that are embedded in those international instruments, in order to make those rights justiciable. It is then the responsibility of the government under international law to integrate those rights into domestic law. There have been attempts by the military regime, where laws are promulgated from the rights contained in international instruments, to integrate them into their domestic jurisdiction. For example, the Child Law was promulgated following the accession to the Convention on the Rights of the Child (CRC). However, not all international instruments to which Burma is a member are treated the same way CRC was treated. The failure by the government to integrate human rights instruments into domestic legal system should not be an excuse used to deny the enjoyment of these rights by the citizens.

**Conclusion**

Questions arise about how systematic human rights violations can occur, despite the presence of such strong human rights norms. Having human rights norms and laws embedding them, however, does not automatically give protection to human rights. Violations are not due to a lack of human rights norms, nor an absence of laws embedding them. There are two main causes for rights not being protected and the systemic and well documented widespread violations occurring: an unwillingness of the government to implement human rights, and the lack of rule of and due process of law to enforce those rights.

The degree of protection and promotion of human rights in a country depends on the willingness of the government to implement them. The unwillingness of the military government to implement human rights is based on their desire to control all ‘politics’ in Burma. Serious violations in Burma are the product of the military’s strategy to respond to opposition political movements. Until government accepts that a peaceful opposition movement is legitimate and part of any democracy, the government’s willingness to violate, not to protect, the human rights will remain unchanged.

Lack of rule of law and due process of law is also a major contributing factor for the violations. UN Special Rapporteurs on Human Rights in Burma have repeatedly pointed out the lack of rule of law and due proc-
ess of law in Burma.\textsuperscript{38} Among obvious examples of military government abuse of power outside due process of law include ignorance of electoral law that the military government itself promulgated; removing professional judges gradually since 1962; and recruiting underage boys to the army\textsuperscript{39} despite the Child Law protecting the rights of the child. Military authorities, especially military intelligence officers, are not only behind, but cause all politically motivated trials. Court decisions about sentencing (including the length of sentence and which prison) are, in all cases, decisions of the military intelligence officers who are known as the brains of the military government.

Despite not having a Bill of Rights incorporated into a single written legal text, it should not be thought that there is no foundation for a Bill of Rights in any particular society. This is equally true for Burma. Burma has an informal Bill of Rights drawn from Buddha's teaching, the legal foundation deriving in essence from the common law system, and the constitutional provisions and international obligations. In other words, human rights norms in Burmese society have collectively laid a solid foundation for a Bill of Rights which is reasonably good enough to promote and protect human rights, if they are upheld.

Endnotes

* The author is an Executive Committee Member of the Burma Lawyers' Council.

1. Burmese Buddhism is Theravada. This is one of two principle branches of Buddhism and it is also widely practiced in Thailand, Laos, and Sri Lanka. The other branch is known as Mahayana Buddhism which is widely practiced in China, Taiwan, Korea, Japan, Tibet and Central Asia. Some Burmese scholars regard Burmese Buddhism as Customary Buddhism, which is different from two other kinds- Nevanic Buddhism and Magical Buddhism. Human rights norms are mostly found in Customary Buddhism (Dr. Aung Khin March 2004).


4. See Damien Keown, Are There Human Rights in Buddhism?, article is available online at http://www.urbandharma.org/udharma/humanrights.html (September 2002)

5. Ibid

6. Some Buddhist scholars like Venerable Phra Dhammapitaka, a well known Thai scholar and the recipient of 1994 UNESCO Prize for Peace Education, regard these social categories as “Six Directions”.

7. For further explanation about duties of each individual, see Ven. Dr. Gallele Sumanasiri, Buddhism and Confucianism (Colombo: Karunarantine & Son Ltd., 1998), pp. 67-71.

8. Five duties of parents are (1) to restrain them (children) from vice, (2) to exhort them from virtue, (3) to train them for a profession, (4) to contract suitable marriage for
them, to hand over their inheritance in due time. For more detailed explanation about different types of duties of different types of individuals including duties of parents, see Ven. Pategama Gnanarama Ph.D., An Approach to Buddhist Social Philosophy (Singapore: TI-SARANA Buddhist Association, 1996), pp. 29-32.

9. Five Precepts serve as foundation for all Buddhists in daily social relations with each other. The first precept is to avoid killing or harming living beings. The second is to avoid stealing, the third is to avoid sexual misconduct, the fourth is to avoid lying and the fifth is to avoid alcohol and other intoxicating drinks.

10. One starts by recognizing bad behaviour and striving to stop doing it. That is what the Five Precepts are for. After stops doing bad, one starts to do good. For more explanation about Five Precepts, see online information center on Buddhism “Buddhanet” at http://www.buddhanet.net/ans88.htm (September 2002)


15. Buddha denounced unrighteous five means of livelihood, which include trade in weapons, trade in animals, trade in meat, trade in liquor and trade in poison.


18. Ibid, see introductory note, p. 13, and pp. 75-85.


23. National League for Democracy in late 1999 and early 2000 filed with the Supreme Court on the ground that the ruling military junta and the Election Commission failed to implement the result of a lawful election. The court, however, rejected the claim.

24. Konbaung dynasty came to an end when British occupation completed in 1885.

25. Also spell as Dhammattha meaning just and righteous.


30. The 1947 constitution was in operation during 1948 to 1962. The 1974 constitution was in operation during 1974 to 1988. There have been two periods without operating
constitution in Burma- 1962-1974 and 1988 up to now. Ruling State Peace and Development Council has been trying to draw up a constitution since 1993, but the process met with strong opposition from the democracy movement led by Daw Aung San Suu Kyi.

31. See chapter 2, the 1947 constitution.
32. See chapter 3 and 4 of the 1974 constitution.
33. See chapter 11 of the 1974 constitution.
34. Article 15 of the 1974 constitution.

36. Reservations -The Government of Myanmar does not consider itself bound by the provision set forth in the said article - article 29
38. For more information on lack of rule and law and due process of law in Burma, see Burma Lawyers’ Council, “An Urgent Need for Judicial Reform in Burma”, in Legal Issues on Burma Journal, Bangkok; No. 3, May 1999, pp 45-47.
39. A report released by Human Rights Watch in October 2002 indicates Burma as a country with largest number of child soldiers, as many as 70,000, in the government army.