Part (I)
The Constitution, People’s Aspirations and Participation

(1) The Constitution and People’s Aspirations

In order that the constitution accurately reflects the people’s needs, it is the belief of the CCPRA, that people should be provided with the opportunity to say what rights they would like, which authorities they think should be vested in the government, and how to best prevent the abuse of power by the state within a federal government. Only when a constitution is drafted, based upon the people’s wishes and demands, will the people trust that their nation’s constitution protects them and their rights. Only then will people be willing to make sacrifices in order to protect the constitution; which will eventually lend support and lead to the development of a free, peaceful, justice and developed civil society.

Sub-section (3), of article (21), of the Universal Declaration of Human Rights states, that the will of the people shall be the basis of formation of a government. This is usually achieved by elected representatives working closely with their constituencies to draft the constitution. For example, the American constitution, the oldest constitution at over two hundred years old, was created from the bottom up, by assessing the needs of the people and turning their will into law. Since it was ratified, there has been only 26 amendments to the American constitution. A further example is Thailand’s constitution. After the Thai people revolted against the monopoly of power by an army commander – who had taken power unlawfully, and killed or imprisoned hundreds of people - a constitution was drafted. The current Thai constitution is called ‘The 1997 Constitution of Thailand’. In a similar case to America, the Thai people were presented with the opportunity to participate in its drafting process. The outcome of this is the emergence of a
constitution that sufficiently reflects the Thai people’s wishes and desires. Now is an important time for the people of Burma to share their ideas, in order that the future constitution expresses the desires of the people accordingly, as seen in the constitutions of Thailand and America.

(2) The Rights of the People to participate in the development of the Constitution

The idea that everybody should participate in the drafting of the constitution is extremely important, the basis being that the constitution should adequately reflect the daily lives of the people. If the constitution is created without this principle in mind – without considering people’s aspirations or allowing them to participate as much as possible - then this process rejects democratic principles and the fundamental principles of human rights, which, in the long term, will lead to its failure. Only when a constitution is drafted, that incorporates the participation of the people, is sovereignty expressed through its citizen’s and protects their rights. For this idea to be effective, people must take interest in the drafting process. However, at the present time, most of the people of Burma lack interest in the development process. The essential reasons being that:

1. The people have a lack of awareness about the constitution.

The people may know, generally, that if a constitution exists in their country they can elect a new government of their own choice every four years or periodically. However, the people of Burma have not enjoyed the protection and guarantee of a constitution for many decades, or indeed have ever experienced protection under a constitution; therefore, a great majority of people did not know what a constitution is, how it can protect them, and how important it is.

2. Many people in Burma have to struggle constantly for their day to day survival.

Consequently, people do not have time or energy to take active interest in either constitution awareness or any other forms of political knowledge.
3. Currently people have no rights to participate in political activities.

The *Emergency Provision Act* of 1950, the *Unlawful Association Act* of 1908, the *State Protection Law* of 1975 and the law concerning the founding of associations of 1988, are all laws which largely prohibit people’s participation; people are unable to act freely in political activities.

4. Oppressive laws which strictly prohibit public participation in the constitution are currently enforced in Burma, the people are afraid to take part in constitutional matters.

In 1996, the military regime ratified a law which forbids any disturbance of the systematic transference of the state’s responsibilities; therefore, its underlying aim is to allow the National Convention's activities to be successfully implemented. In article (3) of that law, the following things are prohibited:

(c) Disturbing, destroying, stopping, agitating, addressing, informing, writing, dissemination that intend to damage, downplay, or create misunderstanding amongst the people; and which acts against the activities of the National Convention, therefore preventing the emergence of a solid constitution.

(d) Undertaking tasks consigned to the National Convention or drafting a constitution and distributing it without agreed legal authorization.

Furthermore, article (4) states:

Any person guilty of carrying out any act(s) as included in article (3) will be imprisoned, for a minimum of 5 years to a maximum 20 years, or be issued with a fine.

5. There is very little discussion of political parties, democratic groups and ethnic leaders, among the grassroots people.

There is discussion, consideration and problem solving in the political parties, democratic groups and ethnic leaders on the constitution but the discussions occur primarily at the top levels. Rarely, is there any information exchanged regarding constitutional affairs between the party and grassroots people.
There may be additional reasons, aside from those stated above, for the lack of public interest in the constitution. Some people believe that constitutional matters are only important for lawyers and legal persons; whilst others feel that ‘they are unable to do anything whilst the State Peace and Development Council (SPDC) monopolizes power and shapes the constitution only to comply with SPDC policies.

Anxiously if people lack interest in the constitution, do not participate in drafting their own construction and do not collectively prevent the unwanted constitution, then the military can write its own requirements into the constitution resulting in the prolong life of military rule.