INTRODUCTION TO THE BACKGROUND OF THE
KACHIN INDEPENDENT ORGANISATION (KIO)
AND ITS INVOLVEMENT IN THE SPDC’S NATIONAL CONVENTION

The majority of the Kachin people live in Northern Burma as their own ethnic group and with their own leaders. When the British colonial government invaded this area in 1885, the Kachin lost countless lives fighting back for many years.

Under the organizing power of General Aung San, the leader of the Anti-Fascist People’s Freedom League (AFPFL), the Kachin agreed to sign the Pinlon Agreement on 12 February 1947. Captain Naw Saing of Kachin Armed Force No. (1), dissatisfied with the political corruption and dishonesty of the AFPFL government with ethnic minority groups, established the Pawng Yawng National Defence Force (PNDF) on 15 November 1949. With the support of the PNDF force, Captain Naw Saing started revolting against the AFPFL government.

The AFPFL, however, incited an internal feud among the Kachin people in a manner inconsistent with PNDF objectives. The role of the PNDF ended with the arrival of Captain Naw Saing and 300 soldiers to China in 1950.

After 1950, the Kachin youth became more politically knowledgeable, and the “7 Stars”, the pioneers of KIO, appeared. The 7 Stars were seven Kachin students from Rangoon University who prepared for an armed revolution in 1957. On February 5, 1961, the Kachin Independent Army (KIA) was established, together with the KIO headed by Duwa Zaw Saing, and the armed revolution emerged.

In 1975, with Bran Saing as its chairperson, the KIA was the main ethnic army in the National Democratic Front (NDF). In 1990, KIA Brigade (4), headed by Lieutenant Ma Htu Naw and based in Northern Shan State, surrendered to the military government. They then formed the Kachin Defence Army (KDA), based in Kaung Khar (Kachin Special Region 5), Kutkai Township, Northern Shan State.

On 24 February 1994, the KIO entered into a cease fire agreement with the State Law and Order Restoration Council (SLORC). In February 2001, the KIO leaders changed as a result of differences of opinions and views. In 2002, the Kachin Solidarity Council based in Pan War headed by Sa Khon Taint Yein was established. In the early months of 2004, Laban Aung War and some KIO soldiers had a difference of opinion and separated from the KIO.

At present, the KIO is attending the National Convention conducted by the SPDC. Whenever the KIO attends the NC, they explain their views and opinions to the Kachin populace in their controlled area. Some Kachin people do not support the KIO’s attending of the NC.

When the SPDC’s National Convention was held for the last time on 18 July 2007, the KIO submitted their 19 point request to the National Convention.

* * * * * * *
Additional factors to be provided for in the State Constitution
Submitted by KIO Central Committee,
Kachin Special Region 2, To Heads of State

(Unofficial Translation)

1. In regard to the principles on the formation of State;

   a. It is mentioned that the State is formed on the basis of a union. In implementing this principle, it aims to be in line with the formation of a genuine federal union. The 1947 constitution provides that Burma is a Sovereign Independent Republic known as “the Union of Burma”. However, in reality the country functions under a unitary system, which exercises rigid centralization. We recommend that appropriate measures be taken to ensure this is not repeated in the forthcoming Constitution.

   b. It is also mentioned that the Union is divided into seven states (provinces) and seven divisions, each with the same political status. A special request is made to reconsider this factor. Given that the seven states represent the ethnic nationalities, we recommend that the right to self-rule and the basic rights of ethnic nationalities in the states be enshrined in the Constitution.

2. In regard to the division of the sovereign power of the State — legislative, executive, and judicial powers — it is mentioned that such powers are apportioned to the Union, the Divisions, the States, and the Autonomous Territories. In drawing up the Constitution in practice, we recommend that such powers be apportioned to the Divisions or the States reasonably. To this end, a greater amount of legislative power should go to the Divisions and the States than what is currently provided for in the principles. The Legislative Assemblies of the States should have sufficient legislative power regarding the rights of ethnic nationalities, such as:

   a. Preservation and promotion of the literature of ethnic nationalities by teaching it in the public schools; making the ethnic languages official within provinces;

   b. Preservation and promotion of the culture and customs of ethnic nationalities;

   c. Enactment of the customary law of ethnic nationalities into statutory law; and

   d. Enactment of laws to protect the rights of ethnic nationalities.

3. In the Executive sector

   a. If the State President (or the President of the Union) has too much power over the provincial government, it will lead to rigid centralization, resulting in the emergence of a unitary system.

   b. The Chief Minister of the province should be the one who represents the ethnic nationality of that respective state. Under the rule of the AFPFL
parliamentary government and the BSPP Socialist government, a similar selection and appointment process was used for the Chairperson of the (provincial) State Council or State Minister. Such enactment of laws in recognition of the fundamental rights of ethnic nationalities is in line with the emergence of the Union historically. As such, we recommend that such law be included in the constitution being drawn up now.

c. Relating to the formation of (provincial) state governments:

i. The Chief Minister of a province should be selected in the state parliament under secret ballot with the consent of a majority of parliament members. The President of the State (Union) should appoint that person as Chief Minister of that respective province.

ii. The Chief Minister of each province consults with the respective Legislative Assembly for the formation of ministries of province, and the number of provincial government ministers. Upon receiving the submission of the Chief Minister of the province, the President of the State (Union) should appoint the provincial government ministers.

iii. The Chief Minister of the province should appoint the Attorney General and the Auditor General of the Province with the consent of the Provincial Legislative Assembly.

iv. The Chief Minister of the province should appoint the Chairpersons and Leading Councils of autonomous divisions and regions.

v. When a minister of a province wants to resign, he or she should submit his or her resignation letter to the Chief Minister of the province who should then handle the resignation with the consent of the Provincial Legislative Assembly, as it deems necessary. If the Chief Minister of a province wants to resign, he or she should submit his or her resignation letter to the President of State (Union).

vi. If there is concern for the stability within a province, the Chief Minister of the province should discuss with the Provincial Legislative Assembly and submit information to the President of State (Union). Only after consulting with and seeking agreement from the Chief Minister of the province, the President of State (Union) can declare an emergency situation in that respective province.

vii. A commission on public service employment should be formed by the provincial government and local residents should have priority for public servant positions.

viii. A police force should be formed under the provincial government and the Chief Minister of the province should control it directly.
ix. Cease fire groups should transform into provincial security forces of a respective province once the Constitution comes into force. These forces should be a part of the Union army and should be directly controlled by the Chief Minister of the province.

4. Redefining borders and changing the name of a province should be the concern of a majority of nationalities of that state, and should only be conducted after obtaining the consent of the majority of ethnic nationalities of that state.

5. There should be no discrimination among religions and laws should prohibit religious discrimination. People of all religions should have the same rights and status.

6. Given that the National Assembly is to handle affairs of ethnic nationalities, the representatives to the National Assembly should be those whom are selected from among the ethnic nationalities of the respective province.

7. It is not necessary to form a Ministry of Border Affairs in the Union government. Border security should be conducted by Ministry of Defense of the Union and provincial governments, in consultation with each other directly. Forming a Ministry of Border Security in the Union government will restrict the powers of the provinces which exist along borders, resulting in the emergence of unfavorable conflicts in the future.

8. The Provincial Legislative Assemblies should have power to enact laws regarding temporary border crossings and border trade that treat everyone fairly.

9. The Provincial Legislative Assemblies should also have power to enact laws relevant to the economic sector so that the Union government and the respective provincial government can benefit fairly from the underground and aboveground natural and mineral resources. For example, the legislative power relevant to jewels should be granted to the Provincial Legislative Assemblies; it should cover not only the cutting and carving of precious stones but also to the locating and extraction of those jewels. Moreover, it is recommended that the Provincial Legislative Assemblies have power over hotels and guesthouses, tourism, and the border trade industry.

10. The following should be incorporated in the provincial legislative list: agriculture and livestock, land management, land registration, farming, agricultural research, management of water resources, fertilizer and pesticides, and the definition of grazing land.

11. In the tax sector, it is mentioned that the provincial government can collect taxes on timber except teak and hard timber. These recommendations seek to amend this principle so that the provincial government can collect taxes on all timber except teak.

12. Relating to the sector of transportation and communication, these recommendations ask that the legislative power on the development of water resources and rivers, the post, telegraph, telephone, fax, email, internet, intranet,
television, satellite communication, and broadcasting should be added to provincial legislative list.

13. Relating to the social sector, the power on private schools and trainings, free hospitals and clinics, private hospitals and clinics, formation of firefighting units, and the rehabilitation, protection, and rescuing of children, young women, disabled persons, the elderly, and the homeless should be added to provincial legislative list.

14. In the management sector, power on administration, management of rural and urban land, renting houses, leasing land, organizations, development of border regions, and the census should be added to provincial legislative list.

15. The border of Kachin Province should be the same as the border that was originally designated at the commencement of the formation of Kachin Province.

16. To protect the constitution should be the obligation of the people, as a whole, and the people should be the guardians of the constitution, given the fact that the constitution comes into force only after adopting it with the majority consent of the people in a referendum.

17. The Provincial Legislative Assembly should have the power to enact laws that bind the citizen of a province in the same way that the Union Legislative Assembly has the power to enact laws that apply to the citizens of the State (Union). If not, future problems such as identity fraud during elections and referendums may arise in the provinces, just as in the Union.

18. Every province should have a constitution within the framework of the Union, which reflects the unique situations of each province. This will bring about the solidarity of the union, facilitating development of the country.

19. The Army comprising various ethnic nationalities, which takes responsibility to protect the Union, should be known as the Union Army.

Central Committee
Kachin Special Region 2, KIO