

Preface

The constitution is a political as well as a legal framework, the main role of which is to protect the rights of people while restricting the powers of government. In producing such a document, which will become the supreme law of the land, a country's current political and legal background take on great significance.

The third publication of *Legal Issues on Burma* focuses largely on constitutional issues, including the history of the constitution making processes of Burma, with the aim of informing the international community. This edition also examines the judicial system of Burma, looking particularly at the independence of Burma's judiciary as well as the numerous unfair aspects of the trial of 18 foreigners. A number of recent statements of the Committee Representing the People's Parliament (CRPP) are also reproduced, including those dealing with the CRPP's recommendations to Parliament that various laws be adopted or repealed, with the reasons for these recommendations.

In relation to the constitutional issues, it is apparent that a new constitution laying down foundations for the establishment of peace, freedom and justice for all people in Burma cannot emerge as long as current conditions prevail. People's participation is severely restricted, political parties are not allowed to function and thousands of political prisoners are still behind bars. Human rights violations are commonplace such as arbitrary arrest under unjust laws, inhumane torture in prisons and extra-judicial killings.

The military junta, the SPDC, has refused the call of the opposition National League for Democracy (NLD), led by Daw Aung San Suu Kyi, to convene a People's Assembly to exercise State power, including drawing up a new constitution. On the one hand the SPDC has arrested over 200 elected NLD Members of Parliament and forced hundreds of NLD members to resign from the party. On the other hand the SPDC is attempting to finalise its constitution, being drafted through its National Convention. The great majority of delegates to the National Convention were hand-picked by the SPDC. If the SPDC is able to present its constitution as a legal document, a new election will be held and a so-called civilian government formed in accordance with that constitution. In doing this the junta will be able to negate the results of the 1990 election and achieve legitimacy to rule the country indefinitely. This is the only major political strategy of the SPDC, which will kill two birds with one stone. This has become a life and death matter for all people inside Burma, as well as for the SPDC.