

BURMA PRESS SUMMARY

From the Rangoon "The New Light of Myanmar"

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HIGHLIGHTS

- Plenary Session of the National Convention continued through Dec. 20, with presentation of proposal papers on the Legis-
-----lature, the Executive, and the Judiciary; it then adjourned until Jan. 8, 1996. [full texts of "salient remarks" as published in NLM] [NATIONAL CONVENTION]
 - 86 National League for Democracy delegates withdrew from the Plenary Session, and were ousted from the National Convention for being AWOL [full text--government statement]. [NATIONAL CONVENTION]
 - Mass rallies in support of the National Convention held around the country; some called for ostracism of NLD. [NATIONAL CONVENTION]
 - Minister for Health describes Myanmar HIV/AIDS programmes. [HEALTH]
 - Editorial: English language competence; growing use of English as language of instruction; English can only be learned from those who are fluent [full text]. [CULTURAL]
 - Myanmar Statement in UNGA on draft UN Resolution on Human Rights in Myanmar. [full text]. [GOVERNMENT]
 - Finance Minister issued guidelines for Joint Venture Banks in Myanmar. [ECONOMIC: Banking]
 - SLORC Chairman addresses ASEAN Meeting [full text] [MYANMAR DELEGATIONS]
 - Daw Aung San Suu Kyi denounced, in name and by implication, for Western connections [POLITICAL: Political Articles]
 - Proposals for cutting and sharing health care costs [HEALTH]
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POLITICAL

Slogans

The bottom of each front page continues to bear the slogan: Emergence of the State Constitution is the duty of all citizens of Myanmar Naing-Ngan [reverted back from "Union of Myanmar."

The top of each back page usually bears the slogan:

The Tatmadaw has been sacrificing much of its blood and sweat to prevent disintegration of the Union. All nationalities of the Union are urged to give all co-operation and assistance in this great task.

Religious Slogans: Since August 1991, each issue has included a changing religious slogan at the top of each front page:

December 1-31: Santutthi ca, contentment; this is the way to auspiciousness.

The Twelve Objectives: Beginning July 6, 1995, each issue of NLM lists the following, generally on the front page:

Four political objectives

- * Stability of the State, community peace and tranquillity, prevalence of law and order
- * National reconsolidation
- * Emergence of a new enduring State Constitution
- * Building of a new modern developed nation in accord with the new State Constitution

Four economic objectives

- * Development of agriculture as the base and all-round development of other sectors of the economy as well
- * Proper evolution of the market-oriented economic system
- * Development of the economy inviting participation in terms of technical know-how and investments from sources inside the country and abroad
- * The initiative to shape the national economy must be kept in the hands of the State and the national peoples

Four social objectives

- * Uplift of the morale and morality of the entire nation
- * Uplift of national prestige and integrity and preservation and safeguarding of cultural heritage and national character
- * Uplift of dynamism of patriotic spirits
- * Uplift of health, fitness and education standards of the entire nation

Political Articles

Dec. 8: To err is human, by Pe Kan Kaung. ["Those having been away from the motherland for long, tend to forget how to speak Myanmar properly and this is a fatal mistake, especially for those who are engaged in the business of broadcasting. Yes! I now remember. There is a parallel broadcast agency set up in Yangon in competition with the Radio Myanma. It has a strange name. Shall we call it...er... "Radio Awgyawlan". Yes! Radio Awgyawlan, muttering so much nonsense one would puke up." {Samples of errors in BBC broadcasts.}

[As for the Radio Awgyawlan in Yangon, it is in the habit of airing all kinds of news which are incorrect from beginning to the end not through the broadcasting system but direct in the original voice. This evening (3 December) a very interesting news was broadcast in the listeners' questionnaire programme.

['-- people have to drink one bottle of congee at 3 kyats per bottle in Hlinethaya. Go and see for yourself if this is true or not. Another said it was 5 kyats per bottle of congee. The price has risen. I hadn't not [sic] heard about this for a long time. When I first heard it, it was only 2 kyats. Since it is 5 kyats now, the price is very high. If the public has to pay a very high price to even drink congee then it is quite obvious what the economic situation of the country will be. If one is to go and see for oneself

the situation there, it might be the case in which one will get "Htamane" instead of congee. If the people say that they can only get congee, I fully believe this.'...

[I think one will realize how absurd and ridiculous the news about the rise in price of congee will be.... In Hlinethaya private individuals are using coal dust in making briquettes. In the process, congee is used as paste and those who produce briquettes buy the congee by the bottle.... Moreover, instead of throwing away the congee or giving it to dogs, people can earn extra income for buying (seasoning powder,) spices or pocket-money for their children. In future, congee will be sold in Myanmar only in dollars. Those in Hlinethaya who hear that piece of news will surely be tickled pink just like this guy, Pe Kan Kaung....

[I am beginning to pity the group from Radio Awgyawlan who are frequently making use of democracy in different versions of the thought that they are suffering from the Gobbles Effect of Information Minister Gobbles [sic] of Nazi Germany of Second World War. What Gobbles said was, no matter how wrong you are if you keep on repeating it very loudly, it will penetrate the public ear and be accepted as right...."]

Dec. 8: No connection between holding a dialogue and National Convention, by Maung Kyi Lin. [National Convention continuing despite withdrawal of National League for Democracy delegates. "On 12 July, Daw Suu Kyi...is reported to have said that the National Convention was held only in name.... On 24th of that month, she said that U Aung Shwe and party were attending the National Convention...and that she did not have the same opinion as them in attending the National Convention. Daw Suu Kyi, after a tete-a-tete with Ambassador of the United States of America to the United Nations Ms Madeline Albright, adopted a harsher attitude towards the National Convention...." Withdrawal of NLD delegates from the Convention.

["In appraising the step by step actions of Daw Suu Kyi and the National League for Democracy, it will be vividly seen that as the basic principles laid down by the National Convention are not in accord with the attitude of their party they are to be removed; to form new delegate groups with delegates of their choice in order to be able to lay down principles which are in accord with their party's policy.... Such attitude is aimed with a ill-premeditation to mar the on-going work of the National Convention...." The loss of the privileges of the NLD delegates was their own doing.]

Dec. 10: Deceivers of the first water, by Pe Kan Kaung. ["Talks and lectures given by members of the '420' gang are so cleverly done with different variations each week to deceive the people of Myanmar.... In our country...there is a '420' gang which is leading in trying to deceive others.... For instance, let us lie and say the National Convention being held today is being convened without public support...giving the reason that the group which had the support of the majority of the people, had abandoned the convention.... According to {Election Commission Declaration No. 896} the party which won the majority of vote in our country got only 38.11366 per cent of votes out of those eligible to vote.... Now that mass rallies to express public support for successful completion of the National Convention are being held in the various states and divisions, the '420' gan got a strong blow in the belly.... They began to tell lies that the public attended the rallies because they did not want to pay a fine of 50 kyats each. They even tried to give proof to this. They said that this was reported to the chief of their gang by a person of Monywa.... I had to say that they were merely lying. As it is a letter written about the event that this took place in Monywa on 2 December morning and arrived with foul air programme in the evening of 3 December, we must take credit that the postal service in our Myanmar does not rest even on Saturdays and Sundays and is very efficient.... They are indeed very clever.... I...would like to bestow gifts on them this time for being very smart in telling lies and bestow the title 'Deceivers of the first water.'"]

Dec. 11: Like the case of Nga Phyu and Ma Metu, by U Pye Gyaw.

[Having accepted the principles of the National Convention, and participated in it, it is wrong for the National League for Democracy to back out now. It is like the case of Nga Phyu, who married "a very black woman", Ma Metu, and three years later demanded a divorce. "The Judge ruled that the couple had been man and wife for three years in spite of Ma Me Tu's being very black, adding that it would be illogical to divorce only then for her being very black. So, the judge announced Nga Phyu loser in the case."]

Dec. 12: Dancer of seven variations, by Sithu Nyein Aye.

[Allegory of a girl who didn't like a dance with seven different tunes. "Now also, some of the foreign countries are playing different tunes for Myanmar Naing-Ngan. They are laying a path of sending and receiving malicious rumours intent on agitating and causing unrest in the country. Although the Government is not arresting any one, they are writing that separate wards in Insein Jail are being cleared as though thousands of the people will be arrested soon. They also sound the tune that if the people do not get on the streets and oppose the government effectively, then the names of leaders of political parties will lose face.... No matter what kind of tune they play, the National Convention will dance to its own tune and keep going on with much dignity...."]

Dec. 13: Sein and its companions, by Maung Thiha (Dagon).

[Denunciation of those {National League for Democracy} delegates who walked out on the National Convention. "I remarked that those who tarnished or disparaged the national political duty which we are shouldering for the country are our enemy.... So, what all National Convention delegates and all the people must be aware of is to cooperate to prevent and contain a situation in which stability of the State and peace and tranquillity might be marred by subversive and instigative acts of a force opposing the National Convention."]

Dec. 18: Myanmar--from Asia to the world, by Tekkatho Tin Kha.

[Myanmar support for the Five Principles of Peaceful Co-existence, and good relations with ASEAN.]

Dec. 19-20: Easy to mar, hard to make, by U Phyo. [Cont. (11)

"At the roadside question-and-answer session in the evening of 8-10-95, when shameless abhijjas were told, 'K 110,000 reluctantly donated for appearing on the TV screen or for other reasons will have no effect, it should not be done and it is waste of money; it is a demerit, don't do it, don't give; all the people must refuse to give (applause). In soliciting for donations, those who only wish to donate are to respond. Ask them whether they are solicitors for donations or robbers; if they happen to be solicitors for donations express an apology and tun them away, and if they are robbers call the police.'..." Donating to causes is an ancient tradition.

["Just observe that slanderous group. When they were taking part in the discussions of the National Convention, they had been able to enjoy good rice and sumptuous dishes daily.... After leaving the National Convention on 28-11-95, over 80 delegates were said to be in difficulty trying to feed themselves.... It is said one piece of dried fish and four pyis of rice are being distributed to each of them [by the NLD]. This is donation....

["I am worried about the lady who advocated lawless acts. Is she not afraid of hell? She suggested calling the police if they happened to be robbers. We must thank her for not saying call CIA. She relies too much on the West. Much of Western blood may have been deposited in her. They way she thinks and the way she talks is influenced by the West. She takes pains in reporting the internal issues to the West though she was the cause of all that. Ambassador Albright, a representative of a leader of the Western bloc, is getting exhausted in being engaged in anti-Myanmar activities. She has been so because she is too earnest in antagonizing and fault-finding. That person's getting very tired and very anxious to the liking of destructionists underground and expatriate beggars, and no attention is being paid to her by our farmers.

["Along with so much criticism as to have been made by Daw Albright on the Government of Myanmar at the UN Third Committee

meeting, there emerged concocted accusations and criticisms to cause the play rolling [sic]. These accusations and criticisms went on air on 145 MHz in the skyful-of-lies programme of VOA at 6.15 pm on 13 December.

["It was said in Daw Albright's accusation to the effect, "Our (Daw Albright's) government is much concerned about branding Daw Suu Kyi and her supporters traitors and some words that those who criticize the National Convention will be removed." Who said, where, that those who criticize the National Convention would be removed?.... I would like to suggest that democracy or human rights should be, as required, in proper measure in fitting places in Myanmar."]

[(12) "Today, a tug-o'-war has broken out between the subversive force and the constructive force." Pulling the NLD delegates out of the National Convention was "an unscrupulous act designed to cause disruption of the National Convention. But the National Convention was not disrupted" It is the Convention that is leading to democracy. Puppets like Madame Nhu in Vietnam try to disrupt things.]

Dec. 19: Ten nations, one voice, by Tekkatho Tin Kha. [ASEAN meeting, attended by SLORC Chairman Senior General Than Shwe, continued. Extracts from speeches.]

Dec. 22-25: Wrong perceptions, thoughts and deeds will plunge country's history into quagmire, by Pe Kan Kaung. [(1) Need for patriotism. Evils of British. Patriotism of Queen Su Phaya Lat, queen of King Thibaw. Some people say current patriotic campaigns aim at establishing racism. Dictators often use nationalism and racism. "I would like to give a piece of advice. Those responsible for the matters concerned are -- 'Not to forget the rule of scrutinizing to see whether the writing contain any political, ideological and personal propaganda for local and foreign organizations'...." (2) Dangers to sovereignty, and need for patriotism by the people. Recent economic progress in Myanmar. (3) Importance of serving national interest. (4) National objectives.]

Dec. 25: Cape Bayintnaung, an epitome, by Tekkatho Tin Kha. [What the British called Cape Victoria, in extreme southern Myanmar, has become Cape Bayintnaung, and a statue of him erected.]

Dec. 28: People who lift others with sharp instrument, by Byatti. [Former "political prisoner" tells how he and others were "always the top layer" in prison, never tortured, waited on by other prisoners, given comfortable quarters, continued their political activities, "took drugs and smuggled in pornographic books and resorted to indecent acts using the bottom of glucose bottles and this spread not only among the youths but also to the representatives," and generally carried on. Now people await the release of prisoners in the 1996 contingent under the Declaration No. 11/92. "They are fearing that due to behaviour of those who have been freed before and the acts of some of the people, they may not be released. Or will the yearly arrangements for release of prisoners be postponed due to the demands made by the sayagyi.... In taking part in politics please don't behave like children and please heed the true voice of the people and study the right ideology within the party and so on"]

Dec. 30: Inheritance of Independence to be safeguarded by generations, by Kyi Win Nyunt. [Patriotic exhortation.]

Dec. 30-31: Erasing with their feet what was written with their hands, by Kaytu Nilar. [(1) The National League for Democracy. "Isn't it so that today, their leader is acting like a roadside magician and tricking the people? She, the only persons [sic] who dislikes the National Convention, which is being supported by the entire nation and participated by the representatives of her party who believed and cooperated in it, said changes must be made and she does not have the same opinion as the delegates of her party and that the National Convention is only for the name sake. She made such bad remarks and groundless criticism. At the same time she criticized using groundless words to demean the efforts being made by the State and

the Tatmadaw in political, economic and social spheres. Such behaviour smacks that [sic] of a very stupid woman who goes from house to house gossiping. Similarly, some of the party members are also saying that international companies which believe in the market-oriented economy and are making investments in the country are all rubbish and not to think of highly them [sic] and that they are merely roadside brokers who have come to make investments and the real companies have not come as they do not believe in it. To what category will such politicians, who make such criticism belong to. What is worse is that having heard faintly the rumours spread that congee is being sold in bottles for use in making briquettes, their leader without studying anything or thinking carefully criticized just for the sake of criticizing by saying that people are starving and having to drink congee. What would be the feeling of the international group of sayagyis, who very generously conferred titles and award on her when they hear about this? As for the people of Myanmar is will be the 'pyetlone' (joke) of the year for 1995. It is called pyetlone because it is a word aimed at disintegration 1 [sic] to the State. Some party members also criticized the traditional regatta festival and equestrian festival, which are being held by the State to preserve national culture and to revitalize patriotism, by saying that while other countries are making efforts to produce aircraft faster than sound, rockets and satellites the Nawata is going back to boat and bullock-cart ages....

["What we find today is that decision to the send [sic] a proportionate number of delegates to the National Convention and cooperating at the tasks, which was laid down at the plenary meeting and Central EC meeting of their party, and there is reason now to ask if this decision is now disliked by a single leader of the party in accordance with the voice from abroad and the attitude that she is not in agreement with this matter, had been completely cancelled due to a single influence and single order which has taken root in that party. I dare say that a political party in which dictatorship exist can never establish a true democratic country. In words it is shouted democracy but in deed it is mere dictatorship and the majority of the members of the party may not be aware of this."]

[(2) National League for Democracy compared with Burma Communist Party as dictator-run organization.]

Returnees from Bangladesh

[Articles reporting the return of refugees from Bangladesh list the cumulative total since Sept. 22, 1992. Not all returns are reported in NLM, as the discrepancy between specific reports and the running total sometimes indicates.]

Dec. 2: 47 persons from 9 households returned to the Kayinchaung camp on Nov. 28, bringing the total to 194,756. (NLM 12/3)

Dec. 4: 189 persons from 33 households returned to various reception camps on Nov. 29, bringing the total to 194,945. (NLM 12/5)

Dec. 6: 71 persons from 14 households returned to various reception camps on Dec. 5, bringing the total to 195,016. (NLM 12/7)

Dec. 12: 205 persons from 38 households returned to Kanyinchaung camp on Dec. 7, bringing the total to 195,221. (NLM 12/13)

Dec. 18: 248 persons from 50 households returned to various reception camps on Dec. 14, bringing the total to 195,505. (NLM 12/19)

Dec. 19: 172 persons from 31 households returned to the Kanyinchaung camp on Dec. 15, bringing the total to 195,677. (NLM 12/20)

Dec. 26: 258 persons from 47 households returned to various reception camps on Dec. 21, bringing the total to 195,935. (NLM 12/27)

Dec. 27: 132 persons from 19 households returned to Kanyinchaung camp on Dec. 22, bringing the total to 196,167. (NLM 12/28)

Dec. 28: 140 persons from 26 households returned to Kanyinchaung camp on Dec. 26, bringing the total to 196,207. (NLM 12/29)

Special Refresher Courses

Dec. 11: SLORC Secretary-1 Lt-Gen. Khin Nyunt addressed the conclusion of Special Refresher Course No. 20 for Basic Education Teachers. He defended the National Convention, despite the withdrawal of the National League for Democracy. (NLM 12/12)

Dec. 26: Special Refresher Course No. 7/95 for Myanmar Police Force Officers opened, and was addressed by Minister for Home Affairs Lt-Gen. Mya Thin. He said the first course was in 1993; that each course trained 250 trainees. The present course is being attended by 185 police officers, 50 members of the Bureau of Special Investigations, and 10 from the Prisons Department. "He said the aim of the course is to make the officers realize the tasks and projects being undertaken by the State Law and Order Restoration Council, to have correct outlook and thinking power and provide efficient leadership." (NLM 12/27)

National Races

Dec. 5: SLORC Secretary-1 Lt-Gen. Khin Nyunt met with Shan State local national leaders U Phon Kya Shin, U Phon Kya Phu, U Yang Moe Lyan, U Yang Moe Am, U Mon Hsa La, U Li Nyi Mint and U Aik Kyaw at Shweli Yeiktha, North-East Command, in Lashio, and "discussed stability, regional development and drug eradication in Kokang and Mongko regions." After visiting other Lashio projects, he flew on to Loikaw, Kayah State. (NLM 12/6)

Dec. 7: SLORC Secretary-1 Lt-Gen. Khin Nyunt arrived in Lashio on Dec. 6. On Dec. 7 he met with the local national leaders [same as listed above] to discuss regional development and drug eradication. In the evening he returned to Yangon. (NLM 12/8)

Dec. 9: SLORC Secretary-1 Lt-Gen. Khin Nyunt received national leaders U Za Khun Ting Ring of Kachin State Special Region 1, U Pau Yu Cheng of Shan State (North) Special Region 2, and U Sai Lin of Shan State (East) Special Region 4. (NLM 12/10)

Dec. 10: SLORC Chairman Senior General Than Shwe gave guidance to trainees at the University for Development of National Races [full text in NLM]. (NLM 12/11)

Dec. 10: SLORC Secretary-1 Lt-Gen. Khin Nyunt met with national leaders U Sai Nong of Northern Shan State Special Region 3, U Mahtu Naw of Northern Shan State Special Region 5, U Aung Hkam Hti of Northern Shan State Special Region 6, and U Aik Mon of Northern Shan State Special Region 7. (NLM 12/11)

Michael Aris Arrives for Christmas

Dec. 18 [full text]: Daw Aung San Suu Kyi's family arrives. Daw Aung San Suu Kyi's British husband Dr. Michael Vaillancourt Aris who is resident in London, and their son Kim Arundel Aris arrived here by Thai Airways at 3.40 pm today for the Christmas family get-together. Kim's friend Robert Cornell Foreman also came with them. [photo] (NLM 12/19)

NATIONAL CONVENTION

Plenary Session--Legislature

Nov. 29 [Continued report of papers presented on the second day of the Plenary Session]: Proposal paper on Legislature from the State Service Personnel delegates group [full text of "salient points" as published in NLM]:

State service personnel

Lt-Col. Thein Tun of State service personnel delegate group submitted a proposal paper compiled by the group on facts which should be included in detailed principles to serve as bases in the chapter the Legislature.

He said that included in the 104 fundamental principles already laid down are six principles concerning the Tatmadaw of which the three very important responsibilities are:

- (1) the Tatmadaw has the right to administer for participation of the entire people in State security and defence;
- (2) the Tatmadaw is mainly responsible for safeguarding non-disintegration of the Union, non-disintegration of national solidarity and perpetuation of sovereignty;
- (3) the Tatmadaw is mainly responsible for safeguarding the State Constitution.

He commented that for the Tatmadaw to be able to dutifully discharge tasks assigned by the Constitution, Tatmadaw members need to participate in the national political leadership role. National politics involves:

- (1) providing deterrence and defence against all threats and dangers which may befall the entire nation and the entire people;
- (2) and if and when actual dangers befall they will be confronted, overcome and removed;
- (3) projects and programmes which will be of benefit to the entire people will be laid down and implemented;
- (4) in particular, efforts will be made to achieve preconditions which can ensure the safety and perpetuity of national Independence and national sovereignty; and,
- (5) cohesive solidarity and unity of national races will be established and preserved.

The points were pointed out by the Chairman of the National Convention Convening Commission as national political tasks in his address on 9-1-93.

[National political tasks]

In view of the national political tasks, it will be found that they are affairs of the entire nation and all Myanmar nationals must take part to carry out them [sic], he said. Duties to be implemented under projects for economic, social, administrative and security affairs and for sufficient provision of food for the Myanmar population are to be shared among all Myanmar nationals, he commented, adding these duties are to be carried out with the cooperation of the people, the Tatmadaw and political organizations, and especially experienced organizations with fine historical traditions are essential for deterrence of and defence against dangers that might befall the entire nation. He spoke of a historical event in 1885 when independence was lost as a result of inability to defend the entire nation against colonialists' threats and said it is found that it is necessary to give national political leadership to the Tatmadaw which fought for regaining independence, constantly taking a flaw in the past into account, which has consistently safeguarded independence and which has constantly kept watch of Myanmar affairs as a sentry of history. However, he said, as the Tatmadaw is not a political organization, it should not be assigned as a representative to be elected and spoke of the Tatmadaw as one which led the people in fighting for regaining of sovereignty, which stood in the forefront of the people in dislodging external invasions, which stood in the forefront of the people in quelling internal insurgency and which contained situations when disturbances and riots reigned the entire nation and community peace and tranquillity and rule of law were lost. So, he said, history stands proof to the Tatmadaw's not only leading and facing dangers that befell the people but also serving as the people's representatives.

The science of compiling military appraisal projects, or appreciation of dangers that might befall the nation, administrative experience gained when faced with dangers that befell the nation and military, organizational and administrative experience by which security of the nationals was managed are qualities of the Tatmadaw members who have undergone numerous training courses and military operations.

[Selection of Tatmadaw representatives]

Hence, participation of Tatmadaw members in the national

political leadership role has come about as a requirement which should be fulfilled by means of the system of nominating by the Defence Services Commander-in-Chief who is capable of assessing the qualities of and selecting Tatmadaw members, rather than by means of election, or in other words, there is no other means except nomination of persons of the Tatmadaw who should be assigned by the Defence Services Commander-in-Chief who is the head, and also like a parent, of the Tatmadaw.

[Defence and Security Committee]

He proposed that the Defence and Security Committee be formed with the Tatmadaw members after prescribing its term when there comes about a cause to submit matters concerning the Tatmadaw in addition to defence and security matters, giving a reason that it is needed to conform with six principles, concerning the Tatmadaw, out of the 104 fundamental principles already laid down to serve as bases.

The directly related fundamental principles, out of the six principles, are:

- (1) the Tatmadaw has the right to administer the participation of the entire people in State security and defence;
- (2) the Tatmadaw has the right to independently administer all affairs concerning the forces.

According to the fundamental principles, it is found that defence and security and Tatmadaw matters have been completely assigned to the Tatmadaw, he said.

[Military courses]

Concerning the matter, he said the Tatmadaw members of the Army, Navy and Air have to attend courses for skills in handling weapons such as the platoon weaponry course, the sharp shooter course for other ranks/officers, 75-mm launcher/medium-machine course [sic], artillery platoon commanders course and artillery battalion commanders course, etc., in addition to the 12 courses he cited -- the course for recruits, the course for new corporals, the course for lance corporals, the course for sergeants, the course for warrant officers, the under-officers course, the Officers Training Course, the course for platoon commanders, the course for company commanders, the course for battalion commanders, the Command and General Staff College course and the National Defence College course.

In addition to these courses, they have to attend other courses which contribute to enhancing administrative and organizational power, he said, adding all the periods of courses total 5 to 10 years. He remarked that thanks to training at the courses, they are already skilled in selecting and deciding modes of operation as how to manage defence and security matters, how to manage in times of emergency, how to manage in crucial times and how to manage in times of fighting enemy. He proposed that necessary formation in the security and defence matters, prerequisite for perpetuation of sovereignty, be made with Tatmadaw member Hluttaw representatives who have been properly trained. (NLM 12/1)

Nov. 30: The Plenary Session of the National Convention continued into its third day, with 540 out of 591 delegates present. [Note: because of the withdrawal of the National League for Democracy, the total number of delegates has been reduced -- HCMacD.] The presentation by the State service personnel delegates group was concluded. It was followed by proposal papers from the Other Invited Persons group, and from five political parties [full texts]:

U Soe Win, State service personnel delegate of the Ministry of Livestock Breeding and Fisheries submitted the remaining part of the proposal paper.

[Census opposed]

He said that if census is taken only after the National Convention with the formation of a commission, it will take long and national unity may be harmed due to the instigation of elements with ill attitude from within and without the nation and moreover, unforeseeable ill effects may occur. He cited and extract from the commission report submitted after making enquiries over the right to regional autonomy in 1952.

It was stated to the effect that in history, Myanmar nationals had suffered loss of the nation and independence due to territorial disputes and racial conflicts; the entire nation had fallen under the aliens without any major differences and only due to pride and prejudice held by one racial group over another; the nationals had lived humbly in a slave nation under aliens without independently enjoying human rights in such affairs as economic and educational affairs; independence was now regained as unity was shown by the national races keeping differing opinions aside; intimidations growled out from all sides by the enemy who would swallow us could be heard as signs of disintegration of national unity could be seen; it was certain that the race and the nation would be lost again if small racial groups which has smaller manpower and economic and educational strength by world standards, behaved as strangers, without showing trust, reliance, respect and love in dealing with one another like own brothers and sisters born of the same parents; and newly regained independence and the nation would not be lost when all the nationals were united and strove all-out in accordance with geo-politics and under international situations.

So, he said, it is to proceed with vigilance over actions of internal and external elements everytime unity is weak, adding today is a time when elements who do not bear to see national unity are instigating the people employing all means. He said that in the international scene, brazen interference of big nations in the internal affairs of nations with small 'national power' by political, economic and military means on various pretexts can be seen. He proposed that population ratios be reckoned based on facts and data presented by the National Convention Convening Work Committee Chairman and the fundamental principles already laid down, instead of going about by formation of a commission the process of which will take long.

[Qualifications of legislators]

He suggested that qualifications of the representatives should be prescribed in forming legislative Hluttaws and said the member must have completed 25 years of age, sufficient for experience and general knowledge, be a Hluttaw representative born of parents both of whom are Myanmar nationals and have resided in the nation for at least 10 consecutive years so as to be a person who has not lost sight of events in the nation. He said prescribing 25 years for the age of a Hluttaw representative is suitable as a person in Myanmar can be a graduate at 22 or 23 and even if the person is not a graduate, he or she at that age can be assumed to have gained fair, proper experience and knowledge and in addition, to have reasoning power over the present, the past and the future. If he assumes national duties at this age, he will have become a well-trained, experience person at about 50 when he assumes the highest duty. In discussing another point, he said the fact that the person must be born of parents both of whom are nationals is based on the belief 'a person will love the race only if he or she is a true descent.' [sic] He spoke of Myanmar having a population of about 44 million on an area of 26,000 square-miles and said it is needed to rally strength only within for the nation to be able to stand tall among neighbours which have populations of hundreds of thousands of millions. He believe that a person born of parents, who are nationals, would love motherland Myanmar and safeguard race, language and religion. He attributed perpetuation of the race of Myanmar since Bagan Period to having been able to safeguard race, language and religion in successive eras, saying the prescribing 'the representative must be born of parents both of whom are nationals' will contribute to perpetuation of sovereignty.

Concerning the fact that the representative must have continuously resided in Myanmar for at least ten years', he said he or she, as a Hluttaw representative, needs to know the entire course of events in Myanmar and suggested a term "achaycha nayhtaingthu" (continuous settler) and the Hluttaw representatives are required to take interest in Myanmar nationals and to be serving their welfare

with all their physical strength and intellectual power. Only then will the selection of Hluttaw representatives, who will give decisions on behalf of Myanmar nationals, be definite. He said prescribing as a continuous settler is also contributory to perpetuation of sovereignty and also in accord with the fundamental principle 'The President of the Union shall be a person who has been residing continuously in the country for at least 20 years up to the time of the election'.

He said detailed fundamental principles concerning structure, rights and responsibilities, terms, prescribing of qualities and conditions had been suggested based on facts already submitted. He wished for the united, harmonious participation of persons who strive for bringing about welfare of the nation and nationals and who love the nation, persons who will build the nation and persons who will defend the nation and for emergency of Myanmar as a peaceful, modern, and developed nation.

Other invited delegates

Member of the Myanmar Language Commission Daw Myint Than, a delegate of other invited persons group submitted the proposal paper of the group in connection with the structure of the legislature.

She said the delegates group as required by National Convention delegates had taken into account and followed the speech given at the Plenary Session of the National Convention on 2 September 1994 by Chairman of the National Convention Convening Commission Lt-Gen. Myo Nyunt who spoke of the need to bring about change in social systems, administrative systems and so forth, right from the base in conformity with significant and massive changes in the political and economic systems in the State and said emergence of a new constitution was in real need.

Concerning election of Pyithu Hluttaw representatives townshipwise she said a representative each should be elected from townships which have a total population of 300,000 or more. In so doing, she said, it should be stipulated that the number of representatives should not exceed 330. If there is the need to elect more representatives to get that number, it should be prescribed in accord with the election law to elect the required number of representatives by electing one more representative from each township which has a total population of more than 300,000; this should be done so starting from the township which has the largest number of population, she noted.

She said the following principles should be laid down as bases:

(a) Pyithu Hluttaw is to be constituted with the maximum 440 representatives,

(b) no more than 330 representatives elected on the basis of population are to be included in the Pyithu Hluttaw, and

(c) no more than 110 Tatmadaw servicemen representatives nominated by the Defence Services Commander-in-Chief are to be included.

[Amyotha Hluttaw]

In connection with the organization of the Amyotha Hluttaw, she said it should be constituted with equal number of Hluttaw representatives elected from the Regions and States, and Tatmadaw servicemen representatives nominated by the Defence Services Commander-in-Chief should also be included. She said the number of Amyotha Hluttaw representatives should be prescribed after taking into account of the number of Pyithu Hluttaw representatives. If the number of Pyithu Hluttaw representatives is prescribed as 440, the number of Amyotha Hluttaw representatives should be somewhere around 220, she said. Tatmadaw servicemen representatives are to be included in proportion to that number, she added. She also said that participation of national races should be allowed as much as possible. She said that Amyotha Hluttaw representatives elected from the self-administered divisions and self-administered zones should be permitted to participate in the Amyotha Hluttaw. Then only would they be in a position to present their affairs to the Amyotha Hluttaw. She

then said:

-- the Amyotha Hluttaw shall be constituted with a maximum Hluttaw representatives as follows:

(a) a total of 168 Amyotha Hluttaw representatives are to be elected from the Regions and States -- 12 representatives from each Region or State; for Regions or States with self-administered divisions/zones, one representative shall be elected from each division/ zone.

(b) a total of 56 Amyotha Hluttaw Tatmadaw servicemen representatives nominated by the Defence Services Commander-in-Chief are to be elected from the Regions and States -- four representatives from each Region or State.

The second part of the group's proposal paper was submitted by U Haw Law Gyi.

[Region/State Hluttaws]

He said the Region Hluttaws and State Hluttaws would have to introduce necessary laws exercising powers invested by the State Constitution. In connection with the election of representatives to the Region or State Hluttaws, he said it would be appropriate to elect two representatives from each township of the respective Regions or States. There would be three categories of representatives to be included in the Region or State Hluttaws. The first category would be those to be elected by the prescribed constituencies in the Regions or States, the second Tatmadaw servicemen Hluttaw representatives nominated by the Defence Services Commander-in-Chief, and the third national race representatives elected among the national races which have appropriate size of population residing in the Region or State concerned.

Tatmadaw servicemen Hluttaw representatives nominated by the Defence Services Commander-in-Chief should include one-third of the elected Region/State Hluttaw representatives or one-fourth of the total Hluttaw representatives.

[A different Shan State proposal]

In connection with the legislature, he cited significant points proposed by the leader of the Northern Shan State special area-7 as follows:

1. Powers should be distributed and invested in the Pyidaungsu Hluttaw and Region and State Hluttaws after thorough consultations and after objectively scrutinizing the benefits of the Regions, States and self-administered areas of the Union of Myanmar. These shall be prescribed in the State Constitution.
2. National brethren reside in almost every township and a township which has a population of up to 100,000 should have the right to elect one representative each according to the wishes of the township's residents. One more Pyithu Hluttaw representative is to be elected from each township the population of which exceeds 100,000 starting from the township which has the largest number of population.
3. Pyithu Hluttaw shall be constituted with a maximum 500 Hluttaw representatives --
 - (a) not more than 400 Pyithu Hluttaw representatives elected on the basis of population,
 - (b) not more than 100 Tatmadaw servicemen Pyithu Hluttaw representatives nominated by the Defence Services Commander-in-Chief,
 - (c) the number of representatives elected according to the wishes of the citizens and that of Tatmadaw representatives nominated by the Defence Services Commander-in-Chief should be included in the Pyithu Hluttaw in the ratio of four to one.
4. Amyotha Hluttaw shall be constituted with
 - (a) a total of 210 Hluttaw representatives -- 15 representatives elected equally from each Region or State including one representative elected from each self-administered division or self-administered zone in the respective Regions or States,
 - (b) a total of 42 Tatmadaw servicemen Amyotha Hluttaw representatives nominated by the Defence Services Commander-in-Chief -- three representatives for each Region or State.

[A different Kachin State proposal]

He also cited significant points in the proposal of the Kachin State Special Area-1 as follows:

1. The term of the Hluttaw constituted with equal number of representatives from the Regions and States, it is suggested, will be appropriate to be called "Lu-myo-su Hluttaw or Taing-yin-tha-mya Hluttaw". It is agreed to the English term of "House of Nationalities".

2. It has been suggested that representatives of peace organizations or Special Areas that have emerged during the time of the State Law and Order Restoration Council Tatmadaw Government should be permitted to participate in the legislature of the Regions or States concerned.

[More Shan State proposals]

A significant point of the proposal presented by a leader of Northern Shan State Special Area-1 was also cited thus:

Both the number of Tatmadaw representatives and national races delegates in the two Hluttaws should be increased.

Similar points of the leader of the Northern Shan State Special Area-2 were:

-- The need for the Tatmadaw to be able to participate in the national political leadership role of the State is understood and supported observing the historical development of the Union, aspirations of the national peoples, the traditions of the Tatmadaw and current internal and external conditions. Hence, in connection with legislature it will be more appropriate and justifiable to elect Tatmadaw servicemen representatives and assign duties to them at different levels of the Hluttaws to get the stipulated number instead of appointing them.

-- Concerning legislature in the Regions, States, self-administered divisions and self-administered zones, they should have the right to introduce laws, based on the Constitution, relevant to the respective areas respecting traditions and customs and special features of the national peoples especially those in the self-administered divisions and self-administered zones.

[Tatmadaw representation]

A significant point in the proposal of U Ko, a delegate of the other invited delegates group, is:

-- There were 12 provisions from (a) to (l) barring those from being elected to the Pyithu Hluttaw. They include one provision (j) any person who is (nai-bet wundan) civil servant. Civil servants shall have no right to stand for election as Pyithu Hluttaw representatives. Instead of 'nai-bet-wundan', it will be more comprehensive and meaningful to use the term 'naing-ngan wundan' (State service personnel), and as such the term 'naing-ngan wundan' should be used in (j). It would be more appropriate as the term will cover all the State service personnel. Tatmadaw servicemen who also are State service personnel will be covered by the term.

Although the Tatmadaw servicemen are State service personnel, they are to carry out duties in the Pyithu Hluttaw, Amyotha Hluttaw and Region/State Hluttaws as Tatmadaw servicemen representatives nominated by the Defence Services Commander-in-Chief; they should not be covered by the provision barring State service personnel from being elected as Pyithu Hluttaw representatives. Tatmadaw servicemen representatives are to serve at the respective Hluttaws as Tatmadaw servicemen and they should have the right to carry out duties of the Tatmadaw as necessary. Since Tatmadaw servicemen Hluttaw representatives should not be covered by the term State service personnel, exception should be included.

[Conclusion]

In conclusion, he said the principles just submitted are indispensable for the legislature of an enduring Constitution. He said the group obtained the principles after compiling 20 papers and consulting 10 times. These basic principles would contribute to ensuring the rule of law and order and peace and tranquillity in the future State, he said.

Union Pa-O National Organization

U Khun Sein Win of Union Pa-O National Organization said the Hluttaw elected on the basis of population should be called Pyithu Hluttaw, the Hluttaw elected with equal numbers from regions and states should be called Amyotha Hluttaw; the Pyithu Hluttaw and the Amyotha Hluttaw combined should be called Pyidaungsu Hluttaw;

Pyithu Hluttaw should at least be formed with 330 persons elected on the basis of township and population and 110 Tatmadaw members nominated by the Commander-in-Chief of the Defence Services; the total 440 is in harmony with the population of the country;

Amyotha Hluttaw should be formed with half the number of members of Pyithu Hluttaw or 224 at most; it should include 168 -- 12 from each of the 14 regions and states, which should include one from each self-administered division or zone -- and 56 nominated by the Commander-in-Chief of the Defence Services, that is four from each of the 14 regions and states;

Each Region or State Hluttaw should have two members from each township; among members of each Region or State Hluttaw, one fourth should be Tatmadaw members nominated by the Commander-in-Chief of the Defence Services, and there should also be representatives of national races with appropriate sizes of population;

So a basic principle should be laid down that each Region of State Hluttaw should be formed with two persons elected from each township, one elected from each national race that has a population that is 0.1 per cent or more of the total population, and Tatmadaw members nominated by the Commander-in-Chief of the Defence Services.

Shan State Kokang Democratic Party

U Khaung Daing of Shan State Kokang Democratic Party said that due to State leaders keeping constant watch of the internal and external situations and acting accordingly, and also due to genuine democracy loving people participating actively, the Union of Myanmar changed over from one-party rule to multi-party democracy without disintegration, scoring a first in the world; no other socialist country in the world had been able to do so like that; it is a historic feat all the people of the Union must feel proud of; it came to such a situation that the nation could not be left unpraised any more; after the change had been brought about in our country, many other countries formerly under one-party rule are having one government after another falling and still having to move on to multi-party democracy; it was as though our country was in the forefront in the developments in the world; but, without being contented or conceited with that, we must keep on striving to catch up with advancement of the world nations;

In the political history of our country, he said, the nation had regained Independence because of united endeavours of political forces, student organizations, peasant and worker organizations, sasana organizations, national races, the entire people and Tatmadaw members all together, and so the Tatmadaw together with the people must have a right to participate in the national political leadership role of the future State.

He said the matter was being presented out of goodwill to have Tatmadaw members participating one way or another; the abilities of a Tatmadaw member would remain the same whether he stood for election or not; for qualified Tatmadaw members especially votes would be cast by their party and the entire Kokang people all the more; just as it would not do without the participation of Tatmadaw members for emergence of the future democratic State, endeavours must be made by all the citizenry.

As regards matters concerning functions of Pyidaungsu Hluttaw chairman and vice-chairman, chairmen and vice-chairmen of Pyithu Hluttaw and Lumyosu Hluttaw, election of temporary chairmen, chairmen and vice-chairmen of State Hluttaws, their responsibilities, rights and privileges, the tenure of State Hluttaws, responsibilities, rights and privileges of Pyithu Hluttaw, Lumyosu Hluttaw and State

Hluttaws and stipulations of their qualifications, and so forth, the clarifications given by U Aung Toe, Chairman of the National Convention Convening Work Committee are congruent with the views and attitudes of their party.

In conclusion he said their proposal paper might contain points others might or might not concur on, as was natural; discussions must be held with patience to find answers; what was right would have to be found; and only what was right would be the achievement of the Convention.

Mro or Khami National Solidarity Organization

U Maung Pain (a) U Khin Maung Thein of Mro or Khami National Solidarity Organization discussed organization of the Pyithu Hluttaw. He said it would be appropriate to organize the Pyithu Hluttaw with a maximum 440 representatives comprising 330 elected representatives and 110 Tatmadaw servicemen Pyithu Hluttaw representatives considering the total population of the nation and enabling participation of most of the national peoples residing in the entire Union. The Tatmadaw has been discharging national duties holding in esteem Our Three Main National Causes. And there is clear evidence that it has safeguarded Our Three Main National Causes and served the nation and the people sacrificing much.

One hundred and ten Tatmadaw servicemen representatives should be included in the Pyithu Hluttaw so that the Tatmadaw can play a national political leadership role in the future State and continue to safeguard Our Three Main National Causes. Hence, Pyithu Hluttaw should be constituted with a maximum 440 Pyithu Hluttaw representatives as follows:

(a) no more than 330 representatives elected on the basis of population;

(b) no more than 110 Tatmadaw servicemen Hluttaw representatives nominated as such by the Defence Services Commander-in-Chief.

He appreciated the speech of the Chairman of the Work Committee who said as many national races as possible should be permitted to participate in the Amyotha Hluttaw thereby expressing the wish to serve the interests of the national races most equitably.

He said there should be most fair sharing of national races in the Amyotha Hluttaw.

[Declining Tatmadaw percentage]

In proposing organization of the Hluttaw under the legislature, he said Tatmadaw servicemen Hluttaw representatives nominated as such by the Defence Services Commander-in-Chief would be included in every Hluttaw. Tatmadaw has fine traditions, he said. It has been striving to make remarkable progress in the political, economic and social fields up to this day. He said a fundamental principle has been laid down in connection with the multi-party democracy that the State practices genuine multi-party democracy system. Hence, he said, it should be stated in the detailed principle that the number of Tatmadaw servicemen Hluttaw representatives should be reduced from one-third of the elected Hluttaw representatives in the first term of the Hluttaw to one-fifth in the second and one-sixth in the third to be in accord with the fundamental principle.

He pointed out that in the 1948 Constitution, the head of the Lumyosu Hluttaw (Chamber of Nationalities) was called Nayaka (Speaker) and head of the Pyithu Hluttaw (Chamber of Deputies) Okkahta (Speaker).

So, he said, the heads of the Pyithu Hluttaw and Region/State Hluttaws should be called Okkahta and Dutiya Okkahta instead of Thabapati and Dutiya Thabapati.

He then said the Mro or Khami National Solidarity Organization had noted the clarifications of the National Convention Convening Work Committee Chairman. It had submitted the proposal on certain points and concerning the remaining clarifications it had nothing to discuss, it supported them, he said.

Lahu National Development Party

U Kya Ha She of the Lahu National Development Party submitted proposals of the party on the chapter the Legislature, to be included in writing the State Constitution.

The Hluttaw constituted with representatives elected on the basis of population should be called Pyithu Hluttaw. But the one constituted with equal number of Hluttaw representatives elected from Regions and States should be called Lumyosu Hluttaw. Because, national leader Bogyoke Aung San named the Hluttaw which would protect the rights of all the national races as Lumyosu Hluttaw (Chamber of Deputies [sic]) in the 1947 Constitution to have full essence. Similarly, the Hluttaw to be constituted with equal number of national races representatives from the Regions and States should be called Lumyosu Hluttaw for the sake of national solidarity.

Neither the State service personnel nor citizens who are not State service personnel have the right to exercise sovereign power directly. So, the term "naibet wundan" (civil servant) is not precise. Service personnel wishing to stand for election are to resign to do so. As stated in Section 10, paragraph (1) of the Pyithu Hluttaw Election Law promulgated by the State Law and Order Restoration Council as law No. 14/95 [sic], they should only be prescribed that members of defence forces such as Armed Forces, People's Police Force, public servants from various public service bodies and various State-owned economic organizations and other public servants drawing pay from the State fund (retired persons are not included among such public servants) [sic].

The Commission Chairman at the Plenary Session of the National Convention on 7 April 1993 said: "We have avoided any inclination or intent to encourage quick decision-making on matters which we may believe to be good and correct."

The Commission Chairman also said at the Plenary Session of the National Convention on 16 September 1993: "As is the law of nature, such values as sentiments and views are not wont to be of only one kind, only one form or concurrent. That being so is only natural. Moreover, it is not in the nature of thought and views of ordinary human beings with the usual failings and foibles to be perfect."

In conclusion, he said the Lahu National Development Party truly wished genuine democratic State. It ardently wished unity of national races residing in the country and perpetuation of the Union, and the proposal on the organization of the Hluttaw was thus submitted with sincerity and frankness believing this would be in accord with democratic principles.

Union Kayin League

U Saw Daniel of Union Kayin League said he would discuss the clarifications of Chairman of the National Convention Convening Work Committee U Aung Toe on the legislature, executive and judiciary to be included in the constitution at the Plenary Session of the National Convention on 2 September 1994.

Concerning legislature fundamental principles had been laid down as:

1. The legislative power of the State is distributed among the Pyidaungsu Hluttaw, Region Hluttaws and State Hluttaws. Legislative power stipulated by the State Constitution shall be distributed to self-administered areas.

2. Pyidaungsu Hluttaw consists of two Hluttaws -- one Hluttaw elected on the basis of population and the other one with equal number of representatives elected from Regions and States.

3. Seven Regions have one Region Hluttaw and seven States have one State Hluttaw each.

4. Pyidaungsu Hluttaw, Region Hluttaws and State Hluttaws include Tatmadaw servicemen Hluttaw representatives nominated as such by the Defence Services Commander-in-Chief in numbers stipulated by the State Constitution.

5. For the national races having appropriate size of population, their national races representatives have the right to

participate in the legislature of the Regions, States or self-administered zones concerned.

According to these fundamental principles,

1. it is most appropriate to have two Hluttaws to be called Pyithu Hluttaw and Amyotha Hluttaw,

2. it is also suitable to constitute the Pyithu Hluttaw with 440 representatives including 110 representatives from the Tatmadaw, considering that there are 324 townships in the Union of Myanmar with a population of more than 44 million.

He said Amyotha Hluttaw representatives for each of the Region and State Hluttaws should be prescribed as 16 and of them, 12 are to be elected and the remaining four are to be Tatmadaw member Hluttaw representatives nominated by the Defence Services Commander-in-Chief.

He proposed that Amyotha Hluttaw be constituted with not less than 224 representatives and Amyotha Hluttaw chairman and vice-chairman are to be elected in accord with the procedures as in the ph chairman and vice-chairman are to be elected in accord with the procedures as in the Pyithu Hluttaw.

Election, formation and rights and responsibilities concerning Pyithu Hluttaw and Amyotha Hluttaw be prescribed by law, he suggested. He expressed support to prescribing of age for Pyithu Hluttaw chairmanship and vice-chairmanship as 25 and their tenures as five years.

He cited reasons of inclusion of Tatmadaw members in the Hluttaw representatives:

(1) the Tatmadaw contained conditions of disintegration and collapse in the nation as no one could not do so [sic];

(2) there has not been anyone except Tatmadaw who ha spearheaded for national unity;

(3) the Tatmadaw is the sole disciplined force in the nation;

(4) the Tatmadaw is completely consolidated; and,

(5) the Tatmadaw members have venturous spirit for the nation and are those who vow every day for sacrificing their lives for their nation, people and Tatmadaw.

(NLM 12/1)

Dec. 1: The Plenary Session of the National Convention met for the fourth day, with 532 of 591 delegates present. Proposal papers on the Legislature were presented from by political parties and representatives-elect from two parties [full texts]:

Shan State Kokang Democratic Party

U Khin Maung Aye of Shan State Kokang Democratic Party submitted a proposal paper compiled by the party in connection with the findings of the Work Committee on the chapter the Legislature.

He said:

-- Pyidaungsu Hluttaw consists of two Hluttaws -- one Hluttaw elected on the basis of population and the other one with equal number of representatives elected from Regions and States,

-- Pyidaungsu Hluttaw, Region Hluttaws and State Hluttaws include Tatmadaw servicemen Hluttaw representatives nominated as such by the Defence Services Commander-in-Chief in numbers stipulated in the State Constitution.

-- Pyithu Hluttaw constituted with Hluttaw representatives elected on the basis of population and Tatmadaw servicemen Hluttaw representatives nominated as such by the Defence Services Commander-in-Chief.

-- Amyotha Hluttaw constituted with equal number of Hluttaw representatives elected from the Regions and States and Tatmadaw servicemen Hluttaw representatives nominated as such by the Defence Services Commander-in-Chief.

Concerning Amyotha Hluttaw, it shall be constituted with a maximum of 224 Hluttaw representatives as follows:

(a) a total of 168 Amyotha Hluttaw representatives -- 12 representatives each elected from the Regions and States including one from each self-administered division or self-administered zone in

the Regions or States having such divisions or zones,

(b) a total of 56 Tatmadaw servicemen Hluttaw representatives nominated as such by the Defence Services Commander-in-Chief.

-- Duties, rights and privileges for election of the chairman and the vice-chairman of the Amyotha Hluttaw shall be prescribed by law as in the same procedures for election of the chairman and the vice-chairman of the Pyithu Hluttaw.

In connection with constitution of the Region Hluttaws and State Hluttaws, he said:

Through formation and participation in the "Yayya Htana" (affairs departments) in the Region/State Hluttaws of the respective Regions or States in which they are resident to have the right to see to their own affairs, national races residing outside their respective states too would be able to work for national solidarity more conforming to democratic practices.

-- They are to be constituted also with Tatmadaw servicemen Region or State Hluttaw representatives nominated as such by the Defence Services Commander-in-Chief representing one-third of the total Hluttaw representatives elected under sub-paragraph (a), (b) and (c).

In conclusion, he said the group had nothing to discuss restrictions and qualifications for the Pyithu Hluttaw and Amyotha Hluttaw representatives clarified by the Chairman of the National Convention Convening Commission.

Wa National Development Party

U Saw Joseph (a) U Joseph Tun, a National Convention delegate of the Wa National Development Party would, without going against the fundamental principles already laid down but with a constructive sense in the spirit of unity and sincerity to serve the long-term interests of the nation and citizens, frankly discuss the structure of the legislature out of the legislature, executive and judiciary as clarified by Chairman of the National Convention Convening Work Committee U Aung Toe at the National Convention Plenary Session on 2 September 1994.

In connection with the structure of the legislature, the Work Committee Chairman clarified that,

(1) the legislative power of the State is to be distributed to the Pyidaungsu Hluttaw, Region Hluttaws and State Hluttaws,

(2) the legislative power stipulated by the State Constitution is to be distributed to the self-administered areas; it is suitable to lay down these as detailed fundamental principles as bases.

Concerning organizations of the Pyidaungsu Hluttaw, a fundamental principle should be laid down to organize it with (1) one Hluttaw constituted with representatives elected on the basis of population, (2) another constituted with equal number of representatives elected from the Regions and States.

It would be in accord with the principle that the sovereign power resides in the citizens if the Pyidaungsu Hluttaw, Region Hluttaws and State Hluttaws are constituted with the respective Hluttaw representatives elected by the nationalities and citizens concerned. It would also be in conformity with the practicing of genuine multi-party democracy system and flourishing of worldly values.

At the Plenary Session of the National Convention on 2 September 1994, Chairman of the National Convention Convening Commission Lt-Gen. Myo Nyunt said, "Our ongoing National Convention is systematically and seriously exercising consultations seeking positive ideas and suggestions to obtain principles to serve as basis in writing the State Constitution that is vitally required for the State."

In his greetings to the National Convention delegates on 7 January 1993, the Chairman of the Commission referred to the story of Suvannasama from Jataka Stories and said just like the parents in the story, the people were desirous of seeing their son coming back to

them carrying a pot of gold, meaning their wish for restoration of their eyesight as well as their son's life and prosperity. The Commission Chairman asked the delegates to hold discussions and give suggestions that would fulfil the wishes of the people. The Commission Chairman was seen to have stressed the emergence of an enduring new constitution that would last and serve the interests of the nation and citizens in the long term.

In conclusion, the delegate said the discussions and proposals of the Wa National Development Party were intended to contribute towards serving, to some extent, the interests of the nation and citizens in accord with the instructions of the Commission Chairman.

Shan Nationalities League for Democracy

U Sai Nyunt Lwin, National Convention delegate of Shan Nationalities League for Democracy, submitted a proposal paper compiled by the party on the structure of the chapter the Legislature to be included in writing the Constitution.

He said the proposals were based on the facts -- perpetuation of the Union of Myanmar, emergence of a Constitution which all nationals can accept, for all national races to enjoy rights equally, for all nationals to be equal before the law and objectives of the National Convention.

The 'Legislature', he said, is so important a chapter as the brain and the heart of the State and also leads the way for the Union as every law discussed, approved and enacted is to be obeyed by every national. It is seriously believed that with proper and correct structure, functioning and separation of power, the sector of Legislature will help the executive, the judiciary and other sectors of the future Union appear vivid and definite and gain smooth functioning and progress, he remarked.

He pointed out that at this juncture, correct path for success of the future journey will be found only after reviewing the present situation on the basis of experience and taking lessons from the past events, adding past events and present life conditions cannot be ignored. He said the Union of Myanmar has not emerged for no cause and regaining of independence with the strength of unity, out of trust and reliance and love and unity among national races and after signing of agreements should not be forgotten, adding the cause of the emergence of the Union and regaining of independence from aliens is rooted in the signing of the Panglong Agreement.

Without promises and agreements, he said, the Panglong Agreement would not have emerged and if there were no such agreement, the Union would not have emerged. He attributed emergence of the Union to the Panglong Agreement with which national unity has been forged, noting it was not wrong to say that an essence of signing the agreement was actually realization of Our Three Main National Causes. Panglong spirit is the spirit for non-disintegration of the Union, consolidation of national unity and perpetuation of sovereignty, he said and expressed his belief that lacking or weakening of Panglong spirit or ignoring of the Panglong Agreement will affect Our Three Main National Causes.

It will be found that the Panglong Agreement, the foundation of the Union, was signed with the unity forged with one unit each from the Myanmar Government, the Shan State government, Kachin representatives and Chin representatives and the agreement was completely based on the cooperation on equal status of the mainland and hill regions under agreement, non-interference in the affairs of the states and having the right of self-promulgation, he explained.

He commented that the nation will be worth being called a Union nation and will practically enjoy what is independence when the national races implement with mutual understanding the facts presented above. Shan Nationalities League for Democracy, he said, wishes the nation to be built in a genuine Union system and to lay emphasis more on the essence of the Union than on its name.

U Sai Soe Nyunt (Shan NLD)

U Sai Soe Nyunt of Shan Nationalities League for Democracy

submitted the remaining part of the proposal paper.

He collectively presented opinions put forward by the party:

(1) to form the chapter 'the Legislature' taking the affairs of all the national races and democratic causes for all the citizens into consideration based on the Panglong spirit;

(2) to lay down principles to serve as bases only when they stand the test of the fundamental principle 'Sovereignty resides in the citizens';

(3) to distribute legislative power of the State among the Pyidaungsu Hluttaw, Region Hluttaws and State Hluttaws,

(4) to vest the Pyidaungsu Hluttaw with legislative power for common affairs and to vest Region Hluttaws and State Hluttaws with the remaining legislative power;

(5) to keep legislative power for self-administered areas at Region Hluttaws and State Hluttaws;

(6) to call the Hluttaw constituted with equal numbers of representatives from Regions and States by a more meaningful term "Lumyosu Hluttaw", instead of Amyotha Hluttaw;

(7) to constitute Pyidaungsu Hluttaw with Hluttaw representatives elected on the basis of population and national races Hluttaw representatives elected in equal numbers from Regions and States;

(8) to constitute Pyithu Hluttaw with Hluttaw representatives elected on the basis of population;

(9) to lay down a principle 'Tatmadaw members nominated by the Defence Services Commander-in-Chief have the right to stand election in the constituencies of the Pyidaungsu Hluttaw, Region Hluttaws and State Hluttaws:

-- if elected, the Tatmadaw member has the right to participate as Hluttaw representative in the respective Hluttaw;

-- if not elected, the Tatmadaw member is permitted to return to the Tatmadaw to discharge duties in his or her former rank';

(10) as it has been said that Pyithu Hluttaw representatives are elected on the basis of population and in consideration of the future when the population will be increasing, to constitute Pyithu Hluttaw is to be constituted constituency-wise with

(a) a people's representatives made up of one Hluttaw representative elected from each township;

(b) representatives made up of one more Hluttaw representative elected from each township having a population of 300,000 and above;

(11) When there arises cause to study and submit matters concerning the Tatmadaw in addition to defence and security matters, Pyithu Hluttaw is to form the Defence and Security Committee with Pyithu Hluttaw representatives and prescribe its term;

(12) to prescribe the tenure of the Pyithu Hluttaw as five years, instead of four years;

(13) to enact separate laws for election of Pyithu Hluttaw temporary chairman (yaryi thabapati), election of session chairman (thabapati) and vice-chairman (dutiya thabapati) and prescribing their rights and responsibilities, resignation of session chairman and vice-chairman; termination from being representative and for having no more right to stand as representatives; and to term leader and deputy leader of Pyithu Hluttaw representatives as Pyithu Hluttaw chairman (okkahta) and Pyithu Hluttaw vice-chairman (dutiya okkahta) respectively instead of session chairman (thabapati) and vice-chairman (dutiya thabapati);

(14) to term Amyotha Hluttaw as Lumyosu Hluttaw and it is to be constituted with national races Hluttaw representatives elected in equal numbers from Regions (States) under the principle of equality of national races;

(15) if it is to provided that Lumyosu Hluttaw should include representatives of self-administered areas, the Hluttaw is to be constituted with one national race Hluttaw representative from each of the self-administered areas;

(16) when there arises cause to study and submit matters concerning the Tatmadaw in addition to defence and security matters, the Hluttaw is to form the Defence and Security Committee with Hluttaw representatives and prescribe its term, and is to be granted the right to include suitable persons in the committee;

(17) to enact a separate law for election of Amyotha Hluttaw alternate chairman and the chairman's performance of duties, election of session chairman (thabapati) and vice-chairman (dutiya thabapati), their performance of duty and termination of them from duty; and to term chief or the representative and deputy chief of Lumyosu Hluttaw representatives as Nayaka and Dutiya Nayaka respectively, instead of Thabapati and Dutiya Thabapati.

(18) to stipulate numbers of State and Region Hluttaw representatives by the respective State or Region;

(19) to enact a separate law for election of Region or State Hluttaw temporary chairman (yaryi thabapati), election of session chairman (thabapati) and vice-chairman (dutiya thabapati), performance their duty [sic], termination of them from duty and prescribing of rights and responsibilities and prescribing of tenures;

(20) facts crucial for the Constitution should be provided as principles; they should not be detailed principles to serve as bases; and the matter is to be carried out with the enactment of law;

(21) concerning election to the Pyidaungsu Hluttaw (Pyithu Hluttaw and Lumyosu Hluttaw) and to State or Region, qualifications as to being a person who has completed 21 years of age and being a national born of parents both of whom are nationals are to be prescribed;

(22) every citizen has the right to vote if he or she has completed 18 years of age and the right to stand for election if he or she has completed 21 years of age;

(23) other bans and prohibitions are to be dealt with by promulgation of a separate law without providing them in the Constitution to be written.

National Unity Party

Brig-Gen. Than Tin (Retd) of the National Unity Party submitted the proposal paper of the party on the legislature to be included in writing the new State Constitution. He said:

The proposal paper would be divided into two parts and the first part would present general appraisals on the three chapters namely, the legislature, the executive and the judiciary. In his clarifications, the Work Committee Chairman said fundamental principles of the three chapters are related to one another and there were certain principles that should be discussed when the related chapters were dealt with. Points would have to be considered together to lay down the fundamental principles. The Work Committee Chairman noted that the structure, division of powers and the functions are to be discussed separately in dealing with these chapters to lay down the fundamental principles for them.

The structure of the legislature would be discussed in the second part.

[The three branches of government]

The legislative, executive and judicial powers are three aspects of sovereignty or three branches of government. The sovereign power would be complete only when the three powers -- legislative, executive and judiciary -- are all combined. A government would then possess characteristics to become a strong, firm and effective one.

It should be acknowledged that the three powers exist in separate entity and inter-related. In this concept, the three power would have to be analysed and appraised together.

In applying this concept there would crop up in relation separation of powers of the three powers and division of powers between the central and local organs.

The main aim of the separation of powers of the three powers is to prevent a person or a group of persons from exercising the

sovereign power that resides in the people at will. If a person or a group of persons invested with a particular power has the right to influence other person or organizations invested with other powers, there will arise misuse of powers and moves toward the benefit of a single individual. Based on the experiences inside and outside the country, every care needs to be taken to deter such instances.

The main aim of separation of powers is to avoid the extremes of too much central control and uncontrolled local autocratic conditions and following the middle way. There have been experiences and lessons from inside and outside the country that disagreements in political, economic, social and racial matters and grudges could occur when one of the extremes was practised in the division of powers between the central and regional authorities.

Hence, much care should be taken with magnanimity to see that there are no such flaws in the constitution to be written. In separation of three powers, holding in esteem Our Three Main National Causes and avoiding the extremes are the correct stand. Division of powers should be based on the generally accepted principles. Powers should be divided whether to be exercised independently or jointly by the Pyidaungsu, Regions, States and self-administered areas. If so, points conforming to the objectives of the National Convention could be achieved.

In connection with separation of powers and division of powers, the party would present its views based on the fundamental principles aimed at building of a genuine democratic nation, ensuring harmony in political, economic, social, racial and judicial matters and enabling the people to enjoy democratic rights fully.

The original stand of the party in connection with emergence of an enduring new constitution was presented.

The constitution to be written should reflect the aspirations and interests of the people. It should also suit the objective conditions of the country. Pillars of democracy should be firmly established in the constitution. The provisions should be those which could be put to practice. Once promulgated, the constitution would have to be respected especially by organs of power, service organizations, political parties and the public. Then only would it last. (NLM 12/2)

According to the main structure, there would be Pyidaungsu Hluttaw for the legislature of the entire country. Two legislative bodies of Pyithu Hluttaw and Amyotha Hluttaw would be in the Pyidaungsu Hluttaw. It is appropriate to have two legislative bodies in accord with the structure of the Union. This would be a generally accepted principle.

The Republic of the Union of Myanmar will be constituted with seven Regions and seven States. Accordingly, there would be Region Hluttaws and State Hluttaws. Regions and States would have one legislative Hluttaw each. Organization of various legislative Hluttaws as such is most appropriate in view of the separation of powers and division of powers between the central and regional organs of power.

In the self-administered divisions and self-administered zones, legislative power would be stipulated by the constitution but no separate legislative body would be formed; duties would be assigned to the bodies constituted for the self-administered areas instead.

The Work Committee Chairman went into detail concerning the legislative bodies including the structure, election of acting chairman, chairman and vice-chairman and so on.

The National Unity Party agreed in principle to the clarifications of the Work Committee Chairman in connection with the structure of the legislature. However, certain points which should be reconsidered and additional suggestions would be presented.

[Renaming Amyotha Hluttaw]

Concerning the terms of the two Hluttaws, the term Pyithu Hluttaw (House of Representatives), the legislative body constituted with representatives elected on the basis of population and representing all of the citizens regardless of race, religion or sex

is appropriate in both Myanmar and in English and conforms with the functions.

The English term House of Nationalities makes it evident the essence of consultations of nationalities in a legislative body, and English and Myanmar terms concur.

Hence, the Hluttaw where national races delegates of the Regions, States and self-administered areas meet and hold consultation should be called "Taingyin-tha Lumyosu Hluttaw" (House of Nationalities).

[Civilian participation on Defence and Security Committees]

Regarding formation of defence and security committees in the Pyithu Hluttaw and Amyotha Hluttaw, it was found to have proposed to form the committees in the two Hluttaws with Tatmadaw servicemen representatives only. It is well understood that the matter of national defence and security is the main duty of the Tatmadaw. It is accepted that the ability and the strength of the Tatmadaw born of the people depend on the people's support and cooperation, considering the Tatmadaw's origin and traditions.

According to experiences, the affairs of the people are that of the Tatmadaw and vice versa. The oneness of the Tatmadaw and the people is fully acknowledged. Moreover, under the geographical conditions and political concepts, military matters are concerned with not only the Tatmadaw but also the people. Furthermore, the entire mass of the people together with the Tatmadaw are to cooperate when local wars, limited wars, world wars and wars of aggression break out.

Defence and security covers not only military matters but also international relations, economic, science, technology and legal affairs. So, there should be a wide participation of experienced persons in the respective subjects and experts together with Tatmadaw servicemen representatives to discuss defence and security matters in the Hluttaws concerned. Hence, other Hluttaw representatives should be included together with the Tatmadaw servicemen representatives in the defence and security committees of the two Hluttaws.

National races covered by the fundamental principle to be laid down will have the right to elect one representative each and would be able to manage legislative and administrative affairs in the Regions or States.

At the same time, efforts should be made to suppress narrow-minded racialism and prevent the spread of suspicions and grudges while promoting patience, magnanimity, forgiveness and mutual respect. Especially, it would be necessary to encourage equality among all the national races, keep the hegemonic practices free, promote mutual respect and understanding between the majority and minority and make sure that the majority respect the rights of all.

In the Regions, States and self-administered areas, it would not be sufficient for the minority to have just the right to represent; points enabling them to enjoy democratic rights fully should be provided specifically in the respective chapters of the constitution. The government and non-governmental organizations would have to make concerted efforts to flourish in the entire country worldly values, to have sympathy towards one another and to flourish four cardinal values. To sum up, all the people of the country would have to work in unison for the common weal. Then only would a united and firm Union emerge.

The clarifications of the Work Committee Chairman on the legislature covered not only the structure of the various legislative bodies but also the qualifications of the Hluttaw representatives. The role and responsibilities of the representatives of the Pyithu Hluttaw, Amyotha Hluttaw and self-administered areas are heavy and extensive. Representatives who have to discharge duties in the respective legislative bodies should be able to present their views frankly, boldly and correctly; they should be able to do so with security. These are important points.

Exemptions, duties and responsibilities and rights for the representatives in the respective legislative bodies to be prescribed

in law should be laid down in the detailed fundamental principles.

These discussions are concentrated on the legislature. Discussions on the executive and judiciary would continue later. Separation of powers and functions of the three powers would then be dealt with. In so doing, the National Unity Party would continue to work for the success of the National Convention, achievement of a genuine consensus and emergence of an enduring constitution.

[Proposal papers of Representatives-elect delegates group]

Shan State Kokang Democratic Party

U Yaw Aye Hla of Shan State Kokang Democratic Party said their party would make proposals with sincere goodwill without any base intent to hurt or favour anyone. Ours might or might not concur with those of other delegates.

In a country, just as it will not do if there are no people to support the Tatmadaw, so also it will not do if there is no Tatmadaw of the people safeguarding the people. The people and the Tatmadaw are mutually dependent. One cannot do without the other, one depends on the others.

Due to State leaders keeping constant watch of the internal and external situations and acting accordingly, and also due to genuine democracy loving people participating actively, the Union of Myanmar changed over from one-party rule to multi-party democracy without disintegration, scoring a first in the world; no other socialist country in the world had been able to do like that; it is a historic fact all the people of the Union must feel proud of; it came to such a situation that the nation could not be left unpraised any more; after the change had been brought about in our country, many other countries formerly under one-party rule are having one government after another falling and still having to move on to multi-party democracy; it was as though our country was in the forefront in the developments of the world; but, without being contented or conceited with that, we must keep on striving to catch up with advancement of the world nations.

In the political history of our country, he said, the nation had regained Independence because of united endeavours of political forces, student organizations, peasant and worker organizations, sasana organizations, national races, the entire people and Tatmadaw members all together, and so the Tatmadaw together with the people must have a right to participate in the national political leadership role of the future State. [Note: last two paragraphs virtually identical to those in the presentation of U Khin Maung Aye of the Political Parties delegates group -- HCMacD.]

So their party proposed the following:

(a) For inclusion of Tatmadaw representatives in the Lumyosu Hluttaw, stand for election along with other political parties and independent candidates for 42 Hluttaw seats;

(b) For inclusion of Hluttaw members from the Tatmadaw for one fifth the number of seats in the Pyithu Hluttaw. Tatmadaw members nominated by the Commander-in-Chief of the Defence Services stand for election along with other political parties and independent candidates;

(c) For Tatmadaw members to get one fifth of the total number of seats in each Region or State Hluttaw, Tatmadaw members nominated by the Commander-in-Chief of the Defence Services stand for election along with other political parties and independent candidates;

(d) Depending on the results of such standing for election, Tatmadaw representatives will be able to participate in the national political leadership role of the future State.

He said the matter was being presented out of goodwill to have Tatmadaw participating one way or another; the abilities of a Tatmadaw member would remain the same whether he stood for election or not; standing for election will in no way diminish the qualifications of that person; for qualified Tatmadaw members especially votes would be cast by their party and the entire Kokang

people all the more; just as it would not do without the participation of Tatmadaw members for emergence of the future democratic State, endeavours must be made by all the citizenry.

In conclusion he said their proposal paper might contain points others might or might not concur on, as was natural; discussions must be held with patience to find answers; what was right would have to be found; and only what was right would be the achievement of the Convention. [Paragraph identical to that in Political Party delegate's presentation, above -- HCMacD.]

Mro (or) Khami National Unity Organization

U San Tha Aung of Mro (or) Khami National Unity Party Organization said it would be appropriate to have 440 members in Pyithu Hluttaw -- 330 elected persons and 110 Tatmadaw members; the Tatmadaw is shouldering the national duty upholding Our Three Main National Causes of non-disintegration of the Union, non-disintegration of national solidarity and perpetuation of sovereignty; it had stood for the people making self-sacrifices and it has always safeguarded Our Three Main National Causes with a great tradition; it should be permitted for 110 Tatmadaw members to participate in the Pyithu Hluttaw so that the Tatmadaw would be able to participate in the national political leadership role in the future State and continue to safeguard Our Three Main National Causes.

So a detailed basic principle should be laid down to the effect that the Pyithu Hluttaw shall be formed with 440 members at most as follows:

(a) not more than 330 persons elected to the Pyithu Hluttaw on the basis of population;

(b) not more than 110 Tatmadaw members nominated by the Commander-in-Chief of the Defence Services.

[National race representation in Amyotha Hluttaw]

As there will be only 220 members in the Amyotha Hluttaw and as there will be only 12 representing each Region or State, it is not certain that the 12 will include all national races; so a firm principle should be laid down to ensure the broadest possible participation of national races in the Amyotha Hluttaw; so a basic principle should be laid down that in each Region or State each national race that has a population that is one percent of the total population of the Region or State should be permitted to participate in the Amyotha Hluttaw; only then will it be possible to have a constitution and laws that will serve the interests of all national races; it will also be in accord with the democratic discipline and tantamount to evenly implementing the fundamental rights of all national races.

If it is to be determined on the basis of 0.1 per cent of the population of the whole country, it will cause unevenness in opportunity for each national race with a population of less than 44,000; and it will not be in accord with the essential democratic characteristic principles of justice, liberty and equality; so, with aims at enabling the broadest participation of national races in the Amyotha Hluttaw, in accord with what is contained in the article by Aung Min and in accord with the democratic practice, it is proposed a detailed basic principle be laid down that each national race with a population that is one per cent of the total population of the Region or State shall have right of participation in Amyotha Hluttaw.

It is also proposed it should be considered, in the detailed basic principle, for creating new township for each national race that does not yet have own township, among the 35 national races with populations over 10,000, and for prescribing self-administered zones.

Except for these points, he said, their organization endorsed all other points in the clarification given by U Aung Toe, Chairman of the National Convention Convening Work Committee, as regards the subject of legislature. (NLM 12/3)

The Convention will reconvene on Dec. 4.

(NLM 12/2)

Dec. 4: The Plenary Session continued, with 530 of 590 delegates present. Delegate U Ko Lay of the nationalities delegates group died, reducing the total from 591. Proposal papers on the Legislature were presented by party and independent representatives-elect [full texts]:

NUP (Hluttaw representatives-elect)

U Thein Tun, Hluttaw representative-elect of Ingapu Constituency 2, Ayeyarwady Division, National Convention delegate of National Unity Party, submitted a proposal paper compiled by members of the NUP included in the Hluttaw representatives-elect delegates group on the chapter the Legislature.

He spoke of elaborate explanation of the Chairman of the National Convention Convening Work Committee on 2 September

-- on designation of the self-administered division or self-administered zone included in the chapter the State Structure;

-- the structure of the chapter 'the Legislature';

-- the structure of the chapter 'the Executive';

-- the structure of the chapter 'the Judiciary'.

He said the delegates had noted them down and made studies and based on them presented their NUP's opinion and stand on the self-administered areas to the Panel of Chairmen on 21-9-94 and read and explained them at a Hluttaw representatives-elect delegates group meeting on 3-10-94.

[Separation of powers]

He first submitted the party's general stand. He said that when the 104 fundamental principles were laid down, the following points regarding the separation of powers are included:

(1) the three branches of State power, namely, legislative power, executive power and judicial power are separated as much as possible and exert reciprocal control, check and balance;

(2) the three branches of State power so separated are distributed among Pyidaungsu (Union), regions, states and self-administered areas.

He said the legislative power, the executive power and the judicial power are the 'three aspects of sovereignty', or in other words, they can be called the 'three branches of government', adding only when the three powers are combined, will sovereignty appear vivid and will the government possess characteristics of strength and dynamism.

If this general stand on the three powers is understood, approved of and accepted by all unanimously, a belief that as each of them bears its own characteristics, they have reciprocal dependence and relation must also be accepted, he noted and said it will be found that in analyzing the three powers on the basis of this stand, it is necessary to view separately or collectively.

By practising this stand by laying down a fundamental principles in writing the new Constitution, 'separation of powers' and 'division of powers' between the central and regional authorities will appear relatively, he explained.

The main aim of separating exercising the three powers, he said, is to control a situation in which one person or one group may abuse sovereignty of the people to one's or their satisfaction or may misuse them. If one person or one group exercising one power has an opportunity to influence on the other person or group exercising another power, they will come onto the path of misuse of power, he said and noted care must be taken to prevent occurrence of such cases.

In view of the clarifications of the Chairman of the Work Committee on 2 September, State machinery will be emerging vividly with the Constitution and the organizations operating in the machinery are 'constitutional institutions'.

He went on to submit general belief in analyzing the constitutional institutions.

He said it will be necessary to assess constitutional institutions whether their forms are compatible with their functions

and to be able to assess so, it is necessary to clearly understand their forms and functions.

[Regional parliamentary system]

There should be relations in the nature of formation or functions of one institution with another. It is learnt that there will be the Region Prime Minister or State Prime Minister at the region or state level. Due to the term 'prime minister', it may be doubtful whether there will be parliamentary democracy system at the region or state level, not like the central, in our country where the fundamental principle to adopt presidential administrative system has been laid down.

The fact makes it necessary to implement in conformity with the 104 fundamental principles, he remarked.

He commented that the institutions, he said, must be so efficient as to shape democratic social system which people desire and to stand firmly for the welfare of the people, and they must also contribute to flourishing of a genuine parliamentary democracy system.

Emergence of a enduring State Constitution is an aim desired by the National Convention delegates, the people and the high ranking officials of the State and for emergence of such a Constitution, constitutional institutions need to be firm in structure which can be achieved by the systematic formation of them in accordance with objective requirements, he said.

Continuing, he discussed formation of the chapter the Legislature. In studying the clarifications regarding formation of the chapter Legislature, altogether 39 points are found suitable to be adopted as fundamental principles.

He spoke of five points regarding legislature in laying down 104 points to be enshrined in the Constitution as fundamental principles and said when a comparison is made between the five points and the Work Committee Chairman's clarifications, the clarifications are found to have extensively and relatively dealt with detailed principles to serve as bases. In view of these clarifications, it can be said that the 'main skeleton', formation of the Pyithu Hluttaws at different levels, has appeared vividly. According to the main skeleton, there will be Pyidaungsu Hluttaw in a national scale, and from it, there will become Amyotha Hluttaw and Pyithu Hluttaw. He commented that it is proper to form the two Hluttaws in accordance with the structure of a Union nation.

He said the English term "House of Nationalities" portrays political essence of the Legislature where all national races will hold discussions and coordinations together and the Myanmar term should have corresponding meaning. He suggested the term Taingyintha Lumyosu Hluttaw instead of Amyotha Hluttaw.

He said the delegates of the party do not cling to any fixed name or term and believe that having two Hluttaws is the political essence.

He went on to discuss formation of committees and commissions in Pyithu Hluttaw and Amyotha Hluttaw.

In accordance with the fundamental principles of the National Convention, there will be two Hluttaws, and the aims are:

- to control hasty writing and promulgation of laws;
- to avoid one-sided promulgation of laws and overwhelming by one Hluttaw only;
- to be able to ponder over, from all points of view, laws to be promulgated during the period of their submission to and discussions by the two Hluttaws;
- to reflect people's opinions, hopes and desires through the Pyithu representatives of the two Hluttaws;
- to share multifarious duties of legislative bodies between the two Hluttaws;
- to protect and carry out for the welfare of masses and classes and people of various strata in the nation;
- to protect and enable people to enjoy their fundamental rights, the right to freedom and the right to democracy;

-- to protect and bring about welfare of members of the Union and national races in accordance with the formation of the Union.

These are the benefits which will accrue from constitution of the two Hluttaws, he commented.

In the formation and functions of Pyithu Hluttaw and Amyotha Hluttaw, it is necessary to have both similarities and differences between the committees and commissions of the two Hluttaws.

Whether which committee or commission is to be formed permanently or which should be formed as necessary is a matter for detailed discussions, and so, it will be sufficient to include the fact 'respective committees and commissions must be formed in the two Hluttaws' as a fundamental principle. Moreover, a principle should be laid down that 'Details regarding the committees and commissions to be formed are to be provided in the Hluttaw law and rules to be promulgated'.

He said the matters submitted were concerned with the formation of the chapter Legislature and discussions on the formation of the chapters the Executive and the Judiciary would be submitted. Moreover, he said, the delegates would continue discussing separation of powers and functions regarding the three sovereignty powers. He expressed his party's stand that it will go on to stand honestly and frankly, not losing sight of the aims for success of the National Convention, common desires and emergence of an enduring Constitution.

U Hla Maung

U Hla Maung, independent representative-elect of Kya-in-Seikkyi Township Constituency-1 in Kayin State, submitted a proposal paper on the chapter the Legislature to be included in the State Constitution. He said:

Suggestions on the organization of the Pyidaungsu Hluttaw would be presented in accord with the fundamental principle that legislative powers shall be distributed to the Pyidaungsu Hluttaw, Region Hluttaws and State Hluttaws.

He proposed the Pyidaungsu (Union) Hluttaw be made up of two Hluttaws -- Pyithu Hluttaw (House of Representatives) constituted with representatives elected from the respective areas throughout the country and Amyotha Hluttaw (House of Nationalities) constituted with equal numbers of representatives elected from the Regions and States. [Number of Pyithu Hluttaw representatives]

Regarding the number of Hluttaw representatives to be stipulated it would not be appropriate to stipulate one representative for each township. Usually election of representatives is conducted on the basis of population ratio. The size and density of population differ from one township to another depending on the area, economic conditions, transport and communications and geographic conditions of the townships concerned. It would not be realistic to stipulate one representative for a township with a population of some 100,000 and another with a population of some 10,000. The 1947 Constitution stipulated the number of Pyithu Hluttaw representatives as 250 because population of the country at the time was about 15 million only. In accord with the 1947 Constitution, the number of representatives increased from 451 in the first term to 464 in the second term, 475 in the third term and 489 in the fourth term of the Pyithu Hluttaw; it was evident the number increased in proportion to the population. During the 1990 election, the number of representatives was stipulated at 491. It was stipulated so not based on the number of townships but on population. Hence, it should be stipulated one representative for townships with the population of up to 100,000 and one more representative for those the population of which exceeds 100,000. The stipulation is based on the growing population. This would be a formula for a proportional increase in the number of representatives.

[Number of Amyotha Hluttaw representatives]

Concerning stipulation of the number of representatives in the Amyotha Hluttaw in proportion to that of the Pyithu Hluttaw,

representatives elected in the States for the Pyithu Hluttaw would be those who are in the majority in the respective States as representatives would be elected based on the number in the respective regions. Hence, there would be nothing to worry about a possible vast majority in the Pyidaungsu Hluttaw of representatives from the Regions. Nationalities mingle with others in the Regions as in the States and nationalities or non-Bamar representatives would inevitably be elected.

[Qualifications]

Out of the presentations of the Work Committee, in connection with the qualifications for the representatives of the two Hluttaws,

(a) the age limit for the representatives of the Pyithu Hluttaw and Amyotha Hluttaw should not be 25 and 30 respectively, it should be 25 or the same;

(c) [sic] the stipulation requiring the representatives to be resident in Myanmar at least 10 consecutive years is inappropriate under the present world conditions. In the world today, residing in isolation is no longer practised. There are more contacts among countries in social, education, economic and employment matters. Hence it would be inappropriate to stipulate that persons should be those who have resided in the country for ten years consecutively considering persons who went abroad and resided there temporarily for reasons stated above and returned with the exception of those who have revolted the country, not been loyal to the State or committed treason.

Concerning the points stated in paragraph (b) disqualifying persons from being elected to both Hluttaws, they were believed to be complete. The phrase 'or failed to have abided by the election law' added to paragraph (1) would be unnecessary. Unless the failure was due to criminal intent or moral turpitude, there would arise no case to disqualify such persons.

The current session of the National Convention is directed at flourishing of worldly values of justice, liberty and equality. Now it is in the process of writing, a State Constitution furnished with such objectives to give guidance to the Union of Myanmar. In a genuine multi-party democratic nation, except the representatives who have been invested with the mandate of the people to manage the affairs on their behalf, no person, group or organization has the right to participate in the Pyidaungsu Hluttaw, Region Hluttaws and State Hluttaws without the permission of the Hluttaw. People have the right to elect a person having the right to form a government and existence of a government depends on the assent of the people; its existence will cease when the people withdraw their assent. The power of a government is limited and the State Constitution giving protection to the people favours no particular person or organization. Every citizen is equal in the face of law and nobody is above the law.

The proposals thus presented with constructive criticism are intended for all the people residing in Myanmar to enjoy worldly values of justice, liberty and equality and for the establishment of a genuine democratic Union of Myanmar, with no ill will towards or grudges against any.

Dr. Hmu Thang

Dr. Hmu Thang, independent representative-elect of Thantlang Constituency in Chin State, submitted the proposal paper compiled by U Tun Kyaw, independent representative-elect of Namhsan Constituency and himself on the chapter the Legislature to be included in the constitution to be written.

[Titles of Hluttaw leaders]

In the 1947 Constitution, head of the Lumyosu Hluttaw (House of Nationalities) was called "Nayaka" (Speaker) and head of the Pyithu Hluttaw (Chamber of Deputies) "Okkahta" (Speaker) and were granted appropriate salary, privileges and rights compatible with his station.

Similarly, the heads of Hluttaws of other democracy nations and

the Unions were found to have deserving positions and names. In the United States of America and India, Vice-Presidents take charge of the Senate or the Upper House and the head of the House of Representatives or Lower House are elected from among the representatives and called the Speaker. In the constitutions of most countries, the head of the Pyithu Hluttaw is called the speaker. There is difference in the Upper House. Some countries call the President and some the Chairman. Rights and privileges have been granted according to their volume of work and position.

In the constitution now being written, the heads of Hluttaw should be elected from the Hluttaw representatives and called "Okkahta" (chairperson); the Pyidaungsu system would then be evident, the two Hluttaws would possess relevant characteristics, the heads would be able to supervise the Hluttaw sessions effectively and the term would differ from other committees and organizations.

Hence, the head of the Amyotha Hluttaw should be called as Amyotha Hluttaw "Okkahta" (Chairperson of House of Nationalities) and deputy head as "Dutiya Okkahta" (Vice-Chairperson); and head of the Pyithu Hluttaw as Pyithu Hluttaw "Okkahta" (Chairperson of House of Representatives) and deputy head as "Dutiya Okkahta" (Vice-Chairperson).

Similarly, heads of Region Hluttaws and State Hluttaws should be called Okkahta and Dutiya Okkahta (chairperson and vice-chairperson).

[Qualifications of Hluttaw members]

In connection with the clarifications of the Chairman of the National Convention Convening Work Committee on the qualifications of the Hluttaw representatives, the following paragraphs should be formulated as fundamental principles:

- (1) Pyithu Hluttaw representatives shall be natives of the Regions or States from which they have been elected,
- (2) Amyotha Hluttaw representatives shall be natives of the States [sic] from which they have been elected and they shall be resident in the States or Regions from which they have been elected;
- (3) (a) representatives of Region Hluttaws shall be resident in the respective Regions,
(b) representatives of State Hluttaws shall be resident in the respective States,
- (4) Tatmadaw servicemen Hluttaw representatives nominated as such by the Defence Services Commander-in-Chief shall be natives of the respective States; the Defence Services Commander-in-Chief is to nominate Tatmadaw servicemen of other Regions or States only when there are no native Tatmadaw servicemen in the State concerned.

The number of Tatmadaw servicemen's participation in the Hluttaws would be discussed. Chairman of National Convention Convening Commission Lt-Gen. Myo Nyunt stated in connection with the last of the six objectives of the National Convention -- for the Tatmadaw to be able to participate in the national political leadership role of the future State -- that the reason has been because of the noble and genuine good will to carry on and maintain the results derived from the efforts of the Tatmadaw for national peace and tranquillity and further raise the momentum of economic and social progress made in the country.

In the Noble Desire of the Tatmadaw, it was stated thus: "Although the State Law and Order Restoration Council has had to take over, due to unavoidable circumstances, the sovereign power of the State to prevent the Union from disintegration and for ensuring the safety and security of the lives, homes and property of the people, it wishes to retransfer State power to the people, in whom it was initially vested, through democratic means within the shortest time possible. Therefore, the entire people are urged to give all their cooperation to ensure the rule of law and for prevalence of peace and tranquillity."

Secretary-1 of the State Law and Order Restoration Council Lt-Gen. Khin Nyunt clarified at the 110th Press conference that authorities starting from Senior General Saw Maung had spoken time

and again that the Tatmadaw did not covet power; and truly it had no intention to hold on to power for long.

In reference to these the Tatmadaw is found to be an organization which is guiding the Republic of the Union of Myanmar to become a new nation where worldly values of justice, liberty and equality and genuine multi-party democratic practices flourish and it is evident that it has no desire to hold on to power for long.
[Only temporary Tatmadaw representation in Hluttaws]

Tatmadaw servicemen Hluttaw representatives would thus include in the Pyithu Hluttaw, Amyotha Hluttaw and Region/State Hluttaws according to the ratio presented by the Chairman of the Work Committee in the first term of the Hluttaw. Participation of the Tatmadaw servicemen Hluttaw representatives would be reduced by half or 50 per cent in the second term. Beginning from the third term, Pyithu Hluttaw would be constituted with the representatives truly elected by the people. From the third time [sic], if Tatmadaw servicemen wish to be included in the Pyithu Hluttaw they would have to retire from service as other State service personnel do and seek the support of the people to be elected.

This had been proposed expecting that there would be an appreciable stage and stability in the country's peace and tranquillity and economic and social progress during the two terms or ten years after the beginning of the first Hluttaw. Moreover, one of the objectives of the National Convention -- flourishing to genuine multi-party democratic system -- is believed to have been fulfilled at the time.

In conclusion, he said the discussions focussed on additional points believed to be of national public interests to be applied in the country.

U Htwang Kho Thang

U Htwang Kho Than, Independent Representative-elect of Tamu Constituency, Sagaing Division, a Chin national, asked all other to bear with him with broadmindedness if there were weaknesses in his usage of Myanmar language or in his political thoughts.

He said he would not go in detail into the points for discussion contained in the clarification given by the Chairman of the National Convention Convening Work Committee on 2-9-94, but would only discuss points that he thought would need discussion, and he would discuss and propose matters with the concept that there be no ar-ne-de (reluctance for non-compliance).

He said he would speak of "national politics" as he understood it; in multi-party democracy countries, when public leaders to lead the State are to be elected, political parties are founded; they declare their policies; they compete in general elections; if liked and elected by the people, they lead the State for the people and serve the national interests; they pursue national politics for a prescribed period on the basis of political parties to so serve national interests.

Among party organizations or individuals who get opportunities to lead in serving the national interests, there might be those who ignore national interests and strive with bias for their own personal interests or partisan interest for their own party exclusively. Such individuals and party organizations will face punishment by the votes of the people and they will not get opportunity to participate in the role of leadership on the people another time. So any party, organization or person wishing to participate in the national political leadership role is to seek the wishes of the people.
[Amyotha Hluttaw]

For equal opportunity of participation in Amyotha Hluttaw, it should be formed with 174 members with the inclusion of

-- 17 members from Shan State -- five representing five self-administered areas in the state, and 12 representing the whole state by virtue of proportional representation;

-- 13 members from Sagaing Division -- one representing a self-administered area in the Division, and 12 representing the whole

division by virtue of proportional representation.

[Qualifications of Hluttaw members]

In connection with qualifications stipulated for Pyithu Hluttaw members, Amyotha Hluttaw members, Region Hluttaw members and State Hluttaw members, I am of the opinion that anyone

(a) who is at least fully 21 years old

(b) who is a citizen born of parents both of whom are citizens

(c) who is not covered by the provisions with the exception of Section 10 (Hta-wum-be) of the Multi-party Democracy General Election Law of 1989 should have the right to stand for election. Only vital points need be included in the Constitution. Election law and rules should not be included in the Constitution but made separately.

In conclusion he said that he had presented proposals on the basis of his views of democracy and fundamental rights of man, political views and attitudes on the Union and national races, views for eternal stability of the Union, views and attitudes for safeguarding of minority rights, on the role of the people's representatives and Tatmadaw members in various Hluttaws, and stipulations of qualifications of Hluttaw members, with the conviction that they would be of service to the Union. (NLM 12/ 5)

[U Aung Thein]

U Aung Thein, Independent Representative-elect of Ywangan Constituency, Shan State, said that, if it is to be done on the basis of population, as laid down in the basic principle, the right to elect one more representative is to be given to each and every township which has a population of more than 300,000; only then will it be fair and equitable; but in fact, such right is to be given for townships in decreasing order of population only till the number of representatives reach the maximum stipulated 330; so it is more on the basis of township rather than population; accordingly, instead of saying "on the basis of population, according to township" it would be more correct to say "on the basis of township, according to population". So,

[Representation by township, not population]

In Sub-paragraph (Kagyi) in connection with formation of Pyithu Hluttaw, it should read "Pyithu Hluttaw members, not exceeding 330, elected "on the basis of township, according to population" and

In Sub-paragraph (Kagyi) in connection with formation of the Pyidaungsu Hluttaw, it should read "Pyithu Hluttaw formed with Hluttaw members elected on the basis of township, according to population, and Tatmadaw member Hluttaw members nominated by the Commander-in-Chief of the Defence Services.

In other matters he proposed, that it should be laid down, with additions, as follows:

[Residence requirements]

In connection with formation of the Amyotha Hluttaw, it should be laid down as follows:

-- 168 Amyotha Hluttaw members elected equally, 12 from each Region or State (elected from among persons who reside settled in that Region or State), including one representative from each self-administered division or zone if any in that Region or State;

In connection with the formation of Region or State Hluttaw, it should be laid down as follows:

-- Region or State Hluttaw members elected, two from each township (elected from among persons who reside settled in that township) to that Region or State Hluttaw.

In connection with the stipulation of qualifications of Amyotha Hluttaw members, it should be laid down as follows:

-- one must have qualifications to have the right to stand election to the Pyithu Hluttaw except for qualification of age and must also be residing settled in that Region or State;

In connection with the stipulation of qualifications of Region or State Hluttaw members, it should be laid down as follows:

-- one must have qualifications to have the right to stand for election to be Pyithu Hluttaw representatives and must also be residing settled in the Region or State;
[Terms of Tatmadaw members]

In connection with the formation of the Pyithu Hluttaw, it should be laid down as follows:

As paragraph (Gange) after (Kagyi) and (Khagwe),
-- Tatmadaw member Pyithu Hluttaw members shall not serve more than two consecutive terms on the Pyithu Hluttaw;

In connection with the formation of the Amyotha Hluttaw, it should be laid down as follows:

As paragraph (Gange) after (Kagyi) and (Khagwe),
-- Tatmadaw member Amyotha Hluttaw members shall not serve more than two consecutive terms on the Amyotha Hluttaw;

As emphasized by the Chairman of the Commission, and as laid down in the 104 basic principles to strive for conformity with and for further flourishing of the noblest and worthiest of worldly values such as justice, liberty and equality, he proposed that the term "personnel in civil service" be replaced with "personnel in State service" in Sub-paragraph (Nya) concerning persons who have no right to stand for election as Pyithu Hluttaw members.

He concluded his discussion saying except for the above he had no other comments to make as regards other usages including Pyithu Hluttaw, Amyotha Hluttaw and Pyidaungsu Hluttaw, or other principles that are in nature procedures.

National races delegates

U Kyaw Din (a) U Htay Yeh, member of the national races delegates group, of Loikaw, Kayah State, submitted a proposal paper compiled by the national races delegates group on detailed principles to serve as bases in the formation of the Legislature to be included in writing the Constitution.

He suggested that the Hluttaw elected on the basis of population be called Pyithu Hluttaw (House of Representatives) and the Hluttaw with equal number of representatives elected from regions and states be called Amyotha Hluttaw (House of Nationalities). So, regarding formation of the Pyidaungsu Hluttaw, the following should be laid down as principle to serve as bases:

-- Pyidaungsu Hluttaw consists of two Hluttaws:

(a) Pyithu Hluttaw (House of Representatives)
constituted with Hluttaw representatives elected on the basis of population and Tatmadaw member Hluttaw representatives nominated by the Defence Services Commander-in-Chief;

(b) Amyotha Hluttaw (House of Nationalities)
constituted with equal number of representatives elected from regions and states and Tatmadaw member Hluttaw representatives nominated by the Defence Services Commander-in-Chief.

Pyithu Hluttaw should be constituted with a maximum of 440 Hluttaw representatives according to the population of the country and to enable the participation of the majority of the national races residing in the Union, he said. He proposed that it be constituted with 330 Hluttaw representatives-elect and 110 Tatmadaw member Hluttaw representatives and said it is assumed that it is an appropriate ratio.

So, regarding the constitution of the Pyithu Hluttaw, the following should be laid down as principle to serve as bases:

-- The Pyithu Hluttaw shall be constituted with a maximum of 440 Hluttaw representatives:

(a) Hluttaw representatives, no exceeding 330, elected on the basis of population;

(b) Tatmadaw member Hluttaw representatives, not exceeding 110, nominated by the Defence Services Commander-in-Chief.

He proposed the following to be laid down as detailed principle to form as bases:

-- The term of the Pyithu Hluttaw is five years from the date on which the first session of the Pyithu Hluttaw begins.

Regarding formation of the Amyotha Hluttaw, he said Amyotha Hluttaw should be constituted not only with Hluttaw representatives elected in equal number from regions and states but also with Tatmadaw member Hluttaw representatives nominated by the Defence Services Commander-in-Chief, he said.

Naturally, Pyithu Hluttaw representatives must be more than Amyotha Hluttaw representatives, he said and proposed that the number of Pyithu Hluttaw representatives be double that of Amyotha Hluttaw representatives. And so, he said, if the Pyithu Hluttaw is formed with a maximum of 440 Hluttaw representatives, Amyotha Hluttaw be formed with 220 Hluttaw representatives or around that figure. He said the number of Amyotha Hluttaw representatives, including Tatmadaw member Hluttaw representatives, for each region or state should be designated as 16 and as many national races as possible should be included in the Amyotha Hluttaw. Only then would they have an opportunity to submit matters concerning their self-administered region and self-administered state direct to the Amyotha Hluttaw and discuss them.

Concerning the formation of the Amyotha Hluttaw, he proposed the following to serve as detailed principle to serve as bases:

-- The Amyotha Hluttaw shall be constituted with a maximum of 224 Hluttaw representatives:

(a) 12 representatives elected from each region or state including one representative each from the self-administered divisions or self-administered zones, if there are any in the region or state concerned, totalling 168 Amyotha Hluttaw representatives;

(b) Four Tatmadaw member representatives from each region or state nominated by the Defence Services Commander-in-Chief, totalling 56 Amyotha Hluttaw representatives.

U Ba Thauung

U Ba Thauung, member of the national races delegates group, of Kyunsu Township, Taninthayi Division, submitted the second part of the proposal paper.

He said a fundamental principle has been laid down that the State shall form a commission for the participation of national races with appropriate sizes of population in the legislature and the executive of the respective Region or State and self-administered area to enable them to deal with their national races affairs. He said it is assumed that instead of forming a commission to deal with the matter, it should be prescribed that a national race, if it has such and such size of population, has the right to participate as the national races delegates in the legislature and administration of the respective Region or State and self-administered area. Instead of forming a commission, statistics and evidence of department concerned which keep demographic records should be used, he commented and said that as the nation has a population of 44 million, a national race having a population which accounts for 0.1 per cent of the national population should have the right to participate in the legislature and administration of the respective region or state and self-administered areas. In addition, he said, if persons of a national race having a population of less than 44,000 wish to submit their affairs to the Region or State Hluttaws, they will have the right to submit through the Region or State Hluttaw elected from their constituencies.

If fundamental principles are laid down so, national unity which all aim at will be further consolidated, and regarding the formation of the Region or State Hluttaw, the following should be laid down as detailed principles to serve as bases:

-- Region or State Hluttaw shall be constituted as follows:

(a) in regions or states, Region or State Hluttaw representatives -- two elected from each township;

(b) in regions, Region Hluttaw representatives -- one elected from each national race, having a population which constitutes 0.1 per cent of the population of the State, of the remaining national other than those who have already got the respective region or a self-administered area in that region;

(c) in states, State Hluttaw representatives -- one elected from each national race, having a population which constitutes 0.1 per cent of the population of the State, of the remaining national races other than those who have already got the respective state or a self-administered area in that state;

(d) Tatmadaw servicemen Hluttaw representatives nominated by the Defence Services Commander-in-Chief in a number equal to one-third of the total Hluttaw representatives elected under paragraphs (a) and (b) or (a) and (c).

Chairman of the National Convention Convening Commission Lt-Gen. Myo Nyunt said in his address to the National Convention plenary session on 2 September 1994, 'Moreover, it is necessary to especially take care in the course of discussions not to cause any harm to the positive foundations of solidarity of the national races that are the results of endeavours of the State Law and Order Restoration Council. Henceforth, in the ongoing discussions, we would like the delegates to strive to obtain more of principles that will contribute towards the solidarity of the national races, which is our immediate as well as long-term need', he said and called on the delegates to have magnanimity and broad-mindedness and strictly adhere to the National Convention Procedures in accordance with the six objectives of the National Convention so as not to cause any harm to the positive foundations of solidarity of the national races. (NLM 12/6)

Plenary Session--Executive

Dec. 6: The Plenary Session of the National Convention continued, with 519 of 590 delegates present. Proposal papers on the Executive were presented by the Peasants Delegates Group and the Workers Delegates Group [full texts of "salient points" as published in NLM]:

Peasant delegate group

U Maung Lwin, delegate of Yebyu Township, Tanintharyi Division, of peasant delegate group, submitted a proposal paper on "the structure of the executive". He said the paper would be submitted in three parts--first part by himself, second part by U Kyi Shwe of Oktwin Township, Bago Division, and third part by U Win Thein of Natmauk Township, Magway Division. He said:

In appointing Pyidaungsu (Union) ministers and assigning duties to them, the President of the State should follow the method of appointing and assigning duties to them with the approval of the Pyidaungsu Hluttaw. To be able to do so, he must have the right to choose suitable persons who meet the prescribed qualifications from among the Hluttaw representatives or non-Hluttaw representatives. Moreover, the President is to obtain nomination of the Tatmadaw servicemen from the Defence Services Commander-in-Chief to appoint them Pyidaungsu ministers for defence, security, home affairs and border areas portfolios. The President is to appoint the candidates after receiving the approval of the Pyidaungsu Hluttaw. In so doing, he is to designate portfolio or portfolios for each Pyidaungsu minister. The President is responsible for notifying the Pyidaungsu Hluttaw the matter of appointing Pyidaungsu ministers and assigning duties to them. It should be stipulated that Pyidaungsu ministers are responsible directly to the President of the State.

[Attorney-General]

He said the Pyidaungsu Attorney-General should be stipulated to be a member of the Pyidaungsu government and he should be directly responsible to the President. So, detailed principles should be laid down in connection with the appointment and assigning duties to the Pyidaungsu Attorney-General as follows:

1. The President of the State shall get the approval of the Pyidaungsu Hluttaw in appointing and assigning duties to a person from among the Hluttaw representatives or non-Hluttaw representatives having the following qualifications as the Attorney-General in order to get legal advice and assign duties of a legal character: --

- (a) who has attained the age of 45 years;
- (b) with the exception of age limit, having the qualifications prescribed for Pyithu Hluttaw representatives;
- (c) (1) who has served as High Court Judge for at least five years;
 - (2) who, if he is a judicial officer or law officer, has been for at least ten years in a position not lower than region or state level, or [sic]
 - (3) who has been an Advocate of High Court for 15 years' standing;
 - (4) who is assumed by the President to be a legal expert of prominent reputation.
- (d) who is loyal to the State and the citizens;

2. Pyidaungsu Hluttaw shall not have the right to reject the nominee to be appointed Pyidaungsu Attorney-General unless it can prove clearly that he is not qualified to be Attorney-General;

3. the Pyidaungsu Attorney-General is a member of the Pyidaungsu government;

4. the Pyidaungsu Attorney-General is directly responsible to the President.

U Khi Shwe

[Auditor-General]

U Kyi Shwe of Oktwin Township, Bago Division, submitted the second part of the proposal paper. He discussed matters concerning appointment, assigning duties, impeachment, term of office, resignation, termination of duties and filling the vacant post of Pyidaungsu Auditor-General and Deputy Auditor-General. He said the President should appoint a suitable person who meets the prescribed qualifications as the Auditor-General to inspect the budget accounts of the government departments and present them to the respective Hluttaws. The Naing-ngan-daw (State) Auditor-General should be called Pyidaungsu (Union) Auditor-General for change. In appointing and assigning duties, there should be the right to do so from among the Hluttaw representatives or non-Hluttaw representatives. The President is to submit the nomination to the Pyidaungsu Hluttaw for approval. [Civil service board]

He said in connection with formation of Pyidaungsu (Union) Civil Service Board, the following principles should be laid down as bases:

1. the President shall form the Union Civil Service Board to perform the duties of selecting and training civil service personnel and to prescribe civil service rules and regulations;

2. the President shall appoint from five to nine members, inclusive of the Union Civil Service Board Chairman and assign them duties;

3. the President shall appoint those as the Chairman and members of the Union Civil Service Board who have the following qualifications:--

- (a) those who have attained the age 50;
- (b) with the exception of age limit, those who have the qualification prescribed for Hluttaw representatives;
- (c) well-experienced intelligentsia and intellectuals;
- (d) those who are loyal to the State and the citizens;
- (e) those who are not party members;
- (f) those who are not Hluttaw representatives;

4. the Chairman and members of the Union Civil Service Board shall be directly responsible to the President;

5. the term of office of the Chairman and members of the Union Civil Service Board shall generally be the same as the term of the President; and

6. the duties, rights, privileges, resignation and removal from office of the Chairman and members of the Union Civil Service Board shall be prescribed by promulgating a law.

[Region/State government]

The Region/State Advocate-General should be a member of the Region/State government as in the case of the Union Attorney-General.

In the Region/State, he should be called Advocate-General to be different from the Union Attorney-General. The Region/State governments should be formed with Region/State Chief Ministers, Region/State ministers and Region/State Advocate-General.

He said Region/State Okkahta (chairmen) should also be appointed Region/State Ministers and assigned duties. Moreover, Hluttaw representatives elected to undertake national race affairs in the respective Regions/States would have to be appointed as Region/State Ministers and assigned duties. There should include exceptions relaxing the age limit stipulated for those persons when necessary.

[Region/State Chief Ministers]

In connection with appointing Chief Minister for the respective Region/State and assigning him duties, detailed principles should be laid down as follows:

The President shall

(a) choose a suitable person from among the respective region or state Hluttaw representatives having prescribed qualifications,

(b) send the nomination to the respective region or state Hluttaw for approval.

6. [sic] The President shall appoint the Hluttaw representative approved by the respective region or state Hluttaw as the Chief Minister of the region or state.

7. The region or state Hluttaw does not have the right to reject the Hluttaw representative nominated by the President for appointment as Chief Minister unless it can clearly prove that the nominee is not qualified for the Chief Ministership.

[Region/State Ministers]

As regards appointment of region or state Ministers, it should be laid down as detailed basic principles that --

1. In order to appoint region or state Ministers, the region or state Chief Minister shall

(a) select suitable persons from among those who possess prescribed qualifications from among members of region or state Hluttaw or from among non-members,

(b) ask from the Defence Services Commander-in-Chief nomination of suitable Tatmadaw servicemen to assign security and border affairs responsibilities,

(c) ask from the leading body of self-administered division or zone in the region or state nomination to appoint region or state Ministers [sic],

(d) seek from respective election commission nomination of elected Hluttaw representatives to undertake national race affairs in the region or state.

2. The Chief Minister of the region or state is to compile the list of names of persons he has selected, and names of Tatmadaw members nominated by the Defence Services Commander-in-Chief and submit it to the region or state Hluttaw and seek its approval.

3. The region or state Hluttaw shall have no right to reject the region or state Chief Minister's nominations for appointment as Ministers, unless it can show clear proof of want of qualifications prescribed for region or state Ministers.

4. the region or state Chief Minister is to submit to the President of the State to appoint as region or state Ministers persons approved by the region or state Hluttaw, chairmen of self-administered divisions or zones, and Hluttaw members elected to undertake national race affairs.

5. The President is to appoint as region or state Ministers the persons submitted by the region or state Chief Minister. In so doing he is to assign portfolios to each in coordination with the Chief Minister.

U Win Thein

U Win Thein of Natmauk, Magway Division, submitted the third part of the proposal paper compiled by the peasant delegates group.
[Region/State Auditor-General]

He said detailed fundamental principles should be laid down for the Region or State Chief Minister to select a person possessing prescribed qualifications and appoint him the Region or State Auditor-General and assign him duties to be able to audit receipts and expenditures and submit them to the Region or State Hluttaw concerned and to prescribe resignation, termination from duty, filling the vacant post and deeming him to have retired if he is a civil personnel.

[Self-administered areas]

He spoke of the need to form organizations for the administration of the self-administered division or the self-administered zone and suggested the administrative organization for the self-administered division be called 'the self-administered division leading body (Oo-zi Aphwe)' and that for the self-administered zone be called the 'self-administered zone leading body (Oo-zi Aphwe)'.

[Union territories]

He went on to discuss administration of the Union territory.

A principle to serve as basis has been laid down that areas of special situation in connection with defence, security, administration and economy of the Union shall be prescribed as Union territories and placed under direct administration of the President, he said. Being capital of the State, Yangon City is not only an area of significant situation in connection with defence, security, administration and economy of the State but also a location of various embassies, he said. He spoke of the reason of designating Yangon City as a Union territory placed under direct administration of the President, saying it is a territory having diplomatic relations, services undertaken with cooperation of international organizations and foreign trade as it is a crucial place having international aviation and maritime links.

The following should be laid down as detailed principles to serve as bases:

1. All districts and townships existing within Yangon City development areas on the day the State Constitution comes into force are in Yangon City that is the Union territory.
2. The President of the State has authority to redelineate as necessary districts and townships in Yangon City that is the Union territory.
3. A Yangon City Council shall be formed to exercise executive power delegated by the President of the State in Yangon City that is the Union territory.
4. The President of the State is to prescribe qualifications of the chairman and members of the Yangon City Council.
5. The President of the State shall appoint chairman and members of the Yangon City Council.
6. The President of the State shall obtain from the Commander-in-Chief of Defence Services names of members of the Tatmadaw and appoint them as Yangon City Council members to integrate and coordinate security responsibilities.
7. Yangon City Council chairman and members shall be directly responsible to the President of the State.
8. The President of the State
 - (a) may cause resignation or terminate the services of the chairman or any member of Yangon City Council if not satisfied with his performance of duties;
 - (b) may appoint in accord with the provisions of the State Constitution replacement in the post of chairman or member of the Yangon City Council which become vacant due to various reasons;
 - (c) if it concerns members of Tatmadaw nominated by the Commander-in-Chief of Defence Services, it shall be coordinated with the Commander-in-Chief of Defence Services.
9. Responsibilities and rights and privileges of the chairman and members of the Yangon City Council are to be prescribed by enactment of law.
10. The head of General Administration Department concerning

Yangon City is the secretary to Yangon City Council. The General Administration Department concerning Yangon City is the office of Yangon City Council.

He went on to submit proposals on detailed principles to serve as bases concerning district-level administration which should be included and provided in the State Constitution.

He cited facts that the head of executive of the State is the President of the State, that the executive power of the State is distributed among the administrative organs of Pyidaungsu, regions or states; self-administrative power shall be distributed to self-administered areas as stipulated by the State Constitution, and that Pyidaungsu, regions, states, self-administered areas and districts' executive organs include Tatmadaw servicemen nominated by the Defence Services Commander-in-Chief to undertake responsibility of defence, security, border administration etc. He said the facts contributed to further consolidation of national unity and are in conformity with the point to build a genuine democratic State.

[District-level administration]

He spoke of the need for district-level administration to have the full force of administrative machinery as a district is organized with townships and accordingly, the district-level administration has to deal with differences between one area from another, provide supervision to townships practically implementing security, administration, economy, social affairs, education and general development of vast areas and plans and projects of the State, serve as a link between the upper and lower levels, inspect progress of implementation of projects and manage security, administration and community peace and tranquillity. He said there will be weaknesses in inspection of projects concerning economy, education, social and development foundations if one kind only, Tatmadaw members assigned by the Commander-in-Chief of Defence Services is included in the administrative force of a district to discharge security, prevalence of law and order and community peace and tranquillity.

He said it is considered whether administration by group is better than individually undertaking as the district administrator or township administrator, whether reciprocal control will further signify the State Constitution and whether it will be a load for the personnel concerned to be charged with administrative functions in addition to office duties and so our delegates group is of the opinion that there should be an administrative system inclusive of persons selected and assigned.

[Wards and Village-tracts]

Discussing ward and village-level administration, he said it is a level in direct contact with the people and so important. He suggested that suitable persons be appointed and assigned duties, ward and village-tract administrative bodies be formed and duties and rights be prescribed by enactment of law.

He said that regarding formation of ward/village-tract bodies, the following should be laid down as fundamental principles to serve as basis:

1. Ward/village-tract administrative body shall be formed in every ward/village-tract.
2. The ward/village-tract administrative body consists of three members.
3. The ward/village-tract administrative body consists of chairman, secretary and member nominated by the chairman of the district administrative body.
4. Ward/village-tract administrative board [sic--presumably "body" was meant] members shall possess the following qualifications:
 - (a) being a person who has completed 30 years of age;
 - (b) being a person who is morally upright;
 - (c) being a person who is a settler in the ward/village concerned;
 - (d) being a person who is loyal to the State and nationals;
 - (e) being a person who is not member of any political

party.

5. Duties, rights and privileges of ward/village-tract administrative bodies shall be prescribed by enactment of law.

He said the delegates group submitted the proposals, believing they would contribute to perpetuation of sovereignty and non-disintegration of national solidarity, and would respect discussions and other proposals of common opinion which will benefit the State and nationals.

Worker delegates group

U Wan Htain of the worker delegates group, delegate from Thanbyuzayat Township, Mon State, said a sovereign independent government was needed; it must be able to safeguard peace and security life of citizens life and promote their socio-economic well-being; it must practise well-founded and strong executive system that can run freely, actively and dynamically.

He said detailed basic principles should be laid down as follows:

1. The executive head of the State is the President of the State;

2. (a) The executive power of the State is distributed among the Union, Regions and States;

(b) Self-administration powers are delegated to self-administered areas as prescribed by the Constitution;

3. The Union government shall be set up with the following persons:

(a) President of the State

(b) Vice-Presidents

(c) Union Ministers

(d) Attorney-General of the Union;

4. The President of the State may

(a) prescribe Union ministries as necessary, make changes or additions thereto;

(b) prescribe the number of Union ministers as necessary, and increase or decrease the number;

5. Union ministers must possess the following qualifications:

(a) they must be at least fully 40 years of age

(b) they must have qualifications prescribed for Pyithu Hluttaw representatives except of the qualification of age

(c) they must be loyal to the State and the citizenry.

[Union Ministers]

The President of the State is to appoint Union ministers to form the Union government; it is highly important to correctly assess qualifications and abilities for these appointments, as they will have to shoulder heavy responsibilities of the State.

According to the principle laid down, he said, the President of the State is to get the nomination from the Commander-in-Chief of the Defence Services to appoint Union ministers for defence, security and home affairs and border affairs. The Commander-in-Chief of the Defence Services is to take great care to nominate only fully qualified persons. The nomination is to be presented for approval by the Pyidaungsu Hluttaw. It will be highly essential for the President of the State and Pyidaungsu Hluttaw to be guided by common stand and views with consideration of the interests of the State, free of bias, in coordinating and deciding on the nominations. As Union ministers are the ones to wield executive power, they have to be persons who will serve the interests of the people actively and uprightly. It is to be stipulated that the Pyidaungsu Hluttaw has no right to turn down anyone in the nomination of the President of the Union if it cannot show clear proof of any wanting in qualifications.

The President of the Union is to designate ministries to Union ministers who would be taking responsibilities individually. If he deems it suitable in the interests of the State to appoint Tatmadaw members as Union ministers also for ministries other than those for defence, security/home affairs, and border affairs, he should have

the right to proceed in coordination with the Commander-in-Chief of the Defence Services. (NLM 12/7)

Dec. 7: The Plenary Session of National Convention met, with 522 of 590 delegates present. Proposal papers on the Executive were submitted by the worker delegates group (final portions), the intellectuals and intelligentsia group, and the Service personnel group [full texts]:

[Worker delegates group, cont.]

U Win Htut Nyunt of the worker delegates group, delegate from Hpa-an Township, Kayin State, [Auditor-General]

said the President of the State is to select a fully qualified person and appoint that person as the Auditor-General. He should have the right to select and appoint a suitable person from among Hluttaw members or from among others. He should present his nomination to the Pyidaungsu Hluttaw and seek its approval thereon.

Rights and ways should be prescribed in the interests of the citizenry to impeach the Auditor-General of the Union in case of the latter's moral turpitude, breach of allegiance to the State, and violation of the provisions of the Constitution.

[Public Service Commission]

Detailed principles are to [be] laid down for the President to select qualified persons as chairman and members of the Public Service Commission. As they have to have rich experience, knowledge and wisdom, detailed principles have to be laid down as regards qualifications and age stipulations for them. It should also be stipulated that they must have qualifications required of Hluttaw members except the age stipulation and must also be free of party politics.

[Region/State governments]

Union government and Region or State government must have proper links and delineations must be laid down in detail with firm provisions so as not to have any cause for arguments in the long run.

The President of the State is to select one from among Region or State Hluttaw members for appointment as chief minister of the Region or State. It should be laid down that there is no right to select anyone from among others for this purpose.

So, he said, detailed principles should be laid down as follows:

1. For Region or State, there shall be Region or State government;

2. Region or State government shall be formed with the following:

- (a) Chief Minister of Region or State
- (b) ministers of Region or State
- (c) Chief Attorney of Region or State

3. The President of the State may

(a) prescribe Region or State ministries as necessary, make changes or additions thereto;

(b) prescribe the number of Region or State ministers as necessary, and increase or decrease the number;

Region or State governments are highest bodies of executive power in Region or State. They must have integrity and esteem of the people of Region or State. Rights and ways should be prescribed to impeach the Region or State ministers in case of the latter's moral turpitude, breach of allegiance to the State and the citizenry, violation of the provisions of the Constitution and deterioration of qualifications.

U Soe Myint

U Soe Myint of the worker delegates group, delegate from Sagaing Township, Sagaing Division, said that as the chief minister of Region or State is to examine the budget and present it to the Region or State Hluttaw, there should be provision for right to appoint the auditor-general of Region or State. Detailed principles should be laid down prescribing the latter's qualifications, status

(it should be that of region or state minister), age stipulation, responsibility, impeachment, resignation, termination, retirement and so on.

[Self-administered area]

For self-administered division and zone, executive bodies need to be formed; they should be called oozhi aphwe (leading council); they will exercise powers conferred by the Constitution; the division or zone will also get legislative power conferred by the Constitution; so detailed principles should be laid down explicitly.

Self-administered division and self-administered zone are to be equal in status; their oozhi aphwe are to be formed with Region or State Hluttaw members elected by townships in the self-administered division or self-administered zone and Tatmadaw members nominated by the Commander-in-Chief of the Defence Services to be given security and border affairs duties; so are detailed principles to be laid down.

Also to be prescribed are principles concerning methods to elect the chairman of the oozhi aphwe of self-administered division or zone, term of office, impeachment, resignation, termination, replacement, retirement and so forth.

In the oozhi aphwe of self-administered division or zone, one fourth of the total number of members are to be Tatmadaw member representatives, and he said it was appropriate.

It is also appropriate that the head of the general administration department of self-administered division or zone is to serve as secretary to the oozhi aphwe of that division or zone as it will be conducive to greater effectiveness in administration.

[Union territories]

It has been laid down as a principle that Yangon, the capital of the State, is prescribed a Union territory. Detailed principles are to be laid down for formation of the Yangon City Council and right of appointment of its chairman, and other matters.

[Local government]

District and township administrative bodies are ones dealing directly with the people. The majority of people regard them as the government. Their actions have a reflection on the government. There can be taken many lessons from past experiences. They were supposed to represent the people as well as the higher levels of authority; but even as they did have some strong points, the people lost faith in them and turned their backs on them. We believe we must take lessons from that and shape our present-day district and township administrations to be in keeping with our cherished objective for flourishing of genuine multi-party democracy system.

We have presented matters as we think best. The delegates are at liberty to consider and determine them in accord with majority will.

Intellectuals and intelligentsia

U Pe Than (Superintending Engineer) of the intellectuals and intelligentsia delegates group submitted the group's proposal paper on the structure of the chapter "The Executive" to be included in the Constitution. He said:

Necessary laws have to be promulgated in the world nations to protect the citizens and their property and to enable them to enjoy their rights fully or in other words to protect them from the dangers of anarchism. There has to be the executive body to see that such laws are abided by the citizens. If there are law breakers in spite of laws and the government in existence, judicial bodies have to take preventive and punitive measures. They have to protect the interests of the citizens. That is why the legislature, the executive and the judiciary are described as the three branches of sovereign power of the people which must be exercised properly.

He noted the National Convention is formulating a new structure of the executive conforming to the conditions in the country after studying the world designs of the executive and history of Myanmar executive structure. Myanmar is home to numerous national races

mingling in friendship and cooperation. Suitable executive design for Myanmar is to be opted. It must serve the interests of the people encompassing all the national races of the country ensuring the people's unity, peace, tranquillity and progress, and it should be truly democratic reflecting the sovereign power of the people.

[Checks and balances]

He said clarifications of the Work Committee Chairman U Aung Toe made at the plenary session of the National Convention on 2 September 1994 conform to the points just stated. They also conform to the fundamental principle laid down by the National Convention that three powers of the State shall be distributed and exercised through reciprocal control, check and balance. If the three powers are not distributed but vested in a single person or single group this could lead to dictatorship of one person or a single party; if the three powers are vested to the legislative, executive and judicial bodies for their independent charge there could emerge three rival dictatorial bodies. So, the new executive structure of exercising powers through reciprocal control and check and balance is most appropriate.

The National Convention has already laid down a basic principle in connection with separation and distribution of sovereign State power that the three branches of State power, namely, legislative power, executive power and judicial power are separated as much as possible and exert reciprocal control, check and balance among themselves. Work Committee Chairman U Aung Toe clarified that if Pyidaungsu (Union) Minister or Deputy Minister appointed and assigned duties is a representative of any Hluttaw, it is deemed he has resigned from the date he is appointed as Pyidaungsu Minister or Deputy Minister. Separation as much as possible at the Union level is appropriate.

Separation and exercise of power through reciprocal control and check and balance is like what philosopher Montesquieu stated as "Power should be a check to power."

[Region/State governments]

There will be Region governments and State governments in Myanma future administration. Chief Ministers will emerge as heads of such governments. The Head of the Pyidaungsu Government or the President will have to distribute and delegate executive powers to the respective Chief Ministers of the regions and states. The Region and State Chief Ministers too will be directly responsible to the President.

It is observed the principle stating that the President shall select one suitable Hluttaw representative from among Hluttaw representatives of the respective Regions or States and appoint them Chief Ministers with the approval of the Region or State Hluttaws concerned is an appropriate one.

The Region or State Chief Ministers are representatives of the respective Region or State Hluttaws and heads of those governments. They have to nominate Region or State Ministers and extend help in nominating candidates for appointing the respective Region or State Chief Judges and judges. As such duties are heavy, the President or the respective Hluttaws will have to apply control and check and balance on the Chief Ministers.

Tatmadaw servicemen are born of all strata of people residing in Myanmar. They are prepared to sacrifice their life. Civil servants too have rendered their physical and intellectual efforts. Intellectuals and intelligentsia, lawyers and legal experts can serve the interests of the country much depending on their abilities and skills.

Hence, the governments that will emerge according to the constitution being written will certainly be people's governments and democratic governments of justice and fairness towards the people. Those included in the governments are expected to be good and able persons of creativity.

As stated in the principle, "the Head of the State is the President of the State", the President has the right to choose

persons he considers suitable and appoint them as Pyidaungsu Ministers and Pyidaungsu Attorney-General. He is to scrutinize and appoint Ministers and Advocates-General nominated by the Region or State Chief Minister for the respective Region or State governments.

Since the President and the Chief Ministers are mere human beings, questions may arise whether they will be able to correctly choose and appoint Ministers, the Attorney-General and the Auditor-General free from malpractices.

To avoid such instances, it has been laid down in the basic principle that the President has no right to directly appoint the Pyidaungsu Attorney-General from among the nominees out of his own free will but he has to do so only after the approval of the Pyidaungsu Hluttaw.

It is also observed the principles to be based in the executive structure as envisaged by the National Convention Convening Work Committee conform to the flourishing of genuine multi-party democracy system.

Moreover, they reflect the five [sic] objectives of the National Convention.

Hence, some additions and suggestions of the intellectuals and intelligentsia delegates group and the basic principles as clarified by the Work Committee Chairman for the executive structure will suitably be applied in the future Myanmar.

State Service personnel delegates group

U Maung Toe of State service personnel delegates group said the head of State is the President; there will also be vice-presidents to assist him; there will also be Union ministers to carry out work; the setup of government is of a nature that is amenable to necessity in performance of responsibilities.

He said the rule of law is most essential; policies, works and decisions to be laid down by the President need to be scrutinised and advice given to be in accord with law; so, to carry out this duty, the Attorney-General of the Union needs to be included in the Union government. With that the formation of the Union government will be adequate and appropriate.

[Union ministers]

The President is to appoint Union ministers; qualifications are prescribed for them; they must be at least 40 years old; they must possess qualities required of Pyithu Hluttaw members; they must be loyal to the State and the citizenry. The age stipulation of 40 is appropriate.

For appointing Union ministers the President should seek the approval of the Pyidaungsu Hluttaw. The President should have right to choose from among Hluttaw members as well as non-members so as to get experienced and learned persons as Union ministers in the national interest. The President is to get nominations from the Commander-in-Chief of the Defence Services for appointment of Union ministers for defence, security, home affairs and border affairs. The latter is to nominate persons who possess qualities required for Union ministers.

It should be stipulated that Pyidaungsu Hluttaw shall not have the right to turn down the nominations for Union ministers unless it can show clear proof of any wanting in qualifications.

If the Pyidaungsu Hluttaw turns down any nomination, the President should have the right to make the nominations anew and seek the approval of the Pyidaungsu Hluttaw.

The President is to assign a ministry or ministries to each of the Union ministers; if he deems it necessary to appoint Tatmadaw members as Union ministers other than those for defence, security, home affairs and border affairs he needs to have the right to coordination with the Commander-in-Chief of the Defence Services.

It should be stipulated that Union ministers have the responsibility to inform the Pyidaungsu Hluttaw, and that they shall be responsible directly to the President of the State.

[Attorney-General]

The President should choose a qualified person from among Hluttaw members or non-members and present the nomination to the Pyidaungsu Hluttaw for approval for appointment as the Attorney-General of the Union; this person must be experienced and at least 45 years old, must possess the qualities required of Hluttaw members, must have served as Taya Hluttaw Judge for at least five years, or must have served as judicial service personnel or law service personnel at a post not lower than Region or State level for at least ten years, or must have worked as an advocate for at least 20 years, or must be a person deemed by the President to be a legal expert of high reputation; he must also be loyal to the State and the citizenry.

It should be stipulated that Pyidaungsu Hluttaw shall not have the right to turn down the President's nomination for Attorney-General unless it can show clear proof of any wanting in qualification.

The Attorney-General of the Union should be included in the Union government. He is to be directly responsible to the President.

Just as there is right to impeach Union ministers, there should also be right to impeach the Attorney-General for breach of allegiance to the State, violation of the Constitution, moral turpitude, or deterioration of qualifications required for the post.

Impeachment of the Attorney-General should be in accord with the procedures for impeaching the President or Vice-President. If the Hluttaw making or directing inquiry submits that the charges are proved right and the person impeached should no longer continue to hold the post of Attorney-General, the President is to terminate the services of the person as Attorney-General. If the Hluttaw concerned decides that the charges are untrue, the speaker of the house is to report that decision to the President.

Cmdr. Soe Thein (Navy)
[Auditor-General]

Cmdr. Soe Thein (Navy) of State Service personnel delegates group said the President should choose a qualified person from among Hluttaw members or non-members and present the nomination to the Pyidaungsu Hluttaw for approval for appointment as the Auditor-General of the Union; this person should be experienced and at least 45 years old, must possess the qualities required of Hluttaw members, must have served as auditor at a post not lower than Region or State for at least ten years, or must have worked as registered accountant or certified public accountant for at least 20 years, or must be a person deemed by the President to be a statistician ("an accountant" should be added here) or an economist of high reputation; he must also be loyal to the State and the citizenry.

It should be stipulated that Pyidaungsu Hluttaw shall not have the right to turn down the President's nomination for Auditor-General unless it can show clear proof of any wanting in qualification.

The Auditor-General is to be directly responsible to the President.

The Auditor-General has to audit the accounts of Union ministries. If the person is included in the government, the person might be acting in the interests of the government with a view towards protecting the image of the government; if he is independently responsible to the President, he will be in a position to report weaknesses of Union ministries without any bias or affiliation; so it must be taken that the Auditor-General should not be included in the government.

The Auditor-General should have the same status as Union ministers, as a person who has to audit receipts and expenditures in the Union budget and submit report thereon, and also as a person of prime importance in the Public Accounts Committee (PAC).

Just as there is right to impeach Union ministers and the Attorney-General, there should also be right to impeach the Auditor-General for breach of allegiance to the State, violation of the Constitution, moral turpitude, or deterioration of qualifications required for the post.

Impeachment of the Auditor-General should be in accord with procedures for impeaching the President or the Vice-President. If the Hluttaw making or directing inquiry submits that the charges are proved right and the person impeached should no longer continue to hold the post of Auditor-General, the President is to terminate the services of the person as Auditor-General. If the Hluttaw concerned decides that the charges are untrue, the speaker of the house is to report that decision to the President.

As the Auditor-General and Deputy Auditor-General are persons to serve the interests of the Union and the people, there should be provision that, if they belong to any political party, they are prohibited from undertaking any party work of their party organization during their term of office. Their rights and duties should be prescribed by law.

[Public Service Commission]

In practising genuine multi-party democracy in the country, parties with most votes can form governments and there can be changes of government after, or even during, a term of Hluttaw; yet State machinery has to run without interruption to ensure safety of life and property of the people; State service personnel need to be highly efficient; to have highly efficient services personnel and to ensure uniformity in their recruitment and training, the work should be entrusted to the Public Service Commission. It has been recommended that a public service commission be formed with five to nine members including the chairman. He said the number of members of the commission should not be fixed in the Constitution but prescribed by law so that it can be changed with ease if necessary later. So formation of a public service commission should be included in Para (6); Para (2) is no longer necessary; Hluttaw should be substituted with Pyithu Hluttaw in Clarification Para (3) Sub-Para (Khagwe); it should be mentioned that the public service commission chairman shall be responsible to the President and public service commission members shall be responsible to the commission chairman and, through him, to the President.

[Region/State government]

Persons with necessary and suitable qualifications should be chosen for appointment as Chief Minister or ministers of Region or State. It is appropriate to fix the lower age limit as 35 years; they must also be loyal to the State and the citizenry; they must also have qualities required of Region or State Hluttaw members except for age.

Self-administered division or zone chairmen are to be ex-officio Region or State ministers; Region or State Hluttaw members elected to take charge of national race affairs in the Region or State, too, are to be Region or State ministers; for these persons, it may be necessary to relax the age stipulation of 35 years; it will be necessary to provide for that.

The President should choose a suitable and qualified person from among Region or State Hluttaw members to be the chief minister of Region or State; it should be laid down that there is no right to choose from among others who are not members of State or Region Hluttaw; the nomination of a person so chosen should be presented to the Region or State Hluttaw for approval; it should be laid down that the Region or State Hluttaw has no right to turn down the President's nomination for the chief minister's post unless it can show clear proof of any wanting in qualification of the nominee for the post.

The status of the chief minister should be prescribed not too low or not too high; the basic spirit needed is to play whatever role one is required to play in the cause for emergence of a peaceful and developed State in future; the status of the Region or State chief minister should be the same as the Union minister; both are similarly charged with tactical implementation of strategic objective of emergence of a peaceful and developed State as laid down by the President and the Vice-President and so they should be of equal status. (NLM 12/8)

U Kyi Aye

U Kyi Aye went on to submit the proposal paper of the State service personnel delegate group.

Regarding appointment of region or state Ministers and assignment of duties to them, he stressed efficiency and qualifications. He suggested that the region or state ministers be selected from among Hluttaw representatives or non-Hluttaw representatives, saying by doing so, there will be effectiveness in administration. He suggested that the region or state Chief Minister select the minister of his own will from among Hluttaw representatives or non-Hluttaw representatives.

Concerning defence and border affairs, he said Tatmadaw servicemen who are more proficient in these matters be assigned duties and to be able to assign duties thus, names of Tatmadaw servicemen are to be asked from the Commander-in-Chief of the Defence Services.

The region or state Chief Minister, he said, is to compile names of persons selected of his own will and names of Tatmadaw servicemen nominated by the Commander-in-Chief of the Defence Services in a list which is to be submitted to the respective region or state Hluttaw for obtaining approval. It should be prescribed that the region or state Hluttaw shall not have the right to reject the region or state Chief Minister's nominations for appointment as ministers, unless it can show clear proof of want of qualifications prescribed for region or state Ministers. He commented that by so doing there will be harmony and balance between the rights of the respective Chief Minister and the Hluttaw.

He said that if the region or state Chief Minister wishes to assign other duties to Tatmadaw servicemen in addition to security and border affairs as region or state Minister, he should do so after coordination with the Commander-in-Chief of the Defence Services, and only then would there be effectiveness of functions and reciprocal check, control and balance between the Commander-in-Chief of the Defence Services who takes responsibility for the Tatmadaw servicemen and the respective Hluttaw.

U Khin Maung Myint

U Khin Maung Myint went on to submit the proposal paper of the State service personnel delegate group.

He cited an extract from the National Convention Convening Work Committee Chairman's address delivered on 2-9-94, 'I have clarified participation of the Tatmadaw servicemen representatives, one-fourth of the total Hluttaw representatives, in the legislation sector. So, one-fourth of the total members of the self-administered division leading body (Oo-zi Aphwe) or self-administered zone leading body (Oo-zi Aphwe) should be Tatmadaw servicemen representatives'.

In the clarification, he said, it was said members of the self-administered division or self-administered zone leading body should possess qualifications prescribed for the region or state Hluttaw representatives and Tatmadaw servicemen leading body members should also possess qualifications prescribed thus.

He said it should be provided 'Tatmadaw servicemen nominated in accordance with law by the Commander-in-Chief of Defence Services to be assigned duties as members of the self-administered division or self-administered zone leading body shall possess qualifications prescribed for region or state Hluttaw representatives'.

[Union territories]

Regarding the formation of the Yangon City Council, he said, the chairman and members of the Council are to be appointed and assigned duties and their qualifications should be prescribed.

He stressed experience for members of the Yangon City Council and said the Council member's age should be prescribed as at least 35 years to be able to manage multifarious duties of the council. He said a fundamental principle should be laid down that 'the Council member shall possess qualifications prescribed for Hluttaw representatives except the age limit' and also that 'the person to be appointed Yangon City Council member shall be subject to provisions denying rights to stand for election to the Hluttaw'. It would be

thorough to prescribe that the Council member shall also possess qualifications designated by the President of the State.

He said that a fundamental principle has been laid down to the effect that Yangon City and Cocogyun Township are designated as Union territories and are placed under direct administration of the President of the State and in accordance with the principle, Yangon City and Cocogyun Township will become Union territories under direct administration of the President of the State when the new Constitution emerges. As it has been stated that administrator of Cocogyun Township is responsible to the President of the State or to the person assigned by the President of the State, it is found that the President has the authority to assign duties to a person, he said.

He expressed belief that the President is in a position to assign duties to the Yangon City Council for security, administration, economy and social affairs of Cocogyun Township. So, he proposed that regarding administration of Cocogyun Township, which is the Union territory, administrative responsibilities be assigned to the Yangon City Council without separately appointing a person as the administrator.

[Local government; appointed, not elected]

Regarding administrative matters of district, he commented township and ward and village-tract levels are to implement policies laid down by the government in accordance with laws. So, he said, persons taking responsibilities at these levels must be able to cause continuous operation of work without delays or cessations and only then would the nation achieve modernity and development. Persons assuming duties at the levels must have functional experience and skill, contacts between themselves and understand policies and directives laid down by the higher authorities, and they are to give decisions in time on imperative matters. He spoke of formerly assigning duties to personnel or elected organs in the levels and pointed out that there had been delays in discharging duties when there were occasions lacking full presence of members in a system of collective undertaking as an organization.

He said when elected organs were assigned administrative duties, it usually happened that their term expired when they had become familiar with respective laws, rules and discipline, and old members might or might not [be] included in the new term. He said there were delays for the people to be able to enjoy their rights as new members took time studying laws, rules and discipline during their tenure.

In this country, which is practising multiparty democracy system, there will be persons from various parties when bodies to deal with administrative affairs are formed, he said and spoke of possibility of cessation of implementation of work at district, township and ward/village-tract levels due to different opinions on the matters.

He spoke of competitions and canvassing in the past by various means in electing regional authorities for respective districts, townships, wards and village-tracts and dissensions and conflicts. He reminded that such cases may harm national unity and undermine rule of law and peace and tranquillity.

In electing persons who will provide leading role in wards and village, there can be party politics and attempts of various parties to bring about election of the person who supports their parties, he said. If such a person is elected, he will probably employ various means and use his influence for the party he supports to win in the general elections. So, he said such weaknesses in the past should be avoided for the posterity.

He said heads of ward or village-tracts are persons closely in touch with people and if a person of integrity, who is respected by the majority, is appointed head of the respective ward or village-tract, people will accept his leadership with satisfaction and it will further strengthen unity of ward or village residents.

So, he suggested that a person of integrity, who is respected

by majority, should be appointed in accordance with law as head of ward or village-tract, as accepted formerly in various regions, instead of appointing him by election.

He said that township and ward and village-tract levels are to implement policies and directives laid down by the central, region or state levels in conformity with law, procedures and within the framework of policy and they must have experience, efficiency and being able to carry out duties in time every day. He remarked that the State and the people will enjoy benefits in the long-term if these duties are carried by personnel and persons assigned.

So he suggested a fundamental principle should be laid down that district and township-level administrative duties are to be carried out by State service personnel to be appointed and ward and village-tract-level administrative duties are to be carried out by appointing a person of integrity, respected by the majority.

He said the State service personnel delegate group put forward the proposals based on the chief and crucial objective of the National Convention for bringing about welfare of the State and the nationals as best as possible. (NLM 12/9)

Dec. 8: The Plenary Session of the National Convention continued, with 525 of 590 delegates present. Proposal papers on the Executive were read by delegates from the Other Invited Persons group (second and third parts) and from three delegates from the Political Parties delegates group.

[Other invited persons group]

U Saw Hla Tun

U Saw Hla Tun of Chaung-U Township of other invited persons group said basic principles should be laid down as follows:

1. The executive head of the State is the President of the State;
2. (a) The executive power of the State is distributed among the Union, Regions and States;
(b) Self-administered powers are delegated to self-administered areas as prescribed by the Constitution.
3. The Union government shall be set up with the following persons:
 - (a) President of the State
 - (b) Vice-Presidents
 - (c) Union Ministers
 - (d) Attorney-General of the Union
4. The President of the State may
 - (a) prescribe Union ministries as necessary, make changes or additions thereto;
 - (b) prescribe the number of Union ministers as necessary, and increase or decrease the number;
5. Union ministers must possess the following qualifications:
 - (a) they must be at least fully 40 years of age;
 - (b) they must have qualifications prescribed for Pyithu Hluttaw members except the qualification of age;
 - (c) they must be loyal to the State and the citizenry.

The following principles should be laid down to appoint Union ministers:

1. The President shall
 - (a) choose suitable and qualified persons from among Hluttaw members as well as non-members for appointment as Union ministers;
 - (b) get nominations from the Commander-in-Chief of the Defence Services for appointment of Union ministers for defence, security, home affairs and border affairs.
2. The President is to present these nominations to the Pyidaungsu Hluttaw for approval.
3. Pyidaungsu Hluttaw shall not have the right to turn down the nominations for Union ministers unless it can show clear proof of

any wanting in qualifications.

4. If the Pyidaungsu Hluttaw turns down any nomination, the President should have the right to make nominations anew and seek the approval of the Pyidaungsu Hluttaw.

5. The President is to appoint approved nominees as Union ministers and assign a ministry or ministries to each of the Union ministers.

6. If the President deems it necessary to appoint Tatmadaw members as Union ministers other than those for defence, security, home affairs and border affairs he shall proceed in coordination with the Commander-in-Chief of the Defence Services.

7. The President shall report to the Pyidaungsu Hluttaw every time it [sic] makes an appointment of Union ministers.

8. The Union ministers shall be directly responsible to the President.

It is necessary for the President to choose a suitable and qualified person for appointment as Attorney-General; there should also be right to impeach the Attorney-General for breach of allegiance to the State, violation of the Constitution, moral turpitude, or deterioration of qualifications for the post.

It is necessary for the President to choose a suitable and qualified person for appointment as Auditor-General; there should also be right to impeach the Auditor-General for breach of allegiance to the State, violation of the Constitution, moral turpitude, or deterioration of qualifications for the post.

It is also necessary for the President to have the right to choose a suitable and qualified person from among Hluttaw members or non-members and appoint the Deputy Auditor-General.

For raising efficiency of services personnel and ensure uniformity in recruitment and training, there should be a central body; it should be the Union Civil Service Board; the President should choose qualified and suitable persons as its chairman and members and form the board; detailed principles should be laid down to stipulate the number of members, qualifications, including that of being free from party politics, age stipulation etc.
[Region/State government]

The following principles should be laid down:

1. Region government shall be formed in Region; State government shall be formed in State;

2. Region or State government shall be formed with the following:

- (a) Chief Minister of Region or State;
- (b) Ministers of Region or State;
- (c) Advocate-General of Region or State.

3. The President of the State may

(a) prescribe Region or State ministries as necessary, make changes or additions thereto;

(b) prescribe the number of Region or State ministers as necessary, and increase or decrease the number.

4. Region or State ministers must possess the following qualifications:

- (a) they must be at least fully 35 years of age;
- (b) they must have qualifications prescribed for Region or State Hluttaw members except the qualification of age;
- (c) they must be loyal to the State and the citizenry.

5. To appoint as chief minister of Region or State, the President of the State shall

(a) choose a qualified and suitable one from among Region or State Hluttaw members;

(b) present the nomination to the Region or State Hluttaw.

6. The President of the State shall appoint the Region or State Hluttaw member approved by the Region or State Hluttaw as the chief minister of Region or State.

7. Region or State Hluttaw shall have no right to turn down anyone in the nomination of the President of the Union if it cannot

show clear proof of any wanting in qualifications.

Chief minister of Region or State should have right to choose a qualified and suitable person and present nomination to Region or State Hluttaw for appointment as chief auditor of Region or State; detailed principles should be laid down on age stipulation, qualifications, required experience of service, requirement of loyalty, appointment by the President of the State, responsibility, impeachment, replacement, retirement from service.

[Union territory]

Yangon being the capital of the State is to be prescribed as Union territory; all districts and townships in the city development area on the day the Constitution comes into force should be included in Yangon the Union territory. The President should have right to make changes as necessary as regards districts and townships in Yangon.

Principles should be laid down for formation of Yangon City Council, appointment of a chairman, prescribing qualifications of councillors, getting nominations of Tatmadaw members and appointing councillors, holding council chairman and councillors directly responsible to the President, and on matters of termination from duties, resignation, replacements, functioning as Yangon City Council secretary, designating the office of Yangon City Council etc.

Dr. Chan Tha (a) U Nyi Nyi

Dr. Chan Tha (a) U Nyi Nyi of Maungtaw Township, National Convention delegate of other invited persons group, submitted the remaining part of the proposal paper compiled by the group.

He said a fundamental principle 'Cocogyun Township which has special situation is designated a Union territory and placed under direct administration of the President has been laid down.

He suggested a township administrator be appointed to exercise administrative power for Cocogyun Township, a Union territory, and the President should select of his own will a person possessing qualifications prescribed for Hluttaw representatives to appoint him Cocogyun Township Administrator, adding fundamental principles in connection with resignation, removal from office, filling the vacant post and assigning duties and designation of the Administrator's Office should also be laid down.

[Region/State government]

He submitted a proposal that concerning regional administration, the District Administrator and the Township Administrators, who are of the personnel organization, be continuously charged with administrative duties at district or township levels.

At district level, Tatmadaw servicemen assigned by the Commander-in-Chief of Defence Services should be permitted to participate together with the District Administrator in the affairs of security, rule of law and community peace and tranquillity, he said.

He said the ward and village-tract are levels which have direct contact with the people in administration and so ward or village-tract administrators elected by the people should be assigned duties, adding election of ward/village-tract administrators, prescribing of functions and duties and granting of rights and privileges should be provided by enactment of a separate law.

He said proposals obtained after thorough discussion of the invited persons group on the chapter the Executive to be included in writing the State Constitution had been submitted and went on to submit significant proposals and suggestions of some delegates in the group.

[Shan State (North) Special Region 7]

He submitted proposals submitted by leader of Shan State (North) Special Region 7 as follows:

(1) In connection with the formation of the Pyidaungsu (Union) government,

(a) the President shall designate the Union government

ministries, make changes in and additions to the designated ministries, allocate the number of Union ministers and increase or decrease the allocated number after obtaining approval from the Union Hluttaw;

(b) Tatmadaw servicemen nominated by the Commander-in-Chief of Defence Services to be appointed Union ministers shall possess qualifications prescribed for Union ministers.

(2) In connection with the removal from office of Union Ministers and Deputy Ministers,

-- the President shall have the right to order the resignation of the Union Minister or Deputy Minister appointed by himself or the Union Minister or Deputy Minister, who is the Tatmadaw serviceman nominated by the Commander-in-Chief of Defence Services, if he has failed to discharge his duties and can remove him from office if he fails to comply with the order.

(3) In connection with the formation of region or state government,

-- the President shall designate the region or state ministries, make changes in and additions to the designated ministries, allocate the number of region or state ministers, appoint region or state ministers and increase or reduce the allocated number after obtaining approval from the respective region or state Hluttaw.

(4) In connection with the formation of the self-administered division or self-administered zone leading body (Oo-zi Aphwe),

-- the secretary of the self-administered division or self-administered zone leading body shall be selected from among those in the respective self-administered division or self-administered zone leading body.

[U Ko]

He submitted proposals submitted by delegate U Ko of the other invited persons group as follows:

[Interim procedures]

(1) In connection with terms of office, resignation, removal from office and filling vacant posts of Union Ministers and Deputy Ministers,

(a) the President who appointed Union Ministers and Deputy Ministers shall order them to continue to discharge their duties until the new Union Ministers and Deputy ministers have been appointed and assigned duties by the new President elected when the post of President has fallen vacant due to resignation, death or any reason before the expiry of the term of office;

(b) the term of office of the new Union Ministers and Deputy Ministers appointed to fill vacant posts shall be up to the end of the remaining period of the term of office of the new President.

-- In connection with appointment of and assigning duties to region or state ministers,

(a) the region or state Chief Minister shall appoint ministers according to the number of region or state Ministers stipulated by the President;

(b) the President who appointed region or state Chief Minister and Ministers shall order them to continue to discharge their duties until the new region or state Chief Minister and Ministers have been appointed and assigned duties by the new President elected when the post of President has fallen vacant due to resignation or death before the expiry of the term of office;

(c) the term of office of the new region or state Chief Minister and Ministers shall be up to the end of the remaining period of the term of office of the new President.

[Supervision of local officials]

-- as departmental personnel are to undertake and implement departmental tasks in districts and townships, the respective district administrators and township administrators should make integration, coordination, supervision and control for the success of departmental tasks. District and township levels are just to

implement plans and projects. Respective organization at the central and division and region levels are to conduct discussions and make decisions. It is assumed that it is not necessary to proceed with organizations including council or committee members at district and township levels which will implement tasks approved by the organizations. The President should improvise other suitable means in addition to practising a system of supervision at different levels to prevent corrupt practices among personnel, strictly adhering to the reward-and-punishment system and controlling by laws, rules and directives. It is proposed that an organization be formed with the inclusion of suitable citizens to be able to steer and supervise personnel for prevention of corrupt practices.

[U Saw Tun Sein]

He submitted proposals submitted by delegate U Saw Tun Sein of the other invited persons group as follows:

(1) In connection with the formation of Union Civil Service Board,

(a) when the Law of Union Civil Service Board is written, it is to be provided that the board shall select personnel mainly based on 'merit ration'. If there is differentiation in selecting on the basis of race, religion etc., the State will lose labour of intellectuals and intelligentsia necessary for the nation. Emphasis should be laid on patriotism and loyalty to the State.

(2) In connection with the administration of Union territory, -- it should be considered whether a fundamental principle should be laid down that Union territory shall be designated in the regions, states and self-administered areas and placed under direct administration of the President if it is so required.

[Kachin State Special Region 1]

He submitted proposals submitted by Kachin State Special Region 1 as follows:

[Participation of peace groups]

-- In connection with the formation of region or state government,

(1) whether it is appropriate to practise the means of selection and nomination by the Commander-in-Chief of Defence Services for the chairmen of peace groups in the special regions to be able to participate in the administrative bodies of the respective region or state, or to practise any other suitable means for their participation;

(2) peace groups or representatives of special regions that have emerged in the period of the State Law and Order Restoration Council or the Tatmadaw Government should be permitted in the respective region or state administrative bodies;

(3) it will be proper to permit, with a view to bringing about development of regions or states, region or state administrative body to establish foreign relations to some extent if they are not against the policy of the Union government and against the Constitution;

(4) in connection with personnel affairs of the region or state government, priority is to be given to residents in the respective region or state in appointing personnel of self-administered area, region or state governments. For some work establishments, prescribed qualifications should be relaxed in appointing the personnel.

[U Pe Kin]

He then presented significant points of U Pe Kin, a delegate of the other invited persons delegate group as follows:

[Advocate-General title]

-- In connection with appointment of the Region or State Advocate-General and assigning duties --

-- The set-up of the region and state government is

found to be the same as that of the Union government. Ministers are called "Wun-gyi" as in the case of members of the Union government. Similarly, accounts officer, a member of the state government, is also called Auditor-General, the same as the Union. It has been suggested, however, to call Shaynay-chok (Attorney-General) as U-paday-chok (Advocate-General). The meaning of this term is believed to be incomplete. It is like calling the Tayathugyi-chok (Chief of the High Court) as Taya-chok. Hence, Advocates-General of the regions and states should be called "Shaynay-chok" or "U-paday-ayashi-chok" instead of "U-paday-chok".

[Shan State Special Area-1]

He next presented significant points of the leader of Shan State Special Area-1 as follows:

[Self-administered areas]

-- In connection with formulation of the self-administered region [sic] or self-administered zone Oo-zi Aphwe (leading body),

- (1) self-administered division leading body should be constituted with 11 members or nine members,
- (2) self-administered zone leading body should be constituted with seven members or five members,
- (3) chairman of the self-administered division or self-administered zone must be a national of the respective region's or state's national race,
- (4) the leading body of a self-administered area shall elect its secretary from among themselves,
- (5) the self-administered area leading bodies shall be constituted as follows:
 - (a) representatives of the respective region's or state's national race (including those of national races with moderate size of population) -- 60 per cent,
 - (b) service personnel representatives -- 20 per cent, and
 - (c) Tatmadaw servicemen representatives -- 20 per cent.

[Northern Shan State Special Area-2]

He next presented significant points of the leader of the Northern Shan State Special Area-2 as follows:

[Tatmadaw representatives to be elected]

-- We accept the national political leadership role to be played by the Tatmadaw in future Myanmar, after and overall study of the historical developments of the Union, aspirations of the people, the traditions of the Tatmadaw and current internal and external situation. We support it. Hence, at different levels of executive bodies Tatmadaw servicemen representatives should not be appointed and assigned duties but be elected and assigned duties to obtain the required number.

He noted significant points of some of the delegates of the other invited persons group are those to be considered to include in the structure of the executive.

The proposals just submitted were the basic principles obtained after discussion 20 proposal papers of the other invited persons delegate group for 12 times between 10 October 1994 and 20 January 1995. The basic principles for the structure of the executive are to be considered to lay down as basic principles in writing the constitution. (NLM 12/9)

Union Pa-O National Organization

U Aung Khin, delegate of the Union Pa-O National Organization, submitted the party's proposal paper on the structure of the chapter "The Executive" to the plenary session of the National Convention. He said:

The Executive of the State should be constituted with the President, Vice-Presidents, Union Ministers and Union Attorney-

General included in the Pyidaungsu (Union) government. In the Union Government the Head of the Executive is the President. The executive power of the State is to be distributed and delegated to the regions and states. Executive powers will have to be distributed and delegated to the self-administered areas in accord with the constitution.

The rights should be prescribed for the Head of the Executive or the President to designate the Union Government ministerial portfolios, make necessary amendments and additions, prescribe for number of ministers, increase or decrease the number of ministerial portfolios and so forth. It is suggested basic principles should be laid down to prescribe qualifications for the Union Ministers.
[Attorney-General]

The President should select a suitable person having prescribed qualifications to appoint him Pyidaungsu Attorney-General to get legal advice and assign duties of legal character. The Pyidaungsu Attorney-General would then be able to take care of questions of legal character, if any, on behalf of the President.

The Pyidaungsu Attorney-General would have to be a member of the Pyidaungsu Government and at the same time he would have to be directly responsible to the President. So, basic principles should be laid down providing that the Pyidaungsu Hluttaw should not have the right to reject the person nominated by the President to be appointed Pyidaungsu Attorney-General unless it could prove clearly that he is not qualified for being Pyidaungsu Attorney-General.

The Pyidaungsu Attorney-General should be subject to impeachment and punishment as in the case of Pyidaungsu Ministers. Then only would the Pyidaungsu Attorney-General be in a better position to have good conduct and loyalty. So, the Pyidaungsu Attorney-General should be subject to impeachment for treason, violation of provisions of the Constitution, misconduct or being disqualified to the post of Pyidaungsu Attorney-General under the Constitution.

[Auditor-General]

In connection with appointment of Pyidaungsu Auditor-General and assigning duties he said the President should select a suitable person having prescribed qualifications to appoint him Pyidaungsu Auditor-General to audit budget accounts of the government departments and submit them to the respective Hluttaws. Then only would the general conditions in the country be appraised from the aspect of accounts. Detailed principles should also be laid down in connection with the qualifications of the Pyidaungsu Auditor-General.
[Civil Service Board]

Regarding the Union Civil Service Board, he said the role of service personnel is very important. They should be systematically selected and properly trained to raise efficiency. It should be provided in the Constitution to form the Union Civil Service Board to manage the affairs of the service personnel.

[Region/State government]

The constitution that would emerge being a Pyidaungsu (Union) system and structure, there would be region and state governments. So, the region and state governments should be formed and chief ministers should also be appointed to lead those governments. So, necessary basic principles should be laid down for the appointment of region or state chief ministers and assignment of duties.

Relevant basic principles should be laid down for the appointment of region or state ministers and assignment of duties so that they would be able to manage administrative affairs as the region or state government members under the leadership of the respective region or state chief ministers.

The President of the State should have the right to assign the self-administered division chairmen, self-administered zone chairmen and national race affairs ministers other duties jointly. Similarly, when security and border affairs are to be assigned nominations should be coordinated with the Defence Services Commander-in-Chief and submitted to the President with the approval of the respective

regions or states.

The President's appointment of the region or state chief ministers and ministers and assignment of duties should be notified to the respective region or state Hluttaws or the Pyidaungsu Hluttaw. The region or state chief ministers should be directly responsible to the President of the State and similarly the region or state ministers should be responsible to the President of the State through the region or state chief ministers. Basic principles should be laid down prescribing that the term of office of the region or state chief ministers and ministers should be the same as that of the President of the State.

Detailed principles should be laid down in connection with election of the self-administered division chairmen and self-administered zone chairmen, duties assigned to them, their being chief ministers of the respective regions or states [sic], the set-up of self-administered division leading bodies or self-administered zone leading bodies, election of representatives in areas where the number of population exceeds 10,000, assigning duties to the Tatmadaw servicemen representatives who constitute one-fourth in the leading body, prescribing, through promulgation of law, of duties, rights and privileges of the self-administered region [sic] or self-administered zone chairmen and leading bodies, assigning duties as secretaries of the self-administered regions [sic] or self-administered zones and designation of the leading body offices.

[Union territories]

Concerning the capital of the State, it has been laid down that Yangon, the capital of the State, is placed under direct administrative control of the President of the State and designated as a Pyidaungsu territory. Basic principles should be laid down in connection with administration of Yangon, the Pyidaungsu territory. The eleven basic principles clarified by the National Convention Convening Work Committee are complete and they should be laid down as basic principles.

[Local government]

In connection with regional administration, he said, district and township executive officers should be made to continuously manage district and township level administrative affairs. Tatmadaw servicemen assigned by the Defence Services Commander-in-Chief would have to carry out duties at the district level.

Ward and village level administration has to deal most with the public. Hence, ward or village administrative personnel should be elected and assigned duties. In conclusion, it is suggested that a specific law should be promulgated in connection with election, assignment of duties and rights of the ward or village-tract administrative personnel.

Shan State Kokang Democratic Party

U Ti Daung Wai, National Convention delegate of Shan State Kokang Democratic Party, submitted a proposal paper on the formation of the chapter the Executive to be included in writing the State Constitution.

He spoke of convergence of views between the delegates of the party and other delegates in submitting suggestions and proposals and said that however, they would seek answers over differing points through discussions conducted with tolerance, goodwill and patience.

In so discussing, he said, it is to be directed in democratic spirit towards a National Convention objective 'flourishing of a multiparty democracy system in future State' and only then would correct answer be found for the delegates and the nationals and only then would a Constitution with democratic aspects and rich in democratic essence emerge.

In so doing, it would amount to demonstrating that the delegates are actually discharging the great duty in accordance with the Tatmadaw Government's motto 'emergence of the State Constitution is the concern of all nationals', he explained.

As Shan State Kokang Democratic Party believes that all the

delegates would put forward constructive suggestions, the political parties would uphold their prestige by making suggestions which would benefit the entire Union.

He expressed belief that if discussions are made with a norm set on the motto 'the executive system of the State must be democracy administrative system', different administrative levels of the Government of the Union of Myanmar will emerge rich in democracy essence. He suggested that different levels of the Union Government be formed based on the following fundamental principles:

(1) The executive power of the State is distributed among the Union member states and regions;

(2) Executive power shall be distributed to self-administered zones and self-administered divisions as stipulated by the State Constitution.

He said different levels of the government of the future Union of Myanmar can be formed as follows:

1. the Union Government
2. the state and division [sic] governments
3. executive committees of self-administered zones and self-administered divisions.

Concerning the Head of State or the President of the State, he spoke of compilation of the list of presidential candidates, selection and appointment of the President by Pyidaungsu Hluttaw representatives, taking oath of office of the President before the Pyidaungsu Hluttaw representatives, impeachment of and removal from office of the President, appointment of Union Ministers after obtaining approval from Pyidaungsu Hluttaw and intimation to the Pyidaungsu Hluttaw of having appointed Ministers. He said just as the Pyidaungsu Hluttaw is responsible to the nationals, so also is the President responsible to the Pyidaungsu Hluttaw. He spoke of prestige and honour which the President must have in administration or in foreign affairs and said the President is a crucially important person for solving cases of emergency in the State.

Concerning Prime Minister of the Union, he said the Prime Minister should be vested with full administrative power and is to lead ministers in managing the affairs of the State in democratic manner. As the President is responsible to Pyidaungsu Hluttaw, the government led by the Prime Minister is responsible to the President.

He said Deputy Prime Minister and Ministers are to support the Prime Minister while discharging their duties and they must also be people's representatives.

Deputy Ministers are to support Ministers and they must be elected people's representatives, he said.

[Attorney-General and Auditor-General should be independent of Government]

He spoke of the position of Attorney-General who is to give legal advice to the State and various levels of the government and said he must be impartial, loyal to the State and people and perform his duties in accordance with the noblest and worthiest of the worldly values. He commented that so, the Union Attorney-General should not be included in the Union Government and what is needed for him is to be responsible to Pyidaungsu Hluttaw and to carry out his duties faithfully.

He said Union Auditor-General is needed to audit receipts and expenditures and other accounts of public economic organizations and departments and the governmental organizations and he should not also be member of the Union Government. He is to be responsible to Pyidaungsu Hluttaw and carry out his duties faithfully.

[Region/State government]

He suggested State or Region Hluttaws be formed with people's representatives elected from the respective State or Region and governmental organizations will emerge from the Region or State Hluttaws. He said members of State or Region governmental organizations must be people's representatives, proposing Region or State governments be formed with the inclusion of persons as follows:

1. Region or State Chairman

2. Region or State Vice-Chairman
3. Region or State Ministers
4. Region or State Deputy Ministers

Virtual flourishing of democratic administration in self-administered areas will help counter, with the strength of the people, threats and interferences from outside, he said and noted that the democracy administration system is needed for emergence of existing people's strength as it is believed 'the strength of the nation lies within'. He said it is only democracy [sic] means that will help bring about modernity and development in border and self-administered areas.

Mro (or) Khami National Solidarity Organization

U Maung Pain (a) U Khin Maung Thein of Mro (or) Khami National Solidarity Organization said the following principles are appropriate:

1. the executive head of the State is the President of the State;
2. (a) The executive power of the State is distributed among the Union, Regions and States;
(b) Self-administration powers are delegated to self-administered areas as prescribed by the Constitution;
3. The Union government shall be set up with the following persons:
 - (a) President of the State
 - (b) Vice-Presidents
 - (c) Union Ministers
 - (d) Attorney-General of the Union
4. The President of the State may
 - (a) prescribe Union ministries as necessary, make changes or additions thereto;
 - (b) prescribe the number of Union ministers as necessary, and increase or decrease the number;
5. Union ministers must possess the following qualifications:
 - (a) they must be at least fully 40 years of age;
 - (b) they must have qualifications prescribed for Pyithu Hluttaw members except the qualification of age;
 - (c) they must be loyal to the State and the citizenry.

So also are the following principles:

1. Region government shall be formed in Region; State government shall be formed in State;
2. Region or State government shall be formed with the following:
 - (a) Chief Minister of Region or State;
 - (b) Ministers of Region or State;
 - (c) Advocate-General of Region or State.
3. The President of the State may
 - (a) prescribe Region or State ministries as necessary, make changes or additions thereto;
 - (b) prescribe the number of Region or State ministers as necessary, and increase or decrease the number;
4. Region or State chief ministers and ministers must possess the following qualifications:
 - (a) they must be at least fully 30 years of age
 - (b) they must have qualifications prescribed for Region or State Hluttaw members except for age;
 - (c) they must be loyal to the State and the citizenry.

It will be necessary to ensure maximum possible fairness in considering the right of participation of national race representatives in the Amyotha Hluttaw.

The national brethren in the Union need to have equal fundamental rights. They have always remained close together particularly in times of crises. At present all are coming together for preparing to write an enduring Constitution to serve the interests of all the national people, for perpetuity of the Union,

non-disintegration of national solidarity and perpetuation of sovereignty, for greater prosperity of the Union. It is not known when a time like this will come again. So, in the Constitution we are writing today, some firm principles should be prescribed explicitly for the national races in the majority as well as for the national races in the minority.

[Self-administered areas]

It should be laid down as a principle that self-administered division or self-administered zone Oozi Aphwe should be formed as follows:

(1) to be formed with people's representatives elected by the people, as chairman, secretary and members;

(2) self-administered division or self-administered zone shall have legislative power as bestowed by the Constitution;

(3) to include minority national races in self-administered division or self-administered zone as much as possible; not to proceed on the basis of a limit in population.

In conclusion he said he had presented his organization's sincere proposals, giving suggestions for the said points and had no more to say about the remaining matters. (NLM 12/10)

Dec. 11: The Plenary Session of the National Convention continued, with 522 of 590 delegates present. Further proposal papers on the Executive were presented by members of the Political Parties delegates group [full texts]:

Lahu National Development Party

U Kya Shi, delegation of the Lahu National Development Party, submitted the party's proposal paper on the structure of the chapter "the Executive" to the plenary session of the National Convention.

He said in discussing the structure of "The Executive" the party would not deal with the clarifications of the Work Committee Chairman but the remaining points. He asked for forgiveness if there are any unsmoothness or mistakes in the use of language.

[Prime Minister]

He said the party believes instead of managing the executive matters directly by the President of the State who is Head of State, it would be more proper for the Prime Minister to do so and at the same time the President would be in a more prestigious position.

When the Pyidaungsu Hluttaw is to impeach and dismiss the government, it can dismiss the Prime Minister and Ministers only; it can again elect the new Prime Minister to work with the President and Ministers. It would then be beneficial to the country.

In connection with the appointment of Pyidaungsu Government Ministers and assignment of duties, basic principles should be laid down as follows:

(1) the President of the State shall, in consultation with the Pyidaungsu Government Prime Minister, appoint members of the Pyidaungsu Government Pyidaungsu Minister [sic] and assign duties,

(2) the President shall nominate suitable persons from among the Pyidaungsu Hluttaw representatives having the prescribed qualifications,

(3) the President, in consultation with the Pyidaungsu Government Prime Minister, shall submit the nominations to the Pyidaungsu Hluttaw and seek its approval,

(4) the President shall again submit nominations made as in the case of paragraph (2) for those who have not been approved by the Pyidaungsu Hluttaw and seek its approval,

(5) the President, in consultation with the Pyidaungsu Government Prime Minister, shall appoint Pyidaungsu Hluttaw representatives approved by the Pyidaungsu Hluttaw as Pyidaungsu Government Ministers and assign them duties. In so doing, the President of the State shall designate portfolios for each Pyidaungsu Government Minister,

(6) the President shall report to the Pyidaungsu Hluttaw every time he appoints and assigns duties to the Pyidaungsu

Government Ministers,

(7) Pyidaungsu Government Ministers shall be responsible to the Pyidaungsu Hluttaw through the President.
[Right to reject Attorney-General]

The Work Committee Chairman clarified the Pyidaungsu Hluttaw shall not have the right to reject the person nominated by the President to be appointed Pyidaungsu Attorney-General unless it can prove clearly that he is not qualified for being Pyidaungsu Attorney-General.

The President of the State, although being the Head of State, the highest organ of the sovereign powers in the nation is the Pyidaungsu Hluttaw. Pyidaungsu Hluttaw should have the right to criticise and discuss President's nomination of Pyidaungsu Attorney-General submitted to it whether the nominee is suitable or not although he possesses prescribed qualifications for the position. Then only will it get able and good person. Appointment should not be made just because the person concerned possesses prescribed qualifications. So, the provision preventing the Pyidaungsu Hluttaw from rejecting the nomination should not be included.

When the Pyidaungsu Hluttaw is to impeach and dismiss the government, it can dismiss the Prime Minister and Ministers only; it can again elect the new Prime Minister to work with the President and Ministers. It would then be beneficial to the country.
[Region/State government]

In connection with forming the Regional Government or State Government or appointing the Region or State Chief Ministers, the following principles should be laid down:

(1) Region Government or State Government has been formed in respective Regions and States,

(2) Region or State Government is constituted with the following persons,

(a) Region or State Chief Minister,

(b) Region or State Ministers,

(3) The Region or State Government shall

(a) designate Region or State Ministries as necessary.

Moreover, it shall change or increase the number of Ministries,

(b) designate the number of Region or State Ministers as necessary. Moreover it shall increase or decrease the prescribed number of Ministers,

(4) Region or State Chief Minister and Ministers shall be those who have attained the age of 35 years,

(5) to appoint and assign duties as the Region or State Chief Minister,

(a) the Region or State Hluttaw shall elect, through secret votes, a Hluttaw representative from among the Region or State Hluttaw representatives,

(b) the Region or State Chief Minister shall submit the nomination of Hluttaw representative approved by the Region or State Hluttaw concerned to the President of the State,

(6) the President shall appoint the Hluttaw representative submitted by the Region or State Hluttaw Chairman as Chief Minister of the Region or State concerned and assign him duties.

U Kya Ha Shel

U Kya Ha Shel of the Lahu National Development Party submitted the remaining part of the paper.

In connection with appointment of Region or State Advocate-General and assigning duties, he suggested the following principles should be laid down: --

1. the Chief Minister of region or state shall get the approval of the region or state Hluttaw in appointing and assigning duties to a person having the following qualifications as region or state Advocate-General in order to get legal advice and assign duties of a legal character and submit to the President:

(a) who has attained the age of 40 years,

(b) with the exception of age limit, having the qualifications prescribed for region or state Hluttaw

representatives,

(c) (1) for judicial officer or law officer they must have served in the post, not lower than region or state level, for at least five years or in the post not lower than district level for at least 10 years,

(2) for Advocates of Taya Hluttaw (High Court) for 15 years' standing,

(d) who is loyal to the State and the citizens.

2. Region or State Advocate-General is responsible to the Region or State Chief Minister.

3. if there is reason to impeach the Advocate-General of a region or state, it shall be done in accord with the provisions of the Constitution prescribed for the Chief Minister or any Minister of region or state.

4. in connection with the resignation, removal from office, filling of vacant post or assuming that the person has retired in the case of civil service personnel, the provisions of the Constitution prescribed for the Chief Minister or Ministers of region or state also concerns the Advocate-General.

5. if region or state Advocate-General is civil service personnel, he shall be considered to have resigned from his post in accord with service rules, from the date he is appointed region or state Advocate-General.

6. duties, rights and privileges of the region or state Advocate-General shall be prescribed by law.

[Yangon City]

He suggested the following should be laid down as basic principles in connection with the administration of Yangon City:

1. All districts and townships within Yangon City development area on the day the State Constitution comes into force are in Yangon City that is the Union territory,

2. The administration of Yangon City is under the administration of Yangon Region Government,

3. Yangon City Development Committee shall be constituted with persons elected for the purpose from districts and townships in the Yangon City Development Committee area,

4. Yangon City Development Committee shall be responsible to the Yangon Region Government,

5. Duties, rights and privileges of the Yangon City Development Committee shall be prescribed by law.

In conclusion, he said the proposals on the chapter "The Executive" had been presented with the aims of building a genuine multi-party democratic State where worldly values justice, liberty and equality flourish.

Union Kayin League

National Convention delegate U Saw Than Aung, Vice-Chairman of Union Kayin League, submitted a proposal paper on formation of the chapter the Executive.

He spoke of experiences in administrative systems of various eras -- colonial, post-independence parliamentary, Myanmar Socialist Programme Party and State Law and Order Restoration Council -- and said that based on these experiences, the party's proposal paper on the Legislative, the Executive and the Judiciary, as clarified by Chairman U Aung Toe, was submitted constructively, believing a new administrative system to be adopted will benefit generations to come.

He said the following should be laid down as fundamental principles:

1. the head of State is the President of the State;

2. the executive power of the State is distributed among the Union, regions and states;

3. the self-administrative power is distributed to self-administered areas as stipulated by the State Constitution;

4. executive organs of the Union, regions, states, self-administered areas and districts include Tatmadaw servicemen nominated by the Commander-in-Chief of Defence Services to undertake responsibilities of defence, security, border area administration,

etc.

He explained on the basis of experiences in the executive systems of Myanmar in history and some facts related to politics, the economy and social affairs that Myanmar should have a strong, firm leader whose position must be in compatible [sic] with the presidential executive system and conforms to the wishes of the national races. The facts he cited of Myanmar are being a nation made up of various national races, being situated between the two nations having largest populations in the world, being surrounded by some poor nations, being a littoral country, being rich in national resources and being coveted by world nations.

He said the government should be formed with the following persons:

1. the President of the State;
2. the Vice-President;
3. the Union Ministers;
4. the Attorney-General of the Union.

He said the President of the State should practise a means of selecting and appointing Union Ministers after obtaining approval from the Union Hluttaw, and selection is to be made from among Hluttaw representatives-elect or non-Hluttaw representatives-elect possessing prescribed qualifications and, if necessary, experienced intellectuals and intelligentsia should be included.

The President shall obtain names of Tatmadaw servicemen Hluttaw representatives, who will carry out duties in defence, security and border area administration, from the Commander-in-Chief of Defence Services, and they must possess qualifications prescribed for Union Ministers. The President is to submit their names to Pyidaungsu Hluttaw for approval.

He said that if it is necessary, regarding the affairs of the State, to appoint Tatmadaw servicemen Union Ministers in addition to ministries of defence, security, home affairs and border affairs, it shall be done so after coordination with the Commander-in-Chief of Defence Services and obtaining approval from Pyidaungsu Hluttaw.

Union Ministers shall be directly responsible to the President. [Self-administered area government]

He said the following should be laid down as fundamental principles in connection with self-administered district/zone [sic] Leading Bodies.

1. the self-administered division and self-administered zone are of equal status;
2. self-administered power shall be distributed to them;
3. self-administered division leading body (Oo-zi Aphwe) and self-administered zone leading body (Oo-zi Aphwe) shall exercise legislative power distributed to them;
4. Tatmadaw servicemen shall constitute one-fourth of members in the respective leading body;
5. it shall be constituted with not less than 10 members;
6. there shall be a representative each for a national race having a population of 10,000.

[Local government]

Regarding regional administration, he said the administrator, of respective service personnel organization, shall be made to continuously undertake district and township-level administrative duties and if necessary, Tatmadaw servicemen, assigned by the Commander-in-Chief of Defence Services, shall participate together with the administrator in district level to be able to carry out duties in security, enforcement of law and maintenance of peace and tranquillity.

Regarding ward and village administrative level, he said it is one in constant relation with the people and there should be administrators elected by the people in ward and village administration. Their duties and rights should be prescribed by enactment of law. He also suggested a village supervisory organization be formed with the village-tract administrator as chairman.

He said the party had put forward proposals on the chapter the Executive in brief and priority should be given to the following points in laying down fundamental principles for respective chapters:

1. the Constitution being written is to be adopted after being reviewed with great care whether it conforms to the geographical conditions of Myanmar, various class strata, affairs of various national races and whether it brings about political, economic and social benefits for the people who should enjoy fruits of labour equitably;

He said an assurance that guarantees an individual or the entire mass of people the right to living [sic] a life free of anxiety, the right to liberty and the right to pleasant, enjoyable livelihood shall be provided accurately and firmly in the Constitution.

It is of great importance the administrative machinery of our country, which is neither a developed nor developing nor impoverished nation, to be in consonance with the time, system and occasion for we are in a time while full strength is being rallied to be able to get into the path of prosperity [sic], he said.

He noted it is true that the nationals, no longer wishing to live under the monarchic system or colonial system or one-party system, have begun to enter into a genuine democracy system and he put forward some detailed principles which, the party believes, will benefit the administrative machinery to be established.

He remarked that regarding the administrative system as clarified by Work Committee Chairman U Aung Toe, an executive law will be emerging as a contract between the people, who are ruled, and a class, who will rule, and said proposals were put forward for the security, liberty and joy of all nationals, non-disintegration of national unity and prosperity and progress of a new, peaceful nation.

Kokang Democracy and Unity Party

U Lau Hsin Kwan, National Convention delegate of Kokang Democracy and Unity Party, submitted a proposal paper on formation of the chapter the Executive.

He said as the sovereign Union of Myanmar is built up with all national races, it is the duty of all the national races to plan for the perpetuation, solidarity, unity and prosperity of the State.

It is found that the Work Committee Chairman's address 'administrative power is distributed among regions or states and self-administered areas' conforms to requirements in political, economic, social and nationalities affairs, he commented.

As the administrative power enables national races to manage their life, it will consolidate national unity and perpetuate the State and sovereignty, he noted.

He said state or region government should be formed as stipulated in the State Constitution as in the formation of the Union Government.

In forming region and state government, he said, there was no suggestion to be put forward by the party as to appointment and assignment of duties and rights and privileges of

1. state Chief Minister;
2. state or region Ministers;
3. state or region Advocate-General;
4. state or region Auditor-General, and

formation of departments of respective national races affairs in states and divisions.

[Local government]

Regarding district and township level administration, he said that election is to be held within democratic means and administrative authorities whom people no longer accept are to be impeached, especially persons responsible for administration in the levels are in close contact with the people [sic]. He said there will not be control on non-reciprocity, non-democracy and dictatorial manner that can exist between the people and district-level authorities if there are no explicit provisions for the district,

township and village level administration.

He stressed the need to lay emphasis on the people's wish as success of a system depends on the response of the people, saying only when noblest and worthiest of worldly values and democracy are brought about for the people will it be in conformity with democratic practices.

[Local government]

As there are characteristics of population, geographical conditions, language and customs, formation of self-administered area leading bodies should be based on wishes of the national races in the respective area within the framework of the Constitution, he commented.

[Union territories]

As there has been a fundamental principle that areas of special situation in connection with defence, security, administration and the economy of the entire Union are designated Union territories and placed under direct administration of the President of the State, the party had no discussions as to duties, rights, privileges and impeachment of persons in the organization which will exercise administrative power for an area of special situation such as Cocogyun, he said in conclusion.

Wa National Development Party

U Nyi Paloke of Wa National Development Party said legislative, executive and judicial sovereign powers have to be wielded by people's representatives to pre-empt emergence of dictatorial systems; and there has to be check and balance between the three estates; the executive government has to give life to laws passed by the legislature and implement programmes laid down by the Pyidaungsu Hluttaw; it has to supervise for regular functioning of the administrative machinery; it has to strive for security, peace and development at all times; services personnel manning the administrative machinery must have no political party attachments; they must be loyal to the State; they are not for any individual political party but for the entire people; political parties must not meddle in the administrative machinery and personnel of administrative machinery must not meddle in political parties; they must observe their norms in their own roles, otherwise it could lead to disintegration of the country.

In a Union, the Union government and State governments have shared powers; the State governments have no right to exercise powers of the Union government, and the Union government has not right to encroach upon powers of the State governments; so distribution of powers needs to be explicitly prescribed in the Constitution; if a country can promote the rule of law and rid itself of the rule of man, people will have equality of status and equality of opportunity and equality before the law and there will be peace and harmony.

In a democratic country, sovereign power resides in the people on behalf of the people, representatives freely elected by secret ballot make laws and carry out executive responsibilities; with the approval of the Pyidaungsu Hluttaw, the government lays down policies; these are implemented by government service personnel; they are not politicians; they serve the country loyally and dutifully, independent of political activities; if they want to go into politics, they have but to resign from government service and do so.

It is said that man is the measure of everything; with the participation of the people there can indeed be "hundred victories in hundred battles"; conditions must be created to enable the people to participate and shape their own destiny.

[Self-administered area government]

In connection with formation of oozi aphwes or self-administered divisions or zones, detailed principles should be laid down as follows:

1. Self-administered division oozi aphwe and self-administered zone oozi aphwe must be formed at self-administered division and self-administered zone; these oozi aphwes also exercise

legislative power conferred by the Constitution;

2. Self-administered division oozis and self-administered zones shall have at least ten members;

3. Self-administered division oozis and self-administered zones shall be formed with the following persons:

(a) Region or State Hluttaw members elected from townships in self-administered division or self-administered zone;

(b) representatives chosen and additionally appointed by persons mentioned in Sub-para (a);

4. Self-administered division oozis and self-administered zones shall include Region or State Hluttaw members elected from townships in self-administered division or self-administered zone and representatives chosen and additionally appointed by them to coordinate among themselves and choose a suitable person from among Region or State Hluttaw members elected from townships in self-administered division or self-administered zone, as chairman of self-administered division or chairman of self-administered zone; the nominations of persons so chosen shall be submitted by the Region or State government, through the Prime Minister of the Union to the President of the State;

5. The President of the State shall appoint these nominees as chairman of self-administered division or chairman of self-administered zone; they shall also be head of self-administered division or of self-administered zone;

6. Chairman of self-administered division or self-administered zone is ex-officio Region or State minister; so provisions regarding the Region or State minister shall also apply to chairman of self-administered division or chairman of self-administered zone.

At the plenary session of the National Convention on 9-1-93, Convention Convening Commission Chairman exhorted all to unitedly strive to make it a National Convention that could serve the interests of the State and the national people to the highest extent, most significantly in the political history of the country.

Times, systems and historical events do not come about without any cause; effects come about only because of various causes; it is vitally needed to bring forth the new Constitution well, reviewing past lessons objectively and drawing positive strength from past history; otherwise, if the past events are ignored, endeavours to repair the old era and build a new one will result only in the destruction of the old era, without the emergence of a new one. (NLM 12/12)

Dec. 12: The Plenary Session of the National Convention continued, with 522 of 590 delegates present. Further proposal papers on the Executive were read by representatives of the political parties delegates groups [full texts]:

Shan Nationalities League for Democracy

U Sai Soe Nyunt of Shan Nationalities League for Democracy said they were making proposals with sincere goodwill for emergence of an enduring State Constitution, for equality of all the people before law, for perpetual unity and amity in equality of all national brethren, for the principles of justice, liberty and equality, and for flourishing of a genuine democracy.

He said it was vitally necessary that under this Constitution the national races secure guarantees of their rights and be able to manage themselves for development of their areas; he said he was one-third happy to learn some national races will be given self-administered areas; another one-third happiness would come when the Constitution could provide, fairly for all, self-administered areas to the satisfaction of respective national races; the remaining one-third would have to be kept aside till the time when self-administration could be freely practised in reality.

In continuation, he said, it was time to lay down principles to have political self-prescribing rights and self-administration in

connection with the cause of states of the national races that have traditions and prominent existence in history.

As our country is a Union, the form of administration should be one in conformity with the essence of the Union inhabited together by all kinds of national races; it needs to be a genuine democratic administrative system contributory towards a true Union structure, amity of all national races, equality, flourishing of multi-party democracy system, and further development of the nation.

[Rotating vice-presidency]

He submitted a proposal that, as our Union is one inhabited by 135 kinds of national races inclusive of the eight namely Kachin, Kayah, Kayin, Chin, Bamar, Mon, Rakhine and Shan, vice-presidency should be given in turns in alphabetical order of the names of the states, to suitable persons from among national Hluttaw members coming from the states to the Pyidaungsu Hluttaw; it will bring about closer amity among the national brethren and consolidate unity.

He said the following principles should be laid down:

1. The executive head of the State is the President of the State;
2. (a) The executive power of the State is distributed among the Union, Regions and States;
(b) Self-administration powers are delegated to self-administered areas as prescribed by the Constitution;
3. The Union government shall be set up with the following persons:
 - (a) President of the State
 - (b) Vice-president
 - (b-1) A suitable person shall be chosen among national Hluttaw members coming from the states to the Pyidaungsu Hluttaw to serve as vice-president in turn in alphabetical order of the names of the states.
 - (c) Prime Minister of the Union
 - (d) Union Ministers.
4. The Prime Minister of the Union shall
 - (a) seek the approval of the Pyidaungsu Hluttaw to prescribe Union ministries as necessary, make changes or additions thereto;
 - (b) prescribe the number of Union ministers as necessary, and increase or decrease the number;
5. Responsibility
 - (a) the Union ministers shall be responsible to the Prime Minister of the Union;
 - (b) the Prime Minister of the Union shall be responsible to the President of the State;
 - (c) the Union government inclusive of the President of the State shall be responsible to the Pyidaungsu Hluttaw;
6. Union ministers must possess the following qualifications:
 - (a) they must be Pyidaungsu Hluttaw members;
 - (b) they must be at least fully 35 years of age;
 - (c) they must have qualifications prescribed for Pyithu Hluttaw members;
 - (d) they must be loyal to the State and the citizenry.

[Appointment of Union ministers]

In the matter of appointing Union ministers, it is held that, on account of experiences in history, from lessons that should be taken of events in world nations, to be in accord with the conditions in the country, and for emergence of a powerful, prosperous and developed Union, the right to appoint Union ministers should not reside in any individual; it should be a pattern wherein the Prime Minister of the Union, the President and the Pyidaungsu Hluttaw coordinate among themselves and choose the most suitable persons as Union government ministers.

[Attorney-General]

It is necessary for the Union government to choose and appoint a qualified and suitable person as Attorney-General of the Union;

this person needs to be specially knowledgeable and experienced in law; so such a person should be chose from among Pyidaungsu Hluttaw members or non-members; but this person should not be included in the Union government because this person may not be a Hluttaw member but a qualified person from outside; Union government is a body exercising executive power on behalf of the people who are owners of the three powers of State originally, and persons who are not Hluttaw members should not be prescribed as members of Union government.
[An independent Auditor-General]

It is necessary for the Pyidaungsu Hluttaw to choose and appoint a qualified and suitable person as Auditor-General of the Union to examine accounts of expenditures and receipts of government organizations under the Union government and report to the Hluttaws concerned; such a person specially skilled in accounts should be chosen from among Pyidaungsu Hluttaw members or non-members; but it should not be laid down as a principle that "the Auditor-General shall be directly responsible to the President". The Auditor-General being a person to examine the accounts of the government should not be placed under the authority of the President; the General Accounting Office in the United States of America is under the Congress; so it should be laid down that "the Auditor-General shall be responsible to the Pyidaungsu Hluttaw."

U Sai Nyunt Lwin

U Sai Nyunt Lwin then presented the remaining part of the proposal paper.

[Region/State government]

The executive power of the State is not held in control by the central or Union government but distributed to Regions and States; so there will be departments concerning Union government and Region or State governments; the right of appointing services personnel at Region or State level should be given to Region or State government; only with such distribution of rights will it be possible to avoid the extreme of too much central control.

It is proposed the following be laid down as detailed principles:

1. Region government shall be formed in every Region; State government shall be formed in every State;

2. Region or State government shall be formed with the following:

(a) Chief Minister of Region or State;

(b) Ministers of Region or State;

3. The Chief Minister of the Region or State shall prescribe Region or State ministries and submit them to the President of the State; to make changes or additions in ministries, the chief minister of Region or State shall consult the Hluttaw concerned; the amended list of ministries shall be reported by the Chief minister of Region or State to the President;

4. The Chief Minister of the Region or State shall prepare the list of ministers, seek the approval of the Region or State Hluttaw and submit it to the President of the State;

5. Region or State chief minister and ministers must possess the following qualifications:

(a) they must be at least fully 35 years of age

(b) they must have qualifications prescribed for Region or State Hluttaw members;

(c) they must be loyal to the State and the citizenry.

6. Region or State Hluttaw members shall choose one Hluttaw member from among themselves, with the support of the majority, as chief minister; this nomination shall be submitted to the President of the State; the President of the State shall appoint this nominee as chief minister of Region or State.

7. When the President of the State appoints Region or State ministers, the chief minister of Region or State shall prescribe ministry or ministries each minister to take responsibility for.

8. The chief minister of Region or State shall prepare lists of chairmen of oozi apwhes of self-administered divisions and self-

administered zones and submit them to the President of the State; the President of the State shall appoint the nominees as Region or State ministers.

9. The President of the State shall report appointments of Region or State chief minister and ministers to Region or State Hluttaw and to Pyidaungsu Hluttaw.

10. Region or State ministers shall be responsible to the chief minister of Region or State.

11. Region or State government shall be responsible to Region or State Hluttaw.

12. Region or State chief minister shall be responsible to the President of the State.

13. The term of office of Region or State chief minister and ministers shall normally be as that of Region or State Hluttaw.

14. The chief minister of Region or State shall resign from the post if the person no longer enjoys the support of the majority of Region or State Hluttaw members.

15. To fill that post which falls vacant, Region or State Hluttaw members shall choose one Hluttaw member from among themselves, with the support of the majority, as chief minister; that nomination shall be submitted to the President of the State; and the President of the State shall appoint that person as chief minister.
[Self-administered areas]

In connection with self-administered division oozi aphwe or self-administered zone oozi aphwe, the following should be laid down as basic principles:

1. Self-administered division oozi aphwe or self-administered zone oozi aphwe shall be formed only after prior fixation of the minimum and maximum number of members therein.

2. These oozi aphwes shall include Region or State Hluttaw members elected from townships in self-administered division or self-administered zone.

3. For the prescribed number of oozi aphwe members, on national race representative shall be chosen by vote for each national race with at least 10,000 population, from among national races living in the self-administered division or self-administered zone.

4. If the number of Region or State Hluttaw members elected from townships in self-administered division or self-administered zone is not up to the prescribed number of oozi aphwe members, the rest shall be elected by vote.

5. One from elected oozi aphwe members shall be elected by secret ballot as chairman of self-administered division or self-administered zone.

6. For appointment of this chairman of self-administered division or self-administered zone as Region or State minister, the chief minister of Region or State shall present the nomination to the President of the State.

7. The President of the State shall appoint this nominee as chairman of self-administered division or self-administered zone.

8. Just as the chairman is elected by secret ballot from among oozi aphwe members, the secretary too shall be elected by secret ballot from among oozi aphwe members.

9. The oozi chairman shall be responsible to the chief minister of Region or State.

10. Responsibilities and rights of self-administered division or self-administered zone chairman and oozi aphwe members shall be prescribed by law.

In conclusion he said he believe their proposals will be in accord with aspirations of the entire people and that he believed a compact, firm and enduring Constitution would emerge in the not too distant future.

[National Unity Party]

U Khin Maung Gyi of National Unity Party submitted the proposal paper of the National Unity Party on formation of the chapter "The

Executive".

He said the State Law and Order Restoration Council has been striving for strengthening national solidarity, emergence of a new constitution and establishment of a peaceful, modern and developed nation. It is also found to be making necessary changes in political, economic and administrative fields to be in readiness once a new constitution is promulgated. It is also laying firm foundations in preparation for the new nation.

At the same time, National Convention delegates representing different national forces have been deliberating further to lay down basic principles to be included in writing the constitution. In so doing, an administrative structure conforming to the future Myanmar and Myanmar peoples is to be formulated after appraising the conditions past and present in the country. The National Unity Party is of the opinion that efforts are to be made for the emergence of a strong and decisive government, effectiveness and promptness in supervision and control at different levels of administration, preciseness in discharging duties and taking responsibilities, proper coordination and cooperation, paying attention to people's wishes and aspirations, being responsible to the public, emergence of democratic machinery, strengthening of an administrative system safeguarding public interests and of an administrative system which ensures the rule of law and community peace, without turning back to the structure of colonial period and based on the experiences gained during the period from the time of regaining independence to the present.

The National Convention has already laid down basic principles on separation of the three powers, application of an administrative system headed by the President and introduction of two legislative Hluttaws, and the National Unity Party supports them.
[Limited separation of powers]

The three powers are thus separated to exercise reciprocal control in order to prevent misuse of power as in the case of dictatorship by a person or a group. A specific principle has been laid down so that legislative, executive and judicial powers could be exercised by specific person and specific organizations. However, internal and external experiences indicate that the three powers could not be totally separated in practice. As such, the National Convention has also accepted the mutual contacts, mutual support and reciprocal control of the three powers.

Accordingly, the government led by the President would have to carry out effectively the decisions and laws passed by the Hluttaw which would exercise the legislative power. The legislative Hluttaw too would have to help the government's administrative duties through the passing of resolutions and introduction of relevant laws.

The Pyidaungsu Hluttaw would have to designate the Pyidaungsu Government Ministerial portfolios and the number of Pyidaungsu Ministers to enable the presidential government discharge duties effectively. This is not just an administrative undertaking. The objective of the entire Union and national objectives as well as projects throughout the country are to be taken into account to designate the Ministerial portfolios and the number of ministers. In so doing, there would be laws for each and every ministries designated [sic]. And the Ministries would have to get legal support.

Moreover, designation of Ministerial portfolios and the number of ministers is also concerned with budget allotment, financial assistance, and collection and use of revenues. As formation of Ministries is to be undertaken with the use of public funds, it is related to public interests.

So, formation of Amyotha Hluttaw represented by different areas in the Union and Pyithu Hluttaw represented by the entire mass of the country and Pyidaungsu Hluttaw's designation of Ministerial portfolios and the number of ministers are appropriate.

The President of the State, in exercising executive powers, would independently choose persons to serve as Pyidaungsu Ministers, assigning them specific duties and, portfolios jointly and so forth

in the government under his leadership.

This would reflect separation of three powers and contribute to reciprocal control. Coordination and harmonious relationship between the Legislative Hluttaw and the President would be evident.

Hence, Pyidaungsu Hluttaw should decide to designate the Pyidaungsu portfolios and the number of ministers. The President should therefore choose persons as Pyidaungsu Ministers, assign them specific duties, make changes in portfolios and take charge of administrative matters in the Pyidaungsu government.

[Local government; need for local leading bodies]

He noted the Work Committee Chairman, in connection with regional administration, had clarified that district and township administrators, who are service personnel, should be made to discharge their administrative duties continuously in the district and township levels.

The point is a missing link in democracy at different levels in the country and moreover this is like restoration of a machinery of colonial era. In the central level, election of the President and representatives for the Pyidaungsu Hluttaw are to be carried out according to democratic practices following election methods for electing people's representatives. Similar election methods are to be used in the regions, states and self-administered areas. In the district and township levels, however, each administrator would be made to discharge duties and at the most basic level of wards and village-tracts, an elder would be elected.

Pyidaungsu (Union) government is at the Union level, according to the present constitution to be written. Region or state level would have a government of its own. There would be leading bodies (Oozi Aphwe) at the self-administered divisions and self-administered zones. But according to the clarifications of the Work Committee Chairman, the practice of discharging duties group-wise in the district, township and ward/village-tract levels is omitted.

Discussing district level administration, he said the role of district level should be considered regarding administrative machinery to be included in the constitution. The district level is to serve as a link to see that policies and programmes of the Pyidaungsu government and the state/ region government are carried out by the townships and wards/villages concerned. Hence, administrative duties at district level should be carried out by district administrative leading bodies instead of an administrator. The leading bodies should be constituted with persons chosen by the respective region/state chief minister in consultation with his government. The administrator, a service personnel, is to serve as the secretary in the district leading body. The structures of administrative bodies at different levels would then conform to one another.

According to objective conditions in Myanmar, townships and ward/village-tracts are basic areas in implementing political, economic, administrative, security and social tasks. The people of different strata comprising national races live together in these areas. Administrative bodies in these areas would have to deal with the people most closely. So, administrative bodies should be formed at the township and ward/village-tract levels. It would be helpful for the emergence of democratic machinery. Then only would the public opinion, public trust and public cooperation be acquired in the basic and strategic areas in undertaking tasks.

Township leading bodies should be formed with appropriate number of chairmen of ward/village administrative committees in the township concerned. The chairman of the Township administrative body would have to be elected from among the chairmen of wards and village-tracts after due coordination among them. The township administrator, a service personnel, should serve as secretary in the township administrative leading body.

By so doing, there would be no missing link in the different levels of administration but democratic practices could be adopted throughout.

He cited the Work Committee Chairman as clarifying that ward/village-tract administrators elected by the public should serve in the ward/village-tract administration.

According to the prevailing conditions, certain large villages have become sub-townships or nearly towns because of density in population or extent of work or being located in a strategic position. It would be difficult for a person to carry out administrative duties.

A specific law should be promulgated in connection with election of ward/village-tract administrative committee specifying duties and rights.

In connection with the formation of the chapter "The Executive" the National Unity Party presented its views with the aims of flourishing of genuine multi-party democracy, formation of a strong government supported by the public, application of democratic practices in proper order at various administrative levels in the country in accord with the Constitution, formation of a democratic machinery from the base to the central level, emergence of a new enduring Constitution within the framework of National Convention objectives and basic principles laid down by the National Convention and success of the National Convention.

Mro (or) Khami National Solidarity Organization

U San Tha Aung of Kyauktaw Constituency 2, Rakhine State, National Convention delegate of Mro (or) Khami National Solidarity Organization, submitted a proposal paper on formation of the chapter the Executive.

He said the following, except Para 4, explained by the Work Committee Chairman at the National Convention Plenary Session on 2-9-94, should be laid down as fundamental principles:

1. The head of executive power of the State is the President of the State.

2. (a) the executive power of the State is distributed among the administrative organs of Pyidaungsu, regions and states;
(b) self-administrative power shall be distributed to self-administered areas as stipulated by the State Constitution.

3. Pyidaungsu Government is constituted with the following persons:

- (a) The President of the State;
- (b) Vice-Presidents;
- (c) Union Ministers;
- (d) Union Attorney-General.

4. The President of the State shall --

(a) prescribe the number of ministries as necessary and in addition, change or increase the prescribed ministries;
(b) stipulate the number of Union Ministers as necessary and in addition, increase or reduce the stipulated number.

5. Union Ministers shall possess the following qualifications:

- (a) being a person who has completed 40 years of age;
- (b) possessing qualifications prescribed for Pyithu Hluttaw representatives except age limit;
- (c) being a person who is loyal to the State and citizens.

[Region/State government]

He said the following, except Para 3, should be laid down as fundamental principles:

1. The region government is formed in each region and the state government is formed in each state;

2. The region or state government is formed with the following persons:

- (a) region or state Chief Minister;
- (b) region or state Ministers;
- (c) region or state Advocate-General;

3. The President shall --

- (a) prescribe the number of region or state ministries

as necessary and in addition, change or increase the prescribed ministries;

(b) stipulate the number of respective region or state Ministers as necessary and in addition, increase or reduce the stipulated number.

4. Region or State Chief Minister and Ministers shall possess the following qualifications:

- (a) being a person who has completed 30 years of age;
- (b) possessing qualifications prescribed for region or state Hluttaw representatives except age limit;
- (c) being a person who is loyal to the State and citizens.

He said national brethren inhabiting the Union shall enjoy equal fundamental rights and loving kindness and goodwill of the Union shall be equally dispensed to all sons and daughters of the Union, who are national races. He spoke of the unity of national races, as the saying 'blood is thicker than water', is evident in history, saying an enduring Constitution, which will rally all national races together for non-disintegration of the Union, non-disintegration of national unity, perpetuation of sovereignty and prosperity of the Union and bring about benefits to all the nationals, is being written. He said we cannot say when such an occasion will recur and so, a firm principle for the majority or minority of national races should be provided in the Constitution. [Self-administered areas]

He said the following should be laid down as detailed fundamental principles:

1. The self-administered division or self-administered zone leading body --

(a) shall be constituted with the chairman, the secretary and members all of whom are people's representatives elected by the people;

(b) shall have powers vested in them by the Constitution;

(c) shall include the minority of national races in the respective self-administered division or self-administered zone as best as possible and shall not be based on the population limit.

He said the party's proposals were based on the National Convention objectives and put forward honestly and candidly and the party had no discussions as to remaining topics. (NLM 12/13)

Dec. 13: The Plenary Session of the National Convention continued, with 523 of 590 delegates present. Proposal papers on the Executive were read by delegates from the representatives-elect delegates group [full texts]:

Representatives-elect delegates

[National Unity Party]

U Thein Tun, a representative-elect of National Unity Party from the representatives-elect delegates group said that at present the State Law and Order Restoration Council is striving for further consolidation of national unity, emergence of a new Constitution and a peaceful, tranquil and modern developed nation, effecting changes in political, economic and administrative fields as necessary to be ready for the new Constitution, building firm foundations for the new nation.

At the same time National Convention delegates representing respective political forces are going ahead stage by stage with coordination and discussions to lay down basic principles to serve as basis in writing the new Constitution; currently they are working to lay down a new form of administration reviewing those of the past and the present, and finding one suitable to the national people of the country in future; drawing lessons from experiences from the time of regaining of national Independence up to the present day and without reverting to the ancient colonial structure, the task at hand is to shape a new, strong and decisive government, to have effective and

expeditious supervision of various levels of administration, to clearly establish taking of responsibility at various levels; to have good linkage, coordination and co-operation, to heed and value the voice and aspirations of the people, to bring forth a democratic administrative machinery, to safeguard the interests of the people, and to strongly guarantee rule of law and order and community peace and tranquillity.

[Separation of powers]

He noted that a principle has already been laid down for separation of State powers, practice of the Presidential governmental system, and for having two legislative Hluttaws; and his party has concurred with that.

Separation of powers, he went on, was to control power with power, as there could develop tendencies towards dictatorial systems, abuse of powers, and one-sided persecutions when powers accumulated in the hands of an individual or group; that was why the principle was laid down for separate individuals and groups to exercise legislative power, executive power and judicial power; but in practice it was not possible to have a water-tight separation, as could be seen from experiences at home and abroad; so it has been agreed to have mutual interrelation, assistance and controls in exercise of the three powers.

The Presidential government is to give effect and life to resolutions and laws passed by the legislative Hluttaw; the legislative Hluttaw is to pass necessary resolutions and laws for effectiveness and success of the executive functions of the Presidential government.

The prescribing of Union ministries and the fixing of the number of Union ministers should be done by the Pyidaungsu Hluttaw; they are not just executive tasks; they have to be done with comprehensive view of the entire Union's objective, national aspirations; and there will also have to be legislation for ministries, and there will be necessity to augment ministries from the point of view of legislation; and it also involves budgeting and public finances; so it concerns the interests of the entire people; so it is proper that the prescribing of the number of ministers should be done by Pyidaungsu Hluttaw comprising the Amyotha Hluttaw and Pyithu Hluttaw.

After that the President is to exercise such executive powers as appointing ministers, assigning ministries etc.

In this way it concretises the separation of three powers with reciprocal control and assistance, and interrelation with harmony between the legislative Hluttaw and the Presidential government.

[Local government]

Work Committee Chairman had clarified that district and township administration should be assigned in continuation to district administrative officers and township administrative officers.

Here, there is a break in linkage of democracy in administration at various levels and it is like reviving a part of the colonial era machinery. At the central level, the President and people's representatives to sit in Pyidaungsu Hluttaw are elected by democratic process through elections; so also at Regions, States and self-administered areas, the way of elections is to be practised; but it is found that at district and township levels, administration is to be assigned to an individual administrative officer, a service personnel, and at the most primary ward and village-tract level, a community head is to be elected.

In the Constitution envisaged now, there will be Union government at Union level; there will be governments concerned at Region or State level; and there will be ophi aphwes at self-administered divisions and self-administered zones but, according to clarification by the Work Committee Chairman, it is found the style of administration by a body is obliterated at district, township and ward/village tract levels.

District level is for linkage and supervision between Union

government, Region or State government and township and ward/village tracts; district administration should be done by district administration oozi aphwe rather than by an administrative officer alone; this oozi aphwe should be formed with persons selected and assigned [by] Region or State chief minister in consultation with government ministers; the district administrative officer who is a service personnel should be assigned as secretary at the oozi aphwe; in this way the form of administration at all levels would be consistent.

Townships, wards and village tracts are most primary in implementation of political, economic, administrative, security and social works; they are also inhabited by all kinds of national races; the administrative bodies that would emerge at these levels are to work in close contact with the people and be responsible to the people; so in order to be democratic in administration at these levels, it is necessary to have administration undertaken not individually but by a body; administrative bodies should be formed at township, ward and village-tract levels; only then will it be possible to work in accord with the wishes of the people and get the confidence and co-operation of the people in the most primary areas.

The township administrative oozi aphwe should be formed with suitable number of persons from amongst ward and village-tract administrative committee chairmen in the township; the chairmen representing various wards and village-tracts are to coordinate among themselves and elect the chairman of the township administrative committee chairman [sic]; township administrative officer who is a service personnel should be assigned as secretary at the township administrative oozi aphwe; in this way there would be no break in democratic links and the form of administration at all levels would be consistent.

The Work Committee Chairman had clarified that ward and village tract administration should be assigned to ward or village tract administrators elected by the people. In the present situation, some villages are nearly as big as sub-townships or towns, by virtue of the density of population, expansion of productive activities, or location in networks of roadways; in such a situation it is difficult for a single individual to undertake administration alone; a separate law should be made on election of members of ward or village-tract administrative committees, their duties and rights and responsibilities.

In conclusion he said these are proposals made by National Unity Party with aims at flourishing of genuine multi-party democracy, formation of a strong government that has the support of the people, practising of democracy in administration consistently, emerging of a democratic machinery from the centre to the base, emerging of an enduring Constitution in accord with the basic principles laid down by the National Convention, and smooth success of the National Convention.

Lt-Col. Hla Maung (Retd)

Lt-Col. Hla Maung (Retd), representative-elect for Kya-in-Seikkyi Constituency-1, Kayin State, of representatives-elect delegates group submitted his proposal paper on the chapter "The Executive".

He said in a multi-party democracy system, the public would be united, sympathetic, disciplined and cooperative and the Head of State and all concerned in the government, Hluttaws, the Tatmadaw, administration, security and judicial departments would also be dutiful reaching in a harmonious relationship between the public and the government. Then only could law be exercised for social progress. All the people should discharge their respective duties out of their own volition in an administrative system. In brief, a government to be formed should possess the following characteristics of democracy:

- (a) power resides in the people,
- (b) the power of the government is restricted under provisions of the constitution,

- (c) the government comes into being with the agreement of the ruled,
- (d) a government capable of ensuring basic human rights,
- (e) a government of the majority respecting the rights of the minority.

A government possessing the above-mentioned characteristics, should be the one formed with those chosen from among the Pyidaungsu Hluttaw representatives and then assigned duties.

The President of the State in the government to be formed would be the Head of State but he would not be directly elected by the people. He would be elected by the electoral college which would be formed with Hluttaw representatives; the President would thus be elected by the Pyidaungsu Hluttaw. Hence the President should be directly responsible to the Pyidaungsu Hluttaw. The Pyidaungsu Hluttaw constituted with the vote of the people has exclusive right to exercise the sovereign powers. So, the President is not the head of the presidential system but he could be described as the head of the parliamentary system government led by the President.
[Central government]

So, in connection with formation of the government, the following revised proposal would be submitted:

- (1) The Head of State is the President of the State,
- (2) The Pyidaungsu Government shall be formed with the following persons --

- (a) the President,
 - (b) Vice-President,
 - (c) Union Prime Minister,
 - (d) Union Ministers,
- (3) The President of the State shall
 - (a) designate the Union government ministries as necessary. Moreover, he can make changes in and addition to the designated ministries,
 - (b) allocate the number of Union ministries as necessary. Moreover, he can increase or decrease the number of allocated number,
 - (c) the President of the State shall submit to the Pyidaungsu Hluttaw work done under the above-mentioned paragraphs 3 (a) and (b) and seek its approval.

In the parliamentary system led by the President, Pyidaungsu Hluttaw chairman would have to assign the leader of the majority of representatives-elect or leader of the coalition group to form the government. He would then become the Prime Minister and choose members of the cabinet from among the Hluttaw representatives in coordination with the President, after the approval of the Pyidaungsu Hluttaw the President should issue a gazette assigning duties.
[Independent Attorney-General]

It is appropriate for the President to appoint a qualified person as Pyidaungsu Attorney-General. It would be necessary to appoint a Deputy Attorney-General to assist the Attorney-General. But, duties of the Attorney-General are not like that of a Minister. He would have to serve as an expert to offer legal advice to the President of the State, the Prime Minister and the Hluttaws, and as such he should be able to independently discharge duties. So, it would not be appropriate to include the Pyidaungsu Attorney-General in the cabinet. He said he nothing to suggest about the Pyidaungsu Auditor-General.

[Local government]

In connection with district and township administrative systems, he said out of the elected Hluttaw representatives in the Pyithu Hluttaw, Amyotha Hluttaw and Region/ State Hluttaws those who have not been assigned full time duties should lead the district/township advisory bodies formed in the districts or townships, and the bodies should comprise those in charge of each department. Necessary committees would be formed in those bodies to deal with regional development, rule of law, regional security and defence, health and education and assign duties to those in charge of

the respective departments.

At the village level, however, only the system of public administration should be applied. The township administrative body should make arrangements to enable villagers to elect, through secret votes, a respectable person of good reputation who is able to lead them as the head of the village administration called "headman" in old days. A village-tract administrative body would have to be formed depending on the size of the villages concerned to assist that administrator. It would be appropriate for the body to carry out duties under the guidance of the township administrative body.

Every individual has the right to try to survive, live in freedom and enjoy life. Governments have been formed with people's votes not to limit those rights but to protect them. All the people are duty bound to abide by the laws to be able to enjoy the rights by all. The citizens should not be made to carry out duties through promulgation of laws or issuing orders but they should do so as civic duty. This practice should be obtained through the teachings and training by parents and teachers and through participation in social activities. Then only would they develop cooperation, mutual understanding, tolerance and duty consciousness, ultimately take part in social organizations and build a genuine democratic state, he concluded.

Dr. Hmu Thang [& U Aung Thein]

Independent representative-elect Dr. Hmu Thang of Thangtlang Constituency, Chin State, delegate of Hluttaw representatives-elect delegates group, submitted a proposal paper compiled by himself and U Aung Thein, Hluttaw representative-elect of Ywangan Constituency, Shan State, on formation of the chapter "The Executive".
[Rotating Presidency & Vice-Presidency]

He said fundamental principles regarding the Head of State as 'the Head of State is the President of the State' and regarding the executive as 'the head of executive of the State is the President of the State' have been laid down. He spoke of suggestion of delegate U Yan Kyin Maw of Shan State Kokang Democratic Party, independent representative-elect U Tuang Kho Thang of Tamu Constituency, Sagaing Division, and himself as follows:

"We are going to discuss election of Vice-President or President. Our Union of Myanmar is made up of Kachin, Kayah, Kayin, Chin, Bamar, Mon, Rakhine and Shan nationals based on liberty, equality and equal status. Hence, it is suggested that Presidential candidate or Vice-Presidential candidate be elected alternately from among Kachin, Kayah, Kayin, Chin, Bamar, Mon, Rakhine and Shan Hluttaw representatives of Hluttaw with equal number of representatives elected from regions and states as an indication of living together on equal status of all national races, and only then will the meaning of cooperation on equal status be vivid."

So, he suggested that Presidential candidate or Vice-Presidential candidate of Amyotha Hluttaw be elected from among the national races alternately.

[Attorney-General and Advocates-General]

He said Union Attorney-General and region or state Advocate-General are to give legal advice to the President and respective region or state Chief Minister and if necessary duties be unequivocally prescribed for implementation of Our Three Main National Causes, safeguarding democracy system, protecting fundamental rights and privileges of the citizens, scrutinizing whether functions of regional administrative bodies and personnel organizations are in accordance with law and if not, for submitting the matter thoroughly to the respective region or state Hluttaws. To be able to do prescribe so [sic], he said, it would be appropriate to keep Union Attorney-General and region or state Advocate-General separately without including them in the governments of the Union and regions or states. If there was such an organization as Council of People's Attorneys when the State economy was promoted under Socialist democracy central-control system so as not to cause people

to suffer, such an organization would specially be necessary now when market-oriented system, free of State control, is being practised on the basis of genuine multiparty democracy system so as to be able to protect fundamental rights and privileges of the citizens, he commented.

He proposed that Union Government or region or state governments be formed as follows:

1. Union Government is to be formed with--
 - (a) President of the State
 - (b) Vice-Presidents
 - (c) Union Ministers;
2. Region or state government is to be formed with--
 - (a) region or state Chief Minister
 - (b) region or state Ministers

If a review is made of a fundamental principle as 'the President of the State shall possess specific qualifications required of the President in addition to qualifications required to stand for election to the Hluttaw' will reveal qualifications of a Hluttaw representative, he said.

[Ministers from each region or state]

So, he said, priority should be given in appointing Union Ministers to selecting from among the Hluttaw representatives and a Union Minister is to be appointed from each of the regions and states. The Ministerial position above that is also to be selected from among Hluttaw representatives and Union Minister should be selected from among prestigious persons of intellectuals and intelligentsia and State service personnel, if they possess qualifications prescribed for Hluttaw representatives.

[Self-administered areas]

He quoted Work Committee Chairman's address on 2-9-94 as saying that to be able to appoint chairman of the self-administered division or self-administered zone leading body, a suitable person should be selected from among Hluttaw representatives after coordination between members of the respective leading body. If the right to select respective head independently of their own will is given to members of the self-administered areas, region or state Chief Minister should also be selected and appointed according to common desire after coordination between representatives of the respective region or state Hluttaw, he said, adding it would not only be conformity with democratic practices but also be appropriate if the President is to appoint the person selected as region or state Chief Minister and this will contribute to flourishing of multi-party democracy system.

[Region/State governments]

Regarding appointment and assignment of duties to region or state Chief Minister as explained by the National Convention Convening Work Committee Chairman, he said, paras 5, 6 and 7 should be amended and substituted as follows:

1. Paragraph 5 should be amended as --

'To appoint Region or State Chief Minister, the President of the State shall obtain from respective Region or State Hluttaw the name of a suitable Hluttaw representative-elect who possess prescribed qualifications'.
2. Paragraph 6 should be amended as --

'The President of the State shall appoint the Hluttaw representative selected and sent from the respective Region or State Hluttaw and approved by himself as respective Region or State Chief Minister.
3. Paragraph 7 should be amended as --

'The President shall have no authority to revoke Hluttaw representative selected and sent from the respective Region or State for appointing Chief Minister of the region or state unless he can clearly prove want of qualifications prescribed for the Region or State Chief Minister.

U Aung Thein

U Aung Thein, Hluttaw representative-elect of Ywangan

Constituency, Shan State, submitted the remaining part of the proposal paper.

He said Head of State is the President of the State and as he is the Head of State, Union Ministers, Deputy Ministers, region or state Chief Minister and Minister are directly or indirectly responsible to him.

[President should have right to fire Tatmadaw Ministers]

Similarly, assigning of Tatmadaw servicemen as Union Ministers and Deputy Ministers, prescribing ministries for them and terminating them from duty should be carried out as in the ways for other Union Ministers and Deputy Ministers, he said, adding Tatmadaw servicemen assigned duties as region Ministers or state Ministers should also be the same as other Ministers. If such matters are to be carried out after coordination with the Commander-in-Chief of Defence Services, it would not be reasonable and it can be a separate independent armed organization not related to the President of the State and the Ministry of Defence, he commented and remarked that decision of the Union Government and regional governments must be of prime importance if it is in accordance with genuine democracy means.

So, regarding appointment of Tatmadaw servicemen as Union Ministers and Deputy Ministers and Region or State Ministers, he suggested that the phrase 'after coordination with the Commander-in-Chief of Defence Services' should not be included in writing the Constitution.

[Self-administered areas]

Regarding formation of self-administered division or self-administered zone leading body, he also suggested that the following be laid down as principles to serve as bases instead of Para 4 and 8, as explained by the Work Committee Chairman:

1. to designate constituencies based on areas of national races and sub-races;
2. in designating constituencies so, if the total number of Region or State Hluttaw representatives elected from townships in the respective self-administered division or self-administered zone and representatives of national races is less than 10, more constituencies based on population are to be added till the total number is 10;
3. to form self-administered division or self-administered zone leading body with representatives of the constituencies, Region or State Hluttaw representatives elected from townships and Tatmadaw servicemen Hluttaw representatives.

[Local government]

Regarding district and township administration, he said the following should be laid down as fundamental principles:

1. to form district administrative body at district level and township administrative body at township level with people's representatives elected from respective constituencies and administrative duty is to be assigned to them;
2. to distribute executive power to these bodies as stipulated by the Constitution;
3. to prescribe the number of members of the bodies and their responsibilities, rights and privileges by enactment of separate law.

He said their discussions were based on some points of the National Convention Convening Commission Chairman's explanation, of which they had different opinions, and on a belief that a Constitution would emerge as best for the State.

He said they would be happy if their proposals would contribute to marching on a genuine democracy path.

U Tuang Kho Thang

U Tuang Kho Thang, an independent representative-elect for Tamu Township Constituency, Sagaing Division, of representatives-elect delegates group submitted his proposal paper on the chapter "The Executive".

He said the government and its members would have to be formed

with only those elected by the people, the Attorney-General and the Advocate-General should not include in the governments concerned.

So, governments should be formed as follows:

- (a) Pyidaungsu government should be formed with
 - (1) The President of the State,
 - (2) Vice-Presidents,
 - (3) Pyidaungsu Ministers,
- (b) State government should be formed with
 - (a) region or state Chief Minister,
 - (b) region or state Ministers.

[Ministers should not have to resign Hluttaw seats]

He said that in connection with appointing Ministers in the Pyidaungsu Government, the President shall

- (1) choose suitable Pyidaungsu Hluttaw representatives having prescribed qualifications from among the Pyithu Hluttaw representatives or Amyotha Hluttaw representatives. In so doing priority should be given to electing one native Pyidaungsu Hluttaw representative from each region and state,

- (2) give priority to Tatmadaw servicemen representatives out of Pyidaungsu Hluttaw representatives elected by the people in choosing the Minister for Defence and the Minister for Border Affairs. The Tatmadaw servicemen representatives thus assigned duties shall be deemed to have resigned from the Tatmadaw once they have been elected as Hluttaw representatives.

The Work Committee Chairman clarified that if the President of the State, Pyidaungsu Ministers, the Attorney-General and Deputy Attorney-General happened to be Hluttaw representatives they would have to resign from being representatives of the respective Hluttaws.

It is understood their having to resign was for separation of legislature and the executive so that administrative duties could be carried out more dutifully.

Though it is easy to substitute a non-Hluttaw representative or civil servant with a civil servant, it would not be easy to replace an elected Hluttaw representative with another person. A bye-election had to be held to elect a new Hluttaw representative.

Hence, with the exception of the President post, Hluttaw representatives having to take over administrative duties should not be made to resign from their being a hive duties should not be made to resign from their being Hluttaw representatives.

If they are to be made to resign, bye-elections should be held to elect new Hluttaw representatives.

[Local government]

It is believed the bureaucratic machinery conforming to democratic bases and democratic norms is a machinery part that contributes best to the people's democratic administration.

So, district and township level administrative bodies should be formed with persons elected by the people.

In forming administrative bodies, the chairman, vice-chairman and secretary should be those elected by the people and the district deputy commissioner or township officer of the General Administration Department would serve as joint secretary in the district/township level administrative bodies to be formed.

[Adoption of the Constitution]

After the present constitution has been written and approved, Pyithu Hluttaw would finalize the draft constitution based on the basic principles formulated by the National Convention. The draft constitution would then be passed through a referendum.

It is believed that then only would the people's democratic administration be formulated enabling people's participation.

If the State Constitution is to be drafted based on misconceptions and suspicions towards one another it would not last long though it may be good in form.

The constitution or the soul of the Union should be written based on mutual trust and faithful to one's word or the Panglong Spirit. In conclusion, he said if it is based on mutual trust and on essence of democracy, an enduring constitution would emerge. (NLM

12/14)

Dec. 14: The Plenary Session of the National Convention continued, with 517 of 590 delegates present. Proposal papers on the Executive were presented by delegates from the representatives-elect [cont.] and nationalities delegates groups [full texts]:

Representative-elect delegates

U Yaw Aye Hla of the representatives-elect delegates group said that Pyidaungsu Hluttaw would have to choose a suitable person from among the elected Hluttaw representatives to be appointed as Pyidaungsu Attorney-General and nomination would be submitted to the President. The President would have no right to reject the nomination except in the case of his being disqualified for the Attorney-General. Pyidaungsu Hluttaw would choose the Attorney-General who would thus be responsible to Pyidaungsu Hluttaw.

[Advocates-General]

Similarly, region or state Hluttaw would have to nominate an Advocate-General out of elected Hluttaw representatives and submit the nomination to the President. The President would have no right to reject the nomination except in the case of his being disqualified for the Advocate-General. The region or state Advocate-General would be responsible to the region or state Hluttaw.

The region or state Advocate-General would assist the region or state Chief Minister in legal matters. He would have to make sure that work done by the region or state governments is according to law. He would provide legal protection to people of the respective states in their damages and complaints. He should not be included in the region or state government concerned.

[Civil Service Board]

The Auditor-General and formation of the Union Civil Service Board are essential for a country. There is nothing to suggest over the Auditor-General but some suggestions would be made over the formation of the Union Civil Service Board. Progress or otherwise of a nation depends directly on performance at different levels of the civil service organizations. Effectiveness and dynamism of an administrative machinery is linked to the performance of civil servants. Hence, every government should provide opportunities for the life security and advancement of civil servants as much as they exert their efforts. As steps are under way to march toward multi-party democracy system in the country the civil service organizations should be undertaking tasks dutifully for the government that would come to power. The civil service organizations would always serve the country in spite of changes in the government. They should be loyal to the nation and free from party politics. People's representatives would make laws and the government would enforce them with the help of civil servants. Civil servants would have to play a vital role for the smooth running of the government's administrative machinery.

[Region/State Government]

If the President chooses the Chief Ministers of regions and states by himself it would amount to discarding the wishes of the region or state Hluttaws. Residents of the regions and states would lose their democratic rights. Essence of democracy would be reduced and it would then be centralised. With no need to take into account of [sic] the wishes of the region or state Hluttaws, the power of the President would grow unhindered.

In connection with secretary posts in the region or state governments, he said Region/State General Administration Department Commissioners should not serve as region or state government secretaries. Instead, he said, the region or state Chief Minister should choose one from among the region or state Hluttaw representatives and appoint him secretary. Region or State General Administration Department heads being service personnel should be responsible to the State governments and they should be assigned duties for the smooth running of functions of the region or state governments. Region or State General Administrative Departments

should be region or state government offices.

[Tatmadaw role]

Regarding Tatmadaw servicemen's role to be played in national defence and security, he recalled cooperation between the people and the Tatmadaw in struggles against colonialists and fascists, repelling KMT forces and suppressing insurgents. Tasks would not achieve success without people's cooperation nor last long, he said. The Tatmadaw was born of the people. He said the Tatmadaw is the main bulwark in national defence at the same time public support and cooperation should be taken into account.

Hence, national defence and security committees at various levels should be formed for the Tatmadaw and people's representatives to cooperate in discharging defence, security and border administration duties in the Pyidaungsu government, region or state governments or self-administered district/zone leading bodies. Then only would the people participate in defending the nation. Every citizen would then be duty bound to defend the nation.

[Union territories]

In connection with Union territory, he said he had nothing to suggest since a basic principle had already been laid down to the effect that territories that have extraordinary security, administrative and economic conditions are to be prescribed as Union territories and placed under direct administration of the President.

He noted that his proposals were based on the speech of the Work Committee Chairman given on 2 September 1994. He said he suggested only points that did not concur with those in the speech.

[National Race delegates]

U Nyi Lay

U Nyi Lay of the national race delegates group, delegate from Mohnyin Township, Kachin State, said detailed principles should be laid down as follows:

1. The executive head of the State is the President of the State;
2. (a) The executive power of the State is distributed among the Union, Regions and States;
(b) Self-administration powers are delegated to self-administered areas as prescribed by the Constitution;
3. The Union government shall be set up with the following persons:
 - (a) President of the State
 - (b) Vice-Presidents
 - (c) Union Ministers
 - (d) Attorney-General of the Union
4. The President of the State may
 - (a) prescribe Union ministries as necessary, make changes or additions thereto;
 - (b) prescribe the number of Union ministers as necessary, and increase or decrease the number;
5. Union ministers must possess the following qualifications:
 - (a) they must be at least fully 40 years of age;
 - (b) they must have qualifications prescribed for Pyithu Hluttaw members except the qualification of age;
 - (c) they must be loyal to the State and the citizenry.

In appointing Union ministers, the President should do so only after seeking the approval of Pyidaungsu Hluttaw.

The following principles should be laid down to appoint Union ministers:

1. The President shall
 - (a) choose suitable and qualified persons from among Hluttaw members as well as non-members for appointment as Union ministers;
 - (b) get nominations from the Commander-in-Chief of the Defence Services for appointment of Union ministers for defence, security, home affairs and border affairs.

2. The President is to present these nominations to Pyidaungsu Hluttaw for approval;

3. Pyidaungsu Hluttaw shall not have the right to turn down the nominations for Union ministers unless it can show clear proof of any wanting in qualifications;

4. If the Pyidaungsu Hluttaw turns down any nomination, the President shall have the right to make nominations anew and seek the approval of the Pyidaungsu Hluttaw;

5. The President is to appoint approved nominees as Union ministers and assign a ministry or ministries to each of the Union ministers;

6. If the President deems it necessary to appoint Tatmadaw members as Union ministers other than those for defence, security, home affairs and border affairs he shall proceed in coordination with the Commander-in-Chief of the Defence Services;

7. The President shall report to the Pyidaungsu Hluttaw every time it [sic] makes an appointment of Union ministers;

8. The Union ministers shall be directly responsible to the President.

The President of the State is to choose a qualified and suitable person as Attorney-General to give legal advice.

The President of the State is to choose a qualified and suitable person as Auditor-General to examine accounts of government organizations and report to Hluttaws concerned.

Union Civil Service Board is to be formed to undertake selection, training and regulation of service personnel of stipulated grade of the civil service organizations. It should be a body formed by the Constitution.

U Tint Aung

U Tint Aung of the same group, delegate from Pyu Township, Bago Division, said detailed principles should be laid down as follows:

1. Region government shall be formed in Region; State government shall be formed in State;

2. Region or State government shall be formed with the following:

- (a) Chief Minister of Region or State;
- (b) Ministers of Region or State;
- (c) Advocate-General of Region or State.

3. The President of the State may

- (a) prescribe Region or State ministries as necessary, make changes or additions thereto;
- (b) prescribe the number of Region or State ministers as necessary, and increase or decrease the number;

4. Region or State chief minister and ministers must possess the following qualifications:

- (a) they must be at least fully 35 years of age;
- (b) they must have qualifications prescribed for Region or State Hluttaw representatives except the qualification of age;
- (c) they must be loyal to the State and the citizenry.

5. To appoint as chief minister of Region or State, the President of the State shall

- (a) choose a qualified and suitable one from among Region or State Hluttaw members
- (b) present the nomination to the Region or State Hluttaw.

6. The President of the State shall appoint the Region or State Hluttaw member approved by the Region or State Hluttaw as the chief minister of Region or State.

7. Region or State Hluttaw shall have no right to turn down anyone in the nomination of the President of the Union if it cannot show clear proof of any wanting in qualifications.

U Maung Maung Ko

U Maung Maung Ko of the same group read the last part of the proposal paper.

[Self-administered area, Region/State, Union territory, & local government]

Self-administered divisions and self-administered zones need administrative bodies; they should be called self-administered division leading body (Oo-zi Aphwe) and self-administered zone oozi aphwe.

It has been laid down for areas with special conditions in State defence, security, administrative and economic aspects to be prescribed as Union territory and placed under direct administration of the President of the State; it has also been laid down that Yangon City is to be prescribed as such and placed under direct administration of the President of the State.

At district and township level, administrative work should be carried on by service organizations of district administrative officers and township administrative officers.

At the district level, along with the district administrative officer, Tatmadaw members assigned by the Commander-in-Chief of the Defence Services will participate as necessary in duties of maintaining law and order and community peace and tranquillity.

The ward and village-tract level is one with greatest contact with the people; so administration at this level should be entrusted to ward or village-tract administrators elected by the people. Their election, duties and rights should be prescribed by separate law.

He said the proposal paper just presented contained points agreed on by all in the group; there were also proposals made in addition to that by individual delegates; it is not a submission of proposals other than those agreed on by all, but just additions; he went on to submit them as part of the group's proposal paper. [Additional suggestions by individual national races delegates]

Kachin State national race delegates suggested that the chief minister of Region or State, instead of being chosen and appointed directly by the President of the State, should be elected by majority vote among Region or State Hluttaw members, and submitted to the President of the State for confirmation; they also suggested that there should be re-formation of some townships in Region or State that do not even have 0.1 per cent population.

Chin State delegates suggested districts, townships, village-tracts and wards be extensively reorganized for smoothness of regional administration and for flourishing of transport, economy and social affairs. In formation of the Union Government, he said, a Union Minister each and a Deputy Minister each should be appointed from among Hluttaw representatives elected from national races and non-Hluttaw representatives. A member each from among national races is to be included in formation of the Union Civil Service Board. A Hluttaw representative approved of their own will after coordination among themselves is to be selected as Chief Minister of the respective region or state who is to be appointed by the President of the State. It is appropriate to appoint suitable representative of the region or state Hluttaw representatives as the secretary of the respective region or state government. In district and township level administrations, a body including people's representatives should be formed for security, rule of law and community peace and tranquillity, he suggested.

Delegates of Mon State and Yangon Division suggested age limits of people's representatives, Union Minister and Deputy Minister and Region or State Chief Minister and Ministers should be revised. He said prescribing of age limits is in consideration of experience and maturity. He spoke of experience, knowledge, patriotism and loyalty to the State and people are qualifications essential for persons who are to rule the nation and said some experienced, educated persons were less loyal to the State in history. He said some persons, despite their experience and maturity, were minions of colonialism while Bogyoke Aung San, before attaining 33 years of age, was a national leader. It does not mean there should not be age limits; necessary age limits must be prescribed for the posts of Chief Justice, the Attorney-General and the Auditor-General who should have necessary technical qualifications, he said, giving a reason a person cannot be a legal expert or experienced statistician at 25.

National races delegates of Shan State desire the kind of administrative system at district and township levels in which only people's representatives, born of parents both of whom are nationals, must be included. They want privileges in addition to responsibilities and rights of elected ward or village-tract administrator to be prescribed by enactment of a separate law because they view that difficulties would occur in marching toward the aspired democracy State if British colonialists' bureaucracy administrative system were to be revived.

Delegates of Ayeyawady Division suggested a law and necessary rules be enacted when a State Constitution emerges for provision of a regional democracy administrative system, which will expeditiously and effectively bring about welfare of the people in accordance with common desire.

U Kum Je Tawng of Myitkyina Township, Kachin State, is of the view that a law should be enacted for all national races in the respective region or state to have an opportunity of being able to discharge duties as head of the region or state. Necessary measures should be taken for appointing a Deputy Chief Minister along with the Region or State Chief Minister and only would prospects be directed toward bringing about an opportunity for national races to be able to discharge alternately duties as head of respective region or state, undertaking of administrative, security, economic, development and social tasks without losing momentum and unity, mutual respect and cooperation and satisfaction in undertaking duties [sic].

He said these proposals were put forward for consideration of the National Convention and the national races delegates group would respect decisions of the Convention.

He quoted the address of the National Convention Convening Commission Chairman Lt-Gen. Myo Nyunt at the Plenary Session on 18-1-94 as saying "In connection with the executive system of the State, to mention some significant points worthy of note, it must be observed that today, unlike in the past, communications and transportation are advancing extremely rapidly in the world. All over the world, in political, economic, social and military spheres, things are happening, changing, at a fast pace, by the minute, by the hour. In order to protect the interest of one's nation, an active and dynamic executive machinery is truly needed for protecting our own national interests in accord with the changes in the international spheres. Specially, the future administrative system needs to be advanced and dynamic for perpetuating national sovereignty, safeguarding integrity of territorial land, sea and air space and preventing any harm to national interest and national integrity."

In accordance with the Commission Chairman's address, efforts are directed toward emergence of a Constitution which is in resonance with the six objectives of the National Convention, he said in conclusion. (NLM 12/15)

Plenary Session--Judiciary

Dec. 15: The Plenary Session of the National Convention continued, with 513 of 590 delegates present. Proposal papers on the Judiciary were presented by the Peasant, Worker, Intellectuals and intelligentsia, and State service personnel delegates groups [full texts of "salient points" as published in NLM]:

Peasant delegates group

U Kyaw Nyein, delegate from Kalaw Township, Shan State, from the peasant delegates group said he would present the first part of the group's paper on "The Judiciary" to be included in the State Constitution.

He said correct and fair administration of justice in the country would win public reliance and confidence in the State and then lead to people's progress. In other words, administration of justice and the rule of law are basic requirements for peace and stability and modernity and development of the nation. One of the six

objectives of the National Convention is "further flourishing of noblest and worthiest of worldly values namely justice, liberty and equality in the State."

He said basic principles should be laid down in connection with distribution of judicial powers to civil courts, military courts and constitutional tribunal.

[Union courts]

As basic principles have already been laid down, the Pyidaungsu (Union) Hluttaw is concerned with the whole of the Union. Moreover, it is responsible for supervision of different levels of civil courts. Hence the name of the Union Hluttaw should be called "Pyidaungsu Taya Hluttaw-chok" (Supreme Court of the Union).

So, detailed basic principles should be laid down in connection with distribution of judicial powers as follows:

Judicial powers of the State shall be distributed as follows:

- (a) Supreme Court of the Union,
High Courts of the Regions,
High Courts of the States,
Courts of the Self-Administered Divisions,
Courts of the Self-Administered Zones,
District Courts,
Township Courts,

courts established according to law and judges appointed according to law, under provisions of the State Constitution or other laws,

- (b) Courts-martial under provisions of the State Constitution or other laws,

- (c) Constitutional Tribunal under the provisions of the State Constitution.

In laying down basic principles in connection with appointment of Union judges, the President of the State should nominate them in consultation with the Union (Supreme Court of the Union) Chief Justice, and appoint them as Union judges with the approval of the Pyidaungsu Hluttaw.

Hence, basic principles should be laid down on the formation of courts at different levels as follows:

1. in the State is constituted one Supreme Court of the Union, the Supreme Court of the Union is the supreme law court of the State which shall not affect judicial powers vested in the Constitutional Tribunal and courts-martial.

2. (a) the Head of the Supreme Court of the Union shall be called Chief Justice of the Union,

2. (b) minimum number of seven to maximum number of 11 Supreme Court judges including the Chief Justice of the Union shall be appointed,

3. (a) the President shall appoint the person nominated by him and approved by the Pyidaungsu Hluttaw the Chief Justice of the Union,

3. (b) the Pyidaungsu Hluttaw shall not have the right to reject the person nominated by the President for appointment of the Chief Justice of the Union unless it can show clear proof of any wanting of qualifications prescribed in the Constitution,

- 4 (a) the President shall compile a list of nominees in coordination with the Chief Justice of the Union for submitting it to the Pyidaungsu Hluttaw and appoint the person approved by the Pyidaungsu Hluttaw as a judge of the Supreme Court,

- 4 (b) The Pyidaungsu Hluttaw shall not have the right to reject a person in the list nominated by the President for appointment of a judge of the Supreme Court unless it can show clear proof of any wanting in qualifications prescribed in the Constitution.

U Kyi Tint

U Kyi Tint of peasant delegates group of Danubyu Township, Ayeyawady Division, submitted the remaining part of the paper.

[Region or State courts]

Regarding administration of justice, he suggested the already adopted fundamental principle 'a region Taya Hluttaw (Region High

Court) is constituted in each of the states' should be provided in the chapter the Judiciary.

So, regarding the matters, the following should be laid down as detailed principles to serve as bases:

1. There shall be one High Court of the Region in each region and one High Court of the State in each state.

2. (a) The head of the High Court of the Region in respective regions and the head of the High Court of the State in respective states shall be called Chief Justice of the Region or Chief Justice of the State respectively;

(b) At least three and maximum seven Judges of the High Court of the Region or Judges of the High Court of the State including Chief Justice of the High Court of the Region or State can be appointed to the High Court of the Region or High Court of the State.

3. (a) The President of the State is to compile a nomination list for the appointment of the Chief Justice of the High Court of a Region or a State and a nomination list for the appointment of Judges of the High Court of the Region or the State, in consultation with the Chief Justice of the Union and the Chief Minister of the Region or State concerned, and send them to the Region or State Hluttaws concerned;

(b) The President of the State shall appoint persons approved by the respective Region or State Hluttaws as the Chief Justice of the High Court of the Region or State and as Judges of the High Court of the Region or State for the respective regions and states;

(c) A region Hluttaw or a state Hluttaw shall have no right to reject nominees of the President of the State for the appointment of the Chief Justice of the High Court of the Region or the State and nominees for the appointment of Judges of the High Court of the Region or the State unless it can show clear proof of want of qualifications prescribed for the Chief Justice of the Region or the State or Judges of the High Court of the Region or the State. [Lower courts]

Regarding formation of various levels of courts under the High Court of the region or state, the following should be laid down as principles to serve as bases:

(a) if there is no self-administered area in the region or state

- (1) district courts
- (2) township courts

(b) if there is a self-administered area in the region or state

- (1) In the self-administered division
 - (aa) court of the self-administered division
 - (bb) township courts
- (2) In the self-administered zone
 - (aa) court of the self-administered zone
 - (bb) township courts
- (3) In other areas
 - (aa) district courts
 - (bb) township courts

(c) in Union territory

- (1) district courts
- (2) township courts

(d) other courts set up by law.

He said the address of the State Law and Order Restoration Council Secretary-1 Lt-Gen. Khin Nyunt at a work coordination meeting of state, division and district-level judges and district-level judges and state and district-level law officers on 22 August 1994 clearly spotlighted aspects of the present system of one-judge administration of justice and spoke of the weaknesses of the system. He quoted the Secretary-1 as saying, "Decisions of courts of origin, had to be revised in many cases; punishments were meted out for 85.2 per cent of cases already completed with acquittals in the period

from 1-5-93 to 30-6-94; for these irregularities, action has been taken against 434 judges and judicial personnel and even then there has been no effectiveness."

He attributed this to vesting of the judicial power only in one judge.

[Joint judge/people justice]

The present Constitution is to be written to be as best and appropriate as possible, with a long-term interest of the people taken into consideration and lessons drawn from the past and the present, he noted. He said it would not be sufficient to appoint a single legal expert, judge, as civilian personnel and power is vested in him in all courts except the Pyidaungsu Taya Hluttawgyok (Supreme Court of the Union) and region or state Taya Hluttaw (region or state High Court). He pointed out that township and district levels are in close contact with people and if judicial power is vested in only one civil personnel, there will be misuse of power for self-interest.

So, he said, a suitable system of administration of justice for the future democracy State in district and township levels should be administration of justice by the legal expert, judge, jointly with the people, adding it is time to adopt a system of administering justice by joint undertaking.

He said peasant delegates believe in all seriousness that putting forward fine suggestions to the National Convention for emergence of an enduring Constitution, having welfare of the future democracy State in view, is discharging a national duty.

He said the delegate group would continue to submit good suggestions, based on 104 fundamental principles already laid down and in conformity with the six objectives of the National Convention.

Worker delegates group

U Khin Maung Swe of worker delegates group, delegate from Hline Township, said detailed principles should be laid down as follows:

Judicial powers of the State are distributed as follows

(a) by the Constitution or by other law, to the Supreme Court of the Union, High Courts of the Region, High Courts of the State, courts of self-administered division, courts of self-administered zone, district courts, township courts and other courts established by law, and judges appointed in accord with law;

(b) by the Constitution or by other law, to the courts-martial;

(c) by the Constitution, to the Constitutional Tribunal.

[Union courts]

Detailed principles should be laid down also as follows:

1. There shall be established a State Constitution of the Union; without infringing upon the powers of the Constitutional Tribunal and the courts-martial, the Supreme Court of the Union is the highest court of law of the State.

2. (a) The head of the Supreme Court of the Union shall be called Chief Justice of the Union;

(b) In the Supreme Court of the Union, there may be appointed a minimum of seven and a maximum of eleven judges of the Supreme Court, inclusive of the Chief Justice of the Union.

3. (a) The person nominated by the President of the State and approved by the Pyidaungsu Hluttaw shall be appointed Chief Justice of the Union by the President of the State;

(b) The Pyidaungsu Hluttaw shall have no right to turn down the nomination for the Chief Justice of the Union presented by the President of the State, unless it has clear proof of any wanting in qualifications prescribed by the Constitution.

4. (a) Persons nominated by the President of the State in consultation with the Chief Justice of the Union, and approved by the Pyidaungsu Hluttaw shall be appointed judges of the Supreme Court by the President of the State;

(b) The Pyidaungsu Hluttaw shall have no right to turn down the nomination for the judges of the Supreme Court presented by the President of the State, unless it has clear proof of any wanting

in qualifications prescribed in the Constitution.

[Qualifications]

He said persons exercising judicial powers must be free of unfairness due to one's own wish, anger, fear or ignorance; judges of the Union should be free of party politics and should not be Hluttaw members; so detailed principles should be laid down as follows:

The Chief Justice of the Union and judges of the Supreme Court shall have the following qualifications:

(a) they shall be not younger than 50 and not older than 70 years of age;

(b) they shall have qualifications required of Pyithu Hluttaw members, except that for stipulation of age;

(c) (1) they shall have served at least five years as judges of the High Court of the Region or State (or)

(2) if they are judicial or law service personnel, they must have served at least ten years at a post not lower than Region or State level (or)

(3) they must have been handling cases at least 20 years as an advocate (or)

(4) persons deemed by the President of the State as law experts of high reputation;

(d) they must be loyal to the State and the citizenry;

(e) they must not be members of any political party;

(f) they must not be members of Hluttaw.

[Termination]

He also proposed the following detailed principles:

If a chief justice of the Union or a judge of the Supreme Court commits the following, the President of the State may order that person to resign or terminate that person's performance of duties:

(a) a breach of allegiance to the State;

(b) violation of provisions of the Constitution;

(c) moral turpitude;

(d) loss of qualifications required of the chief justice of the Union or judge of the Supreme Court as prescribed in the Constitution. (NLM 12/16)

Worker delegates group [cont.]

U Kyaw Nyunt (a) U Nyunt Lwin of the worker delegates group, of Loikaw Township, Kayah State, said the following should detailed principles should be laid down:

1. The chief justice or a judge of the high court of the Region or State may be impeached for commitment of the following:

(a) breach of allegiance to the State;

(b) violation of provisions of the Constitution;

(c) moral turpitude;

(d) loss of qualifications required of the chief justice or judge of the high court of the Region or State as prescribed in the Constitution.

2. A motion to impeach the chief justice or a judge of the high court of the Region or State shall be signed by at least three fourths of the total number of Region or State Hluttaw members and submitted to the chairman of the Region or State Hluttaw.

3. The chairman of the Region or State Hluttaw shall have the accusations investigated by an inquiry committee, stipulating the time allowed for inquiry depending on the volume of work to be carried out in the inquiry.

4. In the inquiry, the person accused shall be given right of defence in person or through a representative.

5. If the inquiry committee submits it finds the accusations are right, the chairman of the Region or State Hluttaw is to report to the Region or State Hluttaw; if two thirds of the total number of Region or State Hluttaw members decide that the accusations are right and the accused person should not continue to serve as chief justice or judge of the high court of Region or State, the chairman of the Hluttaw is to report it to the President of the State.

6. Thereupon, the President of the State shall terminate the performance of duties of that person as chief justice or judge of the

high court of the Region or State.

7. If the Region or State Hluttaw decides the accusations are not right, it shall be so reported by the chairman of the Hluttaw to the President of the State.

[Urgent need for legal ethics]

At present, he said, there were seen acts that marred administration of justice and judges were persons most responsible to keep the pillar of justice upright; it was important that they refrained from using for their own personal gain the powers conferred by the State; they must try to make the court a place of congregation by persons of integrity, or whom the people relied to help prevent loss to the people by law; judges have responsibility to abide by laws, rules and regulations, while upholding their own personal integrity and staying free of any wrongdoing or corruption; forces on the side of law in seeking the truth, such as law officers, lawyers and prosecuting organizations too have to perform their duties and exercise their rights with honesty and sincerity; lawyers should avoid striving only to win their cases without regard to truth; only when there is righteousness, fairness, and consideration will there flourish a righteous and fair judicial system; only then will the country prosper, and the people have confidence in and love the government and personnel in the service of the State.

He said their group had presented proposals and the National Convention could coordinate and deliberate on them in accord with the will of the majority.

Intellectuals and intelligentsia delegates

U Ye Dwe, delegate of the intellectuals and intelligentsia delegates group, submitted the proposal paper of the group on the chapter "The Judiciary".

He said clarifications of Chairman of the National Convention Convening Work Committee highlighted the courts at different levels to be established in future. They are found to be in conformity with the form of the future administrative machinery. Hence, points clarified by the Work Committee Chairman should be laid down as basic principles.

The Supreme Court of the Union is the supreme law court of the State which shall not affect judicial powers vested in the Constitutional Tribunal and courts-martial. It would have to supervise the functions of Region or State High Courts and courts under their charge. Criminal cases occurred in the Region, States and self-administered divisions are to be sent to the Region or State High Courts. Only cases not satisfied with the decisions of these courts would be sent to the Supreme Court of the Union. So, it is appropriate to constitute the Supreme Court of the Union with a minimum number of seven to a maximum number of 11 Supreme Court Judges including the Chief Justice of the Union to cope with the high volume of work.

In connection with appointment of the Chief Justice of the Union, it had been clarified that the President shall appoint the person nominated by him and approved by the Pyidaungsu Hluttaw the Chief Justice of the Union, and that the President shall compile a list of nominees in consultation with the Chief Justice of the Union for submitting it to the Pyidaungsu Hluttaw and appoint the person approved by the Pyidaungsu Hluttaw a judge of the Supreme Court of the Union. Since it is most appropriate it should be laid down as basic principle.

Similarly in the case of appointing the Chief Justice and judges of the High Court of a Region or State, it had been clarified the President shall nominate the Chief Justice and judges of the High Court of a Region or State in consultation with the Chief Justice of the High Court of the Region or State concerned with the approval of the Region or State Hluttaw concerned. This should also be laid down as basic principle.

["Good reputation" better than "high reputation"]

Regarding qualifications to be prescribed for Chief Justice and

judges of the Supreme Court of the Union and Chief Justice and judges of the High Court of a Region or State, the Work Committee Chairman clarified "persons deemed by the President as law experts of high reputation". Instead it should be "deemed by the President as law experts of good reputation". It would then carry more meaningful essence and their qualities of being good and able persons become more evident. So, it is suggested to take into account of this point.

Truly, judges should be free from party politics and they should not be Hluttaw representatives. Then only would they be prevented from misusing judicial powers.

[Qualifications of Region or State Judges]

As regards prescribing qualifications for Chief Justice and judges of the Region or State High Court concerned, basic principles should be laid down that

-- Chief Justice of the Region or State High Court shall have the following qualifications:

(a) they shall be not younger than 45 years and not older than 65 years of age,

(b) they shall have qualifications required of Region or State Hluttaw members, except that for stipulation of age;

(c) (1) If they are judicial or law officers, they must have served at least five years at a post not lower than region or state level or at least 10 years at a post not lower than district level (or)

(2) they must have handled cases for 15 years as an advocate (or)

(3) deemed by the President as law experts of good reputation,

(4) they must be loyal to the State and the citizenry,

(5) they must not be members of any political party,

(6) they must not be members of Hluttaw.

In conclusion, he said the intellectuals and intelligentsia delegates group had just submitted slight changes to be made in the clarifications of the Work Committee Chairman after thorough study and deep consideration. He said he hoped the points would be given due attention.

[State service personnel delegates]

Col. Aung San

Col. Aung San of State service personnel delegates group submitted a proposal paper compiled by the group on the chapter The Judiciary.

He said the following should be laid down as detailed principles to serve as bases concerning the distribution of judicial power of the State:

-- The judicial power of the State is distributed

(a) in accordance with the Constitution or by other laws among Pyidaungsu Taya Hluttawgyoke (Supreme Court of the Union), region Taya Hluttaws (High Courts of the States, courts of the self-administered divisions, courts of the self-administered zones, district courts, township courts, other courts constituted by law and judges appointed in accordance with law;

(b) in accordance with the Constitution or by other laws, among courts-martial, and

(c) in accordance with the Constitution, to the Constitutional Tribunal.

Regarding the appointment of Pyidaungsu Taya Thugyigyoke (Chief Justice of the Union), he said the President of the State, the head of State, should appoint the Chief Justice with the approval of the legislative body Pyidaungsu Hluttaw (Union Hluttaw). It should be provided in the Constitution when the Union Hluttaw may reject any of the persons in a list nominated by the President of the State and this conveys the manner of reciprocal check, control and balance between the President and the Hluttaw, the legislative body.

Similarly, he said, the President of the State should compile a list of names in consultation with the Chief Justice of the Union and appoint Pyidaungsu Taya Thugyimyar (Judges of the Supreme Court) with the approval of the Union Hluttaw. It should be provided in the Constitution when the Union Hluttaw may reject nominees of the President of the State.

Regarding appointment of the Chief Justice of the Union and Judges of the Supreme Court, their qualifications should be prescribed, he said. The person to be appointed to the post at the highest court of the State must have qualifications such as loyalty to the State, adherence to the laws in accordance with the Constitution, having experience in judicial duties, having personal integrity and being within the age limit and having other qualities to be able to carry out his tasks dutifully.

Judges must not only be a test stone [sic] in terms of loyalty to the State they must also be persons born of parents both of whom are nationals, he noted and said that except for age limit, they must possess qualifications prescribed for Pyithu Hluttaw representatives, being free of party politics and must not be Hluttaw representatives.

He said the National Convention Convening Work Committee Chairman had thoroughly dealt with qualifications of Chief Justice of the Union and Judges of the Supreme Court and expressed support to the point '...have been an advocate of the Taya Hluttaw (High Court) of at least 20 years' standing'. In prescribing so, posts and period of discharging judicial duties should also be included.

Military servicemen serving in the posts discharging judicial duties in the Tatmadaw and civil personnel serving in the posts in the judicial organizations are found to be of same nature of work, and similar provision is also found in Section 142 Sub-section 3 of the 1947 Constitution, he said. He proposed that in prescribing as a qualification '...have been an advocate of the Taya Hluttaw (High Court) of at least 20 years' standing' for the Chief Justice of the Union and Judges of the Supreme Court, periods in which he has discharged judicial duties should be included.
[75 age limit instead of 70]

He said the proposed age limits for the Chief Justice of the Union and Judges of the Supreme Court are found to be 50 years for the youngest age and 70 years for the oldest age and proposed the maximum age be prescribed as 75, citing a reason that the Chief Justice and Judges of the High Court of the region or state, not younger than 45 years and not older than 65 years, who will have had experiences in the post, will have only scant opportunity to be able to go on to discharge duties as the Chief Justice of the Union or Judges of the Supreme Court.

So, he suggested, it should be provided in para (a) of prescribing qualifas to be able to protect fundamental rights and privileges of the citizens, he commented.

He proposed that Union Government or region or state governments be formed as follows:

1. Union Government is to be formed with--
 - (a) President of the State
 - (b) Vice-Presidents
 - (c) Union Ministers;
2. Region or state government is to be formed with--
 - (a) region or state Chief Minister
 - (b) region or state Ministers

If a review is made of a fundamental principle as 'the President of the State shall possess specific qualifications required of the President in addition to qualifications required to stand for election to the Hluttaw' will reveal qualifications of a Hluttaw representative, he said.

[Ministers from each region or state]

So, he said, priority should be given in appointing Union Ministers to selecting from among the Hluttaw representatives and a Union Minister is to be appointed from each of the regions and states. The Ministerial position above that is also to be selected

from among Hluttaw representatives and Union Minister should be selected from among prestigious persons of intellectuals and intelligentsia and State service personnel, if they possess qualifications prescribed for Hluttaw representatives.
[Self-administered areas]

He quoted Work Committee Chairman's address on 2-9-94 as saying that to be able to appoint chairman of the self-administered division or self-administered zone leading body, a suitable person should be selected from among Hluttaw representatives after coordination between members of the respective leading body. If the right to select respective head independently of their own will is given to members of the self-administered areas, region or state Chief Minister should also be selected and appointed according to common desire after coordination between representatives of the respective region or state Hluttaw, he said, adding it would not only be conformity with democratic practices but also be appropriate if the President is to appoint the person selected as region or state Chief Minister and this will contribute to flourishing of multi-party democracy system.

[Region/State governments]

Regarding appointment and assignment of duties to region or state Chief Minister as explained by the National Convention Convening Work Committee Chairman, he said, paras 5, 6 and 7 should be amended and substituted as follows:

1. Paragraph 5 should be amended as --

'To appoint Region or State Chief Minister, the President of the State shall obtain from respective Region or State Hluttaw the name of a suitable Hluttaw representative-elect who possess prescribed qualifications'.

2. Paragraph 6 should be amended as --

'The President of the State shall appoint the Hluttaw representative selected and sent from the respective Region or State Hluttaw and approved by himself as respective Region or State Chief Minister.'

3. Paragraph 7 should be amended as --

'The President shall have no authority to revoke Hluttaw representative selected and sent from the respective Region or State for appointing Chief Minister of the region or state unless he can clearly prove want of qualifications prescribed for the Region or State Chief Minister.'

U Aung Thein

U Aung Thein, Hluttaw representative-elect of Ywangan Constituency, Shan State, submitted the remaining part of the proposal paper.

He said Head of State is the President of the State and as he is the Head of State, Union Ministers, Deputy Ministers, region or state Chief Minister and Minister are directly or indirectly responsible to him.

[President should have right to fire Tatmadaw Ministers]

Similarly, assigning of Tatmadaw servicemen as Union Ministers and Deputy Ministers, prescribing ministries for them and terminating them from duty should be carried out as in the ways for other Union Ministers and Deputy Ministers, he said, adding Tatmadaw servicemen assigned duties as region Ministers or state Ministers should also be the same as other Ministers. If such matters are to be carried out after coordination with the Commander-in-Chief of Defence Services, it would not be reasonable and it can be a separate independent armed organization not related to the President of the State and the Ministry of Defence, he commented and remarked that decision of the Union Government and regional governments must be of prime importance if it is in accordance with genuine democracy means.

So, regarding appointment of Tatmadaw servicemen as Union Ministers and Deputy Ministers and Region or State Ministers, he suggested that the phrase 'after coordination with the Commander-in-Chief of Defence Services' should not be included in writing the Constitution.

[Self-administered areas]

Regarding formation of self-administered division or self-administered zone leading body, he also suggested that the following be laid down as principles to serve as bases instead of Para 4 and 8, as explained by the Work Committee Chairman:

1. to designate constituencies based on areas of national races and sub-races;
2. in designating constituencies so, if the total number of Region or State Hluttaw representatives elected from townships in the respective self-administered division or self-administered zone and representatives of national races is less than 10, more constituencies based on population are to be added till the total number is 10;
3. to form self-administered division or self-administered zone leading body with representatives of the constituencies, Region or State Hluttaw representatives elected from townships and Tatmadaw servicemen Hluttaw representatives.

[Local government]

Regarding district and township administration, he said the following should be laid down as fundamental principles:

1. to form district administrative body at district level and township administrative body at township level with people's representatives elected from respective constituencies and administrative duty is to be assigned to them;
2. to distribute executive power to these bodies as stipulated by the Constitution;
3. to prescribe the number of members of the bodies and their responsibilities, rights and privileges by enactment of separate law.

He said their discussions were based on some points of the National Convention Convening Commission Chairman's explanation, of which they had different opinions, and on a belief that a Constitution would emerge as best for the State.

He said they would be happy if their proposals would contribute to marching on a genuine democracy path.

U Tuang Kho Thang

U Tuang Kho Thang, an independent representative-elect for Tamu Township Constituency, Sagaing Division, of representatives-elect delegates group submitted his proposal paper on the chapter "The Executive".

He said the government and its members would have to be formed with only those elected by the people, the Attorney-General and the Advocate-General should not include in the governments concerned.

So, governments should be formed as follows:

- (a) Pyidaungsu government should be formed with
 - (1) The President of the State,
 - (2) Vice-Presidents,
 - (3) Pyidaungsu Ministers,
- (b) State government should be formed with
 - (a) region or state Chief Minister,
 - (b) region or state Ministers.

[Ministers should not have to resign Hluttaw seats]

He said that in connection with appointing Ministers in the Pyidaungsu Government, the President shall

- (1) choose suitable Pyidaungsu Hluttaw representatives having prescribed qualifications from among the Pyithu Hluttaw representatives or Amyotha Hluttaw representatives. In so doing priority should be given to electing one native Pyidaungsu Hluttaw representative from each region and state,
- (2) give priority to Tatmadaw servicemen representatives out of Pyidaungsu Hluttaw representatives elected by the people in choosing the Minister for Defence and the Minister for Border Affairs. The Tatmadaw servicemen representatives thus assigned duties shall be deemed to have resigned from the Tatmadaw once they have been elected as Hluttaw representatives.

The Work Committee Chairman clarified that if the President of the State, Pyidaungsu Ministers, the Attorney-General and Deputy Attorney-General happened to be Hluttaw representatives they would have to resign from being representatives of the respective Hluttaws.

It is understood their having to resign was for separation of legislature and the executive so that administrative duties could be carried out more dutifully.

Though it is easy to substitute a non-Hluttaw representative or civil servant with a civil servant, it would not be easy to replace tional Convention continued, with 515 of 590 delegates present. Proposal papers on the Judiciary were presented by the Other Invited Persons delegates group, and by several parties in the Political parties delegates group.

[Other Invited Persons delegates group]

Dr. Maung Maung Sein, Medical Superintendent of the Psychiatric Hospital (Retd), delegate of the other invited person delegates group, submitted the group's proposal on the chapter "The Judiciary".

He said the group had noted specific points contained in the address of the National Convention Convening Commission Chairman delivered on 2 September 1994 stressing the need to make relevant changes in social, administrative and other fields from the base in conformity with political and economic changes taking place in the country, and that a new constitution is essential. The group discussed and coordinated points in connection with the formation of the chapter "The Judiciary" from 18 October 1994 to 20 January 1995 after a thorough study of the clarifications of the Work Committee Chairman.

He said delegates of the group compiled papers of their own in earnest numbering 20 and discussed them. All believed basic principles suggested in this collectively compiled proposal paper would be essential one for the formation of the chapter "The Judiciary".

Emphasizing the importance of the Judiciary in nation-building process, he said the nation would be strong if the judiciary is firmly based. Every citizen, regardless of their race or religion, should be equal before the law. The judiciary pillar would have to do its best to provide justice for every citizen, he said.

He added that the judiciary pillar should be dependable for progress and life security of every citizen. Hence, the judiciary in the constitution of the State should be formed in most specific terms, he said.

He then suggested the following in connection with distribution of judicial powers.

-- judicial powers of the State shall be distributed as follows:

- (a) Supreme Court of the Union,
High Courts of the Regions,
High Courts of the States,
Courts of the Self-Administered Divisions,
Courts of the Self-Administered Zones,
District Courts,
Township Courts,
courts established according to law and judges

appointed according to law, under provisions of the State Constitution or other laws,

- (b) Courts-martial under provisions of the State Constitution or other laws,

- (c) Constitutional Tribunal under the provisions of the State Constitution

He said courts at different levels should be set up. Basic principles on the Supreme Court, status of that court, appointment of judges and the terms to be called and the number to be appointed should be laid down.

The invited person delegates group agreed that the Supreme Court of the Union should be called "Pyidaungsu Taya Hluttaw-chok",

the chief of the Supreme Court "Chief Justice of the Pyidaungsu (Union)", and judges of the Supreme Court "Pyidaungsu (Union) judges".

Considering the status of Supreme Court of the Union, judicial powers to be vested, duties, rights and volume of work, the number of Union judges including the Chief Justice should be a minimum of seven and a maximum of eleven.

Regarding qualifications to be prescribed for the appointment of the Chief Justice and judges of the Union, basic principles should be laid down on age limits, allegiance to the State, good character and conduct, rights and responsibilities, citizenship, to be born of parents both of whom are citizens, possessing qualifications prescribed for Pyithu Hluttaw representatives, rich experience, ability to exercise the three powers -- the legislative, the executive and the judiciary separately, ability to exercise reciprocal control of the powers, free from party politics, being not a Hluttaw member and so forth.

He also suggested that when there arises a situation in which the Chief Justice of the Union or the judges of the Union should not be allowed to continue their service it should be included in the constitution vesting powers in the President of the State or Pyidaungsu Hluttaw what procedures are to be followed. He then suggested thus in connection with vesting powers in the President. [Ouster and departure of Judges]

-- If the Chief Justice of the Supreme Court of the Union or a judge of the Union infringes any of the undermentioned points, then the President of the State has the right to order that person to resign and to remove him from office if he fails to comply with the order--

- (a) treason
- (b) violation of the provisions of the Constitution,
- (c) misconduct,
- (d) being disqualified for the post of the Chief Justice of the Union or judge of the Union as prescribed in the Constitution.

With the exception of the President's ordering to resign and removing from the post, the Chief Justice of the Union and Judges of the Union shall have the right to serve till they are fully 70 years of age if there does not arise any of the following reasons such as voluntary resignation, termination of service after impeachment, becoming unfit to continue service for permanent disability due to physical or mental impairment as certified by a medical board prescribed by the State, death or for any other reason.

He then suggested specific laws should be promulgated to prescribe the status, responsibilities, rights and privileges of the Chief Justice of the Union and Judges of the Union and to prescribe the status of the Chief Justice of the Union to be the same status as the Vice-President, that of the judges of the Union to be the same status as Union Ministers.

Regarding formation of Region and State Hluttaws, the Union would be constituted with seven Regions and seven States plus Union territories, he said. Regions and States are equal in status. In the administration of justice, he said, basic principles have been laid down that there would be one High Court of the Region in each region and one High Court of the State in each state. It is appropriate and it should be laid down in the administration of justice.

He also suggested the heads of the respective Region and State High Courts should be called "Chief Justice of the High Court of the Region" or "Chief Justice of the High Court of the State"; judges of those High Courts should be called "judges of the Region" or "judges of the State". The required number of judges should be appointed and assigned duties in the respective High Courts considering the judicial powers, responsibilities and rights as well as the volume of work. Hence, there should be a minimum number of three and a maximum number of seven judges including the Chief Justice at the High Courts of the Region and the State.

U Dabang Nokle

U Dabang Nokle of other invited delegates group submitted the remaining part of the proposal paper.
[Region/State courts]

In connection with the qualifications of the Chief Justice and Judges of High Courts of regions or states, he said, the following should be laid down as detailed principles to serve as bases:

-- The Chief Justice and Judges of High Courts of regions or states must have the following qualifications:

(a) they should not be younger than 45 years of age and not older than 65 years of age;

(b) with the exception of age limit, they must have the qualifications prescribed for region or state Hluttaw representatives;

(c) (1) if they are judicial officers or law officers, they should hold the post not lower than that of region or state level for at least five years or not lower than that of district level for at least 10 years; or

(2) if they are advocates they should have not less than 15 years' service; or

(3) those regarded by the President of the State as well-known legal experts of good reputation;

(d) those who are loyal the State and the citizens;

(e) they shall not be political party members;

(f) they shall not be Hluttaw representatives.

[Termination of judges]

He said there may arise a situation in which the Chief Justice or Judges of the High Court of region or state should not continue to hold the post. In such a situation it is necessary to prescribe explicitly in the Constitution what steps should be taken either by the President or by the respective region or state Hluttaw. In the basic principles laid down in the chapter on the State at the previous Plenary Session, it is stated 'the Head of State is the President of the State,' and 'the President of the State represents the Union'. In accordance with this principle as the President is the Head of State and also represents the Union, basic principles should be laid down giving the right to the President to order the Chief Justice or Judges of High Courts of region or state he himself has nominated in consultation with the Chief Justice of the Union and Chief Minister of the region or state concerned and then appointed and assigned duties with the approval of region or state Hluttaw concerned, to resign for what kinds of reasons and the right to order them to be removed from office.

He said rights should be given to region or state Hluttaws, for using the method of impeaching the Chief Justice or Judges of High Courts of region or state and removing them from office. In connection with the method of impeaching by region or state Hluttaw, there is only one Hluttaw at region or state level and a written proposal signed by at least one-fourth of the total membership of Hluttaw of region or state shall be submitted to the chairman of the Hluttaw concerned. The chairman of the Hluttaw concerned shall cause the charge to be investigated by forming a commission. The chairman of the Hluttaw is to report to the region or state Hluttaw on the results of the investigation submitted to him by the investigation committee. If it is found that the charge is correct and that the Chief Justice or Judge of High Court of region or state is not fit to continue in office, then it is to be supported by not less than two thirds of the total membership of the Hluttaw of the region or state and the chairman of the Hluttaw is to submit the matter to the President who shall then order removal of that person from office.
[Terms of office]

He said it will be necessary to prescribe the normal term of office of the Chief Justice and Judges of the High Court of the region or state, except in cases in which the President of the State orders resignation or termination of service of any of them. Like the Chief Justice of the Union and Judges of the Supreme Court, they should have the right to serve up to the age of 65 years, except in

cases of voluntary resignation, termination of service after impeachment, becoming unfit to continue service for permanent disability due to impairment of physical or mental health as certified by the medical board prescribed by the State or for some other reason, or in the case of one passing away.

[Conflicts of interest]

In connection with the need for the Chief Justice and Judges of the High Court of the region or state to be free of party politics and to retire from civil service, it should be laid down, as detailed principles to serve as bases:

1. The Chief Justice and Judges of the High Court of the region or state shall be free of party politics;

2. The Chief Justice and Judges of the High Court of the region or state, if they happen to be civil servants, shall be considered as having retired from the civil service from the date they are appointed as Chief Justice or Judge of the High Court of the region or state.

[Local courts]

He said only two levels of courts should be formed under the High Court of the region or state -- the self-administered division court if there is a self-administered division in the region or state, and township court; or self-administered zone court if there is a self-administered zone in the region or state, and township court; in areas other than self-administered division or zone, there should only be district court and township court. In Union territories, if necessary, there may be districts and townships. So, district courts and township courts are to be formed in Union territories.

He said there may be other courts, separately set up by law, under the region or state High Court. For instance, there are separately formed courts such as juvenile courts and there should be such other courts as those set up by law under the High Court of the region or state.

He said the other invited delegates group has submitted altogether 20 papers on 11 occasions, from 17-10-94 to 20-1-95, and put forward thorough discussions and expressed belief that the proposals would contribute to the respective chapter in the State Constitution to be written.

Union Pa-O National Organization

U Khun Sein Win of Union Pa-O National Organization said it should be laid down as principles that the Supreme Court of the Union is the highest court of law of the State; the head of the Supreme Court of the Union shall be called Chief Justice of the Union; in the Supreme Court of the Union, there may be appointed a minimum of seven and a maximum of eleven judges of the Supreme Court, inclusive of the Chief Justice of the Union; the person nominated by the President of the State and approved by the Pyidaungsu Hluttaw shall have no right to turn down the nomination for the Chief Justice and judges of the Union presented by the President of the State, unless it has clear proof of any wanting in qualifications prescribed in the Constitution.

He said it should be laid down as principles that the Chief Justice of the Union and judges of the Supreme Court shall have the following qualifications: they shall not be younger than 50 and not older than 70 years of age; they shall have qualifications required of Pyithu Hluttaw members, except that for stipulation of age; they shall have served at least five years as judges of the High Court of the Region or State (or) if they are judicial or law service personnel, they must have served at least ten years at a post not lower than Region or State level (or) they must have been handling cases at least 20 years as an advocate (or) persons deemed by the President of the State as law experts of high reputation; they must be loyal to the State and the citizenry; they must not be members of any political party; they must not be members of Hluttaw.

In each Region or State there should be a high court of Region

or State; its head should be called chief justice of the high court of Region or State; there should be at least three judges including the chief justice of the high court.

They should be allowed to serve till they are fully 65 years old, except in cases of resignation, termination of duties, becoming unfit to continue serving in their posts due to ill health, or death; they must be free of party politics and, if they are in civil service, they shall be deemed to have resigned from service from the date of their appointment as chief justice or judges.

Chief justice of the high court of Region or State should be of the status of Union minister and judges of the high court of Region or State should be that of Union deputy minister; their duties, rights and privileges should be prescribed by law.

For judges other than the Chief Justice of the Union, judges of the Supreme Court, chief justice of the high court of Region or State, judges of the high court of Region or State, appointment, jurisdiction, duties, rights and privileges should be prescribed in accord with law.

For the Supreme Court of the Union, the high court of Region or State and other courts, formation of service personnel organizations and prescribing of duties, rights and privileges should be in accord with law.

Shan State Kokang Democratic Party

U Anthony Su (a) U La Yaung of Shan State Kokang Democratic Party said his party would propose the following principles:

1. Judicial powers of the State are distributed as follows:

(a) by the Constitution or by other law, to the Supreme Court of the Union, High Courts of the Region, High Courts of the State, Courts of self-administered division, courts of self-administered zone, district courts, township courts and other courts established by law, and judges appointed in accord with law;

(b) by the Constitution or by other law, to the courts-martial;

(c) by the Constitution, to the Constitutional Tribunal.

Detailed principles should be laid down also as follows:

2. There is established a Supreme Court of the Union; without infringing upon the powers of the Constitution Tribunal, the Supreme Court of the Union is the highest court of the State, the court of final appeal of all courts and courts-martial in the country.

3. The Supreme Court of the Republic of the Union of Myanmar shall have powers to issue the five writs;

4. There shall be a high court of the State for each State and a high court of the Region for each Region;

5. The head of the Supreme Court of the Union shall be called Chief Justice of the Union and its members shall be called judges of the Supreme Court of the Union; in the Supreme Court of the Union, there may be appointed up to seven members thereof;

6. Three qualified persons shall be nominated by the President of the State in consultation with the Prime Minister of the Union and the one who gets the highest number of votes of the Pyidaungsu Hluttaw shall be appointed Chief Justice of the Union by the President of the State;

7. Persons nominated by the Prime Minister of the Union in consultation with the Chief Justice of the Union, and approved by Pyidaungsu Hluttaw may be appointed judges of the Supreme Court by the President of the State;

8. The Chief Justice of the Union and judges of the Supreme Court shall have the following qualifications:

(a) they shall be not younger than 50 years and not older than 70 years of age;

(b) they shall have qualifications required of Pyithu Hluttaw members, except that for stipulation of age;

(c) they shall have served at least five years as

judges of the High Court of the Region or State (or) if they are judicial or law personnel, they must have served at least ten years at a post not lower than Region or State level (or) they must have been handling cases at least 15 years as an advocate;

(d) they must be loyal to the State and the citizenry;

(e) if they are members of any political party, they must not take part in party political activities during their term of office;

(f) if they are members of Hluttaw, they must resign therefrom, from the date they take up duties of office.

All courts and judges in the Republic of the Union of Myanmar appointed by the Constitution or by law shall strictly abide only by the Constitution and laws; they shall undertake administration of justice and perform their duties independently.

The Supreme Court of the Union shall be responsible to the Pyidaungsu Hluttaw.

The chief justice of the Union shall be responsible to Pyidaungsu Hluttaw.

State or Region high court and self-administered area courts shall be responsible to the Hluttaw concerned; in linkage of work they shall also be responsible to the Supreme Court of the Union; in line of communication, they also need to accept administration of the ministry of judicial affairs.

Chief justice of State or Region high court shall be responsible to the Hluttaw concerned; in linkage of work, it [sic] shall also be responsible to the Chief Justice of the Union.

Judges of the State or Region high court shall be responsible to the chief justice concerned. (NLM 12/19)

Dec. 19: The Plenary Session of the National Convention continued, with 507 of 590 delegates present. Proposal papers on the Judiciary were read by delegates from the political parties delegates group and from the representatives-elect delegates group [full texts]:

[Mro (or) Khami National Solidarity Organization]

U Maung Kyaw Oo of Mro (or) Khami National Solidarity Organization said it was suitable to lay down the following principles:

Judicial powers of the State are distributed as follows:

(a) by the Constitution or other law, to the Supreme Court of the Union, High Courts of the Region, High Courts of the State, Courts of self-administered division, courts of self-administered zone, district courts, township courts and other courts established by law, and judges appointed in accord with law;

(b) by the Constitution or by other law, to the courts-martial;

(c) by the Constitution, to the Constitutional Tribunal.

He recalled that the Chairman of the Work Committee proposed the following detailed principles:

1. There shall be established a Supreme Court of the Union; without infringing upon the powers of the Constitutional Tribunal and the courts-martial, the Supreme Court of the Union is the highest court of law of the State.

2. (a) The head of the Supreme Court of the Union shall be called Chief Justice of the Union;

(b) In the Supreme Court of the Union, there may be appointed a minimum of seven and a maximum of eleven judges of the Supreme Court, including the Chief Justice of the Union.

3. (a) The person nominated by the President of the State and approved by the Pyidaungsu Hluttaw shall be appointed Chief Justice of the Union by the President of the State;

(b) The Pyidaungsu Hluttaw shall have no right to turn down the nomination for the Chief Justice of the Union presented by the President of the State, unless it has clear proof of any wanting in qualifications prescribed by the Constitution.

4. (a) Persons nominated by the President of the State in consultation with the Chief Justice of the Union, and approved by the Pyidaungsu Hluttaw shall be appointed judges of the Supreme Court by the President of the State;

(b) The Pyidaungsu Hluttaw shall have no right to turn down the nomination for the judges of the Supreme Court presented by the President of the State, unless it has clear proof of any wanting in qualifications prescribed by the Constitution.

He said Hluttaw should be one practising genuine democracy representing the people; giving powers only to an individual is tantamount to going against genuine democracy and it could upset administration of justice as it overrides the principle of independent administration of justice according to the laws of the State.

So the choosing of persons to serve as the Chief Justice of the Union and judges of the Supreme Court of the Union should be done only by the Pyidaungsu Hluttaw representing the people.

In conclusion he said he had presented his organization's proposals, openly and honestly for the good of the country in accord with the National Convention's objectives of non-disintegration of the Union, non-disintegration of solidarity and perpetuation of sovereignty, and that there are no other discussions on the remaining points.

[Lahu National Development Party]
U Kya Har Shel

U Kya Har Shel of Lahu National Development Party said he took Hluttaw to mean a place of congregation of elected people's representatives; Pyidaungsu taya hluttaw chok and Region or State taya Hluttaw are not ones like that; there could be confusion with elected Hluttaws; so they should be called Pyidaungsu taya yonchok and Region or State taya yonchok.

For appointment of judges of the Supreme Court of the Union, the Prime Minister of the Union in consultation with the Chief Justice of the Union should prepare a nomination and present it to the President of the State who should, with the approval of the Pyidaungsu Hluttaw, appoint the nominees as judges of the Supreme Court.

[Legal "experts" should be barred]

In prescribing qualifications for the posts of the chief justice of the Union and judges of the Supreme Court, there is included one qualification which says they must be persons deemed by the President of the State to be legal experts of high reputation; he wondered how it could be measured; he said if one person were to be judged legal expert on the strength of the opinion of the President of the State alone; it could reflect on the integrity of the President and it could also cause undesirable doubts and contentions; moreover one who is well versed in law but has not judicial experience should not be given such duties; so the said qualification should not be included.

Administration of justice is to decide righteously for the people; it needs to protect the rights of the people without bias; only with righteous administration of justice will the people be able to enjoy peace of mind and security in mind and body; law courts need to be free of unfairness due to four causes of injustice; administration of justice needs to be independent according to law; otherwise there could be no justice; if someone meddles, gives instructions or exerts pressure in administration of justice, it could not be carried out independently according to law; a basic principle should be laid down that the Supreme Court, and all courts and judges in the country are to abide only by the Constitution and the laws of the country and must be able to carry out administration of justice independently according to law; only then would emerge a judiciary that has maturity and the confidence of the people.

Union Kayin League

Mahn Tin Maung (a) Mahn Myo Nyunt of the Union Kayin League said at courts such as the Supreme Court of the Union and High Courts of the Region and State, each court should be set up with a minimum three to maximum qualified judges. Detailed basic principles should be laid down.

At the Courts of the Self-administered Divisions/Zones and District/Township Courts, a qualified judge should hear cases and a detailed principle should be laid down.

[Legal "expertise" insufficient]

He suggested not to lay down a stipulation stating "those regarded by the President as well-known legal experts for [sic] good reputation" as a basic principle. Because, he said, the term "well-known and good reputation" carries broad meaning and there could require reasons.

A legal expert should have personally handled many cases from beginning to end to become a judge. Handling cases is different from studying law. The efficiency could be acquired only by handling many cases from beginning to end.

Hence, a legal expert should have rich experience as a judicial officer, lawyer or law officer. He should be efficient in his profession, rich in experience and of good reputation.

So, the basic principle "those regarded by the President as well-known legal experts for good reputation" should not be laid down.

He said, in the new multi-party democratic State, qualified and experienced persons should take part in the legislative, executive and judicial matters. Objectives of the National Convention are to be followed.

Hence, the following qualifications required for the Chief Justices and judges should not [sic ???] be laid down as basic principles. They are:

- persons who are not political party members,
- are not Hluttaw representatives,
- the Chief Justice of the Union or Union judges shall be free from party politics,
- Chief Justices and judges of Regions or States shall be free from party politics.

He said the Union Kayin League would like to propose that though judges to be appointed and assigned duties are civil servants, they will have to personally handle cases and as such they should possess qualifications of a judge. They are to provide leadership in the administration of justice and to exercise judicial powers independently according to law.

Hence, they should be loyal to the State, uphold the laws in accord with the Constitution, experienced in legal matters, of good character, able to exercise judicial powers and rights, citizens themselves and born of parents both of whom are also citizens.

Moreover, they should be mature persons. They should possess required experience in legal and judicial affairs so that they will be able to pass correct decisions. To be able to discharge duties boldly and with dignity they should possess qualities for it. Then only will they be respected and trusted by the people and feared by law breakers.

Hence, apart from the Supreme Court of the Union and Region and State High Courts, judges to be appointed and assigned duties as civil servants are to be vested with powers only if they meet the qualifications for judges.

He said additional points would be submitted in connection with prescribing rights and responsibilities of judges at lower courts under the Region or State High Courts and promulgation of specific law.

Those judges are the most responsible persons to uphold the judicial pillar and they should not misuse powers vested in them for self-interest. Since they have to discharge duties in different areas there should be security for their safety.

Service personnel may involve in practices of bribery and

corruption and irregularities unless their salaries are sufficient. This should be taken into consideration.

Relevant laws should be promulgated to enable office staff at various levels to enjoy sufficient salary.
[Arbitration for Kayins]

He noted there could arise disputes and problems sometimes among the people and among the Kayin nationals. They would include cognizable offences, those which could be settled or otherwise and major or minor offences. Such cases could be settled by respectable arbitrators. This has been so in their way of life and there had been no grudge or spite. He said Kayin nationals would like to enjoy peaceful life and they uphold the traditions and customs as law.

Hence, settlement of cases by arbitrators according to the wishes of both sides should be accepted as final in order to bring down the number of cases. This should be laid down as a basic principle, he said.

He added a basic principle should also be laid down to call the place of arbitration as "Taya-yay Khon-yon" (arbitration office).

A basic principle should also be laid down permitting to form a Kayin affairs arbitration with more than one arbitrators. However, he said, a Kayin affairs arbitration will not have the right to settle cases concerned with national security and cases of great importance.

He said discussions on and additions to the formation of the chapter "The Judiciary" were presented to ensure justice in administrative, social and judicial aspects in building a new nation.

Kokang Democracy and Unity Party

U Khin Maung Aye, National Convention delegate of Kokang Democracy and Unity Party, submitted a proposal paper on fundamental principles to form as bases in the chapter the Judiciary.

He said he would succinctly put forward views and opinions of the party on clarifications of the National Convention Convening Work Committee Chairman.

He spoke of the law, which is for all, regardless of poverty or richness, race, religion or status and said every law enacted is directed toward welfare and justice of the citizenry, adding laws are promulgated to protect citizens.

So, he said, every citizen must respect and abide by law which brings about justice in the people's essential needs such as food, clothing and shelter and social affairs.

It is essential for every person, regardless of race or religion and poverty or richness, to be equal before the law, he noted and said punishment must be meted out to culprits and protection must be given to the innocent.

He stressed the need for judicial personnel to adhere to law in their service and to be upright, disciplined and loyal to the State.

As the fundamental principle has been laid down for exercising the three powers -- the legislative, executive and judiciary -- in a system of reciprocal check, control and balance, rules to be followed by judges must be prescribed, he said.

He said judicial personnel must be right, swift and upright and adhere to law for emergence of a judicial system in which people have respect and faith and there should be reciprocal check and control among themselves to prevent bribery as in the saying 'the person who bribes more wins the case'.

He stressed the need for the people to understand law and said only then will they adhere to it, adding there are many nationals on hill areas who, for difficulty of access, are lacking in education and do not understand laws.

He also stressed the need for educating the people, who are afraid of courts and judicial personnel, that law is the light for the innocent.

He spoke of his party's belief that respective customary laws accepted region-wise by Union national races be framed within the law for administration of justice.

Wa National Development Party

U Nyi Paloke, National Convention delegate of Wa National Development Party, submitted a proposal paper on fundamental principles to form as bases in the chapter the Judiciary.

He expressed support to the fundamental principle to distribute legislative [sic] powers of the State to civil courts, as explained by the National Convention Convening Work Committee Chairman in his address to the Plenary Session on 2-9-94, and Constitutional Tribunal and said distribution of judicial powers is concerned with the entire Union.

He reiterated the Work Committee Chairman's proposal that the court which supervises various levels of civil courts should be called Pyidaungsu Hluttawgyoke. He spoke of the word 'Hluttaw' which may be confused with Pyithu Hluttaw, elected by the Multi-party Democracy General Election under the Pyithu Hluttaw Election Law, and so he suggested the terms -- 'Pyidaungsu Taya Yongyoke' (Supreme Court of the Union) for the highest level, region Taya Yongyoke (High Courts of the Regions) and state Taya Yongyoke (High Courts of the States).

He suggested formation of district courts and ward/village-tract courts under the self-administered division court.

Summing up, he suggested the following to form as bases in the chapter the Judiciary:

1. The Supreme Court of the Union, the Chief Justice of the Union and Judges of the Supreme Court shall be formed and appointed with suitable persons in appropriate numbers.

2. The President of the State shall appoint, in consultation with the Prime Minister of the nomination list, the Chief Justice of the Union and Judges of the Supreme Court after obtaining approval of the Union Hluttaw.

3. Qualifications of the Chief Justice of the Union and Judges of the Supreme Court shall be separately provided.

4. In regions and states, region or state High Courts, Chief Justices and Judges must be constituted.

5. Self-administered division or zone, district and township courts are to be constituted in the respective division, zone, district and townships:

(a) to appoint judges to respective courts after prescribing their qualifications;

(b) to enact into law ways of passing decisions under existing cultural traditions and customs of national races unless they are contrary to the Constitution and other laws and do not affect nationals and national races;

(c) to assign duties and appoint national races leaders and representatives who may be weak in legal affairs but are upright and respected by many as judges of self-administered division and zone and district courts or other courts constituted by law.

6. Responsibilities, rights and privileges of the Chief Justice of the Union, Judges of the Supreme Court and judges of regions, states and self-administered divisions and zones are to be prescribed by enactment of law.

7. The Chief Justice of the Union, of the highest court, and judges at various levels

(a) shall have the right to resign from post of his own volition;

(b) shall be terminated from service when he is impeached in accordance with the Constitution and if the impeachment is proved true after due investigation.

8. All judges shall independently administer justice and carry out functions in accordance with the Constitution and other laws.

9. Any or all judges, from the date of appointment, shall quit party functions if he is a political party member, resign from being Hluttaw representative if he is a Hluttaw representative and shall retire from post if he is a service personnel or a member of an organization.

He stressed the need for the judicial system to win people's trust and reliance by administering justice correctly and expeditiously and said courts would achieve higher prestige with flourishing judicial system which would bring about peaceful solution of disputes. Only when the people have trust and reliance on the courts will they feel pleasant with unity forged and loving kindness dispensed to the government, he noted. He stressed the need to view that judicial power is entrusted by the people to bring about public interest and justice. (NLM 12/20)

Shan Nationalities League for Democracy

U Sai Aik Pong of the Shan Nationalities League for Democracy said their party would suggest the following principles to be laid down as bases:

[Original jurisdiction]

1. The Final Court of Appeal shall be the Supreme Court of the Union,
2. (a) The Supreme Court of the Union shall have exclusive original jurisdiction --
(i) in all matters arising under any treaty made by the Union,
(ii) in all disputes between the Union and a unit or between one unit and another,
(iii) in such other matters, if any, as may be defined by law.

(b) If the Supreme Court of the Union is satisfied that a case pending in any inferior Court involves or is likely to involve substantially a question of the validity of any law having regard to the provisions of this Constitution, the High Court shall transfer the case to itself for trial.

(c) No law shall be enacted excepting from the appellate jurisdiction of the Supreme Court of the Union cases which involved questions as to the validity of any law having regard to the provisions of the Constitution.

(d) All the High Courts of the Regions and States shall function also as original courts. They shall, subject to law, have original and appellate jurisdiction and power to determine all manners and questions whether of law or fact.

[Appointment of judges]

In connection with appointment of judges of the Union he proposed the following principles should be laid down:

(1) the President of the State and the Chief Justice of the Union shall submit the nomination of those they have prepared in coordination having prescribed qualifications to the Supreme Court for the appointment of judges of the Union,

(2) The Pyithu Hluttaw Judicial Committee and Lumyosu (Amyotha) Hluttaw Judicial Committee shall hear and debate on matters concerning performance, opinions, legal outlook and character of the persons nominated for the posts of judges of the Union and submitted by the President of the State and Chief Justice of the Union giving sufficient time for the interested persons including those who have been nominated, and then decide by secret votes whether they should be recommended or not,

(3) persons recommended by the Judicial Committee shall be submitted to the Pyidaungsu Hluttaw session for its decisions,

(4) the person shall be appointed judge of the Union with the approval of more than half of the Pyithu Hluttaw representatives,

(5) unless majority support is obtained in the Pyidaungsu Hluttaw Judicial Committee for the selection and appointment of the Chief Justice of the Union or judges of the Union, or unless majority support is obtained in the Pyidaungsu Hluttaw in spite of the majority support in the Pyidaungsu Judicial Committee, the President of the State and the Chief Justice of the Union shall proceed, within the framework of their rights, up to the end for the appointment of judge or judges of the Union [sic].

He then proposed the following to be added to and be laid down

as a basic principle in connection with administration of justice.

"Judges appointed according to this Constitution or according to law at courts set up according to this Constitution or according to law shall administer the judicial affairs throughout the Union.

U Sai Nyunt Lwin

U Nyunt Lwin, National Convention delegate of the Shan Nationalities League for Democracy, submitted the remaining part of the proposal paper compiled by the party on the fundamental principles to be included in the chapter the Judiciary.
[Region or State courts]

Judicial field which must be free of sympathy, gratitude and timidity had been extensively dealt with, he said and noted only then would various levels of judges be able to administer justice in accordance with law. People will not have awe of the independent, frank, bold and serious judges and instead, they will have love, respect and reliance on them and courts.

He suggested methods of electing the Chief Justice of the region, head of the region High Court, and the Chief Justice of the state, head of the state High Court. He said the Chief Minister of the region or state concerned shall submit the name of a qualified person to the Judicial Committee of the respective region or state Hluttaw; the Judicial Committee shall scrutinize it and obtain approval of more than half the membership of the respective Hluttaw; the Chief Minister concerned shall submit the name thus approved to the President of the State who then appoints the person the Chief Justice of the region or state concerned.

So, he said, regarding methods for electing Chief Justice of High Court of the region or state, the following should be laid down as fundamental principles to serve as bases:

1. the Chief Minister of the region or state concerned shall submit a name for appointment of the Chief Justice of the region or state to the respective region or state Hluttaw;

2. to be able to appoint the person nominated by the respective region or state Chief Minister as the Chief Justice of the respective region or state, the Judicial Committee of the respective region or state Hluttaw shall cause, by allowing time, the person's activities, opinions and beliefs, legal viewpoints, morality, etc., to be scrutinized by the interested people, and discussed by the committee and decision must be taken by secret ballot;

3. the name of the person endorsed by the Judicial Committee shall be submitted to a session of the region or state Hluttaw for decision;

4. if more than half the membership of the respective region or state Hluttaw supports him, the Chief Minister of the region or state concerned shall submit his name to the President of the State;

5. the President of the State shall appoint the person submitted by the Chief Minister of the respective region or state respective [sic] as the Chief Justice of the High Court of the region or state.

He said our country is still not developed and the people of states have not achieved progress and so the Shan Nationalities League for Democracy submitted proposals at its best on the formation of the chapter the Judiciary which should be regarded by the people as a place of reliance or a place of allaying their suffering.

He stressed the need for the judiciary to stand independently, free of constraints and influence and for those who administer justice to be imbued with integrity, uprightness and good morality and to be bold and serious, and said these conditions must be created by the Constitution.

He said the Shan State Nationalities League for Democracy believed that its proposals would fulfil these requirements.

National Unity Party

U Tun Yin Law of the National Unity Party said the party supports the proposed judicial structure of having courts at four levels, the Supreme Court of the Union; Region or State high courts;

self-administered division or zone courts and district courts; and township courts, as they are in accord with the structure of the State and the needs of the country, and capable of letting the people enjoy justice, with rights of appeal.

He also expressed agreement in principle for the following:

Judicial powers of the State are distributed as follows:

(a) by the Constitution or by other law, to the Supreme Court of the Union, High Courts of the Region, High Courts of the State, Courts of self-administered division, courts of self-administered zone, district courts, township courts and other courts established by law, and judges appointed in accord with law;

(b) by the Constitution or by other law, to the courts-martial;

(c) by the Constitution, to the co, to the Constitutional Tribunal.

However he said the clause "judges appointed in accord with law" should be deleted from sub-para (a).

The judicial pillar and the basic principle of independent judiciary would be much strengthened by the provisions in the Constitution and relevant laws on such matters as qualifications of judges, delegation of powers, jurisdictions, rights and duties, and terms. So just as it is to be laid down in the Constitution to distribute judicial powers to courts at various levels in the country, a detailed principle should be laid down that the prescribing of jurisdictions of courts in the country shall be done in accord with law.

[Constitutional Tribunal]

He said it is also proposed that the setup of the constitutional tribunal should be prescribed in the Constitution.

Persons on the constitutional tribunal should have the following qualifications:

(a) they must not be younger than 50 or older than 70 years of age;

(b) they must be experienced in legal, political, economic, military, administrative and social spheres or in one of them;

(c) they must have a reputation of upright morality.

So it should be formed with Pyidaungsu Hluttaw members, persons of mature experience in political, administrative, military, legal fields and learned persons.

[Need for multi-judge courts]

Referring to a clause "except for the Chief Justice of the Union, judges of the Supreme Court, judges of Region or State high courts" he said it might appear to mean there are two sets of judicial organizations; in truth there should only be one.

The single-judge system tends to be vulnerable to bribery and corruption; at present it is being revived at divisional, district and township levels and there are such weaknesses as individuals doing whatever they like, being weak or faulty in getting at the truth or making judicial appraisals, resulting in inconsistencies between one court and another. So administration of justice should be entrusted to judicial bodies comprising three to five judges at each self-administered area, district and township court.

He said his party concurred that selection, posting, transfer, promotion, censure of judges on self-administered division, zone, district and township panel of judges should be handled by the Supreme Court of the Union, just as the same for public service personnel is to be done by the Public Service Commission.

Administration of justice needs to be free from unfairness due to personal bias, animosity, fear or ignorance and in accord with law so as to ensure justice among the people to protect their rights and redress wrongs; it is also subtle, profound and broad; it involves not only the judicial sector but also the legislative and executive sectors as well, and it is also affected by political, economic and social conditions in the country and cultural levels; efforts must be made from all round for an upright judiciary.

[Representatives-elect delegates group]

Shan State Kokang Democratic Party

U Yaw Aye Hla was to present the paper on behalf of representatives-elect from the Party, but as it was the same as that presented by the Party delegate from political parties delegates group on Dec. 18, it was submitted without reading.

[Mro (or) Khami National Solidarity Organization]

U San Tha Aung

U San Tha Aung of Mro (or) Khami National Solidarity Organization, delegate from Kyauktaw Township, Rakhine State, said Judicial powers of the State are distributed as follows:

(a) by the Constitution or by other law, to the Supreme Court of the Union, High Courts of the Region, High Courts of the State, Courts of self-administered division, courts of self-administered zone, district courts, township courts and other courts established by law, and judges appointed in accord with law;

(b) by the Constitution or by other law, to the courts-martial;

(c) by the Constitution, to the Constitutional Tribunal.

[Pyidaungsu Hluttaw should choose judges]

He recalled that the Chairman of the Work Committee proposed the following detailed principles:

1. There shall be established a Supreme Court of the Union; without infringing upon the powers of the Constitutional Tribunal and the courts-martial, the Supreme Court of the Union is the highest court of law of the State.

2. (a) The head of the Supreme Court of the Union shall be called Chief Justice of the Union.

(b) In the Supreme Court of the Union, there may be appointed a minimum of seven and a maximum of eleven judges of the Supreme Court, inclusive of the Chief Justice of the Union.

3. (a) The person nominated by the President of the State and approved by the Pyidaungsu Hluttaw shall be appointed Chief Justice of the Union by the President of the State;

(b) the Pyidaungsu Hluttaw shall have no right to turn down the nomination for the Chief Justice of the Union presented by the President of the State, unless it has clear proof of any wanting in qualifications prescribed by the Constitution.

4. (a) Persons nominated by the President of the State in consultation with the Chief Justice of the Union, and approved by Pyidaungsu Hluttaw shall be appointed judges of the Supreme Court by the President of the State;

(b) The Pyidaungsu Hluttaw shall have no right to turn down the nomination for the judges of the Supreme Court presented by the President of the State, unless it has clear proof of any wanting in qualifications prescribed by the Constitution.

He said Hluttaw should be one practising genuine democracy representing the people; giving powers only to an individual is tantamount to going against genuine democracy and it could upset administration of justice as it overrides the principle of independent administration of justice according to the laws of the State.

So the choosing of persons to serve as the Chief Justice of the Union and judges of the Supreme Court of the Union should be done only by the Pyidaungsu Hluttaw representing the people.

In conclusion he said he had presented his organization's proposals, openly and honestly for the good of the country in accord with the National Convention's objectives of non-disintegration of the Union, non-disintegration of national solidarity and perpetuation of sovereignty, and that there are no other discussions on the remaining points.

[Shan Nationalities League for Democracy]

U Khun Tun Oo

U Khun Tun Oo of the Shan Nationalities League for Democracy submitted the proposal paper on the chapter "The Judiciary". He singled out points contained in their party's paper as follows:

- (1) not to tarnish the original justice.
- (2) with morality, concentration and wisdom administration of justice will be upright,
- (3) no person exercising executive power shall interfere or influence the independent and righteous administration of justice,
- (4) judicial bodies should, in all seriousness, avoid biased practices,
- (5) administration of justice should be independent,
- (6) to recognize and grand individual right and human rights to everybody, and appreciate the value of man than materials [sic],
- (7) to see that courts are truly reliable for the people,
- (8) though qualifications are to be taken into consideration for the appointment of judges, attorneys, lawyers and service personnel who are directly involved in the administration of justice, emphasis should be placed on appointment of persons having morality, concentration and wisdom,
- (9) documents which play vital role in administration of justice should be kept according to law,
- (10) the courts and judges should be protected from any influence.

Then the principle "Sovereign power of the State is derived from the citizens and is in force in the whole country" would become more meaningful.

There would appear the model pillar of the judiciary when words of the wise stating that all the human beings are equal before law, no one is above law, and the human society should not be for the State, but the State should be for the human society could be materialist. (NLM 12/21)

U Sai Tun Aung

U Sai Tun Aung, National Convention delegate of the Shan Nationalities League for Democracy, submitted the second part of the proposal paper compiled by the party on the fundamental principles to be included in the chapter the Judiciary.

[Jurisdiction]

The following, he said, should be laid down as fundamental principles to form bases:

1. Pyidaungsu Taya Hluttaw is the final court of appeal.
2. (a) Pyidaungsu Taya Hluttaw shall have the exclusive jurisdiction for the following matters:
 - (1) all matters arising under any treaty made by the Union;
 - (2) all disputes between the Union and a unit or between one unit and another;
 - (3) such other matters, if any, as may be defined by law.

(b) If the Taya Hluttaw is satisfied that a case pending in any inferior Court involves or is likely to involve substantially a question of the validity of any law having regard to the provisions of this Constitution, the Taya Hluttaw shall transfer the case to itself for trial.

(c) No law shall be enacted excepting from the appellate jurisdiction of the Supreme Court cases which involved questions as to the validity of any law having regard to the provisions of this co cases which involved questions as to the validity of any law having regard to the provisions of this Constitution.

(d) Courts of first instance shall include State/Region Taya Hluttaws (High Courts) which shall, subject to law, have original and appellate jurisdiction and power to determine all matters and questions whether of law or of fact.

[Appointment of judges]

Regarding the appointment of Judges of the Supreme Court, he said, the following should be laid down as fundamental principles to

serve as bases:

1. The President of the State shall consult with the Chief Justice of the Union for obtaining a nomination list of persons having qualifications prescribed for Judges of the Supreme Court and submit it to the Union Hluttaw for appointment of Judges of the Supreme Court.

2. To be able to appoint persons nominated by the President of the State and the Chief Justice of the Union as the Judges of the Supreme Court, the Judicial Committee of the Pyithu Hluttaw and the Judicial Committee (Union Judicial Committee) of the Lummyoso (Amyotha) Hluttaw shall cause matters concerning the nominees' activities, opinions and beliefs, legal viewpoints and moral character to be heard by interested people in sufficient time allowed [sic] and shall thoroughly discuss them and decide by secret ballot whether it should be endorsed or not.

3. Names of persons endorsed by the Judicial Committee are to be submitted to the Union Hluttaw session for seeking decision.

4. Judges of the Supreme Court shall be appointed with a vote supported by more than half the total membership of the Union Hluttaw.

5. Regarding appointment of the Chief Justice of the Union and Judges of the Supreme Court, if the vote is not supported by the majority of the Union Judicial Committee after its scrutinization or if the vote is not supported by more than half the total membership of Union Hluttaw despite support vote of the majority of Union Judicial Committee, the President of the State and the Chief Justice of the Union shall, within the framework of their rights, submit nomination lists to the Union Hluttaw for appointment of the Chief Justice of the Union [sic] or Judges of the Supreme Court till the matter is settled.

The Shan Nationalities League for Democracy submitted the following to serve as basis:

'Justice throughout the Union shall be administered in courts established by the Constitution or by law and by judges appointed in accordance therewith.'

U Sai Tin Win

U Sai Tin Win, National Convention delegate of the Shan Nationalities League for Democracy, submitted the third part of the proposal paper compiled by the party on the fundamental principles to be included in the chapter the Judiciary.

Judicial field which must be free of sympathy, gratitude and timidity had been extensively dealt with, he said and noted only then would various levels of judges be able to administer justice in accordance with law. People will not have awe of the independent, frank, bold and serious judges and instead, they will have love, respect, and reliance on them and courts.

[Region or State courts]

He suggested methods of electing the Chief Justice of the region, head of the region High Court, and the Chief Justice of the state, head of the state High Court. He said the Chief Minister of the region or state concerned shall submit the name of a qualified person to the Judicial Committee of the respective region or state Hluttaw; the Judicial Committee shall scrutinize it and obtain approval of more than half of the membership of the respective Hluttaw; the Chief Minister concerned shall submit the name thus approved to the President of the State who then appoints the person the Chief Justice of the region or state concerned.

So, he said, regarding methods of electing Chief Justice of High Court of the region or state, the following should be laid down as fundamental principles to serve as bases:

1. The Chief Minister of the region or state concerned shall submit a name for appointment of the Chief Justice of the region or state to the respective region or state Hluttaw;

2. to be able to appoint the person nominated by the respective region or state Chief Minister as the Chief Justice of the respective region or state, the Judicial Committee of the respective

region or state Hluttaw shall cause, by allowing time, the person's activities, opinions and beliefs, legal viewpoints, morality, etc., to be heard and scrutinized by the interested people, and discussed by the committee and decision must be taken by secret ballot;

3. the name of the person endorsed by the Judicial Committee shall be submitted to a session of the respective region or state Hluttaw for decision;

4. if more than half the membership of the respective region or state Hluttaw supports him, the Chief Minister of the region or state concerned shall submit his name to the President of the State;

5. the President of the State shall appoint the person submitted by the Chief Minister of the respective region or state respective [sic] as the Chief Justice of the High Court of the region or state.

He said our country is still not developed and the people of states have not achieved progress so the Shan Nationalities League for Democracy submitted proposals at its best on the formation of the chapter the Judiciary which should be regarded by the people as a play of reliance or a place of allaying their suffering.

He stressed the need for the judiciary to stand independently, free of constraints and influence and for those who administer justice to be imbued with integrity, uprightness and good morality and to be bold and serious, and said these conditions must be created by the Constitution.

He said the Shan Nationalities League for Democracy believed that its proposals would fulfill these requirements. (NLM 12/22)

Dec. 20: The Plenary Session of the National Convention continued, with 511 of 590 delegates present. Proposal papers on the Judiciary were read by members of the of the Representatives-elect delegates group and the National Races delegates group [full texts]. The Plenary Session then adjourned until January 8, 1996.

U Hla Maung

U Hla Maung of representative-elect del-elect delegate group submitted his proposal paper on the chapter "The Judiciary".

He said people, who can live in peace thanks to a government capable of ensuring the rule of law fully, would not easily realize the fate of other people having to live in an environment of fear for their survival. Under the circumstances, judges bear heavy responsibilities in meting out fitting punishments independently and succinctly, settling disputes and extending help to ensure the rule of law. So, courts at different levels should be set up for distribution of judicial powers of the State as follows:

1. The Supreme Court of the Union shall be the highest court in the State. The Supreme Court of the Union shall be the final court of appeal of all courts in the State.

2. (a) The head of the Supreme Court of the Union shall be called "the Chief Justice of Supreme Court of the Union".

(b) It should be designated to appoint seven judges of the Supreme Court of the Union including the Chief Justice. Pyidaungsu Hluttaw, Pyithu Hluttaw and Amyotha Hluttaw are the main central bodies responsible for separately exercising the legislative, executive and judicial powers for the people on their behalf. The term "Hluttaw" has been regarded as the highest body of the nation since the time of ancient Myanmar kings and as such other bodies should not be called "Hluttaw". So, the highest court in the State should be called "Pyidaungsu Taya Yonchok" (Supreme Court of the Union).

3. (a) The President of the State shall, in consultation with the Prime Minister of the State, nominated three qualified candidates for the post of the Chief Justice and submit the nomination to the Pyidaungsu Hluttaw.

(b) The Pyidaungsu Hluttaw shall elect one of the three candidates, who wins the highest number of votes cast by the representatives and he shall be appointed as the Chief Justice of the

Union by the President of the State.

4. (a) The President of the State shall, in consultation with the Chief Justice of the Union, nominated candidates for judges of the Union and appoint them with the approval of the Pyidaungsu Hluttaw.

(b) If the nomination for the judges of the Union submitted to the Pyidaungsu Hluttaw by the President of the State includes any candidate lacking the qualifications for a judge of the Union, he shall be replaced by another.

He said these points should be laid down as basic principles.
[Local courts]

In connection with courts to be set up according to separate laws under the High Courts of the Region and High Courts of the State, he supported the following basic principles:

-- under the High Court of the region or state, there are the following levels of courts:

- (a) if there is no self-administered area in the region or state
 - (1) district courts
 - (2) township courts
- (b) if there is self-administered area in the region or state
 - (1) in the self-administered division
 - (aa) court of the self-administered division
 - (bb) township courts
 - (2) in the self-administered zone
 - (aa) court of the self-administered zone
 - (bb) township courts
 - (3) in other areas
 - (aa) district courts
 - (bb) township courts
- (c) in Union territory
 - (1) district courts
 - (2) township courts

In conclusion, he said adopting the concept that the government exists to serve the people, and the people do not exist to serve the government, he had proposed points on the legislature, executive and judiciary to be included in the constitution with the aim of defining broadly the fundamental rights of the people such as freedom of expression, freedom of faith, freedom of organization and formation, enjoying equal protection of law and just and fair judgement according to law while at the same time stating explicitly responsibilities to be carried out by the people.

U Aung Thein

U Aung Thein, independent representative-elect of Ywangan Constituency, Shan State, submitted a proposal paper collectively compiled by independent representatives-elect Dr. Hmu Thang of Thangtlang Constituency, Chin State, U Tun Kyaw of Namhsan Constituency, Shan State, and himself on the chapter the Judiciary.

He said achievement of a peaceful, prosperous condition in a country depends on rule of law and individual adherence to law and discipline and the judicial pillar will sway with rampant depraved moral character, leaving all nationals and administrative authorities in distress and remarked that all must be equal before the law, regardless of race or religion or status.

[Advice of Gen. Ne Win]

A law should provide equal rights to all citizens and judges be granted rights to independently administer justice, he suggested and stressed the need for judges to adhere to law in their administration of justice. Regarding this, he submitted a piece of counsel given by General Ne Win to his Attorney-General, "Give the kind of legal advice which is reasonable. At courts, let judges decide independently of their jurisdiction. If it is necessary, a law must be amended. Don't take a meaning as one wishes it to be."

He suggested judges be given sufficient salary and other

allowances and rights and privileges, free of pressure from any party, organization or individual. He stressed again the importance of independent administration of justice, saying a judge will not come to a right decision if he is given a pressure.
[Customary law of national races]

Cases that have arise among national races and sub-races be settled through respective traditions and customs and customary laws should not be superseded by any other law, he said.

So, he said, formation of the judicial system should be directed toward correct and expeditious disposal of cases, welfare of parties involved in a case and eradication of bribery. He emphasized the formation of a judicial system needed for emergence of laws equal to all in this Union where genuine multi-party democracy system will soon flourish.

He commented that the National Convention Convening Commission Chairman's address at the 2-9-94 Plenary Session was complete and expressed support to the Chairman's suggestions of distribution of powers, the name of the highest court in the State, status of the highest court and titles of judges to be appointed to the court.
[President must accept Pyidaungsu Hluttaw judicial nominees]

Regarding the appointment of judges, he said, paras 3 and 4 should be substituted with the following:

3. (a) The President of the State shall appoint a person nominated by Pyidaungsu Hluttaw the Chief Justice of the Union;

(b) The President of the State shall have no right to reject a person nominated by Pyidaungsu Hluttaw for appointment of the Chief Justice of the Union unless he can proved clearly want of qualifications prescribed by the Constitution for the Chief Justice of the Union.

4. (a) The President of the State shall appoint the person nominated by Pyidaungsu Hluttaw in consultation with the Chief Justice of the Union as Judge of the Supreme Court;

(b) The President of the State shall have no right to reject a person nominated by Pyidaungsu Hluttaw for appointment as a Judge of the Supreme Court unless he can clearly prove want of qualifications prescribed in the Constitution for Judges of the Supreme Court.

[Age limits]

He said the group had no suggestions as to qualifications of the Chief Justice of the Union and Judges of the Supreme Court. However, he said, if the maximum age for the Chief Justice of the Union and Judges of the Supreme Court is designated as 70, the person at the time of appointment as Chief Justice or Judges of the Union should not exceed 65 years of age. He remarked only then would he be able to complete his duty during a term of the Hluttaw.

Fundamental principles have been laid down to prescribe by enactment of separate laws regarding the status of the Chief Justice and Judges of the High Courts of regions or states and their duties, rights and privileges and regarding formation of various levels of courts under the region or state High Court, appointment of judges at inferior courts, vesting them with jurisdiction and their duties, rights and privileges and regarding formation of staff at the Supreme Court of the Union, High Courts of regions or states and other courts and their duties, rights and privileges, he said and expressed agreement to them as clarified by the National Convention Convening Work Committee Chairman. (NLM 12/22)

U Htawng Kho Thang

U Htawng Kho Thang, independent representative-elect for Tamu Constituency in Sagaing Division, of representatives-elect delegates group submitted his paper on the chapter "The Judiciary".

[Use of customary law to reduce court backlogs]

He said a study of the present human societies has would indicate that there has been an increase in the number of economic and social problems due to the growth in population. These problems had to be settled at nearest township courts (courts of first

instance). Under such circumstances, courts would not be in a position to handle them well and cases could be delayed. And the delay could affect the process of passing fair judgements. Then programmes drawn up by the State for bringing down the number of cases would not be as effective as desired.

So, relevant customary laws of various national races should be promulgated as necessary in the areas of the national races concerned to contribute towards correct and speedy administration of justice and bringing down the number of cases.

He noted certain disputes settled according to existing laws do not conform to customary laws of some national races. Since decisions do not satisfy both parties there can create situations to commit more offences, he said.

He then proposed prescribing in the constitution promulgation of customary laws to be practised to settle disputes among national races in the respective areas.

[Election of judges]

In connection with nominating judges, he stressed the need for the executive chiefs and Hluttaw chairmen concerned to choose the candidates independently and widely [sic]. He also spoke of the need not to affect a citizen's right to stand for election and to vote for a candidate of his choice. At the same time, he said, arrangements would have to be made to enable the people to freely and widely participate in exercising the three sovereign powers -- the legislative, executive and judicial powers -- of the State for the flourishing of genuine multi-party democratic system and worthiest of worldly values of justice, liberty and equality. Only a few would get the chance to stand for election if there are too many restrictions or limitations. He said he believed more qualified judges would be elected from among a large number of candidates.

It would not be sufficient for judges just because they are well-versed in legal matters. They would have to win public reliance and confidence. They would not win public reliance and confidence just because they are experienced legal experts and are well known in the profession. The people always rely on and value those who are more concerned with public interest than self-interest.

So, if a person proficient and experienced in legal matters and trusted by the people is prevented from being elected as a judge just because he is a member of a political party or a Hluttaw representative, the basic principle on this point would be contrary to one of the objectives of the National Convention calling for flourishing of worthiest of worldly values of justice, liberty and equality.

It would also amount to preventing persons of political parties and Hluttaw representatives who are legal experts possessing qualifications of good judges from playing a role in public administration, he said.

He then suggested to permit persons having prescribed qualifications for Chief Justice or judges to stand for election as the Chief Justice of the respective courts and judges of those courts regardless of their being political party members or Hluttaw representatives.

He said he had submitted the proposal paper based on the points -- equal before the law and nobody is above the law.

He said he had also proposed methods for speedy and correct disposal of cases. He said he had also proposed a new system of democratic public administration of justice in the essence of favouring none.

Moreover, he said, he had presented check and balance to be exercised among the democratic judiciary, executive and legislative systems.

In conclusion, he said his paper was submitted with the belief that an enduring constitution would emerge in conformity with the period heralding the Golden Jubilee of the country's independence and with the Panglong Spirit or the Union Spirit.

National races delegates

U Ba Than of Taunggyi, National Convention delegate of national races delegate group, submitted a proposal paper compiled by the group on the chapter 'the Judiciary'.

He said the national races delegate group has submitted suggestions with unity and coordination within the framework of the six objectives of the National Convention since its beginning on fundamental principles to serve as bases in writing an enduring Constitution.

He said that as fundamental principles regarding administration of justice have been thoroughly discussed, the following are put forward as detailed fundamental principles:

-- The judicial power of the State is distributed

(a) in accordance with the Constitution or by other laws, among Pyidaungsu Taya Hluttawgyoke (Supreme Court of the Union), region Taya Hluttaws (High Courts of the Regions), state Taya Hluttaws (High Courts of the States), courts of the self-administered divisions, courts of the self-administered zones, district courts, township courts, other courts constituted by law and judges appointed in accordance with law,

(b) in accordance with the Constitution or by other laws, among courts-martial, and

(c) in accordance with the Constitution, to the Constitutional Tribunal.

[Qualifications of judges]

Regarding the qualifications of the Chief Justice of the Union and Judges of the Supreme Court, he said, the following should be laid down as fundamental principles to serve as bases:

-- The Chief Justice of the Union and Judges of the Supreme Court shall

(a) be not younger than 50 years and not older than 70 years;

(b) possess, apart from the age limit, qualifications prescribed for Pyithu Hluttaw representatives;

(c) (1) have been for at least five years a judge of the High Court of a region or state, or

(2) have been for at least ten years a judicial officer or a law officer at not lower than region or state level, or

(3) have been an advocate of the Taya Hluttaw (High Court) of at least 20 years' standing, or

(4) have been assumed by the President to be a legal expert of prominent reputation;

(d) be loyal to the State and citizens;

(e) not be a member of a political party;

(f) not be a Hluttaw representative.

It should be explicitly prescribed in the qualifications of the Chief Justice of the Union and Judges of the Supreme Court that they shall not be members of any political party and moreover, that they shall be free of party politics, and if they are civil servants, it shall be deemed that they have retired from civil service in accordance with the existing rules and regulations from the date they are appointed the Chief Justice of the Union or Judges of the Supreme Court.

So, he said, the following should be laid down as fundamental principles to serve as bases:

1. The Chief Justice of the Union or Judges of the Supreme Court shall be free of party politics;

2. If Chief Justice of the Union or Judges of the Supreme Court are civil servants, it shall be deemed they have retired from civil service in accordance with the existing rules and regulations from the date they are appointed the Chief Justice of the Union or Judges of the Supreme Court.

He said that when the Chief Justice of the Union or Judges of the Supreme Court are appointed, their status should be designated -- the Chief Justice of the Union at the level of the Vice-President of

the State and Judges of the Supreme Court at level of the Union Ministers -- and regarding this, a detailed principle should be laid down.

Responsibilities, rights and privileges of the Chief Justice of the Union or Judges of the Supreme Court should be prescribed by enactment of law, he said.

U Saw Khin Maung Gyi

U Saw Khin Maung Gyi of Kyimyindine Township, Yangon Division, of the same group, submitted the second part of the proposal paper. [Region or State courts]

In connection with the formation of region Taya Hluttaw (High Court of the Region) and state Taya Hluttaw (High Court of the State), he said the following should be laid down as fundamental principles to serve as bases:

1. There shall be one High Court of the Region in each region and one High Court of the State in each state;

2. (a) The head of the High Court of the Region in the respective regions and the head of the High Court of the State in the respective states shall be called Chief Justice of the High Court of the Region or Chief Justice of the High Court of the State.

(b) At least three and maximum seven Judges of the High Court of the Region or Judges of the High Court of the State including the Chief Justice of the High Court of the Region or State can be appointed to the High Court of the Region or State.

3. (a) The President of the State is to compile a nomination list for the appointment of the Chief Justice of the High Court of the Region or State and a nomination list for the appointment of Judges of the High Court of the Region or State, in consultation with the Chief Justice of the Union and the Chief Minister of the Region or State concerned, and send them to the Region or State Hluttaws concerned.

(b) The President of the State shall appoint persons approved by the respective Region or State Hluttaws as the Chief Justice of the High Court of the Region or State and as Judges of the High Court of the Region or State.

(c) a region Hluttaw or state Hluttaw has no right to reject nominees of the President of the State for the appointment of the Chief Justice of the High Court of the Region or State and nominees for the appointment of Judges of the High Court of the Region or State unless it can show clear proof of want of qualifications for the Chief Justice of the High Court of the Region or State or Judges of the High Court of the Region or State.

A fundamental principle should be laid down in the qualifications for the Chief Justice of the High Court of the Region or State or Judges of the High Court of the Region or State that they shall not be members of any political parties as for the Chief Justice of the Union and Judges of the Supreme Court. If they are civil servants, it shall be deemed that they have retired from civil service from the date they are appointed Chief Justice of the High Court of the Region or State or Judges of the High Court of the Region or State.

[Local courts]

He said there are normally two kinds of courts -- original court and appeal court and if there are many levels of courts, there will be waste of time and energy in appealing a case. So, he said, levels of courts should be designated in accordance with procedures being practised in permitting appeals and revisions and to enable people to enjoy the right of appeal in accordance with law.

So, in connection with formation of various levels of courts under the High Court of the region or state, he said the following should be laid down as fundamental principles to serve as bases:

-- under the High Court of the region or state, there are the following levels of courts:

(a) if there is no self-administered area in the region or state

(1) district courts

- (2) township courts
- (b) if there is self-administered area in the region or state
 - (1) in the self-administered division
 - (aa) court of the self-administered division
 - (bb) township courts
 - (2) in the self-administered zone
 - (aa) court of the self-administered zone
 - (bb) township courts
- (c) in Union territory
 - (1) district courts
 - (2) township courts
- (d) other courts set up by law.

He said all delegates of the national races delegate group have the wish to accept the decision of the National Convention.

He said the group put forward proposals with an awareness that emergence of an enduring Constitution that guarantees perpetual national unity depends on the National Convention delegates. (NLM 12/23)

Dec. 22: Alternate members of the Panel of Chairmen scrutinized the proposal papers presented on the Legislature, Executive, and Judiciary. The News and Periodicals Enterprise gave a news conference "to clarify the address of the Chairman of the National Convention Convening Commission and the Commission Press Release." (NLM 12/23) // Dec. 24: Scrutinization continued. (NLM 12/25) // Dec. 26: Scrutinization continued. (NLM 12/27) // Dec. 27: Scrutinization continued. (NLM 12/28) // Dec. 29: Scrutinization continued. (NLM 12/30)

86 NLD Delegates Ousted

Nov. 30 [full text]: 86 of NLD revoked from being National Convention delegates for going AWOL.

The Panel of Chairmen submitted to the National Convention Convening Work Committee that the total number of Convention delegates permitted to attend the National Convention plenary session which began on 28 November 1995 was 677.

The delegates are to attend the plenary session regularly in conformity with rights and responsibilities granted under paragraph 5 of the National Convention Procedures, and if they cannot, they are to ask the Panel of Chairmen in advance for leave.

However, five Convention delegates of National League for Democracy, included in the political parties' delegates group, and 81 delegates of NLD, included in the Hluttaw representatives-elect delegates group, failed to attend the plenary session for two consecutive days, on 29 and 30 November, without obtaining prior permission from the Panel of Chairmen.

Hence, upon presentation of the Panel of Chairmen and as provided in the paragraphs 48 and 49 of the National Convention Procedures, the Work Committee has revoked the 86 delegates, who went absent without leave, from being National Convention delegates. (NLM 12/1)

Rallies for Convention

Dec. 3: Mass rallies were held in support of the National Convention. 30,000 turned out in Magway, and 55,000 in Monywa. Motions in support of the Convention were unanimously passed. (NLM 12/4)

Dec. 4: A mass rally of 27,270 of people from Sagaing, Myinmu, Myaung, and Ngazun Townships in Sagaing Division was held in support of the National Convention. Sagaing Division Union Solidarity and Development Association official U Saw San Soe Thein presided; "he noted as the National Convention has been making progress and gaining momentum, there emerged groups wishing to disrupt it. Certain groups expecting foreign support are speaking ill of the National Convention, he said. They openly moved to take control of the Convention and write a constitution according to the taste of their

mentors outside the country. He said a total of 86 delegates of the National League for Democracy...left on 28 November 1995. They thus put pressure on the Convention, he said.... He said he had learned that the delegates have determined to carry on trying to achieve success till completion of the National Convention...." The rally gave unanimous support to the Convention, and "ended with chanting of slogans." (NLM 12/5)

Dec. 5: Mass rallies for the National Convention: 57,495 attended from Wetlet, Tabayin, YeU, Taze, KhinU, Kanbalu, and Kyunhla Townships rallied in Shwebo. 61,950 people attended a rally in Mandalay. 25,000 attended a rally in Minbu. 1,000 attended a rally in Pabedan Township, Yangon. (NLM 12/6)

Dec. 7: Mass rallies: 20,000 attended in Kalay, Sagaing Division. 21,500 attended in Kyaukse, Mandalay Division. (NLM 12/8)

Dec. 8: Mass rallies: 12,890 attended in Kengtung. 2,000 attended in Hlegu Township. (NLM 12/9)

Dec. 9: Mass rallies: Over 120,000 people from 42 Yangon townships attended on the lawns of National Stadium-1 in Thuwunna, Thingangyun Township, Yangon. The rally was sponsored by the Union Solidarity and Development Association. 15,380 attended a rally in Taunggyi. 20,000 attended in Bago. 18,000 attended in Katha. 45,700 attended in Pyapon. 35,000 attended in Thayet. (NLM 12/10)

Dec. 10: Mass rallies: 72,000 attended in Dawei; 2,150 in Hlegu Township, Yangon; 30,000 in Pathein; 22,000 in Hinthada; 27,500 in Myaungmya; 4,501 in Nahtogyi; 3,500 in Taungtha. (NLM 12/11)

Dec. 11: Mass rallies: 10,050 attended in Mawlike; 15,000 in Tharawady; and 6,200 in Kyaukpadaung. (NLM 12/12)

Dec. 12: Mass rallies: 18,000 attended in Loikaw; 45,000 in Lashio; and 60,000 in Pakokku. (NLM 12/13)

Dec. 13: Mass rallies: 15,200 attended in Yamethin; 2,000 in NyaungU; 19,194 in Hkamti; and 14,500 in Tamu. (NLM 12/14)

Dec. 14: Mass rallies: 20,000 attended in Meiktila; and 15,000 in Kyaukme. (NLM 12/ 15)

Dec. 15: Mass rally: 5,000 attended in Insein. (NLM 12/16)

Dec. 16: Mass rallies: 20,000 attended in Muse. (NLM 12/17)

Dec. 18: Mass rallies on Dec. 14-17: 36,000 attended in Thayetchaung Township; 3,800 in Mohnyin; 4,500 in Htilin; (unspecified) in Myawady; and 61,000 in Myitkyina. (NLM 12/ 19)

Dec. 19: Mass rallies on Dec. 17-18: 17,000 attended in Mogaung; and 50,000 in Hpa-an. (NLM 12/20)

Dec. 20: Mass rallies on Dec. 17-19: 2,500 attended in Kyayan; 15,000 in TadaU, and 21,500 in Kyaukse. (NLM 12/21)

Dec. 21: Mass rally on Dec. 20: 37,780 attended in Kawkareik, Kayin State. (NLM 12/ 22)

Dec. 23: Mass rally: 19,000 attended in Kyaukphyu. (NLM 12/24)

Dec. 25: Mass rally on Dec. 24: 36,700 attended in Kawthoung Township. (NLM 12/ 26)

Dec. 26: Mass rally on Dec. 19: 5,000 attended in Putao. (NLM 12/27)

Dec. 27: Mass rally: 42,300 attended in Myeik. A motion was passed "calling for ostracizing and opposing people attempting to disrupt the National Convention." (NLM 12/28)

Dec. 30: Mass rallies: 25,000 attended in Thandwe District, Rakhine State. Chairman U Min Min Kyaw said "subversive elements have emerged" and are trying to manipulate the National Convention "in favour of their masters abroad." He called the withdrawal of the National League for Democracy "tantamount to blackmailing the Convention," and said subversives should be exposed and ostracized. On Dec. 15 & 18 there were other rallies: 3,000 in Kunlong and 6,500 in Kutkai. (NLM 12/31)

DIPLOMATIC

Diplomatic Calls

[The following calls were paid on Burmese officials by foreign Embassy or UN officials accredited to Burma. Details of the meetings

are rarely reported. Ambassadors generally accompany foreign visitors from their countries on official calls, and their presence is generally not noticed in this Summary. Newly arrived and departing Ambassadors generally make the rounds of Cabinet Ministers and other leading officials.]

Nov. 30: Japanese Ambassador Takashi Tajima, who has completed his tour of duty in Myanmar, called on Minister for Agriculture Lt-Gen. Myint Aung. Egyptian Ambassador Abdel Rahim Ismail Shalaby called on Minister for Agriculture Lt-Gen. Myint Aung. (NLM 12/1)

Dec. 1: The Japanese Ambassador called on Minister for Finance and Revenue Brig-Gen. Win Tin, and on Deputy Prime Minister Vice-Adm. Maung Maung Khin. (NLM 12/2)

Dec. 2: Indian Ambassador Lal Thanzaua Pudaite called on Minister for Transport Lt-Gen. Thein Win. (NLM 12/3)

Dec. 5: Indian Ambassador Lal Thanzaua Pudaite called on Minister for Hotels and Tourism Lt-Gen. Kyaw Ba. (NLM 12/6)

Dec. 7: Egyptian Ambassador Abdel Rahim Ismail Shalaby called on Minister for Finance and Revenue Brig-Gen. Win Tin. (NLM 12/8)

Dec. 12: Malaysian Ambassador Dato Abdul Wahab bin Harun called on Minister for Livestock Breeding & Fisheries Brig-Gen. Maung Maung. (NLM 12/13)

Dec. 14: Russian Ambassador Valeri Vartanovich Nazarov called on Secretary of the Central Committee for Drug Abuse Control, Director-General of the Myanmar Police Force Police Maj-Gen. Soe Win. (NLM 12/15)

Dec. 15: Vietnamese Ambassador Tran Viet Tan called on Minister for Home Affairs Lt-Gen. Mya Thin. (NLM 12/16)

Dec. 19: Malaysian Ambassador Dato Abdul Wahab bin Harun called on Minister for Trade Lt-Gen. Tun Kyi. (NLM 12/20)

Dec. 20: Chinese Ambassador Mrs. Chen Baoliu called on Minister for Information Maj-Gen. Aye Kyaw. (NLM 12/21)

Dec. 22: Egyptian Ambassador Abdel Rahim Ismail Shalaby called on Yangon Mayor U Ko Lay. (NLM 12/23)

Dec. 28: Indian Ambassador Lal Thanzaua Pudaite called on Minister for Livestock Breeding & Fisheries Brig-Gen. Maung Maung. Sri Lankan Ambassador K.B. Fernando called on Minister for Information Maj-Gen. Aye Kyaw. (NLM 12/29)

Dec. 29: Chinese Ambassador Mrs. Chen Baoliu called on Minister for Construction Maj-Gen. Saw Tun. Egyptian Ambassador Abdel Rahim Ismail Shalaby called on Minister for National Planning and Economic Development Brig-Gen. Abel. Bangladeshi Ambassador Brig. Chowdhury Khalequzzaman (Retd) called on Minister for Trade Lt-Gen. Tun Kyi. (NLM 12/30)

New Ambassadors to Myanmar

Dec. 14: The Myanmar government has agreed to the appointment of Mr. Yoichi Yamaguchi as new Japanese Ambassador to Myanmar. He was born in 1937, graduated from Tokyo University, and joined the Foreign Ministry in 1970. He has served in Indonesia and France, before being named Ambassador to Madagascar in 1986 and Ambassador to Turkey in 1991. Since 1995 he has represented the Foreign Ministry in Osaka. He is married, with three children. (NLM 12/15)

Myanmar Joins Drug Pact

Dec. 20: On Dec. 20, Myanmar became a party to the Convention on Psychotropic Substances, 1971. In 1961, Myanmar had also joined the Single Convention on Narcotic Drugs, 1961, and in 1991 joined the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. (NLM 12/21)

INTERNATIONAL COOPERATION

Joint Workshops & Projects

Dec. 4: A National Workshop on Design, Management and Evaluation of IAEA Technical Cooperation Projects opened at the Myanmar Scientific and Technical Research Department. Speakers

included Dr. J. Aslam, head of the IAEA Asia and the Pacific Department and Deputy Minister for Industry-2 U Saw Tun. 30 trainees are attending the 5-day workshop. (NLM 12/5)

Dec. 5: A two-day National Workshop on Formulation of Strategies for Mass Participation in the Programmes for Availability of Pure Water, Environmental Sanitation and Personal Hygiene, co-sponsored by the Water Resources Utilization Department of the Ministry of Agriculture, the Health Department, and UNICEF. (NLM 12/6)

Dec. 7: A Workshop in Implementation of Future Tasks laid down by the International Population and Development Conference (Cairo) of 1994, jointly sponsored by the Ministry of Immigration and Population and the United Nations Funds for Population Activities (UNFPA) was addressed by Minister for Immigration and Population Lt-Gen. Maung Hla. Region director of UNFPA Mr. K Bal Gopal also spoke; he also called on Minister for Immigration and Population Lt-Gen. Maung Hla. (NLM 12/8)

Dec. 13: Workshops on Improvement of Present Vital Registration and Statistics System in Myanmar, co-sponsored by the Central Statistics Organization and UNDP, concluded in Mandalay on Dec. 6 and in Kyaukse on Dec. 8. The Mandalay session was attended by 30 participants and 12 observers; that in Kyaukse by 150 grass-level participants. (NLM 12/14)

Dec. 15: A 3-day Health Care Course for Housewives, cosponsored by Myanmar Maternal and Child Welfare Association and UNICEF, opened with 110 trainees from 10 townships, who will conduct multiplier courses in their townships. "The course is aimed at promoting the living standard of housewives and enabling them to enjoy health and happiness, to take preventive measures against HIV/AIDS, venereal disease and tuberculosis by promoting health education for reproduction and to take care of patients infected with the diseases." Speakers included Dr. Christian Dricot D'ans of UNICEF and Dr. Weresit Sittirai of the Thai Red Cross Society. (NLM 12/16)

Dec. 22: A Japan-Myanmar Seminar on HIV/AIDS, cosponsored by the Department of Health and the National Institute of Health (NIH), Japan, opened and was addressed by Minister for Health Vice-Adm. Than Nyunt, who noted that under the new "Sentinel Surveillance" blood testing program, tests are now being conducted at 19 places in 12 States and Divisions. Japanese participants include Director-General Dr. Shudo Yamazaki of NIH, Dr. Tamami Umeda, Chief of the Ministry of Health and Welfare of Japan, Dr. Naimco Yoshihara, Chief of the NIH AIDS Research Centre, and Dr. Yukuta Takebe, Chief of the NIH AIDS Epidemiology Laboratory. (NLM 12/23)

Regional and Border Cooperation

Dec. 1: A 12-member Thai delegation led by Deputy Director-General Mr. Sumathee Srisuchart of the Department of Technical and Economic Cooperation (DTEC) of the Thai Prime Minister's Office, arrived Nov. 27 to discuss technical cooperation with Myanmar. On Nov. 27 it met with a Myanmar delegation headed by the Director-General of the International Organizations of the Foreign Ministry and Economic Department and other officials. In the afternoon, the Thai delegation met with officials of the Health, Education, and Agriculture Ministries to discuss 1995 technical cooperation and plans for implementation in 1995. On Nov. 29, part of the delegation visited Bagan-NyaungU to observe the NyaungU Dry Zone Cultivation Research Farm and the Taung Zin Drinking Water Distribution Project of the Ministry of Agriculture. Other members went to Bago to visit the Bago Hospital, the Bago Division Health Department, and the Indagaw Regional Health Centre of the Ministry of Health. On Nov. 30, the Thai and Myanmar delegations held a final discussion meeting. The delegation returned to Thailand on Dec. 1. (NLM 12/2)

Dec. 18: An India, Myanmar, Bangladesh Border Coordination Meeting on Malaria opened in Yangon. Deputy Minister for Health Col. Than Zin said malaria was a top priority problem in Myanmar; 36% reside in malaria high-risk areas, 56% in low-risk areas, and only 8%

in on-risk areas. Malaria morbidity was 16.3 per 1,000 population, the mortality rate was 10 per 100,000, and case fatality rate was 3%. Malaria is a border problem, and he hoped the countries participating would give special emphasis to [text]:

- selection of insecticides, dosage, timing of spray operation;
- formulation of drug policies for management of malaria in the border areas;
- preparedness for prevention and control of epidemics in the border areas and
- development of information exchange system among the border countries.

The Meeting is being attended by 21 Myanmar representatives, 14 Indian representatives, 4 Bangladesh representatives, and 5 WHO representatives. (NLM 12/19)

Dec. 21: A four-member Indian delegation led by Secretary Mr. K. Padmanabhaiah of the Ministry of Home Affairs arrived to participate in the Third National Level Meeting of Myanmar and India Civil Authorities. (NLM 12/22) // Dec. 22: The delegation called on Minister for Home Affairs Lt-Gen. Mya Thin, on Minister for Foreign Affairs U Ohn Gyaw, and on Deputy Minister for Progress of Border Areas and National Races and Development Affairs U Kyaw Tin. Deputy Minister for Home Affairs Col. Tin Hlaing hosted a dinner. (NLM 12/23) // Dec. 23: The meeting was held, with a Myanmar delegation led by Deputy Minister for Home Affairs Col. Tin Hlaing. "They discussed border affairs, security, sending of cultural and sports delegates between the two countries and border development." (NLM 12/24) // Dec. 25: Agreed minutes of the meeting were signed. (NLM 12/26) // Dec. 26: The Indian delegation departed. (NLM 12/27)

Dec. 28: A Myanmar-Nepal Aviation Meeting was held, with delegations led by Director-General U Tin Aye of the Department of Civil Aviation and Director-General of the Nepal Civil Aviation Department Mr. B.B. Deoja. (NLM 12/29)

Social and Economic Cooperation

Dec. 4: A Memorandum of Understanding was signed between the Foreign Economic Relations Department, in the presence of Minister for National Planning and Economic Development Brig-Gen. Abel, and the Singapore International Foundation, represented by Executive Director Prof. Ms. Chan Heng Chee, under which Singapore technicians will serve in the Institute of Health, Ministry of Health, National Rehabilitation Hospital, and Ministry of Social Welfare, Relief and Resettlement. (NLM 12/5)

Donations from Abroad

[We report here donations apparently from foreign sources, except for donations incidental to the visits of business visitors, etc., which are included in accounts of the visits. We do not normally report the numerous articles on donations by Burmese individuals inside Burma and Burmese companies to government, religious, and social organizations and charities.]

Nov. 30: Japan donated medicine and medical equipment worth \$ 52,700 to the Jivitadana Sangha Hospital under an SSGA Grant. (NLM 12/1)

Dec. 2: Japan donated a washing machine to the Inya Youth Training School and a water filter to the Training School for Girls. (NLM 12/2)

Dec. 5: Senior Manager Mr. Yajima of Toshiba Co., Tokyo, and party donated two 32-inch TV sets to Myanma Television and Radio Department. (NLM 12/6)

Dec. 7: Director Mr. Kwa Kim Seng of Ambur International Ltd. donated K 26,200 of sports equipment to the Ministry of Information. (NLM 12/8)

Dec. 8: Jump suits worth \$ 1,000 were donated to the Myanmar Olympic Committee for the free fall demonstration team, by SEPP (Myanmar) Co. Ltd., represented by Director U Kyaw Soe Myint, and

SEPP Representatives Mr. Hardeep Singh, Mr. Biran L. Marcar (Managing Director of Tero Entertainment Holding Co. Ltd.), and Mr. Jaspal (Managing Director of Singh SEPP International Ltd.). (NLM 12/9)

Dec. 8: Japan donated \$34,000 of medicine to the Myanmar Maternal and Child Welfare Association under the Grassroots Grant Assistance. Japanese Charge d'Affaires Mr. Kochi Kawakami signed the agreement for the grant. (NLM 12/9)

Dec. 11: France donated \$10,847 to UNDP for victims of the Sept. 21 floods in Wuntho and Kawlin Townships, Sagaing Division. (NLM 12/12)

Dec. 12: Japan donated \$30,500 for renovation of the Myanmar Nurses Association maternity shelter in Dagon Myothit (South). (NLM 12/13)

Dec. 13: Managing Director Mr. Itaat Husain of PT Multi Breeder Adirama Co. of Indonesia presented 13,320 hybrid eggs to the Livestock, Feedstuff and Dairy Products Enterprise. (NLM 12/14)

Dec. 14: General Manager Mr. Yu Zhu De of Materials Corporation of Broadcast and TV Department of Yunnan Province presented TV retransmission equipment worth K 230,000 to the Myanmar TV and Radio Department. (NLM 12/15)

Dec. 15: Yangon Branch Manager Mr. Young Jun Chang of Samsung Corporation of Korea donated golf equipment, laser disc players, radios, cameras, etc. to Minister for Livestock Breeding & Fisheries Brig-Gen. Maung Maung on behalf of the SLORC Chairman's Bowl Tournament. (NLM 12/16)

Dec. 19: The French Embassy donated French books and teaching materials to the Institute of Foreign Languages. (NLM 12/20)

Dec. 19: At the suggestion of Chairman Mr. Takuma Yamamoto of Fujitsu Ltd. of Japan, General Manager Mr. O. Ikeya of Daimaru Inc. donated a satellite receiver, a Toshiba video deck, and a Sony TV to the Foreign Ministry for its new building, in appreciation for the handover of the wreckage of a Hayabusa Fighter Type II to the 64th Air Squadron Comrade Association of Japan. (NLM 12/20)

Dec. 20: Chairman Mr. Ichiro Chibata of Tanabe Seiyaku Co. Ltd. of Osaka donated medicine worth \$25,000 to the Ministry of Health, and an arrangement with Daimex Inc., Japan, and medicine worth \$15,000 to the Border Affairs Ministry. [see also under Business Visitors] (NLM 12/21)

Dec. 20: General Manager Mr. Akiya of Mitsubishi Corporation donated one ton of milk powder worth K 500,000 to Child Care Centres of the Social Welfare Department. (NLM 12/21)

Dec. 21: Managing Director Mr. Alan R. Satterlee of Texaco Myanmar donated \$25,000 to UNDP for a "pilot project to distribute 10,000 fuel-efficient wood-burning stove to provide for selected poorer households in the environs of Yangon." (NLM 12/ 22)

Dec. 22: Germany donated DM 20,000 to UNDP for relief victims of the Sept. 21 flash floods in Wuntho and Kawlin Townships, Sagaing Division. (NLM 12/23)

Dec. 22: China donated medicines worth 3,000 yuan to the Myanmar Maternal and Child Welfare Association. (NLM 12/23)

Dec. 22: Officials of Napos Lions (M) Sdn Bhd of Malaysia donated chocolates worth K 1.8 million and medals worth K 400,000 for runners in the Mayor's International Marathon. (NLM 12/23)

FOREIGN VISITORS

[Although we rarely note it, foreign visitors calling on Myanmar officials are often accompanied by their Ambassadors. -- HCMacD.]

International Agency Visitors

Dec. 12: Executive Director Mr. Syed Muhamad Abdul Kadir of the Asian Development Bank called on Minister for Finance and Revenue Brig-Gen. Win Tin. (NLM 12/ 13)

Dec. 19: Director Dr. M.Z. Husain and Mr. B.S. Lamda of WHO called on Minister for Health Vice-Adm. Than Nyunt. (NLM 12/20)

Dec. 20: Resident Representative Mr. A. Garcia of the

International Rice Research Institute (IRRI) called on Minister for Agriculture Lt-Gen. Myint Aung to discuss high-quality rice strains and production of small agricultural equipment. (NLM 12/21)

Cultural Visitors

Nov. 30: A 10-member Japanese Traditional Drummer Troupe arrived. It will perform at the National Theatre on Dec. 2 and 3. (NLM 12/1) // Dec. 2: The troupe gave a performance, attended by Minister for Culture Brig-Gen. Thaung Myint, Minister for Cooperatives U Than Aung and others. (NLM 12/3)

Dec. 6: Mr. Wang Wubin and Mrs. Ma Qundi of China arrived to hold a China Water Colour Exhibition in Myanmar. (NLM 12/7) // Dec. 7: Accompanied by the Chinese Ambassador, they called on Minister for Culture Brig-Gen. Thaung Myint. (NLM 12/8) // Dec. 8: The exhibition opened. (NLM 12/9) // Dec. 19: Deputy Minister for Culture U Soe Nyunt hosted a dinner for the Chinese officials. (NLM 12/20)

Dec. 16: Japanese musicians Mr. Takumi Sato and Mrs. Manami Sato joined Myanmar vocalists with their Yamaha instruments in an entertainment at the National Theatre, sponsored by the Japan International Food Aquaculture Society (JIFAS). Public performances will begin Dec. 17. (NLM 12/17)

Dec. 20: A five-member Chinese Writers Delegation led by Mr. Yuan Ying arrived under the Cultural Exchange Programme. It called on Minister for Information Maj-Gen. Aye Kyaw, and was hosted at dinner by Managing Director U Than Maung of the Printing and Publishing Enterprise. (NLM 12/21) // Dec. 21: Chairman U Myo Thant (Maung Hsu Shin) of the Myanmar Writers and Journalists Association hosted a lunch for the delegation. (NLM 12/22) // Dec. 27: On Dec. 22-27 the delegation visited Bagan, Popa Park, Mandalay, PyinOoLwin, and Sagaing, before flying on to Taunggyi. (NLM 12/28) // Dec. 29: The delegation toured Shan State, before returning to Yangon. (NLM 12/30). // Dec. 30: The delegation visited Hlawga Park. (NLM 12/31)

Dec. 20: Professor Dr. Teruo Higa and party of Japan called on Minister for Agriculture Lt-Gen. Myint Aung. "The guests were here to produce effective micro-organism (EM) fertilizer" which will be produced on a commercial scale in Myanmar and introduced during the 1996-97 monsoon season. (NLM 12/21)

Medical Visitors

Dec. 3: A 16-member team of specialists from Mt. Elizabeth Hospital in Singapore, led by Dr. Leslie Lam, Dr. Joseph Sheares, and Dr. George Lim, and a 5-member team from Japan, led by Dr. Saito, arrived on Nov. 26 to lecture and give medical treatment at the Defense Services General Hospital from Nov. 27-Dec. 3. They treated 20 patients. (NLM 12/4)

Dec. 27: Facial and jaw surgeon Honorary Prof. Dr. S.T. Lee and party of Singapore General Hospital called on Minister for Health Vice-Adm. Than Nyunt to discuss sending post graduate scholars to Singapore. Dr. Lee will do maxillo-facial operations at Yangon General Hospital through Jan. 7. (NLM 12/28)

Dec. 28: Prof. U Htut Saing, Paediatric Surgeon of Queen Mary Hospital, Hong Kong, called on Minister for Health Vice-Adm. Than Nyunt to discuss post graduate training in Hong Kong. (NLM 12/29)

Dec. 30: President Sir Robert Shields of the Royal College of Surgeons of Edinburgh called on Minister for Health Vice-Adm. Than Nyunt, and discussed the FRCS Part 1 Examination in Myanmar, recognition of teaching hospitals, and post-graduate courses. (NLM 12/31)

Business Visitors

[May include Governmental delegations with predominantly commercial aims.]

Nov. 30: Chairman of Daiwa Securities Co. Ltd. and Head of the Daiwa Securities group of companies Mr. Sadakane Doi and party called on Deputy Prime Minister Lt-Gen. Tin Tun. (NLM 12/1)

Nov. 30: President Mr. Tetsuro Tanizumi and party of Dentsu

Inc. of Japan called on Minister for Hotels and Tourism Lt-Gen. Kyaw Ba. (NLM 12/1) // Dec. 1: He called on Minister for Trade Lt-Gen. Tun Kyi. (NLM 12/2)

Dec. 4: General Manager Mr. S. Enomoto of Japan Energy Corporation and party called on Minister for Energy U Khin Maung Thein. (NLM 12/5)

Dec. 4: A delegation from the Fuyo Group Business Friendship Mission led by Chairman Mr. Iwao Toriumi of Marubeni Corp. called on Minister for Agriculture Lt-Gen. Myint Aung to discuss profit-sharing agro-based industrial investments, on Minister for Energy U Khin Maung Thein, and on Minister for National Planning and Economic Development Brig-Gen. Abel (with whom it signed a Memorandum of Understanding), on Chairman of the Myanmar Investment Commission Deputy Prime Minister Vice-Adm. Maung Maung Khin, and on SLORC Secretary-1 Lt-Gen. Khin Nyunt. In the evening the delegation hosted a dinner attended by Deputy Prime Minister Vice-Adm. Maung Maung Khin and Deputy Prime Minister Lt-Gen. Tin Tun. (NLM 12/5) // Dec. 5: The Mission departed. (NLM 12/6)

Dec. 5: An Italian Trade Mission headed by Dr. Giorgio Tommasini called on Minister for Finance and Revenue Brig-Gen. Win Tin. (NLM 12/6)

Dec. 6: Managing Director and Vice-Chairperson Mrs. Robin Abrams of Apple Asia Office of Apple Computer called on Minister for Cooperatives U Than Aung to discuss computer courses. (NLM 12/7) // Dec. 8: Mrs. Abrams addressed a demonstration of Apple Computer technology, as Capital Mac Center donated \$30,000 for construction of schools in the Myainggyingu region [on the Thai border], and Vice-Chairman Mr. Sami Roy of Apple Computer Co. donated \$1,000 to the Tiger Parahita School for Development of National Races. (NLM 12/9)

Dec. 6: Chairman Mr. Pong Sarasin of Siam Syntech Construction Public Co. Ltd., Chairman Mr. Yong Nam Seng of Woh Hup Pte. Ltd., and Executive Director Mr. Ngiam Siew Kim of Syntech-Woh Hup Pte. Ltd. called on Minister for Hotels and Tourism Lt-Gen. Kyaw Ba. (NLM 12/8)

Dec. 8: Chairman Mr. Kaung W.K. Ho of the Ho Group Co. Ltd. of Thailand and mission called on Chairman of the Myanmar Investment Commission Deputy Prime Minister Vice-Adm. Maung Maung Khin. (NLM 12/9)

Dec. 8: The Vice President of P.T. Anwar Sierad Co. of Indonesia, accompanied by Indonesian Embassy Counsellor Mr. Marchinus Samosir, called on Minister for Livestock Breeding & Fisheries Brig-Gen. Maung Maung. (NLM 12/9)

Dec. 11: Managing Director Mr. William Tan Kian Seng of FBC [Foreign Business Centre] Services Pte. Ltd. of Singapore and party called on Minister for Trade Lt-Gen. Tun Kyi to discuss the 1995 Myanmar Business Conference to be held Dec. 12 at the Inya Lake Hotel; they donated \$2,000 for leprosy victims. (NLM 12/12)

Dec. 12: Chairperson Mrs. Pamela Lee of the Advisory Board for Promotion of Tourist Industry, Singapore, and party called on Minister for Hotels and Tourism Lt-Gen. Kyaw Ba. They arrived Dec. 9 to assist in adopting a master plan for Visit Myanmar Year. Director Mr. Richard Ng "explained to ministry officials salient points about European Outbound Market." In the evening, Mrs. Lee hosted a dinner. (NLM 12/13)

Dec. 13: President Sir Sidney Gordon of China Light and Power Co. Ltd. and party called on SLORC Secretary-1 Lt-Gen. Khin Nyunt. He also called on Chairman of the Myanmar Investment Commission Deputy Prime Minister Vice-Adm. Maung Maung Khin. (NLM 12/14)

Dec. 13: Executive Vice-President Mr. Kenji Tamiya of Sony Corporation and party called on Chairman of the Myanmar Investment Commission Deputy Prime Minister Vice-Adm. Maung Maung Khin. (NLM 12/14)

Dec. 14: President Mr. Colin Smith of BHP Co. of Australia and party called on Chairman of the Myanmar Investment Commission Deputy Prime Minister Vice-Adm. Maung Maung Khin. (NLM 12/15) // Dec. 15: He called on Minister for Forestry Lt-Gen. Chit Swe. (NLM 12/16)

Dec. 14: Director Mr. P. van Zanten and party of ING Bank of

Netherlands called on Chairman of the Myanmar Investment Commission Deputy Prime Minister Vice-Adm. Maung Maung Khin. (NLM 12/15)

Dec. 16: Chairman Mr. Tagenaga Shunichi of Daimex Inc. of Japan and experts met with Minister for Livestock Breeding & Fisheries Brig-Gen. Maung Maung and fisheries officials to discuss investments in fishing and prawns. (NLM 12/17)

Dec. 16: Market Department Manager of Gillette Co. Ltd. Mr. Cheah Kiu Lye of Malaysia and Resident Manager U Peter Moe Kyaw met with the press to discuss the Gillette Free Kick Challenge Lucky Draw. (NLM 12/17)

Dec. 20: A group of Thai entrepreneurs headed by Managing Director Mr. David Sun of Chorong Thai Cable Co. Pte. Ltd., and including entrepreneurs from Sigma Cable Co. Pte. Ltd. of Singapore, called on Minister for Trade Lt-Gen. Tun Kyi. They donated \$2,000 for the Leprosy Hospital. (NLM 12/21)

Dec. 20: Chairman Mr. Ichiro Chibata of Tanaga Seiyaku Co. Ltd. of Osaka called on Deputy Prime Minister Lt-Gen. Tin Tun. [see also under Foreign Donations] (NLM 12/21)

Dec. 20: Executive Vice-President Mr. Yasuo Takahashi of Integrated Logistics Berhad and party called on Chairman of the Myanmar Investment Commission Deputy Prime Minister Vice-Adm. Maung Maung Khin. (NLM 12/21)

Dec. 21: President Mr. Hashim S. Djojohadikusumo and party of P.T. Prima Comexindo Co. of Indonesia arrived and called on Minister for Trade Lt-Gen. Tun Kyi, who later hosted a dinner for him. (NLM 12/22) // Dec. 22: He called on Minister for Industry Lt-Gen. Sein Aung, on Minister for Mines Lt-Gen. Kyaw Min, and on Chairman of the Myanmar Investment Commission Deputy Prime Minister Vice-Adm. Maung Maung Khin. In the evening he hosted a return dinner attended by Deputy Prime Minister Vice-Adm. Maung Maung Khin, Minister for Trade Lt-Gen. Tun Kyi, Chairman of Myanmar Economic Holdings Ltd. Brig-Gen. Than Oo, Deputy Minister for Mines U Hlaing Win and others. (NLM 12/23)

Dec. 22: Six well-known Malaysian photographers arrived Dec. 16, at the invitation of the Ministry of Hotels and Tourism and Agfa Film Company, to take scenic photographs in Yangon, Bago, Mandalay, Maymyo [sic], Bagan, Taunggyi, and Inlay. (NLM 12/ 23)

Dec. 22: A Russian delegation from Avia Bank group and Moscow Aircraft Production Organization (MAPO) Group, led by Mr. Maxiam K. Tkatchev called on Minister for Trade Lt-Gen. Tun Kyi, who later hosted a lunch for them. (NLM 12/23)

Dec. 22: A delegation led by Vice-President (Network Management) of All Nippon Airways Mr. Kazuhisa Shin and party called on Minister for Transport Lt-Gen. Thein Win. (NLM 12/23)

Dec. 26: Chairman Mr. Agus Nursalim and party of KIG Glass Industrial Berhad of Malaysia called on Minister for Industry Lt-Gen. Sein Aung to discuss ceramic industries. (NLM 12/27) // Dec. 27: He called on Chairman of the Myanmar Investment Commission Deputy Prime Minister Vice-Adm. Maung Maung Khin. (NLM 12/28) // Dec. 28: He called on Minister for Trade Lt-Gen. Tun Kyi. (NLM 12/29)

Dec. 27: Adviser to the Hanwon Group, former Korean Ambassador to Myanmar Mr. Lee Sang Yul, and party called on Minister for Forestry Lt-Gen. Chit Swe. (NLM 12/28)

Dec. 27: Grand Wynn Enterprise Ltd. and S Artistry Beauty Co. Ltd. of Thailand co-sponsored a demonstration of Lolane hair-dressing in Mandalay; speaker S Artistry Director Mr. Pratarn (a) U Aung Than. He donated K 60,000 of biscuits for the Mandalay Leprosy Hospital, while Managing Director Mr. Seri donated K 150,000 of canvas shoes for the Mandalay Marathon. (NLM 12/28)

Religious Visitors

Dec. 1: A Korean Buddhist delegation of 64 nuns led by Chairman Rev. Song Myung Jin of the Cho Ji Sect of Korea paid obeisance to the remains of the late Salin Sayadaw. (NLM 12/2)

Dec. 14: The Chen Heng Buddhist Society of Singapore, headed by Chairman Mr. Low Kin Chong, offered robes, umbrellas, slippers and

fans to 1,200 Sangha members at the Bago Myoma Sarthintaik. (NLM 12/15)

Media Visitors

Dec. 2: Chief Reporter Mrs. Delphine Evmoon of DMI Press of France called on Yangon Mayor U Ko Lay. (NLM 12/3)

Brunei Communications Minister

Nov. 30: A delegation led by Brunei Minister for Communications Mr. Dato Haji Zakaria Sulaiman arrived. It called on Minister for National Planning and Economic Development Brig-Gen. Abel, on Minister for Communications, Posts & Telegraphs U Soe Tha, and on Minister for Transport Lt-Gen. Thein Win. (NLM 12/1) // Dec. 1: The Minister called on Deputy Prime Minister Vice-Adm. Maung Maung Khin. (NLM 12/2) // Dec. 2: The delegation returned home. (NLM 12/3)

Czech Deputy Trade Minister

Nov. 30: Czech Deputy Minister for Industry and Trade Mr. Miroslav Soimot and party called on Minister for Trade Lt-Gen. Tun Kyi, and on Minister for Industry-2 Maj-Gen. Kyaw Than. (NLM 12/1)

Chinese Conference Chairman

Dec. 8: Chairman Mr. Li Ruihuan of the Chinese People's Political Consultative Conference (CPPCC) and party arrived by special flight at the invitation of Vice-Chairman of the State Law and Order Restoration Council Deputy Commander-in-Chief of Defence Services Commander-in-Chief (Army) Gen. Maung Aye. The Chairman was accompanied by Secretary-General Mr. Zhu Xun of the CPPCC, Members of the CPPCC Standing Committee Mr. Jing Shuping and Mr. Liu Bingsen, CPPCC member Mr. You Deqing, Vice-Minister of Foreign Affairs Mr. Tang Jiaxuan and other officials. Vice-Chairman of the State Law and Order Restoration Council Deputy Commander-in-Chief of Defence Services Commander-in-Chief (Army) Gen. Maung Aye hosted a dinner for the delegation, at which speeches were exchanged [full texts in NLM].

The SLORC Vice-Chairman noted that SLORC Chairman Senior General Than Shwe would be visiting China in the near future, and that both visits would provide further consolidation of Paukphaw [cousinly -- a term reserved for China-Myanmar relations] friendship.

The Chinese visitor responded noting the long history of China-Myanmar relations, since Myanmar became one of the first countries to establish diplomatic ties with the People's Republic of China. "Our veteran leaders such as Chairman Mao Zedong, Premier Zhou Enlai and General Ne Win forged profound friendship in struggles to safeguard independence and peace in the respective countries." He noted that "Peoples of the nations have the right to freely choose social systems and paths of progress that suit the conditions of their respective nations. In this connection, no nation has the right to say this or that and interfere; no one has the right to dictate his wishes to others by force" and went on to praise the Five Principles of Peaceful Co-existence. (NLM 12/9)

Dec. 11: The Chinese delegation met with Myanmar Ministers at the International Business Centre. Those present included Deputy Prime Minister Vice-Adm. Maung Maung Khin, Deputy Prime Minister Lt-Gen. Tin Tun, Minister for Progress of Border Areas and National Races and Development Affairs Lt-Gen. Maung Thint, Minister for Home Affairs Lt-Gen. Mya Thin, Minister for National Planning and Economic Development Brig-Gen. Abel, Minister for Foreign Affairs U Ohn Gyaw, Minister at the Prime Minister's Office U Than Shwe, and Deputy Minister for Foreign Affairs U Nyunt Swe. The Chinese CPPCC Chairman called on SLORC Chairman Senior General Than Shwe. He also toured sights in Yangon. (NLM 12/12)

Dec. 12: The delegation departed for home. (NLM 12/13)

Israeli Agriculture Official

Dec. 8: Director Mr. Avraham Goldstein of Cinadco of the Ministry of Agriculture of Israel and Chairman Mr. Ami Shaham of

Arava Co. called on Minister for Agriculture Lt-Gen. Myint Aung to discuss the sending of more on-the-job trainees to Israel and conducting courses. Mr. Goldstein later met with 15 members of the Myanmar Agriculture Service who had attended training in Israel; 40 Ministry of Agriculture personnel are currently in Israel. (NLM 12/9)

Chinese Air General

Dec. 14: Deputy Commander-in-Chief (Air) Lt-Gen. Xin Dianfeng of China and delegation was received by Vice-Chairman of the State Law and Order Restoration Council Deputy Commander-in-Chief of Defence Services Commander-in-Chief (Army) Gen. Maung Aye; later he called on Minister for Transport Lt-Gen. Thein Win. (NLM 12/15) // Dec. 18: He visited Mandalay and PyinOoLwin. (NLM 12/19)

MYANMAR DELEGATIONS

Study Delegations

Dec. 6: Director U Myint Than Aung of the Information and Public Relations Department left for Kuala Lumpur, Malaysia, to study mass communication, news dissemination, and library systems. (NLM 12/7)

Dec. 14: Editor U Win Naing of The New Light of Myanmar left for New Delhi to attend the 26th Diploma Course in News Agency Journalism for Non-Aligned Nations. (NLM 12/15)

Delegations to Meetings & Events

Dec. 3: Editor U Tin Maung Than of The New Light of Myanmar left for Bangkok to attend World-tech '95. (NLM 12/4) // Dec. 11: He returned. (NLM 12/12)

Dec. 10: A delegation led by Director (Production) Daw Nang Noot of the Information and Public Relations Department left for Hanoi, Vietnam, to attend a meeting of experts in drug abuse reduction in Asia and the Pacific Region from Dec. 11-15. She was accompanied by U Maung Maung Swe of the Mandalay Rehabilitation Centre. (NLM 12/11)

Dec. 11: Assistant Director Daw Malar Tin of the Central Statistical Office left for Thailand to attend the Dec. 12-15 Expert Group Meeting to Review Computerization Development in the Public Sector. (NLM 12/ 12)

Dec. 15: A delegation led by Joint Secretary U Win Maw of the Myanmar Industrial Development Committee (and Director-General of the Agricultural Mechanization Department) left for Bangkok to attend the Spain Expo Tecnia 95, sponsored by Hannover Fairs Asia Pte. Ltd. Other members are Managing Director U Ye Tun of Technical Services, Ministry of Industry-2, and Director U Tin Aung and Manager U Khin Maung Myanmar Heavy Industries No. 2. They were accompanied by representatives of the Myanmar Chamber of Commerce and Industry, and by Managing Director Daw Tin Tin Hlaine and members of the Board of Directors of Eagle Business Development Co. Ltd., which arranged Myanmar participation. (NLM 12/16)

Dec. 15: A delegation led by Minister for Social Welfare, Relief and Resettlement Maj-Gen. Soe Myint left for Japan to attend the Asia and Pacific Regional Conference on Reduction of Natural Disasters to be held in Kobe on Dec. 17-18. He was accompanied by Director-General U Saw Thein of Relief and Resettlement and his PSO Capt. Tun Lin. (NLM 12/16) // Dec. 23: The delegation returned. (NLM 12/24)

Religious Delegations

Dec. 22: A Myanmar Buddhist delegation led by Secretary Sayadaw of the State Sangha Maha Nayaka Committee Agga Maha Pandita Bhaddanta Kumara left Dec. 21 for Bangladesh to attend religious rites. It includes the Joint Secretary's disciple monk, Director U Kaut Tin of the Religious Affairs Department, Assistant Director U Than Win of the Department for Promotion and Propagation of the Sasana, and three nuns from the Thameikdawdhaya Myanaung Nunnery. (NLM 12/23) // Dec.

29: The delegation returned. In Chittagong, the delegation attended the ordination of 122 monks and 62 nuns on Dec. 22 and 37 monks on Dec. 23. The Secretary Sayadaw delivered a sermon to 1,000 in Cox's Bazaar on Dec. 24, to 3,000 in Ywadow on Dec. 25, and to 3,000 at the residence of the Myanmar Ambassador in Dhaka on Dec. 26. (NLM 12/30)

Gen. Than Shwe at ASEAN Meeting

Dec. 11: SLORC Chairman Senior General Than Shwe will attend the meeting of ASEAN Heads of Government meeting in Bangkok on Dec. 15, as well as the Heads of Government of Cambodia, Laos, and Myanmar meeting. (NLM 12/11)

Dec. 13: SLORC Chairman Senior General Than Shwe and a goodwill delegation left to attend the meeting of ASEAN Heads of Government, at the invitation of Thai Prime Minister Mr. Banharn Silpa-Archa. On arrival in Bangkok, they were greeted by Thai Deputy Minister of the Interior Mr. Somchai Montreewat and others, and went to Government House for a formal welcoming ceremony presided over by Thai Deputy Prime Minister Mr. Somboon Rahong, the Mayor of Bangkok, and other officials. (NLM 12/14)

Dec. 16: On Dec. 14 SLORC Chairman Senior General Than Shwe participated in the ceremonial events prepared for the ASEAN Heads of Government and the Heads of Government of Laos and Cambodia, including an audience with the Thai monarch and dinner given by Thai Prime Minister Mr. Banharn Silpa-Archa. At the dinner he was accompanied by SLORC Secretary-1 Lt-Gen. Khin Nyunt, Minister for Foreign Affairs U Ohn Gyaw, Minister for Information Maj-Gen. Aye Kyaw, Minister at the SLORC Chairman's Office Lt-Gen. Min Thein, Myanmar Ambassador to Thailand U Tin Win and other Myanmar officials.

On Dec. 15, the Myanmar delegation called on the Thai Prime Minister. The formal ASEAN/Laos/Myanmar/Cambodia meeting was held, and was addressed by the various Heads of Government, including SLORC Chairman Senior General Than Shwe [see below]. The Thai Prime Minister gave a lunch, following which the ASEAN Signing and Closing Ceremony was held.

The South-East Asia Nuclear Weapon Free Zone Treaty was formally signed by the Heads of Government of Malaysia, Philippines, Singapore, Thailand, Vietnam, Brunei, Indonesia, Cambodia, Laos, and Myanmar. In the evening the Myanmar Embassy hosted a dinner for the SLORC Chairman.

On Dec. 16, the Myanmar delegation flew home to Yangon. [full page of photos] (NLM 12/17)

Dec. 17: In Bangkok, SLORC Chairman Senior General Than Shwe met separately with the Heads of Government of the Philippines, Vietnam, and Thailand. He also met with Thai Deputy Prime Minister and Defence Minister Gen. Chavalit Yongchaiyudh, and with Deputy Commander-in-Chief of the Thai Army Gen. Chatter Thanar Jaro. Minister for Foreign Affairs U Ohn Gyaw held a press conference. (NLM 12/18)

Sen-Gen. Than Shwe's ASEAN Speech

Dec. 16: On Dec. 15, SLORC Chairman Senior General Than Shwe addressed the ASEAN Heads of Government Meeting [full text]:

Mr. Chairman,
Your Majesty,
Excellencies,

I deem it an honour and a pleasure to have this opportunity to participate in the historic meeting of the Heads of Government of the ten South-East Asian nations. I would also like to express our deep appreciation to the host country, the Government and people of Thailand for the warm welcome and generous hospitality extended to us and for the excellent arrangements made for this meeting.

The end of the Cold War has brought new prospects and new challenges. It has also imparted new dimensions, new trends and new directions in the relations between States as well. One of the new features has been the impetus for more cooperation and consolidation among the nations of the different regions of the world. In this

regard, we are happy to note that our region, South-East Asia, is taking the lead.

Peace, tranquillity and solidarity among the nations of the region is achieving heights never attained before in history. It is indeed heartening to be in the midst of all the leaders of South-East Asia who are gathered here for the first time with a common aspiration to work together for a future of peace, progress and prosperity in the region.

In fact, South-East Asia continues to enjoy relative peace and stability while some parts of the world are still entangling with conflicts and instabilities. As political stability goes hand in hand with economic development the economies of the countries in the region continue to register a relatively high growth rate. These positive factors are attributed to the trend of ever increasing cooperation among nations in South-East Asia with ASEAN in the forefront. To further complement this, a development strategy is to be drawn up to enable to share technology among South-East Asian nations within the framework of South-South cooperation.

Myanmar, as a South-East Asian country, maintains friendly relations with all the countries in the region with a strong commitment to achieve regional peace and stability. When ASEAN was founded in 1967, Myanmar was not able to join the Association due to prevailing circumstances at that time though she enjoys close and cordial relations with all ASEAN members. However, since that time, the end of the Cold War has brought about fundamental changes in inter-state relations. At the same time, the introduction of political and economic reforms in Myanmar characterized by the transformation from the centrally planned economy to a market-oriented economy, and the building of a multi-party democratic society, has created conditions for more dynamic cooperation with the ASEAN. With this in mind we have acceded to the Treaty of Amity and Cooperation during the last ASEAN Ministerial Meeting in Brunei. We hope that Myanmar will be accorded observer status in the Association at the forthcoming AMM Meeting in 1996.

We are pleased to note that since its inception 28 years ago ASEAN has grown in number as well in areas of cooperation. As all ten countries of South-East Asia have now become signatories to the Treaty of Amity and Cooperation, which marks the beginning of a new chapter in the relations among countries in South-East Asia, it is hoped that a genuinely harmonious, peaceful and prosperous South-East Asia -- 10 under one roof will come into existence in the not too distant future.

The solidarity that we speak of is one of unity in diversity. We have a common vision of shared destiny but we must also realize that each of our own countries have their own unique features, unique background and unique culture. However, it is our belief that this very diversity can lend greater cohesion and greater strength. By bringing together individual resilience, we can also bring about stronger unity. At the same time, the relations between the nations of the region must be based on mutual respect, understanding and equality. If there is to be a genuine cohesion, there cannot be two South-East Asias, one for certain countries and another for others who may have different backgrounds or levels of development. Myanmar is confident that if we all work together in unity, the essentials are already there for our region to play a significant role in the world at large. Myanmar looks forward also to contributed towards regional development.

Excellencies,

Myanmar with a population of 45 million and a total land area of over 260,000 square miles has abundant natural resources. Based upon these potentials, we in Myanmar are building a new modern developed nation, while preserving and safeguarding at the same time its cultural heritage and national character. We are taking determined strides in economic development in our efforts to catch up with our neighbours in South-East Asia in promoting the living standards of our people. In doing so we have laid down political,

economic and social objectives corresponding to our prevailing circumstances and future needs.

As such, a new modern developed nation is to be established in accord with the new State Constitution which is now in the process of discussion leading to drafting. Since Myanmar is a Union of more than a hundred different national races, national reconsolidation constitutes one of the most important political objectives. Development of agriculture as the base and all-round development of other sectors of economy is one of the economic objectives. With the evolution of market-oriented economic system, technical knowhow and investments are to be invited while the initiative to shape the national economy is to be kept in the hands of the State and national peoples. Myanmar's relations with all countries in the world are conducted in accordance with these objectives. Being a founding member of the Non-Aligned Movement, the Five Principles of Peaceful Co-existence form the basis of Myanmar's foreign policy and are firmly adhered to as principal guidelines in its international relations. These principles also accordingly guide Myanmar in its relations at bilateral and regional levels with South-East Asian countries, which composed of members of ASEAN and the Non-Aligned Movement.

Excellencies,

We are now approaching the end of the twentieth century as we prepare ourselves for a new era of regional integration. I believe that South-East Asia will become the most dynamic and promising region in the world in no time if we strive, individually and collectively, to promote peaceful cooperation among ourselves on the basis of mutual respect and mutual benefit and exert all efforts to create a true South-East Asian community in accordance with the principles of self-determination, sovereign equality and non-interference in the internal affairs of nations. On our part, we will actively contribute our share with a firm determination to meet new challenges in the twenty-first century in the process of regional and global integration.

In conclusion, may I once again express my profound gratitude to the Government and people of Thailand for the warm reception accorded to us throughout our stay in Thailand and for the tireless efforts made for this meeting to be successful.

Thank you.

(NLM 12/17)

Delegations Return

[Return of delegations whose departure was noted in early issues, or whose departure NLM did not cover]

Dec. 2: The 11-member delegation led by Deputy Director-General of Information and Public Relations Department U Aung San returned from the Environment Conversation Programme in Singapore. (NLM 12/3)

Dec. 2: Deputy Minister for Mines U Myint Thein returned from the Pacific Rim Congress '95 in Auckland, New Zealand. (NLM 12/3)

Dec. 7: The delegation led by Director (News) U Hla Tun (Hla Tun-Twantay) of the News and Periodicals Enterprise returned from the Nov. 30-Dec. 3 Intellectual Conference of Writers and Intellectuals in Islamabad, Pakistan. (NLM 12/8)

Dec. 11: The delegation headed by Minister for Construction Maj-Gen. Saw Tun returned Dec. 7 from the Nov. 27-29 International Conference on Human Resettlement for Poverty Reduction in Indonesia; it also visited Singapore and Malaysia. 13 countries, including Laos, Cambodia, Namibia, Vietnam, and Myanmar submitted papers; that from Myanmar was "on a newly adopted system of resettling hut dwellers in apartment buildings and development services for border areas undertaken extensively." (NLM 12/12)

Dec. 11: The delegation led by Myanmar Permanent Representative to UNIDO (United Nations Industrial Development Organization) U Win Aung attended the Ministerial Meeting of the Least Developed Countries in Vienna from Nov. 30-Dec. 8 and the Sixth General Conference of UNIDO from Dec. 4-8. U Win Aung delivered a speech to

UNIDO on Myanmar efforts to encourage agriculture based industry.
(NLM 12/12)

Dec. 28: Myanmar delegation members returned from the 50th Session of the United Nations General Assembly, which adjourned Dec. 23. (NLM 12/29)

MYANMAR GAZETTE

Appointments

The SLORC appointed the following:

Dec. 12: Col. Thaung Wai (BC/11205), Tactical Operations Commander of NO. 33 LID, to be a member of the Yangon City Development Committee. (NLM 12/13)

Appointments Confirmed

The SLORC confirmed the following appointments, after one year of probation:

Dec. 27: U Soe Thein as Managing Director, Myanma Hotels and Tourism Services, Ministry of Hotels and Tourism.

U Khin Maung Oo as Managing Director, Inspection and Agency Services, Ministry of Trade.

U Win Han as Director-General, National Archives Department, Ministry of National Planning and Economic Development.

U Hla Aung as Director-General, Road Transport Administration Department, Ministry of Rail Transportation. (NLM 12/28)

MILITARY

Surrenders by Armed Group Members

Dec. 11: Two members of the BCP (White Flag) Rakhine armed group, and seven family members, returned to the legal fold Dec. 10 in Kyee Kan Byin. (NLM 12/12)

Dec. 19: Between Nov. 1-15, 19 members of various armed groups returned to the legal fold at Tatmadaw camps [names and details]. (NLM 12/20)

Dec. 23: Two members of the Kayin armed group returned to the legal fold on Nov. 24 at Palauk camp in South-East Command. (NLM 12/24)

Dec. 26: Two members of the Kayin armed group returned to the legal fold Dec. 12 at Ale Mun Camp in the South-East Command. A member of the Kalazo armed group (Nurul Lok group) returned to the legal fold at Immigration Control Command on Nov. 9. [Names and details] (NLM 12/27)

Dec. 27: Between Nov. 19-27, 14 members of various armed groups returned to the legal fold [names and details]. (NLM 12/28)

Dec. 27: 11 members of the Loimaw (MTA) group returned to the legal fold on Dec. 12 at Wanhut camp in Laikha Township; five members returned at the same place on Nov. 26. (NLM 12/28)

GOVERNMENT

Statement on Human Rights

Dec. 13: On Dec. 11, Myanmar Permanent Representative to the United Nations U Win Mra presented the following statement on the draft Resolution on "Situation of Human Rights in Myanmar" in the Third Committee of the Fiftieth Session of the United Nations General Assembly [full text]:

Mr. Chairman,

I thank you for giving me the opportunity to set out my delegation's position on draft resolution A/C.3/50/L.52 entitled "Situation of human rights in Myanmar".

First of all, my delegation would like to present some observations on the tone and tenor of the draft resolution before us. You may recall that the General Assembly resolution on the "Situation of human rights in Myanmar" (49/197) adopted last year was selective, intrusive and contained many negative elements. References to a few

positive developments in that resolution were done so grudgingly that the thrust of the text as a whole was rendered negative. Accordingly, my delegation was compelled to reject all the negative elements contained therein.

Mr. Chairman,

Compared to last year's resolution, the overall thrust of this year's draft appears to be more balanced and positive. However, it is regrettable that, the draft retains some negative elements from last year's resolution. My delegation does not believe that portrayal of the situation in a Member State in a purely negative light will serve any useful purpose. It will only be counter-productive.

My delegation feels that, the draft resolution, despite its positive thrust, remains selective in the portrayal of the situation in Myanmar. In our view, the draft does not accurately reflect the prevailing situation. In addition to the developments contained in the draft before us, Myanmar has witnessed other positive changes as well. Furthermore, the government has taken and continues to take concrete steps to advance the process of national reconsolidation, democratization and socio-economic development of the country. These positive elements are outlined in the Memorandum contained in document A/C.3/50/9. The facts have been brought to the attention of this august gathering by Myanmar's representative to the Third Committee on 30 November 1995.

Mr. Chairman,

It is vitally important to perceive a country's situation in its true perspective. Differences in perceptions, misconception and ignorance of the true situation can lead to misrepresentation of a country's situation. We are convinced that only through a spirit of cooperation and understanding can the international community be helpful in the promotion of human rights. Any other approach is bound to be counter-productive and will not serve any useful purpose.

In view of the above, it is imperative to promote cooperation and understanding among Member States. My delegation fervently hopes that the true situation in Myanmar will be recognized. To that end, the Government of Myanmar will continue to cooperate with the United Nations in every possible way.

Mr. Chairman,

I would now like to state the principled position of my delegation on some of the elements contained in the draft.

My delegation's position can be stated succinctly. My delegation rejects all the negative elements in the draft before us. I will explain why.

[National League for Democracy and Daw Aung San Suu Kyi]

There is a reference in the draft to the recent developments in the composition of the National Convention. In this regard, my delegation would like to inform the Committee that these developments are the result of a premeditated and unilateral action of one political party to mar the success achieved so far by the National Convention.

Regarding the release of Daw Aung San Suu Kyi, my delegation wishes to reiterate that the government lifted the restrictions placed on Daw Aung San Suu Kyi in accordance with the law under which legal action had been taken against her.

Ritualistically enough, the draft before us continued to refer to various allegations of human rights violations such as killing civilians, arbitrary arrests and detention, restrictions on freedom of expression and association, etc., as contained in preambular paragraph 8. These references clearly aim to portray the Government of Myanmar as systematically engaged in human rights violations. The delegation of Myanmar has repeatedly stressed on various occasions and in various forums that it has never been the policy of the government to condone the violations of human rights. In connection with the particular allegations stated in the paragraph under reference, the government has already presented its replies to Professor Yozo Yokota. To our regret, Professor Yozo Yokota accentuated the negative elements in his presentation, which shows lack of balance and

professionalism. Our delegation rejects these allegations.

[Forced labour]

Allegations of forced labour have no basis of truth. The civilian labourers are recruited and employed in accordance with the Village Act of 1908 and the Towns Act of 1907. However, we are not insensitive to the concerns of the international community and at the recommendation of the International Labour Organization, the Government has started the process to amend the two laws to bring them in line with Convention No. 29. We regret that this positive action has not been accorded due recognition. I would like to apprise the Committee that the development projects for which labour was employed by the Government are solely for the benefit of the people living in the region concerned. It is the people who live in these regions and who have contributed labour who enjoy the fruits of these projects. The people are remunerated equitably for their services.

[Dialogue]

Mr. Chairman,

Reference to the need for a substantive dialogue in the draft resolution is irrelevant in the light of the on-going National Convention process. The widest representative character of this process is evidenced by the participation of 8 categories of delegates including the representatives of the national races. Furthermore, representatives of the 15 armed groups which have returned to the legal fold have been accorded the opportunity to participate in the political process, and there has never been such a widely-representative political process in the post-independence history of Myanmar and the National Convention is the only means best suited to the present-day realities and the aspirations of the entire nation. Myanmar is now in the process of national reconsolidation. With the momentum and achievement already gained by the National Convention at present, demands for a dialogue under these circumstances are unwarranted, and not in consonance with the reality. I want to stress here that the National Convention will continue according to its original arrangements and on the basis of the achievements obtained so far.

[International Red Cross]

Mr. Chairman,

Reference to ICRC in the draft is drawn from General Assembly resolution 49/197, and the relevant paragraph does not represent the true situation. As stated in the Report of the Secretary-General and the Government's replies contained in document A/50/568, negotiations with the ICRC for the signing of the Memorandum of Understanding between the Government of Myanmar and the ICRC have not been completed. The Myanmar side has already intimated to ICRC its readiness to continue the discussion in this regard. My delegation considers that this paragraph should be formulated in a more positive term reflective of the true situation.

[Karens & other insurgents]

Mr. Chairman,

Reference to the alleged attacks by the Myanmar army on the "Karens" and the "Karennis" is not a true representation of the situation. However, my delegation is appreciative of the recognition accorded in the draft to the return to the legal fold of 15 out of the 16 armed groups. A point worth mentioning in this regard is that it is not just a mere conclusion of so-called "ceasefire agreements" as stated in the draft. The return to the legal fold of 15 armed groups is unprecedented in the post-independence history of Myanmar and is an achievement which had eluded all previous governments despite their serious attempts. More than that, these armed groups are working together with the Government for the development of their respective regions which, [sic] contribute in a substantial way to national reconsolidation. This development is all the more significant given the fact that Myanmar is composed of 135 national races.

The true situation in Myanmar is not accurately conveyed in the international media. The country is undergoing tremendous changes in

political, economic and social fields and all these changes are for the betterment of the life of its citizens and the development of the nation. At this critical juncture in our history, the international community should seek to promote and encourage these positive developments. Distinguished delegates may wish to avail themselves of the "Visit Myanmar Year 1996" to travel there to observe firsthand the vast transformations taking place in the country.

Mr. Chairman,

Finally, I would like to clarify our position on operative paragraph 19 of the draft before us. It is my government's consistent policy to continue to cooperate with the UN to the fullest extent possible. Notwithstanding this, I would like to reiterate my government's position that the role of the Secretary-General as envisaged in operative paragraph 19, is to be implemented in a manner consistent with the time-honoured principle laid down in Article 2, paragraph 7 of the UN Charter. I also want to stress again that the on-going National Convention process in Myanmar is a matter that essentially falls within the domestic jurisdiction of my country. My government will not accept any disruption of the on-going political process.

Mr. Chairman,

In view of the reasons stated above, there exists no *raison d'etre* for the continued consideration of the situation of human rights in Myanmar.

To those delegations who have shown their understanding and sense of fairness towards our position, I wish, on behalf of my delegation, to express our appreciation.

Thank you.

(NLM 12/14)

ECONOMIC

Economic Articles

Dec. 9,14,18,20: A forward step to Japan to promote Myanmar tourist industry, by Nyunt Nyunt Than (Myanmar Travels and Tours). [Account of visit to Japan by 32 Myanmar tourism officials beginning Oct. 12.]

Trade Fairs

Dec. 3: Myanmar Business Conference 1995, jointly sponsored by the Ministry of Trade and by Foreign Business Centre Services Pte. Ltd. of Singapore, will be held Dec. 12-14 at the Inya Lake Hotel, Yangon. [advertisement] (NLM 12/3) // Dec. 12: the Conference opened, and was addressed by Minister for Trade Lt-Gen. Tun Kyi, who said foreign investment in Myanmar not totals over three billion dollars. (NLM 12/13)

Dec. 3: Myanmar Machinery Expo '95 will be held Dec. 5-8 at the Yangon Convention Centre (Tatmadaw Hall) on U Wisara Road. "Over 70 Machinery Producers, Companies and Industrial Corporations from Austria, China, France, Germany, Hong Kong, Italy, Indonesia, India, Japan, Malaysia, Singapore, Thailand, U.K., and U.S.A. will be participating." Organizers: CP Exhibition (Hong Kong), Silver Kris Co. (Myanmar), and U Shein Win. [advertisement] See us at Woodworking Expo '95, Yangon, Stand 10-3." Specialists in new and used woodworking machinery: Calder Wilkinson Ltd. of West Yorkshire, England. [advertisement] (NLM 12/4) // The Expo was previewed by SLORC Chairman Senior General Than Shwe. A press conference was held; 90 industrial companies are displaying machinery used in "manufacture of textile and garment, shoe and leather, woodworking, plastic and rubber, packprint [sic] and food processing." (NLM 12/5) // Dec. 5: The Expo opened. (NLM 12/6) // Dec. 8: On the final day, over 20,000 people visited the Expo. "Some entrepreneurs and organizations signed purchase agreements." (NLM 12/9)

Project Inaugurations

Dec. 2: A K 900,000 equestrian statue of Maha Bandoola was inaugurated on Bogoyoke Street, Kalay Township. (NLM 12/3)

Dec. 3: Minister for Agriculture Lt-Gen. Myint Aung and Minister for Industry-2 Maj-Gen. Kyaw Than attended "a ceremony to form the Mawlamyine Industrial Zone and assign duties" in that city. (NLM 12/4)

Dec. 20: The triple-decker riverboat Pammawady-1, purchased from China, was inaugurated in the Yangon-Pathein service. The 46-metre boat can carry 32 passengers in first class, 20 in second, 60 in third, and 108 deck passengers, as well as 60 tons of cargo. (NLM 12/21)

Dec. 21: The ferryboat Bala Kyawhtin was launched by SLORC Secretary-1 Lt-Gen. Khin Nyunt, and will ply between Yangon and Mawlamyine. The 45-meter boat can carry 25 first class and 250 deck passengers, and 30 tons of freight. (NLM 12/22) // Dec. 24: It arrived Dec. 21 at Mawlamyine on its inaugural voyage. (NLM 12/25)

Dec. 24: A new extended runway was inaugurated at Kawthoung Airport, Taninthayi Division, by SLORC Secretary-1 Lt-Gen. Khin Nyunt. It now measures 6,000 feet by 150 feet, and cost K 433.8 million. The Secretary warned against subversion. "He said adopted sons and daughters of the colonialists now under external influence are attempting to cause the disintegration of the Union and loss of independence while the government is convening the National Convention.... They are moving to cause disruption of the National Convention without seeing to national wellbeing, only for their party's interest, he noted." (NLM 12/25)

Dec. 28: The Nyaungdan Wharf of Annawa International Fisheries Holding Ltd. was inaugurated in Pazundaung Township; it can handle eight trawlers simultaneously. (NLM 12/29)

Dec. 28: An Industrial Zone was opened in Myeik, with Deputy Minister for Industry-2 U Saw Tun and others present. (NLM 12/29)

Dec. 30: The last five of 14 triple-decker boats purchased from China were received: Banya U, Banya Lat, Bala Min Din, Myat Thanda, Shwe Keinnari. They will operate on the Yangon-Mandalay, Mandalay-Bagan, and Yangon-Delta routs. A second agreement to buy 30 boats was signed in 1994, and the first consignment of six will arrive in January 1996. Altogether, IWT has ordered 72 boats. (NLM 12/31)

Business Openings

[This is a new category, to include reported significant openings of domestic private business ventures, outlets, etc. -- formerly included under Project Inaugurations.]

Dec. 1: Minister for Transport Lt-Gen. Thein Win inspected the final consignment of five riverboats, out of a total of 42) delivered by the Yunnan Machinery Import and Export Corporation of China, under an interest-free loan of \$ 30 million. The Myathanda cruise boat will ply the Yangon-Mandalay route; the Shwekeinnari cruise boat will ply between Mandalay and Bagan; the double-deckers Balamintin, Banyalat, and BanyaU will operate along rivers in the Ayeyawady Division. (NLM 12/2)

Dec. 3: A Toyota Authorized Service Station opened at 87-A Kaba Aye Pagoda Road, Yangon, in the presence of Minister for National Planning and Economic Development Brig-Gen. Abel, Director Mr. Tokuo Ogawa of Toyota Motor Corp., Director Mr. Masaaki Fukuhara of Toyota Tsusho Corp., and U Zye Zaw of Aye & Sons Ltd. (NLM 12/4)

Dec. 11: Managing Director U Thaug Tin opened the Sales and Service Centre of KMD Computer Ltd. British Cultural Attache Mr. Chris Harrison awarded certificates to persons passing the NNC and LCCI international level examinations. (NLM 12/11)

Dec. 15: J & B (Justerini & Brooks) Whisky opened its Myanmar outlet, run by Mr. Simon Barstow, with a reception at Lime Light Fun Pub at 37 Shwetaunggyar Street. (NLM 12/16)

Dec. 15: A furniture factory built by Yangon Wood Industries Ltd. (YWIL) was inaugurated on Bayintnaung Road, Ward 4, Hline Township, Yangon, by Minister for Forestry Lt-Gen. Chit Swe. Established with a 100% investment of \$3 million by YWIL of France, 20% will be transferred to Myanma Timber Enterprise after five years of operation, and the share will be increased to 49% after another

five years, leaving a 49-51% joint venture between MTE and YWIL. The factory requires 200-400 tons of logs per month, to be furnished by MTE. It will upgrade its output from parquet and semi-finished products to furniture, etc. Chairman U Mazahi of YWIL and French Charge d'Affaires Oliver Vaysset spoke. (NLM 12/ 16)

Dec. 20: Minister for Trade Lt-Gen. Tun Kyi "inspected production of pianos" at Myanmar Recording Studio, 15 Shwedagon Pagoda Road, and was briefed on "local production of pianos and comparisons with those of foreign make." The Studio was set up by the Ministry of Trade, and its profits are used for religious and social purposes. (NLM 12/21)

Dec. 21: The 40-room Eastern Hotel opened at 194-196 Bo Myat Tun Street in Pazundaung Township. (NLM 12/22)

Dec. 21: The Mitsubishi Electric Showroom and Sale Center of Peace Myanmar Electric Co. Ltd. opened at 216 Bo Aung Kyaw Street. Mitsubishi Regional Marketing Manager Mr. Phua Yong Sang of Mitsubishi Electric Asia Coordination Centre and others participated. (NLM 12/22)

Dec. 22: Minister at the Prime Minister's Office Brig-Gen. Lun Maung attended the "soft opening" of the Novotel Hotel in Mandalay; also speaking were Managing Director U Thant Zin Tun of L.P. Holding Co. Ltd., Mr. Panichboon of L.S. Group, Thailand, and General Manager Mr. Roland Svensson of Novotel Hotel (Mandalay). (NLM 12/23)

Dec. 25: The Phu Pwint Thit Co. Ltd. of the Myanmar Police Force and three private companies opened shops in the MPF's building on the corner of Bogyoke Aung San Street and Shwe Bon Tha Streets; SLORC Secretary-2 Lt-Gen. Tin Oo and Minister for Home Affairs Lt-Gen. Mya Thin and others attended. The three other stores are Super One Super Market, American Vision, and Wi Tha Kha Company. (NLM 12/26)

Advertisements

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TIGER
RUM
NOTHING COMES CLOSE TO IT
Tel: 01-61209/61943

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Dec. 2,23: Half-page ad for JVC Victor Company of Japan (Ambur International Co. Ltd.) advertising TVs, Video-recorders, and Hi-Fi equipment, as well as drawings for three cars and various other prizes.

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Dec. 2: Advertisement from Indian Airlines Limited announcing twice-a-week air service between Yangon and Calcutta, with Flight IC-227 leaving Calcutta at 1530 hours on Thursday and Sunday, and Flight IC-228 leaving Yangon at 1855 hours.

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Dec. 4,12,19,26: Half-page ad for COMPAQ Computers.

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INSURANCE - Good News - For Visitors & Resident Foreigners: Worldcare Medi-Evac Cover Applications are available. For Investors: Our General Insurance US\$ policies fully complying with Myanmar Foreign Investment Law are backed by the largest insurer in Switzerland. Please ring Myanmar Insurance or Swiss Underwriting, telephone (24 hours) 50998 or fax 43177. (NLM 12/22)

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Centre Point
Offering you a traditional Christmas Dinner
Turkey With Roast Onions & Madeira Gravy
Mushroom & Olive Stuffing
Sausage & Chestnut Stuffing
Cranberry & Orange Sauce
Bread Sauce
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Roast Potatoes
Christmas Pudding with the Sabayon Sauce
Reserve in advance... Call Now! 01-43381
NATMAUK ROAD, BAHAN, YANGON, MYANMAR.

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Mr. Guitar Cafe

Opening hour 8:00 a.m. to mid-night
breakfast 8:00 to 11:00 a.m.
so many foods, so many snacks
dim light dinner at green garden
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unplugged hollow show 7:00 p.m. to mid-night
28 types of coffee & tea
cocktail bar
sure to come again
I - mahabandoola garden street, Yangon. 85462
II - living color boutique, Bogyoke Aung San market, Yangon
III - 93(A), shwe gon daing street, Yangon. 51949
(NLM 12/23)

Foreign Investment Projects

Nov. 30: A Memorandum of Understanding was signed between the Directorate of Hotels and Tourism and the Shweli District Economic Commission of Yunnan Province for the construction of a 350-room hotel on an island in the Shweli River in Namhkam Township, Myanmar. The Hotel will cost 50 million yuan and be completed within 18 months. (NLM 12/1)

Dec. 8: A BOT contract was signed between the Directorate of Hotels and Tourism and Bagan Hotel Co. Ltd., represented by Managing Director Mr. Kurt Wachveitl, for the construction of the Mandarin Oriental Bagan Resort Hotel in Bagan-NyaungU Township, Magway Division. Bagan Hotel Co. is owned by Mandarin Oriental Hotel Co. of Thailand, which has invested \$23 million in the project for a 120-room five-star hotel to be opened in 24 months. Minister for Hotels and Tourism Lt-Gen. Kyaw Ba attended and spoke. (NLM 12/9)

Dec. 13: A Joint Venture and Shareholder's Agreement was signed between Myanmar Port Authority and Allied Container Services Pte. Ltd. of Singapore, represented by Managing Director Mr. Lim Quee Huat, to form MPA-Allied Yangon Inland Container Depot Ltd. Also present was Allied Director Mr. Lim Kian Chin. Myanmar will hold 51% of the shares and the Singapore Company 49%. The Joint Venture will complete the first phase of constructing an inland container depot in 6 months at Botahtaung Port, to be able to handle 3,500 container simultaneously. Speaking at the occasion, Minister for Transport Lt-Gen. Thein Win said that in the Port of Yangon, "conventional general cargo has a growth rate of 20 to 40 percent in the last five years and containerized cargo has also grown between 70 to 80 percent in the same period." (NLM 12/14)

Dec. 14: A Memorandum of Understanding was signed between the Department of Civil Aviation, represented by Director-General U Tin Aye, and Italian-Thai Development Public Co. Ltd., represented by Chairman Mr. Premchai Karnasuta, for the design and construction of Mandalay International Airport. (NLM 12/15) // Dec. 15: A dinner at the Strand Hotel in Yangon celebrated the occasion. (NLM 12/16)

Business Courses

Dec. 19: Course No. 3/95 for Heads of Purchase Centres, closed, and Course No. 4/95 opened; each had 51 trainees. Minister for Trade Lt-Gen. Tun Kyi gave an address. (NLM 12/20)

Dec. 27: Evening sessions of the English Proficiency Course for Entrepreneurs will begin at the Department of Trade in mid-January. (NLM 12/28)

Banking

Dec. 5: An Exchange Center for Foreign Exchange Certificates will open Dec. 8 at 99/103 Theinbyu Street, Botahtaung Township,

Yangon, where FECs can be exchanged with Myanmar currency. "There will be ten FEC exchange counters to be run by only ten entrepreneurs who have been issued licenses for the purpose. Free exchange of FECs will be allowed at the building. Effective action will be taken if FECs are exchanged at other places." (NLM 12/6) // Dec. 8: The center was opened by Minister for Finance and Revenue Brig-Gen. Win Tin. "He pointed out that due to the extensive use of FECs, the market rate for US dollar has become stabilized, although it had been rising previous to the issuance of FECs [in 1993].... Therefore, the Centre for Sale and Purchase of FECs in Kyats is opened for allowing FEC transactions in kyats as it is believed that it will eliminate the informal market and orderly transaction in FECs can be made, he said.... The Minister also urged Authorized FEC Changer License Holders not to take undue advantage of ignorant foreigners and Myanmar nationals. Intervention will be made, he said, if it is learnt that there is unfairness and disorders...." (NLM 12/9)

Dec. 14: A meeting of officials and bankers was held to discuss Joint-Venture Banking in Myanmar. Minister for Finance and Revenue Brig-Gen. Win Tin laid down the guidelines:

"The first prerequisite is presence of a representative office of a foreign bank in Myanmar. Therefore, foreign banks which have representative offices in Myanmar, are eligible for entering into joint venture with our local private banks.

"Non-bank institution or person will not be allowed to form joint venture bank. It means that foreign bank cannot form joint ventures with local non-bank institutions or entity, and local banks cannot form joint ventures with foreign non-bank institutions.

"The second requisite is it must be a joint venture between foreign bank and local private banks.

"With regards to equity participation, as defined by the Foreign Investment Law, a foreign investor who is joining with local investors must contribute at least 35 per cent of equity capital. Therefore, the third requisite is that foreign banks must own at least 35 per cent of share capital in the joint venture.

"Share ratios of equity participation can be negotiated between the two parties intending to form joint ventures. Nevertheless, there should be a fair share ratio in the equity.

"Joint venture bank can exist as a separate entity without disturbing the existence of domestic private banks and foreign bank's representative offices.

"Even when time has come to allow full branch license to foreign banks, the joint venture bank can still exist parallel with the branch of foreign bank.

"The joint venture banks will be allowed to engage in both domestic and foreign banking business.

"If a foreign bank wants to form joint venture with a local bank, the proposal signed by the two parties must be submitted to the Central Bank of Myanmar. The Central Bank of Myanmar will have to put up the proposal together with its recommendation to the Ministry of Finance and Revenue which will have to submit it again to Myanmar Investment Commission for approval." (NLM 12/15)

Dec. 27: The Korea Exchange Bank was on Dec. 20 issued a license to open a representative office. Such licenses have already been issued to 31 banks from Thailand (6), Singapore (5), France (4), Malaysia (3), Indonesia (2), Bangladesh (2), Japan (2), Netherlands (2), Cambodia (1), Hong Kong (1), United Kingdom (1), Canada (1), and Brunei (1). (NLM 12/28)

Food Prices

Dec. 2: "With the aim at helping stabilize meat and fish prices," the Ministry of Trade has opened a sea fish shop in Sangyoung Township, Yangon. "The shop sold out nearly 100 viss of Ngagaungpwa today at K 36 per viss between 7 am to 7 pm. Fried Ngagaungpwa was also available at K 3, K 5, and K 10." (NLM 12/3)

Dec. 3: SLORC Secretary-2 Lt-Gen. Tin Oo inspected "sales of sea fish and prawns" at various sites; at Bogyoke Market, officials

"presented arrangements being made for selling economically." (NLM 12/4)

Dec. 5: Individuals or companies wishing to build trawlers should apply to the Subcommittee for Maritime Security and Increase of Trawlers of the Fisheries Department, 666 Merchant Street, Pabedan Township, Yangon, "for building grant and fishing license in accordance with procedures for full availability of engines and parts, electrical appliances and timber." For information, telephone 20612, 20616, 80826, or 82784. (NLM 12/6)

Dec. 6: Speaking to officials and meat and fish dealers, SLORC Secretary-2 Lt-Gen. Tin Oo advised them to "breed more, produce more, and be moderate in making profits." He said arrangements were being made "to enable people to buy meat and fish with ease and at moderate prices and at the same time to bring benefits to producers and dealers." (NLM 12/7)

Dec. 11: SLORC Secretary-2 Lt-Gen. Tin Oo inspected "arrival, distribution and sale of sea fish and prawns," and stressed the need for deep-sea trawling to bring down prices. He promised easing of trawler inspections in Yangon harbour, and "said whoever wishes to engage in sea fishing will be permitted in accordance with rules." (NLM 12/11)

Dec. 19: Sea fish shops were opened at bus terminals and other busy places in Yangon "to enable the public to buy sea fish at moderate prices." (NLM 12/20)

Dec. 24: Inspecting fish and prawn sales at the Ahlon Township Cold Storage and elsewhere, SLORC Secretary-2 Lt-Gen. Tin Oo "spoke on arrangement of bringing down of price for consumers." (NLM 12/25)

Aviation

Dec. 7: Indian Airlines inaugurated a service between Yangon and Calcutta. [See also under Advertisements] (NLM 12/8) // Dec. 8: Bandoola International Ltd., Myanmar agent for Indian Airlines, hosted a dinner attended by Regional Director Mr. P Purkayastha and others from Indian Airlines, as well as Minister for Religious Affairs Lt-Gen. Myo Nyunt and other officials. (NLM 12/9)

Dec. 14: Lao Aviation Co. inaugurated weekly Vientiane-Yangon-Vientiane air service. Speakers included Minister for Transport Lt-Gen. Thein Win, Lao Deputy Minister at the Office of the Prime Minister Mr. Bouasone Bouphavanh, and Managing Director of Lao Aviation Co. Mr. Sisavath Boussamaly. The flight will operate every Thursday. (NLM 12/15)

Dec. 23: An ATR 72-210 QC aircraft has been added to Air Mandalay's Mandalay-Yangon route. (NLM 12/24)

Tourism

Dec. 14: 115 tourists (including 83 Americans) arrived on the ms Song of Flower of the Radisson Seven Seas Cruises of the USA. They visited the Shwedagon Pagoda and other sites in Yangon. (NLM 12/15) // Dec. 15: 118 of them departed by air. Another 44 arrived by air. (NLM 12/16)

Dec. 15: 317 tourists (including 295 French) arrived on the mv Mermoz of Croisieres Paquet. They visited Yangon tourist sites. (NLM 12/16) // Dec. 16: 153 tourists visited sites in Yangon, while 75 flew to Bagan. (NLM 12/17)

Dec. 30: 267 tourists (including 115 Americans and 88 British) arrived on the mv Silver Cloud, and toured Yangon. (NLM 12/31)

Economic Organizations

Dec. 23: The Myanmar Engineers Association was formed, with U Kyin Soe as Chairman. (NLM 12/24)

Dec. 27: The Myanmar Industrial Producers Association held its second annual meeting, presided over by Chairman U Htain Win, Vice-Chairman-3 U Thein Hlaing, and General Secretary U Zaw Min Win. Also present was President U Khin Maung Yi of the Myanmar Chamber of Commerce and Industry. (NLM 12/28)

Dec. 27: The Myanmar Chamber of Industry held its second annual

meeting, presided over by Chairman U Htain Win and Chairman of the Myanmar Chamber of Commerce and Industry U Khin Maung Yi. Vice-Chairman-1 Dr. Kyaw Htin announced the new Central Executive Committee and Executive Committee members. (NLM 12/28)

Dec. 29: The Myanmar Timber Entrepreneurs Association held its second annual meeting, presided over by Chairman U Aung Lwin and General Secretary U Aung Win. (NLM 12/30)

Jade Sale

Dec. 29: An interim Jade Sale opened at the Myanmar Gems Emporium. 492 lots with a floor price of \$2,714,480 will be sold on competitive bidding, and 5,258 jade carvings will be sold at fixed prices totalling \$236,009. Tenders will be accepted on Dec. 30 and scrutinized on Dec. 31. Jade will be sold for local currency from Jan. 5-7. (NLM 12/30)

Rainfall in Yangon

Rainfall, in inches, at Yangon's three weather stations of Yangon Airport (YA), Kaba-Aye (KA), and Central Yangon (CY) was:

	YA	KA	CY
1987	97.01	100.98	95.43
1988	99.17	100.00	107.76
1989	96.22	100.59	102.76
1990	118.35	109.92	122.84
1991	91.81	83.78	96.65
1992	81.34	96.02	95.98
1993	82.64	111.18	95.12
1994	120.16	120.94	117.36
1995 -- as of:			
Dec. 1:	104.84	100.47	98.27
Dec. 15:	104.84	100.47	98.27
Dec. 30:	104.84	100.47	98.27

HEALTH

Health Articles

Dec. 16: Development in Vital Registration and Statistics System in Myanmar, by Dr. Sein Tin. [History of vital statistics in Myanmar since 1898. Present introduced in 1962, with 13 forms (3 for live births, 5 for late foetal births, and 5 for deaths) in use. In rural areas, the Central Statistical organization has implemented the vital registration and statistics system with UNFPA funding under the Vital Registration and Statistics Project (Bur/75/PO2) signed on 16 January 1979. At the end of the project in May 1988, 78 townships were included with a population of 9.3 million, or 33% of the rural population. A second-phase project (MYA/88/PO5) was signed on Apr. 19, 1990 to last until 1993. By 1994 it covered 80 townships (of a planned 107) with a population of 11.0 million. As of Nov. 1995, the VRS system is 91% of urban population in 254 towns, plus 158 townships covering 62% of the rural population, or a total of 30.33 or 69% of Myanmar's population. Level of completeness in birth registration was 61% in 1994 (63% urban, 60% rural); death registration was only 46% (62% urban, 35% rural). "The level of completeness is as a whole, not very high in the survey area." Improvement is needed.]

World AIDS Day Speech

Dec. 1: The 1995 World AIDS Day was observed at the Institute of Nursing, and addressed by Minister for Health Vice-Adm. Than Nyunt [full text]:

Honoured guests, representatives of UN agencies and everyone who has gathered here today -- first of all, let me wish you the best of health and happiness.

Today, the 1st of December has been designated World AIDS Day since 1988. Every year it is observed throughout the world to raise awareness of the HIV/AIDS problem and to further strengthen and

stimulate the fight against this dreadful scourge.

This year, the WHO has adopted the slogan, "Shared Rights, Shared Responsibilities" to mark the World AIDS Day.

As of today, the WHO has estimated that over 20 million people worldwide have been infected HIV including 1.5 million children. Of these, 4.5 million already have had AIDS. These figures underscore the fact that HIV/AIDS is a major threat facing mankind today.

This year's theme of 'shared rights, shared responsibilities' underlines how essential rights and responsibilities are in the context of HIV/AIDS.

Every individual of course has equal rights to life, health and non-discrimination and every individual must engage in national and responsible behaviour; these also concern people with HIV/AIDS equally as well. Everyone has the right to access to information to prevent infection and everyone has the right to take steps to avoid infection.

It is the responsibility of everyone concerned that the spread of HIV should be controlled. It is the responsibility of the individual to see that he/she does not contract HIV. So also it is the responsibility of a person with HIV/AIDS to see that he/she does not transmit the infection to others.

When there are persons with HIV/AIDS in the community it is the responsibility of the family and community to see that they get appropriate and compassionate care.

For people who are afflicted with the effects of AIDS, care and compassion would be the most valued assets for them.

It has to be recognized that it is the right of people with HIV/AIDS to have access to care and attention. It is the responsibility of everyone that they should have access to their rights.

Myanmar's culture has had a long tradition of the community rallying around the sick and it is indeed heartening to note that this practice has already been extended to people with HIV/AIDS. This is to be further encouraged.

The State Law and Order Restoration Council has given top priority to improving the health status of the nation and has included this among its four social objectives.

Together with malaria, tuberculosis and iodine deficiency disorders, HIV/AIDS has been designated a national concern by the National Health Committee.

Under the aegis of the National Health Committee, National AIDS Committee has been formed. I myself, as the Health Minister is responsible for chairing the Committee. This Committee is responsible for directing and co-ordinating preventive activities in HIV/AIDS, health education, medical and social care and research.

The Ministry of Health has carried out HIV/AIDS activities according to the following eight sectors:

1. Health Education
2. Safe blood supply
3. Prevention of HIV transmission through sharp and piercing instruments
4. Surveillance
5. Medical and Social Care including counselling activities
6. Training of health personnel and voluntary health care workers
7. Research
8. Co-ordination of national and international NGOs.

A special stepped-up programme has been initiated to combat HIV/AIDS in some border towns which have shown higher prevalence rates compared to other areas. These places include Kawthaung, Myawadi, Tachilek, Kyaingtone, Muse and Tamu. Very recently responsible personnel from the Department of Health & State and Division administrative authorities have joined forces to successfully implement these programmes in Kawthaung and Myawadi. These activities are carried out with attention to features of the HIV problem peculiar to these regions.

Other priorities are to further extend the availability of safe blood throughout the country and to make available safe, affordable condoms as practical approaches to fight HIV/AIDS. Attention has also been given to prevent transmission of HIV through unsafe injecting practices.

In 1995 alone 18 training courses on HIV/AIDS have been conducted by the Department of Health involving 636 persons. Thirty-seven persons from the Department of Health, including doctors, nurses, social workers, and health education officers have been sent abroad to attend conferences and courses on AIDS. Personnel from other Ministries have also been sent to other countries to study HIV/AIDS prevention activities.

It has to be recognized that the Ministry of Health alone will not be able to contain such a complex, diverse and huge problem as HIV/AIDS. As has been stated this is the responsibility of all -- various government departments, communities and people from all social strata -- in fact, each and everyone of us.

Since 1987, WHO has carried out HIV/AIDS control programme as the Global Programme for AIDS. Beginning from 1996, its activities will be taken over by UNAIDS which will be sponsored by UNICEF, UNDP, UNESCO, UNFPA, World Bank and WHO.

We firmly hope and believe that UNAIDS will continue to objectively view the needs of Myanmar and support its strategies in her battle with HIV/AIDS.

In conclusion, I would like to state that Myanmar will continue to fight HIV/AIDS as a matter of national concern under the leadership of the National Health Committee with the Ministry of Health acting in co-ordination with other ministries and departments and national and international NGOs and the people themselves.

Myanmar is fully committed to co-operate and work with UNAIDS. "Shared rights and shared responsibilities" should not only be used as a slogan for today but should be used as our banner in our continued battle against HIV/AIDS.

(NLM 12/2)

Health Cost Sharing

Dec. 18: The National Seminar on Health Economic and Health Care Financing opened at the Planning and Statistics Department, and was addressed by Deputy Minister for Health Col. Than Zin. He said Myanmar had allocated K 464 million for health care in 1988-89, and this was increased to K 2,065 million for 1994-95.

"Traditionally, most Governments have undertaken the sole responsibility for financing health care services provided to the people. As the cost of health care is rising, Governments alone cannot afford to sustain the cost and thus the role of the community for sharing the cost has become important.

"Every country has to start introducing alternative health care financing schemes in consonance with the political, economic, social and cultural conditions of each country. The Bamako Initiative adopted in African countries and the Health Card system being practiced in Thailand are popular examples of Community Cost Sharing schemes....

"Some of the alternative health care financing schemes that are being implemented in Myanmar, although still in their embryonic stages, are gaining success.

"One scheme is opening paying wards and cost sharing laboratories in the public hospitals. Charges are made to those who can afford to pay for the services provided. The earning from these charges are then used for purchasing drugs, maintaining hospitals and giving bonus to hospital staff.

"The next scheme is opening Community Cost Sharing Drug Stores at the hospitals. There are now 254 such drug stores and up till now Kyat 10.1 million has been contributed to the State revenue from these drug stores.

"Another scheme is distribution of essential drugs through Community Cost Sharing system in townships. The system is being

introduced in 22 townships through Myanmar Essential Drug Project, in 41 townships with the support of Nippon Foundation and one township with UNICEF support....

"In conclusion, I do hope that during this Seminar there will be frank exchange of views and ideas as regards to practical application of health economics and health care financing concepts and principles in formulating and implementing health plans in Myanmar...."

WHO Resident Representative Dr. Klaus Wagner also spoke. Representatives of various Ministries are attending. (NLM 12/19)

Health Research Congress

Dec. 19: SLORC Secretary-1 Lt-Gen. Khin Nyunt addressed the opening of the 5-day Myanmar Health Research Congress at the Institute of Nursing, noting that political, economic and social changes in Myanmar mean that "health problems cannot be solved by ordinary means...." 80 research papers and 16 posters are scheduled for this Congress, with concentration on malaria, followed by tuberculosis, AIDS, snake bite, iodine deficiency, bowel disorder, and non-infectious diseases. (NLM 12/20)

Dec. 20: The paper reading session continued, with 17 papers presented. 16 research exhibition booths have been opened. (NLM 12/21)

Dec. 24: The Congress concluded, with the reading of another 13 papers. (NLM 12/25)

SPORTS

Sports Articles

Dec. 27: International Golf Tournament, in Yangon Golf Club in January, Visit Myanmar Year, 1996, by Sports Reporter. [Myanmar's entry into the pro golf circuit.]

Myanmar Teams and Officials

Dec. 15: A Myanmar Universities Tennis Team led by U Khin Maung Win of Yangon University left for Hong Kong to compete in the 8th Asian University Tennis Championship 1995 to be held from Dec. 18-22. The team includes Maung M Tu Ja (Mandalay Univ.), Maung Aung Ko Win (Dagon Univ.), Maung Pine Soe (Inst. of Computer Science and Technology), Maung Yan Naung Maung Maung [sic] (Institute of Medicine-1), Ma Ya Min Thiri Thein (Yangon Univ.-Hline Campus), and Nan Myo Thanda (Yangon Univ.-Kyimyindine Campus). (NLM 12/16)

Dec. 16: A 10-member thaing contingent led by Lt-Col. Lay Myint left for Malaysia to participate in the Dec. 17-19 World Pandekar Day. Included were U Tun Shein (manager), U Hla Oo (coach), and athletes Tun Saw (Rakhine), Shwe Win (Bago), Chit Thu (Kachin), Khin Maung Yin (Bago), Kyaw Lin (Bago), Hsan Myint (Bago), and Aung Kyaw Soe (Bago). "They will demonstrate Myanmar thaing skills (martial arts) and physical training." (NLM 12/17)

Foreign Teams, Coaches, etc.

Dec. 14: The Asian Professional Golfers Association (Asian PGA) will stage the "first ever professional golf tournament" in Myanmar, with the US\$ 150,000 Myanmar Open at Yangon Golf Club from Jan. 4-7, 1996. It will be the 16th leg of the inaugural Omega Tour; various pros, including "local stars" Kyi Hla Han and Zaw Moe, have promised to participate. Also expected to participate are Taiwan's Lin Keng-chi, Indian champion Gaurav Ghei, Thailand's Boonchu Ruangkit, and America's Gerry Norquist who won the October Royal Perak Classic in Malaysia. The announcement was made by Asian PGA Executive Director Ramlan Dato Harun. (NLM 12/15)

Dec. 19: Secretary Mr. Lee Kyu Seok of the Asian Taekwondo Federation called on President of Myanmar National Olympic Committee Minister at the Prime Minister's Office Brig-Gen. Lun Maung. (NLM 12/20)

Dec. 23: 49,386 runners took part in the Sixth Mayor's

International Marathon in Yangon. Among the winners in the many classes was Timothy Moni (Kenya) came first in the men's open division, and won \$5,000. [two pages of photos] (NLM 12/24)

Hole-in-One

Dec. 18: U Win Naing scored an ace Dec. 16 on the 133 yard 16th hole of the City Golf Resort. (NLM 12/19)

XVIII SEA Games

Dec. 4: Myanmar beat Philippines 4-1 in the second soccer match of the XVIII South-East Asian Games in Chiang Mai, Thailand. (NLM 12/5)

Dec. 5: Myanmar tied 1-1 with the Philippines in women's soccer. (NLM 12/6)

Dec. 5: The second batch of Myanmar athletes (volleyball, golf, badminton, cycling, and taekwando) led by Director-General Col. Tun Sein of the Sports and Physical Education Department left for Chiang Mai. In the afternoon, the third batch (shooting, basketball, cycling, and sepak takraw) led by President Brig-Gen. Thein Tun of the Myanmar Shooting Federation also left. Altogether, 149 athletes and 15 others were included in the two groups. (NLM 12/7)

Dec. 6: The Myanmar women's soccer team consists of Wa Wa Moe (Khin May Than), Mya Mya Khaing (Tin Aye Kyaing), Myint Myint Hlaing, Yin Yin Oo, Thida Aye, Hla Hla Tha, Nila Kywe, San San Kyu, Thida Kyi, Win Win Mar (Yin Moe Aye), and Nyo Nyo Aye. (NLM 12/7)

Dec. 9: Myanmar and Thailand tied 3-3 in women's soccer. Myanmar beat Philippines 2-1 in men's Sepak Takraw. (NLM 12/10)

Dec. 10: In track and field, Myanmar won silver (Thein Win) in Men's 10,000 metre; bronze (Aye Aye Nwe) in Women's shot put; bronze (Kyaw Swa Moe) in Men's javelin; and bronze in Women's 4 x 200-metre relay. Myanmar beat Vietnam 3-1 in Men's volleyball, and Malaysia 3-0 in Women's volleyball. Myanmar lost to Indonesia 3-0 and to Vietnam 3-1 in Men's table tennis, and 3-0 to Indonesia in Women's table tennis. Myanmar beat Singapore 3-2 in Men's badminton, but lost to Singapore 3-0 in Women's badminton. In Men's basketball, Singapore defeated Myanmar 95-44. Myanmar (Maj. Myint Soe) took gold in the 25-metre standard pistol event, and the Myanmar team took bronze. In Sepak Takraw, Indonesia defeated Myanmar 2-1. (NLM 12/11)

Dec. 10: Executive Committee members U Kyaw Naing and U Zaw Win of the Myanmar Hockey Federation left for Chiang Mai to present prizes to the Myanmar team, and to attend a meeting of the Asia Hockey Federation. (NLM 12/11)

Dec. 11: Myint Htay took silver in the Men's 10,000 metre walk. Khin Khin Htwe took gold in Women's 1,500 metres, and Pa Pa took silver in Women's 10,000 metres. In Women's Judo, Thidar Mon took silver in over 72 kilos. In Men's Judo, Nyan So took silver in 95 kilos; and Aung Naing Oo took silver in over 95 kilos. In Women's 10-metre air pistol, Khin Soe Thaik took silver. In Women's weightlifting, Kyu Kyu Win took bronze in 54 kilos. In Preliminary basketball, Thailand beat Myanmar 96-41 and 127-57 in Men, and Philippines beat Myanmar 138-45 in Women. In Volleyball, Myanmar defeated Vietnam 3-0. In Sepak Takraw, Malaysia defeated Myanmar 3-0. In Men's field hockey, Thailand defeated Myanmar 6-0. Myint Soe took gold in Men's 25-metre pistol. In Track and field: Aye Aye Nwe took bronze in Women's shot put; Myanmar took bronze in 4x200 metre relay; Kyaw Swar Moe took bronze in javelin; Thein lwin took silver in 10,000 metres. (NLM 12/12)

Dec. 12: In Women's weightlifting, Naw Phaw Gay took bronze in 59 kilos; Mi Mi took silver in 64 kilos. In Men's 3,000-metre steeplechase, Aung Din took bronze. In soccer, Myanmar beat Laos 1-0. In Judo, Thida Mon took silver in Women's 72-kilo; Nyan Soe silver in Men's 95-kilo; Maung Naing Oo bronze in Men's 95-kilo; and Naw Maurel Mu bronze in Women's 72-kilo. In basketball, Philippines beat Myanmar 138-45 (Men's) and Thailand beat Myanmar 96-42 (Women's). In Women's soccer, Myanmar beat Singapore 1-0. (NLM 12/13)

Dec. 13: Chairman of the Myanmar Olympic Committee Minister at

the Prime Minister's Office Brig-Gen. Lun Maung left for Chiang Mai to attend the games. He was accompanied by PSO Capt. Tin Htut. (NLM 12/ 14) // Dec. 15: He met with managers of the sports contingents. (NLM 12/16)

Dec. 13: Myanmar took bronze in the Women's soccer finals. Soe Kyi took bronze in Free Pistol. In Women's doubles badminton, Swe Mar Oo and Kyi Kyi Swe defeated Singapore 2-0; in Men's doubles, Zaw Win and Aung Kyaw beat Brunei 2-0, and Win Tun Thein and Maung Maung beat Singapore 2-0. In Basketball, Indonesia beat Myanmar 161-62 (Men's) and Malaysia beat Myanmar 88-47 (Women's). In Men's volleyball, Myanmar defeated Cambodia 3-0; in Women's volleyball, Thailand defeated Myanmar 3-0. In Men's Taekwando, Thit Lwin tied for bronze in the 70-kilos category; in Women's lightweight Ma Chit Su took bronze. In Women's judo, Myanmar tied for bronze in 52-kilos. In Men's weightlifting, Wunna Kyaw Thu took silver in 76-kilos; in Women's weightlifting, Mee Mee took silver in 64-kilos and Naw Phow Gay bronze in 59-kilos. (NLM 12/14)

Dec. 14: Than Than Tin took bronze in Women's Judo (under 52-kilos). Myint Lwin took bronze in Men's Thaing (45-50 kilos). Soe Kyi took silver in individual free pistol. (NLM 12/15)

Dec. 15: The first contingent of 43 Myanmar athletes returned home. Aye Aye Nwe took silver in Women's discus; Ma Hla Shwe took bronze in Women's 5,000-metre walk; Than Than Htay took bronze in Women's 100-metre race. Khin Thida Myint took bronze in Women's 70-kilo weightlifting. San San Aye took bronze in Women's Judo (under 48-kilos); Phone Kyaw tied for bronze in Men's 60-kilo judo. Myanmar beat Indonesia 3-2 in Men's volleyball, and 3-0 in Women's volleyball. Thaung Thaung Win took bronze in Women's pinweight taekwando. (NLM 12/16)

Dec. 16: A second contingent of 58 athletes returned to Myanmar. Khin Khin Htwe took gold in the Women's 3,000 metres; Thandar Su Myint took gold in Women's sport pistol; Khin Soe Thaik took silver in Women's 25-metre sport pistol. In Women's weightlifting, Aye Mon Khin took gold (83-kilos), Naw Bwe Htoo silver (83-kilos) and Win Win Maw silver (76-kilos). In Men's weightlifting, Thi Han took bronze (99-kilos). In rowing, Myanmar took silver in Men's 400-metres and bronze in Women's 400-metres (10 paddlers); In Men's 800-metre Myanmar took silver; in Women's 800-metre Myanmar took bronze (12 paddlers); In Men's 800-metre Myanmar took silver (22 paddlers). In Men's basketball, Malaysia beat Myanmar 125-51. In Men's volleyball (final), Thailand beat Myanmar 3-0. (NLM 12/17)

Dec. 17: 61 Athletes returned home. Myanmar won one silver and one bronze in Thaing. In Women's weightlifting, Tin Tin Aye took silver (45-50 kilos), and in Men's weightlifting, Myint Lwin tied for bronze (45-50 kilos). In Yachting, Saw Marlar Soe and Myat Pwint Yi Kyaw took silver in the 420 class; Aung Kyaw Win too bronze in Super Mod class; and Sithu Moe Myint took bronze in International Optimist class. (NLM 12/18)

Dec. 18: The Games finale was held. 77 Myanmar Athletes returned home. Final standings:

			Gold	Silver	Bronze	Total
Thailand	157	98	91		346	
Indonesia	77	67	77		221	
Philippines	33	48	62	143		
Malaysia	31	49	69		149	
Singapore	26	27	42		95	
Vietnam	10	18	24		52	
Myanmar	5	21	37		63	
Brunei		0	2	5		8
Laos		0	1	6		7
Cambodia	0	0	2		2	

(NLM 12/19)

Students Sports Festival

Dec. 5: Patron SLORC Secretary-1 Lt-Gen. Khin Nyunt formally opened the Sixth Students Sports Festival, held this year in Loikaw,

Kayah State. (NLM 12/6)

[Dec. 6-14: articles on events at the Festival]

Dec. 15: The Festival came to a successful conclusion, with presentation of prizes and an address by Patron Minister for Education U Pan Aung. (NLM 12/16)

CULTURAL

Cultural and Scientific Articles

Dec. 6: 1995 - The Year of Great Diamonds! by K Myitzu. [Such as the Motion Pictures Diamond Jubilee, the National Day Diamond Jubilee, the Myoma School Diamond Jubilee, and the Yangon University Diamond Jubilee.]

Dec. 13: Editorial: English, English everywhere... [full text]:
Time was when the English language was frowned upon by ultra-nationalists in countries colonized by the British as the language of the slave, that is, language taught to those they sought to enslave, and for the furtherance of the colonial bureaucracy.

The colonial fetters so traumatised those who were thus shackled that they would not attempt to learn it even for the sake of knowing what the usurpers of their land were saying.

Those notions have died with the demise of colonialism, so to say, since all former colonies have regained their independence although they are still wary (and rightly so) of those who have found it logical to return sovereignty to those to whom it rightfully belonged.

Today, whatever the past connection with those who used English as a tool to prolong the servitude of others, the very people who hated the language as such have turned around to use it as a tool for enhancement of opportunities and improvement of the quality of life.

Today, people of the developing world, be they part of the former colonies or not, have taken a liking to English as a language, as a tool for advancement, with notion changed.

English, or for that matter any language, cannot be learned from 'book-learning' alone. It has to be taught. Those who are proficient in both written and spoken language know how to teach others correctly.

Picking up language for its functional use, say like Pidgin, is one thing. Teaching it correctly is another.

These days we hear of conversational English, written English, spoken English, commercial English, technical English, and what have you? Yet these remind us of how complex the business of learning the language had become, and how advantageous it would be if one were to master it, judging from those who made it.

Letting bygones be bygones, when we held the mistaken view that if one were proficient in Myanmar grammar, one could easily adapt it to learning English grammar, when actually that notion was erroneous, we have, for the past several years, pushed toward intensification of teaching, and learning, English or its reuse as a medium of instructions for most subjects in institutions of higher learning and even in high schools.

There is a degree of success, but no as much as we would wish there would be. So, children, or even adults, seek supplementary doses of English, which is well and good.

However, the crux of the matter is you have to learn it from those who can teach it. The proof of the pudding is in the eating.

Dec. 21: Selecting the best recitation of the Buddhist scriptures throughout States and Divisions of the Union of Myanmar, by Ba Sein (Religious Affairs). [Benefits of reciting the Buddha's 11 holy discourses (Parittas):

Mangala Sutta:

- (1) Sound and peaceful sleep
- (2) Sound and peaceful waking
- (3) Never have terrible dreams

- (4) being loved by peoples
- (5) being loved by Devas
- (6) being looked after by Devas
- (7) being free from poison, weapons, and burnings
- (8) peaceful mindfulness
- (9) peaceful and pleasant face
- (10) peaceful death without wavering and excitement
- (11) Obtaining the holy life of Devas.

Ratana Sutta:

- (1) being free from hunger or the natural disaster
- (2) being free from various diseases
- (3) being free from catching of evils

Khandha Sutta:

- (1) being able to be cured of poisonous snake-bites
- (2) being free from poisons of all kinds of snakes

Mawra Sutta:

free from catching and threats of hunters

Vatta Sutta:

free from upset and terrible mindfulness
free from burnings including residential buildings and forests on fire

Attanadiya Sutta:

- (1) long-life
- (2) pleasant and beautiful appearance
- (3) being wealth and prosperous
- (4) mightiest strength
- (5) wisdom

Angulimala Sutta:

pregnant women can give to birth easily

Bozingga Sutta:

- (1) being free from various troubles
- (2) Defeating and conquering enemies
- (3) Having the holy state of Nibbana

Pubbahna Sutta:

- (1) being free from misfortunes
- (2) being free from bad elements
- (3) being free from awful dreams
- (4) Having peaceful mindfulness]

Dec. 27: Bagan, worthy of shining example in the world, by Tekkatho Tin Kha. [On a Dec. 26 visit, SLORC Secretary-1 Lt-Gen. Khin Nyunt "instructed those concerned to repair and renovate the pagodas keeping their original architecture intact. He said so since genuine cultural heritage remains prominently only in Myanmar compared to other parts of the world. The loss in original workmanship will diminish the value. This should be kept in mind in repairing and preserving Bagan pagoda in a state of near collapse."]

Yangon University Diamond Jubilee

Dec. 1: The Jubilee was officially opened by SLORC Secretary-1 Lt-Gen. Khin Nyunt as Patron of the Leading Committee for Celebrating Yangon University Diamond Jubilee and Chairman of the Myanmar Education Committee. He unveiled a plaque ("followed by beating of royal drums and releasing of multi-coloured balloons"), and addressed the gathering, linking the founding of the University to the Students Strike of 1920 and to Myanmar patriotism and nationalism. Higher Education Department Director-General U Myo Nyunt issued a 16-chapter history report of the 75-year history of the University, noting the introduction of correspondence courses in 1976 and the opening of 17 regional colleges in 1976-77. He observed how education expenditures had risen from K 50,000 in 1922, K 63 million in 1970, K 264 million in 1989-90, to K 1.105 billion in 1995-96. (NLM 12/2)

Dec. 3: Speaking at a prize distribution ceremony, SLORC Secretary-1 Lt-Gen. Khin Nyunt outlined the objectives of the Jubilee as inheriting traditions as:

- to continue to uphold the prestige of the university,
- to implement an education system which reflects Our Three

Main National Causes to uphold non-disintegration of the Union, non-disintegration of national solidarity and perpetuation of sovereignty,

-- to contribute to preservation of national prestige and integrity and culture,

-- to promote an education system which is in conformity with the political, economic and social systems undertaken by the State, and

-- to nurture youths for emergence of brilliant, outstanding technicians who will help build a modern developed nation.

He said that 1,190 men and 573 ladies from 45 universities, degree colleges, and other institutions, had taken part in the competitions. (NLM 12/4)

Religion

[There were regular small articles on donations, and voluntary labour, for the Tooth Relic Pagodas under construction in Yangon and Mandalay.]

Dec. 25: "Christmas celebrated with traditional glitter and merriment nationwide. The Christian faithful of all denominations ushered in the birthday of the Lord with carol singing and Midnight Mass at churches here and in other parts of the country. Both major churches like Cathedral of the Holy Trinity, the Immanuel Baptist Church and others in town were bathed in multicoloured illuminations. Downtown, the Yangon Duty Free Shop...boasted two large X'mas tree illuminations. In the various communities, people of other faiths joined their Christian relatives and friends rejoicing and celebrating with feasts Myanmar-style. Gifts were exchanged. Both coniferous and artificial X'mas trees and Nativity scenes were evident in churches. Similar sights and sound were repeated throughout the country with dinners at home and in restaurants topping the occasion...." (NLM 12/26)

Publications

Dec. 1: The Souvenir of Yangon University Diamond Jubilee Book 1, History of Yangon University for 1920-1995, and Myanma Historical Research Journal No. 1, were published by the Publications Committee and are available at the Universities Historical Research Centre, Amara Hall, Central Library of Universities, and the Higher Education Department. (NLM 12/2)

Dec. 1: A Magazine for Bago Hall was published by the Magazine Committee of Bago Hall, as part of the Yangon University Diamond Jubilee. It costs K 75. (NLM 12/2)

Dec. 2: Zoology Magazine, "hailing the Yangon University Diamond Jubilee," was published by the Zoology Department. (NLM 12/3)

Dec. 4: The Statistical Abstract 1994, with national statistics for 1981, 1986, and 1991-94, was published by the Central Statistical Organization. This statistical series "is intended for the use of governmental organizations, enterprises, joint ventures, companies and the public." It was published in alternate years between 1972-78, but then ceased. It is available from Sarpay Beikman Bookstore and CSO, at K 250 and K 150 depending on paper quality. (NLM 12/5)

Dec. 9: Today, the English publication for tourism, celebrated its second birthday with a dinner attended by Minister for Hotels and Tourism Lt-Gen. Kyaw Ba. Photography prizes were presented to winners of a contest in which 125 professionals and amateurs submitted 564 photos, up from 300-plus last year. (NLM 12/10)

Dec. 19: Myanmar Perspectives, a lavish English-language colour magazine about Myanmar, made its debut. (NLM 12/20)

Dec. 21: Myakyuntha magazine, hailing the Yangon University Diamond Jubilee, was issued, with old and new writings and old photos, and is available for K 100 "at the YU departments and from old day student executives." (NLM 12/22)

Dec. 22: Shwezin, No. 2, was published by old and new residents of Inya Hall, commemorating the Yangon University Diamond Jubilee. (NLM 12/23)

Dec. 30: Insurance Compensation Rates for vehicle accidents were published by Myanmar Insurance; the rate includes K 25,000 compensation for death, and takes effect on Jan. 1, 1996. (NLM 12/31)

Pakokku Literary Awards

Dec. 4: The winners were announced in the 1995 Pakokku U Ohn Pe Literary Awards:

Literary Award for Life: Sayagyi U Ko Lay (Zeyar Maung);

Novels: (1) Khin San Mon for Tan-lyat-ei Ta-phet-kan-hma; (2) Manoktha Kyaw Win for Oh-chan-pe-myar The-thay-hta;

Collected Short Stories: (1) Hla Win (Economics) for Alin-ei Pon-hsaung-gh-hnint A-na-gut Tan-chin Wut-htu-toe-mya; (2) Maung Myay Ni (Tamaraw) for Eit-zatta Young-zone Wut-htu-toe-mya.

Treatises: (1) Thura Zaw for Acho Kabya Lailagyet; (2) U Myat Kyaw (Myanmar Language Commission) for Myanmarsar, Myanmar Yin-kyay-hmu Amwe-ahnit Bud-dha Kyanganla Amye Nama-mya;

Research: (1) Shwe Naga Tin Win for Htin Asarhtoe Swan-in; (2) Nyo Win Shin for Myanma Pachi Pabu Bithuka Pyin-nya Shin-mya Ahtokpatti;

Poems: (1) Myaylat Maung Myint Thu for Ein-met-oo-ga Phu-de-pan; (2) Aphyauk Myay Maung Swe Mon for Thitywet-nu-se Mya-shwe-yi Kabyamya.

Prizes were also given to college students getting highest marks in Myanmarsar.

Prizes will be distributed on Dec. 24 at Pyithaya Hall in Pakokku. (NLM 12/5)

Dec. 25: SLORC Secretary-1 Lt-Gen. Khin Nyunt distributed the prizes. (NLM 12/26)

Computers

Articles continued throughout the month concerning the installation of computers, often donated, at high schools around the country.

Dec. 20: SLORC Secretary-2 Lt-Gen. Tin Oo told officials of Ayeyawady Division that 39 computers had been installed in 21 schools in nine of the Division's 26 Townships.]

Dec. 21: Editorial: New generation of computer age. [In Myanmar, the Government is striving to enable all new generation students in the entire nation to have equal access to advanced computer science as it plays a leading role in international economic and social areas. With the help of the Government, the public and parents, more and more schools throughout the country have installed computers and printers, opening computer units to conduct courses for both teachers and students.... Recent signing of a contract...to buy 3,000 Apple computers for basic education schools is one of the considerable investments the Government is making to widely introduce computer science in schools.... Two {basic computer instructor courses} had already been completed to date, bringing out a total of 120 computer instructors and after completion of the third course, there will be 180 altogether. These instructors will teach the science to their pupils in multiplier courses, which will be opened at their respective schools in States and Divisions Laying down the uniform curriculum for basic education school computer courses and arranging the use of Apple computers of Capital Mac Centre in all schools will enable {sic} students equal access to computer science....]

Dec. 23: The first computers for the blind, donated by Germany, were delivered in Myanmar, for the Yangon School for the Blind (Khawegyan) in Ward 2, Mayangon Township, Yangon. "The computer unit, equipped with Arkenston computer, a Braille printer, IBM portable 486 computer and Laserjet 4L, is the first for the blind in Myanmar." (NLM 12/24)

Dec. 29: A first consignment of Apple Computers for schools, imported from Capital Mac Centre under arrangement of the Ministry of Cooperatives, arrived in 20 containers on the mv Bago. "The Ministry of Education has signed a contract with Capital Mac for the purchase

of 3,000 computers for use in schools." (NLM 12/30)

Universities and Institutes

Dec. 23: The University of Distance Education held its first convocation. Rector U Mehm Than Thaug conferred BA degrees on 1,667 and BS degrees on 65 graduates. On Dec. 24, he will confer a further 1,729 BA and 75 BS degrees. (NLM 12/24)

Dec. 30: Yangon University held its 81st convocation, with Rector Dr. Tun Maung conferring Bachelors degrees in Maths (11), Geology (5), History (780), Botany (758), Geography (6), and Library Science (23). The convocation will continue Dec. 31. (NLM 12/31)

MISCELLANEOUS

Sunday and Holiday Supplements

Dec. 3,10,17,24,31: Text of "Our Three Main National Causes. List of Special Projects (6 bridges and 12 dams). Further List of Special Projects (11). For texts see January issue.

Dec. 3,10,17,24,31: Towards a modern nation through all-round development, by Warazein. [Cont. Endeavours of the Ministry of Foreign Affairs. (iii) Review of activities in economic cooperation and environmental protection. (iv) Myanmar re-entry to the Asia-Africa Legal Advisory Committee in 1993; formation of the Strategy and International Study Department. Endeavours of the Supreme Court. (i) The number of Supreme Court judges was increased in 1992 from four to five. The Supreme Court has "so far" disposed of 10,039 criminal cases, 9,082 civil cases, 2,448 cases were set aside and 409 were turned down. The full bench heard 224 revision cases and 19 military appeal cases. State/Division courts hear 34,228 appeal cases, 12,070 civil cases (original side), and 24,927 criminal cases (original side). From April 1991 through March 1995, township courts heard 1,488,173 criminal cases and 30,513 civil cases (original side). A separate juvenile court has been established for the Yangon City Development Committee area. Five development courts in Yangon decided 24,586 cases and imposed K 13,459,252 in fines. Traffic courts in Pabedan and Insein Townships, Yangon, and Chanayethazan Township, Mandalay, decided 736,107 traffic cases and imposed fines of K 202,088,511. Fines from all courts totalled K 355,110,527. (ii) Further statistics and information. Licenses have been issued to 573 advocates and 1,323 higher grade pleaders; ethics discipline was taken against 65 advocates and 47 higher grade pleaders.

[Endeavours of the Attorney General's Office. (i) Between April 1991 and March 1995, 45 new laws were enacted and 35 old laws repealed by the State Law and Order Restoration Council. Details.]

Dec. 3: Zarmani Inn Reservoir in Thanlyin, by Htun Htun Min. [New water supply reservoir for Thilawa port.]

-- Taking steps in line with computer age, by Theimm Htut. [Installation of computers in highschoools.]

-- Natmauk Reservoir in Central Myanmar, by Tun Aung Gyaw. [Oct. 29 inauguration.]

-- Paddy harvested successfully, by Sintgu Soe Win. [Harvest in Shwepyitha Township.]

-- With precise, correct and rapid steps, by Thein Mya Lwin. [Agricultural mechanization. "The country will need 10,000 tractors, 80,000 power tillers, 45,000 harvesters, 2,000 threshing machines, and 10,000 paddy driers within a short time."]

Dec. 10,17,24,31: Township development activities in Myanmar, by Ahtet Minhla Nyunt Aung. (Cont. (5) Development committees are:

-- to take measures for proportionate development of urban and rural areas and making them clean, pleasant and beautiful;

-- to collect funds in full suitable to their respective townships and to give priority in spending funds on more appropriate tasks;

-- to take preparatory measures for town and rural development in time of Visit Myanmar Year 1996;

-- to renew Town Plan and Township Plan;

-- to turn all the roads in respective towns into metalled roads and to draw up four-year projects for turning all rural roads to at least laterite roads;
-- to carry out tasks for water supply so that all the people in the respective townships get sufficient amount of water by the year 2000;
-- to carry out construction and maintenance of gardens, parks, play-grounds and recreation centres to enable the people to take rest and recreate themselves;
-- to collect welfare funds within the bounds of law for the welfare of service personnel in addition to collecting taxes and revenues; and

-- to carry out all-round development tasks in accordance with organizational, political, administrative and economic outlooks.

[(6) Municipal problems in Bombay; cleanliness in Singapore. Recent tour of Minister for Progress of Border Areas and National Races and Development Affairs Lt-Gen. Maung Thint.

[(7) Visits to projects. "Meritorious deeds are also known as perpetual charity. There are six kinds of perpetual charity:

- (1) Planting fruit and flower trees and setting up a garden,
- (2) Planting of shade trees,
- (3) Providing drinking water to the wayfarers,
- (4) Digging public wells and ponds,
- (5) Paving and constructing roads and building bridges,
- (6) Building monasteries, rest house or shelter.

[(8) Tours of Minister and Deputy Minister.]

Dec. 10: Booming hotel industry, by T. Htut. [Growth of tourism.]

-- Milestone in banking history of Myanmar, by Thura Nyunt. [Inauguration of an Automatic Teller Machine (ATM) at the Myanmar May Flower Bank on Nov. 12 at Karaweik Hall.]

-- Modern Thiri Mandala Market in Mandalay, by Myint Zarni. [Under construction; to open in 1997.]

-- Systematic cultivation of crops in Pyay District, by Myint Naing. [Agricultural progress.]

Dec. 17: Prospering leather industry in Myanmar, by Maung Loktha. [Growth of the industry.]

-- South Pinle Dam and North Pinle Dam, by Khin Maung Than. [Dams near Myingyan.]

-- Yesagyo turning from brown to yellow, by Tin Win (Yesagyo). [Progress in irrigation.]

-- Briquettes produced from paddy husks in Hlataw village, by Tin Win Shwe (Shwe Pagon). [Substitutes for fuel wood. "It is urged that all should use paddy husk briquettes."]

Dec. 24: Be occupied with thoughts in the interests of the nation and the people, by Thiha Aung. [Visits to Sittoung River development projects.]

-- Reform to mechanized farming, by Pho Nyan. ["Today one can find 7,000 heavy tractors, 20,000 power tillers, 12,298 harvesters, 5,409 threshing and winnowing machines and 1,012 driers are being used in farming."]

Dec. 31: Round the year paddy, by Tun Tauk. [Multiple cropping.]

-- Objects d'art of Mazin Co-op enter foreign market, by Myint Thura. [Coop store selling lacquerware and other traditional crafts.]

-- To produce surplus paddy, by Maung Htaiwar. [Visit to Hlinethaya Township.]

-- Steps taken for State to become modern, by Mawgyun Myint Aung. [Visit to Myaungmya.]

Crime

Dec. 13: Six Myanmar and a Macau man have been arrested in Mingala Taungnyunt Township who "forced young women into prostitution, luring them with jobs abroad." Four young women complained to police on Dec. 11 that they had been promised jobs in

Macau as textile workers or waitresses with an income of K 200,000 per month, but were then locked up, awaiting passports, and forced into prostitution. (NLM 12/14)

Anti-Narcotics Activities

Dec. 2: 5.4 kilos of heroin were seized Nov. 21 in Mongshu Township. (NLM 12/3)

Dec. 5: 11.5 kilos of raw opium were seized Nov. 16 in Chanmyathazi Township, Mandalay. (NLM 12/6)

Dec. 11: 12.5 kilos of raw opium were seized Nov. 30 in Pyin-Oo-Lwin Township. (NLM 12/12)

Dec. 15: During November 1995, the Tatmadaw seized 32.9 kilos of opium and 0.02 kilo of heroin. The Police (MPF) seized 5.8 kilos of heroin (112 cases), 60.6 kilos of opium (24 cases), 2.6 kilos of marijuana (13 cases), 338.5 litres of Phensedyl (14 cases), 0.1 kilo of khat-pon (2 cases), 2.8 kilos of liquid opium (1 case), 1.7 kilos of opium residue, 4.4 kilos of heavy opium solution (3 cases), 0.01 kilo of dried opium (1 case), 3.2 kilos of opium block (2 cases), 102 gallons of acetic anhydride, and 2.5 kilos of opium dust (2 cases). There were 99 cases of failure to register for treatment and 5 other drug-related cases. The Police took action against 377 persons in 279 cases. "Among the MPF seizure, the MPF together with Tatmadaw-men" seized 2.7 kilos of heroin (6 cases), 49.6 kilos of opium (5 cases), 241.3 litres of Phensedyl (3 cases), and 102 gallons of acetic anhydride (1 case). (NLM 12/16)

Dec. 16: 0.09 kilo of heroin was seized Dec. 5. in Muse, on the person of Maung Htu Shun, "who came from Kyai Khaung of ...China to Mung Wain Village to sell heroin." (NLM 12/17)

Dec. 27: 373 bottles of Phensedyl were seized Dec. 22 in Kalay Township. (NLM 12/ 28)

Dec. 28: 710 acres of poppy plantations were destroyed Dec. 21-25 in Pinlaung Township. (NLM 12/29)

Dec. 29: 0.8 kilo of heroin was seized Dec. 23 in Pazundaung Township, Yangon, along with jewellery and cash. Two cars were confiscated. (NLM 12/30)

Marriage

Dec. 10: Dr. Myint Aung (a) Richard, M.Med.Sc.(Ortho.), son of U Em Lwin and the late Daw Aye, and Yin Yin Aye (a) Jamie B.Com. C.P.A.(Cal.), daughter of U Htein Lin and Dr. Kyin Kyi Sein, were married in Yangon. (NLM 12/12)

Obituaries

[English language obituaries only; there are obituaries in Burmese as well.]

Dec. 1: Capt. Suleman (BC/3816) died, aged 70 [remainder of obituary in Burmese]. (NLM 12/3)

Dec. 2: Victor Thomas, younger brother of Rev. J.J. Andrews, died in Yangon, aged 70. [Lutheran] (NLM 12/2)

Dec. 5: Mr. Man Bahadur Vohra, husband of Mrs. Nanda Devi, father of Mrs. Par Vati Devi (GS Sharma, President, All Myanmar Hindu Central Board), ...uncle of...Mr. Sher Bahadur Deuba (Prime Minister of the Kingdom of Nepal) + Mrs. Ruby Rana...died in Yangon, aged 80. [Hindu] (NLM 12/6)

Dec. 7: Mr. Norman Ngoon Ray Zahau, Administrative Officer (Embassy of Japan, Yangon), husband of Daw Kyi Han, died in Yangon, aged 55. [Christian] (NLM 12/8)

Dec. 8: Pianist Sagaing Hla Shwe, husband of Daw Hinthu Kyi, a popular musician who also wrote over 500 articles on music, died, aged 75. [article] (NLM 12/ 11)

Dec. 11: Mrs. Ruth Mary Francis, widow of Mr. Paul Francis, died in Yangon, aged 92. [Christian] (NLM 12/12)

Dec. 21: U Kin Maung Bo, Retired Chief of Naval Staff, husband of Daw Khin Khin Nyunt (Margery), died in Yangon, aged 79. (NLM 12/23)

Dec. 21: U Tin Maung Nyunt (a) Mr. Freddy Tin Myint, son of U

Tin Myint and Daw Nyunt Nyunt (USA)...elder brother of Mr. Michael E. Lott and Shelly Lott (USA)... uncle of Susan (USA), Caroline (USA), Erika (USA), Dawn Tin Myint (USA), Judy Tin Myint (USA)...died in Yangon, aged 51. (NLM 12/23)

Dec. 27: Hill Missionary Sayadaw Abhidhaja Agga Maha Saddhamma Jotika Bhaddanta Uttamasara, vassa 66, of Lumpi Tawya Kyaung, Falam Township, Chin State, died in Mandalay, en route to Yangon for medical treatment, aged 86. [news article] (NLM 12/28)

Dec. 28: Daw Kyin Kyin Naing, B.A. (History), wife of Dr. A.R. Chanda (a) U Hla Myint, died in Yangon, aged 59. (NLM 12/ 29)

Dec. 29: Dr. P Banerjee (a) U Kyaw Yin, husband of Mrs. Geeta Banerjee, father of...Dr. Tapan Banerjee MBBS (Yng) USA... died in Yangon, aged 67. [Hindu] (NLM 12/ 30)

Dec. 29: Rev. Dr. Hau Lian Kham, Senior Pastor, Grace Assembly of God, Principal, Evangel Bible College, husband of Dr. Daw Hau Lun Cing, died in Thingangyun. [Christian] (NLM 12/31)

Earthquakes

Dec. 4: An earthquake of strong intensity (6.5 Richter) was recorded at 00:41:06 local time, with epicenter 2,821 miles NE of Yangon. (NLM 12/5)

Dec. 22: An earthquake of moderate intensity (5.0 Richter) was recorded at 23:02:05 local time, with epicenter 330 miles NW of Yangon. (NLM 12/23)

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