

State LORC Declaration No. 1/90 of July 27, 1990

1. Myanmar Naing-Ngan became an independent and sovereign nation on 4th January, 1948.
2. The situation in the whole of the country deteriorated because of the disturbances during 1988. The Tatmadaw took over State Power in order to correct the deteriorating situation in time and in the interests of the people. The Tatmadaw abolished all the Organs of State Power including the Pyithu Hluttaw, formed the State Law and Order Restoration Council [SLORC], declared that it would carry out the four main tasks and undertook the responsibility of all the affairs of the State.
3. The [SLORC] issued laws, notifications, declarations and orders which have the force of law, required for effectively ensuring prevalence of law and order, the rule of law and peace and tranquillity throughout the country.
4. In order to ease the food, clothing and shelter problems of the people and to enable private, co-operative and joint venture businesses to be undertaken, the [SLORC] has repealed the restrictive laws and has issued necessary laws, orders, directives and orders which have the force of law. Moreover, it is carrying out measures which should be undertaken with a view to serving the long-term interests of the State.
5. The [SLORC] is carrying out measures which should be undertaken in order to ensure safe and smooth transportation and communications and to improve the same.
6. The [SLORC] (Tatmadaw) is not an organization that observes any constitution; it is an organization that is governing the nation by Martial Law. It is common knowledge that the [SLORC] is governing the nation as a military government and that it is a government that has been accepted as such by the United Nations and the respective nations of the world.
7. As regards international relations, the [SLORC] has declared that it will pursue an independent and active foreign policy and has friendly relations with the respective nations of the world. With a view to promoting better diplomatic relations with the respective nations the Government has not closed down any embassy in Myanmar Naing-Ngan but has allowed them to continue to operate; neither has it withdrawn Myanmar embassies from foreign countries, but has continued to keep them open and maintains normal relations with the respective nations. Furthermore, the Government has even opened an embassy in a country in which there was no Myanmar embassy previously.
8. Myanmar Naing-Ngan being a member of the United Nations, the Myanmar Embassy to the United Nations strictly pursues the foreign policy of Myanmar Naing-Ngan in international matters and in performing its duties concerning the United Nations, Myanmar Naing-Ngan abides by the principles of peaceful co-existence in its relations with other nations. Moreover, Myanmar Naing-Ngan defends and safeguards its independence and deals with other nations' interference in its internal affairs in accordance with the provisions of the United Nations Charter.
9. In order to avoid disruption and severance of relations between Myanmar Naing-Ngan and other nations, the Government magnanimously has time and again told some diplomats who have violated their diplomatic code of conduct not to interfere in its internal affairs without mentioning their names and the nations to which they belong. Furthermore, it has informed the matters to the embassies

concerned through diplomatic channels. As it has been able to avoid matters that may cause disruption of relations between nations and governments by doing so, there has not arisen any problem. Misunderstandings due to the activities of some diplomats have been cleared with magnanimity, through diplomatic channels.

10. The [SLORC] (Tatmadaw) has been persistently carrying out the three main tasks--that of preventing disintegration of the Union, preventing disintegration of national solidarity and that of ensuring perpetuity of the sovereignty of the State from the time it has assumed the duties and responsibilities of the State. Everybody is aware that on the other hand it has launched major offensives and crushed all sorts of armed insurgents, sacrificing the lives, blood and sweat of many members of the Tatmadaw. Since the Tatmadaw is not a political organization, it did not hold negotiations with the insurgents by political means. However, it welcomes all those who have renounced the programme of armed struggle and returned to the legal fold and a body formed by it is carrying out resettlement work for them. Since the [SLORC] is not a political government, it has no reason at all to negotiate by political means with any armed insurgent organization.

11. In order to enable the Multi-Party Democracy General Election to be held, the [SLORC] enacted the Multi-Party Democracy General Election Commission and formed the Multi-Party Democracy General Election Commission. It also enacted the Political Parties Registration law to enable political parties wishing to stand for the election to get themselves registered. Moreover, in order to hold a free and fair multi-party democracy general election, it enacted the Pyithu Hluttaw Election Law.

12. Section 3 of the Pyithu Hluttaw Election Law provides that--"The Hluttaw shall be constituted with the representatives elected from the constituencies in accordance with this law." The [SLORC] will take measures for summoning the Hluttaw in accordance with this provision. The Information Committee has, from time to time explained that the Multi-Party Democracy General Election Commission, the parties which won seats in the election and the elected representatives should carry out measures which should be carried out in accordance with the law and rules.

13. Today, after the Multi-Party Democracy General Election has been held, matters relating to summoning the Hluttaw and transfer of power are being discussed in bulletins and pamphlets published; guidelines in respect thereof are being given and incitements and instigations are being undertaken by foreign broadcasting stations and illegal pamphlets and leaflets are being distributed.

14. The matter of summoning the Hluttaw has been explained earlier. The Chairman of the [SLORC] has explained matters relating to transfer of power in the addresses he has made from time to time in his meeting with the Command Commanders, Commanders of Light Infantry Divisions and Chairmen of the State/ Division Law and Order Restoration Councils. The Secretary-1 of the [SLORC] explicitly dealt with this matter at the 100th Press Conference held on 13th July, 1990.

15. There will be no necessity to clarify the fact that a political party cannot automatically get the three aspects of State Power--the legislative power, the executive power and the judicial power--just because a Pyithu Hluttaw has come into being and that they can only be obtained on the basis of a constitution. The Constitution of 1947 was accepted and approved by the Constituent Assembly on 24th September, 1947. However, it can clearly be seen from the legal aspect that that constitution came into force only on 4th January 1948 when Myanmar Naing-Ngan was declared an independent and sovereign State. There are two types of constitutions for a nation--one drawn up before the nation becomes independent and the other drawn up after the nation has become independent. The tradition followed by the respective nations which have attained independence is that they held

constituent assemblies and drew up the constitutions only after they have acquired sovereign power. However, in Myanmar Naing-Ngan independence was declared only after the Constituent Assembly had drawn up the constitution. It is clear that this was due to the fact that the leaders of the nation in those days wanted to obtain independence from the British by peaceful means as early as possible.

16. The Constitution of 1974 was drawn up after the nation's independence had been gained and no one can deny the fact that it was a constitution promulgated through a national referendum.

17. It is necessary to note particularly the difference in that the Constitution of 1947 was drawn up before the independence of the nation was attained and that the Constitution of 1974 was drawn up after the independence of the nation had been attained.

18. It can be seen from the statements issued that the desire of the majority of the political parties which contested in the Multi-Party Democracy General Election is to draw up a new constitution. It will be seen that when the Constitution of 1947 was drawn up, matters concerning the national races were discussed only with the Shan, Kachin and Chin nationals at the Panglong Conference and that they were not discussed with the Mon and Rakhine nationals. Today, in Myanmar Naing-Ngan there are many national races who have awakened politically and it is obvious that it is especially necessary to draw up a firm constitution after soliciting their wishes and views.

19. As the [SLORC] is a military government, it exercises Martial Law. As such it exercises the following three aspects of State Power in governing Myanmar Naing-Ngan:

(a) Legislative power: Only the [SLORC] has the right to exercise it.

(b) Executive power: The [SLORC] has the right to exercise it. However, it has delegated this power to the Government, State/Division, Township Zone, Township and Ward/Village-tract Law and Order Restoration Councils at different levels and has caused administrative work to be carried out through collective leadership. This is a form of giving training to the service personnel so that they will be able to perform, by keeping themselves free from party politics their departmental work under the government that will come into being according to the constitution.

(c) Judicial power: The [SLORC] has the right to exercise it. However, the Government has formed courts at various levels to adjudicate on ordinary criminal and civil cases so that they will have practical training when a constitution comes into being.

20. Consequently under the present circumstances, the representatives elected by the people are those who have the responsibility to draw up the constitution of the future democratic State.

21. It is hereby declared that the [SLORC] will in no way accept the drawing up of a temporary constitution for forming a government to take over State Power and that it will take effective action if it is done so, and that in the interim period before a government is formed in accordance with a new firm constitution drawn up according to the desires and aspirations of the people, the [SLORC] (Tatmadaw) will defend and safeguard--

(a) the three main causes--such as the non-disintegration of the Union, non-disintegration of national solidarity and ensuring perpetuity of the sovereignty;

(b) of the four main tasks mentioned in the [SLORC] Declaration No 1/88 such as the prevalence of law and order, the rule of law, regional peace and tranquillity, ensuring safe and smooth

transportation and communication, easing the food, clothing and shelter problems of the people and holding Multi-Party Democracy General Election, the first three main tasks (with the exception of the task of holding the multi-party democracy general election) and

(c) the task of bringing about the development of the national races of Myanmar Naing-Ngan.

By order,

Sd. Khin Nyunt

Secretary-1

The State Law and Order Restoration Council

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