

Guiding Principles of Chinland Constitution

1. The Chinland constitution is not be a rigid one, but a flexible one.
2. It will be a constitution, which will promote democracy and freedom.
3. It should be based on dialectal, geographical, traditional jurisdictions of our society.
4. It should be the constitution of the state, which will be a constituent state in the federal union that might be called Federal Union of Burma.
5. It should be a federal forum of constitution with several local areas having autonomous decision in several jurisdictions (or) It should be a unitary form of constitution with several local areas having autonomous decision in some cases.
6. A presidential system or a parliamentary system of government may be adopted but the presidential system of government is more or less adopted in this draft.

THE FIFTH INITIAL DRAFT OF CHINLAND CONSTITUTION

**THE FIFTH INITIAL
DRAFT OF
CHINLAND CONSTITUTION**

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Part One

**The Fifth Initial Draft of
The Constitution of CHINLAND**

PREAMBLE

Considering that the differences between the various dialectal and cultural groups of the people of Chinland are smaller than their conspicuous similarities, which make us closer to each other than to people outside our common frontiers;

Contemplating the fact that when modern communication is improved in our region, the different groups will have more and more contact with each other, leading to greater mutual intelligibility of the different dialects, so that we will be able to increase our sense of oneness;

Giving deep respect to the fact that we should not lose our sense of brotherhood in the affinities shared by all people who fall under the definition of Chin in the Chin Hills Regulation Act 1896, a definition which is still in force in the Naga Hills of Sagaing Division in the Union of Burma, and which was adopted in the Chin Special Division Act of 1948 with the support of the Chin representatives to the Union of Burma;

Believing that what were once thought to be fundamental differences in our dialects and cultures have now been revealed to be merely minor differences arising from our different environments, and accepting those differences as important contributions to the richness of our literature and culture, so that they do not block ever closer relations among Chin people;

Considering that this idea of brotherhood should be enshrined, together with democracy and self-determination, in the Constitution of Chinland, as a constituent unit of the Federal Union of Burma, to guide us in freedom toward striving for ever-increasing prosperity and development for Chinland and its people;

Paying heed to the fact that our forefathers once worshiped the hills and dales, not only because they believed that spirits lived there, but also because in their deep devotion to protect our land, heritage and society forever, they realized that the hills and dales protected them from invasion by alien peoples from the outside world; and

Seeing clearly that our hills and dales, which have so long protected our national identity, are no longer enough to preserve us, so that we must turn to constitutional means to sustain our continued self-determination; therefore,

WE THE PEOPLE OF CHINLAND solemnly declare that in exercising our inherent sovereignty, we hereby establish this Constitution of Chinland, and with this Constitution we affirm our common wish to live together in peace and harmony to preserve the heritage of the past and to protect the promise of the future.

In making one state from the many groups living in the hills and dales of Chinland, we respect those affinities that we share, as well as the diversity of dialects and cultures that enrich us.

The many hills and dales of our common heritage bring us together, sustain and enlarge us, and make us stronger; they no longer separate us.

Our ancestors, who made their homes in these highlands, displaced no other people. We who remain have no home other than this one. Having known war, we hope for peace. Having been divided, we wish for unity. Having been ruled, we seek freedom.

From time immemorial, our Chinland remained independent and free from outside force until British annexation in the nineteenth century.

We extend to all nations that which we seek from each: peace, friendship, cooperation, and love in our common humanity. With this Constitution, we who have been the ward of other nations, become the proud guardian of our highland country, now and forever.

We are one in our language, tradition, common habitation and love of this highland.

We are proud of our way of life, which has survived the assaults of colonizers and the ravages of time, and we are proud of the wisdom of our aged people and the vigor of our youth.

We are strong in our faith in our communal capacity for compromise and flexible growth and in our emerging democratic institutions.

As we together forge a new and higher destiny, we recognize that our traditions, our communal spirit, and the natural resources of our highland will be tested by the tasks ahead of us.

Therefore, to celebrate our oneness, preserve our natural riches, renew our pride, fortify our strength, meet our concerns, guard our aspirations, and enable our determinations, we the people of Chinland establish and give our life to this Constitution as the supreme law of our land on (month/date/year).

PART ONE: THE TERRITORY OF CHINLAND

Article 1

The territory of Chinland shall center on the region known as the Chin Special Division and the Chinland as it exists in 2008, with the exact boundaries to be determined in the future.

PART TWO: PRESIDING IDEALS

Article 2

This section proclaims the presiding ideals of the Chinland Constitution. This section is intended as a guide to all citizens and officers of Chinland, particularly legislators and other policymakers, as they strive to make the norms of this Constitution a reality. Judges should not directly enforce these provisions as part of their judicial review power, but they may consult these ideals as interpretive guides to the parts of this Constitution that are judicially reviewable.

Article 3

The blessings of a free government can be maintained only by a firm adherence to justice, moderation, temperance, and virtue, and by frequent recurrence to fundamental principles.

Article 4

The Chin Constitution rests on five fundamental principles: individual rights, limited government, individual duties, the obligation of government, and Chin self-determination.

Article 5

Individual Rights: All citizens and residents of Chinland are by nature free and independent and have certain inherent and inalienable rights; among these are life, liberty and the pursuit of happiness. The section of this Constitution on Individual Rights lists those rights that shall be enforced by judges within their judicial review power.

Article 6

Limited Government: To secure these rights, governments are instituted, deriving their just powers from the consent of the people. The Chinland government shall never attempt to rule the people of Chinland without their consent or in derogation of their rights.

Article 7

Individual Duties: All citizens and residents of Chinland also have duties to each other, to create a free, just and compassionate political and social order. These include but are not limited to duties to family, society, and state. Individuals should not use their rights in derogation of their duties.

Article 8

The Obligation of Government: The government of Chinland has positive obligations to create a free, just and compassionate social order, to protect individual rights and promote individual duties, and to provide for the general welfare of the people of Chinland.

Article 9

Chin Self-determination: This Constitution establishes the right of the Chin people to rule itself. Chins have always welcomed others to live among them, to share their culture, and to pledge themselves to the Chin future. Accordingly, Chinland shall be a home for Chins, but it must also provide for the inclusion and equal treatment of those who are not Chin. For that reason, this Constitution guarantees equal rights to all citizens and residents of Chinland, regardless of ethnicity, but it also allows the government of Chinland to protect and promote Chin culture and to control immigration to Chinland.

PART THREE: INDIVIDUAL RIGHTS

Article 10

- a. The courts of Chinland shall have the power of judicial review to enforce the provisions of Part Three: Individual Rights. The rights in this section apply to all law and bind all organs of government, including the legislature, the executive and the judiciary at all levels of the state government. Any decision of the High Court in the interpretation of these provisions shall be final and binding on the parties to that decision and on all of the people of Chinland, including departments of the government and government officials.
- b. Except as otherwise provided in specific provisions of this Chapter, the government of Chinland may limit the rights contained in this Chapter only by laws of general application and only to the extent that the limit is justifiable and reasonable in an open, free and democratic society, for the sole purpose of securing due recognition and respect for the rights of others and for meeting such a society's pressing requirements of public morality, peace, safety, and the general welfare. In assessing the constitutionality of any such limit, a court must consider:
 1. the nature of the right limited;
 2. the importance of the purposes of the limitation;
 3. the nature and extent of the limitation;
 4. the relation between the limitation and its purposes; and
 5. any less restrictive means to achieve the purposes.
- c. A provision of this section binds a natural or juristic person if, and to the extent that, such application promotes the purposes of the provision, taking into account the nature of the right and the nature of any duty imposed by the right. When applying a provision of this section to a natural or juristic person, a court
 1. in order to give effect to a right, must apply, or if necessary develop, the common law to the extent that legislation does not give effect to that right; and
 2. may develop rules of the common law to limit the right, provided that the limitation is in accordance with section b. above.

- d. A juristic person is entitled to the rights in this section to the extent required by the nature of the rights and the nature of the juristic person.

PART THREE (A): BASIC RIGHTS

Article 11

- a. All people are by nature equal, free and independent and have rights to:
 - 1. freedom from torture, slavery, and other cruel, inhumane or degrading treatment;
 - 2. freedom from execution or punishment without conviction for crime;
 - 3. freedom from involuntary servitude, except
 - (a) reasonable servitude as provided by law as a punishment for a crime for which a person has been duly convicted;
 - (b) military service for a reasonable period of time as required by a generally applicable law;
 - (c) alternative, non-military forms of public service for a reasonable period of time as required by a generally applicable law; or
 - (d) public service required in times of emergency or natural disaster.
 - 4. freedom of thought and belief;
 - 5. equal basic respect and human dignity.
- b. The rights in this Article are absolute and shall never be curtailed or withdrawn. These rights are not subject to Article 10, section b above.

PART THREE (B): ECONOMIC RIGHTS

Article 12

- a. The government may not declare its own existing contractual obligations void, in whole or in part, except for odious debts incurred before this Constitution comes into effect.
- b. The government may not impair the obligation of existing private contracts except for those contracts that violate a strong public

policy of the state and were entered into before this Constitution comes into effect. This article does not forbid prospective regulation of contracts.

Article 13

- a. Every person shall have the right to own assets that have been acquired by legal means and the right to use, sell, transfer, inherit or devise such assets.
- b. The government of Chinland shall never take private property except for a bona-fide public use and upon payment of just compensation.

Article 14

- a. Every person has the right to work and to freely pursue lawful callings.
- b. Every person has the right to fair labor practices and conditions and the State shall enact laws to enforce this provision.
- c. The workers of Chinland, both public and private employees, shall have the right to establish trade unions and to bargain collectively.

PART THREE (C): RIGHTS TO EQUAL TREATMENT

Article 15

- a. Every person shall be equal before the law and shall have the equal protection and benefit of the laws
- b. No person shall be discriminated against directly or indirectly on the basis of
 - 1. nationality or national origin, race, ethnicity, culture, or language;
 - 2. religion, religious denomination, conscience or belief;
 - 3. gender, marital status, pregnancy or sexual orientation;
 - 4. age, mental or physical disability, or social or financial status;
 - 5. political opinion;
 - 6. other invidious classifications; or
 - 7. any combination thereof.
- c. Nothing in this section shall be construed to forbid any law or act that protects or advances persons or categories of persons disadvantaged by unfair discrimination, with the goal of

promoting the equal enjoyment of rights and freedoms by all people.

- d. Nothing in this section shall be construed to forbid laws or act distinguishing between ethnic Chins and others where other provisions of this constitution specifically authorize the government of Chinland so to distinguish.

Article 16

No bill of attainder shall be passed: the government may not make laws for specific persons or specific cases. In the case of criminal laws, the ban on bills of attainder is absolute and is not subject to the limitations provided for in Article 10, section b.

PART THREE (D): RIGHTS OF CONSCIENCE, RELIGION, AND CULTURE

Article 17

All persons shall have the right to free exercise of religion, including the right

- a. to worship according to the dictates of his or her conscience;
- b. to choose freely whether or not to attend, erect or support any place of worship or ministry;
- c. to freely proselytize and seek converts and adherents;
- d. to be free from any religious test or oath as a qualification for public office or trust, for testimony in a court of law, or for entry into any public educational facility.

Article 18

The government of Chinland shall prefer no religious organization(s), denomination(s), or faith tradition(s). The government of Chinland shall never establish a religion.

Article 19

The government of Chinland shall draw no money from the treasury for the benefit of religious societies, organizations, or theological seminaries, beyond supplying those general benefits, services, and protections that are neutrally available to all, irrespective of their religious identity

Article 20

Every person shall have the right to practice, develop, and promote his or her cultures, customs, and traditions, provided that such practices do not contradict any other provision of this Constitution.

PART THREE (D): RIGHTS OF POLITICAL PARTICIPATION, FREE SPEECH, AND ASSOCIATION

Article 21

Every person shall have rights of political expression, participation, and organization. These rights include but are not limited to the right to

- a. speak, write, publish, broadcast and otherwise publicize ideas, information, and opinions;
- b. participate in the political life and public affairs of the State, either directly or through elected representatives;
- c. form and participate in political parties;
- d. assemble and consult;
- e. petition the government; and
- f. vote and stand for election as detailed in the section of this Constitution on suffrage.

These rights specifically include the right, without reprisal, to dissent publicly from government policies, to criticize government officials, to organize to change government policy, and to agitate for constitutional change, except that the government may control speech designed to incite racial, religious, or ethnic violence or the imminent overthrow of constitutional government.

Article 22

Every person shall have the right freely to

- a. speak, write, publish, broadcast, and otherwise publicize ideas, information, and opinions on all subjects, political and non-political alike
- b. organize with others to share and receive ideas and information;
- c. exercise artistic creativity; and
- d. undertake academic and scientific study and research.

Article 23

Every person shall have the right to form peaceful associations and relationships for any purpose.

PART THREE (E): AUTONOMY RIGHTS

Article 24

Every person shall have the right to bodily and psychological integrity, which includes the right

- a. to make decisions concerning health care, including reproduction;
- b. to security in and control over his or her body; and
- c. not to be subjected to medical or scientific experiments without his or her informed consent.

Article 25

Every person shall have an individual right to keep and bear personal arms for self-defense, hunting, recreation or any other lawful purpose. This right shall not extend to military-style arms or to the possession of arms for the purpose of insurrection against constitutional authority.

Article 26

- a. Every person shall have the right to freedom of movement within Chinland and the right to freely enter and leave Chinland.
- b. Every citizen of Chinland has the right to remain and reside in a place of his or her choosing in Chinland.

Article 27

- a. Consenting adult persons have the right to form and conduct sexual relationships.
- b. Consenting adult persons have the right to marry a partner of their own choosing.

Article 28

Every parent has the right to direct and carry out the upbringing of his or her children.

PART THREE (F): LEGAL PROCESS RIGHTS

Article 29

Every person shall have the right to a legal remedy for all legal injuries which he or she has received. Such remedy must be prompt, adequate, and accessible to all.

Article 30

Every citizen or resident of Chinland shall have the right to sue the government of Chinland, the township governments, and their delegates for all legal injuries or wrongs. This Constitution of Chinland waives any claim of sovereign immunity that the government of Chinland, the township governments, or their delegates might interpose against suits by its citizens or residents.

Article 31

No person shall be deprived of life, liberty, or property without due process of law.

Article 32

- a. The right of trial by jury shall extend to all cases, both civil and criminal, without regard to the amount in controversy. This right may be waived only by the consent of all the parties in interest.
- b. Jury verdicts must be unanimous in criminal cases. In civil cases, jury verdicts must be unanimous unless the Chinland Legislative Assembly provides otherwise.

Article 33

No ex post facto laws shall be passed: the government of Chinland shall regulate acts only according to the laws in force at the time that those acts were perpetrated. The government of Chinland shall not impose a penalty for an act more severe than the penalty in effect at the time of its commission. In the case of criminal laws, the ban on ex post facto laws shall be absolute and shall not be subject to the limitations provided for in Article 10, section b.

Article 34

- a. Legal responsibility – criminal, civil or regulatory — shall be exclusively personal. The government of Chinland shall visit a legal penalty for a violation only on those persons responsible for the violation.
- b. No law shall provide for the corruption of blood or the forfeiture of estate except during the life of the person convicted.
- c. In the case of criminal laws, the prohibitions in this Article are absolute and are not subject to the limitations provided for in Article 10, section b.

**PART THREE (G): RIGHTS IN THE CRIMINAL
PROCESS**

Article 35

The government shall not impose excessive bail, excessive fines, or cruel, inhuman or degrading punishment.

Article 36

- a. The people shall be secure in their persons, houses, papers, and possessions from all warrantless searches and from all unreasonable searches.
- b. No warrant to search any place or seize any person or thing shall issue without a special designation of the place to be searched and the person or thing to be seized.
- c. No warrant shall issue without probable cause, supported by oath or affirmation.
- d. Evidence obtained in violation of this Article shall not be admissible in any court against any person.

Article 37

- a. No person shall be arbitrarily detained or imprisoned.
- b. Every person who is arrested or detained shall be presumed innocent until proven guilty before the law and shall have the right to:
 - 1. silence;
 - 2. be given a specific statement of the reasons for the arrest or detention and any possible charges against him or her or of which he or she is suspected;

3. choose and consult with counsel, or to have counsel assigned to him or her by the State and at the State's expense should this be necessary to avoid serious injustice;
4. advise a chosen person of the arrest or detention.
- c. The arrested person shall be informed promptly of these rights at the time of arrest or, in the event of language difficulties, as soon as practicable thereafter. No statement by the arrested person prior to notification of these rights to him or her in a language and method he or she understands shall be admissible in evidence in any court.
- d. Every person who is arrested or detained shall be brought before the appropriate independent and impartial tribunal as soon as reasonably practicable and must, at that time, either be charged and informed of the legal justification for any continuing detention or released.
- e. Every person charged with an offense shall have the right:
 1. to be heard by himself or herself and counsel;
 2. to demand the nature and cause of the accusation against him or her and have a copy thereof;
 3. to have sufficient time to prepare a defense;
 4. to meet the witnesses against him or her face to face;
 5. to have compulsory process to compel the attendance of witnesses in his or her behalf;
 6. to a speedy, public, and impartial trial;
 7. to trial by an impartial jury of the local administrative unit wherein the offense is alleged to have been committed, which administrative unit shall have been previously ascertained by law;
 8. not to be compelled to incriminate himself or herself.
- f. All persons detained shall be provided, at the State's expense, with living conditions consistent with human dignity, including at least adequate accommodation, nutrition, medical treatment, opportunity for exercise, and reasonable contact with family and friends.

Article 38

No person shall be put twice in jeopardy of punishment for the same criminal offense.

Article 39

No person shall ever be imprisoned for debt.

Article 40

- a. Treason against Chinland shall consist only in levying war against it, adhering to its enemies, and/or giving them aid and comfort.
- b. No person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or on confession in open court

PART THREE (H): SOCIAL WELFARE RIGHTS

Article 41

Every person has the right to a free basic education provided by the State. The State must take reasonable legislative and other measures, within its available resources, to achieve the progressive realization of this right.

Article 42

- a. Every person has the right to have access to affordable basic health care services. The State must take reasonable legislative and other measures, within its available resources, to achieve the progressive realization of the right in this subsection.
- b. No one may be refused emergency medical treatment by a public health care facility.

Article 43

- a. Every person has the right to a safe environment, not harmful to his or her health or well-being. Both the state and all persons have a duty to protect the environment for present and future generations. The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realization of the right in this subsection.
- b. The people's customary and traditional rights of ownership, possession, and use of lands, forests, rivers, and other natural resources for residence, subsistence and traditional activities shall be protected.

- c. Every person has the right to information regarding the environment and regarding any development project or activity that may affect him or her. Every person or group has the right to free, meaningful, informed and active participation in planning, monitoring, and decision-making activities concerning the environment.

Article 44

- a. Every person shall have the right of access to all information held by the state or any of its organs, administrative departments, or local governments unless the release of the information would cause a serious harm to the public interest or security. The burden shall be on the state to demonstrate such harm when refusing a request for information.
- b. When the state provides information to any member of the public, references in that information to any private persons not holding public office or otherwise employed by the state shall be protected as required by subsection c, below.
- c. Any information held by the state, its organs, administrative departments, or local governments or any other public body, which relates to a person individually shall:
 1. be collected only after the person concerned has been informed of the collection process and its purposes and has consented thereto;
 2. be used only for the purposes to which the person concerned consented;
 3. be kept secure and confidential and not be disclosed, except to parties to whom the person concerned has consented; and
 4. be available for inspection by the person concerned.

Article 45

- a. Every child has the right to protection and care, including basic nutrition, shelter, basic health care, education, and social services. The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realization of the right in this subsection.
- b. Every child has the right:
 1. to a name and nationality from birth;

2. to family care or parental care or to appropriate alternative care when removed from the family environment;
3. to be protected from abuse, maltreatment, neglect, or degradation;
4. to be protected from exploitative labor practices and not be permitted to perform work or provide services that are inappropriate for a person of that child's age or place at risk the child's well-being or development;
5. not to be used in armed conflict.

PART FOUR: INDIVIDUAL DUTIES

Article 46

- a. The Legislative Assembly of Chinland shall have the power and responsibility to execute this section in appropriate ways.
- b. This section shall not be judicially reviewable by the courts of Chinland, but this section may provide interpretive guidance for the provisions of this constitution that are judicially reviewable.
- c. In no event, however, shall this section be taken as warrant for any relevant party to infringe the substance, spirit, or purpose of the individual rights recognized by this Constitution.

Article 47

Every citizen or resident of Chinland has duties towards his or her family, the society of Chinland, and Chinland.

Article 48

Every citizen or resident of Chinland has a duty to respect his or her fellow citizens and residents of Chinland, to treat them in a non-discriminatory manner, and to promote, safeguard, and reinforce mutual respect and tolerance among all the people of Chinland.

Article 49

Every citizen or resident of Chinland has a duty:

- a. to preserve and respect his or her family and parents, and to maintain them in case of need;
- b. to serve his or her community by placing his or her physical, moral, and intellectual capacities at its services;

- c. to preserve and strengthen social solidarity, particularly when it is threatened;
- d. to preserve and strengthen the right of Chinland to self-government and territorial integrity;
- e. to contribute to the defense of Chinland in accordance with this Constitution and the law;
- f. to perform productive work to the best of his or her ability and competence;
- g. to pay taxes imposed by law in the interest of the society;
- h. to preserve and strengthen the positive cultural values of the Chin people and the other people of Chinland, by maintaining relationships that nurture those values, in a spirit of tolerance, dialogue, and consultation with the other citizens and residents of Chinland;
- i. to contribute to the promotion of the moral well being of society in general; and
- j. to promote the unity of Chinland, in all times and places and to the best of his or her ability.

PART FIVE: LANGUAGE

Article 50

The courts of Chinland shall have the power of judicial review to enforce the provisions of this section; the courts of Chinland shall therefore review the actions of all departments of government and government officials for conformity to these provisions in a proper case. Any decision of the High Court in the interpretation of these provisions shall be final and binding on the parties to that decision and on all of the people of Chinland, including departments of the government and government officials.

Article 51

- a. All dialects of the Chin language shall be recognized as common languages of Chinland.
- b. In areas where one dialect of Chin predominates, all schools of that area must offer instruction in that dialect.
- c. All schools in Chinland may offer instruction in any Chin dialect.

- d. All citizens and residents of Chinland may communicate with the government in any dialect of the Chin language; if and when the government responds, it must do so in the same dialect.

Article 52

- a. Chin and Burmese shall be the official languages of Chinland as of the date of adoption of this constitution.
- b. English shall be an official language of Chinland as of ten years subsequent to the date of the adoption of this constitution.
- c. All schools in Chinland must offer instruction in all the official languages of Chinland.
- d. All official proceedings of Chinland must be conducted in one of the official languages, provided however that in all official proceedings that might result in penalties or liabilities to a citizen or resident of Chinland, including but not limited to criminal prosecutions, civil trials, and regulatory investigations, the person subject to such penalty or liability shall have the right:
 - 1. to address the relevant government body in his or her own language;
 - 2. where practicable, to be addressed in his or her own language; and where not practicable, to be provided a translator at public expense, to render the official proceedings, including but not limited to the statements of government officials, evidence offered, and witness testimony, into his or her own language.
- e. In areas where one dialect of the Chin language predominates, official proceedings may be conducted in that dialect for ten years subsequent to the adoption of this constitution.

Article 53

- a. All citizens and residents of Chinland shall have the right to promote their own native or chosen languages, including but not limited to public speaking, publishing, reading, writing, and studying and teaching in such languages.
- b. No citizen or resident of Chinland shall ever be punished in any way for using his or her native or chosen language.

PART Six:
Chin Ethnicity and Culture

Article 54

The courts of Chinland shall have the power of judicial review to enforce the provisions of this section; the courts of Chinland shall therefore review the actions of all departments of government and government officials for conformity to these provisions in a proper case. Any decision of the High Court in the interpretation of these provisions shall be final and binding on the parties to that decision and on all of the people of Chinland, including departments of the government and government officials.

Article 55

An ethnic Chin shall be defined as any person born in Chinland or overseas, at least one of whose parents belongs or belonged to any of the Chin tribes. The Chinland Legislative Assembly shall have the power to create procedures and evidentiary standards to implement this provision.

Article 56

The Chinland legislative assembly may adopt measures to protect and promote Chin culture, even though such measures may in practice result in different effects on ethnic Chins and others.

Article 57

Although the legislature may distinguish between Chin culture and other cultures, distinctions between ethnic Chin people and other people shall generally be disfavored. The Chinland government may distinguish between ethnic Chins and others only in the following ways:

- a. The Chinland Legislative Assembly may distinguish between ethnic Chins and others insofar as is necessary and appropriate to implement the prescriptions of Part Seven: Citizenship.
- b. In making law on the subject of immigration and naturalization, the Chinland Legislative Assembly may distinguish between ethnic Chins and others in order to preserve the Chin culture of Chinland.

- c. The Chinland Legislative Assembly may distinguish between ethnic Chins and others where reasonably necessary to promote long-term harmony between ethnic Chins and others; to remedy past injustice against one or more ethnic groups; and/or to realize the ideals of equal treatment of all individuals regardless of ethnicity.
- d. The Chinland Legislative Assembly may otherwise distinguish between ethnic Chins and others only when necessary to deal with the most pressing public necessity, and when no less discriminatory method exists to deal with that necessity.

Article 58

The Chinland government shall never distinguish between ethnic Chins and others in the protection of individual rights specified in the Parts of this Constitution entitled Individual Rights and Suffrage, nor shall it distinguish between ethnic Chins and others in the right to hold any public office.

PART SEVEN: CITIZENSHIP

Article 59

The courts of Chinland shall have the power of judicial review to enforce the provisions of this section; the courts of Chinland shall therefore review the actions of all departments of government and government officials for conformity to these provisions in a proper case. Any decision of the High Court in the interpretation of these provisions shall be final and binding on the parties to that decision and on all of the people of Chinland, including departments of the government and government officials.

Article 60

Upon the date that this constitution comes into effect, the following persons shall become original citizens of Chinland:

- a. Persons who are currently residing in the territory of Chinland as specified in Part One: Territory and have continuously resided there for the ten years immediately prior to the coming into effect of this constitution.
- b. Persons who resided in Chinland at some point in their lives but who fled Chinland because of political persecution by the State Peace and Development Council.

Article 61

Every ethnic Chin shall have the right automatically to become a citizen of Chinland, subject to reasonable regulation by the Chinland Legislative Assembly. Other persons may become citizens according to the laws of immigration and naturalization adopted by the Chinland Legislative Assembly.

Article 62

- a. The Chinland Legislative Assembly may reserve to citizens of Chinland the right to vote or hold responsible public office, excluding non-citizen residents therefrom but always treating alike those citizens who are ethnic Chins and those who are not ethnic Chins.
- b. The Chinland Legislative Assembly may also distinguish between citizens of Chinland and non-citizen residents when reasonably necessary for the execution of its powers over immigration and naturalization. The legislature may not otherwise distinguish between citizens of Chinland and non-citizen legal residents.

PART EIGHT: SUFFRAGE

Article 63

The courts of Chinland shall have the power of judicial review to enforce the provisions of this section; the courts of Chinland shall therefore review the actions of all departments of government and government officials for conformity to these provisions in a proper case. Any decision of the High Court in the interpretation of these provisions shall be final and binding on the parties to that decision and on all of the people of Chinland, including departments of the government and government officials.

Article 64

Every citizen of Chinland who has attained the age of eighteen years and who has established his or her residence in the territory of Chinland, except as otherwise provided in this Part, shall be an elector of Governors, Senators, members of the House of Representatives, and members of the Township Council, in the city, town, village, block, or plantation where his or her residence has been established.

Article 65

Every citizen of Chinland who has once established his right to vote by virtue of his residency within Chinland and who then relocates to another country, whether within or outside of the Federal Union of Burma, shall retain the right to vote by absentee ballot, so long as he or she remains a citizen of Chinland.. In such cases, for voting purposes, the voter's place of residence shall be considered to be his or her last established place of residence within Chinland.

Article 66

No citizen of Chinland shall be deemed to have lost residence by reason of the person's absence from the territory of Chinland in the military service of the Federal Union or of Chinland.

Article 67

Except as otherwise provided by the Chinland Legislative Assembly, only citizens of Chinland may vote in any election for the government of Chinland and/or its divisions. Except as otherwise provided by the Chinland Legislative Assembly, no-one who is not a citizen of Chinland may vote in any election for the government of Chinland and/or its divisions, including but not limited to persons in the military service of the Federal Union of Burma stationed in Chinland, or students attending an educational institution in Chinland.

Article 68

The Chinland Legislative Assembly may make general laws to designate the voting residence of those classes of persons who relocate on a regular basis, such as members of the military or students.

Article 69

No person shall be qualified to vote who is non compos mentis, or who is under guardianship for reasons of mental illness, or who has been convicted of treason or felony under the laws of Chinland or of the Federal Union of Burma, except that the Chinland Legislative Assembly may provide for the restoration of voting rights to those convicted of treason or felony

Article 70

The Chinland Legislative Assembly shall have power to make reasonable regulations concerning the method of casting votes, provided that the secrecy of the elector's vote must be preserved and the vote must be accurately recorded.

Article 71

The Chinland Legislative Assembly shall have the power to prescribe by statute any and all needful rules governing the conduct of elections, including but not limited to voting practices and procedures, and constituencies and districting, provided that no electoral law may contravene any provision of this Constitution and that every electoral law must serve the goal of fundamental fairness.

PART NINE: THE LEGISLATURE

Article 72

Except as otherwise specifically provided in this Part, the courts of Chinland shall have the power of judicial review to enforce the provisions of this section; the courts of Chinland shall therefore review the actions of all departments of government and government officials for conformity to these provisions in a proper case. Any decision of the High Court in the interpretation of these provisions shall be final and binding on the parties to that decision and on all of the people of Chinland, including departments of the government and government officials.

**PART NINE (A): STRUCTURE AND POWER OF
THE LEGISLATURE**

Article 73

All legislative power shall be vested in the Chinland Legislative Assembly. The Legislative Assembly shall have the power to legislate for the public health and welfare, the defense of Chinland, and such other matters as shall seem appropriate to the assembly. This grant of power shall include but not be limited to the powers to:

- a. protect, maintain, revise, or eliminate Chin customary law regarding inheritance and family law;

- b. control immigration to, and travel through, Chinland, from foreign countries and other parts of the Federal Union of Burma;
- c. control the admission to Chinland citizenship of those from foreign countries or other parts of the Federal Union of Burma;
- d. protect and promote traditional Chin customs, culture, language, and literature;
- e. protect the individual rights of the people of Chinland;
- f. encourage or require the performance of the individual duties of the people of Chinland, provided however that no such action shall contravene the individual rights of the people of Chinland;
- g. provide for and regulate public finance, taxation, and revenue, public education, public health and welfare, and the state armed forces;
- h. make such laws as are permitted by the section of this Constitution on Media and Culture;
- i. regulate the membership, organization, and discipline of the militia of Chinland;
- j. decide how, and in which courts, suits may be brought against the government of Chinland.

Article 74

The Chinland Legislative Assembly shall consist of two Houses, to be known as the Senate and the House of Representatives.

PART NINE (B): ELECTION, TERMS, AND RECALL OF MEMBERS

Article 75

- a. Members of the House of Representatives shall be elected by a system of closed-list party-based proportional representation, in which Chinland shall function as a single district.
- b. The Chinland Legislative Assembly shall have the power to adopt appropriate electoral laws to implement the preceding sub-article, provided however that all such laws must serve the goal of fundamental fairness.

Article 76

- a. One Senator shall be elected by the qualified electors of each township of Chinland (as provided for in Part Fifteen: Local Government), regardless of population, so that each township constitutes one Senatorial electoral constituency.
- b. The Chinland Legislative Assembly shall have the power to adopt appropriate electoral laws to implement the preceding sub-article, provided however that all such laws must serve the goal of fundamental fairness.
- c. With the advice and consent of the elected Senators, the Governor of Chinland shall appoint an additional number of Senators that equals ten percent (rounded up) of the number of elected Senators. For these appointed seats, the Governor shall choose persons that he or she regards as experts in the subjects of economics, health, law, science and similar areas relevant to the formulation of public policy. The rights, privileges, powers, and duties of appointed Senators shall be the same as elected Senators of the Chinland Legislative Assembly.

Article 77

No person may be elected to the House of Representatives or to the Senate who:

- a. holds any office of profit in the government of Chinland, the government of the Federal Union of Burma, or any government of a foreign state, other than an office declared by the Chinland Assembly by law not to disqualify its holders; and/or
- b. has been declared to be of unsound mind by a competent court; and/or
- c. has been declared an undischarged insolvent by a competent court; and/or
- d. is not a citizen of Chinland, or has voluntarily acquired the citizenship of a foreign state, or is under any acknowledgement of allegiance or adherence to a foreign state; and/or
- e. has not lived in Chinland for at least ten years; and/or
- f. is not a qualified elector in the election unit in which he or she is standing for election.

Article 78

If a question arises as to whether a member of the House of Representatives or the Senate has become subject to any of the disqualifications prescribed in this Constitution, the question shall be referred to the Chinland High Court for final decision.

Article 79

Every legislator shall hold his or her office for a term of four years except for those elected in the first election under this Constitution, whose terms shall be determined according to the following procedure: Immediately after the first election, the members of each House shall be divided by random lot as equally as possible into two classes; the term in office of the first class shall expire at the close of the second year, and the term of the second class at the close of the fourth year.

Article 80

Voters in any Senatorial constituency may recall their Senator by initiative. The voting method in such case shall be the same voting method by which the Senator was initially elected. No Senator shall be subject to a recall process more often than once a year. The High Court of Chinland shall specify other needful procedures for the holding of initiatives.

Article 81

- a. Vacancies in the House of Representatives shall be filled by the next available candidate on the party list from which the member whose seat is newly vacant was elected.
- b. The Governor of Chinland shall issue writs of election to fill vacancies in the Senate.

Article 82

Before taking his or her seat, every member of the Chinland Legislative Assembly shall make and subscribe, before a judge of the Chinland High Court, an oath or affirmation to support the Constitution of the Federal Union of Burma and the Constitution of Chinland, and faithfully to discharge the duties of his or her respective offices to the best of his or her ability.

PART NINE (C): THE LAW-MAKING PROCESS

Article 83

No law shall be enacted except by bill. No law shall be in force until published. The Chinland Legislative Assembly shall provide by law for the speedy publication of all laws.

Article 84

No bill shall become law unless and until it has been passed by each house of the Chinland Legislative Assembly, voting separately, in identical form.

Article 85

Except a bill for raising revenue, any bill may originate in either house of the Chinland Legislative Assembly.

Article 86

All bills for raising revenue shall originate in the House of Representatives, but revenue bills must pass the Senate before becoming law, as other bills. A revenue bill shall be defined as a bill whose primary purpose is to raise revenue; therefore, bills that may incidentally generate revenue when passed into law shall not be accounted revenue bills. No matter not immediately relating to the raising of revenue shall be blended with or annexed to a bill for raising revenue.

Article 87

Every bill which shall have passed both houses of the Chinland Legislative Assembly shall be presented to the Governor of Chinland before it becomes law. If the Governor approves and signs the bill, the bill shall become a law.

Article 88

If the Governor rejects a bill, the Governor shall return the bill, together with his or her objections in writing, to the house in which the bill originated. The house of origin shall enter the objections at large upon the journal and proceed to reconsider the bill. If, after such reconsideration, two-thirds of the members present agree to pass the bill notwithstanding the objections of the governor, it shall

be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present it shall become law.

Article 89

In any vote to over-ride the Governor's veto, the votes of the members of each house shall be determined by "yes" and "no." Abstaining votes shall not be allowed. The journal of each house shall record each member's vote by name.

Article 90

Any bill not returned by the Governor of Chinland within 14 days (Sunday excepted) after it shall have been presented to the Governor of Chinland, shall become law unless the legislature, by final adjournment, prevents the bill's return, in which case it shall not become law.

Article 91

The style of all laws of the state shall be "The people of Chinland, represented in Senate and House of Representatives do enact as follows: "....."

PART NINE (D): RULES AND PROCEEDINGS

Article 92

Each house shall determine the rules of its own proceedings, punish for contempt and disorderly behavior, and with the concurrence of two thirds of all the member may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

Article 93

Each house shall keep a journal of its proceedings and publish the same, except such parts as require secrecy. The doors of each house shall be kept open except when the public welfare shall require secrecy. Neither house shall, without consent of the other, adjourn for more than three days.

Article 94

The legislature shall meet at the seat of government at such time as shall be provided by law, unless convened by the Governor in special session, and when so convened no business shall be transacted except as shall be necessary to accomplish the special purposes for which it was convened.

Article 95

The affirmative and negative votes of the members of each house on any and every question shall be entered on the journal as a matter of public record.

Article 96

- a. For as long as they remain sitting legislators, all members of the Chinland Legislative Assembly shall be absolutely immune from arrest, legal penalty, or civil suit for all acts within the scope of their legislative duties, except treason, felony and breach of the peace. Such immunity shall not extend to suits for injunctions to force legislators to perform their legal duties or to refrain from acts that violate the law.
- b. After they have ceased to be sitting legislators, ex-members of the Chinland Legislative Assembly shall no longer be absolutely immune from arrest, legal penalty, or civil suit for acts committed within the scope of their legislative duties as sitting legislators. They shall, however, enjoy qualified immunity for such acts: if they in good faith believe their acts to be permitted by the law, they shall be immune from arrest, legal penalty, or civil suit.

**PART NINE (E): MINIISTERIAL SUB-
COMMITTEES**

Article 97

- a. The Senate shall form a sub-committee for each ministry in the Council of Ministers as defined in Part Ten: Executive; such sub-committee shall be composed of at least three Senators from different constituencies.
- b. Each Senate sub-committee shall oversee the activities covered by the portfolio of its respective ministry. It may conduct public hearings upon the conduct of the Governor, Minister, and

Deputy Minister. It may further conduct hearings upon the need for legislation, and it may recommend legislation as it deems appropriate.

- c. The Senate shall make rules to prescribe the power, duties, responsibilities and code of conduct of the Senate sub-committees.

PART NINE (F): LEGISLATIVE LEADERSHIP

Article 98

By majority vote, the House of Representative shall choose one of its members to be its Speaker and another to be its Deputy Speaker. So often as the office of Speaker or Deputy Speaker becomes vacant, the House of Representatives shall choose another member to fill the vacant office.

Article 99

By majority vote, the House of Representatives shall specify the exact duties of the Speaker and Deputy Speaker of the House, consistent with the provisions of this Constitution.

Article 100

- a. Any person holding office as Speaker or Deputy Speaker of the House of Representatives shall vacate his office if he or she ceases to be a member of the House.
- b. Any person holding office as Speaker may resign such office by writing under his own hand addressed to the Deputy Speaker, and any person holding office as Deputy Speaker may resign such office by writing under his own hand addressed to the Speaker.
- c. Any person holding office as Speaker or Deputy Speaker of the House of Representatives may be removed from his or her office by a resolution of the House of Representatives, by an absolute majority of all sitting Members of the House of Representatives.

Article 101

If all the other members of the House of Representatives are recalled or for any other reason unable to serve, the Speaker and

Deputy Speaker shall not be recalled or otherwise vacate their office until some number of other members are again able to serve.

Article 102

When the office of Speaker is temporarily vacant or the Speaker is temporarily unable to perform his or her duties, the duties of the office of shall be performed by the Deputy Speaker or, if the office of Deputy Speaker is also vacant, by a member of the House of Representatives appointed for the purpose by the Governor.

Article 103

The Lieutenant Governor shall be President of the Senate, but shall have no vote, unless the Senators shall be equally divided.

Article 104

By majority vote, the Senate shall choose one of its members to be Vice President of the Senate, who shall serve as President Pro Tempore of the Senate. So often as the office becomes vacant, the Senate shall choose another member to fill the vacant office.

Article 105

Any person holding office as Vice President of the Senate shall vacate his office if he or she ceases to be a member of the Senate. He or she may resign his office by writing under his hand addressed to the Lieutenant Governor of Chinland. Any person holding office as Vice President of the Senate may be removed from his or her office by a resolution of the Senate, by an absolute majority of all sitting Senators.

Article 106

If all the other Senators are recalled or for any other reason unable to serve, the Vice President of the Senate shall not be recalled or otherwise vacate his office until some number of other Senators are again able to serve.

PART NINE (G): LEGISLATIVE OBLIGATIONS

Article 107

The Chinland Legislative Assembly shall be subject to the following obligations:

- a. The Chinland Legislative Assembly shall provide by law that all printing done for the use of the state, including the production of stationery, shall be let by contract to the lowest bidder, but the Chinland Legislative Assembly may establish a maximum price.
- b. No member of the Chinland Legislative Assembly or other state officer shall be interested, either directly or indirectly, in any such contract or in any other governmental contract involving the expenditure of public money or conferring other valuable right, privilege, or resource.
- c. The Chinland Legislative Assembly shall provide for the public auditing of state accounts and may establish such offices and prescribe such duties for the same, as it shall deem necessary.

Article 108

In order to ensure the continuity of governmental operations in periods of emergency, the Chinland Legislative Assembly shall provide for the prompt and temporary succession to the powers and duties of public offices, whenever the incumbents of those offices may be unable to exercise such powers and duties. The Chinland Legislative Assembly shall also make such other laws as shall be necessary in their estimation for the functioning of orderly government during times of emergency, but all such law must conform to the prescriptions laid out in Part Twenty-Two: States of Emergency.

PART TEN: THE EXECUTIVE

Article 109

The courts of Chinland shall have the power of judicial review to enforce the provisions of this section; the courts of Chinland shall therefore review the actions of all departments of government and government officials for conformity to these provisions in a proper case. Any decision of the High Court in the interpretation of these provisions shall be final and binding on the parties to that decision and on all of the people of Chinland, including departments of the government and government officials.

PART TEN (A): ELECTING THE GOVERNOR

Article 110

The Governor shall hold office for a term of five years.

Article 111

Each candidate for Governor shall choose a running mate to serve as Lieutenant Governor. The Governor and Lieutenant Governor shall be elected as a ticket, at the same time, and for the same term. The candidate for Lieutenant Governor must be from a senatorial district different from that of the candidate for Governor running on the same ticket.

Article 112

The Governor shall be elected in the following manner:

- a. **Disequipopulational votes:** By a majority vote of the qualified electors voting, each Senate district in Chinland shall cast one vote, regardless of population, for a gubernatorial candidate.
- b. **Equipopulational votes:** Each Senate district shall also cast an additional number of votes according to the following formula: the number of votes cast under the preceding sub-article shall be tallied, then the total number shall be divided among the senate districts in proportion to their populations. The number of votes that each district shall receive under this section shall be calculated in precise fractions, so as to preserve accurate population ratios. The gubernatorial candidate who won the votes under the preceding sub-article shall receive these fractional votes.
- c. The equipopulational and disequipopulational votes shall then be combined. The candidate who receives the greatest number of combined votes shall become the Governor of Chinland, provided, however, that the Governor must receive a majority of all the votes cast. In the event that no candidate receives the requisite number of votes on the first ballot, the election shall be decided by runoff, according to law adopted by the Chinland Legislative Assembly.

Article 113

To be eligible to occupy the office of Governor or Lieutenant Governor, a person must have attained the age of thirty years and have been a resident and a citizen of Chinland and a citizen of the Federal Union of Burma for ten years at any point preceding his or her election as Governor or Lieutenant Governor.

Article 114

No person shall be elected to the office of Governor more than twice. Any person who has held the office of Governor or acted as Governor for more than three years of a term to which some other person was elected Governor may be elected to the office of Governor only once.

Article 115

No Governor may succeed by election a Governor from the same senatorial district.

Article 116

Before taking his or her seat, the Governor, Lieutenant Governor, every other officer of the Executive Department, Ministers, and Deputy Ministers shall make and subscribe, before a judge of the Chinland High Court, an oath or affirmation to support the Constitution of the Federal Union and the Constitution of Chinland, and faithfully to discharge the duties of their respective offices to the best of their ability.

Article 117

- a. The voters may recall the Governor by initiative or by referendum proposed by the Senate.
- b. In such cases, a majority vote shall be necessary for recall.
- c. The High Court of Chinland shall specify other needful procedures for holding of such referenda and initiatives, provided, however, that the High Court must create a process by which the Senate may initiate a recall process by majority vote.
- d. No Governor may be subject to a recall process more often than once a year.

**PART TEN (B): THE POWERS AND DUTIES OF
THE EXECUTIVE**

Article 118

The Governor of Chinland shall exercise the executive power, as conferred on him or her by this Constitution.

Article 119

The Governor of Chinland shall be Commander in Chief of all the Armed Forces of Chinland.

Article 120

The Governor shall have power to convene the legislature on extraordinary occasions, and in case of invasion, natural disaster, the prevalence of contagious disease at the seat of government, or other sufficient reason, the Governor may convene the legislature at any other suitable place within Chinland.

Article 121

The Governor of Chinland shall communicate to the legislature, at every session, the condition of the state, and recommend such matters to them for their consideration, as he or she may deem expedient.

Article 122

The Governor shall appoint all other executive officers of Chinland by and with the consent and approval of a majority of the members of the Senate.

Article 123

The Governor shall act as the representative of Chinland in dealings with officers of foreign states and of the Federal Union of Burma and of sister states within the Union, but the Chinland Legislative Assembly shall retain the power to set basic policy with respect to those other governments.

Article 124

The Governor shall take care that laws be faithfully executed and shall carry out such tasks and duties as the Chinland Legislative

Assembly shall assign him, consistent with the provisions of this Constitution.

Article 125

- a. The Governor of Chinland shall have power to grant reprieves, commutations, and pardons, after conviction, for all offenses, except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he or she may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons.
- b. The Governor of Chinland shall annually communicate to the legislature each case of reprieve, commutation or pardons granted, stating the name of the convict, the crime of which he or she was convicted, the sentence and its date, and the date of the commutation, pardon or reprieve, with his or her reasons for granting the same.

PART TEN (C): SUCCESSION IN OFFICE

Article 126

Upon the Governor's death, resignation, recall or removal from office, the Lieutenant Governor of Chinland shall become Governor of Chinland for the balance of the unexpired term.

Article 127

If the Governor of Chinland is temporarily unable to perform his duties by reason of mental or physical disease, absence from Chinland, a pending impeachment charge, or other cause, the Lieutenant Governor of Chinland shall serve as acting Governor of Chinland for the balance of the un-expired term or until the Governor returns to his duties. But when the Governor of Chinland, with the consent of the Chinland Legislative Assembly, shall be away from Chinland in time of war at the head of Chinland's military forces, the Governor of Chinland shall continue as Commander in Chief of the State's military forces.

Article 128

If a simultaneous vacancy occurs in the office of Governor and Lieutenant Governor, the Secretary General of State shall become Governor of Chinland for the balance of the un-expired term.

Article 129

If a vacancy occurs in the office of Lieutenant Governor and the Governor is temporarily unable to perform his duties, the Secretary General of State shall serve as acting Governor of Chinland for the balance of the un-expired term or until the Governor of Chinland returns.

Article 130

The Chinland Legislative Assembly shall have the power and the duty to provide for succession to the offices of Governor and Lieutenant Governor in other cases.

PART TEN (D): THE COUNCIL OF MINISTERS

Article 131

By and with the advice and consent of the House of Representatives, the Governor shall appoint the Chief Minister, Ministers, and Deputy Ministers, who together shall form the Council of Ministers.

Article 132

The Council of Ministers shall aid and advise the Governor in the performance of his or her functions as specified by this Constitution, and each minister and deputy minister shall aid and advise the Governor with respect to their particular portfolios, in which they shall have special competence.

Article 133

Until and unless the Chinland Legislative Assembly otherwise specifies, the Council of Ministers shall include one Minister and one Deputy Minister for each of the following portfolios:

- a. Home Affairs;
- b. Finance, Revenue and Taxation;
- c. the Judiciary;
- d. Local Governmental Affairs;
- e. Public Works and Economic Planning;
- f. Education;
- g. Forestry and Environmental Protection;
- h. Health and Welfare;

- i. Culture and Media;
- j. State Defense; and
- k. Federal Affairs.

Article 134

The Chinland Legislative Assembly may by law increase or decrease the number of ministers, combine or divide their functions, or otherwise modify their portfolios.

PART ELEVEN: THE JUDICIARY

Article 135

The courts of Chinland shall have the power of judicial review to enforce the provisions of this section; the courts of Chinland shall therefore review the actions of all departments of government and government officials for conformity to these provisions in a proper case. Any decision of the High Court in the interpretation of these provisions shall be final and binding on the parties to that decision and on all of the people of Chinland, including departments of the government and government officials.

PART ELEVEN (A): APPOINTING JUDGES

Article 136

The judicial power of Chinland shall be vested in a Chinland High Court and such inferior courts as the Chinland Legislative Assembly shall establish by law.

Article 137

- a. The Governor of Chinland shall appoint Justices of the High Court with the advice and consent of both the Senate and House of Representatives, voting separately.
- b. The High Court shall consist of one Chief Justice and four Associate Justices unless the Chinland Legislative Assembly provides for a greater even number of Associate Justices.

Article 138

No person shall be eligible to the office of Chief Justice or Associate Justice of the Chinland High Court unless he or she shall be at least

forty years of age, a citizen of Chinland and the Federal Union of Burma, and shall have resided in Chinland for at least ten years at some point prior to the time of his nomination.

Article 139

No person shall be eligible to the office of Chief Justice or Associate Justice of the Chinland High Court unless he or she has had ten combined years of experience in the following roles:

- a. judicial office in a court of Chinland or of a sister state or of the Federal Union of Burma;
- b. an advocate before the courts of Chinland or of a sister state or of the Federal Union of Burma;
- c. or a member of a law faculty at an accredited university or college in Chinland land or elsewhere in the Federal Union of Burma.

Article 140

- a. The justices of the Chinland High Court shall hold office for a term of ten years except that the first bench of justices shall be divided as evenly may be into three groups by lot, and the first group shall serve a term of three and one-third years, the second group a term of six and two-thirds years and the third a full term of ten years.
- b. At the conclusion of each term, they may be re-appointed for another term in office of ten years through the same process by which they were initially appointed. They may not subsequently be re-appointed for a third term.

Article 141

- a. When necessary for the prompt submission and determination of cases because of vacancies on the High Court, the Chinland Legislative Assembly may provide that any retired Justice of the Chinland High Court or retired Judge of an Appellate Court may be appointed by the Governor, with the advice and consent of the sitting Justices of the Chinland High Court, to act as Justices of the Chinland High Court, so that the Court may have a full complement of Justices.
- b. Such temporary appointment shall last one year or until a new permanent justice has been confirmed, whichever comes first.

Article 142

Inferior court judges shall be appointed by the Chinland High Court, according to majority vote if there is a division of opinion, with the advice and consent of the Governor of Chinland.

Article 143

Inferior court judges shall hold office for a term of ten years. At the conclusion of each term, they may be re-appointed for another term in office of ten years through the same process by which they were initially appointed. They may not subsequently be appointed for a third term.

Article 144

The Chief Justice of the Chinland High Court, the Associate Justices of the Chinland High Court, and the judges of the inferior courts shall receive such salaries and allowances as may be provided by Chinland Legislative Assembly, except that a judge's salary and allowances may not be reduced during his or her term in office.

Article 145

- a. Before taking his or her seat, every Justice of the Chinland High Court shall make and subscribe, before a Justice of the Chinland High Court, an oath or affirmation to support the Constitution of the Federal Union of Burma and the Constitution of Chinland, and faithfully to discharge the duties of their respective offices to the best of his or her ability.
- b. Before taking his or her seat, every judge of an interior court shall make and subscribe, before a judge of a court superior to his or her own, an oath or affirmation to support the Constitution of the Federal Union of Burma and the Constitution of Chinland, and faithfully to discharge the duties of their respective offices to the best of his or her ability.

Article 146

All judicial officers provided for in this Constitution shall hold their offices until their successors shall be qualified.

PART ELEVEN (B): ADMINISTRATION OF THE COURTS

Article 147

- a. Except as otherwise provided in the Constitution, the Chinland Legislative Assembly shall have power to make rules regarding the administrative operations of the Chinland courts.
- b. Except insofar as this Constitution or the Chinland High Court's own rules provide otherwise, the day-to-day administration over all courts in Chinland shall be vested in the Chinland High Court and shall be exercised by the Chief Justice of the Chinland High Court, but such administration shall be conducted within the rules prescribed by the Chinland Legislative Assembly.
- c. The Chief Justice of Chinland High Court shall be the executive head of all Courts in Chinland and may appoint such inferior administrative officers as are provided for by law, with the approval and consent of the Senate.
- d. For the effectual administration of justice and the prompt disposition of judicial proceedings, the Chinland High Court may promulgate rules of practice and procedure for all courts, but all such rules shall be consistent with the rules prescribed by the Chinland Legislative Assembly.
- e. The Chinland High Court may, and when requested by the Chinland Legislative Assembly, shall certify to the Chinland Legislative Assembly, its conclusions as to desirable amendments in the general laws governing such practice and proceedings.

Article 148

- a. The Chief Justice and Associate Justices of the Chinland High Court shall reside at the place where the Chinland High Court is located, and no Chief Justice or Associate Justices of the Chinland High Court shall be deemed thereby to have lost his or her residence at the place from which he or she was selected.
- b. The offices of the Chief Justice Associate Justices of the Chinland High Court shall be at the place where the Chinland High Court is located.
- c. Except as otherwise provided by law, the inferior court judges shall reside at the place where their courts are located, and no inferior court judge shall be deemed thereby to have lost his or her residence at the place from which he or she was selected.

- d. Except as otherwise provided by law, the offices of the inferior court judges shall be located at the place where their courts are located.

Article 149

The Chief Justice of the Chinland High Court shall preside at all terms and sittings of the Chinland High Court, and in his or her absence or disability, the Associate Justices present shall select one of their number to be Chief Justice pro tempore of the Chinland High Court.

PART ELEVEN (C): JURISDICTION AND DECISION RULES

Article 150

The Chinland High Court shall have:

- a. mandatory appellate jurisdiction in all cases in which a lower court has ruled a statute or action of Chinland to be unconstitutional or has imposed capital punishment;
- b. mandatory jurisdiction, either original or appellate as the Chinland Legislative Assembly shall prescribe, in all election contests involving state officers and in all cases in which the parties include foreign states, foreign nationals, the government of Chinland, the Federal Union, or other states of the Federal Union of Burma;
- c. such other jurisdiction, mandatory or discretionary, original or appellate, as the Chinland Legislative Assembly shall provide by law.

Article 151

- a. In cases in which a lower court has ruled a statute or action of Chinland to be unconstitutional or has imposed capital punishment, and in cases of original jurisdiction in which a statute or action of Chinland has been challenged as unconstitutional, all serving justices of the High Court shall be necessary to constitute a quorum, and a majority of the justices sitting shall have authority to pronounce a decision. In such cases, in the event of the disability or disqualification by interest or otherwise of any of the Justices of the Chinland High Court, the Court

may appoint inferior court judges to sit temporarily as Justices of the Chinland High Court, sufficient to constitute a full court of justices.

- b. In all other cases, a majority of the Justices of the Chinland High Court shall be necessary to constitute a quorum, and a majority of the justices sitting shall have authority to pronounce a decision.

PART ELEVEN (D): JUDICIAL MISCONDUCT

Article 152

During the term of his or her judicial service, no judge of Chinland shall act as an attorney or lawyer or counselor at law in any manner whatsoever.

Article 153

The Chinland Legislative Assembly Legislature shall provide for a Commission on Judicial Qualifications consisting of:

- a. three judges, including one judge from each level inferior to the Chinland High Court, who shall be appointed by the Chief Justice of the Chinland High Court;
- b. three members of the Chinland Bar Association who have practiced law in Chinland, who shall be appointed by the Executive Council of the Chinland Bar Association;
- c. three citizens of Chinland, none of whom shall be a judge of any court in Chinland, active or retired, nor a member of the Chinland Bar Association, and who shall be appointed by the Governor of Chinland;
- d. and the Chief Justice of the Chinland High Court, who shall serve as its chairperson.

All members of the Commission on Judicial Qualifications shall serve a five year renewable term, except the Chief Justice who shall serve so long as he or she remains Chief Justice.

Article 154

The Commission on Judicial Qualifications shall act by a vote of the majority of its members, and no action of the Commission shall be valid unless supported by a majority of its members.

Article 155

- a. The Commission on Judicial Qualifications shall promulgate a Code of Judicial Ethics, clearly setting forth the offenses for which a judge may be punished.
- b. Such offenses shall be limited to the following: willful misconduct in office, willful disregard of or failure to perform his or her duties, conviction of a crime involving moral turpitude, disbarment as a member of the legal profession licensed to practice law in Chinland, and conduct prejudicial to the administration of justice that brings the judicial office into severe disrepute.

Article 156

The Commission on Judicial Qualifications shall retire any judge of any court of Chinland, except for justices of the high court, for physical or mental disability seriously interfering with the performance of his or her duties if such disability is determined to be permanent or reasonably likely to become permanent

Article 157

- a. Any citizen of Chinland and any member of the Commission on Judicial Qualifications may request the Commission on Judicial Qualifications to investigate any judge of any court of Chinland for failure to conform to the Code of Judicial Ethics.
- b. Upon such request, the commission shall make such investigation as the commission deems necessary and shall, upon a finding of probable cause, appoint a person who shall investigate and hold a formal open hearing to take evidence in any such matter and to report to the Commission.
- c. If after considering the record and report of the investigator, the Commission finds that the charges are established by clear and convincing evidence, it shall recommend to the High Court that the judge involved shall be reprimanded, disciplined, censured, or suspended without pay for a definite period of time not to exceed six months. The Commission may also recommend that the High Court remove from office any judge except a justice of the High Court, who may be removed from office only pursuant to the provisions on impeachment in Part Fourteen.

- d. The High Court shall review the record of the proceedings and in its discretion may permit the introduction of additional evidence. The High Court shall make such determination as it finds just and proper, and may order reprimand, discipline, censure, suspension, removal, or retirement of such judge, or may wholly reject the recommendation to sanction such judge. Upon an order for removal, the judge shall be removed from office, his or her salary shall cease from the date of such order, and he or she shall be ineligible for future judicial office. Suspension shall not create a vacancy in the court from which the judge has been suspended, including the high court.

Article 158

No Justice of the High Court or other judge shall participate in any way in any proceedings involving his or her own reprimand, discipline, censure, suspension, removal, or retirement.

Article 159

No judge shall ever be punished for the substance of a judicial opinion, and no person shall ever attempt improperly to influence the proceedings of the Commission on Judicial Qualifications.

PART TWELVE: ADMINISTRATION

Article 160

The courts of Chinland shall have the power of judicial review to enforce the provisions of this section; the courts of Chinland shall therefore review the actions of all departments of government and government officials for conformity to these provisions. Any decision of the High Court in the interpretation of these provisions shall be final and binding on the parties to that decision and on all of the people of Chinland, including departments of the government and government officials.

Article 161

The qualified electors of Chinland shall, at the times and places of choosing the Governor, elect a Secretary General of State, Treasurer General of State, Advocate General of State, Auditor General of State, and Commissioner of Civil Services.

Article 162

The Secretary General of State shall carefully keep and preserve the records of all the official acts and proceedings of the Governor, Senate, and House of Representatives. When requested, the Secretary General shall lay the same before either house of the Legislative Assembly. The Secretary General shall also perform such other duties as are enjoined by this Constitution or otherwise required by law. In the performance of his or her duties, the Secretary General of State shall have the right of audience in all legislative and executive functions.

Article 163

The Treasurer General of State shall carefully keep and preserve the records of all revenues of the Government of Chinland, make such records publicly available, and perform such other duties as are enjoined by this Constitution or otherwise required by law. In the performance of his or her duties, the Treasurer General of State shall have the right of audience in all legislative and executive functions.

Article 164

The Advocate General of State shall give advice to the Governor of Chinland upon such legal matters, and shall perform such other duties of a legal character, as may from time to time be referred to him by the Governor of Chinland, and he or she shall perform such other duties as are enjoined by this Constitution or otherwise required by law. In the performance of his or her duties, the Advocate General of State shall have the right of audience in all courts in the territory of Chinland.

Article 165

The Auditor General of State shall carefully keep and preserve the records of all the finance accounts of the Government of Chinland, make such records publicly available, and perform such other duties as are enjoined by this Constitution or otherwise required by law. In the performance of his or her duties, the Auditor General shall have the right of audience in all legislative and executive functions.

Article 166

The Commissioner of Civil Service shall administer the Civil Services as provided in this Constitution and by other laws, and he or she shall perform such other duties as are enjoined by this Constitution or otherwise required by law. In the performance of his or her duties, the Commissioner of Civil Services shall have the right of audience in all legislative and executive functions.

Article 167

The Secretary General of State, Treasurer General of State, Advocate General of State, Auditor General of State, and Commissioner of Civil Services shall attend the Governor, Senate and House of Representatives, in person or by their deputies, as those bodies shall require.

Article 168

The Chinland Legislative Assembly may make such rules regarding the powers, duties, privileges, and compensation of the Secretary General of State, Treasurer General of State, Advocate General of State, Auditor General of State, and Commissioner of Civil Services as may be needful and consistent with the letter and spirit of this Constitution.

**PART THIRTEEN: THE CIVIL SERVICE
COMMISSION**

Article 169

The Chinland Legislative Assembly shall have the power and responsibility to execute this section in appropriate ways. This section shall not be judicially reviewable by the courts of Chinland, but this section may provide interpretive guidance for the provisions of this constitution that are judicially reviewable.

Article 170

The Chinland Legislative Assembly shall establish a Civil Service Commission of Chinland, the members of which shall be appointed by the Governor with the advice and consent of the Senate for a renewable five year term.

Article 171

The Civil Service shall conduct civil service examination based on merit as provided by law, provided however that the civil service placements may also take into consideration the promotion of full equality among the people of Chinland and the remediation of past injustice.

Article 172

The Chinland Legislative Assembly shall provide by law for the rights and duties of the members of the Civil Service Commission.

PART FOURTEEN: IMPEACHMENT

Article 173

The House of Representatives shall have power to impeach any Senator and any person who was appointed to public office by the advice and consent of the Senate.

Article 174

The Senate shall have power to impeach any member of the House of Representatives and any person who was appointed to public office by the advice and consent of the House of Representatives.

Article 175

The Senate and the House of Representatives, sitting together but voting separately, shall have power to impeach the Governor, Lieutenant Governor, Chief Justices, Associate Justices, Secretary General of State, Treasurer General of State, Advocate General of State, Auditor General of State, the Commissioner of Civil Services, and any person who was appointed with the advice and consent of the Senate and the House of Representatives. When the Governor is impeached, the Chief Justice of the Chinland High Court shall preside.

Article 176

When sitting for impeachment purposes, the members of the House of Representatives and the Senate shall be on oath or affirmation.

Article 177

- a. In an impeachment proceeding under Article 173, a person may be impeached only if at least two-thirds of the present members of the House of Representatives so vote.
- b. In an impeachment proceeding under Article 174, a person may be impeached only if at least two-thirds of the present members of the Senate so vote.
- c. In an impeachment proceeding under Article 175, a person may be impeached only if at least two-thirds of the present members of the Senate and two-thirds of the present members of the House of Representatives so vote.

Article 178

In all impeachment proceedings, the accused officeholder shall be impeached only for gross and pertinacious abuse of the powers of his or her office. No-one may be impeached because of policy disagreements with another government body or officeholder. Judges may not review impeachment proceedings, but those conducting impeachment proceedings are enjoined to act in the strictest good faith.

Article 179

The Governor, and all other executive, legislative, and administrative officers, shall be liable to impeachment; but judgment in such cases shall not extend further than to removal from office, and disqualification to hold any office of honor, trust or profit under the state. This provision does not, however, forbid separate judicial proceedings in which the party impeached is subject to civil suit, indictment, trial and punishment according to law.

PART FIFTEEN: LOCAL GOVERNMENT

Article 180

The courts of Chinland shall have the power of judicial review to enforce the provisions of this section; the courts of Chinland shall therefore review the actions of all departments of government and government officials for conformity to these provisions in a proper case. Any decision of the High Court in the interpretation of these provisions shall be final and binding on the parties to that

decision and on all of the people of Chinland, including departments of the government and government officials.

Article 181

The Chinland Legislative Assembly shall have the power, at its discretion, to provide by law for the creation, organization, administration, consolidation, division and dissolution of local government units, for their functions, for the change of boundaries thereof, for their elective and appointive officers including qualifications for office, for the issuance of charters of local governments, and for the funding of those governments. To the extent possible, the Chinland Legislative Assembly shall draw local government boundaries so as to follow cultural, dialectal, and/or traditional administrative lines.

PART SIXTEEN: FINANCE, TAXATION, AND REVENUE

Article 182

The courts of Chinland shall have the power of judicial review to enforce the provisions of this section; the courts of Chinland shall therefore review the actions of all departments of government and government officials for conformity to these provisions in a proper case. Any decision of the High Court in the interpretation of these provisions shall be final and binding on the parties to that decision and on all of the people of Chinland, including departments of the government and government officials.

Article 183

The power of taxation shall never be surrendered, suspended, delegated, or contracted away, except as provided by this Constitution.

Article 184

No money shall be drawn from the treasury but pursuant to an appropriation made by an Act of the Chinland Legislative Assembly, provided, however, the compensation of the members of the Chinland Legislative Assembly and all expenses connected with the session thereof may be paid out of the treasury pursuant to

bicameral resolution. No obligation for the payment of money shall be incurred except as authorized by law. Un-obligated appropriations outstanding at the end of the period of time specified by law shall be void.

Article 185

No tax shall be levied, or appropriation of public money made, or public property transferred, nor shall the public credit be used, except for a public purpose.

Article 186

- a. Money may be borrowed or debt created by or on behalf of Chinland only pursuant to an Act of the Chinland Legislative Assembly, passed with the concurrence of two-thirds of all members elected to each house, except such sums as shall be necessary to repel invasion, suppress insurrection, defend Chinland in war, or pay existing debts.
- b. Any law authorizing the borrowing of money by or on behalf of Chinland shall specify the purpose for which the money is to be borrowed, and the money so borrowed shall be used exclusively for such purpose; but should the money so borrowed or any part thereof be left after the abandonment of such purpose or the accomplishment thereof, such money, or the surplus thereof, may be disposed of according to law.

Article 187

Except as otherwise provided in this Constitution, no appropriation of public money shall be made to, nor the bonds of Chinland be issued or loaned to, any local government or corporation, nor shall the credit of Chinland, by the guarantee or the endorsement of the bonds or other undertakings of any local government or corporation, be pledged otherwise than pursuant to an act of the Chinland Legislative Assembly, passed with the concurrence of three-fourths of all the members elected to each house.

Article 188

A regular account of the receipts and expenditures of all public money shall be published annually and made available free of charge to any citizen of Chinland who requests it.

Article 189

- a. The Governor of Chinland shall submit to the House of Representatives, at a time fixed by law, a budget for the next fiscal year setting forth all proposed expenditures and anticipated income of all departments, offices, and agencies of Chinland.
- b. The Governor, at the same time, shall submit to the House of Representatives a general appropriations bill to authorize the proposed expenditures.
- c. The House of Representatives may adopt the Governor's budget and appropriations bill, modify them, or author its own budget and appropriations bill.
- d. After the House of Representatives has approved a budget and appropriations bill, they shall be transferred to the Senate, and if approved in that house, shall be transferred to the Governor for his or her approval or veto.

Article 190

The real and personal property of Chinland and/or its political subdivisions may be made exempt from taxation by act of the Chinland Legislative Assembly. All, or any portion of, property used exclusively for non-profit religious, charitable, cemetery, or educational purposes, as defined by law, may be made exempt from taxation by act of the Chinland Legislative Assembly. By laws of general application, the Chinland Legislative Assembly may grant other exemptions of like or different kind. All valid existing exemptions shall be retained until and unless otherwise provided by law.

PART SEVENTEEN: PUBLIC EDUCATION

Article 191

The Chinland Legislative Assembly shall have the power and responsibility to execute this section in appropriate ways. This section shall not be judicially reviewable by the courts of Chinland, but this section may provide interpretive guidance for the provisions of this constitution that are judicially reviewable.

Article 192

By laws of general application, the Chinland Legislative Assembly shall establish and maintain a system of free public schools open to all children of Chinland, and shall provide for other public educational institutions.

Article 193

The schools and other educational institutions established by the Chinland Legislative Assembly shall be free from sectarian control.

Article 194

No money shall be paid from public funds for the direct benefit of any religious or other private educational institutions, beyond those general benefits, services, and protections that are neutrally available to all, irrespective of their religious identity.

Article 195

The University of Chinland is hereby established as the state university and constituted a body corporate. It shall have title to all real and personal property now or hereafter set aside for or conveyed to it.

Article 196

A Board of Regents shall govern the University of Chinland. The Governor shall appoint the regents, with the advice and consent of a majority of the members of each house of the Chinland Legislative Assembly.

Article 197

The Board of Regents shall formulate policy and appoint the president of the university and an executive officer of the Board.

Article 198

- a. The Board of Regents, the President of the University, and the faculty of the University shall jointly establish guidelines for the University program of education.
- b. Neither the Governor, nor the Chinland Legislative Assembly, nor the Board of Regents, nor any other officer or member of the government of Chinland shall interfere with the academic freedom of the faculty and deans of the University of Chinland.

Article 199

By laws of general application, the Chinland Legislative Assembly shall establish uniform guidelines for primary, secondary, high school, and vocational educations.

Article 200

- a. Pursuant to laws enacted by the Chinland Legislative Assembly, public funds may be expended to provide financial assistance to students and parents of students for educational purposes, including but not limited to grants, scholarships, loans, guaranteed loans, interest subsidies on loans, fees to lenders, tax exemptions to lenders, loan forgiveness programs, tax deductions for private funds paid to support education, tuition waivers.
- b. The Board of Regents of the University of Chinland shall be authorized to establish programs allowing attendance at units of the University of Chinland without payment of tuition or other fees.

PART EIGHTEEN: PUBLIC HEALTH

Article 201

The Chinland Legislative Assembly shall have the power and responsibility to execute this section in appropriate ways. This section shall not be judicially reviewable by the courts of Chinland, but this section may provide interpretive guidance for the provisions of this constitution that are judicially reviewable.

Article 202

The Chinland Legislative Assembly shall provide by law for the promotion and protection of the public health.

Article 203

The Chinland Legislative Assembly shall provide by law for the treatment and rehabilitation of handicapped persons.

Article 204

The Chinland Legislative Assembly shall provide by law for financial assistance, medical assistance and social services for persons who are found to be in need of such assistance and services.

PART NINETEEN: PUBLIC WELFARE

Article 205

The Chinland Legislative Assembly shall have the power and responsibility to execute this section in appropriate ways. This section shall not be judicially reviewable by the courts of Chinland, but this section may provide interpretive guidance for the provisions of this constitution that are judicially reviewable.

Article 206

The Chinland Legislative Assembly shall provide by law for the promotion and protection of the general public welfare.

Article 207

The Chinland Legislative Assembly shall provide by law for the security of the elderly, the unemployed, the disabled, children, orphans, and any others in need, by establishing and promoting programs to assure their economic and social well-being. Such provision may include but need not be limited to the creation of government welfare agencies, the support of private welfare agencies, social security programs, orphanages, foster homes, nursing homes, daycare programs, and group homes for the disabled or those rehabilitating from addictions or illnesses.

Article 208

The Chinland Legislative Assembly shall provide by law assistance in housing, slum clearance and the development or rehabilitation of substandard areas. The exercise of such power is deemed to be for a public use and purpose.

PART TWENTY: CULTURE AND MEDIA

Article 209

The courts of Chinland shall have the power of judicial review to enforce the provisions of this section; the courts of Chinland shall therefore review the actions of all departments of government and government officials for conformity to these provisions in a proper case. Any decision of the High Court in the interpretation of these provisions shall be final and binding on the parties to that

decision and on all of the people of Chinland, including departments of the government and government officials.

Article 210

Consistent with the other provisions of this Constitution, especially the protections for individual rights, the Chinland Legislative Assembly shall have power to regulate the media, communication, broadcasting, telephonic systems, telegraphic systems, and cultural practices.

Article 211

The Chinland Legislative Assembly may provide by law for the conservation and development of objects and places of historic or cultural interest, and it may provide for public sightliness and physical good order.

Article 212

To serve the goals of this Part, the Chinland Legislative Assembly may reasonably regulate private property.

Article 213

The powers of the Chinland Legislative Assembly granted by this Part shall be exclusive of and supreme over any power of the government of the Federal Union of Burma.

PART TWENTY-ONE: STATE ARMED FORCES

Article 214

The courts of Chinland shall have the power of judicial review to enforce the provisions of this section; the courts of Chinland shall therefore review the actions of all departments of government and government officials for conformity to these provisions in a proper case. Any decision of the High Court in the interpretation of these provisions shall be final and binding on the parties to that decision and on all of the people of Chinland, including departments of the government and government officials.

Article 215

No standing army shall be maintained without the consent of the legislature, and the military shall, in all cases, and at all times, be in strict subordination to the civil power.

Article 216

- a. All able-bodied citizens of Chinland between the ages of eighteen and forty years shall serve in the Militia of Chinland for at least three years.
- b. The Chinland Legislative Assembly shall adopt laws to implement this provision.

Article 217

- a. The Chinland Legislative Assembly shall, by law, designate the qualifications necessary for holding a commission in the Militia of Chinland and shall prescribe the mode of selection of officers for the several grades.
- b. The Governor of Chinland shall appoint and commission the commissioned officers as directed by the Chinland Legislative Assembly.

Article 218

The Chinland Legislative Assembly shall have the final authority, exclusive of and supreme over any power of the government of the Federal Union of Burma over the same, for the creation of the Militia of Chinland and for making all rules and regulations needful for the organization, training, and discipline of the same.

Article 219

- a. When not occupied in military activities, units of the Militia of Chinland may be used within the state for civil development purposes, such as building bridges or roads, urban renewal projects, teaching, or the like, as provided by the Chinland Legislative Assembly.
- b. Except during a state of emergency, as described in Article 224 below, the government of Chinland may deploy its armed forces for combat purposes only at or beyond the borders of Chinland.

Article 220

The Armed Forces of the Federal Union of Burma shall not be stationed in Chinland without the approval of two-thirds of both houses of the Chinland Legislative Assembly.

PART TWENTY-TWO: STATES OF EMERGENCY

Article 221

The courts of Chinland shall have the power of judicial review to enforce the provisions of this section; the courts of Chinland shall therefore review the actions of all departments of government and government officials for conformity to these provisions in a proper case. Any decision of the High Court in the interpretation of these provisions shall be final and binding on the parties to that decision and on all of the people of Chinland, including departments of the government and government officials.

Article 222

- a. A state of emergency may be declared if:
 - 1. a foreign power has declared war upon or invaded the state or the Federal Union of the Republic of Burma or there is an imminent threat of such action;
 - 2. the state is experiencing widespread insurrection against constitutional authority leading to a severe breakdown in the rule of law and a serious threat to the peace and security of the population; or
 - 3. the state has experienced a natural disaster or industrial accident resulting in massive destruction, death and injury or such disaster is imminent.
- b. A state of emergency may be declared for the whole state or for any part of subdivision of the state.

Article 223

- a. The Governor of Chinland may declare that a state of emergency exists. Such a declaration must specify:
 - 1. which provision of Article 221(a) above the Governor is relying upon in declaring the state of emergency;

2. the precise geographical area covered by the state of emergency; and
 3. the conditions in the state which justify the declaration.
- initial declaration of a state of emergency may last no longer than thirty days.
- b. The declaration must be presented to the Chin Legislative Assembly for approval. If the legislature does not vote to approve the declaration by a majority vote within seven (7) working days, then the declaration shall immediately become null and void.
 - c. If the declaration has not been approved by the legislature and the Governor attempts to exercise his emergency powers under Article below after the seven (7) day period, then the Governor has exceeded his constitutional powers and his orders under those emergency powers are null and void. In such a situation, the legislature shall have the authority to request assistance from other states of the Federal Union of Burma or the federal government to regain effective democratic control of the state.

Article 224

If the legislature approves the declaration of a state of emergency within seven (7) working days from when it was declared, then the declaration will be valid for the following period, measured from the date of the original declaration:

- a. three (3) months for a state of emergency declared under Article 221(a) (1);
- b. one (1) month for a state of emergency declared under Article 221(a)(2);
- c. two (2) months for a state of emergency declared under Article 221(a)(3).

Article 225

- a. After the expiration of the initial period of the state of emergency, the state of emergency may be extended upon the request of the Governor only if sixty per cent of all the members of each house of the Chinland Legislative Assembly, including those not present for the vote, vote to continue it in a public declaration with the yes and no votes recorded in the register and available for public inspection.

- b. Such an extension will be valid for the same period of time as the original declaration.
- c. After the first extension of a particular state of emergency, any subsequent extension shall require approval by seventy-five percent of the members of each house, including those not present for the vote, voting in a public declaration with the yes and no votes recorded in the register and available for public inspection.
- d. If the Chinland Legislative Assembly is not in session upon the expiration of any of these deadlines, the Governor of Chinland may call them into special session.

Article 226

At any point after the expiration of the initial thirty days, any member of the Chinland Legislative Assembly may challenge the state of emergency before the Chinland High Court on the grounds that the state of emergency was not declared as a response to genuine foreign invasion or widespread insurrection against constitutional authority.

Article 227

- a. When the Governor has declared a state of emergency and the legislature has approved the declaration, the Governor may:
 - 1. call the state defense forces into action within or outside the state;
 - 2. take direct control of local governments within the state;
 - 3. issue executive orders that have the force of law, but the legislature shall have the power to veto any such executive order by a majority vote.
- b. The actions of the government of Chinland taken under the authority of section (a) above must be limited to good faith efforts to respond to the reasons for the state of emergency and must be no greater than necessary for that purpose.
- c. Any order or other exercise of powers under section (a) above shall automatically terminate at the end of the state of emergency and shall have no continuing legal force after that time.
- d. The Governor shall have no power to dissolve or dismiss the legislature or otherwise disrupt its functioning during a state of emergency.

- e. The Governor shall have no power to dissolve, dismiss, or disrupt the functioning of the judiciary during a state of emergency.
- f. The Governor shall have no power to declare martial law or otherwise suspend any aspect of this Constitution not specifically addressed by this Article.

Article 228

The provisions of this Constitution on Individual Rights shall not be suspended during a state of emergency, and the courts of Chinland shall continue to hear challenges that the government of Chinland has violated those provisions. Courts may take into account the existence and reasons for the state of emergency in applying the limitations provision contained in Article 10 during the state of emergency.

Article 229

- a. During any state of emergency, judicial powers shall remain with the regular courts and with the judges who had been appointed to those courts before the state of emergency commenced.
- b. No courts of special jurisdiction may be created during a state of emergency and the jurisdiction of the regular courts shall not be altered or diminished.
- c. The courts shall retain the power of judicial review during a state of emergency. In particular, the courts shall have the power to review the constitutionality of:
 - 1. the initial declaration of a state of emergency;
 - 2. any extension of a state of emergency;
 - 3. any order or action taken under Article 226 above.

Article 230

A state of emergency may be terminated by:

- a. reaching the end of the time period for which it was originally authorized or renewed;
- b. a declaration by the Governor that the state of emergency has ended; or
- c. a majority vote by the legislature at any time to terminate it.

PART TWENTY-THREE: GENERAL PROVISIONS

Article 231

The courts of Chinland shall have the power of judicial review to enforce the provisions of this section; the courts of Chinland shall therefore review the actions of all departments of government and government officials for conformity to these provisions in a proper case. Any decision of the High Court in the interpretation of these provisions shall be final and binding on the parties to that decision and on all of the people of Chinland, including departments of the government and government officials.

Article 232

The seal of the Government of Chinland shall be

Article 233

The anthem of Chinland shall be.....

Article 234

The flag of Chinland shall be.....

Article 235

The Seal of the Governor of Chinland shall be

Article 236

The State Flower of Chinland shall be the Rhododendron.

Article 237

The State Animal of Chinland shall be the Mythun.

Article 238

The State Bird of Chinland shall be the Great Hornbill.

PART TWENTY-FOUR: INNER-STATE AND STATE-FEDERAL RELATIONS

Article 239

Neither the Constitution of the Federal Union of Burma nor any action of the government of the Federal Union of Burma shall override any provision of this Constitution of Chinland as first adopted without amendments.

Article 240

Neither amendments to the Constitution of the Federal Union of Burma nor actions of the Government of the Federal Union of Burma shall override any future amendment to the constitution of Chinland, provided that any such future amendment to the constitution of Chinland must be consistent with the Constitution of the Federal Union of Burma as it stands on the date of the entry of Chinland into the Federal Union of Burma.

Article 241

Notwithstanding any other provision of this Constitution or the Constitution of the Federal Union of Burma or any future amendments to the same, the High Court of the Federal Union of Burma shall have the power of judicial review to protect the individual rights, as specified in the Federal Union Constitution, of any citizen of the Federal Union against the action of a state government other than his or her own.

Article 242

The Government of the Federal Union shall have exclusive power to make laws on the following matters:

- a. foreign policy and affairs except insofar as this subject is shared concurrently with Chinland, as described in the section of this Constitution listing concurrent powers;
- b. the federal debt and property;
- c. the raising of money by any mode or system of federal taxation;
- d. the borrowing of money on the federal public debt;
- e. the fixing of and providing for the salaries and allowances of civil and other officers of the Government of the Federal Union;

- f. quarantine;
- g. currency and coinage;
- h. monetary policy of the Federal Union;
- i. federal banking, incorporation of companies, banks and issue of paper money;
- j. weight and measures;
- k. bills of exchanges, promissory notes, and negotiable instruments
- l. copyrights, trademarks, and patents;
- m. naturalization of aliens;
- n. establishment, maintenance and management of federal penitentiaries;
- o. establishment, maintenance and management of Union-wide postal, telephonic, and telegraphic systems.

Article 243

The government of the Federal Union and the government of Chinland shall have concurrent powers on the following matters:

- a. federal armed forces;
- b. federal seaways, highways, and airways;
- c. regulation of federal trade and commerce;
- d. the census and official demographic statistics;
- e. navigation and shipping;
- f. savings banks;
- g. interest rates and legal tender;
- h. bankruptcy and insolvency;
- i. beacons, buoys, and lighthouses;
- j. foreign relations with countries friendly to the Federal Union of Burma for the purpose of seeking aid in developing social welfare, agriculture, health, education, and economic programs.

Article 244

In the event that the government of the Federal Union of Burma and the government of Chinland take conflicting actions under their concurrent powers, the Upper House of the legislature of the Federal Union of Burma shall pass a resolution to settle the conflict.

Article 245

Over all other matters, Chinland shall have exclusive power. This exclusive power particularly extends but is not limited to:

- a. The stationing of federal troops in Chinland without the approval of two-thirds of both houses of the Chinland Legislative Assembly; and
- b. communications and media, aside from the laws necessary to execute the Federal Union's power to establish, maintain, and manage Union-wide postal, telephonic, and telegraphic systems.

Article 246

There shall be two methods for determining whether the Government of the Federal Union has sought to exercise a power not granted to it by this Constitution:

- a. the Supreme Court of the Government of the Federal Union of Burma may determine whether the Government of the Federal Union has exceeded its constitutional powers, and if so, it shall issue a judgment voiding the unconstitutional action; and
- b. the Chinland Legislative Assembly, by a two-thirds majority vote of each house, may determine that the Government of the Federal Union has exceeded its constitutional powers, and if so, it may nullify the unconstitutional federal action insofar as it applies to Chinland.

PART TWENTY-FIVE: AMENDMENT

Article 247

This Constitution may be amended in two ways:

- a. by the approval of seventy-five (75) percent of the members of each house of the Chinland Legislative Assembly;
- b. by the approval of sixty-five (65) percent of the enfranchised citizens of Chinland by referendum or initiative. The High Court of Chinland shall specify the procedures needful for the referendum and initiative processes.

PART TWENTY-SIX: RATIFICATION

Article 248

This Constitution shall come into effect if it secures the following support in a full and free referendum:

- a. at least two-thirds of all the qualified electors voting on the question; and
- b. at least one-half of all the qualified electors voting on the question in at least two-thirds of all the Senate districts.

Article 249

- a. This original of this Constitution of Chinland is the English version. It shall be translated in the various languages and dialects of Chinland, and these translations shall be certified by a panel of recognized experts in law and the various languages and dialects.
- b. The English original and all the translations shall be presented to the voters in the referendum on the ratification of this Constitution.
- c. If and when the voters have ratified this Constitution, both the English original and the translations shall be signed by the first Governor of Chinland and enrolled for record in the office of the registrar of the Chinland High Court.

Article 250

If discrepancies of meaning exist between the original English version of this Constitution and any of the various translations (whether because of outright contradiction, different shades of meaning, ambiguity in one version that does not exist in another or for any other reason), the original English version of this Constitution shall be controlling.

To the People of Chinland:

The people of Chinland and of Burma must soon make some decisions about the kind of constitutional system that they want. The SPDC has finished its proposed constitution for Burma, and a referendum on that constitution took place during May 2008. At the same time, leaders of the democracy movement have been drafting a different federal constitution for Burma, and leaders of the Chin people have been drafting a constitution for Chinland in particular. This report seeks to help the people of Chinland understand the constitutional choices that are in front of them.

Part One:

Why Constitutions Matter to the People of Chinland

In every country, the people have a right to govern themselves in a democratic system. To create a democratic government, the people write and adopt a constitution. A constitution does three very important things:

- it creates a governmental structure,
- it ensures that the government is democratic,
- and it puts limits on the power of the government.

As to the first: in a constitution, the people choose the type of government that they want, so they will feel that it suits them, and they will give it their loyalty. If someone else forces it upon them, they will never love it, and sooner or later, they will resist it. For that reason, the people must control the process of creating the constitution. They must know what they want, and they must speak their mind.

As to the second: in writing the constitution, the people will make sure that they have the right to choose their representatives, who must accordingly answer to the people. In other words, the people rule the government, not the other way around. But there are many different kinds of democratic systems. There is no perfect system. All have problems and advantages. The people must choose which type of democracy they want—which advantages they strongly desire, and which problems they can live with.

As to the third: even though the people choose the type of government that they want, they still should not completely trust the people in the government. The reason is that sometimes when people—even good people—get power, they start behaving badly. They use their power in government to help themselves, rather than serving the people as a whole. For that reason, the constitution puts limits on what the government can do to the people of Chinland. Constitutions are generally hard to change because they are designed to be long-term limits on the government. But again, different constitutions limit government in different ways, and the people must choose which sort of limits they want.

Right now, the government of Burma is ruling Chinland and indeed all of Burma without a constitution. As a result, there are no restraints on the government. The government chooses its own structure; the government rules the people without listening to them; and the government does whatever it likes without limit.

A good constitution, properly enforced, can help the people of Chinland to change all these patterns. But it must be a good constitution, so the people of Chinland must choose wisely. Unless Chinland has a good constitution, the government will continue to dominate its people. The people of Chinland and of Burma have the right to self-government, and that means that they have the right to choose their own form of government, without interference from the SPDC or anyone else. Governments are made by the people, and they have only as much power as the people choose to give them. But the people must choose wisely.

Part Two: The Chinland Constitution and the Federal Constitution

Some democratic constitutions set up only one government, located at the center. This government has all the power given by the constitution. The name for this sort of system is unitary. By contrast, other constitutions divide power between the central (or federal) government and more regional state governments, such as Chinland. The federal government has power over all of Burma

but only certain sorts of powers: the power to do only certain things or over certain subjects or over certain people. The state government has power over the state territory but again only certain powers.

People often want federalism because they worry about what the federal government might do. They may think that the federal government does not understand their local ways, or they fear that it will be filled with hostile people, and they think that it will be corrupt, or they just think that it will be far away and therefore hard to control. Sometimes, ethnic minorities fear the central government because they worry that it will be dominated by an ethnic majority that has different ways of government, different language, different religion and values. Under those circumstances, the local people want some protection against the central government.

Federalism can help protect local people. It takes certain powers away from the federal government, and it gives those powers to the state government, which is likely to be more sympathetic to the concerns of local people. Different federal constitutions divide powers in different ways: there is no one size fits all federalism. As a result, local people can design a constitution that divides power in a good way for them. They can keep the powers that matter most to them on the local level—the things that are central to their particular way of life, the things that make them different from other people in Burma.

Once the constitution makes that division, then the constitution guarantees those powers to the states, those powers that matter so much to local people. Because the constitution is very hard to change, the federal government cannot thereafter just take powers from the states whenever it wants. If the federal government tries to take those powers, that action will be deemed unconstitutional—an illegal attempt to steal power.

For that reason, it is very important that the people of Burma must divide power between the states and the federal government in a good way. The people of Chinland should think about the following questions at this very important moment:

- Which powers do we particularly want to keep close to home in the state government?
- Which parts of our lives are especially important to us on the local level?
- In what ways are we different from most people in Burma, so that we need special power to protect those differences?
- Which powers do we especially fear to give the central government?
- Which powers do we think the center is especially likely to abuse?
- Which powers do we think the federal government really needs to have, so that it can help make Burma more powerful, more prosperous, and happier?

Answering these questions will help the people of Chinland figure out how they want the constitution to divide power.

But dividing power between the center and the states is only the first step. Next, Chinland needs a government to use the powers guaranteed to it in the federal system. Again, there are many different kinds of good democratic governments, but no one is perfect. Each type of government has special problems and special advantages. Someone will need to decide what sort of democratic government is best for Chinland.

In some federal systems, the federal constitution specifies what sort of government the states will have. Because the people of the whole country write the federal constitution, the people of the whole country will decide what kind of government each state will have. But often local people do not like that arrangement because they want to decide for themselves what kind of government they will have. For that reason, in other federal systems, the people of each state write their own state constitution. That way, they can pick the right system for themselves.

Remember that every system has special problems and special advantages: only local people can decide which advantages they especially need from their democratic system, and which problems they can tolerate. For that reason, the state constitution

need not resemble the federal constitution, and the different state constitutions can all be different from each other.

Some Chin leaders have given their best thinking to this question. They have consulted with outside experts, and they have spent many years studying and discussing. They have been leaders of the constitutional reform effort not just for Chinland but for all of Burma.

They have written the constitutional draft that accompanies this report as a proposed model constitution for Chinland. In other words, the people of Chinland can read this draft and see what some of their leaders think would make a good constitution for Chinland. The next section of this report will summarize the main elements of that constitution, to help the people of Chinland discuss this proposed constitution.

But ultimately, only the people of Chinland can decide the right constitution for themselves. The leaders offer this proposed draft only as a tentative suggestion, to help the people start pondering their constitutional future. They earnestly desire that all the people of Chinland should be involved in the process, and they hope that the people will tell them strongly and boldly what they think. This report is designed to help the people of Chinland think through the important decisions facing them.

Part Three: The Current Draft of the Chinland Constitution

Every state constitution must address several issues: the separation of powers (the way that the constitution divides powers between the various branches of the state government); electoral systems (the way that the people elect their chosen representatives); internal federalism (the way that the state constitution divides power between the state government and more local units); membership (who belongs to the state and has rights in it); individual rights (the constitutional protections for individual freedoms that the government may not invade); states of emergency (which constitutional rules, if any, change under conditions of emergency), and amendment (the way that the constitution can be changed).

A. Separation of Powers:

Every government has three sorts of powers: legislative, executive, and judicial. The legislative power is the power to make the law. The executive power is the power to enforce the law, and usually the executive also has the power to lead the nation in war and diplomacy. The judicial power is the power to decide legal disputes between private people or between private people and the government.

In some governments, all of these powers are combined into one person or a small group of people. But that arrangement is very dangerous, because if a person holds all the power, he may well use it only to help himself. Today, the most dangerous branch is usually the executive because as a single leader, the chief executive can act boldly and decisively. He has command of the military and the police force. He often tries to convince the people that he alone can save them from danger but only if they give him unlimited power. But once the people give all the power to one person or small group of people, it will be very hard to get it back.

It is better to divide the different types of powers among different branches, so that they may check one another. That way, each branch can try to keep the others from becoming corrupt. If the executive, for example, tries to act illegally, the legislature will pass laws to restrain him; and the courts will declare his actions illegal. We call such a system “separation of powers” because the powers are separated into different branches.

The current draft of the Chinland constitution separates these powers. The legislature, broadly elected by the people, has the power to make law. The executive (called the Governor) has several powers, but the draft carefully limits them:

- He has the power to enforce the law, but because the legislature has the power to make the law, he really has only the power to enforce the legislature’s will.
- He has the power to submit budget bills—for spending money—to the legislature, but the legislature can reject his bill and substitute its own.

- He has the power to lead the army in wartime, but the Constitution very carefully limits how the military can be used within Chinland.
- The Governor also has the power to represent the country in dealings with foreign states, but the legislature has the power to set general policy so as to limit the Governor's discretion in these matters.

Finally, the judiciary has the power to decide cases, including one extremely important power. The High Court of Chinland will have the power to decide the meaning of the constitution. It will have the authority to strike down actions of the executive or the legislature if they violate the constitution. In this sense, the High Court has the final word. We call this practice judicial review. Because the courts will be so powerful, it is of course very important to find extremely good judges and to give them independence, so they can make their decisions fairly and fearlessly.

B. Electoral Systems:

Electoral systems are the ways that the voters choose their representatives. There are many different technical ways to choose representatives, and each one has a different set of advantages and disadvantages. Under different sorts of electoral systems, different types of people will tend to get elected; different groups of people will have different amounts of power; different regions of the state will feel more or less influential in the capitol, and so forth. Again, there is no one right answer. It depends on what sort of leaders the Chin people want.

The Governor: Under the current draft of the Chinland Constitution, the Governor will be elected by all the people of Chinland. This arrangement is common in the world, but it has a disadvantage: the candidate who receives a majority of the votes becomes the governor; the losing candidates (and their supporters) get nothing at all. We say that the “winner takes all,” and that this method of election over-favors the majority, because minorities get nothing.

In Chinland, the voters in more populous areas—such as Hakka and Falam—might always be able to elect the governor, and the people out in the more isolated valleys might feel no connection to the Governor. The Governor could then get elected by appealing only to the voters from populous areas and ignoring everyone else. The drafters of the Chinland constitution worried about this effect, and to counteract it, they built a special device into the election of the Governor: the votes of people in less populated areas will count a little more than the votes of people in the more populated areas. That way, to be elected, the Governor must try to appeal to all the voters of Chinland and serve them all. Recalling that the executive is the most dangerous branch, we can see that this electoral system tries to keep the executive under control by making him accountable to all the people of Chinland.

The electoral system for the Governor limits his power in other ways as well. The people elect the Governor for a five year term, but midway through the term, the voters can recall the Governor if they do not like the way that he is doing his job. In addition, no-one may serve as Governor for more than two terms. Finally, after a Governor retires, the next Governor must come from a different part of Chinland. As a result, it will be hard for a small group of people to dominate the executive branch.

The Legislature: The legislature is divided into two houses, the Senate and the House of Representatives. The two houses will be elected in very different ways. For the Senate, the voters of each township—however large or small—will elect one Senator. Because the Senators are elected from particular townships, they will specially care about the problems of those townships. They will be a strong voice for local people in the state government. Because every township has one Senator, the small townships will have as much power as the larger ones, so the more populous townships will not be able to dominate the Senate.

By contrast, the elections for the House of Representatives will all be state-wide so that the members will all represent all the parts of Chinland. Each political party will propose a list of

candidates to all the voters of Chinland, who will each vote for one of the lists. The vote-counters will then tally the percentage of the vote won by each party, and each party will receive that percentage of the seats in the House of Representatives. For example, if one party won twenty percent of the popular vote, then it will receive twenty percent of the seats in the House of Representatives. Who will fill those seats? The candidates that are on the lists that were offered to the voters by each of the parties.

Unlike the Senate, which will represent very local concerns, the House will represent the interests of Chinland as a whole. We say that the electoral method is integrative because it tends to pull the various regions of Chinland closer together. Because all of the members of the House of Representatives are elected by all of the voters of Chinland, they will try to appeal to all the people of the state. For the same reason, the political parties will try to appeal to as many people as possible, because the more people that vote for them, the more seats they get in the legislature. Finally, to get elected, the candidates must get on the lists of their party, so they will be loyal to their party and the party members will be loyal to each other.

In short, the electoral methods for the different houses of the legislature balance each other. Senators will be very concerned to voice the particular concerns of their local constituents, so all the different communities of Chinland can be heard. The Senate will focus, in other words, on the way that the people of Chinland are different in all their mountains and dales. By contrast, the House of Representatives will be very concerned to voice the shared desires and values of the people of Chinland, all across the state, so as to appeal to as many as possible. The House will focus, in other words, on the way that the people of Chinland are the same.

Both of these—the way that the people of Chinland are the same and the way that they are different—are important, and this constitution seeks to balance the two. Under the constitution, to make a law, a majority of the Senate and a majority of the House must both agree. In other words, neither house can do anything without the other. Every law must reflect the way that the

people of Chinland are the same and the way that they are different. The legislature will have to honor both the needs and demands of particular communities but also develop state-wide parties, values, and agendas. The legislature will need both to respect the diversity of Chinland and yet also integrate it into a working whole.

The Judiciary: Unlike the other branches, the judiciary is frequently not elected by the people at all. The reason is that the courts are supposed to give their loyalty to the law, not to the voters. They are supposed to enforce the law as they find it, not the will of the citizens. They are professionals, not politicians. Above all, they must devote themselves to enforcing the constitution itself, even when the other branches may be assaulting it, even when a temporary majority of citizens wants to undermine it. It is important that sometimes the judges should ignore popular opinion. For instance, if the majority of citizens want to persecute a small and unpopular group, the judges should stop them by protecting the rights of unpopular group. For that reason, the judges must be chosen by a process that insulates them from politics as much as possible.

Under the current draft of the Chinland Constitution, only those with great experience can qualify to serve as justices on the High Court. Among these persons, the Governor nominates particular persons, but they will become justices only if both houses of the legislature agree. In other words, no-one can become a High Court justice unless the Governor, the Senate, and the House all agree. If all agree on a particular nominee, he or she is likely to be the right person for the job. The High Court justices then choose the lower court judges, but they will become judges only if the Governor agrees. As before, we see that the constitution seeks to divide power, giving many people a hand in choosing judges, so that no one person or small group can dominate the judicial branch.

After a judge has been appointed, he or she then serves a ten year term. This term is very long, so that the judge can fearlessly follow the law, without worrying that his or her decisions might be unpopular. After the first ten year term, the judge can be re-appointed by the same process for one more ten year term, and

then he or she must leave the bench. The salary and allowances of judges may not be reduced during their time in office, so that politicians may not seek to punish them for their decisions by reducing their compensation. Together, these two things—the long term in office, and the promise that salaries will not be reduced—should help to make judges independent of politics.

C. Internal Federalism

Remember that federalism refers to a constitutional division of power between a central government and more local ones. The Burma democracy movement has long maintained that Burma as a whole should have federalism, so that the federal constitution divides power between the central government and the states. This report discussed that topic in Part Two. But it is also possible for the state constitutions themselves to be federal, in that they divide power between the state government and more local governments, such as townships, villages, or wards. Should Chinland itself be federal? How should the people of Chinland decide?

The drafters of the proposed Chinland constitution do not agree among themselves on that very question. For that reason, this draft contains two versions of the Part providing for local government. In Version A, the Chinland legislature would decide whether Chinland should have local governments and how much power they should have. In Version B, the Constitution itself mandates the creation of local governments and specifies their power. What is at stake in this disagreement, and why do the drafters disagree?

In either version, local governments will probably exist and have some power. The real difference is that in Version A, the legislature will decide whether they exist and how much power they have. In Version B, the constitution will decide whether they exist and how much power they will have. So the real question is not whether Chinland should have local governments. The real question is who should decide whether Chinland should have local governments—the legislature or the constitution as ratified by the people?

Here are the advantages to letting the legislature decide:

- They may know more about how government is run than the people ratifying the constitution, so they might design a better system.
- If changed conditions call for a new form of local government, the legislature can respond quickly, but if the constitution mandates a certain kind of internal federalism, it can be very difficult to change.
- If the state legislature chooses to give power to local governments, it may be more likely to co-operate happily with them, but if the constitution takes some power from the state legislature and gives it to local governments, the state legislature may resent the local governments.

Here is the great advantage to having the constitution require internal federalism:

- The state legislature may not want to give power away to localities, even if it would be good so to do, so it might be better to lock up some protection right away. If the people of Chinland are convinced that they really need extensive internal federalism, perhaps they should constitutionally guarantee it.

D. Membership:

In every constitutional system, some people fully belong to the community, and some do not. The full insiders (usually called citizens) have full rights, especially the right to vote and to hold office—in other words, the right to direct the state. Although it might seem nice to include everyone, in fact some lines are necessary: almost everyone believes that children, insane people, and temporary residents should not have the right to vote or hold office. But although it is inevitable that some people will be full insiders and others will not be, the constitution must protect all the people in Chinland. It must not give special favor to a preferred class and hurt everyone else. The Chinland Constitution therefore tries to protect both non-citizens and non-Chins in an appropriate way.

The Treatment of Non-Citizens: Non-citizens should be appropriately protected. Even though they are not full insiders, they are still part of Chinland. If someone is not a member of the community, then he does not necessarily have the right to direct the state, but he still has rights and must be treated fairly and decently. Under the Chin Constitution, the government may exclude non-citizens from voting or holding office, but it must extend to them all the other constitutional rights enjoyed by the citizens of Chinland.

The Treatment of non-Chins: Chinland is the traditional home of Chin people, the place in which they have sought shelter from outsiders who have tried to hurt and dominate them. Chinland must therefore be a special home for ethnic Chin people. Nonetheless, Chinland should not mistreat its non-Chin people, in the way that Chin people have so often been mistreated by the government of Burma. If Chinland treats non-Chins badly, many bad results will likely follow: other states may mistreat the Chin people living there in reprisal; the non-Chins in Chinland may conspire against the government and perhaps even launch a civil war; and the rest of the world will censure Chinland for discrimination. Accordingly, the Chinland Constitution tries simultaneously to create a special home for Chins and also protect non-Chins.

- On the one hand, the Constitution gives to the government the power to promote Chin language and culture. The government can also take special measures to help Chin people overcome past discrimination, by helping them to get an education, employment, and the like. And the Constitution itself prescribes that Chin people automatically have the right to become Chinland citizens.
- On the other hand, in all other matters, the Chinland government must treat Chins and non-Chins alike, and the government may never deny constitutional rights to non-Chins. Non-Chins may also become citizens according to laws laid down by the Chinland legislature.

E. Individual Rights:

If the constitution structures the government perfectly, with the right separation of powers, electoral systems, and membership rules, then hopefully the government will do the right thing most of the time—but only most of the time. No government does the right thing all the time, because governments just have a tendency to boss people around, even when they shouldn't. Too often, government officials enjoy exercising their own power and so invade the individual freedom of their people. Burma has seen this phenomenon all too often. The government of Chinland will surely be far better than the current government of Burma, but history teaches that when people get power—even good people—they often abuse it unless checked.

Virtually all constitutions in the world today therefore contain protections for individual rights. There are different kinds of rights. Some rights protect individuals against interference and guarantee that they will be free to live their own lives in the way that they see fit. Even if the government disagrees with the choices that individuals make, it cannot stop them from making those choices. Of course, people are not free to do anything they like; people cannot live together without some rules that constrain what people can do. Therefore, a constitution must make a very careful distinction between those areas of life in which individuals should be left alone to make their own choices, and those areas of life in which the government should be allowed to make rules for the general good. As one example: most people think that the government should not be allowed to tell people how to worship (an area for individual choice alone), but the government should be allowed to draft people into the military to defend the country (an area for government rules)

Other sorts of rights give people a guarantee that they will get an opportunity or a resource that they need to live a full life. For example, many modern constitutions include rights to an education or to a safe and clean environment. These rights mean that the government has an obligation to provide all persons with these things. Of course, governments have limited resources and cannot

always give people as much as we would ideally like. So, constitutions that provide for these sorts of rights often include a provision saying that the government must do the best it can, given its available resources, to fulfill such rights. Over time, as the country prospers, the standard the government must meet will go up.

So, a good constitution must specify which rights people have, both rights to be left alone and rights to be given certain opportunities or resources. And the rights will be much stronger if they are described with specificity. It is much easier for a government to ignore or invade a vague and general right than a specific and clear one. Some rights probably belong to every person in the world, and therefore all constitutions should protect them—such as the right not to be enslaved. But different cultures might take different views on other rights, such as the right to a jury trial, and there is not necessarily one right answer. The people of Chinland will therefore want to include all the universal rights in their constitution, but they will also want to decide whether their particular culture would also protect other rights.

In addition, some rights should be absolutely protected, in the sense that the government cannot ever infringe them. But other rights might sometimes be limited if the government can convince the High Court that it has an extremely good reason to do so. For example, governments should never be able to enslave people (an absolute right), but governments might be able to require that parents not abuse their children (an appropriate limit on the right of parents to raise their children). A good constitution should be as specific as possible about how and when the government is allowed to impose such limits on rights. The current draft of the Chinland Constitution provides guidelines for such limits.

Accordingly, the people of Chinland will want to ask themselves the following questions:

- Which rights are especially important to us as individuals, so that the constitution should protect them?
- Which rights do we worry that the government might be tempted to invade unless the constitution protects them?

- Among the constitutional right, which rights should be absolute and which not?

The drafters of the proposed Chinland constitution have pondered these questions and have written protections for the following sorts of rights: basic rights; economic rights; rights to equal treatment; rights of conscience, religion, and culture; rights of political participation, free speech, and association; autonomy rights; legal process rights; rights in the criminal process; and social welfare rights. Some of these rights are protections against interference and others are guarantees of resources or opportunities. Some are absolute and some are not. The question is whether they cover everything that the people of Chinland want included in their rights.

E. State of Emergency

All countries will face a crisis or emergency at some point. The emergency may be a natural disaster, like the recent cyclone in Burma, or an invasion by a foreign power, or an internal uprising against the government. In such circumstances, governments often feel that they need extraordinary powers – beyond those the Constitution gives to them normally – in order to deal with the crisis. Many constitutions make special provision for such situations by creating a process by which the government may declare a temporary state of emergency and acquire greater powers to deal with the crisis. Other constitutions reject this path and require the government to abide by the normal constitutional rules even during states of emergency. So, the first question the people of Chinland must decide is whether they wish their Constitution to provide special state of emergency provisions or not.

There are, as always, risks to both paths. The great risk of including special state of emergency provisions in the Constitution is that these sorts of powers are routinely abused. These provisions allow the government greater powers than normal and so it is extremely tempting to government officials to invoke these powers, even if they are not really needed, and to misuse them for their own personal or political gain. In fact, Burma lost its democracy

the last time through the use of special emergency powers that allowed the military to take control of the country. Such special pose a great risk to democratic government.

There are, however, also serious risks in not including such special state of emergency provisions in the constitution. If the government is truly confronted by a situation in which the survival of the nation is at stake, in the absence of such provisions, it will be faced with a terrible choice. On the one hand, the government might remain faithful to the constitutional limits on its powers, in which case it will be unable to respond effectively and the country will be destroyed or seriously damaged. Or, on the other hand, the government will do whatever is necessary to respond to the crisis and will violate the Constitution in the process, thereby seriously undermining faith in the Constitution and commitment to the rule of law.

The drafters of the current Chinland Constitution believe that the less dangerous path for Chinland is to include special state of emergency provisions in the Constitution, but to carefully craft them to provide as much protection as possible from abuse. So, the current draft includes a long list of protections intended to ensure that these special powers are used rarely, briefly, and wisely. For example, the person who will hold the special powers (the Governor) cannot declare a state of emergency and get those powers without the consent of the Legislature. The powers will expire in a short period of time unless the Legislature agrees to renew them. Moreover, the emergency powers are never allowed to violate any of the rights in the Individual Rights section of the Constitution and the courts will retain the power to hear constitutional challenges to any exercise of emergency powers. So, any person hurt by such powers can go to a judge for redress.

So, the questions for the Chin people to consider with respect to states of emergency are:

- § Is it better for the Chin people to include specific provisions in the Constitution that allow the use of special powers during states of emergency or not?
- § If you want to include such provisions, are there sufficient protections built into these provisions to reduce the risk of their abuse?

F. Amendment

It is generally hard to change a constitution, and for good reason: in writing a constitution, all the people of a state come together to create a government and then put limits on the government. Thereafter, it is their safeguard against oppressive government action. In addition, minorities frequently secure protections for themselves in the constitution, so that even if the majority wants to oppress them, it cannot. If the constitution could easily be changed, whether by the government itself or even by a majority of the people, then these protections could all easily be lost.

On the other hand, even if it should be hard to change a constitution, it should not be too hard, because sometimes changes do need to be made, for a variety of reasons. Conditions in the world may have changed, and the constitution must develop new means to deal with them. The values of the people may have changed, and the constitution may need to reflect those new ideas. International law may change, and the constitution may need to be brought into line.

Accordingly, the draft constitution provides that it may be changed in two ways, but each is difficult: either 65 percent of the people vote to change it, or 75 percent of each house of the legislature votes to change it. Notice that it is deliberately harder for the legislature to change the constitution than it is for the people to change it, so as to make it harder for the government to grab more power for itself.

Part Four: The Future

This moment is very important for the future of Chinland because the people of Chinland must now find a way to take charge of their own constitutional destiny. For many years, they have been oppressed by outsiders, and yet they are still proudly standing. Though the rain of oppression has pelted down on them for many hard years, it has not washed them away. The hard times are not yet over, and no-one can say exactly what the future will bring. But the people of Chinland can take steps now that will help make a better future whenever the clouds part and a better sun rises.

First, the people must know what they want in a constitution. If they do not know what they want, they cannot struggle for it. If they do not know what they want, they will never get it. When people do not have a clear set of goals, they cannot keep themselves organized, and the government will have an easy time dispersing and oppressing them. It is not enough merely to want democracy in general; the people must know what kind of democracy they want. The goal of this draft constitution and this report is to help the people of Chinland think through their future. The people must devote themselves to this task: they must learn about constitutionalism, and they must discuss what they want. The leaders of the democracy movement and outside experts will help.

Second, the people must build alliances with other people who want democracy in Burma. But a true and good alliance cannot be based merely on a promise to help each other. Instead, it must be based on shared goals for Chinland and Burma. If the people consciously share common goals, they will stay together; if not, then they won't. The most important shared goal is a common constitution, because that will provide a common government that will allow all to live together in freedom, justice, and peace. It will provide a fair way for people to resolve their differences in the future without resort to arms. If the democracy movement does not share this common aim, sooner or later it will fall apart as people try to impose their own preferred constitution on others.

Such unity is important internally, so as to keep the movement together, but it is also important externally, so that the ethnic minorities can speak with one voice to the rest of the world. The United Nations has for some time been calling for trilateral dialogue between the SPDC, the NLD, and the ethnic minorities. But without a shared constitutional agenda, the ethnic minorities will be only a babble of voices. Here is the miracle of a good constitution: it allows the people of Burma to speak in all their different ways, but the voices all come together into a great harmony, sustained by the frame of the constitution.

The third step is to find a practical way to induce change, to bring the constitutional future closer to hand. It is not certain how change will come, but it is certain that it will happen, one way or another. International pressure is now growing greater on the SPDC every month. The SPDC has finished its constitution and held the referendum to ensure its passage. It is a very bad constitution, but it is a change from the present. Sometimes, when change starts, it is hard to stop, even for dictatorial rulers. Over and over, we have seen this phenomenon in the world: a brutal regime opens up a little, in response to pressure. It intends to keep control, but soon it finds that events start moving too fast. In general, it is a bad idea to open the door of your house and let a water buffalo put its head inside. Once the buffalo puts his head inside, the rest of the animal may follow, and you may not be able to stop it. Sometimes constitutional change works this way.

When that opening occurs, the people of Chinland must be ready. Currently, the SPDC constitution does not allow the people of the states to draft their own state constitutions. But if the people of Chinland know what they want, then, when an opportunity arises, they will be able to strike hard and fast and on target. Chin people have always been brave people, and they have always asked only to be left alone. They must still be brave—to keep up hope, to face uncertainty, to work for a better time, to take the chances presented to them, even at risk to themselves. But for better or worse, the days of being left alone are past. To make change, the Chin people must go out into the world, join with friends, and

create a better constitutional system for all of Burma. Only in this way can they make their hills safe again, so that they can then return home and live out their lives in peace, prosperity, and happiness.

PART TWO:

**SUPPRESSION OF CHIN NATIONAL
MOVEMENT FOR FEDERALISM
UNDER THE
REVOLUTIONARY COUNCIL
AND THE BURMA SOCIALIST
PROGRAMME PARTY
(1962-1988)**

SUPPRESSION OF CHIN NATIONAL MOVEMENT FOR FEDERALISM UNDER THE REVOLUTIONARY COUNCIL AND THE BURMA SOCIALIST PROGRAMME PARTY (1962-1988)

By Pu Lian Uk

Introduction

The first British intrusion into the Khumi Chin territories in Paletwa in southern Chinland in 1826, the final whole scale invasion of Chinland throughout the Chin-Lushai land Expedition (1888-90) and other related political events during the British occupation are milestones in the political history of the Chin peoples' struggle for freedom. The Haka and Thado Chin resistance movements of the 1917-1919 in central and northern Chinland respectively, the burning of hundreds of Chin villages; and the mass arrest by the British that followed, where some died in captivity etc. are well recorded milestones as well. A mass arrest occurred again in 1939 at Kanpetlet in southern Chinland when leaders of the first Chin political party, the Chin National Unity Organization, led by Pu Vomthu Maung were arrested by the British for demanding independence for Chinland. Vomthu Maung later became the first Minister of Chin Affairs Council of the post-independence Chin Special Division. The British then arrested altogether 129 Chin leaders through six rounds of separate mass arrests and locked them up in different jails across the country such as Kanpetlet, Myingyan, Katha, Haka, Falam, Tedim etc. These historical events are well documented by various historians and scholars.

However, the Chin's struggle for the establishment of a peaceful and solid Federal Union of Burma and the subsequent suppressions of General Ne Win's Revolutionary Council and the Burma Socialist Programme Party (BSPP) Regime during the period from 1962 onward and prior to the 1988 nationwide democracy uprisings are yet to be properly documented despite the facts that political events during this period have a lasting influence on the new generations of Chin leaders until

this day. It is not an exaggeration to conclude that these events of the 60s and 70s Chin politics have in one way or the other influenced the political developments far beyond the realm of Chin politics but also have significant political impacts on that of other ethnic peoples' struggle for freedom, democracy and federalism for decades thereafter.

This part of our modern political history deserves a proper record and this paper will attempt to document and highlight the missing links between the political aspirations of the older generations of the 60s / 70s and the new generation Chin leaders of today. In so doing I will briefly touch the largely ignored Chin armed resurrections against the oppressive BSPP Regime during this period and highlight in more detail the events of the Chin attempts to lawfully reestablish a peaceful and prosperous federal Union.

PART I

A brief description of Chin armed resistance movements against the Military Regime known as the Revolutionary Council after 1962

On 2 March 1962 General Ne Win staged a coup d'état' against the democratically elected government in Burma and established the Burma Socialist Programme Party (BSPP) on 4 July 1962. U Nu, the ousted Prime Minister and the Union President Mahn Win Maung were put under custody along with several other elected parliamentarians.

General Ne Win started to nationalize all the country's major commerce and industry including banks and shops in 1964. Anticipating a communist-style totalitarianism falling upon the country, many Chin leaders like Ex. Col Pu Son Kho Pau, Pu Thual Zen (a former army sergeant) and former parliamentarians and politicians like Pu Hrang Nawl, Pu Dam Kho Hau, Pu Pa Cung Nung, Pu Mang Kho Pau, Pu Son Cin Lian, Pu Ral Hmung, Pu Hmun Hre, and Pu Ro Thang went underground. They all fled to India and established their bases along the Indo-Burma border to fight against the Burmese military regime.

The Indian government offered them a refuge and financial allowances but on the condition that they refrain from political activities and stay within a 25-miles border zone. Undeterred by India's offer of political asylum, they planned to form an armed organization to restore democracy in Burma. Colonel Son Kho Pau and Pu Tun Kho Pum, a young prominent politician from Manipur State, joined hands in early 1965 and went to the then East Pakistan(now Bangladesh) with a contingent of 150 recruits who got their military training and weapons from there. This armed organization aimed to establish an independent Chinland encompassing all Chins in Burma and India. In 1966 some ex-parliamentarians negotiated with the Burmese government and returned to Burma. Col. Son Kho Pau and a number of volunteers were ambushed and captured in Nagaland by the Indian Army. They were eventually handed over to the Burmese government. Pu Son Kho Pau, Pu Hrang Nawl, Pu Thual Zen and others served eight to ten years of prison terms in Mandalay. Pu Thual Zen died in the prison. During this short-lived abortive armed movement Pu Hrang Nawl attempted to overtake Haka. Pu Tun Kho Pum was last seen in Mizoram/Manipur state boundary when the MNF took up arms against the central Indian government on March 1, 1966.

Starting from 1963 a number of young Chin nationalists began to establish contacts with the Kachin Independence Organization and various ethnic armed revolutionary movements in other parts of Burma. Among them were Pu Thang Za Dal, Pu Hau Za Cin and Pu Kam Za Lian. They subsequently formed the Zomi(Chin) National Front. Later when they expanded their activities and connected with Thai-Burma border based ethnic revolutionary forces Salai Myo Aye, one of the veteran revolutionaries of the A sho Chin armed movement called *Chin Oozi Apywet* (Chin National Vanguard Party) joined them. (The *Chin Oozi Apywet* was the offshoot of *All Burma Chin National Organization* မြန်မာနိုင်ငံလုံးဆိုင်ရာ ချင်းအမျိုးသားများအစည်းအရုံး founded in 1948. *Chin Oozi Apywet* took up arms in 1956 and was defunct in 1965. When the General Ne Win's Revolutionary Council

government made peace talks with various armed movements in 1963 the *Chin Oozi Apywet* also took part in the negotiations in alliance with the Communist Party of Burma, Karen National Union, Mon New State Party and Karenni National Progressive Party.). The ZCNF, however, remained as exclusive underground political movement rather than transforming itself into a mass or armed movement until it was dissolved in the mid 1970s.

Some Chin patriots, including Pu Tial Khar and Pu Hrang Bil Thang, joined the Mizo National Front (MNF), when its armed troops occupied Falam for two-days in 1968. Pu Hrang Bil Thang was killed in action under the banner of Chin reunification. MNF aimed to reunite all the Chins in Burma, India and Bangladesh and to establish a nation and a sovereign state to govern itself. Mrs.Indira Gandhi initiated a peace accord in Mizoram and the final agreement between the Indian government and the MNF was reached under Shri Rajiv Gandhi in 1986. Mizoram was, thus, inaugurated as a federated State of India on February 20 1986. The day – February 20 – which coincides with the Chin National Day, is now observed as State Inauguration Day. This date is public holiday in Mizoram.

When U Nu fled to Thailand and started an armed revolution against General Ne Win regime in 1970, Pu Mangtling Cinzah also fled to Thailand and joined U Nu. There he formed up the *Chin Democracy Party* (CDP) in 1971, in alliance with U Nu's *Parliamentary Democracy Party* / ပြည်ချစ်လူငယ်တပ်ဦး *Pyichit Lunge Aphwet*. Pu David Thang Za Pu Pau, Mang Kham and Pu William Sa Lian Zam went underground to join the CDP in 1971.

Later Pu Sa Lian Zam and his closest comrades formed up an armed group named the Chin Liberation Army and planned to launch an armed uprising in the Chin territory. In alliance with the Arakan Liberation Army led by Khaing Moe Lin, the CLA started its long march from Thai-Burma border in the late 1975 through Karenni, Shan and Kachin territories and reached the Chin territory in June 1976. Pu Sa Lian Zam, Pu Khaing Moe

Lin, Pu Khaing Ba Kyaw and most of the Chin and Arakanses revolutionaries were killed extra judicial by the Burmese troops after they were captured. Pu John Mangtling Cinzah later took political asylum in USA, and became one of the founding members of the Ottawa-based CHIN FORUM in 1998. He died at the age of 72 in Washington DC in 2004.

Following the 1972 mass arrest of Chin leaders in Chin Special Division many people were convinced that lawful demands for federalism put up to the Burmese military dictators would not yield any meaningful result. Among them was Pu Thawng Sai who went underground and joined hands with Pu Tial Khar who was in the MNF. The former was killed in action and Pu Tial Khar, a former government servant under People's Police Force and a veteran of Mizo Revolution against India, whom I knew as respectable Chin patriots, set up the Chin National Front in March 1988. The organization was later joined by the Chin students who fled the country when the historic Four Eights Democracy Revolution was brutally crushed by the Burmese military dictators. Subsequently, Pu No Than Kap succeeded him as the organization's president. Currently the CNF, forming alliance with other democratic forces, is led by its president Pu Thomas Thang No, and its vice President Pu Zing Cung, who is one of the founding members of the CHIN FORUM.

PART II

1. Political Proposals submitted by the Chin Youths to the Revolutionary Council through the Interim Unity Advisory Board (IUAB): The First Phase of the Chin Federal Movement under the military regime.

After all the arrested leaders of 1962 military coup were released from jail in 1966/67 the Revolutionary Council (RC) set up an Interim Unity Advisory Board (IUAB) on 2 December 1968 comprised of the 33 members of formerly elected Members of Parliament including U Nu, the former Prime Minister, and the Union President, in their capacity as individuals. The IUAB, was informally known as “the Thirty-Three-Member-Advisory-Board” or သုံးဆယ့်သုံးဦး အကြံပေးအဖွဲ့ in Burmese. The main task

of the Board was to advise the RC how to restore internal unity and to draft a new constitution to be submitted to the RC. General Ne Win might have expected the Board to come up with a proposal for a constitution in Unitary form because the very reason the military staged a coup in 1962 was that the Parliamentary government was about to amend the constitution in federal form.

Pu Htat Hlaing and Pu Lun Pum, the two Chin ex-Parliamentarians from the then constituency known as Chin Special Division were among members of the IUAB. The RC also officially invited the public to give suggestions for the Union constitution either on individual basis or in groups through a Liaison Officer appointed by the government.

One day in 1969, Pu Thuam Kho Tin (Martin), a senior College student who was the Manager of the Chin Student Magazine Committee 1968-69 came to my room at the University House on Prome Road, in Kamayut, Rangoon. At that time I was the Chairman of the Magazine Committee while also serving as Secretary of the Chin Literature and Culture Sub Committee, Universities - Rangoon.

Pu Thuam Kho Tin (Martin) informed me about a meeting held between Pu Htat Hlaing, Pu Lun Pum, Pu Ngin Za Thang and other Chin elders at the later's house at Lanmadaw, Rangoon, to discuss about the opportunity for the Chins to submit suggestions on the Union constitution to the RC Government through the IUAB.

We were both very disappointed that the University Chin student's leaders were not invited to such an important meeting though we had had expected as such. Even the Chin Affairs Council formed by the Ne Win government and led by Pu Son Kho Lian used to consult us, the University Chin Student leaders, whenever they deemed it necessary to do so. So, naturally we expected our elders who were members of the IUAB to consult us. When Pu David Thang Za Pau and I eventually met Pu Lun Pum at his Minmanaing Home in Rangoon, we found out that

they did not have much idea on what kind of suggestions to make as the deadline for submitting suggestions was already too close then.

As a law student of the Rangoon University and having just studied the Constitutional Law, I was aware of the fact that the *Supreme Council of the United Hill Peoples* * (SCOUHP) had in 1961-62 made a resolution at the Taunggyi Federal Conference to amend the country's constitution into a federal form. (The SCOUHP was formed in 1947 by the ethnic nationalities, more commonly known as the "frontier peoples" at that time, as their common platform to deal with the issues of independence, federalism and their future political destiny.) So I started drafting the "*Proposal of the Chin Youths* / ချင်းလူငယ်များ အကြံပေးတင်ပြချက် in Burmese for which Pu Lun Pum was very helpful - allowing me to get access to his books and files at his home in Rangoon whenever I needed references. (Note: The term - Proposal Paper and *Proposal of the Chin Youths* will be used interchangeably in this paper. Author)

The following persons were also heavily involved throughout the process of publishing the said Proposal Paper: Pu Tial Hu and Pu Ca Lian Thang (third year University students) made the editing and re-writing of the draft in readable hand writing. Pu Martin Thuam Kho Tin (BA final year at Bo Ta-Htaung Adult University in Rangoon) made the final editing of my Burmese. Maung San Thein (Gangaw) of Ko Kyaw Copying and Stationary Business Store, located in Bar Street had type-written the finalized version (he charged one kyat per page but it is worthwhile to note that he was very sympathetic to our cause); Pu David Thang Za Pau (a third year Law student), an intimate friend of mine and his cousin brother Pu Thang Za Dal (already involved with underground movements at that time) took care of the expenses incurred for the publication of the draft. Several duplications were made using cyclostyle.

Copies of it were then distributed to all the Chin University students in Rangoon and to all Chin youths we could reach. They all were requested to read and sign their signatures if they

agreed with its contents as we had no more time for discussion and feed backs. Every Chin student in Rangoon took great interest in it and all liked it very much as it was the first ever written political document of the Chins. Some students waited for their turn to read it in their hostels almost until dawn as we could not afford to give them enough copies to everyone.

As a result many students joined as signatories of the proposal. Dr. Za Hlei Thang and Pu Salai Kip Kho Lian (both of them now in the CHIN FORUM) who were then studying Medicine and Architecture respectively were among the signatories. Because of a rumour circulated among the Chin students that signatories of the proposal in question would be arrested, one or two students came to my room to withdraw their signatures. But the majority students and youths stayed put and stuck to their commitments.

We were well aware that General Ne Win, far from accepting our proposal, would even throw us into prison for proposing a federal system that he abhorred. Nevertheless, we decided to go forward anyway with our Proposal Paper.

The rationale behind our determination were:-

- i) the root cause of poverty in the Chin territory since the Union of Burma came into existence in 1948 was that, in the first place, because the Chins did not have their own State legislative assembly and their own government. So, it is now in our hands to take the chance and act to restore our national self-determination enshrined in the Panglong Agreement;
- ii) the Chin Chiefs - Pu Hlur Hmung, Pu Thawng Za Khup and Pu Kio Mang - who signed the Panglong Agreement in 1947, and other leaders then failed to secure a State for the Chins and we, the generations that followed had been blaming them for this grave mistake; if in case the present Chin generation and the intelligentsia failed again to take initiative to raise their voices and did not submit any suggestions and the Chins end up without achieving national self-determination and

- territorial rights in the Union of Burma, history would judge us as the irresponsible generation;
- iii) the RC/BSPP Regime would decide our national destiny if we, Chins, would not expressed our desire;
 - iv) even if submitting proposals would result in the signatories being thrown into prison, the sacrifices we made would inspire Chins of the coming generations to carry on the struggle until our national aspirations were attained;
 - v) even if our proposals for federalism would be rejected we could take the opportunity to educate and raise political awareness among our people by distributing as many copies of the *“Proposal of the Chin Youths”* as possible among the Chin people. So our proposal would serve as guiding principles for the coming generations;
 - vi) if we could prove and display that a self-governing territory with our own State Legislative Assembly and federalism for the whole country is what the Chin people overwhelmingly supported and desired, we might be able to gain international supports, especially from that of the democratic countries etc in the event of eventual armed revolution against the regime should they reject our proposal.

Pu Martin Thuam Kho Tin and I took 35 copies of the *“Proposal of the Chin Youths”* to the Government Guest House located on the AD Road in Rangoon where Pu That Hlaing was lodged by the government with some other IUAB members. We gave him all the copies for him to distribute among all members of the Board and two copies extra to be submitted to the Liaison Officer directly by Pu Htat Hlaing himself.

Pu Htat Hlaing slowly read through the Proposal and eventually asked us “Who wrote this Proposal?”. We told him that it was written by Chin students. He expressed heartily that he was so glad that Chin students could write such a good political document. So we were ensured of his full support. He promised us to distribute the copies to all the members of the Board and

also to Colonel Than Sein, the Liaison Officer. The Proposal paper was directly addressed to General Ne Win, the Chairman of the Revolutionary Council / BSPP. This was very helpful when we distributed copies of the document because whenever we encountered agents of the most feared Military Intelligence Services (MIS) we could readily point out that the document distributed was not illegal underground political document but instead one that was submitted directly to the top leader of the country. Actually, we had not secured any legal permission to print out copies of the Proposal paper to be widely distributed for the consumption of the general masses but we took for granted on the ground that General Ne Win himself had officially asked for suggestions from the general public in the first place. It was as if we were openly distributing anti-government leaflets since we were aware of General Ne Win's strong disgust for federalism.

In February 1969, U Nu submitted an 'interim report' recommending that General Ne Win hand over power back to him; that the Parliament abolished by Ne Win in March 1962 be reconvened. He proposed that the Parliament would meet and formally appoint General Ne Win as President. He also stated that he made this proposal in absolute sincerity so that the Revolutionary Council would not remain as 'usurpers' ('those who came to power through force') and the 'taint of illegality' of Ne Win's takeover could be erased. http://en.wikipedia.org/wiki/U_Nu

Soon after submitting his 'report' or recommendations, U Nu, feigning illness, and under the pretext of a pilgrimage to India left Burma for India. When Ne Win made no response to his report, U Nu left India for London. In a speech given at the opening day of the Fourth Seminar of the ruling Burma Socialist Programme Party (BSPP) on 6 November 1969, Ne Win formally rejected U Nu's proposal, saying that he took over power — and held on to it — not because he craved power but to uplift the welfare of the 'workers and peasants' and that U Nu's proposals amounted to 'turning back the wheel'. http://en.wikipedia.org/wiki/U_Nu

In a press conference held in London on 27 August 1969, U Nu announced that he was the 'legal Prime Minister' and 'pledged to the people of Burma' that he would not give up his struggle for democracy in Burma and that Burma was under the 'same kind of fascism' which (Burma's independence hero) 'General Aung San had fought' (during the freedom struggle and the resistance against the Japanese occupation of Burma during the Second World War). http://en.wikipedia.org/wiki/U_Nu
The Revolutionary Council finally abolished the IUAD and went on its own way to draft the country's Constitution.

Meanwhile many more extra copies of the Proposal Paper were re-cyclostyled and dispatched to all the nine townships of the Chin Special Division. At one point a bunch of copies of the Proposal paper sent to Tedim were confiscated at Kalemio airport by the MIS. But the MI officers did not take any further action against the students who transported them when they realized that the documents were legally submitted to General Ne Win himself and his Revolutionary Council / BSPP government

Among those actively distributing the Proposal paper in Kalemio were Pu Suang Za Khup, Salai Sing Nang, Salai Al Thang, Salai Za Kung etc; Salai Kipp Kho Lian and Khai Za Nang in Tahan, Hang Cin Zam, Zel Kam Cin and others in Tedim, Than Sang, Ngun Uk and others in Falam. Manghram, Ngun Khuai and others in Haka, Sing Ki Gei (an Engineer student) and Ko Haki (a Law student) in Mindat, C. Hnalthang and Za Kho (both Engineering students) in Matupi.

Pu Put Pa, one of the four members of Chin Affairs Council (*Chin Oosi*) – a highest organ of Chin Special Division at that time - mentioned in one of his speeches to the Students of Tedim State High School that the "*Proposal of the Chin Youths*" prepared by the University Chin students for the Union Constitution currently circulated among the masses was unrealistic and the demands made were too high for the Chin Special Division and that they should not take interest in these proposals. This, contrary to his expectation, aroused more interests of the

students and the masses. And it was learnt that copies of the Proposal paper were secretly sold at K 25.- per copy and borrowed at K 10.- per night in Tedim when a cup of coffee costed only 25 pyas at that time. The reason for such a hype was not because of Pu Put Pa's speech alone but also because of the scarcity of the copies due to confiscation at the Kalemyo airport as mentioned above. After all, due to heavy censorship imposed ever since General Ne Win took over the state power by force in 1962, the whole country was starved of such serious political documents at that time.

There were more demands for copies of the Proposal Paper and there were always some people who had cyclostyled more copies and distributed secretly at K 100 per copy in Chin Special Division. The re-production continued almost every year until 1988 democracy uprisings and the 1990 general election. Thus, the "*Proposal of the Chin Youths*" had become the unifying force that had brought the Chin general masses to a higher level of political and national consciousness.

Reprinted version is now available at the Ethnic Nationalities Council as part of the document titled ငြိမ်းချမ်းစွာ အတူယှဉ်တွဲ နေထိုင်ရေးမူဝါဒမှသည် စစ်မှန်သော ဖက်ဒရယ်ပြည်ထောင်စု စနစ်ဆီသို့ (တတိယတွဲ) ပင်လုံစာချုပ်ကို လက်မှတ်ရေးထိုးခဲ့သော တိုင်းရင်းသားလူမျိုးများ၏ ပြည်ထောင်စု အပေါ် ဝေဖန်သုံးသပ်သည့် စာတမ်းများ။ ဆလောင်းလျန်မှုန်း စုဆောင်း တင်ပြသည်။ [P. 166 to 136] in Burmese.

2. The Second Phase of Chin Federal Movement: Reaching out to the General Masses.

After the Revolutionary Council / Burma Socialist Program Party(BSPP) Regime had abolished the IUAB in 1970 it announced once again that citizens of the country could give suggestions for a future Union constitution directly to the government - individually or in groups - to the Constitution Drafting Commission. The Constitution Drafting Commission was to tour around the country – that is to all States and Divisions to collect people's suggestions and opinions.

We heard the announcement when I was in Falam as a young lawyer defending Ex Lt. Col Pu Son Kho Pau who was tried in the Special Crime Court of Falam District under Unlawful Association Act Section 17(1)(2) for organizing an underground armed movement against General Ne Win's Socialist Regime with the support of Pakistan. According to what Col Son Kho Pau told me personally, Pu Hrang Nawl was taking the responsibility of President of their Political Organization and he was taking the responsibility of defense as Chief of Staff. Members of his troops who were called as witnesses in his case were Rual Uk, Mang Al and Thang Hrim. They told me that their political organization was known as Anti Communist Freedom League. At that time together with Pu Van Thio, my contemporary young Lawyer, we were defending also other Chin patriots like well-known artists Pu Hram Tlai, Pu Biak Lar and others (quite a number of them) including Pu Thawng Lian, Pu Ngun Hing etc.. accused of supporting the Mizo National Front (MNF) during their two-days occupation of Falam in 1968. (The MNF armed troops also occupied Tedim for one day and one night at that time) Through my experiences of defending Chin political leaders at the court I came to realize that the occupation of Falam by the MNF was made possible with the help of some Chin patriots like Pu Hrang Bil Thang and Pu Tial Khar. (Pu Hrang Bil Thang used to contact me at my place during May 1968 when I was preparing a thesis for my LL.B degree at the archive of the Deputy Commissioner in Falam.)

Pu Chan Peng, Pu Victor Kap Lian, Pu Van Thio, Pu No Zam and I with several others held meetings in September 1970 at Pu No Zam's home in Falam. We decided to respond to the RC/BSPP Regime's call for suggestions and to repeat the demands made in the "*Proposal of the Chin Youths*" which we submitted through the IUAB. We went to Haka and held meetings with other people like Pu Victor Kap Lian, Pu Khin Maung Win, Pu Chan Peng, Pu Van Thio, Pu, Van Lian, Pu Huat Chum etc. at Pu Dr. Ngin Thawng's residence at Dorthar block.

Pu Dr. Ngin Thawng and I became intimate friends when he was in Paletwa Civil Hospital as a medical officer and I was an acting Middle School headmaster as a Junior Assistant Teacher about 7 years before. A UK-trained Dr. Ngin Thawng was a very caring physician who was dearly loved and respected by the local people. He chaired the meetings while I was acting as the secretary. We selected important facts from the “*Proposal of the Chin Youths*” and re-edit it to suit the new situation . We cyclostyled and reproduced many copies of it. Pu Dr. Ngin Thawng took these copies in his departmental tour to all the townships in the Chin Special Division then. He held meetings with government officials in every town he visited to discuss about the suggestions that we had prepared. He was campaigning in Kanpetlet, Mindat, Matupi and Paletwa and in Tedim and Tonzang as well. Suggestions were to be legally given by citizens themselves regardless of whether they were government servant or otherwise. And he distributed copies of the original “*Proposal of the Chin Youths*” to several groups in all the towns he visited. Each interested person or group were to draft their own suggestions for a federal constitution based on the main document “*Proposal of the Chin Youths*” and to submit them to the Union Constitution Drafting Commission when they came to their towns to collect people’s opinions, suggestions and proposals.

Pu Dr. Ngin Thawng suddenly passed away some months before the Constitution Drafting Commission came to Chin Special Division. I was greatly shocked and deeply saddened when I was awakened from my sleep in the midst of the night to be informed about his passing away of heart attack. It was a great loss not only for his family but for me personally as well for he was my most intimate friend in Chin politics. Indeed, it was also a great loss for the entire Chin people.

The whole Haka town people were so sad that in an unusual move they contributed a highly valued and expensive Chin traditional blanket known as *Congnakpuan* to cover his coffin and to be buried along with it as their last tribute to the respected Chin patriot. Such a display of respect – similar to covering

political leaders' coffin with national flags in the West.- is rarely to be seen in Haka except for persons they regard as man of integrity. Had he not died, he was also to be arrested later when the mass arrests of Chin leaders took place. His grave was even visited by the Military Intelligence Service to confirm his death.

After our first meetings at Pu Dr. Ngin Thawng's residence, we held some other meetings at Pu Ngun To's residence with elders from the whole city of Haka. Mr. Van Thio and I explained about the need for the establishment of a federal union based on the content of our Proposal Paper. We discussed about how Chin Special Division was totally neglected and how poverty had prevailed as the result of the Chin territory having no State Legislative Assembly and a government of its own. We all agreed to propose a federal form of Union when the Constitution Drafting Commission arrived in Haka.

We therefore drafted a Paper for a federal constitution and divided it into several parts to be read by selected representatives when the Constitution Drafting Commission came to Haka. I drafted all the papers basing on the "*Proposal of the Chin Youths*". Pu Pe Lein Mang from Mindat who was my intimate friend since University days secretly edited them at Pu Nein Ling's residence in his bed room. Pu Pe Lein Mang was at that time a Senior Assistant Teacher at the No. 1 State High School in Haka and living at the residence of Pu Nein Ling, Secretary of the Chin Affairs Council in Haka.

When Pu Dr. Ngin Thawng was alive he allowed us to use the ground floor room of his Divisional Health Director's office which was rented from Hlei Tialnu, Major Za Hup's widow. After Pu Dr. Ngin Thawng's death, she continued to let us use it for our meetings and had even supplied us type writers and gaslight as it was done before. It was all done at night in secrecy for security reason as we were afraid that we could be arrested before we had the chance to read and submit our Paper to the commission though we did not care much if we would be arrested after our suggestion had been read and submitted to the Constitution Drafting Commission.

Every single person we approached for financial help or other kind of services enthusiastically helped us in any possible means they could. Male and female typists from several governmental departments in Haka took turn beyond midnight to help us with the typing of all the documents at the office of Health Director of the Chin Special Division. Two of them who had helped us most were Pu Phun Kil and Pu Duh Lal.

After having typed the documents we cyclostyled them in several offices - some at Chin Affairs Council Information Office, some at the Haka Party Unit office of the BSPP, some at State Education office in the evenings after offices had been closed or on Saturdays. All the office staff contributed their services very willingly. It was Salai Al Thang from Kalembo and Mr. Thawng Sai of Sopum who happened to be in Haka visiting their relatives and took care of all this cyclostyling in several offices with me and together with the office staff as already mentioned. Binding works were all done by the youths led by Pu Thang Kio of Hriangkhan village at Haka Pyidawtha Block at Pu Ralkham's house, which was close to the office where we typed all our drafts. When we had finished with the duplication of the Paper we held some meetings again as usual and we approved it and assigned several people to read them to the Constitution Drafting Commission. The reading rehearsal was done at the Haka BSPP Party Unit meeting hall.

Copies of the Paper were also distributed to all over the townships of the Chin Special Division with the aim that other individuals and groups could use the Paper that we had drafted as guidelines in preparing their own suggestions when the Constitution Drafting Commission came to their respective towns.

Pu Khin Maung Win who was the Personal Assistant of Pu Vomthu Ha Shing and one of the four members of Chin Affairs Council took the assignment to organize the reading of our suggestion Paper and to distribute it in Southern Chin Special Division, Pu Victor Kap Lian, (Personal Assistant of Pu Tin Zam, one of the members of Chin Affairs Council, and Pu

No Zam (Ex MP) took the assignment to mobilize the town people in Falam and also to distribute copies of it there and to read them before the Commission.

There were several other people who campaigned for the same kind of federal movement in Tedim and Tonzang like Pu Son Cin Lian (Ex MP), Pu Cin Sian Thang and several other youths.

As our strategy for a publicity coup, we organized school children of No.1 State High School in Haka to hold placards displaying the words “Genuine Federalism” written in Burmese at the welcoming scene of the Constitution Drafting Commission on the day of their arrival. Our idea at that time was that if the government’s propaganda documentary films would record the arriving events of the Constitution Drafting Commission, the placards held by the school children would be captured by their cameras and this would send out a strong message to the would-be viewers or to General Ne Win himself that the Chins are determined to establish a genuine federal union.

In December 1971 when the Commission arrived at the Assembly Hall of No. 1 State High School in Haka we started to read out our suggestions as planned to the Panel of the Constitution Drafting Commission led by Col. Than Sein. I read the introduction part of the whole suggestions that we had prepared and introduced the titles of other parts and the names of representatives who would present these suggestions. These suggestions were put up as the Chin people’s desire and wishes on how the federal union should be formed and what points or clauses should be included in the future constitution. The papers were systematically presented and read by our selected representatives - one after another. There were also some individuals who read their own suggestions.

Our suggestions for the future constitution were submitted to the Commission after all parts had been read out to them. The BSPP later published these documents. According to their publications, there were 150 papers of constitutional suggestions from the nine townships of the Chin Special Division alone.

Among them altogether 75 papers that were read and submitted to the Constitution Drafting Commission were advocating genuine federal union. The other 75 papers were not acceptable to the BSPP-Regime as constitutional provisions. Nevertheless, there were not a single paper that was against federalism. So we were certain that all the 150 papers submitted by the Chins were supporting federalism.

The total number of 150 papers submitted in Chin Special Division were indeed significant. We were overwhelmingly satisfied with the fact that we had harvested our many years of sacrifices. All those who contributed their services and financial supports generously for the realization of the Chin people's aspirations and the general masses that were very much awakened to be fully aware of their rights - deserve a due credit and recognition for their noble contributions for the establishment of a peaceful federal union.

According to the publications by the BSPP, throughout the country there were altogether six forms of suggestions submitted to the Constitution Drafting Commission at that time and one of which was a federal form. There were all together 111 papers in the whole country that had advocated for pure federalism and out of which 75 were from Chin Special Division alone. In other words, that numbers made up about 70% of the entire papers submitted throughout the country for federalism. This proved the comparatively significant scope of political awareness among the Chins at that time. This clearly indicated the success of the three years of tireless campaign – the Chin Federal Movement. We had harvested the fruits of our strategy in taking advantage of the BSPP Regime's calls for advices and suggestions for the country. And it was a golden chance or opportunity for us to educate and mobilize our people.

3. The mass arrest of leaders of Chin Federal Movement in 1972/73.

In the late September 1972 I went to Rangoon for a job interview for the post of Law Officer. I was among the first batch of graduates obtaining LLB degree in the country. In

October, 1972 I went home as a Law officer to Haka to sort out some of the legal cases. On my way home I went to Mandalay by train and in the evening when I was in the night bazaar a stranger approached me and asked several irrational questions. Being suspicious that I am being traced by the military intelligence I let Pu Ca Mang to fly with my flight ticket to Kalemmyo. But nothing happened. Had Ca Mang, using a ticket bearing my name been arrested, I was to flee the country for India or Thailand to avoid detention.

But since Ca Mang was not arrested, I bought another ticket and at the airport I noticed some one shadowing me even when I went into the rest room. At the time our plane landed at the Kalemmyo airport on October 31, 1972, an officer I knew to be from the Bureau of Special Intelligence (BSI) received me. The other officer politely requested me to follow them for “a while” as they have some questions to ask me. (Note: This is a very commonly known method used by agents of MIS. They would never say “You are under arrest”. Instead they would ask you to follow them for “a while”, which could also mean ten years in jail or one may even totally disappear forever without a trace.) Upon arriving at a guest house they searched my bag and bed-roll. Then I was taken to the army compound where I was put on a truck full of people from the Chin Special Division. The person sitting close to me was Ex Captain Hei Er, a leading member of the BSPP Regional Party in Chin Special Division and there had been no slightest thought in my mind that he would be arrested.

We were not supposed to speak to each other but I whispered to him asking how all of them from the Chin Special Division happened to be there. He whispered back and told me that they were all arrested. The truck drove us off to Kalewa in the evening. From there we were taken in a motor boat to Mongywa, where some were left behind and some of us were taken to Shwebo. On the same night Pu No Zam, Pu Cin Sian Thang and I were taken to a certain Mandalay army unit cell. We came to learn that we were arrested under an operation known in

Burmese as “*Sin-Phyu-Daw* Operation” which means White Elephant Operation.

The next day we were taken to Mandalay jail inside the ancient palace. There we were interrogated for four nights without sleep and finally we were taken to Rangoon by train on November 4, 1972. The Jail officer asked me if we were physically tortured. When I answered “no”, he told me that he did not allow the MIS to torture our group, though they asked for permission to do so. He further mentioned that the MIS are told that they were not allowed to torture in civil-controlled jail as they, the civil jail authorities, could not take any responsibility on any consequences resulting from torture.

In Rangoon we were taken to Yekyi-aing, the notorious MIS detention camp north of Rangoon, where we were kept until 4 January 1974. We were assembled to be sent back to Mandalay Jail by train and there Pu Son Cin Lian, Pu No Zam, Pu Hei Er, Pu Suang Za Khup, Pu Cin Sian Thang and I from Yekyi-aing detention camp and Pu Bohmu Kyin and Pu Dr. Suan Za Dong from Insein jail were surprised to meet each other as we were unaware of one another’s detention before that.

Later, I learned that most of the Chin and other detainees under “*Sin-Phyu-Daw* Operation” were released on 3 January 1974, the day the RC Government declared the “promulgation” of the socialist Constitution in accordance with the nation-wide “referendum” in which more than 90% voted “Yes”. We also learned later that at every poll station country-wide the people overwhelmingly voted against the BSPP Regime’s socialist Constitution but all the poll results were rigged and declared as more than 90% “Yes” vote. It was apparent that General Ne Win was determined to declare himself a legitimate ruler of the country through this “referendum” and for this very reason he might have chosen the name of the operation “Operation *Sin-Phyu-Daw*” to arrest us – all those who advocated federalism – because white elephants are regarded by the Buddhist ethnic Burmans since the olden days to be sacred and belong only to monarchs “*ruling with justice and the kingdom is blessed with peace and prosperity.*”

Later Pu Suang Za Khup and I were on trial at the Mandalay North East or North West township Special Crime Court inside Mandalay Session Court building. I was defended by an intimate senior lawyer U Hla Nyunt who did not charge me any fee. I usually defended several accused together with him before I was arrested. Pu Suang Za Khup was defended by other lawyers and he was given a bail. All of my co-accused were released in May, 1974 after some of them were examined as witnesses of the Prosecutor in our case at the Special Crime Court. Pu Suang Za Khup was acquitted in the case. They were all reappointed in their respective postings.

All of their arrears pay while they were in detention was paid back by the Government in lump sum. Pu Lian Kung and Pu Tum Khar joked later that they would not be able to build their houses were they not arrested and without the lump sum arrears received as back pay.

I was convicted with two and half years term of imprisonment. The prosecutor himself argued before the judges of the Special Crime Court of Mandalay Township Session Court that there was not enough evidence to convict me. However, he argued further that I must be convicted as the case involved government “policy”. That means, since the government had arrested me, I should be convicted no matter whether there was enough evidence to convict me or not. But I had been more than two and half years in jail on the day the judgment was pronounced. So, I was released soon after the judgment was passed and that was the government policy. I was arrested on October 31, 1972 at Kalemmyo airport and the trial of my case was held at that Mandalay Special Crime court and was released from Mandalay jail on August 9, 1975.

To summarize the mass arrest under the *Sin-Phyu-Daw* Operation;

- i) We all were arrested separately and put in different detention camps across the country like in Monywa , Shwebo, Rangoon, Insein, Yekyi-aing, Mandalay, Mingin, Mingyan etc;

- ii) The arrests took place in Tedim, Falam, Haka, Thantlang, Matupi, Mindat, Kanpetlet, Rangoon, Insein and Natmauk etc. Pu Lua Thawng (who died during his captivity) was arrested in Taunggyi, Shan State and there were also several other towns from which the Chin leaders were arrested, including even Rakhine and Magwe Divisions wherever there are numerous Chin settlements;
- iii) From among the nearly fifty Chin arrestees only Pu Suang Za Khup and I were put on trial. Pu Suang Za Khup was acquitted. Through the mass-arrests of all high ranking Chin officers, student leaders, Chin intelligentsia and the arrest of the Chin Programme announcer Pi Van Hnuai Thluai of the Burma Broadcasting Service (BBS) and the further accusation made upon us of having connections with Pu David Thang Za Pau of the underground Chin Democracy Party etc. the military government seemed to be convinced that they could easily convict us in the court. Eventually I alone was convicted even though no evidence was found to charge me under the Unlawful Association Act 17;
- iv) Most of us were arrested from October 1972 onward. Except for myself and Pu Suang Za Khup, most arrestees were released on 3 January 1974, after the “promulgation” of General Ne Win’s one-sidedly drafted socialist constitution;
- v) In a nutshell, it became apparent that it was the government “policy” to put behind bars all those who advocated for federalism, at least before and during the “referendum” period that took place on 15 December 1973. This was because we had already mobilized a wide range of political awareness among the Chin people across the country and the Military Junta wanted to silence the leaders who had enthusiastically taken part in the Chin federal movement;
- vi) Were we not put behind bars, we would have had staged a mass protest when they forcefully

“promulgated” their socialist Constitution. Discussions were tentatively going on among us for this option though – by the time of our arrest - we had not yet reached the point of laying down any practical strategy as such;

- vii) Under the new Socialist Constitution the Chin Special Division became “Chin State” – the status we demanded in our proposal. But in reality it is a “State” by name only, without any trace of national self-determination for the Chins or federalism. The “States” in name only without any function of statehood – were being “created” by the military dictators. It could best be described in a Burmese usage as “ပေးကားပေး၏ မရ”, meaning “Given, but not received”
- viii) It became apparent that General Ne Win, from the very beginning, had no intention of seeking the genuine desires of the people; being a fascist in nature, as U Nu has accused him of, he had been extremely intolerant of differing opinions; so as a person who so abhors federalism demanded by the ethnic nationalities, Ne Win is also determined to suppress any attempt to restore democracy which had long been advocated by most anti-Ne Win Burmese political movements. Thus, for Ne Win or for the Burmese military dictators, in order to deny federalism, denying democracy is a must;
- ix) The cross-section of the mass-arrests of the Chin leaders, encompassing peoples of all walks of life – students, high ranking military officers and BSPP functionaries, intelligentsia, high ranking government servants, teachers, lawyers, doctors etc. belonging to all tribes and regions – undeniably proved that the Chin people overwhelmingly supported and desired federalism.

Dr. Maung Maung describing the creation of three new States wrote: “To placate restless minority groups, the three separate states [Chin, Arakan and Mons] were to be created within the Socialist Union of Burma” in the book: “Constitution of the

Countries of the world (1974) P. 3 by Albert P. Blaustein & Gisbert H. Flanz”. Dr. Maung Maung implicitly mentioned that the Rakhine State, Chin State and Mon State were nominally “*created*” under the constitution of the Socialist Republic of Union of Burma 1974, because of the decision that had been made in the parliament in 1961 and because of the continuous demand made by political leaders and activists of these States. But as mentioned above, these are just given-but-not-received kind of “states”.

The scope of the Chin federal movement under the BSPP Regime at that time covered far beyond the official Chin territory known as Chin Special Division. For example, meetings were also held at that time at the house of Pu Bohmu Kyin (Major Kyin) in Insein in the vicinity of Rangoon during 1970. Pu Bohmu Kyin, one of the arrestees was an Asho (Plains) Chin. The meetings at his place were attended by Chins from Arakan Division (later Rakhine State), Magwe Division and other parts of the country. I still remember that there were in the meeting some Chins from Paukkhaung, General Ne Win’s home town, who were known as elephant-owners (*Sin Paing shin*). We all discussed about advocating for federalism. Discussions with those Chins from areas adjacent to the Chin Special Division involved their desires to join and incorporating their areas into the future Chin State if they were asked by the Constitution Drafting Commission. We learned that those involved in discussions at Pu Bohmu Kyin’s residence were also arrested. We were unable to collect and record the names of arrestees from these areas as we were locked up in different places across the country. In the future when the opportunity allows us we need to keep into record the names of those arrestees from the Asho Chin areas

Somewhere around 1970-71 while I was traveling through Kalembo for some days, we were able to hold a public gathering through arrangement initiated by prominent Chin leaders in Tahan, Pu Lian Hrang and Pu Gopal. I knew both of them to be whole-heartedly supporting our federal movement. I went to Tahan, Kalembo with Pu Sang Awr and Pu Uk Mang and

met with the community leaders there including Pu Thang Hlei-a, another prominent political leader of Tahan who was also a staunch supporter of the federal movement. Taking turns, we all gave speeches to the general public so as to mobilize the Chins in Kalay-Kabaw Valleys to opt for joining the future Chin State if in case a referendum might take place. Local music groups and popular singers entertained us with inspiring patriotic songs promoting unity between the peoples of Mizoram and the Chin territory. The timing coincided with the armed revolution of the Mizo National Front led by Pu Laldenga, so our campaign there created a deep sense of brotherhood and intimacy between the Chins and Mizos.

In 1970 during the periods of drafting the “*Proposal of the Chin Youths*” Pu David Thang Za Pau (a third year Law student) , Pu Mang Kham and Pu William Sa Lian Zam (Burma Navy) went underground to join the Thai-Burma border based Chin Parliamentary Democracy led by Pu Mang Tling. Pu Kipp Kho Lian connected Pu William Sa Lian Zam and Pu Mang Kham to Pu Hau Za Cin, who personally led them through KNU-controlled areas to the CPD camp. We knew that this group whole heartedly supported our peaceful federal movement as I had personal relationships with them before they decided to go underground. After all, Pu David Thang Za Pau himself, who was one of my most intimate friends for several years, had been actively involved in the publication and distribution of “*Proposal of the Chin Youths*”, as mentioned earlier above, before he left us for underground.

Pu Thang Za Dal, Pu David Thang Za Pau, Pu Kipp Kho Lian, Pu Victor Kam Za Lian (*the Aces Music Band*) and Pu Hau Za Cin and I worked out in 1968-69 a concept of forming Chin National Council (CNC) which was supposed to lead an armed struggle should our peaceful attempts to establish a federal union failed. We worked out some kind of military strategy dividing the Chin territory into Northern, Southern and Central Regions. Owing to many obstacles following the mass arrests of those who opted for above-ground peaceful movements and the brutal suppression of the armed underground movements lead by

Pu Sa Lian Zam etc. our plan for an armed struggle did not materialize.

The emergence of the Chin National Council in 2007** at Sinai Camp, the HQ of the Zomi National Congress is a welcoming move for us as a materialization of a political organization conceived forty years ago.

4. List of high ranking officers, political leaders and student activists arrested in 1972

1. **Pu Sang Awr**, B.A., LL.B., Lawyer, Thantlang
2. **Dr. Suan Za Dong**, M.B.,B.S, Rangoon
3. **Pu Hei Er**, Ex Captain, Zeya Kyaw Htin, Burma Socialist Programme Party (BSPP), Chin Regional Organizer and BSPP Central Committee Member, Haka
4. **Dr Ni Hei**, M.B. B.S., Medical Officer, Matupi
5. **Pu Om Hung** (Hlaw-wah) Secretary, Burma Socialist Programme Party (BSPP) Township Party Unit Committee, Mindat
6. **Pu John Ling Hung** (Luk Ghei) Trade Corporation, Trade Department, Mindat
7. **Pu Hmun Iap** (Thantlang –Lungler) Township Agriculture Officer, Mindat
8. **Lt. Col. Thian Kho Khai**, Secretary of Chin Affairs Council, Haka (father of Pu David Thang Za Pau). He was forced to retire from the Burma Army after his release.
9. **Pu Tum Khar**, Chairman, Burma Socialist Programme Party (BSPP) Township Party Unit, Haka
10. **Pu Suang Za Khup**, Senior Assistant Teacher, State High School, Kalemmyo and Township Inspector of Schools, Later transferred to Haka.
11. **Pu Ha Kee** (Bong) Junior Assistant Teacher, State High School, Mindat
12. **Pu Khaw Gei Kee** (Shit Hmawi) Chairman, Township Worker's Asi-ayone , Mindat.
13. **Pu Mang Gin Kee** (Vomthu) Headmaster (Middle School), Education Dept. Makuimnum, Mindat

14. **Pu Hniar Kio**, B.A., LL.B, Lawyer, Haka
15. **Pu Hre Lian Kio**, B.A., LLB., Lawyer, Haka
16. **Pu Lian Kung**, Headmaster, State High School , Haka
17. **Pu Bohmu Kyin**, Ex Lt. Col., Insein, Rangoon
18. **Pu Salai Kipp Kho Lian** , Tahan- Kalemryo. Arrested as a student leader while studying Architecture at the Rangoon Institute of Technology. He was arrested under the *Sin-Phyu-Daw* Operation on December 11, 1972 and released on January 3, 1974, but arrested again on December 11, 1974 for taking part in a student strike against the BSPP Regime. In 1976 he was eventually expelled from the RIT for life for his relentless roles in the anti-government student's movements during 1974/ 75 & 76. He is now based in Germany. As one of the founding members of the CHIN FORUM, he is at present the Coordinator of the Chin Forum Managing Board.
19. **Pu Son Cin Lian**, Ex MP , Tedim constituency and Ex Chairman of Chin Affairs Council. Leader of the Chin National Organization (CNO) with Pu Vom Thu Maung (Mindat) and Captain Mang Tung Nung (Tedim).
20. **Pu Victor Kap Lian**, Personnel Secretary of (Ex Captain Pu Tin Zam, Member of Chin Affairs Council) , Haka
21. **Khuang Ling**, B.Sc, Township Inspector of Schools, Mindat
22. **Pu Shing Phe Ling** (Shuitha) Junior Assistant Teacher, Mindat
23. **Pu Lian Khan Mang**, B.Sc. (Agri.), ARDC, Tedim
24. **Pu Thang Kee Mang** (Ham Bung) Health Assistant, Health Department

25. **Pu Sum Mang**, Inspector of Schools, Chin Special Division, Haka
26. **Pu Aung Ling Mawng** (Vomthu) Headmaster (Middle School), State Middle School, Makui Imnu, Mindat township. Education Dept.
27. **Pu On Za Nang**, Township Administrative Officer in Tedim, later promoted to State Law Officer.
28. **Pu Yaw Om** (Vomthu) A body guard to Pu Vomthu Ha Shing
29. **Pu Kham Khan Pau**, Township General Administrative Officer, Matupi
30. **Salai Kyaw Sein**, Chairman, Township BSPP Party Unit, Natmauk (The birth place of General Aung San)
31. **Pu Gin Khui Shing** aka Pu Khin Aung (Vomthu) Member, BSPP Township Party Unit Committee, Mindat
32. **Pu Ngun Soe** (Thantlang Hmunlipi), A Chin Student leader Mandalay University
33. **Pu Cin Sian Thang**, B.A., LL.B, Lawyer and Former Regional Leader of AFPFL led by U Ba Shwe and U Kyaw Nyein, Kalemmyo. He was elected as Chairman of the Chin Students Union during the academic year 1963-64. As a university student, he attended the Taunggyi Federal Conference in 1961 representing the Chin people. Pu Cin Sian Thang was elected as a Member of Parliament in the 1990 general election under the ticket of Zomi National Congress . He became one of the leaders in the Committee Representing People's Parliament (CRPP) led by Daw Aung San Suu Kyi. Since 1988 he has been arrested many times by the Burmese military regime. Until today, despite his failing health, he keeps on fighting courageously against the military regime from within the country using non-violent means.

34. **Pu Ngo Deih Cin Thang**, Township Administrative Officer, Kanpetlet
35. **Pu Vul Za Thang**, B.A., B.Ed. Senior Head Master, State High School, Mindat (It was very heart breaking to have lost a great teacher like him, who died of the disease he extracted in the jail soon after he was released . I knew him very well as a very efficient teacher serving as senior Headmaster in several High schools in Chin State.
36. **Pu Do Thawng**, Health Assistant, Kanpetlet He critically discussed about the BSPP-drafted constitution in the public meeting when the Constitution Drafting Commission came to Kanpetlet in 1972. He was detained for 22 months in Myingyan jail and released on 3. January 1974. Pu Do Thawng is an elected MP from Kale Constituency 1 on NLD ticket during the 1990 general election. Currently he is the chairman of Kalemyo NLD. He was arrested the second time on 20 May 1996 while he was about to travel to Rangoon to attend the NLD-MPs Conference called by Daw Aung San Su Kyi. He was sentenced to 7 years imprisonment without any trial and was released on 2 June 2003. Now he lives in Tahan, Kalemyo. His son, Dr. Roding (NLD- LA), one of the founding members of the CHIN FORUM, is now based in the USA.
37. **Pu Lua Thawng**, District Cooperative Officer, Mindat District, during the Chin Federal Movement. He worked in Taunggyi, Shan State, at the time of his arrest. Pu Lua Thawng was interrogated in Mandalay prison inside the old palace. He died in the prison ward of the Mandalay General Hospital. His death attracted Chin students of the Mandalay Universities and other Chins residing there who paid their last tributes at his funeral.
38. **Dr. Za Hlei Thang**, M.B., B.S. (Arrested as a University student leader), MC 1, Rangoon. Pu Dr. Za Hlei Thang was elected as Member of Parliament as the Chin

National League for Democracy(CNLD) candidate in 1990 general election. He shortly joined the exile government – National Coalition Government of the Union of Burma - and served as Minister of Health. He is now based in Washington DC area and an active participant of the Members of Parliamentarian Union (MPU) and a member of the CNC. He is also one of the founding members of the Ottawa-based CHIN FORUM.

39. **Pu Van Thio**, B.A, LL.B, Lawyer, Haka
40. **Pi Van Hnuai Thluai**, B.Sc., Burma Broadcasting Service Announcer, Chin Section, Ran- goon. She was the only Chin female arrestee under the *Sin Phyu Daw* Operation.
41. **Pu Lian Uk**, B.A., LL. B. Lawyer (Author of this article), Haka. Pu Lian Uk was elected as MP - an independent candidate from the Haka constituency in 1990 general election. He is now based in the US since 1994 since he fled the country through India in April 1991. He was black-listed to be arrested for drafting the framework of Chin State Constitution to be adopted by the Chin National League for Democracy (CNLD) while he was inside the country. He could smuggle out with him the document - Chin State Constitution Frame Work – which was based on the “*Proposal of the Chin Youths*” and the Constitutional Suggestions submitted to the Constitution Drafting Commission in 1971. The First Initial Draft of the Chinland Constitution produced by the CHIN FORUM was based on the said Chin State Constitution Frame Work smuggled out of the country. He is one of the founding members of the CHIN FORUM, formed in 1998 in Ottawa, Canada, to carry on the Chin Federal Movement in exile . He is now actively taking part in the MPU and in the CNC as Chairman of the Constitution Drafting Committee.
42. **Pu Khin Maung Win** aka Pu Law Ha Om (Vomthu) Personal Assistant to (Ex Major Pu Vomthu Ha Shing ,

Member of Chin Affairs Council, Haka. (I had been so saddened that he died of the disease he extracted in jail soon after he was released as he was my personal intimate friend and co-worker in this programme to give suggestions on federal form to the ruling Burmese military regime).

43. **Pu Mawng Yaw** (Vakok) Judicial Clerk, Chin State Session Court, Mindat Judicial Dept. Mindat
 44. **Pu Bawi Zam**, Farmer from Falam township
 45. **Pu No Zam**, Ex MP and Former Regional Leader of the Pyidaungsu Party led by Former Prime Minister U Nu., Falam
 46. **Pu Thawng Do Zam**, Sub Divisional Officer (General Administration) He later became Secretary of the Office of Chin Affairs Council. Chin State, Haka
 47. **Pu Lian Kho Zam**, Township Officer, Tonzang. He was later promoted to Deputy Commissioner of the Mindat District General Administration, Mindat.
 48. **Pu Tha Zul**, B.Sc., Senior Assistant Teacher, State High School, Falam.
- **Pu Dr. Ngin Thawng**. His name was in the list to be arrested. But he had died before the operation took place.
 - **Pu Thang Sun** was black-listed to be arrested, but his name was misspelled as Thang San. I was asked whether I know and I said I did know him while I was interrogated.
 - **Pu Khai Za Nang**, A high school student (A very close friend of the author), Tahan, Kalemyo. He was listed to be arrested but he was already in his death bed in Mandalay hospital suffering from bone TB by the time the *Sin-Phyu-Daw* Operation started. Three strangers, believed to be from the MIS, visited him before he died at the hospital. While lying on his death bed he

heard all the news of Chin leaders being arrested. After his death his relatives found medications he stacked under his pillow cases, apparently opting to die instead of being arrested. He died on the same day with Pu Lua Thawng, mentioned above, and both were buried in Mandalay on the same day.

- **Pu David Thang Za Pau.** When U Nu surrendered to General Ne Win's government, Pu Mang Kham surrendered along with Bohmu Aung in 1974. It was from him that we learned about Pu David Thang Za Pau being killed in the Karen National Union-controlled area.
- **Pu Hau Za Cin.** It was learnt from his relatives that he later joined the Burma Communist Party to become a commanding officer in Shan State and was killed in action during a fierce battle with the Burma Army.
- **Col. Khen Za Mung** was the Chairman of Chin Special Division Peace and Security Council in Haka during the period the *Sin-Phyu-Daw* Operation took place. But he seemed to know nothing about it.

Conclusion

As already mentioned earlier the participations of peoples of all walks of life and the subsequent mass arrest of Chin intelligentsia, and even included military and the BSPP functionaries, proved the undeniable truth that the cross-section of the Chin population strongly desired a self-governing territory (State) in the federal Union of Burma. The armed uprisings in Chin State - abortive or otherwise - all originated from the strong desire for national self-determination. So, Chins of the next generations should take their cue from these historical facts and relentlessly carry on the struggle for national self-determination until we reached our ultimate goal.

I hope this document has properly recorded the Chin national movements during 1962 and 1988 and vividly proved that despite the Chin people's sincere attempts to re-establish a peaceful, prosperous and united *federal* Union of Burma, the

Burmese dictators had geared the country towards chaos, poverty and disunity ever since they took over the state power by force. The peoples of the Union of Burma, including the Chins, voted vehemently against the one-sidedly drafted ‘socialist’ Constitution during the December 1973 referendum. Again during the May 2008 referendum, after 35 years, the Burmese dictators have repeated the same mistake again and forcefully “promulgated” their one-sidedly drafted ‘democracy’ Constitution. The military dictators are fond of giving name-only “States” in response to the ethnic nationalities’ demand for genuine federal states. Now they are preparing to give another name-only “democracy” for the country. In 2010 there will be election sponsored by the Burmese dictators. They will deliver a “*ပေးကားပေး၏ မရ*” or *given-but-not-received* kind of “democracy” for the peoples of the Union of Burma in response to their overwhelming demand for freedom and democracy.

For so long, the peoples, actually, deserve true freedom, federalism and democracy. It is high time that the “federal forces” and the “democratic forces” join hands and find a common ground and establish a solid alliance (not a name-only superficial alliances) of *federal democratic forces* to establish a truly united, peaceful and prosperous *Federal Democratic Union of Burma*. The longer the two forces remain disunited both will end up with “*ပေးကားပေး၏ မရ*” or *given-but-not-received* kind of freedom.

Feedbacks from any one who could help update this article and make it more complete is heartily welcome.

Acknowledgement

I did not have much chance to consult many of my colleagues mentioned in writing this article as many of them have passed away and a few are in the exiles. Salai Kipp Kho Lian, who has been closely working with me since the early 1970s helped me fill in with facts that I have overlooked and my heartfelt thanks goes to him for his assistance as such and for helping me edit this article.

Lian Uk

Footnotes:

** The Supreme Council of United Hill Peoples*

1. Hon'ble Sao Sam Htun, Saohpalong of Mongpawm, Counselor for Shans, President of Supreme Council of United Hill Peoples

2. Hon'ble Vum Ko Hau, Counselor for Chins, and Vice President of Supreme Council of United Hill Peoples

3. Hon'ble Sinwa Naw, Duwa of Sama, Counselor for Kachins, and Vice President of Supreme Council of United Hill Peoples

SOURCE: Profile of A Burma Frontier Man by Dr. Vum Ko Hau Published 1963 p. 111

***The formation of CNC (2006) is a follow-up of the Chin Consensus Building under which the Political Affairs Committee of Chinland was formed in 2004 at the Victoria Camp, the HQ. of the Chin National Front. Dr. Vumson Suantak and other colleagues from the CHIN FORUM such as Dr. Salai Lian Hmung Sakbong, Dr. Sui Khar, Pu Victor Biak Lian played crucial roles during the formation of the PACC, along with other political leaders like Pu Thang Lian Pau and Pu Thawng Do Cin of Zomi National Congress, Pu Thomas Thangno and other leaders of Chin National Front, CNLD) Pu Samau Cinzab of Mara People's Party etc.*

CNC is now an umbrella organization representing all the major Chin political organizations in the Ethnic Nationalities Council (ENC). The ENC, which promotes peaceful co existence of all nationalities in the federal Union of Burma, represents the ethnic nationalities in exile. The ENC, the National Council of the Union of Burma(NCUB) and the National Coalition Government of the Union of Burma (NCGUB) and other organizations together formed the Federal Constitution Drafting and Coordinating Committee (FCDCC) which has completed the drafting of the Constitution of the Federal Republic of the Union of Burma in 2007-2008

Referent books

1. Pioneers, Trail, Trial and Triumph by Laura Carson
 2. Burma's Constitution by Dr. Maung Maung
 3. ငြိမ်းချမ်းစွာ အတူယှဉ်တွဲနေထိုင်ရေးမူဝါဒမှသည် စစ်မှန်သော ဖက်ဒရယ်ပြည်ထောင်စု စနစ်ဆီသို့ (တတိယတွဲ) ပင်လုံစာချုပ်ကို လက်မှတ်ရေးထိုးခဲ့သော တိုင်းရင်းသားလူမျိုးများ၏ ပြည်ထောင်စု အပေါ် ဝေဖန်သုံးသပ်သည့် စာတမ်းများ။ ဆလိုင်းလျန်မှုန်း စုဆောင်းတင်ပြသည်။ [P. 166 to 136] in Burmese.
 4. Constitution of the countries of the world (1974) P. 3 by Albert P. Blaustein & Gisbert H. Flanz
 5. Constitution of Socialist Republic of Union of Burma 1974
 6. Za Hre Lian of Burma by Dr. Steven Hre Kio
 7. Zo History By Dr. Vumson Suantak (Pu Vumson was one of the founding members of the CHIN FORUM)
 8. Burma: Insurgency and Politics of Ethnicity by Martin Smith.
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PART THREE

**The Chin Forum Managing
Board**

&

**Chin Forum Chronology of
Events**

**THE CHIN FORUM MANAGING BOARD
(CFMB)**

Coordinator

- Salai Kipp Kho Lian (Germany)

Legal Advisors

- Prof. David C. Willaims (USA)

- Prof. Susan H. Williams (USA)

Institutional Advisor

Center for Constitutional Democracy in Plural
Societies (USA)

Members

(1) Pu Lian Uk (USA)

(2) Dr. Za Hlei Thang (USA)

(3) Pu Nang Lian Thang (Japan)

(4) Dr. Lian H. Sakhong (Sweden)

(5) Victor Biak Lian (Canada)

(6) Dr. Sui Khar (Thailand)

(7) Dr. Ro Ding (USA)

(8) Pi Bianca Son Mang Khan Cing (Germany)

(9) Dr. Salai Andrew Ngun Cung Lian (USA)

CHIN FORUM

Chronology of Events

Prologue: *The CHIN FORUM is neither a political, social, religious organizations nor a part or branch of any active political organizations of the Chins. It is a common Platform, from where any Chin individual can exchange his or her knowledge, capacities, skills and expertise with other fellow compatriots impartially and independently. It is a “Forum” for promoting the common NATIONAL INTERESTS of the Chin people. There is no place in the CHIN FORUM for promoting any individual, tribal, organizational or regional interests.*

1998 April- May – The CHIN FORUM was founded by the First Chin Seminar in Ottawa, Canada. The First Chin Seminar, initiated by Dr. Salai Lian Hmung Sakhong and organized by the Chin National Front, was held successfully on April 29 to May 2, 1998 with the aims of promoting unity among all the Chin democratic forces. The said Seminar, sponsored by the Euro-Burma Office (EBO) and was attended by 17 Chin compatriots including elected MPs, intellectuals, and freedom fighters inside and outside of Chinland of Burma. All the participants of the Chin Seminar agreed to form CHIN FORUM. Apart from many other assignments the CHIN FORUM MANGING BOARD (CFMB) was assigned by the Seminar to come up with a **Draft Constitution of Chinland**, thus igniting the first wave of the Chin Federal Movement in the exile to unify all Chin democratic forces.

1999 March – The **FIRST Initial Draft of the Constitution of Chinland** *with Chin Political History and Social background* prepared by Pu Lian Uk, the Convener of CHIN FORUM Working Group (I), was put up at the Round Table Meeting of the WGI and the CFMB in Washington DC. The Round Table Meeting was sponsored by the EBO. The participants of the Round Table Meetings made physical consultations on the FIRST Initial Draft with a constitutional law expert of the National Endowment for Democracy Mr. Art Kaufman and a professor from Princeton University. Based on these consultations and inputs by members of the CFMB, the Convener of the CFWGI

was assigned by the Meeting to work further and produce a **Second Draft**.

1999 - The English for Chins in 21st. Century project was initiated by the CHIN FORUM with the financial support of the Open Society Institute (OSI), Burma Project. The project was implemented at eight centers in Chin State and English was taught to young Chins for several years assisting and preparing for them in their pursuit of higher learning abroad.

2000 April - The Second Chin Seminar, sponsored by the National Reconciliation Project and attended by 95 Chin delegations from Mizoram, New Delhi, Europe, USA and Australia etc., was successfully held in New Delhi, India from 4 to 8 April 2000. CFMB members like Pu Mang Bur, Dr. Za Hlei Thang, Salai Kipp Kho Lian and Salai Nilian actively participated in the Seminar. For the first time the CHIN FORUM put up the **SECOND Initial Draft of Principle Guidelines for the future Constitution of Chinland** to the general public of about 200 participants during this Second Chin Seminar. The participants were made up of individuals and members of Chin political and social organizations belonging to all tribes and regions of Chin State. Based on inputs by this Seminar the CFWGI was assigned to prepare the **THIRD Draft**. During the Seminar Dr. Salai Pa Cin, Salai Kee Lee Awm and Salai Cang Peng were inducted as new members of the CFMB.

2001 August- Pu Lian Uk, Convener of the Working Group (I) and Dr. Salai Ngun Cung Lian, Co-convener of the Working Group (I) attended the State Constitution Seminar held by National Democratic Front and United Nationalities League for Democracy, sponsored by National Reconciliation Program in Chiang Mai, Thailand in August 20-26, 2001. Pu Lian Uk and Dr. Salai Ngun Cung Lian distributed the **SECOND Initial Draft of Principle Guidelines for the future Constitution of Chinland** at the request of the Seminar and explained its process and its contents at a special session of the Seminar. The drafting process and the contents of the Chinland Constitution

was thus widely credited by Karens, Kachins, Mons, Arakans, Shans, Karennis and Burmans during this seminar.

2002 January. - With the assistances of the Department of States - USA, National Endowment for Democracy and the National Coalition Government of the Union of Burma, the Chin Forum Working Group (I) Round Table Constitution Consultative Meeting was held in Washington D.C. on January 15-22, 2002. The meeting took place at the Chin Baptist Mission Church in Washington D.C. and was attended by Pu Lian Uk, Dr. Vumson Suantak, Dr. Za Hlei Thang, Dr. Lian Hmung Sakhong, Salai Ni Lian, Dr. Chum Awi, Dr. Salai Ngun Cung Lian, Dr. Roding, Pi Dawt Chin etc. and Louisa Coan of the NED was also present as an observer.

The Round Table Meeting thoroughly reviewed the **FIRST and SECOND Initial Drafts of the Constitution of Chinland** and gather inputs for the **THIRD Draft**. Once the **THIRD DRAFT** was prepared in its complete form it was to be submitted to a public Seminar and collect further feedbacks. The Meeting considered that the Chinland Constitution drafting process had, thus, reached a mature stage and decided to hire a constitutional law expert to review the draft from a legal point of views. Consequently Dr. Salai Ngun Cung Lian informed us that Professor David Williams John S. Hastings Professors of Law, Law School of Bloomington, Indiana University accepted our request to assist us as our legal advisor in Constituional Law without charging us commercial rate fees.

2002 November.- The State Constitution Seminar held in November 1-5, 2002 New Delhi, India was attended by Conveners of the Chin Forum Working Group (I) such as Pu Lian Uk, Dr. Vumson Suantak and Dr. Salai Ngun Cung Lian with the active participations of the following CFMB members: Dr. Salai Lian Hmung Sakhong, Victor Biak Lian and Salai Kipp Kho Lian. The Seminar was jointly sponsored by International Institute for Democracy and Electoral Assistance and State Constitution Drafting Committee and was attended by various Chin political and social organizations, including leaders of the

Chin National Front and Kuki organization etc. Apart from that other organizations and individuals belonging to ethnic Shan, Kachin, Naga, Burman and Arakanese also attended the Seminar. The **THIRD Initial Draft of the Constitution of Chinland** was put up to the general public by the CHIN FORUM to gather feedbacks and provoke discussions and debates. More than 200 participants took part in the fruitful discussions which became the basis for preparing for the **FOURTH Draft**.

The State Constitution Seminar was further held in Chaing Mai and was attended by Victor Biak Lian (Secretary), Pu Lian Uk (Convener) and Dr. Salai Ngun Cung Lian (Co-convener) of the Chin Forum Working Group (I).

2002 November – Federalism and Local Self-Government in Germany, Burmese – German Dialogue held in Berlin on 25&26 November was attended by CFMB member Dr. Vumson Suantak representing the Chin ethnic. Other CFMB members like Dr. Salai Lian Hmung Sakhong and Salai Kipp Kho Lian also took active parts during the Conference. The Conference was also attended by various delegations of Shan, Pa-O, Karenni, Kachin and Burman, which included, among others, delegations of NCGUB, NLD(LA) etc..

2003 June – As already agreed in January 2002 (see above) the Chinland Constitution Consultative Meeting was held in the Indiana University School of Law Faculty Conference room on June 8, 2003, and attended by Prof. David C. Williams, consultant of the CFWG (I) and Pu Lian Uk, Dr. Za Hlei Thang, Dr. Vumson Suantak, Salai Victor Biak Lian, Salai Ni Lian, Salai Hre Mang, and Dr. Salai Ngun Cung Lian. The Constitution Consultative meeting at IU School of Law - Bloomington prepared the ground works for the publication of the **FOURTH Initial Draft of the Constitution of Chinland**.

2004 April - Fourth Draft of Chinland Constitution was officially presented at the Chin Consensus Building Seminar, held at Camp Victoria, General Hqrs. of the Chin National Front. Around hundred delegates from various Chin civil society

groups, political parties such as CNF, ZNC, CNLD, MPP, civic societies of youth and women groups attended the historic Seminar. Dr. Vumson Suantak, Dr. Salai Lian Hmung Sakhong, Salai Kee Lee Awm, Dr. Sui Khar, Dr. Roding and Victor Biak Lian of the CHIN FORUM attended the Seminar. The **FOURTH Initial Draft of the Constitution of Chinland** was approved by the Chin Consensus Building Seminar.

(**NOTE:** The CHIN FORUM played a major role in bringing all the Chin organizations and groups to work together for our common cause. The successful formation of the **Political Affairs Committee of Chinland (PACC)*** during this Consensus Building Seminar that united all Chin organizations - also coincided with the CHIN FORUM's constitution drafting process reaching its mature stage – the **FOURTH Draft.**).

2005 September - A one day consultation was held on the **FOURTH Initial Draft of the Constitution of Chinland** again at Bloomington University, School of Law, between our consultant Prof. David Williams and Susan Williams with Chin Forum Management Body and later CFMB meeting was held in Indianapolis. It was the last time Dr. Vumson Suantak participated with us. He passed away right after this consultation.

2005 November. - The 5th State Constitution Seminar, which was organized by Supporting Committee for State Constitution (SCSC) sponsored by NRP, was held in Chiang Mai from November 15 to 17, 2005. Three representatives from each of the constitution Drafting Committee from the seven States of the Union of Burma such as Chin, Kachin, Karen, Karenni, Mon, Rakhine and Shan, and three representatives from the Burman Constitution Study group attended the Seminar. Pu Lian Uk, Dr. Run Bik, Dr. Sui Khar and Victor Biak Lian also attended the meeting.

2005 December.- The Federal Constitution Drafting & Coordinating Committee (FCDCC)** Workshop was held from December 9 to 16, 2005. It was to discuss on the Draft of the Future Constitution of the Federal Union of Burma which was drafted by the FCDCC. The FCDCC members

and one Representative from each Constitution Drafting Committee of all States and the Burmans Constitution Study Group attended the Workshop with Constitution Drafting Technical Advisory Team (TAT) led by Professor David Williams in which Dr. Salai Ngun Cung Lian, Co-Convener of the CHIN FORUM Working Group (I), was one of them.

2006 July - The Chin Forum held its 3rd Managing Board meeting in Frankfurt/Main, Germany from 17 to 19 July 2006. Eight members of the Chin Forum Managing Board from Germany, Thailand, United States, Sweden and India were in attendance. The meeting discussed and reviewed the Chin Forum's projects and undertakings for the past eight years, as well as laid down future work plans. More significantly, the Forum's structure and operational scope were reformed and redefined. Victor Biak Lian, the Secretary of the CFMB was replaced with Salai Kipp Kho Lian to become the Coordinator of the Board. The Board meeting also inducted two new members: Pu Nang Lian Thang (Japan) and Pi Bianca Son Mang Khan Cing (Germany).

The Chin Forum also held a series of public consultative meetings in Germany, Norway and Denmark to collect comments and suggestions from Chin communities in Europe towards the development of the **FIFTH DRAFT** of the Chinland Constitution.

2007 January - Series of consultation on the **FOURTH Initial Draft of the Constitution of Chinland** were held in New Zealand and Australia with the Chin Communities in those countries.

2007 July - Federal Constitution Drafting and Coordinating Committee's Seminar held in July 2007 in Thailand was attended by the Chin Forum Managing Board Coordinator Salai Kipp Kho Lian, Managing Board Members Dr. Sui Khar, Pu Lian Uk (MP) and Dr. Salai Ngun Cung Lian. The Seminar was also attended by Pu Khua Uk Lian, Pu Thang Len Piang and Pu Lalramlawma of the Chin National Council Constitutional Affairs Committee Members. After the above-mentioned Semiar, the CFMB and CNC-CAC had two days long Chinland

Constitution consultation with Prof. David Williams, Prof. Susan Williams, and David Hamilton. Feedbacks and inputs were collected during this consultation, for the eventual preparation of the **FIFTH DRAFT** of the Chinland Constitution.

2007 October - The Chin Forum and the Chin National Council conducted the Advance Constitutional Training for Trainers in Aizawl, Mizoram from October 15-20, 2007. Over 40 Chin individuals from inside and outside Chinland attended the training. Dr. Salai Ngun Cung Lian, a member of Chin Forum Managing Board and Research Fellow at the Center for Constitutional Democracy in Plural Societies at Indiana University School of Law lectured the training.

2008 April – The CHIN FORUM in close cooperation with the Chin National Council and Chin Human Rights Organization gave trainings and launched a “Vote NO” campaign in Chin State in response to the Military Regime’s referendum planned on May 10, 2008. The referendum result was overwhelming “NO” to the SPDC’s one-sidedly drafted Constitution though the military junta rigged the voting result.

2008 September – The **CHIN FORUM** Magazine commemorating its Tenth Anniversary was published. At the same time the **FIFTH Initial Draft Of Chinland Constitution** was also published.

Note: Victor Biak Lian, who had served as Secretary of the Chin Forum Managing Board (1998-2006) had continuously held a series of consultation and explanations on the **FOURTH Initial Draft Of Chinland Constitution** in the USA, Canada, Japan, Korea, the Philippines, Malaysia, Singapore, UK, New Zealand, Australia, Thailand and India to members of the local Chin communities. Apart from that the process of Drafting the Chinland Constitution has been updated and reported regularly via CHIN FORUM INFORMATION SERVICE and on the CHIN FORUM webpage (www.chinforum.org) for the past decade.

Inspired by the Chin Federal Movement in the exiles, other ethnic nationalities adopted the **FOURTH Initial Draft Of Chinland Constitution** as a model State Constituion and followed suit by drafting their own States Constitutions. This in turn paved the way for a harmonious atmosphere for drafting together with other Burman-led democratic forces a Constitution for the future *Federal Republic of Union of Burma*.

Epilogue: *The CHIN FORUM marks its tenth anniversary in May 2008 and this year also coincides with the 20th. anniversary of the historic Four-Eights-Democracy-Revolution in Burma. Looking back at the past ten years of its activities, the CHIN FORUM can proudly claim successes in its endeavors given the facts that it has accomplished its stated goals set from the onset of its inception in 1998:-*

- i) With the formation of the **Chin National Council*** in 2006– an umbrella organization of all leading Chin organizations such as CNF, ZNC, CNLD and MPP etc. for which the Forum had played a vital role, it has accomplished one of its aims to “continuously strengthen unity among the Chins”;*
- ii) It has updated the Chinland Constitution to the Fifth Draft as its latest version;*
- iii) It has conducted numerous trainings, seminars and workshops on Constitutional democracy for Chin students and general public in the past decade (for security reasons not all are mentioned in this chronology) and heightened the political awareness, and moreover solidified the unity among the Chin people;*
- iv) It has set up a good reputation and strong relationship with the Chin students and general masses inside the country;*

Nevertheless, reviewing its past experiences, the FORUM – in order to sustain its strengths and effectiveness of its activities- is committed to remain a Political Think-Tank and has no intention to transform itself into a political organization.

Our deepest appreciation goes to all Friends of Chinland world-wide and to our generous donors such as the NED, EBO, OSI, NRP and also to our legal advisors from the Center for

Constitutional Democracy in Plural Societies (USA) without whose solidarity and financial supports the CHIN FORUM's activities in the past decade would not yield fruits.

CHIN FORUM MANAGING BOARD

24 September 2008, Ottawa, Canada

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* The Political Affairs Committee of Chinland (PACC) conducts the first Chin National Assembly in 2006 at Mt. Sinai, Head Quarters of the Zomi National Congress and the Chin National Council was formed. The Chin National Council comprises of the Chin National Front, Chin National League for Democracy, Mara Peoples Party, Zomi National Congress and Civic Organizations to unitedly promote the Chin national interests.. The CNC represents all the major Chin political organizations in the Ethnic Nationalities Council (ENC). The ENC, which promotes a peaceful co-existence of all nationalities in the future federal Union of Burma, represents the ethnic nationalities in exile.

** Federal Constitution Drafting and Coordination Committee (FCDCC) came into existence on 19 April 2005 comprising of ENC, NCGUB, NCUB, NDF, UNLD, WLB, Nationalities Youth Forum (NY-Forum) and Students and Youth Congress of Burma (SYCB). The FCDCC presented the **first draft** of the Federal Constitution of the Union of Burma at the Federal Constitution seminar held from 6 - 9 April 2006 and was adopted by 101 participants from 52 organizations including democratic forces and ethnic nationalities. The FCDCC has completed the **second draft** of the Constitution of the Federal Republic of the Union of Burma in 2007-2008.

Abbreviations

CFMB Chin Forum Managing Board

CFWGI Chin Forum Working Group I

CCDPS Center for Constitutional Democracy in Plural Societies

CNF Chin National Front

CNLD Chin National League for Democracy

CNC Chin National Council

CNC-CAC Chin National Council – Constitutional Affairs
Committee

CHRO Chin Human Rights Organization

EBO Euro-Burma Office

ENC Ethnic Nationalities Council

FCDCC Federal Constitution Drafting & Coordinating
Committee

MPP Mara Peoples Party,

NDF National Democratic Front

NRP National Reconciliation Program

NCGUB National Coalition Government of Union of
Burma

NCUB National Coalition of Union of Burma

NLD(LA) National League for Democracy (Liberated Area)

NED National Endowment for Democracy

OSI Open Society Institute

PACC Political Affairs Committee of Chinland

UNLD United Nationalities League for Democracy

WLB Women's League of Burma

ZNC Zomi National Congress

