

Chinland Constitutional Movement: The Role of Chin Forum (WG-I) and the Duty of Chin People

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THE CHIN FORUM

If we do not hang together we will all hang separately. (Benjamin Franklin)

The Chin people have been ruled since 1948 by aliens under different forms of administrative systems. We had never enjoyed equal rights, opportunities, privileges, and freedom with those that have been ruling us. Our people never had an opportunity to legislate, execute, and adjudicate our own affairs and our national interests under aliens' rule. The struggle to regain our right to self-determination and fundamental rights for decades have failed because our people never had a common platform to work together to achieve our national interests.

Fortunately, the Chin National Front, as a leading political organization of the Chin people, initiated and organized the first Chin Seminar in Ottawa, Canada in 1998, with support and endorsement of various non-governmental organizations. The seminar resulted in the formation of the Chin Forum.

The Chin Forum is neither a political, social, religious organization nor a part or branch of any active political organizations of the Chins. It is a pure "Forum,"¹ which is a place where any Chin individual can exchange his or her knowledge, capacities, skills, and expertise with other fellow compatriots impartially and independently. To make it available for any Chin individuals to contribute their knowledge and resources on particular areas of their interests, the Chin Forum established six Working Groups: Working Group (I) Working Group for Constitution Drafting; Working Group (II) Communication and Information; Working Group (III) Working Group for Education; Working Group (IV) Working Group for Economic and Development; Working Group (V) Working Group for Health; and Working Group (VI) Working Group for Historical and Cultural Preservation.²

Working Group (I) Working Group for Constitution Drafting

The Working Group (I) of the Chin Forum approaches the Chinland Constitution Drafting Process into three stages: (i) Initiation Stage; (ii) Deliberation Stage; and (iii) Ratification Stage. Initiation stage includes organizing and lobbying individuals to participate in the working group; conducting research and analysis on the constitutional principle, doctrines, and drafting procedures etc; and formulating a refined concept framework of the future Constitution of Chinland. The deliberation stage covers extensive reviews on refined concept framework of the future Constitution of Chinland, conduct and coordinate public awareness, participation,

¹ In Roman Law, Forum means a market place, or a public place where public exchange were held. Therefore, the Chin Forum exactly means a place where Chins to exchange common issues and interests with impartially and independently.

² See detail at the Chin Forum Official Website <<http://www.chinforum.org/workinggroups.html>> (visited on April 23, 2003).

discussion, and involvement as broad as possible; and formulate Chinland Constitution Drafting process as the Chin National Movement for Chinland Constitution by participation of individuals, civic groups, and political organizations. Once Chin individuals, civic groups, and political parties actively participate, discuss, and get involve in this issues, the issue will become a National Movement for Constitution. Finally, ratification stage will take place when the Chin National Convention is held in Chinland under a free atmosphere without any outside coercion.

The Working Group (I) of the Chin Forum is acutely aware that it does not have any mandate to draft the Constitution of Chinland. However, the Chin Forum is also consciously aware that an already complete set of Constitution of Chinland will not fall down from heaven, Also, waiting for an individual or individuals who might have a mandate to write Constitution of Chinland is not a very good idea because Constitution drafting is not as easy as writing a mare law or act, it covers infinite norms, values, techniques, and *modus operandi*. Therefore, the Black's Law Dictionary defines that Constitution as: *"The organic and fundamental law of a nation of state, which may be written or unwritten, establishing the character and conception of its government, laying the basis principles to which its internal life is to be conformed, organizing the government, and regulating, distributing, and limiting the functions of its different departments, and prescribing the extend and manner of the exercise of sovereign powers. (or) A charter of government deriving its whole authority from the governed. The written instrument agreed upon by the people of the Union of a particular State, as the absolute rule of action and decision for all department and officers of the government in respect to all the points covered by it, which must control until it shall be changed by the authority which established it, and in opposition to which any act or ordinance of any such department or officers is null and void."*³

Above and beyond, the fact that the Chins never had an opportunity to draft their own Constitution in the entire history make it more essential to make a preparation for the Future Constitution of Chinland. The Chin Forum Working Group (I) always welcome every Chin individual who would like to contribute his or her human and material resources voluntarily on this Constitution Drafting Process. The Working Group (I) does not discriminate any person based on any reason or group unless contribution of individual has a destructive intention and elements.

Initiation Stage

Since the Working Group (I) assumed its duty in 1998, it has been conducting researches, studies, seminars, discussions, and roundtable meetings with its own resources and maximum capacity. Unfortunately, initiation stage has prolonged more than three years due to insufficiency of human and financial resources. However, during the past three years, the Working Group (I) has made remarkable progress on initiation stage and produced 1st and 2nd Initial Draft of Principle Guidelines for the Future Constitution of Chinland. As a result, the Chins in the Union of Burma are the first people who have a complete set of their own draft Constitution in 1999. During the State Seminar held in Chiangmai, Thailand, in August 2001, the 2nd Initial Draft of the Constitution of Chinland was widely credited by Karens, Kachins, Mons, Arakans, Shans, Karennis, and Burmans.

³ *Blacks' Law Dictionary 331 (9th ed.,) (1997)*

As the process goes on, the 2nd Initial Draft of the Constitution of Chinland was again revised comprehensively and extensively during Round Table Meeting held in Washington D.C. in December 2001. The participants decided to restructure the 2nd Initial Draft as prescribed below and the 3rd Initial Draft of Constitution of Chinland is now on its own way to deliberation stage.

Deliberation Stage

Deliberation stage is one of the most vital stages of any Constitution Drafting Process. It requires insightful contribution and participation of individuals, groups, parties, organizations, and expertise. Every Chin national in and out of Chinland has a natural, moral, and fundamental duty to get involved in the deliberation of Chinland Constitution Drafting Process. Any Chin national should not wait someone to knock his or her door to ask him or her to contribute his or her knowledge and ideas for the forthcoming Constitution of Chinland. As a Chin national, he or she should deem that voluntary participation in the Chinland Constitution Drafting Process is moral, natural, fundamental, and national duty. Because, when the Constitution is ratified in the Chin National Convention in the future, it will become the fundamental and supreme law of the Chin people and Chinland. Therefore, participation in making fundamental and supreme law of the Chinland is a natural, moral, and fundamental duty of any Chin national. Not only individual Chin nationals have the duties toward Constitutional Drafting Process but also the political organizations, religious groups, civic and social organizations also have duties to participate, contribute, and get involved in the Chinland Constitution Drafting Process.

Ratification Stage

Sooner or later, we, the Chin people will hold a Chin National Convention to decide our future of political, social, legal, administrative, and economy status. We, the Chins will also ratify our own Draft Constitution of Chinland for the Supreme Law of our land and people.

The 3rd Initial Draft

After careful and extensive assessments, revision, and analysis were made on the Second Initial Draft, the participants in Washington D.C. Roundtable Meeting reframed the 2nd Initial Draft as below:

Preamble

Chapter 1. The Chinland and Its Territory

Chapter 2. Fundamental Rights

Chapter 3. Fundamental Duties

Chapter 4. Chin Nationality

Chapter 5. Suffrage and Election

Chapter 6. Legislative

Chapter 7. Executive

Chapter 8. Judiciary

Chapter 9. Administration

Chapter 10. Civil Service Commission

Chapter 11. Impeachment

Chapter 12. Local Government
Chapter 13. Finance, Revenue, and Taxation
Chapter 14. Public Education
Chapter 15. Public Health
Chapter 16. Public Welfare
Chapter 17. Cultural and Media
Chapter 18. State Armed Forces
Chapter 19. General Provisions
Chapter 20. Inter State and State Federal Relation
Chapter 21. Amendment
Appendix (1) The Doctrines and Principles of the Chins on Federal Union

The main intent of this article is not for writing a commentary on each provision of the 3rd Initial Draft of Constitution of Chinland; rather it intends to describe a general view of the Constitution Drafting Process and the crucial role of civil participation. With this in mind this article focus on the Constitution Drafting Process and the Role of Civic Participation. As the 3rd Initial Draft of the Constitution of Chinland is on deliberation stage so that we, the Chins should involve by exercising our rights and duties as a CHIN NATIONAL.

I would like to conclude this article by a quote of Edward Evereet Hale that runs: “I am nto one, but I am one. I cannot do everything, but I can do something. And because I cannot do everything, I will not refuse to do the something that I can do. What I can do, I should do. And What I should do, by the grace of God, I will do.” As a Chin national and individual, we can do something because we cannot do everything, and therefore we should not refuse to do something that we can do for our people and land.

Note: This article reflects the prospects of the author's and not necessarily reflect the Chin Forum nor Working Group (I) of the Chin Forum.