

SURVEY ON THE CHINLAND CONSTITUTION INITIATIVE

(A SURVEY CONDUCTED BY AN INDEPENDENT NEWS GROUP)

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Question 1. We understand that the Chin Forum Working Group (I) (*here after The Working Group*), which is responsible for drafting the constitution of Chinland, has been working hard to bring all Chins together and to actively get involved in laying down the principle guidelines for the administrative system of the future Chinland. Could you please let us know your assessments in this regard?

Pu Lian Uk: We are recruiting more members to join the Working Group especially from among those who have shown great interest in it. We also would like to invite you and all Chin politicians, intellectuals and other interested Chin nationals and friends to give us suggestions as to how we should promote wider awareness among our people in this regards.

The aim of this movement is to empower the Chin people in their struggle for freedom, democracy and federalism and in other word we are to improve the political role of the Chin people through this constitution drafting process. Unfortunately until now the Working Group is preparing the Draft in English and during the past seminars discussions have been conducted in Burmese. Once the fourth draft is ready in English, we will try to translate it into major Chin dialects so that each dialectal groups could be able to discuss in their own dialects in the future either in workshops or in the internet. The Working Group is working towards this direction so that more people could get involved.

Question 2. Looking at the last three Constitutional seminars/workshops including the recent seminar held in New Delhi, do you believe that the general awareness of State Constitutional issues among the Chin people have improved? If so, why? If not what do you plan to improve the situation.

Pu Lian Uk: The **SECOND** initial draft of the Constitution of Chinland was put up to the public during the Second Chin Seminar held in the year **2000** at New Delhi. During that time we came to realize that the participants (about 200) were very much enthusiastic with this issue of the constitution. It was very encouraging. We also invited suggestions through internet but so far the response have not been very encouraging compare to the physical seminars. Once the draft is translated into different Chin dialects we hope discussions on the internet may increase.

Again during the States Constitution Seminar in New Delhi November **2002**, we were able to present the **THIRD** initial draft of the Constitution of Chinland to the general public and it was very fruitful. This time the participants were made up of more than two hundreds political exiles, including the Arakans, Kachins, Shans, Burmans and Chins and our Naga cousins from

Naga Hills in Burma, mostly residing in India, Bangladesh and elsewhere. The interest shown by the public, with all their lively discussions, questions and suggestions put up for the Chinland Constitution, was to our satisfaction. We are satisfied to see that our people are very much awakened and their concern and readiness to participate in this *nation building process* is in no way to be underestimated.

Generally saying, when it comes to issue of constitution, interest have been high among the Chin people ever since the “Proposal of the Chin Youth” was submitted to the Ne Win’s Revolutionary Council three decades ago in 1969.

The “Proposal of the Chin Youth” is now reprinted in the document titled "From the spirit of peaceful coexistence towards a genuine federal union: documentations of analysis on the Union by different ethnic nationalities who have signed the Panglong Agreement” – (The Third Volume – in Burmese) compiled by Salai Lian Hmung Sakhong. (UNLD Press Chiangmai, Thailand 2002 / funded by National Reconciliation Project)

The said proposal was submitted through the Committee of 33 known as Advisory Board to the Burmese military junta (then known as the Revolutionary Council) in response to their call for proposal for constitution of the future Union of Burma.

At that time the said proposal was distributed throughout Chin State and widely read by the people and as a follow up of the proposal the local representatives of various parts of present day Chin State alone submitted altogether 150 papers to the Union Constitution Commission who personally toured around the then Chin Special Division in 1971-1972 collecting the people’s desire for the Union Constitution. It was the highest number of proposals submitted from a single ethnic area. All the papers submitted by various Chin representatives advocated the establishment of **genuine federal Union in accordance with the Panglong agreement**. As expected, this federal movement in the Chin State was effectively crushed when, starting from October 1972, the military arrested around 60 Chin leaders and activists of all walks of life who were signatories of the proposals. Among those arrested Pu Lua Thawng of Tedim area laid down his life in the prison. He was tortured to death by the military intelligence.

In general we could say that the awareness among the Chin people on the need for long lasting and meaningful constitution for the people has been high and the present constitution drafting process initiated by the Chin Forum is in a sense the continuation of the federal movement that have started three decades ago, back home.

Question 3. Some said the Working Group is working out the draft constitution in isolation. What would be your response to this accusation? What are the difficulties facing the Working Group in this respect?.

Pu Lian Uk: I do not think that the Working Group has been working in isolation so far. Of course, the **FIRST** *initial draft with brief Chin national Political history and social back ground*, has been initiated by me single-handedly, with which to jumpstart the process of drafting together with wider participation. The **FIRST** initial Draft was thoroughly discussed among the Working Group and the Chin Forum Management Body during the CFMB/WGI Round Table Meeting in Washington DC in March 1999. We also put up this **FIRST** draft to the constitutional law experts from National Endowment for Democracy in Washington DC and

a professor from Princeton University. As the result of the Round Table Meeting and physical consultations with the law experts, we managed to produce together the **SECOND** and **THIRD** Initial Draft which have been discussed with a wider public as explained earlier. [see Answer to Q. 2]. With Salai Ngun Cung Lian, who is doing S.J.D. in constitutional law in the US, joining the Working Group as one of our Co-Conveners in 2000 working alongside Dr. Vum Son, our works have become more productive.

Even with the forth-coming publication of the **FOURTH** draft, which is to be the outcome of the recent States Constitution Seminar in New Delhi (**Nov. 2002**), the draft is still to be considered **INITIAL DRAFT** in a sense that this drafting of the constitution is being done in exile without the possibility of the vast majority of our general masses back home to participate. That means this **INITIAL DRAFT** is being done with the hope that it could be handed over to the relevant and mandated body to be formed up officially once democracy and freedom is restored in our country. Only then could we say the **INITIAL** stage of the drafting process is completed.

The initial part needs to be done in that way to cover at least all relevant facts we could think of under the present situation in exile, with which to start the discussion. This is not like a constitution draft that is worked out in a country fully supported by the home government. It has been done with limited fund and time and we cannot afford to hold meetings so often with all our people in exile. That is the difficulty we are facing at this moment, practically saying.

Another limitation we are well aware of is that in drafting the constitution of the present day Chin State in particular and in trying to work out the future road map for the Chin people in general, including for those Chins living outside the present day Chin State, we cannot address or cover every issue in detail at this very moment since there are issues that demand serious discussions with our immediate neighbors [of Chin State] under friendly atmosphere with mutual respect and trust and there also are issues that should be addressed only when dictatorship is totally abolished and democracy is fully restored in our country.

In other word, we are very much aware that there are issues that could or should be addressed only under democratic system, where freedom truly prevails and no dictatorial power of any kind could interfere or manipulate to divide the Chin people for the sake of their own narrow interests.

Question 4. Some people often critically argued certain issues of the draft Constitution of Chinland through the Internet mailing list groups. What is your opinion in that regards?

Pu Lian Uk: That is alright and moreover we welcome such critical inputs. Whenever there is any query or argument, we always try to response to them in such a way to arouse their interest in this issue of constitution drafting.

If we believe in democracy in contrast to the dictatorship back home we need to welcome and appreciate any kind of counter argument or criticism – be it positive or negative one. We need to channel all inputs into meaningful debates. There could be all kinds of wild accusations against the Working Group in particular and the Chin Forum in general.

Some arguments stemmed from ignorance of what the Working Group have been doing all the time ever since the inception of the Chin Forum in 1998. From our part we have been transparent enough: informing people the works of our working groups via internet, holding seminars with our people whenever funds are available, inviting all compatriots to join us etc. etc. But those steps are not enough. There will always be people who do not know much about the tasks carried out by the various working groups so we are always prepared to positively respond to any kind of inputs or arguments.

Question 5. In some federal state like Germany, local governments are the basic foundation for building a federal republic. Do you believe that it is appropriate to have moderate local government structure in the future Constitution of Chinland like the way Germany, US, and Canada have? If not what method should the Chin people apply in Chinland to build a federated state?

Pu Lian Uk: Well, our society since the ancient time was made up of some kind of village states or one village one chiefdom, so to say; and even during the colonial period the administrative system under the Chin Hills Regulation 1896 was based on local government system like in the ancient time except that peace and order was established and secured by the British.

The Working Group is working out a *draft* proposal for the future Chinland - the proposal to be put up to the Chin people. Eventually it is the Chin people, not the Working Group, that is going to decide their own destination. The Working Group envisions a future administrative systems of Chinland to be based on roughly 20 or *more* local governments / townships from which the Chin State Government or Legislative Assembly will be formed up. So there will be only two levels of administration namely the Local Governments and the State Government.

In so doing, the model of **Zomi Baptist Convention (ZBC)**, which is made up of around 25 different associations that is spreading throughout and beyond Chin State is one of the sources of inspiration. Let us be honest, we all know that the Chin society since time immemorial is a mosaic of different clans, tribes & sub-tribes and dialectal groups with very strong sense of localism – hence the **ZBC** structure.

Taking the ZBC model, the proposed Chinland constitution if put into practice would unleash tremendous energies from all sectors of the Chin State since each and every viable clans, tribes, regions or dialectal groups or group of clans/tribes with traditional affiliations in the ancient or modern time etc. etc. will try to establish their own local governments.

Throughout the era of Burmese dictatorship until now the ZBC stands strong as one of the largest religious institutions that practiced democracy.

So the ZBC experience is also one that through, which we, the Chin people, experiment on democracy. In a way the ZBC have been keeping the torch of democracy burning even under the dictatorial rule of the Burmese military.

That means I sincerely see it as a good model that would guarantee and pave a new way for the Chin people to develop towards truly democratic and modern nation in full force. Even more so, since we are adopting the ZBC model, which is democratic, time tested and more

importantly a *homegrown* model (not taken from any other models of far away countries like Germany or USA or Canada). So we could be more ready and proud to adopt this model.

But this does not mean that there is only one single model for the Chin people to choose. During the States Constitution Seminars in New Delhi some keen participants have also put up alternative models with their own rational arguments. That is the interesting part of the ongoing federal movement among the Chin exiles. As the movement got momentum there can be variety of choices or models upon which we could openly debate under democratic principles and work out the best road map for the future. We also keep in mind that the vast majority of those who have long experiences in the field of administrations are inside the country and their contributions in the near future – when they could participate openly - will be very valuable.

Question 6. An elected Member of Parliament elected, 1990 general election in Burma (not a Chin) has stated in his opening speech at Delhi Seminar, in November 2002, saying that *"some western educated people have "chopped-cut-sliced" Western State Constitutions then assembled them as a 'Blue Print' and brought to us" but that type of State Constitution would not work for our people.*" What would be your response on that remark?

Pu Lian Uk: Actually, the **FIRST** draft was initiated with the 30 principles mentioned before based on the federal principles in the “Proposal of the Chin Youth”, submitted to the military government way back in 1969 inside the country. As the process gained momentum the **SECOND** draft was produced as mentioned earlier The States Constitution Seminar in Chiangmai (2001) was also instrumental in helping us produce the **THIRD** draft as it has been heavily based on “the **model** state constitution” – a guideline agreed upon during the said Seminar. It is noteworthy that from the original 30 principles we have taken as a base to start with, with the latest **THIRD** draft it is now expanded to over hundred sections.

In short, to present the **THIRD** draft to the States Constitution Seminar in New Delhi (2002) we have passed through a long and tiresome process. Again, as I have said earlier, from the very beginning starting from the **FIRST** initial draft we have taken the ZBC model as the basis in drafting the constitution for Chinland rather than from any other countries, “western” or otherwise.

Question 7. As far as we learnt, most of non-Burman ethnic nationals have formed Constitutional Drafting Committee or certain Committee to facilitate the process of Constitution drafting for their respective States. However, the Burman ethnic national has not shown any interest on Burman State Constitution drafting process. What would be your comment on the sentiment of the Burman ethnic national on this regard?

Pu Lian Uk: The Burmese leaders repeatedly expressed their commitments to future constitution of the Union to be a genuine federal one; that means the future Union is to be made up of different constituent States (not excluding the Burman’s own State) which will be administered under their own governments with their own State Constitutions and the powers such as defense, foreign affairs, currency, post and telegraph etc. will be vested in the Federal Legislative Assembly – made up of the representatives of all member States that enjoy equality.

So, it is clear that there cannot be any state that control other states as *pyima* (mother state) in federal constitution of a country. In this regard they have agreed with us, the non-Burman nationalities.

But if they are, nevertheless, reluctant or unable to conceive the concept of having a Burman State then it may be questionable whether the Burma proper would join the future federal Union at all or whether they want to join it as a single state or as several states divided along the present boundaries of the Divisions. It is up to them to decide.

On the other hand, we are also encouraged to have learnt that our Burman brothers have formed up a “Study Group” made up of some elected MPs in exile and some younger generations from ABSDF, NLD (LA) etc. The “Study Group” is formed up under the context of the present movement of States Constitution Drafting initiated by the Chin Forum and other ethnic nationalities including, the Karens, Kachins, Arakans, Shans etc. have also formed up their own State Constitution Drafting committees.

It is our hope that the said “Study Group” will eventually come to the conclusion that forming a Burman State and preparing a draft constitution for their own State is one inevitable part of the current nation building process and also to open up a new course of our modern history to enable our future generations to live in harmony and prosperity under the spirit of peaceful co-existence.

Question 8. The Working Group has stated that they have been facilitating for the future Constitution of Chinland and they do not have any intention for drafting actual Future Constitution of Chinland. Could you please elaborate?

Pu Lian Uk: Our aim and object is to show the Chin public what the Chinland Constitution could look like at least in its frame work and to boost interest among the Chin people and actively involved by giving suggestions and feed back to the WGI in drafting Chinland constitution plus the drafting of the Union constitution as a whole and to collect necessary facts in advance for the future constituent Assembly of the Chinland and of the Union. Our draft of course will be submitted to the future Chinland constituent Assembly and it will be up to the Chinland constituent Assembly to consider about it.

We hope that the **INITIAL** drafting process in the exile will at least be of great value for the future Chinland constituent Assembly to start with.

Question 9. Some/few people have accused that the Chin Forum is a shadow organization of the Chin National Front and most of the activities carried out by the Chin Forum are according to the instruction of the Central Committee of the Chin National Front. What are your responses on this accusation?

Pu Lian Uk: The Chin Forum is made up of several leaders of various political organizations and also politicians belonging to every township of the Chin State, though, in line with the policy of the Chin Forum, they do not necessarily represent their respective political parties or townships. It is also made up of some elected members of parliament and people whom we usually term as intellectuals or independents who are known to be greatly interested in the draft and at the same time do not have any affiliation with any political party. Moreover,

looking at all the works of the Chin Forum one could clearly see that the Forum is pursuing *national politics* rather than *party politics*. The past Seminars of the Forum in New Delhi were actively participated by the Chin exiles of all political parties and all tribes of the Chins and there is no opportunity for any political party to play *party politics* or *tribal* one in the Forum.

Question 10. We have heard that the Working Group wants to direct the present constitution drafting process towards a national movement. Is it ready to do so?

Pu Lian Uk: The movement is already there and as I have mentioned earlier [see Answer to Q.2] the present constitution drafting process initiated by the Working Group is a “continuation of the federal movement that have started since three decades ago, back home”, where many were jailed and some laid down their lives for the cause back then under the oppressive regime. So, why couldn’t we carry on the movement in the exile where we are enjoying freedom and democracy without fear from being persecuted?

Question 11. Do you have anything more to say besides answering all these questions?

Pu Lian Uk: The problems facing the people of the “Union” of Burma for the past half a century is fundamentally a constitutional crisis.

As we all know the present Democracy Revolution, or “the Second Struggle for Independence” as correctly coined by Daw Aung San Suu Kyi, is being waged against military dictatorship to restore Freedom, Democracy and to establish a genuine Federal Union.

During the struggle for Independence against colonialism the ethnic nationalities were very much ill-prepared or outright ignorant of this constitutional matters. Hence: the *emergence* of a sham union and the *consequent* ethnic nationalities’ discontents which was *followed by* the unending civil war and the *eventual emergence* of military dictatorship which have been inflicting untold human miseries upon the Burmans and the ethnic nationalities alike until this very day. All these political events are deeply interconnected and if we view it analytically, our ignorant of constitutional matters (and of course, there are other factors as well) is one of major factors that have effected these undesirable and miserable chain political events.

For this reason this time around when we are now engaged in the Second Struggle for Independence we need to be very much well prepared so that we could together establish along lasting constitution that will guarantee a peaceful co-existence of all different nationalities, including the Burmans and lay down a foundation for a new federal union where the next generations to come - our children’s children - will enjoy freedom, democracy and prosperity and rejoin the international community with dignity, the status we rightfully deserve.

Another important thing is that all the political parties fighting against the present military dictatorship to unitedly work together regardless of any possible differences. At the same time we need to support any forces that is fighting against the Burmese military dictators. There are people who devote themselves and ready to sacrifice personally in the struggle for freedom, democracy and federalism. Those who are not ready to participate actively in the struggle could also help by their moral and material supports until the present military regime is totally abolished.

With the overwhelming desire of the general masses for a political change and the unwavering supports of the internationally community our sacrifices will not be in vain and victory will come sooner not later.

I would like to seriously urge all compatriots, leaders of all political parties to come forward and work together in shaping the future of the Chin Nation and the future federal Union regardless of any possible differences.
