

Voting will be conducted in line with the international systems

Arrangements have been made for every eligible voter not to lose the right to vote

The law on voting has already been issued both in Myanmar and English news papers.

Commission for Holding Referendum receives UNSG's Special Adviser



Members of Commission for Holding Referendum U Thaung Nyunt and other members receive Special Adviser to the United Nations Secretary-General Mr Gambari.- MNA

NAY PYI TAW, 8 March — Mr Gambari, Special Adviser to the United Nations Secretary-General and party met member of the Commission for Holding Referendum U Thaung Nyunt and three other members at Seinle Kantha State Guest House at 1:30 pm yesterday.

U Thaung Nyunt made clarifications on completion of the National Convention, drafting of the constitution in accord with the fundamental principles and detailed basic principles laid down by the National Convention and measures being undertaken for approval of the draft constitution through a national referendum.

He said it took much time to draft the constitution. Preliminary meetings for convening of the National Convention began in 1992. Political parties were also invited and they agreed to three points— to convene the National Convention, to discuss major and basic principles and to invite eight delegate groups to the National Convention. Over 700 representatives from the eight delegate groups were thus invited.

The National Convention commenced on 9 January 1993. Altogether six sessions were held from 1993 to 1996. During the sessions, 15 chapters and 104 basic principles to be included in drafting the State Constitution were laid down. Basic principles for Chapter 1 The State, Chapter 2 The Head of State and Chapter 3 The State Structure and so on were discussed. Moreover, formation of the Legislature, Executive and Judiciary— three branches of power were also discussed. NLD took part in the discussions and approval of the above-mentioned principles. However, NLD demanded a meeting in private with them in September 1995. Its demand had nothing to do with the functions of the National Convention Convening Commission and the National Convention Convening Work Committee. NLD walked out of the National Convention of its own volition saying that its demands were not met. **If a delegate failed to attend the National Convention for two consecutive days without the permission of the panel of Chairmen, he or she is null and void according to the**

procedures on the delegates to the National Convention. Thus NLD delegates were terminated from the National Convention. Later, NLD did not attend the National Convention at all. In 2003, the government announced the seven step Road Map. The first step is reconvening of the National Convention. NLD was invited before the resumption of the Convention in July, 2004. NLD demanded the greater number of its delegates to the National Convention. Despite the increase in the number of its delegates, NLD failed to attend the National Convention. Without NLD, the National Convention was reconvened and it was attended by 1,086 delegates from the eight groups. **The delegates of national races comprised over 600 delegates from all over the country. The delegates from national race peace groups also attended the National Convention.** He said he hoped that Mr Gambari would remember that he cordially met with the delegates during the National Convention. The National Convention that was reconvened in 2004 laid down the basic principles of the remaining chapters completing them in September 2007. The tasks of the National Convention appeared in the newspapers fully and they were telecast and broadcast on the radio and TV. After the completion of the National Convention in 2007, all fundamental principles and detailed basic principles laid down from 1993 to 2007 were published. **Based on the fundamental principles and detailed basic principles laid down, the State Peace and Development Council formed the Commission for Drafting the State Constitution for drafting a constitution in accord with the seven-step Road Map. The commission consisted of 54 persons.**

Members of the commission include those who have gained experience in the drawing of the 1947 and 1974 constitutions, those who are well-versed in international law and legal affairs and those who are well-versed in other fields. The constitution that was drawn by eight groups of delegates to the National Convention together with the aforementioned who are well-versed in legal affairs is of international standard. The book on the draft constitution will be given to Mr Gambari. It has already been announced that a referendum will be held in May in order to approve the constitution. The law on holding national referendum was promulgated on 26 February 2008. The law is made up of 12 chapters with provisions that enable those who are entitled to vote can freely cast votes. There are state and division-wise sub-commissions under the commission. Under those sub-commissions there are district, township, ward and village sub-commissions. Rights have been entrusted to every level of sub-commissions. Arrangements have been made for all who are entitled to cast votes to be included in the electoral roll including those who are abroad with the permission of the government. Moreover, persons who are receiving medical treatment as in-patient in hospital and detainees in custody of police stations or prisons are also included in the electoral roll. Voting starts at ward and village level. **Arrangements have also been made for every eligible voter not to lose the right to vote. Voting will be conducted in line with the international systems. Stipulated ballot box shall be placed at a conspicuous place for public to enable voters to cast votes conveniently. Counting of votes will be carried out in the presence of witnesses. Arrangements have been made for eligible voters to cast votes at another place if there occurs any unfair and unjust voting (eg, in the face of natural disasters). There include provisions that action shall be taken against those who get involved in rigging the votes and causing disturbances. According to the provisions it is obvious that it is a fair and free voting in accord with the international standard rules and regulations. The law on voting has already been issued both in Myanmar and English newspapers. There are two patterns of voting. The first one is that one is to vote himself in which instructions on how to vote are stated in the back of ballot paper. The second one is that there are advance ballot papers for students who are studying at universities, colleges, institutes and schools, those who are appointed by the government to discharge duties abroad, warded patients and detainees. The samples will be given to Mr Gambari. All in all, Mr Gambari will be able to see that measures have been taken to ensure a fair and free voting. Like the international practice, there will be votes-infavour and votes-against to be put in a ballot box.**

Next, member of the commission Dr Tun Shin presented books on draft constitution and law on national referendum in English version and samples of ballot papers and advance ballot papers to Mr Gambari, saying that constitutions are concerned with sovereignty of nation and the books were given to him as he is a friend of Myanmar.

In response, Mr Gambari said that he thanked for explaining the background history of the draft of the constitution and NLD and he recalled the event when he attended and studied the last session of the National Convention and had the right to meet with the representatives from 17 peace groups. He added that the United Nations fully respects the sovereignty of Myanmar. He said that his explanation helped reflect Myanmar's cooperation with the UN; that he would like to hold discussions with the similar attitude; that it was important for all to participate in the implementation of the seven-step Road Map; that if the processes did not win trust at home and abroad, that would have negative effects on the steps the government had taken seriously such as the announcements on a referendum and time frame; that the first question was that he would like to know the date of the referendum to be held in May, and whether the referendum would be completed in a day; that as the second question, he would like to know what was stated to vote for or against, and the arrangements for the referendum; that he would also like to know the arrangements for public knowledge of the draft of the constitution through the dissemination of news and information; that he wanted to know if there would be a plan for direct clarification for public information about how to cast votes; and that he thought that there should be necessary conditions for producing free and fair results.

In response, U Thaug Nyunt said that Section 4 (A) of the Law said that the date for the referendum shall be announced 21 days ahead; that the period was for the branches of the commission at different levels to make arrangements; that the number of the polling stations around the nation was expected to be about tens of thousands; that some regions were difficult of access; that the referendum would be held within a day; the State Constitution (draft) received media coverage; that the Referendum Law was further clarified through the rules; that arrangements would be made for the people to understand the processes in 21 days, that the manual of the commission branches at different levels stated the responsibilities of the heads and those in charge of polling booths to explain salient points to the public; that as he had explained, the draft of the constitution was compiled based on the principles the National Convention had adopted from 1993 to 2007; that they had been stated in the newspapers; that interested people had studied them well; that the expressions were easily comprehensible to every literate person; and that they are being aired on radio and TV.

Mr Gambari stressed the importance of ensuring the participation of all those concerned, and asked U Thaug Nyunt for his opinions about no rights for members of the religious order and no rights of some persons to vote and to stand for election. U Thaug Nyunt said that the Election Law prescribed the right to vote of every citizen who had attained the age of 18, and ensuring systematization of electoral rolls; the provision on no right to vote was not a new one and it was prescribed in the 1973 Referendum Law; that the 1947 and 1974 constitutions also stipulated those provisions, and they were also adopted as principles of the draft constitution; and that the case was in the frame of the sovereign power.

Mr Gambari said that he understood that the case was in the frame of the sovereign power; that at the same time, he considered that it was to meet the international norms; that he would like to know whether the prohibition concerned the right to vote or the right to stand for election. U Thaug Nyunt said that the right to stand for election was not their concern, and the responsible body concerned would have to scrutinize that case when the elections were held; and that some provisions would likely to be prescribed that the person concerned had the right to argue prohibition with the right of appeal from the basic level to the highest level.

Mr Gambari said that he heard there was action taken against those who opposed the draft constitution, and he asked whether the news was true or not. U Thaug Nyut replied that the news was not true and there has been no action taken whatsoever.

Next, Mr Gambari said he would like Myanmar to invite observers to win the trust of the international community over the country's work programmes. By inviting international observers, the referendum will be proved to be free and fair and as a result, there will be more trust of the international community. U Thaug Nyunt replied that holding the

referendum for the constitution is within the State sovereignty. Arrangements have been made for the eligible voters to cast their votes freely. Besides, there were no instances of foreign observers monitoring the events like a referendum. In the referendums for the 1947 and 1974 constitutions also, there were no foreign observers.

Mr Gambari said he has no doubt about the arrangements for the referendum. The observers he said were not from foreign countries, he said. The UN, he said, is ready to render technical assistance to the referendum and elections if necessary. U Thaung Nyunt replied that he will bear it in mind and Myanmar has adequate experience.

Dr Tun Shin also said the representatives of the political parties and delegate groups who attended the National Convention held from 1993 to 1996 and the ones who attended the NC held from 2004 to 2007 were not chosen by the government and they were selected only by their political parties and delegate groups. As they represent the entire nation, the work programme being carried out has covered all the people who should be represented.

Later, Mr Gambari expressed thanks for detailed briefing and the meeting came to a close at 3:20 pm. — **MNA**
