

110TH CONGRESS
2D SESSION

H. CON. RES. 317

IN THE SENATE OF THE UNITED STATES

MAY 7, 2008

Received and referred to the Committee on Foreign Relations

CONCURRENT RESOLUTION

Condemning the Burmese regime's undemocratic draft
constitution and scheduled referendum.

Whereas in 1974, then-dictator General Ne Win and his regime redrew the 1947 State Constitution and held a referendum for a military-backed constitution, endorsing a civilian front for military rule, known as the Burmese Socialist Program Party;

Whereas in 1988, the people of Burma came to the streets in a massive popular democracy uprising to call

for democracy, human rights, and an end to military rule and a single party system;

Whereas the current military regime violently crushed the mass democracy uprising in 1988, killing more than 3,000 peaceful protesters and taking over power from the previous regime;

Whereas the current military regime, officially known as the State Peace and Development Council (SPDC), known previously as the State Law and Order Restoration Council (SLORC), held multi-party elections in 1990;

Whereas despite the threat and pressure by the military regime to vote for the candidates of the military-backed National Unity Party (NUP), the people of Burma voted 82 percent of Parliament seats for the candidates of the National League for Democracy (NLD) party, led by detained leader Daw Aung San Suu Kyi and allied ethnic political parties;

Whereas the military regime refused to honor the election results and arrested and imprisoned both democracy activists and elected members of parliament;

Whereas the SPDC over a period of 14 years held a National Convention to draft a new constitution in which the process was tightly controlled, repressive and undemocratic;

Whereas the NLD walked out of the convention in 1995 because participants were not allowed to table alternative proposals or voice disagreement with the military regime;

Whereas in 2005, the leaders of the Shan Nationalities League of Democracy (SNLD) were all arrested on false charges and sentenced to more than 90 years in prison each;

Whereas the people of Burma, led by democracy activists and Buddhist monks in August and September 2007, took to the streets in nationwide peaceful protests demanding the military regime participate in a meaningful tri-partite dialogue with Daw Aung San Suu Kyi, the elected political parties from the 1990 elections and representatives of the ethnic nationalities for national reconciliation and a transition to democracy;

Whereas according to the United Nations Special Rapporteur on the Human Rights Situation in Burma, Professor Paulo Sergio Pinheiro, leading human rights groups and foreign diplomats based in Burma estimate the death toll from the August and September 2007 peaceful protests is much higher than reported by the regime;

Whereas the military regime brutally crushed the peaceful protests, killing at least 31 people, leaving nearly 100 missing, and arresting 700 additional political prisoners bringing the number of Burma's political prisoners to approximately 1,800;

Whereas the United Nations Security Council Presidential Statement, issued by unanimous consent of all members of the Council on October 11, 2007, stated that "the Security Council strongly deplores the use of violence against peaceful demonstrators in Myanmar, emphasizes the importance of the early release of all political prisoners and remaining detainees".

Whereas the United Nations Security Council Presidential Statement also stressed "the need for the Government of Myanmar to create the necessary conditions for a genuine dialogue with Daw Aung San Suu Kyi and all concerned parties and ethnic groups, in order to achieve an inclusive

national reconciliation with the direct support of the United Nations”;

Whereas the United Nations and governments around the world also repeatedly called for the SPDC to hold a political dialogue with Daw Aung San Suu Kyi, her party, the NLD, and representatives of ethnic nationalities to achieve national reconciliation and democratization and reverse the decades-long misrule by the regime which has resulted in a downward spiral of Burma’s economic, educational, social, public health and infrastructure sectors;

Whereas the SPDC has ignored the repeated requests of the United Nations and the international community to release all political prisoners, end attacks against civilians, and engage in a meaningful dialogue with Daw Aung San Suu Kyi, her party, the NLD, and representatives of ethnic nationalities;

Whereas at the same time, the SPDC assigned a commission to draft a constitution on October 18, 2007, with 54 hand-picked participants, in an attempt to ignore past election results, to lock in a process that excludes representatives of ethnic nationalities and the NLD from political participation, and to legitimize continued military rule;

Whereas the latest version of the draft constitution seeks to codify military rule by reserving 25 percent of parliamentary seats for military appointees, permits the head of the military to intervene in national politics, and ensures that key government ministries are held by military officers;

Whereas in October 2007, the SPDC appointed Labor Minister U Aung Kyi as liaison minister to engage with Daw

Aung San Suu Kyi for possible talks with Senior General Than Shwe, leader of the SPDC, but there has been no true exchange or tangible result from the few talks that were held;

Whereas recently, Daw Aung San Suu Kyi expressed through her party leaders that she is unhappy with the SPDC's unwillingness to establish political dialogue and she even urged the people of Burma to be prepared for the worst;

Whereas on February 9, 2008, the military regime announced that it will hold a constitutional referendum in May 2008 and a general election in 2010;

Whereas on February 12, 2008, the SPDC extended for another year the house arrest of U Tin Oo, Deputy Chairman of the NLD; and

Whereas early reports concerning the referendum voting indicate that Burmese voters were instructed how to vote under supervision of officials, sometimes under threat of physical violence and without an opportunity to read the ballot they were forced to cast: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That Congress—

3 (1) denounces the one-sided, undemocratic, and
4 illegitimate actions of the State Peace and Develop-
5 ment Council (SPDC) that seek to legitimize mili-
6 tary rule through a flawed referendum process to
7 adopt a new, undemocratic constitution;

8 (2) strongly urges that Burma's military regime
9 begin a meaningful tri-partite dialogue with Daw
10 Aung San Suu Kyi, the 1990 election-winning par-

1 ties and representatives of ethnic nationalities to-
2 ward national reconciliation, democracy, freedom of
3 assembly, freedom of movement, freedom of speech,
4 freedom of the press, and internationally recognized
5 human rights for all Burmese citizens;

6 (3) demands the immediate and unconditional
7 release of Daw Aung San Suu Kyi, detained Bud-
8 dhist monks, and all other political prisoners and
9 prisoners of conscience;

10 (4) denounces the SPDC for its failure to com-
11 ply with the United Nation's recommendations and
12 engage in a meaningful time-bound tri-partite dia-
13 logue with Daw Aung San Suu Kyi, the 1990 elec-
14 tion winning parties and representatives of ethnic
15 nationalities;

16 (5) calls for the SPDC to comply fully and im-
17 mediately with the recommendations made by the
18 United Nations Security Council Presidential State-
19 ment issued on October 11, 2007;

20 (6) urges the President to call for the United
21 Nations Security Council to condemn the undemo-
22 cratic referendum process and the SPDC's flawed
23 constitution which will be the outcome of the ref-
24 erendum;

1 (7) urges the President to call for the United
2 Nations Security Council to pass a binding resolu-
3 tion, which will instruct the regime to fully comply
4 with the recommendations made by United Nations
5 Special Envoy Ibrahim Gambari and the United Na-
6 tions Security Council Presidential Statement, and
7 strengthen the mandate of Secretary-General Ban
8 Ki-moon to engage in a meaningful and time-bound
9 dialogue with Daw Aung San Suu Kyi, the 1990
10 election winning parties and ethnic nationality rep-
11 resentatives towards an inclusive democratic national
12 reconciliation;

13 (8) urges the President to push for a com-
14 prehensive arms embargo against the Burmese mili-
15 tary regime at the United Nations Security Council
16 so that weapons produced by foreign countries, in-
17 cluding Ukraine, China, and Russia, that currently
18 sell weapons to Burma's military regime, can no
19 longer be used by Burma's military regime against
20 civilians; and

21 (9) urges the Association of Southeast Asian
22 Nations to involve itself more deeply in reaching out
23 to the Burmese democracy movement and to work
24 with the United Nations Security Council and the

1 Secretary-General to promote meaningful political
2 dialogue.

Passed the House of Representatives May 6, 2008.

Attest: LORRAINE C. MILLER,
Clerk.