
POLITICAL MONITOR NO. 29

OFFICIAL MEDIA

6359 PRISONERS GRANTED AMNESTY

In a bid to promote good governance as well as fostering good democratic practices, Burma's President U Thein Sein granted the amnesty of 6359 prisoners on 11 October. Prior to the announcement of the amnesty, opposition parties and the international community had been advocating for the release of political prisoners. While news of the announcement on state radio and television did not supply the names of the prisoners released, outside media sources confirmed that the amnesty included 220 political prisoners. Soon after taking office this earlier this year, U Thein Sein instituted a similar amnesty in May in which over 14,000 inmates were released, but which was deemed by many as a goodwill gesture.¹

NEW LABOUR LAW ENACTED

The recent parliamentary sessions of Burma's Upper and Lower House have approved and passed a new Labour Law, which would allow the formation of workers' unions in the country. The announcement of the law was announced in the "Kyemon" and "Myanma-alin" daily newspapers on 12 October, but printed only in Burmese. The salient points of the new Labour Law are as follows:²

- Unions may be formed with a minimum membership of 30 members.
- Members can join or leave on their own accord.
- The National Workers' Associations and Workers Trade Unions, which have been formed in accordance with the prescribed laws, shall have the right to cooperate and coordinate with other Workers Associations and Unions established within the country, as well as those from foreign countries.
- Workers can legally take strike action and demand workers' rights, and in doing so shall not impede or block public transport facilities or security infrastructures.
- Unions will be required to register with the National Registrar - a person to be appointed by the President.
- Employers who are found to be in breach of the law's regulations, including a ban on the dismissal of "a worker for his membership in a labour organisation, for the exercise of organisational activities or for participating in a strike in accordance with the law", if the dismissal is found not to be in accord with existing labour laws, the trade unions will have the right to demand that the employer reinstate the worker.
- Employers found to be in breach could face a fine of Kyats 100,000 (US\$ 120) or a prison sentence of up to 1 year;
- Workers in emergency services will not be legally entitled to go on strike, or if the strike is deemed to have endangered the health or life of people;
- Strike action will be done in accordance with the laws, and employers shall inform the relevant authorities 14 days in advance on the following:
 - commencing date of strike action
 - period of time of strike action

¹ See Appendix B for the official text of the announcement.

² New labour law enacted –

<http://www.burmalibrary.org/docs12/Mirror2011-10-12.pdf> (The Mirror) 12 October 2011 (p. 1 & 8)

PRESIDENT U THEIN SEIN LEAVES FOR GOODWILL VISIT TO INDIA

President U Thein Sein, accompanied by senior government ministers, left for India on 12 October for a goodwill visit at the invitation of the Indian President. The visit is the first by President U Thein Sein to India and comes at a time when relations between the two countries have been boosted by India's "Look East Policy". Topics likely to be covered included promoting bilateral relations, economic cooperation and cross-border issues.

The Burmese delegation included Minister for Border Affairs and for Myanmar Industrial Development Lt-Gen Thein Htay, Minister for Foreign Affairs U Wunna Maung Lwin, Minister for Agriculture and Irrigation U Myint Hlaing, Minister for Religious Affairs Thura U Myint Maung, Minister for Industry-1 and for Industry-2 U Soe Thein, Minister for Electric Power No. 1 U Zaw Min, Minister for National Planning and Economic Development and for Livestock and Fisheries U Tin Naing Thein, Minister for Transport U Nyan Tun Aung, Minister for Energy U Than Htay, Minister for Science and Technology U Aye Myint, Minister for Commerce U Win Myint, Lt-Gen Hla Htay Win of the Office of the Commander-in-Chief (Army), Deputy Minister for Health Dr Win Myint and senior departmental officials.³

BURMESE LEADERS RECEIVE CHINESE AMBASSADOR, SPECIAL ENVOY SENT TO BEIJING

The decision taken by Burma's President U Thein Sein to suspend the construction of the US\$ 3.6 billion Myitsone Dam Project with Chinese assistance in northern Kachin State has been met with adverse reactions by the government in Beijing. In a bid to reconcile relations with its northern neighbour, President U Thein Sein and Speaker of the Lower House Thura U Shwe Mann held separate meetings with the Chinese Ambassador to Burma Mr Li Junhua on 7 October and provided assurances on Burma's commitment in maintaining the special "Pauk-Phaw" friendly relationship between the two countries.⁴ At the same time, President Thein Sein dispatched his Special Envoy/Foreign Minister U Wunna Maung Lwin to Beijing on 10 October to convey his personal message to the Chinese leaders with a view to providing reassurances on the Myitsone dam project.⁵

PEACE TALKS BETWEEN GOVERNMENT AND SPECIAL REGION (4) HELD FOR FIRST TIME

A peace negotiating team formed by the Union Government met with a delegation from the Special Region (4) for the first time at the Triangle Regional Military Command in Kengtung on 10 October. At the meeting, Vice-Chairman of Special Region (4) U San Pae affirmed that it would never secede from the Union and oppose the state. He added that his group would contribute towards internal peace and border region development in cooperation with the government. Next, both sides held discussions on cooperation in the reopening of liaison offices, on the reassignment of staff to ensure better education, health, agriculture and transport in the Special Region (4), on the elimination of narcotic drugs, as well as on signed agreements. The government delegation included the Chairman of the National Race Affairs and Internal Peace-making Committee U Thein Zaw; Shan State Chief Minister U Sao Aung Myat; State Minister for Border & Security Affairs Colonel Aung Thu and U Maung Maung from the State Advocate-General's Office. The Special Region (4) delegation was

³ President U Thein Sein, wife Daw Khin Khin Win leave for Republic of India on goodwill visit - <http://www.burmalibrary.org/docs12/NLM2011-10-13.pdf> (NLM) 13 October 2011 (p. 1)

⁴ President U Thein Sein receives PRC Ambassador to Republic of Union of Myanmar - <http://www.burmalibrary.org/docs12/NLM2011-10-08.pdf> (NLM) 8 October 2011 (p. 1) / Chinese Ambassador calls on Pyithu Hluttaw Speaker - <http://www.burmalibrary.org/docs12/NLM2011-10-08.pdf> (NLM) 8 October 2011 (p. 7)

⁵ China, Myanmar agree to cooperate on suspended joint hydropower project - http://news.xinhuanet.com/english2010/china/2011-10/10/c_131183217.htm (Xinhua) 10 October 2011

headed by U San Pae and 10 other members. Also involved in the negotiations was U Aung Thuang, a senior USDP officials and MP from Taungtha constituency, Magwe Region.⁶

NORWEGIAN DEPUTY FOREIGN AFFAIRS MINISTER MEETS BURMESE LEADERS

Norway's Deputy Foreign Minister Mr. Espen Barth Eide met Burma's Foreign Minister U Wunna Maung Lwin on 7 October and discussed matters on the promotion bilateral cooperation between the two countries.⁷ Speaker of Pyithu Hluttaw Thura U Shwe Mann also received the Norwegian delegation at the Hluttaw Building on the same day. Discussions were aimed at promoting cooperation between the parliamentary assemblies of the two countries, and the visiting delegation also observed the on-going Lower House session in Nay Pyi Taw. Those also present included Deputy Speaker U Nanda Kyaw Swa and chairpersons of the Parliamentary Committees.⁸

While relations between the two countries have been strained in the past, visits by the Norwegian Minister for Environment and International Development Mr Erik Solheim in June 2010 and that of Deputy FM Mr Espen Barth Eide in May 2011 contributed in bringing the two closer.⁹

HLUTTAW SESSIONS (34th day) – Highlights

Pyithu Hluttaw (Lower House) session:

During the 34th day session of the Pyithu Hluttaw the following key issues were discussed¹⁰:

- A question was raised by U Sai Hla Kyaw of Langkho Constituency (Shan Nationalities Democratic Party - SNDP) on if the government has plans to carry out relief works to assist victims of internal armed conflicts who are fleeing to the border areas.
- A question was raised by U Tun Myint Oo of Mongpan Constituency (SNDP) on how the public can benefit from the installation of the power grid from the Tahsan Dam Project to the Mekong power grid of Thailand and what the impact will be on the environment and the residents in the immediate area.

Amyotha Hluttaw (Upper House) Session:

Similarly, at the 33rd day's session of the Amyotha Hluttaw, the following key issue was discussed:

- U Mann Aung Tin Myint, member of the Kayin State Democracy & Development Party and member of the Bill Committee, submitted a proposal and report of the committee to be sent to the Pyithu Hluttaw to revoke the 1964 Law Defining the Fundamental Rights and Responsibilities. The discussion of the proposal is expected to taken up in the Upper House at a later date.¹¹

⁶ Peace talks between Union level peace group and Special Region (4) peace group held for first time—
<http://www.burmalibrary.org/docs12/NLM2011-10-11.pdf> (NLM) 11 October 2011 (p. 1)

⁷ Union FM meets Norwegian Deputy Foreign Minister
<http://www.burmalibrary.org/docs12/NLM2011-10-08.pdf> (NLM) 8 October 2011 (p. 2)

⁸ Norwegian Deputy Foreign Affairs Minister calls on Pyithu Hluttaw Speaker -
<http://www.burmalibrary.org/docs12/NLM2011-10-08.pdf> (NLM) 8 October 2011 (p. 7)

⁹ FM receives Norwegian delegation
<http://www.burmalibrary.org/docs09/NLM2010-06-02.pdf> (NLM) 2 June 2010 (p. 8) /
Myanmar, Norway to enhance bilateral ties, cooperation
<http://www.burmalibrary.org/docs11/NLM2011-05-13.pdf> (NLM) 13 May 2011 (p. 7)

¹⁰ Second regular session of first Pyithu Hluttaw continues for 34th day/ Five questions raised and answered -
<http://www.burmalibrary.org/docs12/NLM2011-10-08.pdf> (NLM) 8 October 2011 (p. 16, 8 & 9)

¹¹ Second regular session of first Amyotha Hluttaw continues for 33rd day/ Four questions raised, one bill submitted and one decision made to send message of sympathy to Thailand -
<http://www.burmalibrary.org/docs12/NLM2011-10-08.pdf> (NLM) 8 October 2011 (p. 16 & 9)

UNOFFICIAL MEDIA

BURMA TO COMPENSATE CHINA FOR DAM SUSPENSION

Burma's recent decision to suspend the Chinese-backed Myitsone Hydro-power project in Kachin State has angered Beijing and the state-owned China Power Investment (CPI) Corporation, the main investor in the scheme. In an interview with Chinese state media, CPI President Lu Qizhou said that the Burmese government could face possible legal repercussions and that the suspension of the project would cause huge economic losses for both countries. Dr. Nay Zin Latt, an advisor to Burma's president, said that the President's decision to suspend the project was done in the interest of the people and the country. He went to add that it was not good for Burma to rely too much on relations with just one country; rather Burma must promote friendly relations with all nations. While the details of the compensation package have yet to be confirmed, the likely scenario would be for the Burmese to compensate their energy-hungry neighbour by granting economic concessions to make up for the loss.¹²

CRPP WILL COOPERATE WITH GOV'T ONLY AFTER KEY RECONCILIATION STEPS

The Committee Representing People's Parliament (CRPP) has stated that they would consider the issue of cooperation only after key reconciliation steps are implemented by the government. The group has called for the release of all political prisoners, a nationwide cease-fire and dialogue with ethnic armed groups as pre-conditions. "Our cooperation with them will depend on new developments. Registration as a party and contesting in the election will be the last stage," said CRPP Secretary Aye Thar Aung. The CRPP was formed in 1998 by individual winners of the 1990 general election and 10 winning political parties including the Chin, Mon, Rakhine, Shan and the National League for Democracy. Earlier, the CRPP called for convening a parliament with the winning parties, which was ignored by the then military government.¹³

NO PROGRESS IN TALKS BETWEEN NMSP AND MON STATE GOVERNMENT

According to New Mon State Party (NMSP) sources, a delegation from the NMSP and Mon State government officials met in Ye Township to negotiate peace talks but failed to make progress. Nai Hong Sar Pon Khaing, a spokesperson for the NMSP, said that NMSP leaders Nai Tala Nyi, Nai Baya Lai and Lt. Col Nai Hong Sar had talks with the State Minister for Security and Border Affairs Colonel Htay Myint Aung at a military base in Ye township. While the spokesperson did not provide details of the talks, NMSP Executive Committee member Nai Shwe Thein said that the meeting was held in accordance with the group's policy of insisting that any formal talks must include other members of the United Nationalities Federation Council (UNFC) and be held directly with Nay Pyi Taw. NMSP party leaders said that they had called for a nationwide ceasefire and they would continue to support the UNFC's calls for inclusive talks directly with Nay Pyi Taw, which wants one-on-one talks mediated by state governments. The meeting was the first between the NMSP and a government delegation since a new quasi-civilian administration assumed power in Nay Pyi Taw in March.¹⁴

¹² Burma to compensate China for dam suspension – http://www.irrawaddy.org/article.php?art_id=22239 (Irrawaddy) 11 October 2011

¹³ CRPP will cooperate with gov't only after reconciliation steps - <http://mizzima.com/news/inside-burma/6037-crpp-will-cooperate-with-govt-only-after-key-reconciliation-steps.html> (Mizzima) 10 October 2011

¹⁴ No progress in talks between NMSP and Mon state government – http://www.irrawaddy.org/article.php?art_id=22219 (Irrawaddy) 7 October 2011

ANALYSIS

The release of 6359 prisoners, including 220 political prisoners, was welcomed by Daw Aung San Suu Kyi and the international community. Coming close on the heels of the President's suspension of the Myitsone dam project, the reform agenda seems to be gaining momentum.

The announcement to allow the formation of trade unions in the country was another significant event. It has been welcomed as a step in the right direction by the international community. For others, the law is but a beginning and, therefore, they have opted to take-a "wait and see" approach. However, the new labour union law does reverse a policy that has been in place for almost 5 decades, and can therefore be seen as a new beginning.

With parliament taking a short break, with sessions set to resume on 17 October, Burma's political scene has been dominated by the Sino-Burmese relations due to the suspension of the Myitsone Dam Project. President U Thein Sein's meeting in Nay Pyi Taw with the Chinese Ambassador while at the same time sending his Special Envoy to Beijing are signs that the Burmese wish to maintain good relations with their energy-hungry northern neighbour. The meetings will have focussed on mending fences and give reassurances to Beijing. It is believed that some form of understanding has been reached by both sides to settle the issue in an orderly matter. The President's visit to India will be wake up call for the Chinese to ponder their position towards Burma. India, with its "Look East Policy" and its common border with Burma, will monitor the on-going Myitsone Dam Project and its outcome and is sure to take advantage of any chill in Sino-Burmese relations.

APPENDICES

Other important announcements and news

Appendix A:

**REQUEST SUBMITTED IN OPEN LETTER BY MYANMAR
NATIONAL HUMAN RIGHTS COMMISSION TO
PRESIDENT OF THE REPUBLIC OF THE UNION OF MYANMAR**

NAY PYI TAW, 10 Oct—*The Myanmar National Human Rights Commission submitted a request in open letter to President of the Republic of the Union of Myanmar U Thein Sein.*¹⁵

The full text of the open letter is as follow:-

Mr. President,

1. In a series of steps you have taken in fulfillment of the hopes of the people for good governance, clean government, flourishing of democratic practices, fundamental rights of citizens, rule of law, transparency and accountability, one perceptible step is the establishment of the Myanmar National Human Rights Commission on 5 September 2011. It is believed that its establishment is welcomed and supported by the people of Myanmar.
2. The establishment of the Commission is based on the principles relating to the status of national institutions (Paris Principles) contained in United Nations General Assembly resolution A/RES/48/134. Our Commission is the fifth of its kind in the ten-member countries of ASEAN.
3. Myanmar National Human Rights Commission is formed with a view to promoting and safeguarding fundamental rights of citizens enshrined in the Constitution of the Republic of the Union of Myanmar. It is vested with the competence and responsibilities which include receiving complaints on violations of fundamental rights of citizens, investigating them and communicating its findings to the relevant departments and bodies of the Government for further action. Since its inception, the Commission is fully resolved to perform its responsibilities to promote and protect the fundamental rights of citizens.
4. The establishment of the Myanmar National Human Rights Commission is meant to promote and protect the fundamental rights of citizens enshrined in the Constitution. It can also be regarded as fulfilling the hope and aspiration of the international community.
5. Furthermore, the expectation of the Secretary-General of the United Nations and a number of countries is the release of what is referred to as “prisoners of conscience”. The Commission recognizes and appreciates the position of the Government that these are prisoners who have been sentenced to imprisonment for contravening the existing laws.
6. The release of those prisoner, convicted for breach of the existing laws, who do not pose a threat to the stability of state and public tranquility in the interest of national races will enable them to participate in whatever way they can in the nation-building tasks.
7. For these reasons, Myanmar National Human Rights Commission humbly requests the President, as a reflection of his magnanimity, to grant amnesty to those prisoners and release them from the prisons.

Respectfully,

Sd/ Win Mya

Chairman

(for) Members of Myanmar
National Human Rights Commission

¹⁵ Request submitted in open letter by Myanmar National Human Rights Commission to the President of the Republic of the Union of Myanmar –
<http://www.burmalibrary.org/docs12/NLM2011-10-11.pdf> (NLM) 11 October 2011 (p. 8)

Appendix B:

6359 Prisoners Granted Amnesty

NAY PYI TAW, 11 Oct—*The President Office of the Republic of the Union of Myanmar issued Order No. 49/2011 today.*¹⁶

The translation of the order is as follow:-

**Republic of the Union of Myanmar
President Office
Order No. 49/2011
14th Waxing of Thadingyut, 1373 ME
(11 October, 2011)
Amnesty granted**

1. The government is striving for emerging good governance and clean government, flourishing of democratic practices, ensuring rule of law, making economic reform and motivating environmental conservation in building a new peaceful, modern, and developed discipline-flourishing democratic nation.
2. In building the new nation, the government had to hand down sentences to offenders who violated the existing laws in accord with the law to ensure peace and tranquility and prevalence of law and order. Of the inmates including the aged, the sick and the handicapped, the government, in accord with the provisions of Section 204 (b) of the Constitution of the Republic of the Union of Myanmar, desires to grant amnesty to those who have served their appropriate prison terms and showed good moral behaviours, and to turn them into citizens who will be able to participate in whatever way they can in the nation-building tasks.
3. On humanitarian grounds and showing sympathy towards their families and enabling them to serve their own interests and of the State together with the people understanding compassion and loving-kindness of the State, the government terminates prison terms of 6359 inmates included in the attached list who served appropriate prison terms showing good moral behaviours as of Fullmoon Day of Thadingyut, 1373 ME (12 October, 2011 AD) in accord with Section 204 (b) of the Constitution of the Republic of the Union of Myanmar.

Sd/ Thein Sein
President
Republic of the Union of Myanmar

¹⁶ 6359 prisoners granted amnesty - <http://www.burmalibrary.org/docs12/NLM2011-10-12.pdf> (NLM) 12 October 2011 (p. 1)