
POLITICAL MONITOR NO. 11

PYIDAUNGSU HLUTTAW DISCUSSES SANCTIONS

Nine representatives held discussions on the approved proposal "*the convening Hluttaw opposes the economic sanctions imposed against Myanmar*" submitted by U Htay Oo from Hinthada Constituency at the Pyidaungsu Hluttaw session held on 25 March 2011. Those who supported the proposal included Win Myint from Sagaing Region Constituency (3), Thein Nyunt of Thingangyun, Tun Aung Kyaw of Ponnagyun, Myat Nyarna Soe of Yangon Region (4), Daw Dwe Bu from Injangan Constituency, Nan Wa Wa Nuh of Kunhing, Dr Myat Myat Ohn Khin of Ayeyawady Region (10), Dr Pwint San of Mayangon and U Hla Maung (a) U Naing Hla Maung of Chaungzong constituency in Mon State.

The MPs stated that economic sanctions were harming the nation's economic growth and affecting the ordinary people, while at the same time contradicting the principles of the World Trade Organisation (WTO). In addition, to help improve the situation, a suitable foreign policy was needed to address the issue, as even western countries as well as ASEAN countries had been affected by the economic sanctions. Economic growth has been stymied, and the people living in the various regions and states of Burma have seen their livelihoods taken away, with those working in the export of marine products, finished wood products and tourism sectors being the most affected.

MP Myat Nyarna Soe added that sanctions have caused disruptions to national development, and that the denial of humanitarian assistance to Burma and the banning of investment are violations of human rights. In her endorsement of the proposal, MP Daw Nan Nu Wah of Kunhing Constituency said that as a result of the lack of foreign direct investments, many development projects, especially those benefitting ethnic groups and remote areas, could not be implemented. Therefore, the apparent objectives of the sanctions to improve conditions for democracy and human rights have proven to be meaningless.

Minister for Finance and Revenue U Hla Tun added that the US government began imposing sanctions against Burma under the pretext of human rights and democracy in 1997, applying the International Emergency Economic Powers Act of 1997-IEEPA. Successive US presidents from President Bill Clinton to President Obama have continued imposing sanctions, citing that Burma poses a threat to the national security, foreign policy and economy of the US. The closure of many garment factories in 2003 due to sanctions against imports from Burma to the US under the Burmese Freedom and Democracy Act left hundreds of thousands of female garment factory workers jobless. Also, the fishery industry is another major sector which has suffered a decline in growth, and the restrictions imposed on financial and monetary transfers have created a vast number of inconveniences.

Compared to its neighbours, Official Development Assistance (ODA) to Burma is extremely low. In addition, the US and the EU, as WTO members, are breaking Articles I and III of General Agreement on Tariff and Trade (GATT 1947) on non-discrimination among the WTO member countries in trade and creation of opportunity in equal term by imposing sanctions on Burma.

The Hluttaw voted with 625 for, five abstentions and four against and approved the submitted proposal.¹

¹ Nine hluttaw representatives and Finance and Revenue Minister assess proposal submitted by U Htay Oo from Hinthada constituency - <http://www.burmalibrary.org/docs11/NLM2011-03-26.pdf> (NLM) 26 March 2011 (p. 9-10)

HOME AFFAIRS MINISTER REPLIES TO QUESTION ON “AMNESTY” OF PRISONERS

U Sai Hla Kyaw of Langkho Constituency raised a question at a regular session of the Pyithu Hluttaw if amnesty will be granted to Shan nationals U Sae Htin, U Kun Tun Oo, U Sai Nyunt Lwin and other jailed persons without exception in this auspicious transition to multi-party democratic Republic of the Union of Myanmar as in other global nations granting pardons to prisoners on historic days, like the days on which old system was successfully replaced with a new one.

In responding to the query, Minister for Home Affairs U Maung Oo answered that Section 16 of the 2008 Constitution of the Republic of the Union of Myanmar states, “the Head of the Union and the Head of Executive of the Union is the President” and, regarding pardons to prisoners, Section 204 of the Constitution states the following:

“The President has:

- (a) the power to grant a pardon;
- (b) the power to grant amnesty in accord with the recommendation of the National Defence and Security Council.”

Article 401 (1) of Criminal Act regarding the power of the President to grant pardon to prisoners is as follows:

“When any person has been sentenced to punishment for an offence, the President of the Union may at any time, without conditions or upon any conditions which the person sentenced accepts, suspend the execution of his sentence or remit the whole or any part of the punishment to which he has been sentenced.”

Granting amnesty to prisoners is not the concern of the Hluttaw or Judiciary but for the Head of Executive President of the Union, done with detail analysis of situations of the country. In granting pardon to prisoners by the President, it is done with the recommendation of the National Defence and Security Council in order to avert losses of the country. Now is the time is of the first regular session of Pyidaungsu Hluttaw to form new administration. Although the President had been elected, he has not taken Office yet, and the National Defence and Security Council, which will provide recommendation to the President, has not been formed and therefore these matters will be dealt with in time by the new administration.²

MORE CANDIDATES BARRED FROM CONTESTING NEXT ELECTION

Because they failed to file their electoral expenses in the 2010 election in time, Burma’s Union Election Commission (UEC) has disqualified 37 more candidates from running for office in the next election.

All candidates were required to submit their election expenses before 12 January and candidates who failed to meet the deadline were barred from the current term of Parliament and contesting in the next election.

The following two notifications have been issued by the Union Election Commission (UEC) in declaring those who were found not have complied according to the existing Hluttaw election laws and rules with regards to submitting election expenses within the time stipulated.³

² Home Affairs Minister replies to question on “amnesty” - <http://www.burmalibrary.org/docs11/NLM2011-03-23.pdf> (NLM) 23 March 2011 (p. 5)

³ See [Political Monitor 10](#) for previous info and lists.

Hluttaw candidates, election agents declared as persons of distorted qualification⁴

The Union of Myanmar
Union Election Commission
Nay Pyi Taw
Notification No.9/2011
3rd Waning of Tabaung, 1372 ME
22 March 2011

Hluttaw candidates and their election agents failed to submit election expenses in the prescribed period declared as persons of distorted qualification

1. According to Section 55 of the respective Hluttaw Election Laws and paragraph 77 of the Rules, Hluttaw candidates and their election agents who run for Multi-party Democracy General Election held on 7 November, 2010 are to submit election expenses to the respective sub-commissions in line with the law during 60 days as of the date the names of the representatives-elect are announced.
2. To be able to decide whether those who fail to submit election expenses in accord with the law should be declared as persons of distorted qualification or not, the Union Election Commission formed election tribunals to check with them.
3. The Election Tribunal found that the following Hluttaw candidates and their election agents failed to submit the election expenses during the prescribed period, and in accord with the Paragraph 83 (a) of the respective Hluttaw Election Rules, declared them as persons of distorted qualification.

Sr.	Hluttaw candidate	Election Agent	Constituency	Party
1	U Kyaw Aye	–	Maungtaw Township Pyithu Hluttaw Constituency Rakhine State	National Unity Party (NUP)
2	U Nurul Hauk	–	Maungtaw Township Pyithu Hluttaw Constituency Rakhine State	National Democratic Party For Development
3	U Aung Hla	–	Buthidaung Township Pyithu Hluttaw Constituency Rakhine State	Independent candidate
4	U Nyi Lwe	–	An Township Pyithu Hluttaw Constituency Rakhine State	National Unity Party
5	U Maung Maung Tin	–	Amyotha Hluttaw Constituency No. 1 Rakhine State	National Democratic Party For Development
6	U Ba Thein	–	Amyotha Hluttaw Constituency No. 7 Rakhine State	National Unity Party
7	U Soe Win	–	Amyotha Hluttaw Constituency No. 7 Rakhine State	National Democratic Party For Development
8	U Taw U Baydidein	–	Amyotha Hluttaw Constituency No. 8 Rakhine State	National Democratic Party For Development
9	U Ali Hussein	–	Amyotha Hluttaw Constituency No. 9 Rakhine State	United Democratic Party - Kachin State
10	U Aung Nyein	–	Amyotha Hluttaw Constituency No. 11 Rakhine State	National Unity Party
11	U La Bwe	–	Mrauk-U Township Constituency No. 2 State Hluttaw Rakhine State	Mro Or Khami National Solidarity

⁴ Hluttaw candidates, election agents declared as persons of distorted qualification - <http://www.burmalibrary.org/docs11/NLM2011-03-23.pdf> (NLM) 23 March 2011 (p.4)

				Organization
12	U Khin Maung Than	–	Pauktaw Township Constituency No. 2 State Hluttaw Rakhine State	Mro Or Khami National Solidarity Organization
13	U Maung Ba Tin	U Tha Aye	Minbya Township Constituency No. 1 State Hluttaw Rakhine State	National Unity Party
14	U Oo Tun Maung	–	Maungtaw Township Constituency No. 1 State Hluttaw Rakhine State	National Unity Party
15	U Khin Maung Myint (a) U Ananya Tula	–	Maungtaw Township Constituency No. 1 State Hluttaw Rakhine State	National Democratic Party For Development
16	U Chit Tun Aung	–	Maungtaw Township Constituency No. 2 State Hluttaw Rakhine State	National Unity Party
17	U Tin Oo	–	An Township Constituency No. 1 State Hluttaw Rakhine State	National Unity Party
18	U Chek Phar	–	An Township Constituency No. 2 State Hluttaw Rakhine State	National Unity Party

4. The Union Election Commission declared that the above-mentioned Hluttaw candidates and their election agents are persons of distorted qualification according to Paragraph 84 of the respective Hluttaw Election Rules after scrutinizing the judgment of Election Tribunal.

5. It is hereby announced that Hluttaw candidates and election agents who are declared as persons of distorted qualification, in accord with the Section 88 of the respective Hluttaw Election Law, shall not contest in the election as a Hluttaw candidate, from the date of this declaration, in the existing Hluttaw term and the next Hluttaw term.

Sd/ Thein Soe
Chairman
Union Election Commission

Hluttaw candidates, election agents declared as persons of distorted qualification⁵

The Union of Myanmar
Union Election Commission
Nay Pyi Taw
Notification No.10/2011
4th Waning of Tabaung, 1372 ME
23 March 2011

Hluttaw candidates and their election agents failed to submit election expenses in the prescribed period declared as persons of distorted qualification

1. According to Section 55 of the respective Hluttaw Election Laws and paragraph 77 of the Rules, Hluttaw candidates and their election agents who run for Multi-party Democracy General Election held on 7 November, 2010 are to submit election expenses to the respective sub-commissions in line with the law during 60 days as of the date the names of the representatives-elect are announced.

2. To be able to decide whether those who fail to submit election expenses in accord with the law should be declared as persons of distorted qualification or not, the Union Election Commission formed election tribunals to check with them.

⁵ Hluttaw candidates, election agents declared as persons of distorted qualification - <http://www.burmalibrary.org/docs11/NLM2011-03-24.pdf> (NLM) 24 March 2011 (p.4)

3. The Election Tribunal found that the following Hluttaw candidates and their election agents failed to submit the election expenses during the prescribed period, and in accord with the Paragraph 83 (a) of the respective Hluttaw Election Rules, declared them as persons of distorted qualification.

Sr.	Hluttaw candidate	Election Agent	Constituency	Party
1	U Aung Thein	–	Amyotha Hluttaw Constituency No. 4 Taninthayi Region,	Independent candidate
2	U Aung Thura Lin	–	Launglon Township Constituency No. 1 Region Hluttaw Taninthayi Region,	National Unity Party
3	U Htein Lin	–	Launglon Township Constituency No. 2 Region Hluttaw Taninthayi Region,	National Unity Party
4	U Saw Yi	–	Tangyan Township Pyithu Hluttaw Constituency Shan State,	Lahu National Development Party
5	U Kya Ha Shel	–	Mongping Township Pyithu Hluttaw Constituency Shan State,	Lahu National Development Party
6	U Sai Lon	–	Mongphyat Township Pyithu Hluttaw Constituency Shan State,	National Democratic Force
7	U Sai Tint Cho	U Sai Mya Maung	Nawngkhio Township Constituency No. 1 State Hluttaw Shan State,	Shan Nationalities Democratic Party
8	U Myint Swe	–	Mabein Township Constituency No. 1 State Hluttaw Shan State,	Shan Nationalities Democratic Party
9	U Sai Tun Yin	–	Mabein Township Constituency No. 2 State Hluttaw Shan State	Shan Nationalities Democratic Party
10	U Aye Maung	–	Mongton Township Constituency No. 1 State Hluttaw Shan State,	Lahu National Development Party
11	U Aik Kyauk	–	Mongphyat Township Constituency No. 1 State Hluttaw Shan State	National Democratic Force
12	U Aung Chit	U Soe Tun	Kalaw Township Constituency No. 2 State Hluttaw Shan State	National Unity Party
13	U Pun	–	Pinlaung Township Constituency No. 1 State Hluttaw Shan State	Shan Nationalities Democratic Party
14	U Maung Kyaw Than	–	Pekhon Township Constituency No. 1 State Hluttaw Shan State	Kayan National Party
15	U Khu Paung	–	Pekhon Township Constituency No. 1 State Hluttaw Shan State	National Unity Party
16	U William Khun Kyi	U Thet Aung Win	Bamar national Constituency State Hluttaw Shan State	Independent candidate
17	U Khaw Baung	–	Kachin National Constituency State Hluttaw Shan State	National Unity Party
18	U Zaw Phan (a) U Li Lay	–	Lisu national Constituency State Hluttaw Shan State	National Unity Party
19	U Daniel Hti	–	Lahu national Constituency State Hluttaw Shan State	Lahu National Development Party

4. The Union Election Commission declared that the above-mentioned Hluttaw candidates and their election agents are persons of distorted qualification according to Paragraph 84 of the respective Hluttaw Election Rules after scrutinizing the judgment of Election Tribunal.

5. It is hereby announced that Hluttaw candidates and election agents who are declared as persons of distorted qualification, in accord with the Section 88 of the respective Hluttaw Election Law, shall not contest in the election as a Hluttaw candidate, from the date of this declaration, in the existing Hluttaw term and the next Hluttaw term.

Sd/ Thein Soe
Chairman
Union Election Commission

PYITHU HLUTTAW REPRESENTATIVES VETTING COMMITTEE FORMED

Pyithu Hluttaw Representatives Vetting Committee was organized in accordance with section 37(c) of the Pyithu Hluttaw Law and the Speaker of Pyithu Hluttaw announced the list of nominations of those who had been selected to serve as members, chairman and secretary of the committee. The following are the Hluttaw representatives on the committee:⁶

Sr	Name	Constituency	Appointed Position	Party
1	U Maung Oo	Takon Constituency	Chairman	USDP
2	U Hla Myint (a) U Maung Hla	Pulaw Constituency	Member	USDP
3	U Than Nwe	Butalin Constituency	Member	USDP
4	Dr. Soe Thura	Kyonpyaw Constituency	Member	USDP
5	U Kyin Thein	Bago Constituency	Member	USDP
6	U Ko Ko Tun	Aunglan Constituency	Member	USDP
7	U Tun Myint Oo	Mongpan Constituency	Member	Shan Nationalities Democratic Party
8	U Aung Kyaw Zan	Pauktaw Constituency	Member	Rakhine Nationals Development Party
9	U Kyaw Soe Lay	Monyin Constituency	Member	USDP
10	U Than Oo	Myawady Constituency	Member	USDP
11	U Ye Htut Tin	Hpasaung Constituency	Member	USDP
12	U Pom Khant In	Tiddim Constituency	Member	USDP
13	U Mya Thein	Mudon Constituency	Member	USDP
14	U Aye Myint	Insein Constituency	Secretary	USDP

⁶ Pyithu Hluttaw Representatives Vetting Committee formed - <http://www.burmalibrary.org/docs11/NLM2011-03-24.pdf> (NLM) 24 March 2011

AMYOTHA HLUTTAW REPRESENTATIVES VETTING COMMITTEE FORMED

Similarly, the list of nominees for the Vetting Committee of the Amyotha Hluttaw was submitted to the Amyotha Hluttaw. The nominees were approved and the committee formed according to Article 37 (c) of Amyotha Hluttaw Law. The following Hluttaw representatives will compose the committee:⁷

Sr	Name	Constituency	Appointed Position	Party
1	U Aung Tun	Magway Region Constituency (11)	Chairman	USDP
2	U P Maung Soe	Kayah State Constituency (1)	Member	USDP
3	U Saw Taw Kalei	Kayin State Constituency (7)	Member	USDP
4	U Paul Thang Thaing	Chin State Constituency (3)	Member	USDP
5	Dr Soe Win	Mon State Constituency (2)	Member	USDP
6	U Kyaw Tun Aung	Rakhine State Constituency (5)	Member	Rakhine Nationals Development Party
7	U Sai Kyaw Zaw Than	Shan State Constituency (2)	Member	Shan Nationalities Democratic Party
8	U San	Kachin State Constituency (7)	Secretary	USDP

ANALYSIS

The first regular session of Pyidaungsu Hluttaw (a combined meeting of both the Amyotha Hluttaw and Pyithu Hluttaw) has witnessed the discussion on critical issues such as *“the granting of amnesty”* and *“the effects of economic sanctions by western countries”*. While the debates may not have produced the desired outcomes of either maintaining or lifting of the economic sanctions, the interest shown by MPs within parliament can and should be seen as positive. After an absence of nearly two decades without any form of parliamentary institutions, the on-going Hluttaw sessions will no doubt provide a space to debate and seek solutions to improve the state of affairs of the country. And in doing so, both the military appointed MPs as well as the elected MPs from all parties will need work with one another in promoting the interest of the people and country. That being said, the military, which has dominated and controlled the country since 1962, will certainly be dictating the terms and conditions of the entire process and thus those on the opposing side will need to show flexibility and restraint if they are serious in achieving meaningful results to bring about change.

⁷ Nominees for posts of chairman, secretary and members of Hluttaw representatives vetting committee submitted to Amyotha Hluttaw – <http://www.burmalibrary.org/docs11/NLM2011-03-24.pdf> (NLM) 24 March 2011