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## POLITICAL MONITOR NO. 4

### UNION ELECTION COMMISSION ANNOUNCES DEFENCE SERVICES PERSONNEL HLUTTAW REPRESENTATIVES

Under Burma's 2008 Constitution, 110 seats in the Lower House of the national parliament, 56 seats in the Upper house, and 222 seats in the State and Regional parliaments are reserved for military appointees selected by the country's armed forces chief. Three separate notifications appointing 388 defence service personnel to serve as Hluttaw representatives in the upcoming parliamentary assemblies scheduled to convene on 31 January were announced by the Union Election Commission (UEC) in state-run media on 20 January.<sup>1</sup>

### CONDITIONS SET FOR MPS TO ATTEND PARLIAMENT

Burma's newly elected lawmakers say they have been notified of several conditions that have been imposed on their attendance at the opening session of Parliament due to be convened at the end of January. The MPs attending the parliamentary assemblies will be prohibited from taking mobile phones, recorders and laptop computers into parliament, according to Dr. Myat Nyar Na Soe, an elected representative of the National Democratic Force (NDF) party. "We can't complain about these conditions because they are in line with the State Secrets Act in the constitution," said Myat Nyar Na Soe, adding that the MPs had been told that they would be provided with telephone service within the Parliament building in Nay Pyi Taw. A dress code has also been set for the lawmakers, according to the invitations that were sent to MPs to attend Parliament. While Burmese MPs were told to dress in traditional Burmese attire, those representing ethnic parties were told to wear their respective ethnic costumes.<sup>2</sup>

### PARLIAMENT LAW AND RULE BOOKS HARD TO FIND

The date to convene Parliament is drawing near, but some political parties are finding it very hard and difficult to obtain the Parliamentary law and rule books which were published recently. The chairman of the Kayan Nationality Party (KNP), which won 2 seats in the recent general election, said that he could not obtain a set of the law and rule books which contain a total of 17 booklets. Chairman Eugene said, "When I asked the information department, people said that the law and rule books had not yet reached them either. The local election commission disappeared after the election." The junta announced on 10 January that the books, which are essential for newly elected MPs, would be available at the government-run Sarpay Beikman bookshop, in news and periodicals enterprises in Rangoon, as well as the Information and Public Relations offices in states, divisions, districts and townships across the nation. But the books are not yet available in Phekone, the headquarters of the KNP, and they had to place an order for the books in Taunggyi, Eugene said. The first sessions of the all the Parliaments will be on 31 January.<sup>3</sup>

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<sup>1</sup> Announcement of Defence Services Personnel Pyithu Hluttaw representatives - Notification No.1/2011 (p. 7),  
Announcement of Defence Services Personnel Amyotha Hluttaw representatives - Notification No.2/2011 (p. 8) and  
Announcement of Defence Services Personnel Region or State Hluttaw representatives - Notification No.3/2011 (p. 8-9) -  
<http://www.burmalibrary.org/docs11/NLM2011-01-21.pdf> (NLM) 21 January 2011

<sup>2</sup> Conditions Set for MPs to Attend Parliament - [http://www.irrawaddy.org/article.php?art\\_id=20561](http://www.irrawaddy.org/article.php?art_id=20561) (Irrawaddy) 19 January 2011

<sup>3</sup> Parliament law and rule books hard to find - <http://mizzima.com/news/election-2010-/4768-parliament-law-and-rule-books-hard-to-find-.html> (Mizzima) 19 January 2011

## **ELECTION COMMISSION TRIBUNAL TO HEAR ELECTION CASES**

The Union Election Commission (UEC) will hear several complaints and lawsuits filed by political parties and candidates that contested the 2010 general election. At least 28 lawsuits have been filed with the UEC in Nay Pyi Taw, including 2 cases by the National Democratic Force (NDF), 9 cases by the Rhakine Nationalities Democratic Party (RNDP), 7 cases by the Shan National Democratic Party (SNDP), 3 cases by the Democratic Party (Myanmar) and 3 cases by the National Union Party (NUP). According to the electoral law, the complaining party must deposit 1 million kyat (USD 1,176) and file a lawsuit within 60 days of the polling date. A number of parties have said they lacked the funds to file complaints. NDF candidate Bawk Ja filed a complaint against the winning Union Solidarity and Development Party (USDP) candidate Ohn Myint in Phakant Township in Kachin State on 7 January. The Commission has set a hearing for 26 January in Election Tribunal No. 15 and it is believed that Ohn Myint himself fixed the date for the hearing in Nay Pyi Taw. In her complaint, Bawk Ja alleges that the USDP brought absentee ballot papers to polling booths, conducted campaign activities within 50 yards of polling booths, ticked ballots for their party on behalf of the voters and posted campaign posters next to polling booths. Other cases also to be heard by the tribunal include a complaint filed by USDP candidate Myat Thu against Dr. Myat Nyar Na Soe, a NDF MP who was elected in Rangoon Division. The case will be heard by Election tribunal No. 28 on 26 January. In another case, Thein Maung, a losing USDP candidate in the Rathetaung Township constituency in Rakhine State, filed a suit against winning RNDP candidate Hla Maung Thein, alleging electoral fraud. That case was to be heard on 20 January.<sup>4</sup>

## **SHAN PARTY CANDIDATE WINS LAWSUIT**

Burma's junta-appointed Election Commission has dismissed a complaint filed against a candidate of the Shan Nationalities Democratic Party (SNDP) by a member of the victorious Union Solidarity and Development Party (USDP). The decision will come as a surprise to critics of Burma's judicial system, who claim that the country's opposition forces rarely triumph in such disputes. The USDP had alleged that Sai Moon, who will be representing the SNDP in the Shan State regional legislature, used armed groups to force voters to vote for him. The Election Commission, the supreme body for all election-related matters, said that there was insufficient evidence to support the allegations and therefore dismissed the case. According to Nang Wah Nu, an SNDP candidate for the People's Parliament in Kunhing Township, Shan State, 2 other lawsuits filed by the USDP against SNDP candidates remain pending.<sup>5</sup>

## **POLITICAL PARTIES URGE THAN SHWE TO INVESTIGATE ELECTORAL FRAUD**

The Union of Myanmar Federation of National Politics (UMFNP) has sent an official letter to Senior General Than Shwe urging him to establish a commission to investigate electoral fraud in the recent elections, according to the party. The letter sent on January 10 urged the junta head to investigate the reported electoral fraud, and that should he fail to do it would mean that he accepts the unfairness and would be an accomplice in the fraud. UMFNP Chairman Aye Lwin stated that the electoral process in some constituencies was illegal, including in those his party contested. Similarly, the 88 Generation Student Youths (Union of Myanmar) led by Ye Tun, Aye Lwin's younger brother, also requested the creation of an investigating commission. The two parties contested a total of 85 parliamentary seats in Sagaing, Magway, Mandalay, Rangoon, Bago and Ayeyawaddy Divisions and Chin State. Only the 88 Generation Student Youths (Union of Myanmar) won a parliamentary seat in the Hlaingtharyar Township constituency in the Rangoon Division Assembly. The parties said that

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<sup>4</sup> Election Commission tribunal to hear election cases - <http://mizzima.com/news/election-2010-/4771-election-commission-tribunal-to-hear-election-cases.html> (Mizzima) 19 January 2011

<sup>5</sup> Shan party candidate wins lawsuit - <http://www.dvb.no/news/shan-party-candidate-wins-lawsuit/13824> (DVB) 21 January 2011

they have filed 28 electoral complaints with the police, who said that the complaints had been handed over to the Ministry of Home Affairs.<sup>6</sup>

### **JUNTA ISSUES ARREST WARRANT FOR BAWK JA OF NDF**

An arrest warrant has been issued by the military junta for Daw Bawk Ja, representative of the National Democratic Force (NDF) party from Kachin State. According to sources close to Bawk Ja, her arrest warrant was issued on 17 January in Kachin State's capital Myitkyina by Brig-Gen Zeyar Aung, the junta's Northern Regional Commander (Ma-Pa-Kha). The day after the arrest warrant was issued, Myitkyina police formed 3 search squads to arrest Bawk Ja, led by the G-1 (Staff Officer Grade 1) for Hpakant jade mining township, G-2 for Danai (Tanai) township and G-3 for Myitkyina, according to sources close to the police. Daw Bawk Ja, an ethnic Kachin, contested the 7 November 2010 election as the NDF representative in Hpakant township constituency. In a recent interview with the local media, Bawk Ja said she had won the election in Hpakant, defeating her rival, the former Northern Regional Commander U Ohn Myint of the USDP party. However, to the surprise of many, the election commission officially declared Ohn Myint the winner. As a result, Daw Bawk Ja sent an official complaint to the Union Election Commission (UEC) in Nay Pyi Taw on 7 January, stating her claim and demanded a fresh announcement to be made to declare her as the winner.<sup>7</sup>

### **RNDP WILL NOT STAND AS OPPOSITION IN STATE PARLIAMENT**

The Rakhine Nationalities Development Party (RNDP) will cooperate with any other parties for the development of Rakhine State in the state parliament, said RNDP chairman Dr. Aye Maung at the end of a 2-day party meeting. "We have chosen the ways of cooperation for the development of Rakhine State and have plans to achieve 24-hour electricity supply in all main towns during the first half of the parliament term. If we go forward as opposition, we will not reach our development goals and that is why we have decided to cooperate with any other parties, including the USDP in the coming state parliament session," he said. The Rakhine parliament is likely to be dominated by the junta-backed USDP party with the aid of the representatives from the military; the RNDP, however, will remain a key power player in the running of the state assembly. When the Rakhine State parliament convenes at 8:55 on 31 January in the town hall of the capital Sittwe, the total of 44 seats will have the following composition: RNDP – 18 seats, USDA – 13 seats, National Democratic Party for Development (NDPD) – 2 seats, National Unity Party (NUP) – 1 seat, the military appointed representatives – 9 seats, and the (ethnic) Chin constituency candidate for the Rakhine State – 1 seat.<sup>8</sup>

### **CHIN PARTIES SHOULD FORM STATE GOVERNMENT**

The Chin people have urged the elected members of the three largest Chin parties, which secured the majority of the votes in the election, to form the government in Chin State. The assembly session will begin on 31 January. "The people's expression of their opinion is their right since it is democratic in nature" said Mr. Thla Tin Lian, the patron of the Chin Progressive Party (CPP). In the 7 November election, Chin political parties won in 11 out of 18 constituencies in Chin state. "The USDP won in only 7 constituencies. However, the military will get 25% of the total seats as decreed in the Constitution. Since most USDP candidates were not elected by the people, if (they) try to grab ministerial posts, the people will be angry," said a member of the CPP from Falam Township. The

<sup>6</sup> Political parties urge Than Shwe to investigate electoral fraud - <http://mizzima.com/news/election-2010-/4788-political-parties-urge-than-shwe-to-investigate-electoral-fraud.html> (Mizzima) 24 January 2011

<sup>7</sup> Junta issues arrest warrant for Bawk Ja of NDF – <http://www.kachinnews.com/news/1840-junta-issues-arrest-warrant-for-bawk-ja-of-ndf.html> (Kachin News) 19 January 2011

<sup>8</sup> RNDP Will Not Stand as Opposition in State Parliament - <http://www.narinjara.com/details.asp?id=2867> (Narinjara) 20 January 2011

CPP and Chin National Party have agreed to speak with one voice in the upcoming assembly session. “We know we have to attend the assembly session, but we don’t know what kind of procedure is to be followed,” said a leader of one of the Chin political parties.<sup>9</sup>

### **AMRDP GATHERS REQUESTS FROM MON PEOPLE TO PRESENT IN PARLIAMENT**

The All Mon Regions Democracy Party (AMRDP) has requested to present the requests of the Mon people in parliament. “All of the [AMRDP] candidates have met [their respective local constituents], and they asked them (Mon people), what the people wish to request from the government. The (AMRDP) candidates will present the Mon people’s requests.” said an AMRDP member from Mudon. The AMDP candidates began their campaign through the townships the week of 17 January. “Mon literature and culture are very important to the Mon people. Our language must be taught to our people. The new government needs to recognize this” said AMRDP leader Nai Ngwe Thein. The AMDP will request the new government to ensure that the Mon language is taught in the government schools in the Mon state. “We are all farmers; our business is farming on plantations, especially in Mudon township, where rice cultivation is [the main income earning].” said a local farmer. According to those interviewed, many Mon desire the right to do business freely as well as lower taxes, and free education throughout Mon State.<sup>10</sup>

### **ANALYSIS**

Barely days away from the convening of the parliamentary assemblies, Burma is gearing itself up to usher in a new political era. The appointment of 388 defence service personnel to serve as the military’s representatives in the three-tier parliaments had been highly anticipated prior to the announcements. However, the recently made announcements have once again shown that the appointments are insignificant due to the fact most of the nominated were officers in the lower ranks, with only a handful of senior officials included to serve as legislators. It comes as no surprise that the appointments were made merely to make up the required military quota; the aim is to block any attempts to amend the Constitution, which stipulates that changes can only be made with the support of more than 75% of legislators in the bicameral Parliament. The quota of 25% seats for the military would also allow its appointees to table amendments without seeking the support of civilian lawmakers, since the Constitution states that legislative amendments to the charter would require the backing of just 20% of the legislators. Once again, this is a clear indication of the direction of the country as it prepares to convene the respective parliaments.

With the appointments of the military representatives to the parliaments all but concluded, focus has shifted to the selection of the president and 3 vice-presidents. While speculations indicate that the current SPDC chairman and his inner circle will fill the positions, some analysts have noticed signs of dissent with some senior USDP officials - notably those who have been forced to retire and to serve as elected MPs and whose roles have yet to be defined clearly. Burma’s political future is once again in uncharted territory and faces many daunting tasks and challenges. Whatever unfolds in the coming days prior to the convening of the Hluttaws, Burma’s future is vested in the hands of a dictator and those loyal to him. The all important question that now remains is “How will he write himself into the Burma’s history books?”

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<sup>9</sup> Chin parties should form state government - <http://www.khonumthung.org/news.php?readmore=364> (Khonumthung) 20 January 2011

<sup>10</sup> AMRDP gathers requests from Mon State to present at Parliament - <http://monnews.org/?p=1602> (IMNA) 20 January 2011