
POLITICAL MONITOR No. 18

OFFICIAL MEDIA

PYIDAUNGSU HLUTTAW VOTES DOWN 5 OF 6 CHANGES TO CONSTITUTION

The Pyidaungsu Hluttaw on 25 June voted down the proposed amendments to the constitution that sought to remove the military's effective veto power over key legislative reforms and alter the eligibility requirements for the presidency. Out of 6 proposed changes to the constitution, the parliament voted in favour of only one, an amendment to Section (d) which changes the wording of "military" to "defence" in a clause stipulating that a president must be well acquainted with the political, administrative, economic and military affairs of the Union.

The 5 amendments rejected by the parliament included one which sought to limit the military's legislative power by lowering the voting threshold for constitutional reform from 75 to 70 percent of MPs in the Pyidaungsu Hluttaw in Section 436 (a) and (b). The sections currently stipulate that amendments of some key provisions must be agreed upon by more than 75 percent of MPs, in addition to more than 50 percent of eligible voters in a referendum. As the military is guaranteed a quarter of the seats in parliament through appointment, it has an effective veto over reforms. The remaining amendments rejected by the parliament are the amendment to Section 60 (c) dealing with the eligibility for the presidency, stating that the president shall be selected from elected MPs, and the amendment to Section 59 (f), which bars non-citizens from becoming president or vice-president, as well as anyone with a spouse, "legitimate child," or child's spouse who holds foreign citizenship. As a change to Section 59 (f), the ruling Union Solidarity and Development Party sought to exclude just "one of the legitimate children or their spouses" from the section. The constitutional amendment bill was proposed by the USDP. Out of 633 MPs, 583 attended the parliamentary meeting and 50 were absent on 25 June. Of 583 voters, 467 MPs were elected representatives, comprising 73.78 percent, while 166, or 26.22, were military appointees.

Before the vote, five MPs debated the bill. MP Thein Zaw from the USDP party said that the party submitted the bill to the parliament at the right time and under the right circumstances, urging the MPs to support the constitutional amendment bill. Colonel Than Htike, a military MP, argued against the amendments. National League for Democracy MP Win Myint from the National League for Democracy (NLD) demanded before the vote that the parliament record the party's stance of sharing the USDP's wish to amend the constitution, but did not agree with specific details of the reforms. Speaker Thura Shwe Mann declared that the parliament put it on record. After the session, leader of the NLD Aung San Suu Kyi told reporters she was not surprised with the result. The amendments proposed by the USDP were not effective enough to help the country's reforms, and voting against even such amendments indicate a lack of willingness for reform, she added.¹

POLITICAL PARTIES SIGN CODE OF CONDUCT FOR UPCOMING GENERAL ELECTIONS

Representatives from the majority of Myanmar's political parties on 26 June signed a Code of Conduct for the upcoming general elections aimed at ensuring ethical behavior from all contestants during the campaign and on polling day. Of the country's 80 registered political parties, 67 inked the Code of Conduct in Yangon in the presence of Union Election Commission Chairman Tin Aye, foreign diplomats, civil society organizations and the media.

According to a media release, additional parties and independent candidates are expected to sign in the coming weeks. The Code seeks to ensure the success of the electoral process and encourage open, free and fair competition, it said. The document is a voluntary instrument for the guidance of political

¹ Pyidaungsu Hluttaw votes down 5 of 6 changes to constitution – <http://www.burmalibrary.org/docs21/GNLM2015-06-26.pdf> (GNLM) 26 June 2015 (p. 1)

parties and is not legally binding, but signatories are obliged to uphold its principles, the UEC Chairman said. The voluntary principles were developed with the consensus of political parties and with the technical support of the Swiss Embassy in Yangon. Christoph Burgener, Switzerland's first resident ambassador to Myanmar, called the document "a manifesto for fair play in elections." According to the Union Election Commission, similar codes of conduct have been used in other countries undergoing transition such as South Africa in 1994 and Nepal in 2013.

The former Head of the Nepal Election Commission and adviser to the process Bojraj Pokharel said political parties in Myanmar laid a foundation for a political culture of collaboration and mutual trust in developing the document. Based on principles agreed upon by all political parties last October, an ad hoc working committee including the Union Solidarity and Development Party (USDP), National League for Democracy (NLD) and National Unity Party (NUP) drafted the code. After undertaking a consultative meeting of all parties in March, the UEC reviewed the draft in April. It was accepted by all parties in May for signing.

Arakan National Party Chairman Dr Aye Maung stressed the importance of adherence to the code for the sake of peaceful and fair elections. "I acknowledge the need for the code of conduct for parties and candidates in the run up to, during and after elections," the Upper House MP said. Tun Tun Hein, a senior NLD official who signed the document, also expressed his view that political parties must adhere to the code. The general election is slated for November, but an exact date has yet to be set. According to sources, the election date and constituencies are expected to be announced next month.²

Pyidaungsu Hluttaw (Union Parliament) sessions

The 12th Regular Session of the First Pyidaungsu Hluttaw (Union Parliament) held its 65th day meeting on 30 June and the following issues were raised and discussed.

- The Pyidaungsu Hluttaw approved Myanmar's signing of the International Covenant on Economic, Social and Cultural Rights, a multilateral treaty adopted by the United Nations General Assembly in 1966. The session also recorded expenditure from the separate budget of the Union Budget Bill 2015, with the Joint Bill Committee reading the findings on the Union Budget Bill and Special Marriage Bill for Myanmar Buddhist Women;
- MP Thein Swe also urged the Union Government to provide effective and urgent aid to flood victims in Rakhine State, Kayin State and Bago Region, where torrential rains had fallen recently. Deputy Minister for Social Welfare, Relief and Resettlement Phone Swe explained humanitarian work being carried out by the government to help flood victims;
- MPs and representatives from Defence Services also discussed bills amending and revoking some paragraphs in the Constitution, including adjustment on the terms of Union judges and the balance of the judicial, legislative and executive branches of power.³

The 12th Regular Session of the First Pyidaungsu Hluttaw (Union Parliament) held its 66th day meeting on 1 July and the discussed the holding of the referendum.

- the Pyidaungsu Hluttaw Speaker Thura Shwe Mann informed parliament on 1 July that in order to save time and money, a referendum on amending Article 59 (D) is scheduled to be held along with the general election. The amendment of the article was passed with 556 votes, or more than 75 percent of members, in the Pyidaungsu Hluttaw on 25 June, and must

² Political parties sign code of conduct for upcoming general elections – <http://www.burmalibrary.org/docs21/GNLM2015-06-27.pdf> (GNLM) 27 July 2015 (p. 1)

³ Parliament approves signing of UN treaty – <http://www.burmalibrary.org/docs21/GNLM2015-07-01.pdf> (GNLM) 1 July 2015 (p.2)

now be but to a referendum. The Speaker said he would ask the Election Chairman to hold the referendum together with the upcoming general election. MP Dr Banya Aung Soe Mon State Constituency 7, voiced his support for the amendment, **which seeks to allow representatives of states and region parliaments select their respective chief ministers.** Defence Services Representative Lieutenant Colonel Kyaw San Oo said **the President can select experienced experts for government ministries in accordance with democratic norms.** He also said **ministers should prioritize the ministerial affairs rather than their parties' activities.** MP Thein Swe of Ayeyawady Region Constituency 10, said **committees of parliament should have the rank of Union level, adding that the military should consider amendment of the constitution to promote good relations between the military and the people.** **MPs from ethnic areas also suggested the amendment would help establishment of national reconciliation and ceasefire agreement.**⁴

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GOVERNMENT NEGOTIATORS MEET WA REPRESENTATIVES

Government peace negotiators met with representatives of the United Wa State Army (UWSA) to discuss reducing military tensions between the two sides on 24 June in Nay Pyi Taw. The UWSA, the most powerful of Myanmar's armed ethnic groups, said it had received an offer of talks on 22 June from the Vice-Chair of the Union Peace-making Work Committee and a member of the Pyithu Hluttaw for the Union Solidarity and Development Party Thein Zaw.

According to the Director of the President's Office Zaw Htay, the talks had taken place but declined to comment further. "The Wa army case is very sensitive in the current situation. So we don't want to say anymore," he said. Member of parliament in the Upper House from the Wa Democratic Party Sai Paung Nat said people were alarmed by the worsening military tensions between the two sides, and that he believed the government and the UWSA would calm the situation.

Tensions rose in early June after the Tatmadaw detained 6 UWSA fighters and 10 villagers in Shan State. They were later released. Reports of clashes were later denied.⁵

MILITARY PRESENCE GROWS IN HPAKANT AMID FURTHER CLASHES

Government troops boosted their presence in Kachin State's Hpakant Township amid renewed fighting in the jade-rich northern town. Residents of Hpakant and nearby towns where the Kachin Independence Army (KIA)'s Battalion 6 operates said the number of government troops in the area had risen following fighting last week which drove some 100 villagers from their homes. "More troops are present in downtown Hpakant, near monasteries and in almost every part of the town over the past few days," said Hpakant local La Seng. The latest fighting between the Burma Army and the KIA occurred on 24 June near the Tada Nyi Naung Bridge between Kamaing village and Hpakant, according to KIA spokesperson La Nan, with no casualties reported. Since early June, around 300 government troops repeatedly attacked KIA battalions 6 and 11 and captured several KIA posts, according to La Nan. He said one KIA soldier died during a skirmish near Lone Kin village in Hpakant. "They took control of our bases and they have been using artillery to clear the area," La Nan said, adding that government troops were trying to disrupt supply routes to the rebel group. "Even when there are no [direct] skirmishes, the [sound] of their artillery can be heard all the time," he said.

⁴ Parliament plans to hold referendum simultaneously with election – <http://www.burmalibrary.org/docs21/GNLM2015-07-02-red.pdf> (GNLM) 2 July 2015 (p. 2)

⁵ Government negotiators meet UWSA – <http://www.mmtimes.com/index.php/national-news/nay-pyi-taw/15204-government-negotiators-meet-uwsa.html> (Myanmar Times) 25 June 2015

Win Naing, a resident of Namti, some 110 km southeast of Hpakant, said more government troops were patrolling the Namti-Hpakant road, as well as the Tanai-Ledo road, and had established additional checkpoints. He said that villagers in Lone Khin and Kamaing in Hpakant Township, and in Tanai Township, were particularly concerned by the growing military presence as they travelled from their homes to work on farms. The recent military build-up also follows a bomb blast in Hpakant on 17 June which injured 2 police officers. Two other explosions were reported on the same night, with the perpetrators still unknown. La Nan said the KIA had tried to communicate with government representatives of the conflict negotiation committee to ease tensions but had only received a stern rebuke. He said that government committee members accused the KIA of being behind the recent bomb blasts in Hpakant—a charge the KIA spokesperson denies. La Nan warned that further government troop deployments would only lead to more clashes in the long-running conflict that entered its fifth year earlier this month.⁶

SNDP WITHDRAWS FROM SHAN CONSTITUENCY TO AVOID VOTE-SPLIT

The Shan Nationalities Democratic Party (SNDP) has announced they will not contest seats in a northern Shan State township in the upcoming elections to avoid splitting the Shan vote in the region. As a result, the Shan Nationalities League for Democracy (SNLD) will be the only major ethnic party to run for election in Namhkam Township.

“If we compete in Namhkam, the public will have to split their votes between us and the SNLD, which would be disadvantage for us both,” township secretary of the SNDP Sai Tun Hlaing said. “We must prioritise the national interest over our party’s interest. Just because we don’t contest the election in a constituency shouldn’t mean we’re foregoing the chance to lead. We are working hand in hand with the SNLD to represent social, religious and development interests in the region.” Sai Tun Hlaing said that the SNLD had been informed of the plan and agreed to it. The decision has been met with mixed responses from the community, with some locals pressuring the SNDP to reconsider their decision to withdraw from the constituency. All 11 Namhkam-based youth organisations released a joint-statement expressing their support for the party’s move to avoid splitting the Shan vote and denounced “activities aimed to create dissension among the Shan people.” Other parties active in Namhkam include the ruling Union Solidarity and Development Party, the National League for Democracy, and the National Union Party.⁷

MON HLUTTAW REPRESENTATIVES DISCUSS INCREASE IN DELEGATES

Mon Hluttaw representatives who won the seats during the 2010 and 1990 elections met on 27 June in Moulmein (Mawlamyine) to discuss party unification in order to have more successful Mon Hluttaw representatives in this upcoming election.

“In this situation, individuals and singular ethnic groups cannot amend the Constitution, everyone must join and carry it out. To implement this, all ethnic groups must be united. Also, among our nationals, unity is the core,” said Dr. Min Kyi Win, who won 1990 election as Hluttaw representative of Mudon Township No. 2 Constituency.

With this in mind and by understandings, the Mon Hluttaw representatives [Mon parliamentarians] held the meeting, which was conducted with the help of 23 members of the Independent Mon

⁶ Military presence grows in Hpakant amid further clashes – <http://www.irrawaddy.org/burma/military-presence-grows-in-hpakant-amid-further-clashes.html> (the Irrawaddy) 25 June 2015

⁷ SNDP withdraws from Shan constituency to avoid vote-split – <http://www.dvb.no/news/sndp-withdraws-from-shan-constituency-to-avoid-vote-split-burma-myanmar/53152> (DVB) 26 June 2015

National Election Assistance Association. However, the representatives had the meeting not on behalf of their parties, rather it was a discussion on their personal points of view.

“[19]90 Hluttaw representatives and 2010 representatives have the same opinions. We will continue to work together. It is suggested that we work together up to the [party] central level. We will continue to meet in order to work together even at the basic level if we are unable to work up to the central level,” said Amyotha Hluttaw representative Dr. Banyar Aung Moe. He continued to say that if Mon political parties competed against one another in this election, the parties would be defeated by the National League for Democracy (NLD) and the Union Solidarity and Development Party (USDP).

Selected representatives from both parties also agreed to report to their respective parties regarding the preliminary meeting and have consented to another forum. “We should work for our people’s benefits. We should not tend to do only for our personal and parties’ benefits. We should choose which paths to walk through and how we should do this, for our people’s benefits. For the people’s benefits, whether we are a political party or an individual, when we have to suffer, we should suffer,” said Dr. Min Kyi Win. A statement was released at the end of the meeting, recognizing the hard work of the Independent Mon National Election Assistance Association in carrying out the objective of having Mon parliamentarians succeed in the 2015 general elections.⁸

WOMAN’S PARTY TO CONTEST IN 15 CONSTITUENCIES

Woman’s Party (Mon) will contest in 15 constituencies in the forthcoming 2015 general elections, and it has already elected its representatives for the contest, according to its Chair Mi Than Shin. The Woman’s Party (Mon) is based in Mon State, and it is the first female party registered in Burma. “2 representatives will compete in the area where majority of Mon people live, in Pegu Division, while 3 representatives will contest in Tenasserim (Tanintharyi) Division. Across Mon State, 10 representatives individually will compete in 10 townships. And, we have to negotiate with the other 2 Mon political parties,” said Mi Than Shin.

However, during an interview with the Independent Mon News Agency (IMNA) in the first week of June, Mi Than Shin said that her party would only compete for 3 places outside of Mon State. “The main objective of establishing a woman’s party isn’t just to compete in the elections but to grow and develop women’s involvement. We just want to have our women to come out instead of always staying in kitchens,” said Mi Than Shin. She continued to add that the party was working hard to have other ethnic female representatives involved [as the party members] and join the party. Although the party submitted to the Union Election Commission in October 2014, for party registration with the party name of “Woman’s Party”, it was only given approval with the name “Woman’s Party (Mon)” and the party was then officially registered on June 16, 2015, as Woman’s Party (Mon). Thus, the Hluttaw representatives of Mon National Party (MNP), All Mon Regions Democracy Party (AMDP), and Woman’s Party (Mon) will complete in 2015 nationwide elections.⁹

FORMER WHITE-CARD HOLDERS CUT FROM RAKHINE VOTER LISTS

Rakhine State electoral officials have posted voter lists for public inspection ahead of the November general elections and, as expected, several hundred thousand Rohingya Muslims who hold only temporary ID documents had their disenfranchisement confirmed. Sittwe District Election Sub-Commission Chair Oo Tun Thar said the electoral rolls did not include former “white-card” holders. “In the past they had been permitted to vote in both elections [2010 general election and 2012 by-

⁸ Mon Hluttaw representatives discuss increase in delegates –

<http://monnews.org/2015/06/30/mon-hluttaw-representatives-discuss-increase-in-delegates/> (IMNA) 30 June 2015

⁹ Woman’s Party to contest in fifteen constituencies –

<http://monnews.org/2015/06/24/womans-party-to-contest-in-fifteen-constituencies/> (IMNA) 24 June 2015

election]. But now they are no longer allowed to do so. That's why we don't include them in the eligible voter lists," he said.

In February earlier this year, the government declared the documents invalid from 31 March under pressure from Buddhist nationalists, while parliament has since amended electoral laws to remove voting rights for white-card holders. The Constitutional Tribunal has also ruled that temporary ID holders could not vote.

In Sittwe, election officials with loudspeakers and public announcements urged residents to turn out and check that their names and data were correctly presented on the lists. But Ko Soe Naing, a Sittwe resident, said public interest seemed to be low. "We are fed up with the political parties' self-interest-oriented politics. That may be a reason for less people out there checking their lists." He also said ethnic Rakhines were keeping an eye on the lists to ensure that former white-card holders were excluded. "Many people are interested in that matter. If they are included, that could be manipulation," he said.

Disenfranchisement of the Rohingya community could help the Rakhine National Party, dominated by ethnic Rakhine Buddhists, achieve its goal of sweeping all seats in the state in November, both for the national parliament and the state assembly. Most of the white-card holders in Rakhine State are Muslims who identify themselves as Rohingya, but are officially referred to by the government as Bengali. When it announced the cancellation of the white cards, the government also ordered that all temporary ID holders in the country should hand in their documents by 31 May to be eligible to apply for citizenship if they fulfil the legal criteria. The government had said there were 666,831 white cards issued in the state. One former white-card holder in a camp in Sittwe for Muslims driven from their homes in inter-communal violence in 2012 said he did not believe his name would be on the voter list. "As the Constitutional Tribunal had decided that granting white-card holders a voting right was unconstitutional, I don't have much expectation over the voter lists," a man, who requested anonymity.

Leaders of the Arakan National Party were active in parliament in ensuring the disenfranchisement of white-card holders in a direct rebuff to President Thein Sein, who had proposed earlier in February that they should be granted voting rights in a planned constitutional referendum. Rakhine was one of several states and regions, including 21 townships in Yangon, to post electoral rolls on June 22 for a two-week period when the public can check their names and data are entered correctly. Corrected lists will be issued again in August for inspection.¹⁰

ONLY 50% OF POPULATION ON VOTER LISTS IN CHIN STATE

The State Election Commission in Hakha has put the blame for low voter registration in Chin State on local media agencies and community-based organisations (CBOs). A leading member of the Chin State Election Commission Lynn Kyaw, said that they had tried to get accurate data on the number of eligible voters but people were not interested because of little support from local media agencies and CBOs. He said, "The commission did everything from the start to the end. As we didn't get help from the media and local communities, there wasn't enough awareness and interest among the public. However, we will keep on trying to get correct data of the voters." According to the official statistics posted on 8 June, there are only 262,621 eligible voters registered in Chin State. To this, Lynn Kyaw said that it was not a final list and that there had to be more voters than the current number.

Speaking on condition of anonymity to the Chinland Guardian, a Chin news editor in Hakha said that they were not responsible for the figures and that the commission had to cooperate more with

¹⁰ Former white-card holders cut from Rakhine voter lists – <http://www.mmmtimes.com/index.php/national-news/15191-former-white-card-holders-cut-from-rakhine-voter-lists.html> (Myanmar Times) 24 June 2015

communities, civil society and media agencies. Meanwhile, Hakha residents complain that it is very difficult for them to check their names on the list of eligible voters posted in the town. Salai Thang, from Keisih Ward, said that the Hakha Township list was displayed but it was not properly categorised and that he was not able to find his name. "I will have to spend hours looking for my name on the list. I don't think people will get interested in the list as it is not well organised. The Election Commission should have made it easy for people like us to read," he added. Salai Lian, a village leader in Thantlang Township, said that many villagers would not be able to read their names as they are written in Burmese, adding: "The majority of people in our village, for instance, can only read Chin, not Burmese. They are not to be blamed. Why don't the responsible authorities also write in Chin?" According to the census in March 2014, the population of Chin State is 478,801, with 79 percent living in rural areas. It also shows that the number of those under the age of 15 is 191,290.¹¹

UNHCR MEET WITH KAREN COMMUNITY GROUPS TO DISCUSS REPATRIATION CONCERNS

Following a statement issued by the Karen Women Organization calling for Burma government and international community to respect the right of refugees on World Refugees' Day, representatives of the United Nation High Commissioner for Refugees met with Karen community based organization on 23 June, to discuss repatriation issues. The meeting's included presentation of the UNHCR's roadmap on refugee repatriation and was followed by a question and answer session. The UNHCR's Senior Field Coordinator for Thailand, Iain Hall, representatives from Karen community based groups, including the Karen Women Organization, Karen Student Network Group, Karen Human Right Group and representatives from refugee community attended the meeting.

Naw Baw Nyaw, a KWO central committee member said, "It is important that the refugee repatriation process must have clear guarantees for refugees. What guarantee are there now in place if refugees are to be sent back? There will be social problems, such as discrimination against refugees in rural areas. The issue needs to be discussed thoroughly in order to help the process." Naw Baw Nyaw pointed out that there is danger of landmines, food security, healthcare, education and physical security for refugees if they are to return and that repatriation should not take place considering the lack of the necessary basic conditions being in place. An earlier statement put out by KWO to mark World Refugees' Day, stated that the conditions that led "refugees to flee in the first place have yet to be resolved, as initial ceasefires have proven to be fragile and regularly breached. In ceasefire areas, an increased presence of Burma Army troops, in terms of both numbers of personnel and infrastructure, threaten the lives of those who continue to live in fear of conflict." The KWO statement also warned that "premature repatriation under the current conditions will lead to further suffering for refugees who have already experienced persecution and human rights abuses by the Burma Army." Naw Ma Tha Poe, a resident from Mae La refugee camp – the largest camp on the Thai-Burma border, stated that refugees are caught between a lack of security in returning and a massive decrease in humanitarian aid to the camps on the Thai Burma border. "With the current political situation, we can't go back. While we are living in these camps, we will need donor support. If we don't have support, how can we survive? We can't leave the camp to work. If the situation back home is good enough for us, we don't need to be sent back, we will go back on our own right away."

After a preliminary ceasefire agreement reached between the Burma government and ethnic armed groups in 2012, talks about refugee return conversations among camps community. According to UNHCR records as of March 2015, as many as 10,000 refugees returned to their places voluntarily. Currently, the total population of the nine refugee camps along the Thai-Burma border is estimated

¹¹ Only 50% of population on voter lists in Chin State –
<http://www.dvb.no/news/50-of-population-not-on-voter-lists-in-chin-state-burma-myanmar/53032> (DVB/Chinland Guardian) 25 June 2015

at 110,000. Over the last 30 years as many as 150, 000 people fled their homeland in Burma due to civil war, militarization, and other human right abuses to seek safety in Thailand.¹²

ANALYSIS

The debate to amend controversial clauses in the 2008 Constitution suffered yet another blow when parliament voted against enacting changes. While the rejection by parliament may seem that changing the constitution is a lost cause it is important to realize that Myanmar's democratic reform will not end here and that it will continue beyond 2015. It is crucial to realize and understand that the on-going transition in Myanmar is gradual and that any form of change will need time and cannot be achieved overnight. Furthermore, due to the complex nature of Myanmar's political arena and vast number of stakeholders involved, it will also need to be consensual due to the fact that the country has been and continues to be influenced by the military (Tatmadaw). And if peace and democratic reforms in Myanmar are to be achieved, the current and future governments as well as other key stakeholders will need to find ways on how best to deal with the military.

¹² UNHCR Meet With Karen Community Groups to Discuss Repatriation Concerns – <http://karennews.org/2015/06/unhcr-meet-with-karen-community-groups-to-discuss-repatriation-concerns.html/>
(Karen News) 26 June 2015