

POLITICAL MONITOR NO. 6

THAN SHWE TO HEAD EXTRA-CONSTITUTIONAL “STATE SUPREME COUNCIL”

Although the SPDC regime had indicated that it would hand over state power to President Thein Sein and his government, junta chief Senior-General Than Shwe has now revealed that he will personally lead a newly created council called the “State Supreme Council”, which, as its name implies, will be the most powerful body in the country, according to sources in Nay Pyi Taw. Two bodies have now emerged in the new government's administrative structure that observers say will have powers that reach—either directly or indirectly—above and beyond the powers of the new civilian executive and legislative branches. The first is the 8 member State Supreme Council, not mentioned in the 2008 Constitution. The second is the 11 member National Defence and Security Council (NDSC), which is in the 2008 Constitution and will be led by Thein Sein. “The State Supreme Council will become the highest body of the state. While it will assume an advisory role to guide the future governments, the body will be very influential,” says a source close to the military. The members of the State Supreme Council will include:

1	Sr-Gen Than Shwe	former SPDC Chair (78)	
2	V-Sr-Gen Maung Aye	former SPDC Vice-Chair (74)	
3	Thura Shwe Mann	former SPDC member, General (64)	Speaker, Pyithu Hluttaw
4	Thein Sein	former SPDC Lt-Gen (66)	President
5	<i>Thiha Thura</i> Tin Aung Myint Oo	former General (61)	Vice-President
6	Tin Aye	former SPDC Member, Lt-Gen	Ordinance
7	<i>A yet unidentified senior military general</i>		
8	<i>A yet unidentified senior military general</i>		

As required by the 2008 Constitution, the NDSC will be made up of:

1. President Thein Sein (66)
2. Vice-President *Thiha Thura* Tin Aung Myint Oo (61)
3. Vice-President Dr Sai Mauk Hkam (63)
4. Commander-in-Chief of the Armed Forces
5. Vice-Commander-in-Chief
6. Ministers of Defence
7. Minister of Home Affairs
8. Minister of Foreign affairs
9. Minister of Border affairs ¹

¹ Than Shwe to Head Extra-Constitutional “State Supreme Council” – http://www.irrawaddy.org/article.php?art_id=20730 (Irrawaddy) 10 February 2011

JUNTA PM ELECTED AS BURMA'S FIRST CIVILIAN PRESIDENT

Burma's new Parliament elected the junta's outgoing Prime Minister ex-Lt-General Thein Sein (66) as the President of the new government on 4 February. Thein Sein, known for his strong loyalty to SPDC chief Snr-General Than Shwe, was elected by the military-dominated Parliament and received 408 out of 659 votes in the combined houses of parliament. He and other senior military officials retired from their military positions last year to head the junta's proxy, the Union Solidarity and Development Party (USDP), to contest the November elections. The president-elect graduated from the Defence Services Academy (DSA) in 1968 and became the SPDC's Secretary-1 after former Intelligence Chief Gen Khin Nyunt's downfall in October 2004. In the past, Thein Sein has represented the military-government at key regional summits and UN-organised international conferences.² His closest rival, *Thiha Thura* Tin Aung Myint Oo, the military-appointed candidate and current Secretary-1 of the SPDC received 171 votes and was elected Vice-President 1, while Sai Mauk Kham, an ethnic Shan national and USDP member, came in third with 75 votes, becoming Vice-President 2.³ In the Pre-Presidential election conducted by the People's Parliament (Pyithu Hluttaw), Thein Sein defeated Saw Thein Aung from the Phalon Sawaw Democratic Party, by 276 votes to 38 votes.⁴ Similarly in the National Parliament (Amyotha Hluttaw), Sai Mauk Kham defeated Dr. Aye Maung from the Rakhine National Development Party (RNDP) by 140 to 27 votes.⁵

LAWMAKERS TO INTRODUCE AMNESTY MOTION FOR BURMESE EXILES

Thein Nyunt, a Lower House member from Thingangyun Township in Rangoon Division, said that he will introduce a motion in the national Parliament to grant amnesty to all Burmese citizens in exile. He said that he would also introduce a motion to call for the lifting of economic sanctions imposed by Western countries. A former official with the National League for Democracy (NLD) and a lawyer, Thein Nyunt is also former member of the National Democratic Force (NDF), which expelled him from the party for disclosing internal financial matters to the media after winning his seat in the election. He said that the strength of the democratic forces in Parliament would be stronger and more effective if the NLD had run in the elections.⁶

USDP MEMBERS ELECTED TO POSTS IN CHIN ASSEMBLY

Members of the Union Solidarity Development Party (USDP) were elected to the posts of Chief, Assistant Chief and Chairman of the Chin State assembly on 31 January. A retired Tactical commander and a Chin State Chairman Major-General Hung Ngai was elected as Chairman of the Chin State Assembly, Hau Khen Kham was elected Chief of the Assembly and Ohn Lun was elected as Assistant Chief of the Assembly, respectively. The elections were held in the Assembly Hall of the Chin capital Hakha. Hung Ngai (USDP) from Mindat Township Constituency No.2 and No Sum (Chin Progressive Party) from Falam Township Constituency No.2 contested the post of Assembly Chairman and received 21 votes and 3 votes each. Lal Maung Cung from the Chin National Party (CNP) also contested the position of Chief of the Assembly, however Hau Khen Kham, USDP representative from Ton Zang Township, won with 14 out of 24 votes. For the position of Assistant Chief of the State Assembly, Zo Zam, CNP representative from Tiddim Township, lost to Ohn Lwin, USDP representative of Matupi Township, who won with 14 votes. This trend happened throughout

² Junta PM elected as Burma's First 'Civilian' President - http://www.irrawaddy.org/highlight.php?art_id=20672 (Irrawaddy) 4 February 2011

³ Tin Aung Myin Oo is Vice-President 1; Sai Mauk Kham is Vice-President 2 - http://www.irrawaddy.org/article.php?art_id=20705 (Irrawaddy) 9 February 2011

⁴ Two USDP Vice-Presidents Elected; Military Set to Chose Third - http://www.irrawaddy.org/article.php?art_id=20668 (Irrawaddy) 3 February 2011

⁵ And the Winner Is... - http://www.irrawaddy.org/interview_show.php?art_id=20680 (Irrawaddy) 5 February 2011

⁶ Lawmakers to introduce amnesty motion for Burmese exiles - <http://mizzima.com/news/inside-burma/4841-lawmaker-to-introduce-amnesty-motion-for-burmese-exiles.html> (Mizzima) 3 February 2011

the country, as USDP representatives were elected to head all the assemblies of the respective states and divisions in the whole of Burma.⁷

BILLS, PROPOSALS AND QUESTIONS: HLUTTAW MEMBERS GET DOWN TO WORK

Members of the national legislatures are preparing to submit bills and proposals to the Hluttaw sessions in accordance to and as laid out in the Pyithu Hluttaw Law and Bylaws. According to Hsaung Hsi, Deputy Chairman of the Shan Nationalities Democratic Party (SNDP) and MP-elect for Kyaukme Constituency in Shan State, "We are now preparing the bills and considering what we should prioritise." He added that the submission of bills will not take place during the first session of Hluttaw and that it would be possible only after the new government had been formed. The Pyithu Hluttaw Law stipulates that Hluttaw members are required to submit bills to the Deputy Director-General of the Hluttaw Office for vetting 30 days in advance of a Hluttaw session to be considered at that session. Proposals require 15 days notice, while questions must be submitted at least 10 days in advance. However, the speaker of the Hluttaw can allow bills to be submitted without vetting if he believes they would have been approved by the office. Thein Nyunt, a Pyithu Hluttaw representative from Thingangyun, said that he had submitted two proposals, which call for a general amnesty for prisoners and the removal of economic sanctions, to the Deputy Director-General of the Hluttaw Office on 3 February. Khin Maung Swe from the National Democratic Force said his party had also submitted 2 bills and 2 questions on 4 February. "Our Hluttaw representatives will support bills from other parties that benefit the people," he said. "And if our bills and questions are rejected, we will just send them again to the Hluttaw Office."⁸

PARTIES PREPARE TO RELAUNCH JOURNALS

A handful of Rangoon-based political parties are preparing to launch party journals that they hope can increase debate on political issues, while at the same time publicise their policies and activities. The parties include the National Democratic Force (NDF), the Democratic Party (Myanmar) and the Union Democratic Party (UDP). Many parties registered for licences with the Press Scrutiny and Registration Division (PSRD) after laws regarding party publications were issued in March, but most issued only a handful of publications – if any. Those licences expired on 31 December and some groups have decided to re-apply, at a cost of 50,000 Kyat.

According to UDP chairman Thein Tin Aung "We made up our mind to pay the prescribed amount so we can keep publishing our party journal. We need a journal to announce our policies and reach the public. But at the moment we don't have the funds to put out an issue." The UDP published the first edition of its journal *The Union* in August 2010, distributing about 1500 copies. NDF Vice-Chairman Soe Win said the party had already submitted its application and registration fee to the PSRD. "We now plan to resume publishing our journal in the coming week. Our plan is to make it a weekly," he said. The NDF began publishing its journal *Shwe Khamauk* in the months leading up to the 7 November election. "We have already published five issues, with an average circulation of 2000 copies. We'll keep publishing a journal each month," said *Shwe Khamauk* editor Toe Toe.

Both the Union of Myanmar Federation of National Politics (UMFNP) and the 88 Generation Student Youths (Union of Myanmar) also plan to publish journals, which will cover their party activities and issues such as economics, environment and education, UMFNP chairman Aye Lwin said. The Democratic Party (Myanmar) plans to continue publishing its two journals, based in Rangoon and Mandalay respectively. According a senior party member, "We haven't yet decided whether we'll

⁷ USDP members elected to post in Chin assembly - <http://www.khonumthung.org/news.php?readmore=370> (Khonumthung) 1 February 2011

⁸ Bills, proposals and questions: hluttaw members get down to work - <http://www.mmtimes.com/2011/news/561/news56108.html> (Myanmar Times) 7 February 2011

publish weekly or monthly. Before we were putting out an edition each month because it took us quite a while to compile the articles.” The party originally planned to begin publishing the journal before Union Day on 12 February, but has pushed back the launch, said chairman Thu Wai. Political parties that want to publish a journal have to pay 500,000 Kyat deposit and 100,000 Kyat registration fees to the PSRD, according to a directive released in March 2010.⁹

PARTIES HOLD COORDINATION MEETING

As national and regional legislators sat for the first time on 31 January, a group of non-elected politicians representing 9 parties held a coordination meeting to discuss their future political agendas. The politicians who attended the meeting at the Democratic Party (Myanmar) headquarters in Pazundaung Township also discussed plans for Union Day on 12 February and agreed to hold another meeting on 6 February. Those present included members of the Democratic Party, the National Democratic Force (NDF), the Union Democratic Party (UDP), the Party for Democracy and Peace (DPP), the Wunthanu NLD, the Rakhine Nationalities Development Party (RNDP), the Chin National Party (CNP), the Shan Nationalities Democratic Party (SNDP) and the Union Kayin League (UKL). Democratic Party chairman Thu Wai said the aim of the meeting was to increase “friendship and unity” between the groups. UDP chairman Thein Tin Aung said political cooperation would be essential, particularly for the parties that do not have any elected representatives. Of the groups that participated in the meeting, the Shan and Rakhine parties were the most successful in the election, winning 57 and 35 seats respectively. The UDP, DPP and Wunthanu NLD did not win any seats, while the Democratic Party won just 3. A member of the National Unity Party’s political committee, Aung, said the party had been busy preparing for the sitting of the Hluttaws and could not attend. He added that “Whether we join the next meeting will depend on the decision of our senior officials.”¹⁰

INVESTIGATION INTO ELECTION IRREGULARITIES PUT ON HOLD

Burma’s Election Commission (EC) has decided to suspend all legal cases related to complaints of irregularities during last year’s 7 November election submitted by candidates of the ruling Union Solidarity and Development Party (USDP) and other political parties. Myint Thwin, a lawyer representing candidates of the opposition Democratic Party (Myanmar) and National Democratic Force (NDF), said that the Election Commission had informed him of its decision by phone. “The EC originally said that it would hold a hearing [on 10 February] to examine the issue, but all the lawsuits have now been suspended indefinitely” he explained. A total of 29 formal complaints have been made to the EC by candidates who lost their bids for election in last year’s vote. 27 of these complaints were filed by the USDP, while the other 2 were made by candidates of the Democratic Party and the NDF.

Myint Thwin is also defending Tin Tin Mar, a Democratic Party candidate who won the seat for Chanaye Tharzan Township in the Mandalay Division assembly, and Dr Myat Nyana Soe, an NDF candidate who won in Rangoon’s Constituency No.4 to become a member of the Upper House of Burma’s Parliament. The USDP has alleged that Tin Tin Mar paid local residents 1,500 Kyat (US \$1.75) per vote and campaigned in the area of polling stations on election day, while Myat Nyana Soe was accused of vote-rigging. Myint Thwin is also representing NDF candidate Bauk Ja, who ran in Kachin State’s Hpakant Township for a seat in the Parliament’s Lower House. She has accused her USDP opponent, former Northern Regional Commander Ohn Myint, of collecting advance votes in the run-up to the election.

⁹ Parties prepare to relaunch journals - <http://www.mmtimes.com/2011/news/561/news56115.html> (Myanmar Times) 7 February 2011

¹⁰ Parties hold coordination meeting - <http://www.mmtimes.com/2011/news/561/news56107.html> (Myanmar Times) 7 February 2011

In some of cases filed against winning candidates from the Shan Nationalities Development Party (SNDP) and the Rakhine Nationalities Development Party (RNDP), the EC has already taken action to address complaints by USDP candidates. Recently, the EC ordered a recount in Nay Pyi Taw of votes cast in Shan State's Kunhing Township, after USDP candidate Sai Kham Hlaing filed a complaint against Sai Moon, who won a seat representing the area in the Shan State Legislature as a member of the SNDP.¹¹

ANALYSIS

The creation of the extra-constitutional “State Supreme Council” as well as the systematic manner in which the military has been able to orchestrate and rubber stamp its authority in appointing proxy junta party members as president and vice-presidents is the sign of continued military rule in Myanmar. Though yet to be officially confirmed, the 8-member State Supreme Council will likely assume an advisory role in running the country, and many believe that it will dictate the policies of the state and naturally have the status of being “above-law”. Meanwhile, the recent parliamentary assemblies have elected Thein Sein, the current Prime Minister, as President as well as Thiha Thura Tin Aung Myint Oo and Sai Mauk Kham as the two Vice-Presidents. In election for president, Thein Sein received 408 votes, Tin Aung Myint Oo won 171 and Sai Mauk Kham won 75. The vast difference in number of votes for Thein Sein will certainly not go down well with Tin Aung Myint Oo, since the two are thought to be rivals with both having the blessing of junta strong man Senior-General Than Shwe. While the nomination of president took centre stage between the two military men, the election of Sai Mauk Kham as Vice-President was far from perfect and was met with strong criticism citing his membership to the USDP party. Though the nomination and election on the positions of President and Vice-Presidents are far from democratic and fair, the nomination of an ethnic national to the post of Vice-Presidency is interesting even though Mauk Kham represents the USDP. With the elections of speakers and key posts of president and vice-presidents finished, all that remains is the formation of a new government.

¹¹ Investigation into Election Irregularities Put on Hold - http://www.irrawaddy.org/article.php?art_id=20729 (Irrawaddy)
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