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# POLITICAL MONITOR NO.11

## OFFICIAL MEDIA

### **THURA SHWE MANN PREFERS AMENDING THE 2008 CONSTITUTION**

Speaker of the Union Parliament and Lower House Thura Shwe Mann met members of development committees, management committees and local dignitaries from the townships on 24 April at the Shinsawpu Hall in southern Yangon district. In his address, Shwe Mann advocated the amendment of the 2008 Constitution rather than enacting a new one. He said: "I support amendment of 2008 State Constitution rather than creating a new one. Therefore, we need to abide by the existing Constitution. There would be some difficulties in creating a new one. Constitutional amendments also happened in many foreign countries, and we need to do this process in accordance with the principles." The speaker said he would agree to amendments if they are aimed at the welfare of the state. He also acknowledged that the 2008 State Constitution could result in the implementation of a multi-party democratic system and market economic system for the development of the state. Amendment of the Union Election Law paved the way for the National League for Democracy party to contest by-elections in 2012. Shwe Mann also admitted that it was difficult for a ruling party to transfer power smoothly in some countries on the world and some countries were plunged into chaos by clashes between the power-holders and their opponents. He continued that Burma held the 2010 General Elections to avoid such serious problems. The speaker then called for national unity and national reconciliation to attain pace and rule of law in the country. He also quoted the president's desire of "Clean government, Good governance" and people-centred programmes.<sup>1</sup>

### **ESTABLISHMENT OF SOCIETY BASED ON RULE OF LAW IMPERATIVE**

Rule of law is a must for a country and a society as peace, stability and prosperity can be achieved in the country and society only based on the rule of law, said Speaker of Union Parliament and People's Parliament Thura Shwe Mann at a work-coordination meeting for the establishment of Rule of Law Centres on 22 April in Burma.

The Speaker asserted that development and the rule of law are interrelated. Without strengthening the rule of law that is an essential prerequisite for a transition country, it is impossible to achieve democracy. He expressed his belief that the day's meeting would bring many benefits. Next, Chairperson of the Rule of Law and Tranquillity Committee Aung San Suu Kyi and Chairman of Legislative and Judicial Affairs and Complaints Letters and Petition Scrutinizing Committee Thura Aung Ko discussed matters related to the Rule of Law Centres. Officials from United Nations Development Programme, Supreme Court, Attorney-General's Office, the Ministry of Home Affairs and the Ministry of National Planning and Economic Development took part in the discussions for establishment of Rule of Law Centres.

In his concluding remarks, the Speaker said the Union Parliament is ready to release a notification if it is responsible to do so or it is required to release a notification by a responsible organization. He called on Centres to conduct research on the lack of rule of law in the certain areas. He called for participation of all in implementing the rule of law in the country. The legislative body should start work for ensuring the rule of law, he added. He stressed the need to pass laws, rules and regulations that are fair, can be followed by the people and are in compliance with the rule of law. Punitive actions should be taken against any violators in accordance with the law. He also highlighted the

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<sup>1</sup> Union Parliament speaker prefers constitutional amendment to new one – <http://www.moi.gov.mm/npe:zg/newspaper-journal/content/25/04/2014/id-8937> (NLM) 25 April 2014 (p. 2)

importance of national reconciliation, calling for refraining from hate speech and ending armed conflicts for achieving peace and stability.<sup>2</sup>

### **2014 NATIONWIDE CENSUS COVERS NEARLY 11 MILLION HOUSEHOLDS**

The Ministry of Immigration and Population released a statement 22 April about completion of the nationwide population and housing census conducted from 30 March to 10 April, 2014 in regions and states across the country. According to the statement, the 12-day census-taking process covered 10,719,887 households — 251,824 in Kachin State, 57,866 in Kayah State, 304,251 in Kayin State, 83,621 in Chin State, 1,100,482 in Sagaing Region, 283,668 in Taninthayi Region, 631,703 in Bago Region (East), 506,213 in Bago Region (West), 921,982 in Magway Region, 1,327,244 in Mandalay Region, 414,661 in Mon State, 459,217 in Rakhine State, 1,591,878 in Yangon Region, 126,273 in Shan State (East), 514,809 in Shan State (South), 398,422 in Shan State (North), 1,483,131 in Ayeyawady Region and 262,642 in Nay Pyi Taw Council Area— up to 6 pm on 10 April. Of the 231 villages where KIA members tried to interrupt the census-taking process, only 110 still remain to take the census as the census-taking process took place under the protection of military security in other villages between 2 to 10 April. Regarding some households that were left to be covered in remaining villages in Rakhine State, work is underway to make a technical delay to take a census of remaining households. The Immigration and National Registration Department said a follow-up statement will be released when the exact population census is compiled.<sup>3</sup>

### **MORE THAN 6,000 BENGALI FAMILIES IN RAKHINE STATE PARTICIPATE IN CENSUS**

According to the Immigration and National Registration Department of Bengalis in Rakhine State, more than 6,000 families have so far contacted local census offices to be registered as Bengalis and be included in the census. Some in Rakhine State had voiced opposition to being labelled as Bengalis when the country's first nation-wide census in 31 years was conducted from 30 March to 10 April, refusing to participate in the national head count. "(But) over 6,000 families, mostly from Buthidaung, Maungtaw and Sittway townships, have been registered because they accepted themselves as Bengalis in the national census," an official of the Immigration and Population Ministry said. If they note their nationality as that they mentioned in the previous census, the ministry will extend the census-taking until the end of May, according to the ministry. "We have conducted the census for the development of the country. So, they can note their nationality or skip it on the census form," Union Minister for Immigration and Population U Khin Yi said. Bengalis in Burma called themselves Bengalis in previous censuses taken in 1931, 1973 and 1983, and also registered themselves as Bengalis when the current government collected data in Rakhine State in May, 2012. More than 90 percent of the national census has been taken and the whole process will be completed at the end of May as the remaining 10 percent of the data from far-flung areas is still being collected, according to the ministry.<sup>4</sup>

### **UN AGENCIES, INGOS GETTING BACK TO WORK IN RAKHINE STATE**

According to the Ministry of Home Affairs, operations of UN agencies and INGOs in Rakhine State are returning to normal and the Burmese Police Force is providing staff of those organizations with close protection. The ministry said that there is coordination to facilitate trip schedules of all local and foreign staff, which have to be submitted to the Rakhine State Emergency Coordination Centre. Since early April 2014, organizations based in the Sittway Hotel and respective offices in Maungtaw

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<sup>2</sup> Establishment of society based on rule of law Imperative –

<http://www.moi.gov.mm/npe:zg/newspaper-journal/content/24/04/2014/id-8927> (NLM) 24 April 2014 (p. 2)

<sup>3</sup> 2014 Nationwide Census covers nearly 11 million households –

<http://www.moi.gov.mm/npe:zg/newspaper-journal/content/23/04/2014/id-8923> (NLM) 23 April 2014 (p. 2)

<sup>4</sup> More than 6,000 Bengali families in Rakhine State participate in census –

<http://www.moi.gov.mm/npe:zg/newspaper-journal/content/25/04/2014/id-8937> (NLM) 25 April 2014 (p. 1)

have resumed their work. Currently, 10 groups with 11 male and female staff members are operating in Sittway with 4 groups comprising 6 male and 5 female staff members in Maungtaw. Of the 23 UN agencies and INGOs, 11 organizations comprising 33 foreign staffs are currently back at work. The ICRC is bringing fuel supplies to relief camps in 3 villages in Pauktaw Township and other aid groups are coordinating with the Rakhine State Government to resume regional development. Those aid organizations that signed MoUs with respective ministries are working on development undertakings related to the sectors of education, health, vocational training, emergency patient transport, social affairs, transportation and drinking water supply in Rakhine State.<sup>5</sup>

## UNOFFICIAL MEDIA

### KACHIN GENERAL MAKES US VISIT AMID FIGHTING AT HOME

A 4-member Kachin delegation led by Kachin Independence Army (KIA) General Gun Maw visited the United States on a 12-day official visit from 12 to 24 April. General Gun Maw met the US Ambassador to the United Nations Samantha Power, Under Secretary of State for Political Affairs Wendy Sherman, Assistant Secretary of State for Conflict and Stabilization Operations Rick Barton, Assistant Secretary for Democracy, Human Rights and Labour Tom Malinowski, Senior Advisor for Burma Judith Cefkin, as well as US Congressmen and other officials from the National Security Council, USAID, the Department of Defense and officials from the United Nations including Special Adviser Vijay Nambiar in Washington, D.C. and New York City. In his meetings with U.N. special envoy Vijay Nambiar and talks with U.S. State Department officials Gun Maw called on Washington to be more actively involved in the peace process. "We approached them first, telling them we want the U.S. to fully understand the true picture of our situation and what the NCCT is working on to achieve a ceasefire pact. And they accepted [my trip] I think to better understand us," he said. The Kachin leader also met representatives from Kachin and Chin communities in the US and Canada during his visit.<sup>6</sup>

### FIGHTING FLARES IN KACHIN STATE

Clashes between government troops and the Kachin Independence Army (KIA) have escalated in northern Burma following a week-long offensive by the country's military, displacing thousands of civilians and casting a shadow over the on-going nationwide cease-fire talks. The KIA has been forced to withdraw from some of its outposts after a series of attacks by Burma's army in Mansi and Momauk townships in Kachin state's Bhamo district since 10 April, according to a KIA spokesman. The clashes spread to Momauk on Sunday 13 April after erupting in Mansi, he said, while local media reported more clashes nearby in the northern part of Kachin's neighbouring Shan State.

Colonel Khun Okkar a leader and member of a group of 16 ethnic armed organizations engaged in talks on a nationwide cease-fire proposed by the government said the recent fighting had prompted "concern" among fellow rebels and made them "lose trust" in the talks. A relief group said more than 8,000 civilians have been displaced by the recent fighting—part of clashes that have flared on and off since a 17-year cease-fire between the KIA and the Burmese government was shattered in June 2011. KIA spokesman La Nan said government troops had staged a full week of offensives including artillery attacks on KIA positions in the two townships from 10-17 April. He said troops

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<sup>5</sup> UN agencies, INGOs getting back to work in Rakhine State –  
<http://www.moi.gov.mm/npe:zg/newspaper-journal/content/23/04/2014/id-8923> (NLM) 23 April 2014 (p. 2)

<sup>6</sup> Kachin Rebel General Makes US Visit Amid Fighting at Home –  
<http://www.rfa.org/english/news/myanmar/gun-maw-04142014174506.html> (RFA) 14 April 2014 /  
General Gun Maw Visits the Lincoln Memorial, Meets Local Communities –  
<http://kachinlandnews.com/?p=24338> (KNL) 21 April 2014 /  
Myanmar's Kachin General Wants Foreign Involvement in Peace Talks –  
<http://www.rfa.org/english/news/myanmar/kia-04222014204434.html> (RFA) 22 April 2014

from the 99<sup>th</sup> brigade had carried out artillery attacks particularly on KIA's 27th Battalion. "Those at the state level have been discussing a nationwide cease-fire, but the situation in the field is far from that," he said. Both sides have suffered fatalities in the fighting, according to local media reports, but the number of casualties has not been announced and the Burmese military has not released any reports on the fighting.

Presidential spokesman Ye Htut, however, has said several government troops including a senior commander were killed according to reports. A Burmese military officer in the Kachin state capital Myitkyina said the fighting in Momauk was triggered by the KIA bombing of a truck on a key road. "The KIA bombed a Myanmar army truck on the Bhamo-Lweje highway on 13 April. The fighting followed that," the officer said.<sup>7</sup>

### **UNFC MEETS IN THAILAND TO DISCUSS CEASEFIRE ON NEGOTIATIONS**

The United Nationalities Federal Council (UNFC) began a 2-day meeting on 21 April in Chiang Mai to discuss negotiations between the government and armed ethnic rebel groups on a nationwide ceasefire. UNFC Deputy Secretary and Nationwide Ceasefire Coordinating Team (NCCT) member Colonel Khun Okkar said that the central executive committee of the UNFC attended the meeting and briefed on the latest round of ceasefire negotiations at the Myanmar Peace Centre in Yangon from 5 to 8 April. He added that as well as reviewing and considering the outcome of the Yangon negotiations, the meeting had also discussed ways of strengthening the NCCT. There would also be discussion about the latest fighting in Kachin State between government forces and the Kachin Independence Army, Colonel Khun Okkar said.<sup>8</sup>

### **NLD, 88 GENERATION MOVEMENT TO BACK STRATEGY TO EDUCATE PUBLIC ON CONSTITUTIONAL REFORM**

The National League for Democracy (NLD) and the 88 Generation Open Society Movement have agreed on a strategy to educate the public about the importance of constitutional reform. 88 Generation leader Ko Min Ko Naing said on 21 April after a meeting at NLD leader Daw Aung San Suu Kyi's University Avenue residence. "The success of constitutional reform depends on the motivation of the people; first we must engage the public before achieving their cooperation," he said. "Throughout history, this has been the only effective method to deliver change," he said. This third meeting between the NLD and the 88 Generation Open Society Movement on constitutional reform, agreed that the education campaign must begin within months.

"We don't want the blind support of the people," Ko Min Ko Naing said. "We want the public to fully appreciate why they want change and what is required to make that a reality, only then can we expect their cooperation." Min Ko Naing said constitutional reform was essential. He referred in particular to Article 436, which provides for 25% of the Hluttaw members to be appointed members of the military, giving them an effective veto over charter change, which requires the support of more than 75% of the Union parliament. The NLD and the 88 Generation Open Society movement first met to discuss constitutional reform on 4 February, before releasing a statement a week later

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<sup>7</sup> Fighting flares in Kachin State –

<http://www.rfa.org/english/news/myanmar/kachin-04182014175926.html> (RFA) 18 April 2014/

KIA ambush Burmese Army convoys as more troops deployed –

<http://kachinlandnews.com/?p=24320> (KNL) 15 April 2014 /

Fighting intensifies in Northern Burma –

<http://www.voanews.com/content/fighting-intensifies-in-northern-burma/1894992.html> (VOA) 16 April 2014

<sup>8</sup> UNFC meets in Thailand to discuss ceasefire on negotiations –

<http://mizzima.com/mizzima-news/myanmar/item/11098-unfc-meets-in-thailand-to-discuss-ceasefire-negotiations>

(Mizzima) 22 April 2014

announcing their plans to work closer together on the issue ahead of the elections due to be held late next year.<sup>9</sup>

### **KIA URGES GOV'T TO AMEND CONSTITUTION**

The Deputy Commander-In-Chief Guan Maw of the Kachin Independence Army (KIA) has urged the government to amend the 2008 Constitution, saying that ethnic groups are not ready to participate in an election. He was speaking at a meeting with ethnic Chin exiles living in the United States, after prolonged military attacks on Kachin bases. "Amending the constitution is lifeblood of our country. They [the government] don't need the ethnics to sign ceasefire agreement if they amend the constitution as all ethnic groups desire," said Guan Maw, adding that he was sceptical that any constitutional amendments will take place. The parliamentary Implementation Committee for Constitutional Amendments is being chaired speaker Thura Shwe Mann. He has told parliament to enact laws regarding constitutional amendments within 6 months before the 2015 election. The public have held protests to amend Section 436 and 59 (F) of the military-drafted constitution which currently ban opposition leader Aung San Suu Kyi from running for office.<sup>10</sup>

### **COMMISSION OFFICES TO OPEN LOCALLY IN CHIN STATE AHEAD OF BY-ELECTIONS**

The Chin State Election Commission is to open offices in townships and districts ahead of the forthcoming by-elections and the 2015 General Elections.

In a meeting held at the State General Administration Office in Hakha earlier this month, the commission decided that office branches would be established in 9 townships and 3 districts in Chin State. They also agreed that new staff would be recruited for running the township and district offices, and that a series of workshops relating to election laws and roles of the Election Commission would be conducted in each township.

Chin State Election Commission member Lin Kyaw said that the meeting was held in preparation for the upcoming elections, and that "These preparations are made so that the elections can be held smoothly and successfully. And we also want the public to understand properly laws related."

The meeting also decided on the need for translating laws concerning the elections into different Chin dialects which are to be chosen and put forward by the State Education Department. The State Election Commission is made up of 15 members comprising 6 civilians and 9 government officials from the Chin State government.<sup>11</sup>

### **POLICE PROHIBIT CONSTITUTION PROTEST IN BAGO DIVISION**

Activists in Nyaunglebin, Bago (Pegu) Division have been denied permission to hold a protest calling for amendments to the 2008 Constitution. Bo Tauk, a former political prisoner and member of the Nyaunglebin Public Campaign Committee, said the local police had informed them that their bid to stage a protest on 25 April was rejected under the pretext that the proposed location for the rally falls within a "prohibited zone" for public demonstrations. The activist leader said that the venue had previously hosted a rally by the National League for Democracy. He said that the police also rejected permission on the basis that such a public demonstration might incite a religious riot.

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<sup>9</sup> NLD, 88 Generation Movement back strategy to educate public on constitutional reform – <http://mizzima.com/mizzima-news/myanmar/item/11097-nld-88-generation-movement-back-strategy-to-educate-public-on-constitutional-reform> (Mizzima) 22 April 2014

<sup>10</sup> KIA urges gov't to amend constitution – [http://www.elevenmyanmar.com/index.php?option=com\\_content&view=article&id=5805:kia-urges-gov-t-to-amend-constitution&catid=44:national&Itemid=384](http://www.elevenmyanmar.com/index.php?option=com_content&view=article&id=5805:kia-urges-gov-t-to-amend-constitution&catid=44:national&Itemid=384) (Eleven News Media) 22 April 2014

<sup>11</sup> Ahead of by-elections, commission offices to open locally – <http://chinlandguardian.com/index.php/chin-news/item/2165-ahead-of-by-elections-commission-offices-to-open-locally> (Chinland Guardian) 21 April 2014

A second request has been submitted to the Pegu [Bago] Division government requesting permission to stage the protest, said Bo Tauk, adding that his group were determined to go ahead with the rally as planned on 25 April whether permission is granted or not. Nyaunglebin police superintendent Tin Aung warned that if the organisers proceed with the rally without permission they will be prosecuted under existing laws.

Despite being signed into law in December 2011 by President Thein Sein, Burma's Peaceful Assembly and Peaceful Processions Act is a highly contested piece of legislation that has been widely denounced by domestic and international human rights groups, which claim that the law is being used to target activists who oppose major development projects. Under Article 18 of the Act, organisers of an unapproved "assembly" or "procession" can be sentenced to a maximum of one year imprisonment or a maximum fine of 30,000 kyat (US\$30) or both. However, Article 5 of the same Act states that neither the local police nor the township authorities can deny permission for a peaceful protest, "when it is not in breach of the security of the State, rule of law, community's peace and tranquillity, and public morality."

Nonetheless, the legislation has been used across the country countless times by local authorities to deny protestors, most notably farmers and villagers who are campaigning to have lands returned that were seized from them during the era of the military junta. Several protestors in Sagaing Division have likewise been arrested and jailed for campaigning for the closure of the controversial Latpadaung copper mine near Monywa.<sup>12</sup>

## ANALYSIS

Despite political reforms, the Burmese government has failed to deliver basic services to its people as well as in resolving the conflicts with its ethnic minority groups. While the government and ethnic armed organizations have been conducting peace talks, serious clashes still continue and if there is to be genuine peace, key principles on demilitarization and redeployment of troops and institutional solutions that guarantee rights to ethnic groups will be fundamentally required. However, the current 2008 Constitution falls short in providing democratic freedom and autonomy aspired by the ethnic nationalities and thus will need to be amended. However, it needs to be noted that this type of constitutional amendment is substantially different from the constitutional amendment being proposed by Thura Shwe Mann, the NLD and the 88 Generation. The constitutional changes being proposed by the ethnic nationalities will have to be discussed in the political dialogue that has been proposed by the NCCT and the ethnic armed organizations. This may be a more appropriate venue to discuss such far reaching amendments.

The on-going constitutional amendment being proposed by the others are key to the 2015 elections, and will in part determine whether the elections are free and fair but will not determine how power or revenue will be shared with the ethnic nationality states. How this amendment process will result in substantive reforms or deadlock partly depends on how the different political players including President Thein Sein, Speaker Thura Shwe Mann, NLD leader Aung San Suu Kyi and Commander-in-Chief Min Aung Hlaing see the future. It could possible derail the peace process or pre-empt the political dialogue that the ethnic nationalities want.

Burma is now at a sensitive stage in its political transition and encouraging prospects for the future have undoubtedly emerged but further attention will also be needed on such issues as electoral laws, census, land rights, education, investment and reforms (issues raised by the ethnic armed organizations) to guarantee the rights of all peoples and races. Whatever emerges from the constitutional review, the democratic transitional process in Burma will become more heated and crucial as it prepares to hold elections in 2015.

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<sup>12</sup> Pegu police prohibit constitution protest –

<http://english.dvb.no/news/pegu-police-prohibit-constitution-protest-burma-myanmar/39820> (DVB) 22 April 2014