

POLITICAL MONITOR NO. 8

OFFICIAL MEDIA

ELECTION COMMISSION POSTPONES BY-ELECTIONS IN KACHIN STATE

The Union Election Commission (UEC) issued Announcement No.16/2012 on 23 March, stating that the parliamentary by-elections scheduled to be held on 1 April 2012 will not be held in the following 3 constituencies due to security concerns. *(Please see Annex A for the full text of the announcement.)*

1. Phakant Township Pyithu Hluttaw Constituency
2. Bhamo Township Pyithu Hluttaw Constituency
3. Mogaung Township Pyithu Hluttaw Constituency¹

PRESIDENT U THEIN SEIN MAKES OFFICIAL VISIT TO VIETNAM

President U Thein Sein arrived in Hanoi on 20 March for a two-day official visit, his first since he took office in March 2011. He met his Vietnamese counterpart, President Troung Tan Sang, as well as Prime Minister Nguyen Tan Dung, General Secretary of the Central Committee of the Communist Party of Vietnam Nguyen Phu Trong, and Chairman of the National Assembly Nguyen Sinh Hung. President Sang expressed his belief that the Burma-Vietnam friendship would be strengthened through political cooperation and that Vietnam is keen to promote cooperation with Burma in the agriculture, forestry and fish and meat sectors, as well as banking, transport, oil and gas, pharmaceutical and production industries. He added that Vietnam would continue to assist Burma as it prepares to take over the ASEAN Chair in 2014. President U Thein Sein said that the countries are friendly neighbours with much in common historically and hoped his trip would further strengthen ties between both governments, peoples and armed forces, as well as cooperation between Burma and Vietnam in the regional organizations of ASEAN, GMS, ACMECS and CLMV. The Burmese president and the Vietnamese Prime Minister reaffirmed the smooth implementation of joint-projects in 12 sectors signed during PM Dung's visit to Burma in December 2011.²

Unofficial: There have been several mutual visits by senior government officials from both countries recently, including the visits by Prime Minister Dung's to Burma in December 2011, Deputy Prime Minister Hoang Trung Hai's visit in June 2011 and the visit by the Commander-in-Chief of the Burmese Armed Forces in November 2011.³

¹ Announcement on list of constituencies postponed for by-election - <http://www.burmalibrary.org/docs13/NLM2012-03-24.pdf> (NLM) 24 March 2012 (p. 11)

² President U Thein Sein and party arrive in Hanoi of SRV - <http://www.burmalibrary.org/docs13/NLM2012-03-24.pdf> (NLM) 24 March 2012 (p. 5) / Vietnamese President Mr Truong Tan Sang extends warm welcome to President U Thein Sein - <http://www.burmalibrary.org/docs13/NLM2012-03-24.pdf> (NLM) 24 March 2012 (p. 1 & 4) / Myanmar has high potentials in tourism sector investment. (Myanmar President) / Emergence of road transportation apart from air and sea transport will bring about better communication (SRV President) - <http://www.burmalibrary.org/docs13/NLM2012-03-24.pdf> (NLM) 24 March 2012 (p. 1 & 4) / President U Thein Sein leads mission to further increase Myanmar-Vietnam trade volume / Vietnamese companies keen to implement proposed projects in agriculture, forestry, fish and meat sectors soonest - <http://www.burmalibrary.org/docs13/NLM2012-03-24.pdf> (NLM) 24 March 2012 (p. 16 & 7) / President U Thein Sein meets General Secretary of the Central Committee of the Communist Party of Vietnam - <http://www.burmalibrary.org/docs13/NLM2012-03-24.pdf> (NLM) 24 March 2012 (p. 5) / President U Thein Sein meets Chairman of National Assembly of SRV - <http://www.burmalibrary.org/docs13/NLM2012-03-24.pdf> (NLM) 24 March 2012 (p. 7)

³ Vietnam and Myanmar: Stronger together - <http://english.vietnamnet.vn/en/politics/20167/vietnam-and-myanmar--stronger-together.html> (Vietnam.Net) 20 March 2012

HLUTTAW SESSIONS – Highlights

Pyithu Hluttaw (Lower House) sessions

The 3rd regular session of the First Pyithu Hluttaw continued for the 15th day session was attended by Pyithu Hluttaw Speaker Thura U Shwe Mann and 324 Pyithu Hluttaw representatives, 1 proposal was approved and 2 bills approved. The key issues were:

- The Speaker of the Pyithu Hluttaw gave clarifications on facts about **the final verdicts of International Tribunal for the Law of the Sea (ITLOS) on 14 March for disputed sea area between Burma and Bangladesh**
- The Hluttaw **approved the proposal to amend the Anti-Corruption Law to take deterrent action against corruption cases for emergence of a clean government and good governance**
- **The Foreign Investment Bill and the Labour Dispute Settlement Bill were approved.**⁴

On the 16th day session Speaker Thura U Shwe Mann and a total of 331 representatives attended. The main issue was:

- Chairman of Bill Committee U T Khun Myat **tabled an amendment on the Amyotha Hluttaw Bill sent by Amyotha Hluttaw, which was approved.**⁵

The 17th day session of the Pyithu Hluttaw continued in Nay Pyi Taw and during the session 1 bill was approved and 1 proposal accepted for further deliberations. The key issues were:

- Hluttaw approved **the Assistance to Disabled Tatmadawmen (Defence Servicemen) and Families of Died or Fallen Tatmadawmen Bill**
- Pyithu Hluttaw **received the Bill amending 1955 Government Housing (Expelling) Act sent with amendments by Amyotha Hluttaw on 20 March.** The Bill Committee would scrutinize the bill and submit to Hluttaw with its report.⁶

The 18th day session Speaker Thura U Shwe Mann and 325 MPs, 1 proposal was discussed, 1 bill approved and Hluttaw affairs clarified. The key issues were:

- Hluttaw approved the **Bill amending the 1955 Government Housing (Expelling) Act**
- Pyithu Hluttaw Speaker Thura U Shwe Mann briefed the session and reported the following:
 - The 3rd regular session of the Pyithu Hluttaw was held **mainly submit and discuss approve national planning and budget bills at Pyidaungsu Hluttaw**
 - From 26 January 2012 to date, **18 meetings** have been held
 - **513 questions were raised and 24 proposals submitted**
 - Out of assessed 513 questions, there are **116 questions answered verbally, 136 starred questions answered by letter, 235 questions with no stars answered by letter and 8 questions revoked**
 - Of the 24 proposals, **15 were approved, 6 recorded, one sent to Pyidaungsu Hluttaw and 2 revoked**

⁴ 15th day session of Pyithu Hluttaw approves one proposal, two bills - <http://www.burmalibrary.org/docs13/NLM2012-03-17.pdf> (NLM) 17 March 2012 (p. 16 & 8)

⁵ Third regular session of first Pyithu Hluttaw continues for 16th day - <http://www.burmalibrary.org/docs13/NLM2012-03-20.pdf> (NLM) 20 March 2012 (p. 9)

⁶ Pyithu Hluttaw session continues for 17th day - <http://www.burmalibrary.org/docs13/NLM2012-03-22.pdf> (NLM) 22 March 2012 (p. 16)

- 3 bills were enacted as laws
- Out of 15 bills submitted to Pyithu Hluttaw, 2 are to be enacted as laws, 4 under arrangement, 2 revoked, one recorded and 6 to be implemented
- Out of 5 bills submitted to Amyotha Hluttaw, one bill has been enacted as law, 2 left to be enacted and 2 under implementation
- In total, out of 23, there are 4 enacted, 4 left to be enacted, 6 under implementation, 2 revoked, one recorded and 6 to be implemented
- The 4 bills left to be enacted and 6 under implementation will be taken up at the forthcoming parliamentary session.⁷

Amyotha Hluttaw (Upper House) sessions

The 3rd regular session of the first Amyotha Hluttaw continued for the 16th day, Speaker U Khin Aung Myint (USDP) and 182 Amyotha Hluttaw representatives attended, and 2 bills were approved. The two bills were:

1. The Bill amending 1955 Government Housing (Expelling) Act and
2. the Bill on Assistance to Families of Disabled Tatmadawmen (Defence Servicemen) and Died or Fallen Tatmadawmen (Defence Servicemen)⁸

At the 17th day session:

- The Hluttaw was informed that the Amyotha Hluttaw Law had been sent by the Pyithu Hluttaw to the session, with no amendments and forwarded the draft law to the session.
- Member of Bill Committee Daw Nan Ni Ni Aye submitted the report of the committee on Important Commodity and Service Bill.⁹

At the 18th day Speaker U Khin Aung Myint and 181 Amyotha Hluttaw representatives attended.

The Speaker of the Amyotha Hluttaw informed the session:

- Of the formation of the following new committees:
 1. the ASEAN Political and Security Community Committee,
 2. the ASEAN Social and Cultural Community Committee, and
 3. the Mineral and Natural Resources Affairs Committee.
- Of the re-organizing of the following committees:
 1. the Hluttaw Rights Committee,
 2. the Fundamental Rights of Citizens,
 3. Rights of Democracy and Human Rights Committee,
 4. the National Planning Committee,
 5. the Monetary and Taxation Committee,
 6. the Economic and Commercial Committee,
 7. the Education, Health and Cultural Committee,
 8. the Women and Child Affair Committee,
 9. the International Relations Committee,
 10. the Peasant and Internal and External Labour Committee and

⁷ 18th day session of Pyithu Hluttaw held / One proposal discussed, one bill approved and Hluttaw affairs clarified - <http://www.burmalibrary.org/docs13/NLM2012-03-24.pdf> (NLM) 24 March 2012 (p. 10)

⁸ Third regular session of first Amyotha Hluttaw continues for 16th day / Two bills approved - http://www.burmalibrary.org/docs13/NLM_2012-03-20.pdf (NLM) 20 March 2012 (p. 9)

⁹ Amyotha Hluttaw session continues for 17th day - <http://www.burmalibrary.org/docs13/NLM2012-03-22.pdf> (NLM) 22 March 2012 (p. 16)

11. **the Non-Governmental Internal and External Organizations Committee.**

- That **the Important Commodity and Service Bill** was approved by the session
- That during the sessions of the Amyotha Hluttaw, **a total of 116 questions with stars were raised and answered**
- That the Amyotha Hluttaw **had approved 12 of 28 proposals and 2 proposals changed from the questions, totalling 30 submitted by Amyotha Hluttaw representatives**
- That **8 bills were submitted to the session**: 5 from Union-Level organizations and 3 from Amyotha Hluttaw representatives—sent by the Pyidaungsu Hluttaw;

The bills submitted were:

1. **the Union Election Commission Bill,**
 2. **the Foreign Investment Bill,**
 3. **the Social Security Bill,**
 4. **the Bill Amending the 1955 Government Housing (Expelling) Act,**
 5. **the National Races Affairs Bill,**
 6. **the Salary, Allowance and Regalia at Region or State-level Persons Bill,**
 7. **the Amyotha Hluttaw Bill and**
 8. **the Bill Revoking the 1964 Myanma Five Star Line.**
- **4 bills were sent to Amyotha Hluttaw with the approval of the Pyithu Hluttaw** including:
 1. **the Labour Dispute Settlement Bill,**
 2. **the Foreign Exchange Bill,**
 3. **the Assistance to Families of Disabled Tatmadawmen (Defence Servicemen) and Died or Fallen Tatmadawmen (Defence Servicemen) Bill and**
 4. **the Important Commodity and Service Bill.**¹⁰

Pyidaungsu Hluttaw (Union Hluttaw) Sessions

The 3rd regular session of First Pyidaungsu Hluttaw held its 21st day session, attended by Speaker U Khin Aung Myint (USDP), Pyithu Hluttaw Speaker Thura U Shwe Mann (USDP) and 508 Pyidaungsu Hluttaw representatives. During the session:

- The **national planning bill of the 2012-2013 fiscal year** was discussed and approval sought from the Pyidaungsu Hluttaw

Speaker U Khin Aung Myint said that regarding Planning Bill, Daw Nan Wah Nu of Kunhing Constituency **submitted a proposal on Myanmar National Human Rights Commission** at the 20th day session (15/3). In connection with the proposal, **the Joint Bill Committee remarked that the formation of MNHRC was not in conformity with the constitution and existing laws and therefore decided that the inclusion of the commission in the leading committee and its expenses in the budget should be cancelled**

- The Speaker submitted the matter of the **Pyidaungsu Hluttaw's admission to Inter-Parliamentary Union (IPU) and the formation of Myanmar Parliament Association in the Republic of the Union of Myanmar with suitable persons**. The matter was approved the Hluttaw session.
- The **speech to be delivered by the Pyidaungsu Hluttaw Speaker was submitted and recorded**

¹⁰ Amyotha Hluttaw session continues for 18th day - <http://www.burmalibrary.org/docs13/NLM2012-03-24.pdf> (NLM) 24 March 2012 (p. 11)

- The observations and opinions of the Joint Bill Committee regarding **the Environmental Conservation Bill, the Vacant, Fallow and Virgin Land Management Bill and the 2011 Farmland Bill** were explained.
- Observations and opinions on the **Environmental Conservation Bill, the Vacant, Fallow and Virgin Land Management Bill** and the 2011 **Farmland Bill** were given by the respective MPs.¹¹

On the 22nd day Pyidaungsu Hluttaw held discussions on the following 3 bills, after which all were approved by the Hluttaw:

1. **Environmental Conservation Bill,**
2. **The Vacant, Fellow and Virgin Land Management Bill and**
3. **the Farmland Bill.**¹²

At 23rd day session, Pyidaungsu Hluttaw Speaker U Khin Aung Myint, Pyithu Hluttaw Speaker Thura U Shwe Mann and 516 Pyidaungsu Hluttaw representatives attended, and 1 proposal was discussed. The key issue was:

- **The proposal on the 2012 Union Budget Bill** submitted by Union Minister for Finance and Revenue U Hla Tun, **which was approved**.

The following MPs participated in the discussions of the bill: Dr Myat Nyana Soe of Yangon Region Constituency No. 4 (NDF), Dr Sai Kyaw Ohn of Namkham Constituency (SNDP), U Soe Thein of Kalewa Constituency (NUP), U Hsai Paung Nup of Shan State Constituency No. 12 (WDP), U Paul Hlyan Lwin of Chin State Constituency No. 9 (CPP), Daw Tin Nwe Oo of Dagon Myothit (North) Constituency (NDF), U Ohn Tin of Rakhine State Constituency No. 10 (RNDP), U Tha Sein of Kyauktaw Constituency (RNDP), Dr Aye Maung of Rakhine State Constituency No. 1 (RNDP), U Khin Maung (a) U Aung Kyaw Oo of Rakhine State Constituency No. 3 (RNDP), Dr Tin Shwe of Yangon Region Constituency No. 6 (NDF), Dr Win Myint of Hline Constituency (USDP), and U Win Oo of Yebyu Constituency (USDP).

Union Ministers for Finance & Revenue, Defence, Energy, and Deputy Ministers for Education and Health also **gave responses to the discussions on principle and basic facts of the bill**.¹³

At the 24th day session 1 bill was submitted, another 1 approved, 2 bills put on record and 1 bill discussed. The key issues were:

- Acting Union Minister for Home Affairs Union Minister for Immigration and Population U Khin Yi submitted the bill amending **Ward or Village-tract Administration Law prescribed as Pyidaungsu Hluttaw Law No. 1** as there is an **urgent need to add restrictions against forced labour** and proposed to discuss the bill in the interest of the country as a special case
- The **Pyithu Hluttaw Bill was approved and the Union Budget Bill and** was discussed by 6 MPs
- **The Union Election Commission Bill and Labour Dispute Settlement Bill** which had been approved by both Pyithu Hluttaw and Amyotha Hluttaw **were approved and put on record**.¹⁴

¹¹ 21st day session of Pyidaungsu Hluttaw held -

<http://www.burmalibrary.org/docs13/NLM2012-03-17.pdf> (NLM) 17 March 2012 (p. 16 & 8)

¹² Pyidaungsu Hluttaw continues for 22nd day. Environmental Conservation Bill, Vacant, Fallow and Virgin Land Management Bill, 2011 Farmland Bill approved -

<http://www.burmalibrary.org/docs13/NLM2012-03-20.pdf> (NLM) 20 March 2012 (p. 16)

¹³ Pyidaungsu Hluttaw continues for 23rd Day Session. Principle and basic factors of 2012 Union Budget Bill discussed -

<http://www.burmalibrary.org/docs13/NLM2012-03-21.pdf> (NLM) 21 March 2012 (p. 16)

At the 25th day session 1 question was raised and answered, 1 bill approved and 1 bill discussed. The key issues were:

- Regarding **the final verdict given by the International Tribunal for the Law of the Sea on the territorial waters of Burma and Bangladesh on 14 March 2012**, the Attorney-General of the Union Dr Tun said the following:
 - The case of territorial sea boundary between Bangladesh and Burma can be presented by dividing into three parts: (1) discussions, (2) judgment at ITLOS and (3) general
 - The case began in 1986 and had lasted for over 21 years without any progress.
 - In October 2008, Bangladesh called for exploratory drilling works to be stopped at the AD-7 block as drilling ship was in Bangladesh's waters. In order to avoid the tensions between two countries, for designation of sea boundary, expert-level discussions were held for six times from 29.03.08 to 18.03.10.
 - After failing to reach an agreement both sides agreed to settle the dispute under the auspices of ITLOS.
 - A Special Work Leading Committee was formed in Burma to handle the matter headed by the Foreign Affairs Minister as Chairman supported by legal and technical expert groups.
 - A 3-man team led by the Attorney-General and 2 senior officials were appointed to represent Burma at ITLOS, while a group comprising international legal experts and consultants were also recruited to assist.
 - The Bangladesh side, led Minister for Foreign Affairs Dipu Moni served as representative and Md Khurshed Alam, Rear Admiral (Retd), Additional secretary, Ministry of Foreign Affairs as deputy representative. Bangladesh also hired international legal experts and departmental officials.
 - As a legal process, Bangladesh submitted memorial and reply and Burma, counter-memorial and rejoinder during the ITLOS-designated period. Experts from both countries filed their petitions along with evidence, codes at the Court from 08.09.11 to 24.09.11.
 - A proposal was submitted by Burma on 16.12.08 which proposed to the UN Commission on Limits of the Continental Shelf to let it have up to 350 nautical miles of its continental shelf; and in February 2011 Burma submitted a proposal to let it have the Continental Shelf to over 200 nautical miles. However, due to its work load, the commission could only take up Burma's request only in 2035 at the earliest.
 - Both sides unanimously acknowledged the ITLOS's authority for demarcation of all the 3 borders, namely the territorial waters, the continental shelf, and the exclusive economic zone in its final verdict and ITLOS gave its final decision on 14.03.12.
 - Most of the global nations are asking the UN to let them extend their continental shelf up to 350 nautical miles, because the world's rare precious resources have never been exploited in 350 nautical miles long deep ocean. Because of the significant cooperation prospects between the profit-making organizations who have interests in exploring in the area exceeding 200 nautical miles and the nation who can extend the area, global nations are focusing special attention on it.

¹⁴ Pyidaungsu Hluttaw session continues for 24th day / One bill submitted, another approved, two bills put on record and one bill discussed - <http://www.burmalibrary.org/docs13/NLM2012-03-22.pdf> (NLM) 22 March 2012 (p. 1 & 8)

- The verdict of ITLOS is fair and just to both nations. The judges made fair decisions broadly assessing from legal and technical standpoints. ITLOS has accepted the legal points of Burma as completely true. The ITLOS neither allowed the demarcation line purposed by Bangladesh nor the line proposed by Burma. According to the essence of Convention on Law of the Sea, it needs to give Bangladesh the exit to ocean and consider the geographical concavity of Bangladesh's coast. The ITLOS made fair judgment based on the methods proposed by Burma in conformity with provisions of the law of the sea, and international rules and regulations to be fair to Bangladesh. Thanks to the fair judgment of the ITLOS, the territorial waters dispute between Burma and Bangladesh has been settled peacefully and the amity and good neighbourliness between the two nations could be maintained.
- **The Union Budget Bill was approved**
- **The Bill Amending Ward or Village-Tract Administration Law was discussed.**¹⁵

At the 26th day session Pyidaungsu Hluttaw Speaker U Khin Aung Myint, Pyithu Hluttaw Speaker Thura U Shwe Mann and 510 Pyidaungsu Hluttaw representatives attended and the key issues were:

- U Zaw Myint Pe of Mandalay Region Constituency No. 5 (USDP) asked a question **"urging the Union government to amend the designation of Social Security Board of Ministry of Labour as the government's economic organization"** and Union Minister for Finance and Revenue U Hla Tun replied.
- **the Amyotha Hluttaw Bill** and the **Supply Bill for Disabled Tatmadawmen (Defence Servicemen) and the Families of Dead or Fallen Tatmadawmen (Defence Servicemen)** were put on record
- **the Bill Amending the Ward or Village-Tract Administration Bill was approved**¹⁶

UNOFFICIAL MEDIA

BURMA TO ALLOW ASEAN ELECTION MONITORS

The Burmese government has agreed to allow 23 Asean representatives to observe the crucial by-elections on 1 April, which could determine whether international countries will continue to ease sanctions. It is not known if the number of election monitors would be sufficient to verify a free and fair election, or whether it is a token gesture on the part of Burmese and ASEAN officials. The delegates will include two MPs from each member state plus media representatives. International election monitors are seen as crucial in determining if the election is fair and transparent. 48 seats in Parliament are being contested in Burma's second election in two decades.¹⁷

MALAYSIA TO SEND ELECTION MONITORS

Malaysia will send its officials to observe and monitor the upcoming by-elections. Malaysian Prime Minister Datuk Seri Najib Tun Razak said before a planned visit to Burma that Malaysia would also give its encouragement to the process of national reconciliation in Burma. "We hope the coming election (in Burma) will be credible and the integrity of the process should not be questioned."¹⁸

¹⁵ Pyidaungsu Hluttaw session continues for 25th day / One question replied, one bill approved, one bill discussed - <http://www.burmalibrary.org/docs13/NLM2012-03-23.pdf> (NLM) 23 March 2012 (p.1, 4, 5 & 6)

¹⁶ Third regular session of First Pyidaungsu Hluttaw continues for 26th day - <http://www.burmalibrary.org/docs13/NLM2012-03-24.pdf> (NLM) 24 March 2012 (p. 9)

¹⁷ Burma to allow a small number of Asean election monitors - <http://mizzima.com/news/by-election-2012/6807-burma-to-allow-a-small-number-of-asean-election-monitors.html> (Mizzima) 21 March 2012

¹⁸ Malaysia to send election monitors to Burma - <http://chinlandguardian.com/news-2009/1735-malaysia-to-send-election-monitors-to-burma.html> (Chinland Guardian) 23 March 2012

WESTERN ELECTION OBSERVERS INVITED

Burma has invited the United States, Europe, and the U.N. to join Southeast Asian nations to monitor the April by-elections amid concerns over vote transparency according officials. The invite came as Naypyidaw kicked out an uninvited Asian election observer and complaints piled up on electoral fraud. According to the U.S. State Department it is a welcome first step and that Washington would coordinate with observers from the Association of Southeast Asian Nations (ASEAN) and the European Union. The State Department Spokesman, Victoria Nuland, added that while Burma has not allowed international observers to monitor polls before, the move still falls short of international standards for complete transparency on an election, considering the limited number of invitations. "A full-scale international observation effort would typically include quite a bit of pre-election day observation, systematic coverage on election day, post-election follow-up, and professional monitors from nongovernmental organizations," she said. An EU official in Bangkok said that at least six months of preparations are usually needed for an observation mission and a Burmese official has said the United Nations had also been invited to send monitors.

At the same time as welcoming Western election observers, Burmese officials deported Somsri Hananuntasuk, the executive director of the Thailand-based Asia Network for Free Elections (ANFREL) on 20 March. She was deported back to Bangkok after immigration officials questioned her and were concerned that she had provided training to local reporters and activists on how to monitor the election. Hananuntasuk had been in Burma since March 16 on a trip to convince Burma's Election Commission to allow ANFREL to observe the polls. ANFREL, a network of civil society organizations that has sent election observation missions to countries through the region since 1997, had attempted to observe Burma's general election in 2010, but officials deported some of their members on immigration charges.¹⁹

NLD SEEKS ELECTION TALKS WITH KIO

The National League for Democracy (NLD) has asked permission from the Burmese government and the Union Election Commission (EC) to engage in talks with the rebel Kachin Independence Organization (KIO) over security conditions in the northern state. The move follows the postponement of polling at the upcoming by-election in three constituencies in Kachin State due to security concerns. "We want to negotiate with the KIO and would like the government or the EC to help with this," said the NLD statement issued on 26 March. "We believe that it is possible to run elections in the three constituencies." Burma's state-run television broadcast an announcement on 23 March by the EC saying that voting for the three vacant seats in Kachin State—Phakant, Moe Kaung and Ba Maw—was being postponed because "security conditions are not conducive to conducting a free and fair by-election." It said voting would be held when security conditions had improved. According to KIO spokesman La Nan "We will open our door to meet any group for talks about the rights of people and the political situation in Burma. We condemn what the government said, and deny that the election must be postponed because of the KIO. During the 2010 and 1990 elections, the KIO did not interrupt the process," he said. "There is no fighting in the constituencies in question," he added. "Only in rural areas." Tu Ja, an independent candidate listed to run in Moe Kaung Township, echoed the KIO's position that it was safe to hold elections in the three townships. "I felt sad when I heard they postponed the election," he said. "I spent a lot of my time campaigning and I have won over many supporters. I wanted the government to hold the election in our township."²⁰

¹⁹ Western Election Observers Invited - <http://www.rfa.org/english/news/burma/election-03212012170629.html?searchterm=None> (RFA) 21 March 2012.

²⁰ NLD Seeks Election Talks with KIO - http://www.irrawaddy.org/article.php?art_id=23287 (Irrawaddy) 26 March 2012.

NLD SUIT AGAINST MEIKHTILA OPPONENT REJECTED

Meikhtila District Court has rejected a suit filed by the National League for Democracy (NLD) against a former member who has registered to run against the party's candidate in the Pyithu Hluttaw seat of Meikhtila. The NLD's Meikhtila township chairman Dr Thein Aung filed a suit against independent candidate Daw Myint Myint Aye in early February, alleging she used the NLD name when campaigning. However, the district court threw out the suit on 13 March but the party has indicated it might appeal to the Mandalay Region Court. Daw Myint Myint Aye said District Court Judge Daw Amar decided that the NLD did not have enough reliable evidence for her to accept their appeal against the township court ruling. "I am not going to do anything about this," she said. "I am conducting my campaign activities in nearby villages." However she also said that the case had hindered her election campaign, with residents telling her that they thought she had been imprisoned and so they shouldn't vote for her on April 1. "I explained to them the issues I am facing at the moment."²¹

ANALYSIS

The scene is now set for the hugely anticipated by-elections on 1 April. As international election monitors have been invited by the Burmese authorities to witness the by-elections, all that remains to be answered is "Will the elections be free and fair"? The government has pledged that they will be, while others may disagree. International observers will be given the opportunity to monitor the events on the day, and notably all eyes will be no doubt be focussed on Kawhmu Constituency in Rangoon Region, where NLD leader Daw Aung San Suu Kyi is set to run. Barring any unforeseen circumstances, she is expected to win the Kawhmu seat and become an elected-member of parliament.

Whether or not other NLD members will be successful in winning their respective constituencies is another question. The recent court cases where former and current NLD members have gone to court against one another are indeed unwarranted at such times. Furthermore, the other major question which remains to be answered is how will the ruling Union Solidarity and Development Party (USDP) fair?

While the by-elections are set to take place, the instability and continued fighting in Burma's north still remains a major concern. Recent negotiations, which did not produce an agreement, are essentially a trust-building process between the authorities and the KIO. It would seem that lack of trust has been one if not the key factor missing in resolving the issue, without which the conflict will still persist and possibly continue for years to come.

Elections, democratic reforms and ethnic armed conflicts are the top priorities of President Thein Sein's government as it prepares to take another "baby step" or "small step" towards the 1 April by-elections. The size depends on the point of view of those observing the on-going changes taking place inside Burma and therefore remains debatable. While the debate on the current situation will continue, millions inside the country remain deprived of even daily basic necessities of food, shelter and security. Despite the elections, in the end, providing for the welfare of the Burmese people should be the priority for all concerned.

²¹ NLD suit against Meikhtila opponent rejected - <http://www.mmmtimes.com/2012/news/620/news62010.html> (Myanmar Times) March 26 - April 1, 2012

APPENDICES

Appendix A: BY-ELECTIONS POSTPONED IN 3 CONSTITUENCIES IN KACHIN STATE

**Republic of the Union of Myanmar
Union Election Commission
Nay Pyi Taw
Announcement No. 16/2012
1st Waxing of Tagu, 1373 ME
(23rd March, 2012)**

Announcement on list of constituencies postponed for by-election

1. An announcement was issued in accord with Section 10 (f) of the Union Election Commission Law, and Section 50 (c) and Section 54 of the Pyithu Hluttaw Election Law that as the following constituencies in Kachin State have not the situations to hold the free and fair election on the security ground, the elections will not be held and postponed at these constituencies for the by-election to be held on 1 April 2012.
 - (i) Phakant Township Pyithu Hluttaw Constituency
 - (ii) Bhamo Township Pyithu Hluttaw Constituency
 - (iii) Mogaung Township Pyithu Hluttaw Constituency
2. The by-election will be held in these constituencies at opportune time depending on the security.²²

**Chairman
Union Election Commission**

²² Announcement on list of constituencies postponed for by-election - <http://www.burmalibrary.org/docs13/NLM2012-03-24.pdf> (NLM) 24 March 2012 (p. 11)