

LAMPIRAN 1

Myanmar's Constitution of 2008

Subsequently Amended

Chapter III: Head of State - The President and Vice-Presidents

- 57.** The President and Vice-Presidents represent the Union.
- 58.** The President of the Republic of the Union of Myanmar takes precedence over all other persons throughout the Republic of the Union of Myanmar.
- 59.** Qualifications of the President and Vice-Presidents are as follows:
- a.** shall be loyal to the Union and its citizens;
 - b.** shall be a citizen of Myanmar who was born of both parents who were born in the territory under the jurisdiction of the Union and being Myanmar Nationals;
 - c.** shall be an elected person who has attained at least the age of 45;
 - d.** shall be well acquainted with the affairs of the Union such as political, administrative, economic and military;
 - e.** shall be a person who has resided continuously in the Union for at least 20 years up to the time of his election as President; Proviso: An official period of stay in a foreign country with the permission of the Union shall be counted as a residing period in the Union;
 - f.** shall he himself, one of the parents, the spouse, one of the legitimate children or their spouses not owe allegiance to a foreign power, not be subject of a foreign power or citizen of a foreign country. They shall not be persons entitled to enjoy the rights and privileges of a subject of a foreign government or citizen of a foreign country;

g. shall possess prescribed qualifications of the President, in addition to qualifications prescribed to stand for election to the Hluttaw.

60.

a. The President shall be elected by the Presidential Electoral College.

b. The Presidential Electoral College shall be formed with three groups of the

Pyidaungsu Hluttaw representatives as follows:

i. group formed with elected Hluttaw representatives in the Hluttaw with an equal number of representatives elected from Regions and States;

ii. group formed with elected Hluttaw representatives in the Hluttaw elected on the basis of township and population;

iii. group formed with the Defence Services personnel Hluttaw representatives nominated by the Commander-in-Chief of the Defence Services for the said two Hluttaws.

c. Each group shall elect a Vice-President from among the Hluttaw representatives or from among persons who are not Hluttaw representatives.

d. The Pyidaungsu Hluttaw and a Body comprising the Heads and Deputy Heads of the two Hluttaws in the Pyidaungsu Hluttaw shall scrutinize whether or not the Vice-Presidents possess the qualifications prescribed for the President.

e. The Presidential Electoral College comprising all the Pyidaungsu Hluttaw representatives shall elect by vote one of the three Vice-Presidents who are Presidential candidates, as the President.

f. Necessary law shall be enacted for the election of President and Vice-Presidents.

61.

a. The term of office of the President or the Vice-Presidents is five years.

b. After the expiry of the incumbent term, the President and the Vice-Presidents shall continue their duties until the time the new President is duly elected.

c. The President and the Vice-Presidents shall not serve more than two terms.

d. An interim period to serve as the President or the Vice-President shall not be counted as one term of office.

e. If a vacancy is filled for the President or the Vice-President for any reason, the term of office of the new President or the new Vice-President shall be up to the expiry of the original term of office.

62. The President or the Vice-Presidents shall not be representative of any Hluttaw.

63. If the President or the Vice-Presidents are Hluttaw representatives, they shall

be deemed to have resigned from their seats in that Hluttaw, and if the President or the Vice Presidents are the Civil Services personnel, they shall be deemed to have resigned or retired from their offices from the day of their election.

64. If the President or the Vice-Presidents are members of a political party, they shall not take part in its party activities during their term of office from the day of their election.

65. The President and the Vice-Presidents shall make an affirmation as follows:

"I do solemnly and sincerely promise and declare that I will be loyal to the Republic of the Union of Myanmar and the citizens and hold always in esteem non-disintegration of the Union, non-disintegration of national solidarity and perpetuation of sovereignty.

I will uphold and abide by the Constitution and its Laws. I will carry out the responsibilities uprightly to the best of my ability and strive for further flourishing the eternal principles of justice, liberty and equality. I will dedicate myself to the service of the Republic of the Union of Myanmar."

66. The President or the Vice-Presidents shall exercise duties and powers vested by this Constitution and other laws.

67. The President and the Vice-Presidents shall not hold any other office or position of emolument.

68. The President and the Vice-Presidents shall furnish a list of family assets under his direction, namely land, houses,

buildings, businesses, savings and other valuables together with their values to the Head of the Pyidaungsu Hluttaw.

69. The President and the Vice-Presidents shall receive the emoluments, allowances and insignia of office as prescribed by law. Each shall also be provided with an appropriate official residence.

70. Except in the case of removal from office following impeachment, the President and the Vice-Presidents shall enjoy pension and suitable allowances on retirement in accord with the law after the expiry of the term of office.

71.

a. The President or any Vice-President may be impeached for one of the following reasons:

i. high treason;

ii. breach of the provisions of this Constitution;

iii. misconduct;

iv. being disqualified for the President or Vice-President under provisions as prescribed in this Constitution;

v. inefficient discharge of duties assigned by law.

b. If it be required to impeach the President or any Vice-President, a charge signed by not less than one-fourth of the total number of representatives of either Hluttaw included in the Pyidaungsu Hluttaw shall be submitted to the Head of the Hluttaw concerned.

c. Action shall proceed only when this charge is supported by not less than two-thirds of the total number of representatives of the Hluttaw concerned.

d. If one Hluttaw supports the taking of action, the other Hluttaw shall form a Body to investigate this charge.

e. The President or the Vice-President shall have the right to refuse the charge himself in person or through a representative when it is investigated.

f. If, after the investigation, not less than two-thirds of the total number of representatives of the Hluttaw which investigated the charge or caused the investigation to be initiated passed the resolution that the charge has been substantiated and renders

the President or the Vice-President unfit to continue in office, the Hluttaw concerned shall submit to the Head of the Pyidaungsu Hluttaw such resolution to remove the impeached President or the impeached Vice-President from office.

g. The Head of the Pyidaungsu Hluttaw shall declare the removal of the President or the Vice-President immediately after the receipt of the submission.

72. The President or any of the Vice-Presidents shall be allowed to resign from office of his own volition before the expiry of the term of office.

73.

a. One of the two Vice-Presidents who has won the second highest votes in the Presidential election shall serve as Acting President if the office of the President falls vacant due to his resignation, death, permanent disability or any other cause.

b. If the office of the President becomes vacant when the Pyidaungsu Hluttaw is in session, the Acting President shall promptly intimate the Head of the Pyidaungsu Hluttaw to fill the vacancy within seven days.

c. On receipt of the intimation from the Acting President, the Head of the Pyidaungsu Hluttaw shall proceed to elect a Vice-President by the group of Hluttaw representatives concerned that initially elected the Vice-President who subsequently got elected President, the office now being vacant.

d. After the group of Hluttaw representatives concerned has elected a Vice-President, the Electoral College comprising all the Pyidaungsu Hluttaw representatives shall elect the President from among the three Vice-Presidents.

e. If the office of the President becomes vacant when the Pyidaungsu Hluttaw is not in session, the Head of the Pyidaungsu Hluttaw shall summon the Pyidaungsu Hluttaw within 21 days from the day of receipt of the intimation from the Acting President and proceed to hold election to fill the vacant office of the President in accord with the above procedure.

f. If the office of a Vice-President becomes vacant before the expiry of the term by reason of his resignation, death,

permanent disability or any other cause when the Pyidaungsu Hluttaw is in session, the President shall promptly intimate the Head of the Pyidaungsu Hluttaw to elect a Vice-President within seven days by the group of Hluttaw representatives concerned that elected the said Vice-President.

g. When the Pyidaungsu Hluttaw is not in session, the Head of the Pyidaungsu Hluttaw shall summon the Pyidaungsu Hluttaw within 21 days from the day of receipt of the intimation from the President and proceed with the election of a Vice-President by the group of Hluttaw representatives concerned in accord with the prescribed procedure.