

ELECTIONWATCH

BURMA



Burma Post-Election Watch: November 2010 Parliamentary Elections

The State Peace and Development Council (SPDC), Burma's ruling military junta led by General Than Shwe, held national parliamentary elections on November 7, 2010. This election has been expected since May 2008, when the new Constitution of Burma was ratified by national referendum, though the specific date remained a matter of speculation until August. The mid-August announcement of an election date came one year after Nobel Peace Laureate Aung San Suu Kyi was sentenced to three years' imprisonment with hard labor for meeting with a foreign national. November marked the first election since Aung San Suu Kyi's National League for Democracy (NLD) won a landslide majority in 1990, the results of which were never honored by the military leadership. The 2010 election constitutes the fifth stage of SPDC's so-called seven-point "Road Map to Democracy," a policy plan that claims to culminate in "building a modern, developed and democratic nation under the state leaders elected to the *Hluttaw* [legislative body]."

Candidates in the election contested 330 of 440 House of Representatives seats and 168 of 224 House of Nationalities seats; the remaining seats were reserved for military officers who were appointed directly. All candidates that participated in constituency elections must belong to a registered and approved party, of which there were 37.

Most opposition parties, including NLD, boycotted the elections, declaring them fundamentally undemocratic and unfair. Pro-democracy parties assert that the elections reflect the military's desire to appear legitimate in the eyes of the international community, rather than an honest effort to allow for popular sovereignty.

The Road to Elections

1962-1988

Since 1962, Burma has been governed by its military. General Ne Win led a coup d'état and for 26 years governed the former British colony under the rubric of the Burmese Road to Socialism. During the General's reign, he nationalized nearly every aspect of society, slowly constricting the capacity for civil organization and forcing a diffuse dependence on state mechanisms.

During the course of General Ne Win's reign in Burma, large student-led uprisings occurred on at least four occasions in 1975, 1976, 1987 and 1988. While the military government was successful in quelling the first three, the student-led demonstrations in August 1988 snowballed into a national rallying cry for democratic reform. In the interest of self-preservation, the reeling State Law and Order Restoration Council, the immediate precursor to the SPDC, agreed to hold open elections in 1990.

1990-2008

The 1990 elections were a groundbreaking development in Burma's history that saw the rise of Aung San Suu Kyi and garnered widespread international media attention. Suu Kyi led the popular opposition party to resounding victory in which NLD claimed 392 of the 492 seats in parliament, and winning 58.7 percent of the popular vote (to the next closest party's 21.2 percent). Consequently, the military dictatorship became more oppressive than before, closing Burmese society to the rest of the world.

While widespread public dissatisfaction with a lack of basic freedoms and innumerable human rights violations has pervaded since the 1990 elections, the first major expression of this did not come until 2007 in the Saffron Revolution. Led by monks across Burma, the Saffron Revolution is noteworthy because government crackdowns on civil liberties or violations of human rights were not the cause. Instead, rising oil prices leading to high inflation were the unexpected catalyst.

Again the military government demonstrated its intolerance of civil disobedience and cracked down with great speed and force. In the aftermath of the Saffron Revolution, the government announced a 2008 constitutional referendum to quell future dissent. A constitutional referendum was also seen as an opportunity to increase the regime's legitimacy abroad, which would provide an important security and economic boost for the junta.

2008-2010

Despite high anticipation for the prospect of popular participation, the referendum, too, was a disappointment. Cyclone Nargis, a devastating category four tropical cyclone, hit several days before the planned referendum. The country was devastated, and in desperate need of international emergency aid. Instead of accepting aid from the international community and international nongovernmental organizations, the junta was adamant that Burmese victims of the cyclone rely on the Burmese government's capacity to distribute aid.

Furthermore, rather than delay the referendum vote to ensure maximum public participation, the military went ahead with the referendum, resulting in only a small portion of the cyclone-wrecked country able to participate in the vote. Nonetheless, the government recorded 99 percent voter turnout that produced a 92 percent yes vote. The referendum was rife with accusations of voting fraud. In Gwaitaukaing village, 185 people complained that soldiers "forced them to cast the yes vote in the presence of the local authorities," according to Mizzima, one of the major newspapers reporting on conditions in Burma. Other complaints included accusations that polls closed early, but were followed up by home visits from ruling government authorities, and accusations that family members were forced to vote for absent relatives.

The 2008 constitution and 2010 election laws were adopted under questionable circumstances, and created an environment that has led to the major opposition parties' decision to abstain from participation in the upcoming elections. The following are some of the key provisions to which pro-democracy activists object:

Constitution

- Rights are only constitutionally protected "if not contrary to the laws, enacted for union security, prevalence of law and order, community peace and tranquility" leaving a

substantial gray area up to interpretation. Voter's rights allegedly enshrined in the constitution, can be denied on subjective claims of state security interests;

- Fully one quarter of the seats contested in the election are reserved for military officers;
- The Ministry of Home Affairs-the organizing body of the elections and supervisor of police powers-falls entirely under military control;
- The constitution bars former prisoners from aspirations of political office; a substantial number of opposition party members have been subject to arrest and imprisonment since 1988, removing them from contention, including Aung San Suu Kyi; and
- One passage of the constitution was believed to further deny Aung San Suu Kyi the opportunity to participate on grounds that she was married to a foreign national before he died in 1999. This was later confirmed when the junta announced in September 2010 that she was banned from the election.

Election Law

- Registration required 500,000 kyat (USD \$500) and only occurred during the short window from August 16-31, 2010; consequently, the short notice regarding requisite funding left many parties unable to satisfy the monetary component;
- Registration required a nationwide party membership of 1,000 people, 500 of whom must reside in the contested state or division; together with the oppressive treatment of opposition party supporters, this hindered opportunities for many candidates attempting to challenge the current government; and
- Campaign advertisements may only be broadcast in Burmese, and not in any ethnic language. Similarly, ballots themselves are written exclusively in Burmese, a language that is only spoken by approximately 65 percent of the population.

Electoral Freedom and Fairness

The pre-election environment in Burma was far from open or transparent. The military government took measures on three levels to preclude a genuinely open or transparent election. First, the international community was shut out entirely and was given no access on Election Day. This prohibition extended to official observations, media coverage and exit polling. In the words of Thein Soe, the chairman of the Union Election Commission (UEC), "We don't need foreign observers. We have abundant experience in holding elections...we don't need to clarify the credibility of these elections to other people." Second, measures were taken by the government on the party level to hinder certain candidates and promote others, specifically discriminating against candidates from ethnic minorities, while also ensuring continuity of those who govern. Third, on the individual voter level citizens were flatly denied their rights; according to many media sources operating inside Burma there was compelling evidence of government manipulation of voting behavior through encouragement, coercion and threats.

Perhaps the gravest implications for the process can be seen on the political party level. Here, three developments stand out. First, SPDC banned all political parties from participating unless they accepted the formal registration process, which consisted of a USD \$500 fee and the endorsement of the 2008 constitution. As a result, numerous opposition parties were eliminated from the ballot. In addition to being barred from participation, Aung San Suu Kyi's party, the NLD, was forcibly disbanded by law. Engagement in political activity is consequently punishable by fines and prison terms for party activists. Furthermore, of the handful of parties that participated in the election that are not backed by

the SPDC, campaign activities were heavily censored and monitored by authorities prior to being made public. In terms of judicial recourse, parties may have asserted claims in court, but Thein Soe of the UEC has been given authority to reject or overrule any judge.

Second, SPDC has done more than levy regulations against opposition parties. In order to ensure continuity in personnel, the SPDC has established the Union Solidarity and Development Party (USDP), which was populated by freshly retired military officers who resigned their posts to run for office. Indeed, the Senior General Than Shwe himself shed his uniform for a suit and tie.

Third, the ruling government took several measures to discriminate against entire ethnic demographics of voters. In multiple ethnic regions, the government has refused to allow voting stations. Subtler, though equally powerful, ballots and campaigns were prohibited from being translated into any language other than Burmese. In another attempt to limit information and restrict voter access, the UEC is accused of withholding outright, or at least delaying, important information about the elections. One manifestation of this suppression of information is the prohibition of an active election boycott, the policy adopted by disenfranchised pro-democracy political parties, who resolved to improve voter education. In conjunction with the government-led campaign against free media, the junta has systematically denied Burmese citizens the opportunity to learn about their electoral rights, effectively rendering them moot.

In other instances, however, government interference at the voter level was more explicit. IRI sources reported that Burmese civil servants and their families were often forced to vote in advance, facing implicit threats from the military personnel who would go door to door collecting ballots.

On the back end, finally, there have been serious accusations of fraud and irregularities, particularly with foreign absentee ballots. The UEC claimed 5,000 advance absentee ballots from polling stations in Thailand. The opposition party members waited to count voters and protest the elections at each voting station, and have alleged that the total number was approximately 100 country-wide, reflecting yet another example of election fraud.

These illiberal policies conspired to ensure a USDP victory on Election Day. Early reports reveal the USDP claiming 80 percent of votes. The only ethnic opposition groups to claim votes parties affiliated with the Shan, Arakan and Mon States, and their combined efforts yielded barely 100 seats at all levels of government.

Elections Marred by Violence

In addition to procedural irregularities blighting the polls, violence erupted on Election Sunday between the Burmese military (the Tatmadaw) and the Democratic Karen Buddhist Army (DKBA), who occupy the Mon State. The firefights were expected, as Karen rebels mobilized in the weeks prior to Election Day to brace for the crackdown. The conflict began before the last polls closed.

Centralized in Myawaddy, which is separated from Mae Sot by the Moei River, the violence emerged as a result of forced voting. Though DKBA is allied with the Tatmadaw, they are an independent unit, and the junta's encroachment on their autonomy led them to rebel. As a result of the fighting, as many as 20,000 refugees fled across the border to Mae Sot, in

Thailand. By the day following the elections the violence had spilled into Mae Sot across the border, as several mortar rounds injured Burmese refugees and Thai citizens. After the spillover, Thai authorities worked quickly to secure assurance from local Burmese governors that the safe repatriation of Burmese refugees could be achieved.

International Condemnation

On November 7, some citizens of Burma went to the polls as Aung San Suu Kyi remained under arrest, and governments around the world condemned the undemocratic elections. Amidst decidedly low voter turnout, widespread claims of electoral irregularities, and emerging violence in Karen State as a result of forced voting, the United States led the international community in harsh criticism of the military regime. In a statement released from his tour of India, United States President Barack Obama called the elections "neither free nor fair," explaining that they failed to meet "any of the internationally accepted standards associated with legitimate elections."

He added that "faced with such gross violations of human rights, it is the responsibility of the international community - especially leaders like the United States and India - to condemn it," then specifically addressing his hosts in saying that "in international fora, India has often shied away from some of these issues."

His Secretary of State, Hillary Clinton, stated to an audience of university students in Melbourne that Sunday's elections "once again expose the abuses of the military junta." Legislators in the United States also harshly condemned the process, as Senate Minority Leader Mitch McConnell issued a statement declaring that Election Day "will be just another day in Burma marked by government oppression and hardship for its people," calling President Obama to "work to ensure that elements of the international community are not tempted to recognize this mockery of the democratic process."

The European Union was equally firm in its condemnation of the process. High Representative Catherine Ashton declared on behalf of the European Union that "many aspects of these elections are not compatible with internationally accepted standards," going on to enumerate several of the most egregious violations.

In response to the junta's invitation to Britain to join a carefully choreographed electoral explanatory mission, British Envoy in Rangoon Andrew Heyn refused, explaining that "official EU electoral observation has a certain brand, a respectability gained over many years and many elections. And it needs to be protected."

Several Asian nations including the Philippines, Japan and New Zealand expressed their disappointment at the elections. An official statement from the Government of New Zealand insisted that "Burmese people need more from their leaders than simply swapping uniforms for civilian clothes," continuing to declare that "they will not get that from the inevitable results of today's so-called election."

In equally uncompromising language, Foreign Secretary of the Philippines Alberto Romulo declared flatly that "it's a farce."

Notably, each of these sources specifically identified the imprisonment of Aung San Suu Kyi as a major source of objection to the elections and called for her immediate release.

IRI in Burma

Throughout Asia, IRI assists countries that have undergone transitions to democracy as well as those taking steps toward democracy by encouraging transparency, pluralism, open elections and democratic governance. In an effort to improve political processes, promote good governance, increase government accountability and enhance civic engagement, IRI supports and provides expertise to elected representatives, political parties, civil society, women and youth.

In Burma, IRI provides support and training to political organizations and individuals as they actively work and plan for a peaceful transition to a democratic society. In recent months, IRI has concentrated on assisting pro-democracy groups in developing boycott campaign platforms and cultivating political messaging.



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