

2010 ELECTIONS IN BURMA

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Executive summary

It is almost likely that general elections will take place in fall 2010 in Burma. Many political parties, including NLD, Democratic Party, USDA and ethnic organizations, are looking forward to seeing the electoral law, which will set up the criteria for submitting the candidatures. Democratic leaders have publicly expressed positions closed to the NLD Shwegondaing Declaration, which calls for a revision of the constitution under the principles of human rights and fundamental freedom. NLD and the other parties are concerned in particular at the rigid constitutional amendment clauses.

SPDC plan of transforming the ceasefire groups into border guards is entirely pending. As of now, no faction agreed to the conditions set by the junta. Lt.Gen. Ye Myint, Chief of the military intelligence, has started a new round of negotiations. Some of the most relevant ethnic armies, including Wa and Shan State Army South, have started new recruitment campaigns among the civilians and are preparing in case of attack by SPDC. China has warned Burma not to create instability on the common border, which could have negative effects on the security and the economy in the Yunnan region.

The U.S. Assistant Secretary of State Kurt Campbell has recently declared that engagement policy could be more effective if other actors would be involved. Ian Kelly, State Department spokesperson, expressed in a note published on January 4th 2010 that no credible steps have been achieved to lead to credible elections. The U.S. continue to urge the regime to engage with the opposition. The Japan offered economic aid in change of democratic reforms. The EU is also looking at a way of engaging the regime. If these attempts to deal with SPDC would be coordinated, the efforts may contribute to ease the restrictions and the abuses and to craft more space for the political parties inside the country.

Main facts

After the referendum on the new Constitution in 2008, the next step of the SPDC Seven Step Roadmap is the election, expected to take place later this year. Early January the Asahi Shimbun, a well renowned Japanese newspaper, indicated October 10th as possible election day, but the news still remains unconfirmed. Mrs. Zippora Sein, Secretary-

General of the Karen National Union, released an interview in which declared that the elections may be postponed, if the regime is not able to find a solution at the issue of security on the borders and the internal divergences are not settled.

The Army wants to complete its policy to transform the ceasefire groups into border guards. The **Gen. Ye Myint**, Chief of the Military Affairs Security, is the official responsible to lead the talks with the ceasefire groups. He met with the Kachin Independence Army (KIA) on January 29 but they have not achieved any progress and other meetings are planned in the following weeks. KIA aims at maintaining the control on its areas and has asked SPDC to recognize the spirit of the 1947 Panglong Agreement. KIA advanced a detailed proposal to become a regional guard force and to keep the troop size. Instead, SPDC asked that each armed group reduces the troop number substantially and each battalion consists of Burmese officers. The autonomy of the armed groups would be further reduced because they would have a commander from Burma Army Officers of major rank. The ethnic groups are trying to delay the discussions and at the same time are recruiting soldiers and preparing for possible attacks by the Army.

Important news regarding the military security is the sentence to death of two Army officials for leaking the reports on the nuclear cooperation between Burma and North-Korea. The sentence has been proclaimed by a Special Military Court on January 6th in Insein Prison, Rangoon. If executions take place, it will be the first break to the traditional moratorium on death penalty exercised by Burma. New commanders have been recently appointed or moved and the Foreign Ministry has been reshuffled by Army officials. Since December, the BBC service in Burmese language has reported several cases of mutiny among the Infantry and also among Military Intelligence officials. Widespread discontent is mounting within the Army. It is due to an income high disparity between officials and privates. Beside the normal defense duty, soldiers are requested to work on economic projects, *inter alia* agricultural and development plans, and express grief at the extensive fatigue.

The electoral law has not yet been issued and the preparation of the elections has been kept secret. Nevertheless, the SPDC started training retired Army officials and civil servants who will join the political parties pro SPDC. These groups are mainly the Union Solidarity Development Association (USDA), the Myanmar War Veterans Organizations and the National Unity Party. USDA implements peculiar social programs in order to renew the public image ahead of the elections and is currently involved in a public housing project. USDA offers loans at low interest rate with the purpose to gain consent among the population and gather volunteers for the actions against tax evasion.

Burmese media are banned from publishing material covering political groups' preparations for the elections this year. Kachin Independence Organization is the only political ethnic organization affirming that they will not oppose to the elections. The New Mon State Party has also declared that it will not contest in the elections.

The newly formed Democratic Party, led by U Thu Way, expressed its concern at the lack of electoral law and stated that the party has not yet decided to contest in the

elections. If the electoral law is delivered in April, said U Thu Way, 6 months ahead of the elections are too short time to conduct a serious campaign through the country. The United Nationalities Alliance (UNA), a coalition of 12 ethnic parties, declared that they will not participate in the elections if the constitution, which does not guarantee sufficiently the rights of the ethnic groups, remains unchanged. UNA spokesperson, Mr. Pu Cin Sian Thang, declared recently that his organization contributed in drafting the NLD Shwegondaing Declaration. The Document calls for the release of all political prisoners, the review of the Constitution and the presence of international electoral observers.

The NLD has elected new members of the Central Executive Committee (CEC). It is not still possible to hold congresses or meetings in the rest of the country, except Rangoon Division, but the party aims at reorganizing the youth and women branches. NLD Secretary U Win Tin and Executive U Win Kyaing toured Mandalay and Maymyo to meet with the party officials of the nearby administrative divisions. The CEC organized meetings of 20 Township Organizational Committee in Rangoon.

The new CEC members are:

U Ohn Kyaing
U Nyan Win
Dr. Than Nyein
Dr. May Win Myint
Dr. Win Naing
U Thein Nyunt
U Tun Aung
U Win Myint
U Han Ta Myint

The news that Daw Aung San Suu Kyi would be released in November confirms the impression that SPDC wants to keep her out of the elections. Suu Kyi met recently with the SPDC liaison minister. The contents of their discussions are not known, but sources reported that the NLD leader asked to meet with the CEC. The liaison minister showed availability in allowing the meeting upon the condition that an SPDC official attends that. Daw Suu Kyi disagrees.

Commentary

The SPDC is going ahead with his scheduled seven-step roadmap and an electoral law would be issued most likely in spring upon declarations made by SPDC officials. The constitution does not recognize the principles of democracy and the inalienable rights and fundamental freedom of the individual. Instead, the document legitimizes and strengthens the power of the Military. Decisions made by the law-makers will be subjected to the discretionary scrutiny of the junta. As of now, the SPDC has not met any of the recommendations made by the Secretary-General after his trip to Burma last July. SPDC shows inflexibility on the issue of political prisoners, whose number is growing. As a

consequence of these considerations, it is very unlikely that elections will be free and fair. Nevertheless, SPDC has allowed NLD some activities in Rangoon and Mandalay and maintains a dialogue with Daw Aung San Suu Kyi. It is still early to say if there is a sincere aim at cooperating with NLD, or instead if it is an attempt to ease the international opinion.

NLD delegates aim at increasing space within the civil society. The NLD recent moves revealed that the party is looking to play a role in the political scenario and recent declarations of UNA show that the influence of NLD is extended to other ethnic organizations, in particular those parties which already participated in 1990 elections. The spokesman, Pu Cin Sian Thang declared that UNA will look at the decisions taken by NLD because “it represents the majority of the people”.

There are mixed positions about the upcoming elections among the other parties. The Burma Affairs Forum, some youth organizations and the pro-junta associations, like USDA or veteran organizations have shown interest in being part of the electoral process. The independent parties are concerned at the electoral law, which will set up the criteria for the parties to be eligible to participate in the elections. So, they will take a stand only after the law will be issued. On the other hand, retired civil servants, tycoons and former Army officials have started electoral trainings. SPDC is looking to recruit people in the provinces.

Gen. Than Shwe stated during last Martyrs’ Day, July 19 2009, that the constitution will not be revised before the elections. Constitutional amendments will be difficult because they require 75% voters of the Parliament. Two issues are extremely important to SPDC. The first is to guarantee its influence in the political life after the election. The second is the immunity of the officers. On the NLD point of view, the constitution should embody the universal principles of human rights, fundamental freedoms and rule of law. The ethnic parties pay attention on including a constitutional protection of their ethnic rights and of their autonomy. Above all, the issue of the amendment clauses will become relevant. Under the current constitution the changes at the document will require 75% of the votes at the Parliament. As the junta keeps 25% of the seats, an amendment will become almost impossible. A change in the amendment clause would encourage the independent parties to contest in the elections and at the same time is a guaranty of an easier transition in the future. At this point, an international effort would contribute to craft more space for the parties inside the country and would provide with hope for constitutional evolution.

The role of the ethnic groups depends on the ongoing discussions between the junta and the ceasefire groups about their transformation into border guards. After the attack against the Kokang, other armed groups may be attacked, if they reject the SPDC plan. The United Wa State Army, one of the strongest ceasefire groups with an estimated 20,000 troops based in Shan State, is reportedly indicated as a next target¹. Wa troops already declared they want to keep the territory under their control. A bomb was found near a UWSA office in the town of Muse, Shan State, and defused. Security experts think

¹ Some sources claim UWSA has 30,000 to 36,000 armed troops.

that it is an intimidating warning by the regime. The Shan State Army North is also considered a possible target due to its strength. It is alleged that UWSA, the Mongla ceasefire group (NDAA) and Shan State Army South have agreed on a pact of mutual defense in case of attack by the Army.

The recent murder of the NDAA leader Min Ein is related to the tensions between the Mongla group and SPDC. The Chinese ambassador in Naypidaw met with Brig-Gen Kyaw Hsan, Information Minister on this murder. China's main concern is the stability. The neighbor country wants to avoid further spillover in its territory caused by the ethnic conflict. In particular, Beijing fears new flows of refugees and negative consequences for the cross-border economic relations. The territory under the control of the militias have intense economic exchanges with the country and the yuan is the used as currency instead of kyat. Sen. Webb expressed concern at the relations between China and Burma in regard of military investments and economic partnership and had the chance to talk about it with Daw Aung San Suu Kyi. The NLD leader expressed the views that Burma should have good relations with all the neighbor countries.

The U.S. Assistant Secretary of State Kurt Campbell declared during a briefing before Congress that the United States will continue in their engagement but the international engagement cannot be played by the U.S. alone. The United Nations good offices mandate would be instrumental in coordinating the engagement strategy and in finding issues of agreement between the internal actors. Japan has also recently offered, as the Foreign Minister Katsuya Okada declared, to increase economic aid if the elections will be free and fair and the political prisoners will be released. Two trade delegations visited Burma in the last two months 2009. The new Government seems to deal more closely with the junta following the path of engagement.

India is looking to improve the relations with Burma, especially because after the preliminary agreement on a pipeline from West Burma to India via Bangladesh. At the moment, Bangladesh and Burma have talks to settle bilaterally their disputes over the maritime borders.

Coordination among the UN mandate, the U.S. strategy, the policies of the European partners and Japan, possibly enlarged to other actors of the region, should be focused on easing the restrictions of freedom of association, expression and opinion of the political parties ahead of the elections. The international actors are invited to urge the SPDC to broaden the talks with NLD and to allow free meetings of the CEC with the participation of Daw Aung San Suu Kyi.

A new meeting of the Group of Friends would be timely in order to issue a proposal for talks based on the assessment of the needs of NLD and the other relevant independent parties. The United Nations are deeply encouraged to use the good offices mandate in order to coordinate among the international initiatives undertaken by the relevant external actors and to support the seek for more political space of the parties inside the country. At this point, the appointment of the new Special Advisor on Burma cannot be further delayed.

Collection of relevant articles and sources

NLD Adds More Members to Central Executive Committee

The National League for Democracy elected nine new members to the Central Executive Committee, bringing the total number of executives to 20. Explaining the move, NLD spokesperson U Khin Maung Swe said: "Generally speaking, the move was undertaken because township, state and divisional branches were asking us to reinforce the Central Executive Committee so that the executives who are getting old can be helped. So, we elected new members to assist in the political duties of the elderly executives, whose ages are now 80, 85 or more. Another point to mention here is that if we are to continue our political journey ahead, the NLD needs to be strong so that efforts for democracy will be effective. That is the reason why the Central Executive Committee is being expanded". The move by the NLD headquarters has been criticized by a small number of regional NLD organizers who wanted the headquarters to recruit new executives from different regions. In response to the criticism, U Khin Maung Swe said: "We respected their wish and elected the new executives as soon as possible. But, we cannot please everyone. If we did that, we could not have moved as fast as we did. In fact, the NLD only has organizing committees in the townships. It is not possible to hold party congresses or establish actual township party branches yet. Our party is not even a cadre party yet. We have to select people from the top level to set up bodies temporarily so that we can do our work. In the future when party congresses can be convened, we will act according to standardized rules and regulations."

In addition to the central executive committee at its headquarters, the NLD also has been reorganizing its women and youth wings all over the country. In that regard, U Khin Maung Swe said: Central Women Wing members have been visiting different states and divisions to establish local women wings. Meanwhile, according to U Khin Maung Swe, NLD youth leaders have youth wings in 64 townships.

NLD Secretary U Win Tin and Executive U Win Kyaing have also been touring Mandalay to meet with township organizers in the division and nearby regions. The visit to Upper Burma by the two NLD leaders is the first in many years since the military authorities have restricted the travel of all leading NLD members.

Myanmar party plays down Suu Kyi release report Reuters, January 25, 2010

Reports that a top Myanmar leader said detained opposition leader Aung San Suu Kyi would be released in November, when her house arrest ends, have only served to lower hopes that she might be freed ahead of this year's elections, her party said Monday.

Nyan Win, a spokesman for the National League for Democracy party, said the comment purportedly made last week by Home Minister Maj. Gen. Maung Oo was "nothing new or extraordinary."

"If the media reports were correct, hopes for Daw Aung San Suu Kyi's earlier release under the executive order were dashed," said Nyan Win, who is also a lawyer for the 64-

year-old Suu Kyi. "Daw" is a term of respect used for older women in Myanmar, also known as Burma.

News reports on U.S.-government backed Radio Free Asia and elsewhere cited witnesses as saying Maung Oo in a Jan. 21 speech declared Suu Kyi would be freed in November. The reports said he spoke at a meeting of several hundred officials in Kyaukpadaung, a town about 350 miles (560 kilometers) north of Yangon.

Reports also quoted Maung Oo as saying the elections would be "free and fair."

Suu Kyi's party and pro-democracy activists have complained the constitution that established the polls was undemocratic and unfair. It includes provisions that bar the democracy icon from holding office and ensure the military a controlling stake in government.

Suu Kyi's party has not yet decided whether to take part in the election, the date of which has not yet been set.

Suu Kyi has been detained for 14 of the past 20 years. She was sentenced last August to 18 months' house arrest, with three months in detention awaiting the end of the trial counted toward the total.

The National League for Democracy party swept the last elections in 1990, but the results were never honored by the military, which has ruled the country since 1962.

USDA intensifies organizational work

Min Thet, Myint Maung, Mizzima, January 18, 2010

The junta-backed Union Solidarity and Development Association (USDA) has been intensifying organizational and outreach work in the greater Rangoon area since early this year, claim local residents. In 2009, USDA members in Rangoon carried out work in laying concrete, establishing funeral service associations, eye testing, medical clinics, tuition, extending loans and digging drainage – all at no additional charge.

Now, they are mending and renovating houses of poor people in 10 Rangoon townships: South Dagon satellite town, South Okkalapa, North Okkalapa, Thingagyun, Shwepyitha, Hlaingtharya, Dawpon, Thaketa, Mayangon and Kyimyindine. "We are free of charge rebuilding houses for people living hand-to-mouth in 10 townships in Rangoon Division. Each house costs between 700,000 to 800,000 kyats (1 USD - 1,000 kyat)," a USDA member of South Dagon Satellite Township reported.

However, in Hlaingthayar Township, home owners, who are predominantly USDA members themselves, must repay the cost of building repairs at a rate of 100 kyats per month. "We give priority to local people who cannot afford to mend their houses, local residents, USDA members and those who really cannot afford to rebuild their houses. They must repay 100 kyats per month until their payments cover the entire loan of 500,000 kyats for the house," an official of the Hlaingthayar Township USDA told Mizzima.

Construction of 10 houses each in South Dagon Satellite Township and the village of Seikyi Umya Nga Zin in Kyimyindine Township, across the Rangoon River, have been completed and another round of 10 houses each in other townships will soon be implemented, a member of the Rangoon Division USDA related. Owners of the houses reportedly had to sign a pledge not to sell their houses in their lifetime.

"Our house is ten feet by forty feet on a leased plot under my name and without mortgage or resale. So it is free of any ownership dispute. They said that the house rebuilt by them costs about 700,000 kyats at market price. It is built with a brick foundation, and half of the wall is built with brick too. The other part is covered with wire mesh without doors or windows. Previously, my entire wall was built with bamboo, so we felt secure. Now, there is wire mesh without doors and windows, so we feel insecure in staying in this house," an owner of such a house in South Dagon Satellite Township explained to Mizzima. Rangoon mayor Brigadier General Aung Thein Lin is a member of the USDA Central Executive Committee and also the Rangoon Division USDA in-charge. According to local residents, he has prioritized his USDA activities over municipal work in the city, focusing on organizational work among the people. The junta established the USDA in 1993 as a social organization, but it has consistently been accused of neglecting community needs beneficial to the common people while also being employed to crackdown on political opposition forces. Observers see the organization as the main supporter in approving the 2008 constitution. Chairman of the Thai-based Network for Democracy and Development (NDD), Khin Ohnmar, views the current reconstruction of houses in Rangoon suburbs as related to the planned general election. "It is related with the planned general election in 2010. Even though they [junta] will not run in the upcoming election under their own name, we see signs of them running under the guise of the social organization. So, they are doing such community work at this time to win the people's hearts," she assessed.

Ethnic Leaders Reject Election Ba Kaung, Irrawaddy, January 14, 2010

Several ethnic leaders elected in Burma's 1990 election reaffirmed this week that they will not participate in the planned election this year without a review of the 2008 Constitution and the release of all political prisoners—two major demands they have been pressing for since early last year. "We will not found any political party if the 2008 Constitution cannot guarantee us equality and autonomy," said 76-year-old Thar Ban, the acting chairman of the Arakan League for Democracy. Pu Cin Sian Thang, a spokesman for the United Nationalities Alliance (UNA), a coalition of 12 ethnic parties which contested and won 67 seats in the 1990 election, said that the alliance's attitude toward the planned election is not much different from the National League for Democracy's (NLD) Shwegondaing Declaration. The Shwegondaing Declaration, released by the NLD in April last year, calls for a review of the controversial Constitution, political dialogue and the unconditional release of all political prisoners, including its leader, Aung San Suu Kyi. "The reason for this stand is that we contributed to the Shwegondaing Declaration even though it was not publicly known," said Pu Cin Sian Thang, who is also the chairman of the Zomi National Congress, an ethnic Chin political party. Many of the 12 parties comprising the UNA were abolished after the 1990 election by the military regime, which cited various reasons—one of them for not having enough membership on their central executive committees. In February last year, the UNA issued a statement condemning the Constitution as a means to make Burma's ethnic nationalities subordinates to the Burman majority, and because it hands "supreme power" to the military's commander in chief. "Our participation in the election without changing the

undemocratic elements of the Constitution would validate this whole Constitution as soon as the first session of parliament is held,” said Pu Cin Sian Thang in a telephone interview with The Irrawaddy. He said the Zomi National Congress will base its decision on how the NLD responds at that time. However, soon after the regime announces the electoral law, many political groups including the NLD and the UNA will have to announce their final decision on whether to participate or not. “We will not follow exactly what the NLD does,” he added. “But we have to look at its responses since it represents the majority of the people.” “However,” he added, “if the Constitution remains unchanged, we will in no way join in the election.”

Another ethnic leader, Naing Ngwe Thein, who is the chairman of the Mon National Democratic Front, said his political party's position on the election is the same as the UNA's. But while a stalemate remains between the regime and several ethnic cease-fire groups, such as the United Wa State Army and the Kachin Independence Army, over the Border Guard Force proposal, other ethnic leaders like Dr. Tuja, the former vice-president of the Kachin Independence Organization, have stated their willingness to participate in the election. “We have no objection if anyone wants to join in the election,” said Naing Ngwe Thein. “But history will judge who is on the right side and who is on the wrong side.”