



Neither Free Nor Fair: Election Day in Burma Marked by Low Voter Turnout, Fraud, and Insecure Voting

On 7 November 2010, Burma's military generals held Burma's first elections in two decades. However, the pre-election conditions set out by the regime had already set the stage for fundamentally undemocratic elections prior to the day of elections. Democratic and ethnic forces in Burma harshly criticized the election process, believing that the polls would merely serve as a formalization of the repressive military rule. Reports from election day have only confirmed this prediction. Early voting results indicate that the military backed party, the Union Solidarity and Development Party (USDP), has gained an overwhelming victory amid a vast number of reports of electoral fraud and violations. All signs indicate that the will of the people of Burma will not be reflected in the incoming military-dominated government.

Pre-Election Situation

The regime's electoral process has been flawed from the very beginning. Borne out of the regime's "Seven-Step Roadmap to Democracy," the elections will bring into effect the military-drafted 2008 Constitution, a document that grants the military independence from civilian rule, impunity for past, current and future human rights violations, and entrench military dictatorship. The pre-election period was marred by restrictive election laws, which were unevenly enforced by an Election Commission handpicked by the regime. Political prisoners have been barred from participation; with over 2,200 political prisoners behind bars, the regime has excluded a vast number of key stakeholders from the process. Based on these undemocratic conditions, the National League for Democracy and several other 1990 election winning parties decided they could not participate and legitimize the essentially illegitimate elections. Those independent political parties who did choose to participate faced ongoing restrictions from security forces, SPDC local authorities and the Election Commission.

In an attempt to ensure full control over the electoral process, the regime severely limited political space and arrested dissenters in preparation for the elections, ensuring the suppression of a viable electoral opposition. The regime took further steps to guarantee a win for the SPDC-backed party, the USDP. Together with the USDP, the regime has carried out countless election violations, ranging from vote buying, forced votes, illegal advance votes, intimidation and harassment, restrictions on the actions of other political parties, and voter list manipulation. Six independent political parties, including the National Democratic Front (NDF) are filing complaints concerning all the advanced votes, but the Election Commission has failed to follow up with any of these complaints. The Election Commission has further cancelled polls in more than 3,400 villages in 36 townships in Shan, Karenni, Mon, Chin, Kachin, and Karen States as it believed there were not the necessary "conditions" for "free and fair" elections in such areas.

Election Day

Lack of Transparency in an Already Closed Country

The regime failed to fulfill basic elections and human rights standards, suppressing freedoms of expression,

assembly, association and information. Bangkok-based Asian Network for Free Elections (ANFREL) said in a 6 November press release, "People all over the country, including the media, have completely lost their freedom of expression and freedom of choice. Neither the poll preparation nor the election environment has reached the international standards that are basic principles of democracy."¹

The regime barred international monitors from operating in the country. Foreign diplomats were invited to observe select polling stations; a group of foreign diplomats, including North Korea, Russia and Malaysia, were shown around to key polling stations in what has been widely believed to be an orchestrated performance².

Foreign journalists were tightly restricted from entering the country. Some foreign journalists were able to enter on tourist visas; a few have been expelled from the country, while two were reportedly arrested in Kachin State, and another arrested in Myawaddy on the Thai-Burma border. Local media were banned from going within 50 meters of a ballot box.

With media and election monitors banned, a shortage of political party poll observers, severe restrictions on freedom of movement, expression and information, limited communication channels and military propaganda, no one has been able to gain a complete picture of the day's events. However, despite such limitations, there is a substantial and mounting body of evidence of significant elections-related violations.

At the Polls: Widespread Electoral Fraud Amid General Apathy

Election polls opened at 6:00 am, and according to many reports, voting stations were empty by early afternoon. While it is difficult to calculate precise voter turnout, but the general perception is that it was considerably low. From further reports inside, it seems clear that there was widespread apathy and indifference to the elections. One resident in Mon state observed, "The people aren't keen on voting. They're just not interested. They know their votes will not change anything."³ For others, not participating in the polls was a more political act to demonstrate resistance against the elections. Other forms of resistance emerged; reports have surfaced of voters casting ballots for democracy leader Daw Aung San Suu Kyi and purposefully spoiling their ballots.

The polls were marked by considerable electoral fraud conducted by the SPDC, USDP as well as the Election Commission. These violations included ballot stuffing, unsecure ballot booths, tampered voter lists, forced voting and illegal campaigning. Voters reported that the Election Commission regularly collaborated with the USDP; party monitors from the National Democratic Front (NDF) noted that polling station officials manipulated voting ballots to pre-select the USDP for voters⁴.

Generally, many reports have been gathered from citizens that highlight the level of general misinformation concerning the elections; people did not know how to vote, who the candidates were, and were instructed incorrectly by officials to favor the USDP. Even more concerning was the fact that many people in the country did not seem to know that an election was even taking place.

Early Election Results

Official nationwide results of the polls have yet to be announced, however, winners have been declared in some constituencies. USDP has already confirmed victories in 55 uncontested constituencies, as well as half a dozen in Naypyidaw contested by former military generals. The USDP has also reportedly won 90 of 91 constituencies in Mandalay, 103 of 105 in Irrawaddy Division and all constituencies in Naypyidaw. The National Democratic Force,

¹ "Pre-Election Activities in Myanmar are Undemocratic and Quite Far from Meeting International Standards," [Asian Tribune](#). 7 Nov. 2010.

² "N Korea diplomats observe polling," [Democratic Voice of Burma](#). 7 Nov. 2010.

³ Lawi Weng, "Low Turnout in Mon State," [The Irrawaddy](#). 7 Nov. 2010.

⁴ Ba Kaung, "Election Day Marred by Fraud, Intimidation," [The Irrawaddy](#). 8 Nov. 2010

the Shan Nationals Democratic Party, the Rakhine Nationalities Development Party, and the Inn National Development Party have each won a handful of seats, a small comparison to those that have already been called for the USDP.

Violence and Tension in Ethnic Areas

The post-election time has already witnessed a considerable increase in ethnic tension and violence. On the day of the polls, the SPDC and local authorities attempted to force local residents to vote at gunpoint in Myawaddy, Karen State. A breakaway brigade of an ethnic Karen army, the Democratic Karen Buddhist Army (DKBA), intervened and consequently took control of the town. Violent clashes between the DKBA and the Burmese Army began at 9am on 8 November, spurring on as many as 30,000 Karen to flee across the Thai-Burma border, many of whom have been injured. Reports indicate that this may be only the beginning of ethnic armed violence prompted by the fraudulent elections. The escalating conflict between the central SPDC Army and the Karen ethnic army is illustrative of how the elections have failed to address any of the concerns of the ethnic populations.

Recommendations

International governments have already taken a strong stance on the elections; representatives from the European Union, United Kingdom and United States voiced strong concerns soon after the day of polling. Based on the pre-election conditions, election day reports and early results, there is more than enough evidence for the international community to resolutely denounce these elections as neither free nor fair.

Now is the time for the international community to show their commitment to the principles of democracy and human rights by:

- Denouncing the elections, and refusing to recognize the results of the polls.
- Calling for the following three minimum benchmarks as necessary steps for true democratization, national reconciliation and peace in Burma:
 - The immediate and unconditional release of all political prisoners, including Daw Aung San Suu Kyi, Khun Htun Oo and Min Ko Naing;
 - A cessation of attacks on ethnic communities, particularly the ongoing election-related attacks in Karen State, Eastern Burma; and,
 - Genuine tripartite dialogue with democracy and ethnic representatives, including a review of the 2008 Constitution.
- Supporting the Kalay Declaration, a pact signed by significant ethnic, democratic, and student and youth leaders inside Burma, that calls for the creation of a new national consultative process to establish a genuine federal union. Such a process of dialogue could succeed where the regime's polls have failed; it would address the desire of the people of Burma for national reconciliation, peace and equality.
- In light of the recent election-related violence in Karen State, international governments must publically support the creation of a UN-led Commission of Inquiry into crimes against humanity and war crimes in Burma and provide humanitarian protection and assistance to refugees that have fled across the Thai-Burma border.