

Elections for Ethnic Equality?

A Snapshot of Ethnic Perspectives
on the 2015 Elections



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About Burma Partnership

Burma Partnership is a network of organizations throughout the Asia-Pacific region advocating for and mobilizing a movement for democracy and human rights in Burma. BP draws its strength from the diversity of its partners, from the multi-ethnic leadership of political and civil society organizations both inside Burma and in exile, to its partners and broad-based solidarity organizations throughout the region.

BP envisages a free and democratic Burma, which upholds principles of human rights, equality and justice. It sees a society where all Burma people actively participate in social, economic and political decision-making processes, and collaborate in solidarity with the peoples of the Asia-Pacific region. BP is comprised of the following Working Group members;

Burmese Alliance Organizations:

- Forum for Democracy in Burma
- Nationalities Youth Forum
- Students and Youth Congress of Burma

Regional Solidarity Networks:

- Alternative ASEAN Network on Burma
- Asian Forum for Human Rights and Development
- Asia Pacific Solidarity Coalition

National Solidarity Coalitions:

- Solidaritas Indonesia untuk Burma
- Free Burma Coalition-Philippines
- Burma Campaign Korea
- Hong Kong Coalition for a Free Burma
- People's Forum on Burma (Japan)

Progressive Voice – ‘Shay Pyay Athan’ in Burmese – is a novel and innovative pilot project, initiated from the start of 2015 under the auspices of Burma Partnership. Progressive Voice’s objective is to conduct rigorous research and to develop creative, solution-orientated and principled policy recommendations. It thereby hopes to engage, assist and inspire key decision- and policy-makers, the youth, grassroots communities and marginalized groups, including ethnic and religious minorities, to achieve real democratic, political and socio-economic change that will benefit all people in Burma.

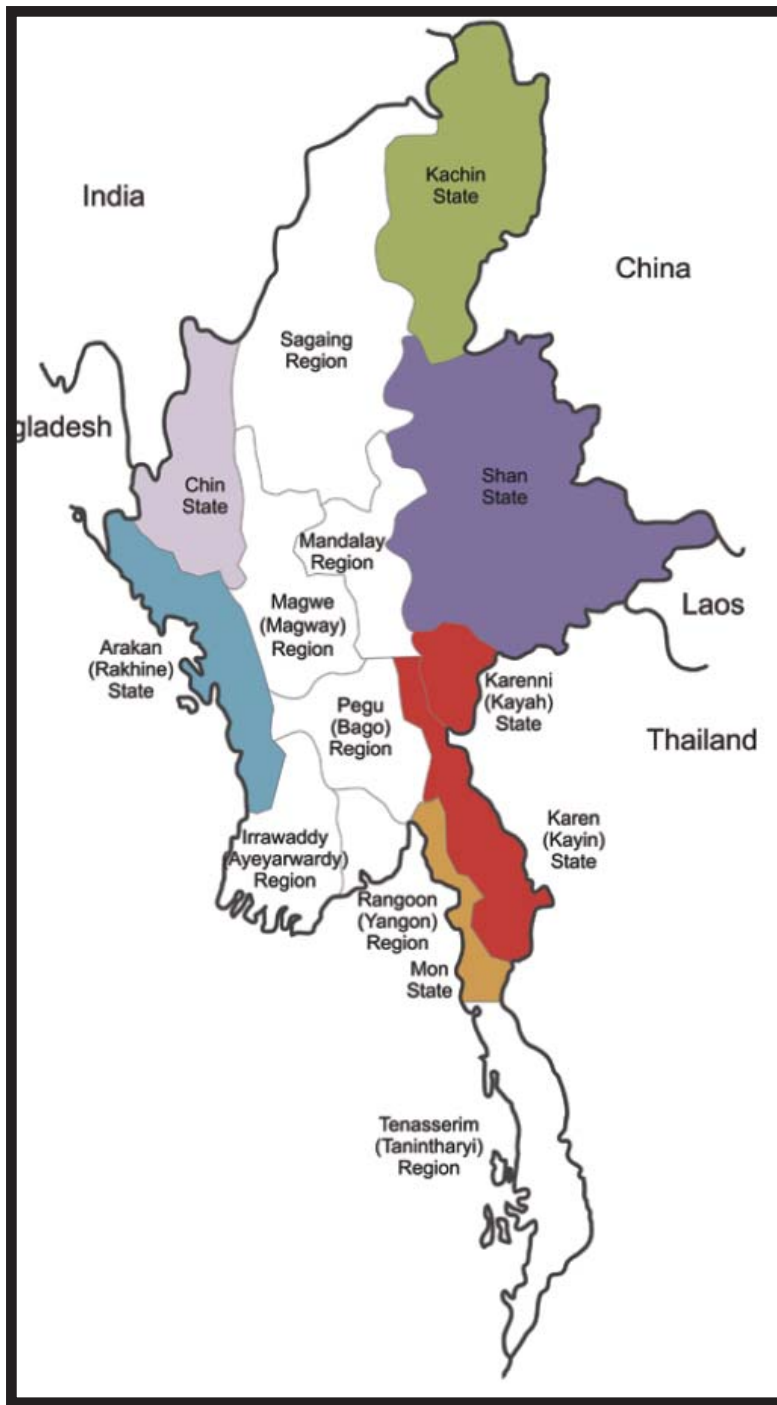
Contents

| | |
|---|-----------|
| Acronyms | 7 |
| Executive Summary | 9 |
| Introduction | 11 |
| Objective, Scope and Methodology | 13 |
| Section One: Overview of the 2015 Elections | 15 |
| 1.1 Historical Context of Elections in Burma | 15 |
| 1.2 Armed Conflict | 18 |
| 1.3 Ethnic Political Parties | 19 |
| 1.4 Institutional and Electoral Framework of the 2008 Constitution | 21 |
| 1.5 Elections in Armed Conflict Areas | 24 |
| Section Two: 2015 Elections in Ethnic Areas | 26 |
| 2.1 Ethnic Political Party Alliances | 26 |
| 2.2 Attempts to Merge Ethnic Political Parties | 27 |
| 2.3 Ethnic Political Party Perspectives on Union Solidarity and Development Party (USDP) and the National League for Democracy (NLD) | 30 |
| 2.4 Women's Participation | 32 |
| Section Three: Ethnic Communities and Civil Society Perspectives | 34 |
| 3.1 Views on Elections | 34 |
| 3.2 Views on Parties | 37 |
| 3.3 Views on Consultation | 41 |
| 3.4 Views on the Union Election Commission (UEC) | 42 |
| 3.5 Civil Society Organizations' (CSOs) Work on the Elections | 42 |
| 3.6 Summary of Ethnic Communities' Views on Political Parties and the 2015 Elections | 43 |
| Section Four: Towards a Federal System of Governance | 45 |
| 4.1 Centralization of Power | 45 |
| 4.2 Burma Army Domination | 51 |
| 4.3 Peace Process | 52 |
| Conclusion | 57 |
| Recommendations | 58 |
| Appendix | 60 |
| Acknowledgements | 66 |

Acronyms

| | |
|-------|---|
| AA | ▪ Arakan Army |
| ALD | ▪ Arakan League for Democracy |
| AMRDP | ▪ All Mon Regions Democratic Party |
| ANP | ▪ Arakan National Party |
| BCP | ▪ Burma Communist Party |
| CLD | ▪ Chin League for Democracy |
| CSO | ▪ Civil Society Organization |
| DKBA | ▪ Democratic Karen Benevolent Army |
| DSEZ | ▪ Dawei Special Economic Zone |
| EAO | ▪ Ethnic Armed Organization |
| FGD | ▪ Focus Group Discussion |
| FUP | ▪ Federal Union Party |
| GAD | ▪ General Administration Department |
| IDP | ▪ Internally Displaced Persons |
| KIA | ▪ Kachin Independence Army |
| KNU | ▪ Karen National Union |
| KSDP | ▪ Kachin State Democracy Party |
| MNDAA | ▪ Myanmar National Democratic Alliance Army |
| MNDF | ▪ Mon National Democratic Front |
| MNP | ▪ Mon National Party |
| MP | ▪ Member of Parliament |
| NBF | ▪ Nationalities Brotherhood Federation |
| NCA | ▪ Nationwide Ceasefire Agreement |
| NCCT | ▪ Nationwide Ceasefire Coordination Team |
| NDF | ▪ National Democratic Force |
| NLD | ▪ National League for Democracy |
| PNA | ▪ Pa-O National Army |
| PNO | ▪ Pa-O National Organization |
| PSDP | ▪ Phlone Sqaw Democratic Party |
| RCSS | ▪ Restoration Council of Shan State |
| RNDP | ▪ Rakhine Nationalities Development Party |
| SAZ | ▪ Self-Administered Zone |
| SEZ | ▪ Special Economic Zone |
| SLORC | ▪ State Law and Order Restoration Council |
| SNDP | ▪ Shan Nationalities Development Party |
| SNLD | ▪ Shan Nationalities League for Democracy |
| SPDC | ▪ State Peace and Development Council |
| TNLA | ▪ Ta'ang National Liberation Army |
| TNP | ▪ Ta'ang National Party |
| UDPKS | ▪ Union Democratic Party Kachin State |
| UEC | ▪ Union Election Commission |
| UNA | ▪ United Nationalities Alliance |
| UNFC | ▪ United Nationalities Federal Council |
| UPWC | ▪ Union Peacemaking Working Committee |
| USDP | ▪ Union Solidarity and Development Party |

Map of Burma (Ethnic States in Color)



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Executive Summary

In the context of the 2015 elections, this report aims to provide a summary of what these elections mean and how the elections are perceived in ethnic nationality areas of Burma. Given that up to 40% of the population of Burma are not ethnically Burman, it is vital to present the perspectives and attitudes, as well as the political situation, in these ethnic areas in the run up to this much anticipated event.

This report finds that ethnic political parties and ethnic civil society broadly agree on fundamental issues: the need for peace, ethnic equality, self-determination, and a federal system of governance. Given the centralized governance structure and the overbearing presence and power of the Burma Army, an institution that has been at war with ethnic nationality actors for over 65 years, it is fundamental structural changes in the way that Burma is governed that will address peace, ethnic equality, self-determination and federalism, not the 2015 elections.

The report finds that the State and Region level Parliaments simply do not have power to make essential changes in the lives of ethnic communities. The stipulations in

Schedules One and Two of the 2008 Constitution¹ allocate very few responsibilities to the local level while the Chief Minister of the State or Region Parliament is chosen by the President. Both ethnic communities and ethnic political parties feel the impotence of this centralized structure of governance and most stated that they need this to change before they are able to develop policy platforms on issues such as education, health, drugs, and other issues.

Furthermore, the Burma Army has entrenched its power through the control of day to day administration through the General Administration Department (GAD), its allocation of 25% seats in Union, and State and Region level Parliaments, as well as control over key ministries.

The 2015 elections will not change either of these two structural impediments to ethnic equality - military domination and centralization of governance - and both ethnic political parties and ethnic civil society expressed this in the research conducted. It is important not to forget that there is another ongoing process

1. See Appendix

that seeks to realize aspirations of ethnic equality and self-determination - the peace process. For many ethnic communities, this is the most important political process in Burma today. This is not to state that the 2015 elections are unimportant or irrelevant for ethnic areas. They will serve to develop the political maturity of ethnic political parties that are either very new or have been operating underground or in exile for many years. But amid the hype and optimism surround this historic event, the aspirations of many ethnic communities will remain unfulfilled unless fundamental, structural, institutional changes in governance take place.

Introduction

On 8 July, 2015 the Union Election Commission (UEC) announced the date of the much-anticipated 2015 General Elections; 8 November, 2015.² While there has been a huge focus on the two biggest, and majority-Burman parties; the military-backed Union Solidarity and Development Party (USDP) and the main opposition, the National League for Democracy (NLD), the bloc of ethnic votes and the ethno-focused political parties that seek to represent their respective ethnic communities could well end up winning over a third of the seats available, as well as dominating their respective State and Region level Parliaments. Thus, this report will present the political situation in relation to the 2015 elections in the main ethnic nationality areas, giving the communities' perspectives on the elections, the policies and positions of ethnic political parties and their modus operandi, and the teething problems in an electoral process that is still in its infancy.

Yet any report, analysis, or recommen-

dations that address the political situation of ethnic nationality areas would have fundamental flaws if it did not address the structural issues that underline ethnic grievances and have done since Burma's independence in 1948. Issues of ethnic equality, power-sharing, self-determination, federalism, and the economic, social, cultural and political rights that have been denied to ethnic people for so long are the most important, divisive, and problematic issues that Burma has faced. It is for these reasons that civil war has continued unabated for over 65 years, earning it the moniker of 'the world's longest running civil war.'³ In regards to ethnic aspirations in relation to the elections, it is vital to discuss the conflict and current peace process, and the institutionalized marginalization of ethnic people in Burma. While this report will address the peace process briefly, it will focus on the structural impediments that deny ethnic people their rights, aspirations and goals, the same structural impediments

2. "It's Official: Election Date Set for Nov. 8," *The Irrawaddy*, July 8, 2015. <http://www.irrawaddy.org/burma/its-official-election-day-set-for-nov-8.html> (accessed August 11, 2015).

3. Charlie Campbell, "Is the World's Longest-Running Civil War About to End?" *Time*, November 6, 2013. <http://world.time.com/2013/11/06/is-the-worlds-longest-running-civil-war-about-to-end/> (accessed August 11, 2015).

that both the ethnic political parties, and the ethnic armed organizations (EAOs) seek to change.

While conducting research for this report, which initially sought the policy platforms of political parties and communities' views on these parties as well as the elections as a whole, a common sentiment emerged. Whether from civil society organizations (CSOs), community workers and ethnic political parties, both old and new, the common sentiment was that ethnic rights are denied, that a federal structure of governance is needed, and that crucially, the document that entrenches this systematic abuse, discrimination, and exploitation over ethnic people, the 2008 Constitution, must be changed. Thus, even if ethnic political parties won every seat they contested in ethnic areas, due to articles and stipulations in the 2008 Constitution such as Schedules One and Two, their power to make substantial changes in the lives of their constituents is minimal. In fact, many people stated that they did not believe in the importance of the elections and that it could never be free and fair, due to the 2008 Constitution. As the military's intransigence has shown, the likelihood of this document being subject to substantive changes in the near future is low.

Time and time again, ethnic political parties stated that their main policy goal is to create a federal system of governance. There are two tracks in this process. One of which is the ethnic political parties, and the other is the EAOs. Yet the tools and strategies employed by these two groups for the end goal are radically different. While EAOs operate outside the formal political system, the 2008 Constitution, ethnic political parties seek to enact change from within the system. Thus, their decision to join the electoral process is a means towards their

end goal: of ethnic equality and a federal system of governance. Meanwhile, the peace process with the EAOs, many of whom yield extensive power and influence in these ethnic areas, rumbles on, seemingly further and further away from the finish line. The role of EAOs is decisive in the future of Burma, and in many respects much more significant than the 2015 elections, certainly for many ethnic communities.

The first section of this report will provide the context of the 2015 elections nationally, including identifying the main players, the framework under which it will take place, its place in historical context, and the current political situation in Burma. Secondly, the report will provide a snapshot of the elections in ethnic areas focusing on ethnic political parties. The third section will present the perspectives of ethnic communities and ethnic civil society on the elections the political parties, and the UEC, as well as CSOs' involvement in the elections. The fourth section will present the main argument of this report, that the 2015 elections will not be beneficial in regards to the realization of ethnic aspirations while political and economic power is still highly centralized and the power of the Burma Army remains. Furthermore, this report will detail why it is vital to recognize the peace process as the most important political process for many ethnic communities. Finally, recommendations will be made to the Burma Government, the ethnic political parties themselves, and the international community.

Objective, Scope and Methodology

The purpose of this report is to present a snapshot of ethnic perspectives on their political aspirations in the context of the 2015 elections. Thus, in planning the research, the report aimed to gather as many perspectives from different ethnic areas as possible.

The research for this report consisted of field and desk research. Interviews and focus group discussions (FGDs) were conducted throughout Burma as well as Thailand with ethnic CSOs and ethnic political parties. CSOs who work with Karen, Mon, Arakan, Chin, Kachin, Shan, Pa-O, Palaung, Intha, Danu, Tavoyan, Lahu, Lisu, and Rohingya communities were either part of 45 minute to one hour interviews, or ninety minute FGDs. Political parties that represent Karen, Mon, Kayan, Shan, Kachin, Lisu, Intha, Arakan, Chin, Pa-O and Rohingya communities were also interviewed in 45 minute to one hour interviews. Both the main ethnic political party alliances, the United Nationalities Alliance (UNA) and the Nationalities Brotherhood Federation (NBF), were interviewed. A total of 19 interviews with political parties were conducted, nine interviews with CSOs, and six FGDs with representatives from various CSOs. The FGDs varied in number of partici-

pants, ranging from four to 12.

The field research was conducted by two researchers from Burma Partnership, one of whom was male and one of whom was female. The interviews were conducted in either English or Burmese and in one instance, in the local ethnic language. Translation was provided when necessary. The field research was conducted in the offices of political parties or CSOs. The researchers conducted interviews and FGDs in Hpa-an (Karen State), Moulmein (Mon State), Taunggyi, Nyaungshwe (Shan State), Myitkyina (Kachin State), and Rangoon. The researchers did not travel to Chin and Karenni States due to time and resource constraints but did interview representatives from political parties and CSOs from these states in Rangoon. For Arakan State, ethnic Arakan political parties or CSOs were interviewed in Rangoon and Thailand. This was due to security concerns and the importance of the personal security of the researchers. The location of the interviews of the Rohingya is undisclosed for similar security reasons. In this report, the political parties are named but the CSO representatives are not. CSOs still work in a repressive environment in Burma,

and many are vulnerable to recriminations regarding the work they do or criticisms that they make. Thus, the individual's names as well as the names of the CSOs are not mentioned. Political parties, however, have full legal status and unless information was specified as 'off the record' during interviews, their quotes are attributed to the name of the political party.

The interviews were semi-structured while the FGDs were less uniform. This was a conscious decision to use a more qualitative approach as the objective of the report was to provide a political analysis based not on statistical information, but the feelings, perspectives and outlook of ethnic people, whether from civil society or political parties.

Regarding the gender of the interviewees, from the CSOs side there was an approximate 50/50 split, showing how women

in Burma are active and take leading roles in CSOs, although this is not to describe the civil society landscape as completely free of gender bias and discrimination. In contrast, for the political parties, many of their representatives were male, particularly those in top-leadership positions such as Chairperson or General-Secretary. This represents the lack of women's representation in party politics, which is expanded on later in this report.

Not all ethnic political parties and not all ethnicities were interviewed for this report. This was due to time and resource constraints. Despite this, many of the major ethnic political parties were interviewed, while the report also sought to present the aspirations and platforms of smaller ethnic groups that are overshadowed by dominant non-Burman ethnic majorities.

Section One: Overview of the 2015 Elections

1.1 Historical Context of Elections in Burma

Burma has a checkered history of elections. A brief period of democratic governance, based on a parliamentary system, lasted from independence in 1948 to the first military takeover of 1958. Elections were held in 1947, one year before independence, as well as in 1951, 1956, and 1960. In 1958, citing internal strife and disorder and in the face of a military takeover, then Prime Minister, U Nu handed power to the Burma Army ostensibly as a 'caretaker government' for a 6-month period. This period lasted two years but in 1960, power was relinquished and U Nu came back to power in a landslide election victory. Two more years of democracy followed until Army Chief, General Ne Win launched a coup d'état that resulted in 26 years of military rule through the auspices of the Revolutionary Council and the Burma Socialist Program Party, headed by General Ne Win himself.⁴

4. Michael W. Charney. *A History of Modern Burma* (New York: Cambridge University Press, 2009).

In 1988, after countrywide demonstrations and a popular democracy movement, General Ne Win stepped down and the Army explicitly took power, crushing dissent, killing thousands of pro-democracy protesters and imprisoning hundreds, with the newly installed Army Chief, General Saw Maung establishing the State Law and Order Restoration Council (SLORC). Elections were promised and two years later, in 1990, the SLORC allowed a general election to proceed, with Daw Aung San Suu Kyi, the daughter of independence hero, General Aung San, leading the NLD to an overwhelming victory. The military, however, refused to hand over power, many elected Members of Parliament (MPs) were jailed, and 21 years of explicit military dictatorship followed, primarily under Senior General, Than Shwe.

Under military rule, a process called the 'National Convention' began in 1993, and was supposedly a national dialogue aimed at drafting a constitution. While ostensibly, representatives from different sectors of the country were supposed to be involved, including elected representatives from the 1990 elections, in reality it was a military-dominated affair. It was estimated that of

the 702 delegates, only 15% were elected representatives from the 1990 elections, while most were either from the military, or selected by the SLORC.⁵ In November 1995, the NLD representatives boycotted after their request to review the working procedures of the National Convention was denied. They were subsequently expelled and the National Convention was suspended for seven years. In 2004, 13 EAOs submitted a proposal to the National Convention regarding a federal union but was duly ignored. A similar proposal that also sought guarantees of religious freedom was submitted by the Kachin Independence Organization (KIO), the political wing of the Kachin Independence Army (KIA), but this was again, ignored.⁶ Thus, the National Convention was a stop-start process in which the opposition NLD as well as some ceasefire EAOs and ethnic political parties were drawn in, distracted, frustrated and ultimately disenfranchised by the military regime.

In 1997, the SLORC changed its name to the State Peace and Development Council (SPDC), but this resulted in little substantive change to the running of the country, bar a reshuffle of positions of power. The motivation behind this change is not completely clear, although many speculate that an image-change in the eyes of the international community was one reason, and a consolidation of power by certain military generals is another possibility.⁷

In 2003, then Prime Minister and head of military intelligence, General Khin Nyunt, announced the 'seven-step roadmap to democracy.' The seven steps were as follows:

1. Reconvening of the National Convention that had been adjourned since 1996;
2. After the successful holding of the National Convention, implement step-by-step the process necessary for the emergence of a genuine and disciplined democratic system;
3. Drafting of a new constitution in accordance with basic principles and detailed basic principles laid down by the National Convention;
4. Adoption of the constitution through national referendum;
5. Holding of free and fair elections for Pyithu Hluttaws (legislative bodies) according to the new constitution;
6. Convening of Hluttaws attended by Hluttaw members in accordance with the new constitution; and,
7. Building a modern, developed, and democratic nation by the state leaders elected by the Hluttaw; and the government and other central organs formed by the Hluttaw.⁸

The fourth step, the ratification of the military drafted 2008 Constitution, occurred through a referendum on 19 May, 2008, in which polling was held just days after Cyclone Nargis had devastated the country, killing over 140,000 people. The SPDC announced a 92.4% yes-vote although allegations of vote tampering, coercion, intimidation and harassment were rife.⁹ It took 15 years after the start of the National Convention process for the Burma Army to finally entrench their role in political life through the adoption of the 2008 Constitution.

5. "Chronology of Burma's Constitutional Process," *Human Rights Watch*, May, 2008. <https://www.hrw.org/sites/default/files/reports/burma0508chronology.pdf> (accessed August 21, 2015).

6. Benedict Rogers. *Burma: A Nation at the Crossroads* (London: Rider Books, 2012).

7. Charney. *A History of Modern Burma*.

8. "Chronology of Burma's Constitutional Process," *Human Rights Watch*.

9. "Burma: Reject Constitutional Referendum," *Human Rights Watch*, May 17, 2008. <https://www.hrw.org/news/2008/05/17/burma-reject-constitutional-referendum> (accessed August 21, 2015).



*Military MPs sitting in Union Parliament
Copyright: The Irrawaddy*

Deeply flawed and widely discredited elections followed in 2010 that put into power a quasi-civilian government under President Thein Sein, with the military-backed USDP as the main party, taking office in March 2011. Most of the parties that won seats in the 1990 elections, including the main ethnic nationality parties as well as the NLD, boycotted the elections as many of their leaders were still in prison, and most distrusted the process as it was under the 2008 Constitution. The 2010 elections were criticized for many of the same reasons that the 2008 referendum on the 2008 Constitution was criticized; fraud, voter intimidation, and vote tampering, especially with advanced voting.

The NLD leader, Daw Aung San Suu Kyi, who had spent 15 of the previous 21 years under house arrest was released a few days after the 2010 elections were held. A by-election was held in 2012, which the NLD did decide to contest, dominating the event by winning 43 out of 44 available seats, with Daw Aung San Suu Kyi contesting and winning a Lower House seat in the Union Parliament in Kawhmu Township. On 8 November, 2015, the second general elections under the 2008 Constitution will take place.

1.2 Armed Conflict

Since independence, whether democratic rule, a military backed one-party state, explicit military control, or quasi-civilian rule, there has never been a time of nationwide peace in Burma. The first ethnic-based armed group that opposed the Burmese State was the Karen National Union (KNU), formed in 1947 during independence negotiations between Burmese nationalists and the British Government. Reluctant to be part of a union with Burma, the KNU rebelled in January 1949, along with ethnic Mon separatists, also from eastern Burma.¹⁰ For ethnic groups in the north of the country, the Shan, Chin, and Kachin, they had in fact already brokered a favorable deal with Burman leader, General Aung San, in 1947: the Panglong Agreement. The Panglong Agreement is a symbolic treaty for ethnic people of Burma, and represents both aspirations of self-governance as well as broken promises. It was an agreement made between then Burman leader, General Aung San, and representatives of Chin, Kachin and Shan 'hill peoples' to guarantee 'full autonomy' to these areas. Yet after the Burman signatory, General Aung San was assassinated along with other independence leaders just months after signing the agreement, it was never implemented. After the Burma Army exerted more and more control throughout ethnic areas, new ethnic-based resistance movements sprung up, fighting against Burman Army domination, political marginalization and a lack of self-autonomy. Thus the KIA emerged in the early 1960's, various Shan ethnic armed groups have come and gone since the late 1950's, while the Chin, Mon, Karenni, Arakan, Pa-O, Palaung, Lahu and many others have arisen

10. Charney, *A History of Modern Burma*.

to fight for their own ethnic people.¹¹ It is also important to note that the Burma Communist Party (BCP) was the largest and most well equipped armed group from the 1950's to 1980's. Led by ethnic Burman leaders, its rank and file were mostly ethnic nationalities from northern Burma, such as Wa, Kokang and others, which have since created their own ethnic armies since the BCP collapse in 1989.¹²

It is these conflicts that have caused the most devastation in Burma. As the Burma Army has become stronger and stronger over the years, the areas of self-administration that many of these EAOs had has decreased. As the Burma Army continues its slow, steady advance, the communities that have lived and continue to live through this violence have experienced chronic suffering. There are currently around 110,000 refugees living in camps in Thailand, most of who have fled the direct or indirect consequences of armed conflict in eastern Burma.¹³ This is to add to the approximately 400,000 people living as internally displaced persons (IDPs) within eastern Burma, in Mon, Karen and Karenni States.¹⁴ In Kachin State, as a result of the Burma Army breaking a ceasefire with the KIA that held between 1994 and 2011, around 120,000 people are living in

11. Bertil Lintner. *Burma in Revolt: Opium and Insurgency since 1948*, 2nd Edition (Chiang Mai: Silkworm Books, 1999).

12. Bertil Lintner and Michael Black, *Merchants of Madness* (Chiang Mai: Silkworm Books, 2009).

13. "Refugee and IDP Camp Populations: July 2015," *The Border Consortium*, August, 2015. <http://www.theborderconsortium.org/media/62183/2015-07-jul-map-tbc-unhcr.pdf> (accessed September 4, 2015).

14. "Protection and Security Concerns in South East Burma/Myanmar," *The Border Consortium*, November, 2014. <http://www.theborderconsortium.org/media/54376/report-2014-idp-en.pdf> (accessed August 11, 2015).

IDP camps.¹⁵ Fighting between the Burma Army and an ethnic Kokang group, the Myanmar National Democratic Alliance Army (MNDAA), displaced tens of thousands in February and March of 2015.¹⁶ Human rights violations such as arbitrary arrest, forced labor, land confiscation, torture, rape and sexual violence, and extrajudicial killings led to many in the international community to call for a UN-led Commission of Inquiry into war crimes committed by the Burma Army.¹⁷

Yet with the advent of President Thein Sein's administration in 2011, and subsequent changes that have occurred in Burma including a new round of ceasefire and peace talks, hope has been high that there is an end to the 'world's longest running civil war.' Initial ceasefires with many EAOs were signed at the end of 2011 and the beginning of 2012, and a peace process has been ongoing with two negotiating teams; one from the Government's side, the Union Peacemaking Working Committee (UPWC) led by Minister Aung Min, and one from the EAOs side, initially the Nationwide Ceasefire Coordination Team (NCCT) and now the Senior Delegation led by Padoh Naw Zipporah Sein of the KNU. Yet conflict has not stopped, with armed clashes ongoing with non-ceasefire groups such as the MNDAA, Arakan Army (AA), and Ta'ang National Liberation Army

(TNLA), as well as with the KIA, that had previously had a ceasefire agreement until June 2011. This has escalated to the point of the Burma Army launching offensives with helicopter gunships and airstrikes. Additionally, continued clashes with ceasefire groups underline the fragility of these ceasefires.¹⁸ Meanwhile, the human rights violations have not stopped, as documented by various ethnic human rights organizations.¹⁹ The peace process itself, centred on the signing of a 'nationwide ceasefire agreement' (NCA) has been a long, drawn out process and although the government is pushing for this document to be finalized before the 2015 elections, this process has proven to be fraught with difficulties. There has also been criticism of the government that they are using a 'divide-and-rule' policy in their negotiations with EAOs, a tactic that has long been used to ensure ethnic solidarity does not threaten the dominance of the Burma Army in political life.²⁰

1.3 Ethnic Political Parties

Since the 1990 elections, the other ethnic based entities that have been pushing for structural change are the ethnic political parties. In the 1990 elections, parties such as the Shan Nationalities League for Democracy (SNLD), the Mon National Democratic Front (MNDF), the Chin League for Democracy

15. "The 4th Anniversary of the Renewal of War in Kachin Areas," *Kachin Women's Association – Thailand*, June 9, 2015. <http://www.kachinwomen.com/kachinwomen/publications/statements/137-the-4th-anniversary-of-the-renewal-of-war-in-kachin-areas> (accessed August 11, 2015).

16. "The Han that rock the cradle," *The Economist*, March 14, 2015. <http://www.economist.com/news/asia/21646248-kokang-conflict-causes-problems-china-too-han-rock-cradle> (accessed August 11, 2015).

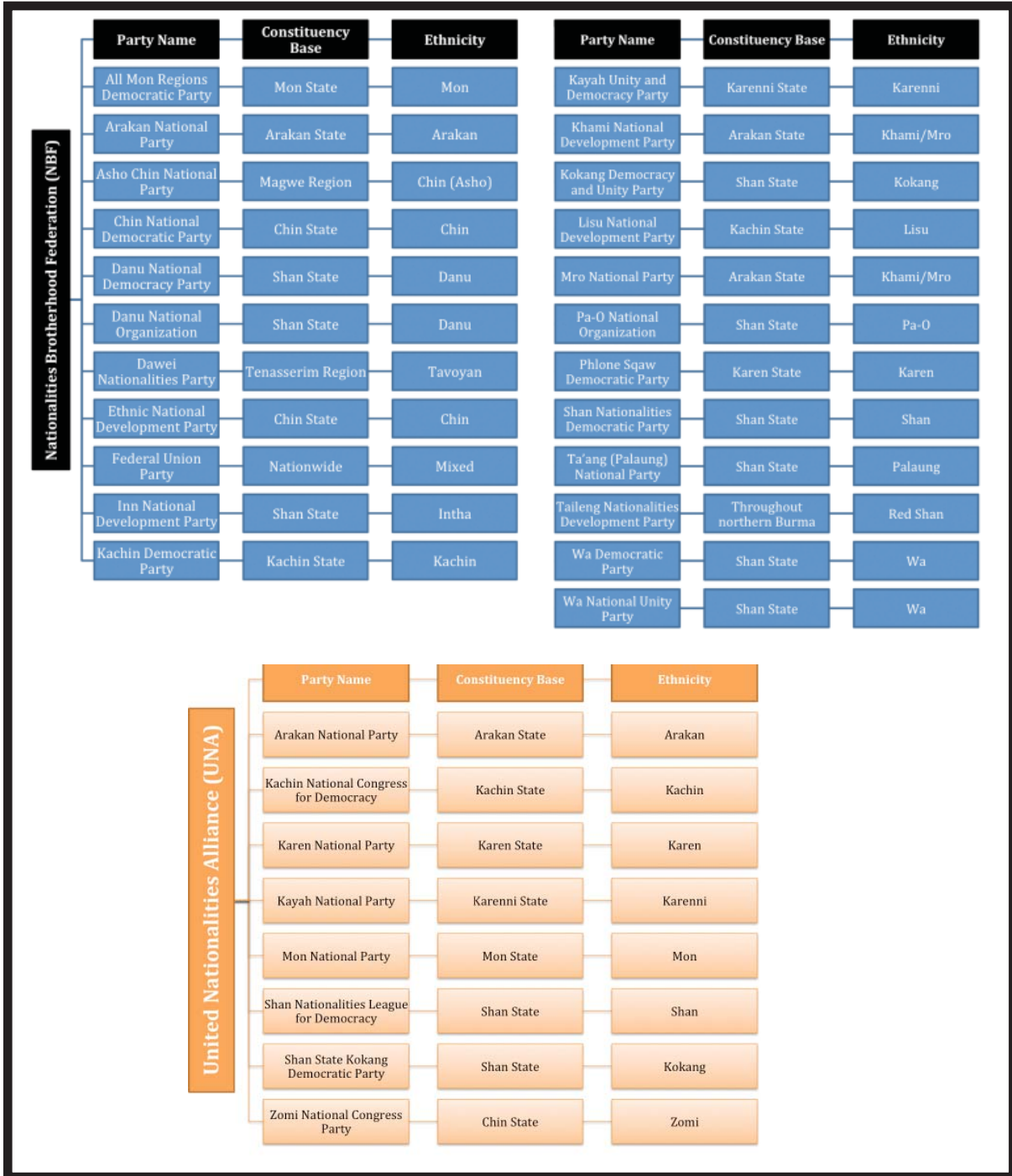
17. John Pomfret, "U.S. supports creation of U.N. commission of inquiry into war crimes in Burma," *The Washington Post*, August 18, 2010. <http://www.washingtonpost.com/wp-dyn/content/article/2010/08/17/AR2010081706026.html> (accessed August 11, 2015)

18. "Deciphering Myanmar's Peace Process: A Reference Guide 2014," *Myanmar Peace Monitor* (Chiang Mai: Burma News International, 2014).

19. See reports from both international human rights groups such as Amnesty International, Human Rights Watch and also local, ethnic-based human rights documentation groups such as Karen Human Rights Group, Human Rights Foundation of Monland, Shan Foundation for Human Rights, and Women's League of Burma, among others.

20. Bertil Lintner. "Rain for Myanmar's peace parade," *The Asia Times Online*, June 15, 2013. http://www.atimes.com/atimes/Southeast_Asia/SEA-01-250613.html (accessed August 21, 2015).

Ethnic Political Party Alliances



(CLD), and the Arakan League for Democracy (ALD), among others, won seats and support. Many of these parties still exist today and formed an alliance in 2002, the UNA. Along with the NLD, the UNA boycotted the 2010 elections. Yet other ethnic political parties emerged to contest the 2010 elections, including the Rakhine Nationalities Development Party (RNDP), the Shan Nationalities Development Party (SNDP), and the All Mon Regions Democratic Party (AMRDP).²¹ They won seats and support in both the Union and State level Parliaments, including the majority that the RNDP won in the Arakan State Parliament. Many of these parties formed a new alliance, the NBF, which has grown since 2010 and now has 23 members.

Since the last elections, some of the parties from 1990 that formed the UNA have registered and will also contest the 2015 elections. In this instance there will be competition between such parties; for example in Shan State, between the SNLD and the SNDP, and in Mon State between the AMRDP and the Mon National Party (MNP).²² Thus votes for ethnic political parties will be broadly split between either the parties that became prominent with the 1990 elections (members of the UNA alliance), and the parties that became prominent around the 2010 elections (members of the NBF alliance).

1.4 Institutional and Electoral Framework of the 2008 Constitution²³

Burma has a national-level, Union Parliament, which consists of a Lower House and an Upper House. It also has 14 sub-national Parliaments consisting of seven Region Parliaments; Irrawaddy, Pegu, Magwe, Mandalay, Sagaing, Tenasserim and Rangoon, and seven State Parliaments; Chin, Kachin, Karenni, Karen, Mon, Arakan, and Shan.

The Upper House of Union Parliament is made up of 168 elected representatives, 12 from each state and region and one from each self-administered zone (SAZ) of which there are five; Pa-O, Palaung, Danu, Naga, Kokang and one from the self-administered division; Wa, as well as 56 representatives from the military (25%). The Lower House of Union Parliament is made up of 330 elected representatives based on population density of townships, and 110 military members (25%). State and Region Parliaments contain 25% military representatives.²⁴

According to the 2008 Constitution, Schedules One and Two designate the relevant powers and decision-making in administration, fiscal matters, and political power between the State and Region level, and the Union level Parliaments.²⁵ Each State and Region level Parliament also has a Chief Minister who is appointed directly by the President. The Chief Minister forms a cabinet from elected Members of Parliament (MPs) from the State or Region Parliament.

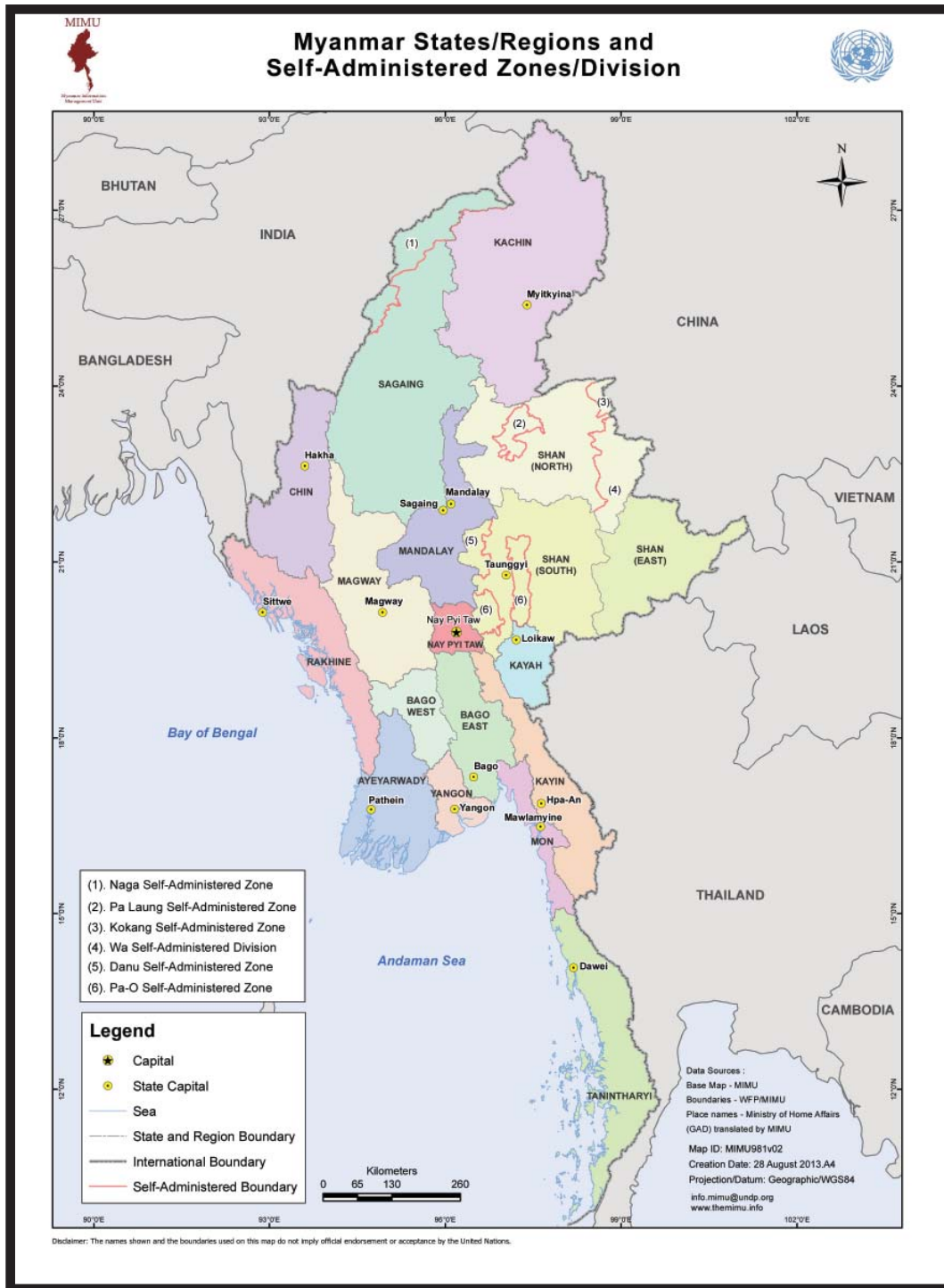
21. Paul Keenan. "Ethnic Political Alliances," *Burma Center for Ethnic Studies*, October 2013, Briefing Paper No. 18.

22. The MNP formed out of the MNDF, the party that contested the 1990 election.

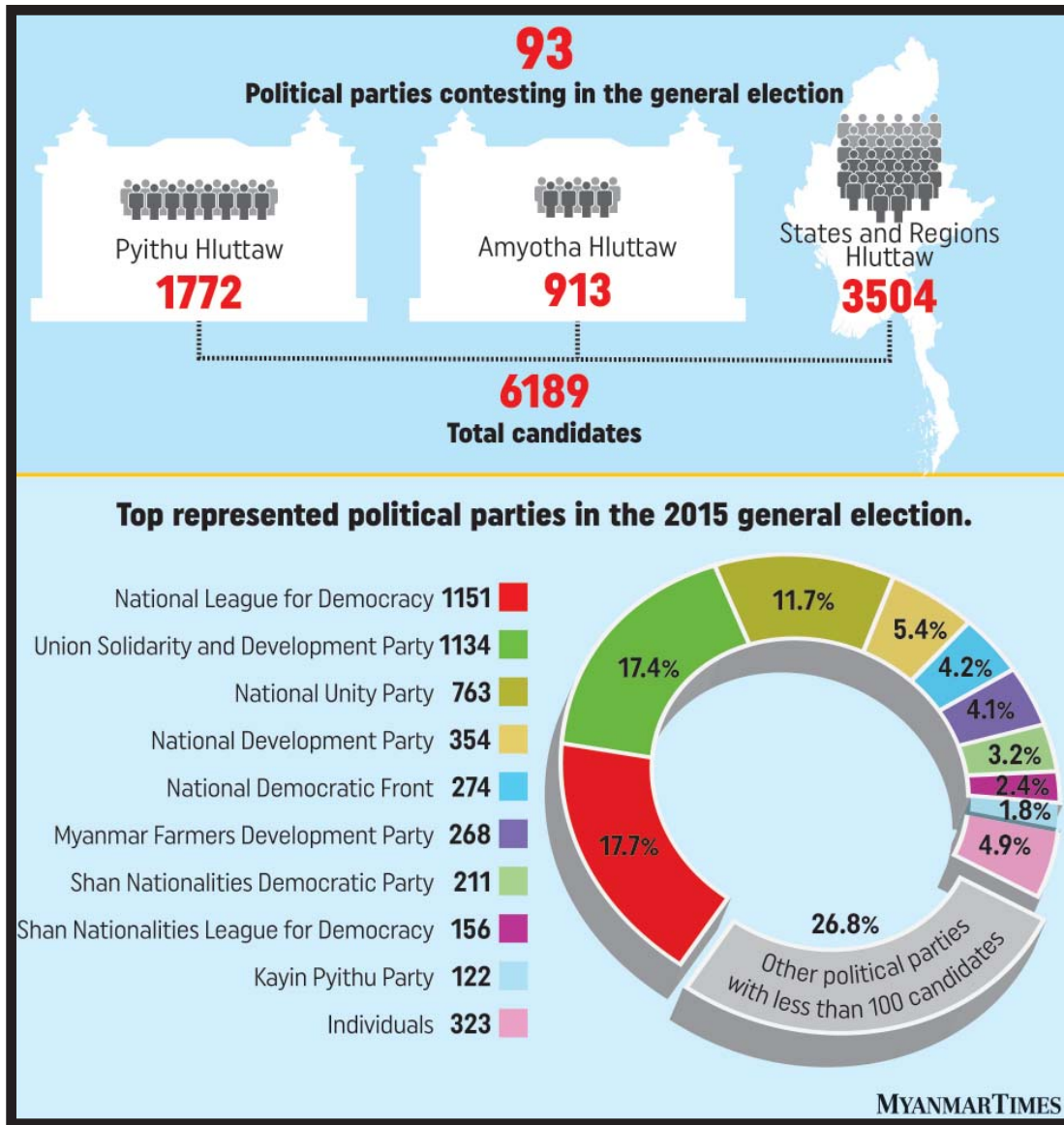
23. Constitution of the Republic of the Union of Myanmar (2008).

24. Constitution, Chapter IV.

25. Constitution, Schedules One and Two.



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All of the seats, at Region and State level, and the Upper and Lower Houses of the Union Parliament, barring the allocation to the military, will be contested on 8 November, 2015. Another position that will be contested is that of Ethnic Affairs Ministers who take their seats in Region and State level Parliaments. Currently, there are 29 Ethnic Affairs Ministers in the whole country. If a given state or region has an ethnic nationality of

over 0.1% of the country's total population, citizens of that ethnicity can vote for their own Ethnic Affairs Minister.²⁶ This does not apply to states whereby the ethnic nationality is already in the name of that state, so there is no Shan Ethnic Affairs Minister in Shan State but there is a Shan Ethnic Affairs Minister in Kachin State. Their mandate is unclear.

²⁶ Constitution, Chapter IV, Article 161(b).

The division of powers between Union level and State and Region level does not afford local level parliaments much autonomy. Analysis by The Asia Foundation in their 2013 report, 'State and Region Governments in Myanmar' of decentralization in Burma found "in sum, the actual reach of administrative responsibilities and confusion over executive structures, the small size and central oversight of the budget, and the restrictions on political autonomy, all mean that Myanmar is still a very centralized country."²⁷ This is expanded upon in section 4.1 of this report, as opined by political parties operating in those State Parliaments.

The responsibility of overseeing the elections is that of the UEC and the sub-election commissions assigned to each state and region. The mandate of the UEC is laid out in the 2008 Constitution as well as five main laws, including the Union Election Commission law.²⁸ The Chairperson of the UEC is Tin Aye, a former Lieutenant-General of the Burma Army and also former member of the USDP.

Burma uses the first-past-the-post voting system for all elected officials in these elections. There was a debate in Parliament

in 2014 after a proposal²⁹ from the National Democratic Force (NDF) party to make the switch to a proportional representation system. Influential Lower House Speaker, Shwe Mann formed a 24-person committee to study the proposal but the debate subsided after Shwe Mann announced in November 2014, after discussions with the Constitutional Court, that such a change would be unconstitutional.³⁰

1.5 Elections in Armed Conflict Areas

Armed conflict has affected many ethnic areas in 2015 in Burma, including Kachin State, northern Shan State, eastern Shan State, Arakan State, and Karen State. In the 2010 elections, polling was not held in certain areas, especially in Wa controlled areas but also in parts of Kachin, Karen, Karenni and other parts of Shan State, essentially areas where the state administration structures did not extend to, i.e. areas of EAO administration.³¹ As such five seats remained unfilled, all in Shan State.³²

Civil society, indicating their distrust of the UEC, did express concerns that in certain constituencies, the elections will not be held

27. Hamish Nixon, Cindy Joelene, Kyi Pyar Chit Saw, Thet Aung Lynn, and Matthew Arnold, "State and Region Governments in Myanmar," *The Asia Foundation and Myanmar Development Resource Institute - Centre for Economic and Social Development*, September 2013. <https://asiafoundation.org/resources/pdfs/State-andRegionGovernmentsinMyanmarCESDTAF.PDF> (accessed August 11, 2015).

28. Union Election Commission Myanmar, *Strategic Plan 2014-2018*, February 2014, Naypyidaw.

29. Aung Ye Maung Maung, "Myanmar Legislature Considers Proportional Representation," *VOA*, July 24, 2014. <http://www.voanews.com/content/myanmar-legislature-considers-proportional-representation/1964683.html> (accessed August 11, 2015)

30. Jonah Fisher, "Why has Myanmar dropped proportional representation plans?" *BBC*, November 21, 2014. <http://www.bbc.com/news/world-asia-30144214> (accessed August 11, 2015).

31. "Areas Where Elections Are Cancelled," *ALTSEAN-Burma*, (accessed August, 18, 2015). <http://www.altsean.org/Research/2010/Key%20Facts/Constituencies/Black%20areas.php>

32. "Myanmar Pyithu Hluttaw (House of Representatives)," *Inter-Parliamentary Union*, (accessed August, 18, 2015). http://www.ipu.org/parline/reports/2388_E.htm

as a strategic decision if it is sure the USDP will not win there; as one Palaung community worker stated;

*"It is much easier for the government not to hold the elections in some areas because maybe they are afraid of other parties winning, and if they don't hold the elections it is easier to control that area."*³³

Patterns of incidences of armed conflict ebb and flow throughout the country, but with the prospects of nationwide ceasefire being signed slim, it is certain that there will be problems conducting voting in certain constituencies.

Political parties and civil society expressed little concern at the prospect of EAOs having any undue influence over the elections, with armed groups themselves stating this. As Nai Hongsa, Deputy Chairman of the United Nationalities Federal Council (UNFC) expressed;

*"The government is leading efforts to hold a general election and we will not disturb it. We have no direct concerns with the polls, but wish for everyone's voting rights to be ensured and that the elections are held freely and fairly."*³⁴

33. Palaung CSO, interview with author, location undisclosed, July 2015.

34. Naw Noreen. "Ethnic armies vow to keep peace during election," *Democratic Voice of Burma*, July 16, 2015. <http://www.dvb.no/news/ethnic-armies-vow-to-keep-peace-during-election/54840> (accessed August 18, 2015).

Section Two: 2015 Elections in Ethnic Areas

2.1 Ethnic Political Party Alliances

A rough breakdown of the ethnic political parties in many regions would see the two most powerful being one from the 1990 alliance, the UNA, and one from the 2010 alliance, the NBF.³⁵ The crux of this separation is around participation in the 2010 elections with the NBF parties participating, and the UNA parties boycotting as a political protest, citing the inherent flaws and undemocratic nature of the 2008 Constitution, which the elections were held under.

In fact the main goals of each alliance are similar in that typical policy platforms on issues such as education, health, drugs and other issues come second to creating a federal system. With the decision of the UNA political parties to contest the 2015 elections, the crux of the issue is not participation in elections that are within the institutional framework of the 2008 Constitution, but the methods and ways of changing the 2008 Constitution to establish a federal system of governance. For the NBF, constitutional change will be a

'slow and gentle' process that occurs within Parliament. It is amendment rather than total rejection that will shape the process by which they hope to achieve their aim of;

*"Ethnic minority rights, peace, and a federal democratic country."*³⁶

The UNA, however, are much more vehement in their perspectives and policies on the 2008 Constitution. They reject the current structure of seven ethnic states and seven Burman regions in favor of seven ethnic states plus one state for the Burman ethnic group. This would give the MPs from ethnic states much more power in the Upper House of the Union Parliament than it does at present. Currently, half the elected Upper House MPs are from the seven ethnic states, half are from the seven Burman-dominant central regions, and another 25% are from the military.

While neither representatives from the NBF nor the UNA displayed any antagonism towards each other, it is also clear that as alliances, they work independently of each

35. Keenan, "Ethnic Political Parties."

36. NBF, interview with author, Rangoon, June 2015.

Federal Union Party (FUP)

One strategy of the NBF is to form the FUP. The FUP will contest seats in which there are people of different ethnicities as part of that constituencies' population. In those seats, the FUP will thus represent not one particular ethnic group, but all ethnic nationalities in that constituency. The rationale is that in certain constituencies there may be a mix of, for example, Karen, Mon and

Pa-O communities as well as a large Burman community that would most likely vote NLD or USDP. Instead of Pa-O, Mon, and Karen parties from the NBF alliance all fielding separate candidates, and thus dividing the ethnic vote, the FUP will field a candidate on a platform to represent all ethnic people.¹

1. NBF, interview with author, Rangoon, June 2015.

other. However, there have been efforts - some more successful than others - of individual parties from both 1990 and 2010 that share the same ethnicity to make attempts to form a single political party.

2.2 Attempts to Merge Ethnic Political Parties

There have been attempts, some more successful than others, of parties of the same ethnicity trying to merge or form alliances.

The Mon Case

The two main political parties in Mon State are the MNP, which formed out of the 1990 party, the MNDF, and the AMRDP, which registered in 2010. The MNP are part of the UNA and the AMRDP are part of the NBF. Civil society in Mon State, especially elements of the monkhood, have made various efforts to combine the two parties, recognizing that if the two parties competed against each other, it would divide the ethnic Mon vote and give the bigger, national parties, the USDP and the NLD, an advantage. A daylong meeting was held between the MNDF and the AMRDP in November 2013, which also included 300 people from Mon

civil society, including monks. A decision was made to form a new party, the MNP, and to combine the two parties. This, however, has stalled, and there still exists the two main parties, with the MNP largely consisting of MNDF members.³⁷ Further efforts were made to merge the parties, including a meeting held in June 2015, convened by the Mon National Election Assistance Commission, which had previously outlined its intentions in a statement the month before;

*"If Mon representatives are to be in competition with each other, we believe they cannot win over influential big parties as Mon voters' ballots will be divided. Mon parties should negotiate with each other... An unbiased mediating group should be involved to negotiate between the Mon parties if needed."*³⁸

Although the meeting was indeed held, there are still two main Mon political parties competing for the Mon vote. Added to this

37. MNP, interview with author, Mon State, June 2015.

38. Yen Snaing, "Mon Advocacy Group Urges Cross-Party Collaboration," *The Irrawaddy*, June 29, 2015. <http://www.irrawaddy.org/burma/mon-advocacy-group-urges-cross-party-collaboration.html> (accessed August, 13, 2015).

The Pa-O National Organization (PNO)

The PNO represent a very different ethnic-based political party. It is the only major political party that also has an armed wing, the Pa-O National Army (PNA), numbering approximately 500 soldiers. Thus its history, relationship with the community as well as with the Government is radically different to many other ethnic political parties.

The Pa-O live mostly in southern Shan State, around the Taunggyi area, but with significant populations in Mon, Karen and Karenni States, totalling over one million throughout the country. They are the second biggest ethnic group in Shan State, after the Shan.¹

The Pa-O were one of the first ethnic nationalities to organize and take up arms against the Burma Army although the history of the Pa-O movement is blighted with in-fighting. In 1991, the PNO signed a ceasefire with the Government and have enjoyed cordial and mutually beneficial relations with the military regime of the 1990's and 2000's and with the current Government. The four core agreements made in 1991 were:

1. Russ Christensen and Sann Kyaw. *The Pa-O: Rebels and Refugees* (Chiang Mai: Silkworm Books, 2006).

- 1) Development of the Pa-O area;
- 2) Cooperation with Government and Pa-O ethnic groups for development;
- 3) Security of the PNO; if other armed group attacks the Government will protect them;
- 4) Rights of Pa-O people. At that time the Constitution wasn't written so if they changed the governance structure, the rights of Pa-O will be enshrined, like in (the 2008) Constitution.²

Thus, in relation to concession four above, the 2008 Constitution stipulated three townships in southern Shan State as one of the five SAZs; Pa-O Special Administered Zone. The PNO's armed faction, the PNA, became a people's militia force³ in 2009 while the PNO formed a political party to contest the 2010 elections, winning ten seats overall, six of which in Shan State Parliament. While the SAZ is largely administered like other districts and townships in Burma through the Union

2. PNO, interview with author, Shan State, June, 2015.

3. People's militia forces have been in use by the Burma Army for decades, and serve as proxy forces in ethnic areas but are ultimately accountable to the Burma Army. For more information see Paul Keenan. "People's Militia Forces," *Burma Centre for Ethnic Studies*, Briefing Paper No.4. March, 2012. <http://www.burma-ethnicstudies.net/pdf/BCES-BP-No.4.pdf>

mix is the more recent registration of the Women's Party (Mon) in 2015.

The Chin Case

A similar effort by civil society is underway in Chin State. The biggest ethnic Chin parties from the 2010 elections were the Chin National Democratic Party and the Chin Progressive Party. A reincarnation of the 1990 party, the CLD has entered the fray while other smaller parties bring the total

to 12 ethnic political parties competing in Chin State. An initiative by a leading CSO to encourage cooperation and strategic fielding of candidates has been ongoing, in an effort to ensure that a coalition of Chin parties will form a government in the Chin State Parliament.³⁹ An agreement has already been signed between ethnic political parties in Chin State and a more detailed strategy aimed at deciding which party is going to field

39. Chin CSO, interview with author, Rangoon, June 2015.

level controlled GAD, the PNO's presence in the SAZ's townships through elected MPs from the 2010 elections, as well as their close relationship with the Government, allows space for the PNA to engage in a concurrent administrative system, including taxation and local development activities.⁴ This also sets the PNO apart from many other political parties. For them, amending the 2008 Constitution is not a priority, or even a policy⁵ as one of the conditions of their ceasefire agreement from 1991 being that change in political structure will give the Pa-O, represented for good or for bad by the PNO, a certain degree of autonomy. The drafting of the 2008 Constitution honored this agreement, as manifest in the Pa-O SAZ. Thus they are reticent to change what they already have.

In this context, another ethnic Pa-O party has emerged to challenge the hegemony enjoyed by the PNO: the Union Pa-Oh National Organisation (UPNO). Previous incarnations of this party competed in elections in the 1950's but disbanded after the 1990 elections, only to re-register in 2013.⁶

4. Kim Jolliffe. "Ethnic Armed Conflict and Territorial Administration in Myanmar," *The Asia Foundation*, July, 2015.

5. PNO policy document (given to the author by the PNO, June 2015).

6. UPNO, interview with author, Shan State, June, 2015.

candidates in which constituencies is going to be discussed at a further meeting. The aims of civil society is clear as the policies of the parties are all relatively similar, as a representative from the Chin CSO leading this process stated;

"After the elections, when you are in Parliament, you have to promote the common interests of all Chin. So in terms of parties you have 10

*but in terms of interests you have one."*⁴⁰

Difficulties are sure to arise in this process, with one worry being that candidates may not listen to party leadership, as one of the leading Chin parties points out;

*"In reality it's practically very difficult...It's difficult to urge other parties not to contest in certain regions."*⁴¹

The Arakan Case

The one case when parties from both 1990 and 2010 have merged is in Arakan State. The ALD and the RNDP came together in 2013 amid calls from civil society for a single Rakhine (Arakanese) political party, thus forming the Arakan National Party (ANP).⁴² This is not, however, an unqualified success, with cracks appearing as the elections draw closer. A public row emerged over the fielding of party leader, Dr. Aye Maung in a constituency to which he is not local, and which also meant he would leave his Union level Parliament seat and become a State level Parliament MP. Some within the party felt that he had a deal with Naypyidaw to become Chief Minister.⁴³ This issue has since been resolved, and he will indeed run in the new constituency, but there are still divisions between the former ALD members and the former RNDP members. Furthermore, divisions lie between the party itself

40. Chin CSO, interview with author, Rangoon, June 2015.

41. CLD, interview with author, Rangoon, June 2015.

42. Nyein Nyein. "Arakanese Political Parties Merge to Form ANP," *The Irrawaddy*, January 14, 2014. <http://www.irrawaddy.org/burma/arakanesepoliticalpartiesmerge-form-anp.html> (accessed August 13, 2015).

43. Mratt Kyaw Thu. "Rakhine National Party in 'chaos'," *The Myanmar Times*, June 26, 2015. <http://www.mmmtimes.com/index.php/national-news/15221-rakhine-national-party-in-chaos.html> (accessed August 20, 2015).



*Mon National Party headquarters, Moulmein, Mon State
Copyright: Burma Partnership*

and the elected MPs from 2010, with the MPs being considered to be too close to the government, and not sticking to the party line.⁴⁴ Despite these cracks, however, this is the only case of two ethnic parties that have merged, and this bodes well for their chances of maintaining the ability to form a government at State level, as well as winning seats in the Union Parliament.

2.3 Ethnic Political Party Perspectives on the Union Solidarity and Development Party (USDP) and the National League for Democracy (NLD)

The reasoning behind these efforts to merge political parties such as in Arakan State, or strategically compete in certain constituencies such as in Chin State, is an acknowledgement of the power and resources of the USDP, and the pull of the NLD, and in particular, Daw Aung San Suu Kyi.

44. Arakan CSO, interview with author, (undisclosed location) July, 2015.

Perspectives on the USDP

While the USDP, despite their money, power, and position as incumbents, are simply not trusted by either ethnic political parties or ethnic civil society, concern was expressed that they would take advantage of a lack of voter education in rural areas to essentially buy votes. A political party member from one of the Karenni ethnic groups stated that;

“Aung Min,⁴⁵ and other Government members are coming to ethnic areas, just recently. They want to get votes so they say they will give electricity. Actually all electricity produced by Kayah [Karenni] State goes back [out of Kayah/Karenni State] even though people in Kayah [Karenni] State are still suffering, using candles. But they came and promised six townships that they will give electricity...they are shameless...they are trying to use this incentive to go and win the election there. They are shameless.”⁴⁶

This distrust is not surprising as the USDP was formed out of the previous military dictatorship, and a widespread belief exists that the USDP ‘stole’ the last elections through fraud, intimidation and harassment, forcing people to vote for them.⁴⁷

Not all parties, however, oppose the USDP. The Union Democratic Party Kachin State (UDPKS) was the only ethnic Kachin Party that was registered to run in the 2010

elections. The UDPKS forged an alliance with the USDP and is often seen as a proxy party of the USDP in Kachin communities. This is not, however, a black and white issue, and according to the UDPKS itself, this is a means to an end;

“For now the UDPKS are in alliance with the USDP. Regarding a federal union, we want it for the whole county. We have to take examples from the international community. For example, the US bombed Japan but to get opportunities and develop their country, they worked together with the US again. Like General Aung San, he hated Japan and the British but he worked with the British and Japan during his time, to work for independence of Burma. So I take those examples. So for now I work with the USDP but I do what I have to do for Kachin people.”⁴⁸

Their stated goals are still the same as other Kachin and indeed other ethnic political parties, changing the 2008 Constitution and creating a federal system. Despite the association with the USDP, Kachin communities still see that the UDPKS engages in humanitarian support for IDPs in Kachin State, and has spoken out in the past in favor of self-determination and peace, albeit to the anger of Burma Army and USDP leaders.

45. Aung Min is a leading Government Minister and is also leading the peace process from the Government’s side.

46. Karenni political party, interview with author, Rangoon, June 2015.

47. “Western states dismiss Burma’s election,” *BBC*, November 8, 2010. <http://www.bbc.com/news/world-asia-pacific-11707294> (accessed August 20, 2015).

48. UDPKS, interview with author, Kachin State, June 2015.

Perspectives on the NLD

It is also apparent that the NLD is losing what were previously its allies in ethnic areas. Among both ethnic communities and ethnic political parties there is an increasing sentiment that the NLD has abandoned them and they do not genuinely represent the interests of ethnic people. As one ethnic political party stated;

“

*NLD's first, second, and third policies are mainly focused on democracy while ethnic political parties have alternative policies for peace, a federal union, and change in this country.*⁴⁹

”

In fact, some political parties went as far as saying that the NLD shouldn't compete in ethnic areas;

*“If NLD sincerely want to support ethnic political parties they should not come to ethnic areas and compete with ethnic political parties. They should support ethnic political parties by letting them campaign by themselves in their area.”*⁵⁰

This sentiment is borne out of frustration that the NLD, long expected by ethnic political forces to support ethnic political aspirations, has not done enough. For the USDP, however, which is seen as a proxy of the military, there was never any expect-

49. Ethnic political party, interview with author, Rangoon, June 2015.

50. Ethnic political party, interview with author, (location undisclosed), June 2015.

ation, and therefore, much less frustration in their lack of support for ethnic political aspirations. For most, however, there was an acceptance that the NLD will compete and win many votes, but that in reality they do not work enough for federalism and this will be detrimental to ethnic aspirations.

2.4 Women's Participation

The participation of women in both Union and State and Region level Parliaments is very low. Nationally, women MPs make up less than 6%, the lowest in the ASEAN region, while at region and state level, the number is even lower, amounting to less than 4%.⁵¹ Meanwhile, most of the 14 State and Region Parliaments have 11-13 cabinet members, and typically either one or none at all of these positions are filled by a woman.⁵² In ethnic areas, much of which have experienced either the direct effects of armed conflict or the indirect effects such as devastated socio-economic environments, it is vital that women's voices are heard and are part of decision-making processes, as they reflect the differing problems, issues and daily realities of women.⁵³ Although MPs, especially those in Region and State Parliaments do not yield significant power,

51. Saw Yamin Aung and Feliz Solomon, “Political Parties Pilot Gender Quotas,” *The Irrawaddy*, February 4, 2015. <http://www.irrawaddy.org/burma/political-parties-pilot-gender-quotas.html> (accessed August 13, 2015).

52. Paul Minoletti, “Women's Participation in the Subnational Governance of Myanmar,” *The Asia Foundation and Myanmar Development Resource Institute - Centre for Economic and Social Development*, June 2014, Discussion Paper No.3. <http://asiafoundation.org/resources/pdfs/WomensParticipationintheSubnationalGovernanceofMyanmar.pdf> (accessed August, 13, 2015).

53. Jenny Hedstrom. “Peace for Whom? The institutionalization of gender inequality in Myanmar's reform process,” *Swedish Burma Committee*, May 2015. <http://www.burmakommitten.org/wp-content/uploads/2015/05/Peace-for-Whom-Gender-Inequality-in-Myanmar-May-2015-SBC.pdf> (accessed August 13, 2015).

for political reform to be truly democratic, political parties must do more to promote women candidates and women in leadership positions. After the candidate lists were announced in August 2015, the news outlet, *The Irrawaddy*, found that there was a huge gender imbalance throughout the country.⁵⁴ Nationwide, only around 800 candidates out of a total of 6,189, (13%) of candidates are women.⁵⁵ There are, however, some positive examples of efforts to improve this situation.

In Kachin State, the Kachin State Democracy Party (KSDP) is actively ensuring that they field women candidates, an internal party policy dubbed, 'Ladies First.'⁵⁶ In Mon State, a new party registered in June 2015 under the name 'Women's Party (Mon).' The original name, 'Women's Party' was rejected by the UEC during the registration process, but despite the struggles that ensued over this issue, the party is the first women-focused party with aims of "increasing female representation in politics by creating an inclusive and welcoming space for women of all ethnicities to participate in governance."⁵⁷

54. Yen Snaing, "In November Polls, Odds Already Against Women's Empowerment," *The Irrawaddy*, August 18, 2015. <http://www.irrawaddy.org/burma/in-november-polls-odds-already-against-womens-empowerment.html> (accessed August 20, 2015).

55. "2015 Election: Women account for 13% of candidates," *DVB and Eleven Media*, September 4, 2015. <http://www.dvb.no/news/2015-election-women-account-for-13-of-candidates-burma-myanmar/57024> (accessed September 9, 2015).

56. KSDP, interview with author, Kachin State, June 2015.

57. Yen Snaing. "Woman's Political Party Backs Down Amid Govt Pressure to Change Name," *The Irrawaddy*, June 2, 2015. <http://www.irrawaddy.org/burma/womens-political-party-backs-down-amid-govt-pressure-to-change-name.html> (accessed August 13, 2015)

Section Three: Ethnic Communities and Civil Society Perspectives

3.1 Views on Elections

Many CSOs spoke of an apathy in communities, particularly rural communities, in relation to the elections. As one Mon CSO worker stated;

“For civil society organizations they know about the elections, but when we go into the community and engage with them we see that people don’t know about the elections and have no idea. We hope it will get better. We hope it will get better, but we are worried.”⁵⁸

Another civil society worker who was Pa-O talked of the communities in which they work;

*“
Now most of the people don’t know and have no interest in the elections.”⁵⁹*

58. Mon CSO, FGD, Mon State, June 2015.

59. Pa-O CSO, FGD, Shan State, June 2015.

Similarly in Karen State;

“In these communities they don’t care, they are not interested, whatever comes out of it.”⁶⁰

This apathy is due to various factors, one of which is the main argument set out in Section Four; that these elections are under a military-drafted constitution that centralizes political and economic power and therefore will not make any substantive change in the lives of ethnic people. As one CSO representative from Tavoy area pointed out;

“We see it negatively because we don’t agree with the 2008 Constitution and the elections will be under that Constitution.”⁶¹

A lack of voter education was stated by a Karen youth worker as another reason for apathy;

60. Karen CSO, interview with author, Karen State, June 2015.

61. Tavoy CSO, FGD, Rangoon, June, 2015.

Flood Crisis

Since June 2015, Burma has experienced the worst flooding in decades, creating a huge humanitarian crisis. At the time of writing, over one hundred people have died and over one million affected, as homes, infrastructure, and livelihoods have

been washed away. The worst hit parts of the country are Arakan and Chin States. In this context, the issue of an election is inconsequential to many people, as destroyed livelihoods, adequate medical and food supplies, and rebuilding homes are the priority.

“In areas like Karen, Mon and countryside areas, the transportation is really bad so communication is slow. For people in those areas they don’t really know about the elections, the Government don’t do awareness in those areas or any training or workshop about the elections.”⁶²

The same Karen youth worker further expanded on this;

“One is that they don’t believe in elections. They think they are already planned out. It is a Government thing or politician thing, or political party thing, not for young people, ordinary people. You can’t blame the public because they have been very restricted, kept away from politics.”⁶³

That the elections are in fact not that important compared to everyday struggles against poverty and for their own livelihoods was also brought up by CSOs who work in rural areas, as this Mon CSO representative pointed out;

“Also people’s livelihoods, they are still struggling for this and don’t know about politics and elections, and they are still afraid to vote in elections.”⁶⁴

This fear was a common thread, as pointed out in Shan State;

“People in the villages still seem to be afraid to participate in the training and workshops on voter education.”⁶⁵

62. Karen CSO, interview with author, Karen State, June 2015.

63. Karen CSO, interview with author, Karen State, June, 2015.

64. Mon CSO, FGD, Mon State, June 2015.

65. Shan CSO, FGD, Shan State, June 2015.

Populations Unable to Vote

There is also a large amount of disenfranchised people living in Burma who will not be able to vote in this election. Most of the Rohingya, a religious minority in Arakan State, hold white cards, a temporary Identification card issued in the 1990's, and are not classed as full citizens. Yet in the 2010 elections, white card holders were allowed to vote, and the USDP gained many votes from Rohingya in Arakan State, where the majority of Rohingya live. Two bouts of violence and subsequent segregation of the Muslim Rohingya and the Buddhist Rakhine (Arakanese) has devastated the region, with over 140,000 Rohingya living in appalling conditions in IDP camps, while institutional and legal discrimination against them continues. In a move that further disenfranchises the Rohingya, and bowing to popular sentiment that the Rohingya are not Burmese and are illegal 'Bengali' immigrants from neighbouring Bangladesh, in February, 2015 President Thein Sein issued an executive order that revoked the validity of white cards as of 31 March.¹ This essentially denies approximately 600,000-800,000 Rohingya the right to vote in the upcoming elections. With around one million Rohingya living in Arakan State, they make up approximately one third of the 3 million people who live there. This effectively paves the way for even further ethnic (Rakhine) Arakanese dominance in political life in Arakan State, and squeezing ever more rights from the Rohingya. This adds

1. Lawi Weng, "White Cards Expire, Rohingya to Enter Citizenship Process," *The Irrawaddy*, April 1, 2015. <http://www.irrawaddy.org/burma/white-cards-expire-rohingya-to-enter-citizenship-verification-process.html> (accessed August 11, 2015).

to an already difficult situation for political parties that aim to represent Rohingya communities. They face travel restrictions and security risks and therefore cannot visit their own constituencies and communities and are increasingly under pressure and intimidation from the leaders, members, and supporters of the influential, Buddhist extremist group, the Association for the Protection of Race and Religion, or as it is better known, 'Ma Ba Tha.' Combined with the revocation of voting rights for most Rohingya in Burma, it led to what Rohingya politician to describe the situation as;

*"A dark period. We want the sun to rise again but we have to struggle to see the sun rise."*²

Furthermore, there is suspicion that the USDP is capitalizing on increased feelings of nationalism, not only to promote itself as the defender of the country, but also to discredit the NLD, and to label them as Muslim sympathisers. As pointed out by a civil society representative in Kachin State;

*"The Government is creating problems among the people such as religious conflict and trying to promote ultra-nationalism. This is directly related to the election as voting for USDP means supporting nationalism while voting for NLD will be against nationalism since the NLD is more liberal."*³

2. Rohingya politician, interview with author, (undisclosed location), June, 2015.

3. Kachin CSO, FGD, Kachin State, June 2015.

3.2 Views on Parties

Another large population of people of Burma whose voting rights are in doubt are the approximately 2-3 million migrant workers in Thailand. The Burmese Ambassador to Thailand announced that Burmese migrant workers in Thailand could vote provided they were on the voter registration lists in their home township in Burma, and that they hold an ordinary, or full, Burmese passport.⁴ They can vote at the embassy in Bangkok. Given that only about 200,000 Burmese migrant workers in Thailand hold an ordinary passport,⁵ and only those living in and around Bangkok will practically be able to vote given the costs and difficulties of missing work to travel from other parts of the country to get to the embassy, it is highly likely that around 2-3 million people from Burma living in Thailand will not vote in the elections. There are also over 100,000 Burmese migrant workers in China,⁶ as well as significant populations in Malaysia and India. This will add to the 110,000⁷ people from Burma living in the nine refugee camps in Thailand along the Burma border that also do not have voting rights and tens of thousands of refugees in China who fled the Kokang conflict of February and March of 2015.⁸

4. Nang Mya Nadi. "Advance voting for Burmese migrants in Thailand," *Democratic Voice of Burma*, June 15, 2015. <http://www.dvb.no/news/advance-voting-for-burmese-migrants-in-thailand-myanmar/52119> (accessed, August 13, 2015).

5. Nyein Nyein. "As Election Nears, Migrants Left in the Dark," *The Irrawaddy*, June 30, 2015. <http://www.irrawaddy.org/burma/as-election-nears-migrant-voters-left-in-the-dark.html> (accessed, August 13, 2015).

6. "Forgotten Workforce: Experiences of women migrants from Burma in Ruili, China," *Burmese Women's Union*, February, 2012. http://www.burmalibrary.org/docs13/Forgotten_Workforce%28en%29-red.pdf (accessed, August 20, 2015).

7. "Protection and Security Concerns in South East Burma/Myanmar," *The Border Consortium*.

8. "The Han that rock the cradle," *The Economist*.

As highlighted in Section 2.2 regarding civil society efforts to merge or create coalitions of ethnic political parties, there is a strong desire in ethnic areas that the political parties that represent them be of their own ethnicity. In Arakan State, for example, despite unhappiness in some quarters regarding the candidates chosen and the lack of consultation with civil society, support for the ANP remains strong. As one Rakhine CSO explained;

*"This is because this is our national [ethnic Rakhine] cause. It is not a party cause, it is a national [ethnic Rakhine] cause...this is the history...so people will support their own national [ethnic Rakhine] party. It is not because of the party's policies or principles."*⁶⁶

In Chin State when talking of Chin communities a Chin CSO representative explained;

*"Now they see, generally, we are Chin, we should have a party, we will support our Chin Party."*⁶⁷

66. Arakan CSO, interview with author, location undisclosed, July, 2015.

67. Chin CSO, interview with author, Rangoon, June, 2015.

The same is true in Kachin areas;

“

*The Kachin community, not sure about the Shan and others, but the Kachin have a national [ethnic Kachin] sentiment so when the time comes for them to cast their vote they will do it based on their national [ethnic Kachin] sentiment.*⁶⁸

”

In Mon State also, a CSO representative stated the need for one Mon party to represent Mon interests, but also believed that the NLD and USDP should support ethnic political parties;

*“The main problem in our country is the ethnic issue. The NLD is Burman, the USDP is Burman, they are big parties. So for Mon and Karen, they must have their big ethnic political parties and the Burman big parties must support the ethnic parties. The NLD should support ethnic political parties to represent their own people.”*⁶⁹

As one Chin civil society member stated;

“We have giant parties like NLD, USDP, and NDF. For them their main discussion is on democracy and human rights, and political prisoners. However, for ethnic parties, democracy, yes it is important, human rights is important, so is political prisoners. But for ethnic parties, it is democracy without

*federalism, it is human rights without indigenous peoples' rights, there are political prisoners but there is also the bondage of the people, captivity in their homeland, refugee issues, IDP issues, these kinds of issues are hardly addressed by majority [Burman] parties.”*⁷⁰

The lack of confidence in the NLD was a common thread from ethnic communities, as one Pa-O CSO representative stated;

*“Even if NLD win in the urban areas, in the ethnic areas there are a lot of ethnic parties and they don't really like the NLD. In ethnic areas people are more likely to support ethnic parties. NLD will mostly win in urban areas, not in rural ethnic areas.”*⁷¹

In Tavoy area too, given the plethora of human rights violations and negative environmental and social effects of the planned Dawei Special Economic Zone (DSEZ), much of the community opposes this mega development project. Naturally the DSEZ is associated with the USDP but the NLD are also seen as abandoning the community;

*“The NLD doesn't get involved with our community regarding the land grabbing issue. Also, one NLD MP said he supported the SEZ project and coal power plant project, so that's why people don't support the NLD in the upcoming elections.”*⁷²

The problems that political parties talked of when discussing the power and resources of the USDP, as well as their position that

68. Kachin CSO, interview with author, Myitkyina, June, 2015.

69. Mon CSO, FGD, Mon State, June, 2015.

70. Chin CSO, interview with author, Rangoon, June 2015.

71. Pa-O CSO, FGD, Rangoon, June, 2015.

72. Tavoy CSO, FGD, Rangoon, June, 2015.

enables them to use state structures and administrative facilities, were very similar to sentiments expressed by civil society and communities. One civil society member from Tavoy area worried that;

“

*Currently the USDP has a lot of money so they came to support some rural areas so they can get votes for their people, because of lack of voter education in the rural area, people don't have much experience in voting so it isn't good for a free and fair election.*⁷³

”

A Lahu community member concurred;

*“It is the same thing happening in all of Shan State. For the Lahu party it doesn't have a lot of space and resources to go into many Lahu areas but for the USDP, it has a lot, and they can go into Lahu areas and give a lot of assistance to local people, and ask them to support them...USDP has a lot of influence and power so many Lahu people are working for the USDP. Because it has a lot of influence and assistance compared to the Lahu party.”*⁷⁴

Yet despite the ethnic nationalism that is prevalent throughout Burma, and the lack of confidence in the NLD to represent ethnic issues as well as a huge distrust in the USDP, ethnic political parties themselves do not necessarily garner faith with local communi-

73. Tavoy CSO, FGD, Rangoon, June, 2015.
74. Lahu CSO, FGD, Rangoon, June, 2015.

ties regarding their abilities. A reason stated for apathy around these elections was the experience of the last elections and how little the political parties could either do for them or that they simply lack interest. One Mon CSO representative explained;

*“During the campaign they promised things but after they won in the elections, they have to work with the government and cannot implement their policies.”*⁷⁵

One CSO representative working in Karen areas stated;

*“I want them to come to us and tell their policies and what they can do for us, such as help in education. We want to know what they will do for our community but they don't care about it. After they win they sometimes never come back. We have examples in many areas. Before they won they come many times, but after they win they never come back to these areas. So in the community they are not interested in who will represent them.”*⁷⁶

Another Karen CSO worker also displayed a lack of faith in the ethnic political parties;

*“There are no effective policies of the Karen ethnic political parties to help people for the current situation.”*⁷⁷

Or as another Karen CSO representative succinctly analysed;

75. Mon CSO, FGD, Mon State, June, 2015.
76. Karen CSO, interview with author, Karen State, June, 2015.
77. Karen CSO, interview with author, Karen State, June, 2015.



Kachin Democratic Party headquarters, Myitkyina, Kachin State
Copyright: Burma Partnership

“

*Political parties are somewhere hidden in the forest.*⁷⁸

”

Limitations in the capacity of the ethnic parties were also expressed in Shan State;

*“For [ethnic] political parties, they do what they can for the interests of the ethnic community, but there are also limitations in their ability to help the community.”*⁷⁹

78. Karen CSO, interview with author, Karen State, June, 2015.

79. Shan CSO, interview with author, Shan State, June, 2015.

Despite this lack of confidence, CSO representatives did believe that local parties were better than the major Burman parties;

*“If they stay and live in this area, they will move to improve and develop this area, they will represent the community...but some candidates do not stay in this area, they were not born here. This is both USDP, NLD. They want to stay in township level, a secure place. Ethnic parties are better than other parties.”*⁸⁰

80. Karen CSO, interview with author, Karen State, June, 2015.

3.3 Views on Consultation

Communities' knowledge of local parties' policies and a consultation process between the parties and communities varies from area to area, but it is certainly an area in which many parties need to make substantial improvements on. One representative from Karen civil society noted;

“

*For political parties, there is no transparency about their policies and activities of what they are doing. Even the township level people do not know their policies, so it is far away for the people in village areas.*⁸¹

”

A Shan civil society representative agreed;

*“I heard about their policies and what they are going to do, but there is no consultation or policies available for the public. Even ruling parties' policies such as USDP and NLD are not available for the public. I think this is because of the lack of policy-makers in political parties.”*⁸²

Another Shan civil society representative was straight to the point;

*“We do not see any policies from the political parties. I wonder even if the party members know their own policies.”*⁸³

A Kachin CSO worker elaborated on the ramifications of this;

*“Some parties are disadvantaged due to financial constraints or capacity constraints. I see there is no equal opportunity for them to express [their policies]. That will also create an imbalance of information of policies or parties to the public because they just know one party so they will vote for them.”*⁸⁴

An exception to this was in Mon State, whereby consultation and policy creation were much more inclusive, particularly in education. The AMRDP, along with Mon civil society groups such as the Mon National Education Committee, are drafting an education curriculum at primary school level. Currently they have completed Kindergarten and levels one and two. This was a process led by the AMRDP but with substantial input from Mon civil society and can serve as an example for other political parties.⁸⁵

For smaller ethnic nationalities such as Lisu, Tavoy, and Intha the lines become blurred between civil society and political parties as founders and members of such parties are either from CSOs or already have close working relationships with them.

81. Karen CSO, interview with author, Karen, State, June, 2015.

82. Shan CSO, interview with author, Shan State, June, 2015.

83. Shan CSO, FGD, Shan State, June, 2015.

84. Kachin CSO, FGD, Kachin State, June, 2015.

85. Mon CSO, FGD, Mon State, June, 2015.

3.4 Views on the Union Election Commission (UEC)

Many ethnic CSOs displayed a lack of trust in the integrity and the ability of the UEC to conduct free and fair elections.

One Pa-O youth worker spoke of transparency of the UEC, an issue that came up with many CSOs;

“The UEC doesn’t have transparency in their activities. They have already announced the draft of the voter lists. If we get our ID or name wrong we can go and correct it. Next time when they release the final one, if our information is still wrong, will they correct this? If they keep it like that it will be a big problem.”⁸⁶

Similarly in Kachin State;

“There is no trust and transparency in the upcoming elections. Looking at the current situation, it seems there will be a more negative outcome in the elections. There are still many mistakes in the voter-list for the 2015 elections; so many dead people are included, and many people are still missing from the list. We don’t have trust in the Government and the UEC. In the UEC, most of the commission members are former military, so it is difficult for us to trust them.”⁸⁷

This distrust in the UEC was also stated in Karen State;

“When the ethnic political parties register, they have to show their values and responsibilities. If it is a big issue they cannot get registration. The UEC can make parties revise in order to register. So it is difficult for them to revise big issues.”⁸⁸

3.5 Civil Society Organizations’ (CSOs) Work on the Elections

In terms of the voter apathy and lack of voter education outlined in Section 3.1 as a problem in communities, there are CSOs who are conducting voter education and awareness-raising trainings and workshops in many ethnic areas, including, but not exclusively, in Karen, Mon, Shan, and Kachin States. The UEC bars political parties from engaging in voter education and relies on civil society for assistance in this matter. Yet CSOs are restricted by their own resource capacities and thus voter education is not comprehensive.

Election monitoring is also planned by many groups around the country. One particular example of how civil society is raising awareness of the elections is a CSO in Myitkyina, Kachin State. It has plans to hold public debates with political parties, the summaries of such debates will be published and distributed in a monthly, Kachin-language magazine that has a distribution of 6,000.⁸⁹

86. Pa-O CSO, FGD, Shan State, June, 2015.

87. Kachin CSO, FGD, Kachin State, June, 2015.

88. Karen CSO, interview with author, Karen State, June, 2015.

89. Kachin CSO, interview with author, Kachin State, June, 2015.

3.6 Summary of Ethnic Communities' Views on Political Parties and 2015 Elections

To summarize this snapshot of ethnic communities' views on political parties and the elections themselves, there is apathy and certainly not the high sense of anticipation and optimism that has characterized the dominant narrative of the 2015 elections. Quite simply, there are more important issues for ethnic communities such as the peace process and their own livelihoods.

Regarding the USDP, there is largely disdain and distrust. A military legacy and

underhand tactics such as using money and power to create both incentives and intimidation in rural areas in the previous elections ensured they won a majority. This, coupled with a lack of community knowledge on the elections has resulted in community representatives and CSO workers acknowledging the threat the USDP poses in these elections. As for the NLD, there is a distinct lack of confidence in their willingness to represent ethnic aspirations and push for more rights for ethnic people. For ethnic political parties themselves, it is obvious that civil society does not want division among them, thus giving the USDP and NLD more of a chance to win seats. Yet the experiences of the past few years in Parliament has made many communities disillusioned as to what political



'Three National Causes' billboard, Karen State
Copyright: Kim Jolliffe

parties actually can or are willing to do for their communities.

The views expressed from ethnic communities regarding their faith in ethnic political parties to be able to work for them, and as well as apathy towards the elections, can be traced to the fact that ethnic political parties, even when in power, actually have very little scope to make such changes. With so little power to implement policies, it does not necessarily matter how many ethnic parties win seats. The governance structure is still highly centralized and the military has far-reaching administrative and political power that extends into most ethnic areas regardless of whether or not the local MP is from an ethnic political party, indeed even if an ethnic party forms a majority in the State level Parliament, as seen in Arakan State.

Thus, the problems presented by civil society in various ethnic areas, whether it be conflict in Kachin State, poverty in Chin State, drugs in Shan State, or militarization in Karen State to name just a few examples, need structural and institutional change in terms of governance in order to be resolved. This involves not just decentralization of power, through, as ethnic political parties and CSOs stated, a federal system of governance, but also the reduction of the power of the Burma Army. Time and time again, changing the 2008 Constitution and establishing a federal system of governance was stated by both political parties and civil society as absolutely necessary for ethnic people to realize their rights, and it is the power of the military, as outlined in Section 4.2, that is one of the main obstacles in changing the 2008 Constitution.

Section Four: Towards a Federal System of Governance



Burma is like a long-term patient. The best medicine for Burma is a federal union system which has been wanted by all the ethnic groups. To be able heal the disease, the Government should give the right medicine.



4.1 Centralization of Power

It is the institutional structures and processes that serve to disenfranchise ethnic leaders and communities from political rights, fuelling not just grievances, but also armed conflict. Of the 18 ethnic political parties interviewed for this report, all but the PNO stated the need for federalism or decentralization of power as their main policy goal, whether they were ethnically Chin, Mon, Karen, Kachin, Rakhine, Pa-O, or from one of the two main ethnic political party alliances. Many felt that policies on issues such as land, health, education, etc., could only come after power had been decentralized and ethnic people were given autonomy to make significant decisions over their own governance. For

example, an ethnic Karen political party, Phlone Sqaw Democratic Party (PSDP), which is part of the NBF stated;

“Our first priority is to make a federal system so we will have more power in Karen State, and more independence, not so much power for the central Government. We will focus on the State Parliament. But if we cannot change the Constitution, we cannot solve the land issues and the military taking the land.”⁹⁰

⁹⁰. PSDP, interview with author, Karen State, June, 2015.

In Mon State, the MNP stated;

“

*We want to change the Constitution. If we can't change that, our aims and targets will be far away from us.*⁹¹

”

This was almost identical to how the AMRDP, the Mon political party that contested the 2010 elections, sees the issue;

“The AMRDP mainly focuses on constitutional change, especially in Table 1 and 2,⁹² which is power sharing between the power of the Union level and State and Region level. If we can't change this, we can't do anything to change other issues such as education, health, and human rights.”⁹³

Similarities at the local level are replicated at alliance level. The UNA stated that;

“We are focused on political reform, struggling for a federal union and moving forward for democracy.”⁹⁴

And also with the NBF;

“NBF's main policies focus on ethnic minority rights, peace, and a federal democratic country.”⁹⁵

91. MNP, interview with author, Mon State, June, 2015.
92. Tables One and Two refer to Schedules One and Two of the 2008 Constitution which outline the power sharing responsibilities between central and local level parliaments. See Appendix.

93. AMRDP, interview with author, Mon State, June, 20105

94. UNA, interview with author, Rangoon, June, 2015.

95. NBF, interview with author, Rangoon, June, 2015.

As one of the major Shan political parties put it;

“Our chairperson wants to change the Constitution, starting from the cover. There are no rights for ethnic people in this Constitution. The cover is green, which represents the military.”⁹⁶

While many ethnic political parties focus on changing the structure of the governance of Burma before establishing concrete policy platforms, there is also a need to acknowledge other factors as to why very few policies other than federalism, peace and democracy were presented when conducting this research. For many years the older generation of ethnic politicians, especially those that contested the 1990 elections, had to operate under a totalitarian, military-run regime, while much of their top leadership were imprisoned. One salient example is of the SNLD, the largest ethnic political party from the 1990 elections. Their leader, Khun Htun Oo, spent six years in prison after being arrested for ‘high treason’ while many other leaders and influential figures from these parties were also imprisoned, forced underground, or went into exile. Meanwhile, the parties that were established for the 2010 elections are still very young and while the political space is more open than prior to 2010, it is still quite restricted.

In this context it is difficult for political parties to develop such policies, positions, and mature as effective political actors. The political and democratic space that is essential for this to happen has been denied to them for so long. On the other hand, it is much more common to see the economic or education policies of EAOs in areas of

96. SNLD, interview with author, Rangoon, June, 2015.

their own administration as much more developed. In these areas they do have the political space as they have fought with arms to defend it for so long.⁹⁷

It will take time for ethnic political parties to institutionalize and develop comprehensive policies as well as party principles. Crucial to the opening of the political and democratic space that will allow this development, however, is changing the institutional and structural forms of governance of Burma.

Ethnic civil society expressed the same goals as ethnic political parties in their political outlook for Burma. As one Karen CSO representative explained;

“Burma is like a long-term patient. The best medicine for Burma is a federal union system which has been wanted by all the ethnic groups. To be able heal the disease, the Government should give the right medicine for the disease. The Government needs to share power in Parliament and with all ethnic groups. For example, the Karen State Chief Minister should be elected by the people instead of the President. Thus, equal power sharing in Parliaments should be implemented.”⁹⁸

In Kachin State a CSO representative stated;

“The root cause of the long-term conflict in Burma is based on the ethnic issue since ethnic groups don’t have equal rights. Therefore, it is very important for the ethnic groups to get their rights in Parliament and to represent their people. It is impossible to get democracy if the ethnic people don’t have equal rights. Therefore, it is very important to get democracy as well as ethnic rights at the same time.”⁹⁹

Yet under the current system of governance in Burma, ethnic nationalities have very little power in their respective states. State and Region level Parliaments have very little fiscal responsibility with the total budget of State and Region Parliaments amounting to just under 5% of total public spending.¹⁰⁰ Regarding administrative decentralization, the departments themselves of each ministry are accountable not to the local parliament, but their ‘parent’ Union level ministry, creating a situation whereby “in effect, the State and Region Government has ministers, but does not yet have its own ministries.”¹⁰¹ Regarding political decentralization, one of the key facets of the lack of power that both parties and civil society consistently raised is the fact that the Chief Minister is appointed directly by the President. It is the Chief Minister who has the power to appoint State and Region Cabinets. Furthermore, the military occupies 25% of seats at State and Region level Parliaments.¹⁰²

97. See Kim Jolliffe, “Ethnic Conflict and Social Services in Myanmar’s Contested Regions,” *The Asia Foundation*, June, 2014. <https://asiafoundation.org/resources/pdfs/MMEthnicConflictandSocialServices.pdf> (accessed August, 20, 2015).

98. Karen CSO, interview with author, Karen State, June, 2015.

99. Kachin CSO, FGD, Kachin State, June, 2015.

100. Hamish Nixon, Cindy Joelene, Kyi Pyar Chit Saw, Thet Aung Lynn, and Matthew Arnold, “State and Region Governments in Myanmar,” *The Asia Foundation and Myanmar Development Resource Institute - Centre for Economic and Social Development*, September 2013. <https://asiafoundation.org/resources/pdfs/StateandRegionGovernmentsinMyanmarCESDTAF.PDF> (accessed August 11, 2015).

101. Nixon et al, “State and Region Governments.”

102. Nixon et al, “State and Region Governments.”

These institutional restrictions of local level power are keenly felt by both parties and civil society as expressed by a Kachin CSO representative in Kachin State;

“The Region level Parliaments have no power. As a state representative or minister, they should have more power to work for the people. Now, the ministers and representatives are working for small development programmes, such as repairing roads and building bridges, rather than representing the people. This is not what they have to do as an ethnic representative for Kachin State. Their job is much bigger than this.”¹⁰³

An Intha civil society representative shared the same view;

“The power of State Parliament? They don’t have power to make decisions. They can plan and discuss but then they have to send their project to the central Government but the decision is in the central Government’s hands. The problem is that whenever they send, the Union level doesn’t reply to anything. Most of the projects come directly from Union level. Even the local ministers don’t know.”¹⁰⁴

Political parties also felt this lack of power, and it was telling that this came from parties that had seats in both Union and State level Parliaments that they won in the 2010 elections. The AMRDP put it candidly;

103. Kachin CSO, FGD, Kachin State, June, 2015.
104. Intha CSO, FGD, Shan State, June, 2015.

“State level representatives do not have the power of administration or executive power, so we can’t do anything.”¹⁰⁵

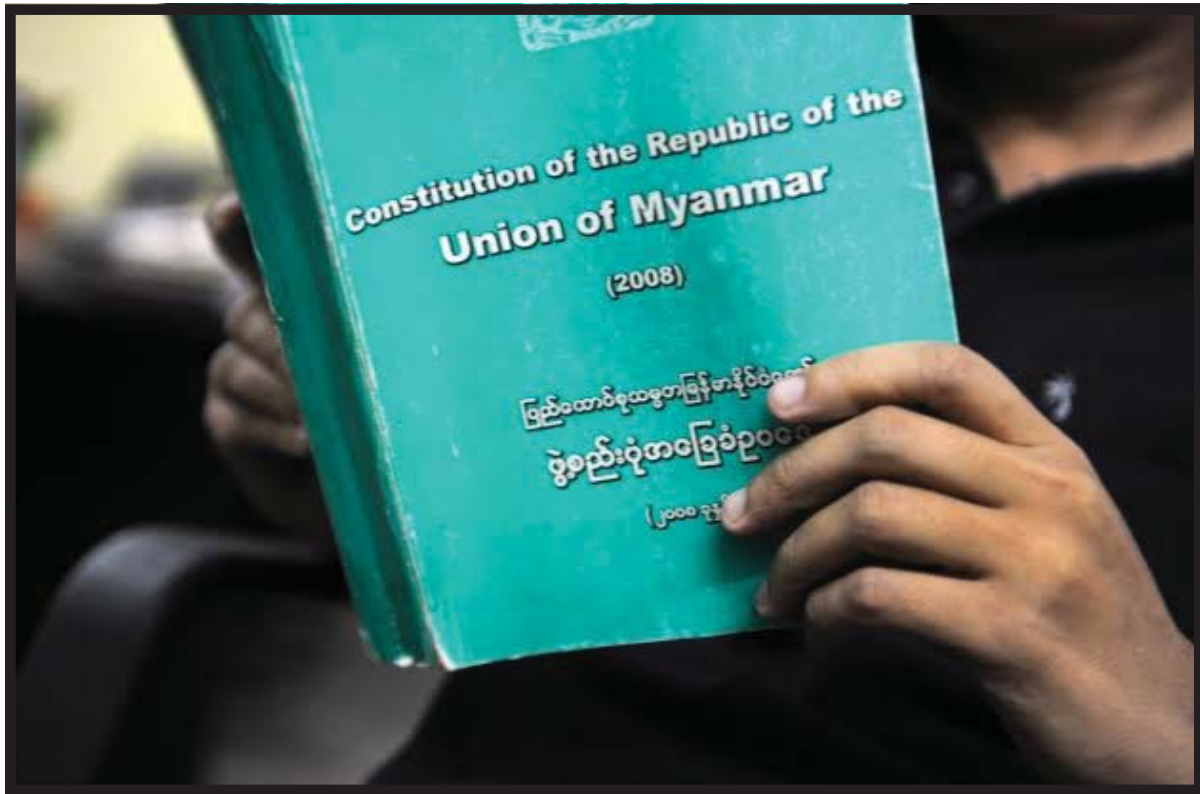
The SNDP concurred;

“We don’t have power at the local level. We have to send everything to Union level for a decision. The Union controls the State. Power, resources, and budget; there is no sharing of any of these.”¹⁰⁶

High-stakes mega development projects that have serious negative social and environmental effects are decided at the Union level. For electricity generation for example, only small-scale production that is off the national grid is the responsibility of State and Region Parliaments.¹⁰⁷ For large dams, such as the 7,000 megawatt Mong Ton Dam in Kunhing Township, Shan State, in which construction has begun, local MPs play no part in the decision-making process. This dam will flood 676 sq.km of farmland, potentially evicting thousands of people and therefore, naturally many local people are opposed to it.¹⁰⁸ The local Shan State MP from the SNDP, Nang Wah Nu, attempted to assuage local fears;

“Local villagers told me that they heard that many villages will be destroyed [by the dam], including ancient Shan pagodas and stupas. They are asking me: ‘What can you

105. AMRDP, interview with author, Mon State, June, 2015.
106. SNDP, interview with author, Shan State, June, 2015.
107. Constitution, Schedule Two.
108. “Naypyidaw must cancel its latest plans to build the Upper Salween (Mong Ton) dam in Shan State,” *Shan Community Based Organizations*, June 9, 2015. <http://www.shanhumanrights.org/index.php/news-updates/216-naypyidaw-must-cancel-its-latest-plans-to-build-the-upper-salween-mong-ton-dam-in-shan-state> (accessed August 18, 2015).



The 2008 Constitution
 Copyright: Steve Tickner/The Irrawaddy

do about it?’ I told them I would ask about it in Parliament.”¹⁰⁹

But it is Union level that has the final say, with the Deputy Minister of Electrical Power stating that the project would go ahead regardless.

Under Section 261 of the Constitution, the fact that the position of the Chief Minister that is currently appointed by the President was one issue that particularly irked ethnic civil society and ethnic political parties. There was an overwhelming belief that State level

109. Lawi Weng. “Concerns Grow After Govt Confirms Massive Dam Project in Southern Shan State, *The Irrawaddy*, September 19, 2014. <http://www.irrawaddy.org/burma/concerns-grow-govt-confirms-massive-dam-project-southern-shan-state.html> (accessed August 18, 2015).

Parliaments should elect this position. To further the distrust, many Chief Ministers are from military backgrounds and remain connected to the current military hierarchy. For example, in Chin State the Chief Minister was concerned after protests against the rape of a Chin woman by a Burma Army soldier, but not because of the rape, but because of the protests;

“The State Minister said he was ashamed because there was a protest in his state, instead of saying he was ashamed of the soldier, instead of standing for the Chin people, he stood for a soldier.”¹¹⁰

110. Chin community member, interview with author, location undisclosed, June, 2015.



*Kunhing villagers protest against the Mong Ton Dam
Copyright: Shan Human Rights Foundation*

Disregarding personal feelings, however, institutionally, this set of affairs further centralizes Union level power. A proposal in the Union Parliament in July 2015 to change Section 261, and allow State and Region Parliaments to elect their own Chief Minister was voted down, despite 66% of MPs voting in favor.¹¹¹ This is because constitutional change needs a vote of more than 75% in favor of such a change, giving the 25% bloc of seats allocated to the Burma Army an effective veto, which they duly used. If, however, this military bloc was removed, and only the votes of elected MPs were counted, an overwhelm-

ing, 88% voted in favour of amending Article 261. This demonstrates not just the degree of support for such a change from elected MPs, but also how impotent that support is in the face of the Burma Army.

111. Yen Snaing. "Charter Push for Decentralization, Stronger Parliament Falts," *The Irrawaddy*, July 9, 2015. <http://www.irrawaddy.org/burma/charter-push-for-decentralization-stronger-parliament-falts.html> (accessed August 18, 2015).

4.2 Burma Army Domination

As outlined above, the 2008 Constitution reserves 25% of seats in Union Parliament for the military as well as 25% in Region and State Parliaments. Under Section 436, to change the Constitution, more than 75% of MPs have to vote in favor of this before it goes to a referendum for the general public. Effectively, this gives the military a veto. Moves

to change this were flatly voted against by the military reserved MPs in June 2015, ironically demonstrating how this veto works in practice. Furthermore, three key, influential ministries are headed by military personnel: the Ministry of Home Affairs, the Ministry of Defence, and the Ministry of Border Affairs. Section 20 (b) of the Constitution articulates that it is the military that have full power and control to administer itself, rather than being

General Administration Department (GAD)

The GAD was established in 1972 and has been in its current form since 1988 when the military regime took power. It serves as a day to day administration department that stretches from Union level, through Region and State Parliaments, districts, townships, and down to village level administration, including providing support for the legislature and executive of each state or region. It is under the Ministry of Home Affairs, one of the three ministries controlled by the military, and as such can be seen as an outreach of military power that spreads throughout the country and down to local level decision-making. According to The Asia Foundation, its duties are wide ranging, “from tax collection, to land management, and assorted registration and certification processes.”¹

The Ministry of Home Affairs holds an Executive Secretary accountable for each state and region. The Executive Secretary heads a department that in turn provides all administrative support to the State and

Region level Parliaments and Governments, leading to a situation where “the workings of the state/region government are dependent on the support of this unit.”² The Executive Secretary also oversees the General Administrator Office that deals with wider administrative needs. Thus, village tract administrators are accountable to township administrators, who in turn are accountable to district administrators, who are then accountable to the State or Region Executive Secretary.³

It is a hugely powerful department that not only deals with day-to-day administration and governance right down to village level, but also is relied upon by the State and Region Parliaments and Governments. That it is accountable not only to a Union level ministry, but a military controlled one at that, shows how penetrative the military’s reach of power is, and how State and Region Parliaments are reliant on a body that is accountable to the central Government, and ultimately, the Burma Army.

1. Kyi Pyar Chit Saw and Matthew Arnold. “Administering the State in Myanmar; An Overview of the General Administration Department,” *The Asia Foundation and Myanmar Development Resource Institute - Centre for Economic and Social Development*, October, 2014. <https://asiafoundation.org/resources/pdfs/GADEnglish.pdf> (accessed August, 18, 2015).

2. Chit Saw and Arnold, “Administering the State in Myanmar.”

3. Chit Saw and Arnold, “Administering the State in Myanmar.”

accountable to the executive or legislative.¹¹² This includes accountability and justice, in which the Commander-in-Chief of the Armed Forces, currently Senior General, Min Aung Hlaing, has the final say over any legal matters involving the military.¹¹³

Military power in day to day administration and governance is less talked about, but its penetrative reach allows for extensive control of the administration of most of the country, not including areas of EAO self-administration (see GAD box). This is manifest in the GAD, which is under the remit of the Ministry of Home Affairs, one of the military-designated ministries.

Under the current institutional structure of the country, there is very little chance of achieving the stated aims of ethnic people. They rely on the benevolence of the Burma Army to repeal its far-reaching power, something it has thus far shown that it will not do. Therefore, the 2015 elections will not serve to realize the aspirations of ethnic communities. It is also important to understand, however, that the elections are not the only important process occurring in 2015.

112. "List of the most problematic provisions in the 2008 Constitution and Burmese laws," *Burma Lawyers Council*, June, 2012. <http://www.burmapartnership.org/wp-content/uploads/2012/06/Top-Laws-and-Constitutional-Provisions-to-Be-Repealed-or-Amended.pdf> (accessed August, 18, 2015).

113. A pertinent example of this is the case of freelance journalist, Ko Par Gyi, who was tortured and killed by Military police while reporting on the conflict between the Burma Army and the Democratic Karen Benevolent Army (DKBA). A secret military tribunal acquitted the two soldiers complicit in the killing. See <http://www.mmmtimes.com/index.php/national-news/14402-military-acquittal-raises-fresh-doubts-about-civilian-inquest.html>

4.3 Peace Process

The peace process is arguably the most important issue in Burma that can guarantee a smoother transition to democracy, a betterment of the human rights situation, the reduction of the power of the Burma Army, and solving grievances among ethnic people that have lasted for over 65 years.

One Chin civil society representative prioritized not the elections, but the peace process as the most important issue for ethnic people;

*"From civil society like us, when we see the ethnic issue it is usually related to the peace process and indigenous peoples' rights. It is related to forests, land, rivers, and natural resources because all these things are in ethnic minorities' domain."*¹¹⁴

A political party in Karen State expressed;

“

*For the NLD and the USDP, the peace process is not important for them, but for our ethnic party we really need it. We are the victims because the conflict areas are ethnic areas.*¹¹⁵

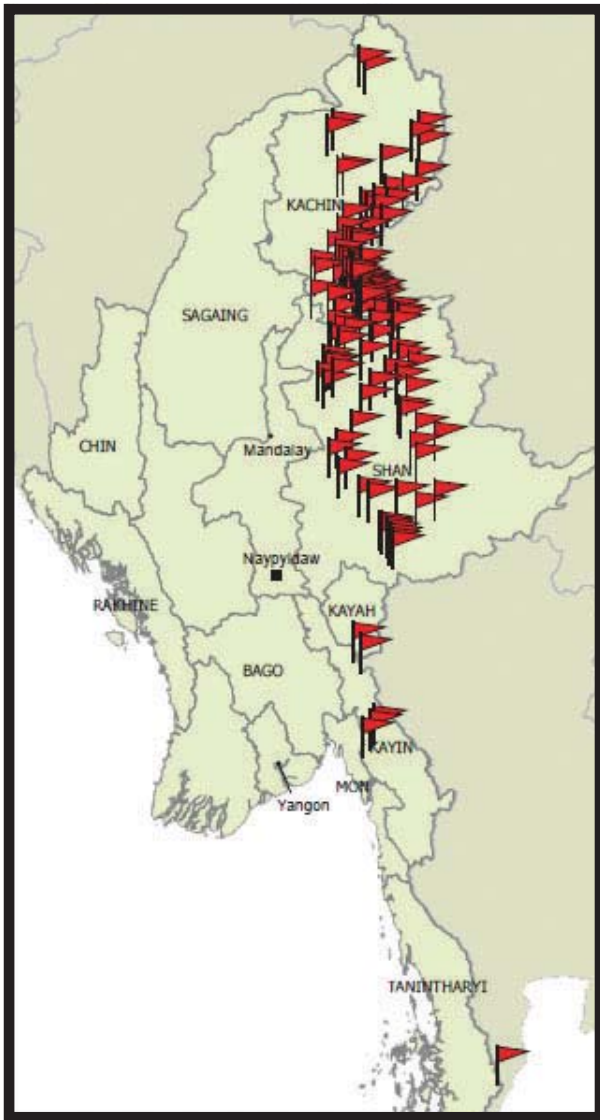
”

And in Kachin State where conflict is occurring every day, one Kachin political party agreed;

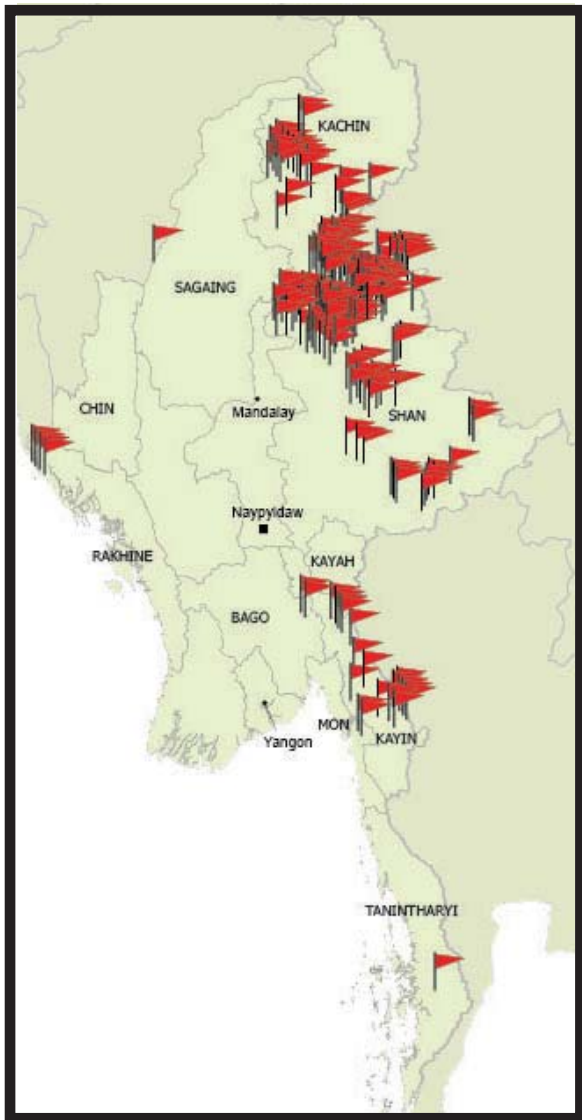
114. Chin CSO, interview with author, Rangoon, June, 2015.

115. PSDP, interview with author, Rangoon, June, 2015.

Armed Clashes in 2013



Armed Clashes in 2014



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*“The most important thing in our country is changing the Constitution. The ceasefire and peace talks depend on the amendment of the Constitution.”*¹¹⁶

The peace process is intrinsically linked to the 2008 Constitution. The peace negotiations in their current form have been centred on the draft of the NCA, which the Government has been pushing, with political dialogue to come after. The NCA is very important for the Government as it seeks to gain international credibility and it does have certain international actors on its side, such as the UN Special Adviser on Burma, Vijay Nambiar, who urged the armed groups at the EAO conference at Law Khee Lar, Karen State, to sign the document “as soon as possible,” telling them that “they will need to make concessions.”¹¹⁷

However, the process remains protracted, with undue optimism disguising the fact that gaps remain between the two sides, including who will be signatories as the Burma Government wants to exclude EAOs it is currently fighting with - the AA, MNDAA, and the TNLA. It is also worthwhile to point out, that a ceasefire is one thing, but peace is completely different. Holding ceasefires with EAOs has not prevented the Burma Army from attacking key positions and bases of EAOs in recent years, especially if they are strategic for economic or military reasons, as the RCSS, Shan State Progressive Party, and the Democratic Karen Benevolent Army (DKBA) have all found out since signing their

agreements in the spate of deals in late 2011, and early 2012.

Within the EAOs and the alliances that they form to negotiate with the Burma Government, there is not a completely unified front that sees eye-to-eye, either on an inter-, or intra-level, on their attitudes and strategies towards achieving peace. There are differing factions within the EAOs that are in favor of differing approaches to the peace negotiations. Yet the overarching goal remains - to build a federal union that will respect the rights of ethnic people. This is seen in the statement by the UNFC,¹¹⁸ released in February 2015, that presents a proposal for the NCA that underlines their key principle;

*“The two parties agree to establish a genuine federal union based on national states having full guarantee for democracy, national equality and self-determination rights. In accordance with the said agreement, the two parties firmly vow to endeavour and continue to realize the nationwide ceasefire agreement.”*¹¹⁹

The latest EAO summit in Law Khee Lar in June 2015, Karen State, affirmed the UNFC position;

116. UDPKS, interview with author, Myitkyina, June, 2015.

117. Lawi Weng. “International Pressure on Ethnic Armies to Ink Ceasefire,” *The Irrawaddy*, June 2, 2015. <http://www.irrawaddy.org/burma/international-pressure-on-ethnic-armies-to-ink-ceasefire.html> (accessed August 21, 2015).

118. The UNFC is an alliance of 11 EAOs, formed in 2010.

119. “Press Release 01/2015,” *UNFC*, February 11, 2015. <http://www.mmpeacemonitor.org/images/2015/february/unfc-released-statement-eng.pdf> (accessed August 21, 2015).

“

*We sincerely make the statement that all the Ethnic Armed Resistance Organizations will endeavour consistently for peace, yearned for by the entire people made up of various ethnic nationalities, based on a genuine federal union, having full democracy, national equality and self-determination...*¹²⁰

”

Yet this is impossible without changing the 2008 Constitution and so far, the Burma Army has not budged. The Burma Army has a six-point, ‘principles for peace,’ one of which includes that the EAOs abide by the 2008 Constitution. The restating of these six principles by the Burma Army in negotiations in September 2014 resulted in a breakdown of the process for six months. At a press conference in March 2015, Lieutenant-general Myint Soe of the commander-in-chief’s office stated;

*“Our Tatmadaw have already declared that genuine peace will happen if [ethnic armed forces] adhere to our six principles... These six principles we [the Tatmadaw] hold firmly forever.”*¹²¹

120. “Ethnic Armed Organizations’ Summit Statement Law Khee Lar, Karen State, 2-9 June, 2015,” *Ethnic Armed Organizations*, June 9, 2015. <http://www.burmapartnership.org/2015/06/ethnic-armed-organizations-summit-statement-law-khee-lar-karen-state-2-9-june-2015/> (accessed September 07, 2015).

121. Ei Ei Toe Lwin. “Military insists on its conditions for peace,” *The Myanmar Times*, April 2, 2015. <http://www.mmtimes.com/index.php/national-news/13880-military-insists-on-its-conditions-for-peace.html> (accessed August 21, 2015).

Furthermore, negotiations have stalled around the Government’s very first stage, the NCA, and armed conflict in Burma has actually become worse in the lead up to the 2015 elections. The continuing war against the KIA since 2011 is proving relentless, with airstrikes being used by the Burma Army in 2012 and again in 2015. The eruption of armed conflict with the MNDAA devastated the Kokang area, causing tens of thousands of civilians to flee. Furthermore, the public emergence of the AA, which is allied with the MNDAA and the KIA, as well as the fighting against the TNLA and occasional skirmishes with the DKBA points to a picture that the peace process is not making significant progress. Given the systematic human rights violations that continue to be perpetrated by the Burma Army against civilians with impunity, at what point do the elections matter for communities who are suffering from this conflict? As one Palaung community worker stated;

*“People are not interested in politics, they don’t know much about political parties, and fighting is ongoing so most villagers have to run from village to village. Fighting is everywhere right now. Four or five incidents in one day. So instead of trying to know about the elections they are scared for their security. Even in the township there is fighting between the Tatmadaw [the Burma Army] and EAOs.”*¹²²

The NCA may or may not be signed, and the NCA that is signed may or may not be actually nationwide given the Government’s insistence that certain groups are excluded. The key to change is the 2008 Constitution, and the power to do so rests with the

122. Palaung CSO, interview with author, location undisclosed, July 2015.

Burma Army. Ethnic political parties, ethnic civil society and EAOs want change. They want a federal system that guarantees ethnic equality and the right to self-determination, but the political parties who are trying to change the 2008 Constitution have their hands tied by the articles, clauses and restrictions of the same constitution. The EAOs, on the other hand, have leverage by the fact that they are armed, many of whom have popular support, some have their own territory which they administer independently, and have thus far shown that they are in the process for the long haul. Although neither the political parties nor the EAOs have managed to effect structural and institutional change, the EAOs at this point do have a certain amount of bargaining power and are involved in a process which could fundamentally change the landscape of ethnic politics for generations, much more than the 2015 elections.

Conclusion

The main goal of most ethnic political parties is a federal system of governance, and the main aspirations expressed by communities are also related to a federal system of governance, and thereby achieving ethnic equality and self-determination. The question is; will the 2015 elections achieve that? The short answer is no. The 2015 elections, although symbolic and important in many ways, could actually serve to further legitimize the very document that is the obstacle to the realization of the aspirations of ethnic people. Many people in ethnic areas are acutely aware of this. This explains the apathy, the distrust in the election process, and the lack of faith that these elections will truly make change for them.

The peace process is a parallel process through which the same goal, of a federal system of governance, is trying to be achieved outside of the formal structures, institutions and legal framework. This is the process that will have the most bearing on the future of the rights, equality, and self-de-

termination of ethnic people in Burma. This is not to say that the 2015 elections should be disregarded completely. Promoting a democratic culture, the establishment and institutionalization of political parties, as well as learning from teething problems such as incorrect voter registration lists, the need for voter education, and a more developed functioning of political parties such as improved consultation processes with civil society are certainly crucial.

If people put disproportionate faith in the 2015 elections as a defining moment in the future of Burma, and in particular for ethnic nationalities, this faith will be misguided. Due to the centralization of power, and the far-reaching power of the very institution that is blocking any moves towards ethnic equality, the Burma Army, the institutional and political structures of governance will not be affected by these elections. For ethnic communities, it may well be a step back in the trust that they have in the larger concept of the democratic process.

Recommendations

Below are recommendations that all stakeholders should work towards in order for ethnic nationalities of Burma to achieve equality and self-determination and establish civilian control over the country:

- Immediately engage in a process to change the institutional and governance structures of the country, including the 2008 Constitution. This should involve:
 - Repealing Section 436 of the 2008 Constitution to end the military veto power for constitutional amendments and thus reducing the power of the Burma Army;
 - Devolving more administrative, budgetary and political power to State and Region level Parliaments by changing Schedules One and Two of the Constitution to give each State and Region level Ministry more power;
 - Allowing State and Region level Parliaments to elect their own Chief Minister; and
 - Placing the General Administration Department and three military controlled ministries; the Ministry of Home Affairs, the Ministry of Defence and the Ministry of Border Affairs, under civilian control.

Ethnic Political Parties:

- Adopt quotas for women in candidate lists of at least one third, as well as quotas for women at all levels of party structure, including leadership and executive committee positions;
- Establish common ground with other political parties of the same ethnicity that have similar policy platforms in order to begin discussions on alliances and strengthen existing multi-ethnic alliances;
- Institutionalize a process of consultation with civil society, community based organizations and communities in local constituencies;
- Develop more detailed and comprehensive policy platforms or manifestos that amounts to more than party principles, reflecting the aspirations and needs of their constituencies; and

- Make these policies readily available and accessible to communities through outreach processes, including producing communication materials in relevant languages.

Non-ethnic Based Political Parties:

- Outline policies of how ethnic equality and ethnic nationality aspirations will be addressed;
- Decentralize internal party structures so that local party chapters and offices, particularly in ethnic areas, can participate in decision-making processes in the functioning and policy direction of the party; and
- Offer avenues of cooperation and communication to ethnic-based civil society, political parties and EAOs in preparation for a national political dialogue.

Current or any Future Incarnation of the Burma Government for the Transition:

- Implement a genuine democratic transition towards a democratic federal union by making political reform and federalism as the main priority of any government term;
- Engage in the peace process with EAOs in equal terms and ensure the holding of a national political dialogue that is inclusive, meaningful and substantial, and with the aim of a sustainable political settlement that enshrines the spirit of the Panglong Agreement;
- Ensure any future elections comply with international election standards in order to guarantee that they are free and fair; and
- Hold the UEC transparent and accountable in its manner and functions, including starting voter registration list compilation one year before any future elections, while providing necessary resources to conduct comprehensive, nationwide voter education.

International Community:

- Recognize that the goals and aspirations for many ethnic communities are not tied to the 2015 elections;
- Urge the Burma Government to implement comprehensive political, institutional, and legal reforms that guarantee a federal system of governance and reduces the power of the Burma Army;
- Support the peace process by providing assistance in equal measure to EAOs and the Government;
- Provide direct funding and support for local ethnic CSOs to conduct voter education and election monitoring activities as well as their participation in the peace process; and
- Provide technical assistance to ethnic political parties to support their institutionalization.

Appendix

SCHEDULES ONE AND TWO OF THE 2008 CONSTITUTION

SCHEDULE ONE

Union Legislative List (Refer to Section 96)

1. Union Defence and Security Sector

- (a) Defence of the Republic of the Union of Myanmar and every part thereof and preparation for such defence;
- (b) Defence and Security industries;
- (c) Arms, ammunition and explosives including biological and chemical weapons;
- (d) Atomic energy, nuclear fuel and radiation and mineral resources essential to its production;
- (e) Declaration of war and conclusion of peace;
- (f) Stability, peace and tranquility of the Union and prevalence of law and order; and
- (g) Police force.

2. Foreign Affairs Sector

- (a) Representatives of the diplomatic, consular and other affairs;
- (b) United Nations;
- (c) Participation in international, regional and bilateral conferences, seminars, meetings, associations and other organizations and implementation of resolutions thereof;
- (d) Conclusion and implementation of international and regional treaties, agreements, conventions and bilateral agreements and treaties;
- (e) Passports and identification certificates;
- (f) Visas, admission into the Republic of the Union of Myanmar, stay, departure, immigration and deportation; and
- (g) Extradition and request for extradition.

3. Finance and Planning Sector

- (a) The Union Budget;
- (b) The Union Fund;
- (c) Currency and coinage;
- (d) The Central Bank of Myanmar and financial institutions;
- (e) Foreign exchange control;
- (f) Capital and money markets;
- (g) Insurance;
- (h) Income tax;
- (i) Commercial tax;
- (j) Stamp duty;
- (k) Customs duty;
- (l) Union lottery;
- (m) Tax appeal;
- (n) Services of the Union;
- (o) Sale, lease and other means of execution of property of the Union;
- (p) Disbursement of loans from the Union Funds;
- (q) Investment of the Union Funds;
- (r) Domestic and foreign loans;
- (s) Acquisition of property for the Union; and
- (t) Foreign aid and financial assistance.

4. Economic Sector

- (a) Economy;
- (b) Commerce;
- (c) Co-operatives;
- (d) Corporations, boards, enterprises, companies and partnerships;
- (e) Imports, exports and quality control thereon;
- (f) Hotels and lodging houses; and
- (g) Tourism.

5. Agriculture and Livestock Breeding Sector

- (a) Land administration;
- (b) Reclamation of vacant, fallow and virgin lands;
- (c) Settlements and land records;
- (d) Land survey;
- (e) Dams, embankments and irrigation works managed by the Union;
- (f) Meteorology, hydrology and seismic survey;
- (g) Registration of documents;
- (h) Mechanized agriculture;
- (i) Agricultural research;
- (j) Production of chemical fertilizers and insecticides;
- (k) Marine fisheries; and
- (l) Livestock proliferation, prevention and treatment of diseases and research works.

6. Energy, Electricity, Mining and Forestry Sector

- (a) Petroleum, natural gas, other liquids and substances declared by the Union Law to be dangerously inflammable;
- (b) Production and distribution of electricity of the Union;
- (c) Minerals, mines, safety of mine workers, and environmental conservation and restoration;
- (d) Gems;
- (e) Pearls;
- (f) Forests; and
- (g) Environmental protection and conservation including wildlife, natural plants and natural areas.

7. Industrial Sector

- (a) Industries to be undertaken by the Union level;
- (b) Industrial zones;
- (c) Basic standardization and specification for manufactured products;
- (d) Science and technology and research thereon;
- (e) Standardization of weights and measures; and
- (f) Intellectual property such as copyrights, patents, trademarks and industrial designs.

8. Transport, Communication and Construction Sector

- (a) Inland water transport;
- (b) Maintenance of waterways;
- (c) Development of water resources and rivers and streams;
- (d) Carriage by sea;
- (e) Major ports;
- (f) Lighthouses, lightships and lighting plans;
- (g) Shipbuilding, repair and maintenance;
- (h) Air transport;
- (i) Air navigation, control and airfields construction;
- (j) Land transport;
- (k) Railways;
- (l) Major highways and bridges managed by the Union;
- (m) Posts, telegraphs, telephones, fax, e-mail, internet, intranet and similar means of communication; and
- (n) Television, satellite communication, transmission and reception, and similar means of communication and housing and buildings.

9. Social Sector

- (a) Educational curricula, syllabus, teaching methodology, research, plans, projects and standards;
- (b) Universities, degree colleges, institutes and other institutions of higher education;
- (c) Examinations prescribed by the Union;
- (d) Private schools and training;
- (e) National sports;
- (f) National health;

- (g) Development of traditional medicinal science and traditional medicine;
- (h) Charitable hospitals and clinics and private hospitals and clinics;
- (i) Maternal and child welfare;
- (j) Red cross society;
- (k) Prevention from adulteration, manufacture and sale of foodstuffs, drugs, medicines and cosmetics;
- (l) Welfare of children, youths, women, the disabled, the aged and the homeless;
- (m) Relief and rehabilitation;
- (n) Fire Brigade;
- (o) Working hours, resting-hours, holidays and occupational safety;
- (p) Trade disputes;
- (q) Social security;
- (r) Labour organizations;
- (s) Managements by the Union, the following:
 - (i) Ancient culture or historical sites, buildings, monuments, records, stone inscriptions, ink inscriptions on stucco, palm-leaf parabaiks, handwritings, handiworks, inanimate objects and archaeological works;
 - (ii) Museums and libraries.
- (t) Literature, dramatic arts, music, traditional arts and crafts, cinematographic films and videos; and
- (u) Registration of births and deaths.

10. Management Sector

- (a) General administration;
- (b) Administration of town and village land;
- (c) Tenants;
- (d) Narcotic drugs and psychotropic substances;
- (e) Union secrets;
- (f) Associations;
- (g) Prisons;
- (h) Development of border areas;
- (i) Census;
- (j) Citizenship, naturalization, termination and revocation of citizenship, citizenship scrutiny and registration; and
- (k) Titles and honours.

11. Judicial Sector

- (a) Judiciary;
- (b) Lawyers;
- (c) Criminal Laws and procedures;
- (d) Civil Laws and procedures including contract, arbitration, actionable wrong, insolvency, trust and trustees, administrator and receiver, family laws, guardians and wards, transfer of property and inheritance;
- (e) Law of Evidence;
- (f) Limitation;

- (g) Suit valuation;
- (h) Specific relief;
- (i) Foreign jurisdiction;
- (j) Admiralty jurisdiction; and
- (k) Piracies, crimes committed in international waters or in outer space and offences against the international law on land or in international waters or in outer space.

SCHEDULE TWO

Region or State Legislative List (Refer to Section 188)

1. Finance and Planning Sector

- (a) The Region or State budget;
- (b) The Region or State fund;
- (c) Land revenue;
- (d) Excise duty (not including narcotic drugs and psychotropic substances);
- (e) Municipal taxes such as taxes on buildings and lands, water, street lightings and wheels;
- (f) Services of the Region or State;
- (g) Sale, lease and other means of execution of property of the Region or State;
- (h) Disbursement of loans in the country from the Region or State funds;
- (i) Investment in the country from the Region or State funds;
- (j) Local plan; and
- (k) Small loans business.

2. Economic Sector

- (a) Economic matters undertaken in the Region or State in accord with law enacted by the Union;
- (b) Commercial matters undertaken in the Region or State in accord with law enacted by the Union; and
- (c) Co-operative matters undertaken in the Region or State in accord with law enacted by the Union.

3. Agriculture and Livestock Breeding Sector

- (a) Agriculture;
- (b) Protection against and control of plants and crop pests and diseases;
- (c) Systematic use of chemical fertilizers and systematic production and use of natural fertilizers;
- (d) Agricultural loans and savings;
- (e) Dams, embankments, lakes, drains and irrigation works having the right to be managed by the Region or State;
- (f) Fresh water fisheries; and
- (g) Livestock breeding and systematic herding in accord with the law enacted by the Union.

4. Energy, Electricity, Mining and Forestry Sector

- (a) Medium and small scale electric power production and distribution that have the right to be managed by the Region or State not having any link with national power grid, except large scale electric power production and distribution having the right to be managed by the Union;
- (b) Salt and salt products;
- (c) Cutting and polishing of gemstones within the Region or State;
- (d) Village firewood plantation; and
- (e) Recreation centers, zoological garden and botanical garden.

5. Industrial Sector

- (a) Industries other than those prescribed to be undertaken by the Union level; and
- (b) Cottage industries.

6. Transport, Communication and Construction Sector

- (a) Ports, jetties and pontoons having the right to be managed by the Region or State;
- (b) Roads and bridges having the right to be managed by the Region or State; and
- (c) Systematic running of private vehicles within the Region or State.

7. Social Sector

- (a) Matters on traditional medicine not contrary to traditional medicine policies prescribed by the Union;
- (b) Social welfare works within the Region or State;
- (c) Preventive and precautionary measures against fire and natural disasters;
- (d) Stevedoring;
- (e) Having the right of management by the Region or State, the following:
 - (i) preservation of cultural heritage;
 - (ii) museums and libraries.
- (f) Theatres, cinemas and video houses; and
- (g) Exhibitions such as photographs, paintings and sculptures.

8. Management Sector

- (a) Development matters;
- (b) Town and housing development; and
- (c) Honorary certificates and awards.



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