

Burma's 2010 Elections: Challenges and Opportunities

Later in 2010, Burma¹ will hold its first elections in twenty years. These have been widely dismissed internationally as a charade, and Aung San Suu Kyi and her National League for Democracy have refused to participate, condemning the governing legislation as "unfair" and "unjust".

However, despite the very obvious flaws in the process, it represents the most significant political transformation for a generation. New leaders and a new political landscape will emerge, giving rise to opportunities to push for change, as well as a new set of challenges.

It will also have a crucial impact on the ethnic question: either by setting the scene for further tension and violence or by opening the space for discussing ethnic grievances. This paper provides an overview of the more significant challenges and opportunities, discusses the political dynamics in the lead-up to the polls, and suggests some possible post-election scenarios.

PARTICIPATION IN THE PROCESS

The most difficult question facing political actors in Burma is whether to participate in the electoral process at all. The elections are the next step in the regime's "roadmap to democracy", a process that it has maintained tight control over, allowing almost no input from other stakeholders. Under such circumstances, many people feel that it is wrong in principle to

CONCLUSIONS & RECOMMENDATIONS

- The elections will not be free or fair, given the uneven playing field, longstanding denial of basic freedoms, and some draconian provisions of the election laws.
- In criticising the process, it is important not to undermine the position of those candidates proposing change. An embryonic opposition voice in authoritarian legislatures should be encouraged rather than marginalised.
- These elections must also be judged on how they deliver on demands for equitable political rights and inclusion by ethnic groups, and on the long-standing crisis of conflict and insurgency in the ethnic borderlands.
- It would be a massive wasted opportunity if the West failed to engage with the new government, to assess their willingness to take the country in a different direction.
- Benchmarks must be tangible, but also realistic. The international community must deliver on its longstanding commitment to support meaningful reforms towards democracy and ethnic peace in Burma.

participate, or that participation will bring no positive benefits, or both. Others, however, take the view that the elections are the "only game in town", and that it would be unwise to miss the political

opportunities that might arise, however uncertain and limited they may be.

The dilemma is felt particularly acutely by political parties that contested the 1990 elections, given that the results were never implemented. Thus, the National League for Democracy (NLD), the Shan Nationalities League for Democracy (SNLD) and the Arakan League for Democracy (ALD), the three most successful parties in 1990 in terms of seats won, were faced with new elections that would take place on much less favourable terms, while at the same time forfeiting their earlier victory.²

Members of all three parties continue to languish in prison on political grounds; in the case of the SNLD, its two top leaders.³

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In total, over two thousand political prisoners remain incarcerated, and thereby excluded from the process. It is little wonder that these parties voiced significant reservations.

In the end, after some internal debate, the NLD decided on 29 March that it would not compete. The SNLD has also decided that it will not participate, unless its imprisoned leaders are released.⁴ The election commission has therefore deregistered these parties. As a consequence, the 2010 elections will be characterized more by who is not contesting, than by who is.

Although the NLD's decision was taken unanimously, in what was described as a "show of unity", a number of party leaders and members had argued in favour of participation. They were concerned that the

NLD's failure to participate might play into the regime's hands by leaving voters with no obvious anti-regime choice. Although other democratic parties will contest, none of these have the broad appeal of the NLD, creating a risk that many NLD voters will abstain, and those choosing to vote will do so for different parties. This would tend to reduce the democratic vote, and split it over several parties.

Given the first-past-the-post-voting system (in that there is no proportional representation, each seat goes to the candidate who wins the most votes), this would be to the advantage of the big "establishment" parties: the Union Solidarity and Development Party, and the National Unity Party. For these reasons, a number of senior NLD members decided to establish a new political party, the National Democratic Force,⁵ to contest the elections. Whether this will capture a significant share of the NLD vote or whether it will further divide it remains to be seen.

A look at the current roster of parties clearly demonstrates the risk of a divided vote. To date, forty-two parties have registered to contest the polls; several more are likely to enter the fray between now and the deadline for nominating candidates (which has yet to be fixed by the Election Commission).⁶ Many of these are formed by marginal political players with highly circumscribed support bases, or those representing small ethnic groups. Unless these parties have considerable political maturity, and work in close coordination, the risk is that their candidates will end up competing against each other. The greater the number of parties, the more difficult strategizing becomes.

Outside observers, particularly the exiled media, have tended to portray any party not taking a confrontational stance to the military regime as being its political proxy; the NLD's decision has exacerbated this trend. This same perspective was in evidence in the way many of these

Registered and Deregistered Political Parties

Newly registered

Parties *in italics* have not yet had their applications to register approved by the Election Commission.

1. 88 Generation Student Youths (Union of Myanmar)
2. Union of Myanmar Federation of National Politics
3. Democratic Party (Myanmar)
4. Kayin [Karen] People's Party
5. National Political Alliances League
6. Pao National Organization (PNO)
7. *Kachin State Progressive Party*
8. Myanmar New Society Democratic Party
9. Difference and Peace Party
10. New Era People's Party
11. Chin National Party
12. Union Democracy Party
13. Shan Nationals Democratic Party
14. Taaung (Palaung) National Party
15. Wunthanu NLD (The Union of Myanmar)
16. Wa Democratic Party
17. Phalon-Sawaw [Pwo-Sgaw] Democratic Party
18. *Northern Shan State Progressive Party*
19. Chin Progressive Party
20. Kayan National Party
21. National Democratic Party for Development
22. Rakhine State National Force of Myanmar
23. Union Solidarity and Development Party
24. Wa National Unity Party
25. Inn National Development Party
26. All Mon Region Democracy Party
27. *United Democracy Party (Kachin State)*
28. United Democratic Party (UDP)
29. Rakhine Nationals Development Party (RNDP)
30. Democracy and Peace Party
31. Ethnic National Development Party (ENDP)
32. Myanmar Democracy Congress
33. *Khami National Development Party*
34. *Mro National Party*
35. *Regional Development Party (Pyay)*
36. *Kaman National Progressive Party*
37. *National Democratic Force*

Continued registration from 1990 elections

1. National Unity Party
2. Union Kayin (Karen) League
3. Mro or Khami National Solidarity Organisation (MKNSO)
4. Lahu National Development Party
5. Kokang Democracy and Unity Party

Deregistered parties

These parties were still registered from the 1990 elections, but failed to apply to the Election Commission to contest the new elections. Under the 2010 Political Parties Registration Law, they were automatically deregistered effective 7 May.

1. National League for Democracy (NLD)
2. Shan Nationalities League for Democracy (SNLD)
3. Shan State Kokang Democratic Party
4. Union Pao National Organisation⁷
5. Wa National Development Party

observers responded to the ethnic ceasefires two decades ago, equating compromise with cooption.

It is undoubtedly the case that some parties will be unable to take a political line that is independent of the regime – either as a result of their weakness, or as a deliberate tactical decision. But for many other independently minded figures, the decision

to participate in the process is politically risky, and therefore brave, all the more so in light of the NLD approach. For them, participation reflects not an agreement with the process, but an acceptance that it is inevitable.

Therefore, failing to take advantage of the possibilities to influence that process would be unwise, however limited those

possibilities may be. While the strategies of some of the protagonists may be different, they share similar goals.

REGISTERED PARTIES

A significant number of political parties have registered with the Election Commission. As of 1 June, 37 new parties have registered, and 5 of the 10 remaining parties from 1990 have applied for continued registration; the other 5 have been automatically deregistered (see Box: Registered and Deregistered Political Parties).

Of the registered parties, only a few are likely to have the financial and organizational resources, and the political

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support to contest a significant proportion of the constituencies across the country. These include the National Unity Party, previously the Burma Socialist Programme Party and “establishment” party from 1990; the Union Solidarity and Development Party, headed by SPDC Prime Minister Thein Sein; the Democratic Party (Myanmar), headed by veteran politician Thu Wai; the Union Democracy Party, of which veteran politician Shwe Ohn is patron; and the National Democratic Force, established by senior NLD members in favour of participating in the elections.

THE CAMPAIGNING PERIOD

The risk of a divided opposition vote may be moderated in part by the costs of

nominating candidates. Each candidate must pay a nonrefundable registration fee of 500,000 kyat (about US\$500).⁸ This will probably limit the number of constituencies that small parties can contest.

It remains to be seen how many parties will have the organizational capacity and resources to contest a majority of the 498 elected seats in the national legislatures – which would cost US\$250,000 in registration fees alone. If parties were also to spend the maximum allowed per candidate for campaigning (about US\$10,000), this would add a further US\$5 million, an amount inaccessible to all but a very few parties.

Most parties will therefore be forced to be selective about the constituencies in which they nominate candidates. This financial imperative may help achieve what political strategizing alone could not: parties will tend to focus their efforts on constituencies where they have a reasonable chance of success.

Perhaps the main challenge facing parties will be to establish their reputations in the minds of the electorate in the relatively short period – probably less than six months – between official registration and the elections. There have been only two previous multiparty elections in the last half-century,⁹ interspersed with decades of authoritarian rule, so there is no established political culture, and there has been very little space permitted for public discussion of the pressing issues facing the country.

So parties will not only have to establish their identities and promote policies, they will also have to develop political momentum around what they identify as key issues. The opportunity to do so will remain extremely constrained in the campaigning period. Although campaign materials will be exempt from the usual severe censorship provisions (which normally require all publications be vetted by the press scrutiny board), parties will

have to apply in advance for exemption certificates, for which a fee of US\$100 and a deposit of US\$500 is levied. Furthermore, parties must undertake that their published materials will not violate a set of stipulated criteria, including neither opposing the current regime nor insulting or causing dissent in the military.¹⁰

Access to the media will also be problematic. Political parties are likely to be given minimal access to state media (in 1990 they were allowed a single 15-minute statement on state radio, and a 10-minute television statement), although parties allied with the regime can be expected to benefit from positive and frequent coverage of their activities.

Independent media are heavily censored, and will find it extremely difficult to print balanced and detailed coverage. The exiled media (mainly radio and internet) will be able to partly fill this gap, but this will present its own problems, given that they are not always in touch with local political dynamics, and tend to take hard-line views, often quick to denounce those with a more pragmatic political disposition.

All of these various constraints and restrictions mean that, when the electorate comes to choose between candidates, individual reputation is likely to be a more important consideration than party affiliation. Respected local personalities will not have to spend time establishing their reputations or their familiarity with voters. Hence over the last months different parties and factions from all sides have been wooing such individuals. This dynamic may also favour independent candidates.

Such considerations are also influencing the electoral strategies of some ethnic and regional parties. Previously, the leaders of such prospective parties – most prominently, the Kachin State Progressive Party (KSPP) – had given indications that they would focus their efforts on their local

legislature (in the case of the KSPP, the Kachin State Hluttaw). They felt there was greater political space at the local level, and that they would therefore have greater chances of success.¹¹

However, a strategic shift now appears to be taking place. A number of ethnic or regional parties have indicated that, while continuing to focus their efforts on their particular areas, they will contest at all legislative levels.

Thus, for example, the KSPP, which was formed by officials who resigned from the ceasefire Kachin Independence Organisation, has now indicated that, while it will restrict its activities to the Kachin state, it will contest all constituencies in the state: upper house, lower house, and regional legislature.¹² (Another party, the Northern Shan State Progressive Party, will represent the significant Kachin population in adjacent areas of the Shan state, the so-called Kachin sub-state.)

The strategic considerations are fairly obvious. There will be a total of 66 constituencies in Kachin state: 12 for the upper house, 18 for the lower house and 36 for the Kachin state legislature.¹³ Each voter will cast ballots for the three legislative bodies. Thus, if a party is making the effort to promote its policies among the electorate, it makes sense to put up candidates in all constituencies, provided it has the funds to pay the required registration fees (a total of about US\$33,000 in the case of the Kachin state).

There are few ethnic populations that are large enough, and sufficiently widely dispersed, to have a strong national political voice. The Karen people have had this in the past, through the "Union Karen" movement, and the newly formed Kayin People's Party, co-led by a retired military officer and a prominent neurosurgeon, are seeking to represent these diverse Karen communities. It remains to be seen if they will be able to muster broad support.

THE ELECTIONS

The election laws provide essentially the same framework for the conduct of the voting as they did in 1990, ensuring that votes will be counted at each polling station in the presence of candidates or their representatives and members of the public. This significantly reduces the scope for vote rigging. The procedures are in stark contrast to those governing the 2008 constitutional referendum, which was dogged by credible allegations of major irregularities, apparently confirmed by the highly implausible result in the aftermath of the Cyclone Nargis tragedy.¹⁴

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While election day may bring surprises, the conduct of the referendum appears to have further reduced what little trust there was among the general population in the sincerity of government to promote change and to hold free and fair elections. The general population has not shown great interest in participating in the polls, a sentiment strengthened by the decision of the NLD, SNLD and other parties from the 1990 election not to stand again in 2010.

It may be that the vote count on the day is a reasonably fair reflection of the votes cast, as was the case in 1990. But this is only one aspect of what is required for an election to be free and fair. The possibility of voter intimidation, implicit or explicit, cannot be ruled out, and this may be particularly relevant for advance voting.

Understandably, voters will be concerned about the consequences of being discovered voting for an opposition candidate.

Besides overt intimidation to vote in a certain way, there are other ways for the authorities to manipulate this fear to their advantage, for example by having a large number of polling stations in some areas, with a small number of voters assigned to each. And beyond this, the authorities have already ensured that the playing field is tilted in their favour, by keeping key opposition politicians locked up, tightly controlling the party registration process, and maintaining draconian restrictions on civil and political rights.

Voters will cast three separate ballots on election day, electing members of the upper house, the lower house, and for one of the fourteen regional legislatures. Some ethnic minority voters in some states and regions will have the opportunity to cast a fourth ballot, to elect a representative of their ethnic nationality to the regional legislature.¹⁵

This voting system is simple to implement: the winning candidate in each constituency is the one with the highest number of votes, which need not be a majority of the votes cast. But it can give rise to very complex strategic considerations. A single dominant party can gain a very large legislative majority despite having only won a plurality of votes cast. This is graphically illustrated by the NLD's landslide victory in 1990: they received three times more votes than the National Unity Party, but forty times the number of seats.¹⁶

Over time, this kind of voting system generally leads to the evolution of a fairly stable two-party system, with smaller parties generally being shut out, unless they have strong support in particular geographic areas. In such a situation, “tactical” voting can become important, that is, voting for a non-favoured party in order to prevent an even less-favoured one from winning in a particular constituency. It can also lead to voter apathy: if a favoured party has no hope of success, voting becomes pointless, and voters not

inclined to tactical voting may choose to stay at home.

In the Burma context, however, the situation could be rather different. A number of factors will be at play:

- Given widespread disaffection with the military government, there is likely to be a significant protest vote against the Union Solidarity and Development Party, and probably against the National Unity Party as well.
- With the NLD not participating, there is no obvious recipient of this protest vote. It is likely to be spread over several opposition parties, reducing the chances of success for any one of them.
- Denied a chance to vote for their chosen party (the NLD or the SNLD, for example), some voters may express their protest vote by resorting to spoiled ballots or by not voting at all, even though this will only improve the chances for the "establishment" parties.
- Minorities concentrated in particular geographical areas may be successful in electing candidates to represent them, either as independents or from a well-organized party that is seen as genuinely representing them. But there is a potential "spoiler effect", if two or more parties seek to represent those communities, thereby splitting the vote.

In many of these scenarios, tactical voting could play an important role. Suppose that the main concern of the majority of voters in a given constituency is to prevent the USDP candidate from winning. An obvious strategy in such a situation would be for these voters to vote for the most popular of the parties not aligned with the regime, even if it isn't their preferred choice, in order to block the USDP candidate. Yet, the prospects for such tactical voting in the coming elections appear poor. Implementing such a strategy requires accurately

guessing who is the strongest contender to beat the party to be blocked.

This is extremely difficult in a context in which nearly all parties are newly organized, often ethnic-based and in which reliable opinion polls are lacking. In addition, it requires a politically sophisticated electorate, which is unlikely in a country that hasn't had elections for a generation. Hence more sophisticated forms of tactical voting (such as "vote swapping"), common in established democracies with a plurality voting system, are very unlikely to be used on any scale.¹⁷

Inter-party cooperation could also be important. This could involve, for example, formal or informal agreements between parties not to put up candidates in the same constituencies, so as not to compete against each other, helping to mitigate any spoiler effect. Parties could go one step further, and advise their supporters in those constituencies where they do not have a candidate to vote for the other party. Again, however, the plethora of new parties, and the uncertainty about how much support they will garner, complicates such discussions.

It is positive that some parties have made explicit commitments along these lines. The National Democratic Force party set up by some former members of the NLD has indicated that, unlike the NLD in 1990, it will not contest in ethnic areas "in favour of the rights of ethnic political parties to manage their affairs".¹⁸ It has also indicated that it would seek to collaborate with other democratic parties.

POST-ELECTION SCENARIOS

One must note that these elections are not for a government, but for the legislatures. It is the President, chosen by the electoral college (that is, the upper and lower houses in joint session), who will select the government as well as the Chief Ministers of the 14 states and regions. Hence there is

no certainty what the post-election situation will be like, since not only is it very difficult to know what the results of the elections will be, and who will be the presidential nominees, it is even harder to foresee who might be chosen as government ministers (who must meet certain constitutional criteria, but need not be legislators).

What is known is that one-quarter of the seats in all legislatures, national and regional, are reserved for military personnel appointed by the commander-in-chief (that is, Senior General Than Shwe, since he is unlikely to be succeeded in this role until the formal transfer of power following the elections). Similarly, the key security ministries, defence, home affairs,

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and border affairs, are reserved for military personnel appointed by the commander-in-chief.

It therefore must be taken as a given – and the regime have been clear on this point since the start of the constitution-drafting process in 1993 – that the post-election political landscape will continue to be significantly influenced by the military. In sketching future scenarios, therefore, the question is not whether the military will be a major influence, since they have arranged things precisely to ensure that they will be, but rather what space may exist for other political actors at present excluded from the polity.

For a country that has been under the total control of the military – whether in uniform or mufti – for half a century, any movement in this direction is very significant, and must be welcome. But given the uncertainties about how the elections will play out, it is a very difficult question to answer precisely. Some general possibilities are considered below.

Local-level governance and ethnic politics

One of the more significant changes to be introduced by the new constitution is the establishment of 14 regional legislatures and governments. While the powers devolved to them are limited, this is nevertheless a significant shift. It raises the possibility of local communities, particularly ethnic communities, having greater say over their affairs. Also, as political space at the local level is likely to be less constrained than at the national level, elected legislators and members of regional governments may be more representative of local communities.

While this may not make local governance less authoritarian, it is likely to make it somewhat more responsive to local needs. Ethnic communities are likely to have enhanced opportunities to promote their cultures and languages, using, for example, local media and the education system. And it is difficult to imagine foolish decrees from central government – such as uniform quotas for bio-diesel production or enforced tea-growing at the expense of more suitable and profitable crops – being implemented unquestioningly.¹⁹

This is one reason why so many ethnic parties have registered. For the first time since 1962, when the ethnic councils established under the 1947 independence constitution were abolished following Ne Win's coup d'état, a limited form of local autonomy is being introduced. This is a positive development, albeit one that falls far short of ethnic aspirations.

Nevertheless, many ethnic leaders point out that they will have a legitimate political voice for the first time. This will allow ethnic grievances, in the past too easily dismissed by the regime as the seditious rumblings of separatist insurgents, to be openly raised. This is surely preferable to the last decades of "insurgency politics".²⁰

But the risks of failure are all too real: if genuine ethnic voices are denied representation, if ethnic communities continue to feel disempowered, and if the new government continues to take a confrontational approach, the scene will be set for further conflict and turmoil, with devastating consequences.

Future centres of power

The new political structures that the 2008 constitution will establish when it comes into force will make for a more complex political landscape. These include the President and government, the national defence and security council, the financial commission, two chambers of the national legislature, the 14 regional legislatures and governments, the self-administered areas, and the constitutional tribunal. While the initial implications may not be dramatic, in time these institutions may well become the loci of considerable political power, and their interests may eventually diverge.

There is no reason to believe that reform will automatically follow. Indeed, the changes could potentially lead to a more bureaucratic and ineffectual government susceptible to various corrupt influences. But the new system will generate a greater degree of debate and heightened scrutiny regarding policy decisions that are currently the prerogative of a single individual, and have been so for most of the last fifty years.

In the legislatures themselves, there is the prospect of a fairly large number of small parties and a few independent candidates

winning a limited number of seats. This contrasts with the results of the 1990 elections, when the NLD won a surprise landslide, which the regime refused to implement.

This time around, independents and small parties may be more prone to being co-opted or marginalized by the "establishment". At the same time, they will be seen as much less threatening than a large bloc of seats held by a powerful (and confrontational) party, hence there may be more political space for these non-regime parties and individuals to operate.

Prospects for reform

The hopes and expectations of the people of Burma go beyond political reform. Widespread poverty, disease and lack of economic opportunities call for major and urgent social and economic reforms. Many of the needed reforms do not require a new political environment, but merely the willingness to recognize the scale of the problems facing the country, to listen to advice from experts, and the political will to implement the necessary measures.

The current government leadership has demonstrably failed to address these issues. The political transition underway will introduce a new generation of leaders. One can only hope that they will be ready to chart a different course for the country, whether out of inclination or necessity. To do so, significant governance reforms are necessary, including a fundamental change in the mind-set of the military leadership, which has regarded the population of the country as a resource at its disposal, and has governed the country as if carrying out a tactical military operation.

Even if the elections deliver a disappointing political outcome, which seems likely, the (partial) civilianization of government, an end to the dominance of a single leader over all decision-making, and the shift to

slightly greater pluralism would hold out at least some hope in this direction.

CONSIDERATIONS FOR THE INTERNATIONAL COMMUNITY

The international community, in particular the West, faces some difficult dilemmas. The elections will not be free or fair, given the uneven playing field, longstanding denial of basic freedoms, and some draconian provisions of the election laws. The new constitution that will come into force following the elections contains a number of objectionable provisions, and these will be very difficult to amend unless the military and its supporters agree. Hence the elections will rightly be seen as seriously flawed and lacking in credibility.

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But in criticising the process, it will be important not to undermine the position of those candidates proposing change. Despite many interest groups seeking to portray them as politically compromised, particularly following the NLD's decision not to participate, in many ways the candidates have made a courageous decision. If an embryonic opposition voice in authoritarian legislatures emerges, it should be encouraged rather than further marginalised.

These elections are about more than democracy. They must also be judged on how well they can deliver on demands for equitable political rights and inclusion by

ethnic groups in the country. In particular, there remains the contentious issue of how far the elections will resolve – or even fuel – the long-standing crisis of conflict and insurgency in the ethnic borderlands. With the military retaining control of security and border affairs, and with many retired military officers likely in the new cabinet, a more moderate approach is by no means certain.

Finally, the government that the new President will select may contain several old faces and is unlikely to offer any significant departure from the present one, at least initially. But it would be a massive wasted opportunity if the West failed to engage with this new government, to assess their willingness to take the country in a different direction, and to convince them that improved relations are possible if they do so. Political changes are important in this regard, but social, economic and governance reforms are equally urgent. Half a century of authoritarianism will take time to reverse. Benchmarks must be tangible, but also realistic.

The international community must be ready to deliver on its longstanding commitment to support meaningful reforms towards democracy and ethnic peace in Burma.

NOTES

1. In 1989 the military government changed the official name of the country from Burma to Myanmar. They can be considered alternative forms in the Burmese language, but their use has since become a politicised issue. The UN uses Myanmar, but it is still not commonly used in the English language. Therefore Burma will be mostly used in this publication. This is not intended as a political statement.
2. In 1990, the NLD won 492 seats, the SNLD 23 seats, and the ALD 11 seats. The National Unity Party (the former Burma Socialist Programme Party), representing the political establishment, won only 10 seats.

3. Its Chairman Hkun Htun Oo and Secretary Sai Nyunt Lwin were sentenced in 2005 to 93 and 85 years respectively.
4. The ALD was deregistered in 1992 so would have to re-form as a new political party. It has indicated that it does not intend to do so.
5. Not to be confused with the National Democratic Front (NDF), an alliance of ethnic minority armed opposition groups formed in 1976.
6. There is no deadline for the registration of new political parties, but the deadline for nominating candidates will serve as a de facto deadline for parties, since candidates will not be able to stand for a party in the elections if that party is not registered before that deadline.
7. This party merged with the ceasefire Pao National Organization to form a new party with that name.
8. Calculated at the current black market rate. The official exchange rate is 6 kyat to 1 US dollar. The fee is non-refundable to candidates that compete (if a candidate withdraws in advance, or dies, the fee is refundable).
9. In 1990 and in 1960. The four other elections in this period – in 1974, 1978, 1981 and 1985 – were all held under socialist one-party rule, where independent candidates were exceedingly rare, and other political parties prohibited.
10. A directive to this effect concerning political party literature was issued by the Myanmar Information Ministry on 17 March 2010 (Directive No. 42 of the Central Supervisory Committee for printers and publishers).
11. See International Crisis Group, *Myanmar: Towards the Elections*, August 2009, p. 15.
12. See “‘The political door is opening’”, interview with KSPP leader Dr. Tu Ja, *The Irrawaddy*, 26 April 2010.
13. This does not include possible additional ethnic minority seats under section 161(c) of the 2008 constitution, which will be limited in number (most likely two in the Kachin state – for the Burman and Shan populations in the state) and for which only candidates representing the minority in question may stand. Also not included are the one-quarter of legislative seats reserved for military appointees, for which there will be no constituencies.
14. The announced result was 92.48 percent in favour, with a turnout of 98.12 percent.
15. See section 161(b),(c) of the 2008 constitution. The procedures for implementing this are not clear, but it is likely that few groups would have the required population of about 58,000 in a given region or state to qualify. Based on official but out-of-date population figures, and making the uncertain assumption that only the major ethnic groupings are considered (not the 135 sub-divisions), the Shan would qualify for 6 seats (in Kachin, Kayin and Mon states and Bago, Mandalay and Sagaing regions), the Burmans for 5 seats (in Kachin, Kayah, Kayin, Mon and Shan states), the Kayin for 5 seats (in Mon state and Ayeyarwady, Bago, Tanintharyi and Yangon regions), the Chin for 3 seats (in Rakhine state and Magway and Sagaing regions), the Rakhine for 2 seats (in Ayeyarwady and Yangon regions), the Kachin and Kayah for 1 seat each (in Shan state), and the Mon for 1 seat (in Kayin state).
16. The NLD received 7.9 million votes out of 13.3 million valid votes cast, against the NUP’s 2.8 million. This translated into 392 seats for the NLD and only 10 for the NUP, out of a total of 485.
17. ‘Vote swapping’ (or “vote pairing”) refers to a situation in which voters in one constituency agrees to vote for a less-favoured party, in return for voters in a different constituency voting tactically for the first voter’s preferred party. This usually occurs when the first voter’s preferred party has a better chance of winning in the other constituency than in their own, and vice-versa.
18. Wai Moe, “NDF Party to ally with pro-democracy, ethnic groups”, *The Irrawaddy*, 7 May 2010.
19. There is unfortunately, however, no shortage of disastrous projects initiated locally, from clear felling of forests and unregulated mining activities in Kachin state to the monoculture plantations in the Wa region, for example.
20. Martin Smith, *Burma: Insurgency and the Politics of Ethnicity*. Zed Books (updated edition), 1999.

TNI-BCN Project on Ethnic Conflict in Burma

Burma has been afflicted by ethnic conflict and civil war since independence in 1948, exposing it to some of the longest running armed conflicts in the world. Ethnic nationality peoples have long felt marginalised and discriminated against. The situation worsened after the military coup in 1962, when minority rights were further curtailed. The main grievances of ethnic nationality groups in Burma are the lack of influence in the political decision-making processes; the absence of economic and social development in their areas; and what they see as the military government's Burmanisation policy, which translates into repression of their cultural rights and religious freedom.

This joint TNI-BCN project aims to stimulate strategic thinking on addressing ethnic conflict in Burma and to give a voice to ethnic nationality groups who have until now been ignored and isolated in the international debate on the country. In order to respond to the challenges of 2010 and the future, TNI and BCN believe it is crucial to formulate practical and concrete policy options and define concrete benchmarks on progress that national and international actors can support. The project will aim to achieve greater support for a different Burma policy, which is pragmatic, engaged and grounded in reality.

The **Transnational Institute** (TNI) was founded in 1974 as an independent, international research and policy advocacy institute, with strong connections to transnational social movements and associated intellectuals concerned to steer the world in a democratic, equitable, environmentally sustainable and peaceful direction. Its point of departure is a belief that solutions to global problems require global co-operation.

BCN was founded in 1993. It works towards democratisation and respect for human rights in Burma. BCN does this through information dissemination, lobby and campaign work, and the strengthening of Burmese civil society organisations. In recent years the focus has shifted away from campaigning for economic isolation towards advocacy in support of civil society and a solution to the ethnic crises in Burma.

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Burma Policy Briefings

Burma in 2010: A Critical Year in Ethnic Politics, Burma Policy Briefing No.1, June 2010

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