

Unlevel Playing Field: Burma's Election Landscape

On 7 November 2010, the people of Burma will go to the polls, the culmination of an electoral process closely controlled by the military State Peace and Development Council. The opposition National League for Democracy (NLD) decided not to participate and is encouraging a boycott by voters, a tactic that may prove counter-productive as it will be mainly pro-democracy candidates who lose votes.¹ For most people, casting their ballot will be a novel experience. No one under the age of 38, the majority of the electorate, has ever participated in an election.

If voting is a new experience, the choice of candidates on offer may be less so. In many constituencies, particularly for many regional legislative seats in the ethnic Burman heartland, there are only two options: a candidate representing the current regime's party, and a candidate representing the party of the pre-1988 socialist regime. In most other constituencies, however, there will be at least a more credible third option: a candidate from one of the main "democratic" parties (in Burman-majority areas), or a candidate from an ethnic nationality party (in ethnic minority areas).

Many of the regime party's candidates will be familiar, powerful individuals. Nearly all ministers and deputy ministers will be contesting. And in late August, the regime carried out a military reshuffle of unprecedented scale, with most senior officers leaving the army in order that they could contest parliamentary seats. Across the country, hundreds of government administrators, former military officers, businessmen and other prominent local figures are

Conclusions and Recommendations

- The elections will be Burma's most defining political moment for a generation. However the electoral process lacks democratic and ethnic inclusion. Without such inclusion, the country's political crises are likely to continue.
- The electoral playing field is tilted in favour of the regime's USDP due to strict regulations on registration, the cost of registering candidates, and the limited time for parties to organize.
- Even if the voting is fair, 'establishment' parties, together with military appointees, are likely to control a majority of seats in the new legislatures. 37 political parties will participate in the elections. But most have small regional or ethnic support bases.
- Despite the restrictions, democratic opposition parties participating in the polls want to make the best use of the limited space available. The elections begin new arrangements and contests in Burmese politics, which will play out over several years. Outcomes remain unpredictable.
- Ethnic exclusion and lack of polls in many minority areas mean that the election will not resolve the country's ethnic conflicts. The regime's promotion of Border Guard Forces rather than political dialogue with armed opposition groups has also increased tensions. To establish peace, there must be equitable participation, bringing rights and benefits to all peoples and regions.

running on the regime's behalf. The regime has gone to extraordinary lengths to avoid a repeat of its 1990 landslide defeat; but given strong and widespread disaffection with the government, regime party candidates face a major challenge to win their seats in any fairly counted vote. While the general contours of the election process are now clear, precisely how it will play out remains uncertain, both to observers and the regime itself.

THE PLAYING FIELD

Several political parties have complained that the electoral playing field has been sharply tilted in favour of the regime's Union Solidarity and Development Party (USDP). In particular, concerns have been expressed about three aspects: party registration requirements, the cost of registering candidates, and the limited time for parties to organize.

The party registration process has been cumbersome and lacking in transparency. Under the electoral laws, prospective parties had to go through a two-stage registration process, first applying to the Election Commission for approval to carry out the organizational work necessary to establish a new party (otherwise illegal under the country's draconian restrictions on freedom of assembly); and then subsequently seeking formal registration of the party. Such approval obtained, parties then have 90 days to meet minimum membership requirements (500 members for regional parties, 1,000 members for national parties). Hence parties were obliged to devote significant effort to registering members and compiling detailed lists for submission to the Commission, rather than campaigning.

Three Kachin parties (see box *Party registration*) never received the Commission's approval of their initial applications, for reasons that it did not publicly announce – although it was made clear to the parties that it was due to the refusal of the Kachin Independence Organization (KIO) ceasefire

group to transform into Border Guard Forces (BGF). One of these parties, the Kachin State Progressive Party (KSPP), had strong support in Kachin areas and planned to contest a majority of seats in the state.

The cost associated with registering candidates has been a major impediment to most parties. A US\$500 non-refundable registration fee for each candidate has meant that most parties have been able to register fewer candidates than they originally planned (or, alternatively, to select wealthy candidates able to cover their own registration fees). Contesting all 1,163 national and regional seats would require approximately US\$580,000, prior to any campaign expenses, a sum beyond the means of nearly all parties. Only two, the government-organized USDP and the National Unity Party (NUP) have been able to contest a majority of seats: the USDP because it inherited the formidable organizational and financial resources of the Union Solidarity and Development Association mass organization; and the NUP because it represents the old (pre-1988) Socialist establishment, which still has access to elite wealth.

There has also been limited time for parties to organize themselves. Despite the announcement in early 2008 that elections would be held this year, the electoral laws were only issued in March 2010, with registration of parties only gathering momentum in May. The election date was finally announced in August, at which point parties were given a mere two weeks' notice of the deadline for registering candidates. This placed considerable pressure on parties that were in most cases still organizing themselves. And given that there have been no elections for two decades, and most forms of political organization and discussion have been prohibited, parties are battling against the learning curve to develop policies and effectively communicate them to voters.

Parties also face challenges in finding suitable candidates to run for the elections in

Party registration

List of registered parties (in alphabetical order)

- 1 88 Generation Student Youths (Union of Myanmar)
- 2 All Mon Region Democracy Party
- 3 Chin National Party
- 4 Chin Progressive Party
- 5 Democracy and Peace Party
- 6 Democratic Party (Myanmar)
- 7 Ethnic National Development Party
- 8 Inn National Development Party
- 9 Kaman National Progressive Party
- 10 Kayan National Party
- 11 Kayin People's Party
- 12 Kayin State Democracy and Development Party
- 13 Khami National Development Party
- 14 Kokang Democracy and Unity Party
- 15 Lahu National Development Party
- 16 Modern People Party
- 17 Mro or Khami National Solidarity Organisation
- 18 National Democratic Force
- 19 National Democratic Party for Development
- 20 National Development and Peace Party
- 21 National Political Alliances League
- 22 National Unity Party
- 23 Pao National Organization
- 24 Peace and Diversity Party
- 25 Phalon-Sawaw [Pwo-Sgaw] Democratic Party
- 26 Rakhine Nationalities Development Party
- 27 Rakhine State National Force of Myanmar
- 28 Shan Nationalities Democratic Party
- 29 Taaung (Palaung) National Party
- 30 Union Democratic Party

- 31 Union of Myanmar Federation of National Politics
- 32 Union Solidarity and Development Party
- 33 United Democratic Party
- 34 Unity and Democracy Party of Kachin State
- 35 Wa Democratic Party
- 36 Wa National Unity Party
- 37 Wunthanu NLD (The Union of Myanmar)

Parties having had their registrations cancelled

- i. Mro National Party
- ii. Myanmar Democracy Congress
- iii. Myanmar New Society Democratic Party
- iv. Regional Development Party (Pyay)
- v. Union Kayin League

All these parties were deregistered for failing to compete in the minimum three constituencies.

Parties not registered

- a. Kachin State Progressive Party
- b. Northern Shan State Progressive Party
- c. United Democracy Party (Kachin State)
- d. People's New Society Party
- e. All National Races Unity and Development Party (Kayah State)

For the first three parties, all representing Kachin nationals, applications were never approved by the Election Commission (with no reason publicly announced). The applications of the latter two parties were approved, but they failed to complete the registration process, and were hence dissolved.

such a short time frame. After decades of political repression, many people are also afraid to join a political party. In some cases both the government-backed USDP and opposition political parties have approached the same locally well-known people. Some of them felt unable to resist

pressure from the authorities and/or the USPD to run for them.

REGISTERED PARTIES

A total of 42 parties were registered with the Election Commission. Five of these have subsequently been deregistered for

failing to contest the minimum of three constituencies, leaving 37 to compete in the election.² Many of these parties have small regional or ethnic support bases. The statistics are striking:

- two-thirds of registered parties (24 out of 37) represent specific ethnic populations;
- more than half of the parties have 11 candidates or less (that is, they will contest in fewer than one percent of the total number of elected seats);
- only 4 parties nominated candidates in more than 10 per cent of the 1,163 seats.

At the national level, the race is between four parties: two “establishment” parties (USDP and NUP) and two “democratic” parties (NDF and DPM). This contest will be decided mainly in the Burman-majority Regions as there are strong ethnic parties in most ethnic-majority States contesting both regional and national seats in their respective areas.

The main exception is Kachin State. In a surprising and provocative move, the Election Commission not only denied registration to three Kachin parties (leaving only one registered Kachin party, a spin-off of the USDP), it also blocked the registration of individual Kachin candidates linked to those parties. This has left the Kachins with effectively no political representation. This blow to the ethnic inclusivity of the elections has inevitably led to strong political disaffection among Kachins and could be a precursor to violence or renewed armed conflict in Kachin areas - with potentially far-reaching implications for ethnic relations and peace throughout the country.

Part of the reason behind the exclusion of Kachin parties and candidates is the refusal of the Kachin ceasefire group (the KIO) to transform into Border Guard Forces. The government saw this as the price of entry into the electoral process, whereas the KIO – along with most of the other major ceasefire groups – felt that retaining an independent military capacity was the only real

leverage it had to obtain a satisfactory political settlement. Similarly, the United Wa State Army ceasefire group has refused to transform into Border Guard Forces, and has indicated that it will not permit elections to take place in its area. Not surprisingly, then, the Election Commission has also excluded the four townships under Wa control. The government may declare these “Union territory” under the direct administration of the president.

CONSTITUENCIES AND CANDIDATES

Voters will elect representatives for three different legislative levels: the upper and lower houses of the national parliament, and the 14 regional parliaments. All voting will be on a first-past-the-post basis in each constituency.

The Amyotha Hluttaw (upper house): Each of the country’s 14 regions and states will elect 12 representatives to the upper house,³ for a total of 168 elected seats. An additional 4 seats per region/state are reserved for military appointees, thus accounting for 25 per cent of the total seats.

The Pyithu Hluttaw (lower house): Each of the country’s townships will elect one representative to the lower house, for a total of 330 elected seats.⁴ An additional 110 seats (again, 25 per cent of the total) are reserved for military appointees. The Election Commission has announced that elections will not take place in four townships in Wa-controlled areas of Shan State (as mentioned above), so these seats will be vacant.⁵

Regional legislatures: Each of the 14 regions and states in the country will have a regional legislature. The size of these legislatures will vary depending on the number of townships in each region/state, with each township electing two representatives. (Two areas of the country will not elect regional legislative representatives: the eight townships that make up the Union territory of Nay Pyi Taw; and the four townships

Profiles of key national parties

Numbers of party candidates are provisional, as the Election Commission has not yet announced consolidated national numbers of approved candidates.

Union Solidarity and Development Party (USDP). A government party, formed from the Union Solidarity and Development Association (USDA) mass organization, inheriting most of the administrative machinery (and presumably revenue streams) of the USDA. The party is led by the current Prime Minister (Thein Sein) and several serving ministers who have resigned from the military but not from the cabinet. The Election Commission controversially stated that ministers do not fall under the definition of “civil servants” (who are otherwise barred from party politics, as are military personnel). The USDP has registered more candidates than any other party, and is running in almost every constituency. The party has been campaigning informally for months, but remains unpopular due to widespread disaffection with the regime and with the USDA.

National Unity Party (NUP). The successor to the Burma Socialist Program Party (the sole political party of Ne Win’s pre-1988 socialist one-party state). The Chairman of the party, Tun Yi, is a former deputy commander in chief of the armed forces. The NUP was the ‘establishment’ party in 1990 – not a proxy of the military, but certainly the party it was most comfortable with. Despite the massive organizational resources and party lists inherited from the BSPP, it won only 21 per cent of the vote and just 10 seats. While it has tried to further distance itself from the government in recent years, it still represents the political establishment, and is not considered a threat by the regime. It has registered candidates in almost 1,000 constituencies, second only to the USDP. This means that it will compete directly against the latter in most constituencies, potentially splitting the “establishment” vote, and perhaps creating a competing centre of power in parliament.

National Democratic Force (NDF). Following the NLD’s automatic deregistration for deciding not to contest the elections, this new party was established by a number of senior NLD members who had been in favour of participation. Led by Than

Nyein and Khin Maung Swe, the party has decided (unlike the NLD in 1990) that it will not contest in ethnic areas to avoid creating any further competition against the ethnic political parties fighting for the right to manage their own affairs.

The party is a potentially potent political force, but its prospects may have been damaged due to criticism from various NLD leaders (including some attributed to Aung San Suu Kyi). The electorate may thus view it as having broken ranks with the NLD, rather than being its natural successor. As with many other parties, financial constraints have limited its ambitions: it has registered 163 candidates, mainly in Yangon and Mandalay regions. Than Nyein (brother-in-law of former intelligence chief Khin Nyunt) was a founding member of the NLD and a member of its Central Executive Committee. He was released after 11 years imprisonment in 2008, along with Khin Maung Swe, a fellow CEC member who had spent a total of 16 years in prison since 1990. Neither of these two leaders are standing for election, Than Nyein for health reasons, and Khin Maung Swe because of indications that the Election Commission would bar him because of a prior high-treason conviction related to his NLD activities.

Democratic Party (Myanmar) (DPM). Party Chairman Thu Wai led the Democracy Party which contested the 1990 elections (winning one seat), but it was subsequently abolished, and he was imprisoned for several years. The re-formed party has a number of other prominent members, including the daughters of three of the founders of the post-World War II Socialist Party, Cho Cho Kyaw Nyein, Than Than Nu and Nay Yee Ba Swe. The party has a strong political profile, but limited finances scotched its goal of contesting all seats in the national legislatures: it has registered 47 candidates, mainly for Lower House seats in the Burman-majority regions. (Thu Wai has a Thai spouse, which does not bar him from contesting a legislative seat, but eliminates him as a potential presidential nominee; Than Than Nu returned to Burma in 2003, so is ineligible to stand for election because of the ten year residency requirement.)

Profiles of key ethnic parties

Shan Nationalities Democratic Party (SNDP). The party seeks to represent all Shan State nationals, regardless of ethnicity, but its main support base is in Shan communities. It registered 157 candidates, the fourth-largest party by this measure, contesting seats in all townships in Shan State, except in the self-administered areas. Headquartered in Yangon, it is also contesting seats in other states and regions with large Shan populations (including Kachin State). Chairman Ai Pao is a wealthy salt trader and former General Secretary of the SNLD. Vice-Chairman Saung Si (aka Nelson) was elected as SNLD MP for Kyaukme in 1990. (The SNLD was automatically deregistered on 7 May 2010, having decided not to compete in the elections, as its key leaders are imprisoned.)

Rakhine Nationalities Development Party (RNDP). A Rakhine ethnic party, the RNDP was initially referred to as the Rakhine Nationals Progressive Party. The party was formed by prominent Rakhine individuals from Yangon and Rakhine State, including party Chairman Aye Maung. Its headquarters are in Sittwe. It registered 44 candidates, contesting most seats outside the Muslim-majority northern part of the state, as well as the minority Rakhine seat for Yangon Region. A second Rakhine party is the **Rakhine State National Force of Myanmar (RSNFM)**, which is trying to reach out to other ethnicities in addition to Rakhine. It registered candidates in 20 constituencies, in Rakhine State as well as in other parts of the country. The party is led by Chairman Aye Kyaing and Vice-Chairman San Tin, and is headquartered in Yangon.

Chin Progressive Party (CPP). A Chin ethnic party, the CPP is competing in Chin State, as well as in Chin-majority areas in the adjacent Sagaing Region. It registered 41 candidates. Despite being formed by retired government officials, it is seen as representing Chin interests. The leadership was reshuffled in August 2010. Party Chairman is No Than Kap. Vice-Chairman Lian Ce is a retired police intelligence chief, and General Secretary Dai Thung is former Matupi township secretary. A second Chin party, the **Chin National Party (CNP)**, is contesting exclusively in Chin State, at all legislative levels. It has registered 23 candidates. Based in Tiddim, Chin State, it is led by Chairman Zo Zam (aka Zam Kyin Paw), a local cartoonist and humanitarian worker. Vice-Chairman is Ceu Bik Thawng.

Kayin People's Party (KPP). A Karen (Kayin) ethnic party focussing on Karen communities living outside of Karen State proper. It registered 41 candidates for constituencies in Ayeyarwady, Bago, Tanintharyi and Yangon Regions and Mon State, including seats reserved for minorities under section 161 of the Constitution, as well as 4 constituencies in Karen State. The party leadership is from the Christian urban Karen elite. The KPP adopts a political position independent of but not confrontational to the regime. Party Chairman Tun Aung Myint is a retired navy lieutenant-colonel; Vice-Chairman Simon Tha is a neurosurgeon who has experience mediating between the regime and Karen armed groups.

A second Karen party is the **Phalon-Sawaw [Pwo-Sgaw] Democratic Party (PSDP)**. It is headquartered in Hpa-An, the Karen State capital, focussing on Karen State, rather than other Karen communities in the country. The party is linked to the Taungalay Sayadaw, a well-known local Buddhist abbot, and has extensive networks in the state. Funding and organizational constraints have limited it to registering 18 candidates. The PSDP is led by Chairman Khin Maung Myint, Vice-Chairman Aung Kyaw Naing, and General-Secretary Kyi Lin. The party name refers to two key Karen subgroups, Pwo and Sgaw. (*Phalon* derives from “G’ploung”, as the Pwo people refer to themselves; *Sawaw* is a Burmese transcription of “Sgaw”). Another party contesting in Karen State is the **Kayin State Democracy and Development Party (KSDDP)**, formed after the Democratic Karen Buddhist Army (DKBA)⁶ transformed into Border Guard Forces. It was allowed to register almost immediately. This may have been meant as a clear signal to the KIO that, if it would accept the regime’s BGF proposal, the KSPP would be allowed to register soon after.

All Mon Region Democracy Party (AMRDP). A Mon ethnic party, it aspires to represent all ethnicities living in majority-Mon areas, and appears to have good networks and strong support from influential sectors of Mon society. It registered 34 candidates, 33 in Mon State and Mon areas of Karen State, and one candidate in Tanintharyi Region. The party is led by Chairman Ngwe Thein (aka Janu Mon), a well-known song writer and retired State Education Administrator. Vice-Chairman is Hla Aung.

under the control of the Wa ceasefire group.) In addition, under section 161 of the Constitution minority populations of 60,000 or more in each region/state each have the right to elect a representative to their regional legislature. A total of 29 such seats have been designated across the country. As at the national level, 25 per cent of the seats in each legislature are reserved for military appointees. The Election Commission has announced that elections will not take place in two regional constituencies in Kachin State, so these seats will be vacant.⁷

The decision of the Election Commission to exclude certain areas from voting has affected very few whole constituencies (only six in total – four in the Wa area and two in Kachin State); in all other cases, only certain parts of constituencies are impacted, permitting the elections to go ahead in the rest of those constituencies. In the 1990 elections, much more extensive areas were excluded.

The government’s action was not unexpected, in light of ongoing insurgency or insecurity in most of these areas. But as these are overwhelmingly ethnic areas, it does inevitably introduce a further element of ethnic exclusion, in that one cannot assume that voting patterns in the excluded areas would have been the same as in the rest of a constituency.

The total number of elected seats will therefore be 1,157 (that is, 6 less than the total of 1163 constituencies), distributed as follows:

	National legislatures	Regional legislatures	
7 Regions (majority Burman)	291	408	699
7 States (majority ethnic)	203	255	458
	494	663	<u>1157</u>

The strategies of different political parties can be more easily understood in the light of this distribution of elected seats. The two big “establishment” parties (USDP and NUP), with their organizational strength and good resources, are each contesting nearly all of the seats. Parties and independent candidates representing ethnic groups are concentrating mainly on the seven states, and are fielding about 500 candidates between them for a total of 458 seats. Other parties (that is, national parties as well as those representing ethnic Burman areas) are concentrating mainly on the seven regions, and are fielding about 380 candidates between them for the 699 seats. (There will also be a few dozen independent candidates.)

The following general pattern emerges. Voters in most constituencies in the seven ethnic states will be able to choose from among three candidates: one USDP, one NUP, and one ethnic candidate. In the seven Burman-majority regions, most voters will face a choice between three candidates for national seats (one USDP, one NUP, and one from another party), but only two candidates in many regional seats (one USDP and one NUP).

THE BALLOT

On 7 November, voters will cast three separate votes: one for an upper house candidate, one for a lower house candidate, and one for a candidate to the regional legislature.⁸ Some voters will also have the opportunity to cast a fourth vote, for a candidate representing their minority population (see box: *Additional ethnic constituencies*).

These are legislative elections, so the electorate will not be voting for a government, or even for a party to form a government. Rather, the national legislatures will jointly form a presidential electoral college, which will elect a president from among three candidates: one selected by the elected members of the upper house, one by the

elected members of the lower house, and one by the military appointees to both houses. The two unsuccessful candidates will become vice-presidents. Presidential nominees need not be legislative representatives.

The president will then select a government. Ministers of key security ministries (defence, home affairs and border affairs) will be appointed by the military, the rest by the president. Ministers need not necessarily be chosen from the legislative representatives.

To determine the selection of the president, a political party would therefore need a simple majority of all seats (elected and appointed) in the national legislatures, that is, 332 seats.⁹ Only the USDP and NUP are fielding enough candidates to possibly obtain this many seats. And as the USDP and the military appointees will most likely align themselves in the choice of president, the USDP would require only 166 seats, or one-third of the elected seats, to reach a majority. For other parties to force a choice of president against the wishes of the USDP-military bloc, multiple alliances would be required – assuming they have won enough seats in the first place – in order to obtain 332 votes, or two-thirds of elected seats.

Given this situation, it is possible that some alliance of “democratic” and “ethnic” parties may be able to influence – or even determine – the choice of vice-presidents, but it is extremely unlikely that they will be able to influence the choice of president. There is as yet no ethnic minority party alliance, but one may be formed after the election.

THE TRANSFER OF POWER

The current State Peace and Development Council regime will continue to rule the country after the elections for up to three months, until the formal transfer of power takes place. Under the constitution, this

Additional ethnic constituencies

According to section 161 of the Constitution, any minority with a population over 60,000 (0.1 per cent of Burma’s total population) in a region/state – not including any group that already has a self-administered area in that region/state – can elect an additional representative to the regional/state legislature. The Election Commission has designated 29 such seats, as follows:

Ayeyarwady Region: 2 seats (Karen, Rakhine)

Bago Region: 1 seat (Karen)

Chin State: no seats

Kachin State: 4 seats (Burman, Lisu, Rawang, Shan)

Kayah State: 1 seat (Burman)

Karen State: 3 seats (Burman, Mon, Pao)

Magway Region: 1 seat (Chin)

Mandalay Region: 1 seat (Shan)

Mon State: 3 seats (Burman, Karen, Pao)

Rakhine State: 1 seat (Chin)

Sagaing Region: 2 seats (Chin, Shan)

Shan State: 7 seats (Akha, Burman, Intha, Kachin, Kayan, Lahu, Lisu)

Tanintharyi region: 1 seat (Karen)

Yangon region: 2 seats (Karen, Rakhine)

Given that there are no up-to-date census data, the designation of these additional seats has not been fully transparent. Mon politicians, for example, have complained that the Mons were unfairly denied seats in Yangon and Tanintharyi, because many Mon people are listed as Burman or Burman-Mon on their identity cards. Other groups (like people of Chinese and Indian descent or the Rohingya Muslims) are not recognized by the government as ethnic nationalities, and therefore not eligible for ethnic seats.

can take place only after certain procedural steps have taken place.

The timetable is likely to be as follows. Once all the election results have been announced and any challenges dealt with, a procedural session of the lower house will

be convened, at which a temporary chairperson for the house will be chosen. This will mark the formal start of the five-year legislative term, most likely in December 2010 or early January 2011. In the following seven days a session of the upper house must also be convened, at which a speaker will be elected.

Within 15 days of the start of the legislative term, the first regular session of the congress (the national legislature, comprising the lower and upper houses) must be held.¹⁰ At this point the 2008 constitution comes into force. The election of the president and vice-presidents will most likely be held at this session. The president can then begin the process of selecting a government (with appointments to the key security ministries being made by the commander in chief – that is, Senior General Than Shwe, unless he resigns from this position before the elections).

Finally, the State Peace and Development Council will convene the first substantive session of the lower house, and formally transfer power. Under the constitution, this must take place within 90 days of the election, that is, by 5 February 2011. The lower house will then elect a speaker, who will take over from the temporary chairperson. The new administration can then start functioning, once the president's choice of government has been endorsed by the congress, largely a formality.

CONCLUSION

In the new constitution the respective powers of the president and the commander in chief are balanced so as to prevent either from wielding absolute power. For example, on key decisions the president must consult the National Defence and Security Council, where the commander in chief holds considerable power; but decisions to declare states of emergency, under which the commander in chief is given executive and judicial powers (for a limited time in designated places), can only be taken by the

president. These provisions seem intended to prevent the emergence of a new strongman, allowing Senior General Than Shwe to retire from the leadership position without threat to his person or to his legacy.

Indeed, Than Shwe and Vice-Senior General Maung Aye are expected to retire from their current positions when the transfer of power takes place (possibly relinquishing their military commands even before that). Neither key position in the new government seem acceptable to Than Shwe. As civilian president, he would have to defer on many key decisions to the commander in chief, an inconceivable diminishing of his current absolute power. As commander in chief he would be constitutionally subordinate to the president, equally inconceivable. The constitution prohibits anyone from holding both of these positions simultaneously.¹¹ Than Shwe may well opt for the Deng Xiaoping scenario, retaining influence by elevating himself to some symbolic, extra-constitutional position such as patron of the armed forces or the USDP.

In all likelihood, rule of the country will depend on the interaction of multiple power bases. Executive power will be split between the government, controlled by the president, and the National Defence and Security Council, controlled by the commander in chief. Legislative authority will be split between the elected representatives (which the USDP aims to dominate) and military appointees. Here, however, the situation is likely to be more complex, with the NUP possibly holding a large number of seats, as well as there being potentially significant ethnic and democrat blocs. However, the legislatures may convene only intermittently, and will likely have little influence beyond law-making. The judiciary can be expected to remain weak and effectively under executive control.

Given the unlevel playing field, even if the election process on November 7 is fair, the “establishment” parties, together with the military appointees, are likely to control a

Election Points of View

“The government has announced that it will hold free and fair elections and we believe and expect this...Our rival party in the 1990 election was the NLD, but the USDP is our rival now. They are the powerful party, but if the election is free and fair, we will win with a majority in Shan State.”

*SNDP Chairman Sai Aik Paung, August 2010.*¹²

“Think bravely and act accordingly! Go to the polling stations and cast your vote. Do not give your vote to candidates who will only follow orders! And most importantly, do not give your vote to those who contest the election because they have money [because they will not benefit the people].”

*U Yan Kyaw, independent candidate, September 2010.*¹³

“The Prime Minister said, the multi-party democracy general elections to be held on 7 November were very important for all citizens. So they were to prevent any destructive acts so that the elections would meet with success.”

*Prime Minister and USDP chairman, ex-Gen. Thein Sein, quoted August 2010.*¹⁴

majority of seats in the national legislatures. But despite their likely voting as a bloc on many issues, there is no guarantee they will continue to do so, or that they will do so on every issue. The NUP, for example, is more independent of the regime than many observers opine, and in the future the USDP and the military may develop conflicting agendas.

The election process is also problematic because of the lack of democratic and ethnic inclusion. The refusal of the Election Commission to register the KSPP is a particular concern, and this may have very

“The aim is to maintain the Pao history. Another aim is to play a part in building a democratic nation, in ensuring the perpetuity of the nation and in striving for Pao nationals to escape from poverty and backwardness.”

*U Khun Min Kyaw, CEC member of Pao National Organization, September 2010.*¹⁵

“Our position on ethnic parties will be different from that of the NLD in the 1990 election...We don't have any plan to heavily compete against ethnic parties in different states and ethnic-controlled territories. We just want them to know what they should be doing and do what they have to do dutifully.”

*Dr. Than Nyein, NDF chairman, July 2010.*¹⁶

“To achieve a 'sustainable and perpetual peace' ... the KIO has been conducting negotiations with the successive governments and will continue to do so to negotiate and carry out a policy dialogue... As for the 2010 election being planned by the government, the KIO expresses its desire for a free and fair election.”

*KIO Central Committee, August 2010.*¹⁷

serious negative consequences for conflict resolution in the country.

The regime has amassed enormous power – military, political and economic – and wields it very effectively. In such a situation of power asymmetry, opposition parties participating in the elections do not regard directly confronting the regime as a winning strategy, as has been demonstrated repeatedly in recent years. They view boycotting the elections as a strategic mistake, futile and potentially counter-productive. The only way forward for them is to play a better game of chess, making the best

strategic use of the limited space available. Seen in this light, the elections are not an endgame that the regime has already won, but the beginning of a new contest, which will play out over several years, the outcome of which is highly unpredictable.

NOTES

1. While the party's official position is that it is not telling voters to boycott, its campaign to inform people of their right not to vote can hardly be interpreted as anything else.

2. Only two of these 37 parties have yet to submit membership lists to the Election Commission, so it is unlikely that any will be deregistered for failing to meet minimum membership requirements.

3. Twelve upper-house constituencies have been formed in each region/state by combining several adjacent townships into a single constituency or splitting a township into two constituencies, depending on the population distribution.

4. Previously, there were 325 townships in Burma, but the creation of five new townships in the capital Nay Pyi Taw has increased this to 330, the same as the number of seats in the lower house, as provided for in the Constitution.

5. It is likely that the number of military appointees will remain at 110. However, the constitution and election laws are unclear on this point, so it is possible that only 109 military appointees will sit, in order to maintain an approximate 3:1 ratio.

6. The DKBA broke away from the Karen National Union (KNU) in 1995, and made a cease-fire agreement with the military government. The KNU is still fighting a guerrilla war. For more information see: Tom Kramer, 'Neither War nor Peace, The Future of the Cease-fire Agreements in Burma', TNI July 2009.

7. That is, Injangaung 2 and Sumprabum 2.

8. Since Nay Pyi Taw will be directly administered, voters in the capital will only cast two votes, for upper and lower house seats.

9. Despite there being 664 seats, only 332 seats are needed for a simple majority, not 333, since one of the seats is held by the Speaker, who does not vote in the first instance, other than to determine the result of a tie.

10. The first regular sessions of the 14 regional parliaments must also be convened within the same period.

11. The new commander in chief is tipped to be Thura Myint Aung (former Adjutant-General) and the future president is likely to be either Thura Shwe Mann (former Joint Chief-of-Staff) or possibly Thein Sein (current Prime Minister).

12. "Shan party eyes State Hluttaw government", Myanmar Times, August 16-22, 2010.

13. "New Coalition for Election Formed in Rangoon", The Irrawaddy, 22 September 2010.

14. "7 November Elections Important to all Citizens", New Light of Myanmar, 23 August 2010

15. "Pao National Organization (PNO) presents its policy, stance and work Programmes", New Light of Myanmar, 26 September 2010.

16. "National reconciliation is essential", The Irrawaddy, 14 July 2010.

17. KIO Statement, 30 August 2010.

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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