

A Changing Ethnic Landscape: Analysis of Burma's 2010 Polls

The elections held in Burma on 7 November 2010 were not free and fair. The manipulation of the vote count was even more blatant than those parties and individuals who decided to participate, despite the un-level playing field, had expected. This has severely limited the opposition's representation in the legislatures, and it has seriously damaged the credibility of the new government to be formed in the coming weeks.

Nevertheless, the significance of the elections should not be underestimated. This was a point made in advance of the elections by many opposition parties that took part, that they were participating not out of any misguided sense that the polls would be credible, but because of the important structural shifts the elections should bring: a generational transition within the military leadership, an array of new constitutional and political structures, and some space to openly debate political issues. A positive evolution is not inevitable, but those major changes present new opportunities that should be recognized and utilized. The release of Aung San Suu Kyi also presents important opportunities for the country, even if the motives behind it may have been questionable.

This paper provides an overview of the final election results, and discusses the implications for the functioning of the legislatures. While the regime-created Union Solidarity and Development Party (USDP) together with the armed forces have overwhelming control of the national legislatures and the legislatures in the Burman-majority regions, the picture is

Conclusions and Recommendations

- Burma is at a critical juncture in its history. The transition to a form of civilian government and constitutional rule is underway, however imperfect it may be.
- The 2010 elections in Burma have not been free and fair. The manipulation of the vote count was also more blatant than anticipated. This has severely limited opposition representation in the legislatures, and seriously damaged the credibility of the new government that will be formed soon.
- The new government should open political space in the country, release political prisoners, protect basic freedoms, and seek lasting solutions to the ethnic conflicts.
- The international community should support the range of actors in Burma in their efforts to promote political change, including political parties that participated in the elections and ceasefire groups. It should also develop policies that support efforts aimed at preventing a new phase in the 60-year insurgency, and that promote peace and equitable development.

more complex in the ethnic-state legislatures. The main focus of this paper is on the opportunities that may exist for improving the governance of ethnic areas. In this respect, the relative success of some ethnic parties must be set against the fact

The balance of power in the national legislatures

| | Military ¹ | USDP | NUP | NDF | Ethnic | Independent | SEATS FILLED |
|-------------------------|-----------------------|--------------|-------------|-------------|--------------|-------------|-----------------|
| <i>Upper elected</i> | — | 76.8% | 3.0% | 2.4% | 17.3% | 0.6% | 168 |
| UPPER HOUSE | 25.0% | 57.6% | 2.2% | 1.8% | 12.9% | 0.4% | 224 |
| <i>Lower elected</i> | — | 79.4% | 3.7% | 2.5% | 14.2% | 0.3% | 325 |
| LOWER HOUSE | 25.3% | 59.3% | 2.8% | 1.8% | 10.6% | 0.2% | 435 |
| <i>Congress elected</i> | — | 78.5% | 3.4% | 2.4% | 15.2% | 0.4% | 493 |
| CONGRESS | 25.2% | 58.7% | 2.6% | 1.8% | 11.4% | 0.3% | 659 |

that several others were excluded from the elections, and that a dangerous confrontation continues between the government and several ceasefire groups.

THE ELECTION RESULTS

The vote on election day was peaceful, with a reasonably high turnout.² Although there were many alleged irregularities in polling stations, the general view of credible informal observers was that these were not systematic and were probably not serious enough to affect overall results. However, allegations regarding the actual count were more serious, particularly in relation to 'advance votes'. Collected in a non-transparent way, they were overwhelmingly for the USDP, and in many constituencies were sufficient in number to give victory to USDP candidates lagging far behind in the count of ballots cast on voting day.

The sheer number of advance votes seriously undermined the credibility of the elections. Doubts were only increased by the massive majority subsequently obtained by the USDP, particularly in the Burman heartland, where it secured 90 per cent of seats at the different legislative levels.

The results were announced in batches by the Election Commission and published in the Myanmar state media in the days following the poll, with the final seats

declared on 17 November (published the next day). No official tally of the seats won by each party has been released, which, strictly speaking, is unnecessary. Unlike a parliamentary system in which the party with a plurality of seats forms the government, under Burma's new constitutional arrangements the President, chosen by the congress (the bicameral national legislature), appoints the government. Since all the seats have been declared, the totals can easily be calculated, and are given in the textbox 'Results by political party'.

The USDP's massive majority gives it control of many of the constitutional levers of power. The future President will be chosen from three nominees, one nominated by the elected representatives in the upper house,³ one by the elected representatives of the lower house,⁴ and the third by the military representatives of both houses. The USDP's majority ensures that it will choose two of the three presidential nominees. Since the choice of the President is made by the congress as a whole in its role as presidential electoral college, the USDP's overall majority means that it will select the President. On paper, the military will only be able to choose one of the three nominees, but will have no say over which is chosen to be the President.

Given its control of the upper and lower houses, the USDP will also dominate

Results by political party

| | Party | Upper House | Lower House | State/Region | TOTAL |
|----|-----------------------------------------------------|--------------------|--------------------|---------------------|-----------------------|
| 1 | Union Solidarity and Development Party (USDP) | 129 | 258 | 496 | 883 (76.5%) |
| 2 | National Unity Party (NUP) | 5 | 12 | 45 | 62 (5.4%) |
| 3 | Shan Nationalities Democratic Party (SNDP) | 3 | 18 | 36 | 57 (4.9%) |
| 4 | Rakhine Nationalities Development Party (RNDP) | 7 | 9 | 19 | 35 (3.0%) |
| 5 | All Mon Regions Democracy Party (AMRDP) | 4 | 3 | 9 | 16 (1.4%) |
| 6 | National Democratic Force (NDF) | 4 | 8 | 4 | 16 (1.4%) |
| 7 | Chin Progressive Party (CPP) | 4 | 2 | 6 | 12 (1.0%) |
| 8 | Pao National Organization (PNO) | 1 | 3 | 6 | 10 (0.9%) |
| 9 | Chin National Party (CNP) | 2 | 2 | 5 | 9 (0.8%) |
| 10 | Phalon-Sawaw [Pwo-Sgaw] Democratic Party (PSDP) | 3 | 2 | 4 | 9 (0.8%) |
| 11 | Kayin People's Party (KPP) | 1 | 1 | 4 | 6 (0.5%) |
| 12 | Taaung (Palaung) National Party (TNP) | 1 | 1 | 4 | 6 (0.5%) |
| 13 | Wa Democratic Party (WDP) | 1 | 2 | 3 | 6 (0.5%) |
| 14 | Unity and Democracy Party of Kachin State (UDPKS) | 1 | 2 | 2 | 5 (0.4%) |
| 15 | Inn National Development Party (INDP) | – | 1 | 3 | 4 (0.3%) |
| 16 | Democratic Party (Myanmar) (DPM) | – | – | 3 | 3 (0.3%) |
| 17 | Kayan National Party (KNP) | – | – | 2 | 2 (0.2%) |
| 18 | Kayin State Democracy and Development Party (KSDDP) | 1 | – | 1 | 2 (0.2%) |
| 19 | National Democratic Party for Development (NDPD) | – | – | 2 | 2 (0.2%) |
| 20 | 88 Generation Student Youths (Union of Myanmar) | – | – | 1 | 1 (0.1%) |
| 21 | Ethnic National Development Party (ENDP) | – | – | 1 | 1 (0.1%) |
| 22 | Lahu National Development Party (LNDP) | – | – | 1 | 1 (0.1%) |
| — | Independent candidates | 1 | 1 | 4 | 6 (0.5%) |
| | TOTAL | 168 | 325 | 661 | 1154 |

A total of 1157 seats were contested in the elections.⁵ However, in 3 constituencies (all in Mongla township, Shan state) no balloting was held, so no representatives were elected.

The following 15 parties failed to win any seats

- *Democracy and Peace Party*
- *Kaman National Progressive Party*
- *Khami National Development Party*
- *Kokang Democracy and Unity Party*
- *Modern People Party*
- *Mro or Khami National Solidarity Organization*
- *National Development and Peace Party*
- *National Political Alliance*
- *Peace and Diversity Party*
- *Rakhine State National Unity Party*
- *Union Democratic Party*
- *Union of Myanmar Federation of National Politics*
- *United Democratic Party*
- *Wa National Unity Party*
- *Wunthanu NLD.*

lawmaking. It will only need the support of military representatives in matters requiring a super-majority, such as amending the constitution (requiring a three-quarters majority) and impeaching public officials (requiring a two-thirds majority). Special sessions of the legislatures can be called by one-quarter of the representatives. Only the USDP and the military have enough seats to do so.⁶

The USDP also dominates the legislatures in the ethnic Burman areas (the seven 'regions'). In each of these regions, the USDP has more than 80 per cent of the elected seats, and over 60 per cent of the total seats. It will therefore control lawmaking in those areas, and together with the military can impeach regional officials and decide when the legislatures meet.

The USDP has much less dominance, however, in most ethnic areas (the seven 'states'). This has important implications for the future governance of these areas.

One should note that although not as dominant as in the region legislatures, the USDP is still the largest party in all of these legislatures with the exception of Rakhine state (where the RNDP has the largest bloc of seats). The USDP has more than 25 per cent of seats in all of these legislatures. Hence the military and USDP, assuming that they vote as a bloc, have a legislative majority in these assemblies. (Governance

of ethnic areas is considered in more detail below.)

GOVERNANCE AND ETHNIC ASPIRATIONS

Despite its many serious deficiencies, a crucial feature of the 2008 constitution is that it defines Burma as a multi-ethnic, multi-party democratic state, something that cannot be said of many countries in the region. This twenty-first century vision of Burma has yet to be realized in practice, but as an aspirational goal it is widely shared and important.

Reaching that goal is likely to take some time. Constitutional niceties are unlikely to bring about major changes in an authoritarian state with a Burman-dominated executive, congress, judiciary and military that have traditionally sought to consolidate a Burman Buddhist identity for the country. A key question for the medium term is how quickly and sustainably will the facts on the ground change in this new political environment. It is likely to be some time before even a tentative answer is possible. In the shorter term, the picture is a little clearer. The election has given national and Burman opposition parties a mere toehold in the legislatures. Many ethnic parties have fared better, however. Of the 22 parties winning seats, 17 were ethnic parties. In legislative terms, the following picture emerges:

- In four of the seven ethnic state legislatures (Chin, Kayin, Rakhine and Shan), ethnic parties have more than 25 per cent of the seats, allowing them to call special sessions of the legislature or initiate impeachment proceedings against local public officials. In Mon state the AMRDP needs one additional vote in order to reach the 25 per cent threshold.
- The ethnic parties in those four legislatures can also block the impeachment of local public officials, since individually or in combination they could muster the one-third of seats required to do so. This means that although the USDP and/or the military could initiate impeachment proceedings, they would not have the numbers necessary to push through the impeachment without the support of some ethnic parties.
- There will be no by-elections resulting from appointments to local executives. (Unlike the situation in the national government, Chief Ministers and members of the state and region governments are not required to resign as legislators in order to take up positions in the state/region executives.) The balance of power in the state legislatures can only be shifted if the Election Commission reverses any of the results as a result of a complaint (which is unlikely), or following by-elections if a legislator resigns, is impeached, or leaves office for another reason.
- At the national level, although ethnic parties fared better than other opposition parties, and do have a possibility to voice their views, they did not gain enough seats to have any legislative influence. Thus, while they may have some influence at the local level, national politics and policies will continue to be dominated by Burmans (the USDP and military).

Probably the most important aspect of the local legislatures is not the mechanics of lawmaking, but the presence of elected representatives of minority ethnic populations who are able to actively discuss the

key local issues, be they social, cultural, economic or political. The importance of this shift should not be underestimated, even if it may take several electoral cycles for its potential to be realized.

This shift is not necessarily tied to the fortunes of particular political parties. The USDP pursued a deliberate strategy of recruiting prominent local personalities to run as candidates around the country, including ethnic areas. Some of its representatives in state legislatures are credible individuals who are keen to promote the interests of their communities; and even those who are less credible may see the value of populist politics. Although the concerns of central government and the USDP national leadership will dominate sensitive political issues, this control is not likely to extend to the many important but essentially local issues of concern to ethnic communities.

The military strongman General Ne Win offered the ethnic minorities some rights under the 1974 socialist constitution, but this had little concrete effect. Thus people have no great illusions. But, based upon the new political system, it seems inevitable that the post-2010 political arrangements should give greater voice to ethnic communities on issues of local governance, something that has been largely absent in the past. This dynamic, if it develops over time, is very different from the centralized, hierarchical governance of ethnic areas that has characterized Burma's post-independence period.

Equally important for governance of ethnic areas will be the shape of the state governments to be formed in the coming months. Each of these will be headed by a Chief Minister appointed by the President from among the members of the state legislature (that is, the elected representatives or the military appointees). Each Chief Minister will then select, for appointment by the President, an Advocate-General and a

Election results in ethnic state legislatures

The balance of power (expressed in percentages) in the ethnic state legislatures is as follows:⁷

Chin State Legislature

Military 25%

USDP 29.2%

Other 45.8% [CNP 20.8%; CPP 20.8%; ENDP 4.2%]

Kachin State Legislature

Military 25.5%

USDP 39.2%

Other 35.3% [NUP 21.6%; SNDP 7.8%; UDPKS 3.9%; Independent 2%]

Kayah State Legislature

Military 25%

USDP 75%

Kayin (Karen) State Legislature

Military 26.1%

USDP 30.4%

Other 43.5% [PSDP 17.4%; KPP 8.7%; AMRDP 8.7%; KSDDP 4.3%; Independent 4.3%]

Mon State Legislature

Military 25.8%

USDP 45.2%

Other 29% [AMRDP 22.6%; NUP 6.4%]

Rakhine State Legislature

Military 25.5%

USDP 29.8%

Other 44.7% [RNDP 38.3%; NDPD 4.3%; NUP 2.1%]

Shan State Legislature

Military 25.2%

USDP 37.7%

Other 37.1% [SNDP 21.7%; PNO 4.2%; TNP 2.8%; INDP 2.1%; WDP 2.1%; rest 4.2%]

Note: All parties other than the USDP have been collated as 'other' in these figures (including those with more representatives than the USDP) because the total derived gives the maximum possible size of the 'opposition' bloc to any military/USDP alliance. The percentage of 'others' can therefore be crucial in determining legislative outcomes.

number of State Ministers, who will together constitute the local government.

Two of these ministerial positions (security, and border affairs) must be military personnel nominated by the Commander-in-Chief; the other positions can be filled by state legislators or other persons. Thus, only the Chief Minister must be an elected

legislator.⁸ Whether the members of local government will be credible or effective remains to be seen.

In the short term, there are some other dynamics that do not encourage optimism. Although ethnic parties did fare reasonably well overall in the elections, at least in comparison with democratic opposition

parties, in some areas ethnic parties were systematically excluded. This was most notably the case for the Kachin parties. But in Kayah (Karenni) state also, a credible and prominent ethnic party did not complete the registration process, allegedly under duress. Failure of the other Kayah party to win any seats left the Karenni people without an organized voice in the state legislature.

Perhaps more urgent and worrying is that tensions remain high between the military government and a number of armed ethnic organizations. Several ceasefire groups that have refused to transform into 'Border Guard Forces' (militias under the partial command of the Burmese army) have come under considerable political and economic pressure from the regime in recent months, and the military posture on both sides has become more assertive. In addition, two prominent groups (the Karen National Union and the Shan State Army-South), as well as several smaller groups, are continuing decades-long low-level insurgencies in border areas. The election has not defused Burma's state of conflict.

Although the regime is exerting economic pressures along with some military posturing, the underlying source of tension is political, revolving around two interlinked issues: the provisions for ethnic governance contained in the 2008 constitution; and the Border Guard Force scheme for bringing the armed forces of the ceasefire groups within the command structure of the Burmese military. The major ceasefire groups can be characterized according to the position they take on these two issues:

- The United Wa State Army (UWSA), along with the smaller National Democratic Alliance Army in the adjacent township of Mongla, disagree with the constitution, and have refused to transform into Border Guard Forces. They do not accept the constitutional solution to governance of their area. The UWSA, which can marshal considerable manpower and firepower and

controls a large swathe of territory on the Chinese and Thai borders, is unhappy with the constitutional arrangement whereby they come under the authority of the Shan state legislature, albeit with some limited self-governance. In the constitutional consultations, they requested a separate Wa state administered directly by the central government from Naypyitaw. The UWSA does not accept that the newly created Wa Self-Administered Division does not include all territory along the China border currently under UWSA control. They also resent that the seat of this new administrative area is Hopang, outside of the UWSA area, rather than the UWSA headquarters Panghsang. The Wa region was the only part of the country that returned a majority 'no' vote in the 2008 constitutional referendum. And the Wa declined to have anything to do with the elections themselves, even refusing access to election authorities prior to the poll, resulting in balloting being cancelled in most Wa areas, except for a few locations under central government control.

- Rather than explicitly reject the constitution, the Kachin Independence Organization (KIO) opted for the dual strategy of maintaining its status as an armed organization while at the same time supporting the formation of a political party – the Kachin State Progressive Party (KSPP) – to contest the elections, headed by some of the organization's former leaders. The KIO refused to join the Border Guard Force scheme, however, as none of their political demands have been met. They hope that negotiations on a political settlement could be held with the new government. Because of the refusal to transform into border guard units the regime authorities declined to register the KSPP or any independent candidates linked to the organization. The Kachin population was hence politically marginalized with no organized voice in parliament, leading to widespread anger, disillusionment and uncertainty in Kachin communi-

ties. Following the election, the military government continues to exert significant pressure on the organization.

- Unsatisfied with the new constitution, the New Mon State Party has also declined to accept the Border Guard Force scheme. Ambivalent about the elections, it neither offered any support to the Mon party that contested, nor tried to undermine it, as it has recognized the importance of having a Mon political voice in the legislatures.⁹

After a long series of 'deadlines' beginning in 2009, the regime set a definitive one for 1 September as the final date for ceasefire groups to transform into Border Guard Forces or disarm. Failure to meet this deadline, they were informed, would result in the ceasefire agreements being null and void. Those ceasefire groups who did not meet the deadline (including the UWSA, KIO, National Democratic Alliance Army, New Mon State Party, and Shan State Army-North) are now in a precarious position. Although imminent military action by the government is not likely, these groups are preparing for the worst. Indeed, some interpret the economic pressures that the government is putting on them as a 'softening up' prior to future military action.

There are several different kinds of economic pressure. Before the Democratic Kayin Buddhist Army (DKBA) ceasefire group decided to accept the Border Guard Force proposal earlier in the year, its trading gates on the Thai border were closed for some time. (Even after the transformation into Border Guard Forces and the reopening of their trading gates, DKBA profits from trade and business activities have continued to suffer.) The brief but high-profile takeover of the Karen state border towns of Myawaddy and Payathonzu (Three Pagodas Pass) on the day after the elections by a renegade unit of the DKBA that had refused the order to transform into a Border Guard Force was at least partially motivated by such economic

pressures, in addition to political and ideological factors.

Economic pressure is also now being brought to bear on the Kachin Independence Organization ceasefire group. The military government has blocked Chinese border trade through the KIO's headquarters at Laiza, a crucial source of income for the KIO. The authorities also ordered the closure of all but two of the organization's liaison offices in government-controlled areas. The United Wa State Army has also been targeted, with the recent refusal by the Myanmar aviation authority to renew the operating licence of domestic carrier Yangon Airways, owned by a relative of the UWSA's Chairman.

While the regime has multiple points of leverage with the ceasefire groups, these groups have few options for retaliation, other than the use of force. All of them have declared they will not be the ones to resume armed conflict, but the situation is potentially dangerous.

In this context, the announcement in November of an 'alliance' between several of these groups is significant. The groups, who came together for an initial meeting in May, include both ceasefire and non-ceasefire organizations: Kachin Independence Organization, New Mon State Party and Shan State Army-North (ceasefire groups); and Karen National Union, Karenni National Progressive Party and Chin National Front (non-ceasefire groups).

Due to divergent political stances, limited military capacity and the geographical dispersal of these groups, the alliance is largely symbolic. But it sends a strong political signal: if the regime considers the ceasefires null and void, so too will the ceasefire groups. They have stated that they will not be the ones to fire the first shot, but they clearly fear possible military action in the future if a way is not found to start political negotiations.

WHAT HAPPENS NEXT?

The period leading up to the formation of the new government in early 2011 is one of considerable uncertainty. The constitutional deadline for the formal transfer of power to the new administration is 5 February (90 days after the elections). Prior to that, the first regular session of the congress must be held, at which point the 2008 constitution will come into force, and the President elected. Until then, the present State Peace and Development Council will continue to run the country.

The authorities are making every effort to ensure that the complicated transition arrangements proceed smoothly. The release of Aung San Suu Kyi and its implications have already provided an additional dimension to this. They are therefore unlikely to take any initiatives that will create further complications. For this reason, any significant military action against the ceasefire groups seems unlikely at this time. The authorities are also under pressure from China to prevent instability in the border regions.

Nevertheless, the situation remains tense. Although in some areas the relative success of ethnic political parties has eased tensions, many other ethnic communities and their leaders feel that they have been marginalized or excluded from the political process, and there is anger as well as fear about what the future holds.

There have also been calls for wide-ranging discussions on a new blueprint for resolving the ethnic issue, a 'new Panglong agreement'. There have been suggestions that these discussions take place on 12 February, the anniversary of Panglong, still celebrated in Burma as 'Union Day'.¹⁰ The present regime and the future government are unlikely to have any interest in such discussions: their blueprint is the 2008 constitution, and they have shown no readiness to reconsider its provisions relating to this or any other issue.

A number of ethnic leaders have reportedly encouraged Aung San Suu Kyi to take a leading role in this initiative. She indicated publicly in her first press conference on 14 November her support for what she called 'an ethnic conference for the twenty-first century', but has been cautious about what her own involvement might be. Such caution is certainly warranted, as such an initiative risks being misunderstood and divisive.

There are a number of reasons for this. The symbolism of Aung San Suu Kyi heading such an initiative would be powerful. It was, after all, her father who convened the last Panglong conference. Her stewardship would give a sense of continuity, of finishing what her father was unable to do. Her involvement would also lend immense credibility to the process, in the eyes of many. But these are precisely the reasons why the government regards the initiative as provocative and confrontational, and it may therefore reduce rather than increase the chances of concessions on the issues at stake.

These sensitivities could also lead to the initiative becoming divisive, when it depends for its very success on transcending the current divisions. The reality is that the 1947 Panglong conference was not inclusive (only representing some ethnic groups in the frontier areas), and the present ethnic and political landscape remains divided. A new Panglong has a strong and popular resonance. But much would have to change in national politics before agreement could be arrived at for a truly inclusive, consensual and authoritative meeting to take place.

Thus, not only is it very difficult to imagine the government engaging in any way with the process, it is also questionable whether some ceasefire groups or nationality parties would have the space or opportunity to do so, given government sensitivities. Many of the ethnic political parties, particularly those that fared relatively well in the recent

polls, may also feel that they have more to lose than to gain by getting involved in this kind of initiative.

Any agreement hammered out at a conference without the participation of the government or other key stakeholders would be politically unrealistic and would probably produce another Panglong Agreement existing on paper but never implemented in practice. The present-day realities are that, unless unpredicted and potentially volatile events intercede, long-overdue improvements in the lot of Burma's ethnic peoples are likely to come in the form of incremental and hard-won concessions within the imperfect framework of the 2008 constitution. If not handled in the right way, any new Panglong initiative could diminish the space for achieving such concessions rather than provide inspiration for those trying to expand it.

CONCLUSION

Burma is at a critical juncture in its history. The transition to a form of civilian government and constitutional rule is underway, however imperfect it may be.

From the outset the new government will have the opportunity to begin laying down a positive legacy, if it chooses to open the political space in the country, release political prisoners, protect the basic freedoms enshrined in the bill of rights, and seek lasting solutions to the ethnic conflicts. The extent to which it will seize this opportunity remains to be seen.

Regarding ethnic issues, the new government will take power at a time of great tension and uncertainty. The manner in which it approaches the situation will be crucial in charting the future direction of the country. Whether this is characterized by a new phase in the 60-year insurgency or a new era of relative peace and security for the borderlands and the country as a whole is an open question.

NOTES

1. Note that 5 seats in the lower house are vacant (since no elections took place in those constituencies). It is not clear whether the number of military representatives will be reduced, to keep the proportion at 25 per cent of elected representatives, or whether the military representatives will occupy their full complement.
2. The official turnout, including the controversial 'advance' votes, was 77 per cent (reported in the *New Light of Myanmar* on 8 December).
3. The upper house ('Amyotha Hluttaw') gives equal representation to states and regions, with 12 elected representatives and 4 military appointees for each.
4. The lower house ('Pyithu Hluttaw') gives equal representation to townships, with one elected representative from each, plus a 25 per cent bloc of military appointees.
5. For more details on constituencies and seats, see "Unlevel Playing Field: Burma's Election Landscape", TNI Burma Policy Briefing No. 3, October 2010.
6. Note that the President, Vice-Presidents, Union Ministers and Deputy Ministers, Attorney-General and Deputy, and Auditor-General and Deputy cannot concurrently occupy legislative seats. Thus, if any of these persons are appointed from among the elected representatives of congress, they will have to give up their seats, triggering by-elections in those constituencies. The numbers are not significant enough, however, for these by-elections to shift the balance of power in the legislatures.
7. In some cases, the number of elected seats is not evenly divisible by three, so the proportion of military seats does not exactly equal 25 per cent. The exact number of military seats in such cases is not yet known; here, the number has been estimated by rounding up or down.
8. The same provisions apply, *mutatis mutandis*, for the governance of the Burman regions.
9. Two other significant ceasefire groups in terms of territory and troops have also refused to become Border Guard Forces: the National Democratic Alliance Army and part of the Shan State Army-North. The NDAA, to date, has

remained close to the UWSA, while SSA-N politics have become complex, some troops agreeing to become a Border Guard Force.

10. The Panglong Agreement was reached at the second Panglong Conference on 12 February 1947, and established a framework for including the 'frontier areas' (Shan, Chin and Kachin) within an independent Union of Burma. The spirit of the agreement was that these peoples would continue to have autonomy in administering their affairs, and it is this federalist ideal (rather than the letter of the agreement, which in any case failed to include other ethnic areas) that most ethnic leaders feel has not been implemented – either post-1962, or in the provisions of the 2008 constitution. Calls for an updated Panglong Agreement to reflect current realities are nothing new; the Ethnic Nationalities Council, for example, made such a proposal in 2001. (For a published statement detailing the proposal, see "The New Panglong Initiative: Re-Building The Union Of Burma", ENSCC/ENC, 2002.)

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.

Transnational Institute

PO Box 14656
1001 LD Amsterdam
The Netherlands
Tel: +31-20-6626608
Fax: +31-20-6757176
E-mail: burma@tni.org
www.tni.org/page/tni-bcn-burma-project
www.tni.org/drugs

Burma Centrum Netherlands

PO Box 14563
1001 LB Amsterdam
The Netherlands
Tel.: 31-20-671 6952
Fax: 31-20-671 3513
E-mail: info@burmacentrum.nl
www.burmacentrum.nl

Burma Policy Briefings

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

Burma's 2010 Elections: Challenges and Opportunities, Burma Policy Briefing No.2, June 2010

Unlevel Playing Field: Burma's Election Landscape, Burma Policy Briefing No. 3, October 2010

A Changing Ethnic Landscape: Analysis of Burma's 2010 Polls, Burma Policy Briefing No. 4, December 2010

Other Briefings

Alternative Development or Business as Usual? China's Opium Substitution Policy in Burma and Laos, Drug Policy Briefing No. 33, November 2010

Burma's Cease-fires at Risk; Consequences of the Kokang Crisis for Peace and Democracy, by Tom Kramer, TNI Peace & Security Briefing Nr 1, September 2009.

Neither War nor Peace; The Future of the Cease-fire Agreements in Burma. Tom Kramer, TNI, July 2009.

From Golden Triangle to Rubber Belt? The Future of the Opium Bans in the Kokang and Wa Regions. Tom Kramer, TNI Drug Policy Briefing No.29, July 2009.

Withdrawal Symptoms in the Golden Triangle; A Drugs Market in Disarray. Tom Kramer, Martin Jelsma, Tom Blickman, TNI, January 2009.