
ELECTION MONITOR NO. 16

Top of the news:

BURMA ENACTS ELECTION LAWS

Burma's military government announced five election laws on 8 March 2010 but did not give an election date. The five laws enacted include: (1) [the Union of Myanmar Election Commission Law](#); (2) [the Political Parties Registration Law](#); (3) the People's Parliament Election Commission Law; (4) the National Parliament Election Commission Law and (5) the State or Division Parliament Commission Law. Through the Election Commission Law, a National Election Commission will be created to organize and oversee the elections, while the Party Registration Law provides details regarding party registration and eligibility to run in the elections.¹

The following articles are in chronological order.

NLD PREPARES TO REORGANIZE CENTRAL COMMITTEE

On 27 January 2010, all NLD regional offices in the 14 states and divisions were instructed by party headquarters to submit nominations to reform the party's Central Committee. In a bid to strengthen and consolidate the party's organizational structure, the regional offices are to select and nominate 5 to 7 members from each state and division before 17 February 2010. A final decision will be taken by the Central Executive Committee.²

USDA PROVIDES FREE EDUCATIONAL CLASSES

Due to high costs of private tuition and books, many parents in Rangoon are sending their children to Union Solidarity and Development Association (USDA) funded classes to prepare them for the forthcoming Matriculation Exams scheduled for March this year. According to a retired High School teacher from Kyimyindine Township, the monthly costs for tuition for a student is estimated to total 50,000 Kyats, a figure which has not only become a huge burden but also unaffordable for the majority of residents in Rangoon. Under such circumstances, many parents are compelled to rely on USDA classes to assist and prepare the children for the exams. The USDA initiative, also known as "Pyinyadana" classes, is being conducted in Buddhist monasteries in 12 different townships around Rangoon, with prominent academics and individuals participating and giving lectures to students. While welcoming and accepting the USDA's initiative, many parents in Rangoon, regard the classes as a ploy to win support for the organization in the planned elections.³

NLD INITIATES LOBBY TOUR IN MANDALAY DIVISION

NLD party members led by U Thein Dan, Chairman of Mandalay Division NLD recently organized its first lobbying trip to Myingyan on 24 January 2010 where they met party members from Myingyan, Taungtha, Nahtogyee, Kyaukpadaung and Ngazun townships. The meeting was presided over by the Chairman of Mandalay Division NLD and attended by members from the divisional level and 70 party members from the five different townships. Matters relating to on-going political developments, re-organizing of women's working groups and re-opening of NLD offices were discussed during the

¹ Burma Enacts Election Laws - <http://www.dvb.no/elections/burma-enacts-first-election-laws/> (DVB), 8 March 2010.

² NLD prepares to reorganize Central Committee - <http://burmese.dvb.no/textonly/news.php?id=9757> (DVB), 29 January 2010.

³ USDA provides free educational classes - <http://www.khitpyaingnews.org/news/January%2010/26110c.php>. (Khitpyaing), 26 January 2010.

meeting. According to Tin Aung Aung, NLD official from Mandalay Division, the lobby trip to Myingyan is part of implementing the “Chey-sant-let-sant-khayee-zin” (Taking a stroll to exercise hands and legs) policy laid down by Win Tin, NLD Central Executive Committee member during his last recent visit to Mandalay. “Chey-sant”, a Burmese phrase, has taken to mean to conduct regular lobby tours and visits to townships and districts by divisional party officials, while “Let-sant” has been used to refer to cooperation with other political parties and also keeping abreast with challenges faced by the masses. Tin Aung Aung went on to add that more lobby trips will be conducted in other parts of Mandalay Division in future. Members of the lobby trip to Myingyan included U Maung Maung Than (Joint Secretary of Mandalay Division NLD), MP-elect U Tin Aung Aung (North-West Township-Mandalay), U Tin Htut Oo, Dr. Zaw Myint Maung (MP-elect from Amarapura township), U Myo Naing, U Ko Ko Lay (Youth Affairs Coordinator) and Daw Than Than Aye (Women’s Affairs Coordinator).⁴

BURMA’S CHAMBERS OF COMMERCE MEMBERS FREE TO BE IN POLITICS

In a significant decision, members of the Mandalay Division Chamber of Commerce and Industry (MDCCI) can now contest elections with the 'free from politics' rule of the organization scrapped. The MDCCI amended its constitution at its annual general meeting on 7 February to encourage businessmen to contest the elections. MDCCI is the second largest branch of the Union of Myanmar Federation of Chamber of Commerce and Industry (UMFCCI) and has over 1,240 members. "They confirmed the deletion of Article 23 of the Constitution at the Annual Meeting. And thus paving the way for all members to participate and contest the elections." Similarly, the Rangoon-based UMFCCI also scrapped paragraph 28(h) and 30(i) of its constitution, which barred its members from indulging in party politics. According to a businessman and UMFCCI member, the current UMFCCI Chairman U Win Myint is likely to contest the election from his home constituency, Deze township in Sagaing Division.⁵

AUTHORITIES ORGANIZE MUSLIM COMMUNITY FOR 2010 ELECTION WITH USDA

The Burmese military junta is allowing Muslims in Rakhine State to apply and join the Union Solidarity Development Association (USDA), a government-backed organization, in order to gain support from the Muslim community for the 2010 elections, said an official from the USDA in Maungdaw. According to the official, several groups of USDA have been visiting Muslim villages in the Maungdaw area and lobbying the local residents to join the organization. Since its inception in 1993, the military authorities had prohibited Muslims in the Rakhine State to join the USDA. However, recent policy changes have been made in preparation for the planned elections. The USDA Secretary in Maungdaw Township, U Tun Hla Sein, (aka) Khwe Chay, has visited many Muslim villages in Maungdaw along with many officials from the Auxiliary Fire Brigade, Township and District officials, and Red Cross members to organize Muslims since January 2010. According to a student from Maungdaw's government high school, Muslim students were previously not allowed to be USDA members in the past, however the authorities have reversed the policy and are now accepting applications from local youths and students to join the organization. The USDA – the largest government-backed organization - with the motto “Morale, Discipline, Solidarity and Unity” now has a membership of 30 million members throughout the country.⁶

DIPLOMATS MEET NLD OFFICIALS ON PLANNED ELECTIONS

Diplomats from the US, Britain, Germany, France, Italy and Norway visited the NLD head office in Shwegondaing Street on 26 February and met senior leaders of the party. Those present included NLD

⁴ NLD initiates Lobby Tour in Mandalay Division -<http://burmese.dvb.no/textonly/news.php?id=9715> (DVB), 26 January 2010.

⁵ Burma's Chambers of Commerce Members Free to be in Politics - <http://mizzima.com/news/election-2010/3536-burmas-chambers-of-commerce-members-free-to-be-in-politics.html> (Mizzima), 15 February 2010.

⁶ Authorities Organize Muslim Community for 2010 Elections with USDA - <http://www.narinjara.com/details.asp?id=2485> (Narinjara), 15 February 2010.

Vice-Chairman U Tin Oo, Central Executive Committee members U Win Tin, U Khin Maung Swe and U Nyunt Wai. According to NLD spokesman Khin Maung Swe, the purpose of the visit was focused on sounding out the party's position on the elections as well as the NLD's future political aspirations and objectives.⁷

OPPOSITION PARTY CENTRAL COMMITTEE ANNOUNCED

Burma's main opposition party announced the formation of its new Central Committee, now under the leadership of party Chairman U Aung Shwe. According to the new set-up, the group will be composed of 108 members, of which 20 will be members of the Central Executive Committee (CEC) and the remainder will comprise of party regional members from across the 14 divisions and states. The eight additional members in the Central Committee are mainly those who are currently imprisoned, along with 420 other NLD members. Opposition leader Aung San Suu Kyi, who herself is under house arrest, said last month that imprisoned members must be included in the party's senior command. This announcement comes as part of a wider reform of the party, including the addition of younger members in the CEC. It is the first major shakeup in the party's 20-year history, and one that analysts have said is long overdue.⁸

TWO BURMESE POLITICIANS URGE SUPPORT FOR ELECTION

Two former political prisoners Thu Wai and Khin Zaw Win based in Rangoon have urged Burmese politicians and parties to support the scheduled elections later this year. Speaking at the 7th Conference of the Burma Media Association held in Chiang Mai, Thailand, Thu Wai urged those attending the three-day event to take part in the polls and in doing so would provide means to address Burma's long-standing political stalemate. Also speaking at the event, Khin Zaw Win, a pro-democracy activist, said, "It will be worse if we don't participate in the election, and this will encourage the military government to hold on to power, and that it will be easier to amend the Constitution when more state power is in the hands of a civilian government." He added that it was important for the public to be involved in the formation of democracy through the election, after which efforts could be made to amend the Constitution. The three-day Media Conference was attended by more than 100 people representing the news media, politicians, bloggers and nongovernmental organizations.⁹

BURMESE REGIME DISCLOSES ELECTION COMMISSION MEMBERS

[The State Peace and Development Council Announcement No. 1/2010](#) for the creation the National Election Commission to organise and oversee Burma's upcoming elections was announced on state-run television and radio on 11 March and published in daily papers on 12 March. The announcement, signed by the General Secretary 1 of the SPDC, appointed U Thein Soe, Vice Chief Justice of Burma's Supreme Court and former Military Judge Advocate General to head the Commission along with 16 other members which is composed of former military officers, judges, professors and ethnic nationals. Prominent members of the commission include U Tin Aung Aye, Supreme Court Judge, U Nyunt Tin, a retired Ambassador and former Secretary of the Myanmar Institute for Strategic Studies and Daw Myint Kyi, Chairman of the Myanmar Women's' Affairs Federation. All the 17 individuals on the Election Commission meet the criteria laid down by the Election Commission Law: to be retired, distinguished and reputable elders above the age of 50.¹⁰

⁷ Diplomats Meet NLD Officials on Planned Elections - <http://www.mizzimaburmese.com/news/breaking-newsbrief/4921---useu--nld--.html> (Mizzima), 26 February 2010.

⁸ Opposition Party Central Committee Announced - <http://www.dvb.no/news/opposition-party-central-committee-announced> (DVB), 26 February 2010.

⁹ Two Burmese Politicians Urge Support for Election - http://www.irrawaddy.org/article.php?art_id=17902 (Irrawaddy), 26 February 2010.

¹⁰ Burmese Regime Discloses Election Commission Members - <http://mizzima.com/news/election-2010/3647-burmese-regime-discloses-election-commission-members.html> (Mizzima), 11 March 2010.

ANALYSIS

Burma's military has once again taken the country's political scene by storm with the unlikely and unpredicted early announcement of its electoral laws relating to the upcoming elections later this year. Of the five laws enacted the Election Commission Law, the Party Registration Law and the People's Parliament Election Commission Law have been met with harsh criticism and condemnation from all quarters due to their restrictive nature. The appointment of the 17-member National Election Commission led by a former military advocate general is another clear signal indicating the military's intent to select and appoint all political positions from within the military. The Commission will now begin with the task to draw up the relevant plans in organizing the elections in accordance to the guidelines set out in the Election Commission Law. However, as always, all final decisions no doubt will still be dictated by the SPDC.

The Party Registration Law unveiled by the junta has incorporated articles and clauses to bar pro-democracy leader Aung San Suu Kyi from running in the upcoming elections and thus even forcing her own political party to expel her. Furthermore, Article 91 of the People's Parliament Election Commission Law, which states that ***"Pyithu Hluttaw Electoral Law 14/89 issued by State Law and Order Restoration Council [the former name of State Peace and Development Council] was repealed by this law,"*** is aimed at putting an end to all demands to honour the results of the 1990 Elections. The People's Parliament Election Law and National Parliament Election Laws have been drafted to ensure continued military rule and domination in Burma's political future while the State or Division Parliament Law outlines the basic formation of the regional parliaments including the electing of parliamentarians from autonomous regions and ethnic minority groups. Burma's political future is once again put to the mercy of the military regime which will now dictate the remaining two-steps of its Seven-Step Political Road Map. Opposition parties, politicians and the international community are now confronted with choosing between the two options available - to join and take part in the elections or be part of history and remain sidelined and boycott the polls. Time has now come for a crucial decision to be made by the NLD and other opposition parties to accept the enacted electoral laws or be left isolated from the country's political process.

Article 25 of the Party Registration Law states, ***"Parties which are in existence under the Political Parties Registration Law (State Law and Order Restoration Council Law No. 4/88) shall apply to the Commission within 60 days from the date of enactment of this Law if they wish to continue as a political party. Unless they apply as aforementioned, these parties shall be presumed automatically null and void from the registration of political parties."*** The decisions taken by the NLD and other opposition parties at this juncture will be judged not on the decision whether to take part in the polls, but whether they decide to implement and promote the interest of the Burmese people. The NLD's decision to revamp and re-organize its Central Committee and to organize "Chey-sant-let-sant-khayee-zin" (campaign tours) are timely, however the party will now need to focus on deciding if they will contest the elections. With the enacted electoral laws in place, the opposition parties together with the cease-fire groups will be compelled to reassess their positions or be deemed as unlawful associations as declared by the regime. The USDA together with other junta-backed parties will now further increase their activities now that the relevant laws have been publicized and thus allowing them to function more openly and freely. The decisions taken by opposition parties to register in accordance with the Party Registration Law and ethnic cease-fire groups to transform into Border Guard Forces (BGF) will most likely determine the announcement of the election date by the National Election Commission in the coming months.