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# THE 2010 ELECTIONS – TO BOYCOTT OR TO CONTEST

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The main debate today is whether to boycott or to contest the upcoming 7 November 2010 elections. Passions are high. The democracy movement is split. Those that have not heeded the National League for Democracy's (NLD) call for a boycott are being labelled as 'opportunists' and traitors who are endorsing the military's 2008 Constitution.

But in reality, whatever course of action is taken, the outcome is already largely predetermined, except for some possible upsets in localized areas – both ethnic and Burman<sup>1</sup>.

All agree that the military-backed Union Solidarity and Development Party (USDP)<sup>2</sup> and/or the former Ne Win era military-backed National Unity Party (NUP)<sup>3</sup> will win most of the seats. Even without vote manipulation, these two parties will win because they are the only parties that can afford to field the full slate of over 1,000 candidates<sup>4</sup> at the US\$500/head registration fee (GDP per capital in Burma is US\$400). The next two largest opposition parties have been able to field only 163<sup>5</sup> and 157<sup>6</sup> candidates each.

It is also clear that the elections are an attempt by the ruling SPDC<sup>7</sup> to legitimize its rule and permanently enshrine the role of the military in Burmese politics. Everyone knows that the election process is neither free nor fair, and that the Election Commission is highly biased. Even more dirty tricks are expected before Election Day. Nobody is under the illusion that the elections will usher in democracy and that the military's control will be eased any time soon.

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<sup>1</sup> Burma or the Union of Burma is a multi-ethnic nation. There are officially seven ethnic states and seven 'Burman' Divisions. Under the 2008 Constitution, they have equal status. The seven ethnic states make up at least 35% of the total population and 60% of the territory. Ethnic populations also make up a large proportion of at least five of the seven Divisions.

<sup>2</sup> The Indonesian Golkar-style mass organization, the Union Solidarity and Development Association (USDA), was formed by the military in 1993. Its leadership and patrons are practically the same as the leadership of the Burmese military regime. It claimed a membership of 24 million in a nation of 57 million people. It was transformed into the USDP to contest the elections, in 2010.

<sup>3</sup> After General Ne Win seized power in 1962, he ruled through the Burmese Socialist Programme Party (BSPP) from 1974-1988. The BSPP was transformed into the NUP to contest the 1990 elections. It won 10 of the 485 seats contested. Its dismal showing led to the non-recognition by the military of the election results. In 2010, the USDP declared the NUP to be an ally party.

<sup>4</sup> The figure given by the SPDC's Foreign Minister at the United Nations is 1,171 seats. The elections are for representatives to be elected to three levels of legislatures – House of Nationalities of the National Assembly - 168 seats; House of Representatives of the National Assembly - 330 seats; and State/Regional Legislatures - 665 seats. Self Administered Areas, with the exception of the Wa Self-Administered Division, will also be electing 9 seats to their respective governments. The military will directly appoint 25% of all seats at all three levels of legislatures.

<sup>5</sup> National Democratic Force (NDF), offshoot of the 1990-election winning National League for Democracy (NLD).

<sup>6</sup> Shan Nationalities Democratic Party (SNDP), re-incarnation of the 1990-election winning Shan Nationalities League for Democracy (SNLD).

<sup>7</sup> SPDC = State Peace and Development Council. The name was changed in 1993. It was formerly known as the SLORC (State Law and Order Restoration Council) when it seized power on 18 September 1988.

The 2008 constitution provides for military control to continue over all aspects of Burmese life, as it now does. No real change is supposed to take place. More importantly, the new military-controlled ‘civilian’ government may be emboldened by its new found ‘legitimacy’ to use force to try to resolve the ‘ethnic issue’ once and for all. Senior-General Than Shwe was very impressed by the Sri Lankan final operations against the Tamil Tigers in 2009.

If this is so, why is there even a debate? Is it not clear that any participation in the elections will only lend credibility to a bankrupt process and strengthen the military’s grip on power?

### **Ideal world versus harsh reality**

In an ideal world, the answer would be ‘Yes’. There would be no need for a debate. A boycott would clearly show that the process is a sham, there would be an outpouring of public anger, the world would condemn the regime, the regime would fall and democracy would be restored.

Unfortunately, we do not live in an ideal world. Ideally, public anger would turn into a people’s uprising that would topple the military regime. But for a people’s uprising to succeed, the Burma Army has to split and a major faction has to side with the people. Given the make-up of the Burma Army, it is highly unlikely that this will happen. In addition, such a split would occur only if the leaders of the faction were assured that they would benefit more by siding with the people. No one in the opposition is in a position to entice any senior generals to side with the people. As in previous uprisings, the most likely outcome in a people’s uprising is unarmed civilians being killed and a more repressive regime taking over.

Also, in an ideal world, if there were a people’s uprising, the international community would intervene on the side of the people. But as we have seen in the last 20 years, the international community is not united. While some countries may denounce the regime, others will be reluctant to act. Neighbouring countries have too much to lose strategically if they allowed imposition of extreme punitive measures that might bring about dramatic regime change. Their national interests are focused on security, energy needs and economic ties. They may not ‘like’ the regime, but they will not accept international interference that could have a negative impact on their own national interests. There will be no international intervention even if there is a massive people’s uprising.

An added danger, should there be a people’s uprising, is that it could turn into anti-Chinese riots in Mandalay and other urban centres. When anti-Chinese riots broke out in the late 1960’s, China provided financial and military aid to the Burmese Communist Party (BCP) to overthrow Ne Win. Since there is no BCP today, China will be compelled to directly intervene to protect its citizens and its interests. This will end Burmese sovereignty.

While a boycott is morally right and emotionally satisfying, it may actually play into the regime’s hands. According to the SPDC’s election laws, if there is only one party registered in a constituency, there is no need for a vote. The sole candidate will win by acclamation. There is also no minimum voting threshold. If democrats boycott the elections and do not vote or spoil their ballots, and only one person votes for

the USDP candidate, he or she will win. Therefore, if the elections are boycotted, the USDP will win the elections without needing to manipulate the votes at all. This would be giving the SPDC a free hand to do as it pleases.

### **An election is a domestic affair**

But whether or not the SPDC manipulates the votes, the world – especially Burma’s neighbours – considers elections to be a domestic matter, and will accept the outcome of any election as valid. This was the case in the United Nations-supervised elections Cambodia in 1993, and the Afghanistan presidential elections in 2009. They will smooth over the unfair and restrictive election practices and work with the new government in Burma hoping for a better outcome than the previous two decades. Therefore, the SPDC regime, instead of falling because of the boycott, could gain legitimacy since those who voted, voted for the military-backed parties. There would then be no official opposition voice.

If the West does not go along with Burma’s neighbours, the status quo of the last twenty years will prevail – two competing camps in the international community and a political deadlock in the country. This means a deteriorating socio-economic environment nation-wide, an accelerated brain drain to the region and developed nations, an increase in human trafficking and illegal migration to neighbouring countries, continued abuse and displacement of civilian populations in the conflict areas, a widening conflict zone in the ethnic states along all of Burma’s borders, an unpredictable outflow of refugees across the borders as the conflict moves from one state to the other, and an increasingly impotent international community looking on as in the past, wringing its hands, so to speak, and issuing stronger and stronger condemning statements but unable or unwilling to do anything.

### **Do the Burmese have any other choice but to boycott the elections?**

No, not for many of the key stakeholders. The SPDC has very cleverly manipulated events such that the key stakeholders are shut out of the process. For the winners of the 1990 elections, there is just no way politically for them to accept the 2010 elections since the results of the 1990 elections were never implemented. They were also bypassed in the constitution drafting process. Their request to have the 2008 Constitution amended was also ignored. The only option open for them was whether to boycott the elections or to contest them through a proxy. The majority of the 1990 parties chose to boycott the elections. Some formed proxy parties.

The same choice is true for the exile groups who derive or base their mandate on the results of the 1990 elections. They need to reject the 2010 elections since the elections will nullify their mandate.

For the ethnic groups that are still resisting the SPDC, the choice is also clear. The non-ceasefire groups have not been included in either the constitution drafting or the election process. Unless they are willing to surrender, the only way open to them is to continue fighting.

The ethnic groups that had ceasefires with the SPDC and participated in the constitution drafting process thought that they were going to be able to contest the elections. This hope was shattered when

the SPDC ordered them in 2009 to transform into Border Guard Forces under the control of the military. When they refused, the SPDC shut them out of the election process, and ordered them to surrender their arms by 1 September 2010 or face the consequences. Like their counterparts in the non-ceasefire groups, the only option open to them now is to return to armed conflict, unless they are willing to surrender their arms.

But the question for the rest of the population – the majority – is: is there no hope at all for change, for democracy in Burma? Is there no possible way to create some space within the new framework of control that the military has drawn up? It may not be ideal but can a bad situation be used to advantage? The status quo is unacceptable, but can we make use of an equally unacceptable election to try and bring about some kind of change?

Many of the new engaged leaders – both ethnic and Burman – want change. They want, at the very least, to show that not everybody is in favour of the USDP and the military. The ethnic parties also want to be able to represent their own people instead of allowing the USDP to represent them, especially in their own states.

### **What possible opportunities exist to bring about change?**

Everyone knows that the populace does not like the Burmese military, especially in the urban areas and the ethnic states. This means that if the voting is relatively free, no one would vote for the military-backed parties. How can this be used? Will the voting be free?

Strangely, the election law regarding voting is exactly the same in 2010 as in 1990. It will be a secret ballot. Party representatives can be present at the polling stations. Votes will be counted at the polling station. This means that voting will be relatively free on voting day. This does not mean that there will be no vote manipulation in the rural areas and with advanced voting figures, but, in general, voting in the cities on Election Day will be free.

The 1990 election process was also neither free nor fair. Political prisoners were not released. Daw Aung San Suu Kyi was not allowed to contest the elections and she was placed under detention. Exiles and ethnic armies called for a boycott. But despite the odds against them, the National League for Democracy decided to contest the election and won 392 (80%) of the 485 seats. It was a landslide victory and a landmark moment in Burmese history. The military-backed party, the NUP, won only 10 seats (2%). The balance of power was held by ethnic parties, the United Nationalities League for Democracy – 67 seats (16%) and 10 independents (2%).

Can history repeat itself? Are the USDP and NUP really invincible? Was the NUP not convinced in 1990 that it would win? Is the military not making sure that the USDP will win?

Yes, the SPDC is trying to make sure that history does not repeat itself. Designated military candidates started campaigning a year before the election laws were announced and before anyone else could even form a party, let alone campaign. The USDP is using state funds and facilities in its election campaigns.

Many of the Election Sub-commission members nationwide are USDA members. The Election Commission can disqualify any party or candidate for any reason, thereby giving it the power to ensure that there are no surprises. For example, it did not allow the Kachin State Progressive Party to register for the elections since it was the proxy party of the Kachin Independence Organization, a cease-fire ethnic army that refused to transform itself into a Border Guard Force under the control of the Burmese military.

But if the voting on Election Day is relatively free, can the opposition parties not win at least 25% of the seats in every level of legislature?

According to one study, the non-military backed parties could win 12-38% of the seats in the Lower House of the National Parliament and 18-50% in the Upper House<sup>8</sup>. 25% is the magic number, because, according to the 2008 Constitution, the parliament can be convened if 25% of the members call for its convening. This mechanism could prevent the military from using the parliament as an annual rubber-stamping exercise and maybe give the national legislature a real role in shaping the future.

But to make this happen, there needs to be opposition parties campaigning against the military-backed parties. The voter must be given the choice to vote for any party other than the military-backed parties. A boycott strategy effectively takes that choice away from the voter.

The boycotter's response to such a proposal is to say that even if opposition parties are elected, they will not be able to do anything. They point to the Ne Win era under the Burmese Socialist Programme Party when elected representatives could do nothing but follow party orders. While the possibility exists that the representatives may not be able to do anything, the situation now is very different from that of the Ne Win era.

The BSPP system that was in place from 1974 to 1988 was a one-party system. Everyone had to toe the party line. There could be no deviation. The system today is a multi-party one. If more than one opposition party is elected, they could work together to create some political space. Of course, if they challenge the right of the military to rule, directly and openly, they will be crushed. But if they push for social changes, they may succeed.

While pushing for social change alone will not bring democracy to Burma, it could be the beginning of a process. Burma has not had elected representatives working for the benefit of the people for 48 years. The task of the representatives would be to begin to create a new political culture that will make the ruling party accountable to the people in the next 5-10 years.

Another factor that is different from the Ne Win era is that in the last 10 years, and especially since Cyclone Nargis in 2008, there is a growing self-assertive civil society movement in Burma. This group of people is active in educating the populace about its civic duties. This could help the new political culture that the elected representative will be trying to create.

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<sup>8</sup> *Myanmar: A Pre-Election Primer*, Richard Horsey, 18 October 2010, SSRC Conflict Prevention and Peace Forum, New York

Yet another factor that should be taken into account is that, while the SPDC will appoint 25% of all seats in the legislatures and it assumes that the remaining 75% who are elected will be ex-military officers or individuals who will remain loyal to the regime, this is not guaranteed.

In Ne Win's 'socialist' era, it made no difference if one was an active service army officer or retired, because everybody was poor. But today army officers are very privileged and have become rich. The ones who become civilians will lose all their privileges and become poor. This is a recipe for disaster unless the senior ex-officers are rewarded as 'elected representatives'. This could be particularly bad for those who do not win seats at the elections – suddenly their power and wealth are lost. Even if the military men become ministers, if the elected government is not more powerful than the military, they will lose out. Therefore, the ex-military officers may begin to see that their personal interests are different from those of the military as a whole.

Also, the two main government-backed parties are the USDP and the NUP. While the NUP is considered to be a proxy party to back up the USDP, they may possibly oppose each other in parliament. The cronies of the USDP currently have far more access to money-making opportunities than the cronies of the NUP. Some members of the NUP may, therefore, see it to be in their economic interest to reach out to the opposition to foster a more liberal socio-economic climate. Even though the motivation would be personal interest, rather than the will of the people, this internal tension could help pave the way for a new dynamic in the elected parliaments that could eventually lead to more democratic reforms.

Nothing is guaranteed. The military intends to remain in power and control the new 'elected' government. But the elections may present an opportunity to break the 20-year political deadlock if the democratic opposition can come up with a workable strategy.

### **What kind of a strategy will result in change in the future?**

Official statistical data on Burma is generally suspect. However, based on the official population figures<sup>9</sup>, only about 30% (i.e. 38 years and older) of the current population of Burma will have voted in the 1990 elections. This is 55% of the voting population. For about 25% of the population (18-38 year olds), this will be the first time they will be eligible to vote. This is 45% of the voting population. It is, therefore, very important that the new voters be educated about democratic principles and their rights as citizens and voters. For the further 10% of the population (14 -17 year olds) who will be eligible to vote in 2015, the 2010 elections could also be an important learning opportunity as they gain political awareness.

In addition, of the 392 NLD candidates elected in 1999, 13 are in prison, 20 are in exile, 169 were dismissed or resigned and 84 have died. Counting the 13 who still remain in prison, this leaves, at best, only 119 elected NLD MPs who might be able to resume their elected positions immediately.<sup>10</sup>

<sup>9</sup> <http://www.etrademyanmar.com/STATS/s0204.htm> - Official population statistics per age group, 2002.

<sup>10</sup> <http://www.ncgub.net/NCGUB/staticpages/index4786.html?page=MP-update-August2007>

Despite the injustice of the situation, the need for new elected representatives is very clear. We need new blood in the Burmese democracy movement.

The ethnic nationalities especially feel this need. Given the armed struggle in their states, they have not been able to nurture a new cadre of political leaders. The elections and the formation of new political parties might give them this opportunity.

The basic strategy then would be to start mobilizing the population – particularly those who have never participated in an election before, and to lay the ground work for new elections in 2015. The parties and legislators will have to start from scratch to learn how to function as effective political parties. Capacity building will be the focus of the next five years.

Therefore, the election strategy adopted by those contesting the elections is:

1. Make use of the right to representation to provide a legitimate voice for their communities
2. Promote the concept that representatives must be elected by the people
3. Emphasize that people have the right to choose whomever they want as their representative
4. Promote the concept that elected representatives are accountable to the people
5. Push for incremental reforms in the socio-economic sector

An added strategy in ethnic areas to ensure that the voices of ethnic communities are heard is to:

1. Form political parties to represent ethnic States
2. Form political parties to represent ethnic communities
3. Run as independent candidates
4. Support military-sponsored candidates who are strong community leaders

Apart from mobilizing the population, another part of the strategy is to get as many strong community representatives (ethnic and Burman) into the three levels of legislatures. This way, the elected civilian community representatives will be able to interact with military officers and ex-military officers, and legitimately fight for the rights of their communities. This will lay the foundation for more democratic reforms in the 2015 and 2020 elections.

During the aftermath of Cyclone Nargis, the Burmese military, from foot soldiers up to the commanding generals and government ministers, had to interact with the suffering population and civil society workers at all levels. This opened up new channels of communications both official and unofficial, and influenced many officials. This was only in the Irrawaddy Delta where the Cyclone hit, but if this is repeated both at the national and state/regional levels legislatures, the regime cannot remain impervious.

In theory, if united, the ethnic communities could also win up to 38% of the seats in the Upper House and up to 28% in the Lower House and State/Regional legislatures. This will not happen, but it is intriguing to note that this is a higher proportion than the military's 25% in all legislatures.



Currently the SPDC has 100% of the power. If elections do not go ahead, then the military will retain its de facto legitimacy. If the elections do take place, the military may get some added legitimacy but it risks losing its grip on power in the longer term. Some, therefore, think it is worth trying to take away a portion of the current 100% of power that the SPDC currently holds.

No dictator gives up power voluntarily. All dictators want to legitimize their rule. All dictators hope to control the process. No dictator has ever succeeded. Once a process is started, the dictator always loses control – sooner or later. Therefore, the 2010 elections could be the beginning of the end of military rule in Burma.

### **Give the opposition in the country the benefit of the doubt**

While the main opposition parties who are calling for a boycott may not be convinced of the possible benefits of the elections, and the longer term possibilities, the leaders inside the country who are competing in the elections should be given a chance. Maybe they can win. Maybe they will be able to bring about change. Maybe they will not succeed. Maybe they will be put into prison. But their efforts should not be undermined.

In the past twenty years, support for democracy in Burma has been defined as support for Daw Aung San Suu Kyi and the NLD. But to insist now that everyone must support one party only is not democratic practice. The decision by ex-NLD leaders to form the NDF is their democratic right. The decision by the population to vote or not to vote for them is also their democratic right. People should be allowed to support any party they wish to support.

The NLD won the 1990 elections and did not become the government, but it was recognized as the winning party. The NLD was, therefore, able to hinder the SPDC for 20 years. The international community was also able to support the NLD as an elected party. Without an elected party, the opposition will not have a legitimate voice in the country.

The question is how can these potential opportunities and challenges be exploited in order to bring democracy to Burma rather than allow the elections to legitimize military rule? Changes in Burma will not happen overnight but can these factors be used in a strategic way to end military rule in Burma within the next 5-15 years? The answer is a definite “Yes”.