

AN ANALYSIS
OF
THE FORTHCOMING 2010 ELECTION IN BURMA

AUNG HTOO
GENERAL SECRETARY
BURMA LAWYERS' COUNCIL

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I. THE 2010 ELECTIONS: POLITICAL PARTIES AND ETHNIC ORGANIZATIONS

A. POLITICAL PARTIES

(1) The Issue of Set Objectives.

“Non-disintegration of the Union,
Non-disintegration of national solidarity and
Perpetuation of sovereignty”.

Constitution of the Republic of the Union of Myanmar
(2008), Article 404(a).

^[1] Constitution of the Republic of the Union of Myanmar (2008), Article 404(a).

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(2) The Issue of Dissolving Political Parties

If a political party infringes one of the following stipulations, it shall have no right of continued existence:

- (a) having been declared an unlawful association under the existing law;
- (b) directly or indirectly contacting or abetting the insurgent group launching armed rebellion against the Union or the associations and persons determined by the Union to have committed terrorist acts or the association declared to be an unlawful association;
- (c) directly or indirectly receiving and expending financial, material and other assistance from a foreign government, a religious association, other association or a person from a foreign country;
- (d) abusing religion for political purpose. [\[1\]](#)

[\[1\]](#) Constitution of the Republic of the Union of Myanmar (2008), Article 407.

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B. Ethnic Organizations

Issue on the Electoral System

First Past the Post (FPTP) Electoral System

Mr. A 38

Mr. B 35

Mr. C 27

Total Vote 100

Mr. A will be elected although he does not receive support of
62 voters,
out of 100. (Simple Majority System)

Recommendation: Proportional Representation (Party List)
Electoral System

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Issue of the Ethnic Armed Resistance Organizations Issue Arising from the Constitution

All the armed forces in the Union shall be under the
command
of the Defense Services (Army). (Article 338)

Border Guard Force

- No prior discussion in the National Convention
 - No provision in the Constitution
 - No Law at all

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II. The Impossibility of Free Elections Under Existing Draconian Laws

- A. 1962 Printers and Publishers Registration Law
- B. 1975 State Protection Law
- C. 2004 Electronic Transaction Law
- D. Section 505(B) of the Penal Code

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III. Disenfranchised Demographics:

A. Migrant Workers

- Estimated 3 Million Population in Thailand
- The Right to Vote is denied:

Out-of-country Voting (OCV) system

(The Philippines, Malaysia, Indonesia, Thailand and
Laos)

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B. Refugees and Internally Displaced Persons

- Estimated 3.5 million Internally displaced people

C. Political Prisoners

- Political prisoners have historically been denied the right to vote.
- Though the SPDC may release all political prisoners before the election, timing is also a factor.
- How to enjoy the right to be elected

IV. Democratic Election Standards

A. Election Commission

- Independence Issue

The President appoints each member of the commission and does not need approval from parliament. (Art 398)

- Accountability Issue

It is likely that their election commission will not investigate charges against the SPDC.

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B. Electoral Roll

- Update issue of electoral roll
- Voter registration irregularities
- Registering displaced voters and Identity Documents
- Asking assistance of IOM

C. Voting, Advance Voting, Out-of-Country Voting

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D. Election Observers

• National Observers

(a) Formation of Election Observation Organizations

(b) Learning Election Knowledge from the International Community and Providing trainings to the Public

(c) Publication and distribution of election education materials

E. Election Observers

•International Observers (ANFREL, NDI, EU, etc ---)

Free reign in the host country

- the ability to travel widely to ensure universal suffrage,
- access to financial documents,
- meeting with election officials,
- permission to be physically present during polling and counting,
- speaking to representatives from all political parties,
- access to interview normal citizens, and
- anything else the monitors deem necessary to verify the validity of the election.

E. Counting, Recounting, and Declaration of Results

- **Transparency:**

Manual counting is considered more transparent than computerized counting.

- **SECURITY:**

Security of the ballots and ballot boxes must be maintained from the beginning of voting through the completion of the count.

- **Professionalism:**

The UN Election Assistance Division should be requested to prepare

- **Secrecy:**

Voters should be hidden from view when marking their selections

- **Timeliness**

Delays in counting could result in a negative perception of the voting process.

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F. Complaint Mechanism and The Role of Judiciary

Independence of judiciary

G. Right to Information and the Role of the Media

G. Election Fraud

Election Watch

V. Conclusive Analysis on 2010 Election

A. 2010 Election: Not A Plan to Step Down but to Strengthen SPDC's Power

- The Establishment of The Nay-Pyi-Daw (New Capital)
- The Creation of Well-Founded Fear of Being Persecuted the location of the state institutions
- Proliferation of Nuclear Weapons

B. Are All Elections Stepping Stones for a Gradual Democratization?

C. 2010 ELECTION: Is it a gradual change for democratization?

- (1)The Nexus Between Constitution and Election
- (2) Granting Impunity or Denying Impunity
- (3) Political Environment of the Country