

Burma News International

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By-elections or Sell elections

The Pre-election Observations to Burma/Myanmar 2012 By-elections

By

Burma News International

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Acknowledgement

BNI is pleased to present this By-elections report, which is a compilation of BNI member's byelection contents including news, features, photos, video and media releases. This report is a synthesis of accounts and reports by BNI members and its stringers deployed nationwide. It is based on interviews, research and observations of the conditions that prevailed during the preelection period of by-election.

BNI also wishes to express its profound gratitude to members of BNI's elections monitoring team for their kind efforts in writing and editing this report, and thank BNI members for their moral support and resources made available to BNI's elections monitoring team.

BNI wishes to thank the media organizations, political parties and groups as well as other inside and exiled Burmese organizations, foreign organizations and individuals who assist us by contributing their services, time, energy and resources to assist in our monitoring exercises.

Finally, BNI wishes to extend our thanks to all the donors who assist our projects and who continue to support BNI's activities. Our funding partners have played a significant role in enhancing our capacity to make sustainable and effective interventions by their support of the communication structure, meeting costs, training costs as well as the costs of executing the monitoring project.

List of Acronyms

ABSDF All Burma Students' Democratic Front

ANFREL Asia Network for Free Elections **AMDP** All Mon Region Democracy Party

ASEAN Association of South East Asian Nations

BGF Border Guard Force

DKBA Democratic Karen Buddhist Army
 DP Democratic Party (Myanmar)
 DPNS Democratic Party for New Society
 DPP Democracy and Peace Party

EU European Union

ENDP Ethnic National Development Party **FDB** Forum for Democracy in Burma **KDUP** Kokang Democracy and Unity Party

KIA Kachin Independent Army

KIO Kachin Independence Organization

KNU Karen National Union

LNDP Lahu National Development Party

MASDP Myanmar New Society Democratic Party

MNC Myanmar National Congress

MPP Modern People's Party

NNDP New National Democracy Party
NDF National Democratic Force
NLD National League for Democracy

NUP National Unity PartyPDP People's Democracy PartyPNO Pa-O National Organization

SNDP Shan Nationalities Democratic Party

SSA Shan State Army

SURA Shan United Revolutionary Army UEC Union Election Commission

UMFNP Union of Myanmar Federation of National Politics

UNFC United Nationalities Federal Council

UPP Unity and Peace party

USDP Union Solidarity and Development Party

USA United States of America
UWSA United Wa State Army

Executive Summary

A few years ago, nobody thought Burmese military generals would change their rigid minds. The political situation has changed very fast in Burma since early 2012. The words "reform" or "change" in Burmese politics are still being debated by politicians, academics and opposition groups. Some people have optimistic views but some have pessimistic views regarding Burmese politics.

After the referendum, the 2008 constitution was officially approved. The military regime held the 2010 general elections and the military-backed USDP party won the elections, even though many people saw the elections as not being free and fair. The international community criticized the Burmese regime for holding unfair elections. After the elections, the Burmese parliament was full with active military officials, former military generals and pro-military MPs. A few months later, the new government was formally established. Former military generals and pro-military MPs from the USDP became president, vice-presidents, ministers and deputy ministers. They took important position in the new government and important ministries such as defence, foreign, internal affairs, border affairs, etc. As a result, there are 48 vacant seats in the parliament. The UEC announced the date for by-elections and also announced the names of 48 constituencies. It announced 3 constituencies in Kachin State cannot hold by-elections for security reasons. According the ANFREL, about 6.5 million voters in 48 constituencies will participate in the up-coming by-elections.

After the UEC announced the election date, 19 political parties registered including the NLD party which boycotted the 2010 general elections. The UEC approved 19 political parties to run in by-elections but abolished 2 political parties because they did not meet the requirements of the political registration law.

According to the commission, a total of 157 candidates from 17 political parties will run for the by-elections. Of the 157 candidates, 129 will contest for 37 seats of the House of Representatives, while 22 candidates for 6 seats of the House of Nationalities and 6 candidates for 2 seats of the Region or State parliament.¹

Among the 17 political parties, there are 5 ethnic political parties running. Among the 157 candidates from 17 political parties, there are 7 ethnic candidates from 5 ethnic political parties.

Candidates kicked off their campaigns in the first week of February. Some political parties have complained to the UEC about incorrect voter lists, threats and verbal attacks against opposition candidates. However, the parties have been silent about advance voting which was a controversial issue in the 2010 general elections. The government relaxed oppressive restrictions on the media. Even though government censorship is still a problem, Burmese media can publish news about Nobel Laureate Daw Aung San Suu Kyi, chairperson of the NLD party, and her party campaigning nationwide, as well as news about other party's campaigns. NGOs, INGOs, and CBOs have given voter education training. Interestingly, famous Burmese actresses and actors

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¹ There are total of 167 candidates intended to run in by-elections but the UEC cancelled 3 constituencies in Kachin State with security reasons. So, only 157 candidates remain to run in by-elections on April 1st.

² http://news.xinhuanet.com/english/world/2012-03/28/c 131494494.htm

produced a short video for voter education. The UEC permitted candidates from political parties to present policy platforms, programs and agendas on the government-controlled TV channel, although their scripts had to be pre-approved.

Burmese government promised the by-elections will be free and fair. Many academics see that as a possibility because only 48 vacant seats in parliament are at stake, so, even if the opposition parties win all of them, the military's influence over the new government will not be threatened.

The international community wants to see free and fair elections held in Burma as proof of the new government's intention to continue its trajectory toward democratic reform and protection of human rights.

Firstly, the western nations and ASEAN countries will look very favorably on the results of free and fair by-elections. And, this may also help many Burmese people begin to trust their own government. Secondly, a positive election contest sets a precedent for the next general elections in Burma in 2015.

Introduction

Despite criticism over perceived corruption during the 2010 election campaign, President Thein Sein and his party announced they would focus on peace and stability, economic and social development, and movement toward democratic reform after the new government was established.

President Thein Sein and his government made a deft political move by releasing well-known political prisoners, including prominent student activists, and establishing political dialogue with Daw Aung San Suu Kyi and her party, both of which were welcomed and applauded by the international community and the pro-democracy movements inside Burma.

Daw Aung San Suu Kyi and democratic opposition groups called for 'national reconciliation' to narrow the differences between oppositions groups and the government, to foster building a democratic nation which respects human rights, ethnic rights and peace. Then, the government took another step forward by starting peace negotiations with armed ethnic groups.

As a result, western governments, including the US and EU, considered lifting economic sanctions against Burma if the government continued its march toward reform. Political pessimists continue to doubt the sincerity of the Thein Sein government's agenda of reform. However, optimists say it is the first substantial movement toward democratic reform in over 20 years.

ASEAN countries endorsed Burma as the chair nation and host for the ASEAN meeting in 2014.

After talks between Daw Aung San Suu Kyi and President Thein Sein, the government changed the political party registration laws. Then the NLD party registered with the UEC again and has been campaigning nationwide for all 48 vacant seats in the National, People's and Regional Parliaments.³

Across Burma, voters find it difficult to access accurate, reliable and credible information which will help them decide how to cast their ballots in the by-elections. Therefore, BNI would like to help fill the gap with concrete information and help voters tell the world about their expectations and experiences during the election process.

Methodology

The data informing this report is collected between the end of 2011 and the third week of March 2012.

The research team conducted several interviews, with senior reporters and chief editors from eleven Burmese media groups, including the Independent Mon News Agency (IMNA), Kachin News Group (KNG), Kaladan Press, Kantarawaddy Times, Kaowao News, Karen Information

³ New Light of Myanmar newspaper: Union Election Comission had issued the Announcement No. 61/2011 that the by-elections will be held on 1-4-2012 (Sunday) for 48 vacant constituencies where Hluttaw representatives of the Respective Hluttaws will stand for.

Center (KIC), Khonumthung News, Mizzima News, Narinjara News, Network Media Group (NMG) and the Shan Herald Agency for News (S.H.A.N).

The research team also spoke directly with several citizen journalists inside Burma, correspondents, staff from local NGOs, and CBOs, politicians, ordinary people inside Burma. The team collected information from both English and Burmese websites and Newspapers from inside and outside Burma, as well as from Burmese regime websites and newspapers.

The report uses the qualitative research method. The common language for the research team was Burmese, because interviews and interviewees spoke Burmese fluently rather than English. The research was then translated to English.

I. General Overview

In early 2012, the Burmese government opened the door opportunity for political parties, including the National League for Democracy (NLD), ethnic parties and exile democratic organizations. At the same time, it released over six thousand prisoners- including about six hundred political prisoners- such as prominent political prisoners Min Ko Naing and Ko Ko Gyi.

The government formed the Peace Talk Creation Group (PCG), led by former minister U Aung Thaung and minister U Aung Min. Then, they invited leaders from ethnic armed groups for peace talks and they attempted to talk with other exiled democratic opposition groups, including the All Burma Students' Democratic Front (ABSDF), Democratic Party for New Society (DPNS), Forum for Democracy in Burma (FDB), etc.

The USDP led government changed three points in the party registration laws and permitted the NLD party to re-register with the UEC. The NLD party, led by Daw Aung San Suu Kyi, changed their policy by re-register and prepared to run in 48 constituencies in the by-elections on April 1st. After registering, the NLD re-opened its branch offices.

Among the 17 political parties running, there are only 5 ethnic political parties. Eight candidates from 5 ethnic political parties are going to contest in 8 constituencies. Unfortunately, voting in one constituency was postponed for security reasons, according to the UEC. As a result, only 7 candidates from 5 ethnic parties will run. However, there are more female candidates running. Twenty-four out of 157 by-election candidates are women, compared to 44 out of 1542 in 2010. It shows women are willing to participate in politics. Twenty eight year-old Daw Khin Su Su Aung is one of the young women candidates from the NDF party.⁴

Currently, political parties and voters are complaining about the voter registration process and ballot papers in all 48 constituencies⁵ because there are no standardized ballots in Burma. The government would like to change to a new model of ballot paper, according to U Ko Ni, Head of the Supreme Court.⁶

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⁴ The Hot News Weekly: Vol-2, No-83, 16-22 March 2012

⁵ Venus News Weekly, Vol.3/36, 22-3-2012

⁶ True News Vol-4, No 26, 20 March 2012

Contesting parties have to submit the names of the candidates to polling stations not later than March 25th, 2012 according to UEC. The number of constituencies being contested by various parties are: NDF (12 seats), NLD (47), NUP (22 seats), SNDP (4 seats), PUP (3 seats), AMDP (1 seats), PDP (1 seats), NNDP (1 seat), USDP (48 seats), and individual (8 seats). There are total numbers of 157 candidates will contest in coming by-elections.

The UEC and Burmese government invited observers from the USA, EU, Canada, Japan, China, South Korea, and the ASEAN to observe the elections. On the other hand, Asian Networks for Free Elections (Anfrel) Executive Director, Ms. Somsri Hananuntasuk, was forced by Burmese authorities to leave the country on March 21th and her assistants, Rangsima Suttipongkiat and Tadzrul Adha, faced the same fate a day later⁹ because they have given election monitoring training for journalists and other observers in Burma.

II. Electoral Frame Work

According to the November 2010 election results, the USDP won over 80 % of the seats with 259 seats out of 330 in the lower house and 126 seats out of 168 in the upper house. Pro-change parties (ethnic nationalities parties and other democratic parties) got about 10 %. According to chapter I, article (14), of the 2008 constitution, the Burmese army automatically took 25% of the seats.

After establishing the new government, there are 48 vacant seats in Burmese parliament. Therefore, the government has to hold by-elections. There are 40 vacant seats in the People's Parliament (lower house), 6 vacant seats in the National Parliament (upper house) and 2 vacant seats in State and Regional Parliament. Total of 157 candidates will run in by-elections.

The USDP, which won a majority in the 2010 general elections, is going to contest in all constituencies and the NLD re-registered to contest in 48 constituencies.

According to 40 journals inside Burma, those journals can cover news related to politics such as political campaigning nationwide, even though government's censorship is still working. Many people see this development as a sign of openness in the country.

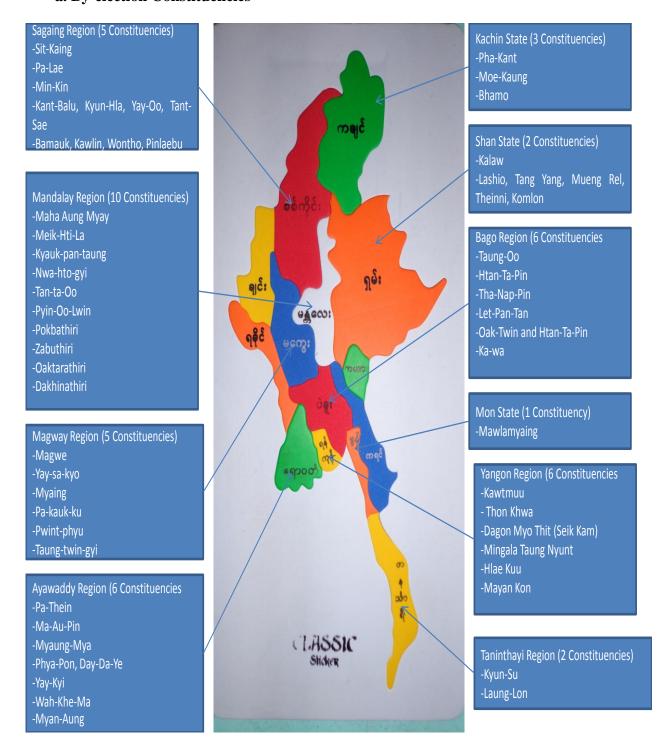
http://www.bangkokpost.com/breakingnews/285525/anfrel-calls-for-myanmar-sincerity

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⁷ Flower News published by Yangon Media Group Limited Vol-8, No-12 March 20-26, 2012

⁸ http://news.xinhuanet.com/english/world/2012-03/28/c 131494494.htm

III. Election Administration a. By-election Constituencies



Contesting political parties:

- 1. All Mon Region Democracy Party
- 2. Democratic Party (Myanmar)
- 3. Kokang Democracy and Unity Party
- 4. Lahu National Development Party
- 5. Modern People's Party
- 6. Myanmar New Society Democratic Party
- 7. Myanmar National Congress
- 8. National Democratic Force
- 9. National League for Democracy
- 10. National Unity Party
- 11. New National Democracy Party
- 12. Pa-O National Organization (PNO)
- 13. People's Democratic Party
- 14. Shan Nationalities Democratic Party
- 15. Union of Myanmar Federation of National Politics
- 16. Union Solidarity and Development Party
- 17. Unity and Peace Party

b. Population and Eligible Voters for by-election constituencies

According to the 2008 constitution, every citizen has the right to elect candidates for, and to be elected to, the Amyotha Hluttaw (senate), the Pyithu Hluttaw (People's parliament), and the State/Regional Hluttaw, if the person is in compliance with the election laws.¹⁰

As well, every citizen who is 18 years of age on Election Day, is eligible to vote. The secret ballot voting system will be used in by-elections.

However, the constitution and the election law disqualifies religious leaders and members of religious orders, persons, those of unsound mind, and anyone convicted of breaking the election law, as well as the financially insolvent, have no right to vote in the election.

It's really difficult to get the exact number of voters in Burma but some academics predict there will be about 5 million eligible voters casting their ballots in coming by-elections holding in 48 constituencies but 3 constituencies was already postponed to hold by-elections.

Schools and School

¹⁰The 2008 constitution, chapter VIII, article 396 (a) and (b).



Daw Aung San Suu Kyi's election campaign in Tavoy city



NDF party leader Dr. Than Nyein



USDP candidate's election campaign in Yangon city



AMDP party's election campaign



Voters are looking for their name on the voter list



Democratic Party (Myanmar) chairperson U Thu Wai's election campaign

c. By-election Contest Political Parties and its candidates

Candidates for by-elections:

USDP	candidates
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1. U Tun Tun Aung (PP) Moe-Kaung township, Kachin State*

2. U Sai Thein Tun (PP)
3. U Myint Soe (PP)
4. U Htay Naing (PP)
4. U Htay Naing (PP)
4. U Htay Naing (PP)
5. Hpa-Kant, Kachin State*
6. Bhamo, Kachin State*
7. Palae, Sittkaing Region

5. U Soe Naing (PP) Sittkaing township, Sittkaing Region

6. Dr. San Win (PP) Min-Kin, Sittkaing Region

7. U Tin Maung Win (NP) Kant-ba-lu, Kyun-la, Yay-Oo, Tan-Sel (Const no.3), Sittkaing Region 8. U Tin Mya (NP) Bamauk, Kaw-lin, Won-tho, Pin-lae-bu (Const no.7), Sittkaing Region

9. U Seim Maung (PP) Long-Lon township, Taninsari Region

10. U Chit Than (PP) Kyun-Su, Taninsari Region

11. U Aung Thein (PP)

Let-Pan-Tan township, Bago Region

12. Dr. Daw Wei Wei Tha (PP)
13. U Kyaw Kyaw (PP)
14. Dr. Sein Htoo (PP)
Taung-Oo, Bago Region
Htan-Ta-Pin, Bago Region
Tha-Nup-Pin, Bago Region

15. Daw Than Than New (NP) Oat-twin, Htan-ta-pin (Const no.7), Bago Region

16.U Aye Win (RP)

Ka-Wa (const no.2), Bago Region

17. U Kyaw Myint Than (PP)

Myaing township, Magwe Region

Yay-Sa-Kyo, Magwe Region

Magwe township, Magwe Region

20. U Tint Lwin (PP) Pwint-Phyu, Magwe Region
21. U Kyaw Tint (PP) Pakokku, Magwe Region

22. U Maung Maung Win (NP) Taung-Twin-Gyi (Const no.4), Magwe Region

23. U Win Htay (PP) Zabuthiri township, Mandalay Regioni (Naypyidaw)

24. U Thar Htay (PP)
Pokbathiri, Mandalay Region (Naypyidaw)
25. U Maung Shein (PP)
Dakhenathiri, Mandalay Region (Naypyidaw)
Oaktarathiri, Mandalay Region (Naypyidaw)
Wyauk-Pan-Taung township, Mandalay Region

28. U Soe Win (PP)

Nwer-Hto-Gyi, Mandalay Region

29. U Than Tun (PP)

Maha-Aung-Myay, Mandalay Region

30. U Hla Myint (PP) Meikhtila, Mandalay Region
31. U Khin Maung Win (PP) Pyin-Oo-Lwin, Mandalay Region
32. U Aung Mon (PP) Tanda-U, Mandalay Region

33. U Tin Soe Moe Naing (PP)
 34. Daw Lae Lae Aye (PP)
 35. U Aung Win (PP)
 Mawlamyaing township, Mon State
 Mingala-Taung-Nyunt, Yangon Region
 Dagon Seik-kam, Yangon Region

36. Dr. Aung Myat Thu (PP)

Hlae-Kuu, Yangon Region

73. U Aung Kyaw Min (PP)

Thon-gwa, Yangon Region

38. Dr. Soe Min(PP)Kaw-hmu, Yangon Region39. U Ye Htut (PP)Mayan-Kon, Yangon Region40. U Mya Win (PP)Kalaw township, Shan State

41. Dr. Nang Keng Phon Tit (NP) Lashio, Tang-yan, Mueng-Reh, Theinni, Kun-lon (Const no.3), Shan State

42. Dr. Pyo Ko Ko Tint San (PP) Myaung-Mya township, Ayawaddy Region

43. Dr. Myo Thant Tin (PP)
44. Dr. Than Htut (PP)
45. U Aung Tin Myint (PP)
46. U Tun Aung Kyaw (PP)
Ma-U-Pin, Ayawaddy Region
Myan-Aung, Ayawaddy Region
Pathein township, Ayawaddy Region
Wer-Khe-Ma, Ayawaddy Region

47. U Aye Kyaing (NP) Phyar-Pon, Day-Da-Yeh, (Const no.10), Ayawaddy Region

48. U Tin Soe (RP) Yay-Kyi (const no.2), Ayawaddy Region

NLD candidates

Daw Aung San Suu Kyi (PP)
 Daw Suu Suu Lwin (PP)
 Day Suu Suu Lwin (PP)
 Dagon Seik-kan, Yangon Region

4. Daw Phyu Phyu Thinn (PP)

Mingala-Taung-Nyunt, Yangon

5. U Phyo Min Thein (PP)
Hlae-gu, Yangon Region
6. Dr. Daw May Win Myint (PP)
Mayan-kon, Yangon Region
7. U Aung Soe Myint (PP)
Taung-Oo, Bago Region
8. U Sein Tun (PP)
Htan-Ta-Pin, Bago Region
9. U Myint Oo (PP)
Tha-nap-pin, Bago Region
10. U Kyaw Min (PP)
Let-pan-tan, Bago Region

11. U Min Oo (NP) Oat-twin and Htan-ta-pin, Bago Region

12. U Myo Khaing (RP) Kawa, Bago Region

13. U Ohn Kyaing (PP) Maha-Aung-Myay, Mandalay Region

14. U Win Htein (PP) Meikhtila, Mandalay

15. Dr. Zaw Myint Maung (PP) Kyauk-pan-taung, Mandalay Region
 16. U Paw Khin (PP) Nwer-hto-gyi, Mandalay Region
 17. Daw Khin Thanda (PP) Tada-U, Mandalay Region

18. U Kyaw Thiha (PP) Pyin-Oo-Lwin, Mandalay Region

19. U Phyo Zayar Thaw (PP)
20. Daw Sanda Min (PP)
21. U Min Thu (PP)
22. U Naing Gan Lin (PP)
23. U Naing Gan Lin (PP)
24. U Naing Gan Lin (PP)
25. Dakhinathiri (Naypyitaw), Mandalay Region
26. Dakhinathiri (Naypyitaw), Mandalay Region
27. Dakhinathiri (Naypyitaw), Mandalay Region

23. Daw Khin Htay Kywe (PP) Mawlamyaing, Mon State

24. Dr. Daw Than Ngwe (PP) Kalaw, Shan State

25. Sai Myint Maung (NP) Lashio, Tang-Yan, Mueng-reh, Theinni, Kun-lon, Shan State

^{*}According to the UEC announcement 16/2012, by-elections will be postponed in these constituencies in Kachin State.

26. U Win Myint (PP)Pathein, Ayawaddy Region27. U Sein Win Han (a) U Sein Win (PP)Ma-U-Pin, Ayawaddy Region28. U Mann Johnny (PP)Myaung-Mya, Ayawaddy Region29. Daw Myint Myint San (PP)Wer-Khe-Ma, Ayawaddy Region30. U Kyaw Myint (PP)Myan-Aung, Ayawaddy Region

31. U Thein Swe (NP) Phya-pon, Day-Da-Ye, Ayawaddy Region

32. Dr. Hla Myat Thwe (RP)

33. U Dashi La Seng (PP)*

34. Daw Khin Kyi (PP)*

35. U Ba Myint (PP)*

36. U Khin Maung Thein (PP)

Yay-Kyi, Ayawaddy Region

Pha-kant, Kachin State

Moe-Kaung, Kachin State

Bhamo, Kachin State

Sittkaing, Sittkaing Region

37. Daw Khin San Hlaing (PP)

38. Daw Khin Mwe Lwin (PP)

Palae, Sittkaing Region

Min-Kin, Sittkaing Region

39. Dr. Myint Naing (NP)

Kant-ba-lu, Kyun-hla, Yay-Oo, Tant-sel, Sittkaing Region

40. U Saw Hlaing (NP)**

Bamauk, Kawlin, Wontho, Pinlaebu, Sittkaing Region

41. Daw Tin Tin Yee (PP) Kyun-su, Taninsari Region 42. U Aung Soe (PP) Long-lon, Taninsari Region 43. U Myint Thein (PP) Magwe, Magwe Region 44. Dr. Tin Htay Aung (PP) Yay-sa-kyo, Magwe Region 45. U Myint Aung (PP) Myaing, Magwe Region 46. U Paik Ko (PP) Pakokku, Magwe Region 47. Dr. Aung Myo Nyo (PP) Pwint-phyu, Magwe Region 48. U Aung Kyi Nyunt (NP) Taung-twin-gyi, Magwe Region

NUP candidates

U Win Myint (PP)
 Dagon Seik-Kam, Yangon Region
 Daw Sanda Myint (PP)*
 U Kyi Myint (PP)
 U Aung Than (PP)
 U Tun Kyi (PP)
 Maha-Aung-Myay, Mandalay Region

6. U Maung Maung Thin (PP)
 7. U Win Hlaing (PP)
 8. U Than Aung (PP)
 Ma-U-Pin, Ayawaddy Region
 Myan-Aung, Ayawaddy Region
 Wer-Khe-Ma, Ayawaddy Region

9. U Mann Thein Hla (NP) Phya-Pon, Day-Da-Yae, Ayawaddy Region

10. Daw Win Kyi (RP)11. U Htay Aung (PP)Yay-Kyi, Ayawaddy RegionMin-Kin, Sitkaing Region

^{*}Postponed by-elections in Kachin State, according to the UEC's announcement 16/2012 on March 23rd.

^{**}U Saw Hlaing is disqualified to run in by-elections because his parents don't have Myanmar citizenship card, according to the UEC.

12. U Toe Myint Aung (NP) Kant-Ba-Lu, Kyun-Hla, Yay-Oo, Tan-Sel, Sitkaing Region Bamok, Kaw-Lin, Won-Tho, Pin-Lae-Bu, Sitkaing Region 13. U Chin Han (NP)

Htan-Ta-Pin, Bago Region 14. U Tin Win (PP) 15. U Than Hlaing (PP) Tha-Nup-Pin, Bago Region 16. U Win Hlaing (PP) Let-Pan-Tan, Bago Region Ka-Wa, Bago Region 17. U Kyi Win (RP)

18. U Tint Lwin (PP) Pwint-Phyu, Magwe Region

Magwe Township, Magwe Region 19. U Hla Myint (PP) 20. U Maung Win (a) U Aung Win (NP) Taung-Twin-Gyi, Magwe Region

21. U Aung Than Oo (PP) Mawlamyaing, Mon State

Kalaw, Shan State 22. U Hla (a) U Khin Maung Hla (PP)

23. NA NA

*** According to the UEC, Daw Sanda Myint was disqualified because her parents are not Burmese. So, the UEC did not permit her to contest in by-elections on April 1st, in accordance with the UEC law, article 10 (c).

NDF candidates

1. Daw Bauk Jaa (PP) Pha-Kant, Kachin State* Moe-Kaung, Kachin State* 2. U Myat Moe Myint (PP) 3. U Win Tun (PP) Taung-Oo, Bago Region 4. Daw Nan Kyu Than Win (PP) Let-Pan-Tan, Bago Region

5. U Kyaw Aung (PP) Maha-Aung-Myay, Mandalay Region 6. U Kyaw Sein Han (PP) Mgwe Township, Mgwe Region 7. Daw Khin Phyu Phyu Nyein (PP) Mayan-kon, Yangon Region Dagon Seik-Kan, Yangon Region 8. U Kyi Myint (PP)

9. U Kyi Than (PP) Thon-gwa, Yangon Region

Myaung-Mya, Ayawaddy Region 10. U Aung Myo Hlaing (PP) Pathein, Ayawaddy Region 11. U Tin Win (PP) 12. Daw Khin Su Su Aung (PP) Ma-U-Pin, Aywaddy Region

SNDP candidates

1. U Sai San Min (NP) Lashio, Tang-Yan, Mueng-Reh, Theinni, Kun-Lon, Shan State

2. U Mar Kyin (NP) Sittkaing township, Sittkaing Region

3. Sao Tha Oo (PP) Kalaw, Shan State

4. U Saw Than Tint Aung (PP) Moe-Kaung, Kachin State*

^{*}Postponed constituency

^{*}Postponed constituency

AMDP candidate

1. Mi Myint Wai (PP) Mawlamyaing, Mon State

NNDP candidates

1. U Ye Min Thein (a) Ya Tha (PP) Mayan-kon, Yangon Region

2. U Win Shwe (PP) Dagon Seik-Kan, Yangon Region

3. U Phone Myint (PP) Mingala-Taung-Nyunt, Yangon Region

MNSDP candidates

1. NA (PP) Hlae-gu, Yangon Region

2. NA (PP) Dagon Seikkan, Yangon Region

3. NA (PP) Thongwa, Yangon

Democratic Party (Myanmar) candidate

1. U Thu Wei (PP) Mingala-Taung-Nyunt, Yangon Region

KDUP candidate

1. U Law Shin Kwan (NP) Lashio, Tang-yan, Thenni, Mueng-reh, Shan State

LNDP candidate

1. U Yaw Thup (NP) Lashio, Tang-Yan, Theinni, Mueng-reh, Kun-lon, Shan State

NMC candidate

1. U Kaung Myint Htut (PP) Mingala- Taung-Nyunt, Yangon Region

2. NA (PP) Dagon Seik-kan, Yangon Region

3. Daw Hay Mar Htay (PP) Mayangon, Yangon Region

PNO candidate

1. U Khun Than Maung (PP) Kalaw, Shan State

UMFNP candidate

U Kyaw Swa Soe (PP)
 U Win Zaw (PP)
 Pwint Phyu, Magwe Region
 Meikhtila, Mandalay Region

UPP candidate

U Aung Than Tin (NP)
 U Hsan Tin (PP)
 U Ta-da-U, Mandalay Region
 U Tin Yi (PP)
 U Thet Oo (PP)
 Han-ta-pin, Bago Region

MPP candidate

1. U Thein Shwe (PP)

8. U Kyaw Kyaw (PP)

Ma-U-Pin, Awaddy Region

d. Independent Candidates

1. Dr. Tuu Jaa (PP)	Moe-Kaung, Kachin State*
2. Daw Myint Myint Aye (PP)	Meik-hti-la, Mandalay Region
3. U Lwin Myint Than (PP)	Pokbathiri, Mandalay Region
4. U Khin Hlaing (Zawtika) (PP)	Mayan-kon, Yangon Region
5. U Han Shin Win (PP)	Yay-sa-kyo, Mgwe Region
6. U Sein Hla (PP)	Maha-Aung-Myay, Mandalay Region
7. U Nyunt Oo (PP)	Maha-Aung-Myay, Mandalay Region

^{*}Postponed by-elections in Kachin State

e. Cancellation of Constituencies

According to the UEC's announcement no.16/2012 issued on 23rd, 2012, Pha-kant, Moe-kaung, and Bhamo constituencies cannot hold by-elections because of security issues.¹¹ Each candidate of the USDP, the NLD, the NDF, the SNDP, and Dr. Tuu Jaa (individual candidate) cannot participate in by-elections on April 1st, 2012.

Maha-Aung-Myay, Mandalay Region

f. Voting Procedure

According to the UEC, lists of eligible voters (electoral rolls) have been issued and displayed on notice-boards at the respective ward/village-tracts. It has been announced that those who are eligible to vote, but not included in the electoral registers, may submit an application to ward/village-tract sub-missions, according to the Rule 9 of the Election Law. ¹²

To enable all voters to complete their voting within the given time frame and cast their secret ballots, the numbers of polling stations and their locations have already been designated.

On the day of the election, polling stations will be opened from 6 a.m until 4 p.m. Respective candidates, their representatives, their polling booth agents and assistant agents are allowed to enter the polling stations from the beginning of the polling until the end. Nobody is permitted to bring camera and sound recording equipment into the polling room.

¹¹ The UEC issued announcement No. 16/2012 on March 23rd, 2012. The announcement was issued in accord with Section 10 (f) of the Union Election Commission Law, and Section 50 (c) and Section 54 of the Pyithu Hluttaw Election Law that as the following constituencies in Kachin State have not the situations to hold the free and fair election on the security ground, the elections will not be held and postponed at these constituencies for the byelection to be held on 1st April 2012.

¹² Pyithu Hluttaw election law, chapter IX.

The UEC issued the eligible voter list on Feb 29^{th} to March 6^{th} through ward/village-tract election commission. According to the UEC, election result will be announced within a week after the election.

IV. Voter Education

Even though the military regime has given an 'electoral process course' to election commission members, polling officers and staff, nationwide, since early in January 2012, the regime has not given voter education training to ordinary citizens.

To fill the gap, Burmese NGOs, INGOs, and CBOs have given voter education training inside Burma. Some famous actors and actress, who support the NLD, produced a short video that demonstrates how to take ballot paper from polling officers, how to make a mark on the ballot paper, how to put ballot paper into the ballot box, etc.

The Burmese government doesn't have a plan to set up ballot boxes for refugees, displaced people, or Burmese migrant workers.

However, the government has a plan to set up ballot boxes in Burmese embassies.

V. Campaign Process

The UEC permitted candidates to campaign in their constituencies but they must follow the rules of the UEC. Political parties began their election campaign in February. According to the UEC, political parties must inform the UEC before kicking off canvassing in their respective constituencies. If parliamentary candidates want to use football grounds or public areas, they must inform the State/Regional Election Commission. If candidates want to use their party's office for campaigning and give training for voter education, they don't need to inform the UEC and State/Regional Election Commission.

As well, the UEC announced political parties registered to stand for the by-election will be allowed to present their policies and platforms through Radio and TV. 15

Therefore, if the political parties to run in the by-election are willing to make presentation through Radio and TV, the chairmen and secretaries of the parties are to apply for a permit together with manuscripts of their presentation, with timetables, to the UEC at least seven days earlier than the prescribed date. (The A4 size-manuscripts applying for the permit must not be more than seven pages).

Action will be taken against the political parties that fail to follow any prohibition, restriction or rule and regulation included in the permit according to the law as well as the political party registration law.¹⁶

¹³ http://www.news-eleven.com/index.php?option=com_content&view=article&id=12672:2012-03-07-03-25-57&catid=42:2009-11-10-07-36-59&Itemid=167

¹⁴ The UEC press conference in Naypyitaw on March 28th, 2012

VI. Advance Vote

The UEC will permit advance voting, which was also used in the 2010 general elections. Voters who are away from their constituencies can cast advance ballots, specifically: (a) security personnel such as the military and the police; (b) civil servants; (c) students; (d) trainees; (e) detainees; (f) hospital in-patients; and (g) other voters who are away from their constituencies. ¹⁷

Opposition groups complained to the UEC about cheating during advance voting during the 2010 elections. However, many analysts have optimistic views on advance voting during the by-elections. Analysts said by-elections will be free and fair because parliamentary candidates are going to contest for only 48 vacant seats, which cannot make trouble to the ruling party in both Hluttaws (lower and house houses).

Voters, who want to cast their advance vote, can start on March 30 and 31st at respective polling stations. ¹⁸

VII. Media Coverage

Not long ago, Burma was infamous for censorship and repression of its media, according to the 'Freedom House' and 'Reporters Without Borders' (RSF). However, the current Burmese government has begun to reduce media censorship in the country since early January 2012, after Daw San Suu Kyi talked with President Thein Sein.

Many Journals in Burma have printed news covering Daw Aung San Suu Kyi, 88 Generation Students, political prisoners and controversial mega-projects, such as the Myitsone Dam. Photos of the late Gen. Aung San and his daughter, Daw Aung San Suu Kyi, have been printed on the front pages of journals inside Burma.

Burmese journals have covered news about Daw Aung San Suu Kyi's and the NLD's election campaign nationwide, as well as the campaigns of the NDF, the NUP and the USDP.

Seventeen registered political parties presented their party's policy platforms and programs on government controlled MRTV, for 15 minutes.

Such freedom was not allowed during the 2010 election.

Even though there are some limitations on the media and the censorship board is still functioning in Burma, Burmese media can cover political news with less obstruction by the government.

¹⁶ Ibid

¹⁷ Pyithu Hluttaw Election Law, Chapter IX, article 45 (a)

¹⁸ http://www.news-eleven.com/index.php?option=com_content&view=article&id=12790:2012-03-14-07-32-40&catid=42:2009-11-10-07-36-59&Itemid=167

VIII. Electoral Fraud, Violence and Irregularities

The government said there will be free and fair elections held in Burma but violence and irregularities have been reported during the campaign period.

According to the NLD's statement issued on March 16th, the Township Election Commission issued an incorrect voter list in Kaw-hmu Township in Yangon, Taung-twin-gyi Township in Magwe, Sagaing Region and Taninthari Region.

According to the NLD's statement issued on March 19th, a woman, who supports the NLD party, received injuries while NLD candidate, U Min Thu, was campaigning in Oattarathiri (Naypyitaw), in Mandalay Region, on March 18th, 2012. She was attacked by an unknown person, who shot into the crowd using a sling-shot.

According to the NLD party's statement issued on March 19th, villagers were forced to attend the election campaign event held by the USDP in Samyin village, Minkin township, Sagaing Region on March March 16th.

U Win Hlaing, a member of the USDP, threatened Daw Than Than Htay, who is a government servant, because her son supported the NLD party in Mingala-Taung-Nyunt, in Yangon Region. U Win Hlaing allegedly threatened to arrest her. U Win Hlaing also tried to persuade her to vote for the USDP by promising to lend money. He said "if our party wins in elections, we will lend 30,000 Kyat".

Dr. San Win, the USDP candidate for Minkin constituency, in Sagaing Region, allegedly verbally attacked to Daw Aung San Suu Kyi, the chairperson of the NLD party, on March 16th, 2012, saying she was married to a British citizen and her two sons hold British passports, so she is a scapegoat of the western nations.

He donated 300,000 Kyat (about US\$ 375) for the primary school in Telgyi, Minkin Township, Sagaing Region. He promised that if he wins the elections, he will donate 500,000 Kyat (about US\$ 625) again for the school. It's not clear whether the money was his own or government funds. According to NLD officials, this kind of action violated the election laws.

The NLD's campaign poster, with pictures of Manh Jonney, the NLD candidate for Myaung-Mya constituency, and Daw Aung San Suu Suu Kyi, was cut with knife in Shanway village, Myaung-Mya township, Ayawaddy Region on March 16th, according to the NLD.

¹⁹ The NLD party's statement issued on March 16th, 2012

²⁰ The NLD party's statement issued on March 19th,2012.

²¹http://burmese.nldburma.org/media-press-release/press-release/549-election-violation-statement.html

The NLD party's complaint letter issued on March 12nd, 2012

IX. Complaints

NLD officials have complaints about incorrect voter lists issued by ward/village and the Township Election Commission in all states and regions which will hold by-elections on April 1st.

NLD officials also have complaints that the USDP's candidates violating the UEC law by giving cement bags, lending money, donating funds and other materials, during the election campaign period in Yangon, Sagaing, Taninthari, Ayawaddy Region and Mon State.

NLD officials have complaints about verbal and physical attacks, as well as threats against supporters during election campaigning.

X. Observations on Challenges

- 1. Locations: Political parties have had difficulty getting permission to use locations for campaign events. For instance, the NLD party requested the UEC give permission to use a football grounds in Hlaegu. The UEC permitted the NLD to use it but U Tint San, the Minister of Sports, didn't allow it. Finally, the NLD was granted permission. After this incident, the UEC did not permit any political party to hold election campaign events on the grounds. ²³
- 2. Party Funds: Only the NLD and the USDP parties intend to contest for 48 constituencies nationwide. The two largest parties can afford to campaign nationwide. Other small political parties do not have funds.
- 3. Campaign Period: Political parties have had rush to comply with election law and prepare their campaigns in only 2 months. The NLD party re-registered at the end of last year. So, the party had a very short period to recruit new party members, to find the right candidates and do fundraising. And, it has been difficult for them to find candidates who are willing to run in byelections.

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²³ http://www.news-eleven.com/index.php?option=com_content&view=article&id=12438:2012-02-20-14-59-27&catid=42:2009-11-10-07-36-59&Itemid=167

Conclusion

With only 48 of a possible 1,542 seats in the three parliaments, including the senate, lower house and regional parliament (659 seats in the Union Parliament of both the lower and upper houses, including military appointees and 883 seats in the Regional Parliaments, including military appointees available to be won by opposition parties in the by-election, the military-backed USDP still has a choke hold on the government of Burma.

The USDP will still control the most important positions- such as head of government, head of houses, commander in chief, foreign affair ministry, Interior ministry, Defense ministry and border affairs. The National Defense and Security Council will be formed in accordance with Chapter V, article 201. Therefore, the President shall declare the transferring of legislative, executive and judicial powers of the Union to the Commander-in-Chief of the Defense Services.

The Commander In Chief of Defense Services has the right to exercise the powers of the legislature, the executive and judiciary. If the President learns or if the respective local administrative body submits that the administrative functions cannot be carried out in accord with the constitution in a region or a state or a union territory or a self-administered area, he may, after coordinating with the National Defense and Security Council, promulgate an ordinance and declare a state of emergency. (Chapter XI, article 410).

However, in the minds of the optimists, the government is opening space for opposition groups. And, however many seats are won or lost by opposition parties and candidates on April 1st, it is seen by many as an opportunity to strengthen the pro-democracy movement's toehold in the government and set the scene for further advances in the 2015 general election.

Appendix: 1

Republic of the Union of Myanmar Union Election Commission Nay Pyi Taw Announcement No. 62/2011 5th Waxing of Pyatho, 1373 ME, 29 December, 2011

Announcement of dates for nomination, scrutinizing, revocation and announcement of Hluttaw representatives for vacant seats in constituencies of respective Hluttaws Exercising the powers prescribed in the respective Hluttaw Election Rules (16), Union Election Commission has designated the following dates for nomination, scrutinizing, revocation and announcement of Hluttaw representatives for vacant seats in constituencies of respective Hluttaws.

- (a) Starting date for nomination of Hluttaw representatives for constituencies of respective Hluttaws 8th Waning of Pyatho, 1373 ME (16th January, 2012)
- (b) Last date for nomination of Hluttaw representatives for constituencies of respective Hluttaws 8th Waxing of Tabodwe, 1373 ME (31st January, 2012)
- (c) Last date for revocation of Hluttaw representatives for constituencies of respective Hluttaws 11th Waxing of Tabodwe, 1373 ME (3rd February, 2012)
- (d) Date for scrutinizing the nomination of Hluttaw representatives from 14th Waxing of Tabodwe to 3rd Waning of Tabodwe, 1373 ME (from 6th to 10th February, 2012)

Sd/Tin Aye Chairman Union Election Commission

Appendix: 2

Republic of the Union of Myanmar Union Election Commission Nay Pyi Taw Announcement No. 16/2012 1st Waxing of Tagu, 1373 ME (23rd March, 2012)

Announcement on list of constituencies postponed for by-election

1. An announcement was issued in accord with Section 10 (f) of the Union Election Commission Law, and Section 50 (c) and Section 54 of the Pyithu Hluttaw Election Law that as the following constituencies in Kachin State have not the situations to hold the free and fair election on the security ground, the elections will not be held and postponed at these constituencies for the by-election to be held on 1 April 2012.

Constituency

- (a) Phakant Township Pyithu Hluttaw Constituency,
- (b) Bhamo Township Pyithu Hluttaw Constituency,
- (c) Mogaung Township Pyithu Hluttaw Constituency
- 2. The by-election will be held in these constituencies at opportune time depending on the security.

Chairman Union Election Commission

Appendix: 3

Republic of the Union of Myanmar Union Election Commission Nay Pyi Taw Announcement No. 61/2011 5th Waxing of Pyatho, 1373 ME (29 December, 2011)

Announcement on date to hold by-elections for constituencies of vacant Hluttaw representatives at respective Hluttaws

The Union Election Commission, exercising the duties and powers prescribed in the Section 8 of the Union Election Law and in accord with the Section 34 (c) of the respective Hluttaw Election Laws and Rules 16 (a), announced that the by-elections will be held for the following constituencies of vacant Hluttaw representatives on 10th Waxing of Tagu, 1373 ME (1 April, 2012) on Sunday.

Vacant Pyithu Hluttaw Constituencies

- 1. Phakant Township Pyithu Hluttaw Constituency
- 2. Mogaung Township Pyithu Hluttaw Constituency
- 3. Bhamo Township Pyithu Hluttaw Constituency
- 4. Sagaing Township Pyithu Hluttaw Constituency
- 5. Pale Township Pyithu Hluttaw Constituency
- 6. Mingin Township Pyithu Hluttaw Constituency
- 7. Kyunsu Township Pyithu Hluttaw Constituency
- 8. Launglon Township Pyithu Hluttaw Constituency
- 9. Toungoo Township Pyithu Hluttaw Constituency
- 10. Htantabin Township Pyithu Hluttaw Constituency
- 11. Thanappin Township Pyithu Hluttaw Constituency
- 12. Letpadan Township Pyithu Hluttaw Constituency
- 13. Magway Township Pyithu Hluttaw Constituency
- 14. Yezagyo Township Pyithu Hluttaw Constituency
- 15. Myaing Township Pyithu Hluttaw Constituency
- 16. Pakokku Township Pyithu Hluttaw Constituency
- 17. Pwintbyu Township Pyithu Hluttaw Constituency
- 18. Zabuthiri Township Pyithu Hluttaw Constituency
- 19. Pobbathiri Township Pyithu Hluttaw Constituency
- 20. Dekkhinathiri Township Pyithu Hluttaw Constituency
- 21. Ottarathiri Township Pyithu Hluttaw Constituency
- 22. Kyaukpadaung Township Pyithu Hluttaw Constituency
- 23. Natogyi Township Pyithu Hluttaw Constituency
- 24. Mahaaungmye Township Pyithu Hluttaw Constituency
- 25. TadaU Township Pyithu Hluttaw Constituency
- 26. Meiktila Township Pyithu Hluttaw Constituency
- 27. PyinOoLwin Township Pyithu Hluttaw Constituency
- 28. Mawlamyine Township Pyithu Hluttaw Constituency
- 29. Kawhmu Township Pyithu Hluttaw Constituency
- 30. Thongwa Township Pyithu Hluttaw Constituency
- 31. Dagon Myothit (Seikkan) Township Pyithu Hluttaw Constituency
- 32. Mingala Taungnyunt Township Pyithu Hluttaw Constituency

- 33. Hlegu Township Pyithu Hluttaw Constituency
- 34. Mayangon Township Pyithu Hluttaw Constituency
- 35. Kalaw Township Pyithu Hluttaw Constituency
- 36. Pathein Township Pyithu Hluttaw Constituency
- 37. Maubin Township Pyithu Hluttaw Constituency
- 38. Myaungmya Township Pyithu Hluttaw Constituency
- 39. Wakema Township Pyithu Hluttaw Constituency
- 40. Myanaung Township Pyithu Hluttaw Constituency

Vacant Amyotha Hluttaw Constituencies

- 1. Sagaing Region Amyotha Hluttaw Constituency No. 3 Kanbalu, Kyunhla, YeU, Taze
- 2. Sagaing Region Amyotha Hluttaw Constituency No. 7 Banmauk, Kawlin, Wuntho, Pinlebu
- 3. Bago Region Amyotha Hluttaw Constituency No. 7 Ottwin, Htantabin
- 4. Magway Region Amyotha Hluttaw Constituency No. 4 Taungdwingyi
- 5. Shan State Amyotha Hluttaw Constituency No. 3Lashio, Tangyan, Mongyai, Hsenwi, Kunlong6. Ayeyawady Region Amyotha Hluttaw Constituency No. 10Pyapon, Dedaye

Vacant Region Hluttaw Constituencies

- 1. Kawa Township Region Hluttaw Constituency No. 2
- 2. Yekyi Township Region Hluttaw Constituency No. 2

Sd/Tin Aye Chairman Union Election Commission