



Listening to Voices from Inside:
People's Perspectives on
Myanmar's 2010 Election

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UNION OF MYANMAR



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List of Acronyms

ASEAN	Association of South-East Asian Nations
CSO	Civil Society Organisation
EU	European Union
HPI-1	Human Poverty Index-1
IDP	Internally Displaced Person
KIO	Kachin Independence Organisation
KNPP	Karenni National Progressive Party
KNU	Karen National Union
MI	Military Intelligence
MP	Member of Parliament
NDF	National Democracy Force
NGO	Non-Governmental Organisation
NLD	National League for Democracy
NMSP	New Mon State Party
SLORC	State Law and Order Restoration Council
SNLD	Shan National League for Democracy
SPDC	State Peace and Development Council
UEC	Union Election Committee
UNDP	United Nations Development Programme
UN	United Nations
USDA	Union Solidarity Development Association

Introduction

The Centre for Peace and Conflict Studies (CPCS) has made public this specific information it has regarding the opinions of people living inside Myanmar about the planned 2010 national election, proposed by the Myanmar government. Given the elections are widely debated in the 'international community'¹, it is critical that the voices of 'ordinary' citizens be heard. Given the wide range of views this report may not simplify the debate, and if anything reflects the increasing diversity of opinion inside Myanmar about future directions, possibilities for change and the development of their nation.

This report does not intend to draw any conclusions, but simply to amplify what has been recorded from a series of 87 interviews conducted across Myanmar. However if the international community is to accompany a process towards democracy in Myanmar, it must come to terms with the complexity and myriad of perspectives held by its citizens.

Although CPCS makes no definite conclusions from these perspectives, CPCS has participated in the equipping of civil society groups inside Myanmar on election related issues such as voter education, election violence, the development of political parties, the mechanical functioning of elections and civic awareness. Given that it is over two decades since Myanmar held its last election there is a need for civil society groups to arm themselves with the necessary language, tools and strategies for handling what is an inevitable process in their country. It is from this work that additional information has been included in this report.

¹ The international community, for the intents of this paper, includes the United Nations, the governments of the states which constitute the UN Security Council, regional blocs such as the European Union, and international civil society organisations as well as concerned individuals from across the globe.

Methodology

This report is a compilation of two CPCS projects: *Listening to Voices from Inside: Ethnic People Speak* and *Preparing Myanmar Civil Society for Elections*. The *Ethnic People Speak* research aims to document perspectives and opinions of ethnic groups on a wide variety of pertinent issues facing Myanmar, specifically intra- and inter-ethnic relations. Through the course of these interviews, a number of interviewees expressed their views and opinions regarding the 2008 constitution as well as the 2010 election. The following is an excerpt from *Listening to Voices from Inside: Ethnic People Speak* explaining its methodology:

The data informing this analysis was collected over a period of three months in mid-2009. Two separate visits to Myanmar took place. The research team conducted a total of eighty seven interviews with civil society members from different ethnic groups. These interviews took place in urban and regional settings in Myanmar. Four broad topic areas were identified for this research as areas of inquiry—opportunities and challenges to inter- and intra-group interaction, their vision for the future of Myanmar, how the international community can support that vision, and the local situation of the ethnic groups, including their culture and traditions. Within these broad areas a schedule of questions was developed to guide the interviews. Each of the interviews, however, walked a different path in terms of structure, content, length, and topic range and therefore each interview contained slightly different queries to draw out topics and issues most important to the interviewee. In summary, a qualitative research method was employed. The common language for the research team was English, and approximately half of the interviews were conducted in English. A translator was used in the remaining interviews. Where the

translator did not speak the first language of the interviewee, generally Burmese was used as a common language and was then translated to English. Individual interviews were the primary form of data collection to gain a deeper understanding of that individual's perspective and voice, and to ensure greater security and confidentiality for the interviewees, translators, and researchers. Several interviews were conducted in groups, but the interviewees were always notified ahead of time to ensure their comfort with an alternative interview format. This only occurred a handful of occasions, and the groups were no larger than three individuals. This meant individual voices and not group perspectives were heard. The semi-structured and open-ended interview method was the chosen methodology as it is more effective in generating an honest and sincere dialogue with interviewees across the key topic areas. This is recognised by the research team as important because it allows for interviewees to raise the issues which are most pertinent to their lives and which matter most to them.²

The six perspectives identified by the *Listening to Voices from Inside: Ethnic People Speak* analysis is contained herein, and is expanded on with data from the *Preparing Myanmar Civil Society for Elections* project. The *Preparing Myanmar Civil Society for Elections* project aimed to raise the commitment and capacity of Myanmar civil society to engage the electoral and democratic process. It brought a total of 51 key members of civil society, principally from the peacebuilding NGO sector however this also includes potential candidates in the planned election, to Cambodia to learn about Cambodia's experience with elections. Eight different NGOs sent staff to attend the training, which took place in four phases over a three month period in early 2010. The data from this project comes from CPCS' documentation of the project for donor evaluation. The description of this project is deliberately brief to maintain participants' security.

² Centre for Peace and Conflict Studies, *Listening to Voices from Inside: Ethnic People Speak* (Phnom Penh: CPCS, 2010).

Structure

This report presents the six primary perspectives on the elections. The first perspective, “Do Not Believe the Election will be Fair—Government Will Win Like 2008 Referendum” examines the fears of participants in both projects that the election will not be free and fair. It also examines the various forces identified by participants in the *Preparing Myanmar Civil Society for Election* project which may negatively or positively affect the degree the elections are free and fair, particularly regarding the Union Election Committee. The “Do Not Participate” perspective examines the arguments for non-participation, and how exposure visits to other countries in several cases resulted in a transformational shift regarding their non-participatory stance. The third perspective, “Election Will Happen... But It Won’t Bring Any Changes”, examines the potential forces and challenges which may negatively affect the election so that no changes are brought about. Conversely, “It is an Opportunity—Change Can Happen—It Will Take Time” examines the potential informal opportunities identified by some civil society members, particularly regarding networks. The potential roles for civil society in the electoral and democratic processes are examined in “Civil Society has No Time or Opportunity to Prepare.” It also reviews the ways in which civil society can become what one person described as a “politically motivated civil society.” Finally, “Election May Not Happen” examines the potential reasons why the election may not take place, as viewed by those inside Myanmar.

Contextualising the 2010 National Election

In 2010 Myanmar is set to hold its first election in twenty years. The exact dates for the election were at the time of writing still unannounced. The 2010 national election is Step Five in the government's so-called Roadmap to Disciplined Democracy, and follows the "approval" of the 2008 constitution via referendum, which was widely considered in the international community to be fraudulent. Both the referendum and the 2010 election are the culmination of over sixteen years of constitutional drafting in the National Convention, in which many political parties, particularly but not limited to the National League for Democracy (NLD), and ethnic groups were excluded and/or marginalised in the process. Many in the international community, as well as those inside Myanmar, such as ethnic groups and opposition political parties, were quick to condemn the 2008 constitution, citing the exclusionary process by which it was drafted and its provisions, specifically the stipulation that 25 per cent of all legislative seats shall be reserved for active-duty military personnel. Robert Taylor, one of the foremost scholars on Myanmar who has spent considerable time inside the country, said: "Rather than a document to create a new and idealistic order, it [the constitution] endorses the past and holds out the promise of sharing power with those who currently monopolise state authority. The major promise for the future is the possibility of the army sharing some power with civilian political parties... Whether the constitution proves to be more durable and adaptable than its two predecessors, of course, is a question that future historians will answer."³ It is this promise for the possibility of power sharing between civilians and the military, as well as the potential for greater space for civil society, that has attracted individuals and civil society organisations (CSOs) to engage the process.

³ Robert H. Taylor, *The State in Myanmar* (Singapore: National University of Singapore Press, 2009) p. 487-96; Taylor has conducted one of the most in-depth and up-to-date analysis of the 2008 constitution and its crafting process and therefore is widely cited throughout this report

Following the disastrous events of 1988 and the annulled results of the 1990 election, the government (which at the time was named the State Law and Order Restoration Council [SLORC]; renamed to State Peace and Development Council [SPDC] in 1997) convened the National Convention to draft the third constitution of Myanmar. "Besides ensuring their own key role in the country's political life, the generals hoped to use the National Convention to marginalise the 1990 election winners and resolve the ethnic nationalities' demands without giving much ground."⁴ The first meeting was convened in January 1993 with 702 delegates (attendance was by invitation from the government only), of whom only 99 were elected members of parliament (MPs) which included 81 NLD MPs. The other 603 delegates were appointed by the government, which included several ceasefire groups. The widely condemned provision in the 2008 constitution which requires 25 per cent of parliament be held by the military was one of the original six objectives put forth by the military government to be included in the third constitution. The other five objectives related to "the army's oft-repeated pledges about maintaining sovereignty and national unity, the establishment of a multi-party system, and basic human values such as justice and equality."⁵

Within the first three years of the National Convention 104 basic principles had been agreed upon. A number of deviations from previous Myanmar constitutions were made in these principles. "The most important was recognition of self-administered zones establishing the self-governing rights of particular ethnic [nationalities⁶] and ceasefire groups."⁷ At the end of 1995, however, the NLD withdrew from the process after Daw Aung San Suu Kyi decried the convention's undemocratic methods and conclusions, and as a result of their non-

⁴ Christina Fink, *Living Silence in Burma: Surviving Under Military Rule*, Second Edition (Chiang Mai: Silkworm Books, 2009) p. 74.

⁵ Taylor, "State in Myanmar", p. 489.

⁶ "Nationalities" is substituted for "minorities" because it is the preferred term by the ethnic minorities. It does not include the majority ethnic group, the Burmar

⁷ Ibid, p. 490.

attendance, the NLD was expelled under the rules of the convention. The government, meanwhile, saw this as an opportunity. "The government used the NLD's withdrawal as a pretext to adjourn the convention for eight years while consolidating the ceasefire agreements with the ethnically designated insurgents."⁸ Ceasefire agreements made during this period include the Kachin Independence Organisation (KIO; February 1994), Karenni National Progressive Party (KNPP; 21 March 1995; the agreement was broken when fighting resumed three months later), and New Mon State Party (NMSP; 29 June 1995). Talks were also held with the Karen National Union (KNU), but after four rounds of talks with no progress, the government launched fresh offensives which forced the KNU to change tactics from fixed-position fighting to guerrilla warfare.⁹ Many of these ceasefire talks were initiated by Military Intelligence (MI) Chief Khin Nyunt. Nyunt, responding to international pressure, also initiated confidence building talks with the NLD in 2000-2002. It was Khin Nyunt who proposed the "Seven Point Roadmap to Democracy" in August 2003. He also attempted to broker NLD participation in the National Convention when it resumed in 2004. Than Shwe, however, rejected the proposal and within months Khin Nyunt was arrested and sentenced to 44 years in prison. International observers have suggested Khin Nyunt was sacked due to his rising prominence in the regime—at the time Nyunt was said to be one of three major power holders in the regime: Senior General Than Shwe, Vice Senior General Maung Aye and MI Chief Khin Nyunt—and his use of that power to attempt reconciliation with opposition groups, including political parties and ethnic nationality groups.¹⁰

The National Convention reconvened on 17 May 2004 without the presence of the NLD. "The Shan National League for Democracy and most of the other ethnic political parties that won seats in the 1990 election

⁸ Taylor, "State in Myanmar," p. 491.

⁹ Transnational Institute, *Neither War Nor Peace: The Future of the Cease-Fire Agreements in Burma* (Amsterdam: TNI, 2009).

¹⁰ Fink, "Living Silence", p. 95-6; Priscilla Clapp, "Burma's Long Road to Democracy", *United States Institute of Peace*, Washington DC: USIP Press, 24 July 2007 p. 4, (accessed 28 May 2010).

boycotted as well, because the regime would not change the way the convention operated or remove the principle that the military must play the leading role in politics. The regime tried to enhance the legitimacy of the National Convention by inviting a number of new members to attend, particularly from the ethnic ceasefire groups.” The newly invited ceasefire groups on several occasions submitted their own proposals, such as greater power devolution to the states and divisions, all of which were rejected by the military government.¹¹ National Convention sessions continued to be held over the next several years, during which military-appointed delegates continued to draft the third constitution with few concessions to opposition parties or ethnic groups.

Finally, on 19 February 2008 the Third Constitution of the Union of Myanmar was finished. The government then entered Stage Four of the Seven Step Roadmap to Democracy: adopting the constitution via referendum. Prior to its completion, however, on 9 February the government announced that after the constitution is approved, elections will be held in 2010. Robert Taylor, reflecting on the significance of the announcement, wrote, “Twenty years after the uprising of 1988, an end to the monopoly of state power by the military appeared to be insight. Moreover, for the first time in two decades, the government had given an indication of its plans in advance.”¹²

On 2 May 2008, eight days prior to the constitutional referendum, Cyclone Nargis made landfall in the Irrawaddy Delta. An estimated 130,000 people were killed as a result. The government, however, went ahead with its plans and implemented the referendum for most of the country but allowed 47 townships in Yangon and Irrawaddy Divisions, which had been hit hard by Nargis, to vote on 24 May. The Third Constitution of the Union of Myanmar was “overwhelmingly approved” with 92 per cent in favour of adopting it.¹³ Fraud was reported to be

¹¹ Fink, “Living Silence”, p. 95.

¹² Taylor, “State in Myanmar”, p. 488-9.

¹³ BBC, “Burma Approves New Constitution”, BBC World News, <http://news.bbc.co.uk/2/hi/asia-pacific/7402105.stm> (accessed 28 May 2010).

widespread throughout the referendum, which “was conducted in an atmosphere of intimidation, harassment and vote-rigging. In some government offices and state enterprises, employees had to vote in advance, in front on their bosses. Meanwhile the authorities used a variety of techniques to ensure that there were sufficient ‘yes’ votes. Methods varied from place to place but included being handed pre-marked ballots, having local authorities [and/or] Union Solidarity Development Association (USDA) officials... closely watching voters, moving the ballot box for no votes to an area surrounded by military officials, and having voters fill out only their addresses and ID numbers and the authorities mark the ballot for them.”¹⁴ The referendum was in stark contrast to the 1990 election which, while certainly not conducted in a free and fair manner, was generally recognized as a legitimate result with minimal vote tampering on behalf of the government.¹⁵

Few announcements were made regarding the election after the referendum. Finally, in late 2009 and early 2010 the government began to release election details. On 8 March 2010 the government released the long-anticipated legislation governing the election. “The five laws covered the functioning of the election commission, the registration of political parties and the election of representatives to the national and regional legislatures. The commission was appointed three days later and within six days of its creation had issued a series of bylaws, setting out in detail the procedures for implementing the various laws.”¹⁶ Pre-existing political parties were given until 6 May to re-register with the Union Election Commission (UEC) to contest the election¹⁷; failure to do so resulted in the dissolution of the party, as exemplified by the dissolution of the NLD after it decided not to register with the UEC.¹⁸

¹⁴ Fink, “Living Silence”, p. 110-1.

¹⁵ International Crisis Group, “The Myanmar Elections”, Update Briefing No. 105, International Crisis Group (Jakarta/Brussels: ICG, 27 May 2010), <http://www.crisisgroup.org/~media/Files/asia/south-east-asia/burma-myanmar/B105%20The%20Myanmar%20Elections.ashx> (accessed 28 May 2010) p. 1.

¹⁶ International Crisis Group, “Myanmar Elections”, p. 2.

¹⁷ Ibid.

¹⁸ Al-Jazeera, “Suu Kyi’s party ‘to be dissolved’”, Al-Jazeera, <http://english.aljazeera.net/news/asia-pacific/2010/05/2010565313809276.html> (accessed 28 May 2010).

No deadline was set for the registration of new parties. Also noteworthy is the 28 April resignation of twenty senior SPDC figures, widely perceived to be a preparatory step for contesting the election.¹⁹

The international community has been quick to condemn the electoral legislation and the overall electoral process set forth by the SPDC government.²⁰ The decision of NLD leadership to boycott the election has supported international accusations that the election will not be free and fair. What are generally not heard in statements from the various actors which comprise the international community are the parties which have chosen to contest the election: as of 24 May 2010, 40 political parties have either been registered or are in the process of doing so (see Appendix One). This includes the breakaway faction from the NLD, the National Democracy Force (NDF).

While debate continues to rage about the rights and wrongs of Myanmar's planned elections, the country continues to face a massive humanitarian crisis, ongoing human rights violations, displacement of peoples, and armed insurgency, especially in ethnic areas, as well as a stagnant economy and woeful education and health systems. According to the UNDP, Myanmar's Human Poverty Index (HPI-1) value, which "measures severe deprivation in health by the proportion of people who are not expected to survive to age 40", was 20.4 per cent in 2008. It ranks 77 out of 135 on the HPI-1 index. There is a 19.1 per cent probability of not surviving to age 40 in Myanmar, and 32 per cent of children under age 5 are underweight for their age.²¹ Along the eastern border alone, where armed conflict is most prevalent, there are over

¹⁹ Al-Jazeera, "Myanmar ministers 'quit military'", Al-Jazeera, <http://english.aljazeera.net/news/asia-pacific/2010/04/2010428501154892.html> (accessed 28 May 2010).

²⁰ For remarks by Assistant Secretary of State Kurt Campbell, see: <http://www.state.gov/p/eap/rls/rm/2010/05/141681.htm>; For the UN's Group of Friends remarks, see: <http://edition.cnn.com/2010/WORLD/asiapcf/03/25/myanmar.un/index.html>.

²¹ UNDP, "Human Development Report 2009, Myanmar: The Human Development Index-going beyond income", UNDP, http://hdrstats.undp.org/en/countries/country_fact_sheets/cty_fs_MMR.html (accessed 31 May 2010).

²² UNDP, "Human Development Report 2009, Myanmar", UNDP, http://hdrstats.undp.org/en/countries/data_sheets/cty_ds_MMR.html (accessed 31 May 2010).

503,000 internally displaced persons (IDPs; 2008).²³ Human rights abuses, including murder, rape, forced labour, forced recruitment into the state armed forces, etc, are rampant throughout the country and have been thoroughly documented by a number of organisations.²³ The Global Peace Index, which ranks countries by their peacefulness on a descending scale according to 24 indicators, ranks Myanmar at 126 out of 144.²⁴ Thus, energy, effort, debate and resources focused on Myanmar's 2010 elections should be done in proportion to these wider issues.

²³ Including but not limited to: Karen Human Rights Group (<http://www.khrg.org/>), Network for Human Rights Documentation-Burma (<http://www.nd-burma.org/>), United Nations Office of the High Commission for Human Rights (<http://www.ohchr.org/en/countries/asiaregion/pages/mmindex.aspx>) and Human Rights Watch (<http://www.hrw.org/en/asia/burma>).

²⁴ Vision of Humanity, "Global Peace Index GPI Map-2009: Myanmar", (accessed 31 May 2009).

Perspectives and Analyses of the 2010 Election

An election sounds great. Whoa! It sounds like pure democracy, but in reality it is not. It is a kind of show. The government is cheating, and frankly speaking they cheat a lot, but they try to make the election look official. They say we will have an election, but they will cheat. It is like they are performing in a theatre... If they give people freedom and the freedom to have political parties that can go their own way, there would be no problem, but they will not do this. I don't think things will change. Some people say that it is just a matter of their changing their clothes. They will take off their uniforms and wear normal clothes.

Young male INGO staff from Lashio, Shan State

A variety of perspectives were expressed regarding the 2010 national election in Myanmar, ranging from non-participation to engagement. The following are the six primary perspectives expressed by Myanmar citizens on the 2010 national election. This is expanded on with key members of civil society outlining the various forces which may affect the election, both positively and negatively, as well as strategic actions identified which can support the positive and limit the negative forces. The primary focus of this publication is the role of domestic Myanmar civil society in the election, although the role of the international community is briefly addressed.

1. Do Not Believe the Election will be Fair—Government Will Win Like the 2008 Referendum

Many interviewees from the *Ethnic People Speak* project expressed that the elections will be just like the 2008 referendum, where there were reports of large-scale government misconduct and ballot rigging. Indeed, several interviewees spoke of their personal experiences of

being cheated out of their vote in the 2008 referendum. For example, they said that though many people voted 'NO' for the referendum, the result presented was an overwhelming 'YES'. People felt the government had changed the result and would do the same with the 2010 election. Some shared that the government was only doing the election for themselves, to maintain power; they would just change their uniform from military to civilian clothes. Many people, therefore, were not confident about the 2010 election, nor were they necessarily optimistic about the potential for transformative change as a result of the election.

"[There are] two main reasons why the government drew [the] constitution and are having elections: they want to [have a] good name at the international level; and, to play a trick on the country, that they no longer rule because they are wearing civilian clothes instead of uniform."

Young Rakhine male

The degree to which the elections will be free and fair will largely be determined by the Union Election Commission, the official "independent" government body charged with implementing elections. Its members are nominated by the current SPDC government and as such people are sceptical of its ability to act as a neutral election implementer and therefore it is a force which may negatively affect the election. To counter this potential negative effect, it was suggested that Myanmar civil society leaders, religious leaders and political parties open dialogue with the UEC as a means of encouraging free and fair election practices. Such a dialogue should also encourage greater exchange of information between civil society, particularly media and the general public, and the UEC. On the other hand, such a relationship between the UEC and civil society may be perceived as a threat to the government, and therefore the government may move to dismiss those members it perceives as being sympathetic towards civil society and free and fair elections.

To counter the potential biases of the UEC, people widely emphasized the importance of vote observation and monitoring by non-political persons and/or organisations. Several people suggested the UN, EU or ASEAN as potential election observers. It was widely acknowledged, however, that such an event is highly unlikely as the regime would rebuff such attempts by outsiders on the basis that the election is a purely internal matter which the international community has no business interfering in. As such, it was suggested that domestic civil society take a leading role in voting observation and monitoring. Civil society members called for greater cooperation and coordination amongst civil society organisations, particularly NGOs but also including businesses, regarding vote monitoring and observation and voter education. Doing so, however, would not be easy. Challenges identified include government restrictions on NGO activities, revocation of or delaying NGOs' registration (and therefore becoming an "illegal" organisation subject to punishment), a lack of trust between civil society organisations, security concerns such as limits on group meetings and a lack of financial resources. Despite these challenges, people strongly encouraged domestic civil society to unite and engage the electoral process—what one person described as a "politically motivated civil society" (this is expanded on in "Civil Society has No Time to Prepare").

Actual election? No, it will not happen. Government equals army; everything is by force. We have no chance to present our ideas.

Middle-aged man from northern Kachin State

While many believe the international community has at most a limited role in the election in Myanmar, they acknowledged that the international community can support domestic civil society in their initiatives to engage the election, particularly regarding technical and financial support, such as training in election monitoring, fraud detection, voter education methods and strategies, etc. Nevertheless, it was also suggested that the international community exert caution

in its attempts to support Myanmar civil society: too overt actions may complicate that organisation's assistance efforts, such as government imposed restrictions on employee visas and financial transfers, as well as the efforts of the local partner organisation.

Pessimism towards the potential for transformative change as a result of the election was rooted in peoples' negative perceptions and experiences of the 2008 constitution. It was also commonly expressed that the election will go forward only in accordance with the government's plan to hold onto power—it's so-called "Roadmap to Disciplined Democracy"²⁵—and as a result these people expect the election to be anything but free and fair.

I don't think much of the election because it is not free; everything is well planned so they will get the result they want. I am not very enthusiastic about it.

Middle-aged female NGO staff from Loikaw, Kayah State

I have no opinion on the election because I am not interested. This election is not real. We had the Nargis referendum. My younger sister worked for this because she is teacher. My sister told me they changed the results, the result given is not from the people. The coming election will be the same. In my home, we are not interested in the election. Most people in our country don't know about elections and election processes.

Middle-aged female NGO staff in Yangon

Interviewees also reported that the general population was confused about the constitution. Of particular concern for people was the clause which stipulates that 25 per cent of parliamentary seats shall be reserved for the military, thus further cementing the military into the "democratic governance structures" of the country.

²⁵ For more information see: David Arnott (2004), "Burma/Myanmar: How to read the generals' 'roadmap' – a brief guide with links to the literature," Burma Library, <http://www.burmalibrary.org/docs/how10.htm> (accessed February 11, 2010).

I think after reading the constitution, I don't feel happy. I didn't vote for the constitution. Many people voted 'No' but I didn't vote at all, because I don't believe in it or feel it is fair. For example, 25 per cent of seats in the legislature are reserved for the military. I think everything will be controlled by the military. It will be very difficult for us to make changes we want because the military will control everything, just like they do now.

Middle-aged male journalist

The military government has its own structure already. [They have already decided] who should be going where. For us as civilian, [all we can do] is just to integrate to whatever the structure of the military government. The military has their own structure and tell their own people to select their people who will be favour the most to them. And as the citizen, we don't like the representative they chose.

Middle-aged man from northern Kachin State

Moreover, some said the military will still be able to use their power to force the people to do as they wish. On the other hand, some expressed optimism that the military will only be 25 per cent of the parliament, as opposed to 100 per cent. Concern was expressed that the post-election climate may be similar to that in 1988 and 1990, when the government suppressed protests and refused to honour electoral results. Many people also strongly held the view that the election will not bring any changes; the government has already prepared their own people and developed their own structure, and they will tell the people to vote for government selected, sponsored, or supported candidates. It was a commonly held view that the government had already selected their candidates and was currently in the process of strengthening government-sponsored organisations, such as the USDA and the Myanmar Women's Affairs Federation to garner further public support for military-backed candidates. It was also commonly perceived that the USDA is "far ahead" in their political strategies than opposition parties. Commenting on government

organised parties, two middle-aged Kachin men said, “The government has been trying to form so many organisations and associations for their people, like the USDA, Women’s Association and many others. They have formed with the hope that the people from these associations will vote for them.” As such it was widely perceived that it will be a “selection” not an election. Interviewees said if the government was serious about elections they would have promoted electoral and constitutional knowledge amongst the people, provided space for citizen-led organisations to organise themselves, such as political parties, and invited the international community to observe the elections—none of which has occurred.

The situation is very complicated. No one can even predict the political situation because of the many strategies the government uses to make things more complicated. For example, people are not clear and still confused on the election and about how to participate or even respond to the election. We don’t even know how to vote! [...] It is beyond me if good will come out of the election.

Middle-aged female NGO staff

2. Do Not Participate

There were several interviewees from the *Ethnic People Speak* project, primarily from the Rakhine, Mon, and Shan ethnic groups, who said many people from their group will not participate in the election. Their reasoning was mixed. One Shan interviewee said the Shan National League for Democracy (SNLD) will refuse to participate in the election because they do not accept the constitution, and indeed the SNLD withdrew from the constitutional drafting process because they had been excluded by the military-dominated National Convention. A Rakhine participant said his group is seeking independence from Myanmar because they failed to attain their rights by constitutional and electoral means and therefore believes this will be repeated again in 2010 should the Rakhine chose to participate.

People do not accept the government's Seven Point Road Map [to Democracy]. The majority of people don't accept the constitution and the referendum. People don't want to participate.

Retired male public servant

Of all the people who talked of the election, approximately three persons said that their group [Rakhine, Mon and Shan] will not participate in the election. Among the three, only one Rakhine civil society member had a very strong view and advocated for non-participation through armed resistance to gain an independent Rakhine State. His view however, reflected the current situation and discussion among different Rakhine key leaders and politicians. Many had expressed concern that the situation may be similar to 1988 if they decided to go for revolution.

Since independence we demand our rights by constitutional means. We failed to implement our aspirations. Now most Arakanese are interested to struggle by military means.

Older male lawyer living in Yangon

All of Rakhine is ready for revolution if Rakhine politicians decide for it, and to not engage with the election. People are very afraid of a revolution; they don't want to die. They want to participate in the election because they afraid of the consequences of revolution. But they are waiting to hear politicians' decision.

Young male university student

According to the statement above, this individual called for Rakhine people to speak with one voice. He said that politicians needed to listen to people's voices and concerns before making decisions. "Politicians need to listen to the people's voice and discuss with the people, not just only among themselves. We need to speak with one voice," he said. He explained further that if Rakhine people decided to accept

and participate in the election, awareness training for people on how to engage in politics and the election process was needed.

Whilst talking about awareness, two interviewees [Shan and Bamar] shared that their perceptions on the election had changed after attending an exposure visit and learning from Cambodia's experience with elections. "Before I thought I would not vote, but after [visiting] Cambodia I think I should. After the election there will be something in the situation, [but] now nothing changes," said a middle-aged Shan woman. Although these individuals had decided to participate, they do not expect much change out of the 2010 election. "I don't expect too much positive change in 2010. It will be the same people after the election, and the next government will not consider the grassroots level," said a young female journalist.

An older man from Mon State suggested the international community should do more exchange visits with people from Myanmar. He said he had attended an international development conference outside of Myanmar, allowing for freer exchange of information amongst Myanmar participants, as well as provided exposure to concepts, models, and paradigms not otherwise accessible inside Myanmar. He encouraged the international community to do this as much as possible so as to provide greater space for Myanmar people to discuss and formulate solutions to the issues they face as a country. Specific examples of what the international community can do include networking between the international community and local civil society, as well as capacity building (see "Civil Society has No Time to Prepare").

One thing the international community can do is to bring us to different countries like Thailand and Cambodia so that we can talk freely, without fear of repression by the authorities.

Young female INGO staff in Yangon

On the other hand, one participant the *Preparing Myanmar Civil Society for Elections* project said, "If you don't participate in this election, you will lose every opportunity [to initiate change]."

3. *Election Will happen...But It Won't Bring Any Changes*

A number of interviewees from different ethnic groups felt there was nothing special about the 2010 election because the government would simply use it to suit their needs, that is, the preservation of its power. Accordingly, these people did not expect any significant change in their daily lives as a result of the election.

Our lives will not be any better. We have a very negative view of the election. Personally I also feel that way because if the government had good intentions and really meant change for the country, there are many things they should be doing, and they aren't. They will continue to monopolise power.

Middle-aged male Catholic priest

I have to participate because I am over eighteen and an adult. I feel that we have to vote if we are asked to. I don't think positive things will happen from the election, but I have a desire for change. It will take time.

Middle-aged female NGO staff

The upcoming election is the exercising of power [by] the military government.

Participant in the "Elections Training" Project

Another perspective held that the situation in Myanmar was very complicated and therefore there was no clear path forward; people do not clearly understand the election or its process, and the lack of space for political parties, particularly ethnic opposition parties, to organise and participate in the process further complicates the way forward. Moreover, some ethnic opposition leaders are in exile abroad, which

severely limits their ability to engage and mobilise their constituents for change.

For Rakhine people, the 2010 election will not matter. It won't bring any change for the Rakhine. In Rakhine State there is no place or party that is powerful enough to take part in 2010. We don't have any opportunity to gather to talk about political affairs.

Middle-aged NGO staff from Rakhine State.

No one can predict the political situation because of the many strategies the government uses to make things more complicated. For example people are still confused about the election and how to participate or even respond to it. We don't know how to vote! Most people, even Bamar, are afraid of the government. Some will not even utter the word politics here in Myanmar. It is beyond me to think that good will come out of the election... Nothing much can change without some big struggle. It will take a long time to change the situation.

Young male INGO staff

There are a variety of forces identified by civil society members which may negatively affect the election so that little or no change is brought about. It was widely perceived that the government will attempt to restrict election related activities of anyone it perceives as part of the opposition, which may include civil society. This includes restricting the involvement of political parties, NGOs and religious institutions, arresting members of the media for information dissemination or forcing media organisations to close their offices, and further travel and communication restrictions on both civil society and the general population.

People also identified a variety of factors that are not (entirely) controlled by the government. The low levels of public awareness and knowledge of the constitution and electoral process were identified as major hurdles which need to be overcome to bring about change (this

is expanded on in “Civil Society has No Time to Prepare”). The lack of unity amongst political parties was also identified as a negative force, though it was suggested the government is partly responsible for this lack of unity because of their divisive strategies. The role of youth was also identified, but it was said this could potentially support change or work against it. Youth are increasingly interested in engaging politics for change, but at the same time their lack of experience with the electoral process, democracy and leadership may leave them susceptible to manipulation by, for example, elders, politicians or the government who may not share their same vision for change.

Some people felt the election would not bring about instant change, but they would reluctantly participate in the elections, in the hope that gradual change will eventually occur. Some suggested that the process of change could take upwards ten or twenty years; these points are elaborated on in the following.

4. It is an Opportunity—Change Can Happen—It Will Take Time

It is a long process. This is one opportunity. Don't look back at the past. Young people, prepare for it and try your best! From now on I am prepared to have a national mindset, to think about all Myanmar people. But not many people do this.

Middle-aged female INGO staff

There will not be so much changes, but there will be opportunities for the people.

Participant in the “Elections Training” project

The first four years [after the election] may be chaos, but let's hope for the best after that.

Young male NGO staff

A number of interviewees who spoke about the election held the view that it may provide an opportunity for future change in Myanmar. These

individuals said they looked forward to the election and would prepare and hope for the best, although they acknowledged the government is likely to win a majority in parliament and thus control the first few years of Myanmar's experiment with democracy. Nevertheless, they believed the election is still an opportunity to advance their respective ethnic nationality agendas and to promote ethnic nationality leaders capable of speaking for the good of their ethnic group and Myanmar as a whole. To this end it was suggested that top-level ethnic leaders initiate dialogue amongst themselves and within and between their respective groups as a means of promoting both knowledge of and active participation in the democratic process. Some also perceived the potential for more grassroots participatory opportunities and the promotion of good governance, rather than just the government-backed promotion of so-called disciplined democracy.

The upcoming election will not be fair, but if the people don't participate, the election will surely be cheatable.

Participant in the "Elections Training" Project

To change the country we need power. Even in this situation, in which the government is giving an opportunity to compete for power, they [the government] are still fighting for power.

Older male INGO staff

After the election at least something will change. If the situation stays as it is now, we will have no change. There will be many military in the government.

Young female NGO staff

Some people felt that changes in the country are their responsibility and not just the government's alone. One Shan interviewee shared that "May be we can make little changes in politics... We are responsible to do for advocacy changes." Others see the bright side of the election particularly as an opportunity for awareness and education for the

people so that they will have an understanding about the process, how to engage in politics, and how to vote. These interviewees viewed the aforementioned opportunities as central roles and responsibilities expected of responsible democratic citizens. In this regard there was a wide call for civil society driven voter education initiatives, which is expanded on in the next section. Similarly, a Bamar shared that as a result of the election there will at least be legally binding rules and systems that the government must obey.

If we look at the bright side; right now everything is controlled by them, there is no system. The rules just come from their mouths. The bright side is the constitution will come into effect and it will bring rules and systems. They will not be able to operate outside the system; somehow they will be caught and it will be harder for them to do whatever they want. They will have to take the rules into account.

Middle-aged female NGO staff in Yangon

Some interviewees thought the elections were an opportunity to create and expand organisations and networks between various groups—ethnic, political, or otherwise. They observed that despite the presence of groups working to change Myanmar, such as NGOs (both international and local) and ethnic organisations, these groups rarely talk to each other and in some cases do not even share the same goal. Some called for regular meetings between networks and groups so that they can be a mechanism to present, pool, and coordinate ideas. Others called for groups and networks to work together towards the same goal while respecting differences in approach, including the content and level of society the approach is targeting.

In the constitution the military already has 25 per cent [of parliamentary seats at the national level]. The rest belongs to the people, but the leaders of the people are silent, they have no voice. Offenders and others all have different approaches. If they had one voice and the same goals, we might win the 75 per cent in the

election! Those who have a chance to get elected have to fight for it. The government might have opened the door, but the people must walk through it. They have to get in and fight for it. The grassroots also have to fight for it. They need to have the same goal even if they have different strategies... We need a multi-level approach. People need to continue to do their own work but they need to share the same goal. The system has already existed for 60 years, so without a multi-level approach things will not be change.

Older male INGO staff

Many maintained that animosity towards the government is not enough to induce positive, transformational changes. As several people pointed out, existing civil society has contacts and networks with moderates in the government and therefore may provide an entry point for civil society to collaborate with government on certain issues.

We need positive engagement [with the government]. We may like them or not like them, but we cannot neglect them because they are very important people. And the regime—for example in the Forestry [Department]—they are good people and they want to do good things for the people. We need to look differently at the government and regime.

Middle-aged male who works with a UN agency

I have friends in [the government regime] and they are good people. They want to do good things. Regime and government system are separate. They would like to do many things and cooperate with the international community and with the NGOs.

Middle-aged male NGO staff

Moreover, many also saw the lack of a unifying leader who is capable of gaining and maintaining the trust of the people as a primary obstacle to positive and transformational societal changes. During the *Ethnic People Speak* project, only four people mentioned Aung San Suu Kyi

(three ethnic nationality members and one Bamar), all of whom viewed her in a positive light, though it was acknowledged that her role in the elections and the first few years of democracy is likely to be restricted. It was suggested, however, that Aung San Suu Kyi should try to engage the democratic process by calling for dialogue amongst all opposition political parties so that they can form a united front against what many suggested will be a military dominated “democratic” government.

5. Civil Society has No Time or Opportunity to Prepare

A Rakhine interviewee felt that civil society was unlikely to have enough time and space to prepare for the, as of writing, unannounced election date. Concern was also expressed that civil society lacked the capacity to prepare for and actively participate in the election. Nevertheless, it was commonly expressed that there was a great and urgent need to build a strong, and according to one Rakhine interviewee, politically motivated civil society.

We really want civil society as a movement for change, but we have doubts because civil society needs to have much more interaction, stronger networks, and broader target areas. So far we have not seen media, journalists, as part of civil society. They never work together, but they are very important for change in this country. Even NGOs like peace organisations work only with other peace organisations. We need to cover all the sectors.... Whenever we talk of civil society people try to define it narrowly, but for us it is broad and inclusive and can be a strong force. Civil society needs to be politically motivated; they must have a political will.

Middle-aged male NGO staff

I think that in 2010, even though they [the government] will win without competition, we need to build a very strong civil society. If civil society is strong enough we can do many things, like training, education and human rights.

Young male NGO staff

For many, a politically motivated civil society also requires a consolidated and unified civil society. It was suggested that civil society organisations, which many said should include the business community, should regularly meet to discuss how their goals, visions and strategies overlap, where there is not enough work being done, and how organisations working on similar issues can collaborate for greater effectiveness. It was also suggested that civil society requires greater capacity to meet the challenge of becoming a politically motivated civil society, and this was identified as a potential avenue for international organisations to engage the democratic process in Myanmar.

Most important is for the international community or some organisation who can give awareness of politics and democracy. We need awareness and education. If all nations have awareness and education they can manage themselves.

Young male university student

There was also wide agreement that civil society should take a leading role in voter education and promoting democratic knowledge and awareness. It was widely acknowledged that an attitude change is required in Myanmar, with democratic knowledge and awareness along with voter education as a method of facilitating such an attitude change.

If we want to change this country we need to change personal attitudes. How much the leading person working to get democracy, they do their best, but if that person stays in power that is not true democracy. If we want true democracy we should change our attitudes. Democracy is suitable only for those kind of people. Without attitude change we will not have true democracy.

Son of a retired high-level government official

People cannot come up from the cycle of everyday struggle. They cannot even talk about; they are afraid of jail if they do talk about it. We need behavior change.

Middle-aged female INGO staff in Yangon

In the political way today, people need the mind that thinks of the people and not themselves. We need people with willingness to help the people.

Young male NGO staff in Yangon

To accomplish this, it was suggested that NGOs should seek out greater connections with media organisations, particularly regarding the dissemination of relevant materials generated by NGOs, such as a voter education manual or a copy of the constitution and election laws translated into the various major ethnic languages—all of which were specifically identified as realizable goals. It was also suggested such efforts be in part channelled through religious institutions, such a church organisations or influential Buddhist monks, as religious institutions are generally granted greater freedom in conducting social activities. To maximise such a campaign's reach and effectiveness, it was suggested that musical artists use their reach and influence to compose songs which promote social and political awareness and engagement. Social networking websites were also identified as potential avenues for dissemination of relevant materials, and as a method of initiating and organising networks and group discussions.

On the other hand, a number of negative forces were identified which may hinder a politically motivated civil society. It was widely acknowledged that the government may try to disrupt such consolidation within civil society as it may be seen as a threat to its power. Similarly, it was also acknowledged that there is not enough trust between civil society organisations and between CSOs and the people, which as some pointed out may in fact be a successful government strategy. A number of challenges were also identified regarding voter education, such as the lack of a common language and illiteracy. Finally, a lack of resources,

both technical and financial, was identified as a major hurdle to a consolidated and politically motivated civil society and is another potential entry point for international organisations.

6. *Election May Not Happen*

There were only four interviewees from the *Ethnic People Speak* project who contended the election will not happen. One of the cited reasons for this is that the election will be disrupted by non-participating opposition political parties. Another perspective held the government will repeat their refusal to honour election results, as they did in 1990. The interviewee who held this view said, “I don’t believe the election will happen, but I pray it will. In 1990 the winner was the NLD and even though they won, they did not get power. The government still keeps control and continues to take power and authority despite international pressure.” Another interviewee shared that he does not believe the election will happen because the government, specifically the ruling generals, cannot guarantee an agreeable outcome—that is, the continuation of military dominance in government structures.

I see one scenario that could happen. I am not sure the election will happen or not and no one can tell. But if we see the situation from the generals’ viewpoint as well, they are not secure in themselves because they don’t believe each other and don’t trust each other. In this country, if you move [your loyalty] from one [military] person to another you can be arrested. If the situation is not safe, the election could be continuously postponed for many years, like they postponed them since the 1990 election. The election may happen but on the other hand it may not because of their insecurity.

Two middle-aged male NGO staff

I see potential for more IDPs and fighting after 2010. I think [fighting] will be ever present, and so another generation will be lost.

Middle-aged man from Loikaw

We have hope from the very beginning that this election would be the start of change of the country leadership, but at the same time we also have fear that conflicts and threats might happen.

Civil society leaders, "Elections Training" project

Another perspective, which was only held by one individual, was that the election should not happen because it carries with it a danger for increased tension, conflict and violence. This person contended that it was more desirable to remain in negative peace—the absence of violence—than risk a devolution in peace by moving towards democracy, a competitive paradigm which may in turn increase the potential for violence.

Conclusion

What have been presented in this report are the views of members of civil society inside Myanmar, not the perspectives of CPCS. The Centre has chosen not to draw any specific conclusions from this report, allowing the voices of those inside Myanmar to stand on their own. Nevertheless, the Centre believes there are some principles which might guide international engagement with Myanmar's 2010 election.

While it is almost certain that the 2010 election will not meet international standards, it is an opportunity to expand the space and roles for civil society. Statements condemning the election should not be made without meaningful attempts to engage domestic civil society throughout the election process. The international community should not rely solely on the perspectives of outsiders. In this respect the international community should make every effort to visit Myanmar to monitor what is happening on the ground. It is suggested that dialogue with local civil society be maintained as a means of monitoring the process in its entirety—not just vote observation and monitoring. This engagement with civil society should serve as the basis for policy formation. Further, governments and organisations should find creative ways to engage the election process without endorsing it. Examples of engagement include voter conscientisation, technical and financial support to Myanmar civil society groups engaged in non-political election activities and exchange visits between political parties and MPs in other countries to widen the experience of candidates.

Importantly, the international community should not allow the election to distract from efforts to address the variety of critical and pressing issues challenging Myanmar today. These include a country-wide humanitarian crisis, ongoing ethnic armed conflict and widespread human rights violations and poverty. The international community should use the election as an opportunity to refocus their energy on these specific areas which desperately need to be addressed.

Appendix One: List of Registered Political Parties

The following is excerpted from the International Crisis Group's "Myanmar Elections" briefing, No 105 issued on 27 May 2010^{26 27}:

1. 88 Generation Student Youths (Union of Myanmar)
2. All Mon Region Democracy Party
3. Chin National Party
4. Chin Progressive Party
5. Democracy and Peace Party
6. Democratic Party (Myanmar)
7. Difference and Peace Party
8. Ethnic National Development Party (ENDP)
9. Inn National Development Party
10. *Kachin State Progressive Party*
11. Kayan National Party
12. Kayin People's Party
13. *Khami National Development Party*
14. Kokang Democracy and Unity Party
15. Lahu National Development Party
16. Modern (or New Era) People Party
17. *Mro National Party*

²⁶ International Crisis Group, "Elections", p. 18.

²⁷ In alphabetical order, as of 24 May 2010. Parties in italics have not yet been given election commission approval to register.

18. Mro or Khami National Solidarity Organisation (MKNSO)
19. Myanmar Democracy Congress
20. Myanmar New Society Democratic Party
21. National Democratic Party for Development
22. National Political Alliances League
23. National Unity Party
24. *Northern Shan State Progressive Party*
25. Pa-O National Organisation (PNO)
26. Phalon-Sawaw Democratic Party
27. Rakhine Nationalities Development Party (RNDP)
28. Rakhine State National Force of Myanmar
29. *Regional Development Party (Pyay)*
30. Shan Nationals Democratic Party
31. Taaung (Palaung) National Party
32. Union Democracy Party
33. Union Kayin League
34. Union of Myanmar Federation of National Politics
35. Union Solidarity and Development Party
36. United Democracy Party (Kachin State)
37. *United Democratic Party (UDP)*
38. Wa Democratic Party
39. Wa National Unity Party
40. Wunthanu NLD (The Union of Myanmar)

Appendix Two: Summary of Electoral Legislation

The following is excerpted from the International Crisis Group's "Myanmar Elections" briefing, No 105 issued on 27 May 2010.²⁸ It has been included herein for its thorough summation of key electoral legislation:

This condensed overview of the most important provisions in each of the new laws notes which are based on earlier precedents and which are new. The following legislation has been promulgated (official, but non-authoritative English translations have been issued for the five laws, but not for the bylaws):

1. Union Election Commission Law
(SPDC Law no. 1/2010)
2. Political Parties Registration Law
(SPDC Law no. 2/2010)
3. Pyithu Hluttaw (lower house) Election Law
(SPDC Law no. 3/2010)
4. Amyotha Hluttaw (upper house) Election Law
(SPDC Law no. 4/2010)
5. Region Hluttaw or State Hluttaw Election Law
(SPDC Law no. 5/2010)
6. Bylaws under laws no. 2-5.

1. Union Election Commission Law

- Essentially repeats the provisions in §§398-403 of the 2008 constitution (can be seen as setting out interim arrangements consistent with the constitution, since the constitution is not yet in force).

²⁸ International Crisis Group, "Elections", p. 18-20.

- Provides that election commission members are appointed by the regime (which has already been done).
- Empowers election commission to designate constituencies, compile voter lists.
- Empowers election commission to postpone/cancel elections in constituencies for reasons of natural disaster or lack of security.
- Provides for the election commission to form election tribunals to hear electoral disputes and objections.
- Section 8(k) gives the election commission powers to regulate the activities of political parties; no such provision was in the 1988 law; this is seen as intrusive by many in opposition, including the NLD.
- Repeals the 1988 Multi-party Democracy General Elections Commission Law (SLORC Law no. 1/88).

2. Political Parties Registration Law (and Bylaws)

- New parties need at least fifteen people as “organisers”, who must sign a declaration (§4) that they meet that the stipulated requirements relating *inter alia* to citizenship, age (at least 25), not being a member of a religious order, not being a civil servant, not being a prisoner (§4e), not being a foreigner or naturalised citizen of a foreign country, etc.
- “Prisoner” is defined in the same terms as in the 1989 Pyithu Hluttaw Election Law and the 2008 constitution, as “a person serving a prison sentence resulting from a conviction in a court of law”.
- The citizenship requirement is rather inclusive: citizens, associate citizens, naturalised citizens and holders of temporary (non-citizen) registration certificates can all form or join political parties.
- At the time of applying for registration, parties must submit details on their manifesto/policies and constitution and

structure (§5b,c). These may only be changed with advance permission of the commission (Bylaws §24).

- Parties must declare that they will “safeguard the constitution” (§6c), seen as a problematic provision by those who have been critical of the constitution and the manner of its drafting. (Under the Bylaws, Form E-1, existing parties that wish to continue their registration need only make a general commitment to adhere to the provisions of the present law).
- Party organisers and members must be free of foreign interference (§6f). This sub-section broadens the original characterisation of foreign interference in the 1988 law (§3d) to include “influence” (the Burmese expression used has a very broad meaning) and “direct or indirect” support from foreign countries or organisations. (§407c of the 2008 constitution does not include the term “influence”).
- Within 90 days of registration, parties contesting at the national level must have signed up 1,000 members and regional parties 500 members. Members must meet the same citizenship requirements, be of age (eighteen) and meet the other requirements as for organisers (§10). This includes the requirement that party members not be presently serving a prison term resulting from a conviction in a court of law (§10e); this is more restrictive than the 2008 constitution, which contains no such provision (see §407).
- The election commission must be provided with lists of party members per township (on a detailed prescribed form, including all particulars of each member). (Bylaws §13 and forms H and H-1 and their attachments).
- Parties are responsible for expelling members who do not meet the stipulated criteria. Failure to do so (or to meet the other listed requirements) shall result in deregistration (§12a).

²⁹ Election Commission Announcement No. 337 of 5 December 1989, requiring each registered political party to contest at least here Pyithu Hluttaw seats.

- There is a party registration fee of K300,000 (about \$300) (Bylaws §7b).
- Parties must contest at least three legislative seats (in any of the three legislative assemblies). [§12(a)(i); see also Bylaws §16]. The same provision was introduced in advance of the 1990 elections.²⁹
- Parties face deregistration if they have direct or indirect contacts with armed insurgent groups, terrorists or unlawful associations [§12(a)(iii)]. This repeats a provision of the 2008 constitution (§407b). There was no such provision in the 1988 law, although a similar provision in the 1989 Pyithu Hluttaw Election Law (§10h) applied to those standing for election.
- Parties are permitted to operate commercial enterprises as a source of funds [§15(a)(iii)], a new provision.
- The election commission is given wide powers to regulate the activities of political parties (§24b). No such powers were given explicitly in the 1988 law, but it did evolve such powers by the time of the 1990 elections.
- There are limits to the amount that a party may spend as a whole, and per legislative candidate, within each legislative term (§16). The maximum expenditure per candidate is K10 million (about \$ 10,000) (Bylaws §21).
- If a party disbands or is deregistered, assets (both funds and property) revert to the state (§19, read together with §2j). This provision is without precedent.
- Decisions of the election commission are final and conclusive (§20), as previously (1988 law, §8).
- Existing parties are required to apply to the election commission within 60 days of enactment (by 6 May 2010), if they wish to continue to be registered (§25, and Bylaws §8, Form E-1).
- Repeals the 1988 Political Parties Registration Law (SLORC Law No. 4/88).

3. Pyithu Hluttaw Election Law (and Bylaws)

- Almost all provisions are carried over verbatim from the 1989 law. Exceptions are: number of constituencies, right of temporary registration card-holders to vote and standards of conduct for electoral officials.
- Pyithu Hluttaw (lower house) constituencies (330) are approximately identical to townships, (§4); there are 325 townships; the five most populous will be split into two constituencies.
- Eligible voters are citizens, associate citizens, naturalised citizens and holders of temporary (non-citizen) registration certificates who have reached age eighteen, are on the electoral roll and are not members of a religious order, currently serving a prison term, of unsound mind, undischarged insolvents, foreigners or naturalised citizens of a foreign country.
- To stand for election, candidates must be 25 or over, have lived the previous ten years continuously in Myanmar, be citizens born of parents who were both citizens and not violate the other constitutional restrictions on candidates (§§8, 10).
- Candidates are required to pay a registration fee of K500,000 (about \$500) (Bylaws §18c).
- Criteria for listing on the electoral roll are fairly inclusive, including of “those outside the country with government permission” (§14); the electoral roll is published in advance to allow errors and omissions to be corrected, with the possibility of appeal to the township-level election commission (§§16-18).
- Independent candidates are possible (§9); appointment of election agents is possible as in 1990 (self, or a nominated person meeting the requirements to stand for election) (§§29-30).
- Date of election to be determined by election commission (§34c), as in 1990 (1989 Law, §28c).

- Voting is by secret ballot, as before (§35). Advance voting procedures are as in 1990 (§§45-46). Those outside the country vote in advance (§47).
- Counting is to take place at each polling station in the presence of electoral agents and members of the public, as in 1990 (§48).
- Election commission officials are granted functional immunity (§87); an identical provision was in the 1989 Law (§80).
- Standards of conduct of electoral officials are set out (§§82, 83); these provisions are new.
- The results of the 1990 elections are declared void (§91b).
- Repeals the 1989 Pyithu Hluttaw Election Law (SLORC Law no. 14/89).

4. Amyotha Hluttaw Election Law (and Bylaws)

- Amyotha Hluttaw (upper house) consists of twelve elected representatives (plus four military appointees) from each of the fourteen regions and states (§3), as provided in the 2008 constitution.
- Amyotha Hluttaw constituencies are based on the combination or subdivision of townships according to a prescribed procedure (§4).³⁰
- Candidates for election must meet the same requirements as for election to the Pyithu Hluttaw, except that they must be aged at least thirty [§8(a)(i)].
- All other provisions are in line with the Pyithu Hluttaw Election Law.

5. Region Hluttaw or State Hluttaw Election Law (and Bylaws)

- Region/state legislatures are based on two constituencies per township (formed with approximately equal population without splitting wards/village tracts), plus one constituency

³⁰ There are four states and one region—Chin, Kayah, Kayah, Mon and Tanintharyi—that have less than 12 townships, and in these cases a number of the most populous townships will be divided into two Amyotha Hluttaw constituencies; all other states and regions have more than 12 townships, and in these cases a number of the least populous townships will be combined to form single Amyotha Hluttaw constituencies.

corresponding to the whole state/region for election of ethnic candidates under section 161(b, c) of the constitution (§§3, 4).

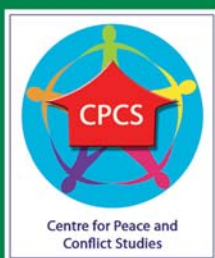
- Eligibility requirements on candidates for election are the same as for the Pyithu Hluttaw, including age (§8, 10).
- Voters who are eligible to elect ethnic candidates under section 161(b, c) of the constitution may vote once for their chosen township constituency candidate and once for their chosen ethnic candidate (§44).
- All other provisions are in line with the Pyithu Hluttaw Election Law.

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