
ELECTION MONITOR NO. 37

RIGHTS TO ASSEMBLE AND CANVASS FOR HLUTTAW CANDIDATES

The following is Notification No.91/2010 issued by the Union Election Commission (UEC) regarding the right to assemble and canvass for Hluttaw candidates.¹

**The Union of Myanmar
Union Election Commission
Nay Pyi Taw
Notification No.91/2010
8th Waxing of Wagaung 1372 ME
(18th August 2010)**

Rights for Hluttaw candidates to assemble and canvass

1. The Union Election Commission already issued Notification No.89/2010 dated 13-8-2010 stating that multiparty democracy general elections for the respective Hluttaws will be held on 7 November 2010. With Notification No.90/2010 dated 13-8-2010, the Commission also announced the starting and last dates for submission of Hluttaw candidate list, the date to scrutinize applications of candidates and the last date to withdraw applications of candidates if needed.
2. Hluttaw candidates representing political parties and independent Hluttaw candidates who submit lists of Hluttaw candidates to stand for elections of respective Hluttaws and their representatives, shall follow the methods described in this Notification if they wish to present their policies, stances and work programmes and causes through talks or in writings for their candidates to win.

Procedures to be taken

3. Hluttaw candidates and election representatives may take following procedures in order that their Hluttaw candidates can win.
 - (a) assembling and giving talks at a designated place with the permission of the sub-commission concerned
 - (b) distributing and presenting publications

Applying for permission for assembling and giving talks

4. Hluttaw candidates and election representatives who wish to assemble and give talks at the designated places shall have to apply to the sub-commission concerned as mentioned hereunder seven days in advance.
 - (a) the state or division sub-commission concerned for the township where state or division sub-commission office is based
 - (b) the district sub-commission concerned for the townships where district sub-commission office is based
 - (c) the township sub-commission concerned for the remaining townships except the townships mentioned in sub-Paras (a) and (b)
5. Assembling and giving talks at the party headquarters and branches shall be reported in advance to the sub-commissions concerned and it is no need to apply for the permission.
6. **Those entitled to apply:** In applying for the permission according to Para-4, a Hluttaw candidate concerned or his election representative will have to sign the application.
7. **Points to be included in the application:** In applying for the permission, Hluttaw candidates and election representatives concerned shall have to apply mentioning that they shall assemble and give talks in accord

¹ Rights to assemble and canvass for Hluttaw candidates - <http://www.burmalibrary.org/docs09/NLM2010-08-19.pdf> (NLM) 19 August 2010

with the prohibitions, provisions included in the permission and principles. In addition, they shall have to include the following detailed points in the application.

- (a) planned venue
- (b) planned date
- (c) starting time and finishing time (estimate)
- (d) number of attendees (estimate)
- (e) the name, NRC No. and address of a speaker or speakers
- (f) the name, NRC No. and address of the applicant

8. **Sub-commission's scrutiny:** With regard to applying for permission according to Paras 4, 6 and 7, the sub-commission can

- (a) issue the permission or reject the application after scrutinizing the application as necessary.
- (b) The following points shall be stated in the permission order when issued:
 - (1) Permitted date and place
 - (2) Starting time and finishing time
 - (3) Name, NRC No. and address of a permitted speaker or speakers
- (c) In issuing the permission, the points prohibiting the act of holding flags and shouting slogans in procession in going to the designated place for the assembly and talk and the points stating to disperse without shouting slogans in procession shall be stipulated.
- (d) The following points shall be stipulated as necessary in issuing the permission:
 - (1) Not to cause any disturbances to public places such as government offices, organizations, factories, workshops and work places, markets, sports grounds, religious places, schools and hospitals
 - (2) Not to exceed the seating capacity if the venue of the assembly and talk is a building or hall. (To take the responsibility of ensuring that there is no public assembling outside the building or hall)
 - (3) If the venue of the assembly and talk is an open ground, its holding capacity shall not be exceeded.
 - (4) Not to hold or carry any sticks, swords, weapons and ammunition and other harmful items
 - (5) Not to disturb the traffic and block roads
 - (6) To amplify the sound box to the degree that is just enough for the permitted hall or ground in order not to cause any disturbances to the surrounding areas
 - (7) Sound amplification system shall be according to the existing laws and principles
 - (8) Other necessary stipulations
- (e) Permit shall be issued 48 hours prior to the time of the commencement of the assembly and talk. Any rejection to the permit shall be informed 48 hours prior to the time of the commencement of the assembly and talk together with the reason to do so.
- (f) If necessary for ensuring of security, the rule of law and community peace, the provisions stipulated in this Notification shall be amended or revoked.
- (g) Allowable public places in the regions concerned for assembly and giving public talks shall be designated in advance in coordination with the Peace and Development Councils concerned.
- (h) Coordination shall be carried out in order that the Peace and Development Councils concerned and security forces can safeguard assembling and giving public talks.

- (i) Coordination shall be carried out in order that the Peace and Development Councils concerned and security forces can take necessary preventive measures against any threats to security, the rule of law and community peace.

Rights to publish publications

9. If candidates and election representatives want to publish and distribute papers, books and pamphlets on their policies, stances and programmes for public knowledge, they shall follow the 1962 Printers and Publishers Registration Law and the stipulations in Directive No (42) dated 17 March 2010 issued by the Central Supervisory Committee for Printers and Publishers Registration and Scrutinization under the Ministry of Information.

Restrictions

10. Candidates and election representatives shall not breach any of the following restrictions in assembling, giving public talks and distributing publications.
 - (a) activities that can harm Non-disintegration of the Union, Non-disintegration of national solidarity and Perpetuation of sovereignty,
 - (b) activities that can harm security, the rule of law, community peace,
 - (c) disobeying the State Constitution of the Union of Myanmar and existing laws,
 - (d) giving public talks and distributing publications with the intention of inciting sedition or tarnishing the image of the State,
 - (e) giving public talks and distributing publications with intent to break up or tarnish the image of the Tatmadaw,
 - (f) distributing publications, giving public talks or organizing people to provoke racial, religious, individual or public conflicts, or harm dignity and morals,
 - (g) misusing religion for political gains,
 - (h) instigating riots and distributing publications with intent to harm peaceful learning,
 - (i) instigating riots and distributing publications with intent to incite service personnel not to discharge their duties well or take to the streets against the government,
11. Candidates and election representatives shall not breach the existing laws, and restrictions contained in this Notification and stipulations of the permission in assembling and distributing publications to present their policies, stances and programmes.
12. Any candidate or election representative is liable for action taken in accordance with Political Parties Registration Law and the Election Laws concerned in addition to existing law if they disobey any of the restrictions contained in this Notification, or stipulations prescribed in the permission.
13. Therefore, it is hereby announced that candidates and election representatives are to honour this Notification in assembling, giving public talks and distributing publications for their candidates to win in the elections, to ensure that the multiparty democracy general elections due to be held in 2010 are free and fair.

By order
Sd/Thein Soe
Chairman
Union Election Commission

NEW APPLICATION TO FORM A POLITICAL PARTY APPROVED

The following group has been approved by the Union Election Commission (UEC) to form a political party:

1. People's New Society Party (PNSP) (17 August 2010) Date approved

To date, 47 parties have submitted applications to form and to subsist as political parties.²

NEW APPLICATION TO REGISTER AS A POLITICAL PARTY APPROVED

The following group has been approved by the Union Election Commission (UEC) to register as a political party:

1. Kayin State Democracy and Development Party (KSDDP) (19 August 2010) Date approved

To date, of the 42 parties that have submitted applications to register as a political party, 41 have been granted permission to register by the UEC.³

RECENT SUBMISSIONS OF POLITICAL PARTIES' MEMBER LISTS TO UEC

The following parties have submitted the lists of their party members to the UEC:

1. Kayin State Democracy and Development Party - (19 August 2010) Date Submitted⁴
2. Shan Nationalities Democratic Party - (17 August 2010) Date Submitted⁵
3. Union Solidarity and Development Party - (18 August 2010) Date Submitted⁶

To date, 19 of the registered political parties have submitted member lists to the UEC.

UEC MEMBERS MEET ELECTION SUB-COMMISSIONS IN KACHIN STATE

UEC Members U Myint Naing and U N Zaw Naw held a coordination meeting with State/District/Township/Ward/Village-tract election sub-commissions in Kachin State at the town hall of Myitkyina on 11 August. It was also attended by Chairman U Nyunt Shwe of Kachin State sub-commission, Secretary U Kan Win and members, chairmen and members from Myitkyina, Mohnyin, Bhamo, and Putao districts, township and ward/village-tract sub-commissions. At the meeting, UEC member U Myint Naing made an opening speech, followed by State commission Chairman U Nyunt Shwe who reported on progress of work, as well as secretary U Kan Win who reported on Pyithu Hluttaw, Amyotha Hluttaws, State Hluttaws and designation for National Races constituencies. District commission chairmen reported on the progress of work and secretaries of township sub-commission reported on the collection of voters, polling stations and polling boxes. U Myint Naing also discussed the matters presented by sub-commission members.⁷

SECRETARY OF KAYAH STATE ELECTION SUB-COMMISSION MEETS TOWNSHIP/WARD/VILLAGE SUB-COMMISSIONS

Secretary of Kayah State Election Sub-commission U Khin Maung Yi met members of Dimawhso Township and Ward/Village Election Sub-commissions, polling booth officers, deputy polling booth officers and members in Dimawhso on 19 August and called for the timely completion of polling stations in time for the elections and also elaborated on duties and functions to be carried out at the stations. During the tour U Khin Maung Yi also witnessed a demonstration session on the work of the election polling station and procedures.⁸

² Application for registration as political party scrutinized, passed - <http://www.burmalibrary.org/docs09/NLM2010-08-18.pdf> (NLM) 18 August 2010

³ Application for registration as political party scrutinized, passed - <http://www.burmalibrary.org/docs09/NLM2010-08-20.pdf> (NLM) 20 August 2010.

⁴ Political parties submit lists of members to UEC - <http://www.burmalibrary.org/docs09/NLM2010-08-20.pdf> (NLM) 20 August 2010.

⁵ Political parties submit lists of members to UEC - <http://www.burmalibrary.org/docs09/NLM2010-08-18.pdf> (NLM) 18 August 2010

⁶ Political parties submit lists of members to UEC - <http://www.burmalibrary.org/docs09/NLM2010-08-19.pdf> (NLM) 19 August 2010

⁷ UEC members meet election sub-commissions in Kachin state - <http://www.burmalibrary.org/docs09/NLM2010-08-19.pdf> (NLM) 19 August 2010

⁸ Secretary of Kayah State Election Subcommission meets township/ward/village-tract sub-commissions - <http://www.burmalibrary.org/docs09/NLM2010-08-20.pdf> (NLM) 20 August 2010

POLLS LIKELY TO BE DOMINATED BY THREE PARTIES

Ohn Lwin, Vice-Chairman of the Union of Myanmar Federation of National Politics (UMFNP) party, has tipped the Union Solidarity and Development Party (USDP), National Unity Party (NUP) and the National Democratic Force (NDF) to dominate the 7 November general elections. According to Ohn Lwin, the three parties are financially established and have a vast number of members. This, he said, has provided the three parties with a major advantage over other registered parties. The NUP, with its membership based on the defunct Burma Socialist Programme Party (BSPP) and the NDF with support of some NLD loyalists, will no doubt pose a threat to the USDP, although many observers believe that the outcome of the elections is a foregone conclusion. The UMFNP, on its part, is planning to contest in the Amyotha (National) Hluttaw and Region/State Hluttaw elections according to party sources⁹.

ANALYSIS

With parties already facing the daunting task of raising funds, the recent announcement by the UEC to restrict the rights to assemble and canvass for Hluttaw candidates has been greeted with strong and negative comments. They are seen as tools to reduce and eliminate all possible threats to the junta-backed USDP. Looking at the present state of play, and taking into account all that has taken place, the elections results are likely to be dominated by the USDP.

⁹ Polls likely to be dominated by three parties - <http://www.myanmar.mmtimes.com/2010/news/480/news06.html> (Myanmar Times) 15 August 2010