

ELECTION MONITOR NO. 50

ELECTED CANDIDATE FILES VOTING FRAUD CASE

U Thein Zaw Nyunt, a representative-elect for the National Democratic Force (NDF) in Thongwa/Cocogyun/Kayan constituencies, Yangon Region has filed a case at Thongwa Police Station under Article 13, Para 59 and Para 63 of Chapter XIII on Election Offences and Penalties of the Amyotha Hluttaw (Upper House) Election Law. The case was filed against Union State and Development Party (USDP) officials and polling station officers from No.9 Thongwa polling station who are alleged to be involved in electoral fraud and other voting malpractices at the polling station to assure victory for the USDP candidate. Although the final outcome favoured Thein Zaw Nyunt, the NDF representative-elect is far from happy and has thus taken the decision to file a lawsuit. As relevant documents together with other vital information have been submitted within the 15 days as stipulated in the election law, the Regional Election Commission has in principle agreed to hear the case accordingly.¹

NUP PLEDGES TO WORK WITH LIKE-MINDED PARTIES

The National Unity Party (NUP), which gained 64 seats in the 7 November elections, has pledged to work with other opposition parties in the parliamentary assemblies to be formed under the 2008 Constitution. According to NUP spokesman U Han Shwe, "We will strive to implement the policies as stated in the party's election manifesto and focus on achieving national unity as one of its main priorities." He also added that the NUP had laid down a firm commitment to participate in a multi-party democratic system and thus the party wished to see the 2008 constitution implemented fully. In this regard, the NUP is prepared to work with other opposition parties in achieving these goals. While no date has been set to convene the first session of the Pyithu Hluttaw (Lower House), many expect the announcement to be made soon.²

TWO ELECTED MINISTERS MEET WITH RNDP DELEGATES

Two recently elected ministers from the military government, U Aung Thaung, Minister of Industry - 1 and U Thein Swe, Minister of Transport, met informally with members of the Rakhine National Development Party (RNDP), which won 18 seats in the Rakhine Regional Assembly elections. The two ministers met RNDP Chairman Dr. Aye Maung and primarily discussed the issue of development in Rakhine State. Dr. Aye Maung said that the RNDP is ready to cooperate with any political party for development of Burma providing that it was not conflicting with the people's interests. The details of the discussions will be discussed at the next RNDP party central committee meeting from 2 - 3 December. The RNDP party is the second-most successful ethnic political party in Burma after the Shan Nationalities Democratic Party (SNDP) which won 50 seats in the election. According to a political analyst from Sittwe, the meeting between the ministers and the RNDP was intended to test the policy of the RNDP after the election.³

POLITICAL PARTIES MAKE PLEDGE TO CONTINUE THEIR EFFORTS IN PROMOTING DEMOCRACY

At a press conference held at the headquarters of the Democratic Party (Myanmar - DPM) on 19 November, members of the Wunthanu (NLD) party, the Peace and Diversity Party and the

¹ Elected candidate files voting fraud case - http://www.rfa.org/burmese/news/election_freud_sue-11242010124303.html (RFA) 24 November 2010

² NUP pledges to work with like-minded parties - http://www.bbc.co.uk/burmese/burma/2010/11/101126_postelection.shtml (BBC) 26 November 2010

³ Two elected ministers meet with RNDP delegates - <http://www.narinjara.com/details.asp?id=2807> (Narinjara) 27 November 2010

Democratic Party (Myanmar) pledged to continue their work as democratic forces. DPM party chairman U Thu Wai said that the purpose of holding the press conference was to inform the public of the party's present position and its political agenda which it plans to pursue. U Tun Shwe of the Wuthanu (NLD) added that when calls for change were being echoed, it was imperative for many political parties to contest the polls in order for a multi-party democracy system to take shape. Furthermore, he went on to add, the 7 November elections were not the last and there would be more to come. U Myo Nyunt of the Peace and Diversity Party said "We will continue to work and support the political process and take part in activities to promote democracy even though we will not be seated in the parliamentary assemblies – we will continue to exist as a political force."⁴

NEW RULES RESTRICT FREE SPEECH IN BURMESE PARLIAMENT

Freedom of speech for members of parliament in Burma will be restricted under laws that dictate the functioning of the newly elected government. The recent announcement made in an official gazette, though yet to be widely disseminated, comes with a two-year prison term for any protest staged within the parliament compound. The laws, signed by junta chief Senior-General Than Shwe, stipulate that parliamentarians will be allowed freedom of expression unless their speeches endanger national security, the unity of the country or violate the Constitution. Apart from lawmakers, all unauthorised entry into parliamentary sessions will lead to a one-year prison term and a fine.⁵

ANALYSIS

It must be acknowledged in this analysis that the activities of pro-democracy leader Aung San Suu Kyi and the recent video footage posted on the internet of the former Prime Minister and intelligence chief General Khin Nyunt⁶ have dominated the news inside the country and have overshadowed any election-related news or information.

The election results have yet to be officially confirmed by the Union Election Commission (UEC), nevertheless a law prohibiting freedom of speech within parliamentary assemblies was announced in an official gazette recently. Elected representatives have criticised that the new law violates basic democratic values and that the authorities had failed to inform them prior to its introduction. Unpredictable as they may seem, post-election times will neither be transparent nor democratic under the present circumstances. At best, all that the elected candidates and opposition parties can expect and hope for is the opportunity to promote their interests in a limited manner, since it will not be 'Western-style democracy' but 'disciplined democracy'.

While many election related issues still remain unanswered, the military, on its part, will continue to adhere to its much criticised "political roadmap" and, to that end, has achieved the fifth step of holding elections. The next and sixth step of "convening of Hluttaws attended by Hluttaw members in accordance with the new constitution" will become the focus of attention in the coming weeks ahead. As prescribed in the constitution "*the first regular session of the Pyithu Hluttaw shall be held within 90 days after the commencement of the general election.*" The convening of the first session and the manner in which it is conducted will provide a glimpse of the realities for Burma and its people in the years to come.

⁴ Political parties make pledge to continue their efforts in promoting democracy - <http://www.myanmar.mmtimes.com/2010/news/494/news05.html> (Myanmar Times) 27 November 2010

⁵ New Rules Restrict Free Speech In Burmese Parliament - http://www.irrawaddy.org/article.php?art_id=20199 (AP/Irrawaddy) 27 November 2010

⁶ Video of Ex-Spy Chief Baffles Burma Watchers - http://www.irrawaddy.org/article.php?art_id=20201 (Irrawaddy) 27 November 2010