

ELECTION MONITOR NO.51

NLD REPORT DOCUMENTS ELECTION FRAUD

The National League for Democracy (NLD), led by Aung San Suu Kyi, has completed a draft report that documents cheating and unfair practices in the recent elections held on 7 November and the party's central executive committee has approved the report, according to NLD leader Han Thar Myint. "The cases are coming mostly from individual candidates because they were more oppressed in the election than political parties," said Han Thar Myint, who added that individual candidates who submitted complaints on the 7 November elections had to provide concrete evidence substantiating their complaints. One such candidate filing a complaint is Dr. Saw Naing, a 42 year-old dentist, who contested as an independent in South Okkalapa constituency in Yangon Region. Initial vote counts indicated a victory for Saw Naing over his USDP rival Aung Kyaw Moe. The result, however, was reversed and the junta-backed USDP candidate was declared as winner in an announcement made on state-run media. "If the regime is not going to discuss the NLD report, I will be dissatisfied. I want the regime to review the report and discuss it with the candidates," said Saw Naing. In addition to submitting his case to the NLD for inclusion in its report, Saw Naing signed a complaint letter and sent it to junta chief Senior-General Than Shwe on 29 November. He also wishes to sue the EC in court, but in order to sue the EC or an opposing political party, the complaining candidate must pay a 1 million kyat (US \$1,150) court fee. As a result, no candidate has thus far been able to afford to file a lawsuit.¹

WE WILL SPEAK OUT, SAY ETHNIC LEADERS

Several ethnic leaders who won parliamentary seats in the 7 November general elections have said that they will not allow restrictions on free speech in the new parliament to block their political activities. The laws, which were reportedly authorized by Senior-General Than Shwe, stipulate that parliamentarians in the new (Amyotha Hluttaw) Upper and (Pyithu Hluttaw) Lower Houses will only be allowed freedom of expression in parliament if they do not "threaten national security, the unity of the country or violate the Constitution." The parliamentary restrictions have not yet been made public by Burma's ruling military junta. The new laws include a two-year prison term for anyone who protests in the parliament or its compound or physically assaults a lawmaker. Dr. Aye Maung, Chairman of Rakhine Nationalities Development Party (RNDP), who has stated publicly that he wants to air his views about federal and ethnic issues in the new parliament, said that no one wants to disintegrate the unity of the country or provoke a civil war. He said that elected representatives of the RNDP will speak in the new parliaments within the framework of the Constitution. Naing Ngwe Thein, Chairman of the All Mon Region Democracy Party (AMDP), said that the ethnic leaders will do whatever is needed to promote the interests of their people and would raise issues of importance to meet these ends. "If we are afraid to speak, nothing will ever change", he added. Pu Zo Zam, Chairman of the Chin National Party (CNP), said that the formation of a "new disciplined parliament" is a necessity, for there would be fighting or wrestling in the parliament if there is no rule of law. The Inn National Development Party (INDP), which fielded five candidates in the election and won all five seats, has stated that it would agree with the government rules. According to INDP Chairman Aung Kyi Win, "We formed this party to protect our literature, our culture and our ethnicity and will follow whatever the government says. We feel that is our responsibility." The Shan Nationalities Democratic Party (SNDP), which won the most constituencies in Shan State, has refused, however, to comment on the new laws.²

¹ NLD Report Documents Election Fraud - http://www.irrawaddy.org/article.php?art_id=20223 (Irrawaddy) 30 November 2010

² We Will Speak Out, Say Ethnic Leaders - http://www.irrawaddy.org/article.php?art_id=20215 (Irrawaddy) 30 November 2010

USDP TURNS EYES TO SHAN STATE

The victorious party in Burma's recent elections has met with a prominent Shan party days after analysts claimed it was looking to court ethnic groups prior to taking power. The Union Solidarity and Development Party (USDP), led by Prime Minister Thein Sein, won 76 percent of vote of the 7 November elections, thus giving it a clear majority in parliament. But this appears to have done little to ease concerns about the clout of ethnic parties in a country where more than 30 percent of the population is non-Burman. "The USDP's secretary Htay Oo proposed a good-will meeting, so our chairman [Sai Ai Pao] went to see them," said Saw Than Myint, the SNDP's MP-elect in Kachin state. "They want to become friendly with ethnic parties that will become part of the parliament." He added, however, that the two parties "did not discuss forming an alliance – it's a bit early for that", with the first session of parliament not due to convene until February next year. With the SNDP ostensibly representing the interests of the Shan ethnic group, the USDP appears keen to shore up support there prior to taking office. But the SNDP has said it will ally itself to four other ethnic parties from Rakhine, Chin, Mon and Karen states. Saw Than Myint said the alliance hadn't yet reached a formal agreement, but would look to "negotiate... together to bring equal ethnic rights".³

SHAN PARTY CONSIDERS PUSHING HUMAN RESOURCES BILL

The Shan Nationalities Democratic Party (SNDP), the second winning party in Shan State, is considering drafting a human resources bill to bring before the first legislature in 22 years, according to a party executive committee member. Citing the country's weakness in human resources capabilities as well as inadequacies in state health care, the party plans to focus on developing these sectors, said a CEC who asked not to be named. The party intends to pursue the opportunities to promote the right to conduct freely all ethnic nationalities' cultural and literary activities and to that end would work hand in hand with other parties on the basis of equality and conciliation. Detailed discussions on these priorities will be discussed at the next party meeting scheduled to take place from 11 to 15 December in Taunggyi, Shan State. Recently Minister for Industry, U Aung Thuang, and Minister for Construction and Electric Power U Khin Maung Myint, met SNDP officials in Muse and Lashio on two separate occasions, while SNDP Chairman Sai Ai Pao reportedly met with USDP General-Secretary Htay Oo in Yangon on 16 November. "The meetings were seen as goodwill and to promote friendship between us before the parliamentary sessions begin," said SNDP Vice-Chairman Sai Hsawng Hsi. "They [USDP members] also agreed everything will go smoothly when we work together in the parliament if we know each other first," he added. The SNDP won 57 out of 156 seats they contested: 50 in Shan State, 6 in Kachin State and 1 in Mandalay Region.⁴

NDPD VOTERS FACE FINES

A village authority on the western Burmese border imposed fines on two local villagers who voted for the National Democracy Party for Development (NDPD), according to local sources. On 23 November two villagers - 26-year-old Iliyet and 25-year-old Jamal - were each fined 150,000 kyats by village chairman Ahsar Mad of Taungbro Sub-Township in Maungdaw Township for casting their votes for the NDPD candidates and were arrested for disobeying the chairman's directive. According to a relative, all local residents had been ordered by the village chairman to vote for the government-backed Union Solidarity and Development Party (USDP) in the election. During the 7 November elections seven villagers from Taungbro Village voted for the NDPD against the USDP. Those who failed to comply with the orders of the village chairman are now facing punishment from the authorities for their actions. The NDPD lost in the election in Maungdaw Township but won two

³ USDP turns eyes to Shan state - <http://www.dvb.no/news/usdp-turns-eyes-to-shan-state/13206> (DVB) 3 December 2010

⁴ Shan party considers pushing human resources bill -

http://www.shanland.org/index.php?option=com_content&view=article&id=3346:shan-party-considers-pushing-human-resources-bill&catid=85:politics&Itemid=266 (Shan Herald) 3 December 2010

seats in Buthidaung Township in the State Parliament, despite pressure by authorities to vote for the USDP.⁵

ANALYSIS

While representatives-elect await the convening of the first hluttaw session to be announced, some prominent parties have been taking small steps in promoting goodwill as well as sounding out possibilities of forming alliances. Recent meetings between senior officials of the USDP and the Shan National Democratic Party (SNDP) leadership should be viewed as positive steps, although details of the discussions have yet to be disclosed. While no official comments have been made, SNDP officials have reiterated that the SNDP would work with all parties in promoting the interests of the people and would further explore these possibilities. The USDP initiatives to engage and meet prominent opposition parties who have who seats in the elections is being seen, on one hand, as a genuine gesture, while others see it as strategy in sounding out the positions of the opposition. Whatever the ulterior motives may be, the essence of engagement should be seen as a positive step and encouraged. The Union Election Commission (UEC), on its part, has slowly but unpredictably been implementing the required steps to conduct the elections and has announced laws to fulfill the wishes of the junta. The existence of laws and regulations which allow the right to file complaints as well as contest election malpractices seem to reflect certain glimpses of democratic principles. However, the reality differs in essence and practice. The path to pursue legal action would not only prove to be financially costly but also counter-productive. Undemocratic as they may seem and coupled with the many electoral irregularities, the elections will no doubt provide a small step forward for Burma as it strives to bring about change, though the change will not be achieved overnight under the present circumstances.

⁵ NDPD Voters Face Fines - <http://www.narinjara.com/details.asp?id=2815> (Narinjara) 3 December 2010