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## ELECTION MONITOR NO. 53

### **ELECTORAL FRAUD CASES ‘IN LEGAL LIMBO’**

Twenty-nine cases involving alleged cases of electoral fraud committed by the Union Solidarity and Development Party (USDP) are being held up in trial courts, according to Aye Lwin, chairman of the Union of Myanmar Federation of National Politics (UMFNP). He added that “the police have investigated the cases, and all the files had been forwarded to the relevant courts for further investigation.” The cases concerned include:

- 12 cases filed in Pyi District, West Pegu (Bago) Division,
- 2 cases in Sagaing Division,
- 1 case in Magway Division, and
- 14 cases in Rangoon (Yangon) Division.

Members of the USDP, ward-level authorities and poll-station chiefs have been questioned regarding the alleged cases of electoral fraud and voting irregularities by the police. While the cases have been registered at local police stations, according to Aye Lwin complaints will also be lodged with the junta’s electoral watchdog, the Union Election Commission (UEC). Under the existing electoral laws, a complaint against a winning candidate must be lodged with the UEC within 60 days from the polling date, therefore by 6 January 2011.

Each complaint submitted to the UEC must be accompanied with a non-refundable one-million-kyat deposit (US\$1,111), and if the accused is found guilty, the penalty carries a one-year prison term with a 100,000 kyat (US\$ Dollars 100) fine. However, if the complaint is determined to be frivolous, the complainant faces a three-year prison term or a 300,000 kyat (US\$ 300) fine or both.<sup>1</sup>

### **POLITICAL PARTIES EYE BUSINESS OPPORTUNITIES**

Several political parties, which contested the recent elections in November, have unveiled plans to form businesses. Aye Maung, the chairman of the Rakhine National Democratic Party (RNDP), said the Rakhine State-based party will form a company under the name “Thiriwitsa” and intends to start selling shares early next year. “We will establish a limited company,” he said. “We plan to branch into the construction, fisheries and travel businesses.” In the 7 November general election, the RNDP won seats in 35 of the 44 constituencies it contested.

Similarly, the Shan Nationalities Democratic Party (SNDP) has also decided to establish a company named “White Tiger” at its recent party conference.

Khin Maung Swe, a leading member of the National Democratic Force (NDF) has endorsed the decisions taken by the RNDP and SNDP and commented that for long-term survival, each party must look at business opportunities and other ways of attracting donors and funding.

The Democratic Party (Myanmar)’s chairman Thu Wai has said his party has plans to invest in business projects, but the matter is still under discussion.<sup>2</sup>

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<sup>1</sup> Electoral fraud cases ‘in legal limbo’ - <http://www.mizzima.com/news/election-2010-/4671-electoral-fraud-cases-linger-in-legal-limbo-aye-lwin.html> (Mizzima) 14 December 2010

<sup>2</sup> Political Parties Eye Business Opportunities - [http://www.irrawaddy.org/article.php?art\\_id=20335](http://www.irrawaddy.org/article.php?art_id=20335) (Irrawaddy) 17 December 2010

### **WHITE TIGERS TO LAUNCH PUBLIC COMPANY**

The SNDP, popularly known as the White Tiger Party, intends to establish a public company to assist in fund-raising, party vice-chairman Sai Saung Si said during the first day of the party's conference in Taunggyi, Shan State. The decision to set up the "White Tiger Company" was made during the party conference. According to a party source, about one million shares would initially be sold and 75% of profit redistributed to shareholders with the remaining 25% to be held as party funds. The company is expected to invest in a wide range of businesses including agriculture, mining and forestry and plans to focus its activities in Kyaukme where more than 10,000 party members are said to live.<sup>3</sup>

### **WHITE TIGER PARTY HOLDS FIRST PLENARY MEETING**

The first plenary meeting of the Shan Nationals Democratic Party (SNDP), which fielded 156 candidates and won 57 seats in the 7 November elections, was held in Taunggyi, Southern Shan State from 13 to 15 December 2010. The meeting was attended by party leaders, elected-candidates, party CEC members from 55 townships and invited guests. During the three-day plenary matters related to the recent elections, submission of reports, reorganization of the party and adopting future party policies were discussed. The party had earlier planned to use the Shan Literature and Cultural Association Centre for the meeting, however, due the Union Election Commission's (UEC) uncooperative behaviour, the SNDP was forced to relocate the meeting venue. The SNDP, an ethnic-Shan state based party, contested the elections in the Shan and Kachin States, as well as in Sagaing and Mandalay regions. Of the 15 founding members 7 became elected-representatives.<sup>4</sup>

### **WHITE TIGERS TO FORM LEGAL COMMITTEE AND DIALOGUE PANEL**

The Shan Nationals Democratic Party (SNDP) has decided to form legal advisory and "dialogue-organising" committees at its the recent party conference held in Taunggyi, the capital of Shan State. The legal committee will comprise of three lawyers: Sai Phoe Myat (party Central Executive Committee member), Nan Wa Wa Nu (law-maker-elect) and Nan Kham Ping (party member). The dialogue panel will be led by Chairman Sai Aik Paung (aka) Sai Ai Pao, General-Secretary Sai Hla Kyaw and Central Executive Committee member Sao Than Myint. The SNDP aka White Tiger Party won just 34 out of 102 parliamentary seats in the Shan State Assembly, while most of the remaining posts were won by the junta-backed Union Solidarity and Development Party (USDP). The National Unity Party and Pa-O National Organisation also won seats in the state's assembly, therefore making it imperative and crucial for the SNDP to co-operate with these two smaller parties in that legislature.<sup>5</sup>

### **RNDP BRANCH OFFICE OPENS IN WESTERN BURMESE BORDER TOWN**

The Rakhine Nationalities Development Party (RNDP) opened a branch office in the western Burmese border town of Maungdaw on 12 December. At the opening ceremony, attended by Party Vice-Chair U Saw Pru and other Party Central Committee members and local residents, U Saw Pru stated in his opening remarks that the RNDP represents the Arakanese people and will carry out the people's interest. He added that the RNDP is formed by Arakanese patriots to carry out the development of the Arakanese people. The 15 member RNDP Maungdaw Township committee was also elected to undertake the party's work. U Thein Tun and U Ohn Tin were elected as president and vice-president, while U Maung Kyaw Sein was elected as General-Secretary. The RNDP won 35

<sup>3</sup> White Tiger to launch public company - <http://www.mizzima.com/news/election-2010-/4672-white-tiger-party-to-launch-fund-raising-company.html> (Mizzima) 14 December 2010

<sup>4</sup> White Tiger party holds first plenary meeting - <http://www.myanmar.mmtimes.com/2010/news/497/news06.html> (Myanmar Times) 14 December 2010

<sup>5</sup> White Tiger form legal, talk's panels - <http://www.mizzima.com/news/election-2010-/4682-white-tiger-party-to-form-two-committees.html> (Mizzima) 15 December 2010

seats in the Rakhine State during the 7 November elections, but did not win in Maungdaw Township because the party was unable to submit candidates to run in the constituency in the election.<sup>6</sup>

### **ETHNIC VILLAGERS FACE THREATS FOR NOT VOTING USDP**

Villagers in ethnic areas are being subjected to harassment and exploitation by local authorities for failing to support the military government-backed USDP in the 7 November elections. Villagers in Balu village in Mohanyin Township in Kachin State have been forced to grow a summer paddy by the village chairman, who also serves as the USDP candidate for the township. Balu village reportedly voted overwhelmingly in favor of the Shan Nationals Democratic Party (SNDP) in the elections, however, alleged vote rigging resulted in the USDP taking all five seats in the township. According to a local resident, the local authorities berated the village headman for the low voter turnout for the USDP candidate and consequently the villagers were forced to grow summer paddy. Growing a rice crop in the summer, or dry season, is labor-intensive and difficult. Subsequently, the majority of farmers avoid growing a summer crop. Their apathy is accentuated by the fact that the local authorities invariably sequester a percentage of the rice or force the farmers to sell the paddy to them at a reduced price.<sup>7</sup>

### **ANALYSIS**

While awaiting the announcement of the convening of the first Hluttaw session, the SNDP and the RNDP have taken bold steps to establish business enterprises with the aim of raising much needed funds for the long-term survival of their respective parties. The two-ethnic based parties have so far accepted the present political developments and vowed to work in the forthcoming parliamentary assemblies to promote the interests of their people and regions. While other parties have yet to follow suit, the NDF and the DP (Myanmar) have stated that strong financial backing and support are pre-requisites for parties if they are to remain active and functional. At the same time, complaints continue to be filed against the junta-backed USDP for the alleged irregularities during the 7 November polls. Though no decision or action has yet to be taken by the authorities, past experience indicates that those attempting to defy or oppose the junta will run the risk of losing.

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<sup>6</sup> RNDP branch office opens in western Burmese border town - <http://www.narinjara.com/details.asp?id=2829> (Narinjara) 14 December 2010

<sup>7</sup> Ethnic Villagers Face Threats for Not Voting USDP - [http://www.irrawaddy.org/article.php?art\\_id=20327](http://www.irrawaddy.org/article.php?art_id=20327) (Irrawaddy) 15 December 2010