



Myanmar: The November 2010 Election

Udai Bhanu Singh

Udai Bhanu Singh is a Senior Research Associate at the Institute for Defence Studies & Analyses (IDSA), New Delhi



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Summary

Myanmar's elections on November 7 may not promise to be a game-changer. But the path it lays down could be utilized to effect desirable change devoid of unnecessary turbulence.

Introduction

Myanmar continues to face criticism from EU countries at the United Nations for its human rights record and also from individual members of ASEAN. But at the ASEAN Summit in Hanoi Myanmar was not the focus.

When Myanmar goes to the polls for the first time in two decades on November 7 to elect representatives to both union and state legislatures - no radical change is expected. Rather, its significance lies in the fact that from thereon the provisions of the new Constitution will take effect.

The last elections were held in May 1990, when in spite of registering a resounding victory in the May 1990 elections the National League for Democracy (NLD) was prevented from coming to power.¹ When the government introduced a fuel price hike in August 2007, a spontaneous upsurge of protests followed on the streets of Yangon and elsewhere right through September. Buddhist monks actively supported it. But the movement did not lead to political victory as happened in neighbouring Indonesia, or the Philippines. Neither did the chaos generated in the wake of the Nargis cyclone in May 2008 generate any movement towards democracy. Instead the State Peace and Development Council (SPDC) pressed on with its own road map. The result was a new Constitution in 2008 which was duly approved through a referendum held in May 2008. Will Myanmar's fortunes change?

History

Burma became independent of British rule on June 4 1948. It began its post-independence phase with an economy devastated by war and its top leadership assassinated (including Aung San). In 1958 intra-party disputes forced Prime Minister U Nu to invite Gen. Ne Win to form a caretaker government to restore order and ensure free and fair elections. Gen Ne Win staged a coup on March 2, 1962 and returned to power and stayed on for the next 26 years. A general strike was called by the students on August 8, 1988. The Army staged a coup led by Gen. Saw Maung on September 18, 1988, and created the State Law and Order Restoration Council, (SLORC), with the General as head of state. Around the same time the National League for Democracy (NLD) was founded under Aung San Suu Kyi's leadership. SLORC did hold elections as promised in 1990 but it was not prepared for the results.

¹ Derek Tonkin, "The 1990 Elections in Myanmar: The Broken Promises or a Failure of Communication?", *Contemporary Southeast Asia* Vol.29, No.1, 2007. Tonkins makes the point that the State Law and Order Restoration Council (SLORC) had not agreed to the transfer of power unconditionally, but "through the promulgation of a new Constitution" in declarations made public prior to the election.

Political Process

What are the contending forces in Myanmar?

Myanmar has had two constitutions (in 1947 and 1974) prior to the current one: the one framed in 1947 accorded some states the right to secede after ten years. The present Constitution (Chapter I, Article 10) explicitly rules out such a possibility: “No part of the territory of the Union such as Regions, States, Union Territories and Self-Administered Areas etc shall ever secede from the Union”. The 1974 Constitution was Myanmar’s second and was introduced following a referendum. The latest referendum results had an unrealistically high percentage vote in favour of the new Constitution. The SPDC was accused of employing unfair means in the referendum.

Important political forces

The three most important political forces in Myanmar are: the Military, the Political parties and the ethnic groups.

Ethnic Groups

Ethnic minorities constitute an important factor in Myanmar’s politics. The Burmans make up about two-thirds of the total population while the Karens, the Shans, the Mons, the Rohingyas, the Chins, Kachins are some of the prominent ethnic minorities. Critics point to the fact that the military junta emphasizes one language (Burmese), one religion (Buddhism) and one ethnicity (Burman).

Members of other ethnic groups (non-Burmans/non-Buddhists) are excluded from ranks higher than Major in the Army. They are excluded from the top levels of military hierarchy. The Military (the SPDC, and SLORC earlier) has dominated the political spectrum for the last 48 years.

Military

The Military which has been in power for nearly fifty years, had chosen to emulate the *dwifungsi* model of Indonesia. Could the Military eventually reconcile itself to a limited role as in Indonesia if it is assured of some sort of immunity against prosecution by an international court? The 2008 Constitution provides a dominant role for the armed forces (tatmadaw). The President has wide-ranging powers. The Constitution is peppered with special privileges for the tatmadaw. In addition there is an entire chapter devoted to the Defence Services (Chapter VII).

1. The President would be from the tatmadaw and wield enormous powers (including the power to nominate the Chief Justice).
2. The key ministries would be headed by the military. The ministers for defence,

security/home affairs and border affairs would be nominated from among the tatmadawmen.

3. A quarter of the seats in the two houses of parliament to be reserved for the military.
4. The C-in-C can assume full sovereign power by declaring an emergency if the disintegration of the Union is threatened.
5. In addition, there has been a reshuffle of military personnel recently and the top leadership (including Than Shwe and Maung Aye) are reported to have given up their respective military posts. Some of them plan to contest for the civilian seats.

Political Parties

There are 37 political parties contesting the present elections for the 440 seat People's Assembly and the 224 seat Nationalities Assembly and the state and regional assemblies. Ten political parties have been deregistered including the National League for Democracy (NLD) and the Shan Nationalities League for Democracy (SNLD). Some of the ethnic groups were denied the opportunity to form political parties. There were also funding limitations (registration fee of Kt.500,000 or US \$500) and campaign restrictions (including slow internet). There are over 2,000 political prisoners, including NLD's own leader Aung San Suu Kyi (house arrest). Some 32 townships are excluded from the electoral process – in Shan state, Kachin State, Karen State, Karenni State and Mon State.

There are two Government-sponsored political parties. The Union Solidarity and Development Party (USDP), which has grown Union Solidarity and Development Association (USDA) – led by the current Prime Minister Thein Sein is fielding over 1,000 candidates. National Unity Party, the other government party is fielding over 900 candidates. The opposition parties are fielding much few candidates. In the campaign phase these parties were trying to form alliances (somewhat unsuccessfully) and some of the parties even opened Facebook accounts for purpose of canvassing.

After elections are held, the military will undertake to put into effect the remaining two steps in its seven point road map to democracy², that includes convening of the National and state assemblies and building a modern developed and democratic nation.

² The seven points were: reconvening the National Convention; step by step implementation process for disciplined democracy; drafting a new constitution; Referendum to adopt the Constitution.

Implications for India

With the elections held, the Constitutional provisions will take their own course and it may be difficult to seek a change in the Constitution. In such a situation it will be difficult to secure complete civilian control over the military. The military is the only institution, with the experience of administering the country, which has survived in Myanmar. As in the case of Indonesia, it needs reiteration “that conditions that trigger the breakdown of authoritarian regimes are not necessarily supportive of a “transition to democracy”.”³

As a democracy itself, India would like to see democracy flourishing in its neighbourhood, but not impose its thinking on others. Experience elsewhere suggest that externally imposed systems has less chance of success than an indigenous one. In this geostrategically sensitive region, where Chinese influence is constantly on the increase, India would like to ensure that a political transition when it occurs in Myanmar is as smooth as possible lest India’s security, economic, and regional interests are put in jeopardy. The visit of Myanmar President Than Shwe to India has to be viewed in this light. It is a painful truth that the transition process which has only just been initiated has still a long way to go.

³ Anders Uhlin, “Development and the external dimension of Regime Transitions: Illustrations from Indonesia”, in Ole Elgstrom and Goran Hyden, eds, *Development and Democracy: What have we learned and how?*, Routledge, London and New York, 2002

Appendix 1: Phases in Myanmar's recent history

| System of government | Period |
|------------------------------------------|-----------|
| Parliamentary democracy (AFPFL) | 1948-1958 |
| Gen. Ne Win's Caretaker Government | 1958-1960 |
| Parliamentary democracy | 1960-1962 |
| Gen. Ne Win Military Rule | 1962-1988 |
| SLORC Military rule | 1988-1997 |
| SPDC Military rule | 1997- |

Appendix 2: Electoral laws

| Date | Event |
|--------------|-------------------------------------------------------------------------------------------------------|
| Mar. 8 2010 | Electoral laws issued |
| Mar. 17 2010 | Bylaws issued |
| May 6 2010 | Deadline for existing parties to notify the election commission that they wish to continue to operate |
| Aug. 30 2010 | Deadline for candidates to file nomination papers |
| Nov. 7 2010 | Election day |
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Appendix 3: Full List of 37 Parties Eligible to Compete in the Elections

(announced by UEC on 14 September –Notification No.97/2010)

| S.No. | Political Party |
|-------|-------------------------------------------------------|
| 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 | Ethnic National Development Party |
| 8 | Inn National Development Party |
| 9 | Kaman National Progressive Party |
| 10 | Kayan National Party |
| 11 | Kayin Peoples Party |
| 12 | Kayin State Democracy and Development Party |
| 13 | Khami National Development Party |
| 14 | Kokang Democracy and Unity Party |
| 15 | Lahu National Development Party |
| 16 | Mro or Khami National Solidarity Organization (MKNSO) |
| 17 | National Democratic Force Party |
| 18 | National Democratic Party for Development |
| 19 | National Development and Peace Party |
| 20 | National Political Alliances League |
| 21 | National Unity Party |
| 22 | New Era People's Party |
| 23 | Pa-O National Organization (PNO) |
| 24 | Peace and Diversity Party |
| 25 | Phalon-Sawaw Democratic Party |
| 26 | Rakhine Nationalities Development Party |
| 27 | Rakhine State National Force of Myanmar |
| 28 | Shan Nationalities Democratic Party |
| 29 | Taaung (Palaung) National Party |
| 30 | Union Democracy Party |
| 31 | Union of Myanmar Federation of National Politics |
| 32 | Union Solidarity and Development Party |
| 33 | United Democratic Party (UDP) |
| 34 | Unity and Democracy Party (Kachin State) |
| 35 | Wa" Democratic Party |
| 36 | Wa" National Unity Party |
| 37 | Wunthanu NLD (Union of Myanmar) |
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