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BN 2010/1074: October 15, 2010
(22 days to polling day Nov 7, 2010)

BURMA'S 2010 ELECTIONS: THE STORY SO FAR

- **Despite the SPDC's repeated pledges to hold "free and fair" elections, indicators based on EU, UN, and OSCE guidelines point to the contrary.**
- **The SPDC election laws and conduct of the SPDC Election Commission have caused the dissolution of parties that won 84% of seats in the last election, and disenfranchised at least 1.5 million voters.**
- **The post-election scenario remains dire, regardless of the margin of victory enjoyed by junta-aligned parties. The 2008 constitution justifies impunity and guarantees military control over national and local government.**
- **LEGAL FRAMEWORK**
  - ☒ **The SPDC election laws are not in accordance with international standards and prevent the exercise of fundamental freedoms and political rights.**
  - ☒ **Election laws bar over 2,000 political prisoners from being members of political parties. The NLD and other parties would have had to expel their imprisoned leaders, such as Daw Aung San Suu Kyi, to be eligible to participate.**
- **ELECTION ADMINISTRATION**
  - ☒ **The SPDC Election Commission has not acted in an independent, impartial, and transparent manner.**
  - ☒ **A number of political parties and candidates have been barred by the Election Commission's discriminatory restrictions.**
  - ☒ **The Election Commission financial requirements and tight deadlines for candidate registration hindered the political parties' ability to field candidates.**
  - ☒ **The Election Commission has canceled the polls in more than 3,400 villages in ethnic areas, disenfranchising around 1.5 million voters.**
- **ELECTION CAMPAIGN**
  - ☒ **The SPDC has limited the ability of political parties, candidates, and their supporters to campaign. Regime authorities have detained those who have spoken out against the polls.**
  - ☒ **Regime officials have harassed, intimidated, and coerced party candidates and their supporters and engaged in vote buying schemes.**
  - ☒ **The junta-proxy Union Solidarity and Development Party (USDP) has liberally used state resources and relied on state institutions, civil servants, and SPDC officials for the party's campaign activities.**
- **MEDIA**
  - ☒ **The SPDC Censorship Board has unjustifiably limited the ability of independent media to report on election issues and developments.**
  - ☒ **State-owned media has tightly restricted media access of candidates and political parties.**
  - ☒ **State-run media have failed to provide sufficient information to enable voters to make an informed voting decision.**

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Despite the fact that the SPDC has repeatedly promised that it would hold "free and fair elections" on 7 November, this claim does hold up to any form of logical scrutiny.

Free elections require that all citizens, organizations, and political parties enjoy the fundamental rights of expression, association, assembly, and movement. Each voter is able to cast his or her ballot free from intimidation, violence, administrative action, or fear of retribution.

Fair elections should ensure that there are equal conditions for all participants in the election process. Candidates and political parties that wish to run for office are able to do so and to compete on the basis of equal and impartial treatment under the law.

Based on commonly accepted standards for election monitoring, the upcoming elections in Burma will be neither free nor fair.

LEGAL FRAMEWORK

On 8 March, the State Peace and Development Council (SPDC) issued five laws:[1]

- The Election Commission Law.
- The Political Parties Registration Law.
- The People's Assembly Election Law.
- The National Assembly Election Law.
- The Region and State Assemblies Election Law.

As with the 2008 constitution and the 2008 Referendum Law, the SPDC election laws were the result of a unilateral, non-transparent, and non-inclusive process. These laws ensured that the SPDC tightly controls the electoral process through its hand-picked Election Commission. [See below *Election Commission ensures SPDC control over elections*]

These laws included several discriminatory provisions that unreasonably restricted the right of citizens to stand for election or to actively participate in political party affairs. The SPDC Political Parties Registration Law excluded anyone convicted by a court *and* serving a jail term from forming or joining a political party.[2] As of 3 October, there were 2,193 political prisoners in Burma, most of whom are ineligible to stand for election or be a member of a political party.[3]

The impact of this provision had considerable adverse impact on existing parties. The National League for Democracy (NLD) would have had to expel Daw Aung San Suu Kyi and over 370 other members from the party in order to re-register and compete in the elections. This would have applied to other political parties whose leaders were serving prison terms, such as the Shan Nationalities League for Democracy (SNLD), the party that won second largest number of parliamentary seats in 1990 after the NLD. Ominously, **Articles 4, 10, and 12 of this law stipulate that registered parties will also have to expel *any* member who is convicted and imprisoned in the future.**

The Political Parties Registration Law also excludes Buddhist monks, members of other religious orders, and civil servants from forming or joining a political party.[4] The People's Assembly Election Law, National Assembly Election Law, and Region and State Assemblies Election Law reiterate the ban on political prisoners, members of religious orders, and civil servants from standing for election, either as members of political parties or as independent candidates. Furthermore, the laws also ban members of religious orders and those serving prison sentences from voting.

[1] AP (08 Mar 10) Myanmar enacts election laws, paving way for polls; AFP (08 Mar 10) Burma enacts first election laws; Irrawaddy (08 Mar 10) Regime Announces Election Law
[2] Irrawaddy (09 Mar 10) Party Registration Laws Set NLD a Deadline
[3] AAPP (03 Oct 10) Data - Political Prisoners List – Updated 3 October 2010
[4] Political Parties Registration Law, Articles 4 and 10

The Political Parties Registration Law also stated that the NLD and the other parties that participated in the 1990 elections would automatically cease to exist as legal entities if they failed to re-register to contest the polls.[5] On 14 September, the SPDC Election Commission officially dissolved the NLD and the SNLD because they failed to re-register as political parties.[6] The two parties together won over 84% of the seats in the 1990 elections.[7]

In addition to the election laws, the SPDC Election Commission issued:

- The Political Parties Registration Bylaws.[8]
- Directive 2/2010.[9]
- Notification 91/2010.[10] and
- Notification 98/2010.[11]

These laws imposed severe restrictions on the political parties' freedom of expression, assembly, and movement. They also negatively impacted the political parties' ability to participate in the polls. [See below *Party and candidate registration hindered*]

2010 ELECTIONS: WHO'S IN, WHO'S OUT

- Forty-seven parties applied for registration
- Thirty-seven parties were ruled eligible to contest the elections
- Ten parties were excluded by the SPDC Election Commission:
  - Three were unfairly denied registration
  - Two were dissolved for failing to complete the registration process
  - Five were dissolved for failing to register at least three candidates for the election

More details at "Political parties" on page 14

The election's legal framework did not receive a vote of confidence from key election stakeholders. Leaders of numerous political parties, including junta-aligned parties, criticized the SPDC election laws.[12] On 29 March, the NLD announced it would not contest the polls because the SPDC election laws were "unfair and unjust."[13] Several political parties, including the SNLD and the other ethnic parties, followed suit. They all cited the elections laws as the main reason for their election boycott.[14] On 5 August, the Union Democracy Party Chairman Phyo Min Thein resigned over the oppressive election laws.[15] The party subsequently announced that it would field only three candidates nationwide - the minimum required to contest the polls - to protest the SPDC election laws.[16]

[5] Irrawaddy (09 Mar 10) Party Registration Laws Set NLD a Deadline
[6] NLM (15 Sep 10) Union Election Commission issues Notification No. 97/2010
[7] The NLD and SNLD, together with parties previously dissolved by the SPDC, represent more than 90% of seats won in 1990
[8] Irrawaddy (18 Mar 10) Newly-registered Parties Face Financing Problems; Reuters (10 Mar 10) Western sanctions fuel rare strikes in Myanmar; NLM (18 Mar 10) Meeting (6/2010) of Union Election Commission takes place
[9] AP (23 Jun 10) Myanmar: No chanting to drum up political support; AFP (23 Jun 10) Myanmar restricts political activity ahead of polls; Xinhua (23 Jun 10) Myanmar issues directive for election campaigning by political parties
[10] AP (19 Aug 10) Myanmar lays down stringent campaign rules for November election; DPA (19 Aug 10) Myanmar announces restrictions on election campaigning; NLM (19 Aug 10) Rights to assemble and canvass for Hluttaw candidates; Al Jazeera (19 Aug 10) Myanmar announces strict poll rules; Xinhua (19 Aug 10) Myanmar sets procedures for parliamentary candidates for canvass
[11] NLM (15 Sep 10) Union Election Commission issues Notification No. 98/2010
[12] Irrawaddy (11 Mar 10) Ethnic Leaders To Boycott Election; NDF (13 Mar 10) NDF Statement on Military Clique's Election Laws; KNU (16 Mar 10) KNU Statement on SPDC's 2010 Election Law; Mizzima News (01 Apr 10) New Rakhine party to register with EC; Narinjara News (12 Apr 10) Leading Arakanese Party Decides Not to Register for Election; Mizzima News (16 Mar 10) A one-sided and repressive law; Irrawaddy (22 Mar 10) Exiled Groups Seek UN Action on Burma; DVB (06 May 10) Political parties slam 'rule-breaking' PM; Irrawaddy (01 Apr 10) Mon Decide to Field no Election Candidates
[13] AP (29 Mar 10) Myanmar opposition party to boycott elections
[14] Irrawaddy (11 Mar 10) Ethnic Leaders To Boycott Election; Narinjara News (12 Apr 10) Leading Arakanese Party Decides Not to Register for Election
[15] Reuters (05 Aug 10) Opposition party chief quits; DPA (06 Aug 10) Chairman of Myanmar pro-democracy party bows out; AFP (05 Aug 10) Myanmar dissident quits as head of democracy party; Bangkok Post (05 Aug 10) Burma dissident quits as head of democracy party; RTTNews (06 Aug 10) Myanmar's Pro-democracy Party Leader Quits Over Harsh Election Rules; Mizzima News (06 Aug 10) UDP chief withdraws from upcoming polls, quits party; DVB (06 Aug 10) Burma opposition party chief quits; Irrawaddy (05 Aug 10) UDP Chairman Resigns, Citing Unfair Election; Radio Australia News (06 Aug 10) The head of a Burmese opposition party quits over unfair polls
[16] DVB (26 Aug 10) UDP blasts 'stubborn' election authority; Irrawaddy (26 Aug 10) Pro-democracy Parties to Avoid Clash

ELECTION ADMINISTRATION

Election Commission ensures SPDC control over elections

The Election Commission Law empowered the SPDC to handpick the Election Commission, which presides over all aspects of the electoral process.[17] As a result, the Election Commission serves as a rubber-stamp for the SPDC.

On 11 March, the SPDC appointed a 17-member Election Commission.[18] The majority of the Commission members are retired civil servants who served under the junta. Commission Chairman Thein Soe is a former Major General who served as a military judge.[19] Thein Soe and another member, Tin Aung Aye, are on the EU sanctions blacklist.[20]

At the local level, civil servants and members of junta-backed social organizations received preferential treatment in being appointed to Election Sub-commissions.[21] In many cases, Election Sub-Commissions were inadequately funded and members lacked sufficient training and knowledge of electoral procedures.[22] As a result of insufficient funds, local SPDC officials forcibly collected money from villagers to fund travel and other expenses for the Election Sub-commissions.[23]

Ethnic parties excluded, candidates rejected

The SPDC Election Commission has failed to act fairly and impartially with regard to the formation of political parties.

The Election Commission unfairly denied party registration to the Kachin State Progressive Party, the United Democracy Party (Kachin State), and the Northern Shan State Progressive Party. The three parties had submitted registration papers to the Commission in April but the Commission never announced a decision regarding their application. By contrast, the Unity and Democracy Party of Kachin State (UDPKS), led by former local SPDC official and USDA patron Khet Htein Nan, obtained permission to register just two weeks after filing registration papers.[24]

The Election Commission never gave an official reason for disenfranchising the ethnic parties from the electoral process. However, it is widely believed that the Commission's refusal stemmed from their ties with ceasefire groups that refused to join the SPDC's Border Guard Force (BGF) scheme. On 12 July, this belief was partially confirmed when SPDC Minister of Industry No.1 Aung Thaung revealed that the Kachin State Progressive Party would not be able to register for the elections because of its ties with the Kachin Independent Organization.[25]

The Election Commission also rejected the application of 14 Kachin State Progressive Party members and one Northern Shan State Progressive Party member who applied to run as independent candidates after their parties were unfairly denied registration.[26] The Commission also rejected the application of Northern Shan State Progressive Party member Hkun Htu to run

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[17] AFP (09 Mar 10) Myanmar vote unfair but hope for change remains: analysts
[18] NLM (12 Mar 10) Formation of Union Election Commission; Mizzima News (11 Mar 10) Burmese regime discloses Election Commission members; Chinland Guardian (11 Mar 10) Burma Appoints Election Commission as Canada Slams Junta
[19] Irrawaddy (12 Mar 10) Election Commission Members from Various Backgrounds
[20] Mizzima News (02 Apr 10) Chairman of Burma's Election Commission on EU blacklist
[21] Irrawaddy (09 Apr 10) Gov't Officials Training for Polls; NLM ((08 Apr 10) UEC opens Election Laws, Rules and Manual Guide Course; Irrawaddy (01 Jul 10) USDA Members Favored for Election Sub-Commissions
[22] KIC (01 Sep 10) Lack of voter education for Karen State people; Narinjara News (03 Sep 10) Village Level Election Commissions Suffer Poor Funding; Mizzima News (16 Sep 10) Democratic Party to focus efforts on lower house, leader says
[23] Kanatarwaddy Times (28 Sep 10) Villagers forced to contribute to election funds; Kaladan News (04 Oct 10) Village Council Collects Funds from Villagers for Election Commission
[24] Kachin News Group (20 Jul 10) UDPKS gets 50 million Kyat from junta-backed USDP
[25] Mizzima News (13 Jul 10) Kachin party ineligible to form, junta minister says
[26] Irrawaddy (16 Sep 10) EC Rejects Individual Kachin Candidates; Kachin News Group (21 Sep 10) Kachin parties, independents denied EC approval

as an independent candidate for the Kachin Ethnic Constituency seat in the Shan State Assembly.[27]

The Election Commission's use of double standards with regard to candidate registration was further illustrated by its treatment of the largest "opposition" party, the National Democratic Force (NDF). After approving its application for party registration, the Commission demanded the NDF leaders meet an extra requirement to stand for elections. On 30 July, the Commission told four NDF leaders that they had to seek pardons for their past political activities if they want to participate in the polls. The four NDF leaders were elected in the 1990 elections and subsequently served prison sentences for their opposition to the military regime.[28]

Party and candidate registration hindered

On 17 March, the SPDC Election Commission issued the Political Parties Registration Bylaws. The Bylaws set the registration fee for each candidate at 500,000 kyat (US$500) - the equivalent of one year's salary for a Burmese civil servant or factory worker.[29] Political parties voiced concerns over the prohibitive costs imposed by the Commission, which would prevent candidates from standing for election.[30]

On 13 August, the Election Commission set a 30 August deadline for political parties to submit their list of candidates for the election.[31] Various party leaders criticized the short deadline for candidate registration because political parties had insufficient time to organize and recruit candidates to field in the elections.[32] Due to time and financial constraints, numerous parties had to reduce the number of candidates.[33] Several parties were unable to field even three candidates - the minimum required to contest the polls. The Commission dissolved five parties because they failed to register at least three candidates.[34]

The overall impact of the short amount of time allotted for submitting candidate names meant that parties with limited resources or that were not aligned with the SPDC were only able to field a total of about 700 candidates for the 1,157 seats at stake in the National and Regional Parliaments.[35] In contrast, the junta-proxy Union Solidarity and Development (USDP), the National Unity Party (NUP), and other pro-junta parties fielded over 2,000 candidates between them. [See below *Estimated number of candidates* Table]

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[27] Kachin News Group (21 Sep 10) Kachin parties, independents denied EC approval

[28] Irrawaddy (31 Jul 10) NDF Leaders Told to Appeal Past Treason Charges

[29] Irrawaddy (18 Mar 10) Newly-registered Parties Face Financing Problems; Reuters (10 Mar 10) Western sanctions fuel rare strikes in Myanmar; NLM (18 Mar 10) Meeting (6/2010) of Union Election Commission takes place

[30] AFP (22 Aug 10) Restricted Myanmar opposition says govt poll victory ensured; Mizzima News (04 Jun 10) Public interest in polls dims: political parties; Irrawaddy (15 Jun 10) Political Parties Can't Afford Campaign Material; Irrawaddy (16 Jul 10) USDA 'Abolished': Official; Irrawaddy (17 Jun 10) PM's Party, Gov't 'All Mixed Up'; Irrawaddy (06 Aug 10) Election Chance for Change; Mizzima News (17 Aug 10) Political parties face old foes of time and money; Narinjara News (17 Aug 10) RNDP to Contest in 15 Townships in Arakan; Irrawaddy (20 Aug 10) Chin Party Struggling to Pay Candidates' Fees; DVB (23 Aug 10) Cho Cho Kyaw Nyein: 'We'll not shy away'; Khonumthung News (06 Sep 10) CNP hemmed in by fund constraints and time; Myanmar Times (13 Sep 10) Democracy Congress 'finished': founder

[31] AP (13 Aug 10) Myanmar Schedules Elections; AP (13 Aug 10) Myanmar sets November 7 poll date

[32] AP (22 Aug 10) Veteran Myanmar politician says gov't party to win; IMNA (14 Aug 10) Election date announcement pressures opposition parties; Irish Times (14 Aug 10) Suu Kyi's party to boycott Burma poll in November; Irrawaddy (16 Aug 10) Opposition Parties Spread Election Forces Thinly; BreakingNews.ie (13 Aug 10) Burmese election date 'too soon' for Suu Kyi's party; Mizzima News (26 Aug 10) Parties call for electoral watchdog to delay polls

[33] AP (22 Aug 10) Veteran Myanmar politician says gov't party to win; Narinjara News (04 Sep 10) Arakanese KNPP Party Submits 6 Candidates to UEC; Myanmar Times (13 Sep 10) Election just the 'initial step'; Myanmar Times (13 Sep 10) Parties enter campaign mode; Myanmar Times (13 Sep 10) Yangon party falls short of election expectations; Myanmar Times (13 Sep 10) Democracy Congress 'finished': founder

[34] NLM (15 Sep 10) Union Election Commission issues Notification No. 97/2010

[35] **Initially, 1,171 seats were to be contested on 7 November. On 16 September, the SPDC Election Commission announced that polls would not be held in four Townships in the Wa Self-administered Division. In addition, the Election Commission canceled the polls in two constituencies in the Kachin State Parliament. This means that 14 seats - four in the People's Assembly, eight in the Shan State Parliament, and two in the Kachin State Parliament - will not be filled through the electoral process.**

Estimated number of candidates[36]

Party (pro-junta parties in bold)	People's Assembly	National Assembly	State/Div Parlts	Total
Union Solidarity and Development Party	-	-	-	+1,150
National Unity Party	245	149	555	999
National Democratic Force	105	36	22	163
Shan Nationals Democratic Party	45	15	96	156
Democratic Party (Myanmar)	24	9	15	48
Union of Myanmar Fed. of National Politics	25	11	10	46
Rakhine Nationals Progressive Party	12	8	24	44
Chin Progressive Party	9	14	18	41
88 Generation Student Youths (Union of Myanmar)	28	6	5	39
All Mon Region Democracy Party	8	9	16	33
Kayin Peoples Party (KPP)	7	5	19	31
New Era People's Party	7	4	19	30
National Democratic Party for Development	-	-	-	25
Chin National Party	6	7	9	22
National Political Alliances League	6	3	4	13
PaO National Organization	3	1	6	10
Democracy and Peace Party	8	1	0	9
Lahu National Development Party	2	0	7	9
Unity and Democracy Party (Kachin State)	2	3	4	9
Difference and Peace Party	3	2	2	7
Kayan National Party	2	1	3	6
Kaman National Progressive Party	2	1	3	6
Inn National Development Party	1	1	3	5
Wa National Unity Party	3	1	0	4
Wunthanu NLD	4	0	0	4
Khami National Development Party	0	3	0	3
Ethnic National Development Party	-	-	-	3
Union Democracy Party	2	1	0	3

The SPDC election laws state that no election will be held in constituencies where there is only one candidate. In that case, the relevant State or Division Election Sub-Commissions declares the sole candidate the winner. As a result, the USDP will win in constituencies where its candidates run unopposed.

Historical context	2010	1990
Seats	1,171	492
Registered Parties	47	235
Contesting Parties	37	93
Pro-junta candidates	+2,200	about 500
Other candidates	about 650	about 1,800

The Election Commission's failure to act in an independent, transparent, and impartial manner with regard to party and candidate registration provoked strong criticism by numerous election stakeholders.[37] In addition, on 26 August National Democratic Force leader Khin Maung Swe said he would not stand for election because of the Commission's restrictions.[38] In early September, the Myanmar Democracy Congress decided to boycott the polls because of the SPDC Election Commission's "unacceptable and unsatisfactory" actions.[39]

[36] Figures are still unavailable for the following parties: Kayin State Democracy and Development Party; Kokang Democracy and Unity Party; Lahu National Development Party; Mro and Khami National Solidarity Organization; National Development and Peace Party; Phalon-Sawaw Democratic Party; Rakhine State National Force; Taaung (Palaung) National Party; United Democratic Party; Wa Democratic Party

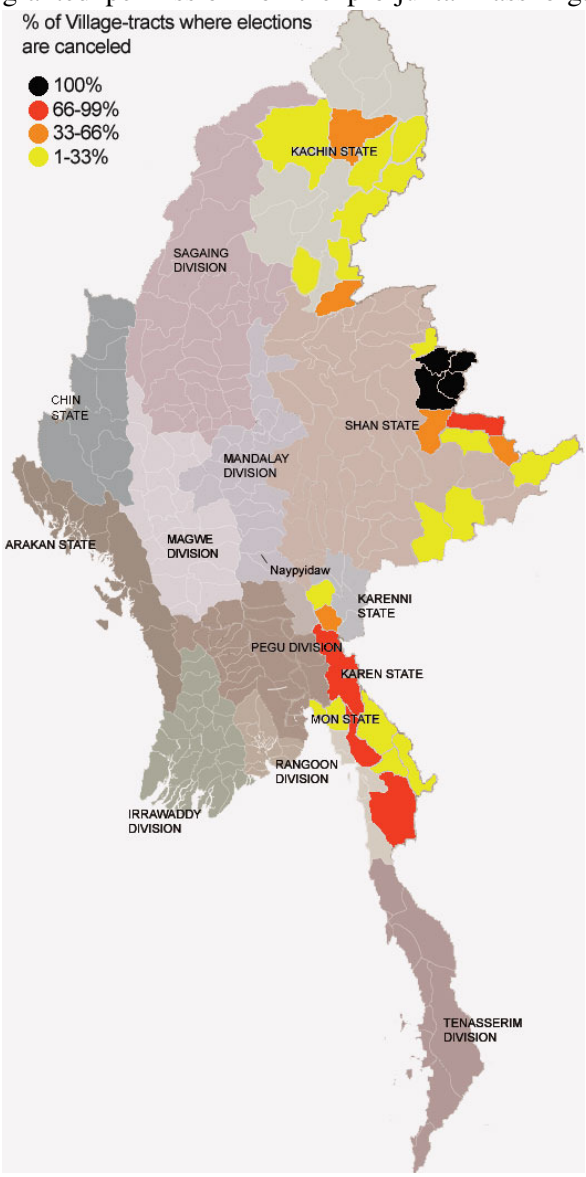
[37] IMNA (30 Jul 10) USDP claims to have "same goals" as Mon political party; Irrawaddy (10 Aug 10) Walking Away from an Unfair Election; IMNA (14 Aug 10) Election date announcement pressures opposition parties; Irrawaddy (26 Aug 10) Many Voters Left with No Option but Boycott; Mizzima News (07 Sep 06) 1990 winners' committee announce vote boycott; Mizzima News (16 Sep 10) Democratic Party to focus efforts on lower house, leader says

[38] Reuters (26 Aug 10) Myanmar opposition in disarray as polls approach; Mizzima News (25 Aug 10) NDF leader gives up on polls citing bureaucratic obstacles

[39] Mizzima News (07 Sep 06) 1990 winners' committee announce vote boycott

Unfair allocation of state resources

While most parties denounced the prohibitive costs of participating in the elections, the SPDC made sure that the USDP would have access to massive resources. In mid-July, the SPDC granted permission for the pro-junta mass organization Union Solidarity and Development Association (USDA) to dissolve and transfer all its assets to the USDP.[40]



In addition to massive state resources allocated to the advantage of the USDP, SPDC high-ranking officials and SPDC Army Regional Commanders actively campaigned across Burma to gain support for the USDP.[41]

Ethnic voters disenfranchised

The SPDC Election Commission Law gave the Election Commission the authority to scrap polls in ethnic nationality areas, where "security reasons" prevent the vote from being free and fair.[42] The obvious intent of the law was to allow the SPDC to cancel elections in ethnic nationality areas where there is strong opposition to the SPDC and where officially-sanctioned poll fraud is harder to commit.

On 16 September, the Commission announced that polls would not be held in 3,401 villages in Kachin, Karen, Karenni, Mon, and Shan States because "they are in no position to host free and fair elections."[43] These areas comprise nearly 50% of Karen State, most of the areas in Kachin State under the control of the Kachin Independence Organization, and four of the six Townships in the Wa Self-Administered Division. The Wa region was the one of the very few areas in Burma which officially recorded a majority of "No" votes in the 2008 constitutional referendum.[44]

The SPDC's decision not to hold elections in these areas disenfranchised an estimated 1.5 million voters in ethnic areas,[45] increased the likelihood of armed conflict, and made the chances of genuine national reconciliation even more remote.

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[40] Irrawaddy (16 Jul 10) USDA 'Abolished': Official

[41] SHAN (11 Mar 10) Junta tries to win over people with ethnic officers; Kachin News Group (08 Apr 10) Naypyitaw officials visit Kachin churches with donations; Mizzima News (05 May 10) Defence ministry Chin tour urges 'successful polls'; Khonumthung News (27 May 10) Junta donates to churches in Hakha

[42] Reuters (09 Mar 10) Myanmar junta unveils first of five election laws

[43] NLM (17 Sep 10) Union Election Commission issues Notification No. 103/2010, NLM (17 Sep 10) Union Election Commission issues Notification No. 102/2010, NLM (17 Sep 10) NLM Union Election Commission issues Notification No. 101/2010, NLM (17 Sep 10) Union Election Commission issues Notification No.100/2010, NLM (17 Sep 10) Union Election Commission issues Notification No. 99/2010

[44] Nation (24 Apr 09) Twenty Years on, the Wa-Burmese Cease-fire looks shakier

[45] This is an estimate based on the number of villages where the elections have been canceled multiplied by the average number of eligible voters per village.

State	Village-tracts excluded	Villages excluded	Total Villages	%
Kachin State	68	479	2,884	16.60%
Karen State	155	974	2,061	47.25%
Karenni State	9	74	620	11.93%
Mon State	9	49	1,200	4.08%
Shan State	237	1,825	17,059	10.69%
Total	**478**	**3,401**	**23,824**	**14.27%**

ELECTION CAMPAIGN

Freedom of assembly and expression heavily restricted

On 23 June, the SPDC Election Commission issued Directive 2/2010.[46] The directive imposes severe restrictions on political parties' freedom of expression, assembly, and movement.[47] According to Directive 2/2010:

- Political parties that want to hold gatherings outside their headquarters must apply for permission a week in advance from the local Election Sub-commission.[48]
- Political parties cannot chant slogans, march or carry flags as part of their rallies.[49]
- Political parties cannot give speeches or publish materials that "tarnish" the image of the state and the armed forces, criticize the constitution, or harm "security and community peace."[50]
- Political parties must avoid causing "any disturbances" near government offices, factories, markets, schools, sports grounds, hospitals, and religious places.[51]
- Political parties that want to hold gatherings at their own party headquarters or branches must notify the Election Sub-commissions seven days in advance. The directive adds that speakers must be approved.[52]
- Assembly permits may be amended or revoked for the sake of security.[53]

On 19 August, the Commission issued Notification 91/2010, which prescribed the rules for election campaigns by candidates and political parties. Notification 91/2010 repeated almost all of the prohibitions contained in Directive 2/2010. [54]

Detention, harassment, coercion, and vote buying

The SPDC has arrested seven activists and jailed one Buddhist monk for their anti-elections activities.

- **1 September**: SPDC authorities in Dala Township, Rangoon Division, briefly detained an NLD organizer for distributing leaflets that urged people not to vote in the elections.[55]
- **17 September**: Police in Rangoon's North Okkalapa Township arrested six university students for distributing leaflets that called for an election boycott.[56]

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[46] AP (23 Jun 10) Myanmar: No chanting to drum up political support; AFP (23 Jun 10) Myanmar restricts political activity ahead of polls; Xinhua (23 Jun 10) Myanmar issues directive for election campaigning by political parties
[47] NLM (23 Jun 10) Union Election Commission Issues Directive No. 2/2010
[48] AFP (23 Jun 10) Myanmar restricts political activity ahead of polls
[49] AFP (23 Jun 10) Myanmar restricts political activity ahead of polls
[50] AP (23 Jun 10) Myanmar: No chanting to drum up political support
[51] AP (23 Jun 10) Myanmar: No chanting to drum up political support
[52] Xinhua (23 Jun 10) Myanmar issues directive for election campaigning by political parties
[53] Xinhua (23 Jun 10) Myanmar issues directive for election campaigning by political parties
[54] AP (19 Aug 10) Myanmar lays down stringent campaign rules for November election; DPA (19 Aug 10) Myanmar announces restrictions on election campaigning; NLM (19 Aug 10) Rights to assemble and canvass for Hluttaw candidates; Al Jazeera (19 Aug 10) Myanmar announces strict poll rules; Xinhua (19 Aug 10) Myanmar sets procedures for parliamentary candidates for canvass
[55] Irrawaddy (02 Sep 10) Only State Proxy Parties to Compete in Naypidaw
[56] Mizzima News (30 Sep 10) Student unions condemn 'unlawful' arrest of activists urging poll boycott; Irrawaddy (29 Sep 10) Students Arrested for Urging Election Boycott

- **27 September**: An SPDC court in Rangoon's Insein prison sentenced monk Uk Kong Sah, 28, to 15 years in prison with hard labor for campaigning against the polls.[57]

Political parties and candidates encountered restrictions, surveillance, intimidation, threats, and harassment by SPDC authorities, pro-junta militias, and Swan Arr Shin thugs. They included:

- Monitoring ceremonies and events held at political parties' offices.[58]
- Questioning and intimidating voters after they met with party canvassers. [59]
- Forcing the closure of businesses owned members and officials of political parties.[60]
- Monitoring, harassing, intimidating, and attacking party member during their campaign activities.[61]
- Threatening voters with punishment if they didn't vote for the USDP.[62]
- Intimidating party members by visiting their homes and questioning them.[63]

In addition, SPDC authorities and USDP members pursued a systematic campaign to coerce voters into joining the junta-sponsored party.[64] USDP officials also resorted to widespread vote-buying and other forms of enticement, including:

- Providing low interest loans to farmers.[65]
- Offering free healthcare.[66]
- Building roads and constructing houses.[67]
- Making financial and material donations.[68]
- Promising ID cards, travel permits, and other official documents.[69]

Anti-election protests

Despite the pervasive climate of oppression, Burmese activists remained defiant and expressed their opposition to the elections.

- **13 May**: It was reported that NLD members in Mandalay, Sagaing, and Magwe Divisions distributed leaflets that urged citizens not to vote in the elections.[70]

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[57] AFP (18 Sep 10) Jailed for anti-election activity; Irrawaddy (28 Sep 10) Monk Jailed for Anti-Electioneering; DVB (28 Sep 10) Anti-election monk sentenced to 15 years

[58] Narinjara News (07 Aug 10) RNDP Opens 11 Township Offices in Arakan State; AFP (19 Aug 10) Myanmar opposition widens reach before poll

[59] SHAN (12 Aug 10) Elections in Shan State East to be 'one way ticket'; Mizzima News (14 Aug 10) USDP gives loans to farmers who sign their votes away; SHAN (06 Oct 10) Local junta authorities, Shan party at odds

[60] Kantarawaddy Times (25 Aug 10) NUDP chairman's business ventures closed; Kantarawaddy Times (02 Sep 10) USDP intimidates ethnic party in Karenni State; Kantarawaddy Times (18 Sep 10) NUDP not to contest elections in Burma

[61] Mizzima News (11 Jun 10) Mon party to push for free market, development; Irrawaddy (14 Jul 10) Political Parties Struggle On; Irrawaddy (23 Aug 10) Election Results will be Predictable; NMG (30 Aug 10) UMFNP members intimidated in Bago region; Kaladan News (14 Sep 10) TPDC authority order new law for election campaign in Maungdaw; Narinjara News (29 Sep 10) People Avoid RNDP Rally; IMNA (11 Oct 10) VPDC prohibits Mon Party from public campaigning

[62] Kachin News Group (01 Oct 10) KDA pressures people to vote for USDP; SHAN (01 Oct 10) Border residents ordered to vote for junta party; Kaladan News (11 Oct 10) USDP targets day laborers ahead of elections; Kaladan News (07 Oct 10) USDP candidates and supporters threaten voters in Arakan State

[63] Irrawaddy (11 Aug 10) Democratic Party Complains of Intimidation

[64] SHAN (27 May 10) Work cut out for Shan party; Kantarawaddy Times (18 Jun 10) USDP recruits members forcibly, charges Kyat 1000; Khonumthung News (21 Jun 10) One member per family to enroll in USDP in Chin state; IMNA (06 Jul 10) Headmen pressured to handpick for USDP membership; SHAN (09 Aug 10) Junta provide ID cards to Chinese citizens to cast votes; Mizzima News (25 Aug 10) Parents forced into USDP in return for polio shots; Narinjara News (08 Sep 10) Villagers Forced to Join USDP; IMNA (24 Sep 10) USDP collects voter signatures

[65] Irrawaddy (28 Jun 10) USDA Hands Out 'Loans' to Poor; DVB (12 Jul 10) PM's party flashing money at supporters; Mizzima News (14 Aug 10) USDP gives loans to farmers who sign their votes away; Irrawaddy (06 Oct 10) USDP Blatantly Flouts Election Law

[66] SHAN (01 Sep 10) USDP to provide free health care during its campaigns

[67] Khonumthung News (02 Aug 10) Chin people reject metalled road offer by USDP

[68] Kachin News Group (25 Jun 10) USDP offers cash for votes in Puta-O; Irrawaddy (22 Sep 10) Generals Distribute Phones for Election Support; Irrawaddy (07 Oct 10) Illegal USDP Campaign Tactics

[69] DVB (24 Jun 10) PM's party enticing Muslims; SHAN (01 Sep 10) USDP to provide free health care during its campaigns; Kachin News Group (11 Sep 10) USDP woos voters with free NRC in Kachin State

[70] Irrawaddy (13 May 10) NLD Focuses On Electoral Rights

- **7 July**: A group of university students in Rangoon's Kamayut Township distributed leaflets that urged people to boycott the elections.[71]
- **Early July**: Unidentified people distributed leaflets urging people not to participate in the elections in Muse and Namkham, Shan State.[72]
- **6 August**: Unidentified people in Kyaukpyu, Arakan State, posted posters and distributed leaflets that urged people to boycott the elections.[73]
- **12 August**: Generation Wave kicked off its campaign in Rangoon by putting up posters and distributing leaflets that urged people not to vote.[74]
- **15 August**: Villagers in Manaung Township, Arakan State, put up posters that expressed opposition to the USDP and the NUP.[75]
- **20 September**: It was reported that an alliance of five youth groups[76] mailed more than 1,000 postcards to businessmen and civil servants across the country that urged them to boycott the elections.[77]
- **21 September**: Unidentified people distributed anti-election posters in Maungdaw, Buthidaung, Rathidaung, and Akyab Townships in Arakan State.[78]
- **15 October:** Youth activists posted signs that urged people to boycott the elections in 15 Villages across Arakan State.[79]

MEDIA ENVIRONMENT

Private media gagged

The SPDC Censorship Board has systematically barred private news outlets from publishing any news, commentary or analysis of the elections which did not conform to the regime's views.[80] On 20 July, the Board issued a directive that media outlets that fail to correctly quote the constitution, the electoral laws, and other election rules would have their publishing licenses revoked.[81] A veteran editor at a weekly journal reported that the SPDC Censorship Board's restrictions on domestic media were "tighter than ever before."[82]

The SPDC Censorship Board routinely suppressed:

- Any comment or analysis of the election laws that did not conform to the regime's views.[83]
- Election opinions and interviews given by members of political parties non-aligned with the junta.[84]
- Reports on the political parties that refused to participate in the polls.[85]
- Any coverage that criticized the formation of the USDP.[86]
- Reports on party leaders who criticized the SPDC Election Commission's decision to hold the election on 7 November.[87]
- Reports that Daw Aung San Suu Kyi has the right to vote in the elections.[88]

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[71] Mizzima News (08 Jul 10) Students make risky public call for right to form unions
[72] SHAN (09 Jul 10) Ethnic parties gaining support in Northern Shan State
[73] Narinjara News (13 Aug 10) Anti-Election Campaign in Arakan
[74] Chinland Guardian (15 Aug 10) Vote-No Campaign Posters Distributed In Rangoon
[75] Narinjara News (19 Aug 10) Handwritten Posters Opposing USDP
[76] The alliance, which was formed on 8 August, comprises: The 2007-Generation All Burma Federation of Student Unions; the New Generation; the Saffron Generation; the Midland Students; and the Pro-democracy Student and Youth Activists
[77] Mizzima News (26 Sep 10) Five youth organisations form poll-boycott alliance
[78] Narinjara News (22 Sep 10) Anti-Election Posters Distributed on International Peace Day in Arakan
[79] Mizzima News (07 Oct 10) Arakanese activists post notices urging poll boycott
[80] Irrawaddy (13 Mar 10) Junta Bans Election News; Irrawaddy (29 Mar 10) NLD Will be Gagged: Media Sources
[81] Mizzima News (27 Jul 10) Censorship rule puts electoral laws, constitution off-limits, editors say
[82] Mizzima News (06 Apr 10) Censorship at peak but for pro-poll coverage
[83] Mizzima News (12 Mar 10) Election analysis barred in Burmese publications; Irrawaddy (13 Mar 10) Junta Bans Election News; DVB (17 Mar 10) Election views blocked in Burmese media
[84] DVB (17 Mar 10) Election views blocked in Burmese media; Mizzima News (07 Jul 10) Media outlets expect drop in junta propaganda
[85] Irrawaddy (29 Mar 10) NLD Will be Gagged: Media Sources
[86] Irrawaddy (05 May 10) Tight Censorship on Reporting USDP
[87] Irrawaddy (17 Aug 10) Junta Censors Complaints on Election Date
[88] Irrawaddy (01 Oct 10) Censors Bar Reporting of Suu Kyi's Voting Right

In addition, the SPDC Censorship Board suspended the publication of two journals for two weeks. In July, the Board suspended the publication of the Voice journal for publishing an article that said the SPDC's 2008 constitution was "hard to explain to Burmese."[89] In October, the Board suspended the publication of the Rangoon-based Favourite weekly journal for publishing a cartoon on the USDP.[90]

State-run media: Censorship, threats, and 15 minutes of fame

State-run media granted political parties and candidates only a limited and tightly-controlled space to inform the public about their policies and programs. According to the SPDC Election Commission Notification 98/2010, issued on 14 September, parties that wanted to campaign on TV or radio had to submit a message transcript to the Election Commission at least seven days in advance for approval.[91] The 15-minute, one-off campaign message would be broadcast on state-run radio and TV and published in state-run newspapers.[92]

However, the junta managed to further limit the political parties' access to state media. The Election Commission rejected the transcripts submitted by the Democratic Party (Myanmar), the Union of Myanmar Federation of National Politics, the 88 Generation Student Youths (Union of Myanmar), and the Difference and Peace Party.[93]

The Election Commission also censored parts of the message transcripts submitted by several political parties. The Chin National Party's message transcript said the party would advocate for religious freedom, the right to learn Chin language in public schools, and the right to establish NGOs in Chin State.[94] The All Mon Region Democracy Party Chairman made reference to "genuine" federalism in Burma.[95] The Shan Nationals Democratic Party's campaign message mentioned the 1947 Panglong Agreement.[96]

Besides the political messages addressed by the Election Commission, state-run media have failed to provide sufficient information on political parties to enable voters to make an informed choice on the elections through news reports, analysis, and voter education initiatives. Instead, the junta used state-run newspapers to attack the NLD's decision to boycott the polls and to threaten those who wanted to boycott the polls. State-run newspapers published numerous commentaries that threatened jail for anyone who incited people to protest the elections or not to vote.[97]

AFTER THE ELECTIONS

Some members of the international community believe that any change in the political landscape in Burma will indicate an improvement over existing conditions. They point out that multi-party elections are being held for the first time in twenty years and that regardless of the outcome, they will result in the expansion of political space for those parties and individuals who want to pursue democratic reform.

These arguments fail to address the harsh realities of the legal framework under which the elections will be held and the installation of the same people, in civilian garb, in positions of power. These views overlook the fact that the 2008 constitution cedes incredible powers to the

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[89] Irrawaddy (21 Jul 10) Journal Closed Following Article on Constitution
[90] Irrawaddy (04 Oct 10) Journal Suspended For Cartoon
[91] NLM (15 Sep 10) Union Election Commission issues Notification No. 98/2010
[92] Notification 98/2010, Article 6
[93] Irrawaddy (23 Sep 10) Burma's EC Rejects Democratic Party Campaign Ad; Mizzima News (24 Sep 10) Party canvassing on state media heavily censored; (29 Sep 10) More parties cancel election broadcasts
[94] Khonumthung News (01 Oct 10) CNP's TV poll campaign censored
[95] Irrawaddy (30 Sep 10) Ethnic Campaign Ads Censored
[96] Irrawaddy (30 Sep 10) Ethnic Campaign Ads Censored
[97] AP (04 Aug 10) Myanmar sends poll warning; Reuters (10 Sep 10) Myanmar tells baffled voters to do their duty; Reuters (10 Sep 10) Govt urges Myanmese to vote; AP (10 Sep 10) Myanmar media denounce those who push vote boycott; AFP (18 Sep 10) Myanmar 'issues warning to Suu Kyi party'; AP (19 Sep 10) Suu Kyi's party warned over election criticism; AFP (18 Sep 10) Myanmar 'issues warning to Suu Kyi party'; AP (19 Sep 10) Suu Kyi's party warned over election criticism

Defense Services Commander-in-Chief and maintains some of the junta's most draconian provisions limiting basic human rights. Furthermore, the military and its cronies will continue to tightly control the economy and the military's hostilities against Burma's ethnic nationalities people will likely increase after the polls.

Regardless of the ultimate outcome of the polls, the junta has an ace up its sleeve: the 2008 constitution. The constitution gives the Defense Services Commander-in-Chief the power to appoint 25% of the seats in both houses of the National Parliament and in State and Division Parliaments. With a significant number of former military officials now running for office as civilians under the USDP banner, a pro-junta bloc will most likely control an outright majority of parliamentary seats. This gives the military de facto control over constitutional amendments as over 75% of legislative members of both houses of Parliament are required to pass an amendment.[98]

Furthermore, the 2008 constitution deprives people of their basic human rights by stipulating "exception clauses," which preserve draconian laws[99] that explicitly prohibit freedom of speech, association, and assembly;[100] Given these provisions, the only "political space" for those advocating democracy, will be the same as before - a prison cell.

As the SPDC pushes ahead with the polls, large corporate interests in neighboring countries have already begun lining up to further exploit the country's abundant resources. Thailand, India, and China all want more of Burma's vast energy resources and have put these national interests ahead of any concerns on democratic reforms and human rights. In the long-run, these policies will lead to greater instability in the region, as all of Burma's neighbors tie themselves economically to the country's future while avoiding doing anything to ensure that this future is sustainable.

In the last several months, Than Shwe has met with the leaders of all of Burma's neighbors with the exception of Bangladesh. Than Shwe held these meetings to secure political and economic support and discuss border security issues. These meetings have set the stage for a military offensive after the elections against the ethnic ceasefire groups that have resisted the SPDC's demand to assimilate into the Border Guard Force (BGF).

While the junta has resisted targeting these groups as it gears up for the polls, armed aggression will likely follow this political isolation. In August 2009, the SPDC's offensive against the ethnic Kokang Myanmar National Democratic Alliance Army (MNDAA) in Northern Shan State caused more than 37,000 civilians to flee into China. Future armed offensives will lead to even more refugees and further damage regional stability. The 2008 constitution gives the Defense Services Commander-in-Chief the power to select candidates for key ministerial posts, including the Minister for Border

[98] Constitution of the Republic of the Union of Myanmar, Article 436 (b)
[99] Such as the 1975 State Protection Law, 1962 Printers and Publishers Law, 1985 Television and Video Act, 1996, Computer Science and Development Law, and 2000 Internet Law
[100] Constitution of the Republic of the Union of Myanmar, Article 354, 376

Affairs. This serves as a green light for the continued Burmanization of the ethnic nationality areas by ceding authority over ethnic nationality areas to the military, and is a recipe for national dissolution.

When the elections are over, Burma's people will be no better off than before and armed aggression against ethnic nationalities will fuel continued conflict and serious human rights violations. Military rule will persist with the same players and same agenda to oppress any hopes of democratic reform and national reconciliation.

ANNEX: POLITICAL PARTIES

Political parties that will contest the elections:

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. Difference and Peace Party [aka Peace and Diversity Party]
8. Ethnic National Development Party
9. Inn National Development Party
10. Kaman National Progressive Party
11. Kayan National Party
12. Kayin People's Party
13. Kayin State Democracy and Development Party
14. Khami National Development Party
15. Kokang Democracy and Unity Party
16. Lahu National Development Party
17. Mro or Khami National Solidarity Organization
18. National Democratic Force
19. National Democratic Party for Development
20. National Development and Peace Party
21. National Political Alliances League
22. National Unity Party
23. New Era People's Party [aka Modern People's Party]
24. PaO National Organization
25. Phalon-Sawaw Democratic Party
26. Rakhine Nationals Progressive Party [aka Rakhine Nationalities Development Party]
27. Rakhine State National Force
28. Shan Nationals 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
34. Unity and Democracy Party of Kachin State
35. Wa Democratic Party
36. Wa National Unity Party
37. Wunthanu NLD

Political parties that have been dissolved by the SPDC Election Commission for failing to complete the registration process

1. All National Races Unity and Development Party (Kayah State)
2. People's New Society Party

Political Parties that have been dissolved by the SPDC Election Commission for failing to register at least three candidates

1. Mro National Party
2. Myanmar Democracy Congress
3. Myanmar New Society Democratic Party
4. Regional Development Party (Pyay)
5. Union Kayin League

Political parties that have been unfairly denied registration by the SPDC Election Commission

1. Kachin State Progressive Party
2. Northern Shan State Progressive Party
3. United Democracy Party (Kachin State)