



the total number of seats in Parliament. Given the current dominance of the USDP and the military bloc in Parliament, which account for over 80% of the 659 seats, it is impossible for opposition parties, including the National League for Democracy (NLD), to significantly alter the balance of power in the legislature.

While the by-elections have limited political significance, they are important because they are being championed as an indicator of progress by the international community after the sham 2010 polls. Despite the hype, the bulk of laws and regulations that still govern Burma's electoral process are the same as those applied in the widely-condemned 2010 elections. These laws are not in line with international standards [See below *Electoral framework not in line with international standards*].

In addition to the flawed election laws, another obstacle towards holding free and fair elections is the regime's handpicked Election Commission. The body, which oversees all aspects of the electoral process, has repeatedly failed to act in an impartial and independent manner. As a result, electoral fraud, irregularities, and campaign restrictions are mostly unaddressed and severely compromise the conduct of the electoral process.

<b>By-elections quick facts</b>	
<b>45</b>	Total seats at stake (less than 7% at the national level)
<b>45</b>	Seats formerly held by USDP MPs
<b>37</b>	Seats at stake in the People's Assembly (less than 9%)
<b>6</b>	Seats at stake in the National Assembly (2%)
<b>2</b>	Seats at stake in the Division and State Parliaments
<b>&gt;6,000,000</b>	Number of eligible voters [estimated - unofficial] <sup>2</sup>
<b>3</b>	Number of constituencies where voting has been canceled
<b>&gt;200,000</b>	Number of disenfranchised voters in Kachin State [estimated - unofficial] <sup>3</sup>
<b>17</b>	Total number of political parties contesting the by-elections
<b>11</b>	Pre-existing political parties contesting the by-elections
<b>6</b>	Newly-registered political parties contesting the by-elections
<b>&gt;150</b>	Candidates fielded by political parties
<b>45</b>	Candidates fielded by USDP
<b>44</b>	Candidates fielded by NLD
<b>7</b>	Independent candidates

### **Electoral framework not in line with international standards**

The regime has pledged to hold 'free and fair' by-elections.<sup>4</sup> However, it is apparent that most of the flaws that caused the UN Special Rapporteur on Human Rights in Burma Tomás Ojea Quintana to say that the 2010 polls "failed to meet international standards"<sup>5</sup> are still in place during the by-elections.

### **Election laws limit political participation**

The election laws severely limited the ability of political parties to field candidates in the 2010 elections.<sup>6</sup> The Political Parties Registration Bylaws sets a non-refundable 500,000 kyat (about US\$ 610)

<sup>2</sup> This estimate is based on the following data from the 2010 elections: total number of valid votes cast in the 45 constituencies where seats are up for grabs (4,618,304); the percentage of invalid votes in the People's Assembly, National Assembly, and Division and State Parliaments (6.94%, 6.43%, and 7.40% respectively); and the turnout for the People's Assembly, National Assembly, and Division and State Parliaments (77.26%, 76.78%, and 76.62% respectively).

<sup>3</sup> This estimate is based on the following data from the 2010 elections: total number of valid votes cast in Hpakant, Mogaung, and Bhamo Townships (150,833); the percentage of invalid votes in the People's Assembly (6.94%); and the turnout for the People's Assembly (77.26%).

<sup>4</sup> AFP (08 Jan 12) Myanmar's Suu Kyi 'could get government role'; AFP (16 Jan 12) Top Myanmar official says democracy only way; Bloomberg (25 Jan 12) Myanmar Confident of Free and Fair Elections, Minister Says; Irrawaddy (26 Jan 12) Change in Burma 'Irreversible': FM; Myanmar Times (06 Feb 12) By-elections will be free, fair, speaker tells Quintana; Mizzima News (15 Feb 12) EC silent on allowing international monitors; Irrawaddy (03 Feb 12) UN Envoy Visits Insein Prison, Meets Suu Kyi; Reuters (22 Feb 12) Myanmar's parliament chief rebukes "sluggish" govt

<sup>5</sup> HRC, 16th session, Progress report of the Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, 7 March 2011, UN Doc. A/HRC/16/59

<sup>6</sup> UNGA, 65<sup>th</sup> session, Situation of human rights in Myanmar, 15 September 2010, UN Doc A/65/368 Para 28

registration fee for each candidate – the equivalent of more than one year’s salary for a Burmese civil servant.<sup>7</sup>

While exorbitant registration fees have a greater impact on the political parties’ ability to field candidates during a general election, it is likely that this factor contributed to the low number of parties contesting the by-elections. While 37 political parties contested the 2010 elections, only 17 have fielded candidates in the by-elections. Most of the newly-registered parties only fielded three candidates - the minimum required by law to avoid dissolution. On 7 February, the Election Commission dissolved the Democratic Alliance Party and the 88-Forces of People’s Party because they failed to field candidates in three constituencies in the by-elections.<sup>8</sup>

In addition, the same restrictive laws that regulated the election campaign and the complaint procedure for the 2010 polls apply to the by-elections. [See below *Campaign restrictions still in place* and *Complaint process ineffective and inaccessible*]

### **Election Commission lacks independence and impartiality**

The 2008 constitution empowers Burma’s President to handpick the Election Commission (EC).<sup>9</sup> In February 2011, President Thein Sein appointed the seven-member EC.<sup>10</sup> In accordance with the constitution, the Parliament could merely ratify Thein Sein’s appointments. MPs can only reject the President’s selection if it does not meet the prescribed constitutional requirements.<sup>11</sup> The EC Chairman is Tin Aye, a long-time member of Burma’s regime. A former Tatmadaw Lieutenant General, SPDC member, and Chairman of the regime’s conglomerate Union of Myanmar Economic Holdings (UMEH), he is also a protégé of former SPDC Chairman Sr Gen Than Shwe.<sup>12</sup>

In the lead-up to 1 April, the EC failed to act in an impartial and effective manner. The EC failed to investigate allegations of campaign irregularities committed by USDP members and supporters. It also failed to address numerous NLD complaints of campaign restrictions.<sup>13</sup> In fact, the EC imposed severe restrictions on the NLD’s ability to carry out its campaign activities on various occasions. [See below *Restrictions on NLD activities*]

### **Campaign restrictions still in place**

The 2010 election laws provide the rules for by-election campaigns by candidates and political parties.<sup>14</sup> According to the UN Special Rapporteur on Human Rights in Burma Tomás Ojea Quintana, those laws limit freedom of expression and freedom of assembly and association.<sup>15</sup> According to Directive 2/2010:<sup>16</sup>

- Political parties that want to hold gatherings outside their headquarters have to apply to the local Election Sub-commission for permission a week in advance.
- Political parties cannot give speeches or publish materials that “tarnish” the image of the state or the armed forces, criticize the constitution, or harm “security and community peace.”

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<sup>7</sup> Reuters (14 Mar 12) Myanmar raises civil service salaries as prices soar

<sup>8</sup> NLM (08 Feb 12) Abolition of political parties

<sup>9</sup> Constitution of the Republic of the Union of Myanmar, Article 398 (a)

<sup>10</sup> AP (17 Feb 11) Myanmar junta figure to chair election body; NLM (25 Feb 11) 12th-day regular session of First Pyidaungsu Hluttaw held - Approval sought for appointment of Supreme Court Judges - Persons suitable to be appointed as members of Union Election Commission nominated

<sup>11</sup> Constitution of the Republic of the Union of Myanmar, Article 398 (a), (b) and Article 232 (d)

<sup>12</sup> Irrawaddy (17 Feb 11) Tin Aye to Become Chairman of Election Commission; AP (17 Feb 11) Myanmar junta figure to chair election body; Mizzima News (17 Feb 11) Tin Aye to be EC chairman; Tun Tun Oo appointed chief justice; Irrawaddy (17 Feb 11) Tin Aye to Become Chairman of Election Commission; Mizzima News (17 Feb 11) Retired Lieutenant General Tin Aye resigns from Parliament; Mizzima News (17 Feb 11) Tin Aye to be EC chairman; Tun Tun Oo appointed chief justice; Associates to Develop Democratic Burma (01 May 03) Burma Alert - No. 04/03; Mizzima News (17 Feb 11) Tin Aye nominated as chairman of Election Commission

<sup>13</sup> Irrawaddy (23 Mar 12) Thein Sein Interfering in Election, Says NLD

<sup>14</sup> NLM (31 Jan 12) Hluttaw candidates to exactly follow directives and notifications of UEC in canvassing for votes; NLM (19 Aug 10) Rights to assemble and canvass for Hluttaw candidates

<sup>15</sup> HRC, 16th session, Progress report of the Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, 7 March 2011, UN Doc. A/HRC/16/59

<sup>16</sup> NLM (19 Aug 10) Rights to assemble and canvass for Hluttaw candidates

- Political parties are required to avoid causing “any disturbances” near government offices, factories, markets, schools, sports grounds, hospitals, and religious places.

### **Complaint process ineffective and inaccessible**

In 2010, the Election Commission (EC) set a staggering non-refundable fee of one million kyat (about US\$1,220) to file a complaint challenging the validity of election results. In addition, the election laws state that candidates who unsuccessfully challenge the election results can be sentenced to up to three years in prison. The hefty fee, possible jail time, and the highly unlikely prospect that the EC would rule against the pro-regime USDP, are likely to effectively discourage political parties from filing a complaint. This was the case following the 2010 polls.

### **Restrictions, irregularities, harassment, and vote-buying mar pre-election period**

In his March report to the UN Human Rights Council, UN Special Rapporteur on Human Rights in Burma Tomás Ojea Quintana expressed his concern over ongoing “allegations of campaign irregularities and attempts to limit campaign activities.”<sup>17</sup>

### **Restrictions on NLD activities**

Despite repeated pledges that the 1 April by-elections would be free and fair, the regime routinely obstructed the NLD’s campaign activities.

- **2 February:** Daw Aung San Suu Kyi postponed her campaign trip to Mandalay after the Election Commission (EC) denied an NLD request to use a local stadium for a rally.<sup>18</sup>
- **14 February:** Regime Sports Minister Tint Hsan denied an NLD request for Daw Aung San Suu Kyi to use a stadium for a campaign rally in Hlegu Township, Rangoon Division. The EC eventually overturned Tint Hsan’s decision and allowed Daw Suu to use the stadium.<sup>19</sup>
- **15 February:** The EC issued a statement that banned political parties from using stadiums for campaign purposes.<sup>20</sup>
- **15 February:** Regime Sports Minister Tint Hsan prevented the NLD from campaigning in a public playground in Hlegu Township, Rangoon Division. The EC Chairman eventually overruled Tint Hsan’s decision and allowed the NLD to use the playground.<sup>21</sup>
- **17 February:** Regime Sports Minister Tint Hsan again denied an NLD request for Daw Aung San Suu Kyi to use a local stadium for a rally in Pyapon Township, Irrawaddy Division. The NLD subsequently held the event at an open ground about two kilometers away.<sup>22</sup>
- **17 February:** Regime authorities in Mandalay failed to respond to an NLD request for its members to use a local stadium for a campaign event.<sup>23</sup>
- **20 February:** The NLD said that regime authorities denied a request to hold campaign events on 23-24 February in Kachin State due to security concerns.<sup>24</sup>

On 20 February, the NLD held a press conference to address the regime’s restrictions on its campaign activities.<sup>25</sup> In response to the NLD’s objections, the EC announced that it would lift all restrictions on

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<sup>17</sup> HRC, 19<sup>th</sup> session, Progress report of the Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, 7 Mar 2012, UN Doc. A/HRC/19/67; Para 15

<sup>18</sup> AP (02 Feb 12) Myanmar’s Suu Kyi postpones planned political trip; AFP (03 Feb 12) Suu Kyi ‘postpones major election rally’

<sup>19</sup> Reuters (20 Feb 12) Myanmar lifts rally ban after Suu Kyi’s party complains; Irrawaddy (16 Feb 12) People, Army Should Work Together: Suu Kyi; BBC (21 Feb 12) Suu Kyi party says Burma campaign restrictions lifted

<sup>20</sup> Reuters (20 Feb 12) Myanmar lifts rally ban after Suu Kyi’s party complains; Irrawaddy (20 Feb 12) NLD Complains of Campaign Restrictions

<sup>21</sup> DPA (20 Feb 12) Myanmar opposition complains of unfair campaigning; NLD (20 Feb 12) National League for Democracy’s Press Conference; Mizzima News (20 Feb 12) Sports ministry denying Suu Kyi access to stadiums

<sup>22</sup> Irrawaddy (20 Feb 12) NLD Complains of Campaign Restrictions; DVB (20 Feb 12) Suu Kyi campaign speech blocked by government; NLD (20 Feb 12) National League for Democracy’s Press Conference; Mizzima News (20 Feb 12) Sports ministry denying Suu Kyi access to stadiums

<sup>23</sup> Mizzima News (20 Feb 12) Sports ministry denying Suu Kyi access to stadiums

<sup>24</sup> AP (20 Feb 12) Myanmar lifts campaign restrictions in unusually swift response to opposition complaints; Reuters (20 Feb 12) Myanmar lifts rally ban after Suu Kyi’s party complains; Irrawaddy (20 Feb 12) NLD Complains of Campaign Restrictions

the party's campaign activities.<sup>26</sup> However, in March the EC and regime authorities continued to hinder the NLD campaign.

- **1 March:** The EC denied an NLD request for Daw Aung San Suu Kyi to use Thanlwin Park for her 11 March campaign rally in Moulmein, Mon State.<sup>27</sup> As a result, Daw Suu held the rally at a smaller ground located about 10 km from Moulmein.<sup>28</sup>
- **2 March:** It was reported that the EC denied an NLD request for Daw Aung San Suu Kyi to use venues for campaign rallies in Naypyidaw's Pobbhathiri and Zabuthiri Townships.<sup>29</sup> As a result, the two rallies were held in open fields on the capital's outskirts.<sup>30</sup>
- **2 March:** It was reported that the EC denied an NLD request for Daw Aung San Suu Kyi to use Independence Grounds for her 5 March campaign rally in Meikhtila, Mandalay Division.<sup>31</sup>
- **13 March:** It was reported that regime authorities in Lashio, Shan State, denied an NLD request for Daw Aung San Suu Kyi to use a local stadium for her 17 March rally.<sup>32</sup> As a result, Daw Suu held her rally at a nearby pagoda.<sup>33</sup>
- **24 March:** Regime authorities refused an NLD request for Daw Aung San Suu Kyi to use a ferry boat for her campaign trip to Mergui Township, Tenasserim Division.<sup>34</sup>

### Widespread irregularities

Widespread irregularities were reported with regard to the compilation of voter rolls. The NLD said that it had found irregularities in voter rolls in all constituencies.<sup>35</sup> The lists contained names of individuals who were deceased, individuals no longer living in the constituency, and listed the same person more than once.<sup>36</sup> Voter rolls had also omitted the names of eligible voters.<sup>37</sup>

In addition, reports emerged that regime authorities abused advance voting. On 17 March, regime authorities in Launglon, Tenasserim Division, told more than 70 teachers that they would have to cast advance votes in front of local officials. Regime authorities in Launglon and Kyunsu Townships, Tenasserim Division, also told about 50 local college students that they had to cast advance votes in the presence of the rector and other college officials.<sup>38</sup>

### Threats, harassment, and vote buying

Numerous reports emerged of serious election law violations. Regime authorities, their proxies, and USDP members continued to threaten, intimidate, and harass voters, local administrators, and civil servants:

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<sup>25</sup> AP (20 Feb 12) Myanmar opposition party complains of restrictions; Reuters (20 Feb 12) Myanmar lifts rally ban after Suu Kyi's party complains; DPA (20 Feb 12) Myanmar opposition complains of unfair campaigning; NLD (20 Feb 12) National League for Democracy's Press Conference; Mizzima News (20 Feb 12) Sports ministry denying Suu Kyi access to stadiums

<sup>26</sup> AFP (20 Feb 12) Myanmar opposition says campaign restrictions lifted; BBC (21 Feb 12) Suu Kyi party says Burma campaign restrictions lifted; VOA (20 Feb 12) Burma Eases By-Election Restrictions

<sup>27</sup> RFA (02 Mar 12) Fresh Obstacles for NLD Campaign; IMNA (09 Mar 12) Election Commission Rejects Suu Kyi's Campaign Locale; Irrawaddy (09 Mar 12) NLD Venue Snub for Suu Kyi Rally

<sup>28</sup> Reuters (12 Mar 12) Analysis: Big win for Suu Kyi's party in Myanmar election? Maybe not; IMNA (09 Mar 12) Election Commission Rejects Suu Kyi's Campaign Locale; IMNA (09 Mar 12) Location of Daw Aung San Suu Kyi speech in Moulmein changed

<sup>29</sup> RFA (02 Mar 12) Fresh Obstacles for NLD Campaign; Mizzima News (02 Mar 12) Problems obtaining campaign venues continue: NLD

<sup>30</sup> AP (05 Mar 12) Myanmar's Aung San Suu Kyi woos military during campaign tour in the capital

<sup>31</sup> RFA (02 Mar 12) Fresh Obstacles for NLD Campaign

<sup>32</sup> SHAN (13 Mar 12) NLD candidate: For local lions, winning is what matters

<sup>33</sup> SHAN (13 Mar 12) NLD candidate: For local lions, winning is what matters

<sup>34</sup> AP (25 Mar 12) Ailing Suu Kyi curbs election campaign in Myanmar; DPA (25 Mar 12) Myanmar opposition leader cancels campaign trip

<sup>35</sup> RFA (20 Mar 12) Burma to Allow Some Election Observers

<sup>36</sup> AP (08 Mar 12) Myanmar's Suu Kyi charges irregular voter lists signal potential for electoral fraud; AFP (08 Mar 12) Dead people appearing on Myanmar voter rolls: Suu Kyi; VOA (08 Mar 12) Burmese Democracy Leader Warns of Potential Vote Fraud; DVB (08 Mar 12) Deceased appear on Burma voter list; SHAN (13 Mar 12) NLD candidate: For local lions, winning is what matters; Mizzima News (08 Mar 12) Complaints lodged over accuracy of Burma's voter registration rolls; RFA (20 Mar 12) Burma to Allow Some Election Observers

<sup>37</sup> AFP (19 Mar 12) Suu Kyi's party complains of 'unfair treatment'; Reuters (19 Mar 12) Suu Kyi party complains of Myanmar ballot irregularities; RFA (21 Mar 12) Western Election Observers Invited

<sup>38</sup> Irrawaddy (19 Mar 12) NLD Supporters Attacked in Naypyidaw

- **13 February:** The leader of the regime-backed Manpang People's Militia Force in Lashio and Tangyan Townships, Northern Shan State, warned local villagers that they would be forcibly relocated if they did not cast their vote for the USDP candidate.<sup>39</sup>
- **20 February:** It was reported that a regime official in Myaungmya Township, Irrawaddy Division, summoned 130 local administrators to a meeting and warned them that if the USDP candidate did not win in that constituency they would have to resign.<sup>40</sup>
- **23 February:** Regime authorities in Naypyidaw warned residents of Aung Chan Tha village in Naypyidaw's Zabuthiri Township that they would be struck off a list of households awaiting electricity if they attended Daw Aung San Suu Kyi's rally.<sup>41</sup>
- **5 March:** It was reported that regime authorities in Naypyidaw's Zabuthiri Township harassed local villagers who attended a campaign rally of an NLD candidate for the People's Assembly.<sup>42</sup>
- **6 March:** It was reported that regime authorities ordered civil servants not to attend Daw Aung San Suu Kyi's rallies in Naypyidaw.<sup>43</sup>
- **13 March:** It was reported that regime authorities in Lashio, Shan State, ordered local residents not to attend the NLD campaign rallies.<sup>44</sup>
- **16 March:** The USDP forced local residents in Mingin Township, Sagaing Division, to attend a USDP campaign rally.<sup>45</sup>

Disturbing reports also surfaced of attacks against NLD members:

- **6 March:** Unknown individuals threw rocks at Daw Aung San Suu Kyi's motorcade en route to Hpayagyi, near Pegu, Pegu Division, injuring two of Daw Suu's bodyguards.<sup>46</sup>
- **18 March:** Unknown assailants in Naypyidaw's Ottharathiri Township attacked NLD candidate Min Thu with slingshots during a campaign rally, injuring one of his security guards.<sup>47</sup>

Vote-buying by USDP officials was also reported:

- **10 March:** USDP officials in Rangoon's Mayangone Township distributed campaign leaflets along with 50,000 kyat to local residents.<sup>48</sup>
- **19 March:** The NLD said that the USDP in Mingin Township, Sagaing Division, had donated about US\$440 for a local school and promised the same amount again if the party wins in the by-elections.<sup>49</sup> The NLD also said that the USDP was engaged in vote-buying in villages in Pale Township, Sagaing Division.<sup>50</sup>

In addition, in March numerous incidents were reported of destruction of NLD signboards and defacing of NLD candidates' posters in Irrawaddy and Mandalay Divisions and in Naypyidaw.<sup>51</sup>

### More voters disenfranchised

After canceling voting in almost 500 villages in nine of Kachin State's 18 townships in the 2010 polls, the regime disenfranchised over 200,000 additional Kachin voters in the by-elections.<sup>52</sup>

On 23 March, the Election Commission (EC) abruptly canceled voting in all three Kachin State constituencies.<sup>53</sup> The EC claimed that security conditions in those areas were "not conducive to

<sup>39</sup> SHAN (13 Feb 12) By-elections: Lions up to mischief again

<sup>40</sup> Mizzima News (20 Feb 12) Township chief threatens village leaders over election

<sup>41</sup> Irrawaddy (09 Mar 12) NLD Supporters Left in the Dark

<sup>42</sup> AP (05 Mar 12) Aung San Suu Kyi campaigns in Myanmar's capital

<sup>43</sup> Irrawaddy (06 Mar 12) Suu Kyi Lashes Out in Taungoo

<sup>44</sup> SHAN (13 Mar 12) NLD candidate: For local lions, winning is what matters

<sup>45</sup> AFP (19 Mar 12) Suu Kyi's party complains of 'unfair treatment'; Irrawaddy (19 Mar 12) NLD Supporters Attacked in Naypyidaw

<sup>46</sup> DVB (08 Mar 12) Suu Kyi's convoy pelted with stone

<sup>47</sup> Irrawaddy (19 Mar 12) NLD Supporters Attacked in Naypyidaw; DVB (20 Mar 12) Burma gets ASEAN poll monitor boost

<sup>48</sup> NLD (16 Mar 12) Ruling party targets NLD with slander, bribes

<sup>49</sup> AFP (19 Mar 12) Suu Kyi's party complains of 'unfair treatment'

<sup>50</sup> RFA (21 Mar 12) Western Election Observers Invited

<sup>51</sup> Mizzima News (02 Mar 12) Problems obtaining campaign venues continue: NLD; Irrawaddy (12 Mar 12) Suu Kyi Poster Defaced at Naypyidaw NLD Office; Mizzima News (19 Mar 12) Suu Kyi questions the fairness of the Burmese election;

<sup>52</sup> This estimate is based on the following data from the 2010 elections: total number of valid votes cast in Hpakant, Mogaung, and Bhamo Townships (150,833); the percentage of invalid votes in the People's Assembly (6.94%); and the turnout for the People's Assembly (77.26%).

conducting a free and fair by-election.”<sup>54</sup> However, the NLD questioned the EC’s decision, saying the three constituencies were in areas not directly affected by the ongoing fighting between the Tatmadaw and the Kachin Independence Army (KIA).<sup>55</sup>

In addition to the recently disenfranchised voters, the regime continued to deny many communities in ethnic areas their right to elect their representatives to Parliament. While the by-elections are held in order to replace seats that were left vacant by MPs elected in 2010, there are still five seats in the People’s Assembly and 12 seats in the Division and State Parliaments that were never filled in the 2010 polls because the regime claimed that it could not hold ‘free and fair’ elections in those areas.

Despite signing ‘initial peace agreements’ with all main ethnic armed groups in Karen, Karenni, Shan, and Mon State over the past six months,<sup>56</sup> the regime still refused to hold elections in the constituencies where polls were canceled in 2010. As a result, the regime continues to disenfranchise about 1.5 million ethnic people by excluding over 3,400 villages in Karen, Karenni, Shan, Mon, and Kachin States from voting.

### **Censorship still in place**

On 16 February, the Election Commission (EC) announced that each of the 17 political parties contesting the by-elections would be granted a 15-minute slot on state radio and TV to present their political platforms.<sup>57</sup> However, parties had to submit the transcript of their campaign message to the EC seven days before the broadcast date for approval.<sup>58</sup> The EC could reject the transcript and take action against political parties that submit campaign messages “detrimental to security, prevalence of law and order and peace and tranquility” or messages “undermining the constitution; tarnishing or harming the image of the State; and tarnishing the image of the Tatmadaw.”<sup>59</sup> These were the same restrictions on campaign messages imposed by the EC ahead of the November 2010 elections.<sup>60</sup>

On 10 March, Daw Aung San Suu Kyi said that authorities censored a passage of the NLD’s campaign message.<sup>61</sup> The passage criticized Burma’s previous regimes for oppressing the Burmese people and failing to promote the rule of law in the country.<sup>62</sup> An unspecified number of other parties also said that their campaign message was censored.<sup>63</sup>

### **Election observation falls short of international standards**

In his March report to the UN Human Rights Council, UN Special Rapporteur on human rights in Burma Tomás Ojea Quintana stressed that the credibility of the by-elections would not be determined “solely on the day of the vote, but on the basis of the entire process leading up to and following election day.”<sup>64</sup> As a result, the regime’s eleventh hour decision to invite external election monitors is a public relations ploy that is ‘too little, too late’ to ensure adequate, effective, and independent monitoring of the electoral process.

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<sup>53</sup> AP (23 Mar 12) Myanmar postpones by-election in restive north; NLM (24 Mar 12) Announcement on list of constituencies postponed for by-election; BBC (23 Mar 12) Burma postpones by-elections in troubled Kachin state; AFP (23 Mar 12) Myanmar postpones voting in conflict-hit north

<sup>54</sup> AP (23 Mar 12) Myanmar postpones by-election in restive north

<sup>55</sup> BBC (23 Mar 12) Burma postpones by-elections in troubled Kachin state; AP (23 Mar 12) Myanmar postpones by-election in restive north

<sup>56</sup> The regime signed ‘initial peace agreements’ with the Democratic Karen Buddhist Army (DKBA), the United Wa State Army (UWSA), the National Democratic Alliance Army (NDAA), Shan State Army-South (SSA-S), Shan State Army-North (SSA-N), the Karen National Union (KNU), and the Karenni National Progressive Party (KNPP)

<sup>57</sup> Xinhua (17 Feb 12) Myanmar’s political parties allowed to campaign for by-elections by state media

<sup>58</sup> NLM (17 Feb 12) Presentation of Political parties through Radio and TV

<sup>59</sup> NLM (17 Feb 12) Presentation of Political parties through Radio and TV

<sup>60</sup> NLM (15 Sep 10) Union Election Commission issues Notification No. 98/2010

<sup>61</sup> AP (11 Mar 12) Suu Kyi poke at army banned from Myanmar state TV; AFP (10 Mar 12) Suu Kyi says Myanmar officials censored speech; RFA (09 Mar 12) Suu Kyi’s Campaign Speech Censored; Mizzima News (11 Mar 12) Burmese gov’t censors Suu Kyi’s campaign speech

<sup>62</sup> AP (11 Mar 12) Suu Kyi poke at army banned from Myanmar state TV; AFP (10 Mar 12) Suu Kyi says Myanmar officials censored speech; RFA (09 Mar 12) Suu Kyi’s Campaign Speech Censored; Mizzima News (11 Mar 12) Burmese gov’t censors Suu Kyi’s campaign speech; Irrawaddy (12 Mar 12) Suu Kyi Questions Military’s Thirst for Power

<sup>63</sup> Irrawaddy (09 Mar 12) NLD Supporters Left in the Dark

<sup>64</sup> HRC, 19<sup>th</sup> session, Progress report of the Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, 7 Mar 2012, UN Doc. A/HRC/19/67; Para 16

On 20 March, the regime announced it would invite a five-member delegation from the ASEAN Secretariat, accompanied by three media personnel, to observe the by-elections.<sup>65</sup> The regime also invited two MPs and three media representatives from each ASEAN member state and the ASEAN Regional Forum (ARF) - which includes the US, the EU, China, Russia, and North Korea - to observe the polls.<sup>66</sup>

Western diplomats warned that participation by their governments in the by-election observation should not be taken as a full, official observation of the electoral process.<sup>67</sup> On 21 March, the US State Department said that Washington would send election monitors, but added that the move still fell short of “international complete transparency on an election.”<sup>68</sup> A Rangoon-based diplomat described the regime’s move as “better than nothing but largely symbolic.”<sup>69</sup> Ambassador and Head of Delegation of the EU to Thailand, Cambodia, Laos, and Burma David Lipman said that what the regime was offering was not election observation but “a monitoring tour.”<sup>70</sup>

On 20-21 March, regime authorities in Rangoon deported three representatives of the Bangkok-based regional election watchdog Asian Network for Free Elections (ANFREL), who had been providing training to local reporters and activists on election monitoring.<sup>71</sup>

### By-elections’ who’s who

Seventeen political parties will contest the 1 April by-elections. They include 11 existing parties and six newly-registered parties. Only four ethnic parties (All Mon Region Democracy Party, Lahu National Development Party, PaO National Organization, and Shan Nationals Democratic Party) will participate in the polls. In total, over 150 candidates, including seven independents, will run for the 45 seats at stake.<sup>72</sup>

#	Political party	Candidates fielded	Seats won in 2010
1.	All Mon Region Democracy Party	1	16
2.	Democratic Party (Myanmar)	1	3
3.	Kokang Democracy and Unity Party	1	0
4.	Lahu National Development Party	1	1
5.	Myanmar National Congress	3	DNP
6.	Myanmar New Society Democratic Party	3	DNP
7.	National Democratic Force	11	16
8.	National League for Democracy	44	DNP
9.	National Political Alliances League	2	0
10.	National Unity Party	21	63
11.	New Era People’s Party	1	0
12.	New National Democracy Party	3	DNP
13.	PaO National Organization	1	10
14.	Party for Unity and Peace	4	DNP
15.	People Democracy Party	3	DNP
16.	Shan Nationals Democratic Party	3	57
17.	Union Solidarity and Development Party	45	883

<sup>65</sup> ASEAN (20 Mar 12) Myanmar Invites ASEAN SECRETARIAT, ASEAN Member States and the Media to Observe April By-Election; VOA (20 Mar 12) Burma Invites ASEAN Observers to Witness Special Elections

<sup>66</sup> Xinhua (23 Mar 12) Myanmar delays by-elections in 3 constituencies for security reason; BBC (21 Mar 12) Burma invites US and EU observers to April by-elections; FT (23 Mar 12) West points to flawed monitoring in Myanmar; AP (20 Mar 12) Myanmar to allow Southeast Asian neighbors to send observers to monitor April vote; Reuters (20 Mar 12) Myanmar invites five ASEAN observers to oversee election; RFA (20 Mar 12) Burma to Allow Some Election Observers

<sup>67</sup> FT (23 Mar 12) West points to flawed monitoring in Myanmar

<sup>68</sup> RFA (21 Mar 12) Western Election Observers Invited; FT (23 Mar 12) West points to flawed monitoring in Myanmar; VOA (21 Mar 12) US Accepts Burma’s Invitation to Observe April 1 Vote; DPA (21 Mar 12) US invited to send observers to Myanmar elections; BBC (21 Mar 12) Burma invites US and EU observers to April by-elections; AFP (22 Mar 12) US set to send observers to Myanmar

<sup>69</sup> FT (23 Mar 12) West points to flawed monitoring in Myanmar

<sup>70</sup> FT (23 Mar 12) West points to flawed monitoring in Myanmar

<sup>71</sup> RFA (21 Mar 12) Western Election Observers Invited; Bangkok Post (22 Mar 12) Anfrel calls for Myanmar sincerity; Irrawaddy (21 Mar 12) Election Coordinator Deported from Burma; Bangkok Post (22 Mar 12) Anfrel calls for Myanmar sincerity; VOA (21 Mar 12) US Accepts Burma’s Invitation to Observe April 1 Vote; DVB (22 Mar 12) Election monitor ‘asked to leave’ Burma

<sup>72</sup> Xinhua (23 Mar 12) Myanmar delays by-elections in 3 constituencies for security reason



### **All Mon Region Democracy Party (AMRDP)**

A Mon ethnic party, the AMRDP was formed on 7 April 2010 by Mon who disagreed with the New Mon State Party's decision to boycott the November elections. It is led by Ngwe Thein and other former civil servants. The AMRDP won 16 seats (seven at the national level) in the 2010 elections.

### **Democratic Party (Myanmar) (DPM)**

DPM Chairman Thu Wai is a veteran politician and former political prisoner. Among the party leaders are Mya Than Than Nu, the daughter of Burma's first PM U Nu, and Cho Cho Kyaw Nyein, the daughter of former Deputy PM Kyaw Nyein. The DPM won one seat during the 1990 elections. The regime subsequently dissolved it. The DPM won three seats at the local level in the 2010 elections. The DPM has fielded only one candidate (party Chairman Thu Wai) in Rangoon's Mingala Taungnyunt Township.<sup>73</sup>

### **Kokang Democracy and Unity Party (KDUP)**

A Kokang ethnic party, the KDUP represents the Kokang ethnic group based in Northern Shan State's Laogai and Konkyan Townships. The KDUP did not win any seats in the 1990 and 2010 elections.

### **Lahu National Development Party (LNDP)**

A Lahu ethnic party, the LNDP represents the Lahu communities who live predominantly in Eastern Shan State. In 1990, it contested in seven constituencies and won one seat. The LNDP won one seat in the Shan State Parliament in the 2010 elections.

### **Myanmar National Congress (MNC)**

MNC Chairman Kaung Myint Htut is a former student leader who was imprisoned for six years in the 1990s for student activism. On 14 September 2010, the Election Commission dissolved the party because it failed to register at least three candidates. The MNC re-registered in January 2012. The party has fielded three candidates in Rangoon's Mingala Taungnyunt, Mayangone, and Dagon Seikkan Townships.<sup>74</sup>

### **Myanmar New Society Democratic Party (MNSDP)**

The MNSDP has its roots in the student movement of 1988. Chairman Zin Aung was formerly a senior member of the Democratic Party for a New Society, which contested the 1990 election in nine constituencies, winning no seats. On 14 September 2010, the Election Commission dissolved the MNSDP because it failed to register at least three candidates. The party re-registered in January 2012.

### **National Democratic Force (NDF)**

The NDF was founded by former NLD Central Executive members, including Khin Maung Swe and Than Nyein, after the NLD decided not to re-register as a political party to contest the 2010 elections. Chairman Than Nyein, a former NLD MP elected in the 1990 elections, was arrested in 1997 for his political activities and jailed until his release in 2008, four years beyond his initial seven-year term. He is the brother-in-law of former SPDC PM Khin Nyunt. The NDF won 16 seats (12 at the national level) in the 2010 elections. The NDF has fielded about 10 candidates across Rangoon, Mandalay, Pegu, Irrawaddy, and Magwe Divisions and Kachin State.<sup>75</sup>

### **National League for Democracy (NLD)**

Founded in 1988, the NLD won over 80% of the parliamentary seats in the 1990 elections. However, the military regime never convened the Parliament. The regime dissolved the NLD in September 2010 following its decision not to re-register as a political party and to boycott the November elections. The NLD re-registered in January 2012. The party has fielded 44 candidates in the by-elections.<sup>76</sup> Among its candidates are Chairman Daw Aung San Suu Kyi; CEC members Ohn Kyaing, Win Myint, and May Win Myint; HIV/AIDS activist Phyu Phyu Thin, former political prisoner Phyo Min Thein, hip hop singer and former political prisoner Zayar Thaw, and 88 Generation Student Sandar Min.

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<sup>73</sup> Myanmar Times (12 Mar 12) Smaller parties struggle amid NLD media storm

<sup>74</sup> Myanmar Times (05 Mar 12) New Yangon party opens headquarters

<sup>75</sup> Myanmar Times (12 Mar 12) Smaller parties struggle amid NLD media storm

<sup>76</sup> AP (13 Mar 12) Myanmar opposition leader Suu Kyi's policy speech leaked on Internet before state TV broadcast

### **National Political Alliances League (NPAL)**

The NPAL is an alliance of nine small groups. The party is led by a number of NLD members elected in 1990 who were expelled from the party in 1999 after they criticized its leaders for their decision to unilaterally convene the parliament in 1998. The party did not win any seats in the 2010 elections.

### **National Unity Party (NUP)**

Formed after the 1988 uprising, the NUP succeeded Ne Win's Burma Socialist Program Party, from which it inherited massive organizational resources. The NUP contested the 1990 election as the military junta's party and won only 10 seats. Chairman Tun Yi is a former deputy commander-in-chief of the armed forces. In 2010, the NUP fielded the second-highest number of candidates but won only 17 seats at the national level. The party has fielded about 20 candidates in the by-elections.

### **New Era People's Party (NEEP) [aka Modern People's Party]**

The NEEP has a clear pro-regime stance. It accepted the 2008 constitution and its Chairman Tun Aung Kyaw is well-known for opposing economic sanctions on Burma. The party did not win any seats in the 2010 elections.

### **New National Democracy Party (NNDP)**

The NNDP was formed in 2011 by five MPs who split from the National Democratic Force (NDF) after being elected in the 2010 elections. NNDP Chairman Thein Nyunt was elected to the People's Assembly in Rangoon's Thingangyun Township. The NNDP has fielded three candidates in Rangoon's Mingala Taungnyunt, Mayangone, and Dagon Seikkan Townships.<sup>77</sup>

### **PaO National Organization (PNO)**

The PNO is an ethnic party based in Southern Shan State. It was formed by the merger of the Union PaO National Organization (a party that contested the 1990 elections) and the PaO National Organization, an ethnic group that signed a ceasefire agreement in 1991 and joined the National Convention in 1993. Chairman Aung Kham Hti is a former monk and a politician who had a close relationship with former SPDC PM Gen Khin Nyunt. He expressed his support for the 2008 constitution and the 2010 elections, during which the PNO won 10 seats (four at the national level).

### **Party for Unity and Peace (PUP)**

The PUP registered in October 2011. PUP candidate for the People's Assembly in Rangoon Division's Kawmoo Township unsuccessfully challenged the eligibility of Daw Aung San Suu Kyi in the by elections.

### **People Democracy Party (PDP)**

The PDP registered in September 2011. Than Htike Oo is the PDP's Chairman.

### **Shan Nationals Democratic Party (SNDP)**

The SNDP is a Shan ethnic party led by Ai Pao, a wealthy salt trader and former General Secretary of the Shan Nationalities League for Democracy (SNLD), which won 23 seats in the 1990 elections. Vice-Chairman Saung Si was elected as MP in 1990 with the SNLD. The SNDP won 57 seats (21 at the national level) in the 2010 elections.

### **Union Solidarity and Development Party (USDP)**

The USDP is the regime-backed party, formed from the mass organization Union Solidarity and Development Association (USDA). The party can count on unmatched financial and material resources inherited from the USDA. President Thein Sein is the USDP's former Chairman. Speaker of the People's Assembly Shwe Mann is the party's current Chairman. The USDP has fielded candidates in all 45 constituencies.

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<sup>77</sup> Myanmar Times (12 Mar 12) Smaller parties struggle amid NLD media storm