



## ELECTIONS WITHOUT OPPOSITION

*“No referendum or elections can be fair, no transition to democracy can be effective, without the release of political prisoners, the authorization for all political parties to operate, and the protection of the basic civil and political freedoms, all non-existent in Myanmar.”* – UN Special Rapporteur on human rights in Burma, Paulo Sergio Pinheiro, March 2008

The international community, including ASEAN and the UN, has repeatedly demanded that the junta conduct free and fair elections as part of a credible, transparent, and inclusive political process. In October 2008, the UN Special Rapporteur on human rights in Burma Tomás Ojea Quintana urged the SPDC to release all political prisoners as part of the “four core human rights elements” that the regime should implement before the 2010 elections.<sup>1</sup>

Unfortunately, the SPDC has not heeded the UN Special Rapporteur’s recommendation. Following his call for the release of all political prisoners, the SPDC embarked on a crackdown on political opponents that resulted in the imprisonment of about 300 dissidents.<sup>2</sup> On 18 May 2009, the regime put Daw Aung San Suu Kyi on trial on charges of having violated the conditions of her house arrest following the intrusion of an American man into her compound.<sup>3</sup> If convicted, Daw Aung San Suu Kyi faces a maximum of five years in prison.<sup>4</sup> [For more information on the latest arrest and trial of Daw Aung San Suu Kyi please visit <http://www.altsean.org/Research/DASSK/May2009.php>]

The trial of Daw Aung San Suu Kyi is the junta’s latest ploy to ensure that the most viable pro-democracy candidates will be unable to run in the elections. The junta-drafted constitution prohibits individuals who are serving prison sentences for any offence from standing for election to Parliament.<sup>5</sup>

Many leaders and activists in the pro-democracy movement have been convicted of offences or remain in prison because of their political activities. The UN estimated that there are about 2,100 political prisoners in Burma.<sup>6</sup>

## NLD SETS CONDITIONS FOR 2010 ELECTIONS

On 28-29 April, the NLD convened its first general meeting in more than a decade to discuss political issues including the SPDC’s 2010 elections.<sup>7</sup> Following the meeting the NLD adopted an official position on the elections.

The “[Shwegondaing Declaration](#)”, issued on 29 April, outlined the NLD’s conditions for participating in the polls. The NLD said it would take part in the elections only if the SPDC released all political prisoners, reviewed the constitution, and held “inclusive free and fair” elections “under international supervision.” In addition, the NLD urged the SPDC to resume

<sup>1</sup> UNGA, 63<sup>rd</sup> session, Report of the Special Rapporteur on the situation of human rights in Myanmar, 5 September 2008, UN Doc A/63/341 Para 86-105

<sup>2</sup> HRC, 10<sup>th</sup> session, Report of the Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, 11 March 2009, UN Doc. A/HRC/10/19

<sup>3</sup> NYT (18 May 09) Pro-Democracy leader goes on trial in Myanmar; NLM (19 May 09) American citizen Mr John William Yettaw, Daw Aung San Suu Kyi, Daw Khin Khin Win, Ma Win Ma Ma brought to trial

<sup>4</sup> BBC (14 May 09) Burma’s Suu Kyi taken to prison; Irrawaddy (14 May 09) Suu Kyi ‘Looking Good, Mentally Strong’: Lawyer; Irrawaddy (14 May 09) Confusion Reigns over Suu Kyi’s Fate; Irrawaddy (14 May 09) Suu Kyi to Face Trial Following Unauthorized Visit

<sup>5</sup> Constitution of the Republic of the Union of Myanmar, Articles 121

<sup>6</sup> HRC, 10<sup>th</sup> session, Report of the Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, 11 March 2009, UN Doc. A/HRC/10/19

<sup>7</sup> AFP (27 Apr 09) Suu Kyi party members meet; AFP (27 Apr 09) Aung San Suu Kyi party members meet in Myanmar: spokesman; Irrawaddy (28 Apr 09) NLD Hold First General Meeting in a Decade; AP (28 Apr 09) Myanmar opposition meets on next year’s election; AP (28 Apr 09) Myanmar opposition to decide later about 2010 poll

dialogue with pro-democracy forces and ethnic nationalities parties in order to solve Burma's ongoing political crisis.<sup>8</sup>

The NLD position echoed demands made by other pro-democracy forces and ethnic groups. On 26 April, the Karen National Union (KNU) issued an 18-point statement that called for genuine tripartite dialogue facilitated by the UN as a condition for holding general elections.<sup>9</sup>

The NLD position on the 2010 elections is consistent with the party's previous calls for genuine political dialogue and the release of all political prisoners.

The last time the NLD was able to hold a general meeting was in September 1997.<sup>10</sup> Following that meeting the NLD called for "meaningful dialogue" with the junta as the only way to "solve the nation's problems."<sup>11</sup>

More recently, on 12 February 2006, the NLD offered to recognize the military regime as the country's legitimate transitional government if the junta freed Daw Aung San Suu Kyi and convened the parliament in accordance with the 1990 election results.<sup>12</sup> The NLD proposal received unanimous support from ethnic groups, other pro-democracy organizations inside and outside Burma, and many legislators from around the world.<sup>13</sup> However, the SPDC rejected the NLD proposals for dialogues and described it as "mere fantasy" and "not logical."<sup>14</sup>

#### UNPOPULAR ELECTIONS

Political parties, pro-democracy groups, and ethnic organizations that have opposed the SPDC's 2010 elections plan:

- Karen National Union
- United Nationalities Alliance
- Committee Representing People's Parliament
- Shan Nationalities League for Democracy
- Arakan League for Democracy
- Zomi National Congress
- Mon National League for Democracy
- Palaung State Liberation Front
- Palaung Women's Organization
- Ta'ang Student and Youth Organization
- Kachin National Organization
- Kachin Independence Organization
- Mon National Democratic Front
- New Mon State Party
- Shan State Army-South
- Ethnic Nationalities Council
- National Coalition Government of the Union of Burma
- National Council of the Union of Burma
- Women's League of Burma
- Forum for Democracy in Burma
- Nationalities Youth Forum
- Student and Youth Congress of Burma

#### TOP 10 REASONS WHY PRO-DEMOCRACY GROUPS WANT A CONSTITUTIONAL REVIEW BEFORE THE 2010 ELECTIONS:

1. Military is above the law [Art. 20]
2. President comes from the military [Art. 59]
3. Military occupies 25% of Parliament [Art. 109, 141]
4. Military selects the Ministers of Defense, Security/Home Affairs, and Border Affairs [Art. 232]
5. Federalism is denied [Art. 96, 188, 216, 249, 261]
6. Political activists are barred from office [Art. 59, 121, 232]
7. Military controls constitutional amendments [Art. 436]
8. Military coups are legalized [Art. 410, 413, 420, 432]
9. The junta is granted immunity [Art. 445]
10. Entry into force date is unknown [Art. 441]

For more in-depth analysis of the SPDC's constitution, please see <http://www.altsean.org/Reports/SPDCReferendum.php>

<sup>8</sup> NLD (29 Apr 09) Shwegondaing declaration; AP (29 Apr 09) Myanmar party sets terms for taking part in polls  
<sup>9</sup> KNU (26 Apr 09) Karen National Union Statement on 2010 Elections; DVB (28 Apr 09) Karen group urge end to international support of junta  
<sup>10</sup> Irrawaddy (28 Apr 09) NLD Holds First General Meeting in a Decade  
<sup>11</sup> Nation (29 Sep 97) Suu Kyi calls on opposition, military junta to being dialogue  
<sup>12</sup> Reuters (14 Feb 06) Myanmar opposition offers to recognize military rule  
<sup>13</sup> DVB (13 Feb 06) Exiled pro-democracy Burmese groups welcome NLD proposals; DVB (14 Feb 06) Renowned Burmese students express full support for NLD statement; DVB (14 Feb 06) Unofficial translation of 88 Generation students' statement in support of the NLD special statement; DVB (14 Feb 06) More support for NLD's special statement on Burma's Union Day; Irrawaddy (14 Feb 06) Activists Back NLD Proposal  
<sup>14</sup> Kyodo News (26 Apr 06) Myanmar junta says no dialogue with Suu Kyi's NLD; Mizzima News (28 Apr 06) Palpable tension in Rangoon as military slams NLD offer

## DISSATISFACTION GROWS FROM WITHIN

According to the SPDC's constitution, the Armed Forces commander-in-chief is given the power to appoint 25% of the seats in both the upper and lower houses of Parliament.<sup>15</sup> As a result of this provision, the 2010 elections are likely to widen the gap between SPDC Army's top officers and the rank and file. Once appointed to the Parliament, the 166 high-ranking military officers will gain additional influence, power, and money-making opportunities. By contrast, the SPDC Army's rank and file will remain in their miserable and increasingly deteriorating situation.

The SPDC Army's rank and file suffers from inadequate rations and insufficient salaries.<sup>16</sup> Underpaid and undersupplied soldiers are expected to depend on extortion, confiscation, and forced labor to survive.<sup>17</sup> In March, the SPDC Ministry of Defense replaced the Army privates' food rations with an 800-kyat (US 80 cents) weekly allowance.<sup>18</sup> The new system is likely to cause increased extortion, arbitrary confiscation, and abuses against villagers and civilians who live in the vicinity of SPDC Army camps.

Other factors contribute to low morale among the rank and file. Undisciplined and corrupt army officers routinely abuse their subordinates.<sup>19</sup> Religious and ethnic discrimination prevent non-Buddhist officers as well as officers with non-Buddhist spouses from being promoted to higher ranks or holding command positions.<sup>20</sup> HIV/AIDS and hepatitis infections among armed forces personnel represent a serious health issue and contribute to poor conditions. It is estimated that more than 4% of the armed forces are infected with HIV or Hepatitis B.<sup>21</sup>

The rank and file's debilitating conditions has resulted in an increasing rate of desertions. During the four-month period proceeding September 2006, 9,497 troops were lost from service. This was up 8% from the same period in 2005, when 8,760 troops were lost from service.<sup>22</sup> During the same period, battalions were operating at less than 20% of their full strength, with some frontline units staffed by as few as 15 troops (less than 2% of the prescribed capacity).<sup>23</sup>

Following the September-October 2007 crackdown on monks and protesters, discontent grew among the SPDC Army's rank and file over the regime's violent handling of the demonstrations. This triggered new waves of desertions.<sup>24</sup> In January 2009, leaked minutes from a meeting of senior SPDC military officials reported that the number of desertions among SPDC Army soldiers was increasing.<sup>25</sup>

## ELECTIONS PLAN FUELS INSTABILITY

The SPDC's planned election in 2010 is the fifth stage of the military regime's "seven step roadmap to democracy." According to the junta, the roadmap was designed to achieve "stability of the state, community peace and tranquility, national reconsolidation [*sic*], and a new modern developed nation."<sup>26</sup>

However, the fifth step offers nothing more for tangible reform than the four previous steps. The roadmap has failed to improve the political, social, and economic conditions of the

<sup>15</sup> Constitution of the Republic of the Union of Myanmar, Articles 109,141

<sup>16</sup> Jane's Defence Weekly (04 Apr 07) Myanmar army document spotlights low morale;

<sup>17</sup> Jane's Defence Weekly (04 Apr 07) Myanmar army document spotlights low morale;

<sup>18</sup> DVB (29 Apr 09) Lack of army food could lead to corruption

<sup>19</sup> Mizzima News (29 Jan 09) Armed forces becoming more corrupt and inefficient: Regional Commander

<sup>20</sup> Irrawaddy (27 Mar 09) Burmese Armed Forces Day Celebrated in Naypyidaw

<sup>21</sup> Jane's Defence Weekly (04 Apr 07) Myanmar army document spotlights low morale; SHAN (27 Mar 07) Burma Army has more battalions, less men

<sup>22</sup> Jane's Defence Weekly (04 Apr 07) Myanmar army document spotlights low morale;

<sup>23</sup> Jane's Defence Weekly (04 Apr 07) Myanmar army document spotlights low morale;

<sup>24</sup> See September – December 2007 Burma Bulletins

<sup>25</sup> Mizzima News (29 Jan 09) Armed forces becoming more corrupt and inefficient: Regional Commander

<sup>26</sup> NLM (31 Aug 2003) Prime Minister General Khin Nyunt explains future policies and programmes of the State

Burmese people. Given the failure by the SPDC to deliver the promised benefits of ceasefire agreements for meaningful political, social, and economic development to ethnic nationalities, ethnic ceasefire groups are skeptical of the junta's election promises.

The SPDC-drafted constitution does not provide for a decentralized political system that grants a degree of autonomy to Burma's ethnic nationalities. The constitution provides for the establishment of parliaments and the appointment of chief ministers in every State and Division. However, the charter grants very limited legislative and executive powers to local bodies.<sup>27</sup> The central legislative and executive bodies retain exclusive power to make laws and govern on matters affecting ethnic nationalities, such as land administration, the use of natural resources, health, education and the administration of justice.<sup>28</sup> In addition, the appointment of the chief ministers of states and divisions by the President of the Union also goes against federal principles.<sup>29</sup>

Against this backdrop, the upcoming 2010 elections have become a source of increased tension between the SPDC, ethnic ceasefire groups, and many ethnic armed opposition groups - relations that have been tenuous at the best of times. Following the adoption of the new constitution in 2008, the SPDC issued an ultimatum to all ethnic ceasefire groups - disarm and participate in the elections.<sup>30</sup> Key ethnic ceasefire groups, specifically the United Wa State Army (UWSA), the New Mon State Party (NMSP), and the Kachin Independence Organization (KIO), have openly refused to comply.<sup>31</sup>

Ethnic ceasefire groups have resisted the SPDC's demands for disarmament because they believe without arms, it would be impossible to have any leverage in negotiations with the junta and to protect their people.<sup>32</sup> Many ethnic organizations also voiced their objections over the undemocratic nature of the 2010 elections.<sup>33</sup>

Following the ethnic ceasefire groups' refusal to disarm, the SPDC appeared to have changed its tactics to end the armed ceasefire groups' existence. In late April, senior SPDC Army officials held meetings with representatives from KIO, New Democratic Army - Kachin (NDA-K), UWSA, Shan State Army-North (SSA-N), Karenni Nationalities People's Liberation Front (KNPLF), and Myanmar National Democratic Alliance Army (MNDAA).<sup>34</sup> In the meetings, the SPDC presented its ultimatum to incorporate armed ethnic ceasefire groups into its own military apparatus, with the aim of establishing a new integrated border security force prior to the 2010 elections.<sup>35</sup> Key groups such as the 20,000 strong UWSA, the National Democratic Front (NDF), and the National Democratic Alliance Army-Eastern Shan State (NDAA-ESS) promptly rejected the SPDC ultimatum.<sup>36</sup> Other groups also appeared inclined to turn down the SPDC's offer.<sup>37</sup>

Parallel to the SPDC's drive to deny ethnic ceasefire groups military capability, the regime has continued its military campaign against ethnic armed opposition groups in Eastern

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<sup>27</sup> Constitution of the Republic of the Union of Myanmar, Article 96, 188, 216, 249

<sup>28</sup> Constitution of the Republic of the Union of Myanmar, Article 96, 188, 216, 249

<sup>29</sup> Constitution of the Republic of the Union of Myanmar, Article 261

<sup>30</sup> SHAN (17 Feb 09) Junta commander: Wa has Hobson's choice

<sup>31</sup> IMNA (26 Jan 09) Victorious Mon party from 1990 election supports NMSP refusal to compete in 2010; Kachin News Group (25 Feb 09) Junta pressurizes KIO's 4th brigade in northeast Shan State ; Asia Times (24 Feb 09) Democracy plan fuels war in Myanmar; SHAN (24 Mar 09) SSA ready to hold talks with junta; Mizzima News (08 Apr 09) KNU accepts junta's offer for peace parleys

<sup>32</sup> Asia Times (24 Feb 09) Democracy plan fuels war in Myanmar

<sup>33</sup> IMNA (06 Mar 09) Reports of UN election monitors leave primary Mon political parties unmoved; boycott remains; Bangkok Post (07 Feb 09) Rebels to combat Burma polls

<sup>34</sup> Mizzima News (28 Apr 09) Junta meets leaders of ethnic ceasefire groups; Irrawaddy (28 Apr 09) Junta Commanders Court Ceasefire Groups

<sup>35</sup> Irrawaddy (04 May 09) Armed Ceasefire Groups to be 'Border Guard Force'

<sup>36</sup> Kantarawaddy Times (12 May 09) NDF against transformation of ceasefire groups into border force; Mizzima News (22 May 09) UWSA turns down junta's 'Border Guard' proposal; SHAN (28 May 09) Mongla follows Wa to reject border force proposal

<sup>37</sup> Irrawaddy (16 May 09) KIO Meet to Discuss Call to Form Border Security Force; NYT (10 May 09) Ethnic Groups in Myanmar Hope for Peace, but Gird for Fight

Burma.<sup>38</sup> The offensives have systematically targeted the civilian population in ethnic-inhabited areas. This has resulted in the displacement of over half a million civilians and the destruction or forced relocation of more than 3,200 villages between 1996 and 2007.<sup>39</sup>

Another factor that could further destabilize the situation along Burma's border areas is the recruitment by the SPDC Army, its proxies, and armed resistance groups of returning unemployed Burmese migrant workers.<sup>40</sup> Reports have already surfaced of pro-junta Democratic Karen Buddhist Army' (DKBA) attempts to recruit Burmese migrant workers returning from Thailand.<sup>41</sup>

## ECONOMIC WOES

In 2007, economic protests eventually snowballed into a nationwide uprising that would come to be known as the "Saffron Revolution." As 2010 approaches, the rapidly deteriorating economic situation coupled with the SPDC's failure to address the Burmese people's economic woes, is likely to trigger renewed social unrest.

Despite SPDC statements to the contrary, the global economic crisis has not spared Burma.<sup>42</sup> Reduction in global demand for goods has caused factories in Burma to shut down, forcing thousands into unemployment.<sup>43</sup> Job loss also hit the over two million Burmese migrant workers across the region.<sup>44</sup> This has caused a significant decrease in foreign remittances sent back into Burma from relatives abroad, down 30% from Thailand alone.<sup>45</sup> In addition, the appreciation of the kyat against the dollar and most Southeast Asian currencies has decreased the value of foreign remittances sent into Burma from relatives abroad.<sup>46</sup> The appreciation of the kyat reduces the value of a crucial source of income for hundreds of thousands of families in Burma.<sup>47</sup>

On 17 April, the Asia Development Bank (ADB) predicted that Burma's economic growth will falter in 2009 because of weaker performances by the country's key trading partners, namely China, Thailand, and India. The International Monetary Fund (IMF) noted that the SPDC's spending on extravagant showcase projects, such as the new political capital, Naypyidaw, was financed by printing money, fuelling inflation of about 30%.<sup>48</sup> Moreover, the SPDC continues to subject farmers, laborers, and shop keepers to arbitrary taxation schemes, sky-high controlled prices, and high-interest SPDC loans.<sup>49</sup>

Decreased foreign trade, hyper-inflation, appreciation of the kyat, sky-high controlled prices, job loss and reduced income continue to batter the average Burmese with no end in sight. The combination of negative economic factors and their adverse effect on living standards is likely to continue into 2010, further reducing social stability in Burma.

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<sup>38</sup> DVB (30 Apr 09) Karen group lose outpost to army

<sup>39</sup> Irrawaddy (06 Mar 09) Hundreds of thousands still displaced in Burma: Watchdog

<sup>40</sup> FT (13 May 09) Cash lifeline at risk as Burmese lose foreign jobs

<sup>41</sup> IMNA (27 Apr 09) Migrant workers offered recruitment into DKBA

<sup>42</sup> WSJ (28 May 09) Global economic crisis reaches Myanmar; Xinhua (16 Apr 09) Myanmar PM leaves for Boao Forum for Asia in China

<sup>43</sup> DVB (11 Mar 09) Economic crisis causes thousands of Burmese migrants to lose jobs; Mizzima News (05 Feb 09) Rangoon factories begin cutting jobs

<sup>44</sup> WSJ (28 May 09) Global economic crisis reaches Myanmar

<sup>45</sup> WSJ (28 May 09) Global economic crisis reaches Myanmar

<sup>46</sup> IMNA (05 Mar 09) Families struggle as soaring kyat halves remittances from migrant workers

<sup>47</sup> Economist (19 Mar 09) Myanmar's overflow

<sup>48</sup> FT (10 May 09) Burma's economic prospects 'bleak'

<sup>49</sup> IMNA (23 Jan 09) Farmers struggling as authorities collect paddy tax in Mon State ; Kaladan News (09 Jan 09) SPDC authorities impose more tax on marine products business; Mizzima News (08 Jan 09) Farmers in Pyapone in heavy debt; DVB (09 Feb 09) Private collectors raise vendor tax; Narinjara News (17 Feb 09) Traders Suffer Double Tax of Burmese Navy; Khonumthung News (25 Feb 09) Cultivation allowed only after paying tax to Burmese Army; Mizzima News (11 January 09) Junta struggling to keep state budget afloat; Kachin News Group (23 Mar 09) Junta amasses money while civilians suffer