

The regime's election law offers further evidence that the poll planned for this year will be far from free, fair and inclusive.

Burma's long awaited election law has been published in state controlled newspapers but failed to create much excitement. Unsurprisingly, no date for the election was set, although the regime has promised to hold it sometime this year.

As anticipated, the election law will prevent the main opposition party and winner of the 1990 election, the National League for Democracy (NLD), and its leader, Aung San Suu Kyi, from participating in the election. It's also feared that the party registration law set a deadline for the NLD leaders, who haven't yet decided whether to take part and are still urging the regime to agree to a review of the Constitution.

The law excludes electoral participation by members of a political party if they have been convicted in court. Suu Kyi is classed as a "a convicted criminal" for breaching her house arrest after American swimmer John Yettaw briefly stayed at her lakeside house last year.

However, knowing that she will be prevented from taking part in the election or from playing a role in future politics in Burma, Suu Kyi recently told her lawyers that the election won't be free and fair, since there is no freedom of information in the country.

A number of dissidents inside and outside Burma have dismissed the election from the start and are urging a boycott of the polls.

The NLD's delay in reaching a decision is perhaps a wise move, but the clock is ticking and there's no more room for bargaining. It has 60 days from the enactment of the regime's election law in which to decide whether or not to accept the terms of the party registration laws set by the regime.

If it fails to apply for registration within that time the NLD will automatically cease to exist as a legal entity.

State-run newspapers also carried details of the Union Election Commission Law under which the regime would select members of the election commission to supervise polling and the political parties. The regime will appoint as members of the election commission “persons which it views as distinguished and reputable.”

No matter how “distinguished” and “reputable” they are, the selection process will have little credibility and integrity since the regime will handpick commission members. The five-member commission will have the final say over the country’s first election in two decades, with responsibility for designating constituencies, compiling voter lists and “supervising political parties to perform in accordance with the law.”

Suu Kyi’s participation in the election is now out of the question. Even if the election law had not effectively excluded her, she is unlikely to be free when the election is held. Burma’s Home Affairs Minister recently said that the Nobel Peace Laureate could be freed in November—one month after the October date being tipped for the election.

UN Secretary-General Ban Ki-moon has urged the regime to free all political prisoners, including Suu Kyi, to enable them to participate in the election. “That would make the elections inclusive and credible,” he said in New York.

But Ban’s appeal falls on deaf ears in Naypyidaw. “If God himself came down and pleaded with the generals they wouldn’t heed him either,” joke many Burmese.

The US has expressed its concern and doubts about the election: “We are concerned by the Burmese authorities’ unilateral decision to begin releasing the election laws without first engaging in substantive dialogue with the democratic opposition or ethnic minority leaders,” said US Assistant Secretary of State for Public Affairs P. J. Crowley.

While the election uncertainty continues, tension increases in the far north, along the Sino-Burmese border, where another deadline has passed for armed ceasefire groups to join the controversial Border Guard Force (BGF).

Government forces have tightened security along the Sino-Burmese trade routes following expiry of the deadline on Sunday.

Reporters for *The Irrawaddy* who traveled to the border region saw evidence of increased military security along the road connecting Lashio and Muse in northern Shan State. The military command has also reportedly ordered tanks and other armor to the Kachin State capital, Myitkyina.

For nearly one year, the regime has been pressing ethnic armed groups to turn their armies into a border guard force, the BGF, under government command.

So far, only the New Democratic Army—Kachin and one Karen group have indicated their readiness to comply.

Other groups, including the United Wa State Army (UWSA) and the Kachin Independence Army (KIA), oppose the BGF proposal but are engaged in negotiations with the regime.

It will be interesting to see how a government now engaged in election preparations handles the standoff over its BGF proposal. It's feared that fighting could break out again in the north or that the regime might employ divide and rule tactics to create splits within ethnic armies.

The regime has no shortage of options—including outlawing the largest ethnic armed group, the United Wa State Army (UWSA) and its political wing the United Wa State Party (UWSP), if they fail soon to agree to the BGF plan.

Like Suu Kyi and many other prominent political leaders and activists who have spent time in prison, the ethnic groups have little say in the planned election. For that reason alone, the election will be far from free, fair and inclusive.

*Aung Zaw is founder and editor of the Irrawaddy magazine. He can be reached at [aungzaw@irrawaddy.org](mailto:aungzaw@irrawaddy.org)*