

With wide-ranging authority and discretionary power, the Election Commission could directly affect the election outcome, because of the commission members' allegiance to the regime.

The election will definitely be held sometime in 2010, but the jury is still out on how we should look at the election: as opportunity or as a rigged process.

The Burmese regime has now issued five laws related to the election including Election Commission regulations and Political Parties Registration laws, which are revisions of the 1990 electoral law. Already, international bodies and governments around the world have condemned the laws as short of international standards and lacking in credibility for a free and fair election.

The governments of the United States, Canada, Britain and even Asean governments such as the Philippines and Indonesia view the laws with deep disappointment, saying the election will not be credible.

Why don't they accept the election laws? First, there's the issue of the independence of the Election Commission. Each member of the commission was handpicked by the junta.

Many people believe the commission will favor the regime in making its decisions and wielding authority.

The previous election commission which supervised the 1990 election was formed by the former socialist government before the military coup in 1988. After the military coup, Gen Saw Maung, the coup leader, appointed election commission members and said the military would not interfere in its work.

The commission was granted the right to draw up the electoral law independently. The commission publicly issued a draft law and invited political parties and the public to comment. The commission then revised the draft law and submitted it to the junta which issued it on May 31, 1989, one year before of the date of the election.

The new election law was drafted by the generals unilaterally without public input. Closely affiliated with the regime, the Election Commission chairman was a member of the junta's

Constitution drafting commission, and he also served as a military judge advocate general.

Internationally, an election commission is an organization which has various duties including collecting voter lists, examining candidate applications, announcing the list of candidates, conducting polls, counting and tabulating votes, with additional functions such as boundary delimitation, voter registration, the registration of political parties, electoral dispute resolution and civic and voter education.

Moreover, such commissions can regulate the conduct of political parties and candidates during the election process.

Among the key responsibilities is the registration of political parties. The commission may deny the registration of a political party, such as the National League for Democracy, if the party includes political prisoners as members or leaders, such as Daw Aung San Suu Kyi.

Through her lawyers, Suu Kyi recently remarked that the law should not be aimed at one particular person or organization, a charge alleged by many international groups and governments.

Parties or candidates can also be denied registration if the commission determines that they owe allegiance to a foreign government, are subjects of a foreign government or who are entitled to enjoy the rights and privileges of a subject of a foreign government, or a citizen of a foreign country. Again, the commission's decision is final.

The commission can also deny registration to a party or candidate that obtains and uses directly or indirectly financial support, land, housing, buildings, vehicles or property from government or religious organizations or organizations of a foreign country.

Chapter (11) of the electoral laws grants the commission the authority to postpone the election in constituencies on the ground of natural disaster or security. The commission can also move a polling station to a safer location.

After the election, the commission is authorized to form a complaint body, which will hear accusations if a candidate is accused of violating election laws, and then make an appropriate ruling.

Analysts worry that with such wide-ranging authority and discretionary power, the Election Commission could directly affect the election's outcome in favor of the regime because of the commission members' lack of independence and impartiality.