

Opinion is divided over whether Aung San Suu Kyi and her National League for Democracy made a blunder in deciding not to contest the upcoming election.



The decision by Burma's main opposition party, the National League for Democracy (NLD), not to take part in the election is seen as a political blunder among some diplomats, international observers and former activists inside and outside Burma. They say the NLD missed an opportunity and that the decision was hasty, playing into the hands of the regime.

However, several leading NLD figures defended the decision and told me that there was a fundamental reason not to re-register the party for the coming election. They say the main reason for the decision is the regime's election law. ( [See: Suu Kyi Unhappy with Election Law](#) )

In March, NLD leaders filed a lawsuit against election laws at the supreme court. However, a supreme court official reportedly told the party leaders that the court does not have the power to handle the case, and returned the documents.

In any case, the critics say that Aung San Suu Kyi's message in late March before the party leaders' final meeting in Rangoon largely influenced the decision of NLD members and complain that it was unfair.

Two camps formed within the NLD: party Chairman Aung Shwe, and some senior party members favored re-registration, while leading critic Win Tin, Nyan Win and several other NLD leaders opposed it. The party's youth wing was also active in opposing the election.

As expected, there were several meetings before the party reached a final decision not to re-register. ( [See: NLD Divided on Party Registration](#) ). At a meeting on March 15, Aung Shwe proposed re-registration but no final decision was reached.

Underlying movement at the grass-roots level in the countryside was meanwhile occurring.

Opposition to the party's re-registration began in Pegu, Magwe and Irrawaddy Divisions, where several leaders openly told exiled media, including *The Irrawaddy* and the Norway-based *Democratic Voice of Burma*, that they favored a boycott because of the repressive election law.

Heated discussion meanwhile continued in Rangoon, where rumors surfaced of a split within the party.

Several party leaders came out in opposition to re-registration at a Rangoon meeting on March 23, a strong indication that grass-roots members were playing a major role in shaping the decision.

Then came Suu Kyi's statement, issued through her lawyer Nyan Win, that she would not even think of registering under the unjust election law.

"She wanted party members to know that the party would have no dignity if it registers and participates in the election," Nyan Win said.

Many inside and outside Burma said Suu Kyi's message strongly influenced the party's final decision.

In defense of Suu Kyi, Win Tin told me that even before Suu Kyi came out with her statement, there was consensus among grassroots NLD and youth members that the party should not re-register for the election.

"But we respect her decision and she is still a powerful voice," he said. More than 50 per cent

of NLD members at the grass-roots level favored shunning the election, he disclosed.

At the party executive meeting on March 27, Aung Shwe and NLD leaders who favored re-registration did not show up. Word came from Aung Shwe's camp, however, that he agreed to Suu Kyi's message and would respect the decision. "She is our leader," he reportedly said.

Aung Shwe was also absent from the central committee meeting on March 29 where final approval was given to a decision that had been regarded as predictable.

"Without any objections, all the party leaders reached a consensus not to register the party and join the election because the junta's election laws are unjust," said senior party official Khin Maung Swe.

The party leaders also called for the release of Suu Kyi and all other political prisoners, he said.

Many observers and independent-minded journalists within Burma said Suu Kyi's stand was understandable and that she was, in fact, telling the regime "Enough is enough."

According to their summation of events since August 2009, Suu Kyi had shown her flexibility, her desire for national reconciliation and readiness for renewed dialogue with regime leader Snr-Gen Than Shwe.

She maintained this conciliatory approach after the show trial at which she had been sentenced to a further term of house arrest on the trumped-up charge of giving shelter to an American intruder at her home.

In two letters to Than Shwe in September and November 2009, Suu Kyi expressed her willingness to sit down and discuss with him how to seek humanitarian assistance and an end to sanctions.

Than Shwe failed to respond, but Suu Kyi was allowed to meet three western diplomats.

Although Than Shwe ignored Suu Kyi's invitation to talks, his special mediator, Minister for Relations Aung Kyi, had several meetings with her at a government guesthouse.

Suu Kyi disclosed no information about the contents of these talks, a condition set by the regime. But well-informed sources say the two got along well and even discussed the issue of the upcoming election.

Senior NLD leaders were meanwhile upbeat about the election and were even in favor of taking part, a strong indication that the talks between Suu Kyi and Aung Kyi had gone well.

But the question arose: where did NLD leaders stand on the outcome of the 1990 election? Win Tin said this week: "We were winner of the 1990 election...we just need formal and official acknowledgment from the regime that we won the election."

Then came the promulgation of the election law, which Suu Kyi and party leaders found unacceptable. They made the painful decision not to contest the election.

Responding to critics of the decision, one Burmese observer in Rangoon said, "Put yourself in her shoes. Would you say she blundered?"

### **Should the NLD register?**

Several critics of the NLD decision to shun the election say they nonetheless respect the stand taken by the party and Suu Kyi.

They have told me they believe that instead of taking the high moral ground the NLD should go down fighting, exposing the injustices of the election laws to domestic and international communities. But does NLD have any choice?

Some analysts say that if the NLD decided to re-register, the regime and handpicked EC members would have no choice but to react to the party's election.

One analyst said: "No immediate expulsion of Suu Kyi or any NLD members currently in prison would appear to be required. Since parties are given 90 days to meet membership requirements and submit lists of members to the election commission, it would seem that parties would therefore have 90 days after election commission approval of application under form E-1 in order to resolve those matters."

He added, "This 90 day period after EC approval would give time for applications to the election commission to decide on the position of Suu Kyi, including whether her house arrest counts as 'serving a prison term' and possibly to ask for decisions on other party members who are in prison – for example, whether any who have completed their sentences but are still being held under the 1975 state protection law or other emergency powers of the executive count as 'serving a prison term as a result of a conviction in a court of law.' This would perhaps force the election commission into the embarrassing position of having to issue multiple judgment banning political prisoners."

After the inevitable fight, the NLD leaders could then come out with a "No" to the election, saying the regime evidently has no intention to allow the party and Suu Kyi to participate. The regime knows that the NLD could still garner support, as it did in 1990, and that it could be hammered at the polls again.

Then Burma's neighbors, including China and India, and members of the Association of Southeast Asian Nations (Asean) would be forced to interfere.

On the other hand, Suu Kyi and the NLD could also allow party members who want to take part in the election to do so, since several smaller parties, including ethnic minority groups, favored alliances with the NLD.

Meanwhile, analysts say, the NLD should continue to press the regime to free all political prisoners to allow them to take part in the election.

They say the NLD could also ask the regime to reach peaceful settlements with ethnic cease-fire groups and non-cease-fire groups before the election. They could boldly come out and suggest that Burma's pressing issues, such as human rights violations, the long struggle of ethnic minorities fighting for self-determination and equal rights, forced labor, refugee problems and narcotic issues will not be resolved in the post-election period.

The message could be loud and clear: the election will be purely cosmetic and won't bring any meaningful change. NLD leaders could suggest that the new government will not easily erase the pariah image of Burma in the eyes of the international community.

Now that the NLD and Suu Kyi have taken their decision, activists who were in the 1988 uprising and lived in Burma are asking: what is the party's next move?

One senior NLD member who favored re-registration, Khin Maung Swe, told me, half in jest: "After our decision, I heard that Than Shwe opened the champagne and had a party in Naypyidaw."

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