

HTET AUNG outlines conditions that must be met to ensure the 2010 election is legitimate.



The legitimacy of the 2010 election rests on more than just the release of political prisoners and allowing the opposition to participate

Burma's ruling junta has recently been under pressure by a skeptical international community to verify its claims that it has put into place "free and fair" conditions for next year's election.

The baseline indicators of a credible electoral process, observers say, are: the release of all political prisoners, including the pro-democracy leader Aung San Suu Kyi; and allowing all stakeholders to participate in the election.

At the UN General Assembly in New York in September, Secretary-General Ban Ki-moon made clear to Burma's Prime Minister Gen Thein Sein that the onus was on the Burmese government to create the necessary conditions for credible and inclusive elections and to initiate a dialogue with the opposition.

While the urgency of the country's political reconciliation has long been a first priority, few Burma watchers have to date raised concerns on a number of critical issues related to the

election process that can directly affect the environment of a free and fair election.

For example, in a meeting with Thailand's Prime Minister Abhisit Vejjajiva on the sidelines of the Asean summit earlier this year, Thein Sein said that the regime will allow UN officials and developing countries to observe the general election.

But to ensure a free and fair election, the existence of independent foreign election monitors must be in place across the country at the outset of the election campaign period.

Because the borderline between campaigning and manipulating is often murky in elections, and bearing in mind the natural partisanship, it is essential to introduce a checklist of criteria that are key to bringing about a free and fair election.

Election Management: The credibility of an election largely depends on the management of the electoral administrative mechanism, which must be independent and impartial.

Burma's Election Commission (EC) was created on five levels in the 1990 election. Under the central election commission, there were 14 state and division commissions, 50 district commissions, 317 township commissions and 14,992 ward and village commissions.

Although the EC was formed with nonpartisan retired government officials, the level of trust in the commission was very low at the time because the public believed it was influenced by the military regime and was neither independent nor impartial.

However, there was a free and fair outcome in the 1990 election, and it was recognized locally and internationally. There were three underlying reasons for this: the high level of public discontent with the military government; the ruling junta's weak administrative control at the community level in the first two years following the coup d'état in 1988; and the relatively fair administration of ECs at the ward and village level—the EC usually comprising three respected persons from the community, plus one schoolteacher and one administrator from the regime.

However, the ruling junta is extremely unlikely to allow itself to suffer such a trouncing again (in 1990, Suu Kyi's National League for Democracy (NLD) won more than 80 percent of seats nationwide). It has hardened its attitude toward campaigning and voting as the 2008 constitutional referendum proved when the authorities scarcely hid efforts to manipulate, rig and bully their way to victory.

Financing the Parties: Despite a fair outcome in the 1990 election, there were many situations that an independent observer would deem "unfair," especially in terms of the political parties' access to resources and the regime's systematic nationwide intimidation and harassment during the campaign period and on the day of the election.

While the NLD faced a shortage of campaign funds, and its supporters were afraid to donate money to the party for fear of reprisals, the National Unity Party (NUP), a proxy of the former ruling socialist party, was able to bank on and utilize a vast amount of money and had access to vehicles and venues which were the property of the incumbent government.

During the past two decades, while the NUP and other regime-backed organizations have enjoyed economic privileges, the regime has effectively crippled the NLD's sources of funding and resources through its repressive control over the party's offices and its financial sources.

This disparity largely undermines any notion of the 2010 election being free and fair from the outset.

Voter Education: Although 236 political parties were registered in Burma in 1988, only 93 took part in the 1990 election. There are currently only 10 political parties officially registered in Burma, although dozens of new parties will sprout up after the regime declares the new electoral and political party registration laws.

In an election with many political parties running, voter education and access to the various parties' messages is vital if democracy is to be achieved.

In the 1990 election, the military regime took the role of caretaker government and officially

refrained from being involved in the political process.

However, the regime strictly limited the use of state media and only allowed each political party one broadcast of five minutes on national television and a 10-minute slot on state radio during the campaign period.

Independent political parties had to rely on circulating their own newsletters, pamphlets and wall posters during the campaign period. Though severely limited in resources, they also had to take responsibility for educating their supporters with regard to voter registration, casting ballots, vote-buying and cheating. Parties also had to ensure they had sufficient members to monitor polling stations and observe vote-counting.

Burmese people traditionally know that the sign (?) means “agreement or support” while the sign (X) signifies “disagreement or opposition.” However, in elections worldwide, the (X) is used to mark one’s allegiance. On polling day, people make mistakes when they are voting. The elderly and illiterate are particularly susceptible.

In the 1990 election, 12.3 percent of the ballot papers, or about 1,858,900 votes, were disqualified by the election commissions as invalid. Compared to the most recent elections in other countries in the region (Bangladesh: 0.89 percent, Malaysia: 2.17 percent, Thailand: 3.66 percent), the only country with a higher rate of invalid votes is Cambodia with 26.06 percent, according to the Chronicle of Parliamentary Elections.

To date, neither state nor private media in Burma has offered an inkling of what democratic process lies in store for 2010.

Moreover, despite reserving a 25 percent share of seats in the bicameral parliament, the regime will undoubtedly form new political parties—i.e., proxy parties—and camouflage their candidates as independents.

It would also be fair to say that the regime has already begun campaigning for next year’s election using state facilities and resources.

Election Fraud: The widespread cases of blatant fraud seen in the 2008 constitutional referendum are likely to be repeated next year along similar lines.

The key violators will again be the local security forces, the ECs and junta-backed organizations such as the Union Solidarity and Development Association and the Swan Ah Shin militia.

The first and most obvious violation would be the security forces' presence at polling stations; the second, the closing of polling stations earlier than the scheduled time; the third, EC officials' involvement in filling in ballot papers on behalf of voters.

In 2008, there were also recurring instances of one person casting votes for all his/her family members and ballots being cast for voters in their absence.

The most blatant offense of all is the secret counting of votes after the polls have closed. International monitoring agencies, such as the Organization for Security and Cooperation in Europe, say that if vote-counting is not transparent, observers can assume that the ballots are not being counted at all. This act of fraud, more than any other, is the hallmark of a fraudulent election.

On top of these common examples of polling station fraud, the 2008 referendum was marred by intimidation and threats. In several documented cases, local authorities said they would confiscate rice fields or put voters in jail if they cast a "No" vote.

Election fraud is such a common practice that examples can be seen in neighboring Thailand and Cambodia of parties buying votes en masse in return for cash, prizes or donations. In Thailand, canvassers frequently offer voters loans, which can be cancelled later after the party wins. This has become known as "green harvesting" in Thailand.

In conclusion, Burma's upcoming general election will be very different from the simple "Yes" or "No" vote in 2008, because many more stakeholders will be involved and more criteria must be

met to ensure a level playing field.

Taking into account the four key areas mentioned above, the international community must clearly emphasize that the present climate in Burma is not conducive to a free and fair election in 2010.