

Credibility and inclusiveness—two key benchmarks set by the international community—have both failed even before the Burmese election begins.

Set aside the issue of the Constitution and persuading the Burmese junta to hold a free and fair election and the opposition to participate in the process.

However limited, change will take place in the governmental process to a certain degree with the installation of parliament and other governmental bodies at the regional and state levels.

This is the political calculation of many Burmese politicians and intellectuals inside and outside the country who believe that the pragmatic reality is that the generals must be engaged through the procedures of governmental policy, if the country is to move forward.

They seem to expect that after creating the Constitution, the ruling generals would allow an open, fair electoral process, if the opposition would participate in the election.

However, now it's clear that the junta hasn't produced a level playing field and the electoral laws were established without any input outside the military government.

Chapter 1 of the Political Parties Registration Law titled “*Name and Definition*,” in Article 2/d reads: “A political party that believes in a genuine disciplined multi-party democratic system and which the Election Commission allows to be founded in accord with this law may conduct their activities based on a political ideology.”

According to the definition, no matter what kind of political ideology a political party has, it must be subject to “disciplined democracy,” which translates to the will of the military.

Though the pro-engagement camp expects change to come within the new institutional framework, the junta's political maneuvers under the electoral law will allow it to build “a multi-party system under one political ideology—disciplined democracy,” which means an ideology that meets the undefined criteria of the military regime.

What is the difference between the junta's previous socialism system and its “disciplined democracy?” Under socialism, Burma practiced a one-party system with one political ideology. Now, the country will practice a multi-party system with one political ideology as interpreted by the regime.

Like it or not, the Burmese people are going to face an election this year. The duty of the Election Commission should be to plan, supervise and implement free and fair elections independently and impartially in order to support a peaceful transfer of power from the military government to the parliament.

However, Burma’s Political Parties Registration Law sets restrictive, undemocratic criteria for the leadership and membership of a political party and gives the EC the power to disband any political party that fails to meet its criteria, a blunt interference in the internal affairs of political parties.

Article 4/e reads: “People who are serving a prison term cannot form a political party.” Article 10/e reads: “People who are serving a prison term cannot be a member of a political party.”

Those two rules exclude more than 2,000 political prisoners including Aung San Suu Kyi, a key player in the democratic opposition, from politics.

In addition, Article 6 reads: “The application to found a political party in accord with Article 5 of this law must agree to the following facts,” which include sub-clause 6/c: “to abide by the [2008] Constitution.”

Analysts say that in the application submitted to the Election Commission to form a political party, the party must agree to follow the Constitution, which is interpreted to mean that all candidates must refrain from discussing any proposed amendments to the Constitution during the election campaign. If parties or candidates discuss amending the Constitution during the campaign, they could be dissolved, say analysts.

However, analysts say that following the election, elected members of parliament would be

able to propose Constitutional amendments by following the rules proscribed in the Constitution.

Although the junta issued the election law in accord with Article 443 of the Constitution, it ignored Article 441 and called for the parties to agree to follow a Constitution which has yet to be created.

Article 441 reads: “A nation-wide referendum held for adoption of this Constitution where more than half of the eligible voters voted, of which the majority of the voters adopted this Constitution, shall come into operation throughout the Union from the day the first session of the Pyidaungsu Hluttaw [Parliament] is convened.”

The international community has expressed its concern that Burma's election laws fail to meet basic human rights standards.

Article 21 of the Universal Declaration of Human Rights (UDHR) reads: “Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.”

Article 25 of International Covenant on Civil and Political Rights states: “Every citizen shall have the right and the opportunity to vote and in genuine periodical elections which shall be by universal and equal suffrage and shall be held by secret ballot, guarantying the free expression of the will of the electors.”

Aung San Suu Kyi—a Nobel Peace Prize laureate and a symbol of democracy—is tirelessly advocating for the promotion of democracy through universal and equal suffrage for all citizens and the right to be elected through democratic elections.

But she has been barred from voting and participating in the election because she is a political prisoner of the junta.

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