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BURMA'S BY-ELECTIONS

A CHANCE FOR FUTURE RECONCILIATION?

DRAFT - FOR COMMENTS ONLY

On 1 April 2012, the Thein Sein Government held its first by-election. The elections were for forty-five legislative seats that had been vacated by the ruling USDP party primarily due to elected representatives being appointed to the cabinet and therefore constitutionally required to resign their seat.¹ In total, the number of seats available was as follows:

Legislature	By-election seats	Total elected seats	Total all seats
Lower house	37	325 (11%)	435 (9%)
Upper house	6	168 (4%)	224 (3%)
Regional legislatures	2	661 (-)	883 (-)

In addition, a further three seats were also available in Kachin State at Phakant, Moe Kaung and Ba Maw. However, the Election Commission, on the 23 March 2012, decided to postpone voting in all three constituencies stating that security concerns prevented free and fair elections being held there.² The National League for Democracy (NLD), which had sought to enter candidates for the three areas, issued a statement noting that as far as it was aware, people in the three constituencies had not experienced security incidents that would affect the free and fair nature of the elections.³ Furthermore, the NLD petitioned the Election Commission to allow it to meet with the Kachin Independence Organisation stating that:

We want to negotiate with the KIO and would like the government or the EC to help with this. . . We believe that it is possible to run elections in the three constituencies.⁴

KIO Spokesman La Nan, in response to the request was reported in 'The Irrawaddy' as saying that:

We will open our door to meet any group for talks about the rights of people and the political situation in Burma. We condemn what the government said, and deny that the election must be postponed because of the KIO. . . During the 2010 and 1990 elections, the KIO did not interrupt the process, . . . There is no fighting in the constituencies in question. . . Only in rural areas.

Regardless of such overtures, when elections were finally held no voting took place in Kachin State, however, the NLD was able to claim 43 of its 44 contested seats despite the fact that a number of restrictions and

irregularities were reported. While most seats were in predominantly mixed areas, the NLD was also able to take seats in a number of ethnic states.

The National League for Democracy candidate, Daw Khin Htay Kywe, who is ethnically Mon, was able to win votes in Moulmein in Mon State where the popular All Mon Regional Development Party (AMRDP) won a major victory in the 2010 election. The fact that the AMRDP, comprised of members from the Mon National Democratic Front (MNDF) and retired New Mon State Party members, was unable to secure a victory in the Mon State capital suggests that ethnic parties are still not able to generate enough support to defeat the popularity of Aung San Suu Kyi and the NLD in their own constituencies.

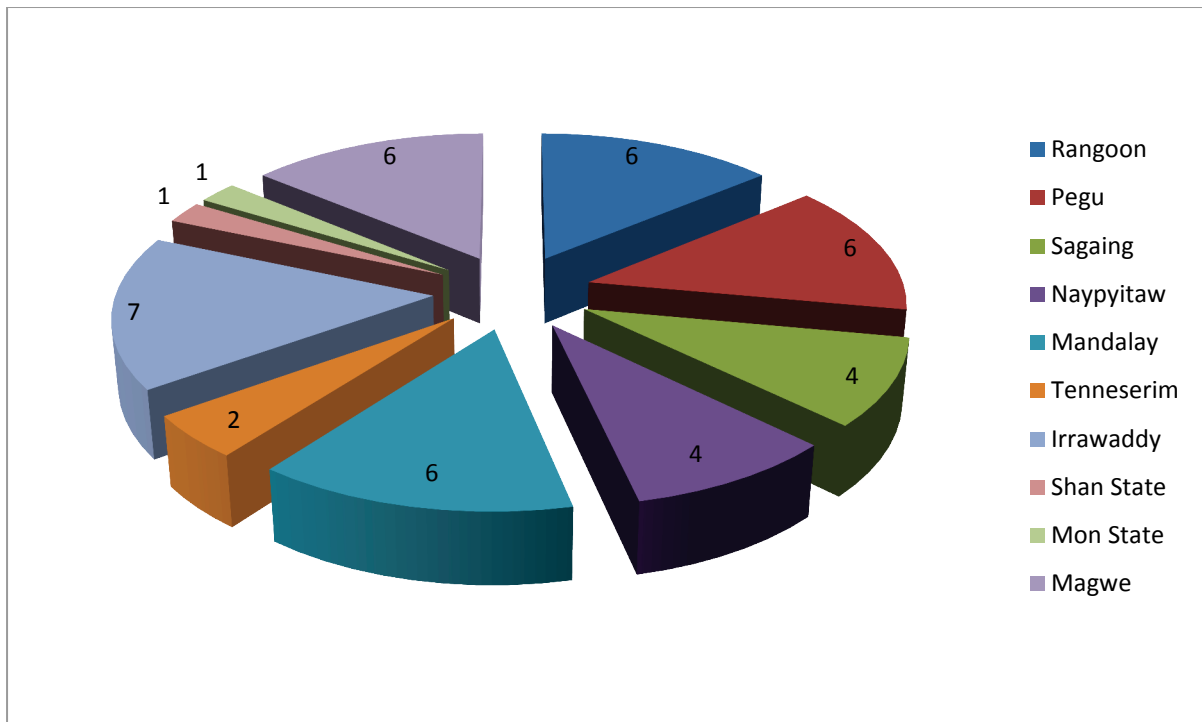


FIGURE 1 - NUMBER OF SEATS WON BY THE NLD IN THE 1 APRIL 2012 BY-ELECTION

As one resident speaking to the Independent Mon News Agency notes:

I already knew the Mon party (AMRDP) would be defeated, but I voted for them anyway. I don't care about the defeat. It couldn't be helped, since many other Mon nationals had more interest in the fighting peacock (the NLD).⁵

What role the NLD will be able to play in parliament is unclear, however many see the NLD's success in the by-elections as one of the first steps towards a genuine democratic process and proof that the Government is prepared to hold a nominally fair election. While there were reported irregularities, including the use of waxed ballots, the elections were, if put into a regional context, reasonably fair. Nevertheless, it must be stressed that the by-election and the number of seats the NLD now holds in relation to the military's grip on parliament should not be seen by the international community as a clear indicator of a major democratic shift.

A number of countries, including the United States, promptly moved to ease a number of sanctions in the wake of the NLD's landslide victory. However, the international community should be more cautious in easing sanctions as long as ethnic conflict still continues in Kachin State. And while a number of peace talks, including those with the Karen National Union and the Arakan Liberation Party, continue to be positive, those sanctions that are likely to prevent further abuses by the military should be maintained.

It is believed that the success of the NLD in the by-elections is a strong indicator that the NLD will be able to challenge the ruling USDP in the 2015 elections. This will then give both the NLD and ethnic parties a chance to contest and eventually amend the 2008 constitution and at least to some degree ease the military's control over the political processes of the country.

There is also some hope that the NLD, and its new role in parliament, will be able to increase support for ethnic rights in the country. The NLD has vowed to support the ethnic peoples who voted for it with Ko Kyi Zaw Lwin of the NLD stressed after the victory in Moulmein:

Our party's victory is thanks to the massive support from Mon nationals, and it represents the voice of the public. All our party members are extremely pleased. . . Once we are in the Hluttaw (Parliament), we will address the needs of the Mon region. There are 41 villages in this region, and we have a systematic plan to assess and meet all civilian needs.

Other ethnic parties, which lost seats to the NLD in the by-election, have also come out in support of the NLD's victory. The chairman of the Rakhine Nationalities Development Party (RNDP), which won 35 parliamentary seats in Arakan State in the 2010 elections, Dr. Aye Maung, stated that:

I believed the NLD would win in the election because the NLD is still popular among the people with the hope of Burmese people. Now the NLD won a landmark victory in the election in accordance with my thinking. It is a great chance for all of us to change Burma to a democratic country. Daw Aung San Suu Kyi and some NLD representatives will come to parliament in the future and it is also a good opportunity for democratic forces in parliament to carry out more effectively what we need to change for democracy in Burma through parliament.⁶

Another Arakanese party, the Arakan League for Democracy, which won 11 seats in the 1990 election and is currently unregistered, praised the success of Aung San Suu Kyi and the NLD, one of its senior politicians, U Aye Tha Aung commented:

The ALD has been an alliance party of the NLD for two decades. We are working together for democracy in Burma even though we are facing many challenges against us. We hope Daw Aung San Suu Kyi will amend the constitution with the support of some parliament legislators, including the army, throughout the parliament in the near future. Daw Suu has the ability to bring the country to a democratically developing and united country in the near future.

While a number of ethnic parties have won seats in parliament, the success of the National League for Democracy and the failure of the ruling Union Solidarity and Development Party (USDP), which only gained one seat in Sagaing Division, suggest that the key for ethnic equality may rest in the NLD. The only ethnic party that was able to triumph in the election was the Shan Nationalities Democratic Party (SNDP) which won one of the two seats in Shan State, although this was in the Upper House.

The re-emergence of the National League for Democracy into Burma's political arena can drastically change the situation for ethnic groups. The NLD's policies, and its past alliance with ethnic political actors, shows that it is more than willing to engage the countries' minorities on an equal footing. This could open the way for tripartite dialogue and a genuine reconciliation process between the Government, the NLD, and ethnic parties that may finally lead to a lasting sustainable peace and an end to human rights violations.

It would, therefore, be in all ethnic political parties' interests to work closely with the NLD and ensure that their own agendas are supported by the NLD in parliament. This view is further recognised by the United Nationalities Federal Council (UNFC), an alliance of ethnic armed groups led by the Kachin Independence Organisation. In a statement released on the 3 April 2012, the UNFC noted in relation to the NLD's three main objectives of ensuring 'peace, rule of law and amendment of the 2008 Constitution' that:

We, the UNFC, absolutely believe that Daw Aung San Suu Kyi, jointly with [the] current president, U Thein Sein, will be able to endeavour for realization of the stage of political dialogue with the armed ethnic nationally [sic] organizations for the realization of a genuine (federal) union, or realization of the genuine federal principle, from this first step of democratic primary victory to the second steps comprising of nationwide ceasefire and then the realization of peace within the country. Ethnic aspirations, and ensuring equality for all people in Burma, are now tied to the success of the NLD and support given to it by ethnic political parties. While there is still far to go in terms of ensuring equality, the NLD's victory over the USDP is a positive sign that could lead to a mutually inclusive and peaceful Union.

And that:

We, the UNFC, would like to make known our position that we will cooperate, participate and act to the best of our ability for achievement of the said three political objectives.⁷

The NLD's success in the by-election, while not providing it with the ability to dramatically influence the parliamentary process at the moment, suggests that the country may be on course towards genuine democratic transition and reconciliation. However, it is imperative that President Thein Sein, Daw Aung San Suu Kyi, and all ethnic actors work together to maintain this momentum and ensure that the country continues to move forward towards genuine change, an end to ethnic conflict, and equality for all peoples of the country.

Notes

¹ One seat also became available due to the death of one legislator.

² Union Election Commission, Announcement No. 16/2012, 23 March 2012

³ NLD Statement, 26 March 2012 (in Burmese)

⁴ 'NLD Seeks Election Talks with KIO', Lawi Weng, The Irrawaddy, 26 March 2012

⁵ 'NLD bests AMDP in Mon State' IMNA, 4 April 2012

⁶ 'Two Arakanese Parties Welcome Landmark Victory for NLD in By-Election', Maung Rammar, Narinjara, 4 April 2012

⁷ 'United Nationalities Federal Council (UNFC) Statement Congratulating Daw Aung San Suu Kyi and NLD for Victory in By-Election Held on April, 2012', UNFC, 3 April 2012