

Humanitarian Aid Relief Trust (HART) Internal Briefing for:

Tuesday 15th September, 2.30pm, Oral Question

Situation in Burma ahead of November general election - Baroness Kinnock of Holyhead



Situation Update

- In August, United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) reported that there are **99,321 IDPs in Kachin and northern Shan states**. The Border Consortium reports that there are **106,440 refugees living in the nine official camps within Thailand**, the majority of whom are Karen ethnic nationals¹. This figure does not include Shan refugees who are not granted official refugee status within Thailand². Numerous displaced people from Kachin and Shan states are also living in China; there was a fresh influx earlier this year due to fighting in the Kokang Self-Administered Region. Tatmadaw³ troops continue offensives in Kachin and Shan States: **1,400 Kachin civilians trapped amidst the fighting**⁴. **Over 800,000 individuals in Rakhine State lack citizenship**⁵.
- **The Nationwide Ceasefire Agreement has not yet been signed** as the government is unwilling to sign the agreement with six groups, including three armed groups that had recent skirmishes with the Burmese Army—the Ta'ang National Liberation Army, the ethnic Kokang's Myanmar National Democratic Alliance Army, and the Arakan Army. The government is also unwilling to include the Wa National Organisation, the Lahu Democratic Union, and the Arakan National Council, either because they have insignificant or no armed wings. The government has insisted that **only groups it has already established a bilateral ceasefire with can sign the nationwide agreement**⁶. On the HART visit in May we were told: *"The fundamental problem with the nationwide ceasefire negotiations is that the Burma Army has not pulled back its forces from the ethnic areas, and is even launching new offensives, during talks, which is not conducive to trust."*
- Cyclone Komen resulted in mass flooding across 12 states in July and August, causing the **displacement of >1.6 million** and the **destruction of >476,000 houses and >840,000 acres of farmland**⁷.
- During her third official visit to the country, UN Special Rapporteur on human rights in Burma, Yanghee Lee expressed concern at the **arrests of activists and journalists, and the growth of religious extremism and hate speech**. Lee was denied access to Rakhine State.

Elections

Electoral System Overview

The elections will be held according to the "first-past-the-post" system in which the candidate in each constituency that receives the most votes is declared the winner. For the **8 November 2015** elections, the Union Election Commission (UEC) has designated a **total of 1,171 seats distributed across four levels of parliamentary representation. 5,866 candidates have been nominated from 93 political parties** across the country (with both the Union Solidarity and Development Party [USDP] and the National League for Democracy [NLD] each fielding over 1,000 candidates). Parties are able to begin their campaigns on 8th August, however rally requests and campaign speeches must be approved by subcommissions in order to ensure that they do not slate the military and constitution. After representatives for each level are elected, the **President and two Vice-Presidents are then elected by the Presidential Electoral College** (not expected to be finalised for three months after the election). The Presidential Electoral College is composed of three groups from the National Parliament: the People's Assembly, the National Assembly, and the 166 appointed Defence Services personnel from both Assemblies. Each group elects one Vice-President, and then the National Parliament jointly elects the President from the three Vice-Presidents. The two runners-up become Vice Presidents.⁸

Key Concerns

- **25% of seats are guaranteed to the military** (75% majority vote is required for constitutional amendment, hence the military have the veto) – In HART's May visit we were told by a person living in an IDP camp within Shan State: *"If the 2008 Constitution is not changed it is not a good way to hold an election. It is not a good sign. There will be no change because Parliament is 25% military. The election cannot be genuine if the constitution is not amended... There is no hope. Not for us. The military and Their Sein do things that we do not know. The military is completely infiltrated in politics."*⁹ On 25th June, it was announced that **amendments to the 2008 Constitution had been rejected**, blocking Aung San Suu Kyi from running for President and enabling the military to retain the veto.

¹UNOCHA: http://reliefweb.int/sites/reliefweb.int/files/resources/Affected_Map_IDP_Kachin_N.Shan_OCHA_Aug2015_A4.pdf

²The Border Consortium: <http://www.theborderconsortium.org/media/62183/2015-07-jul-map-tbc-unhcr.pdf>

³Tatmadaw is the local name for the Burmese Army

⁴AltASEAN: <http://www.altsean.org/Docs/PDF%20Format/Burma%20Bulletin/August%202015%20Burma%20Bulletin.pdf>

⁵UNHCR: <http://www.unhcr.org/pages/49e4877d6.html>

⁶AltASEAN: <http://www.altsean.org/Docs/PDF%20Format/Burma%20Bulletin/August%202015%20Burma%20Bulletin.pdf>

⁷National Natural Disaster Management Committee: <http://reliefweb.int/sites/reliefweb.int/files/resources/NNDMC%20sitrep%204%2020150902%20final.pdf>

⁸AltASEAN: <http://www.altsean.org/Docs/PDF%20Format/Burma%20Bulletin/August%202015%20Burma%20Bulletin.pdf>

⁹HART: <http://www.hart-uk.org/wp-content/uploads/2015/05/HART-Visit-Report-ThaiBurmaBorderlands-2015.pdf>

- **The voter roll is deeply flawed, containing numerous errors which threaten to delegitimise election results.** Many townships in ethnic areas have not been surveyed because the UEC has designated these areas unstable (the UEC reserves the right to arbitrarily block certain townships and provinces from voting if they are determined to be insecure). The NLD estimates that voter lists are 30%–80% inaccurate, depending on the area. Election bylaws mandate that voters submit corrections in person, a challenging rule for low-income and rural populations.¹⁰
- During HART’s visit to Shan State in May this year, a recurring response when asked about the elections was that ethnic nationals are so **disenfranchised** that they have no interest in participating in an election which promises no change. The camp secretary of Loi Kaw Wan said: *“People are worried about their daily survival so they cannot think about politics.”* For others, the corruption in the previous election, particularly in vote counts in rural areas, leaves no hope for this round. We were told: *“The ethnic people want a federal system, and that is what they want to be able to discuss. Instead, the unitary system continues to expand”.*¹¹ We have also received alarming reports from other states, for example one of our partners stated that ethnic national people **“only vote because of fear of rape coming back if they don’t, forced labour may come back at any-time and torture may come back at any-time.”**
- **The UEC has recently barred 88 potential parliamentary candidates from participating in the election.** Election observers have pointed out that the rejection of potential parliamentary candidates has unfairly targeted representatives of Muslim minority constituencies. The NLD has also faced the exclusion of several candidates from participating in the election - all representatives from ethnic minority areas. **The NLD has announced that none of their 1000 candidates are Muslim.**
- Burma’s parliament has approved a **third 90-day extension of martial law in the Kokang Self-Administered Zone** near the border with China in northern Shan State, in what officials said would **likely prevent the war-torn area from taking part in general election**¹².
- The Rohingya people were stripped of their ‘White Cards’ identification cards that previously allowed them to vote, but did not entitle them to state services. **Rohingya’s that were able to vote in the 2010 election and 2008 constitutional referendum have not been included in the 2015 electoral register**¹³. Only 1,600 Rohingya have applied for the new ‘green cards’, as they would be required to register as ‘Bengali’ (700,000 held white cards).
- Many regions of Burma affected by the recent floods along with areas involved in ethnic conflict are likely to be excluded by the UEC, which will limit the participation of a vast number of voters. NLD youth leader Thant Wai Kyaw said as many as 50 townships in Kalaymyo area of Sagaing Division lost their NLD-checked voter registration lists in the flood. **Flooding caused the Rakhine State National Force Party and Chin Development Party to forfeit ten constituencies, and the Kachin State Democracy Party nine.** On 19th August, local election officials and ethnic leaders in **Chin State forecasted that 270,000 people may not be able to vote in November** due to the damage caused by floods¹⁴.
- On 7 August, it was reported that **election polling will not be conducted in four United Wa State Army controlled townships and one National Democratic Alliance Army-controlled township in Shan State.** United Wa State Army (UWSA) spokesperson Aung Myint estimated that **600,000 people in his administrative zone would not be able to vote** as immigration officials will not enter the area to provide election identification.
- **Shwe Mann, speaker of the Lower House of Parliament, Chairman of the USDP and potential Presidential candidate was ousted from his position on 13th August.** Although Thein Sein has stated he will not run for President again, this strategic change could likely to set up a second term for the President, who does not need to be an elected representative. On the same day, Thein Sein announced the resignation of several ministers, at least six of whom would have contended in the elections as USDP candidates and at least eight of whom have assumed official duties in the party’s Central Committee. The regime **reshuffled a number of Tatmadaw commanders, USDP Ministers and increased the USDP Central Executive Committee (CEC) to 53 members** in preparation for the November elections (including the provision of new roles for two Generals that The Harvard International Human Rights Clinic recently recommended for prosecution for war crimes committed in Karen State in 2005-2006).
- The Zomi Congress for Democracy claims that the ruling **USDP may sweep the polls in Chin State as it has already “paid staff in every village” to support its candidates.** Daw Suu similarly condemned instances of state employees in at least one township reportedly being told they must vote for USDP.
- In July 2015, the Myanmar Police Force began recruiting **>20,000 special police to provide security at polling stations.** The country’s police force is frequently implicated in serious crimes against protestors and ethnic minorities, and the role it played in the 2014 census led to instances of abuse.
- **Fewer than 19,000 overseas voters managed to register before the deadline** due to complicated bureaucratic procedures and a lack of awareness of requirements. The number of Burmese citizens living overseas according to the 2014 census stands at just over 2 million. Registered Burmese citizens will vote on 17th October.¹⁵

¹⁰ National Bureau of Asian Research: <http://www.nbr.org/research/activity.aspx?id=593>

¹¹ HART: <http://www.hart-uk.org/wp-content/uploads/2015/05/HART-Visit-Report-ThaiBurmaBorderlands-2015.pdf>

¹² Radio Free Asia: <http://www.rfa.org/english/news/myanmar/extension-08182015170127.html>

¹³ Radio Free Asia: <http://www.rfa.org/english/news/myanmar/officials-issue-green-cards-to-muslims-in-rakhine-state-06152015145915.html>

¹⁴ AltASEAN: <http://www.altsean.org/Docs/PDF%20Format/Burma%20Bulletin/August%202015%20Burma%20Bulletin.pdf>

¹⁵ Reuters: <http://www.reuters.com/article/2015/09/08/us-myanmar-election-votes-idUSKCNOR80FK20150908>