

MYANMAR RESULTS OF THE 2010 ELECTIONS IN MYANMAR: AN ANALYSIS

(2) RESULTS OF THE ELECTIONS

by KUDO Toshihiro

January 2011

Election Fraud and its Impact

Before reviewing the election results, we first need to examine how serious the election fraud was and how large its impact on the results. If organizational and large-scale irregularities had taken place in voting and vote counting, there would be no meaning to analyze the election results. The election fraud would render the elections nothing but a mere rite to wipe the slate clean for the “legitimization” of the military regime, which seized power with a coup outside the law.

The 1990 elections are deemed to have been conducted in a free and fair manner, at least in terms of voting and vote counting (Ino [1992:15]). Experts(*1) had predicted that voting and vote counting would take place relatively freely and fairly in the elections despite rampant fraudulent and dubious acts prior to voting, such as a clampdown on pro-democracy forces, including Aung San Suu Kyi’s house arrest; pressure on ethnic minority forces, such as a refusal to permit the establishment and registration of political parties; use of the national budget by the USDA/USDP for campaigning and dispensation of favors; and employment of administrative authority in semi-cohesive mobilizations. In the elections, however, the military regime shunned international observers and excluded foreign media by refusing to issue visas. In sum, one must say that the 2010 elections took place in more closed and nontransparent conditions, in comparison with the 1990 elections.

What kind of fraud, then, actually took place? This is an issue that is difficult to verify at this point, and probably in the future, too. Various means of pre-voting “mobilization” are being used for election campaign purposes in many countries. Although they potentially include illegal or nontransparent acts, it is usually difficult to present evidence of an unlawful act. In contrast, fraud in voting and vote counting constitutes more apparent and serious election abuse because it directly alters the result of an election.

A glimpse of the conditions on the voting and vote counting is provided in a report by an NGO that organized volunteers inside Myanmar to monitor the voting and vote counting at polling stations(*2). This is based on reports submitted between September 27 and November 8, 2010 by 175 trained observers working in 81 townships. The report indicates that vote counting was not conducted according to the procedures prescribed in the election laws at about 30 percent of the polling stations, although very few cases of coercion, threats, or other illegal acts were reported at the polls.

According to rules of the election laws, vote counting in the elections was to take place at polling stations in the presence of election staff, polling station representatives, and ordinary citizens(*3).

mechanism is similar to the one adopted in the 1990 elections, there were some differences. First, due to the large number of polling stations, totaling roughly 40,000, and because national-scale political parties were confined to the USDP and the NUP, pro-democracy party officials were not able to monitor all polling stations in Myanmar. Second, due to financial and organizational constraints, they could not dispatch candidate representatives to all polling stations, even in those constituencies that had a pro-democracy party candidate running. Third, pro-democracy parties were not able to build a national network for monitoring voting and vote counting owing to a lack of collaboration among pro-democracy parties or among the opposition, including the NUP. For this reason, they did not have the means to grasp the conditions of voting and vote counting around the country, except for informal monitoring by some NGOs. Pro-democracy forces failed to make such preparations, which should have been made in advance.

Another significant problem in the elections is related with advance voting. Critics have pointed out that advance voting is a breeding ground for vote rigging. Unlike voting that takes place at the polling station on the election day, generally in the presence of some people, advance voting is said to be more susceptible to disclosing who voted for whom, a violation of the principle of secret balloting. As the polling day drew near, it was rumored that the USDP was scraping up votes among civil servants, military personnel, and employees of big companies closely associated with the regime.

It appears that the USDP gradually developed the advance voting, which initially functioned as absentee voting(*4), into a vote collection mechanism. The election laws allow advance voting by military personnel, students, trainees, detainees, hospitalized patients, and others who are outside their constituencies on the election day. However, the state-run TV program explained that all military personnel and their families would be able to vote before the polling day in an election education program aired prior to the elections. There is no doubt that advance voting was used by the USDP as a means of gathering votes.

If this is the case, how much of an impact did advance voting have on the election results? The example of Yangon helps gauge the ramifications (**Table 3**). The ratio of advance votes to the total valid votes for the Union Legislature (the People's Legislature and the National Legislature) was slightly less than 6 percent, a relatively low figure. For instance, advance votes constituted roughly 20 percent of all votes in the July 2010 House of Councilors election in Japan, although this may not provide an appropriate basis for comparison in view of the huge differences in the environments surrounding elections in Japan and Myanmar.

Table 3 Percentage of Votes Won by Major Parties in Yangon Region

People's Legislature (45 seats)

Party	No. of Candidates	No. of Seats Won	% of Votes Won			% of Advance Votes
			Vote on Poll Day	Advance Votes	Total	
Union Solidarity and Development Party	45	37	48.4	78.6	50.1	9.0
National Democratic Force	37	8	20.8	7.4	20.1	2.1
(37 constituencies in contention)			28.6	9.7	27.4	2.1
National Unity Party	43	0	13.6	7.6	13.3	3.3
Democratic Party (Myanmar)	15	0	4.3	1.2	4.1	1.6
88 Generation Student Youths	18	0	6.2	2.3	6.0	2.2
Others	38	0	6.6	2.9	6.4	2.6
Total	196	45	100.0	100.0	100.0	5.7

National Legislature (12 seats)

Party	No. of Candidates	No. of Seats Won	% of Votes Won			% of Advance Votes
			Vote on Poll Day	Advance Votes	Total	
Union Solidarity and Development Party	12	8	47.6	78.8	49.3	8.7
National Democratic Force	10	4	26.5	10.0	25.6	2.1
(10 constituencies in contention)			31.6	11.6	30.5	2.1
National Unity Party	12	0	15.5	8.1	15.1	2.9
Democratic Party (Myanmar)	3	0	2.8	0.8	2.7	1.7
88 Generation Student Youths	4	0	4.9	1.4	4.7	1.7
Others	7	0	2.6	0.9	2.5	1.9
Total	48	12	100.0	100.0	100.0	5.4

(Source) Figures in parenthesis for National Democratic Force refer to constituencies in which they fielded a candidate.

(Source) Myanmar Alin (State-run Burmese newspaper) on Nov. 12, 2010.

Still, the percentage of winning votes clearly demonstrates that advance voting worked to the advantage of the USDP. In both Legislatures, the USDP won nearly 80 percent of advance votes, compared with less than 50 percent in voting at the polling station. Slightly less than 10 percent of valid votes won by the USDP came from advance voting. This strikes a stark contrast with the NDF, which gained some 20 percent of total votes in the People's Legislature and about a quarter in the National Legislature with just 7.4 percent and 10.0 percent of advance votes respectively. Consequently, the ratio of advance votes to the total valid votes for the NDF was only 2.1 percent. As a result, the NDF's victory in the election day votes

was overturned by advance votes in four races in the People's Legislature. Such turnaround cases did not occur in the National Legislature, however.

If we exclude all advance votes from the results, how would the number of seats be affected? In this case, a total of about 30 seats would shift from the USDP to pro-democracy or ethnic minority parties. Although not a negligible number for pro-democracy and ethnic minority parties, even this kind of shift would have not changed the formidable edge enjoyed by the USDP in the Union Legislature.

If losing candidates are to lodge a complaint to the UEC, they need to collect evidence of fraud committed by the opposing candidate or in the voting and vote counting process, a challenging task. Moreover, they need to pay 1 million kyats (more than 1000 US dollars) for each submission. In a letter sent to all political parties on November 6, the UEC declared that any objections regarding election results must be formally submitted in accordance with the law. The UEC also warned in the letter that making complaints about the polls to foreign media would constitute a violation of the election laws.

Under these circumstances, a top official of the Shan Nationalities Democratic Party (SNDP), along with the Rakhine Nationalities Development Party (RNDP), which took third and fourth in the elections, noted, "We are well aware of the USDP's cheating, but we don't see any point in disputing the results of the election. If we sue them, we will have to pay one million kyat for every constituency that they stole. We don't want to waste our time and money on this." (*The Irrawaddy*, November 20, 2010). This reflects their realistic recognition that the UEC is certain to hand down a judgment in favor of the USDP, as well as their relative good showing in the elections, as the parties garnered a fairly high winning ratio: 36.5 percent for the SNDP and 79.5 percent for the RNDP.

Number of Seats by Political Parties

The UEC announced the representatives-elect in each constituency on November 8 and then from November 11 to 18. These announcements revealed that a total of 1154 candidates – 1148 candidates representing 22 political parties and six independents – won seats in the People's Legislature, the National Legislature and 14 Region and State Legislatures (**Table 4**).

Table 4 Number of Representatives-Elect by Political Parties

Name of Party	Union Legislature				Region and State Legislatures		Total for 2010 Elections	Ratio (%)	< Reference > No. of Candidates
	People's Legislature	National Legislature	Union Legislature	Ratio in Union Legislature	No. of Seats	Ratio in Region and State Legislatures			
Union Solidarity and Development Party	259	129	388	78.7%	495	74.9%	883	76.5%	1112
National Unity Party	12	5	17	3.4%	46	7.0%	63	5.5%	995
Shan Nationalities Democratic Party	18	3	21	4.3%	36	5.4%	57	4.9%	156
Rakhine Nationalities Development Party	9	7	16	3.2%	19	2.9%	35	3.0%	44
National Democratic Force	8	4	12	2.4%	4	0.6%	16	1.4%	162
All Mon Region Democracy Party	3	4	7	1.4%	9	1.4%	16	1.4%	34
Chin Progressive Party	2	4	6	1.2%	6	0.9%	12	1.0%	40
Pa-O National Organization	3	1	4	0.8%	6	0.9%	10	0.9%	10
Phalon-Sawaw Democratic Party	2	3	5	1.0%	4	0.6%	9	0.8%	18
Chin National Party	2	2	4	0.8%	5	0.8%	9	0.8%	22
"Wa" Democratic Party	2	1	3	0.6%	3	0.5%	6	0.5%	25
Kayin Peoples Party	1	1	2	0.4%	4	0.6%	6	0.5%	41
Taaung (Palaung) National Party	1	1	2	0.4%	4	0.6%	6	0.5%	15
Unity and Democracy Party (Kachin State)	1	1	2	0.4%	2	0.3%	4	0.3%	9
Inn National Development Party	1	0	1	0.2%	3	0.5%	4	0.3%	5
Democratic Party (Myanmar)	0	0	0	0.0%	3	0.5%	3	0.3%	47

Kayin State Democracy and Development Party	0	1	1	0.2%	1	0.2%	2	0.2%	4
Kayan National Party	0	0	0	0.0%	2	0.3%	2	0.2%	5
National Democratic Party for Development	0	0	0	0.0%	2	0.3%	2	0.2%	22
88 Generation Student Youths (Union of Myanmar)	0	0	0	0.0%	1	0.2%	1	0.1%	39
Ethnic National Development Party	0	0	0	0.0%	1	0.2%	1	0.1%	3
Lahu National Development Party	0	0	0	0.0%	1	0.2%	1	0.1%	9
Independent	1	1	2	0.4%	4	0.6%	6	0.5%	88
Total	325	168	493	100.0%	661	100.0%	1154	100.0%	-

(Source) New Light of Myanmar on Nov. 8, and 11-18, 2010.

The USDP came in first in the polls, winning 883 out of 1154 seats (76.5% of all seats) for a “landslide victory.” The party won 78.7 percent of seats in the Union Legislature (the People’s Legislature and the National Legislature) and 74.9 percent in the Region and State Legislatures. With 1112 candidates fielded, the USDP’s winning percentage in the election reached 79.4 percent.

The NUP came in second with just 63 seats (5.5% of all seats). With 995 candidates running, their winning percentage was a mere 6.3 percent. The third and fourth places went to the SNDP and RNDP, both ethnic minority parties, with 57 seats (4.9%) and 35 seats (3.0%), respectively. The NDF won 16 seats (1.4%) to remain in fifth position. The result was surely the USDP’s “landslide.”

However, as will be described below, we were able to observe some instances in which pro-democracy and ethnic minority parties put up a good fight in constituencies where the USDP mobilization turned out to be less effective. While there is no question that the USDP’s “landslide victory” was brought about by mobilization campaigns backed by their enormous organizational and financial power, along with their dispensation of favors, we are able to discern the opinion of voters from the poll results. There are two key points here: a relatively strong support for the NDF in Yangon and good showing by ethnic minority parties.

Support for the NDF in Yangon

The NDF, which came to represent pro-democracy forces in the elections, had only 16 successful

candidates out of 162. Nevertheless, the fact that all 16 candidates were elected in Yangon means the NDF did fairly well as far as this region is concerned. Yangon, the biggest city in Myanmar, has a substantial concentration of businesses and industries. There are many residents who are well-educated and middle-class citizens with specialist jobs. With easier access to information on domestic and international affairs, voters generally have a high political consciousness. For these reasons, it is assumed that the USDP's "mobilization" was comparatively less effective there, allowing polling to take place in a relatively free environment. In that sense, the election results in Yangon seem to reflect a true will of the people in Myanmar. In other words, the NDF's good showing in Yangon exemplifies deep-seated support for pro-democracy parties among the citizens.

Table 3 shows the poll results by party for seats in the Union Legislature (45 seats in the People's Legislature and 12 seats in the National Legislature) in Yangon Region. Of 45 seats in the People's Legislature, the USDP collected 37 and NDF gained eight. The USDP and the NDF won eight and four seats, respectively, in the 12-seat National Legislature. Other parties, including the NUP, could not secure even one seat in the Union Legislature. In sum, Yangon Region was a battlefield that pitted the pro-military party against the pro-democracy parties.

Let us look at the percentage of votes against the total number of valid votes. The USDP got roughly 50 percent of the total number of valid votes for both Legislatures, while the NDF got around 20 percent in the People's Legislature and 25 percent in the National Legislature. Considering that the USDP collected about 80 percent of the seats in both Legislatures against 20 percent for the NDF, the USDP can be said to have procured votes more efficiently. Conversely, if the pro-democracy bloc, excluding the NUP which seeks to establish a third force, had worked together in the election so that votes would not be scattered among small pro-democracy parties, the NDF should have been able to win more seats.

When we look at the percentage of votes against the total number of valid votes in constituencies in which NDF fielded candidates (noted as "constituencies in contention" in Table 3), we discover their support was around 30 percent for both Legislatures. Considering that the NDF is virtually a regional party in Yangon, one might assume that this is the level of voter support that could potentially be attained by the pro-democracy bloc, even with the USDP's mobilization campaigns. This shows that if the NLD, with its nationwide organizational capability and popularity and led by Aung San Suu Kyi, even if she were excluded from the party in accordance with the Party Registration Law, participated in the elections and fielded candidates in constituencies around the nation, the NLD would likely have won at least about 30 percent of the total votes. In view of the enthusiastic support extended to Aung San Suu Kyi after her release on November 13, 2010, the view that the NLD could have secured even broader support among the people should not come as a surprise.

Moreover, if the opposition bloc that includes both pro-democracy and ethnic minority parties had won one

quarter of the seats in the Union Legislature, they would have attained the power to call for a special session of each Legislature whenever they want^(*5). That would have enabled the opposition to launch political dialogue with the USDP in the Union Legislature at any given time. We need to bear in mind, however, that pro-democracy and ethnic minority parties actually needed to win one third of the seats in the elections because one fourth of the seats in the Union Legislature are uncontested, filled by military representatives appointed by the Commander-in-Chief. Still, this figure would have been within reach had the NLD participated in the elections, as discussed earlier.

Support for Ethnic Minority Parties

Let us now look at the performance of ethnic minority parties in the elections. **Table 5** shows the number of seats gained and winning percentage by political parties for the USDP, the NUP, pro-democracy parties including the NDF and the Democratic Party (Myanmar), ethnic minority parties including 17 parties, and others including the 88 Generation Student Youths and independents.

The USDP, which scored a “landslide victory” in the elections, boasts a winning percentage of about 80 percent in all Legislatures. Meanwhile, the NUP suffered a disastrous setback in all Legislatures, capturing only 3.8 percent in the Union Legislature and 8.3 percent in the Region and State Legislatures.

Pro-democracy parties also fared bad: their overall winning percentage fell below 10 percent, although their figures were slightly higher in the Region and State Legislatures at 18.9 percent.

In comparison, if we combine ethnic minority parties as one group for analysis, their winning percentage shoots up to around 40 percent in both the Union and Region and State Legislatures -- a fairly good showing, considering the circumstances that overwhelmingly favor the USDP. This reflects the success of the ethnic minority parties’ strategy of focusing on fielding candidates in their home regions.

Table 5 Election Results by Political Party

Party	Union Legislatures						Region/State Legislatures		Total for the Elections	
	People's Legislature (Seats Won)	Winning Ratio (People)	National Legislature (Seats Won)	Winning Ratio (National)	Union Legislature (Seats Won)	Winning Ratio (Union)	Seats Won	Winning Ratio (Region)	Seats Won	Winning Ratio (Total)
Union Solidarity and Development Party	259	82.2%	129	81.6%	388	82.0%	495	77.5%	883	79.4%
National Unity Party	12	4.1%	5	3.4%	17	3.8%	46	8.3%	63	6.3%
Pro-democracy Parties (1)	8	6.3%	4	8.9%	12	7.0%	7	18.9%	19	9.1%
Other Ethnic Minority Parties (2)	45	38.5%	29	36.7%	74	37.8%	108	40.6%	182	39.4%
Others (3)	1	-	1	-	2	-	5	-	7	5.5%
Total	325	-	168	-	493	-	661	-	1154	-

(Note) (1) Pro-democracy parties include the NDF and the Democratic Party (Myanmar).

(2) Ethnic minority parties refer to 17 parties including the SNDP and the RNDP.

(3) Others include the 88 Generation Student Youths and independents.

(Source) New Light of Myanmar on Nov. 8, and 11-18, 2010.

Table 6 shows the number of seats collected by political parties for seven regions with many Burmese residents and seven states inhabited by many ethnic minorities. The Table 6 demonstrates that ethnic minority parties did well in the states. First, they could not even secure a single seat in the seven regions but won nearly 40 percent of seats in the seven states in the People's Legislature. Second, in the National Legislature, ethnic minority parties occupied 34.5 percent of seats in the seven states, but none in the seven regions. Third, in the Region and State Legislatures, they won five seats (1.2 percent of the all seats) in seven regions, and 103 seats (40.7% of all the seats) in the seven states. In the seven State Legislatures, ethnic minority parties came to form a force that competes closely with the USDP, which garnered more than 50 percent of the seats.

The good showing of ethnic minority parties in their respective local states could affect the political activities of Aung San Suu Kyi, who is now released from house arrest. It was reported that Aung San Suu Kyi met with ethnic minority party leaders in Yangon on November 20, one week after her release, and they agreed on the establishment of a national council designed to create a dialogue with the military regime (The Nikkei, November 21, 2010). Ethnic minority leaders are also said to be working to hold a second meeting of the Panlong Conference, held in 1947 by late independence hero General Aung San, Aung San Suu Kyi's father, which pledged to restore harmony among all various diverse ethnic groups including Burmese. It is possible that the good showing by ethnic minority parties in the elections could accelerate such moves.

On the other hand, Burmese parties, including the USDP, did not manage to win widespread support in states with strong ethnic minority party presence, reminiscent of the NLD in the 1990 elections. These results are an indication, one might say, that an axis of “Burmese vs. ethnic minorities” confrontation still persists in Myanmar politics in addition to the conflict between “the military government vs. pro-democracy forces.” We need to monitor issues involving ethnic minorities, as well as the moves of armed ethnic groups that are slipping into deeper confrontation with the Myanmar army over their integration into the Border Guard Forces (BGFs) under the command of the Myanmar army.

Table 6 Number of Seats by Region and State

People's Legislature

	7 Regions		7 States		Total	
	Seats	Ratio	Seats	Ratio	Seats	Ratio
Union Solidarity and Development Party	192	92.8%	67	56.8%	259	79.7%
National Unity Party	7	3.4%	5	4.2%	12	3.7%
National Democratic Force Party	8	3.9%	0	0.0%	8	2.5%
Ethnic minority parties(1)	0	0.0%	45	38.1%	45	13.8%
Independents	0	0.0%	1	0.8%	1	0.3%
Total	207	100.0%	118	100.0%	325	100.0%

(Note)(1) Ethnic minority parties refer to 12 parties including the SNDP.

National Legislature

	7 Regions		7 States		Total	
	Seats	Ratio	Seats	Ratio	Seats	Ratio
Union Solidarity and Development Party	79	94.0%	50	59.5%	129	76.8%
National Unity Party	1	1.2%	4	4.8%	5	3.0%
National Democratic Force Party	4	4.8%	0	0.0%	4	2.4%
Ethnic minority parties(2)	0	0.0%	29	34.5%	29	17.3%
Independents	0	0.0%	1	1.2%	1	0.6%
Total	84	100.0%	84	100.0%	168	100.0%

(Note)(2) Ethnic minority parties refer to 12 parties including the SNDP.

Region/State Legislature

	7 Regions		7 States		Total	
	Seats	Ratio	Seats	Ratio	Seats	Ratio
Union Solidarity and Development Party	364	89.2%	131	51.8%	495	74.9%
National Unity Party	31	7.6%	15	5.9%	46	7.0%
National Democratic Force Party	4	1.0%	0	0.0%	4	0.6%
Democratic Party (Myanmar)	3	0.7%	0	0.0%	3	0.5%
88 Generation Student Youths	1	0.2%	0	0.0%	1	0.2%

Ethnic minority parties(3)	5	1.2%	103	40.7%	108	16.3%
Independents	0	0.0%	4	1.6%	4	0.6%
Total	408	100.0%	253	100.0%	661	100.0%

(Note) (3) Ethnic minority parties refer to 17 parties including the SNDP.

(Source) New Light of Myanmar on Nov. 8, and 11-18, 2010

[Notes]

*1 See ICG (2009) for an example.

*2 Preliminary findings report dated November 8th, 2010, available at

<http://www.networkmyanmar.org/images/stories/PDF5/pfr.pdf>.

*3 For example, the Article 48 (b) of the Pyithu Hluttaw Election Law (the People's Parliament Election Law) states "Immediately after the ballot papers are casted in the relevant polling booth, the polling booth officer himself or a member of the polling booth team assigned by him shall count the votes in the polling booth in the presence of the members of the polling booth team, the polling booth agents and the public."

*4 For example, see the Article 45 of the People's Legislature Election Law.

*5 For example, see the Article 83 of the 2008 Constitution.

[References]

- Ino, Kenji [1992] "Results of the 1990 Elections in Myanmar," *Tsushin*, No. 75, July 1992, the Research Institute for Languages and Cultures of Asia and Africa, Tokyo University of Foreign Studies, pp.14-41 [in Japanese].
- International Crisis Group (ICG), "Myanmar: Towards the elections," Asia Report No.174, 20 August 2009, available at [http://www.crisisgroup.org/~media/Files/asia/south-east-asia/burma-myanmar/174_myanmar_towards_the_elections.ashx](http://www.crisisgroup.org/~/media/Files/asia/south-east-asia/burma-myanmar/174_myanmar_towards_the_elections.ashx) [accessed August 24, 2009].
- Preliminary findings report (8th November 2010), available at <http://www.networkmyanmar.org/images/stories/PDF5/pfr.pdf> [accessed November 27, 2010].
- Yangon Media Group [2010] *Election Times: Guide for Voters*, Yangon [in Burmese].