



## Elections for Ethnic Equality?

### A Snapshot of Ethnic Perspectives on the 2015 Elections

*“Burma is like a long-term patient. The best medicine for Burma is a federal union system which has been wanted by all the ethnic groups. To be able to heal this disease, the Government should give the right medicine.”* Karen civil society representative, Karen State, June 2015.

#### **Executive Summary**

In the context of the 2015 elections, this report aims to provide a summary of what these elections mean and how the elections are perceived in ethnic nationality areas of Burma. Given that up to 40% of the population of Burma are not ethnically Burman, it is vital to present the perspectives and attitudes, as well as the political situation, in these ethnic areas in the run up to this much anticipated event.

This report finds that ethnic political parties and ethnic civil society broadly agree on fundamental issues: the need for peace, ethnic equality, self-determination, and a federal system of governance. Given the centralized governance structure and the overbearing presence and power of the Burma Army, an institution that has been at war with ethnic nationality actors for over 60 years, it is fundamental structural changes in the way that Burma is governed that will address peace, ethnic equality, self-determination and federalism, not the 2015 elections.

The report finds that the State and Region level Parliaments simply do not have power to make essential changes in the lives of ethnic communities. The stipulations in Schedules One and Two of the 2008 Constitution allocate very few responsibilities to the subnational level while the Chief Minister of the State or Region Parliament is chosen by the President. Both ethnic communities and ethnic political parties feel the impotence of this centralized structure of governance and most stated that they need this to change before they are able to develop policy platforms on issues such as education, health, drugs, and other issues. Furthermore, the Burma Army has entrenched its power through the control of day to day administration through the General Administration Department (GAD), its allocation of 25% seats in Union, and State and Region level Parliaments, as well as control over key ministries.

The 2015 elections will not change either of these two structural impediments to ethnic equality - military domination and centralization of governance - and both ethnic political parties and ethnic civil society expressed this in the research conducted. It is important not to forget that there is another ongoing process that seeks to realize aspirations of ethnic equality and self-determination -

the peace process. For many ethnic communities, this is the most important political process in Burma today. This is not to state that the 2015 elections are unimportant or irrelevant for ethnic areas. They will serve to develop the political maturity of ethnic political parties that are either very new or have been operating underground or in exile for many years. But amid the hype and optimism surround this historic event, the aspirations of many ethnic communities will remain unfulfilled unless fundamental, structural and institutional changes in governance take place.

## **Community Views on the Elections and Political Parties**

*“Now most of the people don’t know and have no interest in the elections.”* Pa-O civil society representative, Shan State, June 2015.

To summarize this snapshot of ethnic communities’ views on political parties and the elections themselves, there is apathy and certainly not the high sense of anticipation and optimism that has characterized the dominant narrative of the 2015 elections. Quite simply, there are more important issues for ethnic communities such as the peace process and their own livelihoods.

Regarding the Union Solidarity and Development Party (USDP), there is largely disdain and distrust. A military legacy and underhand tactics such as using money and power to create both incentives and intimidation in rural areas in the previous elections ensured they won a majority. This, coupled with a lack of community knowledge on the elections has resulted in community representatives and civil society organization (CSO) workers acknowledging the threat the USDP poses in these elections. As for the National League for Democracy (NLD), there is a distinct lack of confidence in their willingness to represent ethnic aspirations and push for more rights for ethnic people. For ethnic political parties themselves, it is obvious that civil society does not want division among them, thus giving the USDP and NLD more of a chance to win seats. Yet the experiences of the past few years in Parliament has made many communities disillusioned as to what political parties actually can or are willing to do for their communities.

The views expressed from ethnic communities regarding their faith in ethnic political parties to be able to work for them, and as well as apathy towards the elections, can be traced to the fact that ethnic political parties, even when in power, actually have very little scope to make such changes. With so little power to implement policies, it does not necessarily matter how many ethnic parties win seats. The governance structure is still highly centralized and the military has far-reaching administrative and political power that extends into most ethnic areas regardless of whether or not the local Member of Parliament (MP) is from an ethnic political party, indeed even if an ethnic party forms a majority in the State level Parliament, as seen in Arakan State.

Thus, the problems presented by civil society in various ethnic areas, whether it be conflict in Kachin State, poverty in Chin State, drugs in Shan State, or militarization in Karen State to name just a few examples, need structural and institutional change in terms of governance in order to be resolved. This involves not just decentralization of power, through, as ethnic political parties and CSOs stated, a federal system of governance, but also the reduction of the power of the Burma Army. Time and time again, changing the 2008 Constitution and establishing a federal system of governance was stated by both political parties and civil society as absolutely necessary for ethnic people to realize their rights, and it is the power of the military, that is one of the main obstacles in changing the 2008 Constitution.

## **Structural Impediments**

### **Centralization of Power**

*“State level representatives do not have the power of administration or executive power, so we can’t do anything.”* Mon political party representative, Mon State, June 2015.

The 2008 Constitution devolves very little administrative, political, and budgetary power to State and Region level Parliaments;

- Chief Ministers are appointed directly by the President
- State Ministers have little decision-making power with substantive decisions made at the Union-level. This is outlined in Schedules One and Two in the 2008 Constitution.

### **Domination of the Burma Army**

- The 2008 Constitution reserves 25% of seats in Union Parliament for the military as well as in Region and State Parliaments. Under Section 436, to change the Constitution, more than 75% of MPs have to vote in favor of change before it goes to a referendum for the general public. Furthermore, three key ministries are under the authority of the military: Defence, Home Affairs, and Border Affairs.
- The GAD is a hugely powerful department that not only deals with day-to-day administration and governance right down to village level, but also is relied upon by the State and Region legislatures and governments. It is under the auspices of the military controlled, Ministry of Home Affairs.

## **Recommendations**

Below are recommendations that all stakeholders should work towards in order for ethnic nationalities of Burma to achieve equality and self-determination and establish civilian control over the country:

- Immediately engage in a process to change the institutional and governance structures of the country, including the 2008 Constitution. This should involve:
  - Repealing Section 436 of the 2008 Constitution to end the military veto power for constitutional amendments and thus reducing the power of the Burma Army;
  - Devolving more administrative, budgetary and political power to State and Region level Parliaments by changing Schedules One and Two of the Constitution to give each State and Region level Ministry more power;
  - Allowing State and Region level Parliaments to elect their own Chief Minister; and
  - Placing the GAD and three military controlled ministries; the Ministry of Home Affairs, the Ministry of Defence and the Ministry of Border Affairs, under civilian control.

### **Ethnic Political Parties:**

- Adopt quotas for women in candidate lists of at least one third, as well as quotas for women at all levels of party structure, including leadership and executive committee positions;
- Establish common ground with other political parties of the same ethnicity that have similar policy platforms in order to begin discussions on alliances and strengthen existing multi-ethnic alliances;
- Institutionalize a process of consultation with civil society, community based organizations and communities in local constituencies;
- Develop more detailed and comprehensive policy platforms or manifestos that amounts to more than party principles, reflecting the aspirations and needs of their constituencies; and
- Make these policies readily available and accessible to communities through outreach processes, including producing communication materials in relevant languages.

### **Non-ethnic Based Political Parties:**

- Outline policies of how ethnic equality and ethnic nationality aspirations will be addressed;
- Decentralize internal party structures so that local party chapters and offices, particularly in ethnic areas, can participate in decision-making processes in the functioning and policy direction of the party; and
- Offer avenues of cooperation and communication to ethnic-based civil society, political parties and ethnic armed organizations (EAOs) in preparation for a national political dialogue.

### **Current or any Future Incarnation of the Burma Government during the Transition:**

- Implement a genuine democratic transition towards a democratic federal union by making political reform and federalism as the main priority of any government term;
- Engage in the peace process with EAOs in equal terms and ensure the holding of a national political dialogue that is inclusive, meaningful and substantial, and with the aim of a sustainable political settlement that enshrines the spirit of the Panglong Agreement;
- Ensure any future elections comply with international election standards in order to guarantee that they are free and fair; and
- Hold the Union Election Commission transparent and accountable in its manner and functions, including starting voter registration list compilation one year before any future elections, while providing necessary resources to conduct comprehensive, nationwide voter education.

### **International Community:**

- Recognize that the goals and aspirations for many ethnic communities are not tied to the 2015 elections;
- Urge the Burma Government to implement comprehensive political, institutional, and legal reforms that guarantee a federal system of governance and reduces the power of the Burma Army;
- Support the peace process by providing assistance in equal measure to EAOs and the Government;
- Provide direct funding and support for local ethnic CSOs to conduct voter education and election monitoring activities as well as their participation in the peace process; and
- Provide technical assistance to ethnic political parties to support their institutionalization.