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THE 1990 ELECTIONS IN MYANMAR – 15 YEARS WAITING

After the popular uprisings in Myanmar in 1988, in which non-violent demonstrations were met with brutal force by the military, the military seized power and declared martial law. It was then declared that they would hold general elections. The elections were held on 27 May 1990. In a clear showing of the people's will, Aung San Suu Kyi's party, the National League for Democracy (NLD) won 81% of the parliamentary seats and the government-backed party won only 2% of the seats. Since 1990, the regime has reneged on its pre-election commitment to transfer power to an elected Parliament.

Parliament Denied – 15 Years On

It has been 15 years since the election and the regime still refuses to transfer power to Parliament. Elected MPs continue to be targeted for harassment and imprisonment.

As of April 2005¹:

- 3 MPs have died while in custody
- 3 MPs died shortly after being released from custody
- 14 MPs remain in prison – including 2 MPs whose sentences were arbitrarily extended and 4 who are suffering from poor health
- 29 MPs have fled Myanmar

Recent Detentions:

1. MP U Khun Htun Oo – MP and Chairperson of the Shan Nationalities League for Democracy (SNLD). He was arrested on 9 February 2005, along with several other Shan leaders as part of an effort by the regime to break the united stand of the ethnic parties led by the SNLD. He has reportedly been charged with sedition and defamation against the State, an offence carrying the death penalty.

¹ National Coalition Government of the Union of Burma, *Update on the Situation of 485 Burmese Parliamentarians Elected in 1990 Election*, April 2005 available online - www.ncgub.net/MPU/1990_MP_situation.htm

2. MP U Kyaw Khin – MP from the National League for Democracy. He was rearrested on 25 February 2005. He was previously imprisoned from 1996 – January 2005. On 8 April 2005, he was reportedly sentenced to 14 years imprisonment for distributing political leaflets and inciting people to take part in political activities.
3. MP U Kyaw Min – MP from the National Democratic Party for Human Rights and a member of the Committee Representing People’s Parliament (CRPP). He was detained on 17 March 2005 after several activities in February including a meeting with the delegation from the International Labor Organization (ILO) and actively preparing a statement for CRPP on Union Day.
4. MP U Kyaw San – MP from the National League for Democracy. He was arrested on 17 March 2005 and reportedly went on a hunger strike soon after his arrest for 26 days. On April 12 he was reportedly charged with Act 5/1 for trading with overseas and Act 5/3 for aiding and abetting trading activities. He denies these charges.
5. MP U Than Htay – MP from the National League for Democracy. He was arrested on 16 August 2004 for selling illegal items at his electronics shop, but is widely believed it was for his political activities. Since early 2004, he was being pressured by the regime to resign from the NLD and when he refused his business was targeted by the regime. He was a lead person in collecting the half a million signatures inside Myanmar calling for the release of Aung San Suu Kyi.

Extension of Prison Term - Recent Cases:

1. NLD MP Dr. Than Nyein was due to be released on 19 November 2004, but his sentence was extended for the 4th time under Section 10 (a) of the ‘State Protection Act’.
2. NLD MP Dr. (Ms.) May Win Myint completed her 7-year sentence, but on 3 October 2004, the regime extended her sentence twice, first for 6-months under Section 10 (a) of the State Protection Act and again on 2 February 2005 for an additional 1-year.

MPs with Poor Health Conditions - Recent Cases:

1. NLD MP Aung Soe Myint is suffering from diabetes, heart disease and eye problems and is not receiving adequate treatment.
2. NLD MP Dr. (Ms.) May Win Myint suffers from hypertension, heart disease and cervical Spondylosis.
3. NLD MP Dr. Than Nyein suffers from liver problems, heart disease, diabetes and nerve problems. Despite physician concerns about his condition, the regime authorities have taken no action to improve his health condition. On 26 February 2005, his wife reported that his health is very poor. It is feared that he may have cancer and that his hepatic blood vessels are in danger of bursting again.

4. NLD Dr. Zaw Myint Maung suffers from low blood pressure and undiagnosed skin ailments.
5. SNLD Khun Tun Oo suffers from hypertension and diabetes and is being refused an examination by an external specialist.²

Why the Election Results Must Be Acknowledged

“To ignore the result of the 1990 elections is to have total disrespect for the people and is also an insult to the people... During my travels I have seen what the people have suffered because of the lack of democracy... We are prepared to speedily set in motion a meaningful political dialogue.”

- Daw Aung San Suu Kyi, May 27, 2003

A free and fair election that clearly expressed the will of the people of Myanmar cannot be simply dismissed because the military regime is unhappy with the results. The military regime has actively and systematically tried to marginalize most of the political parties that won a mandate from the people in the 1990 elections. These parties and political leaders have been entrusted by the people to lead the country towards a democratic federal union and genuine national reconciliation.

The people’s continued faith in these parties and leaders is strong and must be respected. While some observers argue that it is too late to implement the 1990 election results, it is clear that a strategy must be developed to properly acknowledge the people’s vote before fresh elections can be held.

Background

Following the popular, non-violent democracy uprisings in Myanmar in 1988, the military seized power in September 1988 and formed the State Law and Order Restoration Council (SLORC) (renamed to State Peace and Development Council in November 1997) and rule by martial law.

The first public announcement of the SLORC said that its task was to stage democratic multiparty general elections once law and order was restored.³ By early 1989, 235 political parties were lawfully registered under the Political Parties Registration Law 4/88.

On 31 May 1989 SLORC enacted Law No. 14/89, the Pyithu Hluttaw Election Law, clearly stating that free and fair multi-party elections were to be held to “elect the

² Democratic Voice of Burma, *Burma opposition radio says 10 detained Shan leaders "secretly" tried in jail*, 30 April 2005

³ State Law and Order Restoration Council, *Announcement No. 1/88*, 18 September 1988 Available online - www.ibiblio.org/obl/docs/Announcement_1-88.htm

representatives of the Pyithu Hluttaw”, or People’s Assembly.⁴ This law clearly states that Parliament would be convened after recognizing the election results.

The military regime imposed strict controls on freedom of expression and assembly during the election campaign. Speeches and written materials had to be submitted for approval and censorship prior to distribution. Under martial law, public gatherings of more than 5 people were prohibited.⁵

On 20 July 1989, the General Secretary of the NLD, Aung San Suu Kyi and NLD Chairman, U Tin Oo, were put under house arrest under Article 10(a) of the State Protection Act, which authorizes the detention of people deemed a threat to the sovereignty, security and peace of the State. They were prohibited from running in the election. Aung San Suu Kyi and U Tin Oo both submitted candidacy papers anyway, but were denied approval to run in the election.

On 27 May 1990, Multi-Party General Elections were conducted which were contested by 2,380 candidates representing 93 political parties, including the National League for Democracy (NLD) and the SLORC-backed National Unity Party (NUP).

Election Results

The elections in Myanmar, despite the restrictions and censorship on campaigning, were generally considered free and fair. The voter turn-out rate was 72%. The National League for Democracy overwhelming won with more than 80% of the Parliamentary seats. In contrast, the military-backed party, the National Unity Party, only won about 2% of the seats. The results of the election indicate that many people in the military institutions themselves did not vote for the military-backed party.

Distribution of Seats Won in the 1990 Elections⁶

Party	Seats Won (total 485)	% of Seats Won
National League for Democracy (NLD)	392	80.8
Shan Nationalities League for Democracy (SNLD)	23	4.7
Arakan League for Democracy (ALD)	11	2.3
National Unity Party (NUP)	10	2.1
Other parties (23) and independents	49	10.1

⁴ State Law and Order Restoration Council, *Pyithu Hluttaw Election Law*, 31 May 1989, Available online - www.ibiblio.org/obl/docs/pyithu_hluttaw_election_law.htm

⁵ All Burma Students’ Democratic Front Documentation and Research Centre, *To Stand And Be Counted: The Suppression of Burma’s Members of Parliament*, Bangkok, June 1998

⁶ Han, Khin Kyaw, *1990 Multi-Party Democracy General Elections*, 1 February 2003 available online - www.ibiblio.org/obl/docs/Elections-01.htm

Blocking Parliament

The military regime had grossly miscalculated what the results of the election would be. Two months later, on 27 July 1990, they issued Order 1/90 reneging on their commitment to transfer power and declared that the SLORC (military regime) would exercise power until the elected representatives drafted a new constitution. They falsely claimed that it was the desire of the majority of the political parties that contested the elections. The SLORC said it would not accept a government ruling under an interim constitution.⁷

On 28-29 July 1990, elected NLD MPs met in Gandhi Hall in Rangoon to adopt a provisional constitution to allow for the transfer of power and the convening of the People's Parliament. The provisional constitution was based on the original 1947 constitution, but excluded clauses pertaining to ethnic nationalities, in order to allow for thorough consultations.⁸

The SLORC still refused to allow Parliament to convene and launched a campaign of harassment and repression against elected MPs.

On 9 December 1990 the NLD was forced to agree to follow Declaration 1/90.

Harassment, Arrest & Forced Resignation

The military regime refused to transfer power, and launched a massive campaign of repression against the NLD and other political parties, detaining and dismissing MPs, and forcing others to resign.

By 1992, of the 93 parties that contested in the election, most were deemed illegal. Currently, only 10 political parties remain legal, including the NLD.

Between 1990-1998, more than 110 MPs were dismissed or forced to resign under threat from the regime. MPs were threatened with land confiscation, bans on educational opportunities and the right to enter monkhood. In addition, the military regime amended an election law and dismissed some MPs for 'offenses' such as discussing the formation of an interim government.⁹

Daw Aung San Suu Kyi remained under house arrest from July 1989-July 1995. She was later put under house arrest again from September 2000 – May 2002 and yet again on May 30, 2003 until today.¹⁰

⁷ SLORC Declaration 1/90 available online: www.ibiblio.org/obl/docs/Declaration_1-90.htm

⁸ National League for Democracy, *Interim Constitution - Amendments to the 1947 Original Law of the Constitution*, 28 July 1990

⁹ All Burma Students' Democratic Front Documentation and Research Centre, *To Stand And Be Counted: The Suppression of Burma's Members of Parliament*, Bangkok, June 1998

¹⁰ "Daw Aung San Suu Kyi Biography, Part 6". Daw Aung San Suu Kyi Pages. 23 May 2003
www.dassk.org

In September 1998, in response to the formation of the Committee Representing People's Parliament, at least 200 NLD MPs, representing 41.23% of all elected representatives, and 800 NLD members were arrested.¹¹ (Please see next section)

Committee Representing People's Parliament (CRPP)

In May 1998, the NLD called for the convening of Parliament in accordance with the regime's People's Parliament Election law. The regime's law required 34% of the MPs to support such an action to legally command a session to be held. The NLD was backed by 54.6% of elected MPs. However, the regime prevented Parliament from convening.

In response, on September 1, 1998, it was announced that the Committee Representing the People's Parliament (CRPP) would be founded in response to the regime's failure to convene parliament. The first meeting was on September 16, 1998.¹²

- The Committee's key role is to function on behalf of Parliament only until Parliament is actually convened.
- CRPP was founded as a 10-member committee representing the elected MPs. The parties represented by the CRPP hold 433 or 89 % out of the total 485 parliamentary seats.
- The CRPP has since expanded to an 18-member committee, with members from the NLD and 8 other ethnic and political parties and 1 independent MP.¹³
- The CRPP's first Speaker of the People's Parliament was the Chairman of the Arakan League for Democracy. The selection of an ethnic minority for the position demonstrates the NLD and ethnic nationality groups' commitment to working together.
- Through the years, other ethnic organizations and cease-fire groups have expressed their support for the CRPP. Some groups were targeted by the regime and forced to withdrawal their support from the CRPP.¹⁴

¹¹ Altsean-Burma, *Ten Years On – A Parliament Denied*, Bangkok, May 2000 & New Light of Myanmar, *Current Situation on NLD's taking of confrontational course and its attempts to forcibly convene Hluttaw clarified*, 23 November 1998

¹² Han, Khin Kyaw, *1990 Multi-Party Democracy General Elections*, 1 February 2003 available online - www.ibiblio.org/obl/docs/Elections-01.htm

¹³ CRPP Committee Members represent: the National League for Democracy (NLD), Arakan League for Democracy (ALD), Shan Nationalities League for Democracy (SNLD), Mon National Democratic Front (MNDF), Zomi National Congress (ZNC), National Democratic Party (NDP), Human Rights and Democratic Party, United Nationalities League for Democracy (UNLD), Shan State Kokang Democratic Party and an independent candidate from Kantbalu, Sagaing Division

¹⁴ The CRPP began with the endorsement of Shan Nationalities People's Liberation Organization (SNPLO), Karenni Nationalities People's Liberation Front (KNPLF), New Mon State Party (NMSP), and Kayan New Land Party (KNLP). Other ethnic organizations known to have expressed support for the CRPP include; the Chin National Front (CNF), Palaung State Liberation Front (PSLF), Lahu Democratic

- Many international bodies, including the Inter-Parliamentary Union (IPU) and European Parliament, have recognized the CRPP and have urged the military regime to engage in dialogue with the CRPP.¹⁵
- In response to the formation of the CRPP, the military government announced on September 6, 1998 that they detained 200 NLD MPs and 651 party members in order to prevent "misguided activities, forestall violent confrontations and to maintain law and order."¹⁶

NCGUB / MPU

Several elected MPs fled repression inside Myanmar and formed a government in exile, the National Coalition Government of the Union of Burma (NCGUB). The NCGUB was created in December 1990 to advocate for the implementation of the 1990 election and the restoration of democracy in Burma. One of the declared principles was that it would be dissolved once democracy and human rights are restored in Burma. NCGUB supports the NLD's call for parliament and the establishment of the CRPP.

The Members of Parliament Union (MPU) was formed in May 1996 and is comprised of elected MPs that fled Myanmar and now operate in exile. The MPU operates as the Congress of the NCGUB. The objectives of MPU are to work for the convening of a People's Parliament in Myanmar, the promotion of human rights and democracy, leading to a genuine federal union of Myanmar.¹⁷ MPU fully supports the formation and activities of the CRPP in Myanmar.

National Convention

The Myanmar Government is trying to portray the 'National Convention' as a necessary and fair way to start the process of developing a constitution and transfer to democratic rule.

However, it was first devised as a strategy to avoid convening Parliament after the 1990 elections. It is now being utilized to legitimize and constitutionalize military rule in Myanmar. The NC first began in 1993 with the participation of the NLD, but the NLD delegation was expelled by the regime in mid-1996 when NLD members walked out in protest of the undemocratic NC process. The NC was later suspended in

Front (LDF), Muslim Liberation Organization of Burma, Shan National League for Democracy (SNLD), and the Wa National Organization (WNO).

¹⁵ European Parliament, *Resolution on Burma - B4-0375, 0384, 0389, 0399, 0410 and 0416/99*, Brussels, 15 April 1999 & Inter-Parliamentary Union Governing Council 164th Session, Human Rights of Parliamentarians: Myanmar Resolution unanimously adopted by the IPU Governing Council, Brussels, 16 April 1999

¹⁶ Han, Khin Kyaw, *1990 Multi-Party Democracy General Elections*, 1 February 2003 available online - www.ibiblio.org/obl/docs/Elections-01.htm

¹⁷ available online - www.ncgub.net/MPU/AimsObjectives.htm

September 1996. It was reconvened again in May 2004 under the same general premises.

The objectives, procedures, and participants at the National Convention render it undemocratic, unrepresentative and unconstructive as an effort towards achieving democracy and reconciliation in Myanmar.

Professor Paulo Sergio Pinheiro, UN Special Rapporteur to Myanmar on Human Rights said the National Convention is a “meaningless and undemocratic exercise.” He discounted the Convention as a mechanism for national reconciliation by saying, “I don’t understand the purpose of this surrealistic exercise...This way of political transition will not work; it will not work on the moon, will not work on Mars!”¹⁸

- 9 political parties that won a total of 91% of the parliamentary seats in the 1990 elections and key ceasefire groups have been excluded from the Convention.
- Most delegates are handpicked by the regime and include known drug traffickers and notorious USDA members¹⁹. Most political parties were not able to freely select their delegates to the NC.
- Delegates attending under the ‘political parties’ category represent 7 political parties that won only 15 seats or 3% of the seats in the 1990 elections. 10 of those 15 seats belonged to the military-backed party.
- The NC’s stated objective is to ensure a ‘leadership role’ for the military in Myanmar.
- The NC has dragged on for more than a decade since 1993 and no clear end has been established. The mandate of the NC is only for ‘laying down basic principles for the drafting of a firm and stable Constitution’ whereas plans for the actual Constitution and who will be tasked to write it have not been released.
- In the spirit of compromise, the National League for Democracy was prepared to participate in the National Convention if minimal democratic allowances were made at the Convention. However, the regime rejected this request.
- The CRPP rejected the National Convention and stated that any constitution that emerges as a result of the NC “could not be expected to guarantee democracy, human rights, and public well being according to the will of the people.”²⁰
- The UN General Assembly, UN Commission on Human Rights, Inter-Parliamentary Union (IPU) and other international organizations and national parliaments have criticized the National Convention.

¹⁸ Larkin, Emma, *Pinheiro: National Convention a “Surrealistic Exercise*, Irrawaddy Magazine, 2 June 2004

¹⁹ Union Solidarity and Development Association (USDA) is chaired by Sr-Gen Than Shwe and is essentially a civilian front for the military regime. It was founded on September 15, 1993, following the defeat of the military in the 1990 elections. The USDA is clearly a means to extend and perpetuate military rule in Myanmar. The USDA was instrumental in the May 30, 2003 attacks against Aung San Suu Kyi.

²⁰ National Coalition Government of the Union of Burma, *58th Anniversary Union Day Statement of the Committee Representing the People’s Parliament Elected from the Multi-party Democracy Election in 1990*, 12 February 2005

- In response to the regime’s assurance to the UN Secretary General that the National Convention would be politically inclusive and that Aung San Suu Kyi would be released from house arrest prior to the beginning of the NC, Professor Paulo Sergio Pinheiro, UN Special Rapporteur to Myanmar on Human Rights said, “When you promise something to the United Nations’ Secretary General you are supposed to deliver. If they have not delivered, they need to explain to the Secretary General, to the Special Envoy, to the Special Rapporteur and to the neighboring countries of the region.”²¹

International Response

There has been strong and consistent support from the international community that the results of the 1990 general elections must be acknowledged as an essential part of democratic reforms and national reconciliation in Myanmar. A few examples are:

- Since 1992 the United Nations General Assembly (UNGA) has called for the implementation of the results of the 1990 elections. The most recent UNGA resolution on Myanmar on 16 November 2004 urges the Government of Myanmar to “restore democracy and respect the results of the 1990 elections”.²²
- Since 1996 the Inter-Parliamentary Union (IPU), has supported the results of the 1990 elections. In the most recent resolution on 8 April 2005, the IPU “*Calls upon* the authorities to engage in a genuine dialogue with those who were elected in the 1990 elections and represent the people.”²³
- In 2000, 3,285 parliamentarians from 94 countries, including 131 MPs-elect from 5 ASEAN countries, signed the ‘Declaration of Members of Parliaments throughout the World in Solidarity with the Democratically Elected Members of Parliament of Burma.’ The Declaration calls for the rights of elected MPs in Burma to convene Parliament, the release of imprisoned MPs and the end to human right violations in Burma.²⁴
- In the *Statement of the Workshop of ASEAN Parliamentarians on the Myanmar Issue*, in November 2004, the MPs implored the SPDC to respect the results of the 1990 elections.

(END)

²¹ Larkin, Emma, Pinheiro: National Convention a “Surrealistic Exercise, Irrawaddy Magazine, 2 June 2004

²² UN General Assembly 59th Session, Situation of human rights in Myanmar - A/C.3/59/L.49, New York, November 2004

²³ Inter-Parliamentary Union Governing Council 176th Session, Human Rights of Parliamentarians: Myanmar Resolution unanimously adopted by the IPU Governing Council, Manila, 8 April 2005

²⁴ National Coalition Government of the Union of Burma, MP Campaign Update, 8 December 2001 available online www.ncgub.net