Elections in Myanmar: Lessons Learnt from the 2015 General Elections and Recommendations

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Sponsored by the Programme on Modern Burmese Studies at St Antony’s College and the International Gender Studies Centre at Lady Margaret Hall, University of Oxford
Myanmar has taken another important step toward democratization, following the 2015 election victory of the National League for Democracy (NLD), led by Daw Aung San Suu Kyi. But decades of military repression, ethnic conflicts, political exclusion, abuse of natural resources and the environment, neglect of health, education, and infrastructure, and mismanagement of the economy, have left serious challenges for this new government.

On Monday 15 February, 2016, the Programme on Modern Burmese Studies at St Antony’s College and the International Gender Studies Centre at Lady Margaret Hall convened a workshop entitled “Towards Democracy and Reconciliation: Challenges Facing Myanmar’s Incoming Government.” Co-organized by Dr Daw Khin Mar Mar Kyi and Dr Matthew J Walton, the workshop brought together over a dozen UK experts on Myanmar, drawn from academic, advocacy, and activist communities.

Presenters focused on the challenges facing the new NLD-led government, identifying key stakeholders, persistent and emerging impediments, and potential policy responses. Subjects considered included military legacies, governance concerns, social issues, land and resource management, and conflict and displacement.

With the success of the event, the co-organizers saw an opportunity to effectively channel the insights of the participants into policy-making conversations in Myanmar’s government, civil society, and other political institutions. They also sought to contribute to the developing public discourse on political reform in the country. Participants were asked to transform their presentations into short policy briefs that could be of use to ministries, parliament, and other decision-making bodies in Myanmar. The collected briefs were edited by the co-organizers and translated into Burmese.

Please note that the views and positions presented in these briefs represent the authors and are not necessarily the views of the Programme on Modern Burmese Studies, St Antony’s College, the International Gender Studies Centre, Lady Margaret Hall, or the University of Oxford. In some cases, the views of different authors may diverge or conflict. We believe that including multiple different perspectives in a collection of policy briefs is valuable in fostering public debate in Myanmar.

We intend for this to become a regular event and policy brief series, which can draw on existing expertise among those studying Myanmar, including increasing numbers of scholars and advocates from the country. These and future briefs will be available electronically at the Programme on Modern Burmese Studies website (www.sant.ox.ac.uk/research-centres/programme-modern-burmese-studies) and the Oxford Feminist E-Press (theoxfordfeministepress.wordpress.com/). Please feel free to contact us with any questions or feedback.

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The 2015 General Elections were a test for the political transition in Myanmar as they marked a significant turn from the remnants of a military dictatorship to a parliamentary democracy. In contrast to the 2010 General Elections, where only 39 parties were allowed to participate, in 2015 more than 90 parties and 6,000 candidates participated. The campaign was overall free, with some concerns due to the spread of radical nationalist Buddhist messages, and discriminatory speech, especially on social media. On the Election Day itself, the turn-out was significant, with the Union Election Commission (UEC) reporting that around 69%, or 23 million Myanmar citizens cast their votes in about 41,000 polling stations.

These elections, based on a first-past-the-post system, turned out—like those of the 1990 Assembly—to be a plebiscite for change; over 80% of the contested seats of all chambers were won by the National League for Democracy. With a newly formed government, the ruling party can now consider reviewing the electoral policies and frameworks, based on the lessons learnt in the 2015 elections.

Main Lessons learnt from the 2015 General Elections

On Election Day, the voting process in polling stations was reported overall as peaceful and well-organised. The secrecy of the ballot was respected. For the first time, approximately 11,000 domestic and 1,000 international observers were officially accredited and allowed to observe the electoral process without any hindrance. Despite the UEC’s obvious efforts to administer the process smoothly, procedurally some inconsistent practices and anomalies persisted. A number of challenges related to the legal framework and existing practices are listed below:

Right to vote

The cancellation of temporary citizenship registration certificates and a stalled citizenship verification process resulted in large-scale disenfranchisement of voters. Former temporary citizenship card holders had their entitlements to vote and to belong to political parties taken away. As a result, more than 1 million stateless persons in Myanmar could not cast their ballots. The vast majority of those disenfranchised represented the Rohingya community, but the group also included minority ethnic nationalities and Internally Displaced Persons in conflict affected-areas, as well as some of Indian, Chinese and Nepali descent.

Right to stand

Eligibility criteria for candidates include having resided in the country for at least 10 consecutive years, being an eligible voter, and having parents that are citizens of Myanmar. As a consequence, associate and naturalized citizens were disqualified from running for office. Candidate nominations were submitted to the UEC, with no legal guidance on required documentation to determine eligibility. There was also no requirement that UEC decisions be issued in writing nor any legal justification for the decisions. Appeal is possible but the UEC ultimately rules on the matter.

Voter list accuracy

The UEC made intensive efforts to update the voter list and digitize it. Nonetheless, the (perception of) accuracy of the voter list was problematic. The list is based on General Administrative Department and Ministry of Immigration and Population household lists and logbooks, some of which are neither accurately recorded nor regularly updated. This passive registration system creates a burden for voters, and many, especially in remote areas, are not familiar with the procedures to verify and correct their details on the list. Nonetheless, surprisingly no major issue was reported on the Election Day and international observers reported that voter list issues were witnessed in only 7% of the visited polling stations.

Advance voting

Following serious allegations of fraud in the 2010 General Elections, advance voting is a particularly sensitive matter. Yet, observation of out-of-constituency advance voting (including in military cantonments and in embassies overseas) was refused, and this remained a completely opaque process.

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Independence and composition of the UEC

According to Article 398 of the 2008 Constitution, the Chairman of the UEC and another four members are appointed by the president. Due to the public perception of the bias of government institutions, this institution has been regarded with great suspicion by a significant proportion of the voters.

Nevertheless, it is worth noting that the UEC has made tremendous preparations to organize the most credible and competitive national elections in the country for the last 25 years.

Malapportionment

As for the Constitution and Election Laws, the Lower House constituencies are based on townships, and in the Upper House, each Region and State is given the same number of representatives regardless of population. As the population is unevenly dispersed on the territory, this leads to great inequalities in terms of the weight of a given vote. As a consequence, in the Lower House, for example, one Member of Parliament (MP) represents 155,000 constituents in the Irrawaddy Region, against only 24,000 constituents in Kayah State.

Women’s participation

Women remain significantly underrepresented in office, within the UEC at sub-national and national levels and also among the candidates and the MPs.

About 13% of the candidates and 12.5% of the elected MPs were women. Although this is a relatively low rate, it is a meaningful increase compared to the former legislatures which included only 4.6% of women as elected MPs. Some regions are still lagging behind as no female representative was elected in the Chin, Kayah or Rakhine State Parliaments.

Voter education

Because of the recent political history of Myanmar—marked by the absence of genuine elections for decades—civic and voter education remained a black hole for a large proportion of the voters. In the wake of the 2015 Elections, innovative efforts have been carried out—mostly by civil society organisations—to disseminate information. However, outreach remains especially challenging in remote areas.

Key Recommendations

To the Parliament:

- **Right to vote and Right to stand**: Connected to, but not solely related to the elections, a reform of the 1982 Citizenship Law could ensure that persons reasonably qualified for citizenship are able to secure citizenship (in accordance with the Universal Declaration of Human Rights’ prohibition on racial and religious discrimination) and therefore be entitled to stand for elections and vote.

- **ELECTING MPs**: Ultimately, all MPs should be elected by the citizens. The articles of the Constitution reserving seats to military nominees (articles 74, 109 and 141) should be amended to allow a fully-fledged parliamentary democracy.

  A shift from the majority first-past-the-post to a proportional representation system could be considered in the future. Numerous political parties competed in the elections without winning any seat, although they collected appreciable amounts of votes. As Myanmar is an extremely diverse country, this reform would enable greater inclusiveness within the legislatures.

- **Independence of the UEC**: The current legal framework should be amended to guarantee the required political neutrality of this institution, whose chairman and members should not be appointed by the government. Instead it should be an independent body, without any ties to the governing party or its members.

- **Malapportionment**: The legal framework should seek to ensure that the boundaries of electoral units are drawn in such a way as to accord equal weight to each vote to the greatest degree possible to ensure effective representation.

To the UEC:

- **Voter list**: Consider an alternative registration process, not based on the household lists. In addition, expand voter education efforts to ensure that more voters understand the update process and aspects such as voter transfer for voters in temporary residence. Finally, promote user-friendly tools to check and update the list.

- **Advance voting**: Processes should be more transparent, with the following suggested measures:
  - Clarify the criteria to entitle voters for advance voting
  - Display hard copies of the advanced voter list near the polling stations (as is done for regular voters)
  - Authorize domestic and international observers to monitor all stages

- **Strengthen the capacity of members and staff across the country**: The UEC should pursue efforts towards transparency with adequate staffing and training at State and Region, District, Township and Village Track levels so as to ensure that the guidelines are fully understood and systematically implemented.
• **Building trust:** Additional communication and stakeholder engagement efforts are needed to foster a greater trust of the voters in the institution.

*To all electoral stakeholders:*

• **Women’s participation:** Reformed laws should include requirements that political parties promote women’s participation, by including a quota, or a reasonable number as candidates, among other options. Measures could also be enacted to encourage the participation of women in political life, promoting their integration into mainstream political party structures and developing their capacity as candidates. Beyond quotas, a wide range of measures could be considered, such as the formation of women’s Caucuses or the creation of a Gender Equality Commission within the Parliament. In case of electoral system reform, proportional representation would allow female candidates to be inserted among the first candidates of the lists, making them more likely to secure seats. Public education curriculum could also include elements of gender studies to increase the population’s awareness about existing inequalities.

• **Voter education:** Sustain voter education as well as civic education efforts with tailored approaches to maximize outreach (for example, ensure that documents are available in main ethnic languages). Consider integrating these components into the primary and secondary education curriculum to equip citizens with basic knowledge to know their rights. Ultimately, this will enable them to better understand their rights and their political institutions, helping them to make informed political decisions.

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1. The electoral administration in Myanmar has been a contentious issue, with allegations of voter suppression and political interference. The military has been accused of disproportionately targeting ethnic minority areas, leading to concerns about the fairness of the electoral process.

2. The voter turnout in the 2015 election was 67%, which was higher than expected. This was largely due to the efforts of election observers and the efforts of the National League for Democracy (NLD) to ensure transparency.

3. The military was not represented in the new parliament, which was seen as a significant victory for the NLD and the democratic process in Myanmar.

4. The NLD government has made some progress towards peace and reconciliation, but challenges remain, particularly in areas affected by conflict.

5. Overall, the 2015 election was seen as a significant step towards democratic consolidation in Myanmar, although further progress is needed to fully realize the promise of a more democratic and equitable society.
မဲေပးပိုင္ခၾင့္ - ေရၾးေကာက္ပၾဲဝင္ပိုင္ခၾင့္ - အဓိကအဳကံဴပႂခဵက္မဵားမဲေပးသူ ပညာေပးခံရဴခင္းမရႀိသည့္အတၾက္ အရပ္ဖက္လူမႀကားမႀာ၀ေနာက္ကဵကဵန္ေနဆဲဴဖစ္ပၝသည္။ ကုိယ္စားဴပႂပီးကယားဴပည္နယ္တၾင္ ၂၄၀၀၀ကုိသာ ကုိယ္စားဴပႂပၝသည္။ လုပ္ငန္းစဥ္တဲ့လိုအပ်ခဲ့သည္။

ကုိယ္စားဴပႂရာတၾင္ (တပ္ေဴမမဵားႎႀင့္ ဴပည္ပသံရံုးမဵားတၾင္ အပၝအဝင္) မဲရံု ၇%တၾင္သာေတၾႚခဲ့ေဳကာင္း ေဴပာဳကားခဲ့ပၝသည္။

အကာအချုး -
- ဵေသားထားသောအခွင့်အရာ - အကိုးအတွေး ဴပင္ပေရာက္ေနသူမဵားအတၾက္ ဳကိႂတင္မဲေပးမႀားတၾင္အေပၞ ေလ့လာခၾင့္မဴပႂခဲ့သည္။ သိုႚရာတၾင္ (တပ္ေဴမမဵားႎႀင့္ ဴပည္ပသံရံုးမဵားတၾင္ အပၝအဝင္) မဲရံု ၇%တၾင္သာေတၾႚခဲ့ေဳကာင္း ေဴပာဳကားခဲ့ပၝသည္။

3 ကြည့်ရှုသောအခွင့်အရာအရာတူဆိုးတဲ့ လိုအပ်ခဲ့သည့် အချိန်အချိန်တွင် ကြယ်သော် ကြည့်ရှုအဖေအမောင်အရင့္ အကောင်အထည်များကို ကြည့်ရှုသည်။
ဗိုလ်ဦးဗောင်စောင့်စုံမှာ အောက်ပါစာကြည့်ပါတယ်။ အရေးကြီး အစိတ်အပိုင်းသင်ယူမှုများမှာ အရေးကြီးပြု၍ ပိုင်ဆိုင်ရာအရာအစိတ်အပိုင်းများ အရေးကြီးဆုံးပြု၍ များများကို ပြုလုပ်ပါကြောင်း အောက်ပါစာကြည့်ပါတယ်။

- အပေါ်တွေ့ရှိမှု - အစိတ်အပိုင်းသင်ယူမှုများကို ပိုင်ဆိုင်ရာအရာအစိတ်အပိုင်းများ အရေးကြီးဆုံးပြု၍ များများကို ပြုလုပ်ပါကြောင်း

- အနောက်တိုင်း - အစိတ်အပိုင်းသင်ယူမှုများကို ပိုင်ဆိုင်ရာအရာအစိတ်အပိုင်းများ အရေးကြီးဆုံးပြု၍ များများကို ပြုလုပ်ပါကြောင်း

- အဖွဲ့အစည်းစီမံချီးမှာ - အစိတ်အပိုင်းသင်ယူမှုများကို ပိုင်ဆိုင်ရာအရာအစိတ်အပိုင်းများ အရေးကြီးဆုံးပြု၍ များများကို ပြုလုပ်ပါကြောင်း