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ALTERNATIVE ASEAN NETWORK ON BURMA
campaigns, advocacy & capacity-building for human rights & democracy

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BURMA/MYANMAR ELECTION DAY: FREE-EST & FAIREST IS NOT FREE & FAIR

On 8 November, Burma/Myanmar held what has been called its ‘*free-est and fairest*’ election in 25 years. An 80% turnout rate was reported for the 33.5 million Burmese eligible to vote in the election, which saw the first participation of democracy leader Aung San Suu Kyi’s National League for Democracy (NLD) in a general election since the (later annulled) 1990 elections.¹

After a half century of rule by authoritarian regimes, and 2010’s sham election which saw the ruling Union Solidarity and Development Party (USDP) win through widespread fraud, the landmark vote was heralded as the most credible in a generation, but was far from being ‘free and fair.’² The results will determine the composition of 75% of Burma’s National and Regional Parliaments, while 25% of seats remain reserved for the military.

Large-scale discriminatory disenfranchisements, particularly targeting the Rohingya minority and Muslims, meant the vote marked a step backwards for some. The lead-up also saw worrisome trends in vote-buying, increasing influence by Buddhist nationalists, and violent attacks against the NLD [including a machete attack on candidate Naing Ngan Linn, see *October 2015 Burma Bulletin*]. However, 8 November saw no reports of violence or obvious fraud, while some irregularities were reported.

Disenfranchisement

Reports on the eve of elections estimated that up to 4 million people – over 10% of the electorate – were formally or informally excluded from voting.³ Authorities disenfranchised Temporary Registration Card (TRC or “White Card”) holders, cancelled voting in conflict and post-conflict zones in ethnic areas, and placed undue registration burdens on overseas migrants.

A month and a half prior to the finalized cancellation of voting in over 600 village tracts nationwide (25% more than the 478 cancelled in 2010), an earlier estimate showed that 3.2 million were disenfranchised [see *Fear and Voting in Burma: 2015 Elections*].

- **TRC/White Card holders:** Since the forced expiration of their IDs in March, Burma/Myanmar’s 700,000-1.5 million TRC holders, many of whom were members of the persecuted Rohingya minority, lost all due rights of citizenship, including the right to vote for the 590,016 that government officials have said are of voting age.⁴ This was the first time Rohingya had been stripped of the right to vote since the removal of their citizenship rights in 1982.
- **Conflict/ceasefire zones:** Over 700,000 people, mainly in Shan and Kachin States, saw their right to vote vanish as the Election Commission (EC) used its authority to cancel voting in areas “due to situations of regional security.”⁵ This justification was also used to blacklist portions of six

¹ Carter Center, Latest News from our Election Observation Mission in Myanmar (09 Nov 15)
<http://electionstandards.cartercenter.org/latest-news-from-our-election-observation-mission-in-myanmar/>; AFP (08 Nov 15)
Myanmar polls close, 80% turnout

² HRW (04 Nov 15) Burma: Election Fundamentally Flawed

³ Reuters (20 Oct 15) Around 4 million voters shut out of historic Myanmar election

⁴ Irrawaddy (10 Feb 15) ‘It Is Not That White Card Holders Automatically Become Citizens’; EMG (4 Feb 15) Parliament allows white card holders vote

⁵ Union of Myanmar SPDC (8 Mar 2010) The Union Election Commission Law; see also Section 399(e) of the Constitution

Karen/Kayin State townships in September – where 100,000 people lost the right to vote – though multiple authorities and stakeholders argued that conditions didn't warrant this measure.⁶ [see *Fear and Voting in Burma: 2015 Elections* and *October 2015 Burma Bulletin*]

- **Overseas Migrants:** At least 2 million overseas migrants were provided scant or unclear information about voting, leaving many unaware of their rights, which led to only 34,000 successfully registering in time.⁷ [see *Fear and Voting in Burma: 2015 Elections* and *October 2015 Burma Bulletin*]

Constituencies cancelled, offensives intensified in ethnic areas

By 1 November, the Election Commission (EC) had cancelled voting in over 600 village tracts across 38 townships that spanned Burma/Myanmar's entire eastern flank, marking a huge increase over 2010's 478 cancelled village tracts.⁸ Leaders of the ethnic bloc have consistently been concerned that the Tatmadaw launched offensives to manipulate the vote in ethnic areas.⁹ October saw a huge, multi-week offensive against the Shan State Army-North (SSA-N) in Monghsu and Kyethi Townships, Shan State, which resulted in the EC cancelling voting for the 100,000 people that live in these constituencies alone.¹⁰ The cancellation of voting for entire constituencies alters the ratio of elected seats in Parliament,¹¹ meaning non-military MPs face greater opposition from the 25% of seats already allocated to the Tatmadaw. The EC's cancellations will keep vacant at least seven out of the 330 elected seats in the People's Assembly.¹²

Election observer feedback

EU chief observer Alexander Graf Lambsdorff said the EU team had been unable to visit Chin State due to flood damage, nor were they granted access to advanced voting procedures in out-of-constituency military installations.¹³ The latter issue was characterized as “unfortunate,” and “disappointing,” by the Carter Centre and UN Special Rapporteur on the situation of human rights in Myanmar, Yanghee Lee, respectively. Procedures at ballot boxes on election day, however, were “rather reliable,” according to Lambsdorff.¹⁴ Overall, the procedures on voting day reportedly ran smoothly without violence or conspicuous fraud, inspiring accolades from both the US Ambassador and Permanent Representative to the UN, Samantha Power, and US Secretary of State John Kerry.¹⁵

Voter list errors leave more disenfranchised

When draft voter lists were released in May, the National League for Democracy (NLD) complained that up to 80% of voter data was inaccurate, due to duplications, omissions, the inclusion of deceased persons, and in some cases entire communities being registered with the same birth date. These errors remained largely unresolved when final lists were released in September. On Election Day, fears of

⁶ Myanmar Times (28 Sep 15) Over 100,000 people missing from voter lists in Kayin State; DVB (30 Sep 15) Election 2015: Polls won't open in Karen State's east; Myanmar Times (21 Sep 15) Ethnic Mon left off electoral rolls; BNI (20 Oct 15) Interview About Cancellation Of Voting In Eastern Karen State

⁷ Myanmar Times (04 Sep 15) Millions abroad to miss out on chance to vote on November 8; Reuters (08 Sep 15) Most Myanmar citizens overseas left out of historic vote; Reuters (20 Oct 15) Around 4 million voters shut out of historic Myanmar election

⁸ GNLM (13 Oct 15) Elections cancelled in some village-tracts; Myanmar Times (14 Oct 15) Vote cancellations in conflict areas higher than in 2010; Xinhua (29 Oct 15) Interview: Security status for forthcoming general election good: Myanmar election official; GNLM (31 Oct 15) Political parties support UECs decision not to hold election in four townships

⁹ Myanmar Times (10 Sep 15) Ten reported dead in latest clashes; IMNA (16 Sep 15) RCSS urges information exchange between Gov't and RCSS during elections; EMG (22 Sep 15) Govt told to control Shan troops; EMG (12 Sep 15) SNLD claims dirty tricks over Shan battles; EMG (12 Sep 15) SNLD concerned over battles in Shan State; EMG (15 Sep 15) Political parties concerned Shan State conflict; RFA (17 Sep 15) Rebels Warn Political Parties to Halt Election Campaigns Amid Clashes in Myanmar's Shan State

¹⁰ SHAN (07 Nov 15) Cancellations leave 100,000 unable to vote in central Shan State

¹¹ Myanmar Times (28 Oct 15) UEC cancels voting in two more Shan townships

¹² Myanmar Times (28 Oct 15) UEC cancels voting in two more Shan townships

¹³ Myanmar Times (06 Nov 15) EU observers denied access to military bases

¹⁴ DVB (08 Nov 15) BURMA ELECTION: So far, so good

¹⁵ US Mission to the UN in New York (08 Nov 15) Statement on Parliamentary Elections in Burma, Ambassador Samantha Power, U.S. Permanent Representative to the United Nations, U.S. Mission to the United Nations; US Department of State (08 Nov 15) Burma's Parliamentary Election

disenfranchisement due to errors were realized in some townships, as people turned up at polling stations to find their names missing:

- **7 November:** It was reported that an additional 11,000 unverified names had appeared on the latest voter list in Pobbathiri Township, Naypyidaw, many in an ex-military area.¹⁶
- **8 November:**
 - Hlaing Tharyar Township, Rangoon/Yangon Division: After concerns had previously been raised that up to 250,000 names were missing from the voter lists, it was reported that only half of the 450,000 eligible voters in the Township had been able to cast their vote, with one polling stations only seeing eight people able to cast votes out of 1,037 listed.¹⁷
 - Maymyo/Pyin U Lwin Township, Mandalay Division: Hundreds found themselves missing from voter lists and disenfranchised, including 70% of voters from Aung Chantha village.¹⁸
 - Myitkyina Township, Kachin State: National Democratic Force (NDF) candidate Bauk Ja reported hundreds of “phantom voters” had been added to lists.¹⁹
 - Voters also reportedly found themselves missing from the list and unable to vote in: Dagon Seikkan, Dala and Thanlyin/Syriam Townships, Rangoon Division,²⁰ Moulmein/Mawlamyine Township, Mon State,²¹ Thabeikkyin Township, Mandalay Division,²² Zeyathiri Township, Naypyidaw.²³

Advance vote irregularities: NLD files complaints to EC

Advance votes, which were essential to the Union Solidarity and Development Party’s (USDP) 2010 election win, were reported to appear at some polling stations in the thousands late on Sunday night. On 9 November, the National League for Democracy (NLD) and Shan Nationalities League for Democracy filed a complaint with the Election Commission (EC) about the arrival of more than 11,000 advance votes at polling stations in Lashio Township, Shan State, late on polling day which appeared to be 95% in favor of the USDP.²⁴ The NLD also filed complaints about advance votes in Taunggyi and Kalaw Townships in Shan State, Loikaw Township in Karenni/Kayah State and Myitkyina Township in Kachin State.²⁵ NLD spokesperson Win Htein stated that 5,000 irregular advance votes appeared in Kalaw and 20,000 in Loikaw.²⁶ EC Chairman Tin Aye however confirmed at a press conference on 9 November that all advance votes which arrived at polling stations after 4pm on Election Day were invalid.²⁷

President and Tatmadaw CIC say they will accept NLD win

The Election Commission’s (EC) announcement of results was delayed from 9am 9 November to later in the afternoon, but on 8 November Tatmadaw Commander-in-Chief Sr Gen Min Aung Hlaing said he would accept defeat in the elections if that is the will of the people.²⁸ President Thein Sein echoed this sentiment at a polling station in Zabuthiri Township, Naypyidaw, saying, “we have to accept our voters’ desire.”²⁹ Results are expected to be announced by the EC on 9 November.

¹⁶ DVB (07 Nov 15) 10,000 ‘additional’ voters found in Naypyidaw, says NLD

¹⁷ Myanmar Times (08 Nov 15) Live Blog: Hlaing Tharyar, Yangon Region – 7:22PM – Ei Ei Thu

¹⁸ Myanmar Times (08 Nov 15) Live Blog: Pyin Oo Lwin township, Mandalay Region – 1:56PM – Si Thu Lwin

¹⁹ Irrawaddy (08 Nov 15) Amid Some Complaints, Burma’s Vote Passes Peacefully

²⁰ Myanmar Times (08 Nov 15) Live Blog: Dagon Seikkan township, Yangon Region – 1:17PM – Myint Myat Thu; Irrawaddy (08 Nov 15) Live Blog: 10:30 am; FIDH (08 Nov 15) Myanmar Election Watch 11:41 AM MMT

²¹ Irrawaddy (08 Nov 15) Amid Some Complaints, Burma’s Vote Passes Peacefully

²² Irrawaddy (08 Nov 15) Live Blog: Villagers in Thabeikkyin Township Lose Suffrage

²³ Thu; Irrawaddy (08 Nov 15) Live Blog: Voter List Errors in Naypyidaw 9:45 am

²⁴ Myanmar Times (09 Nov 15) Live Blog: Lashio township, Shan State – 11:30AM, November 9 – Ye Mon

²⁵ Myanmar Now (09 Nov 15) NLD complains of advance vote irregularities in ethnic areas

²⁶ Myanmar Now (09 Nov 15) NLD complains of advance vote irregularities in ethnic areas

²⁷ Irrawaddy (09 Nov 15) Live Blog: The Day After Election Commission Says Post-Poll Advance Ballots Invalid 6:19pm:

²⁸ Irrawaddy (08 Nov 15) Live Blog: Min Aung Hlaing ‘Will Accept’ NLD Victory 10:20 am

²⁹ Irrawaddy (08 Nov 15) Live Blog: 12:46pm

Choosing the next President

If the National League for Democracy (NLD) wins the 8 November election, as is widely expected barring fraud, Aung San Suu Kyi has said that she would lead the government, despite being constitutionally barred from the role of President.³⁰ It is unclear what this role would mean, but Aung San Suu Kyi has said she would be “above the President.”³¹ She has previously said that the party has chosen a candidate for the role of President, but she could not reveal it yet.³² National Parliament Speaker and former Union Solidarity and Development Party (USDP) Chairman Shwe Mann has previously been tipped for the role and indicated an interest in a coalition government with the NLD.³³ While Shwe Mann has conceded defeat in his constituency in Phyu Township, Pegu/Bago Division, the Constitution does not require the President to be an elected MP [see *Fear & Voting in Burma/Myanmar: 2015 Election*].³⁴

The USDP had already confirmed its endorsement of President Thein Sein, who was not running for election, for a second term, in a statement on 17 October.³⁵

³⁰ AP (07 Oct 15) Suu Kyi Says She Will Lead Gov't if Party Wins Myanmar Polls; Reuters (07 Oct 15) Suu Kyi says hopes to lead Myanmar despite constitutional ban

³¹ Myanmar Now (05 Nov 15) Bold Aung San Suu Kyi says she will be “above the president”

³² Irrawaddy (19 Oct 15) USDP Backs President Thein Sein for Second Term: Party Official

³³ The Independent (02 Nov 15) Burma: All eyes on Aung San Suu Kyi as country gears up for free election

³⁴ DVB (09 Nov 15) Shwe Mann concedes defeat in Phyu

³⁵ DPA (17 Oct) Thein Sein poised for second term; Irrawaddy (19 Oct 15) USDP Backs President Thein Sein for Second Term: Party Official