

ELECTIONS BACKGROUND

1990 general elections

In 1989, soon after the State Law and Order Restoration Council (SLORC) took power following a violent crackdown on the 8888 Uprising, SLORC declared its intention to hold Burma/Myanmar's first general elections since 1960.¹ Although National League for Democracy (NLD) leader Aung San Suu Kyi was detained on 20 July 1989 and remained under house arrest until 10 July 1995, the NLD still won by a landslide, securing 60% of the popular vote and 80% of the parliamentary seats (392 of 485 seats).² However, SLORC nullified the results and claimed the vote was only to form an assembly to draft a new constitution, not for forming a parliament.³

2010 general elections

The NLD and several ethnic political parties boycotted the last general elections, as the election laws were “unfair and unjust.”⁴ At a time when there were 2,203 political prisoners in Burma, including 428 NLD members, the State Peace and Development Council's (SPDC, SLORC's 1997 successor) Political Parties Registration Law stipulated that anyone sentenced and serving a jail term would not be allowed to form or join a political party.⁵ The polls were held amid severe restrictions on travel and online/mobile communications, curfews, heavy deployment of military and police personnel, and extremely low participation in most areas of the country.⁶ Days before the election, SPDC officials, polling station officers, local Election Commission (EC) branch offices, and Union Solidarity and Development Party (USDP) members across the country solicited advance votes for the USDP,⁷ harassing and detaining opposition parties to prevent them from monitoring the vote.⁸ In many races, the number of fraudulent advance votes tipped the balance in the USDP's favor.⁹ Voters in 3,401 villages of Kachin, Karen/Kayin, Karenni/Kayah, Mon, and Shan States were excluded from the election as the areas were deemed “in no position to host free and fair elections.”¹⁰ In total, the USDP won 883 (or 76.5%) of the 1,154 seats at stake in the election.

¹ BBC (06 Aug 08) Was Burma's 1988 uprising worth it?

² HRW (26 May 10) Burma: 20 Years After 1990 Elections, Democracy Still Denied

³ HRW (26 May 10) Burma: 20 Years After 1990 Elections, Democracy Still Denied

⁴ AP (29 Mar 10) Myanmar opposition party to boycott elections; Reuters (29 Mar 10) Suu Kyi's party says won't stand in Myanmar polls

⁵ Irrawaddy (09 Mar 10) Party Registration Laws Set NLD a Deadline; AAPP (Nov 10) Monthly Chronology November 2010

⁶ Irrawaddy (03 Nov 10) Informal Curfew in Rangoon; IMNA (06 Nov 10) Authorities Order Phone Lines to Shut Down; IMNA (06 Nov 10) Tightened Security in anticipation of Election Day; KIC (07 Nov 10) Tight security on way to polling stations; Mizzima News (04 Nov 10) Authorities tighten security across Mandalay; Irrawaddy (04 Nov 10) Road to Border Closed Prior to Election; Irrawaddy (03 Nov 10) Naypyidaw Shut Down; Irrawaddy (02 Nov 10) Authorities to Cut Myawaddy Mobile Phone Service; DVB (06 Nov 10) SIM card sales blocked in Rangoon; Irrawaddy (06 Nov 10) Regime Reacts Indifferently to Cyber Attack

⁷ SHAN (02 Nov 10) Forced voting for junta party taking place in Shan State North; IMNA (03 Nov 10) Pre-vote at Three Pagodas Pass; SHAN (03 Nov 10) Advance voting continue on outlying areas of Shan State; Irrawaddy (04 Nov 10) Immigration Workers Ordered to Vote USDP; Irrawaddy (05 Nov 10) Advance Voters Describe Lack of Secrecy; Irrawaddy (03 Nov 10) Advanced Votes for Ma-Hta-Tha; Irrawaddy (06 Nov 10) More Gov't Workers Ordered to Vote USDP; Irrawaddy (07 Nov 10) Mandalay Ballot Boxes Stuffed with Advance Votes; SHAN (06 Nov 10) Vote buying, Vote cheating, forced voting of junta party across Burma; Irrawaddy (08 Nov 10) Favored Shan Candidates Lose in Rigged Vote

⁸ Irrawaddy (03 Nov 10) Nasaka targets NDPD supporters for arrest; Irrawaddy (03 Nov 10) Independent Candidates Harassed; Irrawaddy (03 Nov 10) Thugs Return to Rangoon; Irrawaddy (03 Nov 10) Kachin NDF Candidate Embarrass USDP; Irrawaddy (03 Nov 10) Military Officers Threaten Villagers; Irrawaddy (04 Nov 10) USDP Threatens NLD Members; Irrawaddy (06 Nov 10) Pro-Democracy Party Set to Win Big?; Irrawaddy (06 Nov 10) Pro-Junta Group Urges Insein Residents to Vote;

⁹ Irrawaddy (08 Nov 10) NDF Candidates Refuse to Acknowledge Election Results; Kachin News Group (09 Nov 10) USDP wins polls with advance votes in Kachin State; Irrawaddy (07 Nov 10) Electoral Irregularities Rampant; SHAN (08 Nov 10) Junta party candidate blows top in Namkham; Kachin News Group (09 Nov 10) USDP wins polls with advance votes in Kachin State; Irrawaddy (08 Nov 10) NDF Candidates Refuse to Acknowledge Election Results; Irrawaddy (17 Nov 10) Mon Leader Accuses EC of Vote Fixing; DVB (10 Nov 10) Anger at 'fraudulent' vote rages on

¹⁰ NLM (17 Sep 10) Union Election Commission issues Notification No. 103/2010, NLM (17 Sep 10) Union Election Commission issues Notification No. 102/2010, NLM (17 Sep 10) NLM Union Election Commission issues Notification No. 101/2010, NLM (17 Sep 10) Union Election Commission issues Notification No.100/2010, NLM (17 Sep 10) Union Election Commission issues Notification No. 99/2010

2012 by-elections

The 2012 by-elections were for 45 seats: 37 seats in the People's Assembly, six seats in the National Assembly, and one seat each in Pegu/Bago and Irrawaddy/Ayeyarwady Divisional parliaments. The vacancies were mainly due to MPs taking up Cabinet positions.

Unfair election laws, harassment of NLD candidates, and serious violations of election rules characterized the electoral process, and complaints on voting day included tampering with ballots and campaigning near polling stations.¹¹ EU election monitors generally gave a positive assessment of the voting process itself but stopped short of calling the elections 'free and fair.'¹² The NLD won 43 of the 44 seats it contested.¹³ The Shan Nationalities Democratic Party (SNDP) and the USDP won one seat each.¹⁴ The NLD swept all 37 seats in the People's Assembly, including all four seats in the military stronghold of Naypyidaw.¹⁵ Aung San Suu Kyi won her seat in Kawmoo Township, Rangoon/Yangon Division, with over 85% of the vote.¹⁶ Despite the NLD's impressive by-elections performance, NLD MPs accounted for less than 7% of the seats at the national level - the third largest parliamentary group after the USDP and the military.

CONSTITUTIONAL FRAMEWORK AND LEGAL ADMINISTRATION

The electoral backdrop

Burma/Myanmar's 2008 military-drafted Constitution established a bicameral National Parliament made up of a 440-seat People's Assembly and 224-seat National Assembly, complemented by 14 division and state legislatures. Articles 109(b) and 141(b) of the Constitution, however, guarantee the Tatmadaw a quarter of the seats in each legislature meaning voters elect representatives to fill the remaining 75% of seats.¹⁷ The 2015 elections will be held according to the 'first-past-the-post' system, which grants seats to the candidate who receives the most votes in their constituency. The Election Commission (EC) has designated 1,171 contestable seats distributed across four levels of parliamentary representation:¹⁸

- 330 seats in the People's Assembly
- 168 seats in the National Assembly
- 644 seats in Division or State Parliaments
- 29 seats for ethnic representatives in Division or State Parliaments

All citizens are allowed three ballots, but ethnic nationality members in certain areas are entitled to a fourth ballot for an ethnic representative elected to the division/state legislature.¹⁹ Representatives are elected to the People's Assembly on the basis of township and population, and each state and division elects 12 National Assembly members, plus one representative from each of six self-administered areas.

¹¹AFP (06 Apr 12) Myanmar's ruling party claims poll irregularities; Irrawaddy (01 Apr 12) USDP Broadcasts Anthem at Polling Station in Mandalay; Mizzima News (01 Apr 12) NLD files official complaint against ballot tampering; IMNA (01 Apr 12) USDP breaks electoral laws at Moulmein polling stations; IMNA (01 Apr 12) Despite prohibition, USDP continues its by-election campaign on "D-day"; DVB (09 Apr 12) Election body to investigate allegations; group publishes report

¹²AP (01 Apr 12) Myanmar's Suu Kyi reported winning historic vote; RFA (01 Apr 12) Suu Kyi Has Won: Party Claims

¹³AFP (03 Apr 12) Suu Kyi's party wins 43 seats in parliament; RFA (03 Apr 12) NLD, Shan Party Lead Opposition Assault; Xinhua (03 Apr 12) Aung San Suu Kyi's party sweeps Myanmar by-election

¹⁴AFP (03 Apr 12) Suu Kyi's party wins 43 seats in parliament; RFA (03 Apr 12) NLD, Shan Party Lead Opposition Assault; Xinhua (03 Apr 12) Aung San Suu Kyi's party sweeps Myanmar by-election

¹⁵Xinhua (02 Apr 12) Myanmar election commission announces NLD wins overwhelmingly in by-elections; Myanmar Times (09 Apr 12) NLD sweeps Nay Pyi Taw in surprise win

¹⁶Xinhua (02 Apr 12) Myanmar election commission announces NLD wins overwhelmingly in by-elections

¹⁷The Diplomat (8 Dec 14) A Make or Break Year for Myanmar; Bingham Center for the Rule of Law (Jan 14) Constitutional Reform in Myanmar: Priorities and Prospects for Amendment

¹⁸Xinhua (01 Aug 15) Myanmar opposition party announces all its nominees to contest in forthcoming election

¹⁹ICG (28 Apr 15) Myanmar's Electoral Landscape

All members of Parliament serve five-year terms, and the Constitution stipulates that a new legislative body must assume authority within 90 days of the election. Burma elects a President and two Vice Presidents (VPs), who do not need to be elected MPs, in a separate voting procedure through a Presidential Electoral College, composed of the elected MPs from the People's Assembly and the National Assembly, and the 166 appointed military personnel from both assemblies. Each voting bloc nominates a VP, and the entire National Parliament then votes to elect a President from these three nominees, leaving the two runners-up as VPs. This design guarantees that someone chosen by the military occupies one of the top three executive posts. The process is scheduled to take place in early February after the current Parliament's expiration on 30 January 2016 and the legislative transfer. The new executive administration assumes power around 29 March.²⁰

After the elections, the previous parliament may undertake a final session that allows it to push through legislation and make decisions before the new parliament is sworn in. Even after the new parliament is sworn in, the Tatmadaw will still have the power to veto constitutional amendment bills in Parliament due to its 25% allocation of seats and Article 436 of the Constitution, which requires more than 75% of MPs to vote in favor in order to amend constitutional clauses. With the military's political power enshrined in a constitution that only they can change, legal scholars have termed Burma's constitution "the most entrenched and difficult to change in the world."²¹

Election Commission

The Election Commission (EC), formed in 2010, is a 16-member body responsible for electoral oversight, drafting rules and regulations, handling logistics, and reviewing disputes.²² Since 2010 political parties and civil society groups have condemned the lack of transparency in its overarching command of election matters and tendency to create rules which benefit those in power [see *Campaign Rules*].

Lack of transparency and accountability

Burma/Myanmar's 2008 Constitution empowers the President to handpick EC staff, which until recently consisted of eight members, four of whom have military backgrounds.²³ At the head of the EC is Chairman Tin Aye, a former Tatmadaw Lt Gen and high ranking USDP member, and protégé of former SPDC Chairman Sen Gen Than Shwe.²⁴ On 17 December 2014, he raised the specter of prior junta rule by publicly justifying a military coup should the country witness "unrests" on the road to democracy.²⁵

On 7 December, activists in Rangoon/Yangon held a protest calling for an overhaul of the EC, alongside requests for constitutional amendments and a federal union.²⁶ Mounting criticism pushed President Thein Sein to compromise on 3 April, doubling the number of EC personnel by adding eight ethnic nationality members.²⁷

²⁰ ICG (28 Apr 15) Myanmar's Electoral Landscape

²¹ Bingham Center for the Rule of Law (Jan 14) Constitutional Reform in Myanmar: Priorities and Prospects for Amendment

²² Union of Myanmar SPDC (08 Mar 2010) The Union Election Commission Law; Irrawaddy (25 Aug 15) The Union Election Commission: an overview

²³ Constitution of the Republic of the Union of Myanmar, Article 398 (a); Irrawaddy (25 Aug 15) The Union Election Commission: an overview

²⁴ Irrawaddy (25 Aug 15) The Union Election Commission: an overview; Irrawaddy (17 Feb 11) Tin Aye to Become Chairman of Election Commission; AP (17 Feb 11) Myanmar junta figure to chair election body; Mizzima News (17 Feb 11) Tin Aye to be EC chairman; TunTunOo appointed chief justice; Irrawaddy (17 Feb 11) Tin Aye to Become Chairman of Election Commission; Mizzima News (17 Feb 11) Retired Lieutenant General Tin Aye resigns from Parliament; Mizzima News (17 Feb 11) Tin Aye to be EC chairman; TunTunOo appointed chief justice; Associates to Develop Democratic Burma (01 May 03) Burma Alert - No. 04/03; Mizzima News (17 Feb 11) Tin Aye nominated as chairman of Election Commission

²⁵ The Nation (19 Dec 14) Instability may lead to army's control: UEC Chairman; Irrawaddy (18 Dec 14) Election Chief under fire for raising prospect of coup

²⁶ EMG (08 Dec 14) Yangon protest demands six-party talks

²⁷ GNLM (04 Apr 15) Eight new members added to UEC; GNLM (04 Apr 15) PyidaungsuHluttaw approves more appointees to UEC

The EC has sub-commissions at the state/division, self-administered zone/division, district, township, and ward level, with a staff of 1,411 people – yet these sub-commissions rely heavily on resources from the General Administrative Department, under the military-controlled Home Affairs Ministry.²⁸ The following provisions of the Election Commission Law showcase the EC’s extensive authority:

- The EC has the authority to deny or delay elections in constituencies “due to natural disaster or situation of regional security.”²⁹
- EC decisions regarding political parties are not subject to appeal to any court.³⁰
- The EC has the authority to disband and abolish political parties that: 1) fail to uphold the constitution; or 2) accept persons as members who are barred from joining political parties under the Political Registration Law.³¹

Despite having taken some steps to incorporate civil society feedback into certain draft rules, the EC lacks any legal obligation to disclose its internal decision-making process for transparent review, and the EC and its sub-commissions have prohibited media or other observers from attending internal meetings.³² The resulting ‘trust deficit’ is worsened by the EC’s inability to train sub-commission staff on key aspects of the electoral process, such as procedures for polling, counting votes, advance voting, as well as instructions for internally displaced persons (IDPs) and “floating voters,” and dispute processes.³³

Floating voters

On 10 July, the EC provided voting guidelines for those who have been living outside their home constituency for 180 days, otherwise known as “floating voters.”³⁴ These voters had to submit an application form, along with a reference from their employer or a government official, a month in advance of polling to have their voter registration transferred from their home constituency to their current location.³⁵ As EC Chair Tin Aye confirmed to UN Special Rapporteur on the situation of human rights in Myanmar Yanghee Lee on 6 August, this includes IDPs.³⁶

Internal migrants and IDPs, often lacking resources and power, can be vulnerable to intimidation or coercive influence by employers or local political actors. Besides Muslims who have fled violence in Arakan/Rakhine State and other IDPs in conflict zones, additional at risk populations include Arakan migrants working in Kachin State jade mines, and workers in oil and rubber plantations in Tenasserim/Tanintharyi Division.³⁷ A lack of resources for migrant workers and temporary residents in Hlaing Tharyar Township, Rangoon Division, has left around 250,000 people off the voter lists there [see *Millions of errors in nationwide voter lists*].³⁸

²⁸GNLM (23 Jul 15) The Republic Of The Union Of Myanmar Union Election Commission Nay Pyi Taw Notification No (7/2015) JULY 2015; EMG (6 Jul 15) Union Election Commission is responsible for the errors in the voter list; Carter Center (19 Aug 15) Preliminary Findings of the Carter Center Expert Mission to Myanmar April-July 2015

²⁹Union of Myanmar SPDC (08 Mar 2010) The Union Election Commission Law; Reuters (09 Mar 10) Myanmar junta unveils first of five election laws

³⁰The Constitutional Tribunal has qualified the reach of the EC to some extent. Midway through 2015, EC Chair Tin Aye asked the Tribunal to clarify the right of Ministers to participate in political party activities. The Tribunal deferred to the EC’s authority on the matter, but added that it would hear any objections and complaints submitted, and would adjudicate if necessary. Tin Aye decided to allow Ministers to campaign and compete; The Political Parties Registration Law (SPDC Law No. 2/2010) Chapter 5; Bangkok Post (20 Jul 15) Let the race begin

³¹The Political Parties Registration Law (SPDC Law No. 2/2010) Chapter 3

³²Carter Center (19 Aug 15) Preliminary Findings of the Carter Center Expert Mission to Myanmar April-July 2015

³³ Carter Center (19 Aug 15) Preliminary Findings of the Carter Center Expert Mission to Myanmar April-July 2015

³⁴GNLM (11 Jul 15) UEC issues guidelines for voting outside constituency

³⁵Myanmar Times (21 Aug 15) Commission opens door for ‘floating’ voters

³⁶Myanmar Times (21 Aug 15) Commission opens door for ‘floating’ voters; EMG (10 Aug 15) UEC boss says floods won’t stop election

³⁷Carter Center (19 Aug 15) Preliminary Findings of the Carter Center Expert Mission to Myanmar April-July 2015

³⁸Myanmar Times (18 Sep 15) Voter list manipulation feared in Hlaing Tharyar township; Myanmar Times (28 Sep 15) Domestic migrants, temporary residents still not on voter lists

CAMPAIGNS AND MEDIA: RULES AND RESTRICTIONS

Campaign rules

The campaign rules for the 2015 elections, presented by the Election Commission (EC) in July 2014, and finalized on 17 August 2015, place severe restrictions on free expression and political debate.⁴⁷ Requirements, such as that parties must apply to the township EC sub-commission 15 days prior to holding a rally with details of attendees [see textbox *Campaign Rules: 2015*], give the EC the final say on political rallies and the ability to track those in attendance.

The EC has also banned parties from criticizing the Tatmadaw or the heavily flawed 2008 Constitution, which are key barriers to democratic reform in Burma/Myanmar,⁴⁸ while the Information Ministry has prohibited “defamation” of President Thein Sein and Armed Forces Commander-in-Chief Sen Gen Min Aung Hlaing.⁴⁹ These restrictions effectively stifle political debate and criticism of the current administration and are symptomatic of EC bias in favor of its military and Union Solidarity and Development Party (USDP) links.

The EC has guaranteed observer access to polling stations within military grounds on election day, but has not overturned the Tatmadaw’s ban on political party campaigning

Campaign Rules: 2015

- Individual candidates are allowed to campaign from 8 September to 6 November.³⁹ However, pre-campaigning for party support is not prohibited.⁴⁰
- Candidates may post campaign materials in public areas after obtaining permission from the specific township development committees. Parties must remove posters and other campaign materials by 12pm on 6 November or face fines.⁴¹
- Candidates must apply in person at their local EC branch within 15 days of the announcement of candidate lists for permission to make campaign speeches.⁴²
- Parties must apply 15 days in advance to the local EC board, detailing the location, time, list of speakers and attendance numbers of any campaign rally.⁴³
- Party members must also register or gain approval from their local EC branch prior to speaking to the public or to the media.⁴⁴ Parties are allowed to make 15-minute speeches for broadcast on television or radio, or publish statements in state media, but content must first be approved by the Information Ministry, which can reject any statement criticizing the Tatmadaw or the Constitution; party pamphlets and newsletters are also vulnerable to charges of “defamation” of military and government leaders.⁴⁵
- Non-candidates or party leaders wishing to campaign for a candidate must first register and gain approval from the local EC branch.⁴⁶

³⁹Myanmar Times (24 Aug 15) Campaign season arrives early on the outskirts of Yangon; Irrawaddy (15 May 14) Election Campaign Rules Spark Concern Among Opposition Parties; RFA (15 May 14) Myanmar Opposition Concerned Over Proposed Campaign Rules; GNLM (18 Aug 15) Political parties urged to follow rules and regulations on election campaigns, code of conduct; GNLM (18 Feb 15) UEC agrees to extend poll campaign period to 60 days; GNLM (18 Aug 15) Political parties urged to follow rules and regulations on election campaigns, code of conduct

⁴⁰Irrawaddy (07 Jan 15) USDP, NLD Deny Skirting Rules

⁴¹GNLM (18 Aug 15) Political parties urged to follow rules and regulations on election campaigns, code of conduct

⁴²EMG (10 Sep 15) Campaign rules pose obstacles to parties

⁴³RFA (15 May 14) Myanmar Opposition Concerned Over Proposed Campaign Rules; Myanmar Times (24 Oct 14) UEC extends campaign period but no let-up on rally restrictions

⁴⁴Irrawaddy (15 May 14) Election Campaign Rules Spark Concern Among Opposition Parties; RFA (15 May 14) Myanmar Opposition Concerned Over Proposed Campaign Rules; NBR (05 Aug 15) Will the Race be Free and Fair or Flawed?

⁴⁵Reuters (29 Aug 15) Myanmar bans parties from criticising army in state media; Myanmar Times (01 Sep 15) Parties condemn UEC restrictions; Myanmar Times (08 Sep 15) Rules for campaigning mark a return to 2010

⁴⁶Mizzima News (14 May 14) Election campaign laws spark debate

⁴⁷Irrawaddy (14 Jul 14) Burma’s Election Commission Approves Campaign Rules; RFA (15 May 14) Myanmar Opposition Concerned Over Proposed Campaign Rules; GNLM (18 Aug 15) Political parties urged to follow rules and regulations on election campaigns, code of conduct

⁴⁸GNLM (28 Aug 15) Party political broadcasts to be aired from 8 Sept; Reuters (29 Aug 15) Myanmar bans parties from criticising army in state media

⁴⁹Myanmar Times (08 Sep 15) Rules for campaigning mark a return to 2010

on military bases.⁵⁰ These military restrictions on free speech and assembly remain a disadvantage to opposition parties. On 25 September, National League for Democracy (NLD) senior official Win Htein told press that Rangoon/Yangon divisional government had obstructed NLD candidates from visiting the Coco Islands, Rangoon Division, where the number of eligible voters has increased by 466%.⁵¹ The NLD has alleged that the army is boosting troop numbers there to ensure that the USDP wins national and Rangoon divisional parliamentary seats, citing an increase from 200 to 700 personnel and their families. USDP candidates have reportedly been given transport to the island on military airplanes.⁵²

Self-censorship has also occurred – the NLD temporarily prohibited all candidates from speaking to the media in August and September.⁵³ This was in part to ensure none of their members broke EC rules or faced retribution from the authorities for political statements or actions.⁵⁴ Just three days after the NLD endorsed 88 Generation Peace and Open Society leader Ko Ko Gyi as a candidate (he was later dropped),⁵⁵ police in South Okkalapa Township, Rangoon Division, charged and sentenced him to a fine under Article 19 of the Peaceful Assembly Law for a protest he attended in 2014.⁵⁶

Media restrictions

Media censorship in Burma/Myanmar remains an issue in the run-up to the election. In March, Moulmein Township Court, Mon State, sentenced two Myanmar Post journalists to two months in prison under Article 500 of the Criminal Code for ‘defaming’ a military-appointed MP in a story published on 29 January 2014.⁵⁷ International observers have documented cases of media intimidation in Pegu/Bago and Magwe/Magway Divisions, and Arakan/Rakhine State, and many media personnel already adopt a standard of self-censorship.⁵⁸ In June, Information Minister Ye Htut warned that media organizations found breaching ethics or reporting “biased” views in the run-up to the election would lose their broadcast license.⁵⁹

In addition to this, following the Union Solidarity and Development Party (USDP) internal coup in August [see *Union Solidarity and Development Party (USDP)*], the authorities censored media linked to National Parliament Speaker Shwe Mann, forcing the closure of the USDP-run Union Daily newspaper and Leader weekly journal and taking radio station Cherry FM (owned by Shwe Mann’s daughter-in-law) off air without warning.⁶⁰ Cherry FM was allowed to broadcast again only after signing a written agreement with the Information Ministry not to broadcast biased information ahead of the election.⁶¹

Questionable campaign tactics and obstruction

The run-up to the elections has been marred by rumors of vote-buying and obstruction:

- **4 June:** The National League for Democracy (NLD) filed a complaint with the Election Commission (EC) against the Union Solidarity and Development Party (USDP) for violation of the Political

⁵⁰Myanmar Times (23 Jul 15) Military bans campaigning on its turf

⁵¹Myanmar Times (28 Sep 15) NLD claims barred from Coco Island race; The Voice Daily (29 Sep 15) Coco Island voters increased due to construction work: Election commission

⁵²The Voice Daily (29 Sep 15) Coco Island voters increased due to construction work: Election commission

⁵³Irrawaddy (21 Aug 15) NLD Gags Its Candidates as Election Body Reviews Party Rosters; EMG (24 Aug 15) NLD bans media contact; DVB (14 Sep 15) Myanmar poll candidates banned from talking to media

⁵⁴AAPP (11 Sep 15) Update Total Facing Trial List, 460

⁵⁵Reuters (19 Jul 15) Myanmar '88 student leader joins SuuKyri's party to run in polls; Irrawaddy (19 Jul 15) '88 Generation's KoKoGyi Joins SuuKyri's Party to Run in Polls

⁵⁶EMG (23 Jul 15) U KoKoGyi summoned by police after candidacy announcement

⁵⁷Irrawaddy (18 Mar 15) Journalists Handed 2-Month Prison Sentence on Defamation Charge

⁵⁸Carter Center (19 Aug 15) Preliminary Findings of the Carter Center Expert Mission to Myanmar April-July 2015

⁵⁹GNLM (28 Jun 15) Information minister warns broadcasters against biased election reporting

⁶⁰Reuters (14 Aug 15) Myanmar gags media linked to ousted ruling party leader

⁶¹Irrawaddy (19 Aug 15) Cherry FM to Resume Broadcast After Govt Warning

Parties Registration Law, alleging that USDP members in Mudon Township, Mon State, had circulated a photo of Aung San Suu Kyi greeting local Muslim leaders in an attempt to damage her reputation.⁶²

- **7 July:** The NLD criticized the Tharawaddy Township EC sub-commission, Pegu/Bago Division, for receiving donations from the USDP, which the sub-commission claimed were needed to display voter lists due to a lack of financial support from the EC.⁶³
- **8 July:** Naypyidaw Township Court charged two NLD members with trespassing during door-to-door voter education visits in Zabuthiri Township, Naypyidaw, although they say they were given permission to enter the property by the occupant.⁶⁴
- **11 August:** Aung San Suu Kyi condemned instances of state employees in at least one township reportedly being told they must vote for the USDP.⁶⁵
- **19 August:** Zomi Congress for Democracy said the ruling USDP may sweep the polls in Chin State as it has already “paid staff in every village” to support its candidates.⁶⁶
- **2 September:** Former Lt Gen and recently retired Defense Minister Wai Lwin donated 64 million kyat (US\$49,900) in Naypyidaw’s Pobbathiri Township, where he will contest a seat.⁶⁷
- **2 September:** EC Chairman Tin Aye said that President’s Office Minister Soe Thein did not break the 10 million kyat (US\$7,800) campaign spending limit, after he spent more than 300 million kyat (US\$234,000) in Karenni/Kayah State, since it occurred before the official campaign period.⁶⁸
- **25 September:** It was reported that USDP offered 5,000 kyat (US\$3.83) per month to trishaw drivers who agree to display the party’s flag and more than 10,000 kyat (US\$7.65) to drivers who attach party stickers.⁶⁹

Reports also surfaced in August that Special Branch Police sought information on candidates of multiple parties, including Aung San Suu Kyi and affiliates, and from the EC itself.⁷⁰ On 19 August, NLD official Win Htein warned candidates to reject Special Branch requests for biographical information or photos.⁷¹

In addition to this, government-backed militias have been intimidating voters and preventing campaigning in some ethnic areas.⁷² On 22 September, USDP MP and leader of the formally disbanded New Democratic Army-Kachin (NDAK), Zakhung Ting Ying, sent a letter to the NLD ordering them not to campaign in Waingmaw, Chipwi, and Tsawlaw Townships, Kachin State, because the “area is not yet under the government’s reforms.”⁷³ NDAK later banned all political party campaigns, excepting Zakhung Ting Ying’s son, Zakhung Ying Hsawn, who will stand for the Chipwi regional seat for the Unity Democracy Party of Kachin State.⁷⁴ By 29 September, political parties, Zakhung Ting Ying, and Kachin State EC sub-commission officials negotiated a deal for peaceful campaign activities in NDAK territory; however, some candidates still expect to face obstacles.⁷⁵

⁶²Myanmar Times (05 Jun 15) NLD sends complaint over photo of leader; EMG (08 Jun 15) Opposition accuses USDP of dirty tricks

⁶³Irrawaddy (07 Jul 15) Election Body in Pegu Criticized for Taking USDP Money

⁶⁴Irrawaddy (30 Jun 15) NLD Members Accused of Trespassing While Verifying Voter Lists in Naypyidaw; Irrawaddy (10 Jul 15) Court Brings Trespassing Charges Against Two NLD Members

⁶⁵RFA (11 Aug 15) NLD Members Must Follow Party Rules: Aung San SuuKy

⁶⁶RFA (19 Aug 15) Landslides and More Rain Likely to Prevent Voting in Myanmar’s Chin State

⁶⁷Myanmar Times (03 Sep 15) Minister faces vote-buying allegations in Kayah State

⁶⁸Myanmar Times (03 Sep 15) Minister faces vote-buying allegations in Kayah State

⁶⁹EMG (25 Sep 15) USDP pays trishaw drivers to raise party flag

⁷⁰DVB (10 Aug 15) Burmese police request background check on SuuKy

⁷¹EMG (19 Aug 15) NLD candidates instructed not to give bio-data

⁷²HRW (29 Sep 15) Dispatches: Militias and Electoral Intimidation in Burma

⁷³ Irrawaddy (23 Sep 15) Militia Leader Orders NLD Out of Kachin State Races; Kachin News (24 Sep 15) NDAK chief bars NLD from campaigning in his fiefdom in Kachin state

⁷⁴DVB (29 Sep 15) Kachin militia bans election campaigning in self-administered region

⁷⁵Myanmar Times (30 Sep 15) Kachin State warlord ordered to let opponents campaign

Extremist intimidation

The ultra-nationalist Organization for the Protection of Race and Religion (Ma Ba Tha) has become increasingly influential in Burmese politics since its founding two years ago. Ma Ba Tha has succeeded in influencing the authorities to enact the discriminatory ‘Protection of Race and Religion’ laws and was behind President Thein Sein’s decision to nullify all Temporary Registration Cards (TRCs), the majority of which were held by Rohingya Muslims [see *Hundreds of thousands of temporary registration card-holders disenfranchised*].

Ma Ba Tha’s distinctly anti-Muslim rhetoric has sought to intensify and exploit religious tensions in Burma/Myanmar, where Buddhists and Muslims have been heavily polarized since the outbreak of anti-Rohingya and anti-Muslim violence in 2012 and 2013, respectively. The group has openly supported the Union Solidarity and Development Party (USDP)⁷⁶ and warned voters against voting for the National League for Democracy (NLD):

- **18 July:** A group of Ma Ba Tha members spread defamatory leaflets about the NLD and Aung San Suu Kyi during a donation ceremony in Myaungmya Township, Irrawaddy/Ayeyarwady Division.⁷⁷
- **31 August:** Shan State USDP candidate Lin Zaw Tun donated 40 million kyat (US\$31,000) to Ma Ba Tha.⁷⁸
- **1 September:** Ma Ba Tha distributed flyers attached to invitations to a ceremony organized by the USDP, attempting to smear Aung San Suu Kyi and the NLD. The NLD has since filed a complaint to the EC.⁷⁹
- **17 September:** In an interview, extremist monk Wirathu said that the NLD is campaigning for Muslim votes and this is “not according to Buddha’s teaching.”⁸⁰
- **20 September:** At a rally in Bassein Township, Irrawaddy Division, extremist monks from Ma Ba Tha told the crowd not to vote for the party of “Islamists,” referring to the NLD.⁸¹
- **22 September:** NLD senior member Win Htein told the press that the party had filed an official complaint with the EC against Ma Ba Tha for unlawful use of religion to influence the election, under Article 58(c) of the People’s Assembly and National Assembly Election Laws.⁸²
- **23 September:** Ma Ba Tha issued a statement rejecting NLD accusations of a smear campaign, explaining that they “don’t want people to vote for the person who destroys our race and religion.”⁸³

Bowing to increasing pressure from Ma Ba Tha, the NLD has not fielded any Muslim candidates in the 2015 election.⁸⁴

On 15 September, the US, Australia, Canada, Denmark, France, Norway, Japan, Sweden, and UK embassies in Rangoon/Yangon issued a statement expressing concern at “the prospect of religion being used as a tool of division and conflict during the campaign season.”⁸⁵ Burma’s Foreign Ministry later

⁷⁶Irrawaddy (23 Jun 15) Support Incumbents, Ma Ba Tha Leader Tells Monks

⁷⁷EMG (27 Jul 15) NLD fails to find source of abusive leaflets

⁷⁸Myanmar Times (03 Sep 15) USDP candidate donates big to Ma Ba Tha

⁷⁹EMG (10 Sep 15) NLD accuses USDP of defamation

⁸⁰RFA (17 Sep 15) Interview: ‘The Political Weather is not Good’ in Myanmar Now

⁸¹Irrawaddy (21 Sep 15) Ma Ba Tha: NLD is the Party of ‘Islamists’

⁸²Irrawaddy (23 Sep 15) NLD Accuses Ma Ba Tha of Unlawful Influence; Irrawaddy (24 Sep 15) NLD, Ma Ba Tha in War of Words over Campaign Claims; Open Democracy (30 Jul 10) Myanmar’s 2010 elections: a human rights perspective

⁸³Myanmar Times (25 Sep 15) Ma Ba Tha takes aim at defamation accusations

⁸⁴BBC (08 Sep 15) Aung San SuuKy’s party excludes Muslim candidates; Irrawaddy (31 Aug 15) NLD Blocked Muslim Candidates to Appease Ma Ba Tha: Party Member

⁸⁵US Embassy Rangoon (15 Sep 15) Joint Statement on Elections from the Embassies of Australia, Canada, Denmark, France, Norway, Japan, Sweden, the United Kingdom, and the United States of America

dismissed the statement, saying it could distort the inter-religious and inter-ethnic harmony that already exists in the country.⁸⁶

POLITICAL PARTIES AND CANDIDATES

Muslim, Rohingya candidates excluded from election by EC disqualifications

On 11 September, the Election Commission (EC) released the final list of candidates, leaving 124 candidates disqualified, mainly on “citizenship grounds.”⁸⁷ Muslims and Rohingya accounted for more than one third of those disqualified, adding to existing concern over the disenfranchisement of hundreds of thousands of Rohingya [see *The Missing Vote*].⁸⁸ Up to 30 Rohingya candidates were rejected in Arakan/Rakhine State alone, the highest number of rejections in any state.⁸⁹ Five of six Muslim parties saw the majority of their candidates rejected.⁹⁰ Parties with heavy losses from disqualification include the Democracy and Human Rights Party (DHRP), which lost 17 of 18 Muslim candidates; the National Development Democratic Party which lost five of six candidates; and the National Development and Peace Party which lost all six.⁹¹ The latter two are effectively deregistered by the disqualifications, as the Political Parties Registration Law requires parties to field at least three candidates.⁹² The DHRP, however, was redeemed by later reinstatements by the EC [see below].

Among those Rohingya disqualified is Union Solidarity and Development Party (USDP) MP Shwe Maung, who successfully ran for election in 2010, before the outbreak of violence in Arakan State in 2012 and the related surge in anti-Rohingya sentiment in Burma/Myanmar. On 10 August, Shwe Maung announced his intention to run as an independent this year,⁹³ but 12 days later the EC notified him that his independent candidacy was annulled as his parents were not Burmese citizens in 1965 when he was born (he has said both parents received National Registration Cards in 1952).⁹⁴ On 1 September, Shwe Maung and fellow Rohingya candidate Khin Lwin Lwin attended an appeal hearing with the Arakan State EC sub-commission to challenge their disqualification from contesting seats in Buthidaung Township. Both were told within 10 seconds of presenting their evidence that the disqualification stood.⁹⁵ Responding to the fact that MP Shwe Maung ran under the ruling USDP ticket in 2010, EC spokesperson Win Ko reportedly blamed “the weakness of the former commission’s verifying process.”⁹⁶

On 17 September, the US State Department expressed concern at the rejection of Muslim candidates, saying it risked undermining the international community’s confidence in the elections.⁹⁷ In response to international pressure, on 20 September, the EC reinstated 11 of those disqualified (including two from the DHRP)⁹⁸, but only one from Arakan State.⁹⁹ Although the number of candidates who remained

⁸⁶ President office (18 Sep 15) Joint statement on election issued; DVB (18 Sep 15) Burma rejects embassies’ election concerns; Irrawaddy (18 Sep 15) Burmese Govt Hits Back at Embassies Over Election Concerns; Xinhua (18 Sep 15) Myanmar rejects 9-country joint statement on election; GNLM (18 Sep 15) Joint statement on election issued

⁸⁷ Myanmar Times (14 Sep 15) More than 100 scrubbed from final candidate list; Irrawaddy (23 Sep 15) 11 Candidates Rejoin the Race After UEC Appeal

⁸⁸ Myanmar Times (14 Sep 15) More than 100 scrubbed from final candidate list

⁸⁹ DVB (02 Sep 15) Muslims suffer brunt of candidate rejections; Myanmar Times (02 Sep 15) More candidates cut from race as appeals thrown out; Myanmar Times (07 Sep 15) Muslim candidates fear no shot at the polls

⁹⁰ Carter Centre (25 Sep 15) Carter Center Issues Statement on Candidate Scrutiny Process and Campaign Environment in Myanmar

⁹¹ Myanmar Times (14 Sep 15) More than 100 scrubbed from final candidate list; DVB (2 Sep 15) Muslims suffer brunt of candidate rejections; Irrawaddy (22 Sep 15) 11 Candidates Rejoin the Race After UEC Appeal

⁹² Irrawaddy (01 Sep 15) Muslim Party Facing Political Oblivion After Candidates Rejected

⁹³ Irrawaddy (11 Aug 15) Ruling Party MP Cuts Ties to Contest November Poll as an Independent

⁹⁴ Myanmar Times (24 Aug 15) Sitting MP blocked from running again; Nikkei Asian Review (23 Aug 15) Rohingya MP banned from contesting election

⁹⁵ DVB (02 Sep 15) Muslims suffer brunt of candidate rejections

⁹⁶ Myanmar Times (02 Sep 15) More candidates cut from race as appeals thrown out

⁹⁷ US State Department (17 Sep 15) Concerns About Burma’s Candidate Disqualifications

⁹⁸ Irrawaddy (23 Sep 15) 11 Candidates Rejoin the Race After UEC Appeal

disqualified was unclear, according to the Carter Centre the number of rejected candidates at the end of September was around 100.¹⁰⁰

Notably, neither the National League for Democracy (NLD) nor the USDP have put forward any Muslim candidates [see *Extremist intimidation*], and no USDP candidates have been disqualified.¹⁰¹

The EC's rejection of Muslim candidates and low number of reinstatements, coupled with President Thein Sein's disenfranchisement of Rohingya people [see *Hundreds of thousands of Temporary Registration Card-holders disenfranchised*], effectively excludes Burma's Muslim communities from the 2015 elections and denies them representation in national and state/division parliaments.

Equal representation?

This year's election will see the first all-female party compete, despite bureaucratic obstacles from the Election Commission (EC).¹⁰² On 15 July, the EC finally accepted the registration of the Women's Party (Mon).¹⁰³

However, women's political representation in Burma/Myanmar remains poor, with women making up just 4% of elected MPs in the National Parliament.¹⁰⁴ Even the National League for Democracy (NLD), headed by arguably the most influential woman in Burma, has halved its female representation since the 2012 by-elections, fielding a 15% female candidacy.¹⁰⁵ The Union Solidarity and Development Party (USDP) has put forward a particularly low number of female candidates, with only 72 females of 1,147 candidates, making up an abysmal 6.3% of candidates.¹⁰⁶ The National Democratic Force, formed in 2010 as a breakaway party from the NLD, has the highest female representation, but this is still only 20%.¹⁰⁷ The undemocratic requirement that 25% of seats in the legislature go to the Tatmadaw also reduces women's involvement in governance, as recruitment of women to the Burmese military was only recently re-introduced after a more than 50 year ban, meaning all senior positions are held by men.¹⁰⁸

The 2015 election has also seen a surge in registration of ethnic parties seeking better government representation for their communities.¹⁰⁹ Of the current list of 91 political parties, 61 are ethnic parties.¹¹⁰

Political parties

As of September, the Election Commission (EC) has allowed the registration of 91 political parties [see textbox *91 Registered Political Parties in Burma/Myanmar*]. This is nearly double the number of parties involved in the flawed 2010 elections, when 47 parties were registered to compete.

⁹⁹Myanmar Times (25 Sep 15) Under pressure on all sides, UEC reinstates 11 Muslim candidates; Carter Centre (25 Sep 15) Carter Center Issues Statement on Candidate Scrutiny Process and Campaign Environment in Myanmar

¹⁰⁰Carter Centre (25 Sep 15) Carter Center Issues Statement on Candidate Scrutiny Process and Campaign Environment in Myanmar; Irrawaddy (23 Sep 15) 11 Candidates Rejoin the Race After UEC Appeal

¹⁰¹BBC (08 Sep 15) Aung San Suu Kyi's party excludes Muslim candidates; Myanmar Times (27 Aug 15) Muslim parties fear exclusion from election

¹⁰²DVB (13 May 15) Women's Party registration bid rejected by UEC

¹⁰³GNLM (16 Jul 15) Women's Party (Mon), Rakhine Patriotic Party allowed to register as political parties

¹⁰⁴Myanmar Times (09 Sep 15) Women ready for tilt at more seats

¹⁰⁵Irrawaddy (18 Aug 15) In November Polls, Odds Already Against Women's Empowerment

¹⁰⁶Irrawaddy (18 Aug 15) In November Polls, Odds Already Against Women's Empowerment

¹⁰⁷Myanmar Times (09 Sep 15) Women ready for tilt at more seats

¹⁰⁸Myanmar Times (30 Aug 14) First women graduate from officer training; The Guardian (16 Oct 13) Burmese army recruits female soldiers as it struggles to tackle rebel groups

¹⁰⁹EMG (9 Jul 15) The right to election campaign and seeking the upper hand

¹¹⁰Transnational Institute (08 Sep 15) Ethnic Politics and the 2015 Elections in Myanmar

91 Registered Political Parties in Burma/Myanmar		
88 Generation Democracy Party	Kayin National Party	New National Democracy Party
88 Generation Student Youths (Union of Myanmar)	Kayin People's Party	New Society Democratic Party
All Mon Region Democracy Party	Kayin State Democracy and Development Party	New Society Party
All Nationalities Democracy Party (Kayah State)	Kayin United Democratic Party	Pa-O National Organization
Allied Farmer Party	Khami National Development Party	People Democracy Party
Arkha National Development Party	Khumi (Khami) National Party	Phalon-Sawaw Democratic Party
Asho Chin National Party	Kokang Democracy and Unity Party	Public Service Students Democracy Party
Bamar People's Party	Lahu National Development Party	Rakhine National Party
Chin League for Democracy	Lawwaw National Unity and Development Party	Rakhine Patriotic Party
Chin National Democratic Party	Lisu National Development Party	Rakhine State National Force Party
Chin Progressive Party	Modern Union Party	Red Shan (Tailai) and Northern Shan Ethnic Solidarity Party
Daingnet Ethnic Development Party	Mon National Party	Shan Nationalities Democratic Party
Danu National Democracy Party	Mro National Democracy Party	Shan Nationalities League for Democracy
Danu Nationals League Party	Mro National Development Party	Shan State East Development Democratic Party
Dawei Nationalities Party	Mro National Party	Shan State Kokang Democratic Party
Democracy and Human Rights Party	Myanmar Farmers' Development Party	Taaung (Palaung) National Party
Democracy and Peace Party	Myanmar National Congress	Tailai (Red Shan) Nationalities Development Party
Democratic Party (Myanmar)	Myanmar New Society Democratic Party	Union Democracy Party
Difference and Peace Party [aka Peace and Diversity Party]	Myanmar Peasant, Worker, People's Party	Union Farmer Force Party
Ethnic National Development Party	National Democratic Force	Union of Myanmar Federation of National Politics
Federal Union Party	National Democratic Party for Development*	Union Pa-O National Organization
Guiding Star Party	National Development and Peace Party*	Union Solidarity and Development Party
Inn Ethnic League Party	National Development Party	United Democratic Party
Inn National Development Party	National League for Democracy	Unity and Democracy Party of Kachin State
Kachin Democratic Party	National Political Alliances League	Wa Democratic Party
Kachin National Democracy Congress Party	National Prosperity Party	Wa National Unity Party
Kachin State Democracy Party	National Solidarity Congress Party	Women's Party (Mon)
Kaman National Progressive Party	National Unity Party	Wunthanu Democratic Party
Kayah National Race Democracy Party	Negotiation, Stability and Peace Party	Zo Ethnic Region Development Party
Kayan National Party	New Era People's Party [aka Modern People's Party]	Zomi Congress for Democracy
Kayin Democratic Party		

*Parties effectively deregistered by candidate rejections [see *Muslim candidates excluded*]

Union Solidarity and Development Party (USDP)

The military-backed USDP currently holds the majority of seats in the National Parliament, with 346 ‘elected’ MPs – the party unsurprisingly won 75% of civilian seats in the seriously flawed 2010 election. The party was formed in 2010 to effectively create a ‘political wing’ for the new military regime. However, internal tensions between the political party and its military element, backed by President Thein Sein, have boiled over in recent months, bringing the military back to a strong position of influence within the party.



Source: Irrawaddy

Military-led coup in party shows that Tatmadaw still pulls the strings

During an internal USDP meeting on 12 August, government security forces surrounded USDP headquarters in Naypyidaw. In a move described as reminiscent of the former regime under Than Shwe, it was announced on 13 August that National Parliament Speaker Shwe Mann had been removed as USDP Chairman overnight, and would be replaced by Htay Oo as Joint Chairman and President Thein Sein as Acting Chairman.¹¹¹ USDP General Secretary Maung Maung Thein was also removed from his post and replaced by a close aide to President Thein Sein, Tin Naing.¹¹²

Information Minister Ye Htut said that Shwe Mann’s removal was due to his links with Aung San Suu Kyi and his support for constitutional reform.¹¹³ Shwe Mann also oversaw the 12 August USDP candidate nominations where only 57 out of 140 military officers who applied were picked as candidates.¹¹⁴ On 15 August, in his first statement since he was ousted, Shwe Mann said that he was removed for trying to transform Parliament into a real democratic institution instead of a “rubber-stamp parliament.”¹¹⁵

On 12 August, President Thein Sein announced that he would not run in this year’s election.¹¹⁶ Shwe Mann’s removal is likely to set up a second term for the President, who does not need to be an elected representative [see *Electoral backdrop*].¹¹⁷ A number of the reshuffles in the party around this time saw Tatmadaw officers moved into ministerial positions [see textbox *USDP Reshuffles*].¹¹⁸

Despite protestations, including a claim by Commander-in-Chief of the Armed Forces Sen Gen Min Aung Hlaing that the military had no involvement in the internal coup, the events set a worrying precedent for the ruling party so close to the election, and demonstrate once again the military’s reluctance to relinquish, or even share, power.¹¹⁹

¹¹¹ Reuters (13 Aug 15) Myanmar ruling party chief sacked in power struggle with president; Irrawaddy (14 Aug 15) Second Term Beckons for President Thein Sein After Rival Ousted; Bangkok Post (14 Aug 15) Thein Sein in palace coup to boost support

¹¹² Reuters (12 Aug 15) Myanmar security forces surround ruling party HQ: sources; Irrawaddy (13 Aug 15) Updated: Shwe Mann Removed as Ruling Party Chairman Amid Midnight Reshuffle; NY Times (13 Aug 15) Influential Leader in Myanmar Is Removed as Head of Governing Party; DVB (13 Aug 15) HtayOo replaces Shwe Mann; Irrawaddy (13 Aug 15) TheinSein, USDP’s Ex-Deputy Now ‘Jointly’ Chairing Party

¹¹³ Reuters (15 Aug 15) Myanmar party chief ousted over ties to rivals, contentious bills – minister

¹¹⁴ Myanmar Times (12 Aug 15) Officers resign to contest elections

¹¹⁵ Reuters (15 Aug 15) Myanmar party chief ousted over ties to rivals, contentious bills – minister

¹¹⁶ Myanmar Times (13 Aug 15) President opts out of election

¹¹⁷ Myanmar Times (12 Aug 15) President will not run in elections, but does not rule out second term

¹¹⁸ Irrawaddy (13 Aug 15) Ministerial Resignations Linked to Shwe Mann Purge

¹¹⁹ RFA (20 Aug 15) Interview: Retiree Than Shwe Exerts ‘No Influence Whatsoever’ on Myanmar Politics

USDP Reshuffles ¹²⁰		
Name	Previous position	Current position
Aung Ko**	USDP CEC member	Continues as USDP MP
Aung Thein Linn**	USDP CEC member	Continues as USDP MP
Com Moe Aung		Navy Chief of Staff
Gen Hla Htay Win	Army, Navy, and Air Force Chief of General Staff	CEC member, running for election in Zeyathiri Township, Naypyidaw
Gen Than Htut	Office of the Tatmadaw Commander in Chief	Deputy Border Affairs Minister
Gen Thet Swe	Navy Commander in Chief	CEC member, running for election in the Coco Islands, Rangoon/Yangon Division.
Htay Oo	USDP Vice Chairman	Joint USDP Chairman
Khin Yi	Immigration and Population Minister	CEC member, Chair of USDP Foreign Affairs Committee, running for election in Zalun Township, Irrawaddy/Ayeyarwady Division.
Kyaw Kyaw Htay	Union Civil Service Board Member	CEC member and Central Secretary
Lt Gen Aung Than Htut	Chief of Defense Ministry Bureau of Special Operations 2	Reportedly will run for election in Laogai Township, Shan State
Lt Gen Hla Min	Chief of Defense Ministry Bureau of Special Operations 3	Running for election in Shwegyin Township, Pegu/Bago Division.
Lt Gen Khin Zaw Oo*	Chief of Defense Ministry Bureau of Special Operations 4	Likely to run for USDP in election.
Lt Gen Ko Ko*	Home Affairs Minister	Immigration and Population Minister
Lt Gen Kyaw Swe	Chief of Bureau of Special Operations 5	Border Affairs Minister
Lt Gen Myint Soe	Chief of Defense Ministry Bureau of Special Operations 1	CEC member, reportedly will run for election in Wuntho Township, Sagaing Division
Lt Gen Sein Win	Deputy Secretary in the Ministry of Health	Defense Minister
Lt Gen Thet Naing Win	Border Affairs Minister	CEC member and Deputy General Secretary. Returned to Tatmadaw post, reportedly to retire and run for USDP in election.
Lt Gen Wai Lwin	Defense Minister	CEC member, returned to Tatmadaw to retire and run for election in Pobbathiri Township, Naypyidaw.
Lt Gen Win Myint	Chief of Military Appointments	
Lt Gen Yar Pyae	Chief of Armed Forces Training	Chief of Bureau of Special Operations 2
Maj Gen Aung Kyaw Zaw (now Lt Gen)	Southern Region Command Chief	Chief of Bureau of Special Operations 3
Maj Gen Kyaw Nyunt	Deputy Defense Minister	Returned to Tatmadaw to retire and run for election in Maymyo Township, Mandalay Division
Maj Gen Lu Aye (now Lt Gen)	Western Region Command Chief	Chief of Military Appointments
Maj Gen Min Naung (now Lt Gen)	North-West Region Command Chief	Chief of Bureau of Special Operations 4
Maj Gen Tin Aung Chit	Deputy Border Affairs Minister	Returned to Tatmadaw to retire and run for election in Aunglan Township, Magwe/Magway Division.
Maj Gen Tun Tun Naung (now Lt Gen)	Rangoon Regional Military Commander	Chief of Bureau of Special Operations 1
Maung Maung Htay	Deputy Religious Affairs Minister	CEC member and Central Secretary, likely to run for USDP in election.

¹²⁰ Myanmar Times (14 Aug 15) President axes Shwe Mann; Myanmar Times (12 Aug 15) Officers resign to contest elections; Myanmar Times (14 Aug 15) Ex-generals enter USDP, election fold; EMG (14 Aug 15) Top ministers resign; GNLM (15 Aug 15) President announces three ministerial appointments; Irrawaddy (13 Aug 15) Ministerial Resignations Linked to Shwe Mann Purge; Irrawaddy (11 Aug 15) 45 Senior Military Officers Retire to Contest Nov. 8 Poll; Reuters (13 Aug 15) Myanmar ruling party chief sacked in power struggle with president; DVB (11 Aug 15) Military reshuffle ahead of Nov election: BBC; Irrawaddy (18 Aug 15) All Eyes Averted, Notorious General Steps Up; GNLM (25 Aug 15) Two senior military officers appointed as union ministers; EMG (17 Aug 15) USDP reshuffles leaders; DVB (13 Aug 15) Thein Sein holds emergency meeting; DVB (13 Aug 15) Htay Oo replaces Shwe Mann; GNLM (13 Aug 15) Myanmar president reshuffles cabinet; Myanmar Times (27 Aug 15) Two ministers resign to contest poll; GNLM (26 Aug 15) Two chief ministers to retire

Maung Maung Ohn	Chief Minister of Arakan/Rakhine State	Returned to Tatmadaw to retire and run for election to Arakan/Rakhine State regional parliament in Ann Township.
Maung Maung Thein**	CEC member, USDP General Secretary	Continues as USDP MP
Myat Hein	Communications, Information, and Technology Minister	CEC member and Head of USDP Campaigns. Running for election in Zabuthiri Township, Naypyidaw (President Thein Sein's former constituency).
Nyan Tun Aung	Transport Minister	Rail Transportation Minister
Pike Htwe	Deputy Information Minister	CEC member and Central Secretary, returned to Tatmadaw to retire and run for election in Kamma Township, Magwe Division.
Than Htay	Rail and Transportation Minister	CEC member, running for election in Myanaung Township, Irrawaddy Division.
Than Tun	Deputy Cooperatives Minister	CEC member and head, Central Secretary.
Tin Naing Thein	Minister in the President's office.	CEC member and USDP General Secretary. Running for election in Kalaw Township, Shan State.
Vice Admiral Tin Aung San	Navy Chief of Staff	Navy Commander-in-Chief
Win Maw Tun	Deputy Labor Minister	CEC member and Central Secretary, running for election in Yenanchaung Township, Magwe Division.
Zaw Min	Chief Minister of Karen State	Returned to Tatmadaw to retire and run for election in Kawa Township, Pegu Division.
Zeyar Aung	Energy Minister	Communications, Information, and Technology Minister

* The Harvard International Human Rights Clinic recently recommended prosecution of these Generals for war crimes committed in Karen/Kayin State in 2005-2006.

** Shwe Mann allies ousted on 12 August

On 12 August, the USDP released its finalized selection of 1,147 candidates, none of who are competing in Wa, Kokang, or Mongla areas as agreed with local parties.¹²¹

National League for Democracy (NLD)

The other major contender in the 8 November election, Aung San Suu Kyi's NLD, currently holds 43 seats in the National Parliament and two in Regional Parliaments, which it gained during the 2012 by-election.¹²² The party was formed in 1988 and won the 1990 election, but the results were nullified by the ruling government. The party is seeking a significant mandate in this year's election, having boycotted the flawed 2010 election.



Source: Irrawaddy

Aung San Suu Kyi campaigns despite constitutional block on presidential bid

In June, two constitutional amendment bills to change the military-drafted constitution that currently blocks Aung San Suu Kyi from the presidency were rejected in the National Parliament by military veto, confirming expectations that even if the NLD is able to win a majority its leader will be unable to take on the role of head of state.¹²³ Article 59(f) of the Constitution prohibits a head of state from having foreign

¹²¹DVB (12 Aug 15) 2015 election: USDP unveils candidate list

¹²²Altsean Burma, By-Election Special 2012 (<http://www.altsean.org/Research/Parliament%20Watch/By-elections/By-elections.php>)

¹²³Reuters (25 Jun 15) Myanmar military retains veto after constitution change vote fails

children or a foreign spouse, effectively precluding her from becoming President due to her late British husband and British children. Despite this, Aung San Suu Kyi has said that she will lead the party in Parliament if it wins.¹²⁴

The NLD raised the possibility of a boycott of the 2015 elections multiple times, due to doubts about the government's intention to hold a truly free and fair election.¹²⁵ Nonetheless, on 11 July, as was widely expected, Aung San Suu Kyi confirmed that the party would run in the November elections.¹²⁶ As leader, she has repeatedly urged the public to disregard individual candidates and vote for the NLD as a party.¹²⁷ In September, she stated that the NLD and military could cooperate on "democratic efforts."¹²⁸

The NLD has yet to officially select a candidate for head of state should it win the election, although it was rumored that Aung San Suu Kyi's alliance with former USDP Chairman and National Parliament Speaker Shwe Mann may have placed him as a compromise presidential choice post-election.¹²⁹ On 28 August, she told the media that the NLD will select a presidential candidate from within its own party.¹³⁰

Despite the NLD's position as the most powerful party besides the USDP, it still faces harassment and intimidation. On 16 August, Aung San Suu Kyi's car was nearly forced off the road between Rangoon/Yangon and Naypyidaw.¹³¹ On 23 September, a young NLD member was found beaten next to a broken NLD flag in a cemetery in Myaungmya, Irrawaddy/Ayeyarwady Division.¹³²

NLD candidacies

The NLD has put forward 1,151 candidates for the November election.¹³³ On 29 July, Aung San Suu Kyi registered her candidacy in her home constituency in Kawmoo Township, Rangoon Division.¹³⁴

NLD candidate selection has been controversial, with a number of members being expelled or resigning in protest.¹³⁵ Twelve NLD members resigned due to pressure from authorities on issues such as past violations of the Peaceful Assembly Law or for living outside Burma/Myanmar for ten years.¹³⁶

¹²⁴DVB (07 Oct 15) President or not, I will lead govt, says Suu Kyi

¹²⁵Reuters (03 Apr 15) Suu Kyi says boycott of Myanmar election an option; AFP (09 Apr 15) Suu Kyi refuses to rule out election boycott

¹²⁶Reuters (11 Jul 15) Myanmar's Suu Kyi says party will run in election; AP (11 Jul 15) Myanmar Opposition to Run in November Polls Despite Doubts

¹²⁷Irrawaddy (10 Aug 15) NLD Amends Candidate List, Prominent Figures Still Excluded; EMG (10 Aug 15) Suu Kyi returns to campaign trail; Irrawaddy (07 Aug 15) Cast Aside by NLD, Nyo Nyo Thin Eyes Lower House as Independent

¹²⁸DVB (22 Sep 15) NLD and military can cooperate, Suu Kyi says

¹²⁹BBC (18 Aug 15) Aung San Suu Kyi hails Shwe Mann as an 'ally'

¹³⁰AFP (28 Aug 15) Myanmar parliament closes ahead of poll

¹³¹Irrawaddy (19 Aug 15) Suu Kyi's Convoy Tailed En Route to Capital, NLD Sources Say

¹³²EMG (28 Sep 15) NLD member beaten in cemetery

¹³³BBC (08 Sep 15) Aung San Suu Kyi's party excludes Muslim candidates

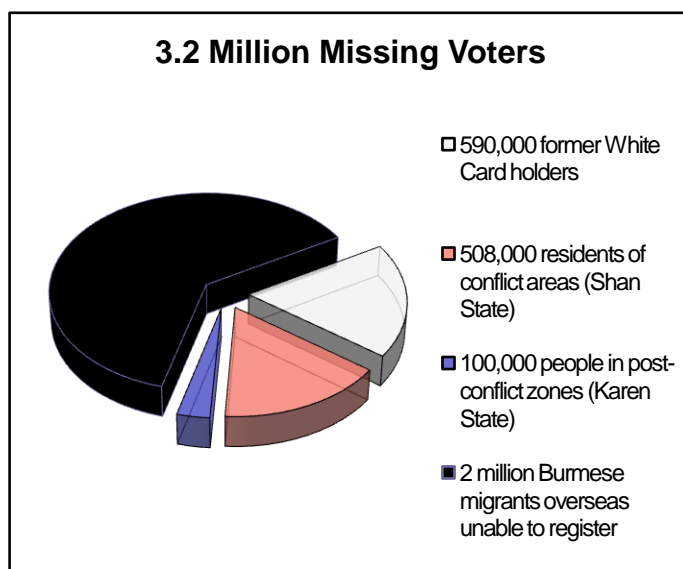
¹³⁴AP (29 Jul 15) Myanmar's Democracy Leader Runs In Nov. 8 Polls To Keep Seat; AFP (29 Jul 15) Suu Kyi registers for Myanmar polls; EMG (31 Jul 15) Suu Kyi registers as candidate

¹³⁵Irrawaddy (27 Aug 15) NLD Departures Expose Rift Over Candidate List; Irrawaddy (07 Aug 15) Anger Over NLD Candidate Picks Spills Into Pakokku's Streets; Irrawaddy (11 Aug 15) NLD Leadership Expels Pakokku Party Officials over Protest; Irrawaddy (03 Aug 15) Shunned NLD Election Hopefuls Question the Party's Selection Process; Mizzima (11 Aug 15) NLD in candidate selection row

¹³⁶Myanmar Times (07 Aug 15) At least 12 NLD candidates drop out of election race

THE MISSING VOTE

An estimated 3.2 million people of Burma/Myanmar have been denied the right to vote, demonstrating a serious failure of the authorities and Election Commission (EC) to ensure inclusion as a guiding principle for the elections. Authorities have purposefully disenfranchised Temporary Registration Card (TRC or “White Card”) holders – most of whom are Rohingya Muslims – cancelled or delayed voting in conflict and post-conflict zones in ethnic areas, and placed undue registration burdens on overseas migrants [see textboxes 550,000 - 590,000 *Disenfranchised* and *Residents of Shan State’s Conflict Zones Disenfranchised*].



Hundreds of thousands of temporary registration card-holders disenfranchised

550,000 - 590,000 Disenfranchised

The total number of TRCs or White Cards held throughout Burma/Myanmar is unknown, with estimates ranging from 700,000 to 1.5 million.¹³⁷ The Rohingya population in Arakan State is estimated to account for around 500,000 of these.¹³⁸ Immigration and Population Minister Khin Yi has said that there are 590,016 TRC holders aged 18 and over (eligible to vote) nationwide.¹³⁹ We have calculated similar figures based on 2014 census data.¹⁴⁰

Besides the Rohingya, TRC holders include Chinese, Indian, and Pakistani nationals, families of Gurkha envoys that moved to Burma under British rule, and Wa and Kokang ethnic people living on the Burma-China border.¹⁴¹ Most of the white card holders outside of Arakan State are located in Kachin and Shan States.¹⁴²

In June, the release of voter lists in Arakan/Rakhine State confirmed the disenfranchisement of 400,000 people – mainly Muslim Rohingya – who had been required to forfeit their Temporary Registration Cards (TRC).¹⁴³ Few have applied for the “Green Cards” that the authorities created as replacements, because Rohingya applicants must self-identify as “Bengali.” The Green Card fails to guarantee full citizenship privileges, and does not grant the right to vote.¹⁴⁴

This is the first election in which Rohingya and other TRC holders will not be allowed to vote, largely due to pressure from the extremist

¹³⁷ Irrawaddy (10 Feb 15) 'It Is Not That White Card Holders Automatically Become Citizens'

¹³⁸ AFP (12 Feb 15) Myanmar nullifies temporary ID cards after nationalist protest; DVB & Reuters (12 Feb 15) Govt backflips on white-card voting rights; AFP (12 Feb 15) Protest over Myanmar Rohingya voting rights

¹³⁹ EMG (4 Feb 15) Parliament allows white card holders vote

¹⁴⁰ While Xinhua news agency, known to have close government sources, has said that 1.5 million TRC holders exist nationwide, we have measured it more conservatively, relying first on Khin Soe's figure of 797,504. Since not all white card holders are of voting age we've extrapolated from the 2014 census. To this end the 2014 census says that 71.4% of the population is age 15 and above; accounting for the fact that voting age is 18, we estimated that 69% of the population is 18 and above, hence, 69% of the 797,504 TRC holders nationwide = 550,278 people of voting age who have TRCs. This is very close to the 590,016 that Khin Yi listed. See: Republic of the Union of Myanmar (May 15) The 2014 Myanmar Population and Housing Census

¹⁴¹ Irrawaddy (9 Feb 15) Opposition Asks Tribunal to Review 'White Card Holder' Referendum Vote; ConstitutionNet (31 Mar 15) Myanmar: White card, bleak future; Irrawaddy (10 Feb 15) 'It Is Not That White Card Holders Automatically Become Citizens'

¹⁴² Mizzima (16 Feb 15) Rakhine residents rally against 'ambiguous statement' of govt on white cards

¹⁴³ Myanmar Times (24 Jun 15) Former white-card holders cut from Rakhine voter lists

¹⁴⁴ EMG (10 Aug 15) UEC boss says floods won't stop election; Irrawaddy (10 Aug 15) Vice-President's Candidacy Carries Constitutional Conundrum; VOA (13 July 2015) Few Rohingya Want New Myanmar ID Cards; Myanmar Times (18 Jun 15) New "green cards" meet resistance

Organization for the Protection of Race and Religion (Ma Ba Tha). In accord with Ma Ba Tha's demands, on 11 February President Thein Sein issued a directive that all TRCs would expire on 31 March.¹⁴⁵ This discriminatory disenfranchisement seriously violates international human rights norms, denying equal suffrage and legal status.¹⁴⁶

Millions of errors in nationwide voter lists

On 3 June, the National League for Democracy (NLD) told the Election Commission (EC) that the party's initial, independent assessment of voter lists in Naypyidaw and Rangoon/Yangon Division found that 30-80% of voter data was inaccurate.¹⁴⁷ Reported flaws included duplications, omissions, and erroneous inclusions, such as deceased or underage individuals, whole families missing, and entire communities having the same birthday.¹⁴⁸ Many similar errors were later reported throughout the country and persisted in the final display of voter lists during 14-27 September.¹⁴⁹ Local NLD representatives also found that many NLD party members were not on the lists, matching complaints from MPs of other parties.¹⁵⁰

To date, the EC has made it the responsibility of voters to confirm the accuracy of the lists, a burden which has been obstructed at the local level by sub-commissions which have at times blocked access to voter lists, left offices locked, or failed to fix errors.¹⁵¹ According to a 14-20 September field study by the non-partisan People's Alliance for Credible Elections (PACE), 19% of 421 (urban and rural) displays surveyed were not open during officially designated hours.¹⁵²

In some ethnic areas, ongoing armed conflict obstructed the last verification process. On 17 September, armed rebels in two village-tracts of Kutkai Township, Shan State, threatened local administrators into removing voter lists, leaving residents without a means to verify their registration.¹⁵³

By 17 September it was also reported that in Arakan/Rakhine State's Mrauk U constituency, only 200 of the 1,000 villages had received voter lists, countering statements by the state's EC sub-commission.¹⁵⁴ By 28 September, after the closure of displays, Pwintphyu, Yenanchaung, and parts of Sidoktaya Township, Magwe/Magway Division had not received voter lists.¹⁵⁵ At the same time more than 250,000 names remained missing from voter lists in Hlaing Tharyar Township, Rangoon Division, raising concerns of fraud as the divisional EC sub-commission neglected to use updated resident data held by ward administrative offices. Many of the voters concerned are likely domestic migrants, squatters, and

¹⁴⁵AP (11 Feb 15) Myanmar Leader Voids Temporary ID Cards for Non-citizens

¹⁴⁶UN ICCPR (1966) Articles 25 & 26; UN Human Rights Committee (1989) General Comment 18, HRI/GEN/1/Rev.1/Add.26; UN Human Rights Committee (1989) General Comment 25, CCPR/C/21/Rev.1/Add.7; UN OHCHR (1994) Professional Training Series No.2: Human Rights and Elections

¹⁴⁷Irrawaddy (4 June 15) NLD Says Many Errors on Initial Voter Lists; EMG (11 Jun 15) Errors in voter lists reported

DVB (3 June 15) UEC defends errors on draft voter lists; DVB (16 Sep 15) Election 2015: Revised voter lists fail to impress; EMG (29 Jun 15) State media ignores voter list errors

Irrawaddy (08 Jun 15) UEC Says Voter List Errors Expected, Remediable

EMG (16 Jun 15) NLD claims 40% voter list inaccuracy

Myanmar Times (16 Jun 15) Election fever prompts large rise in electoral roll complaints

¹⁴⁸DVB (11 Jun 15) Election Commission defiant over voter list errors

¹⁴⁹EMG (16 Jun 15) Pakokku complains about voter lists; IMNA (13 June 15) Deceased counted on Mon State's voter-list; DVB (15 Sep 15) Election 2015: Revised voter lists fail to impress; EMG (22 Sep 15) Tin Oo warns of voter list errors; Myanmar times (22 Sep 15) NLD details laundry list of complaints against UEC

¹⁵⁰DVB (11 Jun 15) Election Commission defiant over voter list errors; Myanmar Times (03 Jun 15) Voter lists incomplete, say absent MPs

¹⁵¹Myanmar Times (28 Jul 15) UEC blames voters for unchecked lists; EMG (27 Jul 15) Correct voter list is the responsibility of voter: UEC member says; EMG (13 Aug 15) Aung San Suu Kyi campaigns on behalf of youth; Irrawaddy (10 Aug 15) Suu Kyi Urges Voters to Forget Candidate Controversy; Myanmar Times (04 Jun 15) Low-ranking electoral staff lack knowledge, say CSOs

¹⁵²Myanmar Times (22 Sep 15) Lack of interest plagues voter lists; Mizzima (24 Sep 15) Lack Of Interference, But Low Public Participation - Pace

¹⁵³GNLM (19 Sep 15) Rebels demand voter lists be removed in Kutkai; Myanmar Times (23 Sep 15) Armed group disrupts voter list

¹⁵⁴DVB (17 Sep 15) 2015 election: Voter lists ready in flood-hit areas

¹⁵⁵EMG (28 Sep 15) Voter lists yet to reach flood victims

temporary householders who cannot afford to return to their home township to vote if their names do not appear on the final list.¹⁵⁶

On 21 September, NLD patron Tin Oo said the EC is “not a responsible organization” and criticized EC Chairman Tin Aye’s casual recognition of voter list errors.¹⁵⁷ NLD senior official Win Htein voiced worry that election-day violence could erupt due to voter list errors.¹⁵⁸ While the NLD has faced intimidation and threats for its independent efforts to aid voters in fixing errors,¹⁵⁹ the EC has reportedly blamed political parties for not cooperating enough to help inaccuracies in the lists.¹⁶⁰

November’s gray area: over half a million voters in ethnic conflict zones disenfranchised

According to the Election Commission’s (EC) online voter registration database, 26 constituencies in northeastern Shan State that are largely under control of ethnic armed groups are still ‘grayed out’ and listed as ‘unprepared’ for elections [see textbox *Residents of Shan State’s Conflict Zones Disenfranchised*].¹⁶¹

This use of the EC’s authority to cancel or delay elections in constituencies due to “situations of regional security”¹⁶² is largely an effect of the Tatmadaw’s waging war in Shan State for over four years. Many groups have voiced suspicion that the authorities are trying to manipulate the ethnic vote by provoking conflict in ethnic areas,¹⁶³ and multiple stakeholders have urged Naypyidaw to end warfare as it both jeopardizes efforts towards a Nationwide Ceasefire Agreement (NCA) and endangers campaign activities.¹⁶⁴ On 14 September the Restoration Council of Shan State/Shan State Army-South (RCSS/SSA-S) advised political parties to suspend campaigns in 16 Shan State townships due to increased Tatmadaw civilian abuse and offensives that included the use of helicopters and fighter jets.¹⁶⁵

Additionally, under the EC’s election laws anyone affiliated with an “unlawful association” is ineligible to vote. This has raised concerns for many ethnic parties that members with links to ethnic militias will be unfairly denied the right to vote, especially if their communities are not party to the NCA.¹⁶⁶ With the NCA still not signed, stakeholders have requested the EC to declare whether or not elections will be held in conflict zones.¹⁶⁷

¹⁵⁶ Myanmar Times (18 Sep 15) Voter list manipulation feared in Hlaing Tharar township; Myanmar Times (28 Sep 15) Domestic migrants, temporary residents still not on voter lists

¹⁵⁷ Myanmar times (22 Sep 15) NLD details laundry list of complaints against UEC

¹⁵⁸ EMG (25 Sep 15) Flawed voter lists may stir violence: NLD member

¹⁵⁹ Irrawaddy (07 Jul 15) In Meeting With Election Body, NLD Complains of Voter Verification ‘Obstruction’; EMG (13 Jul 15) NLD complains to UEC for poor cooperation of its township’s commissions

¹⁶⁰ Mizzima (03 Sep 15) Only 18,000 citizens living abroad register to vote

¹⁶¹ <https://checkvoterlist.uecmyanmar.org/townships>

¹⁶² Union of Myanmar SPDC (8 Mar 2010) The Union Election Commission Law; see also Section 399(e) of the Constitution

¹⁶³ 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

¹⁶⁴ 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

¹⁶⁵ Irrawaddy (17 Sep 15) Shan Armed Group Calls for Election Campaign Halt as Fighting Flares; Myanmar Times (23 Sep 15) Armed group disrupts voter list; Myanmar Times (18 Sep 15) Fresh fighting in Shan State clouds election

¹⁶⁶ Carter Center (30 Mar 15) Preliminary Findings of The Carter Center Expert Mission to Myanmar

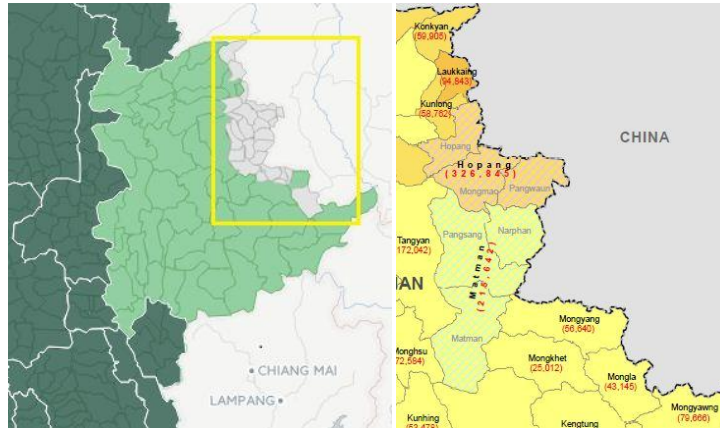
December 2014 – February 2015; Carter Center (19 Aug 15) Preliminary Findings of the Carter Center Expert Mission to Myanmar April-July 2015

¹⁶⁷ EMG (15 Sep 15) Political parties concerned Shan State conflict

Residents of Shan State's Conflict Zones Disenfranchised

508-600,000 Residents Disenfranchised:¹⁶⁸ Excepting this map, the only Shan State constituencies that the EC has explicitly said are cancelled are four United Wa State Army-controlled townships and one National Democratic Alliance Army-controlled township.¹⁶⁹ While the gray areas (see map below) of the online registration database match these townships, they also exceed them, covering much of Shan State's eastern border and into Kokang Self-Administered Zone (SAZ). There, in the Townships of Konkyan and Laukkai, where the authorities have thrice declared a State of Emergency, residents also are unable to check their voter registration online.¹⁷⁰

Detail of Shan State map showing active constituencies, from the EC as of 02/10/15. The inset frames the 26 'unprepared' constituencies.



Detail of Shan State map with population for townships, from Myanmar Information Management Unit (MIMU).

On 16 September, reports surfaced that voter lists are yet to be fully compiled in conflict-affected townships of Sumprabum and Putao, Kachin State, leading to uncertainty about whether polling will occur there.¹⁷¹ By 29 September the EC had begun monitoring the outbreak of clashes in Mansi Township, Kachin State, and a state-level EC representative said authorities would arrange for voters to cast ballots elsewhere if cancellations occur.¹⁷²

100,000 ethnic people disenfranchised in post-conflict zones

In Karen/Kayin State, the fears of some ethnic political parties that 11th hour decisions will blacklist their constituencies have been confirmed. By 28 September, 100,000 people across six Karen townships had been removed from November's polling, which will leave parliamentary seats unfilled across both houses of the National Parliament and within Karen State's regional legislature.¹⁷³

Karen State EC sub-commission Chair Kyaw Win Maung justified the blacklisting by citing the lack of administrative offices, reliable voter information, and security guarantees, blaming the New Mon State

¹⁶⁸ Apart from Mongla Township, the four UWSA-controlled Townships of Pangkham, Pang Wai, Nah Parn and Mong Ma where the EC announced polling would not occur, are not entirely clearly delineated (due to linguistic diversity, or the potential that they are sub-townships) in geographic accounts of the 2014 census, as found in maps from the Myanmar Information Management Unit (MIMU) and elsewhere. However, we have overlaid the grey constituencies found on the EC's voter registration database with census maps and estimate that 739,020 people live there. Factoring in age at 69% 18+, 508,543 must be of voting age. This is conservative when compared with UWSA spokesperson Aung Myint's estimate that 600,000 people just in his administrative zone would be disenfranchised since immigration officials have not entered the area to provide registration documents [Myanmar Times (07 Aug 15) No election in Wa, Mong La regions]. See also: <http://www.citypopulation.de/php/myanmar-admin.php>

¹⁶⁹ Myanmar Times (07 Aug 15) No election in Wa, Mong La regions

¹⁷⁰ <https://checkvoterlist.uecmyanmar.org/townships>; RFA (18 Aug 15) Myanmar Parliament Approves Third Extension of Martial Law in Kokang

¹⁷¹ IMNA (16 Sep 15) RCSS urges information exchange between Gov't and RCSS during elections

¹⁷² Irrawaddy (29 Sep 15) Tens of Thousands to Miss Vote in Karen State

¹⁷³ 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

Party (NMSP)¹⁷⁴ and Karen National Union (KNU) for intimidating village administrators.¹⁷⁵ However, Kyainnseiki Township administrative Deputy Director Ye Aung vouched for the security and conditions of villages under NMSP control, saying that development projects and work by the Education Ministry are routinely implemented without problems. The EC has ignored protests by villagers in Kyainnseiki Township where 20,000 of the 100,000 disenfranchised voters live.¹⁷⁶

Representatives of multiple political parties have since stated that government schools, clinics, police stations, development committees and even political party campaigns operate in a safe, secure environment throughout all the townships concerned due to ceasefires drawn up in 2011 and 2012.¹⁷⁷

Bureaucratic neglect or malice: around 2 million overseas migrants left un-registered

The authorities and the Election Commission (EC) have effectively left out 2 million overseas voters by imposing overly complex demands for documentation. According to activists, most migrants were hard-pressed to provide a printed copy of their local ward voter list, among other documents required to register.¹⁷⁸ This was compounded by mixed messages and/or a lack of announcements from Burmese embassies abroad. For instance, the Bangkok embassy had issued a single statement and conducted zero awareness-raising activities for Burmese migrants in the area.¹⁷⁹ Moreover, the Foreign Ministry had set the registration deadline for late August but the EC later said that date was only tentative and that it would've accepted applications submitted later. With the deadline passed, fewer than 19,000 Burmese migrants have registered to cast an advanced ballot as overseas voters.¹⁸⁰

ELECTION DAY OVERSIGHT

The right of civil society members to observe, scrutinize and review electoral procedures and voting in an election is integral to ensuring the credible, fair, and transparent establishment of a new government. On 7 June, Election Commission (EC) Chair Tin Aye stated that a maximum of five international organizations may deploy observers to monitor the elections.¹⁸¹ Since then, the EC has welcomed Chinese observers and signed Memoranda of Understanding with the US-based Carter Center and the EU.¹⁸² The largest domestic presence at the polls is being mobilized by a coalition of civil society organizations (CSOs) called the Election Education and Observation Partners (EEOP).¹⁸³ Additionally, over 80 political parties will voluntarily monitor polling booths on election day, equipped with their own code of conduct.¹⁸⁴ These domestic groups, however, are under-resourced.¹⁸⁵

On 14 July in Naypyidaw, the EC agreed to send sub-commission staff to collect ballots from voters who live too remotely to travel to polling stations, and that observers may accompany these sub-commission

¹⁷⁴The NMSP is the political wing of the Mon Liberation Army, which currently observes a 2012 ceasefire and is party to NCA negotiations

¹⁷⁵Myanmar Times (21 Sep 15) Ethnic Mon left off electoral rolls; Myanmar Times (28 Sep 15) Over 100,000 people missing from voter lists in Kayin State

¹⁷⁶Myanmar Times (21 Sep 15) Ethnic Mon left off electoral rolls

¹⁷⁷Myanmar 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

¹⁷⁸Reuters (08 Sep 15) Most Myanmar citizens overseas left out of historic vote

¹⁷⁹Myanmar Times (04 Sep 15) Millions abroad to miss out on chance to vote on November 8

¹⁸⁰Reuters (08 Sep 15) Most Myanmar citizens overseas left out of historic vote

¹⁸¹Myanmar Times (10 Jun 15) International groups to monitor elections

¹⁸²GNLM (13 Aug 15) UEC chairman, Chinese ambassador discuss general election; EMG (28 May 15) UEC, Carter Centre signs MoU to observe electoral process; GNLM (22 Aug 15) EU, Myanmar sign agreement on deployment of EU mission to observe elections

¹⁸³Irrawaddy (16 Jul 15) Election Watchdog Has Big Plans, But Are They Big Enough?

¹⁸⁴Irrawaddy (22 Jul 15) Wary Parties Plan Burma Poll Presence

¹⁸⁵Irrawaddy (16 Jul 15) Election Watchdog Has Big Plans, But Are They Big Enough?; Carter Center (19 Aug 15) Preliminary Findings of the Carter Center Expert Mission to Myanmar April-July 2015

staff.¹⁸⁶ This may, however, be undermined by a provision in the EC code of conduct that requires all observing agencies to submit pre-planned itineraries.¹⁸⁷ The Carter Centre has criticized this rule, emphasizing its divergence from international practice and its prevention of ‘surprise’ inspections that can be crucial to holding election staff accountable.¹⁸⁸ The restriction on movement created by this rule further lessens the likelihood that the country’s more than 40,000 voting stations will be supervised.

Although EC Notification No. 7/2015 prohibits the “use of equipment to record the election process” in polling booths,¹⁸⁹ the EC has reportedly conceded to EEOP demands that cameras and recorders be allowed to document election day activities throughout the country.¹⁹⁰ Observers wishing to oversee all stages of the election process may do so, with approval, according to Notification No. 7/2015,¹⁹¹ up to the moment elected MPs take their oath of office.¹⁹²

Given the corrupt practices of the 2010 general election, one of the most critical procedures observers are permitted to supervise is advanced voting. Two kinds of advanced voting exist:¹⁹³

- *Within constituency*: includes all homebound voters, hospital patients or people held in detention centers.
- *Out of constituency*: for military servicemen, trainees, students, and citizens living abroad.

Although advanced voting is open to scrutiny, the EC has not scheduled the exact time when soldiers, students, and trainees will receive their ballots, making it difficult for observers to coordinate oversight for this population.¹⁹⁴

Alongside observers, the government has also been increasing security before the elections, with the military-run Home Affairs Ministry recruiting 40,000 new police officers for one month of service that includes election day security at polling booths.¹⁹⁵ Although the officers will not be armed, the lack of detail given about their mandate has caused concern amongst election stakeholders.¹⁹⁶

¹⁸⁶Myanmar Times (16 Jul 15) UEC staff to collect votes in remote areas

¹⁸⁷GNLM (03 Jul 15) The Republic Of The Union Of Myanmar Union Election Commission Nay Pyi Taw Notification No (7/2015) July 2015

¹⁸⁸Carter Center (19 Aug 15) Preliminary Findings of the Carter Center Expert Mission to Myanmar April-July 2015

¹⁸⁹GNLM (03 Jul 15) The Republic Of The Union Of Myanmar Union Election Commission Nay Pyi Taw Notification No (7/2015) July 2015

¹⁹⁰Myanmar Times (16 Jul 15) UEC staff to collect votes in remote areas

¹⁹¹GNLM (03 Jul 15) The Republic Of The Union Of Myanmar Union Election Commission Nay Pyi Taw Notification No (7/2015) July 2015

¹⁹²GNLM (03 Jul 15) The Republic Of The Union Of Myanmar Union Election Commission Nay Pyi Taw Notification No (7/2015) July 2015

¹⁹³Carter Center (19 Aug 15) Preliminary Findings of the Carter Center Expert Mission to Myanmar April-July 2015

¹⁹⁴Carter Center (19 Aug 15) Preliminary Findings of the Carter Center Expert Mission to Myanmar April-July 2015

¹⁹⁵Myanmar Times (21 Jul 15) Special police to be assigned for election security; Myanmar Times (08 Sep 15) Strong demand for month-long election police assignment

¹⁹⁶Carter Center (19 Aug 15) Preliminary Findings of The Carter Center Expert Mission to Myanmar April – July 2015