

2015 General Election in Myanmar: Looking Closer

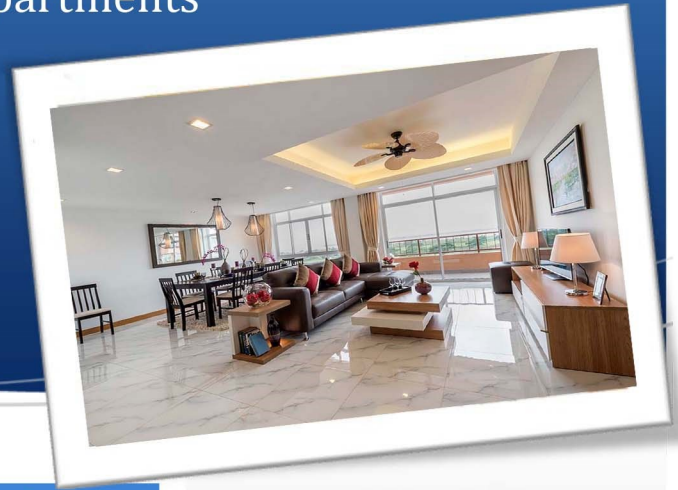
Special Report - October 2015

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1. Introduction

Myanmar's General Election will take place on Sunday, November 8. The outcome of the election will determine the composition of the parliament and ultimately decide which political forces will form the next government. The Union Election Commission (UEC) has confirmed the date of the election after consulting with political parties took place in order to discuss a possible postponing of the election due to the severe flooding in many areas of the country in the recent months.

The vote has long been seen by many observers, both within the country and from abroad, as a key test of how genuine the country's reform process has been. Even though Myanmar still has obstacles to overcome before it can call itself a truly democratic nation, there have been significant improvements made since the last nationwide vote was held in 2010.

All of Myanmar's military old-guard have promised that they will honour the election's result, whatever the outcome, and potential investors, many who have been considering making moves into the country for the last few years, will be watching the polls closely. Also interesting will be the months that follow the vote, as political figures jostle and negotiate before the new parliament and government are formed in early 2016.

With this special report, we would like to give an overview of how the election will take place on November 8. Our target is not to make a political analysis and to predict possible outcomes. Instead, we want mainly to explain the process and mechanisms of the election.

2. Background Information

Myanmar's most recent General Election was held in 2010, and although it is widely accepted not to have been 'free and fair', the quasi-civilian government that came to power following the vote, led by President U Thein Sein, has introduced economic, social and political reforms that even the most optimistic Myanmar-observer could not have expected at the time.

Due to an overall distrust of the military government in 2010, leading opposition party the National League for Democracy (NLD), as well as a number of ethnic parties, boycotted the 2010 vote, leaving the military-linked Union Solidarity and Development Party (USDP) to take the vast majority of parliamentary seats.

According to a report by the International Crisis Group, the USDP won 80 percent of Lower House elected seats, 77 percent of Upper House elected seats and 75 percent of state and region elected seats. Although the ethnic parties performed reasonably well in the seven ethnic states, the USDP comfortably gained the majority. On March 30, 2011, power was handed to an administration led by President U Thein Sein, a former senior member of the regime and a surprising raft of reforms have been enacted under his watch.

A by-election held on April 1, 2012, was viewed as much fairer than the 2010 votes. 45 seats were made available, mainly by USDP parliamentarians who were appointed to positions within the government, which under the Constitution demands that they give up their parliamentary seat. The NLD won 43 of the 44 seats they contested, only losing out to the Shan Nationalities Democratic Party in an Upper House seat in Shan State. Most notably, NLD leader Daw Aung San Suu Kyi successfully won her seat in Kawhmu Township, Yangon Region, with an overwhelming 85 percent of the votes and became a Member of Parliament in the country for the first time.

Even though the by-election did not significantly shift the arrangement of power, the fact that the polls were reported as relatively free and fair and that the NLD, whose members had been banned from official politics in the country for decades, now had parliamentary representation, increased the confidence in this year's election.

3. Current Political Situation

The recent parliamentary vote to reject changes to the 2008 Constitution means that the military still maintains significant power over the country’s future. Under the charter, 25 percent of all parliamentary seats are guaranteed to military figures nominated by the army Commander-in-Chief, all who are expected to vote according to instructions.

With article 436 in Myanmar’s 2008 Constitution declaring that amendments can only be made with the approval of more than 75 percent of all parliamentary representatives, this gives the military an effective veto over any constitutional changes. Even if passed in parliament, a nationwide referendum is needed for amendments to become effective, and this can only happen with “the votes of more than half of those who are eligible to vote.” Currently, article 59(d) states that the president and the two vice presidents must be acquainted with ‘military’ affairs. An amendment, which still needs a nationwide referendum to be passed, proposes changing the word ‘military’ to ‘defence’.

Despite widespread improvements in the electoral process since 2010 some issues remain. In recent months, inaccurate voting lists have been reported, although the Union Election Commission has extended the period for voters to report any mistakes on the register that would prevent them from voting on election day. Other issues are related to the Myanmar military’s ongoing conflict with various armed ethnic resistance groups such as the Kachin Independence Army (KIA) and the Shan State Army-North (SSA-N). The conflict makes it difficult for people living in these areas to vote. At the moment, 8 of 15 armed ethnic groups have signed the National Ceasefire Agreement (NCA).

4. Myanmar’s Parliamentary System

Myanmar has several parliaments on national and regional level. A parliament is called Hluttaw in Myanmar. On the national level, there is the Pyidaungsu Hluttaw (Union Assembly) which is a bicameral body made up of the Pyithu Hluttaw (House of Representatives or Lower House) and the Amyotha Hluttaw (House of Nationalities or Upper House). Like in many other countries, the bicameral system on the one hand allows states and regions to be represented in parliament according to the size of their population (Pyithu Hluttaw) while preventing less populated states and regions from being completely overshadowed (Amyotha Hluttaw).

The Pyithu Hluttaw has 440 seats out of which 330 Members of Parliament are directly elected in the 330 townships of the country. The remaining 110 seats are reserved for military appointees nominated by the Commander-in-Chief of the Defence Services. After the by-elections of 2012, the ruling USDP held 212 seats whilst the NLD held only 37 seats. Out the total 224 seats of the Amyotha Hluttaw, 12 seats are allotted for each of the 7 regions and 7 states making a total of 168 directly elected seats. The remaining 56 seats are reserved for military representatives appointed by the Commander-in-Chief of the Defence Services. After the by-elections of 2012, the ruling USDP held 124 seats whilst the NLD had only 4 seats. Following table gives an overview of Pyithu Hluttaw and Amyotha Hluttaw:

Description	Pyithu Hluttaw (House of Representatives or Lower House)	Amyotha Hluttaw (House of Nationalities or Upper House)
Election method and constituencies	The Pyithu Hluttaw represents states and regions according to their population size. Each township in the country forms a constituency. One representative is elected in each constituency.	The Amyotha Hluttaw gives equal weight to every region and state of the country. Each region or state is split into 12 constituencies in which one representative will be elected each. There are 14 states and regions in the country
Elected seats by vote (75% of seats)	330	168
Military-appointed seats (25% of seats)	110	56
Total Seats	440	224

There is no provision that requires a law to be first proposed in one of the two houses. A new law can be proposed in either the Amyotha Hluttaw or the Pyithu Hluttaw. However, if there are unresolved differences in proposed laws between the two chambers, the case will be presented to the Pyidaungsu Hluttaw and decided by majority vote. Due to the smaller size of the Amyotha Hluttaw, its members have individually more influence in the legislation process, while the Pyithu Hluttaw representatives as a collective, due to the chamber's larger number of parliamentarians, have a stronger weight in decisions brought to the Pyidaungsu Hluttaw.

Apart from the national-level chambers, there are several regional parliaments. Although Myanmar is divided into twenty-one administrative units with seven states, seven regions, six self-administered zones and one self-administered division, only the states and regions have a Hluttaw. States, in the Myanmar context, are administrative units that are home to certain ethnic groups while regions are dominated by an ethnic Bamar population. Each of the seven states and seven regions has an unicameral Hluttaw. The size of the regional parliaments is determined by the number of townships in the respective state or region. Each township constituency has two Members of Parliament. In constituencies dominated by ethnic groups, there are additional ethnic representatives who can only be elected by ethnic voters. Following table shows the sizes and composition of the state and region Hluttaws:

State/Region	Elected Representatives	Appointed Representatives	Total
Ayeyarwady Region	54	18	72
Bago Region	57	19	76
Chin State	18	6	24
Kachin State	38	13	51
Kayah State	15	5	20
Kayin State	17	5	22
Magway Region	51	17	68
Mandalay Region	57	19	76
Mon State	23	8	31
Rakhine State	35	12	47
Sagaing Region	76	25	101
Shan State	107	36	143
Tanintharyi Region	21	7	28
Yangon Region	92	31	123



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5. Election Process

According to official statistics, there are 30 million eligible voters out of the 51.5 million population. 47,000 polling stations will be located at schools, stadiums and other public areas. In order to help voters with the vote casting, 470,000 polling station members will be placed for issuing ballots, giving guidelines and directions for casting votes, etc. There will be a total of 141,000 polling boxes at polling stations nationwide and a total of 282,000 polling box seals will enclose the boxes to ensure polls cannot be removed without damaging the seals. To extend knowledge to the voters regarding the election and the voting process, 3.3 million voter education pamphlets have been prepared to be distributed to the public. Besides educational pamphlets, 350,000 voter education posters and 200,000 technical posters have been designed with the purpose of promoting the public's knowledge on the election and the voting process. Under the election rules, the campaign period has a duration of 60 days, meaning that candidates were only allowed to begin campaigning in early September. The government has recently stipulated that no campaigning will be allowed in military compounds.

The general public lacks the knowledge and proper understanding of the Hluttaws (parliament) and the election. According to a 2014 survey by the Asia Foundation, 44 percent of respondents incorrectly believed that the president is elected directly by ordinary voters. Despite some attempts to change the election system to a Proportional Representation (PR) system, all representatives will be competing under a First-past-the-post system.

On election day, voters will make three separate votes as they will be selecting one representative each for the national-level Pyithu Hluttaw and Amyotha Hluttaw and a third representative for the state/region Hluttaw. In some cases, ethnic groups will have the privilege to choose one additional ethnic representative for the state/region Hluttaw if certain ethnicity's population makes up a significant portion in a constituency. Voters will only elect three-quarters of parliamentarians in all Hluttaws of the country while the Commander-in-Chief of Myanmar's armed forces is entitled to directly appoint the remaining 25% of seats in the national-level and regional parliaments. According to the Constitution, the legislative term is five years. The first session of the new parliament must be held within 90 days of the election, which will be around beginning of February 2016.

6. Appointment of President and Government

Myanmar's president is not directly elected by the people in the General Election. Instead, Myanmar uses a system whereby the president is elected by parliament. Following the General Election, a Presidential Electoral College (PEC) will be formed from three groups: (1) the non-military members of the Amyotha Hluttaw, (2) the non-military members of the Pyithu Hluttaw and (3) the military-appointed parliamentarians of both national chambers combined. Each group will then nominate a presidential candidate who doesn't need to be an elected or military-appointed Member of Parliament. The presidential candidate who receives the majority of the votes in Pyidaungsu Hluttaw will become the country's next president, while the other two candidates will become vice presidents. Depending on the outcome of the General Election, the forming of the next government can be a lengthy and complicated process where alliances and coalitions might have to be forged between the big mainstream political parties, ethnic parties and the armed forces. It is the prerogative of the president to appoint Union ministers, conditional to the approval by the Pyidaungsu Hluttaw. A notable exception are the Ministers of Defence, Home Affairs and Border Affairs who are factually selected by the Commander-in-Chief of the Defence Services. Ministers, as well as the president and vice presidents, must after their appointment to government positions vacate their parliamentary seats, after which a by-election will be held to replace them. The new government is expected to take office in late March 2016 before the new financial year.

7. Union Election Commission (UEC)

The Union Election Commission is the national level electoral commission responsible for organizing and overseeing the election. The Commission is chaired by U Tin Aye, a military veteran. The UEC has 14 regional offices, 73 district offices and 330 township offices and 15,780 ward and village tract offices. The tasks and responsibilities of the UEC are to:

- draft regulations, directives, announcements, instructions, and training manuals to facilitate elections,
- conduct voter education through mass media and UEC sub-commission offices,
- develop information materials for electoral stakeholders,
- register political parties,
- accredit election observers,
- define electoral constituencies,
- supervise political parties,
- announce election results,
- preside over election result disputes, and
- postpone/cancel elections.

In the recent months, the UEC has increasingly come under pressure by accusations of opposition parties, media and users of social media. Critics blame the many mistakes in voter lists while the UEC defends itself by saying that citizens have been repeatedly invited to check their names in voter lists in the past few months.

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8. Key Political Figures

Thein Sein



When U Thein Sein became the country's president in March 2011 – hand-picked by former Commander-in-Chief of the armed forces and Head of State General Than Shwe – few would have expected the quiet man to kick off a political and economic reform process that would completely change the country.

Although the reform process has not been without its critics, highlights have included the freeing of numerous political prisoners, freedom of assembly, a move towards a multi-party system and economic reforms that have attracted record levels of foreign investment.

Being the chairman of the ruling Union Solidarity and Development Party (USDP), President Thein Sein has high chances to be nominated as the president for the next term. Although he doesn't wield the same level of influence on the people compared to opposition leader Daw Aung San Suu Kyi, U Thein Sein is pretty much favoured compared to other USDP candidates for the series of reforms he initiated during his five years term. Although there are different views on his performance record, many believe him to be a clean and truthful person.

Aung San Suu Kyi



Although article 59(f) of the Constitution bars opposition leader Daw Aung San Suu Kyi from the presidency due to the British citizenship of her late husband and two sons, she still holds a lot of political sway. Her popularity in Myanmar remains almost entirely undiminished and she is the undisputed leader of the National League for Democracy (NLD).

In case of a victory at the General Election, the party plans to put forward its own presidential candidate. However, no clear leader from within the party has emerged as yet. Late last year, reports circulated that the NLD would support Thura U Shwe Mann to become president, but the party rejected these claims.

Any candidate put forward by the party would need strong backing of Aung San Suu Kyi. As for her role following the election, many have speculated that she will become the next Lower House Speaker, the most senior position she currently qualifies for under the Constitution. On the other hand, Suu Kyi has stated her intention to be the de-facto leader of the next government even if she cannot officially become the president.

Article 59 (f) of Myanmar Constitution

“Qualifications of the President and Vice-Presidents are as follows:

Shall he himself, one of the parents, the spouse, one of the legitimate children or their spouses not owe allegiance to a foreign power, not be subject of a foreign power or citizen or a foreign country. They shall not be persons entitled to enjoy the rights and privileges of a subject of a foreign government or citizen of a foreign country.”

Thura U Shwe Mann



Having been one of the highest ranking generals of the military junta, there were firm beliefs that Thura U Shwe Mann would be the first president of Myanmar under the new Constitution. The surprise was big when Shwe Mann was appointed instead as the Speaker of the Lower House in 2011. In the last years, Shwe Mann was thought of by many to be the frontrunner of the USDP for presidency in the upcoming election. However, his chances for presidency have diminished when he was purged from his role as acting chairman of the USDP in August. Political observers say the reshuffle was made as Shwe Mann established a good relationship with Daw Aung San Suu Kyi which put him at a distance from the military and his party. During his term as a Lower House Speaker, he has worked hard to align himself well with opposition party NLD. The party however, has rebuked media reports that it would vouch for him as president.

Min Aung Hlaing

Senior General Min Aung Hlaing is the country's Commander-in-Chief of the armed forces. As the head of the all-powerful military, he holds significant power. According to the Constitution, the military plays an important role in Myanmar's politics with 25% of parliamentary seats being reserved for the military. The military rescinded constitutional amendments proposed by the opposition party NLD through voting. The Commander-in-Chief has been reinforcing the army by making continuous weapon purchases recently using the military budget which is the highest of the Union Government's budget allocation. To encounter worries on the possibility of a post-election military coup, Min Aung Hlaing has guaranteed that the outcome of the election will be respected. As the military chief he plays an important role in nominating one of the vice-presidents, appointing military representatives in parliaments, amending the constitution and forming the peace process.

Thura U Tin Oo

U Tin Oo was a general under the Ne Win era who has been awarded the Thura Medal, a prestigious and honorary award for gallantry and bravery in face of the enemy. He was forcefully retired from his role as the Commander-in-Chief of the Myanmar military in 1976. Tin Oo was imprisoned for 7 years following the accusations of treason to the state and military. After being freed from prison in an amnesty, he served as a politician and backed Daw Aung San Suu Kyi and her party, the National League for Democracy. U Tin Oo has been sentenced due to his political activities to imprisonment and house-arrest by the military junta several times. He joined the NLD as the vice-chairman since its foundation in 1990 and is now taking the role of a patron. He has been appointed as the chairperson of the party's Central Committee for Winning the 2015 General Election. Though not contesting in the upcoming election, the influential and trusted politician is thought by many to become the presidential candidate that NLD would nominate. The 88-years old former general is now making election campaign rallies all over the country.

U Htay Oo

U Htay Oo, a former general, has served as the Minister of Agriculture and Irrigation during the military regime. Since then, he served as the General Secretary of the USDP and was promoted to the position of vice-chairperson. During the recent reshuffle in mid-August where Thura U Shwe Mann was recalled from his position of an acting chairman of the USDP, U Htay Oo became the successor and took the role of a joint chairperson of the party. The Member of the Lower House Parliament, who won a seat in Hinthada in the 2010 election, will be contesting the upcoming election from the same constituency. U Htay Oo is one of the frontrunners for the position of the Lower House Speaker if his party, the USDP, should win the majority of the seats in the election.

U Khin Aung Myint

The former Minister of Culture is the acting Speaker of the Upper House, the Amotha Hluttaw. The former general plays an influential role in his party, the USDP. There are high chances that he will be re-elected as the Upper House Speaker if his party succeeds to win a majority in the election.

The list of important political figures in the 2015 General Election is and cannot be exhaustive. We had to pick a couple of people whom we think are worthwhile tracking their moves and careers during and after the election. However, in the course of the campaigning new political leaders might emerge.

Appendix: List of Registered Political Parties

There are 91 parties registered for this year's election according to the Union Election Commission (UEC).

No	Name of Political Party	Classification
1	Union Solidarity and Development Party	Nationwide
2	National League for Democracy	Nationwide
3	National Unity Party	Nationwide
4	National Prosperity Party	Nationwide
5	88 Generation Student Youths	Nationwide
6	Bamar People's Party	Nationwide
7	Democracy and Peace Party	Nationwide
8	Democratic Party (Myanmar)	Nationwide
9	Peace for Diversity Party	Nationwide
10	Myanmar Farmers' Development Party	Nationwide
11	Myanmar National Congress Party	Nationwide
12	Democracy Party for Myanmar New Society	Nationwide
13	People's Party of Myanmar Farmers and Workers	Nationwide
14	National Democratic Force	Nationwide
15	National Political Alliance League	Nationwide
16	National Unity Congress Party	Nationwide
17	Modern People Party	Nationwide
18	New National Democracy Party	Nationwide
19	Democratic Party for a New Society	Nationwide
20	People Democracy Party	Nationwide
21	Union Democratic Party	Nationwide
22	The Union of Myanmar Federation of National Politics	Nationwide
23	United Democratic Party	Nationwide
24	Wun Thar Nu Democratic Party	Nationwide
25	Public Contribute Students Democracy Party	Nationwide
26	All Mon Regions Democracy Party	Nationwide
27	All Nationals' Democracy (AND) Party Kayah State	Kayah State
28	Arakan National Party	Nationwide
29	Asho Chin National Party	Nationwide
30	Chin League for Democracy	Nationwide
31	Chin National Democratic Party	Nationwide
32	Chin Progressive Party	Nationwide
33	Danu National Organization Party	Shan State
34	Dawei Nationalities Party	Nationwide
35	Democracy and Human Rights Party	Nationwide
36	Ethnic National Development Party	Chin State
37	Federal Union Party	Nationwide
38	Inn National Development Party	Shan State
39	Kachin Democratic Party	Kachin State
40	The Kachin National Congress for Democracy	Kachin State
41	Kachin State Democracy Party	Kachin State
42	Ka Man National Progressive Party	Rakhine State
43	Kayah Unity Democracy Party	Kayah State

No	Name of Political Party	Classification
44	Kayan National Party	Nationwide
45	Kayin Democratic Party	Kayin State
46	Karen National Party	Nationwide
47	Kayin People's Party	Nationwide
48	Kayin State Democracy and Development Party	Kayin State
49	Kha Me National Development Party	Rakhine State
50	Kokang Democracy and Unity Party	Shan State
51	Khumi National Party	Chin State
52	Lahu National Development Party	Shan State
53	Lisu National Development Party	Nationwide
54	Mon National Party	Nationwide
55	Mro Nationality Party	Rakhine State
56	Mro National Development Party	Rakhine State, Chin State
57	Mro National Democracy Party	Nationwide
58	National Democratic Party for Development	Nationwide
59	National Development and Peace Party	Nationwide
60	PaO National Organisation	Nationwide
61	Phalon-Sawaw Democratic Party	Nationwide
62	Rakhine State National United Party	Nationwide
63	Shan Nationalities League for Democracy	Nationwide
64	Shan Nationalities Democratic Party	Nationwide
65	Shan State Kokang Democratic Party	Shan State
66	Ta-arng (Palaung) National Party	Nationwide
67	Tai-Leng Nationalities Development Party	Nationwide
68	Union Pa-O National Organisation	Nationwide
69	Unity and Democracy Party of Kachin State	Kachin State
70	Wa Democratic Party	Shan State
71	Wa National Unity Party	Shan State
72	Zomi Congress for Democracy	Nationwide
73	Danu National Democracy Party	Shan State
74	Guiding Star Party	Nationwide
75	Shan-ni & Northern Shan Ethnic Solidarity Party	Nationwide
76	New Society Party	Nationwide
77	Inn Ethnic League Party	Shan State
78	88 Generation Democracy Party	Nationwide
79	Kayin Unity Democratic Party	Kayin State
80	Lhaovo National Unity and Development Party	Nationwide
81	New Era Union Party	Nationwide
82	Eastern Shan State Development Democratic Party	Shan State
83	Confederate Farmers Party	Nationwide
84	Akha National Development Party	Shan State
85	Zo National Region Development	Nationwide
86	National Development Party	Nationwide
87	Women Party (Mon)	Nationwide
88	Arakan Patriot Party	Nationwide
89	Negotiation, Stability and Peace Party	Nationwide
90	Union Farmer Force Party	Nationwide
91	Daingnet National Development Party	Rakhine State



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