



General & Local Elections Myanmar 2015



**Asian Network for Free Elections (ANFREL)
Election Observation Mission Report**

ABOUT ANFREL



ASIAN NETWORK for FREE ELECTIONS (ANFREL) FOUNDATION

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The Asian Network for Free Elections (ANFREL) was established in 1997, as Asia's first regional network of civil society organizations focused on elections and election monitoring. It strives to promote and support democratization at national and regional levels in Asia. Since it was founded, it has served towards strengthening the democratization of countries such as Sri Lanka, Nepal, Thailand, Malaysia, Cambodia, Pakistan, Bangladesh, East Timor and Indonesia.

ANFREL is supported by a number of national organizations from Afghanistan, Bangladesh, Cambodia, India, Indonesia, Japan, Mongolia, Nepal, Pakistan, Philippines, Singapore, South Korea, Sri Lanka, East Timor and Thailand.

From 1997 onwards, ANFREL has also been active in contributing its efforts to capacity building of member and non-member organizations and advocacy on issues related to election observation, voter/civic education, electoral reform and public awareness for good democratic governance. In addition, ANFREL has conducted research activities on electoral reform, democracy and good governance jointly with civil society organizations in several countries.

An international election observation mission (EOM) which is guided by international standards and universal principles for genuine democratic elections is meant to increase the confidence of the electorates, especially as it acts as a deterrent to fraud and even violence. ANFREL's EOMs are comprised of mostly Asian observers who work in familiar conditions across the region and who come from very similar shared history, cultural backgrounds, religious tradition and social and political development, which helps to enhance this confidence among the people of the country where elections are taking place.

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ABBREVIATIONS

STOs	Short Term Observers
LTOs	Long Term Observers
UEC	Union Election Commission
GAD	General Administrative Department
IFES	International Foundation for Electoral Systems
EUEOM	European Union Election Observation Mission
DRI	Democracy Reporting International
PACE	Peoples' Alliance for Credible Elections
EEOP	Election Education and Observation Partner
NPT	Naypyitaw
YGN	Yangon
SDC	Switzerland Development Cooperation
INTL IDEA	International IDEA
NLD	National League for Democracy
USDP	Union Solidarity and Development Party
CNE	Commission National on Elections
HQ	Head Quarter
TAF	The Asia Foundation
NDI	National Democratic Institute
IRI	International Republican Institute
MJN	Myanmar Journalists' Network
MJA	Myanmar Journalists' Association

Foreword

Myanmar's much-anticipated general election took place finally on November 8, 2015. For the first time in a generation, the people of Myanmar were able to exercise their political rights in a relatively free environment, marked by an enthusiastic campaign season, free polling, and the installation of an elected government which reflects the will of the electorate. ANFREL was privileged to be a part of this historic election by deploying long-term and short-term election observers to the country.

After the polling was concluded and the ballots had been counted, Myanmar experienced in March 2016 a relatively smooth transition of power from the military-led government to the National League of Democracy, the opposition party that swept the election. Now, it remains to be seen whether the recent success of democracy in Myanmar will be emulated elsewhere in Asia, which has seen a democratic deterioration in too many countries in recent years, marked by shrinking space for civil society, curtailment of freedom of expression, and an increase in authoritarian and military rule. While unlikely to sway authoritarian governments, the success of democracy in Myanmar could inspire democratic activists in neighboring countries to stiffen their resolve in facing down anti-democratic or backsliding governments.

This report details the findings of ANFREL's 2015 election observation mission in Myanmar. Over 50 election observers hailing from countries across Asia joined the mission and were deployed to townships, states and regions across the country. In a sense, the mission was the culmination of sustained efforts by ANFREL since its creation in 1997 to strengthen the capacity of Myanmar CSOs focused on elections and democracy and who were working to build a democratic foundation for the country.

ANFREL would like to thank all of the observers and the dozens of local staff members who generously gave their time and energy to make the mission a success, often having to overcome challenges encountered along the way. We also express our deepest gratitude to the Embassies of Norway and Switzerland in Myanmar for their generous and significant support provided to the mission, as well as to the Ministry for Foreign Affairs of Sweden and The Asia Foundation for their additional support.

ANFREL would also like to thank the Union Election Commission of Myanmar, government officials, as well as candidates and representatives of political parties, civil society groups, and the media in Myanmar for the warm welcome and cooperation provided to ANFREL and its observers.

Last, but certainly most importantly, ANFREL would like to express its deepest gratitude to Myanmar's voters and congratulate the people of Myanmar who labored bravely to bring about a more democratic future for their country. They should know that they will always have the support and respect of ANFREL and all freedom-loving people in Asia and around the world for their efforts.

Warm Regards,

Ichal Supriadi

Executive Director

ANFREL

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Myanmar Map



Myanmar States/Regions and Self-Administered Zones/Division



Disclaimer: The names shown and the boundaries used on this map do not imply official endorsement or acceptance by the United Nations.

Executive Summary

For the future of the country’s electoral system and because every election has areas for improvement, ANFREL wishes to report on its findings and offer some constructive recommendations based on the observations of its 46 observers and five core team members who worked across all fourteen States and Regions of Myanmar and in 304 polling stations on the 8th of November and in the weeks before and after polling day.

“While there of course remains room for improvement, the election process exceeded expectations and certainly provided the country a means through which to have their voices heard,” concluded Mr. Damaso Magbual, ANFREL’s Chairperson who served as the Head of Mission.

Especially when contrasted with 2010, the 2015 election was one of remarkable progress in most areas, both topical and geographical, observed by ANFREL. The Union Election Commission (UEC) deserves a great deal of credit for this progress. While improvement is still needed in some areas, the fact remains that the UEC and its sub-commissions were, in most places, able to deliver a credible election process that the citizens of Myanmar could participate and believe in.

The ANFREL international election observation mission was carried out by 46 international observers from 15 countries, a five member core team, and dozens of local staff members, who dedicated their time and expertise to the 2015 election monitoring effort. ANFREL’s Long-Term Observers arrived in Myanmar on October 9 and stayed in the country through November 20, while

the Short-Term Observers were in the country from November 1st to the 11th. On election day, observers visited more than 304 polling locations.



It is important to note that those areas where elections were not held, a total of seven entire townships and several villages, are a broad and considerable exception to ANFREL's overall assessment of our observation in the areas in which elections took place. ANFREL's observers did not observe in those areas with cancelled elections, so our report on the campaign environment is obviously indicative of the environment where there were elections and should not be taken as diminishing the significant violation of the right to vote for those living in areas where elections were cancelled or those denied their right to vote for other reasons.



Myanmar's November 8th General Elections included contests in the upper house (Amyotha Hluttaw) and lower house (Pyithu Hluttaw) of the Pyidaungsu Hluttaw, Myanmar's bicameral legislature, as well as for seats in each of the fourteen local state/region assemblies. In each body, the constitution reserves 25 percent of the seats

for members of the military. November 8th therefore saw the remaining 75 percent of seats in each assembly elected, except for those areas where security concerns precluded any election at all. As one would expect, these elections unfolded differently in various parts of the country.

Building on ANFREL's long-term capacity building efforts in the country and the findings of ANFREL's pre-election preparatory mission to Myanmar in September 2015,¹ the mission's preliminary statement² issued at a November

¹<http://anfrel.org/myanmar-2015-general-election-assessment-mission-analysis/>

²<http://anfrel.org/anfrel-press-statement-interim-report-on-the-2015-myanmar-general-elections/>

10 press conference and this final report are based on ANFREL's holistic approach to election observation relying on the totality of the findings and information gathered by the mission's observers, core team, and leadership who were deployed to all fourteen States and Regions.

The 2015 elections were a long-awaited critical step in continuing Myanmar's return to democracy, which began with a roadmap adopted by the military government in 2003 that promulgated a new constitution in 2008 before transferring power to a nominally civilian government in March 2011. The November 8 election was the first with all of Myanmar's major parties competing in twenty-five years. The election results and the subsequent transfer of power that followed represented the country's first democratic transfer of power in decades.

In 2015, Myanmar's voters expressed their support for the democratic process by casting their votes despite prior experience with elections like those in 1990 and 2010 which fell far short of expectations. According to the Union Election Commission of Myanmar (UEC), more than 23 million citizens



exercised their right to vote in the elections, constituting a turnout of around 69 percent of Myanmar's 34.3 million eligible voters. While ANFREL hopes for the highest voter turnout possible, it is nevertheless a credit to the citizens of

Myanmar and the election organizers including the UEC that it was acceptably high.

The turnout mirrored the voter enthusiasm that many ANFREL observers witnessed around the country, as evidenced by the long queues seen an hour before polling stations opened in many places around the country. This excitement was likely the result of a number of factors. Decades of authoritarian rule left the public with a desire for change and the aforementioned roadmap which included a new constitution and opening up of significant parts of the economy, media, and society led the public to believe that the government's

reform efforts were sincere and that change via elections was truly possible. Those facts, combined with intense political competition and the presence of charismatic political leaders with a large following among voters contributed to the lively campaign and election day atmosphere.

Looking ahead, ANFREL hopes that all election related stakeholders in Myanmar will work to build on the progress evident in the 2015 election and consolidate the democratic gains that have been made. Democratization is a process and the 2015 elections will, ANFREL hopes, provide a solid foundation for that process. This election, like all elections, was not perfect but ANFREL hopes that it will be the first in a series of continuously improving democratic elections in the country. To ensure that legacy, it is important that all stakeholders take the lessons from the 2015 cycle and institutionalize the parts that worked best and reform those areas where weaknesses were observed.

While it is understood that the National League for Democracy (NLD) has proposed a bill in Parliament banning by-elections³ in the first and the last year of a government's term, a change to the current election law which stipulates that by-elections be held within six months of a seat falling vacant, there will inevitably still be by-elections for open seats where MPs have joined the Cabinet or been unable to take their seat. ANFREL hopes that these by-elections will include seats in those areas unable to hold elections on the 8th due to security concerns. One significant and perhaps underreported failure of election day was the cancellation of elections in several areas, most commonly, but not exclusively, in Shan and Kachin States. While some of these areas have a great deal of local autonomy, are only nominally under the control of the central government, or have experienced their civilian populations fleeing due to prolonged fighting, ANFREL hopes that the security situation can improve to allow for by-elections in these areas as soon as possible in order to that ensure that everyone has representation in Parliament. Just as by-elections in 2012 saw significant progress compared to those in 2010, upcoming by-elections will present the country with an opportunity to yet again develop and demonstrate its electoral procedures and standards.

The main observations and findings of the 2015 ANFREL international election observation mission are included in the ensuing sections of this report. While ANFREL's observation coverage area of course shrunk after Long-Term Observers departed on November 20, information from the post-election period after

³<http://www.mmmtimes.com/index.php/national-news/nay-pyi-taw/20100-nld-wants-fewer-by-elections.html>

the 20th is included to the degree that ANFREL's remaining team members in Myanmar were able to themselves observe post-election processes.

The elections were characterized by lively competition between the two parties competing nationwide, the ruling Union Solidarity and Development Party (USDP) and the long-time opposition party, the National League for Democracy (NLD), and a variety of more local or regional parties. Because of the NLD's boycott of the previous general election in 2010, this was the first time that these two parties faced off on a nationwide basis, with each party nominating candidates to run in virtually every constituency. This fact that was not lost on some ethnic parties, which expressed disappointment that the NLD did not cede some space for them to run unopposed in their home territories.

With a few notable exceptions, the majority of the smaller parties were ethnically- based parties that focused their attention on competing in their own ethnic state. The variety and diversity of policies and candidates presented by these various parties presented most voters with legitimate options and a diverse range of choices at the polling booth.

While the elections took place under a generally improved legal and regulatory framework, there remains a great deal of room for improvement in this area. The continued inclusion of the military in parliament and rules on candidate eligibility, both for MPs as well as the position of president, are just some of the controversial provisions of the electoral law which fall short of international standards.

As stated in its press statement released on the 10th of November and as it still believes today, ANFREL believes that Myanmar's elections should grow more inclusive as the country hopefully grows into democratic maturity. There were unfortunately significant numbers of people in differing situations that were excluded or otherwise unable to have their voices heard in the 2015 election. ANFREL hopes that, as Myanmar hopefully continues to consolidate its democratic gains, it will take steps to ensure future elections are more inclusive.

One large part of this exclusion was that experienced by the vast majority of the Rohingya population. This was the result of intentional expiration of government-issued white cards that previously granted voting rights to a number of minority ethnic and religious peoples, including the Rohingya.

The impact of this policy was to disenfranchise several hundred thousand possible voters that were able to participate in the last elections. This, ANFREL believes, is one of the few areas in which the 2015 election took a significant step backward compared with previous years. This move to exclude Rohingya from the voter rolls broadened to create a de facto exclusion, using arbitrarily implemented criteria, of many religious minority candidates as well.

There were also several million citizens living outside Myanmar that unfortunately did not participate in voting. While there is no international norm regarding voting for citizens abroad, ANFREL believes that better preparation and more outreach would have had led to a significant improvement in the turnout of people living abroad.

The Bangkok Declaration on Free and Fair Elections recognizes the fact that many Asian citizens living abroad often do not have the chance to vote due to the cost or complexity of overseas voting systems. Thus it suggests that “Where the financial and technical resources exist, countries should strive to allow citizens to vote from abroad with as little difficulty and inconvenience as possible. Opportunities to vote from abroad should be expanded wherever feasible.”

As alluded to previously, significant numbers of citizens living in areas where elections were cancelled were also unable to participate. They are, for now at least, not part of the process of electing the country’s next parliament. ANFREL believes that the UEC needs to be as transparent as possible about its criteria to cancel elections in some areas with fighting but keep the polling open in other areas with heavy fighting such as Kokang. Being open about its criteria and decision making process, as well as its plans to hold by-elections in those areas as soon as the security situation allows, will help alleviate any suspicions of partisan cancellations. Further, active, inclusive negotiations should be held to find a way to deliver elections with appropriate security in those areas as soon as is feasible.



While some progress was evident, women and other traditionally underrepresented groups remained that way during and after the 2015 election, all along the spectrum of political participation. With a few notable exceptions, women are underrepresented in party's leadership and membership, among the staff and commissioners of the UEC, and as candidates as well as MPs.

Experiencing the first competitive election in their young lives, large numbers of youth actively and excitedly engaged with the election, in particular online via popular social media sites like Facebook and Twitter. As has been the trend in a number of neighboring countries, these online channels draw youth in particular to debate and engage with elections, election issues, and the campaigns themselves. The spread of Internet access and affordable smart phones, in particular the dramatic decrease in the price of SIM cards since 2010, enabled this new space for political discussion in Myanmar, for both youth and the older generation able to adjust to the new technologies.

Candidates and political parties often sought the support of youth online to share, repost, and retweet their campaign messages and propaganda. To a significant extent, in many areas youth formed the backbone of parties' public rallies and mobile campaign efforts. Taken together, it is likely true that this election saw more youth participation and engagement than any in Myanmar's history.

The accuracy of the voter list was the source of a great deal of pre-election debate and discussion. Sizeable error rates were reported by civil society groups like PACE that undertook sample- based audits of the pre-election list. Thanks to decades without a proper national census and some challenges to census taking that are unique to Myanmar, the 2014 Census was not without its problems. Even with best efforts, the Ministry of Immigration and Population could not access many conflict areas and faced logistical and political challenges to reach and count every person.

In light of these problems, because the 2014 Census data was the basis for the original voter list, the UEC had a monumental job to correct and clean up the data to produce the voter list. Adding to the UEC's challenges were the growing pains of staff adapting to and using new software and computerized records for the first time. While some problems undoubtedly persisted, the list did see considerable improvement from the first time it was posted

publicly. On Election Day, ANFREL observers did not observe the massive voter list problems that were feared. The UEC's improvements to the list accuracy added significantly to the integrity of the elections and to people's ability to participate. ANFREL hopes that the list can continue to be updated and cleaned throughout the period between elections so that there is more public confidence in the accuracy of the list before the next round of elections.

Election Day processes were assessed positively by ANFREL's observers, with over 80% assessing the elections in the areas they observed as generally good or very good. While there were reports of mostly minor procedural inconsistencies in polling stations throughout the country, the proper polling station procedures were generally followed, with polling station staff relying on the polling station manuals provided by the UEC. ANFREL's observers reported a calm and peaceful environment at most polling stations, noting the consistent enthusiasm of voters waiting patiently in long lines. Voting was generally conducted smoothly and the secrecy of the ballot was protected in the vast majority of polling stations observed by ANFREL.

The consolidation of polling station results to the Township level Sub-Commission office was generally peaceful and completed successfully though not as transparent and systematic as ANFREL hopes the process will be in the future. Those observers observing at the Township office were often disappointed when Township level results were not posted as had been expected. ANFREL hopes that such delays are not indicative of a larger future trend and believes that the timely and transparent release of results from not only all polling stations but also all levels of consolidation will go a long way toward building confidence in the electoral processes of the country.

In comparison to the 2010 and 2012 elections, the complaints resolution process that was set up to resolve the disputes arising out of the November 8, 2015 elections was a definite improvement. The process was significantly more transparent and open to observers and political party agents. More often than not the cases were handled in a professional manner, giving ample time to the complainants and the respondents to prepare their documents or find a lawyer, besides allowing legal counsels of both sides to question the witnesses during the hearings. Though there were some shortcomings, including the lack of a proper timeline or an opportunity to allow for greater public scrutiny of the process, it nevertheless continued un-disrupted and in a mostly systematic manner.

BACKGROUND

Introduction & Mission Overview

Overview of Recent Elections

After the drafting of a new constitution and its passing via a problematic referendum in 2008, the first general elections stipulated in the military's "Seven Step Roadmap to Democracy" were held in 2010. They were boycotted by the primary opposition party, the National League for Democracy (NLD), which won the last poll in 1990 - a result that was annulled by the ruling junta of the time. The 1990 polling saw the NLD win just under 60 percent of the vote and around 80 percent of the seats.

In 2010, with the NLD boycotting and its leader Aung San Suu Kyi still under house arrest, the military-backed USDP won 259 out of 326 (79%) of the elected seats in lower house or Pyithu Hluttaw and 129 out of 168 (77%) of the elected seats in the upper house or Amyotha Hluttaw. Though independent election observation was not allowed, the 2010 Election was judged by most independent analysts to have been badly flawed and not a legitimate representation of the people's will.

Following the election, President Thein Sein was sworn into office in March 2011 at the head of a nominally civilian government that replaced almost 50 years of military rule. While he himself was a former high-ranking general, he formally left the military in order to take up the civilian role of President.

Aung San Suu Kyi was freed from house arrest soon after the 2010 election, and her party won by a landslide in limited by-elections in 2012. Judging from the badly flawed electoral exercise in 2010, there was a broad expectation of almost inevitable improvement in the 2015 general elections. The lingering question, however, was how much improvement would be evident by the end of this electoral cycle and whether it would be enough to provide true integrity to the newly reformed electoral process.

ANFREL's Pre-Election Mission Preparations

Signing of an MoU

As part of ANFREL's planned observation of the November 8, 2015 elections in Myanmar, ANFREL signed a Memorandum of Understanding with the Union Election Commission of Myanmar (UEC) in August of 2015 and conducted a Preparatory Mission (assessment mission) to the country during the first two weeks of September. As 2012's elections would mark the first time in decades that all major parties would be competing, ANFREL believed that a free and fair election would serve as a particularly important next step in the country's continued transition. The signing of the MoU was needed for ANFREL in order to gain accreditation to observe the elections, a step necessary to honor ANFREL's commitment to following the Declaration of Principles for International Election Observation. The MoU broadly lays out the terms of cooperation between the UEC and ANFREL and opens the opportunity for ANFREL to get accreditation to observe and assess the credibility of the General Elections.

Assessment Mission

From the 1st to the 12th of September, ANFREL carried out a two-person Preparatory Mission to assess the pre-election period in Myanmar before the November 8th general and local elections. The team had meetings and conducted interviews with a wide variety of election stakeholders throughout the course of their visit. This effort complemented the capacity building work ANFREL had been doing with local observers and media members in the years before the election. Both of these efforts were carried out well before observers arrived providing a very helpful head start for ANFREL's election observation mission planning. The assessment mission gained perspective on the transition process and the state of electoral democracy and provided vital political and electoral background to the two members, ANFREL's Chairman and one of its analysts, that they in turn shared with the rest of the mission members.

Over the course of the two weeks, the team met with the Union Election Commission Chairman U Tin Aye and UEC Commissioners in Naypyidaw to assess the UEC's election preparations, to help push through ANFREL's observer accreditation, and to ask important questions about access for ANFREL's observers to key parts of the election process, in particular advance voting. More locally, ANFREL also met with U Ko Ko and his deputy from the Yangon Election Sub-Commission to find out how the Commission was dealing

the challenges of preparing for an election in a city like Yangon where many migrants living in the city are not registered to vote and where complaints from some parties alleged massive inaccuracies in the voter list.

The assessment team also met with both pro-government and opposition parties including, importantly, multiple parties representing some of the various ethnic groups around the country. To get a non-political view of the election, the team met with several local election related civil society organizations, including the largest domestic citizen election monitoring organization, a women's group training women to be candidates and leaders, a lawyer's group assessing and observing the electoral law and its implementation, groups collecting and distributing electoral information, and journalists' association members that provided assessments of the media and its ability to report on the elections. Finally, the team met with several INGOs that were supporting or conducting analysis of the election. They provided a helpful outsiders' view of the state of preparations in the areas where they were operating.

The team's visit overlapped with the beginning of the campaign period and came during one of the crucial final periods for voters to check the voter list and make corrections where needed, which was a frequent topic of discussion and issue of concern for interlocutors during the team's various meetings. In all, the assessment provided the kind of longer term perspective that ANFREL needs for all its missions. To have analysis from more than two months ahead of the election itself during particularly vital steps in the process such as candidate registration and voter list cleanup was invaluable for ANFREL's gaining perspective about the process, being able to brief our observers, and enrich our analysis and eventual mission findings.

The complete assessment mission report is available at <http://anfrel.org/myanmar-2015-general-election-assessment-mission-analysis/>

Constitutional & Legal Framework

While Myanmar’s electoral laws saw some amendments and updates after the 2010 Elections, the Union Election Commission Law, the Political Parties Registration Law, the Pyithu Hluttaw (House of Representatives) Electoral Law, the Amyotha Hluttaw (House of Nationalities) Electoral Law, the President & Vice-Presidents Election Law, and the Region and State Assemblies Law remained largely similar to their 2010 versions released by the then- ruling State Peace and Development Council (SPDC). Because of this, ANFREL believes that the electoral and legal framework of the country continues to unfortunately include artifacts of the country’s military past that undermine the overall integrity of Myanmar’s electoral system. ANFREL applauds the legal improvements that were made, such as loosening the restrictions on political party membership in the Political Parties Registration Law, but believes strongly that much broader reforms are badly needed.

While there are numerous legal issues worth addressing, we will focus on those that most directly relate to elections. Primary among what ANFREL sees as the current system’s shortcomings is the continued apportionment to the military of 25 percent of seats in the Pyidaungsu Hluttaw as well as the State and Region Parliaments.⁴ To secure a permanent place in Burma’s politics, the military reserves for itself a quarter of the total seats in parliament and every local assembly. These “representatives who are the Defence Services personnel nominated by the Commander-in-Chief of the Defence Services” are directly antithetical to the ideas of civilian government and the transition to democracy the junta was supposedly bringing about. This serious flaw has been the subject of complaints and criticism from the minute the 2008 constitution was introduced. Despite this, this troubling privilege for the military remains in place.

For as long as it remains in the constitution, the military quota distorts the voice of the people as expressed through the polling booth which should be reflected in Parliament. While it was not an issue in 2015 because of one-sided election results, it could in the future lead to situations in which party or parties receiving a minority share of seats is able to coalition solely with unelected military members of Parliament to form what would be considered by most to be an unrepresentative government. In this way, military seats in Parliament

⁴Constitution of the Republic of the Union of Myanmar (2008) Chapter IV “Legislature” Sections 109(b) & 141(b).

run counter to democratic principles and risk creating a democratic crisis if a scenario such as that mentioned above ever occurs.

Regardless of whether such a scenario ever occurs, the existence of the military bloc continually impacts the decision-making of elected political parties within parliament and the majorities they need to pass legislation, form committees, elect the president and amend the constitution when the military bloc is not voting with them. For each, they need at least a super majority or greater of elected seats to conduct routine parliamentary business that would normally require a lower threshold.

The anti-democratic nature of the military bloc is clearest when it comes to amending certain sections of the constitution. The military maintains what is effectively full veto power over amendments to key sections of the constitution thanks to their 25 percent quota and the 75 percent plus one requirement for amending these sections. On the matter of constitutional amendment of key sections, Chapter XII of the 2008 Constitution lays out that, "It shall be amended with the prior approval of more than seventy-five percent of all the representatives of the Pyidaungsu Hluttaw, after which in a nation-wide referendum only with the votes of more than half of those who are eligible to vote."⁵ In essence the constitution, drafted by a military government and approved via a problematic referendum, can never be amended without military approval. No matter the popularity of an amendment among the public and their elected MPs, no number of elected MPs can themselves amend the constitution.

While it is unsurprising that a document drafted by military appointees would contain such a provision, the military's veto power here is especially worrying over the long-term, as it keeps the military entrenched in the political decision-making of the country. While this is consistent with the 'Basic Principles' stated in Chapter 6 of the Constitution which provides for a political role for the military,⁶ these sections and others like them contradict the basic principles of democracy and jeopardize the country's transition to becoming a modern, electoral democracy.

⁵Id. at Chapter XII "Amendment of the Constitution", Section 436(a)

⁶"The Union's consistent objectives are: (f) enabling the Defence Services to be able to participate in the National political leadership role of the State." Id. at Chapter I "Basic Principles of the Union" Section 6(f)

Because of this, ANFREL believes that transitioning to a more democratic parliamentary makeup in which one hundred percent of its representatives are elected by the people should be a natural next step in the country's democratic progression. Hopefully, Myanmar can learn from the example of countries like Indonesia, which once had a military bloc within its parliament but has long since transitioned to a more representative parliamentary model as it has consolidated its own democratic gains. Following that example would be since transitioned to a more representative parliamentary model as it consolidated its own democratic gains. Following that example would be a significant step toward realizing a fully-elected, civilian- led government for the country.

Several other provisions within the electoral law proved controversial during the 2015 elections and are worthy of study for future reform. Section 59 of the Constitution relates to the Qualifications of the President and Vice-Presidents. Its sub-section (f) proved to be particularly controversial due to it having the effect of barring NLD leader Aung San Suu Kyi from becoming president despite the landslide victory of her party. It states that the President "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 foreign power or citizen of a foreign country.⁷ 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;" With little to no justification provided in the law, most analysts agreed that this section was written with the specific intent of barring Suu Kyi, who has children of British citizenship from her previous marriage, from the presidency.

Both before and after the election members of the opposition NLD tried to first amend and later suspend Section 59(f) in order to allow for Suu Kyi's ascension to the presidency. Eliminating such a personally targeted clause that exists without relevance to a leader's ability to be an effective president would increase the public's freedom to elect the person of their choosing and bolster public confidence in the constitution's fairness and neutrality.

Another issue that Myanmar may want to examine is how it determines the constituencies of its MPs, namely, the practical impact of giving townships of often times vastly different population equal weight in the Lower House and providing each State and Region equal representation in the Upper House.⁸ To

⁷Constitution of the Republic of the Union of Myanmar (2008) Chapter III "The President and Vice-Presidents" Sections 59(f).

⁸Id. at Chapter IV "Legislature" Sections 109(a) & 141(b).

some degree, this is a political decision which the people of Myanmar are of course free to decide for themselves. ANFREL however believes the imbalance built into the system, in particular that of the lower house, is at least worth studying and exploring avenues for possible future reform. Systems of boundary delimitation that result in dramatic imbalances of representation (voters per seat) have proven problematic in a number of countries and ANFREL would like to see Myanmar avoid such problems in the future. If more equitable divisions of constituencies and the number of voters represented by each MP can be agreed upon, ANFREL believes such reforms would strengthen the underlying fairness in the system.

With the celebrated momentum of Myanmar's transition to democracy, it is easy to forget that the Constitution of the Union of Myanmar and electoral laws originally written by the military regime that ruled the country remain highly problematic and fail several key democratic metrics. ANFREL believes in Myanmar's great democratic potential. It also believes that for the country to reach its full democratic promise, the Constitution and electoral laws of Myanmar need to be reviewed and amended via an inclusive, civilian-led process that results in a constitution and set of electoral laws that better reflect democratic principles and the hopes and desires of the people of Myanmar.

Sample Case Study

By Khin Ma Ma Myo

Analysis of Legal Framework and its Impact on Gender Equality

I. Legal Framework Challenges to Gender Inclusion

In general, certain provisions in Myanmar's 2008 Constitution seem to guarantee equal rights for men and women: "The Union shall not discriminate against any citizen of the Republic of the Union of Myanmar based on race, birth, religion, official position, status, culture, sex and wealth" (Section 348); "Women shall be entitled to the same rights and salaries as that received by men in respect of similar work" (Section 350); "Mothers, children and expectant women shall enjoy equal rights as prescribed by law" (Section 351); and "The Union shall honour and assist citizens who are outstanding in education irrespective of race, religion and sex according to their qualifications" (Section 368).

Although the Constitution explicitly forbids discrimination on the basis of sex in

the foregoing provisions, there are no other legal provisions to ensure equality and inclusiveness. The Constitution also includes such contradictory remarks as that set forth in Section 351: as “The Union shall, upon specified qualifications being fulfilled, in appointing or assigning duties to civil service personnel, not discriminate for or against any citizen of the Republic of the Union of Myanmar, based on race, birth, religion, and sex. However, nothing in this Section shall prevent appointment of men to the positions that are suitable for men only.”. No other specific provisions to promote gender equality and gender-responsiveness are found in the Constitution. (Republic of Union of Myanmar, 2008)

The Union Election Commission, established by the Constitution and the 2012 Union Election Commission Law, administers the polls. The 2012 UEC law was enacted by Parliament in accord with subsection (a) of Section 398 and Section 403 of the Constitution of the Republic of the Union of Myanmar to enable the formation of the Union Election Commission and prescribing its duties and powers for supervising political parties and the exercise of the rights to elect and to be elected to Hluttaws by every citizen of the Union of Myanmar.

However, the 2012 law fails to provide any specific provisions to advance equality and inclusiveness of elections. While regulations facilitating women’s participation may be issued, when election management bodies are sensitive to gender considerations, the UEC law does not specifically authorize election management bodies to issue legally binding regulations, consistent with the international instruments, to promote gender concerns.

Since political parties play an enormous role in selecting candidates and setting the political agenda for election campaigns, national laws on political parties are often central to women’s participation. Women will enjoy greater opportunities if a country’s laws stipulate that the internal functioning of political parties must be transparent and democratic than if party operations are highly centralized and controlled by a few party leaders. Despite the existence of the Political Party Registration Law (2014), there are no legal provisions that advance women’s participation and representation in political parties. The law does not adopt any legislative quota system as an affirmative action in accordance with the Beijing Platform for Action that was endorsed by Myanmar in 1995. There is no legal barrier to form and register a women’s political party, yet the process was still delayed for the first and only women’s party in Myanmar.

II. Legal Framework Reform Efforts for Greater Gender Inclusiveness

Although the legal framework for elections has no provisions on gender, the UEC Strategic Plan (2014-2018) attempted to address the gap by listing inclusive participation as one of its key issues. Based on this key issue, the UEC added a new strategic pillar to its existing 11 pillars of promotion of inclusive participation to encourage more inclusive participation of women, ethnic minorities, persons with disabilities, and internally displaced persons (IDPs) who each face different challenges and barriers to participating in the electoral process.

In addition to the reform efforts by the UEC, both international and local election observers have commented on the ability of women to participate in Myanmar elections. According to the election observation report by Phan Tee Eain organization,

“Myanmar’s election laws and constitution allow equal voting rights, rights to stand for elections, rights to work in election commissions and as polling station officials. Yet, it is found that male and female participation is not equal in terms of numbers and opportunities, especially in leadership roles. There are no laws or policies to guarantee for gender equity in elected or leadership positions in government or political parties. Phan Tee Eain therefore finds that while the legal framework allows equal participation, it does not include provisions or policies that would encourage higher levels of women’s participation in leadership”. (Phan Tee Eain, 2015)

Although some reform efforts are already underway, legal advocacy initiatives should be pursued to guarantee that the 2020 election is more inclusive.

Electoral System

Myanmar relied on a first past the post (FPTP) system to elect representatives from single-member constituencies to a total of 3 types of elected bodies in the November 8 general election. Two of these are at the national level: the Amyotha Hluttaw, Myanmar's Upper House of Parliament, and the Pyithu Hluttaw, the Lower House of Parliament. Voters also voted for representatives to their local State and Region Assemblies, their local state or region's legislature. In total, there are 1,171 representatives to be elected between the Union-I Level Upper House, the Union-I Level Lower House, and the local assemblies across the country. Because the candidate with the highest number of votes from their constituency wins the seat, the FPTP system here, like all 100% FPTP systems, creates the potential for the number of seats won by a party to be significantly more or less than their percentage of the overall vote. The 1990 poll won by the NLD is a good example of this. The NLD was reported to have won 58.7 percent of the vote while winning almost 80 percent of the seats, 392 out of the 492 total seats. There was extended discussion in Parliament and among the public and media before the 2015 election of reforming this

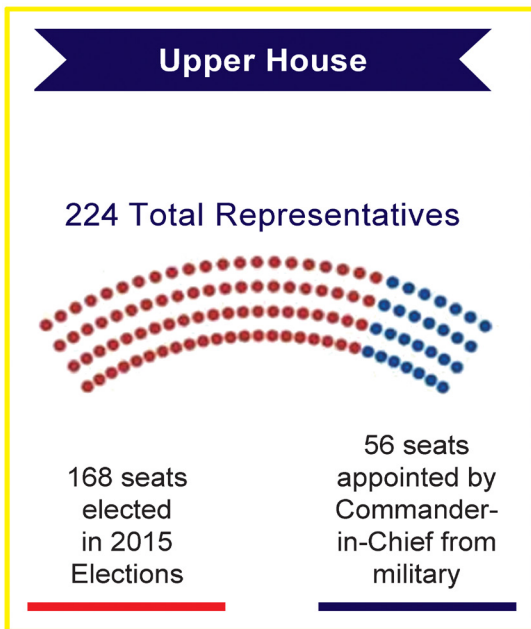


Figure 1(A): Upper House division of seats; Graphic Courtesy of International Foundation for Electoral Systems (IFES)

system and introducing a new electoral design based on proportional representation (PR System), but in the end no changes were made to the FPTP system.

In both the upper and lower house of Myanmar's national parliament as well as in the Region and State Assemblies, 25 percent of seats are reserved for persons appointed directly by the Military Commander-in-Chief. This military quota results in there being one-hundred and sixty-eight (168) elected seats out of two-hundred and twenty-four (224) total seats in the

Amyotha Hluttaw,⁹ or upper house of Parliament and three-hundred and thirty (330) elected seats out of four-hundred and forty (440) total seats in the Pyithu Hluttaw. The Commander-in-Chief appoints the remaining 56 members of the upper house and the 110 military MPs in the lower house.¹⁰

Of these one-hundred and sixty-eight elected representatives in the upper house, each of Myanmar’s Regions and States are represented equally with 12 representatives.¹¹ Within each state/region, constituencies for the upper house seats are first determined based on that state or region’s townships. But for the states or regions that had more or less than twelve townships, the UEC combined or divided the smallest or largest townships by population to ensure the necessary twelve constituencies. For example, in those regions or states that have less than twelve townships, the UEC divided the largest townships in that state/region into two constituencies. In the other states or regions that had more than twelve townships, it combined those townships with the least population into a single constituency until the region or state had the necessary twelve constituencies.

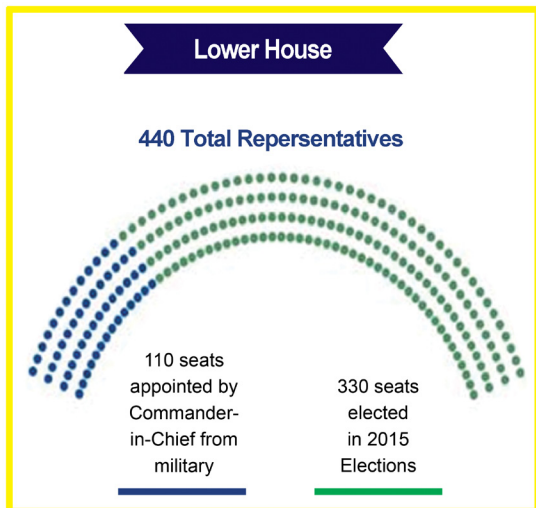


Figure 1(B): Upper House division of seats; Graphic Courtesy of International Foundation for Electoral Systems (IFES)

For the lower house, the Pyithu Hluttaw, this kind of adjustment is less needed as the allotment of the three hundred and thirty elected seats there is based on the three hundred and thirty townships alone, without any requirement of equal numbers of seats between the regions and states. This means large states like Shan State will send more MPs to Parliament because it has more townships than its smaller neighboring states and regions. Section 109 of

⁹Constitution of the Republic of the Union of Myanmar (2008) Chapter IV “Legislature” Sections 141(a&b) & Sections 109(a&b)

¹⁰Constitution of the Republic of the Union of Myanmar (2008) Chapter IV “Legislature” Sections 141(b) & Sections 109(b)

¹¹Id. at Section 141(a)

the Constitution establishes that “the Pyithu Hluttaw shall be formed with a maximum of 440 Hluttaw representatives as follows: (a) not more than 330 Pyithu Hluttaw representatives elected prescribing electorate in accord with law on the basis of township as well as population or combining with an appropriate township which is contiguous to the newly-formed township if it is more than 330 townships; (b) not more than 110 Pyithu Hluttaw representatives who are the Defence Services personnel nominated by the Commander-in-Chief of the Defence Services in accord with the law.”¹²

At the region and state assembly level, the number of seats in each Assembly is determined by a number of factors. The largest number of seats comes from a simple calculation based on the number of townships in that region or state, where each township is split into two single-member constituencies with first past the post elections determining the winner.

Much like at the national level, the military here too holds a quota of seats appointed by the Commander in Chief that is one third of the number of elected seats, which amounts to an approximately twenty-five percent of the total seats in the Assembly.

The last factor determining the makeup of local assemblies is the ethnic makeup and population of that particular region or state, thanks to the inclusion in the local Assembly of “National Race Representatives” or “Ethnic Affairs Ministers”, the number of which is determined by the number of ethnic minorities living in a particular Region or State. Section 15 of the Constitution establishes the right that “National races with suitable population, National races representatives are entitled to participate in legislature of Regions or States and Self-Administered Areas concerned.”¹³

A “National Race Representative” seat is provided for any national race which has a population of at least 0.1% of the total Union population living in a particular Region or State, other than those national races which are the majority in that region/state or already have a self-administered area in that Region or State.

Looking at the 2014 Census, this sets a threshold of around 51,000 (using the estimated total population of 51,000,000) people to qualify for a National

¹²Id. at Section 109(a&b)

¹³Constitution of the Republic of the Union of Myanmar (2008) Chapter I “Basic Principles of the Union” Sections 15.

Race Representative in a region/state where a group is not the majority and does not have a self-administered zone.¹⁴ Based on the 2014 Census data and the criteria above, local Assemblies would include a total of 29 National Race Representative seats.

These National Race Representatives are elected by people of their own ethnicity using an ethnic ballot provided only to those eligible ethnic voters living in the same state. This system adds a third, and sometimes more, ballot box in polling stations where there is a National Race Representative. It also makes the logistics of ballot distribution more complex. This proved to be particularly true as it relates to advance voters, especially those living abroad that were eligible to vote with an ethnic ballot. Even within the country, on Election Day, there were reports of some polling stations lacking an ethnic ballot box that should have included one, a situation leaving some voters unable to vote for their ethnic representative.

¹⁴Constitution of the Republic of the Union of Myanmar (2008) Chapter IV “Legislature” Sections 161(b&c) Text identical except for Region/State Hluttaw distinction. “(b) representatives of the Region Hluttaw, each is elected from each national race determined by the authorities concerned as having a population which constitutes 0.1 percent and above of the population of the Union, of the remaining national races other than those who have already obtained the respective Region or a Self-Administered Area in that Region;

Election Administration

Myanmar's Electoral Management Body (EMB), the Union Election Commission of Myanmar (UEC), was established by the 2008 Constitution of the Republic of the Union of Myanmar. In accordance with Sections 398-403 of the Constitution, the Pyidaungsu Hluttaw enacted the relevant organic law, The Union Election Commission Law. Taken together, these laws "prescribe the duties and powers for supervising the exercise of the right to elect and to be elected to Hluttaws by every citizen of the Union of Myanmar and for supervising political parties."¹⁵

The UEC is a permanent, independent institution made up of a set of commissioners appointed by the President and a secretariat body headquartered in Naypyidaw. Section 398(a) of the Constitution outlines the President's duty to form the UEC. It states, "the President shall constitute a Union Election Commission. In constituting the Commission, he may appoint a minimum of five members including the chairman of the Union Election Commission in accord with the provisions on appointment of the Union Minister prescribed in this Constitution."¹⁶ In the relevant organic law, Section 3 of the Union Election Commission Law provides that, "The president of the Union shall form the Union Election Commission to enable holding the elections and supervising the political parties. In so forming, a minimum of five members including the Chairman of the Commission may be appointed and assigned duty."¹⁷ At present, the Union Election Commission has fifteen commissioners, led by Chairman U Tin Aye, a former high-ranking general who won a Pyithu Hluttaw seat in the 2010 Elections as a USDP candidate before resigning to become UEC Chairman. All of the current commissioners were appointed by the now former President U Thein Sein in 2011.

Section 399 of the Constitution ascribes the duties to the UEC, as follows:

- “(a) holding Hluttaw elections;
- (b) supervising Hluttaw elections; forming different levels of sub commissions and supervising thereof;

¹⁵ "The Union Election Commission Law" (The Pyidaungsu Hluttaw Law No. 3/2012) The 12th Waning Day of Tabaung, 1373 M.E.

¹⁶ Constitution of the Republic of the Union of Myanmar (2008) Chapter IX "Election" Section 398(a)

¹⁷ "The Union Election Commission Law", Chapter II: Formation, Appointment and Qualifications Formation and Appointment, Section 3.

- (c) designating and amending the constituencies;
- (d) compiling lists of voters and amending thereof;
- (e) postponing elections of the constituencies where free and fair election cannot be held due to natural disaster or due to local security situation;
- (f) prescribing rules relating to elections or political parties in accord with the provisions of this Constitution, and procedures, directives, so forth, in accord with the relevant laws;
- (g) constituting the election tribunals for trial of disputes relating to election in accord with the law;
- (h) performing duties assigned under a law.”

In addition to the commissioners’ offices and the Union- level Secretariat office located in Nyapyidaw, local Election Commission sub-commissions have offices that are often located within other government ministries, most commonly, the local General Administration Department (GAD) office. This is especially common at the more local levels such as village tracts, wards, and township. In most of these cases, the local Election Commission offices share not only space but also staff and other resources with the GAD or whichever ministry has an office in that locality.

While the 2015 election presented a wide range of challenges for what is still a relatively new organization with limited experience managing elections, much of the credit for the improvement evident in the 2015 election is rightly owed to the Union Election Commission. The UEC’s efforts towards greater transparency and more openness set the tone for the election as a whole and enabled much deeper engagement with the electoral process by a variety of stakeholders. This is not to say that the interlocutors interviewed by observers had no criticism of the UEC, but it is simply a recognition of their broad contribution to the process.

One consistent trend that ANFREL found was variable and somewhat ad hoc implementation of UEC procedures at the local levels. This proved to be the case during the pre-election period as well as for both advance voting and Election Day administration. Observers reported a fair amount of variation or lack of standardization in the procedures followed from polling station to polling station.

ANFREL believes this stems from what seemed at times to be a disconnect or a failure to communicate between the UEC and its various sub-commissions. What the mission found was that decisions from the UEC were not properly communicated to, or understood at, the lower levels. This too often leads to a failed or incomplete implementation of UEC directives that can result in an uneven playing field and/or lack of clarity for local officials, parties and candidates. Those smaller parties who were based outside of the capital that had difficulty in attending coordination meetings at the UEC office in Naypyidaw were at a particular disadvantage.

In general, ANFREL's interviews reveal local sub-commissions that lack the capacity and less often, the will, to implement and enforce some election rules. This leads to a great deal of variation in the procedures followed across the country which can lower the perceived professionalism of the UEC and the fairness of the election itself. This finding generally points to the idea that more training and resources are required for local election administration staff members.



Figure 2: Polling Officers training in Patheingyi district

As ANFREL has seen firsthand in other countries, such issues can likely be addressed through more capacity building for local sub-commissions, earlier decision making which would provide more advance notice for implementing and training of proper procedures, and by developing and training for a more robust system for communicating up and down the chain of command. While the kind of variation ANFREL's observers reported does not suggest any kind

of fraud or ill intent, ANFREL believes that more training to ensure greater standardization of polling station procedures will add to both the real and perceived integrity of the election.

Providing the Election Commission with more resources would be another helpful step to allow it to better enforce campaign finance rules, more thoroughly investigate complaints, and recruit new, unaffiliated staff to help manage elections at local level, with less reliance on the GAD. While it has not yet proven to be definite problem in Myanmar, best practices from other countries indicate that structural and procedural independence in terms of the selection of staff and a dedicated budget allocation can help to better insulate Election Commissions from political influence.

Though it enjoyed generally higher levels of trust and credibility than other government departments, the Election Commission's neutrality was at times questioned by those interviewed by ANFREL. In particular, its reliance on staff from other government offices and the background of some of its leaders led some to accuse the Commission of being partisan.

Pre-Election Period

Campaign Environment & Campaign Activities

ANFREL was pleased to find that the campaign environment is yet another area where conditions were drastically better than in 2010, though there were several important shortcomings worth noting. The overall campaign environment was generally peaceful in most of the areas observed by ANFREL's volunteers. In these areas, the campaign was largely free with isolated incidents of rioting, clashes between campaign supporters, and destruction of campaign materials.

Some interlocutors credited this improvement in the campaign environment to the Code of Conduct for political parties and candidates and other steps taken by the UEC. Wherever the credit belongs, it all created a feeling among those interviewed that candidates and voters were generally free to participate in the campaign in most of the States and Regions monitored by ANFREL's observers.

In general, most voters reported that the elections were more “free” because more political parties campaigned and contested which meant more choices of candidates for them. There has been a noticeable widening of democratic space for campaigning in the country, especially when compared to previous years. The presence of election observers, both domestic and international, was also seen as a contributing factor to the freer campaign environment.



Figure 3: USDP Campaign in Tedim, Northern Chin State

The 60-day campaign period was characterized by the political parties' mobile campaigns, music, handing out of leaflets, public rallies, music, and door-to-door campaigns. These activities created a campaign atmosphere that was considered to be more lively and festive than that of 2010. The most troubling, but thankfully isolated, incidents which ANFREL's observers reported on were attacks on campaigns by persons likely supporting or working for rival campaigns. As mentioned, while such incidents were thankfully isolated, there is never any justification for violence in a campaign and the perpetrators of such violence should be investigated and prosecuted to deter similar incidents in the future.



Figure 4: NLD Campaign in Tanintharyi

ANFREL also observed some minor, mostly isolated obstacles to free campaigns such as the police temporarily stopping a campaign and destruction of campaign materials by some unidentified persons. There were a number of both types of incidents reported, with police often acting, without appearing partisan, to prevent campaign activities that they perhaps misunderstood or thought were illegal. In most of these cases, after some discussion and negotiation, or thanks to the intervention of the state, region, or Union- level EC office, the security forces and the campaign in question could reach an understanding that allowed for the lawful continuation of the candidate's campaign.

For the first time in the country, a vibrant discussion and campaigning also took place online, via social media, especially Facebook. Some political parties and candidates used social media extensively, a practice expected to grow exponentially in future campaigns. And while the audience in 2015 for this medium was mainly limited to urban dwellers with access to the internet,

especially youth, that too will change as mobile access grows outside of cities and more generations of Myanmar's citizens get online.

Use of Religion in Campaigns and Use of Hate speech

One disturbing and worrying aspect of the campaign environment was the use of hate speech and religious discrimination that took place both online and via more traditional forms of media and communication. In almost all the areas where ANFREL's observers were present, and in the broader space of mass media and online, there was a great deal of coverage and attention paid to a movement of hardline Buddhist religious leaders known as Ma Ba Tha and their electoral and political activities before the election. The Ma Ba Tha movement started years before the election under the guise of protecting the religious and national identity of the country. As the election drew nearer however, the Ma Ba Tha's activities grew more politically partisan. Whether stated openly or implied using thinly-veiled language, many if not most of their rallies, brochure distribution, and other activities contained elements designed to either advance a specific local candidate's candidacy or campaign against another party, usually the NLD.

The most visible example of this was a series of nationwide rallies the Ma Ba Tha held to celebrate the passage, despite their prima facie religious- and gender-based discrimination, of four 'Race and Religion Protection Laws' that they had long-sponsored and campaigned for. It was during such rallies that ANFREL's observers witnessed hate speech used by the speakers to, at least in part, bring people to the polls to vote in support of those who passed the laws and against the NLD.

Despite clear injunctions against using religion in this way, there was a shortage of investigation, attempts to censure, or condemnation of Ma Ba Tha's toxic rhetoric by the authorities. Hate-speech was also observed in states such as Rakhine during routine campaign rallies held by candidates. Better and more education would help minimize such ugliness in the future. More emphasis on avoiding hate speech in the Code of Conduct could be a good starting point to avoid this type of language that risks inciting hostilities and violence that could in turn affect the overall election process.

Observers also noted some complaints were filed to local Election Commissions about the Ma Ba Tha, in particular concerning monks and their supporters that

were distributing brochures praising the work of the USDP and attacking the NLD for its supposedly sympathetic treatment of the Rohingya minority group. This was particularly worrisome at the time for some smaller opposition parties and the NLD because the monkhood is such a deeply respected institution in Myanmar. Candidates feared that villagers with limited knowledge about elections, particularly those living in rural areas that typically rely on and closely follow the advice of monks, would do the same when it came time to vote.

Filing of Complaints and Campaign Restrictions

Regarding the procedural aspects of the campaign and the UEC's management of it, some parties complained about what they perceived to be an overly burdensome process to get permission to hold a campaign rally. ANFREL heard frequent complaints that this requirement was overly bureaucratic. One particular aspect of the complaint parties repeated was the requirement of having to apply so many days in advance of the rally with the designated speakers having to also seek approval on the topics and issues they planned to speak on so well in advance. Enforcement of this specific part of the permission process was seen to be inconsistent but it is, on paper at least, an overly burdensome step that has a particularly harsh impact on smaller parties with fewer resources.

Restrictions that forbid candidates from criticizing the military also limited the political space and freeness of the campaign to some extent. This restriction in particular violated citizens' freedom of expression and did damage to the generally free nature of the campaign. There was almost certainly a chilling effect created from several highly-publicized cases of the military pursuing charges against social media users that had posted parodies or other content on their accounts perceived to be anti-military. The freedom to criticize is a crucial part of the freedom of expression that is so vital to electoral integrity and the freedom of a campaign. When one considers the military's outsized role in Myanmar and particularly their continued active role in the political leadership of the country, it is vital that they too are able to be criticized or satirized.

The Code of Conduct, although non-binding in nature, was recognized by civil society groups and international electoral support groups to have somehow guided political parties in carrying out their campaign activities. The campaigns were by and large peaceful and ANFREL observers did not see any violation

of the Code of Conduct. But many political parties found it challenging to campaign among voters with very low awareness about democracy and activities contributed to raising people's awareness.

As with many of the other elements of the election reviewed here, the notable improvements should be studied and institutionalized while those areas where there were still impediments to campaigning and a tilted playing field should be learned from and addressed as Myanmar moves toward a more mature democracy.

Vote Buying and Use of Government Resources

Incidents of alleged vote-buying in the form of providing of gifts, donations, or through directly distributing money to voters were reported to ANFREL observers across the country. Many of these charges could not be verified, but there were also many incidents where the involved political party admitted to the exchange, but claimed innocence based on the 'gifts' being simple donations, provided in lieu of a meal that they could not provide at the campaign event, or for other implausible reasons.

Similar incidents were also widely reported by various local CSOs and the vernacular media before the official campaign period started. Powerful local leaders were reportedly giving out rice, umbrellas, and other gifts with their name or the name of their party labeled on them. When questioned by local CSO representatives, these leaders denied any wrongdoing since the campaign period had not yet begun. If such instances are determined to not violate the substance of the law, they surely violate the spirit of it. The two largest parties received the most complaints about the use of money, with the USDP in particular accused of by far the most gift-giving, donation making, and use of government funds for election-focused development efforts, including gifts coming from the USDP but paid for from the government project budget.

When asked about such allegations, the local UEC office usually explained to ANFREL that it was unable to act or prevent such things from happening, even though they too had often heard of the incidents ANFREL observers asked them about. In some cases, the problem was the burden of finding concrete evidence while in others the police could not actually act or investigate proactively, but, had to wait until a formal complaint was filed. Often no formal complaint was ever filed, even in clear instances of misconduct. ANFREL

believes that Myanmar is, unfortunately, more likely to be at the beginning, than the end, of dealing with vote-buying as a serious election challenge. It hopes that a proactive UEC can work together with parties, candidates, and voters to prevent the practice of vote- buying from growing so that it does not become as big an issue in Myanmar as it is in some of its neighboring countries.

Campaign Finance

Related to the issue of untracked, unaccounted for money moving through campaigns for the purpose of vote- buying is the broader issue of campaign finance. Effective campaign finance laws can be one avenue to address the problem of vote-buying, and are also a key part of leveling the playing field among candidates. Without them, larger, better-funded parties and candidates have an outsized advantage compared with those less well off.

The primary campaign finance law in Myanmar is a 10,000,000 kyat (800USD) limit on a single MP candidate's total campaign spending. Some candidates of more modest means reported to ANFREL that they did not have that amount of money to spend so the ceiling had no impact on their behavior. It is more relevant for better-funded candidates, especially those who come from the two largest parties that get help from both the party and party supporters to finance their campaigns. Some of these candidates interviewed by ANFREL observers argued that the spending limit was unrealistically low and that those candidates running in cities or in large constituencies needed to be able to spend more to be able to disseminate their message properly.

While the actual amount spent in each campaign is difficult to quantify and investigate from the outside, a large number of those interviewed by ANFREL believed that the largest parties and most wealthy candidates were spending above the 10,000,000 kyat limit. Based on ANFREL's observation, it seems likely that these parties and candidates ignored the limit because they felt they would not be caught or punished for their overspending. Unfortunately, such disregard for campaign finance laws is not uncommon in the region. The actual money spent in campaigns is difficult to track, particularly so in Myanmar's largely cash-based economy, making laws regulating spending difficult to enforce and investigate. While there were complaints mentioned to ANFREL about the two largest parties spending above the limits, there were no formal complaints filed and no cases of overspending were pursued.

Myanmar's campaign finance regulations require candidates to submit a report detailing which includes all the money spent on a candidate's campaign, whether from themselves or their party, within thirty days of the election results being finalized. Failure to submit this report can be grounds for disqualification. All of 2015's winning candidates submitted their reports on time so this provision did not impact the makeup of parliament. While there were many cases of late or no reporting of campaign expenditures, such cases were only among losing candidates.

Reports and complaints related to vote-buying, violence, and use of government resources in campaign should be investigated and corrected. A more comprehensive campaign finance law, including regulations on donations and expenditures, will help level the playing field.

Women's Participation

In 2015, the role of women in the political and electoral life of Myanmar remained somewhat limited. While there have been changes and some reason for optimism over the last 5-10 years, there is much work left to do for the country to realize the great potential of their women as political leaders and influential voters.

To begin, there were relatively few women seeking election. Without any kind of legal quota for women's representation and without any of the major parties taking affirmative steps to promote women within their ranks, more traditional male-dominated systems reigned, with fewer than 800 female candidates out of the more than 6,000 in total seeking office. Of these, one hundred and fifty-one female candidates were successful, which was an increase in the number of women elected to parliament compared to 2010. At the national level, the Amyotha Hluttaw now has 23 women out of 168 (13.6%) elected members, or 10.3% of the total membership of 224 MP's. In the Pyithu Hluttaw, there are now 41 female MP's out of 323 (12.7%) elected members, or 9.5% of the total membership of 433 MP's.¹⁸

¹⁸ "Woman MPs up, but hluttaw still 90% male", Myanmar Times, Fiona Macgregor, 01 December 2015, available at: <http://www.mmmtimes.com/index.php/national-news/17910-woman-mps-up-but-hluttaw-still-90-male.html>

Unfortunately, the parliamentary quota for the military also compounds the gender imbalance in the parliament. Because women are vastly underrepresented in the military, military seats go almost exclusively to men.

Nonetheless, women showed great enthusiasm in the election, be it as election monitors, election officials at the polling stations, political party workers or as voters. Although, the participation of women in the entire process was limited, there was some improvement compared to previous elections, as evidenced by women's participation at election rallies, their engagement with CSOs in conducting voter education and election monitoring, and the large number of women who worked as poll workers on Election Day.

In one of the main election monitoring coalitions, the Election Education and Observation Partner (EEOP), 491 out of 1,518 observers who were deployed on Election Day were women, approximately 32 percent of the total number of election monitors deployed by EEOP.

Similarly, there were other organisations that attempted to bring women to the forefront, either as volunteers for monitoring elections or for programs developing capacity of women legislators in building their election campaigns and platforms. One such initiative was implemented by an organization called Phan Te Eain in Yangon. Before the election, Phan Te Eain called for women volunteers to assist CSOs in Yangon with programs focused on the role of women participating in the November 8 election. The organization also monitored the involvement of women in the political process, whether as party candidates, activists, voters or as officials in the Union Election Commission.

The program was designed to “examine transparency, responsibility, accountability and meaningful participation in politics surrounding the election” and the “challenges facing women as candidates and voters”¹⁹ and included interviews with political parties and the election commission in its examination of factors which encouraged participation by women.

Many of the women who participated in the electoral process as election monitors underwent training with ANFREL. Of the 128 participants who became trainers in ANFREL's “CSOs and Media empowering initiative”, 27 were women. Participants in the program were equipped to train election monitors and volunteers in their own areas and also in other states and regions.

¹⁹<http://www.mmtimes.com/index.php/national-news/yangon/16542-observing-women-s-role-in-elections.html>

The response from women volunteers all over the country, especially in the ethnic areas where ANFREL focused most of its training, was impressive. As many as 257 women out of a total 644 participants took part in a training of trainers (TOT) program. What was even more encouraging was that, of the 27 trained trainers who were engaged to conduct the TOT, 10 were women.

With the promise of a new, more democratic chapter starting in the country, ANFREL hopes that the country’s political leaders will seek more ways to engage and include women in the country’s leadership. Just as the rich diversity of Myanmar’s different ethnicities should be represented in Parliament, so should gender diversity, in all stages and levels of decision making.

Voter list and Voter Registration

The accuracy of the voter list was one of the primary concerns raised by ANFREL and others before Election Day. Indeed, the quality of the voter list was one of the major areas that needed attention as Election Day approached, both in ANFREL’s opinion as well as in the expressed opinions of the media and political parties, candidates, and, most importantly, voters. A significant number of the interlocutors the teams met with before the polls expressed

concern about the accuracy and completeness of the voter list. Early versions of the voter list released weeks before the polling had many errors, which the UEC helpfully acknowledged was to be expected since those lists were yet to undergo the planned updates and corrections. The initial list was compiled from data extracted from the 2014 national census and the GAD’s own records, which seems to have been the source for many of the errors encountered in the earliest versions of the voter lists posted by the UEC.



Figure 5: Voters looking for their names in the voters list in Tanintharyi

Among the most common errors were missing or duplicated names, names of deceased persons remaining on the list, and data entry errors such as misspelling of names or incorrectly entered addresses, dates of birth, or other data. People whose names were not on the list or had errors in their details could request corrections by completing and submitting Forms 3 and 4, respectively, to the UEC but the process of making corrections was considered tedious and difficult. Apathy among voters was a major reason why some people chose not to undertake the process of correcting their registration information. The process to update the voter list was therefore a massive and multifaceted process to update the voter list was therefore a massive and multifaceted one, in both scale and importance.

It is perhaps worth noting that the election commission was somewhat dismissive of the concerns related to the voter list that were raised by the NLD and a number of civil society groups. The UEC kept saying that the voter list on display, was “only preliminary” and that errors and data entry process inconsistencies could not be avoided. This perhaps caused more anguish among voters and the media as it presented a rather bleak picture for the quality of the election itself.

Months before the election, various news media outlets reported 90 percent or more inconsistencies in the voter lists for townships within urban constituencies such as Yangon and Naypyitaw.²⁰ Given the total lack of awareness about the electoral process in villages and remote areas, the UEC should consider itself fortunate that on Election Day there were no major complaints from voters. This is especially so as observation in Kachin, Chin, Kayin and parts of Shan State and even constituencies on the outskirts of Yangon showed that people were not properly informed about the voter registration process.

Some local election monitoring groups urged the UEC “to guide its election officials on what to do if data on date of birth, parent’s name and NRC no. do not match.”²¹

From what ANFREL’s team observed during visits to different townships in and around Yangon to witness displays of the voter list, it seems that many election officials “were clueless” when voters pointed out these discrepancies.

²⁰<http://www.elevenmyanmar.com/politics/union-election-commission-responsible-errors-voter-list>

²¹Voter List Registration pilot project, Findings and Recommendations. People’s Alliance for Credible Elections (PACE), 2014

Further, in yet another of its recommendations, the local election monitoring group PACE suggested to the UEC that it “establish extensive communication mechanism by using public and private media outlets to inform citizen how to go and check their information on the voter list and to establish capacity building program for sub-commissions of various levels.”

The names of migrant workers also need to be included on the voter list. According to international principles on elections a complete voter’s list is one that has names of all voters who have reached the eligible voting age. In Myanmar official figures stated that only around 34,000 out of over 2 million officially registered Myanmar workers living overseas managed to register to vote in time for the election.²² A case in point is a report published by Reuters on October 20, 2015 which said that in the Thai fishing port of Mahachai, 45 km (30 miles) southwest of Bangkok, many of the nearly 300,000 migrant workforce complained of confusing information that prevented them from registering to vote.²³

Notwithstanding the challenges and shortcomings, the UEC must be credited for being open to the idea of experimenting with different ideas and systems to prepare a comprehensive voter list for Election Day. To this end, the UEC hired the services of Wiredcraft, a tech company based out of Berlin, Shanghai and Washington, DC, to design voter list software to help set up a database. Guided by IFES, the UEC partnered with Wiredcraft to create what were called Township Voter Registration (TVR) and, Centralized Voter Registration (CVR) Systems, and the “Check my Name,” mobile app. The above applications were meant to help voters access their information on the official database and verify the same.

The UEC tried to use the technology to undertake the process of revising the voter list. For instance, if voters found that their names were missing or were incorrect, they could access the digital forms to request a correction using the TVR system.²⁴ The list of forms on the TVR system were:

- Form 3-A: Temporarily adds a registrant for one election only
- Form 3-B: Temporarily removes a registrant from the list

²²<http://www.irrawaddy.com/election/news/missing-millions-flagged-as-ballots-go-out-for-overseas-burmese>

²³<http://www.reuters.com/article/us-myanmar-election-voters-insight-idUSKCN0SE2GN20151020>

²⁴<https://wiredcraft.com/blog/building-myanmar-voter-registration-software/>

- Form 4: Objection/removing a registrant record (deceased, new nationality, etc.)
- Form 4-A: Transfer of a registrant to a new address
- Form 4-C: Correction of a mistake in a registrant's details

Though the UEC made the systems and application available, especially the TVR system where voters could access data online instead of having to access it manually in person, there is no verified published information to show how many voters actually took advantage of the technology. It seems that the UEC primarily relied on the traditional system of voter registration using different forms recommended under the rules in the electoral legal framework. Most of the data was collected from the voter forms and then entered manually onto the appropriate township list.

The UEC had local township offices where a lot of the on-the-ground voter registration work took place. The voter lists were printed and posted at these township offices so that all citizens could check their voter registration information. If a citizen noticed that a correction to their voter information was necessary, with the help of UEC staff members on the ground, they could submit any corrections or edits through forms that were digitized using the TVR system.

Introduction of technology in the form of digitizing available voter data was meant to make for a transparent, accountable, traceable and reusable election system for the UEC.²⁵

The UEC also partnered with other INGOs like International IDEA to reach out to as many voters as possible to undertake the revision of the voter list. An initiative called "Let's go and check the Voter List", an animation to encourage voters to participate in the national Voter List Display from September 14 to September 27, 2015, proved reasonably useful. This was one final opportunity for voters to check their names and their personal information on the list to be sure that they could vote on 8 November.²⁶

Despite significant concern and worry about voter-registration related chaos on Election Day, ANFREL was encouraged to find that issues with the list did

²⁵ Ibid

²⁶ http://www.idea.int/asia_pacific/myanmar/video-lets-go-and-check-the-voter-list.cfm

not create serious problems for most voters arriving to vote at their polling stations. While the number of voters who knew they had been left off the list and stayed home is unknown, the voters who did show up usually left after successfully voting. The list, and the provisions implemented for overlooking small mistakes/typos or missing names in the list as long as the person could be identified by locals, created a smooth polling day in most places observed by ANFREL.

The efforts of the UEC to improve the list and to make it as accurate as possible should be recognized. In particular, efforts to provide ample mechanisms to allow voters to check their names and correct them and several rounds of revising the lists based on this information seem to have proven mostly successful. The voter list was displayed multiple times in the months before the polls, with voter attention and voter awareness of the need to check their names growing as the election grew nearer. After multiple rounds of posting and revising the list, the final version was posted by November 1 in most localities across the country. The

fact that some errors remained in the final list, indicating that many voters still failed to check their names on the final list prior to the election despite the many opportunities to do so, reveals the need for more voter education and awareness campaigns by the UEC, NGOs, and the political parties on the importance of verifying voter information.



Figure (6): A voter checking her name in the voter list on display at a township office

While the lack of voter awareness was to blame for much of the failure to check the voter list, the process of registration was considered by many stakeholders ANFREL interviewed to be a complicated process that caused confusion for many voters.

For ethnic minorities, especially in those states where they make up most of the local population, review of the voter lists was also a challenge because they were written in Burmese and a number of ethnic minorities can only read and write in their own respective ethnic languages.

Going forward, ANFREL hopes that the UEC will regularly review and update the voter list and ensure that it includes all eligible voters of Myanmar. Voter education campaigns in cooperation with civil society would also help in raising awareness and encouraging people to register. A review of the UEC rules for registering migrant workers eligible to vote would also be a worthwhile undertaking, as migrants remain an important part of the country's society.

The UEC's willingness to consider the possible use of biometrics in the future to register voters is a reflection of its seriousness in preparing an accurate voter list for future general elections, though it is not entirely certain whether use of biometrics, which would be extremely expensive, is the best option. A number of countries in the region have benefited from the use of biometrics, which have served to augment the process of registering all eligible voters nationwide.

Registration of Parties & Candidates

Party and candidate registration drew criticism from ANFREL's interlocutors for the selective and at times harsh application of qualification criteria to certain groups while applying very light and friendly criteria to others. In particular, the very stringent rules for eligibility to stand as a candidate and the way they were applied were worrisome. The regulation as it currently exists requires not only candidates to have been natural born citizens but also requires that their parents were both citizens at the time of the candidate's birth. In most cases, these rules and their enforcement adversely affected those with a Muslim, in particular but not limited to the Rohingya, or South Asian background to keep them off the ballot.

On the issue of citizenship, cases where voting rights were given in the past but were denied this time raised questions about the process for disqualification. Evidence exists that in some places enforcement of these laws and their application to both citizens as well as candidates registering to run was unequal. The examples provided to ANFREL observers suggest that the authorities tended to be quite strict when it came to applying the rules to Muslim candidates but much more flexible and relaxed when assessing

candidates with Chinese or other non-Muslim ancestry.

Such inconsistency is of course part of the forced political and social isolation of the Rohingya community in Myanmar. Indeed, much of the discrimination mentioned in the section on disenfranchised persons was also mirrored in the candidate- and party registration processes. In Thandwe, Rakhine, for example, the All Myanmar Kaman National League for Democracy, which was formed in the previous year by Kaman Muslims, tried to register as a political party but, despite promises from the central UEC that it would approve their registration, was not able to register locally because people complained that its members were not native Kaman but were mixed people of ‘Bengali’ origin.

Hopefully, as Myanmar’s political system matures and grows more stable, both its leaders and voters will come to recognize the wisdom of applying more reasonable citizenship eligibility criteria and will find space to recognize the rights of the Rohingya and other marginalized ethnicities.

Security Situation

The security situation during the pre-election period up to the Election Day was largely peaceful, with no major incidents of violence or use of force reported in the areas covered by ANFREL’s observers. The situation provided for an environment favorable to holding free elections. There



Figure 7: Special police and police officers outside the ward office during advance voting in Bago city

were no major threats to security and no destabilization foreseen before Election Day. While stakeholders in several states expressed concerns on the possibility of post-election conflicts, no serious events threatening public security transpired after the election either. However, a culture of silence and fear was still observed in some areas where security was assured. This owing to several factors, from presence of both rebel armed groups and the military and possibility of supporters of political parties turning violent. At the time of its

press conference, ANFREL urged all political parties, candidates, and supporters to accept results peacefully without resorting to violence and is happy to see that that is generally happening in the country in the post-election period thus far. Security forces, especially the police, also have to be commended for performing their duty of securing election materials and maintaining peace and order. Security preparations were found to be adequate and remained on track before Election Day, including the recruitment and training of Special Police forces.

Security Preparations

Special police were recruited from the community to serve for a month to provide extra security around Election Day. The criteria for membership included being between 18 and 60 years old and having neither a criminal record nor political party membership. These special police were generally prohibited from communicating with voters who were voting except in the process of carrying out their duties, and they were generally not allowed to enter a polling station except at the specific request of the head of the polling station.

Special police were deployed to provide security for election materials and polling station materials, including ballot papers in their respective storage areas.

In addition, though they were thankfully not needed, plans were made for obtaining assistance from the army to handle any difficult situations that might arise during the election. The military were, however, relied upon to assist in transporting election materials.



Figure 8: Special police Training in Hakha, Chin state

According to media reports nearly 20,000 police force were deployed in three sensitive regions and separately in Mandalay, Yangon and Kachin. The security measures were put in place throughout the pre-election, election and post election periods. Considering

that the Mandalay region had seen some clashes and some parts were communally sensitive a total of more than 4,510 specially-trained police force members were deployed there, which accounts for 50 percent of the region's police strength. This was informed by Mandalay regional police chief Han Tun to the media before the elections.

Police Monitoring and Surveillance of Election Observers

Notwithstanding the reassuring security situation, security forces, specifically the Special Branch Police, conducted monitoring activities including following ANFREL observers in their daily activities and recording their movements during the course of ANFREL's election observation mission. Although the police showed no signs of being aggressive, their constant trailing inevitably, to some extent, affected the movement of observers and the comfort with which interlocutors were willing to be frank and open with ANFREL's observers. In some instances, the police would interrogate people interviewed by ANFREL observers about the topics of their interviews, an intimidating act that would certainly create more self-censorship and fear in the future. This practice should be re-evaluated, as international observers and authorities should be able to cooperate with each other's work without the need to closely monitor observers.

Most of the police monitoring of ANFREL's observers was done in Kachin and the Shan States where it was more pronounced than in other states and regions. As the observation mission progressed, monitoring by special branch personnel decreased. Later on, police began to show signs of cooperation with the observers which was very helpful.

Presence of Armed Groups

A number of armed groups still operate outside city centers in parts of Myanmar where the GAD is not present, primarily in the ethnic states. Many of these armed groups signed the Nationwide Ceasefire Agreement (NCA) with the government in October 2015, though to what degree the NCA would actually stop the fighting and the impact of some groups not being willing or allowed to sign was still unclear at the time of signing. Nevertheless, the armed groups that signed the agreement have shown cooperation in holding peaceful elections while some of those who did not sign still vowed not to disrupt the process.

Two examples are illustrative of the situation most observers reported from their areas. The first, from Kachin State, was that of the Kachin Independence Army which did not sign the NCA but vowed not to disrupt the election. The second is that of the Karen Affairs Committee in Kayin State, which indicated that it wanted to see the election take place peacefully. Such examples were common among those armed groups interviewed by ANFREL, revealing broad support for the elections among both those signing and refusing to sign.

While there can be some fair criticisms of the timing of the NCA agreement, it was generally found to have a positive impact on the activities of those participating. ANFREL hopes that it is the beginning of a larger, more inclusive movement to bring peace to every corner of Myanmar.

Neutrality of Security Forces

Most people interviewed by ANFREL's observers expressed relatively low levels of trust about security forces such as the police and army. There were also doubts about whether the recruited special police force would prove to be professional and neutral. Some interlocutors still connected the military to its actions in the past to subvert democracy and believed they would do so again if necessary.

Local election monitoring groups like PACE claimed that the police had been protecting only the government and its supporters. They reported that activists in some areas who supported opposition parties were being arrested as Election Day drew near as a result of the police's inadequate understanding of democracy.

Opposition parties such as the NLD and the KPP, among others, shared with ANFREL that the police had been conducting surveillance of their activities. Meanwhile, the USDP and National Unity Party did not see any problem with the performance of the police.²⁷

²⁷<http://www.euro-burma.eu/news/show/7888/>

Voter Education

Voter education was a critical issue during the pre-election period as there was a lot that needed to be done to make the public more aware of the electoral process in light of the country's limited experience with democratic elections. The need for a wider and more systematic dissemination of information to voters from across the country was felt by all concerned stakeholders, including the UEC. The logistical challenges were immense and the UEC was perhaps not prepared with an effective approach to reach out to voters.

Undoubtedly the UEC tried its best as elections drew closer by distributing approximately 3,486,065 pamphlets and 410,648 posters with information about the election in some strategic locations. The pamphlets were distributed by CSOs whereas the posters were displayed in strategic locations.

300,632 pamphlets and posters were produced and distributed in 16 ethnic languages including Shan, Kachin (Jingpaw), Kokhant, Talung (Palaung), Lisu, Lahu, Wa, Akkha, Paoh, Zomi, Khumi, Lai, Poe Kayin, Sakaw Kayin, Paoh Kayin and Mon.

In addition to pamphlets and posters, the UEC also helped distribute information for voters about the election 386 times by TV broadcast, 173 times by radio broadcast, 386 times via newspaper and on billboards in 25 locations around major cities. They also sent a total of 29 million SMS messages directly to voters in cooperation with leading telecom service providers.

The UEC also undertook voter education through the Internet and social media, where their election related posts received around 10 million views. During October and November alone there were 2.4 million views of posts on 'How to Vote' and on Election Day.

For Election Day itself, the UEC produced and distributed 153,275 polling manuals, 143,099 polling station layout posters, 71,500 counting layout posters, 71,500 valid/invalid vote posters, 35,170 operations checklists for electoral officers, 25,644 advance voting manuals, 1 million pamphlets on the voting process, 325,868 posters that display identification cards, 25 billboards for explanation of the different ballot papers and 5,000 Electoral Dispute Resolution Manuals.

The volume of election-related materials and information distributed by the UEC in the year 2015 sets a helpful benchmark for voter education efforts in the future.

The UEC’s voter education efforts were also supported by civil society and political parties. Much like voter interest itself, civil society outreach and voter education programs grew exponentially ahead of the 2015 election compared to the 2010 and 2012 election cycles. ANFREL’s observers interviewed voters that had received in-person voter education from CSOs operating in their area as well as others that had learned about the process online via materials created and posted by CSOs on their websites and social media.

As is often the case, political parties played an important role in educating voters. Even if it is often done with partisan intent and in the party’s own self-interest, ANFREL is happy to see political parties inform voters about when to vote and the process for doing so. While it is not a substitute for non-partisan voter education conducted by civil society and the Election Commission, it



Figure 9: Voter Education Banners and Posters on Display

can often be very effective since parties have money and motivation to reach as many voters as possible and voters often pay greater attention when their favorite party is delivering the message.

However, notwithstanding the efforts that were put in by the UEC, CSOs and even political parties, the overall lack of voter awareness cannot be overlooked. Many voters interviewed by ANFREL on the polling day did not have a clear



Figure 10: Voter Education by Naushawng Education Network at Waingmaw in Kachin State

understanding of the voting process. There were also voters who did not know about the election date. There was an apparent gap between rural and urban dwellers in terms of political awareness. This gap can be attributed to the voters' accessibility to information. Voters in rural areas tended to have lesser knowledge and lesser appreciation for political and democratic processes compared to those living in industrialized and urban areas where there is greater access to media.

More voter education can be helpful in almost every country, but it is particularly needed in Myanmar given the electoral context. For the future, ANFREL hopes that both the UEC and civil society can build on the rapid improvement and growth they have shown over the last few years. One way they can do so is to continue and significantly expand their voter education efforts to help create an informed electorate that can more easily and more deeply participate in the electoral process.

Role of the Media and Media Neutrality

The news media plays a significant role in ensuring that an electoral process is transparent and the organization conducting the election-- that is the election commission-- is accountable to all.

A neutral and free press also helps to ensure that a level playing field is created during the election process. In Myanmar the news media played a helpful role in disseminating information about the election and many of its parties and candidates. However, ANFREL's observers reported what they saw as a certain amount of favoritism among media outlets, both public and private, for particular parties or candidates depending on their ownership.

State-owned media in particular appeared to pay more attention to the USDP's activities than to the efforts of other parties. The Mirror and the New Light of Myanmar also tended to give more coverage to the USDP's activities than to those of its opponents.

ANFREL's observers noted that the media in Myanmar, while much freer than in the recent past, must still censor itself to a certain degree and limit the scope of their reporting in some cases. Most journalists stated that they were now relatively free to report election-related news, especially when compared to prior elections. At the same time however, those reporters agreed that they still practiced a degree of self-censorship, especially a reluctance to make critical comments about the government. Some journalists said that they were still subject to threats in reaction to their reports critical of the government.

The media faces scrutiny from security forces--as ANFREL observers experienced themselves during the mission, but to an even greater degree-- and must exercise caution as a result. The arrests of activists who had shared political jokes via Facebook likely had an additional chilling effect on the media's reporting of certain sensitive issues related mainly to the military.

Nevertheless, the environment that was provided to the media during the elections was much more free than in 2010 and in 2012 and most news media groups succeeded in covering the elections and all the issues surrounding it with a great deal of gusto and purpose. Leading the English-language media coverage was The Irrawaddy English- and Burmese news portals and The Myanmar Times with special election pages and supplements. The Democratic

Voice of Burma (DVB) too organized some very thought- provoking debates which were aired live on its news channel. The Burmese news media had a wide coverage of the elections, with the Daily Eleven and the 7 Day daily being the most popular outlets.

According to a survey titled, “Myanmar Election Media Aanalysis-2015,” carried out by the Mizzima Media Group and the META Communication International a total of 1,224 articles on elections were carried in the news media between November and December 2015. The English-language news media’s share of coverage was 36 percent whereas the Burmese-language media’s share stood at 64 percent.²⁸

The media coverage on the elections saw an increase especially after various awareness and trainings initiatives were launched. ANFREL engaged intensively with the news media. Three election reporting trainings were conducted for over 30 journalists besides focused follow-up orientations with some news media groups on the media’s role in the electoral process. The trainings for the media were focused on election reporting and a conscious effort was made to reach out to as many ethnic media groups as possible.²⁹ The trainings for the news media and other follow-up activities were conducted with support of the Myanmar Journalists Network (MJN) and the Myanmar Press Council.

The media trainings were followed-up with two important activities, a ‘biweekly forum,’ where trained journalists interacted with all electoral stakeholders and fellow journalists about the usefulness of training and how they were able to better understand the electoral process and the first ever ‘Editor’s Forum’ where editor’s from different news media groups came together and deliberated on the opportunities and the challenges to the November 2015 elections.

Some organisations tried to monitor the media and also came up with reports highlighting the role the news media played during the elections and the pattern of news coverage. By and large the media is seen to have played a neutral role with focus mostly on the process and the outcome. Though in many cases the media tended to be heavily leaned towards the NLD and its projected chances of winning the elections and forming the government.

²⁸http://www.networkmyanmar.org/images/stories/PDF21/MEMA_2015-11.pdf

²⁹<http://www.anfrelmyanmar.org/>

Most voters have TV sets and radios from which they access information about the elections. Radio is more popular in villages whereas TV sets are a more common source of information for city or town residents. There was an increasing segment of the population using social media as well, especially among youth.

Role of Civil Society, Access and Work of Observers, and Party Agents

The civil society played a very significant role in the electoral process participating at various levels and engaging with different stakeholders to ensure that the elections were held in a transparent manner and the UEC would be accountable for its actions. The civil society in Myanmar has been active since a long time supporting various initiatives to strengthen the process of democratization.

Thousands of civil society observers were seen on the Election Day at the various polling stations across the country. This reflects the commitment of the local civil society organisations (CSOs) many of which functioned on their own with small funding support from donors and international NGOs. In particular CSOs in the ethnic areas showed great determination, who worked on their own backed by technical support received from various international organisations. A total of 11,370 domestic observers were accredited by the UEC.

There were a number of groups that ANFREL worked with cutting across various ethnic groups in all the 14 States and regions. In all 144 organisations were provided technical support by ANFREL focused on election monitoring covering the pre-election, Election Day and the post election period. The technical support was instrumental in developing as many 772 trainers who in-turn trained their volunteers and election monitors in different parts of the country. Most of the trainees from CSOs that were trained by ANFREL were part of all the major coalition like PACE, EEOP, COM, Peace and Justice, Phan Te Eain, Karen Women's Empowerment Group, Union of Karenni State Youth, Rain maker, Bago Observers' Group, 88 Generation Peace Society, Hornbill, Rhododendron Indigenous Development Group (Mindat), Lokarpala Association, Mon Women's Organisation, Election Observers Network, Mandalay, Association of Political Prisoners, Farmer's Network, etc.

CSOs showed incredible interest during the run-up to the elections. ANFREL was able to distribute over 1000 Election Observation Manual both in English

and Burmese to the various CSO groups. What was encouraging was to see the growing interest among CSOs to engage in the electoral process either to educate voters or to monitor the process of election management by the UEC. Other INGOs too engaged with CSOs to support the electoral process. The International Foundation for Electoral Systems (IFES) partnered with CSOs to promote the rights for persons with disabilities, women and youth empowerment, and civic and voter education.

The Myanmar Independent Living Institute (MILI) was one of the key groups that were engaged to promote the rights and inclusion of persons with disabilities in areas such as elections, business, education and employment. IFES also initiated some women's empowerment programs partnering with Yaung Chi Thit in 17 locations across the 14 states and regions. Some very noteworthy voter education initiatives were also taken up by IFES with local organisations like Creative Home and Pandita Development Institute.³⁰

Besides IFES, the other INGOs that engaged with CSOs were the National Democratic Institute (NDI) and the Democracy Reporting International (DRI).

The civil society's interest and participation in the electoral process, especially consultations with the UEC is reflected in the over 10,000 domestic observers that were on the field on the Election Day. The UEC showed a great interest in that were on the field on the Election Day. The UEC showed a great interest in the role of civil society and endorsed all those that were engaged in the process through their involvement either in voter education or in the election monitoring process. Over 3,000 elections observers that were part of the ANFREL initiated capacity building were accredited by the UEC before the Election Day. These observers and all the others that worked for different civil society organisations certainly played a crucial role in ensuring that the voice of the voters is heard and that all political parties that contested are given a fair chance to participate in the elections.

As has been mentioned in a number of reports the civil society's growing importance in Myanmar will no doubt become a key feature of the transition process and will surely serve as the "oxygen for democracy" for the people of Myanmar.

³⁰<http://www.ifes.org/news/partnering-myanmars-civil-society-build-democracy29http://www.anfrelmyanmar.org/>

In general, Civil Society played an active role in the run up to the Election in terms of voter education and outreach about the election. ANFREL observers encountered several local civil society organizations during the pre-election period. Most of those NGOs were working on voter education campaigns and preparing for domestic monitoring.

In addition to the international observers ANFREL met in the field such as the EU and the Carter Center, several large Citizen Election Monitoring Groups such as the PACE and the EEOPS monitored polling in significant numbers of stations around the country. More locally, many more local or regional organizations



Figure 11: ANFREL observers interview community workers

monitored polling often times in the particular state or region where they were accredited. ANFREL is encouraged by the role of these citizen monitors in the election and hopes that they can carry their momentum from the observation of the election into helpful engagement in voter education and electoral reform in the country on a more permanent basis going forward. ANFREL was proud to play a part in training a number of these observers, especially those in Myanmar's states, and was pleased to see

they were generally successful at carrying out their observation missions. As a network of Citizen Monitoring Organizations, ANFREL believes that effective citizen monitoring can and should be the backbone of a country's electoral oversight.

ANFREL was also encouraged by the presence of party agents at the polling stations where we observed. Most stations had at least two party agents representing the two major parties and some smaller parties fielded a substantial number of agents as well. These participating parties should be complimented for their efforts to recruit, train, and deploy party agents to play a helpful role in the polling stations and add credibility to the polling process. A total of 87,520 party agents were accredited by the UEC.



Figure 12: ANFREL LTOs during a meeting with EU and other international observers in Taunggyi in Shan State

On the Election Day ANFREL's observers were welcomed at the vast majority of the Polling Stations visited. Several observers were however denied entry at some polling stations on Election Day due to what seemed like inadequate training of Security and Polling Station Officials. Analysis of those polling stations where our observers were denied revealed no apparent fraudulent intent however access for all accredited Observers, Monitors, and party agents is an important part of the process and one that we hope is fully protected and recognized in the future.



Figure 13: Local citizen election monitors in a polling station

Advance Voting

The issue of advance voting was one of ANFREL's greatest concerns from the beginning of the election, based on not only the pre-mission assessment but also the history of the advance vote in 2010. That election saw widespread reported abuse of advance votes obtained through outright fraud or coerced voting. Those advance votes were often taken before the official advance voting period began, were generally collected in an ad hoc manner without safeguards, and were often the product of proxy voting, ghost voting, or coerced voting using threats and intimidation. During the 2010 counting period, many of these ill-gotten ballots were reportedly added to the count with Election Day's relatively cleaner ballots to push USDP candidates past the finish line, with little accounting of the vote totals from each kind of vote or the number of spoiled, invalid and unused ballots from each polling station.

As ANFREL reported in 2010 and as was retold by numerous interlocutors in the pre-election period this cycle, advance voting in 2010 lacked transparent and proper safeguards to prevent abuse. Such loose management of the advance vote process led to what seemed to be widespread abuses. As one candidate said, "At 8:00 pm on election day, I was winning by a wide margin. I and my supporters went home, happy at the thought that we won the election. The day after, I was told that I lost. The reason given was the results of the advance voting". This candidate's story is one that was repeated in many places all over

Myanmar. As there were over six million advance votes in 2010, it is perhaps unsurprising that a process so open to abuse could also change the outcome of many local races. Given this past abuse, the concern about advance voting raised time and time again by ANFREL's interlocutors ahead of the 2015 election was understandable.



Figure 14: Advance Voting for Elderly Voter in Bago West

Fortunately, the advance voting process for 2015 was much improved. While there were still opportunities for the process to be abused, there were also more safeguards in place that led to greater transparency. Among them, advance votes from in-constituency had to arrive at their local polling station by 4pm on polling day so they could be counted together with the others. Lists of those persons that voted in advance were posted at the polling station and the count from their votes was to be dis-aggregated and posted separately from the normal election day votes. Out-of-constituency votes were also due to arrive at the township office for transparent counting when polls closed on Election-Day.



Figure 15: Advance Voting in the Chin State

Thanks to some of these improvements, advance voting in 2015 did not have problems on the same scale as in 2010. It is nevertheless true that there remained a number of pressing issues with the process and room for further improvement. While it is laudable to have a mechanism to allow advance voting, there also needs to be a review on the current set of procedures and their implementation. The observers saw a great deal of procedural variation between localities, indicative of the need for more training, in the implementation of in-constituency advance voting from one sub-commission office to the next.

More training and additional UEC control over some aspects of the advance voting process will increase public confidence in the process and eliminate some of the existing shortcomings ANFREL's observers reported in those areas. The timely release of pertinent information including an election schedule is similarly helpful for the preparations at the sub-commission level and for those who intend to cast their votes in advance. Improving both of these aspects will also lead to more procedural uniformity to ensure regulations are strictly followed.

Overseas voting was also of concern because multiple embassy voting locations, especially in countries where there are large numbers of Myanmar citizens working such as Thailand and Singapore, ran out of the correct ballots or experienced logistical problems managing the rush of people trying to vote. These problems were encountered despite a relatively small turnout of voters for overseas advance voting as compared to the turnout on the Election Day in the country. While there is no international norm regarding overseas voting, ANFREL believes that more can and should be done to promote overseas voting and to make the process more accessible by expanding the number of locations for voting and the outreach done in Myanmar communities abroad beforehand.

Without lessening the importance of addressing the above issues, ANFREL considers certain aspects of the out-of-constituency advance voting to be of even greater concern, in particular the advance voting of the military and police in some areas. In particular, the lack of UEC procedural control over voting on military bases and some other government installations raises red flags about the voting process inside those areas. While overall advance voting was improved from 2010, the special privileges enjoyed by these institutions create opportunities for fraud and electoral misconduct and the general lack of access for observers magnifies those problems. In many of these places, neither the UEC nor observers had access to manage and observe the voting process on military bases, an exception to normal voting guidelines and best practices that contributed to an environment of mistrust due to the lack of transparency. Election observers' lack of access to these areas is emblematic of the wider lack of control the UEC has over the voting procedures at these mostly security-related bases, centers, and offices. The opaque advance voting within these areas was among ANFREL's initial concerns about advance voting ahead of the election and it remained unaddressed. Moving polling stations out of military camps and beginning a transition towards normalizing military voting in more ordinary polling stations will help protect the voting rights of individual soldiers and will remove one of the electoral system's lingering weaknesses.

Additional safeguards such as the application of truly indelible ink should also be considered to eliminate possibilities for those advance voters who might attempt to vote again on Election Day. In those areas with late- arriving advance ballots, investigations should be taken into the cause of the delay to help prevent such accidents in the future and/or prosecute any actors found to be attempting to manipulate the process.

In general, ANFREL believes that advance voting, whether done by the military, civilians overseas, or at a normal sub-commission, should have as many of the Election Day safeguards in place as possible. By normalizing the system to more closely mirror the Election Day process conducted with the same procedures in place, the UEC and all stakeholders can proudly claim that they have fully responded to one of the system's lingering problems. Looking back to 2010 the UEC and its current slate of commissioners deserve credit yet again for the very significant improvements in the advance voting process compared to that period, but this history and the hard-fought progress since then is precisely why the remaining loopholes need to be closed.

Election Day

Polling Procedures & Election Day Administration

ANFREL's 51 observers who were out in the field on Election Day visited a total of 304 polling stations in 105 townships spread across the country's 14 states and regions. The largest number of townships visited in a single region was 14 in Yangon Region where ANFREL core team and mission leadership also concentrated their observation.

ANFREL observers spent considerable time in observing the counting process at polling stations, including at some stations in military compounds. However, in a few polling stations international observers were not allowed to enter, for which the polling station staff did not provide any explanation. Domestic observers and party agents were present in these locations.

Election-day processes were assessed positively by ANFREL's observers, with over 80% assessing the elections in the areas they observed as generally good or very good. While there were reports of mostly minor procedural inconsistencies in polling stations throughout the country, the proper polling station procedures were generally followed, with polling station staff relying on the procedural manuals provided by the UEC. Voting was generally conducted smoothly and the secrecy of the ballot was protected in the vast majority of polling stations observed by ANFREL.



Figure 16: One example of the long queues on Election Day

From the pre-dawn hours of Election Day, observers reported a generally peaceful environment with few incidents. This calm and peaceful environment included a consistent enthusiasm from voters waiting patiently in what were, especially in the morning, often long lines at polling stations. Indeed, voter interest was high with voters queuing as early as 3:30-4:00 am in some areas, an interest which resulted in just under 70% turnout for the day. Combining the particularly heavy voter turnout in the morning with the relatively time-consuming process of having to check voters' names on each of the three voter lists for the different ballots made for a lengthy queue with significant numbers of voters patiently waiting well over an hour.



Figure 17: A female voter casting her franchise

ANFREL's observers found the opening processes to generally adhere to the procedures laid out in the polling manuals provided to polling station officials by the Union Election Commission. The teachers who made up most of the polling station staff nationwide showed patience and dedication to their task for the day. The layout of polling stations was generally suitable and again mostly in compliance with the regulations set out by the UEC. Observers did have frequent suggestions for better crowd management in polling stations where groups of perhaps too-eager voters were often crowded around the first table inside the door. They also observed a few polling stations where voting booths were side-by-side, touching in a way that could endanger the secret ballot of voters voting next to one other. This was fortunately mostly uncommon and without any observed attempted abuse of that proximity. The use of indelible ink was generally a very positive part of the process though observers sometimes reported that voters' fingers should have been checked

more carefully upon check-in, and the chemical content or method of applying the ink should be more rigorously checked in the future due to some instances of the ink being relatively easy to wash off.

In some polling stations, voters from ethnic minority groups that qualified to elect an Ethnic Affairs Minister due to their population in a particular area found themselves unable to do so because their assigned polling station was missing its Ethnic Affairs/'national race' ballot box. Polling station officials in these cases were generally unable to provide an explanation or accommodation for these peoples' lost voting rights. Barring special accommodation to restore the opportunity to these voters to vote for their ethnic affairs representative, ANFREL hopes that the Election Commission can look into any failures that took place in these cases and take measures to avoid such errors in the future.



Figure 18: Polling Station Voters List and Voter Education Materials Posted by the UEC

One consistent thread that observers reported throughout a number of the processes on Election Day was a certain amount of variation or lack of standardization in the procedures followed from polling station to polling station. Without the suggestion or implication of ill intent, observers found noticeable variation in the implementation of many parts of the process but in particular in the closing and counting procedures followed in each polling station. In some polling stations, ballots were not properly reconciled at the

time of closing and unused ballots were not securely guarded or stored during the counting. Inconsistent criteria to invalidate ballots where ink had spread from folding the ballot caused high numbers of invalid ballots in some stations. However, in other stations similar ballots with ink smears were counted as valid. While such variation does not suggest any kind of fraud nor a significant impact on the election results, more training for polling station staff and standardization of Polling Station procedures will add to both the real and perceived integrity of the election.

ANFREL's observers are trained to observe every aspect of the election process and as such were eager to follow the consolidation of polling station results to the township- level Sub-Commission office. Those observers able to make it to the township office were often disappointed when township-level results were not posted even much after the results were counted and in some the results were not put up for public display. ANFREL hopes that such inconsistencies are not indicative of a larger future trend and believes that the timely and transparent release of results from polling stations at all levels of consolidation can go a long way toward building greater confidence in the electoral processes of the country.



Figure 19: A polling station official showing empty ballot box before counting the ballots

Persons Unable to Participate/ Disenfranchised Voters on Election Day

While apparent well in advance of the election, the large number of people unable to exercise their voting rights this election was a deeply disappointing and saddening violation of rights. There were significant numbers of people in differing situations that were nevertheless unable to have their voices heard. ANFREL hopes that, as the country hopefully grows into democratic maturity, its elections will also grow more inclusive. The large numbers of potential voters who were excluded or unable to participate in the process is perhaps the elections' most significant shortcoming to date. The exclusion of the vast majority of the "Rohingya," population was the most egregious of the cases. It was the product of the intentional expiration of the white cards which previously enabled a number of minority ethnic and religious peoples to vote and its impact was to exclude several hundred thousand possible voters that were able to participate in the last election. This, ANFREL believes, is one of the few areas where the 2015 Election took a significant and unequivocal step backward as compared to previous years. This move to exclude Rohingya from the voter rolls broadened to exclude, using arbitrarily implemented criteria, many religious minority candidates as well.

The issue of disenfranchisement of those previously issued with temporary registration cards should be reconsidered, both substantively as well as procedurally. While this is obviously to some degree a broader political and human rights issue more so than strictly an electoral one, ANFREL strongly believes that mass, group disenfranchisements such as that seen in some parts of Myanmar have a critically negative impact on the Election Process, its



Figure 20: A male voter showing his inked finger after casting his ballot

inclusiveness, and its ability to properly represent the desires of the people of Myanmar. From a strictly electoral standpoint, with an attempt to temporarily look past any broader human rights concerns, if the Government wants to apply very strict citizenship standards for voting eligibility, it should at the very least have a

proper process and equal enforcement of that harsh law. In this case, such a process was not followed, with unequal enforcement and different degrees of investigation into the backgrounds of citizens and candidates before ruling them ineligible, as ANFREL observed a claimed lack of citizenship being used to conveniently deny the nomination of some candidates, particularly Muslim candidates. The next parliament should consider enacting a measure to define/clarify who the citizens of the country are and apply a fair standard to all. In addition to equal enforcement of the standard, ANFREL would humbly suggest that the criteria for citizenship be brought closer to the citizenship standards of other countries, where, quite often, having one parent that's a citizen at the time of a child's birth, not necessarily from the time of their own birth, is enough to confer that citizenship to the child.

2015 vs 2010 Election Cancellations (# of village tracts)		
State/Region	2010	2015
Bago Region	0	41 (2.9%)
Kayah State	11 (11.9%)	0
Kachin State	68 (16.6%)	211 (35.2%)
Kayin State	155 (47.3%)	94 (25%)
Mon State	9 (4.8%)	1 (0.3%)
Shan State	4 townships and 59 village tracts (10.7%)	5 townships and 59 village tracts (10.7%)

As mentioned in the section on advance voting, there were also several million citizens living outside Myanmar that unfortunately did not participate. While there is no international norm regarding voting for citizens abroad, ANFREL reiterates that a better preparation and more outreach would have had led to a significant improvement in the turnout of people living abroad.

Significant numbers of citizens living in areas where elections were cancelled were also unable to participate. They are, for now at least, not part of the process of electing the country's next parliament.

In Hpa-an, Kayin, for example, 94 village tracts were under the control of non-state groups and were that ethnic political groups did not obstruct electoral activities but that the government decided nevertheless not to allow people in

such locations to participate in the election. The UEC and the GAD claimed that voting could not be held due to security concerns, a conclusion which elicited disagreement from some other stakeholders, who also pointed to the absence of any genuine attempt to resolve the problems.

To remedy these types of accusations, ANFREL believes that the UEC needs to be as transparent as possible about its criteria to cancel elections in some areas with fighting but keep the polling open in other areas with heavy fighting such as Kokang. Being open about its criteria and decision-making process, as well as its plans to hold by-elections in those areas as soon as the security situation allows, will help any suspicions of partisan cancellations.



Figure 21: ANFREL observers meet IDPs in Temporary Camps in Chin State

There were also a significant number of Internally Displaced Persons (IDPs) and migrants that faced challenges to participate. The lack of citizenship among some ethnic groups in IDP areas meant that they could not participate in the electoral process. In some areas, homeless migrants often lacking an ID or someone to verify them were not registered and therefore not included on the list. New migrants who recently moved to new villages were also often not registered. While the UEC did allow for registration without an ID, the alternative system of having a local person vouch for your eligibility is ineffective for groups such as these. Economic migrants and IDPs were among the groups for whom the flexible registration rules were often still not enough given the widespread lack of proper ID documents and their not being well-enough known or established in their new areas to find someone to verify them.

Some IDPs with citizenship were very willing to participate in the election but many were found to have not received much information about how to participate, a challenge owing to the variety of languages spoken in Myanmar and the failure to conduct enough voter education in a group's native tongue. Still others in flood-affected areas in Chin State acknowledged they'd be unlikely to participate in the process as they were more concerned with basic survival.

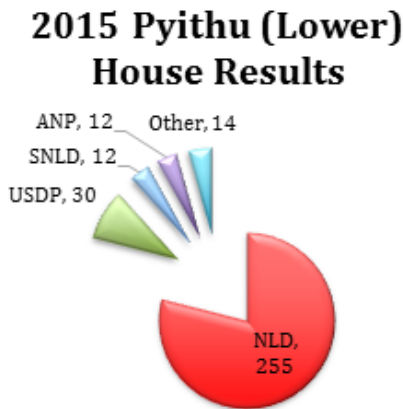
Regardless of the reasons why people were unable to participate, ANFREL, as a diverse network of citizen monitoring organizations across Asia, believes deeply in the importance of inclusive elections as they relate to gender, religion, race, and ethnicity. In this spirit of democratic inclusion, ANFREL hopes to see steps that enable a broader range of the people of Myanmar to participate. Elections can and should include all the people of Myanmar, no matter their race or religion or where they happen to live, in Myanmar or abroad.

Post Election Period

Election Results

The UEC released nationwide constituency level vote counts in early December that revealed that 23,911,784 voters turned out in this election to vote for a turnout of 69.72% of Myanmar’s 34,295,334 registered voters.³¹ While ANFREL was encouraged by the healthy turnout number, such numbers should not be used to gloss over the many disenfranchised and displaced persons that were unable to vote and, in many of those cases, were unable to register. Using a calculation of voter turnout based on the number of voters divided by the total estimated number of citizens of voting age rather than simply those registered, we get turnout of 61.87%.³² Turnout also varied a great deal by state and region, as evidenced by the variation between Kayin State’s lowest turnout mark of 46% and Chin State having the highest turnout at 79%.³³

By Friday, November 13th, the UEC had released enough results to make clear that the NLD would have an absolute majority in both houses of parliament, even when taking into the account the 25% quota of military seats. Over the course of the approximately two weeks after the election, until November



20th, the UEC released the outcome of constituency level contests for both Union-level houses of parliament and the local assemblies multiple times per day as they became available and finalized. When all results were calculated, the resulting NLD landslide was fairly consistent with the nullified 1990 polls and the

³¹Turnout number is based on lower house vote totals; “UEC puts election turnout at 69 percent”, Myanmar Times, RJ Vogt 03 December 2015; available at <http://www.mmtimes.com/index.php/national-news/nay-pyi-taw/17948-uec-puts-election-turnout-at-69-percent.html>

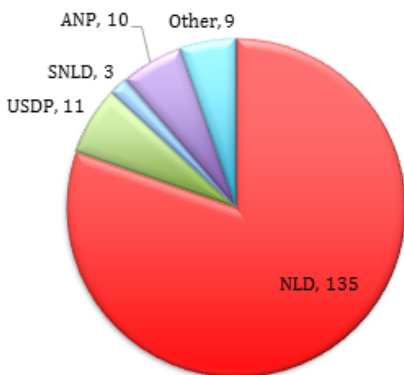
³²“Voting Age Population Turnout is the voter turnout as defined as the percentage of the voting age population that actually voted” “Voter turnout data for Myanmar” International Institute for Democracy and Electoral Assistance, available at: <http://www.idea.int/vt/countryview.cfm?CountryCode=MM>

³³“UEC puts election turnout at 69 percent”, Myanmar Times, RJ Vogt 03 December 2015; available at <http://www.mmtimes.com/index.php/national-news/nay-pyi-taw/17948-uec-puts-election-turnout-at-69-percent.html>

2012 By-Elections, the last two major elections in which all major parties competed.

In total, the NLD won 255 of the 323 elected³⁴ (79%) and 440 total (58%) seats in the lower house, 135 of the 168 elected (80%) and 224 total (60%) seats. The incumbent USDP party, the NLD's main rival, won 30 (9.3%) seats in the lower house and 11 (6.6%) seats in the upper house. In the face of such a drastic drop in its number of seats, ANFREL was especially encouraged by the USDP and the military's expression of accepting the election results and its willingness to meet with NLD leader Aung San Suu Kyi to discuss transition planning. Both President Thein Sein and former Speaker of the Pyithu Hluttaw Thura U Shwe Mann acknowledged the NLD's victory, even while counting and certifying of results for some seats was ongoing. It was at this time that they expressed their willingness to meet with Suu Kyi and NLD leaders once results were finalized.

2015 Amyotha (Upper) House Results



Taken together, these results give the NLD a total of 290 seats (58.7%) in the Pyidaungsu Hluttaw, the combined upper and lower houses of parliament which votes to determine the president after the upper, lower, and military blocs nominate one candidate each.³⁵

This simple majority, even after taking into account the military bloc, ensured that the NLD would be able to elect the presidential candidate of their choice (assuming they meet the constitutional qualification requirements) without having to negotiate or coalition with other parties.³⁶

³⁴Number of Elected Seats here is 323 rather than 330 due to the cancellation/postponement of elections in 7 constituencies

³⁵"Final results confirm scale of NLD election victory", Myanmar Times, 23 November 2015; available at <http://www.mmtimes.com/index.php/national-news/17747-final-results-confirm-scale-of-nld-election-victory.html>

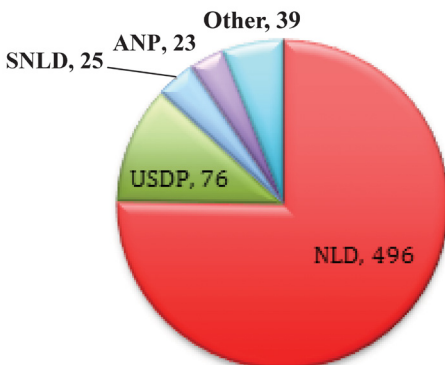
³⁶The NLD holds outright majorities in Kayah, Kayin and Mon States & it won a majority of elected seats in Kachin and Chin States.

The NLD's national level electoral success was mirrored in most of the local assembly contests as well. The party won absolute majorities in all seven Region Assemblies and three of the State Assemblies, while winning electoral majorities in two others.

The exceptions to the NLD's control of local Assemblies are in Rakhine, where the Arakan National Party won a majority, and Shan State, where, the military and the USDP, if they coalition together, will hold a majority of seats.

While looking at the cumulative seat allocation for the local Assemblies risks overlooking the relevance of the seat allocation of each individual Assembly, it does provide some indication of the overall voting trend at the local level. Nationwide, the NLD won 496 local Assembly seats while the USDP won 76 seats, the Shan Nationalities League for Democracy (SNLD) won 25 seats, and the Arakan National Party won 25 seats. Several other ethnic parties won a single digit number of seats in their local contests, a total surely pushed down by the NLD's ambitious plan to field candidates nationwide, rather than dividing territory with ethnic parties as some of their leaders had hoped before the election. This strategy, running a national campaign with the popular figure of Suu Kyi at the top seems to have been a successful one. By focusing attention on the national level impact of their vote and delivering the message that a

2015 Region & State Local Assembly Results (Cumulative)



vote for the local NLD MP is a vote for Suu Kyi, the NLD managed to prevail in many seats previously held by ethnic parties. It remains to be seen how the NLD's control of so many local assemblies and its relationships with traditionally popular, and powerful, ethnic parties will evolve but ANFREL hopes that all political parties successfully adjust to the new power sharing dynamic and work for the greater good of the people they serve.

One blemish on Election Day’s generally successful execution was the high number of spoiled ballots. Approximately 1.5 million votes for the Pyithu Hluttaw and 1.2 million for the Amyotha Hluttaw were invalidated. The total, about 6% of all ballots cast, is higher than accepted international norms and suggests that more voter education, more training for polling center staff, and a review of the voting process could help to shrink the invalid total in the future.³⁷ Despite changes to the manner of voting, using stamps instead of a pen, ANFREL’s observers witnessed high invalidation rates that were consistent with the national totals reported by the UEC. The UEC decided to have voters stamp their vote on ballots at least in part due to parties’ complaints in 2010 and 2012 of wax on some paper ballots that made marking them with a pen difficult.³⁸ Stamps were used in 1990’s election and some parties requested they be used again, a sentiment the UEC eventually came around to.

While more research should be done into the cause of the invalid votes, ANFREL’s observation of counting suggests that a not insignificant portion of the invalid votes were the product of strict interpretation by the counting officers that, with more training,



Figure 22: Voting stamp and stamp pad

could likely have been validated were they to have used a voter-intent method of counting votes. In the future, ANFREL expects that the total number of invalid ballots will be reduced somewhat due to more familiarity with the system by voters and the increased experience of polling/counting officers. To make sure this happens and to truly lower the amount of invalid ballots to acceptable limits however, it is imperative that more voter education and capacity building for polling officers on proper interpretation of voter-intent be carried out before the next elections.

³⁷“UEC puts election turnout at 69 percent”, Myanmar Times, RJ Vogt 03 December 2015; available at <http://www.mmtimes.com/index.php/national-news/nay-pyi-taw/17948-uec-puts-election-turnout-at-69-percent.html>

³⁸“Voters to stamp ballots once again”, Myanmar Times, Ye Mon and Lun Min Mang, 24 October 2014 <http://www.mmtimes.com/index.php/national-news/12066-voters-to-stamp-ballots-once-again.html>

Electoral Dispute Resolution

In comparison to the 2010 and the 2012 the complaints resolution process that was set up to resolve the disputes arising out of the November 8 2015 elections, there was a definite improvement. The process was more transparent and open to observers and political party agents.

Though there are shortcomings like the lack of a proper timeline, the process has been continuing un-disrupted and to say the least in a somewhat systematic manner. A total of 45 objections have been filed. Subsequently one was withdrawn and the other was dismissed. These objections had to be filed within 45 days of the declaration of the results in whichever constituency the complaint originated. To file an objection or a counter claim a complainant is required to pay fees amounting to 500,000 Kyat (which is approximately \$ 400).

As per the law the UEC can set up a tribunal comprising of three elections commissioners or one commissioner and two independent experts. The current tribunal comprises of three election commissioners. While this may seem alright in so far as the process is transparent and decisions of the Tribunal is subject to appeal, what is unprecedented is that there is no room for a judicial review or even an independent judicial review of the process. All the appeals have to be filed with the UEC which will pronounce the final decisions.

In all a total of 10 Tribunals were established all composed of UEC commissioners. The tribunals in the form an open court function from two spacious rooms on the ground floor of the UEC building in Naypyitaw. The tribunals are similar to a normal court and open to those interested in witnessing the proceedings. There are notice boards outside the two rooms which provide details of the cases listed for the day, besides three other notice boards which have details of all the 45 complaints.

The Election Tribunal has the power to annul the election or annul the election and declare the complainant as the winner depending on who wins the case based on the evidences provided or dismiss the case. The penalties against candidates found guilty pertains to mostly to ineligibility of candidates for future elections. Candidates that are unable to report their election expenses will be barred from contesting the by-election in the current term whereas those that are connected to election related crimes would not be eligible to contest in the next term that is the 2020 elections or any future elections

where life imprisonment is the minimum punishment.

The tribunals have been receiving technical support by representatives from the Attorney General's Office and all the hearings took place at the UEC office in Naypyitaw. What was somewhat unprecedented was the fact that for many cases lawyers represented cases both for the complainants and respondents. This is owing to the fact that there was a dearth of competent and experienced legal expertise which did not provide the luxury to each of the complainants and respondents to have a lawyer of their choice.

Of the 45 complaints that were filed the USDP tops the table with 25 followed by the NLD with 10³⁹ with most of the complaints being filed for the State and Region Hluttaws followed by Pyithu Hluttaw (lower house) the Amyotha Hluttaw (upper house).⁴⁰

Most of the complaints originated in the Shan State followed by Kachin, Sagaing and the Rakhine State respectively.⁴¹ The complaints were diverse in nature. In many cases one complaint either had several allegations or there were similar allegations in a number of complaints. ANFREL observers recorded complaints of intimidation to voters in some electoral constituencies during the pre-election period as well as alleged misuse of the voter's list and violation of the

³⁹According to UEC webpage the total number of complaints is distributed as USDP (25), NLD (10), Wa National Unity Party (1) Shan National League for Democracy-SNLD (1) Aarakan National Party (1) Union Pa-O National Organisation (1) and an independent candidate (1). Source: UEC

⁴⁰A total of 25 complaints were filed for the State and Regional Hluttaws, 14 for the Pyithu Hluttaw and 6 for the Amyotha Hluttaw. Source: UEC

⁴¹According to a UEC distribution chart Shan recorded in all nine (9) complaints, with eight (8) Kachin, seven (7) in Sagaing, six (6) each in Rakhine and Yangon, three (3) each in Magwe and Mandalay and one (1) each in Bago, Chin and Kayin. Source: UEC

polling and counting procedures.⁴²

As many as 10 hearings were attended by ANFREL observers with regular monitoring of the outcome through interviews with complainants, the defendants and follow-up with the section in-charge of EDR at the UEC. Overall the process of resolving the disputes arising out of the complaints were smooth, orderly and provided equal opportunities to all parties involved in the process. As per the law the complaints were posted for public viewing for a period of 15 days at the UEC office in Naypyitaw. Though in reality not much of the public knew about the complaints that were on display only at the notice boards at the UEC headquarter in Naypyitaw.

The UEC could do better to perhaps ensure that the complaints are accessible to the public through wider display on the media and also at sub-commission offices if possible. A greater participation in the process of members of the public by allowing them witness the hearings of the complaints would enhance the credibility of the whole process.

In various interviews with ANFREL observers candidates from various political parties as well as party agents and domestic monitoring groups were of the opinion that information about the electoral dispute resolution process was scanty which could prevent some various individuals and groups from sharing vital inputs in a certain case or even a number of cases. Notwithstanding the fact that the process could have been opened up to a wider audience through

⁴²In the Pyithu Hluttaw Sawlaw (Kachin) seat of the several allegations that were made by losing USDP candidate U Zong Thong in his complaint (no. 20), one was that advance vote was collected by only one person (the village UEC head), the other allegation is that the Lisu ethnics did not have IDs but were allowed to vote and the third is that U La May Lay of the Lisu National Development Party who was declared the winner used religious buildings for campaigning. Similarly in yet another complaint (no 25) filed by NLD losing candidate W Wai Pyuo from the Humalin (1) State/ Region Constituency in Sagaing division has multiple allegations ranging from violations of counting rules and procedures by the election commission officials to make U Than Nyunt of the Taili National Development Party win the seat. The complaint also accuses U Than Nyunt of making mistakes in the campaign finance report. U Zaw Na an independent candidate who contested for the Kachin (5) Amyotha Hluttaw seat and lost has complained of threat and intimidation by the winning independent candidate U Za Khun Tin Yin's army and "people's army." He alleged that he was not able to campaign in some areas owing to the threats and therefore lost the election. Complaints about the inaccuracy of the voters' list and allegations of misuse by military personnel surfaced in Yasau (1) Shan State/Region Constituency where NLD losing candidate U Khine Ngyi Ngyi Kyaw accused that the voter list was not accurate and that military trainees who stayed in the area for only 90 days were allowed to vote. This he claimed worked in favour of the winning USDP candidate U Aung Kyaw Nyunt.

better information dissemination, the fact that it was open to the media and to domestic and international observation groups was a good beginning. More often than not the cases were handled in a professional manner, giving ample time to the complainants and the respondents to prepare their documents or find a lawyer, besides allowing legal counsels of both sides to question the witnesses during the hearings.

What may be a real cause or concern is the absence of a proper timeline for the cases to be resolved and the costs that are involved with each of the cases. Interestingly, both the complainant and the respondent had similar concerns as the hearings of the cases are extending and there is no clarity as to when the cases would end. Besides paying for the transportation costs to Naypyitaw most of the candidates that are party to the EDR process have to pay for the lawyer's fees, travel and lodging and sometimes for accompanying witnesses.

Some member of parliaments pointed out that they would be unable to attend the proceedings on days when the tribunal hearings coincide with parliamentary sessions. No one is sure how much the cases would cost as the parliamentary sessions. No one is sure how much the cases would cost as the number of witnesses keeps swelling with either sides trying to make a strong case in their claims or counter claims.⁴³

Of the other complaints that were filed, there were about 175 losing candidates (+32 agents) against whom charges of failure of timely submission of their campaign finance reports were filed. Most of the candidates were disqualified whereas decisions on a few cases have been withheld owing lack of proper evidence and proper documents. Most of the candidates against whom cases were filed were provided the opportunity by the UEC to attend the hearings and defend their case. However, a little over 20 percent of the candidates attend, the reason for which has been attributed to either medical check-ups, traveling or that they were unaware of the obligations to file a counter objection etc.

⁴³Myanmar Now reports of how the complaints mechanism has rendered the process expensive and time consuming for elected representatives and for losing candidates. <http://www.myanmar-now.org/news/i/?id=38ca97f5-08d5-43ff-a813-1f63b4cddf72>

On top of the complaints that were filed at the UEC there were over 400 cases of election law violations and election related crimes have been filed with the police.⁴⁴ Most of these cases pertain to obstructing election campaigns, to intimidation of political party workers and voters and incidents of harassments to members of political parties.

On the whole the EDR process has been working and it only depends on how long hearings will last for the Tribunal to take decisions on the remaining complaints. ANFREL will continue to observe the process until it is completed and all the outcomes are announced by the UEC.

Meanwhile, some of the existing obstacles to timely, fair and effective EDR process can be summarized as:

1. Constitutional and legal restrictions- Lack of independence of arbiters and no independent judicial review of decision⁴⁵
2. Limited Access to Justice-The fees to file a complaint, to counter object and to appeal a decision is excessively high.⁴⁶ Besides this the filing of complaints at the UEC office in Naypyitaw is very centralized, which prevents many from coming forward to participate in the process owing to travel, accommodation and related costs and time spent
3. Ineffective/lack of available remedies-the sanctions for the violations committed are very limited⁴⁷
4. Timeline for adjudication- Absence of a timeline for the process would prevent speedy actions and solutions
5. The level of awareness about the process seems to be generally low among all related stakeholders of the electoral process. Many sub-commissions don't seem to understand the process very well
6. Confusion over complaints that are related to results and those pertain to pure violations of the law or elected related crimes

⁴⁴Total Election Disputes top 400: Police Official says, The Irrawaddy 24 November 2015, <http://www.irrawaddy.com/election/news/total-election>

⁴⁵'Electoral Dispute Resolution: 2015 Post-Election Objections,' IFES presentation titled on January 29, 2016 at the ESG meeting.

⁴⁶Ibid

⁴⁷Election Law Amendment: January 18, 2016

Recommendations

Electoral Law

- Necessary reforms of the Electoral Law should be a priority for all stakeholders. Reforming the provisions on elections of members of parliament to bring about a fully elected parliament would be a significant democratic step for the country. The twenty-five percent military allotment of seats runs entirely counter to well-established international norms as well as basic, foundational principles of democracy. It should be eliminated.
- The worst examples of mal-apportionment or unequal representation inherent in the electoral system design should be studied for possible correction. While a certain amount of variation is impossible to avoid, a threshold in the law which limits the imbalances in the numbers of people per representative would help to deliver a fairer system and avoid future problems related to this issue.
- Laws which contributed to the disenfranchisement of so many ethnic minority voters and candidates should be revisited. Bringing those laws more into line with international standards would add credibility to the process and begin to bridge some of Myanmar's ethnic divides. If the government wishes to continue to apply draconian citizenship standards for voting and candidate eligibility, it should at the very least provide due process and guarantee equal enforcement of such standards. In 2015, a proper process was not followed, and, not surprisingly, there was unequal enforcement marked by dubious investigations into the backgrounds of citizens and candidates before ruling them ineligible. The next parliament should consider enacting a measure to define/clarify who the citizens of the country are and apply a fair standard to all.
- Legal provisions should be translated into the languages of ethnic nationalities.
- The role of election observers should be addressed in parliamentary election laws.
- When drafting legal provisions, Myanmar should take into account international law and principles of democracy (e.g., the Universal

Declaration on Democracy) while re-examining impractical legal provisions.

Union Election Commission

- To enhance procedural consistency and uniformity and to ensure that local sub-commissions reflect the UEC's policies, a strengthened coordination mechanism is needed between the UEC and its offices at the sub-commission and township levels to ensure consistency, uniformity, and fairness in the implementation of election rules.
- To build the capacities of UEC and sub-commission staff, additional training on the topics of Information and Technology, compliance with procedures, and the broader principles of free and fair elections should be instituted.
- The UEC should release an Election Calendar of Activities, which is standard practice in many countries in Asia. This would assist various stakeholders and allow them to synchronize the planning of their activities with that of the UEC.
- To enhance transparency mechanisms in the registration process, advance voting should be better systematized and made uniform to include most of the safeguards and procedures used for Election Day.
- Out of constituency advance voting for the military should be conducted at standard civilian polling stations, using the procedures that apply to civilians wherever possible. No advance voting should be allowed in military camps/installations, especially polling stations run by the military and located on bases.
- There should be intensive voter education campaigns in cooperation with civil society organizations to raise awareness of voters. Doing so would have a number of positive outcomes, not the least of which would be a greater sense of ownership of the process and lower numbers of invalid ballots.
- The UEC should have fiscal autonomy via an automatic budget allocation mechanism that insulates it from the political influence of parliament.

- The selection process for commissioners should include a broader range of stakeholders and should better protect the process from political partisanship, whether real or perceived. Bi-partisan or non-partisan selection committees are a common way to ensure more fairness in the commissioner selection process.
- The UEC and other relevant stakeholders should consider conducting a more active voter registration effort as part of voter education. Myanmar's total number of registered voters is low given the eligible population and could be increased to make the system more inclusive and legitimate.
- The UEC should develop a more comprehensive plan to organise the electoral dispute resolution process, both legally and administratively. If both of these spheres were well organized, EDR decisions could be delivered in a timely manner, thus insuring that the process is effective and fair to all parties involved.
- As reconciliation and peace talks continue to be pursued, by-elections in those areas with cancelled elections should be held as soon as possible once conditions allow. The criteria for cancelling elections in certain areas should also be released. More public consultation with political parties from the affected areas should be pursued in the future, and the reasoning behind determinations to cancel in some areas while remaining open in others should be released.

Universal Franchise

Enfranchising Minorities, Marginalized People and Persons with Disabilities (PWDs). (Articles 15 of Bangkok Declaration).

- (i) EMBs and other stakeholders should take affirmative measures to encourage full participation.
- (ii) There should be guaranteed access for registration, polling stations, and voter education for minority groups.
- (iii) For IDPs and migrants, the government must ensure that people are able to vote in their locations.
- (iv) Planning and budgets should be directed to essential activities required to enfranchise those groups.

Domestic Migrants and Overseas Voters

- The process of enfranchisement of voters must also consider domestic migrant workers and Burmese citizens living abroad. A systematic survey of domestic migrant voters and those living abroad should be undertaken to determine the original constituencies of such voters.
- Although Myanmar citizens live in many countries overseas (both migrant workers and refugees), the majority are concentrated in a few countries, e.g., Thailand and Malaysia. The UEC and government could design a special program to target those areas with high concentrations of Myanmar citizens as early as possible to ensure that they are able to register and vote in future elections.

Voter Registration

- The UEC should develop a more effective voter registration process in order to ensure the credibility of the electoral process.
- The UEC should aim to register as many eligible citizens as possible by, inter alia, conducting intensive registration campaigns that are inclusive, convenient, and accessible to all.
- The UEC should ensure that all potential voters are informed of the deadline for registration and that there is sufficient time to register all potential voters.
- The UEC should increase its efforts to ensure that the voter list is accurate by periodically updating it.
- An accurate voter list is urgently needed for upcoming by-elections in order to lend credibility to the electoral results. There has been talk of introducing biometrics, which could be a step forward if the necessary facilities and infrastructure are put into place to support such an undertaking.
- All sub-commissions should be provided adequate training and the facilities to implement the TVR process efficiently. There should be improved communications between the UEC headquarters and the various sub-commissions. Involvement from various actors, especially

civil society, is important prior to the revision and preparation of the voter list. The voter list display periods and places of display should be carefully selected so that people are able to check their information without having to travel long distances or forego the opportunity due to religious ceremonies, festivals or other similar conflicts.

Voter Education

- Voter education should be comprehensively designed to start early, and all relevant stakeholders should be involved, especially civil society, political parties and the media. The election commission should bring together all stakeholders to plan a comprehensive voter education programme.
- While providing voter education is a responsibility of the UEC, civil society also has an important role to play. In 2015, the UEC involved some parts of civil society with the distribution of posters, pamphlets and educational videos, but it apparently was unable to reach many remote and far-flung areas. Therefore, going forward, it might be useful to consider a complete assessment of the states and regions and the population structure. Voter education campaigns must consider the various ethnicities and different languages that are spoken by people in different areas.
- Besides the UEC, other government agencies could also play a role in spreading voter information. From the village and the ward level up to the townships, there needs to be continuous training for government officials and those who are directly involved in disseminating voter education.
- Any voter education plan must be based on proper objectives with accurate identification of the target groups that would benefit from the plan. Since the role of the media is extremely important, early public outreach should involve the media, which has the ability to disseminate unbiased voter education material. For this the media needs to be trained.
- Voter education should start with appropriate materials included in the education curriculum.

Campaign Finance Regulations

- A rigorous legal framework for transparency on donations and expenditures is needed. The UEC should consider revisiting the campaign finance regulations that currently apply to political parties. The whole approach to financial disclosure, which is inadequate under the current law, needs rethinking. There are restrictions on foreign donations and there is also a ban on contributions from religious organisations and the use of state resources. A question that is often asked in is what happens when a candidate holds a campaign event at a religious compound with the assistance of that religious group. The law is not clear.
- The UEC and the government must ensure that election finance laws are fully and fairly implemented, monitored and enforced, including punishment for violators. This includes laws regarding abuse of state resources. Government officials such as union ministers who are contesting elections need to be instructed very clearly on the prohibitions of using state resources (or otherwise using their office) to advance their campaigns.
- To further the goal of better campaign finance reporting, the UEC should consider creating a cost standardization system that would apply to all candidates and parties.
- Failure to provide a level playing field for all in the area of campaign finance and use of state resources will impact the credibility of the electoral process.

Participation of Women and Marginalised Groups

- The UEC and other stakeholders should increase efforts to encourage women to fully participate as voter and candidates.
- Affirmative quotas for women in parliament: There could be a legal minimum quota for women in parliament as is the case in many countries. In any case, political parties should take affirmative action to promote women within their ranks.

- The UEC should consider developing programs to support the participation of women as election workers and as voters. A separate unit could be set up at the UEC to assist women voters, especially those from villages and remote areas who have been excluded from the process of voter education owing to their preoccupation in domestic work inside the household.
- The UEC should develop guidance for assisting women who are pregnant or caring for children and elderly women at polling stations.
- Polling stations should be provided with relevant facilities to aid persons with disabilities and elderly voters.

Advance Voting

- While advance voting was much better in 2015 than it was in the 2010 elections or the 2012 by-elections, there remains lots of room for improvement. There needs to be a proper review of the rules and procedures applicable to advance voting, as well as attention to how well advance voting works in practice.
- Out-of-constituency advance voting is an area of particular concern, especially voting inside military and police compounds. The UEC needs to exercise control over the entire voting process at all locations, including voting inside military bases and other government installations. In addition, there should be more training provided to election officials responsible for conducting advance voting. These steps would help to boost public confidence by increasing the credibility of the whole process.
- The process of advance voting should be more transparent, with clear sets of instructions and information about the process being disseminated in a systematic manner. The UEC should announce the dates of the advance voting, both in constituency and out of constituency voting, on its website and on all leading news media, besides posting it in all sub-commission offices. All safeguards used on Election Day should be in place for advance voting. The UEC try to make the advance voting exactly as the Election Day process, whether it is done by the military, civilians overseas, or at a normal sub-commission.

Polling Procedures and Transparency of Counting

- The UEC could ensure that the polling process is uniform in all polling stations. There should not be variations in the way the polling process is conducted by the polling officials in the different polling stations. The process of conducting polls must be standardized and followed by every polling station.
- The polling manual must have very clear instructions for the poll officials. Election sub-commissions should organize training and make the polling officials familiar with the process. Polling officials must be recruited early so that they have sufficient time to learn about the polling process. For instance, in a number of polling stations it was found that the ballots were not securely guarded or stored during the counting.
- The UEC should also clearly explain to polling officials and voters how to stamp the ballot and how to fold the ballot papers so as to avoid spoiling them. On Election Day in 2015, in some polling stations, ballot papers were invalidated during the count as ink was found to have spread from folding the ballot, while in others such ballots were regarded as valid. To be fair to all, there should be uniform standards.
- Ballot boxes for positions at all levels (the national level, regional level and for ethnic affairs) should be provided in all polling stations with a contingency to ensure that the voting process is not disrupted. Voters from ethnic minority groups could not cast votes for ethnic affairs candidates at some locations as the ballot boxes for ethnic affairs were not available. Polling stations officials could not explain why the necessary ballot boxes were not provided.
- All necessary infrastructure, such as electricity, furniture, stationary, voting materials, transportation and security arrangements at the polling station, must be ensured.
- The UEC should review its plan on the number of polling stations and make revisions where necessary to best serve the voting population in each area so that there are not too many voters for any given polling station.

- The process of counting ballots should be more transparent and systematic. It should be consistent in all polling stations, and observers (both domestic and international) should be allowed to witness the entire process.
- There is a need for more training by the UEC in the Burmese language and other ethnic languages for polling officials so that they are able to understand the process correctly and ensure that it is uniformly done in all the polling stations.
- After the counting has been concluded at a polling station, the results should be published, at the station, as provided in the rules and procedures.
- Unused ballots, spoiled ballots and all other voting materials must be recorded in a polling station manual or log book and sealed properly inside empty ballot boxes and stored properly at the polling stations under security until they are transferred to the appropriate sub-commission office.

Electoral Dispute Resolution

- The UEC should develop a more comprehensive plan to organise the electoral dispute resolution process. There needs to be a realization that the EDR process is an administrative and a legal exercise and conducted accordingly, with the results delivered within a given period of time to make the process effective and fair to all parties involved.
- The Election Tribunal must be independent, and it must have members possessing legal knowledge and expertise. Prospective members of a tribunal should be required to meet published criteria and qualifications and must have sufficient training to investigate the complaints. There was surely need for more trainings for members of the tribunals. Moreover, all decisions of the tribunal must be subject to an independent judicial review.
- There should be great public participation in the process and better information dissemination, with held in the State or region where a complaint originates. A centralized process discourages public

participation as it involves logistics and time issues which may be extremely challenging for many candidates, party agents, witnesses and even for the media and local observers to navigate.

- The jurisdiction of law enforcement and the UEC over various types of complaints should be clarified, as there is now confusion among the public and the media over which agency has jurisdiction over a particular type of election-related complaint. In addition, there should be proper training for those who are appointed to serve on a tribunal. Legal institutions in the country and judicial experts could be involved in conducting training sessions on the EDR and there could be an exchange program with countries in Asia that have a sound and systematic EDR process.
- Finally, there must be a proper timeline during which to complete the adjudication, ideally before the transfer of power to a new government. The best practice would be to resolve cases no later than 60 days after the last date of filing of complaints. The UEC could also improve the mechanism of updating information about the complaints process either by way of recording the outcome of the process daily on its website or by issuing media briefs about the outcome of the hearings daily.

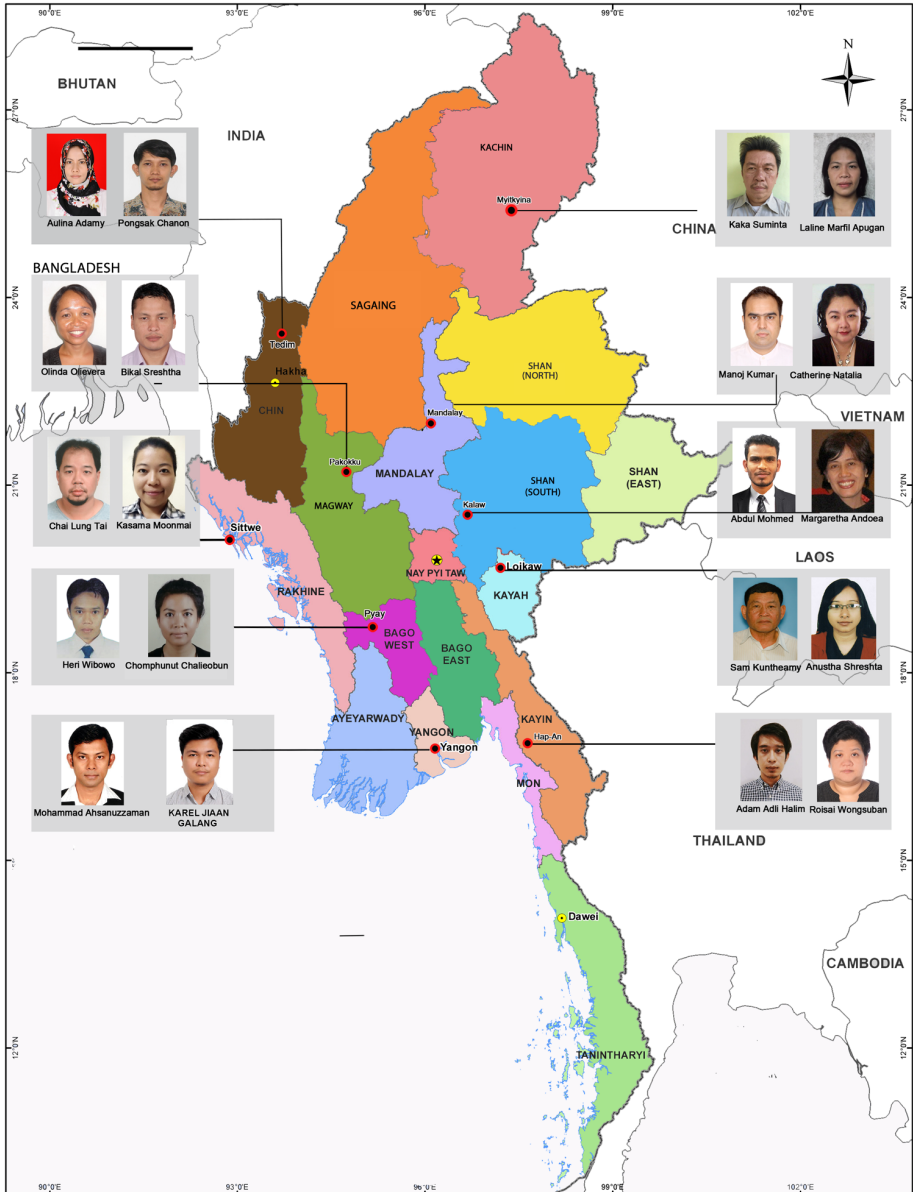
ANNEXES

Annex I

Long Term Observer Deployment



LTO Deployment Plan Myanmar General Election 2015

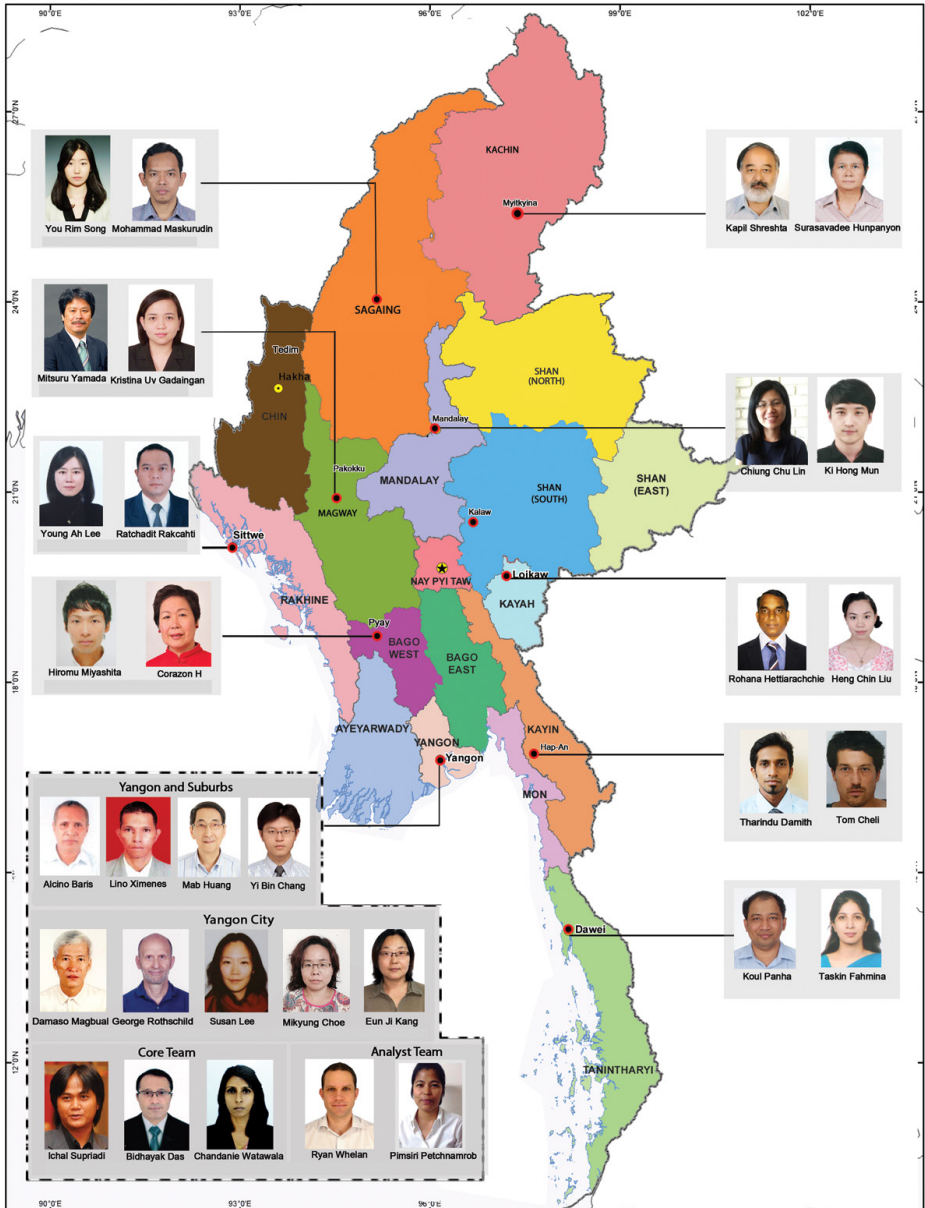


Disclaimer: The names shown and the boundaries used on this map do not imply official endorsement or acceptance by the United Nations.

Short-Term Observer Deployment



STO Deployment Plan Myanmar General Election 2015



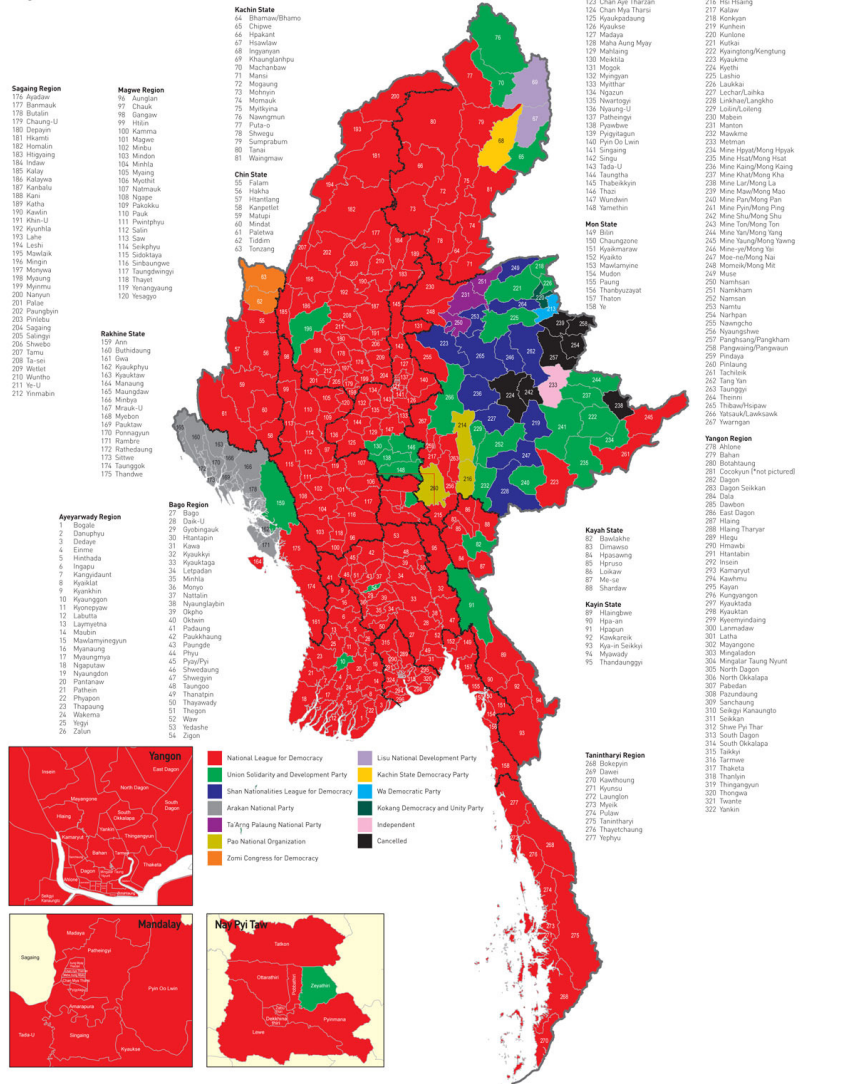
Disclaimer: The names shown and the boundaries used on this map do not imply official endorsement or acceptance by the United Nations.

Annex II

Mapped Party Results⁴⁸



Pyithu Hluttaw



⁴⁸ Graphics Courtesy of the Myanmar Times, available at: <http://www.mmtimes.com/index.php/election-2015/files.html>

ELECTION 2015



C

Amyotha Hluttaw

Chin State

- 01 Haka NLD
- 02 Hanting NLD
- 03 Hanting NLD
- 04 Falam NLD
- 05 Falam NLD
- 06 Falam Zomi Congress for Democracy
- 07 Falam USDP
- 08 Tonzang Zomi Congress for Democracy
- 09 Kapedet NLD
- 10 Kapedet NLD
- 11 Patheingyi NLD
- 12 Patheingyi NLD

Rakhine State

- 01 Sittou Arakan National Party
- 02 Patheingyi Arakan National Party
- 03 Patheingyi Arakan National Party
- 04 Patheingyi Arakan National Party
- 05 Patheingyi Arakan National Party
- 06 Patheingyi Arakan National Party
- 07 Patheingyi Arakan National Party
- 08 Patheingyi Arakan National Party
- 09 Patheingyi Arakan National Party
- 10 Patheingyi Arakan National Party
- 11 Patheingyi Arakan National Party
- 12 Patheingyi Arakan National Party

Kayah State

- 01 Hpak-an NLD
- 02 Hpak-an NLD
- 03 Hpak-an NLD
- 04 Hpak-an NLD
- 05 Hpak-an NLD
- 06 Hpak-an NLD
- 07 Hpak-an NLD
- 08 Hpak-an NLD
- 09 Hpak-an NLD
- 10 Hpak-an NLD
- 11 Hpak-an NLD
- 12 Hpak-an NLD

Magway Region

- 01 Magway NLD
- 02 Chak, Yanagang NLD
- 03 Myittha, Natogyi NLD
- 04 Taungtha NLD
- 05 Maba, Phantagyi NLD
- 06 Hpa-an, Salin, Sadaikay NLD
- 07 Kamda, Minlon, Minka, Thawet NLD
- 08 Jangon, Sanyangwe NLD
- 09 Pakkai, Sittagyi NLD
- 10 Yawga NLD
- 11 Mawga, Paik NLD
- 12 Ganga, Htin, Saw NLD

Kachin State

- 01 Kakaunggyi, Machabar, National Unity Party
- 02 Naungmyu, Pula-u, Samprabun NLD
- 03 Maikya NLD
- 04 Wangmaw NLD
- 05 Tonz Independent
- 06 Chaw, Ingayin, Hkaikae NLD
- 07 Maikya NLD
- 08 Maikya NLD
- 09 Hpakant NLD
- 10 Maikya NLD
- 11 Maikya, Mazi NLD
- 12 Shwega NLD

Shan State

- 01 Hpakon, Kalaw, Lashio, Nyaungthaw, Nyaungthaw, NLD
- 02 Hpakon, Kalaw, Lashio, Nyaungthaw, Nyaungthaw, Shan Nationalities League for Democracy
- 03 Hpakon, Kalaw, Lashio, Nyaungthaw, Nyaungthaw, Shan Nationalities League for Democracy
- 04 Hpakon, Kalaw, Lashio, Nyaungthaw, Nyaungthaw, Shan Nationalities League for Democracy
- 05 Hpakon, Kalaw, Lashio, Nyaungthaw, Nyaungthaw, Shan Nationalities League for Democracy
- 06 Hpakon, Kalaw, Lashio, Nyaungthaw, Nyaungthaw, Shan Nationalities League for Democracy
- 07 Hpakon, Kalaw, Lashio, Nyaungthaw, Nyaungthaw, Shan Nationalities League for Democracy
- 08 Hpakon, Kalaw, Lashio, Nyaungthaw, Nyaungthaw, Shan Nationalities League for Democracy
- 09 Hpakon, Kalaw, Lashio, Nyaungthaw, Nyaungthaw, Shan Nationalities League for Democracy
- 10 Hpakon, Kalaw, Lashio, Nyaungthaw, Nyaungthaw, Shan Nationalities League for Democracy
- 11 Hpakon, Kalaw, Lashio, Nyaungthaw, Nyaungthaw, Shan Nationalities League for Democracy
- 12 Hpakon, Kalaw, Lashio, Nyaungthaw, Nyaungthaw, Shan Nationalities League for Democracy

Mandalay Region

- 01 Mandalay NLD
- 02 Amarapura, Aung Mye Thazan, Chan Aye Thazan, NLD
- 03 Chan Aye Thazan, Maha Aung Mye Thazan, NLD
- 04 Madaya, Magak, Pym Da Lwin, Singu, Thabeikyan, NLD
- 05 Kyaukse, Myittha, Singu, Tada-U, NLD
- 06 Mangon, Ngazun, NLD
- 07 Newatung, Taungtha, NLD
- 08 Kawadagang, Yangon-U, NLD
- 09 Yangon, Yangon, NLD
- 10 Daddanaghi, Lower, Pyawbaya, Zabuthi, NLD
- 11 Madaya, Madaya, NLD
- 12 Thiri, Wundwin, NLD

Kayah State

- 01 Lohaw NLD
- 02 Lohaw NLD
- 03 Dimawso NLD
- 04 Dimawso NLD
- 05 Hpakon NLD
- 06 Hpakon NLD
- 07 Hpakon NLD
- 08 Bawlake USDP
- 09 Bawlake Independent
- 10 Hpakon USDP
- 11 Hpakon USDP
- 12 Maw-an NLD

Mon State

- 01 Mawlamya NLD
- 02 Mawlamya NLD
- 03 Pyawbaya NLD
- 04 Chawngon NLD
- 05 Thantayawngyi NLD
- 06 Wundwin Mon National Party
- 07 Wundwin NLD
- 08 Wundwin NLD
- 09 Thapon NLD
- 10 Phawng NLD
- 11 Kawka NLD
- 12 Bin NLD

Yangon Region

- 01 North Okkalapa, East Dagon, North Dagon, NLD
- 02 South Dagon, Dagon Shikhar, NLD
- 03 South Okkalapa, Taramar, Thirangyong, NLD
- 04 Balaung, Dabon, Mingalar Taung, NLD
- 05 Balaung, Dabon, Mingalar Taung, NLD
- 06 Balaung, Dabon, Mingalar Taung, NLD
- 07 Balaung, Dabon, Mingalar Taung, NLD
- 08 Balaung, Dabon, Mingalar Taung, NLD
- 09 Balaung, Dabon, Mingalar Taung, NLD
- 10 Balaung, Dabon, Mingalar Taung, NLD
- 11 Balaung, Dabon, Mingalar Taung, NLD
- 12 Balaung, Dabon, Mingalar Taung, NLD

Taintri Region

- 01 Dawei NLD
- 02 Laungmye NLD
- 03 Thuyethaung NLD
- 04 Myittha NLD
- 05 Mawlaik NLD
- 06 Mawlaik NLD
- 07 Mawlaik NLD
- 08 Mawlaik NLD
- 09 Pulaw NLD
- 10 Pulaw NLD
- 11 Kwaythong NLD
- 12 Skyeingyi NLD

National League for Democracy

Union Solidarity and Development Party

Arakan National Party

Shan Nationalities League for Democracy

Zomi Congress for Democracy

Ta'Ang Palaung National Party

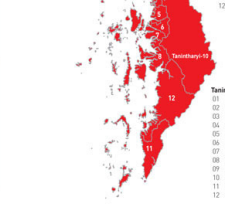
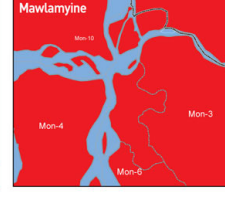
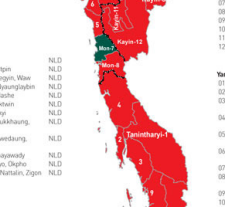
Mon National Party

Pao National Organization

National Unity Party

Independent

----- State/Region border



Annex III

#	Party	Chairman	Headquarters	Date of registration	Number of MPs
					TOT (PA; NA; LP)
1	88 Generation Democracy Party		Moulmein, Mon State	15-Jun-15	0
2	88 Generation Student Youths (Union of Myanmar)	Ye Tun	Rangoon	26-May-10	1 (0; 0; 1)
3	All Mon Region Democracy Party	Ngwe Thein	Moulmein, Mon State	24-May-10	16 (3; 4; 9)
4	All Nationalities Democracy Party (Kayah State)	Po Yei	Loikaw, Karenni State	1-Aug-13	0
5	Allied Farmer Party		Tachilek Township, Shan State	2-Jul-15	0
6	Arkha National Development Party		Akyab, Arakan State	8-Jul-15	0
7	Arakan National Party		Akyab, Arakan State	6-Mar-14	33
8	Asho Chin National Party	Aung Min Hlaing	Rangoon	5-Jun-12	0
9	Bamar People's Party	Ohn Lwin	Rangoon	14-Oct-11	0
10	Chin League for Democracy	Pu Ngai San	Rangoon	15-Jul-14	0
11	Chin National Democratic Party	Zam Ciin Pau aka Zo Zam	Rangoon	27-May-10	9 (2; 2; 5)
12	Chin Progressive Party	No Thang Kap	Rangoon	1-Jun-10	12 (2; 4; 6)

13	Daingnet Ethnic Development Party		Buthidaung, Arakan State	27-Aug-15	0
14	Danu National Democracy Party	Mya Than	Ywangan, Shan State	3-Jul-12	0
15	Danu Nationals League Party		Ywangan, Shan State	27-Apr-15	0
16	Dawei Nationalities Party		Tavoy, Tenasserim Division	17-Dec-13	0
17	Democracy and Human Rights Party	Kyaw Min	Rangoon	12-Mar-13	0
18	Democracy and Peace Party	Aung Than	Rangoon	24-May-10	0
19	Democratic Party (Myanmar)	Thu Wai	Rangoon	29-May-10	3 (0; 0; 3)
20	Difference and Peace Party [aka Peace and Diversity Party]	Nyo Min Lwin	Rangoon	1-Jun-10	0
21	Ethnic National Development Party	Hipa	Matupi, Chin State	16-Jun-10	1 (0; 0; 1)
22	Federal Union Party		Rangoon	24-Dec-13	0
23	Guiding Star Party		Pegu, Pegu Division	20-May-15	0
24	Inn National Development Party	Win Myint	Nyaung-shwe, Shan State	1-Jun-10	4 (1; 0; 3)
25	Inn Ethnic League Party		Nyaung-shwe, Shan State	9-Jun-15	0

26	Kachin Democratic Party		Rangoon	13-Jan-14	0
27	Kachin National Democracy Congress Party	Khan Dar-yaw	Myitkyina Township, Kachin State	11-Dec-13	0
28	Kachin State Democracy Party	Gumgrawng Awng Hkam	Myitkyina Township, Kachin State	10-Dec-13	0
29	Kaman National Progressive Party	Zaw Win	Rangoon	5-Jul-10	0
30	Kayah National Race Democracy Party	Aung Tin	Loikaw, Karenni State	9-Aug-13	0
31	Kayan National Party	Khu Yu Jin	Pekon, Shan State	20-May-10	2 (0; 0; 2)
32	Kayin Democratic Party	Than Kyaw Oo	Hpa-an, Karen State	1-Feb-12	0
33	Kayin National Party		Rangoon	24-Oct-14	0
34	Kayin People's Party	Tun Aung Myint	Rangoon	21-May-10	6 (1; 1; 4)
35	Kayin State Democracy and Development Party	Tha Htoo Kyaw	Hpa-an, Karen State	19-Aug-10	2 (0; 1; 1)
36	Kayin United Democratic Party		Hpa-an, Karen State	17-Jun-15	0
37	Khami National Development Party	Tha Ban Aung	Akyab, Arakan State	9-Jul-10	0
38	Kokang Democracy and Unity Party	Lo Xing Guang	Lashio, Shan State	7-May-10	0

39	Khumi (Khami) National Party		Paletwa Township, Chin State	16-Jul-14	0
40	Lahu National Development Party	Kya Har She	Lashio, Shan State	29-Apr-10	1 (0; 0; 1)
41	Lawwaw National Unity and Development Party		Waingmaw, Kachin State	29-Jun-15	0
42	Lisu National Development Party		Myitkyina Township, Kachin State	17-Dec-13	0
43	Modern Union Party		Pabedan Township, Rangoon Division	30-Jun-15	0
44	Mon National Party	Tun Thein	Moulmein, Mon State	10-Jul-12	0
45	Mro National Party	Anu	Buthidaung, Arakan State	28-Feb-12	0
46	Mro National Democracy Party		Mrauk U, Arakan State	9-Feb-15	0
47	Mro National Development Party	San Tha Aung	Kyauktaw, Arakan State	28-Apr-10	0
48	Myanmar Farmers' Development Party	Kyaw Swa Soe	Rangoon	6-Nov-12	0
49	Myanmar National Congress	Kaung Myint Htut	Rangoon	23-Jan-12	0

50	Myanmar New Society Democratic Party	Zin Aung	Thanlyin, Rangoon Division	16-Jan-12	0
51	Myanmar Peasant, Worker, People's Party		Bathein, Irrawaddy Division	9-Dec-14	0
52	National Democratic Force	Than Nyein	Rangoon	9-Jul-10	10 (6; 2;2)
53	National Democratic Party for Development	Maung Maung Ni	Rangoon	4-Jun-10	2 (0; 0; 2)
54	National Development and Peace Party	Muhammad Salim	Rangoon	24-Aug-10	0
55	National Development Party		South Okkalapa Township, Rangoon Division	9-Jul-15	0
56	National League for Democracy	Daw Aung San Suu Kyi	Rangoon	5-Jan-12	44 (37; 5; 2)
57	National Political Alliances League	Ohn Lwin	Rangoon	27-May-10	0
58	National Prosperity Party	Aung Naing Tun	Tamwe Township, Rangoon Division	4-Dec-13	0
59	National Solidarity Congress Party	N/A	Rangoon	28-Feb-13	0
60	National Unity Party	Tun Yi	Rangoon	29-Apr-10	63(12;5;46)

61	Negotiation, Stability and Peace Party		Mingaladon Township, Rangoon Division	23-Jul-15	0
62	New Era People's Party [aka Modern People's Party]	Tun Aung Kyaw	Rangoon	28-May-10	0
63	New National Democracy Party	Kyaw	Rangoon	4-Oct-11	5 (2; 1;2)
64	New Society Democratic Party		Rangoon	24-Oct-14	0
65	New Society Party		Rangoon	3-Jun-15	0
66	PaO National Organization	Aung Kham Hti	Taunggyi, Shan State	13-May-10	10 (3; 1; 6)
67	People Democracy Party	Than Htike Oo	Pyigyidagon, Mandalay Division	23-Sep-11	0
68	Phalon-Sawaw Democratic Party	Khin Maung Myint	Hpa-an, Karen State Karen State	4-Jun-10	9 (2; 3; 4)
69	Public Service Students Democracy Party		Hlaing Tharyar Township, Rangoon Division	28-Apr-15	0
70	Rakhine Patriotic Party		Akyab [Sittwe], Arakan State	15-Jul-15	0
71	Rakhine State National Force	Aye Kyaing	Rangoon	20-May-10	0

72	Red Shan (Tailai) and Northern Shan Ethnic Solidarity Party		Mahar Aung Myay, Mandalay Division	20-May-15	0
73	Shan Nationalities League for Democracy	Hkun Htun Oo	Rangoon	12-Jun-12	0
74	Shan Nationalities Democratic Party	Ai Pao	Rangoon	26-May-10	58(18;4;36)
75	Shan State East Development Democratic Party		Kengtung, Shan State	2-Jul-15	
76	Shan State Kokang Democratic Party	Antoni Su	Laogai, Shan State	31-Aug-12	0
77	Taaung (Palaung) National Party	Aik Mone	Namhsan, Shan State	24-May-10	6 (1; 1; 4)
78	Tailai (Red Shan) Nationalities Development Party	Win Tun	Mandalay	10-May-12	0
79	Union Democracy Party [aka Union Democratic Party]	Thein Htay	Rangoon	28-May-10	0
80	Union Farmer Force Party		Pegu, Pegu Division	4-Aug-15	0
81	Union of Myanmar Federation of National Politics	Aye Lwin	Rangoon	26-May-10	0

82	Union Pa-O National Organization		Taunggyi, Shan State	23-Jan-14	0
83	Union Solidarity and Development Party	Shwe Mann	Naypyidaw	8-Jun-10	836 (220; 123; 493)
84	United Democratic Party	Bo Maung	Depayin, Sagaing Division	26-May-10	0
85	Unity and Democracy Party of Kachin State	Khet Htein Nan	Myitkyina, Kachin State	2-Aug-10	4 (1; 1; 2)
86	Wa Democratic Party	Tun Lu	Lashio, Shan State	2-Jun-10	6 (2;1;3)
87	Wa National Unity Party	Loap Paung	Lashio, Shan State	21-Jun-10	0
88	Women's Party (Mon)		Moulmein, Mon State	15-Jul-15	0
89	Wunthanu Democratic Party [former Wunthanu NLD]	Ye Min	Patheingyi, Mandalay Division	27-May-10	0
90	Zo Ethnic Region Development Party		Mayangone Township, Rangoon Division	9-Jul-15	0
91	Zomi Congress for Democracy	Ngol Khand Dal	Rangoon	17-Aug-12	0

TOT = Total; PA = People's Assembly; NA = National Assembly; LP = Local Parliaments

Annex IV

ANFREL Mission Statements and Reports Long Term Observer Deployment Statement



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ANFREL Observing Historic Elections in Myanmar in Support of the Country's Democratisation

Yangon, 12 October – The Asian Network for Free Elections (ANFREL) deployed 20 Long Term Observers on October 12 to begin observing the pre-election period before the country's November 08, 2015 Elections. The deployment is a continuation of ANFREL's long-term support of strengthening democracy in Myanmar by supporting the integrity of electoral processes. ANFREL has been working in Myanmar over the last few years to enhance and sustain the capacity of civil society organizations and the media.

The ANFREL Election Observation Mission's (EOM) specific objective is to strengthen Myanmar's democratic processes by enhancing the integrity of the electoral process and the accountability of electoral stakeholders. To support these goals, ANFREL has chosen observers coming largely from the independent civil society groups and citizen monitoring organizations that make up its network across Asia.

A team of 20 Long-Term Observers (LTOs) and 28 Short-Term Observers (STOs) hailing from 18 different countries will be deployed to observe the General and Local Elections. The observers will observe across the country in pairs to collect a representative sample of the voting conditions across Myanmar. Prior to their deployment, the observers will be briefed in Yangon on the country's political and electoral conditions and our mission planning.

The observation operation will be guided by ANFREL's standard observation methodology which is tailored to comply with the Declaration of Principles for International Election Observation adopted by international organizations including the United Nation Electoral Assistance Division (UNEAD). ANFREL is also guided by our shared principles that inspired the Bangkok Declaration on Free and Fair Elections and the creation of the Indicators on Free and Fair elections endorsed at the Asian Stakeholder Electoral Forum (AESF) held in Dili on March, 2015.



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In fulfillment of ANFREL's commitment to maintaining gender equity, every effort is made to maintain a near equal ratio between male and female observers and its core team and support staff. The Head of Mission is Mr. Damaso Magbual, Chairman of ANFREL and one of the leaders of the National Citizens Movement for Free Elections (NAMFREL) in the Philippines. The ANFREL core team managing the mission is made up of three election experts, two analysts and six Myanmar staff members.

ANFREL hopes to observe a genuine electoral process free from irregularities and fraud that will bring about a representative government that reflects the true will of the people. ANFREL believes that the presence of observers can help to make the entire process more transparent and accessible to the public and look forward to continued fruitful engagement with the Election Commission of Myanmar, local Civil Society Organizations, other election stakeholders, and most especially the people of Myanmar.

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Formed in November 1997, the Asian Network for Free Elections (ANFREL) has established itself as the preeminent regional NGO in Asia working on elections and democracy promotion. ANFREL focuses on Election observation as well as capacity building and development for national CSOs that are actively working on democratization in their home countries. Since its formation, ANFREL has operated in more than 46 elections in 16 countries across Asia. Our long-term aim is to build expertise on elections and governance in the region, entrenching a culture of democracy that is seen as locally developed rather than externally imposed. Through observing elections in other countries, our observers have developed a strong understanding of international best practices – knowledge that can then be applied in their respective home countries. For more about us see www.anfrel.org.

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Annex V

ANFREL Short-Term Observers

Deployment Statement

2 November 2015



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ANFREL Deploys More Observers Hoping to See a Transparent and Fair Final Week before Polling

Yangon, 2 November – As part of its nationwide Election Observation Mission in the country, the Asian Network for Free Elections (ANFREL) is deploying 26 Short Term Observers (STOs) on November 2nd to observe the final week of the pre-election period and the country's November 08 Election Day. The STOs will join ANFREL's 20 Long Term Observers that have been observing since October 12th. This new deployment is a continuation of ANFREL's long-time commitment to strengthening democracy in Myanmar by supporting the integrity of its electoral process.

The ANFREL Election Observation Mission's (EOM) specific objective is to strengthen Myanmar's democratic processes by enhancing the integrity of the electoral process and the accountability of electoral stakeholders. To support these goals, ANFREL has chosen observers coming largely from the independent civil society groups and citizen monitoring organizations that make up its network across Asia. Citizens of other nations such as the United States of America and parts of Europe are also part of the mission. ANFREL's observation methodology is tailored to comply with the Declaration of Principles for International Election Observation adopted by international organizations including the United Nation Electoral Assistance Division (UNEAD). ANFREL is also guided by our shared principles that inspired the Bangkok Declaration on Free and Fair Elections and the creation of the Indicators on Free and Fair elections endorsed at the Asian Stakeholder Electoral Forum (AESF) held in Dili in March 2015.

On the subject of the coming elections, ANFREL Chairman Mr. Damaso Magbual stated that, "During this crucial last week, we hope that ANFREL's observers find an atmosphere that is peaceful and free with inclusive elections

that include all of Myanmar's people and provide fair opportunities to all those competing." Sincere efforts by all political actors to adhere to both the letter and spirit of the Code of Conduct for Political Parties and Candidates that the parties have endorsed would be a significant move towards this shared goal.

ANFREL hopes that recent violence, threats, and intimidation are isolated incidents that do not repeat themselves in these last few days before the election. Any instances of violence or threat of violence have no place in an election and such actions harm the campaign process and, in an election context, are serious violations of the freedoms of movement, association and expression. Relevant security agencies should be vigilant in pursuing those perpetrating or threatening violence and all political and religious leaders can and should through their speeches work to create a peaceful election environment by using responsible, inclusive language which lessens any political, ethnic, or religious tensions that harm the election.

The fairness of the campaign period is also impacted by recent moves stifling routine political speech and creating a chilling effect on political campaigns and speech. ANFREL hopes that the Media, Civil Society Members, and those citizens expressing their thoughts online are able to do so freely and without fear of arrest or harassment. The media and election observers play a particularly important part in ensuring a level-playing field and providing transparency to the election process. It is important that they have access to cover and observe electoral events and the freedom to report on what they find.

Finally, ANFREL hopes that advance voting and election day voting, counting and tabulation is carried out in a fair and transparent manner. Defending advance voting against the type of fraud alleged in 2010 will be an important part of this process. If done, it will mark a significant improvement in the quality of this election. On election day, the UEC's efforts to be inclusive while preventing fraud and abuse of the voter list will also be important. Protecting the sanctity of each and every ballot will be a vital for the overall integrity of the election. ANFREL's observers look forward to continuing the warm relations ANFREL maintains with the people of Myanmar in working to deliver the type of free and fair election that the people of Myanmar so richly deserve.

Formed in November 1997, the Asian Network for Free Elections (ANFREL) has established itself as the preeminent regional NGO in Asia working on elections and democracy promotion. ANFREL focuses on Election observation as well as

capacity building and development for national CSOs that are actively working on democratisation in their home countries. Since its formation, ANFREL has operated in more than 46 elections in 16 countries across Asia. Our long-term aim is to build expertise on elections and governance in the region, entrenching a culture of democracy that is seen as locally developed rather than externally imposed. Through observing elections in other countries, our observers have developed a strong understanding of international best practices – knowledge that can then be applied in their respective home countries. For more about us see www.anfrel.org.

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Annex VI

PRESS STATEMENT



Asian Network for Free Elections [ANFREL Foundation]

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For Immediate Release

A Significant Step for Myanmar's Democracy that Deserves Continued Vigilance

Yangon, 10 November – The Asian Network for Free Elections (ANFREL) wishes to enthusiastically congratulate the people of Myanmar on their holding of General and Local Elections on November 8, 2015. Voters turned out in large numbers to peacefully exercise their democratic right to choose their own elected representatives. With many waiting in the early morning darkness hours before polls opened, the enthusiasm and patience shown by voters throughout the day is commendable. Through their determination, they have sent the world a message that the people of Myanmar are ready and willing to work towards a more democratic future.

ANFREL also wishes to compliment the Union Election Commission (UEC) for its management of the election in what was admittedly an often difficult environment. While the UEC's work is far from finished, the efforts of Polling Station staff to create an environment conducive to free and fair elections is worth noting. Given the decades since the last competitive national elections, the UEC generally performed admirably to manage the process. ANFREL is pleased to report that the improved performance of the Election Commission is one of the most significant and impactful differences when comparing this Election to the 2010 General Elections.

Mr. Damaso Magbual, ANFREL's Head of Mission, agreed when he said that "While important parts of the Election Process remain, the pre-election period and Election Day give Myanmar a good chance for credible elections and a more democratic future. Where irregularities exist or are alleged, ANFREL encourages the UEC and all involved stakeholders to thoroughly investigate these cases and administer justice in a professional, objective, and timely manner."

Democratization is a process and the 2015 Elections will, ANFREL hopes, provide a solid foundation for that process. This election, like all elections, was not perfect but ANFREL hopes that it will be the first in a series of continuously improving democratic elections in the country. To ensure that legacy, it is important that all stakeholders carry out important post-election activities that protect the integrity of the process.

Among the most critical of the post-election processes is the transparent and timely release of Election Results. The UEC has taken several steps to try and instil this year's election with greater transparency and ANFREL very much hopes that the release of the results reflects these efforts. By immediately posting all original results forms at sub-commission offices and online, and by releasing detailed PS level lists of results, the UEC can avoid unnecessary suspicion or distrust in the counting process. Where results cannot be released or require further investigation, clear communication to the media, observers and the public at large will help create mutual understanding and faith in the tabulation process.

On Election Day, ANFREL was encouraged to find that the voter list did not create any serious problems for most voters arriving to vote. Still, ANFREL hopes that the Election Commission can take a more pro-active approach to ensuring the Voter List includes all the eligible voters of Myanmar. In a country where Elections have been rare, it is unsurprising that many voters were unaware that they needed to check their name on the voter list. If provided with the appropriate resources, the UEC can conduct more of the type of active voter registration that was seen in some areas. ANFREL also hopes to see an even deeper engagement by the Media and Civil Society to conduct more Voter Education that includes information about voter registration.

Regarding Advance Voting, more training and additional control over some aspects of the process will increase confidence in the process and eliminate some of the existing shortcomings ANFREL's observers reported in some areas. The observers saw a great deal of procedural variation, indicative of the need for more training, in the implementation of in-constituency advance voting from one sub-commission office to the next. Additional training that leads to more procedural uniformity will ensure regulations are strictly followed and will increase public confidence in the UEC's management of the elections.

Even more troubling was certain aspects of the out-of-constituency advance voting, in particular the advance voting of the military and police in some areas. While improved from 2010, the special privileges enjoyed by these institutions create opportunities for fraud and electoral misconduct and the general lack of access for observers magnifies those problems. Moving Polling Stations out of military camps and beginning a transition towards normalizing military voting in more ordinary Polling Stations will help protect the voting rights of individual soldiers and will remove one of the electoral system's lingering weaknesses.

As the country hopefully grows into democratic maturity, ANFREL hopes that its elections can also grow more inclusive. The large numbers of potential voters who were excluded or unable to participate in the process is perhaps the elections' most significant shortcoming. In the spirit of democratic inclusiveness and long-term peace in the country, steps can and should be taken to include all the people of Myanmar, no matter their race or religion or where they happen to live, in Myanmar or abroad.

As the election is very much not over, ANFREL calls on all parties and candidates to work together going forward to facilitate the investigations of the UEC and, once investigations have run their course and final tallies are known, accept the results of the election. Those candidates that have graciously conceded defeat set a commendable example for others.

For the future improvement of the country's Electoral System and because every election has areas for improvement, ANFREL wishes to offer some constructive recommendations based on the observations of its forty-seven observers working across all fourteen States and Regions and in 304 Polling Stations on the 8th. These recommendations are included in the Preliminary Report ANFREL released today. ANFREL will continue to observe the electoral process including the continued tabulation and announcement of results as well as the complaints and appeals processes. Both the preliminary findings and the recommendations will be further substantiated in a Final Report.

“While there of course remains room for improvement, the election process up until today has exceeded expectations and certainly provided the people a means through which to have their voices heard,” concluded Mr. Magbual.

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Annex VII



10th November 2015

ANFREL Interim Report on the 2015 Myanmar General and Local Elections

1. Campaign Environment

The overall campaign environment leading to Election Day was considered generally free and fair as observed in most of the states/regions monitored by ANFREL observers. It was largely free with isolated incidents of rioting and destruction of campaign materials.

Most voters find that the elections were more “free” given that more political parties contested which meant more choices of candidates for them. Voters across the country have expressed hope that the 2015 elections will bring change to Myanmar.

There has been a noticeable widening of democratic space in the country, especially if compared to the previous years. The seeming effort to make elections more inclusive and the growing rate of political participation by the people should be lauded. The presence of election observers, both domestic and international, is also seen as a contributing factor to the freer election environment.

The 60-day campaign period was characterized by the political parties’ mobile campaigns, music, handing out of leaflets, public rallies, music, and door-to-door campaigns. These activities created a lively and festive campaign atmosphere.

Still, some parties complained about what they perceived to be an overly burdensome process to get permission to have a campaign rally. Restrictions that forbid candidates from criticizing the military also limited the political space and freeness of the campaign to some extent.

The Code of Conduct, although non-binding in nature, was recognized by some stakeholders to have somehow guided political parties in carrying out their campaign activities. But many political parties found it challenging to campaign among voters with very low awareness about democracy and

elections. The efforts of political parties to include voters' education in their activities largely contributed to raising people's awareness.

However, impediments to free campaigning should be taken into account by either correcting them or learning from them as Myanmar moves toward a more mature democracy. Reports and complaints related to vote-buying, violence, and use of government resources in campaign should be investigated and corrected. A more comprehensive campaign finance law, including regulations on donations and expenditures, will help level the playing field.

Women Participation

Interviews with stakeholders suggest that awareness among women is still very low and thus resulting to low political participation. The generally low number of women contesting the electoral exercise would make the sector under represented. However, lessons from the elections would pave the way for better mechanisms to remove obstacles and encourage their participation.

Use of Religion in Campaigns and Use of Hate speech

Reports were received about religious leaders having been involved in political activities either advancing a person's candidacy or campaigning against another party. Anti-Muslim speeches were also observed in states such as Rakhine during campaign rallies. Such practices should be controlled and not be repeated in the future. Hate speech and smear campaigns can incite hostilities and violence that could in turn affect the overall election process.

2. Security Situation

The security situation during the pre-election period up to the Election Day was largely peaceful with no major incidents of violence or use of force reported. The situation provided for an environment favorable to holding free elections.

There were no major threats to security and no destabilization foreseen before Election Day. However, stakeholders in several states expressed concerns on possibilities of post-election conflicts. ANFREL urges all political parties, candidates, and supporters to accept results peacefully without resorting to violence.

Security forces, especially the police, have to be commended for performing their duty of securing election materials and maintaining peace and order. Security preparations were found to be adequate and remained on track before Election Day, including the recruitment and training of Special Police force.

Police Monitoring and Surveillance of Election Observers

Notwithstanding the reassuring security situation, security forces, specifically the Special Branch Police, have conducted monitoring activities and have followed observers in their daily activities and recorded their movements. Although they showed no signs of being aggressive, their constant trailing had, to some extent, affected the movement of observers. In some instances, the police would interrogate to people interviewed by the observers causing fear among respondents to speak freely. This practice should be re-evaluated, international observers and authorities can cooperate with each other's work without the need to closely monitor observers.

Armed groups did not disrupt electoral process

There are armed groups still found to be operating outside city centers where GAD is not present. Many armed groups have also signed the Nationwide Peace Agreement (NCA) with the government. Nevertheless, the armed groups have shown cooperation in holding peaceful elections while some of those who did not sign the National Ceasefire Agreement (NCA) vowed not to disrupt the process.

3. Voters List

The accuracy of the voters' list is one among the areas of concern raised before Election Day. Inaccuracies and several errors on names of voters were found across the country. In some list, voters found their names to be in duplicate. Names of deceased persons were also found. Nevertheless, ANFREL was encouraged to find that it did not create serious problems for most voters arriving to vote.

The effort of UEC to make the list as inclusive and accurate has to be recognized in terms of providing mechanisms to allow voters to check their

names and correct them. In the same light that on Election Day, there was flexibility to allow eligible voters not in the list to cast vote as long as identity can be proven.

However, the lack of voter awareness did not allow many of the voters to check their names. At the same time, the process of registration is considered to be a complicated process by many stakeholders that caused confusion to many voters.

In states with ethnic minorities, review of the lists has become a challenge as they were written in Burmese. But a number of ethnic minorities can only read and write in their own respective ethnic languages.

ANFREL hopes that the UEC will regularly review and update the list and ensure that it includes all eligible voters of Myanmar. Voters' education campaigns in cooperation with civil society would also help in raising awareness and encouraging people to register. A review of its rules in the registration of migrant workers eligible to vote will also be a significant undertaking as they have become an important part of the country's society.

4. Advance Voting

While it is laudable to have a mechanism to allow advance voting, there also needs a review on the current set of procedures and their implementation. The observers saw a great deal of procedural variation, indicative of the need for more training, in the implementation of in-constituency advance voting from one sub-commission office to the next. Timely release of pertinent information including schedule is helpful for the preparations at the sub-commission level and for those who intend to cast their votes in advance.

ANFREL teams observed advance voting in many areas with several variations in implementation. More training and additional control over some aspects of the process will increase confidence in the process and eliminate some of the existing shortcomings ANFREL's observers reported in those areas. It will also lead to more procedural uniformity to ensure regulations are strictly followed.

That said, ANFREL considers certain aspects of the out-of-constituency advance voting to be of even greater concern, in particular the advance

voting of the military and police in some areas. While improved from 2010, the special privileges enjoyed by these institutions create opportunities for fraud and electoral misconduct and the general lack of access for observers magnifies those problems. Moving Polling Stations out of military camps and beginning a transition towards normalizing military voting in more ordinary Polling Stations will help protect the voting rights of individual soldiers and will remove one of the electoral system's lingering weaknesses.

Additional safeguards such as the application of truly indelible ink should also be considered to eliminate possibilities for those who would intend to cast vote again on Election Day. In those areas with late arriving Advance Ballots, investigations into the cause of the delay should aim to prevent such accidents in the future and/or prosecute any bad actors found to be attempting to manipulate the process.

5. Polling Procedures & Election Day

On Election Day, observers reported a generally peaceful environment with few incidents. Voter interest was high with voters reporting that they had begun queuing as early as 3:30-4:00am in some areas. As this suggests, voter turnout was especially heavy in the morning. Combining this fact with the relatively time consuming process of having to check the voter's name on each of the three voter's list for the different ballots made for a lengthy queue with significant numbers of voters patiently waiting well over an hour.

ANFREL's observers found the opening processes to generally adhere to the procedures laid out in the polling manuals provided to Polling Station Officials by the Union Election Commission. The teachers who made up most of the polling station staff nationwide showed patience and dedication to their task for the day. The layout of polling stations was generally suitable and again mostly in compliance with the regulations set out by the UEC. Observers did have frequent suggestions for better crowd management in polling stations where groups of perhaps too eager voters were often crowded around the first table inside the door. They also observed.

a few polling stations where voting booths were side-by-side, touching in a way that could endanger the secret ballot of voters voting next to one other. The use of indelible ink was a generally very positive part of the process though observers sometimes reported that voters fingers should've been

checked more carefully upon check-in and the chemical content or method of applying the ink should be more rigorously checked in the future thanks to some instances of the ink being relatively easy to wash off.

In some Polling Stations, voters from ethnic minority groups that due to their population in a particular area qualified to elect an Ethnic Affairs Minister found themselves unable to do so due to their assigned polling station missing its Ethnic Affairs/'national race' ballot box. Polling station officials in these cases were generally unable to provide an explanation or accommodation for these peoples' lost rights. Barring special accommodation to restore to these voters the opportunity to vote for their ethnic affairs representative, ANFREL hopes that the Election Commission can look into any failures that took place in these cases and avoid such errors in the future.

One consistent thread that observers reported throughout a number of the processes on election day was a certain amount of variation or lack of standardization in the procedures followed from polling station to polling station. Without the suggestion or implication of ill intent, observers found noticeable variation in the implementation of many parts of the process but in particular in the closing and counting procedures followed in each polling station. In some polling stations, ballots were not properly reconciled at the time of closing and unused ballots were not securely guarded or stored during the counting. In others, inconsistent criteria to invalidate ballots where ink had spread from folding the ballot caused high numbers of invalid ballots that were in other stations counted as valid. While such variation does not suggest any kind of fraud nor a significant impact on the election results, more training and standardization of Polling Station procedures will add to both the real and perceived integrity of the election.

ANFREL's observers are trained to observe every aspect of the election process and as such were eager to follow the consolidation of polling station results to the Township level Sub-Commission office. Those observers able to make it to the Township office were often disappointed when Township level results were not posted as had been expected. ANFREL hopes that such delays are not indicative of a larger trend and believes that the timely and transparent release of results from Polling Stations and all levels of consolidation can go a long way to build confidence in the electoral processes of the country.

6. Election Administration

To begin, it is important to credit the Union Election Commission for much of the improved environment in this year's election compared to the past. The UEC's efforts towards greater transparency and openness set the tone for the election as a whole and enabled much deeper engagement by a variety of stakeholders with the electoral process. This is not to say that the interlocutors interviewed by observers had no criticism of the UEC, it is simply a recognition of their broad contribution to the process.

As mentioned in the above section on the varying procedures found at the local level, ANFREL believes there is at times a disconnect or a failure to communicate between the UEC and its various sub-commissions. Such issues can likely be addressed through more capacity building for local sub-commissions and earlier decision making which would provide more advance notice for implementing and training of proper procedures.

Though it enjoyed generally higher levels of trust and credibility than other government departments, the election commission's neutrality was at times questioned by those interviewed by ANFREL. In particular, its reliance on staff from other government offices and the background of some of its leaders led some to accuse the Commission of being partisan.

For the future, ANFREL hopes that the commission can continue the rapid improvement it has shown over the last few years. One way it could do so is to continue and significantly expand its voter education efforts to help create an informed electorate that can more easily and more deeply participate in the process.

More Voter Education can be helpful in almost every country but it is particularly needed in Myanmar given the electoral context. Lack of voter awareness was one of the major concerns confronting the 2015 elections. Many voters did not have a clear understanding of the voting process. There are also voters found not to know about the election date. There is an apparent gap between rural and urban dwellers in terms of political awareness. This gap can be attributed to the voters' accessibility to information. Voters in rural areas tended to have lesser knowledge and lesser appreciation for political and democratic processes compared to those living in industrialized and urban areas where there is greater access to media.

7. Persons Unable to Participate

While apparent well in advance of the election, ANFREL was nevertheless disappointed by the large number of people unable to exercise their voting rights this election. There were significant numbers of people in differing situations that were nevertheless unable to have their voices heard. ANFREL hopes that, as the country hopefully grows into democratic maturity, its elections will also grow more inclusive. The large numbers of potential voters who were excluded or unable to participate in the process is perhaps the elections' most significant shortcoming to date.

The exclusion of the vast majority of the Rohingya population was the product of the intentional expiration of the white cards previously held by a number of minority ethnic and religious peoples. Its impact was to exclude several hundred thousand possible voters that were able to participate in the last elections. This, ANFREL believes, is one of the few areas where the 2015 Election took a significant step backward as compared to previous years. This move to exclude Rohingya from the voter rolls broadened to create a defacto exclusion, using arbitrarily implemented criteria, of many religious minority candidates as well.

There were also several million citizens living outside Myanmar that unfortunately did not participate. While there is no international norm regarding voting for citizens abroad, ANFREL believes that better preparation and more outreach would have had led to a significant improvement in the turnout of people living abroad.

Significant numbers of citizens living in areas where elections were cancelled were also to participate. They are, for now at least, not part of the process of electing the country's next parliament. ANFREL believes that the UEC needs to be as transparent as possible about its criteria to cancel elections in some areas with fighting but keep the polling open in other areas with heavy fighting such as Kokang. Being open about its criteria and decision-making process, as well as its plans to hold by-elections in those areas as soon as the security situation allows, will help alleviate any suspicions of partisan cancellations.

As a diverse network of citizen monitoring organizations across Asia, ANFREL believes deeply in the importance of inclusive elections as they relate to

gender, religion, race, and ethnicity. In this spirit of democratic inclusion, ANFREL hopes to see steps that enable a broader range of the people of Myanmar to participate. Elections can and should include all the people of Myanmar, no matter their race or religion or where they happen to live, in Myanmar or abroad.

8. Access and the Role of Civil Society, Election Observers, and Party Agents

ANFREL's observers were welcomed at the vast majority of the Polling Stations visited on Election Day. Several observers were however denied entry at some polling stations on the election day due to what seemed like inadequate training of Security and Polling Station Officials. Analysis of those polling stations where our observers were denied revealed no apparent fraudulent intent however access for all accredited Observers, Monitors, and party agents is an important part of the process and one that we hope is fully protected and recognized in the future.

Looking more generally, Civil Society played an active role in the run up to the Election in terms of voter education and outreach about the election. Several large Citizen Monitoring Groups such as the People's Alliance for Credible Elections (PACE) and the Election Education and Observation Partners (EEOPS) monitored polling in significant numbers of stations around the country. More locally, many more organizations monitored polling in smaller numbers often times in the particular state or region where they were accredited. ANFREL is encouraged by their role in the election and hopes that they can carry their momentum from the observation of the election into helpful engagement in voter education and electoral reform in the country on a more permanent basis going forward.

ANFREL was also encouraged by the presence of party agents at the polling stations where we observed. Most stations had at least two party agents representing the two major parties and some smaller parties fielded a substantial number of agents as well. These participating parties should be complimented for their efforts to recruit, train, and deploy Party Agents to play a helpful role in the polling stations and add credibility to the polling process.

9. Media's Role and Neutrality

The media played a helpful role in disseminating information about the election and many of its parties and candidates. ANFREL's observers reported what they saw as a certain amount of favoritism among media outlets, both public and private, though in different directions depending on their ownership.

The Media in Myanmar, while much freer than in the recent past, must still censor itself to a certain degree and limit the scope of their reporting in some cases. Like ANFREL observers themselves, media faces scrutiny from security forces and must exercise extra caution as a result. The arrests of activists who'd shared political jokes via Facebook had a likely additional chilling effect on the media's reporting of certain sensitive issues related mainly to the military.

10. Constitutional & Legal Framework

ANFREL believes that the electoral and legal framework that is the foundation for the election has several deficiencies that undermine the overall integrity of the election system. While there are several worth addressing, we will focus on the two that most directly relate to elections. Primary among what ANFREL sees as the current system's shortcomings is the continued 25% apportionment to the military of seats in the Pyidaungsu Hluttaw as well as the State and Region Local Parliaments. The military quota system lessens the elections' impact and could lead to situations where a party or parties receiving a minority share of votes is able to coalition with unelected members to form a rather unrepresentative government. In this way, the reserve military seats distort the votes and voices of the people. No modern democracy has such a set aside for the military and ANFREL believes that, over time, Myanmar would be wise to transition to a more democratic parliamentary makeup with 100% of its representatives elected by the people. Hopefully Myanmar can learn from the example of Indonesia, a country that once had a military block within its parliament but that has transitioned to a more representative parliamentary model as it has consolidated its own democratic gains. Following that example would be a significant step to realizing a fully-elected, civilian led government for the country.

Another issue that Myanmar may want to examine is how it determines the constituencies of its MPs, namely, the practical impact of giving townships of often times vastly different population equal weight in the lower house and each State & Region equal representation in the upper house. To some degree, there is a political calculation here which the people of Myanmar are of course free to decide for themselves. Still, ANFREL believes the imbalance built into the system is at least worth studying and exploring avenues for possible reform over the long-term. If more equitable divisions of constituencies and representatives can be agreed to, ANFREL believes such reforms would strengthen the underlying fairness in the system.

11. Electoral Dispute Resolution

In every contest, it is inevitable for disputes to arise, therefore it is necessary to have procedures to resolve them. The UEC's effort to create electoral disputes resolution committees and issue a manual on how to handle disputes are commendable, however, there needs to be additional training for polling staff to ensure uniformity in the implementation. However, noting the lack of experience in elections in the past, polling officials at the township levels do not have adequate understanding on how to resolve the matter while maintaining the sanctity of ballots.

Recommendations

1. To enhance procedural consistency and uniformity and to ensure that local sub-commissions reflect the UEC's policies, a strengthened coordination mechanism between the UEC and its offices in the sub-commission and township level offices is essential to ensure consistency, uniformity, and fairness in the implementation of election rules.
2. To build the capacities of UEC and sub-commission staff, additional trainings on the topics of Information and Technology, compliance with procedures, and the broader principles of free and fair elections will be of great benefit.
3. To enhance transparency mechanisms in the registration process, the conduct of advance voting should be better systematized and made uniform.
4. For out of constituency advance voting for the military, there's a need to convert that voting population to use standard Polling Stations and

procedures wherever possible. No advance voting should be allowed in military camps/installations.

5. To undertake intensive voters education campaigns in cooperation with civil society organizations to raise awareness of voters.
6. The UEC should have fiscal autonomy via an automatic budget allocation mechanism that insulates it from the political influence of parliament.

Annex VIII

ANFREL Election Observation Mission News Coverage

01) March 28, 2016

Burma's Timid Friends

<http://foreignpolicy.com/2016/03/28/burmas-timid-friends-japan-india-democracy/>

02) April 3, 2012 - Free online Radio Media Malaysia

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03) October 10, 2015 - Radio Free Asia

ANFREL releases findings of Election Observation.

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04) October 14, 2015 - Myanmar Times

Election Observers: the eyes of the world

<http://www.mmmtimes.com/index.php/national-news/16998-election-observers-the-eyes-of-the-world.html>

05) November 3, 2015 - New Generations

ANFREL will send International Observers

http://8888newgenerations.blogspot.com/2015/11/blog-post_83.html

06) November 7, 2015 - Myanmar Times

Asian politicians are sore losers": Damaso G. Magbual, ANFREL Head of Mission

<http://www.mmmtimes.com/index.php/national-news/17456-asian-politicians-are-sore-losers-damaso-g-magbual-anfrel-head-of-mission.html>

- 07) November 7, 2015 - Asian Correspondent
Election in Burma: fine for not, but that may change in coming days
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- 08) November 9, 2015 - Myanmar Times
Yangon election “smooth, peaceful, orderly”: Observer
<http://www.mmtimes.com/index.php/national-news/17467-yangon-election-smooth-peaceful-orderly-observer.html>
- 09) November 10, 2015 - Myanmar Times
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- 10) November 10, 2015 - Radio Free Asia
Aung San Suu Kyi Predicts Landslide Victory in Myanmar Elections
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- 11) November 10, 2015 - Myanmar Times
UEC frustrates with lack of results
<http://www.mmtimes.com/index.php/national-news/17518-uec-frustrates-with-lack-of-results.html>
- 12) November 11, 2015 - Dawn Man Hon
ANFREL press conference
http://www.dawnmanhon.com/2015/11/blog-post_314.html
- 13) December 4, 2015 - Tempo.co
New Hope for Press Freedom in Myanmar
<http://en.tempo.co/read/news/2015/12/04/074724822/New-Hope-for-Press-Freedom-in-Myanmar>

Myanmar's historic elections held on November 8 2015 will hopefully provide the much-needed impetus to build a solid foundation for the process of democratization. The elections assume great significance, as it not only provided a more free and fair environment for voters to come out and vote, it was also an important step forward to consolidate on the democratic gains made so far.

As Myanmar continues its transition to democracy, ANFREL hopes that its elections can also grow more inclusive which in turn will help to promote a more inclusive society. In the spirit of democratic inclusiveness and long-term peace in the country, steps can and should be taken to include all the people of Myanmar, no matter their race or religion or where they happen to live, in Myanmar or abroad. The November 8 elections provided glimpses of the belief that the people of the country have on a clean and credible election process to build a democratic future for themselves and generations to come. It certainly was encouraging to see long queues of voters, both young and old hours before the start of the polling process, patiently awaiting their turn to vote to hopefully see their country change towards a full-fledged democracy.



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