



LOCAL DEMOCRACY IN MYANMAR

Reflections on ward and village tract elections in 2016

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Cover photo: Ward administrator election in Mon State. © Annika Pohl Harrisson



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In January 2016, around 100,000 candidates across Myanmar contested for the 16,785 seats as Ward and Village Tract administrators (WA/VTAs). As everyone's eyes focused on how the new democratically elected National League for Democracy (NLD) government would be formed, the General Administrative Department (GAD) called out for the execution of local elections within just a few weeks. Very few national newspapers articles covered these elections, and in stark contrast to the national elections in November 2015, there was no electoral support, nor any substantial observations. The state of local governance in Myanmar has also remained scantily debated in national academic, policy and donor circles. It is critical that this shifts and a debate begins, because such local administrators in most localities are the primary point of contact between the state and citizens: they are invested with considerable powers, playing key roles in local development, law and order, dispute resolution, and land administration.

Ward and village tract administrators have diverse roles and functions. When citizens want to apply for a new job, get a household certificate, a national registration card or do a land transaction, they must first pass through their ward and village tract administrators for recommendation letters. Local administrators are also the main mediators in petty crimes and civil disputes, when these cannot be resolved within the family. With the advent of local development funds, they also play increasingly important roles in local development. Because the administrators are now chairs of the Land Management Committee at the local level, they are also key actors in handling land issues, which is not least significant at a time when land disputes are increasing.

The election of local administrators and their everyday governance activities is essential to the wider democratisation process in Myanmar. Indeed, democracy also relies on political changes at the most local level and in everyday state-citizen interactions. A significant change from the past is that WA/VTAs are now elected, rather than appointed. This indicates the potential for more down-ward accountability and popular representation, which is essential to democratic principles. However, WA/VTA elections are indirect and do not involve universal suffrage, as the administrators are elected by ten household leaders. Observations suggest that the January 2016 elections were largely an administrative, rather than a political exercise. This was reflected with lack of

knowledge and interest in the elections by ordinary citizens and civil society organisations. In other localities, however, increased political party engagement and competition for candidacy suggests that local administration may increasingly become a site of political and active engagement between citizens and the state.

This summary report is based on a roundtable meeting on 6 April 2016 at Yangon University, which brought together scholars, consultants, and civil society representatives who followed the 2016 local elections in different localities of the country. The purpose was to discuss the experiences with the local election process, how local people perceived the elections and what roles the administrators play in local social and political life. It also presents an opportunity to discuss the future role of the WA/VTAs in the current political transition of Myanmar, including weaknesses of the current laws that regulates this field. These matters should be understood in the broader debate about local governance reform and decentralisation in Myanmar.

The legal framework for local administrators

In 2012, the U Thein Sein government passed the Ward and Village Tract Administration Law. Under this law, the WA/VTAs are elected through a secret ballot by ten-household leaders, who are to be elected by heads of households, also through secret ballot. This marks a change from the past where local administrators were appointed by higher level officials of the General Administrative Department (GAD), and thus can be viewed as a measure of bottom-up democratisation. The term of the WA/VTA changed on 20 January 2016 to coincide with the term of the President. The term is now fixed for five years. To be eligible for election, the person should be respected by the local community, making it possible to dispose of them. The elections are overseen by a supervisory board of five *ya mi ya pha* (village elders and respected persons, VERP), which is organised by the township level administration.

The WA/VTAs are not considered government staff, but continue to be regarded at the lowest level of Myanmar's bureaucracy, falling under the GAD and thus the Ministry of Home Affairs. Apart from representing the ward/village-tract communities, communicating their needs and priorities up-wards in the system, they have to carry out instructions from the township level administration, which currently

does not have elected councils or representatives. As such the WA/VTAs are embedded in a wider system of governance where the higher levels they respond to are not democratised.

Under the 2012 Ward or Village Tract Administration Law, the core duties of local administrators remain largely unchanged, with a focus on administrative duties and on maintaining peace, law, and order. However, other new laws, such as those that pertain to land, as well as local development fund initiatives since 2012, have given the administrators new responsibilities: they are chairs of the Land Management Committee and also cooperate with Ward/Village Tract Development Support Committees in identifying and overseeing local development projects. As land disputes increase and more development funds are channelled to the local level, these areas of responsibility can be seen as investing the local administrator positions with more power and influence.

A significant change in the 2012 law is that it does not include the position of 100 household leaders, who until 2012, held administrative authority and acted as village leaders in rural areas and as key assistants of the WA/VTA. This implies a greater concentration of power in the WA/VTA, according to the law. While local administrators previously worked on a voluntary basis, the 2012 law now provides a monthly subsidy, set by the GAD. It also appears that there is now an increased budget for office expenses and for salary to a clear who assists the WA/VTA with administrative duties, but these provisions are not included in the 2012 law.

According to a roundtable participant, the 2012 law was partly a response to the widespread corruption and abuse of power by former local administrators. This was supported by a large number of complaints from local communities to the previous President's office. Examples included illegal land transactions and extortion of money from citizens. Lack of salaries meant that it was not always the most competent and well-educated people who assumed the position of WA/VTA. Apart from now providing for a monthly subsidy, the 2012 law now also prohibits administrators from threatening or using force for his own interest, including forced labour, and from collecting money from households. These checks on the power of WA/VTA are also supported in the 2012 law, as it has fortified the qualifications that candidates need to hold in order to run for the elections. Among the list of 11 qualifications, a number of the participants at the roundtable highlighted that candidates must have an adequate educational level and sufficient resources for his/her livelihood. The latter criterion is intended to mitigate corruption. Other qualifications include: full citizenship (born of parents who are citizens), age above twenty-five, ten years of residency in the ward/village tract, respect of society, family with 'good morality', and a person who is not a government official.

Weaknesses of the 2012 Law

A major area of concern seen from the perspective of international standards is that the WA/VTA elections are under the responsibility of the GAD, Ministry of Home Affairs, and not an independent election commission, such as the Union Election Commission (UEC). Oversight is limited to a Supervisory Commit-



The eligible voters are waiting for the results of the ward administrator election. © Annika Pohl Harrison

tee of five members, comprised of elders selected by the township administration, in some cases with popular approval. This makes oversight potentially biased and does not live up to international standards. It also helps explain why there was no international election funding for the local elections.

Another area of critique is that the elections are indirect and do not involve universal suffrage by citizens from the age of eighteen. Because heads of households are responsible to elect the ten households leaders, women and young people are frequently excluded from voting. According to international standards, the local elections can therefore not be regarded as democratic. Nonetheless, there is still a sense that the appointment of the position has become more democratised and that the administrators are seen as more locally legitimate than in the past, since administrators are now elected, rather than appointed. Two concerns with universal suffrage are that in reality few people may be interested in voting and that it would imply the need for large funds to carry it out.

While the 2012 law states how administrators are elected, it does not stipulate how to nominate and publicly announce the candidates for WA/VTA and there are no official rules around the scheduling of the elections. This means nominations can be rather ad hoc. And while dispute mechanisms for the elections are not clear in the law, people are inclined to complain to the township level GAD office. It may be that the GAD office reruns the election until people are tired of voting or satisfied with the result.

Another area of critique concerns the removal of 100 household leaders from the 2012 law, which according to many local voices and circumstances are still needed and in practice continue to operate in many areas of the country. In more isolated and remote areas in particular, villages have been increasingly cut off from the village tract administrator with the formal removal of the 100 household leaders. As available funds increase for developmental projects, smaller villages have felt marginalised by larger tract villages, which dominate the local election process. 100 household leaders, sometimes known as 'village leaders', provide a link between ordinary citizens, the ten households leaders, and village tract administrators. According to observations by roundtable participants, 100 household leaders also continue informally in urban wards and seem overall to be appointed by the WAs, who find that it is more

practical to work with fewer household leaders than with numerous ten household leaders. It is unclear why the 100 household leaders were excluded from the 2012 law.

The criterion that WA/VTA candidates must have sufficient funds for their livelihoods is a concern. As raised at the roundtable, while this rule may be intended to prevent corruption, it also favours the more well-off citizens as local leaders. Another concern is that administrators are often tied up with personal business. This means they can only perform WA/VTA duties in their free time, such as evenings and weekends. For women, this may pose an additional challenge, as they are commonly more reluctant to work and travel to other villages at night. However, there are also examples, from Mawlamyine and Hpa-An, where those elected have given up their jobs to attend to the WA/VTA tasks, and who consider the subsidy and other benefits accruing from the position as sufficient to provide for their livelihood.

Observations and Experiences with the 2016 Elections

Large variety and low election knowledge

There was large variety across the country in how the local elections were conducted and organised. This reflects little public information and debate. Township GAD officials gave instructions, but it seemed this was mostly to existing local leaders and elders, rather than the public. The timeframe for organising the elections was also very short, and just one roundtable participant heard that GAD officials actively encouraged people to vote. In very few places were there campaigns and voter pamphlets. Many ordinary citizens were unaware of the elections until the last minute, and some only heard about them after they were held. In one town, for instance, major civil society organisations were unaware of the elections, and so was some of the political parties. There was also insecurity about what day the election should be held, and they did not take place on the same day across the country and even within regions and states, there were different dates. The impression was that the local elections took place in an ad hoc and hurried manner, lacking public awareness. With few exceptions, there was also a lack of active participation in the election process, apart from a relatively closed circle of people, like elders and local leaders.

Apart from organising the Supervisory Board of Elders, known in some areas as the 'election committee', there was a sense that the GAD officials were less involved than previously. In some places, the direct involvement of the GAD ended with the selection of the supervisory board. This may indicate less top-down control of the elections, and the WA/VTA position in general, but it could also explain the variety across the country in how the elections were conducted, namely due to low levels of guidance. The largest variety was observed with regards to the election of ten household leaders, as discussed further below. There was confusion surrounding who could vote and some urban residents believed that all household certificate owners could vote directly for the WA, rather than indirectly through their ten household leaders.

With limited public knowledge and engagement, the general impression is that the 2016 local elections were largely an administrative, rather than an active political exercise. This seems to be a consequence of the voting system and general approach to administration in Myanmar, where only the household head is entitled to vote—making popular political campaigning redundant as there is an extremely narrow electorate. Another reason for the lack of public interest in these elections could be that the national elections had just taken place with so much voter education and attention. In some areas, citizens even confused the two elections. From the perspective of civil society, it seems that many were not prepared for the local elections and also there was a sense of election fatigue.

In general, when consulted, citizens view the national elections as much more important and relevant to them than the local elections, which are considered something that is dealt with by the ten household leaders and the elders. In one area, people also highlighted that they felt less obligated to vote for the local leaders than in participating in the national elections. In addition, international donors in the electoral support areas have not had the mandate to engage with the local elections. Information sharing and voter education are therefore left with the GAD and local candidates' own initiatives. In general, it was the urban areas where there was less interest in the local elections, than in villages. Exceptions were found in semi-urban wards, on the outskirts of towns like Mawlamyine where a high level of interest in the election was observed, being the subject of conversa-

tions at teashops and monasteries as well as fierce competition between candidates. Further studies are needed, but it seems that more is at stake in rural and semi-urban areas, because local administrators have greater authority than they do in urban areas.

Overall, there are indications that local elections are becoming more political. There is clearly a substantive change occurring in how the candidates view the legitimacy of the position and in some areas there are also indications of increased competition among candidates and speculation around the election of ten household leaders. The potential for more politicisation is also reflected in increased involvement of political parties, with many participants sharing experiences of candidates openly aligning themselves with the National League for Democracy.

The candidates and increased political party involvement

The norm across the observed areas has been three to five candidates for the WA/VTA post in each constituency. Although there were examples where the existing WA/VTA ran again, there has been a significant turnover. Candidates are supposed to hold ten household leader positions, but otherwise the law does not stipulate how candidates should be nominated. There were examples where hopeful-candidates were appointed to positions of ten household leaders days before the elections in order to compete for the WA position. Selection and approval of candidates, in general, took place at the WA/VTA office or at the local schools where all household leaders and elders were invited to participate. In some places the participants were asked to come forth if they wanted to run for the post, and then they were approved by the supervisory board according to the 2012 Law criteria. In other places, citizens were not allowed to nominate themselves but had to be suggested by others. In the areas observed, not all ten household leaders turned up for this meeting: in some areas only those who wished to run for the elections came, and in other areas only those who were the most active ten and 100 household leaders participated. In some places the election took place at the same meeting as the nomination of candidates, and in others it was held on a later date. In the first scenario there was hence no time for campaigning. Rather the mobilisation of support took place during the time of the election of ten household leaders, where for instance in a Mawlamyine ward, the potential candidates used

different strategies to ensure that their supporters were elected as ten household leaders.

In terms of the qualifications of the candidates it appears that economic independence and long-term residency in the area were prioritised. Being a good businessman and having an income independent of the state, is believed to prevent corruption and bring better leadership. While this perspective may reflect bad experiences with corrupt officials in the past, it also signals that many citizens view government employees running as candidates as unfavourably. This may also be interpreted as a positive indication that the WA/VTAs are increasingly seen as representing the interest of and listening to the people. Roundtable participants also noted that the candidates emphasised that they had done voluntary work and collected donations for the community already or that they planned to do so if elected, like repairing roads or supporting local schools. This may be a reflection of their confidence in the legitimacy granted by the election to work collaboratively with the local community as well as the changing civilian profile of administrators.

Party politics is another substantial change from the past. In the 2012 local elections, there was little interest from political parties, but this has changed. Many candidates were seen as being close to or identifying themselves as NLD (albeit noting that they cannot carry out party activities during their term). In one area the candidates had received training from the NLD, and in several others it was well-known that

the candidates represented particular political parties, notably NLD and USDP. In one area a person was seen directly as an NLD nominee. Despite the increased use of political party affiliation, especially the NLD, there was no evidence of candidates using party slogans, branding or posters, or that the party made broader campaigns for them. It was just a known that candidates were a member of a party. In an urban ward in Mon state, it was explicitly an NLD group and a USDP group which contested the elections, and when a USDP candidate won the elections, the NLD local party branch made a complaint, arguing that the USDP candidate did not meet the education criteria. Such party political dispute over the elections seems to have been rare, however, but it does indicate that local elections may become increasingly politicised. There was also some critique by local analysts and NLD members that the local elections took place before the new NLD government had been sworn in. In both Hpa-An and Mawlamyine wards there were rumours that the local administrators would likely be re-elected after the NLD formed the new government. This may be indicative of a shift in perceptions of the WA/VTA, from being merely administrators to taking up more political roles.

There was much debate at the roundtable on whether the positions of VTA/WA have become more attractive than in the past, including in areas with mixed control by the Myanmar government and the ethnic armed organisations. Access to local development funds and engagement in land administration by WA/VTAs may have heightened the stakes and also made



Ten household leader election by people in the street, organized by an elder and a GAD official. © Annika Pohl Harrison

it a more powerful position that could be attractive to those with political ambitions. The monthly subsidy to the WA/VTAs still seems to be too low to act as an incentive, although the potential for some form of income generation from the position, including bribes, was highlighted as an incentive. At the roundtable there was agreement that the position is likely more attractive in rural than in highly urbanised areas, where the position is not associated with influence and citizens care less about who is their local leader. However, the large turnover of people holding the WA/VTA position could indicate two different patterns: increased competition for the post and disinterest in keeping the position. The WA/VTAs have more responsibilities and workload than previously, and while this means that the positions come with authority, it can also work as a disincentive due to the low remuneration. Conversely, current legal restrictions on extracting contributions from local residents and imposing orders—for instance compelling citizens to engage in communal labour—can also give a sense of disempowerment among WA/VTAs. In practice, however, it was found that some local administrators continue to mobilise labour for communal projects. Others also take bribes or informal fees that favour some groups or individuals over others in the ward or village, which means that there are high stakes associated with the position. One roundtable participant highlighted that those who ran for the post were those who had political ambitions and saw it as a stepping stone for achieving higher political positions. In mixed-controlled ceasefire areas, there is a trend that government positions are becoming more popular, due to increased inflow of development benefits and a reduction in the previous risks associated with the post. In the past, local leaders often clashed with both military and armed groups and had to respond to and endure accusations of disloyalty from both sides. In these contexts of mixed administration people are still reluctant to run for the post of local administrators, so finding more than one candidate to contest an election has been a challenge in the past.

While the WA/VTA position is still dominated by men, observations suggest there is a slight increase in female candidates. In the 2012 elections there were 42 women out of 16,000 administrators. The results from the 2016 elections are still unavailable, but it is assumed that it is similar to the 2012 gender balance. Gender attitudes may play a strong role, as in a Mawlamyine ward where there was a strong female

candidate, who was not elected because people did not believe a woman could attend to tasks like security patrols, conflict resolution and problems with violence.

Voting practices

The elections were generally peaceful and by and large followed the overall directives, although there were examples where candidates were not chosen based on secret ballot. For instance, in one area the elders simply asked the household leaders their preferred candidates, and then decided who had the majority of the votes. The main voting took place at the administrative offices or local schools and was, as stipulated by law, overseen by the supervisory board of five elders, who also counted the votes. Some observations suggest that representatives from the township level administration were present during the voting, but in other areas they were only involved directly in selecting the supervisory board. Experiences from Yangon suggest some political party observation of the voting, such as in a ward where NLD representatives oversaw the voting and the counts. However this does not seem to be widespread. Most divergences from the 2012 law was reported with regards to the election of ten household leaders, who constitute the limited electorate of the WAs and VTAs. Insights from diverse localities suggest that the ten household leaders are not always elected through secret ballot, but rather through a process where the Supervisory Board of elders asks the household heads in the ten household clusters who wants to be the leader. A reason given for the lack of secret ballot voting is that it is unnecessary, since there is no competition for the post. Mostly there is only one candidate, and there seems to be a tendency for this candidate to be agreed upon prior to the day of election, with the interested candidate mobilising support among his or her neighbours. In some areas the (s)election of the ten household leader was done directly in the area of the ten household clusters and in others it was done at village/ward mass meetings. If no one volunteered to be selected by the household heads, the Supervisory Board of elders appointed a person. In many places it is not attractive to have ten household leaders, as this position comes with no official authority and remuneration, so in several places they are de facto appointed rather than elected. In one ward there was no election of ten household leaders prior to the WA/VTA elections—it was merely the existing ten household leaders who

were called to a meeting for the nomination of candidates. These practices also undermine the democratic credentials of the WA/VTA elections.

The demarcation of ten household clusters was also a contentious point, especially regarding who assumed the authority to do so. The law does not give any answers to how such clusters are demarcated, and in practice the ten-households are not geographically fixed-units. Potentially this can lay the grounds for strategic manoeuvring for the election of candidates, as in an instance where the existing administrator tried to set the boundaries of ten household clusters to ensure that he had a supporter in each so as to be re-elected. Experiences from multi-ethnic constituencies also suggest that demarcations are not always geographic, but are sometimes based on the selection of household leaders who represent specific ethnic groups.

Citizens without household certificates, in general, were denied to participate. This affects migrant workers especially, and citizens without national registration cards, since they are not on official household lists. Since household certificates are required for nomination, this is especially problematic in areas with high migration, particularly urban wards. It was emphasised that a key challenge to the current system is mobility and increased urbanisation, which implies that many new settlers do not know the elders who organise the elections and those who are eligible for the WA/VTA position (i.e. those who have resided in the constituency for ten years).

According to observations, there was a large variety in how many of the ten household leaders participated in the voting. The lowest turnout seems to have been in urban areas. In some areas, only a few ten household leaders turned up on the day of voting, whereas in one ward in Hpa-An, the count of votes revealed that more people had voted than the total number of ten household leaders. Here it was understood that any household-head could vote. Again, this underscores the lack of uniformity in how the elections were conducted across the country. The differences are more pronounced when we consider areas fully or partly controlled by ethnic armed organisations (EAOs) and ceasefire groups, where in some areas, dual systems of governance co-exist, or where the elected government village leaders also perceive themselves as EAO village leaders.

Future reform of local governance

The local administrator position is arguably more democratic and accountable than it was prior to 2012. However, the experiences of the 2016 local elections suggest that these processes remain largely administrative rather than actively political. One inherent challenge is the lack of universal suffrage and the use of indirect elections. Another is the lack of information, voter education, and independent monitoring. This makes the election process a relatively ad hoc exercise that involves a rather exclusive and closed circle of people, like local elders and persons with particular status or influence in the local context. The electoral system is also not adapted to situations of high levels of mobility and migration, resulting in the exclusion of many residents from influencing their choice of local leader. Lack of interest in the local elections reflects that Myanmar's local administration is still not fully seen as a site where people engage in political debates and strive to affect the distribution of resources that substantially affect people's lives. Amendments to the 2012 law—such as introducing universal suffrage, civic voter education and civil society engagement—could go some way in changing this situation. There are also signs in some localities that the elections are becoming more political, including the involvement of political parties and the increased competition among candidates. This may indicate a process towards more popular awareness of the significance of legitimate local leaders, and that stakes are higher with the increase in local development funds.

Overall, the roundtable concluded that the 2016 local elections need to be reframed within a wider debate about local governance reform in Myanmar. This would enable the values of democracy, participation and accountability to become embedded in decision-making and distribution of resources at the local level. The national political commitment to this is still unclear.

Since the 2016 local elections, the new parliament has tried to remove one clause in the 2012 law concerning the registering of overnight guests by the local ward/village administrator. This clause has been used to harass and arrest political activists and ethnic minority peoples in the past. Some MPs are also interested in improving other parts of the law such as making the election more direct and transparent. CSOs have also proposed an independent election commission and measures put in place that ensures

public announcements of candidates and clearer complaint mechanisms. These measures are critical, but a deeper democratisation of local governance would require a reform of the wider structures within which the WA/VTA positions are embedded.

Currently, Myanmar lacks a local government system, with democratically elected governments ending at state and region level. The General Administrative Department (GAD), which is managed under the military-led Ministry of Home Affairs, takes care of local governance matters at township and district levels and report to unelected union ministries. Despite the indirect elections of WA/VTAs and the creation of advisory committees at local levels, with some community representation, local governance is mainly run by bureaucrats, rather than democratically elected councils. Apart from reforming the GAD as part of public sector reform, a deeper democratisation of local governance could include extending elections to districts and townships. The increased party political involvement in the WA/VTA elections indicates the opening up for a deeper awareness of the need for such forms of decentralisation. The debate about what kinds of local governance Myanmar needs should be integrated into larger processes of state reform and conflict resolution, especially in discussions around federalism.



New Ward Administrator at work, resolving a dispute, in Karen State. © Helene Maria Kyed