



The Republic of The Union of Myanmar
Union Election Commission

Guide for Various Levels of Mediation Committees





The Republic of The Union of Myanmar
Union Election Commission

Guide for Various Levels of Mediation Committees



Fore Word of Chairman



The functions of a Hluttaw election are a lot, such as the updating voter list, identifying the constituency, announcing the election date, scrutinizing and nomination of Hluttaw candidate, announcing the candidate list, announcing the campaign period, appointment of election agent, polling agent and assistant agents, identifying the location of polling stations, appointment of polling station officer and polling members, providing necessary trainings for officials, holding election, scrutinizing the election expense, adjudicating the complaints if there are complaints against election result by forming election tribunals, etc.

During each step of the electoral process, there may be the disputes which can happen. The responsible officials have to resolve the dispute which happen in each step of the election process, according to the Electoral Laws and By Laws, the Political Party Registration Law and By Law.

Especially during the campaign period, there may be more disputes happened. During the campaign period, the competition between political parties increase and the candidate will conduct the campaign rallies. The tension becomes increase between the political parties and candidates and therefore the disputes can happen. When resolving the disputes, not only the relevant officials, but also the participation of relevant political parties and candidates is necessary.

Therefore, the Mediation Committees at different levels are formed with the involvement of relevant political parties and candidates to resolve the disputes. There are also achievements in the previous elections. For upcoming 2020 general elections, the Guide for The Different Levels of Mediation Committees is developed to resolve the disputes smoothly during the campaign period.

I believe that the different levels of Mediation Committee can resolve the disputes during the campaign period according to the provisions of Electoral Laws, By Laws, Code of Conduct of Political Parties and Candidates.

A handwritten signature in black ink, appearing to be 'U Hla Thein', written in a cursive style.

U Hla Thein
Chairman
Union Election Commission

Contents

No	about	Page
1	Introduction	1
2	Definition of Mediation	2
3	Objective	3
4	Formation of Electoral Mediation Committees at different level	3
5	Duties of the Various Levels of the Electoral Mediation Committees	8
6	Term of Electoral Mediation Committees	13
7	Persons who can complain	13
8	Issues that can be resolved	14
9	Do's and Don'ts in a Mediation	14
10	Compliance	14
11	Pre Campaign Period Committee Meetings	15
12	Who can attend	15
13	Steps of Mediation Meeting	16
14	General	16
15	Conclusion	17
16	APPENDIX (A)	18
17	APPENDIX (B)	21

INTRODUCTION

The Union Election Commission (UEC) has formed Mediation Committees since the 2015 general elections. These committees are set up at the central, state/region, self-administered state/region and zone/district, and at the township level in accordance with the UEC notification. They are mandated to diffuse tensions and disputes that arose during the campaign period. The objective is to promptly resolve the disputes that arise between two parties during the pre-election and post-election periods for the sake of parties concerned.

The members of the Committees are the Commissioners of sub-commissions, secretary/election officers of the sub-commissions, the representatives of political parties and independent candidates who will contest the elections and dignified persons of the community. The UEC continued to establish Mediation Committees during the 2017 and 2018 by-elections to help the parties address disputes and other issues during the election period.

In its Strategic Plan (2019-2022) for the next general elections in 2020, UEC included mediation as part of Strategic Pillar (6) on Electoral Disputes Resolution. One of the objectives of Strategic Pillar (6) is to ensure that the various levels of mediation committees are established and made functional.



In the dispute resolution process, prompt and effective mediation are needed to be done in accord with electoral laws and bylaws. The step by step, as well as the process and procedures for conducting mediation need to be recorded. For this reason, the procedures for various levels of electoral mediation committees have been developed and are contained in this Guide. The UEC will resolve electoral disputes during the 2020 electoral period through the Electoral Mediation Committees at various levels of Election Sub-commissions and in accord with this Guide.

Definition of Mediation

Mediation is a process for assisting parties reach a mutually acceptable settlement in relation to a dispute during the campaign period arising from a complaint filed with a mediation committee by one of the parties.



OBJECTIVE

The objective of this Guide is to establish and help the various levels of Electoral Mediation Committees to promptly respond and resolve electoral related disputes that might arise between parties or electoral stakeholders or candidates during the campaign period in accord with the provisions of this Guide.



Formation of Electoral Mediation Committees at different level







After the E-day has been identified by UEC, the Electoral Mediation Committees at different levels shall be established as follows:

- (a) Electoral Mediation Central Committee
- (b) Region/State/Union Territory Electoral Mediation Committee
- (c) Self-administered region/zone/district and District Electoral Mediation Committee
- (d) Township Electoral Mediation Committee






A. Electoral Mediation Central Committee shall be formed as follows.

(a)	Chairperson of the Union Election Commission 	Chairperson
(b)	Members of the Union Election Commission 	Member
(c)	Chairpersons of the Union Territory/Region/ State Election Sub-commissions 	Member
(d)	Each representative from 10 political parties which have submitted most candidates to run for elections 	Member
(e)	Each representative from Ministry of Foreign Affairs/ Ministry of Home Affairs/ Ministry of Border Affairs/ Ministry of Information/ Ministry of the Office of the Union Government/ Ministry of Agriculture, Livestock and Irrigation/ Ministry of Labour/ Ministry of Immigration and Population/ Ministry of Education/ Ministry of Health and Sports/ Union Attorney General's Office/ Office of the Auditor General of the Union 	Member
(f)	Director General of the Office of the Union Election Commission 	Secretary
(g)	Deputy Director General of the Office of the Union Election Commission 	Associate Secretary






B. Region/ State/Union Territory Electoral Mediation Committee shall be formed as follows.

(a)	Chairperson of Union Territory/Region/ State Election Sub-commission 	Chairperson
(b)	Members of Union Territory/Region/ State Election Sub-commission including civil servants, 	Member
(c)	Each representative from parties that run for the elections in the Union Territory/ Region/ State 	Member
(d)	Five dignified persons from the community within the Union Territory/Region/State (to include at least one woman if possible) 	Member
(e)	Secretary/EO of Union Territory/Region/State Election Sub-commission 	Secretary
(f)	Assistant Director/Staff Officer of the Union Territory/Region/State Election Sub-commission 	Associate Secretary

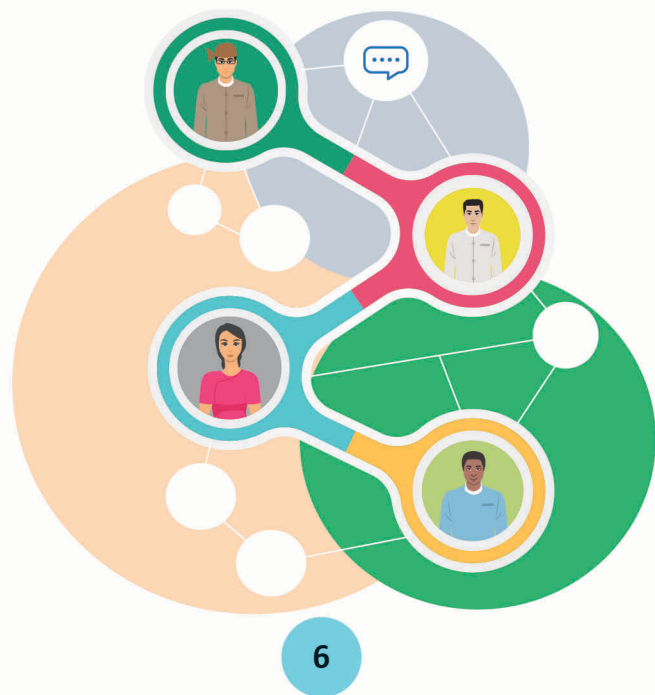
C. District Electoral Mediation Committee shall be formed as follow.

(a)	Chairperson of the District Election Sub-commission		Chairperson
(b)	Members of the District Election Sub-commission including civil servants,		Member
(c)	Each representative from parties that run for the elections within the district and each representative of individual candidates		Member
(d)	Five dignified persons from the community within the district (to include at least one woman if possible)		Member
(e)	Secretary/EO of the District Election Sub-commission		Secretary

D. Township Electoral Mediation Committee shall be formed as follow.

(a)	Chairperson of the Township Election Sub-commission		Chairperson
(b)	Members of the Township Election Sub-commission, including civil servants,		Member
(c)	Representatives from parties that run for the elections within the township and each representative of individual candidates		Member
(d)	Five dignified persons from the community within the township (to include at least one woman if possible)		Member
(e)	Secretary of the Township Election Sub-commission		Secretary

Remark: The dignified person should be non-partisan and is at least 50 years old. But according to the situation of work, the age requirement can be reduced as necessary.



Duties of the various levels of the Electoral Mediation Committees

(a) Duties of the Electoral Mediation Central Committee

- (1) Supervise the various levels electoral mediation committees to ensure the holding of free, fair and transparent election.
- (2) Ensure that political parties and independent candidates comply with the Code of Conducts which they have agreed to abide by.
- (3) Mediate electoral disputes, in accord with the Laws, By-laws, UEC Notifications, Orders, Instructions and Code of Conducts of political parties and candidates that are submitted by various levels of Electoral Mediation Committees or relevant departments or individuals during electoral period.
- (4) Mediate electoral issues submitted by political parties and candidates who are related to the dispute during the electoral campaign period in accord with the Laws, By-Laws and UEC Notifications.
- (5) Keep records of the resolved electoral disputes that were reported by various Electoral Mediation Committees.



(b) Duties of the Region/State Electoral Mediation Committee

- (1) Mediate disputes submitted by relevant District Electoral Mediation Committee, or relevant departments or individuals during the pre-election period and election period, in accord with the Laws, By-Laws and UEC Notifications.
- (2) Ensure that political parties and independent candidates comply with the Code of Conducts which they have agreed to abide by.
- (3) Mediate the disputes submitted by the political parties and independent candidate in accord with the Laws, By-Laws and UEC Notifications.
- (4) Mediate electoral issues by conducting mediation meeting in the presence of committee members.
- (5) Seek instructions from the Electoral Mediation Central Committee when there is a difficult situation to mediate and when a crucial decision regarding certain disputes has to be made.
- (6) Submit reports on the works of the committee to the Electoral Mediation Central Committee.
- (7) Keep records of the works of the electoral dispute mediation committee.

(c) Duties of the District Electoral Mediation Committee

- (1) Mediate disputes involving the voter lists, in accord with the Laws, By-Laws and UEC Notifications.
- (2) Ensure that political parties and independent candidates comply with the Code of Conducts which they have agreed to abide by.
- (3) Coordinate with Heads of administration, security and relevant departments by inviting them to the meeting when there is a need for help regarding the management, administration and security situation.
- (4) Mediate the issues that arise during the electoral campaign periods, in accord with the Laws, By-Laws and UEC Notifications.
- (5) Mediate disputes submitted by the political parties and independent candidate, in accord with the Laws, By-Laws and UEC Notifications.
- (6) Mediate disputes submitted by relevant Township Electoral Mediation Committee, or relevant departments or individuals in accord with the Laws, By-Laws and UEC Notifications.
- (7) Seek instructions from the Region/State/Union Territory Electoral Mediation Committee when there is a difficult situation to mediate and make when a decision regarding certain disputes has to be made.
- (8) Mediate disputes to assist parties in reaching a mutually acceptable settlement/decision through mediation meetings.
- (9) Submit report on the works of the committee to the Region/State/Union Territory Electoral Mediation Committee.
- (10) Keep records of the works of the electoral dispute mediation committee.

(d) Duties of the Township Electoral Mediation Committee

- (1) Mediate the disputes involving the voter lists, in accord with the Laws, By-Laws and UEC Notifications.
- (2) Ensure that political parties and independent candidates comply with the Code of Conducts which they have agreed to abide by.
- (3) Coordinate with the relevant administrative departments to get the permission to campaign in an area and to identify the date, time and place for campaign by coordinating with the candidates contesting the elections so they are able to campaign freely during the campaign period.
- (4) Coordinate with Heads of administration, security and relevant departments by inviting them to the meeting when their help is a needed regarding the management and administration of security situation.
- (5) Coordinate with relevant administrative departments to ensure the security of the candidates during campaign based on their campaign schedule.



- (6) Mediate the issues that arise during the electoral campaign periods, in accord with the Laws, Bylaws and UEC notifications.
- (7) Mediate disputes that arise on election day, in accord with the Laws, Bylaws and UEC notifications.
- (8) Seek instructions from the District Electoral Mediation Committee when there is a difficult situation to mediate and when a crucial decision regarding certain disputes has to be made.
- (9) Resolve the disputes by helping the parties reach a mutually acceptable settlement/decision through mediation meetings.
- (10) Submit reports on the works the committee to the District Electoral Mediation Committee.
- (11) Keep records of the works of electoral dispute mediation committee.

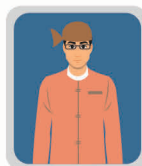


Term of Electoral Mediation Committees

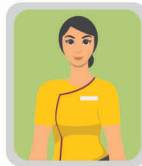
The term of the various levels of Electoral Mediation Committees starts on the day of their establishments by the Union Election Commission and the ends on the election day.

Persons who can complain

The persons who can file a complaint about a dispute are as follows:



(a) Political party or Hluttaw candidates that are involved in the dispute



(b) Election agents who are related to the dispute



(c) Voters who are related to the dispute in relevant constituencies



(d) Relevant departments

Note: Only the disputes which are complained and are not solved at the Township Level Mediation Committee can be submitted to the higher level Mediation Committees.

Issues that can be resolved

- (a) Relating to identification of date, time and place for campaign
- (b) Relating to Code of Conducts that the political parties and Hluttaw candidates shall abide by

Tips to follow in a Mediation

- (1) The Mediation Committees should always ensure that the mediation process is fair and that the parties have adequate opportunities to express their views, state facts and provide information.
- (2) The objective of mediation is to reduce dispute, thus, the mediator can hear parties to the disputes appropriately as necessary.
- (3) The Mediation Committee must take appropriate measure to help parties to the disputes reach an agreement/ settlement.
- (4) The members of the Mediation Committees should treat all participants respectfully and politely.
- (5) The members of the Mediation Committees should be attentive listeners.
- (6) The Mediation Committees should allow enough time for parties to the disputes and participants to speak.
- (7) The conduct of mediation should be in line with this Guide, existing electoral laws, by laws, directives, UEC Notifications and code of conducts of political parties and candidates.

Compliance

The settled agreements of the mediation meeting should be respected and followed by the parties.

Pre Campaign Period Committee Meetings

The mediation committees shall hold a committee meeting before the campaign period is announced and shall discuss/inform the members about the provisions of the Campaign Directives and the Code of Conduct of political parties and candidates to ensure that the disputes during campaign if resolved in a timely manner.

When a party to a dispute makes a complaint to the electoral mediation committee, a meeting of the mediation committee shall be conducted as soon as the complaint is received to ensure that it is resolved in a timely manner.

Who can attend

The following persons can attend and observe the meeting.



(a) Election observers



(b) Public



(c) Related persons to the dispute

Steps of Mediation Meeting

The steps of the mediation meeting are as follows:

- (a) The members of Mediation Committee must be present and sign the attendance of the meeting.
- (b) The parties to the dispute must be present and sign the attendance of the meeting.
- (c) The Mediation Committee will state that the declarations, proposals, admissions or concessions made during the mediation are inadmissible in any election tribunal, judicial or similar proceedings and that the parties to the disputes, the members of the Mediation Committee or the participants in the meeting shall not be obliged to testify in the said proceedings with regard to information obtained during the mediation.
- (d) The parties to the disputes will present/state the facts and information that happened which led to the dispute.
- (e) The Mediation Committee members will mediate the dispute according to the laws and by laws.
- (f) The meeting minute will be produced in written form and to be submitted to higher level sub-commission.
- (g) The Chairman of the mediation committee or the person who is authorized by the Chairman will lead in facilitating the mediation.

Miscellaneous

The settlement or result agreed at the Mediation shall not be legally binding.

Conclusion

Electoral disputes could arise during campaign period. They need to be resolved promptly as soon as the complaint is received, so that unnecessary dispute or conflict can be reduced. Therefore, the Union Election Commission will establish electoral mediation committees at various levels in order to mediate electoral disputes, to be able resolve any issues in timely manner. The mandate, responsibilities of and guidelines for those committees have been developed and published this Guide. The various levels of electoral mediation committees shall read and understand this guide in order to mediate and resolve the disputes promptly.



APPENDIX (A)

**Complaint Letter to Mediate Electoral Dispute
----- Electoral Mediation Committee**

Date: ----, ----,2020/

- COMPLAINANT

U/Daw -----
Hluttaw Candidate/ Voter -----
Party -----
(Constituency): -----
(Full Address): -----

(To state the information above of any associate complainants here, if more than one, with numbers)

and

U/Daw -----
Hluttaw Candidate/ Voter -----
Party -----
(Constituency): -----
(Full Address): -----

(To state the information above of any associate complainants here, if more than one, with numbers)

(Any important evidence can be stated briefly. If required, make separate paragraphs with numbers.)

- 1. -----

- 2. -----

- 3. -----

- 4. -----

(To state the subject/right that requires to be resolved)

Therefore,

- (a) -----

- (b) -----

- (c) -----

Date -----

(Signature)

Place -----

Complainant

Admission

APPENDIX (B)

(To sign here by admitting that the statements above are true.)

(Signature)

Complainant

Documents and Evidence Attached in the Submission (if available)

- (1) -----

- (2) -----

- (3) -----

Record of (/2020) Meeting Minutes of Electoral Mediation Committee,
in ----- Region/State, at ----- (Time),
on ----- (Date), ----- (Month) in 2020.

Attendants of the Meeting

1.

Objective

2.

Beginning and Ending of the Meeting

3. -----

Tentative Date that everyone agrees for the Next Meeting (if required)

4.

Resolution in the Meeting

5.

