

MYANMAR'S 2015 ELECTION: ELECTORAL SYSTEM AND RESULTS

EXECUTIVE SUMMARY

Myanmar's 2015 general elections represented the first genuine and competitive elections held in the country in over two decades. National and international media alike highlighted a landslide victory for the National League for Democracy (NLD), the main opposition party, which received 79% of the contested seats. The NLD's share of the popular vote was only 57%, but under the first-past-the-post system it gained a significantly higher percentage of seats.

By contrast, while the ruling Union Solidarity and Development Party (USDP) received a respectable 28% of the votes cast, it received only 9% of the seats in the Parliament, again as a result of the first-past-the-post system. Ethnic minority parties fared poorly in the elections, with many voters instead opting for the NLD. In addition, many of the ethnic parties that contested the election competed against each other, fragmenting the electorate and thereby benefiting national parties.

In terms of women's representation, the elections marked some progress, with 801 female candidates compared to the 110 who contested the 2010 elections, as well as an increase to 13% of women who won seats in the national Parliament.

However, the latter percentage remains below the global average of 22.7% and the regional average of 19%.

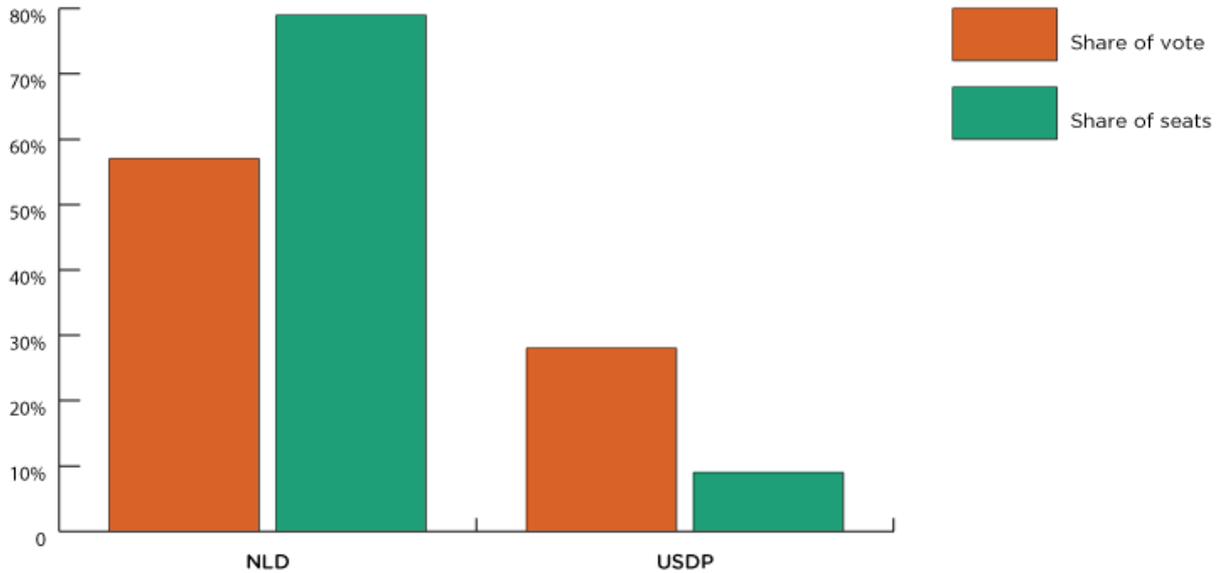
The substantial difference in constituency sizes was a major problem of the electoral process. Based on townships rather than population size, the largest electoral constituency in Myanmar had 322 times more eligible voters than the smallest one. As such, voters in smaller constituencies were significantly overrepresented and thus exerted an undue influence on the election results.

Myanmar's new Parliament and the NLD will face a number of social, political and economic challenges. Questions remain regarding the participation of Myanmar's muslim population in the elections. Many Muslim candidates faced discrimination, while others were disenfranchised entirely. Against this backdrop, it is important that Parliament and the incoming government not lose sight of the reforms necessary to improve Myanmar's electoral framework. Any electoral reform process will be fraught with tension and will require broad-based participation and input from the public and civil society.

Changes to the electoral system or the delimitation of constituencies require constitutional amendment: a lengthy and complex process. Completing this process well in advance of the next elections is essential to provide a legitimate and stable electoral framework. For Myanmar's newly-elected representatives, the time to address election reforms is now.

¹ This Briefing Paper was written by DRI's Team Leader in Myanmar, Eva Gil, and DRI's Programme Officer for Asia, Raymond Serrato. Michael Meyer-Resende, DRI Executive Director, edited the paper. Analysis of the election results are based on data released by the Union Election Commission (UEC) in December 2015. The UEC did not release an official translation of the results and as such this analysis is based on an unofficial translation.

SHARE OF VOTES VS. SHARE OF SEATS IN THE PARLIAMENT
National League for Democracy and the Union Solidarity and Development Party



1. GENERAL ELECTIONS IN MYANMAR: THE CONTEXT

The 2015 General Elections in Myanmar represented the first genuinely competitive elections held under the provisions of the 2008 Constitution. They took place in a generally peaceful environment,² with 69% voter turnout and only a limited number of reported incidents or violations. Over 10,000 national and international observers monitored the elections, reporting generally positive findings. The EU Election Observation Mission spoke of a “well run Election Day and competitive polls”, while also highlighting the need for “key legal reforms and procedural improvements”.³

Elections were held for 330 seats in the Lower House (Pyithu Hluttaw) and 168 seats in the Upper House (Amyotha Hluttaw) of Myanmar's Parliament. Elections for 14 State/Region Parliaments and 29 Ethnic Affairs Ministers (minority representatives in the subnational legislatures) were held in parallel. The continued reservation of 25% of the seats in Parliament for military appointees constitutes a significant shortcoming in the electoral process.⁴ The legal framework otherwise provides for a generally competitive process, allowing candidates to campaign freely. The authority for managing the electoral process – from voter registration to constituency delimitation and election dispute resolution –

rests with the Union Election Commission (UEC), the Chairman and members of which are appointed by the President.

The elected seats in the Pyithu Hluttaw are based on single member districts, with each township forming an electoral district. The elected seats of the Amyotha Hluttaw are distributed equally on a basis of 12 seats per State/Region. Electoral districts are based on townships or, when a State/Region comprises more than 12 townships, on townships and districts. Self-Administered Zones elect one Amyotha Hluttaw seat each. Each seat is awarded based on a simple majority.

A total of 1,142 seats were up for grabs in Myanmar's elections, with 498 seats contested at the national level and the remainder in the state and regional Hluttaws. An impressive 91 political parties fielded over 6,000 candidates countrywide, with nearly half (2,619) contesting seats in the national Parliament. The NLD secured 79% of the seats in the Parliament, significantly more than most analysts expected. The party won 135 seats in the Amyotha Hluttaw and 255 seats in the Pyithu Hluttaw. With a combined 390 seats in the Pyidaungsu Hluttaw, the NLD secured the ability to pass legislation as well as elect a vice-president and Myanmar's next president.

Although the NLD received 57% of the popular vote, they won 79% of the seats. By contrast, despite having 28% of the vote, the USDP won just 9% of seats in the bicameral legislature. This discrepancy represents a stunning 390 seats to 41. In other words, with only two times the vote share of the USDP, the NLD won nine and a half times more seats.

² With the exception of cancellations in Shan, Kachin, Kayin, Bago, and Mon, due to inaccessibility or security reasons.

³ European Union, “Preliminary Statement: European Election Observation Mission to Myanmar 2015,” Yangon, 10 November 2015.

⁴ http://www.eueom.eu/files/dmfile/101115-ps-myanmar_en.pdf

⁴ One third is reserved in subnational legislatures.

2. WHAT PRODUCED THESE RESULTS?

ELECTORAL SYSTEM

The key reason for the disproportionality between the percentage of votes cast for each party and the numbers of seats won is the plurality system, known as first-past-the-post (FPTP), and the “winner’s bonus” of this system. This discrepancy emerges under FPTP because a party only needs to secure a plurality of votes – one more vote than the party in second place – to win a constituency. For example, in a two-party contest, all else being equal, a party that wins 51% of the vote in each constituency would win 100% of the seats, irrespective of the second-place party’s 49% vote share.

Highlighting the winner’s bonus from which the NLD benefitted is not to downplay the party’s electoral success. Out of the 255 seats the NLD won in the Pyithu Hluttaw, 196 were won with absolute majorities (i.e. 50+1% or more). Analysing the NLD’s vote share across all constituencies shows a great deal of efficiency in its vote distribution. The breakdown of seats versus vote share for both houses is shown in Tables 1 and 2 in the Annex.

3. ETHNIC PARTIES

The modest results achieved by smaller, ethnic minority parties surprised many analysts. A number of them had expected these parties to fare better; however, ethnic parties received around 11% of the seats in the Parliament, with 9.5% of the vote share. Fragmentation and vote splitting played a role in these results. For example, states like Kachin saw as many as 12 different candidates competing in one constituency, spreading voters across ethnic parties of all stripes and making it easier for national-level parties to win constituencies with relatively few votes. At the same time, the NLD managed to secure commanding vote shares even in a number of ethnic constituencies, winning 20 of them with absolute majorities and 57 overall. The NLD’s electoral success in these areas may in large part be due to its strategy of fielding local candidates aligned with ethnic identities and the voter’s preference for a national party that can better deliver on reforms. The NLD’s success could also be related to voters’ belief in the need to support the opposition party and counter the old establishment.

Given the wide variety of proportional representation (PR) systems, it is impossible to predict the implications of such a framework for ethnic parties. The key variable for ethnic minority parties is whether their electorate is geographically concentrated, in which case they tend to fare better under plurality systems, such as FPTP. Conversely, if their electorate is spread across wider areas, proportional systems tend to prove more beneficial.

That some ethnic parties benefitted to a greater extent than others from the current electoral system is apparent from the results. Both the Arakan National Party (ANP) and the Shan Nationalities League for Democracy (SNLD) benefitted from the

FPTP system because the majority of their votes were geographically concentrated, yielding them more seats in the Parliament than their share of the popular vote.

Elsewhere, the vote share was split between similar ethnic candidates who, had they combined, would have won the seat over the national-level party. In the Pyithu Hluttaw, eight seats were lost due to vote splitting, sometimes with a margin of less than 1% (See Table 3 in the Annex).

4. REPRESENTATION OF WOMEN IN THE ELECTIONS

Women did not achieve a considerable level of representation in the Parliament, despite a vast increase in candidatures compared to the 2010 elections. A total of 801 women ran for seats in the 2015 general elections, whereas only 110 women competed in the 2010 elections (the 2010 elections were boycotted by the NLD). During the 2010 election, only 20 women candidates were voted into office compared with 64 women in 2015.

In the Pyithu Hluttaw, 41 women won seats, amounting to 12.7% of the lower house. Thirty-six of these women were NLD candidates, with the remaining five coming from ethnic parties. In the Amyotha Hluttaw, 23 women won seats, or 13.6% of the upper house. Out of 491 elected seats in Myanmar’s new parliament, women will hold around 13%. While this result is an improvement over the 6% in the previous parliament, it is still below the regional average of 19% and the global average of 22.7%.⁵ Furthermore, when taking into account all of the seats in the lower and upper houses and including seats appointed by the military, women’s representation drops to 10%.

At the constituency level, women also fared poorly. In the Pyithu and Amyotha Hluttaw, more than half of women candidates received vote shares of less than 5%, often obtaining between 0-3%. Many of these female candidates represented small and ethnic parties, while women competing on the tickets of national-level parties such as the NLD marshaled vote shares of 50% or more.

Women were also mostly fielded in smaller constituencies. One possible reason for this decision is that smaller constituencies generally require fewer resources for campaigning. In addition to cultural and socio-economic barriers, women also face difficulties accessing campaign funds and, as such, stand better chances of success in smaller constituencies.⁶ In the Pyithu Hluttaw, about one-fourth of women competed in races against one another, with

⁵ Figures for the global and regional average obtained via the Inter-Parliamentary Union. See Inter-Parliamentary Union, “Women in National Parliaments.” 1 December 2015. <<http://www.ipu.org/wmn-e/world.htm>>

⁶ See e.g., “Female candidates face fierce, unfair fight in Myanmar’s elections,” *The Guardian*, 5 November 2015; and International Institute for Democracy and Electoral Assistance, *Funding of Political Parties and Election Campaigns: A Handbook on Political Finance*. 2014.

some constituencies seeing as many as four women candidates competing.⁷ Similar numbers emerged in the Amyotha Hluttaw, suggesting that parties were more comfortable putting forward women candidates to compete against one another than against male candidates. However, this phenomenon is also related to the tendency of ethnic minority parties to nominate women as well as the generally smaller size of ethnic constituencies.

Overall, the poor results for women in Myanmar’s elections reinforce the view that women fare worse under FPTP systems than PR systems. In the FPTP’s single-member districts, parties can nominate only one candidate and, as a result, their strategy is often to nominate candidates that are likely to be “broadly accepted”, with men being seen as more electable in many cultures. Internal politics, party structure, and perception might also lead parties to believe that women candidates cannot defeat male candidates.⁸ One illustration of the effect of male-dominated party structures is the USDP’s low rate of nomination of women candidates (4% of its overall candidates). The NLD, by contrast, nominated around 12% women. However, this is still significantly lower than the 30% women candidates that the NLD fielded in the 2012 by-elections.

5. EQUALITY OF THE VOTE

Each seat represents an electoral constituency of a number of eligible voters or a given population. The equality of the vote requires that each constituency be relatively equal in terms of electors (registered voters) or population, so that each constituent’s vote in the country has more or less the same “weight”. In Myanmar’s 2015 elections, however, there was a large inequality of the vote because constituencies varied considerably in size.

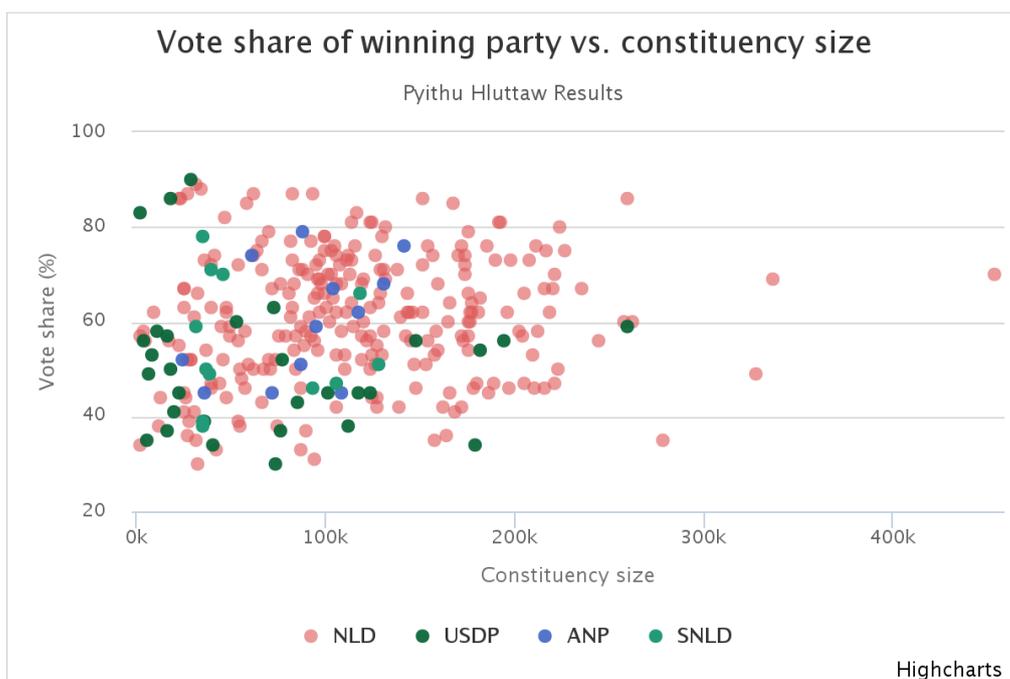
The average constituency had 106,176 eligible voters on the electoral roll. However, the number varied from as many as 453,307 voters in the largest constituency (Hlaing Tharyar Township) to as few as 1,408 voters in the smallest constituency (Inja Yan Township). This means that a vote cast in Inja Yan Township carried 322 times more weight than a vote cast in Hlaing Tharyar. These massive differences result from delimiting electoral constituencies on the basis of townships, which each have widely divergent populations/voter figures.

Instead of taking the country’s administrative units as the only reference, electoral constituencies in other countries are often drawn on the basis of population size (number of voters)

as well as geography (administrative units and/or topographical features, density of population, etc.). In some cases, the presence of minority groups can be an additional criterion for the establishment of electoral constituencies in order to guarantee a minimum percentage of seats for these groups. Admittedly, such a delimitation process would have proved a complex challenge in Myanmar, while using townships represented a straightforward solution.

However, the results indicate that despite the significant variation in constituency sizes, this did not play against or in favour of any party. This is shown in the chart. Of the smallest 32 constituencies (the bottom 10%) in the Pyithu Hluttaw – ranging from 11,149 to 1,408 voters – both the NLD

and the USDP swept nearly half of the seats, winning 12 each, whereas in the largest 32 constituencies (the top 10%), the NLD won all seats but one. [See the interactive chart.](#)⁹



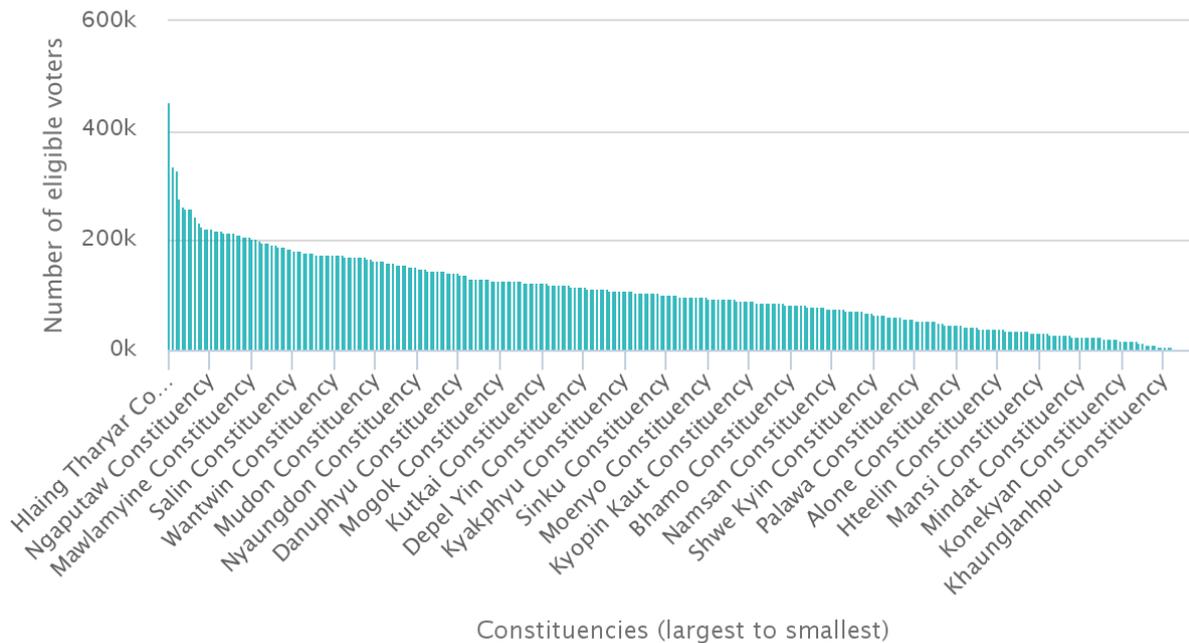
⁷ In Kyinetone Constituency, for instance, the NLD, the National Unity Party (NUP), the National Development Party (NDP), and SNLD all fielded women candidates. The USDP won the seat with a male candidate.

⁸ The Venice Commission, “Report on the Impact of Electoral Systems on Women’s Representation in Politics,” Study No. 482 / 2008, Strasbourg, 16 June 2009.

⁹ In the interactive chart, click on the party colors at the bottom of the legend to select or deselect that party’s figures.

Total eligible voters (Pyithu Hluttaw)

Myanmar Election Results



Highcharts

The unequal distribution of voters across Myanmar’s electoral constituencies undermines the principle of equal suffrage: a key international standard in elections enshrined in the Universal Declaration of Human Rights.¹⁰ To provide an illustration of the level of inequality, this [interactive chart](#) shows constituencies in the Pyithu Hluttaw sorted from largest to smallest.

Some analysts suggest that, as a rule of thumb, constituencies should not show variations of more than 10-15% from the ideal size (total number of seats/total number of voters).¹¹ In Myanmar, however, the biggest deviation is 322:1. Therefore, the drawing of electoral districts clearly remains a problem for Myanmar’s electoral framework.

Constituency delimitation is a crucial aspect of any election framework, as it directly impacts not only the equality of the vote (giving some voters much more influence than others), but also affects the number of voters whom a candidate needs to target while campaigning. Different levels of effort and resources are required to campaign in a district of 2,000 voters than a district of 200,000 voters. This difference is particularly important because campaign finance laws in Myanmar stipulate that candidates cannot spend more than 10 million Kyat (7,765 USD). In the same vein, MPs become accountable to very different numbers of constituents, meaning the way they interact with their constituents will be different and have different costs. Electoral boundaries are therefore central to the electoral framework, directly affecting

the relationship between voters and seats as well as the conditions for candidates and elected representatives.

6. OUTLOOK

The 2015 elections were a milestone in Myanmar’s history, representing a competitive process that allowed the main opposition party to obtain a majority of the seats in the parliament, reflecting the will for change. A detailed look at the results underscores that important challenges remain and that further attention to electoral reforms will be an essential aspect of Myanmar’s transition to an open, plural, and democratic society based on equality.¹²

The lengthy, inconclusive discussions about the electoral system during the last parliamentary term showed that it is a complex topic likely to remain contentious. There is no ideal electoral system and each formula has advantages and disadvantages. The results of the 2015 elections have shown that the “winner bonus” can have a significant impact on the share of seats a party obtains (to the detriment of a more plural parliament).

The new legislature should study the advantages and disadvantages of the system in Myanmar, consult existing expertise and reach out to civil society, in particular in ethnic minority areas. This reflection on the electoral system should include a discussion on possible ways to improve the political representation of women. Myanmar has ratified the Convention on the Elimination of All Forms of Discrimination

¹⁰ Myanmar is not party to the International Covenant on Civil and Political Rights (ICCPR), the main human rights treaty that is relevant to democratic elections.

¹¹ See e.g., the Council of Europe “Code of Good Practice in Electoral Matters,” Opinion No. 190/2002, Strasbourg, 23 May 2003.

¹² For more information, see “Electoral Law Reform Processes: Key Elements for Success,” DRI, 2011.

Against Women (CEDAW) and is, therefore, obliged to actively promote the equal participation of women in political affairs. There are a number of ways to achieve progress towards this goal in Myanmar. In its most recent Concluding Observations, the CEDAW committee recommended that Myanmar utilise “temporary special measures” as well as “targets and quotas,” to increase the political participation of women.

The absence of voter equality is a fundamental problem for Myanmar’s electoral framework. This structural flaw needs to be addressed soon, as the changes would require re-drawing electoral districts or changing the electoral system, requiring constitutional amendments. The EU’s Election Observation Mission’s Final Report also emphasised the need for reform in this area, recommending that “constituency boundaries for the Lower House should be reviewed in order to create constituencies of equal size in order to provide for equal suffrage”.¹³

These tasks are complex and time-consuming and should be completed well in advance of the next elections to provide a stable and legitimate electoral framework. Currently, the UEC is mandated to announce the constituencies ahead of the elections; in other countries, election management bodies are also mandated to conduct the delimitation of constituencies, based on population size (using census data), electoral roles and possibly additional criteria (geography, culture, administrative considerations, etc.).

A reform of any of the three elements above – the electoral system, representation of women, and constituency delimitation – is a sensitive process, as it would have a direct impact on the allocation of seats and access to government office. Engaging in a broad debate on the shortcomings and advantages of the current framework would help identify stakeholder preferences. Confidence in the process is an essential requirement for stable electoral systems and a well-timed and transparent reflection on the current framework would therefore be another important step in Myanmar’s path to democracy.

ABOUT DEMOCRACY REPORTING INTERNATIONAL

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¹³ European Union, “EU EOM Myanmar General Elections 2015: Final Report,” <http://eeas.europa.eu/eueom/missions/2015/myanmar/pdf/myanmar_report_final.zip>

TABLE 1: VOTES VERSUS SEATS (AMYOTHA HLUTTAW)

Party	Vote share	Seats	Seat share
National League for Democracy (NLD)	58%	135	80%
Union Solidarity and Development Party (USDP)	28%	11	7%
Arakan National Party (ANP)	2.2%	10	6%
Shan Nationalities League for Democracy (SNLD)	1.6%	3	2%
Ta-Arng (Palau) National Party (TPNP)	0.41%	2	1%
Pao National Organisation (PNO)	0.70%	1	1%
Zomi Congress for Democracy Party (ZCDP)	.06%	2	0.5%
Independents	.06%	2	0.5%
Mon National Party (MNP)	0.35%	1	1%
National Unity Party (NUP)	1.88%	1	1%

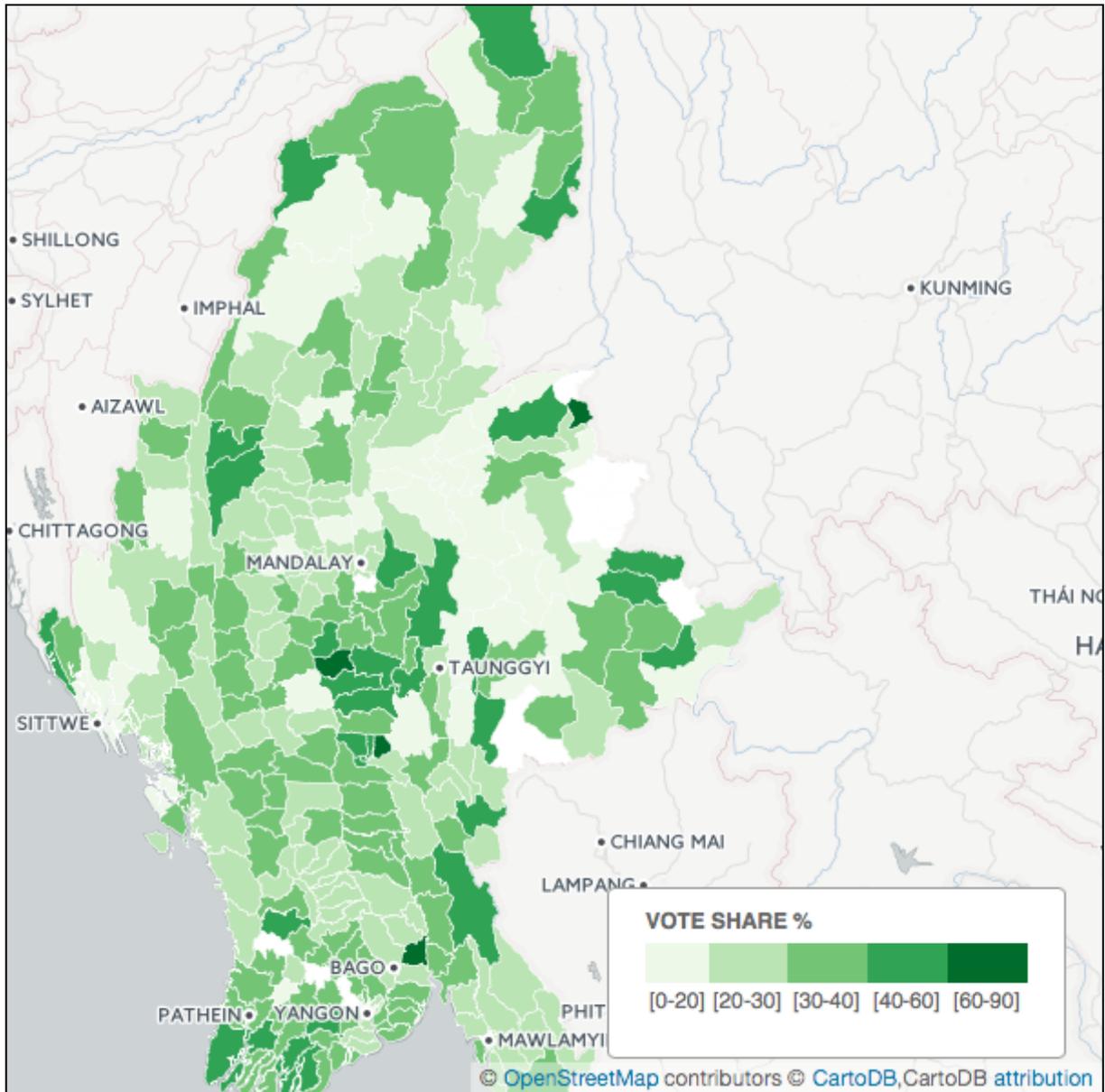
TABLE 2: VOTES VERSUS SEATS (PYITHU HLUTTAW)

Party	Vote share	Seats	Seat share
National League for Democracy (NLD)	57.2%	255	79%
Union Solidarity and Development Party (USDP)	28.3%	30	9%
Arakan National Party (ANP)	2.2%	12	4%
Shan Nationalities League for Democracy (SNLD)	1.6%	12	4%
Ta-Arng (Palau) National Party (TPNP)	0.4%	3	1%
Pao National Organisation (PNO)	1%	3	1%
Zomi Congress for Democracy Party (ZCDP)	0.1%	2	1%
Independents	0.7%	1	0%
Lisu National Development Party (LNDP)	0.1%	2	1%
Kachin State Development Party (KSDP)	0.1%	1	0%
Kokang Democracy and Unity Party (KDUP)	0.1%	1	0%
Wa Democratic Party (WDP)	0.04%	1	0%

TABLE 3: EXAMPLES OF VOTE SPLITTING (PYITHU HLUTTAW)

State and constituency	Winner's vote share	Split vote share of ethnic parties	
<i>Chin State</i> Matupi Constituency	NLD (34.58%)	Chin League for Democracy (27.65%)	Chin National Democratic Party (7.56%)
<i>Kayin State</i> Thandaunggyi Constituency	NLD (39.10%)	Kayin People's Party (32.48%)	Kayin National Party (8.80%)
<i>Mon State</i> Rae Constituency	NLD (41.45%)	All Mon Regions Democracy Party (17.78%)	Mon National Party (25.51%)
<i>Shan State</i> Namkham Constituency	TPNP (36.63%)	Shan Nationalities Democratic Party (21.88%)	SNLD (21.34%)
<i>Shan State</i> Minpan Constituency	USDP (36.82%)	SNDP (33.50%)	SNLD (16.28%)
<i>Shan State</i> Namsan Constituency	USDP (37.23%)	SNDP (5.27%)	SNLD (32.45%)
<i>Kachin State</i> Sumprabum Constituency	NLD (34.28%)	Kachin State Democracy Party (25.22%)	Kachin Democratic Party (10.56%)
<i>Kachin State</i> Mansi Constituency	NLD (30.23%)	SNDP (10.78%)	SNLD (19.55%)

VOTE SHARE OF THE USDP



VOTE SHARE OF THE NLD

