



November 16, 2020

Burma’s 2020 Parliamentary Elections

The official results from Burma’s elections held on November 8, 2020 indicate that Aung San Suu Kyi and her National League for Democracy (NLD) have exceeded their supermajority victories of 2015 in both chambers of Burma’s Union Parliament (see **Table 1**). A campaign by ethnic minority parties to win a majority of the seats in the nation’s seven ethnic states fell short of its goal, while the pro-military Union Solidarity and Development Party (USDP) experienced a decline in its electoral fortunes.

The elections were held when parts of eastern and western Burma were engulfed in the nation’s ongoing civil war between Burma’s military, known as the Tatmadaw, and several ethnic armed organizations (EAOs). As a result, voting was cancelled in 15 districts (9 in Rakhine State and 6 in Shan State) in the People’s Assembly (Lower House) and 7 districts (all in Rakhine State) in the National Assembly (Upper House). The elections were also marred by procedural decisions that disenfranchised more than 1 million eligible voters, and for the second time denied Rohingya living in Burma or residing in refugee camps in Bangladesh the right to vote.

The NLD’s victory will likely result in Aung San Suu Kyi continuing as the nation’s de facto leader. Some observers have criticized her for being too accommodating to the Tatmadaw while ignoring the interests of Burma’s ethnic minorities. These observers cite actions such as her personal defense at the International Court of Justice (ICJ) of the military’s alleged genocidal attack on the Rohingya in Rakhine State in 2017. The strength of the NLD’s victory may also hinder efforts to negotiate an end to the nation’s 70-year-old civil war, if Aung San Suu Kyi views the election results as support for her stalled peace process.

Background

The elections held under the provisions of the controversial 2008 constitution written by the nation’s former military junta, the State Peace and Development Council (SPDC). The 2008 constitution created a hybrid civilian/military Union Government with a bicameral Union Parliament. Under the constitution, active military officers occupy 25% of the seats in both chambers of the Union Parliament. Many of the EAOs reject the legitimacy of the Union Government and the 2008 constitution.

An estimated 70% of the 37 million eligible voters in Burma (Myanmar) voted in the 3rd nationwide parliamentary elections, despite the nation’s serious Coronavirus Disease 2019 (COVID-19) outbreak. The NLD won 258 seats in the People’s Assembly and 138 seats in the National Assembly. The USDP experienced a 4 seat decline in both chambers.

Table 1. Comparison of Burma’s Parliamentary Election Results by Chamber
(number of seats won by selected major political parties)

Political Party	2010	2015	2020
<i>People’s Assembly (Lower House)—330 seats</i>			
National League for Democracy (NLD)	0	255	258
Union Solidarity and Development Party (USDP)	259	30	26
Arakan National Party (ANP)/ Rakhine Nationalities Development Party (RND)	9	12	4
Shan Nationalities League for Democracy (SNLD)	0	12	13
Other Political Parties or Independents	57	14	14
Vacant (voting cancelled)	5	7	15
<i>National Assembly (Upper House)—168 seats</i>			
National League for Democracy (NLD)	0	135	138
Union Solidarity and Development Party (USDP)	129	11	7
Arakan National Party (ANP)/ Rakhine Nationalities Development Party (RNDP)	7	10	4
Shan Nationalities League for Democracy (SNLD)	0	3	2
Other Political Parties or Independents	32	9	10
Vacant (voting cancelled)	0	0	7

Source: Union Election Commission, “Announcement of the Results of the 2020 Multi-Party Democratic General Election,” November 15, 2020 (in Burmese).

Notes: Table does not include 110 seats in People’s Assembly and 56 seats in National Assembly reserved for active military officers. The NLD and SNLD boycotted the 2010 elections. In 2013, the RNDP and the Arakan League for Democracy merged to form the Arakan National Party. In 2017, some members of the ANP split off to form the Arakan Front Party (AFP).

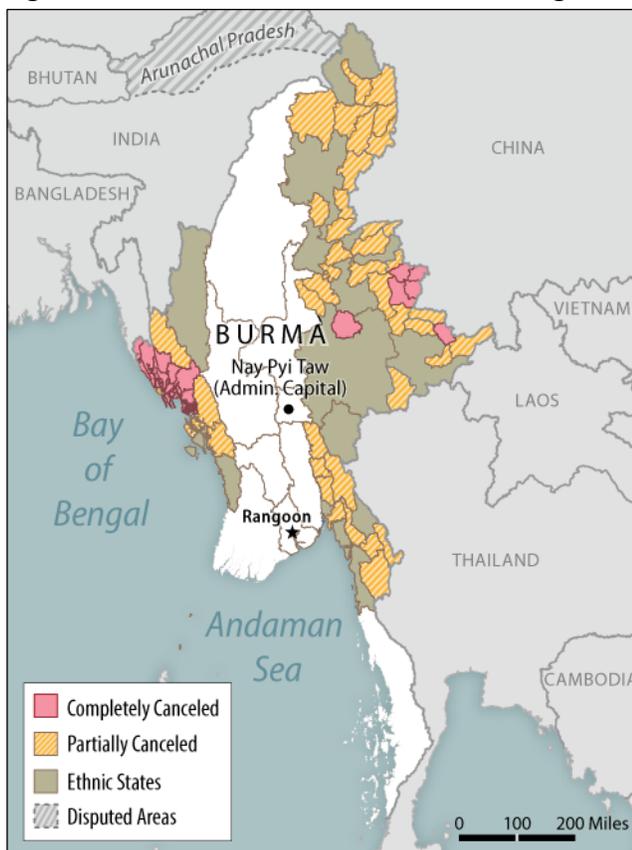
An effort by ethnic minority political parties in Burma’s seven ethnic states failed to win a majority of the contested seats in either chamber, with the exception of Rakhine

State, where the Arakan National Party won 4 of the 7 seats in the People's Assembly and 4 of the 5 seats in the National Assembly. The Shan Nationalities League for Democracy won 13 of the 55 People's Assembly seats and 2 of the 12 National Assembly seats in Shan State. The political parties for the Kayah (Karenni) and Mon also won seats in their respective states.

Conduct of the Election

Under Burma's 2008 constitution, the Union Election Commissions (UEC) is responsible for administering all elections in Burma, including determining who can vote, which candidates can run for office, and what campaign activities are permissible. In addition, the constitution states that Burma's President "shall constitute" the UEC's commissioners, raising concerns that the UEC is an inherently partisan entity.

Figure 1. Districts where UEC Cancelled Voting



Source: CRS, based on information from the UN Myanmar Information Management Unit

Those concerns surfaced during the run-up to the election as the UEC disenfranchised more than 2 million voters, including an estimated 600,000 Rohingya living in Rakhine State. The UEC also disqualified more than 40 ethnic minority candidates, including at least 6 Rohingya candidates. In addition, the UEC canceled voting in portions of 56 voting districts in the States of Chin, Kachin, Kayin (Karen), Mon, Rakhine (Arakan), and Shan, as well as parts of Bago Region, stating that these locations were in "no situation to hold a free and fair election." (See **Figure 1**). Various sources suggest that the cancellations were based on recommendations by the Tatmadaw. Some ethnic

minority parties claim the cancellations were made to undermine their candidates.

Another concern for some was the conduct of the Tatmadaw prior to the election. For the 2020 elections, the UEC required military personnel and their families to vote in polling stations outside of their bases—a change from 2015, when troops were allowed to vote unmonitored on military bases, allegedly allowing the Tatmadaw to influence voting in favor of USDP candidates. As in 2015, data from the independent Armed Conflict Location and Event Data Project (ACLED) in 2020 showed a sharp increase in fighting just before the elections, which some observers assert was instigated by the military to cancel polling in some districts. The Tatmadaw also criticized the UEC in the week before the elections, threatened to attempt to impeach President Win Myint, and raised the specter of a post-election military coup. Coup fears were quelled, however, after Tatmadaw Commander-in-Chief Senior General Min Aung Hlaing said he would accept the election results.

A local independent monitoring group, the People's Alliance for Credible Elections (PACE), reported only minor problems with election day logistics, such as some polling stations opening late or inadequate COVID-19 protective measures. Some ethnic minority voters claimed that they were denied ballots for special minority seats because their names did not appear on the UEC's voters list.

Implications for U.S. Policy

On the day of the elections, U.S. Secretary of State Michael Pompeo expressed his appreciation of "the efforts of all who worked to make these elections possible, particularly in light of the challenges posed by the COVID-19 pandemic." He also indicated his concern about "the large number of unelected seats constitutionally reserved for the military; the disfranchisement of groups including Rohingya; the cancellation of voting in parts of several states and regions; and the disqualification of candidates based on arbitrary application of citizenship and residency requirements, which prevent the realization of a more democratic and civilian government."

In general, the Trump Administration has continued the Obama Administration's policy in Burma, working with the Union Government in an effort to promote democracy and end the country's long-standing civil war. Some observers expect the presumed incoming Biden Administration to carry on in a similar manner, but may make adjustments to account for the continuing mistreatment of the Rohingya. The 116th Congress introduced two bills—the Burma Unified through Rigorous Military Accountability Act of 2019 (H.R. 3190) and the Burma Human Rights and Freedom Act of 2019 (S. 1186)—expressing support for democracy in Burma, and proposing new strategies to advance democratic reforms in the nation.

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