Carter Center Statement on the Post-Election Environment and Complaints Resolution Process in Myanmar
Feb. 28, 2016

Executive Summary

first statement on the post-election period

commissioners have been appointed. It is important that electoral reform initiatives remain a priority for the incoming legislatures and government.

Tabulation and Announcement of Results

The Carter Center teams observed the aggregation and tabulation process in 22 townships, and the counting and tabulation of out-of-constituency advance votes in three districts.[2] In most of the areas observed, tabulation was conducted in a transparent and professional manner. However, in several instances, observers were denied access to the process or were restricted in their ability

by Union Solidarity and Development Party (USDP) supporters or Buddhist nationalist groups, or that losses by ethnic parties could substantially increase tension in some ethnic states, did not materialize.[7] National leaders, including Daw Aung San Suu Kyi, President Thein Sein, Acting Chair of the USDP Htay Oo, Commander-in-Chief Min Aung Hlaing, and several ethnic party leaders made strong public statements that they would respect the results and cooperate to ensure a smooth transition to a new parliament and government. The Union legislatures and state and regional assemblies sat for the first time in early February.

At the state and regional level, Carter Center field teams found that an overall atmosphere of calm prevailed, with nearly all local political leaders expressing an intention to respect the results. This appeared to be the case even in areas where pre-election tensions were high. Center observers found little evidence, for instance, that local tensions had been aggravated by a USDP victory in Meikthila, Mandalay Region, or by a strong electoral performance by the NLD in Thandwe in Rakhine State. The lack of transparency in the advance voting process, particularly in areas with a large military presence, remained a major point of criticism by political parties.[8]

An important exception to the overall peacefulness of the post-election atmosphere has been the continued fighting in parts of Shan and Kachin states. In November, the Myanmar army resumed offensives against the Shan State Army-North in central Shan State, though subsequent negotiations appear to have prevented further clashes. Sporadic fighting also took place between the Myanmar army and the Ta'ang National Liberation Army in northern Shan state, the Kachin Independence Army in southern Kachin State, and the Arakan Army in Kyauktaw township in Rakhine State. In February, fighting between the Restoration Council for Shan State/ Shan State Army-
northern Shan State. The inaugural meeting of the Union Peace Conference, attended by signatories of the Nationwide Ceasefire Agreement, took place Jan. 12-16 in Nay Pyi Taw, but political dialogue is not expected to get fully underway until the appointment of a new government.

During post-election visits to Kachin, Kayin, and Shan states, local ethnic leaders and community members expressed concern and uncertainty about the impact of the election results including the poor showing of ethnic parties inaugura

Commendably, the UEC has conducted a series of meetings throughout the country to review the election process in order to identify areas for further improvement. The two-day meetings, which The Carter Center has observed in Kayin, Mon and Shan states, Yangon and Nay Pyi Taw, have included both internal sub-commission discussions, and consultations with civil society and political parties. This process will culminate in a Union-level review conference on Feb. 29 and Mar. 1, at which international and national observer groups have been invited to present recommendations. The outcome of this consultation process has the potential to be an important

largest number submitted by the USDP and NLD.[13] Complaints involved elections for 14 lower house seats, six upper house seats and 25 state or region assembly constituencies, with the largest number coming from Shan and Kachin.[14] They allege a wide variety of violations of electoral and criminal laws. A single complaint often makes multiple allegations, and in some cases, the same or similar allegations are the subject of multiple complaints. The allegations range from threats and intimidation during the pre-election period to violations of polling procedures on election day and irregularities in the counting and tabulation processes.[15] In accordance with the law, complaints were publicly posted for the required 15-day display period. Complaints were generally inaccessible to the public because they were only

the process by both complainants and respondents. Some rules appeared to be applied inconsistently such as deadlines for the submission of counter-complaints. Despite a degree of confusion about the applicable rules and procedures, tribunal members made an effort to ensure

most part appeared open to consider any properly documented justification for the failure to submit, or to minimize costs associated with submitting further evidence (offering evidence by letter or telephone, for instance). The UEC informed The Carter Center that the mandate of campaign finance tribunals is limited to assessing the timely and adequate submission of the relevant documents. It is not conducting an audit of the content of the submissions.

Recommendations

Union Election Commission

As possible, minimize additional costs for complainants, including the relocation of hearings to states and regions where appropriate.

Ensure that cases are heard without delay to minimize the impact on the rights of the

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