

Myanmar Elections: Considerations for post-coup Myanmar

8 November 2024

On the fourth anniversary of Myanmar's 8 November 2020 general elections, it is important to remember that its results reflect the legitimate will of its people. The military's claims of fraudulent elections remain unsubstantiated, and the junta's plans for an 'election' are illegal and an ill-conceived attempt to gain legitimacy. Junta organised elections will not bring stability to Myanmar and will further exacerbate conflict. Myanmar's pro-democracy movement deserves international support in its efforts to build a genuine federal democratic union which includes electoral reform and the establishment of an independent election management body.

Myanmar's people have struggled to freely express their will and choose their own government over a military regime at the ballot since independence. Following a top-down transition introduced by the military elite, this only changed with the 2015 and 2020 elections, although these, too, saw significant operational and security challenges, including the exclusion of the Rohingya from voting and a lack of transparency in Union Election Commission (UEC) decision-making.

Nevertheless, and despite the challenges posed by the Covid-19 pandemic, the 2020 general elections were held in 95 % of Myanmar's townships with a voter turnout of 71,89 %, and were [declared 'as reflective of the will of the voters of Myanmar'](#) by international and [citizen election observers](#).

Myanmar's neighbours and other countries in South and Southeast Asia also recognized the election result including [China](#), [India](#), [Laos](#), [Cambodia](#), [Singapore](#) and Bangladesh among others.

Myanmar's parliamentary system

Under the 2008 Constitution, Myanmar's legislatures are elected based on a first-past-the-post (FPTP) electoral system.

The Pyithu Hluttaw (lower house of Myanmar's union parliament) has 440 members, 330 of whom are directly elected in single-member constituencies, with 110 (25 %) seats reserved for the military.

The Amyotha Hluttaw (upper house of Myanmar's union parliament) has 224 members, 168 of whom are directly elected, with 56 (25 %) seats reserved for the military.

For the Amyotha Hluttaw elections, each of the seven regions and seven states are divided into twelve single-member constituencies. Where there are self-administered zones/divisions in a region or state, one of the twelve seats is designated to represent each of them.

Additionally, each of Myanmar's federal units elects a State or Region Hluttaw from single-member constituencies (two per township) that also include 25 % military representatives.

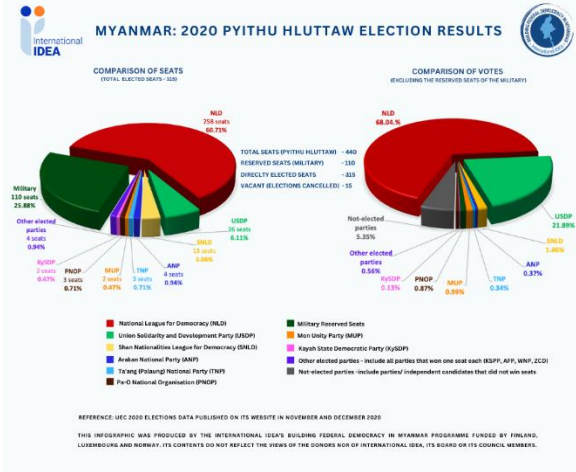
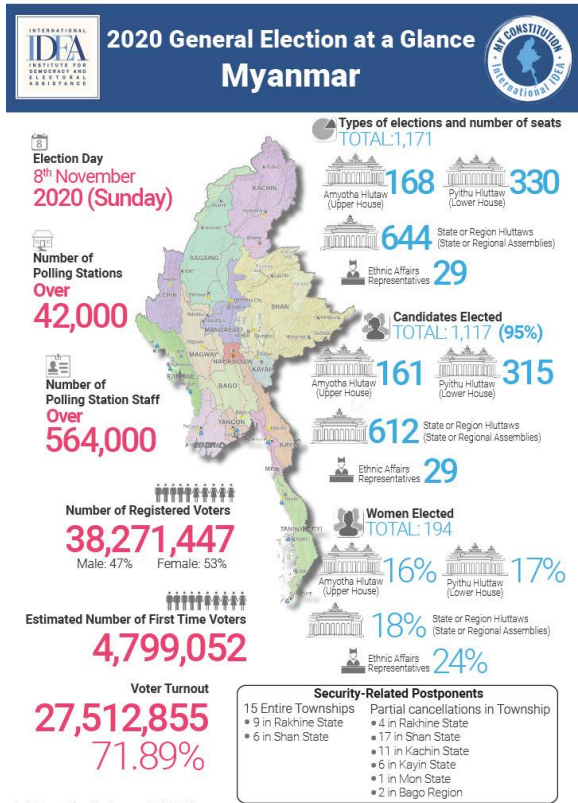
The 2020 election results

The 2020 election results, despite many external and internal challenges and the difficulties caused by the Covid-19 pandemic continued the trend set by the landmark 2015 elections which Aung San Suu Kyi's party won by a landslide, confirming the National League of Democracy (NLD) in power and further broadening the gap between the governmental party and its opposition. The vote, as the previous polls, was widely considered as a vote against military rule.

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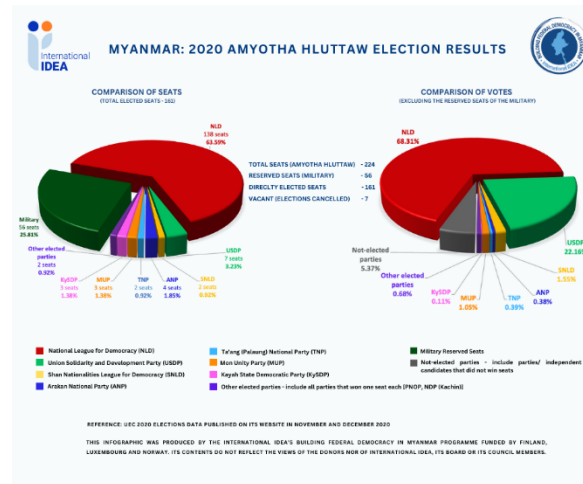
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Of the political parties that competed for votes for the directly elected seats in the Upper House, the NLD won 138/161 seats and received 68 % of the votes compared to 7/161 seats and 22 % of votes cast for the USDP. Ethnic political parties won between 2 and 4 seats and none received more than 2 % of the votes.

According to 2020 UEC data, of those political parties that competed for votes for the directly elected seats in the Lower House, the NLD won 258/315 seats and received 68 % of the votes, while the military-allied Union Solidarity and Development Party (USDP) secured 26/315 seats and received 21,8 % of the votes. Ethnic political parties won seats ranging between 2 and 13 and none of them more than 2 % of the votes.¹



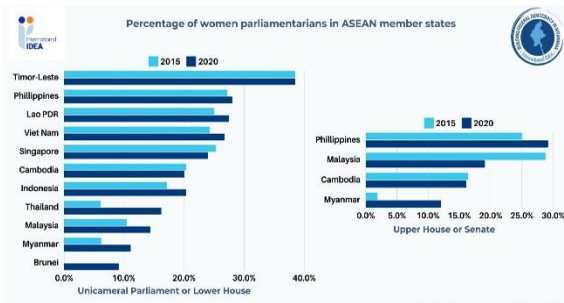
¹ In 2020 the UEC cancelled elections in 15 constituencies for security reasons resulting in 15 seats not taken in the Lower House and 7 seats not taken in the Upper House.

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In state/region legislatures, the NLD won 82 % of the directly elected seats and a majority in 12 of the 14 state/region Hluttaws, except in Rakhine and Shan States. The military allied USDP won 6 % of directly elected seats in state/region Hluttaws. Ethnic political parties won 33 % of directly elected seats in state/region Hluttaws.²

As a result of the FPTP electoral system, the distribution of parliamentary seats among the political parties in Myanmar favours the parties which manage to come first in a high number of constituencies. This is typically the case of the NLD. Other parties may have significant support, but they only win seats in places where their electorate is concentrated enough to enable them to win first place.

Women in Myanmar increased their share of seats in Myanmar's parliament in the 2015 (13 %) and 2020 (18 %) elections and have been at the forefront of Myanmar's pro-democracy movement. Compared to other ASEAN countries, Myanmar increased the percentage of women elected to its lower and upper houses as a result of the 2020 elections.



Note: Brunei had no Parliament on 1 January 2019. Source: © Inter-Parliamentary Union, 2019 and 2020. This infographic was produced by the International IDEA's Building Federal Democracy in Myanmar programme funded by Finland, Luxembourg and Norway. Its contents do not reflect the views of the donors nor of Internal IDEA, its Board or its Council members.

On 1 February 2021, the day the elected members of the Pyithu Hluttaw (Lower house) were scheduled to convene for their swearing-in ceremony to commence a new term, the military staged [an illegal and unconstitutional coup](#), seizing power from the civilian government and alleging electoral fraud without evidence.

Myanmar's interim parliament and government institutions

Given the resistance of Myanmar's people to military rule, the Committee Representing the Pyidaungsu Hluttaw (CRPH), Myanmar's interim elected parliament was formed, with elected MPs taking up their mandates, which they continue to hold.

Following the coup, the CRPH declared Myanmar's 2008 Constitution defunct, and released the Federal Democracy Charter (FDC) agreed on with other pro-democracy stakeholders. The Federal Democracy Charter is a consensual political road map towards the formation of a genuine democratic federal union in Myanmar. Based on the FDC, Myanmar's interim government institutions – including the CRPH, the National Unity Consultative Council (NUCC), and the National Unity Government (NUG) were created to share interim governing responsibilities.

The CRPH revoked the mandates of MPs who support the SAC and the coup, a measure that aligns with [international norms](#). MPs can be excluded from parliament for criminal convictions and allegations, especially for treason, which is considered a grave offense related to national security. Exclusion grounds of MPs exist to maintain trust in state elected representatives and uphold the values of the state.

² The Asia Foundation, 2020 General Elections: State and Regional Hluttaws, 18 November 2020

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The mandate of the CRPH is five years and would under stable conditions expire in 2025. Given the military coup and Myanmar's ongoing crisis, the Federal Democracy Charter forms the basis for the CRPH's effective extension of its mandate until a new transitional constitutional framework defines when and how elections can take place.

In democracies, it is possible to temporarily extend parliamentary mandates beyond their initial term as a safeguard during times of crisis, such as when holding an election is not feasible due to ongoing conflict. A recent example of this is Ukraine.

Since the coup, women MPs have formed a parliamentary network, organising town hall meetings with constituents, and advocating for a genuinely inclusive democratic future for Myanmar in fora such as the Interparliamentary Union (IPU).

The coup and military electoral engineering

The military leadership already questioned the integrity of the 2020 elections prior to the polls and, although initially accepting the results, launched an avalanche of complaints against the government and the UEC after the elections.

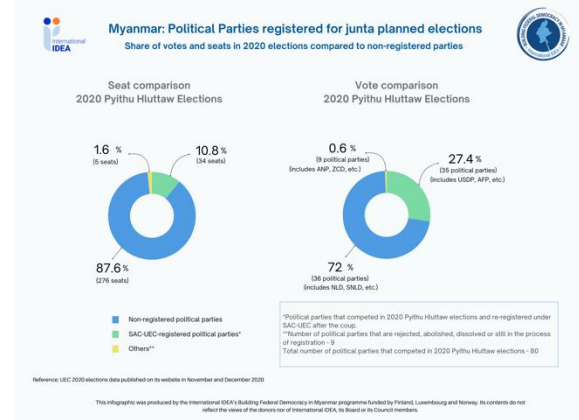
Since the 2021 military coup, the military established State Administration Council (SAC) has sought to uphold its narrative of electoral fraud and reiterates its plans to hold new 'elections'.³

To do so, the SAC is planning to revise Myanmar's electoral framework by updating the voter list and changing Myanmar's FPTP electoral system to a system of proportional representation (PR). The SAC has also introduced a new draconian political

party registration law, which favours military allied political parties.

This is a strategy to leverage military power in the legislature, building on the advantage of 25 % reserved seats in the parliament and increase the proportion of military-allied political parties to create a pro-military majority in a future parliament.

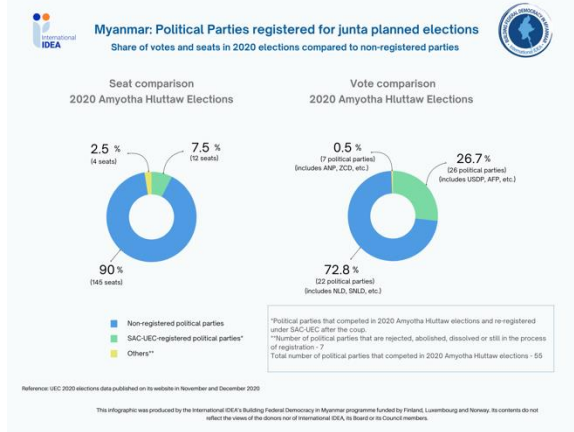
A total of 50 political parties have registered for the SAC planned elections, all of whom are allied to the military, including the USDP. 35 of the 50 registered parties competed in the 2020 elections for the Lower House (Pyithu Hluttaw) and received only 27.4% of the vote in the 2020 elections. Compared to this, non-registered parties including the NLD and key ethnic parties such as the SNLD together received 72 % of the vote in the 2020 general elections.



A similar picture emerges from a comparison of votes and seats in the Upper House (Amothya Hluttaw).

³ Michael Lidauer (2023): Myanmar's Menu of Electoral Manipulation: Self- and External Legitimation after the 2021 Coup, Critical Asian Studies, DOI: 10.1080/14672715.2023.2212366

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An election organised by the military involving only a small fraction of Myanmar’s political party spectrum will not reflect the will of Myanmar’s people.

The military’s narrative to change the electoral system to PR also creates the fiction that all smaller political parties – including ethnic parties – may be in a better position to win seats under such a system. In fact, some parties would win, and some parties would lose, depending on [the geographical dispersion of their support base](#).

This is due to the high degree of malapportionment of single member constituencies created by the FPTP system in Myanmar on township level, which vary considerably in population. For example, in the 2020 elections, lower house constituencies ranged from 1,109 inhabitants on Cocogyun Island (Yangon Region) to 439,622 inhabitants in Bago Township (Bago Region). Basing single-member constituencies on townships leads to an overrepresentation of some segments of the electorate.⁴

⁴ Michael Lidauer (2023): Myanmar’s Menu of Electoral Manipulation: Self- and External Legitimation after the 2021 Coup, Critical Asian Studies, DOI: 10.1080/14672715.2023.2212366

The military’s proposed electoral system for the lower house proposes to elevate districts rather than townships to electoral constituencies. It also proposes a rearrangement of the number of seats per constituency, based on population data from a flawed and unreliable population census carried out by the military. No consultation involving different population groups who gain or lose representation seems to have taken place.

This may create a false impression that there is a strong link between representatives and constituencies, while a de facto effect is a rearrangement of the number of elected representatives between ethnic minority states and Bamar majority regions.

All states but Kayin, Mon, and Rakhine would lose representatives, all regions but Magway, Sagaing, and Tanintharyi would gain representatives. Overall, twenty-five seats would be shifted from states to regions.

Election design in the post-coup transition⁵

Establishment of an independent EMB

Based on the FDC, Myanmar’s pro-democracy movement is in the process of defining a new interim constitutional framework, which should consider the formation of an interim Election Management Body (EMB) that is independent and professional as a key institution to support and prepare for the restoration of democracy. Mechanisms should be adopted that would guarantee the independence of the future EMB, its legitimacy and authority across all the territory, as well as its transparent and inclusive functioning.

⁵ Elections at a crossing point: Electoral Design in Post Coup Myanmar, International IDEA, 2022 <https://www.idea.int/sites/default/files/publications/elections-at-a-crossing-point-electoral-design-in-postcoup-myanmar.pdf>

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Legal framework

In the context of a future federal framework, ensuring equality and consistency in the implementation and protection of electoral rights across the entire territory will be essential. Weaknesses inherited from the defunct 2008 constitution should be addressed beyond the mere question of the military presence in parliament and government, to strengthen judicial human rights protection mechanisms, the rule of law and protection for electoral rights.

As both the central and the federal unit levels would be involved in running elections, a clear definition of competencies in election legislation and a common arbiter—such as a court— that is strong and independent enough to protect the federal pact will be needed.

Electoral System

Awareness of different electoral systems and their effects must be part of the discussion at an early stage. The chosen system should enjoy broad agreement and adhere to the principle of equal suffrage, which under FPTP would mean engaging in transparent and inclusive redistricting.

International responses

The Universal Declaration of Human Rights (UDHR) and the International Convention on Civil and Political Rights (ICCPR)⁶ include essential norms for the holding of democratic elections:

UDHR article 21

1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives; (...)

3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

ICCPR article 25

Every citizen shall have the right and the opportunity (...) without unreasonable restrictions:

(a) to take part in the conduct of public affairs, directly or through freely chosen representatives

(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors

The international community has called for the upholding of the validity of the 2020 elections, including in United Nations General Assembly [2021 Resolution \(A/RES/75/287\)](#) which ‘demanded the restoration of Myanmar’s democratic transition by respecting the November 2020 general election results’. The [2022 Resolution 1669](#) calls on the military junta to uphold democratic institutions and processes reflective of the will of the people of Myanmar.

⁶ Myanmar has not yet signed the ICCPR despite advocacy before and after the coup by civil society and a [NUG commitment](#) to do so.

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European Union Resolutions, particularly [of the European Union Parliament](#), have also called for the respect of the outcome of the November 2020 elections and a return to civilian rule.

International organisations, including International IDEA, who are committed to the [Declaration of Principles of Election Observation](#) and the upholding of the integrity and credibility of elections have [denounced and distanced themselves from](#) the illegitimate “election” that the military junta, the SAC, and the “Union Election Commission” it has established, are planning.

Given the military junta’s ongoing human rights violations and widespread conflict, it is not possible to hold a genuine democratic election in Myanmar that respects fundamental freedoms and meets international standards.

According to Myanmar’s pro-democracy movement, [the implementation of a sham “election” by the military is not a solution](#) to the ongoing multi-layered conflict and humanitarian crisis and will not bring stability to Myanmar. It will only contribute to increasing violence and polarization, worsen the crisis caused by the military coup, and further threaten regional and international stability and security.

The best safeguard against a façade parliament in Naypyidaw is the continued acceptance of the 2020 election result by all pro-democracy actors and the international community.

The international community needs to provide further support to Myanmar’s pro-democracy movement, including increasing its engagement with its legitimate interim institutions – the CRPH, NUG and NUCC.

Further reading:

- [Elections at a Crossing Point: Considerations for Electoral Design in Post-Coup Myanmar](#)
- [Interim Electoral Management and Electoral System Design in Myanmar](#)
- [The unconstitutionality of the 2021 coup in Myanmar](#)
- [Why Myanmar’s election plans are illegitimate](#)
- [Model Commitments for Advancing Genuine and Credible Elections](#)
- [Joint Statement by international election experts and organisations on Myanmar](#)
- [Myanmar’s Federal Democracy Charter: Analysis and Prospects](#)
- Federal Democracy Charter [Part I](#) and [Part II](#)
- [A new Constitution for Myanmar](#)
- [Deciphering Myanmar’s Ethnic Landscape](#)

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