



Norwegian People's Aid
Myanmar

Workshop Report

Myanmar Ward and Village Tract Administrator Elections 2016: An overview of the role, the laws and the procedures

31 January 2016

By Susanne Kempel and Aung Tun



Preamble

On 18 January 2016, NPA hosted a full day workshop for 79 participants from 43 organisations in its network across the country. It was supported by the Swiss Development Cooperation (SDC) and co-facilitated by independent consultants Susanne Kempel and Aung Tun.

The purpose of the workshop was:

“Participants have information and awareness about the ward and village tract administrator (WA/TVA) elections including the importance of the role, the law and the election procedures – and discuss how CSOs engage in the process.”

The workshop covered a range of topics including:

- The role of ward, village tract and village leaders in Myanmar: past and present.
- The ward and village tract administration law.
- The election procedures.
- Experiences from the 2012/2013 ward and village tract elections.
- Lessons learned from other village elections in Asia with a focus on China.
- CSO engagement: brainstorm on ideas, action planning and networking.

In addition, it included a screening of the documentary film ‘Crossing the Barriers: Women local administrators in Myanmar’ directed by Shin Daewe and produced by Third Floor Film Productions and Services for UNDP Myanmar - along with a discussion facilitated by UNDP on the issues raised in the film.

This report broadly follows the workshop structure as outlined in annex 1, and covers the above-mentioned topics in similar detail to that covered during the workshop itself. In addition, it includes discussions and reflections raised by participants during the workshop along with their ideas for what role civil society organisations can play in improving local governance in relation to WA/VTA elections, the associated law and related issues.

The co-facilitators would like to extend a warm thank you to NPA for their initiative to organise the workshop, their swift action to arrange it at very short notice and their support to local partners interested in taking the issue forward. Also thank you to UNDP for facilitating the screening of the excellent documentary film and the discussion around it. Action Aid Myanmar has provided early and patient support for innovative research, which informed this workshop and the report. Gratitude is extended to SDC for following up on initial discussions and making the workshop happen with generous support. Finally, the active engagement of the participants provided for very interesting and fruitful reflections and ideas for next steps.

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1. Introduction

On 30 December 2015, the General Administration Department (GAD) announced that elections to the position of ward and village tract administrator (WA/VTA) would take place during January 2016.

These elections are important as the WA/VTA is the main link between communities and the state, increasingly play a key role in local development, constitutes the most level of the administration and is also supposed to represent citizens' interests. The local elections are also important as they form an indispensable part of Myanmar's transition to democracy, are one of the ways in which ordinary citizens can exercise their democratic rights - and are crucial to the development of local democracy, active citizenship and good local governance.

2. Recent developments

On 5 January 2016, the Pyidaungsu Hluttaw (Union Parliament) announced the enactment of an amendment to the Ward and Village Tract Administration (2012) by the president. The term of the WA/VTA has been changed from being the same as the parliament (expiring on 30 January 2016) to the same as that of the President (expiring by end of March 2016). However, the law does not specify exactly when the elections should be held. This has caused confusion at the local level where the election process has commenced in most areas. In some places it has been suspended while it has been completed in other areas. The GAD has not made any publicly available official announcement as to any possible suspension or postponement of the elections.

Workshop participants reported a mixed picture as to the holding of the WA/VTA elections across the country. Within Bago Region, the situation was different from area to area. In some areas such as Northern Bago, the election process had been completed while in Southern Bago, only local supervisory boards had been selected with plans to proceed with the elections in place. In most Yangon areas, the supervisory boards had been selected or are being selected. For instance, the supervisory boards had been selected in North Okkalapa Township, North Dagon Myothit Township, Mingalar Taungnyunt Township and in Ahlone Township while in some wards in Pazundaung Township, the WAs had already been elected. In many areas in Ayeyarwaddy Region, the supervisory boards had already been selected, but no further actions undertaken awaiting further instructions from higher GAD authorities. According to the workshop participants, in Mon state, 60% of the areas had already completed the elections and NLD associated persons have secured a good number of positions.

Local Myanmar media has covered a few issues concerned with the WA/VTA elections. Most coverage has been about the "vagueness" of the elections i.e. whether the elections will be held or not since parliament has passed the second amendment to the law changing the term of the WA/VTA to that of the President and thus allowing existing WA/VTAs to keep their position and carry out their duties till the President's term begins. At the same time, the media also covered some specific geographic areas such as parts of Bago Region and Mon State, where the elections have already been conducted, prompting controversies over when and if the recently elected WV/VTA should take up their duties or not. The coverage included an example of election violence. In Mon state, a female member of All Mon Region Democracy Party (AMDP) was reportedly beaten by 10 other women allegedly affiliated with USDP after an election in which an AMDP member lost to a rival USDP member in the VTA election.¹

The coverage also referred to some areas where supervisory boards have already been established, but are awaiting what to do next. Media coverage highlighted that voters are not aware of what is to happen and what impacts, positive or negative, would ensue by participating in the elections. A few local analysts critiqued the elections and the process. They accused the GAD of "hijacking the elections", thereby allegedly distorting democratic norms and practices, while still

¹ Lawi Weng, *Woman Beaten in Mon State after the Partisan Dispute Escalates*, Irrawaddy News, 14 January 2016

referring to the process as “elections.” In support of this view, a leading spokesperson from the NLD argued that the local electoral processes should be halted until the new (NLD-led) government is in place.² In Shan state, local NLD members also sent a complaint letter about the VTA elections to the local GAD office, arguing that the processes should be suspended.³

One of the most striking and recurring criticisms highlighted by the media is that not every person aged 18 or above is eligible to vote, because only household heads are eligible to cast votes on behalf of families and only 10 household heads cast direct votes in the WA/VTA elections.

3. Historic background

Historically and locally the term used for the village headman or local administrator has varied. The most common reference used up until today is *thu gyi* / သူကြီး. Other terms include *ywa okkata* / ရွာဥက္ကဋ္ဌ (village chairman), *ywa lu gyi* / ရွာလူကြီး (village important man), *council okkata* / ကောင်စီဥက္ကဋ္ဌ (council chairman), *ya ein hmu* / ရာအိမ်မှူး (100 household leader) among others. The official current government term, which is also used in this report, is *ya kwe che ywa ouq su ouq chouq ye hmu* / ရပ်ကွက်/ကျေးရွာအုပ်စု အုပ်ချုပ်ရေးမှူး - ward and village tract administrator (WA/VTA). In ethnic areas of Myanmar and in local languages others terms are also used. Below is a brief overview of how the role has changed over time in modern Myanmar history.⁴

Pre-colonial period (-1885): The village headman was often the leading authority at the village level in Myanmar. This position was one of relative autonomy of the state (or the king). His job was to represent and defend the village against the intrusion of the royal government, which according to a traditional Burmese proverb is one of the traditional five evils along with fire, flood, thieves and enemies. Village headmen along with elders also played a strong role as traditional ‘judges’ solving local disputes and in upholding social harmony and peace. Some villages were known as *myin* (cavalry) or *thenat* (musketeer) and the headman known as *myin-gaung* and *thwe-tauk* but they only had authority over their regiment and not all villagers.⁵

Colonial period (1886-1947): The village / village tract became the primary unit of administration during the colonial period as a measure to make the country easier to rule.⁶ The British retained the headman system but transformed the village headman position into the lowest representative of the Crown, reporting upwards through the bureaucracy and in charge of enforcing government regulations.^{7, 8, 9} This was set out in the 1886 Village Act and the 1907 Village Act, which also emphasized the village headman’s duties as collector of revenue (taxes) while ignoring his role in the social system of the village.¹⁰ Thus village leaders were turned (at least partially) into agents of the state. This change was continued after independence allowing for greater state control of rural areas.¹¹ The village headman function was a precursor to today’s ward and village tract administrators. Till 2012, the 1907 Village Act remained officially in place with some of its provisions still in effect.

² *Local Authorities Selection*, BBC Burmese BBC Burmese, 7 January 2016 -

http://www.bbc.com/burmese/burma/2016/01/160107_local_authorities_selection,

³ John Chit Nyein, *Local NLD in Taunggyi Against the VTA elections*, 7 Days Daily, 22 January 2016

⁴ In doing so it focuses historically more on Barmar areas of the country and less so the so-called Frontier Areas (commonly referred to as ‘ethnic areas’ today) which were governed differently during colonial times and is populated by peoples of different ethnicity with different traditions and local governance systems. The State has a less strong presence here even today but the reach of its administrative apparatus has and is expanding to covering most of the country.

⁵ J. S. Furnivall, *An Introduction to the Political Economy of Burma*, Peoples’ Literature Committee & House, 1957, page 30

⁶ J. S. Furnivall, *An Introduction to the Political Economy of Burma*, Peoples’ Literature Committee & House, 1957, pages 30-31

⁷ Ardeth Maung Thawnhmung, *Behind the Teak Curtain: Authoritarianism, Agricultural Policies and Political Legitimacy in Rural Burma/Myanmar*, Kegan Paul, 2004, page 52

⁸ David I. Steinberg, *Burma: The State of Myanmar*, Georgetown University Press, 2001, page 39

⁹ Khin Zaw Win, *Transition in a Time of Siege: The Pluralism of Societal and Political Practices at Ward/Village Level in Myanmar/Burma*. In Heinrich Böell Foundation, ed., *Active Citizens Under Political Wraps: Experiences from Myanmar/Burma and Vietnam*, Chiang Mai: Heinrich Böell Foundation, 2006, page 74

¹⁰ *Mapping the State of Local Governance in Myanmar: Background and Methodology*, Local Governance Mapping, UNDP Myanmar 2015

¹¹ Ardeth Maung Thawnhmung, *Behind the Teak Curtain: Authoritarianism, Agricultural Policies and Political Legitimacy in Rural Burma/Myanmar*, Kegan Paul, 2004, page 52

Key provisions of the Village Act (1907)

- Village headmen, who also served as the Chairmen of the Village Committee, were appointed by the central government given that a (s)election by the villagers could be overruled by the central authorities who also appointed the village policeman.
- The Village Act empowered the headman to investigate and report anything or anyone suspicious in the village. This included the power to search and arrest “any person found lurking within the limits of the village tract who cannot give a satisfactory account of himself”. He/she could also arrest and fine people holding public events not approved in advance by the central government authorities.
- The duties of the Headman included “to collect and furnish guides, messengers, porters, supplies of food, carriage and means of transport for any troops or police posted in or near or marching through the village-tract or for any servant of the Government travelling on duty” except from people not belonging to the labor class and accustomed to do such work.
- The headman also had the responsibility to carry out birth and death registration, and take measures for the cure or prevention of contagious diseases, prevention and extinction of fires, slaughter of animals, and general sanitation.
- The Act also contained a lengthy section on the “duties of villagers” corresponding to the headman’s responsibilities. Arrivals and departures of people non-resident in the village were to be reported within four hours, punishable by fines and imprisonment.
- The Act also foresaw that except the possibility to appeal to the central government (in the form of the Commissioner), an order made under the act was final and could not be contested by suit or otherwise. No complaint against a headman or member of a village committee or rural policeman of any act under the Act could be entertained by any Court, unless by the central government.¹²

Parliamentary period (1947-1958, 1960-1962): Antagonism towards the system of village administration introduced by the British was often expressed during the colonial period. After independence the government tried to modify the system to permit a greater degree of democracy in local government¹³ codified among other measures in the Democratic Local Government Act adopted in 1953. The Act aimed at giving power to the people to conduct their own affairs. Under the Act, each village and ward elected a Village/Ward Council, normally of three to five members, with Councils also set up at the municipal (urban)¹⁴, township and district levels. This new system aimed at fundamentally changing the relationship between citizens and the state: “Today the headman is the servant of the villagers and the Township Officer is the servant of the local politicians, and so it goes up, step by step, up the hierarchy.”¹⁵ Initially the ambitious new system was introduced in a few experimental districts around the country and it was never fully implemented nor well-functioning – among other issues due to the growing insurgencies and powers struggles leading to a split of the dominant party, the AFPL which also played out locally at a time where political party dynamics also influenced village and ward politics.¹⁶

¹² Slightly amended from *Mapping the State of Local Governance in Myanmar: Background and Methodology*, Local Governance Mapping, UNDP Myanmar 2015, page 11

¹³ David I. Steinberg, *Burma: The State of Myanmar*, Georgetown University Press, 2001, page 30-31

¹⁴ The urban councils included representatives from the ward level in addition to directly elected representatives.

¹⁵ Ref. J.S. Furnivall, *Governance of Modern Burma*, 1961. In: *Mapping the State of Local Governance in Myanmar: Background and Methodology*, Local Governance Mapping, UNDP Myanmar 2015, pages 13-14

+ Maung Maung, *Burma’s Constitution, 1961*. In: *Mapping the State of Local Governance in Myanmar: Background and Methodology*, Local Governance Mapping, UNDP Myanmar 2015, pages 13-14

¹⁶ *Mapping the State of Local Governance in Myanmar: Background and Methodology*, Local Governance Mapping, UNDP Myanmar 2015, page 14

The Socialist period (1962-1988): After the military coup and suspension of the 1947 Constitution, Security and Administration Committees (SACs) were established during the 1960s to strengthen the power of the central administration vis-à-vis lower levels.¹⁷ Following the introduction of the 1974 Constitution and according to the Burma Socialist Political Party's (BSPP) intention to promote 'democratic socialism', the SACs were turned into (elected) People's Councils and were given executive and judicial powers. While it was not mandatory for the Village-Tract People's Council (VTPC) members and chairmen to be BSPP members in practice most of them were. According to the 1974 Constitution people's representatives should be "elected directly by secret ballot by citizens having the right to vote in the area concerned". Elections took place every 4 years simultaneously at ward/village tract, township, state/division and union levels. Generally, a single candidate for the position was pre-selected by the party unit. The local PCs had three main functions: 1) To control the population; 2) To organise: the PCs assisted the activities of the party and mass organisations; 3) To promote participation. The total 15,940 ward and village tract PCs had an average of ten members in 1985.¹⁸

SLORC/SPDC period (1988-2011): During the rule of the military State Law and Order Restoration Council (SLORC) and the State Peace and Development Council (SPDC), the village tract administration existed in a constitutional vacuum along with other government institutions. Some characteristics of the BSPP-period type VTPCs were retained but increasingly the chairman and members of the W/VTPDCs were appointed by the township GAD – often upon recommendation and/or selection by influential ward /village tract members. The W/VTPDCs generally included a chairman, a clerk and two executive members (EC member 1 and EC member 2) but this was later changed to only one person carrying out the functions i.e. the WA/VTA. In 2006, new regulation stipulated that the WA/VTA had to have a university degree and be relatively young among other points but this was not uniformly adopted across the country.^{19, 20}

U Thein Sein government (2011-2016): During this period there was a change in title from 'Village Tract Peace and Development Council' to 'Village Tract Administration', and the chairman was renamed as Ward/Village Tract Administrator (WA/VTA). Till 2012, he/she was assisted by 100 household leaders (*ya-ein-hmu*) and 10 household leaders (*seh-ein-hmu*). In effect, the 100 household leaders acted as village leaders and also held official authority. In addition new ward and village tract development support committees were established to advise and assist on local development affairs.

The new Myanmar Constitution (2008) does not include any provisions as to how the ward and village tracts shall be administered or how the ward and village tract administrator shall be selected beyond executive article 289 (chapter 5), which stipulates "Administration of ward or village-tract shall be assigned in accord with the law to a person whose integrity is respected by the community".²¹ In February 2012, a new Ward and Village Tract Administration Law was enacted.

4. Current situation

In many ways, the WA/VTA roles and responsibilities remain largely unchanged today in comparison to previous periods.

The WA/VTA remains:

- Under the GAD, Ministry of Home Affairs although not government staff.
- With a continued focus on maintaining peace, law and order.
- Lowest level of the bureaucracy.
- Main interface between the state and the community.
- Responsible for carrying out instructions at the local level from the township administration.

¹⁷ The 1954 Democratic Local Government Act was suspended by the 1961 and 1964 Democratic Local Government Suspension Act.

¹⁸ Robert H. Taylor, *The State in Myanmar*, University of Hawai'i Press, 2009, pages 228, 315-316

¹⁹ Susanne Kempel and MDR. *A View from Below*. UNDP, 2012

²⁰ Susanne Kempel for Action Aid Myanmar (forthcoming)

²¹ The Constitution of the Republic of the Union of Myanmar, 2008.

- Represents the ward/village tract communities versus township authorities.
- Communicates local needs and priorities to township level authorities.
- Sometimes a bottleneck for communication between the authorities and the wider ward/village tract community.
- Supported by a ward/village tract clerk from the GAD township office who keeps records of administrative, economic, and social statistics, as well as office and security procedures.
- Male-dominated: Only 42 females out of 16,785 WA/VTAs elected in late 2012/early 2013.
- With varying training for the position – from a few days till a month undertaken by the GAD at the township level. Very limited training in participatory development processes, small grants management, representative leadership and inclusion of marginalised groups.

In recent years, the WA/VTA has taken on increasing responsibilities in addition to those outlined in the law – and other changes have taken place:

- *The introduction of local development funds* (such as the constituency development fund, the poverty reduction fund, block grants channelled through the Rural Development Department etc.) since 2012 has resulted in that local communities undertake many more small-scale local infrastructure development projects. The WA/VTA in cooperation with the Ward/Village tract Development Support Committee play a key role in identifying such projects and oversee implementation.
- *The WA/VTA chairs the W/VT Land Management Committee* at a time of increasing conflict over land and many land disputes.
- *Power has also been concentrated in the WA/VTA position vis-à-vis the 100 household leader*, which doesn't officially exist anymore according to the 2012 law. This has posed a number of problems for the WA/VTAs and citizens who traditionally consider the 100 household leader as the village leader and refers to him/her as such. He also used to have administrative authority to issue various documents required by citizens. In reality after the introduction of the new law, the 10 house leaders often select one representative among themselves per village who in effect functions as village leader (/100 household leader) but without formal authority. The role of the remaining 10 household leaders is to assist the WA/VTA with implementation of the duties outlined in the law.
- *More participatory and representative leadership style*: Due to increased political freedom, the focus of the U Thein Sein government on a citizen-centred approach and bottom-up planning, and the fact that the WA/VTAs are now elected, they must now listen and consult more with local citizens – and can no longer simply issue instructions and expect them to be followed.

5. The Ward and Village Tract Administration Law (2012): General provisions

In February 2012, the Ward and Village Tract Administration Law was enacted. Potentially, this law constitutes an important development for local governance in Myanmar and can be viewed as a measure of bottom-up democratization. However, unlike prior times it does not include any measures for township level councils or elected representatives for this important level of the administration. It also contains some provisions and omissions, which has resulted in some criticism as to if it constitutes genuine local democracy and can affect general public life, particularly at the grassroots level communities positively.

Key new components of the law includes:

- The WA/VTA elected through secret vote by 10 household leaders.
- A supervisory body of 5 *ya mi ya pha* oversee the election process.
- The WA/VTA receives a small monthly subsidy and office expenses.
- No 100 household leader position.

The new 2012 law cancelled the 1907 Town Act and the 1907 Village Act. Both Acts were used during the British colonial period onwards. The Village Act included a clause by which the village heads could be fined – not exceeding fifty rupees - if they abused their power.²² The new law does not include this clause.

On 28 March 2012 a first amendment was passed to the new law, which is mainly related to forced labour. It added a key point, article 27(a): "whoever commit any threat or use force for his own interest that infringe anyone's interest such as forced labor shall be fined either less than one year imprisonment or 100,000 Kyat or both." On 5 January 2016, a second amendment was made, changing the article 9(a): "the term of Ward/Village Tract Administrator's equals to the President's."

Ward and Village Tract Administration Law (2012): A summary of general provisions

In 2012, a new Ward and Village Administration Law was enacted. The W/VTA continues to serve a similar role as before with a focus on administration, security and stability.

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7 Basic Principles of the W/VTA Function as per Chapter VI

- Obeying and upholding the "Three National Causes": the non-disintegration of the Union, non-disintegration of National Solidarity and Perpetuation of sovereignty.
- Safeguarding the fundamental rights of citizens contained in the Constitution.
- Supporting that people can live peacefully and in tranquillity in the ward or village tract.
- Respecting the customs and traditions of the village and of the race.
- Cooperating with local people to their benefit in case of emergencies.
- Taking responsibility in respect of work performance.
- Taking advice of relevant departments and organizations in respect to the functions and duties and cooperate with them.

32 Functions and Duties of the W/VTA as per Chapter VII

About 18 concerned with security, laws and orders:

Security, prevalence of law and order, community security and tranquillity; functions and duties relating to the disciplinary matters; informing and assisting relevant government departments; receiving and granting permission for overnight guests; arresting and informing to take action against the gambling;

About 14 concerned with development including health:

Assisting the works related to rural development; assisting prevention the contagious disease; compiling the register of birth/death; maintaining canal, embankments, rivers etc.; assisting natural disaster.

Ward or Village Tract Clerk (Chapter XIV):

Support staff from GAD: Calling and holding a meeting; performing as master of ceremony; compile meeting minutes; implementing the decisions of the meeting; collecting and compiling accounts and forms; submitting receipts and expenditures, maintaining finances; performing duties – all as assigned by the W/VTA.

²² Article (10), The Burma Village Act of 1907

6. The Ward and Village Tract Administration Law (2012): Qualifications and election procedures

The most significant provision of the 2012 law is the fact that the WA/VTA will now be elected. This brings about a measure of local representation that did not exist previously. However, the elections are indirect. According to the process set out in the law, 10 household leaders are to be elected through secret ballot by the heads of households in individual clusters of ten households. After this the 10 household leaders can nominate candidates from among themselves. Finally, the 10 household leaders elect the WA/VTA by secret ballot. The person with the highest number of votes wins and is subsequently appointed by the Township Administrator (TA) from the GAD. The whole process is overseen by a group of 5 elders (*ya mi ya pha*) who act as a supervisory board for each ward/village tract. The law doesn't stipulate any maximum for campaign spending and it is unclear who will carry the cost of organising the election. As there is no mention of what term the supervisory board serves, it is unclear if it will be dissolved immediately after the election or if they members will continue in the role as *ya mi ya pha* for the ward/village tract development support committee. Furthermore, there is some confusion as to if households must be officially registered to qualify.

Ward and Village Tract Administration Law (2012): WA/VTA qualification and election procedures

Qualifications of a WA/VTA as per Chapter III

1. A citizen born of parents who are citizens.
2. Attained the age of 25 years.
3. Sufficient resources for his livelihood.
4. Fair education.
5. Lived in the ward/village tract for consecutively 10 years and will continue during term (except for a local retired government official).
6. Respected by society and has dignity.
7. In good health and able to perform his/her duty.
8. Willing to perform his/her duty with enthusiasm to the benefit of the community and the Union.
9. Family members have good morality, are simple and honest.
10. Not a government servant still performing his/her duty.

WA/VTA election process as per Chapter IV

1. The Township Administrator (TA) select 5 elders (*ya mi ya pha*) as a supervisory board for each ward/village tract.
2. The supervisory board forms 10 household units.
3. Each head of household cast a secret vote to elect 10 household leaders (HHLs).
4. The supervisory board collects names of 10 HHLs who want to be candidates for the WA/VTA position.
5. Each 10 HHL casts one secret vote for their preferred WA/VTA candidate.
6. The supervisory board counts and announces the cast ballots.
7. The supervisory board submits the name of the person with the highest votes to the TA.
8. The TA appoints the WA/VTA after scrutinizing that the person with the highest votes fulfils the qualifications of a WA/VTA according to the law.
 - The term of the WA/VTA is the same as the President. Maximum 3 times.
 - If the WA/VTA is a member of a political party, he/she must not carry out party activities during his/her term.
 - The WA/VTA elections are under the responsible of GAD, Ministry of Home Affairs – not the Union Election Commission.

WA/VTA resignation, suspension and termination as per Chapter VIII

1. The WA/VTA can submit his/her resignation on his own volition or due to his health.
2. The TA can permit resignation, temporarily suspend or terminate the WA/VTA with approval from the District Administrator in case of WA/VTA:
 - submits his/her resignation.
 - breaches any ethic outlined in the WA/VTA law.
 - action taken against him/her under any law.
 - moves permanently from the area.
 - death.
 - does not fulfil the qualifications of a WA/VTA.
3. The vacant WA/VTA position shall be filled within 30 days as per the same procedure for election.
4. The term for the new WA/VTA is the same as the remaining of the former WA/VTA.
5. In case of suspension or vacancy, the TA shall assign temporary duty to the person with the second highest votes in the prior WA/VTA election until the vacancy is filled through election.

7. Gender issues

Women are significantly underrepresented in leadership positions and governance structures in Myanmar.^{23,24} A recent report by UNDP “Women and Local Leadership, Leadership Journeys of Myanmar’s Female Village Tract/Ward Administrators” illustrates the barriers and opportunities for women in WA/VTA positions.²⁵

Of the 16,785 WA/VTAs across the country after the first WA/VTA elections in late 2012/early 2013, only 42 are women - just 0.25 %. Kayin State has the highest representation with 2.39 % followed by Ayeyarwaddy Region with 0.36%.²⁶ In comparison, the percentage of women WA/VTAs is nearly twice as high in urban as in rural areas (0.41% vs. 0.21%). The average age of female WA/VTAs is 48 years. Based on interviews with female WA/VTAs, the report outlines several cultural, social and economic constraints limiting women’s access to taking on the role of WA/VTA, which include (real or perceived) limited skills and experiences, time constraints, stereotypes, socio-cultural and religious norms, and lack of confidence. A documentary film titled ‘Crossing the Barriers: Women local administrators in Myanmar’ accompanies the report portraying six of the female WA/VTAs and their reflections on how they manage their position.²⁷

During the workshop, a local representative from UNDP Myanmar introduced the report and the film after which it was screened. The film was received with keen interest by the participants, who actively engaged in the subsequent discussion facilitated by UNDP on how to raise awareness of gender issues and what role CSOs can play in this process. Participants expressed appreciation of gaining a better understanding about gender issues and shared experiences from their local areas, especially about how women are underestimated in society and how men dominate the public

²³ *Women’s Participation in the Subnational Governance of Myanmar*, MDRI-CESD and The Asia Foundation, 13 June 2014 - <http://asiafoundation.org/publications/pdf/1374>

²⁴ *Women & Leadership*, Oxfam, Care, Trocaire, ActionAid - <https://www.care.org.au/wp-content/uploads/2014/12/Myanmar-Women-and-Leadership-in-Myanmar-Report.pdf>

²⁵ *Women & Local Leadership: Leadership Journeys of Myanmar’s Female Village Tract/Ward Administrators*, UNDP Myanmar, November 2015

²⁶ Historically, areas of ethnic armed conflict tends to have a higher presence of female village leaders – a coping strategy to deal with a situation where male village leaders are often exposed to violence, arrest and forced labour.

²⁷ Available via YouTube on <https://www.youtube.com/watch?v=39rhbKoQ7m0>

spheres and leadership roles. They stressed that if women take up leadership roles such as WA/VTA and show a 'women can do' attitude, the misperception that 'only men are strong enough' and 'women cannot do' will be challenged.

8. Experiences from 2012/2013 WA/VTA elections

The General Administration Department (GAD) under Ministry of Home Affairs administered the first round of WA/VTA elections following the enactment of the 2012 law. The elections took place in late 2012 and early 2013 across Myanmar and generally took many people by surprise. The authorities released limited information about the process and the results. No voter education was conducted except through the instructions released by the GAD to the *ya mi ya pha* supervisory boards and the existing WA/VTAs. The elections were implemented more uniformly in areas of strong government control versus areas of mixed control or with a strong presence of ethnic armed organizations. The media, political parties, local civil society organizations and international agencies largely overlooked and ignored the WA/VTA elections whereas the government dealt with the elections as a bureaucratic rather than a political exercise.

As no official or systematic informal election observation took place, the findings included here largely refer to research commissioned by Action Aid Myanmar based on in-depth research at a few rural locations in Myanmar.^{28, 29}

Overall, the regulations and procedures for the conduct of the elections were broadly followed but less so in remoter ethnic areas. Candidates undertook little election campaigning and political party involvement was very limited in most areas. There was no systematic vote buying such as gifts or money, but some candidates did pay transportation and food costs for those voting. The 10 household leaders casting the votes for the WA/VTA undertook little consultation as to whom to vote for among village community members who often did not know who the candidates were. The rationale for whom the 10 household leaders voted for was unclear but they referred to factors such as the candidate coming from their own village; perceived as trustworthy, capable and well-liked; having good social and economic standing; and personal relationships and influence.

As for the post-election process, some voting irregularities and local conflicts were reported such as bias in favour of a certain candidate on behalf 10 household leaders or the *ya mi ya pha* supervisory board and incorrect vote counting. This tended to take place in villages with existing opposing groups and on-going disputes. Citizens preferred reporting such election-related problems through written petitions to the GAD township level, which often dealt with them through repeated re-runs of the WA/VTA (s)election in the locality in question.

In response to being surveyed about what (s)election system a relatively large sample of local citizens acknowledged the introduction of indirect elections as set out in the 2012 law as an improvement over the previous system – but suggested it did not go far enough. When presented with different alternatives, they expressed a strong preference in favour of universal suffrage i.e. the casting of one vote by every resident over 18 years.

When asked to indicate whom the previous and current VTA represent, a large majority indicated that he/she represents the interests of most villagers - followed by that he/she represents the interests of him/herself, friends and family. Very few responded that the WA/VTA represents the interests of the township authorities (i.e. government).

The research also confirms that almost all VTAs (before and now) are men – but some women are 10 household leaders and in ethnic areas several women have previously taken up the position of

²⁸ Susanne Kempel, Action Aid Myanmar, Publication forthcoming

²⁹ The findings are supported by the references to the elections in a few media articles; UNDP Myanmar's Local Governance Mapping, The Qualitative Social and Economic Monitoring of Livelihoods in Myanmar (QSEM) by EMR and the World Bank for LIFT (http://www.lift-fund.org/publications/828/2016?title=QSEM&field_publication_type_tid=All); Action Committee for Democracy Development (ACDD)'s Report on Public Opinion on the Ward and Village Tract Administrative Laws (<http://www.scribd.com/doc/249394043/Report-on-Public-Opinion-on-Ward-Village-Administrative-Law-Burmese-ACDD>); '88 Generation Open and Peace Society's report on local elections.

100 household leader / village leader. It documents that in the field locations there has been no shift in socio-economic status of the VTAs elected in comparison to those they replaced - they are all classified by respondents as belonging to the upper middle/rich category. There have though been changes in educational background - with previous VTAs almost all being university graduates (due to a 2016 stipulation) and newly (in 2012/2013) elected ones having a more diverse background. Few had affiliations with a political party.

Unsurprisingly, marginalised groups particularly women and poor had very significant lower levels of knowledge about the WA/VTA role and election process than others.

9. International experiences of local elections: China

Unlike several South East Asian countries where village level leaders are appointed and their supervisors at the township/commune level are elected (effectively constituting “local governments”), communist China has taken a different approach from the mid-1980s: village heads elected but village head supervisors appointed (by the higher levels of the communist party). Many Western commentators have viewed China’s approach as constituting sowing “the seeds of democracy” and a “potential for the bottom-up democratization of China”. Started in 1986-87, some villages in the southern China experienced village elections every three years, and now all rural areas hold the elections every three years. While the elections have been about the selection of the village heads including other members of village development committees, this does not necessarily mean that politics have become more pluralistic. Rather, the elections have had a focus on economic development particularly issues around “self-financing, self-managing, self-developing, meeting their own needs from their own resources.”³⁰ With that in mind, village administrators do not rely on the government or the party for financing (e.g. of salaries, compensations or benefits) but focus on generating their own sources. During campaign periods, most slogans are about economics, not politics; “it’s the economy, stupid” is the slogan of virtually every village candidates.³¹ Elections are held for the positions of village development committee members, committee chair and secretarial posts. Both members of the communist party and non-party members have the rights to be elected for these positions. The village committee deals with dispute settlement, local hygiene, public health (birth control), social services, social welfare, and public safety. During the elections the candidates usually secure support from voters for village charters, village development plans and/or village pledges as an important next step for a village’s development.

In addition, some important characteristics of the elections are:

- Over 930,000 villages (nearly one million).
- Every three years.
- Select over four million committee members.
- Supervised by Ministry of Civil Affairs.
- Represent lives of approximately 800 million people.
- Every person aged 18 and above is eligible to vote.
- At least 50% voter turnout required being valid.
- Either communist party or individuals are OK.

During the workshop, several participants commented on the presentation that they are encouraged by the fact that everyone aged of 18 or above is eligible to vote in the Chinese village elections. This is different from Myanmar where only household head from each household is eligible to cast vote – followed by 10 household heads casting ballots for the VTA/WA administrator. International actors such as The Ford Foundation, The Asia Foundation, The International Republican Institute, the Carter Centre, UNDP and the EU also play a role in monitoring and studying the village electoral processes in China, while local CSOs also play a vital role for awareness raising and civic education.

³⁰ Allen C. Choate, *Local Governance in China: An Assessment of Villagers Committees*, Asia Foundation, 1997

³¹ Allen C. Choate, *Local Governance in China: An Assessment of Villagers Committees*, Asia Foundation, 1997

10. CSO engagement

At the workshop, participants were invited to explore what role Myanmar CSOs can play in the WA/VTA election process and how they can engage in this level of local governance in a meaningful and effective manner. Participants expressed strong interest in working on this issue and contributing to improving good local governance practices. Some key general points emerged based on group discussions about weaknesses and strengths of the 2012 WA/VTA law including the election procedures and suggestions for improvements:

- In order to amend the WA/VTA laws, CSOs should engage and consult one another to reach a shared stand point outlining ‘which parts should be amended and why’, which can be jointly presented to the incoming parliamentarians. Local CSOs also understand that without such coordination, it is not possible to shape the existing situation especially to amend the laws at the Union level.
- Local CSOs understand that newly elected WA/VTAs should be trained or educated for better governance especially governance related subjects and matters. Without CSOs’ involvement on this matter, the newly elected WA/VTAs may not be able to serve the public, and more importantly this raises a question of “How does he/she represents a ward or a village?”
- Local CSOs stressed the importance of approaching and educating 10 household heads - especially if time does not allow for the CSOs to do voter education among the general public - to select ‘better WA/VTAs’ by means of advocacy and awareness raising.
- One organization would like to distribute already produced IEC materials if any relevant CSOs request so for awareness-raising and educational purposes related to this election.
- Local CSOs would like to highlight the importance of gender balance during their awareness-raising activities.

11. Action planning

During the workshop and following on from discussions, participants were encouraged to identify two key actions they would take following on from the workshop – and note these down on post it notes which were placed on a large wall, and subsequently clustered into four themes:

1. Law amendment

Many CSO participants expressed that it is a very important task to amend the existing law. A considerable number were of the opinion that paying attention to this is “a must”. One of the clauses they wanted to amend is related to voter rights and the eligibility of those who may vote i.e. arguing that “everyone aged of 18 or above must have the rights to cast their votes on their own behalf”. In this regard, advocacy is very important, and CSOs wanted to take action to build up a network and consult one another soon to take action. In addition, they would like to hold a workshop(s) to discuss in details over “which clauses or provisions should be prioritized and how, and why.”

2. Awareness raising: media

CSOs stressed that media are very important and current coverage on these important elections is weak in general. They suggested holding workshops, where media should also be invited to cover key issues. They would also like to set up social media outlets where all interested CSOs can

share information and also can get some information, which is not available in their native areas. This could possible also be a platform for media to become better informed.³²

3. Election observation

Some CSO expressed an interest in carrying out election observation. In this case, since very wide coverage (across the nation) is required, it is important to establish and maintain a good network among them. They hoped that the workshop could be a stepping-stone for actions for such coordination. They would like to provide brief trainings/talks/experience sharing or related activities about the elections at the local level to relevant stakeholders including the incoming government and authorities. They would like to figure out a way as to how media should get more involved in this watch.

4. Awareness raising: local level

Some CSOs are very interested in producing and providing pamphlets, stickers, posters etc. that facilitate awareness and perhaps education for better selection of village heads across the country. They expressed that they would discuss this immediate issue with their senior officers immediately after the workshop. They think it is very important to share much information with the public, if possible, via 'door-to-door' visits, making sure that the communities understand what impacts the elections may have, depending on their preferred selections of better village heads. Some will start this action upon their return from the workshop. During this awareness-raising activity, it is also crucial to educate the village communities about the WA/VTA laws that include duties and responsibilities of residents and WA/VTAs. In addition, gender issue need to be raised also.

Towards the end of the workshop, participants who had expressed an interest in engaging on similar type issues, met in small groups to discuss how they can best move forward and also strengthen networking.

12. Feedback from participants on workshop

Feedback sheets were provided to all participants for them to fill in at the end of the workshop with the key trends summarized below.

All participants seemed to be very satisfied with the workshop. Almost all participants expressed that the overall workshop was good enough (having ticked "good" in the survey tick box, with a choice of "very good, good, OK and lower than expected.") They found the information and context on WA/VTA law and related information, election procedures, history background, discussion on ways to improve laws and process, and the roles of CSOs and finally gender issues very interesting or very useful. A main reason they gave for this was that they can practically use such information and data in their works for various electoral processes that they are/ will be involved with. In addition, they marked general knowledge gained from the discussions as very useful for them – and that they learned about networking among CSOs and discussion on how CSOs can play a role in a practical manner. Therefore, overall the participants expressed that this workshop 'meet their expectations'.

The participants made some suggestions as to how to improve the workshop and ideas for next steps. First, they would like to see such kind of workshop earlier so that they would have more time to prepare for real activities in practice. Second, they would like to have more time during the workshop to make a concrete action plan and for the workshop itself to have been longer i.e. for example lasting one more day. Third, they would like to have media participants attend the workshop so that information can be easily disseminated. Finally, if any updated information arises in future for this matter, they would like to receive this.

³² After the workshop, this Facebook group was established: <https://www.facebook.com/groups/165490260489294/>

13. Conclusion and recommendations

The government bureaucracy and particularly the local administration are of key importance to improved service delivery, democratization and the everyday lives of citizens. Nevertheless, the issue of local elections has been almost completely overlooked by Myanmar media, politicians, civil society and international organizations. However, the issue of ward and village tract administrators (WA/VTA), their role, the law regulating their responsibilities and particularly the election to the position of WA/VTA is attracting increasing interest from Myanmar civil society organizations.

The recent workshop held on these issues demonstrated that support is growing among CSOs to contribute to improving the law, enhancing the performance of the WA/VTA and strengthening citizen involvement in the WA/VTA election process

Challenges remain, particularly given the very short notice the authorities gave for the holding of the elections, the confusion as to if they have been suspended or not and the lack of voter education and neutral IEC material. That said, the issue of *who* governs at the local level in Myanmar and *how* citizens are governed remains. Important initiatives can be taken to support the process in cooperation with and/or to compliment government efforts.

In advance or during WA/VTA elections:

- Design and distribute voter education material, which should also explain the 2012 Ward and Village Tract Administration Law in simple terms.
- Conduct voter education workshops including ToT trainings.
- Devise a media strategy and supporting a media awareness campaign and training of media staff.
- Develop a framework for voter observation and deploying election observers.

In general:

- Identify strengths and weaknesses of the current law and procedures as well as take account of international good practice - and hold a workshop discussing potential amendments to the 2012 Ward and Village Tract Administration Law. The findings could be submitted to the political parties, the parliament and the government at different levels.
- Conduct election research on the 2016 WA/VTA elections: how inclusive, transparent and credible were they i.e. to what extent were the procedures followed; did different groups have equal access and representation; how were complaints and conflicts dealt with; what role did political parties or other interest groups play; what preferences do citizens have for election system? etc.
- Develop a training program for WA/VTAs for bottom-up participatory development planning; leadership, representation and management; and other relevant topics in cooperation with relevant government authorities.

Workshop programme 18 Jan: Ward and Village Tract Administrator Elections

Purpose of workshop

Participants have information and awareness about the ward and village tract administrator (WA/TVA) elections including the importance of the role, the law and the election procedures – and discuss what CSOs can do to engage in the process.

Brief background

The General Administration Department (GAD) has announced that elections to the position of ward and village tract administrators (WA/VTAs) will take place during January 2016. These elections are important as the WA/VTAs are the main link between communities and the state - and they increasingly play a key role in local development. These local elections are also important as they form part of Myanmar's transition to democracy, are one of the ways in which ordinary citizens can exercise their democratic rights - and crucial to the development of local democracy, active citizenship and good local governance.

Participants: CSO partners of NPA and other invited CSOs.
Time: 18 January 2016, 09.00-16.30
Location: Royal Rose Restaurant, Swegondine Rd, Bahan Township, Yangon.
Language: Myanmar and English

Ses sion	Time	Topic
	08.45 - 09.00	Arrival and sign in
1.	09.00 - 09.30*	Welcome
2.	09.30 - 10.15	Role of WA/VTAs in Myanmar – past and current
	10.15 - 10.30	Tea and coffee break
3.	10.30 - 11.15	The WA/VTAs law (2012)
	11.15 - 11.30	Female WA/VTAs in Myanmar: Introduction to documentary film - <i>by UNDP</i>
	11.30 - 12.30	Lunch break 11.45: Documentary film screening: "Crossing the Barriers: Women local administrators in Myanmar" by UNDP
	12.30 - 12.45	Female WA/VTAs in Myanmar: Questions about documentary film - <i>by UNDP</i>
4.	12.45 - 13.45	The WA/VTAs election procedures
5.	13.45 - 14.15	What role can CSOs play in the process (1)?
	14.15 - 14.30	Tea and coffee break
6.	14.30 - 16.00	What role can CSOs play in the process (2)?
7.	16.00 - 16.30	Wrap up