Arakan State Election Monitoring & Observation Consortium (AEMOC)

"Pre-Election Monitoring Study in Rakhine State"

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Key Findings

On November 8, 2020, The Republic of the Union of Myanmar will hold the third general elections since its democratic transition that started in 2010 with the promulgation of the 2008 constitution. Although the 2015 general elections were hailed as the most credible in the nation's history, the upcoming November 8 elections are overwhelmed by doubts. This study explores the pre-electoral situations of the upcoming 2020 general elections in Rakhine state, which is currently amid the crisis of armed conflicts between Tatmadaw and the AA (Arakan Army) and a COVID-19 pandemic.

Challenges of Rakhine State election sub-commission: Rakhine State election sub-commission carried out voter registration and displayed the voter lists in most of the areas but it appears the Covid-19 restrictions, imposed by the Ministry of Health and Sport, exposed them to challenges and shortcomings:

➢ Tight timeframe required the election commissioners to risk going against the MOHS-imposed health and safety guidelines by not staying in quarantine centres because the tasks must be executed in sequence, each with a deadline.

➢ Another task challenging the commissioners is training the ward/village track level sub-commissioners within the limited period.

Limitations in voter list displays: Commission could not display voter lists in 46 villages in Buthidaung, Rathaedaung, Kyauktaw and Ann townships because some of villages were vacated as the villages fled the conflicts and some village administrators resigned.

Limitations electoral knowledge and voter education programs: The voters reported to have low level of electoral knowledge and very limited access to voter education programs. Voter apathy in the elections is considered to be prevalent across the 12 townships covered by the study, especially among the IDPs (Internally Displaced Persons) confined to camps in some townships.

Harassment and intimidation of parliamentary candidates and campaign teams: Competition among contestants and each other's supporters seems to be very high. In some cases, campaign team members were verbally attacked by those, who are seemingly supporters of another party or candidate. According to the commissioners, the political parties have made no complaint against the other parties or candidates while the data collection was taking place.

Impact of Covid-19 and internet shutdown on campaigning: Campaigning is hindered by the Covid-19 related travel restrictions and internet shutdown imposed by the government.

➢ Campaign rallies cannot be organized because of restrictions over mass gathering and social distancing policy. Political parties and candidates across the country resort to campaigning on social media, especially Facebook, but candidates in Rakhine are disadvantaged by the internet shutdown.

- Common campaign methods used by candidates are limited to distributing pamphlets, stickers and T-shirts, erecting campaign banners on the road side, small gathering in some cases.
- Internet shutdown impedes the level playing field between nationwide political parties and Rakhine based political parties. While the nation-wide political parties can use opportunities to convey their campaign messages through social media to the Rakhine voters in townships where the internet is accessible, the Rakhine based political parties, especially the ethnic minority parties especially in northern part of Rakhine State are disadvantaged in that aspect because of the shutdown.

Voters' limited access to electoral information: Covid-19 related restrictions, coupled with internet shutdown, also limit the voters' access to electoral information as well as their ability to make informed choices.

- Few voters interviewed have received voter education programs. Social distancing and stay-at-home restrictions constrain CSOs' voter education efforts unlike in 2015 elections.
- Limited access to electoral information because the internet shutdown restricts voters' access to information such as political parties' policy and campaign manifestos.

Disenfranchisement: The disenfranchised voters can be categorized into three groups, each caused by three different factors – first, the discriminatory citizenship law; second, the cancellation of constituencies; and displacement pushed by armed conflicts.

- Muslims in Rakhine, most of whom self-identified as "Rohingya", are disenfranchised from the electoral process on the grounds that their parents and grandparents were not citizen in their birth though they were allowed to vote in 2010 elections.
- The other disenfranchised voters are those who live in the constituencies cancelled by the UEC (Union Election Commission) on October 16, 2020. More than 1.1 million eligible voters in Rakhine state will lose their opportunity to participate in the election.
- Mass disenfranchisement of eligible voters in the constituencies cancelled by the UEC is detrimental to the level playing field between the parties and the credibility of the poll results because the constituencies that remain unaffected by the cancellation are where the incumbent party has the strongest voter support in Rakhine.
- Many IDPs – both inside and outside the camps – would be disenfranchised. Although the timeframe to transfer the right to vote from the permanent to a temporary residence was reduced with the passing of by-laws, where and how the IDPs can vote is still unambiguous. As a result, many voters in IDP camps will not be able to exercise their voting rights.

Lack of transparency in UEC's decisions: UEC rejection of some applicants for candidacy raised questions over the fairness and transparency of the UEC. Reportedly, UEC did not give sound reasons for two rejected candidates:

- ➢ Application of a current MP was rejected on the grounds that a member of the representative's family has joined an armed organization blacklisted by the government although there was no evidence that the two are in contact with each other.
- ➢ The UEC did not respond to the appeals made by another candidate whose application was later revoked on the grounds that his parents are not citizens of Myanmar when he was born although his father is in the police force of Myanmar, expect the reply that the decision was final.

Restrictions over the election observation: The UEC's restrictions over some nationwide election observers' networks can diminish the credibility of the elections it managing. The UEC's selective approach in granting permission to some election monitoring groups may compromise the legitimacy and fairness of the upcoming general election.

Limited media outreach: Media plays a critical role in monitoring democratic elections. The internet restrictions in Rakhine State obstruct media coverage of elections-related news, crippling the voters' rights to be informed. Access to information for the voters in Rakhine state will remain in limbo until the inter restrictions is lifted.

Arakan State Election Monitoring & Observation Consortium (AEMOC)

1. Background and Introduction

On November 8, 2020, The Republic of the Union of Myanmar will hold the third general elections since its democratic transition, that started in 2010 with the promulgation of the 2008 constitution.[1] The 2008 constitution establishes a bicameral legislative body, the Pyidaungsu Hluttaw, and 14 State and Regional Hluttaws (State and Region Assemblies). 25 per cent of each Hluttaw was comprised of non-elected military members directly appointed by the Commander in Chief. According to the constitution, there are a total of 224 seats in Amyotha Hluttaw (The Upper House) and 12 representatives from each state and region will be contesting for 168 constituencies. Similarly, there are a total of 440 seats in the Pyithu Hluttaw (The Lower House), out of which 330 constituencies, which is based on township boundary, will be contested.[2] There are 644 seats across Myanmar's 14 states and regional Hluttaws, and similar to Amyotha Hluttaw and Phyitthu Hluttaw. Plus, there are 29 positions of nationality affairs ministers in the respective State and Regional Hluttaws[3].

The general elections held in 2010 was widely condemned as a sham because of vote-rigging by the fraudulent use of advance ballots and non-transparent consolidation of results. The governmental-proxy party, Union Solidarity and Development Party (USDP), won the majority of seats countrywide.[4] In Rakhine State, Rakhine Nationalities Development Party (RNDP) won 19 seats in Rakhine State Assembly and16 seats in Pyihtaungsu Hluttaw.[5] A significant feature of the 2010 elections in Rakhine State is that the so-called "white card [6]holders", most of whom self-identified as Rohingya in Rakhine State, to vote in the 2010 elections that year. Many critics accused the USDP of playing political game to increase chances of winning Muslims' votes in townships such as Buthidaung and Maungdaw, who tend to view Arakanese parties antagonistically. In March 2015, the country's Constitutional Tribunal passed a ruling that white card holder suffrage unconstitutional.[7]

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[1] Callahan, M. and Oo, M., Z. (2019), "Myanmar's 2020 Elections and Conflict Dynamics", Peaceworks, United States Institute of Peace.

[2] The Constitution of the Republic of the Union of Myanmar (2008): 109 (a) and (b)

[3] The Hluttaw Election Bylaws: Article 3(a)

[4] Michael Lidauer, 'Democratic Dawn? Civil Society and Elections in Myanmar 2010–2012', *Journal of Current Southeast Asian Affairs* 31, no. 2 (2012): 87–114.

[5] KUDO Toshihiro, 'Myanmar Results of the 2010 Elections in Myanmar: An Analysis' (Institute of Developing Economies - Japan External Trade Organization, January 2011), http://www.ide.go.jp/library/English/Research/Region/Asia/pdf/20110107.pdf.

[6] A temporary identity card.

[7] Lawi Weng, 'Winners and Losers of the White Card's Demise in Myanmar', News, www.Irrawaddy.com, 9 March 2015, https://www.irrawaddy.com/news/burma/winners-and-losers-of-the-white-cards-demise.html.

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In 2015 general elections, the National League for Democracy (NLD) won a landslide victory, allowing the party to form government and have virtually full control over State Assemblies in Kachin, Kayah, Kayin, Mon and Chin States except in Shan State and Rakhine State.[8] In Rakhine State, ethnic Rakhine party Arakan National Party (ANP)[9] won the majority of the seats in Rakhine state and the ruling party NLD occupied only one seat for Amyotha Hluttaw, four seats for Pyithu Hluttaw and nine seats in the Rakhine state assembly.[10] It is argued that among the factors that led to the ANP's victory were the almost complete disenfranchisement of Muslims, the subsequent identity politics of the 2012 communal violence, and perceptions, promoted by Buddhist nationalists, of the NLD as being more sympathetic to Muslims and the Rohingya despite the fact that the NLD did not field Muslim candidates.[11]

The upcoming November elections are considered to be a significant milestone in the country's democratic transition. Yet, many concerns have been reported. The UEC has been working on voter list registration in its preparations ahead of the polls. UEC's preliminary voter lists released and displayed publicly in various cities on July 25 have been criticised to be riddled with errors and inaccuracies.[12] According to township election sub-commission in Paletwa in Chin Sate, voter lists were displayed in only 50 out of 120 wards and village-tracts due to armed conflict between the Myanmar military and the AA.[13]

This report will serve as an election monitoring study for the pre-electoral situations of the upcoming 2020 general elections in Rakhine state, which is currently amid the crisis of armed conflicts between the AA (Arakan Army) and the Tatmadaw, a COVID-19 pandemic and social diversity and inharmony.

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[8] The Transnational Institute (TNI), 'The 2015 General Election in Myanmar: What Now for Ethnic Politics?' (transnationalinstitute, December 2015), https://www.tni.org/files/publication-downloads/bpb17_web_def.pdf.

[9] In January 2014, Rakhine Nationalities Development Party (RNDP) merged with Arakan League for Democracy (ALD) to form Arakan National Party (ANP). In July 2017, ALD left ANP and re-registered as ALD again. *See* https://www.mmtimes.com/national-news/yangon/26955-wracked-by-conflicts-arakan-national-party-splits-again.html

[10] The Irrawaddy (2020); "Myanmar's Ruling Party to Contest All Seats in Conflict-Torn Rakhine State in November Election"; Available at: https://www.irrawaddy.com/elections/myanmars-ruling-party-contest-seats-conflict-torn-rakhine-state-november-election.html

[11] The Transnational Institute (TNI), 'The 2015 General Election in Myanmar: What Now for Ethnic Politics?'

[12] San Yamin Aiung, 'Myanmar Election Officials Scramble to Correct Error-Riddled Voter Lists', News, www.Irrawaddy.com, 6 August 2020, https://www.irrawaddy.com/elections/myanmar-election-officials-scramble-correct-error-riddled-voter-lists.html.

[13] LEI LEI, 'Fighting in Western Myanmar Disrupts Voter List Posting Ahead of Election', News, www.Irrawaddy.com, 4 August 2020, https://www.irrawaddy.com/news/burma/fighting-western-myanmar-disrupts-voter-list-posting-ahead-election.html.

1.1. Political Party Landscape in Rakhine State

There are 11 Rakhine based political parties of which four represents the whole Rakhine state and seven represents the ethnic minority groups such as Mro, Khami, Daingnet, etc, living in Rakhine state. Rakhine political parties have always performed strongly and occupied the majority of the seats in state parliament since the 1990 elections in which Arakan League for Democracy (ALD)[14] won 11 seats and making it the third-largest party in Myanmar; in 2010 general elections, RNDP won the 18 seats in State Hluttaw and 16 seats in the Pyidaungsu Hluttaw[15]; and in 2015 general elections, the ANP won 23 out of 35 elected positions in state Hluttaw and 22 seats in Pyidaungsu Hluttaw. In 2015, the most dominant and ruling party of Myanmar – National League for Democracy – won only 9 seats in Rakhine state, followed by USDP that is the former ruling party 2010-2016.[16]

There are 17 elected seats for Pyithu Hluttaw, 12 elected seats for Amyotha Hluttaw and 35 elected seats for state assembly including Chin Ethnic Affairs minister according to 2008 constitution.[17] The upcoming general elections in Rakhine State had been expected to be competitive among the Rakhine-based political parties themselves – ANP, ALD that left ANP in 2017 to re-register with the UEC, and (Arakan Front Party) AFP founded in January 2018 by the imprisoned politician Dr. Aye Maung, the former ANP leader. The Rakhine based parties have to contest against the nationwide major parties including NLD and USDP. The major rival nationwide political party USDP stated that they would contest every constituency in Rakhine state[18]. It was also reported that the current ruling party NLD would contest in all of the constituencies in Rakhine state too although it had not announced candidates for constituencies in central Rakhine. Among the candidates, 33 women candidates out of 379 candidates including Chin nationality affairs minister from both nationwide parties and Rakhine ethnic parties would contest election for parliamentary seats in Rakhine state in the upcoming general election.[19]

Despite the potentially heightened competition in the upcoming 2020 general elections in Rakhine state, the political parties and the election candidates have been concerned about the spread of COVID-19 in Rakhine state, especially in capital city of Rakhine state, started in the past few months just before the election campaign days because restrictions to combat the

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[14] ALD boycotted the 2010 election along with the NLD and SNLD and other 1990 election winners.

[15] Frontier Myanmar (2019); "Uncertainly looms in Rakhine State over 2020 election"; available at: https://www.frontiermyanmar.net/en/uncertainty-looms-in-rakhine-state-over-2020-election/

[16] Ibid.,

[17] The Irrawaddy (2020); "Myanmar's Ruling Party to Contest All Seats in Conflict-Torn Rakhine State in November Election", Available at: https://www.irrawaddy.com/elections/myanmars-ruling-party-contest-seats-conflict-torn-rakhine-state-november-election.html

[18] DMG (2020); "USDP to contest all Arakan State constituencies in 2020 election"; Available at: https://www.dmediag.com/news/1834-usdp-n-election

[19] DMG (2020); "20 women from Arakan State register to contest upcoming election"; Available at: https://www.dmediag.com/news/1837-wmn-mp-20

spread of COVID-19 would hamper their political campaign activities. They have also concerned if the November general elections would be held under the restrictions of COVID-19 in the same way as the national referendum of the constitution in 2008 when the Cyclone Nargis struck and killed almost 140,000 people[20]. During that time, many people could not vote the referendum because of the cyclone but the military government urgently declared that the constitution was approved with the majority of the votes during the crisis. Similarly, political parties expressed concerns over the creditability of the upcoming November general election which is to be held under the several restrictions of COVID-19 in Rakhine state, where very limited internet access is provided, armed-conflicts escalated and difficult transportation. On October 14, three NLD candidates defending their seats in respective Hluttaws were detained by the Arakan Army and offers the government a prisoner swap with anti-war activists, imprisoned for protesting against the military's attacks in Rakhine state.[21] Thus, it should be questioned over whether the election would be free and fair if it is held under the several restrictions.

1.2. International standards on free and fair elections

Elections are essential component in democracy because every adult individual acquires suffrage in competitive periodic elections to decide their own political leaders and/or the government. Free, fair and credible elections must guarantee the citizens' representations in political decision making at the national and local level without any fear and hindrance. This ensures government's accountability and political competitions. However, rules and regulations must be enforced in a natural way to hold free, fair and credible elections and also, there must be non-arbitrary resolution mechanism for disputes[22]. There are many internationally recognized standard criteria setting to measure whether an election is free and fair.

Some universal standards and principles have been set for periodic free, fair and credible elections, recognized and endorsed by states in universal and regional human rights instruments. According to Diamond (2002), free and fair elections have major four components: 1) the participation and competition of independent political parties in election process freely and fairly; 2) the participation of adult citizens in political and electoral process freely and fairly based on their own choice; 3) having free and fair electoral process in which

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[20] https://www.lowyinstitute.org/the-interpreter/myanmar-election-fractured-process
[21] 'Arakan Army Admits to Detaining NLD Candidates and Offers Government a Prisoner Swap | Myanmar NOW', www.myanmar-now.org, 20 October 2020, https://myanmar-now.org/en/news/arakan-army-admits-to-detaining-nld-candidates-and-offers-government-a-prisoner-swap.
[22] Ed. Michael D.B., (2005), "Revisiting Free and Fair Elections – *An International Round Table on Election Standards"*, Inter-Parliamentary Union

every adult franchise can practice their voting rights equally; and 4) counting votes accurately and credible election results[23].

The Inter-Parliamentary Union declaration on the criteria for Free and fair election suggest that the state authorities or governments are driven by the will of people through the periodic genuine, free and fair elections grounded on universal, equal and secret suffrage[24]. To ensure the free and fair election, the electoral system or process must guarantee the voting and election rights, the rights of candidates, political parties and responsibilities. The criteria regarding the voting and election rights include the rights to vote in election on non-discriminatory basis, the right to access to impartial and non-discriminatory voter registration procedure, the rights to appeal to a jurisdiction for any denials of the rights to vote, the rights to access to polling station to cast vote and the rights to vote in secret ballots[25].

Regarding the candidature and party and campaign rights, everyone (every eligible adult) has the rights to become a candidate for election, the rights to join to political party, the rights to express their political opinion freely and equally, rights to seek or receive information to make an informed choice, the rights to conduct campaign activities freely and equally with other political parties, the rights to have equal access to media, the rights to ensuring candidates' personal security, and the rights to access to legal protection and jurisdiction to appeal for disputes in non-discriminatory basis[26]. Given that candidates and political parties are responsible to respect the rights and freedom of others and accept outcomes and results of a free and fair election. To safeguard these rights and responsibilities, the states must ensure that everyone enjoys their rights and responsibilities freely and fairly with respect to human rights principles[27].

According to the Human Rights Watch, the international standards to measure free and fair election include rights to free speech, freedom of expression, rights to association and assembly, the rights to vote, the rights to a secret ballot, and so on without imposing any threat, violence and intimidation[28]. To implement this, there must be an independent, impartial and creditable election commission that implement an effective and impartial electoral process and administration in an accountable manner. However, the electoral process and administration in Rakhine state and Myanmar as a whole have been challenged by the structural and legal problems involving the lack of an independent election commission, 25% of military MPs

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[23] Diamond. L, (2002), "A Free and Fair? The Administrative and Conduct of the 1983 Nigerian Elections", Nigerian Government and Politics, Wusen Publishers, Calabar

[24] Inter-Parliamentary Union (1994), "Declaration on Criteria of Free and Fair Elections", Available at: https://www.ipu.org/our-impact/strong-parliaments/setting-standards/declaration-criteria-free-and-fair-elections

[25] Ibid.;

[26] Ibid.,

[27] Ibid.;

[28] Human Rights Watch (2015): "Burma: Election Fundamentally Flawed"; available at: https://www.hrw.org/news/2015/11/04/burma-election-fundamentally-flawed

appointed by the Commander in chief, discriminatory voter registration law, mass disenfranchisement of voters.

1.3. Electoral System in Myanmar

Under the auspices of the 2008 constitution, developed by the former military regime, The Republic of the Union of Myanmar held its first general election in 2010. The legal framework for election was developed in 2010 under the undemocratic 2008 constitution to hold the first general election. According to the 2008 constitution[29] and the section (3) and (6) of the Union Election Commission (UEC) Law[30], the commission is formed by the president of the state and the chairperson and commissioners of the UEC are presidentially appointed and the term of the commission is same as the term of the president. Being appointed by the president, the incumbent party will have advantage over other parties. As the mandate of UEC (Union Election Commission) that includes executive, legislative and judicial power is defined in the 2008 constitution, election commission holds an exclusive power or control over the electoral processes[31].

The Rakhine State election commission is one of 15 state/region sub-commissions including the Naypyitaw Union Territory. There are five district sub-commissions and 17 township sub-commissions. There are ward/village tract sub-commissions, which are staffed by the village tract administrators from the General Administrative Department.

First-past-the-post and single-member electoral and voting system is practiced in Myanmar since 2010 general election. The Union Election Law prescribes the criteria for eligible voters who must be at least eighteen years old on election day and for ineligible voters who are members of religious (excluding Islam religious leaders), imprisoned for sentences, mentally disable persons and declared as the insolvent. Regarding the criteria for candidates, it is required by the constitutional and electoral law that candidates must have lived in the country for at least 10 consecutive years and their parents must be the citizens of the country since their birth[32]. Being appointed by the president the impartiality of UEC is questionable and this is a determining factor on whether the electoral system in Myanmar is democratic and/or guarantee the genuine, free, fair and credible elections.

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[29] The Constitution (2008), "The Republic of the Union of Myanmar"
[30] The Union Election Commission Law (2012), The Republic of The Union of Myanmar
[31] Ibid.,
[32] Callahan. M., and Oo. M. Z., (2019), "Myanmar's 2020 Elections and Conflict Dynamics", United States Institute of Peace

2. Objective and scope of the Study

Although the 2015 general elections were hailed as the most credible in the nation's history, the upcoming November 8 elections are overwhelmed by doubts. This study is not to confirm the existing assumptions but to explore the context, in which the general elections is going to take place. The overall objective of the study aims to foster collaboration in strengthening the integrity and credibility of Arakan State's electoral processes. The specific objective is to issue a report on the election-monitoring mission to the international community, local political parties, civil society, and local government. A mission that is viewed domestically as free and fair and credible will be taken as a measure of the success of the mission.

The study will cover 10 of the 17 townships of Rakhine state – Sittwe, Pauk Taw, Ponnagyun, Kyauk Phyu, Ramree, Man Aung, Taungup, Ann, Thandwe and Gwa Townships. The study looks at the electoral processes including electoral administration, voter education and registration, political parties' campaigning, the roles of media, Internally Displaced Persons (IDPs), domestic and international observer groups, the security situations, polling stations, election candidates and governmental officials in the mentioned townships of Rakhine State.

1. Methodology

This study used a qualitative research method. A review of existing literature was conducted to conceptualize what constitutes credible elections and contextualize the electoral process and situations in Rakhine.

1.1. Sampling

The primary data collection was conducted in **12** townships of Rakhine State: Sittwe, Pauktaw, Rathaedaung, Ponnakyun, Buthidaung, Kyauk Phyu, Ramree, Man Aung, Taunggup, Ann, Thandwe and Gwa townships. Before the data collection was carried out, criteria were set to choose the study participants that covered candidates contesting for different parliaments, different political parties, different locations, security sensitivity of the location, decision making level and level of administration for sub-election commissions, types of electoral activities of CSOs including election monitoring and observation organizations, status of citizenship for non-accredited candidates, media organization and community members – gender, different religions, different ethnicities and the first-time voters.

A total number of 36 interviews were conducted – 8 FGDs (Focus Group Discussions) and 28 KIIs (Key Informant Interviews) – were administered. Among them, KIIs with 6 political parties including Mro and Kha Me, 8 candidates including independent candidates, 4 CSOs, 2 non-accredited candidates, 5 sub-election commissioners and 3 media organizations were conducted and 8 FGDs were conducted with Muslim communities, first-time voters, women

voters, Chin communities and IDPs (Internally Displaced Persons) in Rakhine state. A total number of 52 people were interviewed for the study (*see Annex 1*).

1.2. Research process

The research team developed a Consent Form to be agreed by the study participants before the interviews. Based on the findings of the context analysis, the research team developed semi-structured question guides for KIIs (Key Informant Interviews) for candidates and MPs (Members of Parliaments) (*see Annex 2*), Political Parties (*see Annex 3*), Election Commissions and the local government (*see Annex 4*), CSOs (Civil Society Organizations) (*see Annex 5*), media and press (*see Annex 6*) and FGDs (Focus Group Discussions) for non-accredited candidates (*see Annex 7*), ethnicity minority community members (*see Annex 8*), women organizations (*see Annex 9*) and the first-time voters (*see Annex 10*). The question guides also ensured that cross-cutting issues such as IDPs (Internally Displaced Persons), gender, first-time voters, disability and elderly are taken into consideration.

The data collection was conducted by the field team from AMEOC who have access to the selected townships and the stakeholders. The Bridge research team provided an orientation for the field data collection team on the questionnaire guides, consent form and ethics through the online platform. Field data collection teams transcribed their interviews into Rakhine or Burmese. The Bridge research team then translated these transcripts into English.

The analysis began as soon as the data collection, transcriptions, and translations were finished. In this study, the data collected were managed thematically by utilizing a data management software, Atlas.ti, where the data were stored safely and accessed only by the research team. Data were coded using themes and sub-themes and decoded, and then a code network was developed in the software. Then, the data were analysed and interpreted by categories, themes, and sub-themes such as challenges or issues that political parties, candidates, election commissions, IDPs and community members are experiencing during the political campaign period and the impacts of armed conflicts and COVID-19 on election.

1.3. Limitation of study

The Bridge research team could not travel to the Rakhine state to provide data-collection training in person and to oversee the data collection process a in the field because of Covid-19 related travel restrictions. The team therefore could not conduct on-site observations in the field. However, the Bridge research team, as staed above, provided data collection training through the online Zoom application for the AEMOC's data collection team, as oriented; and the team, as oriented, could conduct on-site observations making the study more credible.

The AEMOC field data collection process was delayed due to several challenges encountered in the field. In-depth interview with a nationwide and local political parties' representatives and candidates in some townships were not be able to conducted due to the fact that some were not ready for the interview and some were not authorized to be interviewed by their respective parties. Despite these challenges, the field data collection team was able to collect data in 12 townships though only 10 townships were initially targeted in the beginning.

It was also noted and observed that some study participants were not very open or hesitated to speak out openly during the interviews and discussions because of their official positions at government body. In some interviews with ethnic communities, it was found that local community members could not present the information that they wanted to deliver because of the language barriers.

As the study entailed interviewing and conversing with people, ethical considerations were made a priority. Consent forms (*see Annex 2*) were developed and written consent from the study participants was attained upon clear explanation of the study. During data collection, the research team followed due diligence policy, health, safety, security and environment (HSSE) policy, and Code of Conduct of The Bridge Research and Consultancy and the COVID-19 prevention guidelines of the MOHS (Ministry of Health and Sports).

2. Findings

This monitoring report is based on the data on the development of elections between September 8 and October 19. In light of COVID-19 of pandemic and ongoing armed conflicts, there have been many changes during the campaign period, the election commission announcement released on October 16 that cancelled elections in nine out of 17 townships in Rakhine State, and in parts of four other townships. The findings of this assessment of pre-election period suggest that there are obstacles, that can jeopardize the integrity of the upcoming November elections, including covid-19 pandemic restrictions over free campaigning, lack of mechanisms that ensure voting rights of conflict fleeing IDPs, disenfranchisement of Muslim communities in northern Rakhine State and, incompetency of the election commission. The development of election process so far indicates there is little possibility for the elections in Rakhine state to be genuine, free, fair and credible elections.

2.1. Campaign Period

The campaign period commenced from September 8 to November 6. Rakhine State election sub-commissions have carried out the electoral activities, that encompass voter list registration and display, issuing instructions for the political parties and candidates to conduct campaigning

in accordance with the Ministry of Health and Sport (MOHS)'s guidelines and preparations for the elections day. Voter lists were displayed across the country from July 25 July to 7 August for the first time and for the second time, displayed from October 1 to 14. In doing so, the electoral commissioners face challenges including tight timeframe, the constraints of Covid-19 restrictions and armed conflicts on their ability and, disinterest among voters and lack of voter education programs.

4.1.2. Voter Registration and Voter List Display

Officials from district election commission contend that plans are in place to ensure the preparations are undertaken before the election day. An official from Thandwe district election sub-commissioner noted, "*We are some concerns as Taunggut township is a little bit related to northern part of Rakhine state. However, we have been carrying, verifying and distributing ballots. We also have plan regarding the cooperation among stakeholders such as district police force.*" Officials from district commissions also assured that the disable and elderly will also enjoy their rights to vote. An official described their efforts, *"We have already planned for elderly people and disable persons. Since voter lists were collected in different townships, we took information of the disable and elderly. We are also planning to place some necessary materials or tools for them to be able to cast vote at the related polling stations. Though they cannot come to polling station, we have already arranged for them to be able to cast vote [on silent day]."*

In addition, the state commission's officer believe that challenges may arise in voter list registration and delivering voter education programs amid the covid-19 related restrictions. According to Rakhine State election sub-commissioner, voter list was displayed in all 17 townships between July 25 and August 17 but voter list could not be displayed in 46 villages in Buthidaung, Rathaedaung, Kyauktaw and Ann townships because of prevailing security issues. Some of villages were vacated as the villages fled the conflicts and the village administrators resigned. Commissions encourage the voters to check their details by shouting on loud speakers in villages, and submit form 3, which is a form correcting details and form 4 for the new, unlisted voters. This measure resulted in enlisting 4000 new voters in Sittwe.

Also, little doubt was reported regarding the influence of armed conflicts on the elections. All the election commissioners interviewed are in agreement that fairness would not prevail in the results of the elections held amid the armed conflicts. The commissioner also acknowledges the impact on internet shutdown on the elections. He unfolded, *"This also has impacts on election. We also have our own website. We release all the information in timely manner. Right now, you don't even know some information. It is because of the internet shutdown and restrictions. People from Yangon will know immediately as soon as the information is released but here, we cannot know about that. That's why, this can cause inequality and challenges."*

Another challenge is voters' disinterest in the elections. A commissioner from the state election mentioned, *"There are a lot of restrictions right now. The interest of Rakhine people on election was very low even before the restrictions. Now, we have both COVID and armed conflicts. Other countries have only COVID-19 issue. We have both COVID-19 and armed conflicts."* Lack of electoral knowledge came surface while sharing the commissioner is sharing his concerns, *"Actually, IDPs don't receive any awareness trainings. CSOs and INGOs cannot organize any voter education for IDPs. It is zero level."*

4.1.2. Campaigning

According to the state election sub-commissions, candidates from 18 political parties and independent candidates are going to contest in Rakhine State. In the response to the secretary of State Election Commission, there would be 2714 polling stations but the number could change depending the covid-19 development, which means, the number of polling station is expected to increase due to the needs to ensure 6-feet distance rule is followed. Maximum a thousand voters will be assigned to each polling station. As a plan to prevent covid-19 infections, hand sanitizers and face sheet will be provided in polling stations.

In the campaign period, the political parties have made no complaints against the other party or candidates while the data collection was taking place. An official from district sub-commission stated, *"We have also publicly distributed the Code of Conduct for political parties and candidates. As we haven't received any complaints yet. I think they comply with the guidelines."* The commissioner asserts that there are CSOs conducting voter education activities and election monitoring. Nevertheless, there are concerns over the extent of how free and fair the elections will be, the integrity of the election commissions and the feasibility of the elections in conflicts-prone townships.

Competition among contestants and each other's supporters seems to be very high. Respondents reported that there were cases, where campaign team members were verbally attacked by those, who are seemingly supporters of another party. In one case, supporters of a different party disapprove erecting a campaign banner of the party they do not like on the road side in front of their house. Keeping the need to be patient and instructed to avoid confronting the voters since doing so can make the them look bad and risk being posted on social media, which can damage popularity of the party, they informed ward administrator and moved the signpost.

A campaign manager from Sittwe shared his experiences, *"I still have some challenges with the supports from other parties. Some told us not to erect signpost in front of their houses. And we face some more challenges such as attacking our candidates verbally or personally when we are distributing pamphlets."* In other cases, banners were destroyed. A party leader from a

nationwide party in Sittwe branch said, *"We don't know who destroy our signboards. We have to say at home during this period. Also, curfew is imposed in Rakhine state. Some bad guys might do it at night. We don't have any evidence. So, if our posters are destroyed, we have to change it again. That's it."*

2.2. Factors that influence the free, fair and informed elections

There are a number of factors that influence the viability of holding free, fair and informed elections. The factors include restrictions over campaigning of candidates due to the second wave of covid-19 pandemic, the ongoing armed conflicts between the Tatmadaw and the Arakan Army (AA), low level of knowledge related to the elections and voting procedures and lack of voter education programs, incompetent voter registration process, which leave behind (Internally Displaced Person) IDPs in both government-recognized and unrecognized camps, limited access to information due to internet shutdown.

2.2.1. Covid-19 restrictions

Candidates ability to campaign freely is hindered by the Covid-19 related travel restrictions and internet shutdown imposed by the government. Also, campaign rallies cannot be organized because of restrictions over mass gathering. Political parties and candidates across the country resort to campaigning on social media, especially Facebook, but candidates in Rakhine are disadvantaged by the internet shutdown.

As the second wave of Covid-19 pandemic started in Rakhine State, the government introduced stay-home restrictions across the state. Stay-at-home restrictions impose limitations on the campaign activities in Rakhine State. A campaign manager from a major mainland party observed, *"I see some huge campaign rallies in some other states and regions where stay-at-home policy is not imposed. But we cannot do so in Rakhine state."* Party leader of a Muslim party shared his opinions on the pandemic challenges their campaign activities, *"Covid-19 imposes a lot of barriers. We cannot organize election campaigns. We cannot travel from one township to another. I think if the number of positive cases increase more than this, we might even have to postpone the election."*

Officials from election sub-commissions face challenges in the elections. Frist, the staff have to do things under the Covid-19 restrictions in tight timeline because of sequential process of tasks, each with deadline. Another task challenging the commissioners is training the ward/village track level sub-commissioners. The commissioner in Sittwe shared the challenges: *"There were some limitations. We couldn't invite many people to training. There were only 30 people in each training that included 24 participants and 6 trainers. So, we had to conduct several trainings. During the training period, we had to postpone some trainings and there were some challenges."*

A candidate contesting for Amyotha Hluttaw shared how convid-19 related travel restrictions are having impact on his campaign:

> *"What I want to say is that as I am contesting for upper house, my constituency includes both Gwa and Thandwe townships. In Thandwe township the number of voters is more than twice as Gwa township. Because of the stay-at-home policy, I cannot go to Thandwe till today. If I go to Thandwe, I have to stay in quarantine for 14 days at least. So, I will be in quarantine without doing anything. Then, if I come back to Gwa township, I will have to stay in quarantine for 14 again. That's why, I cannot go to Thandwe anymore."*

Common campaign methods used by candidates are limited to distributing pamphlets, stickers and T-shirts, erecting campaign banners on the road side, small gathering in some cases. Traditional campaign methods such as door-to-door and large campaign rallies are not allowed. All the respondents from the political parties stated their parties give instructions to abide by the laws. A party leader at the regional office in Gwa township said, *"My party leaders forbid us from organizing huge campaign rallies on the ground and gathering on cars and placing loudspeakers because of COVID-19. As we are now allowed to conduct campaign activities, we are just distributing party's shirts, stickers and key chains."* A candidate from a Rakhine-based party, whose constituency is Rathaedaung township, also argued that they followed the Covid-19 restrictions:

> *"Covid-19 is spreading and stay-at-home guidelines were announced. It is difficult to conduct campaign activities as we have to follow the guidelines from the Ministry of Health and Sport. That's all our party is doing. I don't know what other parties are doing. We can go to only the nearby villages in Sittwe where we are allowed."*

However, many respondents from the same group mentioned above reported they have been told that other parties did campaign rallies such as going around the town in cars and motor bikes, carrying party flags and logos and organized small mass gathering. A candidate from Sittwe said, *"door to door campaign is prohibited right now. So, I haven't done it yet as well. I heard that some parties are organizing campaign activities such as giving speech. They don't use microphone and loud speakers. They just gather around 20 to 30 people"*. A party leader of a minority ethnic group in Buthidaung township shared their plans, *"Now we are planning to go around by cars. Other parties are also hanging posters and building signboards in villages. They go around by cars and open their party songs. I have seen this before."* An independent candidate in Ponnagyun maintains, *"I cannot conduct activities on the ground. We are allowed to conduct only two activities according the regulations – to hang posters and distribute pamphlets. I saw some candidates or political parties are conducting campaign activities and give speech to public in some villages."*

Parties and candidates in townships, where internet shutdown is not imposed, campaign on social media as well, especially on Facebook, by creating pages for each of their party's candidate and upload the list of candidates on their party's Facebook page. A candidate, whose constituency is in Ann township, from a Rakhine-base party noted, "*Our state is under the stay-at-home polices. Some villages are locked down. That's why, we cannot go there. To build campaign signboards in villages which are under lock-down, we have to ask the villagers to build our campaign signboards in their village and gave them vinyl. Then, we also conduct online campaigning on Facebook and social media.*"

Covid-19 related restrictions, coupled with internet shutdown, also limit the voters' access to information as well as their ability to make informed choices. A leader of a mainland party branch in Sittwe said, "*We can't organize campaign activities because of COVID-19 pandemic and stay-at-home policy. That's why people might have challenges or difficulties in choosing candidates. If people don't know who is the best for their region, it can be wary.*" A party leader from an ethnic party also noted, "*In Buthidaung township, all political parties including our party cannot conduct campaigns because of the armed conflicts. We just distribute our pamphlets to let people know about our party. We want to go to other villages and want to talk with public. Now, because of these situations, we cannot talk to people as much as we want.*

4.1.1. Restriction on the Internet Access

Government imposed restrictions on mobile internet communications in eight townships in northern Rakhine State. The internet shutdown and restrictions later on is was widely criticised to have a military purpose of disconnecting the communication routes. However, several analyses have made criticism that such attempt has failed[33]. The internet shutdown and restrictions have huge impacts on the rights to the access to information during the COVID-19 and the access to media to report to the issues of human rights violations[34]. In light of COVID-19 restrictions over campaigning, internet access plays a crucial role in enabling people to access elections-related information, and to observe the elections. The internet shutdown has also hampered monitoring of the campaign activities in Rakhine State. A CEC (Central Executive Committee) member of a Rakhine-based party claims, "*Shutting down the internet is intentionally violating the human rights. A government or an organization or whatever it is, if they violate of the rights to speech, rights to learn and rights to access to information, it is a serious human rights violation. Because of these violations, people cannot choose the right candidates.*"

Internet shutdown deprive voters of their rights to making informed choices as it blocks them from hearing the parties' and candidates' campaign message. A party leader expressed his

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[33] Burma News International (2020); "2nd Analysis paper"; Available at:
https://u.pcloud.link/publink/show?code=XZWBL0XZOxRwFFwys0pAXAfa7dRjjYNjtNvX
[34] Ibid.,

concerns over the shutdown: "*Today age is the internet age. We can send letter through the internet and we can watch whatever we want on the internet. Now, it is like putting people under the darkness. While other people are using the internet, we cannot use it. So, it seems like they want us to stay in darkness.*"

Respondents of an FGD with first time voters in Pauktaw implied the negative impact of internet shutdown on their voting rights:

> "*The internet has been shut down in Rakhine state. We do not know much about voting and elections. Some people know it through Facebook. In this age, almost everyone has mobile phones and they learn different things through the social media. Now the internet has been shut down and some people do not know their polling station and election date and time.*" (First time voter from Pauk Taw)

> "*If the internet is shut down, how can we know the candidates we can vote for in the general elections? If I want to vote a good leader, but if we don't know about the candidate, how can we choose and vote for him/her? Just instructing us who to vote without knowing such thing doesn't work. So, I want the internet to be opened up so that we can learn and know things. How can we vote someone if we do not know who can actually lead and if we do not trust the election?*" (First time voter from Pauktaw)

Internet shutdown is reported to have negative impacts on the lives of IDPs. One of respondents from an IDP camp in Sittwe said, "*This [internet shutdown] is very bad. We don't know anything. We don't what's happening in other townships. Internet shutdown is related to everything including health, business, etc. Everything is related. So, we won't be able to do anything*". A Muslim IDP in camp in Sittwe, who voted in 2010 elections commented on impact of internet shutdown: "*there are no voter education trainings. They can however learn on the internet. The internet has news and information on which party we should and should not vote. Now, social media cannot be used as widely as before. So, I don't think they receive such awareness. Even if they vote, they will make a lot of mistakes.*"

Internet shutdown can impede the level playing field between mainland political parties and others based in Rakhine State. In light of travel restrictions, campaigning on social medial seems to be on the most useful campaign method for most political parties and candidates. However, political parties based in Rakhine State and candidates in Rakhine constituencies, are disadvantaged in that aspect because of the shutdown. A candidate from a Rakhine-based party, contesting in Rathaedaung shared her opinions on how the internet shutdown harm the level-playing field between among the political parties:

> "*The internet is a very useful thing when we use the media. We can see the news about NLD and USDP in the mainland media. They are delivering their messages through media and internet to the people. It's very effective. But now in our areas, we are not*

allowed to go out due to the Covid-19. The media is shut down. We can't do campaign with 2G internet and Covid-19 limitations. Due to all these things, I doubt that the upcoming elections will be free and fair."

4.1.2. Armed-conflicts and IDPs (Internally Displaced Persons)

Peace and stability are of paramount importance to hold an election in a country. The context of ongoing conflict had a major impact on the general election through the cancellation of polling in some areas. In accordance with the election law, the UEC can cancel the polls there is inadequate security for polling to take place. The instability and armed-conflicts might result in postponing the upcoming general election in Rakhine State.

The conflicts between the Tatmadaw and the AA (Arakan Army) escalated since early 2019 and have resulted in severe harms and causalities of innocent civilians in Rakhine state. Myanmar military announced and extended the unilateral ceasefire in Kachin and Shan state since December 21, 2018 and extended the nationwide ceasefire excluding Rakhine state as the government declared the Arakan Army as a terrorist group in March 2019[35] despite the fact that Arakan Army and its alliance made the call to extend their unilateral ceasefire[36]. This conflict has resulted in over 200,000 IDPs (Internally Displaced Persons) in northern Rakhine state and Paletwa Township of Chin state[37].

The respondents suspect that the elections would not be held in all the townships of Rakhine State. A respondent from Gwa township shared: *"At the moment, it is not safe for the whole of Rakhine State to run in the election. Because the commission has reported that it will not hold elections in every township of Rakhine State. They said they won't hold election in unsafe townships. That's what the commission said."* Respondents view that the commission's decision whether or not the elections will be held on if any ceasefire agreements can be reached between the Tatmadaw and the Arakan Army. A candidate from a Rakhine-based party, contesting in Ann township said, *"When I asked commissions about this, they told me that they will be able to hold election only after they have received some agreements between Tatmadaw and AA and only there is peace and stability in the region. What I see is that both of the armed actors need to support this."*

The conflicts have a far worse impact on the elections in two ways: first, they can result in elections in conflicts-intense townships in Rakhine State being cancelled by the election commission; second, a low voter turnout rate is expected if the elections are held in all townships. The decision to cancel elections impedes the extent of how free and fair the elections would be for the political parties, candidates and voters, especially IDPs war-torn

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[35] The Irrawaddy (2020); Myanmar Army Extends Unilateral Nationwide Truce, Excluding Rakhine State
[36] Myanmar Times (2020); Arakan Army, two allies offer truce with Tatmadaw
[37] Ibid.,

northern Rakhine State. If the Union Election Commission (UEC) declares that it is not safe to hold the election, political parties of minority ethnic groups will lose their political representation because they are based in only townships or two where their ethnic groups live. Cancellation of elections will also deprive voters of the opportunity to participate in the elections. A respondent in a FGD with Kaman voters in Thandwe township said, *"I think most of the people in Rakhine State will lose the opportunity to vote. People cannot demonstrate freely in Rakhine state. This is the one of the barriers in building peace."*

The findings exhibit anticipation that voter turnout rate will be reduced because of the ongoing conflicts. Another participant in that FGD group supported: "*I saw on DVB and RFA that many IDPs replied that even if they are infected COVID-19, they still have 70% opportunity to survive. If a bomb drops or they fine in artillery, we all will die, they said. They don't know when they are going to die. It is even difficult for them to be interested in election. So, they won't have any electoral knowledge regarding this election.*" The armed conflicts have resulted in homelessness and the subsequent hardships lessened the interest of the conflict fleeing people in the elections. A respondent from the FGD said, "*The armed conflicts in the war zones have impacts on the leading parties. Voting cannot be done during the conflict period. The villagers/community members have to hide, run away and displaced. So they cannot vote. As people cannot travel between villages, they cannot reach out to their favorite parties. So, I think the turnout rate will decline.*"

Findings also suggest that voters have low level of electoral knowledge and limited access to election related information. Most voters interviewed reported that they have never received voter education programs. In light of covid-19 restrictions over the gathering and travel, CSOs could not organized voter education – at least as did in 2015 elections. This lack of voter education programs and limited access to information related to elections because of internet shutdown restricts voters' access to information such as political parties' policy and campaign manifestos. Also, limited outreach of candidates and political parties deprive the voters of adequate information for deciding who to vote for. Likewise, voters are not well-informed of the voting procedures or even the elections day. A respondent from an organization, that do election monitoring and observation noted, "

> *I don't think people are aware of advanced votes. Access to information and information flows is very bad here in Rakhine state. Of course, there are some who are aware of advanced votes but very limited numbers only. It is difficult to provide voter education training because of COVID-19 but we would like to share right messages to public but we cannot do it right now.*

Given the low level of electoral knowledge in the voters, political parties try to educate voters. As a party leader of a minority ethnic group said, "*Public awareness on general election is very low. Our party, inform public how to vote as much as we can.*"

On October 16, UEC announced cancellation of elections in 9 out of 17 townships – Rathaedaung, Buthidaung, Maungdaw, Ponnagyun, PaukTaw, MyaePon, Minbya, Kyauk Taw and Mrauk Oo. Also, areas announced for cancellation cover 29 village tracts and 3 wards in Ann township, 52 village tracts and 10 wards in Taunggup township, 52 village tracts and 2 wards in Kyauk Phyu township and 4 village tracts in Sittwe Township.[38] As a result, only five of 12 seats will be elected from Rakhine State to the Amyotha Hluttaw (upper house of the union parliament); only eight of 17 seats elected to the Pyithu Hluttaw (lower house of the union parliament); and only 15 of 35 seats will be elected to the Rakhine State Hluttaw.

4.1.3. Disenfranchisement and rejection of Muslim candidates

The interviews exhibit that there are three kinds of disenfranchisement – first, disenfranchisement based on the discriminatory citizenship laws and second, due to the cancellation of constituencies.

Muslims in Rakhine, most of whom self-identified as as "Rohingya", are disenfranchised from the electoral process on the grounds that their parents and grandparents were not citizen when they were born despite the fact that they could vote in 2010 elections.[39] Many people in Buthidaung and Maungdaw are disenfranchised from the electoral process because they do not have ID cards.[40] A candidate, whose candidacy was later revoked, said, *"People in Buthidaung and Maungdaw are losing their right to citizenship. We have complained about it to the Union Election Commission in Naypyitaw. They haven't responded to that yet. I don't like it when they suppress an ethnic community and intentionally leave out people from the voter lists."*

The other disenfranchised voters are those who live in the constituencies cancelled by the UEC. The cancellation will deprive more than 1.1 million eligible voters in Rakhine state of their opportunity to participate in the election.[41] According to the State Election Sub-commission, there are 1649753 eligible voters in Rakhine State, but only 448852 eligible voters would be able to cast the vote in the upcoming election.

The third form disenfranchisement would be the IDPs – both inside the camps and outside the camps. As mentioned above, voter lists could not be displayed in some village tracts in three townships and it is important those individuals are able to vote in her/his temporary residence.

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[38] MNA, 'UEC Announces Skipped Constituencies for 2020 General Election - GNLM', News, www.gnlm.com.mm, 17 October 2020, https://www.gnlm.com.mm/uec-announces-skipped-constituencies-for-2020-general-election/.

[39] The Wire (2020), Myanmar: Election Commission Rejects Candidacy of Four Rohingya Muslims

[40] The problem of identity crisis started in 1982, when a citizenship law passed by the then-military government excluded the Rohingya from Burmese citizenship, effectively rendering them stateless.

[41] PYAE SONE WIN, 'Myanmar Polls Body Defends Canceled Voting in Insecure Areas', News, https://apnews.com/, 20 October 2020, https://apnews.com/article/virus-outbreak-race-and-ethnicity-myanmar-general-elections-elections-3c8f96ed7acf3cba2b8ad129fbfe51e3.

Although the timeframe to transfer the right to vote from the permanent to a temporary residence was reduced with the passing of by-laws, where and how the IDPs can vote is still unambiguous when the data collection was being undertaken. This unambiguity can result in the disenfranchisement of many voters in IDP camps if they have not been registered on the voter list when they voter registration period is over. The number of the IDPs who lost their rights is not yet known but could end up in thousands.

Moreover, the findings indicate that there is a lack of transparency in the decisions why certain candidates are denied. A respondent, who served as an MP during the previous term but was denied on the grounds that a member of his family has joined an armed organization blacklisted by the government. A disenfranchised candidate criticised the inconsistency in communication between different layers of the UEC: *"union commission said one thing while district sub-commission said another thing like it is related to Union Commission. If they remove me from the election candidates, they have to release a letter. But I haven't received it till today. When I asked them to issue a letter for me, they said they won't even if I informed about the case to the president office."*

Another candidate, whose application passed the scrutinization of the UEC, later revoked on the grounds that his parents are not citizens of Myanmar, which raise questions over why his father was enlisted into the police force of Myanmar. He raised a question to how UEC comes to a conclusion that his father was not a citizen when he was born by saying, *"I don't know it. What they told me was that my parents were not citizens when I was born. That's what I told me. That's not the good reason because my father was already a police officer when I was born."* He continues, *"At that time, only government staff were given three-folds-ID cards. Current ID cards are given only in 1990s. Since that time, my father received the current ID card."* He did not receive any other explanation for being denied on the grounds that their parents are not citizens of Myanmar; contrary to this, they both have national registration cards (NRC).

Inconsistency in the UEC's decisions and lack of a sound reason cause doubts over the fairness and objectivity of the UEC. While asked his opinions of whether the elections are free and fair, he replied, *"How would this election be free and fair? I applied for the application and they accepted my application. That's why I have been posting or hanging some posters as well. It costs me some money. Only after they approved my application, they rejected me. This is not fair at all. They think that they can do everything that they want to do."*

Mass disenfranchisement of Muslims in Rakhine States and eligible voters in the constituency cancelled by the UEC is detrimental to the citizens' opportunity to exercise their voting rights and the level playing field between the parties. One point to take notes of would be the question over the fairness for the disenfranchised people and the credibility of the poll results when the

remaining constituencies exist in the incumbent party's favour. The cancellation was not received without criticisms. It was reported that the ANP and the USDP has elected officials in the constituencies cancelled by the UEC while the incumbent party has MPs in the unaffected constituencies. Unclarity in the decisions to reject candidates can raise questions over the integrity of the UEC and therefore of the elections.

4.1.4. Limitations on Election Observation

CSOs (Civil Society Organizations) has been playing a significant role as watchdog that help limit infractions during the election period. The voter lists were announced across the countries and it was seriously flawed and UEC (Union Election Commission) was also criticized. In such situation, CSOs, working on election monitoring and observation, are helpful in ensuring that voter lists are as accurate as possible[42]. However, the planning of election observer groups to monitor the electoral process is very challenging as they have very limited resources and trainings to capacitate its staff members and to provide voter education to the public.

Besides these limitations, they are also restricted by the legal requirements. One of the local largest election monitoring organization in Myanmar namely the People's Alliance for Credible Election (PACE) was blocked by UEC to conduct their election monitoring and observation on the grounds that PACE received international funding and is not a registered organization. Upon the case, civil society organizations together with PACE stated that the decision of UEC to block election monitoring group compromise the legitimacy, independence and fairness of the upcoming general election[43]. CSOs are mainly concerned about the legal restrictions on election monitoring groups and their activities such as voter education training and conducting survey, monitoring election campaigns, etc., especially during the CIVID-19 pandemic.

Media plays a critical role in monitoring democratic elections. While political parties may have their party's news journals or websites, independent media can monitor and report the news misconducts of political parties and candidates and any other election-related information and news to the public. However, the internet restrictions in Rakhine State obstruct media coverage of elections-related news, crippling the voters' rights to be informed. There are some press media but they have limited outreach in the communities in rural areas. Therefore, unless the shutdown is lifted, the people in Rakhine state will remain in limbo.

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[42] Frontier Myanmar (2020); "The November 8 ballot may not be free and fair, despite the best efforts of the Union Election Commission and Civil Society groups"; available at:
https://www.frontiermyanmar.net/en/tag/myanmar-network-organization-for-free-and-fair-elections/
[43] DW (2020); "Can Myanmar ensure free and fair general elections?"; available at:
https://www.dw.com/en/can-myanmar-ensure-free-and-fair-general-elections/a-54705113

Conclusion

In light of COVID-19 second wave, the campaign period of 2020 general elections in Rakhine State has been difficult for election sub-commissions, political parties, candidates and voters. COVID-19 restrictions impede campaigning of candidates and parties. In additions to the restrictions over campaign methods in the field, candidates and political parties are disadvantaged by the internet shutdown, hampering level playing field between Rakhine-based parties and mainland parties. Internet shutdown also constraints access to elections-related information and online campaign. The ongoing armed conflicts have resulted in the swelling number of IDPs, whose interest in the elections is on decline. It is highly unlikely that IDPs will be able to enjoy their rights to vote because they are not sure whether or not they are on the voter list. The election commission has no sound plan to address it. Muslim communities in northern Rakhine State are disenfranchised from the electoral process, citing that they do not have national registration cards. Muslims candidates in northern Rakhine state are not allowed to contest on the grounds that their parents are not citizens when they were born. A candidate, who has relatives blacklisted by the government but arbitration or appeal could not be made. Some election observation groups are not allowed to observe the elections.

Overall, the afore-mentioned factors, campaign period of the elections in Rakhine State has not been free, fair and credible. The deadlines of some of the electoral steps – voter list registration process – have already passed. If such a situation persists, the steps that will come in the electoral cycle is not likely to be free, fair and credible.

Annexes

Annex 1: Participants' list for KIIs and FGDS

No.	Name	Position	Township
KIIs with Candidates			
1.	Candidate from Arakan Front Party (AFP)	Candidate	Sittwe
2.	Candidate from Democracy and Human Rights Party (DHRP)	Candidate	Maung Daw
3.	Independent candidate	Candidate	Ponnagyun

4.	Candidate from Union Solidarity and Development Party (USDP)	Candidate	Thandwe
5.	Candidate from Arakan National Party (ANP)	Candidate	Rathaedaung
6.	Candidate from Arakan National Party (ANP)	Candidate	Gwa
7.	Candidate from Arakan League for Democracy (ALD)	Candidate	Ann
8.	Candidate from Union Solidarity and Development Party (USDP)	Candidate	Gwa
KIIs with Political Parties' Representatives			
9.	Arakan National Party (ANP)	Responsible person for Election victory	Sittwe
10.	Union Solidarity and Development Party (USDP)	State level CEC member	Sittwe
11.	National League for Democracy (NLD)	Responsible person for Election victory	Gwa
12.	Democracy and Human Rights Party (DHRP)	CEC member	Yangon
13.	Mro National Development Party (MNDP)	CEC member	Buthedaung
14.	Kha Me National Development Party	CEC member	Sittwe
KIIs with Election sub-commissions			
15.	State Election sub-Commission		Sittwe
16.	District Election sub-Commission		Kyauk Phyu
17.	District Election sub-Commission		Thandwe
18.	Township Election sub-Commission		Ann
19.	Village-tract Election sub-Commission		Ramree
KIIs with Civil Soceity Organizations			
20.	Scholar Institute	Program Manager	Sittwe
21.	Rakhine Youth New Generation Network	One of the founders	Sittwe
22.	Accountable Action for Arakan		Kyauk Phyu
23.	People's Alliance for Credible Elections	Rakhine state coordinator	Minbya
KIIs with Media			
24.	Development Media Group (DMG)		Sittwe
25.	Myanmar Now	Reporter	Sittwe
26.	RFA	Reporter	Sittwe
KIIs with Non-accredited Candidate			
27.	Arakan National Party (ANP)		Kyauk Phyu
28.	Independent Candidate		Buthedaung
Focus Group Discussions with Community Memebrs			
29.	FGD with Muslim Community	Community members	Sittwe
30.	FGD with Kaman Muslim Community	Community members	Thandwe
31.	FGD with Rahine IDPs	Community members	Sittwe
32.	FGD with Chin Community	Community members	Taunggup
33.	FGD with Chin Community	Community members	Ann
34.	FGD with Women Community Members	Community members	Ann
35.	FGD with First the Time Voters	Community members	Pauk Taw
36.	FGD with the First Time Voters	Community members	Taunggup

Annex 2: Question guide (KII for candidates)

1. How many political parties/candidates are contesting in your constituency? What are they?
2. How many times have you participated as a candidate in general elections? Can you please describe them?
3. When did you start your political campaign on the ground? How did you do it?
4. What campaign methods or activities did you conduct/are you conducting in your constituencies? How about others?
5. Do you think you can do as planned? What challenges or obstacles did you face or are you facing when conducting campaign activities in your constituency? How did you overcome those challenges and obstacles?
6. Are there any disputes or misuse of power by the government officials in your constituency? What are they? Who and how do you report them? What do you think of their actions over the issues?
7. What do you think of the electoral knowledge of general public in your constituency? (Follow up questions – To what extent do you think they are aware of election day and voting procedures including advanced voting? What kinds of activities have your party been conducting regarding voter education in Rakhine State?)?
8. Which organization or party or departments are organizing voter education trainings or activities in your constituency? How often?
9. To what extent do you think general public can practice rights to association and right to speech for the election campaign?
10. Are there any IDPs camps, affected by the armed conflicts, in your constituency? How many camps and IDPs are there in your constituency? What do you think of their interest in voting and election? What are the challenges for them to cast vote? – e.g. their names are not registered/ they do not feel safe to vote/ they are too busy to care their rights to vote?
11. What do you think of the impacts of the current armed conflicts on upcoming general election in Rakhine state?
12. What has the government or UEC planned for IDPs in Rakhine state to be able to cast vote on upcoming election?
13. What do you think of the electoral knowledge of IDPs in your constituency? (Follow up questions – To what extent do you think they are aware of election day and voting procedures including advanced voting? Have they received any voter education training)?
14. What do you think of the impacts of COVID-19 on your campaign activities and election as a whole? (Follow up – what do you think of the quarantine for 21 days when you go to conduct your election campaign in respective township?)
15. What challenges or obstacles did you face or are you facing as a women candidate, when conducting campaign activities in your constituency?

16. What do you think of the roles of media for free and fair election? How can media be used effectively for free and fair election?
17. What do you think of the impacts of the internet shutdown and related restrictions on the upcoming general elections in Rakhine State?
18. What are the obstacles to free and fair election in Rakhine state?
19. Any other comments?

Annex 3: Question guide (KII for political parties)

1. How many political parties are contesting in Rakhine State? What are they?
2. How many areas or constituencies will your party contest in Rakhine state? How do you choose your candidates in Rakhine state?
3. When did your party start political campaign on the ground? How did you do it?
4. What campaign methods or activities did you conduct/are you conducting in your constituencies? (door to door, campaign rallies, campaigning on social media, etc.)
5. What challenges or obstacles did you see for your party when conducting campaign activities on the ground? How did you overcome those challenges and obstacles?
6. Are there any disputes or misuse of power by the government officials in your township? (If yes, what are they? Who and how do you report them? What do you think of their actions over the issues?)
7. What do you think of the electoral knowledge of general public in Rakhine State? (Follow up questions – To what extent do you think they are aware of election day and voting procedures including advanced voting? What kinds of activities have your party been conducting regarding voter education in Rakhine State?)
8. Which organization or party or departments are organizing voter education trainings or activities in Rakhine State? How? How often?
9. To what extent do you think general public and political parties can practice rights to association and right to speech for the election campaign?
10. What do you think of the impacts of the armed conflicts on upcoming general elections?
11. What do you think of the interests of the IDPs on voting and upcoming election? What has the government or UEC planned for IDPs in Rakhine state to be able to cast vote on upcoming election?
12. What do you think of the electoral knowledge of IDPs in Rakhine State? (Follow up questions – To what extent do you think they are aware of election day and voting procedures including advanced voting?)
13. What do you think of the impacts of COVID-19 on the party's campaign activities and election as a whole? (Follow up – what do you think of the quarantine for 21 days when you go to conduct your election campaign in respective township?)

14. What do you think of the challenges or obstacles of women candidate from your party when conducting campaign activities in your constituency?
15. What kind of policies are officially in place in your party to promote the number of women candidates in the election?
16. Do you think that UEC should postpone the election's schedule due to COVID-19 outbreak in Rakhine State and Myanmar as well? If so, why?
17. What do you think of the impacts of the internet shutdown and restriction on the upcoming general election in Rakhine State?
18. What are the obstacles to free and fair election in Rakhine state?
19. Any other comments?

Annex 4: Question guide (KII for Election Commissions and local government)

1. How many political parties are contesting in Rakhine State? What are they?
2. Could you please tell me the preparations the state commission have done so far? And what is the most challenging issue?
3. When were the voter lists publicly announced or displayed in Rakhine state? Where are they displayed and why?
4. How do you inform general public to check the voter list in Rakhine state? How often?
5. How many townships, wards and village tracts are there that you have not posted voter list in Rakhine State? Why? How will you overcome these challenges?
6. What challenges did you have regarding the voter list for Rakhine State? What mechanisms were in place to solve the complaints about the voter list?
7. How many complaints did you receive during the campaign period and how were they handled?
8. Have you identified the polling stations? How many polling stations are there Rakhine state? Please specify this according to each township if possible. How are people informed about the polling stations?
9. In your opinion, to what extent do you think political parties, candidates and general public can practice rights to association and right to speech during the campaign period? What campaign activities did they conduct and how?
10. Could you please give any comments on Muslim candidates whose application are rejected? (Follow up - How about their appeal process? Where did they appeal? What was the final decision?)
11. What do you think of the interests of Rakhine people on voting and upcoming election?
12. What do you think of the electoral knowledge of general public in Rakhine State? (Follow up questions – To what extent do you think they are aware of election day and voting procedure including advanced voting? What kinds of activities or mechanism are in place regarding the voter education in Rakhine State?

13. Which organizations are working on voter education and election monitoring and observation in Rakhine state? What activities have they been conducting on this?

14. What do you think of the impacts of the armed conflicts on upcoming general elections? (what impacts do you think the armed conflicts have on general elections to become free, fair and credible? Why?)

15. What do you think of the interests of the IDPs on voting and upcoming election? What mechanism are in place for IDPs to be able to cast vote on upcoming election?

16. What do you think of the electoral knowledge of IDPs in Rakhine State? (Follow up questions – To what extent do you think they are aware of election day and voting procedure including advanced voting?)

17. What do you think of the accessibility of Muslim voters and IDPs affected by the current armed conflicts to voter lists and polling stations? (Did you happen to post voter list in camps or the Muslim society? How? If not, how did you inform them about the voter list and polling stations?)

18. What do you think of the impacts of COVID-19 on the party's campaign activities and election as a whole? (Follow up – what do you think of the quarantine for 21 days when you go to conduct your election campaign in respective townships?)

19. What mechanism or procedures are in place for people with disabilities and elderly people (and IDPs?) to be able to cast vote on upcoming election? (advance vote or any procedure at the polling stations?)

20. What security concerns and measures are in place in Rakhine state for campaign period and election day? (Roles of police force, numbers of polling station, etc.)

21. What do think of the impacts of curfew law on election campaigns and election as a whole in Rakhine state to become a free and fair election?

22. How many international and local monitoring an observation groups are there in Rakhine state for upcoming general election? Who are they?

23. What do you think of the impacts of the internet shutdown and restriction on the upcoming general election in Rakhine State?

24. What do you think of the coordination between UEC and the related government departments in relation to the electoral processes in Rakhine State? How could it be strengthened?

25. What are the obstacles to free and fair election in Rakhine state?

26. Code of conduct for political parties. To what extent do you think candidates follow CoCs?

27. Any other comments?

Annex 5: Question guide (KII for INGOs/NGOs)

1. What have you or your organizations been doing regarding the upcoming general elections in Rakhine state? (voter education? Election monitoring and observation?)

2. How do you recruit volunteers or participants for election monitoring and observation? What kinds of things are they provided?

3. How many international and local monitoring and observation groups do you know working in Rakhine state for upcoming general election? Who are they? To what extent have they been doing election monitoring and observation in Rakhine state?

4. In your opinion, to what extent do you think political parties, candidates and general public can practice rights to association and right to speech during the campaign period? What campaign activities did they conduct and how? (follow up – buying votes, abusing power, etc.)

5. What do you think of the interests of Rakhine people on voting and upcoming election?

6. What do you think of the electoral knowledge of general public in Rakhine State? (Follow up questions – To what extent do you think they are aware of election day and voting procedure including advanced voting? What kinds of activities or mechanism are in place regarding the voter education in Rakhine State?

7. What do you think of the impacts of the armed conflicts on upcoming general elections? (what impacts do you think the armed conflicts have on general elections to become free, fair and credible? Why?)

8. What do you think of the interests of the IDPs on voting and upcoming election? What mechanism are in place for IDPs to be able to cast vote on upcoming election?

9. What do you think of the electoral knowledge of IDPs in Rakhine State? (Follow up questions – To what extent do you think they are aware of election day and voting procedure including advanced voting?)

10. What do you think of the impacts of COVID-19 on the party's campaign activities and election as a whole? (Follow up – what do you think of the quarantine for 21 days when you go to conduct your election campaign in respective townships?)

11. What do think of the impacts of curfew law on election campaigns and election as a whole in Rakhine state to become a free and fair election?

12. What are the obstacles to free and fair election in Rakhine state?

13. What do you think of the impacts of the internet shutdown and restriction on the upcoming general election in Rakhine State?

14. What are the obstacles to free and fair election in Rakhine state?

15. Any other comments?

Annex 6: Question guide (KIIs for Media and Press)

1. What do you think of the roles of media regarding the free and fair election? How can media be used effectively for free and fair election?

2. Which media (local, national and international) mostly focus on the electoral activities in Rakhine state? What are their activities?

3. To what extent do you think candidates and political parties have access to media when conducting their campaign activities?

4. In your opinion, to what extent do you think political parties, candidates and general public can practice rights to association and right to speech during the campaign period? What campaign activities did they conduct and how? (follow up – buying votes, abusing power, etc.)

5. What do you think of the interests of Rakhine people on voting and upcoming election?

6. What do you think of the electoral knowledge of general public in Rakhine State? (Follow up questions – To what extent do you think they are aware of election day and voting procedure including advanced voting? What kinds of activities or mechanism are in place regarding the voter education in Rakhine State?

7. What challenges did you face or are you facing when collection information in Rakhine state regarding the upcoming 2020 general election? How did you receive information?

8. What do you think of the impacts of the armed conflicts on collecting information and upcoming general elections?

9. What do you think of the interests of the IDPs on voting and upcoming election? What mechanism are in place for IDPs to be able to cast vote on upcoming election?

10. What do you think of the electoral knowledge of IDPs in Rakhine State? (Follow up questions – To what extent do you think they are aware of election day and voting procedure including advanced voting?)

11. What do you think of the impacts of COVID-19 on your activities such as collection information and the election as a whole?

12. What do think of the impacts of curfew law on your activities of collection information and election as a whole in Rakhine state to become a free and fair election?

13. What do you think of the impacts of the internet shutdown and restriction on your activities of collection information and the upcoming general election in Rakhine State?

14. What are the obstacles to free and fair election in Rakhine state?

15. Any other comments?

Annex 7: Question guide (KII for non-accredited candidates)

1. Why was your application for the upcoming general election rejected?

2. Which party did you run in the past? In which year? How many times have you contested in the elections in Myanmar? Where did you compete? Which parliament did you run for?

3. Which organization or department rejected your application? Have you appealed yet? Where did you appeal?

4. Do you think that electoral process and system is free and fair? If not, why?

5. (Only for Muslim candidate) Do Muslim people in Rakhine state have the right to vote in the upcoming election? If not, why not? Have you been allowed to vote before? Which year?

6. What do you think of the accessibility of Muslim voters and IDPs affected by the current armed conflicts to voter lists and polling stations?
7. In your opinion, to what extent do you think political parties, candidates and general public can practice rights to association and right to speech during the campaign period? What campaign activities did they conduct and how?
8. What are the obstacles to free and fair election in Rakhine state?
9. What do you think of the impacts of the armed conflicts on upcoming general elections?
10. What do you think of the interests of the IDPs on voting and upcoming election?
11. What do you think of the electoral knowledge of IDPs in Rakhine State? (Follow up questions – To what extent do you think they are aware of election day and voting procedure including advanced voting?)
12. What do you think of the impacts of COVID-19 on the party's campaign activities and election as a whole?
13. What do you think of the impacts of the internet shutdown and restriction on the upcoming general election in Rakhine State?
14. Any other comments?

Annex 8: Question guide (FGDs for Rakhine, Chin and Muslim Community Members)

Remarks – Discussion should be made in line with MOHS guidelines. Wear mask and practice social distancing

Respondents' profile

	Gender	Age	Disability	Agree to Participate?	Agree to record?	Religion (optional)	Remarks
R1							
R2							
R3							

1. Could you please tell me when the upcoming 2020 general election will be held in Myanmar?
2. Do you have the right to vote in the upcoming election? (If not, why? Have you ever casted votes in the past? If yes, when?)
3. What kind of voter education trainings have you ever attended? Who or which organization provided the training? When did you attend it?
4. What kind of information have you received regarding the voting and electoral system? Who or which organization give you that information?

5. (Only for those who are eligible to vote) Did you check your names on voter list? If yes, when? Why did you check it? Was your information correct on the list? If not, what did you do?)

6. Do you think that people should vote in the election or everyone should have rights to vote in the election? Why?

7. How many parties are there contesting in this township? What are they?

8. In your opinion, to what extent do you think political parties, candidates and general public can practice rights to association and right to speech during the campaign period? What campaign activities did they conduct and how?

9. What do you think of the impacts of the armed conflicts on upcoming general elections?

10. What do you think of the interests of the IDPs on voting and upcoming election?

11. What do you think of the electoral knowledge of IDPs in Rakhine State? (Follow up questions – To what extent do you think they are aware of election day and voting procedure including advanced voting?)

12. What do you think of the impacts of COVID-19 on the party's campaign activities and election as a whole?

13. What do you think of the impacts of the internet shutdown and restriction on the upcoming general election in Rakhine State?

14. Any other comments?

Annex 9: Question guide (FGDs for Women Organizations)

Remarks – Discussion should be made in line with MOHS guidelines. Wear mask and practice social distancing

Respondents' profile

	Gender	Age	Disability	Agree to Participate?	Agree to record?	Religion (optional)	Remarks
R1							
R2							
R3							

1. What have you or your organizations been doing regarding the upcoming general elections in Rakhine state? (voter education? Election monitoring and observation?)

2. In your opinion, to what extent do you think political parties, candidates and general public can practice rights to association and right to speech during the campaign period? What campaign activities did they conduct and how?

3. What do you think of the challenges or obstacles of women candidate when conducting campaign activities in Rakhine state?

4. What should their party or governments do or arrange for women candidates to overcome those mentioned challenges? And how?

5. What do you think of the impacts of the armed conflicts on upcoming general elections and campaign activities?
6. What do you think of the interests of the IDPs (including women and girls) on voting and upcoming election?
7. What do you think of the electoral knowledge of IDPs (including women and girls) in Rakhine State? (Follow up questions – To what extent do you think they are aware of election day and voting procedure including advanced voting?)
8. What do you think of the impacts of COVID-19 on campaign activities and upcoming general election as a whole?
9. What do you think of the impacts of the internet shutdown and restriction on the upcoming general election in Rakhine State?
10. Any other comments?

Annex 10: Question guide (FGDs for First-time voters)

Remarks – Discussion should be made in line with MOHS guidelines. Wear mask and practice social distancing

Respondents' profile

	Gender	Age	Disability	Agree to Participate?	Agree to record?	Religion (optional)	Remarks
R1							
R2							
R3							

1. Could you please tell me when the upcoming 2020 general election will be held in Myanmar?
2. Do you have the right to vote in the upcoming election? (If not, why? Have you ever casted votes in the past? If yes, when?)
3. Are you going to give vote in this upcoming general election? How are you feeling for being a first-time voter?
4. Do you know how to cast vote in the election? If yes, how do you know?
5. What kind of voter education trainings have you ever attended? Who or which organization provided the training? When did you attend it?
6. What kind of information have you received regarding the voting and electoral system? Who or which organization give you that information?
7. Did you check your names on voter list? If yes, when? Why did you check it? Was your information correct on the list? If not, what did you do?)
8. Do you think that people should vote in the election or everyone should have rights to vote in the election? Why and why not?
9. How many parties are there contesting in this township? What are they?

10. In your opinion, do you think political parties, candidates and general public can practice rights to association and right to speech during the campaign period? What campaign activities did they conduct and how? Are you involving in it? If yes, how?

11. What do you think of the impacts of the armed conflicts on upcoming general elections?

12. What do you think of the impacts of COVID-19 on the party's campaign activities and election as a whole?

13. What do you think of the impacts of the internet shutdown and restriction on the upcoming general election in Rakhine State?

14. Any other comments?