

Coalition on Ward/Village Tract Administration Law Amendment (WA-VTA Coalition)

Advocacy Timeline

2016

MARCH

- **A coalition was formed:**
 1. Action Committee of Democracy Development (ACDD);
 2. Paung Ku;
 3. Charity-Oriented Myanmar (COM);
 4. New Myanmar Foundation;
 5. Equality Myanmar;
 6. Community Response Group (COMREG).

- **NLD prepared to amend WA-VTA Law in Parliament.**

APRIL

- Held a **CSOs' consultation workshop** (5th April) attended by 30 civil society organizations from 6 Regions and 4 States.
- As a result, CSOs raised **10 priority recommendations** among 25 points to be changed, 12 points to be removed, and 12 points to be added, covering 13 out of 15 chapters of the law.

MAY

- The CSOs held a **press conference** for its first ever **public hearing at the Upper House of Parliament** (26th May).
- As a result, out of 32 articles/sub-article amendments they wish to make, **11 articles/sub-articles** from CSOs' recommendations were included.
- Approved bill was passed to Lower House.

JUNE

- **Public Advocacy** through social media and surveying.

JULY

Parliament break and MPs going back to their constituencies.

- WA-VTA Coalition organized **13 township/village discussions** in 5 Regions and 4 States. Discussions were mainly for three stakeholders (MPs, Coalition and General Public)

AUGUST (Parliament resumed)

- **Public hearing at the Lower House** of Parliament (with Bill Committee mainly)
- 10 priority points endorsed by 75 civil society organizations submitted to parliament

DECEMBER

- President U Htin Kyaw approved the third amendment for the Law.

2017

JUNE

- **CSOs' Law Review Workshop** organized by ACDD in Mon State.
- The 35 attendees from ACDD's member networks, WA-VTA Coalition and local governance experts from Yangon, Bago, Magway, Sagaing, Mandalay, Kachin, Mon, Rakhine and Shan Regions and States.

Several important suggestions for amendments by civil society organizations were not included

- ⇒ universal suffrage
- ⇒ the right to recall
- ⇒ the removal of the stipulation that qualified candidates must be those "whose family members are of good morality, honest and simple"
- ⇒ a mandated publicly available timeline for announcing and holding the elections, and
- ⇒ the transfer of power from Supervisory Committees to the Union Election Commission to oversee the local elections

“ *The Constitution must be amended urgently. When we talk about very basic things like daily administration, Article 288 of the Constitution is a problem. The elected local administrators can't nod and work for appointed township administrators. Township, District and regional administrators must be elected.*

- Representative from Action Committee for Democracy and Development.

Law Reform

2008 CONSTITUTION

Article 288 "Administration of District and Township Level shall be assigned to the civil services personnel"

Two specific articles in relation to WA-VTA Law that threatens and weakens public representation and people-centered administration.

Article 289 "Administration of Ward or Village tract shall be assigned in accord with the law to a person whose integrity is respected by the community"

Problematic Areas of the Ward or Village Tract Administration Law

1. FREEDOM OF MOVEMENT:

- The law can still be used to **impinge on the privacy of the public**.
- All sections related to **guest registration must be repealed**, particularly taking into consideration minority rights to freedom of movement.

WA-VTA LAW

2. ELECTION PROCEDURES:

- **Township Administrator** by the General Administrative Department, which is overseen by the military-controlled Ministry of Home Affairs, **is still in power** over Supervisory Board in village tract level.
- The procedure for electing an administrator is complicated.
- No clear election time-line.

3. QUALIFICATION OF THE CANDIDATES

- Provisions on candidates qualification still contains some arbitrary clauses. This includes language that states that family members must be **"persons in good morality, simple and honest,"** which can easily be **interpreted in an arbitrary fashion**.
- The law still excludes a large portion of the **youth** from participation.

4. ACCOUNTABILITY

- Unelected Township Administration officials can dismiss elected Ward/Village Tract Administrators. **Accountability flows upwards**, towards the Township Administrators **rather than directly to the community** in the law.
- Township Administration officials are **ultimately accountable to the military**.
- There are **no recall procedures** for a administrator by the people or a complaint mechanism.

Broader Institutional and Political Implications

1. Military-Control over Parliament and Constitutional Reform

The dominance of the military within the Parliament is another roadblock to reform as it is guaranteed 25% of seats in both houses of Parliament. The law maintained the mandatory registration of guests who stay overnight in someone's home for more than 30 days for "Security" reasons raised by Military MPs. **For substantive change to occur, a process of constitutional reform must begin.**

2. General Administrative Department under Military-Controlled Ministry of Home Affairs

One of the most significant aspects of this law is its position within the mandate of the General Administrative Department, which itself remains under the military-controlled Ministry of Home Affairs, giving the military a ubiquitous presence and influence in the everyday running of the country. Thus, **the mandate for and management of the Ward/Village Tract Administration should be under civilian control, and an independent election body should handle the responsibilities of the Ward and Village Tract elections.**

3. Addressing the Aspirations of the Ethnic Nationalities

The Ward or Village Tract Administration Law is just one piece of a centralized system of governance and administration in Myanmar. **Ethnic peoples' aspirations of self-determination and ethnic equality** must be addressed through a federal system of governance including administration.