

Understanding the Local Government in Myanmar with Special Reference to Chin State

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Abstract

The local governments in Myanmar have become elected bodies however there is an absence of administrative decentralization in it. The local government is kept under the control of the General Administration Department (GAD), a unit of the Union Ministry of Home Affairs, Government of Myanmar. The elected representatives of the wards and village-tracts are still responsible to the non-elected and centrally appointed GAD officials. These GAD officials act as the administrators both at the district and township levels. Moreover, the local election in Myanmar lacks the basic elements of democracy. The elections to the Ward and Village Tract Administrators are not based on universal adult suffrage. This implies that only the heads of the family participate and cast the vote in the elections for the Ward and Village Tract Administrators. As a result, women and young people have been virtually excluded to exercise the right to vote.

Key Words: Democracy, Local Government, Non-elected official, Ward and Village Tract.

Local government is an important public institution that plays a critical role in delivering services to the people. It also helps in the process of democratization and intensification of mass participation in the decision-making process. In other words, local government is very important because it involves the citizens in the decision-making process at the grassroots level and also plays a crucial role while delivering goods and services to the public. This very important public institution is not functioning in Myanmar. Matthew Arnold (2016) writes that the most strik-

ing feature of Myanmar's governance system is that it lacks local government. Local administration is taken care of through the home affairs ministry via the ubiquitous General Administration Department (GAD). In the above context, the paper examines the local government in Myanmar with reference to Chin state.

History of Local Government in Burma

In the pre-British era, the villages and local organizations were administered by the Burmese King. In each village, the King appointed an official who was in

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charge of the civil, criminal and fiscal administration of their respective villages. They were known as *Thugyior* by different names in different parts of the country (Daw & Do, 1979: 176). In other words, each village was headed by a *Thugyi* (headman). The *Thugyi* was assisted by some officials in performing his duties. As the headman of a village, the *Thugyi* also exercised several powers beyond his jurisdiction. The *Thugyi* was responsible for collecting revenue and maintain peace and order in his village. In matters of civil disputes, the *Thugyi* acted as an arbitrator and judge. He acted as a police officer in the sense that he can investigate any case and arrested the offender. It can be mentioned here that the local governments that existed under the Burmese Kings differed from one place to another. For example, in some places of Burma, some villages were group together and administer them as one unit. Here, several villages and their headmen were grouped together under a superior headman known as *Myothugyi*. The post of the *Myothugyi* was hereditary and vested with enormous powers and functions. He acted as the Head Police Constable and Magistrate within his jurisdiction. He often appointed or confirmed the succession to the post of *Thugyi* in the villages under him.

The British rule in Burma began in 1826 and continued till 1947. During the colonial period, the administrative system in Burma was based on territorial divisions. The Burmese village system was replaced by the British bureaucratic-ad-

ministrative system. It expanded throughout the core areas in the lowlands of British Burma, but the frontier areas were left to their own traditional forms of village system. The administrative units under the British rule were categorized into divisions, districts, sub-divisions and townships headed by the Commissioners, Deputy Commissioners, Sub-divisional Officers and Township Officers respectively. These officials became the local representatives of the central government. Their primary function was to maintain law and order within their respective area of jurisdiction (UNDP, 2015: 10).

The British introduced the Village Tract and Ward Act in 1907. The Village Tract and Ward Act of 1907 did not provide any form of local-self-government. The Act was used to administer the local population. The village headmen were not elected by the people but were appointed by the central government. The main duties of the headmen were to carry out birth and death registration, to take measures for the cure or prevention of contagious diseases, etc. During the British rule, the position of the headmen remained powerful and become an unchallenged authority. He was very powerful and authoritative that no complaint could be filed against him under any court, unless by the central government.

In the post-independence Burma, the plan for democratization of local administration was incorporated in the Constitution of the Burma Union 1947. The Democratic Local Government Act was

adopted in 1953. The arrangements for urban areas were reformed through the Municipal Acts of 1951, 1953 and 1954 respectively. The Democratic Local Government Act 1953 introduced the system of elected representatives at the local bodies. This Act established the village councils and urban councils in rural and urban areas respectively. These village councils and urban councils were brought under the purview of the township councils. Above the township councils, district councils were established at the district level and were made a subordinate unit to the Ministry of Local Government in the central government. The framework for democratization of local administration was never fully implemented. The Act was implemented on experimental basis in a few districts. The experiment did not last long because in 1962, the military took over the government and suspended the Constitution of the Burma Union 1947. As a result, the Democratic Local Government Act of 1953 was removed and replaced by the 1961 and 1964 Democratic Local Government Suspension Act. The local governance was therefore placed under the military control. The local bodies were headed by the regional military commander.

After one decade, the Burmese Military Government adopted a new Constitution in 1974 and introduced elected People's Councils at all levels of government administrations. Although the People's Council was an elected body, only the candidates who were screened and approved by the ruling Burma Socialist Programme

Party (BSSP) could contest the elections. In practice, the party unit selected the candidates for each position to be filled and they were subsequently approved by the Central Executive Committee. The elections were merely a choice of either accepting or rejecting the party's nominee. After around one and half decade, the Military Government formed the State Law and Order Restoration Council (SLORC) in 1988 and took over the responsibilities of the State. As a result, elections to local bodies were suspended and all positions to local government were appointed and held by the military officials. Again, the military regime established the Union Solidarity and Development Association (USDA) in 1993. Its main objective was to establish links with the common people to provide social services and organize community affairs. The USDA was the largest State-sponsored mass organization set up in every township, village tracts and wards. The USDA continued to exist till 2010 when the Military Government transformed it into a new political party known as the Union Solidarity and Development Party (USDP).

Local Government in Myanmar

The basic framework of local government in Myanmar began in 2011 as per the third Constitution of Myanmar, 2008. The present Constitution of Myanmar was adopted in May 2008. This Constitution is the third Constitution of Myanmar since it got independence. It was designed in such a way that the armed forces would

remain above the law and be independent from the government, to dominate and control the three branches of Government. The armed forces control the legislative power at all levels of the government—Union, states and regional assemblies. The 2008 Constitution reserves 25 percent of the seats in all legislative chambers for the military personnel (Sakhong, 2012: 12).

The Constitution of 2008 deals briefly about the administration of district, township, ward and village tract. For instance, Article 288 (under Chapter V) of the 2008 Constitution states that “Administration of district and township level shall be assigned to the Civil Services personnel” (Constitution of Myanmar, 2008: 123). Again, Article 289 asserts that “Administration of Ward or Village tract shall be assigned in accord with the law to a person whose integrity is respected by the community” (p.124). The Myanmar Constitution of 2008 lays the foundation to develop a structure for government, establishing states and regions with elected legislatures and governments. The smallest formal administrative unit in Myanmar is the village, with several grouped together into village tracts. Urban wards, towns and village tracts are grouped into townships, where the lowest levels of government offices are generally located. The township administrations are headed by the senior official of the General Administration Department (GAD) of the Ministry of Home Affairs, Government of Myanmar. They do not have elected representatives in the township administration. Nevertheless, many

important functions of the government such as birth registration, land registration, and various forms of tax are collected by it. The district administration is the middle tier administration where it connects between state/region governments to townships, and are also headed by a senior official from the GAD. However, it is silent about the elections, roles and functions of the sub-national governments regarding the local government. In fact, little attention is given to the lower levels of governance such as districts, townships, wards and village tracts till now. In short, the Constitution is silent on the establishment of elected bodies at the local level.

The Thein Sein Government of Myanmar in 2011 emphasized the process of decentralization and focused on the improvement of local government under the new Constitution however, Myanmar continue to be a centralized country. Myanmar’s administrative structure consists of seven states (Chin, Kachin, Kayah, Kayin, Mon, Rakhine and Shan) and seven regions (Ayeyarwady, Bago, Mandalay, Magway, Sagiang, Taninthayi and Yagoon). These states/regions are sub-divided into districts (*Khayaing*). Districts are a conglomeration of townships. The townships (*Myone*) are the lowest levels of government offices. The township is known as urban wards (*yatkuat*) in urban or town areas and village tracts (*ouq-su*) in rural areas. The village tracts are formed by grouping of several villages and the smallest administrative unit is the village (*chi-zua*). There are 76 Districts, 330 Townships, 84 Sub-Townships, 413

Towns, 3133 wards, 13620 Village tracts and 63938 Villages in Myanmar (UNDP, 2015: 31).

The local government is an integral part of Myanmar's transition to democracy. It ensures the democratic rights of the citizens and is crucial for the development of democracy. Myanmar's transition to democracy has become increasingly important in the wider process of democratization. Local government is one of the key priority areas of reform since 2011 under the Government of Thein Sein. However, even after the adoption of the new Constitution in 2008, the administration at the local level in the form of districts, townships, wards, village tracts and villages has been retained. Local democracy and their elections have become an important step towards the consolidation of democracy in Myanmar. Local administrators remained centrally appointed till December 2012. The main issue of local governance in Myanmar is the absence of administrative decentralization and is kept under the control of Union Ministry of Home Affairs. The Secretary of the State or region governments, District administration and Township administration are the officers of the General Administration Department (GAD) under the Union Ministry of Home Affairs. Districts and townships are administered by centrally appointed bureaucrats from the GAD, which is the central institution for public administration in Myanmar. The state and region governments work with the GAD since it is the cornerstone of Myanmar's hierarchical structure of administrations. (Kim

& Arnold, 2016: 229) The administrations of townships and districts are headed by senior officials and do not have an elected representative. (Nixon, 2013: 9)

Profile of Chin state

The Chin state is one among the seven states of Myanmar. It is located in western Myanmar and is one of the least developed states in the country. The Chin state (formerly Chin Hills) was made a special division of Burma on 4th January, 1948 and became a full-fledged state on 4th January 1974. The Chin state shares international borders with Bangladesh in the western front and northern border with India. It is also surrounded by Sagaing and Magway divisions in the east and Rakhine state in the south. (Bawi, 2015: 2) The Chin state has three districts—Mindat district, Hakadistrict and Falam district and nine townships—Tonzang, Tiddim, Falam, Thantlang, Haka, Paletwa, Matupi, Mindat and Kanpalet.

The political history of the Chin state prior to British annexation of the Chin Hills in 1889 is the history of tribal chiefs. During the time, the Chin people were ruled by their own tribal chiefs. The Chin Hills were divided into different tribal groups and they spoke different dialects and were not united under one administrative unit. (Human Right Watch, 2009: 10) The different tribal groups were independent from one tribe to another. The Chin native rulers ruled their territory in many principalities in accordance with their divine law. On 20th February 1948, the Chin people abolished the power of

traditional chieftainship and adopted the 'virtue of self-determination' and the 'General will' of the people, which is associated with a political system called 'representative government' (Sakhong, 2003: 222).

The Chin Hills, the Kachin Hills, the Federated Shan states and Burma Proper (Mon, Rakhine and Karen) were occupied one after another as a separate political unit by the British. They had promulgated different administrative systems with different Acts and Regulations such as the Chin Hills Regulation 1896 for the Chin Hills, the Kachin Hill Tribes Regulation 1895 for the Kachin Hills, the 1919 Act of Federated Shan states for the Shan states and the Burma Act 1935 for the Burma Proper. The Union of Burma was founded at the Panglong Conference on 12th February 1947. Panglong Agreement represented a joint vision for the future of the pre-colonial independent people of the Chin, Kachin, Shan and the Burma Proper. It was led by the Chief Minister of the interim Burmese Government, Aung San who came into power in August 1946 according to the Burma Act of 1935. The interim Burmese Government was a government for Burma Proper (Mon, Rakhine and Karen).

The essence of the Agreement was not only to hasten the ethnic people's own search for freedom but also to establish a new multi-national state of the Union of Burma. In view of this, a new constitution was adopted by the Constituent Assembly of the interim government of the

Union of Burma on 24th September, 1947. The 1947 Constitution was adopted prior to independence with an attempt to develop a parliamentary democracy (Steinberg, 2010: 52). However, Myanmar's democracy was shattered in 1962 when General Ne Win took power in a military coup. A new Constitution was again adopted in 1974 that established a socialist state known as the Socialist Republic of the Union of Burma.

Local government in Chin state

The local administrators are invested with considerable powers in local development, law and order, dispute resolution and land administration. The Ward and Village Administration Law of 2012 have assigned 32 functions and duties to the ward and village tract administrators. The administrators play the key roles to communicate between the citizens and state. The standards and practice of local government in Myanmar is quite promising for a more structural transition to democracy. Local governance plays an important role in the process of democratization. The historic elections to the ward and village tract administrators in 2016 are an important landmark in the history of democratization in Myanmar. It also indicates a potential for a bottom-up approach of democratization in Myanmar. However, the ward and village tract administrators are still accountable to the unelected body of township administration.

The elections for the Wards and Village tracts in Chin state were held in January 2016 under the Ward and Village Ad-

ministration Law 2012. On 30 December 2015, the GAD announced that election to the position of ward and village tract administrators would take place in January 2016. Elections to the ward and village tract administrators are indirect and are not based on universal adult suffrage. They are indirect in the sense that the ward or village tract administrator is elected by ten household leaders. One vote represents one household irrespective of the number of eligible voters in the house. The first step in the elections of the ward and village tract administrators is the election to the head of ten households. Among the clusters of ten houses, one person is elected through secret ballot to represent ten houses. In other words, each ward and village tract is divided into a cluster of ten households. The 10 households again selected one person to represent them and is known as the head of ten houses (*seh-ein-hmu*). The next step is the election to the heads of 100 households. The elected ten household heads elected one person to represent the clusters of 10 households (100 households) known as the head of 100 household (*ya-ein-hmu*). These elected representatives of the 100 households are the candidates for the elections of the ward and village tract administrators. Among these candidates, one person is elected to become the ward or village tract administrator locally known as *ouq-chouq-ye-hmu* (Cin, 2018).

For example, at Tedim Township in Chin state there are four districts – Falam, Haka, Mindat and Matupi. These four districts are further categorized into nine

townships – Tonzang, Tedim, Falam, Haka, ThantlangMatupi, Kanpalet, Paletwa and Mindat. These townships are again divided into 132 villages in rural areas and four wards in town areas – Lawibual, Leilum, Myoma and Sakollam. Let's take the case of Lawibual ward to understand properly the process of election for ward administrator. In the town of Lawibual, there are 590-600 households. These 590-600 households are divided into a cluster of ten households. Each 10 households have one representative each. In other words, there were 60 elected representatives known as the heads of ten households. The elections to the heads of ten households are followed by the elections to the heads of 100 households from among the 60 elected representatives. Each cluster of 100 households consist of ten clusters of ten households ($10 \times 10 = 100$). In other words, there will be six clusters of 100 households ($6 \times 100 = 600$) and each cluster will consist of the ten elected representatives. This implies that there are ten heads of ten households representing one cluster of 100 households. Each cluster of 100 households will again elect one representative from the elected heads of ten households. Therefore, in the case of *Lawibual* ward, there were six elected representatives representing the six clusters of 100 households who eventually became the final candidates for the post of ward administrator. Out of the six candidates, one person was elected to become the ward administrator (*Ibid*).

Conclusion

The local government in Myanmar is not based on the principle of representative democracy. The present Constitution of Myanmar (the Myanmar Constitution of 2008) did not assign specific functions and duties to the local bodies and the administrators. Their roles, functions and duties are however provided by The Ward and Village Administration Law of 2012. The 1947 Constitution was more specific than the present Constitution in its provisions relating to local government in the sense that it enjoyed specific powers in administrative, cultural and economic matters. The existing Constitution is also silent about the elections of the local government in Myanmar. The elections of the local bodies (wards and village tracts) have been conducted under the Ward and Village Administration Law of 2012. Though the local governments in Myanmar have become elected bodies, the problem lies in the absence of administrative decentralization since local government is kept under the control of General Administration Department (GAD), a unit of Union Ministry of Home Affairs. The elected representatives of the wards and village tracts are still responsible to the non-elected and centrally appointed GAD officials. These GAD officials act as the administrators both at the district and township levels. Moreover, the local elec-

tion in Myanmar is still lacking the basic elements of democracy. The elections to the Ward and Village Tract Administrators are not based on universal adult suffrage. This implies that only the heads of family participate and cast the vote in the elections for the Ward and Village Tract Administrators. As a result, women and young people have been virtually excluded to exercise the right to vote. According to the workshop report on Myanmar ward and Village Tract Administrators Elections 2016, the position of local administrators has become more democratized than in the past, since the centrally appointed local administrators have been replaced by elected administrators. Moreover, it has been observed that the role of political parties and party affiliation in local elections have been increased in the 2016 elections as compared to the 2013 local elections. However, there was no evidence of candidates using party slogans, branding or poster, and no broader campaign was organized by the party (Kempel & Aung, 2016). In short, the process of democratization of local government in Myanmar has started but it has yet to be adopted the principles of universal adult franchise in the elections of local body. In other words, the local governments in Myanmar are not democratic institution in the true sense of the term.

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