

# PERSPECTIVE

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## **Democracy First, Federalism Next? The Constitutional Reform Process in Myanmar**

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### **EXECUTIVE SUMMARY**

- The ruling National League for Democracy (NLD) party launched a process of constitutional amendment in February 2019, but without the support of the unelected military bloc that holds a quarter of the seats in Myanmar's parliament, constitutional amendment remains impossible.
- Whereas the NLD wants gradually to reduce the power of the military in politics, the military and its proxy Union Solidarity and Development Party (USDP) seek to increase that power or at least maintain the constitutional status quo.
- Ethnic political parties have called for an immediate reduction of the power of the military and demanded more devolution of powers to ethnic states. They are unhappy with the NLD's silence concerning federalism.
- The politicking over constitutional amendment has made clear that these three groups — the NLD, the military and the USDP, and ethnic parties — will each go their own way to capitalize on the rift between them for gains in the general elections due in November 2020.

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## INTRODUCTION

The increasingly controversial and heated topic confronting Myanmar is the 2008 Constitution of the Republic of the Union of Myanmar, under which the country's political transition began in 2010. In the view of democrats or civilian politicians under the leadership of the ruling National League for Democracy (NLD) party and its chair State Counsellor Daw Aung San Suu Kyi, the constitution gives undue power to the military. In the view of members of ethnic minorities, meanwhile, the document disproportionately empowers the Bamar majority.

The political blueprint for Myanmar is a 'democratic federal' union — agreed to, in principle, by the military, the NLD government, and minorities.<sup>1</sup> To make Myanmar more democratic and federal, they all agree, again in principle, that the constitution needs amendment. Despite this 'future' goal, both the NLD and ethnic minority political parties have, willingly or not, 'agreed' to work within the bounds of the constitution at least since they entered electoral contests held under the terms of that document in 2010, 2012, and 2015.

The NLD administration, in power since 2016, recently launched a constitutional amendment process, when NLD Central Executive Committee member and upper house representative U Aung Kyi Nyunt rather unexpectedly submitted to the parliament an urgent proposal to initiate a process of constitutional amendment<sup>2</sup> on 29 January 2019.<sup>3</sup> The resultant Union of Myanmar Constitution (2008) Amendment Joint Committee (UMCAJC)<sup>4</sup> finished the initial task of collating views from members of parliament in July, and it is now working towards a constitutional amendment bill, the first step to actual constitutional reform.

The formation and work of the UMCAJC have led to the emergence of three political groupings in the parliament, each with its own preferences regarding the constitution. While the NLD is focused on the gradual reduction of the power of the military both in parliament and in the government, the military and the former ruling Union Solidarity and Development Party (USDP) seek to increase that power or at least to maintain the constitutional status quo. These two sides are now engaged in an all-out confrontation, as they mobilize supporters to take to the streets and call each other out, online and offline.

At the same time, ethnic political parties resent the fact that the ruling party has failed to address their demands for federalism. The NLD's response to those demands has in fact been to say that it prioritizes democratization and that work toward a federal Myanmar will follow. The USDP, in cooperation with military MPs, has capitalized on this emerging 'split' between the NLD and ethnic political parties and presented itself as a champion of the 'ethnic minority' cause. Therefore, the ongoing constitutional reform process has led to, or at least spotlighted, politicking under the pretext of debate over constitutional amendment. The various sides are now apparently engaged in this politicking with an eye on the polls due in November 2019.

## The UMCAJC

Myanmar's 2008 Constitution dictates that amendment must start in the parliament. The process has two or three steps. First, 20 per cent of sitting MPs submit an amendment bill. In cases of less substantial reforms, votes from more than 75 per cent of MPs suffice for approval of proposed amendment.<sup>5</sup> More substantial reforms require, however, a third step: the support of more than 50 per cent of all eligible voters in a referendum.<sup>6</sup> Notably, this process neither requires nor forbids the formation of a parliamentary constitutional amendment committee, as in the present case, prior to submission of an amendment bill for consideration.

The NLD delayed embarking on constitutional amendment by means of a parliamentary committee until early 2019, even though amending the 2008 charter was one of its election promises in 2012 and 2015. To be sure, it had tried two other approaches to constitutional reform. In 2014, when it was still in opposition, it mobilized a high-profile popular movement to demand amendment of Section 436, which allots to the military enough seats in parliament to ensure that it has veto power over constitutional amendment, and to pressure parliament to make that change.<sup>7</sup> The NLD also included constitutional amendment on the agenda of the Union Peace Conference–21<sup>st</sup> Century Panglong that it launched in 2016.<sup>8</sup> The first approach failed, and the second is ongoing with little possibility of the conference reaching a conclusion in the near future. That delay may well be the most important reason for the NLD's move to initiate constitutional amendment in parliament, which the party now dominates.

The bicameral Union parliament established the UMCAJC on 19 February 2019, despite strong opposition from military and USDP representatives.<sup>9</sup> The chairman of the committee is lower house Deputy Speaker and NLD Central Executive Committee member U Tun Tun Hein, and the deputy chairman upper house Deputy Speaker U Aye Tha Aung. The latter sits in parliament as a member of the Arakan National Party,<sup>10</sup> but it is not wrong to say that he is indirectly 'affiliated' or 'aligned' with the NLD. He was selected as upper house Deputy Speaker by the NLD-dominated house. The NLD-dominated UMCAJC submitted a report on 15 July with 3,765 recommendations for removing, adding to, or revising sections in 15 chapters and 5 schedules of the constitution.<sup>11</sup> The table below tabulates the composition of UMCAJC with respective party affiliation and recommendations.

### Union of Myanmar Constitution (2008) Amendment Joint Committee<sup>12</sup>

No.	Political Party/Group/Affiliation	Number of Members	Number of Recommendations Made
1.	NLD	18	114
2.	Military	8	0
3.	USDP	2	10
4.	Shan Nationalities League for Democracy (SNLD)	2	1,112
5.	Arakan National Party (ANP)	2	858
6.	Mon National Party (MNP)	1	641
7.	National United Democratic Party	1	462
8.	Zomi Congress for Democracy	1	53

9.	Ta'arng (Palaung) National Party	1	178
10.	National Unity Party	1	17
11.	Wa Democratic Party	1	0
12.	Kokang Democracy and Unity Party	1	40
13.	Kachin State Democracy Party	1	111
14.	Lisu National Development Party	1	26
15.	Pa-O National Organization	1	140
16.	Independent	1	3
	<b>Total</b>	<b>43</b>	<b>3,765</b>

The report presents the first collation of the preferences for constitutional amendment of the NLD, the military, other national parties such as USDP, ethnic political parties, and one independent member of parliament. Four facts are noteworthy. First, despite its dominance in both the UMCAJC and parliament, the NLD only submitted 114 recommendations. Second, despite their minority status in each of those bodies, the ethnic-Shan SNLD, the ethnic-Rakhine ANP, and the ethnic-Mon MNP together submitted 2,611 out of 3,765 recommendations. Third, the eight military representatives on the committee did not offer a single recommendation. And, finally, the opposition USDP only made 10 recommendations.<sup>13</sup> Two ANP representatives and another from the National United Democratic Party have now also resigned from UMCAJC alleging that the NLD now exerts hegemonic control, via majoritarian voting, over the preparation of an amendment bill based on the recommendations.<sup>14</sup>

This process is likely to result in a bill in late 2019 or early 2020 but not lead to actual constitutional reform. Nevertheless, the process exposes important differences among the military and the USDP, the NLD, and ethnic political parties — the three most politically significant groups within Myanmar's parliament— in the run-up to the 2020 general elections. The brief analysis that follows outlines the constitutional preferences and positions of these three groups, as revealed in their members' recommendations for amendment.

## **THE STATUS QUO: LESS DEMOCRACY, LESS FEDERALISM**

The constitution, written at the behest of the military between 1993 and 2007, has a measure of democratic and federal content.<sup>15</sup> Myanmar's ongoing political transition began in 2010, after the military had included in the constitution buffers against further democratization and federalization.

### *Less Democracy in the Constitution*

The military used the constitution to award itself a leading political role.<sup>16</sup> But the constitution undeniably returns substantial power to the 'people', who were under totalitarian military dictatorship from 1988 until 2011. The return of this power has been especially evident after the NLD won the November 2015 general elections in a landslide,

and came to power in March 2016.<sup>17</sup> Citizens can now elect the legislature in parliamentary elections. In turn, parliament nominates and appoints the executive.<sup>18</sup> However, a quarter of parliament's members are still unelected, directly appointed by the commander-in-chief of the military. This bloc of MPs may effectively veto any constitutional amendments, which require the support of more than 75 per cent of the total number of MPs, including military members.

Also, the military nominates one of three candidates from among whom parliament chooses the president; the other two serve as vice presidents. It also occupies the three important cabinet portfolios of defence, home affairs, and border affairs. These powers create difficulties for civilian-led administrations such as the NLD government when they may need to give direct orders to the police, which belong to the home affairs ministry.<sup>19</sup> The military can freeze civil liberties and freedoms, and the commander-in-chief alone may assume legislative, executive, and judicial powers when a national emergency occurs.<sup>20</sup> Transitional justice or retribution for repression under the military regime in the 1990s and the 2000s<sup>21</sup> and for corruption in the pre-2013 period<sup>22</sup> are thus out of the question.

In short, the constitutional status quo prevents the government from easily sending the military back to the barracks.

### *Less Federalism in the Constitution*

Myanmar has seven Bamar-dominated regions: Yangon, Mandalay, Sagaing, Magway, Ayeyarwady, Tanintharyi and Bago regions. It also has seven states bearing the names of minority ethnic groups: Kachin, Kayah, Kayin, Chin, Mon, Rakhine, and Shan states. The constitution also provides for six ethnically-designated self-administered zones or divisions in Shan state and Sagaing region. Each state or region sends twelve members to the upper house of parliament, despite considerable variation in sizes and populations among the states and regions. This allocation effectively creates an imbalance between the Bamar majority and ethnic minorities in the upper house, including when it deliberates on ethnically sensitive matters. This voting imbalance becomes more pronounced when the bicameral parliament votes as a whole because the lower house with its 440 representatives, predominantly Bamar, has more voting power than the upper house.

Ethnic minorities also view decentralization of power from the Union legislature and executive to state legislatures and executives as nominal or superficial.<sup>23</sup> The thorniest issue concerns direct presidential appointment of the chief ministers of all states and regions, even when an ethnic political party or a national party different from that in power in Nay Pyi Taw wins most seats at the ethnic state level. The appointment of NLD Central Executive Committee member Nyi Pu as chief minister of Rakhine state and NLD MP and ethnic Bamar Dr Linn Htut as Chief Minister of Shan state<sup>24</sup> provide the best examples of this asymmetry of power. For the ANP and the USDP won the most seats in legislatures of Rakhine and Shan states, respectively, in the 2015 elections.

## **THREE CONSTITUTIONAL GROUPS AND THEIR PREFERENCES**

No single bloc within the parliament, whether the NLD or the military, possesses sufficient voting power to effect constitutional reform on its own. The NLD's recent move to promote

such reform has exposed three groups with different preferences concerning the constitution: the NLD, military and USDP MPs, and ethnic political parties.

*The NLD in Parliament: A Lone Wolf but also a Giant*

The NLD occupies close to 59 per cent of seats in parliament, and it can initiate constitutional reform by submitting an amendment bill on its own. However, it decided to form the UMCAJC to collate different constitutional preferences. The committee's work did not prove conflictual, and military and USDP MPs did not submit any recommendations.

The NLD's recommendations for constitutional amendment are the most significant because of the party's dominant position on the UMCAJC and in parliament, and its popularity with the electorate. The party seeks to demilitarize the constitution by reducing the military's proportion of parliamentary seats from the current 25 per cent to 15 per cent, and then to 10 per cent and 5 per cent, after general elections in 2020, 2025, and 2030, respectively. This reform will accompany another amendment that will see the current threshold of more than 75 per cent of votes for constitutional reform reduced to more than two thirds of elected representatives. This change will, instantly, deprive the unelected military bloc of its veto power over constitutional amendment and enable the NLD to reform the constitution as it deems fit, as the NLD already occupies close to 78 per cent of elected seats.<sup>25</sup>

If these reforms come to pass, the political leadership role of the military will require a popular mandate. Civilian leaders will play a decisive role on the eleven-member National Defence and Security Council, which is now dominated by the commander-in-chief and his appointees. The commander-in-chief will also lose his powers over the executive, the legislature, and the judiciary in emergencies. The president would assume those powers. Last but not least, the NLD seeks to remove Section 59(f) of the constitution, which bars Daw Aung San Suu Kyi from holding the presidency.<sup>26</sup>

While advancing these democratizing or demilitarizing measures in its proposals for constitutional amendment, the NLD's recommendations did not touch on provisions relating to minorities such as the structure of the state and appointment of chief ministers of states and regions — a matter of interest to ethnic minorities<sup>27</sup> — or on several other constitutional prerogatives of the military. It may have been concerned about the reaction of the military to such proposals.

*Military and USDP Representatives: Allies against the NLD in Parliament*

The military is the second most powerful bloc in parliament, and it has used that prerogative alone or in cooperation with its proxy, the USDP. The USDP only occupies a little more than 6 per cent of seats and cannot submit an amendment bill on its own. Therefore, it has joined hands with military MPs and sought to occlude the work of the UMCAJC by submitting two makeshift amendment bills, in February and May 2019, concerning four sections of the constitution and their subsections.<sup>28</sup> The NLD-dominated parliament, however, brought these bills within the ambit of the UMCAJC.<sup>29</sup>

Most significantly, military and USDP MPs proposed that regional and state parliaments be empowered to appoint chief ministers, claiming that this will benefit ethnic minorities.<sup>30</sup>

However, upon closer analysis, the proposal apparently aims to ensure that at least one regional or state chief minister is a USDP member. The USDP currently dominates the Shan state parliament, and with the support of military MPs in the state parliament the party could, were its proposal adopted, appoint the chief minister of Shan state.

Military MPs alone submitted a third amendment bill on 17 September 2019. Its objective was to broaden application of the restrictive qualifications in Section 59(f) that already applied to the president and vice-presidents, who must neither have foreign spouses, children, or sons- or daughters-in-law nor owe allegiance to a foreign power. They would now also apply to Union ministers and to the chief ministers of regions and states, apparently targeting the current State Counsellor and Foreign Minister Daw Aung San Suu Kyi, who has two British sons.<sup>31</sup> On 18 September, military and USDP MPs submitted a fourth amendment bill, which will empower the National Defence and Security Council to advise the president to dissolve parliament when the executive and the legislature reach a stalemate or a third of seats in either the lower house or the upper house are vacant.<sup>32</sup> The bill is pending as of October 2019. In late September, the military also strongly criticized the NLD for not holding a single meeting of the military-dominated National Defence and Security Council since the party came to power in 2016.<sup>33</sup>

Despite these moves by the military and the USDP, jointly or individually, the NLD-initiated process under the UMCAJC is ongoing. At the same time, the increasing confrontation between the NLD on the one hand and the military and the USDP on the other serves to expose the rift between the two sides in the run-up to the 2020 general elections. While they have been engaged in confrontation within the parliament, supporters of the two groups have held more than 100 protests against the other side across Myanmar.<sup>34</sup>

### *Ethnic Political Parties*

Ethnic political parties have proven vocal advocates for extensive constitutional amendment, to judge from the sheer number of recommendations that their representatives made to the UMCAJC. They support the demilitarization of politics and even offered such strong recommendations as the one from the ANP, the SNLD, and MNP calling for removal of Section 6(f) of the constitution, which accords the military the leadership role in politics.<sup>35</sup>

The ANP, SNLD, and MNP seek the ethno-geographic restructuring of Myanmar into a Union composed of ethnically designated states alone, as the ANP advocates; of eight ethnic states including the existing seven and an additional one for the Bamar, along with union territories, as the SNLD advocates; and of eight ethnic states and two multi-ethnic states and union territories, as the MNP advocates. They also want instantly and completely to remove the military from parliament at both the Union and state or regionals levels. Furthermore, they seek the removal of the presidential prerogative of appointment of chief ministers of states and regions.<sup>36</sup>

Despite the ethnic parties' minority status in the Union of Myanmar and in parliament, their constitutional preferences are more substantive than those of the NLD and seek to have a more immediate impact. The parties are likely to be aware of the political calculus behind the proposal from the military and the USDP to amend Section 261. They particularly resent the fact that the NLD has gone 'quiet' about their aspirations for federalism, to which the

NLD has responded by saying that the party now prioritizes democratization over federalism and that it will work with minorities when the military goes back to the barracks.<sup>37</sup>

## CONCLUSION

The din of constitutional amendment and the parliamentary process has cut a deep political rift between the NLD on one side and the military and USDP on the other, as seems inevitable in the run-up to the 2020 general elections. Although by Daw Aung San Suu Kyi's own admission<sup>38</sup> the process launched by the NLD in February of this year is not likely to result in actual constitutional reform, the ruling party will nevertheless try to capitalize on it, to tell voters that it did seek constitutional reform, but was obstructed by the military and the USDP. The USDP, along with the military, will also use the rift to tell voters that Myanmar must not rush to reform the constitution and that threatening the status quo will lead to instability.

Ethnic minorities, which previously shared many views on the 2008 Constitution with the NLD, have come to understand that the NLD has opted to prioritize democratization over federalism. They will also capitalize on differences between them and the NLD that are now apparent by telling ethnic voters that Bamar majoritarianism reigns and politics is now a matter of self-help for minorities.

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<sup>1</sup> This political vision of a future Union of Myanmar based on democracy and federalism is enshrined not only in the Nationwide Ceasefire Agreement signed by the military, the government and a number of ethnic armed groups on 15 October 2015 but also in the Pyidaungsu Accord that has been under negotiation and development since 2016.

<sup>2</sup> Ei Ei Toe Lwin, "Parliament Approves Charter Change Proposal Despite Military Rejection", *The Myanmar Times*, 29 January 2019 (<https://www.mmtimes.com/news/parliament-approves-charter-change-proposal-despite-military-rejection.html>, downloaded 28 September 2019).

<sup>3</sup> The choice of the date is symbolically interesting because it fell on the second anniversary of the assassination of prominent Muslim lawyer U Ko Ni in daylight at Yangon International Airport. The NLD's constitutional advisor was, reportedly, behind the creation of the premier-like position of State Counsellor for Daw Aung San Suu Kyi, who was not able to become President due to Section 59(f) of the constitution; see Melissa Crouch, "Myanmar's Advocate for Constitutional Reform: Saya U Ko Ni", *Australian Journal of Asian Law* 17, 2 (2017): 1–12 ([https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2939411](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2939411), downloaded 28 September 2019).

<sup>4</sup> This is the unofficial, literal translation of the official Myanmar name of the committee:

ပြည်ထောင်စုရုံးဝန်ကြီးဌာန၊ ပြည်ထောင်စုဝန်ကြီးရုံး၊  
ပြည်ထောင်စုဝန်ကြီးရုံး

<sup>5</sup> Republic of the Union of Myanmar, 2008 Constitution, Sec 436(b).

<sup>6</sup> Republic of the Union of Myanmar, 2008 Constitution, Sec 436(a).

<sup>7</sup> Jared Ferrie, "Suu Kyi Races to Change Myanmar Constitution Before 2015 Elections", *Reuters*, 30 June 2014, (<https://www.reuters.com/article/us-myanmar-constitution/suu-kyi-races-to-change-myanmar-constitution-before-2015-elections-idUSKBN0F515S20140630>, downloaded 29 September 2019); Jared Ferrie and Aung Hla Tun, "Myanmar Opposition Party Says 5 Million Sign Petition to Change Constitution", *Reuters*, 22 July 2014 (<https://www.reuters.com/article/us-myanmar-constitution-idUSKBN0FR0XT20140722>, downloaded 29 September 2019).



<sup>8</sup> Nyein Zaw Lin and Chan Thar, “Panglong Talks End on a Positive Note”, *The Myanmar Times*, 16 July 2018,

(<https://www.mmtimes.com/news/panglong-talks-end-positive-note.html>, downloaded 1 October 2019).

<sup>9</sup> Shoon Naing, “Myanmar Parliament Approves Panel to Discuss Constitution Despite Military Protest”, *Reuters*, 6 February 2019 (<https://www.reuters.com/article/us-myanmar-constitution/myanmar-parliament-approves-panel-to-discuss-constitution-despite-military-protest-idUSKCN1PV0CX>, downloaded 25 September 2019).

<sup>10</sup> U Aye Tha Aung was the veteran leader of the Arakan League for Democracy (ALD), which won 11 seats in the 1990 general elections. The ALD later merged with the Rakhine Nationalities Development Party (RNDP), which won 16 seats in the 2010 general elections. The resultant Arakan National Party (ANP) won 22 seats in 2015. The merger did not last long, however, and the ALD faction left the ANP and re-established the ALD under the same name in 2017. Upper house Deputy Speaker U Aye Tha Aung has neither rejoined the ALD nor been officially asked to leave the ANP; he remains listed as an ANP member on the upper house website.

<sup>11</sup> For an unofficial translation of the recommendations, see “Report produced in July 2019 by Myanmar’s Joint Parliamentary Committee on Constitutional Amendment and Annex (English Translation)”, *International IDEA* (<http://constitutionnet.org/vl/item/report-produced-july-2019-myanmars-joint-parliamentary-committee-constitutional-amendment>, downloaded 15 September 2019).

<sup>12</sup> The list excludes chairman and deputy chairman of the UMCAJC.

<sup>13</sup> Notably, the USDP did not present those recommendations to the UMCAJC, but after the USDP submitted its recommendations in the form of two amendment bills the NLD-dominated parliament decided that they should be included in the larger process undertaken by the UMCAJC. See, San Yamin Aung “USDP and Military Propose 4 New Charter Amendments”, *The Irrawaddy*, 29 May 2019, (<https://www.irrawaddy.com/news/usdp-military-propose-4-new-charter-amendments.html>, downloaded 18 October 2019).

<sup>14</sup> San Yamin Aung and Moe Moe, “Three Lawmakers Quit Charter Amendment Committee in Spat with NLD”, *The Irrawaddy*, 3 September 2019 (<https://www.irrawaddy.com/news/burma/three-lawmakers-quit-charter-amendment-committee-spat-nld.html>, downloaded 1 October 2019).

<sup>15</sup> Nyi Nyi Kyaw, “Putting Their Guns on the Scale: Constitution-Making in Burma/Myanmar under Military Command”, *The Chinese Journal of Comparative Law*, published online 19 August 2019 (<https://doi.org/10.1093/cjcl/cxz010>, downloaded 10 October 2019).

<sup>16</sup> Republic of the Union of Myanmar, 2008 Constitution, Sec 6(f).

<sup>17</sup> Nyi Nyi Kyaw, “Putting Their Guns on the Scale”.

<sup>18</sup> *Ibid.*

<sup>19</sup> On the importance of the Myanmar Police Force in the ongoing and future democratization of Myanmar, see Andrew Selth, “Police Reform in Myanmar: Changes ‘in Essence and Appearance’”, pp. 205–228 in *Debating Democratization in Myanmar*, edited by Nick Cheesman, Trevor Wilson, and Nicholas Farrelly (Singapore: ISEAS–Yusof Ishak Institute, 2014).

<sup>20</sup> Nyi Nyi Kyaw, “Myanmar’s Pluralist Constitution: Nation-Building versus State-Building”, pp. 143–168 in *Pluralist Constitutions in Southeast Asia*, edited by Jaclyn Neo and Bui Ngoc Son (Oxford and Portland: Hart Publishing, 2019).

<sup>21</sup> Republic of the Union of Myanmar, 2008 Constitution Sec 445.

<sup>22</sup> Nyi Nyi Kyaw, “Frying Just A Few New ‘Big Fish’? Combating Corruption in Myanmar”, *ISEAS Perspective* 71/2019

([https://www.iseas.edu.sg/images/pdf/ISEAS\\_Perspective\\_2019\\_71.pdf](https://www.iseas.edu.sg/images/pdf/ISEAS_Perspective_2019_71.pdf), downloaded 1 October 2019).

<sup>23</sup> David C Williams, “What’s So Bad about Burma’s 2008 Constitution? A Guide for the Perplexed”, pp. 117–140 in *Law, Society and Transition in Myanmar*, edited by Melissa Crouch and Tim Lindsey (Oxford: Hart, 2014); Melissa Crouch, “Ethnic Rights and Constitutional

Change: The Recognition of Ethnic Nationalities in Myanmar/Burma”, pp. 105–124 in *Central-Local Relations in Asian Constitutional Systems*, edited by Andrew Harding and Mark Sidel (Oxford and Portland: Hart, 2015).

<sup>24</sup> Kyaw Phone Kyaw, “NLD Goes It Alone, Raising Ethnic Party Ire”, *Frontier*, 2 May 2016 (<https://frontiermyanmar.net/en/nld-goes-it-alone-raising-ethnic-party-ire>, downloaded 20 October 2019).

<sup>25</sup> Union of Myanmar Constitution (2008) Amendment Joint Committee (UMCAJC),

“ရူပဋ္ဌာနဝေဟနဥပဒေပြုမန္တရားဝန်ထမ်းမှတ်တမ်းနှင့်အညီအချစ်အမြင် (၂၀၀၈)

ရူပဋ္ဌာနရေး ပူးပေါင်းကော်မတီ၏ လေ့လာကြည့်ရှုရန်ကုန်သွင်းသောထားမှတ်တမ်းရရှိစာ”

[Findings and Commentary of the Union of Myanmar Constitution (2008) Amendment Joint Committee], dated 15 July 2019; document in the possession of the author.

<sup>26</sup> Ibid.

<sup>27</sup> Sai Kyaw Nyunt, “၂၀၀၈ ခုနှစ် ဖြစ်ပွားပုံအချစ်အမြင်ပေဒ ရူပဋ္ဌာနရေး အဆိုပြုပိုင်ကြားအား

ဒီမိုကရေစီဖွဲ့စည်းမှုကွဲလွဲမှု ဝေဖန်ဆန်းစစ်ချက်ပေါ်ကွဲ ရေးရာမူတိုင်” [Looking at Recommendations

for Amending the 2008 Constitution from Democracy and Federalism Viewpoints], *ISP Peace Desk*, 6 August 2019 (<https://ispmyanmarpeacedesk.com/article/looking-constitutional-amendment-through-democracy-federal-lenses-peace-desk>, downloaded 12 October 2019).

<sup>28</sup> San Yamin Aung, “USDP and Military Propose 4 New Charter Amendments”, *The Irrawaddy*, 29 May 2019 (<https://www.irrawaddy.com/news/usdp-military-propose-4-new-charter-amendments.html>, downloaded 18 October 2019).

<sup>29</sup> San Yamin Aung, “Myanmar Military, USDP Charter Amendment Proposals to be Reviewed by Panel”, *The Irrawaddy*, 4 September 2019. (<https://www.irrawaddy.com/news/burma/myanmar-military-usdp-charter-amendment-proposals-reviewed-panel.html>, downloaded 15 October 2019).

<sup>30</sup> Htet Naing Zaw, “USDP Proposes Single Amendment to Constitution”, *The Irrawaddy*, 14 February 2019 (<https://www.irrawaddy.com/news/burma/usdp-proposes-single-amendment-constitution.html>, downloaded 15 October 2019).

<sup>31</sup> Htoo Thant and Myat Thura, “Tatmadaw Seeks Tougher Rules for Union, State and Regional Ministers”, *The Myanmar Times*, 18 September 2019 (<https://www.mmtimes.com/news/tatmadaw-seeks-tougher-rules-union-state-and-regional-ministers.html>, downloaded 18 October 2019).

<sup>32</sup> Myat Thura, “Opposition Seeks Enhanced Role for National Defence and Security Council”, *The Myanmar Times*, 26 September 2019 (<https://www.mmtimes.com/news/opposition-seeks-enhanced-role-national-defence-and-security-council.html>, downloaded 1 October 2019).

<sup>33</sup> Htet Naing Zaw, “Military Criticizes NLD Govt for Neglecting Myanmar’s Security Council”, *The Irrawaddy*, 30 September 2019 (<https://www.irrawaddy.com/news/burma/military-criticizes-nld-govt-neglecting-myanmars-security-council.html>, downloaded 20 October 2019).

<sup>34</sup> Based on international and Myanmar media reports from February until October 2019.

<sup>35</sup> Union of Myanmar Constitution (2008) Amendment Joint Committee (UMCAJC), 15 July 2019, op. cit.

<sup>36</sup> Ibid.

<sup>37</sup> Sai Ko Ko Tun, “ဒေသအနှံ့စပ်စုတို့သည် သာ ဒီမိုကရေစီဖွဲ့စည်းမှု ဝေဖန်ဆန်းစစ်ချက်ပေါ်ကွဲ ဝေဖန်ဆန်းစစ်ချက်” [Daw Aung San Suu Kyi Alone Can Transform [Myanmar] into a New

Democracy, U Nyan Win], *The 7 Day Daily*, 27 September 2019

(<https://7daydaily.com/story/167237>, downloaded 2 October 2019).

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