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In paper no. 6569 dated 20th July 2019 we had given broad details of amendments to 2008 Constitution both by the political parties and parties connected to the Ethnic Armed Organisations. The amendments were tabled despite Army's strong objections over the manner in which the amendments were proposed including the formation of a 45-member Committee to consider the proposals and bring it to the Parliament for discussion.

Despite making no proposal for amendment, the Army (Military) Representatives have suggested the names of 78 individuals out of 125 representatives of the Tatmadaw (Army) for participating in the debate. Surely this is not meant for making any positive contribution to the discussions but only to delay the proceedings so that the discussions could be continued to 2020 when the next elections will be due. At any rate the key stumbling block will be Article 436 of the Constitution where Army holds 25 percent of the seats to be nominated by the Army Chief and no amendment can be passed by a majority of less than 75 percent!

Equally farcical is the number suggested for the debate by the Army's proxy- the USDP having suggested 27 of its members to participate in the debate! The NLD which has a majority in the house has proposed only five members for the debate with 114 suggestions. The SNLD one of the smallest entities had proposed 1112 proposals and has fielded three members for the debate!

It will be interesting to see what the NLD of Suu Kyi has proposed as amendments and only these besides those given by parties related to EAOs (Ethnic Armed Organisations) are relevant for study.

Of 114 proposals made by the NLD, the following are the more important ones that would reveal the main thrust of the suggestions. It is

certainly to ensure a gradual reduction in the stranglehold of the Army on the governance, security and introduction of democracy as is known the world over. This may not be acceptable to the Army- in history there are very few instances where individuals or entities have given up power voluntarily and certainly not the Tatmadaw who claim that they and no one else represent the entire people of the country!

The important proposals are

1. Under the “Basic Principles”, change to “Union’s objectives include enabling the Defence Services to be able to participate in the national political leadership’s role of State in accordance with the people’s aspirations instead of the term “enabling the Defence Services to be able to participate in the national political leadership role of the State”. The difference is subtle but the message is clear that the role has to be in accordance with people’s aspirations.
2. Abolish the section that says that the Commander in Chief is the Supreme Commander of all Armed Groups.
3. Substitute the provision that the Commander in Chief has the right to take over the powers of the State in an emergency that causes loss of sovereign power.
4. The representation of the military on the Parliament should be reduced to 15 percent in 2020, 10 percent in the elections in 2025 and 5 percent in 2030. (A tall order indeed when the Army is riding high will all powers!)
5. The Military personnel posted as Ministers and Deputy Ministers in Defence, Home and Border Affairs should retire from their military positions before taking up their positions in the ministries. (The very idea of putting military personnel by the Army Chief was to have full control over all internal developments and border issues and these will be nullified once the personnel are asked to retire from the military!)
6. Delete provision that demands that the President must consult the Commander in Chief before dismissing the regional Security and Border Affairs Ministers. (In no democracy can the Army have veto power over the President)
7. Article 436 of the Constitution that is key to the stranglehold of the Army over the country, to be amended that 75 percent of only elected Members of Parliament are eligible to make changes in the Charter. (This will automatically eliminate the Army Representatives who are unelected- a radical and bold suggestion indeed!)
8. In the National Defence and Security Council, the Border Affairs Minister is to be replaced by the two Speakers of the Upper and the Lower House.
9. Abolish the provision that demands that the President should coordinate with the Commander in Chief to declare a state of Emergency.

10. Amend the section that gives the Commander in Chief legislative, executive and judicial powers given to the Commander in Chief in a State of Emergency – and authorize the Parliament to decide and approve on the powers to be given to the Commander in Chief
11. Abolish article 59 (8) that specifically targets Suu kyi from becoming President and reduce the minimum age to be President from 45 to 40. While the first one was specifically designed to prevent Suu kyi from gaining power (which she cleverly circumvented), it is not clear how the reduction in 5 years to be eligible for Presidentship is going to help anyone.
12. Lift the restriction on party activities by Union Ministers during their tenure as also the one on Civil Servants who should be free from Party Politics. This proposal is very controversial, and one cannot imagine civil servants having party affiliations working in a non partisan manner in day to day running of the Government!

In all, the suggestions made by NLD are bold, far reaching and generally “Army Specific”. This will be certainly opposed bitterly by the 79 Army Representatives as also the 27 USDP representatives – the Army proxies who will be faithfully mouthing the instructions given by the Army Chief and nothing else.

What is important to note is that the NLD as well as Suu Kyi have clearly conveyed to the Army authorities what they think of the Army and the Army dominated 2008 Constitution!

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