

MYANMAR RESULTS OF THE 2010 ELECTIONS IN MYANMAR: AN ANALYSIS

(3) NEW POLITICAL SYSTEM

by KUDO Toshihiro

January 2011

Balance of Power in Legislatures

What impact would the results of the elections have on the workings of the Legislatures, the first regular session of which is scheduled to be held on January 31, 2011? In the Union Legislature (the People's Legislature and the National Legislature) and the Region and State Legislatures (seven regions and seven states), one quarter of the seats are assigned to military representatives appointed by the Commander-in-Chief, in addition to representatives elected in the elections. **Table 7** shows the balance of power in the Legislatures after taking the above conditions into account. Although the USDP scored a "landslide victory" overall, the differences in legislative composition are expected to reshape the way how the Legislatures are run.

Table 7 Balance of Power in Legislatures (%)

Legislature		USDP	Army	NUP	Others
Union Legislature	People's	60	25	3	12
	National	58	25	2	15
	Total	59	25	3	13
Region Legislatures	Yangon	61	25	7	14
	Bago	68	25	7	7
	Ayeyawady	67	25	8	8
	Mandalay	72	25	0	3
	Sagaing	66	25	8	9
	Magway	69	25	6	6
	Taninthayi	71	25	4	4
State Legislatures	Shan	38	25	1	37
	Kachin	39	25	22	36
	Rakhine	30	25	2	45
	Mon	46	25	7	29
	Chin	29	25	0	46

	Kayin	31	25	0	44
	Kayah	75	25	0	0

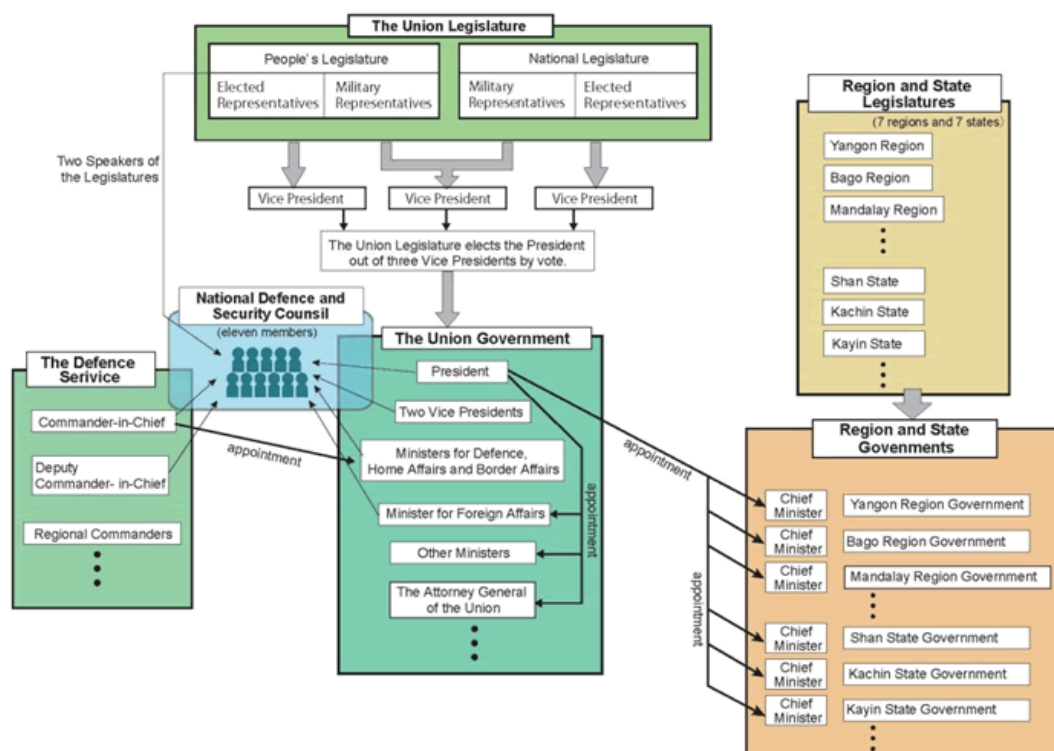
(Source) Calculated based on New Light of Myanmar on Nov. 8, and 11-18, 2010.

First, following its “landslide victory,” the USDP obtained a majority in both houses of the Union Legislature, even after military representatives that occupy one quarter of all seats are included in the count. This means that the USDP now has the power to make decisions on the election of president on its own, without the cooperation of military representatives.

Under the election process for president, three core groups – elected representatives of the People’s Legislature, elected representatives of the National Legislature, and military representatives of both Legislatures – field one candidate each, while the Union Legislature elects the President by a majority vote (Figure 1). The USDP can field two nominees from both houses, and elect either nominee as President in the Union Legislature.

Accordingly, the president is in theory able to take action independent of the intentions of military representatives. The popular belief today is that the USDP is more or less synonymous with the Myanmar army. In reality, however, the USDP embraces a relatively wide range of members, from businessmen to lawyers, scholars, and local celebrity, so their ideas and interests are not completely aligned with those of the army. The USDP’s “landslide victory” in the elections may serve to expand the party’s autonomy.

Figure 1. New State Organization of Myanmar



(Source) Produced based on the 2008 Constitution

Second, the USDP, in combination with military representatives, holds more than three quarters of all seats in the Union Legislature. If they work together, the two parties will have the authority to make important decisions such as constitutional amendments and changes in regional and state borders. Also, if their seat total equals or exceeds two thirds of all seats, they will have the power to impeach the President. There is a possibility that a president may not follow the intent of the USDP or military in governing the country after

he/she assumes office, as being a parliamentary member or military personnel is not a qualification for becoming a presidential candidate. Even if such situations were to arise, the USDP has the power to discharge the President, provided that it can get military representatives to cooperate.

Third, the elections gave rise to mixed situations in the Region and State Legislatures. The USDP enjoys a majority in the seven Region Legislatures. Combined with seats held by military representatives, their seats exceed three quarters of the total, a situation that resembles that of the Union Legislature.

However, the USDP was not able to secure a majority in the State Legislatures with the exception of Kayah State. The ruling party is not under any imminent threat of a predicament because they constitute a majority when their seats are combined with those of military representatives. Still, their combined seats would not exceed three quarters of the total, the mark that grants the ability to impeach a Chief Minister, head of the Region and State Governments.

Chief Ministers are appointed by the President from among the Region and State Legislature representatives according to the Article 261 of the 2008 Constitution. In some State Legislatures, ethnic minority parties enjoy dominant party status. In others, the number of ethnic minority parties' seats could exceed that of USDP by forming a coalition. The election of a Chief Minister from an ethnic minority party is a possibility in some State Legislatures, provided the understanding of military representatives can be secured. For instance, the RNDP is the leading party in the Rakhine State Legislature, and in Chin State, cooperation between the two Chin parties would make them the dominant force. As we have seen, true parliamentary democracy in Myanmar may begin in the State Legislatures.

President, Commander-in-Chief, and Chief Ministers

Although a multi-party democracy may be a possibility in the State Legislatures, the "landslide victory" by the USDP remains firmly in place in the Union Legislature and the Region Legislatures, casting doubt on the chances of democratic discussions in those Legislatures. This is why most people in the international community, notably in the United States (US) and the European Union (EU), see the elections as a mere ploy to "legitimize" the army's power.

For this reason, an examination of the upcoming political course in Myanmar should be focused primarily on the new government - the President in particular - rather than the Union Legislature. The President will be elected in the first regular session of the Union Legislature, which must be convened within 105 days after the elections. What is important is that the power currently held only by the 77-year old Senior General Than Shwe, Commander-in-Chief of the Defence Services and Chairman of the State Peace and Development Council (SPDC), the highest decision-making body, will in the future be shared between the two persons, i.e., the President and the Commander-in-Chief.

The Commander-in-Chief of the Defence Services will continue to exert enormous influence over the government through the appointment of the Ministers for Defence, Home Affairs and Border Affairs and through the National Defence and Security Council composed of the President, two Vice-Presidents, two Speakers of the People's Legislature and National Legislature, Commander-in-Chief and Deputy Commander-in-Chief of the Defence Services, Ministers for Defence, Foreign Affairs, Home Affairs and Border Affairs (**Figure 1**).

At least in peacetime, however, the Commander-in-Chief will not intervene directly in the national politics, as the duty of day-to-day administration will be relegated to the President. The important questions in the examination of the post-election political milieu in Myanmar include: Who will be president? What ideas will the new president have, and what will he/she do? Although this is no more than speculation, the USDP's "landslide victory" is thought to have heightened the possibility of an USDP cadre, possibly Thura Shwe Mann, former Joint Chief of Staff of the Army, Navy and Air Forces, assuming the presidency.

Subsequently, the new president will then form a cabinet. The newly organized cabinet is expected to include many incumbent ministers and retired army officers because the majority of the current ministers, including Prime Minister Thein Sein, along with high-ranking army officers who retired immediately before the elections, ran in the elections as USDP candidates and all of them were elected. Such officers include Thura Shwe Mann, and Thiha Thura Tin Aung Myint Oo, former Quartermaster-General and First Secretary of the SPDC. When the new administration is inaugurated, the administrative authority will be handed over from the SPDC, thus completing the transition of power to a "civilian" government.

The Region and State Legislatures will also be convened at the same time as the Union Legislature. Chief Ministers who head the Region and State Governments are appointed by the President from the Region and State Legislature representatives. This provision is different from the Union Legislature, where nominees do not have to be a member of the Union Legislature to qualify for the President or the Union Government Ministers. For this reason, incumbent ministers and high-ranking ex-military officers who ran successfully in the elections for the Region and State Legislatures are expected to be appointed Chief Ministers of the Region and State Governments. For example, Tin Aye, former Head of the Union of Myanmar Economic Holding Ltd. and Member of the SPDC, won in the Sagaing Region Legislature, while Foreign Minister Nyan Win was elected in the Bago Region Legislature. Meanwhile, very few of the current ministers or high-ranking ex-military officers ran in or won contests in the State Legislatures. This raises the possibility of an ethnic minority representative being elected Chief Ministers for some State Governments.

Another important point is the likelihood of a generational change among the military leaders. Senior General Than Shwe, who has served as Commander-in-Chief of the Defence Services since 1992, is rumored to retire along with 73-year old Vice Senior General Maung Aye. Although not confirmed, it is

reported that a decision has been made to make Lieutenant-General Thura Myint Aung, Adjutant-General, the new Commander-in-Chief and Lieutenant-General Ko Ko, Chief of the Bureau of Special Operation 3, Deputy Commander-in-Chief. These two generals, both in their mid-fifties, are younger than their predecessors by more than 20 years. How will a new generation of military leaders define the role of the military in the new political system? The answer may drastically change a political landscape in Myanmar.

Conclusion – Challenges of the New Government

Twenty-two years after the 1988 coup, Myanmar is at last witnessing a transition from the military regime to a “disciplined” democracy. Representatives from pro-democracy and ethnic minority parties will sit, albeit in a limited manner, in the Union Legislature and the Region and State Legislatures established after the 2010 elections. Also, a “civilian” president will be installed, although the post is likely to be occupied by a retired general. The Commander-in-Chief will continue to influence the Union Government through various constitutional provisions and political institutions, but will not be engaged in routine affairs of the state.

It should be noted, however, that the inauguration of a new political system and new government will not automatically bring peace and improved living conditions to the country and people. There are quite a number of factors that could add to political uncertainty: a possible confrontation between the new government and released Aung San Suu Kyi who boycotted the elections, which is expected to occur outside the Legislatures; the mounting risk of military clashes between the Myanmar army and ethnic armed groups; and the yet unknown governing ability of the USDP.

The new government in Myanmar needs to demonstrate palpable changes to its citizens if it hopes to deflect the criticism by Aung San Suu Kyi and ethnic minority forces and stabilize its political management. This requires the new government to implement new policies on various issues. One particularly pressing issue is to develop its economy and improve people’s living conditions. Will the economic policies of the new government be able to promote economic growth in a way that benefits a broad range of its citizens and regions? The fate of the new government hinges on its success.