

Aung San Suu Kyi's Party Takes Control of Parliament in Burma

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After prevailing in nationwide elections last November (2015), and nearly 26 years after Burma's military rejected similar results in the elections of 1990, Aung San Suu Kyi's National League for Democracy (NLD) has now assumed control of Burma's Union Parliament. The lower chamber (People's Assembly) and the upper chamber (National Assembly) took office on February 1 and 3, 2016, respectively. The NLD holds 135 of 224 seats in the upper chamber and 255 of 440 seats in the lower chamber. The NLD's majority in both chambers will allow it to pass legislation and to select the nation's new president without the need for support from other political parties. To amend Burma's 2008 constitution, the NLD will need the support of the Burmese military, as under the constitution, 25% of the seats in each chamber are reserved for military officers appointed by the commander-in-chief of Defence Services.

Three-quarters of the members of the new parliament were chosen in elections held on November 8, 2015 (see CRS Insight IN10397, *Burma's Parliamentary Elections*, by Michael F. Martin). The new parliament has more ethnic minority members than its predecessor, despite the comparatively poor showing by ethnic minority parties in the 2015 elections. The number of women in the Union Parliament has risen from 31 to 65. The number of ex-political prisoners has grown from 10 to 71. The new parliament, however, will have no Muslims for the first time in Burma's post-independence period.

The two chambers selected their respective speakers and deputy speakers during their first days in session. The lower house chose Win Myint, a member of the majority Bamar ethnic group and a NLD member, as speaker, and T-Khun Myat, a Kachin and member of the pro-military Union Solidarity and Development Party (USDP), as deputy speaker. The upper house selected Mahn Win Khaing Than, a Karen and NLD member, as speaker, and Aye Thar Aung, a Rakhine and Arakan National Party (ANP) member, as deputy speaker. As a result, three of the senior officers of the parliament are from ethnic minorities. By contrast, all four senior officers in the previous parliament were Bamar.

Top Issues for the New Parliament

Sometime in February or March, the elected members of each chamber will select one candidate for president; the appointed military members will choose a third candidate. A joint session of the two houses will then select the next president; the other two candidates will become vice presidents. The president-elect will likely take office in late March or early April.

A provision of the 2008 constitution (Article 59f) precludes Aung San Suu Kyi being selected as president. After the

People's Assembly took office, discussions arose about suspending Article 59f to allow Aung San Suu Kyi to be chosen. On February 2, 2016, the military-owned newspaper, *Myawady*, published an article rejecting the notion of suspending or changing Article 59f, signaling possible military opposition to selecting Aung San Suu Kyi as president.

Another issue facing the new Union Parliament will be whether to amend or repeal a number of laws inherited from the previous Union Parliament (2011-2015), the era of military rule in Burma (1962-2011), the nation's short period of civilian democracy (1948-1962), and its time as a British colony (1824-1948), including

- the 1982 Citizenship Law, which effectively took away the citizenship of Burma's Muslim Rohingyas;
- the 2011 Peaceful Gathering and Demonstration Law, which has been used to arrest organizers and participants in peaceful public protests; and
- the four 2015 laws collectively known as "race and religion protection laws," which many analysts see as curtailing the rights of Muslims in Burma.

Burma's military juntas of the past and the recent Thein Sein government used provisions in these laws to arrest and imprison persons for political reasons and/or for attempting to assert their basic human rights. According to the Assistance Association for Political Prisoners (Burma), an independent group of ex-political prisoners, as of January 22, 2016, at least 84 political prisoners remain in jail, along with 408 activists awaiting trial for political actions. In addition, the new parliament may reexamine the Presidential Security Act, passed on the previous parliament's penultimate day in session, which grants all former presidents immunity from prosecution "for his actions during his term."

The NLD may also introduce in the new Union Parliament several possible amendments to the 2008 constitution that the party has previously supported, such as provisions stipulating the eligibility conditions for serving as president (including Article 59f) and the process for amending the constitution. The constitution currently requires that all proposed amendments receive the support of more than 75% of members, thereby giving the military members an effective veto.

Implications for Burma's Future

Analysts generally view the seating of the NLD-controlled Union Parliament as a positive development in Burma's transformation into a democratic civilian government. The transformation will be furthered if the parliament selects Aung San Suu Kyi or another NLD member to serve as president, putting both the new administration and parliament under the control of the NLD. Such a government might favorably consider further democracy-friendly political reforms.

Burma's new government, however, is also inheriting a number of major problems, such as a long-standing low-grade civil war, and an apparently stalled peace process initiated by outgoing President Thein Sein. In addition, Burma's military will continue to be a powerful force within Burma's government. The military controls 25% of the seats in the Union Parliament, operates with considerable autonomy from civilian control, and its commander-in-chief effectively appoints several of the key ministers (Border Affairs, Defence, and Home Affairs). Relations between Aung San Suu Kyi, the NLD and the military are likely to be critical to determining the outcome of Burma's political future. What role, if any, the United States can play in the nation's potential progress to democracy may become clearer after the new president is selected and takes office (presumably in March), and once Burma's military begins to respond to the new NLD-led government and its policies.