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# PARLIAMENTARY DEVELOPMENT IN MYANMAR

**An Overview of the Union Parliament  
2011-2016**

**Renaud Egreteau**  
May 2017

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## About the Author

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## Preface

The history of Myanmar's legislature has evolved through numerous cessations and restorations, from the first ministerial council during the Pagan dynasty through to the colonial period, to its termination and restoration during Myanmar's post-junta period. More than two decades after the military seized power in 1988, Myanmar is experiencing another return to parliamentary democracy. The first bicameral legislature in post-colonial Myanmar was convened on January 31, 2011 after the controversial general elections of November 2010 that saw the military stepping back from political power but still holding on to some key institutions, including 25% of reserved seats in the new Union Parliament. While the Union Parliament has put into operation its legislative, representative and oversight functions, it is still very much in a nascent phase of development and will require reforms and further support to achieve efficiency, effectiveness, and public trust.

This report reviews the organizational structure and functioning and legislative performance of the Union Parliament since 2011, and compares the two legislatures elected in 2010 (Union Solidarity and Development Party) and 2015 (National League for Democracy). Currently, the legislature's ability to direct policymaking is weak, and its understanding of vetting mechanisms also needs to be strengthened. For Myanmar to move away from the remnants of executive dominance and top-down directives in order to deepen the democratization process, the Union Parliament must play a central role and its institutions must be strengthened to do so. Despite the numerous challenges facing the Union Parliament and the inexperience of many of its members, the Union Parliament has surprised many domestic and international observers with its active legislative agenda and open discussion of issues once untouchable. The Union Parliament also sees more diverse members, including more women and a wider array of professions being represented from businessmen to former political prisoners to ethnic and civic leaders. It is a critical moment to provide support to Parliament to further reform its institutions and practices and build its capacity to become a genuinely professional and independent legislative body. We hope this research will contribute to the ongoing public discourse in Myanmar on parliamentary development and democratic transition.

This research paper is authored by Dr. Renaud Egretteau, a political scientist who specializes in areas of comparative legislative politics and democratization and an observer of Myanmar politics. The opinions expressed in this report are solely those of the author and do not necessarily reflect those of The Asia Foundation.

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## Acronyms

|        |                                                       |
|--------|-------------------------------------------------------|
| ALD    | Arakan League for Democracy                           |
| AMRDP  | All Mon Regions Democracy Party                       |
| BPST   | Bureau of Parliamentary Studies and Trainings (India) |
| BSPP   | Burma Socialist Program Party (1962-1988)             |
| CNP    | Chin National Party                                   |
| CPP    | Chin Progressive Party                                |
| DDG    | Deputy Director General                               |
| DG     | Director General                                      |
| DFID   | Department for International Development (UK)         |
| EU     | European Union                                        |
| IDEA   | Institute for Democracy and Electoral Assistance      |
| INDP   | Inn National Development Party                        |
| IPU    | Inter-Parliamentary Union                             |
| KDUP   | Kokang Democracy and Unity Party                      |
| KPP    | Kayin People's Party                                  |
| KSDDP  | Kachin State Democracy and Development Party          |
| KSDP   | Kachin State Democracy Party                          |
| LNDP   | Lisu National Development Party                       |
| MNP    | Mon National Party                                    |
| MP     | Member of Parliament                                  |
| NDF    | National Democratic Force                             |
| NDI    | National Democratic Institute                         |
| NGO    | Non-governmental organization                         |
| NLD    | National League for Democracy                         |
| NUP    | National Unity Party                                  |
| PNO    | Pa'O National Organization                            |
| PSDP   | Phalong-Sawaw Democracy Party                         |
| RNDP   | Rakhine Nationalities Development Party               |
| RNP    | Rakhine National Party                                |
| SLORC  | State Law and Order Restoration Council (1988-1997)   |
| SNDP   | Shan Nationalities Democratic Party                   |
| SNLD   | Shan Nationalities League for Democracy               |
| SPDC   | State Peace and Development Council (1997-2011)       |
| TPNP   | Ta'ang (Palaung) National Party                       |
| UDP-KS | Unity and Democracy Party–Kachin State                |
| UEC    | Union Election Commission                             |
| UNDP   | United Nations Development Program                    |
| USDA   | Union Solidarity and Development Association          |
| USDP   | Union Solidarity and Development Party                |
| ZCD    | Zomi Congress for Democracy                           |
| WDP    | Wa Democratic Party                                   |
| WFD    | Westminster Foundation for Democracy                  |

## Executive Summary

Myanmar's Union Parliament has evolved into a significant political institution of the regime shaped after the 2010 general elections. First under the leadership of the Union Solidarity and Development Party (USDP, 2011-2016), and then the National League for Democracy (NLD) after its victory in the 2015 polls, the bicameral assembly has begun modifying, repealing, and producing new legislation. It has taken nascent but significant steps towards the vetting and scrutiny of the new, post-junta executive branch and bureaucracy. It has also served as a new public space where the grievances of citizens are heard and new ideas debated in ways unthinkable under Myanmar's past military rules. It may prove a unique case amongst other post-authoritarian societies attempting to revive parliamentarianism.

These outstanding developments do not, however, mean that Myanmar's progress towards the institutionalization of its new legislative power will be steady and successful beyond the initial post-junta legislatures. Given that Parliament was only revised in 2011, there are several areas where reform and restructuring are needed to improve the long-term effectiveness, efficiency, representativeness, and autonomy of not only the legislative process, but also the fragile parliamentary institution itself.

This report presents an assessment of the structural organization, workings, and legislative performance of the Union Parliament since 2011. It first describes the constitutional, organizational, and legal framework of Myanmar's new, post-junta legislative process. It also offers a comparative examination of the sociological profile of the two legislatures elected in 2010 and 2015. It then analyzes the various parliamentary practices and mechanisms observed in the context of both the USDP and the early NLD legislatures. Drawing on interviews carried out in Nay Pyi Taw, the study focuses on the core functions a democratic legislature is meant to perform: the (re)making of laws, the representation of citizens, and the scrutiny of government activities and expenditures.

The report argues that Myanmar's Union Parliament has fallen into the category of a nascent, marginal legislature, with the willingness and capacity to influence, rather than command, policy and lawmaking, and a potential for vetting, rather than thoroughly overseeing, the activities and behaviors of other branches of government.

With the assistance of domestic and international donors, there have been remarkable attempts in its six years of existence to institutionalize and professionalize the functioning of the legislature and the capacity of its members and staff. Nevertheless, the report points to several key weaknesses, including the lack of sufficient resources, efficient organizational capacity, knowledge, and understanding of oversight and vetting mechanisms and a fragile institutional autonomy. The report concludes with a series of recommendations for enhancing the role, functioning, representativeness, and influence of the Union legislature so as to strengthen a body that is essential for the deepening of democratization in Myanmar.

## Introduction

The reemergence of Parliament in Myanmar has proven to be one of the most startling illustrations of transformation at work since the State Peace and Development Council (SPDC, or “junta”) was disbanded in 2011. A new, bicameral national legislature, traditionally called the “Union” (*Pyidaungsu*) Parliament in postcolonial Myanmar, was convened on January 31, 2011, three months after controversial elections were held under SPDC control. Twenty years after the 1990 elections, never honored by the military regime of the time, these new legislative elections, organized in November 2010, were meant to ensure a controlled transition from the SPDC to a semi-civilian government and a quiescent legislative branch dominated by the SPDC-backed Union Solidarity and Development Party (USDP).

However, in session after session, bold initiatives and a sense of political optimism emerged from the new Parliament. Its members, including those from the ruling party, began to raise questions on matters once considered taboo by the former military government. Members of Parliament (MPs) started to challenge draft bills introduced by Union ministers. Motions were tabled on issues dealing with land-grabbing and alleged human rights abuses by the security forces. The entrance into Parliament of Aung San Suu Kyi’s National League for Democracy (NLD), after the by-elections organized in April 2012, further strengthened the legitimacy of the new house. There, former political prisoners, active and retired military officers, wealthy businessmen, ethnic leaders, social workers, poets, and hip-hop artists began coexisting, discussing new legislation around the same table in parliamentary committees, checking annual budget documents, and rebuffing draft bills prepared by the post-junta government headed by President Thein Sein.

The heightened political status of Myanmar’s revived legislative branch, and the renewal of parliamentary activism in the country in the first half of the 2010s, have been praised at home and abroad. Myanmar’s political landscape, closed off for decades, long polarized between a military regime and its civilian and ethnic armed opponents, has started to open up. In the process, the new Parliament, located in Nay Pyi Taw, has become central to running the country’s post-SPDC government. Even more significant, five years after the controlled elections of 2010, a second post-junta election – by far the freest held in Myanmar since 1960 – was successfully organized in November 2015. Most of the political parties that had run in the 2010 polls and participated in the first five years of the post-SPDC transition were defeated. Only 13 percent of the incumbent civilian MPs returned. The USDP was crushed, maintaining only 41 MPs, against 388 in 2010. In contrast, the NLD secured an impressive majority in the two houses of the second post-SPDC Union legislature, with 390 MPs.

Several parliaments in the Asian region have shown in the past two decades that the strengthening of legislative and representative assemblies can foster democratization. Furthermore, repeated elections, even if flawed, help the post-authoritarian society move on. This report asks whether Myanmar’s new legislature as shaped by the 2008 Constitution – a controversial text – can play a critical role in the country’s most recent attempt to move away from the institutional authoritarianism, executive dominance, top-down policymaking, and unaccountable military intervention that have characterized Myanmar’s politics for several decades.

## *Parliaments and democratization*

Legislatures are institutions indispensable to democracies.<sup>1</sup> In post-authoritarian societies, the resurgence of freely elected assemblies tasked with the discussion of laws and the oversight of other branches of government is key to democratization. Transitions from direct military rule or civilian autocracy to more liberal and democratic regimes rely on the consolidation of these representative bodies. The strengthening of a new, emerging, post-authoritarian parliament requires the incremental “professionalization” and “institutionalization” of the assembly and its members.

Institutionalization has been defined as “the process by which a body acquires a definite way of performing its functions – a way that sets it apart from its environment and that is independent of the membership and issues of the moment.”<sup>2</sup> MPs, indeed, come and go according to electoral politics and political winds. But institutions, procedures, and mechanisms must remain. Likewise, professionalization is understood as

<sup>1</sup> For a good and concise introduction, see M. Steven Fish, “Stronger Legislatures, Stronger Democracies,” *Journal of Democracy* 17, no. 1 (2006): 5–20.

<sup>2</sup> John R. Hibbing, “Legislative Institutionalization with Illustrations from the British House of Commons,” *American Journal of Political Science* 32, no. 3 (1988): 682.

the process through which the elected or appointed members and permanent staff of a parliament learn, maintain, and adapt to the procedures, mechanisms, and rules of the institution. These processes are normally gradual and occur over multiple legislatures.

Parliaments, therefore, typically go through different developmental stages. In the first years of their existence, they are characterized by fragility, clumsiness, limited capacity if not conflict, and even muteness when they are merely designed to rubber stamp the decisions of the government. Their success, legislative independence, and increased performance, therefore, depend on their capacity to strengthen and routinize their internal functioning beyond the charisma and personal achievements of their individual members or leaders, while enhancing their ability to move away from the influence of other competitive institutions, particularly the executive branch.

Legislative studies have differentiated three main types of parliaments. The typology, first developed by political scientist Michael Mezey in the 1970s, is broadly based on the parliament's legislative performance, its level of representation of the people and oversight capacity, its relations to the government, and the historical, political, and electoral contexts under which it is shaped.<sup>3</sup> At one end of the scale stand "policymaking" assemblies, which can have a decisive impact on the way legislation is adopted and governmental policies and actions are overseen. This is commonly observed in mature democracies such as in Northern America, Japan, and Western Europe. At the opposite end are "rubber-stamp" parliaments, which under non-democratic regimes have little or no influence at all over lawmaking and other powerful branches of government. In between stand "policy-influencing" parliaments, which can influence lawmaking yet have less decisive sway. As Mezey puts it, legislatures can move up and down this ladder of performance, effectiveness, and independence by adopting active, reactive, vulnerable, marginal, or minimal postures.

This report argues that Myanmar's new Parliament falls into the category of a nascent legislature, with a capacity to influence, rather than command, policy and lawmaking, and a potential for vetting, rather than thoroughly overseeing, the activities and behaviors of other branches of government. In a sense, this is very good news, given Myanmar's most recent political history. There does not seem to be any other example in the world of such rapid success in (re)establishing a parliamentary institution after decades without any meaningful legislative activity. Yet, there are several areas where reform and restructuring are needed to improve the long-term efficiency, effectiveness, representativeness, and autonomy of not only the legislative process, but also the parliamentary institution itself.

### *Objectives of the research*

This report proposes to shed light on the complexities of the recent reemergence of parliament in Myanmar, by looking chiefly at the evolution of the Union legislature, or *Pyidaungsu Hluttaw*, located in Nay Pyi Taw. The Constitution adopted in 2008 unveiled a bicameral national Parliament as well as fourteen regional and state-level legislative bodies. Subnational parliaments, which this report will not examine, have more limited lawmaking and oversight powers than the national legislature. This study seeks to analyze the Union Parliament's structures, organization, and internal functioning; examine its representativeness after the elections held in 2010, 2012, and 2015; and evaluate its initial performance of the three core functions of a parliament (i.e., lawmaking, representation, and oversight), in order to identify its current strengths and most obvious weaknesses after some six years of post-junta existence. It looks at, and compares whenever possible, the two post-junta Union legislatures, first under the Union Solidarity and Development Party, which won the 2010 elections, and then under the National League for Democracy which won the second post-junta polls in November 2015.<sup>4</sup>

It will conclude with a series of recommendations to address the initial limitations and shortcomings identified, hoping to help Myanmar's leadership design ways and instruments to improve the workings and policy significance of the post-SPDC legislative branch, expand its representativeness and inclusiveness, ensure its independence vis-à-vis Myanmar's other sources of political power and legitimacy – the

<sup>3</sup> Michael L. Mezey, *Comparative Legislatures* (Durham, NC: Duke University Press, 1979), 36. See also David M. Olson, *Democratic Legislative Institutions: A Comparative View* (Armonk NY: ME Sharpe, 1994) and David Arter, ed., *Comparing and Classifying Legislatures* (London: Routledge, 2009).

<sup>4</sup> A major caveat: the first legislature has completed its full term of five years, whereas the second has only been in operation for one year (February 2016-March 2017).

government and the armed forces in particular – and consolidate the tentative reforms already fostered since 2011 by an institution essential to democracy.

## *Methodology*

The report is grounded on four years of regular observations and analysis of the workings of the Union Parliament in Nay Pyi Taw, whether under the USDP leadership between 2013 and 2016, or the NLD since 2016. One fieldtrip, in November 2016, was more specifically designed to update existing data and collect new policy documents, parliamentary briefings, committee notes, and interviews in Nay Pyi Taw with the senior management of the Hluttaw Offices, leading standing and ad hoc committees of both houses controlled by the NLD, the Legal Affairs and Special Issues Assessment Commission, and several backbenchers of different backgrounds and parties.

Interviews, carried out in the Myanmar language or in English, took the form of either face-to-face discussions with individual interlocutors, or focus group interactions, with full parliamentary committees for instance. Meetings with several consultants and representatives of the growing community of international donors and organizations based in Yangon and Nay Pyi Taw were also convened to gather their assessments of the various parliamentary strengthening programs which have been set up in Myanmar since the lifting of international sanctions in 2012.

Lastly, the report also relies on a handful of studies that have recently examined the reemergence of electoral politics, parliamentary affairs, and legislative mechanisms in post-SPDC Myanmar. In particular, useful research work has been carried out on the initial functioning of the Union Parliament;<sup>5</sup> on the profiles and perspectives of its MPs, whether elected or appointed;<sup>6</sup> and on the types of laws discussed and adopted since 2011.<sup>7</sup>

## *Structure of the paper*

The introductory section offers background on the way a parliamentary republic was restored in Myanmar in 2011 after decades of direct or indirect military rule. Section Two looks at how the Union legislature has been designed and structured according to the 2008 Constitution, how its parliamentary administration is organized, and how the standing and special committees and commissions have been arranged in the two successive, post-SPDC Union legislatures elected in 2010 and 2015. Section Three examines the respective profiles and social backgrounds of elected and appointed MPs, using data collected in 2012 and during the 2015 elections. Examining change in the social composition of legislatures and the level of legislative turnover can indicate whether the elite structures have fundamentally evolved from the old regime to the new one. It can also point to the tentative professionalization and institutionalization of the new legislative branch, election after election.

The next three sections investigate the core legislative and political functions a parliamentary institution – and its members – are expected to perform in modern democracies. Section Four starts with an analysis of how Union-level MPs have attempted to perform their representational activities since 2011, and what kinds of linkages they have established with their constituents, the people they are meant to represent. Section Five details the new legislative process, to tentatively assess how effective and efficient the initial lawmaking function of the Union legislature has proven to be since 2011. Two hundred and thirty-two laws

<sup>5</sup> International Crisis Group (ICG), “Not a Rubber Stamp”: Myanmar’s Legislature in a Time of Transition, Asia Briefing No. 142 (Brussels and Yangon: ICG, 2013); Tom Kean, “Myanmar’s Parliament: From Scorn to Significance,” in *Debating Democratization in Myanmar*, eds. Nick Cheesman, Nicholas Farrelly, and Trevor Wilson, 43-74 (Singapore: ISEAS Publications, 2014); Renaud Egretteau, “(Re)-emerging Patterns of Parliamentary Politics in post-SPDC Myanmar,” in *Myanmar: The Dynamics of an Evolving Polity*, ed. David I. Steinberg, 59-88 (Boulder, CO: Lynne Rienner, 2014); Christina Fink, “Myanmar’s Proactive National Legislature,” *Social Research* 82 no. 2 (2015): 327-354; and Chit Win, “The Hluttaw and Conflicts in Myanmar,” in *Conflict in Myanmar: War, Politics, Religion*, eds. Nick Cheesman and Nicholas Farrelly, 199-220 (Singapore: ISEAS Publications, 2016).

<sup>6</sup> Renaud Egretteau, “Legislators in Myanmar’s First Post-Junta National Legislature (2010-2015): A Sociological Analysis,” *Journal of Current Southeast Asian Affairs* 33 no. 2 (2014): 91-124; Renaud Egretteau, “Who Are the Military Delegates in Myanmar’s 2010-2015 Union Legislature?” *Sojourn*, 30 no. 2 (2015): 338-370; and Mary C. Murphy, *Survey of Myanmar: Members of Parliament; Reflections from the First Hluttaw* (Yangon: UNDP Publications, 2016).

<sup>7</sup> For instance: Sean Turnell, “Legislative Foundations of Myanmar’s Economic Reforms,” in *Law, Society and Transition in Myanmar*, eds. Melissa Crouch and Tim Lindsey, 183-199 (Oxford: Hart Publishing, 2014); and Melissa Crouch, “Legislating Reform? Law and Conflict in Myanmar,” in Cheesman and Farrelly, eds., *Conflict in Myanmar*, 221-41.

were passed by the USDP-controlled legislature between 2011 and 2016 (see Annex Two), and 124 by the NLD legislature in its first four plenary sessions, held between February 2016 and March 2017. There were, as of November 2016, 418 existing laws in Myanmar – many of them outdated, ill-written, or simply bluntly repressive.<sup>8</sup> Lastly, Section Six focuses on the oversight function of the Union legislature and explores how its committees, as well as individual members, have understood this parliamentary power and attempted to scrutinize the other branches of the government of post-SPDC Myanmar. The report concludes with policy recommendations for domestic and international stakeholders to enhance the functioning and relevance of the reemerging parliamentary institution.

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<sup>8</sup> According to the chair of the Joint Bill Committee of the NLD-led legislature. Discussion with author, Nay Pyi Taw, November 2016.

## Section I: The Return to Parliamentary Democracy

It took some 23 years for the military establishment, which seized power in Myanmar after the 1988 coup d'état, to withdraw direct military rule and move the country towards a semi-civilian government.<sup>9</sup> In 2003, the State Peace and Development Council (SPDC, or the “junta”) unveiled a seven-step roadmap towards a “flourishing-discipline democracy.” It purported to restore parliamentary democracy in Myanmar after the adoption of a new constitution, the third since independence from the British in 1948.

The transitional process, which accelerated after the new constitutional document was ratified in 2008 and national and local elections were eventually held in November 2010, has been conceived as elite-driven and top-down, controlled by the Tatmadaw, the dominant institution of the country since the 1950s. A hybrid government, combining civilian and military-appointed ministers, led by a Union president elected by the new Union Parliament, was formed on March 31, 2011. A day before, the SPDC was officially dissolved. The seventh and last step of the 2003 roadmap opened the door to a new, post-junta, parliament-based mode of government.<sup>10</sup>

### Box 1: Parliaments in colonial and postcolonial Myanmar

From the early Pagan dynasty in the thirteenth century to the fall of King Thibaw in 1885, monarchs were aided and advised by an appointed *hlut-daw* (or “place of release”). This ministerial council was tasked to administer the kingdom in the name of the monarch, appoint the regional governors, and serve as the final court of appeal. All subsequent legislative bodies in contemporary Myanmar would thereafter bear the designation *hlut-daw* or *hluttaw*.

In 1897, a nine-member Legislative Council was designed by the British colonial government and tasked to advise the lieutenant governor on legislative matters. Its appointed membership rose to 30 in 1915. In 1923, the British outlined the principle of “dyarchy,” a political system under which policymaking was shared between the governor and a weaker, yet expanded, legislative council. In November 1922, the first-ever general elections were held in Myanmar, to select 80 representatives of the 103-member chamber. A new building was constructed in the inner courtyard of the secretariat complex in Yangon to house the expanded assembly. It still stands there. Three other polls followed, in 1925, 1928, and 1932.

The Government of Burma Act, 1935, transformed the unicameral legislative council into a bicameral assembly, comprising a 36-member Senate and a 132-member House of Representatives. While the latter continued to be housed in the secretariat, the former moved to the New Law Courts Building, on Bank Street. Only one election to the new Burma legislature was held, in 1936. After independence from the British in 1948, bicameralism was continued. The 1947 Constitution established a Chamber of Deputies (as per the conventional English translation of the time), or *Pyithu Hluttaw*, and a Chamber of Nationalities, or *Lumyo-su Hluttaw*. Three general elections were held, in 1951, 1956, and 1960. Both chambers remained in the same buildings until parliamentary democracy was ended by the coup d'état of March 1962.

In 1974, the new Constitution prepared by General Ne Win's socialist regime restored the parliamentary institution. The new unicameral legislature, however, was functioning under a strict one-party system dominated by the Burma Socialist Program Party (Lanzin Party). The Parliament was moved to a new compound located at the crossroads of Ahlone Street and Pyay Road in northern Yangon. Controlled elections were held in 1974, 1978, 1981, and 1985. Parliament was dissolved by the coup d'état staged by the Tatmadaw in 1988. The legislative institution would be restored only 23 years later, after the 2010 elections, and transferred to a new building in Nay Pyi Taw.

<sup>9</sup> On the transition and processes of social and political change, see these recent volumes: David I. Steinberg, ed., *Myanmar: The Dynamics of an Evolving Polity* (Boulder CO: Lynne Rienner, 2014); Nick Cheesman, Nicholas Farrelly, and Trevor Wilson, eds., *Debating Democratization in Myanmar* (Singapore: ISEAS Publications, 2014); Renaud Egretteau and François Robinne, eds., *Metamorphosis: Studies in Social and Political Change in Myanmar* (Singapore: NUS Press, 2015); Nick Cheesman and Nicholas Farrelly, eds., *Conflict in Myanmar: War, Politics, Religion* (Singapore: ISEAS Publications, 2016); and Renaud Egretteau, *Caretaking Democratization: The Military and Political Change in Myanmar* (NY: Oxford University Press, 2016).

<sup>10</sup> The first step of the SPDC roadmap was the reconvening, in 2004, of a constitutional drafting assembly, or national convention. A draft for a new constitution was then adopted during its last session in September 2007 (step three of the roadmap). The text came into force after ratification through a controversial referendum (step four). Then, Union-level and state and regional elections were held on November 7, 2010 (step five), and a new parliamentary system of governance emerged three months later (step six).

## 1.1 What the 2008 Constitution says

Chapter Four of the 2008 Constitution deals with the structures and functioning of the post-junta legislative branch. Legislative power is vested at the national level in a bicameral Union legislature.<sup>11</sup> It combines a 440-seat lower chamber (the House of Representatives, or *Pyithu Hluttaw*) and a 224-seat upper chamber (the House of Nationalities, or *Amyotha Hluttaw*). There is, however, no mention in the 2008 Constitution of any “lower” or “upper” body. Yet, both adjectives have been colloquially used in English-language literature and parliamentary debates, including by MPs and the successive speakers of the houses themselves, ever since the Parliament was revived in 2011.

The two houses are meant to enjoy equal powers. They constitutionally function as full-fledged, independent chambers; neither can veto the work of the other. Two distinct chapters of the 2008 Constitution detail their functions and duties, which are mostly identical. Whenever the *Pyithu Hluttaw* and the *Amyotha Hluttaw* fail to agree on a draft bill, their members convene in the joint assembly, or *Pyidaungsu Hluttaw*, to settle the issue and vote.<sup>12</sup> The *Pyithu Hluttaw* tends to be more dominant, because its greater number of MPs (440 against 224) gives it an advantage whenever there is a decisive vote of the joint assembly. The beginning of the plenary sessions of the *Pyidaungsu Hluttaw* and *Amyotha Hluttaw* is also aligned with that of the *Pyithu Hluttaw*, which always convenes first (arts. 78, 123, and 154a).<sup>13</sup> If a debate is urgently required at the Union level, the Union president or the speakers of the upper and lower chambers can summon a special session of the *Pyidaungsu Hluttaw*, but not the *Pyithu Hluttaw* or *Amyotha Hluttaw* alone. This occurred once, for instance, in May 2013, soon after communal riots erupted in Meiktila, in central Myanmar.

Bills (proposed legislation that can become law only when approved by Parliament) can be introduced in either of the two houses. There are a handful of exceptions: the annual budget bills, tax-related bills, national plans, and constitutional amendments must be introduced in the *Pyidaungsu Hluttaw* (arts. 100 and 434). International agreements and treaties must also be dealt with in the *Pyidaungsu Hluttaw*. Schedule One of the Constitution lists the full legislative powers of the Union Parliament (see Annex One). If the *Pyithu Hluttaw* and the *Amyotha Hluttaw* adopt the same piece of legislation, it becomes a Union law, with no further requirement of a vote by the joint assembly (art. 95a). The Union president then has fourteen days to object to the law and send it back for revision. The president, however, cannot veto any piece of legislation, unlike, for example, in the U.S. system. If the 14-day window passes without any presidential action, the law is then automatically promulgated (art. 105). Likewise, the military bloc in Parliament – 25 percent of the seats in both houses – can veto only constitutional amendment proposals, but no basic legislation debated in Parliament, for which just a simple majority is needed.

Both the *Pyithu Hluttaw* and the *Amyotha Hluttaw* are presided over by one speaker and one deputy speaker. These presiding officers are elected during the first day of the first session of any newly elected legislature (arts. 75, 111, and 143). The speaker of the upper house presides over the *Pyidaungsu Hluttaw* for the first half of the five-year legislature, and is then succeeded for the remaining 30 months by the speaker of the lower house (art. 76). The speakers are key players. They decide on the convening of Parliament and the order of business, and they establish the pace and content of debates. They can create (and dismantle) ad hoc parliamentary committees and commissions, and select their members. They can summon legislators and task them with special duties. They also act as the principal channel for dialogue with the executive branch, and can invite the Union president to speak in front of the full house. Their powers are loosely outlined in the 2008 Constitution (art. 77), and more precisely in the rules and procedures of the *hluttaw* enacted in 2010 and revised and updated twice since.<sup>14</sup>

Finally, the 2008 Constitution specifies that three-quarters of Union-level parliamentary seats are to be elected by universal suffrage – 330 MPs in the *Pyithu Hluttaw* and 168 MPs in the *Amyotha Hluttaw* (498

<sup>11</sup> The 2008 Constitution also created fourteen state and regional legislative assemblies: one parliament for each of the seven states (*Pyinae Hluttaw*) and one for each of the seven regions (*Tine Dae Tha Gyi Hluttaw*). Their legislative powers are outlined in Schedule Two of the 2008 Constitution. This report is, however, solely concerned with the Union legislature, headquartered in Nay Pyi Taw.

<sup>12</sup> While the *Pyidaungsu Hluttaw* has no MPs of its own, it has had a distinct administration since 2013, as Section Two of this report details.

<sup>13</sup> The *Amyotha Hluttaw* shall then convene within seven days (art. 154b) and the *Pyidaungsu Hluttaw* within 15 days (art. 78).

<sup>14</sup> Name of the laws in English: SPDC Law No. 12/2010 (*Pyithu Hluttaw*) and SPDC Law No. 13/2010 (*Amyotha Hluttaw*), both repealed and replaced in November 2012 by *Pyidaungsu Hluttaw* Law No. 23/2012 (*Pyithu Hluttaw*) and *Pyidaungsu Hluttaw* Law No. 24/2012 (*Amyotha Hluttaw*), and amended in 2015 by *Pyidaungsu Hluttaw* Law No. 35/2015 (*Amyotha Hluttaw*) and *Pyidaungsu Hluttaw* Law No. 56/2015 (*Pyithu Hluttaw*). Regarding the Union legislature, a law on the rules of procedure was revised in January 2014 (*Pyidaungsu Hluttaw* Law No. 02/2014) and again amended in December 2015 (*Pyidaungsu Hluttaw* Law No. 63/2015).

seats in total). The 330 constituencies of the Pyithu Hluttaw are based on the country's 330 townships, which include five townships designed for Nay Pyi Taw, the national capital since 2005. In the Amyotha Hluttaw, each state and region has an equal share of twelve elected seats, or a total of 168 seats. The remaining quarter of Union-level parliamentary seats are constitutionally reserved for non-elected delegates from the Myanmar armed forces, the Tatmadaw. The Constitution provides for a maximum of 110 military MPs in the lower house (article 109b) and 56 in the upper house (article 141b). The commander in chief of the armed forces directly appoints the military legislators, without any oversight. They can be substituted at will during the term of the legislature, whereas the civilian representatives from both chambers are elected for a fixed, five-year term.<sup>15</sup>

## *1.2 Elections in post-junta Myanmar*

Twenty years after the last polls were held in the country, their results never honored by the military regime, general elections were organized by the SPDC on November 7, 2010. Unlike the 1990 elections, however, Aung San Suu Kyi and her party, the National League for Democracy, chose to boycott. The electoral process was deeply flawed, and the results were widely condemned as a mockery at home and abroad. Yet, the legislative elections were meant to ensure a controlled transition from the SPDC to a semi-civilian government and a quiescent legislative branch. The SPDC-backed Union Solidarity and Development Party, a party of retired military officers, former bureaucrats, co-opted ethnic leaders, and powerful local businessmen, received a solid majority of the vote, winning more than 78 percent of the seats in the Union Parliament. With its 388 MPs, the party controlled 58.9 percent of the Pyidaungsu Hluttaw, and could therefore ram legislation through without much of a challenge. The military parliamentary bloc, with its 166 appointed MPs – 25 percent of the joint assembly – ranked a distant second (see Table 1).<sup>16</sup>

The new Union legislature convened on January 31, 2011. Five days later, it elected the former SPDC prime minister, retired general Thein Sein, as president of the Union. His five-year mandate, and that of his new semi-civilian government, commenced on March 31, 2011. Several elected MPs from the USDP were offered ministerial positions or leadership of the newly formed Union-level bodies, such as the Union Election Commission (UEC).

The 2008 Constitution specifically required these appointees to resign from their parliamentary seats. As a consequence, on April 1, 2012, a series of by-elections was organized to replace them and to fill a few other vacant seats. This new electoral process bore no resemblance whatsoever to the one held in November 2010. This time, the NLD chose to compete, and was allowed to do so by the UEC. The ballot, as well as the pre-election campaign, during which Aung San Suu Kyi was given a triumphant welcome throughout the country, was considered the freest since 1960. The NLD won in a landslide, taking 43 of the 45 seats to be filled, including 41 in the Union Parliament. The historic opposition party then formed about 6.5 percent of the joint assembly.<sup>17</sup> It became the second civilian parliamentary force in the lower house behind the USDP, ahead of the Shan and Rakhine parties as well as the National Democratic Force (NDF), which had suffered several party defections. Aung San Suu Kyi herself was, for the first time, elected by the people.<sup>18</sup> She won a seat in a rural constituency in the Ayeyarwaddy delta, to the south of Yangon. She entered the Union Parliament for its fourth session, which opened in July 2012.

The second post-junta general elections were held on November 8, 2015, exactly five years after the controversies of 2010. These again proved among the freest polls that Myanmar had known in decades.<sup>19</sup> Unlike in 2010 and 2012, thousands of Myanmar and international observers, diplomats, and journalists were allowed to monitor the process in more than 40,000 polling stations set up throughout the country. As in 1990, the NLD won another thundering victory, with some 58 percent of the vote. Aung San Suu

<sup>15</sup> For further information on military parliamentarians in the USDP-led Parliament, see Renaud Egretteau, "Soldiers as Lawmakers? Assessing the Legislative Role of the Armed Forces (2010-2015)," in Egretteau and Robinne, *Metamorphosis*, 15-42; and Egretteau, "Who are the Military Delegates in Myanmar's 2010-2015 Union Legislature?"

<sup>16</sup> Two critical assessments of the 2010 polls are available here: ICG, *Myanmar's Post-Elections Landscape*; and Neil A. Englehart, "Two Cheers for Burma's Rigged Elections," *Asian Survey* 52, no. 4 (2012): 666-86.

<sup>17</sup> Several USDP legislators died in office between 2011 and 2015, slightly reducing the party's share in the bicameral Parliament.

<sup>18</sup> She was under house arrest in 1990, and was thus neither a candidate nor a voter.

<sup>19</sup> Among the unfair or unjust patterns observed, many voters, particularly among the Rohingya minority, were disenfranchised and could not vote, for the first time in Myanmar's postcolonial history. For more details, see ICG, *The Myanmar Elections: Results and Implications*, Asia Briefing No. 147 (Yangon and Brussels: ICG, 2015).

Kyi was returned to the Pyithu Hluttaw, along with 254 other NLD candidates in the same house. In the Amyotha Hluttaw, the NLD collected 135 seats. The new ruling party thereafter controlled 59.3 percent of the Union assembly – a dominance echoing that of the USDP in the previous Parliament.

**Table 1: Seat composition of the Union Parliament after the 2010 elections**

| Political Parties                           | Pyithu Hluttaw | Amyotha Hluttaw | TOTAL      |
|---------------------------------------------|----------------|-----------------|------------|
| Union Solidarity and Development Party      | 259            | 129             | 388        |
| Tatmadaw                                    | 110            | 56              | 166        |
| Shan Nationalities League for Democracy     | 18             | 3               | 21         |
| National Unity Party                        | 12             | 5               | 17         |
| Rakhine Nationalities Development Party     | 9              | 7               | 16         |
| National Democratic Force                   | 8              | 4               | 12         |
| All Mon Regions Democracy Party             | 3              | 4               | 7          |
| Chin Progressive Party                      | 2              | 4               | 6          |
| Phlone-Sqaw Democratic Party                | 2              | 3               | 5          |
| Pao National Organization                   | 3              | 1               | 4          |
| Chin National Party                         | 2              | 2               | 4          |
| Wa Democratic Party                         | 2              | 1               | 3          |
| Kayin People's Party                        | 1              | 1               | 2          |
| Unity and Democracy Party of Kachin State   | 1              | 1               | 2          |
| Ta-Arng (Palaung) National Party            | 1              | 1               | 2          |
| Inn National Development Party              | 1              | 0               | 1          |
| Kayin State Democracy and Development Party | 0              | 1               | 1          |
| Independent                                 | 1              | 1               | 2          |
| Vacant                                      | 5              | 0               | 5          |
| <b>TOTAL</b>                                | <b>440</b>     | <b>224</b>      | <b>664</b> |

Source: author's own compilation.

Most of the political parties that had chosen to compete in the 2010 elections were crushed in 2015, including key members of the so-called “Third Force” positioned between the NLD and the army-backed USDP elites, such as the NDF, a breakaway faction of the NLD. Only 13 parties out of 92 in competition in November 2015 secured a place in the new Union legislature. The incumbent USDP was crushed, barely maintaining 41 MPs of the old *nomenklatura* in the bicameral house, or 6.2 percent (see Table 2). Many ethnic Shan, Mon, Chin, and Karen incumbents lost their seats as well. Only the Rakhine National Party, a merger of the Rakhine Nationalities Development Party (RNDP) and the Arakan League for Democracy (ALD), managed to gain more seats in 2015 than in 2010 (22), keeping its share in the Union assembly at 3.3 percent. The Shan Nationalities League for Democracy, a long-standing ally of the NLD that also boycotted the 2010 elections, won 15 seats (2.3 percent). Several newly formed parties made their parliamentary debut after the elections, including representatives of the Zomi and Lisu communities.

**Table 2: Seat composition of the Union Parliament after the 2015 elections**

| Political Parties                            | Pyithu Hluttaw | Amyotha Hluttaw | TOTAL |
|----------------------------------------------|----------------|-----------------|-------|
| National League for Democracy                | 255            | 135             | 390   |
| Tatmadaw                                     | 110            | 56              | 166   |
| Union Solidarity and Development Party       | 30             | 11              | 41    |
| Arakan National Party/Rakhine National Party | 12             | 10              | 22    |
| Shan Nationalities League for Democracy      | 12             | 3               | 15    |
| Ta-Arng (Palaung) National Party             | 3              | 2               | 5     |
| Pao National Organization                    | 3              | 1               | 4     |
| Zomi Congress for Democracy                  | 2              | 2               | 4     |
| Lisu National Development Party              | 2              | 0               | 2     |
| Kachin State Democracy Party                 | 1              | 0               | 1     |
| Mon National Party                           | 0              | 1               | 1     |
| Wa Democratic Party                          | 1              | 0               | 1     |
| National Unity Party                         | 0              | 1               | 1     |
| Kokang Democracy and Unity Party             | 1              | 0               | 1     |
| Independents                                 | 1              | 2               | 3     |
| Vacant                                       | 7              | 0               | 7     |
| TOTAL                                        | 440            | 224             | 664   |

Source: Union Electoral Commission and the International Crisis Group.<sup>20</sup>

Regular elections, even if flawed and unfair, have beneficial effects on processes of political change and elite renewal. Although the outcome is seldom predictable, and empirical work has highlighted opposite trends worldwide, the repetition of electoral processes in a post-authoritarian society can result in democratization.<sup>21</sup> It can also improve, poll after poll, the institutionalization of political parties, encourage a more active citizenry, and allow for the development of a reform-minded civil society before, during, and after elections. This has been clearly observed in Myanmar, not only in the 2015 elections, but also during the 2010 electoral campaign and vote, which witnessed, for instance, the rise of the “Third Force” movement, which refused an alliance with either the NLD or the military-backed USDP, and which grew, thanks to tremendous civil society activity.

The 2010 elections swept in the first post-junta Union Parliament, a cohort of “transitory” lawmakers, many of them (not all) boasting a long association with the old guard of the SPDC regime and bureaucracy. The second post-junta elections in 2015, however, produced an almost complete renewal of the legislative landscape, with just 13 percent of incumbent MPs returning to Parliament. Most opposition politicians who did not boycott the 2010 polls, unlike the NLD, then lost their seats. On the one hand, this high legislative turnover has proven a welcome, positive step towards the consolidation of Myanmar’s transitional process. Regular free elections strengthen the efforts of liberal forces to move away from the previous authoritarian order. On the other hand, high legislative turnover is seldom beneficial to the stability and effectiveness of fragile, new parliamentary institutions. In upcoming legislatures, Myanmar will need committed, professional MPs, regularly returning to Parliament, to support the institutionalization of the country’s post-authoritarian legislative branch.

<sup>20</sup> Ibid.

<sup>21</sup> Elections are, however, just one means for the renewal of political elites and the removal of the old guard of authoritarian rulers. For more detail, see the seminal work, much debated since, of Staffan I. Lindberg, “Democratization by Elections? A Mixed Record,” *Journal of Democracy*, 20 no. 3 (2009): 86-92.

## Section II: Organizing the Legislature

In 2009, a year and a half before the Parliament was to first convene, Myanmar's central bank introduced a new 5,000-kyat banknote. On the back of the pink-coloured bill, an image of a new, grandiose parliamentary building was printed. This was the first official illustration of the new house the SPDC regime was constructing in Nay Pyi Taw. Well before the organization of the 2010 elections and the convening of the first post-junta legislature, thinkers and strategists in the SPDC – in particular U Khin Aung Myint, who would become speaker of the USDP-led Amyotha Hluttaw – had delved into Myanmar's own history of post-independence legislatures, and the experiences of other parliament-based regimes in the world, to design a new house in Nay Pyi Taw, outline its procedural rules and internal functioning, and set up its administration.

### 2.1 Infrastructure

Unlike its predecessors, located in Yangon, the new legislative compound in Nay Pyi Taw is massive. Located in Zeyathiri Township, it comprises 31 colossal, palace-style structures and sprawls over 800 acres. Three separate amphitheaters have been erected to house the assemblies of the Pyithu Hluttaw, the Amyotha Hluttaw, and the Pyidaungsu Hluttaw. To the southern side of the compound, twenty individual buildings – unpoetically named I-1, I-2, I-3, etc. – serve as offices for the presiding officers and the parliamentary committees and commissions. For instance, the Pyithu Hluttaw's Rule of Law, Peace, and Tranquillity Committee, which Aung San Suu Kyi chaired between 2012 and 2016, was assigned to Building I-12. The Amyotha Hluttaw's Government's Guarantees, Pledges, and Undertakings Vetting Committee has occupied Building I-20, the Legal Affairs and Special Cases Assessment Commission, chaired by Thura U Shwe Mann, has been housed in Building I-11, and so on.

#### Box 2: The chamber layout: bipartisan vs. multiparty

The architects of the post-SPDC legislative institutions chose to reproduce the semi-circular, half-moon-shaped assembly adopted by General Ne Win's Burma Socialist Program Party (BSPP) regime between 1974 and 1988, in which the speakers sit on a massive pedestal facing a hemicycle. They opted not to revert to the Westminster bipartisan model, where government MPs face opposition MPs. This was the chamber layout imposed in Myanmar during the late colonial (1923-1947) and early postcolonial periods until 1962. Since 1988, indeed, Myanmar's military establishment seems never to have departed from its pledges to return to a "multiparty" political system. In any event, the entrenchment of ethnic politics in postcolonial Myanmar, and the constitutionally mandated presence of the armed forces in the post-SPDC legislatures, would not allow a return to a simple two-row chamber layout.

Even before its official inauguration in 2011, criticism of the Parliament's dimensions was rife. Commentators not only lambasted the compound's allegedly pharaonic expense, but ridiculed its gigantism.<sup>22</sup> Many mockingly wondered whether these cavernous buildings would ever be occupied.<sup>23</sup> Reporters allowed to attend its first-ever session, which convened on January 31, 2011, were similarly stunned by the seeming emptiness of the place.<sup>24</sup> Security checks have long looked thorough and impressive, although there has been considerable easing over the years. The Myanmar Police Force, part of the Tatmadaw-run Ministry of Home Affairs, is responsible for the security of the compound, through a specially designed Hluttaw Security Unit.<sup>25</sup> The Hluttaw Offices have requested the formation of a special unit that the Parliament would exclusively control, supervise, and fund, as in many other countries, but in vain: the security of the Parliament compound remains the responsibility of the Ministry of Home Affairs.

<sup>22</sup> "Myanmar's new capital: remote, lavish and off-limits," New York Times, June 23, 2008.

<sup>23</sup> "As poll looms, Myanmar still building parliament," Reuters, January 26, 2010.

<sup>24</sup> "A parliament, but not as you know it," Economist, January 27, 2011.

<sup>25</sup> Interview with deputy director general, Pyithu Hluttaw, Nay Pyi Taw, November 2016.

Finally, parliamentary libraries and computer rooms, small shops for daily visitors, and restaurants have also been integrated into the main buildings. To make the most of the massive buildings, improve their settings, and facilitate legislative work, the Parliament could consider creating individual work spaces for MPs, where they could carry out desk research, hold private communications, freely use the Internet, build their own collections of books, reports, and files, and receive guests – experts, journalists – for interviews or consultations, including when the Parliament is in recess. Currently, MPs who are members of a committee can only enjoy flat desks in an open space in one of the 20 isolated buildings to the southwest of the Hluttaw compound.

Despite the grandeur, its architectural design and layout can allow public access and even monitoring. Ordinary citizens have seldom been allowed inside Myanmar’s inner circles of state power since the 1960s, yet now, pupils can come with their teachers to take photographs. Outside observers are allowed to sit and watch regular sessions in the upper levels of each of the assembly halls. Civil society leaders and experts are invited for committee hearings or to organize workshops and policy briefings.<sup>26</sup> MPs can show their constituents the kind of legislative work they are doing, and how they defend it in the assembly. As one legislator stressed, this is the “parliament of the people,” so the people should come and visit.<sup>27</sup> Furthermore, although rules for the media were stiffened in the run-up to the 2015 elections (and maintained ever since), spaces for media interviews and television broadcasts have been established in the parliamentary buildings.<sup>28</sup>

## *2.2 Parliamentary management and human resources*

Parliaments around the world are filled with professional staffers. Commonly (not always) in the civil service, intended to be politically impartial, parliamentary staff are assigned to the administration and various offices of the legislative body and are responsible for its daily functioning and activities. They must be knowledgeable about legislative procedures and parliamentary affairs, as well as the many rules, codes, ceremonies, and protocols of the house. More often than not, they have to manage enormous workloads, in particular when serving as a day-to-day assistant to a speaker or assigned to a busy parliamentary committee. The fact that a parliament can hire its own personnel, regardless of electoral results, political games, and the whims of MPs, indicates strong institutional autonomy, even with respect to the government.

### **2.2.1 The Hluttaw Offices**

When the Parliament was revived in Myanmar after the 2010 elections, a single Hluttaw Office was created and placed under the leadership of a director general (DG), the highest rank for a civil servant in Myanmar’s administration. Administrative officers were then transferred from different Union ministries to fill the posts of this new parliamentary bureau. Retired civil servants – including military retirees – were also asked to serve as instructors, consultants, or senior management. As the Parliament’s activities dramatically increased, after a couple of hesitant sessions under the USDP legislature, the decision was made in 2012 to form three separate administrative units and expand their workforce.

The three distinct offices, each headed by a DG, have respectively overseen the functioning of the Pyithu Hluttaw, the Amyotha Hluttaw, and the Pyidaungsu Hluttaw since 2013. Each has its own budget. The bureaucracies of the three houses work separately and do not always communicate with each other efficiently. The Pyidaungsu Hluttaw Office, however, does not serve as the coordinating administration of the Parliament.<sup>29</sup> The workforce of the three offices has significantly increased over the years. As of late 2016, the combined Hluttaw Offices had 1,240 employees (see Table 3), but this still falls well short of the target of 3,100 employees adopted by the Hluttaw Office leadership in 2015.

<sup>26</sup> Discussion with the director of the Yangon-based Tampadipa Institute, Yangon, November 2016.

<sup>27</sup> Interview, Shan MP from the lower house, Nay Pyi Taw, January 2014.

<sup>28</sup> “Media confronts Hluttaw lockout,” Myanmar Times, February 10, 2016.

<sup>29</sup> Interview with U Kyaw Soe, DG of the Pyidaungsu Hluttaw, Nay Pyi Taw, November 2016.

**Table 3: Number of parliamentary staff (December 2016)**

| House              | Number of Staff | Target   |
|--------------------|-----------------|----------|
| Pyidaungsu Hluttaw | c. 280          | c. 600   |
| Pyithu Hluttaw     | c. 560          | 1,542    |
| Amyotha Hluttaw    | c. 400          | 1,001    |
| TOTAL              | c. 1,240        | c. 3,143 |

**The Pyidaungsu Hluttaw Office** is led by a DG, U Kyaw Soe, and two deputy directors general (DDGs).<sup>30</sup> As of late 2016, it had about 280 staff, less than half of the target. The number of employees of this house is notably lower than the two other chambers. The Pyidaungsu Hluttaw Office certainly performs fewer functions, and it has no MPs to serve, unlike the Pyithu Hluttaw and the Amyotha Hluttaw Offices.<sup>31</sup> Its office is divided into three departments: (1) the Plenary Department (Legislation), for the parliamentary and legislative activities of the joint assembly; (2) the International Relations, Research, and Library Department (the biggest library of the compound is located in the Pyidaungsu Hluttaw building); and (3) the Administration Department, combining human resources, finance, and other administrative duties.

**The Pyithu Hluttaw Office** is overseen by one DG (currently U Tin Win Aung) and four DDGs. They supervised a staff of about 560 in late 2016 (out of a planned 1,542).<sup>32</sup> The office contains four departments:

(1) *The Speaker's Office* manages the daily tasks and activities of the Pyithu Hluttaw speaker (and deputy speaker), and coordinates its work with elected and appointed MPs and parliamentary committees. It links the speaker with other state institutions, such as the Union Presidency and Government, the Office of the Attorney General, or the state and regional parliaments. It includes the suboffice of the deputy speaker, and currently hosts about 60 employees (as of late 2016).

(2) *The Plenary Department (Regular Session, Legislation)* deals with the daily parliamentary meetings and the work of Pyithu Hluttaw standing and ad hoc committees, and more generally coordinates the daily activities of the MPs in the chamber. The number of employees in this department has reached 200 as of late 2016. One suboffice deals specifically with the regular session meetings: it prepares the agenda, fixes protocol and seating arrangements of MPs in the hemicycle, records the legislative proceedings, and collects and channels to the relevant authorities proposals and starred and unstarred questions MPs submit two weeks in advance. A second suboffice oversees the work of parliamentary committees and the staff assigned to them. There were 25 committees at the end of the USDP-controlled Pyithu Hluttaw, and there are 19 in its NLD-led successor (2016). Each parliamentary committee is assigned several staffers. There were commonly six or seven staff members in each committee about halfway through the USDP legislature in 2013. Since 2015, however, standing committees have more administrators, with ten or more staffers, because of the workload. A director – or assistant director for less active ad hoc committees – supervises the staff seconded to each committee. The DG and DDGs of the office decide where to assign each new staff member. Elected or appointed MPs are not supposed to hold sway over the process. Relations between MPs and staff assigned to their committees seem to differ, more frequently due to personalities, characters, and ranks than due to professionalism. Some MPs consider staff to be personal clerks and odd-jobbers helping them to type reports, send emails, and bring cups of tea; others view them as a source of information on protocol, legislative rules and procedures, and guidance in Parliament.

(3) *The International Relations and Research Department* comprises two suboffices. The first provides information support to the MPs, prepares briefings and policy notes, collects research inquiries from MPs, and manages the Pyithu Hluttaw's external relations, including its translation services and the welcoming of foreign visitors. The second suboffice deals with communications and media relations, publishes the *Hluttaw Journal* as well as the parliamentary proceedings, and runs the house's small side library. It had a staff of 128 in 2016.

<sup>30</sup> Interviews with the DG and his two deputies, Nay Pyi Taw, November 2016.

<sup>31</sup> Because, when it convenes, it combines the representatives of both the upper and lower houses.

<sup>32</sup> Interviews with U Khin Maung Oo, U Myat Moe, and U Tin Aung Swe, DDGs at the Pyithu Hluttaw, Nay Pyi Taw, November 2016.

(4) *The Administration Department*, with about 170 employees in 2016, is divided into two suboffices, in charge, respectively, of administrative affairs and finance. The first suboffice deals with staff affairs, information and communications technology (ICT) – including, in loose cooperation with the public relations department mentioned previously, the house’s own website, Twitter accounts, and Facebook pages – and the daily logistics, stationery procurement, and management of the Parliament’s motor vehicle fleet. The second suboffice oversees the salaries of the employees, the allowances of MPs, and other budgetary affairs.

**The Amyotha Hluttaw Office**, with about 400 employees in 2016, is also headed by one DG.<sup>33</sup> It follows the same organizational structure as the Pyithu Hluttaw Office, with four similar departments: (1) the Speaker’s Office (and deputy speaker); (2) the Plenary Department for the regular session and parliamentary committees (there were 18 committees in the USDP-led Amyotha Hluttaw, and there have been 16 in its NLD-led successor since 2016); (3) the International Relations, Research, and Public Relations Department (which, in this case, runs the website and Facebook accounts of the house); and (4) the Administration Department. Despite small budgets, the upper house’s office is continually seeking to expand its staff, and it expects to reach 1,000 employees by the end of the NLD legislature in 2021. During the 2015-2016 fiscal year, for instance, it hired 40 junior staff and 20 senior staff.<sup>34</sup>

### **Box 3: The recruitment process for parliamentary staff**

To move beyond the initial shortage of staff and the ad hoc hiring process of the early years of the USDP-led Parliament, the three Hluttaw Offices adopted a new recruitment plan. Initially, parliamentary employees (including retired officers of the armed forces) were drawn from various Union ministries and other state bureaucracies to fill the gaps according to their particular skills and sectoral specialties. Public servants from the Ministry of Foreign Affairs, for example, were called in to staff the two International Relations Committees; officers from the Ministry of Finance and National Planning were enlisted to look after budget-related processes in the Public Account Committees; experts from the Ministry of Agriculture were dispatched to committees dealing with farmers and rural affairs, and so on.

Then, around 2013, the Hluttaw Offices established specific recruitment paths. The most effective has proven to be the targeting of fresh university graduates. The focus on entry-level positions for junior staff, who can then be specifically trained, has offered a speedy way to expand the parliamentary administration. Parliamentary committees are full of young civil servants, especially women. The hiring of senior administrators remains a more complicated business that usually takes some eight to 10 months from the job advertisement to the first day of work.<sup>35</sup> Applicants for administrative positions commonly take a written exam consisting mostly of questions related to law, English, and office management. Candidates are also requested to have computer skills and master the use of different Myanmar computer fonts (Myanmar2, Myanmar3, and Zawgyi, for instance). A candidate who passes the written test is called for an interview.

Each of the three chambers has developed its own interview process. The Pyithu Hluttaw, for instance, has established three interview committees, each headed by a DDG.<sup>36</sup> Successful finalists are selected by the DGs of each house, and then assigned to a specific department according to their skills and the needs of the moment. Fresh recruits are usually expected to remain at least three years in the administration that first hired them, and can then move to another public institution. Before starting, all receive a month-long training designed by the Hluttaw Offices, usually delivered when Parliament is in recess.<sup>37</sup> Regular internal trainings are also offered by more senior staff and Myanmar consultants.

<sup>33</sup> Interview with U Kyi Min, DG of the Amyotha Hluttaw, Nay Pyi Taw, November 2016.

<sup>34</sup> Interview with DDG, Amyotha Hluttaw, Nay Pyi Taw, November 2016.

<sup>35</sup> Interview with a USPD legislator and retired DG at Myanmar’s Union Civil Services Board, Nay Pyi Taw, August 2015.

<sup>36</sup> Interview with Deputy DG, Pyithu Hluttaw, Nay Pyi Taw, November 2016.

<sup>37</sup> Subjects include legislative work, Myanmar’s existing laws, office administration, and information and communications technology (ICT), among others. Interview with DDG, Pyithu Hluttaw, Nay Pyi Taw, November 2016.

### 2.2.2 Human resource challenges

The Hluttaw Offices have faced, and will continue to face, several challenges. They are still understaffed, although their directors have announced big expansion plans. They have recently declared that the parliamentary administration is working with less than 40 percent of its planned capacity. More worryingly, the Hluttaw Offices must cope with high levels of resignation from their ranks. The brightest or more senior recruits seldom stay on board. The rate of freshly hired staff leaving soon after their selection appears high. One DG has lamented that better training for parliamentary staff provided by domestic and international organizations since 2013 has just accelerated this trend. The more skills they acquire working for Parliament – particularly in English, computer work, office management, and research methods – the more competitive they become in Myanmar’s rapidly evolving job market. There are several examples of newly trained staff promptly leaving the Parliament, and even the public sector, to find a well-paid job in an embassy, an international non-governmental organization (NGO), or a private company in Yangon.

New recruits sign a contract that obliges them to stay on duty for a minimum of three years, but with no fine or punishment other than banishment from public service, many choose to move on.<sup>38</sup> Among those willing to remain in public service, promotion is known to be quicker in government ministries, where many civil servants are still eager to find a position. Working in the executive branch, including the armed forces, has long been a more prestigious career path in postcolonial Myanmar. As the Parliament is a brand-new institution, no one knows whether working there will boost a civil servant’s career.

Parliamentary employees are paid as much as other Myanmar civil servants of equal rank, but given their rather small budget, the Parliament offices cannot offer generous employee benefits packages. They cannot raise wages to lure new staff or retain veterans, leaving them with just a few special benefits to sweeten the recruitment package. One is special housing for staff. While all civil servants get housing support, new buildings for Parliament staff, right next to the hluttaw compound, offer drastically shorter commutes. Buses are also provided by the Hluttaw Offices, even when Parliament is in recess. Staff can enjoy a daily free lunch when Parliament is in session.

To retain their staff, the Hluttaw Offices must strengthen their professional skills, but in ways that do not propel them directly into high-paid jobs in Yangon.<sup>39</sup> Institutional memory of legislative procedures and practices has long been lost in Myanmar. There is a need to rebuild a state administration focused on, and expert in, parliamentary procedures and legislative mechanisms. Given the high turnover of elected MPs between the 2010 and 2015 elections, a pattern which may well recur in coming years, the institutional memory and continuity on which successive legislatures will build must first be secured by permanent professional staff.

## 2.3 Standing and ad hoc parliamentary committees

Parliamentary committees are central to the workings of parliaments. As subsidiary legislative bodies, they consist of a limited number of MPs, who work in closed-door meetings to define and debate specific issues and policies. Standing committees are permanent, and their role is predefined in either the nation’s Constitution or the assembly’s Rules of Procedure. Other, nonstatutory committees can be formed temporarily, according to the inclinations of the presiding officers. Committees are considered the most convenient arenas for parliamentary scrutiny, one of the three core functions of a legislative body.<sup>40</sup> The institutionalization of their workings, regardless of who controls the house, strengthens the autonomy of the Parliament, and tends to foster better governance.

Myanmar’s 2008 Constitution mandates four standing committees in each house, to be formed when they first convene (articles 115a and 147a). Their powers, duties, and functions are further detailed in the Rules of Procedure of the Pyithu Hluttaw and the Amyotha Hluttaw, first adopted as law in 2010, and later revised and completed by the USDP-led Parliament in 2012 and 2015.<sup>41</sup> These standing committees are (1) the *Bill Committee*, which considers proposed legislation;<sup>42</sup> (2) the *Public Accounts Committee*, which examines

<sup>38</sup> Interview with DG, Pyidaungsu Hluttaw, Nay Pyi Taw, November 2016.

<sup>39</sup> Of course, in the long term, having civil society leaders and social workers with strong parliamentary experience would certainly strengthen the citizen-parliamentary relationship and spread the knowledge of Parliament beyond Nay Pyi Taw.

<sup>40</sup> Shane Martin, “Committees,” in *The Oxford Handbook of Legislative Studies*, ed. Shane Martin, Thomas Saalfeld, and Kaare W. Strom, 352-70 (Oxford: Oxford University Press, 2014).

<sup>41</sup> The laws for the Pyithu Hluttaw and Amyotha Hluttaw are identical, save for two minor provisions.

<sup>42</sup> Pyithu Hluttaw Law, or Law Relating to the Rules of Procedures of the Pyithu Hluttaw (2015), section 8.

whether the funds granted by the Parliament to the government have been properly spent;<sup>43</sup> (3) the *Government's Guarantees, Pledges, and Undertakings Vetting Committee*, which scrutinizes the promises made by the executive and reports on the extent to which they have been adequately implemented;<sup>44</sup> and (4) the *Hluttaw Rights Committee*, which oversees the functioning of the Parliament and the roles, privileges, and duties of its members.<sup>45</sup>

All other ad hoc or special committees are created, dissolved, restructured, or renamed by the two speakers, according to the policy matters they intend to focus on during their mandate. The number of committees can therefore fluctuate from session to session and from one legislature to the next. Only the eight standing committees (four in each house) were shaped during the first session of the USDP Parliament that convened in January 2011. During the Parliament's second session, however, starting in August 2011, the Pyithu Hluttaw created 19 additional, ad hoc committees, and the Amyotha Hluttaw created eight.<sup>46</sup> At the end of the USDP legislature in January 2016, there were 43 committees and five joint committees in the Union Parliament.

In 2016, the new Parliament, controlled by the NLD, established 19 committees in the Pyithu Hluttaw and 16 in the Amyotha Hluttaw. The Joint Bill Committee, Joint Public Accounts Committee, Joint Committee on Inter-Parliamentary Union, Joint Committee on ASEAN Inter-Parliamentary Assembly, and Joint Coordination Committee for Hluttaw Development completed the list (see Tables A, B, and C in Annex Three). The number of committees has decreased from 25 to 19 in the NLD-controlled Pyithu Hluttaw. This was a welcome move, as it has avoided having too many MPs sitting on several committees and being swamped with work. Yet, several elected representatives still sit on several committees or joint committees. The Rule of Law, Peace, and Tranquillity Committee, which Aung San Suu Kyi chaired in the lower house from July 2012 to January 2016, with U Win Myint as its secretary, was not reconstituted in the NLD legislature. Neither was the Women and Children's Affairs Committee.<sup>47</sup> The NLD legislature of 2016 originated just one novel parliamentary committee, the Electricity and Energy Development Committee.

The number of committees has also been reduced, slightly, in the NLD-led Amyotha Hluttaw, from 18 to 16.<sup>48</sup> But the number of MPs wearing several hats remains far higher in this chamber, due to the fact that there are fewer representatives in this house than in the Pyithu Hluttaw. In this chamber, the speaker chose not to reconstitute several economy- and finance-related committees from the previous USDP-led upper house. He also made two committees out of the former Education, Health, and Cultural Affairs Committee of the USDP Parliament. Yet, there are still many ad hoc committees with the same policy focus as in the Pyithu Hluttaw. Interviews have revealed that many MPs have complained about the redundancy of their work, especially since dialogue between similar committees in the two houses is rare when these committees are not officially "joint." On the beneficial side, having twin committees in the two chambers has proven a welcome division of labor for MPs overloaded with committee meetings and legislative and constituency work.

The Parliament's procedural rules stipulate that each committee have a maximum of 15 members, including one chair and one secretary. It is the privilege of the speakers to select the chairpersons, secretaries, and members of these committees. The chairs have substantial authority over the functioning of the committees. They decide the frequency of meetings, which seems to range from thrice a week (and more if required) for the Bill and Public Accounts committees, to "once in a while" for lower profile committees.<sup>49</sup> Meetings were rare and short during the first sessions of the USDP legislature, although the four standing committees occasionally met even when the legislature was not in session.<sup>50</sup> But as parliamentary work was considerably expanded in 2012, committees started to convene for longer and more regular meetings, including when the Parliament was in recess. The trend has continued with the NLD-controlled legislature since 2016. Committee discussions remain closed-door debates, not open to the public. Outside experts,

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<sup>43</sup> Ibid., section 9.

<sup>44</sup> Ibid., section 11.

<sup>45</sup> Ibid., section 10.

<sup>46</sup> New Light of Myanmar, August 23, 2011, p. 9; and New Light of Myanmar, September 6, 2011, pp. 8-9.

<sup>47</sup> It is difficult to understand why. The argument that this avoids redundancy, since the upper house already has a committee focusing on women and children's rights, does not stand: many committees are duplicated, and not joint, between the two houses.

<sup>48</sup> A third of the elected MPs in the NLD-led Amyotha Hluttaw are members of more than one committee. Only one legislator, U Khin Aung Myint, former speaker of the house, is a member of none.

<sup>49</sup> In the NLD legislature, the Amyotha Hluttaw's Women and Children's Rights Committee meets only twice a month when Parliament is in session. Interview with a member of the committee, Nay Pyi Taw, November 2016.

<sup>50</sup> Interview with a member of the Pyithu Hluttaw's Bill Committee, Nay Pyi Taw, February 2015.

civil society representatives, or civil servants, however, are regularly invited for hearings. The parliamentary staff also records, classifies, and stores the minutes of all committee meetings (which are also not made public).

There has been a significant drop in the number of military retirees holding the offices of committee chair or secretary since the NLD came to power. In the USDP Parliament, 60 percent of committee chairs were retired military officers. This disproportionate control of key parliamentary committees – more notable in the lower house – reflected the relative power and influence that members of the former SPDC *nomenklatura* and military establishment continued to hold after the disbanding of the junta in 2011.<sup>51</sup> By contrast, however, with the exception of Thura U Shwe Mann, who has chaired the Legal Affairs and Special Cases Assessment Commission, no military retiree has managed to secure a key post in the NLD legislature since 2016. In the USDP-led legislature, the choice of a secretary was routinely left to the discretion of the newly appointed chair, which does not seem to be the case in the NLD Parliament, where the two speakers have apparently imposed their choices.

Committee members are appointed for one year, but their appointments are renewable. Upon request, they can ask to change assignments, but interviews in the two successive legislatures suggest few have been permitted to. At the beginning of the USDP legislature, military MPs were assigned only to the eight standing committees in the two houses. This gradually changed, session by session, as the Tatmadaw started to reevaluate its role in Parliament. At the start of the NLD-led legislature, each committee in the two chambers had one military representative, usually a high-ranking officer (colonel or above). From the fourth session in January 2017, the military leadership imposed two more military representatives in each committee, to act as “observers”. The Speakers agreed and decided to add two elected MPs, also serving as “observers”, to balance the committees. The NLD has standardized the rules for committee membership, which is a welcome development. Each committee also has at least one woman, which has proven easier as the number of female representatives has increased twofold since the 2015 elections.

#### **Box 4: The Legal Affairs and Special Issues Assessment Commission<sup>52</sup>**

The Legal Affairs and Special Issues (or Cases) Assessment Commission was first formed in November 2011 in the USDP-led Pyithu Hluttaw. A legal advisory body, it has been mandated to provide support to the speaker and assist parliamentary committees in their work. It can also advise, and liaise with, the Union government and the president’s office on any legal issues. The commission was granted Union-level status, but does not have the power to submit bills. It was initially chaired by U Nanda Kyaw Zwa, deputy speaker of the USDP-led lower house.

The commission has rapidly evolved into a powerful think tank, advising the two speakers on various lawmaking issues and the review of existing legislation. Controversies have emerged, however, over the opacity of commission members’ work and their personal loyalty to the USDP speakers. Ordinary Union-level legislators and parliamentary committee members have also felt bypassed and marginalized by the work of the commission – a parliamentary body allowed by the 2008 Constitution, but not meant to remain permanent, unlike standing committees.

The NLD legislature renewed its mandate, however, on March 1, 2016. It designated 23 new members, including former USDP parliamentarians defeated in the 2015 polls. Thura U Shwe Mann, the former speaker of the Pyithu Hluttaw, was appointed as its new chair. As of 2016, the members were receiving a MMK600,000 monthly salary and a MMK5,000 daily allowance, and enjoyed legal protection to perform their functions. The commission’s budget derives from the Pyithu Hluttaw budget, and a dozen parliamentary staffers from the lower house are assigned to it for administrative purposes.

<sup>51</sup> For more details on the influence of Tatmadaw retirees in the USDP Parliament, see Renaud Egreteau, *Retired Military Officers in Myanmar’s Union Parliament: An Emerging Legislative Force?* ISEAS Trends no. 17 (Singapore: ISEAS–Yusof Ishak Institute, 2015).

<sup>52</sup> Interview with two commission members, Nay Pyi Taw, November 2016.

## 2.4 Support for parliamentary management and skills

International donor agencies and established liberal democracies routinely offer professional development programs to nascent democracies around the world. Since the suspension of international sanctions in 2012, Myanmar has been offered several parliamentary assistance programs. The country rejoined the Inter-Parliamentary Union (IPU) in 2012. Most support has focused on training programs for new MPs, with workshops highlighting parliamentary mechanisms and processes, such as “how to draft a bill,” “how to prepare a parliamentary question,” “how to set up a committee hearing,” and so on, as well as basic trainings in English, computer management, and communication skills. Both MPs and parliamentary staffers have benefited from a wide range of increasingly coordinated initiatives to strengthen the Parliament, designed and funded by about sixteen countries and international organizations between 2012 and 2016.<sup>53</sup> International donors have started to work on more integrated programs to avoid redundancy, and even a sense of competition, among themselves.

The Hluttaw Offices have a strong interest in the effective operation of the Union Parliament, especially since the institution has attracted worldwide attention. IPU started its cooperation with Myanmar’s Union legislature in late 2012. The international organization helped establish the hluttaws’ library, research, and information services. Following several months of discussion and initial assessment with the Hluttaw Offices and Union-level MPs, a more coherent scheme was outlined with the backing of the United Nations Development Program.<sup>54</sup> A Joint Coordinating Committee on Parliamentary Development was set up in the USDP-controlled hluttaws to design a three-year strategic plan (2015-2018).<sup>55</sup> Four strategic objectives were defined: improving the effectiveness of the work done in plenary sessions and committees, building the capacity of MPs and the parliamentary staff, and enhancing communication and collaboration. The UNDP-IPU (United Nations Development Program and the Inter-Parliamentary Union) parliamentary support project has provided the Hluttaw Offices with ICT equipment and research and library management training, and helped design a member handbook. It has supported overseas study tours for Myanmar MPs and staff to Canberra, London, and Hong Kong, and organized the visit of international parliamentary delegations to Nay Pyi Taw. When the second post-junta legislature took shape in February 2016, it provided a five-day induction program for newly elected MPs.<sup>56</sup>

A handful of parliament-to-parliament cooperation schemes have also been proposed to enhance the capacity of Myanmar’s legislature and its members. This has been welcomed by the Hluttaw Offices, though only if sustained and not halted after one or two training programs, senior administrators have conceded. This type of bilateral cooperation is often determined by the evolving internal politics of the well-established foreign parliament offering its assistance to Myanmar – a new ruling party here, or a new speaker there, and the commitment to international exchanges can falter. Since the first visit of Thura U Shwe Mann as Pyithu Hluttaw speaker to New Delhi in December 2011, India’s lower house (*Lok Sabha*) has regularly provided three- to five-day orientation programs for visiting MPs from Myanmar through its Bureau of Parliamentary Studies and Training (BPST). More than fifty parliamentary staffers also benefited from this Indian parliamentary support, and visited New Delhi, between 2012 and 2015.<sup>57</sup>

The British House of Commons, through its speaker, has on its side developed a novel program never conducted with any other parliament.<sup>58</sup> One clerk from the House of Commons Library (and from 2016, three of them) was assigned to Nay Pyi Taw to support the Hluttaw Offices. Thanks to this assistance, the research, policy briefings, and proceedings collection as well as the library services of the Union Parliament were expanded. The Pyithu Hluttaw’s research department has also started publishing a journal on current affairs.<sup>59</sup> The Westminster Foundation for Democracy (WFD) is expected to establish a similar support program for Myanmar’s region and state parliaments. The United States has developed, since 2013, a USAID-funded Parliamentary Resources Center in Nay Pyi Taw, first located on the premises of the Nanwaddy Hotel, then in the Park Royal Hotel.<sup>60</sup> Parliaments from Australia, Canada, Germany, Italy,

<sup>53</sup> Interview with a parliamentary strengthening consultant, Nay Pyi Taw, November 2016.

<sup>54</sup> Interview with DDG, Pyithu Hluttaw, Nay Pyi Taw, November 2016.

<sup>55</sup> Interview with its chairman, until January 2016, U Hla Myint Oo, Nay Pyi Taw, April 2015.

<sup>56</sup> See this op-ed by Toily Kurbanov, then UNDP country representative: “A parliament geared to go,” Myanmar Times, February 2, 2016.

<sup>57</sup> Through India’s ITEC scheme (Indian Technical and Economic Cooperation). See Press Release—Ittec Day 2015, Embassy of India in Myanmar, Yangon, December 1, 2015, available at: [http://www.indiaembassyyangon.net/index.php?option=com\\_content&view=article&id=228:press-release-itec-day-2015&catid=28&Itemid=137&lang=ENG](http://www.indiaembassyyangon.net/index.php?option=com_content&view=article&id=228:press-release-itec-day-2015&catid=28&Itemid=137&lang=ENG).

<sup>58</sup> The program is funded by DFID. Interview with DFID representative, Yangon, November 2016.

<sup>59</sup> Interview with DDG, Pyithu Hluttaw, Nay Pyi Taw, November 2016.

<sup>60</sup> Interview with NDI senior representative, Nay Pyi Taw, July 2014.

Denmark, Serbia, and the European Union (EU), among others, have also offered bilateral support to the Hluttaw Offices.<sup>61</sup> Interestingly, China has also welcomed several batches of MPs for study tours.<sup>62</sup>

Despite an extremely positive response, there have been a few hitches along the way. Foreign assistance has often reflected developmental rationales more than concrete parliamentary development needs. Major international development agencies and foreign governments have tended to design their support for Myanmar's legislature as a tool for better governance, broader democratization, and development, rather than as pure instruments of legislative strengthening. English tutoring, communication skills lessons, computer and IT trainings, and classes on office management or current political affairs, while much needed in present-day Myanmar, might better be provided, with external financial help, by domestic institutions with extensive knowledge of their own society.

As highlighted earlier, many newcomers in the Hluttaw Offices have received a good deal of training in these basic skills from international organizations (and even better, have sometimes been offered an overseas study tour). This has proven a perfect springboard for them to become highly competitive outside Myanmar's civil service and find a well-paid job in Yangon.<sup>63</sup> The Hluttaw Offices are therefore growing more hesitant to accept international support, for fear of rapidly losing their staff. Senior officers in the hluttaw have argued that external support must be parliament-related, offered on a sustainable basis, and come with, for instance, a certificate or professional diploma to measure the value of the legislative training received.<sup>64</sup>

Programs specifically designed for senior management should also be outlined, to assist parliamentary staffers who rise to higher positions in the Hluttaw Offices. This would help develop a new generation of high-ranking administrators, and balance the lingering influence of military retirees. Former high-ranking Tatmadaw officers have long been appointed to top administrative positions in Myanmar's public sector right after the termination of their military careers. Most DGs and DDGs in the current Hluttaw Offices are retired military officers, yet a knowledgeable bureaucrat from the armed forces or a state ministry is not necessarily an expert in parliamentary oversight mechanisms and law-making processes.

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<sup>61</sup> See, for instance, the Danish program, available at: <http://myanmar.um.dk/en/news/newsdisplaypage/?newsid=578d979e-c403-4eda-86ca-eefbe45aa9ec>.

<sup>62</sup> Through the Yangon-based Tampadipa Institute, for instance. Discussion with its director, Yangon, November 2016.

<sup>63</sup> As deplored by the Pyidaungsu Hluttaw's DG. Interview by author, Nay Pyi Taw, November 2016.

<sup>64</sup> Interview with DDG, Pyithu Hluttaw, Nay Pyi Taw, November 2016.

### Section III: Profile of the Union Parliament

The social background of political elites is a key indication of where power lies in a society, so profiles of Myanmar's past, present, and upcoming legislators may indicate whether there have been – and potentially can be further – fundamental changes in the structure of power in Myanmar. It may also show whether this change, or lack thereof, can affect the professionalization of the legislative elites and, ultimately, the consolidation and institutionalization of Myanmar's reemerging legislative branch. In various postauthoritarian societies of Asia and post-Soviet Eastern Europe, legislative institutions have long remained fragile, if not weak, because of the entrenchment of political parties and politicians drawn from previous authoritarian regimes, high legislative turnover, and the failure to shape a new elite of capable professionals in parliamentary affairs.<sup>65</sup>

In the 2010s, Myanmar's typical legislator presents a rather conventional image of a Burmese postcolonial leader; a man, in his fifties or sixties, ethnically Bamar, Buddhist, and with a professional career in public service, either in the civilian bureaucracy and education sector or the armed forces. Data on the parliamentarians elected in the USDP- and NLD-led Parliaments is readily available, although not quite accurate or complete. This section focuses on five demographic and socioeconomic variables that are used in most comparative legislative studies to analyze the profile of a representative: gender, age, ethnicity and religious beliefs, education level, and occupational background.<sup>66</sup> The research draws on two documents compiling short, biographical sketches of elected and aspiring MPs. The first one, released after the 2012 by-elections, profiles the 658 legislators – both civilian and military-appointed – sitting in the two chambers of the USDP Union legislature at the end of its third regular session in May 2012. While the original document is in Burmese, the Yangon-based printing house MCM has also translated it into English.<sup>67</sup> For the NLD-controlled legislature elected in November 2015, a full list of 6,000-odd candidates officially released by the UEC in September 2015 is available for analysis. Neither list is devoid of typos, mistakes, omissions, and other inconsistencies (such as fake PhDs), but they are the best sources currently available.<sup>68</sup> Box 5 shows the profiles of the 166 military-appointed representatives separately.

#### 3.1 Age

The 2008 Constitution establishes a minimum age of 25 years for election to the Pyithu Hluttaw (article 120a) and 30 years for election to the Amyotha Hluttaw (article 152a). After the 2012 by-elections, which saw the entrance of 41 NLD legislators into the Union Parliament, the average age of elected representatives in both chambers was 57.5 years – about 57 years in the lower house and 58 years in the upper house. At the time of its first session, on February 1, 2016, the average age of civilian MPs in the new NLD-led Parliament was 54.5 years.<sup>69</sup> This is similar to neighboring democratic countries such as India and Indonesia.

The most senior member of the Union legislature elected in 2010 was a 79-year-old USDP representative from Kayah State. The youngest representative, an MP from the Shan Nationalities Democratic Party (SNDP), was just over 25 years old. In all, in the first post-junta lower house, the substantial majority of civilian MPs were born between the mid 1940s and the late 1960s. In the Amyotha Hluttaw, representatives born between the early 1950s and the early 1970s tended to dominate, but with a more equal distribution. In February 2016, when the second post-junta Union legislature met for the first time, the oldest legislator, Naing Thaung Nyunt, from Mawlamyine (Moulmein), was 82 years old. The two youngest MPs, drawn from the lower house, were born in 1989. Daw Ni Ni May Myint (Toungsup, Rakhine), of the NLD, and Lu Tei Hong (Laukaing, Shan), of the USDP, both entered the legislative arena at just 26 years old. The two NLD-controlled houses displayed very similar age pyramids. Both had a more balanced distribution of ages than the USDP legislature, which counted more MPs in their sixties and fifties than younger ones.

<sup>65</sup> See, for instance, Elena Semenova, Michael Edinger, and Heinrich Best, eds., *Parliamentary Elites in Central and Eastern Europe: Recruitment and Representation* (London: Routledge, 2014); and Zheng Yongnian, Lye Liang Fook, and Wilhelm Hofmeister, eds., *Parliaments in Asia: Institution Building and Political Development* (London: Routledge, 2014).

<sup>66</sup> For the USDP Parliament the author relies here on his earlier, more detailed publications based on regular interviews of elected and appointed representatives that he has carried out since 2013 (see bibliography).

<sup>67</sup> *The Parliaments of Myanmar* (Yangon: MCM, 2013).

<sup>68</sup> The official websites of the Amyotha Hluttaw and Pyithu Hluttaw also contain data, which, though quite incomplete, can be useful for cross-checking. For the Pyithu Hluttaw, see <http://www.pyithuhluttaw.gov.mm/?q=representatives>. For the Amyotha Hluttaw, see [http://www.amyothahluttaw.gov.mm/?page\\_id=1657](http://www.amyothahluttaw.gov.mm/?page_id=1657).

<sup>69</sup> Author's calculation, based on data provided by the UEC in October 2015.

### 3.2 Gender

Female representation is relatively low, but it has increased more than twofold in the current term. Only 18 women were elected in Myanmar's 2010 general elections, forming a paltry 3.6 percent of the 492 elected MPs, or 3.7 percent of all MPs, elected and appointed. Among them, ten belonged to the USDP and the other eight to ethnic parties and the NDF. However, women filled twelve of the 41 seats won by the NLD in the 2012 by-elections – all in the lower house – raising the proportion of women to 6 percent of the elected parliamentary bloc. Only four women (2.4 percent) sat in the USDP-controlled upper house between 2011 and 2016: three from the USDP and one, Daw Khin Waing Gyi, from the NDF. Only three of the 40-odd parliamentary committees formed in the two houses during the first post-SPDC legislature were chaired by women: the Rule of Law, Peace, and Tranquillity Committee (Pyithu Hluttaw, chaired by Daw Aung San Suu Kyi from 2012), the Economic and Trade Committee (Amyotha Hluttaw, chaired by Naw Ni Ni Aye), and the NGOs and INGOs Affairs Committee (Amyotha Hluttaw, chaired by Daw Khin Waing Gyi). Daw Doi (Dwe) Bu, an ethnic Kachin from the Unity and Democracy Party–Kachin State (UDP-KS), was appointed secretary of the Pyithu Hluttaw's National Races Affairs Committee.<sup>70</sup> In an ironic twist, the Women Affairs Committees of both USDP-led chambers, which are responsible for policy regarding women and children, were presided over by retired male military officers.

The 2015 general elections gave a boost to female parliamentary representation, as the number of female MPs jumped more than twofold to reach 66 in both chambers, or 13.5 percent of the elected parliamentary bloc.<sup>71</sup> On February 1, 2016, 23 women (out of 168 civilian MPs) joined the upper house, and 43 (out of 323) the lower house. Only 13 percent of the 6,000-odd candidates allowed to run in November 2015 were female, according to the Union Election Commission.<sup>72</sup>

Despite signs of progress in the NLD legislature, women continue to be greatly underrepresented among the leadership of parliamentary committees: only two were nominated as committee chairs in either house. In the Amyotha Hluttaw, Daw Sheila Nan Taung (Kachin-2) was appointed chair of the Ethnic Affairs Committee, and Naw Mya Sae (Kayah-11) as chair of the Education Promotion Committee. In the Pyithu Hluttaw, the Government's Guarantees, Pledges, and Undertakings Vetting Committee is chaired by Daw May Win Myint, a long-standing NLD activist from the Mayangone constituency, and the Banks and Financial Development Committee by Daw Khin San Hlaing from the Pale constituency. The committees overseeing women's affairs in both chambers are, as in the previous USDP legislature, chaired by male MPs. Regarding the committee secretaries: in the Amyotha Hluttaw, Daw Htu May (Rakhine-11) has been appointed secretary of the International Relations Committee, while Naw Hla Hla Soe (Yangon-10) has been appointed secretary of the Women and Children's Affairs Committee. No women were appointed secretary of any of the 19 committees of the Pyithu Hluttaw.

Studies investigating the significance of gender in the parliamentary process have all pointed to the enduring underrepresentation of women in parliaments worldwide.<sup>73</sup> Despite the extraordinary place a handful of high-status women have had in its postcolonial politics, Myanmar is no exception. After the 2015 general elections, the IPU ranked Myanmar 155<sup>th</sup> out of 192 countries in women's representation in parliament.<sup>74</sup> Yet, more can be done within Myanmar's current and upcoming legislative bodies. Giving more responsibilities and leadership in committees to women delegates would be a first step. Creating a joint parliamentary group or caucus, consisting only of women MPs, would be another.<sup>75</sup> Several cross-party "friendship" caucuses have already formed in the two chambers, such as the Myanmar-French Friendship Group. One solely focused on policy matters related to women would offer a sound venue for parliamentary discussion and the promotion of human rights beyond male-dominated committee

<sup>70</sup> Interview, Nay Pyi Taw, January 2014.

<sup>71</sup> Kim N. B. Ninh, "Myanmar Elections Usher in Unprecedented Number of Women Parliamentarians," *InAsia* (blog), March 2, 2016. By comparison, women lawmakers form 13.2 percent of Japan's current bicameral parliament and 11.7 percent of the two chambers of India's national legislature (as of late 2016). Updated details can be found at the IPU website: [www.ipu.org](http://www.ipu.org).

<sup>72</sup> Interview with Tin Aye, UEC chairman, Nay Pyi Taw, August 2015.

<sup>73</sup> See, for instance, Julie Ballington and Azza Karam, eds., *Women in Parliaments: Beyond Numbers*, rev. ed. (Stockholm: International IDEA Publications, 2009); and Pamela Paxton and Melanie M. Hughes, *Women, Politics, and Power: A Global Perspective*, 2nd ed. (Thousand Oaks, CA: Sage Publications, 2013).

<sup>74</sup> See IPU's regularly updated scale at <http://www.ipu.org/WMN-e/classif.htm>.

<sup>75</sup> Cheery Zahau, an ethnic Chin activist who was an unsuccessful candidate for a lower house seat in the 2015 elections, first put forward the idea. Thin Lei Win, "Myanmar's economy would improve if we can increase women's incomes" – Cheery Zahau," *Mizzima*, September 24, 2015.

debates.<sup>76</sup> Finally, designing women-focused parliamentary trainings for both MPs and hluttaw staff would increase the level of resources available.

### *3.3 Ethno-religious profile*

#### **3.3.1 Ethnicity**

Although Myanmar is one of Asia's most ethnically diverse societies, the highest levels of its postcolonial state institutions have been dominated by individuals of ethnic Bamar and Buddhist backgrounds,<sup>77</sup> but the first two post-junta legislatures have changed this picture, coming closer to mirroring society. The full results of Myanmar's 2014 census are yet to be revealed, but it has long been assumed that Myanmar's population remains two-thirds ethnic Bamar (more if individuals with half-Bamar backgrounds are included), and at 90 percent Buddhist.

In the first post-junta Union legislature, 64 percent of the elected representatives (or 315 MPs) were ethnic Bamar or half Bamar.<sup>78</sup> The proportion was a little higher in the Pyithu Hluttaw, at 68 percent, than in the Amyotha Hluttaw, at 56.3 percent. Echoing these proportions, 64.3 percent of civilian MPs in the NLD-led Union legislature formed in February 2016 (or 314 MPs out of 491) also declared themselves Bamar or half Bamar: 69 percent in the Pyithu Hluttaw and 55.4 percent in the Amyotha Hluttaw.

In the USDP legislature, civilian legislators of Shan origins followed the Bamar as the second-largest group (7.9 percent). The Rakhine were next (4.9 percent), followed by the Chin (4.1 percent), the Kayin (3.9 percent), and the Mon (2.8 percent). In the NLD Parliament of 2016, elected members with Shan backgrounds were again the second-largest group (though with a lesser share at 6.5 percent), followed by the Rakhine (5.7 percent), the Chin and Zomi (4.7 percent, combined), and the Kayin (4.7 percent). The Union Parliament elected in 2015, however, seems to have a larger proportion of representatives declaring a mixed identity, such as Pa'O-Bamar, Shan-Kayah, or Kachin-Shan.

#### **3.3.2 Religion**

Buddhist parliamentarians dominated both post-SPDC legislatures, despite a marginal increase in Christian MPs and the absence of Muslim representatives under the NLD. In the inaugural USDP Parliament, the dominance of Buddhist delegates was manifest. In the Pyithu Hluttaw that convened after the 2012 by-elections, 295 of the 325 civilian representatives were Buddhist (or 90.7 percent), as well as 141 out of 167 elected delegates (or 84.4 percent) in the Amyotha Hluttaw. Fifty-two civilian MPs in both houses (or 10.5 percent) declared themselves Christian: 27 in the Pyithu Hluttaw and 25 in the Amyotha Hluttaw. They were Kachin, Rawang, Chin, Kayin (Karen), and Kayah (Karenni). Lastly, only three parliamentarians, or 0.6 percent of the total legislature, cited Islam as their faith. Two were Pyithu Hluttaw representatives from the USDP constituencies of Maungdaw and Buthidaung in northern Rakhine State, and one was a USDP legislator for the same combined constituencies in the Upper House. All three have described themselves as "Bamar Muslim" or "Myanmar Muslim" in their official biographies.<sup>79</sup>

The elections held in November 2015 did not enhance religious diversity – far from it.<sup>80</sup> In the run-up to the polls, Myanmar's central authorities disenfranchised the majority of the million-strong Muslim Rohingya community, chiefly residing in Rakhine state.<sup>81</sup> The Union Election Commission also rejected the candidacies of numerous Muslim would-be legislators.<sup>82</sup> This included the Muslim MPs from the USDP who had been elected in 2010, such as the voluble U Shwe Maung, who thus failed to regain his Pyithu Hluttaw

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<sup>76</sup> These types of intraparlimentary, informal groups are called "caucuses" or "commissions" in other contexts: Gonzales, Keila, and Kristen Sample, eds., *One Size Does Not Fit All: Lessons Learned from Legislative Gender Commissions and Caucuses* (Stockholm: International IDEA Publications, 2010).

<sup>77</sup> For a study of Myanmar elites during Ne Win's regime, see Yoshihiro Nakanishi, *Strong Soldiers, Failed Revolution: The State and Military in Burma, 1962-88* (Singapore: NUS Press, 2013). A broader and more recent perspective on this argument is provided in Matthew J. Walton, "The Wages of Burman-ness: Ethnicity and Burman Privilege in Contemporary Myanmar," *Journal of Contemporary Asia* 43 no. 1 (2013): 1-27.

<sup>78</sup> Taking into consideration the state of the assembly right after the 2012 by-elections.

<sup>79</sup> And not "Rohingya," as they otherwise claim to be: interview with one of them, Yangon, May 2013.

<sup>80</sup> Renaud Egretau, "Myanmar Parliament Preserves Old Patterns," *Nikkei Asia Review*, April 3, 2016.

<sup>81</sup> For an in-depth analysis of the Rohingya's social conditions: Francis Wade, "West Bank of the East: Burma's Social Engineering Project," *Los Angeles Review of Books*, November 7, 2015.

<sup>82</sup> Interview with UEC commissioners, Nay Pyi Taw, August 2015.

seat for Buthidaung.<sup>83</sup> The NLD did not support any Muslim politicians, and in the end, no one following the Islamic faith would be seen in the country's first freely elected bicameral legislature since 1960.

The share of Buddhists among elected MPs in the NLD Parliament reached 88.3 percent, or 281 out of 290 delegates. Christian candidates fared a little better in the 2015 polls than in 2010. There were about 900 Christian candidates in total: they won 23 seats in the upper house and 33 in the lower house. Most were elected from the Kachin and Chin states: each sent 16 Christian MPs. Christian legislators thus formed a bit more than 11 percent of the NLD bicameral assembly, a proportion much higher than the share of Christian minorities in the country's total population (6.3 percent, according to the 2014 census).

Having a "rainbow parliament" does not necessarily lead to more peaceful and harmonious legislative politics. Scholars studying other divided societies throughout Asia and the Western Hemisphere have shown that fostering ethnic and religious diversity in the upper levels of each branch of government, and particularly in representative assemblies, does not predictably lead to political stability and just governance. Indeed, identity conflicts and ethno-religious cleavages may well be exacerbated in Myanmar's Parliament. Nevertheless, more (or better) representation has always proven to be an initial, and crucial, step towards the broader integration of minorities into a divided society. The (re)integration of Muslim, Hindu, and even Sikh candidates into the candidate lists of Myanmar's major political parties will be a first step towards more inclusiveness in upcoming elections.

### 3.4 Education

The newly elected representatives in Myanmar's two post-junta legislatures generally have stronger educational credentials than the average Myanmar citizen, representing the emergence (or consolidation) of a distinct legislative elite. The degrees and diplomas that MPs have declared, however, have been primarily from Myanmar-based institutions. In the USDP-led Pyithu Hluttaw formed after the 2012 by-elections, 76.6 percent of the elected representatives – 249 MPs – held a university degree (BA or BS and above). Likewise, 76 percent of the civilian MPs – 127 legislators – in the corresponding Amyotha Hluttaw possessed at least a BA or BS. The full Union legislature in 2012 counted eight MPs with Myanmar-awarded or international PhDs (or 1.6 percent). A handful of MPs held international university degrees, mostly from the United States, Japan, Thailand, Israel, Australia, or Russia.<sup>84</sup>

The second post-junta legislature, dominated by the NLD, had slightly higher proportions of university graduates: 81.1 percent of the civilian MPs in the Pyithu Hluttaw (or 262 MPs) and 82.1 percent in the Amyotha Hluttaw (138 MPs).<sup>85</sup> Between the two legislatures, the number of MPs with no post-secondary education dropped from 87 to 50. Ten MPs in both houses also declared a doctorate in their biographies (2 percent). One of them eventually confessed to holding a fake PhD from a dubious, Pakistani-run university.<sup>86</sup> The proportion of MPs with law degrees (either a BA in law or an LLB/LLM) was noticeably higher in the NLD legislature than in its predecessor. Indeed, many a lawyer had joined the ranks of the NLD early on. The number of elected MPs with degrees in medical sciences was also relatively higher in the NLD-led assembly.

Holding a university degree does not necessarily imply that a parliamentarian will prove a better lawmaker, able to draft bills and deftly check budget documents. Legislatures in developing countries are also often peppered with charismatic leaders who have not followed any Ivy League path of excellence. In Myanmar, higher education standards have remained stubbornly low in the past decades. Several ethnic and communist leaders spent years fighting the Tatmadaw as members of armed militias or insurgent groups before being elected legislators in 2010 and even 2015. Many were excluded from the country's main educational stream and thus earned no educational credentials. Besides, many a politician or bureaucrat in Myanmar has obtained a diploma in geology, botany, zoology or chemistry – not quite direct training for legislative work.<sup>87</sup>

<sup>83</sup> Interview, Yangon, August 2015.

<sup>84</sup> For further details, see Egretau, "Legislators in Myanmar's First Post-Junta National Legislature," 112-15.

<sup>85</sup> The proportion is even higher when one looks at only the women representatives elected in 2015: Ninh, "Myanmar Elections."

<sup>86</sup> Wia Moe and Austin Ramzy, "Myanmar Approves Cabinet Nominees, but Some Face Questions Over Credentials," New York Times, March 24, 2016.

<sup>87</sup> Interview with a Chin legislator with a BS in botany, Nay Pyi Taw, February 2015. Also, many a candidate in 2010 and 2015 declared a fake degree on his or her resume.

### 3.5 Occupational background

Examination of the socioprofessional background of a legislator can first show the sectors of society from which parliamentary elites are drawn, and then illustrate the degree of professionalization of a legislature and the time MPs are willing devote to legislative work rather than outside activities of their own. One of the most interesting features of the professional profiles declared by the 492 elected MPs in the USDP-controlled Union Parliament is that, contrary to received opinion, only a minority of them cited a military background. Tatmadaw retirees formed only a minority of elected Union-level MPs between 2011 and 2016: 40 MPs in the Pyithu Hluttaw and 21 in the Amyotha, or 12.4 percent of the civilian parliamentary bloc.<sup>88</sup>

If the 166 military appointees in both chambers are added, then 227 representatives did indeed have a military background – roughly a third of the USDP-led Parliament. The share of former security officials further decreased after the 2015 elections, in which about 150 retired military officers who were candidates were defeated by NLD and ethnic-party politicians.<sup>89</sup> Only 23 retired Tatmadaw and police officers were elected to the second post-junta Union Parliament: 16 to the Pyithu Hluttaw and seven to the Amyotha Hluttaw. They thus made up less than 5 percent of the new elected bloc.<sup>90</sup>

The substantial majority of civilian representatives who entered the Union Parliament in 2010 and 2015 were involved in business, trade, and other commercial activities. In the USDP-led legislature, 141, or 28.6 percent of elected MPs, declared owning a store or being merchants, traders, property owners, or managers of commercial companies. In the NLD legislature, shopkeepers, company managers, and rice mill owners were again the dominant group, as their share rose to 161 MPs, a third of the civilian parliamentary bloc (32.8 percent). When joining the Parliament for the first time in 2011 – or 2012 for NLD delegates – most of these business people were unprepared to devote so much time to the legislature at the expense of their other affairs.<sup>91</sup>

Professionals from the education sector followed. In the USDP Parliament, 83 elected MPs (16.9 percent) were teachers, school headmasters, university lecturers, or private tutors. In the NLD-led assembly, their number dropped to 71 (14.5 percent). After educators came civil servants, public administrators, and what might be called the professional “politicos,” who have forged their careers as paid administrators of politico-bureaucratic machines: powerful mass parties such as the erstwhile BSPP, the Union Solidarity and Development Association (USDA), as well as, ever since 1988, the NLD. Eighty-one MPs in this category were found in the USDP legislature, or 16.5 percent. In the NLD Parliament, their number fell to just 40, or 8.1 percent, chiefly because of the poor electoral performance of the USDP and the National Unity Party (NUP), BSPP’s successor. Daw Aung San Suu Kyi falls into this “politico” category, as she identified herself as a professional “politician” in both of her parliamentary biographies (2012 and 2015).

The biggest increase between the two legislatures was observed in the law sector. In modern democracies, lawyers abound in elected assemblies, especially in North America and India. But in Myanmar, only 27 elected parliamentarians of the USDP-led Parliament hailed from the law sector, or 5.5 percent. In the NLD-led Parliament, there were 44 legal professionals, or 9 percent. The more consolidated a democratic parliamentary system is, the more lawyers and legal specialists are to be found among the legislative ranks. This may happen in Myanmar, but conclusions cannot be drawn solely from the victory of one opposition party. The NLD has indeed long attracted lawyers (as well as medical doctors).

Medical professionals, including pharmacists and veterinarians, formed 8.3 percent of the USDP Parliament (41 MPs), and 11.8 percent of the NLD Parliament (58 MPs) convened in 2016. Legislators drawn from the agriculture and farming sector rose from 8.1 percent (40 MPs) in the USDP Parliament to 11.6 percent (57 MPs) in 2016. Civil engineers and industrialists have remained marginal forces in the two successive legislatures: just four MPs in the USDP assembly, and six in the NLD. Nine journalists and writers are in the NLD Parliament (1.8 percent), against just two in the previous one. Finally, despite the media buzz focused on them during the 2015 electoral campaign, only a handful of NLD lawmakers identified as artists or poets; seven declared a profession linked to arts and culture, as compared to five in the previous USDP legislature.<sup>92</sup>

<sup>88</sup> Egretau, “Legislators in Myanmar’s First Post-Junta National Legislature,” 116.

<sup>89</sup> Renaud Egretau, “A generals’ election in Myanmar,” *Diplomat*, November 4, 2015.

<sup>90</sup> Renaud Egretau, “The (few) generals that don’t exit in Myanmar,” *Diplomat*, November 20, 2015.

<sup>91</sup> Interview with an NLD representative who owns a business, Yangon, January 2014.

<sup>92</sup> MPs who declared no professional background or who had never worked (a few indicated “housewife”) made up the balance of the two houses.

### Box 5: A closer look at the military-appointed parliamentarians<sup>93</sup>

Article 109b of the 2008 Constitution states that the defense services can hold a maximum of 110 seats in the Pyithu Hluttaw, while article 141b ensures that 56 seats in the Amyotha Hluttaw are reserved for military officers. The Myanmar police forces are not included in these reservations. With such a quota – 25 percent – the Tatmadaw enjoys a guaranteed veto on all constitutional amendments, which require a supermajority of more than 75 percent to pass (article 436).

From the biographical sketches of the 492 elected MPs and 166 military representatives of the USDP-led Parliament compiled in May 2012, one can tentatively identify a sociological profile for the serving Tatmadaw officers seconded to the first post-junta Parliament.<sup>94</sup> How their secondment was decided by the Tatmadaw hierarchy remains unknown, however.

Members of the armed forces other than the commander in chief must retire at 60, and in May 2012, the 166 military appointees in Parliament averaged ten years younger than their elected colleagues: 42.5 years old in the Pyithu Hluttaw, and 43.5 years old in the Amyotha Hluttaw. All were male officers until 2014, when two female army officers were seconded to the Pyithu Hluttaw (1.2 percent of the military bloc). The data has also revealed that 86 percent of the military MPs in the Pyithu Hluttaw, and 91 percent in the Amyotha Hluttaw, were ethnic Bamar. Six more MPs were half-Bamar, twelve officers were Rakhine, one Shan, and one Kayin.

The most senior officers – the brigadiers, and from 2016, the major generals – are instrumental, although mid-ranking officers such as colonels play a noticeable role. In 2011, five army colonels were the highest ranking officers in both houses. After the 2012 by-elections and the entrance into Parliament of the NLD, the Tatmadaw beefed up its parliamentary team with the appointment of four brigadier generals in each chamber and fourteen colonels. In 2016, there were three major generals, eleven brigadier generals, and ten colonels.

All military appointees in 2012, without exception, were college graduates, holding at least a BA, a BS, or the equivalent degree in medicine (MBBS). Fifty-one (30 percent) had a master's or equivalent degree. Regarding their professional specialties at the time of their secondment to the Parliament, there was a clear predominance of "managerial officers" and military bureaucrats. There were deputy regional commanders, serving in one of the various chief-of-staff offices, heads or deputy heads of directorates in the General Staff and Quartermaster General Office, or general staff officers. Many military MPs were products of the Tatmadaw's various trainings and educational institutions: 28 in the lower house (25.5 percent), and nine in the upper house (16 percent). Four brigadiers were principals of Tatmadaw training schools, and 26 other MPs were instructors or lecturers in one of the country's military academies.

For the former deputy minister of defense, there was no surprise in these profiles of military MPs; serving officers seconded to the Union legislature are well educated and particularly versed in state affairs and policy matters, he claimed.<sup>95</sup> One may speculate that the Tatmadaw will continue to appoint either well-trained, experienced senior bureaucrats of the armed forces or young officers fresh out of the prestigious Defense Services Academy in upcoming legislatures.

<sup>93</sup> This is based on Egretau, "Who Are the Military Delegates?"

<sup>94</sup> The Parliaments of Myanmar (Yangon: MCM, 2013).

<sup>95</sup> Author's interview, Nay Pyi Taw, February 2015.

## Section IV: Representation and Constituency Services

An elected assembly is one means, among many, of fashioning a government that is responsive to the will of the governed. A parliament is intended to convey the consent of the people, even if they do not select its members, as with Britain's House of Lords.<sup>96</sup> Parliamentarians must therefore address the many concerns and problems expressed by the people. A sizeable body of research on parliamentary affairs has argued that representatives are requested to act as "agents," and even sometimes "servants," of their constituents.<sup>97</sup> How thoroughly, regularly, and efficiently the members of an assembly fulfil their representative duties, interact with those they represent, and accomplish the tasks they are supposed to perform are indicators of the value of a legislature's work and its level of legitimacy.

This section focuses on three main activities that constituents expect of their elected representatives. First, elected representatives must establish regular, direct linkages with their constituents. They must listen to their grievances and demands, and report to them on the work done on their behalf. Second, legislators are expected to provide their constituents with a voice at the higher, more visible levels of government – to make their thoughts and concerns known to the powers that be. Third, representatives have responsibilities to secure new resources for their constituents, prevent existing resources from being taken away, and more generally, provide a wide array of services to their supporters, especially if they hope to be reelected.

The qualitative rather than quantitative approach adopted in this section draws on selected interviews with elected parliamentarians collected since 2013. While not meant to be exhaustive, the research points to an incremental change in the relationships many parliamentarians have developed with their constituents since the first post-junta legislature convened in 2011.

### 4.1 *Reaching out to constituents*

Parliaments must inform citizens about their activities, regardless of which political party holds the parliamentary majority. Extensive public outreach is thus expected of the institution, which commonly establishes a public relations department for that purpose. Myanmar's Union legislature has much to improve in making its activities known to the public. Furthermore, elected representatives are expected, individually, to reach out to their supporters and constituents, especially if they seek reelection. Either by their physical presence in their constituency, or through letters, phone calls, or more recently, social media tools, parliamentarians must spend time interacting with the public. They must receive regular input from their electoral base and translate this into legislative and political action. They also need to regularly report back on what they have done in Parliament on behalf of their constituents. "I go back to my constituency every weekend," an NLD lawmaker from Yangon proudly claimed.<sup>98</sup>

Unlike the early days of the USDP legislature, most interviewees now give the impression that they are aware of the bonds that elected representatives must build with their constituency – with "my people," as they often put it. Even high-profile members of the USDP long described as out-of-touch politicians developed, during the previous legislature, which they overtly dominated, a common rhetoric of readiness to devote time and money to their people. As for the second post-SPDC legislature, the NLD has imposed stricter discipline and heavier schedules on its new MPs, especially those representing constituencies relatively close to Nay Pyi Taw. Older delegates have even started to complain about the relentless tours of villages, attendance at meetings, and party activities in their constituencies that the NLD requires during parliamentary recess despite the fact that the next election is four years away.<sup>99</sup>

Establishing a local office in one's home district is an effective way to interact with one's constituents. MPs from Myanmar's two major political parties of the 2010s, the NLD and the USDP, have routinely used their parties' branch offices for that purpose. They are the only two political forces in contemporary Myanmar with the organizational depth to support their candidates and elected representatives at all political levels

<sup>96</sup> Olson, *Democratic Legislative Institutions*, 4.

<sup>97</sup> Over the past 50 years, political scientists have chiefly grounded their research into political representation and the many responsibilities of a representative on the work of Hanna Pitkin. See Hanna F. Pitkin, *The Concept of Representation* (Berkeley, CA: University of California Press, 1967).

<sup>98</sup> Interview, Nay Pyi Taw, November 2016.

<sup>99</sup> Interview with a 68-year-old NLD legislator, Nay Pyi Taw, November 2016.

throughout the country. The NLD, especially, ordered its national and regional MPs to make the most of these party branches rather than setting up local offices of their own.<sup>100</sup> The USDP seems to have been less strict since 2010, judging by the political influence and financial autonomy several of its members displayed during the subsequent legislature (2011-2016). Many individuals from the party had enough clout in their own districts to use their personal homes as offices.<sup>101</sup> Whether party branches or personal offices, these are the places where MPs hear constituents' grievances and receive their phone calls and letters of complaint – complaints and grievances that they must turn into political and legislative action.

In both post-junta legislatures, however, setting up an office has proven an unfeasible luxury for many low-profile backbenchers and representatives of remote constituencies or from small, ill-equipped political parties. Maintaining a local office while sitting at the Union Parliament in Nay Pyi Taw requires not only a trusted local workforce to take up the daily administrative tasks, but also money. MPs from distant constituencies cannot travel back home for a couple of days on weekends when the legislature is in session, as representatives from Yangon, Magwe, or Mandalay routinely do.<sup>102</sup> Despite the geographic centrality of Nay Pyi Taw, transportation in Myanmar is limited and expensive. In 2016, a round trip ticket between Yangon and Nay Pyi Taw cost the equivalent of 15 percent of an MP's monthly salary – about K150,000, or US\$115.<sup>103</sup> Representatives of constituencies located in the country's central areas have a clear advantage, especially when the legislative schedule is heavy and the plenary session overstretched. Security issues in conflict-prone areas, such as travel restrictions, landmines, and open war, also prevent the establishment and maintenance of local offices.

Development funds placed under the management of the Pyidaungsu Hluttaw have provided an important mechanism for parliamentarians to connect with their constituents on a frequent basis. A scheme adopted in 2014 by the USDP-led legislature, and amended since, has proven rather popular among MPs.<sup>104</sup> Under the supervision of the Pyidaungsu Hluttaw Office, the Constituency Development Fund Law (further detailed in Box no. 6), has allowed for yearly, small-scale development projects in each of the country's 330 constituencies. Under the legislation, implementation committees have been formed in each township to discuss and draft proposals and oversee these public works projects. The committees are chaired by one of the four MPs of the constituency, usually from the Union Parliament.

This novel scheme has created new opportunities to discuss the basic infrastructure needs of each constituency, and fostered more frequent interactions between MPs and village and township administrators in most constituencies throughout Myanmar. This has encouraged more dialogue among MPs representing the same constituency but in different assemblies, which is challenging if they belong to rival parties. The mechanisms of the Constituency Development Fund have grown stronger each year since its adoption in 2014, and discussions in constituencies have become increasingly methodical.<sup>105</sup> MPs now commonly consult with engineers, architects, and the private sector as well as township and village leaders.<sup>106</sup> It must be said, however, that interactions between MPs and their constituents remain limited in certain remote constituencies, where MPs are often absent when Parliament is in session, and where the local bureaucracy remains lethargic.<sup>107</sup>

Lastly, only a handful of MPs use the latest high-tech tools to connect with their constituents. Legislators in modern, liberal democracies not only have personal websites, but also Facebook and Twitter accounts, with cohorts of interns replying to every message. In Myanmar, public figures, political parties, and local politicians increasingly turn to platforms such as the instant messaging application Viber and, above

<sup>100</sup> The party uses unpaid volunteers, usually loyal party members, for the daily maintenance of these offices. Interview with an NLD representative from the Ayeyarwaddy Region, Nay Pyi Taw, November 2016.

<sup>101</sup> Interview with a USDP member of the upper house (2011-2016), Yangon, August 2015.

<sup>102</sup> Interview with an NUP representative from Kachin State (2011-2016), Nay Pyi Taw, March 2015.

<sup>103</sup> Union-level MPs were paid a monthly salary of MMK300,000 between 2011 and 2015. The wage was then increased to K1 million from the 2015-2016 fiscal year onwards. When Parliament is in session, each receives a daily allowance of K20,000 to cover lodging, food, and transportation expenses (MMK10,000 before 2015). Also, the cost of the trip to/from Nay Pyi Taw from/back to one's constituency at the beginning and end of each plenary session is covered by a parliament's budget.

<sup>104</sup> Despite flaws and heavy criticism, the potential for corruption and vote buying, and the public confusion about the respective roles of the legislature and the executive, this was already identified by observers. For more details, see Bart Robertson, Cindy Joeline, and Lauren Dunn, *Local Developments Funds in Myanmar: An Initial Review*, Discussion Paper No. 9 (MDRI, ActionAid, and The Asia Foundation, 2015), 10-12.

<sup>105</sup> Interview with an NLD representative from Sagaing Region in the Amyotha Hluttaw, chair of the Implementation Committee in his constituency, Nay Pyi Taw, November 2016.

<sup>106</sup> Interview with one of the MPs representing the constituency of Hmawbi, north of Yangon, where he chairs the Township Development Implementation Committee of his constituency, Nay Pyi Taw, November 2016.

<sup>107</sup> Interview with an ethnic Zomi legislator from a Chin State constituency, Nay Pyi Taw, June 2016.

all, Facebook. Facebook accounts have served as mailboxes for Internet-savvy Myanmar journalists or politically active urbanites wishing to connect with an MP or a politician. The speaker of the lower house in the USDP legislature, Thura U Shwe Mann, has been a quite prominent and avid user of Facebook.<sup>108</sup> Hla Swe, a retired army colonel and MP in the USDP-led Parliament, was also known for his vitriolic comments online.<sup>109</sup> Yet, despite the smartphone boom, many constituencies have very low Internet penetration. In rural areas, new technologies are also barely accessible to the average Myanmar citizen.<sup>110</sup> Social media has more commonly been used as a channel of communication between MPs and outside observers, particularly the domestic and international media. In the end, constituents tend to get in touch with their representatives through phone calls, letters, or personal visits to the local party branch of their MP. “They call me anytime, whenever they have a problem,” once lamented, half-jokingly, a newly elected NLD representative in the upper house.<sup>111</sup>

## 4.2 *Speaking for constituents*

Alternative routes for citizens to express their opinions, promote their interests, and monitor government activities have emerged in recent years, especially through direct democratic processes, citizen and civil society initiatives, or local public consultations.<sup>112</sup> Yet, a representative assembly remains the most popular institution to provide citizens and the electorate with a voice. Thura U Shwe Mann, speaker of the lower house between 2011 and 2016, promoted this understanding of the institution.<sup>113</sup> In the early days of his tenure, he travelled extensively throughout the countryside to deliver this message to the people: the Pyidaungsu Hluttaw is “your Parliament.” In a speech shortly after the 2012 by-elections, he further described the motto of the new assembly:

The elected hluttaw representatives are fulfilling the desires and needs of the people with the claim that the people’s voice is the hluttaw’s voice, the people’s desire is the hluttaw’s desire, and the people’s need is the hluttaw’s undertaking.<sup>114</sup>

Further illustrating the analogy of the Parliament as a “people’s space,” an ethnic Kachin lawyer elected in the first post-junta Pyithu Hluttaw once argued that speaking in Parliament was like pleading in a court: the constituents are the clients, and the MP is the lawyer tasked to defend their rights against powerful, intrusive institutions.<sup>115</sup> Among the segments of Myanmar society most eager to be heard in the upper levels of government are the ethnic, non-Bamar minorities. The 2010 and 2015 electoral campaigns were seen as a chance for minorities to press their struggle for ethnic rights and liberties while denouncing the discrimination they felt was perpetuated by the social, cultural, and political dominance of the Bamar majority.

Kachin, Rawang, Lisu, Mon, Shan, Chin, and Rakhine MPs have all emphasized the importance of ethnic narratives in the public discourse, both during the 2010 and 2015 campaigns and afterwards in Parliament. Politicians from ethnic-based political parties seem to have joined Myanmar’s legislatures in the 2010s principally to make the voices of ignored or forgotten ethnic groups heard again in the country’s new halls of power. Myanmar’s new parliamentary institutions have shaped a space for public debate, a space which many non-Bamar politicians decided to join as early as 2010, despite the controversies of an electoral process then under the full control of the military regime. The year 2010 was not a political awakening, however. Myanmar’s ethnic minorities have long politicized their identity struggles in various ways, including armed insurgency and the establishment of several legal, ethnic-based political parties since independence.

This echoes what Kanchan Chandra, Professor of Politics at New York University, has observed in India, a natural tendency of politicians from ethnic and downtrodden minorities to speak for, favor, and seek

<sup>108</sup> For a glimpse, see <https://www.facebook.com/HETHuraUShweMann>.

<sup>109</sup> Mratt Kyaw Thu and Kyaw Phone Kyaw, “The New Political Playing Field,” *Frontier Myanmar*, September 1, 2016.

<sup>110</sup> Although, here and there, the Internet and Facebook pop up in surprising places. See, for instance, Craig Mod, “The Facebook-loving farmers of Myanmar,” *The Atlantic*, January 26, 2016.

<sup>111</sup> Interview, Nay Pyi Taw, November 2016.

<sup>112</sup> See the IPU report by Greg Power and Rebecca A. Shoot, *The Changing Nature of Parliamentary Representation* (Geneva and New York: IPU and UNDP, 2012).

<sup>113</sup> “Parliament to consider all voices, says Speaker,” *Myanmar Times*, September 19, 2011.

<sup>114</sup> “People urged to enjoy rights by revealing their desires, needs to Hluttaw representatives,” *New Light of Myanmar*, June 3, 2012, p. 1.

<sup>115</sup> Interview, Nay Pyi Taw, January 2014.

to assist their co-ethnics, rather than addressing national or state-focused needs.<sup>116</sup> As an ethnic Chin representative in the USDP-led upper house explained, “I want to highlight the voice of my people. The government never cared about the needs of the people!”<sup>117</sup> Likewise, Rakhine MPs have never hidden their eagerness to use the emerging, post-SPDC political and parliamentary spaces as platforms for advocating their own ethno-religious particularism, while at the same time denouncing the presence in the USDP Parliament of representatives from the Rohingya minority, which they have long considered foreign to the Myanmar national community.<sup>118</sup>

Voicing the concerns of one’s own people in a national assembly is one thing. Being seen publicly performing that representational role is even better. MPs in both successive Union legislatures have made extensive use of the ritual of parliamentary questions (which they must submit two weeks in advance) as well as motions to address issues concerning their own constituencies. A retired navy officer who was elected from Chin State to the USDP-led upper house liked being in Parliament because he could be seen on national TV or in the newspapers whenever he intervened during the regular session. His constituents could therefore take notice of how “assiduously” he defended them and highlighted their concerns in the distant national capital.<sup>119</sup> Representing one’s constituents in Parliament also means appearing in traditional dress when in the public eye. Parliamentary rules and protocol require that during plenary sessions, all representatives (except military appointees) wear the traditional dress of their people, of the people in their constituency, or of their party (if the party is ethnic-based or has a historic outfit, such as the NLD’s *pinni* jacket). U Ye Tun, for instance, an ethnic Bamar who represented a Shan constituency for the SNDP in the USDP-led Parliament, always wore a Shan outfit rather than a Bamar one.<sup>120</sup> All interviewees have stressed that national dress is important, despite the discomfort of certain headgear; but this is less to show inclusiveness in the Union Parliament – there is none – than to visibly “perform” representation in the house.

### 4.3 Serving constituents

A freshly elected official is expected to work for the constituency and secure new resources for it while preventing existing resources from being taken away. Expectations can run very high. MPs are often held accountable for the services they secure for constituents rather than for overall legislative effectiveness. Citizens and voters may have broad ideological and political concerns – bringing back democratic rule for instance – but above all, they have concrete needs for schools, hospitals, roads, factories that provide jobs, healthcare, and education. Politics is local, as the saying goes.

Most interviewees have explained that the substance of their constituents’ demands is predominantly individual and local problems. People denounce the behavior of the township bureaucrats; villagers complain that their roadside hamlet has never received public electricity, or that a bridge was destroyed several monsoon seasons ago and never replaced, or that a piece of land was recently grabbed by a state-owned company or the local army battalion, and so on.

MPs, especially at the Union level, are increasingly perceived as “service facilitators” – by village headmen as much as by individual citizens. Ye Tun, a representative from the SNDP in the first post-SPDC lower house, visibly enjoyed this role.<sup>121</sup> He was asked almost daily to pick up his phone and mediate with a district administrator or intercede with the local military commander to solve a problem in his constituency of Hsipaw, in Shan State. He was perceived as the local “doer,” a man with the power (အာဏာ / *ana*) to act, since he had been propelled to the upper levels of power by his election in 2010. “People want me to find them jobs!” he laughed.

<sup>116</sup> Kanchan Chandra, “Patronage, Democracy, and Ethnic Politics in India,” in *Clientelism, Social Policy, and the Quality of Democracy*, edited by Diego Abente-Brun and Larry Diamond, 135-172 (Baltimore MD: The Johns Hopkins University Press, 2014).

<sup>117</sup> Interview, Nay Pyi Taw, August 2013.

<sup>118</sup> Interview with MPs from the Rakhine National Party (RNP), Nay Pyi Taw, February 2015.

<sup>119</sup> He has particularly and persistently stressed the appalling state of the transportation infrastructure of Chin State, which was severely affected by floods and landslides during the 2015 monsoon. Interview, Nay Pyi Taw, August 2015.

<sup>120</sup> Interview, Nay Pyi Taw, July 2014.

<sup>121</sup> Interview, Nay Pyi Taw, July 2014.

### Box 6: The Constituency Development Fund <sup>122</sup>

The Constituency Development Fund (CDF) was first introduced in the 2013-2014 fiscal year. It was two years before the legislators elected in 2010 first discussed constituency funding programs in the Union Parliament. An annual fund of 33 billion kyats was carved out of the Union budget and designated for equal disbursement to each of Myanmar's 330 townships. Each constituency receives an annual sum of 100 million kyats, to be spent on public works such as bridges, small water treatment plants, solar panels, the renovation of school buildings, and so on. Union, state, and regional MPs are free to select these small-scale development projects, which must be completed in one fiscal year. The funds are jointly managed by the four representatives that each of the 330 constituencies elects (one MP in the Pyithu Hluttaw, one in the Amyotha Hluttaw, and two in the subnational parliaments). International studies of parliaments using these types of funds have long recognized several flaws, including the potential for corruption, vote buying, and public confusion about the respective roles of the legislature and the executive.

The Constituency Development Fund, as outlined in Box 6, has proven popular among elected MPs.<sup>123</sup> Needless to say, the joint management of development funds requires intense bargaining and compromise, in particular when the four representatives of a constituency belong to different parties.<sup>124</sup> This factor has been less in evidence since the NLD's electoral landslide in 2015. A substantial majority of Burmese legislators interviewed since the inception of the CDF in 2013 have given positive assessments and expressed eagerness to make the most of these "pork-barrel" opportunities (as the practice of distributive politics is pejoratively known).<sup>125</sup> Many have proudly defended their constituency work under the CDF, arguing that villagers and urbanites alike can now see concrete evidence of what their MP has done.<sup>126</sup>

Daw Doi (Dwe) Bu, a Kachin representative in the USDP Parliament (2011-16), was proud of what she managed to secure for her constituents. Thanks to the CDF, she brought solar panels to Injangyang, a remote constituency in northern Kachin State. She also built three primary schools there.<sup>127</sup> But her efforts did not pay off politically; she subsequently lost her seat in the 2015 election. She was not alone. Less than 13 percent of the civilian MPs elected to Parliament in 2015 were incumbents. The suggestion that the CDF has led to vote buying, therefore, appears weak. "Pork" is, of course, often seen as a political rather than a development tool, and the program was criticized from the start by a handful of legislators and transitional civil society organizations.<sup>128</sup> Nevertheless, it is difficult to draw definitive conclusions about the linkages between "pork" allocations, distributive politics, corruption, vote buying, and subsequent reelection from a single, reasonably free, general election so soon after the new legislation was implemented.

As a matter of fact, after the NLD took control of the Union Parliament in 2016, it chose to continue benefiting from a scheme adopted by the previous legislature. The policy is viewed as having directly empowered elected representatives to bring tangible, if selective, benefits to their home constituencies.<sup>129</sup> As one Rakhine MP even lamented, "1,000 lakhs per year for one constituency is not enough!"<sup>130</sup> Finding the right forms of accountability in the selection process and the vetting of completed projects will be key to the continuation of this scheme, which elected representatives seem quite fond of, but which international organizations are not keen to support given its intrinsic political risks.<sup>131</sup>

<sup>122</sup> Robertson et al., *Local Developments Funds in Myanmar*, 11.

<sup>123</sup> Other state-funded programs have been developed in Myanmar over the years, including the Regional Economic Development Fund (1960, repealed in 2014), the Poverty Reduction Fund, and the Rural Development Fund. See Robertson et al., *Local Developments Funds in Myanmar*.

<sup>124</sup> Interview with an NDF regional MP in the Yangon Hluttaw, Yangon, March 2015.

<sup>125</sup> See, for instance, a recent volume comparing CDFs in several Asian and African countries: Mark Baskin and Michael L. Mezey, eds., *Distributive Politics in Developing Countries: Almost Pork* (Lanham, Maryland: Lexington Books, 2014).

<sup>126</sup> Interview with a USDP MP elected from a constituency in Yangon, Yangon, August 2015.

<sup>127</sup> Interview, Nay Pyi Taw, February 2015.

<sup>128</sup> "Vote-buying fears over MP funds plan," *Myanmar Times*, December 15, 2013.

<sup>129</sup> "Suu Kyi says president should not have rejected Parliament's funding plan," *Radio Free Asia*, December 18, 2013.

<sup>130</sup> Interview with an RNDP representative, Nay Pyi Taw, February 2015. A "lakh," or one hundred thousand (100,000), is a unit in the numbering system of the Indian subcontinent (including, thus, Myanmar). One thousand lakhs equals 100 million.

<sup>131</sup> Interview with UNDP officials, Yangon, November 2016.

## Section V: Lawmaking

A parliament legislates. It makes and remakes laws, delves into old pieces of legislation to amend or repeal them, and prepares new ones. Lawmaking is one of the defining activities of a parliamentary representative.<sup>132</sup> The constitutional balance of power between the executive and the legislative branches, the electoral system, as well as the behavior and professionalism of the MPs shape the ways a parliament makes – or does not make – law.<sup>133</sup> Furthermore, the degree of control a representative assembly has over the formulation of a legislative proposal, its deliberations, and its oversight, indicate the level of autonomy that institution has achieved vis-à-vis other branches of government.<sup>134</sup>

The 2008 Constitution establishes a hybrid presidential system, new to Myanmar, that gives the executive branch and the Union president a leading role in lawmaking. “Public” or “government” bills, originating with the executive, are expected to constitute most of the drafts discussed in the Union legislature. The legislative process is broadly outlined in articles 95 to 102 (for the Pyidaungsu Hluttaw), articles 136 to 140 (for the Pyithu Hluttaw), and articles 156 to 160 (for the Amyotha Hluttaw). The Rules of Procedure of each house – largely identical – further define the process, and were outlined in Section 1.1.

### 5.1 Dynamics of lawmaking in the USDP Parliament (2011-2016)

The first five years of experimental lawmaking in the Union legislature controlled by the USDP (2011-16) prompt three observations: (1) The executive branch has set and controlled the legislative agenda, leaving little room for parliamentarians to initiate policymaking. (2) The legislature has tended to over-legislate and over-focus on its lawmaking function, to the detriment of other parliamentary roles and duties. (3) The legislative drafting process has been inefficient, despite the rapid professional development of many MPs. To be fair, this was an expected pattern given the loss of institutional memory and organizational expertise in the country since the 1950s.

First, the Union Parliament of 2011 to 2016 seldom initiated the policymaking process. Of the 232 laws enacted by the USDP legislature, most were originally prepared by the executive branch or by a nonlegislative Union-level body, such as the UEC or the Office of the Attorney General. Only a minority of draft bills discussed in either house, or in the Pyidaungsu Hluttaw, were proposed by individual parliamentarians. There is, in the spirit of the 2008 Constitution, enough room for maneuvering among individual and opposition MPs, who can submit “private bills.” But private bills are rare in practice, and seldom get through the whole legislative process to emerge as enacted laws. Many an ill-prepared private bill has ended as a motion, an amendment to another draft or law, or a mere question in the daily session.<sup>135</sup> Many are simply voted down, while others are never even added to the daily agenda by the speaker.

While the USDP Parliament often appeared busy and even hyperactive, it proved rather “reactive” in its lawmaking endeavors.<sup>136</sup> Instead of drafting original legislation, MPs used motions, questions, and amendments as their preferred legislative tools.<sup>137</sup> Discussing, criticizing, and sometimes rebuffing drafts prepared by ministerial bureaucrats was seen as a far easier way to proceed.<sup>138</sup> It allowed MPs unfamiliar with the topic at hand – a quite common situation – to nonetheless single out issues of concern, or attempt to introduce into a draft bill a point in favor of his or her constituents, without delving into the complexities of legislative drafting.

A few MPs have nonetheless taken great pride in formulating full drafts of their own, right from the early sessions of the USDP legislature, including representatives from the NLD and the NDF. As early as August 2011, U Htay Oo, then vice chair of the USDP, submitted a draft focused on the use of farmlands to the lower house.<sup>139</sup> In July 2012, T. Khun Myatt, chair of the USDP-led Pyithu Hluttaw’s Bill Committee,

<sup>132</sup> Olson, *Democratic Legislative Institutions*, 145-51.

<sup>133</sup> As detailed in Sebastian M. Saiegh, “Lawmaking,” in Martin et al., *Oxford Handbook of Legislative Studies*, 481-513.

<sup>134</sup> For a comparative perspective, see, for instance, Arter, *Comparing and Classifying Legislatures*.

<sup>135</sup> Among the reasons offered by MPs themselves for the small number of individual drafting initiatives are lack of legal expertise, excessive workload, and even lack of interest: See Fink, *Myanmar’s Proactive National Legislature*, 340; and Egretreau, “Emerging Patterns of Parliamentary Politics,” 74-5.

<sup>136</sup> I follow here the typology of legislative bodies set out by Professor Michael Mezey. See Mezey, *Comparative Legislatures*.

<sup>137</sup> Chit Win, “The Hluttaw and Conflicts in Myanmar,” 211-12.

<sup>138</sup> Interview with one Amyotha Hluttaw Rights Committee member, Nay Pyi Taw, March 2015.

<sup>139</sup> “First Pyithu Hluttaw second regular session goes on for seventh day”, *New Light of Myanmar*, August 31, 2011, p. 7. See also Thomas Kean, “More warnings over land bills,” *Myanmar Times*, February 20, 2012.

tabled a draft encouraging the adoption of new legislation protecting the rights of Myanmar's non-Bamar communities.<sup>140</sup>

That the Union government's dominance of the legislative process is being institutionalized, however, is not an anomaly. In most democratic legislatures, especially in parliamentary systems, there is an informal "90 percent rule," according to which the government controls at least 90 percent of the legislative agenda, and at least 90 percent of what is discussed in parliament is thereafter adopted.<sup>141</sup> Unless the 2008 Constitution is reviewed, there will not be much more room for Myanmar's Union Parliament to initiate legislation in upcoming legislatures. After all, post-junta Myanmar has adopted a hybrid form of presidentialism, and there has been little support among its political class to revert to the volatile, Westminster-inspired parliamentary system of the 1950s.

Second, most domestic and international observers seem to concur that the USDP-led legislature focused too much on making (and remaking) laws, to the detriment of other parliamentary duties. Between January 2011 and January 2016, 232 pieces of legislation were passed by the three houses, or an average of 46 laws per year (see Annex Two). However, this relatively high number should not hide the fact that, as Table 4 shows, some 45 percent of these new pieces of legislation (or 105 laws) were in fact laws simply amending, or even re-amending for a second or third time, previous legislation. Furthermore, seventeen laws passed before January 2016 (or 7.3 percent) were bills simply repealing previous laws, without adding any new text. Neither activity demands lengthy, thorough, and detailed discussions in parliamentary committees; a bill revoking an existing law is a single-page document. Also, several new laws were based on existing acts but adopted different wording and titles; these were not labeled "law amending," but were treated as new laws. This was true, for instance, in the case of the Buddhist Women's Marriage Law, 2015, which was a revised, updated, and extended version of the Buddhist Women's Special Marriage and Succession Act of 1954. Overall, this means that less than half of the 232 bills approved by the USDP Parliament were new and original drafts prepared by the various institutions of the first post-SPDC leadership. And among these, 16 laws (or 6.9 percent) were mandatory budget-related laws (the annual "money bills" or Budget Law), complemented by national planning bills and yearly supplementary budget bills discussed in November or December every year.

**Table 4: Number of laws adopted by each session of the USDP legislature (2011-2016)**

| Regular Session                              | Number of Laws Enacted |
|----------------------------------------------|------------------------|
| <b>First session (Jan-Mar 2011)</b>          | 0                      |
| Laws amending existing laws                  | 0                      |
| Laws repealing existing laws                 | 0                      |
| <b>2<sup>nd</sup> session (Aug-Nov 2011)</b> | 15                     |
| Laws amending existing laws                  | 9                      |
| Laws repealing existing laws                 | 2                      |
| <b>3<sup>rd</sup> session (Jan-May 2012)</b> | 11                     |
| Laws amending existing laws                  | 2                      |
| Laws repealing existing laws                 | 0                      |
| <b>4<sup>th</sup> session (Jul-Sep 2012)</b> | 6                      |
| Laws amending existing laws                  | 1                      |
| Laws repealing existing laws                 | 1                      |
| <b>5<sup>th</sup> session (Oct-Nov 2012)</b> | 7                      |
| Laws amending existing laws                  | 0                      |
| Laws repealing existing laws                 | 3                      |

<sup>140</sup> Interview, Nay Pyi Taw, July 2014. See also "Pyithu Hluttaw session continues for seventh day", *New Light of Myanmar*, July 13, 2012, p. 8.

<sup>141</sup> Olson, *Democratic Legislative Institutions*, 84. The U.S. Congress is a major exception to that rule.

| Regular Session                                  | Number of Laws Enacted |
|--------------------------------------------------|------------------------|
| <b>6<sup>th</sup> session (Jan-Mar 2013)</b>     | 13                     |
| Laws amending existing laws                      | 5                      |
| Laws repealing existing laws                     | 4                      |
| <b>7<sup>th</sup> session (Jun-Aug 2013)</b>     | 17                     |
| Laws amending existing laws                      | 7                      |
| Laws repealing existing laws                     | 0                      |
| <b>8<sup>th</sup> session (Oct-Nov 2013)</b>     | 7                      |
| Laws amending existing laws                      | 3                      |
| Laws repealing existing laws                     | 0                      |
| <b>9<sup>th</sup> session (Jan-Mar 2014)</b>     | 22                     |
| Laws amending existing laws                      | 9                      |
| Laws repealing existing laws                     | 1                      |
| <b>10<sup>th</sup> session (May-Jul 2014)</b>    | 15                     |
| Laws amending existing laws                      | 9                      |
| Laws repealing existing laws                     | 1                      |
| <b>11<sup>th</sup> session (Sep-Nov 2014)</b>    | 20                     |
| Laws amending existing laws                      | 12                     |
| Laws repealing existing laws                     | 2                      |
| <b>12<sup>th</sup> session (Jan-Aug 2015)</b>    | 56                     |
| Laws amending existing laws                      | 25                     |
| Laws repealing existing laws                     | 2                      |
| <b>13<sup>th</sup> session (Nov '15-Jan '16)</b> | 43                     |
| Laws amending existing laws                      | 23                     |
| Laws repealing existing laws                     | 1                      |
| <b>TOTAL</b>                                     | 232                    |
| Laws amending existing laws                      | 105                    |
| Laws repealing existing laws                     | 17                     |

This over-legislating by the USDP legislature, particularly in the last two lengthy regular sessions, held from January 2015 to January 2016, was detrimental to other parliamentary functions, particularly the representational duties of MPs trapped in drawn-out, plenary sessions in Nay Pyi Taw, and the oversight of other branches of power beyond the broad and much talked-about “check-and-balance” defiance shown by the first post-SPDC legislative body. This pattern over-burdened the Bill Committees of each house, which are key, constitutionally mandated committees, and put disproportionate pressure on their members and staff. The broader legislative drafting process was also opaque. In the early sessions, draft bills were seldom made public for initial comment and discussion. Instead, they were swiftly channelled to Parliament by cabinets, without committee members even understanding how they had been prepared.<sup>142</sup> On the beneficial side, the strong focus on Myanmar’s 400-odd existing laws, and the attempt to address, revise, or repeal the most ill-written, outdated, and repressive of them, has proven a healthy sign of political engagement by the first post-junta legislators. It pointed to a willingness to consider the dismantling of the old authoritarian structures (of which, startlingly, most USDP legislators were the products), but also to shape an improved legal system. The first post-junta Parliament succeeded in establishing itself as a venue for “legislating reform,” and induced some change in Myanmar’s governance structures and socioeconomic sectors.<sup>143</sup>

Third, the quality of the laws debated and adopted by the USDP legislature was relatively low. The Parliament remains a fragile institution. Institutional memory and organizational expertise are long lost.

<sup>142</sup> Interview with a Bill Committee member in the Pyithu Hluttaw, Nay Pyi Taw, January 2014.

<sup>143</sup> As demonstrated in Crouch, “Legislating Reform?” and in Cheesman and Farrelly, Conflict in Myanmar, 221-41.

Myanmar's new legislative bodies initially showed a debilitating lack of technical and political capacity to introduce solid and potentially lasting pieces of legislation.<sup>144</sup> Mistakes and omissions, among other blunders, forced parliamentarians to rework their copies more than once. Inefficiency has characterized the workings of the bicameral legislature since its reemergence in 2011. To be fair, however, this situation was quite predictable given the country's authoritarian legacy and the nonexistence of representative politics for decades. The performance of a parliament (and a government) is measured by the quality of the laws passed, not their quantity. The adoption of a high number of laws, especially poorly written ones, does not necessarily contribute to legislative effectiveness.

In 2010, most civilian MPs were propelled into legislative business without much of a choice. Quite logically, only a handful of them exhibited legislative curiosity once elected. Others who joined electoral politics in 2010 (or in 2012 or 2015 in the case of NLD lawmakers) have admitted that their main objective in Parliament was to act as a public voice for their own communities, not drafting and debating new laws. Furthermore, lamented Hkyet Hting Nan, the chairman of the UDP-KS, without a robust party machine to provide legal expertise and professional support, small-party legislators and independent backbenchers can hardly write a proper legislative text alone.<sup>145</sup> The majority of Union-level MPs in the USDP legislature thus remained quiet, loyal backbenchers, not active "lawmakers" *stricto sensu*.

## 5.2 Parliamentary activism

Legislative Inefficiency and missteps do not mean that the first post-junta legislature made no positive contribution to Myanmar's progress towards better governance.<sup>146</sup> Several observers early on argued that the political significance of the new Parliament, under the aegis of Thura U Shwe Mann, the ambitious former Tatmadaw chief of staff who took the Pyithu Hluttaw speakership in 2011, should be reevaluated.<sup>147</sup> Vying with the presidential power embodied by President U Thein Sein, the new legislative branch has also displayed a remarkable activism in its attempt to pioneer post-junta "reforms" in the early 2010s, despite being dominated by elites drawn from the previous military regime.

Most legislation proposed between 2011 and 2016 dealt with a vast array of socioeconomic matters, ranging from child care, foreign direct investments, and agricultural trade to income taxes, arbitration, and corruption. Several bills, however, attempted to repeal brutal laws from the authoritarian past. For instance, the Law Protecting the Peaceful and Systematic Transfer of State Responsibility and the Successful Performance of the Functions of the National Convention against Disturbances and Oppositions, enacted by the SLORC in June 1996, was meant to punish any criticism of the National Convention and the constitution drafting process controlled by the military junta between 1992 and 2008. The junta had ruthlessly used that legislation, which imposed sentences up to 20 years and the confiscation of the offender's property, to suppress dissent. The law was repealed by the USDP Parliament in January 2013 after a bill was introduced by the Union attorney general in the Amyotha Hluttaw.<sup>148</sup>

Likewise, the 1909 Whipping Act, which had institutionalized corporal punishment throughout the British Indian Empire, was revoked in July 2014.<sup>149</sup> SLORC Order No. 2/1988, which prevented any form of public demonstration, was repealed by President Thein Sein in January 2013, following the December 2011 initiative passed by Parliament to adopt new legislation allowing the peaceful assembly of people.<sup>150</sup> Issued after the 1988 coup d'état, the SLORC order had banned public gatherings of five or more people. The repeal was welcomed and very soon tested by several civil society groups protesting, among other issues, the Myitsone Dam project in Kachin State and the Chinese-owned copper mines of Letpadaung, near Monywa. In practice, however, the law still forbade public demonstrations without prior authorization from the police.<sup>151</sup> The legislation was amended two years later, after several months of relentless activism from

<sup>144</sup> This is also true of the executive branch. See, for instance, International Crisis Group (ICG), "Not a Rubber Stamp": Myanmar's Legislature in a Time of Transition, Asia Briefing No. 142 (Brussels and Yangon: ICG, 2013), 14; and Murphy, *Survey of Myanmar*, 27.

<sup>145</sup> Interview, Nay Pyi Taw, February 2015.

<sup>146</sup> Htet Khaung Linn, "Myanmar parliament gets mixed score for performance," *Myanmar Now*, December 13, 2015.

<sup>147</sup> As explained in Kean, "Myanmar's Parliament," 43-74; and Crouch, "Legislating Reform?"

<sup>148</sup> "Thein Sein repeals repressive law on public speeches," *Irrawaddy*, January 26, 2013.

<sup>149</sup> Law Revoking the 1909 Whipping Act No. 27/2014 (July 1, 2014). In the former British Indian colonies, the 1909 Whipping Act was repealed in India in 1955 and in Pakistan in 1996. As of 2016, however, it remained in force in Bangladesh.

<sup>150</sup> Rights to Peaceful Assembly and Peaceful Demonstration Law No. 15/2011 (December 2, 2011).

<sup>151</sup> "Burma: New Law on Demonstrations Falls Short," Human Rights Watch website, March 15, 2012. <https://www.hrw.org/news/2012/03/15/burma-new-law-demonstrations-falls-short>.

various human rights groups.<sup>152</sup> This illustrated the power-transition games between the authoritarian old guard and Myanmar's civil society as it grew stronger in the 2010s. When the Union Parliament started to debate four laws related to "race and religion" in 2013, many civil society groups took the fight to Nay Pyi Taw and relentlessly lobbied MPs against the proposed drafts.<sup>153</sup>

Other draft bills approved by the USDP-led legislature attempted to reform law and society in the country. Two years of debate were needed to eventually enact new legislation on the media. The Telecommunication Law No. 31/2013, the Media Law No. 12/2014, and the Printing and Publishing Law No. 13/2014 were adopted after several drafts were shuttled back and forth between the lower and upper chambers in 2013 and 2014. The adoption of these new media laws helped Myanmar ascend the scale of media freedom established by the association Reporters without Borders. In 2010, the country was ranked 174<sup>th</sup> out of 178 states reviewed; in 2016 it reached 143<sup>rd</sup>.<sup>154</sup>

Nevertheless, the monitoring of the media and the harassment of journalists, bloggers, and politicians by police and state officials have not ceased. Several reporters have been jailed since the passage of the new laws, which all contain clauses allowing for broad interpretation of what media freedom actually means.<sup>155</sup> In particular, the Electronic Transactions Law No. 5/2004, passed by the SPDC in April 2004, was only marginally amended in February 2014.<sup>156</sup> In this law, as well as in the Telecommunications Law, there are several clauses regarding defamation that have repeatedly been used to imprison owners and managers of newspapers, their employees, and more broadly, bloggers, social media users, and anyone involved in a public activity. This has been observed under the NLD since 2016 as well as under the USDP.<sup>157</sup>

The 1907 Ward and Village Tract Administration Laws, dating from the British colonial era, best epitomized the Tatmadaw's desire to keep an eye on who went where in post-junta Myanmar. In August 2011, the minister of home affairs, Lieutenant General Ko Ko, introduced a draft bill purporting to revamp legislation on guest registration. It was discussed in both chambers of the Union Parliament starting in September 2011, and was eventually adopted in February 2012.<sup>158</sup> The spirit of the new law did not differ much from the colonial legislation. It continues to require every single Burmese individual to register their household guests with the local authorities. The law still gave broad enforcement power to public officers from the military-controlled General Administration Department (GAD) at the ward and village tract levels.<sup>159</sup>

It was in economic matters that the legislative performance of the USDP legislature received more positive feedback, although the new laws enacted were considered more of a "promising start" than a perfectly workable legal framework.<sup>160</sup> Several draft bills aiming to liberalize the heavily state-run national economy were passed during the first three regular sessions of the Union Parliament in 2011 and early 2012. Shortcomings and mistakes have proven to be rife in the texts of these bills, which were often rushed to Parliament before the lifting of international sanctions began in April 2012. But overall, the focus on economic matters seems to have been largely welcomed.<sup>161</sup> Enacted in October 2011, the Labor Organization Law was among the earliest bills discussed.<sup>162</sup> The Environmental Conservation Law (2012) indicated that the elites of Nay Pyi Taw might have some concerns about the rapid deterioration of the country's natural environment, but more importantly, it enabled Myanmar to move towards compliance with its international obligations as a party to many binding multilateral environmental agreements.<sup>163</sup>

<sup>152</sup> Law Amending the Rights to Peaceful Assembly and Peaceful Demonstration No. 26/2014 (June 24, 2014). For a critique, see Amnesty International, Myanmar: Stop Using Repressive Laws against Peaceful Protesters (Amnesty International, October 15, 2014). <https://www.amnesty.org/en/documents/ASA16/025/2014/en/>. The NLD legislature would again revise the legislation in October 2016, amidst renewed criticism.

<sup>153</sup> Interview, Metta Foundation, Yangon, December 2015.

<sup>154</sup> See Reporters without Borders' updated website and its "Burma" entry: <https://rsf.org/en/burma>.

<sup>155</sup> For a critical view, see Southeast Asian Press Alliance (SEAPA), "Government using new Media Law to stifle criticism," SEAPA website, November 13, 2014. <https://www.seapa.org/government-using-new-media-law-to-stifle-criticism/>.

<sup>156</sup> Law Amending the 2004 Electronic Transactions Law, Pyidaungsu Hluttaw Law No. 6/2014 (February 27, 2014). On perceptions of the legislative debates in 2013, see "In the new Myanmar, an old junta's laws survive and adapt," Reuters, September 5, 2013.

<sup>157</sup> For a detailed analysis of Myanmar's legal infrastructure still used to suppress dissent in 2016, see: Human Rights Watch, *They Can Arrest You Anytime: The Criminalisation of Peaceful Expression in Burma* (New York: HRW, 2016).

<sup>158</sup> Ward and Village Tract Administration Law No. 1/2012 (February 24, 2012). See "Key legislation passed in third Parliament session," Mizzima, March 27, 2012. The USDP legislature would revise the law once more, in January 2016.

<sup>159</sup> For more on the GAD, see Kyi Pyar Chit Saw and Matthew Arnold, *Administering the State in Myanmar*, Discussion Paper No. 6 (Yangon: MDRI and The Asia Foundation, October 2014).

<sup>160</sup> As argued by an economic advisor of the NLD. Turnell, "Legislative Foundations of Myanmar's Economic Reforms," 198.

<sup>161</sup> Interview, member of the Myanmar Investment Commission, Yangon, August 2015.

<sup>162</sup> Labor Organization Law, Pyidaungsu Hluttaw Law No. 7/2011 (October 11, 2011).

<sup>163</sup> Environmental Conservation Law, Pyidaungsu Hluttaw Law No. 9/2012 (March 30, 2012).

The Foreign Direct Investment Law No. 21/2012, the Myanmar Citizens Investments Law No. 18/2013, both amended in December 2015,<sup>164</sup> as well as the Special Economic Zone Law No. 1/2014 and the Financial Institutions Law No. 20/2016, were all meant to boost Myanmar's economic liberalization. Likewise, the Union of Myanmar Central Bank Law No. 16/2013 enabled the country's central bank to exercise a tentative grip on monetary policy.<sup>165</sup> The Social Security Law No. 15/2012 and the Minimum Wages Law No. 7/2013 were purported to provide more protection to Burmese workers. The Anti-Corruption Law No. 23/2013, passed in July 2013, fell short of expectations, as it laid out extremely weak mechanisms to prevent graft. Nevertheless, at the end of the USDP legislature, most international organizations and financial institutions lauded the promising, if uncertain and fragmentary, initial steps the first post-SPDC legislative body had taken to improve the country's macroeconomic outlook and legal system for the late 2010s and beyond.<sup>166</sup>

### *5.3 Initial patterns of lawmaking in the NLD legislature (2016)*

The USDP-led Parliament repealed only some of the country's long-standing repressive laws. More often than not, new progressive legislation and amendments to existing laws proved weak and fell short of international democratic standards. Expectations therefore ran high when the new legislature, now controlled by the military junta's historic opponents, the National League for Democracy, first convened in February 2016.

However, the initial sessions of the NLD-led Parliament have appeared less productive in terms of lawmaking. The excessive focus on the endless making and remaking of ill-written laws from the previous Parliament drew criticism that has provoked some changes by the new NLD team.<sup>167</sup> To prevent the hasty adoption of badly drafted bills, the party has imposed stricter discipline on its MPs since 2016. Without party discipline and cohesion in Parliament, unruly MPs in majoritarian systems – such as post-SPDC Myanmar – can threaten the efficiency and even the survival of the government. In a transitional context, party discipline is also needed to bind MPs to the new government's broad pre-election promises of change. Without discipline in the house, the legislature cannot effectively support the executive.

The NLD therefore seems to have strengthened its internal vetting. No NLD representative has been allowed to submit a draft bill or even a motion to the Hluttaw Offices without consulting the party's Central Executive Committee, apparently since 2012.<sup>168</sup> Since 2016, the party has worked even more vigorously to enforce cohesion and loyalty within its ranks – and it has done so more effectively than the USDP before it.<sup>169</sup> This is also due to the highly centralized organization of the NLD – and in fact, of the whole new government structure, which has been controlled, since March 2016, by a single person, Daw Aung San Suu Kyi. The policymaking process has slowed as a consequence.<sup>170</sup> Moreover – and this is a positive development – more attention can now be given to the preliminary drafts of new bills, with time for discussion – sometimes several weeks before the start of a new session – among party bureaucrats, government ministries, civil society groups, and other interested parties before bills are introduced in Parliament.<sup>171</sup>

As Table 5 shows, the first session of the NLD-led Parliament (February-June 2016) passed only seven laws, the second (July-October 2016) eight, the third (November-December 2016) four, and the fourth (January-March 2017) only five. This included, however, three laws amending for the fourth time in five years the election laws pertaining to the two levels of voting in the country (state and region, and Union).<sup>172</sup> As during the USDP, the majority of bills discussed in 2016 and early 2017 (17 out of 24) were not original drafts, but rather one-page measures amending or revoking existing laws.

<sup>164</sup> Law Amending the 2012 Foreign Investment Law No. 67/2015 (December 22, 2015) and Law Amending the 2013 Myanmar Citizens Investment Law No. 68/2015 (December 22, 2015).

<sup>165</sup> Turnell, "Legislative Foundations of Myanmar's Economic Reforms," 188-90.

<sup>166</sup> For instance: World Bank Group, Myanmar Investment Climate Assessment (Washington and Yangon: WB Publications, 2015); and Asian Development Bank, Myanmar: Unlocking the Potential, ADB Economics Working Paper Series No. 437 (ADB, 2015). This did not mean that the new legal structures would be put in place and properly implemented anytime soon, as several economists have warned. See "Myanmar risks overheating: IMF," Myanmar Times, September 21, 2015.

<sup>167</sup> Interview with an NLD Union-level MP, Nay Pyi Taw, June 2016.

<sup>168</sup> Interview with an NLD member elected from different constituencies in 2012 and 2016, Nay Pyi Taw, June 2016.

<sup>169</sup> For the first session of the new legislature, the NLD formed an eight-member vetting committee to discuss all legislative activities: Ei Ei Toe Lwin, "NLD 'iron rules' stifle new parliamentarians," Myanmar Times, April 25, 2016.

<sup>170</sup> Interview with a civil society organization leader, Yangon, November 2016.

<sup>171</sup> For instance, two weeks before the start of the fourth session of the NLD parliament: Kyaw Hsu Mon, "Amendments to Myanmar Companies Act up for parliamentary discussion," Irrawaddy, January 17, 2017.

<sup>172</sup> Pyidaungsu Hluttaw Laws No. 30/2016, 31/2016, and 32/2016 (all June 8, 2016).

**Table 5: Number of laws adopted by the first four sessions of the NLD legislature (2016-17)**<sup>173</sup>

| Regular Sessions                             | Number of Laws Enacted |
|----------------------------------------------|------------------------|
| <b>First session (Feb-Jun 2016)</b>          | 7                      |
| laws amending existing laws                  | 3                      |
| laws repealing existing laws                 | 3                      |
| <b>2<sup>nd</sup> session (Jul-Oct 2016)</b> | 8                      |
| laws amending existing laws                  | 3                      |
| laws repealing existing laws                 | 3                      |
| <b>3<sup>rd</sup> session (Nov-Dec 2016)</b> | 4                      |
| laws amending existing laws                  | 2                      |
| laws repealing existing laws                 | 0                      |
| <b>4<sup>th</sup> session (Jan-Mar 2017)</b> | 5                      |
| laws amending existing laws                  | 3                      |
| laws repealing existing laws                 | 0                      |
| <b>TOTAL</b>                                 | 24                     |
| laws amending existing laws                  | 11                     |
| laws repealing existing laws                 | 6                      |

In February 2016, the first days of the first regular session of the new NLD Parliament were devoted to the normal appointments and renewal of mandates for the standing and special committees of the chambers. In March, the business of electing the new Union president began. U Htin Kyaw was eventually elected, and a new NLD cabinet was formed. The first-ever piece of legislation adopted by the new legislators was a startling one. The State Counselor Bill (Pyidaungsu Hluttaw No. 26/2016) created an official position not mentioned in the 2008 Constitution, state counselor, in a move to circumvent article 59f, which prevented Daw Aung San Suu Kyi – and any other Myanmar citizen with a foreign spouse or children – from holding the office of president.

Then, to promptly begin fulfilling its promises, the NLD moved to begin revoking a number of outdated or repressive laws, much as its USDP predecessor had done. Six existing laws, including two infamous ones, were repealed during the first and second regular sessions. The State Protection Act, 1975 was the first law rescinded. It had been adopted by General Ne Win's socialist regime after massive demonstrations in December 1974 during the funeral of U Thant, a former UN secretary general. Ne Win, and his successors in the 1990s and 2000s, systematically employed this legislation against political dissidents and "subversive elements," including Aung San Suu Kyi herself. The act revoking the law was the second ever passed by the NLD legislature, promulgated in May 2016 (Pyidaungsu Hluttaw Law No. 27/2016).<sup>174</sup> The Emergency Provisions Act, 1950, passed by Myanmar's first post-independence provisional Parliament to stifle public support for communist and ethnic insurgencies, was also repealed, 66 years after its adoption, in October 2016.<sup>175</sup>

The new NLD legislature initiated discussion of another controversial law, the Ward and Village Tract Administration Law. The law had been only superficially amended by the USDP Parliament. According to Fortify Rights, an international human rights group, the legislation had been increasingly used since it was last discussed in Parliament in 2014 to prevent the free movement of emerging activists and public demonstrators throughout the country.<sup>176</sup> Staunch opposition to repeal of the law by the military-

<sup>173</sup> Updated text of the laws adopted and signed by the Union president are available online (in Myanmar) at <http://www.pyithuhluttaw.gov.mm/?q=laws>.

<sup>174</sup> Htoo Htant, "Hluttaws revoke oppressive state protection law," Myanmar Times, May 26, 2016.

<sup>175</sup> Law Revoking the 1950 Emergency Act No. 39/2016 (October 4, 2016).

<sup>176</sup> "Ward, village law could disrupt elections: activists," Myanmar Times, December 25, 2014.

controlled Ministry of Home Affairs forced the NLD to compromise,<sup>177</sup> settling for an amendment that removed from the text the threat of “midnight inspection” for people who did not report overnight guests to the local authorities. Eventually, the Amyotha Hluttaw, in June 2016, and then the Pyithu Hluttaw, in September, agreed to scrap that obligation to report.<sup>178</sup> The Amendment was promulgated as a law in December 2016.<sup>179</sup>

In March 2016, the NLD legislature began debating the scaling back of punishments prescribed in the Peaceful Assembly and Peaceful Procession Law, adopted by the USDP Parliament in December 2011 and amended in 2014. But the revisions still fell short of international standards.<sup>180</sup> In November 2016, a farmer was arrested for conducting an improvised, solo demonstration in front of Yangon’s city hall without the permits still required by the law.<sup>181</sup>

Finally, the NLD Parliament has also started to discuss economic issues, albeit timidly.<sup>182</sup> As U.S. economic sanctions were lifted by President Barrack Obama in October 2016, Myanmar’s two chambers passed new legislation on foreign investments.<sup>183</sup> It replaced the 2012 Foreign Investment Law and the 2013 Myanmar Citizen Investment Law, adopted by the USDP legislature. An amendment to the Anti-Corruption Law was also adopted, but the definitions of “bribery” and “gift” are still vague, especially given Myanmar’s social context. Illustrating its commitment to social issues, the NLD also passed new legislation dealing with senior citizens.<sup>184</sup>

Two major challenges now lie ahead for the NLD Parliament. First, will the new parliamentary majority continue the reform process initiated by its USDP predecessors to dismantle the repressive legal arsenal long used to stifle dissent and curb fundamental liberties in postcolonial Myanmar? In early 2016, the Legal Affairs and Special Issues Assessment Commission, headed by Thura U Shwe Mann, recommended the repeal or revision of 142 of Myanmar’s 400-odd existing laws. Later, it urged the enactment of 48 “priority laws” to improve Myanmar’s legal standards.<sup>185</sup> But more significantly, there are still serious limitations to basic freedoms that can be effectively addressed in Parliament. International and transnational organizations focusing on civil liberties have identified, among others, the law on peaceful assembly and protests (despite its revision in 2014) and the Telecommunications Act, 2013, both of which have been extensively used since 2015 to counter critical voices. Four 2015 laws that purport to defend the race and religion of the majority of Myanmar citizens, strongly promoted by radical Buddhist organizations, have also been singled out.

Second, and more important for the long-term success of democratization in Myanmar, will new, “sound” laws be implemented well? It is one thing to enact well-drafted legislation with powerful and eloquent language and meeting all international standards. It is another to develop codes and practices to fairly and systematically implement these new laws. Myanmar’s justice system, which seems decades away from becoming a functional, efficient, and independent judicial branch; the country’s rigid bureaucracy, still largely structured around patronage and client relations; and the self-regulating security sector may not be able or inclined to effectively implement new, liberal acts of Parliament.

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<sup>177</sup> Interview with a military-appointed MP, Nay Pyi Taw, June 2016.

<sup>178</sup> “Amyotha Hluttaw approves Ward and Village-tract Administration Bill removing guest registration requirement,” *Global New Light of Myanmar*, June 3, 2016; and “Pyithu Hluttaw approves bill to amend Ward or Village-tract Administration Law,” *Global New Light of Myanmar*, September 19, 2016.

<sup>179</sup> Pyidaungsu Hluttaw Law No. 41/2016 (December 2, 2016).

<sup>180</sup> Pyidaungsu Hluttaw Law No. 38/2016 (October 4, 2016). See, for instance, Linda Lakhdhir, “Freedom of Speech Remains Illusory in the New Burma,” *Irrawaddy*, November 8, 2016.

<sup>181</sup> “71-year-old protester arrested for shining light on farmers’ plight,” *Coconuts Yangon*, November 16, 2016.

<sup>182</sup> See, for instance, Tom Kean, “How Aung San Suu Kyi is wasting Myanmar’s economic potential,” *Southeast Asia Globe*, January 2017.

<sup>183</sup> Pyidaungsu Hluttaw Law No. 40/2016 (October 18, 2016). It is expected to come into force at the start of the 2017-2018 fiscal year.

<sup>184</sup> Elderly People (Senior Citizens) Law No. 44/2016 (December 30, 2016).

<sup>185</sup> “Legal Commission recommends scrapping 142 laws,” *Irrawaddy*, April 8, 2016; and Swan Ye Htut, “48 laws must be enacted as priority: legal commission,” *Myanmar Times*, September 13, 2016.

## Section VI: Oversight

Myanmar faces a challenge typical of aspiring democracies with long, authoritarian legacies: how to check and hold accountable the individuals and institutions that have held power, without oversight or liability, for so many years? The ruled want accountability and responsibility from their rulers, in Myanmar as in the rest the world. But accountability requires mechanisms of scrutiny, investigation, and oversight.

Parliamentary oversight is the third, core democratic function of parliamentarians, along with representation and lawmaking. The most common instruments of legislative oversight are (1) parliamentary committees, (2) ad hoc commissions formed to investigate any matter of concern, and (3) individual initiatives by MPs, whether working in their constituencies, or during plenary sessions, as in the ritual of parliamentary “question time.”

“Strong” parliamentary oversight implies that the legislative branch has both the capacity and the willingness to oversee the activities of other branches of government, especially the executive, and to call for changes when necessary. “Weak” parliamentary oversight, on the other hand, suggests a legislative branch capable of routine administrative checks and the vetting of the national budget, but lacking the authority, or the willingness to exert strong political control over the executive branch, the public sector, and the defense sector.<sup>186</sup> At the far end of the spectrum, a complete absence of parliamentary oversight is characteristic of purely “rubber-stamp” legislatures, such as the Supreme Soviet in the heyday of the USSR, or Myanmar’s unicameral Pyithu Hluttaw under the BSPP regime from 1974 to 1988.

Article 11a of Myanmar’s 2008 Constitution invests the legislative branch with a potential oversight role:

The three branches of sovereign power, namely legislative power, executive power, and judicial power, are separated, to the extent possible, and exert reciprocal control, check, and balance [*sic*] among themselves.

### Box 7: Checks and Balances in Myanmar

The oversight function of Myanmar’s Parliament is routinely described as a “checks and balances” power. Backbenchers, speakers, and commentators will often use the English-language expression when speaking in Myanmar. There are, nonetheless, several other terms in the Myanmar language, often used interchangeably by parliamentarians and staff: “check and balance” (X̣e;ŋ / *htein hnyi*), “oversight” (ṽU;ṽUy), “scrutiny” (ppp / *se sit*), and also “investigate” (ppaq;).

There are semantic differences, though. A “scrutiny” process implies that the body that is scrutinizing, or performing a series of “investigations,” carries out a review and assessment of the activities of the body that is scrutinized, with the intent to recommend improvements or end malpractices in the latter’s activities. Explanations are required from the scrutinized body, but there is neither any sanction, nor any direct control involved. An “oversight” process, however, implies that the body overseeing has some authority and control over the body overseen, which can be sanctioned, forced to change, and more generally held accountable.

The deputy speaker of the Pyithu Hluttaw once admitted that there had been more balances than checks at play during the first post-SPDC Parliament.<sup>187</sup> But he argued, nonetheless, that because of its activism, the Union legislature preserved its legitimacy by balancing the authority and powers of President Thein Sein’s new government – and this despite the fact that both branches were the product of the same USDP victory in 2010. Intra-USDP political dynamics and personal power relationships, more than formal checks, balances, and oversight mechanisms in the legislature, thus shaped the balance of power between the post-junta legislative and executive branches between 2011 and 2016.<sup>188</sup>

<sup>186</sup> A thorough introduction to parliamentary oversight can be found in Ricardo Pelizzo and Rick Stapenhurst, *Government Accountability and Legislative Oversight* (London: Routledge, 2014).

<sup>187</sup> Interview, Nay Pyi Taw, July 2014.

<sup>188</sup> The argument has been made in Kean, *Myanmar’s Parliament*; in Egretau, *Emerging Patterns of Parliamentary Politics*; and in Fink, *Myanmar’s Proactive National Legislature*.

The parliamentary oversight exerted by the Union legislature has been relatively weak, and often the result of initiatives by individual MPs. The USDP Parliament of 2011 to 2016 sought to “vet” and “audit” other branches of government, and to oppose the presidency, rather than to thoroughly “scrutinize” and “oversee” them. But the oversight function had the merit, first, of simply existing and of being performed by parliamentary committees and backbenchers alike – including members of the ruling USDP – and further, of gradually being consolidated after 2012 through various local and international assistance schemes. Questions from the floor (interpellations), investigations, and motions by individual MPs can be valuable instruments of scrutiny, but these individual interventions were often disorganized, self-interested, and based on trivial issues or poorly documented allegations.<sup>189</sup> While such initiatives are not unwelcome, they do not necessarily translate, collectively, into meaningful control of governmental authorities and the public sector.<sup>190</sup>

Lastly, the parliamentary scrutiny is often backward-looking, with the exception of the annual budget review. It is thus too early to assess the quality of the overview and scrutiny performed by the NLD Parliament convened in February 2016. There are, nonetheless, indications that this pattern of weak scrutiny in form of vetting, rather than thorough oversight, will endure; and this despite a better understanding of the mechanisms involved. The tasks are huge: most elected MPs are still new to the parliamentary business, and the power relations between backbenchers, on the one hand, and powerful ministers, party leaders, senior bureaucrats and soldiers, on the other, remain highly unbalanced. Furthermore, if parliamentarians have been keen to oversee other branches of power, most have been less enthusiastic about being “checked and balanced” themselves, and Parliament has yet to undergo meaningful oversight of its own.

## 6.1 Vetting processes

Approving the national budget and vetting public expenditures are key functions of a national legislature. Myanmar’s Union Parliament is chiefly responsible for the Union budget process and evaluating how public funds have been used. It performs an annual audit with the assistance of the Office of the Auditor General, which has powers of scrutiny outlined in the 2008 Constitution, article 242. The Public Accounts Committees and Government’s Guarantees, Pledges, and Undertakings Vetting Committees of the two chambers of the Union legislature are empowered to lead the parliamentary scrutiny process.

### Box 8: Public Accounts Committees

In parliaments of the British Commonwealth, or legislative assemblies following the British Westminster model, a special committee is designated to oversee the executive branch’s detailed budget and the administration of public funds. This is the Public Accounts Committee (PAC). PACs commonly review reports from the Office of the Auditor General. Financial oversight is stronger when the PACs and the auditor general’s office establish a cordial and constructive relationship. Indeed, auditors general need effective PACs to hold the government to account, while PACs need thorough, regular, and timely reports from the auditor general to effectively review the public budget and expenditures.

PACs have proven to be key institutions in several recent democratization experiments, such as in post-Musharraf Pakistan.<sup>191</sup> In Myanmar, two 15-member PACs, one in the Pyithu Hluttaw (article 115a) and the one in the Amyotha Hluttaw (article 147a), are among the four constitutionally mandated committees in each chamber. In the Pyidaungsu Hluttaw, seven members of the Amyotha Hluttaw PAC (including the house’s deputy speaker) and eight members of the Pyithu Hluttaw PAC merge to form the Joint Public Accounts Committee, which convenes whenever there is a serious issue or divergence of views between the two individual house committees.<sup>192</sup> The rule under the USDP legislature, however, was to combine all 15 members of each committee.<sup>193</sup>

<sup>189</sup> Interview, member of the Rule of Law, Peace, and Tranquillity Committee in the lower house, Nay Pyi Taw, April 2015.

<sup>190</sup> Interview with a USDP committee secretary in the lower house (2011-16), Nay Pyi Taw, April 2015.

<sup>191</sup> See, for instance, International Crisis Group (ICG), *Parliament’s Role in Pakistan’s Democratic Transition*, Asia Report No. 249 (Brussels and Yangon: ICG, September 2013).

<sup>192</sup> Meeting with the Joint PAC, chaired by U Aye Thar Aung, deputy speaker of the Amyotha Hluttaw, Nay Pyi Taw, November 2016.

<sup>193</sup> “First day, third regular session of First Pyidaungsu Hluttaw kicks off”, *New Light of Myanmar*, February 1, 2012, p. 8.

The PACs have the crucial task of auditing all expenditures ordered and made by Myanmar's Union government each fiscal year. Among other primary functions, PACs vet the annual Union budget prepared by the government. They also review loans offered to the Union government by foreign governments and international donors. They audit reports from Union ministries, with a specific focus on reports from the Office of the Auditor General and the Central Bank of Myanmar. Every year since 2011, committee members and the hluttaw staff assigned to the PACs have spent days checking these reports line by line.<sup>194</sup> They can invite experts and bureaucrats from concerned ministries to Parliament for discussions. Specialists from the Central Bank, the World Bank, and other international financial organizations have also been invited to offer advice and clarifications.<sup>195</sup>

Although they must submit their report to the hluttaw, PACs are not required to publish these reports or divulge their results to the public.<sup>196</sup> Reports are discussed in regular sessions in each hluttaw. Once approved by both chambers, the reports are sent to the Pyidaungsu Hluttaw for a final vote. Individual MPs cannot amend the reports as they might a draft bill.<sup>197</sup> However, the 2008 Constitution and the Parliament's procedural rules do not require either the legislature or the government to act on PAC recommendations. Often, the bureaucracy does not follow up on the criticism from Parliament. "They take note, but do nothing afterwards," lamented an NLD MP in the USDP-led Parliament.<sup>198</sup> The PACs' role as it has emerged since 2011 is therefore better characterized as financial scrutiny than financial oversight.

Moreover, scrutinizing budgets and auditing financial reports is a complex undertaking. Very few MPs assigned to the two PACs in March 2011 realized what their new assignment would require. After one year as a member of the Amyotha Hluttaw's PAC, a retired army officer from the USDP specifically asked his speaker for a transfer to another parliamentary committee. Vetting budget documents was incredibly tedious work, he emphasized.<sup>199</sup> Nevertheless, there have been significant indications since 2011 of sustained vetting efforts by the legislative branch. The secretary of the Pyithu Hluttaw's PAC from 2011 to 2016, Maung Toe, a former army colonel, proudly reported that the 2011-2012 annual budget discussed in Parliament was the first budget publicly and meaningfully evaluated in years, if not decades.<sup>200</sup> PACs can approve or reject items in the annual budget bills, but they are not permitted to add new items.<sup>201</sup> Budget cuts proposed by PACs and approved by the Union legislature have become increasingly common, especially when supplementary budget requests from ministries are debated in November or December.<sup>202</sup>

An early illustration of the legislature's scrutiny efforts was provided in 2012 when the Office of the Auditor General presented the Joint PAC of the USDP-led Parliament with a preliminary report on government corruption. The report identified several cases at the Union ministerial level. The Ministry of Mines was particularly cited for misuse of several billion kyats between 2009 and 2011, during the last two years of the SPDC government.<sup>203</sup> Union ministers are not accustomed to being grilled for misconduct, but the fact that they can be is a positive development, as noted by Daw Su Su Lwin, an NLD veteran who first joined the lower house in 2012.<sup>204</sup> An ethnic Chin MP, a PAC member in the USDP legislature, has similarly underscored how Union ministers were seldom willing to accept criticism from low-profile, unknown backbenchers.<sup>205</sup>

While parliamentary committees theoretically have the power to ask for any documents they need to investigate a matter of concern, the administration and its ministries seldom comply. This is either because they are unwilling to have their activities scrutinized, or, as some interviews have suggested, because

<sup>194</sup> Fink, "Myanmar's Proactive National Legislature," 344.

<sup>195</sup> Interview, member of the NLD-led Joint PAC, Nay Pyi Taw, November 2016.

<sup>196</sup> Interview, member of the USDP-led Pyithu Hluttaw PAC, Nay Pyi Taw, February 2015.

<sup>197</sup> For a summary in English of the powers and duties of PACs, see "First regular session of Pyithu Hluttaw continues for third day", *New Light of Myanmar*, March 4, 2011, pp. 8-10.

<sup>198</sup> Interview, Nay Pyi Taw, January 2014. This seems to have been addressed by the new NLD legislature. New mechanisms to force ministries to justify gaps between actual expenditures and the initially approved budget are being designed, according to the new NLD-dominated Joint PAC (interview by author, Nay Pyi Taw, November 2016).

<sup>199</sup> Interview, Yangon, February 2015.

<sup>200</sup> Interview, Nay Pyi Taw, August 2013.

<sup>201</sup> Interview, Pyithu Hluttaw PAC member, Nay Pyi Taw, February 2015.

<sup>202</sup> Most recently, impressive cuts were made by the NLD-led legislature, including cuts to the military-controlled Ministries of Home Affairs and Border Affairs. "Pyidaungsu Hluttaw cuts budget proposals of government ministries," *Global New Light of Myanmar*, December 13, 2016.

<sup>203</sup> Gwen Robinson, "Myanmar ministries accused of corruption," *Financial Times*, March 15, 2012.

<sup>204</sup> Interview, Nay Pyi Taw, January 2014. She would later become Myanmar's "first lady" in 2016.

<sup>205</sup> Interview, Nay Pyi Taw, February 2015.

the bureaucracy lacks the organizational capacity to find and retrieve the requested documents. Many Union MPs have lamented that expecting full transparency is utopian. Audit reports often reflect what a ministry's leadership is willing to divulge. Full-fledged, impartial oversight remains elusive at this stage of development of the post-junta legislature, even with increasingly cooperative bureaucracies.

In addition to the PACs, most parliamentary committees are expected to audit the budgets and expenditures of the ministries they are associated with. Thus the International Relations Committees are expected to vet the budget of the Ministry of Foreign Affairs.<sup>206</sup> Some committees must look after two, or even three, Union ministries – a huge workload, as many an MP has complained, especially those from the Finance and Planning Committees. Only the ministries under the direct control of the Tatmadaw – Defense, Border Affairs, and Home Affairs – have escaped thorough audits of their financial management. As in other nations, Myanmar's defense establishment can be especially resistant to prying eyes.<sup>207</sup>

Since 2013, however, the annual budget of Myanmar's defense services has been publicly debated in regular sessions of Parliament, a welcome development.<sup>208</sup> Many MPs have seized this unexpected opportunity, especially during the ritual question time, to denounce the poverty of detail in the Tatmadaw's annual budgets.<sup>209</sup> Notwithstanding the many grey areas, the percentage of the national budget allotted to the Ministry of Defense is now a matter of public, parliamentary record, offering the further prospect that it could someday be reduced.<sup>210</sup> The Tatmadaw-controlled Ministries of Border Affairs, Home Affairs, and even Defense have seen their budgets cut more than once by the Union legislature.<sup>211</sup>

Yet there is still a broad lack of revenue transparency, and not much is known about the (mis)management and (mis)appropriation of public funds by Myanmar's defense sector, especially in the country's most remote areas. Furthermore, a law passed a few weeks before the SPDC was dissolved in 2011 has created a "special fund" to support the efforts of Myanmar's defense services to perpetuate the sovereignty of the Union. Its article 5 specifically mentions the impossibility for any person or body to inquire into or audit this fund, which is purported to provide the state security sector with unlimited public monies.<sup>212</sup> This legislation has not been amended or even debated in Parliament since it was enacted, not even by the NLD.

Finally, other parliamentary committees have also been designated to scrutinize public complaints of governmental misbehavior. The USDP Parliament created a Public Complaints and Petitions Committee in the Amyotha Hluttaw, which was retained in the NLD-controlled assembly in 2016 and has rapidly become overwhelmed with complaint letters received by individual MPs or the parliament's offices on a daily basis. The constitutionally mandated Government's Guarantees, Pledges, and Undertakings Vetting Committees in both the USDP and NLD legislatures have also investigated cases of misuse and misappropriation of public funds, including a limited number of on-site investigations, despite a shortage of funds and busy session schedules.<sup>213</sup>

## *6.2 External support for parliamentary oversight*

Several international donors, organizations, and foreign governments have offered broad support to Myanmar's reemerging Parliament, as outlined in section 2.4. T. Khun Myatt, chair of the Pyithu Hluttaw's Bill Committee from 2011 to 2016, and thenceforth deputy speaker of that assembly, once acknowledged Myanmar's boundless need for international assistance if the country was ever to reach international standards.<sup>214</sup> In addition to support for parliamentary staff development, assistance to research and library

<sup>206</sup> Interview, Chair of the International Relations Committee of the USDP Pyithu Hluttaw (Nay Pyi Taw, August 2015) and his NLD successor (Nay Pyi Taw, June 2016).

<sup>207</sup> Interview, deputy minister of defense, Nay Pyi Taw, February 2015.

<sup>208</sup> International Crisis Group (ICG), Myanmar's Military: Back to the Barracks? Asia Briefing No. 143 (Brussels: ICG, 2014), 15-16.

<sup>209</sup> Interview, Union-level MP from Kachin State, Nay Pyi Taw, February 2015.

<sup>210</sup> From approximately 19 percent in 2011-2012, to 20 percent in 2013-2014, and a record low of 12 percent in 2014-2015. See "Military spending challenged in parliament," *Democratic Voice of Burma*, February 19, 2013; and "Military spending still dwarfs education and health," *Myanmar Times*, March 30, 2014.

<sup>211</sup> It was the case, for instance, in the 2016-17 supplementary budget adopted in December 2016. Only the Ministry of Defense saw no budget cuts. "Defense takes biggest slice of greenlit supplementary budget," *Myanmar Times*, December 15, 2016.

<sup>212</sup> SPDC Law No. 11/2011 (January 27, 2011).

<sup>213</sup> Discussion with Amyotha Hluttaw's Government's Guarantees, Pledges, and Undertakings Vetting Committee, Nay Pyi Taw, November 2016.

<sup>214</sup> Interview, Nay Pyi Taw, February 2015.

services, and the induction programs for fresh MPs begun in 2016, donors have recently turned a strong focus on parliamentary oversight and scrutiny mechanisms (possibly to the detriment of other parliamentary functions, such as legislative drafting, constituency relations, or the work of other committees).

Yet, since most observers have noted key weaknesses in the way the Union legislature has performed its oversight function since 2011, this new and highly technical assistance has proven welcome. The two Public Accounts Committees of Myanmar's Union Parliament have been the main recipients of this multifaceted, international support. Since 2014, at least three different schemes supporting budgetary oversight have been put in place and funded by the World Bank, the International Institute for Democracy and Electoral Assistance (IDEA), and the European Union. No other committee in Myanmar's Parliament has received such focused support, a circumstance that may prove too unbalanced to be sustainable in the long term.

In 2014, the World Bank granted US\$3 million to support the activities of the Public Accounts Committees of the Union Parliament. This program on public expenditure and financial accountability has been met with great enthusiasm.<sup>215</sup> Likewise, IDEA secured funding from Canada and teamed up with Ottawa's Parliamentary Center to develop a capacity-building program focused on the two PACs during the USDP government.<sup>216</sup> The scheme combines practical trainings conducted by foreign experts and technical assistance provided to the selected parliamentary committees by Myanmar-specialized consultants and experts.<sup>217</sup> The European Union has also stepped in with a three-year program focused on public financial management and budgetary oversight, planned to begin in 2017.<sup>218</sup>

The emphasis on parliamentary budget processes and scrutiny may be appropriate at this stage of Myanmar's development, but other institutions, such as Union ministries and the Office of the Attorney General, must eventually assume meaningful oversight roles as well.<sup>219</sup> Currently, there seems to be little desire to share the political responsibility for any past, present, or future malfeasance by the powerful institutions of post-junta Myanmar. In all likelihood, the Union Parliament will continue its vetting and scrutinizing activities, with increasing professionalism, but without the political will or capacity to provide strong, comprehensive, and systematic oversight of all institutions of the executive branch.

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<sup>215</sup> Interview, member of the Joint Public Accounts Committee, Nay Pyi Taw, November 2016.

<sup>216</sup> A compilation of training materials provided by IDEA and Canada's Parliamentary Center can be found here: IDEA, Strengthening Parliament's Role in the Budget Process (Yangon and Ottawa: International IDEA Publications, February 2016). IDEA has secured funding from the EU to provide parliamentary support after 2016.

<sup>217</sup> In order to help MPs and Hluttaw staff check budget documents, produce audit reports, and liaise with the Office of the Attorney General and the Ministry of Planning and Finance. Interview with a Myanmar consultant working for this IDEA project, Nay Pyi Taw, November 2016.

<sup>218</sup> Which would also be managed by IDEA, an institution that has earned the trust of several Myanmar institutions and public figures since 2012. Interview with EU program manager, Yangon, November 2016.

<sup>219</sup> Interview with a UNDP Parliament-strengthening program specialist, Yangon, November 2016.

## Conclusion and the Way Forward

The Union legislature has evolved into a significant political institution of post-junta Myanmar. Two general elections, in 2010 and 2015, and two by-elections, in 2012 and 2017, have now been held, and their results honored by the armed forces and the incumbent regimes – in contrast to 1990. A new legislative elite has emerged in a country long deprived of elected representatives and professional lawmakers. In interviews over the years, they have shown themselves to be ever more conscious of their duties as parliamentarians and the three classic functions of elected legislators: lawmaking, oversight, and representation. The Union Parliament, under the leadership of both the USDP and the NLD, has shown legislative initiative unthinkable during the era of military rule. It has begun to vet the activities of the executive branch, and it has rebuffed draft bills submitted by government bureaucrats. It has summoned Union ministers for the ritual of parliamentary question time. It has sometimes even delivered cuts to the proposed budgets of military-controlled Union ministries. Both chambers have also attracted considerable media attention and intense lobbying from an active domestic civil society.

These outstanding developments do not mean, however, that Myanmar's progress towards the institutionalization and professionalization of its new legislative power will be steady and successful beyond the initial post-junta legislatures. While some key indicators show that Myanmar's new legislative branch is on the right track, the reemergence of Parliament is still in its early stages. After so many years of authoritarian rule, inefficiency has been inevitable in the initial workings of the two houses, and even after several years, the parliamentary administration has yet to install a fully functional, professional staff that is free from interference by the state bureaucracy and the armed forces.

Moreover, the first post-junta legislature (2011-2016) tended to over-legislate and produce ill-written legislation, which more than once had to be revised and amended afterwards. Since it first convened in February 2016, the NLD legislature has made representation and public relations activities a clear priority. Its unwillingness to discuss certain sensitive issues in plenary debates, however, has raised concern about the institutional autonomy of the legislative branch, especially vis-à-vis the State Counsellor Office and the NLD party hierarchy. There are also strong indications that the concept of parliamentary oversight is still not well understood by MPs, who tend to construe it as broad, politically motivated opposition to the government. Many aspects of the new Parliament's activities and the overall policymaking process have also remained hidden from scholars and the public.

This report, nonetheless, points to a remarkable attempt to professionalize the Parliament, its members, and its staff, in the space of just six years of existence and two general elections. Among post-authoritarian societies attempting to revive parliamentary government, Myanmar may prove a unique case and, in the end, a model to follow. Yet, more attention needs to be paid to the Parliament's internal developments to better understand how to strengthen its workings and consolidate its institutional autonomy. Below are a few suggestions for enhancing the role, functioning, and influence of the Union Parliament, a body that remains essential to Myanmar's growing democracy.

### *Recommendations for the Union Parliament:*

1. ***Better delineate the legislative tasks and duties of each chamber.*** Since the 2008 Constitution gives equal legislative powers to the Pyithu Hluttaw and the Amyotha Hluttaw, the submission of bills to either house has often proven arbitrary, if not confusing. Developing parliamentary discussion on ethnic issues, decentralization and federalism in the Amyotha Hluttaw while addressing other issues of public importance (economic, social issues, and security affairs) in the Pyithu Hluttaw could be one option.
2. ***Develop a legislative calendar.*** MPs, political parties, experts, and international donors have all pointed to the necessity of establishing a parliamentary calendar. Without a predictable schedule indicating when and how legislative business is to be organized, MPs and political parties cannot adequately plan constituency trips, prepare committee discussions, engage with civil society groups on draft bills, and so on. Interviews have revealed that the current speakers, party leaders, and MPs are all aware of the need to establish a more systematic parliamentary schedule, but the issue remains unsettled after several years of discussions.

Without a detailed and predictable calendar, institutions and top policymaking officials are left with considerable authority over the legislature's business and agenda. The Union Parliament under the NLD seems to be leaning towards three or four sessions per year: a budget session (from January to the Thingyan holiday break in April), one or two summer sessions (June to September), and a shorter, winter session to debate the supplementary budget (November to December). Plenary debates must be shortened if the Union Parliament is to institutionalize and strengthen its work in committees. In all, MPs need a more detailed schedule – weekly or even biweekly – to be able to manage their time in and out of Nay Pyi Taw.

3. ***Strengthen the Parliament's public relations.*** Many committee chairs and senior parliamentary officials have claimed that the public can watch proceedings of the hluttaw on TV or check the Facebook accounts of the two houses to find out what Parliament is doing. This is clearly insufficient. More must be done to reach out to the public, explain parliamentary work, and improve the public perception of what is, for many, a distant seat of power. Despite some progress, the inner workings of the Parliament remain opaque to most citizens, while difficult relations between the media and the ruling political and legislative elite – under both the USDP and the NLD – have diminished the public exchanges of ideas. Parliament must cultivate regular interlocutors outside its walls, among the media, civil society groups, schools and universities, and international organizations. It must better coordinate its public relations departments and promote closer citizen-parliamentary interactions, in order to make its activities transparent, comprehensible, and accountable to the public.
4. ***Create a fully independent parliamentary institute.*** A legislative studies and capacity-building institute would offer a single research and parliamentary-strengthening facility in the hluttaw compound. It would provide legislative research and public outreach services, as well as professional and technical training, and rely on both local and international expertise. It would channel international parliamentary support through a single body. Discussions on the merger of the research services of the two chambers of the Union Parliament (currently working without much interaction with each other) with several internationally funded capacity-building programs could lead to the formation of a single, independent, nonpartisan body combining hluttaw staff, consultants, academics, former legislators, and international experts on public policy, legislative affairs, and law. A training curriculum could even be designed by the institute and scheduled over the five-year term of a legislature.
5. ***Set rules for committee membership.*** Establish rules for the selection of committee members according to their skills, knowledge, and willingness to sit, rather than the whims of the speakers or party leaders. Clarify the mandates of similar committees to avoid redundancy between the two houses, particularly in addressing public and constituent grievances, which already consumes a lot of committee time. (The Public Complaints Committee in the Amyotha Hluttaw could be a good model for streamlining complaint resolution.) Since the two houses of the Union Parliament work autonomously, more joint committees should be formed to better coordinate the work of MPs focusing on the same issues.
6. ***Increase the participation of women MPs.*** Increase the number of women MPs in committee leadership roles (chair and secretary). Despite some progress from the first post-SPDC legislature to the second, there is still ample room for improvement. A joint women's informal caucus (rather than committee) would allow the 60-plus female MPs in the two houses of the current NLD Parliament to debate women-related issues more effectively than the male-dominated, ad hoc parliamentary committee on women affairs (which, strangely, has not been formed in the Pyithu Hluttaw since 2016).
7. ***Create a public fund to support one personal, parliamentary assistant for each MP.*** Parliamentarians are often swamped with work, and must turn to their leaders and the party machine for policy guidance rather than conduct their own research and elaborate their own policy positions. They routinely use parliamentary committee staffers as personal secretaries inside the hluttaw compound, impeding their professionalization and putting pressure on junior parliamentary staff. MPs need personal assistants to help them cope with their daily legislative activities, interactions with the media, civil society lobbying, frequent workshops,

and constituency work. Strict rules and transparency guidelines must be adopted, however, to avoid clientelism and nepotism.

8. **Improve living accommodations for MPs.** When the Parliament is in session, many civilian MPs, far from their families and constituencies, reside in Nay Pyi Taw's municipal guesthouse compound, whose blocks of bungalows were built in 2010. Efforts have already been made to improve these accommodations, notably by installing individual air-conditioning systems in 2015 and Wi-Fi connections in 2016. Further improvements should include better access to health and social services. MPs should be lodged in sufficient comfort to focus on their parliamentary work and accommodate family visits to Nay Pyi Taw.
9. **Subsidize representatives from remote constituencies.** MPs from remote, inaccessible regions cannot serve their constituents as well as representatives from nearby districts. Visits to the constituency are costly and difficult, and outreach via social media is often ineffective in remote or conflict-affected areas where Internet use is low. Parliament should provide special, annual allowances to cover constituency trips when the Parliament is in session. Funds should be allocated according to the remoteness of the constituency, as is done to cover the cost of the travel to, and return from Nay Pyi Taw, of each Union MP at the start and end of each plenary session. This option is preferable to MP salary increases, which often end up back in party coffers rather than funding constituency visits.
10. **Establish permanent Defense and Security Committees.** The Defense and Security Committees of the upper and lower houses are the only committees mentioned in the 2008 Constitution that have never convened. Regular meetings of a parliamentary committee combining military-appointed and civilian MPs, both knowledgeable in security and military affairs, would provide a starting place for parliamentary scrutiny of the defense sector and vetting of the security forces' budget. It would also be a primary venue for the institutionalization of a much-needed public dialogue on security affairs between civilian and military representatives.
11. **Ensure that appropriate bylaws are enacted expeditiously.** Once a law is passed, the legislature should begin without delay to draft the associated rules and bylaws required for the law's implementation.
12. **Make the Parliament a true public space.** Parliament should become more open to the public. It should ease the lengthy authorization process for citizens eager to visit the premises, observe the proceedings, and meet their MPs. Many a civilian MP has already brought in guests and experts, including during the USDP-led legislature. This access must be expanded to include constituents and the public more generally.

### *Recommendations for the parliamentary administration:*

1. **Transform the Hluttaw Offices from a tricameral to a bicameral administration.** The Pyidaungsu Hluttaw Office is an office with no MPs of its own to look after. It has no independent speaker to support: the speakers and deputy speakers of the Pyithu Hluttaw and Amyotha Hluttaw assume the rotating chair of the Pyidaungsu Hluttaw every 30 months. With the Pyithu Hluttaw and Amyotha Hluttaw Offices already providing administrative services to the MPs and officers of their respective houses, the Pyidaungsu Hluttaw Office is substantially redundant.
2. **Develop stronger inter-house connections and dialogues.** Since 2013, the separate administrative offices of the Pyidaungsu Hluttaw, the Pyithu Hluttaw, and the Amyotha Hluttaw have operated virtually independently. More communication among these three agencies – or two if they are consolidated as suggested above – will improve the functioning of the entire legislature and facilitate its interactions with outside interlocutors, from the Myanmar public to other state institutions and international visitors.
3. **Expand the parliamentary staff.** Progress has been welcome, but slow, since the formation of the three Hluttaw Offices in 2013. The hluttaw administration, currently working at 40 percent of its expected capacity, should push to rapidly meet its recruitment targets. It must find ways

to attract and, crucially, retain new recruits by offering more generous benefits and by better advertising the value, relevance, and prestige of a career with the Hluttaw Offices.

4. ***Increase opportunities for internal promotion.*** Internal capacity-building programs are needed to improve the performance of senior management and assist parliamentary staffers to rise to higher positions in the Hluttaw Offices. This would be particularly valuable for junior staff in the long term, and would help shape a new generation of professional administrators to balance the lingering influence of military retirees in Myanmar's public service.
5. ***Promote a more gender-balanced administration.*** The Hluttaw Offices seem to have recruited a remarkably high number of women employees since their inception. However, the majority of directors general, deputy directors general, and directors are still men. The 10-person administrative staff of a parliamentary committee includes one director, one deputy director, and one assistant director, typically all male, and seven or so female staff of lower rank. Pathways to senior positions should be more open to women. Domestic and international training programs for parliamentary staffers, especially those focused on women and minorities, should address gender diversity in their curricula.
6. ***Provide individual workspaces for MPs inside Parliament.*** MPs say they often feel like guests in an unfamiliar place when they attend plenary sessions or work in committee buildings. The Parliament could help MPs become better representatives by redesigning its workspaces and offices to provide each MP with a personal, closed space to do research, hold private communications, use the Internet, build a collection of books and files, and privately receive guests for interviews or consultations, including when the Parliament is in recess. Also, better and more frequent public transportation linking the Hluttaw compound and the municipal guesthouse where most civilian MPs reside would help them spend more time in these parliamentary offices. Wealthier MPs and staffers may enjoy the luxury of their own car, but most MPs depend on the irregular transportation provided by the Hluttaw to commute. There is thus little incentive for MPs to stay on the parliamentary compound beyond the daily session and the mandatory afternoon committee meetings.
7. ***Create an independent Hluttaw Security Office.*** The office responsible for the management and security of the vast legislative compound should be made independent of the Tatmadaw-controlled Ministry of Home Affairs. It should be staffed, supervised, and funded by the Hluttaw Offices themselves.

### *Recommendations for the Union government:*

1. ***Increase public consultations.*** In times of transition, it is crucial that policymaking elites remain engaged with the rest of the society, including their political opponents. Policymakers in Parliament and the government should engage regularly and routinely with civil society organizations, legislative experts, academics, and political parties, including those left out of Parliament. This might take the form of a formal process of public consultation on all draft bills prepared by the Union government.
2. ***Develop a legislative strategy.*** The Union government should make public a legislative plan and a step-by-step legislative strategy for the five-year term of its mandate, so that the public knows what the government's policy priorities are and when they will be debated in Parliament.
3. ***Instill a culture of cooperation and dialogue between the executive and legislative branches.*** Developing better interactions between the bureaucracies of Union ministries and parliamentary committees is essential to the establishment of meaningful oversight mechanisms. Permanent secretaries from the Union ministries should serve as the core liaison officer and make themselves more available for parliamentary hearings.

### *Recommendations for international donors:*

1. **Coordinate.** To avoid redundant efforts, international donors, led by the UNDP which appears in a better position to coordinate, have started to work on more integrated programs, but a sense of competition among them can still be discerned. UN agencies, international organizations, foreign governments, and parliaments around the world are willing to provide training and assistance programs to Myanmar, but they sometimes neglect preliminary discussions with other development partners and local civil society groups. The joint parliamentary committee that manages international support and the development of the hluttaws should meet more often. As suggested earlier, the creation of a Parliamentary Institute would help outline coherent needs, channel and consolidate international support, and define the way forward.
2. **Provide long-term assistance.** With high legislative turnover likely to continue in upcoming elections, the transfer of hard-won knowledge from one batch of MPs and parliamentary staffers to the next remains a major challenge in post-junta Myanmar. International assistance to Myanmar's Parliament must therefore include long-term commitments and adaptable programs of support.
3. **Expand induction programs for new MPs.** Induction and orientation programs provided by the UNDP in early 2016 have been welcomed enthusiastically by new MPs, and they should be continued. The curriculum can be expanded to provide the basis for broader training, especially for the members and staff of the fourteen state and regional parliaments.
4. **Focus trainings on parliamentary mechanisms.** One parliamentary consultant has remarked that international organizations supporting Myanmar's Parliament are sometimes in danger of acting like the Parliament's secretariat. For a parliament to work effectively, legislators and staff must master for themselves the technical complexities of the legislative process. International efforts to strengthen Myanmar's Parliament must therefore move beyond general training in democracy and good governance to include the technical foundations of a working legislature, including law, legislative affairs, and public policy, and the nuts and bolts of drafting legislation, auditing a budget, and conducting an oversight investigation. Overseas trips and study tours for MPs and staffers, which are often treated by international governments as exercises in networking or "soft power," should be reconceived to emphasize the acquisition of legislative skills.
5. **Broaden support for standing and ad hoc parliamentary committees.** Since 2014, the two Public Accounts Committees of the Union Parliament have received strong international support from sources such as the World Bank, the EU, and Canada; but other committees that are equally key to the Parliament's legislative and oversight functions, such as the three other constitutionally mandated committees, should also receive international support.
6. **Work with local expertise.** Myanmar's Parliament must strive to take ownership of its own development and future. The Joint Coordinating Committee on Parliamentary Development, established by the USDP legislature and continued by the NLD, has been a positive step. International funding should increasingly support domestic parliamentary strengthening initiatives to be found in Myanmar's dynamic and extensive civil society. It is important to tie international capacity-building programs to issues and expertise of national and local relevance (and in the Myanmar language), and to strengthen Myanmar's own NGOs, policy institutes, and think tanks.
7. **Translate key handbooks and other sources on legislative affairs into the Myanmar language.** For the new members of Myanmar's young legislature, parliamentary induction programs, conferences, and training workshops on busy Saturdays and Sundays are no substitute for extensive reading. Myanmar MPs and political leaders do read often, yet only a handful can read lengthy monographs in English or any other foreign languages. Programs to strengthen Myanmar's Parliament must provide translations of important textbooks and reference works, working papers, policy notes, and briefings on parliamentary mechanisms and procedures. Needless to say, quality of translation is important, particularly for specialized vocabulary that does not exist in the Myanmar language.

8. ***Train and work with political parties.*** International donors have developed worldwide support programs for political parties and party systems. In Myanmar, this can only be carried out within the scope of the 2008 Constitution, which considerably limits foreign support to political parties (arts. 404b and 407c). By working closely with internationally supported civil society organizations in Myanmar, however, political parties can become better acquainted with legislative work, parliamentary procedures, and Myanmar's institutional framework.

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## **Annex One: Schedule One – Union Legislative List (Constitution of 2008)**

Referring to article 96 of the Constitution (“The Pyidaungsu Hluttaw shall have the right to enact laws for the entire or any part of the Union related to matters prescribed in Schedule One of the Union Legislative List”):

### **1. Union Defence and Security Sector**

- a. Defense of the Republic of the Union of Myanmar and every part thereof and preparation for such defense;
- b. Defense and security industries;
- c. Arms, ammunition, and explosives, including biological and chemical weapons;
- d. Atomic energy, nuclear fuel and radiation, and mineral resources essential to its production;
- e. Declaration of war and conclusion of peace;
- f. Stability, peace, and tranquillity of the Union and prevalence of law and order;
- g. Police force.

### **2. Foreign Affairs Sector**

- a. Representatives of the diplomatic, consular, and other affairs;
- b. United Nations;
- c. Participation in international, regional, and bilateral conferences, seminars, meetings, associations, and other organizations and implementation of resolutions thereof;
- d. Conclusion and implementation of international and regional treaties, agreements, conventions, and bilateral agreements and treaties;
- e. Passports and identification certificates;
- f. Visas, admission into the Republic of the Union of Myanmar, stay, departure, immigration, and deportation;
- g. Extradition and request for extradition.

### **3. Finance and Planning Sector**

- a. The Union budget;
- b. The Union Fund;
- c. Currency and coinage;
- d. The Central Bank of Myanmar and financial institutions;
- e. Foreign exchange control;
- f. Capital and money markets;
- g. Insurance;
- h. Income tax;
- i. Commercial tax;
- j. Stamp duty;
- k. Customs duty;
- l. Union lottery;
- m. Tax appeal;
- n. Services of the Union;
- o. Sale, lease, and other means of execution of property of the Union;
- p. Disbursement of loans from the Union Funds;
- q. Investment of the Union Funds;
- r. Domestic and foreign loans;
- s. Acquisition of property for the Union;

- t. Foreign aid and financial assistance.
- 4. Economic Sector
  - a. Economy;
  - b. Commerce;
  - c. Cooperatives;
  - d. Corporations, boards, enterprises, companies, and partnerships;
  - e. Imports, exports, and quality control thereon;
  - f. Hotels and lodging houses;
  - g. Tourism.
- 5. Agriculture and Livestock Breeding Sector
  - a. Land administration;
  - b. Reclamation of vacant, fallow, and virgin lands;
  - c. Settlements and land records;
  - d. Land survey;
  - e. Dams, embankments, and irrigation works managed by the Union;
  - f. Meteorology, hydrology, and seismic survey;
  - g. Registration of documents;
  - h. Mechanized agriculture;
  - i. Agricultural research;
  - j. Production of chemical fertilizers and insecticides;
  - k. Marine fisheries;
  - l. Livestock proliferation, prevention and treatment of diseases, and research works.
- 6. Energy, Electricity, Mining, and Forestry Sector
  - a. Petroleum, natural gas, other liquids and substances declared by the Union Law to be dangerously inflammable;
  - b. Production and distribution of electricity of the Union;
  - c. Minerals, mines, safety of mine workers, and environmental conservation and restoration;
  - d. Gems;
  - e. Pearls;
  - f. Forests;
  - g. Environmental protection and conservation including wildlife, natural plants, and natural areas.
- 7. Industrial Sector
  - a. Industries to be undertaken by the Union level;
  - b. Industrial zones;
  - c. Basic standardization and specification for manufactured products;
  - d. Science and technology and research thereon;
  - e. Standardization of weights and measures;
  - f. Intellectual property such as copyrights, patents, trademarks, and industrial designs.
- 8. Transport, Communication, and Construction Sector
  - a. Inland water transport;
  - b. Maintenance of waterways;
  - c. Development of water resources and rivers and streams;

- d. Carriage by sea;
- e. Major ports;
- f. Lighthouses, lightships, and lighting plans;
- g. Shipbuilding, repair, and maintenance;
- h. Air transport;
- i. Air navigation, control, and airfields construction;
- j. Land transport;
- k. Railways;
- l. Major highways and bridges managed by the Union;
- m. Posts, telegraphs, telephones, fax, email, internet, intranet, and similar means of communication;
- n. Television, satellite communication, transmission, and reception, and similar means of communication and housing and buildings.

#### 9. Social Sector

- a. Educational curricula, syllabus, teaching methodology, research, plans, projects, and standards;
- b. Universities, degree colleges, institutes, and other institutions of higher education;
- c. Examinations prescribed by the Union;
- d. Private schools and training;
- e. National sports;
- f. National health;
- g. Development of traditional medicinal science and traditional medicine;
- h. Charitable hospitals and clinics and private hospitals and clinics;
- i. Maternal and child welfare;
- j. Red Cross society;
- k. Prevention from adulteration, manufacture, and sale of foodstuffs, drugs, medicines, and cosmetics;
- l. Welfare of children, youths, women, the disabled, the aged, and the homeless;
- m. Relief and rehabilitation;
- n. Fire brigade;
- o. Working hours, resting hours, holidays, and occupational safety;
- p. Trade disputes;
- q. Social security;
- r. Labour organizations;
- s. Managements by the Union, the following:
  - i. Ancient culture or historical sites, buildings, monuments, records, stone inscriptions, ink inscriptions on stucco, palm-leaf parabaiks, handwritings, handiworks, inanimate objects, and archaeological works;
  - ii. Museums and libraries.
- t. Literature, dramatic arts, music, traditional arts and crafts, cinematographic films and videos;
- u. Registration of births and deaths.

#### 10. Management Sector

- a. General administration;
- b. Administration of town and village land;
- c. Tenants;

- d. Narcotic drugs and psychotropic substances;
- e. Union secrets;
- f. Associations;
- g. Prisons;
- h. Development of border areas;
- i. Census;
- j. Citizenship, naturalization, termination and revocation of citizenship, citizenship scrutiny and registration;
- k. Titles and honors.

#### 11. Judicial Sector

- a. Judiciary;
- b. Lawyers;
- c. Criminal laws and procedures;
- d. Civil laws and procedures including contract, arbitration, actionable wrong, insolvency, trust and trustees, administrator and receiver, family laws, guardians and wards, transfer of property, and inheritance;
- e. Law of evidence;
- f. Limitation;
- g. Suit valuation;
- h. Specific relief;
- i. Foreign jurisdiction;
- j. Admiralty jurisdiction;
- k. Piracies, crimes committed in international waters or in outer space, and offences against the international law on land or in international waters or in outer space.

## **Annex Two: List of Laws Passed by the USDP Union Parliament (2011-2016)**

1. Law Revoking the Revenue Law No. 01/2011 (September 29, 2011)
2. Law Amending the Union of Myanmar Stamp Act No. 2/2011 (September 29, 2011)
3. Law Amending the Commercial Tax Law No. 3/2011 (September 29, 2011)
4. Law Amending the Income Tax Law No. 4/2011 (September 29, 2011)
5. Law Amending the Office Tax Law No. 5/2011 (September 29, 2011)
6. Law Amending the 2010 Union Election Commission Law No. 6/2011 (October 5, 2011)
7. Labor Organization Law No. 7/2011 (October 11, 2011)
8. Law Amending the 2010 Pyithu Hluttaw Election Law No. 8/2011
9. Law Amending the 2010 Amyotha Hluttaw Election Law No. 9/2011
10. Law Amending the 2010 State and Region Election Law No. 10/2011
11. Law Amending the 2010 Political Parties Registration Law No. 11/2011
12. Law Revoking the 1964 Rights and Obligations/Responsibilities of the Public Workers No. 12/2011
13. Microfinance Business Law No. 13/2011
14. The Private Schools Registration Law No. 14/2011
15. Peaceful Assembly and Peaceful Demonstration Law No. 15/2011
16. Ward or Village Tract Administration Law No. 1/2012 (February 24, 2012)
17. 2012 Union Supplementary Appropriation Law No. 2/2012 (February 24, 2012)
18. Second Law Amending the Union Election Commission Law No. 3/2012 (March 19, 2012)
19. National Planning for the 2012-2013 Budget Year Law No. 4/2012 (March 19, 2012)
20. Settlement of Labor Dispute Law No. 5/2012 (March 28, 2012)
21. Union Budget Law No. 6/2012 (March 28, 2012)
22. Law Amending Ward or Village Tract Administration Law No. 7/2012 (March 28, 2012)
23. Assistance to Family Members of Disabled Defense Services and Deceased or Killed Defense Services Personnel Law No. 8/2012 (March 30, 2012)
24. Environmental Conservation Law No. 9/2012 (March 30, 2012)
25. Vacant, Fallow, and Virgin Lands Management Law No. 10/2012 (March 30, 2012)
26. Farmlands Law No. 11/2012 (March 30, 2012)
27. Foreign Exchange Management Law No. 12/2012 (August 10, 2012)
28. Essential Supplies and Services Law No. 13/2012 (August 10, 2012)
29. Law Revoking the 1932 Foreign Relations Act No. 14/2012 (August 29, 2012)
30. Social Security Law No. 15/2012 (August 31, 2012)
31. Law Amending the 1955 Government Housing (Expelling) Act No. 16/2012 (August 31, 2012)
32. Import-Export Law No. 17/2012 (September 7, 2012)
33. Law Revoking the 1964 Myanmar Five Star Shipping Line Corporation Law No. 18/2012 (November 1, 2012)
34. Law Revoking The Land Acquisition (Mines) Law No. 19/2012 (November 2, 2012)
35. Law Revoking the Public Welfare Services Protection Act No. 20/2012 (November 1, 2012)
36. Foreign Investment Law No. 21/2012 (November 2, 2012)
37. Union Supplementary Budget Law for the 2012-2013 Fiscal Year No. 22/2012 (November 23, 2012)
38. Procedures of the Pyithu Hluttaw Law No. 23/2012 (November 26, 2012)
39. Procedures of the Amyotha Hluttaw Law No. 24/2012 (November 26, 2012)

40. Law Revoking the Law Protecting the Peaceful and Systematic Transfer of State Responsibility and the Successful Performance of the Functions of the National Convention against Disturbances and Oppositions No. 1/2013
41. Law Amending the Traditional Medicine Council Law No. 2/2013
42. Law Amending the Auditor General of the Union Law No. 3/2013 (January 21, 2013)
43. Law Amending the Union Constitutional Tribunal Law No. 4/2013
44. Civil Servants Law No. 5/2013
45. Law Amending the Emolument, Allowance, and Privileges of Region/State Officials Law No. 6/2013
46. Minimum Wages Law No. 7/2013 (March 22, 2013)
47. Law Revoking the Trade of Seasonal Crops Law No. 08/2013
48. Law Revoking the 1945 Custodian of Movable Property Act No. 9/2013
49. Law Amending the Transfer of Property Act No. 10/2013
50. National Planning for 2013-2014 Budget Year Law No. 11/2013
51. Union Budget for 2012-2013 Fiscal Year Law No. 12/2013 (March 29, 2013)
52. Law Revoking the Special Interests and Usurers No. 13/2013 (March 29, 2013)
53. Law Amending the Private Healthcare Law No. 14/2013 (June 28, 2013)
54. Law Amending the Myanmar Maternal and Child Welfare Association Law No. 15/2013 (June 28, 2013)
55. Union of Myanmar Central Bank Law No. 16/2013 (July 11, 2013)
56. Contempt of Courts Law No. 17/2013 (July 29, 2013)
57. Myanmar Citizens Investment Law No. 18/2013 (July 29, 2013)
58. Population and Housing Census Law No. 19/2013
59. Securities Exchange Law No. 20/2013 (July 31, 2013)
60. Natural Disaster Management Law No. 21/2013 (July 31, 2013)
61. Procedures of the State and Region Hluttaw Law No. 22/2013
62. Anti-Corruption Law No. 23/2013
63. Law Amending the National Food Law No. 24/2013
64. Law Amending the Eye Donation Law No. 25/2013
65. Law Amending the Water Transport/Blockade Law No. 26/2013.
66. Law Amending the Narrow River/Defile Traffic Act No. 27/2013
67. Protection from Danger of Chemical Products and Associated Materials Law No. 28/2013
68. Employment and Skill Development Law No. 29/2013
69. Law Amending the Union Judiciary Law No. 30/2013 (August 30, 2013)
70. Telecommunications Law No. 31/2013 (October 8, 2013)
71. Protection and Promotion of the Rights of Farmers No. 32/2013 (October 8, 2013)
72. Law Amending the Myanmar Aviation Act No. 33/2013
73. Law Amending The Maritime Technological University Law No. 34/2013
74. Law Amending the Merchandising Marks Law No. 35/2013
75. Union Supplementary Budget for 2013-2014 Fiscal Year Law No. 36/2013
76. Myanmar Engineering Council Law No. 37/2013
77. Myanmar Special Economic Zone No. 1/2014 (January 27, 2014)
78. Law Amending the Procedures of the Pyidaungsu Hluttaw Law No. 2/2014 (January 27, 2014)

79. Multi-Modal Transportation Law No. 3/2014 (February 3, 2014)
80. Early Child Care and Childhood Development No. 4/2014 (February 10, 2014)
81. Law Amending the Poisons Act No. 5/2014 (February 7, 2014)
82. Law Amending the Electronic Transactions Law No. 6/2014 (February 27, 2014)
83. Law Revoking the Myanmar Auxiliary Force (Ye Nyunt Tat Phoit) Act No. 7/2014 (February 28, 2014)
84. Law Amending the 2013 Traditional Medicine Law No. 8/2014 (February 28, 2014)
85. Development Fund Law for Pyidaungsu Hluttaw No. 9/2014 (March 12, 2014)
86. Consumer Protection Law No. 10/2014 (March 14, 2014)
87. Money-Laundering Eradication Law No. 11/2014 (March 14, 2014)
88. Media Law No. 12/2014 (March 14, 2014)
89. Printing and Publishing Law No. 13/2014 (March 14, 2014)
90. Law Amending the Office Tax (Court Fees) Law No. 14/2014 (March 19, 2014)
91. Law Amending the Income Tax Law No. 15/2014 (March 24, 2014)
92. Law Amending the Commercial Tax Law No. 16/2014 (March 24, 2014)
93. National Planning Law for the 2014-2015 Fiscal Years No. 17/2014 (March 28, 2014)
94. Union Budget Law for 2014 No. 18/2014 (March 28, 2014)
95. Law Amending the 2011 Myanmar Stamp Act No. 19/2014 (March 28, 2014)
96. Union Tax Law No. 20/2014 (March 28, 2014)
97. Union of Myanmar National Human Rights Commission Law No. 21/2014 (April 5, 2014)
98. Law Amending the National Drug Law No. 22/2014 (April 5, 2014)
99. Anti-Terrorism Law No. 23/2014 (June 4, 2014)
100. Law of Writs No. 24/2014 (June 5, 2014)
101. Law Amending the Use of Roads and Bridges Law No. 25/2014 (June 17, 2014)
102. Law Amending the 2011 Peaceful Procession and Peaceful Assembly Law No. 26/2014 (June 24, 2014)
103. Law Revoking the 1909 Whipping Act No. 27/2014 (July 1, 2014)
104. Law on Standardization and Specification No. 28/2014 (July 3, 2014)
105. Law Amending the Civil Procedure Code No. 29/2014 (July 3, 2014)
106. Law Amending the 1951 Leaves and Holidays Act No. 30/2014 (July 18, 2014)
107. Registration of Organizations Law No 31/2014 (July 18, 2014)
108. Law Amending the 2013 Anti-Corruption Law No. 32/2014 (July 23, 2014)
109. Law Amending the Highways Law No. 33/2014 (July 24, 2014)
110. Law Amending the Myanmar Gems Law No. 34/2014 (July 29, 2014)
111. Law Amending the 2013 Union Judiciary Law No. 35/2014 (July 30, 2014)
112. Law Amending the Limitation (in Court) Act No. 36/2014 (July 31, 2014)
113. Law Relating to the International Interests in Aircraft Instruments No. 37/2014 (August 1, 2014)
114. Second Law Amending the 2011 Political Parties Registration Law No. 38/2014 (September 30, 2014)
115. Myanmar Architecture Council Law No. 39/2014 (October 5, 2014)
116. Law Amending the 2012 Settlement of Labor Dispute Law No. 40/2014 (October 5, 2014)
117. National Education Law No. 41/2014 (October 5, 2014)
118. Law Amending the Restriction of the Use of Military Ranks and Terms No. 42/2014 (October 7, 2014)
119. Law Amending the Union Auditor General Law No. 43/2014 (October 10, 2014)

120. Electricity Law No. 44/2014 (October 27, 2014)
121. Law Revoking the 1960 Rural Economic Development Fund Act No. 45/2014 (November 3, 2014)
122. Second Law Amending the Union Constitutional Tribunal No. 46/2014 (November 5, 2014)
123. Law Amending the 2013 Protection & Promotion of the Rights of Farmers No. 47/2014 (November 20, 2014)
124. Law Amending the Development Fund for the Pyidaungsu Hluttaw No. 48/2014 (November 23, 2014)
125. Union Supplementary Budget for the 2014-2015 Fiscal Year No. 49/2014 (November 24, 2014)
126. Law Revoking the 1947 Emergency Provisions Act No. 50/2014 (November 20, 2014)
127. Inland Water Transport Board Law No. 51/2014 (December 5, 2014)
128. Myanmar National Aviation Law No. 52/2014 (December 5, 2014)
129. Emergency Health Care and First-Hand Treatment Law No. 53/2014 (December 5, 2014)
130. Law Amending the Emoluments, Allowances, and Decorations of the Chairs and Members of the Self-Administered Areas and Zones Law No. 54/2014 (December 10, 2014)
131. Law Amending the Emoluments, Allowances, and Decorations of the Chairs and Members of the Nayi Pyi Taw Council Law No. 55/2014 (December 10, 2014)
132. Law Amending the Emoluments, Allowances, and Decorations of Union Level Personnel Law No. 56/2014 (December 10, 2014)
133. Law Amending the Emoluments, Allowances, and Decorations of State and Region Level Personnel Law No. 57/2014 (December 10, 2014)
134. Law Amending the Emoluments, Allowances, and Decorations of the Personnel of Pyithu Hluttaw, Amyotha Hluttaw, State and Region Hluttaws, and Self-Administered Bodies Law No. 1/2015 (January 31, 2015)
135. Approval of the Amendment Draft of the 2008 Constitution Referendum Law No. 2/2015 (February 10, 2015)
136. Law Amending the Diplomatic and Consular Officers Law No. 3/2015 (February 10, 2015)
137. Law Amending the UNO (Immunities and Privileges) Act No. 4/2015 (February 10, 2015)
138. Law Amending the Seed Law No. 5/2015 (February 18, 2015)
139. Law Amending the 1961 Restriction of Movement and Probation of Recidivist Offenders No. 6/2015 (February 18, 2015)
140. Law Revoking the Agriculture Products Market Law No. 7/2015 (February 18, 2015)
141. Law Protecting Ethnic Rights No. 8/2015 (February 24, 2015)
142. Competition Law No. 9/2015 (February 24, 2015)
143. Myanmar Coastal and Inland Water Transport Services No. 10/2015 (March 5, 2015)
144. Myanmar Fire Services Law No. 11/2015 (March 17, 2015)
145. Law Amending the 1954 State Symbols and National Titles (Restriction of Celebration) Law No. 12/2015 (March 17, 2015)
146. Law Amending the Sea Customs Law No. 13/2015 (March 17, 2015)
147. Law Amending the Lands Customs Law No. 14/2015 (March 17, 2015)
148. Law Amending the Fertilizers Law No. 15/2015 (March 23, 2015)
149. Law Amending the Land and Revenue Act No. 16/2015 (March 25, 2015)
150. Union Tax Law No. 17/2015 (April 2, 2015)
151. Law Amending the Commercial Tax Law No. 18/2015 (April 2, 2015)
152. National Planning Law for 2015-2016 Budget Year No. 19/2015 (April 9, 2015)
153. Union Budget Law 2015 No. 20/2015 (April 9, 2015)

154. Myanmar Port Authority Law No. 21/2015 (April 9, 2015)
155. Law Revoking the 1993 Towns and Cities Development Council Law No. 22/2015 (April 9, 2015)
156. Small and Medium Enterprises Development Law No. 23/2015 (April 9, 2015)
157. Highways Law No. 24/2015 (April 9, 2015)
158. Commission for Translation Law No. 25/2015 (April 9, 2015)
159. Myanmar Medical Council Law No. 26/2015 (April 9, 2015)
160. Nurse and Midwife Council Law No. 27/2015 (May 19, 2015)
161. Health Care for Population Control No. 28/2015 (May 19, 2015)
162. Inland Transport Vessels Law No. 29/2015 (May 19, 2015)
163. Rights of Disabled Persons Law No. 30/2015 (June 5, 2015)
164. Myanmar Accountancy Law No. 31/2015 (June 9, 2015)
165. Second Law Amending the Pyithu Hluttaw Elections Law No. 32/2015 (June 17, 2015)
166. Second Law Amending the Amyotha Hluttaw Elections Law No. 33/2015 (June 17, 2015)
167. Second Law Amending the Region and State Hluttaw Elections Law No. 34/2015 (June 17, 2015)
168. Law Amending the Procedures of the Amyotha Hluttaw Law No. 35/2015 (June 25, 2015)
169. Law Amending the Approval of the Amendment Draft of the 2008 Constitution Referendum Law No. 36/2015 (June 25, 2015)
170. Law Amending the Lower Myanmar Ward and Village Lands Act No. 37/2015 (June 25, 2015)
171. Law Amending the 2014 National Education Law No. 38/2015 (June 25, 2015)
172. Boiler Law No. 39/2015 (July 14, 2015)
173. Third Law Amending the Union Election Commission Law No. 40/2015 (July 14, 2015)
174. National Committee for Myanmar Large Dams Law No. 41/2015 (July 14, 2015)
175. Law Relating to the Union Budget Use No. 42/2015 (July 15, 2015)
176. Protection of Antiques and Historical Artifacts Law No. 43/2015 (July 22, 2015)
177. Second Law Amending the Development of Border Areas and National Races Law No. 44/2015 (July 22, 2015)
178. Law Amending the 2008 Constitution of the Union of Myanmar No. 45/2015 (July 22, 2015)
179. Second Law Amending the Union Judiciary Law No. 46/2015 (July 28, 2015)
180. Law Amending the Union Civil Services Board Law No. 47/2015 (July 28, 2015)
181. Religious Conversion Law No. 48/2015 (July 28, 2015)
182. Law Amending the Election of the Union President and Vice Presidents Law No. 49/2015 (August 26, 2015)
183. Myanmar Buddhist Women Special Marriage Law No. 50/2015 (August 26, 2015)
184. Preservation and Protection of Historical Buildings Law No. 51/2015 (August 26, 2015)
185. Myanmar Red Cross Society Law No. 52/2015 (August 26, 2015)
186. Television and Broadcasting Law No. 53/2015 (August 28, 2015)
187. Monogamy Law No. 54/2015 (August 31, 2015)
188. Motor Vehicle Law No. 55/2015 (September 7, 2015)
189. Law Amending the Procedures of the Pyithu Hluttaw Law No. 56/2015 (September 7, 2015)
190. Blood and Blood Related Materials Law No. 57/2015 (November 25, 2015)
191. Organ Donation Law No. 58/2015 (November 25, 2015)
192. Law Revoking the Pensions Act No. 59/2015 (November 25, 2015)

193. Law Amending the Highways Law No. 60/2015 (November 27, 2015)
194. Second Law Amending the Use of Roads and Bridges Law No. 61/2015 (November 27, 2015)
195. Law Amending the Roads Law No. 62/2015 (November 27, 2015)
196. Second Law Amending the Procedures of the Pyidaungsu Hluttaw Law No. 63/2015 (December 15, 2015)
197. Law Amending the 2012 Foreign Exchange Management Law No. 64/2015 (December 15, 2015)
198. Union Supplementary Budget Law No. 65/2015 (December 15, 2015)
199. Law Amending the Myanmar Excise Act No. 66/2015 (December 22, 2015)
200. Law Amending the 2012 Foreign Investment Law No. 67/2015 (December 22, 2015)
201. Law Amending the 2013 Myanmar Citizens Investment Law No. 68/2015 (December 22, 2015)
202. Law Amending the Insurance Business Law No. 69/2015 (December 22, 2015)
203. Law Amending the Saving Banks Law No. 70/2015 (December 22, 2015)
204. Law Amending the Veterinary Council Law No. 71/2015 (December 22, 2015)
205. Law Amending the Mining Law No. 72/2015 (December 24, 2015)
206. Law Amending the Evidence Act No. 73/2015 (December 24, 2015)
207. Law Amending the Multi-Modal Transport Law No. 74/2015 (December 28, 2015)
208. Law Amending the Myanmar Lighthouses Act No. 1/2016 (January 5, 2016)
209. Public Debt Management Law No. 2/2016 (January 5, 2016)
210. Road Carriers Law No. 3/2016 (January 5, 2016)
211. Railway Carriers Law No. 4/2016 (January 5, 2016)
212. Arbitration Law No. 5/2016 (January 5, 2016)
213. Law Amending the Penal Code No. 6/2016 (January 7, 2016)
214. Third Law Amending the Pyithu Hluttaw Election Law No. 7/2016 (January 18, 2016)
215. Third Law Amending the Amyotha Hluttaw Election Law No. 8/2016 (January 18, 2016)
216. Third Law Amending the Region or State Hluttaw Election Law No. 9/2016 (January 18, 2016)
217. Legal Aid Law No. 10/2016 (January 18, 2016)
218. Special Commodity Tax Law No. 11/2016 (January 18, 2016)
219. Law Amending the 1951 Factories Act No. 12/2016 (January 20, 2016)
220. Second Law Amending the Ward and Village Tract Administration Law No. 13/2016 (January 20, 2016)
221. Pesticide Law No. 14/2016 (January 20, 2016)
222. Protection of New Species of Plants Law No. 15/2016 (January 20, 2016)
223. Law Amending the Code of Criminal Procedure No. 16/2016 (January 20, 2016)
224. Payment of Wages Law No. 17/2016 (January 25, 2016)
225. Shops and Enterprises Law No. 18/2016 (January 25, 2016)
226. National Planning for 2016-2017 Fiscal Year Law No. 19/2016 (January 25, 2016)
227. Financial Institutions Law No. 20/2016 (January 25, 2016)
228. Union Budget for 2016 Law No. 21/2016 (January 25, 2016)
229. Union Tax Law for 2016 No. 22/2016 (January 25, 2016)
230. Second Law Amending the Myanmar Gems Law No. 23/2016 (January 29, 2016)
231. Condominium Law No. 24/2016 (January 29, 2016)
232. Presidential Immunity Law No. 25/2016 (January 29, 2016)

## Annex Three: Comparative List of Parliamentary Committees (2011 and 2016)

**Table A: List of parliamentary committees in the two successive Pyithu Hluttaws**

| USDP-LED PYITHU HLUTTAW (2013)                                              | NLD-LED PYITHU HLUTTAW (2016)                                                       |
|-----------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| Bill Committee                                                              | Bill Committee                                                                      |
| Public Accounts Committee                                                   | Public Accounts Committee                                                           |
| Government's Guarantees, Pledges, and Undertakings Vetting Committee        | Government's Guarantees, Pledges, and Undertakings Vetting Committee                |
| Hluttaw Rights Committee                                                    | Hluttaw Rights Committee                                                            |
| Citizens' Fundamental Rights, Democratic Rights, and Human Rights Committee | Citizens' Fundamental Rights, Democratic Rights, and Human Rights Committee         |
| National Races and Peacemaking Affairs Committee                            | National Races and Peacemaking Committee                                            |
| Rule of Law, Peace, and Tranquillity Committee                              | Not renewed                                                                         |
| International Relations Committee                                           | International Relations Committee                                                   |
| Banks and Monetary Development Committee                                    | Banks and Monetary Development Committee                                            |
| Financial Development Committee                                             | Not renewed (merged with Economic Affairs Committee)                                |
| Farmers, Workers, and Youth Committee                                       | Farmers and Workers Committee                                                       |
| Economy and Commerce Development Committee                                  | Economy and Financial Development Committee                                         |
| Transportation, Communication, and Construction Committee                   | Transportation, Communication, and Construction Committee                           |
| Sports, Culture, and Public Relations Development Committee                 | Not renewed (merged with Health Committee)                                          |
| Agriculture, Livestock, and Fisheries Committee                             | Agriculture, Livestock, and Rural Development Committee                             |
| Investments and Industrial Development Committee                            | Investments and Industrial Development Committee                                    |
| Natural Resources and Environmental Protection Committee                    | Natural Resources and Environmental Protection Committee                            |
| Health Promotion Committee                                                  | Health and Sports Development Committee                                             |
| Education Promotion Committee                                               | Education Promotion Committee                                                       |
| Justice and Legal Affairs Committee                                         | Justice and Legal Affairs Committee                                                 |
| Public Administration Committee                                             | Public Administration Committee                                                     |
| Women and Children's Protection Committee                                   | Not renewed                                                                         |
| Population and Social Development Committee                                 | Not renewed                                                                         |
| Reforms, Modernization, and Development Vetting Committee                   | Not renewed                                                                         |
| Waterways Transportation Committee                                          | Not renewed (merged with Transportation, Communication, and Construction Committee) |
| Not formed                                                                  | Electricity and Energy Development Committee                                        |

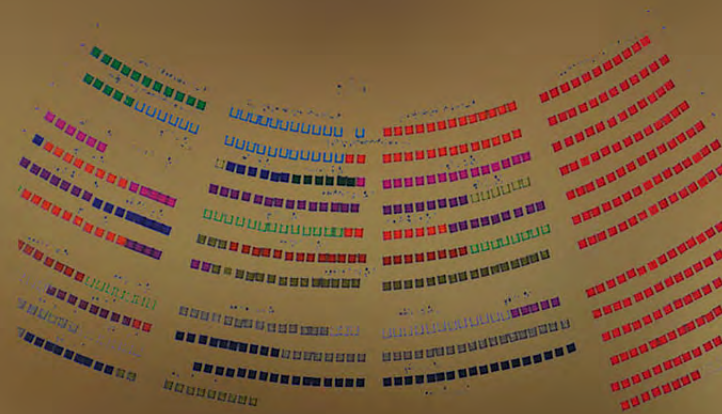
|            |            |
|------------|------------|
| Total = 25 | Total = 19 |
|------------|------------|

**Table B: List of parliamentary committees in the two successive Amyotha Hluttaws**

| USDP-LED<br>AMYOTHA HLUTTAW (2013)                                          | NLD-LED<br>AMYOTHA HLUTTAW (2016)                                             |
|-----------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| Bill Committee                                                              | Bill Committee                                                                |
| Public Accounts Committee                                                   | Public Accounts Committee                                                     |
| Government's Guarantees, Pledges, and Undertakings Vetting Committee        | Government's Guarantees, Pledges, and Undertakings Vetting Committee          |
| Hluttaw Rights Committee                                                    | Hluttaw Rights Committee                                                      |
| Citizens' Fundamental Rights, Democratic Rights, and Human Rights Committee | Citizens' Fundamental Rights, Democratic Rights, and Human Rights Committee   |
| Public Complaints and Petition Committee                                    | Public Complaints Committee                                                   |
| National Races Affairs Committee                                            | National Races Affairs Committee                                              |
| International Relations Committee                                           | International Relations, Interparliament Relations, and Cooperation Committee |
| NGO and INGO Affairs Committee                                              | NGOs and INGOs Committee                                                      |
| ASEAN Politics and Security Community Committee                             | Not renewed                                                                   |
| Women and Children Affairs Committee                                        | Women and Children Affairs Committee                                          |
| Monetary, Customs, and Taxation Affairs Committee                           | Not renewed                                                                   |
| Economy and Commerce Committee                                              | Not renewed                                                                   |
| Education, Health, and Cultural Affairs Committee                           | Education Promotion Committee                                                 |
| Not formed                                                                  | Health, Sports, and Cultural Affairs Committee                                |
| National Planning Committee                                                 | Not renewed                                                                   |
| Domestic and Overseas Workers Affairs Committee                             | Domestic and Overseas Workers Affairs Committee                               |
| Mining and Natural Resources Committee                                      | Mining, Natural Resources, and Environmental Protection Committee             |
| Farmers and Rural Affairs Committee                                         | Farmers Affairs Committee                                                     |
| Not formed                                                                  | Agriculture, Livestock, and Water Resources Development Committee             |
| Total = 18                                                                  | Total = 16                                                                    |

**Table C: List of joint committees in the two successive Pyidaungsu Hluttaws**

| USDP-LED<br>PYIDAUNG SU HLUTTAW (2013)                      | NLD-LED<br>PYIDAUNG SU HLUTTAW (2016)                 |
|-------------------------------------------------------------|-------------------------------------------------------|
| Joint Bill Committee                                        | Joint Bill Committee                                  |
| Joint Public Accounts Committee                             | Joint Public Accounts Committee                       |
| Planning and Financial Development Joint Committee          | Not renewed                                           |
| Hluttaw Representatives Vetting Joint Committee (2011-2013) | Not renewed                                           |
| Constitutional Review Joint Committee (2013-2015)           | Not renewed                                           |
| Joint Coordination Committee on Parliamentary Development   | Joint Committee on Hluttaw Development Coordination   |
| Not formed                                                  | Joint Committee on Interparliament Union              |
| Not formed                                                  | Joint Committee on Inter-ASEAN Parliamentary Assembly |



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