

Burma's new constitution has again become a center of debate among foreign experts, diplomats and social workers working with their different missions, searching for a solution to the current political conflict between democracy and military authoritarianism.

The most recent driving factor that awoke their interest is a numerical calculation of the dynamic of the post-election bicameral parliament reached by a locally-grown so-called think tank, EGRESS, based in Rangoon.

According to this calculation, if the people correctly elect 333 candidates who will truly represent the people's desires and interests, the new legislative body will be capable of passing new laws for the benefit of the people, regardless of the military's 25 percent share of seats in parliament.

A deeper analysis of the calculation discloses two key messages: The new constitution and the legislative body emerging under it will have a relatively functioning democratic space and the upcoming election will mark a change for the country.

So let's do the math! The 333 parliamentarians represent the 51 percent of the highest legislative body, the *Pyidaungsu Hluttaw* (Union Assembly), which is composed of the 664 seats: a combination of the 440-seat Pyithu Hluttaw (People's Assembly) and 224-seat Amyotha Hluttaw (Nationalities Assembly).

Obviously, the EGRESS speculation was based on Article 86 (a) of the constitution which reads: "A matter that shall be resolved in the *Pyidaungsu Hluttaw*, save as otherwise provided by the Constitution, shall be determined by a majority of votes of the representatives of the *Pyidaungsu Hluttaw* who are present and voting." The Pyithu Hluttaw will practice the same principle, according to Article 129 (a).

It looks good—and is a great lure for those pro-junta advocates who are often thought to be experts on Burma and who tour the globe trying to convince governments that Burma's new constitution is not as bad as they thought.

Whether this proposal is a truth or a trick is best tested by looking at past and present reality.

In an interview with the media not long after the constitutional referendum in 2008, a foreign diplomat said that while the junta currently held 100 percent of the power after the election it would command 25 percent and relinquish the remaining 75 percent. Then he asked: "Isn't it better?"

The reality, however, is that the junta has formed a political party that enables the generals to retain the 75 percent and guarantees them continuing power. The so-called Burma experts are unaware that they have fallen into the trap of the junta's psycho-warfare operations, unwittingly carrying out the generals' interests.

Meanwhile, the "333" numerical speculation has come at a time when the election is around the corner and frustration is increasing among the political parties at the junta's total unfairness in

the pre-election process.

Based on evidence provided by the 2008 constitution, the dynamic of the new bicameral parliament is largely uncertain. Even if the members of the parliaments who claim to be pure democrats, contrary to the junta-backed ones, won 333 seats in the bicameral parliament, their authority is strictly limited by the new executive body led by the president.

This evidence can be found in the area of the country's annual budget bill, a very sensitive area where the stability and development of the country can be decided by the rights and responsibilities shared by the legislative and executive bodies.

The constitution explicitly stipulates that the president will submit the country's "Union Budget Bill" to the *Pyidaungsu Hluttaw* and that members of parliament have no right to "refuse or curtail" certain parts of the budget.

Article 103 (a) reads: "The President or the person assigned by him, on behalf of the Union Government, shall submit the Union Budget Bill to the *Pyidaungsu Hluttaw*."

However, Article 103 (b) severely restricts the dynamic and power of the parliament with four specific conditions and lists areas of the Union Budget Bill that "shall be discussed at the *Pyidaungsu Hluttaw*, but not refused or curtailed."

The areas are: First, expenditures of the whole executive body, including the Defense Ministry; Second, debts for which the Union is liable and expenses relating to the debts, and other expenses relating to the loans taken out by the Union; Third, expenditures required to satisfy a judgment, order, decree of any Court or Tribunal; and Fourth, other expenditures which are to be charged by any existing law or any international treaty.

The extent of those areas covers almost the entire budget and makes clear that the new bicameral parliament will have no power to influence it.

At this point, the question is: How can the 333 MPs who are devoted to serve the people work for the best interests of the people?

It can be argued that the 333 MPs can control the presidency election and elect a president who is loyal to them. But there is no electoral law yet for electing a new president of Burma and nobody knows if president is to be elected by a simple majority vote or another voting system.

The formulation of a presidency electoral law will doubtless be in the hands of the junta's Union Election Commission and the presidency voting system will depend on the results of the parliamentary election.

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