

52

Will Aung San Suu Kyi be President of Burma?

(11:20 AEDT, 16 May 2013)

Even two years out from the next national election in Myanmar, there was considerable speculation about the possibility that Aung San Suu Kyi might fulfil her strong wish to become the country's next president. However, there were major obstacles preventing that from happening, not least being the difficulty of changing the 2008 constitution and the armed forces' apparent determination to deny her the top job.

One question uppermost in the minds of many who attended last week's Lowy Institute panel discussion on Burma¹ was whether Aung San Suu Kyi might become president when Thein Sein's five-year term of office expires in 2015. There is no simple answer to this question, but it may be helpful to look at some of the challenges the popular opposition leader would need to overcome to become president.

She is sometimes reluctant to say so, but it is clear that Aung San Suu Kyi wants to become President of Burma.² Her own ambition and profound sense of destiny aside, she will turn 70 in 2015 and, if she misses her

1 'Lowy Lecture Series: Burma's Transition: Progress and Prospects', The Lowy Institute, Sydney, 8 May 2013, www.lowyinstitute.org/events/lowy-lecture-series-burmas-transition-progress-and-prospects [now at www.lowyinstitute.org/news-and-media/multimedia/video/lowy-lecture-series-burmas-transition-progress-and-prospects].

2 Mizuo Aoki, 'Suu Kyi Hopes to Surmount Obstacles to Presidency', *Japan Times*, 18 April 2013, www.japantimes.co.jp/news/2013/04/18/national/suu-kyi-hopes-to-surmount-obstacles-to-presidency/.

chance, there may not be another. Several legal and procedural steps would need to be taken before she can bid for the top job, but the key factor will be the attitude of the armed forces (*Tatmadaw*).

Predicting Burma's future is always a risky proposition but, looking ahead, two possible scenarios present themselves. One reflects the hopes of millions of people inside and outside the country. The other reflects their fears.

Under the first scenario, Burma's election laws would be revised and the electoral rolls updated, in anticipation of a national poll in 2015.³ If it is free and fair, there is little doubt the NLD would win a large majority. Not only is there strong support for political change, but also Aung San Suu Kyi remains enormously popular. The NLD's campaign slogan in the 2012 by-elections—that 'a vote for the NLD is a vote for Aung San Suu Kyi'—saw the party win most of the available seats.⁴

More importantly, the 2008 constitution would have to be amended. Other parts of the charter are relevant, but the main obstacle to an Aung San Suu Kyi presidency is Clause 59(f). Under this provision, the president cannot have any children who are citizens of a foreign country, nor can their children's spouses be foreigners. Aung San Suu Kyi's two sons are British subjects and both are married to non-Burmese citizens. Until this clause is amended, she cannot become president—as was doubtless its intention.

Consideration is being given to amending the constitution. Aung San Suu Kyi has declined to discuss the possibility of specific changes to Clause 59(f),⁵ but it is apparently a subject of debate within official circles. The government has stated that it does not have a problem with Aung San Suu Kyi becoming president,⁶ but the majority USDP has

3 The Associated Press, 'Myanmar: A Warning on Voter Lists', *The New York Times*, 8 March 2012, www.nytimes.com/2012/03/09/world/asia/myanmar-a-warning-on-voter-lists.html?_r=0.

4 Kyaw Kyaw, 'Analysis of Myanmar's NLD Landslide', *New Mandala*, 1 May 2012, asiapacific.anu.edu.au/newmandala/2012/05/01/analysis-of-myanmars-nld-landslide/.

5 Daniel Pye and Tha Lun Zaung Htet, 'Aung San Suu Kyi Says Burma to Amend "World's Most Difficult Constitution"', *The Irrawaddy*, May 2013, www.irrawaddy.org/archives/34296 [page discontinued] [now at www.irrawaddy.com/election/news/suu-kyi-says-burma-to-amend-worlds-most-difficult-constitution/].

6 'Burma to Allow Suu Kyi's Presidential Bid, Aung Min Tells US Audience', *The Irrawaddy*, 26 April 2013, www.irrawaddy.org/archives/33149 [page discontinued] [now at www.irrawaddy.com/election/news/burma-to-allow-suu-kyis-presidential-bid-aung-min-tells-us-audience/].

expressed opposition to the idea.⁷ Under the first scenario, however, more than 75 per cent of the parliament would vote in favour of the relevant amendment, clearing the way for Aung San Suu Kyi to be a candidate.

The final step in this process would be for the president to be chosen by an electoral college consisting of members of both houses of the national parliament. Assuming an NLD landslide in the 2015 elections, and the successful amendment of the constitution, this should not present any problems. Even if opposed by the 25 per cent of parliament reserved for serving military officers, the NLD should have the numbers to vote Aung San Suu Kyi into the country's highest office, probably in early 2016.

The second—and possibly more likely—scenario delivers a completely different result.

The *Tatmadaw* has loosened its grip on national politics, but it remains the most powerful political institution in the country.⁸ The constitution guarantees it a leading role in Burma's national affairs—something that Commander-in-Chief Min Aung Hlaing reaffirmed at the annual Armed Forces Day parade in March.⁹ Should the military leadership and its supporters in government and parliament oppose Aung San Suu Kyi's elevation, it is difficult to see her becoming president.

The easiest way for them to prevent her candidacy would be to oppose any changes to Clause 59(f) in the constitution. The legal requirement for 'more than' 75 per cent of all MPs to vote in favour of an amendment gives the military bloc an effective veto over constitutional change.

The *Tatmadaw's* views about Aung San Suu Kyi are mixed. Past voting patterns suggest that many in the ranks support her and the NLD's campaign for a genuine democracy. But others seem to worry that she plans to reduce defence spending, dismantle the apparatus that has sustained the armed forces for decades, remove the protections granted by the constitution and deny them their guardianship role. Some officers are

7 'Suu Kyi Won't Be President, Ruling Party Says', *United Press International*, [Washington, DC], 26 April 2013, www.upi.com/Top_News/Special/2013/04/26/Suu-Kyi-wont-be-president-ruling-party-says/67701366992651/.

8 Adam P. MacDonald, 'The Tatmadaw's New Position in Myanmar Politics', *East Asia Forum*, 1 May 2013, www.eastasiaforum.org/2013/05/01/the-tatmadaws-new-position-in-myanmar-politics/.

9 James Hookway, 'Military Asserts its Role in Myanmar Democracy', *The Wall Street Journal*, 27 March 2013, online.wsj.com/article/SB10001424127887323361804578386083999202130.html.

reportedly also concerned about her closeness to foreign powers and her past readiness to use them to support her domestic political agenda—for example, by imposing economic sanctions.

Other presidential candidates are likely also to play a role. Despite poor health, Thein Sein may choose to seek a second term.¹⁰ Another contender could be Shwe Mann, Chairman of the USDP and Speaker of the lower house. *Tatmadaw* chief Senior General Min Aung Hlaing may also throw his hat into the ring. As former and serving generals, all three would probably be considered safer bets by the armed forces hierarchy than a civilian democrat leading a fractious and inexperienced party that has been highly critical of the former military government and its carefully crafted constitution.

All this is known to Aung San Suu Kyi. It has probably been with such issues in mind that she has publicly acknowledged the *Tatmadaw's* important political role and its autonomy in military affairs.¹¹ While calling for constitutional amendments to strengthen democracy in Burma, she has tried to reassure the armed forces leadership that she does not pose a threat to their interests.¹² This has alienated some of her supporters but, if she manages to win the *Tatmadaw's* trust, it would maintain the momentum of the current reform program and possibly help open the path to the presidency.¹³

Rumours are swirling around Burma about various deals that would permit the relevant part of the constitution to be amended prior to the national elections. However, 2015 is still a long way off and such an outcome is far from certain. Aung San Suu Kyi becoming president, and leading a government and parliament dominated by the NLD, is not a prospect that everyone in Burma looks upon favourably. Over the next two years, the only guarantee is that there will be more than a few people working hard to prevent that from happening.

10 Lawi Weng, 'Thein Sein Still a USDP Leader, May Be Party's 2015 Presidential Pick: Lawmaker', *The Irrawaddy*, 3 May 2013, www.irrawaddy.org/archives/33709 [page discontinued] [now at www.irrawaddy.com/election/news/thein-sein-still-a-usdp-leader-may-be-partys-2015-presidential-pick-lawmaker].

11 Soe Than Lynn, 'Identify Causes of Kachin Fighting, Urges Suu Kyi', *Myanmar Times*, [Yangon], 14 January 2013, www.mmtimes.com/index.php/national-news/3775-identify-causes-of-kachin-fighting-urges-nld-leader.html.

12 'Aung San Suu Kyi Reaches Out to Burmese Military', *Voice of America*, 5 March 2012, www.voanews.com/content/aung-san-suu-kyi-reaches-out-to-burmese-military-141581403/179955.html [page discontinued] [now at www.voanews.com/archive/aung-san-suu-kyi-reaches-out-burmese-military].

13 Daniel Ten Kate and Kyaw Thu, 'Suu Kyi Courts Military With Eye on Presidency: Southeast Asia', *Bloomberg*, 12 February 2013, www.bloomberg.com/news/2013-02-11/suu-kyi-courts-military-with-eye-on-presidency-southeast-asia.html.

This text is taken from *Interpreting Myanmar: A Decade of Analysis*,
by Andrew Selth, published 2020 by ANU Press, The Australian
National University, Canberra, Australia.