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Myanmar's Democratic Transition: Who will be President?

By Naoko Kumada and Kyaw San Wai

Synopsis

Aung San Suu Kyi's party won a landslide victory in Myanmar's recent general elections. Speculation is rife on who will become the next president.

Commentary

THE NATIONAL League for Democracy (NLD) led by Aung San Suu Kyi won a landslide victory in historic elections on 8 November 2015. It is seen as ushering the end of half a century of military-dominated governments and another step in Myanmar's arduous transition.

Despite its image as the main obstacle to democracy, Myanmar's reform process could not have happened without the tacit support of the military leadership, particularly former strongman Senior General Than Shwe. He precipitated the country's transition to "disciplined democracy" under President Thein Sein's stewardship. The process has proceeded according to some kind of transition plan backed by the senior military leadership. This plan was driven by two factors: a genuine realisation among the ruling elite that Myanmar needs to catch up with its neighbours; and to secure an 'exit strategy' for Than Shwe and his family. The elections also conferred more trust and legitimacy to the reform process.

A smooth transition of power?

While the military and the ruling Union Solidarity and Development Party (USDP) were surprised by the scale of the NLD's electoral victory, they had set the election in motion with full knowledge that Suu Kyi could win. The NLD, which had won 80% of seats and 59% of the popular vote in the 1990 Constitutional Assembly, and

bagged 43 out of 44 seats in the 2012 by-elections, garnered 78% of seats and 57% of the popular vote in 2015.

While the NLD is set to form the next government, its ability to function smoothly will depend on whether the NLD and the military can co-exist, build trust and work together. Despite its overwhelming victory at the polls, the NLD will have to work with the military. The 2008 constitution allocates 25% of all parliamentary seats to unelected military officers who will nominate one of three Vice Presidential candidates. The military will also appoint three powerful ministers - for Home Affairs, Defence, and Border Security.

The NLD's conduct in the run-up and post-election periods indicates it is leaving no stones unturned regarding the transition. The NLD selected candidates will toe the party line; once the results became apparent, NLD urged its supporters to celebrate respectfully. Notably, Suu Kyi reached out to meet with both President Thein Sein and Army Commander-in-chief Senior General Min Aung Hlaing. These meetings served as a prelude to Suu Kyi's low key but significant meeting with former strongman Senior General Than Shwe who reportedly said that he would support Suu Kyi "as best as he can" and referred to her as Myanmar's "future leader". This amicable meeting with Than Shwe and between her and other key players, are as crucial as the election results themselves, opening a new page in the history of Myanmar.

It remains unclear what Than Shwe's reported remarks entail, but it is the clearest indication yet that the military intends to honour the results. The government stated that it had prepared for the transition process since 2014. Along with a general sense of excitement, there is uncertainty regarding the transition process that will dissipate only when the next government takes over in April 2016. One of the major issues is who Myanmar's next president will be.

Who will be president?

Myanmar's president is elected by an electoral college composed of parliamentary representatives. According to Section 60 of the constitution, three vice presidential candidates are nominated by elected members of the Upper House, elected members of the Lower House, and unelected military representatives of the Union parliament, respectively. The candidate who secures the most votes from these three blocs assumes the presidency while the other two become vice presidents. The NLD's wide margin of victory allows it to determine the president and one of the vice presidents, while the military's nominee will be a Vice President at the least. Given Myanmar's ethnic dynamics, one of the NLD's nominees will likely be one of the major ethnic groups such as the Karen, Kachin or Rakhine. (The current USDP's vice president, Dr Sai Mauk Hkam, is ethnic Shan.)

As her two sons hold foreign citizenship, Suu Kyi is constitutionally barred from becoming president. A constitutional amendment on this score will be an uphill battle, requiring more than 75% approval from both houses of parliament, including military representatives. Suu Kyi stated that she will be 'above the President,' while a close advisor has said the president will be somebody who obeys her, is non-

controversial and has a low public profile. Parliamentary Speaker and ousted USDP chairman Shwe Mann was ruled out.

Who she chooses to be president will likely be made public only after the Cabinet line-up is announced. Without a clear nominee, speculation is rife. Names include Suu Kyi's personal physician Tin Myo Win, the 89-year old NLD Emeritus Chairman and former commander-in-chief Tin Oo, NLD parliamentarian Win Htein, and party spokesperson and Suu Kyi's personal attorney, Nyan Win. Given the political landscape, the president will have to be somebody who both the NLD and the military agree upon.

Other options

One possible avenue is to for the NLD to nominate Suu Kyi as a candidate, suspend her temporarily, institute relevant constitutional amendments and then pave the way for Suu Kyi to assume the presidency. Suu Kyi did not discuss constitutional amendments when she conducted her post-election meetings with Thein Sein and Min Aung Hlaing. Some observers think that Thein Sein might remain as a caretaker president for a couple of years, while Suu Kyi works on constitutional amendment and then take over once her constitutional road opens up.

However, she will face hurdles in this endeavour. One of these is that she had sworn to protect and safeguard the constitution when she took the oath in 2012. There are also questions as to whether Suu Kyi might be more effective if she does not become president. The constitution stipulates executive office holders to sever ties with their parties. Suu Kyi remains the backbone and lynchpin of the NLD, and not being in executive office would make her more effective in orchestrating the reforms.

Going Forward

The NLD's government is expected to be one of national unity and reconciliation, transcending political and identity boundaries. The NLD's landslide victory has only strengthened the Messianic hope many have placed upon Suu Kyi. There is a tall laundry list of problems needing to be tackled, and it will be a steep learning period for the next government, especially as it will be the first time the NLD assumes the mantle of governance. Her choice of president, and how she tackles the various structural and political hurdles will be closely watched.

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