CREAUD EGRETEAU

CRAFTING PARLIAMENT IN MYANMAR’S DISCIPLINED DEMOCRACY
(2011—2021)
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RENAUD EGRETEAU
To Charles and Oscar.
How does a functioning, representative, and lawmaking body emerge from a decade-old military regime? How can it determine the post-authoritarian trajectory of a deeply fragmented society? In the course of the 2010s, the reconvening of a partially elected legislature in Myanmar puzzled many an observer. In the aftermath of fraudulent elections held in November 2010, the military regime crafted after the coup d'état of 1988 eventually disbanded. A novel ‘Parliament of the Union’ (or Pyidaungsu Hluttaw, codified by the Constitution ratified in 2008) emerged, along with fourteen state and regional assemblies. It started to scrutinize a whole range of public spending policies and initiated plenary discussions on new pieces of legislation. It summoned ministers to the floor and allowed for new, startling forms of political participation in a country long ruled by men in uniform. But in February 2021 it was also rudely shut down by another coup d'état staged after a mere decade of legislative resurgence.

This book sets out to explain how, and why, such a parliamentary institution could resurface—and perform classical legislative functions and duties—in a polity that has had only limited experience with civilian rule and elected assemblies since it won independence from Britain in 1948. I shall argue that the legislature of the Union has offered a remarkable illustration of how a representative and policy-influencing body tasked with the scrutiny of other branches of government can rematerialize within the relatively brief span of a decade. Drawing on long-forgotten institutional legacies, past legislative rituals, standard parliamentary procedures but also a large dose of empiricism, Myanmar’s revived parliament effectively functioned for two full legislative terms. Its elected and appointed members learned and executed routine legislative responsibilities, be it under the government of the army-backed Union Solidarity and Development Party, USDP (2011–2016) or that of its successor the National League for Democracy, NLD (2016–2021). It did so, however, with many flaws and has been the object of much criticism, if not ridicule. It is the weaknesses and contradictions—but also strengths and qualities—of such legislative developments that my study seeks to highlight, and discuss. The research builds on a six-year long investigation (2013–2019) that has included in-depth interviews, ethnographic observation, archival research, and legislative records analysis. It suggests that there are lessons to be learned from such a case, particularly if parliament is (again) to be restored in Myanmar after the latest, tragic military seizure of government in February 2021.
Many individuals and institutions have contributed to my understanding of the research puzzle and questions that have animated this investigation in the 2010s. A fellowship-in-residence at the Woodrow Wilson International Center for Scholars (WWICS), headquartered on Pennsylvania Avenue in Washington DC, planted the seeds of this book. The leadership at the Wilson Center—in particular Jane Harman, its president (2011–2021) and Robert S. Litwak, senior vice-president in charge of research fellowships—must be thanked here for entrusting me with a busy year among them. I am also particular grateful to Lindsay Collins, Kim Conner, and Arlyn Charles for their joyful presence and help during my tenure in 2015–2016. Michael Kugelman, deputy director of the Asia Program, and Charles Kraus both merit thanks for listening to my ideas. My interns, Derek Maseloff in the Fall semester and John Indergaard in the Spring semester, provided precious assistance for data collection and copy-editing. Both were then undergraduate students at Cornell University and I sincerely hope that their time at the Wilson Center (and with me) proved stimulating. In all, I spent a delightful year in residence, enjoying a high degree of liberty to carry out my writings and communicate about my ongoing research focus on Myanmar politics in and around DC’s (infamous) Federal Triangle. This was indeed a busy, and memorable, election year in both Myanmar and the United States.

I would also like to express my gratitude to three other institutions for their generous support of this project. In Singapore, the ISEAS-Yusof Ishak Institute sponsored parts of the field research I carried out in Naypyitaw and Yangon in early 2015, and again in March 2017. The recommendation and backing of Dr Moe Thuzar, Dr Michael Montesano, and Dr Tin Maung Maung Than were instrumental. The Asia Foundation, a non-profit developmental organization, commissioned in 2016 a report in which I was able to test my preliminary arguments and share my perceptions on the resurgence of parliamentary affairs in Myanmar as well as outline original policy recommendations. The report (Egreteau 2017c) has reached a broad audience and, despite the occasional criticism received from the senior management of the Union parliament, feedback has been very positive. I thank the Asia Foundation for permitting me to re-use in this new book some sections and data published in the report. John Brandon, Kim N. B. Ninh, Matthew B. Arnold, and Mim Koletschka from both the Washington DC and Yangon offices of the Asia Foundation also provided sharp advice and support during the preparation and writing of that report. And Ma Mi Ki Kyaw Myint proved a fantastic research assistant in Naypyitaw. All must be thanked for helping me out. Lastly, I would like to acknowledge the institutional support provided by City University of Hong Kong, and in particular the Department of Asian and International Studies, where I have been teaching comparative politics since 2018. My last fieldtrip to Myanmar for this book project—before a pandemic, and then a coup d’état, shut opportunities for fieldwork down—was supported through a departmental staff development fund (Project No. 0000024062).
I have accumulated many other intellectual debts that must be acknowledged here. I wish to thank for their continuous guidance and encouragement, in suggesting new courses or direction for my research and career, David I. Steinberg, Christina Fink, Christophe Jaffrelot, Ian Holliday, and David Camroux. I have also learned much from (and enjoyed) the many discussions I had on anything Burmese and the state of affairs of Myanmar with (in no particular order) Dr Khin Zaw Win, Thomas Kean, Ko Htin Kyaw Aye, Yoshihiro Nakanishi, Matthew J. Walton, Kim Jolliffe, Mary Callahan, Mael Raynaud, Nicolas Salem-Gervais, Carine Jaquet, Thushitha Perera, Rick Nuccio, Céline Coderey, Su-Ann Oh, David Brenner, Ko Win Min, Gerard McCarthy, Stéphane Huard, Richard Horsey, Sean Turnell, Ko Aung Aung Hlaing, Lex Rieffel, Daw Htay Htay Win and her son Alex Aung Khant, and Romain Caillaud. I received penetrating feedback on my earlier written works on Myanmar's parliamentary and military institutions from Robert H. Taylor, Dr Chit Win, Dr Tin Maung Maung Than, Andrew Selth, Nick Cheesman, and Dr (Maung) Aung Myoe. A handful of my colleagues at City University of Hong Kong have also offered sharp suggestions on earlier draft chapters: Thomas N. Patton, another old Burma hand and weikza fan, as well as Daniel Lynch in particular. A special thanks to Mark R. Thompson, Head of the Department of Asian and International Studies until 2022 for his constant encouragement.

Beyond Hong Kong, I owe great debts to Emeritus Professor and legislative studies pundit Michael Mezey for his personal insights on parliamentary matters and insightful comments on an earlier paper. I would also like to express my gratitude to Hong Ta-Moore, from the Southeast Asian Division at the Library of Congress, Washington DC, for his advice on archival research. The final stage of this project grew with the professional guidance of Dominic Byatt, politics editor at Oxford University Press, and Olivia Wells, senior assistant commissioning editor at OUP. I want to pay particular attention to Dominic’s enthusiastic support in overseeing this project from proposal to publication, and his patience as I—and Myanmar—coped with the latest coup de force of the Burmese armed forces and shutting down of parliament in February 2021. I am also grateful to Kim Allen’s careful and effective copy-editing. Last but not least, three referees have reviewed this manuscript and provided detailed suggestions for revision and improvements. If the book greatly benefited from their encouraging comments and feedback, the usual disclaimers apply and any errors or shortcomings remain mine.

In Yangon, the Embassy of France has always provided an invaluable on-site support and was always instrumental in securing official meetings for me in Naypyitaw. I heartily thank here Ambassador Thierry Mathou and his two successors, Olivier Richard and Christian Lechervy, as well as Guillaume Habert, Sonia Tebbakh, Françoise Puig-Inza, and Anthony Nguyen Van Ton for their kind assistance from Pyidaungsu Yeiktha Road. U Kyaw Naing merits a special acknowledgement for the countless last-minute phone calls he has made over the
years, going back and forth between the French embassy, the Department of Protocol at Myanmar’s Ministry of Foreign Affairs, the secretariat of various Hluttaw committees, myself and … the country’s much feared Special Branch.

I also wish to thank all the MPs and legislative staff whom I have met since the start of this project, and who so often agreed to chat over a cup of tea in their guesthouse, in one of the (very few) cheap restaurants Naypyitaw has to offer, in the Hluttaw libraries, or in one’s home district. Much of this project has been consolidated through the many informative—sometimes perplexing—interviews and focus groups I have carried out with them. Some of my informants have wished to be anonymous and must thus remain unacknowledged in name. Many have however accepted, and can be thanked publicly here, or in footnotes, for the regular exchanges of ideas we have had over the years (in no particular order): U Nyunt Tin, U Aung Kyi Nyunt, U Ye Tun, Daw Sandar Minn, U Hla Myint Oo, U Soe Thura Tun, (the late) Sheila Nan Tawng, Daw Shwe Shwe Sein Latt, Ma Kyi Pyar, U Maung Maung Latt, Dr Nyo Nyo Thinn, U Nay Phoo Ba Swe and his elder sister Daw Nay Yee Ba Swe, and Ko Nay Phone Latt, as well as in the Hluttaw Offices Daw Aye Aye Khaing, Dr Myat Moe, and Ko Zin Maung Maung.

Lastly, I could never stress enough the influence of my wife: she must be praised here for her constant reassurance at different stages of this project, her daily sacrifices as a mom, wife, but also member of the resilient Kachin community, as well as for the many, many clarifications she has provided me with on any type of Burmese language material.

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In this book, the vernacular terms 'Myanmar', 'Yangon', 'Ayeyarwady', and so on, are preferred, and this without any political connotation. The linguistic and political controversies surrounding the use of Burma vs. Myanmar have been described at length elsewhere, including in my own previous publications (Egreteau and Jagan 2013: xiii–xv; Egreteau 2016: xii), and thus do not need to be reproduced here. I have employed the vernacular ‘Bamar’ to distinguish the ethnic majority of the country—also known as ‘Burman’ in the classic English-language scholarship—from the myriad of other ethnic groups also dwelling in Myanmar such as the Shans, Kachins, Mons, or Nagas, among others. I have, however, used the English adjective ‘Burmese’ to indicate the nationality of all the citizens of Myanmar as well as its dominant and sole official language, to avoid the less inclusive adjective ‘Myanmar’, which literally refers to the sole ethnic Bamar community. Burmese personal names are written in full, including in bibliographical references, as most Burmese do not hold family names. Lastly, I have only sparingly used honorifics and titles such as ‘U’ for senior men and ‘Daw’ for senior women, not out of disrespect, but for ease of simplicity.
Selected glossary of Burmese terms

akan ana hmu  master of ceremony
amyotha naing-ngan-ye  national politics
ana  power (might)
asoya  government
awza  authority, influence (charisma, command)
chinth  lion (mythical)
du ukkada  deputy speaker
du wungyi  deputy minister
eingyi  jacket
gadi thit sa  oath (secular, legal)
gadi thit sa so  oath-taking (secular, legal)
gaung baung  headwear (for men)
gôn theikka  dignity
hluttaw (or hlud-taw)  parliament, legislative house
hluttaw kozah  member of parliament
komiti  committee
komiti athwin yehmu  committee secretary
komiti ukkada  committee chair
kyaing  mace (scepter)
kyaing gyi daw  great royal mace bearer (serjeant-at-arms)
kyan-sa  Book of Oaths (also Bible)
kyan thit sa  oath (religious)
kyan thit sa so  oath-taking (religious)
kyè pwin ma pya megun  question (unstarred)
kyè pwin pya megun  question (starred)
longyi  sarong-like traditional cloth knotted around a man's waist
**mawgun** registry (book of records)

**mè sanda nè** constituency

**mingalaba** greeting

*Myanmar naing-ngan-daw* Myanmar (as a state)

**nat** spirit

**paso** garment similar to a large sarong (for men)

**pati** party (political)

**pati naing-ngan-ye** party politics

**pinni (taikpôn eingyi)** collar-free jacket

**saya** teacher (knowledgeable leader)

**sayadaw-gyi** royal clerk (scribe, religious leader)

**sikan** discipline, rules, regulations

**tapyi** student (learner, disciple)

**tatmadaw** armed forces (royal)

**Tein thein** to safeguard

**thamein** longyi for women (sarong)

**ubade** law, legislation

**ubade kyan** draft bill

**ukkada** speaker (chairperson)

**wungyi** minister
Introduction

The ceremonial was solemn, ritualistic. It was a sunny afternoon in Naypyitaw, Myanmar’s capital since 2005, on the last day of January 2011. More than 600 freshly elected and appointed Members of Parliament (MPs) gathered in the largest of the three massive amphitheatres of the nation’s new parliament, along with dozens of selected guests, diplomats, and reporters. At 15:00, the head of the new administrative office of the Pyidaungsu Hluttaw, the joint house of the revived national legislature, stood up in front of the MPs (hluttaw kozahlè in Burmese), grasped a microphone and announced:

Respected Members of the Pyidaungsu Hluttaw, the first regular session of the first [new] parliament of Myanmar shall start. For this meeting today I, U Myint Thein, Director General at the Hluttaw Office, will act as master of ceremony.

(PDH-1-1-1: 31 January 2011, p. 1)

Within seconds, one of his deputies walked into the half-moon-shaped hall, bowed to salute him, and reached the desk of the speaker (ukkada) on the middle of a high stage dominating the assembly. The master of ceremony (akan ana hmu) continued:

In accordance with Section 76(a) of the Constitution of the Union of Myanmar and the Law on the Rules of Procedures of the Pyidaungsu Hluttaw No. 5/2010, the Speaker of the Amyotha Hluttaw will undertake the duties of chair for this plenary session. When the Speaker enters the meeting hall, I request that all members present shall stand up.

(PDH-1-1-1: 31 January 2011, pp. 1–2)

The 659 MPs who had registered for this first-ever session of Myanmar’s inaugural legislature—who had been elected in controversial elections held three months earlier in November 2010—stood up. They watched, quietly, the entrance of the new house speaker. A second parliamentary officer, in immaculate blue longyi (a Myanmar version of a sarong) and white shirt, preceded him. He held on his right shoulder a colossal golden mace (kyaining). The long sceptre is topped with three gilded chinthe, Myanmar’s mythical lion creatures entrusted with the guardianship of Buddhist monasteries. As ‘great-royal-mace-bearer’ (kyaining gyi daw), the officer...
pompously piloted the speaker, Khin Aung Myint, towards his throne-like wooden chair.

Khin Aung Myint was a retired two-star army general and former Minister of Culture of the State Peace and Development Council (SPDC). Between 2004 and 2007, he was also joint-secretary of the National Convention Convening Committee, the body that presided over a long drawn-out and military-controlled process of constitutional drafting. After a first failed experiment (1993–1996), the military regime that had emerged in 1988 from a coup d’etat staged in Yangon by the armed forces, or Tatmadaw, launched in 2004 a second National Convention (Taylor 2006). Its 702 members had all been handpicked by the SPDC and tasked with the preparation of a new constitutional text that would allow the military regime to disband and be replaced by a ‘post-junta’ political system in which the armed forces would keep their tutelary functions and privileges (Croissant and Kamerling 2013, Bünte 2014, Egreteau 2016). The convention was a key component of the seven-step roadmap towards a ‘discipline-flourishing democracy’ that had been unveiled a year before by then SPDC Prime Minister Khin Nyunt. In this ‘disciplined’ form of semi-democratic governance, policymaking, legislative politics, and popular participation would be rooted in pervasive Buddhist hierarchies, rules (sikan), and understanding of the human nature and society (Walton 2017: 167-174). Eventually, the new constitution was adopted in a highly dubious referendum organized in May 2008.

Chapter Four of the new constitution has specified that legislative power in the post-SPDC, semi-civilian regime was to be vested at the Union level in a two-chamber legislature, comprised of a 224-seat House of Nationalities, or Amyotha Hluttaw, and a 440-seat House of People’s Representatives, or Pyithu Hluttaw (Crouch 2019). When combined, the two houses form the Union legislature, or Pyidaungsu Hluttaw. In effect the new legislature has thus followed a tricameral structure. The first ever general polls for the new parliament were held on 7 November 2010, under the strict, vastly ridiculed control of the SPDC (Englehart 2012). They were handsomely won by the army-backed Union Solidarity and Development Party (USDP), which captured 388 seats out of 493. Aung San Suu Kyi’s party, the National League for Democracy (NLD), had opted for a strategy of boycott on the grounds that the 2008 Constitution was both illegitimate and undemocratic (Tin Maung Maung Than 2011). Three months later, the first post-SPDC legislature was inaugurated in Naypyitaw.

Earlier, on the same day, 31 January 2011, Khin Aung Myint—himself a senior member of the USDP—had been elected speaker of the Amyotha Hluttaw (AH-1-1-1: 31 January 2011, pp. 7–8). As such, he would preside over the new joint parliamentary house for the first half of the five-year legislature, as mandated in Section 76[a] of the Constitution. As he entered the assembly hall, Khin Aung Myint wore an impressive outfit, comprised of a black gown with golden trims, a silk woven longyi, and a yellow gaung baung, the country’s traditional headwear for
men. The entrance ceremony was performed under deep silence. The mace-bearer then placed the golden sceptre upon a richly ornamented altar lying in front of the speaker’s desk, whilst the new speaker sat and adjusted his microphone. ‘You may all be seated,’ continued the master of ceremony. ‘Respected Members of the Pyidaungsu Hluttaw, now is the time for the Speaker to give an opening speech. I would like to invite the Speaker to give his speech’ (PDH-1-1-1: 31 January 2011, p. 2). Myanmar’s first post-SPDC legislature was now in session.

Seasoned observers of Myanmar’s political scene took note of this peculiar mace-bearing spectacle that marked the official start of the legislative session. The reintroduction of a colonial-era parliamentary ritual was, to say the least, startling. A richly ornamented mace plays a symbolic role in Westminster-inspired parliaments (Hawtrey and Barclay 1970: 422). In the 1920s and 1930s, the mace was an essential item of the regalia of the legislative institutions of Myanmar, then a British colony. The ritual retained its symbolism in the Union legislature that the country established after it gained independence from Britain in 1948. Legislative power was then vested in a bicameral house until the Tatmadaw seized power in March 1962 and shut down parliamentary democracy. When a one-party authoritarian legislature reconvened under the semi-civilian socialist regime of General Ne Win between 1974 and 1988, the mace-bearing ritual disappeared. For such a postcolonial society as Myanmar, bruised by decades of heavy militarization and xenophobic nationalism, the re-appropriation in the 2010s of such ceremonial, inspired by a former colonial master, was therefore quite bewildering.

Just as bewildering was the resurgence of a functioning, partially elected parliamentary body in a country under the yoke of military juntas or one-party dictatorship for so many decades. Although riddled with fraud and coercion, the elections held in 2010 ushered in a new legislative branch, constitutionally tasked with the representation of the people, the pre-legislative scrutiny of bills, and the oversight of government expenditures and, tentatively, (mis)behaviour. It was as if, when direct military rule was terminated in 2011 and the SPDC disbanded, parliament was starting over in Myanmar, and the legislative politics of representation, rulemaking, and government accountability were given another chance after years of top-down, unchecked authoritarianism in khaki. Furthermore, Myanmar’s icon of democracy, Aung San Suu Kyi, was soon to become a member of that new parliament. After some fifteen years under house arrest, in April 2012 she gained a seat for a rural constituency south of Yangon. For the first time she was elected by the people—and not merely revered by them—while her party swept a series of by-elections held under far fairer conditions than the previous 2010 polls. Her parliamentary entrance rekindled hopes that the novel legislature could emerge as a transformative body pushing for post-authoritarian change in the 2010s and holding into account a first post-junta government peppered with retired army officers and former members of the old regime (Tin Maung Maung Than 2013). The lifting of international sanctions against Myanmar that very same year, and the
subsequent development of a myriad of parliamentary strengthening schemes endorsed by the community of international donors, fuelled that burst of optimism. Addressing the joint house on 30 April 2012, then UN Secretary-General Ban Ki-moon praised the country’s leadership for reviving the legislative institution, a fundamental body in a democratic regime.¹

The second general election organized after the end of the SPDC rule seemed to confirm this optimistic faith in the potential for democratic progress in Myanmar. The momentous victory of the NLD in November 2015 generated an almost complete renewal of the country’s legislative landscape. Only 67 incumbents were returned and a whopping 87 percent of elected MPs were first-timers. They included schoolteachers, retired lawyers, doctors, social activists, and dozens of former political prisoners.² Many USDP stalwarts and most ethnic politicians who had been part of the constitutional rule between 2011 and 2016 lost their seats. The turnover was widely construed as a crucial step towards transformational change in the country (Kipgen 2016, Thawngmung 2016, Tin Maung Maung Than 2016). Five years later, in November 2020, the third post-SPDC polls held amidst a pandemic revealed a far lower turnover rate, however. The NLD secured another resounding triumph, gathering an estimated 60 percent of the total suffrage.³ But this time, 62 percent of incumbent civilian MPs were returned—some from a different constituency, others from a different chamber. Only 176 candidates elected in the third Union legislature of the post-SPDC era were novice lawmakers.

Then the armed forces seized control of the government, again. In the early hours of 1 February 2021, they detained Aung San Suu Kyi, the outgoing President Win Myint, and several other politicians. The roads to parliament were blocked and the inaugural session of the legislature elected three months earlier was cancelled. The coup d’état rudely shattered hopes of further democratization and a strengthened parliament. Hundreds of thousands of people, of all ages and backgrounds, then marched in protest at the military takeover. Strikes, boycotts, street demonstrations, and a powerful civil disobedience movement rose across Myanmar. The repression ordered by the State Administrative Council (SAC, the name of the new military regime) has since been brutal, with more than 1,000 fatalities in the following six months. Formally committed to respecting the 2008 Constitution—in particular its emergency provisions—the SAC promised a return to an elected civilian government in a year, or two.⁴ This sounds unlikely, given the breadth and strength of the popular resistance to military rule and the highly organized opposition embodied by the Committee Representing the Pyidaungsu Hluttaw (CRPH—a group of deposed MPs led by the NLD) and the parallel government it formed in April 2021.⁵

Yet, both ends of the aisle—Tatmadaw loyalists and pro-democracy leaders alike—share the same view on the essentiality of parliament. The military establishment has considered the legislature such a central institution to its tutelage that it has reserved seats for serving officers in the 2008 Constitution. It continues to
claim that parliamentary elections are essential to a modern political process—even if under army guardianship. For its part, the body set up in February 2021 by deposed legislators and the NLD leadership to consolidate resistance against the SAC has also deliberately included the term parliament (hluttaw) in its name. There does, thus, no longer seem to be an argument for the abolition of parliament in Myanmar in the 2020s, or at least its replacement with something else. Therefore, despite such a short lifespan—only two five-year-long legislatures convened between 2011 and 2021—understanding the design, structures, operations, and inner workings of Myanmar’s legislature as it resurfaced over the past decade does matter.

This book tells this story. How could such a functioning, relatively autonomous parliament be revived and begin to develop into a theoretically conceivable, and empirically observable, site for Myanmar’s tentative democratization in the 2010s? What impact has it had over the country’s fragile, post-authoritarian political process at work after the disbanding of a junta—and before a new one popped up ten years later? Can such a parliamentary institution re-emerge in another post-coup order in the 2020s or beyond—and position itself as a meaningful agent of democratic change in the country? More generally, what does the case of Myanmar tell us about the complex relationship between legislative development (and decay) and political change?

Concepts and puzzles

Very few modern polities function without a legislature. As a core institutional feature of a democratic regime, they are also found in one-party states and authoritarian dictatorships (Beetham 2006, Schuler and Malesky 2014). They can serve as legitimizing bodies with key roles in the political economy of autocracies (Gandhi and Przeworski 2007, Wright 2008, Bonvecchi and Simison 2017). Authoritarian parliaments also control a major symbolic resource that is representation (Malesky and Schuler 2010, Truex 2016). In new democracies, legislatures tend to remain fragile, weak, if not irrelevant for a variety of reasons. The nomenclature of the old regime can linger, entrenched in the new, post-authoritarian institutions. An overshadowing executive branch, especially under post-authoritarian presidential systems, can easily thwart the enthusiasm of the new legislative branch. The lack of capacity and legislative knowhow of novice MPs and parliamentary staffers, particularly in oversight mechanisms and legislative drafting, usually inhibits the workings of a young assembly. Insufficient funds and state support to the parliamentary infrastructures and administration also tend to weaken their activities and influence. High levels of legislative turnovers—beyond the first ‘founding’ post-authoritarian election—also commonly prevent the professionalization of legislators. A low degree of party organization and discipline after years
of autocratic rule can morph revived representative assemblies into an arena of divisions, factionalism, clientelism, and inefficiency. Lastly, the absence of regular linkages between the representatives (MPs) and the represented (voters) often diminish public support to the new parliamentary institutions, once the initial euphoria generated by a first ‘founding election’ has dissipated. Myanmar’s parliament in the 2010s offers a compelling case for the study of such phenomena.

Conceptual framework

The conceptual framework for this research on Myanmar’s resurgent legislature draws on two sets of comparative legislative studies that have addressed these issues. The first body of work has attempted to classify legislatures and define a typology according to their policymaking influence, powers, and organizational capacity—regardless of the types and nature of regimes under which they have operated. The longitudinal analysis of the legislative performance, as well as the institutional significance of a parliament in the political system to which it belongs, tend to indicate its relative strengths, autonomy, and powers (Kreppel 2014). The second set of literature, which also emerged in the 1970s, has examined processes of institution building in post-authoritarian contexts, investigating how representative and lawmaking bodies have been shaped and transformed in times of democratic transition and consolidation. Recent comparative analyses have taken into account the vast arrays of functions or activities a legislative body is expected to perform, and how these functions have influenced post-authoritarian change and democratization. Beyond the mere lawmaking and representation of the people, elite circulation and renewal, new regime legitimation, mass support and constituency services, as well as the oversight of other branches of government have indeed been key indicators of a legislature's role and significance in the complex process of democratization.

Regarding the first line of scholarship, I primarily rely on Jean Blondel’s seminal discussion on comparative legislatures (Blondel 1973). His perspective, primarily focused on the policy powers of these particular institutions, has generated much interest and debate among legislative scholars. Blondel has divided parliaments according to their capacity to resist or influence other branches of government, particularly the executive. His typology has thus been grounded on the ‘negative’ powers a legislature can have, and its ability to constrain, counter, or slow down the policy proposals and lawmaking agenda of the government. Nelson Polsby then expanded this negative interpretation based on the institutional capacity of a parliamentary body to constrain by defining a continuum, rather than a dichotomy, of legislatures (Polsby 1975). At one end of Polsby’s spectrum stand ‘arena’ legislatures. They are sites of public debates, where policy is more or less openly
discussed. They have the capacity and willingness to control and oversee legislation proposed by the executive, but in the end seldom change the fundamentals of these government proposals. The British parliament best epitomized this type of legislature in the 1970s, Polsby argued. At the other end of his spectrum lay ‘transformative’ legislatures which can, in contrast, fundamentally transform legislation to the point of often initiating the legislative process, even against the government’s will. The American Congress was Polsby’s best illustration of this ideal type of legislature (Polsby 1975: 277). His axis of legislatures is therefore based on the degree of independence that legislative bodies can enjoy, the driving forces shaping them (internal committees or external elements such as political parties) and the constitutional structures under which they have emerged.

Like Polsby and Blondel, Michael Mezey has further delved into the policymaking powers of parliaments (Mezey 1979, 1983). The ‘Mezey Question’ has thereafter been used by generations of legislative scholars, and will effectively guide my investigation of Myanmar’s parliament: how much influence has a legislature over both the policy process and politics? Rather than a spectrum, Mezey has differentiated three conventional types, and five sub-types of legislature, according to the political and institutional system under which they are shaped, and their broader capacity to hold sway over policymaking (Mezey 1979: 26–7). There are (1) legislatures with strong and autonomous policymaking powers, which hold a decisive sway over the way laws and policies are made, and checked; (2) legislatures with moderate policymaking powers and a lesser influence over the legislative process, yet with a potential for control and scrutiny over dominant executive powers; and (3) assemblies with little or no policymaking influence, typical of rubber-stamp or inactive parliaments under some autocratic regimes. In contrast to Polsby and Blondel’s frameworks, however, Mezey has added a durability dimension for classifying legislatures (Mezey 1979: 27). A certain degree of predictability and stability is expected in the long-run from a well-established legislature, he has claimed, and the level of popular support it receives is a key indicator of the resilience and political significance of the legislative institution (Mezey 1979). Table I.1 conflates Mezey’s two dimensions.

Lastly, Gerhard Löwenberg and Samuel Patterson (1979: 197–8) have proposed a similar, four-fold typology, also based on the policy-influencing capacity and the

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<th>Policy power</th>
<th>Strong popular support</th>
<th>Weak popular support</th>
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<td><strong>Strong and extensive</strong></td>
<td>Active legislature</td>
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<td><strong>Moderate</strong></td>
<td>Reactive legislature</td>
<td>Marginal legislature</td>
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<td><strong>Weak or none</strong></td>
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Table I.1 Typology of legislatures according to Mezey (1979)
autonomy of legislatures vis-à-vis other organs of state power: ‘legislating’, ‘deliberating’, ‘integrating’, and ‘legitimizing’ assemblies. Like Polsby’s ‘transformative’ legislatures, for Löwenberg and Patterson ‘legislating’ parliaments show a tendency to initiate major public policies, make and remake laws, especially within the boundaries of powerful committee structures. ‘Deliberating’ legislatures primarily discuss legislation proposed by the government in plenary debates—echoing Polsby’s ‘arena’ legislatures. ‘Integrating’ parliaments tend to contribute to the integration of society and serve as a body that is meant to be representative of the people, but with little policy influence. Finally, ‘legitimizing’ parliaments seldom convene, are under the strict control of the executive or a single ruling party, and thus serve merely as a legitimization tool for an authoritarian regime.

This seminal comparative literature has served as the basis for further in-depth examination of the roles and effects of legislatures around the world. Since parliaments do more than simply make laws and discuss public policies, their comparative analysis should also involve a study of their oversight role, representational activities, and legislative performance, as argued by a new generation of scholars (Norton 1990, Olson 1994, Löwenberg et al. 2002, Arter 2009). Besides, the increased number of legislatures studied around the world has rather pointed to their extreme diversity and heterogeneity in terms of regime legacies, state of institutional development, social structures, and constitutional frameworks, and therefore highlighted the lesser value of their comparative analysis. Whilst comparative studies within specific regional or political boundaries—such as within Latin America, Southern Europe, or Post-communist polities—can make sense, cross-continental comparisons seldom do. As this book illuminates, the case of Myanmar’s revived Union legislature defies many labels and seldom seems to fit one particular type of parliament.

Furthermore, David Arter (2009) has argued that rather than chiefly focusing on the institutional and operational capacity of legislatures, a greater emphasis should be put on their legislative efficiency and overall performance. New research on comparative legislatures should look at the final, tangible legislative outputs, he has insisted, to ‘measure’ their influence, impact, and control over the lawmaking process. Beyond the macro-level, institutional, and historical variables considered by pioneer scholars, new studies should also include micro-level observations of how parliaments work around the world, in legislature after legislature, and how their individual members behave in the long term (Löwenberg 2011, Crewe 2015). Investigations of the role of parliamentary committee structures and the profiles or activities of the members of a parliament (or of its permanent staff) can indeed give essential indications of how a legislature functions and what kinds of influence it can have over the different stages of the policymaking process (Longley and Davidson 1998, Arter 2009: 255).

Taking cues from these seminal studies, a second line of scholarship—which has likewise steered my research—has delved into the role of legislatures in the
democratization of authoritarian or military-run polities around the world. Moving beyond the research that, since the 1960s, had linked modernization theory (or ‘political institutionalization’) with the functions that parliaments are expected to assume in well-developed Western democracies (Huntington 1968, Packenham 1970, Kornberg and Musolf 1970, Kornberg et al. 1973), this new body of work has emerged along with a ‘third wave’ of democratic regimes, particularly from the 1990s (Huntington 1991). After more or less long phases of authoritarianism or military rule—with or without the existence of rubber stamp parliaments—newly formed legislatures can provide public arenas for new kinds of open debates and the critical discussion of government policy, as several authors have demonstrated (Liebert and Cotta 1990, Close 1995b, Olson and Norton 1996). Resurgent parliaments can also—but not always—offer new opportunities for political and electoral competition, elite renewal, and the gradual monitoring of government and military activities—in ways that were often unthinkable under the previous autocratic governance (Hibbing and Patterson 1992, Remington 1994, Baaklini et al. 1999, Schedler 2002, Lindberg 2009). The definition, and enforcement, of new rules and institutional mechanisms by re-emerging parliamentary institutions in turn contribute to further political change and the consolidation of a young democracy.

Looking at national legislatures in post-authoritarian Southern Europe in the 1970s and 1980s, Ulrike Liebert has, however, argued that in the initial phases of a transition from an authoritarian rule to ‘something else’, parliaments seldom play a major role (Liebert 1990a: 13–15). Charismatic leaders and new executive officials more commonly drive the early stages of a democratic transition, as King Juan Carlos, for instance, epitomized during Spain’s first post-Franco years. It is only in the subsequent phases of democratic consolidation, after a series of major events such as repeated general elections and elite turnover, that representative and legislative bodies rise to prominence and become ‘central sites’ of democratization. Parliaments and their members thus serve more as ‘agents of consolidation’, than as catalysts of a democratic transition, as underscored by Giuseppe di Palma (1990). Liebert has further outlined three principal contributions legislatures can make in emerging democracies: (1) through regular elections they integrate political and social forces once excluded, marginalized, or subdued by the previous authoritarian regimes; (2) they stabilize the post-authoritarian political system—often highly volatile—through the peaceful institutionalization of conflict regulation and resolution within the parliament’s walls; and (3) they build support among the mass public and provide popular legitimacy to the new, post-authoritarian system (Liebert 1990a: 15).

To determine further the effect and impact of a legislature in a new democracy, David Olson and Philip Norton have defined three other sets of determinants (Olson and Norton 1996: 6). First, young legislatures remain constrained by their external environment: the loyalty to the old regime or the new constitutional
framework, the electoral and party systems, and the strength of interest groups and agencies (including armed forces) lobbying outside the parliament. Second, the influence and role of legislatures are conditioned by their internal characteristics: unicameral or bicameral, the committee structures and degree of specialization, the resources and powers allotted to the chamber(s), the profile of its members and their relations to, or linkages with, the people (constituents). Third, the policy attributes, and the extent to which the legislative branch can use these attributes, indicate how a legislature can work with the government and the judiciary to discuss policy and make law, and therefore push for more, or less, democracy. Building on a decade of observation of post-communism in Central and Eastern Europe, the two authors have described national parliaments in this region as being in their ‘adolescent stage’, and in need of further institutionalization and sophistication (Norton and Olson 1996: 231).

The portrait that emerges in the analysis of an incrementally consolidated democracy is thus one of legislatures with the potential (capacity) and visible achievements (outputs) in gradually constraining the once powerful executive, defining new sets of rules and regulations that can (and must) be enforced, establishing the routinization of processes of conflict resolution, the recruitment of new policymaking elites, and intermediation between the governed and the governing bodies. Legislatures can help counter the unpredictability in the political behaviour of the post-authoritarian executive elites, especially those stemming from the old regime or those having been in charge of the political and judicial process since the start of the transition. In a Weberian sense, with the institutionalization of new mechanisms for decision-making, conflict regulation, and power-checking, a legislature can help move beyond the rule of a charismatic leader, whether civilian, bureaucratic, or military (Polsby 1968, Hibbing 1988, O’Brien and Luehrmann 1998). In addition, with the high number of negotiated and ‘pacted’ transitions observed worldwide in the first post-Cold War decade, national legislatures have become arenas where initial ‘pacts’, carefully negotiated by a certain elite group, have been challenged by an emerging rival group or disgruntled members of the initial pact. Baaklini, Denoeux, and Springborg, for instance, have shown that during the 1990s several parliaments in the Arab world pushed for the renegotiation of earlier political pacts decided by powerful, and autocratic, executives (Baaklini et al. 1999).

Other post-authoritarian legislatures, however, have resisted this trend (Saif 2001, Chambers 2009, Sawasdee 2014, van Vliet 2014). Several comparative studies have underlined the constant need to strengthen national and local parliaments in polities attempting to steer away from autocracy. Looking at Latin America’s democratization in the 1970s and 1980s, David Close has noted that weak or vulnerable parliaments are routinely not in position to bring accountability, guarantee fair representation, and work on meaningful legislation (Close 1995a: 14). If legislatures cannot properly perform their basic legislative and representative
functions, then the odds are that they promptly fall under the control of a powerful, untamed executive power. But a stable and powerful legislature is not a guarantee of greater democracy either, as post-authoritarian legislatures can still adopt repressive laws, defend the interests of a specific group of constituents and marginalize others, and paralyse policymaking by blocking (or shutting down) governments and bureaucrats (Close 1995a: 6).

Yet, as optimists would posit, during the uncertain early phases of post-authoritarian change, the electorate can gradually be mobilized, civil society grows, democratic behaviours emerge, and new political leaders can seek to influence and check the decision-makers (Diamond 1999). A representative legislature must then emerge to regulate that popular mobilization, channel the people's will, and reproduce its democratic consent, whilst attempting to oversee the new political process and monitor the people holding power in these times of intense political flux. The more powerful a legislature is, the stronger and more legitimate the emerging democratic regime will be. In times of transition, Steven Fish has noted:

The myriad problems that occupy the minds of democrats during the dizzying days of regime change, such as designing decentralization, crafting voting rules, building civil society, and controlling the military, may be of great importance. But if politicians fail to establish a national legislature with far-reaching powers, the people will soon find themselves in a polity where their votes do not count (or are not counted properly), and their voices not heard.

(Fish 2006: 18)

His assumption has important lessons for ‘democratizers’, who seek to strengthen parliamentary institutions. Since the turn of the twenty-first century, international donors, development partners, and a vast array of transitional capacity-building organizations have developed and funded various schemes to strengthen parliaments around the world. This idea has been to foster new debates, less academic and more practical, on how to enhance the abilities of legislative bodies to function in vulnerable, emerging, or failing democracies (USAID 2000, NDI 2007, IPU 2008, UNDP 2010).

But Robert Packenham warned early on against the strengthening of legislatures in fragile or new democracies, where conservative and parochial interests tend to be reproduced in the post-authoritarian institutions. Packenham (1970: 523, 578–9) argues that in the early stages of ‘modernization’ (as understood in the 1970s), elected or appointed assembles often tend to represent the vested interests of the old regime. Post-authoritarian parliaments can thus also remain sites of resistance to political change (Musolf and Smith 1979). An important caveat to his theory—often deconstructed since he first defined it in the early 1970s—is the necessary existence of a form of electoral authoritarianism. The freer and fairer elections are,
however, the higher the legislative turnover tends to be, and therefore the probability of the old political nomenclature being returned to parliament is considerably reduced. As Barkan later underlined, ‘the emergence of the legislature is the result of changing the structure of incentives faced by individual legislators and is best understood from this perspective’ (Barkan 2009: 17). While constitutional structures, regime legacies, and the organizational capacity of the legislative institution is important, who the members of an emerging legislative institution are and what they do in parliament is of more fundamental importance in times of democratic consolidation. Studies looking at the sociological profiles of the politicians propelled into new parliaments have offered compelling illustrations of the necessity to move beyond old nomenclature and renew the legislative elites (Semenova et al. 2014).

Lastly, the historical, social, and economic contexts in which new legislatures (re-)emerge also matter. Taibur Rahman has even claimed that to study legislatures and their role in the political development of Third World countries, scholars ought to start with the description of regime legacies, socio-economic milieus and the state of development of the Asian or African polities studied (Rahman 2008). An initial research focus on the capacity and policy influence of legislative bodies, a route that scholars of parliaments in Western democracies have long chosen, is a cause of poor comprehension of how a legislative body operates in its own environment. Likewise, Joel Barkan (2009) has looked at different new and fragile democracies in Africa in the 2000s and asked why some national legislatures there have proved capable of enhancing their powers, legitimacy, and capacity (Kenya for instance) whilst others have not (Ghana, Benin). He has assumed that, echoing earlier experiments in Southern Europe or Latin America, a minimum level of democratization in Africa is required for the development and strengthening of a parliament, and that legislative bodies play a stronger role in democratic consolidation processes than the initiation of a transition. The same caveats apply, without doubt, with respect to the case of Myanmar.

Myanmar puzzles

Given the dearth of conceptual reflection and empirical data on parliamentary developments in postcolonial Myanmar, there are many questions that a book on legislative resurgence in this country could usefully answer. Up to the 1970s, prominent foreign scholars paid particular attention to the influence of ‘party politics’ (pati naing-ngan-ye) on the country’s post-independence democratic trajectory (Fairbairn 1956, Thomson 1957, Cady 1958, Tinker 1967, Singh 1977). Existing studies suggest that more than ideology or identity, personal charisma, the quest for power and prestige, if not wealth, have driven Myanmar’s postcolonial politics towards a formidable pattern of party founding and fragmentation
More recent analyses have illuminated such intra-party factionalism and its impact on legislative decay and military intervention in the 1950s (Callahan 1998a, 1998b, Kyaw Yin Hlaing 2008, Taylor 2020). Army propaganda has typically argued that unruly party politics in the early postcolonial years are the roots of the intrusion of the Tatmadaw into civilian affairs (Mya Win 1992, Min Maung Maung 1993). There is also a large descriptive literature on the organization of parliamentary elections until 1960 (Bigelow 1960, Butwell 1960, Butwell and von der Mehden 1960, Trager 1966). Yet only three authors have inquired into the inner-workings of Myanmar’s first post-independence parliamentary bodies. Among them, John S. Furnivall (1960) has provided the most thorough analysis of the bicameral legislature, in particular its functional aspects. Three English-language articles by Maung Maung (1956, 1960) and R. Srinivasan (1958) have also offered particularly pertinent empirical evidence of the early workings of the house. A first puzzle, on which my book chiefly focuses, is how legislative institutions of the past, but also various Burmese cultural and political legacies, have infused (and constrained) the design and functioning of Myanmar’s most recent legislative bodies.

A seminal work by Barbara McLennan (1967) has examined the concept of parliamentary representation in Myanmar’s post-independence context. As she notes, the idea of representation in the first two post-independence decades drew some basis for legitimacy from Western political thought—colonial legacies explain—but also local political experiences and traditions (McLennan 1967: 268, 283). If parliamentary democracy was shut down by Ne Win in 1962, her argument continues, the concept of representation has remained prominent in the Burmese army’s narrative. Parliament was, however, no longer the vehicle for representation in the 1970s and 1980s; it was instead the single legitimate party, the Burma Socialist Programme Party (BSPP). An additional puzzle that my book addresses pertains to the return to, and effectiveness of, parliament as a central site for the representation of Burmese citizens in the twenty-first century. A connected query is whether such a partially elected legislative body—as it remerged in 2011 with a quarter of its members unelected and appointed by the Tatmadaw—can be considered legitimate. Could such a hybrid legislature, guarded by soldiers, provide important mechanisms for the renewal of dominant political (and military) elites? Further insights into the social composition and role of the following one-party, socialist legislature created by the 1974 Constitution can be found in the work of Josef Silverstein (1974, 1977), Moscetti (1977), David Steinberg (1982), Robert Taylor (1979, 2009), and especially Yoshihiro Nakanishi (2013). All have underscored the enduring dominance of political elites drawn from the ethnic Bamar, Buddhist communities. My investigation of the profile of the successive cohorts of MPs in the 2010s will show how such patterns have been preserved.

Despite the lifting of censorship and the liberalization of Myanmar’s media and printing industry in the early 2010s, there is little contemporary writing
in Burmese language on how parliament resurfaced after the disbanding of the SPDC in 2011. Aung Din, a renowned student leader during the 1988 uprising, has published a descriptive study of the functions and duties of the new Pyidaungsu Hluttaw (Aung Din 2013). Maung Thaw Htet (2016a and 2016b) has built upon personal interviews to profile a handful of elected legislators in the USDP parliament and its successor. The literature in Burmese has also questioned the political sway that the former number 3 of the SPDC—Shwe Mann—had over the development of the first Pyithu Hluttaw elected in 2010 (Nay Chi Zeya 2012). The ambitious speaker of the house has also published his own account of the resurgence of parliament between 2011 and 2016—though without much critical insight (Shwe Mann 2018).

More generally, initial patterns of parliamentary jousting and the rediscovery of legislative mechanisms under the USDP have intrigued many outside observers, including myself (Horsey 2011, Moe Thuzar 2013, ICG 2013b, Egretteau 2014a, Kean 2014, Fink 2015, Farrelly and Chit Win 2018). Several research questions have been identified and are considered in the following chapters. First, how has parliament exercised its influence—guaranteed by the 2008 Constitution—over the post-SPDC lawmaking and policy process? In short, did parliament between 2011 and 2021 really legislate after years of top-down army rule and policymaking? A few studies have examined the startling legislative outputs of the USDP legislature. Most have contested, however, their achievements in terms of post-authoritarian rulemaking (Turnell 2014, Horsey 2015, Crouch 2015 and 2016, Mark 2016, Frydenlund 2017). More recent work has looked at technical changes in the legislative process and budgetary control under the NLD (OMI 2016, Htin Kyaw Aye et al. 2017a, 2017b). How the process of lawmaking comparatively unfolded under both successive legislatures must thus be broken down to better construe its effectiveness in the post-junta setting of the 2010s. I have already investigated elsewhere some initial patterns of routinization, if not the tentative institutionalization of certain mechanisms and processes in the Union legislature (Egretteau 2017c, 2019b).

Second, how can a meaningful practice of parliamentary oversight be built in such a society as Myanmar, with deep legacies of impunity, military intransigence, and paternalistic authoritarianism? Can a culture of legislative scrutiny emerge? Can parliament call into account other public agencies or individuals unacquainted with, if not bluntly hostile to, notions of responsibility to citizens? The Union legislature’s not-so-successful attempts at scrutinizing the government (asoya) under both the USDP and NLD has received some scholarly attention (Chit Win 2016, Chit Win and Kean 2017, Egretteau 2017d, San Thein et al. 2017). The Open Myanmar Initiative, a Burmese non-profit organization, has also produced incomplete, though valuable, quantitative studies on the number of motions and questions asked during the early sessions of the USDP legislature (OMI 2014,
Whether parliament has positioned itself as a determined reviewer of government policies and (mis)conduct is worth exploring.

Third, taking a cue from McLennan’s six-decade-old argument described earlier (McLennan 1967), how are we to make sense of the concept of representation in the 2010s? How have Burmese parliamentarians construed and fulfilled their representational duties? Have they established effective elite–voter linkages? Such connections with constituents and the related responsiveness of legislative elites is normally considered an indicator of the level of popular legitimacy of a parliament. The rising popularity of distributive politics in Myanmar—in particular the constituency development funds set up in the mid-2010s—has already pointed to some noticeable people-oriented efforts made by the post-SPDC parliamentary bodies (Egreteau 2017a, OMI 2018). Also, who has represented the Burmese electorate in the 2010s? Existing studies have partially delved into the sociological backgrounds of Union legislators—be they elected or appointed by the armed forces—and indicated some startling continuities in the profile of successive legislators (Egreteau 2014b, 2015b). This book will further examine the make-up of parliament over a full decade to question growing arguments about elite circulation and renewal in post-SPDC Myanmar. A last puzzle relates to the literature on civil–military relations. Given the peculiar power-sharing arrangement between the armed forces and Myanmar’s elected, civilian branch of government under the 2008 Constitution, how can parliament function under such a diarchy concept? Extant work suggests a dwindling influence for retired military officers whereas the legislative behaviour of army appointees in parliament seems to have much evolved after the return of Aung San Suu Kyi to the forefront of politics (Min Than 2018, Egreteau 2015a, 2015c, 2016).

Building on these illuminating studies, this monograph aims to provide a thicker, evaluative, and comparative study of Myanmar’s Union legislature and the parliamentary practices at work over a decade of legislative resurgence. It also takes its cue from a growing body of work devoted to the comparative or single case study of parliamentary developments in emerging democracies, particularly in Asia. Recent analyses have explored the democratizing impact that some national legislatures have had in the region since the 1990s (Norton and Ahmed 1999, Rüland et al. 2005, Jaffrelot and Kumar 2009, Case 2011, Shankar and Rodrigues 2011, Kumarasingham 2013, Kasuya 2013, Zheng et al. 2014, Mehra 2017). Bangladesh (Ahmed 2002, Obaidullah 2019), Indonesia (Ziegenhain 2008), South Korea (Kim 2012), and Afghanistan (Fleschenberg 2009) have offered particularly valuable cases for the study of legislative developments in either post-conflict or post-authoritarian settings. Political scientists have also been drawn towards research questions about lessons and the limits of authoritarian and one-party legislatures, such as China’s national and local congresses (O’Brien 1990, Yu 2015, Manion 2016, Truex 2016) or Vietnam’s National Assembly (Schuler 2021).
My field-based study on Myanmar hopes to supplement this empirical literature questioning the role and place of parliamentary institutions in contemporary Asian societies and their impact on democratic politics.

A methodological note

I have opted for an in-depth qualitative case study of Myanmar’s Parliament of the Union, an institution that has been open to public scrutiny (and the occasional scholar) for a full decade until it was shut down in February 2021. Whilst not in any way underestimating the role of subnational legislatures, this study solely focuses on the Union-level parliamentary body. State and regional hluttaws have indeed developed their own political and legislative dynamics between 2011 and 2021 (Holliday et al. 2015); they would require a separate investigation. The late Gerhard Löwentberg, a leading scholar in legislative studies inspired by the behavioural persuasion school in political science, has been a key methodological guide for this book. Embracing his approach to parliamentary bodies, I have likewise sought to ‘explain the legislative institution from individual-level data, gathered from social background information on members, survey data on constituents’ beliefs, participant observation, and interviews with legislators’, and understand ‘how a group of individuals interacted to systematically produce a collective result’ (Löwentberg 2011: 110).

I have thus linked micro- and macro-levels of analysis, and combined the ethnographic collection and examination of individual-level data—gathered from parliamentarians, legislative staff, members of political parties, civil society leaders, military officers, government officials, and parliamentary strengthening consultants—and the investigation of major historical lineages and social forces that have shaped the resurgence of parliament in Myanmar. The ethnographic work of two other political anthropologists of institutions, Marc Abélès and Emma Crewe, has also been a great source of methodological inspiration (Abélès 1995, Crewe 2015). To identify and comprehend partially hidden processes in legislative bodies, one must pay attention to the mundane, the routine, and the rituals, but also the individual perspectives and the everyday challenges faced by the members and staff of these institutions (Gellner and Hirsch 2001). Yet I have not underestimated in my approach some of the key historical forces, social determinants, institutional legacies, and macro political contexts that have influenced Myanmar’s postcolonial politics and legislative affairs.

An impromptu two-day stopover in Naypyitaw sparked my research interests in the country’s re-emerging parliamentary politics. One evening in February 2013, I found myself in Naypyitaw’s municipal guesthouse (Si Bin Yeiktha), where civilian MPs reside when parliament sits, listening to Justin Watkins, a lecturer at the School of Oriental and African Studies (SOAS) in London. At the invitation of
Dr Khin Zaw Win—a former political prisoner tirelessly engaged in policy advocacy since the 1990s—Professor Watkins presented his views on language policy in multilingual societies to a group of forty or so elected representatives from both the Amyotha Hluttaw and the Pyithu Hluttaw. The day after, I ran my first-ever focus group with twelve Union-level legislators in a closed-door, air-conditioned room at the nearby Unison teashop. Dr Aung Moe Nyo of the NLD—who would go on to become Chief Minister of Magwe Region in 2016—was particularly instrumental. He helped me lead a gripping two-hour-long conversation with recently elected lawmakers from all stripes: men and women, senior and junior politicians from both houses, members of the National Democratic Force (NDF), the Shan Nationalities Democratic Party (SNDP), the Rakhine Nationalities Development Party (RNDP), and the All Mon Regions Democracy Party (AMDP). Some were eager to converse in English, other preferred to use Burmese as the *lingua franca*.

From this initial, quite fortuitous sample, I then employed snowball sampling methods to identify new respondents—MPs and parliamentary officers in particular—with whom to conduct semi-structured, in-depth individual interviews; and hold either focus groups (with respondents interacting with each other) or group interviews (with members of the group, such as a standing or *ad hoc* legislative committee, chiefly conversing with me). Surveillance and the monitoring of political dissenters had considerably eased in Myanmar in the early 2010s. Despite the occasional encounters with Special Branch officers who felt obliged to record my name and passport number, a proper visa, and the assurance that I was not a reporter snooping around but a ‘*saya*’ (teacher) doing research on parliamentary matters opened many doors. As for many a fellow comparativist, however (Morgenbesser and Weiss 2018), I wish I had had this type of relatively free access to Myanmar’s public figures, policymakers, and top bureaucrats when I started my postgraduate study on this country a decade before, in the early 2000s.

I also obtained, on a regular basis, official meetings with members of legislative committees (*komiti*) and the leadership of the Union parliament—the successive speakers (*ukkada*) and deputy speakers (*du ukkada*) of the two successive legislatures, as well as the heads of the administration of the Amyotha Hluttaw, Pyithu Hluttaw, and Pyidaungsu Hluttaw. Being a French citizen has much helped: the Embassy of France in Yangon has often been instrumental in the process of securing meetings with Myanmar’s top-rank policymakers. Frequently, for recording purposes by the Hluttaw research services or committee sub-offices, an official translation (English/Burmese) was provided. I was also allowed, on a small number of occasions, to observe plenary sessions and conduct non-participant observation either from the viewing gallery at the back or above each half-moon shaped amphitheatre, or from the media control rooms before the latter were closed to outsiders in 2015.

In particular, I travelled to Yangon and Naypyitaw for data collection purposes in February and August 2013, January and July 2014, February, April, August, and