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SPRING SPROUTS · RESEARCH BRIEFING

# Cosmetic Constitutional Amendments and the Strengthening of Authoritarianism

A First Look at the 43 Proposed Amendments to the 2008 Constitution

English edition

**Spring Sprouts**
A program under
The Ananda Center of Participatory Democracy

This briefing offers a first look at the 43 proposals to amend or add to the 2008 Constitution that the junta sent to its parliament, examining them by sector: federalism, the executive, the legislature, the judiciary, military affairs and elections.

**Translation Note**: This is AI-assisted Translation reviewed by a human editor.

# Summary

- The junta held a sham election, installed its own leader, Min Aung Hlaing, as president, and sent 43 proposed amendments and additions to the 2008 Constitution to the Pyidaungsu Hluttaw.
- The proposals do not include all the points agreed with the EAOs the junta negotiated with, and include only a few of the more than 200 points submitted by political parties.
- By number, the proposals target the executive most, and they expand the president's executive and legislative powers.
- States and regions would be allowed to draft their own constitutions, but only within the 2008 framework, which would further entrench centralised rule.
- The Constitutional Tribunal and the Union Election Commission would have ten-year terms, and their members would need the president's permission to resign.
- The 43 proposals run counter to federalism, democratic norms, the rule of law and human rights, and would only entrench constitution-based authoritarianism.

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# 1. Introduction

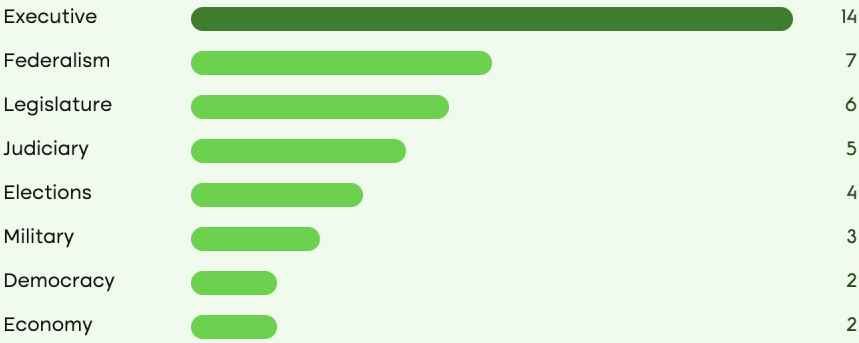
Citing the 2020 election, widely regarded as free and fair, the junta violated even the 2008 Constitution that military dictators had drafted to their own liking, and staged another coup in 2021. Facing military and political pressure from the Spring Revolution that followed and from strengthened ethnic revolutions, it opted to hold an election early. After holding a sham election, the junta's leader had himself appointed president, and announced in a speech that the 2008 Constitution would be submitted to the Pyidaungsu Hluttaw for amendment.

Accordingly, on the sixth day of the second regular session of the third Pyidaungsu Hluttaw, Min Aung Hlaing sent amendments and additions to the 2008 Constitution, and the Hluttaw recorded that it would proceed with legislation. According to the amendment proposal, the National Solidarity and Peacemaking Negotiation Committee (NSPNC) met 28 times with seven EAOs that signed the NCA and three that did not, and 14 times with the working group of an alliance of registered political parties, reaching 43 points of agreement. These 43 amendments reportedly do not include all the points agreed with the EAOs, and include only a few of the more than 200 points submitted by political parties.

# 2. Proposals to Amend the 2008 Constitution

Of the 43 proposals, three were agreed to be kept as they are, although they are presented side by side as the original provision and the NSPNC proposal. The remaining 40 comprise 33 amendments and seven new additions. Of the 2008 Constitution's 15 chapters and five schedules, the proposals amend Chapters 1 to 9 and Schedule 1, the Union Legislative List. Twenty-nine points can be amended by more than 75 per cent of all Pyidaungsu Hluttaw representatives (under Section 436(b)), and 14 also require a nationwide referendum (under Section 436(a)).[1]

**The 43 proposed amendments by sector**




Classification of proposals to amend the 2008 Constitution (n = 43)

## 2.1 Federalism

Because amending the boundaries of a region or state would require seeking the views not only of the townships within the boundary but also of adjoining townships,[2] boundary changes are likely to become more difficult. The proposal appears intended to keep existing boundaries unchanged, in particular to limit the additional territory claimed by the states. Another proposal allows regions and states to draft and enact their own constitutions, provided they do not exceed or contravene the 2008 Constitution.[3] With a union constitution that lacks federal features in force, granting such a right will not lead towards federalism; it will only further strengthen centralised rule.

## 2.2 Executive

Union ministers and deputy ministers, the Auditor-General and Deputy Auditor-General, and the chair and members of the Nay Pyi Taw Council who wish to resign before the end of their term would have to not only submit a letter to the president but also obtain his permission.[4] This proposal could further strengthen presidential power. There are also proposals that target the opposition. The qualifications for union ministers and deputy ministers and for region and state chief ministers would require that they and their family members not be beholden to a foreign government and not be citizens of a foreign country.[5]

This requirement, previously a qualification for the president, is being extended to other positions. Region and state chief ministers, like the president, would also have to be ethnic nationals born in the country, as would both of their parents.[6]

## 2.3 Legislature

Under one amendment, if the Pyidaungsu Hluttaw does not accept a bill returned by the president with his comments, it could approve the bill as originally passed only by a two-thirds majority of representatives.[7] This strengthens the president's control over legislation, and can be seen as a precaution against rivalry that may arise between former military officers turned civilians, including the junta leader, and members of the USDP. Although no agreement was reached on it, the NSPNC also proposed that representatives must not be beholden to a foreign government as a qualification for office.[8] Because this point is among the 43 proposals, if the Pyidaungsu Hluttaw enacts it, it will apply to all members of the Pyithu Hluttaw, the Amyotha Hluttaw and the region and state hluttaws.

The provision that the Speaker must review and permit the arrest of a representative while parliament is in session would be amended to require the Speaker to grant permission promptly. This restricts the Speaker's discretion and further strengthens the influence of the executive.

## 2.4 Judiciary

By proposing to repeal a fundamental right of citizens, that "no penalty greater than that applicable by law shall be imposed",[9] the junta signals that it intends to use the law and the courts to repress political opponents further. The functions of the Constitutional Tribunal are also expanded. The Tribunal would be able to decide disputes over the interpretation of constitutional provisions and to issue its decisions and findings. Its members would need the president's permission to resign, and its term would be ten years.[10] Taken together, these points suggest the junta intends to control the Tribunal for at least two terms of government, and to go on interpreting the constitution to its liking through it.

## 2.5 Military Affairs

Under the original provision, the Tatmadaw is the sole patriotic armed force; the proposal amends this to require that it include all ethnic nationalities.[11] With many ethnic revolutionary organisations in the field, and the military relying mainly on the plains to fill its ranks under the People's Military Service Law, the purpose of this amendment is open to question. The appointment of the Commander-in-Chief would also be amended to apply "when the post falls vacant and an appointment is required".[12] Depending on how this is interpreted, it may make it harder for a Commander-in-Chief to hold the post indefinitely, as Min Aung Hlaing did.

In other words, the post may come to have a time limit, and Min Aung Hlaing appears to want to reduce the chance that a Commander-in-Chief builds a power base within the military and turns against him.

## 2.6 Elections

The Union Election Commission's term would become ten years, and its chair and members could resign only with the president's permission. Its decisions and actions could also be appealed to the Supreme Court of the Union.[13] On the one hand these proposals aim to control the commission; on the other, they amount to an admission of its institutional weakness.

The proposals also include a provision that the people elect district-level administrators.[14] Under an election commission that lacks independence, however, such local elections will bring no real change.

# 3. Initial Assessment

The 2008 Constitution neither delivers federalism nor carries any democratic substance, and various efforts were made to amend it during 2011-2021. In the end, rather than taking power within the legal framework of 2008, the military brazenly violated the constitution itself and seized power. More than five years after that coup, the junta now proclaims that it will amend the constitution more than ever before. Its proposals do indeed include 29 points that do not require a referendum.

By number, the proposals clearly target the executive most, and they also aim to strengthen presidential power. Placating ethnic groups and small political parties with a few insignificant provisions, they expand the president's executive and legislative machinery and are designed to tie down the entire political landscape through the Constitutional Tribunal and the Union Election Commission. Measures to keep the USDP and the military, where internal rivalry may arise, under control are also woven through the proposed amendments so plainly that they cannot be hidden. In conclusion, the 43 proposals run counter to federalism, democratic norms, the rule of law and human rights, and will only further entrench a constitution-based authoritarianism that prolongs military dictatorship.

# Sources

1. Pyidaungsu Hluttaw. "Sixth day of the second regular session of the third Pyidaungsu Hluttaw" [in Burmese]. 7 July 2026. https://pyidaungsu.hluttaw.mm/video/2844-livestream7-7

2. The Irrawaddy News. "The 43 secret constitutional amendments and the strategy for holding on to power" [video, in Burmese]. 10 June 2026. https://youtu.be/AG-G-ExjYg8?si=AklFFccudq9j_owa

3. The Irrawaddy News. "The leaked constitutional amendments" [video, in Burmese]. 12 June 2026. https://youtu.be/oJQYUQ3P-Oc?si=qGeE-IRYJ53nf05M

## Notes

1. According to the Hluttaw record, 16 points can be amended under Section 436(a) and 27 under Section 436(b).

2. Section 53(a).

3. Section 188.

4. Sections 235(b), 245(b) and 286(a)(2).

5. Sections 232(a)(5) and 261(a)(6).

6. Section 261(a)(5).

7. Section 106(a) and (b).

8. Section 120(e).

9. Section 373.

10. Sections 322(b) and (h), 331 and 335.

11. Section 20(a).

12. Section 342.

13. Sections 403(a) and 402.

14. Section 288.

# About Spring Sprouts

Spring Sprouts is a research project of The Ananda Center of Participatory Democracy. It monitors and researches the new landscape and developments of the 2021 Spring Revolution: the political and military organisations taking part in it, their activities, and the alliances among them. Spring Sprouts also provides technical support to revolutionary forces, organises informal meetings and workshops among them, and arranges meetings between revolutionary organisations and international diplomats and organisations.

Spring Sprouts aims to present the ever-changing landscape of the Spring Revolution to the public and the international community through clear and accessible information, visualisations, articles and research. Spring Sprouts holds that public interest, active participation and critical feedback in political processes, and the flow of appropriate and accurate information among those working for democracy, are essential parts of democracy.

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