



## Constitutional Reform in Myanmar: Priorities and Prospects for Amendment

Bingham Centre for the Rule of Law

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## INTRODUCTION

1. The Constitution of the Republic of the Union of Myanmar, Myanmar's third and current constitution ("**the Constitution**"), was adopted following a referendum on 10 May 2008, held just eight days after Cyclone Nargis, the most devastating natural disaster in Myanmar's history. There was little or no public participation in the production of the text of the Constitution; indeed the proposed text was published just one month before the referendum and was unavailable to a large part of the electorate.<sup>1</sup>
2. However, Myanmar has recently taken a significant step towards participatory democracy by inviting public views on the amendment of the Constitution. In July 2013 the Joint Committee for Reviewing the Constitution of the Republic of the Union of Myanmar ("**the Committee**") was established with the aims of:
  - guaranteeing the perpetuation, peace, stability and development of the Republic;
  - bringing eternal peace to all national races and ethnic people by bringing unity between them; and
  - carrying on democratic reforms for building the state.<sup>2</sup>

One of the Committee's first actions was, on October 3 2013, to announce a nationwide consultation exercise aimed at garnering advice from a broad range of political parties, organizations and individuals as to how the Constitution might be amended. This exercise ran until December 31 2013. The Committee has stated that it received 28,247 letters in response.<sup>3</sup>

3. During the consultation period, the Bingham Centre for the Rule of Law ("**the Bingham Centre**") took part in a project to encourage participation by the citizens of Myanmar in that consultation exercise. The Bingham Centre assisted in many well-attended workshops across different parts of Myanmar between October and December 2013. As a result of these workshops, over 500 people submitted responses to the Committee. A summary of the Bingham Centre's experience of people's priorities for reform is set out below.
4. However, the immediate priority for reform identified by the overwhelming majority of delegates at the numerous workshops was to amend the onerous procedure for amending the Constitution, without which reform is likely to be extremely difficult. This paper seeks to put those popular concerns into context by comparing to other constitutions around the world the three elements of this procedure, which, in our view, combine to make it so onerous. Those three elements are:
  - The Constitution's parliamentary procedure for amendment, whereby the agreement of more than 75% of the members of each Hluttaw (chamber of Parliament: together the Pyidaungsu Hluttaw), is required (the Constitution, section 436).
  - The provisions of the Constitution whereby 25% of the members of each Hluttaw is appointed from the military. Currently Myanmar's Constitution provides that both the Amyotha Hluttaw and the Pyithu Hluttaw are (assuming each house is at maximum

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<sup>1</sup> B. Rogers, *Burma: A Nation at the Crossroads* (Random House, 2012), pp.205-7.

<sup>2</sup> These aims reflect some of the goals of the Constitution of the Republic of Myanmar itself expressed in the Preamble as a resolution to "– steadfastly adhere to the objectives of non-disintegration of the union, non-disintegration of national solidarity, and perpetuation of sovereignty... [to] stalwartly strive for further burgeoning the eternal principles namely justice, equality, and perpetuation of peace and prosperity of the National people".

<sup>3</sup> "Myanmar President Thein Sein supports changing constitution, making Suu Kyi eligible to lead" (Australia Network News, 3 January 2014), available at <http://www.abc.net.au/news/2014-01-02/an-myanmar-constitution/5182916>.

membership) comprised of 75% elected members and 25% members nominated from the Defence Services by the Commander-in-Chief of the Defence Services (the Constitution, sections 109 (b) and Article 141(b)).

- The provision of the Constitution whereby amendments to key provisions must, having been approved by the Pyidaungsu Hluttaw, also be approved in a nation-wide referendum by more than half the people eligible to vote (the Constitution, section 436(a)).

The effect of all these provisions taken together is that firstly, those members of the Defence Services nominated to the Pyidaungsu Hluttaw by the Commander-in-Chief hold a practical veto over any proposed amendment to the constitution, and secondly, in order to amend the provisions that give rise to that situation, not only must the veto be surmounted but more than half of those eligible to vote in a referendum must also assent.

5. **The purpose of this paper is, therefore, to firstly provide guidance on how the priorities for reform in Myanmar can be put into operation by exploring the amendment provisions of the constitution in the light of international standards in constitutional democracies and practice around the world, and secondly, to examine the way in which the constitution may be reformed.**
6. **The Bingham Centre does not itself promote or seek any particular amendments, which must depend entirely on the wishes of the Myanmar people.**
7. The **first part** of this paper summarises a comparative analysis of the Constitution and shows that the elements of the Constitution considered at paragraph 4 above render it the most entrenched and difficult to change in the world. The analysis suggests that the amendment process within the current Constitution is impractical and fails to accord with both the established principles of constitutional democracy and the norms of the majority of constitutions across the rest of the world
8. The **second part** of this paper considers the process of reform and the three main options open to Myanmar: (1) changing the constitution according to its own procedures (incorporating an analysis of Indonesia's reform process); (2) adopting a wholly new constitution (incorporating an analysis of South Africa's process of reform); and (3) reforming key parts of the constitution without following the amendment procedure (citing an example of a post-war reform process in France). The analysis suggests that although all three options might be seen as legitimate, an initial attempt to amend the constitution in accordance with its own terms may be most conducive to the maintenance of peace in Myanmar.
9. In **Annex A** we summarise the Bingham Centre's experience from the seminars conducted in Myanmar and in **Annex B** we set out in tabular form the relevant provisions of each constitution of the world.

## THE PROCESS OF CONSTITUTIONAL AMENDMENT

10. In light of what seemed to us a widespread concern amongst those who participated in the workshops we attended, we considered that it would be most helpful in this paper to analyse the extent to which the existing procedures within the Constitution for amending it bore comparison to the other constitutions of the world, and how they fared against accepted principles of modern constitutional democracies.
11. The Myanmar Constitution requires that before any one of its most important provisions are amended, three steps must be taken. First, for an amendment to be considered by the Pyidaungsu Hluttaw, it must be proposed by 20% of representatives of the Pyidaungsu Hluttaw (section 435 of the Constitution). Second, any proposed amendment then requires the prior approval of more than 75% of all the representatives of the Pyidaungsu Hluttaw (section 436 (a) and (b) of the Constitution). Third, in relation to most of the important provisions of the constitution, there is then a further requirement that the proposed amendment be supported by a nation-wide referendum in which more than half the people eligible to vote must assent (section 436(a) of the Constitution). These provisions may have evolved as a strengthened form of Myanmar's own 1974 Constitution, which required the support of a 75% majority in Parliament and a referendum in order for it to be amended.<sup>4</sup> As to how these provisions compare with others around the world (and here we focus our attentions on the second and third steps of the process, which seem to us to have the greatest impact on the mechanics of reform)<sup>5</sup> there is great variety in the amendment provisions adopted in the world's constitutions.

### A. Amendment by Majorities

12. Of the 189 constitutions we studied (including Myanmar) 177 have amendment procedures, which require amendments to be approved by a certain majority in parliament. A strong majority of countries (whether unicameral or bicameral) require changes to the constitution to be approved by two-thirds of members of Parliament.
13. No constitution in the world, other than Myanmar's, has an amendment procedure which requires approval by **more than** 75% of members of parliament for amendments of all and any provisions of the constitution in both chambers of a bicameral parliament.<sup>6</sup> There are just three other countries which require the approval of more than 75% of members of parliament for constitutional amendments, but in each case an amendment is easier to achieve than in Myanmar.<sup>7</sup> As to those countries:
- Azerbaijan requires amendments to be adopted by a majority of 95 votes (which amounts to approximately 76% of the 125 members of the unicameral legislature) in two votes six months apart.<sup>8</sup> However, Azerbaijan is unicameral (meaning it has only one house in Parliament) and a constitutional amendment is therefore easier to

<sup>4</sup> The Constitution of Myanmar, 1974, Art. 194.

<sup>5</sup> The requirement that 20% of the representatives of the Pyidaungsu Hluttaw propose any amendment to the Constitution does not strike us as either exceptional or particularly onerous; there are certainly countries whose constitutions contain more onerous provisions for proposing an amendment, for example, the "more than 50%" requirement in Article 157 of the Constitution of the Republic of Azerbaijan.

<sup>6</sup> See Annex B.

<sup>7</sup> The Constitutions of Benin, Cote d'Ivoire, Kazakhstan, Niger and Togo provide that an amendment to the constitution may be passed either by a 4/5 majority of members of parliament or by a lesser majority followed by a referendum. The Constitution of Liechtenstein requires that amendment be approved by either the unanimous vote of the members present of the Diet (Parliament) or by a majority of 3/4 of the members present at two successive sittings of the Diet.

<sup>8</sup> The Constitution of Azerbaijan, Art. 156.

achieve than in Myanmar, where a majority over 75% in both chambers is required.<sup>9</sup> Furthermore, there is no appointed element in either chamber, nor do the military hold a practical veto over proposed changes to the constitution.

- Burundi requires that a proposal for amendment of its constitution be adopted with a majority of four-fifths of the members composing the National Assembly, but two-thirds of the members of the Senate.<sup>10</sup> Again, the military do not hold a practical veto over proposed changes to the constitution and there is no additional requirement for a referendum in order to change key provisions.
- Eritrea requires amendments to be approved by a 75% majority vote of National Assembly members and approved again one year later by four-fifths of all members.<sup>11</sup> However, like Azerbaijan, Eritrea is unicameral so this process is not as onerous as in Myanmar. Moreover, the military do not hold a practical veto over proposed changes to the constitution and there is no additional requirement of a referendum when amendments are proposed in relation to key provisions.

14. The following amendment mechanisms are noteworthy because (in isolation and without factoring in the additional hurdles in Myanmar) they come close to being as rigid as Myanmar's "more than 75%" requirement:

- We have identified seventeen countries in the world which require a vote by which **exactly** 75% (rather than more than 75%) of members of at least one house of parliament must approve **any kind** of constitutional amendment.<sup>12</sup> Ten of these countries are unicameral rather than bicameral and the provisions for amendment of the constitution are therefore less restrictive than those in Myanmar, which requires over 75% majority in both chambers.<sup>13</sup> Of the other seven, Algeria and Bhutan require approval by 75% of members in chambers sitting in joint session (so the Chambers become effectively unicameral for the purpose).<sup>14</sup> Russia requires 75% of the total number of members of the Council of Federation to approve an amendment and further requires not less than two-thirds of the total number of deputies of the State Duma to approve the amendment.<sup>15</sup> The three remaining countries (Madagascar,<sup>16</sup> Sudan<sup>17</sup> and Rwanda<sup>18</sup>) require **exactly** 75% (rather than **more than 75%**) approval in both chambers for all constitutional amendments. None of these countries is rated as a "free" country by Freedom House.<sup>19</sup>

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<sup>9</sup> Venice Commission (2001), European Commission for Democracy Through Law Report on Constitutional Amendment, Adopted by the Venice Commission at its 81st Plenary Session, Strasbourg, 11- 12 December 2009, Study no. 469 / 2008, available at <http://venice.coe.int>, at p.20 points out that "if a qualified majority is necessary in both chambers, as for example in the German parliament, then this may in effect be a stricter requirement than 2/3 in a unicameral system."

<sup>10</sup> The Constitution of Burundi 2005, Arts. 297-300.

<sup>11</sup> The Constitution of Eritrea 1997, Art. 59.

<sup>12</sup> These are Algeria, Benin, Bhutan, Gambia, Kazakhstan, Liechtenstein, Madagascar, the Maldives, Mongolia, Niger, Sao Tome, Russia, Rwanda, Sudan, Syria, Yemen and Taiwan.

<sup>13</sup> The Venice Commission Report (n 9) at p.20 points out "if a qualified majority is necessary in both chambers, as for example in the German parliament, then this may in effect be a stricter requirement than 2/3 in a unicameral system."

<sup>14</sup> The Constitution of Algeria 1963 (rev. 2008), Arts. 174-178; the Constitution of Bhutan, Art 35(2).

<sup>15</sup> The Constitution of Russia 1993 (rev.2008), Art. 108.

<sup>16</sup> The Constitution of Madagascar 2010, Art. 162.

<sup>17</sup> The Constitution of Sudan 2005, Art. 224.

<sup>18</sup> The Constitution of Rwanda 2003 (rev. 2010), Art. 193.

<sup>19</sup> Freedom House rates Sudan as "Not Free" and Madagascar and Rwanda as "Partially Free." Palau is rated as "Free". See Freedom House 'Freedom in the World 2013', available at [http://www.freedomhouse.org/sites/default/files/FIW%202013%20Booklet\\_0.pdf](http://www.freedomhouse.org/sites/default/files/FIW%202013%20Booklet_0.pdf).

- Some constitutions explicitly render a limited number of **specific** provisions or principles unamendable at any time and under any circumstances (for example those relating to fundamental rights).<sup>20</sup>
  - We have identified twelve countries, which require a vote by a higher-than-normal majority as high as 75% in specified and limited circumstances - either for specially entrenched constitutional provisions,<sup>21</sup> as an alternative to approval by a referendum,<sup>22</sup> or in other special circumstances.<sup>23</sup>
15. However, on close analysis, none of these countries requires a majority for amendment which is as rigid as Myanmar's "more than 75%" requirement by both chambers and in all circumstances.
16. The rigidity of the existing provisions has been justified on the grounds that it ensures that the Constitution's principles are firm and secure.<sup>24</sup> Constitutionalism does indeed require that the fundamental rules of a constitution established for the effective exercise of *democratic* state power should be stable and predictable, and not subject to easy change,<sup>25</sup> but at the same time, even quite fundamental constitutional change is sometimes necessary in order to improve democratic governance or to adjust to political, economic and social transformations.<sup>26</sup> The twin demands of the rule of law on the one hand and popular democracy on the other thus require that constitutions strike a balance between rigidity and flexibility which is appropriate to the context of the country in which they are operating.<sup>27</sup>
17. Although there is no overarching prototype for determining the correct balance between stability and flexibility and how it should be struck, there is a fairly widespread similar practice. In general, most constitutions strike the balance at requiring the approval of no more than two-thirds of members of parliament. In contrast, the requirement that over 75% of Myanmar's Pyidaungsu Hluttaw supports a constitutional amendment is so strict that amendment (at least perhaps other than once in the course of the exceptional current reformatory process) according to the current process will be virtually impossible.<sup>28</sup> For this reason, the country's stability and unity may be better served by a more flexible and adaptable constitution, better able to assist in its development as a constitutional democracy.

## B. Military Appointees in Parliament

18. In countries where democracy has been established over some time, military presence in the legislature is unheard of in modern day constitutions.<sup>29</sup> In fact, a number of constitutions explicitly prohibit the military undertaking a political role.<sup>30</sup> This is because the presence of the

<sup>20</sup> These include Azerbaijan, Belgium, the Czech Republic, Cyprus, Germany, France, Italy, Luxembourg, Moldova, Romania, Russia, Turkey and the Ukraine. The Portuguese Constitution also states a number of fundamental principles which may not be altered by amendment.

<sup>21</sup> The Bahamas, Dominica, Papua New Guinea, South Africa, St Lucia, Swaziland, the Solomon Islands and Trinidad and Tobago (the latter requiring the approval of two thirds of each house for 'ordinary' amendments to the constitution, but in relation to specified provisions, the approval of 75% of members of one house, and two thirds of the other is required).

<sup>22</sup> Burkina Faso and the Central African Republic.

<sup>23</sup> Lebanon and Mauritania.

<sup>24</sup> "Comparison of 1947 Union of Myanmar Constitution, 1974 Socialist Republic of the Union of Myanmar Constitution and 2008 Republic of the Union of Myanmar Constitution", *The New Light of Myanmar* (27 October 2013), available at <http://www.burmalibrary.org/docs16/NLM-2013-10-27-red.pdf>.

<sup>25</sup> Z. Elkins, T. Ginsburg, and J. Melton, *The Endurance of National Constitutions*, (Cambridge University Press, 2009), p.82.

<sup>26</sup> Venice Commission Report (n 9), 3.

<sup>27</sup> Venice commission Report (n 9), 4.

<sup>28</sup> "Vote to Nowhere, The May 2008 Constitutional Referendum in Burma", Human Rights Watch Report (May 2008), available at <http://www.hrw.org/sites/default/files/reports/burma0508webwcover.pdf>.

<sup>29</sup> See Annex B.

<sup>30</sup> E.g. the Constitution of Malawi, s.51; the Constitution of Macedonia, Art. 64; the Constitution of Turkey, Art. 76; the Constitution of Venezuela, Art. 330; and the Constitution of Togo, Art 52 all disqualify serving members of the military from standing for election.

military in parliament offends the widely recognised importance of constitutional separation of military and legislative power (discussed further below at paragraphs 25 - 26 below). Sections 198 - 210 of the South African Constitution for example expressly enshrine the principle of the separation of powers, stating that “national security is subject to the authority of Parliament and the national executive” and set out in detail the role of the military and the limits of its powers, thus ensuring proper civilian oversight of the military.

19. As the summary of our analysis contained in Annex B demonstrates, the only other country we have identified (of the 189 constitutions considered) which specifies the appointment of military personnel to parliament is Uganda. Currently the armed forces in Uganda appoint 10 members to the Ugandan Parliament, but this does not afford sufficient power to veto constitutional amendments.<sup>31</sup> It is perhaps also worth commenting that pre-1999, Indonesia’s military enjoyed significant political power, including 100 reserved seats in the Legislature and high ranking government positions. However, constitutional amendment ended the military’s formal political role.<sup>32</sup> The people now elect all members of Indonesia’s Parliament and members of the military no longer hold government positions. Given the parallels between Indonesia’s transition and what might be achieved in Myanmar, we have considered Indonesia’s experience in more depth at paragraphs 37-38 below.
20. That is not to say that it is contrary to the principles of a constitutional democracy for members of the legislature to be appointed *per se*. A number of constitutions provide for appointed members of parliament (though not from the military).<sup>33</sup> These non-elected representatives are generally appointed by the head of state or an independent appointment commission and usually comprise minority groups or experts or political appointments. The rationale for such appointments is generally to secure the protection of minorities or to enhance the quality or variety of legislative scrutiny, but not to safeguard national security.
21. However, in most countries that have legislatures with an appointed element, the appointed members of parliament cannot veto constitutional change, either because the proportion of appointed members of the upper house is too small,<sup>34</sup> because amendments can be approved by an alternative method to Parliamentary approval,<sup>35</sup> or because the upper house with appointed representatives is expressly prohibited from blocking either constitutional amendments or legislation generally, and can only delay legislation.<sup>36</sup> For instance, the British House of Lords (which is wholly appointed) can delay bills for a year rather than permanently veto those with which it disagrees. If the (wholly elected) House of Commons passes a measure again after one year, it can be enacted without the approval of the House of Lords.
22. While the usual practice is that the elected members of Parliament have “the final say”, there are some exceptions to this.<sup>37</sup> For example:

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<sup>31</sup> The Constitution of Uganda, s. 78 (c) states that Parliament shall consist of “such numbers of representatives of the army, youth, workers, persons with disabilities and other groups as Parliament may determine”. Currently, Ugandan forces have the right to elect 10 representatives to Parliament. Whereas Myanmar’s Constitution mandates that the Military must have a certain number of seats Uganda’s Constitution is permissive and defers the issue to legislation. This means that military presence in Parliament is easier to reform in Uganda than Myanmar. The Uganda model has been subject to some concern, and explained according to its unique and chaotic constitutional history. It is, the literature notes, not a model that is widely recognized.

<sup>32</sup> The Constitution of Indonesia 1945 (reinst. 1959, rev. 2002), Article 2(1).

<sup>33</sup> These are Afghanistan, Albania, Algeria, Antigua and Barbuda, the Bahamas, Bahrain, Barbados, Belarus, Belize, Bhutan, Brunei, Bulgaria, Cambodia, Cameroon,, Canada, Gambia, Grenada, Guyana, India, Iran, Ireland, Italy, Jamaica, Jordan, Kazakhstan, Kiribati, Kuwait, Lesotho, Madagascar, Malawi, Malaysia, Namibia, Nepal, Papua New Guinea, Rwanda, Said Arabia, Senegal, Sierra Leone, St Kitts and Nevis, St Lucia, St. Vincent and Grenadines, Swaziland, Togo, Tonga, Trinidad and Tobago , Uganda and Zimbabwe (see Annex B).

<sup>34</sup> E.g. Algeria, India, Italy, Botswana, Belarus, Bhutan, Georgia, Gambia, Nepal, Papua New Guinea, Qatar, Uganda and Zimbabwe (see Annex B).

<sup>35</sup> E.g. Burkina Faso (see Annex B).

<sup>36</sup> E.g. UK, Grenada, St Lucia, Jamaica, Antigua and Barbuda, St Kitts and Nevis, Cambodia, Dominica, Grenada, Guyana, Ireland, Malawi, Namibia and Singapore (see Annex B).

<sup>37</sup> E.g. Canada, Trinidad and Tobago, Bahamas, Barbados, Belize, Bahrain, Brunei, Burkina Faso, Jordan, Malaysia, Saudi Arabia, Jamaica, Madagascar, Kiribati and South Sudan (see Annex B).

- In Canada, the wholly appointed Senate has a power of veto over proposed amendments to the constitution which fall within the federal sphere of power (while for all other constitutional amendments it has the power to delay legislation for six months but not to prevent it).<sup>38</sup> However, there are some notable democratic checks and balances within the Canadian system:
  - This power is not universal but limited to the sphere of federal government.
  - The literature notes that due to the Senate's lack of perceived democratic legitimacy in practice it rarely exercises its extensive legislative veto powers.<sup>39</sup>
  - Canada's Senators are appointed by the Governor General of Canada on the advice of the Prime Minister and represent a range of sectional interests designed to protect individual and minority rights so as to redress deficits in the breadth of representation, which might otherwise obtain.
- In Belize, the Senate has the power to block amendments relating to Part II of the constitution relating to fundamental rights alone.<sup>40</sup> In Kiribati, the appointed representative of the Banaban community can veto constitutional amendments affecting the Banaban community only.<sup>41</sup> In South Sudan the appointed element can block constitutional amendments, however this is during the transitional period only.<sup>42</sup> In Trinidad and Tobago, Barbados, the Bahamas, Bahrain, Brunei, Jordan, Malaysia, Rwanda, St. Vincent and Grenadines, Tonga and Saudi Arabia, the appointed Senate has the power to block all constitutional amendments. However, the majority of these countries are not rated as "free" by Freedom House.<sup>43</sup>
- There are also some examples of countries where an unelected or appointed head of state has the power to veto constitutional amendments. For example, the Prince of Monaco and the King of Bahrain can both veto constitutional amendments.<sup>44</sup> In a number of constitutional monarchies, powers formally vested in the king are in reality vested in an elected Government. For example, under Belgium's Constitution both houses of parliament make decisions on alteration of the constitution in common accord with the King on the points submitted for revision.<sup>45</sup> However no act of the Monarch is valid without the signature of (a) member(s) of the government, which thereby become(s) solely responsible.

23. While it is not therefore universal practice that democratically elected members have "the final say", it is a norm amongst the overwhelming majority of those countries which might be described as stable and established constitutional democracies. We consider that the comparative analysis of the constitutions of the world we have undertaken shows that:

- It is a near-universal norm that members of the legislature should not be appointed from or by the military;

<sup>38</sup> The Constitution Act of Canada, 1982, s. 38- 47.

<sup>39</sup> S. Joyal, *Protecting Canadian Democracy: The Senate You Never Knew*, (McGill-Queen's Press, 2003), p.305.

<sup>40</sup> The Constitution of Belize 1981 (rev. 2001), Art. 69.

<sup>41</sup> The Constitution of Kiribati, 1979 (rev. 1995), Art. 214.

<sup>42</sup> The Constitution of South Sudan (2011), Art. 56.

<sup>43</sup> Freedom House rates Bahrain, Brunei, Jordan, Saudi Arabia and South Sudan as "not free" and Malaysia and Rwanda as "partially free." The remaining 7 countries are rated as "free". See Freedom House 'Freedom in the World 2013', available at [http://www.freedomhouse.org/sites/default/files/FIW%202013%20Booklet\\_0.pdf](http://www.freedomhouse.org/sites/default/files/FIW%202013%20Booklet_0.pdf).

<sup>44</sup> See the Constitution of Monaco 1962 (rev. 2002), Art. 94 and the Constitution of Bahrain 2002, Art. 98.

<sup>45</sup> The Constitution of Belgium 1831 (Rev. 2012) Art 195.

- Where members are appointed to parliament, this is often rationalised by democratic principles (for example to secure particular expertise or representation of minorities in parliament), but never as a means of ensuring security;
  - The overwhelming majority of constitutions, and certainly of the constitutions of well-established democracies do not allow appointed members of parliament a power to veto the decisions of the elected members or in cases where they do, such powers are normally restricted to amendment of certain aspects of the constitution and controlled by other checks and balances; and
  - In no other constitution in the world does the military exercise a power of veto.
24. In Myanmar, the consequence of the fact that (1) 25% of the members of each house of the Pyidaungsu Hluttaw in Myanmar are appointed by the Commander-In-Chief of the Defense services, and (2) that an amendment to the Constitution requires the approval of more than 75% of each house of the Pyidaungsu Hluttaw is that the military appointees in the Pyidaungsu Hluttaw hold a practical power of veto over constitutional changes even where such changes are supported by every elected member of the Pyidaungsu Hluttaw. This entrenchment of military control over the Constitution singles out Myanmar's Constitution from all others in the world and is out of step with international constitutional standards.
25. It is a fundamental and widely accepted principle of constitutionalism that the military should be subject to civilian control and the rule of law.<sup>46</sup> This flows from two basic principles of (1) popular sovereignty and (2) separation of powers. The principle of "popular sovereignty" is that the will of the people is the source of governmental authority and legitimacy. According to this principle, the people legitimately hold the power to establish the constitution and the system of government and the people remain responsible for the system which they establish.<sup>47</sup> The "separation of powers" institutionalizes the rule of law,<sup>48</sup> separating law-making agents from law-executing agents in order to prevent the rule of law degenerating into the rule of men.<sup>49</sup> It mandates that the military should not form part of the legislature in order to ensure that military are properly subject to civilian control and the rule of law. This means that the military must have sufficient power and autonomy to carry out its role of protecting security but its power should be separate from and should not dominate other aspects of governance.<sup>50</sup>
26. The military's political power under the Constitution has been justified within Myanmar by the country's on-going transition from authoritarian rule to democracy. In particular the argument is made that the Defence Services should be given the right to sit in Parliament in order to protect Myanmar from internal insurgencies and external threats.<sup>51</sup> We do not agree that a military presence in parliament is necessary to protect a country from internal and external threats. The constitutions of the world adopt a variety of mechanisms for ensuring that the military has sufficient power to perform its constitutional role of providing security, yet all (except to a limited extent Uganda's) do so while maintaining a separation of powers between civilian and military authority.<sup>52</sup> The existing academic literature generally assumes that any legislative role for the military, however limited it may be, is undesirable. For example, in

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<sup>46</sup> L. Henkin "New Birth of Constitutionalism: Genetic Influences and Genetic Defects", in Rosenfeld, ed. *Constitutionalism, identity, difference, and legitimacy: theoretical perspectives*, (Duke University Press, 1994), pp.40-1; S.P. Huntington, *The Soldier and the State: The Theory and Politics of Civil-military Relations* (Harvard University Press, 1957), pp. 80-97.

<sup>47</sup> L. Henkin 'New Birth of Constitutionalism: Genetic Influences and Genetic Defects, A.' in Rosenfeld, ed. *Constitutionalism, identity, difference, and legitimacy: theoretical perspectives*, (Duke University Press, 1994), pp.40-1.

<sup>48</sup> V.C. Jackson, *Defining the Field of Comparative Constitutional Law*, (Praeger Publishers, 2002), p.49.

<sup>49</sup> *Ibid.*

<sup>50</sup> 'Participatory Development and Good Governance', (Paris, OECD, 1995), paragraphs 53-56.

<sup>51</sup> "Comparison of 1947 Union of Myanmar Constitution, 1974 Socialist Republic of the Union of Myanmar Constitution and 2008 Republic of the Union of Myanmar Constitution", *The New Light of Myanmar* (27 October 2013), p.10.

<sup>52</sup> P. Fluri and A.B. Johnsson, *Handbook on Parliamentary Oversight of the Security Sector*, Inter-Parliamentary Union (2003), available at <http://www.ipu.org/PDF/publications/decaf-e.pdf>. This highlights the following mechanisms open to the military: oral and written questions, motions, inquiries, select committee hearings, "white papers", representations to ministers and departments.

pioneering works on democratic transitions and consolidation, Juan Linz and Alfred Stepan have argued that the military's imposition of "reserve domains" on an elected government impedes democracy.<sup>53</sup>

### C. The Referendum Requirement

27. Section 436(a) of the Myanmar constitution provides that where an amendment of specific important provisions of the constitution is supported by more than 75% of the Pyidaungsu Hluttaw the amendment must thereafter be supported by a majority of those eligible to vote in a nationwide referendum. It is not unusual that amendments to specified parts of a constitution must be supported by a referendum.<sup>54</sup>
28. What is onerous in the Myanmar context is, first, the breadth of the referendum requirement (it is required to amend most of the sections of the constitution); secondly, that there is such a large majority required in the Pyidaungsu Hluttaw before the referendum is held; and thirdly, that it is combined with the power of the military to veto approval by the Pyidaungsu Hluttaw.
29. Of the 198 constitutions reviewed, only one other country, Azerbaijan, requires over 75% majority parliamentary approval before a referendum is held.<sup>55</sup> All other constitutions with a referendum requirement mandate a majority approval in parliament of 75% or less, or otherwise permit a referendum as an alternative to parliamentary approval. The majority of the countries reviewed with a referendum requirement also require the approval of no less than two-thirds of members of parliament. Of the 189 countries reviewed, only eleven countries<sup>56</sup> require a mandatory referendum for some<sup>57</sup> or all<sup>58</sup> amendments alongside a 75% majority parliamentary approval. Five of these countries are unicameral rather than bicameral and the provisions for amendment of the constitution are therefore less restrictive than those in Myanmar, which requires over 75% majority in both chambers. Of the other six countries, Swaziland requires approval by 75% of members in chambers sitting in joint session (so the chambers become effectively unicameral for the purpose). The five remaining countries<sup>59</sup> require exactly 75% (rather than more than 75%) approval in both chambers alongside a referendum for some<sup>60</sup> or all<sup>61</sup> constitutional amendments. In each case amendment is easier to achieve than in Myanmar because the military do not hold a practical veto over proposed changes to the constitution.
30. We would not suggest that there is a principled objection to the requirement that constitutional change be supported by referendum *per se*. Nor, is there an in-principle objection to a requirement that certain provisions of a constitution may only be amended with the support of a qualified majority of members of parliament and a referendum, particularly in circumstances where the constitution itself has been passed as a consequence of a genuine referendum with widespread public participation. However, the cumulative effect of all three of Myanmar's

<sup>53</sup> S.C. Alfred, J.J. Linz, "Toward consolidated democracies", (1996) 7(2) *Journal of democracy*, 14.

<sup>54</sup> E.g. Kenya, Latvia, Lithuania, Moldova, Montenegro, Poland, Serbia, Sri Lanka, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines all require referendums in support of certain amendments and Swaziland and the Ukraine all require that the amendment of certain provisions be approved both a higher-than-normal majority (though less than 75%) in parliament and a referendum. The Bahamas, Dominica, Spain and Swaziland require that the amendment of certain provisions be approved by a 75% majority and a referendum.

<sup>55</sup> The Constitution of Azerbaijan (rev. 2009), Article 152, requires all constitutional amendments to be approved by a referendum.

<sup>56</sup> These are the Constitutions of Gambia, Liechtenstein, Madagascar, the Maldives, Rwanda, Yemen, Taiwan, the Bahamas, Dominica, St Lucia, and Swaziland. The Constitutions of Benin, Kazakhstan, and Niger, which all provide that an amendment to the constitution may be passed either by a 4/5 majority of members of parliament or by a 75% majority followed by a referendum. In Bhutan, Mongolia and Sao Tome amendment must be passed by 75% of members of parliament and a referendum is only required on an optional basis, upon demand by parliament, or upon decision of the Head of State.

<sup>57</sup> Gambia, Liechtenstein, Rwanda, Yemen, the Bahamas, Dominica, St Lucia and Swaziland.

<sup>58</sup> Taiwan, Madagascar and the Maldives.

<sup>59</sup> Madagascar, Rwanda, Bahamas, Dominica, Swaziland and St Lucia.

<sup>60</sup> Rwanda, Bahamas, Dominica, Swaziland and St Lucia.

<sup>61</sup> Madagascar.

barriers to amendment discussed above is in our view out of step with most if not all the constitutions of the world, and in conflict with the principles discussed above.

## D. Summary of Analysis

31. The following conclusions can be drawn from the foregoing comparative analysis:

- Myanmar's general amendment procedure, requiring **more than 75%** approval of the members of **two** chambers for all and any amendment to the Constitution is, even on its own, more inflexible in terms of voting requirements than all major constitutional democracies, and nearly all other constitutions in the world.
- The appointment of one quarter of the members of the Pyidaungsu Hluttaw from the military is unique in the constitutions of the world, as is the practical power of veto operated by the military which it gives rise to. Few other countries (and apart from Canada, no major democracies) allow such sweeping powers to unelected members of the Pyidaungsu Hluttaw, let alone to military members.
- The additional requirement that there be the support of the populace in a referendum in respect of amendments to many of the most important provisions is not unusual but when considered in the context of the provisions discussed above effectively obstructs even minor constitutional change.

32. The foregoing comparative analysis suggests that the combination of these three factors together render the Myanmar Constitution considerably more inflexible and difficult to amend than any constitution in the world, and certainly any recognised constitutional democracy.<sup>62</sup> Given Myanmar's current transition to constitutional democracy, it may be that greater flexibility would be of value to its people, particularly at this time.

33. In drawing that conclusion we do not exclude consideration of some of the other stringent mechanisms employed across the world for entrenching constitutional provisions. We have considered for example that a number of established and stable constitutional democracies whereby require the consent from two different parliaments, one before and the one after an intervening election.<sup>63</sup> Some parts of the Canadian Constitution can only be modified by a unanimous vote of all the provinces plus the two Houses of Parliament.<sup>64</sup> However, while these provisions are not directly comparable, in our judgment they are not more inflexible than the provisions of Myanmar's Constitution.

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<sup>62</sup> In drawing that conclusion we do not exclude consideration of some of the other stringent mechanisms employed across the world for entrenching constitutional provisions. We have considered for example that a number of established and stable constitutional democracies whereby require the consent from two different parliaments, one before and the one after an intervening election (Belgium, Denmark, Estonia, Finland, Greece, Iceland, Luxembourg, the Netherlands, Norway, Spain and Sweden). Some parts of the Canadian Constitution can only be modified by a unanimous vote of all the provinces plus the two Houses of Parliament (the Constitution Act of Canada 1982, s.41). However, while these provisions are not directly comparable, they do not seem to us to be more inflexible than the provisions of Myanmar's Constitution.

## THE OPTIONS FOR REFORM

34. There are broadly three options for constitutional reform in Myanmar: (1) amend the Constitution according to its own procedure; (2) replace the Constitution by broad consensus but without complying with the terms of the process itself; or (3) retain the existing Constitution while amending aspects of it outside of its own terms.

### A. Option 1: Amendment According to the Existing Process

35. By amending the Constitution according to its own procedures, there can be no contention that the resultant constitution lacks legitimacy in formal terms. On the other hand, by amending rather than replacing the Constitution, the new constitution is tied to the current Constitution and may be tarnished by a perceived illegitimacy of the former.
36. Myanmar's Constitutional amendment procedure entrenches military power, so an organic constitutional transition is only possible if actually supported by the military. In recent history, various countries have transitioned from authoritarian rule to constitutional democracy via organic development. Hungary, South Korea Poland and Indonesia are key examples. In our view, the latter (given its geographical proximity, and constitutional similarities) is the most useful comparator. **Indonesia's** recent history shows that a powerful military can reform itself through an organic constitutional reform process, provided there is strong pressure from the public and within the constitution-making body itself.
37. The role of the military in Myanmar politics has been compared to that enjoyed by the armed forces of Indonesia since President Suharto's seizure of power in 1967. Pre-1999, Indonesia's military enjoyed significant political power, including 100 reserved seats in the Legislature and high ranking government positions.<sup>65</sup> A process of constitutional amendment between 1999 and 2002 ended the military's formal political role,<sup>66</sup> such that the people now elect all members of Indonesia's Parliament<sup>67</sup> and members of the military no longer hold government positions.<sup>68</sup> The removal of military appointees in the parliament was a critical part of a wholesale process of constitutional reform which took place piecemeal over a number of years, but which saw the country gradually reduce the influence of the military over Indonesia's affairs and transition in phases from "partially free" (Freedom House 2004) to "free" (Freedom House 2014). According to the World Bank, "*Indonesia is now one of Asia Pacific's most vibrant democracies that has maintained political stability and emerged as a confident middle-income country*".<sup>69</sup>
38. Although military reform could have been achieved in Indonesia without military co-operation, the military did ultimately support all constitutional reforms, including the elimination of military representation in parliament. Some of the drivers of this transition in Indonesia were:
- Political compromise whereby the military pledged support for certain reforms (e.g. ending the military's formal political role) in return for being given the right to formulate its own internal reform agenda and to maintain its territorial power structure;<sup>70</sup>

<sup>65</sup> "Comparison of 1947 Union of Myanmar Constitution, 1974 Socialist Republic of the Union of Myanmar Constitution and 2008 Republic of the Union of Myanmar Constitution", The New Light of Myanmar (27 October 2013).

<sup>66</sup> The Constitution of Indonesia 1945 (reinst. 1959, rev. 2002), Fourth Amendment, Art. 2(1).

<sup>67</sup> D. Singh, L.C. Salazar, 'South East Asian Affairs 2006', Institute of Southeast Asian Studies (2006), p.111.

<sup>68</sup> The Constitution of Indonesia 1945 (reinst. 1959, rev. 2002), Fourth Amendment, Art 2(1).

<sup>69</sup> World Bank, Indonesia Country profile, available at <http://www.worldbank.org/en/country/indonesia>.

<sup>70</sup> M. Mietzner, 'The Politics of Military Reform in Post-Suharto Indonesia: Elite Conflict, Nationalism, and Institutional Resistance', (East-West Center, 2006), available at [www.eastwestcenterwashington.org/publications](http://www.eastwestcenterwashington.org/publications).

- Public demand for better governance and accountability; and
- A policy of making decisions via consensus rather than open votes in Parliament where possible, combined with deal-making which saved the amendment process from deadlock and enabled controversial amendments to be passed.<sup>71</sup>

39. Recent developments in Myanmar such as the establishment of a Parliamentary Constitutional review committee; a public consultation process and indeed the public comments in support of reform by the President suggest that some of those with power in Myanmar may be willing to engage in constitutional democratisation, through organic reform. It may be that Indonesia's example offers some inspiration and lessons for Myanmar.

## B. Option 2: Replacement of the Constitution without following the Constitutional Procedure

40. Whole-scale replacement of a constitution usually occurs as a result of a popular uprising or as a result of negotiations.<sup>72</sup> Recent history has seen numerous examples of constitutions being replaced wholesale through negotiated and controlled transitions across Eastern Europe,<sup>73</sup> South America,<sup>74</sup> Africa<sup>75</sup> and South-East Asia.<sup>76</sup> Perhaps the most successful and important example of a peaceful transition is **South Africa** in which the process was notable for the participants' willingness to reach a broad-based consensus.

41. From 1990 to 1997 South Africa transitioned from apartheid to a constitutional democracy. South Africa's 1983 constitution institutionalised the apartheid system within the legislature.

42. South Africa's constitution-making process occurred in two stages,<sup>77</sup> designed and negotiated by South Africa's diverse political parties. The first stage, from approximately February 1991 to April 1994, involved amongst a number of reforms, the negotiation of an interim constitution being the first stage to agreeing a final constitution in the second stage of reforms. South Africa's interim constitution was largely drafted through multi-party negotiations (many political parties such as the ANC having been legalised as part of the first stage of reforms). Although the relatively closed-door negotiations caused anger, they may have been necessary to the establishment of a democratically elected parliament and constitution-making process.<sup>78</sup> Political parties did, however, consult with their constituencies on key issues in the negotiations and over time, these forums became increasingly open to the media and public scrutiny.<sup>79</sup>

43. One of the key conflicts during South Africa's constitutional negotiation process was the method for adopting and drafting a new constitution.<sup>80</sup> Under the 1983 Constitution, amendments had to be approved by each house of the Tricameral Parliament,<sup>81</sup> which gave representatives of white minority interests a veto over constitutional amendments and excluded representatives of the black majority from any input. The governing National Party wanted to retain its veto over the constitution-making process, and so argued that negotiated agreements

<sup>71</sup> D. Indrayana, *Indonesian Constitutional Reform 1999-2002: An Evaluation of Constitution-making in Transition*, (Penerbit Buku Kompas, 2008), p.218.

<sup>72</sup> L.J. Diamond, 'Toward democratic consolidation', 5(3) *Journal of democracy* (1994) 4-17.

<sup>73</sup> E.g. The Constitution of Spain 1978 and the Constitution of Czechoslovakia.

<sup>74</sup> E.g. The Constitution of Bolivia 2007.

<sup>75</sup> E.g. The Constitution of Uganda 1995, the Constitution of Kenya 2010 and the Constitution of South Africa 1996.

<sup>76</sup> E.g. The Constitution of Thailand 1997.

<sup>77</sup> For a more in depth overview of South Africa's constitutional reform process see H. Klug, "Constitution-Making, Democracy and the Civilizing or Irreconcilable Conflict: What Might We Learn from the South African Miracle," *Wis. Int'l LJ* 25 (2007) 269.

<sup>78</sup> H. Corder, 'South Africa's First Bill of Rights: Random Recollections of One of Its Drafters', 32 *Int'l J. Legal Info* (2004) 313, 320.

<sup>79</sup> C. Barnes and E. De Klerk, *South Africa's Multi-Party Constitutional Negotiation Process* (1997), p.27.

<sup>80</sup> H. Klug, 'Constitution-Making, Democracy and the Civilizing or Irreconcilable Conflict: What Might We Learn from the South African Miracle,' *Wis. Int'l LJ* 25 (2007) 269.

<sup>81</sup> Republic of South Africa Constitution Act 110, s. 99.

had to comply with the existing 1983 Constitution and be adopted by the Tricameral Parliament. The ANC would not agree to this and the compromise was reached that an interim constitution would be drafted to establish a democratically elected constitutional assembly which would in turn draft and adopt a final constitution. This, however, led to a further dispute concerning the size of the supermajority that would be required for that constitutional assembly to adopt the final constitution. The National Party wanted a requirement that 75% of the members of the new assembly had to agree, which would effectively have given it a veto over the final constitution, but in the end the parties settled at 66% of the Constitutional Assembly and the House of Senators.

44. The final constitution had to comply with a number of principles including (of importance to the National Party) that (i) it had to be consistent with 34 constitutional principles in the Interim Constitution; (ii) the newly established Constitutional Court was to certify the final constitution for consistency with these constitutional principles; and (iii) the Interim Constitution envisaged national unity, reconciliation and an amnesty process. The Interim Constitution was formally enacted by Parliament and came into force on 27 April 1994.
45. The South African success in persuading the Tricameral Parliament and ruling government to adopt an Interim Constitution, which ensured its own demise, may be instructive to Myanmar. However, the disadvantage of wholesale replacement of the Constitution without following the procedure prescribed in the current constitution is that it might well leave the perception that the substitution of the old constitution for the new was not legitimate and might leave ground for discontent.
46. For these reasons, a new constitution, or an amendment to the existing Constitution which was itself adopted by a sound process (for example, following a referendum, even if not that which is prescribed by the Constitution), might be said to be lawfully adopted in accordance with democratic principle and the rule of law.

### **C. Option 3: Amend Part of the Constitution without Complying with the Amendment Process**

47. Given the difficulties and risks of whole-scale replacement, an alternative option would be to amend the most problematic aspects of the Myanmar Constitution (such as the practical military veto over constitutional amendments) without following the amendment procedure. A precedent for this is the 1962 amendment to France's 1958 Constitution, which established direct Presidential elections and which was adopted without the approval of both chambers of Parliament as per the requirements for constitutional amendment set out in article 89 of the extant constitution. This amendment was approved by popular referendum and subsequently endorsed by the Constitutional Court.<sup>82</sup>

### **D. Summary of Analysis**

48. Despite the availability of three options for reform, there would seem to be merit seeking to amend the Constitution in accordance with its own terms – at least initially. Failing a successful outcome, the alternative options might subsequently be considered.

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<sup>82</sup> For discussion see M. Rosenfeld, A. Sajó, and S. Baer, *Comparative Constitutionalism: Cases and Materials* (Thomson/West, 2003).

## CONCLUSIONS

49. In the course of writing this article, on 2 January 2014, President Thein Sein publicly offered his support to the reform process. Myanmar may well be embarking on a process of peaceful reform with the amendment of the constitution as a first step. The Bingham Centre has no view on how Myanmar's constitution should be amended, but we have set out in Annex A a summary of the views of the many hundreds of citizens of Myanmar we met in the course of the seminars in Myanmar.
50. Notwithstanding this, one of the goals of both the Committee and of the Constitution itself is to perpetuate peace in Myanmar. With that in mind, and in light of what we learned from the people engaged in the workshops in Myanmar, we consider that in the first instance the current efforts to amend rather than completely overhaul the constitution would seem well placed.
51. Further, we are able to say that the current amendment procedure is more onerous than any other constitution in the world. If Myanmar is to embark on a process of organic reform (as many of those whom we encountered in our work in Myanmar would wish) then it may be that procedures need to be adopted which are far more flexible than the existing ones and that amendment to the amendment process ought to be in the first rank of changes to the Myanmar Constitution. An initial attempt to amend the Constitution in accordance with its own terms may be most conducive to the maintenance of peace in Myanmar.
52. We are also able to say with confidence that the constitutional role of the military in the legislature and its practical veto over constitutional reform is unique; out of step with constitutional norms across the world; and contrary to fundamental normative principles of constitutional democracy. It seems to us that if Myanmar is to achieve the unity and stability which are the goals of the Committee and its constitution, the experience of Indonesia and South Africa affords confidence that this can be achieved peacefully.

## **ANNEX A: The Bingham Centre's Work in Myanmar**

### ***The Consultation Exercise and Responses***

1. The Centre took part in three sets of workshops in Myanmar concerned with the consultation on proposed amendments to the constitution. The first workshop on 14 October 2013 was held in Yangon, Myanmar with around 90 delegates comprising pleaders and advocates, pupils and students of the Myanmar legal system. The Centre followed up on this by participating in a tour of Myanmar between 4 and 12 November 2012, attending eight seminars in Mawlamying, Pham, Bago, Nay Pyi Taw, Mandalay, Taungyi, Meitila and Yangon. It then provided assistance to a further tour organised and run by lawyers' associations and others within Myanmar which took place between 2 and 13 December 2013, and which held seminars in Myitkyina, Hakha, Monywa, Magwe, Patheingyi, Sittwa and Dawei. Nearly 500 individuals (all living in Myanmar) wrote submissions to the Committee as a result of these seminars.
2. The Centre expressed no opinions as to how the constitution of Myanmar might be changed, but sought to facilitate and inform the people of Myanmar about the constitution and to put it into context so as to permit others to make useful and informed responses. The training manual prepared for the workshops is available on the Bingham Centre website: <http://www.biicl.org/news/view/-/id/164/>. That manual contains a detailed analysis of the constitution which is not repeated here.

### ***The Priorities for Reform of the People of Myanmar***

3. The themes which were most common amongst participants in the seminars are set out as follows.

#### ***Amendment of the Constitution***

4. The provision in section 436 of the constitution that 75% + 1 of the Pyidaungsu Hluttaw must give prior approval to any amendment of the constitution should be replaced with a more flexible mechanism for amendment.

#### ***Electoral Reform***

5. All members of the Pyithu Hluttaw and the Amyotha Hluttaw should be elected by the people of Myanmar in a multi-party system [sections 109 and 141]. Some people suggested reducing the proportion of Defence Services Representatives to nil in phases (for example to 15% in the first term and thereafter to nil).
6. There was a widespread desire to ensure greater decentralisation and election of regional and state government bodies. Clearly, this is a very broad and nuanced topic and very detailed consideration and negotiation would need to be undertaken as to the precise means by which this might be achieved.
7. Many people advocated directly electing the president.

#### ***Qualifications and Selection of the President and Vice-President***

8. There was near unanimity that the criteria for qualification of the President and Vice President in sections, 59(c), 59(d), 59(e), 59(f) and 59(g) should be deleted in their entirety. It was suggested that the criteria for qualification as President, Members of the Pyidaungsu Hluttaw (ss120 and 152) and Judges (ss301 and 310) should be standardised.

### ***Popular Sovereignty over the Military***

9. Most delegates considered that the military should be subject to civilian control [s.20(b)] and its overall influence reduced for example by reducing or abolishing the role of the military in the national legislature (see above) and abolishing the Defence Services personnel's Presidential Electoral College by which at least one Vice-President and one of three presidential candidates is selected by that group. [Section 60(b)(iii) and 60(c)].

### ***Provisions on State of Emergency***

10. The provisions relating to a state of emergency (section 40 and Chapter XI, especially sections 412, 414, 421 and 432) should be significantly more restricted, tightly defined and controlled. The following amendments were amongst those commended for consideration:

- Require the approval of the Pyindaungsu Hluttaw prior to, or within a short space of time after, any declaration of a state of emergency.
- Impose maximum time limits on any declaration of emergency after which the declaration must be scrutinised and approved by the Pyindaungsu Hluttaw.
- Define more tightly the circumstances in which a state of emergency may be declared.
- Require definition of the emergency giving rise to the declaration.
- Require the declaration to state which constitutional provisions are suspended.
- Empower suspension of only such provisions of the constitution as are necessary to address the emergency.
- Ensure that legal action may be pursued for abuses of power in states of emergency.

### ***Judiciary (Sections 19, and Chapter VI, particularly sections 299-301, 321)***

11. The independence of the judiciary as guaranteed by section 19 of the Constitution should be augmented by specific provisions to secure independence, incorruptibility and freedom from political influence. The majority agreed that the following measures should be considered to achieve this:

- Establish an independent appointments commission
- Judges to sit in panels of three (to minimise the potential corruption of single judges)
- Qualifications to ensure that all judges are legally qualified and of high calibre (sections 310, 333).
- A constitutional right to jury trial in criminal and civil matters.

12. Further widely supported measures included:

- Restricting the jurisdiction of the court martial system to military offences (sections 293 and 319);
- An individual right of petition to the Constitutional Tribunal (section 325-6);
- The constitution should express the obligation of the legislature to obey, follow and respect the rulings of the Constitutional Tribunal (sections 46 and 320-336);
- There was support for the publication of the law and records of all meetings of the Pyindaungsu Hluttaw (section 89) to ensure transparency of the legislature.

### ***Criminal Justice (sections 373-376)***

13. The constitution should be amended to ensure the criminal justice system respects the highest standards of the rule of law. A large majority considered the following measures would help achieve this:

- Amendment to section 375 of the constitution so as to express a constitutional right to legal representation immediately following arrest or detention and thereafter throughout the criminal justice process.
- Amendment to section 375 and 19(b) to acknowledge a right of a person to a fair trial including a right to be heard in their own defence.
- Constitutional recognition of the presumption of innocence in criminal trials.
- Amendment of Section 376 so as to make the right to be brought before a magistrate within 24 hours of being held in custody an absolute right without exception, consistent with section 21(b) (save a limited possible exception based on practicability, for example in remote rural areas).

### ***Fundamental Rights***

14. A large majority of those with whom we met considered the following changes should be made:

- Remove the powers vested in the military to revoke or suspend fundamental rights (section 382).
- Limitations on rights to Freedom of Expression and Freedom of Assembly (section 354) should be restricted solely to circumstances defined by the constitution and such restrictions should be no more than are in accordance with the law and necessary in a democratic society.
- Make the prohibition on forced labour (section 359) absolute and non-derogable;
- Amend provisions which discriminate between citizens and non-citizens so as to apply universally (sections. 348, 354, 356, 365, 381);
- The equality provisions [sections 21(a), 347, 348, 350 and 352] should remain subject to amendments that
  - the vague exclusion of women from “positions that are suitable for men only” (section) should be deleted;
  - the right of women to equality before the law in all respects should be expressly stated;
  - there should be an express prohibition on discrimination against disabled people.

15. Two summaries of the work of the Bingham Centre and its experience in meeting the people of Myanmar were submitted to the Committee in Nay Pyi Taw setting out (broadly) the suggestions above, alongside more than 500 individual submissions made by the delegates at the workshops.

## ANNEX B: Comparative Table of World Constitutions

Country	Constitutional Amendment	Composition of Legislature	Appointed Element with Veto over Constitutional Amendment.
<b>Afghanistan</b>	Amendment requires approval of majority of National Assembly members and 2/3 of the Loya Jorga (Articles 149-150) Some provisions unamendable (Article 149).	The National Assembly comprises the House of Elders and the House of the People (Article 81). Members of the House of People are directly elected (Article 83). 2/3 of Members of the House of Elders are elected by the district and provincial councils and 1/3 are appointed by the President, from amongst experts and experienced personalities (Article 84). The Loya Jirga consists of: Members of the National Assembly and Presidents of the provincial as well as district assemblies (Article 110). Presidents of the assemblies are elected (Articles 138 and 140).	No - The Appointed element of House of Elders is too small to veto constitutional amendments.
<b>Albania</b>	A suggested amendment must be supported by 1/5 of the Assembly and to be passed must be supported by 2/3 of all members of the Assembly (Article 177). The Assembly may request a referendum. The President of the Republic has the right to return a law for re-consideration only once (Article 85).	Article 64: Assembly is composed of 140 deputies, elected on proportional system with multi-names electoral zones.	No - The national assembly can veto legislation – all members of which are directly elected. The President can only return laws for re-consideration once and therefore does not have power of veto.
<b>Algeria</b>	3 options: (i) Article 174 procedure – amendments initiated by the president must be approved by the two chambers and subject to national referendum (ii) Article 176 procedure – amendments initiated by the president without a referendum may be passed if approved by 3/4 of the two chambers and the Constitutional Council (iii) Article 177 procedure 3/4 - of the members of the two chambers of the Parliament, meeting in joint session, may propose a constitutional revision and present it to the President of the Republic, who may submit it to a referendum. Article 178 prohibits a number of constitutional amendments.	Parliament comprises the People's National Assembly and the Council of the Nation (Article 98). The National Assembly is directly elected (Article 101). 2/3 of the members of the Council of the Nation directly elected and 1/3 appointed by the President of the Republic from among the personalities and national elites in the scientific, cultural, professional, economic and social fields.	Under the Article 176 procedure amendments must be approved by 75% of Council of Nation and Parliamentary National Assembly. 1/3 of the Council of the Nation is appointed by the prime minister – these appointed members can therefor block

			amendments proposed by the President. However under the Article 177 process $\frac{3}{4}$ of the members meeting in joint session must approve the amendment. The national assembly has 398 seats; whereas the National Council has only 144 therefore the appointed element of the Council of the Nation cannot veto amendments under the article 177 process.
<b>Andorra</b>	A suggested amendment must be supported by the Coprinces jointly or 1/3 of the members of the General Council (Article 105), and to be passed must be supported by 2/3 of the General Council and ratified by a referendum (Article 106).	Members of the General Council are directly elected (Article 51).	N/A – members of the General Council directly elected
<b>Angola</b>	A suggested amendment must be supported by the President of the Republic 1/3 of the Members of the National Assembly (Article 233) and must be approved by a 2/3 majority of National Assembly Members. Article 236 places material limits on constitutional amendments.	The National Assembly composed of directly elected members (Articles 142 and 143). The President is directly elected (Article 106).	N/A – members of the National Assembly directly elected. The President has no veto power.
<b>Antigua and Barbados</b>	Suggested amendment must be approved by 2/3 majority in the House of Representatives and a referendum with 2/3 majority (of votes validly cast) and there must have been an interval of at least 90 days between the introduction of the bill in the House and the beginning of the second reading of the bill in that House (Article 47).	House of Representatives directly elected (Article 36). The Senate shall consist of 17 persons appointed by the Governor General – 1 at his discretion, 10 appointed on advice of the Prime Minister, 4 appointed on the advice of the opposition, 1 inhabitant of Barbuda on the advice of the Prime Minister, 1 on the advice of the Barbuda Council (Article 28).	No - Articles 47 and 55 give the House of Representatives the power to pass bills to the Governor-General for his assent if the senate has rejected them twice.
<b>Argentina</b>	A suggested amendment must be supported by 2/3 members of Congress (Article 30). The amendment shall not be accomplished except by a Convention called for such purpose.	Chamber of Deputies directly elected (Article 45). The Senate is directly elected (Article 54).	N/A – both houses elected.
<b>Armenia</b>	A suggested amendment must be supported a majority of the total number of the Deputies of the National Assembly (or 2/3 if remanded the President remands it with	The National Assembly is composed of directly elected members (Article 63).	N/A – National Assembly directly

	objections) and to be passed must be approved by a referendum with over 50% of the votes, of at least 1/4 of registered voters (Articles 111 and 112).		elected.
<b>Australia</b>	Constitutional amendments require absolute majority support of both houses plus a referendum with the approval of the majority of the electors voting in the majority of the States (Article 128).	Article 7: The Senate is directly elected. Article 24: House of Representatives is directly elected.	N/A both houses directly elected.
<b>Austria</b>	Constitutional amendments must be passed a 2/3 majority of the National Council with at least half the members present. Constitutional amendments restricting the competence of the Laender in legislation or execution require also the approval of 2/3 majority of the Federal Council with at least half the present Referendums are required for total revision and, if 1/3 of the members of the National Council or the Federal Council so demands, for partial revision (Article 44).	Art 26: National Council is directly elected. Art 35(1): The members of the Federal Council are indirectly elected.	N/A – National Council elected and Federal Council indirectly elected.
<b>Azerbaijan</b>	A suggested amendment must be supported by the President or at least 63 Members of the Milli Majlis of the Republic of Azerbaijan (Article 157). The opinion of the Constitutional Court on the proposed changes must be obtained (Article 153). Amendments must be approved by a majority of 95 votes in the Milli Majlis (Article 156) and a referendum (Article 152). Amendments are put to a vote in the Milli Majlis twice with a 6 month interval (Article 156).	Article 83: The Members of the Milli Majlis of the Republic of Azerbaijan are directly elected.	N/A all member of the legislature directly elected.
<b>Bahamas</b>	Some provisions can be amended by 2/3 of members in both houses and referendum and some provisions can be amended by 3/4 of members in both houses and referendum (Article 54).	Article 46: House of Assembly elected. Article 39: The Senate consists of 16 members appointed by the Governor-General – 9 on the advice of the Prime Minister, 4 on the advice of the Leader of the Opposition; 3 on the advice of the Prime Minister after consultation with the Leader of the Opposition.	Yes – Art 54: Constitutional amendments must be passed by both houses.
<b>Bahrain</b>	A suggested amendment must be supported by 15 members of the Consultative Council (Article 98) or the Chamber of Deputies and to be passed must be approved by 2/3 majorities of the members of both the Consultative Council and Chamber of Deputies, and the King. (Article 120A) A number of provisions cannot be amended (Article 120C).	Article 33: The King appoints members of the Consultative Council. Article 52L The Consultative Council is composed of forty members appointed by Royal Order. Article 56: The Chamber of Deputies comprises 40 members directly elected.	Yes –The King and the Consultative Council (fully appointed by the King) can veto Constitutional amendments.
<b>Bangladesh</b>	Article 142: Amendments must be passed by 2/3 of the total number of members of Parliament.	Article 65: Parliament consists of 300 directly elected members.	N/A Parliament fully elected.
<b>Barbados</b>	Article 49: some provisions can be amended by 2/3 majority of members in both houses and some provisions can be amended by a majority of members of both houses.	Article 42: The House of Assembly is directly elected. Article 36: The Senate consists of 21 persons appointed by the Governor-General, of which, 12 are appointed on the advice of the Prime Minister, 2 are appointed on the advice of the Leader of the Opposition; 7 are appointed at the Governor-General's discretion.	Yes – appointed Senate can veto Constitutional amendments
<b>Belarus</b>	A suggested amendment must be supported by the President or of no fewer than 150,000 citizens of the Republic of Belarus who are eligible to vote (Article 138), and to be passed must be approved by 2/3 of the elected deputies of both chambers (Article 140). Some amendments must be approved by referendum with the majority of eligible voters approving.	The House of Representatives consists of 110 directly elected deputies. The Council of the Republic consists of indirectly elected regional representatives and 8 members are appointed by the President of the Republic of Belarus (Article 91).	No – only elected deputies can vote on constitutional amendments (see Article 140)

<b>Belgium</b>	Article 195 and transitional Article 195: Amendments must be supported by at least 2/3 of the votes cast with 2/3 members present. To amend constitutional provisions, except those laid out in transitional Article 195, the two Houses are automatically dissolved and two new Houses are then convened, in accordance with Article 46.	Article 61: members of the House of Representatives are directly elected. Article 67: 40 senators directly elected, 21 senators are indirectly elected; 10 senators co-opted senators (appointed by the senate).	King technically has power to veto Constitutional amendments, however a constitutional provision explicitly states that no act of the Monarch is valid without the signature of (a) member(s) of the government, which thereby becomes solely responsible, hence excluding any reserve power for the crown.
<b>Belize</b>	Art 69 - some provisions can be amended by 2/3 majority in the House of Representatives and referendum and some provisions can be amended by 3/4 majority in the House of Representatives. A Bill to alter any provisions of Part II of this Constitution shall not be regarded as being passed by the National Assembly unless it is supported by a simple majority of the Senate. Part II sets out fundamental rights.	Article 56: The House of Representatives consists of 29 elected members. Article 61: The senate consists of members appointed by the Governor-General on the advice of the following: the Prime Minister, the Leader of the Opposition; the Belize Council of Churches and Evangelical Association of Churches; the Belize Chamber of Commerce and Industry and the Belize Business Bureau; the National Trade Union Congress and the Civil Society Steering Committee.	Yes – senate has veto over amendments to Part II of the Constitution only. Part II sets out fundamental Rights
<b>Benin</b>	A suggested amendment must be supported by the President of the Republic, after a decision taken in the Council of Ministers, or the members of the National Assembly. Amendments must be passed with a 3/4 majority of the members of the National Assembly and a referendum or 4/5 of the members of the National Assembly (Article 154).	Article 80: deputies are directly elected.	N/A – deputies directly elected.
<b>Bhutan</b>	A suggested amendment must be supported by a simple majority of the total number of members of Parliament at a joint sitting and must be passed with the approval of 3/4 of the total number of members at a joint sitting of Parliament. Assent must granted by the King of Bhutan Parliament may call for a National Referendum if, in its opinion, a Constitutional Bill, which is not granted Assent by the King is of national importance (Article 35(2)).	Article 12: the National Assembly consists of a maximum of 55 members directly elected. Article 11(1) The National Council consists of 25 members comprising: (a) 20 directly elected members; and (b) 5 eminent persons nominated by the King.	No – appointed members do not have sufficient votes to veto. The King does not have the power to veto bills see article 13(11).
<b>Bolivia</b>	The total reform of the Constitution, or certain amendments must be approved 2/3 of the members present of the Constituent Assembly and a referendum. The partial reform of the must be approved by 2/3 of the total members present of the Pluri-	The Pluri-National Legislative Assembly is composed of two chambers, the Chamber of Deputies and the Chamber of Senators. Chamber of Deputies – directly elected (Article	N/A all members of Parliament directly elected. Total or

	National Legislative Assembly and by referendum (Article 411).	146). Senators are directly elected (Article 148).	fundamental reforms must be approved by an original Constituent Assembly – the membership of which is not set out in the Constitution, but is elected.
<b>Bosnia-Herzegovina</b>	Article X: This Constitution may be amended by 2/3 majority of those present and voting in the House of Representatives.	Article IV: The Parliamentary Assembly has two chambers: the House of Peoples and the House of Representatives. The House of Representatives has 42 members, directly elected. The House of peoples has 15 members, appointed by the parliaments of the constituent republics.	N/A all members of the parliamentary assembly elected (House of People indirectly elected and House of Representatives directly elected)
<b>Botswana</b>	Articles 86-89: 2/3 of all the Members of the Assembly. Some amendments require subsequent approval by referendum.	Article 57: 61 members elected plus attorney general.	N/A all members elected.
<b>Brazil</b>	Amendments must be approved by 3/5 of the votes of the respective members of both chambers in two rounds of votes (Article 65).	Art 45: Chamber of Representatives is elected. Art 46: The Federal Senate is elected.	N/A no appointed members.
<b>Brunei</b>	Amendments must be approved by the His Majesty the Sultan and Yang Di-Pertuan and the Legislative Council (Article 85). The legislative Council must approve the amendment by a majority of the votes of the Members present and voting (Article 43(1).	Articles 25-28: The Legislative Council consists of 6 ex-officio Members, 5 Official Members and ten Nominated Members (All members appointed by the Sultan).	Yes
<b>Bulgaria</b>	Some amendments must be approved by the National Assembly with 75% at 1 reading or 2/3 majority at 2 readings. Other amendments must be approved by 2/3 of a grand national assembly (Articles 153-163).	Article 64: the national assembly is elected.	No National assembly and Grand National Assembly both elected.
<b>Burkina Faso</b>	Article 164: Amendments must be approved by either referendum or 75% of the members of the Parliament convoked in Congress by the President.	The National assembly is directly elected (Article 80). The Senate is composed of representatives of the territorial collectivities (indirectly elected), of the customary and religious authorities, of the employers, of the workers, of the Burkinabe living abroad (designated by their respective structures) and of persons of distinction appointed by the President of Faso (Article 80).	No – Amendments can be approved by referendum.
<b>Burundi</b>	A suggested amendment must be supported by the President or absolute majority of members of the National Assembly or Senate and to be passed must be approved by 4/5 of the members composing the National Assembly and two-thirds of the members of the Senate (Articles 297-300).	Article 164: The National Assembly is composed of at least 100 deputies directly elected and 3 Deputies originating from the Twa ethnicity co-opted in accordance with the electoral code. Article 180: The Senate is composed of Delegates elected by an electoral college of communal councils, 3 persons originating from the Twa ethnicity and the former	N/A – no members appointed.

		Heads of the State.	
<b>Cambodia</b>	Article 151: Revision or amendments shall be enacted by Constitutional law passed by the National Assembly with 2/3 majority vote.	Article 76: National assembly is directly elected. Article 100: The king shall nominate two Senators. The Assembly shall elect two Senators by majority Vote. Others shall be universally elected.	No - Senate has no say over amendments.
<b>Cameroon</b>	Amendments are adopted by an absolute majority of the Members of Parliament in joint sitting. The President may request a 2nd reading where the amendment is adopted by a 2/3 majority of Members of Parliament or the President may request a referendum and the amendment shall be adopted by a simple majority of the votes cast (Article 63).	Article 15: National assembly 180 members are directly elected. Article 20: Each region shall be represented in the Senate by 10 Senators of whom 7 shall be elected by indirect universal suffrage on a regional basis and 3 appointed by the President of the Republic.	No– senate has 3/10 appointed members – not sufficient number to veto amendments.
<b>Canada</b>	General amendment procedure: Some amendments require resolutions of the Senate, the House of Commons, and the legislative assemblies of at least two thirds of the provinces that have at least 50% of the population of Canada as a whole. (Section 38). Some amendments require resolutions of the Senate, the House of Commons, and the legislative assembly of each province (Section 41). Some amendments require resolutions of the Senate, the House of Commons and the legislative assemblies of the provinces to which the amendment applies (Section 43). The Parliament of Canada may exclusively make laws amending the Constitution in relation to the Senate and the House of Commons (Section 44). The legislature of each province may exclusively make laws amending the constitution of the province (Section 45).	Members of the House of Commons are directly elected by the people (Article 3). Members of the Senate are appointed by the Governor General (Article 24).	Section 47(1): Amendments made under section 38, 41, 42 or 43 may be made without Senate approval if, within 6 months after adoption by the House of Commons the Senate has not adopted such a resolution and if, after that period, the House of Commons again adopts the resolution. The Senate therefore only has veto with respect to s. 44 Amendments by Parliament.
<b>Cape Verde</b>	Article 311: Each of the changes to the Constitution must be approved by two-thirds of the Deputies currently in office.	Article 122: deputies elected.	N/A legislature directly elected
<b>Central African Republic</b>	A suggested amendment must be supported by the President and 2/3 the majority of the members of the National Assembly (Article 106) and to be passed must be approved by ¾ of members of the National Assembly or adopted by referendum (Article 107).	Article 50: deputies directly elected.	N/A legislature directly elected
<b>Chad</b>	A suggested amendment must be supported by the President and 3/5 of National Assembly members and to be passed must be approved by referendum or 2/3 majority National Assembly members (Article 222).	Unicameral (national assembly) Article 107: The Deputies are elected by direct universal suffrage.	N/A legislature directly elected
<b>Chile</b>	A suggested amendment must be supported by the President or the members of the National Congress and to be passed must be approved by 3/5 of the Deputies and	Article 47: The Chamber of Deputies is composed of 120 members directly elected. Article 49: The Senate is composed	N/A legislature directly elected

	Senators in office. Certain amendments require the approval of 2/3 of the Deputies and Senators in office. (Article 127) The Bill, which both Chambers approve, will be transmitted to the President of the Republic (Article 128).	of directly elected members.	
<b>China</b>	Article 64: adopted by a majority vote of more than two-thirds of all the deputies to the Congress.	No provision in Constitution	Unknown from Constitution
<b>Columbia</b>	A suggested amendment must be supported by the Government, 10 members of the Congress, 20% of councilors or deputies, or citizens totaling at least 5% of the electoral rolls (Article 375) and to be passed must be approved by majority of the members of each Chamber (Article 376). Congress may call for a referendum to decide if a Constituent Assembly should be called. The Assembly, will be convoked if approved by at least 1/3 of the electoral rolls. The Assembly must be elected by the direct vote of the citizens in separate ballots (Article 376). Article 377: Certain constitutional reforms must be submitted to a referendum, if so requested, by 5% of the citizens who make up the electoral rolls. The reform will be defeated by a negative vote of the majority of the voters as long 1/4 of those on the electoral rolls participate in the balloting. Article 378: Upon the initiative of the government or the citizens the members of both Chambers, may submit to a referendum a bill of constitutional reform, which must be approved by over 50% of the voters comprising at least 1/4 of the total number of citizens included in the electoral rolls.	Members of the Chamber of Representatives and the Senate are directly elected by the citizens (Articles 127, 171 and 260).	N/A legislature directly elected
<b>Comoros</b>	A suggested amendment must be supported by the President and 1/3 of the Members of the Assembly of the Union (Article 42) and to be adopted must be approved by 2/3 of the total membership of the Assembly of the Union as well and 2/3 of the total membership of the Island Councils, or by referendum (Article 42).	Article 20: The Assembly of the Union comprises 24 representatives directly elected by the people and representatives indirectly elected by the Island Councils. Article 7.2: The Councilors of the Island shall be elected by simple majority in single-member constituencies for a term of five years.	N/A legislature elected
<b>Congo</b>	Article 186: When it emanates from the President of the Republic, the bill of revision is submitted directly to referendum, after the opinion of conformity of the Constitutional Court. When it emanates from the Parliament, the proposal of revision must be voted by 2/3 of the members of the two chambers of the Parliament meeting in Congress, after the opinion of conformity of the Constitutional Court. In the two cases, the revision is only definitive after being approved by referendum.	Article 90: The members of the National Assembly bear the title of Deputy. They are elected by universal direct suffrage. Each Deputy is the representative of the entire Nation and any imperative mandate is null. Article 90: The members of the Senate bear the title of Senator. They are elected by indirect suffrage by the councils of the local collectivities. They represent the territorial collectivities of the Republic. The Senate exercises, in addition to its legislative function, that of moderator and of council of the Nation.	N/A – Direct and indirect elections.
<b>Costa Rica</b>	Article 197: A suggested amendment must be supported by at least 10 Deputies or by 5% of the citizens registered on the electoral roll. Reforms must be approved by a vote of 2/3 of the total of the members of the Assembly and once agreed that the reform proceeds, the Assembly will prepare the correspondent bill. The Legislative Assembly, in its first sessions, will discuss the bill in three debates, and approve it by [a] vote of no less than 2/3 of the total of the members of the Assembly. Constitutional reforms may be submitted to referendum after being approved in one	Article 106: The Deputies hold this character by the Nation and will be elected by provinces.	N/A legislature directly elected

	legislature and before the next one, if it is agreed on by 2/3 of the total of the members of the Legislative Assembly.		
<b>Cote D'Ivoire</b>	Article 124: The initiative of the revision of the Constitution belongs concurrently to the President of the Republic and to the members of the National Assembly. Article 125: To be taken into consideration, the bill or the proposal of revision must be voted by the National Assembly with the majority of 2/3 of its members effectively in their functions. Article 126: Amendment must be approved by referendum or 4/5 of the national assembly.	Article 58: The Parliament is composed of one sole chamber called the National Assembly having members carrying the title of Deputy. The Deputies are elected by universal direct suffrage.	N/A legislature directly elected
<b>Croatia</b>	A suggested amendment must be supported 1/5 of the members of the Croatian Parliament or the President of the Republic or the Government of the Republic of Croatia (Article 142), and to be passed must be approved by 2/3 majority vote of all the members of the Croatian Parliament (Article 144).	Article 71: The Croatian Parliament shall have no less than 100 and no more than 160 members, elected on the basis of direct universal and equal suffrage by secret ballot.	N/A legislature directly elected
<b>Cuba</b>	Article 137: Amendment must be approved by 2/3 majority of the National Assembly. Some amendments must also be approved by referendum. Some provisions are unamendable.	Article 71: The National Assembly of the People's Power is comprised of deputies directly elected by the people.	N/A legislature directly elected
<b>Cyprus</b>	Article 182(3): Amendments must be approved by 2/3 of the total number of the Representatives belonging to the Greek Community and at 2/3 of the total number of the Representatives belonging to the Turkish Community.	Article 62: The House of Representatives comprised of 50 deputies directly elected by the people (Articles 60 and 93).	N/A legislature directly elected
<b>Czech Republic</b>	Article 39(4): amendments to be passed must be approved by the concurrence 3/5 of all Deputies and 3/5 of all Senators present.	Article 18(1): Assembly of Deputies directly elected by the people. Article 18(2): Senate directly elected by the people.	N/A legislature directly elected
<b>DRC</b>	Article 218: A suggested amendment must be supported by the President, the Government or majority of members of either Chamber of Parliament or a petition of 100,000 citizens and to be passed must be approved by the absolute majority of each Chamber and a referendum or 3/5 majority of the chambers meeting in congress. A number of amendments are prohibited (Article 220).	Article 101: The members of the National Assembly are elected by universal, direct and secret suffrage. Article 104: senate indirectly elected by the Provincial Assemblies.	N/A – both houses elected.
<b>Denmark</b>	Article 88: changes require a majority in two consecutive Parliaments: before and after a general election In addition, the Constitution must pass a popular vote with the additional demand that at least 40% of voting age population must vote in favour.	The Members of the Folketing shall be elected by general and direct ballot (Article 31).	N/A legislature directly elected
<b>Djibouti</b>	Article 91: A suggested amendment must be supported by 1/3 of the members of the National Assembly and to be passed must either be approved by a majority of members of the National Assembly and a referendum with the simple majority approval or be approved by the majority of 2/3 of the members composing the National Assembly.	Article 45: The Deputies to the National Assembly are elected for five years by direct and secret universal suffrage.	N/A legislature directly elected
<b>Dominica</b>	Article 42: some amendments must be approved by ¾ of all elected members of the House and other amendments must be approved by 2/3 of all the elected members of the House. Certain amendments must also be approved by majority of votes cast in a referendum. There must be a delay of at least 90 days between the introduction	The House of Representatives is directly elected (Article 33). The Senate consists of 5 members appointed by the President, on the advice of the Prime Minister; and 4 members appointed by the President on the advice of the Leader of the	No – only elected members have power to vote on constitutional

	of the bill in the House and the beginning of the proceedings in the House on the second reading of the bill.	Opposition.	amendment bills
<b>Dominican Republic</b>	A suggested amendment must be supported 1/3 of members of either chamber of the National Congress or the Executive (Article 269) the National Revisory Assembly will meet following the publication of the law that declares the need for the reform, with the presence of more than half of the members of each one of the chambers. Their decision will be taken by the majority of 2/3 of votes (Article 271). Certain amendments must be approved by a majority vote in a referendum comprising at least 30% of eligible voters (Article 272).	Article 77: The election of senators and deputies shall be by direct universal suffrage in the terms established by the law. Article 77(3): The offices of senator and deputy are incompatible with another public function or employment, except for teaching.	N/A legislature directly elected
<b>East Timor</b>	Amendments to the Constitution must be approved by a majority of 2/3 of the Members of Parliament (Article 155). Amendments relating to certain matters must be approved by referendum (Article 156).	Article 93: The National Parliament is elected by universal, free, direct, equal, secret and personal suffrage.	N/A legislature directly elected
<b>Ecuador</b>	Suggested amendments of some provisions must be supported by 8% of registered voters or 1/3 of National Assembly members and to be passed must be approved by 2/3 of National Assembly members. Suggested amendments of other provisions must be supported by 1% of all registered voters or by a majority of the members of the National Assembly and approved by the National Assembly and a referendum of over 50% of votes cast (Article 441).	Article 118: Members of the National Assembly are directly elected.	N/A legislature directly elected
<b>El Salvador</b>	A suggested amendment must be supported by at least 10 elected deputies and to be passed must be approved by 2/3 of the elected deputies. Certain provisions are unamendable (Article 248).	Article 80: The Legislative Assembly is directly elected by the people.	N/A legislature directly elected
<b>Equatorial Guinea</b>	The President may summon a referendum to revise the Constitution; the absolute majority of members of Parliament may request amendments (Article 103).	Article 61: The National Assembly shall comprise 80 (eighty) members elected by direct and secret office.	N/A legislature directly elected
<b>Eritrea</b>	A suggested amendment must be supported by the President or 50% of all National Assembly members and to be passed must be approved by 3/4 majority vote of National Assembly members and approved 1 year later by 4/5 of all members (Article 59).	Article 31: Members of the National Assembly shall be elected by secret ballot of all citizens who are qualified to vote.	N/A legislature directly elected
<b>Estonia</b>	A suggested amendment must be supported by 1/5 of Riigikogu members or the President (Article 161), and to be passed must be approved by a referendum or 2 successive memberships of the Riigikogu or the gikogu, as a matter of urgency (Article 163). A 3/5 majority of the Riigikogu members is required to submit a bill to amend the Constitution to a referendum (Article 164). In order to amend the Constitution by two successive memberships of the Riigikogu, the bill must supported by the majority of the preceding membership and approval of 3/5 of members of the succeeding Riigikogu. (Article 165) A resolution to consider a bill to amend the Constitution as a matter of urgency shall be passed by a four-fifths majority of the Riigikogu and passed by a 2/3 majority of Riigikogu members (Article 166).	Article 60: The Riigikogu shall be comprised of 101 members directly elected.	N/A legislature directly elected
<b>Ethiopia</b>	Article 105: (i) General amendment procedure: amendments are passed when approved by 2/3 majority of the House of Peoples' Representatives and the House of	Article 54: Members of the House of Peoples' Representatives directly elected by the people. Article 61: Members of the	N/A all elected (directly or indirectly)

	the Federation, in a joint session and 2/3 of the Councils of the member States of the Federation and (ii) special amendment procedure some amendments must be approved by all State Councils, by a majority vote, 2/3 majority vote of the House of Peoples' Representatives and the House of the Federation (in separate sessions).	House of the Federation elected by the State Councils. The State Councils may themselves elect representatives to the House of the Federation, or they may hold elections to have the representatives elected by the people directly.	
<b>Finland</b>	To be passed amendments must be approved by Parliament in 2 sessions readings and by 2/3 of votes cast in the second sessions or if declared urgent by 5/6 majority vote an amendment can be adopted in 1 session by 2/3 majority of votes (Article 73).	Section 25: The Representatives directly elected by the people.	N/A legislature directly elected
<b>France</b>	A suggested amendment must be supported by the President on the recommendation of the Prime Minister, or Members of Parliament and to be passed must be approved by both houses of Parliament and then by a referendum, or alternatively, by a 3/5 majority of a joint session of both houses (Article 89).	Article 24: Parliament shall comprise the National Assembly and the Senate. Members of the National Assembly are directly elected by the people. The senate are indirectly elected by elected officials.	N/A all elected (directly or indirectly)
<b>Gabon</b>	A suggested amendment must be supported by the President, the Council of Ministers and the members of Parliament and to be passed must be approved by either referendum or a 2/3 majority of votes in a joint session of both houses with 2/3 members of Parliament present (Article 166).	Article 35: Parliament comprises the National Assembly and the Senate. The members of the National Assembly are directly elected by the people. The members of the senate are indirectly elected.	N/A all elected (directly or indirectly)
<b>Gambia</b>	To be passed an amendment must be approved on the second and third readings by the votes 3/4 of National assembly members and certain amendments must also be approved in a referendum by 75% of voters with at least 50% of eligible voters voting (Article 226).	Article 88: The National Assembly shall comprise - (a) forty-eight members elected from the constituencies demarcated by the Boundaries Commission; and (b) five members nominated by the president.	No –5 appointed members do not have sufficient seats to veto constitutional amendments.
<b>Georgia</b>	Suggested amendment must be supported by the President; over 50% of Parliament members; or 200,000 electors and to be passed must be approved by 2/3 of Parliament members (Article 102).	Article 49: The Parliament of Georgia consists of 150 members directly elected.	N/A – all members elected
<b>Germany</b>	To be passed amendments must be approved by 2/3 of the Members of the Bundestag and 2/3 of the votes of the Bundesrat. Some provisions are unamendable (Article 79).	Article 38: Members of the German Bundestag are directly elected by the people. Article 51: The Bundesrat shall consist of delegates of the state governments.	N/A - all elected (directly or indirectly)
<b>Ghana</b>	Certain amendments must be approved by a referendum with 75% majority vote of at least 40% of eligible voters (Article 290) other amendments must be approved at the second and third readings of it in Parliament by the votes of at least 2/3 of all the members.	Article 93: Parliament of Ghana consist of 140 elected members. Members of the armed forces are not eligible to be members of Parliament (Article 94).	N/A – all members of Parliament elected.
<b>Greece</b>	A suggested amendment must be supported by 50 members of Parliament and a 3/5 majority of the members of Parliament in 2 ballots held 1 month apart and to be passed must be approved by an absolute majority in the next Parliament opening session. If the initial motion for revision has only achieved over 50% majority, then a 3/5 supermajority of the new Parliament is required. Some provisions are unamendable (Article 110).	Article 51(3): The Members of Parliament are directly elected by the people.	N/A - legislature directly elected
<b>Grenada</b>	To be passed amendments must be approved by a 2/3 majority in the house of representatives, and a referendum by not less than 2/3 of all votes cast. There must	Members of the house of Representatives are directly elected (Article 32(1)). Senators are appointed by the Governor-	No –Under Sections 39 and 48 the House

	also have been an interval of at least 90 days between the introduction of the bill in the House of Representatives and the beginning of the proceedings in the House on the section reading of the bill in that House, The senate can amend or delay constitutional amendments, but cannot veto (The bill must be passed by both houses or otherwise rejected by the senate twice (Article 39)).	General, of which some are appointed on the advice of the Prime Minister and some on the advice of the Opposition Leader (Article 24).	of Representatives can pass bills to the Governor-General for assent if they have been reject by the senate twice.
<b>Guatemala</b>	A suggested amendment must be supported by the President; 10 deputies to the Congress of the Republic; the Court of Constitutionality; or a petition of 5,000 citizens (Article 277) and to be passed must be approved by 2/3 of the total deputies and a referendum (Article 280). Certain amendments must instead be approved by a National Constituent Assembly (Article 278) .	Article 15: The legislative power belongs to the Congress of the Republic, made up of deputies elected directly by the people by universal and secret suffrage, through the system of electoral districts and [by] national list, for a period of four years, being able to be reelected...."	N/A – Congress directly elected.
<b>Guinea</b>	A suggested amendment must be supported by the President; or the Deputies and to be passed must be approved by a simple majority of National Assembly members and a referendum or by 2/3 of the National Assembly members (Article 152). Articles 153 and 154 set a number of restrictions on amendments.	Article 60: "The Deputies to the National Assembly are elected by universal direct suffrage."	NA the National Assembly is directly elected.
<b>Guinea-Bissau</b>	A suggested amendment must be supported by 1/3 of Deputies, the Council of State or the Government (Article 100(2)) and to be passed must be approved by a 2/3 majority of Deputies comprising the Assembly (Article 101).	Article 47(1): Members of the Regional Councils are directly elected. Article 47(2): Members of the National Popular Assembly are elected by the Regional Councils from among their member.	N/A all elected (directly or indirectly)
<b>Guyana</b>	To be passed some amendment must be approved by a majority of all elected National Assembly members, some amendments must also be approved by a referendum or 2/3 of all elected members of the Assembly (Article 164)	Parliament consists of 65 directly elected members and ex-officio members (not entitled to vote) (Articles 52, 105, 185, 186).	No – Un-elected ex-officio National Assembly members not entitled to vote.
<b>Haiti</b>	A suggested amendment must be supported by 2/3 of each of the 2 chambers (Article 282) and to be passed must be approved by 2/3 of the members of the national assembly present (with a quorum of 2/3). (Article 283) No amendment to the Constitution may affect the democratic and republican nature of the State (Article 284).	The Chamber of Deputies composed of directly elected members (Article 89). The senate is composed of directly elected members (Article 94).	N/A legislature directly elected
<b>Honduras</b>	A suggested amendment must be supported by 2/3 of all members of the National Congress and to be passed must be approved by 2/3 of all members in the subsequent regular annual session (Article 373). Some provisions unamendable (Article 374).	The National Congress is composed of deputies directly elected. (Article 189).	N/A legislature directly elected
<b>Hungary</b>	A suggested amendment must be supported by the President, the Government, any parliamentary committee or any Member of Parliament (Article 1) and to be passed must be approved by 2/3 majority of all members of Parliament (Article 2).	Members of Parliament are directly elected by the people (Article 2(1)).	N/A legislature directly elected
<b>Iceland</b>	To be passed amendments must be adopted by Althingi. If the proposal is adopted, Althingi shall immediately be dissolved and a general election held and approved by a new Althingi. Some amendments must be approved by a referendum (Article 79).	Article 31: Althingi is composed of 63 members directly elected by the people.	N/A legislature directly elected
<b>India</b>	(i) General procedure: Amendments must be passed by both houses of Parliament by a total majority of all member and 2/3 of members voting and present; (ii) special procedure some amendments must also be ratified by the Legislatures of not less	The House of the People consists of directly elected members (Article 81) and 2 members appointed from the Anglo Indian community (Article 331). The council of States consists of 12	No – appointed element too small to veto constitutional

	than one half of the States (Article 368).	members nominated by the President (persons having special knowledge or practical experience in Literature, science, art and social service) and no more than 238 members indirectly elected by State Legislative Assemblies (Article 80).	amendments.
<b>Indonesia</b>	Constitutional amendments must be approved by over 50% of the total MPR members at a session with 2/3 of members present. Some provisions are unamendable (Article 37).	Article 22E General elections shall be conducted to elect the members of the DPR, DPD, the President and Vice-President, and the Regional People's Representative Council (DPRD).	N/A all members of MPR directly elected.
<b>Iran</b>	To be passed amendments must be approved by the Council for Revision of the Constitution, confirmed by the Leader and approved by an absolute majority vote in a referendum, The Council for Revision consists of: □Members of the Guardian Council, Heads of the three branches of the government, Permanent members of the Nation's Exigency Council, 5 members from among the Assembly of Experts, 10 representatives selected by the Leader, 3 representatives from the Council of Ministers, 3 representatives from the judiciary branch, 10 representatives from among the members of the Islamic Consultative Assembly, □3 representatives from among the university professors. The method of working, manner of selection and the terms and conditions of the Council shall be determined by law. Certain Provisions are unamendable.	Article 62: The Islamic Consultative Assembly is directly elected by the people. The Assembly of Experts is directly elected. The leader is elected by the Assembly of experts (Article 107). The Nation's Exigency Council is appointed by the Leader (Article 112). The Supreme Leader appoints six clerical members to the powerful council. Six lay members are appointed by the head of the judiciary (who is himself a supreme leader appointee) (Article 91).	Yes – the Council for Revision comprises some unelected members
<b>Iraq</b>	Suggested amendments must be supported by The President and the Council of the Ministers collectively, or 1/5 of the Council of Representatives members and to be passed must be approved by 2/3 of the members of the Council of Representatives and a referendum. Some amendments must be approved after two successive electoral terms. Some provisions are unamendable (Article 126).	The Council of Representatives consists of directly elected members (Article 49).	N/A – all members directly elected.
<b>Ireland</b>	Suggested amendments must be supported by the Dáil Éireann and to be passed amendments must be approved by both Houses of the Oireachtas and a referendum (Article 46(1)). To be passed amendments must be approved by both Houses of the Oireachtas and a referendum (Article 46(1)).	Article 16(2): The members of Dáil Éireann are directly elected. Article 18: Seanad Éireann composed of 60 members - 11 are nominated by the Prime Minister, 6 elected by the graduates of certain Irish universities, 43 elected from five special panels of nominees by an electorate consisting of members Dáil Éireann senators and local councilors.	No – The Senate can only delay rather than veto decisions of the Dáil. (Article 23 (2) and Article 22)
<b>Israel</b>	2 options (i) General procedure - Section44: This Basic Law can only be changed by a majority of the Knesset members; the majority under this subsection will be required for decisions of the Knesset plenum in the first, second and third readings; for purposes of this subsection, "change" is either explicit or by implication. (ii) Special Procedures section 44, and section 45 shall not be altered except by a majority of eighty Knesset members.	Section 4: The Knesset shall be elected by general, national, direct, equal, secret, and proportional elections, in accordance with the Knesset Elections Law; this section shall not be altered save by a majority of the members of the Knesset.	N/A legislature directly elected
<b>Italy</b>	To be passed amendments must be approved by an absolute majority of the members of each House in the second voting after 2 votes at least 3 months apart. A referendum must be held if 1/5 of members of the house or 500,000 voters, or 5 regional councils request and must be approved by a majority of valid votes. A referendum shall not be held if the law has been approved by a 2/3 majority of	The chamber of deputies is directly elected by the people (Article 56). The senate is directly elected by the people except 5 persons appointed by the President due to outstanding achievements in the social, scientific, artistic and literary fields (Articles 57, 59).	No – proportion nominated members too small to veto

	members of each house (Article 138).		
<b>Jamaica</b>	Amendments must be approved by a majority of both houses some amendments must be approved by special procedure i.e. passed by 2/3 majority of both houses. Some special amendments also require a referendum. If a bill is rejected twice by the senate under the special procedure it may be put to referendum and if approved by 2/5 of the population presented of the governor general for assent (Section 49).	Section 36: The House of Representatives consists of directly elected members. Section 35(2): The Governor General appoints senators on the advice of the prime Minister of the opposition Leader.	Partial – under general procedure senate can veto amendments – under special procedure referendum can be used if senate rejects amendment twice.
<b>Japan</b>	Suggested amendments must be supported by 2/3 of all both houses and majority of votes cast in a referendum (Article 96).	Article 47: Electoral districts, method of voting and other matters pertaining to the method of election of members of both Houses shall be fixed by law.	N/A legislature directly elected
<b>Jordan</b>	A suggested amendment must be supported by 10 members of either the Senate or the House of Representatives and be referred to the concerned committee in the House for opinion. If the House contends to accept the proposal, it shall refer it to the Government for putting it in the form of draft law, and to submit it to the House in the same session or in the session that follows (Article 95). To be passed the amendment must be approved by 2/3 of the members of the Senate and the House of Representatives and ratified by the King (Article 126).	The House of Representatives is directly elected by the people (Article 67). The senate is appointed by the King (Article 36).	Yes – appointed senate and the King can veto
<b>Kazakhstan</b>	Amendments must be approved by 3/4 of deputies of each chamber (Article 62(3)) and by a referendum where over 50% of citizens, taking part in it, vote for it. A referendum will not be held if the President decides to pass it to the consideration of Parliament instead in which case it must be approved by not less 4/5 of votes of the total number of deputies of each Chamber (Article 91).	The Majilis shall consist of 77 directly elected deputies (Article 50(3)). The senate is composed of indirectly elected senators and 7 deputies appointed by the President.	No – appointed element of senate too small to veto (7 of 47 senate appointed)
<b>Kenya</b>	Amendments by Parliamentary initiative to be passed must be approved by 2/3 of all members of both houses in the 2 <sup>nd</sup> and 3 <sup>rd</sup> readings. Amendment by popular initiative must be supported at least one million registered voters and must be approved by a majority of county assemblies and either a majority of members of each house of Parliament or a referendum. Some amendments must also be approved by referendum in addition to the aforementioned process (Articles 255-257).	The National Assembly consists of 290 directly elected members (Article 97), and the senate consists of 47 directly elected members (Article 98(1)(a)).	N/A legislature elected.
<b>Kiribati</b>	To be passed amendments must be approved by 2/3 of Maneaba members at a second reading. Some amendments must also be approved by referendum with support of a majority of 2/3 of all the persons entitled to vote (Article 69). Amendments relating to the Banabans will not be passed if the nominated member or a Banaba elected member votes against the Bill (Article 124).	The Maneaba ni Maungatabu shall be composed of 35 elected members; if he is not an elected member, the Attorney-General as an ex officio member and a nominated representative of the Banaban community (Article 53 and 117).	Partial - appointed Banaban representative can veto constitutional amendments affecting the Banaban community (article 124)
<b>Kosovo</b>	A suggested amendment must be supported by the Government, the President or 1/4 of the deputies of the Assembly and to be passed must be assessed by the Constitutional Court and approved by 2/3 of all deputies of the Assembly including	Article 63: The Assembly is directly elected by the people.	N/A legislature elected.

	2/3 of all deputies of the Assembly holding reserved or guaranteed seats for representatives of minority communities (Article 144).		
<b>Kuwait</b>	A suggested amendment must be supported by the Amir or 1/3 of the National Assembly and to be passed must be approved by 2/3 of members composing the Assembly and be sanctioned by the Amir (Article 174).	The National Assembly is composed of 50 members elected by general direct secret ballot in accordance with the provisions of the Electoral Law. Members of the Cabinet are ex-officio members of the National Assembly. (Article 80). The number of Ministers shall not exceed 1/3 of the members of the National Assembly (Article 56).	Yes – The Amir can veto constitutional amendments.
<b>Kyrgyz Republic</b>	Suggested amendment of certain provisions must be supported by the majority of the total number of deputies or at the initiative of not less than 300,000 voters. Amendments to be passed must be approved by 2/3 of the Jogorku Kenesh members after a minimum of 3 readings of the bill, with an interval of 2 months between them. At the initiative of 2/3 of the deputies of the Jogorku Kenesh amendments may be submitted to a referendum (Article 114).	Article 70: The Jogorku Kenesh shall consist of 120 deputies elected for a five year term on the basis of proportional representation.	N/A legislature elected.
<b>Laos</b>	Article 97: Amendments to the Constitution must be approved by 2/3 of the National Assembly members.	Article 54: Members of the National Assembly are elected by the Lao citizens in accordance with the laws.	N/A legislature elected.
<b>Latvia</b>	Amendments to be passed must be approved in 3 readings by a 2/3 majority of at least 2/3 of Saeima members. (Article 76) Some amendments must also be approved by referendum (Article 77). Suggested amendments supported by 1/10 of electorate may be passed if approved by the Saeima or a referendum (Article 78). An amendment to the Constitution submitted for national referendum shall be deemed adopted if at least half of the electorate has voted in favour.	Article 6: The Saeima shall be elected in general, equal and direct elections, and by secret ballot based on proportional representation.	N/A legislature elected.
<b>Lebanon</b>	A suggested amendment must be supported by the President or 10 members of the Chamber of Deputies. To be passed the amendment must be approved by 2/3 majority of all the members legally constituting the Chamber and 2/3 majority of Government. If the Government does not approve, it must return the decision to the Chamber for a further study. If approved again by a 3/4 majority of all the members constituting the Chamber I, then the President of the Republic may either respond to the wish of the Chamber, or may ask the Council of Ministers to dissolve it and conduct new elections within three months. If the new Chamber insists upon the necessity of the amendment, then the Government must acquiesce and introduce the amendment proposal in the period of four months (Article 76 and 77).	Article 24: The Chamber of Deputies consists of elected representatives whose number and the manner of the election are determined by the electoral laws in effect. Until the Chamber of Deputies issues an Electoral Law, outside the sectarian record, representative seats are distributed according to the following rules: a) Equally between Christians and Moslems. b) Proportional between the sects of both sides. c) Proportional among districts.	N/A legislature elected.
<b>Lesotho</b>	To be passed amendments must be approved by the majority of all the members of the Assembly. Certain amendments must also be approved by the majority of the electors voting in referendum and some amendments must be approved by either a referendum or 2/3 of members of both Houses of Parliament (Section 85).	The National Assembly is directly elected (section 57). The Senate consists of the 22 Principal Chiefs and 11 other Senators nominated by the King acting in accordance with the advice of the Council of State (section 55).	No – section 80(3) senate only has power to delay and not to veto amendments.
<b>Liberia</b>	A suggested amendment must be supported by 2/3 of the membership of both Houses of the Legislature or 10,000 citizens with the concurrence of 2/3 of the membership of both Houses of the Legislature and to be passed must be approved by 2/3 of registered voters in a referendum (Article 91).	The House of Representatives is composed of directly elected members (Article 48), and the members of the senate are directly elected (Article 45).	N/A legislature elected.
<b>Libya</b>	Article 36: Any provision figuring in this document shall not be repealed or amended	Article 18: The National Transitional Council shall consist of	N/A legislature

	except by another provision adopted by the National Transitional Council with a majority of 2/3 of its members.	representatives of the local councils. In determining the number of representatives of each council the population density and the geographic context of the represented city or region shall be taken into account. The Council shall have the right to add ten (10) members for reasons of national interest. The members shall be proposed and chosen by the Council.	elected.
<b>Liechtenstein</b>	To be passed amendments must be approved by the Diet, either by the unanimous vote of the members present or by a majority of 3/4 of the members present at two successive sittings of the Diet, and where appropriate a referendum (Art. 66) and the subsequent assent of the Prince Regnant, with the exception of the procedure to abolish the Monarchy (Article 113). There is a special procedure for amendments to abolish the monarchy (Articles 112-113).	The Diet consists of 25 directly popularly elected Representatives (Article 46).	Yes – the Prince can veto constitutional amendments.
<b>Lithuania</b>	A suggested amendment must be supported by than ¼ of all the Members of the Seimas or not less than by 300,000 voters. (Article 147) and to be passed some amendment must be approved by a referendum where ¾ of eligible voters vote in favour other amendments must be adopted by the Seimas, during 2 votes, with 2/3 of all the Members of the Seimas voting in favour (Article 148).	Members of the Seimas are directly elected (Article 141).	N/A legislature elected.
<b>Luxembourg</b>	To be passed amendments must be approved by the Chamber of Deputies 2/3 of the votes in two successive votes, separated by an interval of at least three months or the text adopted in the first reading by the Chamber of Deputies is submitted to a referendum, instead of a 2 <sup>nd</sup> vote, if so demanded by ¼ of the chamber or 25,000 registered voters. The revision can only be adopted if it receives the majority of votes (Article 114).	Article 51(5): The Deputies are directly elected by the people.	N/A legislature elected.
<b>Macedonia</b>	Suggested amendments must be supported by the President, the Government, 30 Representatives, or by 150,000 citizens and to be passed must be approved by majority vote of the total number of Representatives (Article 130) Certain amendments require 2/3 majority in the assembly with a majority of the votes of the total number of Representatives who belong to the communities not in the majority in the population of Macedonia (Amendment XVIII).	Article 62: The Assembly of the Republic of Macedonia is composed directly elected representatives.	N/A legislature elected.
<b>Madagascar</b>	A suggested amendment must be supported by the President in the Council of Ministers, or a 2/3 majority of members of both chambers and to be passed must be approved by 3/4 of the members of both chambers and referendum (Article 162).	The members of the National Assembly are directly elected (Article 69) 2/3 of senate elected and 1/3 appointed by the President by virtue of their competence (Article 81).	Yes
<b>Malawi</b>	To be passed amendments must be approved by a referendum and a simple majority vote in Parliament and certain amendments can be approved without a referendum if supported by a majority of 2/3 of members of the National Assembly entitled to vote. (Section 196) Some amendments must supported by at least 2/3 of members of the National Assembly entitled to vote (Section 197).	The National Assembly is directly elected (Section 66). The Senate consists of 80 members some elected by District Council some elected by Chiefs and some elected by the senate (Section 68).	No – National Assembly elected and senate approval not required to pass constitutional amendments
<b>Malaysia</b>	Amendments, to be passed, must be approved by votes of 2/3 of members of both Houses of Parliament and a 2 <sup>nd</sup> and 3 <sup>r</sup> reading (Article 159(3)).	House of Representatives are directly elected (article 116). The senate consists of directly elected members and 2 members for the Federal Territory of Kuala Lumpur 1 member for the	Yes – over 1/3 of senators are appointed and can

		Federal Territory of Labuan appointed by the Yang di-Pertuan Agong; and 40 members appointed by the Yang di-Pertuan Agong (being persons distinguished public service or having achieved distinction in the professions, commerce, industry, agriculture, cultural activities or social service or are representative of racial minorities or are capable of representing the interests of aborigines) (Article 45).	veto constitutional amendments
<b>Maldives</b>	The Constitution may be amended by a Bill passed by a 3/4 majority of the total membership of the People's Majlis and by referendum (Articles 261 and 265).	The People's Majlis are directly elected (Article 72).	N/A legislature elected.
<b>Mali</b>	Must be approved by 2/3 majority of the National assembly and referendum (Article 118).	Article 61: The Deputies are directly elected by the people.	N/A legislature elected.
<b>Malta</b>	Some amendments to be passed must be approved by 2/3 of all House of Representative members at a final reading and some amendments must also be approved in a referendum by the majority of votes cast. Other amendments to be passed must be approved by majority of all the members of the House of Representatives in a final vote (Article 66).	Article 56: The members of the House of Representatives are directly elected by the people.	N/A legislature elected.
<b>Marshall Islands</b>	Some amendments must be approved on the 2 <sup>nd</sup> and 3 <sup>rd</sup> by 2/3 of members of the Nitijela and majority of votes in a referendum other amendments must be approved by a Constitutional Convention and a referendum with a 2/3 majority approval (Article XII).	Members of the Nitijela are elected (section 2)	N/A members of the legislature and constitutional convention elected.
<b>Mauritania</b>	Amendments must be approved by a 2/3 majority in both houses and referendum (simple majority) (Article 99) unless the President opts to submit amendments to Parliament in joint session, in which case it must be approved by 3/4 of votes (Article 101).	Article 47: The Deputies to the National Assembly are directly elected, and the Senators are indirectly elected.	N/A – all members of Parliament – directly or indirectly elected
<b>Mauritius</b>	Some amendments must be approved by a 2/3 majority in the Assembly and others must be approved by 75% of members of Parliament and referendum (with 75% popular support) (Article 47).	The Assembly is directly elected by the people (First Schedule section 31).	N/A
<b>Mexico</b>	Article 135: Congress of the Union, by a vote of two-thirds of the members present, agrees to the amendments or additions and that they be approved by a majority of the legislatures of the States.	Article 53: The Chamber of Deputies consists of 300 directly elected deputies. Article 56: The Chamber of Senators shall consist of 128 directly elected senators.	N/A both houses elected.
<b>Micronesia</b>	A suggested amendment must be supported by a constitutional convention, popular initiative, or Congress in a manner provided by law. And to be passed must be approved by 3/4 of the votes cast on that amendment in each of 3/4 of the states (Article XIV).	Article IX: The Congress consists of one member elected at large from each state on the basis of state equality, and additional members elected from congressional districts in each state apportioned by population.	N/A legislature elected.
<b>Moldova</b>	Amendments to be passed must be approved by a 2/3 majority of members of Parliament and some amendments must also be approved on a referendum (Article 143).	Article 61: The members of Parliament are directly elected by the people	N/A legislature elected.
<b>Monaco</b>	Article 94: The total or partial revision of this Constitution is subordinated to the joint agreement of the Prince and of the National Council. Article 95: In the case of initiative of the National Council, the deliberations must be taken with a majority of two-thirds of the normal total of the members of the assembly.	Article 53: The National Council is composed of twenty-four members elected for five years by direct universal suffrage and by ballot list under the conditions specified by the law.	Yes –the prince can veto amendments.

<b>Mongolia</b>	Amendments must be approved by ¾ of members of the State Great Hural. (Article 69). A national referendum on constitutional amendment may be held on the concurrence of 2/3 of the members of the State Great Hural (Article 68(2)).	Article 21(2): The members of the State Great Hural are directly elected by the people.	N/A legislature elected.
<b>Montenegro</b>	Amendments must be approved by 2/3 majority of total number of members of Parliament (Article 155) and some amendments must also be approved by referendum (3/5 in support) (Article 157).	Article 83: Members of the Parliament are elected directly by the people.	N/A legislature elected.
<b>Morocco</b>	A suggested amendment must be supported by the King, to the Head of Government, and 2/3 of members of the Chamber of Representatives and the Chamber of Councilors (Articles 172 and 173) and to be passed must be approved by a referendum. Alternatively The King can, after having consulted the President of the Constitutional Court, submit by Dahir to Parliament a bill of revision of certain provisions of the Constitution. The Parliament, convoked by the King in joint Chambers, approves it with the majority of 2/3 of the members of the Parliament (Article 173).	Article 62: The members of the Chamber of Representatives are directly elected by the people. Article 63: The Chamber of Councilors is composed of indirectly elected representatives of which 3/5 are elected by regional, communal, prefectural and provincial councils (members popularly elected) and 25 are elected by professional chambers (members popularly elected)	N/A legislature elected (directly or indirectly)
<b>Mozambique</b>	Amendments must be approved by 2/3 of the deputies of the Assembly (Article 295). Some amendments must also be approved by referendum (Article 292).	The Assembly is directly elected (Article 170).	N/A legislature elected
<b>Myanmar</b>	A suggested amendment must be submitted to the Pyidaungsu Hluttaw by 20% of its representatives (Articles 433-435) It must have the support of over 75% of the Pyidaungsu Hluttaw representatives to be passed (Article 436). Amendments relating to specific sections of the Constitution must also be approved by referendum (supported by the majority of those eligible to vote) (Article 436(a)).	The Pyith Hluttaw has a maximum of 440 representatives (art 109). 330 representatives are elected by the people to represent the township population (Article 109). 110 representatives are defense services personnel put forward by the commander in chief of the Defence Services (Article 109). The Amyotha Hluttaw has a maximum of 224 representatives (Article 141). 168 are elected by the people. 56 representatives are defense services personnel put forward by the commander in chief of the Defence Services.	Yes – military appointments can veto constitutional amendments
<b>Namibia</b>	To be passed amendments must be approved by a 2/3 majority in both houses or a 2/3 majority in National Assembly and referendum (2/3 majority).	National Assembly comprises 72 directly elected members and 6 persons appointed by the President by virtue of their special expertise, status, skill or experience: provided that such members shall have no vote in the National Assembly. (Article 46) The National Council consists of members indirectly elected by Regional Councils (Article 69).	No appointed element of National Assembly shall not vote
<b>Nauru</b>	Amendments must be approved by 2/3 of members of Parliament and some amendments must also be approved by a 2/3 majority of votes in a referendum (Article 84).	Members of Parliament are directly elected by the people (Article 29).	N/A legislature elected.
<b>Nepal</b>	Article 148: A Bill to amend or repeal any Article of this Constitution may be introduced in the Legislature-Parliament. If a Bill introduced pursuant to Clause (1) is approved by at least two-thirds of all the then members of the Legislature-Parliament, the Bill shall be deemed to have been passed.	The Constituent Assembly consists of 575 directly elected members and 26 members nominated by the Council of Ministers, from amongst the prominent persons who have rendered outstanding contributions to national life, and the indigenous peoples which could not be represented through the elections (Article 63).	No appointed element too small
<b>Netherlands</b>	The lower House of Parliament shall be dissolved following the publication of bills to	Article 53: The members of both Houses shall be elected by	N/A legislature

	amend the Constitution. After the new Lower House has assembled, the two Houses of the States General shall consider, at second reading, the Bill and to be passed it must be approved by 2/3 of the votes cast. (Article 137) Amendments to the Constitution passed by the States General and ratified by the King shall enter into force immediately after they have been published (Article 139).	proportional representation within the limits to be laid down by Act of Parliament.	elected.
<b>Nicaragua</b>	A suggested amendment must be supported by the President or over 50% of the National Assembly members (Article 191) and to be passed must be approved by 60% of the National Assembly members (2/3 majority is required for total reform). The President of the Republic shall promulgate the partial reform and in this case may not exercise the right to veto (Article 194).	Article 132: The National Assembly is composed of 90 directly elected members.	N/A legislature elected.
<b>Niger</b>	A suggested amendment must be supported by 3/4 of the National Assembly members and to be passed must be approved by 4/5 of National Assembly members or a referendum (Article 174). Some provisions are unamendable (Article 175).	Article 84: The Deputies are elected by universal, free, direct, equal and secret suffrage.	N/A legislature elected.
<b>Nigeria</b>	No constitutional amendment procedure	The Senate and House of Representatives are directly elected.	N/A legislature elected.
<b>Norway</b>	Suggested amendments must be proposed to the first, second or third Storting after a new General Election and be publicly announced in print. But, it shall be left to the first, second or third Storting after the following General Election to decide whether or not the proposed amendment shall be adopted. Such amendment requires 2/3 of the Storting agree thereto (Article 112).	Article 57: The number of representatives to be elected to the Storting shall be one hundred and sixty-nine (169).	N/A legislature elected.
<b>Oman</b>	Article 81: This Statute shall not be amended except in the manner in which it was promulgated.	Article 58: The election of the members of Majlis Al Shura shall be conducted through a direct secret vote in accordance with the manner specified in Law.	N/A legislature elected.
<b>Pakistan</b>	To be passed amendments must be approved by 2/3 of members of both houses. Amendments altering the limits of a Province must also be passed by 2/3 of members of the Provincial Assembly of that Province (Article 239).	See article 51: National Assembly is directly elected. The senate is indirectly elected (Article 59)	N/A legislature elected.
<b>Palau</b>	A suggested amendment must be supported by a Constitutional Convention, popular initiative, or by the Olbiil Era Kelulau, by petition signed 25% of the registered voters or by resolution adopted by 3/4 of the members of each House of the Olbiil Era Kelulau and to be passed must be approved in the next regular general election by a majority of the votes cast on that amendment and in not less 3/4 of the states (Article XIV).	The Palau National Congress ( <i>Olbiil era Kelulau</i> ), consists of the House of Delegates and the Senate. The House of Delegates shall be composed of one delegate to be popularly elected from each of the states of Palau. The Senate shall be composed of the number of senators prescribed from time to time by the reappointment commission as provided by law. (Article IX)	N/A legislature elected.
<b>Panama</b>	A suggested amendment must be supported by the National Assembly, the Cabinet Council or the Supreme Court of Justice and to be passed must be approved by 1 of the following procedures: Through a Constitutional Act, approved in 3 readings by an absolute majority of the members of the Legislative Assembly, which must be published in the Official Gazette and sent by the Executive Branch to said Assembly within the first five days of ordinary session following the installation of the National Assembly elected in the last general elections, so that it can be discussed and approved in its first session without modification, in a single reading and by an	Article 146: The National Assembly is directly elected.	N/A legislature elected.

	absolute majority of all members of the Assembly; or through a Constitutional Act, approved in 3 readings by an absolute majority of the members of the National Assembly in 1 legislature, and approved anew, during the immediately following legislature, in 3 readings by an absolute majority of the members of the already mentioned Assembly and must also be approved by a referendum (Article 313).		
<b>Papua New Guinea</b>	Some amendments to be passed must be approved by an absolute majority vote, some must be passed by a 2/3 absolute majority vote in Parliament and some must be passed by a 3/4 absolute majority (Article 17).	Parliament consists of directly elected members and up to 3 nominated members (Article 101).	No – appointed element too small to veto amendments
<b>Paraguay</b>	A suggested amendment must be supported by 1/4 of either Chamber of Congress, the President or a petition of 30,000 electors and to be passed must be approved by an absolute majority in both chambers and a referendum (Article 290).	The Chamber of Deputies is directly elected (Article 221). The Chamber of Senators is composed of directly elected senators (Article 223).	N/A legislature elected.
<b>People's Republic of Korea</b>	Amendments must be approved by 2/3 of deputies of the SPA (Article 97).	Article 89: The SPA is composed of directly elected deputies.	N/A legislature elected.
<b>Peru</b>	A suggested amendment must be supported by the President with the approval of the Cabinet, to Members of Congress; or .3% of the voting population and to be passed must be approved by an absolute majority of Congress members and a referendum. The referendum may be exempted when the consent of Congress is obtained in two successive regular sessions with approval of 2/3 of members (Article 206).	Article 90: The Congress of the Republic is elected for a period of five years through an electoral process organized according to law.	N/A legislature elected.
<b>Philippines</b>	A suggested amendment must be supported by 3/4 of all members of congress, a Constitutional Convention or 12% of registered voters and to be passed must be approved by a majority of votes cast in a referendum (Article XVII).	Article VI The House of Representatives and the Senate are composed of members directly elected by the people.	N/A legislature elected.
<b>Poland</b>	A suggested amendment must be supported 1/5 of Deputies; the Senate; or the President and to be passed must be adopted by the Sejm by a majority of at least 2/3 of votes in the presence of at least half of the statutory number of Deputies, and by the Senate by an absolute majority of votes in the presence of at least half of the statutory number of Senators. Some amendments must be approved by the majority of votes cast in a referendum.	Article 96(2): elections to the Sejm shall be universal, equal, direct and proportional and shall be conducted by secret ballot. Article 97(2): Elections to the Senate shall be universal, direct and shall be conducted by secret ballot.	N/A legislature elected.
<b>Portugal</b>	To be passed amendments must be approved by a 2/3 majority of all members of the Assembly. The President of the Republic shall not refuse to enact such laws (Article 286).	Article 149: Members of the Assembly are directly elected.	N/A legislature elected.
<b>Qatar</b>	A suggested amendment must be supported by the Prince or 1/3 of the Members of the Advisory Council and to be passed must be approved by 2/3 of the Council's Members and must be ratified by the Prince.	Article 77: The Advisory Council consists of 30 elected members and 15 members appointed by the Prince.	Yes – appointed element too small to veto amendments, but the Prince can veto
<b>Republic of Korea</b>	A suggested amendment must be supported by a majority of the National Assembly members or by the President (Article 128) and to be passed must be approved by 2/3 of the National Assembly members and a referendum (with over 50% majority vote of over 50% of eligible voters (Article 130).	Article 41: The National Assembly shall be composed of members elected by universal, equal, direct and secret ballot by the citizens.	N/A legislature elected.
<b>Romania</b>	A suggested amendment must be supported by the President upon proposal by the Government, 1/4 of the deputies or senators, or 500,000 citizens eligible to vote and	Article 62(1): The Chamber of Deputies and the Senate are elected by universal, equal, direct, secret, and free suffrage, in	N/A legislature elected.

	representing at least half the counties of the country (Article 150) and to be passed must be approved by a 2/3 majority of the members of each Chamber (or 3/4 of the deputies and senators in a joint session) and a referendum (Article 151). Some provisions are unamendable (Article 152).	accordance with the electoral law.	
<b>Russia</b>	Amendments to be passed must be approved by 3/4 of members of the Council of Federation and 2/3 of the total number of deputies of the State Duma (Article 108).	Article 95(2): The Council of Federation shall include two representatives from each constituent entity of the Russian Federation: one from the legislative and one from the executive State government body. Article 96(2): The procedure for forming the Council of Federation and the procedure for electing deputies to the State Duma shall be established by federal laws.	N/A legislature elected.
<b>Rwanda</b>	A suggested amendment must be supported by the President or a 2/3 majority vote of either Chamber of parliament and to be passed must be approved by a 3/4 majority vote of the members of each chamber of Parliament. Some amendments must be approved by referendum (Article 193).	The Chamber of Deputies consists of 80 Deputies of which 53 are directly elected by the people, 24 are elected by specific councils, 2 are elected by the National Youth Council and 1 is elected by the National Council of Persons with Disabilities. (Article 76). The senate consists of 26 senators of which 8 are appointed by the President of the Republic, 4 are designated by the National Consultative Forum of Political Organisations, 12 elected by specific organs in accordance with the administrative entities, and 2 are from Universities and Institutions of higher learning (Article 82).	Yes – appointed element of senate can veto legislation.
<b>Samoa</b>	To be passed amendments must be approved by 2/3 of the members of Parliament and some amendments must also be approved by a 2/3 majority vote in a referendum (Article 109).	Article 44: The Legislative Assembly consists of directly elected members.	N/A legislature elected.
<b>Sao Tome and Principe</b>	A suggested amendment must be supported by 3/4 of the Deputies to the National Assembly (Article 122) and to be passed must be approved by 2/3 of Deputies. The National Assembly may propose to the President the subjection of any amendment to popular referendum (Article 123).	Article 82: The National Assembly is composed of elected Deputies, within the terms of the law.	N/A legislature elected.
<b>Saudi Arabia</b>	Article 83: No amendments to this law shall be made except in the same manner in which it has been issued.	Article 3: Shura Council consists of a Speaker and 150 members chosen by the King from amongst scholars, those of knowledge, expertise and specialists.	Yes
<b>Senegal</b>	To be passed amendments must be approved by the National Assembly and by a referendum. In the case of disagreement between the senate the National Assembly the National Assembly decides definitively. (Article 71) However, the bill or the proposal are not presented to referendum when the President decides to present them to the Parliament in a joint sitting. In this case, the bill or the proposal is only approved if it is approved by a 3/5 majority vote (Article 103).	Article 60: The Deputies to the National Assembly are elected by universal direct suffrage. Article 60-1: at least 1/3 the senate is indirectly elected and up to 2/3 is appointed by the President on the advice of the President of the National Assembly and of the Prime Minister	No - senate cannot veto amendments (Article 71) some amendments must be approved by joint sitting of Parliament - appointed element is too small to veto
<b>Serbia</b>	A suggested amendment must be supported by 1/3 of the total number of deputies, the President, the Government or at least 150,000 voters and to be passed must be	Article 100: The National Assembly shall consist of 250 deputies, who are elected on direct elections by secret ballot,	N/A legislature elected.

	approved by a 2/3 majority of the total number of National Assembly deputies. Certain amendments must also be approved by a majority vote in a referendum (Article 203).	in accordance with the Law.	
<b>Seychelles</b>	Amendments must be approved in a referendum by not less than 60% of votes cast and by 2/3 of members of the Assembly (Article 91(1)).	Members of the National Assembly are directly elected (Article 78).	N/A legislature elected.
<b>Sierra Leone</b>	To be passed amendments must be approved by 2/3 of Members of Parliament at a 2 <sup>nd</sup> and 3 <sup>rd</sup> reading and some amendments must also be approved by a referendum by 2/3 of votes cast (Article 91).	Article 74(1): Members of Parliament comprises the Paramount Chiefs for each District who are elected as prescribed law and such number of Members as Parliament elected in such a manner as prescribed by law. Currently the Parliament consists of 124 members of which 112 are directly elected and 12 are appointed Paramount Chiefs. (see <a href="http://www.sl-parliament.org">http://www.sl-parliament.org</a> )	No – appointed element too small to veto constitutional amendments
<b>Singapore</b>	To be passed amendments must be approved by 2/3 of the total number of elected Members of Parliament at a 2 <sup>nd</sup> and 3 <sup>rd</sup> reading other amendments must also be passed by a referendum (unless the President otherwise directs). (Article 5) President may withhold assent to certain constitutional amendments, but if these are supported at a referendum by 2/3 of votes cast the Present will be deemed to have assented (Article 5A).	Parliament consists of elected members and 9 (maximum) non-constituency members and 9 (maximum) members appointed by the President (Article 39).	No – only elected members of Parliament may vote on constitutional amendments
<b>Slovakia</b>	Amendments must be approved by a 3/5 majority of deputies (Article 84(4)).	Article 74(1): Deputies are directly elected by the people.	N/A legislature elected.
<b>Slovenia</b>	A suggested amendment must be supported by 20 deputies of the National Assembly, the Government or 30,000 thousand voters and to be passed must be approved by 2/3 majority vote of all National Assembly deputies (Article 168) and, if so requested by 30 deputies, must also be approved by a referendum with a majority vote in favor and a majority of eligible voters voting (Article 170).	Deputies of the national Assembly are directly elected by the people (Article 80).	N/A legislature elected.
<b>Socialist Republic of Vietnam</b>	Amendment to the Constitution must be approved by at least 2/3 of National Assembly members (Article 147).	Article 7: The National Assembly and the People’s Councils are directly elected by the People.	N/A legislature elected.
<b>Solomon Islands</b>	Some amendments must be approved by 2/3 of national assembly and some amendments must be approved by 3/4 of the National Assembly at the final vote after 2 separate readings (Article 61. 2).	Article 47: Members of Parliament are directly elected.	N/A legislature elected.
<b>Somalia</b>	A suggested amendment must be supported by The Federal Government or a Federal Members State government, a member of the Federal Parliament or a petition signed by at least 40,000 citizens and to be passed must be approved by 2/3 of the members of the House of the People the Upper House of the Federal Parliament (Article 132).	Article 68: The members of the House of the People of the Federal Parliament are directly elected by the people. Article 72: The members of the Upper House of the Federal Parliament are directly elected by the people.	N/A legislature elected.
<b>South Africa</b>	At least 30 days before a constitutional amendment bill is introduced in the National Assembly, the person or committee introducing the amendment must publish it for public comment, submit it to provincial legislatures, and, if it does not have to be passed by the NCOP, submit it to the NCOP for debate. When the bill is introduced,	Section 46: The National Assembly consists of directly elected members. Members of the NCOP are indirectly elected (Sections 60-61).	N/A legislature elected.

	the comments received must be tabled in the National Assembly, and in the NCOP when appropriate. To be passed, specially entrenched provisions must be approved by 75% of the National Assembly and 6 provinces of the National Council of Provinces (NCOP). Other amendments must be approved by 2/3 of the National Assembly and some must also be approved by 6 provinces of the NCOPs (Section 74).		
<b>South Sudan</b>	To be passed amendments must be approved by 2/3 of all members of each House of the National Legislature (Article 199).	Article 56: Members of the National Legislative are directly elected by the people. During the transitional period the National Assembly consist of: all members of the Southern Sudan Legislative Assembly; □all 96 South Sudanese members of the National Assembly of the Republic of Sudan; and up to 66 members appointed by the President. Article 58: The Council of States consists of“ Members of the Council of States shall be elected through their respective States Assemblies; and during the transitional period, the Council of States shall consist of (a) all South Sudanese who were representatives in the Council of States of the Republic of Sudan, by virtue of their membership in that Council; and 30 members appointed by the President.	Yes - Under transitional provisions the appointed element of the Council of States can veto constitutional amendments.
<b>Spain</b>	To be passed amendments should be approved by a 3/5 of members of each House or by an overall majority of the members of the Senate and 2/3 majority vote of the Congress. Amendment must also be approved by referendum if 1/10 of members of either House so request. (Section 167). Some amendments must be approved by a 2/3 majority of the members of each House, and the Cortes Generales shall immediately be dissolved. The Houses elected thereupon must ratify the decision and approve the new constitutional text, by a 2/3 majority of the members of each House. Once the amendment has been passed by the Cortes Generales, it shall be submitted to ratification by referendum (Section 168).	The Congress is directly elected by the people (Section 68). The senate is directly elected by the people (Section 69).	N/A legislature elected.
<b>Sri Lanka</b>	To be passed amendments must be approved 2/3 of the Members of Parliament (Article 82) and some amendments must also be approved by an absolute majority of votes cast in a referendum, constituting at least 1/3 of the whole number of registered electors (Articles 83 and 85).	Members of Parliament are directly elected by the people (Articles 62(1), 98-99 and 196).	N/A legislature elected.
<b>St. Kitts and Nevis</b>	Article 38: A bill to alter any of the provisions of this Constitution or of the Supreme Court Order shall not be regarded as being passed by the National Assembly unless on its final regarding the bill is supported by the votes of not less than two-thirds of all the Representatives. Some amendments must be supported by a referendum.	Members of the National Assembly are directly elected (Article 29(1)). Senators are appointed by the Governor-General (1/3 on the advice of the Leader of the Opposition and the rest on the advice of the Prime Minister) (Article 30).	No – Senate does not vote on constitutional amendments
<b>St Lucia</b>	Some amendments must be approved by ¾ of all members of the House of Assembly in the final reading and some amendments must be approved by 2/3 of all members of the House of Assembly in the final reading. A referendum must be help to approve certain amendments or amendments not approved by the senate (Section 41).	House of Assembly is directly elected by the people (Section 33). Senators are appointed by the Governor-General – 6 on the Prime Minister’s advice, 3 on the Opposition Leader’s advice and 2 on the Governor-General’s discretion (Section 24).	No- section 41 provides that when the Senate does not pass amendments it can instead be

			approved by referendums.
<b>St. Vincent and Grenadines</b>	Amendments must be supported by 2/3 of the National Assembly members and Some amendments must be supported by a referendum (Article 38).	Members of the House of Assembly are directly elected (Article 27) Senators are appointed by the Governor-General – 4 on the Prime Minister’s advice, 2 on the Opposition Leader’s advice (Article 28).	Yes – senate can veto constitutional amendments
<b>Sudan</b>	Suggested amendments must be supported by the President (Article 58) and to be passed must be approved by ¾ of all the members of each Chamber of the National Legislature sitting separately and only after introduction of the draft amendment at least two months prior to deliberations (Article 224).	The National Assembly is composed of directly elected members (Article 84) The Council of States is composed of members elected by the state legislature (Article 85(1)).	N/A legislature elected.
<b>Surinam</b>	Amendments to be passed must be approved by 2/3 of the National Assembly members (Article 83(3)).	Article 61: The National Assembly consists of 51 members directly elected.	N/A legislature elected.
<b>Swaziland</b>	Some amendments to be passed must be approved at a joint sitting of the Senate and the House or at a referendum with the requisite majority (Article 245) Other amendments must be approved by ¾ of all members of the 2 chambers at a joint sitting and a simple majority of votes in a referendum (Article 246) Other amendments must be approved by 2/3 of all the members of the two chambers at a joint sitting (Article 247).	The House of Assembly shall consist 60 elected members (maximum) and 10 members nominated by the King (maximum) (to represent interests, including marginalized groups, not already adequately represented in the House); 4 female members specially elected from the four Regions and the Attorney-General who shall be an ex officio member (Article 95). The senate consists of at least 10 elected members and 20 members appointed by the king (to represent economic, social, cultural/traditional or marginalized interests not already adequately represented in Parliament or by reason of their particular merit, able to contribute substantially to the good government and progressive development of Swaziland.)	Yes (partial) - 20 of the 30 seat senate is appointed and 10 of the 76 seat House of Assembly is appointed – this means appointed members can veto specially entrenched amendments only as these require ¾ approval at a joint sitting – appointed members do not have sufficient seats to veto any other amendments.
<b>Sweden</b>	Amendments must be approved by the Riksdag in two successive terms, with a general election held in between. 5/6 of the members must approve the amendment at the second decision (Article 14). The change can be dismissed by a referendum coinciding with such a general election (Article 16).	Chapter 3 Art 1: The Riksdag is appointed by means of free, secret and direct elections.	N/A legislature elected.
<b>Switzerland</b>	A suggested amendment must be supported by 100 000 citizens entitled to vote or by the Federal Parliament, and to be passed must be approved in a referendum by the People and the Cantons (Articles 138,139, 140, 194, 195).	Article 149: The House of Representatives is directly elected. Article 150 (1) The Senate shall consist of 46 delegates of the Cantons. 150(3) The Cantons shall regulate the election of their Senators.	N/A legislature elected.
<b>Syria</b>	A suggested amendment must be supported by the President or 1/3 of the members of the People’s Assembly and to be passed must be approved by ¾ majority of the People’s Assembly and the President (Article 150).	Article 57: Members of the People’s Assembly shall be elected by the public, secret, direct and equal vote in accordance with the provisions of the Election Law.	N/A legislature elected.
<b>Taiwan</b>	Suggested amendments must be supported by ¼ members of the Legislative Yuan	Article A4: Beginning with the Seventh Legislative Yuan, the	N/A legislature

	and to be passed must be approved by 3/4 of members of the Legislative Yuan and approved by over 50% of registered voters in a referendum (Article A12).	Legislative Yuan shall have 113 directly elected members.	elected.
<b>Tajikstan</b>	Suggested amendments must be supported by the President or 1/3 of all members of the Majlisi Milli and deputies of the Majlisi Namoyandagon and to be passed must be approved by a referendum called by 2/3 of the total number of deputies (Article 98) Some provisions are unamendable (Article 100).	The Majlisi Namoyandagon is directly elected by the people. 3/4 of the Majlisi Milli are elected indirectly by way of secret ballot at joint assemblies of people's deputies of the Gorno-Badakhshan Autonomous 1/4 are appointed by the President of the Republic of Tajikistan.	N/A – constitutional amendments passed by referendum
<b>Tanzania</b>	Some amendments must be approved by 2/3 of all members of Parliament and other amendments shall be passed only if approved by 2/3 of all Members of Parliament from Mainland Tanzania and 2/3 of all Members of Parliament from Tanzania Zanzibar (Article 98).	Article 66: Members of Parliament, consist of (a) elected members (b) women members being not less than 15% of the members mentioned in paragraphs (a), (c) and (d) elected by the political parties represented in the National Assembly in terms Of Article 78 and on the basis of proportional representation amongst those parties; (c) 5 members elected by the House of Representatives from among its members; (d) the Attorney General.	N/A legislature elected.
<b>Thailand</b>	A suggested amendment must be supported by 1/5 of the House of Representatives member or 1/5 of members of both Houses or 50,000 eligible voters and to be passed must be approved by the National Assembly in 3 readings (1 <sup>st</sup> reading requires approval of over 50% of both houses; 2 <sup>nd</sup> reading requires support of a simple majority of votes; and 3 <sup>rd</sup> reading requires approval of over 50% of both houses (Section 291).	Section 93: The House of Representatives consists of 480 members directly elected by the people. Section 111: The Senate consists of 150 members elected by the people.	N/A legislature elected. King does not have veto (s 150 If the King refuses His assent it shall become law if 2/3 of members of both houses reaffirms the bill)
<b>Togo</b>	A suggested amendment must be supported by the President or 1/5 of the deputies of the National Assembly and to be passed must be approved by 4/5 of the deputies composing the National Assembly or 2/3 of the deputies and a referendum. Some provisions are unamendable (Article 144).	The deputies are directly elected and the senate is composed of 2/3 persons elected by the representatives of the territorial collectivities and 1/3 by persons appointed by the President of the Republic (Article 52).	No – senate do not have say over constitutional amendments
<b>Tonga</b>	To be passed amendments must be approved by the Legislative Assembly in 3 separate sittings the King and if the Privy Council and the Cabinet (Article 79).	Article 59: The Legislative Assembly consists of the Privy Councillors and Cabinet ministers, who shall sit as nobles, the representatives of the nobles, and representatives of the people. (Law 1 of 1914.) Article 60: There shall be elected by the nobles of the Kingdom from among their number nine nobles as representatives of the nobles and there shall be elected by electors duly qualified nine representatives of the people. The Legislative Assembly shall determine how both classes of representatives shall be apportioned amongst the various districts. (Law 1 of 1914; Amended by Act 17 of 1982.) On 15 April 2010, the Legislative Assembly enacted a law providing for 17 members to be directly elected. The 2010 elections saw the majority of members of parliament directly elected for the first time. The new 26-member	Yes – privy council cabinet and king can veto.

		Legislative Assembly comprised 17 directly elected members (commoners) and nine indirectly elected members (nobles). The outgoing 32-member Legislative Assembly comprised nine commoners, nine nobles and 14 ex officio members (12 cabinet members and the royal governors of Vava'u and Ha'apai, all appointed by the King) (see <a href="http://www.ipu.org/parline-e/reports/2317_e.htm">http://www.ipu.org/parline-e/reports/2317_e.htm</a> )	
<b>Trinidad and Tobago</b>	Some amendments must be approved by the votes of 2/3 of all the members of each House and other amendments must be approved by a final vote in the House of Representatives by the votes of ¾ s of all the members of the House; and by 2/3 of members of the Senate (Article 54).	Article 73: Members of the House of Representatives are directly elected. Article 40: 31 senators appointed by the president –16 appointed on advice of the Prime Minister; 6 appointed on the advice of the Leader of the Opposition; 9 appointed at the President's discretion from outstanding persons from economic or social or community organizations and other fields of endeavour.	Yes – senate can veto
<b>Turkey</b>	A suggested amendment must be supported by 1/3 of Grand National Assembly members and to be passed must be adopted by 3/5 majority of the total number of members of the Assembly. Some amendments must also be approved by over 50% of the valid votes cast in a referendum (if for example an amendment is approved by less than 2/3 of the majority of the total number of votes of the Assembly) (Article 175).	Article 75: The Grand National Assembly of Turkey is composed of five hundred and fifty deputies elected by universal suffrage.	N/A legislature elected.
<b>Turkmenistan</b>	Article 53: The President of Turkmenistan does not have the right of suspensive veto concerning the laws on amendments and additions to the Constitution. Article 117: The Acts to amend the Constitution must be approved by 2/3 of Mejlis, or in case of a national referendum, if supported over 50% of votes cast.	Article 60: The Parliament consists of 125 deputies, directly elected.	N/A legislature elected.
<b>Tuvalu</b>	Amendments must be approved by 2/3 of members of Parliament (Article 7).	Article 87: Members of Parliament are directly elected.	N/A legislature elected.
<b>Uganda</b>	To be passed some amendments must be approved at 2 <sup>nd</sup> and 3 <sup>rd</sup> readings by 2/3 of members of Parliament (Article 261), other amendments must also be approved by a referendum (Article 259) or by 2/3 of the members of the district council in each of at least 2/3 of all the districts of Uganda (Article 260).	Parliament consists of directly elected members, directly elected women representative and such numbers of representatives of the army, youth, workers, persons with disabilities and other groups as Parliament may determine and ex-officio members (without voting rights) (Article 78). The current parliament consist of 238 Constituency Representatives; 112 District Woman Representatives; 10 Uganda People's Defence Forces Representatives; 5 Representatives of the Youth; 5 Representatives of Persons with Disabilities; 5 Representatives of Workers and 13 Ex-officio Members (see <a href="http://www.parliament.go.ug/new/index.php/about-parliament/composition-of-parliament">http://www.parliament.go.ug/new/index.php/about-parliament/composition-of-parliament</a> )	No appointed element too small to veto constitutional amendments.
<b>Ukraine</b>	A suggested amendment must be supported by 1/3 of the Verkhovna Rada, or the President (Article 154) some amendments must be approved by 2/3 of members of	Article 76: The deputies of the Verkhovna Rada of Ukraine are directly elected by the people.	N/A legislature elected.

	the Verkhovna Rada and a referendum (Article 156).		
<b>United Arab Emirates</b>	Article 144 2(c): The approval of the Union National Council for a draft constitutional amendment requires the agreement of 2/3 of the votes of members present.	Article 69: Each Emirate shall be left to determine the method of selection of the citizens who shall represent it on the Union National Council.	Composition of legislature unclear from Constitution.
<b>United States of America</b>	A suggested amendment must be supported by 2/3 majority vote of either house or 2/3 of states can ask Congress to call a convention and to be passed amendments must be approved by 3/4 of state legislatures or by ratifying conventions in 3/4 of states (Article V).	Article 1 (2): The House of Representatives is directly elected. Amendment XVII: The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof.	N/A legislature elected.
<b>Uruguay</b>	A suggested amendment must be supported by 10% of registered voters and approved in a referendum; 2/5 of the General Assembly and approved in a referendum; or the Senators, Representatives, and the Executive Power and approved by an absolute majority of the full membership of the General Assembly. To be approved in a referendum the amendment must be supported by an absolute majority of votes cast with at least 35% of eligible voters participating. Upon the approval of a proposal an election of a National Constituent Convention shall be called and must approve amendments by an absolute majority of the whole number of members of the Convention and must then be approved in a referendum by an absolute majority of votes cast with at least 35% of eligible voters participating (Article 331) The Constitution may also be amended by constitutional laws approved by 2/3 of the full membership of each Chamber in the same legislative period and a referendum supported by an absolute majority of the votes cast (Article 331D).	Article 88: The Chamber of Representatives is composed of ninety-nine members elected directly by the people, under a system of proportional representation which takes into account the votes cast in favor of each lema in all the country. Article 96: The distribution of the Chamber of Senators seats obtained by different sublemas of the same party shall also be based on the number of votes cast in favor of the respective lists.	N/A legislature elected.
<b>Uzbekistan</b>	Article 127: The Constitution of the Republic of Uzbekistan shall be amended by laws, passed by at least 2/3 of the deputies of the Oliy Majlis of the Republic.	Article 77: The Oliy Majlis of the Republic of Uzbekistan shall consist of 150 deputies directly elected.	N/A legislature elected.
<b>Venuatu</b>	Amendments must be approved by 2/3 of members of Parliament with 3/4 of the members are present. If there is no such quorum at the first sitting, Parliament may meet and make a decision by the same majority with only 2/3 of the members present. (Article 85) some amendments must be approved by referendum (Article 86).	Parliament shall consist of members directly elected by the people (Article 17(1)).	N/A legislature elected.
<b>Venezuela</b>	A suggested amendment must be supported by a majority vote of the National Assembly members, the President sitting with the Cabinet of Ministers or 15% of registered voters (Article 342) and to be passed must be approved by 2/3 members vote of the National Assembly in 3 readings (Article 343) and approved in a referendum where the number of affirmative votes is greater than the number of negative votes (Article 345).	Article 186: The National Assembly shall consist of Deputies elected in each of the federal entities by universal, direct, personalized and secret ballot with proportional representation, using a constituency base of 1.1 % of the total population of the country.	N/A legislature elected.
<b>Yemen</b>	Amendments must be approved by 75% of house of representative. Some constitutional amendments must also be approved by referendum (Article 158).	Article 63: The House of Representatives consists of 301 members directly elected by the people.	N/A legislature elected.
<b>Zambia</b>	Amendments must be approved by a referendum and three readings in the assembly (with 2/3 majority in 2nd and 3rd readings) (Article 79).	Members of the National Assembly directly elected by the people (Article 63).	N/A legislature elected.
<b>Zimbabwe</b>	Amendments to be passed must be approved by 2/3 majority in both houses and referendum (Article 238).	The National Assembly consists of (a) 210 members directly elected and (b) for the life of the first two Parliaments after the effective date, an additional 60 women directly elected (Article 124). The Senate consists of 80 Senators, of whom 6 are	No – appointed element of senate too small to veto constitutional

		directly; 16 are chiefs, 2 of which are elected by the provincial assembly of Chiefs from each of the provinces; □the President and Deputy President of the National Council of Chiefs; and 2 elected in the manner prescribed in the Electoral Law to represent persons with disabilities. (Article 120(1)).	amendments
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