

Federal Democracy Charter
Part - I
Declaration of Federal Democracy Union
2021

FEDERAL DEMOCRACY CHARTER

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Federal Democracy Charter

Introduction

With the objective of building a Federal Democracy Union, organizations and individuals who accept and agree to this Federal Democracy Charter, hereafter referred to as “Charter”, make the commitment that we will try and build a Federal Democracy Union holding the following standards and values for the eradication of dictatorship and emergence of Federal Democracy Union with the political road map that will be implemented in steps, basic principles for the development of constitution and fundamental policies. With the firm belief that we will achieve the collective force, which will drive the collective actions and implementations through collective leadership of those who accept and agree to the Charter to reach the desired goal, we hereby validate and enact this Charter.

Chapter I

Goal and Objective

To bring an end to the conflicts and problematic root causes in the Union, to ensure all ethnic nationalities - population can participate and collaborate and to build a prosperous Federal Democracy Union where all citizens can live peacefully, share the common destiny and live harmoniously together; a Federal Democracy Union where democracy is exercised and equal rights and self-determination are guaranteed, all ethnic nationalities of the Union, all citizens enjoy mutual recognition and respect, mutual friendship and support and solidarity based on freedom, equality and justice, we intend to carry out the following activities:

1. Eradication of dictatorship;
2. Ultimate Abolishment of 2008 Constitution;
3. Building Federal Democracy Union; and
4. Emergence of Public Government.

Chapter II

Members of the Charter

The following entities collaborate and participate to collectively implement the vision and objective stated in this Charter:

1. Elected parliamentary representatives;
2. Political Parties;
3. Civil Disobedience Movement (CDM), forces of General Strike Committee, Civil Society Organizations (CSOs) including Women and Youth organizations; and
4. Ethnic Armed Organizations (EAOs).

Chapter III

Implementation Process or Political Road Map

1. To collaborate according to respective sectors by establishing parliamentary representative committees with elected parliamentary representatives;
2. To create a platform/a structure where partner political parties, ethnic armed organizations and civil society organizations including women and youth organizations can work together to discuss and validate political agreements and future activities (activities for the way forward);
3. To develop and agree the Federal Democracy Charter;
4. To establish Interim National Unity Government, legislative and judiciary institutions in accordance with this Charter;
5. To determine a strategy for the eradication of dictatorship, abolishment of 2008 Constitution and building of Federal Democracy Union and to implement it;
6. To convene Constitutional Convention to develop and validate a new constitution;
7. To hold a national referendum to validate and enact the Federal Democracy Constitution developed by the Constitutional Convention; and
8. To establish legislative, executive and judiciary pillars according to the newly validated and enacted Federal Democracy Constitution and exercise constitutionalism.

Chapter IV

Development of Federal Democracy Union Constitution

The Constitution Drafting Committee established by the members who participate and collaborate in this Charter will develop the Constitution (draft) in accordance with the following guiding principles:

- Part 1: The vision and values of the Union;
- Part 2: The guiding principles for the building of Federal Democracy Union; and
- Part 3: Fundamental Policies.

Part I

Union Vision and Union Values

Union Vision

We shall build a peaceful Federal Democracy Union which guarantees freedom, justice and equality.

Union Values

To build the Union, we believe in and accept the following as values:

1. Democracy Rights, Gender Equality and basic Human Rights;
2. Equality and Self-Determination;
3. Collective Leadership;
4. Diversity, Social Harmony, Solidarity and Non-Discrimination; and
5. Protection of Minority Rights.

Part II

Guiding principles for building a Federal Democracy Union

1. The member states of the Union and the people in these states are the original owners of sovereignty.
2. The Federal Democracy Union is established with member states which have equal rights and right to self-determination in full. All the member states of the Union (all the federal units) are equal in terms of politics.
3. Member states of the Union have the right to enact their own respective State Constitution.
4. The Union exercises Power Sharing, Revenue Sharing and Fiscal Federalism. In doing so, it exercises the Subsidiary Principle where the system allows the government level closest to the people can act.
5. All Federal Union Security and Defense forces shall be under the supervision and administration of democratically elected civilian government. They shall exercise policy based on human security.

Part III

Fundamental Policies for Building Federal Democracy Union

Form of the Union

1. Federal Democracy Union shall be built to meet the characteristics of a federal union exercising full rights of democracy and equal rights and rights to self-determination in full.
2. Federal Democracy Union shall consist of member states which have full rights of democracy, equality and self-determination.
3. Every member state of the Union shall have separate legislative power, separate executive power and separate judicial power.

Power of the Union

4. The member states of the Union and the people in these states are the original owners of sovereignty.

5. The three pillars of sovereignty of Federal Democracy Union namely, legislative power, executive power and judicial power are clearly separated, exercised independently and exert reciprocal check and balance among themselves.
6. Power of the Union, power of the states and concurrent powers shall be determined and enacted. Only the powers necessary to exercise for the common interests of the member states of the Union shall be conferred to the Union. Residual powers which are not prescribed in the power of the Union, power of the States and concurrent power, shall remain with the member states of the Union.

Legislature of the Union

7. Federal Parliament is established with Federal Upper House and Federal Lower House which have equal powers. Upper House is established with the equal number of representatives selected and sent by various member states of the Federal Union. Lower House is established with representatives elected by the constituents in the elections which are based either on the number of population or townships. These two houses of parliament develop and enact union legislation.

Union Governance

8. The governance system of the Federal Union is Parliamentary System led by the Prime Minister. It is a system where a Head of State or President of the Union is in the parliamentary system.

Union Judiciary and Constitutional Tribunal

9. The supreme court of the Federal Union and Federal Union courts shall be established at various levels to exercise the judicial powers of the Federal Union. Federal Union Chief Justice nominated by the President of the Federal Union shall be reviewed examined and approved by the Federal Parliament.
10. Independent Constitutional Tribunal shall be formed to resolve and address the disputes related to the Constitution between the Federal Union and its member state or among member states.
11. Constitution of the Federal Union is the supreme law of the Union.

State Constitution

12. Member states of the Federal Union have the right to develop and enact State Constitutions.
13. Authority and power of local levels within the state shall be clearly and exactly prescribed in the State Constitution and the schedules of the taxes and revenue it can collect shall be exactly provided and enacted.
14. Rights of every ethnic nationalities in the State in various sectors namely political, social, economic, culture, tradition and customs etc. shall be protected, maintained and promoted.

Independent Commissions

15. The Federal Union shall have at least the following independent commissions:
 - a. Anti-Corruption Commission;
 - b. Election Commission;
 - c. Anti-Discrimination and Human Rights Commission;
 - d. Right to information Commission; and
 - e. Anti-Gender based Violence Commission.

Politics and Religion

16. The Federal Union shall practice a political system that has separation between politics and religion and that is secular, not based on religion.

Fiscal Federalism

17. Exact and systematic tax and revenue collection schedule between Union level government and State level governments shall be precisely enacted as a law. The Union revenue collection mechanism and State revenue collection mechanism shall be specific and separate.

18. Fiscal management and sharing laws between Federal Union and States shall be developed and enacted. The Fiscal equality program for comprehensive and equitable development of the member states of the Union shall be developed and enacted.

Land and Natural Resources

19. Land and natural resources management and sharing law between Federal Union and member states shall be developed and enacted.
20. The original owner of all of land and natural resources within a State is the people who live in the State. The State shall have the right to independently manage the exploration, extraction, selling, trading, preservation, and protection etc. of the natural resources within the State.
21. In the Federal Union, the State shall have the full rights to the revenue stream coming from the natural resources that are produced in large quantities among the resource revenues. In extraction and production of natural resources, the consent of the local communities shall be obtained, and it shall have direct benefits to the development of that area. Separate taxes shall be collected, and a funds program shall be developed and enacted to remedy the negative impacts affecting the communities and the natural environment and the damages to the ecosystem due to the extraction of natural resources.

Fundamental Rights and Rights of Ethnic Minorities

22. Every person who lives in the Union shall be entitled to the fundamental human rights.
23. All the ethnic nationalities born in the Union shall have full rights to individual rights entitled as an individual person and ethnic nationalities shall have full rights to collective rights entitled as ethnic groups.
24. Every citizen who has adopted the citizenship of the Union although they are not ethnic nationalities born in the Union, shall have the full rights to fundamental rights of the citizens (citizen rights).
25. Direct, indirect or any forms of discriminations based on sex and gender shall be absolutely prohibited and there shall be promotion, protection, respect and compliance.
26. There shall be rights to independently preserve, protect and promote the customs, traditional practices and languages of ethnic nationalities in accordance with fundamental human rights laws. National identity and cultural rights of ethnic nationalities as their inherent rights shall not be repealed or prevented in any context. There shall be priority or specific space provided for ethnic minorities in State governments, State parliaments and local governance so they can participate in politics and decision-making role.
27. Literature and languages of ethnic nationalities shall be officially applied and taught in practice. Higher education institutions, universities and institutions shall be established and implemented so that ethnic languages of the Union will be taught and learned in these facilities.

Federal security and defense principles

28. Security and defense policies of Federal Union shall be based on human security. All security and defense forces of Federal Union shall be under the supervision and administration of democratically elected civilian government.
29. Federal Parliament shall develop and enact security and defense policies and laws of the Union. Federal Parliament shall examine and approve the defense and security expenditures.
30. Federal Police Force and State Police Force shall be established separately. There shall be the right to form State Security Force. State Police Force and State Security Force are under the governance and control of respective State Government. The expenditures of State Police Force and State Security Forces shall be scrutinized and approved by respective State Parliament.
31. To respond effectively in the context of either Union security and State of Emergency or natural disasters and relief activities, the deployment of Security Forces shall be discussed and decided by Union Government and respective State Government.

32. National Defense and Security Council of Federal Union shall be established. This Council shall be composed of at least one person from State Defense and Security Councils and of Union level individuals whose total number is not more than 30% of the total members of the Council.

Federal Union Security System

33. Federal Union Security System shall be established to implement a system where organizations and various forces participate in all ethnic nationalities, and provide comprehensive coverage while guaranteeing the safety of the population, protection of communities from dangers and defense of the Union through development of strategies based on respective geographical situation and mandates of security authorities which reflect and shape the customs and traditions, concerns and needs of the local communities by exercising the distribution of powers among Union, State and local level civilian governments, distribution of rights and decision-making powers given to the specific entities or individuals.

Administration and Public Services

34. Public service training schools shall be opened to train and nurture the individuals who will serve in administration and public services. Union Government shall develop curriculum standards that will be taught in these training schools.
35. Respective States shall have the right to open administration and public services training schools in respective states for the individuals who will serve in the states.

Inter-Governmental Relations

36. Joint Committees shall be established such as Heads of State Joint Committee to address and resolve the disputes and issues and to collaborate and work together between Federal Union and the States or between the state; Sectoral Ministers Joint Committee to work in collaboration in respective sectors; Financial Joint Committee to manage the revenues that are designated to be shared. The term of the Committee shall be determined based on the need of the issue on collaboration.
37. Heads of member states are above Union Ministers in the hierarchy of Federal Union.

Chapter V Commitment

We shall build peaceful Federal Democracy Union with freedom, justice and equality in line with the political road map which will be implemented along the vision and objectives of this Charter.

In doing so, we shall endeavor to give the right to decision-making to the people and the right to self-determination to the member states of the Union based on the Union values.

We shall ensure the fundamental rights, gender equality and the rights of ethnic minorities. For the security of social life of every citizen, we shall adopt security and defense policies of Federal Union based on human security.

We shall develop and adopt policies that encourage and support innovation and entrepreneurship to raise the living standards of the citizens.

We shall develop and adopt effective policies for universal education coverage, universal health coverage, rights of people with disabilities, children, elderly and women including pregnant mothers, harm reduction for abuse of narcotics and psychotropic substances, treatment and rehabilitation.

We shall repeal the powers of those who are not elected. We shall dismantle the governments that do not have accountability nor responsibility by the people power. We shall be able to guarantee that the original source of sovereignty is the people. We shall ensure that the powers of the State are in the hands of the people.

The themes, provisions and policies in this Charter are the basic guidance that shall be applied in the implementation of the issues relating to the interim government and interim constitutional arrangements that will emerge soon.

Conclusion

Ethnic leaders who built the Union have given up their right to build their own separate nationals and signed 1947 Panglong Agreement to build this Union as a federation where countries come together as a Union. They intended to hold freedom, equality, diversity, collective leadership and self-determination as the standards and values of the Union and build Federal Union where all ethnicities would share the common destiny peacefully and live together in harmony. They have collaborated to achieve independence together.

Thus, it is essential to implement once again the Panglong Agreement, Panglong Commitment and Panglong Principle which are the original convention of the Union in order to build peaceful and prosperous Federal Union. The Constitution of Federal Union shall be drafted once again. Constitutionalism where governance is exercised according to the Constitution shall be adopted. Necessary legislative, executive and judiciary reforms shall be undertaken. The necessary characteristics of the Union shall be fulfilled. We shall implement building of the union identity both in form and essence. Union shall be built collectively and it shall flourish with collective leadership in the world.

We hereby declare that this Charter has been developed, adopted and validated collectively to shape and create a new Federal Democracy Union of freedom, peace, prosperity and development where we believe in and comply with values and strong policies and we shall implement collectively with collective leadership.

Note: On March 27, 2021 this “Federal Democracy Charter”, Part I, “Declaration of Federal Democracy Union” has been discussed and validated at National Unity Consultation Council (NUCC).