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**SHAN STATE CONSTITUTION
FIRST DRAFT**

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SHAN STATE CONSTITUTION FIRST DRAFT

Shan State Draft Constitution FOREWORD

The following document is but a draft, an exercise from which the people of Shan State may benefit by participating in drafting the Shan State Constitution through answering the questions posed by the Constitution Drafting Commission, SSCDC. Individual social civil organizations have participated in this process [including media, women's, youth, environmental and Cultural] as well as civil servants and professionals, as already presented in the Brief Background History of the SSCDC and elsewhere in its report paper "Questionnaire." Political parties and politically affiliated armed organizations have also participated.

The SSCDC in carrying out its 'Tasks', with the cooperation of Shan State ethnic communities, whose representatives are members of the SSCDC, is trying its best to set a precedent for future implementation of tasks given to the political parties and people's representatives through a democratic election or elections. Practical implementation of the first phase of its strategies, using a bottom up approach, involving promoting ethnic communities to have their own projects drawn up and integrated into the SSCDC project and actual implementation by the respective groups themselves, has been completed to a certain satisfactory level. The Preamble, Chapter 1, the Founding Provisions or Characteristics and Chapter 2, Civil Rights [Bill of Rights?] have been drafted by referring to feedback and input during this process. Some feedback and input were for other provisions and some for the whole document [feedback and input of an elected representative of National League for Democracy, Shan State, Aung San Suu Kyi's political party, elected in 1990].

The SSCDC is aware that there may be differences in interpretations, approach and essence between State Constitution Drafts of all the 8 States forming the federal union of Burma. It is aware that there is a need for understanding and differentiation of bottom-up, horizontal and top-down mechanisms and relativity among and between them.

Bottom Up

Policies and legislation are either to be derived from the grassroots, which means the people in general, or consent by them through acceptable mechanisms and devices.

Horizontal

Basically, all forums, seminars, consultations, ordinary meetings and parliamentary or house meetings at different levels are all horizontal processes.

This is because all participants have equal status in presenting or objecting to any proposals at these gatherings under the prior accepted rules of a civil society. These gatherings would share knowledge and experience to devise mechanisms either to serve the “Bottom Up” concept or the “Top Down” processes.

Top Down:

Normally, Civil Services are all “Top Down” institutions to carry out the tasks of implementing the policies either directly or indirectly derived from the “Bottom Up” processes. The “Top Down” process is equally important as that of the “Bottom Up” process.

Therefore, it is very important to recognize that all the three concepts are equal in value and that they are inseparably inter-related.

The most fundamental principle of law is regarded by the SSCDC as a SET OF RULES MADE BY A SOCIETY AND ACCEPTED BY THAT SOCIETY. The fundamental principle of the aim of law is JUSTICE and JUSTICE is the acceptability of the rules aimed to achieve it by various communities and societies living together in a shared land. Therefore, rules and regulations, although accepted by a majority, could be rejected by a small community or communities to safeguard their security and existence. Rejection could come about through a referendum even at the community level. Hence, a referendum is one of the mechanisms that could be used at the local, state or federal level to ensure justice. But the application of a referendum at different levels must be clearly and specifically stated in the constitution and its guidelines to organic law legislation. The process of drafting the constitution from the top, then through the constitution, giving away powers to the bottom is contrary to the principle of sovereign powers belonging to the people, or of sovereign powers deriving from the people. In fact, sovereign powers are shared among civil governmental institutions, the legislature, the judiciary, the executive and the people themselves. However, conceptually, the people are sovereign. The people share their sovereign powers with the three governmental institutions, retaining residual powers through constitutional arrangement. This is done through provisions of referendum requirements.

However, the SSCDC will concentrate only on a [legal and extra legal document] constitution for Shan State and her people. The document itself will reflect a federal structure. It could be used as a basis for any larger federation through modification to meet the needs: i.e. modifying powers given to the federal level and retaining residual powers for the constituent states.

Shan written history, according to Shan academics on history and culture, can be traced back up to 4,500 years. The history of the Shan Empire was recorded by Asian and Western historians.

Shan State Constitution

The present Shan State was a separate entity up until 1947 when she joined with other states to form the federal Union of Burma, through the Pang Long Agreement, and to get independence from British colonial rule. The Panglong Accord has never been fully honored by the Burman-dominated rulers since her independence from Britain. To remedy the weaknesses in the 1948 Constitution of the Federal Union of Burma, aimed to reflect the Panglong Agreement, the leaders of constituent states gathered at Taunggyi, the capital of Shan State, to amend the constitution of the federal union. They came up with a proposal known as the Federal Proposal for the Union of Burma. This was wrongfully branded by the military as a separatist move by the Shans. Shan State could in fact use the right of secession provided in the 1948 constitution chapter 10 Article 202 to secede from the union. However, the Shan leaders chose to organize the other constituent states' legitimate leaders to gather at their capital and together tried to amend the fundamentally flawed 1948 constitution instead. That was an official legitimate* action of the Shan leaders together with other leaders of the constituent states recorded.

It was in fact an action which could be considered as seeking to remedy the constitutional crisis of that time. This action was fully democratic and legal.

In 1962 after the military coup d'état led by General Ne Win, the military junta led by General Ne Win abrogated the 1948 constitution of the Union of Burma that guaranteed the right of secession for Shan State and some other states agreed upon at the Pang Long Conference in 1947. His action amounted to a breach of the Pang Long Agreement and 1948 constitution. Thus the federal Union of Burma became defunct, which means the constituent states of the federal union automatically and legally became separate and independent. International political conditions during the Cold War period made it impossible for the international community to acknowledge the facts concerning Burma and her constituent states at that time.

*Conference of the Constituent States of the Federal Union of Burma convened at the "Sar Myein Yeit Thar," Taunggyi, capital of Shan State.

CONSTITUTION DRAFTING COMMISSION SHAN STATE

Shan State Constitution First Draft

PREAMBLE

We, the people of Shan State, based on our conviction that Shan State belongs to the people of Shan State who have lived in it since time immemorial, and are Sovereign, establish a Nation [State?] ensuring social justice and fundamental human rights based on democratic values.

We lay a foundation for a civil society where participation and inclusiveness are encouraged; with limits to and clear separation of the powers of governmental institutions; where the will of the people is enhanced and every citizen is equal and equally protected by law. This constitution has been drafted through especially elected representatives; and approved by freely elected representatives [Parliament?] and a Referendum. This constitution was adopted through unity in diversity.

Founding Provisions

(1) Shan State [Name of the country agreed at SSCDC and from feedback.]

1. Shan State is founded on the following values:

- 1.1. A federal structure and a democratic decentralized administrative system.
- 1.2. Advancement of freedoms and fundamental human rights ensuring human dignity.
- 1.3. Supremacy of constitution and the rule of law.
- 1.4. Inclusive and participatory in accordance with universal suffrage, a multi-party system of democratic civil governance based on transparency, accountability, receptiveness and responsiveness.
- 1.5. No racial discrimination; and gender equality.
- 1.6. People of Shan State are sovereign.
- 1.7. Sovereignty is applied through the provisions of this constitution and legislation of its organic laws.
- 1.8. The territory of Shan State is as it was in 1922 when the federated Shan States were formed. [Approximately over 64,000 square miles or 160,000 square kilometers.]

Supremacy of constitution

2. This constitution is the supreme law of Shan State; any law or conduct inconsistent with this constitution is invalid and the obligations imposed by it must be duly met through legislation of its organic law.

CHAPTER (1)

Characteristics

3. Citizenship

- 3.1. All ethnic races of Shan State born in Shan State before 1946 and their direct descendents are entitled to be a common national [Citizen] of Shan State. [Open to discussion on related issues to meet human rights and National Security criteria.]
- 3.2. All citizens are:
 - A. Equally entitled to the rights, privileges and benefits of Citizenship; and
 - B. Equally subject to the duties and responsibilities of Citizenship;
 - C. And acquisition, loss and restoration of Citizenship must be provided by the National Legislation.

4. National Flag

The national flag is as it is now and proclaimed since 11.2.1047.

- 4.1. A five-feet-long, three-feet-wide flag, with a yellow color band at the top, green color band at the center, red color band at the bottom and a one-and-a-half feet in diameter white circle at the center of the flag.
- 4.2. The yellow color on top is the symbol of high respect for religions; the green color is the symbol of the Shan people's respect for their country, where the land is always green and prosperous, as well as their love for nature and the environment; the red band symbolizes the courage of her people in protecting the country; the white circle at its center is the symbol of her people's love for peace, purity and tranquility.

5. National Anthem

- 5.1. The National Anthem of Shan State is as it is now, as adopted at the 1947 Pang Long Conference.
- 5.2. Other ethnic races of Shan State may translate the National Anthem, which is presently in Dai language, into their respective dialect for local use. The present tune must be maintained for the sake of solidarity.
- 5.3. A New National Anthem could be adopted through the Head of State's Proclamation.

6. National Capital

- 6.1. The Head of State [President] shall proclaim this after parliamentary adoption.

7. National Seal

7.1. The President shall proclaim this after parliamentary adoption.

8. A multi-ethnic Nation

8.1. Shan State is a multi-ethnic Nation

8.2. Through National legislation, Indigenous Languages, Indigenous Religions, Cultures, Customs and Traditions are to be promoted and respected.

**CHAPTER (2)
9. BILL OF RIGHTS**

Human dignity

9.1. Human dignity is an inherent right of every human being and this right must be respected and protected.

9.2. Human dignity, liberty and security of the person must be protected by national legislation.

9.3. Freedom of informed choice must be provided through National Legislation.

9.4. All the people of Shan State regardless of gender, religion, ethnicity, birth or social status, without discrimination, are equal before the law.

9.5. Each and every one of the people of Shan State have equal opportunity to choose his/her profession and livelihood.

9.6. Every person has the right to life.

Freedom and Security

9.7. The rights of freedom and security of the person must not be deprived of arbitrarily without a just cause provided by law.

Religion and belief

9.8. Every person has the right to freedom of religion and belief.

Freedom of expression and information

9.9. Every person has the right to freedom of expression.

9.10. Every person has the right to information.

a. Media [Print and electronic media.]

b. Receive or share information

c. Artistic creativity

d. Academic and scientific research

e. Publications

Freedom of Assembly

9.11. Every person has the right to assemble for an unarmed peaceful demonstration to present petitions, oppose or support a cause as provided by law.

Freedom of Association

9.12. Every person has the right to freedom of association, and to establish or participate in political, social or civil organizations as provided by law.

Freedom of movement and residence

9.13. Every citizen of Shan State has the right to leave, remain or reside anywhere in Shan State.

9.14. Every citizen has the right to all official papers issued to a citizen as provided by law.

Freedom of trade

9.15. Every citizen has the right to choose his or her trade freely as provided by law.

Labor Rights

9.16. For fair labor practices and labor benefits, necessary laws must be provided through national legislation.

Land and property ownership rights

9.17. Every citizen has the right to ownership of land and property according to the customary or traditional law of communities living in Shan State before 1946 and their descendents.

9.18. National legislation may provide laws for the ownership of land to the citizens of Shan State for fair and just distribution of land.

9.19. Every citizen has the right to ownership of property as prescribed by law.

9.20. No law shall override the sub-article 9.17, except laws provided for financial reparation for land and property lost; and for the sake of public and national security interests.

Rights to environmental protection

9.21. Every citizen has the right and duty to protect the environment for the sake of the right to health and well-being of citizens.

9.22. A local community of Shan State has the right to initiate laws directly to the national legislation for the protection of their environment, forest or biodiversity.

9.23. A local community of Shan State has to initiate laws directly to the national legislation, if it deems it unjust, for the protection of their livelihood, existence and their immediate environment, through a local-level referendum.

The right to informed choice.

9.24. Every citizen has the right to informed choice. Access to information held by the State or other sources is required for the protection of any rights.

9.25. The State must provide adequate necessary information on all subjects as provided by law.

9.26. No legislation may deprive citizens of this right, article 9.24, except during a national security crisis.

9.27. The declaration of a period of national security crisis and exercise of martial law shall not exceed six months consecutively. Declaration of it or extension of it must go through the parliamentary process of both Houses.

9.28. Both Houses must clearly define “national security” and “national security crisis” and this must be approved by a National Referendum.

The right to be served by the Public Institutions

9.29. Every citizen has the right to be served by all levels of Public Institutions.

9.30. The legislation must provide necessary laws and guidelines for Ministerial and departmental regulations to ensure all public servants responsibly serve every citizen.

Rights Abuse Prevention Measure

9.31.

- a. National Legislature must provide appropriate rights abuse prevention laws for all citizens regardless of origin, gender, belief, religion, culture, tradition, social status, age, indigenous or minority status.
- b. An accused person is innocent until proven guilty by a Court of justice.
- c. Legislation of the duty of the State to register the National, State, local and individual level “Intellectual Property Rights,” internationally or locally as required on a case-by-case basis.

Human Rights Promotion Measure

9.32. A National Human Rights Commission must be established, and through due process of national legislature, appropriate empowerment of the commission must be ensured as soon as the National legislature comes into being.

- 9.33. Constituent States' and local level Human Rights Commissions must be established to ensure justice, checks and balances.

The Rights to Recall and Impeachment

- 9.34. Through National legislation the people must be empowered with the right to recall their representative or representatives.
- 9.35. National Legislation must provide laws for the removal from office of Public Servants by local communities.
- 9.36. National Legislation must provide laws, procedural or otherwise, for The Impeachment of the Prime Minister, Head of State[s], Speakers of the House of representatives, Speakers of the House of Nationalities and Holders of the highest positions in the National Judiciary.
- 9.37. Through National Legislation, a National Election Commission and National Election Watchdog Commission must be formed.

Duty and Responsibility of Citizens and Civil Society Organizations

- 9.38. National Legislation, in consultation with different levels of legislation, must provide common laws for duties and responsibilities of citizens.
- 9.39. National legislation in consultation with different level of Human Rights Commissions, must provide common laws for duties and responsibilities of Civil Society Organizations.

Duty of Media and its Responsibility

- 9.40. National Legislation must provide media self-regulating procedural laws, duties and responsibilities, in consultation with media representatives.

Rights of differently able

- 9.41. The State must provide adequate assistance to disabled persons.
- 9.42. Necessary legislation, at all levels of legislation, must be passed to that effect.

Rights of people to initiate legislation

- 9.43. Necessary laws, procedural and otherwise, must be promulgated for implementation.

CHAPTER (3)
(10) Legislature.

- 10.1. Shan State legislature is bi-cameral, consisting of a House of Nationalities and a House of People's Representatives.
- 10.2. The House of Nationalities is composed of equal numbers of elected people's representatives listed by the political parties for this particular purpose from the Constituent States of the Federal Union.
- 10.3. The House of People's Representatives is composed of elected representatives of the whole people of Shan State.
- 10.4. One representative for every hundred thousand shall be elected by the people of Shan State.

CHAPTER (4)

- **NATIONAL CONGRESS**
- **LEGISLATIVE POWERS OF NATIONAL CONGRESS**

- 10.5. National Legislative Sessions, which both Houses are required to attend, shall be called the National Congress.
- 10.6. The National Congress shall consider and promulgate procedural rules, regulations and laws of the Sessions of the National Congress including the election of the Speakers and Deputy Speakers of the Congress; and respective Functions, Duties, Responsibilities, Powers and Privileges.
- 10.7. The National Congress shall consider and promulgate procedural rules and laws of the convening and ending of Sessions of the National Congress.
- 10.8. The National Congress shall consider and promulgate procedural rules and laws of the covering and ending of the House of Nationalities and House of People's Representatives.
- 10.9. The National Congress shall consider and promulgate procedural rules, regulations and laws on providing Forums for public consideration at the National level, State and local level to ensure public participation and bottom-up concepts as provided by the Founding Provision.
- 10.10. The National Congress shall legislate organic laws in accordance with the Preamble, Articles provided in the Founding Provision and Bill of Rights at its First Session at the convening of the National Congress.

- 10.11. The National Congress shall legislate laws that the National Federal Constitution be taught at high school level and upwards including at vocational training schools and schools giving informal education.
- 10.12. The National Congress shall legislate Federal, Constituent State, sub-state, regional and local level Election laws of the Nation after conducting necessary consultations and forums as required by this constitution. Proportionate representation and Indigenous Minorities' participation in areas needed for their participation as a basis for defining equality. Qualification of representatives and public office holders shall be based on merit.
- 10.13. The National Congress shall consider and promulgate procedural rules, regulations and laws for selection or election criteria based on merit; and emolument and remuneration of:
 - 13.1. A President and a Vice president of the Federal Union, Head of Constituent States, Deputy Head of Constituent States of the Federal Union
 - 13.2. Speakers, Deputy Speakers of legislatures, Federal, Constituent States or local level respectively.
 - 13.3. Head of Commissions
 - 13.4. Members of Parliament
 - 13.5. Permanent Secretaries of Ministries
 - 13.6. Heads of Departments.
 - 13.7. Public Officers employed by the State [Including staff officers at the Legislatures.]
- 10.14. The National Congress shall consider and promulgate the formation, procedural rules and laws of the Supreme Court of the Nation.
- 10.15. The National Congress shall consider and promulgate the formation, procedural rules, regulations and laws of the Constitutional Court of the Nation.
- 10.16. The National Congress shall consider and promulgate the formation, procedural rules, regulations and laws of Administrative Courts of the Nation
- 10.17. The National Congress shall consider and promulgate procedural rules, regulations and laws of the formation of federal High Courts, Appeal Courts, Constituent State and local level Courts.
- 10.18. The National Congress, in its consideration of legislation concerning all levels of Courts must ensure the Courts' Independence, Impartiality, freedom from fear, favour or prejudice, subject only to the Constitution and the law.

- 10.19. The National Congress shall consider and legislate procedural rules and laws nullifying any Bills or legislations not conforming to the provisions of this Constitution.
- 10.20. The National Congress shall legislate procedural rules and laws so that:
 - A. Indigenous and Minority representatives may be represented at the House of Nationalities to protect their constitutional rights.
 - B. They have the right to reject legislation that adversely affects their existence and livelihood, so that their local community may be exempted.*
- 10.21. The National Congress shall consider and promulgate procedural rules and laws to refer to the people in a REFERENDUM on:
 1. Adoption of the National Constitution
 2. Amending the constitution
 3. Treaties on military alliance with foreign powers
 4. Economic agreements with foreign powers that could have grave impacts on environment, wildlife, ecology, bio-diversity and existence of local communities.
 5. Defining National Security and Promulgation of procedural rules, regulations and National Security laws including declaration of martial laws.
- 10.22. The National Congress shall consider and promulgate procedural rules and laws on formation and governing of an National Independent Election Commission.
- 10.23. The National Congress shall consider and promulgate procedural rules and laws ensuring the autonomy and self-determination of constituent states.
- 10.24. The National Congress shall consider and promulgate procedural rules and laws ensuring the autonomy of sub-states, regions, municipalities and special communities of Indigenous Minorities.
- 10.25. The National Congress shall consider and promulgate procedural rules and laws on establishment of Ombudsmen, the amount of members, eligibility criteria, responsibilities, lifespan and integrity of its members.
- 10.26. The National Congress shall consider and promulgate procedural rules, regulations and laws on repeal of laws in accordance with the provisions of this constitution.
- 10.27. The National Congress shall consider and promulgate procedural rules, regulation and laws ensuring civilian control of the National Intelligence Agencies.

- 10.28. The National Congress shall consider and promulgate procedural rules, regulations and laws on printing of bank notes, coinage and postage stamps of the Federal Union which shall be the Federal Union subject. Necessary consultation must be made with constituent states and People's Forums.
- 10.29. The National Congress shall consider and promulgate procedural rules, regulations and laws on the selection and appointment of the Federal Attorney General, Deputy Attorney Generals and the Public Prosecutor and Deputy Public Prosecutors.
- 10.30. The National Congress shall consider and promulgate procedural rules, regulations and laws on the selection and appointment of The Federal Auditor General and Deputy Auditor Generals.
- 10.31. The National Congress shall consider and promulgate rules, regulations and laws on the fair and proportionate sharing of National income revenue derived from indirect or direct Federal Tax and Revenue collected from import/export tax, seaport tax, Airport tax, Information Technology communication tax, land, water and air transportation tax, post and telegraph related tax, distribution of bank notes and coinage tax, banking and services, other services, federal trade and commerce, federal business tax, industrial and agricultural products, which is revenue related to respective constituent states, so that it is returned to the respective constituent states.
- 10.32. The National Congress shall consider and promulgate procedural rules and laws on a proportionate system of elected political parties' representation for the formation of the Federal Government, though equal in numbers of Constituent States' elected representatives are to be sent to the House of Nationalities for the formation of the Federal Government.
- 10.33. The National Congress shall consider and promulgate procedural rules, regulations and laws on the location selection, construction of, maintenance, staff selection criteria and security of the Presidential Residence of the Federal Union.
- 10.34. The National Congress shall consider and promulgate procedural rules, regulations and laws on the Federal Speakers and Deputy Speakers of the Federal Legislatures identical to the article 10.34.
- 10.35. The National Congress shall consider and promulgate procedural rules, regulations and laws that no new laws, procedural or otherwise shall be legislated without abrogating the existing obsolete laws where and when the new legislation is intended to replace it to keep up with the times.

11. FORMATION OF HOUSE OF NATIONALITIES

- 11.1. The House of Nationalities is composed of [----] elected representatives from each constituent [state] or [sub-state] or [region] and [----] from Indigenous minorities through the election of respective areas and special arrangements designed to assist the Indigenous minorities.
- 11.2. Indigenous minorities' proposals shall be sought and integrated in the system for election of their representatives to the House of Nationalities.
- 11.3. A separate election for electing the Nationalities representatives, at the federal, state and local level shall be sponsored by the federal budget.
- 11.4. One Speaker of the House of Nationalities and two Deputy House Speakers to chair the House Sessions shall be elected at the first House Session.
- 11.5. The President and Vice President of the Nation shall be elected by the House of Nationalities.
- 11.6. The formation of the Federal Government, proposed by the largest, second largest and third largest national election winning parties of the Constituent States' Combined resolve, shall be signed by the Speaker of the House of Nationalities and the names of the Federal Prime Minister and his Cabinet, shall be sent to the President for his approval and signature.
- 11.7. The Speaker of the House of Nationalities shall arrange a swearing-in ceremony at the Presidential Residence and the Federal Prime Minister and his Cabinet sworn in within 24 hours at the Presidential Residence after the Presidential approval is returned to the House of Nationalities.

Exclusive legislative power

- 11.8. Legislation on procedural rules, regulations and laws; Election of a Speaker and Deputy Speakers of the House, Assigning powers, functions, duty, responsibilities, and Eligibility criteria based on merit and Appointments of:
 1. A federal President and Vice Presidents
 2. A federal Prime Minister and Deputy Prime Ministers
 3. A federal Foreign Affairs Minister and Deputy Foreign Affairs Ministers.
 4. A Federal Defense Minister and Deputy Defense Ministers

5. A Federal Finance Minister and Deputy Finance Ministers
6. A Federal Bank Governor and Deputy Governors
7. A Federal Trade and Commerce Minister and Deputy Ministers
8. A Federal Tax and Revenue Chief and Deputy Chiefs
9. A Federal Home Minister and Deputy Ministers
10. A Federal Education Minister and Deputy Ministers
11. A Federal Forestry Minister and Deputy Ministers
12. A Federal Science and Technology Minister and Deputy Ministers
13. A Federal Information Minister and Deputy Ministers
14. A Federal National Development Minister and Deputy Ministers
15. A Federal Communication and Transport Minister and Deputy Ministers
16. A Federal Environment Protection Commission Chief and Deputy Chiefs.
17. A Federal Agricultural Minister and Deputy Ministers
18. A Federal Minister and Deputy Ministers of Culture and Religious Affairs
19. A federal Police Chief and Deputy Chiefs
20. A federal Immigration Chief and Deputy Chiefs
21. A federal Chief Justice and Deputy Chiefs of Supreme Court
22. A federal Constitutional Court Chief Justice and Deputy Chiefs
23. A Federal Administrative Court Chief Justice and Deputy Chiefs.
24. Executive portfolios shall be appointed from the elected representatives who won the election listed by the political parties for the Executive portfolios.
25. The legislators of the House of Nationalities shall be composed of elected representatives sent by the Constituent States' legislatures listed by the political parties for this specific purpose at the election.
26. A legislator shall not hold an Executive Position. When an elected Representative is selected or elected for an Executive Position he/she shall automatically cease to be a legislator.
27. No person shall hold two political portfolios or Offices at the same time.
28. No person shall hold two positions, public and business, at the same time.
29. Enlarging or reducing the Federal Executive according to need expressed by the Constituent States or State, the Federal Government or the people of a Constituent State through the respective state's People's Forum.

- 11.9. The federal President shall proclaim the appointment or appointments within 15 days after the House of Nationalities' request has reached the President.
- 11.10. Legislation of federal procedural rules and laws of federal money and National Budget Bills.
- 11.11. National Development Budget Bills shall be drawn up by the Federal Government and shall be based on:
 - 11.11.1. Fair distribution of wealth benefiting the local grassroots communities.
 - 11.11.2. Local communities' participation in the national economic system
 - 11.11.3. Human Resource Development
 - 11.11.4. Local Reinvestment Promotion
 - 11.11.5. Foreign Investment and Foreign Aid Bills shall be relative to the above four articles.
 - 11.11.6. Utilization of experience of both genders after retirement age
 - 11.11.7. Development of labor and Social Welfare
 - 11.11.8. Environmentally sustainable development
 - 11.11.9. Wildlife and biodiversity protection
- 11.12. **Ordinary Bills**
 - 11.12.1. Ordinary Bills may be introduced in the House of Nationalities for Legislation.
 - 11.12.2. Ordinary Bills affecting the majority of people shall be referred to the House of Representatives for scrutiny, amendments and approval.
 - 11.12.3. Ordinary Bills affecting indigenous and minorities' rights shall be introduced only after following the procedure, rules and laws provided by the National Congress.
 - 11.12.4. Legislation on procedural rules, regulations and laws on Immigration, Naturalization and granting of foreigners' registration documents.
 - 11.12.5. Legislation of procedural rules, regulations and laws on federal and governmental organizations and institutions where the National Congress has not provided them.
 - 11.12.6. Legislation of procedural rules and laws of federal taxation.
 - 11.12.7. Legislation of procedural rules and laws of the formation of federal House Commissions and various federal House Committees of the House of Nationalities.
- 11.13. Promulgation of procedural rules and laws in dissemination of this constitution to public servants and the public by public servants.

- 11.14. Promulgation of procedural rules and laws on federal trade and commerce.
- 11.15. Legislation of laws governing the provisional transferring of legislation on a case-by-case basis to the National Congress or House of Representatives when and where legislative competency of the House of Nationalities becomes a serious issue. The period of provisional transfer ends when the respective House comes up with the particularly needed legislation and this is accepted by the House of Nationalities.
- 11.16. Legislation of federal consumer protection laws and regulations.
- 11.17. Legislation of federal communication laws and regulations on:
 1. Federal Airways
 2. Federal Waterways
 3. Federal land communications
 4. Federal post, telegraph, radio, television and modern IT communications.
 5. Federal laws ensuring the fair distribution of radio frequency to the grassroots communities.
- 11.18. Legislation of federal procedural rules and laws of disaster prevention and disaster management.
- 11.19. Legislation of federal industrial promotion laws, rules and regulations in line with environmental protection and other laws legislated by the National Congress.
- 11.20. Legislation of federal procedural rules, regulations and laws of Governmental Ministries and Departments.
- 11.21. The Legislative Powers that are not given to the National Congress, House of Nationalities and the House of Representatives through this Constitution shall be the Legislative Powers of the people of Constituent States:
 - 11.24.1. The respective Constituent State Shall legislate through their respective Nationalities' House of Representatives or
 - 11.24.2. The people of each Respective State shall legislate through directly drafting the legislation by the people themselves, with not less than 30,000 [thirty thousand] signatures of the respective people, and sending it to their respective State's House of Representatives for debate, amendment and formal adoption.
- 11.22. House Opposition shall come from the House of People's Representatives.

- 11.23. The House of People's Representatives must elect among themselves equal to [thirty Eight percent?] of the members of the House of Nationalities to be sent to the House of Nationalities to act as House Opposition.
- 11.24. The House of Nationalities must send all the legislative Bills within 10 days after their first Reading, to the House of People's Representatives for scrutiny, amendments or rejection.
- 11.25. The House of Nationalities shall reconsider the legislative Bills returned from the House of People's Representatives after scrutiny, amendments or rejection at its session before the Second Reading.
- 11.26. The House of Nationalities shall consider a negotiated settlement of the Legislative Bills in accordance with the procedural rules and laws on consultation with the People's Forums, promulgated by the National Congress.
- 11.27. The House of Nationalities, after the People's Forum recommendations, shall table the said Bills, at its session, for the Second reading.
- 11.28. The House of Nationalities shall send the Bills after its Second reading to the House of People's Representatives for further scrutiny and amendments.
- 11.29. The House of Nationalities shall promulgate the said Bills through its Third Reading.
- 11.30. The House of Nationalities shall scrutinize debate and amend or pass into law for the Government policy implementations initiated by the federal government consistent with the fundamental principles of this constitution.
- 11.31. The House of Nationalities shall consider the legislation initiated by the people in accordance with the procedural rules and laws provided by the National Congress or fundamental principles provided by this constitution.
- 11.32. The House of Nationalities may form various House Committees and Commissions where and when the House deems fit, and select and appoint committee presidents or commissioners and members of them.

12. Formation of House of People's Representatives.

- 12.1. There shall be [] representatives elected by the whole people of Shan State.
- 12.2. There shall be one representative for every hundred thousand people.

- 12.3. There shall be [two/three?] representatives for each of the ethnic based Indigenous Minorities who are not eligible to be elected on a population basis.
- 12.4. Ethnic Minorities whose population is over a hundred thousand residing in Shan State with a tangible area of concentration shall not be eligible as Indigenous Minorities.
- 12.5. Ethnic Minorities whose population is too disbursed to reach a population concentration of a hundred thousand in a given constituency in Shan State are eligible to send their representatives through election of their representatives according to the special electoral procedural rules and laws promulgated by the National Congress.

Legislative Powers of the House of People's Representatives

- 12.6. The House of People's Representatives shall scrutinize the Legislative Bills sent by the House of Nationalities and amend the Bills or reject the Bills giving appropriate reasons.
- 12.7. The House of Representatives shall legislate and promulgate procedural rules and laws for the formation, duty and responsibilities of various House Committees.
- 12.8. The House of People's Representatives shall legislate procedural rules and Laws of boundaries of Constituent States, Sub-States, Autonomous Regions, Provinces, Districts and Village Tracts [Tsae Aeing], in accordance with the Procedural rules, concerning consultation through the People's Forum, and laws promulgated by the National Congress.
- 12.9. The House of People's Representatives shall consider and promulgate laws governing Local Legislations that shall ensure their local autonomy.
- 12.10. The House of People's Representatives shall consider and promulgate Federal, Constituent State and local taxation laws.
- 12.11. The House of People's Representatives shall consider and promulgate Laws, the quality of representative based on merit, governing the Representatives of the people.
- 12.12. The House of People's Representatives shall consider and promulgate anti-Corruption laws, and laws on formation of the Independent National Anti-corruption Commission consistent with this constitution.

- 12.13. The House of People's Representatives shall consider and promulgate procedural rules, regulations and Laws on protection of the environment.
- 12.14. The House of People's Representatives shall consider and promulgate laws defining and recognizing the National Heritage of cultural, historical and natural resources.
- 12.15. The House of People's Representatives shall consider and promulgate laws on protection of intellectual property at the national level, constituent state level, community level and individual level.
- 12.16. The House of People's Representatives shall consider and promulgate laws guaranteeing the autonomy of the Universities and independence of higher learning.
- 12.17. The House of People's Representatives shall consider and promulgate Procedural rules, regulations and laws:
Controlling the air, water and land traffic and appropriate national ownership of the sea, air space and space reflecting international law on such issues.
- 12.18. The House of People's Representatives shall consider and promulgate procedural rules, regulations and laws on natural disaster, prevention, control and management of disaster.
- 12.19. The House of People's Representatives shall promulgate strong laws against extrajudicial and arbitrary execution by the military, police and public officials employed by the state.
- 12.20. The House of People's Representatives shall consider and promulgate procedural rules, regulations and laws to prevent extrajudicial executions and arbitrary execution by state employees.
- 12.21. The House of People's Representatives shall debate and pass laws initiated by the federal government to implement government policies which are consistent with the guiding principles stipulated by this constitution.
- 12.22. The House of People's Representatives shall debate and pass laws when and where the government is required to initiate the legislative Bills at the House of People's Representatives provided by this constitution.
- 12.23. The House of People's Representatives shall consider legislation initiated by the people according to the procedural rules and laws provided by the National Congress or fundamental principles provided by this constitution.

12.24. The House of People's Representatives shall consider and promulgate procedural rules, regulations and laws on tertiary education.

- **State Constitution [Constituent States]**

- **Special Provision**

This provision terminates when the State Constitution has been formally adopted.

13. A State Constitution shall be drafted by the people's Representatives specially elected for this particular purpose by the individual constituent state of the federation and the constitution adopted either according to the procedural rules and laws provided by the National Congress or consistent with the fundamental principles provided by this Constitution.

13.1 The number of People's Representatives elected for this special purpose shall be decided by the people of that Constituent State in accordance with the fundamental and instrumental principles provided by this Constitution.

13.2 The term of the special representatives shall end when the State Constitution is formally adopted.

13.3 The period of drafting and adoption of the State Constitution shall not be more than [one year to one year and six months?].

13.4 The Federal Union and the individual respective State shall provide the necessary funding for the special election, drafting and adoption of the respective State Constitution.

13.5 A Constituent State's bi-lateral relations with another Constituent State and multi-lateral relations with other Constituent States shall be the sole right of a Constituent State.

Formation of the State legislatures

The structures and formation of the State Legislatures shall reflect the structures and formation of the Federal Legislatures as provided by this Constitution though they may vary in size and numbers according to the capacity of that particular Constituent State.

14. The Constituent State Legislatures shall have a State Congress, House of National Ethnicity and House of People's Representatives.

14.1. The State Congress shall have identical powers provided for the National Congress and applicable only in the Constituent State functional area of the Federal Union.

14.2. House of National Ethnic

- 14.2.1. The House of National Ethnic shall be composed of elected Representatives of the National Ethnic Sub-States and Autonomous Regions.
- 14.2.2. The number of Representatives shall be proportionately representative and in accordance with the procedural rules and laws provided by the Federal Legislatures.
- 14.2.3. The number of representatives shall be based on the Sub-state's or the Autonomous Region's needs and capacity proposed by the people of the Sub-state or Autonomous region through the Forums provided by the National Congress.
- 14.2.4. The number of representatives of the Indigenous Minorities shall be based on needs, capacity or geographical conditions and proposed by the Indigenous Minorities.
- 14.2.5. The House of Ethnic's power for the formation of the State Government shall be identical to the provision of the Federal level House of Nationalities.

Legislative Power

15. House of National Ethnic.

- 15.1 Jurisdiction of the House of National Ethnic shall cover only within the boundaries of the Constituent State of the Federal Union.
- 15.2 The House of National Ethnic shall consider and promulgate Procedural rules, Regulations and laws identical to the House of Nationalities given at the Federal level [including speakers of legislatures]; and appointments of:
 - State Presidents and Vice Presidents
 - 15.2.1. State Prime Minister[Chief of State?] and State Deputy Prime Ministers
 - 15.2.2. State Chief of Department of Inter-state Affairs and Deputy Chiefs
 - 15.2.3. State Chief of Department of Finance and Deputy Chiefs
 - 15.2.4. State Bank Governor and Deputy Governors
 - 15.2.5. State Chief of Department of Trade and Commerce and Deputy Chiefs
 - 15.2.6. State Chief of Department of Home Affairs and Deputy Chiefs
 - 15.2.7. State Chief of Department of Education and Deputy Chiefs
 - 15.2.8. State Chief of Department of Information and Deputy Chiefs

- 15.2.9. State Chief of Department of Science and Technology and Deputy Chiefs
- 15.2.10. State Chief of Department of Forestry and Deputy Chiefs
- 15.2.11. State Chief of Department of Agriculture and Deputy Chief
- 15.2.12. State Chief of Department of Culture and Religious Affairs and Deputy Chiefs
- 15.2.13. State Chief of Department of Development Planning and Deputy Chiefs.
- 15.2.14. State Chief of Department of Immigration, migration and Deputy Chiefs.
- 15.2.15. State Chief of Department of Police, Border Armed Police and Deputy Chiefs.
- 15.2.16. State Chief of Department of Communication and Transportation and Deputy Chiefs.
- 15.2.17. State Chief of Department of Tax and Revenue and Deputy Chiefs.
- 15.2.18. State Chief of Department of Justice and Deputy Chief Justices.
- 15.2.19. State Constitutional Court Chief Justice and Deputy Chief Justices.
- 15.2.20. State Administrative Court Chief Justice and Deputy Chief Justices.
- 15.2.21. State Executive Portfolios shall be appointed from the specifically elected representatives who won the election listed by the political parties for the Executive Portfolios based on proportionate representation identical to the House of Nationalities.
- 15.2.22. The legislators of the House of Ethnicity shall be composed of elected representatives from the Sub-states and Autonomous Regions.
- 15.2.23. Appointment of the Attorney General of the constituent state in accordance with the rules, regulations and laws provided by the federal National Congress.
- 15.2.24. Appointment of the public prosecutors of the constituent state in accordance with the rules, regulations and laws provided by the federal National Congress.
- 15.2.25. Appointment of the Auditor General of the constituent state in accordance with the rules, regulations and laws provided by the federal National Congress.
- 15.2.26. The enlargement and reducing of the State Government in accordance with the need expressed by the State Government or the Sub-state or the Autonomous region of

the people of the Sub-state or Autonomous region through their respective People's Forums.

15.2.27. The Constituent State of the Federal Union shall honor the laws, procedural or otherwise, of the Federal Union where the Constituent State has formally rectified.

- The Procedure of adoption of all Bills shall be the same as that of the Federal Level provided by this constitution.
16. The State President shall proclaim the appointment or appointments within 15 days after the State House of Ethnic's request reaches the State President.
 17. Legislation of State procedural rules, regulation and laws of State money and State Budget Bills.
 18. State Development Budget Bills shall be based on just the same constitutional guiding principles stipulated at the Federal level and identical to the House of Nationalities.
 19. Ordinary Bills shall be introduced in the House of Ethnic for legislation at the State level.
 20. Ordinary Bills affecting the majority of people of the State shall be referred to the State House of Representatives for amendments and approval.
 21. Ordinary Bills affecting Indigenous and Minority rights shall be introduced only after following procedural rules, regulations and laws provided by the National Congress.
 22. The State House of Ethnic shall consider and promulgate procedural rules, regulations and laws on Immigration, Neutralization and granting of Foreigners' Registration documents.
 23. The State House of Ethnic shall consider and promulgate State procedural rules, regulations and laws on State government, governmental organizations and state institutions.
 24. Legislation of State procedural rules, regulations and laws of state taxation.
 25. Legislation of State procedural rules, regulations and laws of House Commissions and Committees.

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26. Legislation of State procedural rules, regulations and laws of the State Trade and Commerce.
27. Legislation of State consumer protection, procedural rules, regulations and laws.
28. Legislation of State communication laws and regulations shall be just the same as that of the principles stipulated for the House of Nationalities by this constitution.
29. Legislation of State disaster prevention and disaster management laws.
30. Legislation fulfilling the State legislative powers stipulated in the articles 11.24., 11.24.1. and 11.24.2. when and where the need arises.
31. Legislation of State law rectifying the article 11.24.2. stipulated in this constitution.
32. State House Opposition shall come from the House of People's Representatives.
33. The State House of Ethnics shall follow the procedural principles of articles, 11.27., 11.28., 11.29., 11.30., 11.31., 11.32., 11.33., 11.34., and 11.35.
34. The State House of Ethnics shall consider and promulgate State Emergency laws in accordance with the procedural rules, regulations and laws provided by the National Congress or consistent with the principles stipulated by this constitution.
35. The State House of Ethnics shall consider and promulgate laws on firearms and the ownership of the firearms.
36. The State House of Ethnics shall consider and promulgate rules, regulations and laws on the State Government-initiated State Development Plans to be independently implemented and the draft proposals for the Federal Development Plans of the Constituent State Government to the Federal Government for integration into the Federal Development plans.

Formation of State House of People's Representatives

37. There shall be [---] representatives elected by the people of Sub-States and Autonomous Regions.
- 37.1. There shall be one representative for every hundred thousand people from the Sub-States and Autonomous Regions.

- 37.2. There shall be [two? /three?] Representatives for each of the ethnic based Indigenous minorities who are not eligible to be elected, set according to a population basis.
- 37.3. Ethnic indigenous minorities whose population counts are over a hundred thousand residing in Shan State with a tangible area of concentration shall not be eligible as Indigenous minorities.
- 37.4. Ethnic Indigenous minorities whose population counts are too disbursed to reach a population concentration of a hundred thousand in a given constituency in Shan State are eligible to send representatives through election of their representatives according to the special electoral rules and laws promulgated by the National Congress.

Legislative powers provided for the State House of People's Representatives

38. The State House of People's Representatives shall scrutinize the legislative Bills sent by the State House of Ethnic and approve, amend or reject the Bills giving appropriate reasons.
- 38.1. The State House of People's Representatives shall consider and promulgate procedural rules, regulations and laws for the formation, duty, functions, powers, responsibilities and benefit of various House Commissions and Committees.
- 38.2. The State House of People's Representatives shall define and legislate boundaries of Sub-States, Regions, Townships and Aerng or Village Tracts/Circles through consultation with the respective people of the areas concerned in accordance with the procedural rules, regulations and laws prescribed by the National Congress or provided by this constitution.
- 38.3. The State House of People's Representatives shall promulgate State Taxation laws.
- 38.4. The State House of People's Representatives shall consider and promulgate the draft repeal or amendment of the federal laws, procedural or otherwise, to send them to the concerned federal legislature to replace or revoke the laws when it finds that the federal laws seriously affect the people of the constituent state consistent with the provisions of this constitution.
- 38.5. The State legislated laws, procedural or otherwise, shall prevail in the state when and where the State legislated laws are consistent with the provisions of this constitution.

- 38.6. The State House of People's Representatives shall consider and promulgate procedural rules, regulation and laws governing the Representatives of its own State which shall prevail in the State Jurisdiction.
- 38.7. The State House of People's Representatives shall consider and promulgate procedural rules, regulations and laws for the formation of State Anti-Corruption Commissions and Committees, based on the provisions of this Constitution.
- 38.8. The State House of People's Representatives shall consider and rectify the good laws provided by the National Congress and the Federal Legislatures.
- 38.9. The State House of Representatives shall consider and promulgate laws, procedural or otherwise, on subjects that are not provided by the Federal Legislatures and which shall be consistent with the provisions of this constitution.
- 38.10. The State House of People's Representatives shall consider legislation initiated by the people in accordance with the laws provided by the National Congress or fundamental principles provided by this constitution.

Legislative powers provided for the Sub-state and Autonomous Region.

39. The Sub-states and Autonomous Regions are part of the respective Federal Constituent State of the Federal Union.
- 39.1. The Sub-states and Autonomous Regions shall have their own Constitutions drawn up according to the principles of this Federal Constitution and the respective Constitutions of the Constituent States of the Federal Union.
- 39.2. The status of the legislative powers of the Sub-state and the Autonomous Region shall be the same.
- 39.3. The procedural rules, regulations and laws shall be applicable only in the respective Sub-state or Autonomous region.
- 39.4. The number of representatives to the Sub-state or Autonomous region's legislatures shall be according to the provision of the Federal National Congress or the Constituent State's Legislatures or determined by the respective People's Forums based on transparency and accountability.
- 39.5. The Sub-state or the Autonomous region shall rectify the respective state and federal procedural rules, regulations and laws which are consistent with the provisions of this constitution.

- 39.6. The Sub-state or the Autonomous region shall consider and promulgate procedural rules, regulations and laws of its own, applicable only to its own Sub-state or Autonomous region, where legislative powers are not given to the National Congress, House of Nationalities or House of People's Representatives or the respective legislatures of the Constituent State.
- 39.7. The Sub-state or the Autonomous region shall refer to the people, in consultation with the People's Forums, of her respective Sub-state or Autonomous region in accordance with the procedural rules, regulations and laws provided by the Constituent State Congress, House of Ethnics and House of People's Representatives of the respective Constituent State of the Federal Union.
- 39.8. The laws, procedural or otherwise shall be consistent with the provisions of this constitution.
- 39.9. The Sub-state or the Autonomous region shall consider and promulgate laws, procedural or otherwise, of the rejection of the Federal or Constituent State laws which are inconsistent with the provision of this constitution.
- 39.10. The Sub-state or the Autonomous region shall promulgate laws, procedural or otherwise, according to the article 39.6.
- 39.11. The Sub-state or the Autonomous region shall report and notify the Chairpersons or Speakers of the Constituent State's legislatures within 5 days of the rejection giving appropriate reasons.
- 39.12. The Sub-state or the Autonomous region shall honor the Federal and the respective Constituent State laws which were rectified by the Sub-state and the Autonomous region.
- 39.13. The Sub-state or the Autonomous region shall consider and promulgate procedural rules, regulations and laws regarding local tax, business tax, trade and commerce.

- 39.14. The Sub-state or the Autonomous region shall consider and promulgate procedural rules, regulations and laws of the Sub-state or the Autonomous region's treasuries. These laws shall be in conformity with the Federal and Constituent State laws.
- 39.15. The Sub-state or the Autonomous region shall consider and promulgate procedural rules, regulations and laws on local communities' participation, protection, management and sustainable development of indigenous forest and forest products.
- 39.16. The Sub-state and Autonomous region shall consider and promulgate rules, regulations and laws on local cultural matters, language, literature, art and crafts, disaster prevention and management, health care, education, communication and transportation, indigenous and customary laws, local industrial development promotion and home industries, environmental and wild life protection, fishery and marine products, animal husbandry, animal products, housing, electricity distribution, botanical gardens and parks, sport stadiums and consumer protection. They shall be in conformity with the Federal or respective Constituent State laws, procedural or otherwise, where those laws, procedural or otherwise, have been rectified by the Sub-state or the Autonomous region.
- 39.17. The Sub-state and the Autonomous region shall adhere to the rules, regulations and laws of the respective Constituent State, concerning their respective development plans.
- 39.18. The Sub-state and the Autonomous region shall implement Federal Government or respective Constituent State Government Development plans where respective State legislatures or the legislatures of the Sub-state and the Autonomous region have not rejected them.
- 39.19. The respective Sub-state and the Autonomous region of the State shall draft the respective development project proposals of the Sub-state and the Autonomous region to be integrated into the respective Constituent State's Development Plans.

Local Governments

40. Municipal or Township Administration.

- 40.1. There shall be an elected Mayor and a Deputy Mayor to lead the Municipal Council.
- 40.2. There shall be a Municipal Legislature.
- 40.3. It shall be known as the Municipal Council.
- 40.4. The Municipal laws shall have authority only in the municipal jurisdiction.

- 40.5. The municipal or township legislature consists of an elected Mayor, a Deputy Mayor and representatives of the people of the township. The number and quality of representatives determined by the local lawful residents of the township through the local People's Forum is based on merit.
- 40.6. The Municipal Council has the power to legislate the local government affairs of the township community in accordance with the procedural rules and laws provided by the National Congress of the Federal Union and the Constituent State legislatures or in accordance with the provisions of this constitution.
- 40.7. The Municipal Council shall promulgate municipal rules, regulations and laws to ensure inclusive, participatory, transparent and accountable governance.
- 40.8. The Municipal Council shall promulgate Municipal Laws in accordance with the Bill of Rights provided by this constitution and ensure sustainable development.
- 40.9. The Municipal Council shall promulgate Municipal laws rectifying the federal and respective Constituent State laws in conjunction with the national development plans.
- 40.10. The Municipal Council shall promulgate Municipal laws rejecting federal and state laws where and when the federal and state laws contradict the provisions of this constitution. Rejection of the federal and state laws shall be sent to the Speakers of National Ethnicity and the House of People's Representatives and the respective Sub-state or Autonomous region within 3 days of its rejection clarifying reasons for the rejection.
- 40.11. The Municipal Council shall draft development project proposals of the Municipality to the respective Sub-state or the Autonomous region to be integrated with the Sub-state or the Autonomous region's development plans.
- 40.12. The Municipal Council may request repeal of laws, procedural rules or regulations of the Federal, respective Constituent State, Sub-state or Autonomous region through the Municipal Council Resolution supported by the Local People's Forum giving appropriate and sound reasons based on the provision of this constitution.
- 40.13. The Municipal Council may manage the municipal funds provided by the Federal government, State government, Sub-state or Autonomous region and funds raised independently in accordance with the respective rules, regulations and laws of respective legislatures and respective directives of governments; and the

decision of the Municipal Council through consultation with the local People’s Forum concerning independently raised funds.

40.14. The Municipal Council may collect municipal tax through municipal council Legislation in accordance with the respective State laws.

Village Tract Administration

41. The village Tract administration shall consist of a Village Tract “Pu Heing” Deputy “Pu Heing” and representatives of villages elected by the lawful villagers and representatives of villages. The number and quality of representatives is determined by the local Villagers’ Forum based on merit and Village Tract ability.

41.1. The Village Tract shall participate in the Municipal or Township legislature by sending its representatives to the Municipal Council.

41.2. The Village Tract shall consider and rectify the rules, regulations and laws of the Federal Union, respective Constituent State, and respective Sub-state or Autonomous region.

41.3. The Village Tract shall honor and implement the Development Plans of the Federal Government; and the Development Plans of the Government of the Constituent State.

41.4. The Village Tract shall report the rejection of the Federal or Constituent State or Sub-state or Autonomous region rules, regulations and laws to the Mayor of the respective Municipal Council within one day of the decision taken giving appropriate reasons based on the provision of this constitution.

41.5. The Village Tract shall have the autonomy to decide Village Tract affairs, including convening and ending of its council meetings through inclusive participation of the Village Tract people in accordance with the law and provisions of this constitution.

41.6. The Village Tract shall manage funds provided by the federal, constituent state, Sub-state or Autonomous region and funds independently raised in accordance with the laws provided by the Federal, and Constituent State’s legislatures.

42. Village Administration.

42.1. The village administration shall be administered by a village “Pu Ge” an assistant “Pu Ge” and village council composed of representatives of lawful villagers elected on the basis of merit.

42.2. The number of representatives decided by the village lawful citizens based on the ability of the village.

- 42.3. The village council shall endeavor to promote participatory and inclusive decision making and sharing of duties and responsibilities within the village.
- 42.4. The village council shall elect and send its representative or representatives to the Village Tract Council.
- 42.5. The village council or the villagers may recall the representative of the village council to the village tract or replace the village “Pu Ge” through the village participatory and inclusive Forum’s decision.
- 42.6. The village administration shall implement necessary functions assigned to it by the Village Tract Administration and the villagers’ decisions.
- 42.7. The village council may take initiatives to draw up independent village development plans to be implemented collectively and independently; and draft the village development project proposals to be integrated into the Village Tract Development Plans.
- 42.8. The village council shall adhere to the provisions of this constitution concerning rights, privileges, duties and responsibilities.
- 42.9. The village council shall keep necessary official records of all the issues related to the village and villagers.
- 42.10. The Village Council shall manage the village funds identical to the article 41.6.

CHAPTER [5]

• EXECUTIVE

43. FEDERAL UNION EXECUTIVE

- 43.1. The Federal Government shall be formed based on the procedural rules, regulations and laws promulgated by the House of Nationalities.
- 43.2. The Prime Minister of the Federal Government shall be the highest responsible person to lead the Federal Government.
- 43.3. The Federal Prime Minister is vested with powers to manage and control the Executive Branch of the Federal Government, Federal Ministers, Federal Ministries and Chief of Federal Departments and administrative institutions as stipulated by laws of the Federal Union.
- 43.4. The Federal Prime Minister shall uphold the guiding principles of this Federal Constitution and has the highest responsibility to lead the Federal Executive Branch to protect this constitution.

- 43.5. The Federal Prime Minister shall initiate development of Federal Government policies according to the provision of this Federal Constitution stipulated in the Preamble, Founding Provision, Bill of Rights and Organic laws promulgated by the Federal and Constituent State legislatures.
- 43.6. The Federal Prime Minister shall ensure that federal ministers uphold the principles of this constitution and adhere to the promises made at their appointment in front of the Federal President and National Dignitaries.
- 43.7. The Federal Prime Minister has the power to choose their cabinet ministers and endorse it to the Federal House of Nationalities for formal approval in accordance with the rules, regulations and laws provided by the Federal Legislatures.
- 43.8. The Federal Prime Minister has the power to reshuffle or change their cabinet, at any time the need for cabinet reform is necessary, in accordance with the procedural rules, regulations and laws provided by the Federal legislatures.
- 43.9. The Federal Prime Minister has the power to take appropriate actions against any official or officials of the Federal Executive Branch in accordance with the procedural rules, regulations and laws provided by the legislatures of the Federal Union.
- 43.10. The Federal Prime Minister has the power to assign tasks, duties and responsibilities to any of his ministers, or relieve them of these, at any time he deems fit and report this to the House of Nationalities giving appropriate reasons for approval and recognition.
- 43.11. The Federal Prime Minister shall see to it that Federal development projects and development administrative directives are in line with the provisions of Federal and Constituent States' laws.
- 43.12. The Federal Government policy of creating federal unity and solidarity shall be based on strengthening of local communities and political, social and economic strength of Constituent States with due respect given to the Bill of Rights.
- 43.13. The Federal Prime Minister has the executive power to create administrative inquiry committees, commissions and governmental organizations, provisional or permanent, necessary for the effective functioning of the Federal Government through the process of respective federal legislatures' approval.
- 43.14. The Federal Prime Minister has the authority to initiate and plan for the Federal infrastructure development plans. He shall see to it that funding of rural and urban infrastructure development plans be

proportionately and fairly distributed, launched at the same time, and supportive to one another to reach the desired target and result within the set timeframe. He shall integrate Constituent States' development project proposals to the Federal Union in the short, medium and long term Grand Development planning of the Federal Union.

- 43.15. shall transfer the responsibility to implement the respective development plans to the respective Constituent State to carry them out autonomously in accordance with the procedural rules, regulations and laws of the Federal legislatures.
- 43.16. Heshall have the authority to inspect and monitor the various Federal initiated plans being carried out by the Constituent States, through his respective responsible ministers or officers appointed by the concerned ministers to ensure the transparency, accountability and success of the plans.
- 43.17. The Federal Government and the respective Constituent State Government shall be jointly responsible and accountable to both the Federal legislatures, Constituent State legislatures and the people.
- 43.18. The Federal Prime Minister and his government shall have the power to initiate repeal of administrative laws and replace them with new laws aimed at Federal administrative reform or improvement which shall be consistent with the provisions of this constitution.
- 43.19. The Federal Prime Minister or relative minister assigned, according to international protocol and the law, has the authority to sign bi-lateral or multilateral agreements and international treaties.

44. Constituent State's Executive.

- 44.1. State Governments shall be formed according to the provision of this constitution and the formation and powers given to the State Prime Minister [Chief of State?] shall be identical to the Prime Minister of the Federal Government; though his powers of jurisdiction cover only the territory of the respective Constituent State.
- 44.2. The State Government and respective Government of Ethnic Sub-state or the Autonomous region shall be jointly responsible to both the respective Constituent State of the federal union, Sub-state or the Autonomous region legislatures and the people.
- 44.3. The Prime Minister of the State Government shall have identical powers provided to the Federal Prime Minister applicable only in the respective functional area of the Constituent State of the Federal Union, except the authority to sign agreements and treaties with foreign countries.

CHAPTER [6]

45. Judiciary

- 45.1. The judicial power of the Federal Union is vested in the courts of the Federal Union and the federal judiciary system covers the whole of the federal union.
- 45.2. There shall be Federal and Constituent State Constitutional Courts, Federal and Constituent State Supreme Courts, Federal and Constituent State Administrative Courts, Federal and Constituent State High Courts or Appeal Courts and local level Magistrate Courts formed according to the procedural rules, regulations and laws provided by the National Congress and the constitutional provision.
- 45.3. Judicial independence and judiciary autonomy shall be fully exercised by all the courts according to the law and provisions of this constitution. Any interference from any other state institutions, organizations or individuals shall not be tolerated by any courts.
- 45.4. A Judiciary Commission shall be formed in accordance with the procedural rules, regulations and laws provided by the National Congress.
- 45.5. The Judiciary shall advise and make recommendations to the National Congress, the House of Nationalities and House of People's Representatives, solely based on justice, in their consideration and promulgation of procedural rules, regulations and laws for the Judiciary.
- 45.6. The Judiciary shall consider, based solely on justice, the formation of a Judiciary Autonomous Administrative body of its own and promulgate its own procedural rules, regulations and laws to administer the Judiciary.
- 45.7. The Judiciary commission shall set procedural rules and regulations on the functions, duties, responsibilities and merit criteria of the commission and its members and other officials of the Judiciary.
- 45.8. The Federal Constitutional Court shall scrutinize all the Federal Government initiatives for legislations at different Federal Legislatures based on constitutionality of the initiatives and inform the Government and respective legislatures of its findings.
- 45.9. The Constituent State's Constitutional Court shall function identical to article 45.8., at the level of the constituent state.

- 45.10. The Judiciary shall work for the improvement and progress of the Judiciary in all the issues directly related to its scope and plan strategies and projects to achieve its aims and objectives.
- 45.11. The Federal Judiciary shall plan the budget proposal for governing the Judiciary and present it to the Federal Government for the Federal legislation. The Federal Judiciary shall send a true copy of the budget proposal to the Speaker of the House of Nationalities and the Speaker of the House of People's Representatives.
- 45.12. Federal Judicial budget planning shall integrate financial needs of the subordinate judicial branches of the whole union.
- 45.13. The Federal and Constituent State Judiciary shall publish, periodically, all information concerning the Federal and Constituent State Judiciary for public knowledge except matters that are prohibited by law.
- 45.14. The Federal and Constituent State Judiciary shall strictly uphold the constitution of the Federal Union.
- 45.15. The Federal and Constituent State Judiciary shall have the authority to form needed judiciary commissions on local and International Treaties, bi-lateral or multi-lateral, on political, social, cultural, environmental and economic matters to advise and assist the Federal and Constituent State governments, in dealing with the international community and in foreign relations on legal matters. The respective commission shall disseminate the commission's knowledge to governmental and social institutions through appropriate programs. It shall respond to requests made by governmental and non-governmental institutions or organizations and People's Forums for their legal capacity building. Equal, just and fair treatment shall be given to their requests without discrimination.

CHAPTER [7]

• GENERAL PROVISIONS

Spread out in other chapters and provisions.

CHAPTER [8]

46. The amendment of the constitution.

- 46.1. The amendments of this Federal Constitution shall only be initiated with good intentions to strengthen the constitution based on justice.
 - 46.1.1. The amendments shall only be done in part but not in whole.
 - 46.1.2. The amendment shall only be initiated in accordance with the rules, regulations and laws provided by the National Congress and provisions of this constitution and amended when 75% of the people support this in a referendum.
 - 46.1.3. The People's Forums shall have the legal right to initiate the amendment of part of the constitution at the grassroots level to be sent to the respective legislatures of the Constituent State in accordance with the rules, regulations and laws provided by the Constituent State legislatures, Federal legislatures and this constitution.
 - 46.1.4. A Constituent State shall have the right to initiate the amendments in accordance with the rules, regulations and laws provided by the Federal National Congress and provisions of this constitution.

Schedule (1)

Oaths and Solemn Affirmatives.

1.1. Oaths and Solemn Affirmatives of the: -

President, Deputy President and House Speakers to uphold the constitution shall be based on the law, dignity, integrity, duty and responsibility, justice, love for the nation and the people. The National Congress and respective bodies of legislatures at the Federal and Constituent State level shall collect affirmative drafts fed in by the people to be selected and adopted by the National Congress and other state institutions.

1.2. The National Congress may use provisional oaths and affirmatives for every level of state institutions drafted by appropriate quarters assigned by it in the transitional period.

1.3. The provisional oaths and affirmatives shall be translated into indigenous ethnic languages and be used by respective ethnic people if they prefer, at the swearing-in ceremony prescribed by the National Congress or by the respective Constituent State Congress.

1.4. All indigenous languages shall be recognized as languages of the Federal Union applicable only in their local functional area.

1.5. The English language shall be the recognized official language of the Federal Union.

Schedule (2)

2.1. Demarcation of boundaries of villages, village tracts (circles), townships [districts] and municipalities shall be a collective decision of the respective local village communities based on geographical reality and practicality.

2.2. There shall be no over-representation by an Indigenous Minority at any state institution other than by the rights provided by Constituent State rules, regulations and laws and the National Congress.

2.3. There shall be no interference from outside of the local community in their local affairs except by law.

2.4. Prevention of direct or indirect foreign interference.

Schedule (3)

3.1. Procedural rules, regulations and laws governing the political parties shall be based on:

- National Solidarity
- National Security [alien domination prevention.]
- Strengthening of Federalism

- Self-determination
- Prevention of dictatorial pursuit [party charter]/ [nomination rules]
- Prevention of vote buying [party charter]
- Prevention of affiliation with illegal businesses [nomination rules]

Schedule (4).

4.1. Ethnic communities, in a village or in a village tract [circle], shall have the right to believe:

- in animism or whatever religion they have chosen.
- In customs or traditions that they have chosen without interference by outsiders' direct or indirect coercion or uncivilized behavior.
- These rights shall be protected by law.
- Mutual respect and recognition of differences or agreement to disagree shall be the principle in dealing with this among themselves or with outsiders.
- Awareness building, capacity building, access to opportunity and access to information shall be the options to protect the environment or human rights from abusive customs and traditions.

4.2. Petty offenses in the village tract or in a village shall be left to the collective judgment of the respective local administrative council through their customary laws; and except when that local case has been brought to the magistrate by a local concerned party.

4.3. A free legal assistant shall be provided by the government or the judiciary or the lawyer's councils to needy and poor citizens.

Schedule (5)

5.1. The Federal Congress shall consider and set salaries, pensions, privileges and benefits in dealing with emolument and remuneration for the federal employees based on proposals of the respective institutions.

5.2. The State Congress shall consider and set salaries, pensions, privileges and benefits in dealing with emolument and remuneration of the Constituent State employees based on proposals of the respective State Institutions.