

Ethnic Nationalities' View on Federalism

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Abstract

Modern and Contemporary history of Myanmar ethnic nationalities' view federalism has become stronger, clearer and more concrete federalism gained a strong foothold in Myanmar when the Panglong Agreement was signed. From that time on, ethnic nationalities' view federalism as their salvation. So, they have made some ideas like drawing the state constitution more concrete and started to think about new issues like gender equality. Ethnic nationalities' outlook on the idea is based on how they interpret the particular present situation they are facing and how they think to tackle with the present crises. During the independence struggle, the frontier area issue became a case to be seriously considered. Both Burma proper and ethnic nationalities' realized that they inevitably must associate with each other. They materialized it at the Panglong conference by signing the historic Panglong Agreement. However, after independence, they became dissatisfied with the situations they were facing. They proposed it as the best way to ensure their autonomy and equality to maintain the independence and unity of the country and to prevent the dissolution of the Union. But the 1962 military coupled General Ne Win ended their grand plans from that time on, official discussions for federalism were ended. However, with the explosion of the 1988 uprising, the federalist called for the establishment of a federation that valued democracy and equality and opposed one-part dictatorship and military rule. They considered it as the best way that would tackle with their sufferings, thereby ensuring autonomy and equality, that is Panglong promises for them. Therefore, they view federalism as the best way to maintain the Union and friendship between the races.

Keywords: Federalism, Ethnic Nationalities' view, Panglong agreement, Union and friendship

Introduction

Federalism gained a strong foothold in Myanmar when the Panglong Agreement was signed. Ethnic nationalities' views on federalism has become stronger, clearer and more concrete. Ethnic nationalities' viewed federalism as the basis for association which ensured autonomy and equality for them. 1947 constitution, which was drawn in rush and produced they did not want and expect. They proposed it as the best way to ensure their autonomy and equality, to maintain the unity of the country and to prevent the dissolution of the union. The evolution of views on federalism can be divided into four parts: (1) Federalism and the British colonial Administration, (2) Federalism and Struggle for Independence, (3) Federalist movements during the AFPFL (Anti-Fascist People Freedom League), (4) Revolutionary council from 1962 to present. After independence, Ethnic nationalities' became dissatisfied with the situations they were facing. They searched for solution and they found it. They found federalism as the best way to tackle with their crisis. In latest stage, federalism was the idea that can ensure autonomy, equality, democracy for them.

Background of Federalism

Federalism has a very long history. The word 'Federal' comes from the Latin word 'Foedris' which means the league that has common goal. While the United States is regarded as the first modern federation, federations are earlier than her. The early leagues of the Hellenic city-states in Greece and Asia Minor were designed for common aim of fostering trade secure defense. The Roman Republic was a giant federation. It established asymmetrical arrangements whereby Rome was the federate power and weaker cities were

attached to it as federal units. In the medieval period, self-governing cities and cantons in Germany and cantons in Switzerland linked themselves in loose confederations for trade and defense purposes.¹

After the American Revolution, the former colonial states – now independent – established a confederation in 1781. In 1789, it properly became the first modern federation. After a brief civil war, Switzerland transformed itself from a confederation into a federation in 1848. And, in 1867 Canada became the third modern federation. In 1871, The North German Federation was expanded to include south German states. In 1901, Australia became a full-fledged federation. In addition, during the nineteenth century, a number of Latin American republics – Venezuela, Mexico, Argentina and Brazil – adopted federal structures in imitation of the U.S. federation, but these proved unstable and had to suffer periods of autocratic and military rule. The second half of the twentieth century saw the increase of federations in former colonial areas and in Europe.²

Federalism has both advantages and disadvantages. As an advantage, it enables to unite the different units. At the same time, different units have the right to regional autonomy and maintenance of some distinctive regional features. As the responsibilities were distributed between the central and local units, the former can freely concentrate on the national and international problems. Regional subjects can be entrusted to the state governments.³

Despite of its strength, it has weaknesses, too, on the other hand. It cost more as more officers have to be appointed for both central and regional levels. And, some are not unanimous in deciding the cases on the national interests. In addition, the central government cannot take action as it likes because it is not entrusted powers in some subjects. Moreover, as the federation is framed within the rigid principles agreed by the constituent units since before its formation, it is extremely difficult to amend the rigid constitution in accordance with the time and circumstance.⁴

In fact, federalism is a contested idea. Different people have different ideas about the system. For some, it is a way of division of powers and enables the different peoples to enjoy autonomy. On the other hand, it is considered as the first to secession, thereby leading to the disintegration of country. This is not a matter of present, but of the past, too. And, it is true for Myanmar, too. In Myanmar, the idea started to appear during the independence struggle. Since then, ethnic nationalities have firmly believed that it is the best political system. As they hold these views for many decades and till now and this motivated their political movements in modern and contemporary Myanmar history, their ideas about the system are essentially worth of studying. When they thought about throwing the yoke of the never-sunset empire, federalism became what they would like to embrace.

Ethnic Nationalities under the Colonial Administration

The British annexed Myanmar by three successive wars in the nineteenth century. However, they had to pacify the revolutionaries till the next decade. The situation became calm only in 1895-98. During the reign of Myanmar Kings, the Kachin, Chin, Shan and

¹ Ronald L. Watts, *Comparing Federal Systems*, Montreal, Institute of Intergovernmental Relations, 2006, p.2-3. (Hereafter cited as Ronald L. Watts, *Comparing Federal Systems*)

² Ronald L. Watts, *Comparing Federal Systems*, p.3.

³ Dr. Kyaw Win, *ဒီမိုကရေစီဖက်ဒရယ်ပြည်ထောင်စုနိုင်ငံတည်ဆောက်ခြင်း* (Building the Democratic Federal Union), Yangon, Khit Pya Taik Publishing House, 2016, p.23.(Hereafter cited as Dr. Kyaw Win, *Democratic Federal Union*)

⁴ Dr. Kyaw Win, *Democratic Federal Union*, pp.23-24.

Kayah (known as Karenni, to Myanmar kings) enjoyed the tributary status, whereby they had to send occasionally tributes to the Myanmar court. There was no specific regulation or act for the hill regions. Until they rebelled to Myanmar Kings and failed to pay tributes, their rule in a particular area is legitimate. This drastically changed after British annexation of Myanmar.



The British ruled the whole Myanmar in two forms; direct rule and indirect rule. Myanmar proper which included Arakan, Tanintharyi, Lower Myanmar and the whole Ayeyarwaddy valley were directly ruled. Shan States, Kachin hills and Chin hills were indirectly governed through traditional chiefs, with three acts which formed as the constitution of each region. Kayah enjoyed more autonomous power and the British never enacted any bills or acts to govern the region despite of some control.





In the Shan states, Shan Sawbwas could maintain their traditional position under the British control. However, they were controlled by the sanads given by the British. Sanad is an official appointment paper that recognized the rule of a Shan Sawbwa.¹ The Chieftains in Kachin and Chin Hills were also granted sanads. In 1898, the Shan States Act was passed for the Shan states.² In 1890, Shan Customary Law was passed; it is notorious for the Article 10. And,³ the Federated Shan States was passed in 1922. For the Kachin Hill Tribes Regulation, 1895 and the Chin Hills Regulation, 1896 were passed.⁴ In Karenni, the Sawphyas were recognized.⁵ These measures vested powers for civil and criminal affairs and revenue collection to the traditional chiefs. They can govern their region in accordance with their customs.

¹ U Kyaw Win, U Mya Han and U Thein Hlaing, တိုင်းရင်းသားလူမျိုးများအရေးနှင့် ၁၉၄၇အခြေခံဥပဒေ၊ (Ethnic Nationalities Affairs and 1947 Constitution), Vol.1, Yangon, Universities Press, 1990, pp.9-12. (Hereafter cited as U Kyaw Win, U Mya Han and U Thein Hlaing, Ethnic Nationalities Affairs)

² J. George Scott and J.P. Hardiman, Gazetteer of Upper Burma and the Shan States, Rangoon, Government Printing, 1900, Part I, Volume I, p.314-316.(Hereafter cited as GUBSS, I,i)

³ U Tun Myint, ရှမ်းနိုင်ငံရေးသမားတစ်ဦး၏ သံတစ်ပွင့် အုတ်တစ်ချပ်(နိုင်ငံရေးအတွေ့အကြုံများ), (A Sand and A Brick of Shan Politicians: Political Experiences),Yangon, Lawka Thit Publishing House, 2016, pp.37-38. (Hereafter cited as U Tun Myint, Political Experiences)

⁴ U Kyaw Win, U Mya Han and U Thein Hlaing, Ethnic Nationalities Affairs, pp. 14-23.

⁵ Ibid., p.25.



However, they were subjects to restrictions and enactments imposed by the British. The British had the right to appoint or remove a chief. And, they had to pay tributes to the British government. The British government appointed superintendents to oversee their tasks. They were subjects to any calls from British to provide labour or any resources as demanded. Although there was no act for the Karenni region, Sawphyas were the subjects to sanads. And a political superintendent was based in Loikaw. All Shan, Chin, Kachin and Karenni chiefs had no right to contact any country outside the British Empire. All they had to do was the maintenance of peace and rule of law in their region.¹ Therefore, we can conclude that ethnic nationalities were partially autonomous while they were subjects to British control on the other hand.

After World War II, the whole Myanmar became politically active. Not only the national leaders but the chiefs in hills regions were eager to throw the yoke of outsiders. There they found the common purpose. The question that ethnic nationalities had to essentially think about during the struggle for independence was whether they were going to attain independence together with Myanmar proper. It was in this point that we can see the ideas of federalism in Myanmar and trace the views of ethnic nationalities on federalism.

Federalism and Struggle for Independence

Toward Panglong

It is during the independence struggle period that we can see the first concrete ideas of federalism among ethnic nationalities. When the AFPFL and British government discussed about the future of Myanmar, one question they had to essentially think was the plan for the hill regions. Ethnic nationalities faced the question, too. While the British government wanted to place the hill regions under the frontier administration, the AFPFL wanted to gain independence together with the ethnic nationalities. When the ethnic nationalities thought about cooperation with the AFPFL, they had to essentially think about the principle on which that cooperation should be based. It is in this point that they started to hold federalism.

¹ U Kyaw Win, U Mya Han and U Thein Hlaing, *Ethnic Nationalities Affairs*, pp.9-28.



At first, they did not have concrete ideas on federalism. Shan Sawbwas were indecisive. The younger generation of Shan politicians held more decisive views. During the World War II, the young Shan activists increased in awareness on the situation of their race and states. They held the most concrete principle for the cooperation with Myanmar in the attainment of independence. The very first organization that represented the views of these youth came to appear. The Shan State Liberation Organization (SSLO) was founded on 20 August, 1946.¹



The Shan State Liberation Organization can be recognized as the first who held federalism as the principle for future Myanmar. In their aims, we can see that they wanted full federalism. Their aims were to be free from British colonialism and Sawbwas' feudalism.² They intended to gain independence in cooperation with Myanmar proper and, after that, to cooperate on the basis of federalism, to be equal in rights and status, to gain total autonomy for Shan state and to have the right to secession at any time.³ In 1946, these were the very bold claims and marked the beginning of foothold of federalism.

¹ U Tun Myint, Political Experience, p.282.
² U Kyaw Win, U Mya Han and U Thein Hlaing, Ethnic Nationalities Affairs, p.149.
³ U Tun Myint(Taunggyi), ပြည်ထောင်စုတွင်းမှ တန်းတူသောရှမ်းပြည်၊(Equal Shan State in the Union), Yangon, Myanma Byuhar Publishing House, 1961, pp.55-56.(Hereafter cited as U Tun Myint, Equal

The SSLO was motivated by a number of reasons to assert the bold claims. These can be clearly seen in their aims. First, they saw themselves as separate units. Because of separate rule under the British administration, the ethnic nationalities were very loosely bound. Regionalism still rooted in their mind. And they have their own history and culture. Because of this separateness, they thought themselves as a country or an independent unit – each free from other's influence – when they thought about forming a union. They thought they, all colonies under British administration, came together to form a federation. This is definitely seen among the Shan politicians. Shan politicians, including Shan Sawbwas, used the word 'Shan Pyi' which means Shan country or state. This reflects how they thought themselves.

Second, they were worried about discrimination they thought possible. Since the reigns of Myanmar kings, Shan Sawbwas were not directly ruled by Myanmar court. During the colonial period, it was not essential for them to contact with Myanmar proper. It was natural to doubt each other after several decades of very loose binding. The Shan politicians, not only Sawbwas but younger generation, wanted to make sure that after independence, their rights were ensured, their status is not inferior to Myanmar and they had the right to break with Myanmar if they were suppressed. Therefore, SSLO chose federalism as the principle for the cooperation with Myanmar proper. That motivation effected on the claims of Sawbwas, too.

Although SSLO preferred cooperation with Myanmar proper in independence struggle, Shan Sawbwas were hesitated at first. The Shan Sawbwas discussed the future of Shan State immediately after the World War II. In October, Nyaung Shwe Sawbwa Sao Shwe Thaik submitted a plan to the British government. He proposed an autonomous Shan State governed by a Shan Sawbwa within the British Dominion.¹ Taungbaing Sawbwa Sao Hkun Pan Sing and Momeit Sawbwa Sao Hkun Cho submitted a proposal for the future of Shan State, suggesting autonomy for Shan State like Myanmar, India, Sri Lanka and Malaya.² On 31st January 1946, the first meeting of Shan Sawbwas after the war was held at Maing Kaing. The meeting organized the Council of Shan States Saohpas and vested the power to tackle with policies and affairs concerned with Shan States to its Executive Committee.³ This is the early stage that Shan Sawbwas were searching the common ground for the future of Shan States.



Shan State)

¹ U Kyaw Win, U Mya Han and U Thein Hlaing, Ethnic Nationalities Affairs, p.150.

² U Kyaw Win, U Mya Han and U Thein Hlaing, Ethnic Nationalities Affairs, 150-151.

³ Ibid., 152.

After the Main Kaing meeting, Shan Sawbwas met again at Panlong from March 20 to 28. This can be called the first Panlong Conference because the attendants and discussants were not only Shan Sawbwas but young Shan politicians who, later, would establish the SSLO, some Kachin and Chin leaders and Myanmar political organizations – AFPFL and Patriotic Party (of U Saw). At the conference, they exchanged their views. In his speech as the Chairman of the Conference, Sao Hkun Pan Sing told that Shan State should be given Dominion status if Myanmar proper was given so.¹ Myanmar politicians blamed the British for their divide-and-rule policy and attempted to establish a good relation between Myanmar and Shan. Although the conference was for exchanging opinions, the relation between Myanmar and Shan became better as they could discuss face to face openly at the conference. After the conference, Thakin Nu and other AFPFL leaders who attended the Panlong Conference met Shan youths who would found the SSLO later at Taunggyi and discussed Shan-Myanmar unity and struggling for independence together with Shan. Mahn Ba Khine who attended the conference ensured that no nationality was superior to any other in Myanmar and as the principle that one must respect other one’s feelings was the principle of the AFPFL, the AFPFL would have to essentially follow it.² The conference marked the active participation of Shan Sawbwas on the future of their state and the discussions paved the way for gaining trust between Myanmar and Shan.



Shan youths were so eager for cooperation with Myanmar that they founded the SSLO, as aforementioned, and laid down bold claims on federalism. However, Shan Sawbwas were still reluctant to cooperate with Myanmar. The meeting of the Council of Shan States Saophas held from 21 to 27 July 1946 decided that, based on the principle of self-determination, they welcomed the cooperation with Kachin, Chin and Kayin but they would think about collaboration with Myanmar later.³ The factors that contributed to their reluctance were the same with those, aforementioned, that contributed to the desire for federation.

¹ Ibid.,152-153.

² U Kyaw Win, U Mya Han and U Thein Hlaing, Ethnic Nationalities Affairs,156.

³ U Ohn Pe, ပင်လုံစာတမ်း (Panlong Paper), Yangon, Sapal Oo Publishing House, 1984, pp. 352-355. (Hereafter cited as U Ohn Pe, Panlong Paper)

Meanwhile, for Kachin and Chin, their unity with Myanmar was the only urgent case. They had not clearly developed the ideas on how the relationship between Myanmar and them should, nor the political principle on which this unity should be based. AFPFL leaders paid visits to those hills regions during the 1946 to build the unity. General Aung San visited Kachin Hills and delivered speeches to the Kachin people. This worked well.



The first concrete demand of Kachin was the establishment of a Kachin State.¹ The fact that they did not see any hint on the side of the British to give them equal political status with Myanmar proper stimulated their dislike of the colonial administration. The visits of the AFPFL to the Kachin hills also largely effected. Kachin people found another alternative in Myanmar.² In his visits, General Aung San stressed the importance of unity of ethnic nationalities and the ensured that he 1946 Myanmar people were different from past Myanmar. In late 1946, the views of Kachin leaders changed and they chose unity and cooperation with Myanmar. However, till that time, they had not shown their views on the basis of cooperation and federalism.

The Chin case was nearly the same with Kachin. The first thing they claimed was the cooperation with Myanmar proper. Like Kachin, Chin was loosely linked with Myanmar proper despite of their participation in some political events and the Resistance Movement. However, in 1946, they started to have strong political relation with Myanmar and other ethnic nationalities. U Won Thu Maung, a Chin Leader, attended the Nay Thurein mass meeting.³ In February 1946, U Won Thu Maung and U Aung Khin attended a AFPFL meeting with Shan, Chin and Rakhine representatives. As a result, Chin Hills AFPFL, with U Won Thu Maung as the chairman, could be founded. After founding AFPFL branches in the Chin Hills, they held a press conference on 25 December 1946. Recalling the historic participation in anti-colonial movements and Resistance Movement, they stressed the attempts of the British to divide between Chin and Myanmar. Meanwhile, Chin leaders and representatives from Hakha, Phalam and Teedein organized a mass conference to discuss whether they should gain independence in cooperation with Myanmar proper. Despite of they decided that to collaborate with Shan and Kachin, they decided to think the cooperation with Myanmar later.⁴ Thus, it was clear that Chin leaders had not made certain lines on the political basis of

¹ U Ohn Pe, Panlong Paper ,180-181.

² Ibid., 186-188.

³ Ibid., 192.

⁴ U Kyaw Win, U Mya Han and U Thein Hlaing, Ethnic Nationalities Affairs, pp. 192-196.

cooperation with Myanmar in the future. And, some were still reluctant and left the question of collaboration to the future. One remarkable point is that, unlike Shan, both Kachin and Chin leaders had not developed the ideas on federalism toward the end of 1946. However, 1946 saw the increased awareness of ethnic nationalities on politics and their active participation in politics.

After the conference, their main demand became more firm, demanding the association with Myanmar proper in the form of federation. This is largely motivated by their socio-economic strength. This was true for especially Kachin and Chin people. In his answer, on behalf of Kachin representatives from Myitkyina and Bamaw, to the Frontier Areas Committee of Enquiry, Duwa Zaw Lawn claimed that the right time had not come to mix Myanmar and Kachin people because they were different in many aspects, that if they were separated from each other, this would prevent the progress of both and that it, therefore, was the best way to establish a Kachin state within Myanmar Federation.¹



Ethnic nationalities presented more detailed plans for the future association with Myanmar proper. All ethnic signatories of Panglong Agreement stressed full autonomy within their concerned states. To them, federation was the fundamental principal for association. This was like American states that agreed to the formation of a federation. By doing so, they expected to enjoy equal status and rights. And, they would like to vest the power for common subjects, those which were concerned with the whole federation and could not be done by alone one state, to the central government. In this point, what they were demanding was division of power. They saw it as an essential feature for maintenance of federation and their existing autonomy. On secession, they wanted the right to it. We, therefore, can say that federalism had gained strong foothold in Myanmar in 1947.

¹ Ibid., pp.304-305.



All States Conference

The federalist movements properly arose in 1961. Before that time, ethnic politicians were not satisfied with their present situation. After the assassination of General Aung San and his colleagues, their positions were filled up with the next generation. The constituent assembly was proceeded to draw a constitution. The 1947 Constitution was approved by the constituent assembly. However, it was not satisfactory. U Chan Tun, an architect of the 1947 constitution, later admitted that the constitution was unitary in practice although it was federal in theory.

But, ethnic nationalities had weaknesses on their sides, too. They were not proficient in legal affairs. Drawing constitution is so complex that they should have had a legal expert to advise and comment the draft constitution. But, they did not have. The draft constitution had already borne unitary features that they did not want. However, they were not expert and did not have any experts, too. In addition, they trusted in the leaders of Myanmar proper. They thought Myanmar leaders were working hard for what they all want, a federation. Moreover, not only they but also Myanmar leaders thought that independence within one year was very important and they could amend the constitution later in the parliament.



brothers did to younger ones.¹ The third day of the conference was dated to hold on 5 March. However, on 2 March, General Ne Win launched a military coup and in this way, the conference was ended.

From that time on, federalist movements became largely silent and weak during the whole regime of New Win. However, there were ethnic armed organizations in the frontier fighting the government. Federalism still was their cause. In the cities and towns, official federalist banners were silenced. Although we do not know what would happen to Myanmar if the military coup never happened, it is very interesting; there might have been some critical changes.



Revolutionary Council from 1962 to Present

After 1962, the voice of federalism was largely silenced. No one dare not say that word. Although armed ethnic organizations were revolting, official movements were not found for several decades. With the 1988 Uprising, federalists came to awake again and be active.

Federal Movements after the 1988 Uprising

To ethnic nationalities, the reason for lack of democracy in Myanmar was because the federal system that were desired by General Aung San and ethnic nationalities' leaders in the Panglong Agreement. This is the reason for the outbreak of decade-long civil war, too. In fact, as the union goal for which General Aung San and ethnic leaders have not achieved in the first independence period, the struggle have to be launching now. Therefore, on 29 August 1990, the National League for Democracy (NLD) and United Nationalities League for Democracy (UNLD) issued a joint statement, namely, Bo Aung Kyaw Street Statement, claiming that they would attempt to achieve the union system for which General Aung San and ethnic leaders have worked hard at Panglong.²

¹ Ibid., pp.403-434.

² The Working Committee for Political Section, Ethnic Armed Organizations, The Plan for the Establishment of Union Based on Democracy and Federalism: The Papers Presented for Discussion at the National Level Political Sector Dialogue Held by the Ethnic Armed Organizations that Signed the NCA, Yangon, Dhamma Alin Eain Publishing House, 2016, pp.34-35.(Hereafter cited as The Working Committee for Political Section, The Plan for the Establishment of Union)



And, in the Liberation Area, the National Coalition Government of the Union of Burma (NCGUB), DAB, National League for Democracy (Liberation Area) (NLD-LA) and National Democratic Front (NDF) signed and issued the Marnaepalaw Agreement on 31 July 1992. According to Article Five of the Marnaepalaw Agreement, it is stated, as below, that the future union of Myanmar shall be formed by proper federalism:

The Federal Union in which all ethnic nationalities enjoy national equality, self-determination, democracy and full fundamental human rights shall be established. In doing so, these shall be implemented;

- (a) To establish a union comprising Kachin, Kayin, Kayinni, Chin, Burma, Mon, Rakhine and Shan states
- (b) To vest legislative, executive and judicial powers to the states, with residual power except from those the states entrusted into the union, being vested to the states
- (c) To have two houses, House of Nationalities (Upper House) and House of Representatives (Lower House)
- (d) To put the armies of union and states under the supervision of multi-national people
- (e) To practice independent judiciary system, organizing legislative, executive and judicial powers, the sovereignty of the union check in balance to each other
- (f) To prevent the revival of racism and fascist dictatorship.¹

In addition, at the First Ethnic Nationalities Exchanging Conference held in January 1997, as the political goals, the Mae Tharawhtar Agreement was issued. They are:

- (a) To end the military dictatorship and establish peace
- (b) To practice democracy
- (c) To practice equality of every nationality and self-determination
- (d) To establish federal union.²

¹ The Working Committee for Political Section, The Plan for the Establishment of Union, pp.35-36.

² The working committee for political section, The plan for the Establishment of union, p.36.



The United Nationalities League for Democracy (UNLD) also issued the guiding principle on which future federal union should be based. As a conference was held from 27 July to 2 July 1990, the UNLD exactly laid down seven guiding principles that should be based on when the future union constitution is drawn. These seven guiding principles were further approved by a conference of the United Nationalities League for Democracy (Liberation Area) (UNLD-LA) held at a place on the frontier. Seven guiding principles are:

- (1) The constitution must be the one that is based on federalism.
- (2) It must protect democracy and human rights.
- (3) Ethnic nationalities within Myanmar shall politically have equal rights.
- (4) When national states are formed, the formation must not be based on geography. Instead, they must be national states based on race. According to the present political situation, the union that is based on eight states – seven existing states and Myanmar proper that is to be formed as a state – shall be established.
- (5) Self-determined political power shall be vested to the national states of ethnic nationalities, which means legislative, executive and judiciary powers shall be entrusted into the states. Moreover, the residual power, except from the powers that is entrusted into the union government to act at national level, shall be vested to the states.
- (6) The union must be established, with the national states equally associating. Therefore, union defense, money and currency, foreign relations and other temporary-transferred powers that will be acted in the national level shall be entrusted into the union.
- (7) The union parliament shall have two houses; House of Nationalities (Upper House) and House of Representatives (Lower House). In the House of Nationalities, equal number of representatives shall be sent by the national states. Only in this way, the essence of association in equal status shall be obvious. In the House of Representatives, representatives are to be sent based on the proportion of population.¹

¹The Working Committee for Political section, The plan for the Establishment of Union, pp.36-37.

From 9 to 12 February 2005, an exchange conference for the basic principles of future federal constitution was successfully held at a place on the frontier. That conference was attended by 106 representatives including representatives of the Lower House, leaders of the political parties, women organizations, youth organizations and people-based organizations.¹



The representatives who attended this conference unanimously approved the followings as the basic principles for the future federal union constitution. These basic principles are:

- (1) **Sovereign Power**
Any sovereignty of the state shall be derived only from the people
- (2) **Equality**
Every ethnic nationality shall have equal rights both politically and racially.
- (3) **Self-determination**
Every ethnic nationality shall fully have self-determination in political, economic, social and cultural sectors.
- (4) **Federal Principles**
The union must be the federation comprising the states that enjoy full self-determination. Pyidaungsu Hluttaw shall have two houses.
- (5) **Minority Rights**
The constitution must mention and protect the minority rights of those living in the states.
- (6) **Democracy, Human Rights and Gender Equality**
Without discrimination based on religion, color and sex, fundamental human rights and democratic rights must be protected.
- (7) **Secular State**
The state must be secular.
- (8) **Multi-party Democracy System**
Federal union shall practice multi-party democracy system.²

¹ The Working Committee for Political Section, The plan for the Establishment of Union, p.38.

² The Working Committee for Political Section, The plan for the Establishment of Union, pp. 38-39.



In addition to the basic principles mentioned above, the conference agreed to seriously consider these in drawing a federal constitution;

- (1) Union Army under the civilian supremacy
- (2) Formation of new states
- (3) (a) Maintenance of natural environment
- (b) To implement special actions for protection and development of women and children.¹



Moreover, they also worked out seven basic principles for drawing state constitution. They are:

- (1) The constitutions of the states of the union must not be repugnant to the union constitution. If a conflict arises between the union constitution and state constitution, the former should prevail.
- (2) The internal self-determination rights shall be vested to the states of the union.
- (3) The state constitution must guarantee that the states can fully practice legislative, executive and judicial powers.

¹The Working Committee for Political Section, The plan for the Establishment of Union, p.39.

- (4) The powers to protect, maintain and promote literature, culture, customs and national identity must be vested to ethnic nationalities.
- (5) The state constitution shall entrust enough powers for the ownership and use of land and natural resources into the states of the union.
- (6) The state constitution must entrust enough powers for the right to fiscal administration, revenue collection within the state and administration into the states of the union.
- (7) The state constitution must vest powers in education, health and social sectors to the states of the union.¹



The chapters to be included in the state constitution have been decided as below:

1. Fundamental Rights
2. Legislature
3. Executive
4. Judiciary
5. Management of Natural Resources and Finance
6. Local Government
7. General Administration
8. Education, Health and Social Welfare
9. Election
10. Inter-state Relations
11. Amendment of State Constitution
12. General Statements²

¹ The Working Committee for Political Section, The plan for the Establishment of Union, pp. 39-40.

² Ibid., p.40.



On 15 October 2015, the government of the Republic of the Union of Myanmar and ethnic armed organizations signed the Nationwide Ceasefire Agreement (NCA). It was approved by the Pyidaungsu Hluttaw on 8 December 2015. According to Section (A) of the Article One, both parties agreed to “establish a union based on the principles of democracy and federalism in accordance with the outcomes of political dialogue and in the spirit of Panglong, that fully guarantees democratic rights, national equality and the right to self-determination on the basis of liberty, equality and justice while upholding the principles of non-disintegration of the union, non-disintegration of national solidarity and perpetuation of national sovereignty.”¹

In accordance with the Agreement, conferences are held so that the union which ensures democracy, national equality and self-determination, based on democracy and federalism, can be established. The first Union Peace Conference was held from 12 to 16 January 2016. In that Conference, eight ethnic armed organizations that signed the NCA proposed the Eight Guiding Principles for the Establishment of Federalism and it was approved by the conference. Those principles are as below.²

Conclusion

Ethnic nationalities view on federalism throughout modern Myanmar history is largely based on how it is interpreted the present situations. The nature of their views was not very different in successive period from the Panglong Conference to recent times. Instead, it is found that their views became clearer; ideas, became more concrete: and plans, became more in detail. Till now, federalism have been seem in association with democracy. To ethnic nationalities, view federalism has been the best solution for the crises they have confronted for decades. Therefore, federalism has played very significant role in the political history of ethnic nationalities. And ethnic nationalities have considered it as the best solution for their

¹ The Nationwide Ceasefire Agreement Between the Government of the Republic of the Union of Myanmar and the Ethnic Armed Organizations, 2016, p.1.(Hereafter cited as NCA)

² The Working Committee for Political Section, The plan for the Establishment of Union, pp.11-12.

crises for several decades. To implement the democracy and authentic and strong national reconciliation of Myanmar, the correlative control between the central government and states shall be understood due to the constitution. The alleviation of imprisonment and disciplines due to the democratic reform, freedoms and literature freedoms are also needed to be started. To accept and carry out the opportunities entered in competition due to the economy from the other side and to successfully implement the policies and programmes being revealed by the present government.

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ကျော်ဝင်း၊ ဒေါက်တာ၊ ဒီမိုကရေစီဖက်ဒရယ်ပြည်ထောင်စုနိုင်ငံတည်ဆောက်ခြင်း၊ ရန်ကုန်၊ ခေတ်ပြတိုက်စာပေ၊ ၂၀၁၆။

ကျော်ဝင်း၊ ဦး၊ မြဟန်၊ ဦး၊ သိန်းလှိုင်၊ ဦး၊ တိုင်းရင်းသားလူမျိုးများအရေးနှင့် ၁၉၄၇အခြေခံဥပဒေ၊ ပထမတွဲ၊ ရန်ကုန်၊ တက္ကသိုလ်များပုံနှိပ်တိုက်၊ ၁၉၉၀။

ထွန်းမြင့်၊ ဦး၊ ရှမ်းနိုင်ငံရေးသမားတစ်ဦး၏ သံတစ်ပွင့် အုတ်တစ်ချပ် (နိုင်ငံရေးအတွေ့အကြုံ များ)၊ ရန်ကုန်၊ လောကသစ်စာပေ၊ ၂၀၁၆။

ထွန်းမြင့်(တောင်ကြီး)၊ ဦး၊ ပြည်ထောင်စုတွင်းမှ တန်းတူသောရှမ်းပြည်၊ ရန်ကုန်၊ မြန်မာ့ဗျူဟာစာပေ၊ ၁၉၆၁။

နိုင်ငံရေးကဏ္ဍဆိုင်ရာ လုပ်ငန်းကော်မတီ တိုင်းရင်းသားလက်နက်ကိုင် တော်လှန်ရေးအဖွဲ့အစည်းများ၊ ဒီမိုကရေစီနှင့်ဖက်ဒရယ်စနစ်တို့ကို အခြေခံသော ပြည်ထောင်စုတည်ဆောက်ရေး စီမံချက်၊ ရန်ကုန်၊ ဓမ္မအလင်းအိမ်စာပေ၊ ၂၀၁၆။

ပြည်နယ်ပေါင်းစုံညီလာခံကြီး၏မှတ်တမ်း၊ ချင်းမိုင်၊ Shan Herald Agency for News၊ ၁၉၉၈။

လျင်မှုန်း၊ ဆလှိုင် ၊ စိုင်းမော(န်)၊ ပြည်ထောင်စုစစ်စစ်မှု ၁၉၆၂ အာဏာသိမ်းမှုကိုဖြစ်ပေါ်စေ သည့် ဖက်ဒရယ်လှုပ်ရှားမှုမှတ်တမ်းများ၊ ရန်ကုန်၊ ဓမ္မအလင်းအိမ်စာပေ၊ ၂၀၁၅။

အုန်းဖေ၊ ဦး၊ ပင်လုံစစ်တမ်း၊ ရန်ကုန်၊ စံပယ်ဦးစာပေ၊ ၁၉၈၄။