

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

This Charter was declared on 31 March 2021. This Charter was ratified by the First People's Assembly which was convened on 27-29 January 2022.

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Federal Democracy Charter

Preamble

The ethnic nationalities, which historically existed as separate and independent entities, had collaboratively sought independence and built the Federal Democratic Union together. However, given that the constitutions adopted since independence, namely the 1947 Constitution, 1974 Constitution, and 2008 Constitution, failed to fully deliver the promises of democracy, national equality and self-determinations—the rights specified in the Panglong Agreement—the country has been suffering prolonged civil war for more than 70 years, and the people have suffered the woes of military dictatorship and one-party dictatorship which followed multiple military coups.

The 1974 Constitution, drafted and adopted by the military junta with the purpose of establishing one-party dictatorship, was abolished by the 8888 Uprising. Also, the 2008 Constitution, adopted without the consent of the people for the purpose of prolonging military dictatorship, was repealed by the mass movement waged since the beginning on February 1, 2021, against the military coup. The military coup itself spells an end to the 2008 Constitution since the coup breached the constitution the military had created.

The military took advantage of some errors in the electoral rolls of 2020 Elections and staged the coup and on that very day -- February 1, 2021 -- the people responded with different types of non-violent mass activities across the Union. Youths, women, civil service personnel, workers and labor unions, CSOs including women organizations, strike committees, various nationalities, others from all walks of life and political parties that reject the coup launched massive strikes and initiated the Civil Disobedience Movement and established the Committee Representing the Pyidaungsu Hluttaw (Union Parliament).

We believe that the eradication of military dictatorship can only be achieved if all elements collaborating in the movement against the military coup are organized

into a single force under the collective leadership of all revolutionary stakeholders. We also believe that a constitution which guarantees democracy, national equality and self-determination can be adopted and a strong federal democratic union established when all types of dictatorship, including military dictatorship, are uprooted.

The entities which agree and accept this charter, embracing the specified values, will work for eradication of dictatorship and establishment of the Federal Democratic Union step by step. It is pledged that the Federal Democratic Union will be established based on the political road map, the guiding principles and policies for drafting the constitution. This charter is endorsed and adopted with the strong belief that the collective implementation resulting from the collective leadership of those who agree and accept the charter will generate the synergy that would convey us to the envisioned destiny.

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Chapter 1

Goals and Objectives

The military coup group, which staged the coup, ignoring the people's aspirations for federal and democratic rights, is committing nation-wide terrorist acts. In this situation, it is necessary to convene a People's Assembly and form the National Unity Government, which are vested with power by entities representing the people. It is intended that those entities which ratify this charter are to collectively pledge to work, with the leadership of those organizations representing the people resisting the dictatorship in accord with the road map stipulated in Chapter Three, for restoration of stability and for development of a new federal constitution for the betterment of the future state and emergence of genuine civilian government based on the constitution.

In addition, the members of this charter aim at undertaking the following tasks in order to end the conflicts within the union and their root causes, to achieve the people's cooperation and to develop a Federal Democratic Union of mutual respect, amicability and unity based on the values of democracy, freedom, equality and justice:

1. To eradicate all sorts of dictatorship, including military dictatorship;
2. To completely abrogate the 2008 Constitution;
3. To build the Federal Democratic Union; and
4. To develop a people's civilian government.

Chapter 2

Members of the Charter

The following categories of groups have cooperated in order to collectively deliver the goals and objectives specified in this charter:

1. The elected members of parliament including CRPH;
2. The political parties;
3. The civil society organizations, including unions, women, youths and minorities concerned groups, the CDM organizations against dictatorship, and mass movement strike organizations;
4. The Ethnic Resistance Organizations; and
5. The Interim State/Federal unit representative and Ethnic-based organizations/council

Chapter 3

The Road Map

1. To mobilize, encourage and support the mass movements, including CDM, in order to completely end the military coup and to eradicate all sorts of dictatorship, including military dictatorship, so that the Federal Democratic Union could be established
2. To cooperate in respective sectors through the formation of committees representing parliaments with the elected members of parliaments
3. To develop a platform where allied political parties, Ethnic Resistance Organizations, the civil society organizations including unions, women, youths and minorities concerned groups shall collaborate to deliberate political agreements and implement the action plan
4. To draft and ratify the Federal Democracy Charter
5. To form the Interim National Unity Government, legislative and judiciary institutions in accordance with this Charter
6. To call a People's Assembly with the participation of all forces with common goals of the ultimate end of dictatorship and establishment of the Federal Democratic Union
7. To develop the strategy to end dictatorship, to abrogate the 2008 Constitution and to establish federal democratic union
8. To draft a Transitional Constitution
9. To form a Transitional Government
10. To draft and endorse the Federal Democratic Constitution by convening the Constitutional Assembly
11. To ratify the Federal Democratic Constitution endorsed by the Constitutional Assembly by holding a referendum and holding elections
12. To form legislative, executive and judiciary bodies as per the ratified Federal Democratic Constitution and to practice constitutionalism

Chapter 4

Drafting the Constitution of the Federal Democratic Union

The Constitution essential for building the Federal Democratic Union is to be drafted in accordance with the following guiding principles based on this Charter.

Section I: The Union Vision and Values

Section II: The Guiding Principles for Building the Federal Democratic Union

Section III: The Foundational Policies for Building the Federal Democratic Union

Section I

The Union Vision and Values

Union Vision

The peaceful Federal Democratic Union, which guarantees freedom, justice, and equality, shall be established.

The Union Values

The following values shall be embodied in building the union:

1. Fundamental Human Rights;
2. Democratic Rights;
3. Minority Rights;
4. Equality and Self Determination;
5. Collective Leadership;
6. Pluralism, Mutual Respect and Mutual Recognition;
7. Unity in Diversity;
8. Gender Equality; and
9. Non-Discrimination (race, religion, language, literature, culture, gender, differently abled, sexual orientation)

Section II

The Guiding Principles for Building the Federal Democratic Union

1. The constituting states of the union and people in those states are the original sources of the sovereignty.
2. The Federal Democratic Union is constituted with the member states which retain the full rights of equality and self-determination. All constituting states (all federal units) of the union are politically equal.
3. The constituting states of the union retain rights to draft and ratify respective state constitutions.
4. The power sharing, revenue sharing and fiscal federalism shall be practiced. In doing so, the “subsidiarity principle” that is the essence of power sharing shall be extended to the government closest to the people.
5. All federal security and defense forces shall be under the command of the democratically elected civilian government. The principle of human security shall be practiced.

Section III

The Foundational Policies for Building the Federal Democratic Union

The Form of the Union

1. The Federal Democratic Union imbued with the characteristics of federalism and committed to practicing full democratic rights, equality and self-determination shall be established.
2. The Federal Democratic Union is constituted with members states which fully retain democracy, equality and self-determination.
3. Every constituting state of the union retains separate legislative, executive and judicial powers.

The Sovereignty of the Union

4. The member states of the Union and people in these states are the original owners of sovereignty.
5. The three pillars of the sovereignty of the Federal Democratic Union— legislative, executive and judiciary powers – are exercised independently and provide oversight to each other.
6. The sovereignty of the Federal Democratic Union is divided between the union and the constituting states. In order to implement division of powers between the union and the constituting states systematically, the union powers, the state powers and concurrent powers shall be specified. Only those powers necessary to maintain the common interests of all the constituting states of the federal union shall be vested in the union. The residual powers, not specified as union powers, state powers or concurrent powers, shall be vested in the constituting states.

Legislation of the Union

7. The federal legislature shall be comprised of Federal Upper House and Federal Lower House of equal status. The Upper House shall be constituted with equal number of representatives nominated by respective states. The Lower House shall be constituted with representatives elected based either on townships or on populations. The bicameral legislature shall make the union laws.

The Executive of the Union

8. The executive of the federal union shall be the parliamentary system led by the Prime Minister. The Prime Minister-led cabinet shall be complimented with Union Chancellor or Union President.

The Judiciary of the Union and the Constitutional Court

9. The Federal Union Supreme Court and the Federal Courts at different levels are to be formed in order to practice federal judicial power. The federal legislature shall vet and approve the appointment of the Chief Justice of the federal union nominated by the President of the Federal Union.

10. An independent constitutional court shall be formed to settle disputes between the federal union and the states or among the states.
11. The federal constitution is the supreme law of the union.

The Constitutions of the States

12. The constituting states of the union shall retain rights to draft and ratify their own constitutions.
13. The state's constitution shall clearly and precisely specify the powers in the state level as well as the list of taxation it may collect.
14. The political, social, economic, cultural and customary rights of every ethnic nationality within the states shall be preserved and promoted.
15. The official language of each state shall be adopted by each respective state as appropriate.

Independent Commissions

16. The federal union shall form the following independent commissions. In addition, other commissions shall also be formed as necessary.
 - a. Anti-Corruption Commission
 - b. Election Commission
 - c. Human Rights and Anti-Discrimination Commission
 - d. Right to Information Commission
 - e. Commission on Gender-based Violence and Domestic Violence
 - f. Transitional Justice and Reconciliation Commission
 - g. Commission for Protecting and Preserving the Minority Rights
 - h. Commission for the Resettlement of Displaced People
 - i. Women Rights Commission
 - j. Child Rights Commission
 - k. Labor and Farmer Rights Commission
 - l. Farmer and Land Rights Commission
 - m. Rights of the Differently Abled Commission
 - n. Youth Affairs Commission
 - o. Gender Equality Commission

Politics and Religion

17. The federal union shall practice secularism.

Fiscal Federalism

18. The list of taxation between federal government and state governments are to be precisely and systematically specified. The taxation mechanism of the union and those of states are to be established separately.

19. The Fiscal Management and Sharing Laws between the union and states are to be stipulated. The equitable fiscal distribution policy shall be adopted to practice equitable development of the constituting states.

Land and Natural Resources

20. The law on the land and natural resources management and sharing between federal union and constituting states shall be drafted and enacted.

21. The original owner of all of land and natural resources within each state is the people of that state. The state shall have the right to independently manage the exploration, extraction, trading, preservation, and protection of the natural resources within the state.

22. The respective states in the federal union shall retain the right to manage and benefit the revenue earned from natural resources.

23. The extraction and production of natural resources shall require obtaining the consent of the people of the respective local communities and, in addition, shall deliver direct benefit to the development of the area. Separate taxes shall be collected, and a fund program shall be developed and enacted to remedy the negative impacts to the communities and natural environment and the damages to the ecosystem due to the extraction of natural resources.

Fundamental Rights

24. Everyone residing in the union shall fully enjoy fundamental human rights.

25. Every ethnic nationality born in the union shall fully enjoy individual rights as an individual and collective rights which respective ethnic nationalities are entitled to.
26. Every citizen of the union shall fully enjoy Fundamental Rights of Citizens and Cultural Self-Determination.
27. Every citizen of the union shall fully enjoy fundamental individual rights regardless of race, religion, gender, differently abled, and sexual orientation.

Economic, Social and Cultural Rights

Economic Rights

28. Every citizen of the union shall have rights to own, transfer, liquidate and inherit all rightly acquired assets.
29. Any citizen's property rights shall be revoked legally only for public interest. The confiscation shall be conducted only after the balancing it against the public interest benefits and only with the decent compensation.
30. Every citizen of the union is entitled to choose work and right to work regardless of their birthplace, religion, class, gender, differently abled, color, race or age.
31. Every citizen of the union is entitled to conduct economic activities freely for their livelihoods and to establish economic institutions freely.
32. In practicing the above mentioned right as per article 31, the economic policies and plans of the union, state security, public interest and health shall not be compromised.
33. Every citizen of the union is entitled to freedom of innovation and to intellectual property rights in accord with the laws.
34. A particular social group shall inherently be entitled to preserve, utilize, manage, and transfer the ancestral natural heritage, cultural heritage and customary technical heritage.
35. The migration and movement of a citizen from the home state to another state for the purpose of settlement or economic activities shall be subject to the respective states' laws and regulations.

36. The union powers, the state powers and concurrent powers on foreign investment shall be stipulated. The residual powers shall remain with the states.

Social Rights

37. Every citizen of the Federal Democratic Union shall have rights to:

- a. Freedom of education;
- b. Freedom of choice in higher education, technical know-how and vocational education; and
- c. Access to free and compulsory basic education.

38. Ethnic nationalities' mother tongue-based education shall be implemented in accordance with the self-determination of the federal unit. Federal democratic education shall be practiced.

39. The rights to establishment of private schools, universities, and science and vocational schools in accord with the laws shall be guaranteed.

40. Every citizen of the Federal Union shall be entitled to free basic health care. The federal health care system shall be developed and practiced.

41. Everyone living in the union shall be equally entitled to social rights.

Press Freedom

42. The independence of Press and its right to access and disseminate information shall be protected.

Cultural Rights

43. Ethnic nationalities' collective rights such as language, historical heritage, customary practices, and identities shall be protected and preserved.

44. All people living in the Federal Democratic Union shall be entitled to speak, learn and promote their own languages and literature freely.

Special Rights Measures

45. Ethnic nationalities' traditional customs and languages shall be protected, preserved and promoted freely in accord with international human rights

standards. National characteristics and cultural rights which are inherent rights of ethnic nationalities shall not be compromised under any situation.

46. Ethnic people shall have equitable socioeconomic and cultural rights. They shall be entitled to the progressive actions and affirmative actions as well.

47. Discrimination, directly or indirectly, against race, faith, gender, physical or mental disability, sexual orientation, skin color and any other type of discrimination are completely prohibited. In addition, the right to be protected from discrimination shall be promoted, protected and respected.

48. In order to realize equality in the Federal Democratic Union, a quota system of at least 30 percent of women in different levels of decision-making mechanisms shall be practiced.

49. Child Rights

- a. Every child shall be entitled to the protection. Every child shall enjoy the support and care of the whole nation.
- b. The children shall not be separated from their family without the consent of parents or guardians. It is the natural rights of parents to nurture and mentor their children. The child rights law which is enacted by the federal union parliament in accordance with the Child Rights Convention of the United Nations, shall be followed. In case of the parents' absence of their duties or the children's lack of refuge for various reasons, the separation of children from their family shall be undertaken in accordance with the laws.
- c. Children shall be protected from economic and social abuse. They shall be protected from employment which will damage their morality, health, life, physical development and right to education.
- d. The federal union parliament is to enact the child rights law.

50. Labour rights

The international norms and conventions including the following rights are to be abided by when State Parliaments and Federal Union Parliament enact the laws on labour rights:

- a. For everyone to be able to make a living in human dignity:
 - i. The right to proper working conditions;

- ii. The right to social security and social protection;
 - iii. The right to fair working hours;
 - iv. The right to holidays and leaves; and
 - v. The right to freely form and associate with unions (ILO Convention 87) and to make collective negotiation and demands (ILO Convention 98).
- b. Legislation pertaining to local and international migrant labor and foreign workers shall be promulgated.

51. Farmers' Right

- a. Every farmer shall be entitled to:
 - i. Grow, sell and produce crops freely;
 - ii. Pay taxes in money; and
 - iii. Form farmers' unions freely.
- b. Farmers' rights relating to respective sectors are to be enacted by State Parliaments and the Federal Union Parliament.

Realization of Equality

52. The affirmative action policies enacted by the Federal Union Parliament in order to provide protection and support to the ethnic nationalities and groups who have been suffering from the deprivation of rights and underdevelopment in all aspects, the group of citizens with low capacities, or the groups marginalized due to some customary practices shall not be restrained by the principle of equality for every citizen.

53. In order to collaborate and participate in political decision making, opportunities for political participation of Minorities within Minorities residing within states shall be created. In addition, policies of affirmative action are to be stipulated in all sectors.

54. Environmental Rights

- a. Every citizen of Federal Union shall be free from sufferings resulting from environmental damages and is entitled to a natural and healthy environment.

- b. The Federal Union and respective State Governments shall recognize the rights of indigenous people to protect and preserve the natural environment and their rights to control and limit the excessive extractions of natural resources that will damage the natural environment.

The Fundamental Principle of Federal Security and Defense

55. The security and defense policies of the Federal Union are to be based on human security. All troops for the federal union's security and defense are under the administration of the democratically elected civilian government.
56. The Federal Parliament shall enact the security and defense policies of the Federal Union. The security and defense budgets shall be reviewed and approved by the Federal Parliament.
57. The Federal Police Force and State Police Forces shall be formed separately and independently. The forces for States' security shall be formed. States' police forces and States' security forces shall be under the administration of the respective State Governments. The budgets of State Police and State Security Force shall be reviewed and approved by the state parliaments of the respective states.
58. The government of the Federal Union and the governments of respective states shall decide in coordination to effectively use the security forces in times of the emergencies of the Federal Union's security and natural disasters and rescue operations.
59. The National Security and Defense Council of the Federal Union shall be formed. The council shall be formed with at least one member of the Security Councils of each State and federal personnel. The number of federal personnel shall not exceed more than 30 percent of the total council members.

The Security System of the Federal Union

60. The Security System of the Federal Union shall guarantee division of powers among federal, state and local-level civilian governments and the sharing of rights entrusted in groups or persons and separation of decision-making

powers; geographically sensitive strategies and security personnel appointments that reflect customs, concerns and needs of the local people; the security for the people, the safety of the community and the defense of the union; inclusive organizations, forces and services with the participation of various ethnic groups.

Administration and Public Services

61. The policy on the recruitment and training for the administration and public services shall be precisely stipulated. The government of the Federal Union shall stipulate the curriculum of the civil service training academies. In order to train personnel who will be working in the administrative and public services sectors, the Federal and State Governments shall coordinate and/or cooperate in stipulating policies, setting norms and designing the curricula for the Civil Service Selection and Training Academies. The Curricula shall be reviewed and revised as necessary to keep up with developments in the political, socioeconomic and technological fields.
62. The respective states shall open and administer the civil service academies for those who are to serve at states.

Inter-Governmental Relations

63. Joint committees of the heads of the states shall be formed in order to jointly solve disputes or controversies should such issues arise between the Federal Union and the states and among states. The joint ministerial committees shall be formed to cooperate on different sectors. The joint fiscal committee shall be formed in order to manage revenue sharing. The tenure of the committees shall be determined by each issue.
64. The heads of the states rank above the Union Ministers in the Structure of the Federal Union.

Chapter (5)

Pledge

The Charter is ratified before the People's Assembly, as collective pledge for collaboration by all organizations involved in the revolutionary movement for ending military dictatorship and building the Federal Democratic Union. In accordance with the Charter, we will lift the country out of the current crisis and secure a society which guarantees the rule of law, strong democracy, and accountable government with collective de jure and de facto leadership. At present, the country lacks legitimate government, and the people suffer from the violent rule of the terrorist military junta that staged the coup. As a result, the country is experiencing a state of chaos. The situation requires a united government, which will secure a stable country free from military rule. Accordingly, the revolutionary stakeholders who uphold justice and truth, hereby, ratify the Charter with deep trust and solemnity before the People's Assembly.

The duties that we bear as per the roadmap are significant and noble. We mutually make a pledge to work collaboratively to end the chaos and terror and to bring security, stability and peacefulness; to replace military dictatorship with democracy; to end hatred and to nurture sympathy and empathy based on truth; and to eradicate oppression and bring freedom. We will fulfill the pledge with true respect, responsibility, and solemnity.

The Charter is officially binding. In addition, it signifies the mission based on morality. Accordingly, as the duty bearers of the Charter, every member organization is trusted as being accountable to each other; all members of the member organizations; the people of the Union of Myanmar; and the future generations.

- The goal and objectives of this Charter shall be implemented in accordance with the collective leadership of the People's Assembly in order to build the

Federal Democratic Union, which guarantees freedom, justice, equality and peace.

- When building the Union, the member states of the Union shall have full self-determination and decision-making rights based on the union sovereignty and values as agreed upon and stipulated in provision 1, 2 and 3 under "The Form of the Union" and provision 4 of "The Sovereignty of the Union" of Section III.
- The fundamental rights, gender equality and minority rights shall be secured. To ensure that every citizen achieves social security and human security, the Federal Security and Defense Policies based on the concept of human security shall be enacted and practiced.
- Policies that will support elevating social standards of the citizens, innovation and entrepreneurship will be enacted and practiced.
- Effective policies shall be initiated for Universal Education accessible to everyone and Mother-Tongue-Based Education system, Universal Health Coverage relating to persons with disabilities, children, elderly people, and women's rights including pregnant women; as well as the policies the reduction of the misuse and abuse of narcotic drugs and its subsequent harm, treatment and rehabilitation.
- Authority and power not vested by the people shall be revoked. The civilian administration based on elections will be established. The government which does not have accountability and responsibility shall be eliminated by the people's power. It is guaranteed that the original source of the sovereignty is the people. It is ensured that the State's power is only in the hands of people.
- The contents and the policies specified in this Charter are not only the action plans to be implemented as Interim Constitutional Arrangements of the upcoming Interim Government but also the fundamental principles to be applied in drafting the Constitution of the Federal Democratic Union.

Conclusion

The leaders of ethnic nationalities sought independence by signing the Panglong Agreement in 1947 and endeavored to build a federal union of congregating states. They envisaged a federal union with peaceful coexistence that upheld freedom, equality, diversity, collective leadership and self-determination as union values. Accordingly, the Union's original Charter—the Panglong Principles, Promises, and Spirit—must be revitalized and reclaimed in order to build the peaceful federal union. The Constitution of the Federal Union shall be redrafted. Constitutionalism, the administrative system governed in accordance with the Constitution must be practiced. Necessary legislative, administrative, and judicial reforms shall be carried out. True characteristics of a union shall be built. Building union characteristics, in both form and essence, shall be implemented. Union built in unity with collective leadership shall stand tall in the world.

It is proclaimed that the Federal Democracy Charter is collectively drafted and shall be fulfilled through collective leadership with the purpose of building the Federal Democratic Union where freedom, peace, prosperity, and development are guaranteed, and the Union Values and Principles are well respected.