



THE UNFINISHED UNION:

Federalism, Military Centralism, and Peacebuilding in Myanmar

June, 2026

Myanmar's peacebuilding problem is the unfinished federal Union problem: only a coming-together federal settlement, now most clearly expressed in FDC Part I and bottom-up federalism, can transform the country's protracted conflict into a legitimate democratic federal peace.



Lawkapala
Institute of Public Policy
and Governance

The Unfinished Union: Federalism, Military Centralism, and Peacebuilding in Myanmar

This paper argues that Myanmar's protracted conflict is rooted in the non-fulfilment of the federal promise made during the independence struggle. While the Panglong Agreement created the political foundation for a voluntary Union, subsequent constitutional orders failed to establish a genuine federal compact. The result was a recurring cycle of civil war, military centralization, and contested peacebuilding. The paper traces the evolution of Myanmar's federal dream from Panglong and the 1947 Constitution to the Shan Federal Proposal, military constitutionalism, ethnic resistance federalism, the NCA process, and finally the Federal Democracy Charter.

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CONTENTS

| | |
|---|------------|
| Abbreviations and Acronyms | iii |
| Chapter 1: Introduction | 1 |
| 1.1 Background | 1 |
| 1.2 Research Problem | 2 |
| 1.3 Research Questions..... | 3 |
| 1.4 Argument | 3 |
| 1.5 Significance of the Study | 4 |
| Chapter 2: Methodology and Analytical Framework..... | 5 |
| 2.1 Research Design..... | 5 |
| 2.2 Methods | 5 |
| 2.3 Data Sources..... | 6 |
| 2.6 Triangulation..... | 8 |
| Chapter 3: The Panglong Promise and the Birth of Myanmar’s Federal Dream | 9 |
| 3.1 Historical Context of Independence Struggle | 9 |
| 3.2 Panglong Agreement as Founding Compact | 9 |
| 3.3 Federalism as Peacebuilding at Independence..... | 11 |
| 3.4 Limits of Panglong..... | 12 |
| Chapter 4: The 1947 Constitution and the Incomplete Federal Settlement | 14 |
| 4.1 Federal Elements in the 1947 Constitution..... | 14 |
| 4.2 Structural Weaknesses | 15 |
| 4.3 Why the 1947 Settlement Did Not Prevent Civil War..... | 16 |
| 4.4 Assessment..... | 17 |
| Chapter 5: The Shan Federal Proposal and the First Major Federal Correction | 19 |
| 5.1 Ethnic Dissatisfaction with the 1947 Constitution | 19 |
| 5.2 Core Principles of the Shan Federal Proposal | 19 |
| 5.3 Coming-Together Logic..... | 20 |
| 5.4 The 1962 Coup as Anti-Federal Rupture | 21 |
| Chapter 6: Military State-Building Against Federalism | 23 |
| 6.1 Tatmadaw Worldview | 23 |
| 6.2 The 1974 Constitution: Socialist Centralism..... | 23 |
| 6.3 The 2008 Constitution: Military-Controlled Quasi-Federalism..... | 24 |
| 6.4 Assessment..... | 26 |
| Chapter 7: Resistance Federalism and the Preservation of the Federal Dream..... | 27 |
| 7.1 Ethnic Resistance as Constitutional Resistance..... | 27 |
| 7.2 1990s Federal Meetings..... | 27 |
| 7.3 FCDCC and Alternative Constitutional Drafting | 28 |
| 7.4 Significance..... | 29 |
| Chapter 8: The NCA, 21st Century Panglong, and the Limits of Ceasefire-First Peacebuilding.... | 31 |

| | |
|---|-----------|
| 8.1 Their Sein Peace Initiative | 31 |
| 8.2 NCA as Breakthrough and Constraint..... | 31 |
| 8.3 Framework for Political Dialogue | 32 |
| 8.4 21st Century Panglong and Union Accord Part I | 33 |
| 8.5 Union Accord Part II and III | 33 |
| 8.6 Assessment..... | 34 |
| Chapter 9: Federal Democracy Charter Part I as the Near-Realization of the Federal Dream | 36 |
| 9.1 FDC Part I as Historical Diagnosis..... | 36 |
| 9.2 FDC Goals..... | 36 |
| 9.3 Federal Principles | 37 |
| 9.4 Why This Is a Coming-Together Model | 38 |
| 9.5 Remaining Challenges | 38 |
| Chapter 10: FDC Part II and Bottom-Up Federalism as Peacebuilding Practice..... | 40 |
| 10.1 FDC Part II as Interim Constitutional Arrangement..... | 40 |
| 10.2 People’s Assembly and NUCC | 40 |
| 10.3 ERO Governance as Federal State-Building | 41 |
| 10.4 Bottom-Up Federalism | 42 |
| 10.5 Interim Arrangements and Federalism from Below | 42 |
| 10.6 Emergence of Federal Units, Intergovernmental Relations, and Practicing Fiscal Federalism.. | 43 |
| 10.7 Peacebuilding Meaning | 44 |
| Chapter 11: Military Resistance to Federalism and the People’s Federal Will..... | 46 |
| 11.1 Tatmadaw’s Anti-Federal Mindset | 46 |
| 11.2 Military Constitutions Versus Popular Federalism..... | 46 |
| 11.3 The 2021 Coup as Final Rupture | 47 |
| 11.4 Federalism as the Will of the People..... | 48 |
| Chapter 12: Conclusion..... | 50 |
| 12.1 Summary of Findings..... | 50 |
| 12.2 Main Conclusion..... | 51 |
| 12.3 Policy and Peacebuilding Implications | 52 |
| References..... | 54 |
| Primary documents, constitutions, agreements, charters, and official records | 54 |
| Books, academic articles, reports, and working papers..... | 55 |
| Annex 1 – Manerplaw Agreement, 1992 | 57 |
| Annex 2 – Mae Tha Raw Hta Agreement, 1997 | 58 |
| Annex 3 – Thoo Mweh Klo Agreement, 1998 | 59 |
| Annex 4 – Agreement on 8 Basic Principles, 2005..... | 60 |
| Annex 5 – Union Accord I, 2017 | 62 |
| Annex 6 - Union Accord II, 2018 | 66 |
| Annex 7 –Statement on Bottom-up Federalism Approach, 2024 | 68 |

ABBREVIATIONS AND ACRONYMS

| | |
|-------------|---|
| ABSDF | All Burma Students’ Democratic Front |
| ALP | Arakan Liberation Party |
| BCP | Burma Communist Party |
| BGF | Border Guard Force |
| BSPP | Burma Socialist Programme Party |
| CB | Chin Brotherhood / Chin Brothers |
| CBO | Community-Based Organization |
| CDM | Civil Disobedience Movement |
| CNF | Chin National Front |
| CRPH | Committee Representing Pyidaungsu Hluttaw |
| CSO | Civil Society Organization |
| DAB | Democratic Alliance of Burma |
| DKBA | Democratic Karen Benevolent Army; formerly Democratic Karen Buddhist Army |
| DPN | Delegation for Political Negotiation |
| EAG | Ethnic Armed Group |
| EAO | Ethnic Armed Organization |
| EBO | Euro-Burma Office |
| ENC | Ethnic Nationalities Council |
| ENAC | Ethnic Nationalities Affairs Center |
| ERO | Ethnic Resistance Organization |
| FCDCC | Federal Constitution Drafting and Coordinating Committee |
| FDC | Federal Democracy Charter |
| FDU | Federal Democratic Union |
| IA | Interim Arrangement |
| IDP | Internally Displaced Person |
| IEC | Interim Executive Council |
| JPF | Joint Peace Fund |
| KIA | Kachin Independence Army |
| KIO | Kachin Independence Organization |
| KNLA | Karen National Liberation Army |
| KNLA-PC | Karen National Liberation Army Peace Council |
| KNU | Karen National Union |
| KNU/KNLA-PC | Karen National Union / Karen National Liberation Army Peace Council |
| KNPP | Karenni National Progressive Party |
| KSCC | Karenni State Consultative Council |
| MSFC | Mon State Federal Council |
| NCA | Nationwide Ceasefire Agreement |
| NCUB | National Council of the Union of Burma |
| NCGUB | National Coalition Government of the Union of Burma |
| NDF | National Democratic Front |
| NLD | National League for Democracy |
| NLD-LA | National League for Democracy–Liberated Area |
| NMSP | New Mon State Party |
| NMSP-AD | New Mon State Party–Anti-Military Dictatorship |
| NRPC | National Reconciliation and Peace Centre |
| NUCC | National Unity Consultative Council |
| NUG | National Unity Government |

| | |
|---------------------|--|
| PDF | People’s Defence Force |
| PDF (1990s context) | Peace and Democratic Front |
| PNFC | Pa-O National Federal Council |
| PNLO | Pa-O National Liberation Organization |
| RCSS | Restoration Council of Shan State |
| RCSS/SSA | Restoration Council of Shan State / Shan State Army |
| SCOUP | Supreme Council of the United Hill Peoples |
| SDU | Shan Democratic Union |
| SLORC | State Law and Order Restoration Council |
| SNLD | Shan Nationalities League for Democracy |
| SPDC | State Peace and Development Council |
| SSA | Shan State Army |
| TNUG | Transitional National Unity Government |
| TPCC | Ta’ang Political Consultative Committee |
| UN | United Nations |
| UNFC | United Nationalities Federal Council |
| UNLD | United Nationalities League for Democracy |
| UNLD-LA | United Nationalities League for Democracy–Liberated Area |
| UPDJC | Union Peace Dialogue Joint Committee |
| UPWC | Union Peacemaking Working Committee |
| USDP | Union Solidarity and Development Party |
| UWSA | United Wa State Army |
| WLB | Women’s League of Burma |

Key Terms Used Like Abbreviations

| Term | Meaning |
|------------------------|---|
| Tatmadaw | Myanmar Defence Services / Myanmar military |
| Panglong | Refers to the Panglong Agreement of 1947 and its later political meaning as the “Panglong spirit” |
| 21CPC | 21st Century Panglong Conference |
| Union Accord | Agreements reached through the Union Peace Conference–21st Century Panglong process |
| Union Accord Part I | First part of the Union Accord, signed in 2017 |
| Union Accord Part II | Second part of the Union Accord, signed in 2018 |
| Union Accord Part III | Third part of the Union Accord, signed in 2020 |
| Bottom-up federalism | Federalism built from states, federal units, local institutions, ERO governance, and communities upward |
| Coming-together model | A federal model in which constituent peoples, states, or federal units form the Union by consent |
| Holding-together model | A federal or decentralization model in which an existing central state grants autonomy downward |

CHAPTER 1: INTRODUCTION

1.1 Background

Myanmar's armed conflict is often explained as an ethnic conflict, a civil war, or a security problem. This study argues that it is also a constitutional and federalism problem. At the centre of the conflict is a long disagreement over the nature of the Union. The key question is simple but very deep: should Myanmar be a centralized state controlled from the centre, or should it be a federal democratic Union formed by equal peoples, nationalities, states, and federal units?

This question has shaped Myanmar's politics since the independence struggle. The federal dream did not begin after the 2021 coup. It began during the anti-colonial and independence period, especially through the Panglong Agreement of 1947. The Panglong Agreement was not a complete federal constitution, but it created the political foundation for a voluntary Union. The 1947 Constitution partly recognized this promise. It declared that the Union of Burma was a sovereign independent republic, that sovereignty resided in the people, and that legislative, executive, and judicial powers were derived from the people and exercised by the Union or its constituent units (Constituent Assembly of Burma, 1948). It also recognized the Shan State, Kachin State, and Karenni State as constituent units of the Union. However, the constitutional settlement was incomplete. The Bamar-majority heartland, or Burma Proper, was not established as one equal constituent state. Instead, the remaining territories of the Union were governed only by the Union organs. This created a structural imbalance between the Union centre with Bamar majority and the ethnic minority states.

Because of this imbalance, ethnic leaders continued to demand genuine federal reform. The Shan Federal Proposal of 1961 was one of the clearest attempts to correct the 1947 settlement. It stated that equal rights and opportunities among the states and nationalities were not adequately prescribed in the existing Constitution. It therefore called for constitutional revision according to "truly federal" principles (Shan State Steering Committee, 1961). Its main proposals included the creation of a Burmese State, equal powers for both chambers of Parliament, equal state representation in the Chamber of Nationalities, limited Union powers, transfer of all other powers to the states, and equitable distribution of Union revenue.

This federal reform process was stopped by the 1962 military coup. After that, the Tatmadaw became the main guardian of a centralized state. The 1974 Constitution was drafted under the Burma Socialist Programme Party (BSPP) and justified the Revolutionary Council's role in building the Burmese Way to Socialism (Government of the Union of Burma, 1974). The 2008 Constitution later created regions and states, but it also embedded the Defence Services, emergency powers, and constitutional amendment rules as central parts of the constitutional order (Republic of the Union of Myanmar, 2008). These constitutions did not solve the federal question. They managed, limited, or suppressed it.

The peace process after 2011 reopened the federal debate. President Thein Sein's peace initiative proposed state-level ceasefires, liaison offices, Union-level confidence-building, political dialogue, regional development, and a final agreement for "eternal peace" (Thein Sein Peace Plan, 2011). The Nationwide Ceasefire Agreement (NCA) and the 21st Century Panglong process brought federalism into official peace language. Union Accord Part I stated that the Union Peace Conference aimed to build a Union in harmony with the Panglong spirit, based on democracy and federalism, and guaranteeing democracy, national equality, and self-determination (Union Peace Conference, 2017). Union Accord Part II repeated the aim of establishing a Union based on democracy and a federal system that assures national equality and self-determination rights (Union Peace Conference, 2018).

However, the NCA and 21st Century Panglong process did not produce a binding federal settlement. Many core issues remained unresolved, including state constitutions, residual powers, fiscal federalism, resource sharing, the future of ethnic armed organizations, civilian control of the military, and the role of the 2008 Constitution. Interim-arrangements research later observed that many agreed principles did little to address ethnic nationality leaders' demands for greater autonomy, civilian oversight of the military, or more inclusive Union-level institutions (South et al., 2018).

The 2021 military coup changed the political context again. It destroyed the possibility of gradual federal reform through the 2008 constitutional framework. After the coup, many ethnic minority actors and Bamar democratic forces moved closer to a shared federal democratic position. The Federal Democracy Charter (FDC) Part I was declared on 31 March 2021 and later ratified by the First People's Assembly in January 2022 (National Unity Consultative Council [NUCC], 2021/2022). The Charter states that the 1947, 1974, and 2008 constitutions failed to fully deliver the Panglong promises of democracy, national equality, and self-determination, and that the country has suffered more than 70 years of civil war and dictatorship as a result.

This study places the FDC Part I and the bottom-up federalism approach in this long historical line. It argues that Myanmar's federal dream has moved through several stages: Panglong promise, incomplete constitutional settlement, ethnic federal reform, military rejection, resistance federalism, NCA-era negotiation, and post-coup federal refoundation. The 2024 bottom-up federalism statement by ethnic resistance organizations and state/ethnic representative councils is especially important because it was issued after repeated preparatory coordination for building a future Federal Democratic Union (Ethnic Resistance Organizations & State/Ethnic Representative Councils, 2024). The statement was later reinforced by a joint position associated with key democratic and revolutionary actors, including the NUG, NUCC, CRPH, NLD, and Chin Brotherhood (CB), which indicated growing agreement around the "bottom-up federalism" model as a basis for Myanmar's future governance structure and power-sharing arrangements (Planning Workshop Report, 2025). This shows a shift from federalism as a political demand toward federalism as a practical state-building and peacebuilding approach.

1.2 Research Problem

The research problem of this study is that Myanmar's peacebuilding efforts have repeatedly failed because they have not resolved the founding federal question. Many peace initiatives have focused on ceasefires, disarmament, development, or dialogue procedures. These are important, but they are not enough. The deeper problem is the structure of the Union itself.

Since independence, ethnic nationalities have demanded equality, self-determination, and meaningful autonomy. Many ethnic actors have viewed federalism as the only political system that can hold Myanmar together peacefully. In contrast, the Tatmadaw has often treated federalism as a threat to national unity, sovereignty, and territorial integrity. This difference has produced a long structural conflict. As Lwin Cho Latt and Marlar Aung (2019) argue, conflict over power-sharing has resulted in long-running civil war, and ethnic armed conflicts will continue as long as the federal issue remains constitutionally unresolved.

The problem is therefore not only armed conflict. It is also a disagreement over sovereignty, state formation, and legitimacy. Ethnic nationalities have often understood the Union as a compact among equal peoples. The Tatmadaw has understood the Union mainly as a territorial state that must be protected by centralized military authority. The 1974 and 2008 constitutions reflected this military-centred view. They created state structures, but not a genuine federal compact. The 2008 Constitution, in particular, preserved a special constitutional role for the Defence Services through its dedicated chapters on the Defence Services, emergency provisions, and constitutional amendment (Republic of the Union of Myanmar, 2008).

The NCA and 21st Century Panglong process recognized federalism, but recognition did not become transformation. The process created formal dialogue and produced Union Accord principles, but it did not replace the 2008 constitutional framework or resolve the security question. It did not create state constitutions or clear residual powers. It did not fully include all ethnic armed organizations. It also did not create strong mechanisms to implement federal principles at the local level.

This study therefore examines federalism and peacebuilding together. It treats federalism not as a separate constitutional topic, but as the central condition for durable peace. In Myanmar, peacebuilding is directly linked to the formation of a legitimate federal democratic Union. Without federalism, peace remains only a ceasefire. Without peacebuilding, federalism remains only a document.

1.3 Research Questions

The main research question of this study is:

How did Myanmar's federal dream emerge, why was it never fulfilled, and how do the Federal Democracy Charter Part I and bottom-up federalism represent a new coming-together model for peacebuilding?

The study answers this question through the following sub-questions:

1. How did the Panglong Agreement create the original federal promise?
2. Why did the 1947 Constitution fail to fully satisfy ethnic nationalities?
3. How did the Shan Federal Proposal attempt to correct the 1947 constitutional settlement?
4. How did the Tatmadaw's constitutional projects in 1974 and 2008 block genuine federalism?
5. How did ethnic resistance actors preserve and develop federal principles outside the state?
6. Why did the NCA and 21st Century Panglong process recognize federalism but fail to produce a binding federal settlement?
7. How does the FDC Part I transform federalism from aspiration into agreed constitutional principles?
8. How does bottom-up federalism shift Myanmar toward a coming-together model?

These questions allow the study to trace both continuity and change. The continuity is the repeated demand for equality, autonomy, and self-determination. The change is the form of federalism itself. Federalism first appeared as a promise at Panglong, then as constitutional dissatisfaction, then as a reform proposal, then as resistance constitutionalism, then as peace-process language, and now as a post-coup federal democratic framework.

1.4 Argument

This study argues that Myanmar's protracted conflict is rooted in the non-fulfilment of the federal promise made during the independence struggle. Panglong created the expectation that the Union would be based on autonomy, equality, and shared independence. The 1947 Constitution partly recognized that expectation, but did not create a fully equal federal structure. The Shan Federal Proposal tried to correct that weakness by proposing a more genuine federal system, including a Burmese State, equal state representation, limited Union powers, and equitable revenue distribution (Shan State Steering Committee, 1961).

The Tatmadaw blocked this federal direction. Through the 1962 coup, the 1974 Constitution, and later the 2008 Constitution, it built a centralized state structure in which national unity was protected through military authority rather than federal consent. This state-building approach did not end the conflict. It deepened distrust between the centre and ethnic nationalities.

At the same time, ethnic resistance actors preserved and developed the federal idea outside the state. The 2005 Eight Basic Federal Principles, for example, included sovereign power, equality, self-determination, and federal principles as foundations for a future federal constitution. These resistance federal documents kept alive the idea that peace must be built through equality and self-rule, not through military surrender.

The NCA and 21st Century Panglong process represented an important opening because federalism became part of official peace language. However, the process remained limited because it was still tied to the 2008 Constitution, the Tatmadaw's security logic, and the signatory/non-signatory divide. It produced principles, but not a binding federal settlement.

The FDC Part I marks a major shift. It does not simply call for decentralization. It declares the goal of building a Federal Democratic Union and identifies the failure of earlier constitutions to deliver democracy, national equality, and self-determination (NUCC, 2021/2022). Its goals include ending dictatorship, abolishing the 2008 Constitution, building the Federal Democratic Union, and establishing a people's civilian government. More importantly, FDC Part I contains federal principles such as original sovereignty of states and peoples, equality and self-determination of member states, equal political

status of federal units, state constitutions, power-sharing, revenue-sharing, fiscal federalism, subsidiarity, and civilian control of security forces.

This study therefore argues that FDC Part I transforms federalism from aspiration into agreed constitutional principles. It also argues that bottom-up federalism gives practical meaning to these principles. Bottom-up federalism shifts the federal model from a centre-given model to a coming-together model. Instead of the central state granting limited autonomy downward, states, federal units, ethnic resistance organizations, local councils, civil society, and communities become the foundation for building the Union upward.

This approach is supported by interim-arrangements research. South et al. (2018) argue that locally owned service delivery and governance systems can help renegotiate state-society relations and contribute to “building federalism from below.” They also record that EAO leaders saw interim arrangements as a bridge to federalism from the bottom up, supporting local self-administration and decision-making.

The central argument of the study is therefore:

Myanmar’s peacebuilding problem is the unfinished federal Union problem. Durable peace requires a democratic federal compact based on equality, self-determination, state/federal-unit authority, civilian control, resource sharing, and consent from the peoples of the Union. The FDC Part I and bottom-up federalism represent the most advanced attempt so far to move Myanmar from military-led state-building toward coming-together federal Union-building.

1.5 Significance of the Study

This study is significant for five main reasons.

First, it explains Myanmar’s conflict as a structural federal disagreement, not only as ethnic rebellion or armed insecurity. This is important because many peace initiatives have failed by treating the conflict mainly as a ceasefire problem. The study shows that **ceasefire without federal settlement cannot produce lasting peace.**

Second, the study connects federalism and peacebuilding. In many countries, federalism is studied as constitutional design, while peacebuilding is studied as conflict management. In Myanmar, the two cannot be separated. **Peacebuilding requires federal state formation. Federalism requires peacebuilding through trust, inclusion, local governance, security reform, and resource justice.**

Third, the study shows the long historical evolution of Myanmar’s federal idea. It traces the movement from Panglong to the 1947 Constitution, the Shan Federal Proposal, military constitutions, ethnic resistance documents, the NCA process, the Union Accords, the Federal Democracy Charter (FDC), and bottom-up federalism. This long view is important because it shows that **the current federal movement did not appear suddenly after the 2021 coup. It is rooted in decades of political struggle.**

Fourth, the study helps explain why the Tatmadaw has repeatedly blocked federalism. **The military has viewed itself as the guardian of the Union and has often treated federalism as a danger to national unity.** This mindset shaped the 1974 and 2008 constitutional orders and limited the NCA peace process. Understanding this military resistance is necessary for understanding why previous peacebuilding efforts failed.

Fifth, the study contributes to the current debate on Myanmar’s future. The FDC Part I and the bottom-up federalism approach are not only political documents. They are part of an emerging attempt to build a new Union from below. They raise important questions about state constitutions, federal units, ethnic self-determination, minorities within minorities, ERO governance, local administration, resource sharing, and civilian control of security forces.

For these reasons, the study is useful for scholars, political actors, ethnic organizations, civil society, and peacebuilding practitioners. It provides a framework for understanding why Myanmar’s federal dream was not fulfilled, why civil war continued, and why a coming-together federal model may offer a more realistic path toward durable peace.

CHAPTER 2: METHODOLOGY AND ANALYTICAL FRAMEWORK

2.1 Research Design

This study uses a **qualitative historical document analysis**. It examines how Myanmar's federal idea emerged, evolved, was blocked, and was reformulated from the independence period to the post-2021 Federal Democracy Charter period. This design is suitable because the study is based mainly on written sources: agreements, constitutions, federal proposals, political statements, peace-process records, speeches, and scholarly works.

The study treats Myanmar's conflict as both a **peacebuilding problem** and a **constitutional federalism problem**. It does not study federalism only as a legal arrangement. It studies federalism as a political solution to a long conflict over equality, self-determination, state authority, resource sharing, security, and legitimacy.

The main purpose of this methodology is to trace the long historical movement from the **Panglong promise** to the **Federal Democracy Charter Part I** and the **bottom-up federalism model**. The study therefore asks how the idea of a federal Union moved through different stages: promise, partial constitutionalization, military rejection, ethnic resistance, peace-process negotiation, and post-coup federal refoundation.

The research is qualitative and interpretive. It does not use statistical testing. Instead, it examines the meaning, structure, and political logic of key documents. It asks how different actors understood important ideas such as "Union," "federalism," "peace," "self-determination," "national unity," and "security."

2.2 Methods

Method 1: Historical Process Tracing

The first method is **historical process tracing**. This method follows the development of Myanmar's federal dream across time. It helps show that Myanmar's civil war is not only a series of separate armed conflicts. It is also a long constitutional disagreement over the nature of the Union.

The study traces the sequence from the Panglong Agreement to the 1947 Constitution, the Shan Federal Proposal, the 1962 coup, the 1974 Constitution, the 2008 Constitution, ethnic resistance federal proposals, the NCA process, the 21st Century Panglong conferences, the Federal Democracy Charter, and the 2024 bottom-up federalism statement.

This method is important because many later federal demands are connected to earlier unfulfilled promises. For example, the Panglong Agreement gave the Frontier Areas a special political role through the appointment of a Hill Peoples' Counsellor with authority over Frontier Areas matters (Panglong Agreement, 1947). Later, the Federal Democracy Charter Part I directly states that the 1947, 1974, and 2008 constitutions failed to deliver the Panglong promises of democracy, national equality, and self-determination (National Unity Consultative Council [NUCC], 2021/2022). Process tracing helps connect these moments.

Method 2: Comparative Constitutional Analysis

The second method is **comparative constitutional analysis**. The study compares the 1947, 1974, and 2008 constitutions with the Shan Federal Proposal, resistance federal proposals, the Union Accords, and the Federal Democracy Charter.

The comparison focuses on several questions. Where does sovereignty come from? Are states or federal units equal? Do they have their own constitutions? Who controls residual powers? Who controls land and natural resources? Who controls security forces? Does the military have a special political role?

This method helps distinguish between **genuine federalism**, **partial federalism**, **military centralism**, and **quasi-federalism**. For example, the 1947 Constitution recognized Shan, Kachin, and Karenni as constituent units, but placed the remaining territories under Union organs (Constituent Assembly of Burma, 1948). The 2008 Constitution created a state and region structure, but its contents also gave

special constitutional space to the Defence Services, emergency provisions, and constitutional amendment rules (Republic of the Union of Myanmar, 2008).

Method 3: Thematic Content Analysis

The third method is **thematic content analysis**. The study identifies repeated themes across the documents. These themes include sovereignty, equality, self-determination, federalism, Union unity, military guardianship, civilian supremacy, state constitutions, fiscal federalism, resource sharing, security reform, minority rights, and process legitimacy.

This method helps compare how different actors used similar terms. For example, ethnic resistance documents often connect federalism with equality and self-determination. The Eight Basic Federal Principles included sovereign power, equality, self-determination, and federal principles as foundations for a future federal constitution. By contrast, military constitutional documents often connect national unity with centralized authority.

Thematic analysis also helps identify implementation gaps. The NCA and Union Accords recognized federalism, but many federal questions remained unsettled. Union Accord Part I stated that the peace conference aimed to build a Union based on democracy and federalism, guaranteeing national equality and self-determination (Union Peace Conference, 2017). However, the study examines whether such principles became real institutions.

Method 4: Discourse and Framing Analysis

The fourth method is **discourse and framing analysis**. This method studies how actors framed the same issue differently. This is important because Myanmar's peace process often used shared words but not shared meanings.

For ethnic actors, "Union" often means a voluntary compact among equal peoples. For the Tatmadaw, "Union" has often meant territorial unity protected by centralized military authority. For ethnic and democratic actors, "peace" often means political settlement, equality, and self-determination. For the military, peace has often meant ceasefire, order, and acceptance of the existing constitutional framework.

This method is useful for studying the Tatmadaw mindset, the language of military constitutions, the peace-process discourse, and the shift in post-coup federal language. It also helps explain why peace talks can continue for years without producing a binding federal settlement.

2.3 Data Sources

The study uses **purposive document selection**. Documents are selected because they are important to Myanmar's federalism and peacebuilding history.

- ❖ The first group is **foundational documents**, especially the Panglong Agreement and the 1947 Constitution. These documents are used to study the original federal promise and its incomplete constitutionalization.
- ❖ The second group is **federal reform documents**, especially the Shan Federal Proposal. This proposal argued that the 1947 Constitution did not adequately provide equal rights and opportunities among states and nationalities, and it called for a truly federal constitution (Shan State Steering Committee, 1961).
- ❖ The third group is **military constitutional documents**, especially the 1974 and 2008 constitutions. The 1974 Constitution is studied as a socialist one-party constitution linked to the Revolutionary Council and the Burma Socialist Programme Party (Government of the Union of Burma, 1974). The 2008 Constitution is studied as a military-managed constitutional order.
- ❖ The fourth group is **ethnic resistance and alternative federal documents**, including the Manerplaw Agreement, Mae Tha Raw Hta Agreement, Eight Basic Federal Principles, and FCDCC draft. These documents show how federal principles were preserved outside the military-controlled state.
- ❖ The fifth group is **NCA and 21st Century Panglong documents**, including the Thein Sein peace plan, NCA, Framework for Political Dialogue, national dialogues, speeches, and Union Accord

Parts I, II, and III. The Thein Sein peace plan proposed ceasefire, confidence-building, political dialogue, development tasks, and a final agreement for eternal peace (Thein Sein Peace Plan, 2011).

- ❖ The sixth group is **post-coup federal reformation documents**, especially Federal Democracy Charter Parts I and II and the 2024 bottom-up federalism statement. FDC Part II sets out interim constitutional arrangements for building a federal democratic Union based on democracy, equity, self-determination, freedom, justice, and equality (NUCC, 2021/2022). The 2024 bottom-up federalism statement was issued by ethnic resistance organizations and state/ethnic representative councils for building a future Federal Democratic Union after repeated preparatory coordination.
- ❖ The final group is **scholarly literature** on the Tatmadaw, ethnic politics, peacebuilding, constitutionalism, interim arrangements, and post-coup federalism. These sources help interpret the primary documents and test the study’s argument.

2.4 Units of Analysis

The study does not treat each document only as a whole text. It also examines smaller units inside the documents. The main units of analysis are:

1. **Constitutional clauses**, such as articles on sovereignty, state structure, legislative power, emergency powers, amendment, and security.
2. **Agreement provisions**, such as clauses in the Panglong Agreement, NCA, Union Accords, and bottom-up federalism statement.
3. **Federal principles**, such as equality, self-determination, state constitutions, residual powers, fiscal federalism, and civilian control.
4. **Speeches and political statements**, especially statements by ethnic leaders, NLD leaders, Tatmadaw leaders, and peace-process actors.
5. **Institutional arrangements**, such as the NUCC, People’s Assembly, interim judiciary, ERO governance, state/federal-unit councils, and political dialogue mechanisms.
6. **Scholarly interpretations**, especially arguments about military centralism, ethnic identity, peacebuilding, interim governance, and federal legitimacy.

This approach allows the study to compare not only documents but also specific ideas, institutions, and political claims.

2.5 Periodization

The study is organized into seven historical periods.

| | |
|----------------------------------|---|
| Period 1: 1945–1947 | Federal promise during the independence struggle. This period focuses on Panglong, Frontier Areas, shared independence, and the original federal promise. |
| Period 2: 1947–1962 | Partial federalism and ethnic dissatisfaction. This period examines the 1947 Constitution, early civil war, and the Shan Federal Proposal. |
| Period 3: 1962–1988 | Military rejection of federalism. This period focuses on the 1962 coup, the end of federal dialogue, and the 1974 one-party constitution. |
| Period 4: 1988–2010 | Military-managed constitutionalism. This period studies SLORC/SPDC rule, ceasefires without settlement, the National Convention, and the 2008 Constitution. |
| Period 5: 1990s–2008 | Resistance federalism outside the state. This period examines Manerplaw, Mae Tha Raw Hta, the Eight Basic Federal Principles, and the FCDCC draft. |
| Period 6: 2011–2020 | Federalism inside the peace process but without settlement. This period studies the Thein Sein peace plan, NCA, Framework for Political Dialogue, 21st Century Panglong, and Union Accords. |
| Period 7: 2021–present | Federal reformation and bottom-up federalism. This period focuses on the Federal Democracy Charter, NUCC/NUG arrangements, ERO governance, and the bottom-up federalism model. |

This periodization helps show that Myanmar's federal idea did not emerge suddenly. It developed across decades of constitutional struggle, military resistance, ethnic resistance, and peace-process negotiation.

2.6 Triangulation

The study uses **triangulation** to strengthen reliability. This means that one type of source is checked against other types of sources.

- ❖ First, primary documents are compared with other primary documents. For example, the Panglong Agreement is compared with the 1947 Constitution, the Shan Federal Proposal, and the Federal Democracy Charter.
- ❖ Second, official state and military documents are compared with ethnic resistance documents. This helps identify differences between military centralism and ethnic federalism.
- ❖ Third, peace-process documents are compared with scholarly studies. For example, Union Accord principles are compared with research on interim arrangements, which argues that locally owned governance and service delivery can help build federalism from below (South et al., 2018).
- ❖ Fourth, speeches and political statements are compared with formal agreements. This helps show whether actors' public language matched the institutional content of agreements.

Through triangulation, the study avoids relying on one actor's narrative. It builds its analysis by comparing constitutional texts, peace agreements, ethnic proposals, military-linked documents, speeches, and scholarly interpretations. This supports the study's central claim: Myanmar's peacebuilding problem is inseparable from the unfinished federal Union problem.

CHAPTER 3: THE PANGLONG PROMISE AND THE BIRTH OF MYANMAR'S FEDERAL DREAM

3.1 Historical Context of Independence Struggle

Myanmar's federal dream was born during the final stage of the independence struggle. It did not begin as a technical constitutional idea. It began as a political answer to a basic problem: how could Burma Proper and the Frontier Areas gain independence together while respecting their different histories, identities, and political status?

Under British rule, Burma was not governed as one unified political unit. The central lowland area, often called Ministerial Burma or Burma Proper, was governed directly from Rangoon. By contrast, many ethnic areas were ruled separately. The Shan States were organized as the Federated Shan States. The Chin Hills, Kachin Hills, Naga Hills, and other border areas were governed as Frontier Areas. Karenni/Kayah had a separate protected status. Keenan (2016) notes that the Burman king's former territory became Ministerial Burma, while the Federated Shan States, Kachin Hills, Chin Hills, Naga Hills, and other border areas were administered separately from British Burma.

This separate administration created a difficult question at independence. Burma Proper could not simply claim to represent all territories automatically. The Frontier Areas had their own histories, leaders, and systems of authority. Some British plans even suggested that the Scheduled or Frontier Areas should not be included in independent Burma unless their peoples wished to join. Keenan records that one British blueprint stated that the Scheduled Areas should remain under British responsibility until their inhabitants expressed a desire for a suitable form of amalgamation with Burma Proper (Keenan, 2016).

Therefore, independence required more than anti-colonial unity. It required negotiation between different political communities. This is the historical importance of Panglong. The agreement was not only about ending British rule. It was about how different peoples could enter independence together without being absorbed into a centralized Burman state.

For many ethnic leaders, joining independence together was based on a political understanding. They expected equality, autonomy, and self-determination. This memory remains strong among ethnic actors. In a paper presented at the first 21st Century Panglong Conference, the Chin National Front argued that Chin people, together with Kachin and Shan, did not take separate independence, but joined with General Aung San's interim Burma government to gain independence together and build a Union guaranteeing national equality and self-determination (Chin National Front, 2016).

This shows that the independence struggle contained two linked goals. The first was freedom from colonial rule. The second was the creation of a Union based on equality between Burma Proper and the ethnic homelands. In this sense, the federal dream began before the formal Constitution. It began with the search for a political compact.

3.2 Panglong Agreement as Founding Compact

The Panglong Agreement of 12 February 1947 was not a full federal constitution. It did not contain a complete division of legislative, executive, judicial, fiscal, and security powers. It did not define all federal units. It did not settle all ethnic claims. However, it was a founding compact because it created the political basis for a shared independence process.

The agreement gave the Frontier Areas a recognized place in the transitional executive structure. It provided that a representative of the Hill Peoples, selected by the Governor on the recommendation of the Supreme Council of the United Hill Peoples, would be appointed as Counsellor to the Governor to deal with Frontier Areas (Panglong Agreement, 1947). It further stated that this Counsellor would also become a member of the Governor's Executive Council and would receive executive authority over Frontier Areas matters through the same constitutional method used for defence and external affairs.

This was important because it recognized that the Frontier Areas required their own political representation and executive authority. The agreement did not treat them as ordinary administrative districts. It treated them as political communities whose participation in the future Union required special guarantees.

The agreement also provided for two Deputy Counsellors representing races different from the Counsellor's own group. These Deputy Counsellors would deal with the affairs of their respective areas, while the Counsellor would deal with other parts of the Frontier Areas. The agreement also referred to the principle of joint responsibility (Panglong Agreement, 1947). This design shows an early attempt to create shared executive responsibility across ethnic lines.

The strongest federal principle in Panglong was internal autonomy. Clause 5 stated that the Governor's Executive Council would not operate in the Frontier Areas in a way that deprived any part of those areas of their existing autonomy in internal administration. It also stated that full autonomy in internal administration for the Frontier Areas was accepted in principle (Panglong Agreement, 1947). This clause is the heart of the Panglong promise. It shows that unity was not meant to mean centralization. Unity was to be based on respect for internal self-government.

Panglong also recognized the need for future state formation. Clause 6 stated that the question of demarcating and establishing a separate Kachin State within a unified Burma would be decided by the Constituent Assembly, but it also accepted that such a state was desirable (Panglong Agreement, 1947). This was not yet a complete federal map, but it showed that statehood for ethnic peoples was already part of the founding discussion.

The agreement also contained democratic and fiscal safeguards. It stated that citizens of the Frontier Areas would enjoy rights and privileges regarded as fundamental in democratic countries. It also protected the financial autonomy already vested in the Federated Shan States and required examination of financial arrangements for Kachin Hills and Chin Hills similar to those between Burma and the Federated Shan States.

These provisions show why Panglong is remembered as more than a symbolic agreement. It included core elements of federal thinking: representation, executive authority, internal autonomy, possible state formation, democratic rights, and fiscal protection. It did not produce a full federal constitution, but it set the moral and political foundation for one.

This is why later ethnic leaders and federal advocates continued to return to Panglong. Walton (2008) argues that the effects of the 1947 Panglong Agreement can still be seen in calls for a return to the "spirit of Panglong," even though different groups interpret Panglong in different ways. The continuing importance of Panglong comes from this dual nature: it was incomplete, but it carried a powerful promise.

3.3 Federalism as Peacebuilding at Independence

At independence, federalism was not only a system of government. It was also a peacebuilding method. The central peacebuilding challenge was how to prevent the independence process from becoming a new form of domination by Burma Proper over the Frontier Areas.

The Panglong solution was based on consent. The Frontier Areas were not forced to join independence together with Burma Proper. They negotiated political guarantees before joining the independence process. These guarantees were intended to create trust. They showed that shared independence would not erase local autonomy.

This is why federalism and peacebuilding were connected from the beginning. Federalism offered a way to combine two needs. The first need was unity in order to gain independence from Britain. The second need was autonomy in order to protect the identities and political rights of ethnic nationalities. Panglong tried to answer both needs at the same time.

The agreement's autonomy clause was especially important for peacebuilding. By accepting full autonomy in internal administration for the Frontier Areas, Panglong recognized that peace could not be built through direct central control. It had to be built through respect for existing self-government. This principle later became one of the core ideas of Myanmar's federal movement.

Panglong also linked peacebuilding to equality. The CNF paper presented at the 21st Century Panglong Conference interpreted Panglong as a commitment to establish a Union that guaranteed national equality and self-determination. This interpretation is important because it shows how ethnic actors

understand the original agreement. For them, Panglong was not only about joining independence. It was about joining independence under conditions of equal political status.

Federalism also had a preventive peacebuilding function. If the Frontier Areas had been forced into a centralized state without guarantees, mistrust would likely have grown from the beginning. Panglong attempted to prevent this by recognizing that the Union had to be built through agreement. In this sense, Panglong was an early attempt at conflict prevention.

This also explains why the later failure to fulfill Panglong became a source of conflict. The Federal Democracy Charter Part I makes this connection directly. It states that ethnic nationalities historically existed as separate and independent entities and collaboratively sought independence and built the Federal Democratic Union together. It then states that the 1947, 1974, and 2008 constitutions failed to deliver the Panglong promises of democracy, national equality, and self-determination, causing more than seventy years of civil war and dictatorship (NUCC, 2021/2022).

This later statement shows how deeply the Panglong promise remains connected to Myanmar's peace problem. The issue is not only that Panglong existed. The issue is that Panglong was not fully transformed into a durable federal constitutional order. The peacebuilding promise of Panglong was therefore left unfinished.

Federalism at independence should therefore be understood as a form of political peacebuilding. It was an attempt to build a Union through consent, autonomy, equality, and shared independence. It was meant to prevent domination and create trust among different political communities. Its failure to become a full and accepted federal settlement helped create the conditions for later civil war.

3.4 Limits of Panglong

Although Panglong was the founding federal compact, it had serious limits. These limits later became part of Myanmar's long constitutional and peacebuilding crisis.

The first limit was that Panglong was not fully inclusive. The 1947 Panglong Conference did not include all ethnic nationalities equally. Keenan (2016) notes that the original Panglong involved British Burma, the Federated Shan States, Kachin Hills, and Chin Hills as separate political entities, while the later idea of Panglong had to deal with many more actors and more complex demands. Other groups, including Karen, Mon, Arakan/Rakhine, Karenni, Wa, Naga, and Rohingya communities, were not fully represented in the same way. This meant that Panglong created a founding promise, but not a complete national compact.

The second limit was that Panglong was a political agreement, not a detailed constitution. It accepted autonomy in principle, but it did not clearly define the full division of powers between the Union and the future states. It did not set out residual powers. It did not create a federal court. It did not design a federal fiscal system in detail. It did not settle the future structure of armed forces or police. These issues were left for the Constituent Assembly and later constitutional processes.

The third limit was that the meaning of Panglong was contested. Walton (2008) argues that there are conflicting versions of Panglong and its legacy, and that these different "myths" of Panglong continue to shape ethnic unity and conflict in Myanmar. For ethnic nationalities, Panglong often means equality, self-determination, and voluntary Union. For state and military actors, Panglong has often been interpreted more narrowly as a symbol of national unity and non-disintegration. These different meanings later created political conflict.

The fourth limit was that the 1947 Constitution did not fully implement the federal logic of Panglong. The Constitution did include the Frontier Areas and Karenni States in its founding language, and it promised justice, liberty, and equality (Constituent Assembly of Burma, 1948). It also declared that sovereignty resided in the people and that powers could be exercised by Union organs or constituent units. However, it recognized only some constituent units and placed the remaining territories under Union organs. This meant that Burma Proper was not formed as an equal state within the Union. The Union centre and the Bamar-majority heartland remained structurally connected.

The fifth limit was the absence of a strong mechanism to enforce Panglong's promises. The agreement depended on political trust and later constitutional implementation. When trust weakened and constitutional practice failed to satisfy ethnic nationalities, the Panglong promise became a grievance. This is why ethnic leaders later returned to the federal question, especially in the Shan Federal Proposal of 1961.

The limits of Panglong do not reduce its importance. Rather, they explain why Panglong became both a symbol of unity and a source of dispute. It was powerful because it offered a vision of voluntary Union based on autonomy and equality. It was limited because it did not fully institutionalize that vision.

Therefore, the birth of Myanmar's federal dream was also the beginning of Myanmar's unfinished Union problem. Panglong created the promise that different peoples could build independence together. But because that promise was not fully implemented, the Union became contested almost from the beginning.

The central lesson of this chapter is clear: Myanmar's federal dream began as a peacebuilding compact during the independence struggle. Panglong offered a way to combine unity and autonomy. It recognized that the Frontier Areas needed internal self-government, democratic rights, and fiscal safeguards. But it was incomplete and not fully inclusive. Its promise was only partly constitutionalized in 1947. This gap between promise and implementation became one of the roots of Myanmar's long civil war.

In this sense, the later federal struggle—from the Shan Federal Proposal to the Federal Democracy Charter—should be seen as an effort to complete the unfinished Panglong promise.

CHAPTER 4: THE 1947 CONSTITUTION AND THE INCOMPLETE FEDERAL SETTLEMENT

4.1 Federal Elements in the 1947 Constitution

The 1947 Constitution was Myanmar's first attempt to turn the Panglong promise into a constitutional order. It did not create a fully federal Union, but it included several important federal elements. These elements show that the founders recognized the political difference between Burma Proper and the ethnic homelands. They also show that the Union was not originally imagined only as a simple unitary state.

The preamble of the Constitution began with the phrase "We, the people of Burma including the Frontier Areas and the Karenni States." It promised a sovereign independent state based on justice, liberty, and equality (Constituent Assembly of Burma, 1948). This language is important because it recognized that the people of the Frontier Areas and Karenni States were part of the founding people of the Union.

The Constitution declared that Burma was a sovereign independent republic known as the "Union of Burma." It stated that sovereignty resided in the people, and that legislative, executive, and judicial powers were derived from the people and exercised by the Union or its constituent units (Constituent Assembly of Burma, 1948). This was a federal-style principle because it recognized that power could be exercised not only by the central Union organs, but also by constituent units.

The Constitution also recognized some ethnic territories as constituent units. The Federated Shan States and Wa States became the Shan State. Myitkyina and Bhamo Districts became the Kachin State. The Karenni States became the Karenni State (Constituent Assembly of Burma, 1948). This was a major constitutional step because it gave certain ethnic areas formal status within the Union.

A second federal element was bicameral representation. The Union Parliament consisted of the President, the Chamber of Deputies, and the Chamber of Nationalities (Constituent Assembly of Burma, 1948). The Chamber of Nationalities gave special representation to ethnic states and groups. Of its 125 seats, 25 were for Shan State, 12 for Kachin State, eight for the Special Division of the Chins, three for Karenni State, 24 for Karens, and 53 for the remaining territories of the Union (Constituent Assembly of Burma, 1948).

A third federal element was the creation of State Councils. The Shan State Council was formed by all members of Parliament representing Shan State. It could pass laws, and its Bills could be sent to the President for signature and promulgation (Constituent Assembly of Burma, 1948). The Kachin State Council was also formed by all members of Parliament representing Kachin State. The Constitution gave special internal safeguards by dividing the Kachin State's 12 seats in the Chamber of Nationalities equally between Kachins and non-Kachins, and by requiring special voting protection for Bills affecting either community's rights or privileges (Constituent Assembly of Burma, 1948).

The Constitution also gave states some executive and budgetary authority. In Shan State, a Union minister appointed in consultation with the Shan State Council also became Head of the Shan State. The Head of State was in charge of state administration, and the State Council's decisions were binding in matters within its legislative power (Constituent Assembly of Burma, 1948). Similar arrangements existed for Kachin State. The Head of Kachin State exercised executive authority, and the State Council could approve the state budget, although the budget was incorporated into the Union budget (Constituent Assembly of Burma, 1948).

The Constitution also contained special arrangements for other ethnic communities. It allowed for the creation of a Karen State if the majority of people in the specified areas and Karens living outside those areas so desired. Until then, Kaw-thu-lay was to exist as a special region with a Karen Affairs Council and a Minister for Karen Affairs (Constituent Assembly of Burma, 1948). The Constitution also created a Special Division of the Chins, with a Chin Affairs Council and a Minister for Chin Affairs. The administration of the Special Division and matters relating to schools and cultural institutions were placed under special arrangements, though still subject to Union powers (Constituent Assembly of Burma, 1948).

Another important federal element was the division of legislative powers. The Constitution allowed State Councils to make laws for their states on matters in the State Legislative List, while the Union Parliament held the Union Legislative List (Constituent Assembly of Burma, 1948). It also assigned some revenues to states, while other revenues remained part of Union revenue (Constituent Assembly of Burma, 1948).

Finally, the Constitution recognized a right of secession for states, subject to conditions. It stated that every state had the right to secede from the Union, except where otherwise provided, and that this right could not be exercised within the first ten years. A state wishing to secede needed a two-thirds resolution of its State Council and a plebiscite to confirm the will of the people (Constituent Assembly of Burma, 1948). This provision was highly significant. It showed that the Union was not understood only as a permanently centralized state, but as a constitutional compact with some recognition of state consent.

4.2 Structural Weaknesses

Although the 1947 Constitution had federal elements, it also had major structural weaknesses. These weaknesses explain why many ethnic nationalities later argued that the Constitution did not fully implement the Panglong promise.

The **first** weakness was the absence of a Bamar or Burmese State. The Constitution created Shan State, Kachin State, and Karenni State, but it did not create Burma Proper as one equal constituent state. Instead, all powers over the “remaining territories” were exercisable only by the Union organs (Constituent Assembly of Burma, 1948). This created a structural imbalance. The Bamar-majority heartland was fused with the Union centre. As a result, the Union government could appear as both the central government and the government of Burma Proper.

This was a serious federal defect. In a genuine federal Union, all constituent units should have comparable constitutional status. But under the 1947 arrangement, ethnic states existed as special units, while Burma Proper remained hidden inside the Union centre. This made the Union look unequal from the viewpoint of ethnic nationalities.

The **second** weakness was asymmetry. Shan, Kachin, and Karenni were recognized as states, but Chin was only a Special Division, and the Karen State was conditional. The Karen State would be formed only if the majority of the people in the specified areas and Karens outside those areas desired it (Constituent Assembly of Burma, 1948). This meant that not all major ethnic nationalities received equal state status at independence.

The **third** weakness was the limited nature of state autonomy. The Constitution stated that the sole and exclusive power of making laws in the Union was vested in Parliament, although regional autonomy could be delegated and State Councils had powers over the State Legislative List (Constituent Assembly of Burma, 1948). This meant that state authority was not treated as original sovereign authority. It was constitutionally recognized, but strongly limited by the Union structure.

The Union Legislative List was broad. It included defence, external affairs, communications, major finance matters, criminal law and procedure, civil law and procedure, planning, land tenure regulation, and development of industries when Union control was declared expedient in the public interest (Constituent Assembly of Burma, 1948). Because the Union list was so wide, the actual space for state self-rule was narrow.

The **fourth** weakness was Union emergency power. During an emergency, the Union Parliament could legislate for a state on matters in the State Legislative List. If a state law conflicted with such a Union law, the Union law prevailed and the state law became inoperative (Constituent Assembly of Burma, 1948). This gave the centre strong override power.

The **fifth** weakness was security centralization. The Constitution placed the right to raise and maintain military, naval, and air forces exclusively in the Union Parliament. It prohibited any other military or semi-military organization, except police forces maintained by a unit for public order duties (Constituent Assembly of Burma, 1948). This meant that ethnic states had no real security autonomy. In a country

where mistrust between the centre and the ethnic areas was already high, the lack of meaningful security guarantees became a serious problem.

The **sixth** weakness was fiscal dependence. Although some revenue sources were assigned to states, all other revenues belonged to the Union. The Union could provide grants to units, but this meant that state finances depended heavily on Union decisions (Constituent Assembly of Burma, 1948). State budgets were also subject to conditions imposed by the Union and incorporated into the Union budget (Constituent Assembly of Burma, 1948). This weakened fiscal self-rule.

The **seventh** weakness was that State Councils were not fully independent state legislatures. They were composed of Union-level members of Parliament representing the state. For example, the Shan State Council was made up of all members of Parliament representing Shan State, and the Kachin State Council was similarly composed (Constituent Assembly of Burma, 1948). This tied state institutions closely to the Union Parliament and limited separate state-level political development.

The **eighth** weakness was the method of appointing state heads. The Head of Shan State was a Union minister appointed by the President on the nomination of the Prime Minister, in consultation with the Shan State Council (Constituent Assembly of Burma, 1948). This was not the same as a state leader directly chosen by the state's own people or legislature. It left the state executive linked to the Union government.

These structural weaknesses created a gap between the promise of Panglong and the reality of the 1947 Constitution. The Constitution recognized diversity, but it did not create a fully equal federal Union.

4.3 Why the 1947 Settlement Did Not Prevent Civil War

The 1947 settlement did not prevent civil war because it failed to resolve the core political disagreement over the Union. It provided some autonomy, but not enough equality. It recognized some ethnic territories, but not all claims. It created state institutions, but kept major power in the Union centre.

One major reason was the different understanding of the state between ethnic nationalities and Bamar political leaders. Bertrand, Pelletier, and Thawngmung (2018) argue that since independence, ethnic minorities and the Bamar majority developed fundamentally different views of the Myanmar state. Ethnic nationalities advocated federalism, while Bamar leaders in control of the state emphasized unity over accommodation of diversity. This difference was already present in the 1947 settlement.

Another reason was that the Constitution did not satisfy the expectation of equal-state federalism. The strongest evidence is the Shan Federal Proposal of 1961. The proposal stated that equal rights and opportunities among the states and nationalities were not adequately prescribed in the 1947 Constitution. It therefore called for revision according to the principles of a truly federal constitution (Shan State Steering Committee, 1961).

The Shan Proposal's demands directly identified the weaknesses of the 1947 settlement. It called for the establishment of a Burmese State, equal powers for both chambers of Parliament, equal state representation in the Chamber of Nationalities, limited Union powers, transfer of all other powers to states, and equitable Union revenue distribution (Shan State Steering Committee, 1961). These demands show that ethnic federalists saw the 1947 Constitution as incomplete and unequal.

The absence of a Burmese State was especially important. Ethnic leaders believed that, without a Burmese State, Burma Proper controlled the Union centre. This meant that the Bamar-majority area did not stand as one state among equal states. Instead, it dominated the centre. This structure made national equality difficult to achieve.

The Constitution also failed to resolve the Karen question fully. The Karen State was not created immediately. It was made conditional on a future process, and until then there was only Kaw-thu-lay as a special region (Constituent Assembly of Burma, 1948). This left a major ethnic claim unsettled at independence.

The Chin arrangement was also limited. The Constitution created a Special Division of the Chins, but not a Chin State. Although it created a Chin Affairs Council and a Minister for Chin Affairs, the

arrangement remained subject to Union powers (Constituent Assembly of Burma, 1948). This was not full statehood or full self-rule.

The Kachin arrangement also contained limits. Although Kachin State was recognized, the Constitution specifically stated that the right of secession chapter did not apply to Kachin State (Constituent Assembly of Burma, 1948). This created unequal treatment among the states.

Security was another major problem. The Constitution centralized control of armed forces in the Union Parliament and prohibited other military or semi-military forces, except limited police forces for public order (Constituent Assembly of Burma, 1948). In a postwar environment where mistrust was already strong and many ethnic communities feared central domination, this structure did not create enough confidence.

The Constitution also did not create strong local control over land, resources, and development. The Union Legislative List included planning, land tenure regulation, industrial development under Union control, and many major finance powers (Constituent Assembly of Burma, 1948). This meant that economic self-determination was limited.

These problems were not only legal. They were political. Many ethnic communities expected the Union to be a compact among equal peoples. But the 1947 Constitution created a system where the Union centre remained stronger than the states, and where the Bamar-majority heartland was not separated from the central government. This made the state appear unequal.

Later documents also recognized this failure. The Federal Democracy Charter Part I states that the 1947, 1974, and 2008 constitutions failed to fully deliver the promises of democracy, national equality, and self-determination contained in the Panglong Agreement. It links this failure to more than 70 years of civil war and dictatorship (NUCC, 2021/2022).

Saffin and Willis (2014) make a similar argument. They state that, since the Panglong Agreement, efforts to create a lasting constitutional system through the 1947, 1974, and 2008 constitutions failed because of structural weaknesses, especially the imbalance of power between military government and ethnic minority groups.

Therefore, the 1947 settlement did not prevent civil war because it did not create a fully legitimate federal compact. It recognized some ethnic rights, but it did not solve the deeper problem of equal ownership of the Union.

4.4 Assessment

The 1947 Constitution should be assessed as an incomplete federal settlement. It was not purely unitary. It contained important federal elements: constituent units, a Chamber of Nationalities, State Councils, some state legislative powers, some state revenues, special arrangements for Karen and Chin affairs, and a conditional right of secession for states.

At the same time, it was not a genuine federal Union. The most important weakness was that Burma Proper was not created as an equal constituent state. This meant that the Union centre and the Bamar-majority heartland were structurally connected. For ethnic nationalities, this created the feeling that the Union was not a partnership among equal states, but a central state with some special ethnic arrangements.

The Constitution also gave wide powers to the Union. Defence, external affairs, communications, major finance matters, planning, land tenure, criminal law, civil law, and many other important areas were under Union authority. State powers existed, but they were limited and subject to Union override, especially during emergencies. Security was fully centralized. Fiscal power was also mainly controlled by the Union.

The 1947 Constitution therefore partly constitutionalized Panglong, but did not complete it. It recognized diversity but did not institutionalize equality deeply enough. It recognized autonomy but kept the structure central-heavy. It created states but not an equal-state Union. It promised rights but did not provide enough guarantees to prevent mistrust.

This is why the Shan Federal Proposal later became so important. It was not a rejection of the Union. It was an attempt to repair the incomplete federal settlement. Its demand for a Burmese State, equal state representation, limited Union powers, state control over remaining powers, and equitable revenue distribution directly addressed the weaknesses of the 1947 Constitution.

The final assessment is that the 1947 Constitution was a historic but unfinished compromise. It was closer to federalism than the later 1974 and 2008 constitutions, but it did not fully satisfy the Panglong promise. It created the legal form of the Union, but not the full political trust needed to hold the Union together peacefully.

In one sentence: **the 1947 Constitution gave Myanmar a partial federal structure, but because it failed to create an equal coming-together Union, it left the federal dream unfinished and helped produce the structural grievances that fed civil war.**

CHAPTER 5: THE SHAN FEDERAL PROPOSAL AND THE FIRST MAJOR FEDERAL CORRECTION

5.1 Ethnic Dissatisfaction with the 1947 Constitution

The Shan Federal Proposal of 1961 was the first major constitutional attempt to correct the incomplete federal settlement created by the 1947 Constitution. It was not simply a Shan political demand. It was a broader attempt to repair the Union by making it more genuinely federal, more equal, and more consistent with the spirit of Panglong.

As discussed in the previous chapter, the 1947 Constitution contained some federal elements. It recognized Shan State, Kachin State, and Karenni State as constituent units of the Union. It also stated that sovereignty resided in the people and that legislative, executive, and judicial powers could be exercised by Union organs or by constituent units established under the Constitution (Constituent Assembly of Burma, 1948). However, the structure remained incomplete. The Constitution did not create a Burmese or Bamar State as one equal constituent unit. Instead, all powers over the remaining territories of the Union were exercisable only by Union organs.

This created a serious imbalance. Ethnic states existed as constitutional units, but Burma Proper was not placed on the same level as Shan, Kachin, or Karenni. Instead, the Bamar-majority heartland was closely connected to the Union government. From the viewpoint of many ethnic leaders, this meant that the Union centre was not neutral. It could appear as the government of Burma Proper and the Union government at the same time.

The Shan Federal Proposal clearly identified this problem. It stated that the existing Constitution did not adequately prescribe equal rights and opportunities between the various states and nationalities. The Shan State Steering Committee therefore decided that the Constitution should be revised according to the principles of a truly federal constitution (Shan State Steering Committee, 1961).

This language is important. The proposal did not say that the Union should be destroyed. It said that the Union should be revised to ensure equality. In other words, the Shan Federal Proposal was a federal correction, not a secessionist rejection of the Union.

The proposal was also politically significant because it was not written by one individual alone. It was ratified by a convention attended by delegates from the entire Shan State, held in Taunggyi on 25 February 1961 (Shan State Steering Committee, 1961). This gave the proposal a strong political mandate from Shan representatives.

The dissatisfaction behind the proposal was not only legal. It was also historical and political. Ethnic nationalities had joined the independence process with expectations of equality, self-determination, and internal autonomy. The Panglong Agreement had accepted full autonomy in internal administration for the Frontier Areas in principle (Panglong Agreement, 1947). However, the 1947 Constitution did not fully transform that promise into an equal federal structure.

The problem was therefore structural. The Union had a federal name, some federal features, and some ethnic state arrangements, but the centre remained too strong. The state system was not based on equal constituent units. This was the main reason why Shan leaders and other ethnic federalists wanted constitutional reform.

5.2 Core Principles of the Shan Federal Proposal

The Shan Federal Proposal contained five core principles. Together, these principles aimed to transform the Union of Burma from an unequal and centre-heavy system into a genuine federal Union.

The **first principle** was the **establishment of a Burmese State**. This was the most important correction. The proposal argued that Burma Proper should become a state like the other states. This would separate the Bamar-majority territory from the Union centre. It would also make the Union a federation of equal states rather than a central government ruling over ethnic states.

This idea directly addressed the main weakness of the 1947 Constitution. Under the 1947 arrangement, the ethnic states were constitutionally visible, but Burma Proper was not formed as an equal state. The

Shan Proposal tried to correct this by placing the Burmese/Bamar area on the same federal level as the other states.

The **second principle** was the **assignment of equal powers to both chambers of the Union Parliament**. The 1947 Constitution had a Chamber of Deputies and a Chamber of Nationalities, but the Shan Proposal wanted both chambers to have equal power. This was important because the Chamber of Deputies was based more on population, while the Chamber of Nationalities was supposed to represent states and nationalities. Equal powers between the two chambers would protect smaller nationalities from being dominated by population-based majoritarian politics.

The **third principle** was **equal state representation in the Chamber of Nationalities**. The proposal stated that each state should be represented by an equal number of representatives in the Chamber of Nationalities (Shan State Steering Committee, 1961). This was a major federal principle. It meant that the upper house should represent the equality of states, not only the size of populations.

This was different from the 1947 arrangement. Under the 1947 Constitution, representation in the Chamber of Nationalities was unequal. Of the 125 seats, Shan State had 25, Kachin State 12, the Special Division of the Chins eight, Karenni State three, Karens 24, and the remaining territories 53 (Constituent Assembly of Burma, 1948). The Shan Proposal tried to make this structure more clearly federal by giving each state equal representation.

The **fourth principle** was **limited Union power and transfer of all other powers to the states**. The proposal stated that only certain departments should belong to the Central Union: foreign affairs, Union defence, Union finance, coinage and currency, posts and telegraphs, railways, airways and waterways, Union judiciary, and sea customs duty. All other powers, rights, and entitlements should be transferred to the states (Shan State Steering Committee, 1961).

This was a very important shift. The 1947 Constitution gave broad powers to the Union. The Union Legislative List included defence, external affairs, communications, major finance powers, criminal law, civil law, planning, land tenure regulation, and industrial development under Union control (Constituent Assembly of Burma, 1948). The Shan Proposal wanted to reverse this central-heavy design. It proposed a limited Union government and stronger state powers.

The **fifth principle** was **equitable distribution of Union revenue**. The proposal stated that Union revenue should be distributed equitably (Shan State Steering Committee, 1961). This was a fiscal federalism demand. Ethnic states wanted not only political autonomy but also fair access to resources and revenue. This was especially important for Shan State because the proposal also noted the economic potential of Shan State, including agriculture, minerals, and the Bawdwin mines in Namtu (Shan State Steering Committee, 1961).

These five principles show that the Shan Federal Proposal was a serious federal constitutional design. It addressed the major weaknesses of the 1947 Constitution: the absence of a Burmese State, unequal representation, strong central powers, weak state autonomy, and unfair fiscal arrangements.

The proposal's logic was simple: if the Union was to survive peacefully, it had to be rebuilt on equality. It could not remain a system where the Bamar-majority centre held most power while ethnic states received limited autonomy.

5.3 Coming-Together Logic

The Shan Federal Proposal is important because it expressed a **coming-together** model of federalism. It did not imagine the Union as a central state giving limited autonomy to ethnic areas. It imagined the Union as a partnership among equal states.

The creation of a Burmese State was central to this model. If Burma Proper became a state, then the Union would no longer be a structure where the Bamar-majority area controlled the centre while ethnic states stood outside as special units. Instead, all states would stand on the same federal level. The Union centre would become a shared government of all states, not the political extension of one majority area.

This idea was closely linked to the Panglong promise. Panglong was based on the idea that different political communities would gain independence together. The Frontier Areas did not enter independence as ordinary administrative districts. They entered with expectations of autonomy and equality. The Shan Federal Proposal tried to make this promise more institutionally complete.

The proposal's demand for equal representation in the Chamber of Nationalities also reflected coming-together logic. In a federal Union, the lower house usually represents the people, while the upper house represents the states. If the upper house is dominated by population, smaller states can be politically weakened. By demanding equal representation of each state in the Chamber of Nationalities, the Shan Proposal tried to protect the equality of constituent units.

The proposal's division of powers also reflected this logic. It left only common Union matters to the centre and transferred all other powers to the states. This meant that the Union would handle shared interests, while the states would exercise self-rule in their own affairs. This is one of the clearest expressions of federalism: shared rule at the Union level and self-rule at the state level.

The proposal also tried to correct fiscal imbalance. Equal political status is weak if states cannot control resources or receive fair revenue. By demanding equitable revenue distribution, the Shan Proposal recognized that federalism must include economic justice.

In this sense, the Shan Federal Proposal was not only a constitutional document. **It was also a peacebuilding proposal.** It aimed to reduce distrust by changing the structure of the Union. It recognized that civil war and ethnic dissatisfaction could not be solved only by military means or by appeals to national unity. They required a new constitutional bargain.

This is why the Shan Proposal remains important today. Many later federal documents repeated the same concerns: equality, self-determination, state powers, fiscal federalism, and a Union formed by consent. For example, later ethnic resistance federal principles also placed sovereignty, equality, self-determination, and federal principles at the centre of future constitutional design. The Eight Basic Federal Principles stated that sovereign power must come from the people, that every ethnic nationality must enjoy equality, and that every ethnic nationality must have full self-determination in political, economic, social, and cultural sectors.

This shows a clear historical continuity. The Shan Federal Proposal was the first major correction of the 1947 Constitution. Later ethnic federal documents developed the same logic further. The current Federal Democracy Charter and bottom-up federalism approach can also be understood as part of this long effort to complete the federal correction that the Shan leaders proposed in 1961.

5.4 The 1962 Coup as Anti-Federal Rupture

The 1962 coup was a turning point in Myanmar's federal history. It stopped the federal reform process and **changed federalism from a constitutional debate into a military-defined security threat.**

The Shan Federal Proposal and the 1961 Taunggyi discussions created strong pressure for constitutional reform. One study notes that leaders attending the 1961 Taunggyi conference demanded genuine federalism and a federal Union composed of ethnic states and self-determination. Because these demands were strong, Prime Minister U Nu initiated a "Federal Seminar" with political leaders and legal experts from both the Burmese majority and ethnic minorities to discuss federalism and minority problems in detail (Zaw, 2018).

This means that, before the coup, federalism was being discussed through political and constitutional means. Ethnic leaders were not simply fighting. They were proposing constitutional reform. The Federal Seminar was meant to create a negotiated solution to the federal question.

However, the seminar was stopped before it could properly begin. The military, led by General Ne Win, seized power on 2 March 1962 under the Revolutionary Council. Ethnic participants in the Federal Seminar and elected cabinet members were arrested. Parliament disappeared from the political stage, the Constitution was suspended, and discussion on federal issues and ethnic minority rights was stopped (Zaw, 2018).

This was an anti-federal rupture. It did not only remove an elected government. It also ended a constitutional process that could have corrected the weaknesses of the 1947 settlement. Federalism was no longer treated as a legitimate constitutional question. It was treated as a danger to national unity.

After 1962, the military built a centralized state under the Burmese Way to Socialism. Federalism, autonomy, and administrative independence were removed from the government structure. Ethnic language, culture, and rights were also suppressed through state control and censorship (Zaw, 2018).

The military's approach was based on a different idea of unity. Ethnic federalists believed that unity required equality and self-determination. The military believed that unity required central control. This difference shaped Myanmar's politics for decades.

The coup also changed the future of the peace process. After the coup, the military invited armed groups to surrender or give up weapons, but this did not address the federal question. Later peace efforts under military rule often focused on ceasefire, control, or disarmament, not political settlement. Lwin Cho Latt and Marlar Aung (2019) note that after Ne Win seized power, the Revolutionary Council called on major armed groups to give up their weapons, but talks failed because of disagreement over secession and Union power. The government then moved toward one-party rule under the Burma Socialist Programme Party.

The 1974 Constitution later reflected this anti-federal shift. It included the Burmese Way to Socialism and placed the Tatmadaw and the Burma Socialist Programme Party at the centre of state-building. Some ethnic groups opposed the 1974 Constitution because they felt their rights and aspirations for democratic principles and federalism had been removed (Lwin Cho Latt & Marlar Aung, 2019).

The 1962 coup therefore had three major effects. First, it ended the constitutional discussion on federalism. Second, it criminalized or securitized ethnic demands for autonomy. Third, it pushed many ethnic movements further into armed struggle because peaceful constitutional reform was blocked.

This is why the coup should be understood not only as a military takeover, but as a rupture in Myanmar's federal development. Before the coup, ethnic leaders were trying to correct the Union through constitutional negotiation. After the coup, the military imposed a centralized state and removed federalism from the legal political agenda.

The Shan Federal Proposal therefore occupies a central place in Myanmar's federal history. It was the first major attempt to correct the 1947 Constitution through a genuine federal model. It proposed equal states, equal representation, limited Union powers, state control over residual powers, and equitable revenue distribution. These principles remain relevant because they addressed the same issues that later peace processes continued to face.

The tragedy is that the proposal was never allowed to develop into a negotiated settlement. The 1962 coup stopped the process and began decades of military centralism. In this sense, Myanmar's civil war cannot be understood only as ethnic rebellion. It must also be understood as the result of a blocked federal correction.

The main lesson of this chapter is clear: **the Shan Federal Proposal tried to complete the Panglong promise by rebuilding the Union as a genuine federation of equal states, but the 1962 coup turned this constitutional correction into an anti-federal military rupture.**

CHAPTER 6: MILITARY STATE-BUILDING AGAINST FEDERALISM

6.1 Tatmadaw Worldview

The Tatmadaw's role in Myanmar politics cannot be understood only as military rule. It should be understood as a long project of state-building from above. Since it first came to direct political power in 1958, the Tatmadaw has dominated national politics, controlled the state apparatus, and repeatedly reinvented itself in order to protect its institutional power (Huang, 2012).

The Tatmadaw's worldview is based on several linked ideas: national unity, sovereignty, territorial integrity, political order, and military guardianship. From this viewpoint, the military is not simply one institution under the state. It sees itself as the defender of the state, the guardian of the Union, and the final protector against disintegration.

This mindset is important for understanding why the Tatmadaw has resisted federalism. Ethnic nationalities have often understood federalism as the political solution to civil war. They have demanded equality, self-determination, state constitutions, resource sharing, and meaningful self-rule. The Tatmadaw, however, has often treated these demands as dangers to national unity. Its security logic has framed federalism not as peacebuilding, but as possible secession or state collapse.

Andrew Selth's study of Myanmar's military mindset is useful here. He argues that one of the strongest features of the Tatmadaw leadership is the need to feel in command and to control the armed forces, government, economy, society, and the whole country. He also notes that the military hierarchy has long feared what it calls "chaos" (Selth, 2021). This helps explain why **the Tatmadaw prefers centralized authority over negotiated federal power-sharing.**

The Tatmadaw's "three national causes" also reveal its core belief system: non-disintegration of the Union, non-disintegration of national solidarity, and perpetuation of sovereignty. Selth argues that these are not only propaganda slogans; they reflect deeply held beliefs and shared commitments within the military, derived from Myanmar's troubled history and the Tatmadaw's perceived leadership role (Selth, 2021).

This worldview created a direct conflict with the federal dream. For ethnic leaders, the Union could survive only if it was rebuilt through equality and consent. For the Tatmadaw, the Union could survive only if central authority and military command remained strong. This difference shaped Myanmar's constitutional history after 1962.

The 1962 coup was the decisive turning point. It stopped the Federal Seminar, arrested ethnic participants and elected cabinet members, suspended the Constitution, and ended discussion on federal issues and ethnic minority rights (Zaw, 2018). After that, federalism was no longer treated as a legitimate constitutional reform agenda. It was treated as a threat to national unity and state survival.

6.2 The 1974 Constitution: Socialist Centralism

The 1974 Constitution was the Tatmadaw's first major constitutional project after the 1962 coup. It did not continue the federal correction proposed by the Shan Federal Proposal. Instead, it replaced federal debate with socialist centralism and one-party rule.

The Constitution's preamble justified the military takeover and the new political order. It stated that, because of the defects of the old Constitution and the ill-effects of parliamentary democracy, the Revolutionary Council assumed responsibility as a historical mission, adopted the Burmese Way to Socialism, and formed the Burma Socialist Programme Party (Government of the Union of Burma, 1974). The preamble also stated that the people should faithfully follow the leadership of the Burma Socialist Programme Party and build a socialist economic system through the Burmese Way to Socialism.

The Constitution made one-party rule explicit. Article 11 stated that the state would adopt a single-party system, that the Burma Socialist Programme Party was the sole political party, and that it would lead the state (Government of the Union of Burma, 1974). This was the opposite of federal democracy. It did

not allow ethnic parties, state parties, or local democratic institutions to develop as independent political forces.

The Constitution also centralized sovereignty. Article 1 described Burma as a sovereign independent socialist state of the working people, and Article 4 stated that national sovereignty resided in the entire state (Government of the Union of Burma, 1974). This differed from a federal compact in which sovereignty is shared between the Union and constituent states. In the 1974 model, sovereignty was unified in the socialist state.

The state structure also showed centralism. Article 28 stated that “local autonomy under central leadership” was the system of the state. Article 29 organized local areas from villages and wards up to townships, states or divisions, and finally the state itself (Government of the Union of Burma, 1974). This language gave the appearance of local autonomy, but only under central leadership. It did not recognize states as equal constitutional partners with their own original authority.

The 1974 Constitution did create ethnic-named states, including Karen State, Chin State, and Mon State. However, this did not mean genuine federalism. These states were administrative units within a centralized socialist state. They did not have their own constitutions, residual powers, independent fiscal authority, or control over security. The Constitution therefore recognized ethnic names but not ethnic self-determination.

The impact on ethnic rights was severe. Zaw (2018) argues that under the socialist system, federalism, autonomy, and administrative independence were removed from the government structure. Ethnic education, language, culture, and publications were also restricted by state control and censorship.

This was not only constitutional centralism. It was also cultural centralism. The state tried to build unity through a single-party system, socialist ideology, and centralized administration. Ethnic diversity was not treated as the basis for a federal Union. It was treated as something to be managed under the control of the central state.

The result was the opposite of peacebuilding. Instead of resolving the federal question, the 1974 Constitution suppressed it. Instead of building trust with ethnic nationalities, it removed the legal space for self-determination. Instead of fulfilling the Panglong promise, it replaced federal politics with socialist state control.

6.3 The 2008 Constitution: Military-Controlled Quasi-Federalism

The 2008 Constitution was different from the 1974 Constitution. It did not create a one-party socialist state. It created elections, legislatures, regions, states, self-administered areas, and a multi-party system. However, it did so within a military-designed framework. For this reason, the 2008 Constitution can be described as **military-controlled quasi-federalism**.

On paper, the 2008 Constitution contains some federal-looking features. It states that the existing seven divisions are designated as seven regions, and the existing seven states are designated as seven states, with regions and states having equal status (Republic of the Union of Myanmar, 2008). It also provides for Region Hluttaws and State Hluttaws and says that legislative power is shared among the Pyidaungsu Hluttaw, Region Hluttaws, and State Hluttaws.

The Constitution also created self-administered zones and a self-administered division. For example, it delineated Naga, Danu, Pa-O, Pa Laung/Ta’ang, Wa, Kokang and other self-administered areas (Republic of the Union of Myanmar, 2008). These provisions created some local administrative recognition for certain national races.

However, these federal-looking features were controlled by strong central and military mechanisms. **First**, the Constitution explicitly gave the Defence Services a national political leadership role. One of the basic principles of the Union is “enabling the Defence Services to be able to participate in the National political leadership role of the State” (Republic of the Union of Myanmar, 2008). This is not compatible with democratic federalism, where the military should be under civilian authority.

Second, the Constitution prohibits secession absolutely. It states that no part of the Union, including regions, states, Union territories, and self-administered areas, shall ever secede from the Union (Republic of the Union of Myanmar, 2008). This was a major change from the 1947 Constitution, which had included a conditional right of secession for some states. The 2008 Constitution therefore removed the compact logic of the earlier Union and replaced it with permanent territorial control.

Third, the Defence Services are constitutionally inserted into the legislature. The Pyithu Hluttaw has up to 440 representatives, including up to 110 military representatives nominated by the Commander-in-Chief (Republic of the Union of Myanmar, 2008). The Amyotha Hluttaw has 224 representatives, including 56 military representatives nominated by the Commander-in-Chief (Republic of the Union of Myanmar, 2008). Region and State Hluttaws also include Defence Services personnel nominated by the Commander-in-Chief, equal to one-third of the elected representatives (Republic of the Union of Myanmar, 2008).

This military presence changes the nature of the constitutional system. It means that the military is not outside politics. It is built into the political system.

Fourth, the military has a constitutional veto over amendment. The 2008 Constitution requires approval of more than 75 percent of all Pyidaungsu Hluttaw representatives for major amendments. Some amendments also require a national referendum (Republic of the Union of Myanmar, 2008). Because the military holds 25 percent of seats, it can block constitutional reform. Huang (2012) also notes that the 2008 Constitution deliberately institutionalized the Tatmadaw's dominant role through 25 percent reserved seats and the National Defence and Security Council, which gives special powers to the military during national emergencies.

Fifth, the military controls key security ministries. The President must obtain a list of suitable Defence Services personnel nominated by the Commander-in-Chief for the Ministries of Defence, Home Affairs, and Border Affairs (Republic of the Union of Myanmar, 2008). This gives the Tatmadaw institutional control over defence, internal security, police administration, border affairs, and much of the state's coercive machinery.

Sixth, the Constitution gives the Defence Services a special autonomous status. It states that the Defence Services are the sole patriotic defence force, that they have the right to independently administer and adjudicate all affairs of the armed forces, and that the Commander-in-Chief is the Supreme Commander of all armed forces (Republic of the Union of Myanmar, 2008). It also states that all armed forces in the Union are under the command of the Defence Services, and that the Defence Services shall lead in safeguarding the Union against internal and external dangers (Republic of the Union of Myanmar, 2008).

This is a direct obstacle to federal peacebuilding. Ethnic armed organizations have long demanded security reform, federal security arrangements, and political guarantees before disarmament. The 2008 Constitution instead places all armed power under the Tatmadaw.

Seventh, the National Defence and Security Council gives the military an emergency gateway to sovereign power. The Council includes the Commander-in-Chief, Deputy Commander-in-Chief, Minister for Defence, Minister for Home Affairs, and Minister for Border Affairs, among others (Republic of the Union of Myanmar, 2008). In a national emergency involving threats to the Union, national solidarity, or sovereignty, legislative, executive, and judicial powers can be transferred to the Commander-in-Chief (Republic of the Union of Myanmar, 2008).

These provisions show that the 2008 Constitution did not create a democratic federal Union. It created a controlled system where elected institutions existed, but the military retained decisive power over security, constitutional amendment, internal administration, and emergency rule.

Huang (2012) argues that the reforms after 2011 should not be understood simply as a military exit from politics. Instead, the Tatmadaw's ceding of direct dominance was an evolving strategy to consolidate its organizational power and institutionalize its influence over government without directly administering the state. This interpretation fits the 2008 Constitution well. The military stepped back from direct rule, but kept the constitutional tools to control the political system.

6.4 Assessment

The 1974 and 2008 constitutions were different in form, but similar in purpose. Both blocked genuine federalism.

The 1974 Constitution blocked federalism through socialist centralism. It created a one-party state under the Burma Socialist Programme Party. It placed local autonomy under central leadership. It recognized some ethnic states, but only as administrative units. It removed the political space for ethnic self-determination, state constitutions, fiscal federalism, and security autonomy.

The 2008 Constitution blocked federalism through military-controlled quasi-federalism. It created regions, states, legislatures, and self-administered areas, but placed them under a constitutional structure dominated by the Tatmadaw. The military received reserved seats, control over key ministries, control over all armed forces, a veto over constitutional amendment, and emergency powers through the Commander-in-Chief and the National Defence and Security Council.

The key difference is that the 1974 system centralized power through one-party socialism, while the 2008 system preserved military power inside a partly electoral system. But both systems rejected the core federal demand: a Union based on equality, self-determination, state authority, and shared consent.

This is why military state-building did not produce peace. It treated federalism as a danger rather than as a solution. It treated ethnic armed struggle mainly as a security problem, not as a constitutional problem. It tried to control ethnic areas through military authority, party rule, administrative hierarchy, ceasefires without political settlement, and later constitutional veto.

The result was the continuation of civil war. Lwin Cho Latt and Marlar Aung (2019) argue that conflict over power-sharing has produced long-running civil war, and that ethnic armed conflicts will continue as long as the federal issue remains constitutionally unresolved. They also argue that only genuine political, social, and economic autonomy can allow the parties to pursue real federalism (Lwin Cho Latt & Marlar Aung, 2019).

This chapter therefore shows that the Tatmadaw's constitutional projects were not neutral state-building efforts. They were political projects designed to preserve centralized authority and military guardianship. The 1974 Constitution removed federalism from constitutional politics. The 2008 Constitution allowed limited decentralization but kept the military as the final authority.

In the wider history of Myanmar's federal dream, military state-building was the main force that blocked the coming-together model. Instead of building the Union through consent among equal peoples and states, the Tatmadaw built the state through command, control, and constitutional protection of its own role.

The main conclusion of this chapter is clear: **Myanmar's military constitutions did not solve the conflict because they were designed against the federal logic of Panglong. They protected unity through central control, while ethnic nationalities demanded unity through equality and self-determination.**

CHAPTER 7: RESISTANCE FEDERALISM AND THE PRESERVATION OF THE FEDERAL DREAM

7.1 Ethnic Resistance as Constitutional Resistance

After the 1962 military coup, federalism was pushed out of the official constitutional space. The Tatmadaw stopped the federal debate, suspended the 1947 Constitution, and later built centralized constitutional systems through the 1974 and 2008 constitutions. However, the federal dream did not disappear. It survived in the political programs, agreements, and constitutional drafts of ethnic resistance organizations, exile democratic groups, and allied political movements.

This chapter understands ethnic resistance not only as armed resistance, but also as **constitutional resistance**. Ethnic armed organizations and their political allies did not fight only for territory or military survival. They also tried to preserve the idea that Myanmar must be rebuilt as a genuine federal Union. Their documents repeatedly linked three goals: ending military dictatorship, restoring democracy, and establishing a federal Union based on equality and self-determination.

The 1992 Manerplaw Agreement clearly shows this logic. It stated that Burma was a country belonging to all indigenous nationalities and that the country could stand united and stable only when a true federal structure was established according to the desires and aspirations of all indigenous nationalities (Manerplaw Agreement, 1992). The agreement also stated that military dictatorship had deprived ethnic nationalities of their rights, destroyed national unity, and kept civil war alive. It therefore called for the establishment of a true federal Union where equality, self-determination, democracy, and basic human rights would be guaranteed.

This is important because the agreement did not treat federalism as a narrow ethnic demand. It treated federalism as the necessary structure for peace, democracy, and Union stability. The signatories included the National Coalition Government of the Union of Burma (NCGUB), the National League for Democracy–Liberated Area (NLD-LA), the Democratic Alliance of Burma (DAB), and the National Democratic Front (NDF). They agreed to convene a genuine national convention after the end of military dictatorship and to draft a true federal Union constitution according to the wishes of indigenous nationalities and all peoples (Manerplaw Agreement, 1992).

The Manerplaw Agreement also recognized that no nationality should have special privileges and that no nationality or minority should face restrictions on basic rights. It called for a Federal Union where indigenous nationalities would enjoy equality, self-determination, democracy, and basic human rights to the fullest extent (Manerplaw Agreement, 1992). This shows that resistance federalism was not only anti-military. It was also a proposal for a new constitutional order.

7.2 1990s Federal Meetings

The 1990s were an important period for preserving and developing Myanmar's federal idea. During this period, federalism was largely blocked inside the country by military rule, but ethnic resistance organizations and democratic groups continued to meet in borderland and exile spaces. These meetings kept alive the idea of a federal democratic Union.

The first major milestone was the **Manerplaw Agreement of 1992**. It brought together democratic and ethnic resistance forces around a common platform: ending military dictatorship, convening a genuine national convention, and drafting a federal Union constitution. It also recognized the right of ethnic nationalities to equality and self-determination. This was a direct continuation of the Panglong promise and the Shan Federal Proposal, but it was now carried forward outside the official state structure.

The second major milestone was the **Mae Tha Raw Hta Agreement of 1997**. This seminar brought together leaders of Arakanese, Chin, Kachin, Karen, Karenni, Mon, Pa-O, Palaung, Lahu, Shan, and Wa ethnic nationalities. They met from 7 to 14 January 1997 at Mae Tha Raw Hta in Kawthoolei and agreed on common political aims after detailed discussion (Mae Tha Raw Hta Agreement, 1997).

The agreement set out four main political goals: to dismantle military dictatorship and establish peace, to practice a democratic political system, to achieve equality and self-determination for every nationality, and to establish a federal Union (Mae Tha Raw Hta Agreement, 1997). It also rejected the

SLORC National Convention, arguing that it was designed to perpetuate military dictatorship and would not bring rights for ethnic nationalities.

Mae Tha Raw Hta also supported tripartite dialogue. It stated that dialogue should include three forces: ethnic nationalities, the pro-democracy forces led by Daw Aung San Suu Kyi, and the military regime (Mae Tha Raw Hta Agreement, 1997). This was a peacebuilding proposal. It recognized that Myanmar's conflict could not be solved only by the government and the military, or only by ethnic armed organizations. A real settlement required the participation of ethnic, democratic, and military actors.

Most importantly, the Mae Tha Raw Hta Agreement declared that the participants unanimously agreed to establish a genuine federal Union composed of national states with full rights of national equality and self-determination (Mae Tha Raw Hta Agreement, 1997). This confirmed the federal line that ethnic resistance actors had developed since Manerplaw.

The third major milestone was the **Thoo Mweh Klo Agreement of 1998**. This agreement was adopted at the Seminar on National Solidarity, held from 12 to 14 December 1998 at Thoo Mweh Klo in Kawthoolei. Twenty-three organizations participated. The agreement recognized the 1947 Panglong Agreement, the 1990 Bo Aung Kyaw Street Declaration, the 1992 Manerplaw Agreement, and the 1997 Mae Tha Raw Hta Agreement as historic agreements representing the fundamental interests of ethnic nationalities and the people (Thoo Mweh Klo Agreement, 1998).

The Thoo Mweh Klo Agreement framed Myanmar's conflict as a conflict between military dictatorship and the oppressed peoples of all nationalities. It stated that the domination of the SLORC/SPDC military dictatorship had caused a lack of democratic rights and the loss of nationality rights. It therefore declared that abolishing military dictatorship was the principal common task of the country (Thoo Mweh Klo Agreement, 1998).

The agreement also rejected the SPDC National Convention, promoted a multi-party democratic system, and called for a genuine federal Union composed of national states with national equality and full self-determination (Thoo Mweh Klo Agreement, 1998).

These 1990s meetings were significant because they created continuity. They connected Panglong, the Shan Federal Proposal, democratic resistance after 1988, and ethnic armed resistance into one federal political line. They also clarified that peace meant more than ceasefire. Peace meant ending dictatorship and building a federal democratic Union.

7.3 FCDCC and Alternative Constitutional Drafting

The 1990s federal meetings did not remain only political declarations. They later developed into more systematic constitutional drafting. This was important because it moved resistance federalism from slogans and agreements into institutional design.

A major step was the **Seminar on Basic Principles for the Federal Constitution**, held from 9 to 12 February 2005. The seminar was attended by 106 elected people's representatives, leaders from political organizations, women's organizations, youth organizations, and civil society institutions from the Union of Burma. Delegates unanimously endorsed basic principles for a future federal constitution (Seminar on Basic Principles for the Federal Constitution, 2005).

The eight basic principles were very important. They stated that sovereign power must derive from the people; every nationality must enjoy equal political and ethnic rights; every nationality must fully enjoy self-determination in political, economic, social, and cultural affairs; and the Union must be established with states that fully enjoy self-determination. The principles also required a bicameral Union Assembly, minority rights, democracy, human rights, gender equality, a secular state, and a multi-party democratic system (Seminar on Basic Principles for the Federal Constitution, 2005).

The seminar also included issues that would later become central to Myanmar's federal peacebuilding debate. It stated that the Union Defence Services must be subordinate to civilian authority. It also recognized the need for conditions to establish new states, environmental protection, and special measures to promote the welfare of women and children (Seminar on Basic Principles for the Federal Constitution, 2005).

Most importantly, the seminar resolved to continue the federal constitution drafting process based on the agreed principles. It assigned organizations such as the NCUB, NDF, UNLD-LA, KNPP, SDU, WLB, and youth organizations to carry out the task. It also resolved to establish a Constitutional Drafting Coordination Committee and an Advisory Committee of experts to support the drafting process (Seminar on Basic Principles for the Federal Constitution, 2005).

This process later contributed to the **Federal Constitution Drafting and Coordinating Committee (FCDCC) second draft**. The FCDCC draft was significant because it was an alternative constitutional project developed outside the military's 2008 constitutional process. One later analysis describes the FCDCC Federal Constitution Second Draft as a 2008 document drafted by ethnic resistance organizations and the NCGUB, proposing an inclusive and institutionalized federal system with clear power-sharing, judicial independence, and fiscal federalism (Position Paper on Bottom-Up Federalism, 2025).

The importance of the FCDCC was not only its text. Its importance was also the process behind it. It represented more than fifteen years of consensus-building among ethnic resistance organizations, exile democratic actors, women's organizations, youth groups, and legal experts. It showed that resistance actors were not simply rejecting the military constitution. They were proposing a different constitutional future.

In this sense, the FCDCC draft functioned as a counter-constitution to the military's 2008 Constitution. The military process was top-down and designed to preserve Tatmadaw power. The FCDCC process was bottom-up and designed to build a federal Union through equality, self-determination, democracy, civilian supremacy, and minority protection.

7.4 Significance

Resistance federalism is significant for four main reasons.

First, it **preserved the federal dream during military rule**. After 1962, official constitutional politics rejected federalism. The 1974 Constitution removed federalism from state structure. The 2008 Constitution created a military-controlled quasi-federal system. During these periods, ethnic resistance organizations and their allies kept the federal idea alive. They preserved the meaning of Panglong when the military state tried to define unity through central control.

Second, resistance federalism **developed federalism from a demand into a constitutional program**. The Manerplaw Agreement demanded a true federal Union. Mae Tha Raw Hta clarified political aims: democracy, equality, self-determination, and federalism. Thoo Mweh Klo connected different historic agreements and declared a genuine federal Union as the common goal. The 2005 Eight Basic Federal Principles then transformed these goals into a constitutional framework. The FCDCC draft developed them further into a full alternative constitutional design.

Third, resistance federalism **linked federalism and peacebuilding**. These documents did not separate peace from constitutional change. They argued that peace required the end of military dictatorship, democratic rights, national equality, self-determination, and federal Union-building. In other words, resistance actors did not define peace as surrender or ceasefire. They defined peace as political settlement.

Fourth, resistance federalism **prepared the ground for later federal convergence**. The Federal Democracy Charter Part I did not emerge from nowhere. Many of its principles were already present in earlier resistance federal documents. The FDC states that the constituting states and the people in those states are the original sources of sovereignty, that member states retain equality and self-determination, that states have the right to draft and ratify their own constitutions, that power-sharing, revenue-sharing, and fiscal federalism must be practiced, and that security forces must be under democratically elected civilian government (NUCC, 2021/2022).

The FDC also states that only powers necessary for the common interests of all constituting states should be vested in the Union, while residual powers should belong to the constituting states. It further provides for a bicameral federal legislature, an independent constitutional court, and the supremacy of

the federal constitution (NUCC, 2021/2022). These ideas are strongly connected to the long resistance federal tradition.

However, resistance federalism also had limits. Much of it remained in borderland and exile spaces. It did not control the central state. It was not accepted by the Tatmadaw. It also did not always gain deep support among Bamar-majority democratic actors inside the country before 2021. Because of these limits, resistance federalism preserved the dream, but could not yet build the Union.

Even so, its historical role is very important. Without Manerplaw, Mae Tha Raw Hta, Thoo Mweh Klo, the Eight Basic Federal Principles, and the FCDCC draft, the Federal Democracy Charter would not have had the same depth. These documents kept the constitutional memory of Panglong alive. They also provided the language, principles, and institutional ideas that later became central to the post-2021 federal democratic movement.

The main conclusion of this chapter is clear: **resistance federalism preserved Myanmar's federal dream when the military state rejected it. It transformed ethnic armed resistance into constitutional resistance, and it kept alive the idea that durable peace requires a genuine federal Union based on equality, self-determination, democracy, and civilian control.**

CHAPTER 8: THE NCA, 21ST CENTURY PANGLONG, AND THE LIMITS OF CEASEFIRE-FIRST PEACEBUILDING

8.1 Thein Sein Peace Initiative

The peace process that began under President Thein Sein after 2011 was an important turning point in Myanmar's long conflict. For the first time in many years, the government publicly treated ethnic armed conflict as a national political problem that needed negotiation. Thein Sein offered dialogue with armed groups, dropped some key preconditions for talks, including the demand that ethnic armed organizations first become Border Guard Forces, and proposed a national conference to seek political solutions to ethnic divisions (Thein Sein Peace Plan, 2011).

The peace plan had three stages. The first stage was state-level ceasefire, including liaison offices and travel arrangements. The second stage was Union-level confidence-building, political dialogue, and regional development in education, health, and communication. The third stage was an agreement for "eternal peace" in the presence of parliament, nationalities, political parties, and different walks of life (Thein Sein Peace Plan, 2011).

This plan was important because it formally linked ceasefire to political dialogue. Earlier ceasefire arrangements under military rule often focused on stopping fighting without solving the political root causes of conflict. The Thein Sein initiative created more space for dialogue, liaison offices, and public discussion of federalism. Under the USDP government, the peace process produced bilateral ceasefires with several armed groups, the signing of the Nationwide Ceasefire Agreement with eight ethnic armed organizations, and the holding of the Union Peace Conference (Thida Tun, n.d.).

However, the structure of the process also showed its limits from the beginning. It was a **ceasefire-first** model. This meant that armed organizations were expected to enter ceasefire agreements first, and only later move to political dialogue. This sequencing created problems. For the government and Tatmadaw, ceasefire could be seen as a way to stabilize the borderlands and extend state authority. For ethnic armed organizations, ceasefire was useful only if it led to a binding political settlement on federalism, self-determination, security, and resource sharing.

The Thein Sein initiative therefore reopened the federal question, but did not resolve it. It created a formal peace architecture, but the deeper constitutional disagreement remained: would the future Union be built through equal federal consent, or would peace be managed within the 2008 constitutional framework?

8.2 NCA as Breakthrough and Constraint

The Nationwide Ceasefire Agreement was a breakthrough because it brought federalism into official peace language. The NCA principles recognized the aim of establishing a Union based on democracy and federalism in the spirit of Panglong, guaranteeing democratic rights, national equality, and self-determination. It also described the ceasefire as a first step toward ending armed conflict and building a new political culture in which political conflicts would be solved through dialogue rather than arms (Nationwide Ceasefire Agreement, 2015).

The NCA was also significant because it was signed in 2015 by the government, the Tatmadaw, and eight ethnic armed organizations. Later, three more EAOs signed, and the agreement became the formal basis for the Union Peace Conference and the 21st Century Panglong process (Arraiza & Davies, 2020). Bertrand, Pelletier, and Thawngmung describe the 2015 nationwide ceasefire as a landmark achievement after more than sixty years of civil war, although it did not eliminate civil war or guarantee a smooth path to political settlement (Bertrand et al., 2018).

At the same time, the NCA was also a constraint. It divided ethnic armed organizations into signatories and non-signatories. Those who signed could participate more formally in the peace process. Those who did not sign were often kept outside the main decision-making structure or included only in limited ways. This created a legitimacy problem because the conflict was nationwide, but the "nationwide" agreement was not signed by all major armed actors.

The NCA also remained tied to the 2008 constitutional order. It recognized federalism, but it did not directly transform the Constitution. The most difficult federal questions were postponed: state constitutions, residual powers, fiscal federalism, land and natural resources, security-sector reform, and the future of ethnic armed organizations.

Some peacebuilding research also shows that the NCA was interpreted differently by different actors. Panyakom and Waters argue that the NCA was perceived by some parties as a military strategic tactic for reinforcing state-building by militaries, including the Tatmadaw and ethnic armed groups, rather than as genuine nation-state building from below (Panyakom & Waters, 2018). This interpretation is important because it shows that the same agreement carried different meanings. For some, it was a step toward federalism. For others, it was a way to manage armed actors within the existing state.

The NCA process also could not resolve the security question. EAOs continued to raise the need for a federal security arrangement or a federal army. The Tatmadaw, however, treated itself as the Union army and insisted that all armed forces must be under its command. Lwin Cho Latt and Marlar Aung note that the formation of a federal army remained a major contentious issue, and that the Tatmadaw consistently resisted the idea because it considered itself the Union army (Lwin Cho Latt & Marlar Aung, 2019).

The NCA was therefore both a door and a wall. It opened the door to official federal discussion, but it also created a process that could not easily move beyond ceasefire management and the 2008 Constitution.

8.3 Framework for Political Dialogue

The Framework for Political Dialogue was designed to turn the NCA into a political process. It created procedures for national dialogues, Union-level dialogue, and the Union Peace Conference. This was important because the NCA itself was not the final settlement. It needed a dialogue framework to move from ceasefire to political agreement.

National dialogues were described as a core part of Myanmar's peace process. They were intended to allow people to have a say in peace solutions. They were guaranteed under the NCA and detailed in the Framework for Political Dialogue (Joint Peace Fund, 2018). These dialogues aimed to create channels for ordinary citizens, civil society organizations, EAOs, technical experts, and other stakeholders to address issues that had to be resolved in the peace process at regional, state, and ethnic levels.

The Framework also allowed different types of national dialogues. These included ethnic-based dialogues, region-based dialogues, and issue-based dialogues. Ethnic-based dialogues focused on issues facing particular ethnic communities. Region-based dialogues focused on local and regional issues. Issue-based dialogues, often led by civil society, focused on specific questions such as land and natural resources (Joint Peace Fund, 2018).

This structure had peacebuilding value. It recognized that peace could not be made only by top leaders. Local communities, ethnic organizations, women's groups, youth groups, researchers, and technical experts also had knowledge and interests that should feed into political dialogue. In principle, this could have helped connect ceasefire negotiations to public participation and federal design.

However, the process remained controlled from above. Outcomes from national dialogues had to pass through the Union Peace Dialogue Joint Committee and then to the Union Peace Conference. A State Counsellor Office report noted that the national-level dialogue outcomes would be discussed at the UPDJC, and the final outcomes would then be brought to the Union Peace Conference (State Counsellor Office, 2016). This meant that local voices were filtered through formal structures before becoming part of the Union Accord.

The Framework also remained inside the NCA structure. A 2016 coordination meeting focused on how to amend the Framework for Political Dialogue "within the framework of the Nationwide Ceasefire Agreement" to suit the coming Panglong conference, including discussions on inviting non-signatories (State Counsellor Office, 2016). This shows both the strength and weakness of the process. It tried to become more inclusive, but it still treated the NCA as the main gate.

Therefore, the Framework for Political Dialogue was an important procedural achievement, but it did not solve the political problem. It created dialogue channels, but it did not guarantee that dialogue outcomes would become binding constitutional change.

8.4 21st Century Panglong and Union Accord Part I

The 21st Century Panglong Conference was the NLD government's main peace initiative. It carried strong symbolic meaning because it used the name "Panglong," linking the modern peace process to the 1947 founding compact. However, the 21st Century Panglong was different from the original Panglong.

Paul Keenan noted before the first conference that the 21st Century Panglong was expected to be all-inclusive among EAOs if certain conditions were met, but it would exclude civil society actors and political parties that did not win seats in the 2015 elections. He also noted that Aung San Suu Kyi said the conference would run together with the NCA and would not replace it (Keenan, 2016).

Keenan also made an important comparison between the two Panglongs. The 1947 Panglong was a meeting among equal, separate, and distinct political entities—British Burma, the Federated Shan States, Kachin Hills, and Chin Hills—to cooperate in forming a new nation and seeking independence. By contrast, the 21st Century Panglong was a central-government-led proposal to end internal conflict, more like a state-to-non-state armed organization conference (Keenan, 2016).

This difference is central to the federalism question. The original Panglong had a coming-together logic. The 21st Century Panglong had a peace-process logic. It invited ethnic armed organizations into a state-led dialogue process, but it did not begin from equal constituent statehood.

The first session of the 21st Century Panglong in 2016 was mostly a platform for speeches and policy papers. EAO and EAO representatives submitted papers on the CNF position, KNU/KNU-KNLA-PC/DKBA positions, SNLD views, ABSDF peace and security, and political/security issues from other participants (Union Peace Conference, 2016). The first session therefore opened space for federal, political, and security ideas, but it did not produce a binding federal settlement.

Union Accord Part I came from the second session of the 21st Century Panglong in May 2017. It approved 37 agreements as part of the Pyidaungsu Accord. The Accord stated that the conference aimed to build the Union in harmony with the Panglong spirit, based on democracy and federalism, and guaranteeing democracy, national equality, and self-determination (Union Peace Conference, 2017). It also stated that the 37 agreements included 12 political-sector principles, 11 economic-sector principles, four social-sector principles, and 10 land and natural environment principles.

Union Accord Part I was a major symbolic achievement. It placed federalism, equality, and self-determination into the official peace agreement language. It also expanded the peace agenda beyond ceasefire to include economy, society, land, and natural environment.

However, the content was still incomplete. The most important federal questions remained unresolved. State constitutions were not guaranteed. Residual powers were not settled. Security-sector reform did not move forward. Fiscal federalism and resource control were not clearly established. Therefore, Union Accord Part I recognized the federal direction, but did not yet create a binding federal structure.

8.5 Union Accord Part II and III

Union Accord Part II was signed after the third session of the 21st Century Panglong in July 2018. It contained 14 points. The Accord stated that the conference aimed to establish a Union based on democracy and a federal system that assured democracy, national equality, and self-determination rights (Union Peace Conference, 2018). The 14 points included four political-sector principles, one economic-sector principle, seven social-sector principles, and two land and environment principles.

Part II continued the same federal language as Part I. It showed that the peace process had reached a general consensus that Myanmar should move toward a democratic federal Union. It also added more attention to social and land/environment issues. This was important because ethnic conflict is not only about political power. It is also about land, resources, education, culture, development, and local governance.

However, Part II also showed the slow pace of progress. Only 14 points were agreed after another major conference. The difficult political and security issues remained blocked. Federal language expanded, but federal institutions were still not created.

Union Accord Part III was signed at the fourth session of the 21st Century Panglong in August 2020. Aung San Suu Kyi stated that Part III would be signed in three parts. In the same speech, she said that a genuine Democratic Federal Union would require power-sharing, resource-sharing, tax-revenue sharing, equal status of federal units, and state constitutions that could guarantee self-determination. However, she also acknowledged that the right of states to formulate their own state constitutions could not be incorporated into the agreement and had to be left for further discussion (Aung San Suu Kyi, 2020).

This was one of the clearest signs of the limits of the NCA process. The NLD leadership could publicly support state constitutions and self-determination, but the process could not reach agreement on them. The disagreement over “state basic law” and “state constitution” was not only a wording problem. It reflected deeper mistrust over self-rule, sovereignty, and secession.

A later parliamentary report explained that Union Accord Part III included three main parts: 15 points on the NCA implementation framework, post-2020 step-by-step arrangements, and five guiding principles for building a Union based on democracy and federalism. It also stated that the Accord was approved at the fourth session of the 21st Century Panglong and signed by group leaders and witnesses (Union Parliament, 2020). The Union Parliament later approved and recorded Union Accord Part III without objection.

Union Accord Part III therefore tried to preserve the peace-process roadmap beyond the 2020 election. But it still did not solve the core federal problem. It maintained the process, but it did not complete the settlement. The 2021 military coup then destroyed the political pathway that Part III was meant to protect.

8.6 Assessment

The NCA and 21st Century Panglong process made an important contribution to Myanmar’s federal debate. It moved federalism from opposition language into official peace language. It created formal political dialogue. It produced Union Accord Parts I, II, and III. It allowed national dialogues and public consultations. It placed democracy, federalism, national equality, and self-determination at the centre of the peace agenda.

However, the process failed to produce a binding federal settlement **because it remained a ceasefire-first process within a military-shaped constitutional framework**. It treated ceasefire as the entry point to politics, but did not create strong enough guarantees that political dialogue would lead to real federal transformation.

The process had five major limitations.

- ❖ First, it was not fully inclusive. The NCA created a division between signatories and non-signatories. Some major armed organizations were outside the formal process. Civil society and non-parliamentary parties were also limited in some parts of the process. This weakened legitimacy.
- ❖ Second, the process did not solve the constitutional problem. Lwin Cho Latt and Marlar Aung argue that ethnic armed conflicts will continue as long as the federal issue remains constitutionally unresolved, and that only genuine political, social, and economic autonomy can support real federalism (Lwin Cho Latt & Marlar Aung, 2019).
- ❖ Third, the process failed to settle state constitutions and self-rule. EAOs argued that states should have the right to draft their own constitutions, but the 2008 Constitution did not provide this (Lwin Cho Latt & Marlar Aung, 2019). During the 21st Century Panglong process, the issue of state constitutions remained unresolved and was left for later discussion.
- ❖ Fourth, the process failed to solve the security question. EAOs wanted federal security arrangements, while the Tatmadaw insisted that all armed forces must be under its command.

This made civilian control, federal army design, and security-sector reform almost impossible within the existing framework.

- ❖ Fifth, implementation remained weak at the local level. Arraiza and Davies note that ceasefire arrangements failed to make significant progress on practical issues such as civil documents, land, return of refugees, displaced persons, and conflict-affected communities. They also identify an implementation gap between promoting a peace process and creating local conditions that support peace (Arraiza & Davies, 2020).

These weaknesses show the limits of ceasefire-first peacebuilding. Ceasefires are necessary, but they are not enough. In Myanmar, the main conflict is not only about stopping gunfire. It is about the structure of the Union, the distribution of power, the status of ethnic nationalities, control over resources, and the role of the military.

The interim-arrangements literature points to a different direction. South and colleagues argue that interim arrangements could help build “federalism from below” by supporting local governance, self-determination, and EAO service systems as building blocks of federalism (South et al., 2018). They also argue that locally owned and trusted service delivery and governance regimes can contribute to federalism from below while broader constitutional reform remains an important goal.

This is the key lesson of the NCA and 21st Century Panglong period. The process recognized federalism but could not institutionalize it. It created dialogue but not constituent power. It produced accords but not a new federal compact. It accepted the language of Panglong, but did not fully return to the coming-together logic of Panglong.

Therefore, the NCA process should be understood as a partial breakthrough. It made federalism discussable and official. But it was also a constrained process because it remained tied to ceasefire sequencing, the 2008 Constitution, Tatmadaw control, and unresolved questions of sovereignty and self-determination.

The main conclusion of this chapter is clear: **the NCA and 21st Century Panglong process brought federalism into official peacebuilding, but it could not transform Myanmar’s state structure. It showed that peace cannot be built by ceasefire alone. Durable peace requires a binding federal settlement based on equality, self-determination, state constitutions, civilian control, resource sharing, and genuine participation from all peoples and federal units of the Union.**

CHAPTER 9: FEDERAL DEMOCRACY CHARTER PART I AS THE NEAR-REALIZATION OF THE FEDERAL DREAM

9.1 FDC Part I as Historical Diagnosis

The Federal Democracy Charter Part I is one of the most important federal documents in Myanmar's modern political history. It was declared on 31 March 2021 and later ratified by the First People's Assembly held from 27 to 29 January 2022 (National Unity Consultative Council [NUCC], 2021/2022). Its importance is not only that it rejects the 2008 Constitution. Its deeper importance is that it gives a historical diagnosis of Myanmar's conflict.

The Charter directly connects Myanmar's long civil war with the failure to fulfil the Panglong promise. It states that ethnic nationalities historically existed as separate and independent entities, sought independence together, and built the Federal Democratic Union together. However, it also states that the 1947, 1974, and 2008 constitutions failed to fully deliver the Panglong promises of democracy, national equality, and self-determination. As a result, the country suffered more than 70 years of civil war, military dictatorship, one-party dictatorship, and repeated military coups (NUCC, 2021/2022).

This diagnosis is very important. It does not treat Myanmar's conflict as only an ethnic rebellion, a security problem, or a development problem. It treats the conflict as the result of an unfinished federal settlement. In this view, civil war continued because the Union was never built on the full basis of equality, self-determination, and shared consent.

The Charter also places itself in a long constitutional history. It recognizes that the 1947 Constitution partly carried the Panglong promise, but failed to complete it. It identifies the 1974 Constitution as a military-drafted one-party dictatorship project and the 2008 Constitution as a military-imposed constitutional order adopted without the consent of the people. In this way, FDC Part I becomes a response to three failed constitutional models: partial federalism in 1947, socialist centralism in 1974, and military-controlled quasi-federalism in 2008.

This historical diagnosis is one reason why the Charter can be seen as the near-realization of Myanmar's federal dream. It does not simply say that Myanmar needs democracy. It says that democracy must be built together with national equality, self-determination, and a federal Union. This connects the Spring Revolution directly to the older Panglong and ethnic federal struggles.

9.2 FDC Goals

FDC Part I sets out four main goals. These are: to eradicate dictatorship; to completely abrogate the 2008 Constitution; to build the Federal Democratic Union; and to develop a people's civilian government. These goals show that the Charter is not only a reform document. It is a refoundation document.

The first goal, ending dictatorship, responds to the long history of military domination. Since 1962, the Tatmadaw repeatedly blocked federal reform and used state power to preserve central control. The 2021 coup confirmed again that the military would not accept a democratic federal transformation through the 2008 Constitution. Therefore, the Charter treats the end of dictatorship as the first condition for federal peace.

The second goal, abolishing the 2008 Constitution, is also central. The 2008 Constitution created regions and states, but it also gave the military a special political role, reserved seats, control over security ministries, command over armed forces, and a veto over constitutional amendment. Because of this, many democratic and ethnic actors concluded that genuine federalism could not be built through the 2008 framework. FDC Part I therefore makes constitutional rupture necessary.

The third goal, building the Federal Democratic Union, is the heart of the Charter. It brings together democracy and federalism. This is important because Myanmar's political movements have sometimes separated the two: Bamar democratic actors often focused first on democracy, while ethnic nationalities emphasized federalism and self-determination. FDC Part I tries to combine these struggles into one project.

The fourth goal, developing a people's civilian government, links federalism with civilian rule. The Charter does not imagine a federal Union protected by military guardianship. It imagines a Union governed by civilian democratic authority. This point is essential for peacebuilding because the military's claim to be the guardian of the Union has been one of the main obstacles to federal reform.

9.3 Federal Principles

The Charter's federal principles are the strongest evidence that FDC Part I transforms federalism from aspiration into agreed constitutional principles.

First, the Charter relocates sovereignty. It states that the constituting states of the Union and the people in those states are the original sources of sovereignty (NUCC, 2021/2022). This is a major shift from previous constitutions. In the 1974 and 2008 models, sovereignty was concentrated in the central state and protected by military authority. In the FDC model, sovereignty begins from the people and the states.

Second, the Charter states that the Federal Democratic Union is constituted with member states that retain full rights of equality and self-determination, and that all federal units are politically equal (NUCC, 2021/2022). This directly answers the long-standing ethnic demand for national equality. It also responds to the weakness of the 1947 Constitution, where Burma Proper was not established as an equal state.

Third, the Charter recognizes the right of states to draft and ratify their own constitutions (NUCC, 2021/2022). This is one of the clearest signs of genuine federalism. State constitutions are not only symbolic. They allow federal units to define their own institutions, powers, and internal governance arrangements. This was one of the unresolved issues in the NCA and 21st Century Panglong process.

Fourth, the Charter commits to power-sharing, revenue-sharing, fiscal federalism, and subsidiarity. It says that power-sharing should be extended to the government closest to the people (NUCC, 2021/2022). This is important because federalism must be practical. Without fiscal federalism and local authority, self-determination remains only political language.

Fifth, the Charter links federalism to civilian control and human security. It states that all federal security and defence forces must be under the command of a democratically elected civilian government and that the principle of human security must be practiced (NUCC, 2021/2022). This directly challenges the Tatmadaw's old position that all armed forces must be under military command. It also shifts the idea of security from state security to human security.

Sixth, the Charter gives more detailed institutional direction. It states that the Federal Democratic Union must be based on democratic rights, equality, and self-determination; that every constituting state retains separate legislative, executive, and judicial powers; and that sovereignty is divided between the Union and the states. It also states that only powers necessary for the common interests of all constituting states should belong to the Union, while residual powers belong to the states (NUCC, 2021/2022).

Seventh, the Charter proposes a bicameral federal legislature. The Federal Upper House and Federal Lower House are to have equal status. The Upper House is to be formed with an equal number of representatives from the states, while the Lower House is to be based on townships or population (NUCC, 2021/2022). This directly answers the federal problem of balancing population-based democracy with state equality.

Eighth, the Charter proposes federal judicial institutions, including a Federal Union Supreme Court and an independent constitutional court to settle disputes between the Union and states or among states (NUCC, 2021/2022). This is essential for federal stability because disputes between levels of government must be resolved by law, not by military force.

Together, these principles show that FDC Part I is not just a political slogan. It contains the main building blocks of a federal constitution: sovereignty from the people and states, equality of federal units, state constitutions, division of powers, residual powers to states, fiscal federalism, bicameralism, constitutional court, and civilian control of security.

9.4 Why This Is a Coming-Together Model

FDC Part I is best understood as a **coming-together federal model**. This means that the Union is imagined as being built upward from peoples, states, and federal units, not granted downward by a central state.

This is different from the 1947, 1974, and 2008 constitutional models. The 1947 Constitution recognized some ethnic states, but it did not create a fully equal federal Union. The 1974 Constitution created socialist centralism under one-party rule. The 2008 Constitution created regions and states, but within a military-controlled structure. In all these models, the centre remained stronger than the states.

FDC Part I reverses this logic. It states that the member states and people in those states are the original owners of sovereignty, and that the sovereignty of the Federal Democratic Union is divided between the Union and the constituting states (NUCC, 2021/2022). This means that the Union does not own all power first and then delegate some power to the states. Instead, the Union receives only the powers necessary for common interests, while the states retain other powers.

This model is close to the old federal correction demanded by the Shan Federal Proposal. In 1961, the Shan Proposal called for a Burmese State, equal powers for both chambers of Parliament, equal state representation in the Chamber of Nationalities, limited Union powers, transfer of all other powers to the states, and equitable Union revenue distribution (Shan State Steering Committee, 1961). FDC Part I carries many of these ideas forward in a more developed form.

It also reflects the long tradition of resistance federalism. The Eight Basic Federal Principles of 2005 stated that sovereign power must come from the people, that every ethnic nationality must have equality, and that every ethnic nationality must have self-determination in political, economic, social, and cultural affairs. FDC Part I brings these resistance principles into a broader post-coup federal democratic framework.

The coming-together character of the Charter is also political, not only legal. It emerged after the 2021 coup, when many ethnic minority actors and Bamar democratic forces moved closer to a common federal position. Earlier, federalism was often seen as mainly an ethnic demand. After the coup, federalism became a shared anti-dictatorship and state-building project.

This is why FDC Part I can be described as the near-realization of Myanmar's federal dream. It does not yet create a functioning federal state, but it creates the clearest shared constitutional foundation for one. It brings together Panglong memory, Shan federal reform, resistance federalism, NCA federal language, and post-coup democratic struggle into one federal framework.

9.5 Remaining Challenges

Although FDC Part I is a major breakthrough, the federal dream is not yet fully realized. The Charter provides principles, but many hard questions remain.

- ❖ The **first** challenge is implementation. A charter can declare federal principles, but institutions must still be built. The future federal constitution, state constitutions, electoral system, constitutional court, fiscal system, and security structure still require detailed agreement and practical enforcement.
- ❖ The **second** challenge is defining federal units. FDC Part I says all federal units are politically equal, but Myanmar still needs agreement on the number, boundaries, status, and internal structures of states and federal units. This is difficult because ethnic identities, territorial claims, mixed populations, and existing administrative boundaries do not always match.
- ❖ The **third** challenge is protecting minorities within minorities. Federalism can protect ethnic nationalities from central domination, but it can also create new risks for smaller groups inside larger states. Costas Laoutides notes that the Federal Democracy Charter faces a tension between self-determination for federal states and collective rights for ethnic groups that may be geographically dispersed (Laoutides, 2022). This issue must be addressed carefully through minority rights, local autonomy, anti-discrimination protections, and inclusive state constitutions.

- ❖ The **fourth** challenge is the security question. The Charter’s commitment to civilian control and human security is strong, but Myanmar still needs a practical model for transforming armed power. This includes the future role of ethnic resistance organizations, people’s defence forces, local security forces, police, and a future federal army. Without a workable security settlement, federalism will remain vulnerable.
- ❖ The **fifth** challenge is fiscal and resource federalism. The Charter supports revenue-sharing and fiscal federalism, but detailed rules are still needed. Myanmar’s conflicts are closely connected to land, jade, timber, hydropower, mining, border trade, taxation, and military-linked business. A future federal system must decide who owns resources, who manages them, how revenue is shared, and how local communities give consent.
- ❖ The **sixth** challenge is inclusion. The Charter must be translated into a process that includes all relevant ethnic nationalities, political forces, women, youth, civil society, displaced communities, refugees, and marginalized groups. The Rohingya question is especially important. A federal democratic Union cannot be fully legitimate if citizenship, protection, and belonging remain unresolved for one of the most persecuted communities in the country.
- ❖ The **seventh** challenge is trust. Many ethnic actors have experienced broken promises since Panglong. The 1947 Constitution did not fully deliver equality. The Shan Federal Proposal was blocked by the 1962 coup. The NCA recognized federalism but did not produce a binding settlement. Therefore, trust will depend not only on words but on implementation.
- ❖ The **eighth** challenge is military resistance. The Tatmadaw has historically viewed strong federalism as a threat to national unity. The 2021 coup showed that the military was prepared to destroy electoral democracy rather than accept political change. Therefore, the Federal Democracy Charter cannot be separated from the wider struggle to end military dictatorship and build civilian rule.
- ❖ The **final** challenge is moving from federal aspiration to federal practice. This is where bottom-up federalism becomes important. FDC Part I provides the constitutional vision, but local governance, ERO administration, state and federal-unit councils, education, health, justice, land governance, and service delivery are needed to make federalism real on the ground.

In conclusion, FDC Part I is the most advanced statement of Myanmar’s federal dream since Panglong. It diagnoses the conflict as the result of failed federal promises. It rejects dictatorship and the 2008 Constitution. It declares a Federal Democratic Union. It recognizes sovereignty from the people and states, equality, self-determination, state constitutions, residual powers, fiscal federalism, and civilian control of security.

However, it is a near-realization, not a full realization. The next task is to turn these principles into institutions, practices, and a legitimate constitutional settlement. In one sentence: **FDC Part I brings Myanmar’s federal dream close to reality by transforming Panglong’s unfinished promise into agreed federal principles, but the dream will be fulfilled only when those principles are implemented through inclusive, civilian, bottom-up federal state-building.**

CHAPTER 10: FDC PART II AND BOTTOM-UP FEDERALISM AS PEACEBUILDING PRACTICE

10.1 FDC Part II as Interim Constitutional Arrangement

Federal Democracy Charter Part I provides the vision of the Federal Democratic Union. Federal Democracy Charter Part II tries to make that vision operational during the revolutionary and interim period. For this reason, Part II is important not only as a political document, but also as an interim constitutional arrangement.

FDC Part II states that the desire of the people, including ethnic nationalities, is to establish a Federal Democratic Union that fully guarantees democracy, equity, and self-determination, based on freedom, justice, and equality (National Unity Consultative Council [NUCC], 2021/2022). It also states that Part I has already set out the values, principles, and political roadmap for building the Union. Part II is therefore validated and ratified in order to realize the goals of Part I and implement the roadmap step by step until the Transitional Constitution comes into force.

This is a major difference from earlier peace processes. The NCA process treated ceasefire as the first step, political dialogue as the second step, and constitutional change as a later outcome. FDC Part II reverses this logic. It treats constitutional and governance arrangements as part of the peacebuilding process itself. In this model, federalism is not postponed until after the war. It is practiced during the interim period through institutions, coordination, administration, and local governance.

The objectives of FDC Part II are clear. It seeks to eliminate all forms of dictatorship, convene a People's Assembly, form the NUCC, enable the CRPH to constitute the Interim National Unity Government in coordination with the NUCC, create the necessary bodies for the federal democracy revolutionary period, and prepare for the transitional period (NUCC, 2021/2022).

This means FDC Part II is not only about opposition to military rule. It is about building alternative legitimacy. It tries to answer the key question after the 2021 coup: if the 2008 Constitution is no longer legitimate, what political and constitutional arrangements can guide the country during the interim period?

The answer given by FDC Part II is collective, federal, and interim. It does not give all authority to one actor. Instead, it creates a structure where elected representatives, political parties, civil society, women's groups, youth and minority groups, CDM groups, strike committees, Ethnic Resistance Organizations, and interim state/federal-unit representatives can participate in building the future Union.

10.2 People's Assembly and NUCC

The People's Assembly is one of the most important institutions in FDC Part II. It is designed as a broad political platform for federal democratic forces. Its purpose is to enable those forces to consult, deliberate, and ratify basic principles, policies, strategies, and transitional arrangements related to political, social, economic, and security issues (NUCC, 2021/2022).

The composition of the People's Assembly is important. It includes elected members of parliament, including the CRPH; political parties; unions; women's groups; civil society organizations; youth and minority groups; CDM groups; strike groups; Ethnic Resistance Organizations; and interim state/federal-unit representative and ethnic-based organizations or councils (NUCC, 2021/2022).

This structure is significant because it recognizes multiple sources of legitimacy. The elected MPs and CRPH bring electoral legitimacy. EROs bring revolutionary, territorial, and ethnic legitimacy. Civil society, women's organizations, youth groups, CDM groups, and strike groups bring popular movement legitimacy. State/federal-unit councils bring sub-state and self-determination legitimacy. The People's Assembly therefore tries to combine the different parts of the anti-dictatorship and federal democratic movement.

The roles of the People's Assembly are also broad. It is to provide guidance in building the Federal Democratic Union, deliberate and ratify basic principles and policies, ratify the Federal Democracy Charter, form the NUCC, approve the NUG, review and ratify NUCC and NUG policies, approve

transitional arrangements, ratify the Transitional Constitution, and approve the Federal Democratic Constitution drafting process (NUCC, 2021/2022).

The NUCC plays a different but connected role. It is designed as the coordination and leadership body between sessions of the People's Assembly. Its objectives are to implement the Federal Democracy Charter and political roadmap, coordinate and give policy guidance based on collective leadership, and unify all forces that share the goals of eliminating military dictatorship and building the Federal Democratic Union (NUCC, 2021/2022).

The NUCC's composition is also broad. It includes elected MPs, political parties, unions, women's groups, civil society organizations, youth and minority actors, CDM groups, strike groups, EROs, and interim state/federal-unit or ethnic representative groups and committees (NUCC, 2021/2022).

This is important for peacebuilding. Earlier peace processes often became elite negotiations among the government, Tatmadaw, and some EAOs. FDC Part II tries to avoid that narrow model. It creates a wider space where political, ethnic, revolutionary, civic, and local actors can participate. The aim is not only to defeat military dictatorship, but to build a new political order that has broader legitimacy.

However, this structure also creates challenges. The NUCC and People's Assembly must manage different kinds of legitimacy, different territorial realities, and different political priorities. Elected representatives, EROs, local councils, civil society, and armed resistance forces do not always have the same interests. Therefore, the success of this model depends on trust, clear decision-making rules, transparency, and practical coordination.

10.3 ERO Governance as Federal State-Building

FDC Part II is important because it recognizes ERO governance as part of interim federal state-building. This is a major shift from the old state-building model. The military state treated ERO administration as illegal or as something to be absorbed into the central state. FDC Part II treats existing ERO governance systems as legitimate interim institutions.

The clearest example is the judiciary. FDC Part II states that judicial systems in territories under existing Ethnic Resistance Organizations shall be deemed legitimate during the interim period. It also states that interim judicial power is vested in civilian courts recognized by the NUG and in judicial systems established by EROs at different levels within their territories (NUCC, 2021/2022).

This is a very important federal principle. It means that the future Union is not being built only from the central level. It is being built from existing local and ethnic governance systems. Courts, customary law, local administration, public services, security, education, health, and land governance are not secondary issues. They are part of the real foundation of federalism.

FDC Part II also states that when disputes arise over judicial matters within states and federal units, the NUCC shall form a judicial coordination joint committee with judicial authority representatives from the states or federal units concerned. It further recognizes customary laws that do not conflict with human rights (NUCC, 2021/2022).

This approach is important because Myanmar's conflict is not only between the central state and armed groups. It is also about which institutions people trust. In many ethnic areas, EROs and their civil society partners have provided education, health, administration, justice, and humanitarian support for decades. Ignoring these systems would weaken peacebuilding. Recognizing and coordinating them can help build a more realistic federal Union.

FDC Part II also recognizes the security role of EROs. It states that when the Interim National Unity Government carries out security and defense arrangements to protect the people of a state, it shall recognize and coordinate with the relevant Ethnic Resistance Organizations based in that state (NUCC, 2021/2022).

This is a practical peacebuilding point. A future federal Union cannot be built if security is monopolized by one central army without trust. At the same time, peace cannot be built through fragmented armed

authority. The challenge is to move from multiple armed systems toward a future federal security structure under civilian democratic control.

10.4 Bottom-Up Federalism

The 2024 bottom-up federalism statement is one of the clearest signs that Myanmar's federal dream is moving from demand to practice. It was issued on 19 September 2024 by ethnic resistance organizations and councils representing states and nationalities. The statement says these actors held multiple rounds of preliminary coordination meetings to build a future Federal Democratic Union, and that nine organizations reached consensus on a work plan to implement bottom-up federalism through strengthened state-level structures.

The statement is important because it begins from the revolutionary and interim period. It says ethnic resistance organizations and councils representing states and nationalities will work together to establish a Federal Democratic Union through a bottom-up federalism approach starting from the revolutionary/interim period.

The principles are very clear. The ultimate owners of sovereignty are the states/federal units and the people within them. The states/federal units are based on equality and self-determination. The division of competencies will be implemented through the principles of sovereignty, solidarity, subsidiarity, and proportionality.

This is a major federal statement. It means that the Union is not imagined as a centre that grants power downward. Instead, the Union is built upward from states, federal units, and peoples. This is the clearest coming-together language since Panglong and the Shan Federal Proposal.

The signatories are also important. They include the Karen National Union, Karenni National Progressive Party, Chin National Front, Karenni State Consultative Council, Pa-O National Federal Council, New Mon State Party–Anti-Military Dictatorship, Mon State Federal Council, Ta'ang Political Consultative Committee, and Women's League of Burma. The inclusion of the Women's League of Burma is significant because federalism is not treated only as an armed or elite ethnic issue. It is also linked to gender inclusion and civil society participation.

A later planning workshop report also noted that recent joint statements by allied organizations, nine ethnic organizations, and the NUG, NUCC, CRPH, NLD, and Chin Brotherhood indicate that key stakeholders have reached growing consensus on bottom-up federalism as a future governance and power-sharing model.

This shows that bottom-up federalism is not only an ethnic minority project. It is becoming a shared revolutionary state-building project. This is one of the most important changes after the 2021 coup. Federalism is no longer only something ethnic actors demand from Bamar-majority governments. It is becoming a common framework for rebuilding the Union.

10.5 Interim Arrangements and Federalism from Below

The idea of bottom-up federalism is closely connected to the earlier peace-process concept of interim arrangements. During the NCA period, interim arrangements referred to governance and service delivery in EAO areas before a final political settlement. However, the NCA process did not fully develop these arrangements.

The interim arrangements research by South and colleagues is important because it shows why local governance matters for federalism. The report argues that interim arrangements could be a key element in building "federalism from below" by supporting local governance through self-determination. It also states that administrative functions and services provided by key EAOs and their civil society partners should be regarded as building blocks of federalism in Myanmar (South et al., 2018).

The same research argues that conflict-sensitive support should not undermine EAO-linked service systems in favour of the government, because those trusted local systems can deliver peace dividends to vulnerable and marginalized communities. This is a key peacebuilding lesson. If aid, development, and governance support strengthen only the central state, they may deepen conflict. If they support trusted local systems while building coordination, they can help create federal legitimacy.

The report also states that contestation over the political legitimacy of the state lies at the heart of Myanmar's armed conflicts. Successful interim arrangements could help renegotiate state-society relations and contribute to federalism from below through locally owned and trusted service delivery and governance systems (South et al., 2018).

This is exactly the point of bottom-up federalism. Peacebuilding is not only about signing agreements at the national level. It is also about whether people experience legitimate governance in their daily lives. Education, health, humanitarian support, land administration, justice, security, taxation, and local decision-making are all part of peacebuilding.

In the post-coup period, this has become even more important. The central state has lost legitimacy in many areas. Communities need protection, services, justice, and administration. EROs, local councils, CDM professionals, civil society groups, women's networks, and local administrations are filling these gaps. This is not only emergency governance. It is the beginning of practical federalism.

10.6 Emergence of Federal Units, Intergovernmental Relations, and Practicing Fiscal Federalism

The emergence of state and federal-unit institutions is one of the most important developments in Myanmar's post-coup federal movement. FDC Part II already provides the legal-political basis for this. It states that, according to the principle of self-determination, the administrative, legislative, and judicial mechanisms of respective states and federal units shall be established as necessary. It also states that legislative, administrative, and judicial matters between the Union and the states/federal units shall be coordinated at the NUCC (NUCC, 2021/2022).

This means federal units are not only future constitutional ideas. They are already becoming interim political actors. They may appear as state consultative councils, interim executive councils, ethnic representative councils, federal-unit committees, township administrations, ERO governance systems, and local service-delivery networks.

The Karenni State Interim Executive Council is one example. Its official website states that the Karenni State Consultative Council was established with objectives including abolition of the 2008 Constitution, eradication of military dictatorship, adoption of a Karenni State constitution, and building a Federal Democratic Union. It also states that the Karenni State Interim Executive Council was formed on 12 June 2023 to carry out interim state executive functions through collective leadership, ensure checks and balances among legislative, executive, and judicial branches, and build practical cooperation among revolutionary forces in Karenni State.

The Karenni IEC also shows how federal-unit governance is becoming practical. Its structure includes departments for home affairs, education, health, humanitarian and rehabilitation, planning, finance and taxation, women and child affairs, justice, trade and investment, agriculture, construction, youth affairs, and defence. Its website also states that state-level departments were established to manage state tax revenues and treasury funds according to KSCC guidelines and policies.

This is very important for fiscal federalism. Fiscal federalism means that different levels of government have defined revenue powers, spending responsibilities, budget authority, and financial accountability. In the Myanmar context, fiscal federalism cannot wait until the final constitution. It is already being practiced in early form when federal units collect taxes, manage treasury funds, finance services, and report to the public.

FDC Part I provides the broader fiscal principle. It states that Union tax and state tax lists are to be established separately; fiscal management and sharing laws between the Union and states are to be stipulated; and an equitable fiscal distribution policy is to be adopted for the development of constituting states (NUCC, 2021/2022). It also states that land and natural resource management and sharing laws must be drafted between the federal Union and states, that the people of each state are the original owners of land and natural resources in that state, and that states have the right to manage exploration, extraction, trading, preservation, and protection of natural resources (NUCC, 2021/2022).

This means future fiscal federalism must include both tax federalism and resource federalism. States and federal units need their own revenue sources. The Union also needs revenue for common functions

such as foreign affairs, national-level coordination, humanitarian response, federal security, and fiscal equalization. The key is to define which revenues belong to the Union, which belong to states/federal units, which are shared, and how poorer or war-affected areas will receive equalization support.

Natural resources are especially sensitive. FDC Part I requires local community consent for extraction and production of natural resources and says direct benefits must go to local development. It also calls for separate taxes and funds to remedy negative impacts on communities and the environment (NUCC, 2021/2022). This is a strong peacebuilding principle because many conflicts in Myanmar are connected to land grabbing, mining, logging, hydropower, and military-linked extraction.

Intergovernmental relations will therefore be essential. FDC Part II gives the NUCC a coordination role between the Union and states/federal units. But in practice, Myanmar will need more detailed mechanisms. These may include a Union–State/Federal Unit Council, fiscal coordination committees, natural-resource sharing commissions, security coordination bodies, judicial coordination bodies, and sectoral working groups for education, health, humanitarian assistance, land, environment, and public finance.

The NUCC already has the authority to form joint coordination committees, commissions, and working groups for sectoral coordination between NUCC member organizations and NUG representatives (NUCC, 2021/2022). This should be expanded into a practical intergovernmental-relations system.

There are five urgent tasks for intergovernmental relations and fiscal federalism.

First, there must be clear division of competencies. The bottom-up federalism statement already says that division of competencies should follow sovereignty, solidarity, subsidiarity, and proportionality. This means decisions should be made as close as possible to the people, while common Union interests should be handled collectively.

Second, there must be coordination between NUG ministries and state/federal-unit institutions. The NUG cannot simply act as a central government over federal units. It must act as an interim Union-level actor that coordinates with state/federal-unit authorities.

Third, there must be revenue coordination. Without coordination, communities may face double taxation by NUG bodies, EROs, PDFs, local administrations, and state/federal-unit councils. A federal finance framework should define legal tax authority, tax rates, collection methods, accountability rules, and dispute-resolution procedures.

Fourth, there must be fiscal transparency. Federal-unit revenue and spending should be reported publicly as much as security conditions allow. The Karenni IEC's public statement that funds are managed systematically with transparency and accountability is a useful example of the direction needed.

Fifth, fiscal federalism must support peace dividends. Revenue should not be used only for security. It must also support education, health, food security, humanitarian relief, land restitution, IDP support, women and child protection, and local development.

The emergence of federal units is therefore not only administrative. It is constitutional practice. When state/federal-unit councils establish departments, manage budgets, coordinate courts, deliver services, and negotiate with Union-level bodies, they are already practicing federalism.

However, there are also risks. Federal-unit formation may create disputes over boundaries, representation, ethnicity, resources, and authority. Some areas are mixed, and many smaller communities may fear domination by larger groups inside federal units. Some federal-unit processes may be more inclusive than others. Some may have stronger armed actors than civilian institutions. Therefore, bottom-up federalism must be combined with democratic participation, minority protection, gender inclusion, financial transparency, and human rights safeguards.

10.7 Peacebuilding Meaning

FDC Part II and bottom-up federalism change the meaning of peacebuilding in Myanmar. Earlier peacebuilding focused heavily on ceasefire, political dialogue, and elite negotiation. Those elements

are still important. But they are not enough. Myanmar's experience shows that ceasefire without federal transformation cannot produce durable peace.

FDC Part II and bottom-up federalism offer a different peacebuilding logic. Peace is not only the absence of fighting. Peace means building legitimate institutions that can replace military rule, protect communities, recognize ethnic self-determination, coordinate federal units, and deliver services.

This approach has five major peacebuilding meanings.

First, it connects peace with legitimacy. The People's Assembly and NUCC try to combine electoral legitimacy, revolutionary legitimacy, ethnic legitimacy, civil society legitimacy, and local federal-unit legitimacy. This is necessary because no single actor can claim full authority to build the future Union alone.

Second, it connects peace with self-determination. FDC Part II allows states and federal units to establish administrative, legislative, and judicial mechanisms as necessary. This gives practical meaning to the self-determination promised in FDC Part I.

Third, it connects peace with local governance. Interim arrangements and ERO governance systems are not only temporary wartime arrangements. They are building blocks of federalism. Local courts, schools, clinics, land systems, police, and administrations can become the basis of a future federal order.

Fourth, it connects peace with fiscal justice. Fiscal federalism is necessary because political autonomy without money is weak. States and federal units need revenue to serve their people. At the same time, fiscal sharing and equalization are necessary to prevent resource-rich areas from becoming wealthy while poorer or war-affected areas remain neglected.

Fifth, it connects peace with transformation of security. FDC Part II recognizes the need to coordinate with EROs in security and defence arrangements. This is a step toward a future federal security model. Myanmar cannot build peace if all security remains centralized under a military that has repeatedly seized power. But it also cannot build peace if armed authority remains permanently fragmented. A federal democratic security settlement is therefore essential.

The main conclusion of this chapter is that FDC Part II and bottom-up federalism turn the federal dream into interim practice. FDC Part I declares the Federal Democratic Union. FDC Part II creates the interim architecture. Bottom-up federalism gives practical direction by strengthening states, federal units, ERO governance, local administrations, and community-based institutions.

In one sentence: **FDC Part II and bottom-up federalism transform Myanmar's peacebuilding from ceasefire-first negotiation into federal state-building from below.**

CHAPTER 11: MILITARY RESISTANCE TO FEDERALISM AND THE PEOPLE'S FEDERAL WILL

11.1 Tatmadaw's Anti-Federal Mindset

The Tatmadaw's resistance to federalism is one of the main reasons why Myanmar's federal dream has remained unfulfilled. Since the 1962 coup, the military has repeatedly treated federalism not as a peacebuilding solution, but as a threat to national unity, sovereignty, and territorial integrity. This mindset has shaped its constitutional projects, its peace negotiation position, and its actions toward ethnic armed organizations and democratic forces.

The Tatmadaw's worldview is built around the idea that it is the guardian of the Union. It presents itself as the institution responsible for protecting the state from disintegration. Andrew Selth explains that the Tatmadaw's "three national causes"—non-disintegration of the Union, non-disintegration of national solidarity, and perpetuation of sovereignty—are not only slogans, but deeply held beliefs within the military leadership (Selth, 2021).

This mindset creates a direct conflict with ethnic federal demands. For ethnic nationalities, federalism means equality, self-determination, autonomy, and peaceful coexistence. For the Tatmadaw, strong federalism has often been seen as a path toward separation. This is why it repeatedly demands commitments to non-secession before accepting serious discussion of self-rule.

This suspicion appeared clearly in the NCA and 21st Century Panglong period. Lwin Cho Latt and Marlar Aung note that EAOs continued to seek equality, self-determination, and the right to draft their own state constitutions, but the government and Tatmadaw viewed self-rule as a possible path to future secession. They therefore asked EAOs to give political guarantees of non-secession before receiving promises of a democratic federal system (Lwin Cho Latt & Marlar Aung, 2019).

The same mindset shaped the security debate. EAOs proposed a federal army or state-based security arrangements, while the Tatmadaw insisted that it was the Union army and that all armed forces must remain under its command. Lwin Cho Latt and Marlar Aung record that the Tatmadaw consistently resisted the idea of a separate federal army because it considered itself the sole Union army and believed all armed forces must be under Tatmadaw command (Lwin Cho Latt & Marlar Aung, 2019).

This shows that the disagreement is not only about constitutional language. It is about the source of political authority. Ethnic federal actors believe the Union should be built through consent among equal peoples and states. The Tatmadaw believes the Union must be protected through centralized command. Therefore, the military has repeatedly resisted any federal model that would reduce its control over sovereignty, security, territory, or constitutional change.

The result has been a long cycle of failed peacebuilding. The Tatmadaw has accepted ceasefires, controlled dialogue, and limited decentralization, but it has not accepted federalism as a real transfer of power. It has treated peace as order, disarmament, and acceptance of the state; ethnic actors have treated peace as political settlement, equality, and self-determination. This difference remains at the centre of Myanmar's conflict.

11.2 Military Constitutions Versus Popular Federalism

Myanmar's constitutional history shows two competing models. The first is the military model of state-building. This model protects unity through central command, military guardianship, and constitutional control. The second is the popular federal democratic model. This model protects unity through equality, consent, self-determination, civilian rule, and shared ownership of the Union.

Table 1: Military Model vs. Federal Democratic Model

| Military model | Federal democratic model |
|--|--|
| Unity through central command | Unity through equality and consent |
| Security through Tatmadaw guardianship | Security through civilian control and human security |
| Regions/states as administrative units | States/federal units as constitutional partners |
| 2008 Constitution as gatekeeper | FDC as federal refoundation |
| Peace as ceasefire/disarmament | Peace as political settlement and self-determination |

The 1974 Constitution expressed the first model through socialist centralism. It justified the Revolutionary Council's seizure of responsibility, the Burmese Way to Socialism, and the formation of the Burma Socialist Programme Party (Government of the Union of Burma, 1974). It also required people to follow the leadership of the Burma Socialist Programme Party and build a socialist economic system under that leadership. In practice, this constitution removed the federal debate and replaced it with one-party state control.

The 2008 Constitution expressed the military model in a different form. It created elections, regions, states, and legislatures, but it preserved the military's constitutional role. The structure of the 2008 Constitution itself shows this design: it contains separate chapters on the Defence Services, state of emergency, and constitutional amendment (Republic of the Union of Myanmar, 2008).

The 2008 Constitution also made non-secession absolute. It states that no part of the Union, including regions, states, Union territories, and self-administered areas, shall ever secede from the Union (Republic of the Union of Myanmar, 2008). On one level, this appears to protect territorial unity. But in the military model, non-secession became a tool to restrict genuine self-determination. Ethnic actors were asked to prove loyalty to the Union before receiving meaningful federal powers.

The 2008 Constitution also gave the Tatmadaw a built-in political role. It provided military representation in the Pyithu Hluttaw, Amyotha Hluttaw, and Region/State Hluttaws through Defence Services personnel nominated by the Commander-in-Chief. It also required more than 75 percent approval for major constitutional amendments, which gave the military an effective veto because it held 25 percent of parliamentary seats.

Security powers were also protected. The President had to appoint the Ministers of Defence, Home Affairs, and Border Affairs from Defence Services personnel nominated by the Commander-in-Chief (Republic of the Union of Myanmar, 2008). The Constitution also stated that all armed forces in the Union are under the command of the Defence Services and that the Defence Services lead in safeguarding the Union against internal and external dangers.

This is why the 2008 Constitution cannot be considered a genuine federal constitution. It gives regions and states some administrative space, but not equal constitutional partnership. It creates elected bodies, but the military remains above them in key areas. It allows political dialogue, but constitutional change is blocked by military veto. It permits peace talks, but security remains under Tatmadaw command.

The popular federal democratic model is different. It is represented most clearly in the Federal Democracy Charter. FDC Part I states that Myanmar's earlier constitutions—the 1947, 1974, and 2008 constitutions—failed to fully deliver the Panglong promises of democracy, national equality, and self-determination, leading to more than 70 years of civil war and dictatorship (NUCC, 2021/2022). This is a direct rejection of military constitutionalism.

FDC Part I then offers a different foundation. It states that the constituting states and the people in those states are the original sources of sovereignty; that the Federal Democratic Union is formed with member states that retain equality and self-determination; that all federal units are politically equal; and that states have the right to draft and ratify their own constitutions (NUCC, 2021/2022). It also commits to power-sharing, revenue-sharing, fiscal federalism, subsidiarity, and civilian control of all federal security and defence forces.

This is the opposite of the military model. In the federal democratic model, unity is not produced by command. It is produced by consent. Security is not controlled by military guardianship. It is placed under democratic civilian authority. States and federal units are not only administrative units. They are constitutional partners. Peace is not only ceasefire. It is political settlement based on equality and self-determination.

11.3 The 2021 Coup as Final Rupture

The 2021 coup was a final rupture in Myanmar's constitutional and peacebuilding process. Before the coup, some actors still hoped that federal reform could be pursued through the 2008 constitutional

framework, the NCA process, and the 21st Century Panglong mechanism. These hopes were already weak because the Tatmadaw held constitutional veto power. But the coup destroyed them almost completely.

The coup showed that the Tatmadaw would not accept democratic change if that change threatened its power. Even under the 2008 Constitution, where the military already had reserved seats, control over key ministries, and an amendment veto, the Tatmadaw still seized power. This proved that the 2008 constitutional pathway could not guarantee democratic federal transition.

The FDC directly responds to this rupture. It states that the 2008 Constitution was adopted without the consent of the people and that the military staged an attempted coup on 1 February 2021 by abusing the powers given under that Constitution (NUCC, 2021/2022). The Charter's goals therefore include ending dictatorship, completely abolishing the 2008 Constitution, building a Federal Democratic Union, and establishing a people's civilian government.

This was a turning point. Before 2021, many debates focused on amending the 2008 Constitution. After the coup, many democratic and ethnic actors moved toward abrogating it. The problem was no longer only that the 2008 Constitution was insufficiently federal. The problem was that it had become the legal and political framework through which the military protected and restored its power.

The coup also changed the relationship between Bamar democratic actors and ethnic federal actors. Before 2021, federalism was often treated by many Bamar-majority democratic forces as an important but secondary question. Democracy was often prioritized first, while federalism was left for later negotiation. Ethnic nationalities repeatedly warned that democracy without federalism would not solve the civil war.

After the coup, this separation became harder to maintain. The military's attack on elected institutions, civilians, protesters, CDM workers, and local communities created a wider understanding that the problem was not only authoritarian rule. It was also the military-controlled state structure itself. Many Bamar democratic actors came to see that the struggle against dictatorship required federal refoundation.

This is why the post-coup federal compact is different from the NCA process. The NCA kept peacebuilding inside the 2008 constitutional framework. The FDC rejects that framework. The NCA began with ceasefire. The FDC begins with federal democratic refoundation. The NCA treated federalism as a future outcome of political dialogue. The FDC treats federalism as the foundation of the future Union.

The 2021 coup therefore did not create Myanmar's federal dream. That dream began at Panglong and continued through the Shan Federal Proposal, resistance federalism, and the NCA peace process. But the coup changed the political balance. It made clear that federalism could not be achieved through military-managed constitutional reform. It pushed democratic and ethnic forces toward a new federal compact outside the 2008 order.

11.4 Federalism as the Will of the People

After the 2021 coup, federalism became more clearly the will of the people. This does not mean that every group agrees on every detail. There are still disagreements over federal units, boundaries, security, resources, state constitutions, and minority protection. But the broad political direction has changed. Federalism is no longer only an ethnic minority demand. It has become a shared democratic demand of the anti-dictatorship movement.

FDC Part II shows this shift. Its preamble states that the strong desire of the people, including ethnic nationalities, is for a Federal Democratic Union that fully guarantees democracy, equity, and self-determination and is based on freedom, justice, and equality (NUCC, 2021/2022). This is important because the people's will is framed as both democratic and federal. Democracy alone is not enough. Federalism alone is not enough. The two must be built together.

The People's Assembly and NUCC also show this new convergence. The People's Assembly includes elected MPs including the CRPH, political parties, unions, women's groups, civil society organizations,

youth and minority groups, CDM groups, strike groups, Ethnic Resistance Organizations, and interim state/federal-unit representative and ethnic-based organizations or councils (NUCC, 2021/2022). The NUCC has a similar broad composition, including elected MPs, political parties, civil society, CDM groups, EROs, and interim state/federal-unit or ethnic representative groups (NUCC, 2021/2022).

This institutional design matters. It tries to combine different sources of legitimacy: electoral legitimacy from elected representatives, ethnic legitimacy from EROs and ethnic councils, popular legitimacy from the Spring Revolution, civic legitimacy from civil society and CDM groups, and local legitimacy from state and federal-unit representatives. This is a major shift from earlier elite-centred peace processes.

The 2024 bottom-up federalism statement shows the same direction from the ethnic and state/federal-unit side. It states that ethnic resistance organizations and councils representing states and nationalities held multiple rounds of coordination to build a future Federal Democratic Union and reached consensus on implementing a bottom-up federalism approach through strengthened state-level structures. The statement also says that the ultimate owners of sovereignty are the states/federal units and the people within them, that states/federal units are based on equality and self-determination, and that division of competencies will follow sovereignty, solidarity, subsidiarity, and proportionality.

This statement is important because it expresses a coming-together model from below. The Union is not imagined as a centre granting autonomy downward. It is imagined as a Union built upward from states, federal units, and peoples.

A later planning workshop report also noted that recent joint statements by allied organizations, nine ethnic organizations, and the NUG, NUCC, CRPH, NLD, and Chin Brotherhood indicate that key stakeholders have reached growing consensus on “bottom-up federalism” as a model that will shape Myanmar’s future governance and power-sharing structure. This is strong evidence that federalism has moved from ethnic demand toward a wider people’s federal will.

The post-coup movement also changed Bamar political understanding. Many Bamar democratic actors experienced what ethnic communities had experienced for decades: military violence, arbitrary arrests, displacement, destruction of local administration, and denial of political choice. This created new possibilities for empathy and political convergence. It became clearer that the Tatmadaw’s problem was not only its treatment of ethnic minorities; it was its claim to stand above all peoples of the Union.

This does not mean that the Bamar–ethnic relationship has been fully repaired. Historical distrust remains. Many ethnic communities still worry that Bamar democratic actors may return to centralism once the military is defeated. Smaller minorities also worry about domination inside future ethnic states. The Rohingya question remains a major test for any future federal democratic Union. Therefore, the people’s federal will must be proven through inclusion, legal guarantees, and practical power-sharing.

Still, the post-coup shift is historically significant. For the first time since Panglong, many Bamar democratic leaders and ethnic resistance actors are closer to agreeing that the future Union must be federal, democratic, civilian, and built from below. This is why the FDC and bottom-up federalism matter. They represent not only political opposition to the coup, but also the emergence of a new people-centred federal imagination.

The main conclusion of this chapter is clear: **the Tatmadaw has resisted federalism because it sees strong self-determination as a danger to unity, but the people’s movement increasingly sees federalism as the only way to create real unity. The 2021 coup destroyed the 2008 constitutional path and pushed democratic and ethnic forces toward a new federal compact based on equality, consent, civilian control, and bottom-up state-building.**

CHAPTER 12: CONCLUSION

12.1 Summary of Findings

This study has traced Myanmar's federal dream from the independence struggle to the current post-coup federal democratic movement. The central finding is that Myanmar's armed conflict is not only an ethnic conflict or a security problem. It is also a long constitutional conflict over the nature of the Union. Peacebuilding in Myanmar has repeatedly failed because the federal question has remained unresolved.

The historical trajectory can be summarized as follows:

Panglong promise → incomplete 1947 federalism → Shan Federal Proposal → 1962 military rupture → 1974 socialist centralism → 2008 military quasi-federalism → resistance federalism → NCA federal dialogue → FDC Part I → bottom-up federalism.

The federal dream began with the **Panglong Agreement of 1947**. Panglong was not a complete federal constitution, but it created the political basis for shared independence between Burma Proper and the Frontier Areas. It recognized the need for Frontier Areas representation, executive authority, and internal autonomy. Most importantly, it accepted full autonomy in internal administration for the Frontier Areas in principle (Panglong Agreement, 1947). This made Panglong the founding compact of Myanmar's federal dream.

The **1947 Constitution** partly carried this promise into constitutional form. It stated that sovereignty resided in the people and that legislative, executive, and judicial powers could be exercised by Union organs or constituent units. It also recognized Shan State, Kachin State, and Karenni State as constituent units. However, it placed the remaining territories under Union organs, meaning that Burma Proper was not formed as an equal constituent state (Constituent Assembly of Burma, 1948). This created a structural imbalance. Ethnic states existed, but the Bamar-majority heartland remained fused with the Union centre.

The **Shan Federal Proposal of 1961** was the first major attempt to correct this incomplete federal settlement. It argued that equal rights and opportunities among states and nationalities were not adequately provided in the 1947 Constitution, and it called for revision according to truly federal principles. Its main proposals included a Burmese State, equal powers for both chambers, equal state representation in the Chamber of Nationalities, limited Union powers, transfer of other powers to the states, and equitable Union revenue distribution (Shan State Steering Committee, 1961). This was a serious constitutional correction, not a secessionist project.

The **1962 military coup** destroyed this federal reform path. It turned federalism from a constitutional discussion into a military-defined security threat. After the coup, the Tatmadaw built a centralized state and treated itself as the guardian of unity. The **1974 Constitution** expressed this through socialist centralism. It justified the Revolutionary Council's role, the Burmese Way to Socialism, and the Burma Socialist Programme Party as the leading force of the state (Government of the Union of Burma, 1974). It recognized ethnic names in the state structure, but did not give genuine self-rule, state constitutions, fiscal federalism, or security autonomy.

The **2008 Constitution** later created regions, states, elections, and legislatures, but it preserved military power inside the constitutional system. Its structure included special chapters on the Defence Services, state of emergency, and constitutional amendment (Republic of the Union of Myanmar, 2008). This was not genuine federalism. It was military-controlled quasi-federalism. It allowed limited decentralization while keeping the Tatmadaw as the final guardian of the state.

During the years of military rule, the federal dream survived through **resistance federalism**. Ethnic resistance organizations, exile democratic groups, women's organizations, youth groups, and civil society actors preserved and developed federal principles outside the military-controlled state. The Eight Basic Federal Principles of 2005 included sovereign power, equality, self-determination, and federal principles as foundations for a future federal constitution. These documents kept alive the idea that peace required equality, self-determination, democracy, and civilian control.

The **NCA and 21st Century Panglong process** brought federalism back into official peace language. Thein Sein's peace plan proposed state-level ceasefires, Union-level confidence-building and political dialogue, development tasks, and a final agreement for eternal peace (Thein Sein Peace Plan, 2011). Union Accord Part I stated that the peace conference aimed to build the Union in harmony with the Panglong spirit, based on democracy and federalism, guaranteeing democracy, national equality, and self-determination. Union Accord Part II repeated the goal of establishing a Union based on democracy and a federal system assuring national equality and self-determination rights.

However, the NCA process did not produce a binding federal settlement. It did not resolve state constitutions, residual powers, security-sector reform, fiscal federalism, resource sharing, or the military's constitutional role. As Lwin Cho Latt and Marlar Aung argue, ethnic armed conflict will continue as long as the federal issue remains constitutionally unresolved, and genuine political, social, and economic autonomy is needed for real federalism (Lwin Cho Latt & Marlar Aung, 2019).

The **Federal Democracy Charter Part I** marks the clearest federal refoundation since Panglong. It directly states that the 1947, 1974, and 2008 constitutions failed to deliver the Panglong promises of democracy, national equality, and self-determination, causing more than 70 years of civil war and dictatorship (NUCC, 2021/2022). It also declares that constituting states and the people in those states are the original sources of sovereignty; that member states retain equality and self-determination; that all federal units are politically equal; that states can draft and ratify their own constitutions; and that power-sharing, revenue-sharing, fiscal federalism, subsidiarity, civilian control, and human security should be practiced.

Finally, the **bottom-up federalism approach** moves the federal dream from declaration toward practice. The 2024 bottom-up federalism statement says that ethnic resistance organizations and councils representing states/nationalities reached consensus on building a future Federal Democratic Union through strengthened state-level structures. It states that the ultimate owners of sovereignty are the states/federal units and the people within them, and that division of competencies should follow sovereignty, solidarity, subsidiarity, and proportionality. This is the strongest expression so far of a coming-together model from below.

12.2 Main Conclusion

The main conclusion of this study is that **Myanmar's peacebuilding problem is the unfinished federal Union problem.**

Myanmar's civil war did not continue only because of ethnic difference, weak development, or armed rebellion. It continued because the Union was never accepted by all peoples as a genuinely equal federal compact. Panglong created the promise of shared independence based on autonomy and equality. The 1947 Constitution partly recognized this promise but did not complete it. The Shan Federal Proposal tried to correct the constitutional imbalance, but the 1962 coup stopped that process. The 1974 and 2008 constitutions then protected centralized state power and military guardianship rather than federal consent.

Ethnic resistance actors kept the federal dream alive when the state rejected it. The NCA and 21st Century Panglong process made federalism officially discussable, but the process remained constrained by ceasefire-first sequencing, the 2008 Constitution, Tatmadaw veto power, and the lack of binding federal transformation. The 2021 coup finally destroyed the belief that Myanmar could achieve genuine federal democracy through the 2008 constitutional pathway.

The Federal Democracy Charter Part I is therefore historically significant because it brings together the long federal tradition from Panglong, the Shan Federal Proposal, resistance federalism, and the NCA federal dialogue into one shared federal democratic framework. It is the closest Myanmar has come to a common federal vision between ethnic minority actors and Bamar-majority democratic forces.

However, FDC Part I is still a near-realization, not full realization. It provides the federal principles, but those principles still need to become institutions, laws, budgets, courts, security arrangements, and everyday governance. FDC Part II and bottom-up federalism begin this process by creating interim constitutional arrangements, recognizing state/federal-unit mechanisms, and giving legitimacy to local

and ERO governance. FDC Part II states that administrative, legislative, and judicial mechanisms of states/federal units shall be established as necessary, and that Union–state/federal-unit matters shall be coordinated at the NUCC (NUCC, 2021/2022).

The final conclusion is therefore clear:

Durable peace in Myanmar cannot be achieved by ceasefire alone. It requires a democratic federal settlement based on equality, self-determination, civilian control, state/federal-unit authority, fiscal federalism, resource justice, minority protection, and consent from the peoples of the Union.

In simple terms, Myanmar will not have peace until it solves the federal question. And it will not solve the federal question unless the Union is rebuilt from below through a coming-together federal model.

12.3 Policy and Peacebuilding Implications

The findings of this study have important implications for future constitution-making, peacebuilding, and interim governance.

First, **future peacebuilding must be federal peacebuilding**. Peace should not be defined only as ceasefire, disarmament, or reduced fighting. These are necessary, but not enough. Peace must mean a political settlement that resolves the structure of the Union. This includes self-rule, shared rule, state constitutions, power-sharing, fiscal federalism, and security transformation.

Second, **the 2008 Constitution should not be treated as the framework for future federal reform**. The study shows that the 2008 Constitution was designed to preserve military power. Its structure gave the military a constitutional role through chapters on the Defence Services, emergency powers, and amendment rules (Republic of the Union of Myanmar, 2008). Any future federal peace process that remains trapped inside the 2008 framework will likely reproduce the same structural blockage.

Third, **the future constitution-making process must be inclusive and participatory**. It should include elected representatives, ethnic resistance organizations, state/federal-unit councils, political parties, women’s organizations, youth groups, civil society, CDM networks, refugees, IDPs, and marginalized communities. The People’s Assembly model in FDC Part II is important because it brings together elected MPs, political parties, women’s groups, CSOs, youth and minority actors, CDM groups, strike groups, EROs, and interim state/federal-unit representatives (NUCC, 2021/2022).

Fourth, **states and federal units must have real constitutional status**. They should not be only administrative units. They should have legislative, executive, judicial, fiscal, and constitutional powers. State constitutions are especially important because they make self-determination concrete. Without state constitutions, federalism will remain weak.

Fifth, **residual powers should belong to states/federal units**. This is a key difference between genuine federalism and controlled decentralization. FDC Part I states that only powers necessary for the common interests of all constituting states should be vested in the Union, and residual powers should be vested in the constituting states (NUCC, 2021/2022). This principle should guide future constitutional drafting.

Sixth, **security-sector transformation is essential**. A federal democratic Union cannot be built if the military remains above civilian authority. FDC Part I’s commitment to civilian command and human security is a major breakthrough. But it must be translated into a practical security roadmap. This roadmap should address the future of the Tatmadaw, EROs, PDFs, police, local security forces, state security institutions, and a possible federal army. The goal should be civilian control, human security, federal accountability, and prevention of future coups.

Seventh, **fiscal federalism must be treated as a peacebuilding issue**. Political autonomy without fiscal power is weak. Future arrangements should define Union tax lists, state tax lists, shared revenues, fiscal transfers, budget responsibilities, and equalization systems. FDC Part I already states that fiscal management and sharing laws between the Union and states should be created, and that equitable fiscal distribution should support development of the constituting states (NUCC, 2021/2022).

Eighth, **land and natural resources must be governed through federal and local consent principles.** Many conflicts in Myanmar are linked to land confiscation, mining, logging, hydropower, border trade, and military-linked economic interests. FDC Part I states that the people of each state are the original owners of land and natural resources within that state, and that states have the right to manage exploration, extraction, trading, preservation, and protection of natural resources. It also requires local community consent and direct local benefit from extraction. This should become a core principle of federal peacebuilding.

Ninth, **interim arrangements and local governance should be recognized as building blocks of federalism.** South and colleagues argue that EAO administrative functions and services should be regarded as building blocks of federalism in Myanmar, and that interim arrangements can support federalism from below through self-determination and local governance (South et al., 2018). They also argue that locally owned and trusted governance and service-delivery systems can help renegotiate state-society relations while broader constitutional change remains the long-term goal. This means donors, humanitarian actors, and political organizations should not undermine local systems by strengthening only central structures.

Tenth, **minorities within minorities must be protected.** Federalism must not replace central domination with domination by majority groups inside states. Future state constitutions should protect smaller ethnic, religious, linguistic, and local communities. This is especially important in mixed areas. It is also essential for resolving the Rohingya question and for building a federal Union based on equal citizenship and human dignity.

Eleventh, **women and youth must be central to federal peacebuilding.** The bottom-up federalism statement includes the Women's League of Burma among the signatories, which shows that federalism is not only an armed or elite political issue. Federalism must include gender equality, youth participation, and protection for vulnerable groups.

Twelfth, **intergovernmental relations must be built early.** The Union, states, federal units, ERO administrations, local councils, and interim institutions need coordination mechanisms. These may include Union–state/federal-unit councils, fiscal commissions, natural-resource commissions, security coordination bodies, judicial coordination committees, and sectoral working groups. Without such mechanisms, bottom-up federalism may become fragmented.

Thirteenth, **international actors should support federal legitimacy from below.** External support should not strengthen military rule, centralized extraction, or top-down state-building. It should support humanitarian access, local service delivery, education, health, IDP and refugee protection, women's participation, local governance, and federal coordination. International support should be conflict-sensitive and should recognize that trusted local systems are part of peacebuilding.

Finally, **trust must be rebuilt through implementation, not only promises.** Myanmar's history is full of broken federal promises: Panglong was not fully implemented, the 1947 Constitution was incomplete, the Shan Federal Proposal was blocked, military constitutions suppressed federalism, and the NCA process did not produce a binding settlement. Therefore, future federal peacebuilding must include timelines, enforcement mechanisms, monitoring bodies, dispute-resolution systems, and public accountability.

The study ends with one central message:

Myanmar's federal dream began at Panglong, survived through ethnic resistance, entered official peace language through the NCA, and came closest to realization through the Federal Democracy Charter and bottom-up federalism. The task now is to turn that dream into a living federal democratic Union built from below, protected by civilian rule, and sustained by equality, self-determination, justice, and consent.

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ANNEX 1 – MANERPLAW AGREEMENT, 1992

Manerplaw Agreement to Establish a Federal Union of Burma 31 July 1992

Burma is a country where indigenous nationalities have lived together in adjacent territories for the last several millenia. It belongs to all indigenous nationalities.

Only when a true Federal structure is established based on the desires and aspirations of all the indigenous nationalities will Burma stand united and stable. With this intention, General Aung San and indigenous leaders signed the Pang Long Agreement on February 12, 1949. But that agreement was never enacted in practice.

Currently because of the chauvinistic behavior of the fascist military dictatorship of the Burma Socialist Programme Party (BSPP) and the State Law and Restoration Council (SLORC), the indigenous nationalities are deprived of their ethnic rights. Democracy and basic Human Rights of the people are also abused. National unity has been destroyed and civil war is going on unabated.

Thus, indigenous nationalities and all the peoples must topple the military dictatorship and set up a true Federal Union where equality, right of self-determination, democracy and basic Human Rights are guaranteed.

To attain equality, freedom, unity, security, fraternity, trust and development in the Federal Union, the main tasks which are necessary are to topple the SLORC military dictatorship and to establish democracy, peace and true Federal Union. To achieve these aims, the:

1. National Coalition Government of the Union of Burma (NCGUB)
2. National League for Democracy, Liberated Area (NLD-LA)
3. Democratic Alliance of Burma (DAB), and
4. National Democratic Front (NDF)

have resolutely agreed to the following at Manerplaw on July 31, 1992.

1. We will struggle together to end Chauvinism and the fascist military dictatorship of the SLORC.
2. After ending the SLORC military dictatorship and when freedom and peace are attained, a true national convention involving all indigenous nationalities and all political parties will be convened.
3. We will draw up a true Federal Union constitution in accordance with the desires of indigenous nationalities and all peoples.
4. We will follow the principles that no nationality shall have special privileges and no restrictions will be imposed on the basic rights of any nationality or minority in the Union.
5. We will build a Federal Union where all indigenous nationalities enjoy equality, rights of self-determination, democracy and basic Human Rights to the fullest extent. In doing so:
 - a. The Kachin, Karen, Chin, Mon, Burman, Arakan, Shan peoples, etc. will have National States incorporated in a Federal Union of States.
 - b. The National States will assign certain power to the Federal Union and the remaining powers will be exercised by the National States including legislative, administrative and judicial powers.
 - c. The Federal Union will consist of two houses of Parliament: The National Assembly (Upper House) and The People's Assembly (Lower House).
 - d. In accordance with the principle of civilian supremacy over the military the Federal Union and State armies will be put under the direct supervision of the Elected Governments.
 - e. The legislative, administrative and judicial branches of the Federal Union Government will be checked and balanced in power, and the judiciary will be independent.
 - f. The Constitution will be designed to prevent any re-emergence of Chauvinism and fascist dictatorship in the future.

Dr. Sein Win
Prime Minister
National Coalition Government of the Union of Burma
U Tin Aung
Secretary
National League for Democracy (Liberated Area)
Saw Bo Mya
President
Democratic Alliance of Burma
Naing Shwe Kyin
President
National Democratic Front
2nd Waxing of Wakhaung 1354 ME
31st July, 1992

ANNEX 2 – MAE THA RAW HTA AGREEMENT, 1997

ETHNIC NATIONALITIES SEMINAR (Mae Tha Raw Hta) Mae Tha Raw Hta Agreement

We, leaders of Arakanese, Chin, Kachin, Karen Karenni, Mon, Pa-O, Palaung, Lahu, Shan and Wa ethnic nationalities, representing the various organizations as well as the nationalities, attended the seminar held from January 7 to 14, 1997 at Mae Tha Raw Hta in Kawthoolei.

We, leaders of nationalities mentioned above, after frank and cordial discussions in depth, have agreed upon the following terms.

1. Agreement relating to Political Aims

- (a) To dismantle the military dictatorship and establish peace in the country;
- (b) To practice the democratic political system;
- (c) To achieve the rights of equality and self-determination for each and every nationality;
- (d) To establish a federal union.

2. Agreement Concerning the SLORC's National Convention

The sham National Convention being held by the SLORC, presently, is for the perpetuation of military dictatorship. Since absolutely no rights will be gained for the ethnic nationalities, we, the Ethnic Nationalities Seminar, do not in any way recognize the SLORC's National Convention and agree to oppose it.

3. Agreement Regarding Tri-partite Dialogue

We, the Ethnic Nationalities Seminar, accept the tri-partite dialogue agreed to by Daw Aung San Suu Kyi, and called for by the resolutions of the UN and international organizations. The tri-partite dialogue must include three forces, namely the force composed of the National Democratic Front (NDF), Union Nationalities League for Democracy (UNLD), Peace and Democratic Front (PDF) and other ethnic nationalities, the Pro-democracy forces led by Daw Aung San Suu Kyi, and the SLORC military clique.

4. Agreement Relating to Federal Union

We, the Ethnic Nationalities Seminar, unanimously agree to establish a genuine federal union composed of national states having the full rights of national equality and self-determination.

5. Agreement Relating to Economic Policy

Regarding the economic policy, we, the Ethnic Nationalities Seminar, agree to practice a market economic system and invite foreign investments. However, as foreign investments, at present, are benefiting the SLORC military dictatorship only and increasing its oppressive power, we strongly object to them.

6. Agreement Relating to Narcotic Drugs

We, the Ethnic Nationalities Seminar, unanimously agree to cooperate with international narcotic drug eradication organizations for the eradication of the entire business of narcotic drugs, including cultivation, production and trafficking.

7. Agreement Regarding Pro-democracy Forces

We, the Ethnic Nationalities Seminar, agree to raise the fight, on all sides, in the fields of politics, diplomacy and people's action, for the dismantling of the SLORC military dictatorship. In this struggle, we agree also to join hands with pro-democracy forces led by Daw Aung San Suu Kyi, and act unitedly and simultaneously for the achievement of rights of the nationalities as well as democratic rights. Moreover, we acknowledge the National League for

Democracy (NLD) led by Daw Aung San Suu Kyi as the winner of 1990 general election an accordance with the true will of the people and democratic process, we fully support all acts of opposition against the SLORC, by it.

8. Agreement Relating to ASEAN

We, the Ethnic Nationalities Seminar, agree to send letters to ASEAN, requesting it to delay, indefinitely, acceptance of Burma under the SLORC, as a member of the organization.

9. Agreement Relating to Alliance

We, the Ethnic Nationalities Seminar, agree unanimously to help the National Democratic Front (NDF), the nation-wide alliance body of the ethnic nationalities, into a politically, militarily and organization to be a more solid entity.

10. Agreement on Reunion

We, the Ethnic Nationalities Seminar, agree to maintain and implement the results of the seminar and to have a reunion at least once a year.

SIGNATORIES

1. (Gen. Aung Than Lay) Karen National Progressive Party
 2. (Col. Khun Okker) Pa-O People's Liberation Organization
 3. (Col. Maha Sean) Wa National Organization
 4. (Col. Sai Pao Sing) United Wa State Party
 5. (Mai Aik Phone) Palaung State Liberation Front
 6. (Col. Zau Seng) Kachin Independent Organization
 7. (Khing Myat Kyaw) All Araken Students and youth congress
 8. (B. Kya Oo) Lahu Democratic Front
 9. (Nai Han Tha) New Mon State Party
 10. (Khing Soe Naing Aung) Araken Liberation Party
 11. (Khun Na Ruh) Kayan New Land Party
 12. (Sao Oac Kesi) Shan United Revolutionary Army
 13. (Siai Shwe Kha) Chin National Front
 14. (Khun Home) Shan Democratic Union
 15. (Gen Saw Bo Mya) Karen National Union
 16. Individual Delegates
1. Chao-Tzang Yawnghwe 2. Naw Louish Benson 3. Khun Marko Ban

ANNEX 3 – THOO MWEH KLO AGREEMENT, 1998

Thoo Mweh klo Agreement Seminar on National Solidarity

Date: December 14, 1998

Burma is a country inhabited by many indigenous ethnic nationalities. In the modern Burmese history, even though the consensus agreement between General Aung San and the leaders of indigenous ethnic nationalities had achieved national solidarity and obtained independence, this solidarity deteriorated along with the death of general Aung San.

As a consequence of long years of oppression under the military dictatorship, the national solidarity is in a vulnerable state of total disintegration. The immediate need of the people of all the nationalities, being the abolition of the military dictatorship and the building of a modern society with lasting peace and prosperity, could be achieved only through a consolidated national strength. Thus, the building of national solidarity is the main task of the people of all the nationalities, today. Just as the National League for Democracy (NLD), led by Daw Aung San Suu Kyi, and the political parties representing the nationalities, jointly and actively have been undertaking the said task, we, the 23 organizations, whose signatures appeared below, successfully held the "Seminar on National Solidarity," from the 12th to 14th of December, 1998, at Thoo Mweh Klo, Kawthoolei State, and unanimously reached the agreement given below.

1. The Seminar recognized that the 1947 Panglong Agreement and pledges contained in the Agreement, the 1990 Bo Aung Kyaw Street Declaration, the 1992 Marnerplaw Agreement and the 1997 Mae Tha Raw Hta Agreement are the historic agreements representing the fundamental interest of the ethnic nationalities and the people.
2. The Seminar unanimously determined that the conflict prevailing in Burma is a conflict between the oppressive military dictatorship, on the one side, and the oppressed people of all the nationalities on the other, and as it has been intensifying, day by day, it is now approaching a decisive stage.
3. As a result of domination of the SLORC/SPDC military dictatorship, there was lack of democratic rights and loss of the rights of the nationalities, in present day Burma. Therefore, it was unanimously decided that the abolishment of the military dictatorship was the principal and common task of the country.
4. It was decided that all political parties, organizations and individuals, irrespective of race, religion and political ideology, were to join hands and work together, starting from the lowest possible stage, in the struggling for the abolition of the SLORC/SPDC military dictatorship.
5. The SLORC/SPDC has no right to lead in organizing and convening the National Convention. Therefore, the Seminar unanimously decided that the National Convention of the SPDC could absolutely not be accepted.
6. The Seminar unanimously decided to promote and practice the multi-party democratic system, in accordance with aspiration of the entire people of all the Nationalities.
7. The Seminar unanimously decided to establish a genuine federal union, composed of national states, having national equality and full right of self-determination.
8. The Seminar decided to support the demand for the convening of parliament, formation of the Committee Representing People's Parliament and the Parliamentary Affairs Committees by the victorious parties in the 1990 election, the National League for Democracy (NLD) and the 4 political parties representing the ethnic nationalities.

13. U Soe Lwin
Vice-Chairperson
Myeik-Dewai United Front (MDUF)
14. U Kyaw Hla
President
Muslim Liberation Organization (MLO)
15. U Deniel Aung
Member
Members of Parliament Union
16. U Than Htut
Secretary
National League for Democracy-Liberated Area (NLD-LA)
17. U Kyaw Htet
President
People Defense Force (PDF)
18. U Aye Saung
Secretary
General People's Liberation Front (PLF)
19. Khun Okker
President
Pa-O People's Liberation Organization (PPLO)
20. U Aung Myint
General Secretary
People's Patriotic Party (PPP)
21. Mai Aik Phong
Joint-Secretary
Palaung State Liberation Front (PSLF)
22. Khun Kyar Nu
Representative
Shan Democratic Union (SDU)
23. Maha San
President
Wa National Organization (WNO)
24. U Maung Maung Latt
Member
Members of Parliament Union

9. This Seminar decided to cooperate in the struggle for the emergence of tripartite dialogue, as an immediate task.
10. The Seminar welcomed and supported the active involvement of the United Nations and the international organizations for the establishment of peace and democracy in Burma. Since the 1998 UNGA Resolutions on Burma were correct, the Seminar unanimously demanded that they be implemented, in practice, by the responsible authorities.
11. The Seminar strongly condemned the involvement of the SPDC military dictatorship, as a principal partner, in the cultivation, by the responsible authorities.
12. The Seminar called upon foreign investors not to invest in Burma, so long as the SPDC military dictatorship was in power.
13. The Seminar decided that all the organizations attending the Seminar were to take the responsibility for the maintenance and implementation of the decisions and to form a Coordinating and Organizing Committee in order to continue for the implementation the decisions.

Signatories

1. U Tin Maung Thet
President
All Burma Muslim Union (ABMU)
2. U Myo Win
Secretary 92)
All Burma Students' Democratic Front (ABSDF)
3. U Myat Thu
President
All Burma Students' League (ABSL)
4. Ashin Kaymar Sara
Chairmonk
All Burma Young Monk's Union (ABYMU)
5. U Tha Noe
Secretary
Arakan League for Democracy (ALD)
6. Khaing Myo Min
General Secretary
Arakan Liberation Party (ALP)
7. Salai Shwe Khar
Secretary,
Foreign Affair Department, Chin National Front (CNF)
8. Salai Tha Nei Lual
Representative
Chin National League for Democracy (CNLD)
9. Saw Jacob
Central Organizing Committee
Communist Party of Burma (CPB)
10. U Zaw Naing Oo
General Secretary
Democratic Party for a New Society (DPNS)
11. Saw Shwe Hser
Vice-President
Karen National Union (KNU)
12. B. Kyah Oo
General Secretary
Lahu Democratic Front (LDF)

ANNEX 4 – AGREEMENT ON 8 BASIC PRINCIPLES, 2005

Resolutions of the 'Basic Principles' Seminar

February 12, 2005

The seminar to lay down the basic principles for the future federal constitution was successfully held at a location on the Burmese border from 9 to 12 February 2005. It was attended by 106 elected people's representatives, leaders from political organizations, women organizations, youth organizations, and civic society institutions from the Union of Burma.

Following the seminar, the delegates unanimously endorsed the following basic principles for the future federal constitution:

The Basic Principles

1. **Sovereign Power** - The sovereign power of the Union shall derive from the people.
2. **Equality** - Every nationality in the Union shall enjoy equal political and ethnical rights.
3. **Self-determination** - Every nationality shall fully enjoy the right to self-determination in political, economic, social, and cultural affairs.
4. **Federal Principles** - The Union shall be established with states which fully enjoy the right to self-determination, and the Union Assembly shall be a bicameral legislature consisting of a Chamber of Nationalities (Upper House) and Chamber of Deputy (Lower House).
5. **Minority Rights** - All rights of National Minorities who reside in the member states of the Union shall be fully guaranteed by Constitution
6. **Democracy, Human Rights, and Gender Equality** - Discrimination based on religious belief, ethnicity, or gender shall not be permitted and fundamental human rights and democratic rights shall be protected and guaranteed by law.
7. **Secular State** - The Union shall be a secular state.
8. **Multi-party Democracy System** - The federal Union shall practice a multi-party democracy system.

In addition to the abovementioned basic principles, delegates at the seminar also agreed to include the following issues when drafting the future federal constitution:

1. Civilian Supremacy: The Union Defense Services shall be subordinate to and subject to the control of civilian authority.
2. Conditions that permit the establishment of new states within the Union
3. (a) Protection of the environment
(b) Promotion of the welfare of women and children and safeguarding of their interests through special measures Resolutions relating to future tasks

The Seminar resolves:

1. To continue the federal constitution drafting process based on the basic principles agreed at the seminar for drafting the future federal constitution,
2. To assign the NCUB (National Council of the Union of Burma), the NDF (National Democratic Front, the UNLD (LA) [United Nationalities League for Democracy (Liberated Area)], the KNPP (Karenni National Progressive Party), the SDU (Shan Democratic Union), the WLB (Women League of Burma), and youth organizations to carry out the task
3. To establish the Constitutional Drafting Coordination Committee and an Advisory Committee consisting of experts to facilitate the federal constitution drafting process, and (4) To make dynamic efforts toward winning broad and extensive support for the basic principles from the following:
 - a. All the people

- b. Political parties inside the country
- c. Armed ethnic forces which have concluded ceasefire agreements
- d. The SPDC's Defense Services
- e. Governments globally and international institutions

Participants

1. Members of Parliament Union (MPU)
2. National Coalition Government of The Union of Burma (NCGUB)
3. National League for Democracy (Liberated Area) (NLD-LA)
4. All Burma Students Democratic Front (ABSDF)
5. All Burma Muslim Union (ABMU)
6. All Burma Young Monks Union (ABYMU)
7. Arakan Liberation Party (ALP)
8. Chin National Front (CNF)
9. Democratic Party for New Society (DPNS)
10. Federation of Trade Unions – Burma (FTUB)
11. Karen National Union (KNU)
12. Lahu Democratic Front (LDF)
13. Muslim Liberation Organization Burma (MLOB)
14. Network for Democracy and Development (NDD)
15. NaGa National League for Democracy (NNLD)
16. Oversea Karen Organization (OKO)
17. Pa-O People Liberation Organization (P.P.L.O)
18. Myeik Dawei United Front (M.D.U.F)
19. People's Defense Force (PDF)
20. People 's Liberation Front (PLF)
21. People's Progressive Front (PPF)
22. Pa-laung State Liberation Front (PSLF)
23. People's Patriotic Party (PPP)
24. Arakan League for Democracy (ALD)
25. Chin National League for Democracy (CNLD)
26. Kachin National Congress for Democracy (KNCD)
27. MNDF-
28. Mara People's Party (MPP)
29. UKL-
30. Kachin National Organization (KNO)
31. Zomi National Congress (ZNC)
32. Shan Democratic Union (SDU)
33. The Karenni National Progressive Party (KNPP)
34. Women's League of Burma (WLB)
35. Students and Youth Congress of Burma (SYCB)
36. Nationalities Youth Forum (NY Forum)
37. Assistance Association for Political Prisoners (Burma) - (AAPP)
38. Burma Lawyers' Council (BLC)
39. All Burma Federation of Student Unions (Foreign Affairs Committee) (ABFSU-FAC)
40. Burma Labour Solidarity Organization (BLSO)
41. Coordinating Committee (Fort Wanye).
42. Committee for Protection and Promotion of Child Rights. (CPPCR)

37 POINTS SIGNED AS PART OF PYIDAUNGSU ACCORD

37 agreements approved by the Union Peace Conference—21st Century Panglong 2nd session were signed as a part of the Pyidaungsu Accord.

37 agreements, signatures of group leaders and witnesses are as follows:

Pyidaungsu Accord

1/ Looking forward to non-disintegration of the Union, non-disintegration of national solidarity and perpetuation of the sovereignty, based on freedom, equality and justice, the Union Peace Conference—21st Century Panglong 2nd session was held at Nay Pyi Taw from 24th May 2017 to 29th May 2017 for building up the Union in harmony with the Panglong spirit, based on democracy and federalism which guarantee democracy, national equality and self-determination, in accord with the outcomes of the political dialogues.

2/ In this Conference, proposals acquired from discussions at different levels made in groups or in sectors over principles and proposals submitted by Union Peace Dialogues Joint Committee have been agreed as part of the Pyidaungsu Accord.

3/ Part 1 of the Pyidaungsu Accord approved and signed in this conference and further parts of the agreements to be achieved in imminent different levels are to be combined to be signed as the Pyidaungsu Accord.

4/ Part 1 of the Pyidaungsu Accord signed in this conference has

- (A) 12 agreements on principles of political sector,
- (B) 11 agreements on principles of economic sector,
- (C) 4 agreements on principles of social sector,
- (D) 10 agreements on principles of land and natural environment sector, altogether 37 agreements. These are described in Appendix—(A) (B) (C) & (D).

5/ The above-said agreements have been signed by group leaders and witnesses in the Union Peace Conference—21st Century Panglong 2nd session as the part 1 of Pyidaungsu Accord under clause 20(E) of the Nationwide Ceasefire Agreement.

Appendix (A)

**Agreement of Principle on Political Sector
(29th May 29, 2017)**

Principles to be based in Federalism

1/ The Sovereign Power— The Sovereign Power of the Union is derived from the citizens and is in force in the entire country.

2/ Exercise of Sovereignty— The 3 branches of the sovereign power of the State, namely legislative power, executive power and judicial power are separated to the extent possible, and exert reciprocal control, check and balance among themselves.

3/ Equality— Each ethnic national race is must have equality in politics and race, and simultaneously must have the right to keep, protect and upgrade their languages, literatures, traditions and cultures.

4/ Principle on Federal Union (Organization & Division of Power)

(A) The State must be set up as the Union based on democracy and federalism.

(B) The Union based on democracy and federalism must be formed by Regions and States.

NB Regions and States must have equality. As regards naming, it will be discussed later.

(C) Self-administered Regions and self-administered areas are must be organized with the names of national races' names.

(D) The 3 branches of the sovereign power of the State, namely legislative power, executive power and judicial power must be divided and entrusted to the Union, Regions, States and Self-administered Regions and areas. The Constitution must divide legislative powers and associated powers among the State, Regions, States and Self-administered Regions and Areas.

(E) Legislature power, executive power and judicial power must be entrusted to Regions & States. Region and State Huttaws must be allowed to be set up for exercising legislative power, with Region & State Cabinets for exercising executive power and Region & State Supreme Courts for exercising judicial power in accordance with the authorities conferred upon by the Union Constitution.

(F) Union Government, Region and State Cabinets must have the right of enjoying taxes collected and development projects and resources, according to laws.

(G) Separate and independent tribunal on State Constitution must be set up for dealing with disputes on Constitution among Union and Regions and States or among Regions and States.

(H) Multi-Party Democracy

(A) Multi-Party democratic system must be practised.

(B) Free and fair elections must be held in accord with the prescriptions included in the Constitution.

Policy and Agreement on Economic Sector

(29 May 2017)

Basic principles for Federal Economy

1. Effective implementation of market economy

(a) To draw firm policy, law , by-law, rules and regulations at every level such as Union, Regions and States and Self-administered Regions/Zones and promulgate them in order to be able to implement the market economy effectively.

Remark: The governing body of self-administered Regions and Zones has to carry out if there appears policy, laws, by-laws, rules and regulations which they have rights to draw and promulgate.

(b) To target to alleviate the poverty, to raise the living standard of the people, to narrow down the socioeconomic gap between the rich and the poor and finally aim to achieve sustainable development in promoting the private sector of national economy in line with the policy, law and by-law already set before.

(c) To deter economic transactions that will shed bad effect on the national interests in accordance with the law.

2. To promulgate the law that will deter the monopolization of economy by a person or an organization.

3. To take necessary actions to provide equal opportunities for the economic development in the respective Union, Regions and States and self-administered Regions/ Zones.

4. To allocate the national budget in a fair and equitable manner in accordance with the Constitution between the Union Government and Regions and States Governments and Governments of Self-administered Regions/ Zones.

5. To share the management rights in economic affairs among the Union Government, Regions and States Governments and Governments of Self-administered Regions/ Zones in accordance with the Constitution.

6. To formulate and implement short-term, medium-term and long-term economic projects with transparency, accountability and responsibility.

Social Sector Agreement

(May 29, 2017)

(1) To lay the program systematically that can forge the durable solution for the internally displaced people and refugees due to natural disasters, human activities and armed conflicts without discrimination by following the international norms of human rights.

(2) To create the conditions for the internally displaced people and refugees due to natural disasters, human activities and armed conflicts to be able to settle and live in their home land or at any other place safely and with due regards.

(3) To boost the socioeconomic condition and to effectively safeguard the rights and privileges of the aged, the disabled, women and children regardless of the race, religion and wealth.

(4) To prevent and fight against the drug trafficking by laying the plan and implementing it considering the task a national issue pertaining to politics, security and rule of law.

Principles for Regional Development

(1) To draw and implement the Regional Comprehensive Development Plans by coordinating among the Union Government and Regions and States Governments and Governments of Self-administered Regions/ Zones for the development of human resources and socioeconomic development.

Remark: To undertake the tasks without going against the laws and principles laid by the Union Government.

(2) To draw the suitable plans and programs that can attract domestic and international investment in compliance with the prevailing law and implement it for the socioeconomic development of Regions and States and Self-administered Regions/ Zones.

Social sector agreement (29 May 2017)

1. Systematic programs to be set-up and implemented to achieve a long-term durable solution for refugees and internally displaced persons caused by armed conflicts, man-made and natural disasters in accordance with international norms and respect for human rights.

2. Enable refugees and internally displaced persons caused by armed conflicts, man-made and natural disasters to return to their place of origin or settle to other places in dignity and safety.

3. Defend the fundamental rights of the old, handicapped, women and children without discriminating in race, religion, rich or poor and to work for the development of their social life.

4. Setup programs as national duty to effectively prevent and eradicate matters relating to narcotic considered to be a national, political, security and rule of law problem.

Land and natural environmental sector agreement

(29 May 2017)

1. A countrywide land policy that is balanced and support people centered long-

term durable development.

2. Based on justice and appropriateness
3. A policy that reduce central control
4. Include human rights, international, democracy and federal system norms in drawing up land policy.
5. Policy on land matter should be transparent and clear.
6. In setting up policy for land development, the desire of the local people is a priority and the main requirements of the farmers must be facilitated.

Ownership Right

7. All nationals have a right to own and manage a land in accordance with the land law. Women and men have equal rights.

Management Right

8. Both women and men have equal rights to manage the land ownership matters in accordance with the land law.
9. If the land right granted for an original reason is not worked on in a specified period, the nation can withdraw the granted right and concede it to a person who will actually do the work.

Preventive Program

10. To aim toward protecting and maintaining the natural environment and preventing damage and destruction of lands that were social, cultural, historical heritages and treasured by ethnic nationals.

14 points signed as Part II of Union Accord

14 points approved by the Third Session of the Union Peace Conference-21st Century Panglong were signed as a Part II of the Union Accord. Following are the 14 points, and signatures of the leaders of the respective groups and witnesses.

Union Accord Part II

1. Aiming toward non-disintegration of the Union, non-disintegration of national solidarity and perpetuation of sovereignty, based on freedom, equality and justice and in accordance with the Panglong spirit, the Third Session of the Union Peace Conference-21st Century Panglong was held in Nay Pyi Taw from 11 to 16 July 2018 to establish a Union based on democracy and federal system that assures democracy, national equality and self-determination rights, founded according to the outcomes of the political discussions.
2. At this conference, sector-wise and group-wise meetings were conducted in stages on policy proposals submitted by Union Peace Dialogue Joint Committee (UPDJC) and the proposals obtained were agreed as Part II of the Union Accord.
3. The Part II of the Union Accord signed at this conference and all other agreed sections obtained at the subsequent conferences will be compiled and signed as Union Accord.
4. The Union Accord Part II signed in this conference are –
 - (a) Four agreements in political sector basic principle
 - (b) One agreement in economic sector basic principle
 - (c) Seven agreements in social sector basic principle
 - (d) Two agreements in land & environment sector basic principle totaling fourteen which are shown in addenda (a), (b), (c) and (d).
5. The above agreements are signed by heads of each group at the Third Session of the Union Peace Conference-21st Century Panglong and witnessed as Union Accord Part II, according to Nationwide Ceasefire Agreement Section 20 (e).

Addendum (a)

Political sector basic principle agreement

(16 July 2018) Gender equality

1. In establishing a Union based on democracy and federal system, no citizen of the Republic of the Union of Myanmar must be treated differently based on gender difference and policy must be established for equality.
2. A minimum of 30 percent involvement of women in each sector is to be encouraged.
3. In establishing a Union based on democracy and federal system, the Republic of the Union of Myanmar is to establish and implement policies that prevent gender-based violence.
4. Increase the capability of women to support gender equality.

Addendum (b)

Economic sector basic principle agreement

(16 July 2018)

Region/State governments have the right to draw up and implement economic projects that benefit the people. In drawing up the projects, it is to be in accord with the Union economic development policies and projects, and consideration must be made toward not adversely affect the adjacent states and regions.

Addendum (c)

Social sector basic principle agreement

(16 July 2018)

1. In the decision-making stages of conducting resettlement, redevelopment and social development matters, attempts must be made towards having women participation of at least 30 per cent.
2. Establish an education system that is accessible by all and is all-inclusive.
3. Establish a universal health coverage system that is accessible by all and is all-inclusive.
4. Enact laws that provide rights of the handicapped persons, children, elders, expecting mothers.
5. To widely consider and include the concept of social cohesion in conducting social development matters.
6. Establish and conduct effective policies against harm reduction, treatment and reintegration of drugs and psychotropic substances usage.
7. Set up and conduct programs to ensure children's rights, abide by the United Nations Convention on the Rights of the Child for all-round development of children and eliminate Six Grave Violations against children.

Addendum (d)

Land and environment sector basic principle agreement

(16 July 2018)

Preventive arrangements

1. Only citizens can own land in the country, and foreigners and illegal settlers must not own it directly or indirectly.
2. In conducting and implementing land-use project work, assessments must be made not to damage the natural environment, not to have social effect, not to have health effect and to conduct coordination work with the local people.

**Joint Statement of
Ethnic Resistance Organizations and Councils Representing States/Nationalities
on the Establishment of a Future Federal Democratic Union (Burma)**

19 September 2024

Ethnic resistance organizations and councils representing states/nationalities have conducted multiple rounds of preliminary coordination meetings to build a future federal democratic union. Through these consultations, the nine organizations, embedded below, have reached a consensus and outlined a work plan to implement the “bottom-up federalism approach” in pursuance of strong federal democratic union through strengthened state-level structures.

1. Starting from the revolutionary/interim period, we, the ethnic resistance organizations and councils representing states/nationalities will work in partnership to establish a federal democratic union through bottom-up federalism approach.
2. We have agreed to implement the bottom-up federalism approach in accordance with the following principles.
 - (a) The ultimate owners of sovereignty are the states/federal units and the people within these states/federal units.
 - (b) The states/federal units are based on equality and self-determination.
 - (c) We will implement the division of competencies through the principles of sovereignty, solidarity, subsidiarity, and proportionality.
3. We also discussed and agreed on procedures for coordination and implementation among revolutionary forces to advance the bottom-up federalism approach.
4. Accordingly, we, the ethnic resistance organizations and councils representing states/nationalities announce that we will jointly implement the above agreement and work plan in pursuance of a strong federal democratic union (Burma).

- 1) Karen National Union (KNU)
- 2) Karenni National Progressive Party (KNPP)
- 3) Chin National Front (CNF)
- 4) Karenni State Consultative Council (KSCC)
- 5) Pa-O National Federal Council (PNFC)
- 6) New Mon State Party (Anti-Military Dictatorship) (NMSP - AD)
- 7) Mon State Federal Council (MSFC)
- 8) Ta’ang Political Consultative Committee (TPCC)
- 9) Women's League of Burma (WLB)

Contact Information

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ANNEX 8 – JOINT DECLARATION ON BOTTOM-UP FEDERALISM, 2025



Joint Declaration

3 February 2025

1. With the common goal of extinguishing military dictatorship and establishing a federal democratic union that is transformative in both form and essence, grounded in the principles of equality and the will of the people, we are embarking on our revolutionary journey through a bottom-up federalism approach that focuses on strengthening states/federal units, guided by the belief that the strength of the union derives from the strength of its states/federal units, from the outset of the revolution through the transitional period to the establishment of a future federal democratic union.
2. At the dawn of 2025, we remain steadfast in our collective struggle to achieve the shared goal of triumph so ardently desired by the people. We are forging broader, stronger, and more cohesive alliances to advance together towards our shared goal.
3. We honour the contributions of our people and the political and revolutionary forces to the Civil Disobedience Movement, Operation 1027, and other significant achievements across various fronts of the revolution. We also celebrate the continued representation of Ambassador U Kyaw Moe Tun at the United Nations, a diplomatic victory that stands as a symbol of the people's revolution.
4. We consider the release of political leaders, including Daw Aung San Suu Kyi, and political prisoners who have been arrested and detained, to be of utmost importance for resolving Myanmar's current issues.
5. We have set forth the following six political objectives to guide the establishment of a Federal Democratic Union:
 - (a) To overturn the usurpation of state power by the military, and to terminate the involvement of the armed forces in politics
 - (b) To ensure that all armed forces operate solely under the command of a civilian government elected through democratic processes
 - (c) To abrogate the constitution of 2008 in its entirety, and to quash all attempts to reinstate its provisions
 - (d) To draft and promulgate a new constitution that embodies federalism and democratic values, garnering the consensus of all relevant parties
 - (e) To establish a new federal democratic union in accordance with the proposed federal democratic constitution
 - (f) To institute a system of transitional justice to achieve justice and accountability for victims of injustices, including gender-based violence, during the conflict period.
6. We shall address the matters of defining and establishing state and federal units and delineating boundaries during the transitional period based on the will of the people, without

any discrimination, and through peaceful negotiations in political dialogues that include all primary stakeholders. Any disputes that arise among revolutionary forces will be regarded as internal disagreements and will be resolved solely through peaceful means.

7. The terrorist military junta is the primary perpetrator driving Myanmar towards disintegration; Min Aung Hlaing and his associates must be held accountable for their crimes against humanity. We urge members of the armed forces to disassociate themselves from this terrorist military junta and join the people in establishing a reputable, professional institution accepted and supported by the people.

8. The terrorist military junta holds no authority to hold elections, nor is the current political situation in the country conducive to holding elections. The junta's preparations to conduct a sham election will not only lead Myanmar towards further disintegration and escalate conflicts but will also contribute to increased regional instability. We urge the people and the international community to refrain from engaging, supporting, or recognising the junta.

9. The terrorist military junta's ongoing crimes, including forced conscription, are severely damaging the socioeconomic livelihood of Myanmar, causing internal and external displacement of the people and endangering regional stability. We call on the international community to work with us, the revolutionary forces, to provide practical and effective support to urgently alleviate the immense suffering endured by the people of Myanmar. We urge certain nations to cease the provision and sale of military supplies, including aviation fuel, and to refrain from diplomatic recognition and engagement, that emboldens the junta to continue its acts of violence against the people.

10. With unwavering determination, we solemnly pledge to continue our revolutionary endeavour in unity for the emergence of a Federal Democratic Union that fulfills the aspirations of all our peoples.

Contact -

| | |
|--------------------------|-----------------|
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