

**PEACEFUL CO-EXISTENCE:**

**Towards Federal Union of Burma**

[ Series No. 6 ]

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**THE FOURTH INTIAL DRAFT  
OF  
THE FUTURE  
CHINLAND CONSTITUTION**

**A Model for State Constitutions Drafting Process  
in Burma**

**Series Editors:**

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**&**

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## FOREWORD

The long-standing goal of the political movement of the ethnic nationalities, in keeping with the aspirations of the people and the 1947 Panglong Accord, has been the establishment of a federal union, or a Burma Pyidaungzu. This goal was opposed by successive Burmese military juntas, but has been consistently supported by Burmese democratic forces, more so after 1988.

Seeing that the foundation of a federal union is the autonomy, based on the principle of self-determination, of the constituent states, the state constitutions drafting process facilitated by the National Reconciliation Program (NRP) and led jointly by the Nationalities Democratic Front (NDF) and the United Nationalities League for Democracy (Liberated Areas) UNLD(LA) is a step in the right direction, and is most politically relevant, much needed, and important for the peoples of Burma. To assist and coordinate the state constitutions process, a working committee, the Support Committee for State Constitutions (SCSC), was formed jointly by the NDF and the UNLD in 2002.

The state constitutions drafting process comprises several components and sub-processes. These sub-processes proceeded in parallel streams that overlap. This is owed to the different situations of the various organizations and states, and the different time the participating organizations, committees, etc., entered the process.

There was firstly, in the politics of Burma, a problem about the kind of understanding and comprehension, or misunderstanding, about federalism – basically, what it is and what it is not. There has been much anxiety and confusion among the people – on the part both of the Burman and the ethnic nationalities – about what federalism is and how it works. This sad state of affairs is due to the misinformation, disinformation, and distortion by the military of what federalism is: that federalism was secession, the breaking up of the country or the Union. And on the part of the some ethnic nationalities individuals and groups, there was a prevailing belief, stemming from past

experiences, that federalism means “deception and enslavement by the Burmans”.

Activities in this process – the preliminary stage, constituting the first sub-process – involved the participation of members of the state constitutions drafting committees and leaders in a series of workshops and conferences on federalism and states-federal relation. These events were held twice in Berlin, Germany, in Thailand, and in a border camp. It also involves on-going exchanges, discussions, and debates on federalism between and among leaders within the movement.

The second part of the process involved the convening a series of inter- and intra-ethnic state constitutions consultative conferences. The guiding principles and frameworks were discussed by leaders and participants from various ethnic nationalities within a state format – like for example the holding of a Mon State Constitutional Consultative Conference. The outcome was the formation of constitution drafting committees. The Chin and the Shan State entered into this sub-process earlier, while the Karenni, Mon, Karen, and Kachin States followed suit later. The Rakhine State drafting committee is in the process of being formed. A state constitution study group to look into a constitution of a Burma State – formerly Burma Proper – has recently been set up by democratic Burmese groups and organizations.

The state constitutions drafting – or rather, study and exploration – process continued apace with a landmark workshop/seminar where participants, which included leaders from the big political fronts, various organizations, and members of state constitution drafting committees, were presented with a model state constitution, compiled from state constitutions of the United States. This workshop was jointly organized by the NDF and the UNLD and assisted by the Burma Lawyers Council (BLC).

The third sub-process kicked off with study tours and exploration of state constitutions in other federations of the world. The participants were members of the Federal constitution drafting committee and the states constitutions

drafting bodies. The study group toured Germany and Belgium and met members of state governments, and state assemblies or legislatures, and as well held discussions and briefings, and it also consulted with constitutional experts and scholars. The study tours also included getting acquainted with local governments, where the participants gained some knowledge and an understanding of how local governments functioned and were run in a democratic-decentralized system, through many briefings and discussions with mayors and members of the local government councils, in Germany and Belgium.

The fifth sub-process involves consultations with the grassroots, leaders, political parties, the intelligentsia, and those interested and concerned. This wide consultation is currently on-going in all the states, except in Rakhine.

The sixth sub-process will involve a series of workshops to discuss the completed first draft of the various state constitutions. Participants will involve members of the various state constitutions drafting bodies, the federal constitution drafting committee, political leaders, representatives from women and youth groups, and leaders of ethnic-based organizations. Experts or persons with knowledge of state constitutions and local governments (in decentralized democratic systems) will facilitate discussion and clarify points that needed clarification or elaboration.

The first workshop of this sub-process will look at the first draft of the Chin drafting committee. The Chin State draft will be discussed widely and deeply by the workshop participants and resource persons. The Chin State draft constitution workshop will be followed by similar workshops focusing on the work done by the drafting committees of other constituent states.

A case might validly be made that a lot of ground has been covered in the state constitutions drafting process so far, and this is precisely what this publication will cover comprehensively.

The publication of this series will provide all the relevant documents, records, reports, papers, essays pertaining to the

state constitutions drafting and study process which began in 2001.

It might be noted that the end goal of the state constitutions drafting process is not to produce actual state constitutions, but to prepare leaders, activists, the politically aware segments, and as well the grassroots for a time to come in the near future – hopefully not too far off – when a new Union will be rebuilt. The aim rather is to arm the people with an awareness and knowledge about constitutions and how they relate most significantly to the aspirations of the ethnic nationalities for freedom, self-determination, self-rule, human security, human dignity, and rights that are alienable to every man and woman.

As such, this publication is a valuable one and it will become a historical and defining work since it records all the activities related to the process of state constitutions drafting undertaken by the ethnic nationalities. The publication also provides analytical insights into issues related to the constitutional problem that has afflicted the country for decades and which has never been resolved in Burma. In fact, discussions of and writing about constitutions have been banned by the military regime, and many have suffered long prison sentences as a result.

It is certain that this publication – the compilation of the activities and thoughts of ethnic nationalities leaders and peoples on their future in a stable, prosperous, and peaceful Union, founded in equal partnership at Panglong in 1947 – will go a long way to remind readers of the blood, sweat, and tears that had been expended by all to get to a future envisioned and bequeathed to the people by the founding fathers of the Burma Pyidaungzu, many, many years and dreams ago.

**Dr. Chao-Tzang Yawngghwe**

Chairman

Supporting Committee for State Constitutions (SCSC)

Chiang Mai, Thailand

2003-09-16



**REPORT ON STATE CONSTITUTIONS  
DRAFTING PROCESS  
(2001-2002)**

**Introduction**

Political crisis in present Burma is not merely ideological confrontation between a democracy and totalitarianism, it is a constitutional problem rooted in the question of self-determination for non-Burman nationalities. It is therefore believed that political crisis can only be solved by the establishment of a genuine federal union based on the principles of equality for all nationalities, the right of self-determination for all member states of the union, and the democratic rights for all citizens of the Union of Burma.

In order to establish a genuine Federal Union, all member states of the Union shall have their own separate state constitutions, their own organs of state, that is, State Assembly, Administrative Body, and Judiciary. The state constitutions, indeed, are inherent and necessary components of a federal system where power is shared between two levels of governments: federal government and state governments. It is, therefore, believed that looking into federalism, the concepts and principles of federalism, federal structures and mechanisms, and importantly, looking at state constitutions, will enhance the capacity of nationalities leaders to help their ethnic nations determine their future in a peaceful and democratic manner. Moreover, the process of drafting state constitutions constitutes a very important step in reaching the goals of the democratic movement. The state constitution seminar would lay a firm, bottom-up foundation for federalism (i.e., genuine federalism), and the draft state constitutions could and would collectively serve as a solid political platform for nationalities leaders and forces in negotiation with other players and actors on the Burma stage.

This report is divided into four parts; part one is dealing with historical and political backgrounds for the need of state constitutions, part two is the UNLD initiative for drafting the

state constitutions and its follow-up activities with the NDF, and part three is about the role of NRP in this process. This report is concluded with the formation of Supporting Committee of State Constitutions (SCSC).

## **Part One**

### **Background History**

The Union of Burma is a multi-ethnic, multi-cultural “nation-state”, which was founded on the basis of the 1947 Panglong Accord. The aspiration of the signers of the Accord was to jointly gain independence from the British, and to establish a Union of equal and co-independent states, i.e., with no nationalities or state being subordinated to any other state within the Union. That is, all constituent states of the Union were envisioned as being the equal partners of Burma Proper or Ministerial Burma, the home state of the largest ethnic nationality, the Burman.

However, as history or political events would have it, the Union of Burma that came into actual being was not in accordance with the aspiration of the non-Burman nationalities. Contrary to the Spirit of Panglong, the 1947 Constitution (finalized in September) created a “Union” where Burma Proper enjoyed the status of the Mother Country, i.e., whose cabinet, government, and parliament were also those of the whole country. This kind of arrangement made the other states of the Union subordinate to Burma Proper. Their relationship to Burma Proper (or the Burma State) was like that of Scotland and/or Wales to England.

An attempt was made by leaders of the non-Burman ethnic nationalities and states in 1961-1962 to address the issue of inequality and other problems related to the dominance of Burma Proper over other member or constituent states. They proposed constitutional reform aimed at making the Union a genuinely federal one as agreed at Panglong. This move – the federal movement – was squashed in 1962 by the military, dominated and controlled by Burman officers.

In 1974, General Ne Win, the military dictator and chauvinist, imposed a new constitution, the Lanzin Constitution. A notable fact about this constitution was that the state structures and arrangements, as outlined on paper, looked highly decentralized, even federal-like. However, the only and ruling party, the Lanzin Party, which held all powers was not democratic, and was moreover controlled and dominated by military officers (in, and out, of uniform). The Lanzin state-order was therefore one where its formal (on paper) decentralized, federal-like, features cloaked a highly centralized state where military subordinates of General Ne Win exercise real and significant power.

In the post-1988 period of struggle, the Burmese opposition forces and nationalities organizations have adopted as its goals, ONE, the restoration of democracy and TWO, the establishment of a new Union, one based on the principles of federalism, national self-determination, and equality. There have been signed several accords re-affirming the goals mentioned. These agreements are the Manerplaw, the MaeThaRawtha, and the ThooMweKlo Agreements. It might be added that Democracy, and Federalism have been the aspiration of the peoples of Burma and the nationalities since before the obtaining of independence.

### ***State Constitutions: Its Meaning and Significance***

Unfortunately, Burma never had any experience of federalism. Noteworthy in this regard is that none of the constituent or member states of the 1948 Union of Burma had constitutions of their own.

The absence of state constitutions in what was supposedly a Union of equal states is a very serious flaw. What this situation indicates is this: namely, that whatever power the governments of states enjoyed and exercised in the 1948 Union were given to them by a central government – and this is a characteristic of a unitary state order. In a unitary state order, power lies in the hand of the central government, and the powers of local governing or administrative units are derived from, or devolved to them by the central government.

In contrast, in a federal state order, the member or constituent states are the basic and founding units of the federation, and whatever powers they exercise or possess are not given to them by the center. The powers of the constituent states of a federation are, in principle, derived from the people of the respective states, and it is thus stated in most state constitutions in countries that are federal in form.

A federation is formed when a number of states agree for some reasons to live and work together under one flag. And because there is an agreement among founding states to band together as equal partners, there arises a need for another category or level of government to handle matters of common interest. Accordingly, this government – the federal or national government – is given, or vested with some powers by the member states. In a federation therefore it is the power of the federal government (or center) that is derived – i.e., given to the federal center by the member or constituent states.

In federalism, therefore, the federal or national government is not a superior government that holds all power. Various and significant powers are held by the member states, and this is spelled out clearly in the state constitutions. As well, some powers, which are shared by all, are given to the federal government, and this is also spelled out or defined in the federal constitution.

There is therefore in a federation, two levels of power, and two levels of government. It might also be said that there are two “sovereignties”, but which are intertwined, yet separated. Hence, there are in federalism two constitutions. One is the federal (or national) constitution, and there exist concurrently, another set of constitutions, i.e., the constitutions of member or constituent states.

In Burma, however, although state constitutions are basic to the idea or concept of federalism, they did not exist, and not much attention has been given, until recently, to state constitutions on the part even of nationalities leaders and organizations. This is indeed a strange situation.

**Part Two:**

**The UNLD-LA Initiative**

The UNLD was established in 1989 as an umbrella political organization for the non-Burman nationalities in Burma. From the very beginning, the UNLD political platform called for the establishment of a genuine federal union based on democratic rights for all citizens, political equality for all nationalities and the right of self-determination for all member states of the Union.

The member parties of the UNLD contested the 1990 general election under the slogan of “democracy and equality” and won 35% of the popular vote and 16% of parliamentary seats (67 seats) in the national parliament of the Union of Burma. The election results established the UNLD as the second largest political party in Burma. The UNLD was unilaterally dissolved and declared illegal by the ruling military junta. The UNLD political platform stood in direct contrast to the policies of the military regime that was intent on establishing a unitary state dominated by the central government.

The UNLD was re-established as the UNLD (LA) in 1998 by its original members, most of whom had been forced to flee the country. The Inaugural Conference of the UNLD (LA) was held, as mentioned, from January 15-19, 2001, with the aims and objectives of:

- Preparation for Tripartite Dialogue
- Preparation for State Constitutions

The UNLD believes that for building a genuine federal union, the Union constitution must be based on a democratic administrative system, because democracy is an essential precondition for federalism. Federalism will not work in a polity where there is no democracy because federalism is, at the bottom, about decentralization of power and limits placed on power. In federalism the above is achieved via a set of arrangement that limits and divides or disperses power, so that parts of the whole are empowered and are further enabled to check central power and prevent the concentration of power.

In short, democracy and federalism are inseparable, as head and tail of a coin, in a pluralistic and multi-ethnic country like Burma.

On the formation of a genuine Federal Union, the UNLD has adopted seven principles of federalism for the future constitution of the Federal Union of Burma, at its conference held in Rangoon, on June 29 - July 2, 1990, and re-confirmed at the Inaugural Conference of the UNLD-LA. These seven principles are:

- (1) The constitution of the Federal Union of Burma shall be formed in accordance with the principles of federalism and democratic decentralization.
- (2) The Union Constitution shall guarantee the democratic rights of citizens of Burma including the principles contain in the United Nation's declaration of universal human rights.
- (3) The Union Constitution shall guarantee political equality among all ethnic national states of the Federal Union of Burma.
- (4) The Federal Union of Burma shall be composed of National States; and all National States of the Union shall be constituted in terms of ethnicity, rather than geographical areas. There must be at least eight National States, namely, Chin State, Kachin State, Karen State, Kaya State, Mon State, Myanmar or Burma State, Rakhine (Arakan State), and Shan State.
- (5) The Union Assembly shall be consisting of two legislative chambers: the Chamber of Nationalities (Upper House) and the Chamber of Deputies (Lower House).
  - (i) The Chamber of Nationalities (Upper House) shall be composed of equal numbers of elected representatives from the respective National States; and
  - (ii) The Chamber of Deputies (Lower House) shall be composed of elected representatives from the respective constituencies of the peoples.

The creation of Chamber of Nationalities based on equal representation of the member states of the Union is intended to safeguard the rights of National States and minorities in the Union government. It also intended as a symbol and instrument of the principle of equality among all nationalities of the Union.

- (6) In addition to the Union Assembly, all member states of the Union shall form their own separate Legislative Assemblies for their respective National States. In Federalism there must be a clear separation of Union Assembly, or Federal Parliament, from the Legislative Assemblies of the member states of the Union. Moreover, the residual powers, that is, all powers, except those given by member states to the federal center, or the Union, must be vested in the Legislative Assembly of the National State. In this way, the Union Constitution automatically allocates political authority of legislative, judiciary, and administrative powers to the Legislative Assembly of the National States. Thus, all member states of the Union can freely exercise the right of self-determination through the right of self-government within their respective National States.
- (7) The Sovereignty of the Union shall be vested in the people of the Union of Burma, and shall be exercised by the Union Assembly. Moreover, the central government of the Federal Union shall have authority to decide on action for: (i) monetary system, (ii) defense, (iii) foreign relation, and (iv) other authorities which temporarily vested in the central government of Federal Union by member states of the Union.

***The UNLD-NDF State Constitutions Seminar  
(August 20-25, 2001)***

State constitutions are inherent and necessary components of a federal system where power is shared between two levels of governments. Due to the multiethnic composition in the Union of Burma, and owing to long years of confrontational politics based on ethno-nationalistic perceptions and demands, it is important for all ethnic nationalities (including ethnic Burma)

leaders to seriously study or look into state constitutions together at a seminar, so that leaders from various nationalities can not only participate but share their different experiences and learn the new insight together. The reason why this is important is because how the state constitution is drafted — and the mechanisms and structures that it provides — will significantly determine how different ethnic groups will live and work together within each member state of the future democratic, federal Union.

In line with this policy, the UNLD organized the state constitutions seminar, together with the NDF, on 20-25 August 2001. The seminar was attended by the state constitutions drafting committee members from Chin State, Karen State, Karenni State, Mon State, and Shan State. Observers from Arakan State and Kachin State also were invited for they were still under preparation for forming their state constitutions drafting committees. Members of democratic forces from the Burman ethnic group and federal constitution drafting committee members also were invited to the seminar. Mrs. Janelle Saffin, constitutional law expert and Member of State Parliament from New South Wales, Australia, was invited as a resource person.

The seminar particularly focused on:

1. The basic principles of federalism.
2. The structures and functions of state constitutions, including:
  - (i) Bill of Rights
  - (ii) Suffrage and elections
  - (iii) The Legislature
  - (iv) Initiative and referendum
  - (v) The Executive
  - (vi) The Judiciary
  - (vii) Finance
  - (viii) Local government
  - (ix) Civil service
  - (x) Public welfare
  - (xi) General provisions
  - (xii) Constitutional revision

At that seminar, the “American Model of State Constitutions” was presented for discussion. In addition to “American Model of State Constitution”, Mrs. Janelle Saffin also explained the background of the “coming together” model of the Australian constitution with a focus on drawing lessons for Burma. Six former British colonies which already had their own constitutions and governments (with three branches – executive, legislative and judiciary), came together as states to form the country of Australia, mostly for economic reasons, rather than for ethnic equality or minority protection. Although the Australian federal constitution together with its state constitutions has a limited role in protecting minority rights, over the last 100 years, the federation has done a good job of balancing national unity and the states’ autonomy.

There were considerable differences of opinion when drafting the federal constitution in Australia. The conflict was particularly on how to divide power and money between the federal union or national level government (The Commonwealth government) and the state governments. After negotiations, the upper house became symmetrical, giving an equal number of seats to each of the states. All executive, legislative and judicial power is divided between the union and the states and many powers are concurrent. The only exclusive powers to the union are customs duties, defense, commercial regulations (banking, insurance, copy right, interstate and overseas trade, etc...) and a few social powers (marriage, divorce, and some social welfare schemes). Other powers including health, education, transport and housing remain in the states. However, giving the High Court the role of final appeal, even for state court cases, favors union supremacy over the states in judiciary power. Likewise, giving the union the right to redistribute tax money favors the union to expand its financial power to influence the states. Therefore it is important for the states to clearly pre-determine which powers they would like to maintain and which powers they are willing to give away to the union, since when ambiguities or overlaps arise, the union is likely to gain more control over time. Another good lesson from the Australian constitutional arrangement is that constitutional amendments cannot be made only by a

majority vote at the national level parliament (without an agreement from the states parliaments). Majority parliamentary votes at both the national and state levels are required.

### ***Two Study Trips to Germany and Belgium***

As a follow up of that seminar, 17 members of state constitutions drafting committees from seven states, namely, Chin, Kachin, Karen, Karenni, Mon, Rakhine, Shan and two representatives of Burma Lawyer Council, went a study trip to Germany for ten days, from December 5-15, 2001. This study trip emphasized the function and structure of German Federalism in the light of how federal government and state governments are functioning, how federal and state government are related with each other and at the same time separated, and how two levels of government can co-exist and shared power or separate power in a federal system. For the group, one of the most interesting points was to see the fact in their own eyes that each and every state in Germany has their own separate constitution and their own organs of state, that is—state parliament, state government, and state judiciary.

The second federal study trip to Germany and Belgium was conducted by the SCSC, from November 25-December 5, 2002. The specific theme of this study trip was to see how local government are functioning and how local and state governments shared and divided power in federal system. Seventeen members from seven state constitution committees and federal constitution drafting committee members participated in the study trip. (Please see detail account of Germany trips in my report on “State Constitutions Drafting Process” in *Peaceful Co-existence: Towards Federal Union of Burma*, Series No. 5, UNLD Press, 2003).

We would like to express our sincere thanks and gratitude to Mr. Nobert von Hofmann, Roland Feicht and Sabine Gurtner from Friedrich Ebert Foundation in Germany, Mr. Harn Yawngwe, Director of Euro-Burma Office in Brussels, Belgium, for their hospitalities and financial assistance, which made us able to conduct federal study trips twice to Germany and Belgium.

***The Second State Constitutions Seminar  
(October 29-November 6, 2002)***

In October and November 2002, the UNLD organized two seminars in New Delhi, India, and Chiang Mai, Thailand, under the title of *The Role of State Constitutions in the Protection of Nationality and Minority Rights Under Federalism: Dialogues in Support of a Democratic Transition in Burma*. The seminars were conducted under the NRP program, and funded by International Institute for Democracy and Electoral Assistance (IDEA) in Stockholm.

The specific themes of the seminars include:

- (i) The rationale for federalism:
  - Is it affordable?
  - Will it exacerbate religious and ethnic conflict, be an impetus for secession?
- (ii) Boundary delimitation:
  - How is the federal unit to be structured?
  - On the basis of historical boundaries or ethnic/linguistic or religious lines?
  - The advantage/disadvantage of using historical boundaries/ ethnic/ religious criteria, and or the creative drafting of new boundaries?
  - How federalism and decentralization can ensure ethnic rights?
- (iii) Conceptualizing state constitutions:
  - Should they be uniform, contain core features, represent the unique features, history and aspirations of the state?
- (iv) Powers and functions of the Central government and State governments:
  - Scope of the legislative/ executive powers
  - Subject matters under the control of Central government and State governments
  - How power is shared between State and Federal governments, e.g. health, education, etc.
  - Role of National/State Institutions (Planning commissions, Ombudsman, Auditors, Central Bank)
  - Challenging issues (Fiscal powers - taxation, police, judiciary, land rights).

Scholars from Australia (Professor Cheryl Saunders, Australia National University, Melbourne), India (Professor Yogendra Yadav, Centre for the Study of Developing Societies, New Delhi), and Nigeria (Dr. Otiye Igbuzor, Secretary, Citizens' Forum for Constitutional Reform, Lagos) were invited to present their papers and to share their countries experiences.

We would like to express our sincere thanks and gratitude to Dr. Sakhuntala Kadirgamar-Rajasingham and Ms. Leena Rikkila from international IDEA in Stockholm, for their financial assistance and personal interest they have shown for peace building and State Constitutions Drafting Process in Burma.

### **Part Three:**

#### **The Role of NRP in State Constitutions Drafting Process**

The National Reconciliation Program (NRP) was established in 1998 with the aims and objectives of:

- To bring about a peaceful transition to democracy and the establishment of a Federal Union of Burma by assisting the ethnic nationalities in preparing for a tripartite dialogue.
- To introduce a culture of dialogue and conflict resolution/management skills and institutions to Burmese society.
- To assist political stakeholders in increasing their capacity building efforts as part of the preparation for tripartite dialogue and transition to democracy.

The Program encourages and empowers all ethnic nationalities to:

1. Discuss and define their own political futures,
2. Dialogue with other nationalities regarding their political future,
3. Engage in preparing for political structures they wish to establish,
4. Create conditions to safeguard and promote democratic and political structures that will be established.

In order for political stakeholders to achieve the goal of national reconciliation, the NRP has supported capacity building projects designed to equip political organizations with knowledge and understanding of dialogue and conflict resolution techniques. As participation of women and youth in the political process is crucial, the NRP has implemented programs among women and youth of various ethnic backgrounds. The primary task of NRP though is to see that projects and related activities – seminars, workshops, training, etc. – are relevant to the strategy, need and focus of the national reconciliation goals.

The NRP program not only encourages but also empowers all ethnic nationalities to discuss and define their own political futures. In doing this, the NRP supports the state constitutions drafting process as part and partial of intra-inter ethnic dialogue in national reconciliation program, through which all ethnic nationalities in Burma can engage in their preparation for political structures they wish to establish, and create conditions to safeguard and promote democratic and political structures that will be established. The NRP program, therefore, assists the state constitutions drafting process, initiated by the UNLD and NDF, by providing financial assistance and technical needs.

#### **Part Four:**

#### **The Formation of Supporting Committee for State Constitutions (SCSC)**

In order to assist the state constitutions drafting process effectively, the UNLD and NDF jointly formed the “Supporting Committee for State Constitutions” at the meeting held in Mae Sod on August 17, 2002.

The SCSC committee members are:

1. Dr. Chao Tzang Yawngwe (Chairperson)
2. Col. Htoo Htoo Lay (NFD, Coordinator)
3. Col. Hkun Okker (NDF, member)
4. Khun Marko Ban (UNLD, member)
5. Dr. Lian Hmung Sakhong (UNLD, Coordinator)

The SCSC will as a coordinating body of the following state constitution drafting committees and study groups:

1. Chinland Constitution Drafting Committee (led by Lian Uk, formed as Working Group 1 of Chin Forum in 1998).
2. Kachin State Constitution Drafting Committee (led by U Khun Sa, formed under the KNO leadership).
3. Karen State Constitution Drafting Committee (led by Col Htoo Htoo Lay, formed under the KNU leadership)
4. Karenni State Constitution Drafting Committee (led by Abel Twide, formed under the KNPP leadership).
5. Mon State Constitution Drafting Committee (led by Nai Hongsar, formed under the leadership of MUL and NMSP).
6. Rakhine (Arakan) State Constitution Drafting Committee (under the process of formation).
7. Shan Democratic Union, which undertaking the task of drafting Shan State Constitution (led by Sao Seng Suk).
8. A study group of the Burman State Constitution (led by Than Tun).

(Note: This report is originally prepared for the UNLD-LA Second Conference, held in February 2003.)

**Dr. Lian H. Sakhong**  
**General Secretary- UNLD**  
**Coordinator- SCSC**



**PART TWO**

**CHINLAND CONSTITUTION**



**Members of Chinland Constitution  
“Initial” Drafting Committee**

**Working Group One  
CHIN FORUM**

- 1) Pu Lian Uk M.P. (Convener)
- 2) Dr. Vumson Suantak (Co-convener-I)
- 3) Salai Ngun Cung Lian (Co-convener-II)
- 4) Dr. Zahleithang (MP)
- 5) Rev. Dr. Chum Awi
- 6) Dr. Lian H. Sakhong
- 7) Pu. Lian Cin
- 8) Pu. Zing Cung
- 9) Pu. Thang Zen
- 10) Dr. Sui Khar
- 11) Dr. Roding
- 12) Salai Kipp Kho Lian
- 13) Salai Nilian
- 14) Pu. Rozathang
- 15) Pu. Thatsavunga
- 16) Salai Victor Biak Lian
- 17) Mai. Dawt Chin
- 18) Pu Cang Peng
- 19) Salai Ke Lee Awm
- 20) Hau Suan Mung
- 21) Salai Za Uk Ling



## **POLITICAL HISTORY AND SOCIAL BACKGROUND OF THE CHIN PEOPLE**

### **Introduction to Chinland**

The heart of Chinland, though some might prefer to call it Eastern Chinland, is here just called Chinland for convenience. It is situated in the west of Burma, covering many mountain ranges and valleys over the western part of the two main rivers plains – Irrawaddy and Chindwin, from the Patkoi range in the North to Cape Negrais in the south, on the shore of Bay of Bengal in the Indian Ocean.<sup>1</sup>

The Chinland mountains have their highest peak at Sarameti in the north, which is over 12,000 ft above sea level, and their second highest peak in the south at Victoria or Khawnu M'tung, over 10,000 ft. above sea level. The lowest point is at Paletwa, 120 miles from the sea shore of Bay of Bengal, which is reached by high tide along the Kaladan river that enters the Bay of Bengal at Akyab, the capital and sea port of Arakan State.

Chinland is thus endowed with great natural resources including floral and faunal forest products of great variety. The exploitation of these natural resources have been systematically hindered by the successive military regimes – the Revolutionary Council, the Burma Socialist Program Party (BSPP), and the State Law and Order Restoration Council, which was later renamed the State Peace and Development Council. As a result, Chinland remains one of the poorest States in the Union of Burma.

### **Background to political history**

The territories inhabited by the Chin people, known as Chinland in many publications of the British administration and in various international documents, was independent territory from time immemorial, outside the jurisdiction of the neighboring ancient kingdoms now known as India and Burma.<sup>2</sup> Chins have affinities for some neighboring ethnic peoples, such as the Kuki and Naga in Indian, and these affinities may provide

a basis for a common distinct national identity. By contrast, the Chins and the Burmans have traditionally recognized each other as different peoples because of differences in language and culture—though their features and complexions may be of the same Asian stock as others in the Far East and Southeast Asia. It was this recognition of distinct national identity of the Chin people, living in their own formerly sovereign territory, outside the successive Burmese kingdoms at the time of the British invasion that led the Chin people to sign the Panglong Agreement under the British administration.

The British invaded the homeland of the Chin people from three fronts, in three successive ways: from Bengal, which is now Bangladesh, in 1872, from Assam now in India, in 1888, and from Burma, in 1889 to 1890. The respective portion of Chinland occupied in each of those wars was put under the administration of each occupying military front which caused the division of the Chinland by international boundaries. Thus one part of the occupied territory was administered by the military front under the British Governor of Bengal, which is now Bangladesh. Another part occupied from Assam was administered by the occupying military front under the British Governor of Assam. The territory occupied from Burma was administered by the occupying military front under the British Governor of Burma as a part of British Burma. Thus Chinland was invaded successively and in synchronization. Despite the fierce resistance of the Chin people, and because of their own superior military strength, the British proclaimed the major parts of the occupied homeland of the Chin people to be a part of the British Empire in 1895.

The occupied territory in its three parts, which the British also called Chin-Lushai land, was to be reunited again as a province under a British governor. This arrangement was established at a conference at Calcutta in 1892 shortly after the occupation of the territory of the present day towns of Haka, Falam and Tiddim, though some parts of the Chin territories were not yet occupied. The Chin native rulers had to accept the terms offered by the British occupying forces with an understanding that the British would recognize their continued

rule as heads of their respective areas, so long as taxes were paid and peaceful passage and transport were given to the British authorities.

This agreement was later dubbed the Chin Hills Regulation Act of 1896, with the intention that the three occupied territories be a province under a British governor. This Act provided that no foreigners outside the Chin territory were allowed to enter the Chin territories without a permit from the authority concerned.<sup>3</sup> This provision of the Act thus served as an immigration law for the occupied Chin territories. In fact, it is still used as an “Inner-line” permit in some parts of North East India, particularly Mizoram State. This provision of the peace agreement was interpreted by some people as enabling the British to take the responsibility of preserving the integrity of the Chin territory and their distinct national identity.

Article 2 Section (4) of the 1948 Chin Special Division Act defined the term Chin as including (a) Lushai, (b) Kuki, (c) Naga, (d) the Burmese consistently living in Chin Hills and (d) Chins living in adjoining areas.<sup>4</sup> This definition was based on a similar scheme in the Chin Hills Regulations Act, and both definitions grew out of a perception that these neighboring ethnic groups possessed enough affinity to be grouped together.

Thus, under the Act, the Chin native rulers were to be allowed to continue ruling their respective areas in the traditional hereditary system of administration throughout the colonial period. But the plan of reunification was dropped by the British local administration in its divide-and-rule policy, on the grounds that armed resistance by the Chin people and river flooding in the rainy season (especially the Tio and Tipi (Kaladan) rivers between the Easter and Western territories) made it impossible to establish administration across the region.<sup>5</sup>

The Chinland territory was thus left divided by international boundaries into three parts at the advent of the Independence of Burma and India by the British administration, as it had been occupied by different fronts of the invading British India forces in the late 19th century.

### **The right of Chinland to be a sovereign independent state**

Though the British annexed Chinland in 1895, the Chin people in several areas rose in rebellion against the British administration in 1917-1918 to be free from British colonialism during World War I, when they were forced to serve as labor corps at the front line in Europe far away from their homeland.<sup>6</sup> The rebellion was severely suppressed by the British forces. Houses and properties were burned and destroyed. Many people were killed and imprisoned. Some were accused of treason and hanged.

When Burma and British India were to be given independence by the British, the Chin homeland territory was not to be handed over to either India or Burma because it had not been annexed by the British as a part of either country. It had the full right to be a sovereign independent state when the British withdrew imperial administration from British India and Burma. If the British had seen the Chinland population as not mature enough to give them full independence, the British still had the responsibility to place the Chin territory under the United Nations Trusteeship System according to the United Nations Charter Article 77(1) (c).

### **Chins as a Founding Member of the Union of Burma**

However, the Chin people in the present Chin State (known by some people as East Chinland) became a part of the Union of Burma because Chin representatives signed the Panglong Agreement in February 12, 1947. Under the agreement, the various signatory agreed to cooperate with the interim government of Ministerial Burma, led by General Aung San, as a way to achieve immediate freedom from colonialism.

The part of the Agreement which constitutes the core of the Panglong Agreement provides, “The members of the Conference, believing that freedom will be more speedily achieved by the Shans, the Kachins and the Chins by their immediate co- operation with the interim Burmese Government etc....”<sup>7</sup> This passage contains no implication that in signing the

Panglong Agreement, the Chin people surrendered their sovereignty, either to Ministerial Burma or to any of the other Panglong signatories.

It is also very clear that the purpose of signing the Panglong Agreement was to be immediately free not only from British colonialism, but from any colonialism. It is predicated on the Chins' intention of preserving the integrity of their distinct national identity and their homeland territories. It is therefore correct to interpret the Agreement as enabling each signatory nationality to form its respective independent state in its respective territories after achieving freedom from British colonialism. This was reflected in the secession clause of the 1947 Union constitution.<sup>8</sup>

Therefore at its founding and on the basis of the Panglong Agreement, the Union of Burma encompassed the different territories of the Shans, the Kachins, the Chins and Ministerial Burma, which constituted the last kingdom of the Burmese – Thibaw. The 12th of February, the day on which the Agreement was signed, has been observed as an official holiday known as Union Day, every year throughout the Union. But observing the 12th February as Union Day without observing the Panglong Agreement and the 1947 Union Constitution, in which the Panglong Agreement was reflected and enshrined, is a deception and a lie to the people of the Panglong Agreement signatory nationalities, the people of the whole Union, and the world.

It is important to understand that the territories of these Panglong Agreement signatories, such as the Chin, Kachin, etc., had never been part of the Burmese kingdom or of Burma before British annexation. Other nationalities like the Kayah, whose territories had likewise never been under the Burmese kings, joined the Union later as Kayah State under the 1947 Union Constitution, in ratification of the Panglong Agreement. The Karen did the same.

Resting on the core of this Panglong Agreement as its corner stone, the Union of Burma was established by the Constitution of the Union of Burma 1947, which was adopted by the Constituent Assembly through democratic process.<sup>9</sup> This

Constitution also provided for the creation of new states in Sections 199 to 200, and for a Right of Secession for all the constituent states in Sections 201 to 206, as well as for the orderly amendment of the Constitution in Sections 207 to 210. Any claim that the Constitution limits secession to only some of the signatory nationalities runs against the spirit of the Panglong Agreement as a whole, if one closely comprehends it.<sup>10</sup>

The weakness of the Union constitution of 1947 can be seen in the formation of the two chambers of the Union Legislature. Out of the 250 seats in the Chamber of Deputies, 190 were representatives from Burma proper and the remaining 60 were representatives from the rest of the Union's constituent units, under Section 3 of the 1948 Parliamentary Election Act, Act No. 65. The government of the Union was collectively responsible to the Chamber of Deputies, dominated by representatives from Burma proper, under Section 115 of the Union Constitution 1947.

In the same way, dissolution of the Chamber of Deputies automatically required dissolution of the Chamber of Nationalities under Section 88 of the same Constitution. So the Burman members of Parliament in the Chamber of Deputies with more than 2/3 of the votes had the ability to pass any law and even to amend the Union Constitution, without any support from the other Panglong Agreement signatory nationalities. As a result, the representation which the non-Burman nationalities were said to have in the Union Parliament was functionally the same as no representation at all.

The Chamber of Nationalities, in which every constituent Unit should have had equal representation, and which should have had more power of legislation than the Chamber of Deputies, had 53 representatives from Burma proper, but the Non-Burman constituent States sent at most 25 representatives (from the Shan), 8 from the Chin Special Division, and only 3 from Kayah State.<sup>11</sup> In addition, the Chamber of Nationalities was under the control of the Chamber of Deputies, which by itself formed the Union government and could dissolve the Chamber of Nationalities by dissolving itself, as mentioned above.<sup>13</sup>

The inequality of power between the two Chambers of Parliament, in addition to the inequality in the number of representatives in the Union Parliament from the constituent states, created an imbalance of power as between Burma proper and the rest of the constituent nationalities of the Union. This imbalance allowed the Burmans to become a ruling people, assuming colonial power from the British over the rest of the constituent units. This arrangement has allowed all sorts of discrimination by the Burmans against their fellow Panglong Agreement signatory nationalities. This discrimination has been much resented by these other Panglong Agreement signatories.

So a proposal to make orderly amendments to the 1947 Union Constitution, so as to create a more federal form was made in 1962. The Arakan Affairs Council and Mon Affairs Council were formed by the elected members of Parliament from the constituencies of Arakan and Mon Divisions respectively,<sup>13</sup> similarly to the Chin Affairs Council, which had been in existence during the transitional period to Statehood since the beginning of the 1947 Union Constitution.

The objective of the nationalities forming their respective Affairs Councils, with the consent of the elected members of parliament from their respective divisional constituencies, was to become constituent states of the federal union by securing amendments to the 1947 Union Constitution that would change it to a federal form. Arakan and Mon also ratified the core of the Panglong Agreement by agreeing to be constituent States of the Federal Union. Burma proper was also to be one of the constituent States of the Union under a Union Constitution amended to create a federal form. Then as now, there could be and can be no federalism without Burma's participation as a constituent state of the Federal Union.

Such an arrangement would be closer to the formation of the true Federal Union, according to the core of the Panglong Agreement. Even in the original draft of the Union Constitution, the Union was to be formed of Union States,<sup>14</sup> which would be represented by one star each in the Union flag. Dr. Maung Maung explains: "The five small stars represent the Mon-Burmese-Arakanese, grouped as one (representing the last

Burmese Kingdom), the Karen, the Shans, the Kachins and Chins clustering round the big star, the Union, in shining unity.”<sup>15</sup>

### **Chinland, its pre-British status quo ante as independent state at present**

Then, a group of military personnel led by General Ne Win overthrew the Constitution with its constitutional government in a *coup d'état* by force of arms on the night of March 2, 1962, against the will of the Union citizens. The new government dissolved the constitutional Union Parliament and formed instead a Revolutionary Council (RC), with five Supreme Councils, namely Chin, Kachin, Karen, Kaya and Shan, each under a military command. These subordinate military officers were all two levels lower than Ne Win's rank and so could be treated as mere subordinates.

The council also invested General Ne Win with full legislative, judicial and executive power on March 9, 1962 to rule the country as a despot. An Advisory board known as the Interim Unity Advisory Board (IUAB) of the Union of Burma was formed in 1968 with 33 ex-members of the last Union Parliament, in which Pu Htat Hlaing and Pu Lun Pum from the Chin State were also included.<sup>16</sup>

The Board was under the chairmanship of former Prime Minister U Nu whose government was overthrown by General Ne Win in 1962. Suggestions, to be given freely to the Revolutionary Council (RC) through the IUAB, were invited from the public by the RC through the nation's media. The Chin Youths, a group formed by Rangoon Chin University students and other Chin Youths, composed a memorandum known as “*Chin Lunge-mya aKyan-pei Tin-pya-Chet*, which means “Proposals Offered by the Chin Youth.” The offered this memorandum to the RC through the two Chin IUAB members and the IUAB, in reply and with reference to the announcement no 72 or 77 dated December 4-6, 1968 of the Chairman of the RC.<sup>17</sup>

The said proposal demanded that the Union of Burma be reformed into a democratic true Federal Union in which the

Chin Special Division would be one of the Federal Constituent States of the Federal Union of Burma. However, the advice and suggestions submitted by the IUAB and others to the RC were all refused by the RC, and the IUAB was dissolved. On September 26, 1971 the State Constitution Drafting Commission, which had been formed by the Burma Socialist Program Party (BSPP) established under the full support and protection of the RC, issued a statement again inviting suggestions from the public by the people individually or collectively.<sup>18</sup>

The Chin people all over the Union, especially from the Chin Special Division, submitted not less than 150 documents of suggested changes to the Constitution Drafting Commissions. All the 150 papers from the Chin Special Division repeated the previous proposals of the Chin Youths, demanding reformation of the country into a democratic true Federal Union of Burma. But although the government had invited these proposals, not less than fifty Chin leaders and activists who had been involved in presenting suggestions for constitutional amendments were arrested and jailed without any trial, except for two.

Among those arrested were leaders and political activists from all the political parties that had been banned, such as the Anti Fascist People's Freedom League (AFPFL), Chin National Organization (CNO), the Union Party led by U Nu former Prime Minister of the Union, and even regional top leaders from the Chin Special Division and Magwe Division of The Burmese Socialist Program Party (BSPP), which was at that time the ruling party of the one-party system. Moreover, those arrested included people from all walks of life of Chin society, such as retired as well as active army officers, administrative officers, medical doctors, lawyers, student leaders, and farmers.

Nonetheless, some believe that the various constitutional proposals offered by the Chin people may have had some effect on the RC, which subsequently transformed the Chin Special Division into a State, at least in name, because the RC had come to see the Chins as a minority people restless for higher political status under the Union Constitution. Dr. Maung Maung wrote, “[T]o placate restless minority groups, the three separate States were to be created within the Socialist Union of Burma.”<sup>19</sup>

Under this arrangement, the States of Arakan, Chins and Mons were nominally created as States under the constitution of the Socialist Republic of Union of Burma 1974, in the dissolved last parliament. The States of Kachin, Karen, Kayah, and Shan were reduced to the level of district status along with the newly created three states under the rigid centralized control of the successive military regimes.

As a matter of fact, not less than 200,000 political activists, including the Chin leaders and activists mentioned above, were taken to military detention camps. Most of them, including the Chin leaders, were released only after several years, generally without any trial and only after the socialist constitution was adopted in a fraudulent referendum in 1974, in the absence of these leading political activists, who were staunchly against the military regime and their *pro forma* referendum.

Because this constitution had been adopted without any institution to check the referendum votes and without freedom of expression, association, or press, it should be regarded as illegal and illegitimate—a weapon to limit democratic freedom under despotic military rule. Thus it was obvious that the Union citizens in 1973-74 were forced at gunpoint to vote for the ratification of a new constitution, which was entitled “the Constitution of Socialist Republic of Union of Burma 1974.” Anyhow, the 1974 constitution, and the military government formed on the basis of a fraudulent election, were abolished in the countrywide pro democratic uprising of 1988, and the regime that had overthrown the 1947 constitution, came to an end.

As a result, the 1947 Union Constitution still remains in force, as it has never been overturned by a legal vote. As a matter of fact, the Union Constitution of 1947 created the State of the Union of Burma as a subject of international law and therefore served as the basis for its admission to the United Nations as a member State in 1948.

Section 3 of the Constitution provides, “The sovereignty of the Union resides in the people”. The people of the Union of Burma in their sovereign power then elected their representatives in the general election recognized internationally

as fair and just in 1990, and those elected representatives are thus lawful representatives of the Union according to S.3 of the 1947 Union Constitution. It is therefore necessary for them to proclaim the reinstatement of the 1947 Union Constitution as a means to legitimately restore democracy in the Union.

Some, even some with pro-democratic commitments, have thought that the 1947 Constitution should neither be amended nor readopted, despite its legitimacy and its democratic legal process. Such people fail to note that not to readopt the 1947 Constitution is tantamount to justifying and legalizing the criminal act of overthrowing the Constitution along with the constitutional government.

The overthrowing of the constitution by a handful of military personnel was a criminal act amounting to waging war against the Union by force of arms. The overthrow grew out of a political ideology that “might is right.” This ideology is completely against the fundamental principle of democracy, that “right is might.” At the same time, to have overthrown the constitutional government by force of arms is against the rule of law, which is much esteemed in the United Nations Charter.

Therefore, not to readopt and amend the 1947 Union Constitution will amount to unwitting surrender to the successive anti-democratic despotisms, collaborating with them in their brutal acts of killing unarmed peaceful demonstrators, fellow citizens who have sacrificed their lives for the restoration of genuine democracy based on liberty, equality and fraternity in the Union of Burma. Indeed, such a surrender would amount not only to legalizing their criminal acts; it will also be taken as a justifiable, regular phenomenon by the generations to come in history. It would mean that today’s democratic forces of the Union of Burma had adopted the principles of the jungle and primitive law, “might is right.” That course will surely lead the Union to its own ruin.

By contrast, the 1947 Union Constitution could serve as a springboard to restore democracy in the Union, as the India Act of 1935 and the Burma Act of 1935 were used as a springboard from which the people continued the process of democratization to transform their countries into democratic

republics. As a matter of fact, when newly independent, India and Burma held general elections according to the Indian Act of 1935 and the Burma Act of 1935, respectively, transforming their countries into democratic republics.<sup>20</sup> In the same way, the citizens of the Union of Burma at present need such democratically adopted law as a springboard to start the begin a legitimate process of restoring democracy in the Union from its present disintegration from the legal point of view. Therefore, to restore democracy in the Union of Burma, we should first restore the Constitution of Union of Burma 1947.

In this way it can be understood clearly that proclaiming the 1947 Union Constitution will serve as a bridge from the democratic system that was in place prior to March 2, 1962—just as the Indian Act of 1935 and the Burma Act of 1935, respectively, were used by newly independent India and Burma as a bridge between the democratic process prior to their independence and the democracy they established in their post independence.

The 1947 Union Constitution can be amended by the citizens through their elected representatives in their own way after it is readopted. If not, there will be an end of the Union of Burma in the context of the principle of the rule of law. The military regime SLORC/SPDC, is refusing to hand over power to the elected representatives. They have not recognized the government formed by the elected representatives, thus effectively trying to end the Union, ignoring the sovereign power of the Union citizens.

Section 2 of the Constitution of the Union of Burma provides: “The Union of Burma shall comprise the whole of Burma, including (i) all that territory heretofore governed by His Britannic Majesty through the governor of Burma, and (ii) the Karenni [Kayah] State.” This is an implicit recognition that the territories of the indigenous people like the Chin, the Kachin, the Kayah, and others were in general not under the rule of the successive kings of Burma nor an integral part of Burma before the British annexation. It was the Panglong Agreement and the Constitution of Union of Burma which created the state, the Union of Burma, and these are the only two documents,

especially Section 2, which binds these territories into a single sovereign state.

Now, if the SLORC/SPDC continues to refuse to hand over power to the democratically elected representatives of the people, there is no way, consistent with the rule of law, that the territories of the Kayah, the Karen, the Kachin, the Chin, the Shan and the other Union constituent units can become a part of Union of Burma until and unless the 1947 Constitution, with its roots in the Panglong Agreement, is re-proclaimed. Thus these territories, which had been governed by his Britannic Majesty through the British governor of Burma and which had been bound by the Panglong Agreement and the 1947 Union Constitution of Burma are in their pre-British annexation *status quo ante* as independent territories until the revival of the the Panglong Agreement and the 1947 Union Constitution.

Since Section 3 of the 1947 Union Constitution provides that the sovereignty of the Union is vested in the people, the people's representatives elected by the citizens of the whole Union in the 1990 general election, which is recognized as a just and fair election internationally, are the legal legitimate elected representatives as soon as they proclaim its re-adoption. However, if they do not readopt the 1947 Union Constitution, even the government formed by the elected representatives of the citizens of the Union of Burma cannot become a legitimate democratic legal government *de jure*, as the 1990 election was conducted under a law passed by the unconstitutional self-appointed regime. It cannot be recognized as a legitimate legal government *de jure*, because its failure to proclaim the 1947 Union constitution will amount to recognition of the overthrow of the 1947 Union constitution by force of arms contrary to democratic procedure. In other words, it will amount to legitimizing the successive self-appointed illegal governments as governments *de jure*, justifying all their criminal violations of human rights.

In such circumstances, the Shan, the Kachin the Karen, the Kayah, the Chin and other nationalities, being in their pre-British *status quo* as independent territories, are at liberty to proclaim independence in their respective territories, to be recognized as

international persons by the democratic countries the world over and by the United Nations.

Yet these national territories are now under the unconstitutional and illegitimate government of the SLORC/SPDC, because of the temporary illegal occupation of these national territories by the self-appointed despotic government of the Burmese military regime. In other words, the successive Burmese military regimes' systematic violation of the core of the Panglong Agreement and of the 1947 Union Constitution has necessarily resulted in the exclusion of the territories of the Panglong Agreement signatory nationalities from the Union of Burma, and it has forced those nationalities to establish sovereign independent states in their respective territories.

### **Social and cultural background**

The territory the Chin people has spread out in so vast an area, with hilly regions where communication is so difficult, that they could not have systematic contact from one area to another for a long period in their history. It is therefore quite possible Chins in one area could have been so different from those in another that they would no longer have been recognized as the same people by each other and by others.

To some extent, however, the Chins have still kept their communities and cultural life collectively and distinctively different from other people, even where their settlements have been mixed with other people in all the places they have spread out to. Thus even though a particular group might have a local name different from other Chin groups, all Chins can trace their cultures and dialects to a common origin, shared with all other Chins throughout their territories. As a matter of fact, it is striking that the local dialects; customs and cultures of the Chin people over such a wide area still constitute a network of such overlapping similarity that it can be taken as evidence that they are much the same people. This similarity connects one tribe after another in continuous chains, ending at their common geographical frontier and circumscribing a distinct, single national identity.

Because of easier communication providing better contact than ever before, Chin people today have a better understanding of those in other parts of Chinland. This better understanding has revealed that the cause of the Chins' minor differences in local dialects, culture and custom have to some extent arisen from lack of communication among the various parts of the territories that they have inhabited in their long history. The Chin unity as a people is therefore based rather on patterned diversity than uniformity. Thus it can be foreseen that when communication in Chinland is made truly general and the various Chin groups have better understanding of their respective local dialects, customs and cultures, then all Chin people may be able to consider any Chin dialect, culture or custom of any local Chin area to be the common dialect, culture and custom of all the Chin people. For example, Haka and Falam, which are only 44 miles apart, might be joined as virtually a single city when communication is improved so that they could be only an hour away from each other

As a result, the Chin people will unite not in uniformity but in diversity, which eventually will provide a common life rich in culture, literature, and art. The progress that Chin people have made so far has been quite rapid in spite of the oppression and the discrimination that they have suffered at the hands of the Burman military. Because their social life is changing so rapidly, the Chinland constitution should be not rigid but flexible, so that the Legislative Assembly of Chinland may be able to enact laws flexibly to suit the rapid changes of their national life.

Chin cultural life has shown that we are a people like others who love freedom very much. Thus the Chinland constitution should be one which will promote democracy and our freedom in every arena of our society.

The smallest unit of our society is the individual, and individuals are relatives within a family. Families are generally relatives in a 'clan segment' and clan segments are relatives in Clans. "Clans are relatives in the 'dialect group' and dialect groups are relatives in tribes".<sup>21</sup> Actually, the term we use here, 'clan segment' is what has sometimes been called 'sub-clan' and 'dialect group' is what has been called 'sub-tribe', but the latter are misleading and inappropriate.

The tribes of the Chin people make their lives along the valleys and mountain ranges, and the relations of one local area to another are continuous, like chains from north to south and east to west mixing their dialects and cultures and customs, which has created the basis for a single distinct national identity.<sup>22</sup>

It should be understood that “the term Chin actually refers to a variety of groups whose languages are more closely related to each other than to other group.” Their distinct single national identity is recognized by their surrounding neighbors: the Kachin and Shans, for example, refer to them as “Khang,” and neighbors in much of Eastern India refer to them as “Kuki,” showing that even people outside their common frontiers regard the Chinas as a people different from other people, with a distinct national identity. The term ‘Chin’ is believed to have been derived from the term *Khrang*, or *Khlang*, which in Southern Chin dialect still means simply “people,”<sup>23</sup> and which has come to be pronounced “Chin” as a result of systematic phonetic changes in the Burmese language, from which the term was borrowed into English. It is, however, still read as “Khyeng” in Arakanese.

In short, then, neighboring groups recognize a cultural-social relatedness among the Chin and therefore decided long ago to treat them as a single people. This recognition by neighboring groups is mirrored by recognition among the Chin people themselves that they share a distinct national identity. This awareness of themselves as a single people with a distinct identity has clearly become the political ideology of Chin nationalism. These cultural and conceptual similarities, taken together with their similarity in physical appearance, have been sufficient to cause the Chins to regard each other as members of the same people.

In the early years of occupation, however, some few British officers regarded the Chins’ differences as more insurmountable. But more recently, the discovery of their many similarities by the native people themselves proved that those who had insisted upon their differences so as to separate them were really acting out of a much-resented “policy of divide and rule.”

Some people may say that England and America recognize a close relationship, but they are still not a political unity. The

same is true for Germany and Austria and others. But, if we look only for our differences, we can see differences even among brothers and sisters of the same parents, as that is how nature has created us, the people of the world.

In the same way, if we look only for what we have in common, then all the people in the world are the same in their shared humanity. But we still cannot form a single unified world government. So the world is divided into nations, and a nation (we should say) is generally thought to be formed from 'tribes,' who were originally separate and different, but who have united on the basis of their close affinities and common ties, so close and common that they have a common and distinct identity. So it is in the case of the Chins.

If such tribes and peoples can not accept their similar affinities as a background that unites them against forces that seek to assimilate them or destroy their respective existence, then they will lose their distinct national identity as a group and become extinct as each tribe or group will eventually be too few in population and not strong enough to defend their existence as a people against the assimilationist influence of the outside world. In the same way each dialectal group of us, the Chin people, is too small in number to resist such assimilationist influences unless each dialectal group unites with the others on the ground of our similar affinities. In any field, everything needs to be re-oriented so as to be up to date, and in particular, as communication around the world increases, it has become generally understood that homogenization is likely to increase at the expense of narrowly parochial identities. We cannot keep things stagnant and dogmatic.

If we still hold on to ancient and parochial concepts from the period of 'one village one kingdom,' not agreeing that we are one single people, it will certainly take us nowhere. (In the same way our national concept should not be kept stagnant and dogmatic as it was long ago for hundreds of years). We need to re-orient and defend our common identity in unity, so as to be able to withstand encroachments from more aggressive societies in our neighborhood. As the saying goes, "United we stand, divided we fall."

It may be true that very commonly, people come to perceive a shared ethnicity because a powerful outside force treats a set of related communities as “all the same,” which forces them to act and think as a people. This sequence especially occurs among groups who, if they did not perceive their common bonds, would quickly be swallowed, one after another.

So it is a matter of our living together, based upon recognition of our brotherhood, or all perishing together for not taking any action, thinking that it does not concern us when others are killed, as in the Nazi gas chambers. It seems appropriate here to quote what Pastor Martin Niemoller said about the Nazi Holocaust:

*First they came for the Jews  
And I did not speak out  
Because I was not a Jew  
Then they came for the communists  
And I did not speak out  
Because, I was not a communist  
Then they came for the trade union  
And I did not speak out  
Because, I was not a trade-unionist  
Then they came for me  
And there was no one left to speak out for me.<sup>24</sup>*

So when a part of a people does not stand up when another part of the same people suffers under oppression from an enemy of their common existence, eventually that enemy will surely bring about the extinction of the part of people who did not stand up. In the same way, if a people refuses to unite with its closest kin in times when those kin are under repression, that repression is certain to come on them also.

Therefore, in such cases, to be united and help each other is the first step towards defending one’s self. This is the lesson of history around the world. In many cases, ethnicity is the result of the free choices of a set of related communities to unite on the common ground of their similarities, to exist as a people, and to “to live together or to perish together.”

It would be wrong to claim that those who share the name Chin are not one people on the grounds that they no longer speak the same dialect, because they had limited contact for centuries. In the same way, it would be wrong to regard them as not one people on the grounds that they had not discovered for centuries that they spoke essentially the same language in the not very distant past.

The surprising similarities among many of our different dialects and cultures, even in the far north and in the far south after having no contact with each other for centuries, is certainly undeniable evidence that the people who bear the name Chin had once shared a language in not very distant past, after they were separated from other groups of Tibeto-Burman speaking groups. This conclusion is also supported by the fact that the people who bear the name Chin have occupied contiguous geographical areas in the same region.

The conspicuous similarities of all people who share the name Chin is difficult to deny or to discount. It has been those similarities that have made the Chins closer to each other than to people outside their common frontier. In other words, the technical differences, which some people might try to prove, are outweighed by the similarities the we, the native Chin people, see in our common society.

When modern communication is improved in the region, the different dialectal groups of the Chin people will have more and more contact with each other and increase their sense of oneness as the same people, perhaps in the way that long lost siblings conceive of each other as children of the same parents after they discover themselves to be so.

We should not lose this sense of brotherhood with all the people who fall under the definition of Chin in the Chin Hills Regulation, which is still in force in the Naga Hills of Sagaing Division in the Union of Burma. The definition of the term Chin is still the same as it was in 1896, and it was also codified under the Chin Special Division Act of 1948, by the Chin representatives to the Union of Burma.

We can usefully take the people of India as an example of citizens who feel themselves to be one nation even in the face of their different languages and literatures. In the same way, the Chin people of 1950 did not have the same outlook as the Chins of 1940, and the Chins of 1990 were not the same as the Chins of 1950 and so on. The discovery of our similarities one after another has made us closer to each other and increased our sense of oneness.

The ever closer relations among Chin people of different dialectal groups or tribes can be seen in the fact that we have now recognized what we once thought were great differences in our dialects and cultures as mere adaptations to suit our different environments. As a result, we have accepted as our heritage the variety and richness of our traditional literature and culture.

It is this concept which should be enshrined together with democracy and self-determination in the constitution of Chinland as a constituent unit of Federal Union of Burma, to guide us in freedom to strive towards the ever increasing prosperity and development of Chinland and its population.

In order to allow every local area to enjoy freedom, the structure of the Chinland constitution should be based on dialectal or geographical or traditional administrative groupings in our society. At the same time, the constitution should emphasize the common cause and common interest of the Chin people as a whole. We have been much hindered by the Burmese military dictatorship from seeing the right course to allow our country to become prosperous and free.

So, when democracy is restored, any one who is given the responsibility to carry out this task must at once give priority to constructing the communications infrastructure a network over the whole of Chinland. With improvement of road transport, electricity should be concurrently established. Other transportation links like airfields, railroads, and waterways should also be established as early as possible and wherever possible. Any possible loans should be taken to establish all these infrastructures.

## **CONDITIONS FOR CHINLAND TO JOIN REUNIFICATION OF FEDERAL UNION OF BURMA**

### **Reunification of Union of Burma as a Federal Union**

At present, the constituent units of the Union can choose to reform the Union if the 1947 Constitution of the Union is readopted with amendments according to the core of the Panglong Agreement, to unite and cooperate in their common interest, and to secure the right of self determination to all the units as demanded by their distinct cultures.

All the democratic forces of the Union uphold the generally accepted principle that, “A nation is said to be a group of people who agree to live together in voluntary association.” The association must be voluntary, and not forced, to form a real nation. Voluntary association can arise only among people who have confidence in one another and who feel that, by living together, they have much to gain and little if anything to lose, that thereby their welfare and progress will be helped and not thwarted.<sup>25</sup> So if the SLORC / SPDC tried to conquer the will of the peoples by force of arms, intimidation, and deception, it will just increase the hatred that the people have for them.

Even if the SLORC/SPDC could successfully conquer them by force of arms today, the spirit to escape from their brutal bondage will always be smouldering, which means that there will be no peace in the country. In any country, those constituent units that have been conquered by force of arms and forced into fraudulent union against their will generally keep struggling in cold or hot war until the oppressors weaken. On that day, when the iron grip of the oppressors slackens, a day which will almost surely come, the situation usually ends with chaos and bloodshed.

In this way, in a country ruled by force of arms against the will of its constituent units, the people will never have peace. This exact situation pertains right now in the Union of Burma, as it has for the past half century. Instead of investing money in

the development of the country, the military government has spent it on arms and ammunition and other military purposes so as to oppress and kill its own citizens. This disastrous spending policy has so dragged the country down that it has become one of the poorest countries in the world, with all kinds of suffering and misery despite its great natural resources.

Thus the only way to solve the political crisis in the Union of Burma is to strictly observe a lawful democratic process, which can be accomplished only by handing over power peacefully to the representatives elected in the 1990 general election. Those representatives should then proclaim the re-adoption of the 1947 Union Constitution, amended to federal form, so as to bridge the gap between the period of democracy, defunct since 1962, and the future.

Only then will the people of the Union be able to pursue in freedom — freedom from fear and freedom from want — the cultural richness and many-colored variety of their land, beautifying their part of the world and playing their part on the stage of the world with pride and dignity, recreating all that has been lost under the bondage of militarism.

### **The basic grounds on which Federal Union of Burma may be reunited**

Throughout the world, the practice of equality according to democratic principles always rests on universal adult suffrage, no matter how different those adults are in size, gender, status or other distinctions. This principle is also applied to nations and states, as they are corporate personal entities.

For this reason, nations large and small have equal rights and equal numbers of representatives in the General Assembly of the United Nations. For the same reason, in many countries, the constituent states, of greatly varying size and population, have equal representatives in central government bodies—as in the Senate of the United States of America and in the legislatures of many other countries.

William Peterson, a representative of New Jersey (USA) was quoted as saying, “What, Pray, is representation founded on Numbers? If State Sovereignty is to be kept up, shall I submit the welfare of New Jersey with five votes in a council where Virginia has sixteen? This would lead to Autocracy. Neither my State nor myself will ever submit to despotism or to tyranny.”<sup>27</sup>

Thus the signing of the Panglong Agreement by the signatory nationalities and the several agreements that have been signed since then by the constituent nationalities have made this fundamental principle of democracy applicable to the signatory nationalities and other recognized nationalities, large and small, no matter what their differences in geographical and population size.

Therefore all the national states in the Union should have an equal number of representatives and votes in the national convention, the constitutional assembly, and in at least one chamber of legislature, which should have more power in federal lawmaking. Only then only can all the nationalities of the Union be united according to the theory of voluntary association described above.

A constitution is not an ordinary piece of legislation. Instead it is a sacred document and an agreement to live together. It cannot be compared to any ordinary law. So the practice of adopting a constitution by referendum is unwise and unfair, as it is not as simple as asking the people to give a yes-or-no answer to such a comprehensive document.

It is therefore essential that the constitution of the union should be adopted and amended by a convention composed of an equal number of popularly elected representatives from each of the national states of the Union. This concept of equal representation should then be enshrined, together with democracy and self-determination, in the constitution of the federal Union of Burma in which Chinland is to be a constituent unit, to guide us in freedom as we seek continually to increase the prosperity and development of Chinland and its population.

In other words, the constitution should be adopted and amended by a majority vote of the national states, not by a

majority vote of the total population of the union. Only this process will create favorable conditions for the reunification of the Federal Union of Burma.

### **Government formation systems and Chinland constitution**

Building a sovereign nation or state always involves the constitutional law of that nation or state. It is constitutional law that create the constitution of a nation or state. There are very many descriptions of the nature of a nation's constitution. The formulation that seems easiest to understand is that "[a] constitution may be said to be a collection of principles according to which powers of the government, the rights of the governed, and the relations between the two are adjusted."

So in building a nation, one of the most important tasks is to establish basic constitutional principles. Those principles generally involve the creation of a Legislature, an Executive and a Judiciary. Those who make laws are representatives, elected by the people and generally known as the Legislature. Laws passed by the legislature are enforced by an executive body, generally called the Government in parliamentary systems and the Presidency in presidential systems. When a legal dispute arises about the application or meaning of these laws, the judiciary decides the question.

Generally speaking, constitutions are classified as being either unitary or federal. Unitary constitutions recognize only one sovereign government, the central government, within the nation's territory. This system is commonly adopted in countries where the citizens share a culture and language, so that the government treats the citizens as one people.

Federal constitutions, by contrast, involve decentralization of sovereign power by dividing authority between the center and the states. Federal constitutions are sometimes used in countries that are so vast that they cannot be controlled from one central government, even if the people of that country share a language and culture. More commonly, federal constitutions are used in countries where the people have different languages and cultures in different territories. In such

cases, the local groups agree to form a central government to govern only in their common cause and interest, and each territory keeps its own sovereign government for its internal affairs.

There are several forms of executive power, particularly the presidential and parliamentary, regardless of whether the constitution is unitary or federal. In the presidential form, the president (the head of state and the chief executive) is elected by a majority vote of the population of the whole country. The president then selects his cabinet with the consent of the legislature. In this system, great power rests in the head of the state, but the people directly choose their executive.

In the parliamentary system, by contrast, the legislature chooses a prime minister by majority votes of the members of legislature, and the prime minister then selects ministers in consultation with the members of the legislature. If one party wins a majority of the seats in the legislature, the leader of that party usually becomes prime minister and forms the government with selected members of the party in power.

In the parliamentary system, if there is a president, he or she is usually a nominal head of state, elected by the legislature or a presidential electoral committee. The president acts according to the advice of the prime minister, and the prime minister acts only in the name of the President. In the same way, a governor of a member state might act according to the advice of a chief minister, and the chief minister might act in the name of governor. In a parliamentary system, great power rests in the legislature, but executive generally has a considerable range of discretion.

Some countries, like Pakistan, France, and Russia, have dual systems that combine features of presidential and parliamentary governments. Commonly in such a system, the president is very powerful, and the prime minister is responsible to the president, holding his or her office (along with the other ministers) at the discretion of the president. The Chin Forum believes that constitution of the future federal Union of Burma should take this dual form as it seems to balance the minority rights of

constituent states that very differ greatly in the size of their population and territory.

To make it more understandable, the function of the president and the prime minister of a state are roughly comparable to the function of the president and secretary in an organization. Many of us have had experience in one or more of such organizations. The president of a country performs functions performed by the chair or president of an organization, and the prime minister carries out the function of the secretary in an organization. The prime minister is like the general secretary, and his ministers are like under-secretaries in an organization. In an organization, sometimes the general secretary has the power, and the chair or president follows the plan set by the general secretary.

The constitution of the Federal Union of Burma will be federal. The Chinland constitution, however, must be unitary, with several local areas having autonomous powers in some cases. The Chinland Legislative Assembly may have the power to make laws providing for local self-government within Chinland, or the constitution itself may provide for local self-government in a federal form. On this subject, the Chinland constitution is still in flux, but it should have some federal aspects.

Some people believe that adopting presidential system of government for the Federal Union of Burma is out of the question because of the vastness of the country, the poverty of the population, and the fear that any president from one of the constituent peoples may be inherently prejudiced against the other constituent peoples—a situation that has been experienced in Burma in the past and exists there to this day.

For that reason, a parliamentary system should be adopted in the union, so that the legislature will have the sovereign power and not the government. Nonetheless, there are people who still advocate the presidential system for the Federal Union of Burma, on the grounds that a true federal form can be instituted only in this way. So let us all think it over

But to adopt a presidential system for Chinland is quite a considerable step. If we adopt the presidential system, the head

of state/governor of the state will be elected by the whole adult population of the Chinland and the governor will then select his or her cabinet with the consent of the legislative assembly of the Chinland. The presidential system of government is more or less adopted in this draft.

In this way, because the whole adult population is to elect a governor, there is a better chance of electing the most qualified and popular person in the whole state. For that reason, the elected governor might have a better sense for the equal treatment of all the tribes and sections of the Chin people, because he or she is accountable to the people in every section of Chinland. In this way, we might have fairness and unity so as to solve the many differences that we might face.

Still, there is some danger to be apprehended. If a very irresponsible person were elected governor, he could easily abuse his power, and it might not be easy to control him by impeachment or otherwise after he has taken up the reins of power. We have to keep in mind some of the bygone Chin leaders who were often accused of localism and nepotism.

Thus on the basis of the arguments and evidence given above, this Paper is tentatively proposed as a menu to be discussed and to provoke the interest of everyone who has any interest in the matter to respond with suggestions, feedback and advice. In short, our conclusions will include the following terms of reference:

1. *The Chinland constitution is not to be a rigid one, but a flexible one.*
2. *It will be a constitution, which will promote democracy and freedom.*
3. *It should be based on dialectal, geographical, traditional jurisdictions of our society.*
4. *It should be the constitution of the state, which will be a constituent state in the federal union that might be called Federal Union of Burma.*
5. *It should be a federal form of constitution with several local areas having autonomous decision in several jurisdictions (or) It should be a unitary form of constitution with several local areas having autonomous decision in some cases..*

6. *A presidential system or a parliamentary system of government may be adopted but the presidential system of government is more or less adopted in this draft.*

**Lian Uk  
Convener  
Working Group (I)  
THE CHIN FORUM**

**Endnotes:**

1. *Burmanica Encyclopedia* Vol. II, (Rangoon: Government Printing, 1954), p. 389
2. H.N.C. Stevenson, Snodgrass, *The Burmese War 1824-1826*, (Bangkok: TK Printing Ltd, ), especially see the map attached to on back cover. A.S. Reid, *Chin-Lushailand* ( ).
3. Shinbanmika Chauba, *Hill Politics in North East India, 18* (1973).
4. *The Burma Code*, (Vol. XIII) Article 2 section (4) (Rangoon: Government Printing, 1958).
5. *Foreign Department Report on Chin-Lushai Hills, 46* (Aizawl: Tribal Research Institute, 1980).
6. *See generally*, H.N.C. Stevenson, *supra* note 2.
7. Maung Maung, *The Constitution of Burma* (The Hague, 1961), p. 229.
8. *Ibid.* Section 10, Article 201-206.
9. *See generally*, *The Constitution of Burma*, Constituent Assembly of Burma (1948) (Reprinted 1957).
10. *Ibid.*
11. *Ibid.* Maung Maung (1957), *supra* note 7.
12. *Ibid.*
13. *The Nations*, Rangoon (April 5, 1961).
14. Maung Maung (1957), *supra* note 8, pp. 231-240.
15. *Ibid.* P. 203.
16. *The Working People's Daily* (Vol.5, No. 326, Rangoon, Thursday, December 5, 1968).
17. *Ibid.* 1. (Vol. 5. No. 327, Rangoon, Friday, December 6, 1968).
18. Albert Moscotti, *Burma's Constitution and Elections of 1947*. ( : Institute of South East Asian Studies, Series No. 5, 19—), p. 9.
19. Albert P. Blaustein & Gisbert H. Flanz, *Constitution of the Countries of the World* (1974), p 3.

20. Maung Maung (1957), *supra* note 7, at.78.
21. (a) Clan segment. We believe that anyone familiar with any Chin recognizes the clan as a unit of the Chin society next to individual and family stages. Hlawnceu clan which seems to spread most widely in Mizoram, Northern Chin State, and Chittagong Hills Tract is an example of what I mean here as clan. But this Hlawnceu clan has many branches in smaller groups having several local names. Those groups, which have local names, are the clan segment (subclan) of the Hlawnceu clan. A Hlawnceu clan segment (subclan) of course is a group of families with its separate local name who are descendents of Hlawnceu ancestors.
- (b) Dialect group (Sub-tribe). What we mean by dialect group (sub tribe), is a people of a locality who share a dialect, which is mutually intelligible among them., e.g. Zotung is a group of Chin people who share a mutually intelligible dialect. But culturally they are the same as several other groups of people in Haka, Thantlang, who share a cultural center at Haka, which was the traditional center of feudal administration in the past before the British annexation. Thus they could be collectively known with other dialect groups (sub-tribes) who share the same culture known to day as Haka tribe or Lai tribe. We hope that this explanation is quite understandable.
22. Here, we want to explain the way how the Chin tribes collectively have come to have a single distinct identity as a nation. If we take the people in Tonzang and Tiddim townships in the most northern part of the present Chin heartland, their dialect and cultural life is more or less the same.

But people in Siyin valley in the southern part of the township who have more or less the same culture and dialect have a very close similarity also with the Ngon people in Falam township who are most closed to each other. From there such similarity continues on from Zanniat area to Tlaisun, Laizo, Mangkheng and Zahau area. From that Zahau area, Khualsim and Zahau group in some way are closely similar again with the people in Haka and Thantlang township up to Matupi township with Zotung and Miram. Those Zotung and Miram(Mara) have in some way similarity with people in Matupi and Paletwa townships and from there the similarity continue up to Mindat and Kanpetlet area.

Those people in Mindat, Kanpetlet and Paletwa areas have again in some way close similarity to Chin people in Arakan State and Chin people in Se-tauk-tara townships till Tha- yet-myo (Mye htee Pin-le) and even till people near Cape of Negrais in Irrawaddy division in the delta area up to Ramree and Cheduba island in Arakan State.

From Tiddim and Tonzang area, the similarities spread till Manipur and Naga Hills. From Paletwa, Thlantlang, Haka and Falam areas, the similarity spread out till Mizoram in India and Chittagong Hills tract in Bangladesh. This similarity is therefore connecting one after another in continuous chains ending at a common frontier of all geographically.

It can be read some where above that the Chin people to some extent have kept their communities and cultural life collectively and distinctively different from other people even wherever they are mixed with other people in all the places they have spread out.

It is this chain of similarities in culture and dialects with the geographical continuation of their habitats which has moulded their similarity so as to have a single distinct national identity in chains wherever they are to be recognized collectively by the neighboring peoples as a nation known in several names as Khang or Kyeng or, Kuki or Naga though they may have also several synonymous names which all means more or less “people” such as Mizo, Sho, Yaw, Cho, Zomi, Khumi, Laimi, Batu or Matu, Rongtu etc.

- 23 BURMANICA ENCYCLOPEDIA Vol. II. 389 (1954).
- 24 English, Katharyn and Stapleton, Adam, *The Human Rights (Handbook): A Practical Guide to Monitoring Human Rights* 14 (1995).
25. *Times of India*, April 2, 1993. New Delhi: India. P.8 (quoting the Times archives May 1, 1946).
26. *The Proposal of Chin Youth* (1969).



## **CHAPTER THREE**

### **THE FOURTH INITIAL DRAFT OF THE FUTURE CONSTITUTION OF CHINLAND**



## FOREWORD

We offer this Initial Draft of the Constitution of Chinland as a preliminary menu of the issues that should be considered in developing a final Constitution of Chinland, and as an example of the form that such a constitution might take. We therefore issue it only as a starting point, so as to collect suggestions and feedback that may be incorporated into a final product—a constitution drafted and adopted according to the consent of Chin people everywhere. In other words, the Chin Forum has prepared this draft so as to stimulate discussion and information-gathering, by way of facilitating the work of the Constituent Assembly or any authority of Chinland that will draft and adopt the Constitution of Chinland. The Chin Forum will continue to develop this draft, to the best of its ability, so as to help whatever drafting authority ultimately receives a mandate from the people to propound the final version. In issuing this Initial Draft of Constitution of Chinland, the Chin Forum profoundly believes:

- a) That the political crisis in the Union of Burma, since independence, has resulted not only from an ideological crisis concerning the suppression of democracy, but also (and perhaps primarily) from a constitutional crisis, because of the inadequacy of the Constitution of the Union of Burma (1947) and the illegitimacy of the so-called “Constitution of the Socialist Republic of the Union of Burma” (1974), which was designed contrary to the vision and intent of the founding fathers of the modern Union of Burma;
- b) That this constitutional crisis can be solved only by constituting the Union under a federal or confederal form of Constitution which will promote and protect democracy, freedom, justice and so forth;
- c) That in so forming a federal union, each constituent state must have its own separate state constitution, so that each state can freely amend its constitution to suit its own changing conditions;

- d) That because the government of the Federal Union must no longer be controlled only by one ethnic group, the future Federal Constitution must clearly delineate the separate powers of the state governments and the Federal Union government, and the Federal Constitution should also provide that important parts of the federal legislative, executive, and judicial branches, shall be composed of equal numbers of representatives from each constituent state;
- e) That the Federal Constitution should be based on, and draw its power, from the constitutions of the constituent states, rather than the constitution of the states deriving their power from Federal Constitution, because the latter course would tend to promote a unitary form of government; and
- f) That no Federal Constitution should be adopted before the respective constituent states can adopt their own constitutions, on the basis of an agreement made by all the existing states or the Panglong Agreement signatory states (such as Arakan, Burman, Chin, Kachin, Karen, Kayah, Mon, and Shan) at a national convention to be held before the drafting of the Union Constitution.

Since the Panglong Agreement, Chins have demanded that Chinland should be a constituent state under a Federal Union Constitution that was federal in form. This demand was renewed by the Chin delegates at the Supreme Council of the Hill's People (SCOUHP) Conference in 1961, at Taunggyi, Shan State. As a result of agreements made at the SCHOUHP Conference, preparations were made to amend the Union Constitution to create a federal form of government, but the Burmese Army overthrew the constitutional government of the Union of Burma so as to prevent the amendments.

Even after the overthrow, Chin nationals from various parts of Chinland and the Union of Burma have repeatedly demanded that Chinland should be a constituent state of a federal union. They made these demands especially in 1969, 1971 and during the 1990 general election campaign, and at all these times, the military regime detained many leaders and activists of the Chin people as political prisoners. Some have

died in custody, and only a few escaped persecution by fleeing the country.

Moreover, several groups of Chin nationals have continued to struggle by all means possible to free the government of militarism, re-establish democracy, and restore self-determination by forming a truly federal Union of Burma. The principles of this Initial Draft of the Chinland Constitution have been derived from these historical experiences of the Chin people. The principal reasons behind this Initial Draft of the Constitution of Chinland may be found in the Appendix of this document.

Out thanks and appreciation to Prof. David C. Williams (legal consultant) and Salai Ngun C. Lian (Co-convener of Working Group – I) are beyond what the Chin Forum could express, for their great efforts in developing the text of this draft according to the principles articulated by the Chin Forum Management Board and Working Group – I and according to suggestions and feedback received during the drafting process.

**Working Group – I**  
**The Chin Forum**





## **PREAMBLE**

Considering the many conspicuous similarities of the various dialectal and cultural groups of the Chin people, which make us closer to each other than to people outside our common frontiers, the technical differences that we have, which some people might try to emphasize, are outweighed by the similarities that we have in our common society;

Contemplating the fact that when modern communication is improved in our region, the different dialectal groups or tribes of the Chins will have more and more contact with each other, leading to greater mutual intelligibility of the different dialects of Chin society, so that we will be able to increase our sense of oneness;

Giving deep respect to the fact that we should not lose our sense of brotherhood in the affinities shared by all people who fall under the definition of Chin in the Chin Hills Regulation Act 1896, a definition which is still in force in the Naga Hills of Sagaing Division in the Union of Burma, and which was adopted in the Chin Special Division Act of 1948 with the support of the Chin representatives to the Union of Burma;

Believing that what were once thought to be fundamental differences in our dialects and cultures have now been revealed to be merely minor differences arising from our different environments, and accepting those differences as important contributions to the richness of our literature and culture, so that they do not block every closer relations among Chin people;

Considering that this idea of brotherhood should be enshrined, together with democracy and self-determination, in the Constitution of Chinland, as a constituent unit of the Federal Union of Burma, to guide us in freedom toward striving for ever-increasing prosperity and development for Chinland and its people;

Paying heed to the fact that our forefathers once worshiped the hills and dales, not only because they believed that spirits lived there, but also because in a remote region of their

consciousness rooted in their deep devotion to protect our land, heritage and society forever, they realized that the hills and dales protected them from invasion by alien peoples from the outside world; and

Seeing clearly that our hills and dales, which have so long protected our national identity, are no longer enough to preserve us, so that we must turn to constitutional means to sustain our continued self-determination; therefore,

WE THE CHIN PEOPLE solemnly declare that in exercising our inherent sovereignty, we hereby establish this Constitution of Chinland, and with this Constitution we affirm our common wish to live together in peace and harmony to preserve the heritage of the past and to protect the promise of the future;

To make one nation out of the many dialectal and cultural groups of the Chin people living in our hills and dales, we respect that affinities that we share, as well as the diversity of dialects and cultures that enriches us.

The many hills and dales of our common heritage bring us together, sustain and enlarge us, and make us stronger; they no longer separate us.

Our ancestors, who made their homes in these highlands, displaced no other people. We who remain have no home other than this one. Having known war, we hope for peace. Having been divided, we wish unity. Having been ruled, we seek freedom.

From time immemorial, our Chinland remained independent and free from outside force until British annexation in the nineteenth century.

We extend to all nations that which we seek from each: peace, friendship, cooperation, and love in our common humanity. With this Constitution, we who have been the ward of other nations, become the proud guardian of our highland country, now and forever.

We are one as a people in language, tradition, common habitation and love of this highland.

We are proud of our way of life, which has survived the assaults of colonizers and the ravages of time, and we are proud of the wisdom of our aged people and the vigor of our youth.

We are strong in our faith in our communal capacity for compromise and flexible growth and in our emerging democratic institutions.

As we together forge a new and higher destiny, we recognize that our traditions, our communal spirit, and the natural resources of our highland will be tested by the tasks ahead of us.

Therefore, to celebrate our oneness, preserve our natural riches, renew our pride, fortify our strength, meet our concerns, guard our aspirations, and enable our determinations, we the people of Chinland give establish and give our life to this Constitution as the supreme law of our land on (month/date/year).

### **THE TERRITORY OF CHINLAND**

1. The territory of Chinland shall center on the region known as the Chin Special Division and the Chin State, with the exact boundaries of Chinland to be determined in the future.

### **PRESIDING IDEALS**

2. This section proclaims the presiding ideals of the Chinland Constitution. This section is intended as a guide to all citizens and officers of Chinland, particularly legislators and other policymakers, as they strive to make the norms of this Constitution a reality. Judges should not directly enforce these provisions as part of their judicial review power, but they may consult these ideals as interpretive guides to the parts of this Constitution that are judicially reviewable.
3. The blessings of a free government can be maintained only by a firm adherence to justice, moderation, temperance, and virtue, and by frequent recurrence to fundamental principles.

4. The Chin Constitution rests on five fundamental principles: individual rights, limited government, individual duties, the obligation of government, and Chin self-determination.
5. **INDIVIDUAL RIGHTS:** All citizens and residents of Chinland are by nature free and independent and have certain inherent and inalienable rights; among these are life, liberty and the pursuit of happiness. The section of this Constitution on Individual Rights lists those rights that shall be enforced by judges within their judicial review power.
6. **LIMITED GOVERNMENT:** To secure these rights, governments are instituted, deriving their just powers from the consent of the people. The Chinland government shall never attempt to rule the people of Chinland without their consent or in derogation of their rights.
7. **INDIVIDUAL DUTIES:** All citizens and residents of Chinland also have duties to each other, to create a free, just and compassionate political and social order. These include but are not limited to duties to family, society, and state. Individuals should not use their rights in derogation of their duties.
8. **THE OBLIGATION OF GOVERNMENT:** The government of Chinland has positive obligations to create a free, just and compassionate social order, to protect individual rights and promote individual duties, and to provide for the general welfare of the people of Chinland.
9. **CHIN SELF-DETERMINATION:** This Constitution establishes the right of the Chins people to rule themselves. Chins have always welcomed others to live among them, to share their culture, and to pledge themselves to the Chin future. Accordingly, Chinland shall be a home for Chins, but it should also strive for the inclusion and equal treatment of those who are not Chin. For that reason, this Constitution guarantees equal rights to all citizens and residents of Chinland, regardless of ethnicity, but it also allows the government of Chinland to protect and promote Chin culture and to control immigration to Chinland.

## **INDIVIDUAL RIGHTS**

10. The courts of Chinland shall have the power of judicial review to enforce the provisions of this section; the courts of Chinland shall therefore review the actions of all departments of government and government officials for conformity to these provisions. Any decision of the High Court in the interpretation of these provisions shall be final and binding on the parties to that decision and on all of the people of Chinland, including departments of the government and government officials.
11. Slavery shall not exist in the territory of Chinland.
12. Involuntary servitude shall not exist in the territory of Chinland except as punishment of a crime whereof the party shall have been duly convicted.
13. No person shall be deprived of life, liberty, or property, without due process of law, nor be denied equal protection of the laws.
14. Every person shall have rights of political expression and organization. These rights include but are not limited to the right to speak, write, and publish, the right to form political parties, the right peaceably to assemble and consult, the right to petition the government, and the right to vote as detailed in the section of this Constitution on suffrage. These rights specifically include the right, without reprisal, to dissent publicly from government policies, to criticize government officials, to organize to change government policy, and to agitate for constitutional change, except that the government may control speech designed to incite racial, religious, or ethnic violence or the imminent overthrow of the government.
15. Every person shall have the right freely to speak, write, and publish on all subjects, political and non-political alike.
16. In all trials for libel, both civil and criminal, the truth shall be a sufficient defense.

17. Martial law shall never be declared in Chinland except in the event of genuine foreign invasion or widespread insurrection against constitutional authority.
18. No standing army shall be kept up without the consent of the legislature, and the military shall, in all cases, and at all times, be in strict subordination to the civil power.
19. Every person shall have an individual right to keep and bear personal arms for self-defense, hunting, recreation or any other lawful purpose. This right shall be subject to reasonable regulation, and it shall not extend to military-style arms or to the possession of arms for the purpose of insurrection against constitutional authority.
20. No bill of attainder or ex post facto law shall ever be passed. No law shall provide for the corruption of blood or the forfeiture of estate except during the life of the person convicted.
21. No law or government action shall provide for the impairment of the government's pre-existing contractual obligations.
22. The government of Chinland shall never take private property except for a bona-fide public use and with payment of just compensation.
23. No person shall ever be imprisoned for debt.
24. All lands within the Chinland are declared to be allodial, and feudal tenures are prohibited. Leases and grants of agricultural land for a longer term than fifteen years in which rent or service of any kind shall be reserved, and all fines and like restraints upon alienation reserved in any grant of land, hereafter made, are declared to be void.
25. The right of every person to worship according to the dictates of conscience shall never be infringed; nor shall any person be compelled to attend, erect or support any place of worship, or to maintain any ministry; nor shall any control of, or interference with, the rights of conscience be permitted, or any preference be given by law to any religious establishments or modes of worships; nor shall any money

be drawn from the treasury for the benefit of religious societies, or religious or theological seminaries.

26. No religious test shall be ever be required as a qualification for any office of public trust under the state, and no person shall be rendered incompetent to give evidence in any court of law or equity in consequence of his opinions on the subject of religion.
27. Every person is entitled to a certain legal remedy for all legal injuries or wrongs which he or she may receive in his or her person, property, or character; he or she has a right to obtain justice freely, without being obliged to purchase it, and he or she ought to obtain it completely and without denial, promptly and without delay.
28. Every citizen or resident of the Chinland shall have the right to sue the government of Chinland, the Township governments, and their delegates, conformably to the laws, for all legal injuries or wrongs which he or she may receive in her person, property, or character. This Constitution of Chinland waives any claim of sovereign immunity that the government of Chinland, the Township governments, or their delegates might interpose against suits by its citizens or residents. The Chinland Legislative Assembly may provide by law in what manner and in what courts such suits may be brought.
29. Treason against Chinland shall consist only in levying war against it, adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witness to the same overt act, or on confession in open court.
30. Excessive bail shall not be required, nor shall excessive fines be imposed, nor cruel and unusual punishments inflicted.
31. The people shall be secure in their persons, houses, papers, and possessions from all warrantless searches and from all unreasonable searches. No warrant to search any place or seize any person or thing shall issue without a special designation of the place to be searched and the person or

thing to be seized. No warrant shall issue without probable cause, supported by oath or affirmation.

32. The right of trial by jury shall remain inviolate, and shall extend to all cases at law without regard to the amount in controversy; but a jury trial may be waived by the parties in all cases in the manner prescribed by law; provided, however, that the C Chinland Legislative Assembly may, from time to time, provide that a valid verdict, in civil cases, may be based on the votes of a specified number of the jury, not less than five – sixths thereof.
33. In all criminal prosecutions the accused shall enjoy the right:
  - i. To be heard by himself or herself and counsel;
  - ii. To demand the nature and cause of the accusation against him and have a copy thereof;
  - iii. To meet the witnesses against him or her face to face;
  - iv. To have compulsory process to compel the attendance of witnesses in his or her behalf;
  - v. To a speed, public, and impartial trial;
  - vi. To trial by an impartial jury of the local administration units wherein the offense shall have been committed; which administrative unit shall have been previously ascertained by law, except in cases of martial law or impeachment.
  - vii. The accused shall not be compelled to furnish or give evidence against himself or herself, nor be deprived of life, liberty, property or privileges, but by judgment of that person's peers or the law of the Chinland.
34. No person shall be held to answer for a criminal offense without due process of law, and no person for the same offense shall be put twice in jeopardy of punishment, nor may any person be compelled in any criminal case to be a witness against himself or herself.

#### **INDIVIDUAL DUTIES**

35. The Legislative Assembly of Chinland shall have the power and responsibility to execute this section in appropriate ways.

This section shall not be judicially reviewable by the courts of Chinland, but this section may provide interpretive guidance for the provisions of this constitution that are judicially reviewable.

36. Every citizen or resident of Chinland shall have duties towards his or her family, the society of Chinland, and the state of Chinland.
37. The rights and freedoms of each individual shall be exercised with due regard to the rights of others, collective security, common interests and common benefits.
38. Every citizen or resident of Chinland national shall have the duty to respect and consider his or her fellow citizens and residents of Chinland without discrimination, and to maintain relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance.
39. Every citizen or resident of Chinland shall have the duty:
  - i. To preserve and respect the value of family and parents, and to maintain them in case of need;
  - ii. To serve his or her community by placing his or her physical, moral, and intellectual capacities at its services;
  - iii. To preserve and strengthen social and national solidarity, particularly when the latter is threatened;
  - iv. To preserve and strengthen the Chin national self-determination right and the territorial integrity of his or her country, and to contribute to its defense in accordance with this Constitution and the law;
  - v. To work with the best of his or her abilities and competence, and to pay taxes imposed by law in the interest of the society;
  - vi. To preserve and strengthen positive Chin cultural values in his or her relations with other members of the society, in the spirit of tolerance, dialogue, and consultation and, in general, to contribute to the promotion of the moral well being of society; and
  - vii. To contribute to the best of his or her abilities, at all times and at all levels, to the promotion and achievement of the unity of Chinland.

## **CHIN CITIZENSHIP AND ETHNICITY**

40. The courts shall have the power of judicial review to enforce the provisions of this section; the courts of Chinland shall therefore review the actions of all departments of government and government officials for conformity to these provisions. Any decision of the High Court in the interpretation of these provisions shall be final and binding on the parties to that decision and on all of the people of Chinland, including departments of the government and government officials.
41. An ethnic Chin shall be defined as any person born in Chinland or overseas, at least one of whose parents belonged to any of the Chin tribes. The Chinland legislative assembly shall have the power to create procedures and evidentiary standards to implement this provision.
42. Every ethnic Chin shall have the right to become a citizen of Chinland, subject to reasonable regulation by the Chinland legislative assembly. Other persons may become citizens according to the laws of immigration and naturalization adopted by the Chin Legislative Assembly.
43. In making law on the subject of immigration and naturalization, the Chinland legislative assembly may distinguish between ethnic Chins and others.
44. The Chinland legislative assembly may adopt measures to protect and promote Chin culture, even though such measures may in practice result in different effects on ethnic Chins and others.
45. Although the legislature may distinguish between Chin culture and other cultures, distinctions between ethnic Chin people and other people should generally be disfavored.
46. The Chinland government may otherwise distinguish between ethnic Chins and others only when such distinction is reasonably necessary for
  - i. Long-term harmony between ethnic Chins and others;
  - ii. The protection and promotion of Chin culture;

- iii. The remediation of past injustice against one or more ethnic groups;
  - iv. Long-term realization of the ideals of equal treatment of all individuals regardless of ethnicity.
47. The Chinland government shall never distinguish between ethnic Chins and others in the protection of the individual rights specified in this Constitution under the sections entitled Individual Rights and Suffrage, nor shall it distinguish between ethnic Chins and others in the right to hold any public office.
48. The Chinland legislative assembly may reserve to citizens of Chinland the right to vote or hold responsible public office, excluding non-citizen residents therefrom but always treating alike those citizens who are ethnic Chins and those who are not ethnic Chins. The Chinland legislative assembly may also distinguish between citizens of Chinland and non-citizen residents when reasonably necessary for the execution of its powers over immigration and naturalization. The legislature may not otherwise distinguish between citizens of Chinland and non-citizen legal residents.

### **SUFFRAGE**

49. The courts of Chinland shall have the power of judicial review to enforce the provisions of this section; the courts of Chinland shall therefore review the actions of all departments of government and government officials for conformity to these provisions. Any decision of the High Court in the interpretation of these provisions shall be final and binding on the parties to that decision and on all of the people of Chinland, including departments of the government and government officials.
50. Every citizen of Chinland who has attained the age of eighteen years and who has established his or her residence in the territory of Chinland, except as otherwise provided in this section, shall be an elector of Governors, Senators, members of the House of Representatives, and members

of the Township Council, in the city, town, village, block, or plantation where his or her residence has been established.

51. Every citizen of Chinland who has once established his right to vote by virtue of his residency within Chinland and who then relocates to another country, whether within or outside of the Federal Union of Burma, shall retain the right to vote by absentee ballot, so long as he or she remains a citizen of Chinland. [only national elections or township elections as well?] In such cases, for voting purposes, the voter's place of residence shall be considered to be his or her last established place of residence within Chinland.
52. No citizen of Chinland shall be deemed to have lost residence by reason of the person's absence from the territory of Chinland in the military service of the Federal Union or of Chinland.
53. Except as otherwise provided by the Chinland Legislative Assembly, only citizens of Chinland may vote in any election for government of Chinland and its divisions. Except as otherwise provided by the Chinland Legislative Assembly, no-one who is not a citizen of Chinland may vote in any election for the government of Chinland and its divisions, including but not limited to persons in the military service of the Federal Union of Burma stationed in Chinland, or students attending an educational institution of learning in Chinland.
54. The Chinland legislative assembly may, by law, determine the voting residence of those classes of persons who relocate on a regular basis, such as members of the military or students.
55. No person shall be qualified to vote who is non compos mentis, or who is under guardianship for reasons of mental illness, or who has been convicted of treason or felony under the laws of the Chinland or of the Federal Union of Burma, except that the Chinland Legislative Assembly may provide for the restoration of voting rights to those convicted of treason or felony.

56. All votes shall be by ballot or by other means authorized by the Chinland Legislature, provided that the secrecy of the elector's vote must be preserved and the vote must be accurately recorded.
57. The Chinland Legislature shall have the power to prescribe by statute any and all needful rules governing the conduct of elections, including but not limited to voting practices and procedures, constituencies and districting, provided, however, that no electoral law may contravene any provision of this Constitution.

### **LEGISLATURE**

58. The courts of Chinland shall have the power of judicial review to enforce the provisions of this section; the courts of Chinland shall therefore review the actions of all departments of government and government officials for conformity to these provisions. Any decision of the High Court in the interpretation of these provisions shall be final and binding on the parties to that decision and on all of the people of Chinland, including departments of the government and government officials.
59. All legislative power shall be vested in the Legislative Assembly of the Chinland. The legislative assembly shall have the power to legislate for the public health and welfare, the defense of Chinland, and such other matters as shall seem appropriate to the assembly. This grant of power shall include but not be limited to the powers to:
  - i. Protect, maintain, revise, or eliminate Chin customary law regarding inheritance and family law, notwithstanding any other provision of this Constitution;
  - ii. Control immigration to, and travel through, Chinland, from foreign countries and other parts of the Federal Union of Burma, notwithstanding any other provision of this Constitution;
  - iii. Control the admission to citizenship in Chinland of those from foreign countries or other parts of the Federal Union of Burma;

- iv. Protect and promote traditional Chin custom, culture, and literature, notwithstanding any other provision of this Constitution;
  - v. Protect the individual rights of the people of Chinland;
  - vi. Encourage or require the performance of the individual duties of the people of Chinland;
  - vii. Provide for and regulate public finance, taxation, and revenue, public education, public health and welfare, and the state armed forces;
  - viii. Make such laws as are provided for in the section of this Constitution on Media and Culture.
  - ix. Determine what persons shall constitute the militia of the Chinland, and provide for organizing and disciplining the same by law.
  - x. Direct in what manner and in what courts suits may be brought against Chinland.
60. The Chinland Legislative Assembly shall consist of two Houses, to be known as the Senate and the House of Representatives.
61. Election to the House of Representatives shall be based on the principle of one person, one vote, such that the ratio between voters and representatives remains uniform in all districts.
62. The Chinland Legislative Assembly shall have power to determine the number of members of the House of Representatives. The assembly shall have power to determine the number, location, and boundaries of districts electing members to the House of Representatives. The assembly shall have power to prescribe the method of election to membership in the House of Representatives.
63. The Senate shall consist of one member from each of the following cultural and dialectal areas, regardless of population: TO BE DETERMINED—
64. Election to the Senate shall be based on the principle of one person, one vote within each Senate district, and all elections to the Senate shall be at large within the respective districts.

65. The Chinland Legislative Assembly shall have power to prescribe electoral law for Senate elections, consistent with the provisions of this Constitution. The Chinland Legislative Assembly may not change the boundaries of existing Senate districts, except through constitutional amendment. The Chinland Legislative Assembly may increase the number of Senate seats only to include new territory acquired by Chinland. It may decrease the number of Senate seats only to exclude territory lost to the territory of Chinland.
66. In addition to the Senators elected from geographical areas, the Governor of Chinland shall appoint, with the consent of the sitting Senators, an additional number of Senators that equals ten percent (rounded up) of the number of Senators elected from geographical areas. In his or her own discretion, the Governor shall appoint experts in the subjects of Economics, Health, Law, Science and similar areas relevant to the formulation of public policy. The rights, privileges, powers, and duties of these appointed Senators shall be the same as elected Senators of the Chinland Legislative Assembly.
67. A person shall be disqualified for being chosen as, and for being, a member of the House of Representatives or Senate:
  - i. If he or she holds any office of profit under the Government of Chinland, the government of the Federal Union of Burma, or any Government of a foreign state, other than an office declared by the Chinland Legislative Assembly by law not to disqualify its holders;
  - ii. If he or she is of unsound mind and stands so declared by a competent court;
  - iii. If he or she is an un-discharged insolvent;
  - iv. If he or she is not a citizen of Chinland, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgement of allegiance or adherence to a foreign state;
  - v. If he or she has not live in Chinland for at least ten years; or if he or she is not a qualified elector in the election unit which he or she may be chosen to represent.

68. If a question arises as to whether a member of the House of Representatives of the Senate has become subject to any of the disqualifications prescribed in this Constitution, the question shall be referred to the Chinland High Court for final decision.
69. Every Legislator shall hold his or her office for a term of four years, provided, however: Immediately after the first election, the members of each House shall be divided by random lot as equally as possible into two classes. The term in office of the first class shall expire at the close of the second year, and the term of the second class at the close of the fourth year.
70. In any district of either House of the legislative assembly, the voters may recall their representatives by referendum or initiative. The voting method in such case shall be the same voting method by which the representative was initially elected. No representative shall be subject to a recall process more often than once a year. The High Court of Chinland shall specify other needful procedures for the referendum and initiative processes for this purpose.
71. The Governor shall issue writs of election to fill such vacancies as may occur in either house of the legislature.
72. Every Member of the House of Representatives, Speakers, and Deputy Speakers shall before taking his or her seat, make and subscribe, before a judge of the Chinland High Court, an oath or affirmation to support the Constitution of the Federal Union and the Constitution of Chinland, and faithfully to discharge the duties of their respective offices to the best of their ability.
73. No law shall be enacted except by bill. No law shall be in force until published. The Chinland Legislature shall provide by law for the speedy publication of all laws.
74. No bill shall become law unless and until it has been passed by both houses of the Chinland legislative assembly in identical form.

75. Except a bill for raising revenue, any bill may originate in either house of the Chinland legislature.
76. All bills for raising revenue shall originate in the House of Representatives; but revenue bills must pass the Senate before becoming law, as other bills; and no bill from the operation of which, when passed into law, revenue may incidentally arise shall be accounted a bill raising revenue; nor shall any matter or cause whatever not immediately relating to and necessary for raising revenue be in any matter blended with or annexed to a bill for raising revenue.
77. Every bill which shall have passed both houses of the Chinland Legislature, shall be presented to the Governor of Chinland before it becomes law. If the Governor approves and signs the bill, the bill shall become a law.
78. The Governor of Chinland may approve an appropriation bill in whole or in part, and the part approved shall become law. In approving an appropriation bill in part, the Governor may not create a new word by rejecting individual letters in the words of the enrolled bill.
79. If the Governor rejects a bill, the Governor shall return the bill, together with his or her objections in writing, to the house in which the bill originated. The House of origin shall enter the objections at large upon the journal and proceed to reconsider the bill. If, after such reconsideration, two-thirds of the members present agree to pass the bill notwithstanding the objections of the governor, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present it shall become law.
80. The rejected part of an appropriation bill, together with the Governor's objections in writing, shall be returned to the house in which the bill originated. The house of origin shall enter the objections at large upon the journal and proceed to reconsider the bill. If, after such reconsideration, two-thirds of the members present agree to pass the rejected part notwithstanding the objections of the governor, it shall be sent, together with the objections, to the other

house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present the rejected part shall become law.

81. In all such cases the votes of both houses shall be determined by “yes” and “no”, and the names of the members voting for or against passage of the bill or the rejected part of the bill notwithstanding the objections of the Governor of Chinland shall be entered on the journal of each house respectively.
82. Any bill not returned by the Governor of Chinland within 14 days (Sunday excepted) after it shall have been presented to the Governor of Chinland shall become law unless the legislature, by final adjournment, prevents the bill’s return, in which case it shall not become law.
83. The style of all laws of the state shall be “The people of the Chinland, represented in Senate and Assembly, do enact as follows: “.....”.
84. Each House shall determine the rules of its own proceedings, punish for contempt and disorderly behavior, and with the concurrence of two thirds of all the member may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide.
85. Each house shall keep a journal of its proceedings and publish the same, except such parts as require secrecy. The doors of each house shall be kept open except when the public welfare shall require secrecy. Neither house shall, without consent of the other, adjourn for more than three days.
86. The legislature shall meet at the seat of government at such time as shall be provided by law, unless convened by the Governor in special session, and when so convened no business shall be transacted except as shall be necessary to accomplish the special purposes for which it was convened.
87. The yes and no of the members of either house on any question shall be entered on the journal as a matter of public record.

88. For as long as they remain sitting legislators, all members of the Chinland legislative Assembly shall be privileged from arrest, legal penalty, or civil suit for all acts within the scope of their legislative duties, except treason, felony and breach of the peace; provided, that they may be arrested, penalized, or sued for those acts after the end of their time in office.
89. There shall be a Council of Ministers with the Chief Minister at its head to aid and advise the Governor in the exercise of his or her functions as prescribed in this Constitution. The Council of Ministers shall have power only to advise the Governor, not to control any part of his conduct of office. From time to time, the Governor must formally receive the advice of the Council of Ministers, but he or she is not required to heed this advice.
90. The Governor shall nominate the Chief Minister, by and with the consent and approval of a majority of the members of the House of Representatives.
91. On the advice of the Chief Minister, the Governor shall appoint the Ministers and Deputy Ministers, by and with the consent and approval of the Chief Minister and a majority of the members of the House of Representatives.
92. The Governor shall appoint all other executive officers of Chinland by and with the approval and consent of the Senate.
93. Until the Chinland Legislative Assembly otherwise specifies, the Council of Ministers shall include one Minister and one Deputy Minister for each of the following ministries:
  - i. Ministry of Home Affairs
  - ii. Ministry of Finance
  - iii. Ministry of Revenue and Taxation
  - iv. Ministry of Judiciary
  - v. Ministry of Local Governmental Affairs
  - vi. Ministry of Public Works
  - vii. Ministry of Education
  - viii. Ministry of Forestry
  - ix. Ministry of Welfare

- x. Ministry of Cultural and Media
  - xi. Ministry of Planning
  - xii. Ministry of State Defense and
  - xiii. Ministry of Federal Affairs
94. The Chinland Legislature may by law expand or contract the number of ministries, combine or divide their functions, or otherwise modify their portfolios.
95. The Senate shall form a Sub Committee for each Ministry composed of at least three Senators from different Constituencies.
96. Each Senate Sub Committee shall oversee the activity of its respective Ministry. It may conduct public hearings upon the conduct of its Ministry and upon the need for legislation in its area, and it may recommend legislation, as it deems appropriate.
97. The Senate shall make rules to prescribe the power, duties, responsibilities and code of conduct of the Senate Sub Committees.
98. By majority vote, the House of Representative shall choose two of its members to be its Speaker and Deputy Speaker. So often as the office of Speaker or Deputy Speaker becomes vacant, the House of Representatives shall choose another member to fill the vacant office.
99. By majority vote, the House of Representatives shall specify the exact duties of the Speaker and Deputy Speaker of the House, consistent with the provisions of this Constitution.
100. Any legislator holding office as Speaker or Deputy Speaker of the House of Representatives shall vacate his office if he or she ceases to be a member of the Assembly. Any legislator holding office as Speaker may resign such office by writing under his or hand addressed to the Deputy Speaker, and any legislator holding office as Deputy Speaker may resign such office by writing under his or hand addressed to the Speaker. Any legislator holding office as Speaker or Deputy Speaker of the House of Representatives may be removed from his or her office by

a resolution of the House of Representatives, by a majority of all sitting Members of the House of Representatives.

101. If all the other members of the House of Representatives are recalled or for any other reason unable to serve, the Speaker and Deputy Speaker shall not be recalled or otherwise vacate their office until some number of other members are again able to serve.
102. When the office of Speaker is vacant, the duties of the office of shall be performed by the Deputy Speaker or, if the office of Deputy Speaker is also vacant, by a member of the House of Representatives appointed for the purpose by the Governor.
103. The Lieutenant Governor shall be President of the Senate, but shall have no vote, unless the Senators shall be equally divided.
104. By majority vote, the Senate shall choose one of their members to be Vice President and President Pro Tempore of the Senate. So often as the office becomes vacant, the Senate shall choose another member to fill the vacant office.
105. Any legislator holding office as Vice President of the Senate shall vacate his office if he or she ceases to be a member of the Assembly. He or she may resign his office by writing under his hand addressed to the Lieutenant Governor of Chinland. Any legislator holding office as Vice President of the Senate may be removed from his or her office by a resolution of the Senate, by a majority of all sitting Senators.
106. If all the other Senators are recalled or for any other reason unable to serve, the Vice President of the Senate shall not be recalled or otherwise vacate his office until some number of other Senators are again able to serve.
107. The Chinland Legislature shall be subject to the following obligations:
  - i. The Chinland Legislature shall provide by law that all stationary required for the use of the state, and all printing authorized and required by them to be done for their use, or for the Chinland, shall be let by contract

- to the lowest bidder, but the Chinland Legislature may establish a maximum price; no member of the Chinland Legislature or other state officer shall be interested, either directly or indirectly, in any such contract.
- ii. The Chinland Legislature shall provide for the public auditing of state accounts and may establish such offices and prescribe such duties for the same, as it shall deem necessary.
  - iii. The Chinland Legislature, in order to ensure continuity of Chinland and Local Governmental operations in periods of emergency resulting from enemy action in the form of an attack, shall (i) forthwith provide for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such officers, and (ii) adopt such other measures as may be necessary and proper for attaining the objectives of this section.

### **EXECUTIVE**

108. The courts of Chinland shall have the power of judicial review to enforce the provisions of this section; the courts of Chinland shall therefore review the actions of all departments of government and government officials for conformity to these provisions. Any decision of the High Court in the interpretation of these provisions shall be final and binding on the parties to that decision and on all of the people of Chinland, including departments of the government and government officials.
109. There shall be a Governor of Chinland who shall take honorific precedence over all other persons throughout Chinland and who shall exercise and perform the powers and functions conferred on him or her by this Constitution.
110. The Governor shall hold office for a term of five years.

111. There shall be a Lieutenant Governor of Chinland. Each candidate for governor shall choose a running mate for Lieutenant Governor from a different senatorial district, to run on the same ticket. The Governor and Lieutenant Governor shall be elected as a ticket, at the same time, and for the same term.
112. The Governor shall be elected in the following manner:
- i. Each senate district of Chinland, regardless of population, shall cast one vote for a gubernatorial candidate. The choice of candidate shall be determined by popular vote, according to the principle of one person, one vote, within the district.
  - ii. Each senate district shall also cast a number of votes according to the following formula: the total number of votes cast according to section “i” shall be divided among the senate districts according to their population, so that each senate district shall receive an additional number of votes. The number of votes that each district shall receive under this section shall be calculated in precise fractions, so as to preserve accurate population ratios. These votes shall be given to the candidate chosen in each district by the process detailed in section “i”.
  - iii. The votes cast according to section “i” and the votes cast according to section “ii” shall then be combined. The candidate for governor who receives the greatest number of combined votes shall become the governor of Chinland, provided, however, that the Governor must receive a majority of all the votes cast.
113. No person shall be eligible to occupy the office of Governor or Lieutenant Governor, who shall not have attained the age of thirty years, and who shall not have been for ten years preceding his or her election a resident and a citizen of Chinland and a citizen of the Federal Union of Burma.
114. No person shall be elected to the office of Governor more than twice, and no person who has held the office of Governor or acted as Governor, for more than three years

- of a term to which some other person was elected Governor shall be elected to the office of Governor more than once.
115. No Governor may succeed by election a Governor from the same senatorial district.
116. The Governor and Lieutenant Governor of Chinland, every other officer of the Executive Department, Ministers, and Deputy Ministers, except such inferior officers as may by law be exempted, shall before taking his or her seat, make and subscribe, before a judge of the Chinland High Court, an oath or affirmation to support the Constitution of the Federal Union and the Constitution of Chinland, and faithfully to discharge the duties of their respective offices to the best of their ability.
117. The voters may recall the Governor by referendum or initiative. The voting method in such case shall be the same voting method by which the Governor was elected, and a majority vote shall be necessary for recall. The High Court of Chinland shall specify other needful procedures for the referendum and initiative processes for this purpose, provided, however, that the High Court must provide a process by which the Senate may initiate a recall process by majority vote. No Governor may be subject to a recall process more often than once a year.
118. The Governor of Chinland shall be Commander in Chief of all the Armed Forces of Chinland.
119. The Governor shall have power to convene the legislature on extraordinary occasions, and in case of invasion, natural disaster, the prevalence of contagious disease at the seat of government, or other sufficient reason, the Governor may convene the legislature at any other suitable place within Chinland.
120. The Governor of Chinland shall communicate to the legislature, at every session, the condition of the state, and recommend such matters to them for their consideration, as he or she may deem expedient.

121. The Governor shall transact all necessary business with officers of the Chinland government, officers of the Federal Union of Burma, and, when appropriate under this Constitution and the Federal Union Constitution, officers of foreign states.
122. The Governor shall expedite all such measures as may be resolved upon by the legislature, and shall take care that laws be faithfully executed.
123. The Governor of Chinland shall have power to grant reprieves, commutations, and pardons, after conviction, for all offenses, except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he or she may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. The Governor of Chinland shall annually communicate to the legislature each case of reprieve, commutation or pardons granted, stating the name of the convict, the crime of which he or she was convicted, the sentence and its date, and the date of the commutation, pardon or reprieve, with his or her reasons for granting the same.
124. Upon the Governor's death, resignation, recall or removal from office, the Lieutenant Governor of Chinland shall become Governor of Chinland for the balance of the unexpired term.
125. If the Governor of Chinland is absent from Chinland, impeached, or from mental or physical disease, becomes incapable of performing the duties of the office, the Lieutenant Governor of Chinland shall serve as acting Governor of Chinland for the balance of the un-expired term or until the Governor returns, the disability ceases or the impeachment is vacated. But when the Governor of Chinland, with the consent of the legislature, shall be out of Chinland in time of war at the head of the Chinland's military forces, the Governor of Chinland shall continue as Commander in Chief of the State's military forces.

126. If there is a vacancy in the office of Lieutenant Governor of Chinland and the Governor of Chinland dies, resigns or is removed from office, the Secretary General of State shall become Governor of Chinland for the balance of the un-expired term.
127. If there is a vacancy in the office of Lieutenant Governor of Chinland and the Governor of Chinland is absent from Chinland, impeached, or from mental or physical disease becomes incapable of performing the duties of the office, the Secretary General of State shall serve as acting Governor of Chinland for the balance of the un-expired term or until the Governor of Chinland returns, the disability ceases or the impeachment is vacated.

### **JUDICIARY**

128. The courts of Chinland shall have the power of judicial review to enforce the provisions of this section; the courts of Chinland shall therefore review the actions of all departments of government and government officials for conformity to these provisions. Any decision of the High Court in the interpretation of these provisions shall be final and binding on the parties to that decision and on all of the people of Chinland, including departments of the government and government officials.
129. The judicial power of the Chinland shall be vested in a Chinland High Court, Appellate Courts, and Township Courts in and for each village, with one or more judges for each village or with one judge for two or more villages, as the Legislature shall provide, and such other courts inferior to the High Court as the Chinland Legislature create by law.
130. The Governor of Chinland shall appoint (five) or (seven) Justices of the High Court, including the Chief Justice of the Chinland High Court with the consent and approval of both the Senate and House of Representatives of the Chinland Legislature.

131. No person shall be eligible to the office of Chief Justice of the Chinland High Court or Associate Justices of the Chinland High Court unless he or she shall be at least forty years of age, a citizen of Chinland and the Federal Union, and shall have resided in Chinland at least ten years preceding his or her election.
132. No person shall be eligible to the office of Chief Justice of the Chinland High Court or Associate Justice of the Chinland High Court unless he or she has for at least ten years held a judicial office in a competent Court in Chinland or in the Federal Union; or has for at least ten years been an advocate before the High Court or lower courts of Chinland or certain courts in the Federal Union; or has for at least ten years been a member of a law faculty at an accredited university or college in Chinland or in the Federal Union.
133. The justices of the Chinland High Court shall hold office for a term of ten years. At the conclusion of each term, they may be re-appointed for another term in office of ten years by the same process by which they were initially appointed.
134. The judges of the Appellate and Township courts shall be appointed by the High Court of Chinland, according to majority vote if there is a division of opinion, with the consent and approval of the Governor of Chinland.
135. The judges of the Appellate and Township courts shall hold office for a term of ten years. At the conclusion of each term, they may be re-appointed for another term in office of ten years by the same process by which they were initially appointed.
136. The Chief Justice of the Chinland High Court, the Associate Justices of the Chinland High Court, the Judges of the Appellate and Township Courts shall receive such salaries and allowances as may be provided by Chinland Legislature by law, except that a judge's salary and allowances may not be reduced during his or her term in office.

137. Every Member of the Chinland High Court shall before taking his or her seat, make and subscribe, before a judge of the Chinland High Court, an oath or affirmation to support the Constitution of the Federal Union and the Constitution of Chinland, and faithfully to discharge the duties of their respective offices to the best of their ability. Every Member of the Township or Appellate Courts shall before taking his or her seat, make and subscribe, before a judge of a court superior to his or her own, an oath or affirmation to support the Constitution of the Federal Union and the Constitution of Chinland, and faithfully to discharge the duties of their respective offices to the best of their ability.
138. All judicial officers provided for in this Constitution shall hold their offices until their successors shall be qualified.
139. All judicial officers, when not otherwise provided for in this Article, shall perform such judicial duties and receive such compensations as may be prescribed by law.
140. Except as otherwise provided in the Constitution, the Chinland Legislature shall have power to govern the operations of the Chinland courts.
141. Except insofar as this Constitution or acts of the Chinland Legislature or the Chinland High Court's own rules provide otherwise, general administrative authority over all courts in Chinland shall be vested in the Chinland High Court and shall be exercised by the Chief Justice of the Chinland High Court. The Chief Justice of Chinland High Court shall be the executive head of all Courts in Chinland and may appoint the inferior administrative officers with the approval and consent of the Senate.
142. For the effectual administration of justice and the prompt disposition of judicial proceedings, the Chinland High Court may promulgate rules of practice and procedure for all courts, uniform as to each class of courts, not in conflict with laws governing such matters. To the same end, the court may, and when requested by the Chinland Legislature by joint resolution, shall certify to the Chinland Legislature,

its conclusions as to desirable amendments or changes in the general laws governing such practice and proceedings.

143. The organization, jurisdiction, powers, proceedings, and practice of all courts of the same class or grade, so far as regulated by law, and the force and effects of the proceedings, judgments and decrees of such courts, severally, shall be uniform.
144. The High Court of Chinland shall have mandatory appellate jurisdiction in all cases in which a lower court has ruled a statute or action of the Chinland government to be unconstitutional or has imposed capital punishment. The High Court of Chinland shall have mandatory jurisdiction in all election contests involving state officers, and all cases in which foreign states, foreign nationals, the government of Chinland, the Federal Union, other states of the Federal Union, or citizens of the other states of the Federal Union are a party, and the Chinland Legislature shall decide whether the Chinland High Court shall have original or appellate jurisdiction in these classes of cases.
145. The High Court of Chinland shall have other jurisdiction, mandatory or discretionary, original or appellate, as the Chinland Legislature shall provide by law.
146. The Township and Appellate Courts shall be courts of general jurisdiction. The Township Courts shall have mandatory original jurisdiction over all cases or controversies arising in their geographical jurisdictions, whether sounding in chancery, common law, statutory, civil, criminal, and constitutional law, or any other body of law. The Appellate Courts shall have mandatory appellate jurisdiction for all cases and controversies in the Township Courts. Every party shall have a right of one appeal from the Township to the Appellate Courts.
147. The Chief Justice of the Chinland High Court shall preside at all terms and sittings of the Chinland High Court, and in his or her absence or disability the Associate Justices present

- shall select one of their numbers to be Chief Justice pro tempore of the Chinland High Court.
148. Judges of the Chinland High Court, other than the Chief Justice, shall be addressed as Associate Justice of Chinland High Court.
149. In cases in which a lower court has ruled a statute or action of the Chinland government to be unconstitutional or has imposed capital punishment, all (five) or (seven) justices of the High Court shall be necessary to constitute a quorum, and a majority of the justices sitting shall have authority to pronounce a decision. In such cases, in the event of the disability or disqualification by interest or otherwise of any of the Justices of the Chinland High Court, the Court may appoint Judges of the Township Court or the Appellate Court to sit temporarily as Justices of the Chinland High Court, sufficient to constitute a full court of (five) or (seven) Justices.
150. In all other cases, a majority of the Justices of Chinland High Court shall be necessary to constitute a quorum, and a majority of of the justices sitting shall have authority to pronounce a decision.
151. Whenever necessary for the prompt submission and determination of cases, because of vacancies on the High Court, the Chinland legislature may provide that any Justice of the Chinland High Court or Judge of an Appellate Court who has retired may be appointed by the governor to act as Justices of the Chinland High Court, so that the Court may have a full complement of (five) or (seven) Justices.
152. Whenever necessary for the prompt submission and determination of cases, because of vacancies on the High Court, the Governor of Chinland may appoint judges of the Township or Appellate Courts to act as Associate Justices of the Chinland High Court, sufficient in number, with the Justice of the Chinland High Court, to constitute a full court of (five) or (seven) Justices. Judges of the Township Court or the Appellate Court so appointed shall serve during the pleasure of the Governor of Chinland

and shall have all the power of the Justices of the Chinland High Court. Judges so appointed shall serve for strictly temporary and emergency terms, until permanent Justices of the High Court may be confirmed to make up a full Court.

153. Whenever called to temporary service on the Chinland High Court by whatever process, Judges of the Township and Appellate Courts shall receive no additional salary by virtue of such appointment and service, but they shall be reimbursed their necessary traveling and lodging expenses.
154. The Chief Justice shall assign the various Associate Justices to the various divisions of the Court, preside over the division of which he or she is a member, and designate the presiding judge of the other divisions. The Justices of the Chinland High Court sitting without division may review any decision rendered by a division of the Court.
155. The Chief Justice and Associate Justices of the Chinland High Court shall reside at the place where the Chinland High Court is located, and no Chief Justice or Associate Justices of the Chinland High Court shall be deemed thereby to have lost his or her residence at the place from which he or she was selected. The offices of the Chief Justice of Chinland and Associate Justices of the Chinland High Court shall be at the place where the Chinland High Court is located.
156. The Judges of the Appellate Courts shall reside at the place where the Appellate Court is located, and no Appellate Court judge shall be deemed thereby to have lost his or her residence at the place from which he or she was selected. The offices of the Appellate Court Judges shall be located at the place where the Appellate Court is located.
157. The Judges of the Township Court shall reside and keep his or her office in the Township for which he or she was appointed. If a Township Court judge was appointed for a particular village, he or she shall reside and keep his or her office in that village.

158. During the term of their judicial service, no Justice of the High Court or Judge of the Appellate or Township Courts shall act as an attorney or lawyer or counselor at law in any manner whatsoever.
159. The Chinland Legislature shall provide for a Commission on Judicial Qualifications consisting of (1) three Judges, including one Appellate Court Judge, one Township Court Judge, and one Judge of any other court inferior to the High Court, all of whom shall be appointed by the Chief Justice of the Chinland High Court; (2) three members of the Chinland Bar Association who shall have practiced law in Chinland for at least ten years and who shall be appointed by the Executive Council of the Chinland Bar Association; (3) three citizens of Chinland, none of whom shall be a Judge of any Court in Chinland, active or retired, nor a member of the Chinland Bar Association, and who shall be appointed by the Governor of Chinland; and (4) the Chief Justice of the High Court, who shall serve as its chairperson.
160. The Commission on Judicial Qualifications shall act by a vote of the majority of its members and no action of the Commission shall be valid unless concurred in by a majority of its members.
161. Any Judge of any court of Chinland, including Justices of the High Court, may be reprimanded, disciplined, censured, suspended without pay for a definite period of time, not to exceed six months, or removed from office for (a) willful misconduct in office, (b) willful disregard of or failure to perform his or her duties, (c) habitual intemperance, (d) conviction of a crime involving moral turpitude, (e) disbarment as a member of the legal profession licensed to practice law in Chinland or (f) conduct prejudicial to the administration of justice that brings the judicial office into disrepute. Any judge of any court of Chinland may be retired for physical or mental disability seriously interfering with the performance of his or her duties if such disability is determined to be permanent or reasonably likely to become permanent.

162. Any citizen of Chinland may request the Commission on Judicial Qualifications to investigate any judge of any court of Chinland for failure to conform to the standards of judicial behavior set out in this section. Upon such request, the commission shall make such investigation as the commission deems necessary and shall, upon a finding of probable cause, appoint a person who shall investigate and hold a formal open hearing to take evidence in any such matter, and to report to the Commission. If after considering the record and report of the investigator, the commission finds that the charges are established by clear and convincing evidence, it shall recommend to the High Court that the judge involved shall be reprimanded, disciplined, censured, suspended without pay for a definite period of time not to exceed six months, removed, or retired as the case may be.
163. The High Court shall review the record of the proceedings and in its discretion may permit the introduction of additional evidence. The High Court shall make such determination as it finds just and proper, and may order reprimand, discipline, censure, suspension, removal, or retirement of such judge, or may wholly reject the recommendation to sanction such judge. Upon an order for removal, the judge shall be removed from office, his or her salary shall cease from the date of such order, and he or she shall be ineligible for future judicial office. Suspension shall not create a vacancy in the office of Justice of the High Court or other judge.
164. No Justice of the High Court or other judge shall participate, as a member of the Commission, or as a master, or as a member of the High Court, in any proceedings involving his or her own reprimand, discipline, censure, suspension, removal, or retirement.

## ADMINISTRATION

165. The courts of Chinland shall have the power of judicial review to enforce the provisions of this section; the courts of Chinland shall therefore review the actions of all departments of government and government officials for conformity to these provisions. Any decision of the High Court in the interpretation of these provisions shall be final and binding on the parties to that decision and on all of the people of Chinland, including departments of the government and government officials.
166. The qualified electors of Chinland shall, at the times and places of choosing the Governor every five years, elect a Secretary General of State, Treasurer General of State, Advocate General of State, Auditor General of State, and Commissioner of Civil Services. OR: The Governor of Chinland shall appoint the Secretary General of State, Treasurer General of State, Advocate General of State, Auditor General of State, and Commissioner of State, with the consent and approval of the Chinland Legislative Assembly for five year terms.
167. The Secretary General of State shall carefully keep and preserve the records of all the official acts and proceedings of the Governor, Senate, and House of Representatives, and when required, lay the same before either branch of the Legislature, and perform such other duties as are enjoined by this Constitution or otherwise required by law. In the performance of his or her duties, the Secretary General of State shall have the right of audience in all Legislative and Executive functions.
168. The Treasurer General of State shall carefully keep and preserve the records of all revenues of the Government of Chinland, make such records publicly available, and perform such other duties as are enjoined by this Constitution or otherwise required by law. In the performance of his or her duties, the Treasurer General of State shall have the right of audience in all Legislative and Executive functions.

169. The Advocate General of State shall give advice to the Government of Chinland upon such legal matters, and shall perform such other duties of a legal character, as may from time to time be referred to him by the Governor of Chinland, and he or she shall perform such other duties as are enjoined by this Constitution or otherwise required by law. In the performance of his or her duties, the Advocate General of State shall have the right of audience in all courts in the territory of Chinland.
170. The Auditor General of State shall carefully keep and preserve the records of all the finance accounts of the Government of Chinland, make such records publicly available, and perform such other duties as are enjoined by this Constitution or otherwise required by law. In the performance of his or her duties, the Auditor General shall have the right of audience in all Legislative and Executive functions.
171. The Commissioner of Civil Service shall administer the Civil Services as provided in this Constitution and by other laws, and he or she shall perform such other duties as are enjoined by this Constitution or otherwise required by law. In the performance of his or her duties, the Commissioner of Civil Services shall have the right of audience in all Legislative and Executive functions.
172. The Secretary General of State, Treasurer General of State, Advocate General of State, Auditor General of State, and Commissioner of Civil Services shall attend the Governor, Senate and House of Representatives, in person or by their deputies, as they shall require.
173. The Chinland Legislature may make such rules regarding the powers, duties, privileges, and compensation of the Secretary General of State, Treasurer General of State, Advocate General of State, Auditor General of State, and Commissioner of Civil Services as may be needful and consistent with the letter and spirit of this Constitution.

### **CIVIL SERVICE COMMISSION**

174. The Legislative Assembly of Chinland shall have the power and responsibility to execute this section in appropriate ways. This section shall not be judicially reviewable by the courts of Chinland, but this section may provide interpretive guidance for the provisions of this constitution that are judicially reviewable.
175. The Chinland Legislature shall establish and ordain a Civil Service Commission of Chinland.
176. The Civil Service shall conduct the Civil Service examination based on merit and reservation as the Chinland Legislature may provide by law.
177. The Chinland Legislature shall provide by law for the Civil Service Commission's Rights, Privileges, Responsibilities, Duties and Impeachment from time to time.

### **IMPEACHMENT**

178. The House of Representatives shall have power to impeach any Member of the Senate and all officials who are appointed to public office by the consent and approval of the Senate.
179. The Senate shall have power to impeach any member of the House of Representatives and all officials appointed to public office by the consent and approval of the House of Representatives.
180. When sitting for impeachment purposes, the Members of the House of Representatives and the Senate shall be on oath or affirmation. No person shall be convicted without the concurrence of at least two-thirds of the members present.
181. The Senate and the House of Representatives together shall have power to impeach the Governor, Lieutenant Governor, Secretary General of State, Treasurer General of State, Advocate General of State, Auditor General of State, or the Commissioner of Civil Services, with the

concurrence of two-thirds of those present in each house. When the Governor is impeached, the Chief Justice of Chinland High Court shall preside.

182. In any and all impeachment proceedings, the accused officeholder shall be impeached only for gross and pertinacious abuse of the powers of his or her office. No one may be impeached because of policy disagreements with another government body or officeholder. Judges may not review impeachment proceedings, but those conducting impeachment proceedings are enjoined to act in the strictest good faith.
183. The Governor, and all other executive, legislative, and administrative officers, shall be liable to impeachment; but judgment in such cases shall not extend further than to removal from office, and disqualification to hold any office of honor, trust or profit under the state. This provision does not, however, forbid separate judicial proceedings in which the party impeached is subject to civil suit, indictment, trial and punishment according to law.

### **LOCAL GOVERNMENT**

184. The courts of Chinland shall have the power of judicial review to enforce the provisions of this section; the courts of Chinland shall therefore review the actions of all departments of government and government officials for conformity to these provisions. Any decision of the High Court in the interpretation of these provisions shall be final and binding on the parties to that decision and on all of the people of Chinland, including departments of the government and government officials.

### **VERSION A:**

185. The Chinland Legislative Assembly shall have the power, at its discretion, to provide by law for the creation, organization, administration, consolidation, division and dissolution of Local Government units and their functions,

for the change of boundaries thereof, for their elective and appointive officers including qualifications for office, for the issuance of charters of local governments, and for the funding of those governments. To the extent possible, the Chinland Legislative Assembly shall draw Local Government boundaries so as to follow cultural, dialectal, and/or traditional administrative lines. OR:

**VERSION B:**

186. Consistent with the rights and powers of Local Governments specified in this Constitution, the Chinland Legislative Assembly may provide for the creation, organization, and regulation of Local Governments, to be called Townships.
187. These Township governments shall have the following names and boundaries: ETC.
188. The Chinland Legislature may not change a Township's boundary until approved in each Township affected by a majority of the voters voting on the question.
189. Any Township unit may adopt a Township Charter to prescribe its own form of government. A Charter shall become effective if approved by a majority of the voters of the Township.
190. If a Township Charter provides for the consolidation or separation of a Township, in whole or in part, it shall not be effective without approval of a majority of the voters in the remainder of the Township. A Charter may be amended in the same manner in which it was adopted.
191. Each Township Charter may subdelegate powers to smaller local governmental units, e.g., from the Township level to Villages, Blocks, or Wards. If the Charter does not so subdelegate, the Township government may choose to subdelegate.
192. Each Township Charter must provide for a democratic form of government, with an elected lawmaking body

called the Township Council. The Township Council may prescribe rules governing election to the council, to supplement the charter where the charter is silent.

193. Every member of every Township Council shall before taking his or her seat, make and subscribe, before a Township or Appellate Court judge, an oath or affirmation to support the Constitution of the Federal Union and the Constitution of Chinland, and faithfully to discharge the duties of their respective offices to the best of their ability.
194. Each Township Charter and all the actions of every Township government must conform to the restrictions specified in the sections of this Constitution entitled Presiding Ideals, Individual Rights, Individual Duties, Chin Citizenship and Ethnicity, and Suffrage.
195. Each Township Charter must grant the Township Council power over the following matters, and these powers shall be exclusive with respect to the government of Chinland:
  - i. Rules governing the form, procedures, and jurisdictions of, and methods of election or appointment to, units of the Local Government;
  - ii. Local police forces;
  - iii. Local sanitary conditions;
  - iv. Local hospitals, primary schools, libraries, and safety;
  - v. Local roads, parks, and recreational centers;
  - vi. Titles of landownership;
  - vii. Within state guidelines, the designation of particular areas for slash and burn agriculture and forest reserves.
  - viii. Local taxes and local bonds.
196. Every year or more often, each Township Council shall report to the Secretary General of State on the activities of the Township Government in the period since the last report. This report shall include an account of the legislation adopted by the Township Council, the executive actions undertaken by the Township executive officials, the judicial decisions rendered by the local Township Judges, and all actions affecting the Local Government Charters.

197. Each Township Council shall have available to it the following sources of revenue:
- i. The Chinland Legislative Assembly shall provide for levying and collecting a capitation tax from every Citizen of Chinland of the age of twenty-one years or upwards. Such tax to be collected in any Township shall be uniform throughout that Township. The tax rate shall be specified by the Township Council, and such capitation tax shall be used exclusively in the Township in which it is collected.
  - ii. In its discretion, the Chinland Legislature may provide other funds to the Township Councils, but the distribution of funds must correspond to the population of each Township or the financial need of each Township or some combination of the population and need of each Township.
  - iii. In its discretion, the Chinland Legislature may spend other funds in the various Townships, but the distribution of funds must correspond to the population of each Township or the financial need of each Township or some combination of the population and need of each Township.
  - iv. The Chinland Legislature may delegate taxing powers to Township Councils, but any such delegation must be uniform across the various Townships.

### **FINANCE, TAXATION, AND REVENUE**

198. The courts of Chinland shall have the power of judicial review to enforce the provisions of this section; the courts of Chinland shall therefore review the actions of all departments of government and government officials for conformity to these provisions. Any decision of the High Court in the interpretation of these provisions shall be final and binding on the parties to that decision and on all of the people of Chinland, including departments of the government and government officials.

199. The power of taxation shall never be surrendered, suspended or contracted away, except as provided in this Constitution.
200. No money shall be drawn from the treasury but pursuant to an appropriation made by an Act of the Chinland Legislature; provided, however, that the compensation of the members of the Chinland Legislature and all expenses connected with the session thereof may be paid out of the treasury pursuant to bicameral resolution. No obligation for the payment of money shall be incurred except as authorized by law. Un-obligated appropriations outstanding at the end of the period of time specified by law shall be void.
201. No tax shall be levied, or appropriation of public money made, or public property transferred, nor shall the public credit be used, except for a public purpose.
202. Money may be borrowed or debt created by or on behalf of Chinland only pursuant to an Act of the Chinland Legislature, passed with the concurrence of two-thirds of all Members elected to each house, except to supply casual deficiencies of revenue, repel invasion, suppress insurrection, defend Chinland in war, or pay existing debts; and any law authorizing the borrowing of money by or on behalf of Chinland shall specify the purpose for which the money is to be borrowed, and the money so borrowed shall be used exclusively for such purpose; but should the money so borrowed or any part thereof be left after the abandonment of such purpose or the accomplishment thereof, such money, or the surplus thereof, may be disposed of according to law.
203. Except as otherwise provided in this Constitution, no appropriation of public money shall be made to, nor the bonds of Chinland be issued or loaned to, any Local Government or corporation, nor shall the credit of the Chinland, by the guarantee or the endorsement of the bonds or other undertakings of any Local Government or corporation, be pledged otherwise than pursuant to an Act

- of the Chinland Legislature, passed with the concurrence of three-fourths of all the members elected to each house.
204. A regular account of the receipts and expenditures of all public money shall be published annually and made available free of charge to any citizen of Chinland who requests it.
205. The Governor of Chinland shall submit to the legislature, at a time fixed by law, a budget for the next fiscal year setting forth all proposed expenditures and anticipated income of all departments, offices, and agencies of Chinland. The governor, at the same time, shall submit a general appropriations bill to authorize the proposed expenditures, and a bill or bills covering recommendations in the budget for new or additional revenues.
206. The real and personal property of Chinland and/or its political subdivisions may be made exempt from taxation by Act of the Chinland Legislature. All, or any portion of, property used exclusively for non-profit religious, charitable, cemetery, or educational purposes, as defined by law, may be made exempt from taxation by Act of the Chinland Legislature. General law may grant other exemptions of like or different kind. All valid existing exemptions shall be retained until and unless otherwise provided by law.
207. Private leaseholds, contracts, or interests in land or property owned or held by the Federal Union, the Chinland, or its political subdivisions, may be made taxable to the extent of the interests by Act of the Chinland Legislature.

### **PUBLIC EDUCATION**

208. The Legislative Assembly of Chinland shall have the power and responsibility to execute this section in appropriate ways. This section shall not be judicially reviewable by the courts of Chinland, but this section may provide interpretive guidance for the provisions of this constitution that are judicially reviewable.
209. The Chinland Legislature shall by general law establish and maintain a system of public schools open to all children of

- Chinland, and shall provide for other public educational institutions.
210. The schools and other educational institutions established by the Chinland Legislature shall be free from sectarian control.
211. No money shall be paid from public funds for the direct benefit of any religious or other private educational institutions.
212. The University of Chinland is hereby established as the State University and constituted a body corporate. It shall have title to all real and personal property now or hereafter set aside for or conveyed to it. Its property shall be administered and disposed of according to law.
213. A Board of Regents shall govern the University of Chinland. The Governor shall appoint the regents, with the advice and consent of a majority of the Members of the Chinland Legislature in joint session.
214. The Board of Regents shall, in accordance with law, formulate policy and appoint the president of the university and an executive officer of the Board.
215. The State Legislature shall by general law establish uniform guidelines for primary, secondary, high school, and vocational educations. The Board of Regents, the President of the University, and the faculty of the University shall jointly establish guidelines for the University program of education.
216. Pursuant to laws enacted by the Chinland Legislature, public funds may be expended to provide financial assistance to students and parents of students for educational purposes, including but not limited to grants, scholarships, loans, guaranteed loans, interest subsidies on loans, fees to lenders, tax exemptions to lenders, loan forgiveness programs, tax deductions for private funds paid to support education, and tuition waiver. The Board of Regents of the University System of Chinland shall be authorized to establish

programs allowing attendance at units of the University of Chinland without payment of tuition or other fees. (OR)

217. Pursuant to laws enacted by the Chinland Legislature, public funds may be expended for the following purposes:
- i. To provide grants, scholarships, loans, or other assistance to students and to parents of students for educational purposes.
  - ii. To provide for a program of guaranteed loans to students and to parents of students for educational purposes and to pay interest, interest subsidies, and fees to lenders on such loans. The Chinland Legislature is authorized to provide such tax exemptions to lenders as shall be deemed advisable in connection with such program.
  - iii. To provide grants, scholarships, loans, or other assistance to public employees for educational purposes.
  - iv. To provide for the purchase of loans made to students for educational purposes who have completed a program of study in a field in which critical shortages exist and for cancellation of repayment of such loans, interest, and charges thereon.
  - v. Contributions made in support of any educational assistance program now or hereafter established under provisions of this section may be made deductible for state income tax purposes as now or hereafter provided by law.
  - vi. The Chinland Legislature shall be authorized by general law to provide for an education trust fund to assist students and parents of students in financing postsecondary education and to provide for contracts between the fund and purchasers for the advance payment of tuition by each purchaser for a qualified beneficiary to attend a state institution of higher education. Such general law shall provide for such terms, conditions, and limitations as the Chinland Legislature shall deem necessary for the implementation of this subparagraph. Notwithstanding any provision of this Constitution to the contrary, the Chinland Legislature

- shall be authorized to provide for the guarantee of such contracts with state revenues.
- vii. Guaranteed revenue debt may be incurred to provide funds to make loans to students and to parents of students for educational purposes, to purchase loans made to students and to parents of students for educational purposes, or to lend or make deposits of such funds with lenders which shall be secured by loans made to students and to parents of students for educational purposes.
  - viii. Public authorities or public corporations heretofore or hereafter created for such purposes shall be authorized to administer educational assistance programs and, in connection therewith, may exercise such powers as may now or hereafter be provided by law.
  - ix. The Board of Regents of the University System of Chinland shall be authorized to establish programs allowing attendance at units of the University of Chinland without payment of tuition or other fees, but the Chinland Legislature may provide by law for the establishment of any such program for the benefit of elderly citizens of the state.

## **PUBLIC HEALTH**

- 218. The Legislative Assembly of Chinland shall have the power and responsibility to execute this section in appropriate ways. This section shall not be judicially reviewable by the courts of Chinland, but this section may provide interpretive guidance for the provisions of this constitution that are judicially reviewable.
- 219. The Chinland Legislature shall provide by law for the promotion and protection of public health.
- 220. The Chinland Legislature shall provide by law for the treatment and rehabilitation of handicapped persons.
- 221. The Chinland Legislature shall provide by law for financial assistance, medical assistance and social services for persons

who are found to be in need of and are eligible for such assistance and services.

### **PUBLIC WELFARE**

222. The Legislative Assembly of Chinland shall have the power and responsibility to execute this section in appropriate ways. This section shall not be judicially reviewable by the courts of Chinland, but this section may provide interpretive guidance for the provisions of this constitution that are judicially reviewable.
223. The Chinland Legislature shall provide by law for the promotion and protection of the general public welfare.
224. The Chinland Legislature shall provide by law for the security of the elderly, the unemployed, the disabled, children, orphans, and any others in need, by establishing and promoting programs to assure their economic and social well-being. Such provision may include but need not be limited to the creation of government welfare agencies, the support of private welfare agencies, social security programs, orphanages, foster homes, nursing homes, daycare programs, and group homes for the disabled or those rehabilitating from addictions or illnesses.
225. The Chinland Legislature shall provide by law assistance in, housing, slum clearance and the development or rehabilitation of substandard areas. The exercise of such power is deemed to be for a public use and purpose.
226. Minimum standard guidelines of the Chinland public welfare shall be prescribed by Chinland Legislature from time to time.

### **CULTURE AND MEDIA**

227. The courts of Chinland shall have the power of judicial review to enforce the provisions of this section; the courts of Chinland shall therefore review the actions of all departments of government and government officials for

conformity to these provisions. Any decision of the High Court in the interpretation of these provisions shall be final and binding on the parties to that decision and on all of the people of Chinland, including departments of the government and government officials.

228. Consistent with the other provisions of this Constitution, especially the protections for individual rights, the Chinland Legislative Assembly shall have power to regulate the Media, Communication, Broadcasting, Telephonic systems, Telegraphic systems, and Cultural practices.
229. The Chinland Legislature may provide by law for the conservation and development of objects and places of historic or cultural interest, and it may provide for public sightliness and physical good order.
230. For the purposes of this section, the Chinland Legislature may provide by law that private property shall be subject to reasonable regulation.
231. The powers of the Chinland Legislature granted by this section shall be exclusive of any power of the Federal Union government.

#### **STATE ARMED FORCES**

232. The courts of Chinland shall have the power of judicial review to enforce the provisions of this section; the courts of Chinland shall therefore review the actions of all departments of government and government officials for conformity to these provisions. Any decision of the High Court in the interpretation of these provisions shall be final and binding on the parties to that decision and on all of the people of Chinland, including departments of the government and government officials.
233. All able-bodied citizens of Chinland between the ages of eighteen and forty years shall serve in the Militia of Chinland for at least three years as prescribed by act of the Chinland Legislative Assembly.

- 234. The Chinland Legislature shall, by law, designate the qualifications necessary for holding a commission in the State Armed Forces and shall prescribe the mode of selection of officers for the several grades. The Governor of Chinland shall appoint and commission the commissioned officers as directed by the Chinland Legislature.
- 235. The Chinland Legislative Assembly shall have the final authority, exclusive of any power of the Federal Union government over the same, for the creation of the militia of Chinland and for making all rules and regulations needful for the organization, training, and discipline of the same.
- 236. When not occupied in military activities, units of the Militia of Chinland may be used for civil development purposes, such as building bridges or roads, urban renewal projects, teaching, or the like, as provided by the Chinland Legislative Assembly.
- 237. The Federal Union Armed Forces shall not be stationed in Chinland without the consent and approval of two-thirds of both houses of the Chinland Legislative Assembly.

**GENERAL PROVISIONS**

- 238. The courts of Chinland shall have the power of judicial review to enforce the provisions of this section; the courts of Chinland shall therefore review the actions of all departments of government and government officials for conformity to these provisions. Any decision of the High Court in the interpretation of these provisions shall be final and binding on the parties to that decision and on all of the people of Chinland, including departments of the government and government officials.
- 239. The seal of the Government of Chinland shall be .....
- 240. The national anthem of Chinland shall be.....
- 241. The national flag of Chinland shall be.....
- 242. The Seal of the Governor of Chinland shall be .....

243. The Flower of Chinland shall be the Rhododendron.
244. The National Animal of Chinland shall be Mythun..
245. The National Bird of Chinland shall be the Great Hornbill.
246. The Official Language of Chinland shall be English and Chin.
247. The Constitution of Chinland shall be made in English, signed by the Governor of Chinland and enrolled for record in the office of the registrar of the Chinland High Court.
248. The Constitution of Chinland shall be translated into the various dialects of Chinland, but the translations shall not be authorized for legal use until they are approved by the Chinland High Court, signed by the Governor, and enrolled for record in the office of the registrar of the Chinland High Court.
249. If discrepancies of meaning should exist between the English and Chin versions of the Constitution or between the various Chin versions (whether because of outright contradiction, different shades of meaning, ambiguity in one version that does not exist in another or for any other reason), the original English version of the constitution shall be controlling.

#### **INTER-STATE AND INTER-FEDERAL RELATION**

250. Neither the Constitution of the Federal Union of Burma nor any action of the Government of the Federal Union of Burma shall override any provision of the current Constitution of Chinland.
251. Neither amendments to the Constitution of the Federal Union of Burma nor actions of the Government of the Federal Union of Burma shall override any future amendment to the constitution of Chinland, provided that those amendments to the constitution of Chinland are consistent with the current Constitution of the Federal Union of Burma.

252. Notwithstanding any other provision of this Constitution or the Constitution of the Federal Union of Burma or any future amendments to the same, the High Court of the Federal Union of Burma shall have the power of judicial review to protect the individual rights, as specified in the Federal Union Constitution, of any citizen of the Federal Union against the action of a state government other than his or her own.
253. The Government of the Federal Union shall have exclusive power to make laws on the following matters:
- i. Foreign policy and affairs except insofar as this subject is shared concurrently with Chinland, as described in the section of this Constitution listing concurrent powers;
  - ii. The federal debt and property;
  - iii. The raising of money by any mode or system of federal taxation;
  - iv. The borrowing of money on public debt;
  - v. The fixing of and providing for the salaries and allowances of civil and other officers of the Government of the Federal Union;
  - vi. Quarantine;
  - vii. Currency and coinage,
  - viii. Monetary policy of the Federal Union;
  - ix. Federal banking, incorporation of companies, banks and issue of paper money;
  - x. Weight and measures;
  - xi. Bills of exchanges, promissory notes, and negotiable instruments;
  - xii. Copyrights, trademarks, and patents;
  - xiii. Naturalization of aliens;
  - xiv. Establishment, maintenance and management of federal penitentiaries;
  - xv. Establishment, maintenance and management of Union-wide postal, telephonic, and telegraphic systems.
254. The Government of the Federal Union and Chinland shall have concurrent powers on the following matters:

- i. Federal armed forces;
  - ii. Federal seaways, highways, and airways;
  - iii. Regulation of federal trade and commerce;
  - iv. The census and official demographic statistics;
  - v. Navigation and shipping;
  - vi. Savings banks;
  - vii. Interest rates and legal tender;
  - viii. Bankruptcy and insolvency;
  - ix. Beacons, buoys, and lighthouses;
  - x. Foreign relations with countries friendly to the Federal Union for the purpose of seeking aid in developing social welfare, agriculture, health, education, and economic programs.
255. Over all other matters, Chinland shall have exclusive power. This exclusive power particularly extends but is not limited to:
- The stationing of federal troops in Chinland without the approval of two-thirds of both houses of the Chinland legislative assembly; and
- Communications and media, aside from the laws necessary to execute the Federal Union's power to establish, maintain, and manage Union-wide postal, telephonic, and telegraphic systems.
256. There shall be two methods for determining whether the Government of the Federal Union has sought to exercise a power not granted to it by this Constitution:
- The Supreme Court of the Government of the Federal Union of Burma may determine whether the Government of the Federal Union has exceeded its constitutional powers, and if so, it shall issue a judgment voiding the unconstitutional action; and
- The Chinland legislative assembly, by a two-thirds majority vote of both houses of the legislature, may determine that the Government of the Federal Union has exceeded its constitutional powers, and if so, it may nullify the unconstitutional federal action insofar as it applies to Chinland.

257. In the event that the Government of the Federal Union of Burma and the Government of Chinland take conflicting actions under their concurrent powers, the Upper House of the Government of the Federal Union of Burma shall pass a resolution to settle the conflict.

#### **AMENDMENT**

258. Any Provision of this Constitution may be amended by the approval of 75 percent of the Members of both houses of the Chinland Legislature.

259. Any Provision of this Constitution may be amended by the approval of 65 percent of the enfranchised citizens of Chinland by referendum or initiative. The High Court of Chinland shall specify the procedures needful for the referendum and initiative processes.

#### **APPENDIX (I)**

##### **THE DOCTRINAL GUIDELINES AND PRICIPLES OF THE CHINS ON FEDERAL UNION**

1. The sole purpose of forming the Federal Union is to protect and promote the common interest, benefit, and security of distinct nationalities according to the federal principles known as “self-rule” and “shared-rule”. Therefore the Federal Union shall be formed based on the National States, and the federal government shall be established for the purpose of protecting and promoting the common interests of the states.
2. In order to form the Federal Union, the Constitution of the Federal Union shall be drafted by representatives of the National States without nullifying the State Constitutions and without violating the principles of federalism.

3. The Draft Constitution of the Federal Union shall be enforced only after its ratification by each National State by referendum or vote of the state legislature.
4. Each Federal Defense Force shall be composed of roughly equal numbers of members from each National State. The officer corps of each Federal Defense Force shall be composed of roughly equal numbers of member from each National State. At least sixty percent of the officers with the rank of general or admiral and above shall come from National States other than Burma. The Federal Defense Forces shall be funded by the Federal Government.
5. Each State shall choose a Justice to serve on the Supreme Court of the Federal Union, so as to protect and promote the spirit of the federalism and the interest and benefit of the Union, and this Court shall have the highest authority on interpretation of the Constitution of the Federal Union. The number of justices of the Federal Union Supreme Court shall be the lowest odd number that is either equal to the number of National States or one greater than the number of National States. In the latter case, the state of Burma shall send two justices to serve on the Supreme Court.
6. The Council of Ministers shall contain at least one Minister and one Deputy Minister from each National State. The Minister and Deputy Minister for any given ministry shall never be from the same state. No National State shall have more than twice as many ministers on the Council of Ministers as any other National State.
7. In the Lower House (or House of Representatives), each National State shall be apportioned a number of representatives based on its respective population.
8. In the Upper House (or House of Nationalities), each National State other than Burma shall receive an equal number of representatives. The State of Burma shall receive a sufficient number of representatives so that its percentage of representatives in the Upper House and its percentage of representatives in the Lower House, when

combined, shall equal (as near as may be practicable) the percentage of representatives in the Upper House from other states and the percentage of representatives in the Lower House from other states, combined.

9. The Members of both Houses and the Governors of the National States shall elect the President and Vice President of the Federal Union, according to a voting formula to be determined. The President and Vice President shall not be from the same State or Nationality.
10. International treaties, bilateral treaties, and multilateral treaties shall not be enforced in the Federal Union without the consent and approval of a majority of the Upper House (or) House of Nationalities.

