

The 2008 Constitution of the Federated Shan States

Preamble

In the name of Our Great Creator, and before All Peoples of the World!

We, the Shan People, and all those peoples of various ethnic roots who historically live peacefully together within our borders and help the formation of our democratic and peace-loving sovereign nation,

Whereas, we are mindful of our responsibility towards creation;

Resolve to renew our alliance to secure and strengthen liberty and democracy, independence and peace in solidarity and openness towards the world;

Are determined to live our diversity in unity respecting one another; are conscious of our common achievements and our responsibility towards future generations;

And know that only those can secure and remain free who strongly defend, protect and use their freedom at all costs, and that the strength of a people is measured by the welfare of the weakest of its members;

We, the People of the Federated Shan States, therefore do now before all men adopt the following Constitution, inculcating all of the values and principles whereby we wish to live and let live fairly, decently, honorably, and in true peace, democracy, order and harmony with ourselves, our neighbors, and the international community:

Title 1: General Provisions

Art. 1 The Composition of Federated Shan States

The Federated Shan States is defined as a Federation of Autonomous States, Regions and Frontier Areas, where all indigenous Shan Peoples with diverse historical and cultural entities, share their homeland in a sovereign nation of the Federated Shan States.

These sovereign lands and territories encompass the Shan Plateau, and are bordered internationally to the north by the People's Republic of China, to the east by the People's Democratic Republic of Laos, to the south by the Royal Kingdom of Thailand, and by Burma to the west.

The Federated Shan States occupies the sovereign lands and territories under rights endowed, recognized, and acknowledged by the Panglong Agreement of 1947 and the

Constitution of the Union of Burma of 1948, and although under oppression of a Burmese military junta, the Shan have declared their independence from Burma under these unabrogated rights unilaterally on April 17th 2005. The Shan are a sovereign nation in every regard.

The Peoples of the Shan States in Confederation consist of the Shan (Tai) People, and those of the Tai State, the Palaung State, the Wa State, the Kokang State, the Pa-O State, the lands of which may be considered under this Constitution to be open to further amalgamation or unification according to the wishes of the majority of the peoples as the effects of peace and prosperity are experienced, and the value of unification is recognized.

The Shan people (Tai), Palaung, Wa, Pa-O, Kokangnese, Danu, Tai Naung (Angsa) peoples are also enhanced by the diverse ethnically-contributive member peoples of our nation, including the Kheoun, Samtao, Akha, Lahu, Hmong, Ean and Kachin, Inla, Tai-Lue, Tai-Neua, Tai Lam, Tai Leang, Tai Khamtee, and Tai Dum people, who combine as one with the Shan (Tai) people to form the sovereign nation of the Federated Shan States. This includes those of the above, currently refugee or in war-crisis exile.

Vast natural resources in precious metals, precious stones, minerals, oil, gas, forestry, mining, agriculture, tourism and trading create the potential for great wealth for the Peoples of this nation for many years to come as this nation emerges to neutrally hub the regional economy and financial activities in a manner quietly reminiscent of Switzerland.

Art. 2 Purpose

1 The Shan Constitution shall give the Shan Government all of the rights to protect the liberty and the rights of the citizen people, and shall ensure the independence and security of the country. This Shan Constitution shall give the People through the Shan Parliament the ability to partially or fully revise and amend this constitution according to the powers given in the articles herein.

2 It shall promote the common welfare, the sustainable development, the inner cohesion, and the cultural diversity of the country.

3 It shall ensure equal opportunities for all citizens to the fullest extent possible, regardless of race, creed, religion, or gender.

4 It shall strive to secure the long-term preservation of natural resources, and to promote a just and peaceful international order.

Art. 3 Democracy During and After Occupation

All States, Counties and Se-Viengs within the Federated Shan States, including those still occupied by Burmese military, have exercised their ballots and votes under life-threatening and secret conditions, protecting them from occupying Burmese military interruption, arrest, and execution, and have elected their government by an 87% majority and have declared their wish for independence from the Burmese junta by that same huge majority.

The evidence of this first election is securely guarded and held by the Shan Government.

Once peace, freedom, democracy, and human rights are restored by Burmese military withdrawal from all Shan sovereign lands, then within three years, normal, free, open, democratic elections will occur at five yearly intervals, allowing for a full democratic government to be elected to represent the majority of the people on each occasion.

Art. 4 National and State Languages

The national languages are Tai (Shan), and English.

The State languages Tai (Shan), Pa-O, Palaung, Wa, and Kokang

Art. 5 Rule of Law

1 The Federated Shan State's activities shall be based on and limited by the Rule of Law.

2 State activities must be in the public interest and proportional to the goals pursued.

3 State organs and private persons must act in good faith.

4 This Confederation of States and the Counties shall respect international law.

Art. 6 Individual and Social Responsibility

All persons are responsible for them-selves, and shall make use of their abilities to contribute to achieving the goals of state and society.

Title 2: Fundamental Rights, Civil Rights and Social Goals

Chapter 1: Fundamental Rights

Art. 7 Human Rights of Shan Citizens

Human dignity and human rights shall be respected and protected for all citizens, regardless of race, creed, religion, color, or gender. All of the human rights that are enshrined and declared within the United Nations' Universal Declaration of Human Rights are endorsed and apply within this constitution, and are the accepted, recognized, declared and entrenched rights of every citizen of the Federated Shan States under this constitution.

Art. 8 Equality before the Law

1 All human beings are equal before the law.

2 Nobody shall suffer discrimination, particularly on grounds of origin, race, sex, age, language, social position, lifestyle, religious, philosophical or political convictions, or because of a corporal or mental disability.

3 Men and women have equal rights. Legislation shall ensure equality in law and in fact, particularly in family, education, and work. Men and women shall have the right to equal pay for work of equal value.

4 Legislation shall provide for measures to eliminate disadvantages affecting disabled people.

Art. 9 Protection against Arbitrariness and Principle of Good Faith

Every person has the right to be treated by the state organs without arbitrariness and in good faith.

Art. 10 Right to Live and Personal Freedom

1 Every person has the right to live, unless convicted of a capital crime by a duly constituted court of law, and has been sentenced by the court.

2 Every person has the right to personal liberty, particularly to corporal and mental integrity, and to freedom of movement.

3 Torture and any other cruel, inhuman or degrading treatment or punishment are prohibited.

Art. 11 Protection of Children and Young People

1 Children and young people have the right to special protection of their integrity and to encouragement of their development.

2 They may exercise their rights themselves to the extent of their capacity to discern.

Art. 12 Right to Aid in Distress

Persons in distress and incapable of looking after themselves have the right to be helped and assisted, and to receive the means that are indispensable for leading a life in human dignity.

Art. 13 Right to Privacy

1 All persons have the right to receive respect for their private and family life, home, and secrecy of the mails and telecommunications.

2 All persons have the right to be protected against the abuse of personal data.

Art. 14 Right to Marriage and Family

The right to marry and to have a family is guaranteed.

Art. 15 Freedom of Religion and Philosophy

1 The freedom of religion and philosophy is guaranteed.

2 All persons have the right to choose their religion or philosophical convictions freely, and to profess them alone or in community with others.

3 All persons have the right to join or to belong to a religious community, and to follow religious teachings.

4 No person shall be forced to join or belong to a religious community, to participate in a religious act, or to follow religious teachings.

Art. 16 Freedom of Opinion and Information

1 The freedom of opinion and information is guaranteed.

2 All persons have the right to form, express, and disseminate their opinions freely.

3 All persons have the right to receive information freely, to gather it from generally accessible sources, and to disseminate it.

Art. 17 Freedom of the Media

1 The freedom of the press, radio and television, and of other forms of public telecasting of productions and information is guaranteed.

2 Censorship is prohibited.

3 Editorial secrecy is guaranteed.

Art. 18 Freedom of Language

The freedom of language is guaranteed.

Art. 19 Right to Primary Education

The right to sufficient and free primary education is guaranteed.

Art. 20 Freedom of Science

The freedom of scientific research and teaching is guaranteed.

Art. 21 Freedom of Art

The freedom of art is guaranteed.

Art. 22 Freedom of Assembly

1 The freedom of assembly is guaranteed.

2 Every person has the right to organize assemblies, to participate in them or to stay away from them.

Art. 23 Freedom of Association

1 The freedom of association is guaranteed.

2 Every person has the right to form associations, to join or to belong to them, and to participate in their activities.

3 No person shall be forced to join or to belong to an association.

Art. 24 Freedom of Domicile

1 Shan citizens have the right to establish their domicile anywhere within the country.

2 They have the right to leave or to return to the Federated Shan States.

Art. 25 Protection against expulsion, extradition, and removal by force

1 Shan citizens may not be expelled from the country; they may be extradited to a foreign authority only with their consent.

2 Refugees may not be removed by force or extradited to a state in which they are persecuted.

3 No person shall be removed by force to a state where he or she is threatened by torture, or another means of cruel and inhuman treatment or punishment.

Art. 26 Right to property

1 The right to property is guaranteed.

2 Expropriation and restrictions of ownership equivalent to expropriation shall be fully compensated.

Art. 27 Economic Freedom

1 Economic freedom is guaranteed.

2 It contains particularly the freedom to choose one's profession, and to enjoy free access to and free exercise of private economic activity.

Art. 28 Freedom to Unionize

1 Workers, employers, and their organizations have the right to unionize for the defense of their interests, to form unions and to join them or to keep out of them.

2 Conflicts shall be resolved to the extent possible through negotiation and mediation.

3 Strike and lockout are permitted when they relate to labor relations, except in time of war, and when they are not contrary to obligations to keep labor peace or to resort to conciliation.

4 Legislation may prohibit certain categories of persons from striking.

Art. 29 General Procedural Guarantees

1 Every person has the right in legal or administrative proceedings to have the case treated equally and fairly, and judged within a reasonable time.

2 The parties have the right to be heard.

3 Every person lacking the necessary means has the right to free legal assistance, unless the case appears to be without any chance of success. The person has moreover the right to free legal representation, to the extent that this is necessary to protect the person's rights.

Art. 29a2 Guarantee of Legal Proceedings

Every person has the right to have legal disputes judged by a judicial authority.

.

Art. 30 Judicial Proceedings

1 Every person whose case must be judged in judicial proceedings has the right to have this done by a court that is established by law, has jurisdiction, and is independent and impartial. Exceptional tribunals are prohibited.

2 A person against whom a civil action is brought has the right to have the case heard before the court at the person's domicile. Legislation may provide for another jurisdiction.

3 The court hearing shall be public, and the judgment shall be publicly proclaimed. Legislation may provide for exceptions.

Art. 31 Habeas Corpus

1 No person may be deprived of liberty except in the cases and in the forms provided by statute.

2 All persons deprived of their liberty have the right to be informed immediately, and in a language that they understand, of the reasons for their detention, and of their rights. They must have the opportunity to assert their rights. In particular, they have the right to have their close relatives informed, and to consult with legal counsel.

3 Every person taken into preventive detention has the right to be brought before a judge without delay; the judge shall decide whether the person shall remain in detention or shall be released. Every person in preventive detention has the right to be judged within a reasonable time.

4 All persons who are deprived of their liberty without a trial have the right to seize a court at any time. The court shall decide as soon as possible whether the detention is legal.

Art. 32 Criminal procedure

1 Every person shall be presumed innocent unless the person is adjudged guilty in a duly constituted court of law.

2 Every accused person has the right to be informed as soon as possible and in full detail of the accusations. The person must have the opportunity to exercise its means of defense.

3 Every convicted person has the right to have the judgment reviewed by a higher court. The cases where the Shan Supreme Court sits as a court of sole instance are reserved.

Art. 33 Right of Petition

1 Every person has the right to address petitions to authorities without suffering prejudice.

2 The authorities must take cognizance of petitions.

Art. 34 Political Rights

1 The political rights are guaranteed.

2 The guarantee of political rights protects the free formation of opinion by the citizens and the unaltered expression of their will.

Art. 35 Realization of Fundamental Rights

1 The fundamental rights shall be realized in the entire legal system.

2 Whoever exercises a function of the state must respect the fundamental rights and contribute to their realization.

3 The authorities shall ensure that the fundamental rights also be respected in relations among private parties whenever the analogy is applicable.

Art. 36 Limitations of Fundamental Rights

1 Any limitation of a fundamental right requires a legal basis. Grave limitations must be expressly foreseen by statute. Cases of clear and present danger are reserved.

2 Any limitation of a fundamental right must be justified by public interest, or serve for the protection of fundamental rights of other persons.

3 Limitations of fundamental rights must be proportionate to the goals pursued.

4 The essence of fundamental rights is inviolable.

Chapter 2: Citizenship and Political Rights

Art. 37 Citizenships

1 Every person who was born within, or has been living legally within the Federated Shan States, or is the registered offspring of a Shan Citizen, or has been granted sanctuary and asylum by the Shan Government, constitutionally has and holds Shan citizenship.

2 No person shall enjoy a privilege or suffer prejudice because of his or her citizenship. Exceptions are possible to regulate political rights in bourgeoisies and corporations, and provide for participation in their assets, unless legislation excludes this.

Art. 38 Acquisition and Loss of Citizenship

1 The Shan Government shall regulate the acquisition and the loss of citizenship through descent, marriage and adoption. Moreover, it shall regulate the loss of Shan citizenship on other grounds, and the reinstatement of citizenship.

2 It shall set minimum requirements for the naturalization of foreigners by the States, Counties and Se-Viengs, and grant naturalization permits.

3 It shall facilitate the naturalization of stateless children.

Art. 39 Exercise of Political Rights

1 The Shan Government shall regulate the exercise of political rights in national matters; the States and Counties shall regulate the exercise of these rights in state, county and municipal matters.

2 The political rights shall be exercised at the domicile. The Shan Government, States, and the Counties may foresee exceptions.

3 No person shall exercise political rights in more than one State or County.

4 The Counties may provide that new domiciliaries may exercise political rights in county and municipal matters only once a waiting period of no more than three months has been observed.

Art. 40 Shan citizens domiciled abroad

1 The Shan Government shall encourage links amongst Shan citizens domiciled abroad, and their links with the Federated Shan States. It may support organizations which pursue this goal.

2 It shall legislate on the rights and obligations of Shan citizens domiciled abroad, in particular on the exercise of the political rights on the federal level, the duty to render military or alternative service, assistance to needy persons, and social security.

Chapter 3: Social Goals

Art. 41 Basic Care Structure

1 The Shan Government, States and the Counties shall strive to ensure that, in addition to personal responsibility and private initiative,

a. every person shall benefit from social security;

b. every person shall benefit from necessary health care;

c. the family as a community of adults and children shall be protected and encouraged;

d. every person capable of working shall sustain himself or herself through working under fair and adequate conditions;

e. every person looking for housing shall find, for himself or herself and his or her family, appropriate housing at reasonable conditions;

f. children and young people and people of working age shall benefit from initial and continuing education according to their abilities;

g. children and young people shall be encouraged in their development to become independent and socially responsible persons, and they shall be supported in their social, cultural, and political integration.

2 The Shan Government, States and the Counties shall strive to ensure that every person shall be insured against the economic consequences of old age, disability, illness, accidents, unemployment, maternity, orphanhood, and widowhood.

3 They shall strive to realize the social goals within the framework of their constitutional powers and with the means available to them.

4 No direct subjective right to prestations by the state may be derived from the social goals.

Title 3: The Shan Government, State, Counties, and Municipalities

Chapter 1: Relationship between the Shan Government, States, and the Counties (Se-Viengs)

Section 1: Tasks of the Shan Government, States , and Counties (Se-Viengs)

Art. 42 Tasks of the Shan Government

1 The Shan Government shall accomplish the tasks which are attributed to it by the Constitution.

2 It shall assume the tasks which require uniform regulation.

Art. 43 Tasks of the States, Counties

The States, Counties and Se-Viengs shall define the tasks which they shall accomplish within the limited framework of their limited powers.

Section 2: Cooperation between the Shan Government, States, Counties, and Se-Viengs

Art. 44 Principles

1 The Shan Government, States, and Counties, (Se-Viengs) shall collaborate, and shall support each other in the fulfillment of their tasks.

2 They owe each other mutual consideration and support. They shall grant each other administrative and judicial assistance.

3 Disputes between States, Counties, or between Counties, and the Shan Government shall, to the extent possible, be resolved through negotiation or mediation.

Art. 45 Participation in Shan Government Decision Making

1 In certain special cases foreseen by this Constitution, the States and/or Counties may participate in the decision-making process on the national level, in particular in national legislation.

2 The Shan Government shall inform the States and/or Counties timely and fully of its plans; it shall consult them if their interests are affected.

Art. 46 Implementation of Law

1 The States and Counties shall implement law in conformity with the Constitution and

the statute.

2 The Shan Government shall leave the States and Counties as large a space of action as possible, and shall take their particularities into account.

3 The Shan Government shall take into account the financial burden that is associated with implementing national law by leaving sufficient sources of financing to the States and Counties, and by ensuring an equitable financial equalization.

Art. 47 Autonomy of the States and Counties

The Shan Government shall respect the autonomy of the States and Counties.

Art. 48 Inter-States and Inter-County Treaties

1 The States and Counties may enter into inter-state or inter-county treaties, and may create common organizations and institutions. They may, in particular, join forces to fulfill tasks of regional interest.

2 The Shan Government may participate in such organizations or institutions within the limits of its powers.

3 Inter-state or inter-county treaties may not be contrary to the law or the interests of the Shan Government, nor to the rights of other States or Counties. The Shan Government must be notified of such treaties.

Art. 49 Supremacy of and Respect for National Law

1 National law takes precedence over contrary state or county law.

2 The Shan Government shall ensure that the States and Counties respect national law.

Section 3: Municipalities

Art. 50

1 The autonomy of the Municipalities is guaranteed within the limits fixed by state and county law.

2 In its activity, the Shan Government shall take into account the possible consequences for the Municipalities.

3 In particular, it shall take into account the special situation of cities, agglomerations, and mountainous regions.

Section 4: Shan Government Guarantees

Art. 51 State and County Constitutions

1 Every State and County may adopt a democratic constitution. This constitution must be approved by the people, and must be subject to revision if a majority of the people so requires.

2 These state and county constitutions must be guaranteed by the Shan Government. The Shan Government shall grant this guarantee, if the constitutions are not contrary to national law.

Art. 52 Constitutional Order

1 The Shan Government shall protect the constitutional order of the States and Counties.

2 It shall intervene if the inner order of a State or County is disturbed or threatened and cannot be protected by the State or County alone or with the help of other Counties.

Art. 53 Existence and Territory of the States and Counties

1 The Shan Government shall protect the existence and the territory of the States and Counties.

2 Modifications of the number of the States and Counties or their status are subject to the assent of the population concerned, of the States and Counties concerned, and of the People and the States and Counties.

3 Modifications of the territory of a State or County are subject to the assent of the population concerned, of the State or Counties concerned, and the assent of the Shan Government in the form of a decree.

4 Inter-State and Inter-county boundary settlements may be made by treaty between the States and Counties concerned.

Chapter 2: Powers

Section 1: Relations with foreign countries

Art. 54 Foreign Relations

1 Foreign Relations are a federal matter.

2 The Shan Government shall strive to preserve the independence of the Federated Shan States and its welfare; it shall, in particular, contribute to alleviate need and poverty in the world, and to promote respect for human rights, democracy, the peaceful coexistence of nations, and the preservation of natural resources.

3 It shall take into consideration the powers of the States and Counties, and shall protect their interests.

Art. 55 Participation of the States and Counties in Decisions of Foreign Policy

1 The States and Counties shall be invited to participate in the preparation of decisions of foreign policy which concern their powers or their essential interests.

2 The Shan Government shall inform the States and Counties timely and fully, and consult them.

3 The position of the States and Counties shall have particular weight when their powers are concerned. In these cases, the States and Counties may be invited to participate in international negotiations as appropriate.

Art. 56 Relations between the States and Counties, and Foreign Countries

1 The States and Counties may conclude treaties with foreign countries within the scope of their powers.

2 These treaties may not be contrary to the law nor to the interests of the Shan Government nor to the laws of other States and Counties. Before concluding a treaty, the counties must inform the Shan Government.

3 The States and Counties may deal directly with lower ranking foreign authorities; in other cases, the relations of the States and Counties with foreign countries shall be conducted by the Shan Government acting on their behalf.

Section 2: Security, National and Civil Defense

Art. 57 Security

1 The Shan Government, States and the Counties shall ensure, within the framework of their powers, the security of the country and the protection of the population.

2 They shall coordinate their efforts in the field of inner security.

Art. 58 The Shan Army

1 The Federated Shan States shall have an army under Central Command as the national defense force. The army shall be organized in part as a standing army, and part in reserve as a militia.

2 The army shall contribute to prevent war and to maintain peace; it shall defend the country and protect its population. When required and authorized by the Shan Government, it shall lend support to the civil authorities when they must repel serious threats to internal security or master other exceptional circumstances. The statute may provide for further tasks.

3 The use of the army is a Shan Government matter. The States or Counties may request the Shan Government to engage their troops to maintain public order on their territory, if the means of the civil authorities no longer suffice to repel serious threats to inner security.

Art. 59 Military and Alternative Service

1 Every Shan male Citizen upon reaching the age of 19 years, must render two years fulltime military service, and be on reserve until their age is 40 years, and will attend throughout that period a one month recall to service annually. The statute shall provide for an alternative service.

2 For Shan women, military service is voluntary.

3 Shan male citizens who render neither military nor alternative service owe a tax. The tax is levied by the Shan Government and is assessed and collected by the Counties.

4 The Shan Government shall legislate on fair compensation for loss of income.

5 Those who render military or alternative service and thereby suffer health impairment or lose their lives, have the right for themselves or their relatives to receive good and adequate pension support provided by the Shan Government.

Art. 60 Organization, Instruction, and Equipment of the Shan Army

1 Legislation on the military and on the organization, the instruction, and the equipment of the Shan Army, is a national matter under the Shan Government. The Shan Army will be under Central and General Command, with the elected President of the Federated Shan States being their Commander-In-Chief, and operating under the General Staff.

2 Within the limits of federal law, the States and Counties shall have the power to form militia troops, and to appoint and to promote officers of such troops, and to furnish a part of their clothing and equipment.

3 The Shan Government may at any time take over any military installations of the States

or Counties militias against fair compensation, or leave them under state or county authority as local militia.

Art. 61 Civil Protection

1 Legislation on civil protection is a national matter under the Shan Government; civil protection has the purpose of protecting persons and property against the consequences of natural disasters, catastrophes or armed conflicts.

2 The Shan Government shall legislate on the intervention of civil protection in catastrophes and emergencies.

3 The Shan Government may make the civil protection service compulsory for men. For women, it shall be voluntary.

4 The Shan Government shall legislate on fair compensation for loss of income.

5 Those who render civil protection service and thereby suffer health impairment or lose their lives, have the right for themselves or their relatives to good and adequate support by the Shan Government.

Section 3: Education, Research, and Culture

Art. 62 Education

1 Education is a State and County matter.

2 The States and Counties shall ensure a sufficient primary education open to all children. This education shall be compulsory, and shall be placed under state direction or supervision. It shall be free in public schools. The school year shall begin in October.

Art. 63 Professional Education and Universities

1 The Shan Government shall legislate on professional education.

2 It shall operate technical universities. It may create, operate, or support other universities and institutions of higher learning. It may make its support conditional upon taking coordination measures.

Art. 64 Research

1 The Shan Government shall encourage scientific research.

2 It may make its support conditional, in particular, upon taking coordination measures.

3 It may create, take over, or operate research institutions.

Art. 65 Statistics

1 The Shan Government shall collect the necessary statistical data on the status and evolution of the population, the economy, the society, the territory, and the environment in the Federated Shan States.

2 To facilitate the collection of data, it will legislate on harmonizing and keeping official registers.

Art. 66 Support of Education

1 The Shan Government may grant subsidies to the States and Counties for the expenses

that they may incur for scholarships and for other assistance towards education.

2 It may, moreover, complement state and county measures while respecting state and county autonomy in school matters, and take its own measures to encourage education.

Art. 67 Education of Young People and Adults

1 The Shan Government, States, and the Counties shall, when fulfilling their tasks, take into account children's and young people's special needs for development and protection.

2 The Shan Government may complement state and county measures and support the extracurricular work with children and young people, and the education of adults.

Art. 68 Sport

1 The Shan Government shall promote sport, particularly sport education.

2 It shall operate a sport school.

3 It may legislate on youth sport, and may make sport education in schools compulsory.

Art. 69 Culture

1 The field of culture is a joint Shan Government, State and County matter.

2 The Shan Government may support cultural activities of national interest, and encourage art and music, in particular in the field of education.

3 In accomplishing its tasks, it shall take into account the cultural and linguistic diversity of the country.

Art. 70 Languages

1 The official languages of the Federated Shan States are Shan and English.

2 The States and Counties shall designate their official languages. In order to preserve harmony between linguistic communities, they shall respect the traditional territorial distribution of languages, and take into account the indigenous linguistic minorities.

3 The Shan Government, States and the Counties shall encourage understanding and exchange between the linguistic communities.

4 The Shan Government shall support the plurilingual States and Counties in the fulfillment of their particular tasks.

5 The Shan Government shall support the measures taken by the States and Counties to assist with rare indigenous dialects.

Art. 71 Film

1 The Shan Government may encourage Shan and international film production and film culture generally.

2 It may legislate to encourage the variety and quality of cinematographic works offered.

Art. 72 Religion and State

1 The regulation of the relationship between religion and state is a state and county matter, bearing in mind that the constitutional right for any person to worship and follow the religion of their choice is held paramount, whether it be Buddhist, Christian, Hindu, Sikh, or any other religions.

2 The Shan Government, States, and the Counties may, within the framework of their powers, take measures to maintain public peace between the members of the various

religious communities should any friction arise between various religious factions that would pose a risk to peace or a danger to any person.

3 Should the preaching of any religion represent a threat to the internal security or harmony of the Federated Shan States, the leaders of that religious body in question will be required by the Shan Government to cause immediate restraint of such threat, or if unable to do so, will be prohibited from further religious practice within the Federated Shan States, and will be encouraged to take their hostility elsewhere. Failure to do so may incur more severe consequence.

Section 4: Environment and Zoning

Art. 73 Sustainable Development

The Shan Government, States, and the Counties shall strive to establish a durable equilibrium between nature, in particular its capacity to renew itself, and its use by man.

Art. 74 Protection of the Environment

1 The Shan Government shall legislate on the protection of man and the natural environment against harm and nuisance.

2 It shall ensure that such influences are avoided. The polluters, corporate or individual, shall pay for the costs of avoidance and removal.

3 The national regulations shall be implemented by the States and Counties, insofar as the statute does not reserve this for the Shan Government.

Art. 75 Zoning

1 The Confederation shall establish principles on zoning. Zoning falls to the States and Counties, and shall serve to achieve an appropriate and moderate use of the land and its ordered inhabitation.

2 The Shan Government shall encourage and coordinate the efforts of the States and Counties, and shall collaborate with them.

3 In fulfilling their tasks, the Shan Government, States and the Counties shall take the needs of zoning into account.

Art. 76 Water

1 Within the limits of its powers, the Shan Government shall ensure the moderate use and the protection of water resources, and fight harm caused by water.

2 It shall establish principles on the preservation and use of water reserves, on the use of water for the production of energy and for cooling purposes, and on other interventions into the water cycle. No dams will be permitted or constructed on Shan waterways without the majority approval of both Chambers of the Shan Parliament.

3 It shall legislate on water protection, on securing sufficient residual water, on hydraulic engineering, on the safety of dams and on interventions to influence precipitation.

4 The States and Counties shall dispose of their water resources. Within the limits of federal law, they may levy dues for water use. The Shan Government shall have the right

to use water for its traffic enterprises; it shall pay dues and compensation for this.

5 On rights concerning international water resources and dues connected with them, the Shan Government shall decide in consultation with the States and Counties concerned. If the States and Counties concerned cannot agree on rights to inter-state or inter-county water reserves, the Shan Government shall decide.

6 In fulfilling its tasks, the Shan Government shall take into account the interests of the States and Counties from which the water originates.

Art. 77 Forests

1 The Shan Government shall ensure that forests may fulfill their protective, economic and social functions.

2 It shall establish principles for the protection of forests.

3 It shall encourage measures for the conservation of forests.

Art. 78 Nature and Cultural Heritage

1 The protection of nature and cultural heritage is a national matter.

2 In fulfilling its tasks, the Shan Government shall take into account the objectives of the protection of nature and cultural heritage. It shall protect scenery, localities, historical sites, and natural and cultural monuments; it shall preserve them untouched if public interest so requires.

3 It may support efforts towards the protection of nature and cultural heritage, and may, by contract or by expropriation, acquire or secure objects of national importance.

4 It shall legislate on the protection of animal and plant life, and on the preservation of their natural environment and multiplicity. It shall protect endangered species from extinction.

5 Areas of special beauty and national importance may be protected. No installations may be built on them, and no alterations of any kind may be made to the land. An exception is made for installations serving to ensure their protection or continuation of existing agricultural use.

Art. 79 Fishery and Hunting

The Shan Government shall establish principles on the exercise of fishery and hunting, in particular to preserve multiplicity of fish, game, and birds.

Art. 80 Protection of Animals

1 The Shan Government may legislate on the protection of certain animals.

2 It may regulate in particular:

- a. the keeping and care of animals;
- b. experiments and intervention on live animals;
- c. the use of animals;
- d. the importation of animals and animal products;
- e. trade in animals and transportation of animals; illegal trade in animals or animal parts
- f. the slaughter of animals.

3 The federal regulations shall be implemented by the States and Counties, insofar as the statute does not reserve this for the Shan Government.

Section 5: Public Works and Transportation

Art. 81 Public Works

In the interest of the Federated Shan States or a large part of the country, the Shan Government may build and operate public works, or promote the realization of such works.

Art. 82 Road Traffic

1 The Shan Government shall legislate on road traffic.

2 It exercises high supervision over roads of national importance; it may determine which transit roads must remain open to traffic.

3 The use of public roads generally shall be free. The Shan Government may authorize exceptions.

Art. 83 National Highways

1 The Shan Government shall ensure the construction of a network of national highways and the utilization of these highways.

2 The States and Counties shall build and maintain their state and county highways according to the rules established by the Shan Government and under its high supervision.

3 The Shan Government, States and the Counties shall bear the costs of the national highways jointly. The costs to be borne by each State or County shall be allocated by taking into account the burden falling on them due to the national highways, their interest in these highways, and their financial resources.

Art. 84 Alpine Transit

1 The Shan Government shall protect the alpine regions from the negative effects of transit traffic. It shall limit the nuisance caused by such traffic to a level which is not harmful to persons, animals, or plants, or their environment.

2 Transalpine freight in border-to-border transit shall be transported with care to the environment, preferably by a non-intrusive railway system. Exceptions shall be permitted only if they are inevitable. They shall be specified by statute.

3 As much of the Federated Shan States is mountainous, the capacity of transit roads in the alpine regions must be regulated, except for bypass roads, to relieve the risks of road blockage.

Art. 85 Charge on Heavy Goods Traffic

1 The Shan Government may levy a charge on heavy goods traffic related to motor power or consumption. The charge may only be levied to the extent to which heavy goods traffic creates public costs which are not already covered by other contributions or charges.

2 The net revenue from the charge shall be used to cover costs in connection with road

traffic.

3 The States and Counties shall receive portions of the net revenue from the charge. These portions shall be calculated by taking into account the specific repercussions of the charge in mountainous and remote regions.

Art. 86 Motor Fuels Consumption Tax and other Traffic Charges

1 The Shan Government may raise a consumption tax on motor fuels.

2 It shall raise a tax on the use of national highways by motor vehicles and trailers which are not subject to the heavy goods traffic charge.

3 It shall use half of the net revenue from the motor fuels consumption tax and the net revenue from the national highway tax for the following purposes and costs in connection with road traffic:

- a. Construction, maintenance, and operation of national highways;
- b. Measures to promote combined traffic and traffic of accompanied road vehicles, or to separate railway traffic from road traffic;
- c. Contributions towards the construction of main roads;
- d. Contributions towards the construction of works of protection against natural elements, and towards measures of protection of the environment and scenery made necessary by road traffic;
- e. General participation in the financing by the States and Counties of highways open to motor vehicles and to equalization of financial charges in the field of roads;
- f. Contributions to the States and Counties without national highways, and to States and Counties with alpine roads serving international traffic.

4 If these means are insufficient, the Shan Government shall raise surtax on the motor fuels consumption tax.

Art. 87 Rail Traffic and further Means of Traffic*

Legislation on rail traffic, cable cars, navigation, aviation, and space travel is a Shan Government matter.

Art. 88 Jungle, Forest and Hillside Pathways and Trails

1 The States and Counties shall establish principles on networks of footpaths and trails.

2 The States and Counties will establish and keep such networks, and coordinate the maintenance of them.

3 In fulfilling its tasks, they shall take into account networks of footpaths and trails, and shall replace paths and trails that must close.

Section 6: Energy and Communication

Art. 89 Energy Policy

1 Within their powers, the Shan Government, States and the Counties shall strive to ensure a sufficient, diversified, reliable, and economical energy supply compatible with the protection of the environment, and the economical and efficient use of energy.

2 The Shan Government shall establish principles on the use of domestic and renewable

energy, and the economical and efficient use of energy.

3 The Shan Government shall legislate on the use of energy for installations, vehicles, and appliances. It shall promote the development of energy techniques, particularly in the fields of energy saving and renewable energy.

4 Measures concerning the use of energy in buildings are primarily a state and county matter.

5 In its energy policy, the Shan Government shall take into account the efforts of the States, Counties, of the Municipalities, and of economic circles; it shall take into account the conditions in the various regions, and the limitations of what is economically feasible.

Art. 90 Nuclear Energy*

Legislation in the field of nuclear energy is a national matter under the Shan Government.

Art. 91 Transportation of Energy

1 The Shan Government shall legislate on the transportation and the supply of electricity.

2 Legislation on pipelines for the transport of liquid or gaseous fuels is a Shan Government matter.

Art. 92 Postal and Telecommunication Services

1 Postal and telecommunication services are a federal matter.

2 The Shan Government shall ensure sufficient and reasonable basic postal and telecommunication services in all regions. The rates shall be fixed according to uniform principles.

Art. 93 Radio and Television

1 Legislation on radio and television and other forms of public telecasting of features and information is a Shan Government matter.

2 Radio and Television shall contribute to education and cultural development, to the free formation of opinion, and to the entertainment of the listeners and viewers. They shall take into account the particularities of the country and the needs of the States and Counties. They shall present events actually, report news factually, and reflect diverse opinions fairly and adequately.

3 The independence of radio and television and the autonomy of their programming are guaranteed.

4 The situation and the role of other media, in particular the press, shall be taken into account.

5 It shall be possible to submit complaints about programs to an independent authority.

Section 7: Economy

Art. 94 Principles of Economic Order

1 The Shan Government, States and the Counties shall respect the principle of economic freedom.

2 They shall safeguard the interests of the national economy and, together with the private sector of the economy, contribute to the welfare and economic security of the

population.

3 Within the limits of their powers, they shall strive to create favorable conditions for the private sector of the economy.

4 Derogations from the principle of economic freedom, in particular measures against competition, shall be allowed only if foreseen by this Constitution or based on state or county monopolies.

Art. 95 Private Economic Activity*

1 The Shan Government may legislate on the exercise of private economic activity.

2 It shall strive to create a unified Shan economic area. It shall guarantee that persons having a university education or a national, state or county education certificate or any other education certificate recognized by a State or County, may exercise their profession throughout the Federated Shan States.

Art. 96 Competition Policy

1 The Shan Government shall legislate to fight against economically or socially damaging effects of cartels and other restrictions of competition.

2 It shall take measures

- a. to prevent abuses in price fixing by enterprises and organizations of private and public law enjoying a dominant position on the market;
- b. against unfair competition.

Art. 97 Consumer Protection

1 The Shan Government shall take measures for consumer protection.

2 It shall legislate on the remedies available to consumer organizations. In the field of federal legislation against unfair competition, these organizations shall have the same rights as professional and economic associations.

3 The States and Counties shall provide a conciliation procedure or a simple and speedy judicial procedure for cases below a certain value in dispute. The Shan Government shall establish this value.

Art. 98 Banking and Insurance

1 The Shan Government shall legislate on banking and stock exchanges; it shall take into account the specific task and position of the State or county banks.

2 It may legislate on financial services in other fields.

3 It shall legislate on private insurance.

Art. 99 Monetary Policy

1 Money and currency are a national and federal matter. The Shan Government shall have the exclusive right to coin money and to issue bank notes, recognized as various denominations of Shan Baht, which will be held to value on par with Thai Baht.

2 As an independent Central Bank, the Shan National Bank shall follow a monetary policy which serves the general interest of the country; it shall be administered with the cooperation and under the supervision of the Shan Government.

3 The Shan National Bank shall create sufficient monetary reserves from its profits; a part

of these reserves shall be held in gold.

4 At least two thirds of the net profits of the Shan National Bank shall be credited to the States and Counties.

Art. 100 Policy on Economic Development

1 The Shan Government shall take measures to ensure a balanced economic development and, in particular, to prevent and fight unemployment and inflation.

2 It shall take into account the economic development of the various regions. It shall cooperate with the States and Counties and the economic circles.

3 In the fields of credit and currency, in foreign trade and in public finance, it may, if necessary, depart from the principle of economic freedom.

4 In their budgetary policy, the Shan Government, States, Counties, and Municipalities shall take into account the economic development.

5 In order to stabilize the economy, the Shan Government may temporarily levy surcharges, or grant rebates on federal taxes and dues. The accumulated funds shall be frozen; after their release, direct surcharges shall be individually reimbursed, and indirect surcharges shall be used to grant rebates or to create employment.

6 The Shan Government may oblige businesses to accumulate reserves for the creation of employment; for this purpose, it shall grant tax privileges, and may also oblige States and Counties to grant such privileges. After the release of the reserves, the businesses shall be free to decide how to use them within the purposes prescribed by statute.

Art. 101 Foreign Trade

1 The Shan Government shall safeguard abroad the interests of the Shan economy.

2 In special cases, it may take measures to protect the domestic economy. It may, if necessary, depart from the principle of economic freedom.

Art. 102 Supply of Essential Goods and Services*

1 The Shan Government shall ensure the country's supply of essential goods and services in case of threats of military or economic war, or of severe shortages which the economy cannot counteract by itself. It shall take provisional measures.

2 It may, if necessary, depart from the principle of economic freedom.

Art. 103 Structural Policy*

The Shan Government may support economically threatened regions and promote branches of the economy and professions, if the measures of self-help that can reasonably be expected are insufficient to ensure their existence. It may, if necessary, depart from the principle of economic freedom.

Art. 104 Agriculture

1 The Shan Government shall ensure that agriculture contributes substantially by way of a sustainable and market-oriented production:

- a. to the secure provisionment of the population;
- b. to the conservation of national resources and the upkeep of rural scenery;
- c. to a decentralized inhabitation of the country.

2 In addition to the measures of self-help that may reasonably be expected from agriculture and, if necessary, in derogation of the principle of economic freedom, the Shan Government shall promote farms cultivating the land.

3 It shall conceive the measures in such a way that agriculture may fulfill its multiple functions. Its powers and tasks shall particularly be the following:

- a. It shall complement agricultural revenues by direct payments, to secure a fair and adequate remuneration for the services rendered, provided that compliance with ecological requirements is proven;
- b. It shall promote, by way of economic incentives, forms of production which are particularly close to nature and friendly to the environment and the animals;
- c. It shall legislate on the declaration of origin, quality, production and processing methods for foodstuffs;
- d. It shall protect the environment against pollution due to excessive use of fertilizers, chemicals and other auxiliary substances; it will adopt and enforce a policy of complete eradication of opium poppy growing, right across the Federated Shan States, with the exception of those registered and monitored opium farms whose product is solely for the pharmaceutical industry; upon the Shan Army's destruction of their crop, it shall employ a program of compensation and alternative crops to those farmers who are intimidated by criminals into growing opium poppy.
- e. It may encourage agricultural research, counseling, and education, and subsidize investments;
- f. It may legislate on the consolidation of rural property.

4 To these ends it shall invest dedicated funds from the agricultural field and general federal funds.

Art. 105 Alcohol

The legislation on the production, the importation, the refining, and the sale of distilled spirits is a federal matter. The Shan Government shall, in particular, take into account the harmful effects of the consumption of alcohol.

Art. 106 Gambling

1 Legislation on gambling and lotteries is an absolute Shan Government matter.

2 A federal license is required to establish and run a gambling casino. When issuing a federal license, the Shan Government shall take into account regional circumstances and the dangers of gambling.

3 The Shan Government shall levy from casinos a tax on their revenues; this tax shall not exceed 80 percent of the gross revenues from gambling. It shall be used to cover the federal subsidy and pensions to old age, veterans, survivors', and disability insurance.

Art. 107 Weapons and Military Material

1 The Shan Government shall legislate on the circumstances under which there may exist

a citizen right to bear arms, and against misuse of weapons, associated equipment, and ammunition.

2 It shall legislate on the production, acquisition, distribution, importation, exportation, and transit of military material.

Section 8: Housing, Work, Social Security and Health

Art. 108 Promotion of Construction and Ownership of Housing

1 The Shan Government shall encourage the construction and the ownership of housing for private persons' own use, and the activity of developers and organizations for social housing.

2 It shall promote, in particular, the acquisition and development of land, the efficiency of construction, and the reduction of construction and housing costs.

3 It may legislate on the development of land for the construction of housing, and on efficiency in construction.

4 In fulfilling this task, it shall, in particular, take into account the interests of families and elderly, needy, and disabled persons.

Art. 109 Landlord and Tenant

1 The Shan Government shall issue regulations against abuses in the field of landlord and tenant, particularly against abusive rent, on avoiding abusive notices of termination, and on the limited extension of tenancies.

2 It may legislate to confer generally binding effect on general contracts between landlords and tenants. Contracts may become generally binding only if they take fairly into account justified minority interests and regional differences, and respect the principle of equality before the law.

Art. 110 Labor*

1 The Shan Government may legislate on:

- a. the protection of employees;
- b. the relationship between employees and employers, in particular the common regulation of matters concerning an enterprise or a trade;
- c. placement services;
- d. conferring generally binding effect on collective labor contracts.

2 Collective labor contracts may receive generally binding effect only if they take fairly into account justified minority interests and regional differences, and respect the principle of equality before the law and the freedom to unionize.

Art. 111 Social Security

1 The Shan Government shall take measures for an adequate social security for the elderly, veterans, survivors, and disabled persons. These shall be based on three pillars,

namely, federal old age, survivors', and disability insurance, employee and military pension plans, and provision by individuals for their own future.

2 The Shan Government shall ensure that the federal old age, survivors', and disability insurance, and the employee and military pension plans may fulfill their purpose durably.

3 It may oblige the States and Counties to exempt from taxation the institutions of the federal old age, survivors', and disability insurance, and the employee pension plans, and to grant tax relief to persons insured and their employers for contributions paid, and entitlements to future benefits.

4 In cooperation with the States and Counties, the Shan Government shall encourage individuals to provide for their own future, particularly by fiscal measures and by policies encouraging ownership.

Art. 112 Old age, Veterans, Survivors' and Disability Insurance*

1 The Shan Government shall legislate on the old age, veterans, survivors', and disability insurance.

2 In doing so, it shall respect the following principles:

- a. The insurance shall be mandatory;
- b. The pensions must cover basic living expenses appropriately; cost of living index linked annually.
- c. The maximal pension shall not exceed twice the minimal pension;
- d. The pensions shall at least be adapted to the development of prices.

3 The insurance shall be financed:

- a. by contributions of the insured persons; half the contributions of employees shall be paid by their employers;
- b. by subsidies of the Shan Government and, if the statute so provides, of the States and Counties.

4 Together, the subsidies of the Shan Government, States and Counties shall not exceed half the disbursements.

5 The subsidies of the Shan Government shall be primarily financed by the net proceeds of the tax on tobacco, the tax on distilled spirits, and the tax on the revenue from the operation of casinos.

6 The Shan Government shall encourage the integration of disabled persons, and support efforts to assist the elderly, veterans, survivors, and disabled persons. To this end, it may use the funds of the old age, veterans, survivors', and disability insurance.

Art. 113 Employee Pension Plans*

1 The Shan Government shall legislate on employee pension plans.

2 In doing so, it shall respect the following principles:

- a. Employee pension plans together with the old age, veterans, survivors', and disability insurance shall ensure appropriately that the previous lifestyle may be maintained;
- b. Employee pension plans shall be mandatory for employees; the statute may foresee exceptions;
- c. Employers shall insure their employees with a pension institution. If necessary, the Shan Government shall give them the possibility to insure their employees with a federal pension institution;
- d. Self-employed persons may voluntarily insure themselves with a pension institution;

- e. For particular groups of self-employed persons, the Confederation may declare employee pension plans mandatory, in general or only for particular risks.
- 3 Employee pension plans shall be financed through contributions by the insured persons; at least half the contribution of employees shall be paid by their employers.
- 4 Employee pension institutions must satisfy federal minimum requirements; the Shan Government may provide for nationwide measures to resolve particular problems.

Art. 114 Unemployment Insurance

- 1 The Shan Government shall legislate on unemployment insurance.
- 2 In doing so, it shall respect the following principles:
 - a. The insurance shall guarantee an appropriate compensation for loss of earnings, and shall support measures to prevent and fight unemployment;
 - b. Insurance shall be mandatory for employees; the statute may provide exceptions;
 - c. Self-employed persons may voluntarily insure themselves.
- 3 The unemployment insurance shall be financed by the contributions of the insured persons. Half the contribution of employees shall be paid by their employers.
- 4 In extraordinary circumstances, the Shan Government, States, and the Counties shall provide subsidies.
- 5 The Shan Government may legislate on social assistance to the unemployed.

Art. 115 Assistance to Needy Persons

Needy persons shall be assisted by the States and Counties in which they are domiciled. The Shan Government may provide for exceptions, and shall determine the competent authorities.

Art. 116 Family Allocations and Maternity Insurance

- 1 In fulfilling its tasks, the Shan Government shall take into account the needs of the family. It may support measures to protect the family.
- 2 It may legislate on family allocations and operate a federal family compensation fund.
- 3 It shall institute a maternity insurance. It may also oblige persons to contribute who cannot benefit from the insurance.
- 4 The Shan Government may declare mandatory joining a family compensation fund and maternity insurance generally or for certain categories of persons, and may make its subsidies dependent upon fair contributions by the States and Counties.

Art. 117 Health and Accident Insurance

- 1 The Shan Government shall legislate on health and accident insurance.
- 2 It may declare mandatory health and accident insurance generally or for certain categories of persons.

Art. 118 Protection of Health

- 1 Within the limits of its powers, the Shan Government shall take measures for the protection of health.
- 2 It shall legislate on:
 - a. the use of foodstuffs and of therapeutics, drugs, organisms, chemicals, and objects

- which may be dangerous to health;
- b. fighting contagious, widespread or particularly dangerous human and animal diseases;
- c. protection against ionizing radiation.

Art. 119 Medical Assistance to Procreation and Gene Technology in the Human Field

1 Persons shall be protected against the abuse of medically assisted procreation and gene technology.

2 The Shan Government shall legislate on the use of human reproductive and genetic material. It shall ensure the protection of human dignity, of personality, and of family, and in particular it shall respect the following principles:

- a. All forms of cloning and interference with genetic material of human reproductive cells and embryos is prohibited;
- b. Non-human reproductive and genetic material may neither be introduced into nor combined with human reproductive material;
- c. Methods of medically assisted procreation may only be used when sterility or the danger of transmission of a serious illness cannot be avoided otherwise, but neither in order to induce certain characteristics in the child nor to conduct research. The fertilization of human ova outside a woman's body shall be permitted only under conditions determined by statute. No more human ova may be developed into embryos outside a woman's body than are capable of being immediately implanted into her;
- d. The donation of embryos and all forms of surrogate maternity are prohibited;
- e. No trade may be conducted with human reproductive material or with any product obtained from embryos;
- f. A person's genetic material may only be analyzed, registered or disclosed with the consent of that person, or if a statute so provides;
- g. Every person shall have access to the data concerning his or her ancestry.

Art.119a 4 Medical Transplantation

1 The Shan Government shall legislate in the field of transplantation of organs, tissues, and cells. It shall safeguard human dignity, personality, and health.

2 It shall in particular establish principles for the fair distribution of organs.

3 Only the voluntary donation of human organs, tissues and cells shall be free of charge. Trade in human organs is prohibited, and none may be sold.

Art. 120 Gene Technology in the Non-Human Field

1 Persons and their environment shall be protected against abuse of gene technology.

2 The Shan Government shall legislate on the use of the reproductive and genetic material of animals, plants, and other organisms. In doing so, it shall take into account the dignity of creation and the security of man, animal and environment, and shall protect the genetic multiplicity of animal and vegetal species.

Section 9: Residence and Domicile of Foreigners

Art. 121

1 Legislation on immigration, emigration, residence and domicile of foreigners, and on granting asylum are federal matters.

2 Foreigners who, in the opinion of the Shan Government, endanger the national security of the Federated Shan States may be arrested using whatever minimum force is necessary to achieve that result, with minimal risk to the public much in mind, to be detained for questioning, and may be subsequently charged or immediately removed from the Federated Shan States and restored to their country of origin.

Section 10: Civil and Criminal Law, Weights and Measures

Art. 122 5 Civil Law

1 Legislation in the field of civil law and civil procedure is a federal matter.

2 The organization of the judiciary and civil justice are State and County matters unless otherwise provided by statute, and are modeled on the Rules of Court and Common Law instituted across the Federated Shan States by the British during their rule.

Art. 123 6 Criminal Law

1 Legislation in the field of criminal law and criminal procedure is a Shan Government matter.

2 The organization of the judiciary, criminal justice, and execution of criminal penalties and measures are State and County matters, unless otherwise provided by statute.

3 The Shan Government may grant subsidies to the States and Counties for:

- a. the construction of institutions;
- b. the improved carrying out of penalties and measures;
- c. the support of institutions that execute educational measures for children, for young people and for young adults.

Art. 124 Aid to Victims of Criminal Acts

The Shan Government, States and the Counties shall ensure that the victims of criminal acts against the corporal, mental, or sexual integrity receive assistance and appropriate compensation if, as a consequence of the criminal act, they suffer financial difficulties.

Art. 125 Weights and Measures

Legislation on weights and measures is a federal matter.

Chapter 3: Finances

Art. 126 7 Budget

- 1 The Shan Government shall keep its expenditure and receipts in balance in the long term.
- 2 The maximum of the total expenditures which may be budgeted shall be determined by the expected receipts, taking into account the economic situation.
- 3 In case of extraordinary payment requirements, the maximum amount according to subs. 2 may be adequately increased. An increase shall be decided by the Shan Government according to art. 159 subs. 3 lit. c.
- 4 If the total expenditures recorded in the annual accounts exceed the maximum amount according to subs. 2 or 3, the excess shall be compensated in the following years.
- 5 The details shall be regulated by statute.

Art. 127 Principles of Taxation

- 1 The general principles of taxation, particularly the circle of taxpayers, and the object of the tax and its calculation, shall be established by statute.
- 2 To the extent that the nature of the tax allows it, the principles of universality and equality of tax treatment and of taxation according to economic capacity shall be followed.
- 3 Inter-State and Inter-county double taxation is prohibited. The Shan Government shall take the necessary measures.

Art. 128 Direct Taxes*

- 1 The Shan Government may raise a direct tax:
 - a. of at most 11.5 percent on the income of natural persons;
 - b. of at most 9.8 percent on the net profit of legal entities;
 - c. of at most .0825 percent on the capital and the reserves of legal entities.
- 2 In establishing the tax scales, the Shan Government shall take into account the burden of direct taxes on the States, Counties and the Municipalities.
- 3 The effect on natural persons of the shift into higher tax brackets due to inflation shall be periodically equalized.
- 4 The States and Counties shall assess and collect the taxes. Three tenths of the gross tax yield shall fall to the States and Counties; at least one sixth of this amount shall be used for financial equalization among Counties.

* with transitory provision

Art. 129 Harmonization of Taxes

- 1 The Shan Government shall establish principles on the harmonization of direct taxes of the Shan Government, States, the Counties and the Municipalities; it shall take into account the efforts of the Counties to harmonize their taxes.
- 2 The harmonization shall concern tax liability, tax object, taxation period, and procedural and criminal law on taxation. Harmonization shall not cover tax scales, tax rates, and tax-exempt amounts.

3 The Shan Government may issue regulations against arrangements granting unjustified tax advantages.

Art. 130 Value Added Tax*

1 The Shan Government may levy a value added tax with a maximum tax rate of 5 percent on the supply of goods and services, including own use, and on imports.

2 This shall be used for measures in favor of low income groups.

3 If, because of the development of the age structure, the financing of the old age, veterans, survivors', and disability insurance is no longer secured, the value added tax rate may be raised by at most 1 percentage point in any one fiscal year.

Art. 131 Special Consumption Taxes*

1 The Shan Government may levy special consumption taxes on the following:

a. tobacco and tobacco products;

b. distilled spirits;

c. beer;

d. automobiles and their components;

e. crude, oil, other mineral fuels, natural gas, and products obtained through refining them, and on motor fuels.

2 It may levy a surtax on motor fuels.

3 One tenth of the net yield of the taxes on tobacco and tobacco products, and distilled spirits shall be credited to the States and the Counties. These funds shall be used to fight the causes and the effects of alcohol, tobacco and drug addictions.

Art. 132 Stamp and Withholding Taxes*

1 The Shan Government may levy a stamp tax on securities, on insurance premium receipts, and on other documents of commerce; documents concerning operations in immovable property and mortgages shall be exempt from stamp tax.

2 The Shan Government may levy a withholding tax on the revenue from movable capital assets, on lottery gains, and on insurance benefits.

Art. 133 Customs Duties

Legislation on customs duties and other levies on trans-border goods traffic is a federal matter to be administered by the Shan Government.

Art. 134 Exclusion of State, County and Municipal Taxation

Whatever Shan Government legislation identifies as subject to value added tax, to a special consumption tax, to stamp tax, or to withholding tax, or declares to be exempt from these taxes, may not be taxed by the States, Counties and the Municipalities with taxes of the same kind.

Art. 135 Financial Equalization

1 The Shan Government shall promote financial equalization among the States and Counties.

2 When granting subsidies, it shall take into account the financial capacity of the States and Counties and the special situation of the mountainous regions.

Title 4: People , States and Counties

Chapter 1: General Provisions

Art. 136 Political Rights

1 All Shan citizens who are 18 years or older, and are not under guardianship because of mental illness or weakness, shall have political rights in federal matters. All shall have the same political rights and obligations, unless incarcerated under sentence by a duly constituted court of law.

2 They may participate and execute their right to vote in local and federal elections and referendums, and may launch and sign popular initiatives and referenda in federal matters.

Art. 137 Political Parties

The political parties shall contribute to the forming of the opinion and the will of the People.

Chapter 2: Initiative and Referendum

Art. 138 Popular Initiative for Total Revision of the Federal Constitution

1 500 000 citizens entitled to vote may propose a total revision of this Shan Constitution.

2 This proposal shall be submitted to the vote of the People for its approval.

Art. 139 Popular Initiative for Partial Revision of the Federal Constitution

1 100 000 citizens entitled to vote may propose a partial revision of this Constitution.

2 The popular initiative for a partial revision of this Constitution may be in the form of a general suggestion or a formulated draft.

3 If an initiative does not respect the principle of unity of form, the principle of unity of subject matter, or mandatory rules of international law, the Shan Government shall declare the initiative invalid, in whole or in part.

4 If the Shan Government approves an initiative in the form of a general suggestion, it shall prepare a partial revision in the sense of the initiative, and submit it to the vote of the people and the States and Counties. If it rejects the initiative, it shall submit it to the

vote of the People; the People shall decide whether the initiative should be followed. If the People approves the initiative, the Shan Government shall formulate a corresponding draft.

5 An initiative in the form of a formulated draft shall be submitted to the vote of the People and the States and Counties. The Shan Government shall recommend its approval or its rejection. If it recommends its rejection, it may submit its own counter-draft.

6 The People and the States and Counties shall vote simultaneously on the initiative and the counter-draft. The voters may approve both drafts. They may indicate which draft they prefer, should both be approved; should one of the drafts obtain the majority of the People's votes and the other the majority of the votes of the States and Counties, neither of them shall come into force.

Art. 140 Mandatory Referendum

1 The following shall be submitted to the vote of the People and the States and Counties:

- a. Revisions of the Shan Constitution;
- b. The entry into organizations for collective security or into supranational communities;
- c. Federal Statutes declared urgent which have no constitutional basis and whose validity exceeds one year; such Federal Statutes must be submitted to the vote within one year after their adoption by the Shan Government.

2 The following shall be submitted to the vote of the People:

- a. Popular initiatives for total revision of the Shan Constitution;
- b. Popular initiatives for partial revision of the Shan Constitution in the form of a general suggestion which were rejected by the Shan Government;
- c. The question whether a total revision of the Constitution should be carried out if both Chambers disagree.

Art. 141 Optional Referendum

1 The following are submitted to the vote of the People at the request of 50'000 citizens entitled to vote, or of eight Counties:

- a. Federal Statutes;
- b. Federal Statutes declared urgent with a validity exceeding one year;
- c. Federal decrees to the extent the Constitution or the statute foresee this;
- d. International treaties which:
 1. are of unlimited duration and may not be terminated;
 2. provide for the entry into an international organization;
 3. involve a multilateral unification of law.

2 The Shan Government may submit further international treaties to optional referendum.

Art. 142 Required Majorities

1 Proposals submitted to the vote of the People shall be accepted if the majority of those voting approves them.

2 Proposals submitted to the vote of the People and the States and Counties shall be accepted if the majority of those voting and the majority of the States and Counties approve them.

3 The result of a popular vote in a County determines the vote of that County

Title 5: Authorities under Confederation

Chapter 1: General Provisions

Art. 143 Eligibility

Every Shan citizen entitled to vote is eligible to stand for nominated candidacy in municipal, county, state and national general elections.

Art. 144 Incompatibilities

1 Members of the Shan House of Representatives, of the Shan Senate, of the Shan Government, and Judges of the Shan Supreme Court may not at the same time be members of another of these bodies.

2 The members of the Shan Government and the full-time judges of the Shan Supreme Court may not carry out another function of the Confederation or State or County, nor may they exercise another gainful activity.

3 The statute may provide for other incompatibilities.

Art. 145 Term of Office

The members of the Shan House of Representatives, the Shan Government, and the President of the Confederation shall be elected for five years. The judges of the Shan Supreme Court shall be elected for six years.

Art. 146 Answerability of the State

The Confederation shall be answerable for damage caused illegally by its organs in the exercise of their official activities.

Art. 147 Hearings and Consultations

The States, Counties, the political parties, and the interested circles shall be heard in the course of the preparation of important legislation and other projects of substantial impact, and on important international treaties.

Chapter 2: The Shan Parliament

Section 1: Organisation

Art. 148 Status and Structure of the Shan Parliament

1 Subject to the rights of the People, States, Counties, Se-Viengs, and municipalities, the Shan Parliament is the second highest authority of the Confederation, below the Shan Government.

2 It has two Chambers, the Shan House of Representatives and the Shan Senate; which have equal powers.

Art. 149 Composition and Election of the Shan House of Representatives

1 The Shan House of Representatives shall be composed of 200 representatives of the People.

2 The representatives shall be elected directly by the People according to the system of proportional representation. The Shan House of Representatives shall be renewed in full every five years.

3 Each county or se-vieng shall form an electoral district.

4 The seats shall be distributed among the Counties in proportion to their population. Each County shall have at least one seat.

Art. 150 Composition and Election of the Shan Senate

1 The Senate shall consist of 50 delegates of the States and Counties.

2 The Senate may admit to life-time status of Senator those citizens or peers whose service to their nation is recognized by the Shan Senate as being of extraordinary significance and value to the nation.

3 The States and Counties shall regulate the election of their Senators.

Art. 151 Session Periods

1 The Chambers shall meet regularly for sessions. The Statute shall regulate the calling of sessions.

2 One fourth of the members of a Chamber or the Shan Government may request that the Chambers be called to an extraordinary session period.

Art. 152 Presidency

Each Chamber shall elect from its midst for a term of one year, a President, the first Vice-President, and the second Vice-President. These mandates shall not be renewable for the following year.

Art. 153 Parliamentary Commissions

1 Each Chamber shall appoint commissions from its midst.

2 The statute may foresee joint commissions.

3 The statute may delegate certain powers that are not of a legislative nature to commissions.

4 To fulfill their tasks, the commissions shall have the right to obtain information, to consult documents, and to conduct inquiries. The statute shall define the limits of these rights.

Art. 154 Parliamentary Groups

The members of the Shan Parliament may form parliamentary groups.

Art. 155 Parliamentary Services

The Shan Parliament shall benefit from parliamentary services. It may call upon the services of the Federal Administration. The statute shall regulate the modalities.

Section 2: Procedure

Art. 156 Separate Deliberation

- 1 The Shan House of Representatives and the Shan Senate shall deliberate separately.
- 2 Decisions of the Shan Parliament shall require the approval of both Chambers.

Art. 157 Joint Deliberation

- 1 The Shan House of Representatives and the Shan Senate shall deliberate in common as the Federal Parliament in Joint Session under the chairmanship of the President of the Shan House of Representatives in order to:
 - a. hold elections;
 - b. rule on jurisdictional disputes between the highest federal authorities;
 - c. to rule on petitions for pardon.
- 2 The Shan Parliament in Joint Session shall assemble for special occasions, and to hear declarations of the Shan Government.

Art. 158 Meetings to be Public

The meetings of the Chambers shall be public. The Statute may provide for exceptions.

Art. 159 Quorum and Majority

- 1 The Chambers may deliberate validly if the majority of its members are present.
- 2 The decisions are taken in both Chambers and in the Shan Parliament in Joint Session by the majority of those voting.
- 3 However, the majority of the members of each Chamber shall be required for the following:
 - a. The declaration of urgency of federal Statutes;
 - b. Provisions granting subsidies, authorizing credit lines, and establishing spending ceilings which cause new one-time expenditures exceeding 20 Million Shan Baht, or new recurrent expenditures exceeding 2 Million Shan Baht;
 - c.9 an increase of the total expenditures in case of extraordinary payment requirements according to art. 126 subs. 3.

Art. 160 Right to Initiatives and Motions

- 1 Every member of the Shan Parliament, every parliamentary group, every parliamentary commission, and every State and County, have the right to submit initiatives to the Shan Parliament.

2 The members of the Shan Parliament and of the Shan Government may present motions concerning a proposal under deliberation.

Art. 161 Prohibition of Instructed Mandates

- 1 The members of the Shan Parliament shall vote without instructions.
- 2 They shall reveal their links with interest groups.

Art. 162 Immunity

- 1 The members of the Shan Parliament and the Shan Government, and the President of the Federated Shan States may not be held responsible for their statements in the Chambers and before parliamentary organs.
- 2 The statute may provide for further forms of immunity, and extend them to other persons.

Section 3: Powers

Art. 163 Form of Laws and Decrees by the Federal Parliament

- 1 The Shan Parliament shall enact rules of law in the form of a Federal Statute or ordinance.
- 2 The other acts shall use the form of a federal decree. A federal decree not subjected to referendum shall be called a simple federal decree.

Art. 164 Legislation

- 1 All important provisions establishing rules of law must be enacted in the form of Federal Statutes. These include the fundamental provisions on
 - a. the exercise of political rights;
 - b. the restrictions of constitutional rights;
 - c. the rights and obligations of persons;
 - d. the circle of tax payers, and the object and the calculation of taxes;
 - e. the tasks and services of the Confederation;
 - f. the obligations of the States and Counties when implementing and executing federal law;
 - g. the organization and the procedure of federal authorities.
- 2 A Federal Statute may delegate the power to legislate unless this is excluded by the Shan Constitution.

Art. 165 Urgent Legislation

- 1 A Federal Statute whose coming into force tolerates no delay, may be declared urgent by the majority of each Chamber and put into force immediately. It must be limited in time.

2 If a referendum is demanded against an urgent Federal Statute, it shall lapse one year after its adoption by the Federal Parliament, unless it is approved by the People within that period.

3 An urgent Federal Statute that has no constitutional basis shall lapse one year after its adoption by the Federal Parliament, unless it was adopted within that period by the People, the States, and the Counties. It must be limited in time.

4 An urgent Federal Statute that was not adopted in a votation may not be renewed.

Art. 166 Foreign Relations and International Treaties

1 The Federal Parliament shall participate in shaping foreign policy, and shall supervise foreign relations.

2 It shall approve international treaties, with the exception of those which by statute or international treaty are within the powers of the Shan Government.

Art. 167 Finances

The Shan Government shall decide on federal spending, shall adopt the budget, and shall approve the federal accounts.

Art. 168 Elections

1 The Shan Parliament shall elect the members of the Shan Government, the President, and the judges of the Shan Supreme Court.

2 The Statute may empower the Shan Parliament to carry out further elections or to confirm appointments.

Art. 169 High Supervision

1 The Shan Parliament shall exercise the high supervision over the Shan Government, the Federal Administration, the Courts and the other organs entrusted with tasks of the Confederation.

2 Official secrecy shall not be opposable to those special delegations of supervisory commissions that are appointed as provided by Statute.

Art. 170 Evaluation of Efficacy and Adoption of Monarchy

1 The Shan Parliament shall ensure that the efficacy of measures taken by the Confederation is evaluated.

2 If at any time there is proposed an adoption of monarchy as figurehead for the Federated Shan States, with the monarch to be drawn from the royal lines of the Shan Royal House, such monarchy will have to be proposed and elected by parliament, with no ruling powers that could over-ride the supremacy of the Shan Parliament, and would serve only as a symbol of the unity of the People and the solidarity of the Federated Shan States.

Art. 171 Mandates to the Shan Government

The Shan Parliament may confer mandates to the Shan Government. The statute shall regulate the modalities, and, in particular, the instruments which the Shan Parliament may use to influence matters within the powers of the Shan Government.

Art. 172 Relations between the Confederation, States and the Counties

1 The Shan Parliament shall maintain the relations between the Confederation of the States and the Counties.

2 It shall guarantee the State and County constitutions.

3 It shall decide whether to approve inter-state treaties and treaties between States, Counties, and foreign countries, should the Shan Government, State or a County raise an objection.

Art. 173 Further Tasks and Powers

1 The Shan Parliament shall further have the following tasks and powers, to be executed through the Shan Government:

a. It shall take all measures afforded to every sovereign nation, including force of arms, to safeguard the external security, the independence, and the neutrality of the Federated Shan States;

b. It shall take measures to secure the inner security against internal or external attempts or acts of subversion, or any form of terrorism;

c. If extraordinary circumstances so require, it may issue ordinances or simple federal decrees to fulfill the tasks according to letters a and b;

d. It shall order active military service, and to this end, shall mobilize all or part of the army.

e. It shall take measures to enforce federal law;

f. It shall decide on the validity of popular initiatives that meet the formal requirements;

g. It shall cooperate in important planning of state activities;

h. It shall decide on individual acts, if a Federal Statute so provides expressly;

i. It shall decide conflicts or jurisdiction between the highest federal authorities;

k. It shall decide on petitions for pardon and declare amnesties.

2 The Shan Parliament shall moreover deal with all subjects that are within the powers of the Confederation, and are not attributed to another federal authority.

3 The Statute may assign other tasks and powers to the Shan Parliament.

Chapter 3: Shan Government and Federal Administration

Section 1: Organisation and Procedure

Art. 174 The Shan Government

The Shan Government is the highest governing and executive authority of the Confederation.

Art. 175 The Shan Government Composition and Election

1 The Shan Government shall consist at least of the following elected appointments, with

the right and ability to raise or lower that number by amalgamation of some posts, or by the necessary creation of others:

- (a) The President of the Federated Shan States as Head of State,
- (b) The Vice-President of the Federated Shan States,
- (c) The Prime Minister of the Federated Shan States
- (d) The Minister of Foreign Affairs
- (e) The Minister of Defense
- (f) The Minister for Home Affairs, Security, Immigration and Customs
- (g) The Minister of Justice as Attorney General
- (h) The Minister of Information
- (i) The Minister of Finance as Auditor General
- (j) The Minister of Health
- (k) The Minister of Education
- (l) The Minister of Labor
- (m) The Minister of Trade and Commerce
- (n) The Minister of Agriculture and Forestry
- (o) The Minister of Multicultural and Religious Freedom
- (p) The Minister of Mines, Conservation, and Natural resources
- (q) The Minister of Transport and Aviation
- (r) The Minister of Sport and International Competition
- (s) The Minister of Tourism and International Promotion

All posts may be complemented by the appointment of Deputy Ministers to assist the appointed Ministers.

2 The members of the Shan Government shall be elected by the Shan Parliament after each full renewal of the Shan House of Representatives.

3 They shall be elected among the Shan citizen eligible for membership in the House of Representatives for five years.

4 Care shall be taken to ensure that all of the various geographical and language regions be adequately represented.

Art. 176 The Head of State and Presidency of the Federated Shan States

1 The President of the Confederation shall chair the Shan Government.

2 The Shan Parliament shall elect, for a term of five years, one of the members of the Shan Government as President of the Federated Shan States, and another as Vice-President.

3 These mandates may not be renewed during the five year mandate, unless by death, illness and inability to continue duty, or by abdication for personal reasons, in which case the Vice President will assume the Presidency at the assent of the Shan Parliament. The President shall not be eligible to be Vice-President for the following term. Should the

Vice President become unable to continue the appointed duties, a new Vice President will be appointed by the Shan Parliament.

Art. 177 Principle of Collective Authority and Division into Departments

- 1 The Shan Government shall take its decisions as a collective body.
- 2 For the preparation and implementation of the decisions, the matters of the Shan Government shall be distributed amongst its members according to Departments.
- 3 Matters shall be entrusted to Departments or administrative units subordinated to them to be settled directly; in such cases, the right of recourse to a remedy shall be guaranteed.

Art. 178 Federal Administration

- 1 The Shan Government shall direct the Federal Administration. It shall ensure its efficient organization and the effective fulfillment of its tasks.
- 2 The Federal Administration shall be divided into Departments; each Department shall be directed by at least one member of the Shan Government.
- 3 The statute may attribute administrative tasks to organizations and persons of public or private law outside the Federal Administration.

Art. 179 Shan Secretariat

The Shan Secretariat is the general staff of the Shan Government. It shall be directed by the Shan Government Secretary-General who will be appointed by the Shan Government.

Section 2: Powers

Art. 180 Shan Government Policy

- 1 The Shan Government shall determine the goals and the means of its government policy. It shall plan and coordinate the activities of the state.
- 2 It shall inform the public timely and fully of its activity, unless preponderant public or private interests prevent this.

Art. 181 Initiative

The Shan Government shall submit to the Shan Parliament drafts of its legislation.

Art. 182 Legislation and Implementation

- 1 The Shan Government shall legislate in the form of ordinances, insofar as the Constitution or the statute empower it to do so.
- 2 It shall ensure the implementation of statutes, of decrees of the Shan Parliament, and of judgments of the federal judiciary.

Art. 183 Finances

- 1 The Shan Government shall require the Minister of Finance to prepare the financing plan, draft the budget and establish the federal accounts.
- 2 It shall ensure correct financial management, under the direction of the Minister of Finance.

Art. 184 Foreign Relations

1 The Shan Government shall require the Minister for Foreign Affairs to conduct foreign relations safeguarding the Shan Parliament's participation rights; it shall represent the Federated Shan States abroad.

2 It shall sign treaties and ratify them. It shall submit them to the Federal Parliament for approval.

3 When the safeguard of the interests of the country so require, the Shan Government may issue ordinances and orders. Ordinances must be limited in time.

Art. 185 External and Inner Security of the Federated Shan States

1 The Shan Government shall take measures to secure the external security, the independence, and the neutrality of the Federated Shan States.

2 It shall take measures to safeguard the inner security.

3 It may base itself directly on the present article to issue ordinances and orders to obviate existing or imminent great disturbances of the public order, the external or the inner security. Such ordinances shall be limited in time.

4 In urgent cases, it may mobilize troops. If it mobilizes more than 4000 members of the armed forces for active duty, or if the mobilization for active duty is expected to last more than three weeks, the Shan Parliament must be convened without delay.

Art. 186 Relations between members of the Federated Shan States

1 The Shan Government shall entertain the relations between the Federated Shan States and the States, Counties or Se-Viengs, and shall collaborate with the States, Counties, and se-Viengs.

2 It shall approve State or County legislation where the implementation of federal law so requires.

3 It may raise objections against treaties amongst the States and Counties, or between States or Counties and foreign countries.

4 It shall ensure the implementation of federal law, State or County constitutions, and inter-state or inter-county treaties, and shall take the necessary measures.

Art. 187 Further Tasks and Powers

1 The Shan Government shall further have the following tasks and powers:

a. It shall supervise the Federal Administration and the other organizations or persons entrusted with tasks of the Confederation;

b. It shall regularly inform the Shan Parliament of its activity and on the state of the country;

c. It shall carry out the appointments that are not in the powers of other authorities;

d. It shall decide on remedies where the statute so provides.

2 The statute may attribute further tasks and powers to the Shan Government.

Art. 188 Position of Shan Supreme Court

1 The Shan Supreme Court is the highest federal judicial authority.

2 Its organization and its procedure shall be regulated by statute.

3 The Shan Supreme Court shall provide for its own administration.

Art. 189 Jurisdiction of the Shan Supreme Court

1 The Shan Supreme Court shall have jurisdiction over violations of:

- a. federal law;
- b. public international law;
- c. inter-state or inter-county law;
- d. State and County constitutional rights;
- e. autonomy of municipalities, and other guarantees granted by the Counties to public corporate bodies;
- f. federal, state, and county provisions and political rights.

2 It shall judge public law disputes between any of the Federated States and the Counties or any such disputes between Counties.

3 The statute may provide for further grounds for jurisdiction of the Shan Supreme Court.

4 Enactments of the Shan Parliament and of the Shan Government cannot be challenged before the Shan Supreme Court. Exceptions may be provided for by statute.

Art. 190 Applicable Law

The Shan Supreme Court and the other authorities applying the law shall follow the federal statutes and international law.

Art. 191 Access to the Shan Supreme Court

1 Legislation shall guarantee access to the Shan Supreme Court.

2 For disputes that do not concern a legal question of fundamental importance, it may provide for a threshold sum.

3 For certain subject matters access to the Shan Supreme Court may be excluded by statute.

4 For manifestly unjustified complaints the statute may provide for a simplified procedure.

Art. 191a Further Shan Judicial Authorities

1 The Federated Shan States shall provide for a federal criminal court which shall judge as a trial court criminal cases that are subject by statute to federal jurisdiction. The statute may provide for further grounds for jurisdiction of this Shan Federal Criminal Court.

2 The Federated Shan States shall provide for federal judicial authorities to judge disputes of public law arising within the administrative jurisdiction of the Federal Administration.

3 Further federal judicial authorities may be established by statute.

Art. 191b State and County Judicial Authorities

1 The States and Counties shall establish state and county judicial authorities to judge civil and public law disputes and criminal cases.

2 They may establish common judicial authorities.

Art. 191c Independence of the Judiciary

All judicial authorities shall be independent in their judicial activity and bound by law only.

Title 6: Revision of the Shan Constitution and Temporal Provisions

Chapter 1: Revision

Art. 192 Principle

- 1 The Shan Constitution may be subjected to a total or a partial revision at any time.
- 2 Where the Shan Constitution and implementing legislation do not provide otherwise, the revision shall follow the legislative process.

Art. 193 Total Revision

- 1 A total revision of the Shan Constitution may be proposed by the People or by one of the Chambers, or may be decreed by the Shan Parliament.
- 2 If the initiative emanates from the People or if the Chambers disagree, the People shall decide whether a total revision shall be undertaken.
- 3 Should the People accept a total revision, both Chambers shall be newly elected.
- 4 The mandatory provisions of international law may not be violated.

Art. 194 Partial Revision

- 1 A partial revision of the Shan Constitution may be requested by the People, or be decreed by the Shan Parliament.
- 2 A partial revision must respect the principle of the unity of subject matter; it may not violate the mandatory provisions of international law.
- 3 A popular initiative for partial revision must, moreover, respect the principle of the unity of form.

Art. 195 Entry of the Shan Constitution into Force

This original Constitution in total or in part shall enter into force and be deemed in effect as soon as possible after the Shan Government is able to restore freedom, democracy, human rights and full control of its sovereign lands and territory, and will be the subject of full referendum votation as an element of the first open general election within the agreed period following the reconstruction of the Federated Shan States. In the interim, all possible adherence to the spirit of this constitution will abide.

Chapter 3 Expansion of Constitution, and an International Role

Art. 196 Empowerment to Apply for membership into the United Nations and to encourage the regional development of a Commonwealth of Independent Nations

- 1 The Shan Government is empowered to address to the Secretary General of the United Nations an application of the Federated Shan States for admission into this organization and a declaration concerning the performance of the obligations contained in the United Nations Charter.

Art. 197 Proposal for a Commonwealth of Independent Nations

1 The sovereignty of the Federated Shan States is enshrined in the Panglong Agreement of 1947, and in the Constitution of the former Union of Burma of 1948, which is still the constitution filed and registered with the United Nations. History shows that the Federated Shan States were the principal signatory to the Union of Burma. This Shan Constitution reaffirms that sovereignty, and reaffirms the unilateral Shan Declaration of Independence made on April 17th 2005.

2 Being the largest of the eight ethnic nations that comprises the former Union of Burma, the Federated Shan States has historically led the multi-nations of the former union into the direction of democracy, and little has happened without their leadership and support.

3 All eight nations, the Arakan, Chin, Karen, Mon, Kachin, Karenni, Burmese, and Shan are under the same heel of unlawful Burmese military junta oppression, although many in the outside world still recognize the illegal authority of those who currently wield power.

4 Following the collapse of this unlawful junta by whatever cause, and considering the void that will be so created, the Shan Government has been in confidential contact with the majority of the leaders of the Arakan, Chin, Karen, Mon, Kachin, Karenni, Burmese and Shan, with a view to immediately creating a Council for the Commonwealth of Independent Nations that will honor all articles of the Charter of United Nations, and will permit in equal membership to all:

- a. A Declaration of Independence to be made by each nation, each adopting their own sovereignty, government and destiny, in a simultaneous joining of those nations as independent sovereign nations voluntarily working together under a Free Agreed Charter of Commonwealth of Independent Nations or CIN, similar in design to the EU model, as the emerging regional democratic governing body.
- b. The immediate restoration of all human rights, freedom, and democracy as enshrined in the Universal Declaration of Human Rights to all members of those nations, in non-acceptance of the farcical travesty proposed by the junta.
- c. The dismantlement of the now-despised and distrusted former central federal model of government, and removal of the massive military model which has governed for sixty years by brutal force of arms, allowing the CIN to take the governing forward.
- d. The Shan Government recognition that the sixty years oppression stems from the centralized federal model. This created a powerful central army, and created the opportunity to wrest control of these eight nations from the Union of Burma by the coup d'etat of ambitious and abusive Burmese federal army officers.

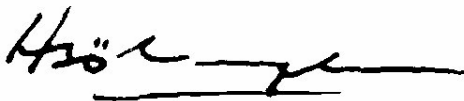
e. The recognition that no nation, faced with sixty years history of being victim to such abuse of federal power could ever risk another repetitive sixty years of federal military horror, nor could they trust or believe in federalism again.

f. Therefore, in proposing the Commonwealth of Independent Nations and the decentralization of the military, with each nation retaining control of its own defense force, and working together in common protocols for mutual defense, trade, business, and growth, it should be possible to see a way forward into peace, prosperity, full and flourishing democracy, restoration of human rights and dignity, and a way of hope and light for the future.

Art. 198 Global and Regional Unity and Solidarity

1. By this Constitution, and by the merits, tenets, and belief herein contained, the People of the Federated Shan States reaches out the hand of friendship firstly to the Arakan, Chin, Karen, Mon, Kachin, Karenni and Burmese people, to whom the enjoyment of life under such constitution is possible under the Commonwealth of Independent Nations.
2. The Shan hand of friendship is extended to all members of the world community whose sympathy, support, and assistance in allowing the Federated Shan States to be recognized and accepted as a sovereign nation is the mark of a true friend.

By my hand, signature, and Seal, and upon the Shan Government voting being acknowledged as Majority in Assent and Acceptance, I do declare on this 11th day of April 2008, that this Shan Constitution has been adopted, and will be brought into effect in accordance with the Articles herein, as soon as sovereign territorial restoration has been practically enacted:



HRH Prince Hso-Khan-Pha of Yawnghwe, President of the Federated Shan States

