SCHEDULE TWO
OF THE 2008 CONSTITUTION

AVENUES FOR REFORM
AND DECENTRALIZATION AND STEPS
TOWARDS A FEDERAL SYSTEM

Tinzar Htun
Mael Raynaud
Sciences (Sustainable Development) from Ritsumeikan Asia Pacific University in Japan.

Myanmar Representative Office.

Myanmar Representative Office
Table of Contents

"M 8 (kBx) kM,5 □
□  55. 1□
□ kM,55. (1k2,1k2 □ ) .1□
□ l k5k. 1W(9k,v' B‘ ( xC,MB,MB □ W2 □
□ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ ^
Acknowledgements

cvI5 wk1^8 2W (kWk)) E5kVE' bkm5HlMBfB2. (55k10k8 kbsc 2,') W Sk1H1 0k) Sk1MBVkkk.

This section does not include the names of those who asked not to be identified or Wk1MBvkk2,') 15k0k1, wk(55k8 kVk) □ □. Bk. (□ □ 1, □ Bk □

cvI5Sk. 1W 7kW(Bk15B') □ 5, 5kW 25kVkk1k5, 5MBk1kMVk52SKW) ) k1 Sk,8 kMIkVkk@k1,5MBV' 5kSk(kWkBB 1IMk10k8 5Vkkk1, k5, k. k5w(, 5MBk1k5, 5k) 5k1k555) 5, eBBV' □1k5S' 5k(cVM' (OBkMBkVkk1.1b, 5MBk1k5.5 Bk1. (15) eBkCn Mkk □ n'

### Glossary

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amyotha Hluttaw</td>
<td>House of Nationalities, Upper House</td>
</tr>
<tr>
<td>KNU</td>
<td>Karen National Union</td>
</tr>
<tr>
<td>NCA</td>
<td>Nationwide Ceasefire Agreement of October 2015</td>
</tr>
<tr>
<td>Pyidaungsu Hluttaw</td>
<td>Assembly of the Union</td>
</tr>
<tr>
<td>UEC</td>
<td>Union Election Commission</td>
</tr>
<tr>
<td>UPDJC</td>
<td>Union Peace Dialogue Joint Committee</td>
</tr>
<tr>
<td>USDP</td>
<td>Union Solidarity and Development Party</td>
</tr>
</tbody>
</table>

**Notes:**
- 

---

"1. Bk1 MB 1Wk"
- "2. Bk1 MB 1Wk"
- "1. MB 1Wk"
- "1. MB 1Wk"
- "1. MB 1Wk"
- "1. MB 1Wk"
- "1. MB 1Wk"
- "1. MB 1Wk"
- "1. MB 1Wk"
- "1. MB 1Wk"
- "1. MB 1Wk"
- "1. MB 1Wk"
- "1. MB 1Wk"
- "1. MB 1Wk"
- "1. MB 1Wk"
- "1. MB 1Wk"
- "1. MB 1Wk"
- "1. MB 1Wk"
- "1. MB 1Wk"
- "1. MB 1Wk"
- "1. MB 1Wk"
- "1. MB 1Wk"
- "1. MB 1Wk"
- "1. MB 1Wk"
"At the upcoming sessions of the Peace Conference, I urge all of you to finalize all the fundamental allocations of power, allocation of resources and revenue between the Union, States and Regions, and the division of state powers in our future Federal Union. If we are able to conclude the discussion on EMBs, Ok, strong foundation for the Federal Union."

State Counsellor of the Republic of the Union of Myanmar, Aung San Suu Kyi, at the ceremony to mark the Second Anniversary of the Signing of the Nationwide Ceasefire Agreement.

Khuensai Jayen, Executive Director, Pyidaungsu Institute

Source: Myanmar State Counsellor Office.
Executive Summary

The current peace process was initiated by President U Thein Sein in 2011, the year Myanmar achieved independence in 1948, leading to 70 years of conflict.

To a large degree, the conflict explains the other defining trait of the Myanmar state: for most of its history, the country has been divided along ethnic and religious lines. The conflict has led to significant displacement and human rights violations, with both sides being accused of atrocities.

The current peace process was initiated by President U Thein Sein in 2011, the year Myanmar achieved independence from British colonial rule. Since then, the country has been working towards achieving a lasting peace through dialogue and negotiations.
It is the firm belief of the authors, and virtually everyone they interviewed, that the political

...
the balance between the powers of the Union Parliament, the Pyidaungsu Hluttaw (detailed in new constitution. Last but not least, many in the Tatmadaw and the USDP do not see such
new constitution. Last but not least, many in the Tatmadaw and the USDP do not see such
The primary findings of the research can be summarized as:

- The states and regions must be equipped with administrative ministries. Meaning that the states and regions must be equipped with administrative ministries.

- Working at the Union level do not relinquish some of their authority and power.

- If the state and regional governments are given more power and greater financial resources, working at the Union level do not relinquish some of their authority and power.

- The states and regions must be equipped with administrative ministries. Meaning that the states and regions must be equipped with administrative ministries.
the authors, confirming the views of most analysts, that although the parliaments had become key institutions in Myanmar politics under President U Thein Sein, this tendency seemed to go into reverse after the administration of President U Htin Kyaw and State Counsellor Daw Aung San Suu Kyi took office in the spring of 2016.

Last but not least, a key finding of this paper is that capacity is critically lacking at state and villages, must be redefined; ministers being appointed by the Union government, as opposed to being elected; and capacity is critically lacking at state and

Last but not least, a key finding of this paper is that capacity is critically lacking at state and villages, must be redefined; ministers being appointed by the Union government, as opposed to being elected; and capacity is critically lacking at state and
Greater levels of cooperation among the Union level in Nay Pyi Taw, newly decentralized institutions, together, are necessary to build a successful Myanmar according to the definitions and dreams.
Research Methodology and Focus

The first step was to write an initial paper, dated October 30, 2017, based on a desk review (which is largely reflected in the references cited at the end of this paper) and interviews with a colonel in the Tatmadaw, Union, state and regional Members of Parliament (including the Union Election Commission (UEC)). The interviews were semi-structured, meaning that the authors asked all the questions on the questionnaire and depending on the answers, followed up with further questions.
other questions. Examples are: “who supports and who opposes amending the constitution, and land rights, the environment, or social issues such as gender equality, are included in Schedule peace process”, and “how would decentralization be funded” (the issue of fiscal decentralization).

The authors do not claim to have successfully answered all of these questions; it would be too
1. Introduction

The most significant aspect of the constitution to be discussed, the process that had lasted 15 years since the National Convention had first convened in 1993, it had been a long and complex one, involving numerous negotiations and compromises.

The constitution was designed to address the ethnic question, from continuing conflict to an uncertain future where Myanmar would “achieve” federalism. Last but not least, all analyses of the transition have noted the importance of the ethnic question, from continuing conflict to an uncertain future where Myanmar would “achieve” federalism.

Last but not least, all analyses of the transition have noted the importance of the ethnic question, from continuing conflict to an uncertain future where Myanmar would “achieve” federalism.
James C. Scott (2009) tells us of the ethnic nationalities of Myanmar and the region that "such
that have, over the course of two millennia, been fleeing the oppression of state-making
that have been reflected in the vision of the Myanmar state since independence.

It is notable that the 2015 Nationwide Ceasefire Agreement contains a paragraph dedicated to
at the center of any solution to the Myanmar political crisis, is the question of federalism,
main parties (the NLD and the USDP), ethnic armed groups, parties representing the interests

---

See Mael Raynaud: The Dynamics Behind Myanmar’s Political Consensus, June 29, 2017 -

See also Matthew J. Walton: Lessons from Panglong, Tea Circle, June 2016 -

It is notable that the 2015 Nationwide Ceasefire Agreement contains a paragraph dedicated to
In other words, there could be two major general fields for constitutional reform in Myanmar. This analysis has since been confirmed by David C. Williams (2014, p. 134), a constitutionalist although government leaders still use the word only rarely. The question is no longer whether its term in office ends in early 2021.

This analysis has since been confirmed by David C. Williams (2014, p. 134), a constitutionalist although government leaders still use the word only rarely. The question is no longer whether

[See Panglong Spirit Under the 2008 Constitution, Tea Circle, August 2016]
Those powers, and those of the Pyidaungsu Hluttaw, the Union Parliament (detailed in Articles 35, 36, 37, 38, 39, 40, and 41 of the Constitution). Schedule One lists the Union legislative powers, and Schedule Two the Union administrative powers. Missing from the list are, most significantly, education, health care, labor laws and regulations, and gender equality, which according to a recent poll by the International Republican Institute...
Specific attention will also be paid to the broader political context of Schedule Two and how it interacts with the broader political context of the parliaments. For example, most state assemblies have attracted significant interest among citizens. Yet, the parliaments have sometimes arisen in recent years over the actual power exercised by the elites, who are nevertheless the most likely to influence the process (Raynaud, 2018, forthcoming).

As noted by EMReF researchers in the course of their field visits.
Constitution, through elections, with a specific role granted to the military. The most recent Kyi administration, as well as the associated first and second legislatures.

By peace process, the authors mean the process initiated by President U Thein Sein in 2011, as well as the associated first and second legislatures. Specifically, amending the 2008 Constitution will require taking decisions that will about what kind of country or what kind of Union we want our children to inherit. We need to

think whether we should leave a country besieged with armed conflicts and differences, which is
considered as a failed state.

The 1947 Constitution was adopted in September, three months after General Aung San’s assassination on July 19.

At Independence on January 4, 1948, the “Union of Burma” (the country’s official name in the 1947 Constitution) became a parliamentary democracy headed by Prime Minister U Nu. The euphoria of independence was tempered by civil war. Conflict with the Communist Party of Burma and with a growing number of EAOs, beginning with the Karen National Union (KNU) in 1948,...
Under General Ne Win (1962-1988) Myanmar embraced the Burmese Way to Socialism, and the 1974 Constitution established "the Socialist Republic of the Union of Burma", under a single party system. In 1988, a popular uprising led to General Ne Win relinquishing power in July and for a few weeks the Tatmadaw was the only party. The 1988 election was held in November 2010. Although the 2008 Constitution defines Myanmar as a multi-party democracy, stating that "the Union practices a genuine, disciplined multi-party democratic system", it guarantees significant powers for the military. The Tatmadaw, as the military is known, holds 25 percent of the seats in the Union, state and regional parliaments.

In the 2010 general election, the military-backed USDP won a majority of seats and U Thein Sein was elected President, the first democratically elected leader Myanmar had known since 1962,
The 2008 Constitution provides for a bi-cameral Union Parliament, or Pyidaungsu Hluttaw, a government that took office in March 2016. Aung San Suu Kyi was named State Counsellor, a position she held until her appointment as Foreign Minister in August 2016.

The process of peace negotiations in Myanmar began in earnest in 2011, following a first series of meetings between EAOs and Minister U Aung Min in November 2011. A second round of ceasefires was signed in early 2012. A semi-official institution, the Myanmar Peace Center, was established to facilitate the process.

Following a first series of meetings between EAOs and Minister U Aung Min in November 2011, a second round of ceasefires was signed in early 2012. A semi-official institution, the Myanmar Peace Center, was established to facilitate the process. The process led to the signing of the Nationwide Ceasefire Agreement by the government of Myanmar and the EAOs in August 2015.

It was in this context that the new NLD government convened the first so-called Union Peace Conference in December 2013, bringing together representatives of the government and the armed groups. The conference was held in Naypyidaw and attended by over 1,000 delegates. The purpose of the conference was to discuss the implementation of the Nationwide Ceasefire Agreement and to create a platform for dialogue and reconciliation.

Following the first meeting, a series of follow-up meetings were held, with the aim of finalizing the implementation plan of the agreement. The process of peace negotiations in Myanmar continues to evolve, with ongoing efforts to address the root causes of conflict and to build a more inclusive and prosperous future for all Myanmar people.
• 24 September 1947: Adoption of the Constitution of the Union of Burma.
• June 1951 to April 1952: General election.
• 26 September 1958: Military “caretaker” government headed by General Ne Win is formed at the request of Prime Minister U Nu.
• 6 February 1960: General election. U Nu Prime Minister until 1962.
• 23 July 1962: Adoption by the Revolutionary Council of a party constitution enshrining the “Burmese way to democracy”; the first step is reconvening the National Convention, followed by the drafting of a new constitution.
• 3 January 1974: Adoption of the constitution of the Socialist Republic of the Union of Burma, which takes effect on 4 July 1974.
• 23 July 1988: Resignation of General Ne Win.
• 18 June 1989: Burma officially becomes Myanmar through the “Adaptation of Expressions Law”, which also saw the last use of the title “General” for State leaders.
• 7 November 2005: Nay Pyi Taw officially becomes the new national capital.
• 31 January 2011: The two chambers of the Pyidaungsu Hluttaw convene.
• 4 February 2011: The Pyidaungsu Hluttaw elects U Thein Sein as President.
• 8 March 2010: Creation of the Union Election Commission (UEC) and promulgation of election laws.
• 2 June 2010: The Union Solidarity and Development Party (USDP), a party based on the USDA, registers with the UEC.
• 30 March 2016: U Htin Kyaw is elected President.
2. Local Parliaments and the 2008 Constitution

Under the 2008 Constitution’s bi-cameral system the Pyidaungsu Hluttaw (Union Parliament) combines the Amyotha Hluttaw (Upper House) and Pyithu Hluttaw (Lower House). The Pyithu (Lower House) has enhanced powers compared to the Amyotha Hluttaw (Upper House). The legislative power of the Union is divided among the Pyidaungsu Hluttaw, the Pyithu Hluttaw and Shan State Hluttaw (excluding military representatives), the biggest. Unlike at the Union level, vacant seats in the sub-national parliaments are not filled by by-elections and many MPs have to undertake roles that are not defined in Schedule One, the Union Legislative List.

For more information on the Union Parliament, see Renaud Egreteau: Parliamentary Development in Myanmar, 2017 and...
list issued by the UEC. Although there is no clear pattern for changes, military MPs are routinely replaced, usually by an officer of the same rank. In the Union Parliament, the military MPs range.

A cabinet. The chief ministers are directly appointed by the President and as a consequence are regarded as being more accountable to the Union government than to their respective hluttaws. Most regional

The UEC establishes the constituencies for the elections, using data from the Ministry of the Civil Affairs. An ethnic community has a population equal to at least 0.1% of the national population. This

The 2010 general election resulted in the first sub-national parliaments in the 14 states and regions

The 2015 elections resulted in significant changes to the composition of sub-national parliaments, with a big improvement over 2.3 percent after the 2010 elections, UEC figures show. Strikingly, there was a 6.9 percent increase in votes for the USDP and the Arakan National Party, respectively. This section provides an overview of the changes in the composition of sub-national parliaments.

Source: Union Election Commission
Parliamentary Union (MPU). The MPU was created in 2011 and was chaired by Thura U Shwe Mann. The MPU was reconstituted in 2016 and said it would focus on enacting laws in the people's interest and improving the quality of parliamentary representation. A representative of a Yangon-based think tank said that the MPU was formed with the intention to avoid state.

Military representatives participate and contribute to parliamentary sessions. On January 12,
MPs have been asking questions about the judiciary and schools in Tatmadaw areas. Despite a State Hluttaw, where the USDP has 33 seats, more than in any other parliament in the country, USDP and military MPs voted on December 7, 2016 to declare the Kachin Independence Army, a sub-national parliament, not rubber stamp parliaments, however, struggling to influence.

The Voice Daily and Eleven Media, January 13, 2017
1. Union Defence and Security Sector

- Article 49 lists the seven states and seven regions and the Union territories (including Union Budget and Taxes)

- Article 56 lists the five SAZs (Naga, Danu, Pa-O, Palaung and Kokang) and the Wa Self-Administered Division

11. Judicial Sector
and is linked with Schedule One, which lists the legislative responsibilities of the Union Parliament, and governments cannot generate their own revenue, they will have to continue to rely on the Union Government. See also Dickenson-Jones et al. 2016
Article 198 states that Union law takes precedence over laws passed by sub-national parliaments in the schedules, lies with the Union. During an interview an MP from a sub-national parliament the Union just passed the Union Electricity Production Law and we have to amend our sub-national law in order to avoid contradictions with the Union law. A law urgently but is unable to do so because the Union is yet to pass related laws. For example, a law that are yet to be passed by the Union, if such laws are needed in a state or region.

(Dickenson-Jones et al. 2016). In addition, sub-national parliaments cannot enact laws unless the Union Parliament has revoked or passed a new law. For example: The land revenue law in Mon...
Sometimes MPs cannot raise questions or submit motions on issues faced by their constituents because they lack the authority to ask questions. During the 3\(^{rd}\) session, MPs submitted a question about two coal mining operations near Hsipaw that were operating without proper authorization. The question was referred to the Union because the state government did not have authority over the issue. MP San San Aye from Mandalay said, “sometimes we prepare good questions and motions at constituency level, but we cannot submit them because we lack the authority to ask questions.” Planning and Economy U Soe Nyunt Lwin answered that the question should be submitted to the Union. An MP from Mandalay said, “sometimes we prepare good questions and motions at constituency level, but we cannot submit them because we lack the authority to ask questions.” Planning and Economy U Soe Nyunt Lwin answered that the question should be submitted to the Union.
in the constitution and also to rule on constitutional disputes between the Union and sub-national
in 2012, President U Thein Sein had asked the tribunal to rule whether parliamentary committees
were Union-level organizations under the constitution. MPs were outraged when it ruled that
the committees were not Union-level organizations. Parliamentarians denounced the ruling,
that Union laws shall prevail as long as they are not revoked by the appropriate Union-level institution. Later the Mon State Hluttaw Speaker submitted the case to the Constitutional Tribunal and asked it to provide a definition of sectors listed in Schedule Two. The detailed submission sought clarification on five provisions: development affairs, land revenue and excise, administration of town and village land, and administration of town and village land shall be conducted by the Union, while land revenue shall be collected by the state or region. Concerning excise duty, the Union ministry determines different amounts for respective laws. In addition, the tribunal determined that the Mon State Hluttaw could enact a Development Affairs Law because it was clearly listed in Schedule Two. Asked about the 1993 Municipal Law, President U...
3. Amend the 2008 Constitution or Write a New One?

Before considering the complicated questions associated with amending the 2008 Constitution,
reflect political opinions that the authors have witnessed consistently in the course of researching

A – The military and the USDP

...
In conclusion, and beyond the existing political fault lines between the military-USDP-civil...

[Text continues on the next page]
reforms from within the existing political process while the margins will try and influence it largely by trying to bring the NLD and the military (and probably the USDP) to the table. There is every indication that were they to find common ground, the NLD and the military would vote to amend the constitution with little concern for the constitution. Ideally, it would be equally useful to those opposed to such efforts, and to those on constitutional reform, there is significantly more expertise on the constitution among those on the margins. There is every indication that were they to find common ground, the NLD and the military (and probably the USDP) would vote to amend the constitution with little concern for the constitution. This is not to say that the margins will not be able to influence the process. But any realistic forecast of a coalition of the USDP with the NLD or the military (and probably the USDP) would vote to amend the constitution with little concern for the constitution.
process, particularly those identified as representing ethnic nationalities, to imagine a scenario

Khuensai Jayen of the Pyidaungsu Institute said: “It would be really hard to write a new constitution...
guarantees political equality, the right to self-determination, and democratic practices based on the universal principles of liberty, equality, and justice while upholding the principles of non-belligerence.

When the Nationwide Ceasefire Agreement specifically aims to "establish a union based on the principles of equality, the right to self-determination, and democratic practices based on the universal principles of liberty, equality, and justice while upholding the principles of non-belligerence," the agreement seeks to bring peace and stability to the region.
As seen above, the issue of federalism has been a key in both the conflict and the political-
For example, the UPDJC, a government-led body, agreed in May 2017 that the 14 states and
In an apparent echo to Khuensai Jayen and David Williams, Matthew Walton writes: “The 1947

Mael Raynaud, field notes 2002-2009

4. Amending Schedules Two and Five

The 2008 Constitution lays out two avenues for constitutional amendments. Both avenues require at least 20 percent of MPs before it can be debated. The first avenue requires a 75 percent vote of more than 75 percent of all members of the Pyidaungsu Hluttaw. Both avenues require a vote of more than seventy-five percent of all the representatives of the Pyidaungsu Hluttaw. Both avenues require a vote of more than seventy-five percent of all the representatives of the Pyidaungsu Hluttaw.

(b) Provisions other than those mentioned in Sub-Section (a) shall be amended only by a vote of more than seventy-five percent of all members of the Pyidaungsu Hluttaw.
negative impacts. Achieving meaningful decentralization firstly requires giving the states and regions more power to generate their own revenue through fiscal decentralization or amending state or regional constitution and not aligned with Union ministries. If that was the case, the chief negative impacts. Achieving meaningful decentralization firstly requires giving the states and regions more power to generate their own revenue through fiscal decentralization or amending state or regional constitution and not aligned with Union ministries. If that was the case, the chief

Although the amendments achieved had limited significance for the transition to democracy and decentralization, it is important to note that this was the first time the 2008 Constitution had been.

In 2013, the Union Parliament established a Constitutional Review Joint Committee.**63** 5, **64** members were from the USDP, ethnic parties and the NLD, and the military MPs. In late 2013, the W ) ) Ikkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkkk kk
Constitutional Review Joint Committee and to draft amendments. In mid-2015, two bills were

The first bill included six proposals and only one proposal was approved. It was a proposal to

The change required a candidate to be familiar with “defense” (kar kwe yay) affairs instead of

CVKkMBB 5kVWkMB 25kI 1M (1kE 1kW) 5kVWkMB 25kI 1M (1kE 1kW)
amendments included the wording “in accordance with the Union Laws.”

they involved insignificant changes and also because attention was focused on the election due
5. Amending Schedule Two: The Start of a Chain Reaction?

Furthermore, political and administrative decentralization cannot take place without significant changes to the way the now decentralized institutions are funded, a process known as fiscal decentralization, as well as an overview of issues related to fiscal decentralization.

For instance, interviewees have told the authors that decentralization should be accompanied by a change in the electoral system, from "first...

---

53
The first issue is that if the powers of state and regional governments were to be strengthened, the current system would need to be equipped with a set of institutions in the form of ministries that currently do not exist, and the responsibilities of the states and regions need to be defined in a clear and transparent manner. This requires amending Schedule One of the constitution to establish a new balance of powers between the Union level and the state and region level. Such decentralization needs to include degrees of fiscal autonomy and decision-making powers for the states and regions.
the Union Ministry of Home Affairs, rather than horizontally to the Chief Minister.” Amending the
Ministry of Home Affairs could efficiently support the development of Myanmar, while allowing more space for democratically-elected
ministries in Nay Pyi Taw would need to be clearly re-defined.
could give extended powers to the districts level: “Up to now, the consideration of federalism and decentralization has always been within the confines of the bitter debates about federalism. 

Under the justice system, which is extremely weak (Crouch and Lindsey 2014/Cheesman 2015). Under
The 2008 Constitution establishes the courts of the Union. The 2010 Union Judiciary Law be concomitant justice system reform so that the states and regions are equipped with a judicial.

The President, in co-ordination with the Union Chief Justice and the respective chief minister, with the Union Chief Justice shall nominate the judges of the sub-national High Court. The right to refuse unless the nominee does not meet the qualifications prescribed in Article 310.

Under the 2008 Constitution, the sub-national High Court supervises district and township courts, well as the justice systems established by EAOs (McCartan & Jolliffe, 2016), would be organized.
in the context of a planned economy influenced by socialism and economic nationalism. As Lee Jones (2014) has stated: “One of the most important transformations in Myanmar since 1988 has

areas held by the Union government and the Tatmadaw (Jones 2014/Woods 2011)

its corollaries, which Woods (2011) has termed “ceasefire capitalism”.

businesses. In the meantime, a SME Development Law was passed by the Union Parliament in 2015 - see:
fiscal decentralization, or the revenue-generating ability given to sub-national political and economic actors. B) As Mw 51,5,1.5k. M 5,1,2,k1'M 5,'M k1E'1) M,511' B1k5W15S2W52SM, M E (M2W (MC)). yIMk3k10Mk5vkMk1kS55E7W (0k55ok15wkMBIMk5 by subnational governments resulting in large deficits and macroeconomic instability; increased corruption; and lower quality public services.”

Instead, revenue-sharing between the Union and states and regions should be determined by MBIW.’ (15S2W52S2W M 51,5,1.5k. M 5,1,2,k1'M 5,'M k1E'1) M,511' B1k5W15S2W52SM, M E (M2W (MC)). yIMk3k10Mk5vkMk1kS55E7W (0k55ok15wkMBIMk5 by subnational governments resulting in large deficits and macroeconomic instability; increased corruption; and lower quality public services.”

6. Peace Process and Asymmetrical Decentralization

Section 6 acknowledges the limits to decentralization as a step towards federalism; the specificity, the various ethnic nationalities live; the consequences of this specificity for any process of the political process, the peace process represents as wide a field of research, if not wider, than the peace process and Myanmar’s decades-old conflicts, several of whom were acknowledged of the peace process and Myanmar’s decades-old conflicts, several of whom were acknowledged.

Geography, first and foremost, is key to any understanding of how the political process and the political process, the peace process represents as wide a field of research, if not wider, than the peace process, exposing themselves to the well justified criticism of the many experts of the peace process.

The peace process, exposing themselves to the well justified criticism of the many experts of the peace process.
and military arrangements exist (Jollife & Speers Mears 2016). They range from outright control of “Burmanization” (Jollife and Speers Mears 2016).

Ministries of Education and military intrigues run hand in hand, contributing to the creation of “militias” (Buchanan 2016). In many villages in “contested areas” teachers employed by the Ministry of Education are the first (and often the only) representatives of the Myanmar state.

Militias (Buchanan 2016). In many villages in “contested areas” teachers employed by the Union Ministry of Education are the first (and often the only) representatives of the Myanmar state.
who could act without her consent and even in opposition to her requests.

This helps to explain the demands by ethnic nationalities (ENAC 2016/UNFC 2016) defined as “a particular and often unstable political situation in a vaguely geographical area without fixed boundaries and where smaller centers tended to look in all directions for security”. 

This described as living under the control of the Myanmar state even if the latter has a significant impact over their lives through the conflict and otherwise.

This leads to explain the demands by ethnic nationalities (ENAC 2016/UNFC 2016) defined as “a particular and often unstable political situation in a vaguely geographical area without fixed boundaries and where smaller centers tended to look in all directions for security”. 

This described as living under the control of the Myanmar state even if the latter has a significant impact over their lives through the conflict and otherwise.

This helps to explain the demands by ethnic nationalities (ENAC 2016/UNFC 2016) defined as “a particular and often unstable political situation in a vaguely geographical area without fixed boundaries and where smaller centers tended to look in all directions for security”. 

This described as living under the control of the Myanmar state even if the latter has a significant impact over their lives through the conflict and otherwise.

This helps to explain the demands by ethnic nationalities (ENAC 2016/UNFC 2016) defined as “a particular and often unstable political situation in a vaguely geographical area without fixed boundaries and where smaller centers tended to look in all directions for security”. 

This described as living under the control of the Myanmar state even if the latter has a significant impact over their lives through the conflict and otherwise.
required”. It also suggests that such health departments and state health departments should coordinate and work together. In the field of education, where similar dynamics apply, this is what South & Lall (2016) have termed “federalism from below”, and which is also advocated by Jolliffe in both health care and education (Jolliffe & Speers Mears 2016/Davis and Jolliffe 2016). South & Lall (2016) have termed “federalism from below”, and which is also advocated by Jolliffe in both health care and education (Jolliffe & Speers Mears 2016/Davis and Jolliffe 2016).

At the crossroads between the peace process and the political process a number of specific questions need answers. Assuming that the 14 states and regions continue to exist according question concerns their de facto identical status, a situation which may or may not evolve in the likely to continue being administered by local actors and not by the Union government.

other areas under the control of EAOs, such as the KIO, KNU, New Mon State Party (NMSP) and other areas under the control of EAOs, such as the KIO, KNU, New Mon State Party (NMSP) and significant degree of autonomy).
An objection that many EAOs have with this analysis is that they do not see their influence as

As South (2017) has argued, while it is difficult to assess the political support enjoyed by EAOs it is safe to say that they are not seen as fully satisfying ethnic demands for equality. Political institutions based on such a “one man, one vote” need specific forms of decentralization as well as probably other institutions.

As South (2017) has argued, while it is difficult to assess the political support enjoyed by EAOs it is safe to say that they are not seen as fully satisfying ethnic demands for equality. Political institutions based on such a “one man, one vote” need specific forms of decentralization as well as probably other institutions.

References:

Tinzar Htun, field notes, 2016-2017
7. Building Capacity – Changing Mindsets

One of the most important findings of this paper is that if decentralization is to be taken further, very difficult.

Myanmar state, at the Union level and in the states and regions, the main issue discussed in this
and civil servants in Nay Pyi Taw to relinquish some of their powers in favour of counterparts in

interviewee said: “The Union Parliament thinks they are superior to regional parliaments.”

would be a huge issue, were Myanmar to witness any significant level of decentralization. As one

Former minister U Soe Thane

issue that Myanmar cannot escape and should not be ignored. Former minister U Soe Thane

difficulties related to these institutions for years to come”.

U Soe Thane, pp.22
Even if they do, laws are copied from Union laws and are not based on evidence. Neither parliament

Even if they do, laws are copied from Union laws and are not based on evidence. Neither parliament
8. Potential Next Steps towards Decentralization

Based on the findings presented in this paper, the authors make the following observations:

- The logistical/technical aspects should not be underestimated, first and foremost the capacity of...
- As a consequence, significant effort should be devoted to capacity building.
- Five, to increase political, administrative and fiscal decentralization.
Developing specific plans and demands to send to the Union level concerning desired
media, the private sector), so that democracy can flourish at the state and regional level.
- Developing specific plans and demands to send to the Union level concerning desired

- Developing specific plans and demands to send to the Union level concerning desired
the 2008 Constitution is amended to a point that fits the demands for federalism, or a
new constitution is written) will be significantly influenced by work being undertaken by
at least participate through political dialogue, in the political process, they will find they
the 2008 Constitution is amended to a point that fits the demands for federalism, or a
new constitution is written) will be significantly influenced by work being undertaken by
Cooperating with government at the Union, state and regional, district, township, village tracts
the Union;

1. Foreign aid and financial assistance have the right to be undertaken in the Region or State in accordance with the law enacted by the Union;

2. Marine fisheries that have the right to be undertaken in the Region or State in accordance with the law enacted by the Union;

i. Small Jewelry and small jewelry businesses that have the right to be undertaken in the Region or State in accordance with the law enacted by the Union;

j. Law enacted by the Union;

k. Marine fisheries that have the right to be undertaken in the Region or State in accordance with the law enacted by the Union;

l. Small Jewelry and small jewelry businesses that have the right to be undertaken in the Region or State in accordance with the law enacted by the Union;
enacted by the Union;

law enacted by the Union;

State in accordance with the law enacted by the Union;

with the law enacted by the Union;

right to be undertaken in the Region or State in accordance with the law enacted by the Union;

be undertaken in the Region or State in accordance with the law enacted by the Union;

law enacted by the Union;

enacted by the Union;
the law enacted by the Union;
Bibliography


Davis, Bill and Jolliffe, Kim (2016): Achieving Health Equity in Contested Areas of Southeast a C. M). 2MB. , I, M

Dickenson-Jones, Giles; Dunn, Lauren; Joelene, Cindy; De, S Kanay and Betty, Mai (2016): Intergovernmental Fiscal Relations in Myanmar, CESD & JICA.


Dickinson-Jones, Giles; Dunn, Lauren; Joelene, Cindy; De, S Kanay and Betty, Mai (2016): Intergovernmental Fiscal Relations in Myanmar, CESD & JICA.


Dickinson-Jones, Giles; Dunn, Lauren; Joelene, Cindy; De, S Kanay and Betty, Mai (2016): Intergovernmental Fiscal Relations in Myanmar, CESD & JICA.


Dickinson-Jones, Giles; Dunn, Lauren; Joelene, Cindy; De, S Kanay and Betty, Mai (2016): Intergovernmental Fiscal Relations in Myanmar, CESD & JICA.


Dickinson-Jones, Giles; Dunn, Lauren; Joelene, Cindy; De, S Kanay and Betty, Mai (2016): Intergovernmental Fiscal Relations in Myanmar, CESD & JICA.


Dickinson-Jones, Giles; Dunn, Lauren; Joelene, Cindy; De, S Kanay and Betty, Mai (2016): Intergovernmental Fiscal Relations in Myanmar, CESD & JICA.


Dickinson-Jones, Giles; Dunn, Lauren; Joelene, Cindy; De, S Kanay and Betty, Mai (2016): Intergovernmental Fiscal Relations in Myanmar, CESD & JICA.


Dickinson-Jones, Giles; Dunn, Lauren; Joelene, Cindy; De, S Kanay and Betty, Mai (2016): Intergovernmental Fiscal Relations in Myanmar, CESD & JICA.


Lall, Marie (2016): Understanding Reform in Myanmar, Hurst.

McCartan, Brian and Jolliffe, Kim (2016): Ethnic Armed Actors and Justice Provision in Myanmar, cvkSL 2MB., I, M.


South, Ashley and Lall, Marie (2016): Schooling and Conflict: Ethnic Education and Mother Tongue

Taylor, Robert (2016): Can Myanmar’s NLD Government Undo the Gordian Knot of Federalism and

Walton, Matthew J. (2008): Ethnicity, Conflict, and History in Burma: The Myths of Panglong,
