

AUNG SAN

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ATLEE

AGREEMENT

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His Majesty's Government and the Delegation of the Burma Executive Council having discussed all the matters affecting the future relations between Great Britain and Burma which were raised by the Delegation have reached the following agreed conclusions as to the methods by which the people of Burma may achieve their independence, either within or without the Commonwealth, as soon as possible:-

1. The Constituent Assembly

In order that the people of Burma may decide on the future constitution of their country as soon as possible a Constituent Assembly shall be elected instead of a Legislature under the Act of 1935. For this purpose the electoral machinery of the 1935 Act will be used. Elections will take place in April for the general non-communal, the Karen, and the Anglo-Burman constituencies as constituted under the Act of 1935, and for each constituency two members shall be returned. Any Burma nationals (as defined in Annex A) registered in a general constituency other than one of those mentioned above shall be placed on the register of a general non-communal constituency.

2. Transitional Form of Government

During the period of transition to the Government of Burma will be carried on as at present under the special powers of Section 139 of the Act of 1935 and the Temporary Provisions Act of 1945 together with any Orders in Council made there under. If any exceptional circumstances arise which, in the opinion of either Government require special treatment, His Majesty's Government will consider what, if any, alteration can be made to meet such circumstances.

3. Interim Legislature

During the interim period there will be a Legislative Council as provided by the Act of 1945. Power will be sought by His Majesty's Government by Order in Council to increase the numbers authorized from 50 to 100. As soon as the elections to the Constituent Assembly are completed the Governor will nominate a Legislative Council of 100. It will be drawn from among those elected to the Constituent Assembly with the inclusion of a small number of persons to present the non-indigenous minorities. The powers of the Legislative Council will be identical with those possessed by a recently dissolved Legislative Council of 50.

4. Interim Government

The Executive Council of Governor will constitute the Interim Government of Burma. While it is not possible to alter the legal powers of the Executive Council, or of the Governor, which must continue within the framework set out in paragraph 2 above, the Interim Government will be conducted generally in the same manner as the Interim Government of India at the present time, and in particular: - (a) The Executive Council will be treated with the same close consultation and consideration as a Dominion Government, and will have the greatest possible freedom in the exercise of the day-to-day administration of the country. The convention exercised during the currency of the Act of 1935 as to the Governor presiding at the meeting of the Council Ministers shall be continued in relation to the Executive Council. (b) His Majesty's Government agrees in principle that the Government of Burma shall have financial autonomy (see Annex B). (c) Matters concerning Defense and External Affairs will be brought before the Executive Council, which will be fully associated with the disposal of business

¹ Chin Human Rights Organization Rhododendron, Aung San – Atlee Agreement 8-9 (Vol. Vi. No.1. Jan-Feb 2003).

in such matters. (d) The Governor will depute to his Counselors for Defense and External Affairs the day-to-day administrations of those subjects. Subject only to the limitations inherent in the legal position, the Executive Council will be at full liberty to raise, consider, discuss and decide on any matters arising in the field of policy and administration.

5. External Affairs

There shall be appointed forthwith a High Commissioner for Burma to represent the Burmese Government in London. His Majesty's Government will request the Governments of the countries with which Burma wishes to exchange diplomatic representatives to agree to such an exchange.

6. Membership of International Organization

His Majesty's Government will lend their full support to any application by Burma for membership of the United Nations Organizations as soon as Burma's constitutional position makes it possible for such an application to be entertained. In the meantime, His Majesty's Government will explore with the Secretary-General far it is possible for Burma to be represent at any meetings of, or under the auspices of the United Nations Organization. They will also approach any other international bodies as a member nation or otherwise.

7. Defense

- (a) In accordance with settled practice all British forces stationed in Burma will remain under the ultimate control of His Majesty's Government.
- (b) All Burmese forces will forthwith come under the control of the Government of Burma.
- (c) His Majesty's Government have agreed in principle that the G.O.C. in Burma will remain under S.E.A.L.F. During this period there will of course be close collaboration between the Governor, the Government of Burma and the authorities concerned. Appropriate arrangements on similar lines will apply in respect of the Naval and Air Services.
- (d) The question of assistance in building up the Defense Forces of Burma will be a matter for discussion between the two Governments. His Majesty's Government wish to do their utmost to help the Government of Burma in this matter, but must have regard to their already heavy commitments in other parts of the world.
- (e) The question of the retention or use of any British Forces in Burma after the coming into operation of the new Constitution will be a matter for agreement between His Majesty's Government and the Government of Burma.

8. Frontier Areas

It is agreed objective of both His Majesty's Government and the Burmese Delegates to achieve the early unification of the Frontier Areas and Ministerial Burma with a free consent of the inhabitants of those areas. In the meantime, it is agreed that the people of the Frontier Area should, in respect of subjects of common interest, be closely associated with the Government of Burma in a manner acceptable to both parties. For these purposes it has been agreed:-

- (a) There shall be free intercourse between the peoples of the Frontier Areas and the people of Ministerial Burma without hindrance.
- (b) The leaders and representatives of the Peoples of the Frontier Areas shall be asked, either at the Panglong Conference to be held at the beginning of next month or at a special Conference to be convened for the purpose, to express their views upon the form of association with the Government of Burma which they consider acceptable during the transition period: whether –
 - (I) by the appointment of a small group of Frontier Representatives to advise the Governor on Frontier Affairs and to have close liaison with the Executive Council; or
 - (II) by the appointment of the Frontier Area representative as Executive Councilor in charge of Frontier Affairs; or
 - (III) by some other method.

- (c) After the Panglong meeting, or the special conference, His Majesty's Government and the Government of Burma will agree upon the best method of advancing their common aims in accordance with the expressed views of the people of the Frontier Areas.
- (d) A Committee of Enquiry shall be set up forth with as to the best method of associating the Frontier peoples with the working out of the new Constitution for Burma. Such Committee will consist of equal numbers of person from Ministerial Burma, nominated by the Executive Council, and persons from the Frontier Areas, nominated by the Governor after consultation with the leaders of those areas, with a neutral Chairman from outside of Burma selected by agreement. Such Committee shall be asked to report to the Government of Burma and His Majesty's Government before the summoning of the Constituent Assembly.

9. Finance

A number of financial questions have been considered and an agreement has been arrived at as to how these matters should be dealt with, which is set out in Annex B attached hereto.

10. Other Matters

A number of other questions will arise for settlement between His Majesty's Government and the Government of Burma connected with the change in the status of Burma. There will be taken up as they arise and will be dealt with in the same friendly and cooperative spirit that has marked the present discussions. Both His Majesty's Government and the Delegates of the Burma Executive Council are convinced that by a continuation of the present method towards their common objective of a free and independent Burma, whether within or without the British Commonwealth of Nations, and they have, therefore, agreed to cooperate in the settle of all future matters which shall arise between them though the transitional period until Burma's new Constitution comes into operation.

(Sd.) **Aung San**

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CPR