

CONSTITUTIONAL RELATIONS
BETWEEN BRITAIN AND BURMA

BURMA
The Struggle for Independence
1944-1948

Documents from official and private sources

Volume II
From General Strike
to Independence
31 August 1946 to 4 January 1948

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HER MAJESTY'S STATIONERY OFFICE

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I 55 *Sir Hubert Rance to Lord Pethick-Lawrence*
 Telegram, IOR: M/4/2621

MOST IMMEDIATE

RANGOON, 1 January 1947, 1110 hours
 Received: 1 January, 0600 hours

NO. 1. PERSONAL FROM GOVERNOR. Your telegram 4714 of December 30th.¹ Saw who only returned from Calcutta yesterday, said that he would not repeat not be able to say whether he would accept invitation to accompany delegation until after his private meeting which he is holding on January 3rd repeat January 3rd. Accordingly I suggest the text of communiqué should be altered as follows. *Begins:* "After the words 'U Tin Tut, Finance Member' continue 'and U Ba Sein, Transport and Communication Member. It is also hoped that U Saw, Education Member will accompany delegation'. *Ends.*

2 I shall not repeat not publish simultaneously here but shall wait for Reuters official text from Joyce to DPR.

¹ See No. 153, p. 216, footnote.

I 56 *Director Frontier Areas Administration to Secretary of State for Burma*
 Telegram, IOR: M/4/2804

RANGOON, 2 January 1947, 1240 hours
 Received: 2 January, 1350 hours

1447 FA. Following telegram dated Lashio December 30th 1946 received from Executive Committee of Council of Federated Shan States.

Begins: We understand from the Honble U Aung San that the Burmese Mission visiting London will ask for control of the Frontier Areas. If this is the case we wish to state emphatically that neither the Honble U Aung San nor any of his colleagues has any mandate to speak on behalf of the Frontier Areas. Whether and when the Frontier Areas will amalgamate with Burma is a matter for the people of the Frontier Areas alone to decide. We are at present deliberating on this subject with leaders of other areas and we will make our views known to HMG and to the Burmese people through our properly constituted councils. If matters concerning the Frontier Areas are to be settled in London during the visit of the Burmese Mission we insist on the right to send our representative simultaneously. Please inform us on this point immediately to enable us make our plans. *Ends.*

Form of reply under consideration and will be telegraphed when finalised.

morning ceremonial, which I did not attend, was devoted to an expression of this nationalism, involving processions by various state groups, hoisting of the new Karenni flag, (which is very similar to the Chinese flag, there being three stars instead of one in the blue square) flag saluting, and the singing of national songs. In the afternoon there was a sports meeting which provided some amusement and to which I added a new event common to many English fairs, catching the greased pig. This innocent act was later interpreted by U Aung San as a sinister move to capture Karen support for Britain. After the sports I presented the Force 136 awards. The previous evening I had met Saw Ba U Gyi and the local leaders and spent a futile hour or two trying to persuade them that ultra-nationalism would get them nowhere. I am more than ever convinced that the Karens of the plains are using Karenni as a focal point upon which to build up their propaganda for an independent Karen State.

3 My preliminary enquiries into the formation of the UKIS Council made it clear that, far from being a Council based on wide support and the consent of the chiefs, it represented something in the nature of a *coup d'etat* by Ko Bee Tu Ree and Saw Thein, state officials of Bawlake and Kantarawaddy respectively. Ko Bee Tu Ree has already placed himself in a very strong position in Bawlake by virtually muzzling the heir-apparent and placing three of his own sons in key positions in the state service. I have instructed Saw Poo Nyo¹ to hold an enquiry about the UKIS Council and the present administration of the three states and to make his recommendations. This enquiry is now in progress. In the meantime the council has been told that it cannot be recognised.

4 The Hon'ble U Aung San arrived late in the evening of the day of the sports and held a meeting the following morning at which he made a speech notable for its anti-British violence, and a bitter personal attack on me which will be subject of a separate report. The audience present at this meeting has been described by eye-witnesses as from 25 upwards. The Burmese newspapers placed it at 500. The Hon'ble Counsellor made no impression whatsoever upon the Karenni elders, most of whom had gone home before he arrived. I made a courtesy call on him before departing for Taunggyi, which he later interpreted in his speech as an attempt to find out what he was going to say.

¹ A senior Karen officer in the Burma Frontier Service.

I76 *Director, Frontier Areas Administration to Secretary of State for Burma*

Telegram, IOR:M/4/2811

RANGOON, 11 January 1947, 1330 h.

Received: 11 January, 1415 hours.

No. 1508 FA. Frontiers

Resident, Lashio, wires following message from Deputy Commissioner Bhamo.

BEGINS: President, Bhamo Kachin District Council, requests following urgent message to be conveyed to Saohpalong of North Hsenwi for Executive Council, FSS: "Reference proposed discussion of Burmese Mission in London with HMG re Frontier Areas administration. We consider any decision reached as a result should not be binding on peoples of Frontier Areas without their official representation. Meeting between Kachin leaders Myitkyina, Bhamo, with Executive Council Shan States [will] be arranged earliest at Hsenwi". ENDS.

Frontiers reply.

BEGINS: Suggest that district councils select and send fully briefed representatives to Panglong [to] discuss desirability of sending representatives to UK and forward final recommendations here as soon as possible. ENDS.¹

¹ This telegram caused some perplexity in the Burma Office which issued the following reply addressed to the Governor, 13 January, 1800 hours:

IMMEDIATE

No. 119. Frontiers

Your telegram *en clair* No. 1508 dated 11th January. Kachin suggestion for early meeting at Hsenwi. From telegram as received it appears that message BEGINS: Suggest that etc. as soon as possible ENDS is reply from Frontier Areas Administration. Please check urgently since this does not seem to square with your reply (on which I have no comment) No. 1 FA(S)47 to similar message to you from Shan Sawbwas of 30th December, [see No 156] nor does it appear immediate next step lay with FAA but rather with Executive Council FSS. Please also give addressee of message attributed to Frontiers.

2 In any such cases you will realise the advantage of my seeing, while delegation is here, proposed replies from FAA in draft by telegram before they issue. Concurrence or comment will be returned within 48 hours.

The Director, Frontier Areas Administration replied to this inquiry in a further telegram issued on 17 January, 1645 hours:

No. 1533FA. Frontiers

Your paragraph one. Our telegram which was addressed to Deputy Commissioners Chin Hills, Myitkyina and Bhamo is correctly reproduced in your 119 and was issued to prevent Hill leaders stampeding to get home to UK. Many have been invited by Shan Chiefs to Panglong meeting, commencing February 6th, and we suggested that such leaders as do come be accredited by Councils for discussions on subject of placing views of Hill peoples before His Majesty's Government. By then, His Majesty's Government's discussions with Burmese Mission will be over and the immediate necessity of sending delegates will not arise. Do you think you can let us have Burmese proposals and His Majesty's Government's reactions in time for Director to take to Panglong.

I77 *British Consul-General, French Indo-China to Governor of Burma
(repeated to Foreign Office)*

Telegram, IOR:M/4/2801

SECRET

SAIGON, 12 January 1947, 0834 hours

Received London: 12 January, 1120 hours

No. 1. The French have [drawn?] my attention to Reuters report dated Rangoon January 9th which states Doctor Ba Maw announced the same day that he has organised

279 *Sir Hubert Rance to Lord Pethick-Lawrence**Telegram, IOR: M/4/2811*

MOST IMMEDIATE

RANGOON, 11 February 1947, 1455 hours

SECRET

Received: 11 February, 1345 hours

No. 65. PERSONAL FROM GOVERNOR. Frontier Areas.

Events have moved with dramatic suddenness. On Saturday morning (8th February) I was informed that Director Burma Broadcasting Station had received, addressed direct to him at broadcasting station, telegram repeated in my first immediately succeeding telegram which had been put on the air at once without any check as to its authenticity.¹ Telegram purported to have come from President Executive Committee Council of Shan States Sawbwas. Immediately telegraphed to Leyden at Panglong asking for report. This was only received on Monday morning as party did not arrive Panglong until Sunday. Leyden reported that Shan and Kachin representatives met at Panglong on 6th February and agreed to resolutions embodying conditions 1 to 6 inclusive out of 9 conditions mentioned in telegram. Chin representatives arrived later and agreed on 7th February to resolutions, adding conditions 7, 8 and 9 which were accepted by Shans and Kachins. Aung San and Tin Tut arrived on evening of 8th February and learnt of resolutions, general terms of which were agreeable surprise to them. Aung San at public speech on 9th February outlined negotiations which had taken place in London re FA. Bottomley arrived on morning of 9th and discussed situation with Aung San and Sawbwas when it was agreed that Bottomley and Aung San should meet Shan, Kachin and Chin leaders on morning of 10th February.

¹ No. 66

EN CLAIR

Representatives of Shan Chiefs and Kachins met at Panglong on the 6th and 7th of February 1947 and decided unanimously that pending discussion of ways and means for achieving independence in the shortest time and most feasible method not later than Burma's independence, the association of these hill peoples with Burma during the interim period described in the agreement reached between HMG and Burmese delegates in London should nevertheless be based on the following conditions: viz:

First. Shans, Chins and Kachins to go into the Burmese Ministry of Executive Council to which the Chins, Shans and Kachins would send their representatives, as freedom would be achieved sooner through co-operation with the Burmese.

Second. The hill peoples should have the same status, rights and privileges on democratic lines as the Burmese.

Third. The Shan, Chin and Kachin members in the Executive Council would be responsible for all their respective internal affairs and would jointly be responsible for subjects common to each such as Defence, Foreign Affairs, Railways, Customs, etc.

Fourth. The Kachins should have a distinct separate Kachin State.

Fifth. The terms of agreement as arrived at between the Burmese Delegates and HMG are not binding on the Chins, Shans and Kachins.

Sixth. The right is reserved to secede from Burma after attainment of Freedom, if and when the hill peoples choose.

Seventh. All rights and privileges as regards Central Revenues enjoyed by Shans shall be extended to Chins and Kachins on a population basis.

Eighth. Any deficiency in local revenues to be made good from Burma Revenues.

Ninth. A supreme council of all the hill peoples shall be formed consisting of representatives of Chins, Shans and Kachins which shall have full powers of decision on all matters of policy between the hill peoples and the Government of Burma.

2 Late last night I received a telegram from Leyden continued in my second immediately succeeding telegram. This puts very different complexion on situation. Leyden reports this morning that draft agreement is likely to be finalised if Aung San can satisfy Kachins on question of the jurisdiction in Part II areas in Myitkyina and Bhamo, and Sawbwas on question of their future status. Kachins have also raised question of status of Deputy Counsellors. Draft agreement (which seems to bear internal evidence of Tin Tut's drafting) was read out by Aung San who explained terms, paragraph by paragraph, to full meeting of representatives of all groups. Final decision will be made known at further meeting on morning of 12th February. I shall report further as soon as I have any information.

3 Your telegram 374, 7th February received.¹ I have passed on gist of its contents to Bottomley at once asking for his comments on suggestions in paragraph 2. I shall telegraph again in connection with this but developments referred to above may alter our ideas about the commission of enquiry.

¹ No. 276, footnote 2.

280 *Panglong Agreement*

IOR: M/4/2811

TEXT OF THE AGREEMENT SIGNED AT PANGLONG ON THE 12th FEBRUARY, 1947, BY SHAN, KACHIN, AND CHIN LEADERS, AND BY REPRESENTATIVES OF THE EXECUTIVE COUNCIL OF THE GOVERNOR OF BURMA

A conference having been held at Panglong, attended by certain members of the Executive Council of the Governor of Burma, all Saohpas and representatives of the Shan States, the Kachin Hills, and the Chin Hills, the members of the conference, believing that freedom will be more speedily achieved by the Shans the Kachins and the Chins by their immediate co-operation with the interim Burmese Government, have accordingly and without dissentients agreed as follows:

(I) A representative of the Hill peoples selected by the Governor on the recommendation of representatives of the Supreme Council of the United Hill Peoples, shall be appointed a Counsellor to the Governor to deal with the Frontier Areas.

(II) The said Counsellor shall also be appointed a member of the Governor's Executive Council without portfolio, and the subject of Frontier Areas brought within the purview of the Executive Council by constitutional convention as in the case of Defence and External Affairs. The Counsellor for Frontier Areas shall be given executive authority by similar means.

(III) The said Counsellor shall be assisted by two Deputy Counsellors representing races of which he is not a member. While the two Deputy Counsellors should deal in the first instance with the affairs of their respective areas, and the Counsellor with all remaining parts of the Frontier Areas, they should by constitutional convention act on the principle of joint responsibility.

(IV) While the Counsellor in his capacity of member of the Executive Council will be the only representative of the Frontier Areas on the Council, the Deputy Counsellor(s) shall be entitled to attend meetings of the Council when subjects pertaining to the Frontier Areas are discussed.

(V) Though the Governor's Executive Council will be augmented as agreed above, it will not operate in respect of the Frontier Areas in any manner which would deprive any portion of these areas of the autonomy which it now enjoys in internal administration. Full autonomy in internal administration for the Frontier Areas is accepted in principle.

(VI) Though the question of demarcating and establishing a separate Kachin State within a unified Burma is one which must be relegated for decision by the Constituent Assembly, it is agreed that such a State is desirable. As a first step towards this end, the Counsellor for Frontier Areas and the Deputy Counsellors shall be consulted in the administration of such areas in the Myitkyina and the Bhamo Districts as are Part 2 Scheduled Areas under the Government of Burma Act of 1935.

(VII) Citizens of the Frontier Areas shall enjoy the rights and privileges which are regarded as fundamental in democratic countries.

(VIII) The arrangements accepted in this agreement are without prejudice to the financial autonomy now vested in the Federated Shan States.

(IX) The arrangements accepted in this agreement are without prejudice to the financial assistance which the Kachin Hills and the Chin Hills are entitled to receive from the revenues of Burma and the Executive Council will examine with the Frontier Areas Counsellor and Deputy Counsellor(s) the feasibility of adopting for the Kachin Hills and the Chin Hills financial arrangements similar to those between Burma and the Federated Shan States.

SIGNATORIES

<i>For the Shan Committee:</i>	<i>For the Kachin Committee:</i>	<i>For the Burmese Govt:</i>
Sawbwas—Tawnpeng	Sinwa Nawng	} Myitkyina Aung San ¹
Yawnghwei	Zau Rip	
North Hsenwi	Dinra Tang	
Laikha	Zau La	} Bhamo
Mong Pawn	Zau Lawn	
Hsamonghkam	Labang Grong	
and representative of Panglawng		
 <i>Shan people:</i>	 <i>For the Chin Committee:²</i>	
Tin E Htun Myint	U Hlur Hmung	
Kya Bu Hkun Saw	U Thawng Za Khup	
Sao Yapa Hpa Hkun Htee	U Kio Mang	

¹ The text of the Agreement was telegraphed by Aung San to the Secretary of State direct in an unnumbered telegram sent from Panglong at 1015 hours on 12 February 1947.

² The leader of the Chin delegation, Vum Ko Hau, did not sign the agreement because he was still in Government service.

associated with a Constituent Assembly, might admit of being settled locally between the parties with your own assistance. On the other hand, you and Bottomley may think that there would be advantage in having someone from home of the type of Rees Williams who can hold the ring even on this more limited business.

3 Grateful for very early reply.

285 Arthur Bottomley to Lord Pethick-Lawrence

Telegram, IOR: M/4/3025

MOST IMMEDIATE

RANGOON, 14 February 1947, 1820 hours

Received: 14 February, 1555 hours

No. 170. LAITHWAITE FROM FOWLER. Following for Secretary of State from Bottomley. *Begins*. Herewith my appreciation of Panglong Conference and Agreement.

2 Tone of Conference had already been set before my arrival on the morning of February 9th by news of the London Agreement. Line on which Shan, Kachin and Chin representatives decided at private meetings of February 6th and 7th was that they favoured union with Ministerial Burma in principle, provided that they were given terms which secured them a large measure of internal autonomy. Kachin representatives also demanded acceptance in principle of desirability of establishment of separate Kachin State and obtained support of Shans and Kachins [sic: Chins?] for this stipulation.

3 Aung San and Tin Tut arrived evening February 8th and began negotiations with Frontier representatives. I know that they were agreeably surprised to find that principle of unification has already been accepted. Frontier leaders were in turn pleased with assurances given them of internal autonomy and financial assistance. There were however two outstanding difficulties.

(i) Selection of individuals to fill posts of Counsellor and two Deputies. Kachins were reluctant to accept original proposal in Aung San's draft agreement that Counsellor should be a Shan.

(ii) Kachins' demand for immediate inclusion of the Part 2 scheduled areas of Myitkyina and Bhamo within boundaries of Kachin State.

4 Point (i) was subsequently resolved by leaving the selection of Counsellor and Deputies to the Governor on recommendation of Supreme Council of the United Hill States (SCOUHP). Formation of this body was agreed by the Frontier representatives. Discussions as to its composition were beginning when we left on February 12th.

Point (ii) was settled by the adoption of formula in paragraph No. 6 of the Agreement. Kachin representatives drafted this themselves when they appreciated the fact that the agreement must operate within framework of 1935 Act which does not permit reversion of Part 2 areas to Part 1.

5 Agreement was finally reached on evening of February 11th and formally signed morning of February 12th.

6 My feeling, after careful consideration, is that agreement represents a compromise between Ministerial Burma and Frontier peoples which satisfactorily implements London Agreement, and I recommend it for acceptance by His Majesty's Government.

7 Both sides clearly understand that the agreement is for interim period only and must operate within sphere of 1935 Act (I took the opportunity in private conversations both with Aung San and Frontier representatives to stress these two points which were readily accepted). Discretionary powers of the Governor therefore remain unaltered. Law and special responsibility of the Secretary of State to Parliament is fully protected. I am aware that the interpretation and application of the agreement may present some difficulty at number of points. These can however safely be left in first instance to Executive Council and Frontier representatives when selected. Power of the Governor and Secretary of State to intervene where necessary remains.

8 I am assured by Leyden, Director of Frontier Areas Administration, who accompanied us throughout conference, that gathering was fully representative of three frontier tribes—Shans, Kachins and Chins except for Southern Chins to whom I refer in next paragraph. Smaller groups notably [Hill?] Karens, Nagas and Was were represented. There is however nothing to prevent them joining SCOUHP and associating themselves with agreement. I do not think that absence of groups as inert and internally divided as Nagas and Was should make us hesitate to accept agreement. Whole of Karen problem, of which Hill Karens question is a minor aspect, is extremely delicate and outside the scope of my mission. Decisive factor as to these and [small?] groups not represented at Panglong is that 1935 Act and therefore power of Governor and ultimately of His Majesty's Government to protect their interests remain unaltered.

9 Notable absences were representatives of Southern Chins and Arakan [tracts?]. Information here is that there are already strong bodies of opinion in these areas which favour complete absorption in Ministerial Burma. I take absence of their representatives to indicate strength of this feeling and reluctance to confer with other Frontier peoples rather than distrust of Ministerial Burma and desire for continuance of special regime. Problem of these areas can be left to clarify itself for the present. It will certainly require attention of Committee of Enquiry.

10 I was a little surprised that Kachin and Chin representatives seemed satisfied that they had power to commit their respective peoples to agreement on these terms. Aung San explained at final meeting that he must submit agreement to Executive Council for ratification. Kachins and Chins however made no reservation of any kind. Possible that their action may be challenged when they return home cannot of course be altogether excluded, but challengers if any will according to our information be less rather than more representative of Kachins and Chins as a whole than signatories to agreement. Question is being considered here, and is I feel one for local handling.

11 I was impressed by the bearing of Aung San at Conference and by the obvious sincerity of his readiness to grant internal autonomy and financial assistance to the Frontier peoples. I do not think that they could expect equally favourable prospects of sincere implementation of agreement from any other politician or party in Ministerial Burma.

12 In my judgement chief danger to agreement is vacillating character of these Frontier Peoples. [We cannot] ignore the fact that they have passed several contradictory resolutions in the last few months and may do the same again if they received encouragement. SCOUHP is still embryonic body, selection of Counsellor and Deputies is in its hands, and possibility of delay cannot be excluded. This would be highly undesirable and in the present explosive political situation would speedily provoke renewed suspicion by Burma of Frontier Areas Administration and even of integrity of His Majesty's Government. This might in turn jeopardise entire London Agreement to which as you know there is already vocal opposition. [An?] early acceptance in principle by His Majesty's Government of Panglong Agreement would help greatly in encouraging Frontier Peoples to follow out consistently policy adopted at Panglong which is I firmly believe in their own best interest as well as those of Burma and His Majesty's Government. *Ends.*

This has been repeated to His Excellency at Taunggyi.

286 *H.N.C. Stevenson to P.G.E. Nash*

PRO: FO 643/66 (51/GSO/47 Pt II)

WEYBRIDGE, 15 February 1947

At the time I left Burma the Karens were I believe under the impression that something was being done for them in London. Whether or not they had grounds for this I do not know. I personally had my doubts and I have today obtained confirmation that nothing is being done and nothing can be done. The future of the Karens lies wholly in the hands of the Karens themselves, and if they wish to make any representations they must make them to the Constituent Assembly. This they can do through their representatives on the Constituent Assembly in so far as they are Karens of Ministerial Burma, or, as the Hill Karens, through such machinery as may be set up. You are familiar with the position and I write to request you to set in motion such action as may be necessary to ensure that the Karens are aware of it. Such action ought not really to be necessary. But knowing the Karens and believing them to be pinning their faith on some mysterious action on the part of HMG to safeguard their interests, I feel it is necessary that it should be made abundantly clear to them that all action rests with them and that *nothing* is being, or can be done by London. If HE does not feel that anything can be stated by Government House to the Karens officially, perhaps you could mention the matter unofficially to Saw Ba U Gyi on my behalf. I did not see the members of the Karen Delegation after their return to Burma but Karens who met them appeared to be not dissatisfied with what they had to say. Yet it is clear that in London this Delegation did absolutely nothing on these matters and obtained no assurances of any kind from HMG touching upon the future of the Karens. It seems to me clear that there is a misunderstanding somewhere, and to avoid unpleasantness in the future I feel strongly that G.H. should find some way of making the position plain to the Karens.

- (iii) the temporary arrangements proposed in paragraph 5 of the Memorandum should be made.

9 *Other business.*

- (a) *Amnesty for certain recent offences in Myaungmya, Magwe and other Districts*¹

The Home Department Memorandum No. 57HD47, dated the 18th February 1947,² was considered.

The Hon'ble Deputy Chairman said that offences mentioned in the Memorandum were committed not only by supporters of the AFPFL but by others as well. He, therefore, proposed that the executive action to be taken should cover such persons.

IT WAS AGREED THAT—

- (i) the policy of leniency indicated in the Memorandum should be adopted in cases of recent offences committed by the supporters of AFPFL and others apparently having as their objective the seizure of firearms with a view to a rising if the London talks failed; and

- (ii) the draft appeal should be issued after the Hon'ble Deputy Chairman has made appropriate amendments.

(b) The Council AGREED to accept Lt. Col. Rees Williams MP as Chairman of the Committee of Enquiry to be set up forthwith to enquire as to the best method of associating the frontier peoples with the working out of the new constitution for Burma.

(c) At the instance of the Hon'ble Member for Information, IT WAS AGREED that the Council should resuscitate and deal with the memorial presented by Karens in January 1946³ for the creation of a Karen State, by informal discussions between representatives of the Council and Karen leaders.

¹ cf. No. 252.

² Not printed.

³ See Vol. I, No. 363.

294 *Note by John Leyden on the Panglong Conference, 1947*

IOR: M/4/2811

SECRET

RANGOON, 20 February 1947

Before attempting a personal appreciation of the Panglong Conference it might be as well to give a brief chronological sequence of the events as they occurred with a brief preview of events as I saw them prior to the assembly of this Conference. I mentioned to HE sometime before the Panglong Conference that I considered the Shans were inclined to immediate union with Burma but that the Kachins' and Chins' attitude was unpredictable at that time. It will be recalled that in an entirely uninfluenced decision reached on 14th November 1946 the Executive Committee of Shan States Sawbwas had resolved on union with Burma more or less immediately; but this resolution was subsequently rescinded on 20th November 1946. No reasons were given for the Council's rescinding of this resolution of 14th November and I mentioned at that time that

I did not consider this subsequent resolution of 20th November was entirely uninfluenced.

In our telegram No. 1599FA dated 29th January 1947¹ the Residents and Deputy Commissioners in the Frontier Areas were informed of the context of paragraph 8 of the London Agreement and this information was handed out to all representatives, except possibly the Chin representatives, before the Panglong gathering. The Chin representatives at Panglong would undoubtedly learn the contents of paragraph 8 of the London Agreement on their arrival at Panglong so that the decisions at Panglong were made with a full knowledge of the London Agreement.

The chronological sequence of the events at Panglong may be set out as under:

6th February 1947

The Shan and Kachin representatives met on this day at Panglong and reached an agreement on the following lines in a unanimous manner:

“The Committee is of the opinion that the freedom for the Shans and the Kachins would be achieved sooner through the cooperation with the Burmese; as such the two races would send in their respective representatives to take part in the Executive Council of the Burmese Government during the transition period, with the following conditions:

- (1) Same status, rights and privileges as enjoyed by the Burmese on democratic lines.
- (2) The Shan and Kachin members in the Executive Council would be responsible for all their respective internal affairs and would jointly be responsible for common subjects, eg Defence, Foreign affairs, Railways, Customs, etc.
- (3) This Committee supported the demand for the Kachins for their desire to have a distinct separate Kachin State.
- (4) The terms of agreement as arrived at between the Burmese delegates and His Majesty's Government is not to be binding on the Shans and Kachins.
- (5) The right to secede after attainment of freedom from confederation with Burma if and when we choose.”

The Chin Representatives had not at the time of reaching this Agreement arrived in Panglong but arrived that evening and prepared to join in discussions next day.

7th February 1947

On this day a combined meeting of Shan, Kachin and Chin representatives took place and confirmed the previous day's proceedings with certain additions. The additions were as under:

- “(a) All rights and privileges as regards Central Revenue enjoyed by Shans shall also be extended to the Chins and Kachins on a population basis.
- (b) Any deficiency in local finance to be made good from Burma Revenues.
- (c) There shall be formed a Supreme Executive Council of the United Hill Peoples composed of representatives of Shans, Chins and Kachins which shall have full powers of decision on all matters of policy between the Hill Peoples and the Government of Burma.”

¹ Not printed.

After this meeting a telegram was addressed to the Burma Broadcasting Station, Rangoon to the effect that the agreement had been reached that early unification between the Frontier Areas and Ministerial Burma was desirable and that the association of the Frontier Areas with Ministerial Burma should take place during the interim period subject to the 9 conditions agreed upon at the two meetings of 6th and 7th February 1947.

8th February 1947

The Hon'ble U Aung San and Hon'ble U Tin Tut arrived in Panglong on the evening of 8th February and were agreeably surprised by the general tone of the resolution of the previous day.

9th February 1947

Mr. Bottomley, accompanied by Mr Ledwidge, and myself arrived in Panglong on the morning of 9th February 1947.

At 1 pm on this day the Hon'ble U Aung San addressed a meeting of approximately 2,000 and pointed out that the Burmese Delegation in England had asked for the same rights for the people of the Frontier Areas as for Ministerial Burma. The British Government had replied that the people of the Frontier Areas should be given the right to decide their own future and that a decision could not be given until the wishes of the Frontier Areas people had been obtained. The Burmese people were, U Aung San continued, willing to help the Frontier Areas people in every way to achieve self-government.

Hon'ble U Aung San emphasised that it was for the Frontier Areas people to declare their wishes for their future whichever way they desired to go. The Burmese Government had no intention of interfering with the internal affairs of the hill peoples and was desirous that they should be allowed to rule their own territory in their own way. If, however, they desired to join with Burma then it would be necessary for them to have representatives in the Burmese Government in Rangoon for the administration of central and common subjects.

The Hon'ble U Aung San's speech was very well received and was in my view a thoroughly fair statement of the position.

10th February 1947

This morning a meeting with the leaders of the hill peoples was held with Mr Bottomley, and Hon'ble U Aung San was present. DFAA and Mr Ledwidge were also present. Hon'ble U Aung San's draft agreement was handed to the representatives of the hill peoples for consideration. The details of this draft were set forth in my telegram C1FA of 10 February and our general comments in my C2FA dated the 10th, 1947.¹ Both these telegrams were repeated to Governor's Secretary and are therefore in Governor's Secretary's office.

During the day I had various meetings with the Frontier Areas people and spent much time in explaining to them the various details of the draft agreement.

11th February 1947

The hill peoples in the course of the day held various meetings to discuss the terms of the draft agreement and were given advice when they asked for it. As a result of these

¹ cf. No. 279.

meetings the hill peoples devised a draft agreement of their own which was dissimilar in several important aspects from that of the Hon'ble U Aung San. The suggested draft of the hill peoples is set forth below:

"A Conference having been held at Panglong, attended by certain members of the Executive Council of the Governor of Burma, all Saophas and representatives of the Shan States, the Kachin Hills and the Chin Hills:

The Members of the Conference, believing that freedom will be more speedily achieved by the Shans, the Kachins and the Chins by immediate co-operation with the Interim Burmese Government:

The members of the Conference have accordingly and without dissentients agreed as follows:

- 1 A representative of Hill peoples selected by the Governor on the recommendation of representatives of SCOUHP (Supreme Council of the United Hill Peoples) shall be appointed a Counsellor to the Governor to deal with the Frontier Areas.
- 2 The said Counsellor shall also be appointed a Member of the Executive Council with the portfolio for the Frontier Areas Administration and the subject brought within the purview of the Executive Council by Constitutional Convention as in the case of the Counsellor for Defence and External Affairs and the subjects within his charge.
- 3 The said Counsellor shall be assisted by two Deputy Counsellors representing the other hill peoples. While the two Deputy Counsellors should deal respectively and in the first instance with the affairs of their respective areas, and the Counsellor with the affairs of all the remaining parts of the Frontier Areas they shall by Convention act on the principle of joint responsibility.
- 4 While the Counsellor in the capacity as a Member of the Executive Council will be the sole representative of the Frontier Areas on this Council, the Deputy Counsellors shall be entitled to attend meetings of the Council when subjects pertaining to the Frontier Areas are discussed.
- 5 Though the Executive Council will be augmented as agreed in the above clauses, it shall not operate in respect of the Frontier Areas in any manner which would deprive any portion of these areas of the complete autonomy in internal administration in their respective localities. Full autonomy in internal administration in the Frontier Areas is accepted.
- 6 Though the question of demarcating and establishing a separate Kachin State within the Unified Burma is one which should in normal course of events be relegated for decision by the Constituent Assembly it is agreed that such a State is most desirable and steps shall be taken forthwith, to enable the Kachins to govern themselves. As a first step towards this end, the Kachin Counsellor shall be consulted in matters relating to the administration of such areas as are included in the Part II of the Schedule of the Government of Burma Act, 1931.
- 7 Citizens of the Frontier Areas shall have the same status and the same fundamental democratic rights and privileges vis-a-vis citizens of Burma.
- 8 Full financial autonomy shall forthwith be vested in the Shan Counsellor in regard to the Shan States Federal Revenue.

- 9 The arrangements accepted in this Agreement are without prejudice to the financial assistance which the Kachin Hills and the Chin Hills are entitled to receive from the Revenue of Burma, and the Executive Council will examine with the Frontier Areas Counsellor and Deputy Counsellors the feasibility of adopting for the Kachins and the Chin Hills financial arrangements similar to those between Burma and the Federated Shan States."¹

In the course of the afternoon of 11th February Mr Bottomley arranged to meet representatives of this [?these] hill peoples at 5 pm. At a meeting with the representatives of the hill peoples this evening the draft was carefully examined with the peoples' representatives and certain irregularities in it pointed out to them. They had not previously realised fully that the Agreement was mainly intended to cover the interim period and has therefore to fall within the purview of the 1935 Government of Burma Act. After the completion of this meeting Mr Bottomley suggested that the hill peoples should forthwith have a further meeting with the Hon'ble U Aung San and Hon'ble U Tin Tut to determine the various points of difference which had been pointed out in the course of our discussion.

The meeting between the representatives of the Frontier peoples and the Burmese Members took place immediately, and by the time a State banquet took place that night agreement had been reached in the form now known as the Panglong Agreement of 1947.

The terms of this agreement have been highly publicised and there is no need to repeat them here.

12th February 1947

The Panglong Agreement 1947 was signed by all participating. Mr Bottomley, Hon'ble U Aung San, Hon'ble U Tin Tut and I left Panglong for Taunggyi. This closed the sequence of events leading to the signing of the Panglong Agreement.

2 Representation

So far as I could determine the representatives of the Frontier peoples was fairly wide though it did not include representatives from:

- (a) the Karenni States;
- (b) the Naga Hills District;
- (c) the Southern Chin Hills Subdivision of Kanpetlet;
- (d) Wa States and Kokang;
- (e) the Salween District; and
- (f) the Arakan Hill Tracts.

The future of the peoples of these areas will have to be ascertained separately by the Committee of Enquiry as it cannot be taken for granted that they will accept the Panglong Agreement. In fact, I am extremely doubtful whether the Karens will accept the Panglong Agreement in its present form. I feel almost certain, however, that the peoples of the Arakan Hill Tracts and the Southern Chin Hills when asked for their views will subscribe to the Panglong Agreement, provided that parts of those areas can

¹ Clauses 7 and 8 above differ from VII and VIII in Agreement (See No. 280).

be associated directly with the Chin State and not with the neighbouring plains. Certain minority elements in the AHT would prefer to be associated with Akyab district whereas the hill peoples (Chins) wish to be associated with the Haka subdivision of the Chin Hills District. Kanpetlet subdivision is similarly divided in its desires.

The Kachin representation at Panglong was very wide and included two of the biggest chiefs from Myitkyina and Bhamo, two Kachin Frontier service officers as advisers, and a representative collection of Chiefs and elders. This group only signed the Panglong Agreement on the condition that the Committee of Enquiry settled the issue of the Kachin State with particular reference to the inclusion of Bhamo and Myitkyina towns in that State. It was obviously impossible to do anything of demarcating such a state whilst the 1935 Act continued to lay down Parts I and II of the Second Schedule.

3 *Counsellor and Deputy Counsellors*

In the course of the Panglong meeting a new Council (Supreme Council of the United Hill Peoples) came into being and whilst its constitution and powers are still under consideration and have not yet been drafted, it did take upon itself the selection of the Counsellor in accordance with paragraph 1 of the Panglong Agreement. This power of appointing the Counsellor is apparently intended to be given to this Supreme Council; but the selection of Deputy Counsellors is apparently to be left to the groups from which they are to be chosen for the Kachins were unable to agree finally upon their selection and the Chin representatives informed HE in an interview at Taunggyi on 16.2.47 that they would have to return to the Chin hills to settle their final selection. The recommendations for both Deputy Counsellors will presumably be made after local meetings in the Kachin and Chin Hills.

In regard to the appointment of a Counsellor, agreement was apparently reached at Panglong that the Mongpaw Sawbwa would be the recommendation of SCOUHP but it was apparent that he could only continue to hold office whilst he held the confidence of SCOUHP. No such similar condition was attached to the appointment of the Deputy Counsellors though it seems likely that they merely held office at the pleasure of their local Councils. This is a point upon which the people were rather woolly-minded at Panglong and Taunggyi but which will need to be cleared up if we are to have any sort of stability in the administration of a people which is vacillating to an alarming degree.

4 *General*

I gathered the impression at Panglong that the Shans were solidly for immediate union with Ministerial Burma, and that the other two units followed the Shan lead. All realised the economic and political necessity of a united Burma; but each group was equally intent on domestic autonomy. The degree to which this can be granted remains to be determined; but the Shans and Kachins appeared to imagine that internal autonomy meant riddance of all Government supervision and freedom to utilise grants from the central revenues at the will of the local Councils. The Shans in particular were extremely keen to get a free hand *in every way* and have already put up proposals for a new Council with full legislative, executive and financial powers and with popular representation to replace the old Federal Council. The Shans are desirous of ridding themselves of any controlling authority (as, for example, the Director Frontier Areas, Residents, etc) and wish to have power to appoint their own advisers. Whilst I have a great deal of

sympathy with their desire for local self-government I do not consider them at present competent, without outside advice, to run the Federation and to accept responsibility for the discreet utilisation of funds from central revenues. Whilst they must be allowed a considerable measure of responsibility in administering their territory they must also have advice available until they have acquired sufficient administrative experience to carry on their own affairs with the aid of the central government in the common and central subjects. In the interim period, Burma Frontier Service Officers can furnish that advice; though immediately to make that service purely advisory in its functions would require extensive legislative changes which it is unlikely can be brought about in the course of the next six months. Executive, financial and legislative powers would have to be transferred to Councils for this brief period and this would entail a detailed examination of legislation as well as a redraft of most of the administrative regulations. We hope to be able to secure temporarily the services of Sir A. Eggar to do this work and I have no doubt much can be achieved, even though any amendments in legislation and changes in the financial and executive set-up must fall within the 1935 Act during this interim period. This will naturally bring up the general question of the position of the Burma Frontier Service. In the interim period, it must remain as it is under Section 113 of the Government of Burma Act though I see no objection to a change in its nomenclature in the senior post either to Chief Secretary FAA or Adviser FAA if the political aspirations of the people of the FAA are likely to be met by such a change of name in this interim period. Even for the interim period it would appear necessary to consult the Executive Council on this question of the future of the Burma Frontier Service. I have recorded my views above on this question. I cannot see any sweeping changes in general administrative practice being effected during the interim period whilst the 1935 Act is in force. A Counsellor can be appointed and the Shan States Council can be given certain additional powers with[in] the framework of existing legislation but that is about as far as we need or can go.

5 *Committee of Enquiry*

The Committee of Enquiry will deal with the long term issues and it will, I feel, have to tour the Frontier Areas if it is to furnish any satisfactory answers to the various outstanding questions. The need for this Commission was generally admitted at Panglong but the need for it to tour the areas was not so generally admitted.

The main task of the Committee is to ascertain the best method of associating the Frontier peoples with the working out of the new constitution for Burma. This will involve a series of issues both major and minor but in the main it looks as though the Committee will have to ascertain:

- (a) whether the Panglong Agreement is confirmed in principle for the long term period by the groups who have subscribed to it;
- (b) whether the groups which were not represented at Panglong (Karens of Salween District, Wa States, Kokang State, Kanpetlet Chins, Arakan Hill Tracts people, Naga Hills District people and Hkamti Shans of Myitkyina) are prepared to accept the principles embodied in the Panglong Agreement as a long term measure;
- (c) whether the Kachins of Myitkyina and Bhamo agree to unite with Burma as a

- long term measure in the absence of any final settlement in regard to the future of Bhamo and Myitkyina towns;
- (d) if the Panglong Agreement is reaffirmed in principle by *all* peoples in the Frontier Areas and association of the Frontier peoples with the Constituent Assembly is decided the method of selection of representation must be determined in view of the fact that an election is out of the question;
 - (e) what is to be the relationship of SCOUHP in the long term arrangement vis-a-vis possible representation in the Constituent Assembly;
 - (f) whether the Burma Frontier Service is to continue as a service of the Government of Burma in the long term arrangements and if so whether its officers are to be posted to the areas described as internally autonomous as representatives of the Central Government or handed over as advisers to the locally autonomous administration and under its control entirely; and
 - (g) upon what lines must the financial settlements be made under whatever form of association is decided.

If the Committee is to ascertain correctly the answers to the above questions and to certain other minor questions raised in Mr Ogden's review of the Panglong Agreement it must tour fairly extensively.

6 *Shan States Council*

I propose to deal in a separate note with the questions arising from the Shan States demand for a reformed Council.

295 *Sir Hubert Rance to Lord Pethick-Lawrence*

IOR: M/4/2019

SECRET

RANGOON, 20 February 1947, 1245 hours

Received: 20 February, 1905 hours

No. 84. PERSONAL FROM GOVERNOR

On 9th February there was a very unfortunate shooting episode in Insein jail resulting in the deaths of at least 3 persons and several other casualties.¹ The Executive Council feel very strongly about this, particularly as certain AFPFL emissaries from the Home Member to the jail strikers were present at the time. A large protest meeting has been held (see Sitrep No. 11 14/2/47). Episode follows considerable trouble with strikers (prisoners) in Insein jail. Council are attacking IG Prisons and Superintendent of Insein jail (both European officers) who AFPFL accuse of having adopted unduly un-

¹ Some prisoners organised a "strike" as part of the general strike movement, putting on special insignia. Warders attempted to remove these, there was a struggle, and the police were called. B.L.D. Rae, Superintendent of Police, Insein District led an armed party which fired on prisoners, killing some.