

The Panglong Treaty and Bogyoke Aung San's draft Constitution

Pre- Panglong Agreement: First and Second Panglong Conference (From Unravelling the History of Tai Yai by Sao Noan Oo)

When the British arrived in Rangoon after World II, the Burmans in the Ministerial Burma or Burma Proper were gripped by political tensions causing unrest. The Burmese political organisations were fighting for supremacy. The AFPFL under the Japanese occupation had many branches all over the country well organised, and refused to accept the old politicians who came in with the British Administration from Simla. The British attitude was that the country should be fully rehabilitated before independence was granted. The Governor, Dormin-Smith did not recognise the AFPFL as the majority party because of the funds and arms were collected by political dacoity.

The British Government in Burma would have arrested all the AFPFL members but for the Attlee Government in London. It would not allow this because the AFPFL members had already filled almost all the Governor's Council and were virtually made themselves the Government in Burma proper.

Britain had been badly bombed by the Germans during the war, and the government had a big job ahead of them in order to put the UK back on its feet. Soon after the war it suited the British Government to get rid of all its colonies and grant them independence as soon as possible.

Bogyoke Aung San was invited to London and he and his delegation set out to demand not only sovereign independence for the Burmans but they also demanded that the Frontier Areas should be amalgamated with Burma Proper at once, and end their accountability to the British Governor. The Burmese delegation had taken upon themselves to speak for the peoples of the Frontier areas without even consulting their leaders.

When the Shan Sao Hpas heard about this they were shocked and at once sent a telegram through the Governor, and Director of the administration of the Frontier Areas, Stevenson to the Attlee's Government in London, "We understand that U Aung San and the Burmese delegation visiting London will be seeking to have control over the Frontier Areas. If this be the case we wish to state emphatically that U Aung San and his colleagues do not have the mandate to speak on behalf of the Frontier Areas'. The Kachin, Chin and Shan were independent countries before the colonial period and each were conquered separately from Burma Proper".

His Majesty's Government replied, "We are bound by solemn undertakings to the people of the Frontier Areas to regard their wishes in this matter, and we have deep obligations to those people for the help that they gave during the war. According to the information given to HMG the Frontier Areas are not ready or willing to amalgamate with Burma Proper".

When members of the AFPFL heard that the Sao Hpas had sent a telegram to the Attlee Government, U Nu urged U Pe Khin, one of activists in the Shan States, who was anti- Sao

Hpas, to send a telegram message contrary to the one sent by the Sao Hpas to the Attlee Government saying, "Aung San does represent the peoples of the Shan States" and signed Shan States People's Freedom League (SSPFL), making it appear that the Sao Hpas' message was not what the people really wanted. Thus, in the Attlee- Aung San Agreement signed on the 27 January 1946 changed its meaning, slightly 'Burma would receive its independence as soon as possible'; London accepted the objective of both HMG and the Burmese delegates to achieve early unification of the Frontier Areas and Ministerial Burma, but only with the free consent of the inhabitants of those areas".

Noel Stevenson fore-warned the Karens who were seeking for a separate, independent state from Burma Proper, that the Attlee Government was not in favour of the Karens' wishes, and that they should come to terms with Aung San. The Karens, felt that the British had forsaken them and the previous promises had disappeared.

At the end of 1946, when the Governor, Sir Reginald Dorman -Smith was recalled to London, the Executive Council which was formed during the founding of the Federated Shan States in 1922 was abolished. In place of this the Sao Hpas formed their own executive council, consisting of 14 Sao Hpas and 14 representatives of the people, a first step towards democracy.

Through the initiative of Sao Shwe Thaik, Sao Hpa of Yawngphwe; Sao Khun Kyi, Sao Hpa of Hsatung and Sao Sam Htun, the Sao Hpa of Mongpaw, the Shan people held a conference in Panglong, a market town, situated mid-way between Northern and Southern Shan States. It became to be known as the first 'Panglong Conference'.

A Shan Conference opened on the 26th March 1946, presided by Khun Pang Sing, the Sao Hpa of Tawngpeng. The Governor was to be present, but was unable to attend due to illness. Amongst the guests invited to participate in the discussion concerning the future of Frontier Areas, with special focus on the Shan States were the Kachin and Chin leaders. The Karen leaders were there only to observe, as they were already negotiating with the British Government in London for their future requirement.

Others present at the conference were Burmese delegates, U Tin Htut, U Saw and U Nu and their followers. As the Shan leaders had always been emphatic about not wanting to join the Shan States with Burma Proper, it is not sure why the Burmese delegates were present at the Conference. Did the Shan leaders invite them, or did the Frontier Areas Administration requested their presence or did they invited themselves?

As the Governor was absent, the Director of the Frontier Areas Administration, H.N.C. Stevenson represented the British Government and opened the Conference with a speech : "The administration of the Frontier Areas would be under the direct control of the Governor as previously, and continue until the Frontier peoples themselves choose to join Burma Proper. The people of Burma Proper were most anxious to include the Shan States in a fully self-governing Burma, and the people of the Shan States should give a serious consideration to the matter. The British Government hoped that the Shan States would one day join Burma Proper with acceptable agreements on both sides.

As regards to the internal administration, state advisory council had been formed in every state, which we hoped would develop into fully representative institutions in which the will of the people would be made known and brought to bear on the administration.

The Administration of the Frontier Areas had been re-organised; its top administrator was now in direct contact with the governor, who is also in contact with the Residents, in place of the former Superintendents, Assistant Resident in place of Assistant Superintendent. There would also be district officers to train the state advisory councils to accept the responsibility of taking over different departments concerning local government, and develop into an efficient force. In the effort of economic development, the Governor planned to carry out geological and agriculture surveys in all the Frontier Areas to find ways of increasing the national income and the capacity to pay for taxes to provide for hospitals, schools, travelling dispensaries and experiment centres for agriculture, forestry, and soil erosion and others.

On its part, the Frontier Areas Administration was considering a detailed plan for educational improvement in the Shan States, providing for technical as well as academic training. For adult education, the training of craftsmen for cottage industries needed attention and encouragement as increased production of minor village industries and improved marketing will increase income.

The state and regional councils should not be limited to political and administrative function, but should build centres for spreading and teaching cottage industries with technical improvement as well as help to obtain patent rights.

There was a need to develop, and use to the full the natural self-reliance and inventive ingenuity which was the heritage of the hill peoples. The aim should be to ask nothing from the administration that could be done with one's own skill, brain and energy, so that evidence given would be tenfold valuable. Self reliance is the real key to national resurgence and national progress.

Mr Stevenson's speech was followed by other delegates, during which it was said the Kachin leader gave an interesting and important speech, while one of the Burmans, Thakin Nu(who later became the Prime Minister of Federal Union of Burma) lashed out at the British, accusing them of separating the Frontier peoples from the Burmans. The Sao Hpas, Kachin and Chin leaders felt uneasy at this outburst; they thought it was bad taste and ill manners, and they expressed their displeasure that Thakin Nu had gone too far.

In response to Thakin Nu's accusation, Mr. Stevenson replied, *"We are inclined to think that people who try to make unreal things real and to bluff the public are the ones who are responsible for misunderstanding, suspicion and discord found to be existing between the Frontier and the Burmese peoples. Now this is just one instance in a hundred. We could quote a thousand others. It is therefore an obvious fact unless the Burmese Leaders and people alike change their opinion about the Hill peoples and the treatment to be accorded on them there can be no hope of forming a real Federated Union of Burma."*

On the other hand, if the Burmese will realise the situation and try to amend their past faults, we see no reason why there cannot be a real United Federated State of Burma. What we ask the Burmese to do is to be realistic and examine the facts. The British are our friends and their friends. They have done far more for Burma than the Burmese Government of old ever did and now they have promised the Burmese full self-government. We do not see there is anything to be gained by blaming the British for faults which lie in Burmese hearts.

On the whole we are feeling much happier about the future. We realize the shape and size of the problems which face us and can see our way much more clearly. We realize too there is feeling of good fellowship in Burma only wanting to be released by wise leadership, and we hope that all the peoples of Burma, Burmese and Hill peoples alike, will find and support those wise leaders without delay.

For the Hill peoples the safe-guard of their hereditary rights, customs and religion are the most important factors. When the Burmese leaders are ready to see this is done and can prove how they genuinely regard the hill peoples as real brothers equal in every sense to themselves, we shall be ready to consider the question of our entry into close relations with Burma as a free Dominion.

In the mean time we hope the good work of brotherly cooperation will start at 'Panglong', and will continue under the auspices of United Burma Cultural Association and we express our grateful thanks to the Shan Sao Hpas for giving the Hill peoples the historic gathering".

U Saw, one of the Ex-Premier gave an elaborate detailed of how the Frontier Areas and ministerial Burma could work together as a united Dominion. The people of the Frontier could be granted local autonomy and there would be no interference with their custom and religion. He would take the business and commerce from the British and other foreign firms and place them in the hands of the government sponsored agencies, with profit to help farmers and cultivators. He thanked the Governor for giving the Burmese leaders to state their case to the leaders of the Frontier Areas.

In response to Sao Khun Pan Sing, the Sao Hpa of Tawngpeng's complaint about the misbehavior of Dr. Ba Maw and his men towards the Shan, U Saw publicly apologised to the Shan people on behalf of the Burmans.

This ' First Pang Long Conference' brought the Frontier leaders face to face with the Burmese politicians for the first time.

The Shan, Kachin and Chin discussed amongst themselves and decided to draft a manifesto declaring that in no circumstances would they at the moment federate with the Burmans, but instead they wished for self-government on the dominion level, in the Frontier Areas. The weak link was the Chin delegation, who felt that they were in no position to talk bluntly to the Burmans, because the Chin State depended on Burma Proper for food, but they did not want a union with the Burmans if there was a way out.

The Chin, Kachin and Shan declared that whatever happen they would stick together as a single bloc, and each should not make a separate decision in the matter concerning the Burmans, prior to consulting amongst themselves. Plans were made to hold another conference in Panglong the following year so that members can meet annually.

“The 2nd. Panglong Conference”

There was no obstacle for the Burmans to get independence, except that the pre-war British Governor of Burma, Sir Reginald Dorman- Smith was against the British hasty withdrawal. He wished to stick to the Simla White Paper drawn up by the British Government in exile. The Simla White Paper called for a period of rehabilitation, a return to the 1935 Constitution, so that in time Burma could become an entity enjoying full equality with the dominions and with Britain.

It was also stated that the Shan States and the other Frontier Areas would continue to stay under the rule of the Governor until they were ready to amalgamate with the Burmans. The popular wish of the Shan, Kachin and Chin was that the British favoured their aspirations for self-government under the British Protection or even outright independence. There had been rumours that the British had encouraged the Shan Sao Hpas to oppose becoming part of the Union with Burma. Yet there was another story that the Shan were given a choice to either join with China, Thailand or Burma. Of course this might be just a wishful thinking on the part of the British Frontiers Administration and the Sao Hpas of the Shan States.

There was a change of Governor from Sir Reginald-Dorman-Smith to Sir Hubert Rance. With the arrival of the latter things moved very fast. With the sudden removal of British power, the Burman politicians, other than their burning ambition to acquire independence and the full amalgamation of the Frontier Areas with Burma Proper, were unprepared for the aftermath of independence ; they had no plans nor policies of how they would manage and govern the country especially in other ethnic areas.

The clear plan Sir Dorman- Smith had for Burma had been overridden by the Attlee Government in White Hall. The Frontier peoples were confused, and were even less prepared for what was to come of their countries and people. The leaders had no guarantee from the British Government that they would not be thrown into the Burmese den, as there was no British policy under Attlee's government with regard to the future of the Frontier Areas in the event of Burma being immediately granted independence.

The people of Burma Proper, the Shan States and other Frontier Areas were confronted with the question of how they would relate to one another in future, whether each would go its own separate way or live together under one flag. If so, what kind of country or nation state would they establish, a centralised unitary state or a decentralised federal State. If they should choose the latter, what form of Federation should they settle on.

In these crucial periods, the Shans met often to discuss the future politics of the Shan States; the meeting brought together, all the Sao Hpas including Shan administrators, community leaders, intellectuals and politicians as well Chin and Kachins Leaders.

It was decided that the governing body of the Shan States should be the Shan States Council.

Membership should be equally represented on the Council by 33 Sao Hpas and thirty three popularly nominated representatives of the people. To begin with the representatives of the people should be nominated on educational and intellectual bases but in future it should be based on the fundamental rule of election.

The Council should be invested with the powers in Legislation, Executive and Finance. An executive members consisting of 4 Sao Hpas and 4 people's Representative should be in charge of all departments in the Shan States.

The Shan States Federal Fund be revived and placed within the sole financial power of the Executive Council.

The Shan States should have a separate High Court placed within the Shan States. Another important outcome of this period was the setting up of the Supreme Council of the United Hills Peoples (SCOUHP) to deal with the Burmese power and politicians.

Still in a state of uncertainty the Sao Hpas held the second 'Panglong Conference' and celebrated in the form of a Festival. The Panglong being a town in his state, the Sao Hpa of Laikha, Sao Noom offered to arrange and organise the conference site and the required facilities. It was a huge responsibility as he had to provide the daily food and refreshment as well as a temporary accommodation called 'Dawmaw' in Shan, for each of the Sao Hpa's family and guests. These houses were built of bamboo and straw, as they were cheap and easy to use for building temporary houses. Banquet and Conference Halls, stages for entertainment and open market stalls for traders were also constructed with the same materials.

All the Sao Hpas arrived in Panglong on the morning of 6th. of February 1947 and settled in their respective 'Dawmaw'. In the afternoon they gathered to discuss about the funding of the festivals, reception, time table for lectures, intervals, and food to be served in the banquet Hall.

On the 7th. February, 1947, offerings of food and robes were made to the monks, from whom the hosts and guests gathered to receive blessings, through prayers and chanting. During the first few days of the Conference, the Sao Hpas and the Tai/Shan Officers' had a discussion mainly on domestic affairs, like agriculture, forestry, mining, cottage industries, revenue and etc.

The Conference was attended by certain members of the Executive Council of the Governor of Burma, all the Sao Hpas and Representatives of the Shan People and leaders of the Chin and Kachin States.

Aung San had returned from his negotiation with the Attlee Government just before the 2nd 'Panglong Conference' was convened. He and his Burmese delegates in a hurry arrived at the Panglong on 8 February 1947, to woo the Frontier Leaders, and to discuss the future of the Areas.

He brought with him; "Aung San-Attlee Agreement which stated that , "The leaders and representatives 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 of expressing their views upon the formation of associating with the government of Burma which they think acceptable during the transition period..."

"After the Conference, His Majesty's government and the government of Burma will agree upon the best method of advancing with the expressed views of the people's of the Frontier Areas".

The Sao Hpas and guests assembled in the Conference Hall, to listen to what he had to say and speeches given by other people. The Frontier leaders, who in the past had dissociated themselves and had nothing to do with Burmese politicians or governments were wary of Aung San and his colleagues' intentions.

But it seemed Aung San was unlike other Burmese politicians, he was cunningly, clever and smart, but without any pomposity. He spoke bluntly and straight to the point. He admitted that the Frontier Areas did not have a square deal from Burma Proper, and in future the Government of Burma with him as a leader would give the Frontier peoples all the consideration they deserved. He acknowledged that the non-Burman Nationalities had the right to regain their freedom, independence and sovereign status because they were not the subject of pre-colonial Kingdom. But he blamed the British 'divide and rule policy' for keeping the Frontier peoples from coming into contact with his Burmese brethren. He said Burma Proper's independence without the Frontier Peoples would be like curry without salt, and without independence the Frontier peoples would forever be in darkness. In any case, whether the Frontier Areas wanted independence or not Burma would go ahead with it. If the Frontier Areas should decide to associate themselves with Burma's demand for independence they would never regret it. His exact words were, "If Burma receives one kyat, you will also get one kyat". To prove his sincerity he promised to ask the Governor to appoint immediately a Shan counsellor, assisted by two deputies, and one Kachin, and one Chin to sit in the governor's Council to manage the affairs of the Frontier Areas, while the terms for independence of Burma Proper and the Frontier Areas were being discussed before they become finalised. Should Burma Proper and the Frontier Areas become 'Pyidaung Su' (a Federation), the first President would be a Shan.

Continuing with his speech he said, the Frontier areas would sooner or later have to depend on themselves, therefore unity with Burma was essential, as the standard of living could be raised to a reasonable level after independence. He mentioned that the hill peoples would be allowed to administer their own areas in the way they pleased, and that the Burmese would not interfere in their internal administration. The Shan had the same

right to choose their own constitution if they wished to do so, Burma would never interfere in their affairs.

During the conference there were very loud noises, shouting and thumping on the table. From our 'Dawmaw', next to the Conference Hall we could hear clearly what was being said, and the angry shouting of, 'Out, out British out', by some Burmese politicians, followed by a loud applause. Outside the Conference Hall was a demonstration by Burmese who came in bus-loads from the plains to influence and encourage the Tai/Shan activists to demonstrate against the British and the Sao Hpas.

At that time I was merely a teenage school girl. This unfamiliar situation and sound did frightened me and my sister who was a few years older. My mother's face was white, although occasionally, she tried to smile at my uncle, Sao Saimong Mangrai, and some British administrative officers who were at our Dawmaw, from where they watched the situation unravelling. One of the guests, commented that the Sao Hpas were moving in the wrong direction, and teased my mother, "the Shan States would be better off if the Mahadevis (wives of Sao Hpas) were to govern the country".

As included in the Aung San -Attlee Agreement, was the formation of the Frontier Areas Committee of Enquiry (FACE), to inquire into the wishes of the Frontier peoples for their future with Burma Proper. Colonel D.Rees-William was to be Chairman of the FACE, a Labour MP in the Attlee's Government.

On the 11th. the Tai/ Shan selected their National Anthem and the National Day to be celebrated on the 7th. of February of each year. The National Flag was to have three horizontal bars of yellow, green and red with a white round moon in the centre. The yellow bar representing religion, the green the homeland, and the red courage. The Moon was to signify peace and harmony.

Out of the Supreme Council of United Hills Peoples (SCOUHP) a sub Committee: 6 members consisting of two Shans, U Kya Bu and Sao Hpa of Mongpaw, 2 Kachins, Sinwa Naw and Zau Lawn and 2 Chins, U Hlur Hmung and U Thaung Za Klup were chosen to negotiate with the Burmese leaders, and having concluded their negotiation with the Burmans they drafted the 1st document, as below:

"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 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 cooperation with the Interim Burmese Government.

(I) A representative of the Hill peoples, selected by the Governor 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 and given the executive authority to discuss on the subject of Defence and other External Affairs. (The Sao Hpa of Mong Pawn was elected to be the Counsellor)

(III) The said Counsellor shall be assisted by two Deputy Counsellors

(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 concerning the Frontier Areas are discussed.

(V) Full autonomy in internal administration for the Frontier Areas is accepted in principle; the Governor's Executive Council will not operate in any manner which would deprive the Frontier Areas of the autonomy which it now enjoys.

(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. The question of the Myitkyina and the Bhamo District under the Government of Burma Act of 1935 will also have to be discussed.

(VII) Citizens of the Frontier Areas shall enjoy 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.

Near the end of the two week's Conference, the Sao Hpas and the other frontier leaders, led by the three most active and influential Sao Hpas, the Sao Hpas of Yawngghwe, Hsatung and Mongpawm acknowledged that Aung San seemed honest and genuine enough, so they decided that they would co-operate with the Burmans, and at the same time as joint partners ask Britain for independence

Thus, on the 12th. Of February 1947, Members of Frontier Areas(Shan, Kachin and Chin leaders) and the Burmans, represented by Bogyoke Aung San, signed the Panglong Agreement ,

Signatories of the Panglong Agreement

Hkun Pan Sing- Sao Hpa of Tawngpeng's

Sao Shwe Thaike ll Yawngghwe

Sao Hom Hpa ll Hsenwi

Sao Num ll Laikha

Sao Sam Htun ll Mongpawm

Sao Htun Aye ll Hsamongkham

Maung Pyu(Representing Hkun Kyi Sao Hpa of Hsatung

Hkun Pang

Tin E

Htun Myint

Kya Bu

Hkun Saw

Burmese Government

Bogyoke Aungsan

Sao Yape Hpa
Hkun Htee

The Kachin Committee

Sinwa	Myitkyina
Zau Rip	do
Dinra Tang	do
Zau La	Bhamo
Zau Lawn	do
Labang Grong	do

The Chin Committee

U Hlur Hmung	ATM, I.D.S.M, B.E.M	Falam, Chin Hills
U Thawng	ATM	Tiddam do
U Kio Mang	ATM	Hak do

This Agreement was signed with an understanding that the peoples of the Frontier Areas, three diverse ethnic nationals, the Shan, Kachin and Chin would join with the Burmans to ask British for independence. The new country, was envisioned by all especially the Non-Burman nationalities as 4 co- independent and equal national states, in Burmese called 'Pyidaungsu' federated to form the Union of Burma.

The 1947 Panglong Accord, is therefore the most significant historically and politically defining document for Burma. It symbolised the coming together of different various territories and ethnic communities, over which the British ruled. It represented at that time the aspiration of all leaders, both the Burmans and the non-Burmans that they would be free from Foreign colonisation and jointly obtained independence from British rule.

After signing the Panglong Agreement the The Frontier Areas Committee of Enquiry (FACE)consisting of the members below conducted their enquiries:

1. Composition of the Committee.

The Members of the Committee were:-

Chairman:

Mr. D. R. Rees-Williams, M.P.

Burma Members:

The Hon. U Tin Tut, C.B.E.

Member without portfolio
of Executive Council.

Frontier Areas Members:

The Hon. Sawbwa of
Mongpawm(Shan),
Counsellor to H.E. the
Governor for
the Frontier Areas, and
Member of Executive Council.

Thakin Nu, Vice-President
A.F.P.F.L.
Sima Hsinwa Nawng (Kachin),
Deputy Counsellor.
U Khin Maung Gale,
A.F.P.F.L
U Vum Ko Hau (Chin),
Deputy Counsellor.
Saw Myint Thein,
Karen Youth's Organization.
Saw Sankey,
Karen National Union.

Secretariat:

Mr.W.B.J.Ledwidge,
Burma Office,
Secretariat.
U Tun Pe, B.Fr.S.,
Joint Secretary.
Major Shan Lone, O.B.E., M.C., B.Fr.S.,
Assistant Secretary.

Saw Myint Thein joined the Committee when it moved to Maymyo, in place of the Hon'ble U Kyaw Nyein.

The Committee started conducting their enquiry in Rangoon but later moved to Maymyo where several Shan leaders and Representatives or Witnesses were present, each representative being interviewed separately. This was to obtain a collective views of the peoples of the Frontier areas. Since the committee conducted its inquiry after the signing of the Panglong Agreement, during March and April 1947, the evidence they heard was generally in favour of cooperation with Burma but under the following conditions: 1. Equal Rights, 2. Full autonomy and 3. the right of secession from Burma Proper at any time.

In the FACE report, particularly the right of secession was a must for the Frontier Areas. This was opposed by the some Burman nationalists, U Saw and Thakin Ba Sein, who earlier had refused to sign the Aung San-Attlee Agreement. They accused Aung San of having given up Burman territories, and argued that the Frontier Areas were the creation of the British, by their 'colonial divide and rule policy.' U Aung San dismissed this criticism as historically unfounded and politically unwise. He said, the "Right of Secession must be given, but it is our duty to work and show our sincerity so that don't wish to leave"

During one of the AFPFL Convention in 1947, Aung San was asked by one of his colleagues, "when building the new Union of Burma should it not be a Unitary State?" To this, Aung San replied, "In my opinion it is not feasible to have a Unitary State, it must be set up as a Federal Union with proper regulated provision to safeguard the rights of the national minorities. The idea is the Union States should have their own separate constitution, their own Parliament, Government and Judiciary.

Following the signing of the 'Panglong Agreement' a Constituent Assembly met to draw up the Constitution for the new Union. It was led by Aung San himself and convened in June 1947. In keeping with his promise the Constitution was based on the principles of the Panglong Agreement, the Chin, Kachin and Shan States were separate equal states to Burma Proper, each with its own Constitution and controlling its own internal affairs. The right of secession' was also drafted into the Constitution.

Panglong Agreement as summarized by Shan Herald Agency for News (SHAN) summarized the said topics in 2016 as follows:

- Point 1-4. Shan, Chin and Kachin representatives will be appointed as minister and deputy ministers respectively responsible for matters relating to Frontier Areas affairs (now known as Border Affairs)
- Point 5. Full autonomy in internal affairs
- Point 6. A status of state for the Kachins in the future independent Union. (The Chins then did not request the same status)
- Point 7. Rights and privileges fundamental in democratic countries (which is interpreted by the author as Human Rights and Democracy)
- Point 8-9. Financial autonomy as in the Federated Shan States for Chin and Kachin

Panglong Promises

During the 4-day negotiations in Panglong, 8-11 February 1947, the following demands were made by the Joint Chin-Kachin-Shan Committee, officially dubbed Supreme Council of the United Hill Peoples (SCOUHP):

- The right to secede if and when we choose
- Equal status
- Joint responsibility for common subjects such as foreign affairs, defense and coinage and

Gen Aung San reportedly had accepted all in principle but requested that they be included in the Union constitution to be drafted by the upcoming Constituent Assembly instead. His solemn word of honor thus became known as the promises of Panglong.

Copy of the original Panglong Agreement can be obtained according to the procedure of national documentation historical archive law.

The Framing and drafting of the Union Constitution.

(Ref: Burma's Constitution by Maung Maung, the Hague 1961, appendix IV. Maritus Nijhoff ; Mr. Aman Ullah, a Rohingya historian .

Having founded the Union of Burma by the agreement of the four groups of nation states, the Shan, Kachin, Chin and Burma Proper the Union Constitution was framed.

When he had formulated the principles of the Constitution of the Union of Burma Aung San gave a speech at the AFPFL Convention in May 1947. He explained the principles of the Panglong Agreement, and the establishing of a Federal Union.

He said “When we build our new Burma, shall we build it as a Union or as a Unitary State? In my opinion it will not be feasible to set up a Unitary State. We must set up a Union with properly regulated provisions to safeguard the rights of the national minorities.”

Aung San also insisted that the right of self-determination for the ethnic nationalities the Chin, Kachin and Shan should be recognised and safe-guarded as they are groups of individual nation states or Pyidaungsu, whose representatives were his co- signatories in the Panglong Agreement. Each group signed on behalf of their own nation state, while he and his colleagues signed on behalf Burma Proper.

“The right of self-determination means that a nation can arrange its life according to its will. It has the right to arrange its life on the basis of autonomy. It has the right to enter into federal relation with other nations. It has the right to complete secession.” Moreover, Aung San clarified the nature of ethnic and cultural minority rights and their implications, an issue which many of his contemporaries regarded as problematic” .

It was right that Bogyoke Aung San should explain the rights of Nation or Union states After all, the British occupied these four colonies separately as independent countries in different periods of time, and applied different administrative systems in accordance with the different constitutions that the colonial power had promulgated for them. The British officially promulgated the Chin Constitution, called the “Chin Hills Regulation,” in 1896, the “Kachin Hills Regulation” in 1895, the “1919 Act of Shan States” which later became a Federated Shan States” in 1922, and the “1935 Burma Act” in 1937. The Chin Hills Regulation of 1896 covered present Chin State in Burma, present Mizoram State, Nagaland State, and part of Manipur and Meghalaya States in India. The 1935 Burma Act was applied to the area of the pre-colonial Myanmar/Burman Kingdom, which included the former Arakan and Mon Kingdoms as well as delta areas of Karen country.

Based on the principles of equality, the right of self-determination, and constitutional protection of ethnic and cultural minority groups, the Constitution of the Union of Burma was duly approved by members of the AFPFL at the convention.

The drafting of the 1947 Constitution was led by Bogyoke Aung San, and the commission included the Sao Hpa of Mongpaw, Thakin Mya, U Ba Cho, U Ba Wun, Mr. Abdul Razak, Mahn Ba Khaing and U Ohn Maung. This was submitted to the AFPFL convention held in May 1947, at the Jubilee Hall in Rangoon.

Aung San’s Constitution is as follow:-

Chapter 1

THE BURMA UNION AND ITS UNITS

1. Burma should be Proclaimed as an ‘Independent Sovereign Republic.’

2. The said Independent Sovereign Republic of Burma shall comprise: –

A. Such territories that were heretofore within the British Burma known as: –

- i. Ministerial Burma,**
- ii. Homalin Sub-Division,**
- iii. Sinkaling Khamti,**
- iv. Thaungdut,**
- v. Somra Tract,**
- vi. Naga Hills,**
- vii. Salween District,**
- viii. Kanpetlet Sub-Division, and**
- ix. Arakan Hill Tracts.**

B. The Federated Shan States (including Kokang and Mongpai).

C. Karenni States

D.Kachin Hills, and

E. Chin Hills District (excluding Kanpetlet Sub-Division)-

2. The said Independent Sovereign Republic of Burma should be known as the 'Union of Burma.'

1) The status of a Union State should be accorded to a people who have: –

- i. A defined geographical area with a character of its own;**
- ii. Unity of language, different from the Burmese;**
- iii. Unity of culture;**
- iv. Community of historical traditions;**
- v. Community of economic interests; a measure of economic self- sufficiency;**
- vi. A fairly large population;**
- vii. The desire to maintain its distinct identity as a separate Unit.**

2) The status of an 'Autonomous State' should be accorded to a people who more or less possess the above-mentioned characteristics but lack in economic self-sufficiency.

3) The status of a 'National Area' should be accorded to a people who are lacking in all the above-mentioned characteristics except more or less a distinct language, a territory on which it is concentrated in appreciable numbers and the desire to maintain its distinct identity.

4) The rights of National Minority should be guaranteed to a group of persons who –

- (i) Differ from the Burmese in race, language, culture and historical traditions,**
- (ii) form at least one-tenth of the total population of Burma or of any Unit.**

4. The jurisdiction of the Union, as represented by its highest organs of state authority and organs of Government, covers the following subjects: –

1) Constitutional Affairs.

- 2) Foreign Affairs.
- 3) Defence.
- 4) Foreign Trade.
- 5) Federal Finance.
- 6) National Planning.
- 7) Security.
- 8) Transport and Communications.
- 9) Federal Education.
- 10) Federal Health.

5. All power and authority of the Sovereign Independent Republic of Burma, its constituent parts and organs of Government, are derived from the people.

Chapter 7 as follow: –

The Union States

1. The Union State shall have its own constitution in conformity with the constitution of the Union and its own specific characteristics and features.

2. It is suggested that the Head of the Union State may be called the GOVERNOR who should be elected by the State Legislature.

3. In the Union State the legislature may exclusively make laws in relation to matters coming within the classes of subjects next hereinafter enumerated: –

(1)Constitutional Affairs: –

- i. The amendment from time to time of the Constitution of the Union State subject to this Constitution;
- ii. The conduct of elections to the Union State Legislature and other local bodies;
- iii. The establishment and tenure of Union State officers and the appointment and payment of State officers.

(2) Finance: –

- i. Direct taxation within the Union State, other than federal taxes and revenue, in order to the raising of a revenue, for Union State purposes;
- ii. Land Revenue;
- iii. Minor minerals as defined in Chapter VIII of the Shan States Manual;
- iv. Timber other than exportable timber;
- v. Taxes on luxuries and entertainments;
- vi. Sale tax;
- vii. Taxes on professions, trade, callings and employment;
- viii. Excise duties on alcoholic liquors and narcotic drugs;
- ix. Shop, saloon, tavern, auctioneer and other licenses in order to the raising of a revenue for State, local or Municipal purposes.

(3)Economic Affairs: –

- i.Agriculture and Veterinary;

- ii. Fisheries within the State,**
- iii. Regulation of land tenures;**
- iv. Internal trade and commerce;**
- v. Water Supplies and Irrigations;**
- vi. Unemployment and Relief of the poor.**

(4) Security: –

i. Police Administration:

ii. Administration of justice by Courts subordinate to High Court:

iii. The imposition of punishment by fine, penalty or imprisonment for enforcing any law of the Union State made in relation to any matter coming within any of the classes of subjects enumerated in this section.

(5) Communications: – Local works and undertakings within the State other than Railways, subject to the power of the Union Assembly to declare any work a national work and to provide for its construction and by arrangement with the State legislature or otherwise.

(6) Education: –

i. Education, other than higher education;

ii. Management and control of all educational institutions;

iii. Non-federal libraries, museums and other institutions;

iv. Theatres, dramatic performances and cinemas.

(7) Health: –

i. Public health and sanitation;

ii. The establishment, maintenance and management of hospitals, asylums and dispensaries.

(8) Local Government: –

(i) Municipalities and other local bodies;

(ii) Charities and charitable institutions.

(The full text of Aung San Constitution can be read in 'Burma's Constitution' by Maung Maung, Martinus Nijhoff, The Hague, 1961, Appendix IV.)

Unfortunately Aung San was assassinated by U Saw on July 19, 1947. He was succeeded by U Nu as a leader of AFPFL. As leader of the Interim Government, he had the responsibility to follow up the Constitution that was drafted by Aung San and his colleagues as agreed by the Panglong signatories, and majority of the AFPFL at the May 1947 Convention. But in September 1947, U Nu ordered U Chan Htun to re-draft U Aung San's Union Constitution. So U Chan Htun's version of the Union Constitution was promulgated by the Constituent Assembly of the interim government of Burma in September 1947. (soon after the death of Bogyoke Aung San.

According to U Chan Htun's version of the Union Constitution, Burma Proper did not form its own separate National State, but merged into and became the Union State, claiming authority and power over the whole of Burma, while destroying the rights of individual nation state. Thus the ethnic Bamar became the dominion group who controlled the sovereign power of the Union, including the legislative, judicial and administrative powers. The other ethnic nationalities, not only lost their own respective national State, but also their rights of self-determination, legislative, judicial and administrative power. Each became a "vassal state" of the ethnic Burman.

Another serious flaw in the Constitution drafted by U Chan Htun was the absence of state constitutions for all individual member states of the Union. Contrary to the original agreement, of which Aung San and Chin, Kachin and Shan leaders agreed upon, a separate state with its own constitution national equality, self-determination and the right to secede from the Union were completely wiped out. In U Chan Htun's version all the affairs of the states were incorporated into the Union Constitution. In this way, state affairs became part and parcel of the Union Constitution, with no separate constitutions for the Chin, Kachin, Shan and other ethnic nationalities. Such a constitutional arrangement indicated that whatever powers of the of states government had the right to enjoy and exercised were controlled by the central government, characteristic of a unitary state system.

In a unitary system, power lies in the hands of the central government, and the powers of local governing or administrative units derived from or are devolved to them by the central government. Burman became a dominated group not only in the Chamber of Deputies (the lower house) but also in the Chamber of Nationalities (Upper house).

Thus, the fate of the country and the people, especially those of the non-Burman nationalities, changed dramatically between July and September 1947. As a consequence, Burma did not become a genuine federal union, as U Chan Htun himself admitted to historian Hugh Tinker. He said, "Our country, although federal in theory, is in practice unitary."

Hence, all the non-Burman nationalities viewed the Union Constitution itself as an instrument for imposing a tyranny of the majority and not as their protector, and it was this perception that led Burma into fifty years of civil war, and the rise of several ethnic armed resistant movements.

In 1962, the Shan and other ethnic leaders demanded that Prime Minister U Nu call for an urgent meeting of Parliamentarians, to discuss the Federal Issue which had completely gone wrong. Burma had become a unitary Nation, instead of a Federal Union. All Parliamentarians arrived in Rangoon, in preparation for the planned meeting. Just before the meeting Ne Win's army staged a coup. Soldiers unexpectedly arrived at the residences of all the Sao Hpas(Shan leaders) and other Parliamentarians and with guns pointing at each and every individual, guarded them to prison where they remained for the next six years, and then house arrest until the older generation (first generation after the coup) passed away.

Fully armed soldiers invaded the ethnic states. This was the beginning of the Bamar Tatmadaw/Political Institution's declaration of war on the Shan and other ethnic states, which is still going on until today. The Institution usurped power, hijacked the homelands and resources of non- Bamar ethnic nationalities and became a self- appointed ruler, with absolute power over the whole of Burma. It subjected all citizens to a life of fear and terror, and committed different forms of heinous human rights violations against them. This gave rise to various ethnic armed resistant movements.

(The Tatmadaw or the Bamar Army is the continuation of the Bamar Military/Political Institution just before World War II, founded by a group of Bamar politicians (Thakins) with very strong feelings against the colonisation of the Bamar Heartland by Britain, as seen by their frequent remarks, "colonization is evil, and that the British colonization of Burma was a shock to their system, damaged their psyche and shattered their pride." It was founded based on revenge, anger and hate. They are unable to forget and move forward, and their ideology and belief have been passed down from one generation to generation. The fear of being colonised by Foreign Power has left a scar in the hearts and minds of Bamar Nationalists: phobia, suspicion, anger, hate and resentment. These negative feelings have been directed against other ethnic nationalities of Burma because they felt and still feel being let down by the latter ; they claimed that the other ethnic nationalities had been manipulated by the British to resist, and not to conform to the Bamar political Institution's Ideology.)

Sai Oo