

BURMA



Treaty Series No. 16 (1948)

## Treaty

between the Government of the United Kingdom and the  
Provisional Government of Burma regarding the

# Recognition of Burmese Independence and Related Matters

[With Exchange of Notes and Annex]

London, 17th October, 1947

[Ratifications exchanged at Rangoon, 4th January, 1948]

*Presented by the Secretary of State for Foreign Affairs  
to Parliament by Command of His Majesty*

LONDON

HIS MAJESTY'S STATIONERY OFFICE

THREEPENCE NET

Cmd. 7360

**TREATY BETWEEN THE GOVERNMENT OF THE UNITED  
KINGDOM AND THE PROVISIONAL GOVERNMENT OF  
BURMA REGARDING THE RECOGNITION OF BURMESE  
INDEPENDENCE AND RELATED MATTERS**

*London, 17th October, 1947*

The Government of the United Kingdom of Great Britain and Northern Ireland, and the Provisional Government of Burma;

Considering that it is the intention of the Government of the United Kingdom of Great Britain and Northern Ireland to invite Parliament to pass legislation at an early date providing that Burma shall become an independent State;

Desiring to define their future relations as the Governments of independent States on the terms of complete freedom, equality and independence and to consolidate and perpetuate the cordial friendship and good understanding which subsist between them; and

Desiring also to provide for certain matters arising from the forthcoming change in the relations between them,

Have decided to conclude a treaty for this purpose and have appointed as their plenipotentiaries:—

The Government of the United Kingdom of Great Britain and Northern Ireland:

The Right Hon. Clement Richard Attlee, C.H., M.P., Prime Minister and First Lord of the Treasury.

The Provisional Government of Burma:

The Hon'ble Thakin Nu, Prime Minister.

Who have agreed as follows:—

**ARTICLE 1**

The Government of the United Kingdom recognise the Republic of the Union of Burma as a fully independent sovereign State.

The contracting Governments agree to the exchange of diplomatic representatives duly accredited

**ARTICLE 2**

All obligations and responsibilities heretofore devolving on the Government of the United Kingdom which arise from any valid international instrument shall henceforth, in so far as such instrument may be held to have application to Burma, devolve upon the Provisional Government of Burma. The rights and benefits heretofore enjoyed by the Government of the United Kingdom in virtue of the application of any such international instrument to Burma shall henceforth be enjoyed by the Provisional Government of Burma.

**ARTICLE 3**

Any person who at the date of the coming into force of the present Treaty is, by virtue of the Constitution of the Union of Burma, a citizen thereof and who is, or by virtue of a subsequent election is deemed to be, also a British subject, may make a declaration of alienage in the manner prescribed by the law of the Union, and thereupon shall cease to be a citizen of the Union.

The Provisional Government of Burma undertake to introduce in the Parliament of the Union as early as possible, and in any case within a period of one year from the coming into force of the present Treaty, legislation for the purpose of implementing the provisions of this Article.

#### ARTICLE 4

The relations of the contracting Governments in the sphere of Defence shall be regulated by the Agreement concluded between them on 29th August, 1947, the provisions of which are set out in the Annex hereto and which shall have force and effect as integral parts of the present Treaty.

#### ARTICLE 5

The Provisional Government of Burma reaffirm their obligation to pay to British subjects domiciled on the date of the coming into force of the present Treaty in any country other than India and Pakistan all pensions, proportionate pensions, gratuities, family pension fund and provident fund payments and contributions, leave salaries and other sums payable to them from the revenues of Burma or other funds under the control of the executive authority of Burma, in virtue of all periods of service prior to that date under the rules applicable immediately prior thereto.

#### ARTICLE 6

The contracting Governments agree that the following provisions shall constitute a final settlement of the financial questions dealt with in this Article:—

1. The Provisional Government of Burma reaffirm their agreement to pay over in full proceeds of the sale of Army (including Civil Affairs Service (Burma)) stores. The Government of the United Kingdom agree to make no claim on the Provisional Government of Burma for repayment of the cost of the Civil Affairs Administration prior to the restoration of civil government.

2. The Government of the United Kingdom agree to cancel £15 million of the sums advanced towards the deficits on the Ordinary Budget and the Frontier Areas Budget. The balance of the sums will be repaid by Burma in twenty equal yearly instalments beginning not later than 1st April, 1952, no interest being chargeable. The cancellation of this amount of Burma's indebtedness is accepted by the Provisional Government of Burma as a further contribution by the Government of the United Kingdom towards the restoration of Burma's financial position and as a final liquidation of their claim in respect of the cost of supplies and services furnished to the British Military Administration in Burma.

3. The Provisional Government of Burma agree to repay in full the sums advanced by the Government of the United Kingdom towards expenditure on Projects (including Public Utilities, &c.). In accordance with existing agreements, repayment will continue to be made from current receipts in excess of necessary outgoings and working capital and from the proceeds of liquidation, and the balance of advances outstanding will be repaid by the Provisional Government of Burma in twenty equal yearly instalments beginning not later than 1st April, 1952, no interest being chargeable.

4. The Government of the United Kingdom agree to continue to reimburse the Provisional Government of Burma for expenditure in respect of—

- (a) claims for supplies and services rendered to the Burma Army in the Burma campaign of 1942; and
- (b) release benefits payable on demobilisation to Burma Army personnel for war service.

5. Except in so far as they are specifically modified or superseded by the terms of this Agreement and of the Defence Agreement of 29th August, 1947, the provisions of the Financial Agreement of 30th April, 1947,<sup>(1)</sup> between the Government of the United Kingdom and the Government of Burma remain in force.

#### ARTICLE 7

(a) All contracts other than contracts for personal service made in the exercise of the executive authority of Burma before the coming into force of the Constitution of the Union of Burma to which any person being a British subject domiciled in the United Kingdom or any Company, wherever registered, which is mainly owned, or which is managed and controlled by British subjects so domiciled, was a party, or under which any such person or company was entitled to any right or benefit, shall as from that date, have effect as if made by the Provisional Government of Burma as constituted on and from that date; and all obligations that were binding on the Provisional Government of Burma immediately prior to the said date, and all liabilities, contractual or otherwise, to which that Government was then subject, shall, in so far as any such person or company as aforesaid is interested, devolve on the Provisional Government of Burma as so constituted.

(b) In so far as any property, or any interest in any property vested in any person or authority in Burma before the coming into force of the Constitution of the Union of Burma, or the benefit of any contract entered into by any such person or authority before that date, is thereafter transferred to, or vested in the Provisional or any successor Government of Burma, it shall be so transferred or vested subject to such rights as may previously have been created and still subsist therein, or in respect thereof, in favour of any person or company of the status or character described in the preceding sub-article.

#### ARTICLE 8

The contracting Governments being resolved to conclude at the earliest possible date a mutually satisfactory Treaty of Commerce and Navigation have agreed for a period of two years from the date of the coming into force of the present Treaty or until the conclusion of such a Treaty of Commerce and Navigation to conduct their commercial relations in the spirit of Nos. 1-3 of the Exchange of Notes annexed hereto, provided that, at any time after six months from the date of the coming into force of the present Treaty, either party may give three months' notice to terminate the undertaking set out therein.

#### ARTICLE 9

The contracting Governments agree to maintain postal services, including Air Mail services and Money Order services, on the existing basis, subject to any alteration in matters of detail which may be arranged between their respective Postal Administrations as occasion may arise.

#### ARTICLE 10

The Provisional Government of Burma agree to negotiate Treaty arrangements in respect of the care and upkeep of war cemeteries and/or war graves of the British Commonwealth and Empire in Burma with the Governments represented on the Imperial War Graves Commission and, pending

<sup>(1)</sup> *Hansard*, 22nd May, 1947, Cols. 276-7.

negotiation of such arrangements, to recognise the Imperial War Graves Commission as the sole authority responsible for dealing with such war cemeteries and/or war graves and to accord to the Commission the privileges set out in Nos. 4 and 5 of the Exchange of Notes annexed to the present Treaty.

ARTICLE 11

The contracting Governments will accord to each other the same treatment in civil aviation matters as heretofore, pending the conclusion of an Agreement in regard to them, provided that this arrangement may be terminated on six months' notice given by either side.

ARTICLE 12

The contracting Governments agree to conclude at the earliest possible date an agreement for the avoidance of double taxation.

ARTICLE 13

Nothing in the present Treaty is intended to or shall in any way prejudice the rights and obligations which devolve or may devolve upon either of the contracting parties under the Charter of the United Nations or from any special agreements concluded in virtue of Article 43 of the Charter.

ARTICLE 14

Should any difference arise relative to the application or the interpretation of the present Treaty, and should the contracting parties fail to settle such difference by direct negotiations, the difference shall be referred to the International Court of Justice unless the parties agree to another mode of settlement.

ARTICLE 15

The present Treaty shall be ratified and shall come into force immediately upon the exchange of Instruments of Ratification, which shall take place on the day on which Burma becomes independent in accordance with the appropriate legislation to be introduced in the United Kingdom for that purpose.

In witness whereof the above-named plenipotentiaries have signed the present Treaty and have affixed thereto their Seals.

Done in duplicate in London this 17th day of October, 1947

(L.S.) CLEMENT RICHARD ATTLEE.

(L.S.) THAKIN NU.