

9 April 1947: One State, One Leader. One League

1 Introduction

The elections of April 1947 are an outstanding event in the history of Burma and Myanmar. The people were called upon to choose a political body assigned to draft the constitution of a "new Burma" that was to become independent from foreign rule. The two following constitutions of 1974 and 2008 were drawn up by people hand-picked by two military juntas. About nine months after the polls of 1947 the National Assembly became the first parliament of independent Burma on January 4, 1948. In the early morning at 4.20 the Union Jack was pulled down and the flag of the Union of Burma was hoisted. To be precise, the term "National Assembly" was changed into "Chamber of Deputies". The second chamber provided for in the constitution, the Chamber of Nationalities, was convened only in 1952 after the first elections held in independent Burma in 1951.



Hubert Rance and Sao Shwe Htaik at the independence ceremony (Source: Wikipedia)

With regard to the country's "nationalities", another peculiarity has to be added. The 1947 polls were not quite "general". No elections were held in the former frontier areas that had been indirectly ruled by the British. As in November 1936, only the electorate of "Burma proper" was called to the polls. Independence Day therefore had not quite the same meaning for all citizens of the new state. However, Sao Shwe Htaik, a Hhan Prince who had become the speaker of the assembly drafting the constitution was elected as the first president of Burma and represented the country on independence day besides the outgoing Governor Hubert Rance.

Without doubt, 4 January 1948 designated a sharp cut in the relations of the new state and the former British masters. Not only had the last governor left Burma shortly after the ceremony. Many other British subjects many of them having worked in the administrative and economic fields went home because Burma had refused the British offer to join India in becoming a member of the Commonwealth of Nations.

However, a complete break did not come about as the next pages will show which deal with the developments focussing on the April 1947 elections to a Constituent Assembly and the drafting of the constitution. The new basic law was discussed and adopted by an assembly elected under rules that were similar to those of the constitution of 1935. The man who became prime minister on January 4, 1948, still known then as "Thakin" Nu signifying him as a revolutionary freedom fighter, had burned the Union Jack on April 1, 1937 in protest to the enactment of the colonial government's last provision to guide Burma on its way to responsible democratic governance. Now, he became the head of a government that had to rule under conditions that war partly taken over from the British..

Such observations point to a tensions between the new and the old. They pertain both to the character of the elections of 1947 and to the constitution drawn up by the elected representatives of the people and members from the former excluded areas appointed under special provisions. The background of the first president of Burma provides another example. The Shan ruler Sao Shwe Thaik who stood besides the outgoing British governor at the flag changing ceremony was still the

feudal lord of Yawnghwe, one of the many small Shan states and had just been elected Burma's "Provisional President" on September 25 by the Constituent Assembly. Shortly before, the prince had replaced Nu as president of the assembly after the latter had been nominated as successor of Aung San as de facto premier after the national hero had been assassinated in July 1947. Sao Shwe Thaik had however not been elected to the assembly but just nominated on the proposal of a commission headed by a British politician.

Such examples illustrate the complexity of the transition period from the resumption of British rule in May 1945 to a formally elected Burmese government that lasted until March 1952 after the first elections held under the constitution adopted by the Assembly.¹

The 1947 election can be regarded as the crucial link between the colonial period that replaced the institutions of royal rule and Burma's regaining of independence under a legal code that Aung San had called the foundation of a "new war-born democracy, not the old time-worn democracy of the Anglo-Saxons". On the other hand, a contemporary writer remarked that "the Burmans devoted much attention to the constitutional theory and practice of the western democracies" (Anonymous 1948: 98) "(Anonymous 1948: 98) For sure, Burma was eager to become worthy member of the new era beginning with the end of World War II.

The following paragraphs provide an outline of the way to the elections of April 1947 with a focus on the role of Aung San, his followers and rivals. Without doubt, Aung San was the architect of Burmese independence in his double capacity as soldier and politician. The narration starts with the Burmese opposition against British plans to extend the provisions under the Government of Burma Act of 1935 (2). This is followed by an overview on Aung San's rise to political leadership (3), the negotiations leading to the Aung San-Attlee agreement of January 1947 in which the modalities for attainment of independence within one year were laid (4) and the rejection of the agreement by his rivals (5). The next sections deal with the electoral scheme for the Constituent Assembly (6), the way to the election (7) and their results (8). Finally, the drafting process of the constitution is outlined that was overshadowed by Aung San's assassination on 19 July 1947, two months before the drafting process had been finished (9). Finally, some conclusions on the impact of this period on Burma's future development is presented (10).

Special attention will be given to the interrelation of the "new" political initiatives and the "old" elements taken over from the British" It is assumed that this relationship contributed to the tensions that marked the rather turbulent events in which the elections between the end of the war and the abolition of the first constitution in March 1962. were embedded

2 The British Long-Term Plan

On May 9, 1945, some weeks before the Allied Forces celebrated their victory over the Japanese in Rangoon, the Secretary of State for Burma submitted a "White Paper on Burma Policy". It contained two parts, a "Descriptive and Historical Note" on the country (6 pages) and "Statement of Policy" (3 pages).² The first part mentioned some shortcomings of the "Working of the Constitution of 1937" like the lack of well-organised parties based on "distinctive political principles" and "often changes of cabinets and ministers", but judged favourably on the overall performance of the Burmese members of government and their "genuine and earnest desire" to perform their duties.

With regard to the future, the paper argued that it would take some time to continue the political progress towards self-government which had been interrupted by the Japanese occupation. It proposed to extend the continuation of the Governor's right to govern Burma by declarations under

1 Sao Shwe Htaik was replaced in 1952 by Ba U He was then elected as a member of the Chamber of Nationalities and became its first Speaker.

2 For Part II see

https://www.cvce.eu/en/obj/statement_by_the_british_government_on_its_policy_in_burma_may_1945-en-569ef686-8daa-4d06-9af3-c426c7430c46.html (accessed 19.11.2020).

section 139 of the Government of Burma Act of 1935 till December 9, 1948.³ It was calculated that the process would last that long to "establish conditions in which a General Election could be held and a Government established under the normal constitutional methods." If the time was not sufficient, the parliament in London could extend the duration of section 139. It was further suggested to "liberalise" the "autocratic" rule of the British administration under this provision by establishing an Executive Council that could be enlarged over time. "by the inclusion of non-official Burmese-" Furthermore, the installation of a small legislative body was could be considered. (White Paper 1945: 9-10).

As a foreign commentator observed, this proposal was similar to the constitutional arrangements of the Dyarchy system. He noted that the postponement of the general elections - anticipated to be held end of 1948 – would result in a situation as it had existed some 20 years ago and did not meet the expectations of the Burmese people - as well as the contemporary American policy concerning the Philippines.⁴

After the elections, The White Paper envisaged a "second phase of constitutional development".

Our ultimate objective during this phase will be that representatives of the Burmese people, after reaching a sufficient measure of agreement between the various parties and sections, should draw up a Constitution of a type which they themselves consider most suitable for Burma, taking into account not only the British but the other various types of constitution in democratically governed countries. (White Paper: 10)

After that, the third and final stage of the plan stated:

His Majesty's Government will enter into discussions with representatives of Burma with a view to satisfactory agreements being made to enable them to fulfil their continuing obligations and to safeguard any outstanding financial advances made by His Majesty's Government, so that, when the necessary administrative organisation is in existence, and the other arrangements have been completed, full self-government within the British Commonwealth can thereupon be established in Burma proper. The administration of the Scheduled Areas, that is the Shan States and the tribal areas in the mountainous fringes of the country, inhabited by peoples differing in language, social customs and degree of political development from the Burmans inhabiting the central areas, would remain for the time being a responsibility of His Majesty's Government until such time as their inhabitants signify their desire for some suitable form of amalgamation of their territories with Burma proper. (White Paper: 10-11)

In June 1945, the paper was discussed in the British parliament. Even members of the Labour Party – otherwise supporting Burma's aspiration for independence – supported the paper albeit only because of the "spirit" in which it was introduced by the responsible government official. Stafford Cripps who had visited the country shortly before the outbreak of the war argued that it would be important that the Burmese would be fully involved and that Burma was not "reconstituted under a British Imperialist regime under British business men."⁵ A newspaper commentary praised the presentation of the proposal but regretted the "cold officialism of the White Paper".⁶

In sharp contrast to such positive assessments, a spokesman for the AFPFL stated on May 14, 1945 in an interview before the without reference to the Paper:

General elections can be held even now. There should be no fixed period for reconstruction which can be done at any time. We want to satisfy our political aspirations first and then we will carry on

3 The first proclamation under the section was issued on December 9, 1942. According to the Act, it could be extended yearly until a maximum of three years with the consent of both chambers of the British parliament. The proposal of the White Paper would have needed to be endorsed by parliament again.

4 The Journal-News 9.8.1945: 2.

5 *The Guardian*, 2.6.1945: 6.

6 *Ibid*: 4.

the reconstruction. That is the opinion of the whole of Burma [...] The reconstruction is more of our national work rather than the task of the British. (AFPFL 1946: 44)

The statements of the two sides seemed to be incompatible. The AFPFL emphasised their readiness in return to co-operate in completely driving out the "Japanese Fascists". On the other hand, it was stated in October 1945 that the League's Supreme Council "is fully determined to get the programme outlined in the White Paper altered." (AFPFL 1946: 82).

3 Aung San's Tough Way to Political Leadership

Lord Mountbatten realised that Aung San was the leader both of the Burma army and revered by the Burmese masses and that it would be wise to recognise him and other nationalists as "national heroes with the British rather than against them."⁷ After a conference in Kandy held in September 1945 that decided on the future of the Burmese armed forces, Mountbatten had to accept the refusal of the *bogyoke* (general) to assume a high position in the post-war Burmese army. Instead, Aung San declared that he wanted to pursue a political career. For many of his fellow countrymen until today he has a "double identity" as expressed in an article by a Burmese journalist end of 1945: "Though *Bogyoke* Aung San has left the *tatmadaw* [army], he is still the highest officer. Therefore, he still carries the title *Bogyoke*. He is a "politic-*Bogyoke*". (Prager 1998: 193)



Soem of the 30 Ccomrades. First ro, center: Aung San between a monk and the Japanese offices Suzuki Keijao; third from right: Ne Win- Suzuki

With regard to the position expressed in the White Paper, the role of Aung San was seen very differently by others who had spent the war years outside of Burma. This naturally applied to

⁷ <http://www.endofempire.asia/1101-a-sense-of-frustration-the-return-of-governor-dorman-smith-3/> (accessed 4.9.2020).

members of the Burmese "exile government" working in Simla during the war and – for different reasons – to Burmese politicians like Saw and Ba Seinn who had been forced to spend some years outside of Burma during the Japanese occupation.

In October 1945, Governor Dorman-Smith who had headed the British-Burma government in exile took over as governor of Burma from the military administration. He was confronted by the AFPFL that regarded itself as the future government of the country and was able to organise mass support. Aung San himself could further rely on an organisation of former BNA soldiers who had not been accepted for a position in the new Burma army according to the agreement reached in Kandy.

The situation changed after Dorman-Smith had left Burma in June 1946, officially because of ill health, and was replaced by Hubert Rance, a general who had already headed the British organisation caring for civil affairs after the reconquest of Burma. After a strike of the police that had spread and threatened to paralyse the administration, Rance on 19 September 1946 appointed Aung San as Deputy Head of the Executive Council, he de facto premier, together with some other members many of them close to the League. As he had demanded, he became further responsible for foreign affairs and defence in addition. One of the new members of the Council was Tin Tut, a senior Burmese civil servant, who had joined Governor Dorman-Smith in Simla. He had offered Aung San his administrative experience to assist the young leader to deal with the British bureaucrats.

Shortly after taking office, Aung San expelled the communist party from the AFPFL after a series of differences in October 1946. This resulted in the resignation of the communist leader Than Tun, Aung San's brother-in-law, from the post of General Secretary and the election of socialist Kyaw Nyein who outnumbered another communist candidate by a narrow margin. Aung San's main reason for the ouster of the communists put forward in a long radio speech (Silverstein 1993: 46-52) was the charge that they had destroyed the unity of the League as a "national front" and thus the attainment of "our independence soon and smoothly". (Silverstein 1993: 51) The communists had put the interests of their party first:

... they created rival mass organisations, they sowed confusion among the masses, they created parties everywhere; they took over a large number of executive positions in the League but did not work; they neglected to do the League's work and did only their Party work, League's work suffered; they always insolently insisted that only they were right and others were wrong. (Silverstein 1993: 48)

In his list of accusations, elections were mentioned as well, albeit just briefly:

... communists are now talking sarcastically about elections. We do not regard elections as the only means of achieving independence, but I want to laugh at communists talking bombastically against elections. [...] Joshi [an Indian communist] told them: "You must take part in elections; major political changes will follow elections." I knew that: I merely did not want to talk about it. (Silverstein 1993: 50)

In December 1947, the British Prime Minister Clement Attlee announced that a Burmese delegation had been invited to London for negotiating details of a transfer of power. It was expected that Aung San would lead the delegation. Attlee had been elected to the post after his Labour Party had defeated the Conservative Party headed by Winston Churchill in the elections of July 1945. The latter under whose premiership the White Paper had been drawn up, criticised the move to invite the Burmese delegation as premature.

4 Independence within One Year and a Speedy Holding of Elections

Shortly before the Burmese delegates travelled to London, the AFPFL had passed three demands on December 23, 1946 that had the character of an ultimatum. Until January 31, 1947, the British Government had to declare that the forthcoming elections would be for a Constituent Assembly and that "within one year from that date Burma will be given her freedom." (Tinker 1984: 138)

Independence had thus to be achieved by January 31, 1948. The third demand of the resolution was the transformation of the Government's Executive Council into an Interim Government. Preparations were made for organising strikes if these demands were not met by the British Government (Simony 2014: 15-16). With regard to elections, in comparison to the White paper a shortcut was demanded.

The Burmese delegation had been selected by Governor Rance and included six men who were considered to represent the whole Burmese political spectrum. No ethnic non-Burmese was invited however. Besides Aung San, two other members of the AFPFL, Ba Pe and Mya, the senior leader of the socialists, represented the leading political organisation. Furthermore, Ba Sein for the *Do-Bama* and Saw for the *Myochit* parties as well as Tin Tut as an independent were selected to join the delegation. All of them were members of the Executive Council, Ba Sein and Saw represented the opposition to the AFPFL.

The proposals of the "Burma Delegation" were submitted by Aung San as the head of the delegation. Both sides discussed the different positions at separate meetings. In the end, most of the AFPFL demands were accepted. With regard to the controversial issue of the establishment of a Legislative Council, a face saving compromise was found by providing for an Interim Legislature and an Interim Government. Officially the British governor was still in charge of the political development, *de facto* the Burmese political bodies took over political responsibility. With regard to the legislature, a Legislative Council according to the Act of 1935, with regard to the government it was stated: The Executive Council will be treated with the same close consultation and consideration as a Dominion Government, and will have the greatest possible freedom in the exercise of the day-to-day administration of the country". (Aung San-Attlee Agreement, Section 4 (a)).



From left to right: Ba Pe, Mya, Attlee, Aung San, Saw (with dark glasses), Tin Tut (Source: Myanmar Mix)

The future status of the hitherto excluded areas, was postponed. "The early unification of the Frontier Areas and Ministerial Burma with the free consent of the inhabitants of those areas" was envisaged. Details should be discussed at a conference to take place in Panglong, Shan State, in February. After that, both governments were to "agree on the best method of advancing their common aims in accordance with the expressed views of the peoples of the Frontier Areas." Furthermore, an enquiry committee was to be set up to investigate the views of the "hill people". (Aung San-Attlee Agreement, Section 8)

All in all, the time table of the White paper was condensed to one year, the role of Aung San as the head of an interim government was strengthened and elections to a Constituent Assembly were determined as the open door for a quick achievement of independence for Burma inside or outside the British Commonwealth.

5 Boycott Measures of Aung San's Opponents

One day before the end of the conference, the two members of the Burmese delegation representing parties outside the AFPFL in the Governor's Council stated that they "were unable to associate themselves with the Statement" that had been drawn up to summarise the outcome of the meeting (Tinker 1984: 364-382). Members of the British delegations asked why the two had not voiced alternative views and that the British Government would have to explain the reasons for the dissent.

The diddidents did not explain. Tin Tut suggested that the two had hoped for the negotiations to fail. Aung San said: "Let them resign and say ... that they don't take any responsibility for it."

Consequently, the parties headed by the two politicians – Ba Sein's *Dobama Asiyone* and Saw's *Myochit* - boycotted the elections of April 1947. Instead, they formed a loose alignment with Ba Maw's *Maha-Bama* (Great Burma) party. The name of this loose alignment was "Independence First" alluding that the Attlee-Aung San Agreement had compromised the main goal that the people of Burma wanted to achieve.

Another group, that boycotted the elections, was the Karen National Union (KNU), the largest of the Karen organisations. In a meeting after the London Conference attended by 700 people, an ultimatum to the British government had been adopted. It called for a greater representation of the Karen in the Constituent Assembly, the (interim) Legislative Council and the Executive Council. One of the six demands forwarded by the Karen to the Burma Executive Council was to reserve 25% of the seats both in the Governor's Executive Council and in the "Interim Legislature" for Karen representatives. Furthermore, the creation of a "Karen State, with seaboard" should be accepted in principle. The British Government did not respond and Aung San refused to meet the demands. As a consequence, the Karen National Union (KNU) decided to boycott the elections resulting in a split of the Karen movement. The Karen Youth Organisation (KYO), regarded as being close to Aung San and thus the AFPFL, decided to take part (Tinker 1984: 421-422).

As a result of these boycott declarations, the only opponents of the AFPFL in the elections were the followers of Than Tun's communist party that had their stronghold in some parts of the Pegu (Bago) Division. The AFPFL in contrast was represented in almost all regions of Burma proper.

6 The Election Scheme

The organisation of the elections of April 9, 1947 was based on the regulations of the 1935 Government of Burma Act. As in 1936, non-communal and communal constituencies were designated, the number of 91 for the former was maintained whereas the latter was reduced to 14 communal constituencies, 12 for the Karen and 2 for the Anglo-Burmese population. "Alien elements" - most notably Indians - were thus excluded as Aung San explained at a press conference after his return to Burma (Tinker 1984: 388-389).

As before the war, elections took place only in Burma proper, not in the Frontier Areas. Details of how representatives of these regions should participate in the Constituent Assembly were to be investigated by a special committee to be established later. The "Frontier Areas Inquiry Committee" consisted of nine members, four each from the two regions that had been administered differently before the war under the chairmanship of a British Labour Party MP who had worked some years as a lawyer in Malaya.⁸

With regard to the size of the new parliamentary body, Aung San suggested that in each of the 105 constituencies in which elections had been held before the war two members should be elected. Thus, the number of elected members of the Constituent Assembly was raised to 210 against the 132 members of the House of Representatives before the war. The demand to double the number of members was seen as unpractical by the British members. Aung San, however, argued that a greater number of "qualified people" would be helpful to decide on the future constitution of the country. In addition, time pressure would make it impossible to increase the number of constituencies.

The question of how many representatives should come from the former Frontier Areas was left to be decided by the Enquiry Committee. It started to work in March 1947 and submitted the report on

8 The Burmese members were: Tin Tut, Nu, Khin Maung Gale (both from the AFPFL), Saw Myint Sein (PYO); he had replaced Kyaw Nyein from the AFPFL who as Home Minister of the Executive Council resigned at the beginning of the elaborations but participated in some meetings as an observer; the Frontier Areas were represented by the Sawbwa of Mongpaw (Shan) Sima Hsinwa Nawng (Kachin), Vum Ko Haus (Chin), Saw Sankey (KNU).

April 24, two weeks after the elections had taken place. With regard to the non-elected members of the Constituent Assembly, the commission recommended that 45 of them should be chosen. This meant in fact an allocation of 10 seats more than the 35 seats, that would have matched with the population ratio of Burma Proper and Frontier Areas of 6 : 1 in regard to the 210 "Burma" seats. The decision was justified with the great diversity of ethnic groups and the size of the area – 47% of the British colony - traditionally inhabited by the previously excluded areas. With regard to the 26 seats filled by the Shan, the committee recommended that they should be appointed by the Council of the Shan States composed half of Sawbwas (the traditional rulers) and the other half representatives of the people. For the other groups, different ways of choosing the members were suggested.⁹ - According to these regulations, the Constituent Assembly would comprise of 255 members.

The (s)election of these 45 members of the Assembly happened before its first session on June 10, 1947. Details about the process of nominating the members in the different regions could not be ascertained. It was however recorded that on June 10, when the Assembly was convened for the first time only three of the 45 members from the Frontier Areas were not present at the constituent session.

Before the Enquiry Committee started its work Aung San successfully held the Panglong Conference prescribed in the Agreement reached in London in January. He met from 8 to 12. February in Panglong with representatives of the Shan, Kachin and Chin who signed an agreement to jointly achieve independence from Britain. The Karen and Karenni communities however were represented just by observers. The vaguely worded agreement until today is regarded as the founding document of Burma/Myanmar as a multi-ethnic nation-state, but was very differently interpreted after Aung San's death. (Walton 2008).

7 The Election Process

Not much campaigning took place before the elections were held on Wednesday, 9 April 1947, Time was very limited and the outcome was pre-defined because Aung San's AFPFL did not face serious competition. The main concern of the officials was to make sure that polling could be safely performed because the general condition of law and order was fragile. To suppress the activities of dacoits and/or rebels in the Toungoo area which was located close to the strongholds of the communists, a military operation was launched called "Poation Flush". It was headed by a British officer with the participation of a Burmese battalion commanded by Col. Ne Win. This battalion was integrated in the Burma army according to the Kandy agreement of September 1945. The Burmese unit was lauded for its promising performance.

Available sources suggest, that the only true election campaigner was Aung San. Besides performing his duties in Rangoon as *de facto* chief of government, he travelled the country extensively to motivate the electorate to vote for the AFPFL candidates. This engagement underlines both the outstanding prominence of the "politic-Bogyoke" and the fact that Aung San represented the program of the AFPFL.

A closer look at his travel program between his appointment as actual head of government in September 1946 and election day illustrates his personal engagement that warrants his later reputation as the "Father of the Nation": In late November 1946, he travelled to Myitkyina to meet Kachin leaders, arriving there November 28 and staying until December 2. He met a number of Kachin leaders who were attending a conference there. From 18th of December onwards, he was in Tenasserim Division and concentrated on talking to Karen representatives. He further joined the celebrations of Karen New Year festival. On one occasion, he wore a Karen dress and declared his

⁹ 7 seats were provided for the Kachin, six for the Chin and the Arakan Hill Tracts, two each for the Karenni and the Salween District (inhabited mainly by Karens) and one each for two other regions. For some groups like the Nagas and some regions inhabited by the Wa, no representation was suggested because of their "backwardness".

hope to be accepted “as a member of the family”. (Naw 2001: 197-198) Later he visited Loikaw (Karen State) and Taunggyi in Shan State.

After the return from London in early January 1947 and having attended the Panglong Conference, Aung San toured various regions of Burma. From March 15-17, he visited southern Burma and from the 20th to 26th of the same month Upper Burma. Then he travelled to Thandwe in Arakan on April 1st and the area around Toungoo on April 4 and 5. He emphasised the need for a strong AFPFL representation in the Assembly regardless of the capacity of the candidates. No intellectuals



Painting after a photo showing Aung San with Kachin ladies taken during his visit to Myityina (H.-B. Zöllner)

were needed who would give just long talks. Instead, people were required who could fight for the right cause. (Prager 1998: 280-281) People undertook long journeys in order to see him.

Election day was – unexpectedly – quiet and the elections went “extremely smoothly” as the British official responsible for Burma told Parliament in early May.¹⁰ This was partly due to the activities of members of the PVO. Many of these former soldiers of the army under Aung San’s leadership had been chosen as candidates, others served as election assistants. They were accused by the politicians who boycotted the elections vote rigging by intimating the electorate to go to the polls or being shot.¹¹ Furthermore, most of the constituencies were not contested because only two candidates had been nominated.

For this reason as well as due to the general lack of data, it is difficult to ascertain the turnout. It is undisputed that 7 million people – half of the population at that time – were entitled to vote.¹² The British authorities had calculated that almost 50% of the eligible voters went to the polls and thus only few less than in 1936. This was regarded as a good result given the tenseness of the situation (Tinker 1984: 499). Given the fact that from the non-communal constituencies only 42 were contested and just three from the 14 reserved for Karen and Anglo-Burmese, this information about voter turnout is not very convincing. It further seems that the call for boycott was observed in contested Karen constituencies. In one of them the turnout was just 7,7%. All in all, only 43.689 Karen voters were recorded to have cast their vote (Tinker 1984: 921). In the area in which Operation Flush had been executed, the voter turnout was rather low, too, with around 30%.

8 The Results

As had been expected, the AFPFL won a landslide victory. It was, however, a victory in which the AFPFL faced almost no rival. According to documents of the Indian Office Records, all but six seats of the 49 non-communal constituencies where voting took place went to AFPFL candidates. These six were won by members close to the White Flag communist party headed by Thakin Than Tun in the rural constituencies of Yamethin (4) and Toungoo (2).¹³ In ten other constituencies (six rural and four urban) their candidates were in most cases distinctly beaten distinctly by the candidates with an AFPFL affiliation. The British authors who published the numbers

10 <https://api.parliament.uk/historic-hansard/commons/1947/may/02/burma-failure-of-constitutional-machinery> (accessed 6.4.2020).

11 *The News Journal* (Wilmington, Delaware) 4.4.1947: 16. Ba Maw was reported to having quoted Aung San thus: “Either you take part in the elections or you’ll will be shot.”

12 The voting age was 21. Monks was entitled to vote, too, what caused some protests.

13 The number of members of the communist party who were elected is often given as 7 or 8.

noted that the communists won their votes mainly in rural areas and did poorly in the cities and that no prominent member of the party had won a seat.¹⁴ In almost all other contested constituencies, the AFPFL candidates defeated independents. It must however be noted that the reports about the elections given by the British administration were not very precise.

2.6 Elections for Constitutional Assembly

1947	Total number	%	Seats	%
Registered voters	—	—	—	—
Votes cast	—	49.8	—	—
Invalid votes	—	—	—	—
Valid votes	—	—	—	—
			210 ^a	100.0
AFPFL	1,755,000	—	173	82.4
CPB	126,000	—	7	3.3
KYO ^b	109,000	—	19	9.0
Independent Karen	—	—	5	2.4
Anglo-Burmans	—	—	4	1.9
Independents	—	—	2	1.0

Source: Frasch 2003

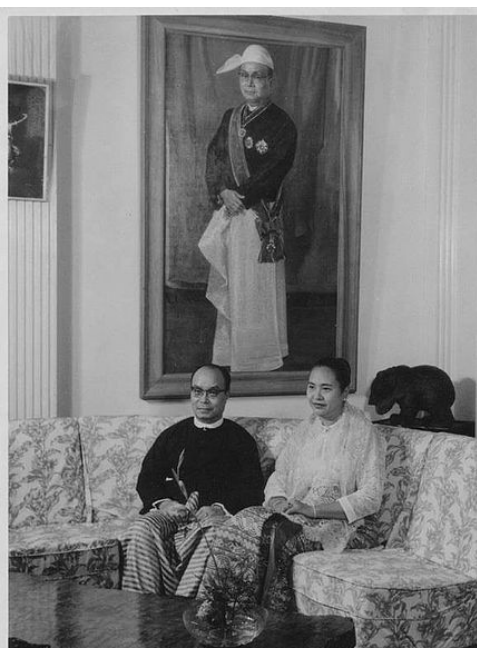
Most of the 24 seats reserved for the Karen went to the KYO due to the election boycott on the side of the the KNU. Because of the sympathy of the organisation towards the AFPFL, the Karen members of the assembly contributed to the almost complete victory of the League. No details are

available about the four Anglo-Burmese members elected. The British administration noted that 30 candidates in the general constituencies had prefixed their names by the word “Bo” indicating that they had served in the Burmese army. Later they wore the uniform of the PVO when attending sessions of the Constituent Assembly and the Parliament. Twenty six of the elected members used the prefix “Thakin”, four had Indian names, three of them being Muslims. Three women were nominated, all on an AFPFL ticket and all were elected.

9 Drafting the Constitution

Before the first session of the Constituent Assembly on June 10, 1947, a mass meeting of AFPFL members took place at Rangoon’s Jubilee Hall. This was the city’s most prestigious building for holding gala events and had been built to mark the 60th year of Queen Victoria’s reign. The meeting lasted from May 18 to 23 and was convened to discuss and adopt a draft of the future constitution. It had been proposed by Aung San and drafted by Mya, the socialist AFPFL leader and Chan Htoon, born 1906. He was a lawyer who had studied in Ceylon and Cambridge and had been appointed by Aung San in early 1947 as constitutional advisor (UHRC 1999, 2: 67).¹⁵ On the last day, the Aung San gave a lengthy speech on his vision of Burma’s future that included a number of remarks about “Burmese Democracy.”

Among other issues, he explained his understanding of democracy. (Silverstein 1993: 151-161) He described the basis of “Burmese Democracy” as an economy that in essence was non-capitalist. Quoting a slogan from the utilitarian ethical philosophy to strive for “the greatest



Chan Htoon and wife (Source: Wikipedia)

14 This communist strength in rural constituencies can be attributed to the fact that their main political objective was to abolish taxes for the peasants. The small number of constituencies contested and the absence of leading members of the party indicates that the party led by Than Tun was aware of Aung San’s and the AFPFL’s popularity.

15 According to this source, Chan Htoon as well as Aung San had consulted (Sir) Benegal Narsing Rao who was instrumental in drafting the Indian constitution.

happiness for the greatest number” he stated: “We want that sort of democracy in which the greatest number wields the greatest power.” It would be utopian to strive for happiness for all as long as “capital and labour, landlord and tenant” still existed. “But the idea of a New Democracy is that in each instance of a clash between conflicting interests, the State will be on the side of the poor masses on ineluctable principle”. As a consequence:

The kind of constitution the New Democracy would envisage is one which would place power in the hands of the masses through their elected representatives from top to bottom. If they have no confidence in their representatives they must have the power to recall them. (Silverstein 1993: 155)

Aung San did not specify how this “recalling” should be organised but it seems clear that he did not advocate for a formal procedure in which just the number of votes determines the political agenda but advocated for a “qualified” democracy in which “the State” in any case of conflict would act in the interest of the poor masses. He thus envisaged a “mass and class democracy”. At the end of his speech he quoted a Pali saying: “Unity is the foundation. Let this fact be engraved in your memory, ye who harken to me, and go ye to your appointed task with diligence.” (Silverstein 1993: 161)

The first session of the Constituent Assembly took place from June 10 to 18, 1947. Nu was elected as President. In a long speech lasting 90 minutes Aung San introduced seven rather general “basic principles” of the constitution that were adopted seven days later. Furthermore, a 55 member “Constituent Committee” was elected that formed some sub-commissions dealing with various issues. (UHRC 1999, 2: 85-90)

It had been planned to reconvene the Assembly on July 7, but that was not possible because the commissions could not finish their work in time. Therefore, July 29 was scheduled as the first day of the second session.

The assassination of Aung San and members of his cabinet on July 19, 1947 not only annihilated his further participation in the drafting process but also the option of gathering information on the question as to how he might have judged the program enshrined in the constitution he had envisaged. The Constituent Assembly continued its work speedily because of the time pressure to gain independence within one year.

The constitution was unanimously adopted on September 24, 1947.¹⁶ The original text had been written in English. The translation of the text into Burmese was not quite finished to be distributed to the members of the Assembly in time before the last session. In Chapter II, a number of rights of the citizens are enumerated, among them certain “economic rights”. Chapter III defines the “Relations of the State to the Peasants and Workers”, and in Chapter IV “Directive Principles of State Policy” are prescribed taking up what Aung San had suggested in his draft constitution.¹⁷ (UHRC 1999, 2: 225-268)

However, many regulations on the Legislature in Chapter VI of the constitution were modelled on the Government of Burma Act 1935. For example, the section about the meetings of the Chamber of Deputies was a precise copy of the respective section of the 1935 Act: The chamber “shall be summoned to meet once at least in every year ...” This provision shows that the role of parliament’s decisions was not regarded as more important than during colonial times, Interestingly, nothing was said about the language to be spoken in the parliaments. Chapter XIII (General Provisions) stated, that the “official language of the Union shall be Burmese, provided that the use of the English language may be permitted”. Among other issues, he explained his understanding of democracy. (Silverstein 1993: 151-161) He described the basis of “Burmese Democracy” as an economy that in essence was non-capitalist. Quoting a slogan from the utilitarian ethical philosophy to strive for “the greatest happiness for the greatest number” he stated: “We want that sort of democracy in which the

16 For the text see <https://www.burmalibrary.org/sites/burmalibrary.org/files/obl/docs07/1947Constitution-facsimile-red.pdf> (accessed 8.4.2020).

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Aung San leads a demonstration down Dalhousie (today: Maha Bandoola) Street to the Secretariat before attending a meeting of the Constituent Assembly (Source: Lost footsteps)

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The number of seats in the Chamber of Deputies was set at 250, almost the same number as the 210 members elected in April 1947 plus the 45 representatives from the Frontier Areas. The Chamber of Nationalities was comprised of 125 members with a majority allotted to members from the former Frontier Areas and the Karen.²⁰

10 Conclusion

The elections to the Constituent Assembly in April 1947 can be seen as a hinge without that the door to Burma's independence could not have been opened as speedily as desired by the Burmese. Metaphorically speaking, this device however consisted of a hybrid substance, one part of it fabricated in the political environment that the Burmese independence seekers wanted to leave as soon as possible, the other in a product of Burmese brand of socialist ideas.

In terms of political reality, both the elections and the new constitution included elements of the Government of Burma Act of 1935 that had been heavily opposed before the war and denounced even at the London conference. The elections under the provisions of the constitution of 1947 were therefore of a hybrid nature.

This elections' outcome was clearly a result of the dominating figure of Aung San. He convinced people to vote for the right candidate. His Burmese political rivals had recognised that they would have no chance to compete with the League led by him. Equally important was the way the Buddhist Burmese people perceived Aung San. It has been argued that he fitted well into the *minlaung* scheme, the sudden rise of an "embryo king" to superior power and there are a number of indications that Aung San identified himself with the popular view or at least did not reject such claims (Prager 2003). One can argue that the elections were in line of what Aung San wrote in 1941 when he rejected British democracy and wrote: "There will be only one nation, one state, one party, one leader." (Silverstein 1993: 20).

It has further been suggested that Aung San used the shape of the most revered pagoda in Burma, the Shwedagon, as a symbol for the structure of the AFPFL and the Burmese nation under its leadership (Prager 1998: 185-187). The pagoda was a structure that integrated many elements from bottom to the top and vice versa on different levels, a model following the Hindu-Buddhist *mandala*-concept.

In this concept, unity was stressed, but it was a vertical one. The top echelons of society and the masses were combined by mutual obligations as exemplified in the duty of the state leaders to assist the poor and to recall the peoples' representatives if necessary. This model stressed unity not plurality. Correspondingly, the first constitution of Burma did not aim at regulating social conflict by a sophisticated system of checks and balances as western textbook-democracy requires but by defining the "the greatest happiness for the greatest number" of people and obliging the state to act accordingly. A united parliament – placed close to the top of the pagoda-shaped structure of society – was expected to act in conformity with the state represented by the government..

To some extent the rather uniform composition of the Constituent Assembly can be ascribed to the electoral first-past-the-post system adopted from the colonial period. If a system of proportional representation had been chosen, the picture would have been more differentiated even though the

20 According to the Second Schedule of the constitution, the 125 seats were to be filled thus: Shan: 25, Kachin: 12; Chin: 8; Karenni: 3; Karen: 24; remaining territories: 53.

elections took part only in the former “Ministerial Burma”. The adopted system might have contributed to the election boycott of parties headed by older pre-war politicians who knew that they would have no chance to compete with candidates loyal to Aung San.

The actions of the two dissidents of the Burmese delegation in London can be seen as a continuation of a no-compromise attitude that already characterised pre-war politics lack of finding compromises. Already before, the brothers-in-law Than Tun and Aung San who had worked together in the cabinet under Ba Maw’s leadership could not settle their differences on AFPFL policies, The Karen movement split on the question of participating in the elections.

These divisions had extremely grave consequences. The exclusion of the communist parties resulted not just in a civil war but overshadowed the political climate over decades due to ongoing ideological tensions within the AFPFL, the Karen community was split and – worst of all – Aung San was killed on the order of Saw who used a method of settling political conflicts about leadership that had been common in royal times. One can say that the political system introduced and impersonated by Aung San was in a way killed together with him. It had been tailor-made for him, and could not really fit any successor.

In November 1947, the debate on the Burmese Independence Act in the British parliament showed that British opinions on Burma's future under the new constitution were very much divided. On the occasion of the second reading of the Act, Winston Churchill, the leader of the conservative opposition, vigorously attacked the bill. The report on his speech by a London newspaper was entitled “Mr. Churchill’s Warning. ‘Burmese Independence is the Prelude to Slaughter’”.²¹ The opposition leader defended the White Paper that had been drafted when he still had headed the government, labelled Aung San and Saw as “traitors” and referred to the violence which had occurred in India after the Indian Independence Bill had been passed in August 1947 as well as to the many “murders and dacoities” happening in Burma to substantiate his argument that Burma was not yet “fit for full self-government”.²²

The speakers of the two great parties painted an antagonistic picture of Burma’s reality. The opposition claimed that Aung San had created a “totalitarian regime” with the assistance of a “political police” and that the “seeds of democratic ideas” sown in the last decades would be soon destroyed. The Karen and others who had supported the British would suffer. The speakers of the ruling Labour Party stated that the new constitution drafted in a remarkably short time displayed the “democratic genius of the British people” and that the Burmese government now was working under the – somewhat amended - provisions of the 1935 Act. The Karen majority had accepted the new constitution, just a small minority in the Delta did not agree.

In the end, the Bill was carried with 288 “Ayes” among them three members of the Conservative Party, against “114 “Noes”.

With regard to the role of the elections to the Constituent Assembly, the British MPs voting with “No” regarded the work on the constitution as just a means to reach independence as soon as possible and not a sign that the “essence” of – British – style - democracy had already taken roots in Burma. The majority considered the adopted constitution as sufficient evidence of the legitimacy of the adopted political order.

In Burma, Aung San had argued in his speech at the Shwedagon Pagoda on January 20, 1946 that “the logic of historical events will take its own course and decide for us” even if the holding of elections would not be held right away in accordance with the schedule prescribed by the White Paper (Aung San 1974: 99) .For him, thus, elections were a necessary but not sufficient precondition of the Burmese “new democracy”.

21 *The Guardian* 6.11.1947: 3.

22 <https://api.parliament.uk/historic-hansard/commons/1947/nov/05/burma-independence-bill> (accessed 10.4.2020).

