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INDEX	PA	Action Taken

*M. P. H. ps*

BRITISH EMBASSY,  
RANGOON.

12 May 1982

R P Flower Esq  
SEAD  
FCO

*Dear Robert,*

*I regret that I didn't get around to doing this. I will do so when you will to take it on. Retire old hat now though.*

*W. P. H.*

*I've drafted an acknowledgement*

*W 23/11*

*P.N. 24/5/82*

BURMESE CITIZENSHIP DRAFT LAW

1. I comment below on what appear to be the main differences between existing legislation (the Union Citizenship Act 1948) and the new proposed citizenship law published in the Working People's Daily Supplement on 21 April 1982. Copies of both are attached as are an Australian report, a comparison of proposed and existing legislation and a minute of my own about Indian reaction to the bill.
2. Chapter 2 of the draft bill contains restrictions that do not exist in the 1948 legislation. Under present legislation children whose parents have a right to citizenship would also be entitled to citizenship. Children born after the proposed new law comes into effect however will not be automatically entitled to citizenship solely because, for example, their ancestors had made Burma their home for two generations.
3. Chapter 3 introduces another restricted category of citizenship which did not exist under the 1948 legislation, that of the temporary naturalized citizen. Amongst the restrictions imposed on such citizens is a commitment not to leave Burma within five years of naturalization. A further new restriction is that a child may lose his citizenship if his parent or parents are deprived of theirs.
4. Section 21 and 22 in Chapter 5 introduce a proposal that (a) a naturalized citizen under 18 years may not leave Burma without the state's permission and (b) an adult naturalized citizen may not leave Burma within five years from the date the certificate of naturalisation is granted without the state's

/permission



permission.

5. The 1948 legislation makes no distinction between natural-born and naturalized citizens: there is only one class of citizenship. The new draft law (Chapter 6, section 27) establishes two classes of citizenship and proposes that naturalised citizens' rights may be curtailed. Naturalised citizens cannot, for example, be elected as Peoples Representatives and other restrictions may be imposed executively: in other words no limit is laid down and there is scope for ad hoc and extensive restrictions as yet undefined.

6. Chapters 9 and 15 make it clear that all citizenship questions are to be decided by the Central Body and that an appeal may be made to the Council of Ministers. Under the 1948 legislation the courts could be used, but this access is not available under the new proposals. Decisions by the Council of Ministers and the Central Body are final, and reasons for the decisions will not be given.

7. Section 35 (Chapter 10) on stateless persons is restrictive. There is no provision in existing law for stateless persons: under the proposed law they may apply for Foreigner's Registration Certificates, but one of the conditions imposed is that they have served a sentence passed by a court. The intention of this proposed law, as mentioned in the explanation, is to prevent illegal immigration. Its provisions are so wide-ranging however that others who did not enter illegally would be liable to have the same penalties imposed.

#### 8. Comment

Although the proposed bill is more liberal than some Burmese had expected (for example, it does not appear that those who are already citizens will have their rights curtailed), it is far more restrictive than existing legislation. Please see my enclosed minute about a conversation with the Indian Ambassador. The latter may well have exaggerated future Burmese reaction to it but the thrust of his criticism is justified. The new bill reflects little credit on

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the legislators and ultimately the regime as a whole and I see it as another move in Burma's policy of keeping itself "pure" of foreign involvement. Its immediate concern, I assume, is with illegal Bengali immigration into Arakan.

Yours ever,

Charles Booth.

C L Booth

cc: N&TD, FCO

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## THE CITIZENSHIP BILL

1. I called last week on the Indian Ambassador to ask for his views on the Bill. Mr Swell took an apocalyptic view of this legislation.
2. Mr Swell said that he thought that as many as one half of the population might be adversely affected by the Bill's provisions. He based this on the curious calculation that descendants of people settled in Burma since 1823 of foreign and mixed blood might well amount to 50% of the total population. He thought that the whole of the group of foreign blood could only hope to be naturalized citizens and he commented that in no other country in the world except South Africa did the law prescribe different types of citizenship with one group possessing limited rights. He thought that this would be the recipe for widespread discontent and he speculated that the BCP [Burma Communist Party] would benefit from such a state of affairs with the long term possibility that the country's unity would be destroyed. In my view this is very exaggerated, but taken in conjunction with the Indian Minister's comments to the Australian Embassy recorded in Mr Bassett's report, it is clear that the Indian Embassy take a very serious view of the legislation.
3. I asked Mr Swell whether he would be protesting about the discriminatory provisions of the Bill. His answer was no – this was a strictly internal Burmese affair. I conclude from this that the Indians are not at present at any rate considering the possibility that the legislation may be in breach of international human rights declarations and that Burma may be vulnerable to criticism in human rights fora.

[Initialled] CWB

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