

Kopie (samt Beilage) für die Handelsabteilung des EVD



EVD	
No.	<i>Burma (B.S.)</i>
CAJ	
EE	
R	16. NOV. 1963
Kopie an	B e r n

12. November 1963

M.30.41. - AE/r1

ad s.B.34.66.Burma.O.-VG/en

An die Abteilung für
Politische Angelegenheiten
Eidgenössisches Politisches Departement
B e r n

Burma: Neue Nationalisierungen

Herr Botschafter,

Unter Bezugnahme auf mein Schreiben vom 31.10.63 beehre ich mich, Ihnen in der Beilage eine Kopie des "Nationalisation of Enterprises Act, 1963", der rückwirkend auf den 16. August 1963 in Kraft getreten ist, zu übermitteln. Unser Konsulat in Rangoon bestätigt, dass damit die burmesische Regierung in der Lage ist, irgendwelche Betriebe, ob Handel, Industrie oder andere Tätigkeit, ob registriert oder nicht, ob im Besitz einer Einzelperson oder von Gruppen, zu verstaatlichen.

In Beantwortung Ihrer Anfrage vom 24. Oktober 1963, ob und in welchem Ausmass dieses Dekret allenfalls schweizerische Interessen gefährde, lasse ich den Wortlaut eines diesbezüglichen Schreibens unseres Konsulates in Rangoon vom 6. November 1963 folgen:

"Diese Massnahme hat die Auswirkung, dass auch die von Herrn Keller geleitete holländische Firma Massink & Co. Ltd. früher oder später vom Staate übernommen werden könnte. Da die Firma Favre-Leuba Imports Limited sich nun in Liquidation befindet, wird diese Firma wohl kaum mehr von diesem Gesetz berührt. Die Frage, ob nach Abschluss der Liquidation das Kapital in die Schweiz zurücktransferiert werden kann oder nicht, kann nicht definitiv beantwortet werden. Wie Sie aus dem Beispiel Berli, Jucker & Co. wissen, werden solche Transfersuche auf die lange Bank geschoben.

Herr Keller erklärte mir, dass seine Firma noch über grosse Warenlager verfüge, die es ihm erlauben dürften, für einige Zeit sich über Wasser zu halten. Später wird ihm keine Geschäftsmöglichkeit mehr offen bleiben. Bereits seit 1 1/2 Jahren haben alle ausländischen Firmen, wie Massink und Favre-Leuba, keine Möglichkeit mehr gehabt, eigene Importe zu tätigen. Als Agenten konnten ausländische Firmen

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schon seit mehr als drei Jahren nicht mehr funktionieren."

Eine Kopie dieses Schreibens samt Beilage ging direkt an die Handelsabteilung.

Genehmigen Sie, Herr Botschafter, die Versicherung meiner vorzüglichen Hochachtung.

Der Schweizerische Botschafter:

sig. Ri Aman

1 Beilage

THE NATIONALISATION OF ENTERPRISES ACT, 1963

(Revolutionary Council of the Union of Burma Act No. XXXIII of 1963)

The Chairman of the Revolutionary Council of the Union of Burma enacts the following Act: -

1. (1) This Act shall be called the Nationalisation of Enterprises Act, 1963
 (2) It shall be deemed to have come into force on the 16th August 1963.
2. In this Act, unless it is necessary to interpret otherwise, the word "enterprise" includes any industry, trade or other business undertaken by a company, organisation or body of persons whether incorporated or not, or by an individual.
3. (1) The Government shall have power to nationalise any enterprise by issue of notification.
 (2) When an enterprise is nationalised by issue of notification, the enterprise specified in the said notification will become a state-owned enterprise under sub-section (3) on the date specified in that notification.
 (3) Such notification of nationalisation shall include the following:-
 (a) all assets of the said enterprise; and
 (b) such portion of the liabilities of the said enterprise as the Government assumes and ought to pay.
4. (1) The Government shall, by notification, constitute the necessary Management Committee to take care of and continue to manage the enterprise and assets nationalised
 (2) The Management Committee shall comply with the directives of the Government.
5. (1) The Government shall, by notification, constitute the necessary Compensation Assessment Committee consisting of a Chairman and other Committee members.
 (2) The Compensation Assessment Committee shall determine the following matters:-
 (a) matters concerning the assets of the enterprise taken over;
 (b) compensation payable to the enterprise on account of the said assets; and
 (c) mode of payment of compensation.
6. In determining compensation under sub-section (2) of section 5 the Compensation Assessment Committee shall not be required to comply with the Civil Procedure Code or any other law in force, but shall discharge its functions in accordance with equity.
7. (1) The Compensation Assessment Committee shall, in connection with the following matters, have such powers as are vested in a civil court under the Civil Procedure Code : -
 (a) causing disclosure, inspection and examination of matters;
 (b) summoning witnesses to appear, and requiring deposit of witness fee;
 (c) requiring submission of documents;
 (d) examining witnesses on oath;
 (e) granting postponement;
 (f) accepting affidavit of witness; and
 (g) transferring authority to examine witnesses.

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Furthermore, the Compensation Assessment Committee shall be deemed to be a civil court within the meaning of section 480 and 482 of the Criminal Procedure Code.

- (2) If a member of the Compensation Assessment Committee is unable to act as such member, the Government shall appoint another suitable person in his stead. The Compensation Assessment Committee shall proceed with its functions as if the said person had been appointed as its members since its inception.
 - (3) When the members of the Compensation Assessment Committee are divided in opinion, the opinion of the majority shall prevail.
 - (4) No appeal from or revision of the decision of the Compensation Assessment Committee shall lie to any court of law.
 - (5) The Government may revise the decision of the Compensation Assessment Committee in accordance with expediency.
8. The Government may, for purposes of the Act, issue such directives as it thinks necessary.
 9. The Government may, by notification, make rules for carrying out the purposes of the Act.
 10. No civil, criminal or other legal proceedings shall be instituted against any person for any act done or intended to be done by him in good faith in accordance with the Act or the rules made thereunder.
 11. Save as otherwise expressly provided in the Act or the rules made thereunder, no civil or legal proceeding shall be instituted against the Government for any act done by it in accordance with the Act or the rules made thereunder.
 12. Any person who contravenes the Act or the rules made or directive issued thereunder or in any way interferes with or causes suffering to a person or persons in the discharge of his or their duties under the Act shall be punished with imprisonment for a term which may extend to five years or with fine or with both.

Sd/ - BO NE WIN
Chairman

Revolutionary Council of the Union of Burma

19th October 1963

By Order,
Lt. Col. Ko Ko ,
Secretary to the Revolutionary Government
of the Union of Burma.