

# Changing from Malaya to Malaysia

457 P8 24 07/07/07

■ By Poh-Ling Tan 07.07.2007

As the Federal Constitution celebrates its first half-century, LexisNexis Malaysia is publishing a collection of essays by a range of experts about the signposts along the way. The following is the third of an exclusive fortnightly series of six excerpts from the book to be published next month

THE years 1957 to 1963 were an emotional roller-coaster ride for Malaya.

The Communist Emergency, which had posed such a risk to Malaysians and the British since the late 1940s, formally ended through clever diplomacy by (then prime minister) Tunku Abdul Rahman in 1960.

Shortly after, federation talks started in earnest with Singapore, North Borneo and Sarawak.

An undeclared war with Indonesia cast dark shadows in 1962, but this only strengthened the Tunku's hand, fortifying his resolve to create the expanded federation.

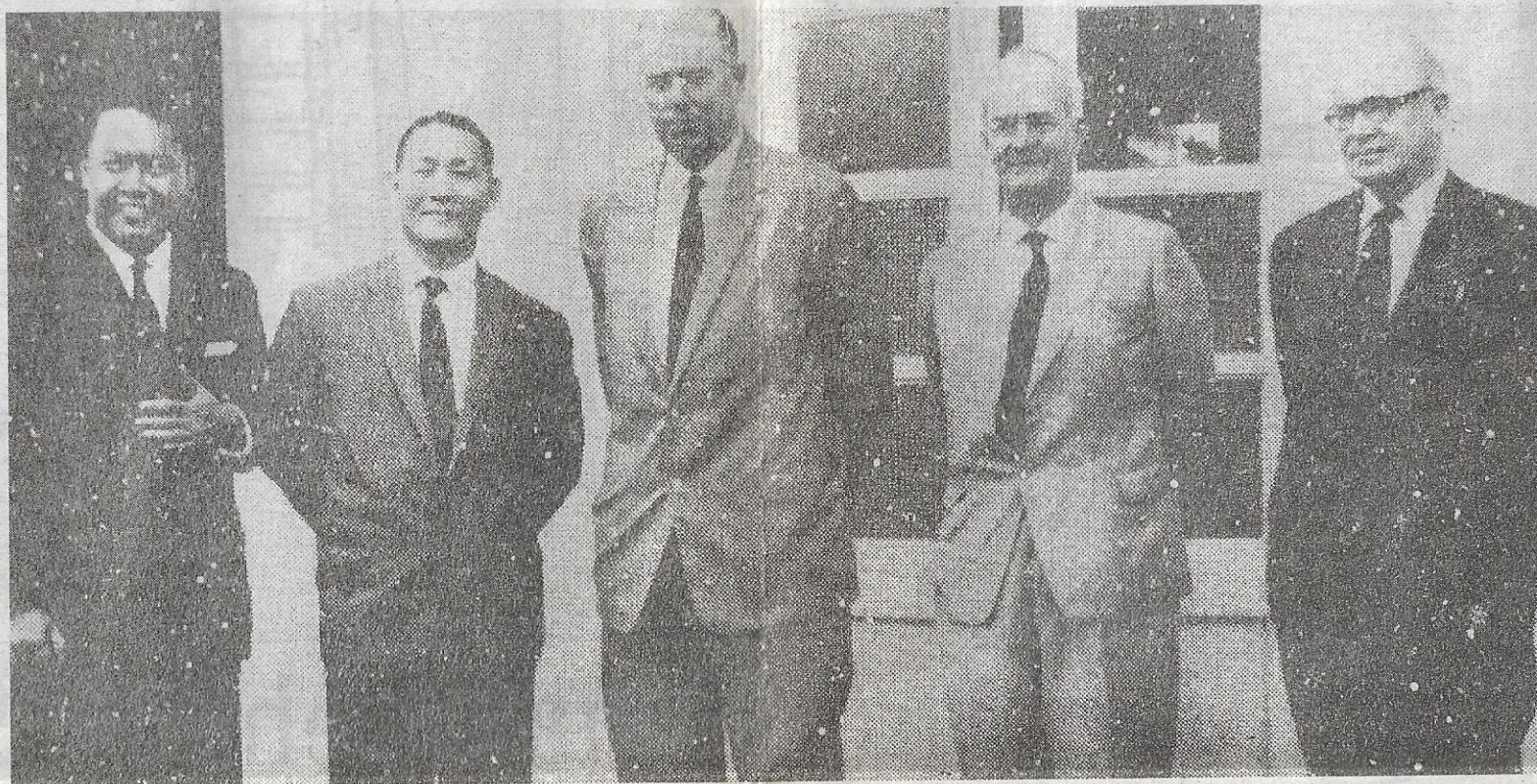
The catalyst for the merger was the common fear of the Tunku and Singapore's Chief Minister Lee Kuan Yew of communism. Malaya had a long-festering home-grown threat which the People's Action Party (PAP) came to share.

The split in the PAP between its English-educated "moderate" leaders and the predominantly Chinese-educated rank and file "radicals" and the loss of official PAP candidates in several by-elections in 1961 raised the possibility of Lee's downfall.

The spectre of a "Chinese Cuba" on Malaya's doorstep barely a month after his own May speech meant that Tunku soon found himself on a campaign to sell Malaysia.

It was earlier seen as perilous to invite Singapore inside the federation; now it was dangerous to keep it out.

North Borneo (Sabah), Sarawak



The Cobbold Commission was formed jointly by the British and Malayan governments in 1962. It was headed by Lord Cobbold (right), a former Governor of the Bank of England, and comprised (from left) Mohd Ghazali Shafie, Permanent Secretary to the Ministry of Foreign Affairs; (Tun) Datuk Wong Pow Nee, the Chief Minister of Penang; Sir Anthony Abell, the former Governor of Sarawak and Sir David Watherston, the former Chief Secretary of Malaya.

and Brunei were seen as counter-vailing balance to Singapore's Chinese population.

The assumption was that non-Malay indigenous people of those territories held interests closely related to the Malays.

In July 1961, Tunku made a visit to Brunei, enthusiastically referring to the possibility of Brunei being the 12th Malayan state.

By the end of that month Lee and Tunku met informally with representatives from Sarawak and North Borneo and by Aug 23, 1961, the two leaders reached agreement on the broad terms of merger.

At around that time, Malaysia and Singapore agreed to set up a commission of inquiry into views of the peoples of North Borneo and Sarawak on the merger.

Commission chairman Lord Cobbold, a former governor of the Bank of England, reported that about one-third of the population wanted immediate and simultaneous independence and merger, without too much concern about terms and conditions.

Another third wanted entry with safeguards for indigenous people, with the desired protection varying in nature and extent.

The remainder were divided between those who insisted on prior grant of independence before merger was effected, and those who strongly preferred a continuance of British rule.

From Malaya itself, only the Pan-Malayan Islamic Party (PMIP) flatly opposed the idea. They saw the proposal as a threat to the primacy of Malays and sought to widen the scope to include the Philippines and Indonesia.

Outside Malaya, opposition to the merger came from Brunei, Indonesia and the Philippines. Initially the Sultan of Brunei voiced approval for the concept, and the Brunei Legislative Council agreed to the proposal in July 1962.

A revolt by a secret wing of Partai Ra'ayat under A.M. Azahari in December 1962 did not stop the merger. Talks continued with the Sultan of Brunei but the relationship between Brunei and Kuala Lumpur cooled over two major matters: Federal taxation of Brunei's oil revenue and the status of the Sultan of Brunei vis-a-vis other rulers.

Kuala Lumpur had wanted Brunei to have control over oil revenue for only 10 years after federation.

This was unacceptable to the sultan, as was the proposition that he would be reportedly relegated to the most junior position in the system of a rotating monarchy. By July 1963, Brunei indicated that she would not join the federation.

The strongest opposition came from Indonesia and their campaign, "Konfrontasi", troubled the Malayan people from 1963 to 1966.

As early as 1945, President Sukarno had visualised that the Malay Peninsula would form the neck of an Indonesian archipelago encircling Singapore, all of the North Borneo states and the Philippines. By April 1963, he put his ambitions to the test.

But the skill and experience of troops gained from the 12 years of the Emergency, coupled with the forbearance learnt by her politicians, and the loyalty of all Malaysians regardless of their racial background, turned this into their finest hour.

With Sukarno ousted from power, peace talks were held. Although there had been no declaration of war, the undisguised acts of aggression necessitated a peace agreement, signed on Aug 11, 1966.

One of the little observed outcomes of Konfrontasi was the suspension of elections to local councils, "the very essence of a democratic system". Tunku solemnly promised in the Dewan Rakyat that this was a temporary suspension given the grave threat the nation faced.

What was supposed to be a temporary measure turned into a permanent feature of the political landscape.

Merger of the Federation of Malaya and the new states of Sabah, Sarawak and Singapore was a remarkable feat when one considers that it was achieved in two years.

The initial reluctance of the Borneo

states, the strong opposition by left-wing labour in Singapore and the competing interests of Peninsular Malaya all had to be overcome.

Views of the people in the Borneo states had to be canvassed by an independent commission and concessions had to be made on all sides.

The Borneo states were given a wide variety of financial benefits and constitutional safeguards were put in place relating to immigration, religion and the special position of indigenous people.

Singapore, too, had safeguards and benefits, but there was less satisfaction with the terms of her bargain.

Often, credit for the merger is given to two men, the Tunku and Lee. Without the Tunku's astuteness in understanding the complexities of multi-ethnic politics, his affable personality and his ability to rally Malaysians, it is possible that Malaysia would not have been achieved.

We should also bear in mind that they were both motivated by another fear — this time shared — of internal unrest by communist elements. Yet Malaysians had much to be proud of during this period.

United as a new nation, they resisted the expansionist drive of a hostile neighbour, Indonesia. On the other side of the ledger, counting the losses of the period, there was an erosion of fundamental liberties in Malaya as well as Singapore.

Arrests of many dissidents took place under emergency regulations.

The very limited checks placed in the constitution over the exercise of extraordinary emergency powers were modified in 1960.

These were to confer even wider discretion on the executive and legislative branches of government, subject to lesser parliamentary control.

Some of the problems of balancing claims by groups still resonate today — including disputes over freedom of religion.

In part, the uneasiness in the bilateral relationship between Singapore and Malaysia stems from the hurried and incomplete negotiations over the enlarged federation. Recent strains between the two countries originate from the water agreements signed during this period.

Pressure, built up over the soon-to-be-established federation of 1963, led to the first battle over the constitution when Kelantan took up the cudgels on behalf of other states to argue that the Malaysia Agreement and the Malaysia Act were null and void.

---

■ Poh-Ling Tan is associate professor of law at Griffith University in Queensland, Australia. Her late father, opposition leader Dr Tan Chee Khoon, played a role in Malaysia's early years. For details, log into [www.lexisnexis.com.my](http://www.lexisnexis.com.my)