

The Malayan Union

James de V. Allen

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I *Origins*

The origins of the Malayan Union are almost as much of a mystery to the historian as the fact that it was announced, promulgated, and abandoned all within the space of a few months. The Malayan Union scheme - and by this I mean the constitutional settlement imposed upon the entire Malayan Peninsula as soon as civilian superseded military government in 1946 - represented an almost complete reversal of the whole trend of British policy in pre-1941 Malaya. The Federation which replaced it, on the other hand, was a recognizable successor to the earlier regime. The Union scheme implied a willingness to break with the principle that Malaya was primarily the land of the Malays. The Federation negotiations showed that this principle had not been forgotten after all. The Malayan Union, as designed, was in every essential a Crown Colony. The Federation could no longer be fitted into this category. On the face of it the Union was a surprising thing for Britain's 1945 Labor government to want for Malaya, the Federation an even more surprising alternative. Nor is this last problem made any simpler by the discovery that the Union scheme was worked out not under the Labor government but under a Conservative secretary of state during the wartime coalition government. For whatever the explanation of this interlude - all the more curious for being so short - in British government in Malaya, a quick survey of the chief dates shows that it is impossible to trace any direct connection with British party politics.

The details of the scheme were evolved by the Malayan Planning Unit which was set up by the Colonial Office in July 1943.¹ By 1944 the cabinet was able to issue directives on constitutional matters to the planners,² and the administrators who had been trained under the aegis of the Unit to run Malaya under the British Military Authority (including the original members of the Unit themselves) were all ready to leave for Malaya, if not indeed on their way, when the Japanese surrendered in 1945.³ The scheme must therefore have been started and completed when Oliver Stanley was Colonial Secretary. He succeeded Lord Cranborn (later Lord Salisbury) in November 1942; at the same time Harold MacMillan succeeded the Labor Parliamentary Under-Secretary, J. D. Hall, but made way

for another Conservative, the Duke of Devonshire, during 1943. J. D. Hall and A. Creech-Jones succeeded Stanley and Devonshire respectively in August 1945, after the Labor election victory, and it fell to them to try to push the Union through. As their senior officials in Malaya they selected, first, as Governor-General, Malcolm MacDonald, who had been the Secretary of State for the Colonies himself as recently as 1941 but had been out of the country during the war and certainly had no hand in drafting the scheme; and secondly, Edward Gent, who equally certainly was closely connected with the scheme at every stage and who was nominated as the first Governor of the Malayan Union. Gent had joined the Colonial Office as a permanent official in 1920 and had been long connected with Malayan affairs; in 1942 he became Assistant Under-Secretary of State and was head of the Far Eastern Department. He had, of course, worked under MacDonald before when the latter was his minister. It is widely believed - and it does not seem an unnatural assumption - that the Malayan Union scheme was largely his creation.⁴

Political Developments before 1941

In order to comprehend the problem facing the Malayan Planning Unit in the Colonial Office, it is necessary to recapitulate the position in the Malay States at the time of the Japanese invasion. Malaya before 1941 was in many respects in a colonial relationship to Britain, but it was never a Crown Colony. The distinction is of some importance. Socially and economically there might be very little to distinguish Malaya from, say, Ceylon, which was a Crown Colony: but juristically her position was unique. There was no such thing, strictly speaking, as British Malaya, or even Malaya at all.⁵ The Malay States were Protected States under a British High Commissioner - although he was in practice always the same man as the Governor of the Straits Settlement Colony. The Malayan Civil Service did not obey the Colonial Office Regulations but had their own - albeit more or less identical.⁶ And the legal basis of Britain's control over the States was a series of treaties or quasi-treaties concluded between 1874 and 1930 and not - as in Crown Colonies - the Foreign Jurisdiction Act of 1890.⁷

An important by-product of this situation was that the Malay Rulers were recognized as independent sovereigns, who could neither sue nor be required to appear as defendants in British or Malayan courts.⁸ There were other consequences, some useful to Britain, some a nuisance; and from time to time it was considered whether a quasi-independent status was, from the British point of view, the best solution for the Malay States. The alternative most commonly considered was "annexation" - the removal of the Sultans, or at any rate the emasculation of their authority, and the establishment of some sort of Crown Colony system,