

# Alliance, the force behind Merdeka

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■ By Rais Yatim

THE commitment and preparation for self-government that would pave the way for independence started in earnest with the Federation of Malaya Agreement (FMA) 1948.

With the formation of Umno in 1946 and other political organisations based on ethnicity (such as the MCA in 1949 and the MIC in 1951), the objective of making Malaya independent was much hastened.

The independence of Indonesia from Dutch rule heightened local nationalism, especially among the Malays. Non-Malay leaders, particularly Tan Cheng Lock, T.H. Tan, V.T. Sambanthan and others in the peninsula also participated in the Merdeka movement.

A constitutional conference in London from Jan 18 to Feb 6, 1956, (held on behalf of Their Highnesses the Malay rulers, the Chief Minister of the Federation of Malaya Tunku Abdul Rahman and three other ministers and representatives of the British government) agreed that the sovereignty of the rulers and the special position of the Malays were to be intact; the question of federal citizenship was to be addressed by way of operation of law and to be stringently applied; and full self-government and independence should be proclaimed by August 1957.

The conference also recommended a constitutional commission, which came to be called the Reid Commission, appointed by Her Majesty's government with the consent of the Malay rulers.

Chaired by Lord Reid from the United Kingdom, the commission was composed of Sir Ivor Jennings from the United Kingdom, Justice Abdul Hamid of the West Pakistan High Court, former governor-general of Australia Sir William McKell and Allahabad High Court's former chief justice B. Malik.

As clearly provided in the commission's terms of reference, certain matters had to be prioritised, namely the positions and prestige of the rulers, special position of the Malays and legitimate interests of other communities, and the need to create a strong federal government.

The commission met in Malaya between June and October 1956. It received 131 memoranda from various sectors of the Malayan community concerned with a nation that was about to be independent and self-governing.

The commission worked under trying conditions in view of the fact that emergency rule declared in 1948 remained in force, with communists involved in acts of banditry and jungle skirmishes.

In recognition of this state of affairs, the commission recommended that certain powers be allocated to cater for emergency situations but not without due regard to checks and balances in the interests of basic rights.

After four months, the commission submitted its report to Her Majesty the queen and Their Highnesses the

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 second of an exclusive fortnightly series of six excerpts from the book to be launched in August



The Reid Commission comprising (from left) Lord Reid and Sir Ivor Jennings from the United Kingdom, Sir William McKell, former governor-general of Australia; Allahabad High Court's former chief justice B. Malik, and Justice Abdul Hamid of the West Pakistan High Court, 'translated the wishes' of the three main communities in the Alliance into the Constitution.



Crowds throng the road in Malacca to welcome Tunku Abdul Rahman on his return from signing the Merdeka agreement in London in February 1956. — Picture courtesy of Arkib Negara Malaysia.

rulers. Published in February 1957, it provided extensive proposals, consonant with the main thrust of the FMA 1948, on citizenship, emergency rule and state-federal relationship.

The commission favoured a strong federal government with the Yang di-Pertuan Agong (styled Yang di-Pertuan Besar in the Reid Commission Report) as the apex of the executive, although actual executive power was to reside in the prime minister, who was to be assisted by his cabinet.

The legal creator of the then Malayan cabinet government in 1957 was the Alliance of the three Malayan communities, although the Reid Commission was the constitutional formulator that translated their wishes.

The commission also suggested that, while the responsibility of appointing ministers should lie with the king, the choice should remain the prerogative of the prime minister

with the rider that a minister should be a member of either house of parliament.

The prime minister would be entitled at any time to require the resignation of any minister, because ministers would hold office at the pleasure of the Yang di-Pertuan Agong, who in turn must rely on the advice of the prime minister.

The Alliance was the bulk force that gave the thrust toward self-government. The Reid Commission accepted most of the Alliance's proposals on what was considered to be the best for Malaya's administration.

However, the commission was faced with lengthy contrary views from one of its members — Justice Hamid from Pakistan.

He opposed the inclusion of natural justice as an integral constitutional provision by arguing that natural justice was a very variable concept and would stifle the business of justice

administration. He singularly altered the tenets of fundamental liberty and the rule of law so as to render liberty and freedom subservient to executive supervision.

Hamid, a staunch Muslim, also propagated that Islam should be the official religion of the independent federation, a view that was within the recommendation list of the rulers.

The commission also had to grapple with some incongruous suggestions. For example, the Alliance group recommended that the new federation should be named "Langkasuka", while Umno wanted the name "Malaysia". MCA and MIC were comfortable with "Malaya" or "Persekutuan Tanah Melayu".

These were later rejected by the working party headed by High Commissioner Sir Donald MacGillivray and did not show up in the final draft recommendation submitted to Her Majesty's government on

May 13, 1957.

As citizenship was a matter high on the list of priorities, representatives of the Alliance and the rulers won the day on the point that loyalty to the federation was to be via citizenship. And to the glee of Umno, Bahasa Melayu became the official language of the new nation.

During a special debate on the Merdeka constitution in the Federal Legislative Council on July 15, 1957, the Tunku reminded Malaysians: "We have now reached the end of the journey and before us we see the gate of freedom ready to admit us. Let us pass through this gate with real joy in our hearts on the 31st day of August 1957."

In tabling the draft form of the federal constitution, he pointed out that "only time can tell how effective and good the constitution is".

The Federation of Malaya became an independent nation on Aug 31, 1957.

Tunku Abdul Rahman Putra, the first prime minister, proclaimed:

"...The time has now arrived when the people of the Persekutuan Tanah Melayu will assume the status of a free, independent and sovereign nation among the nations of the world and ... a constitution for the government of the Persekutuan Tanah Melayu has been established as the supreme law thereof and provision is made to safeguard the rights and prerogatives of their highnesses the rulers and the rights and liberties of the people and to provide for the peaceful and orderly advancement of the Persekutuan Tanah Melayu as a constitutional monarchy based on parliamentary democracy..."

He ended the proclamation with a submission to God that the new nation be blessed and "be forever sovereign, democratic and independent founded upon the principle of liberty and justice..."

So began Malaya's position in world history as a developing nation within the Commonwealth, braced on hope, liberty and justice. Earlier, the United Kingdom parliament, pursuant to formal negotiations between Her Majesty's government and representatives of the rulers of the Malay States and the FMA 1948, had passed the Federation of Malaya Independence Act 1957.

With independence, the British legacy in matters having to do with the administration of the country continued, although gradually things began to take shape into the new Malayan way.

The judiciary and administration of criminal justice, land and district administration, the Malayan Civil Service, police powers in handling security, law and order, the handling of emergency rule, among others, retained much of the British way.

The road to Merdeka had been traversed well.

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