

## **Let's not take credit away from our founding fathers**

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THERE has been much debate recently over the issue of the country's relations with Britain prior to 1957. The remark by Professor Zainal Kling, a senior scholar in the social sciences, that Malaya was colonised for only two years, that is, during the lifespan of the Malayan Union (March 1946 to February 1948) triggered rebuttals from various quarters, including our Deputy Prime Minister.

On Oct 6, Tan Sri Muhyiddin Yassin intervened. "We were colonised," he declared. The DPM's statement was explicit though short on historical facts.

Up to World War Two, the nine Malay states were, legally, protected states of Britain. In other words, they were not colonies like Penang, Malacca and Singapore. They were treated in international law as part of the British Commonwealth and Empire, although theoretically they had a right to claim to be independent foreign states.

This was acknowledged by none other than Sir Harold Duncan, a legal adviser of the Colonial Office.

In reality, however, whether the Malay states were protected or not, they were treated like *de facto* colonies by the British authorities. Every Malay state had a British Adviser whose advice had to be followed except on matters of *adat* and *agama*.

The Colonial Office became aware of the legal loophole during WW2 when its officials were planning for the re-conquest and re-occupation of Malaya.

They realised that a Malaya liberated from Japanese occupation would require legislation under the Foreign Jurisdiction Act to enable it to proceed with "the political development of the country as a whole" and this could only be carried out by having the nine Malay Rulers cede jurisdiction over their respective states to the British Crown.

Accordingly, the Colonial Office prepared identical treaties for the nine Malay Rulers to sign and Sir Harold MacMichael who was assigned this job secured the signatures of all nine Malay Rulers in rapid succession in 1945. The MacMichael Treaties took immediate effect and enabled Britain to amalgamate control of the Straits Settlements and the Malay states.

It was never in doubt that the signatures of the Malay rulers were obtained under conditions of uncertainty and insecurity. These MacMichael Treaties were not accepted by the Malay community.

As such, when the Malayan Union, which was formed immediately after the MacMichael Treaties were signed, was inaugurated, the Malay Rulers boycotted the swearing-in of the new Governor.

Umno was formed to mobilise support against the Malayan Union throughout the country. As a result, in February 1948, the Malayan Union was set aside and a new Federation of Malaya was announced.

However, the dissolution of the Malayan Union did not diminish Britain's colonial power and influence in Malaya.

In the 1948 Federation of Malaya Agreement, the powers that originally belonged to the states were restored but the British authority responsible for holding the federation of states together maintained a very tight grip on power in the country.

It was left to Tunku Abdul Rahman and his Umno, MCA and MIC alliance to negotiate with the colonial government for these substantial powers to be reverted to the Rulers and peoples of Malaya.

They began to build up a Sino-Malay consensus to fight for Merdeka and formulated a constitution that was balanced, democratic and fair and that could withstand the test of time, the complexities and difficulties notwithstanding.

They secured the colonial government's consent to cede the powers that Britain had accumulated in Malaya, including the powers acquired through the MacMichael Treaties, to the chosen King of Malaya and the elected government of the country.

To sum up, let us not take away from Tunku Abdul Rahman, Tun Abdul Razak, Tun Dr Ismail Abdul Rahman, Tun Tan Cheng Lock, Tun Lee Hau Shik, Tun V.T. Sambanthan and other founding fathers of Malaya the credit they deserve.

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