



MALAYAN UNION AND SINGAPORE

Statement of Policy on Future Constitution



*Presented by the Secretary of State for the Colonies to Parliament
by Command of His Majesty
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STATEMENT OF POLICY ON FUTURE CONSTITUTION

Previous position.

1. The territories concerned in this statement comprise first, the Colony of the Straits Settlements (that is to say Singapore, Penang, and Malacca, in Malaya; Labuan, off the north coast of Borneo; and Christmas Island and the Cocos-Keeling Islands to the south of Sumatra); secondly, the Federated Malay States of Perak, Selangor, Negri Sembilan, and Pahang, in the Malay Peninsula; and thirdly, the Unfederated Malay States of Johore, Kedah, Kelantan, Trengganu and Perlis, also in the Malay Peninsula. The Colony of the Straits Settlements was, before its occupation by the Japanese, under direct British administration. In the Malay States, on the other hand, British authority rested upon agreements concluded with the Rulers, under which each Ruler retained sovereignty in his State, though each was bound to accept British advice on all matters except Mohammedan religion and Malay custom. Administrative co-ordination was achieved by the Governor of the Straits Settlements in his capacity as High Commissioner for the Malay States. As Governor of the Straits Settlements he was in direct charge of the Colony's administration; on matters pertaining to the Federated Malay States, as High Commissioner, he exercised his functions through the British Resident in each of the four States and through the Federal Secretary at the Headquarters of the Federal Government (Kuala Lumpur); on the business of the Unfederated Malay States, again as High Commissioner, he exercised his functions through an Adviser in each State. This co-ordination had, however, to be effected through a variety of legislatures and administrations. Legislation in the Colony was enacted by the Legislative Council of the Straits Settlements, legislation in the Federated Malay States by the Federal Council and each State Council, and legislation in each Unfederated Malay State by the State Council of each State. Uniformity of legislation in the Malay States, therefore, required separate action by at least six, and in some cases by ten, legislatures.

Need for reform.

2. This divided and separatist position in a country scarcely larger than England was formerly not inappropriate and in many ways indeed can be shown to have represented a necessary and useful stage in the development of the several States. But the increasing complexity of modern administrative, economic and social developments demand a system of government less cumbersome, more adequate for large common services, and making better use of time and labour. A return to the old position would be manifestly contrary to the interests of the territories and their inhabitants in the post-war world, with its difficulties arising out of the war and, for Malaya, the special problems created by the Japanese occupation. A stage has now been reached when the system of government should be simplified and reformed. International relations as well as the security and other interests of the British Commonwealth require that Malaya should be able to exercise an influence as a united and enlightened country appropriate to her economic and strategic importance. On a longer view, too, the pre-war system will not lend itself to that political adjustment which will offer, through broad-based institutions in which the whole community can participate, the means and prospect of developing Malaya's capacity in the direction of responsible self-government. In this development all those who have made the country their home and should have the opportunity of a due share in the country's political and cultural institutions. Efficiency and democratic progress alike demand therefore that the system of government should be simplified and reformed.

His Majesty to possess jurisdiction in Malay States.

3. The British Crown must provide the common link which will draw together the communities of Malaya and promote a sense of common interest and the development of common institutions. Under the old situation His Majesty had no jurisdiction in any of the Malay States, although under the Treaties the Malay Rulers had to accept British advice (except in matters of religion and custom). The new policy, however, requires that His Majesty should have jurisdiction in the Malay States, so that he may be enabled to legislate for all the States alike under the Foreign Jurisdiction Act. Accordingly, Sir Harold MacMichael, as Special Representative of His Majesty's Government, has been engaged on a mission to the Malay States, and has successfully concluded with each of the Malay Rulers, after consultations conducted with friendliness and goodwill, an Agreement which, supplementing the existing Treaties, grants full jurisdiction in each State to His Majesty. [For the directions given to Sir Harold MacMichael see Appendix.]

Outline of proposals.

4. It is proposed that the present combination of the Straits Settlements of Penang, Malacca, and Singapore in one political unit should be readjusted on the following lines:

(a) the Settlement of Singapore should be a separate Colony; and

(b) the Settlements of Penang and Malacca should be administered with the Malay States in a Malayan Union.

These proposals will be carried into effect, so far as the Malay States are concerned, under the Foreign Jurisdiction Act, 1890, and, as regards the Straits Settlements, under legislation now before Parliament (the Straits Settlements (Repeal) Bill).

Special position of Singapore.

5. In considering the need for a closer political integration in Malaya, His Majesty's Government consider that, at least for the time being, Singapore requires separate treatment. It is a centre of entrepôt trade on a very large scale and has economic and social interests distinct from those of the mainland. It is recognised, however, that there were and will be close ties between Singapore and the mainland, and it is no part of the policy of His Majesty's Government to preclude or prejudice in any way the fusion of Singapore and the Malayan Union in a wider union at a later date should it be considered that such a course were desirable.

The Colony of Singapore.

6. As mentioned above, the Settlement of Singapore, with which will be included the Cocos-Keeling Islands and Christmas Island, will be constituted as the Colony of Singapore under a Governor with an Executive and a Legislative Council. During a transitional phase between the termination of the present military administration and the inauguration of the new constitution, the Governor will be empowered to legislate with the help of an Advisory Council, which he will be instructed to select on a basis as broadly representative as conditions in this phase allow. During this phase he will be instructed to give careful consideration to the questions of the composition of the Executive Council and of appointment and election to the Legislative Council, so as to ensure full and effective representation of the various sections of the community.

For the purposes of local government, the Municipality of Singapore, the Harbour Board, and the Singapore Improvement Trust will be reconstituted

and set to work with the minimum of delay. During the transitional phase mentioned above the Governor will be instructed to give careful consideration to broadening the sphere of authority of the Municipal Commission and its basis of representation.

The Malayan Union.

7. The constitution of the Malayan Union will provide for a central authority consisting of a Governor with an Executive and a Legislative Council. In each State and Settlement there will be a local Council, which will have such powers of administration and subsidiary legislation delegated to it by the central authority as are appropriate to the purposes of local government. These Councils, both central and local, will consist of official and unofficial members; but, while it is the intention that their constitution shall be broad-based and representative, the final determination of numbers and of the details of representation will not be decided until there has been consultation with local opinion. In the initial phase after the termination of the Military Administration and before the new constitution is brought into effect, the Governor will be empowered to enact necessary legislation with the help of an Advisory Council, which he will be instructed to select on a basis as broadly representative as conditions in this phase allow. During this phase the Governor will be instructed to complete his local consultations with a view to the formal institution of the Executive and Legislative Councils as soon as possible.

These changes in the legislative system will have respect for the continuity of the principles of land policy in the Malay States. The Malay Land Reservation policy, in particular, will be maintained.

Malay Rulers.

8. His Majesty's Government have borne in mind the special position of the Malay Rulers as traditional and spiritual leaders of the Malay people. It is intended, therefore, that the Ruler in each State shall preside over a Malay Advisory Council whose members he will appoint, subject to the approval of the Governor. The main functions of these Malay Advisory Councils will relate to matters affecting Mohammedan religion; but they may also advise the Ruler on other matters at the request of the Resident Commissioner acting with the Governor's approval. On matters of Mohammedan religion, excepting the collection of tithes and taxes, each Ruler, with the help of his Council, will have legislative powers within his State. Such legislation will require the Governor's assent, and for this purpose he will be assisted by a Central Advisory Council of the Malay Rulers sitting together under his Chairmanship. In addition to passing in review all legislation affecting Mohammedan religion, this central Advisory Council may discuss other subjects, either at the instance of the Governor or at the instance of any of the Rulers with the Governor's consent. By these arrangements it will be ensured that each of the Rulers can play his part not only in the affairs of his State but in the future development of Malaya as a whole. Each Ruler will of course be assured of a Civil List appropriate to his dignity.

Subjects of Pan-Malayan Importance.

9. There will be a special need to develop harmonious and mutually profitable relations between the Malayan Union and Singapore on matters of trade. Subjects of pan-Malayan importance which require full identity of policy throughout Malaya, such as Higher Education, Immigration, Currency, Income Tax, Civil Aviation, Posts and Telegraphs, Shipping and other matters, will be matters of common arrangement between the Union and the Colony. The currency will continue to be managed under pan-Malayan agreement.

Malayan Union Citizenship.

10. The policy of His Majesty's Government is to promote a broad-based citizenship which will include, without discrimination of race or creed, all who can establish a claim, by reason of birth or a suitable period of residence, to belong to the country. It is proposed, therefore, to create by Order in Council a Malayan Union Citizenship. The following persons will acquire Malayan Union Citizenship:—

(a) persons born in the territory of the Union or of the Colony of Singapore;

(b) persons who at the date on which the Order in Council becomes operative have been ordinarily resident in those territories for ten years out of the preceding fifteen. (In calculating the fifteen years' period, the period of Japanese occupation will be disregarded.)

It will also be possible for persons to acquire Malayan Union Citizenship after five years' ordinary residence in the Malayan Union or Singapore. British subjects who acquire Malayan Union citizenship will not thereby lose their British nationality. Save with the consent of the Governor, no person who is not a Malayan Union citizen will be admitted to public office or membership of Central and Local Councils.

Those acquiring Malayan Union citizenship otherwise than by birth will be required to affirm allegiance to the Malayan Union.

Courts.

11. There will be a Supreme Court of the Malayan Union and a Supreme Court of Singapore, each with a Chief Justice at its head. Each will consist of a Court of first instance and a Court of Appeal. The Chief Justices and the puisne Judges of the Supreme Court of the Union and of Singapore respectively will be *ex officio* judges in the other territory. There will be appeals to the Privy Council from both Courts of Appeal.

Transfer of State and Settlement Property to the Union.

12. Arrangements will be made for the transfer, with certain exceptions, of the assets and liabilities of each of the Malay States and of the Settlements of Penang and Malacca to the Malayan Union. It will be necessary to arrange for an apportionment of the assets and liabilities of the Government of the Straits Settlements between the Governments of Singapore and of the Malayan Union.

Proposed Appointment of Governor-General.

13. There will be need for co-ordination and direction of the policies of Government as between the Malayan Union and Singapore. It is proposed that this should be one of the functions of the Governor-General whom His Majesty's Government have it in mind to suggest for appointment in this area. The exact area with which the Governor-General would be concerned and the exact scope of his activities have not yet been finally determined. Besides the Malayan Union and Singapore the area would include Labuan and Brunei and, if negotiations now in progress are brought to a satisfactory conclusion, Sarawak and British North Borneo. The Governor-General will not have any direct administrative functions, but he will have power of co-ordination and direction and power to convene conferences on any subject. These conferences would be attended by British Governors and other British representatives within his sphere of authority.

APPENDIX

The following are the directions which were given to Sir Harold MacMichael for his discussions with the Malay Rulers:—

" You will visit Malaya, at a date to be agreed by the Supreme Allied Commander, South East Asia Command, and invite each Malay Ruler's co-operation in the establishment of a fresh constitutional organization of Malaya which has been approved by His Majesty's Government and communicated to you and which is intended to ensure and facilitate the progress of the people of the country towards unity and ultimate self-government within the British Empire.

" In furtherance of this object you are authorized as Special Representative of His Majesty's Government to conclude with each Ruler on behalf of His Majesty's Government a formal Agreement by which he will cede full jurisdiction to His Majesty in his State."

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