CABINET

MALAYAN POLICY

MEMORANDUM BY THE SECRETARY OF STATE FOR THE COLONIES

ON 5th December, 1946, my colleagues gave their provisional approval (C.M. (46) 103rd Conclusions), to certain revised proposals (C.P. (46) 439) for a new Malayan Constitution, on "Federal" lines, which had resulted from the discussions of a local Working Committee representing the Malayan Union Government, the Malay Rulers and the principal Malay Political group (the United Malays National Organisation).

2. In conveying this provisional approval to the Governor of the Malayan Union, I made it clear that there was no question of His Majesty's Government giving their final approval to any proposals along these lines until all interested communities in the peninsula had been given full and free opportunity to express their views. Accordingly, in December 1946, the Governor appointed a Consultative Committee composed mainly of influential representatives of the non-Malay communities, which was instructed to hold meetings throughout the peninsula, to receive oral and written representations, to collate the evidence submitted to it, and to report the substance of this evidence to him with such comments and recommendations as they should think fit.

3. After a series of meetings in various centres, the Consultative Committee presented its report to the Governor at the end of March 1947. It was not to be expected that the Federation proposals would escape all criticism, and in fact there sprang up from the outset a small but vocal section of opinion which rejected the proposals outright and which refused even to lay its views before the Consultative Committee. I am satisfied, however, that these elements, in spite of their extravagant claims, never represented more than a noisy minority amongst the population, and that the Consultative Committee, in recommending that the basis of the Federation proposals should be maintained (though with substantial modifications), spoke for the great bulk of the people, whose firm desire is to see the early establishment of a stable system of Government. It is noteworthy that the Governor's Advisory Council, in resolving early in April that the Consultative Committee's Report should be submitted for the consideration of the Malay Rulers and His Majesty's Government, expressed the unanimous view that the Committee had fulfilled His Majesty's Government's pledge of full and free consultation with all interested parties.

4. The final stage in the local consultations—the consideration of the Consultative Committee's Report by the Malay Rulers and Representatives—duly took place in the latter part of April, and the Governor's comprehensive recommendations were submitted to me in May. Before describing briefly the main features of these recommendations, I should say a word about the political background against which the Governor has had to work. There has been no doubt that the Malay attitude, partly owing to the mere fact of enforced inactivity while the other communities were being consulted and partly owing to the more extreme Chinese and Indian points of view which were expressed during that consultation, hardened considerably during the early months of this year; and I therefore regard it as all the more remarkable that the Governor and those who have assisted him should have been able, by dint of patient persuasion, not only to hold their ground but to secure the agreement of the Malays to several notable advances on the earlier proposals.
5. These earlier proposals, as my colleagues will recall, provided for a "Federation of Malaya" with a strong Central Government, having control over all matters of importance to the progress and welfare of the country as a whole, and for a form of common citizenship whose object was to afford political rights to all those, of whatever race or colour, who might fairly be held to regard Malaya as their true home and as the object of their loyalty. There has been no departure from these two fundamental principles of constitutional cohesion and common citizenship (which have throughout, of course, represented the basic objectives of His Majesty's Government in their whole Malayan policy), and this fact alone should, I think, influence us greatly in favour of accepting the scheme in its latest form. Having emphasised this general point, I have the following comments on matters of greater detail:—

(a) **Introduction of an Electoral System.**—The original Federation proposals did not provide for the immediate introduction of elections, either in the Central Legislature or in the Legislatures of the individual States and Settlements. I accepted this position in view of the practical difficulties in the way of the immediate establishment of an electoral system; but whereas the original proposals merely spoke in non-committal terms of the introduction of elections at a later date, there is now to be a firm undertaking that, as soon as circumstances and local conditions will permit, legislation should be introduced for the election of members both to the Central Legislature and to the State and Settlement Councils. I regard this as a welcome advance.

(b) **Citizenship.**—The Consultative Committee recommended no fundamental change in the Citizenship provisions as set out in the original Federation proposals and as provisionally approved by my colleagues last December, but suggested that certain comparatively minor modifications should be effected, and in particular that the terms of application for citizenship, as opposed to automatic acquisition, should be made less onerous. The Malays have now gone some way, though not the whole way, towards meeting the Consultative Committee's suggestion. As the matter is inevitably somewhat complicated, I attach a brief tabular summary as an Annex to this memorandum. I regard it as particularly satisfactory that the Governor should have secured some modification, however slight, in the Malay attitude on this matter which they consider to be absolutely fundamental to their interests, and I am confident that the citizenship provisions, in the form in which they now stand, are designed to achieve the essential objective of common citizenship in Malaya as throughout upheld by His Majesty's Government.

(c) **Composition of Central Legislature.**—The original "Federation" proposals envisaged a Central Legislature of forty-eight members, with an unofficial majority. On the unofficial side, the seats were to be so arranged that the Malay Representatives (including the nine Malay Chief Ministers from the individual States, who would attend in virtue of their official State position but would nonetheless rank, at least for some purposes, as unofficials on the Central Legislature) would outnumber all other representatives by a small margin. The Consultative Committee recommended a large increase in the size of the Council and in the preponderance of unofficial over official members, coupled with a slight readjustment in the balance of Malay and non-Malay representatives which would deprive the former of their base majority on the unofficial side of the Council. The Malays have now accepted the conception of a larger Council (numbering nearly eighty members) and a large unofficial majority, but have again insisted that the Malay representatives amongst the unofficial members should slightly outnumber all the rest. The Governor has recommended the acceptance of the Malay point of view in this matter, and I support his recommendation. The increase in the unofficial majority is an undoubted advance, and as regards the balance between Malay and non-Malay representatives, I do not consider that the Malays are asking more than is justified by their essential position in the country. In the absence of recent census figures, it cannot be said whether the Malays form an absolute majority of the population in the territories now comprising the Malayan Union; but there is no doubt that they form an absolute majority amongst those who really belong to the country, who will qualify for citizenship, and who are justified in demanding a stake in the country's future.

My support for the Governor's recommendations is very closely linked, however, with the proposals for the early introduction of elections. In formulating his latest proposals for the basis of nomination of unofficial members of the Central Legislature, the Governor has been able to steer away from an overtly racial system. That is to say, members will not be nominated as representing...
Malays, Chinese or Indians, but as representing certain functions or interests. The fact remains, however, that these functions and interests have been chosen with the avowed object of producing certain fixed proportions as between races, and I can only accept this system, which is obviously far from ideal, provided it begins to give place in the near future to a system of elections whereby representation is demonstrably based upon the will of the people. I do not think the Malays have anything to fear from the introduction of elections, and I propose, with my colleagues' approval, to make clear to the Governor my views on this point.

(d) Immigration policy. — It is in this connection that the recent hardening of the Malay attitude has been most apparent. At the time when the original "Federation" proposals were formulated, the Malays were content with a provision which laid it down that the High Commissioner should consult the Conference of Rulers about immigration policy and that differences of opinion between himself and the Conference should be referred to the Secretary of State for a decision. Now, however, they will be content with nothing less than a provision which enables the Malays, in the last resort, effectively to block any immigration policy which they regard as inimical to their own interests. I must say at once that I have some sympathy with the Malay point of view on this matter, though it must be confessed that the degree of economic prosperity depended in large part on the immigration into Malaya of other races. Their present precarious numerical position in their own country is mainly due to immigration policy in the past, over which they had no control, and I think it would be both wrong and fruitless to try to deny them the substance of their claim. The Governor's recommendation, however, is based on a proposal that in matters of immigration policy the final decision should rest with the unofficial members of the Central Legislature (on which, as we have seen, there will be an absolute Malay majority), and it appeared to me that this proposal, as it originally reached me, might enable the Malays not merely, in the last resort, to block changes in immigration policy which they did not like, but also to introduce innovations in such policy which would not be subject to the normal checks and safeguards. I pointed this out to the Governor, who has now submitted a revised recommendation which in my view obviates the danger. Put briefly, the recommendation is that the High Commissioner shall discuss with the Conference of Rulers any important changes in immigration policy which he proposes to introduce, and that if the Conference cannot be brought to agree to any particular change, the matter shall become the subject of a resolution by the unofficial members of the Legislative Council. If this resolution sustains the objections of the Conference of Rulers, no further action will be taken (whether by legislation or administrative action), unless the High Commissioner can certify that such action is essential in connection with the external affairs or defence of the "Federation" — matters on which His Majesty will continue to exercise jurisdiction. The Governor points out, however, that this revised recommendation has not been put to the Malays and that their reaction to it cannot be guaranteed.

6. Such, then, is the essence of the Malayan constitutional proposals in their latest form. I consider that the Governor has achieved a remarkable measure of success in evolving proposals so satisfactory, in the face of a difficult and sometimes intransigent Malay attitude, and I am satisfied that the scheme, as a starting point, meets the real needs of the country and its various communities. The Governor-General, Mr. Malcolm MacDonald, has throughout been closely associated with the discussions and gives his full support to the Governor's recommendations, being convinced that the essential need is the early establishment of a staple form of Government. Before proceeding to my recommendations, however, I wish to draw attention to the following further points:

(a) the Malays have pressed that the Malay Rulers should in future have the right of concurrence in the appointment of successive High Commissioners. Besides constituting a most dangerous precedent, this is a point touching on His Majesty's prerogative, and I have fully explained to the Governor the reasons why the Malay demand cannot be granted. He has advised me, however, that it would be unwise to re-open this individual point with the Malays in advance of a settlement on the whole range of the proposals. He recommends, in fact, that His Majesty's Government's negative decision on this point should be conveyed together with their acceptance of the proposals as a whole. I propose to act accordingly.
It is proposed that, at the outset, the “Federation of Malaya” should consist, as does the present Malayan Union, of the nine Malay States and the British Settlements of Penang and Malacca, and should exclude Singapore. The immediate Union of Singapore with the rest of Malaya has been one of the demands most loudly reiterated by that section of local opinion which has flatly opposed the Federation proposals, and there is no doubt that there are many links between the mainland and Singapore which may render desirable the early inclusion of Singapore in the “Federation.” But after fully considering this problem in consultation with the two Governors, the Governor-General has recommended to me that any reorganisation on these lines should only be further considered after the “Federation” has been safely established. I agree with the Governor-General, and I would now propose, with the approval of my colleagues, to inform the Governor of the Malayan Union that His Majesty’s Government have decided in this sense.

As I have indicated above, the Governor’s latest proposal regarding immigration policy has not yet been put to the Malays. I propose now to invite him to do so, and to urge him to advise them most strongly to accept the proposal on the grounds that it meets their essential point of view and that it is coupled with the general acceptance of a scheme which is largely of their own making.

I now recommend that my colleagues should authorise me to inform the Governor, subject to points (a), (b) and (c) paragraph 6 above, and subject to the necessary emphasis being placed on the early introduction of an electoral system (see paragraph 5 (c) above), that the proposals are approved by His Majesty’s Government. If, as I greatly hope, the Governor is able to tell me in the near future that he has secured Malay agreement on all outstanding points, I would propose to take an early opportunity of announcing His Majesty’s Government’s decision in Parliament and of publishing a summary of the proposals in their final shape, in the form of a Command Paper. Thereafter, an Order in Council would have to be made providing for the establishment of the Federation of Malaya in place of the Malayan Union, and the necessary new agreements would have to be signed with the Malay Rulers. With these formalities completed, it is hoped that it will be possible to establish the “Federation” early next year.

C. J.

28th June, 1947
ANNEX

Original "Federation" Proposals
(Working Committee, December 1946)

Citizenship. Principle of a common citizenship established to include those who make Malaya their home and the object of their loyalty.

1. AUTOMATIC ACQUISITION

A. Qualification by birth in the "Federation"

(a) Malays to have automatic qualification by birth alone

(b) British subjects born in either of the Settlements, to qualify automatically if they are permanently resident in the Settlements

(c) British subjects born anywhere in the "Federation" whose fathers were either born in the "Federation" or resident for a continuous period of 15 years

(d) Others born in the "Federation" both of whose parents were born in and have been resident in the "Federation" for a continuous period of 15 years

B. Qualification by descent—

Any person whose father is a citizen at the date of that person's birth

2. ACQUISITION BY APPLICATION

(a) Any person naturalized as the subject of a Ruler becomes also a citizen of the "Federation"

(b) The High Commissioner to have discretion to confer citizenship on any applicant, and his minor children, who satisfied him that either:

(i) He was born in the "Federation" and has resided there for 10 out of 15 years preceding his application

(ii) he has resided in the "Federation" for 15 out of the preceding 20 years; and

(iii) he is of good character

(iv) has an adequate knowledge of Malay or English

(v) makes a declaration of permanent settlement

(vi) takes the citizenship oath

No change, but the two Chinese members wished to substitute for (b), (c) and (d), "simply that any person who is a British subject, or any person born in any of the States, who is permanently resident anywhere in the "Federation," would become a citizen automatically.

As proposed in December, but in the case of (b) the submission of the Chinese members of the Consultative Committee is so far followed as to permit British Subjects born in either of the Settlements to acquire citizenship by operation of law if they are permanently resident anywhere in the "Federation.

No change. No change. No change.

Resident for 5 years out of the last 10 years

Resident for 8 out of 12 years.

Resident for 8 out of the preceding 15

Follows December proposals—15 out of 20.

No change

Consultative Committee's proposal accepted.

No change

No change

In addition an applicant for citizenship is to be of the age of 18 or over.