ANGKA GILIRAN : _____

UNIVERSITI SAINS MALAYSIA

Peperiksaan Akhir
Sidang Akademik 2016/2017

Mei/Jun 2017

JMS 318 – Dokumen-dokumen Dalam Sejarah Malaysia

Masa: 3 jam

Sila pastikan bahawa kertas peperiksaan ini mengandungi **LIMA PULUH TUJUH** muka surat yang bercetak berserta dengan enam set dokumen sebelum anda memulakan peperiksaan.

Jawab **EMPAT** soalan sahaja.

Senarai dokumen disediakan bermula dari muka surat 4 hingga 57.

Baca arahan dengan teliti sebelum anda menjawab soalan.

Anda tidak dibenarkan membawa keluar kertas soalan peperiksaan dari dewan peperiksaan.

Setiap soalan diperuntukkan 100 markah.

…2/-

1. Dengan merujuk kepada Dokumen 1 (Laporan Suruhanjaya Cobbold), analisis isu-isu utama bagi penduduk dan parti-parti politik di Sarawak mengenai pemindahan kedaulatan Sarawak.

(100 markah)

2. Berdasarkan Dokumen 2, "*Report of the Select Committee appointed on the 11th Day of July, 1951 to examine and report to the Legislative Council on the Bill, the short title of which is the Federation of Malaya Agreement (Amendment) Ordinance 1951: A Bill Intituled An Ordinance to re-enact with amendments Part XII of the Federation of Malaya Agreement 1948*", jelaskan tujuan pindaan Bahagian XII dalam Perjanjian Persekutuan Tanah Melayu diperkenalkan dan bincangkan kekuatan serta kelemahan Ordinan Perjanjian Persekutuan Tanah Melayu (Pindaan) tersebut?

(100 markah)

3. Merujuk kepada Dokumen 3, "*Report of the Constitutional Commission for Malaya: Memorandum by Mr. Lennox-Boyd for the Cabinet Colonial Policy Committee*" [CAB134/1555] bertarikh 8 Mei 1957, bincangkan pandangan Lennox-Boyd, Setiausaha Kolonial, mengenai hubungan politik antara Britain dan Negeri-negeri Selat selepas kemerdekaan Persekutuan Tanah Melayu. Apakah pandangan beliau mengenai status kerakyatan penduduk di Negeri-negeri Selat selepas kemerdekaan?

(100 markah)

4. Dengan merujuk kepada Dokumen 4, "*Chinese Consuls in Malaya: Joint Cabinet Memorandum by Mr. Griffiths and Mr. Younger*" [CAB 129/39] bertarikh 21 April 1950, analisis reaksi pemimpin Cina tempatan terhadap prospek pelantikan konsul negara komunis China di Malaya, selepas Britain mengiktiraf kerajaan komunis China. Apakah pandangan kerajaan British terhadap isu pelantikan konsul Cina di Malaya?

(100 markah)

5. Berdasarkan Dokumen 5 (Penyata Rasmi Parlimen mengenai pindaan Rang Undang-undang Akta Imigresen 2002), huraikan mengapa Akta Imigresen 1959/63 dipinda pada 2002. Sejauh manakah Akta Imigresen 1959/62 (Pindaan) 2002 mampu mengatasi isu pekerja asing yang haram di Malaysia?

(100 markah)

6. Berdasarkan Dokumen 6 memoir Ghazali Shafie yang bertajuk "Penubuhan Malaysia", sejauh manakah kebimbangan terhadap ancaman komunis di Singapura merupakan faktor penggerak utama kepada Lee Kuan Yew untuk menyertai Persekutuan Malaysia?

(100 markah)

24. We have been conscious of these political forces which are at present active in Sarawak and are most anxious to emphasise that the new constitutional arrangements should be designed not only in full awareness of these factors but also with the deliberate intention of removing the fundamental causes of these disharmonies in so far as they can be removed by constitutional arrangements. The indigenous peoples and the Chinese are both an integral part of the population of Sarawak; both have played their part in the past and both have their part to play in the future; it is essential that they should live and work in harmony. If these things can be achieved, the intensification of political consciousness arising out of the Malaysia proposals will in the long run prove beneficial. Although some kind of association between the Federation of Malaya and the Borneo territories has long been discussed, the degree of interest taken in Sarawak, both by supporters and by opponents of the present proposals, has been a most encouraging indication of their concern regarding their political future. In this connection, the deliberations of the Malaysia Solidarity Consultative Committee,* representing the opinion of informed and responsible sections of the population of Sarawak, have made a most useful contribution.

SECTION D

GENERAL OBSERVATIONS ON EVIDENCE

25. We have noted earlier the high esteem in which the colonial administration is held in Sarawak. Generous tributes were paid by all communities to the impartiality of colonial administrators and to the progress which has been made since the war. In a multi-racial society the quality of impartiality, and the belief in such impartiality, is exceedingly important. The present officials, moreover, have an intimate knowledge of the people and of the requirements and possibilities of the country. For these reasons, the wish was expressed to us from almost every quarter that any new arrangements should not cause an exodus of the present officials, but should rather encourage them to remain in service in Sarawak until their places can be taken by the local people with the necessary qualifications.

26. We were made aware of the high respect and affection in which Her Majesty the Queen is held, more especially among native populations in the interior. There was genuine gratification that the Commonwealth links would be maintained with Malaysia.

27. On a number of occasions during our tour, we were reminded of the "Nine Cardinal Principles of the Rule of the English Rajahs". These Principles which had long been observed were enacted by the then Rajah of

* *See* Appendix F.

Sarawak in 1941, and since the cession of the territory to the Crown, have been enshrined in the First Schedule to the Sarawak (Constitution) Order-in-Council, 1956. They are reproduced in Appendix C. The eighth of these Principles, to which our attention was most frequently drawn reads as follows:

> "That the goal of self-government shall always be kept in mind, that the people of Sarawak shall be entrusted in due course with the governance of themselves, and that continuous efforts shall be made to hasten the reaching of this goal by educating them in the obligations, the responsibilities and the privileges of citizenship".

The argument was used by those who opposed the Malaysia proposals that it would be inconsistent with the British Government's obligation to agree to a scheme which did not first grant independence to Sarawak. The Malaysia proposals are regarded in some quarters as an indication that the British Government are no longer prepared to shoulder their responsibilities or honour their commitments. We should record, however, that some of the native population, who at the time of cession had found assurance in these Principles, were at pains to explain to us that they would not wish them to stand in the way of the achievement of Malaysia.

28. We have found that a very large number of the supporters of Malaysia was influenced by their admiration for the Malayan Prime Minister and his colleagues for their firm leadership and their imaginative policies in rural development. In particular those who had visited the Federation of Malaya were much impressed by the economic and social progress which they had found there and they were anxious that Sarawak should enjoy similar progress within Malaysia. We might, in parenthesis, draw attention to the unfortunate repercussions which may follow if these hopes are not realised.

29. The firm opposition of the present Malayan Government to Communist designs has also won the admiration of many people of all races. They are increasingly aware of the threat of Communist subversion and infiltration to which we have drawn attention. As transfer of political power in due course is inevitable, they see advantage in independence within a larger community.

30. At the same time the idealogical position of the present leadership in the Federation is also an important factor in the opposition to Malaysia. We have drawn attention earlier to the threat which Malaysia poses for those Chinese who are emotionally or idealogically inclined to China, and to the sedulous efforts of Communist elements to foster opposition among this group and among the Chinese population generally.

31. Another important factor, giving rise in some cases to opposition and in other cases to doubt, is a dislike of change and a fear of the unknown. The

present administration is well liked, considerable economic and social progress has been made, and law and order is maintained. Many people among the native population see no need for the Malaysian proposals and would prefer things to go on as they are. The same is true of a large section of the Chinese business community.

32. Last but not least, a major strand in the opposition to Malaysia lies in the demand for independence, after the achievement of which there was general readiness to consider the possibility of Malaysia. This expression of opinion merits serious consideration. It springs from a genuine fear of discrimination after Malaysia, a feeling among the Chinese that their status would be reduced to that of "second class citizens" and among the natives that their customary laws and practices would be affected. Similarly there is concern that Malaysia would entail migration from the other territories of the new Federation, and also that such safeguards as may be given could be removed at a later stage by the Central Government. Assurances were therefore sought on these points. If their misgivings and reservations are met, many of those (both Chinese and native) who are now hostile or doubtful might well come round to support Malaysia.

33. We have found near-unanimous agreement on some points among those who favour Malaysia; on other points, among all the native populations whether or not strong supporters of Malaysia; and on other points again, among all races except in those groups who were not prepared to discuss Malaysia at all.

34. Those who favour Malaysia expressed a general desire—

(*a*) that the formation of Malaysia should be brought about as soon as possible. This arises from a feeling that the present proposals have set in train an intensification of political activity which requires a clear indication of Sarawak's constitutional future as soon as possible. At the same time it is felt that the formation of Malaysia is urgently necessary to combat the increasing threat of Communist subversion and to accelerate efforts to improve the economic future of the natives. Delay might indicate that a disproportionate weight was being given to the views of the opponents of Malaysia;

(*b*) that the new Federation should have a strong Central Government which could deal effectively, in particular, with matters relating to external relations, defence, internal security and economic development;

35. Groups from all native population expressed a general desire—

(*a*) that special privileges should be given to the natives. They were extremely anxious that their position in the new Federation should

be analogous to that of the Malays in the present Constitution of the Federation of Malaya. There was general agreement that economic development should be accelerated and increased attention paid to education, with particular reference to the needs of the natives;

(*b*) that land, forestry and agriculture should be subjects to be controlled by the State Government. Great emphasis was also laid on the need to safeguard customary rights and practices.

36. Groups of all races, other than outright opponents of Malaysia, expressed a general desire, in addition to the point already mentioned about the retention of British officers—

(*a*) that immigration into Sarawak from other territories of the proposed Federation should be under the control of the State authorities. This springs from the fear that, on the establishment of Malaysia, the people of Malaya and Singapore in particular would migrate in large numbers to Sarawak to take advantage of land and opportunities available, to the detriment of the people of Sarawak themselves. Coupled with this general anxiety, there is particular concern about the possible entry of undesirable elements from outside;

(*b*) that there should be no rapid change in the administrative arrangements affecting the daily life of the people, or in such matters as taxation.

37. Regarding the Head of Sarawak State, to which reference has been made earlier, there was some conflict between the indigenous people on the one hand, and the Chinese on the other: each group was, nevertheless, near-unanimous in its views. The natives have insisted that only natives should be eligible to be Head of State, while the non-natives have expressed with equal emphasis their desire that the office should be open to anyone born in Sarawak.

38. On a number of other points there were differences of opinion—

(*a*) Some elements favour the arrangement that the Head of State of Sarawak should also be eligible to be the Head of the Federation of Malaysia, while others, a smaller element, favour a popularly elected Head of the Federation.

(*b*) There were differences in attitude towards the acceptance of Islam as the national religion for Malaysia as a whole, and towards its particular application to Sarawak.

(*c*) There were similar differences in attitude towards Malay as the national language for Malaysia as a whole and towards its application to Sarawak; and also as to official language or languages for Sarawak.

(*d*) There was conflict regarding the Constitutional allocation of the legislative powers between the Federal and the State Governments in the new Federation, to which is related the question of a formula for representation in the new Federal Parliament.

39. These points of agreement and disagreement are further discussed later.

SECTION E

SUMMARY OF EVIDENCE FROM VARIOUS RACIAL GROUPS AND POLITICAL PARTIES

40. In this section we record the evidence submitted to us by the various racial groups and political parties. We have found this a convenient method of setting out the evidence, and it is noteworthy that the great majority of groups which appeared before us were composed of people of the same race. But an over-emphasis, as much as a denial, of the communal element in the affairs of Sarawak would be unfortunate and misleading. There should not be too rigid or final identification of particular communal groups with particular attitudes towards Malaysia. The analysis by races should therefore be read fully with the general observations set out above. It should also be noted that in this section we lay considerable emphasis (as did witnesses themselves) on the various qualifications and conditions which were put up for our consideration by supporters and opponents of Malaysia alike, as well as by those who had not entirely made up their minds. It was to the particular matter which they wished to see covered that witnesses called our attention, rather than to the reasons for which they favoured the scheme. The fact that, in the following pages, much space is devoted to conditions and reservations reflects the anxiety of witnesses and of ourselves that every point raised should have full consideration. It should not obscure the fact that, among very many groups of supporters who appeared before us, there was great enthusiasm for early realisation of Malaysia.

41. The *Ibans* form the largest single group of the population and by far the largest native group. They are primarily country people and few take to town life. Although they are to be found throughout the country, nearly 75 per cent of their total number live in the Second and Third Divisions.

42. Probably the most important single centre of the Ibans is at Kapit in the Third Division. A Conference (or "AUM") of 51 elected Chiefs (Pengarahs and Penghulus) had been held there on the 15th February, 1962, to discuss the proposals for a Federation of Malaysia set out in the Sarawak Government's Paper. The Conference reached general agreement that the scheme should be supported, subject to certain conditions, and their Resolutions (which had been published in the Press) were formally presented to us

when the Commission visited Kapit on the 19th March. The Resolutions were the following:

"1. The Head of the State of Sarawak to be a native of Sarawak.
2. The Head of each state in the Federation of Malaysia to be eligible in due course to be the Head of the Federation of Malaysia.
3. Adat Lama (traditional custom) to remain under the control of the Government of the State of Sarawak as it has until today.
4. Land to be under the control of the State.
5. English to remain the official language of the State of Sarawak and to continue to be one of the official languages of Malaysia.
6. Freedom of religious worship.
7. There is to be adequate representation for Sarawak in the Federal Government.
8. British officers to remain until replaced by properly qualified local people. Natives to have a fair share of government employment.
9. Sarawak natives to enjoy the same status and privileges as Malays in Malaya.
10. Education to be a Federal subject and to be equalised throughout Malaysia as soon as possible. Sarawak natives to have a fair share of overseas scholarships.
11. Immigration to remain under the control of the State of Sarawak.
12. Powers reserved in the Constitution to a State may not be changed without the agreement of the State.
13. Development in Sarawak to be accelerated."

43. This was an expression of opinion to which we attached very great weight. The 51 Chiefs at the Conference together were said to represent some 112,000 Ibans out of a total population of nearly 238,000 and many delegations of Ibans who came before us at different centres in the Third Division confirmed that they supported the Kapit Resolutions. In a small number of cases a demand was made that they should either be accepted without alteration or that any changes should be made only after there had been opportunity for further discussion with the Iban people.

44. While the great majority of the Ibans in the Third Division who were in favour of the Malaysia plan took their stand on the Kapit Resolutions, there were some groups who gave their full support to the scheme on the basis of the recommendations in the report of the Malaysia Solidarity Consultative Committee.

45. In many places, more especially in the more remote areas and in areas where the Ibans form a proportionately smaller section of the population, a feeling of general uncertainty was apparent. It was represented to us by Ibans and others who had given the matter careful thought, that the Kapit Resolutions had to be considered against a background of implicit trust in the British Government. Hitherto, the Ibans had been looking forward to the self-government which had been promised to them, and the principal reason why they were ready, on conditions, to accept the Malaysia proposals, despite their uncertainties, was because they were confident that the British

Government would not recommend the scheme if it was not going to be beneficial to them.

46. Some of the younger men in predominantly Iban areas were less ready than their chiefs to accept the proposals, even on conditions, and a number were definitely opposed to it. We were reminded that the record of Brunei rule in Borneo in past centuries was far from encouraging and fears were expressed that the relative backwardness and inexperience of the Ibans might be used to their disadvantage by the more advanced and sophisticated Malays. They wanted to be treated by the Malays as brothers, but not as younger brothers. They were opposed to the idea that Sarawak should be treated as only one of 15 States in a Federation of Malaysia; they maintained that this would give her too small a voice in the new Federation's affairs. There was fear too that a large proportion of Sarawak's revenue would be handed over to the Federal Government without a corresponding return in the shape of services to the people of Sarawak.

47. The question of the right to withdraw from the new Federation was raised with us at Kapit and elsewhere. It was suggested to us that in certain circumstances there should be such a right at least for a period of five years, and that this should be specifically stated in the Federal Constitution. Some felt that this was a desirable provision in a new venture about which they felt some doubts. Others suggested that it should apply only in certain circumstances such as:

(*a*) a change of regime in Kuala Lumpur;

(*b*) a change in the Federal Constitution which had not been accepted by Sarawak.

48. One group from the Baram River hotly opposed the creation of a Federation of Malaysia but recognised that the decision might go against them. They insisted that, if this was so, certain conditions should be met. These were much the same as those set out in the Kapit Resolutions, but went further in some respects and the group was not prepared to discuss any modification of them.

49. The Second Division Ibans were not represented at the Kapit "AUM" but most of the many groups whom we saw supported the idea of Malaysia, though they asked for safeguards. These differed little from those which had been suggested by Ibans in the Third Division but in some respects were rather more specific. The following points were raised, many of them repeatedly:

(*a*) *The Head of State in Sarawak*—Some groups expressed a wish that he should be elected by the people. Some would like him to have the title of Rajah and to be an Iban. In either case, it was held that he should

be eligible, with the Heads of other States in the new Federation, for the post of Head of the Federation. One or two groups asked that, during the initial period, a British Governor should be retained.

(*b*) *The Head of the Federation*—Some Ibans asked that he should be given the title of President as the title Yang di-Pertuan Agong is Malay, and is not acceptable.

(*c*) *Sarawak's representation in the Federal Parliament*—A number of groups asked that this should be worked out on a combined population and area basis and that, within the number of seats allocated to Sarawak in the House of Representatives, the Ibans should have equal representation with the Malays and the Chinese.

(*d*) *National language*—There was some difference of opinion. Some groups suggested that there should be no national language, others wanted it to be Iban. Still others were willing to have Malay or Iban.

(*e*) *Official language*—There was agreement among many groups that English should be retained either indefinitely or for at least 15 years as the official language, not only in Sarawak but in the new Federation as well. Some groups wished Iban as well as English to be an official language.

(*f*) *Medium of instruction in schools*—English should be retained as the medium of instruction, but Iban should be taught as a subject.

(*g*) *Religion*—Much emphasis was placed on the need for freedom of religion as there is at present, i.e., freedom to profess, practice and propagate any religion. There was a general feeling that Sarawak should be a secular State and the suggestion was made that if Muslims were given assistance from Federal funds, other religions—Christianity was specially mentioned—should enjoy similar treatment.

(*h*) *Name of the New Federation*—There was dislike of the name "Malaysia" and hope that some other name could be devised. Many alternatives were suggested.

(*i*) *Armed Forces*—The Ibans are anxious to have a fair chance of service in the Federation's armed forces.

(*j*) A number of groups wanted to be sure that they could have a separate Sarawak State flag—some mentioned the old Rajah's flag—a State anthem and a National Day.

50. As in the case of the Third Division, the Iban groups in the Second Division who supported the Malaysia plan included some who did so on the basis set out in the report of the Malaysia Solidarity Consultative Committee. They were, in most cases, members of Party Negara.

51. A considerable number of groups were uncertain what attitude to adopt towards Malaysia. There were perhaps more of these in the Second Division than in the Third. There were some too who presented the standard S.U.P.P. demands with which we deal in paragraphs 79-85. One letter suggested that the Brooke regime should be restored before Malaysia is considered.

52. Finally, the view was expressed to us by Ibans in many centres that it was of great importance that a decision on Malaysia should be reached as soon as possible. Political activity had been stimulated to an alarming degree during recent months by the Malaysia proposals and many Ibans were afraid that there might be violence not only between different races but between Ibans who supported the Malaysia plan and those who opposed it.

53. The *Malays* form the next largest native group after the Ibans. Rather over half of the total number live in the First Division, chiefly in the neighbourhood of Kuching, and in the rest of the country they live mainly in down-river areas or near the towns. They all adhere to the Muslim religion.

54. Almost without exception the Malays who appeared before the Commission, or who sent their views to us in writing, were wholly in favour of the creation of a Federation of Malaysia. A large proportion of them supported the recommendations made by the Malaysia Solidarity Consultative Committee. The points to which Malay opinion attached most importance were the following:

(*a*) The Head of State should be a native of Sarawak. While most of the groups accepted the position that the Head of State could never become the Head of the Federation, one group was emphatic that the Head of State for Sarawak should be put on a level with the Rulers of the States in Malaya and so be eligible to be elected as Head of the Federation.

(*b*) Customary land and other native rights should be protected.

(*c*) Immigration from other parts of the new Federation should be strictly controlled by the Sarawak State Government.

(*d*) The special privileges in favour of Malays in the present Constitution of the Federation of Malaya should be extended to the natives of Sarawak. Several groups asked that these special privileges should be under the control of the Head of State in Sarawak.

(*e*) The legitimate rights of non-natives should be respected.

(*f*) Malay should be adopted as the national language and its use should be encouraged in the Legislature: but it should be permissible for other languages, e.g., English or Iban, to be used. English should

be retained as one of the official languages at least for a number of years.

(*g*) There were differing views on the question of the medium of instruction in schools. Most Malay groups wished English to continue to be used as the medium of instruction in schools but we received written representations from one group asking that a time limit of 10 years should be set for the transition from English to Malay. The same group wished Malay to be made a compulsory subject in all schools immediately.

(*h*) "Borneanisation" of the Public Services should be accelerated but the present expatriate Government officers should remain until natives of Sarawak have had the education and training to take over from them. If necessary, further expatriate staff should be obtained on contract to bridge any gap before sufficient natives were available.

(*i*) Education facilities for natives should be improved to the standard provided for Malays by the Government of Malaya and should include free primary, and also, if possible, free secondary education. Natives should be given preference in the award of scholarships for higher education. The Federal Government should be responsible for education at all levels.

(*j*) Islam should be the national religion, but there should be freedom for other religions.

(*k*) Rural development should be accelerated as it has been in the Federation of Malaya so that the general standard of living could be raised as soon as possible.

55. Some of the more thoughtful groups of Malays said that they were convinced that in present circumstances the creation of a Federation of Malaysia would give Sarawak the best possible guarantee of effectively combating the dangers of Communism and possible predatory designs of other countres in the area. They asked that opportunities should be provided for Sarawak natives to be recruited in the armed forces.

56. Emphasis was placed too on the importance of speed, on the grounds that political parties with Communist affiliations or leanings would be making every effort, against the true interests of Sarawak, to induce the people—more especially the illiterate—to oppose the plan. A few persons mentioned, as a possible target date, the 31st August, 1962, being the fifth anniversary of Merdeka in the Federation of Malaya, but they gave no evidence of having given serious thought to the legal and constitutional difficulties of moving so fast.

57. In the Fifth Division, the attitude of the Malays was affected by the

desire of some of them to be re-united with Brunei. More than one group of Malays, including some younger men, opposed the creation of a Federation of Malaysia for this reason. Some said that they wished first to have a Federation of the three Borneo territories, and claimed that the whole of Sarawak and North Borneo had formerly been part of the Sultan of Brunei's dominions and should be returned to His Highness. Only then should the possibility of a merger with Malaya be considered.

58. Although not the next largest group in point of numbers, it will be convenient to deal next with the *Melanaus,* as their attitude towards the Malaysia proposals is almost identical with that of the Malays. The Melanaus live in kampongs mainly in the coastal areas of the Third and Fourth Divisions and just over 70 per cent of them are Muslims.

59. The views of many of the groups whom we saw were clearly influenced by the hope that the coming of Malaysia would bring them benefits and privileges, for example free primary education, a larger number of scholarships and places in the Public Service and opportunities in trade, which are not available to them now. Some of them recognised that special privileges for natives should continue only until the natives have had time, through education and training, to be able to compete on equal terms with the other races. They suggested a term of 20 years after which the privileges should be abolished.

60. The Melanaus' support of the proposal to create a Federation of Malaysia was subject to the same conditions as are set out in paragraph 54 dealing with the Malays. Indeed in many cases Malays and Melanaus came together to see us in a single delegation. In one respect only was there any divergence of view: most non-Muslim Melanaus were opposed to a State religion for Sarawak.

61. The *Land Dayaks* live almost entirely in the First Division of the country. In relation to their numbers (57,619) not many came forward to give us their views, but we saw some groups of Land Dayaks in each of the four districts which we visited in the First Division and we were able to obtain more information about their attitude towards Malaysia from other reliable sources.

62. Some of the Land Dayaks whom we saw were members of Party Negara and gave their support to the proposals set out in the report of the Malaysia Solidarity Consultative Committee; others appeared as members of S.U.P.P. delegations and opposed the Malaysia plan.

63. But our impression generally of Land Dayaks' opinion was that they had less understanding of the Malaysia proposals than the other major native communities in Sarawak. They wish to be given more time to consider

a scheme which they recognise is of great importance to them and to the future of Sarawak as a whole. They know that they are educationally backward and that they cannot at present hold their own; but they can also see that the rising generation is getting an education which was not available to them when they were young, so that the position of their community should improve within a foreseeable space of time.

64. All this, combined with an innate dislike of change and a distrust of new ideas, leads the majority of the Land Dayaks to wish to remain under British guardianship for at least a number of years longer. They pointed out that Sarawak was their only home and that they wanted to run no risks that it might be destroyed by others, as they feared it would be if people came in from outside. They did not think they were ready for independence but, if it had to come, they wanted Sarawak to become independent on its own and to remain in the Commonwealth.

65. Another important factor in Land Dayak thinking on the Malaysia scheme is the recollection—handed down from earlier generations—of rule by Brunei and Kuching Malays. This arouses antipathy to any proposals which might involve the return of Malay hegemony in any form and leads them to view Malaysia (particularly under that name) at best with considerable reserve.

66. While this was the general attitude, there were some exceptions among the more thoughtful of the Land Dayaks who appeared before us. They had studied the Government Paper and agreed that the idea of Malaysia was a good one, but asked that matters should not be hurried. Particular points in which interest was shown were the position of the Head of State who, it was asked, should be eligible for election to the position of Head of the Federation; the safeguarding of customary land rights; and the strict control of immigration.

67. The Kenyah and Kayan peoples total just under 16,000 persons and they live in the Third and Fourth Divisions. The majority live in the middle and upper reaches of the Baram River.

68. The views expressed to us by these peoples were that they did not want independence and that they relied on the British to continue to provide the help and guidance which they felt they still badly needed. They did not understand the Malaysia Plan and could not avoid the impression that the British, who had ruled them so well, were preparing to desert them. They wanted the British to stay until they were able to look after themselves. We were referred to the petition which had been addressed to Her Majesty the Queen in 1959, to which a reply had been sent giving an assurance that it was implicit in the Eighth of the Cardinal Principles that

H.M. Government would not surrender final responsibility for the development of Sarawak until they were satisfied that the people as a whole were able to play their full part in the Government of the country, and that in pursuing this goal sight would not be lost of the best interests and desires of the indigenous communities.

69. There were 7,200 *Kedayans* in Sarawak at the time of the 1960 census and they live in the Fourth and Fifth Divisions. The majority are Muslims and their attitude towards Malaysia differed little from that of the Malays. They were concerned that local customs should be safeguarded.

70. There were only 5,200 *Muruts* in Sarawak at the 1960 census. They live in the Fifth Division (there are much larger numbers over the border in Indonesia and in North Borneo). Their attitude to Malaysia was that they were very happy and peaceful as they were, and, although they could see the advantage of belonging to a larger and stronger unit, they felt that they needed more time to think the matter over in view of its very great importance for their future. They very much feared the effects of the British leaving Sarawak. A large proportion of the Muruts in Sarawak are fervent Evangelical Christians and emphasis was laid on the importance not only of freedom of worship but of freedom to propagate their faith.

71. There are approximately 2,800 *Bisayahs,* living in the Fifth Division. Few representatives were seen by the Commission. Some were members of S.U.P.P., some of a Malay Youth organisation, and no clear racial attitude towards the Malaysia proposals was apparent.

72. There are rather over 2,000 *Kelabits* living in the uplands in the extreme interior of the Fourth and Fifth Divisions. Until an air-strip was put in last year, the journey up-river to reach them took two to three weeks. Their representatives paid tribute to the great progress which had been made since the cession of Sarawak to Britain in 1946. They had discussed the Malaysia proposals fully and had reached the conclusion that they were not yet ready for them. Their attitude was identical with that of the Kenyahs and Kayans.

73. No groups representing the *Punans,* a nomadic race in the far interior, appeared before the Commission, although one or two Punans appeared as individual members of other groups.

74. The *Chinese* are the next largest community in Sarawak after the Ibans and it is probable that within a few years they will become the largest. At the time of the 1960 census, the quite remarkable figure of over 50 per cent of the Chinese population was under the age of fifteen and this is bound to create an acute employment problem in a few years' time, particularly among those whose education has been solely in Chinese-medium schools.

The Chinese live largely in the towns where they are shopkeepers, artisans, clerks and labourers, and in the environs of towns where they are market-gardeners and small-holders. A number are growers of rubber and pepper. About 80 per cent of the total number of Chinese in the country were born in Sarawak and, of the remaining 20 per cent, a high proportion have been settled in Sarawak for many years.

75. The bulk of the evidence submitted to us from Chinese sources did not favour Malaysia. Numerically a very high proportion of the Chinese who actually appeared before us came in groups putting S.U.P.P. views which we record later.

76. In comparison with North Borneo, fewer Chinese associations or individuals in Sarawak submitted evidence which did not closely follow party lines. We attribute this partly to a feeling that they might be wasting their time and that decisions had already been taken, but even more to fears that the submission of evidence to us might expose them to retaliation and intimidation by extreme left-wing elements. We therefore felt it necessary in arriving at the general considerations set out earlier in this Chapter to rely to some extent on indirect enquiry and individual contacts.

77. The main points put to us from Chinese sources other than those appearing in S.U.P.P. groups or expressing similar views were the following. In some cases they were put to us as reasons for opposition to Malaysia: in others as matters which, if Malaysia came into being, it was hoped would receive earnest consideration.

(*a*) *Citizenship*—The Chinese feel acutely about this. Their anxieties derive above all from a fear that, even if they and their forbears had been born in Sarawak, they would under Malaysia become second class citizens with a status inferior to that of the indigenous races. They are anxious that future citizenship law should make no change in the current arrangements under which—

(i) all persons born in Sarawak are automatically citizens (at present of the U.K. and Colonies) without any residential qualification; and

(ii) persons who have resided in Sarawak for a total of 5 years (including the last 12 months continuously) out of the 8 years immediately preceding the date of application are eligible to apply for naturalisation.

(*b*) *Special privileges for natives*—Similarly, whilst they raise no objection to the continuation of the existing rights of the natives of Sarawak in such matters as land, they strongly oppose the introduction of any formal provisions in the Constitution in favour of the indigenous races.

It was pointed out to us that the Malays are a minority in the Federation of Malaya while the natives form a majority of the population of Sarawak. Some Chinese were ready to recognise that there was a need to take special measures to accelerate the progress of the native races, but argued that this should be done for a limited period as a matter of Government policy and not by the insertion of provisions in the Constitution.

(*c*) *Position of Sarawak in relation to the Federal Government*—A number of the Chinese whom we saw urged that it was not right that Sarawak should be merely one State in a Federation of 15 States. Her size alone justified more favourable treatment. Requests were made that Sarawak's representation in the Federal Parliament should be on the basis of one seat in every five.

(*d*) *National and Official Language*—Many Chinese held the view that, whatever decision was reached about a National language, English should be retained as an official language indefinitely, and that, if Malay or Iban or both were made official languages, Chinese (Mandarin) should be added too. English should also be retained as the medium of instruction in Government English-medium schools.

(*e*) *Expatriate Officers*—The need for the retention of the present expatriate officers was repeatedly emphasised to us by the Chinese.

(*f*) *Constitutional changes*—Some Chinese made the point that any safeguards in the Federal Constitution affecting Sarawak should be changed only after the consent of Sarawak had been obtained either by a general election or by a referendum.

(*g*) *Head of the Federation and Head of State in Sarawak*—The opinion was expressed to us by some Chinese that all citizens of Sarawak—not only natives—should be eligible for the position of Head of State, and that the Head of State should be eligible for the position of Head of the Federation.

POLITICAL PARTIES

78. Political parties are of recent growth in Sarawak, but the publication last year of the proposals for a Federation of Malaysia has led to a great intensification of political activity. In the following paragraphs we set out the views of those political parties which appeared before us or sent us written memoranda.

Sarawak United Peoples Party

79. This was the first political party to be formed in Sarawak and it was registered in June 1959. At the time of our arrival in Kuching in the

OBJECTS AND REASONS.

In a country like Malaya with its diversity of races and large immigrant communities the problem of citizenship and nationality is of great importance.

An acceptable solution is essential to the future stability, happiness and prosperity of the country.

Any such solution must be fair to all concerned, fair to the Malays who wish to preserve their own culture, characteristics and way of life, which have given to Malaya its individual place in the world and fair to the desire of the immigrant communities to share fully in the life of the country in which they now permanently reside.

An effort to match the needs of the country with the desires of all concerned was made by the citizenship clauses in the Federation of Malaya Agreement, 1948. These clauses have contributed to a solution of the problem but they are complicated in their effect and to some who are vitally concerned in the matter they do not always appear to be fair.

The problem has been very thoroughly considered by His Excellency the High Commissioner and by Their Highnesses the Rulers, who, in the preamble to the Federation Agreement, joined with His Majesty in expressing the view that a common form of citizenship should be extended to all those who regard the Federation or any part of it as their real home and the object of their loyalty.

It is realised that the problem cannot be solved by legislation alone for legislation alone will not assimilate people and make them into a homogeneous and happy nation. A citizen if he is to be a good citizen must be a citizen in fact and not merely a foreigner, knowing neither the languages nor the customs of the country, on whom the law has conferred the privileges of citizenship because of some technical qualification.

Assimilation necessarily takes time but by expanding facilities in the schools for learning Malay and English, the two languages recognised by the Constitution, greater opportunities are being given to immigrant races to develop a conscious identity with the country in which they live. With expanding use of these opportunities the problem of citizenship becomes more tractable.

The legislation now put forward is based on the following principles, for which there is a considerable measure of common support:

(*a*) that the right to citizenship by birth, i.e., the *jus soli*, should be applied to Malays born in the Malay States because it is reasonably certain that these will be readily assimilated to the Federation's way of life;

(*b*) that a "delayed *jus soli*" should be applied to non-Malays—because the probability is that a non-Malay of the first generation of local birth will not be assimilated to the Federation's way of life;

(*c*) that non-Malays of the first generation of local birth, who can show that they are in fact sufficiently assimilated, should have facilities for acquiring citizenship by an easy process;

(*d*) that foreign-born persons, who can also show that they are sufficiently assimilated, should have the usual facilities for naturalization, though these may be made cheaper and more expeditious than in other countries;

(*e*) that the Malay and English languages and a common way of life are essential to the building of a united and happy nation in the Federation;

(*f*) that future citizens of the Federation should have a direct personal allegiance either to His Majesty the King or to Their Highnesses the Rulers;

(*g*) that the privilege of citizenship by operation of law should not be granted unasked to unassimilated first generation persons merely because their birth had made them British subjects born in the Settlements. In order however that such persons should not be deprived of the substance of privileges which they may now enjoy, they should be entitled to registration as citizens without complying with the full requirements required of non-British born persons, provided they have lived their lives in the Federation and are prepared to take an oath of allegiance; and

(*h*) that all citizens of the Federation of Malaya, in whatever manner citizenship is acquired, should have a political status within the Federation which will confer and impose on them the rights, duties and responsibilities which are normally conferred and imposed on nationals of an independent State.

It is thought that the above principles are, in the circumstances, fair—fair to the Malays because they plan to protect them from submergence by alien ways of life and fair to the non-Malays because they admit them to citizenship if they have sufficiently assimilated themselves to this country's way of life.

In so far as locally born non-Malays are concerned the application of these principles results in a simple formula:

(i) *first generation non-Malays will be eligible for citizenship by registration;*

(ii) *second generation non-Malays will be citizens by operation of law.*

The importance of simplicity in this context cannot be overemphasised, because a law of this kind must be capable of being easily understood by all the people of the country and not merely by a small educated section of it. It is one of the drawbacks of the existing provisions that they cannot be explained in simple terms. This simple formula is also well adapted to the education of our future citizens. A teacher would be able to tell his multi-racial class: "Those of you born in the Federation with one parent also born here are all citizens of Malaya and the flag flying outside the school is your flag to which you must be loyal. Those born in a Malay State are subjects of His Highness the Ruler of that State. Those born in Penang or Malacca are subjects of His Majesty the King. As well as being loyal to the Federation you must be loyal to your sovereign. Some of you, though born in the Federation, have fathers and mothers both born elsewhere, so you are not as fortunate as the others who are already citizens of this country. If you learn all that this school will teach you, however, and behave well, you will be able to obtain the privilege of citizenship as soon as you are 18 years old."

It is intended to give legislative effect to these principles by the introduction of the Federal Bill set out above for the

purpose of amending the Citizenship clauses of the Federation Agreement and by the introduction of a Nationality Bill in each of the Malay States which will provide for the status of a subject of a Ruler. Every subject of a Ruler will enjoy the status of a citizen of the Federation of Malaya. Under the amendments to the Federation Agreement this title will replace that of Federal Citizen. All existing Federal Citizens will retain their status and will be known by this new title in future.

Under the proposed amendments to the Federation Agreement a future citizen will acquire that status either because he is a subject of one of Their Highnesses or because he is a citizen of the United Kingdom and Colonies who fulfils certain conditions. The persons who will be subjects of Their Highnesses will be determined by the Nationality Bills, which it is intended to introduce in each State and which will embody the principles already stated.

The conditions a citizen of the United Kingdom and Colonies must fulfil in order to acquire citizenship are stated in the new Clauses 124 to 130, which this Bill seeks to introduce into the Federation Agreement.

Briefly—

under paragraph (*b*) of the new Clause 125, a citizen of the United Kingdom and Colonies who is born in the Federation will be a citizen of the Federation if one of his parents was also born in the Federation;

under paragraph (*c*), a citizen of the United Kingdom and Colonies wherever born will, if his father was born in the Settlements, be a citizen of the Federation, provided that, at the time, his father was a citizen of the Federation or, if the birth occurred before the 1st February, 1948, had completed 15 years' continuous residence in the Federation;

under paragraph (*d*), a citizen of the United Kingdom and Colonies wherever born will become a citizen of the Federation if his father was, at the time, a citizen under the Agreement by the grant of a certificate or by naturalisation.

It should be noted that the rights given by these paragraphs replace those given to British subjects by Clause 124 (1) (*b*) and (*c*) of the Federation Agreement in its present form.

Clauses 126, 127 and 128 provide for the acquisition of citizenship by registration. This is a new method of acquisition and will be available to citizens of the United Kingdom and Colonies who have not the requisite qualifications for citizenship by operation of law but who, by reason of their birth and connection with the Federation or their marriage to a man who is a citizen or their status as minor children of a citizen, should not, if they wish to become citizens, be made to go through the ordinary procedure of naturalisation.

Under Clause 126 a citizen of the United Kingdom and Colonies born in the Federation will, provided he is not a minor or of unsound mind, be entitled on application to be registered as a citizen—

(*a*) if he has not been away from the Federation for five years or more without maintaining substantial connection with the Federation; and

(*b*) if he takes the new oath of allegiance and renunciation set out in the Schedule to the Agreement.

Under Clause 127 a woman who is a citizen of the United Kingdom and Colonies and is married to a citizen of the Federation may herself be registered as a citizen if she has the requisite qualifications, which include an adequate speaking knowledge of Malay or English, good character and the taking of the oath of allegiance and renunciation. She will by Clause 124 (*j*) be deemed to have an adequate speaking knowledge if she is able to express and understand clearly anything that a person of her standing is likely to wish to say in Malay or English in social intercourse with a person of a different race.

The speaking knowledge required by this Clause and by Clause 130 which deals with naturalisation contrasts with the written knowledge required by Clause 124 of the Federation Agreement in its present form. Having regard to the existing standards of literacy throughout the Federation and the limited opportunities hitherto available for acquiring a written knowledge of Malay and English, it is thought that the maintenance of a written test would prejudice that hope of a good understanding with the domiciled members of immigrant races, which it is now hoped to achieve in the interests of all communities.

Clause 128 provides for the registration, at discretion, of minor children.

Clause 130 provides for the acquisition of citizenship by a grant of a certificate of naturalisation. Again this is open only to citizens of the United Kingdom and Colonies who must satisfy the High Commissioner that they have the required qualifications with regard to residence, good character, means of livelihood, language and intention of permanent settlement. The residence qualification is ten years out of the preceding twelve of which the last two years of residence must immediately precede the application.

In calculating the period of twelve years, however, provision is made for disregarding in certain circumstances periods spent out of the territory during the Japanese occupation or for purposes of approved education or whilst on duty in the public service.

Clauses 131 and 133 provide for the loss or deprivation of citizenship, which broadly speaking may be lost either by prolonged absence or disloyalty.

Clause 132 provides for the renunciation of citizenship.

The remaining clauses of the Bill contain supplementary provisions ancillary to the main purposes.

The ideas behind this legislation, though now further developed, were originally suggested by the men of goodwill of all races on the Communities Liaison Committee and it is thought that they should meet with the same acceptance by men of goodwill throughout the Federation.

His Majesty and the Conference of Rulers have approved of the introduction of this Bill into the Legislative Council.

M. J. HOGAN,
Acting Attorney-General,
Federation of Malaya.

KUALA LUMPUR,
26th March, 1951.

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'Report of the constitutional commission for Malaya': memorandum by Mr Lennox-Boyd for the Cabinet Colonial Policy Committee

[The working party having completed its revisions of the Reid Report, a Malayan delegation was due in London for final talks on 13 May. Lennox-Boyd accordingly briefed the Colonial Policy Committee on outstanding issues, notably: the selection of the governors of Penang and Malacca, dual citizenship, and appeals to the Judicial Committee of the Privy Council.]

Background

It was agreed at the Malayan Constitutional Conference in January/February 1956 that Malaya should become independent within the Commonwealth in August this year, and that a Constitutional Commission should be set up to recommend a form of constitution for the independent Federation of Malaya. The Report of the Conference (Cmd. 9714) was approved by the Cabinet on the 22nd February, 1956[1] and by The Queen on the 3rd March.

2. The Constitutional Commission (of which Lord Reid was Chairman) have now reported. Their Report has been reprinted as a non-Parliamentary White Paper (Colonial No. 330) and copies were circulated to members of the Colonial Policy Committee on 12th March (CPC (57) 8). Chapter XII of the Report contains a summary of the Commission's recommendations.

3. It is now necessary for the three parties concerned—H.M.G., the Malay Rulers and the Government of the Federation of Malaya—to reach agreement on the form of the new Constitution on the basis of the recommendations of the Commission.

The task of the constitutional commission

4. The Commission's terms of reference, agreed at the 1956 Conference, laid out the general political framework within which they were to advise. They were to provide for a federal form of government for the whole country as a self-governing unit within the Commonwealth, based on parliamentary democracy, and with a bicameral legislature. There was to be a strong central government though the States and Settlements should enjoy a measure of autonomy; the position of the Rulers, the special position of the Malays and the legitimate interests of other communities were to be safeguarded; there was to be a common nationality for the whole of the Federation; and the Head of State ("Yang di-Pertuan Besar", i.e. Paramount Ruler) was to be chosen from among the Rulers.

5. With the framework of government thus decided in advance, the main problems the Commission had to solve were:—

(i) The relationship between the States and the Federal Government;
(ii) The relationship between Malays and Chinese (comprehending the thorny issue of citizenship);
(iii) The future of the Settlements. It will be recalled that the two Settlements of Penang and Malacca are part of the Queen's dominions, whereas the nine Malay States are each sovereign and merely under the Queen's protection.

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[1] See 405 and 406.

The position of H.M.G. in the United Kingdom

6. It is my view, and that both of the High Commissioner and the Commissioner General for the United Kingdom in South East Asia, that H.M.G. in the United Kingdom have two quite distinct degrees of interest in the recommendations of the Commission.

(i) As regards the constitutional arrangements as a whole, they have a general interest in seeing that they are sound in principle, acceptable in Malaya, and such as to promote political stability and racial harmony. Apart from this benevolent concern, the general recommendations are a matter primarily for agreement between the parties concerned in Malaya, and H.M.G.'s attitude must be to promote agreement without becoming involved in the domestic argument.

(ii) H.M.G. in the United Kingdom have a particular and specific responsibility for the future of the two Settlements of Penang and Malacca, since at present they form part of the Queen's dominions and their inhabitants are British subjects by birth, and also as regards the future status of other inhabitants of Malaya who are at present British subjects. H.M.G. are therefore a principal in any discussions and decisions about the future of the Settlements and about the future status of these persons. It has for some time been patent that the Commission was bound to recommend that Penang and Malacca should cease to be part of the Queen's dominions and become an integral part of the new Malaya. It is not possible to conceive of an independent Malaya in which two small areas remain under the sovereignty of the Queen. Indeed, any such arrangement, apart from its impracticability, might gravely damage the prestige of the Crown since it would encourage the inhabitants to believe they could look to the Crown for the redress of grievances, despite the fact that the Crown would have no authority in an independent Malaya. The Queen was therefore advised informally last year that it was likely that the Settlements of Penang and Malacca would cease to be part of Her Majesty's Colonial possessions and would become integral parts of the independent Federation of Malaya, which itself would acknowledge the position of the Queen as Head of the Commonwealth, of which it would remain a member.[2] Our prime concern has accordingly been that the Commission's recommendations should not relegate the two Settlements to a position of inferiority *vis-à-vis* the Malay States, and should deal fairly with their inhabitants and the other British subjects in matters of citizenship and otherwise.

The commission's recommendations

7. I do not propose in this paper to examine in detail those recommendations of the Commission falling within the category I have described in paragraph 6(i) above. They have tackled the problems mentioned in paragraph 6 with skill and their recommendations seem to be generally acceptable in Malaya. The division of responsibilities between the Federal and the State Governments seems to be prudent and the handling of the Malay/Chinese problem which they have recommended does something for each of these two communities. Malay fears of Chinese domination would, to some extent, be met by the provision that certain special and important privileges accorded at present to the Malays should continue for fifteen years and should then be reviewed by the Malayan Parliament. On the other hand the fears of

[2] See 425.

the Chinese that they would be regarded as second-class citizens and that they might be victimised by a Malay Government would be safe-guarded first by the citizenship proposals, which would give the right of *jus soli* to all born after the date of independence and liberal facilities for enfranchisement for the present generations, and secondly by writing certain fundamental rights into the constitution (including clauses prohibiting discrimination on grounds of race). It is only right to add that the Working Party which, as mentioned below, has been considering the Commission's Report, has recommended a considerable number of modifications to the detailed proposals of the Report, including some of those specially referred to here, and other modifications may yet have to be agreed on. But there is no question of departing from the major principles of the Report.

8. While therefore it might be possible to criticise details of the drafting of the Report and its appended constitution, there seems, subject to what is said below in paragraphs 12–18, no matter of principle in its general recommendations which need restrain H.M.G. from endorsing any agreement which may be reached locally upon them.

9. As regards the Settlements the recommendations of the Commission (recommendations 97–100 of Chapter XII) also seem to meet our requirements. The Settlements are to come into the new Federation as States of equal status and powers to the Malay States. The Head of each of the Settlements is to be a Governor who, although he is appointed by the Head of State, is to represent and be responsible to the people of the Settlement, and there will be provision to give the Governors of the States due treatment in matters of precedence, etc. In my view these recommendations provide for the honourable entry of the two Settlements into an independent Federation in a way that should be acceptable to their inhabitants and to H.M.G. The recommendations on citizenship are in a somewhat different position. Many of the inhabitants of the Federation who cherish their present status as citizens of the United Kingdom and Colonies have been apprehensive that they would be forced to give up this citizenship in order to become citizens of the new Federation. I urged upon the Commission, in a memorandum on behalf of H.M.G., and the Commission recommended (recommendation 11 of Chapter XII), that dual citizenship should be provided for, so that the inhabitants of the Settlements need not surrender their status as citizens of the United Kingdom and Colonies in order to qualify as citizens of the Federation. As explained below, however, this proposal has not met with the favour of the present government of the Federation, and agreement on the point has still to be reached.

10. Thus in my view, and subject to the points to which I draw attention in paragraphs 12–18 below, the recommendations of the Commission generally and in the matter of the Settlements should be fully acceptable to H.M.G.

Forthcoming discussions

11. A Working Party consisting of representatives of the Rulers and of the Government, under the Chairmanship of the High Commissioner, has been considering the Commission's Report and endeavouring to reach agreement on its recommendations within Malaya. I shall be discussing these recommendations and those of this Working Party with a delegation from Malaya during the week beginning the 13th May. The Working Party's recommendations in substance amount to a general acceptance of the Commission's Report, although, as I have

indicated, a number of comparatively detailed changes have been agreed upon and others have been suggested and are still to be agreed. In general none of these raises major issues of policy of immediate concern to H.M.G., though the decision that Islam should be the state religion, with certain safeguards for other religions, has attracted publicity. For the reasons I have explained, I do not think it necessary that H.M.G. should seek to dispute arrangements for the future which have been agreed locally unless they concern the particular points in which H.M.G. have a direct interest. It is our interest that the new Constitution should be on the lines desired in Malaya and we have at this stage little power to impose our own ideas. There are, however, three matters which have emerged from the local discussions which are of sufficient importance and direct interest to H.M.G. to justify our taking a line of our own. These relate to the method of selection of the first Governors of the Settlements of Penang and Malacca, provision for appeals from Malayan Courts to the Judicial Committee of the Privy Council and provision in the law of the Federation of Malaya to allow dual citizenship within the Commonwealth.

Selection of the first governors of the Settlements of Penang and Malacca

12. The Commission recommended that each of the Governors of the two Settlements (which will become States) should represent and be responsible to the people of his State and independent of control of the Federation Government. For that reason, each should be appointed by the Head of State (Yang di-Pertuan Besar) after consultation with the Government of the State concerned. It will not, however, be possible for the Head of State to consult the Governments concerned over the appointment of the first Governors, who must assume office on the day the new constitution comes into force both in order to appoint the Chief Ministers of the States and also so that their administration can be carried on in the name of the Governors without interruption. The Commission therefore recommended that before the day on which the new Constitution comes into force there should be such informal consultation as will enable the Yang de-Pertuan Besar to appoint on that day someone acceptable to the peoples of Malacca and Penang. It has already become clear that as a result of this recommendation there is much lobbying going on to secure these two posts and the Chief Minister of the Federation is anxious to make sure that they are not sold to the highest bidder who would almost certainly not be a suitable first Governor. The Chief Minister and the High Commissioner have therefore proposed that, in order to ensure the appointment of suitable men, the first Governors of Malacca and Penang should be appointed by the Queen with the concurrence of the Conference of Rulers and that provision for this be made in the constitution. The motives for this proposed variation of the Commission's recommendations are clearly sound, the dangers feared by the Chief Minister are real, and I therefore propose to agree to the arrangement proposed. It will only affect the first appointments, future appointments being made in the manner recommended by the Commission. These first appointments would be for a period of two years before the end of which there will have been held elections to the legislative assemblies of the two States and new fully elected Governments will have taken office.

Appeals to the Judicial Committee of the Privy Council

13. The Constitutional Commission recommended that it would be desirable in principle that appeals to the Judicial Committee of the Privy Council should

continue to lie, although they considered that some change would need to be made to the existing procedure governing appeals in view of the fact that under the new Constitution Her Majesty will no longer be the Fountain of Justice for the Federation. I agree that it would be valuable to retain the link of appeals to the Privy Council and it has been ascertained from the other members of the Commonwealth from whom such appeals still lie that they share this view and would not object to modifications being made to the law governing such appeals in order to meet the circumstances of the Federation. A small committee under the Lord Chancellor has been considering the machinery necessary for this purpose and I have little doubt that it will be possible to reach agreement upon the proposals of that Committee with the delegation from Malaya who welcome in principle the continuation of these appeals.

Dual citizenship within the Commonwealth

14. The Constitutional Commission unanimously recommended that the law of the Federation should allow of dual citizenship within the Commonwealth and that citizens of the United Kingdom and Colonies, as well as of other Commonwealth countries, should be able to retain their existing citizenship on acquiring citizenship of the Federation.

15. This recommendation was most satisfactory, since it would preserve the existing rights of the inhabitants of the two Settlements which are the particular responsibility of H.M.G. The inhabitants of these Settlements at present are citizens of the United Kingdom and Colonies by right of birth and also possess the local citizenship of the Federation of Malaya. Many of these people have lived for generations in the Settlements and value their long enjoyed citizenship rights and they have strongly represented that they do not wish to be faced with the choice of surrendering their United Kingdom citizenship or of abandoning their political rights in the Federation and in the Settlements themselves. There are also many other inhabitants of the Federation who are at present citizens of the United Kingdom and Colonies and who share the interests and views of the inhabitants of the Settlements.

16. Unfortunately considerable opposition has arisen in the Federation to the idea of dual citizenship, mainly among the Malays, on the grounds that future citizens of Malaya should not have a divided loyalty. Much of this opposition derives from misunderstanding of the effect of dual citizenship. The delegation from the Federation is known to be coming here with certain reservations in the matter.

17. I hope to secure agreement to provisions which will in practice enable the inhabitants of the Settlements to continue to enjoy the same citizenship rights as they now enjoy. I think there is a possibility of securing agreement to a proposal which would permit the retention of citizenship of another country within the Commonwealth concurrently with the possession of citizenship of the Federation, provided that reciprocal provisions in regard to the Federation are made by that other country. Such an arrangement, which would in principle be the same as that recently agreed in the case of Singapore, would in practice preserve the existing rights of the inhabitants of the Settlements to hold both citizenship of the Federation and of the United Kingdom and Colonies. Persons born in the Settlements after independence would not, of course, continue to acquire thereby citizenship of the United Kingdom and Colonies.

18. An arrangement on the lines just suggested is the best we can hope to secure and would adquately meet our desire to safeguard the rights in this respect of the inhabitants of the Settlements for whom H.M.G. has a particular responsibility. I will therefore do my best to secure agreement to it.

Future programme

19. Once agreement has been reached with the Malayan delegation on the provisions to be included in the constitution of the Federation of Malaya, it will be necessary to have the relevant instruments prepared so that they may come into force on the 31st August. This will require legislation in the United Kingdom during the current session of Parliament and a place has been reserved in the Legislative Programme for a Bill. The short time available will not allow of the full constitution being drafted in time to be included in, or scheduled to, this Bill and it is therefore proposed that it should be an enabling Bill empowering The Queen to make provision by Order-in-Council for the new Constitution. Among the matters which will need to be provided for by or under this Bill are the transfer of sovereignty over the two Settlements from The Queen to the new Federation, the cession of Parliament's authority to legislate for Malaya and an amendment to the British Nationality Act, 1948, to recognise Federal citizens as British subjects and citizens of the Commonwealth. Various other consequential matters will also have to be provided for. Legislation will also be necessary in the Federation itself to endorse the new Constitution. Before the Order-in-Council is made and before the legislation is enacted in the Federation, it will, of course, be necessary for Her Majesty and the Rulers formally to conclude a new Agreement terminating the existing Agreement between His Majesty and the Rulers as a body and between His Majesty and each Ruler in respect of his own State and providing for the establishment of the new constitution.

20. I invite my colleagues to approve the proposals outlined in paragraphs 6–18 regarding the forthcoming talks with the delegation from Malaya, and to take note of the timetable of events I have set out.

449 CAB 134/1555, CPC 7(57)1 — 13 May 1957

'Report of the constitutional commission for Malaya': Cabinet Colonial Policy Committee minutes

[Chaired by Lord Kilmuir (lord chancellor), the meeting was attended by Lord Home (CRO), Lennox-Boyd and Ormsby-Gore (minister of state, FO).]

The Committee had before them a memorandum by the Secretary of State for the Colonies (C.P.C.(57) 11)[1] about the recommendations of the Constitutional Commission, which the Malayan Constitutional Conference of 1956 had agreed should be set up to recommend a form of constitution for the independent Federation of Malaya.

The Colonial Secretary said that he was due to start talks that day[2] with a delegation from Malaya regarding the recommendations of the Constitutional

[1] See 448.

[2] See 450.

the first instance two or three Malays to be Members—there are not more than that number of suitable Malays available, having regard to the necessity of filling State posts—and retaining the power of appointment in my own hands. The remaining Members would be for the time being the appropriate Heads of Departments, into whose hands the corresponding Secretariat machinery would gradually be decentralised, thus bringing into being the administrative pattern for a ministerial system.

16. I see nothing in these proposals involving any material change in the terms of service of expatriate Government officers.

17. I should be grateful if these proposals for the introduction of the 'Member' system could receive your early approval. I should propose to published them, when approved, in a paper laid before the Legislative Council, and the timing of this is important. On the 19th April the Council will approve the design for the Federation flag and will debate a paper on the Squatter problem. It is not yet clear when the Communities Liaison Committee's Agreed Views will be published, but I should hope shortly thereafter to put forward proposals for the setting up of a Rural Development Authority to assist in the economic development of the Malays, which is the obverse of the proposed citizenship concessions and a desirable accompaniment of the expenditure of public funds on Chinese squatters. Chapter II of the Draft Development Plan is now printed and will be issued before the end of this month. It would be helpful if I could be in a position to go ahead with the 'Member' system by the end of May.

18. Copies of this despatch are being sent to the Commissioner General and the Governor, Singapore, for their information.

213 CAB 129/39, CP(50)75 — 21 Apr 1950

'Chinese consuls in Malaya': joint Cabinet memorandum by Mr Griffiths and Mr Younger[1]

On 27th October the Cabinet approved the recommendation in C.P.(49) 214 that the impact of *de jure* recognition of the Chinese People's Government upon United Kingdom interests in the Far East should be considered at a conference of His Majesty's Representatives at Singapore under the chairmanship of the Commissioner-General for South East Asia (C.M.(49) 62nd Conclusions, Minute 7).[2] It was pointed out in the Cabinet's discussion that *de jure* recognition of the Central People's Government would create a special problem in Malaya, since there might be some disposition among the Chinese community to assume that this would justify the cessation of punitive measures against the Communist bandits.

2. At the Singapore Conference, which was held in November, 1949, it was appreciated that recognition meant that Chinese Communist Consuls would in due course have to be accepted in the Federation of Malaya and Singapore. It was realised that their appointment would create difficulties, but the view was taken that these difficulties should be dealt with *ad hoc* and not be held to justify delaying recognition. It was felt that though the appointment of Communist Consuls could not be long delayed, any possible delay should be contrived while the present

[1] See 210, note 2.

[2] See 197.

emergency existed. During the discussions which took place, His Majesty's Ambassador to China expressed the view that the appointment of Communist Consuls to Malaya would not involve any major accretion of strength to the Communist cause, since it was quite possible for China to send in agents through clandestine channels who, by operating underground, could be far more effective than Consuls, whose activities were bound to be restricted by their official position. He thought it possible that as a result of Communist successes in China attempts would in fact be made to step up the terrorist campaign in Malaya by subversive methods. Subsequent events seem to have borne out at any rate the second of these conclusions, for from our point of view there has been a marked deterioration in the situation during recent months.

3. Though diplomatic relations between the United Kingdom and China have not yet been formally established, it had been the intention, once they were established, to ask the Central People's Government to accord formal recognition also to His Majesty's Consuls in China who, though still remaining at their posts, have not yet been accorded any official position by the new Government. His Majesty's Chargé d'Affaires was accordingly instructed to take up this matter on the conclusion of the preliminary and procedural talks, and, if the Central People's Government enquired whether reciprocal treatment would be accorded to Chinese Consuls, to inform them that the United Kingdom Government considered that the Central People's Government were entitled to take over all Chinese Consulates in British territories.

4. Shortly after these instructions were issued the High Commissioner for the Federation of Malaya represented that, although he had reluctantly agreed to the recommendations of the Singapore Conference, the situation had now changed to such an extent that he could no longer find it possible to justify the acceptance of Chinese Consuls in the Federation until the emergency was over (there is no indication when this will be, but clearly it cannot be for many months). His view was based not so much on the difficulty of preventing direct contact between Chinese Consuls and the Malayan bandits—a risk which was foreseen and accepted at the Singapore Conference—but on the fact, which has only become apparent in recent months, that the mere prospect of the admission of Consuls has already had a most serious effect on the Chinese community in Malaya, and that their actual admission, after all the apprehensions which have been expressed by that community, might well have incalculable consequences on the course of the emergency. He pointed out that one of the main difficulties in coping with the bandit movement had been the hesitancy of the Chinese community, partly from fear of direct intimidation by the bandits, but equally from reluctance to commit themselves to the Government side until it was clear that the Government were going to win. This problem has been aggravated by Communist successes in China as well as by the continued and spirited resistance of the bandits. The High Commissioner reported that His Majesty's Government's recognition of the Central People's Government had also aroused considerable misgivings among the leaders of the Chinese community, but had in general been accepted as a fact of political realism. They had indeed come out more strongly than hitherto during the last few months against the bandits and had striven with some success to mobilise Chinese opinion more actively to the support of the Government. Several representative Chinese bodies had so far committed themselves to the support of the Government as to pass resolutions urging that Chinese Consults [sic] should not be appointed to Malaya.

5. The High Commissioner pointed out that it was absolutely essential, if the emergency was to be brought to a successful and reasonably rapid conclusion, to have not merely the passive acquiescence of the Chinese community, but their active support in denying supplies and shelter to the bandits and in giving information to the authorities about their movements. His conclusion was that the appointment of Chinese Communist Consuls would shake severely the confidence of the Chinese in the Government's determination to eliminate the bandits, that the Chinese might well decide that the time had come to make their peace with the other side and that they would consider that His Majesty's Government regarded the retention of British Consular posts in China as of greater importance than the security of the people of Malaya. The Commissioner-General, the Acting Governor of Singapore and the Commander-in-Chief, Far East Land Forces, support the High Commissioner's view of the dangers and consider his apprehension fully justified.

6. The crux of the situation in Malaya and Singapore appears to be the effect on the Chinese population of the appointment of Chinese Consuls of the People's Government. It has been reported to the Colonial Office that there are in fact three elements in the Chinese population. The merchant community and leading business men, many of whom are British subjects of long standing, are opposed to the People's Government. Left-wing sympathisers, fellow-travellers, principally schoolmasters, students and clerks, have been encouraged by recognition of the People's Government and are now trying to secure leadership of an [and] control over the overseas Chinese communities. The main body of overseas Chinese, however, are inclined to fear for the future and are more than ever anxious to sit on the fence.

7. In the policy which M. Stalin laid down as long ago as 1925 for the revolution in colonial territories, he stated that where there was a small proletariat and more or less developed industry the object must be to align the workers and the petty bourgeoisie against the imperialists "*and those elements of the bourgeoisie which work with it*".[3] The destruction of the upper bourgeoisie is to develop from this process. The significance of this policy to the three elements of the overseas Chinese population needs to be considered. If action is to be taken to exclude Chinese Communist Consuls from Malaya which cannot fail to arouse the hostility of the Chinese People's Government, the latter may be expected to try to accentuate the cleavage between the various elements of the community. While it is encouraging to note that the section of the community which qualifies for the definition of upper bourgeoisie under the Stalin doctrine is coming out in more open support of the Government, it really has no other choice, since it will be the first to be eliminated if the Communists prevail. Unfortunately past experience with the Chinese has tended to show that the merchant and upper trading class is the least militant and usually non-resistant when it comes to open conflict with the Chinese national interest.

8. Again, experience of the Chinese people suggests that they will remain at least passively law-abiding citizens of a country which is to them foreign as long as they are not faced with the necessity of choosing to renounce their loyalty to the National Government of China (whether it be Communist or otherwise). A refusal to admit Chinese Consuls to Malaya is bound to cause a dispute betwen His Majesty's Government and the Chinese People's Government. This will have the effect of confronting the overseas Chinese in Malaya with the necessity of making a choice.

[3] Emphasis in original.

While those whose elimination would be the first object of any Communist regime may decide to burn their boats and declare their co-operation with British authority, it is possible that those who are sitting on the fence will be in even greater fear than before, while those who are in favour of the Chinese People's Government will become more active in their opposition to our authority. The consequences of such a development might therefore transcend the effect which may ensue from the acceptance of Chinese Communist Consuls in Malaya.

9. In view of the difficulties of this problem, examination has been given to suggestions that we should continue in some way to delay the appointment of Chinese Consuls indefinitely. These lack reality, because there is nothing that we can do, short of arbitrary discrimination, (which is bound to provoke retaliation) if, in the event, the Chinese People's Government should establish normal diplomatic relations and confirm the status of our Consuls in China. If they do not do so, the present position will, of course, be maintained, and no Chinese Consuls will go to Malaya. Equally, if they attempt to restrict the number of our Consulates in China or to restrict their functions, it should be possible to take action helpful to Malaya based on reciprocity. It is, however, necessary to consider what our position will be if and when normal diplomatic relations are established and the question of Consuls becomes a live issue. We are advised that, although there is an inherent right on the part of any Government to refuse to allow the appointment of Consuls to any given place, it is unusual to refuse to permit Consulates where they have existed before and where good reasons can be adduced for their continuance. It is the type of action which has hitherto only been taken by Governments such as the Soviet Government. It must be expected, therefore, that a refusal to permit the re-establishment of Chinese Consulates in Malaya and Singapore would lead to retaliation and the probable closing down of those Consulates to which we attach importance in China. It would also weaken our general case for objecting to similar action if taken against us in any other part of the world. It should here be noted that there are, in all, seventeen Chinese Consulates in the United Kingdom and dependent territories, as compared with thirteen British Consulates in China. Even if we should attempt to bargain on the basis of reciprocity, it is unlikely that the Chinese would be prepared to sacrifice their Consulates in Malaya and Singapore, where there are, in fact, large overseas Chinese communities. Thus, though it might be possible to contemplate a reduction in the number of our Consulates in China, it is unlikely that this would achieve any object.

10. The above considerations have been put to the authorities in Malaya and Hong Kong and H.M. Chargé d'Affaires in Peking.

11. H.M. Chargé d'Affaires holds the view that the normal and legitimate interest of the Chinese People's Government in Malaya are so great and so widespread that they would greatly resent a decision to exclude Consuls from that territory and that their resentment would be more bitter in view of the usual international practice outlined in paragraph 9 above. He considers that any public announcement of any decision to exclude Chinese Consuls from Malaya might well cause the Chinese People's Government to break off our negotiations for the establishment of diplomatic relations and to request the withdrawal from China of our diplomatic and Consular officers. He also feels that the question of Consular establishments could not be long postponed after the establishment of diplomatic relations (even if the Chinese do not raise this question in the preliminary negotiations) and that if they

were told (as opposed to any publicly announced decision) that their Consuls would be excluded from Malaya, they would ultimately demand the withdrawal of our Consuls from China, or even go so far as to discontinue diplomatic relations if these had by then been established. H.M. Chargé d'Affaires also points out that our policy has hitherto been to keep a foot in the still open Chinese door, in the hope of bringing influences to bear to prevent the formation of a solid Sino-Soviet bloc. This policy, he feels, would be nullified by the withdrawal of both Consular posts and diplomatic relations, and to a large extent delayed by the withdrawal of the former alone. Indeed, the consequences would be more far reaching, namely to increase Chinese dependence on the Soviet Union and the pace of Sino-Soviet co-operation. He goes on to express the view that it is possible that, if we fail to establish diplomatic relations, the Chinese People's Government might not wish to maintain diplomatic relations with the other Western and American countries. With these considerations in view, he concludes that we should try to maintain all our Consular posts in China, but that there seems no likelihood of doing that if we exclude Chinese Consuls from Malaya.

12. The general question of our relations with China is discussed in a separate paper (C.P.(50) 73), and the implications of any break in relations with the Chinese People's Government have been set forth in Part II thereof. It is also important to note that, if a decision to exclude Chinese Consuls from Malaya resulted in our own Consuls having to withdraw from China, it would be necessary to give prior intimation of this to our nationals in that country, to enable them to leave beforehand, should they wish to do so.

13. The Governor of Hong Kong regards anything that might jeopardise harmonious relations with whatever Chinese Government may be in power as contrary to Hong Kong's interests. But he doubts whether a decision by His Majesty's Government to refuse to accept Consuls in Malaya would, in fact, make either the Chinese People's Government or the local authorities in Kwangtung any less co-operative. On the long term view, he does not think it likely that the Chinese People's Government would be induced to make a major issue of the Hong Kong question because of any decision to exclude Chinese Consuls.

14. The High Commissioner for the Federation of Malaya does not consider that the exclusion of Chinese Consuls and the hostility of the Chinese People's Government, which would almost certainly follow, would have the adverse effects on the attitude of the Chinese community in Malaya suggested in paragraph 8 above. He considers that in any choice of loyalties the great majority of local Chinese would now choose loyalty to the Federation Government, because their feeling is directed against Communism both in Malaya and China, which has nothing to do with their loyalty to and affection for China itself. The Chinese would like to give positive backing to the Federation Government, but the High Commissioner agrees that they are restrained from so doing both by doubts as to the outcome of the emergency and fear of an ultimate British withdrawal. Readiness to admit Chinese Consuls would not only provide the Chinese with further grounds for such doubts and fears, but would also expose them to a powerful instrument for compelling their allegiance. They would, in fact, be left with no choice but to express their loyalty to the Chinese People's Government. Nor does the High Commissioner think that the Chinese fellow travellers in Malaya would be stimulated into more active opposition to the Government if relations between His Majesty's Government and the Chinese People's

Government were seriously to deteriorate as a result of the exclusion of Chinese Consuls, whereas the presence of Consuls would certainly encourage them to take a chance. The High Commissioner is confident that, if a decision were taken to exclude Consuls, the local Chinese would be able to increase and make effective their pro-Government hold over the majority of their community, who will see in this exclusion concrete evidence of British intentions, and who will, therefore, be more willing to give positive support to the Government against the Communist bandits.

15. The Commissioner-General and the Governor of Singapore strongly support these views of the High Commissioner.

Conclusion and recommendation

16. The considerations raised by this issue are strongly conflicting and most difficult to reconcile. Whatever decision is taken is bound to have important consequences on our policy in the Far East. In C.P.(50) 73 it is proposed that in the forthcoming discussions with the United States Secretary of State the whole field of our respective relations with China should be reviewed. We therefore recommend that a decision on this specific issue of Chinese Consuls in Malaya should be deferred until these discussions have taken place and their results have been reviewed in relation to this problem. A delay in reaching a decision will mean a prolongation of the present disquiet in the Chinese community in Malaya, but in view of the larger issues involved, this is unavoidable.

17. In the meantime, it should be possible to hold the position in Peking. The question of Consuls cannot be raised until both parties have agreed to exchange Ambassadors. The Central People's Government have as yet given no indication that they are ready to do so. Should they signify their readiness, H.M. Chargé d'Affaires has been instructed to take no action and to refer to London, and it should thus be possible to ensure that the question of Consuls is not raised until Ministers have had an opportunity to consider the matter after the talks with the United States Secretary of State.

214 CO 537/6089, no 5 — 26 Apr 1950

[Malaya and the sterling area]: minute by A Emanuel[1] to Sir H Poynton on the arguments in favour of Malaya's membership

With reference to your minute about briefing for your visit to the Far East,[2] I shall let you have my suggestions for points on which a brief might be useful as soon as possible.

Meanwhile, as you have specially mentioned the particular question of the arguments in favour of Malaya and Singapore being members of the sterling area, I think you may like to have a copy of a memorandum[3] which was prepared and circulated to the Supplies Conference, in which I have incorporated certain amendments suggested by the Treasury and the Board of Trade. The memorandum

[1] Assistant secretary, CO, 1948–1961.
[2] Sir H Poynton accompanied the secretary of state to the Far East in June, see 218.
[3] Not printed.

Dokumen 5

Terdapat beberapa perkara lagi telah dibangkitkan tetapi tiada kaitan langsung dengan pindaan ini dan walau bagaimanapun pihak kerajaan akan juga mengambil perhatian Yang Berhormat.

Tuan Lim Hock Seng: Tadi saya bangkitkan lagi dua tiga perkara, saya minta supaya jawapan diberi oleh Timbalan Menteri iaitu berkenaan dengan surat pelepasan pekerja-pekerja yang ingin berhenti kerja atau kena pecat atau letak jawatan atau VSS mereka sedang menunggu-nunggu surat pelepasan dari LHDN supaya majikan boleh bayar baki gaji mereka. Lagi satu iaitu potongan ansuran tiap-tiap bulan oleh majikan atas pekerja-pekerja mereka. Saya harap Yang Berhormat boleh mengarahkan supaya majikan-majikan boleh memahami siapa sahaja yang layak dipotong dan siapa sahaja yang tidak layak di potong ansuran. Sebab tadi saya sudah kata, bila mahu masuk senang, bila mahu keluar banyak susah.

Dato' Chan Kong Choy: Terima kasih Yang Berhormat, kedua-dua perkara yang dibangkitkan oleh Yang Berhormat kita akan mengambil perhatian yang serius. Sekian sahaja Tuan Yang di-Pertua.

Tuan Yang di-Pertua: Ahli-ahli Yang Berhormat, sekarang saya kemukakan masalah kepada Majlis bagi diputuskan. Masalahnya ialah bahawa Rang Undang-undang ini dibacakan kali yang kedua sekarang, hendaklah disetujukan.

Masalah dikemukakan bagi diputuskan; dan disetujukan.

Rang Undang-undang dibacakan kali yang kedua dan diserahkan kepada Dewan sebagai Jawatankuasa.

[Dewan bersidang sebagai Jawatankuasa]

[Tuan Yang di-Pertua ***mempengerusikan Jawatankuasa]***

Fasal 1 hingga 31 diperintahkan jadi sebahagian daripada Rang Undang-undang.

Rang Undang-undang dilaporkan dengan tidak ada pindaan; dibacakan kali yang ketiga dan diluluskan.

RANG UNDANG-UNDANG IMIGRESEN ((PINDAAN) 2002

Bacaan Kali Yang Kedua dan Ketiga

2.37 petang.

Timbalan Menteri Dalam Negeri [Dato' Zainal Abidin bin Zin]: Saya mohon mencadangkan ke Dewan ini membahaskan satu Rang Undang-undang bernama satu Akta untuk meminda Akta Imigresen 1959/63 bagi bacaan kali kedua sekarang.

Tuan Yang di-Pertua: Baiklah.

Dato' Zainal Abidin bin Zin: Tuan Yang di-Pertua, kepesatan pembangunan ekonomi, politik yang stabil dan suasana persekitaran yang indah di Malaysia telah menjadi daya penarik kepada warganegara asing untuk datang ke negara ini. Kepesatan pembangunan ekonomi juga telah membuka banyak peluang pekerja di negara ini. Walau bagaimanapun, peluang pekerjaan ini tidak dapat diisi sepenuhnya oleh pekerja tempatan.

Bagi mengatasi masalah kekurangan pekerja, kerajaan telah membenarkan pengambilan pekerja asing secara sah dari negara-negara sumber yang dibenarkan seperti Thailand, Kemboja, Nepal, Myanmar, Laos, Vietnam dan Filipina – laki-laki. Bagi sektor perkilangan, pembinaan dan perkhidmatan. Uzbekistan, Turkmanistan dan Kazakhstan bagi sektor-sektor perkilangan, pembinaan dan perkhidmatan. India bagi sektor perladangan dan perkhidmatan tukang masak di restoran yang terletak di bandar-bandar utama iaitu di Lembah Klang, Ipoh, Pulau Pinang, Seberang Perai, Melaka, Johor Baharu dan Seremban serta *high tension cable* dan Indonesia bagi sektor perladangan.

Suasana kepesatan pembangunan negara ini tidak hanya menarik minat warganegara dari negara-negara sumber berkenaan untuk datang ke Malaysia dan bekerja secara sah tetapi telah juga menimbulkan minat rakyat dari negara-negara berkenaan dan lain-lain negara untuk masuk dan bekerja di negara ini secara tidak sah. Peluang pekerjaan yang banyak, upah yang lumayan. Keadaan ekonomi dan politik yang stabil telah mendorong kemasukan pendatang tanpa izin (PTI) ke negara ini.

Tambahan pula terdapat juga majikan yang kekurangan pekerja menawarkan pekerjaan kepada PTI agar perusahaan mereka dapat beroperasi di samping membolot keuntungan tanpa membayar apa-apa bayaran levi kepada negara. Pada masa yang sama sebahagian daripada negara-negara di rantau ini masih menghadapi masalah kegawatan ekonomi serta pergolakan politik. Ini telah memberi kesan negatif kepada pembangunan ekonomi negara mereka, di mana peluang pekerjaan yang terhad telah membangkitkan atau mengakibatkan kadar pengangguran yang tinggi.

Faktor-faktor ini telah menyebabkan ramai PTI sanggup menyabung nyawa untuk masuk ke negara ini secara tidak sah. Kemasukan PTI secara berleluasa ini telah memberikan implikasi kepada negara dari aspek keselamatan, sosial, penyakit berjangkit dan pembukaan kawasan setinggan yang tidak terkawal.

Tuan Yang di-Pertua, kemasukan PTI ke negara ini adalah melalui beberapa cara:

(i) memasuki negara ini melalui tempat-tempat yang tidak diwartakan sebagai pintu masuk tanpa menggunakan perjalanan yang sah;

(ii) memasuki Malaysia melalui pintu masuk yang sah tetapi tidak menggunakan dokumen perjalanan yang sah;

(iii) memasuki negara ini secara sah tapi telah tinggal melebihi tempoh yang dibenarkan dan telah melanggar syarat pas ataupun kebenaran.

Akta Imigresen 1959/63 selepas ini di rujuk sebagai Akta 155 adalah merupakan sumber perundangan yang utama dan penting dalam menangani masalah kemasukan PTI, namun begitu berdasarkan kepada kemasukan PTI secara beramai-ramai – masalah yang wujud ekoran daripada kehadiran mereka di negara ini. Kerajaan merasakan bahawa peruntukan undang-undang yang terdapat dalam Akta 155 tidak mampu untuk menangani masalah kebanjiran PTI dengan lebih berkesan.

Kerajaan sesungguhnya yakin bahawa peruntukan undang-undang yang jelas dan penguatkuasaan yang tegas akan dapat menghalang berlakunya ketidakpatuhan terhadap undang-undang tersebut. Justeru tindakan dan hukuman yang lebih berat perlu dilaksanakan bagi membasmi masalah kebanjiran PTI ini.

Tuan Yang di-Pertua, pindaan-pindaan yang dicadangkan, satu secara umumnya Rang Undang-undang Akta Imigresen (Pindaan) 2002 ini boleh dibahagikan kepada dua bahagian utama iaitu;

(i) pindaan yang melibatkan usaha-usaha untuk menangani masalah PTI;

(ii) pindaan untuk menyelaraskan dan menyesuaikan Akta 155 dengan keadaan dan keperluan semasa.

Pindaan yang melibatkan usaha-usaha untuk menangani masalah PTI - Fasal 4 pindaan Seksyen 5:

(i) Pada masa ini hukuman bagi kesalahan memasuki negara ini secara tidak sah ialah dengan denda tidak melebihi RM10,000 atau dipenjarakan tidak melebihi tempoh lima tahun atau kedua-duanya sekali. Kesalahan memasuki negara ini secara tidak sah bagi kali kedua dan berikutnya ialah dengan denda tidak melebihi RM10,000 atau dipenjarakan tidak melebihi lima tahun atau kedua-duanya sekali dan disebat tidak melebihi enam sebatan.

(ii) Hukuman yang diperuntukkan adalah terlalu ringan dan ia tidak dapat mencegah kemasukan PTI ke negara ini, walaupun hukuman sebat tidak dikenakan bagi kesalahan masuk secara tidak sah bagi kali kedua, keberkesanan menggunakan peruntukan ini agak sukar, ini adalah disebabkan kebanyakan PTI yang telah dihantar pulang menukar identiti mereka bagi mengelak daripada dikenakan hukuman sebat apabila masuk buat kali kedua ke negara ini.

Tuan Yang di-Pertua, sehubungan itu bagi memastikan keberkesanan penguatkuasaan Seksyen 6 Akta 155 dipinda dengan mengenakan hukuman sebat bagi kesalahan memasuki negara ini secara tidak sah walaupun buat kali pertama.

Fasal 9 pindaan Seksyen 55B iaitu kesalahan majikan menggaji PTI. Terdapat majikan yang memilih untuk mengambil PTI bekerja bagi mengelak prosedur pengambilan pekerja asing secara sah sebagaimana yang telah ditetapkan oleh kerajaan, ia dilakukan bagi mengelak majikan daripada membayar levi yang dikenakan terhadap pekerja asing yang diambil secara sah, ini telah mengakibatkan kemasukan PTI ke negara ini berleluasa.

Tuan Yang di-Pertua, tidak kurang juga terdapat majikan yang memeras keringat PTI secara percuma iaitu dengan mengambil mereka bekerja untuk tempoh beberapa bulan, tanpa membayar gaji dan kemudiannya melaporkan kehadiran PTI tersebut kepada pihak berkuasa untuk ditangkap dan diusir pulang. Ini telah menimbulkan rasa tidak puas hati di kalangan PTI yang berkenaan. Ada di antara mereka yang datang semula ke negara ini untuk membalas dendam terhadap majikan yang tidak berperikemanusiaan itu.

Perbuatan majikan-majikan yang tidak bertanggungjawab ini telah mencemarkan nama baik negara. Sehubungan dengan itu, Seksyen 55B Akta 155 dipinda dengan memperuntukkan hukuman pemenjaraan bagi kesalahan majikan PTI yang juga memperuntukkan sebatan bagi kesalahan menggaji lebih daripada lima orang PTI pada masa yang sama.

Peruntukan undang-undang baru ini akan dapat mencegah para majikan daripada menggaji PTI. Kemasukan PTI ke negara ini juga akan berkurangan sekiranya tiada permintaan daripada majikan-majikan yang ingin mengambil mereka bekerja secara tidak sah.

Fasal 11 Seksyen baru 55E:

(i) Dalam keadaan tertentu walaupun didapati PTI bekerja di sesuatu premis atau kawasan, pihak pendakwaan mendapati kekurangan untuk mensabitkan kesalahan terhadap majikan atas alasan mereka tidak mengetahui pekerja asing tersebut adalah PTI. Dalam sektor pembinaan umpamanya, kontraktor utama sering memberikan alasan bahawa PTI yang berada di premis mereka diambil bekerja oleh kontraktor-kontraktor kecil, akibatnya pendakwaan tidak dapat dilakukan terhadap majikan yang mengambil PTI tersebut bekerja kerana tidak dapat dikenal pasti.

(ii) Kerajaan berpendapat, adalah menjadi tanggungjawab para tuan punya atau penghuni sesuatu premis untuk memastikan yang premis mereka bebas daripada PTI. Bagi maksud ini takrif premis ini adalah meliputi semua kawasan yang terdapat di sektor-sektor pembinaan, perladangan, perkhidmatan, perkilangan, pusat hiburan dan sebagainya.

(iii) Berikutan daripada itu, satu Seksyen baru 55E dimasukkan ke dalam Akta 155 yang memperuntukkan bahawa adalah menjadi satu kesalahan bagi tuan punya atau penghuni sesuatu premis membenarkan mana-mana PTI masuk atau berada di premisnya.

(iv) Bagi kesalahan-kesalahan di bawah seksyen ini hukumannya adalah seperti berikut:-

(a) Denda tidak kurang daripada RM5,000 dan tidak melebihi RM30,000 atau penjara tidak melebihi 12 bulan atau kedua-duanya bagi setiap PTI yang dijumpai di premis itu;

(b) Bagi kesalahan kali kedua dan berikutnya denda tidak kurang RM10,000 dan tidak melebihi RM60,000 atau penjara tidak melebihi dua tahun atau kedua-duanya bagi setiap PTI yang dijumpai di premis itu.

Tuan Yang di-Pertua, Fasal 12 pindaan Seksyen 56. Fasal 12 adalah bertujuan untuk meminda subseksyen 56(1) Akta 155. Dan pindaan ini penalti khusus diperuntukkan bagi kesalahan melindungi mana-mana orang yang melanggar akta ini di bawah perenggan D subseksyen itu.

Pindaan ini juga bertujuan untuk membolehkan hukuman sebat dikenakan terhadap mana-mana orang yang didapati melindungi PTI.

Fasal 7 seksyen baru 40A, pertama, setiap PTI yang diambil bekerja oleh majikan atau dilindungi oleh pelindung mereka akan diambil menjadi saksi kepada pendakwaan terhadap majikan dan pelindung mereka.

Kedua, kerap kali PTI yang menjadi saksi terpaksa menghabiskan masa yang lama di depot-depot Imigresen, sementara menanti proses pembicaraan di mahkamah selesai. Perbicaraan di mahkamah lazimnya mengambil masa yang lama kerana sering ditangguhkan oleh beberapa faktor yang tidak dapat dielakkan.

Ketiga, penahanan PTI yang menjadi saksi pendakwaan di depot-depot Imigresen dalam tempoh yang lama telah menimbulkan banyak masalah. Kerajaan terpaksa menanggung kos yang tinggi untuk perbelanjaan makan dan minum PTI tersebut.

Adalah dikhuatiri juga apabila terlalu lama sesuatu kes berjalan, keadaan di depot-depot Imigresen menjadi sesak. Kesesakan di depot-depot Imigresen ini akan memudahkan berlakunya kejadian yang tidak diingini seperti pergaduhan dan rusuhan. Ini ditambah pula dengan faktor emosi PTI tersebut yang tidak stabil kerana ditahan terlalu lama untuk menjadi saksi mahkamah, walaupun telah menjalani hukuman ke atas kesalahan yang dilakukan oleh mereka.

Di samping itu, penahanan PTI yang lama di depot-depot Imigresen juga menjadi isu bagi negara-negara asal PTI tersebut, sebagai contoh, Kerajaan Thailand amat mengambil berat terhadap penahanan rakyatnya dalam tempoh yang lama dan sentiasa menggesa supaya mereka segera dihantar pulang.

Keempat, sehubungan dengan itu, suatu seksyen baru iaitu Seksyen 40A dimasukkan ke dalam Akta 155 bagi membolehkan mahkamah menerima pengakuan daripada PTI yang telah dihantar pulang ke negara asal sebagai keterangan *prima facie* terhadap majikan atau orang-orang yang melindungi mereka. Pengakuan sedemikian boleh dibuat di hadapan hakim Mahkamah Sesyen atau Majistret dan cara ini isu penahanan PTI dalam tempoh yang lama akan dapat diatasi.

Tuan Yang di-Pertua, pindaan untuk menyelaraskan dan menyesuaikan Akta Imigresen dengan keadaan dan keperluan semasa, selain daripada pindaan-pindaan yang berkaitan dengan penguatkuasaan terhadap PTI seperti yang dinyatakan di atas, Tuan Yang di-Pertua, izinkan saya untuk memberikan penjelasan secara umum terhadap lain-lain fasal dalam rang undang-undang yang dicadangkan untuk dipinda.

Kemasukan atau diwujudkan bagi mengemaskinikan Akta Imigresen 155 yang sedang berkuat kuasa sekarang selaras dengan keadaan semasa.

Fasal 1 memperkatakan perkara-perkara tajuk ringkas termasuk kuasa menteri untuk menetapkan tarikh mula berkuat kuasa akta ini.

Kedua, bertujuan untuk meminda takrif "Imigresen depot" dalam Seksyen 2 Akta 155 berikutan daripada kemasukan peruntukan baru mengenai "penempatan depot Imigresen."

Fasal 3 bertujuan untuk meminda Seksyen 3 Akta 155 bagi menjelaskan bahawa hanya seorang yang berpangkat Timbalan Penolong Pengarah Imigresen atau ke atas, yang boleh dilantik sebagai pegawai kanan Imigresen.

Fasal 5 bertujuan untuk meminda Seksyen 15 Akta 155 bagi menetapkan denda minimum bagi kesalahan berada di Malaysia secara tidak sah atau denda tidak kurang RM10,000 atau penjara tidak melebihi lima tahun atau kedua-duanya sekali.

Fasal 6 bertujuan untuk memansuhkan subseksyen 39(2) Akta 155, berikutan dengan keputusan dalam kes Repco Holdings Berhad *versus* ataupun berlawanan dengan Pendakwa Raya (1997)

Fasal 8 bertujuan untuk memasukkan dua seksyen baru ke dalam Akta Imigresen 155 Seksyen 51A peruntukan secara khusus bagi penetapan depot Imigresen oleh Ketua Pengarah.

Seksyen 51B menyifatkan seorang yang dibawa ke atau dari atau ditahan di dalam depot Imigresen sebagai dalam jagaan yang sah.

Fasal 10 bertujuan untuk meminda Seksyen 55C Akta 155 bagi meluaskan pembelaan yang diperuntukkan dalam seksyen itu kepada mana-mana orang yang didakwa menurut subseksyen 55E(6).

Fasal 13 bertujuan untuk meminda Seksyen 58(2) Akta 155 selaras dengan keputusan dalam kes Repco Holdings Berhad *versus* Pendakwa Raya (1997) dan Seksyen 58(3) Akta 155 dipinda untuk memberi Majistret kelas pertama bidang kuasa untuk mengenakan hukuman pemenjaraan bagi tempoh yang dibenarkan di bawah Akta Mahkamah Rendah 1948 (Akta 92).

Fasal 14 bertujuan untuk memasukkan Seksyen baru 58A untuk memberi orang yang ditetapkan kuasa untuk mengkompaun kesalahan-kesalahan yang ditetapkan oleh peraturan-peraturan yang dibuat di bawah Akta 155.

Fasal 15(1) bertujuan untuk mengesahkan semua tempat yang telah ditetapkan sebagai depot Imigresen sebelum permulaan kuat kuasa akta yang dicadangkan.

Manakala Fasal 15(2) bertujuan untuk menerangkan dengan lebih jelas dan mengesahkan semua kompaun yang telah dikenakan... Tuan Yang di-Pertua, minta izin minum air sikit, boleh?

Tuan Yang di-Pertua: Ya.

Dato' Zainal Abidin bin Zin: *[Meneguk sedikit air]* Saya ulangi, Tuan Yang di-Pertua. Fasal 15(2) bertujuan untuk menerangkan dengan lebih jelas dan mengesahkan semua kompaun yang telah dikenakan dan dipungut menurut peraturan-peraturan Imigresen mengkompaun kesalahan-kesalahan 1993 (B.U(A) 31/93) mulai dari 1 Mac 1993 hingga tarikh permulaan kuat kuasa akta yang dicadangkan.

Tuan Yang di-Pertua, kerajaan sememangnya telah mengamalkan dasar yang agak liberal terhadap kemasukan warga negara asing bagi tujuan pelaburan, pengajian, pelancongan, perniagaan, lawatan sosial dan sebagainya.

Dalam hal ini, pengurusan mengenai hal ehwal imigresen perlu lebih berkesan bagi menghalang pihak-pihak tertentu mengambil kesempatan daripada dasar kerajaan ini.

Beberapa peruntukan dalam Akta 155 yang sedang berkuat kuasa sekarang perlu dipinda, dimansuhkan dan diganti dengan peruntukan baru seperti yang dijelaskan tadi bagi mengatasi beberapa kekurangan yang terdapat dalam Akta sedia ada. Khususnya untuk menangani masalah-masalah yang timbul bukan sahaja oleh PTI tetapi juga oleh pendatang-pendatang yang sah secara berkesan.

Masalah berkaitan dengan PTI merupakan isu utama berhubung dengan ketenteraman awam dan keselamatan dalam negeri pada masa ini. Peruntukan yang terdapat dalam Akta 155 sekarang didapati tidak dapat menghalang kemasukan PTI dengan lebih berkesan ke Malaysia. Pindaan ini adalah perlu dan tepat pada masanya bagi memastikan masalah kehadiran warganegara asing tidak mengancam keselamatan negara, ketenteraman awam dan keharmonian rakyat Malaysia.

Tuan Yang di-Pertua, akhirnya pindaan ke atas Akta 155 ini diharap dapat memberi sumbangan dalam merealisasikan wawasan negara untuk mewujudkan suasana negara yang lebih aman, maju, adil dan makmur yang diidamkan oleh semua rakyat.

Tuan Yang di-Pertua, dengan itu saya mencadangkan Rang Undang-undang bernama suatu Akta untuk meminda Akta Imigresen 1959/63 dibentangkan dalam Dewan ini bagi bacaan kali kedua dan dibahaskan. Sekian, terima kasih.

Timbalan Menteri di Jabatan Perdana Menteri [Tengku Dato' Seri Azlan ibni Sultan Abu Bakar]: Tuan Yang di-Pertua, saya mohon menyokong.

Tuan Yang di-Pertua: Ahli-ahli Yang Berhormat, masalah di hadapan Majlis ialah Rang Undang-undang bernama "Suatu Akta untuk meminda Akta Imigresen 1959/1963" dibaca kali yang kedua sekarang dan terbuka untuk dibahaskan. Ya, Seputeh.

3.03 petang.

Puan Teresa Kok Suh Sim [Seputeh]: Terima kasih, Tuan Yang di-Pertua. rang undang-undang untuk meminda Akta Imigresen ini boleh dikatakan dibentangkan dengan kadar yang agak mengejutkan. Adalah jelas bahawa perkelahian yang berlaku di antara 400 pekerja tekstil Indonesia dengan polis pada 17 Januari di Khua Loong Corporation pada tahun ini mencetuskan kerajaan bersikap keras dan serius terhadap pekerja asing. Terdapat tiga faktor yang menyebabkan negara kita mempunyai bilangan pekerja pendatang asing yang haram ataupun tanpa dokumen.

Yang pertama, penyeludupan. Penyeludupan pekerja asing ini dilakukan oleh kumpulan dan agensi yang bersubahat dengan pihak penguat kuasa khususnya pihak polis dan pihak Imigresen. Saya merasa hairan untuk melihat sesetengah pekerja asing Indonesia ini mendapat pasport Malaysia yang berkulit biru dan sesetengahnya merupakan pemegang kad pengenalan negara kita.

Kenapakah mereka boleh mendapat pasport seperti ini kalau tanpa bantuan dan korupsi daripada pegawai Imigresen? Ramai majikan tidak membantu pekerja asingnya untuk memperbaharui permit kerja sehingga mereka tidak mempunyai dokumen yang sah dan pekerja asing tersebut tidak dapat membuat apa-apa terhadap situasi mereka. Ini merupakan faktor kedua yang menyebabkan pertambahan pekerja asing di negara kita.

Selain itu, kerajaan juga tidak mempunyai satu dasar yang komprehensif terhadap pekerja asing. Saya difahamkan bahawa satu rang undang-undang terhadap pekerja asing telah pun didraf pada tahun 1996. Apa yang berlaku pada cadangan rang undang-undang ini? Ketiadaan dasar dan undang-undang mengenai pekerja asing menyebabkan sekarang masalah pekerja asing ditanggung oleh Jabatan Imigresen sahaja. Walhal, hal ehwal pekerja asing sepatutnya diuruskan oleh Kementerian Sumber Manusia.

Masalah terhadap pindaan Rang Undang-undang Imigresen ini. Pertama, hukuman berat terhadap majikan yang mengubah pekerja asing dan pekerja asing memaksa kerajaan terpaksa mengambil pekerja asing dari negara yang selain daripada Indonesia seperti Pakistan, Vietnam dan sebagainya.

Masalahnya, pekerja asing baru ini tidak semestinya sesuai untuk bekerja di industri tempatan dan mereka mungkin tidak mahir dalam industri yang memerlukan pekerja asing khususnya industri pembinaan. Mereka juga mungkin tidak dapat menyesuaikan diri dalam cuaca dan suhu negara kita. Jadi, ini menyebabkan majikan terpaksa membayar kos yang lebih tinggi untuk melatih mereka dan membantu mereka menyesuaikan diri dalam cuaca dan keadaan negara kita.

Misalnya, mengikut pengalaman majikan industri pembinaan, pekerja Bangladesh tidak sesuai untuk bekerja dalam industri ini, sehingga kebanyakan pekerja Bangladesh bekerja di ladang. Oleh itu, pekerja Indonesia yang telah biasa dengan kerja pembinaan diupah oleh majikan syarikat pemaju. Jadi, kerajaan mestilah memastikan pekerja asing baru yang diimport haruslah merupakan pekerja yang mahir dalam sesuatu bidang demi menyenangkan majikan di negara kita.

Masalah kedua dalam pindaan ini adalah, sungutan kebanyakan majikan yang mengupah pekerja asing mendapati bahawa undang-undang ini ataupun dasar baru ini

…41/-

dilaksanakan secara terburu-buru tanpa memberi masa yang cukup kepada mereka. Kerajaan sepatutnya memberi tempoh selama dua tahun kepada para majikan ini supaya mereka dapat membuat persediaan yang cukup semasa mereka tender projek dan membuat belanjawan ataupun rancangan untuk syarikat mereka.

Tetapi, nampaknya rang undang-undang ini akan dilaksanakan dalam setengah tahun yang akan datang. Jadi, ini menyebabkan kebanyakan majikan merasa susah untuk membuat rancangan terhadap keadaan yang baru dan juga dasar yang baru khususnya dalam bidang pembinaan dan juga bidang restoran.

Saya juga ingin mengambil kesempatan ini untuk bertanya Yang Berhormat Timbalan Menteri terhadap pusat penahanan pekerja asing yang haram. Yang kita tahu keadaan di banyak pusat penahanan pekerja asing ini adalah terlalu sesak. Dalam kes Irene Fernandez, yang mana beliau pernah membongkar kem tahanan pekerja asing beberapa tahun yang lepas, yang mana beliau menuduh terdapat 10 ribu pekerja asing dalam satu pusat penahanan, dan juga kesengsaraan yang dialami oleh para pekerja asing di tahan di dalam pusat penahanan itu yang mana pernah menyebabkan ramai di antara mereka sakit dan sesetengahnya mati.

Jadi, walaupun beliau menghadapi perbicaraan sehingga sekarang, yang mana merupakan perbicaraan yang terpanjang, mungkin dalam sejarah kita tetapi saya rasa isu yang dibangkitkan oleh beliau dalam sidang akhbarnya terhadap pusat penahanan pekerja asing itu haruslah diambil berat oleh kerajaan. Kerajaan haruslah memperbaiki keadaan di dalam pusat penahanan ini kerana ini melibatkan nyawa dan kita juga harus menghormati hak asasi pekerja asing.

Selain itu, kerajaan harus mengambil berat, ramai pekerja asing sebenarnya mereka merupakan mangsa dalam sistem subkontrak yang mana permit kerja mereka sebenarnya dikawal oleh agensi dan juga pihak pegawai Imigresen. Jadi, kebanyakan mereka merupakan mangsa dan mereka cuba sedaya upaya untuk bersaing, untuk hidup dan bekerja di negara kita.

Jadi, saya juga berpendapat, kerajaan juga haruslah memantau sistem *recruitment* terhadap pekerja asing dan kerajaan juga harus cuba melatih lebih banyak pekerja tempatan khususnya kepada kebanyakan mereka yang menganggur dan tidak ingin mencari kerja supaya mereka boleh menggantikan tempat pekerja asing yang diupah oleh industri kita sekarang.

Sekian, terima kasih.

Tuan Yang di-Pertua: Ya, Yang Berhormat bagi Gelang Patah.

3.10 petang.

Tuan Chang See Ten [Gelang Patah]: Tuan Yang di-Pertua, masalah kebanjiran pendatang tanpa izin telah menjadi semakin kritikal beberapa tahun kebelakangan ini. Banyak kegiatan jenayah berunsur keganasan yang membabitkan pendatang tanpa izin telah berlaku. Beberapa penempatan haram pendatang tanpa izin di atas tanah kerajaan juga telah dikesan. Isu pendatang tanpa izin sememangnya perlu diberi perhatian serius dan ditangani dengan cermat. Oleh yang demikian saya amat menyokong cadangan kerajaan untuk meminda Akta Imigresen bagi mengenakan hukuman yang lebih berat terhadap mereka yang memasuki Malaysia tanpa dokumen perjalanan yang sah, dan juga terhadap mereka yang menggaji pendatang tanpa izin.

Tuan Yang di-Pertua, sepanjang pengamatan saya, kerajaan bukan sahaja bersikap tegas terhadap pendatang tanpa izin, tetapi juga telah memperkenalkan sistem yang lebih ketat berhubung dengan pengeluaran permit kerja untuk pekerja asing. Langkah-langkah ini memanglah wajar memandangkan pekerja asing mungkin akan menjadi pendatang tanpa izin apabila tempoh sah laku permit kerja mereka lupus tetapi mereka tidak rela meninggalkan Malaysia.

Ada juga pekerja asing yang pada asalnya memiliki permit kerja tetapi kemudian bekerja secara haram kerana majikan asal mereka memberhentikan perniagaan dan pekerja asing ini kemudiannya bekerja untuk majikan yang lain tanpa pengetahuan dan kebenaran pihak berkuasa. Pelbagai masalah yang tidak diingini boleh timbul jika populasi pendatang tanpa izin dan pekerja asing tidak dikawal.

Tuan Yang di-Pertua, memang tidak dinafikan bahawa kerajaan mempunyai alasan atau pertimbangan yang sah untuk memperketat pengeluaran permit kerja untuk pekerja asing. Tidak kira apa jua sistem yang dilaksanakan saya berharap kerajaan dapat memastikan sistem tersebut tidak menyusahkan para majikan. Seperti mana yang kita sedia maklum ramai pelabur asing telah menamatkan operasi mereka di Malaysia dan melabur di negara lain berikutan peningkatan kos buruh dalam pengeluaran di negara ini.

Walau bagaimanapun, masih terdapat banyak kegiatan ekonomi intensif buruh yang diusahakan oleh pelabur tempatan. Kegiatan ekonomi insentif buruh ini menghadapi masalah untuk mendapatkan tenaga kerja daripada rakyat tempatan sama ada mereka mencebur diri dalam *export-orientated* atau untuk kegunaan atau pengeluaran untuk kegunaan tempatan. Mereka sangat memerlukan pekerja asing.

Tuan Yang di-Pertua, sebagai contoh, rakyat tempatan sudah tidak berminat untuk menjadi buruh pembinaan atau bekerja di ladang yang memerlukan kekuatan dan kelasakan fizikal tetapi tidak menjanjikan gaji yang tinggi. Persekitaran kerja di bawah matahari sebagai buruh pembinaan atau pekerja ladang juga kurang menyenangkan dan menjadikan peluang pekerjaan sedemikian kurang menarik kepada rakyat tempatan.

Namun, kegiatan-kegiatan ekonomi yang intensif buruh mesti diteruskan sebelum k-ekonomi kita dibangunkan dengan sempurna. Oleh yang demikian, masih terdapat banyak kekosongan yang perlu diisi oleh pekerja asing agar kegiatan ekonomi intensif buruh dapat diteruskan dan juga bagi mengawal kos buruh supaya berada di paras yang rendah.

Tuan Yang di-Pertua, saya difahamkan bahawa pada masa sekarang majikan yang ingin menggaji pekerja asing mesti memperoleh kelulusan daripada Kementerian Dalam Negeri dahulu. Pada pendapat saya, peraturan ini memanglah wajar kerana kemasukan pekerja asing jika tidak dikawal boleh mengancam keselamatan negara.

Masalahnya ialah pada masa sekarang kesemua permohonan untuk kelulusan Kementerian Dalam Negeri mesti dikemukakan terus kepada ibu pejabat Kementerian Dalam Negeri di Putrajaya. Ini disebabkan KDN tidak mempunyai pejabat cawangan di setiap negeri.

Akibatnya, ramai majikan terpaksa datang dari jauh ke Putrajaya yang masih belum dihubungkan dengan sistem pengangkutan awam yang sempurna. Selain daripada itu, disebabkan permohonan untuk kelulusan menggaji pekerja asing diuruskan oleh ibu pejabat Kementerian Dalam Negeri untuk seluruh negara, saya telah menerima beberapa aduan bahawa majikan terpaksa menunggu lama untuk mendapatkan jawapan.

Tuan Yang di-Pertua, saya mencadangkan supaya pihak Kementerian Dalam Negeri dapat menetapkan satu tempoh dan piawaian kerja untuk menjawab kepada permohonan yang diterima, katanya dalam masa dua minggu dari tarikh penerimaan borang permohonan serta dokumen-dokumen yang berkaitan. Ini bermakna Kementerian Dalam Negeri akan memberi jawapan dalam masa dua minggu kepada para majikan yang mengemukakan permohonan sama ada permohonan mereka telah berjaya atau sebaliknya. Ini bukanlah sesuatu yang mustahil. Yang penting ialah kakitangan jabatan yang berkenaan mesti bekerja dengan cekap dan bersungguh-sungguh.

Tuan Yang di-Pertua, di samping itu semua dokumen yang diperlukan mesti diberitahu dengan jelas kepada para majikan yang ingin menggaji pekerja asing agar dokumen-dokumen ini dapat dikemukakan sekali gus bersama borang permohonan. Ini tentu akan dapat memendekkan masa yang diperlukan untuk memproses permohonan-permohonan yang berkenaan. Sekiranya masih terdapat terlalu banyak permohonan yang perlu diproses, maka memanglah wajar agar Kementerian Dalam Negeri dapat mempertimbangkan untuk mendirikan pejabat cawangan di setiap negeri atau di setiap bandar besar.

Seperti mana yang saya tekankan tadi, kita masih bergantung kepada pekerja asing untuk meneruskan banyak aktiviti ekonomi yang intensif buruh. Aktiviti ekonomi ini juga menyumbang kepada pembangunan ekonomi negara. Justeru itu, kerajaan sepatutnya membantu majikan yang berhasrat untuk menggaji pekerja asing dan bukanlah menyusahkan mereka.

Tuan Yang di-Pertua, demi mengurangkan masalah penempatan haram di atas tanah kerajaan oleh pekerja asing mahupun pendatang tanpa izin saya mencadangkan agar kerajaan dapat mewajibkan majikan yang menggaji pekerja asing agar menyediakan tempat penginapan untuk pekerja asing yang digaji. Penyediaan tempat penginapan ini boleh dimasukkan sebagai sebahagian daripada pakej penggajian pekerja asing. Kita mesti sedar bahawa salah satu sebab pekerja asing mendirikan penempatan haram adalah kerana mereka menghadapi masalah untuk menyewa rumah atau bilik daripada rakyat tempatan.

Dengan pindaan yang dicadangkan melalui Fasal 11 Rang undang-undang ini iaitu bertujuan menghukum penghuni premis yang membenarkan pendatang tanpa izin masuk. Saya percaya pekerja asing akan lebih sukar untuk menyewa bilik atau rumah. Ini disebabkan lebih ramai rakyat Malaysia akan cuba mengelakkan daripada menyewakan bilik atau rumah kepada pekerja asing kerana mereka mungkin tidak begitu pasti sama ada pendatang asing itu mempunyai permit kerja atau dokumen perjalanan yang sah.

Tuan Yang di-Pertua, para 5, Fasal 11 Rang Undang-undang ini mencadangkan bahawa Menteri mempunyai kuasa untuk menetapkan langkah-langkah yang perlu diambil oleh penghuni sesuatu premis bagi menghalang pendatang tanpa izin memasuki atau berada dalam premis mereka.

Saya berharap langkah-langkah yang perlu diambil dapat dirumuskan secepat mungkin dan dimaklumkan kepada orang ramai. Skop seksyen baru 55E yang diperkenalkan melalui Fasal 11 Rang Undang-undang cukup luas. Saya berharap seksyen baru ini tidak menyusahkan orang ramai terutamanya terhadap pengoperasi pusat membeli belah, pengendali restoran mahu pun gerai-gerai makan di tepi jalan.

Mereka ini terpaksa melayani setiap pelanggan yang datang kepada mereka. Kadang kala adalah sukar untuk membezakan siapakah sebenarnya pelancong dan siapa pendatang tanpa izin. Adalah tidak praktikal untuk mereka mengarahkan pelanggan-pelanggan mengemukakan dokumen perjalanan untuk diperiksa sebelum membenarkan mereka memasuki premis perniagaan.

Tuan Yang di-Pertua, pendatang tanpa izin juga mungkin menaiki LRT. Menurut definisi premis yang terkandung dalam seksyen baru 55E, LRT juga boleh disifatkan sebagai premis. Adakah petugas khas mesti ditempatkan di setiap stesen LRT untuk memeriksa dokumen perjalanan para penumpang. Adalah sesuatu usaha yang tidak bermakna sekiranya undang-undang yang digubal tidak praktikal dan tidak dapat dikuatkuasakan.

Oleh yang demikian, kesan seksyen baru 55E sebenarnya banyak bergantung kepada Menteri untuk menetapkan apakah yang dikatakan langkah-langkah yang wajar dan perlu diambil oleh penghuni premis supaya mereka tidak dihukum secara tidak munasabah. Saya berharap Menteri dapat memberi penjelasan yang sewajarnya berhubung seksyen baru ini.

Tuan Yang di-Pertua, saya juga ingin meminta sedikit penjelasan berkaitan depot Imigresen, Fasal 8. Rang Undang-undang antara lain bertujuan memasukkan seksyen 51A yang baru ke dalam Akta 155 ialah Ketua Pengarah diberi kuasa untuk menetapkan tempat tertentu sebagai depot Imigresen. Pembinaan bangunan baru atau pengubahsuaian bangunan yang sedia ada untuk dijadikan depot Imigresen tentu akan melibatkan perbelanjaan wang tambahan. Oleh yang demikian saya tidak faham mengapa huraian berhubung implikasi kewangan mengatakan Rang Undang-undang ini tidak akan melibatkan kerajaan dalam apa-apa perbelanjaan wang tambahan.

Tuan Yang di-Pertua, kerajaan patut mewujudkan depot Imigresen yang kukuh dan selamat yang dapat berfungsi sebagaimana yang diharapkan. Kakitangan juga patut ditambah sekiranya perlu. Adalah tidak selamat untuk menahan pendatang tanpa izin di tempat yang terlalu sesak. Mereka akan memberontak dan melarikan diri dari tempat tahanan.

Akibatnya bangunan serta harta benda mungkin turut terbakar dan berkemungkinan juga mengakibatkan kecederaan dan kehilangan nyawa. Di samping itu, janganlah kerana tidak cukup tempat tahanan, maka kerajaan terpaksa menangguhkan operasi mengesan dan menahan pendatang tanpa izin. Pada pendapat saya, kalau pun mendirikan depot Imigresen yang baru memakan

perbelanjaan wang tambahan, biarlah wang tambahan ini dibelanjakan. Yang penting ialah keselamatan negara dan kesejahteraan masyarakat terus terjamin.

Tuan Yang di-Pertua, saya ingin meminta Kementerian Dalam Negeri menimbang, setelah seorang majikan mengambil pekerja asing dan mendapat kelulusan daripada Kementerian Dalam Negeri dan bila pekerja asing itu datang kerja mereka memang tidak tahu kerja itu dan mereka dilatih, tetapi selepas tiga tahun mereka perlu balik. Adakah ini satu tindakan yang wajar kerana majikan sudah latih mereka 3 tahun, mereka sudah mahir dalam kerja mereka dan bila sudah mahir perlu balik. Ini akan mendatangkan satu kerugian kepada para majikan.

Saya harap pihak Kementerian Dalam Negeri dapat menimbang supaya bila tamat 3 tahun kontrak kerja oleh pekerja asing yang mendapat keizinan bekerja di sini, bila majikan perlu mereka, pihak Kementerian Dalam Negeri boleh membenarkan mereka terus melanjutkan permit mereka dan terus kerja di tempat majikan yang mana mereka sangat memerlukan pekerja asing.

Dengan kata demikian, saya mohon menyokong. Sekian, terima kasih.

Tuan Yang di-Pertua: Kuala Kedah.

3.27 petang.

Tuan Mohamad bin Sabu [Kuala Kedah]: Terima kasih, Tuan Yang di-Pertua. Masalah pendatang tanpa izin makin teruk, makin kerap berlaku kekacauan. Kenapa pendatang tanpa izin masuk dengan mudah? Kemudian berkeliaran di Malaysia ini dengan mudah, ditangkap, dihantar balik, datang semula dengan mudah. Saya nampak di sini undang-undang itu perlu, memang wajib tetapi soal penguatkuasaan itu amat penting.

Kita Ahli Parlimen tidak ada kuasa menangkap. Tetapi kita boleh ditunjuk depan mata di stesen minyak: Yang Berhormat, itu pendatang sedang bayar duit kepada seorang anggota polis. Kita pergi pula ke belakang bangunan ini, ditunjuk, itu tempat ini, pendatang sedang bayar kepada orang tertentu. Ertinya soal di sini ialah soal penguatkuasaan. Selagi soal rasuah, suapan tidak dibanteras habis-habisan kita pindalah undang-undang sekeras mana pun, ianya dibolos. Dan pembolosan terhadap terutama sekali yang dilakukan oleh pendatang asing ini begitu berleluasa.

Yang Berhormat Timbalan Menteri sendiri boleh tanya saya tempat mana, stesen-stesen minyak mana, yang dikatakan tempat pendatang asing membayar wang perlindungan termasuk kepada pasukan keselamatan. Cuma kita tidak ada kuasa untuk hendak tahan, cuma kita lihat dan kita mengeluh keadaan yang berlaku itu.

Pendatang asing yang tidak mengikut peraturan ini memang terlalu ramai dan baru-baru ini kami daripada PAC melawat Kem Semenyih iaitu Depot Tahanan Imigresen. Memanglah seperti yang dikemukakan oleh Irene Fernandez dahulu, tahanan terlalu sesak. Kem yang sepatutnya satu blok boleh muat 200 orang tetapi dimuatkan sampai 400, 500 orang. Kem itu untuk 1,000 orang, sampai 2,000 orang penghuni. Penuh sesak di kem itu.

[Timbalan Yang di-Pertua [Dato' Haji Muhamad bin Abdullah] ***mempengerusikan Mesyuarat]***

Memang pegawai-pegawai kita terutama pegawai Imigresen bekerja dengan kuat untuk menyelesaikan masalah mereka, sama ada memohon permit untuk tinggal di sini bekerja lebih lama, kembali semula kepada majikan mereka yang sanggup terima atau balik ke negara mereka.

Sayangnya ada negara-negara yang tidak memberi kerjasama. Indonesia beri kerjasama, Thailand beri kerjasama tetapi yang tidak beri kerjasama ialah India. Bahkan Kedutaan India kadangkala tidak mahu mengaku itu rakyat mereka. Inilah masalah yang berlaku di depot. Hendak selesaikan masalah menghantar balik itu kadangkala agak susah sebab ada negara seperti India kadangkala tidak mahu mengaku itu adalah rakyat mereka. Susah urusan visa dan sebagainya untuk menghantar mereka pulang.

Ada juga diberitahu bahawa pendatang daripada Afrika, mereka tidak mahu balik ke negara mereka, bahkan kadangkala tempat mereka transit di negara Eropah juga tidak membenarkan mereka keluar dari kapal terbang untuk pergi ke tempat yang ketiga.

Dokumen 6

2

Rundingan



Zainal Abidin Sulong dan saya telah menyediakan satu dokumen yang didasarkan kepada Perlembagaan Tanah Melayu untuk dijadikan asas hubungan Malaysia yang baharu. Peluang ini diberi kepada kami apabila kami mengetahui bahawa Pertubuhan Parlimen Komanwel (PPK) Asia akan mengadakan pertemuan di Singapura pada Julai 1961. Dengan berada di Singapura, saya juga dapat berjumpa dengan Lee Kuan Yew dan yang lain-lain serta Lord Selkirk. Zainal Abidin dan saya pergi ke Singapura. Pada ketika itu, pertemuan ini akan memberi satu peluang yang sangat baik sekiranya sebuah jawatankuasa rundingan PPK dapat dibentuk untuk meneliti Konsep Malaysia yang melaluinya akan membantu menyebarkan idea tersebut di Tanah Melayu, Singapura dan wilayah Borneo. Jawatankuasa yang dicadangkan itu harus juga merangkumi mereka yang menentang Konsep Malaysia. Apabila saya bercakap dengan Lee Kuan Yew mengenainya, beliau dengan serta-merta bersetuju, walaupun jawatankuasa tersebut mempunyai anggota pembangkang Singapura.

Lee Kuan Yew dan saya juga telah menyediakan suatu program bagi Persidangan PPK di Singapura yang akan berkisar di sekitar persoalan kerjasama ekonomi dan teknikal. Ahli yang mesra boleh mengendalikan perdebatan tersebut ke arah persoalan kerjasama dalam konteks Konsep Malaysia. Akibatnya, perbincangan mengenai Konsep Malaysia tidak dapat dielakkan. Ketua delegasi Malaysia ialah Abdul Hamid Khan, dan Zainal Abidin Sulong telah menyediakan hujah yang sesuai untuk beliau bercakap dan masuk campur.

Saya berjaya mendapatkan kebenaran untuk hadir dalam satu daripada sesi tersebut. Saya menjadi yakin bahawa usul untuk membentuk sebuah jawatankuasa rundingan terpaksa dibuat oleh seseorang dari Borneo Utara dan untuk itu, tidak ada orang yang lebih baik daripada Donald Stephens. Beberapa orang sahabat saya berpendapat pilihan ini agak berisiko memandangkan Donald Stephens sukar dipengaruhi. Sebab itulah saya memilih Donald Stephens kerana kredibilitinya tidak diragui. Sekiranya beliau boleh dipujuk untuk

memeriksa dengan teliti implikasi konsep itu dan jika beliau yakin dengan keperluannya maka mudahlah usaha selanjutnya.

Saya meminta bantuan Lee Kuan Yew untuk mengatur makan tengah hari untuk Donald Stephens bersama saya secara sulit di sebuah bilik di Istana. Donald Stephens terus datang ke Istana dari Persidangan PPK. Saya memberinya dua salinan draf perlembagaan mengenai persekutuan baharu yang dicadangkan. Draf itu disediakan oleh Zainal Abidin Sulong sebagai asas perbincangan. Kami dengan teliti membacanya baris demi baris, dan yang menggembira dan menyeronokkan saya, Donald Stephens bersetuju untuk mengutarakan perkara tersebut ke Persidangan PPK sebelum persidangan itu berakhir. Saya fikir apa yang mengagumkannya adalah pelbagai peruntukan, termasuklah hal yang berkait dengan perlindungan hak asasi, kebebasan beragama dan lebih-lebih lagi beliau telah diyakinkan bahawa kesan konsep itu akan mempercepatkan kemerdekaan bagi Borneo Utara dan Sarawak.

Saya amat gembira apabila mengetahui bahawa di persidangan resolusi untuk membentuk sebuah Jawatankuasa Perunding Malaysia, usaha itu dibawa oleh ahli dari Borneo Utara dan Sarawak yang dipimpin oleh Donald Stephens dari Borneo Utara dan Yew Cheng Hoe dari Sarawak. Kedua-dua orang ini, suatu ketika dahulu pembangkang kepada Konsep Malaysia, akan menjadi anggota Jawatankuasa Perunding Penyatuan Malaysia. Seluruh usaha itu pastinya akan mempercepatkan langkah pembentukan persekutuan baharu. Donald Stephens juga bersetuju menerima pelawaan Zainal Abidin Sulong untuk melawat Kuala Lumpur.

* * *

Saya datang ke Singapura untuk bertemu pemimpin Singapura dan untuk bertemu dengan Lord Selkirk sambil memerhati Persidangan PPK. Saya tinggal di sana selama dua hari dan meluangkan masa tidak kurang daripada 16 jam keseluruhannya dengan pemimpin Singapura, untuk cuba memahami sesetengah daripada masalah mereka yang lebih serius. Antara mereka yang saya temui ialah Lee Kuan Yew, Goh Keng Swee dan Rajaratnam. Setelah memahami kesemua perbualan itu, ekorannya muncul satu bentuk pemikiran lama yang wujud semasa prapilihan raya kecil Hong Lim di kalangan kerajaan Singapura dan pemimpin PAP.

Buat beberapa bulan, Lee Kuan Yew dan sahabatnya telah memantau Lord Selkirk dan kakitangan misi British dan berusaha bersungguh-sungguh untuk memupuk persahabatan dengan Lim Chin Siong, Woodhull dan anasir-anasir lain yang berfahaman kiri. Pada mulanya, Lee Kuan Yew menganggap aktiviti itu sebagai aktiviti diplomatik

semata-mata, mungkin tujuannya untuk merisik maklumat. Tetapi sejak pilihan raya kecil Hong Lim (April 1961), hubungan antara Lim dan orangnya dengan Selkirk menjadi lebih erat. Sehinggakan, pada suatu tahap yang memalukan Lim Chin Siong, Lord Selkirk telah dilihat mendapatkan Lim Chin Siong yang cuba mengelaknya semasa suatu jamuan di Istana Negara.

Tidak lama sebelum pilihan raya Anson (Julai 1961), pandangan tertentu mula muncul yang berkesudahan dengan penolakan gabungan oleh Lin Chin Siong dan rakan-rakannya. Kepemimpinan PAP mula dicabar secara terbuka dan terdapat serangan yang semakin meningkat menjelang pilihan raya. Sekitar waktu ini, beberapa orang wakil rakyat PAP mula menyokong pandangan Lim Chin Siong. Bila disiasat, didapati bahawa mereka yang bertukar parti, termasuk Dr. Lee Siew Choh, telah diberi gambaran oleh Lim Chin Siong bahawa komunis akan mampu mengambil alih kepemimpinan dalam kerajaan Singapura. Dr. Lee Siew Choh telah mengadakan beberapa temubual dengan Dr. Goh Keng Swee dan Menteri PAP yang lain sebelum beliau melompat ke parti lain. Beliau memberitahu mereka bahawa Lim Chin Siong sangat yakin dan sesungguhnya beliau tidak ragu-ragu tentang pendirian British jika kumpulan prokomunis mengambil alih kuasa di Singapura. Tiada siapa pun di Singapura berfikir bahawa Dr. Lee Siew Choh adalah seorang komunis, tetapi memandangkan kekuatan komunis di Singapura dan hakikat bahawa komunis kini bersiap sedia untuk mengambil alih kepemimpinan, beliau menganggapnya tidak berguna untuk melakukan sebaliknya melainkan mengikut arus. Sesungguhnya, beliau telah menjadi jurucakap bagi kumpulan Lim Chin Siong.

Perkara yang khusus ini sangat penting kepada kepemimpinan PAP kerana selama ini mereka mengiktiraf Lim Chin Siong sebagai seorang komunis dan terdapat komunis lain yang bekerja atas nama PAP. Namun kepemimpinan PAP mampu membanteras kegiatan komunis tersebut melalui ancaman dan intimidasi dengan mengatakan bahawa jika mereka terlibat dalam kegiatan komunis, kepemimpinan PAP tidak akan sedikit pun membantu mereka sekiranya kerajaan British mengambil langkah penindasan yang keras. Idea itu telah diasakkan ke dalam kepala komunis tersebut bahawa British tidak akan menerima sebuah kerajaan prokomunis. PAP sebagai kerajaan bukan komunis adalah had yang boleh diterima oleh British. Jika terdapat tanda gejala pro-komunis cuba merampas kuasa, terdapat segala alasan untuk dipercayai, mengikut PAP, bahawa British akan menggantung Perlembagaan dan memasukkan komunis dan rakan seperjuangan mereka ke dalam penjara.

Menurut Lee Kuan Yew, kaedah mewujudkan rasa takut sedemikian adalah berkesan di dalam minda komunis kerana mereka lebih suka

bebas dan bergerak melalui Kesatuan Sekerja daripada terkurung dalam penjara. Terdapat satu keadaan saling memerlukan antara PAP dengan komunis tetapi atas sebab yang berlainan. PAP memerlukan komunis untuk menyatukan massa berpendidikan Cina untuk mengorientasi mereka menjadi berpandangan Tanah Melayu selagi komunis terus menyekatkan usaha mereka dalam lingkungan bukan komunis. Goh Keng Swee secara peribadi memberitahu saya beberapa tahun kemudian bahawa beliau fikir langkah itu sangat berisiko tinggi dan menghampiri kebodohan untuk mengguna pakai sikap sebegitu. Bagaimanapun, ketika itu, PAP tidak ada pilihan lain selain terpaksa mengambil risiko terancang sedemikian dan menggunakan jentera komunis bagi mencari masa untuk mendidik khalayak umum. Tetapi Dr. Lee Siew Choh agak pasti, sebelum berpindah parti, memberitahu Menteri PAP bahawa Lim Chin Siong tidak takut kepada British dan beliau yakin bahawa British tidak akan melakukan apa-apa walaupun sekiranya elemen prokomunis akan berkuasa. Inilah hujahnya apabila kepemimpinan PAP mula melihat suatu corak berbahaya sedang terbentuk.

Hasil daripada siasatan lanjut, kepemimpinan PAP telah membuat kesimpulan bahawa dasar Selkirk yang memastikan Kerajaan PAP terus memerintah Singapura tetapi tanpa terlalu banyak kuasa. Oleh itu, melalui pujukan dan pujian, British telah mewujudkan suatu perasaan yakin di kalangan komunis untuk mencabar kepemimpinan. Pihak British telah memberikan gambaran, secara bijak atau sebaliknya, bahawa British tidak akan kisah apa juga bentuk kerajaan di Singapura, malah sebuah kerajaan prokomunis sekalipun selagi mereka membenarkan pangkalan British dikekalkan di sana bagi tujuan pertahanan termasuk kegunaannya oleh SEATO. Lim Chin Siong, setelah mendapat gambaran ini dan berjaya mengatasi kebimbangannya terhadap British yang ditanam oleh PAP, tidak dinafikan juga telah memberi gambaran kepada British bahawa jika mereka mengambil alih kuasa, mereka tidak sedikit pun berhasrat menuntut kemerdekaan penuh atau memindahkan pangkalan British. Kepada komunis, perkara tersebut adalah pengukuhan yang baik bagi British untuk mengekalkan Singapura sebagai jajahan dan sebuah pangkalan untuk menarik lebih ramai orang di Tanah Melayu, Singapura dan wilayah Borneo ke arah wadah antikolonial. Keseluruhan idea ini sama-sama menarik kepada British, begitu juga komunis.

Keadaan menjadi meruncing dengan penyataan Tunku mengenai penyatuan Singapura dan wilayah Borneo ke dalam Persekutuan; gabungan itu sudah hampir menjadi kenyataan. Kempen intensif antigabungan adalah merata dan berpihak. Komunis yang sehingga akhir-akhir ini memandang ringan idea gabungan, melihat masa hadapan mereka sangat suram berhubung keselamatan dalam negeri

jika Persekutuan yang antikomunis itu berkuasa. Semasa pilihan raya kecil Anson, setiap kaedah digunakan untuk mencabar kepemimpinan PAP berasaskan penyerahan Kerajaan PAP Singapura dalam Persekutuan dan orang Melayu melalui dasar gabungan. Serangan kemuncak berlaku dengan perpindahan parti oleh beberapa orang wakil rakyat PAP, yang diketuai oleh Lim Chin Siong. Lee Kuan Yew pada ketika itu berpendapat bahawa beliau akan berupaya mengekalkan sekitar 26 orang wakil rakyat PAP kesemuanya, dan ini akan memberinya suatu majoriti yang kecil.

Sejak pilihan raya kecil Anson, Lee Kuan Yew telah mengambil inisiatif untuk bertindak balas terhadap kepemimpinan komunis yang telah menjadikan persoalan gabungan sebagai suatu isu. Gabungan dianggap sebagai sangat penting di Singapura dan Lim Chin Siong kini mendapati dirinya dalam keadaan bertahan, justeru beliau berpaling dengan mengatakan bahawa beliau bukanlah menentang penggabungan. Akibatnya, terdapat kekeliruan di kalangan pegawai rendah dalam Kesatuan Sekerja dan ahli Melayu dalam Parti Rakyat. Lee Kuan Yew berpendapat bahawa ahli Kesatuan Sekerja yang pro-Tanah Melayu akan keluar menentang kumpulan antigabungan. Kini Kesatuan Sekerja akan menegaskan pendirian mereka dan akan mengambil langkah untuk memburuk-burukkan Lim Chin Siong. Hal ini sudah pun bermula, sebagaimana dilaporkan dalam akhbar, bahawa enam pemimpin Kongres Kesatuan Sekerja telah secara terang-terang menentang Lim Chin Siong.

Lee Kuan Yew memutuskan bahawa Pihak Berkuasa British di Singapura telah menghasut komunis dalam PAP supaya memberontak menentang kepemimpinan bukan komunis PAP dengan harapan kepemimpinan bukan komunis PAP akan bertindak balas dan meminta pihak British menahan anasir komunis tersebut. Bagaimanapun, Lee Kuan Yew tidak berniat langsung melawan komunis dengan memenjarakan mereka dan akan dicap sebagai tali baharut British, memandangkan British masih berkuasa di Singapura. Beliau tidak mahu mengulangi kesilapan yang sama sebagaimana Lim Yew Hock yang mengasingkan perasaan umum dengan membenarkan dirinya melakukan tugas hina untuk British dan dikutuk sebagai budak suruhan British. Keadaannya akan berbeza jika Singapura dibebaskan daripada cengkaman British atau menjadi sebahagian daripada Persekutuan Tanah Melayu. Ketika itu, beliau akan berada pada kedudukan yang membolehkannya membela tindakannya demi kepentingan negara untuk menahan anasir komunis.

Sementara Lee Kuan Yew percaya bahawa tindakan yang tegas harus diambil terhadap komunis, langkah yang betul, di pihak PAP, adalah berurusan dengan mereka secara politik. Lee Kuan Yew merasakan

bahawa cara berfikir dan tindakan ini tidak pernah dihargai oleh Lord Selkirk yang mempunyai gambaran bahawa kepemimpinan PAP kurang berani jika mereka sendiri tidak mengambil langkah memenjarakan komunis.

Lee Kuan Yew sangat marah dengan pihak British yang bertindak seperti talam dua muka tentang hal yang sangat penting kepada keamanan dan keselamatan, bukan sahaja bagi Singapura, tetapi juga bagi Persekutuan, malah seluruh Asia Tenggara. Pada pandangan beliau, pihak berkuasa British di Singapura adalah pendek akal dan tidak menghargai kepintaran komunis tempatan yang tidak seperti komunis Eropah daripada jenis Galagher sama sekali. Lee Kuan Yew mengatakan bahawa Lord Selkirk sering menyatakan yang Lim Chin Siong ialah seorang insan yang disukai dan bertimbang rasa.

Kepemimpinan PAP tidak terdesak, tetapi sangat bimbang sekiranya British meneruskan permainan talam dua muka ini. Kesannya, dibimbangi akan wujud suatu keadaan yang mana pihak komunis, dengan menggunakan proksi dan orang barisan hadapan yang popular, akan berada pada suatu kedudukan untuk merampas kuasa. Kalau itu berlaku, komunis akan mengukuhkan kedudukan mereka dengan mempengaruhi fikiran penduduk tempatan, menakut-nakutkan pemimpin pembangkang dan mempengaruhi sepenuhnya polis dan badan penguatkuasa undang-undang yang lain. Pada peringkat itu, kedudukan ekonomi Singapura akan merosot, timbul suatu keadaan yang akan diputarbelitkan oleh komunis untuk mewujudkan kegelisahan dan apabila telah wujud keadaan gelisah dan merosot yang mencukupi, bantuan dari negara komunis akan mencurah masuk. Dalam keadaan itu, sukar bagi pihak British menentang kedatangan bantuan terutamanya dari negara China memandangkan ramainya penduduk Cina di Singapura.

Menurut Lee Kuan Yew, PAP mempunyai peluang yang sangat baik untuk berjaya dalam perjuangannya menawan hati dan fikiran rakyat Singapura jika beliau diberi sepenuh bantuan berhubung perkara gabungan dengan Persekutuan. Beliau tidak fikir British benar-benar mahu membantunya. British hanya memberi kata manis bahawa mereka mahu melihat Singapura bergabung dengan Persekutuan, walaupun yakin gabungan seperti itu tidak mungkin berlaku. Tunku pula telah mengatakan bahawa persoalan itu tidak boleh dibincangkan secara berasingan daripada penyatuan wilayah Borneo yang mana British tidak berhasrat untuk melepaskan.

Lee Kuan Yew merancang satu siri serangan dengan mendedahkan sifat sebenar Lim Chin Siong dan sahabatnya sebagai komunis. Serangan ini akan bermula dengan perbahasan di Dewan Rakyat atas Usul Undi Percaya. Siri pendedahan itu akan diadakan selama kira-kira dua

atau tiga minggu. Beliau akan menerangkan dengan jelas kekecewaan komunis dan pelbagai langkah yang diambil oleh komunis dengan menggunakan PAP. Lee Kuan Yew berkata bahawa beliau tidak akan teragak-agak menyatakan sesuatu, terutama sekali beliau akan merujuk kepada bahagian yang dimainkan oleh British dalam seluruh hal ini.

Saya berpandangan bahawa Lee Kuan Yew sangat berkehendakkan kesungguhan dan kesabaran Tunku dalam usahanya menghapuskan anasir komunis dengan caranya sendiri. Lee Kuan Yew berkata bahawa beliau sedang memikirkan secara serius untuk datang berjumpa Tunku dalam beberapa hari lagi bagi mendapatkan nasihatnya sebaik sahaja beliau telah memantapkan pendapat beliau mengenai langkah yang akan diambil.

Gabungan kini menjadi isu utama dalam perjuangan menentang komunis. Lee Kuan Yew merasakan bahawa Kerajaan Tanah Melayu harus bersedia untuk suatu intensif oleh komunis untuk mewujudkan suatu iklim pendapat yang menentang penggabungan. Akan terdapat peningkatan serangan terhadap kepentingan ekonomi dan perindustrian di Singapura bagi mewujudkan kebimbangan dan sikap putus asa.

Dr. Goh Keng Swee sependapat dengan saya bahawa sekiranya diadakan sebuah pilihan raya umum dengan segera, PAP akan turut serta kerana jentera parti tidak sekuat jentera komunis. Bagaimanapun, PAP telah pun melakukan penyusunan semula. Mungkin terdapat suatu penyusunan semula dalam kabinet yang akan melepaskan Ong Pang Boon daripada tugas menteri bagi memboleh-kannya menumpukan perhatian yang lebih kepada tugas parti. Mungkin Ahmad Ibrahim akan menjadi Menteri Hal Ehwal Dalam Negeri sementara Byrne akan mengganti Ahmad di Kementerian Kesihatan dan seorang lain akan dicari bagi mengetuai Kementerian Buruh.

PAP yakin bahawa parti mereka akan menang jika referendum (pungutan suara) diadakan mengenai perkara gabungan. Terdapat keinginan ikhlas di Singapura bahawa suatu gabungan harus berlaku dengan persekutuan dan keinginan ini tidak harus dibiarkan berlaku begitu sahaja akibat tindakan komunis. Sebaliknya, Lee Kuan Yew bimbang British akan melengah-lengahkan penyerahan wilayah Borneo, dan dalam keadaan itu, mungkin lebih baik Brunei disatukan dahulu. Lee Kuan Yew berpendapat bahawa sekiranya kelihatan gabungan akan menjadi realiti komunis akan merasa tertekan. Mungkin akan berlaku rusuhan di Singapura, tetapi beliau tidak bimbang kerana beliau merasakan tindakan tegas boleh diambil terhadap komunis.

Malah Menteri di Singapura telah pun diugut oleh kumpulan sayap kiri dan anasir komunis. Lee Kuan Yew dan Goh Keng Swee dilaporkan telah menerima surat ugutan bunuh. Kepemimpinan PAP, bagaimanapun, tidak akan mengubah pendirian mereka dan akan meneruskan idea untuk

mendedahkan Lim Chin Siong dan rakan seperjuangannya berhubung dengan aktiviti komunis mereka. Usaha ini akan menunjukkan bahawa PAP telah berubah daripada sebuah dasar yang diisytiharkan sebagai bukan komunis kepada dasar antikomunisme, walaupun kenyataan seperti itu tidak akan dibuat. Peristiwa terdahulu kelihatan kepada saya sebagai pendirian kepemimpinan PAP. Ia adalah releven kepada Konsep Malaysia yang saya tidak boleh ketepikan.

Semasa lawatan dua hari saya ke Singapura, saya berjumpa dengan Lord Selkirk yang memaklumkan kepada saya bahawa sepucuk surat akan dihantar oleh Kerajaan Baginda Queen mengenai persoalan penyatuan wilayah Borneo dan Singapura dengan Persekutuan. Geofrey Tory, Pesuruhjaya Tinggi British di Kuala Lumpur, mungkin mengetahui lebih lanjut daripadanya tentang hal tersebut memandangkan beliau baru pulang dari London ke Kuala Lumpur. Terdapat suatu kemungkinan bahawa Perdana Menteri Persekutuan Tanah Melayu dan Singapura akan diundang ke London lewat tahun itu, tetapi mungkin juga untuk membincangkan soal pergabungan Singapura. Beliau berpendapat orang di London belum lagi bersedia untuk meneruskan persoalan wilayah Borneo kerana tentangan yang ditunjukkan oleh orang tempatan di kawasan itu.

Apabila berdepan dengan hakikat bahawa Parti Negara telah pun mengubah pendiriannya di Sarawak, Lord Selkirk membuat pernyataan bercanggah dengan dakwaannya terdahulu. Beliau kini mengatakan bahawa Parti Negara ialah sebuah parti kecil tidak berpengalaman dan masih pada peringkat awal. Oleh itu, keputusannya tidak memberi sebarang kesan. Beliau kelihatan rimas semasa saya memberi senyuman sinis apabila beliau mengulangi bahawa Tunku, termasuk saya, sentiasa curiga terhadap British.

Lord Selkirk menegaskan bahawa terdapat keinginan ikhlas di kalangan orang tempatan, bahawa sekurang-kurangnya Sarawak dan Borneo Utara harus bergabung terlebih dahulu sebelum bersatu dengan Persekutuan. Pada peringkat ini, saya bertanya apakah ia ikhlas dengan keinginan wilayah Borneo atau bukankah keinginan lama yang terpendam oleh Pejabat Kolonial Inggeris? Beliau ketawa dan berkata bahawa memang benar bahawa British telah menyimpan idea itu 18 bulan yang lalu dan beliau kini berharap Tunku telah membuat cadangannya lebih awal supaya dasar menyatukan wilayah Borneo tidak pernah dimulakan. Beliau jelas setia kepada dasar pejabat kolonial yang benihnya telah ditanam oleh Malcolm MacDonald pada tahun 50-an dahulu.

Perbincangan kemudiannya beralih kepada perkara pilihan raya kecil Anson. Saya bertanya apakah yang membuat komunis keluar secara terbuka untuk mencabar kepemimpinan bukan komunis PAP? Beliau

menjawab bahawa mungkin berdasarkan hasil pilihan raya kecil Hiong Lim dan sudah tentulah timbul persoalan gabungan yang komunis tidak suka. Beliau kemudian bertanyakan pandangan saya. Saya memberitahu beliau bahawa saya tiada kuasa untuk mewakili pandangan kerajaan Tanah Melayu, tetapi berdasarkan pemantauan peribadi, saya bersetuju bahawa pernyataan Tunku tentang membantu penyatuan wilayah tentunya mempercepat serangan terhadap kepemimpinan bukan komunis PAP. Ini terbukti daripada kenyataan yang dibuat dan aktiviti komunis yang intensif dalam menganjurkan perbincangan dan menyebarkan risalah antigabungan kepada ahli kesatuan buruh.

Bagaimanapun, saya memberitahu beliau bahawa sekurang-kurangnya terdapat pandangan yang wujud di Singapura bahawa komunis berpendapat yang Kerajaan Baginda Queen tidak akan melakukan apa-apa jika anasir prokomunis mengambil alih kuasa selagi pangkalan British tidak diganggu. Inilah gambaran yang diperlukan komunis. Seolah-olah menjangkakan yang saya akan membuat tanggapan selanjutnya, Lord Selkirk dengan segera menjawab bahawa itu tidak benar.

Dalam perbualan selanjutnya, saya cuba mendapatkan reaksi British sama ada golongan prokomunis atau komunis benar-benar menjadi kerajaan Singapura. Lord Selkirk menerangkan bahawa kerajaan British terpaksa berhati-hati memandangkan perlembagaan mengandungi perlindungan bagi semua institusi dan proses demokrasi dan adalah sukar bagi Kerajaan Baginda Queen melakukan apa-apa selagi tiada tindakan ganas atau kaedah yang tidak demokratik dilakukan. Apabila saya berkata bahawa komunis berasa terangsang untuk merampas kuasa, Lord Selkirk memberi gambaran bahawa sekiranya komunis sendiri secara terbuka merampas kuasa melalui pilihan raya dan memerintah negara tanpa melakukan keganasan, kerajaan British akan bertoleransi dan tidak akan menggantung perlembagaan. Saya memberikan pandangan saya bahawa sekiranya prokomunis berkuasa, maka akan terbuka luas medan komunis di seluruh Asia Tenggara. Beliau menjawab, yang memeranjatkan saya, bahawa Persekutuan Tanah Melayu harus mengambil alih pulau tersebut dan menghalang sebarang keburukan berlaku. Namun pada peringkat ini, beliau tidak dapat mengatakan dengan tepat bahawa Kerajaan Baginda Queen akan memenjarakan pihak komunis. Sebaliknya, beliau menjangkakan Lee Kuan Yew secara terbuka meminta penahanan golongan komunis dan tidak berselindung di belakang Majlis Keselamatan Dalam Negeri. Pada saat itu, saya mempunyai gambaran bahawa Selkirk berfikir tahanan yang ada pada masa itu dibebaskan dan dikenakan tahanan di rumah. Beliau berkata Kerajaan Baginda Queen seharusnya tidak melakukan sesuatu yang mungkin kelihatan menekan pada pandangan Parlimen

British dan mana-mana tangkapan di Singapura haruslah dilakukan secara terbuka oleh Lee Kuan Yew.

Lord Selkirk berpendapat bahawa PAP akan berupaya memegang kuasa tetapi bukan dengan majoriti yang sama. Dengan perjuangan Lee Kuan Yew secara terbuka menentang komunis, beliau mungkin berpeluang memperolehi kembali penghormatan daripada mereka yang beliau singkirkan pada permulaan pemerintahan PAP.

Menyusuli perbincangan saya di Singapura selama dua hari, saya mendapat gambaran bahawa walaupun Lee Kuan Yew tidak berada dalam keadaan panik, beliau sangat bimbang terhadap keadaan di Singapura. Pada masa yang sama, beliau berpendapat bahawa beliau berada pada kedudukan yang baik memandangkan komunis telah menjadikan gabungan isu utama meletakkan komunis pada kedudukan yang buruk kecuali kepada sesetengah anasir cauvinis Cina.

Bagaikan terdapat suatu kewajaran dalam deduksi kepemimpinan PAP tentang sifat talam dua muka yang dimainkan oleh British sebagaimana yang dapat disaksikan dalam perbualan saya dengan Selkirk. Komunis tentunya tidak akan bergerak ke hadapan jika mereka tahu bahawa British tidak akan menerima mereka sebagai kerajaan yang sah. Terdapat juga kepercayaan bahawa British akan menggalakkan komunis bertengkar dengan PAP supaya PAP akan mengambil langkah menahan komunis dan bukannya Inggeris atau Majlis Keselamatan Dalam Negeri. Jika segalanya itu benar, maka terdapat salah perhitungan oleh pihak berkuasa British.

Whitehall, pada masa itu, terlalu sibuk dengan krisis Berlin, Pelucutan Senjata, Pasaran Bersama dan Laos, sehinggakan perkara penyatuan wilayah Borneo tidak mendapat perhatian sepenuhnya. Lee Kuan Yew, dengan memberitahu saya terlebih dahulu niatnya, mungkin juga mengharapkan Kerajaan Tanah Melayu tidak akan terasa terkejut apabila beliau menyerang komunis dan begitu juga dengan kesungguhan yang sama terhadap British kerana peranan mereka. Dalam proses tersebut, beliau sendiri akan menyatakan bahawa permainan talam dua muka Selkirk telah membahayakan prospek gabungan wilayah Borneo dengan mengheret setiap orang ke jalan yang berlainan arah. Suatu perbalahan terbuka dengan pentadbiran kolonial British dijangkakan dan beliau akan memerlukannya untuk menggembleng sokongan masyarakat umum terhadap landasan antikolonial yang popular yang akan digunakan bagi menentang komunis. Lee Kuan Yew mungkin akan pergi lebih jauh sehingga mendakwa bahawa pihak komunis dan British adalah kumpulan yang sama.

Parti PAP, saya berpendapat, sedang berfikir secara serius untuk mengambil beberapa langkah penting sedikit masa lagi dan Lee Kuan

Yew sangat berhati-hati untuk menyatakannya. Sebelum beliau melakukan sesuatu beliau akan berjumpa Tunku untuk mendapatkan nasihat. Saya perhatikan perkara ini dinyatakan dengan penuh hormat dan rendah diri terhadap kebijaksanaan kepemimpinan Tunku. Apa bentuk rancangan itu masih belum jelas. Lee Kuan Yew malah mungkin mula menggerakkan idea gabungan tanpa wilayah Borneo memandangkan beliau yakin bahawa cara yang paling berkesan untuk memusnahkan komunis adalah dengan membuatkan mereka berjuang di atas kedudukan mereka yang lemah. Saya berpendapat ketika itu bahawa Lee Kuan Yew mungkin mengguna pakai salah satu strategi berikut:

1. Beliau akan mengadakan suatu pungutan suara kepada rakyat Singapura sama ada menerima bergabung atau tidak dan sebaik sahaja pungutan suara diputuskan, yang beliau fikirkan dengan betul akan memihak pergabungan. Kemudian, beliau boleh memandu gabungan tersebut untuk dijalankan bermula dengan waktu pengenalan suatu peruntukan peralihan sehingga perincian telah ditentukan. Saya berpendapat pelan ini akan dilancarkannya jika Tanah Melayu bersetuju bergabung dengan Singapura tanpa wilayah Borneo;
2. Kemungkinan kedua adalah bahawa beliau mungkin meminta Tanah Melayu secara terbuka bersetuju secara prinsip tentang persoalan gabungan, tanpa sebarang komitmen yang gabungan itu akan segera dikuatkuasakan terus selepas pungutan suara. Sebaik sahaja jaminan diberikan, beliau akan meneruskan dengan pungutan suara yang beliau akan menangi. Kemudian, beliau akan menjanjikannya kepada penyokongnya bahawa PAP akan berusaha untuk mendapatkan persetujuan persekutuan untuk penyatuan pada suatu tarikh pada masa hadapan; Dan dengan demikian, mengalahkan komunis mengenai perkara yang paling penting;
3. Sekiranya Kerajaan Tanah Melayu tidak dapat bersetuju untuk melibatkan dirinya sama ada terhadap (a) atau (b), maka Lee Kuan Yew mungkin, sebagai pilihan, meminta suatu pilihan raya umum diadakan tentang persoalan gabungan, tetapi disangsikan sama ada beliau akan berjaya dalam pilihan raya umum tersebut memandangkan gabungan bukanlah satu-satunya isu. Sekiranya beliau gagal, perkara terbaik yang boleh berlaku adalah tiada parti akan beroleh majoriti yang mencukupi untuk membentuk sebuah kerajaan. Terdapat bahaya sekiranya kumpulan prokomunis atau proksi komunis mungkin berjaya yang mana keadaan akan menjadi sangat sulit;

4. PAP mungkin hanya berdiam diri sehingga pilihan raya umum akan datang.

Saya pasti bahawa Lee Kuan Yew akan memilih idea pungutan suara hanya dengan persetujuan Tunku dan juga dalam beberapa bulan lagi sebelum penghujung tahun. Sekiranya terkemudian daripada itu, PAP mungkin mendapati sukar untuk menang kerana dakyah anti-gabungan komunis pada masa itu mungkin telah meresap dengan meluasnya. Tambahan pula, pelaksanaan dasar pendidikan Tanah Melayu pada Januari 1962 akan digunakan untuk membuat serangan oleh cauvinis Cina di Singapura.

Oleh itu, saya telah mengesyorkan kepada Tunku dan Razak bahawa Persekutuan Tanah Melayu mula berfikir dari segi kemungkinan prokomunis atau proksi komunis, kalaupun tidak komunis sendiri mengambil alih kuasa di Singapura. Mungkin juga sebagai kerajaan campuran dengan beberapa parti politik kecil kalaupun hanya untuk memakai suatu lencana sebagai penghormatan. Supaya tidak berlaku kejutan, maka amatlah baik bagi jawatankuasa kerajaan membuat suatu kajian akan implikasi suatu keadaan seperti itu dan bersedia menghadapi senario yang buruk, iaitu mengasingkan Singapura.

Terdapat suatu suasana murung di Singapura ketika itu dan para peniaga sangat bimbang akan masa depan Singapura. Buat pertama kali, masyarakat termasuk pemandu teksi dan buruh biasa mula bercakap bahawa satu-satunya kumpulan alternatif kepada PAP di Singapura adalah komunis.

Saya melaporkan semua perkembangan ini berserta komen dan cadangan saya kepada Tunku dan Razak. Tidak jelas kepada saya apa yang Tunku lakukan dengan maklumat itu, tetapi beliau ada mencadangkan yang saya harus memberi perhatian yang teliti terhadap Singapura. Cawangan khas daripada Polis Tanah Melayu yang mempunyai hubungan istimewa dengan rakan sekerjanya di Singapura akan dipandu berhubung dengan sasaran khusus.

Keadaan di Singapura menjadi semakin serius. Agensi risikan mengesahkan bahawa Selkirk ada dikunjungi oleh Lim Chin Siong setengah jam selepas saya meninggalkan beliau. Kali terakhir saya menemuinya di Eden Hall, terdapat cerita Lee Kuan Yew bahawa Selkirk berhubung rapat dengan Lim Chin Siong.

Berhubung dengan pendirian Inggeris sebagaimana diberitahu oleh Selkirk, Tunku berazam bahawa harus terdapat suatu keputusan yang tegas mengenai Rancangan Malaysia berhubung dengan kedua-dua Singapura dan Wilayah Borneo. Beliau berpendapat bahawa Whitehall mungkin boleh dipujuk untuk menolak keputusan pegawai Borneo dan juga mengubah dasar mereka ke atas Singapura. Tunku juga berpendapat

bahawa jemputan kepada beliau dan Lee Kuan Yew sesungguhnya harus datang daripada Kerajaan British.

Bagaimanapun, saya memberitahu Tunku supaya berhati-hati kerana mesyuarat di London dalam keadaan sekarang akan menjadi tidak bererti memandangkan perbezaan pandangan adalah terlalu hebat. Sebagai langkah awal adalah berguna untuk mendapatkan beberapa pandangan popular daripada wilayah Borneo untuk membentuk asas suatu sikap yang mungkin akan mempengaruhi pemikiran British.

Saya memaklumkan Tunku bahawa operasi politik khusus di Sarawak dan Borneo Utara sedang berjalan dengan baik dan dengan Jawatankuasa Rundingan Perpaduan Malaysia berjalan lancar, Tunku akan mempunyai peluang yang baik untuk membawa perubahan pada dasar British. Jika semata-mata untuk mendengar dasar British sebagaimana dinyatakan oleh Selkirk, maka mesyuarat di London akan menjadi sia-sia dan merbahaya. Saya mencadangkan kepada Tunku yang kita harus bekerja lebih rapat dengan Geofrey Tory, Pesuruhjaya Tinggi British di Kuala Lumpur. Tunku mengatakan yang beliau akan memberi pertimbangan yang serius terhadap hal itu dan akan berbincang dengan saya apabila beliau telah memikirkannya. Razak setelah diberi taklimat tidak menawarkan sebarang pendapat, tetapi menyerahkan hal itu seluruhnya kepada Tunku untuk diputuskan. Bagaimanapun, beliau menyimpulkan bahawa satu cadangan bagi pergabungan Singapura tanpa wilayah Borneo harus ditolak mentah-mentah.

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Sementara itu, saya mengatur suatu pertemuan antara Tunku dengan Lee Kuan Yew yang saya fikirkan penting untuk mengekalkan momentum. Keadaan di Singapura memerlukan perhatian segera dan Lee Kuan Yew telah memikirkan untuk pergi ke London bagi mengadakan rundingan tentang Singapura sebelum tahun baharu. Saya rasa perlu diadakan suatu perbincangan dari hati ke hati antara kedua-dua pemimpin, terutama sekali tentang persoalan bagaimana hendak berurusan dengan kerajaan British yang menjadi faktor penting.

Lee Kuan Yew dan Goh Keng Swee menghabiskan beberapa hari di Cameron Highlands untuk menghadiri Majlis Keselamatan Dalam Negeri Singapura di mana Tanah Melayu menjadi ahli pada akhir bulan Ogos. Mereka turun dari gunung itu pada 23 Ogos 1961 dan tinggal di Istana Tetamu. Saya mengunjungi mereka dan mereka bersetuju berjumpa dengan Tunku, Razak dan saya di Residensi pada pukul 8.00 malam. Saya meminta Lee dan Goh agar berterus-terang dengan Tunku dan meyakinkan mereka bahawa Tunku baik orangnya dan mereka tidak