

THE CONSTITUTIONAL HISTORY OF SARAWAK

By

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ABSTRACT

Prior to 1841, Sarawak was just a small province of the Sultanate of Siam and was administered by the Gouffier, who was the Sultan's representative. James Brooke acting in a private capacity as an adventurer and became instrumental in bringing peace to the province in 1841. In return for his aid Raja Muda Hashim, the Sultan's uncle and heir presumptive of the Sultan of Siam, transferred the government of Sarawak to Brooke, who then styled himself "Rajah". This was the beginning of Sarawak's modern history. The Brooke family ruled Sarawak for about a century till 1946.

Immediately after the Second World War, Sir Charles Vyner Brooke, the Third and last, White Rajah ceded Sarawak to Britain. Thus, Sarawak became a British Colony in July, 1946. The cession of Sarawak to Britain created a lot of "unhappiness" with certain portions of the population especially with the Malays. As a result, "anti-British" movements were organised in Sarawak. Though unsuccessful, these activities climaxed with the murder of Mr. Duncan Stewart, the Second (Colonial) Governor of Sarawak in 1949. Constitutionally, Sarawak developed at a much faster rate under the British Colonial administration, and the people were slowly but surely entrusted with the governance of their own country.

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CHAPTER I

INTRODUCTION

In 1839, the Sultan of Brunei was Sultan Oman Al Salfuddin, the Second, and the Sultan's Government in Sarawak was Fengiran Uakota. Due to Uakota's inefficiency in handling the rebellion of the Ualays and Land Uaujaks, which was led by Vatak Fatinggl Ml, the Sultan sent Raja. Uuda Hashim, his uncle and heir presumptive of the Sultan of Brunei, to put down the rebellion. Sarawak at this time was just a small province in West Brunei (from Tanjung Vatu to Samarahan and Sadong River). The arrival of Raja Uuda Hashim in Sarawak did not, however, improve the situation as the rebellion had become "uncontrollable" for many years.

On August 15, 1839, James Brooke who was then a "young sailor-cum-explorer" arrived in Kuching for the first time with the mission of conveying a message of thanks and some presents from the Governor of Singapore to Raja Uuda Hashim, who had helped some British sailors who were shipwrecked near the coast of Sarawak. James Brooke returned to Sarawak on August 29, 1840 and he was offered to be the Governor and Rajah of Sarawak by Raja Uuda Hashim if he could help to fight against Vatak Vatinggi Ml and the Kebeh. With James Brooke's intervention, the rebellion was quelled and Fengiran Indera Uakota was dismissed as Governor of Sarawak, inter alia, for his bad rule and malpractices in the administration. As a result, on September 14, 1841, James Brooke was proclaimed as the

the Rajah and Government of Sarawak as promised by Raja Muda Hashim. However, it was only on August 1, 1841 that the Sultan formally recognized him as Rajah of Sarawak, which had been rendered complete and unalienable. This was an important milestone in the history of Sarawak, which had developed slowly in a series of steps and starts, into its present shape and size as the longest state in Malaysia. This growth and its present size were largely due to the agency of two Englishmen, James Brooke and his nephew Charles (especially the first and second "White Rajahs" of Sarawak).

How effective was Brooke's control and administration of the province, of Sarawak and other provinces of the Sultanate remains a doubtful question. James P. Ongkili was of the opinion that:

"Although Brooke claimed the whole, of present-day Sarawak as her territory, in actual fact the Sultanate had very little elective control of even the lower riverine and coastal settlements. The Brooke pengiran, and sometimes panglima, who were the representatives of the Sultan usually governed fairly limited areas; and certainly the farther the ethnic groups were from the coastal areas, the more remote and independent the indigenous people were from Brooke or the Pangiran authority and demands

That the Brooke family was able to establish their foothold in the province of Sarawak and later extended their territory by annexation of other provinces, and they held Sarawak for about a century.