

**MANAGING TERRORISM THROUGH
PEACEFUL POLITICAL NEGOTIATIONS:
THE MALAYAN EXPERIENCE**

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With the conclusion of Haadyai Agreement on December 2, 1989, the forty-years period of bloody 'undeclared war' between the Malaysian and the Malayan Communist Party (MCP) came to an end. The problem of communist guerrillas, which had threatened both Malaysian and Thai Governments since late 1940s had disappeared and is now history. This honourable settlement brought prosperity, stability and security to the Thai-Malaysia border region and Malaysia. This was truly a historic event in the Malaysian history. It proved that developing the correct strategy, that is using politics backed up by the military, and applying it at the most suitable time, terrorism could be solved successfully. This paper discusses the truce talks between the Malaysian and the Malayan Communist Party representatives, which finally led to the peace accord between the MCP and the Malaysian Government in December 2, 1989.

The Malayan Communist Party was formed in 1930 with the objective of liberating Malaya from the British colonial rule and replacing it with the Communist Republic of Malaya. Because of its subversive activities, the Malayan colonial authorities banned the Party. However, following the Japanese invasion of China in early 1937, the Party enjoyed considerable success in setting up anti-Japanese front in Malaya to mobilize the local Chinese in decrying Japanese aggression. During the occupation, the MCP – now styling itself as the Malayan People's Anti-Japanese Army (MPAJA) – built very close ties with the squatter Chinese. As the Chinese generally bore the brunt of Japanese brutality, they welcomed the MPAJA's attempts to strike back on their behalf. So significant was the MPAJA that the British had recognized it as a force to be reckoned with and supplied it with instructors and arms. By the end of the war, the MPAJA emerged as a real force. The MCP boasted with its 7,700-8,000 armed members. In fact, before the British troops

landed in Malaya, the MPAJA had already taken over control of a vast section of Malaya.

After the war, the MCP continued to cooperate with the British troops and the British Military Administration in Malaya on the understanding that its 'eight points' which included the establishment of 'a democratic Government in Malaya' would be adopted. Under the liberal British policy, the MCP was able to carry out their political activities unchecked by the British administration. It used the opportunity to spread its influence into every section of the population in Malaya by capturing and controlling industrial, social and political bodies. The MCP also made an attempt to influence the Malay community by sponsoring a radical Malay Nationalist Party. Its main goal was to fight for the liberation of Malaya from the British colonial yoke in line with the San Francisco declaration of April 1945, which called for self-determination for the colonized people.

The MCP's political objective was however incompatible with the British policy, which considered Malayan independence was not yet ripe. The MCP activities were looked with suspicion by the British authorities. The Malayan Police, for example, had begun to press the British government and the BMA for more power to control communist political activities. The British government was forced to change its liberal policy towards the MCP. Consequently, the liberal BMA policy towards the MCP was replaced by more repressive measures. The MCP responded by dropping its moderate line and resorted to armed revolt against British rule in Malaya. The primary objective of the MCP terrorism was to cause unrest and chaos in the countryside and the establishment of communist administrations in various liberated areas in the country and subsequently forming a communist Republic of Malaya. The British retaliated by declaring a state of emergency on June 16, 1948 in certain parts of Malaya.¹ The Malayan Communist Party was banned. The MCP members rather than risk arrest under the Emergency powers, took to the jungle to reorganize for a prolonged war. At any rate, by June 1948, the first shot in the Malayan Emergency had been fired, and it would be 41 long years before the shooting war came to an end. Following the government's massive military campaign, in early 1950s the Malayan Communist Party guerillas began to retreat to the Thai border at Weng District, Narathiwat province. However, the nature of the terrain on Malayas' border with Thailand made it impossible to monitor it effectively and it remained a constant liability. Every efforts were made to secure the cooperation of the Thai authorities to suppress the communist guerillas. The first Malayan-Thai Police Border Agreement was signed in

Bangkok on September 1, 1949. This agreement allowed the police forces of both countries to cross the border in pursuit of the communist guerillas.²

The MCP responded by offering a peace offensive. In early September 1955, the MCP offered to negotiate with the government. The MCP Central Committee, in a letter to Tunku Abdul Rahman, the Chief Minister of Malaya, proposed to 'achieve a cease fire and to solve the questions of repealing the Emergency regulations and of achieving independence by peaceful means. The Tunku concurred with the proposal as part of the strategy to end the insurgency and thus clear one of the obstacles on the road to full self-government and independence of Malaya.³

The Tunku and Chin Peng met in late November 1955 in Baling, a small town near Thai-Malayan border. As expected, Chin Peng raised the question of recognition of the MCP. If the MCP was recognized and its members were not subject to detention and investigation, they could request the communist guerillas to lay down their arms and surrender. The talk was a failure after Chin Peng refused to yield to any pressure to discard the communist ideology, and that the government would have to accept the MCP status and let the populace make the final decision. He also said that his party was not ready to surrender.

After the futile Baling talk, the MCP continued with its armed struggle against the Malayan Government, while the government continued its suppression. All sides lost many lives, suffered injuries and wasted time and money which could have been spent in developing the country. Up to 31 August 1957, when Malaya gained its independence, the Emergency had cost some 700,000 pounds.⁴

After gaining independence, the Malayan government made an agreement to cooperate with Thailand on joint border operations to eliminate the communist along their common border. Despite Thailand's collaboration, the Malayan authorities could not defeat the communists outright as the latter were familiar with the terrain, skilled in jungle warfare, and in hiding and retreating employing Mao Tse-Tung's war tactics in dense jungle.

After Dr. Mahathir was appointed as Prime Minister of Malaysia in 1981, the communist leadership launched a new peace offensive. Abdullah C.D., Chairman of MCP Central Committee, wrote to Tun Ghaffar Baba, the Deputy Prime Minister of Malaysia, on 1 October 1987, calling for a peace talks between the Malaysian Government and the MCP for the sake of stability and prosperity of Malaysia.⁵ The Tun concurred with the proposal. The first meeting was

held at My House Hotel, Haadyai on May 1987. The Malay 10th. Regiment was led by Majid while Ghaffar's was represented by Husin and Haji Rahmat. After the success of the low-level talks, that MCP decided to send a higher ranking member, Madam Zainon from Guangzhou, as the representative of Chin Peng, to attend primary talks with the Malaysian Government. With a close cooperation of the Thai-Military Command, the first meeting between Malaysian and the Malayan Communist Party was held at Thavorn Palm Beach Hotel, Phuket, Thailand from 2nd to 4th February 1989. The Malaysian delegates was led by Datuk Abdul Rahim Mohd. Noor, the Malaysian Chief of the Special Branch while the Malayan Communist Party was led by Chang Lin Yan. General Kitti Ratanachaya of the Fourth Army Region Commander chaired the meeting.⁶ As a basis of discussion, the MCP presented with a draft which contained 11 points:

- i. Common desire to end hostilities;
- ii. Recognition of MCP and PKMRM;
- iii. Participation in politics;
- iv. Disbanded in armed units;
- v. Guarantees for non-arrest, personal safety and freedom;
- vi. Place to residency and citizenship;
- vii. To repeal the ISA;
- viii. Recognition of MCP's contributions and provision of assistance;
- ix. Talks to effect implementation of agreement;
- x. Announcement and coming into effect of agreement;
- xi. Thailand as witness to Agreement.

The Malaysian side responded by agreeing to consider all the points except for two cardinal points relating to the recognition of the MCP and the repeal of the ISA. In concluding the peace agreement with the MCP, the Malaysian delegates not only had to appease the Malaysian populace but also had to ensure that it did not embarrass the Malaysian political leadership, apart from considering the views of Thailand. The Malaysian delegates suggested, and agreed upon by the Thais and MCP delegates, that those two cardinal points be temporary put aside to enable the three parties to deliberate on the other 9 points so that in the end an overall settlement could be reached as a package deal.

Regarding the citizenship, the Malaysian delegates explained about the categories of citizenship. All members of the MCP and PKMRM who were allowed to return to Malaysia would enjoy equal rights, including the right to participate in politics in accordance with the law of

the country. On ISA, the Malaysian delegates assured the communists that there were no political detainees in Malaysia. All those detained under the ISA were arrested for activities deemed prejudicial to the security of Malaysia. As to the MCP's contribution, the Malaysian delegates would prefer to leave it to the historians and future generation to write about the MCP.

In response to the Malaysian explanation, the MCP delegate insisted for the abolition of the ISA on the ground that the ISA was 'suppressive in nature'. On recognition of the MCP, the MCP delegates urged the Malaysian Government to recognize the party because of its role in fighting against the British colonial rule, which had contributed to the independence of Malaya in 1957. He also proposed the Malaysian Government to reconstruct the National Monument in Kuala Lumpur which they considered as 'a distortion of the historical fact and made a mockery of the people who had contributed towards the independence of the nation'. The MCP delegates were against the idea that the MCP members, which decided to return to Malaysia, should go through the process of law. They deserved the right to be free from all form of investigations or interrogations. Any form of action that would subject them to humiliation would not be accepted.

The second meeting was held on 4th February 1989. The second meeting was centered on further explanations and seeking a way to reach a settlement. The Malaysian delegates reminded the MCP delegates that the Malaysian Prime Minister had mandated them to negotiate and to seek a settlement to end all hostilities. Thus, they urged the MCP delegates to be realistic and to take cognizance of the political reality and sentiments of the people in Malaysia in negotiating for a lasting peace. They would inform the Prime Minister concerning the terms of settlements. Likewise, they urged the MCP delegates to secure endorsement of the MCP Central Committee on the same matter so that there would be no problem later on if a memorandum of understanding had been signed.

The second round of the tripartite talks was held on 15th-17th March at Phuket, Thailand.⁷ The meeting focused on the draft memorandum of understanding submitted by the Malaysian delegates headed by Datuk Rahim. In his opening address, Rahim urged the MCP delegates to express their views openly on the conditions offered. The Malaysian Government, he assured, would honour every item stated in the Memorandum upon its signing. There were 7 items in the draft memorandum of understanding vis-à-vis as follows:

- i. Dissolution of the Communist Party of Malaya;

- ii. Disbandment of Armed Units, disposal of arms and destruction of booby traps;
- iii. Settlement in Malaya;
- iv. Application of legal requirements;
- v. Rights and Privileges;
- vi. Resettlement in the Kingdom of Thailand;
- vii. Resettlement in Third country.

Zainon acted as the spokesman for the MCP. The meeting was informed that the MCP delegates had examined the draft memorandum of understanding and would like to discuss the various issues based on CPM's principle. On the question of the dissolution of MCP and the RMNP, she said it would be very difficult for the MCP to make a formal declaration on the dissolution. There was no need for a formal declaration since the MCP had agreed to end the war and participate in peaceful form of struggle. On the disbandment of armed units and disposal of arms, Zainon stated that such a term would literally mean the surrender by the MCP. The MCP preferred to destroy their own weapons rather than surrender to the Malaysian authorities, and this was agreed upon by Chin Peng, the Secretary General.

Rahim agreed to substitute the words 'hand over' with 'destruction' as suggested by Zainon. He expected that every weapon, ammunition, explosive and booby traps should be traced and destroyed in Malaysia and Thailand.

Responding to Zainon's enquiry into the treatment of MCP members of Malaysian origin, in respect of their entry into Malaysia, Rahim stated that the Malaysian Government would adhere to the laws of the country. He explained that every MCP members must undergo the process of resettlement upon their entry into Malaysia as required by Section 73 and Section 8 of the ISA 1960. During the process of settlement, they would be issued with National Registration Identity Cards, and on completion of the resettlement programme, they could participate in political activities.

Rashid Maidin, the Chairman of MCP did not agree with the process of resettlement. He suggested the MCP members should be allowed to return to their respective villages in Malaysia and be left on their own. Rahim assured Rashid that the MCP members would not be confined in prison or any rehabilitation centers in Malaysia but would be confined in special designated places or private houses. These agreements were felt to be necessary in view of the antagonistic attitudes of the Malaysian public towards MCP members. On suggestion by Rashid

that such process of resettlement and orientation be conducted in Thailand, Rahim explained that this was not possible, as the legal procedures would have to be complied with.

The Third Round of Tripartite meeting was held at Phuket on 11th-13th May 1989.⁸ The Malaysian delegates were led by Datuk Abdul Rahim Mohd. Noor while the MCP delegates was led by Wu Hit Shih. The meeting was chaired by Major-General Kitti Ratanachaya. The meeting sought to solve the differences with the view to seeking a solution acceptable to all. The meeting discussed the draft agreement by MCP which contained 9 item as followers:

- i. Status of the MCP.
- ii. Disposal of armed units and weapons.
- iii. Internal Security Act (ISA).
- iv. Guarantee for personal safety and freedom.
- v. Citizenship.
- vi. Place of Residence.
- vii. Kuala Lumpur Momument.
- viii. Provisio of assistance.
- ix. The announcement and coming into effect of Agreement.

The delegates then discussed the items. On the status of the MCP, the Malaysian delegation had demanded that the MCP must be dissolved upon signing of the Agreement. This was not acceptable to the MCP. However, as a compromise, the MCP delegates suggested that the MCP be changed its name to Socialist Labour Party of Malaysia with Marxism as its guiding ideology. The suggestion was rejected by the Malaysian delegates on the ground the SLPM would give the impression that it is an extension of the MCP. Regarding Marxism as its guiding ideology, the Malaysian delegates considered Marxism as an alien ideology, which is unacceptable to the Malaysians.

On the question of ISA, the MCP delegates asked for its abolition because the MCP wanted to assure that its members would not be subjected to the provisions of the ISA.

At the conclusion of the meeting, the MCP and the Malaysian delegates could not solve the questions of ISA. The MCP considered arrest or detention in any form inferred surrender and constituted great humiliation.

In response, the Malaysian delegates agreed to delete item 4 from the Agreement. As a concession, Malaysia would exclude the issue of the dissolution of the MCP from the Agreement. The MCP delegates

welcomed the concession made by Malaysia but remained steadfast in their demand that the ISA should not be applied on its members upon realization of peace.

On item 4 regarding personal safety and freedom, the Malaysian delegates guaranteed the personal safety of MCP members who might be resettled in Malaysia and assured that such members would enjoy the same privileges as any other citizens once their citizenship status had been reinstated in the spirit of the Agreement. On the place of residence, the Malaysian delegates reassured the MCP that all MCP members who were eligible to enter Malaysia would be given the option to choose their places of residence. On Kuala Lumpur Monument, the Malaysian delegates did not agree with the MCP suggestion that it is to be replaced but suggested that if they wish to replace it they might do so through parliamentary process. The Malaysian delegates also guaranteed that assistance would be given to those MCP members who return to Malaysia.

The fourth meeting was held on 2nd – 3rd. October 1989 in Phuket.⁹ The proceedings of the fourth round of the meeting focussed on the issues which had thus far prolonged the peace negotiations, particularly on the question of ISA, disposal of arms, citizenship and privileges and quantum of financial assistance. On the question of ISA, the MCP delegates still insisted that the ISA should not be applied on all the MCP members who wish to return to Malaysia. The MCP also disagreed with the suggestion that the MCP should hand over the arms and explosives to the Malaysian or Thai authorities but instead suggested to destroy it themselves upon the issuance of citizenship and national identity cards to the MCP members. The MCP delegates also requested the Malaysian Government to provide adequate funds to compensate the MCP members who suffered loss of lives or injured during the destruction of booby-traps. They also demanded the Malaysian Government to issue citizenship certificates and identity cards within six month from the date of the Agreement, and be accorded the same rights and privileges as any other Malaysian citizen upon their return to Malaysia. They also should be allowed to form a new party and participate in politics. The MCP delegates also requested for RM200 millions from the Malaysian Government for distribution among its members.

The Malaysian delegates agreed not to apply the ISA on MCP members on conditions that the MCP members, upon their withdrawal from the jungle, remained a minimum period of six months in designated places in Thailand or Malaysia where they would be processed jointly by the Thais and Malaysian authorities in order to establish their true

identity. The Malaysian delegates did not agree with the MCP suggestion that Communists would lay down and destroy their arms after the citizenship certificates and identity cards were issued. The Malaysian delegates also reassured that the MCP members would enjoy the same rights and privileges as any other citizen and be subjected to the same laws of the country. Regarding the proposed formation of a new political party, the Malaysian Government would not object so long as the application for registration was in accordance with the requirements of the law. However, it added that Marxism was not accepted in Malaysia. On the question of quantum of financial assistance of RM200 millions, the Malaysian Government regarded the demand as unrealistic and therefore was not prepared to consider it. Nevertheless, the Malaysian Government was committed to assist the MCP members on humanitarian grounds. In respect of compensation for loss of lives and injuries likely to be suffered by MCP members who would be involved in the destruction of booby-traps, the Malaysian Government would compensate in accordance with the approved scale of payments for members of the Malaysian security forces.

The three parties had come to a satisfactory compromise and reached the final stage of the negotiation.

The final meeting was held on 2nd – 4th November in Phuket.¹⁰ The two outstanding issues during the fourth round Talks had been satisfactorily resolved with the MCP agreeing not to use 'Marxism' as the basis for the constitution of the political party, which they intended to establish. The MCP delegates requested that the Malaysian Government would consider giving financial assistance and accommodation to their combatants for reasons that they were in the jungle for such a long time and do not possess any skill to find a living on their own. The MCP also requested the Malaysian Government to consider providing agricultural land about 10 acres to each MCP members. The Malaysian delegates agreed to bring the proposals to the Malaysian Government for consideration. The MCP delegates were informed that the Malaysian Government had agreed to pay RM5000 to each CCM members should they decide to settle down in Malaysia.

The negotiation managed to come to an agreement on every problems. This was done in the spirit of 'give and take'. Both sides agreed to the signing of the Tripartite Agreement on 2nd December 1989. A Joint-Secretariat was formed to finalize the drafting of the Agreement and Administrative Arrangement.

On 2nd. December 1989, at Lee Gardens Hotel, Haadyai, the peace accord between the MCP and the Malaysian Government was

finally signed. The forty years of bloody conflict between the MCP and the Malaysian Government came to a close. The Agreement bring permanent peace to the entire Thai-Malaysian border region. A joint communication was issued by the Thai and Malaysian Governments and the Malayan Communist Party to mark the signing of peace agreement. It stated:

The Government of the Kingdom of Thailand, the Government of Malaysia and the Communist Party of Malaya, consistent with their common desire for reconciliation and peace, have reached two mutual agreements, one between the Government of Malaysia and the Communist Party of Malaya and the other between the Internal Security Operations Command Region For the Kingdom of Thailand and the Communist Party of Malaya to terminate all armed activities and bring peace to the entire Thai-Malaysian border region and Malaysia.

Former members of the disbanded armed units led by the Communists Party of Malaya have given their pledge to Thailand and Malaysia to respect the laws of these two countries and to participate in socio-economic developments for the benefit of the people.

Thailand and Malaysia will in due course allow former members of the disbanded armed unit led by the Communist Party of Malaya who are Malaysian citizens or who have become Malaysian citizens to freely participate in political activities within the framework of the Federal Constitution and the laws of Malaysia.

All three parties recognized that this honourable settlement will bring prosperity, stability and security to the Thai-Malaysian border and Malaysia.¹¹

END NOTE

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⁵Abdullah C.D., *Anti British war and peace settlement*, Nan Dao Publisher, Hong Kong, 1998.

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⁷Abu Samah Mohd. Kassim, *History and the struggle for independence*, Nan Dao Publisher, Hong Kong, 1996.

⁸ibid.

⁹ibid.

¹⁰ibid.

¹¹*The Straits Times*, 2 December 1989.