THE ORIGINS OF THE REID CONSTITUTIONAL COMMISSION

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Introduction

The Reid Constitutional Commission which drafted the 1957 Federal Constitution left an indelible mark on Malaysia. The work of the commission of constitutional experts, drawn from several Commonwealth countries, continues to resonate in the present yet the origins of the Commission remains unclear to many. What are the origins of the constitutional commission and who were these five wise men? Why was a Commission of entirely foreign legal experts given the task of framing the new constitution for the Malaya federation? Unlike many other British-controlled territories which opted for a body of local legal experts or a mixture of local and foreign legal experts to draft their independence constitution, Malaysia chose to appoint a body of entirely foreign constitutional experts. And this raises many questions. This essay seeks to shed more light on the origins of the Reid Commission, the selection process of the members of the Commission and varying roles of the five experts in the constitution-making process.

The Idea for a Constitutional Commission

The idea of a constitutional commission was first proposed by the Alliance party during the crisis in 1954 over the party’s demand for the introduction of federal elections that year. The Alliance had then campaigned for an independent constitutional commission to review the existing constitution, the 1948 Federation of Malaya Agreement, which they felt was no longer suited to the country’s changing political needs. At that time, the idea was rejected by the Secretary of State for Colonies, Oliver Lyttelton. Subsequently, during the campaigning for the first Federal Legislative Council elections,