

No. 8206

**SINGAPORE
and
MALAYSIA**

**Agreement relating to the separation of Singapore from
Malaysia as an independent and sovereign State. Signed
at Kuala Lumpur, on 7 August 1965**

Official text: English.

Registered by Singapore on 1 June 1966.

**SINGAPOUR
et
MALAISIE**

**Accord relatif à la constitution de Singapour en tant qu'État
indépendant et souverain, détaché de la Malaisie. Signé
à Kuala-Lumpur, le 7 août 1965**

Texte officiel anglais.

Enregistré par Singapour le 1^{er} juin 1966.

No. 8206. AN AGREEMENT¹ RELATING TO THE SEPARATION OF SINGAPORE FROM MALAYSIA AS AN INDEPENDENT AND SOVEREIGN STATE. SIGNED AT KUALA LUMPUR, ON 7 AUGUST 1965

An Agreement dated the 7th day of August, 1965, and made between the Government of Malaysia of the one part and the Government of Singapore of the other part.

Whereas Malaysia was established on the 16th day of September, 1963, by a federation of the existing states of the Federation of Malaya and the States of Sabah, Sarawak and Singapore into one independent and sovereign nation ;

And whereas it has been agreed by the parties hereto that fresh arrangements should be made for the order and good government of the territories comprised in Malaysia by the separation of Singapore from Malaysia upon which Singapore shall become an independent and sovereign state and nation separate from and independent of Malaysia and so recognised by the Government of Malaysia ;

Now therefore it is agreed and declared as follows :

Article I

This Agreement may be cited as the Independence of Singapore Agreement, 1965.

Article II

Singapore shall cease to be a State of Malaysia on the 9th day of August, 1965, (hereinafter referred to as "Singapore Day") and shall become an independent and sovereign state separate from and independent of Malaysia and recognised as such by the Government of Malaysia ; and the Government of Malaysia will proclaim and enact the constitutional instruments annexed to this Agreement in the manner hereinafter appearing.

Article III

The Government of Malaysia will declare by way of proclamation in the form set out in Annex A to this Agreement that Singapore is an independent and sovereign

¹ Came into force on 9 August 1965, the date of independence of Singapore, by signature.

state separate from and independent of Malaysia and recognised as such by the Government of Malaysia.

Article IV

The Government of Malaysia will take such steps as may be appropriate and available to them to secure the enactment by the Parliament of Malaysia of an Act in the form set out in Annex B to this Agreement and will ensure that it is made operative as from Singapore Day, providing for the relinquishment of sovereignty and jurisdiction of the Government of Malaysia in respect of Singapore so that the said sovereignty and jurisdiction shall on such relinquishment vest in the Government of Singapore in accordance with this Agreement and the constitutional instruments annexed.

Article V

The parties hereto will enter into a treaty on external defence and mutual assistance providing that :

- (1) the parties hereto will establish a joint defence council for purposes of external defence and mutual assistance ;
- (2) the Government of Malaysia will afford to the Government of Singapore such assistance as may be considered reasonable and adequate for external defence, and in consideration thereof, the Government of Singapore will contribute from its own armed forces such units thereof as may be considered reasonable and adequate for such defence ;
- (3) the Government of Singapore will afford to the Government of Malaysia the right to continue to maintain the bases and other facilities used by its military forces within Singapore and will permit the Government of Malaysia to make such use of these bases and facilities as the Government of Malaysia may consider necessary for the purpose of external defence ;
- (4) each party will undertake not to enter into any treaty or agreement with a foreign country which may be detrimental to the independence and defence of the territory of the other party.

Article VI

The parties hereto will on and after Singapore Day co-operate in economic affairs for their mutual benefit and interest and for this purpose may set up such joint committees or councils as may from time to time be agreed upon.

Article VII

The provisions of Annex J and K of the Agreement relating to Malaysia dated the 9th day of July, 1963 are hereby expressly rescinded as from the date of this Agreement.

Article VIII

With regard to any agreement entered into between the Government of Singapore and any other country or corporate body which has been guaranteed by the Government of Malaysia, the Government of Singapore hereby undertakes to negotiate with such country or corporate body to enter into a fresh agreement releasing the Government of Malaysia of its liabilities and obligations under the said guarantee, and the Government of Singapore hereby undertakes to indemnify the Government of Malaysia fully for any liabilities, obligations or damage which it may suffer as a result of the said guarantee.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto, have signed this Agreement.

DONE this 7th day of August, 1965, in two copies of which one shall be deposited with each of the Parties.

For the Government of Malaysia :

Y. T. M. TUNKU ABDUL RAHMAN PUTRA AL-HAJ, K.O.M.

Prime Minister

TUN ABDUL RAZAK BIN DATO HUSSEIN, S.M.N.

Deputy Prime Minister

DATO (Dr.) ISMAIL BIN DATO ABDUL RAHMAN, P.M.N.

Minister of Home Affairs

TAN SIEW SIN, J.P.

Minister of Finance

DATO V.T. SAMBANTHAN, P.M.N.

Minister of Works, Post and Telecommunications

For the Government of Singapore :

LEE KUAN YEW
Prime Minister

TOH CHIN CHYE
Deputy Prime Minister

GOH KENG SWEE
Minister for Finance

E. W. BARKER
Minister for Law

S. RAJARATNAM
Minister for Culture

INCHE OTHMAN WOK
Minister for Social Affairs

ONG PANG BOON
Minister for Education

YONG NYUK LIN
Minister for Health

LIM KIM SAN
Minister for National Development

JEK YUEN THONG
Minister for Labour

A N N E X "A"

PROCLAMATION ON SINGAPORE

In the name of God, the Compassionate, the Merciful. Praise be to God, the Lord of the Universe, and may the benediction and peace of God be upon Our Leader Muhammad and upon all His Relations and Friends.

WHEREAS Malaysia was established on the 16th day of September, 1963, by a federation of the existing states of the Federation of Malaya and the States of Sabah, Sarawak and Singapore into one independent and sovereign nation ;

AND WHEREAS by an Agreement made on the 7th day of August in the year one thousand nine hundred and sixty-five between the Government of Malaysia of the one part and the Government of Singapore of the other part it was agreed that Singapore should cease to be a state of Malaysia and should thereupon become an independent and sovereign state and nation separate from and independent of Malaysia ;

AND WHEREAS it was also agreed by the parties to the said Agreement that, upon the separation of Singapore from Malaysia, the Government of Malaysia shall relinquish its sovereignty and jurisdiction in respect of Singapore so that the said sovereignty and jurisdiction shall on such relinquishment vest in the Government of Singapore ;

Now in the name of God the Compassionate, the Merciful, I, Tunku Abdul Rahman Putra Al-Haj Ibni Almarhum Sultan Abdul Hamid Halim Shah, Prime Minister of Malaysia, with the concurrence and approval of His Majesty the Yang di-Pertuan Agong of Malaysia, do hereby declare and proclaim that, as from the 9th day of August in the year one thousand nine hundred and sixty-five, Singapore shall cease to be a State of Malaysia and shall forever be an independent and sovereign state and nation separate from and independent of Malaysia, and that the Government of Malaysia recognises the present Government of Singapore as an independent and sovereign government of Singapore and will always work in friendship and co-operation with it.

Y. T. M. TUNKU ABDUL RAHMAN PUTRA AL-HAJ, K.O.M.

A N N E X “B”

A BILL INTITULED “AN ACT TO AMEND THE CONSTITUTION OF MALAYSIA AND THE MALAYSIA ACT”

Be it enacted by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Ra'ayat in Parliament assembled, and by the authority of the same, as follows :

Short title

1. This Act may be cited as the Constitution and Malaysia (Singapore Amendment) Act, 1965.

Provision for Singapore to leave Malaysia

2. Parliament may by this Act allow Singapore to leave Malaysia and become an independent and sovereign state and nation separate from and independent of Malaysia.

Separation of Singapore from Malaysia, independence, sovereignty and recognition

3. Singapore shall cease to be a State of Malaysia on the 9th day of August, 1965, (hereinafter called “Singapore Day”) and shall thereupon become an independent and sovereign state and nation separate from and independent of Malaysia and recognised as such by the Government of Malaysia ; and accordingly the Constitution of Malaysia and the Malaysia Act shall thereupon cease to have effect in Singapore except as hereinafter provided.

Retention of Singapore's executive and legislative powers

4. The Government of Singapore shall on and after Singapore Day retain its executive authority and legislative powers to make laws with respect to those matters provided for in the Constitution.

Transfer of executive and legislative powers of Parliament

5. The executive authority and legislative powers of the Parliament of Malaysia to make laws for any of its constituent States with respect to any of the matters enumerated in the Constitution shall on Singapore Day cease to extend to Singapore and shall be transferred so as to vest in the Government of Singapore.

Transfer of sovereignty and jurisdiction, etc.

6. The Yang di-Pertuan Agong shall on Singapore Day cease to be the Supreme Head of Singapore and his sovereignty and jurisdiction, and power and authority, executive or otherwise in respect of Singapore shall be relinquished and shall vest in the Yang di-Pertuan Negara, the Head of State of Singapore.

Continuation and effect of present laws

7. All present laws in force in Singapore immediately before Singapore Day shall continue to have effect according to their tenor and shall be construed as if this Act had not been passed in respect of Singapore subject however to amendment or repeal by the Legislature of Singapore.

Temporary provision as to jurisdiction and procedure of Singapore Courts

8. Until other provision is made by the Legislature of Singapore, the jurisdiction, original or appellate, and the practice and procedure of the High Court and the subordinate Courts of Singapore shall be the same as that exercised and followed immediately before Singapore Day, and appeals from the High Court shall continue to lie to the Federal Court of Appeal of Malaysia and then to the Privy Council in like manner.

Transfer of property and succession to rights, liabilities and obligations

9. All property, movable and immovable, and rights, liabilities and obligations which before Malaysia Day belonged to or were the responsibility of the Government of Singapore and which on that day or after became the property of or the responsibility of the Government of Malaysia shall on Singapore Day revert to and vest in or devolve upon and become once again the property of or the responsibility of Singapore.

Transfer of Singapore officers

10. (a) All persons, including members of the Armed Forces, the Police Force, the Courts and the Judiciary, and all others who immediately before Malaysia Day were officers employed by the Government of Singapore and who on that day or after became officers employed by the Government of Malaysia shall on Singapore Day become once again officers employed by the Government of Singapore.

(b) All persons who between Malaysia Day and Singapore Day were engaged by the Government of Malaysia for employment in those departments which were departments of the State of Singapore before Malaysia Day shall on Singapore Day become forthwith officers employed by the Government of Singapore.

Singapore Senators and members of Parliament

11. The two Senators and fifteen Members of Parliament from Singapore shall on Singapore Day cease to be members of the Senate and the House of Representatives respectively.

Singapore citizenship

12. A citizen of Singapore shall on Singapore Day cease to be a citizen of Malaysia.

International agreements, etc., relating to Singapore

13. Any treaty, agreement or convention entered into before Singapore Day between the Yang di-Pertuan Agong or the Government of Malaysia and another country or countries, including those deemed to be so by Article 169 of the Constitution of Malaysia shall in so far as such instruments have application to Singapore, be deemed to be a treaty, agreement or convention between Singapore and that country or countries, and any decision taken by an international organisation and accepted before Singapore Day by the Government of Malaysia shall in so far as that decision has application to Singapore be deemed to be a decision of an international organisation of which Singapore is a member.

In particular as regards the Agreement on External Defence and Mutual Assistance between the Government of the United Kingdom and the Government of the Federation of Malaya of 12th October, 1957,¹ and its annexes which were applied to all territories of Malaysia by Article VI of the Agreement Relating to Malaysia of 9th July, 1963, subject to the provision of Annex F thereto (relating primarily to Service lands in Singapore), the Government of Singapore will on and after Singapore Day afford to the Government of the United Kingdom the right to continue to maintain the bases and other facilities occupied by their Service authorities within Singapore and will permit the Government of the United Kingdom to make such use of these bases and facilities as that Government may consider necessary for the purposes of assisting in the defence of Singapore and Malaysia and for Commonwealth defence and for the preservation of peace in South-East Asia.

Mutual government guarantees of water agreements

14. The Government of Singapore shall guarantee that the Public Utilities Board of Singapore shall on and after Singapore Day abide by the terms and conditions of the Water Agreements dated 1st September, 1961, and 29th September, 1962, entered into between the City Council of Singapore and the Government of the State of Johore.

The Government of Malaysia shall guarantee that the Government of the State of Johore will on and after Singapore Day also abide by the terms and conditions of the said two Water Agreements.

¹ United Nations, *Treaty Series*, Vol. 285, p. 59.