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The shadow continuum : testing the records continuum model through the Djogdja Documenten and the migrated archives

Karabinos, M.J.

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Author: Karabinos, Michael Joseph

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Chapter V:

Introduction to the Migrated Archives

Introduction

The second case study of this dissertation stays within Southeast Asia, but moves to Malaysia and Singapore. The first part of what is now Malaysia to gain independence was peninsular Malaya in 1957. It was joined in 1963 by Singapore and two British Borneo territories—though not Brunei—to form Malaysia. In 1965 Singapore left Malaysia and became an independent state. For the purposes of this study, given how intertwined their histories are in the period discussed, both Malaysia and Singapore will be studied.

I was introduced to the Migrated Archives after having begun my research on the *Djogdja Documenten*. In the spring of 2011 the Migrated Archives were first disclosed to the public, though they were unable to be viewed by researchers while they were sorted through and transferred to The National Archives in London. When, in April of 2012, the first batch was made available at The National Archives I made my initial trip to London to begin combing through what I would be able to see. This gave me a clearer idea of the contents, and what sort of subjects the colonial administration was interested in keeping secret.

The structure of this study on the Migrated Archives will be slightly different to the previous one. Like the *Djogdja Documenten* study, the Migrated Archives will be discussed over two chapters. However, elements of the Migrated Archives allow the literature to be studied in depth. Being so new, and so historically significant, the Migrated Archives already have a small but detailed body of literature on their background. In this chapter I will give a short history on the independence process of Malaysia before delving into the literature. So much of the literature focuses on the records relating to Kenya, as it was the court case brought by tortured Mau Mau supporters against the British government that led to their discovery. Migrated Archives literature is therefore not enough to tell the entire story, and I will provide a background on the process towards Malaysia's independence for a complete

understanding of the records that will be the focus of Chapter VI.

A. Decolonizing the Malay States

What is today Malaysia did not exist in a centralized form until after the Second World War. Previously, the British had direct control over the Straits Settlements—Singapore, Penang and Malacca—while leaving the rest of the peninsula as the Federated States of Malaya and the Unfederated States of Malaya. Prior to the Japanese invasion during the Second World War these three entities were governed in completely different ways. The Federated and Unfederated states were ruled by the British through treaties with local leaders, while the Straits Settlements were ‘the wellsprings of colonial modernity in Malaya’.¹ British Borneo was split between North Borneo (Sabah), Sarawak, and Brunei—the only territory never to join Malaysia. The sultans of the different states kept certain powers, a key point to allowing British influence.

After the war the British attempted to unify the peninsula into the Malayan Union, which left out the predominately Chinese Singapore in order to ‘inflate the size of the Malayan Union's Malay population’ to gain support for the union among Malays. However, the plan was still opposed amongst the Malay population as leaders felt the British Parliament's ability ‘to legislate on behalf of Malaya's affairs (...) amounted to complete annexation of the Malay States, an abrogation of the pre-war 1941 treaties with the Malay Rulers and the abolition of Malay sovereignty’.² Negotiations would eventually lead in 1948 to the Federation of Malaya—still minus Singapore—with special rights given to the Malays. On August 31, 1957 the Federation was granted complete independence, six years before the creation of Malaysia.

This action was complicated by the actions of Sukarno in Indonesia with the implementation of *Konfrontasi* over the creation of Malaysia. Britain would send

1 T.N. Harper, *The End of Empire and the Making of Malaya*, Cambridge: Cambridge University Press, 2001, 18.

2 Cheah Boon Kheng, *Malaysia: The Making of a Nation*, Singapore: Institute of Southeast Asian Studies, 2003, 14.

over 60,000 service personnel, while Malaya 'had under 15,000 in its armed service and Singapore just two battalions', in order 'to defer Indonesia from using its patrol boats and aircraft against Malaysia'.³ Within two years Singapore would leave and become its own independent state after secret agreements between Singapore and Malaysia.⁴

The independence of Malaya required creating one state in a multicultural place with three ethnic groups. Malays made up slightly less than half of the 5.2 million people in Malaya (2.2 million), with mainly Chinese and Indians making up the other 3 million. Therefore the Malay parties wanted to ensure special political rights of the Malay people in the face of Chinese economic power. Citizenship was seen as very important, and who exactly would belong to a 'Malayan' nation posed many serious questions. Compromises eventually led to citizenship for non-Malays born in Malaya, while the constitution guaranteed Malay as the national language, Islam as the national religion, and secured 'the special position of the Malays'.⁵

The main Malay party was, and has been since, the UMNO (United Malays National Organisation) led by Dato Onn Jaafar, who would later be succeeded by Tunku Abdul Rahman, the first Prime Minister of Malaya. The UMNO won power under the Tunku in the first council elections in Malaya in 1952 by joining in an alliance with the Malayan Chinese Association (MCA)—and the Malayan Indian Congress (MIC)—which helped garner cross-racial support and defeated Dato Onn's new Independence of Malaya Party (IMP).⁶ Their alliance would also win the federal legislature elections of 1955. The creation of the MCA, a more moderate party for the Chinese to join, was done in response to the uprising begun in 1948 by the Malayan Communist Party (MCP), which was predominantly Chinese.⁷

The Federation of Malaya was founded in early 1948. The next nine years were a mix of diplomatic and constitutional discussions involving the rights of the different races and the fighting of the Emergency against the communists. The communists,

3 Hack, *Defence and Decolonisation*, 280.

4 Hack, *Defence and Decolonisation*, 277.

5 Kheng, *Malaysia: The Making of a Nation*, 4.

6 *Ibid.*, 27.

7 *Ibid.*, 24.

who were fighting for independence, lost that major attraction to their cause when, after the British were satisfied with the ethnic situation, Malaya was granted independence on August 31, 1957. In Brunei, North Borneo and Sarawak, however, the British retained their control and so stayed in near constant diplomatic contact with Malaya once the idea of Malaysia began to circulate. Singapore had internal self-government since the ratification of its 1959 Constitution, though external affairs were still controlled by the British.⁸

Historically, Singapore had always been considered part of 'Malaya', even though after the Second World War the two were politically separated.⁹ The independence goal of Singapore, therefore, was unification with the rest of Malaya. This was the dream of Lee Kuan Yew, leader of the People's Action Party (PAP) and eventual Prime Minister of Singapore, and David Marshall, first Chief Minister and leader of the Labour Front. Lee referred to his dream state of Malaya as a *Malayan* Malaya, one where race did not define the citizenship of a person, but rather devotion to Malaya.¹⁰ However, since it was not part of the post-war Federation of Malaya, it had to take a different route to achieving this goal.

In 1955 elected officials were made the majority of the legislative council in Singapore for the first time.¹¹ The Emergency measures in place in Malaya were similarly applied in Singapore. In Singapore the communists of the MCP held a large amount of sway that made them important players in the political situation.¹² The first attempt at uniting Singapore with Malaya at the independence of the Federation failed, primarily due to citizenship questions and the status of Singapore within the Federation.¹³ While unification failed, Singapore gained self-government and a general election in 1959, with the PAP winning a majority of the seats available.¹⁴ From this position Singapore's leaders began to advance the idea of

8 Hack, *Defence and Decolonisation*, 275.

9 Edwin Lee, *Singapore: The Unexpected Nation*, Singapore: Institute for Southeast Asia Studies, 2008, 21.

10 Lee, *Singapore*, 45-46.

11 *Ibid.*, 105.

12 *Ibid.*, 109.

13 *Ibid.*, 118-119.

14 *Ibid.*, 154.

merger with Malaya.

The merger of Singapore and the Borneo territories with the peninsula was a two-year process with commissions formed, fact-finding missions established and reports written, all in the attempt to determine how best to deal with integration. The British did not believe in the ability of the Borneo states to self-govern. Malayan Prime Minister Tunku Abdul Rahman was interested in having the large Malay and indigenous populations of Borneo join his country, but was still less willing to unite with Singapore.¹⁵ Singapore would eventually be given the offer to join after local elections showed a population growing upset with the inability of the ruling People's Action Party (PAP) to bring independence. A leftist, populist mayor was elected, and an internal split within the PAP occurred in 1961. Malaya, therefore, 'would not tolerate its neighbour drifting both leftwards and to independence' and therefore circumvented this by bringing Singapore and the PAP into Malaysia.¹⁶ With the details sorted out, officials from each new territory, Malaya and the United Kingdom had to quickly work to prepare for Malaysia Day.¹⁷ Part of that preparation from the British perspective included the destruction and removal of government documents before they could get in the hands of the federal government in Kuala Lumpur.

The political reality of forming Malaysia meant a large role for British administrators in the decision making processes that would affect the archival holdings today of the United Kingdom, Malaysia and Singapore. This explains Dr. Meilink-Roelofs's report of the 'strong British influence' in Malaysia. British clerks in Southeast Asia were in contact with the Colonial Office in London to transport colonial documents to the London offices to save space for the new diplomatic missions that would have to exist within this newly independent nation. In the lead up to independence the British Colonial Office in London was in contact with administrators in Singapore and Malaysia regarding transfer and disposal of archives. This work, and the decisions of the people involved, would be the

15 Jones, *Conflict and Confrontation in South East Asia*.

16 Hack, *Defence and Decolonisation*, 275.

17 Jones, *Conflict and Confrontation*, 94.

determining factor in the creation of the Migrated Archives.

B. Introduction to the Migrated Archives

Some of what colonial officials sent to London would make it into the collection of the PRO. The PRO declared, however, that certain colonial administration records were not belonging to the British public—and therefore they stayed with the Foreign and Commonwealth Office. These records would become the Migrated Archives. From arriving in London until 1994 they were held at the Hayes repository before being transferred to the Hanslope Park facility.¹⁸

The Migrated Archives were only made known to the public in 2011, and it was not until April 2012 that the first of eight batches of archives were made available in The National Archives in London. With the entire transfer from the FCO warehouse in Hanslope Park to The National Archives taking two years, the full extent of what was contained in the collection was not yet publicized when the first documents were made available to viewers. Their recent discovery was a result of a court case brought against the British government by a group from Kenya charging that during the Mau Mau uprising they underwent torture sanctioned by the colonial administration. When archives detailing the excessive punishments were found at Hanslope Park, thousands of other records related to decolonization from throughout the British Empire were with them. Among them were records from every colony that would become Malaysia—Malaya, Singapore, North Borneo, and Sarawak.

The Migrated Archives were subject to mismanagement and a ‘bureaucratic bungle’ according to David Anderson, an expert witness at the Kenyan court case. In the ‘various relocations of department and reorganisations of records management in the 1980s and 1990s’, staff at the FCO ‘lost track’ of the archives for nearly twenty years.¹⁹ Already published, and giving us great insight into the years

¹⁸ Anthony Cary, *The Migrated Archives: What Went Wrong and What Lessons Should We Draw?*, FCO Report, 2.

¹⁹ David M. Anderson, ‘Mau Mau in the High Court and the “Lost” British Empire Archives: Colonial Conspiracy or Bureaucratic Bungle?’, *The Journal of Imperial and*

between return to London and public availability, is a report by Anthony Cary, written at the request of the FCO and Henry Bellingham, Minister with responsibility for Africa, who found the disclosure of the Migrated Archives ‘a setback to the credibility of the Foreign Office’.²⁰

The Cary Report, though written in response to the Kenyan court case, can be used to have a general description of the complete Migrated Archives, as they generally followed the same process of being removed, hidden, ignored, forgotten, and retrieved. Initially it was the case that some records were intentionally being hidden by the British government for intelligence reasons or the possibility of embarrassment.²¹ As time went on and FCO staff changed, people began to forget what was held in the collection and what its relevance was. Staff at both The National Archives and the FCO assumed it included material duplicated and already available to the public, and the collection slowly became known to only a small group of staff who considered it a ‘pet project’ of theirs. It was not until actions taken in the course of the court case that the full scope of the Migrated Archives became apparent.²²

An important piece of information to take from the Cary Report is the reason archives would have been shipped to London. The accepted plan when decolonizing a territory was that ‘successor Governments should not be given papers which might embarrass HMG or other Governments; might embarrass members of the police, military forces, public servants or others; (...) might compromise sources of intelligence information; or might be used unethically by (...) the successor Government’.²³ Seeing as how vague the phrase ‘might compromise sources of intelligence information’ is, and how much could fit those terms, it is no wonder that so much of the archive of the British Empire is in London, whether in The

Commonwealth History, vol. 39, no. 5 (2011), 713.

20 Cary, *The Migrated Archives: What Went Wrong and What Lessons Should We Draw?*, FCO Report, 22.

21 Cary, *The Migrated Archives: What Went Wrong and What Lessons Should We Draw?*, FCO Report, 1.

22 Cary, *The Migrated Archives: What Went Wrong and What Lessons Should We Draw?*, FCO Report.

23 *Ibid.*, 1.

National Archives or hidden elsewhere.

According to the Kenyan claimants in the case the torture they suffered was a result of the British government's decisions in Kenya, and that the contemporary British government could still be held accountable. The response to this by the FCO was that they held no responsibility for the actions of the colonial government, as 'all such liabilities had [been] transferred to the government of independent Kenya led by Jomo Kenyatta'.²⁴ The judge in the proceedings struck down this argument and declared that the case could go to trial.²⁵

The oversight of the release of documents was given by the Foreign Secretary to Professor Anthony Badger of Clare College at Cambridge. This was, according to Badger, 'to give reassurance to the academic community' after the embarrassing acknowledgment that 200 feet of boxes were mismanaged and 'lost'.²⁶ Whether this was successful cannot yet be determined, but a review of literature on the Migrated Archives can give an idea of what historians close to the documents think of their relevance and historical importance.

C. Literature Review

Due to the extreme recentness of the case of the Migrated Archives their references in literature are small but growing as more is discovered about them. So far what does exist has mainly been written by actors involved. Unlike the *Djogdja Documenten*, there are no histories written yet using the Migrated Archives as sources. All published material thus far on the Migrated Archives uses them as source and subject, though in the future it is likely that new histories will be written using these records. The first publications on the Migrated Archives in a historical journal came in the December 2011 issue of *The Journal of Imperial and*

24 David Anderson, 'Mau Mau in the High Court', 701.

25 Huw Bennet, 'Soldiers in the Court Room: The British Army's Part in the Kenya Emergency under the Legal Spotlight', *The Journal of Imperial and Commonwealth History*, vol. 39, no. 5 (2011), 717-730.

26 Anthony Badger, 'Historians, a legacy of suspicion and the "migrated archives"', *Small Wars & Insurgencies*, vol. 23, nos. 4-5 (2012), 801.

Commonwealth History. David Anderson, Huw Bennett and Caroline Elkins, all expert witnesses in the case, each wrote an article for the journal. A further article was written in the same journal by Mandy Banton that is not about what is in the Migrated Archives themselves, but rather is a search for documents already publically accessible that may reference the disposal and hiding of documents during decolonization. The most recent article is Edward Hampshire's further look into the actual decision making process involved in the choice of what to destroy, keep and ship to London from Southeast Asia. Anthony Badger, in the journal *Small Wars & Insurgencies*, writes his own article from his perspective as overseer of the transfer of records to The National Archives. The scarcity of writing due to how recently they were discovered allows an in-depth look at each article in the complete catalog of literature on the Migrated Archives.²⁷

While these articles are those written about the Migrated Archives from within the academic discipline, there have also been news stories published on the topic, particularly in the British press. An online search of major British newspapers shows that *The Guardian* has covered the topic consistently since the existence of the records was announced in 2011, with Ian Cobain being the lead reporter. From 2011 to 2012 *The Times* covered the story, but since the first tranche was transferred to The National Archives it has stopped its reporting, as is also true of *The Independent*. The free-to-view web presence of *The Guardian* also improves access to information regarding the Migrated Archives, as *The Times* requires purchasing an online subscription. *The Guardian* has routinely kept readers abreast on the developing nature of the Migrated Archives story, and has followed up on FCO claims to transfer all records to The National Archives for public access. I will use some articles from *The Guardian* to complement the academic publications, as these cover issues more recent than the journal articles.

The reason that most academic articles focus on the Kenyan archive is

²⁷ Articles on the Migrated Archives will continue to be published, and some were published while research for this dissertation was coming to a close. These articles include David Phillips, 'The "migrated archives": the underbelly of colonial rule in Borneo', *Borneo Research Bulletin* (2013), 40-66, which uses the Migrated Archives to study the origins of the Indonesia/Malaysia *Konfrontasi*.

obvious—these are the records that propelled the Migrated Archives into the news and were the first discovered. They are directly connected to a very important court case with repercussions throughout the former British Empire. That the rest of the work has a Malaysia focus, including this dissertation, comes from the fact that the Malaysia records were among the first tranche of files available for viewing at The National Archives in London. The first group released included ‘papers from the four colonies which were likely to provoke most controversy: those from Malaya, the British Indian Ocean Territory (Diego Garcia), Cyprus, and Kenya’.²⁸ After the first release, the rest would be in alphabetical order of the colony. Records related to the Malayan Emergency and the creation of Malaysia were therefore part of the first batch.

Stephen Howe, an editor of *The Journal of Imperial and Commonwealth History*, introduces the first three articles in his short essay ‘Flakking the Mau Mau Catchers’.²⁹ He considers the work of Anderson, Bennett and Elkins as ‘important departures from a long established pattern’ of ‘few instances, in contemporary British, British-imperial, or Commonwealth history, of historians’ work clearly and directly reshaping the course of history itself, or having an obvious major impact on legal or political systems’.³⁰ While there is some overlapping of information, each article does attempt to perform a specific task.

D. Anderson’s Question of Conspiracy or Bungle

David Anderson, of St. Cross College, University of Oxford, attempts two things in his ‘Mau Mau in the High Court and the “Lost” British Empire Archives: Colonial Conspiracy or Bureaucratic Bungle?’³¹ The first is to establish the background of the defendants’ allegations. He goes into graphic and specific detail on the type of

²⁸ Anthony Badger, ‘Historians, a Legacy of Suspicion and the ‘Migrated Archives’’, *Small Wars & Insurgencies*, vol. 23, nos. 4-5 (October-December 2012), 802.

²⁹ Stephen Howe, ‘Flakking the Mau Mau Catchers’, *The Journal of Imperial and Commonwealth History*, vol. 39, no. 5 (December 2011), 695-697.

³⁰ Howe, ‘Flakking the Mau Mau Catchers’, 695.

³¹ Anderson, ‘Mau Mau in the High Court’, 699-716.

torture experienced by the defendants.³² The second goal, as the title suggests, is to determine whether the misplacement of the archives was premeditated or a result of mismanagement of records after they were received in London. He first gives a background on the search for evidence on the part of the attorneys for the defendants and their correspondence with the FCO which eventually would lead to the 'disclosure' of the Migrated Archives. Anderson then makes the final conclusion that the Migrated Archives were part of both a conspiracy *and* a bureaucratic bungle. The sending of documents to London 'was a formal part of Britain's process of decolonisation', but the records later became lost in bureaucracy during 'reorganisations of records management practices in the 1980s and 1990s', which is more in line with Cary's conclusion in his report.³³

Anderson details the personal story of each claimant. He also gives details on the legal process which unveiled the Migrated Archives after their years of secrecy. In 2009 the court ruled that the FCO must turn over all documents relevant to the case. After working on that task for over a year, FCO official Edward Inglett declared that he had released all records he could find. Anderson himself then wrote a witness statement for the prosecution using a 1967 letter from Kenyan officials to London requesting removed documents as evidence that further records must exist somewhere at the FCO. This led Inglett to request any additional records that may be found at the Hanslope Park depository of the FCO, which yielded no results until he vowed to come and visit the office himself to look for documents. After this the Kenyan Migrated Archives were opened up to Inglett, and after arriving at Hanslope Park he soon discovered the rest of the Migrated Archives.³⁴

Anderson concludes his paper by looking beyond Kenya to the greater impact of the Migrated Archives revelations. He starts with a mention of the disbelief that all who heard the news, and the official story that it was all accidental, must have experienced. While one file lost is understandable, it is a shock that a collection as

32 A fifth defendant died before the case made it to court, and one of the four would later drop out of the case leaving only three defendants by the time of the October 2012 decision to allow the suit to continue.

33 Anderson, 'Mau Mau in the High Court', 713.

34 *Ibid.*, 707-708.

large as the Kenyan archives could be lost—and yet Kenya represents only one of 37 former colonies that make up the Migrated Archives. Anderson makes mention of the fact that the PRO had the opportunity in 1995 to review the records but declared them ‘not “public” records to Britain and so [they] could not be accepted’. Because the PRO saw them as public records of British colonial governments that existed separately from the central British government the records were seen as outside their purview. To this he states that it ‘should make historians who regard The National Archives as guardians as well as custodians of our records think more deeply about the effectiveness of the system we have in place for procuring and retaining records’.³⁵ The entire story of the Migrated Archives should make historians, and archivists, think deeper about the archival system, if prior to it they felt archival repositories gave them all they needed for research. Missing records can exist anywhere and certainly should cause historians to pause when thinking of archives. They should also cause archivists to question their own current knowledge of the system.

E. Bennett’s View of the Military in Kenya

Huw Bennett, of the Ministry of Defense and King's College London, includes a short summary of the discovery of the Migrated Archives in his article, much of which is already covered by Anderson and was sourced from the Cary Report.³⁶ Given the title of his article, ‘Soldiers in the Court Room: The British Army's Part in the Kenya Emergency under the Legal Spotlight’, the archival background is not his main focus. Rather he is concerned with the role of the army in the Kenya Emergency and acted as an expert witness on this subject, which was also the topic of his doctoral research. His conclusion is that it was previously well known that the Kenya Emergency was horrific and violent, and that the Migrated Archives expose the specifics and the effects of the violence. Coupled with the Migrated

³⁵ Ibid., 713.

³⁶ Bennett, ‘Soldiers in the Court Room’, 717-730.

Archives in making the story of the Kenya Emergency clearer, he adds, is the recently published work by the other two experts in the case, David Anderson and Caroline Elkins.³⁷

While the majority of his paper focuses on the actual colonial army abuses claimed by the defendants, he does a nice job of succinctly summarizing the ‘bungle’ between the FCO and the PRO. Because the PRO rejected the idea that these records were British public records and thus would not accept them, they continued to be stored at the FCO. Eventually ‘the FCO came to believe the files contained little more than mundane administrative records, and that anything substantial in them would be replicated in Colonial Office records already in the National Archives.’³⁸ Though some civil servants at the FCO knew of the collection’s existence, without going to the PRO it slowly faded from memory over the next fifteen years before the Kenyan court case.

F. Elkins and Restorative Justice

The article of Caroline Elkins, of Harvard University, on ‘Restorative justice’ for the Mau Mau defendants also concerns a bit of personal justice regarding her 2005 book *Imperial Reckoning*, as well as the work of David Anderson, *Histories of the Hanged*.³⁹ The article, ‘Alchemy of Evidence: Mau Mau, the British Empire, and the High Court of Justice’, begins with a comparison between her work and Anderson’s. While Anderson’s *Histories of the Hanged* focuses on the pre-1954 ‘military war’, *Imperial Reckoning* focuses on the post-1954 ‘civilian war’ where the scope of the British role changed from fighting the guerillas to containing and detaining the civilian population. She then gives an overview of the book reviews of *Imperial Reckoning*, the majority of which she disagrees with and which seem to misunderstand her conclusions and her methodology. She concludes that ‘the

³⁷ Ibid., 727.

³⁸ Ibid., 726.

³⁹ Caroline Elkins, ‘Alchemy of Evidence: Mau Mau, the British Empire, and the High Court of Justice’, *The Journal of Imperial and Commonwealth History*, vol. 39, no. 5 (December 2011), 731-748.

Hanslope Disclosure signals a crucial moment in the production of archival evidence. Once released (...) these files will undoubtedly prompt a considerable re-evaluation of British colonial violence at the end of empire’.

However, she cautions us to remember that archival evidence related to systematic torture during the Kenya Emergency existed before the disclosure in the work of Anderson, Bennett, and herself, and that the Migrated Archives merely give researchers even more documentation.⁴⁰ In this she sees some sort of personal restorative justice after the negative reaction from her earlier book that claimed she was too reliant on oral testimonies and lacked written evidence for her new claims. Elkins explains that due to the ‘fragmented nature’ of the official documents she had to engage in many oral testimonies, but that the record was still there if the pieces were put together.⁴¹

After her personal background Elkins goes more into the specifics of the court case and the systemic torture unleashed by the colonial administration towards rebel sympathizers. This, she says, was already known prior to the Migrated Archives, but there are five points which the Migrated Archives do make. The first is the further evidence of ‘British colonial brutality’; second is evidence regarding who made the decisions in this process; third is evidence as to who executed these actions; fourth is how much higher ranking British officials knew regarding torture; and finally the response of British officials.⁴² All of this is in line with what I have discovered in the archives surrounding Malaysia as well: that is, nothing substantially new, but rather, more. More documentation, more stories, more information surrounding the decolonization process. In cases such as this, only specific archives are ‘silenced’, while the general content can still be determined from the available records.

The papers of Anderson, Bennett and Elkins are each written by a witness in the Kenyan court case. They therefore each spend considerable time discussing the case, though each has their own separate focus. Bennett, given his military history

⁴⁰ Elkins, ‘Alchemy of Evidence’, 745.

⁴¹ *Ibid.*, 736.

⁴² *Ibid.*, 744.

background, focuses on the actual torture and historical situation of the Mau Mau Rebellion. Elkins, with her personal academic history involved, focuses on justice—both personal and for the Kenyan claimants. Anderson spends the most time on the story of the Migrated Archives themselves. The other papers written on the subject come from outside the court case, and thus focus on the greater impact of the Migrated Archives, including parts of the empire outside Kenya. Anthony Badger, as the historian overseeing the ‘migration’, is the only author closer to the story than Anderson, Bennett, or Elkins.

G. Banton’s Search for Evidence in Public Archives

Mandy Banton, of the Institute of Commonwealth Studies, has a unique article in that it is the first on the Migrated Archives to look beyond Kenya to other former colonies like Tanganyika, Nigeria, the Central African Federation and Malaya.⁴³ It is also unique in that it does not use any of the Migrated Archives themselves, but rather attempts to discover the culture of disposal, destruction, and hiding of archives by the Colonial Office during decolonization through the use of already public documents in The National Archives. Her work is important in that it goes beyond merely saying what happened, and instead looks at the systemic aspects within the colonial administration that would bring about something like the Migrated Archives. However, systems are made of people, and Banton does provide explanation for the decision making process that was done by individual officials in various colonies. Bureaucratic structures intertwine with personal dispositions, and the results can lead to inaccessible records. This idea is continued in the paper of Edward Hampshire, which focuses solely on Malaysia.

To show the wider disposition towards archives by the colonial officials, Banton moves from Malaysia to southern Africa, before then giving larger international background on colonial archives in the early post-independence period. Regarding Southern Rhodesia, the Central Africa Office in London was adamant in its desire to

⁴³ Mandy Banton, ‘Destroy? “Migrate”? Conceal? British Strategies for the Disposal of Sensitive Records of Colonial Administrations at Independence’, *The Journal of Imperial and Commonwealth History*, vol. 40, no. 2 (June 2012), 321-335.

have records shipped to London rather than stay behind and running the ‘risks involved in future change of regime’.⁴⁴ Banton then tells the story of a project between UNESCO and the International Council on Archives in 1976 that would search for archives to be repatriated. The response of the PRO is that no claims have been made to them regarding records they hold, despite knowledge of claims by Kenya to the British government for records that would eventually be found in the Migrated Archives.⁴⁵

The Migrated Archives, therefore, are the result of a colonial culture of secrecy and the removal or destruction of archives, as well as the accumulation of choices made by individuals. Jean-Paul Sartre wrote that ‘colonialism is a system’, it is not ‘the statistical result of thousands of individual undertakings’.⁴⁶ Though it is true that colonialism is a system that encompassed its human players, a system is nothing without its individual parts, each unique. The personal beliefs of one person could change what became part of the Migrated Archives or not.

H. Hampshire’s Background on the Decision Making Process

Of special usefulness to this dissertation, Edward Hampshire has also focused his research on the records of what would become Malaysia.⁴⁷ Hampshire’s work is on what he calls ‘the whole story of these records: their selection and then separation from their originating registries by colonial officials, the decisions made as to whether they should be moved elsewhere or destroyed and the actual movement and destruction itself’.⁴⁸ This dissertation is meant to tell even more of the story of these records, while tying it into archival theory, but Hampshire provides readers

⁴⁴ Quoted in Banton, 330.

⁴⁵ *Ibid.*, 331.

⁴⁶ Jean-Paul Sartre, ‘Colonialism is a System’, in *Colonialism and Neocolonialism*, trans. Azzedine Haddour, Steve Brewer, and Terry McWilliams, London: Routledge, 2006, 37.

⁴⁷ Edward Hampshire, ‘“Apply the Flame More Searingly”: The Destruction and Migration of the Archives of British Colonial Administration: A Southeast Asia Case Study’, *The Journal of Imperial and Commonwealth History*, vol. 41, no. 2 (2013), 334-352.

⁴⁸ Hampshire, ‘Apply the Flame More Searingly’, 335.

with the necessary human elements of the Migrated Archives. Systems and processes are nothing without people making decision, and it is in this context that Hampshire's work is most worthwhile.

Hampshire starts this personnel story in Ceylon (Sri Lanka), the chronologically first country affected by the Migrated Archives. Entire archive groups were chosen to be either shipped to London or kept in Colombo, rather than on a case-by-case basis. This had the unintended consequence of members in the successor government finding files related to themselves amongst what was left behind. Thereon after the work was done by reviewing every file and making the decision to destroy, retain, or ship.⁴⁹ These were decisions that, though made by British officials, were known to Tunku Abdul Rahman in the case of Malaya.⁵⁰

In Malaya the decisions included driving five truckloads of records to Singapore to be 'destroyed in the Navy's splendid incinerator there', as it is described by F. Mills of the British High Commission six years later during the same process for North Borneo and Sarawak.⁵¹ This destruction is also mentioned by Banton, who provides more background on why the decision was made to drive trucks down to Singapore. Banton explains that destruction was difficult due to the number of local staff working as civil servants in Malaya. The largest incinerator in Kuala Lumpur had Malayan employees, as did the port, which would have made movement and disposal by sea difficult. Given these circumstances trucks were chosen and Singapore was the location, with 'packing and carrying [...] done by expatriate staff and Chinese labourers'.⁵² Mills explains in a letter to a colleague that these decisions regarding the secrecy surrounding the destruction were made 'discreetly' in part to avoid a similar situation as to that which happened in Delhi in 1947 when the local press 'greatly enjoyed themselves with the pall of smoke which hung over' the city while the British destroyed sensitive records.⁵³ The High Commission's involvement, as Hampshire points out, shows that the decision making process

⁴⁹ Ibid., 336-337.

⁵⁰ Ibid., 339.

⁵¹ Ibid., 340.

⁵² Banton, 'Destroy? "Migrate"? Conceal?', 328.

⁵³ Hampshire, 'Apply the Flame More Searingly', 341.

took place both within the creating institution and secondly at the High Commission.

In Borneo, just prior to the creation of Malaysia, one official was chosen for each colony to oversee the decisions—Terence O’Brien in North Borneo and Michael MacMullen in Sarawak. The differing opinions of O’Brien and MacMullen would see a difference in what records were destroyed, left for Malaysia, or would eventually become part of the Migrated Archives. O’Brien, a career diplomat who was heavily involved in the negotiations to create Malaysia and held a similar role in regards to records in Ceylon in 1948, was thus more likely to destroy documents rather than re-live the embarrassment of the new government finding personal references.⁵⁴ Unlike O’Brien, who recommended burning the majority of the records he reviewed, MacMullen was under the impression more records should be handed over to Malaysia and less should be destroyed.⁵⁵ While it is true that MacMullen recommended that a slight majority of the records go either to the federal Malaysian or Sarawak state governments, his desire to destroy less than O’Brien subsequently also meant that more records from Sarawak than North Borneo are included in the Migrated Archives.⁵⁶

The decisions made by O’Brien and MacMullen took future historical use into consideration. O’Brien’s consideration of future use was, for the most part, that there would be none and the records he was removing were unnecessary. This is still consideration of historical value, as he did appraise the records. The British Borneo colonies were much smaller and more recent in creation than the Dutch East Indies, and thus did not have the infrastructure that would lead to the establishment of a central archive like the Dutch had with the *Landsarchief*.⁵⁷

The work of O’Brien and MacMullen was the main source of appraisal and selection for the records of the colonial governments on Borneo. As O’Brien stated,

⁵⁴ Ibid, 343. ‘Terence O’Brien – Obituaries’, *The Independent*, 27 January 2007, <http://www.independent.co.uk/news/obituaries/terence-obrien-433858.html> (accessed 10 September 2013).

⁵⁵ Hampshire, ‘Apply the Flame More Searingly’, 345.

⁵⁶ Ibid., 346-347.

⁵⁷ Ibid., 335.

‘this spring-cleaning of the Registry would have been a good thing, nothing had been cleared out since 1947 or 1948. What’s burnt won’t be missed!’⁵⁸ MacMullen’s stance that the successor government should be treated to more records at handover was closer in line to official policy. As Mills wrote during the earlier Malaya process, ‘as regards historical material the British could not lay themselves open to the charge of raiding the archives for historical purposes, and that the material should be left for Malayan historians to study’.⁵⁹ More immediate factors were still fundamental to making the decisions, such as removing chances of embarrassment, but some historical thought was employed in the process.

Though Hampshire is correct in his assessment that the decision making process was in two parts—the government agency and then by the High Commission—there is a third decision maker in London. This was the decision—or according to the Cary Report, the oversight—that led to the records to sit removed from the public eye. The merger of decisions and processes in Borneo, Kuala Lumpur, and London led to Anderson considered both conspiracy and bungle. The Migrated Archives are thus the result of conscientious decisions made in the former colony by the likes of O’Brien and MacMullen and mismanagement in London by both the FCO and The National Archives.

I. Badger’s Reassurance

Anthony Badger of Clare College, Cambridge, the historian overseeing the return of the documents to The National Archives, wrote a response to historians with regard to the Migrated Archives. It provides a behind-the-scenes look at the transfer of the Migrated Archives to The National Archives. The questions he seeks to respond to are, ‘Can historians be reassured?’; ‘What will historians glean from the migrated archive?’; ‘Will these files rewrite the history of the end of the British Empire?’; and ‘Will the “legacy of suspicion” among historians and journalists be removed?’⁶⁰

⁵⁸ Ibid., 344. O’Brien to Mills, 4 July 1963, FCO 141/13039, TNA.

⁵⁹ Ibid., 341. Mills to MacMullen, para. 8, FCO 141/13039, TNA.

⁶⁰ Badger, ‘Historians’, 799-807.

As far as reassuring historians goes, Badger, in his role, does his best to calm any fears of historians on the openness of the release and the contents of the documents. His final hope 'is that when the entire archive has been transferred by the end of 2013 the process will have been seen to have been full and transparent and that the academic community will be reassured'.⁶¹ He also promises that material will not be redacted other than personal names.⁶² However, he ends on the note that despite everything he can do, 'even at the end of 2013, I do not believe as the independent reviewer that I will have dispelled that legacy of suspicion' among historians.

Reports since the transfer began, however, show that Badger's hopes of transparency and assurance are unlikely to shift feelings away from suspicion. *The Guardian* has been consistent in reporting on the Migrated Archives since they were announced in April 2011. In April 2013 they ran a story which claimed the transfer of records to The National Archives is not as complete as both Badger and Foreign Secretary William Hague originally had declared. The FCO is using a legal loophole to keep certain records from being publically released along with those that are now available at The National Archives.

Like the larger Migrated Archives, these untransferred records come from across the former empire, including five files 'concerning a visit that Prince Philip made to Singapore in 1956'. Parts of files that have been transferred to The National Archives are similarly still being kept inaccessible. These include 'parts of a 1950 file about the "indoctrination of Malay Chinese" travelling to China' as well as 'Singapore intelligence reports from the 1950s'.⁶³ All records are being withheld using Section 3.4 of the 1958 Public Records Act which states that 'records may be retained after the said period [thirty years] if, in the opinion of the person who is responsible for them, they are required for administrative purposes or ought to be

⁶¹ Badger, 'Historians', 805.

⁶² Badger, 'Historians', 803.

⁶³ Ian Cobain and Richard Norton-Taylor, 'Files that may shed light on colonial crimes still kept secret by UK', <http://www.theguardian.com/uk/2013/apr/26/national-archives-colonial-documents-secret> (accessed 29 April 2013).

retained for any other special reason'.⁶⁴ Badger's claim of a lack of a 'smoking gun' in the non-Kenyan archives will do little to dissuade historians from being skeptical when the culture of secrecy within the FCO continues to live on.⁶⁵

As for the records that have been made accessible by being transferred to The National Archives, what historians can glean is what has already been stated: more context, more background information. Or, as Badger says when summing up a talk given by Hampshire, 'what you get is the local perspective in the colonies of what previously historians have seen from Whitehall [the British government]'.⁶⁶ They cover 'mundane tasks' that let us peer deeper inside the colonial system.⁶⁷ This deeper look, Badger says, even if it does not lead to a rewriting of the history of the British Empire, nevertheless gives 'fascinating material for many doctoral students for years to come'.⁶⁸

J. More Recent Hanslope Park Disclosures

When the FCO admitted to the existence of the Migrated Archives, it did so while stating that the situation would be rectified and the collection would be transferred to The National Archives for public access. The announcement was also made under the assumption that the FCO was admitting to past mistakes by making accessible all of their secret hidden records.

However, In April of 2013 *The Guardian* already announced that a complete transfer was not taking place and that the FCO was withholding documents that they still felt were in the best interests of national security. Since work began on this dissertation, however, a larger collection of documents that the FCO has kept secret than the initial 37 colonies worth has been disclosed. This stash of over one million records dwarves the Migrated Archives' 8,800 records. The culture of

⁶⁴ 'Public Records Act 1958', <http://www.legislation.gov.uk/ukpga/Eliz2/6-7/51> (accessed 20 January 2014).

⁶⁵ Badger, 'Historians', 803.

⁶⁶ *Ibid.*, 803.

⁶⁷ *Ibid.*, 804.

⁶⁸ *Ibid.*, 805.

secrecy which led to the creation of the Migrated Archives and their seclusion to Hanslope Park still lingers at the FCO. The FCO still has a bastion of hidden documents that would provide a wealth of information on the British Empire to historians. These newly revealed records date back to the 19th century and thus far have been impenetrable by Freedom of Information Act (FoI) requests.⁶⁹ Since their disclosure there has been talk of historians filing legal action against the FCO to ensure their release to the public.⁷⁰

Someone at the FCO is therefore still continuing the decision-making process that was once conducted by O'Brien, MacMullen and others. Questions of what would be 'embarrassing' to the British government still overshadow transparency, despite some of the records being over one hundred years old. Banton, formerly of The National Archives herself, felt upset not only at having been lied to by the FCO, but also at her role in furthering that lie by telling her archive patrons that records they were interested in did not exist.⁷¹ The culture of secrecy at the FCO has not been replaced by one of transparency—the disclosure of the Migrated Archives was only a setback forced upon them by the results of the Kenyan court case. Barring another court case, access to these million records will most likely stay restricted, as they have withstood FoI requests.

Just as the Migrated Archives have been claimed to hold no 'smoking gun', no one record that completely alters the historical view of the British Empire, this new disclosure is also said to have no 'truly explosive' record. Concentrating on such game-changing documents overlooks what is happening and places too much emphasis on finding one thing that changes history, when in fact the existence of such a trove of records is enough to make historians re-evaluate the historical

⁶⁹ Ian Cobain, 'Foreign Office Hoarding 1m Historic Files in Secret Archive', <http://www.theguardian.com/politics/2013/oct/18/foreign-office-historic-files-secret-archive> (accessed 19 October 2013).

⁷⁰ Ian Cobain, 'Academics Consider Legal Action to Force Foreign Office to Release Public Files', <http://www.theguardian.com/politics/2014/jan/13/foreign-office-secret-files-national-archive-historians-legal-action> (accessed 15 January 2014).

⁷¹ Ian Cobain, 'Foreign Office Hoarding 1m Historic Files in Secret Archive', <http://www.theguardian.com/politics/2013/oct/18/foreign-office-historic-files-secret-archive> (accessed 19 October 2013).

record and be skeptical of the official story from the FCO.⁷² New discoveries of records continue to be made, well into the writing of this dissertation. Badger's attempt at reassurance has failed, as it is difficult not to sense a large-scale concerted effort to keep certain records away from the public.⁷³

These articles, taken together with the Cary Report, constitute what has been published on the Migrated Archives. There is a high probability, of course, that much has been written asking questions that could have been answered by using the Migrated Archives. Unlike the *Djogdja Documenten*, these documents were completely unknown to researchers.

We can see one such example of questions that could have been more fully explored with use of the Migrated Archives from the actions of Indonesia prior to the creation of Malaysia. The Tentara Nasional Kalimantan Utara (TNKU – North Borneo Liberation Army, or North Kalimantan National Army) was a small paramilitary group active in North Borneo with support across the border from Indonesia. In his description of the group and their relationship with Indonesia Matthew Jones states '[a]lthough we have no access to British intelligence assessments of the Indonesian threat, there were other indications of impending trouble'.⁷⁴ Through records in the Migrated Archives, however, we now do have access to British intelligence from the period related to the TNKU and Indonesia.⁷⁵ The TNKU was partially behind the revolt in Brunei in 1962 that would lead to its refusal to join Malaysia. Monthly intelligence reports written by the Sarawak Local Intelligence Committee directly after the revolt show the TNKU as backed by Indonesian support on both sides of the border and as a serious foe.⁷⁶ However, a

⁷² Cobain, 'Foreign Office'.

⁷³ Katie Engelhart, 'Here's What the British Government Has Been Hiding', *Vice*, <<http://www.vice.com/read/katie-engelhart-britains-secrets-mandy-banton-321>> accessed 2 March 2015.

⁷⁴ Jones, *Conflict and Confrontation in South East Asia*, 109.

⁷⁵ The National Archives (TNA): FCO 141/12602: Sarawak: Indonesian subversive activities in North Borneo, Sarawak and Brunei; FCO 141/12613: Sarawak: Intelligence Committee meeting, 28 November 1962, to consider the security situation following arrest in Lawas of ten members of North Kalimantan National Army; FCO 141/13015: North Borneo: North Kalimantan National Army (Tentara Nasional Kalimantan Utara).

⁷⁶ The National Archives (TNA): FCO 141/12629: Sarawak: Monthly Intelligence

few months later letters between London to the Governor of Sarawak detail Indonesia's role in the cross-border raids while describing the TNKU as 'a mere rabble, its arms in a very poor state and weapon training and shooting proficiency negligible' that has 'built up for itself a grossly exaggerated reputation amongst border longhouses'.⁷⁷

Conclusion

The Migrated Archives were sent to London due to a culture of secrecy within the Colonial Office, which manifested itself in the decisions made on the local level by those given the discretion to appraise and select records. These officials were making their own personal choices in accordance with vague guidelines set by the Colonial Office. The lack of a 'smoking gun' as compared to the archives on Kenya does not lessen their importance regarding the decolonization of all of Malaysia.⁷⁸ The Migrated Archives take the stories of Singapore and Malaysia's independence and let researchers peer further into what the British were doing in regards to decolonizing their Southeast Asian holdings. As such their contents will be of great interest to historians of the post-war history of the region.

When Badger writes about the records in the Migrated Archives, he claims they illustrate the 'banality of bureaucracy', and that '[t]hey do convey a sense of how the business of government carried on a day-to-day basis as administrators continued with the mundane tasks of running a country while momentous events went on round about them'.⁷⁹ Though their contents might merely record 'mundane tasks', what they represent now is far from mundane, and since coming into the realm of public knowledge they mean much more. The 'momentous events' happening around the initial creation of these records include the independence of Malaya and

Reports; Attorney General's copy.

⁷⁷ The National Archives (TNA): FCO141/12602: Sarawak: Indonesian subversive activities in North Borneo, Sarawak and Brunei.

⁷⁸ Badger, 'Historians', 803.

⁷⁹ *Ibid.*, 804.

the creation of Malaysia through further decolonization. What may seem like 'mundane' government business was in fact a clarification of the British role in major events surrounding the organization of Malaysian society. Questions regarding Malay affirmative action and treatment of ethnic and religious minorities—which the Migrated Archives cover extensively—are still highly contentious subjects in Malaysia today. The level of secrecy surrounding the Migrated Archives makes claims of banality appear suspicious, especially given the knowledge that further records have still failed to be made public.

