

**Brief on
Malaysia Agreement 1963: Sabah autonomy
&
Sabah Issues**

Compiled by



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Part 1:

Summary of Sabah 20 points / rights & reflection of Sabah rights in the laws.

<p>Rights <i>Source / Reference:</i></p>	<p>Sabah 20 points <i>Datuk Amar James Wong Kim Min, The Birth of Malaysia, Second Edition, January 1994, Kuching: Lee Ming Press Company</i></p>	<p>Reflection of the rights in the laws <i>Federal Constitution</i></p>
<p>a) Religion</p>	<p>While there was no objection to Islam being the national religion of Malaysia there should be no State religion in North Borneo, and the provisions relating to Islam in the present Constitution of Malaya should not apply to North Borneo.</p>	
<p>b) Language</p>	<p>a) Malay should be the national language of the Federation. b) English should continue to be used for a period of 10 years after Malaysia Day. c) English should be an official language of North Borneo for all purposes State or Federal without limitation of time.</p> <p>(<u>Note:</u> The President of The United Sabah National Organisation made the request that the decision of its central committee that Malay should be an official language along with English be included under this head.)</p>	<p><u>Federal Constitution</u> Art. 161—Use of English and of native languages in States of Sabah and Sarawak.</p>
<p>c) Constitution</p>	<p>Whilst accepting that the present Constitution of the Federation of Malaya should form the basis of the Constitution of Malaysia the Constitution of Malaysia should be a completely new document drafted and agreed in the light of a free association of States and should not be a series of amendments to a Constitution drafted and agreed by different States in totally different circumstances. A new Constitution for North Borneo was of course essential.</p>	

d) Head of Federation	The Head of State in North Borneo should not be eligible for election as Head of the Federation.	
e) Name of Federation	“Malaysia” but not “Melayu Raya”.	<u>Federal Constitution</u> Art. 1(1)—The Federation shall be known, in Malay and in English, by the name Malaysia.
f) Immigration	Control over immigration into any part of Malaysia from outside should rest with the Central Government but entry into North Borneo should also require the approval of the State Government. The Federal Government should not be able to veto the entry of persons into North Borneo for State Government purpose except on strictly security grounds. North Borneo should have unfettered control over the movement of persons other than those in Federal Government employ from other parts of Malaysia into North Borneo.	
g) Right of Secession	There should be no right to secede from the Federation.	
h) Borneanisation	Borneanisation of the public service should proceed as quickly as possible.	
i) British Officers	Every effort should be made to encourage British officers to remain in the public service until their places can be taken by suitably qualified people from North Borneo.	
j) Citizenship	The recommendations in paragraph 148(k) of the Report of the Cobbold Commission should govern the citizenship rights in the Federation of North Borneo persons subject to the following amendments:-	<u>Federal Constitution</u> Art. 14—Citizenship by operation of law.

	<p>a) sub-paragraph (i) should not contain the proviso as to give years residence;</p> <p>b) in order to tie up with our law, sub-paragraph (ii)(a) should read “7 out of 10 years” instead of “8 out of the 12 years”;</p> <p>c) sub-paragraph (iii) should not contain any restriction tied to the citizenship of parents – a person born in North Borneo after Malaysia must be a Federal citizen.</p>	<p>Art. 16A—Citizenship by registration (persons resident in States of Sabah and Sarawak on Malaysia Day).</p>
k) Tariff and Finance	<p>North Borneo should retain control of its own finance, development and tariff, and should have the rights to work up its own taxation and to raise loans on its own credit.</p> <p>For the loss of C. D. & W. grants the Federal Government should guarantee to compensate to North Borneo and to extend to it’s a full share of such other grants or aid as may be given to the Federation.</p>	<p><u>Federal Constitution</u> Art. 112C—Special grants and assignments of revenue to States of Sabah and Sarawak.</p> <p>Part IV—Special grants to States of Sabah and Sarawak.</p>
l) Special Position of Indigenous Races	<p>In principle, the indigenous races of North Borneo should enjoy special rights analogous to those enjoyed by Malay in Malaya, but the present Malaya formula in this regards is not necessarily applicable in North Borneo.</p>	<p><u>Federal Constitution</u> Art. 153—Reservation of quotas in respect of services, permits, etc., for Malays and natives of any of the States of Sabah and Sarawak.</p> <p>Art. 161A—Special position of natives of States of Sabah and Sarawak.</p>
m) State Government	<p>a) The Prime Minister should be elected by unofficial members of Legislative Council.</p> <p>b) There should be a proper Ministerial system in North Borneo.</p>	
n) Transitional Period	<p>This should be seven years and during such period legislative power must be left with the State of North Borneo by the Constitution and not be merely delegated to the State Government by the Federal Government.</p>	

o) Education	The existing educational system of North Borneo should be maintained and for this reason it should be under State control.	<u>Federal Constitution</u> Art. 153(2), Art. 153(8A)—Reservation of quotas in respect of services, permits, etc., for Malays and natives of any of the States of Sabah and Sarawak.
p) Constitutional Safeguards	<p>No amendment modification or withdrawal of any special safeguards granted to North Borneo should be made by the Central Government without the positive concurrence of the Government of the State or North Borneo.</p> <p>The power of amending the Constitution of the State of North Borneo should belong exclusively to the people in the State.</p> <p>(<u>Note:</u> The United Party, the Democratic Party and the Pasok Momogun Party considered that a three fourths majority would be required in order to affect any amendment to the Federal and State Constitutions whereas the UNKO and the USNO considered a two thirds majority would be sufficient.)</p>	<u>Federal Constitution</u> Art. 71(4)—Federal Guarantee of State Constitutions. Art. 161E—Safeguards for constitutional position of States of Sabah and Sarawak.
q) Representation in Federal Parliament	This should take account not only of the population of North Borneo but also of its size and potentialities and in any case, should not be less than that of Singapore.	<u>Federal Constitution</u> Art. 46—Composition of House of Representatives.
r) Name of Head of State	Yang di-Pertua Negara	
s) Name of State	Sabah	

<p>t) Land, Forests, Local Government etc.</p>	<p>The provisions in the Constitution of the Federation in respect of the powers of the National Land Council should not apply in North Borneo. Likewise the National Council for Local Government should not apply in North Borneo.</p>	<p><u>Federal Constitution</u> Art. 161A—Special position of natives of States of Sabah and Sarawak.</p> <p>Art. 95D—Exclusion for States of Sabah and Sarawak of Parliament’s power to pass uniform laws about land or local government.</p> <p>Art. 95E—Exclusion of States of Sabah and Sarawak from national plans for land utilisation, local government, development, etc.</p>
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