

**SABAH DISPUTES:  
IS THERE A LEGAL SOLUTION FOR SABAH?**

**MOHD SYAHMI DAIM BIN ABDULLAH**

**MASTER OF SCIENCE  
UNIVERSITI UTARA MALAYSIA  
Jun 2014**

**SABAH DISPUTES:  
IS THERE A LEGAL SOLUTION FOR SABAH?**

By

**MOHD SYAHMI DAIM BIN ABDULLAH**

Academic project paper submitted to the Unit of Graduate Studies,  
College of Law, Government and International Studies,  
Universiti Utara Malaysia  
in Fulfillment of the Requirement for the degree of Master of Science  
(Strategic Studies)

Jun 2014

## **STUDENT'S ADMISSION**

Hereby, I admit that this academic project paper is my original work except for the quotations, explanations and abbreviations which I already mentioned the sources. Hence, I give the copyright of this academic project paper to College of Law, Government and International Studies for any publication purposes.

Regards,

.....  
**(MOHD SYAHMI DAIM BIN ABDULLAH)**

Matrix no: 813792

Date: .....

## **SUPERVISOR'S APPROVAL**

COLLEGE OF LAW, GOVERNMENT AND INTERNATIONAL STUDIES

UNIVERSITI UTARA MALAYSIA

ACADEMIC PROJECT PAPER

(GFPZ 6996)

I hereby declare that the academic project paper (GFPZ 6996) entitled "**Sabah Disputes: Is there a Legal Solution for Sabah?"** by **Mohd Syahmi Daim bin Abdullah (813792)**. I have checked and approve that this academic project paper is fit for fulfillment of the requirement for the Master of Science (Strategic Studies).

Approved by,

.....  
**(DR. RATNARIA BINTI WAHID)**

Supervisor,  
College of Law, Government and International Studies,  
Universiti Utara Malaysia.

Date: .....

## **PERMISSION TO USE**

In presenting this academic project paper in partial fulfillment of the requirements for a postgraduate degree from Universiti Utara Malaysia, I agree that the University Library may make it freely available for inspection. I further agree that permission for copying of this thesis in any manner, in whole or in part, for scholarly purpose may be granted by my supervisor or, in his absence by the Dean of Research and Graduate Studies. It is understood that any copying or publication or use of this academic project paper or parts thereof for financial gain shall not be allowed without my written permission. It is also understood that due recognition shall be given to me and to Universiti Utara Malaysia for any scholarly use which may be made of any material from my academic project paper.

Request for permission to copy or make other use of materials in this thesis in whole or in part, should be addressed to:

**Dean of Research and Graduate Studies**

**College of Law, Government and International Studies**

**Universiti Utara Malaysia**

**06100 UUM Sintok**

**Kedah Darul Aman**

## **ABSTRAK (Bahasa Melayu)**

Sabah merupakan sebahagian daripada komponen negeri dalam Malaysia sejak penggabungannya dengan Persekutuan Malaysia pada 16 September 1963; namun peraturan pilihan bebas oleh rakyat Sabah telah diabaikan dan masih dipertikaikan kedaulatannya oleh Filipina. Wujud juga isu wang penyerahan yang kekal dibayar oleh kerajaan Malaysia sehingga kini, walaupun Surat Ikatan 1878 digubal semasa zaman penjajahan British. Situasi bertambah buruk akibat serangan oleh pengikut Kesultanan Sulu di Lahad Datu pada bulan Mac 2013, yang dilihat sebagai satu cara penggunaan kekerasan untuk menuntut Sabah sehingga membawa kepada pertumpahan darah, dan kesan yang buruk. Penyelesaian melalui dari segi perundungan mengenai penentuan masa depan Sabah jarang dibincangkan walaupun ianya sangat relevan bagi mencapai penyelesaian ke atas pertikaian yang telah lama berlaku di antara Filipina dan Malaysia. Kertas ini akan mengakses kesahihan '*penentuan sendiri*' oleh rakyat Sabah dan menganalisis isu '*wang penyerahan*' dari perspektif undang-undang, khasnya melalui prinsip undang-undang antarabangsa dan peruntukan undang-undang lain yang berkaitan. Penyelesaian melalui Mahkamah Keadilan Antarabangsa (ICJ) dianggap perlu bagi mendapatkan keputusan muktamad untuk mengikat kedua-dua pihak dan secara tidak langsung memberi harapan baharu bagi masa depan Sabah.

**Katakunci:** Pertikaian Sabah, Konflik Sabah, Isu Sabah, Penyelesaian Pertikaian Wilayah, Penyelesaian Undang-undang, Undang-undang Antarabangsa, Penentuan Kendiri, Common Law, Peraturan Menentang Keabadian.

## ABSTRACT

Sabah is part of the component states of Malaysia since its merger with the Federation of Malaysia on September 16, 1963; however the rule of independent choices by the people of Sabah were ignored and its sovereignty is still disputed by the Philippines. There is also an issue of cession money paid by the Malaysian government until today despite the fact that the Deed of 1878 has long been enacted during the British colonial era. Situation worsened as a result of incursion of the Sultanate of Sulu in Lahad Datu in March 2013, which may be seen as a form of use of force to claim over Sabah leading to bloodshed and severe adverse impact. A legal solution on the future determination of Sabah was rarely discussed although it is very much relevant in order to achieve settlement on disputes that have long occurred between the Philippines and Malaysia. This paper will access the validity of '*self-determination*' by the peoples of Sabah and analyze the issue of '*cession money*' from the legal point of view through the principles of International Law and other related legal provision. Solution through the International Court of Justice (ICJ) is deemed necessary in order to obtain a final decision which will bind both parties and indirectly bring new hope to the future of Sabah.

*Keywords:* Sabah Disputes, Sabah Conflict, Sabah Issue, Territorial Disputes Settlement, Legal Solution, International Law, Self-Determination, Common Law, Rule Against Perpetuities.

## ACKNOWLEDGEMENTS

Alhamdullilah, be grateful for the divine mercy and grace of time, life and energy that is awarded, I was able to complete this task successfully.

First and foremost, I would like to express my sincere gratitude to my supervisor Dr. Ratnaria Wahid for the continuous support of my Master study and research, for her patience, motivation, enthusiasm, and immense knowledge. Her guidance helped me in all the time of research and writing of this project paper. I could not have imagined having a better advisor and mentor for my Master study.

Furthermore, besides my supervisor, I would like to thank Prof. James Gomez for his encouragement, insightful comments, and hard questions for introducing me to the topic as well for the support on the way of Research Methodology.

My sincere thanks also goes to the scholastic leadership and inspirations, my all lecturers from the College of law, Government and International Studies (COLGIS) for enlightening me the first glance of research. Gratitude also goes to my friends who warn against all what I was complacent; and those involved directly or otherwise in the course work.

Last but not least, I would like to thank my loved ones: my wife and my family who have supported me throughout entire process, both by keeping me harmonious and supporting me spiritually throughout my life. I will be grateful forever.

## TABLE OF CONTENTS

	PAGE
<b>PERMISSION TO USE</b>	i
<b>ABSTRAK (Bahasa Melayu)</b>	ii
<b>ABSTRACT</b>	iii
<b>ACKNOWLEDGEMENTS</b>	iv
<b>TABLE OF CONTENTS</b>	v
<b>LIST OF ABBREVIATIONS</b>	viii
<b>LIST OF TABLES</b>	ix
<b>LIST OF FIGURES</b>	x
<b>LIST OF APPENDICES</b>	xi
<b>CHAPTER 1: INTRODUCTION</b>	
1.1.    Chapter Overview	1
1.2.    Background of the Study	1
1.2.1.    The Early History of Sabah	2
1.2.2.    The Philippines Claim to Sabah	4
1.2.3.    Malaysia's Policy Towards Sabah Issue	6
1.3.    Problem Statement	8
1.4.    Research Questions	9
1.5.    Research Objectives	10
1.6.    Significance of the Study	10
1.7.    Scope of the Study	11
1.8.    Limitation of Study	12
1.9.    Theoretical Framework	12
1.9.1.    Conceptual Framework	14
1.9.2.    Territorial Disputes and Settlement	15
1.9.3.    Common Law Provisions	18
1.10.    Chapterization	20

## **CHAPTER 2: LITERATURE REVIEW**

2.1. Introduction	23
2.2. Historical Facts on Sabah Disputes	24
2.2.1. Issues on Philippines Claim	26
2.2.2. Policy Interest of Certain Parties in Philippines	28
2.2.3. Cession Money	32
2.2.4. Sovereignty	33
2.3. Legal Aspects on Sabah	36
2.3.1. Related Treaties	37
2.3.2. Agreement of 1878	42
2.3.3. Self-Determination	45

## **CHAPTER 3: RESEARCH METHODOLOGY**

3.1. Introduction	48
3.2. Study Design	48
3.3. Related Legal Arguments	49
3.3.1. Arguments on International Law	50
3.3.2. Arguments on Common Law	51
3.4. Technique of Analysis	52

## **CHAPTER 4: ANALYSIS OF RELATED ARGUMENTS**

4.1. Introduction	53
4.2. Analysis on International Law Perspective	53
4.2.1. Permanent Population on Sabah	53
4.2.2. Related Treaties and Agreements	57
4.2.3. The United Nations Reports	61
4.2.4. Effective Control Doctrine	62
4.3. Analysis on Domestic Law	64
4.3.1. State Ordinance	64
4.4. Analysis on Common Law Perspective	66
4.3.1. Status of Sulu Sultanate	66
4.3.2. Deed of 1878	69

**CHAPTER 5: RELATED DISCUSSIONS**

5.1. Introduction	71
5.2. Securitization Response	71
5.3. International Law Approach: Self-Determination	74
5.4. Common Law Application: Deed of 1878	77
5.5. Evaluation	81

**CHAPTER 6: CONCLUSION AND RECOMMENDATIONS**

6.1. Introduction	83
6.2. Legal Solution for Sabah Disputes	83
6.3. Conclusion and Recommendations	84

**BIBLIOGRAPHY**

86

**APPENDICES**

91

## **LIST OF ABBREVIATIONS**

ACLR	Assistant Collector of Land Revenue, Sabah.
ESSCOM	Eastern Sabah Security Command.
ESSZONE	Eastern Sabah Security Zone.
Deed of 1878	Agreement between Sulu Sultanate and Overbeck on 22 Jan 1878.
DOSM	Department of Statistics Malaysia.
ICJ	International Court of Justice.
LUC	Land Utilisation Committee of Sabah.
NCL	Native Customary Land of Sabah.
NCR	Native Customary Rights of Sabah.
SLO	Sabah Land Ordinance.
SUHAKAM	Suruhanjaya Hak Asasi Manusia, Malaysia.
UN	United Nations.
US	United States of America

## LIST OF TABLES

	PAGE
Table 1.1      Growth of Population by main communities North Borneo.	54
Table 4.1      Composition of the British Bornean Population.	55
Table 4.2      Population by Ethnic Group, Sabah 2013.	56

## LIST OF FIGURES

		PAGE
Figure 1.1	Map of Malaysia year 2014.	4
Figure 1.2	Conceptual Framework.	15
Figure 4.1	Map of Labuan and British North Borneo (London, 1888).	59
Figure 4.2	Map of Kalimantan: Sebuku River, Indonesia, 2014.	60
Figure 4.3	Map of Sabah year 2009.	63

## LIST OF APPENDICES

		PAGE
Appendix A	Copy of grant of Brunei and Overbeck in Arabic letters (1878).	91
Appendix B	Copy of Deed of 1878 in Arabic letters by Yunos (2008), grant of Sulu Sultanate and Overbeck.	92
Appendix C	Photocopy of Deed of 1878 in Arabic letters by Ortiz (1963).	93
Appendix D	Translation of Deed of 1878 (British Version) by Maxwell and Gibson (London, 1924).	94
Appendix E	Translation of Deed of 1878 (Sultanate of Sulu Version) by Prof. Harold C. Conklin (Yale University, 1946).	95
Appendix F	Malaysia ‘Cession Money’ payment for Sabah, 2003 copy of letter from Embassy of Malaysia, 2004.	96
Appendix G	Resolution urging Malaysian Government to settle the Proprietary Rights of the legal heirs of the Sultan of Sulu	97

## **CHAPTER ONE**

### **INTRODUCTION**

#### **1.1. Chapter Overview**

This is an introduction chapter that involved the background of the study and background of the disputes, problem statement, research question, objective of the study, significant of the study, study limitation, conceptual framework that divide into subsection, chapterization and the summary for this chapter.

#### **1.2. Background of the Study**

Sabah also referred to as North Borneo, fell into the hands of the British under Anglo-Dutch Treaty in 1824 (IDE Asian Law, 2003). Generality is about 73,620 square kilometers<sup>1</sup> and 3,496,600 total of population (Department of Statistics Malaysia [DOSM], 2013). The island is very title of economic value and strategic location in Asia Pacific.

North Borneo was an independent state and a British protectorate under the sovereign of the British North Borneo Company since 1882 to 1946, and subsequently a crown colony of the United Kingdom from 1946 to 1963 (Starner, 1963). In the meantime, the Sultanate of Sulu ceded North Borneo to Baron De Overback in 1878. In 1963, people will of Sabahans to join the Federation of

---

<sup>1</sup> Source: Lands and Surveys Department, Sabah. Figures extracted from Sabah Area, by Administrative District 2012 (DOSM 2013). The figures not include the island of Labuan, 92 Sq. Km - because Labuan considered the Federal State of Labuan since 1 February 1984.

The contents of  
the thesis is for  
internal user  
only

## BIBLIOGRAPHY:

- Astro Awani (2013, March 22). Kronologi pencerobohan pantai timur Sabah. Retrieved from: [www.astroawani.com](http://www.astroawani.com)
- Bassett, D. K. (1980). *Sulu and Sabah: A Study of British Policy towards the Philippines and North Borneo from the Late Eighteenth Century* by Nicholas Tarling. Cambridge University Press: Bulletin of the School of Oriental and African Studies, University of London, Vol. 43, No. 1, pp. 164-165.
- Bernama (22 March, 2013). "Expert: No need to bring issue of Sabah rights to the ICJ". *Latest News: New Straits Times*. Retrieved from <http://www.nst.com.my>
- Bernama (12 March, 2013). "Hentikan Segara Bayaran Ufti Kepada Kesultanan Sulu - Karpal Singh" by Drs. Khalil Idham. Retrieved from <http://www.idhamlim.com>
- Buzan, Barry & Wæver, Ole (2003). *Regions and Powers-The Structure of International Security*. Cambridge: Cambridge University Press.
- Buzan, Barry; Wæver, Ole; de Wilde, Jaap (1998). *Security - A New Framework for Analysis*. London: Lynne Rienner.
- C. F. C. Macaskie, (1921). *The Law and Legislation of the State of North Borneo*. Cambridge University Press: Journal of Comparative Legislation and International Law, 3<sup>rd</sup> Series. Vol. 3, No. 3, pp. 200-222.
- Civil Law Act 1956, Act 67 (2006). Laws of Malaysia - Incorporating all amendments up to 1 January 2006. First enacted, 1956 (Ordinance No. 5 of 1956). Revised 1972 (Act 67 w.e.f. 1 April 1972). The Commissioner of Law Revision, Malaysia: Malayan Law Journal Sdn Bhd.
- Criminal Procedure Code, Act 593 (2012). Laws of Malaysia – as at 1 November 2012. First enacted, 1935 (F.M.S. Cap 6). Revised 1999 (Act 593 w.e.f. 4 April 1999). Latest amendment made by Act A1431 which came into operation on 31 July 2012. The Commissioner of Law Revision, Malaysia: Malayan Law Journal Sdn Bhd.
- Daily Zamboanga Times (26 Sept 2012). 'New Sultan of Sulu reported to the throne' in *official website of the Royal House of Sulu*: Sultaniyyah Sin Lupah Sug. Retrieved from <http://www.royalsultanateofsulu.org>
- Department of Statistics Malaysia [DOSM] (2013). *Social Statistics Bulletin: Malaysia 2013*. Annual Report: December, 2013. Sabah: Department of Statistics Malaysia.
- Fernandez, Erwin S. (2007). *Philippine-Malaysia Dispute Over Sabah: A Bibliographic Survey*. De La Salle University-Manila: Asia-Pacific Social Science Review, Vol. 7, No. 1, pp. 53-64.
- Frialde, Mike (October 26, 2013). 'New Sultan of Sulu named' in *The Filipino Global Community, Manila: The Philippine Star*. Retrieved from: <http://www.philstar.com>
- George, Mary (2001). *An Overview of Issues in Charity Litigation in Malaysia*. The International Journal of Not-for-Profit Law (ICNL), Volume 4, Issue 1.

- Green, L. C. (1971). *The Philippines' Claim to Sabah: by M. O. Ariff*. University of British Columbia: Pacific Affairs, Vol. 44, No. 1, pp. 142-143.
- Harrison & Sons (London, 1888). Map of Labuan and British North Borneo. Retrieved from <http://www.pennymead.com>
- Hawkins, Joyce M. (2000). *Oxford Trilingual Dictionary: Oxford Fajar*. Selangor Darul Ehsan: Laser Press Co. Ltd.
- Hughes-Hallett, H.R. (1940). "A Sketch of the History of Brunei", Journal of the Royal Asiatic Society-Malayan Branch 16: JMBRAS, XVIII Part 2, pp. 23-42.
- Huth, Paul K.; Sarah E. Croco; & Benjamin J. Appel (2013). *Bringing Law to the Table: Legal Claims, Focal Points, and the Settlement of Territorial Disputes Since 1945*. Midwest Political Science Association: American Journal of Political Science, Vol. 57, No. 1, January 2013, pp. 90-103.
- Huth, Paul K., Sarah E. Croco, and Benjamin J. Appel (2011). "Does International Law Promote the Peaceful Settlement of International Disputes? Evidence from the Study of Territorial Conflicts since 1945." *American Political Science Review* 105(2): 415-36.
- Huth, Paul K. & Todd L. Allee (2002). *The Democratic Peace and Territorial Conflict in the Twentieth Century*. Cambridge: Cambridge University Press.
- IDE Asian Law (2003). *Basic Information for Legal Research in Malaysia*. Japan: Institute of Developing Economics (IDE-JETRO). Series No. 23, March 2003.
- Ifor B. Powell (1970). *The Philippine Claim to Sabah: by Michael Leifer*. Wiley, Catham House: Royal Institute of International Affairs, Vol. 46, No. 1, p. 205.
- Ifor B. Powell (1976). *The Origins of British Borneo by L. R. Wright: Philippine Claim to Sabah: by Michael Leifer*. Cambridge University Press: Modern Asian Studies, Vol. 10, No. 1, pp. 149-154.
- Jan Klabbers, (2006). *The Right to Be Taken Seriously: Self-Determination in International Law*. John Hopkins University Press: Human Right Quarterly, Vol. 28, No. 1, pp. 186-206.
- Kadir Mohamad (2013, March 10). "It's time to close the chapter". The Star: Sunday Star Newspaper. Selangor: Star Publications (M) Bhd. Retrieved from: [www.thestar.com.my](http://www.thestar.com.my)
- Keesing's Record of World Event (1968). "Dec 1968 - The Sabah Dispute." Volume 14, December, 1968 Malaysia, Philippines, Page 23083. LLC: Keesing's Worldwide.
- K. G. Tregonning (1970). *The Philippine Claim To Sabah*. Malaysian Branch: Royal Asiatic Society, JMBRAS Vol. XLIII, Pt. 1, pp. 166-170.
- K. G. Tregonning (1958). *Under Chartered Company Rule*. University Malaya Press, p. 11.
- Kocs, Stephen A (1995). "Territorial Disputes and Interstate War, 1945-1987." The Journal of Politics: University of Texas Press, Vol. 57, no. 1, pp. 159-175.
- Korshy, Shaila (2007). "Call to replace common law 'baseless'" in Archives: The Star Online, 23 August 2007. Retrieved from <http://www.thestar.com.my/>

- Kuptsoff, Adel (2014). East, West, Centre and South Province of Kalimantan, Indonesia by Company KGIS. Available at: <http://big-big-city.com>
- Lee, Y. L. (1962). *The Population of British Borneo*. Taylor & Francis, Ltd., Vol. 15, No 3, pp. 226-243.
- Lotilla, Raphael Perpetuo M. (1995). *The Philippine National Territory: A Collection of Documents (ed)*. International Legal Studies, University of the Philippines Law Center and Manila: Foreign Service Institute, Department of Foreign Affairs.
- Majul, Cesar Adib (1973). *Muslims in the Philippines*. Quezon City: University of the Philippines Press.
- Margalit, Avishai & Raz, Joseph (1990). “National Self-Determination”. The Journal of Philosophy Inc., Vol. 87, No. 9, pp. 439-461.
- Mauskop, Alexander & Fox, Barry (2009). Borneo (Sabah) map. Retrieved from <http://www.ssl.sabah.gov.my>
- Meadows, Martin (1962). *The Philippine Claim to North Borneo*. The Academy of Political Science: Political Science Quarterly, Vol. 7, No. 3, pp. 321-335.
- Mohamad, Abdul Hamid (2004). *Application of the Common Law of England, the Rules of Equity and Foreign Judgments Judgment, Malaysia*. Public Speech by the Chief Justice of the Federal Court of Malaysia at UKM on 17/09/2004.
- Mohamad, Abdul Kadir (2001). ICJ: Case Concerning Sovereignty Over Pulau Ligitan and Pulau Sipadan – Malaysia/Indonesia. Observation of Malaysia on the Application for Permission to Intervene by the government of the Republic of The Philippines. Kuala Lumpur: Agent of Malaysia, 2 May 2001.
- Mustafa, Muhamad Zaki (22 February 2013). “Kisah Kesultanan Sulu ‘Memajak Sabah’ kepada Malaysia.” Retrieved from <http://inisekadarinfo.blogspot.com>
- Nawal, Allan (March 18 2013). “Indonesian president urges diplomatic solution to Sabah crisis” by *Inquirer Mindanao: inquirer.net*. Retrieved from <http://globalnation.inquirer.net>
- Nawal, Allan Afdal (26 February 2013). “2 more claim to be real Sultan of Sulu” by *Philippines Daily Inquirer*. Retrieved from <http://globalnation.inquirer.net>
- New Sabah Times English, (KK) (2013). Expert: No need to take the Sabah issue to the ICJ, (23 March 2013), in *New Sabah Times English (kk)*, p. p. 3.
- Ortiz, Pacifico A. (1963). *Legal Aspects of The North Borneo Question*. Ateneo de Manila University: Philippine Studies, Vol. 11, No. 1, pp. 18-64.
- Philip, George & Son (2014). Map of Malaysia in Maps of the World: George Philip & Son Ltd. Available at: <http://www.vidiani.com>
- Perpetuities and Accumulations Act 2009. Chapter 18 - Perpetuity period, Section 5, and Perpetuities: miscellaneous, Section 12. Retrieved from <http://www.legislation.gov.uk>
- Quezon III, Manuel L. (2013). North Borneo (Sabah): An annotated timeline 1640s-present. Latest Stories on Saturday, March 2nd, 2013. Retrieved from <http://globalnation.inquirer.net>

- Ranjit Singh (2013). “Expert: No need to bring issue of Sabah rights to the ICJ” by Bernama on 22 March, 2013. *Latest News: New Straits Times*.
- Roth, Brad (2010). *Secessions, Coups and the International Rule of Law: Assessing the Decline of the Effective Control Doctrine*. Melbourne: Journal of International Law, Vol. 11.
- Sabah State Elections Office (2014). *History of Elections in the state of Sabah*. Official Website, retrieved at <http://ppn.spr.gov.my>
- Schmitt, Carl (1996). *The Concept of the Political*, translated by G. Schwab. Chicago: University of Chicago Press.
- Scott. Hague Court (1932). *Island of Palmas Case*. Scott. Hague Court Reports 2d 83, Palmas case, Perm. Ct. Arb., 1928, 2 U.N. Rep. Intl. Arb. Awards 829.
- Selvaratnam & Labib (2003). *MALAYSIA: Basic Information for Legal Research in Malaysia*, in Doing Legal Research in Asian Countries: China, India Malaysia, Philippines Thailand, Vietnam. Japan: IDE Asian Law. Institute of Developing Economics (IDE-JETRO). Series No. 23, March 2003.
- Shaw, M. N. (1997). *International Law 4<sup>th</sup> Edition*. Cambridge University Press.
- Singapore Institute of Legal Education (2013). PART I: The Singapore Legal and Financial System: The Application of English Law Act (Cap 7A). Retrieved from [http://www.sile.org.sg/pdf/Commercial\\_Practice\\_Syllabus\\_20131001.pdf](http://www.sile.org.sg/pdf/Commercial_Practice_Syllabus_20131001.pdf)
- Starner, Frances L. (1963). *Malaysia and the North Borneo Territories*. University of California Press: Asian Survey, Vol. 3, No. 11, pp. 519-534.
- State Government (2014). About Sabah. *State Government Official Website*, updated on: 17.02.2014. Retrieved from <http://www.sabah.gov.my>
- Steve Shim CJ (Sabah & Sarawak) (2006). Majlis Perbandaran Ampang Jaya V. Steven Phoa Cheng Loon & Ors, Federal Court, Putrajaya. [Civil Appeal NO. 01-4-2004 (W)]. *National House Buyers Association*. Retrieved from <http://www.hba.org.my/laws/CourtCases/M/majlis.htm>
- SUHAKAM Kundasang Public Inquiry Report (2013). Retrieved from <http://sarawakreport.org/suhakam/suhakam-chapter6.html>
- Tarling, Nicholas (1978). *Sulu and Sabah: A Study of British Policy towards the Philippines and North Borneo from the Late Eighteenth Century*. Political Science, the University of California: Oxford University Press.
- The Star Online (May 29 2008). *Call for ICJ arbitration dismissed*. Retrieved from <http://www.thestar.com.my/story.aspx/>
- The Star (24 August 2007). “Minister: Study proposal on switch to Syariah law thoroughly.” Malaysia: Star Publications (M) Bhd. Retrieved from <http://www.thestar.com.my>
- The Star (22 August 2007). “Is common law still needed?”. Retrieved from <http://www.thestar.com.my>
- The Sunday Times (May 9 1937). North Borneo (Sabah): An annotated timeline 1640s-present by Quezon III, Manuel L. (2013) in Latest Stories on Saturday, March 2nd, 2013. Retrieved from <http://globalnation.inquirer.net>

- Umar, Pehin Jamil (2007). *Tarsilah Brunei II: Period of Splendour and Fame*. English Edition First Impression 2007. Brunei: Brunei History Centre.
- United Nations Charter (1945). Charter of the United Nations June 26, 1945, 59 Stat. 1031, T.S. 993, 3 Bevans 1153, entered into force Oct. 24, 1945. Human Rights Library: University of Minnesota.
- United Nations Yearbook, 1948-49, p. 730 and in each successive year until 1961.
- Utusan Online (1998, July 01). *Moros will rise again*. Kuala Lumpur: Utusan Melayu (M) Berhad. Retrieved from: <http://www.utusan.com.my>
- Vitug, Marties Danguilan & Gloria, Glenda M. (2013, March 18). *Jabidah and Merdeka: The inside story*. Philippines: Rappler Newsbreak. Retrieved from: <http://www.rappler.com>
- Wæver, Ole (2004). ‘Aberystwyth, Paris, Copenhagen New Schools in Security Theory and the Origins between Core and Periphery.’ Paper presented at the ISA Conference Montreal March.
- Wæver, Ole (2003). ‘*Securitisation: Taking stock of a research programme in Security Studies*.’ Unpublished Manuscript.
- Wæver, Ole (1989) “Security, the Speech Act – Analysing the Politics of a word” (2<sup>nd</sup> draft) Paper presented at the Research Training Seminar, Sostrup Manor, June 1989. Revised, Jerusalem/Tel Aviv June 25-26, 1989.
- Wall, J. J., Stark, J. & Standifer, R. (2001). *Mediation: A current review and theory development*. Journal of Conflict Resolution, 45(3), June, p.p. 370-91.
- Williams, Michael C. (2003). “*Words, Images, Enemies: Securitization and International Politics*”. International Studies Quarterly 47, pp.511-531.
- Wright, Leight R. (1966). *Historical Notes on the North Borneo Disputes*. Journal of Asian Studies, Vol. 25, No. 3, pp. 471-484.
- Yunos, Rozan (September 24, 2008). Brunei Times, under the Golden Legacy column posted on 21 September 2008, in “Sabah, Brunei’s Former Northern Territory.” Retrieved from <http://bruneiresources.blogspot.com>

## APPENDICES

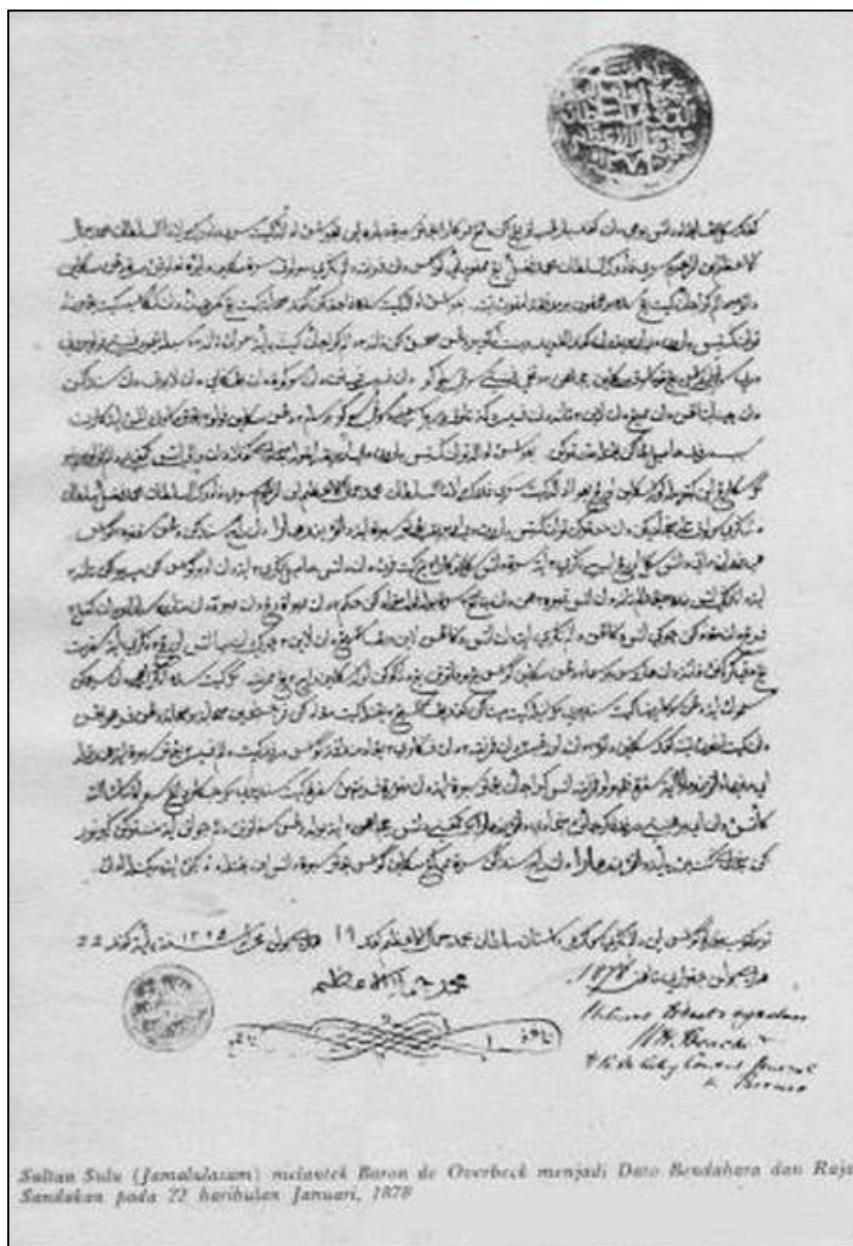
### Appendix A Grant of Brunei and Overbeck (in Arabic letters)



Source: Brunei Times, under the Golden Legacy column (21 September 2008). Also available in “Sabah, Brunei’s Former Northern Territory” posted by Rozan Yunos on September 24, 2008 at <http://bruneiresources.blogspot.com>

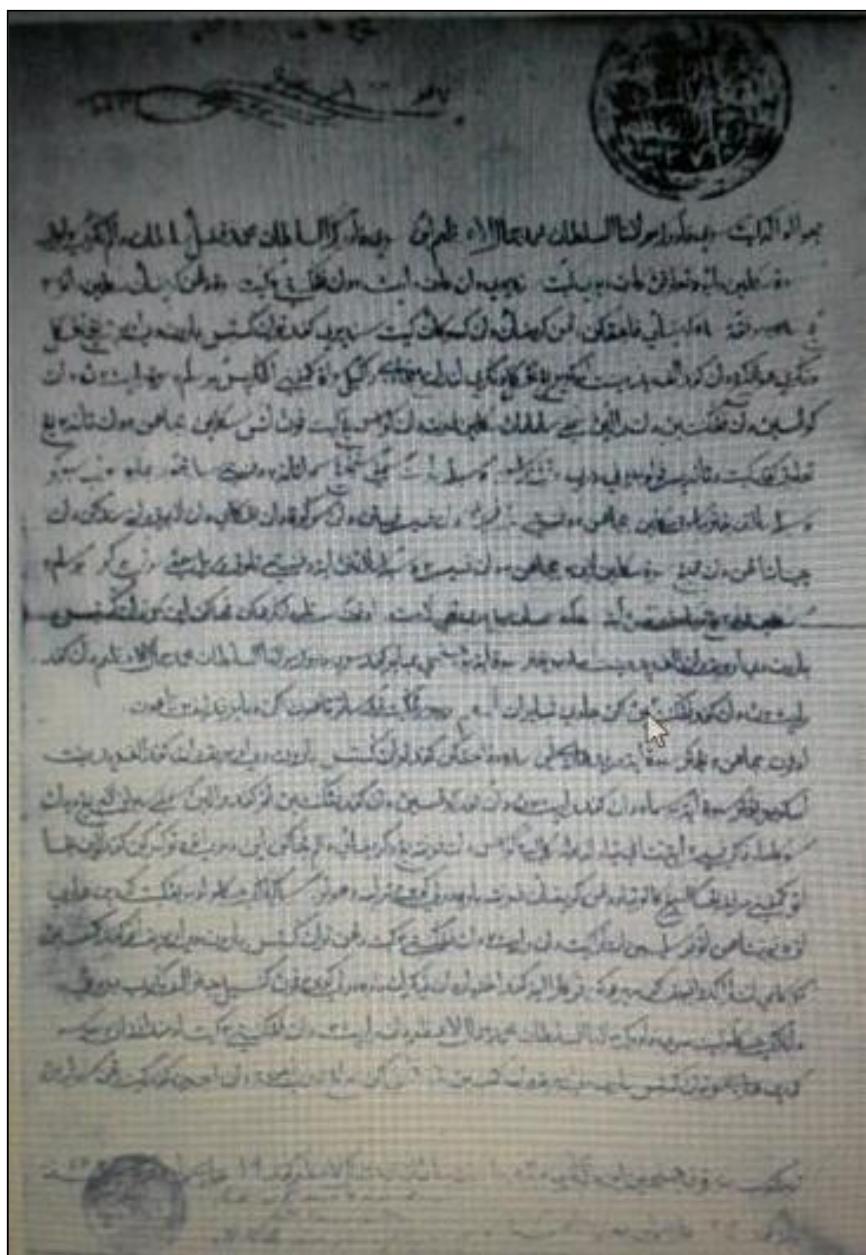
## **Appendix B**

### **Deed of 1878 (in Arabic letters)**



Source: Brunei Times, under the Golden Legacy column (21 September 2008) – grant of Sulu Sultanate and Overbeck, 1878. Also available in “Sabah, Brunei’s Former Northern Territory” posted by Rozan Yunos on September 24, 2008 at <http://bruneiresources.blogspot.com>

**Appendix C**  
**Deed of 1878 (in Arabic letters)**



*Source:* The original photocopy of 'Deed of 1878' by Ortiz (1963) in Philippines Studies – grant of Sulu Sultanate and Overbeck, 1878.

**Appendix D**  
**Translation of Deed of 1878 (British Version)**

**GRANT BY SULTAN DE SULU OF TERRITORIES AND LANDS ON THE  
MAINLAND OF THE ISLAND OF BORNEO.**

**Dated 22nd January, 1878.**

We Sri Paduka Mauh Al Sultan Mohamet Al Alam Bin Sri Paduka Almarhom Al Sultan Mohamet Fathlon Sultan of Sulu and the dependencies thereof on behalf of ourselves our heirs and successors and with the consent and advice of the Datus in council assembled hereby grant and cede of our own free and sovereign will to Gustavus Baron de Overbeck of Hong Kong and Alfred Dent, Esquire, of London as representatives of a British Company co-jointly their heirs, associates, successors, and assigns forever and in perpetuity all the rights and powers belonging to us over all the territories and lands being tributary to us on the mainland of the island of Borneo commencing from the Pandassan River on the northwest coast and extending along the whole east coast as far as the Sibuco River in the south and comprising amongst others the States of Paitan, Sugut, Bangaya, Labuk, Sandakan, Kina Batangan, Muniang, and all the other territories and states to the southward thereof bordering on Darvel Bay and as far as, the Sibuco River with all the islands within three marine leagues of the coast.

In consideration of this grant the said Baron de Overbeck and Alfred Dent promise to pay as compensation to His Highness the Sultan Sri Paduka Maulana al Sultan Mohamet Jamal Al Alam, his heirs or successors the sum of five thousand dob per annum.

The said territories are hereby declared vested in the said Baron de Overbeck and Alfred Dent, Esquire, co-jointly their heirs, associates, successors, or assigns for as long as they choose or desire to hold them. Provided however that the rights and privileges conferred by this grant shall never be transferred to any other nation or company or foreign nationality without the sanction of Her Britannic Majesty's Government first being obtained.

In case any dispute shall arise between His Highness the Sultan, his heirs or successors, and the said Gustavus Baron de Overbeck or his, Company, it is hereby agreed that the matter shall be submitted to Her Britannic Majesty's Consul-General for Borneo.

The said Gustavus Baron de Overbeck on behalf of himself and his Company further promises to assist His Highness the Sultan, his heirs or successor with his best counsel and advices whenever His Highness may stand in need of the same.

Written in Likup in Sulu at the Palace of his Highness Mohamet Jamalul Alam on the 19th Moharam A.H. 1295, answering to the 22nd January, A.D. 1878.

*Source:* Ortiz (1963), Philippines Studies in a translation of 'Deed of 1878', by Maxwell and Gibson, (London 1924) in Treaties and Engagements Affecting the Malay States and Borneo.

**Appendix E**  
**Translation of Deed of 1878 (Sultanate of Sulu Version)**

**GRANT BY THE SULTAN OF SULU OF A PERMANENT LEASE  
COVERING HIS LANDS AND TERRITORIES ON THE ISLAND OF  
BORNEO.**

**Dated January 22, 1878.**

We, Sri Paduka Maulana A1 Sultan Mohammed Jamalul Alam, Son of Sri Paduka Marhum A1 Sultan Mohammed Pulalum, Sultan of Sulu and of all dependencies thereof, on behalf of ourselves and for our heirs and successors, and with the expressed desire of all Datus in common agreement, do hereby desire to lease, of our own free will and satisfaction, to Gustavus Baron de Overbeck of Hong Kong, and to Alfred Dent, Esquire, of London, who act as representatives of a British Company, together with their heirs, associates, successors, and assigns forever and until the end of time, all rights and powers which we possess over all territories and lands tributary to us on the mainland of the Island of Borneo, commencing from the Pandassan River on the east, and thence along the whole east coast as far as the Sibuku River on the south, and including all territories, on the Pandassan River and in the coastal area, known as Paitan, Sugut, Banggai, Labuk, Sandakan, Chinabatangan, Mumiang, and all other territories and coastal lands to the south, bordering on Darvel Bay, and as far as the Sibuku River, together with all the islands which lie within nine miles from the coast.

In consideration of this (territorial?) lease, the honorable Gustavus Baron de Overbeck and Alfred Dent, Esquire, promise to pay His Highness Sultan Maulana Mohammed Jumalul Alam and to his heirs and successors, the sum of five thousand dollars annually, to be paid each and every year.

The above mentioned territories are from today truly leased to Mr. Gustavus Baron de Overbeck and to Alfred Dent, Esquire, as already said, together with their heirs, their associates (company) and to their successors and assigns for as long as they choose or desire to use them; but the rights and powers hereby leased shall not be transferred to another nation, or a company of other nationality, without the consent of Their Majesties, Government.

Should there by any dispute, or reviving of old grievances of any kind, between us, and our heirs and successors, with Mr. Gustavus Baron de Overbeck or his Company, then the matter will be brought for consideration or judgment to Their Majesties, Consul-General in Brunei.

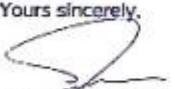
Moreover, if His Highness Maulana A1 Sultan Mohammed Jamalul Alam, and his heirs and successors, become involved in any trouble or difficulties hereafter, the said honorable Mr. Gustavus Baron de Overbeck and his company promise to give aid and advice to us within the extent of their ability.

This treaty is written in Sulu, at the Palace of the Sultan Mohammed Jamalul Alam, on the 19th day of the month of Muharam, A.H. 1295; that is on the 22nd day of the month of January, year 1878. Seal of the Sultan Jamalul Alam. Witness to seal and signature (Sgd.) W. H. Treacher H.B.M. Acting Consul General in Borneo.

*Source:* Ortiz (1963), in Philippines Studies, a translation of 'Deed of 1878' by Prof. Harold C. Conklin of Yale University in 1946.

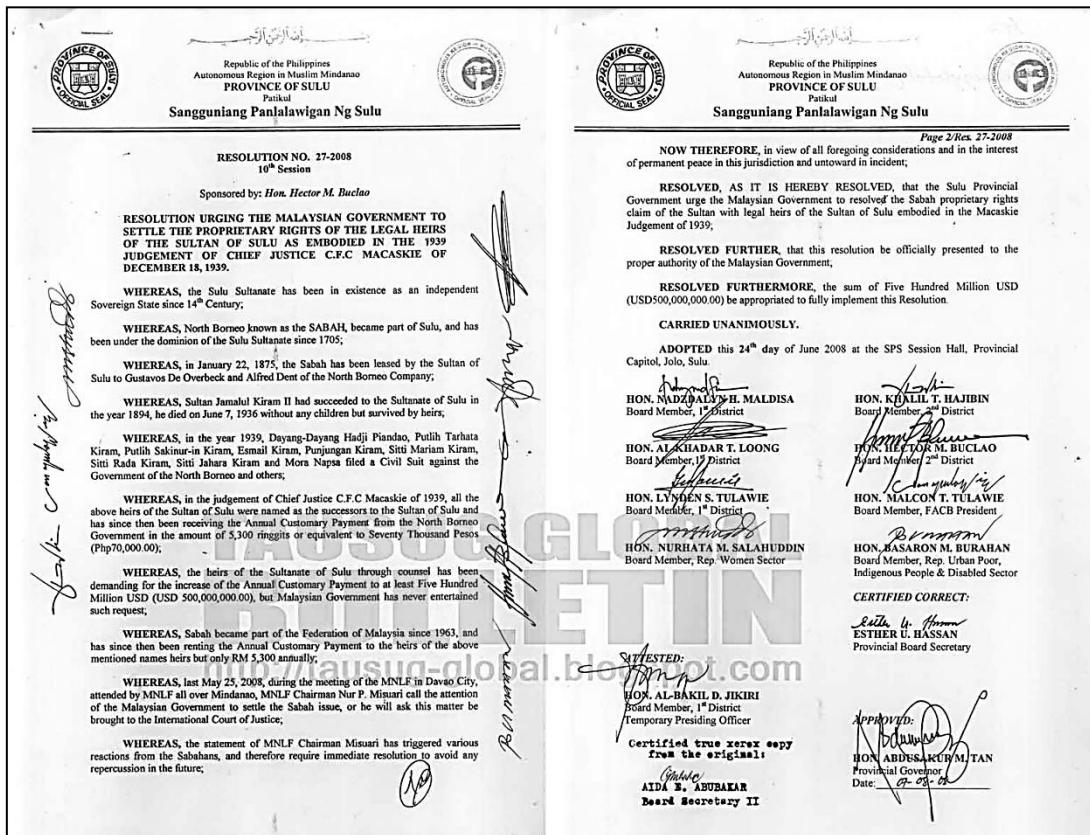
## Appendix F

### Malaysian 'Cession Money' Payment for Sabah year 2003

	<b>KEDUTAAN BESAR MALAYSIA</b> (EMBASSY OF MALAYSIA) 107 TORDESILLAS STREET SALCEDO VILLAGE MAKATI, METRO MANILA	<i>Tel : 00632 8174581 to 85</i> <i>Fax : 00632 8163158</i> <i>email: s3manila@indianet.net</i>
<hr/>		<b>RUJUKAN:</b> (Your Ref)
		<b>RIU KAM:</b> SR(063)384/1-5 Vol. 1 (Our Ref)
		<b>TARIKH:</b> 1 April 2004 (Date)
<p>Datu Fuad A. Kiram Angono Antipolo City Metro Manila</p>		
<p>Dear Datu,</p>		
<p><b><u>"Cession Money" to the Heirs of the Sultan of Sulu for the year 2003</u></b></p>		
<p>With reference to the above, the Embassy wishes to inform you that the cheque No. 0000229457 dated 18 March 2004 amounting to P 77,442.36, representing the payment of the "Cession Money" to the heirs of the Sultan of Sulu for the year 2003 has been forwarded by registered mail to Atty. Ulka T. Ullama at his given address in Jolo Sulu.</p>		
<p>Thank you.</p>		
<p>Yours sincerely,</p>		
		
<p><b>Mahinder Singh</b> Minister Counsellor for Ambassador</p>		

*Source:* Annual "Cession Money" payment by Malaysian Embassy to the heirs of Sultanate of Sulu as posted by Drs. Khalil Idham in "Hentikan Segera Bayaran Ufti Kepada Kesultanan Sulu - Karpal Singh" (Bernama, 12 March 2013). Available at: <http://www.idhamlim.com>

**Appendix G**  
**Resolution urging Malaysian Government to settle the Proprietary Rights of the legal heirs of the Sultan of Sulu**



*Source:* Approval of payment to the sultanate of Sulu by Muhamad Zaki Mustafa in "Kisah Kesultanan Sulu 'Memajak Sabah' kepada Malaysia" (22 February 2013). Retrieved at <http://inisekadarinfo.blogspot.com>