

THE DISENFRANCHISEMENT OF BONA FIDE SABAHANS

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GLOSSARY

Bajau & Irranun	Former seafaring peoples who settled in Sabah a few hundred years ago who are now Bumiputeras and come under the definition of “natives” but are not considered true indigenous groups of Sabah
Bumiputeras	“Sons of the soil”
BN	Barisan Nasional, or National Front, the umbrella political grouping which now holds the ruling power in Malaysia
CigMa	Common Interest Group Malaysia, a Sabah-based Malaysian NGO whose main objective is to fight for the common rights of Sabahan by striving to expose the truth of history and the realities behind the current socio-economic and political scenarios, all for the common good. The CigMa’s slogan “The Truth for the Future” speaks for its unwavering principle of basing all its struggles based on the truth, for we believe it is only through the honest truth that we can build a strong and lasting future.
FELCRA	Federal Land Consolidation and Rehabilitation Authority
FELDA	Federal Land Development Authority
GAM	Gerakan Aceh Merdeka (Movement for Aceh’s Independence)
IGC	Inter-Governmental Committee
KDM	Kadazndusun and Murut, the largest indigenous groups of Sabah
PBS	Parti Bersatu Sabah (Sabah United Party)
PBRs	Parti Bersatu Rakyat Sabah
Petronas	Petroleum National Berhad, Malaysia’s national oil company
Putrajaya	The city near Kuala Lumpur which is Malaysia’s centre of government administration, wellknown now as Malaysia’s version of Washington D.C.
SAPP	Sabah Progressive Party
Suhakam	The Human Rights Commission of Malaysia or Suruhanjaya Hak Asasi Malaysia
UPKO	United Pasok Kadazan Organisation (the first UPKO set up in the 1960s by Donald Stephens, Sedomon Gunsanad and G. S. Sundang) United Pasokmomogun Kadazandusun Murut Organisation (the current UPKO revived under the leadership of Bernard Dompok, its current President).
UMNO	United Malays National Organisation
USNO	United Sabah National Organisation, now defunct upon being dissolved to make way for UMNO to go into Sabah.

Note on titles and honorifics

As a paper presented to international audiences, titles and honorifics have been excluded from names of personalities mentioned in the paper, except for the “Tunku” for Abdul Rahman

Abstract

SABAH'S participation in the Federation of Malaysia has been a process in which it had lost substantially in terms of its identity, partnership status, economy, and security, largely due to machinations in various forms by the Federal Government during the last 47 years. Despite glowing promises of development and non-interference in the future government of North Borneo, Sabah's rights to self-determination has been usurped, leading to losses in many safeguards documented in the 20 Points. Our state demography has been re-engineered with national identity cards issued through the backdoor to illegal immigrants leading to the abnormal increase in the population of 'Malays', have been subjected to a policy of divide and rule, lost our true democracy, have been manipulated with gerrymandering and pollution of the electoral rolls with phantom voters, we have been re-colonised in various ways, our security is glaringly compromised, our native people are losing their customary land rights resulting in Sabah becoming Malaysia's poorest state. This situation calls for drastic action, including urgently demanding for reliefs and compensations to the state in the forms of fairer shares in revenues such as increase in the current five percent oil royalty to 20 percent, higher share of ambassadorial appointments, higher share of parliamentary seats, the true implementation of Borneonisation of the civil service, a free hand in implementing the safeguards of the 20 Points, and overall empowerment for the state reinstatement of its lost rights and autonomy to enable it to revive its depressed economy.

Introduction

This paper presents a list of the major losses that we bona fide people of Sabah had suffered in the process which I term here as "disenfranchisement," or "the process of being deprived of rights and privileges" after we had formed the Federation of Malaysia in 1963. This revelation is vital to enable

local or foreign observers to begin to comprehend the unpleasant realities behind the glossy pictures painted by the Federal Government of Malaysia which mechanizes a continuous propaganda to make us believe that Sabah had enjoyed tremendous development and numerous benefits.

The fact is that in the long process of having had several state governments, the last of which is UMNO which illegally wrested power from the Parti Bersatu Sabah's (PBS) government in 1994, we had ended up becoming the poorest state in Malaysia in spite of the vast God-given natural resources.

With the benefit of 47 years of hindsight, there is no doubt in our minds now that we had been a victim of the Federal Government's maneuvering to disenfranchise us since even before the begin-ning of Malaysia. These maneuvering, subtle or manifest, had come in various forms (under what is famously termed by Bruce Ross-Larson, as the "politics of federalism") and had caused us losses, in the main of which I shall describe as follows:



Donald Stephens

1. Loss of Right as A National Entity

Sabah was given the understanding that it was to remain a national entity within the Malaysian Federation, which was to be a partnership of four national units, i.e. Sabah, Sarawak, Singapore and Malaya. We were to remain as a *negara* (nation), not to become a *negeri* (state). But what eventually transpired was a process during which Sabah (like Sarawak) became one of the 13 states in Malaysia, no longer on the same status as Malaya, but as one of the states in Malaysia. This is despite the original understanding for Sabah and Sarawak to remain as national entities on equal footing with Malaya.

Status of North Borneo in Malaysia

Many groups who appeared before us displayed great anxiety that North Borneo should be adequately represented in the Federal Parliament and that, in this and in other respects, it should not be treated as equivalent in status to one of the States in the present Federation of Malaya, for example, Penang or Malacca. The point was

made that North Borneo's size alone justified special treatment and that much greater distance between the Borneo territories and Kuala Lumpur also had a bearing on the matter. A number of persons expressed the view that the new Federation should consist of five units – the Federation of Malaya, Singapore, Sarawak, Brunei and North Borneo – and not 15 units as would be the case if the Federation of Malaya disappeared as such, and was regarded as 11 separate States which would each join the new Federation on equal terms with the four new units. The reason for this attitude was clearly a fear that North Borneo's interests might be overlooked or given too little weight.¹

There shall be a Head of State for Sabah, to be called the Yang di-Pertua Negara.²



Tunku Abdul Rahman

Not Unitary

In view of the fact that all delegations acknowledge the desirability that all component States should retain their identity and autonomy, the possibility of Malaysia being formed as a unitary State was **never** considered. [Emphases mine throughout].

Federation Defined

The Committee envisaged an association of the several sovereign States with a central organ invested with powers directly over the citizens of the member State and in certain defined circumstances over the member States themselves. There would be a Central Government and also State Governments, but from the view-point of international law, the collection of States forming the Federation would be recognized as one Sovereign State within the family of nations.³

Although the early leaders of Sabah had hoped that Malaysia would be a true federation and not a unitary state, post-independence history had shown that when the interests of Sabah and Kuala Lumpur clash then the federal government will step in unhesitatingly and bring its younger partner to hell. Tunku Abdul Rahman saw the Kadazan minister [Donald Stephens] as less than totally committed to Malaysia, unlike his friend Mustapha who saw the new federation as giving powerful support for his claim of Malay and Muslim political primacy in Sabah.⁴

Sabah's expectations of Malaysia proved to be dis-

appointments in the faces of realities which far differed from what were promised. The facts of history is that... Tunku Abdul Rahman [did allay] fears in Sabah and Sarawak of the possibility of Malaya re-colonising them upon the departure of the British masters.

The terms of this Federation are contained in various documents such as the Twenty Points, the IGC report and of course the Malaysia Agreement, which on paper protected the interests of Sabah and Sarawak within this new Federation so that they do not lose their autonomy in certain areas of governance which gave meanings and substances to their independence.

Without doubt, this was the expressed hope of the founding fathers, principally Tunku Abdul Rahman, the first Prime Minister of Malaysia; Lee Kuan Yew, the former Prime Minister of Singapore, Donald Stephens and Mustapha Harun of Sabah, Stephen

Kalong Ningkan of Sarawak, etc. Independent speeches were delivered by various leaders including Razak, Tun Mustapha, Donald Stephens and Sir William Goode during the historic celebration of Sabah's nationhood. I present several quotes from them below:



Mustapha Harun



Syed Kechik

Today, is a historic day for Sabah. It marks the beginning of self-government and independence and the end of colonialism.⁵

The Tunku, too, naturally uttered several historic statements on the matter:

"The granting of self-government too would enable Sabah to stand on its own feet as equal with Malaya, Sarawak and Singapore."⁶

"The important aspects of the Malaysia Ideal, as I see it, is that it will enable the Borneo territories to transform their present colonial status to 'self government' for themselves and absolute independence in Malaysia simultaneously..."

The days of imperialism are gone and it is not the intention of Malaya to perpetuate or revive them. When the Borneo territories become part of Malaysia, they will cease to be a colony of Malaya, they will be partners of equal status, no more or less than the other States." By

“other States” he meant the other States, or rather national, entities of Malaya, Singapore and Sarawak.⁷

The “great anxiety” and “fear” expressed by the people of North Borneo interviewed during the Cobbold Commission enquiry have now become living realities. Among the our many grievances in this matter is that Sabah’s wealth is divided, not between three partners (Sabah, Sarawak and Malaya), but between 13 fellow-states. As Jeffrey Kitingan analogizes in his speeches and media releases, Sabah’s longhouse had been destroyed and we had been swallowed into the Malayan longhouse.

2. We have lost many rights guaranteed by the 20 Points

The 20 Points had firm guarantees for us which have largely been eroded over the decades:

Point 1: Religion

We were promised that there would be no state religion in North Borneo in perpetuity and “the provision relating to Islam in the present Constitution of Malaya should not apply in North Borneo.” This right has been taken away.

Point 2: Language

“English should be the official language of North Borneo for all purposes, State or Federal without limitation of time.” Now Sabah’s official language is Malay.

Point 3: Constitution

“...the Constitution of Malaysia should be a completely new document...” The Constitution of Malaysia turned out to be an expansion of the old Constitution of Malaya.

Point 6: Immigration

“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.” With the design to increase the population of Sabah with issuance of ICs to illegal immigrants and with the control of immigration now under the federal Immigration Department, this assurance has become totally irrelevant.

Point 8: Borneonisation

The Borneonisation of the civil service has **never** been carried out, with most federal departments still being headed by Peninsular Malaysians.

Point 11: Tariffs and Finance

By the assurance under Point 11 that “North Borneo should retain control of its own finance, development and tariff, and should have the right to work up its own taxation and to raise loans on its own credit,” we can clearly see how **we have been promised the autonomy for self-determination, to retain our revenues for ourselves**. This promises have long been broken. The only financial resource through taxes left for Sabah is the tax collections by the Local Government.

3. We have been victims of demographic re-engineering

Of all the many manipulations to disenfranchise bona fide Sabahans, this is the most sinister and is still being executed with impunity by the Federal Government of Malaysia. From the start of Malaysia, Tunku Abdul Rahman had taken a serious concern for ensuring the Malay majority in the racial balance of the new Federation. This is well known as it is the oft-mentioned reason for the expulsion of Singapore in 1965. The Tunku also looked upon Donald Stephens and Peter Mojuntin (two most senior leaders of the old UPKO) as hindrances to the establishment of the USNO as the premier political party in Sabah, hence schemed to oust the two with the masterminding by Syed Kechik, who, among other schemes, “mounted a media campaign against Stephens” who “was a symbol of UPKO and Kadazan leadership, [and so] had to be discredited.”⁸

During Mustapha’s USNO government, which later turned into the infamous iron-fist rule during which he wielded absolute power in Sabah, including the prerogative to send political opponents for ‘re-education’ to “Kepayan University” (a sarcastic term for the prison at the police headquarters in Kepayan, near the state capital) without trial. He also went on an infamous islamisation of the Sabah natives, a campaign which included the shocking expulsion of almost all expatriate church leaders from the state.

Later, as a strategic move to further “Malaynize” Sabah, the population of the state was increased by leaps and bounds by Mahathir Mohamad, Malaysia’s then Prime Minister, by granting citizenship to

Year	Sabah (% increase)	Sarawak (% increase)
1970	6 48,693	976,269
1980	1,013,003 (56%)	1,235,553 (27%)
1991	1,808,848 (78%)	1,642,771 (33%)
2000	2,603,485 (44%)	2,012,616 (23%)
1970-200	301% increase	106% increase

Table 1: Population growth of Sabah and Sarawak

Year	KDM	Bajau/ Irranun	Malay
1970	215,811	77,271	18,362
2000	564,600	343,200	303,500
1970-200	162%	344%	1,552%

Table 2: Population growths of three major groups

Filipino illegal immigrants through dubious means, mainly the now infamous “Projek IC Mahathir”. Through this project the population of Sabah has catapulted to 3.2 million – 1.5 million bona fide Sabahans and 1.7 million foreigners. Seventy thousands of these fo-reigners were registered as phantom voters and distributed throughout the constituencies in Sabah to give greater advantages for the Barisan Nasional (BN) candidates to win the elections.

According to official statistics, the state's population increased from 653,000 in 1970 to 2.6 million in 2000. This extraordinary growth rate during the last three decades amounts to nearly 300 percent and can only be explained by a massive influx of immigrants. The current state's total population is even estimated to be in the range of about 3.2 and 3.3 million inhabitants. It is an open secret that Sabah's demography has been changed by special exercises codenamed "Project 1" and "Project 2" that enabled undocumented immigrants to legalize their status.⁹

Illegal immigration is changing the ethnic makeup of Sabah in significant ways.... At the beginning of the twentieth century, Kadazandusuns were the dominant ethnic group, comprising about 42 percent of the state population. They fell to 32 percent by the 1960 census, 29.9 percent by 1970, and then, to their alarm, by 1990 they had fallen to 19.6 percent (see Table 1 and Table 2). Similarly, Muruts have seen their share



Above and below: Illegal immigrants being rounded up in Sabah



of decline from 4.9 percent in 1960 to 2.9 percent in 1990. Both of these non-Muslim groups overwhelmingly support the non-Muslim, non-Malay regional party, the PBS, which opposes the migration and settlement of illegal immigrants in Sabah.

In contrast, the UMNO, which derives its support from Muslim groups, has seen the ethnic makeup of Sabah change in its favor. The Muslim Malays have risen from just 0.4 percent of the population in 1960 to 6.2 percent of the population in 1990; the Indonesians have risen substantially from comprising only 5.5 percent of the population in 1960 to 21.3 percent in 1990; and the Filipinos, who had a negligible presence until 1960 (1.6 percent), represented 8.2 percent of Sabah's total population by the 1990 census. Continuing Filipino and Indonesian illegal immigration further increases the stock of various Muslim ethnic groups (Bajau, Bugis, Other Muslims, Suluks, etc.), while non-Muslim groups such as the Kadazandusun, Muruts or the Chinese are declining into demographic and political insignificance. The incorporation of illegal immigrants as citizens is critical to the changing ethnic demography and subsequent political map of Sabah.¹⁰

Suhakam, the Human Rights Commission of Malaysia, too, confirmed this, reporting that there was an “an abnormal increase in Sabah population. This has happened over the last 30 years, going up 362% between 1970 to 2005.”¹¹

If there is any doubt as to the ease with which demographic make up can be significantly shifted overnight, a former Chief Minister, Harris Salleh had confirmed that “The Federal Government can register any of the refugees in three hours, three days, three months or three years. There is no law stating the time and if the Federal Government wanted to alter forever the voting patterns of Sabah then it can do it as easily as signing the papers”¹². Hence,

About half of Sabah’s population of 3.25 million today are foreigners, Out of this number, 750,000 are undocumented or without valid travel documents or work passes.... in some districts foreigners already outnumber the locals.¹³

The latest plea on this grave issue is from SAPP which on April 6, 2011 announced that it had collected a total of 50,000 signatures calling for the setting up of a Royal Commission of Inquiry (RCI) to investigate the influx of illegal immigrants who possess Malaysian identity cards. A memorandum to that effect will be presented to the Prime Minister or his deputy as soon as possible. SAPP’s Vice President and youth chief, Edward Dagul said he had been told that “there are now an estimated 1.7 million Sabah residents of unknown origin. I believe that in five years, the country will not be able fix this problem if we continue to ignore its severity” and saying Home Minister Hishammuddin remark that an RCI was unnecessary were ‘too dismissive’.¹⁴

As asserted by the evidences, this deliberate increase in the number of UMNO-supporting “new Bumiputeras (sons of the soil)” through backdoor adoption of immigrants was also to enhance the impact of the islamization and Malaynization of the state as a means to diminish the population percentage, and so political leverage, of the Kadazandusuns and Muruts, who are the true natives, or ori-

ginal peoples, of Sabah.

4. We have victims of Kuala Lumpur’s divide-and-rule manipulations



Wilfred M. Bumburing with the memorandum he sent to the Minister of Home Affairs

As a means to ensure control of the Sabahan natives, UMNO, from Kuala Lumpur, had as a matter of unwritten policy, implemented the divide-and-rule policy with which no Malay-based party in Sabah should ever be registered after the dismantling of USNO to make way for the entry of UMNO into Sabah. On the contrary, Sabah native-based parties are welcomed and registered to cause political split and competition among the natives, thus diluting their political clout. As of today, there are three native-based political parties (PBS, UPKO and PBRs) in the BN alone, but many natives are leaders and members of UMNO. On the opposition front the indigenous Sabahans are further split

into several political parties. There has been attempts at reviving the Malay/Muslim-based USNO but it is the general belief such a revival will never see the light of day in the current UMNO-controlled political system because UMNO is loath to having a competition from another Malay-based party.

All this is still happening in the name of “power-sharing” despite the Tunku having made it “abundantly clear that he has no wish to interfere in the internal affairs of North Borneo...”¹⁵

The original concept of “musyawarah” (decision-making by consensus) has now become “compliance” – “compliance to UMNO! ...one party dominates, makes the rules, takes control and dictates to the rest of the parties. This is how UMNO operates. It allocates at least fifty percent of the parliamentary or legislative seats unto itself and divide the other half into bits and pieces to be allocated to other BN component members.”¹⁶

5. We have lost the true democratic system

Because of the entry of UMNO into Sabah, true democracy has been lost with many political and administrative decisions being dictated from Kuala Lumpur, including the choice of our Chief Ministers. With at least half the number of constituencies being automatically allocated to UMNO, there is

little, if any, the Sabahans can do to seek an alternative party to be the “back bone” of the government in Sabah. A case for the perpetuation of Malay dominance and supremacy has been established, as if cast in stone, and in UMNO’s theory and strata-gem, in perpetuity.

But more important is the fact that the so-called democratic system in Sabah is now heavily ‘programmed’ to favor UMNO due to the presence of foreigners and phantom voters in the electoral rolls, hence creating a situation in which our ‘demo-cratic’ system is determined by foreigners as the kingmakers. (Phantom voters are dead voters whose names appear on the electoral tolls and can still ‘vote’ because their ICs have been duplicated to non-citizens).

6. We have been victims of gerrymandering and the manipulation of the electoral rolls

The grand design to turn Sabah into a Muslim majority state at the expense of the Christian and pagan natives has now succeeded with the additional implementation of gerrymandering, the act of changing the boundaries of constituencies to suit a purpose, which in the case for Sabah was to increase the Muslim-majority, and to reduce the non-Muslim-majority, areas.

To complement this plan to ensure the perpetuation of UMNO’s hold on power, countless foreigners’ names have been entered into the electoral rolls by way of dubious documentation processes. Suhakam reports:

- o Dubious issuance of identity cards (ICs) to foreigners.
It was alleged that non-citizens could obtain Malaysian ICs easily with a false statutory declaration, and that government agencies were giving citizenship to illegal foreigners on the basis of religion.
- o Voting rights
Foreigners with Malaysian ICs have access to voting rights in the State and Parliamentary elections...
- o IMM13 holders
The Immigration Department issued IMM13 cards to ‘refugees’ displaced by the civil war in the southern Philippines in the 1970s. about 60,000 cards were issued. although issuance of the document was to have been discontinued in 1984, the practice continued to 2002.¹⁷

For certain, our rights as native voters have been violated, with the rape of the noble principles of the democratic system. The power of the native votes have been severely diminished to the level of the political hostage! Partly as a result of this manipulation, Sabah has now been dubbed “the BN’s fixed deposit” along with Sarawak after the last general elections in 2008.

7. We have been re-colonised

With the entry of UMNO into Sabah in 1991 and taking over the government since 1994, the ultimate objective of ruling the state has been achieved by the party from the Peninsular. In many ways, we have been re-colonised, a situation in which UMNO’s can wield power to accelerate the erosion of our rights.

It was the fear expressed by Donald Stephens that joining the formation of Malaysia would most possibly cause Sabah to be colonised by Malaya although the Tunku explicitly promised such an eventuality would not happen. But now our Chief Minister is chosen by Kuala Lumpur, almost all our revenues are hauled up to Kuala Lumpur, our development allocations are far from sufficient, our educational policy is totally under the control of the Ministry of Education which overwhelms Sabah with teachers from the Peninsular, huge plantations in Sabah are owned by federal government agencies and by public-listed GLCs from the Peninsular, we are subjected to the cabotage policy which causes inflation in the Borneo States, Labuan Island has been taken to become a Federal Territory without any compensation to Sabah, Peninsular Malays have established Malay villages in the East Coast, 95% of our oil is now under the jurisdiction of Petronas, and so on. In the matter of land lost to the Federal Government agencies and Peninsular companies, “According to the former Chief Minister, Harris Salleh, 300,000 hectares have been given out to Felda/Felcra”¹⁸ an area 1.6 the size of Singapore, reputedly given away without even the approval of the State Legislative Assembly!

The independence we had in August 31, 1963 and the beginning of Malaysia two weeks later on September 16 was, for us indigenous natives, a case of jumping from the frying pan into the fire.

8. Our security has been substantially compromised

Because of the presence of a massive number of illegal immigrants in Sabah today and the continued denial of the problem by the Federal Government,

our security has been compromised in more ways than one.

Countless problems in Sabah have been associated with the presence of a large number of 'refugees', illegal immigrants and stateless persons.... the people of Sabah seems to be fearful of the loss or denial of several rights such as right to safety and to Customary Native Land, and deprivation of services such as health care and education.

The overwhelming number of foreigners with citizenship status, as well as illegal immigrants, has threatened their sense of well being, in particular their safety.¹⁹

However, the high contribution to the crime rate by the aliens is a matter of less importance when we consider that the state may soon be so overwhelmed by mostly Filipinos immigrants that, as the Deputy President of UPKO, Wilfred M. Bumburing, had pointed out, there will possibly a reverse takeover of the state by immigrants who may potentially demand for the independence of Sabah from the Federal Government of Malaysia as what had happened in Timor Leste. Bumburing had sent a highly publicised memorandum on the matter to the Minister of Home Affairs, Hishamuddin Hussein, but it had been ignored. UPKO's call for a Royal Commission of Inquiry to investigate the matter was brushed aside by Hishamuddin as "unnecessary."

Previous to this, another form of possible reverse takeover was raised, i.e. a case when the immigrants will be so many that they will simply raise arms and declare independence for Sabah unilaterally.

As of today, the natives of Sabah are already overwhelmed by the new Bumiputeras not just in the urban areas but also in the remote villages where they have taken residence. They have established businesses in the urban areas and thus making lucrative living as compared to the interior villagers who are still mostly living off the land, in many cases in poverty.

A reverse takeover by armed struggle is not impossible knowing the Filipinos' traditional penchant for gun ownership not just as weaponry but as symbols of prestige and power. They are also more aggressive, having sharp features, and have little fear of combats, having been honed over centuries in tribal wars, wars against the Spanish colonialists, as pirates and raiders in the open seas. Cases of fights and killings, robberies and thefts involving them is common knowledge and a staple of the local dailies. On the other hand, the land-

bound natives, despite their famed penchant for head-hunting over a century ago, are mild and docile in comparison.

9. We are losing our land rights

Of the 233 complaints received by the Suhakam from the people of Sabah in 2010 "Those associated with land issues remained the most numerous at 92.... An increasing number of complaints involve alienation of customary lands for development projects such as dams or plantations.... The resolution of land cases takes a long time. Over the year, only two cases were resolved."²⁰

The many cases of natives being evicted out of their ancestral lands at the order of the no less than the Land and Surveys Department are heart-rending, with the worst case being the infamous incident in the East Coast some years ago in which the government officers came and inhumanly burned the villagers' houses and cut down their orchards. The general perception is that the department concerned and some politicians are in cahoots with land developers who are from the Peninsular.

Simon Sipaun, a vocal advocate of native land rights and a former Chairman of Suhakam, had on numerous occasions voiced out his concern for the natives. His principal struggle has been for the preservation and furtherance of the native rights to land ownership.

An inherent problem of the Sabah natives is that the provisions of the Sabah's Land Ordinance, 1930, seems grossly inadequate to protect the people's rights to their lands. Kong Hong Ming, who is also a Sabah Native Customary Right (NCR) land right activist cum lawyer, said in March this year that the Malays in Peninsula Malaysia can enjoy the entrenched property right in the Malay reserves, which can only be revoked or taken away with a two-third majority support of the total number of State Assemblymen. He asks:

"Why can't the same protection and safeguard be accorded to the natives of Sabah and Sarawak? Even the Orang Asli in Selangor are protected by the Aboriginal Peoples Act 1954 (Act 134) with an Orang Asli institution established to specifically serve the interests of Orang Asli as the indigenous community. Why can't the BN government enact specific law and establish institution to protect and safeguard the interests of the natives of Sabah?"²¹

The criminal acts of the government in grabbing native customary rights lands were made evident with a landmark ruling by the Kota Kinabalu High Court in March 14 this year, when six villagers from Imahit village in Tenom, Sabah, won an appeal against the conviction and sentence by a Magistrate Court of a total RM6,000 fine for illegally entering and cultivating crops in the Kuala Tomani Forest Reserve in Tenom.



Jeffrey Kitingan

The High Court judge, David Wong, said in his judgement that the lower court “did not address her mind on whether the appellants could have authority to be on the land by virtue of their native customary rights.... the natives are part of land as are the trees, mountains, hills, animals, fishes and rivers.... Prior to the arrival of the white settlements there was no system of land ownership as we have now.... they survived by foraging the land. The fruits on the wild trees, the fishes in the river, the wild boars and other animals on the land were their food for survival. It is no insignificant in this country that they were known as ‘bumiputeras’. It is my view that this concept must be kept at the forefront of our minds when dealing with native claims to land... ‘native customary rights’ equates to ‘right to life’ under Article 5 of the Federal Constitution.”²²

10. We are now the poorest state!

If all our grievances can be denied or circumvented with excuses, one glaring conclusion cannot be justified nor hidden by the Federal Government – the fact that Sabah is now confirmed by a report of no less than the World Bank that we are the poorest state in Malaysia!

From being a **country** once brimming with natural resources we are now a subservient **state** depending handouts from the Federal Government because of our descent into poverty. And whatever little wealth we still have is being plundered for corrupt personal gains.

“Sabah was once the largest timber producer in Malaysia, producing more than 13,000,000 cubic meter per year at one time.... A total of 160,000 hectares (250,000 acres) were parceled out to BN connected companies without regards to the environment or its impact. These 160,000 hectares are now being logged out simultaneously!”²³



Simon Sipaun

The pledges by the State Government to eradicate abject poverty and poverty in Sabah is an ironic mockery knowing that Sabah itself, as a state, is incapable of escaping poverty after 17 years of UMNO rule.

Poverty eradication has been on the BN agenda since the formation of Malaysia, and especially so since the May 13 tragedy. More recently, it had been an UMNO agenda in Sabah since 1994. The government have [sic] countless programmes to eradicate poverty in Sabah ranging from subsidies, PPRT, Grameen Bank loan schemes, Tekun, to one-kampung-one industry policy. But the poverty situation has remained essentially the same as it was ten years ago. Why? What happened to the millions of ringgit [sic] to finance programmes to eradicate poverty?.... Are there abuses in the disbursements of allocations to the poor?²⁴

The greater insult in the process of being disenfranchised in the Federation is to be exhausted of resources, made subservient, manipulated and eventually driven from being one of the richest into becoming the poorest in the family of states. And to add salt to injury we are being told that we are still living in a land of milk and honey!

11. We are now victims of Malay supremacy

Because of the renewed calls from extremist leaders and groups, the people of Sabah had become even more xenophobic towards “orang Malaya” (people of Malaya, i.e. the Peninsular Malays).

The overt promotion of the wild notion that Malays and Islam are the two major forces that need to be recognised and accommodated above all others in Malaysia disregards the equal rights for the natives of Sabah as provided for in Article 185 of the Malaysian Constitution, and so smacks of untrained arrogance and racist condescension.

The issue of the prohibition of the use of the name “Allah” in the Malay-language Bible had become a world-famous court case, and had spilled out into anti-Christian demonstrations, thus further exacerbating the already tense interracial and interreligious tensions in Malaysia. The various control on the distribution of the Malay-language Bible had also made the Christian natives of Sabah and Sarawak deeply dismayed and resentful towards the Federal Government because of the feeling that

they are being discriminated against and having their freedom of worship curtailed without justification, a situation that violates the Federal Constitution's guarantee of freedom of worship for all.

12. Loss of harmonious and peaceful co-existence

There is no doubt, therefore, that Sabah had lost a tremendous lot for becoming part of Malaysia. As a matter of fact, it had not been a simple case of mere disenfranchisement, but a matter of re-colonialism, under which we lost our rights for self-determination. It had also been a grave matter of economic plunder, through which we lost our resources as a result of bad economic management – all having combined to make Sabah the most embarrassed state in the nation.

We also lost our harmonious and peaceful co-existence as a multiracial society which we had before Malaysia, a fact so eloquently expressed by Sipaun at an inter-party dialogue in Kota Kinabalu on March 5, 2011:

Life in Sabah before Malaysia was good, to say the least. Admittedly, there was no development as seen today but Sabah was not alone as Malaya was not much better. There was no racial problem. Mixed marriages were very common If Sabahans are now conscious of racial and religious divides, they learnt it from the Peninsula.

There were no illegal immigrants. There were no cases of Sabahans losing citizenship status while foreigners gained it without much difficulty. There were no repressive and draconian laws such as the Official Secrets Act (OSA), Internal Security Act (ISA), the Printing Presses and Publications Act, the Sedition Act, the Police Act and the Proclamations of Emergency. There was no quarreling over dead bodies.

The composition of the civil service was multiracial. Meritocracy was appreciated, observed and practiced. Corruption and *ketuanan Melayu* [Malay supremacy] were unheard of – the list continues. How not to miss pre-Malaysia Sabah? ²⁵

Not surprisingly, UMNO leaders reacted with an uproar over this remark, with some of their leaders making police reports and threats against the 72-year old Sipaun, to which he had responded, "I have no fear at my age."

Recommendations for relief and more equitable shares

Having seen and experienced the bitter losses through very unfair treatment, manipulation, even oppression in the 47 years of Malaysia, we believe we are more than sufficiently entitled to some forms of relief through a change of policies and attitude on the part of the Federal Government.

As such, we state here the issues which need to be corrected for the sake of an equitable, peaceful and progressive Malaysia. Sabah needs to be treated as an equal partner, and not as a subject state which is manipulated, hoodwinked, and cajoled into doing things to its own long-term disadvantages and incalculable losses.

The least that the Federal Government must do, regardless of who are in control at Putrajaya, now or in the future, is to fulfil for us the requirements enumerated and described below:

1. Share of Oil Revenue

Regardless of what the arguments are made with regards to our rights on a share of the oil produced from Sabah waters, we are entitled to the royalty based on what is promised in the agreement under the Petroleum Development Act (1974), and we stand by our demand that the paltry five percent royalty we are receiving is grossly insufficient and unfair. We need **at least** 20% of the gross income from the total sale of crude oil extracted from our waters.

A 20 percent royalty rate is small compared to what Aceh receives from the extraction of its fossil resources:

The signing of the MoU between the Indonesian government and GAM resulted in the government's passing of a bill in July 2006 that granted Aceh autonomy and significant control of its resource wealth. Current local disputes that have become more common are the result of a lack of re-integration of former GAM troops into the working economy, and disagreements over how tsunami aid should be distributed... The recommendation is that the royalty payment be increased to thirty percent.²⁶

This demand for a higher oil royalty is voiced out not only by the leaders of the opposition, but by a former Chief Minister of Sabah, as reported by *The Star* in 2008:

Sabah and Sarawak should demand a higher oil

royalty of 25% from the current 5%, said former Sabah chief minister Datuk Harris Mohd Salleh.

In a letter... to the chief ministers and assemblymen of both states, Harris said it was an opportune time for the state governments to pass a resolution in their respective legislative assemblies demanding the higher royalty...

Harris...said since the signing of the petroleum agreement with the federal government forced under an act of Parliament in 1974, the price of petrol had increased four times..²⁷

One observer even believes we should be getting 30 percent oil royalty:

Under the Petroleum Development Act (1974), the Federal Government took over all oil and gas resources that hitherto belonged to the individual states. The national oil cooperation Petrolam Nasional Berhad (Petronas) is obligated under the Act to pay five per cent the value of oil found on-or-offshore to the relevant state.

Given the relatively size and under-development of East Malaysia, the five percent royalty is widely seen as inadequate by the peoples of Sabah and Sarawak. The oil royalty should be increased to thirty percent. Increasing the oil royalty to thirty percent is justifiable as long as the money goes to building basic infrastructure of the state. A twenty-five percent increase in royalty payment will have no significant impact on Petronas given that Petronas is owned ultimately by the Federal Government. It merely means that additional profits to the federal government will now be directly channeled to the state governments of Sabah and Sarawak..²⁸

A simple justification for the demand in increase of this royalty is the fact that, so much revenues are taken from Sabah in various forms, and yet the development allocations for Sabah in the annual federal budget are far from sufficient to cover our development needs, and the amounts received are grossly unfair to Sabah considering its size and population, nor reflective of the amount of revenues taken by the Federal Government from Sabah. This is one of many reasons why Sabah has become Malaysia's poorest state.

2. Share of Income Tax Collected from Sabah

As mentioned above, Point 11 of the 20 Points, clearly states that we have the right to control our own financial affairs, to determine our own tax rates, and even formulate loan schemes based on our own

financial strength. It categorically specifies that the Federal Government has no right to collect taxes from Sabah!

However, considering that Sabah's position in the Malaysian partnership as a country (one of four countries, and after Singapore's expulsion, one of three) has long been relegated to a mere state, i.e. one of 13, with all taxes except local government taxes now in the control of Kuala Lumpur, we should at least be accorded a share of the taxes collected by Kuala Lumpur – at a rate of minimum 25 percent.

3. Share of Ambassadorial Appointments

Prior to the present appointment of Pengiran Mohd Hussein bin Datuk Pengiran Mohd Tahir as the sole Sabahan ambassador of Malaysia (to Cambodia), there had **never** been anyone before or after the appointment of Sabahan Fuad Stephens to the post of ambassador (to Australia). (Stephens was so appointed only to placate him for having been forced to relinquish his federal cabinet post). Somehow, the Federal Government has conveniently set aside the importance of Sabah as a worthy source of ambassadors for the nation, arising perhaps from the condescending assumption that we would not mind – and we didn't – until Jeffrey Kitingan raised the issue a few years ago. The almost total exclusion of Sabah in this matter was also probably due to lack of confidence in international diplomatic acumen of the Sabahans whom the Peninsular Malaysians had long viewed as 'less civilized'. Then again, the fact that we had not asserted our will and demands in various state and federal matters before Kitingan did, in a way, had confirmed this demeaning presumptions.

But if we were to base our demand on our comparative land and population size, and considering the original arrangement that we are a partner out of four (now three), we should rightly have **at the minimum** 25% of the ambassadorial appointments!

4. Share of Parliamentary Seats

For a clearer perspective of this issue, let us read a report by the *Malaysia Today*, published on February 28, 2011:

United Borneo Front (UBF) leader... Jeffrey Kitingan has proposed an increase in parliamentary seats to 256 from the current 222 in tandem with the population increase in Sabah and Sarawak. He said this was crucial to pro-

protecting the interest of states, in particular Sabah and its people.

He said currently Sabah and Sarawak held 25% of the parliamentary seats which was less than 'even a 1/3 right to vote.' He views this as a deliberate attempt to stop Sabah and Sarawak leaders from having a voice in parliament and that in the event of a unity government happening in West Malaysia, the 25% is an "unconscionable percentage for equitable representation."

"West Malaysian leaders can continue to erode our rights or pass laws which could be deemed to be oppressive against Sabah and Sarawak because there are a total of 166 West Malaysian seats out of the total 222, with only 56 seats for Sabah and Sarawak.

"That is 25% of the total. This stops us from having even a 1/3 right of veto. We can no longer go back to the equation used in 1963 because if we were to pitch our seats against population, we should have more than Sarawak as we now have a larger population than them."

"UBF therefore proposes that we increase parliamentary seats to 256, leaving the 166 for West Malaysia and giving 45 seats each to Sabah and Sarawak.

"We should do this before the 13th general election," he stressed. At present Sabah has 25 parliamentary seats while Sarawak has 31.

UBF to insist on 35% seats.

Jeffrey pointed out that the continuous denying and suppressing of Sabah and Sarawak's right to be heard in the Parliament is tantamount to a breach of the federal government's promises under Article 8 of the Malaysia Agreement that was signed in London in 1963.²⁹

In sum, Kitingan states that:

1. We are being denied the right to vote in accordance to our territorial size and population size because out of 222 seat in parliament, Sabah and Sarawak combined have only 56!
2. Sabah and Sarawak combined have only 25% of all parliamentary seats in Malaysia, and it is not even one third of votes in Malaysia!
3. Such a situation is unconscionable.

This absurd situation occurs before our very eyes against all logic, and so, is unacceptable. We agree with Kitingan that we should get at least 35% of the seats for Sabah and Sarawak, or 90 seats, 45 for each of the two states.

Prior to this, Kitingan had also pointed out that following the expulsion of Singapore, the parliamentary seats for Singapore were 'transferred' to

Malaya with the re-delineation of parliamentary boundaries in Malaya, with no share of those seats given to Sabah and Sarawak, whereas our two states should rightly have been given half of those new seats.

5. Borneonisation

Borneonization, as we all already know, is still very long distance from being fulfilled as only a few federal departments are currently having Sabahans as directors. Although this was promised as Point 8 of the 20 Points it didn't proceed but was conveniently stalled for 47 years, and not many leaders had raised the matter with the Federal Government until the issue of the 20 Points was brought to the forefront of the media by Kitingan in 1987.

In his *The 20 Points: Basis for Federal-State Relations for Sabah*, a 1987 memorandum he sent to the Federal Government through the then ruling PBS State Government, he commented on the issue thus:

As a result of Federal control on pensions (Article 112 of the Federal Constitution and Para. 24 of the IGC Report) all promotions in the Federal departments and creation of new posts in the State require Federal approval due to the "pension factor."

An examination of the existing records show that the number of federalised departments or agencies in Sabah has been increased [four] times since independence. By 1985 there were some 62 Federal departments and agencies in Sabah, of which more than 90 per cent is currently headed by [Peninsular] officers. According to the employment record, there are more than 27,000 [Peninsular] officers working in government offices in Sabah. This is a clear deviation of the Twenty Points and IGC safeguards.

The usual justification used by the Federal Government to engage officers from the [Peninsular] to fill the federalised government positions is the lack of qualified Sabahans. However, it is found that even officers in the C and D categories are still being imported into the state from Kuala Lumpur. Furthermore, there has been no conscious plan to train prospective Sabahans and promote deserving Sabahans to take over senior posts from the these [Peninsular] officers.

At a time when some 800 graduates and thousands of school leavers in Sabah are unemployed, the existence of a large number of civil servants from [the Peninsular] serving in government departments gives many Sabahans

the feeling that they have been deprived of employment opportunities which, in the context of the Twenty Points, are rightly theirs.³⁰

Now 24 years after the memorandum by Kitingan, the problem still persists, although a lot more leaders have raised the issue since then. Of late, many politicians, including senior leaders in the BN component parties – mainly PBS and UPKO – have been very vocal on the issue, but responses for the Federal Government have been scarce at best. The Prime Minister, Najib Razak had recently pledged, during a visit to Sabah, that all Federal departments in Sabah should be headed by Sabahans, but there is no visible steps being taken in that direction.

Hiew King Cheu, the DAP Member of Parliament for Kota Kinabalu, had stated last October that he had raised the issue in Parliament and the “Minister in the Prime Minister Department Datuk Nazri replied [to] my question and at the same time answered the similar question raised by the DAP parliament leader Lim Kit Siang, MP for Ipoh Timor. He said in his reply that under the 20 Points in connection with ‘Borneonisation’, the federal civil service in Sabah has given priority to take in Sabahans. There are measures to make sure officers that we put in for the posts are truly capable and can serve the post well to suit the need of the local condition... The federal civil service never exclude any Sabahan who are qualified and capable to fill in the posts available. The Sabahan is given the first choice when compared to people from other states to fill the post. This is based on the ability, qualification, and leadership to carry out the job and execution of work. The post will be filled by West Malaysian especially when there is no Sabahan qualified enough and suitable for the post. [As of October 13, 2010], there are 35 Sabahans heading the various senior positions in the federal department under the federal civil service under different grades. The government will continue to let Sabahans fill the senior positions such as for the posts of department heads in Sabah.”

But Hiew in the same statement rebutted this, saying “The 35 positions are of various grade but in the real fact is that the Sabahans sitting on the head position [Directors] are only a few.... There are many other posts that the Sabahan are qualified to head. It is 47 years since Malaysia’s formation, and if the Borneonisation is really recognized and practiced, we should have at least 90% of the positions in the federal civil service headed by Sabahans. But sadly... we have a poor number of 35 out of the hundreds of position of various grades. They say

they will continue to place Sabahans but it is something we still have to see in the future.”³¹

We can see from Nazri’s response that he still uses the same old excuses: “truly capable and can serve the post well to suit the need of the local condition,” “qualification,” and “ability, qualification, and leadership to carry out the job and execution of work.”

In the long debate and exchanges on the issue, I have stated in a recent article in response to a statement by PBS’ Secretary General, Henrynus Amin, that:

...Borneonisation doesn't only mean the appointment of a Sabahan to head a department. It also means that the department would then be free from the absolute control of its Kuala Lumpur bosses, and would now have some degree of freedom to make decisions based on the director’s knowledge and experience with the Sabah’s situation, culture and demographic backgrounds. If the director is still under the absolute control of KL, and has little power to act properly for the benefit of Sabahans, then Borneonisation will just be a decoration, the director would just be a puppet, and the whole department fails to render due services to the people of Sabah.

Borneonisation’s true meaning is seen when the departments headed by Sabahans operates on Borneo-based knowledge and rights for the benefits of Sabahans and Sarawakians, and the departments’ decisions are respected by the Kuala Lumpur bosses.

Borneonisation would also fail if the head of the departments are Sabahans but their middle-rank officers are from the Peninsular, and these middle-rank officers are wielding unreasonable power and control over the policies, management and program implementations of those departments, to the extent that the Sabahan directors have little power to exert their will and authority because they would be afraid to be reported to his Kuala Lumpur bosses.³²

At this material time, Borneonisation will not even be half fulfilled in many years to come unless the people acts to vote out the Federal Government.

6. Empowerment

As the centre of national governance and administration, the Federal Government SHOULD have been vigorously undertaking numerous actions, and implementing many programmes designed specifically to empower the state. Such a list of prog-

rammes should have long been visible and obvious but what we see is a general policy and a series of actions which had weakened the state.

The biggest source of the state's economic problems and decline have been corruption, lack of any concrete strategic plan (or blueprint) for the state's economy, the state's continued dependency of the state on 70 percent imports of its food requirements, failure of the state to diversify its economy, the failure to develop the industrial sector in tandem with the latest trends, the failure to push for the elimination of the cabotage policy, the failure to fully leverage on technological advancements, and failure to develop its human resource. All these failures have combined into an economic monster that debilitates the economic, and had caused the exodus of Sabah's huge workforce – conceivably by the tens of thousands to the Peninsular and Singapore.

The fact that the state's annual budgets have been in deficit for the last 13 years, the continued existence of abject poverty and poverty in the urban areas and interior regions, and the general gloom-and-doom mood of the economy, are clear indications of failure in governance by the BN government. It is glaring that the BN, or more accurately UMNO, has been more interested in taking over the state and empowering itself to be entrenched as the permanent entity in control of Sabah than in developing the state. Since the formation of Malaysia, UMNO has been strongly motivated by the desire to Malaynise Sabah.

Empowerment should have been focused on, among others to giving the state greater rights and autonomy to run its own affairs without intervention from Kuala Lumpur, e.g. giving the right to retain some of its income tax collections, to implement Borneonisation, giving fair amounts of development allocations, the right to appoint its own Chief Minister, allowing the state to have more international direct flights, the abolition of the cabotage policy, the provision of more opportunities for Sabahans to enter the teaching profession and reduce the dependence on Peninsular teachers, the right to execute its powers on matters of immigration, and so on.

Unfortunately, true and sincere empowerment for Sabah appears to be a distant dream, judging from the current political climate, in which the greater desire is for the empowerment of UMNO, which now has taken control of half of the 60 State constituencies. The direction appears to be towards further weakening of the state economically due to significantly slowed down infrastructural develop-

ment, very tight financial position, high unemployment, uncontrolled influx and free movements of illegal immigrants, scarce supply of skilled human resources, brain drain, and low foreign direct investment.

The industrial sector is now showing some encouraging turnaround but still faces **a host of very serious difficulties**, as the Minister of Industrial Development, Ewon Ebin, admitted in a speech two years ago:

The industrial sector has been faced by **a host of constraints at both ends of the accounting equation namely that of the revenue and costs components** forcing the sector to continually endure challenging times.

Players in the sector has had to ride the challenge of uncertain and reducing raw materials supply, logistical and infrastructural problems as well as weakening demand of products amid a worsening economic meltdown.³³

State government leaders, naturally, are prone to paint rosy pictures for the state economy but even BN supporters have expressed serious doubts. Rahim Ismail, the BN assemblyman for Pantai Manis, questioned this painted scenario last year:

The economy of Sabah must be revamped to ensure the state will continue to achieve progress and prosperity... **the steps taken to stimulate the state's economy will not bring progress and prosperity to Sabah unless the government takes serious steps to address certain issues such as ensuring more participation of Sabahans in economy through quality activities.**

There is also a need to plug the leaks in the state's economy as well as to increase the salaries of Sabahans by attracting more value-added economic activities... [and] the government must also take into serious attention the drain in Sabah's human capital.... On the state's estimated revenue of RM2,747.9 million in 2011 which is less than the estimated RM3 billion for this year, I am interested to learn that the difference in budget for 2010 was due to the state government issuing RM544 million worth of bonds.... please **explain why the issuance of bonds is considered as the state's revenue when it is in fact a liability.**³⁴

By Rahim's statement on the bonds issue, he implied manipulation by state leaders, by inverting the meanings of assets and liabilities, an indication of the government's desperate attempt to portray a

positive scenario for the state's depressed economy.

10. Free hands to implement the 20 Points

In order for Malaysia to become a stable and progressive country, the Federal Government must, sooner or later, allow Sabah and Sarawak to have full freedom to implement their respective 20 Points and 18 Points.

The 20 Points had in the past been referred to as not an agreement per se. In 1987, the then state Secretary, Abdul Hamid Egoh said that the 20 Points "are not the proper and legal document for examination and determination of any deviation or erosion of powers by the federal Government in respect of safeguards of Sabah. The correct documents to determine if there had been deviations would be the Intergovernmental Committee Report and the Malaysia Agreement."³⁵ The then State Attorney General, Nicholas Fung, said the 20 Points was not an agreement.³⁶

Even Tunku Abdul Rahman contended that it was pointless to bring up the issue of the 20 Points.³⁷ And Datuk Osu Sukam, then the USNO Vice President said the safeguards on religion, language and education for Sabah had been voluntarily surrendered to the Federal Government. "Nothing could be done now."³⁸

Ross-Larson writes that "The intent of the safeguards was to give State leaders the illusion of having greater control that they in fact possessed, but illusions which were taken seriously."³⁹ But Lim Kit Siang contends that the 20 Points is an agreement which was the "Magna Carta for Sabah in 1963 to join hands with Sarawak, Malaya and Singapore to establish the new nation and federation of Malaysia."⁴⁰ We agree, and we do take the 20 Points as something extremely serious, because it was a serious understanding, and WAS a contract based on principle of English law that even a verbal contract is a legitimate and binding contract.

The fact that the safeguards in it were "voluntarily surrendered to the Federal government" also

means the State Legislative Assembly can 'voluntarily' vote by a two-third majority to invalidate that decision!

Conclusion

Dismay, frustration and anger are words which are grossly insufficient to describe our feeling as natives who had high hopes when we decided to join the formation of Malaysia. But it is not yet a totally hopeless situation. We seek change one way or another, sooner rather than later. Many observers and analysts may believe such a dream is too far-fetched and can never be achieved. But so are many other 'impossible' things that have already happened in Malaysia and in other countries. The LDP in Japan fell after half a century of rule, China's economy has become capitalistic, the USA and the US dollar are on a serious decline, Brazil has become an economic dragon, the Berlin Wall came down, the great Soviet Union is now history, the Shah of Iran is long forgotten, and right now the revolutions in the Middle East are turning autocratic Arab regimes into republics.

Hence our present desires are:

1. To be an equal partner in the Malaysian Federation;
2. To regain our rights which have been eroded, and pursue for more rights and autonomy to govern ourselves in accordance with the histories and cultures of the Borneo States; and ultimately,
3. To become an economic tiger within the Malaysian and regional economic systems.

But with the current political system Sabah will never achieve this, hence the current Malaysian political paradigm and climate must be revolutionised.

The people of Sabah and Sarawak must pursue its agenda for their own destinies within the Federation if they are to regain their dignity and become peaceful, productive, successful and prosperous.

ENDNOTES

¹*Report of the Commission of Enquiry, North Borneo and Sarawak*, 1962, Section D, 118(e).

²*Sabah State Constitution*, Original version, Cap. 1(1)(1).

³*Memorandum the of the Report of the Commission of Enquiry*, North Borneo and Sarawak, 1962, Appendix F).

⁴Paul Raffaele, *Harris Salleh of Sabah*. Hong Kong: Condor Publishing Company, 1986, p. 138.

⁵Statement by Sir William Goode, the ourgoing Governor of North Borneo in *Sabah Times*, August 1, 1963.

⁶*Sabah Times*, August 30, 1963.

⁷*Straits Times*, Oct 2, 1962.

⁸Bruce Ross-Larson, *The Politics of Federalism*. Singapore: Brice Ross-Larson, p. 66.

⁹Sina Frank, "Project Mahathir: Extraordinary population growth in Sabah," *Journal of Current Southeast Asian Affairs*, May 2006, pp. 71-80.10

¹⁰Kamal Sadiq, "When States Prefer Non-Citizens Over Citizens: Conflict Over Illegal Immigration into Malaysia," *International Studies Quarterly* (2005) 49, pp. 101-122.

¹¹Suhakam, *2006 Annual Report*, p. 55].

¹²*Ibid.*, Raffaele, p. 425.

¹³Dr. Jeffrey G. Kitingan, Dr., *Justice for Sabah*. Kota Kinabalu: Shelma Publications and News Agency, 2006, p. 45.

¹⁴"SAPP collects 50,000 signatures to press for RCI," *Daily Express*, April 7, 2011.

¹⁵IGC report, quoted by Kitingan, *ibid.*, p. 29.

¹⁶*Ibid.*, Kitingan, p. 31.

¹⁷Suhakam, *2006 Annual Report*, p. 55]

¹⁸*Ibid.*, Kitingan, p. 67.

¹⁹Suhakam, *ibid.*, p. 53].

²⁰Suhakam, *2010 Annual Report*, p. 103-104.

²¹"Too many land grabs, says Sabah PKR," *Daily Express*, March 13, 2011).

²²"NCR also applies to forest reserves," *Daily Express*, March 5, 2011, p. 1.

²³*Ibid.*, Kitingan, p. 69.

²⁴*Ibid.*, p. 89.

²⁵Simon Sipaun, Concluding Remarks, *Inter-party Dialogue*, organised by the United Borneo Front (UBF), Beverly Hotel, Karamunsing, Kota Kinabalu, March 5, 2011.

²⁶"Armed Conflicts Report: Indonesia - Aceh (1998 - first combat deaths), Update: January 2007," <http://www.ploughshares.ca/libraries/ACRText/ACR-IndonesiaAceh.html>. Text quoted: "The 116-page bill gives the province control over some 70 percent of its wealth, including oil and gas reserves, the Associated Press reports" by the writer from "Indonesian parliament passes historic Aceh bill," *Indonesia*, July 11, 2006, Asia-Pacific Daily Report.

www.ploughshares.ca.

²⁷"Demand 25% oil royalty, says Harris," *The Star*, September 7, 2008.

²⁸James Chin Ung Ho, "Federalism and Sabah and Sarawak," *Transforming the Nation: a 20-Year Plan for Malaysia*, <http://www.20yearpoa.org/projectPapers/articles1/2010-06-02/62.html>.

²⁹Queville To, "Give Sabah, Sarawak 45 parliamentary seats each," *Malaysia Today*, February 28, 2011.

³⁰Jeffrey G. Kitingan, Dr. *The Twenty Points: Basis for Federal-State Relations for Sabah* (A Memorandum presented to the Federal Government by the author in his capacity as a concerned citizen, through the State government, to improve Federal-State Relations), 1987, pp. 13-14.

³¹Media statement by Hiew King Cheu in Kota Kinabalu on Wednesday, 20th October 2010, <http://www.dapmalaysia.org/english/2010/oct10/bul/bu14338.htm>.

³²Daniel John Jambun, "PBS' view of Borneonization off the mark," (A letter to the editor), *Borneo Post*, February 13, 2011.

³³"Industrial sector plays pivotal role in Sabah," *The Star*, May 4, 2009.

³⁴"Sabah economy needs revamp - Rahim," *Borneo Post*, November 25, 2010.

³⁵"Twenty Points not legal document - Hamid," *Daily Express*, January 2, 1987.

³⁶"Former Attorney Fung on 20 Points," *Daily Express*, January 17, 1987.

³⁷"Tunku: Stop raising 20-point issue," *New Sabah Times*, January 2, 1987, p. 1.

³⁸"Usno questions Jeffrey's position," *Daily Express*, January 20, 1987.

³⁹"Ross-Larson, p. 6.

⁴⁰"Fill half with Sabahans: DAP," *Daily Express*, September 19, 2010.