NEWS

RSNB-GiE Calls for Independent Review of Sabah's 1963 Constitutional Transition, Citing First Direct State Election in 1967

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Historical records concerning colonial representation, the United Nations Malaysia Mission and the formation of Malaysia have renewed questions over North Borneo's exercise of self-determination in 1963.

MELBOURNE, AUSTRALIA, 18 October 2026: The Republic of Sabah North Borneo Government-in-Exile (RSNB-GiE) has called for an independent historical and international legal examination of North Borneo's incorporation into Malaysia in 1963, drawing attention to documentary evidence concerning colonial administration, democratic representation and the circumstances surrounding the United Nations Malaysia Mission.

In a revised press statement dated 17 October 2026, the organisation challenged criticisms of its political legitimacy and legal standing, arguing that the constitutional transition of British North Borneo into Malaysia deserves further examination under international principles of self-determination.

The statement revisits two reports published by *The Sun Malaysia* on 18 September 2025, which questioned RSNB-GiE's legitimacy and raised concerns that its political activities could undermine national unity.

RSNB-GiE maintains that the historical and legal questions surrounding Sabah's political status cannot be assessed exclusively through Malaysia's existing constitutional framework, but must also consider the international decolonisation principles applicable during the period.

Among the principal historical issues highlighted by RSNB-GiE is the absence of direct elections to North Borneo's territorial legislature before the signing of the Malaysia Agreement 1963 (MA63).

British parliamentary records dated 20 March 1963 confirm that North Borneo's Legislative Council had previously consisted of 18 unofficial members nominated by the Governor and seven official members. Electoral reforms were being introduced to establish an indirectly elected legislature through an electoral-college system.

The Malaysia Agreement was signed in London on 9 July 1963, while North Borneo remained a British colony and before the indirect Legislative Council elections were completed later that month.

Although local government elections had taken place before Malaysia's establishment, they did not constitute direct elections to the territorial legislature.

Official Malaysian parliamentary records subsequently confirmed that Sabah's first direct election to its State Legislative Assembly was conducted between 8 and 23 April 1967, nearly four years after Malaysia was established on 16 September 1963.

The distinction between the indirect electoral arrangements of 1963 and the direct state election of 1967 is central to RSNB-GiE's argument concerning the democratic mandate of North Borneo's representatives.

The organisation maintains that the participation of colonial representatives in the negotiations and signing of MA63 should be distinguished from the question of whether the population's consent had been adequately established through democratic processes.

However, the absence of a direct territorial legislative election before 1967 does not, by itself, establish that the 1963 constitutional transition violated international law.

United Nations General Assembly Resolution 1541 (XV), particularly Principle IX, provides standards for determining whether integration reflects the freely expressed wishes of a population through informed, impartial and democratic processes. It does not expressly prescribe a referendum as the only acceptable method.

RSNB-GiE argues that the circumstances nevertheless warrant examination of whether North Borneo's political institutions and consultative arrangements sufficiently fulfilled those standards.

The revised statement also examines the circumstances surrounding the United Nations Malaysia Mission, which was established in August 1963 to ascertain the wishes of the peoples of North Borneo and Sarawak concerning the proposed federation.

According to the United Nations' *Yearbook 1963*, the Mission arrived in Sarawak on 16 August and conducted its work in the two territories until 5 September 1963.

The Mission's work began after MA63 had already been signed.

United Nations records indicate that observers from the United Kingdom and the Federation of Malaya attended the Mission's hearings throughout, while observers from Indonesia and the Philippines arrived on 1 September and attended hearings during its final days.

The revised statement also draws attention to the announcement on 29 August 1963 that Malaysia would be established on 16 September, before the Mission had completed its assessment.

The United Nations Secretary-General's final conclusions were made public on 14 September 1963, just two days before Malaysia's establishment.

RSNB-GiE argues that the sequence of events, the limited duration of the Mission and the differing periods of observer participation warrant further examination of the process's independence and adequacy.

The organisation does not present these circumstances as conclusive proof that the Mission was manipulated or that its conclusions were predetermined.

United Nations Secretary-General U Thant accepted the Mission's findings and concluded that a substantial majority of the peoples of North Borneo and Sarawak wished to participate in the proposed federation. The Mission also found that the electoral and consultative arrangements satisfied the relevant requirements of Resolution 1541.

These conclusions form an important part of the international historical record and represent a central consideration in assessing RSNB-GiE's objections.

RSNB-GiE acknowledges those findings but maintains that the evidence and procedures underlying them remain legitimate subjects of independent historical and legal examination.

The organisation has also highlighted a petition submitted to the United Nations in September 1962 by representatives of political organisations from North Borneo, Sarawak and Brunei.

The petition, circulated as United Nations document A/AC.109/PET.46, expressed opposition to aspects of the proposed Malaysia arrangements and called for international consideration of the territories' political future.

It raised questions concerning the proposed transfer of sovereignty, the principle of self-determination and the possibility of alternative constitutional arrangements.

The document establishes that organised political opposition to Malaysia's proposed formation existed before the signing of MA63.

However, the petition does not establish that a majority of North Borneo's population opposed Malaysia, and other contemporary evidence recorded political support for the proposed federation.

RSNB-GiE considers the petition relevant because it demonstrates that objections concerning colonial authority and political consent were raised internationally before the constitutional transition took place.

Another issue raised by RSNB-GiE concerns the constitutional character of Malaysia's establishment.

The *United Nations Juridical Yearbook 1963* contains a legal memorandum examining the effect of Malaysia's formation on the Federation of Malaya's existing United

Nations membership.

The memorandum concluded that the incorporation of North Borneo, Sarawak and Singapore, together with constitutional amendments and a change of name, did not substantially alter the international legal personality of the Federation of Malaya.

Malaysia consequently continued the Federation of Malaya's existing United Nations membership, which dated from 17 September 1957.

RSNB-GiE considers this record relevant to its interpretation of the 1963 constitutional arrangements, particularly the relationship between the existing Federation of Malaya and the British colonial territories.

However, the continuation of an existing state's international legal personality does not automatically establish that territorial incorporation was unlawful.

The organisation argues that the constitutional arrangements should instead be examined alongside the colonial status of North Borneo, the authority of its representatives and the procedures used to establish popular consent.

The renewed examination follows earlier criticism reported by *The Sun Malaysia*.

In September 2025, constitutional law academic Wan Ahmad Fauzi Wan Husain questioned the legal standing of RSNB-GiE under Malaysian and international law and raised concerns concerning possible criminal offences.

Sabah political leader Bung Moktar Radin also rejected the organisation's claimed political legitimacy, arguing that its declaration did not represent the democratic will of Sabahans and advocating greater autonomy and the implementation of MA63 within Malaysia.

These positions differ from RSNB-GiE's interpretation of North Borneo's constitutional history.

In its revised statement, RSNB-GiE acknowledges that declaring a government-in-exile does not automatically confer sovereign statehood, international diplomatic recognition or a democratic mandate from the entire population of Sabah.

The organisation nevertheless maintains that peaceful political advocacy, historical research and lawful engagement concerning self-determination should not automatically be equated with criminal activity.

It has reaffirmed its rejection of violence, intimidation, armed rebellion and attacks against public institutions, emphasising its stated commitment to peaceful and democratic methods.

RSNB-GiE has called upon historians, legal scholars, civil society organisations and relevant international institutions to examine the documentary record surrounding North Borneo's constitutional transition.

The organisation seeks further consideration of the authority of colonial representatives, the electoral procedures operating in 1963, the Manila Accord, the United Nations Malaysia Mission and the development of direct democratic representation in Sabah.

It characterises its political position as one of decolonisation rather than conventional secession, although that characterisation remains contested.

Sabah is internationally recognised as part of Malaysia and is not presently listed by the United Nations as a Non-Self-Governing Territory. No international judicial determination has established that MA63 was invalid.

RSNB-GiE maintains that these circumstances do not prevent further scholarly examination of the historical process.

Its revised statement concludes by reaffirming the organisation's position that Sabah's political future should ultimately reflect the freely expressed and informed wishes of its people through peaceful, democratic and lawful means.

The revised statement and its documentary references provide the basis for the organisation's renewed call for historical and legal scrutiny.

Sources and Documentary References

1. British Parliamentary Hansard, 20 March 1963.

Legislatures (Members) — North Borneo's Legislative Council and indirect electoral arrangements.

Read original record

2. Parliament of Malaysia, Dewan Negara, 7 June 1968.

Official parliamentary record confirming Sabah's first direct State Assembly election

between 8 and 23 April 1967.

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3. United Nations, Yearbook 1963.

The Question of Malaysia — the United Nations Mission's procedures, observer arrangements and findings.

Read United Nations record

4. United Nations General Assembly Resolution 1541 (XV), 15 December 1960.

Principles concerning self-government and integration.

Read resolution

5. United Nations Document A/AC.109/PET.46, 17 September 1962.

Petition concerning North Borneo, Sarawak and Brunei.

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6. United Nations Juridical Yearbook 1963.

Membership of Malaysia in the United Nations, pages 161–164.

Read legal record

7. The Sun Malaysia, 18 September 2025.

Self-declared regime devoid of legal standing

‘Govt-in-exile’ group may incite unrest, undermine unity: Expert

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