History & Legal Case

> *The historical truth behind Sabah's right to independence*

Historical Background

Sabah — formerly known as North Borneo — has a history that stretches back centuries, marked by its own distinct cultures, sultanates, and traditions long before the era of European colonialism. The land was home to the Kadazan-Dusun, Bajau, Murut, and many other indigenous peoples whose rights and identities form the bedrock of the Sabahan claim to self-determination.

Sabah was a British Protectorate governed under a chartered company arrangement until 1963, when it was controversially incorporated into the Federation of Malaysia. The manner of this incorporation has been disputed since the very moment it occurred. Critics — including legal scholars, former colonial officials, and Sabahan community leaders — have long argued that the process by which Sabah was brought into Malaysia failed to meet the standards of free and fair self-determination required under international law.

The 1963 Malaysia Agreement and the subsequent events — including the findings and controversies surrounding the Cobbold Commission — form the legal and historical foundation of ongoing claims regarding Sabah's political status. These are not merely historical grievances; they are living legal questions that international law has yet to fully resolve.

Key Historical Milestones

1882

The British North Borneo Chartered Company is formally established, beginning an era of administered rule over the territory of North Borneo under British oversight. The Company governed the territory for over six decades, during which time the indigenous peoples of Sabah lived under a distinct political and legal order.

1946

Following the end of the Second World War and the Japanese occupation, Sabah is formally transferred from the Chartered Company and becomes a Crown Colony under direct British administration. This change in status raises new questions about the future political destiny of the territory and its people.

1963

The Malaysia Agreement is signed, and North Borneo — along with Sarawak and Singapore — joins the newly formed Federation of Malaysia as the state of Sabah. The process of ascertaining public opinion, led by the Cobbold Commission, has since been criticized as inadequate and failing to meet the standard of genuine self-determination required by international norms.

1967

Controversies surrounding the Cobbold Commission's methodology and findings come into sharper focus as Sabahan political leaders and civil society voices raise concerns about the accuracy of the commission's representation of public sentiment. These concerns are documented but largely suppressed within Malaysia's federal political framework.

2020

The RSNB independence movement is formally organized among members of the Sabahan diaspora, drawing together legal experts, community advocates, and political activists committed to pursuing the question of Sabah's self-determination through legitimate international channels.

13 September 2025

The Republic of Sabah North Borneo Government-in-Exile (RSNB-GIE) is officially proclaimed in Melbourne, Australia. The proclamation formally establishes the GIE as the representative body of the Sabahan people's aspirations for self-determination,

operating within the frameworks of international law.

The Legal Case

The legal case for Sabah's self-determination rests on multiple interconnected pillars, each of which has been developed through careful research and international legal scholarship. Our arguments are grounded not in nationalism alone, but in the universal principles that underpin the international legal order.

Violations of the Malaysia Agreement

The Malaysia Agreement of 1963 contained specific provisions and safeguards for Sabah. We argue that these provisions have been systematically disregarded, undermining the very basis on which Sabah's incorporation into Malaysia was premised.

UN Charter Article 1 — Self-Determination

The right to self-determination is enshrined in the United Nations Charter and in numerous subsequent resolutions. The manner in which Sabah was incorporated into Malaysia in 1963 did not meet the standards required by international law for genuine self-determination.

Historical Sovereignty of the Sabah Sultanate

The indigenous sovereignties of Sabah — rooted in the traditions of the region's historic sultanates and the rights of its indigenous peoples — provide an additional legal and moral basis for claims of distinct political identity and the right to self-governance.

Documented Human Rights Concerns

Decades of documented human rights concerns — including issues of political representation, land rights, and the treatment of indigenous communities — further support the case that the current arrangement fails to adequately protect the rights of the Sabahan people.

Key Documents

Malaysia Agreement 1963

The foundational legal instrument governing the formation of Malaysia and the incorporation of North Borneo (Sabah). Analysis of this document is central to our legal case regarding unfulfilled obligations and grounds for self-determination.

UN Charter — Chapter XI

The Declaration Regarding Non-Self-Governing Territories in Chapter XI of the United Nations Charter establishes the obligations of administering powers toward peoples who have not yet attained a full measure of self-government.

Cobbold Commission Report

The 1962 Cobbold Commission was tasked with ascertaining the views of the people of Sabah and Sarawak regarding merger with Malaya. The commission's methodology and conclusions have been subject to extensive criticism and remain a key focus of our historical research.

In This Section

Ancient North Borneo Thousands of years of civilisation before colonial contact Read More →

Sultanate & Colonial Era From the Sultans of Brunei and Sulu to the coming of European powers Read More →

British North Borneo Company Six decades of chartered company rule, 1881–1941 Read More →

WWII & Post-War Period Japanese occupation, liberation, and the transition to Crown Colony status Read More →

The Manila Accord 1963 The agreement that was never honoured Read More →

Malaysia Without Consent How Sabah was incorporated into Malaysia without free and genuine agreement Read More →

Ligitan & Sipadan — ICJ Case 2002 The International Court of Justice ruling and its implications for Sabah Read More →

Six Decades of Exploitation How Sabah's wealth has been extracted while its people remain poor Read More →

MA63 — Void Ab Initio Why the Malaysia Agreement 1963 is legally invalid from its inception Read More →

UN Charter & Self-Determination The international legal right that underpins Sabah's case Read More →

International Law Arguments The full legal framework supporting Sabah's right to independence Read More →

Decolonisation Submissions Our formal submissions to UN decolonisation bodies Read More →

ICC & Crimes Against Humanity International criminal accountability for grave violations in Sabah Read More →

Other Legal Filings Additional legal actions and filings in pursuit of Sabah's rights Read More →

Early North Borneo Read More →

Brunei, Sulu, and Regional Influence Read More →

Chartered Company Administration Read More →

Japanese Occupation and War Disruption Read More →

Crown Colony and Post-War Transition Read More →

Malaysia Solidarity Consultative Committee Read More →

Cobbold Commission Read More →

The Manila Accord 1963 and the Unfinished Question of Self-Determination in North Borneo and Sarawak Read More →

United Nations Assessment Mission Re-examining the 1963 UN Ascertainment in North Borneo and Sarawak Read More →

Sabah’s Consent in Question Read More →

The Inter-Governmental Committee (IGC) of 1962 Read More →

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