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Tun Mohammed Hanif bin Omar

2nd MBRAS Lecture 2013

“Malaysia and the Non-Fulfilment of the 20 and 18 Points Agreements
with Sabah and Sarawak” by YM Tengku Razaleigh Hamzah

Tan Sri Hamzah Hall, Royal Selangor Club Annexe, Bukit Kiara, Kuala Lumpur

Wednesday, 25 September 2013, 5 p.m.

YM Tengku Razaleigh Hamzah, Malaysia's longest serving member of parliament and former Finance Minister, gave an insightful and provocative lecture recalling some key points about the formation of Malaysia. Particularly important were the 20 and 18 point agreements with Sarawak and Sabah respectively. Tengku Razaleigh pointed out that the late Tun Dr Ismail Abdul Rahman was about to convene a high level government committee to revisit the agreements but his untimely demise meant that those same issues have been left on the back-burner.

In the discussion that followed, the audience raised some pertinent questions that led to a lively question-and-answer session. This included the status of Sabah and Sarawak as “states” within Malaysia and whether they were of equal status with other peninsular states or with Malaya collectively. Tun Mohammed Hanif Omar, who chaired the discussion, offered his view on the matter explaining that from a legal stand-point, both Sabah and Sarawak were British colonies at the time the Malaysian negotiations commenced in the early 1960s. As such, Malaya was discussing with Britain as equal partners. Sabah and Sarawak, following the letter of the law enshrined in the Malaysia Agreement, are therefore “states” although they have certain special privileges that other peninsular states do not enjoy.

YB Darell Leiking, lawyer and MP for Penampang in Sabah, asked why some of the provisions of the Malaysia Agreement have not been implemented especially with regards to the appointment and number of senior civil servants from Borneo along with more autonomy for both states. Tengku Razaleigh explained that it is time Tun Ismail's proposal for a committee to look into the non-fulfilment of the Malaysia Agreement be revisited. Tun Hanif added that some items like the setting up of a public university in both Sarawak and Sabah have been late in coming precisely because cabinet ministers themselves are not familiar with the Malaysia Agreement. Whilst the setting up of public universities in both Sabah and Sarawak is enshrined in the agreement, it is not

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so with other states. So, to delay setting up universities in Sabah and Sarawak because other peninsular states have yet to have them is patently wrong.

On the issue of petroleum and natural gas, Tan Sri Herman Luping, who was formerly Attorney General of Sabah, asked Tengku Razaleigh about the rights of Sabah with regards to the National Petroleum Act. Tengku Razaleigh, who is the founder of Petronas, explained that Sabah was reluctant to enter into agreement with the federal government but was eventually persuaded to do so as the latter was ready to allocate additional resources for infrastructure projects.

The discussion lasted for an hour with some vigour especially over the rights of East Malaysian states to greater autonomy especially in connection with rights over natural resources. Whilst some members of the audience expressed dissatisfaction about the unequal level of development between peninsular Malaysia and East Malaysia, Tun Hanif explained that Sabah and Sarawak are at a much better condition than when they joined Malaya to form Malaysia.



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