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INFORMATION FROM NON-SELF-GOVERNING TERRITORIES
POLITICAL AND CONSTITUTIONAL INFORMATION ON ASIAN TERRITORIES
UNDER UNITED KINGDOM ADMINISTRATION

Note by the Secretary-General

NORTH BORNEO

In accordance with the statement of the Secretary of State for Foreign Affairs of the United Kingdom of Great Britain and Northern Ireland on 27 September 1961, the Government of the United Kingdom has transmitted to the Secretary-General the following political and constitutional information on the Territory of North Borneo.

This information, which was received on 21 March 1963, is herewith submitted to the General Assembly at its eighteenth session.^{1/}

^{1/} In accordance with General Assembly resolution 1700 (XVI) of 19 December 1961 this information is also submitted to the Committee on Information from Non-Self-Governing Territories.

NORTH BORNEO

POPULATION

1. The population of North Borneo at the 1960 census was approximately as follows:

Dusuns, Muruts and other non-Muslim indigenous races	168,000
Bajaus, Ilanuns, Suluks, Bruneis, Kedayans, and other mainly Muslim indigenous races	141,800
Chinese	104,900
Others (Malays, Indians, Indonesians, etc.).....	37,800
Europeans.....	<u>1,800</u>
Total	454,300

CONSTITUTION

2. The present Constitution of North Borneo has been in effect since 1960. Under its provisions, the Territory is administered by a Governor, who is advised by an Executive Council, and the power to make laws rests with a Legislative Council. Prior to 1950, the Governor was assisted by an Advisory Council; in October 1950, this Advisory Council was replaced by Executive and Legislative Councils. Since September 1960 the Legislative Council has had a non-official majority and the Executive Council has had an equal number of non-official and official members.

The main features of the present Constitution are as follows:

Governor

3. The Governor (at present Sir W.A.C. Goode) is the head of the administration of the Territory. He is required to consult the Executive Council in the exercise of his powers and normally acts in accordance with its advice.

Executive Council

4. The Executive Council is the chief executive body of the Territory. It comprises six non-official local residents nominated by the Governor and six

senior civil servants. The present membership of the Executive Council, under the chairmanship of the Governor is as follows:

O.K.K. Datu Mustapha

Khoo Siak Chiew

D.A. Stephens

A.W. Paton

Peng Tet Tshung

O.K.K. G.S. Sundang

R.N. Turner (Chief Secretary)

W.K.H. Jones (Attorney General)

H.W. Davidson (Financial Secretary)

J.H. Macartney (Acting Secretary for Local Government)

W.K.C. Wookey (Resident, Sandakan)

O.K.K. Mohammed Yassin bin Haji Hashim (Administrative Officer)

Legislative Council

5. The Legislative Council passes laws for the peace, order and good government of the Territory. The Governor's assent is required for such legislation and is normally given. The presiding officer is the Governor, who has a casting but not an original vote. In addition to the President, the Council has eighteen non-official members who are local residents nominated by the Governor and seven official members (senior civil servants).

Political parties

6. The principal political organization is the Sabah Alliance composed of the four main political parties which nevertheless still retain their separate identities. These four parties are the United National Kadazan Organisation, the United Sabah National Organisation, the Borneo Utara National Party and the United National Pasok Momogun Party.

7. The non-official members of the Legislative Council include the leaders of the main political parties.

JUDICIARY

8. The Courts functioning throughout the Colony for the administration of civil and criminal law are the Supreme Court of Sarawak, North Borneo and Brunei, comprising the Court of Appeal and the High Court; and the magistrates' courts comprising courts of:

- (a) magistrates of the first class;
- (b) magistrates of the second class; and
- (c) magistrates of the third class.

9. There are also Native courts which are quite distinct from the magistrate courts, and deal with such matters as breaches of custom or breaches of Muslim law and custom in which all the parties are Muslim.

10. The Supreme Court of Sarawak, North Borneo and Brunei consists of a Chief Justice, a senior puisne judge and two other puisne judges. One puisne judge resides in Jesselton (the capital) and the Chief Justice (who resides in Sarawak) pays periodical visits to the Territory to deal with High Court cases.

LOCAL GOVERNMENT

11. The first elections to town boards and district councils took place in December 1962. They were on a political party basis. These elections covered four town boards and ten district councils to which just over half the members of each were elected. The qualifications for voters were that they should be aged 21 and over and have either been born in or completed a statutory period of residence in North Borneo and fulfilled certain residence qualifications for the electoral area concerned. Seventy-five per cent of the adult population participated in the elections and over 80 per cent of those eligible to do so voted.

12. The town boards and district councils exercise the normal local government functions such as the maintenance of markets, public health services, control of buildings etc., and derive their revenues from taxes and rates and fees.