

30 MAR 2004

Sabah-Rotation

THREE MEN WITHDRAW SUIT CHALLENGING SABAH CM ROTATION SYSTEM

KUALA LUMPUR, March 30 (Bernama) -- Three men who filed an application against the Sabah Yang Di-Pertua Negeri, then Tun Sakaran Dandai, the Sabah government and two former Chief Ministers, Datuk Yong Teck Lee and Tan Sri Bernard Dompok, pertaining to the rotation system, withdrew their suit today.

In a statement issued to Bernama, counsel Datuk James Ghani, who acted for Kaiman Buangan, Abdul Rajik Arin and D. Ismail D. Jamlang, said that the three intended to withdraw the suit which was filed on March 22 2001 since the rotation system has been scrapped by the state government and has reverted to the provisions under the state constitution.

"It is our advice to our clients to withdraw the application immediately because if it were to go on, and if the court were to rule adversely against the defendants, it would embarrass the state government," he said.

He said that the three filed the application to protest against the Chief Minister Rotation System and to uphold the sanctity of the state constitution.

"The rotation system has served its political purposes anyway," he added.

In the application, the three sought a declaration that the head of state acted ultra vires the provisions of the Sabah state constitution by purportedly appointing Yong and Dompok respectively as Chief Ministers.

They also sought a declaration that the appointment of both former Chief Ministers were made ultra vires to the state constitution and therefore all administrative acts, policies and decisions made by them during their respective terms in the capacity as the purported Chief Minister were illegal, null and void.

They also sought a clarification of Articles 6(3) and 6(7) of

the Sabah
State Constitution.

Article 6(3) reads that "the Yang Di-Pertua Negeri shall appoint as Chief Minister a member of the legislative assembly who in his judgment is likely to command the confidence of a majority of the members of the assembly and shall appoint the other members mentioned in clause (2) in accordance with the advice of the Chief Minister from among the members of the assembly."

Article 6(7) states "for the purpose of clause (3) of this article, where a political party has won a majority of the elected seats of the legislative assembly in the general election, the leader of such political party, who is a member of the legislative assembly who is likely to command the confidence of the majority of the members of the assembly."

In the application, the three claimed that they "vigorously pursued the matter in the court" after being advised of the far-fetched implications that might effect the administration of the state, if the court were to decide that the rotation system was unconstitutional and illegal.

They said Section 27 of the State Constitution has stated that "any enactment passed on or after Malaysia Day which is inconsistent with this constitution (Sabah State Constitution) shall, to the extent of the inconsistency, be void."

On March 27, Prime Minister Datuk Seri Abdullah Ahmad Badawi announced the abolishment of the system of rotation of the post of Chief Minister among the various communities in Sabah.

The system of rotating the post among the Muslim Bumiputeras, Chinese and Non-Muslim Bumiputeras every two years was introduced by former Prime Minister Tun Dr Mahathir Mohamad in 1994.

Under the system, Sabah has had seven Chief Ministers -- Sakaran, Datuk Seri Mohamed Salleh Said Keruak, Yong, Dompok, Datuk Osu Sukam, Datuk Chong Kah Kiat and the current Chief Minister, Datuk Seri Musa Aman.

-- BERNAMA

SBB MRR RV RM