

UNITED NATIONS MALAYSIA MISSION

Report to the Secretary-General

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## I. INTRODUCTORY

### 1. Request to the Secretary-General: Terms of Reference of the Mission

1. The terms of reference of the Mission are set out in paragraphs 4 to 7 of the Manila Joint Statement as quoted in the request addressed on 5 August 1963 to the Secretary-General by the Foreign Ministers of the Federation of Malaya, the Republic of Indonesia and the Republic of the Philippines, as follows:

"4. Pursuant to paragraphs 10 and 11 of the Manila Accord, the United Nations Secretary-General or his representative should ascertain, prior to the establishment of the Federation of Malaysia, the wishes of the people of Sabah (North Borneo) and Sarawak within the context of General Assembly resolution 1541 (XV), Principle IX of the Annex, by a fresh approach, which in the opinion of the Secretary-General is necessary to ensure complete compliance with the principle of self-determination within the requirements embodied in Principle IX, taking into consideration: (I) The recent election in Sabah (North Borneo) and Sarawak but nevertheless further examining, verifying and satisfying himself as to whether: (a) Malaysia was a major issue if not the major issue; (b) electoral registers were properly compiled; (c) elections were free and there was no coercion; and (d) votes were properly polled and properly counted; and (II) the wishes of those who, being qualified to vote, would have exercised their right of self-determination in the recent elections had it not been for their detention for political activities, imprisonment for political offences or absence from Sabah (North Borneo) or Sarawak.

"5. The Secretary-General will be requested to send working teams to carry out the task set out in paragraph 4.

"6. The Federation of Malaya, having undertaken to consult the British Government and the Governments of Sabah (North Borneo) and Sarawak under paragraph 11 of the Manila Accord, on behalf of the three Heads of Government, further undertake to request them to co-operate with the Secretary-General and to extend to him the necessary facilities so as to enable him to carry out his task as set out in paragraph 4.

"7. In the interest of the countries concerned, the three Heads of Government deem it desirable to send observers to witness the carrying out of the task to be undertaken by the working teams, and the Federation of Malaya will use its best endeavours to obtain the co-operation of the British Government and the Governments of Sabah (North Borneo) and Sarawak in furtherance of this purpose."

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2. By letter dated 8 August 1963, the Secretary-General replied to the communication from the Foreign Ministers of the Federation of Malaya, Indonesia and the Philippines, as follows:

...

"I have noted the terms of reference which I or my Representative would be expected to follow. I believe that this task can be carried out by my Representative.

"I intend to set up two working teams under the over-all supervision of my Representative, one of which will work in Sarawak and the other in North Borneo.

"I note that the Federation of Malaya has undertaken to consult the Government of the United Kingdom and the Governments of North Borneo and Sarawak requesting them to co-operate with the Secretary-General and to extend to him the necessary facilities to enable him to carry out his task.

"I have always made it clear that I can undertake the responsibility only with the consent of the Government of the United Kingdom. I am in contact with the Permanent Representative of the United Kingdom and shall take the first steps in regard to this mission only after I have received an affirmative answer from him in behalf of his Government.

"I note that the three Heads of Government deem it desirable to send observers to witness the carrying-out of the task by the working teams. I wish to make it clear that the working teams working under the supervision of my Representative will be responsible directly and exclusively to me.

...

"When they have completed the task, the working teams will report through my Representative to me, and on the basis of this report I shall communicate my final conclusions to the three Governments and the Government of the United Kingdom. It is my understanding that neither the report of my Representative nor my conclusions would be subject in any way to ratification or confirmation by any of the Governments concerned.

"My Representative and his colleagues will of course make every effort to complete the task as quickly as possible. An exact time-table can be worked out and reported to me for approval only after my Representative has had the opportunity to discuss the problems involved on the spot with all concerned ..."

/...

2. Organization and Procedures of the United Nations Mission

3. The Secretary-General announced on 12 August 1963 the assignment of eight members of the Secretariat to serve on the United Nations Malaysia Mission with additional administrative and secretarial supporting staff. The Mission left New York on 13 August 1963, and arrived at Kuching at noon on 16 August. The Mission was divided into two teams, each comprising four officers, one to remain in Sarawak and the other to work in Sabah (North Borneo). The latter group proceeded to Jesselton on the afternoon of 19 August, and returned to Kuching in the morning of 5 September. The Mission departed from the territories on the evening of 5 September and arrived at United Nations Headquarters in the evening of 6 September.

4. In Sarawak an announcement was made by radio and through the Press on 18 August, stating the Mission's terms of reference, indicating that hearings would be held in different parts of the territory with a view to as wide a consultation with the population as might be necessary and possible, and welcoming information and expression of opinions from elected representatives, leaders and representatives of groups, and other persons who wished to set forth their views to the Mission. The submission of views in written form was encouraged. The text of the message, which is attached as Annex A, was broadcast by radio twenty-six times in thirteen languages, and was reproduced widely in the Press. It was also distributed in printed form in eleven languages and dialects, the total number of copies being 111,000.

5. The Mission arranged a schedule of meetings in Sarawak in ten different locations, originally scheduled to take place from 22 to 31 August. The start of the hearings was delayed and rescheduled from 26 August to 2 September, with additional hearings added on 3 and 4 September.

6. This schedule was also disseminated by radio and the Press and through governmental offices throughout the territory. On radio, the programme of the Mission was broadcast daily in all language news bulletins. The Mission was informed that the radio coverage of its activities was unprecedented in nine years of sound broadcasting.

7. The schedule was determined on the basis of the task entrusted to the Mission, taking into account the areas of likely interest to the Mission to the extent that this could be foreseen from the reports of previous enquiries (such as the Cobbold Commission), and the examination of elections returns. Transportation arrangements were discussed with governmental authorities and others familiar with transportation facilities in the territory. The meeting places included in the schedule provided access to the main concentrations of population and permitted the transportation by water and road of elected representatives and others wishing to see the Mission from all districts in the territory. The schedule of visits was fully reported in the Press and by radio, both before and during the programme of meetings, as the Mission's activities constituted the principal item of news during this period. The Mission made public announcement only of the groups which had consulted with it. Both Press and radio secured information directly from the witnesses concerning their testimony. Judging by the Press and radio accounts which members of the Mission read and heard, the reports given to the public were fairly complete and generally accurate.
8. During these meetings in Sarawak, the Mission had an opportunity to consult with about 400 of the 429 elected representatives in the various districts, and was able to secure some information on the electoral campaign and views of the remaining representatives who were unable to meet with it. The Mission also saw about 400 other persons representing sixty groups including political parties, political party branches, ethnic, religious and social organizations, employers' groups and unions. The Mission was provided with written memoranda by many of these groups, and by a number of others who submitted information and views in writing but did not request an oral hearing.
9. Prior to its hearings in Sarawak, the Mission had received and studied the election laws, procedures and returns, and other documentary material relating to the structure and functioning of the Government and electoral processes. It had also received memoranda dealing with subjects included in its terms of reference which had been provided by the three major political groups: the Sarawak Alliance, the Party Negara Sarawak (PANAS), and the Sarawak United Peoples' Party (SUPP). The latter memorandum (SUPP), which included allegations