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LAMPIRAN B
PETA WILAYAH SABAH
A Genealogy of the Sulu Sultunate

Rita Tuban


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This article seeks to trace the sultans of the Sulu Sultanate in order to correct some historical errors in Sulu history. It is based on the *Salsila* (nobility genealogy), which is attached as evidence to the letter of four datu, namely, Datu Rajamuda Bassal Pulalun, Datu Rubin Sug, Panglima Jumadil Eledgi, and Datu Hussin Abubakar to President Ferdinand E. Marcos, dated 8 November 1967, which deals with their claim to Sabah as rightful members of the Sulu Sultanate. Although the Philippine government, under the administration of President Corazon C. Aquino, announced that it was excluding Sabah from the Philippine territory as defined by Article I, Section I of the 1986 Philippine Constitution, it is, nevertheless, interesting to examine the *Salsila* which may be useful to scholars and students interested in Sulu history.

The clause which states that “and all the other territories belonging to the Philippines by historic right or legal title,” which may include Sabah, is expunged from the new provision on National Territory (Article I, Section I) of the 1986 Philippine Constitution which has “avoided the use of language historically offensive to Malaysia,” but instead utilizes the clause “over which the Philippines has sovereignty or jurisdictions” (Bernas 1987a, 11). According to Joaquin G. Bernas (1987a, 11), “the clause neither claims nor disclaims Sabah, but asserts a legal situation in which Sabah can have a place in Philippine territory depending on the outcome of the current disputes.” He further contends that the Philippines “therefore, did not abandon any claim to Sabah, but left all such matters to determination through international processes” (Bernas 1987b, 3).

Notwithstanding such interpretation of the phraseology, which is sometimes called “the Bernas Amendment,” the Philippine government, under the administration of President Aquino, announced that it was excluding Sabah from the Philippine territory in a bill which delineates the archipelagic boundaries of the Philippines as provided
for in the Constitution, even before the ASEAN summit meeting in Manila 14 December 1987.\(^1\) Even if the Philippines has dropped its sovereignty claim over Sabah, the heirs of the Sulu sultanate still have the option to pursue their proprietary rights over Sabah.

Recently, I received a copy of a letter of Sultan Tuban Wizer Han Aranan Sultan Alimuddin I to Pres. Aquino, dated 15 September 1987, which expresses his claim to Sabah. The letter says that Sabah is the perpetual property of Sultan Alimuddin I and his direct descendants, Sultan Tuban Aranan. Sultan Tuban Aranan Sultan Alimuddin I was supported by a group of Sulu royal datus who earlier wrote a letter to Pres. Marcos about their claim to Sabah. President Marcos was ousted from office during the February Revolution on 25 February 1986. It must be recalled that in 1962 the Philippine government under the administration of Pres. D. Macapagal filed a formal claim to Sabah. In 1977, Pres. Marcos then declared that he was taking definite steps to drop the Sabah claim. (See Bulletin Today, 28 July 1977, 14 January 1978, 1 February 1978). I first saw the letter of the four datus sometime in 1977. Since this letter has relevance to the current disputes over Sabah, it is interesting to interpret the contents of the letter in order to cast light on the perplexity of Sulu history. (See Appendix A)

The letter, dated 8 November 1967, was written by four datus, namely, Datu Rajamudda Bassal Pulalun, Datu Rubin Sug, Panglima Jumadil Osoma Eledgi, and Datu Hussin Abubakar, to Pres. Marcos. The letter says that the datus mentioned are the direct descendants of Sultan Alimud Din I (1735–73), a conqueror of North Borneo (Sabah) and Sultan Aliyud Din III of Patikul (1884–96) who opposed the rule of Sultan Jamalul Kiram II (1896–1936). They therefore claim to be the rightful heirs to the Sulu Sultanate and North Borneo (Sabah). The letter also mentions the Sulu Sultanate genealogy (Salsila),\(^2\) taken from Pangiran Lana Fatima Albaini Jamala-Rah (Majul 1973, 18), the only daughter of Sultan Jamalul Kiram I (1823–42) and the wife of Sultan Pangiran Isnain Aliyud Din III of Patikul. Salsila (family trees, from Arabic silsilah) are written nobility genealogies which contain heroic deeds and significant events. The main purpose of the salsila is to authenticate descent, especially the title of a datu’s eligibility as sultan. If one claims to be a royal datu or chooses to be a sultan, the salsila serves as proof of descent from prophet Muhammad, through the first Sultan of Sulu, Sultan Shariful Hashim Abubakar (1450–80). Pangiran Lana Fatima Albaini Jamala-Rah was
born in 1826 and died in 1932. Sultan Jamalul Kiram I (1823–42) was the son of Datu Israel Maulana (Alimuddin III of Maimbung), the son of a Maranao datu and Dayang Dayang Fatima Piandao, the daughter of Sultan Sarafud Din I (r. 1789–1805). Sultan Aliyud Din III was a son of Sultan Israil II (1823–62), the only son of Sultan Sakirawl Lah (r. 1808–23). The letter of Presidential Assistant Juan C. Tuvera to Rita Tuban, dated 27 August 1976, is described as “obviously important” since the Sabah problem has cropped up once again and found itself in Philippine newspapers (see Bulletin Today, July to December 1977 and January 1978; Malaya, Manila Standard, Philippine Daily Inquirer issues for November 1987).

The Sulu Salsila: 1450–1692

Since there are already many books and articles written on the Sulu sultanate, this article will only seek to trace the rightful sultans to the sultanate of Sulu according to the Salsila which was told in 1900 and retold in 1917 by Pangian Lana Fatima Albaini Jamala-Rah to Datu Rajamuda Bassal Pulalun. Datu Salip Rajamuda Bassal Pulalun was the son of Dayang Dayang Kabayan, the daughter of Sultan Israil II. The writer’s father, Sultan Tuban (Tumanggung Bantilan) is the grandson of Pangian Lana Fatima Albaini Jamala-Rah and Sultan Aliyud Din III. (See Appendix B for the Salsila.)

The Salsila presents the sultanate of Sulu from the seventeenth century to the nineteenth century. However, the Salsila mentions nine sultans before the reign of Sultan Salahuddin Karamat and it places much emphasis on the reign of Sultan Pangiran Isnain Aliyuddin III to point out the fact that the house of Sultan Shakirawl Lah did not dissolve upon Sultan Shakirawl Lah’s death, but continued to rule despite the fact that Sultan Jamalul Kiram I was reigning.

The nine sultans, who ascended the throne one after the other, were Sultan Shariful Hashim Abubakar, who established the sultanate of Sulu when he married Dayang-Dayang Paramesuli, the daughter of Datu Raja Baginda in 1450, Sultan Kamalud Din, Sultan Amirul Umara, Sultan Muizzul Muttawad Din Upoh, Sultan Nasifuddin Awwal Dirugan, Sultan Pangiran Buddiman, Sultan Batarasa Tenga or Tengah, Sultan Muwallil Wasit Raja Bungsu, and Sultan Nasirud Din Ahir.

According to the Salsila, Sultan Salahuddin Karamat ruled from 1648 to 1666. He succeeded his father Sultan Nasiruddin Ahir. It was
during his reign that his twin grandsons, Datu Lagasan (later, Sultan Alimuddin) and Datu Salikala, were born. Datu Lagasan and Datu Salikala were the twin sons of Sultan Bararuddin, the youngest son of Sultan Karamat. According to Majul's estimate, Karamat ruled from 1650 to 1680 (Majul 1973, 18). Sultan Sahabuddin, as the eldest son, succeeded his father, Sultan Karamat. Sultan Sahabuddin began his rule in 1666. Sultan Safiuddin succeeded his brother Sultan Sahabuddin. Sultan Bararuddin Awwal (r. 1690-1720), as the youngest son of Sultan Karamat, succeeded his brother, Sultan Safiuddin. Sultan Bararuddin had four children, namely, Datu Lagasan (Alimuddin I) and his twin brother Datu Salikala, Datu Nasaruddin and Pangian Lana Putli' Agtah. According to Majul (1973, 18), Sultan Bararuddin ruled from 1718 to 1732.

Sultan Nasaruddin (r. 1720-35) was the third son of Sultan Bararuddin Awwal. He acted temporarily as sultan when his father, Sultan Bararuddin Awwal became old and weak. During his de facto reign, Sultan Nasaruddin's eldest brother, Datu Alimuddin was in North Borneo as its sultan. When Datu Alimuddin arrived in Jolo from his exploits in Borneo in 1735, he ascended the throne as Sultan Alimuddin I and succeeded his aged father, Sultan Bararuddin Awwal. According to Saleeby, Sultan Nasaruddin was a son of Sultan Bararuddin. According to Majul (1973, 20), Sultan Nasaruddin was a son or a grandson of Sahabuddin and reigned from 1732 to 1735.

Sultan Alimuddin I (r. 1735-73) succeeded his father, Sultan Bararuddin Awwal. In 1698, according to the Sulu Salsila, Datu Alimuddin and his twin brother Datu Salikala conquered North Borneo (Tuban 1977). He was called the first amirul mu'minin (defender of the faithful). He was also the first sultan who was converted to Christianity. He took the name Fernando de Alimuddin.

There are many dates with regard to the cession of North Borneo (now, Sabah, Malaysia). According to the Brunei Selisilah it was sometime in 1662 that Sultan Muhammad Ali was killed and that the civil war between Sultan Muaddin (Muhyyddin, Muhuddin) and Sultan Abdul Mubin lasted for ten years (Majul 1973, 183). According to Majul's estimation, the cession of North Borneo to Sulu took place around 1675 (Ibid.). However, according to Dalrymple, the cession took place sometime in 1704 (Ibid.). Nevertheless, according to the Sulu Salsila the formal cession occurred sometime in 1698.

The Sulu Salsila, as found also in Melayu Sarsila, further indicates that in 1662 Sultan Mohammad Ali was murdered by Bendahara
Abdul Mubin, creating chaos in the government of Brunei. Bendahara Abdul Mubin proclaimed himself sultan. The restoration and reformation of the government under the leadership of the new sultan, Sultan Abdul Mubin, began a ten year civil war that killed many royalists. In 1672, Sultan Abdul Mubin appointed his cousin Muhaiddin as his bendahara. For ten years, Bendahara Muhuddin surreptitiously formed his own army to revolt against Sultan Abdul Mubin. In 1682 Muhaiddin or Muhuddin proclaimed himself sultan. Another civil war, which lasted for ten years ensued between the forces of Abdul Mubin and Muhuddin. Because of calamity and famine, both forces stopped fighting and neither side won the war.

The Sulu Salsila: 1693–1822

In 1692 Sultan Muhaiddin sent a letter to the sultan of Sulu stating that if the sultan of Sulu won the civil war he would give North Borneo (Sabah) to the sultan of Sulu. Sultan Bararuddin was then the sultan of Sulu and sent his two sons, Datu Lagasan and Datu Salikala, and many Sulu warriors to help Sultan Muhuddin. When the Sulus landed in Brunei, they feasted. Afterwards, the Sulus fought against the forces of Sultan Abdul Mubin. Because the Sulus won the civil war, North Borneo was ceded to the sultan of Sulu in 1693.

To recall, in 1690 Sultan Sahabuddin abdicated his throne in favor of Sultan Safiuddin, his brother, and in the same year Sultan Safiuddin abdicated his throne in favor of Sultan Bararuddin. But the seal of Sultan Sahabuddin was still used because the datus of Sulu did not yet confirm or acknowledge Bararuddin as their sultan. It is therefore safe to say that the seal of Sultan Sahabuddin was still used in collecting tribute in 1693, but the formal cession took place in Brunei in 1698, as written in the bronze document (Pangiran Tumbaga). In 1690, because Sultan Safiuddin abdicated his throne, Sultan Bararuddin became the sultan of Sulu. In 1718 he was officially declared Sultan by the datus of Sulu and his seal was dated 1718. But his reign began in 1690 during the lifetime of both Sultans, Sahabuddin and Safiuddin, who both abdicated their thrones.

According to Majul:

... after the cession, the Sulus had to subjugate some of the coastal peoples and put some of their datus there in control. For example,
even after the cession, Sultan Badar ud-Din I (reigned from ca. 1718 to 1732) had to pacify the Tiruns in the north-east coast of Borneo during the earlier part of his reign and even before that. Again, around 1769, the Sulus under the leadership of royal datus had to wage war on the Orang Tedong (Tiruns) of Kuran and Berow (Buru) and force them to pay tribute. The point here is that after the cession, it was necessary for the Sulus to demonstrate that they had the effective power to keep the territory tributary to them (Majul 1973, 182).

According to Datu Tumanggung Bantilan (Tuban):

In 1769, North Borneo was reoccupied by the Tiruns of Buru and Kulan. . . Sultan Alimuddin I was already old so he sent his son Rajamuda Mohammad Israil I and many Sulu warriors to North Borneo to drive out the Tiruns who were defeated . . . From thereon, the people of North Borneo paid tribute to the Sultan of Sulu.4

When Sultan Alimuddin I was in Manila, Muizuddin (Bantilan I) (r. 1748–63) proclaimed himself sultan and ascended the throne as a de facto ruler. He was the son of Sultan Sahabuddin and the cousin of Sultan Alimuddin I. According to Majul (1973, 21), he was a younger brother of Alimuddin I.

Sultan Israil I (r. 1773–78) succeeded his father, Sultan Alimuddin I. Sultan Alimuddin II (r. 1778–89) was the son of Sultan Muizuddin (Bantilan I). He succeeded Sultan Israil I. According to Majul (1973, 22), he reigned from 1778 to 1791. Sultan Sharifuddin I (r. 1789–1805) succeeded his cousin Alimuddin II. He was “the eldest son of Alimuddin I by a concubine” (Reber 1966, 77–78). According to reliable sources Sultan Sharifuddin was a son of a concubine of Sultan Alimuddin I. According to Majul (1973, 22), he reigned from 1791 to 1808. Sultan Azimuddin Sali (Azimuddin III) (r. 1805–07) was the son of Sultan Israil I (Rasul 1970, 97). He succeeded his uncle, Sultan Sharifuddin I. He was also called “Mantellan” (Reber 1966, 79).

Sultan Alimuddin III (Datu Israel Maulana, 1805) was the son of DayangDayang Fatima Piandao, the daughter of Sultan Sharifuddin. He was nominated by his mother, DayangDayang Fatima Piandao to succeed his grandfather, Sultan Sharifuddin. But according to the Sulu sultanate law, no female descendant can claim the throne unless nominated by the Sultan, her father. In this case, therefore, Datu Israel Maulana (or Alimuddin III to his mother) was not nominated by his grandfather Sultan Sharifuddin I to succeed him and so he
was not a sultan of Sulu but a reigning datu of Maimbung, a town in Jolo island, where he and his mother resided. Sultan Alimuddin III (Datu Israel Maulana) died on the same day as his grandfather, Sultan Sharifuddin I, in 1805. According to Majul (1973, 22), Sultan Azim ud-Din III was the son of Sharaf ud-Din.

Sultan Aliyuddin I (r. 1807–08) succeeded his first cousin, Sultan Azimuddin Sali. He was the son of Sultan Sharifuddin. He died in 1808 (Saleeby 1963, 84). According to Majul (1973, 22), he reigned from 1808 to 1821. Sultan Sakirawllah (r. 1808–23) succeeded his elder brother Sultan Aliyuddin I. He was the youngest son of Sultan Sharifuddin I. According to Majul (1973, 221), he reigned from 1821 to 1823.

The Sulu Salsila: 1823–1884

When Sultan Sakirawllah died in 1823, there was chaos in the sultanate of Sulu. There were four claimants to the throne: Sultan Israil II became sultan of Patikul; Sultan Jamalul Kiram I proclaimed himself sultan of Maimbung; Sultan Aliyuddin II became sultan of Buansa; and Sultan Tumanggung Bantilan Alimuddin IV ruled as sultan in Basilan but later transferred to Dungun, Tawi-Tawi, Sulu. Obviously, upon Sultan Sakirawllah’s death, the power of the Sulu sultanate disintegrated because the four claimants, who were jealous of each other, refused to join forces under one leader.

While the three claimants or sultans, Israil II, Aliyuddin II, and Tumanggung Bantilan Alimuddin IV, were fighting with each other, Sultan Jamalul Kiram waited for them to be exhausted. Then, he took the opportunity to sit on the throne with the support of his men from Maimbung. As a result of the civil strife, Tumanggung Bantilan Alimuddin IV went to Dungun, Tawi-Tawi, Israil II to Patikul and reigned there as sultan, and Aliyuddin II returned to Buansa. However, the reign of Israil II in Patikul continued despite the reign of Sultan Jamalul Kiram I as Sultan in Maimbung and Jolo. The reign of Sultan Jamalul Kiram I witnessed the courtship of the sultan by the Spanish and the subsequent peaceful response of the sultan to the Spanish (Rasul 1970, 98). The feud between the House of Kiram and the House of Sakirawllah was temporarily suspended when Sultan Jamalul Kiram the First’s daughter, DayangDayang Fatima Lana Albaini Jamala-Rah married Sultan Aliyuddin III of Patikul, the son of Sultan Israil II.
Sultan Israil II (r. 1823–62) succeeded his father Sultan Sakirawllah. He was the only son of Sultan Sakirawllah. There was a decree of his father, Sultan Sakirawllah, that Israil should succeed him as sultan of Patikul, despite the fact that Jamalul Kiram I was reigning as sultan of Sulu.

Sultan Aliyuddin II (r. 1823) was the son of Sultan Aliyuddin I, the son of Sultan Sharifuddin. Unfortunately, he died after a few weeks of his reign. Sultan Tumanggung Bantilan Alimuddin IV (r. 1823–62) was the son of Sultan Azimuddin Sali (Azimuddin III) and the grandson of Sultan Israil I, the legitimate son of Sultan Alimuddin I. He was also a great grandson of Sultan Alimuddin II. Sultan Jamalul Kiram I (r. 1823–42) was the son of Datu Israel Maulana or Sultan Alimuddin III of Maimbung. He was a grandson of DayangDayang Fatima Piandao, the daughter of Sultan Sharifuddin.

Sultan Moh. Pulalun (Pogdar) (r. 1842–62) was the son of Sultan Jamalul Kiram I. When Sultan Pulalun died, the throne was offered to his uncle Datu Aranan (Majul 1973, 289), a grandson of Bantilan III, the son of Sultan Alimuddin I. Datu Aranan was a sultan in Parang, Sulu, sometime in 1814 (Majul 1973, 266; Moore 1837, 36). According to the Sulu Salsila, Datu Aranan became sultan of Sulu for a year, but because of old age offered the crown to Jamalul Alam, the son of Sultan Pulalun, on condition that Jamalul Alam would abdicate when the son of Sultan Aranan reached manhood. However, because of ambition Sultan Jamalul Alam continued to reign and tried to liquidate the descendants of Sultan Alimuddin II (Bantilan II). This was the reason why the descendants of Sultan Alimuddin II retreated to Dungun, Tawi-Tawi, where the Kirams dared not reach.

Sultan Jamalul Alam (r. 1862–81) succeeded his father Sultan Moh Pulalun. On 22 January 1878, Sultan Jamalul Alam leased North Borneo to the British North Borneo Company, represented by Baron Gustavus von Overbeck. It is understood among the Sulus that padjak means lease. Therefore, when a property is leased like the Sulu possessions in the North Borneo territory, the owner has the right to recover it, or the land has to be returned to the rightful owner. Thus, from the date of the lease contract to 22 January 1878, the government of Sabah, Malaysia through the Malaysian Federation, would have to return Sabah to the Sulu people and Sultanate.

As Datu Tuban said in his letter to Kurt Waldheim:

Sovereignty right is vested in the Sultan of Sulu and the people of Sulu in general from the beginning when the Sultan of Brunei ceded North
Borneo to the Sultan of Sulu as a gratitude of war aid . . . in 1769 the Orang Tiruns reoccupied the territory of North Borneo, which was reconquered by the Sultan warriors under the leadership of Sultan Moda Mohammad Israil I. Because the Orang Tiruns were defeated and the people of North Borneo paid tribute to Sultan Moda Mohammad Israil I, Sultan Alimuddin I awarded North Borneo to his son, Sultan Moda Mohammad Israil I. In 1878 Sultan Jamalul Alam leased North Borneo to Baron Gustavus von Overbeck and he issued the temporary and nontransferable designation as Rajah Bendahara or Rajah of Sandakan to Baron Gustavus von Overbeck. The temporary designation ceased upon the death of Baron Gustavus von Overbeck and the sovereignty right should be returned to the original owner, Sultan Israil . . . In 1899 the American government recognized the sovereignty right of the Sultan of Sulu over the territory of North Borneo (Sabah). Therefore, the transfer of sovereignty from Baron Gustavus von Overbeck to the British Government then to the Malaysian Government is political aggression and must be resolved by the United Nations . . . for . . . fair and final judgment, that Sabah must be returned to the direct descendants of Sultan Moda Mohammad Israil I . . . (a letter of Datu Tuban to Kurt Waldheim, the U.N. Secretary General dated 1 August 1977).

When Sultan Jamalul died, he was succeeded by his son Sultan Bararuddin II (r. 1881–84). When Sultan Bararuddin II died, he was succeeded by Sultan Aliyud Din III of Patikul.

Sultan Aliyud Din III (r. 1884–96) succeeded his father, Sultan Israil II, the son of Sultan Sakirawllah, as Sultan in Patikul in 1862. In 1884, Sultan Aliyud Din III succeeded Sultan Bararuddin II. He made his son, Pangiran Sarafuddin II, his Raja Muda. Later Pangiran Sarafuddin crowned his nephew, Datu Tuban Wizer Han Alimuddin I, a son of his sister, Dayang Dayang Sarirah Mariam, as sultan in 1917.

According to the Salsila, Jamalul Kiram I made a decree that the rule of the Kirams must end after the reign of his son, Sultan Moh. Pulalun, and they should give up the throne in favor of Aliyud Din III. Sultan Jamalul Kiram I made this decree upon the protest of his only daughter, Pangian Lana Fatima Albaini Jamala-Rah, who wanted her husband Sultan Aliyud Din III to succeed her brother Sultan Pulalun as sultan. She contended that Sultan Aliyud Din III was the rightful sultan to the sultanate of Sulu. Sultan Aliyud Din III was the grandson of Sultan Sakirawllah, and Sultan Jamalul Kiram I was the great grandson of Sultan Sharifuddin I whose daughter
DayangDayang Fatima Piandao was the grandmother of Jamalul Kiram I. Sultan Bararuddin II, in fact, followed the decree of his great grandfather, Sultan Jamalul Kiram I that Sultan Aliyud Din III would be his successor.

In 1881, Sultan Aliyud Din III took over the throne when Sultan Bararuddin II went to Mecca. Upon his arrival in Jolo from Mecca, Sultan Bararuddin II again ascended the throne until he died on 22 February 1884 (Majul 1973, 303).

The Sulu Salsila: 1884–1936

In 1884 Sultan Aliyud Din III succeeded Sultan Bararuddin II. However, Datu Amirul Kiram (later Sultan Jamalul Kiram II), a son of Sultan Jamalul Alam, protested because he was the brother of Sultan Bararuddin II. At any rate, Sultan Aliyud Din III continued to reign as sultan because he was older than Amirul and a rightful sultan to the sultanate of Sulu. Meanwhile, the Spaniards courted Harun Ar Rasid, a great, great, great, grandson of Sultan Alimud-din I. On 24 September 1886 they crowned Harun Ar Rasid sultan in Manila (Majul 1973, 306).

As pointed out by Saleeby, Sultan Aliyud Din III proclaimed himself sultan in Patikul, and Datu Amirul, as sultan in Maymbung. Gen. Parrado offered his good office and tried to overcome the difficulty by suggesting that Amirul Kiram be elected Sultan but that Aliyud Din should act as regent during the minority of the former. He went as far as to name a new and general Council of State to meet at Maymbung and decide the question. He submitted this proposition to both parties threatening to leave them to their fate if they did not comply with his advice. The Maymbung party accepted the Governor’s proposition, but the Patikul party did not; consequently both candidates were proclaimed Sultan, one at Patikul and one at Maymbung, and both prepared to fight (Saleeby 1963, 137).

In 1887 Gen. Arolas attacked Patikul and Lati which made Aliyud Din flee to Siasi (Saleeby 1963, 137). However, he came back to join the waiting forces of Kalbi and Julkarnain, and again in 1890, a civil war ensued between the forces of Sultan Aliyud Din III and Datu Amirul Kiram (Jamalul Kiram II). In 1894 Harun Ar Rasid ended his de facto rule. The Spaniards were now banking on Datu Amirul Kiram whose mother Putli’ Insih Jamila or DayangDayang Sayah, of
Spanish descent, requested help from the Spaniards. With the aid of the Spaniards, Datu Amirul’s forces outnumbered the forces of Sultan Aliyud Din III. In 1896, during the civil war, Sultan Aliyud Din III was wounded and retreated to Basilan and then to Laminusa, Siasi. He went back to Patikul where he died. Sultan Aliyud Din III was called the second Amirul Mu’minin. According to Saleeby (1963, 137), Aliyud Din died in 1892 in Patikul. The rule of Amirul Kiram was recognized only in 1894 by the Spanish authority (Majul 1973, 308).

Sultan Harun Ar Rasid (r. 1886–94) was a great, great, great grandson of Sultan Alimuddin I. Sultan Jamalul Kiram II (r. 1896–1936) was a son of Sultan Jamalul Alam. Sultan Pangiran Sarafuddin II (r. 1892–1917) was the son of Sultan Aliyud Din III. He lived mostly in Laminusa, Siasi, Sulu. Sultan Tuban Wizer Han Sultan Alimuddin I is now the recognized sultan of Sulu by the majority of Sulu datus. His uncle, Sultan Pangiran Sarafuddin crowned him sultan in 1917.

When Sultan Jamalul Kiram II died on 7 June 1936, there was chaos in his house with regard to his successor. Dayang Dayang Piandao, the only daughter of Sultan Bararuddin II and the niece of Sultan Jamalul Kiram II, wanted her husband, Datu Ombra Amilbangsa, to succeed Sultan Jamalul Kiram II. But Governor Gulamu Rasul and his father, Hadji Butu Abdul Baqi Rasul, a datu bendahara during the reign of Sultan Jamalul Kiram II, had long wanted Datu Tuban, a grandson of Sultan Aliyud Din III and a direct descendant of Sultan Alimuddin I, to be sultan. However, Datu Tuban was in Zamboanga. So they sought Datu Julaspi Kiram, who claimed to be the son of Sultan Jamalul Kiram II. Unluckily, Datu Julaspi Kiram was in Sitangkai, Sulu. To frustrate the claim of Dayang Dayang Piandao, Hadji Gulamu Rasul decided to crown Datu Tambuyung as Sultan Jainal Abirin to end their dispute over the successor to the sultanate of Sulu.

One may wonder why Hadji Butu Abdul Baqi Rasul or Hadji Gulamu Rasul did not crown Datu Ismail Kiram sultan, if he was really a Kiram? Why did Hadji Gulamu Rasul crown Datu Tambuyung sultan instead? Hadji Gulamu Rasul gave his reasons why he crowned Datu Tambuyung sultan. Firstly, Datu Ombra Amilbangsa, the husband of Dayang Dayang Piandao, was not a descendant of any sultan of the sultanate of Sulu. Secondly, Datu Ombra Amilbangsa would ultimately be his political enemy, so Hadji
Gulamu Rasul had to put an end to Datu Ombra’s political career by setting up Datu Tambuyung as Sultan Jainal Abirin in the absence of Sultan Tuban Wizer Han Sultan Alimuddin I, who is now the recognized Sultan of Sulu, Tawi-Tawi, Basilan, Palawan and North Borneo by the majority of the datus of Sulu.

Sometime in 1962 Hadji Gulamu Rasul accompanied Datu Julaspi Kiram to Sabah, where for a time Datu Julaspi Kiram pretended to rule as sultan in his elegant dungeon, surrounded by the Malaysian artillery and in hiding from his relatives.

Notes

2. See for example the following books: Cesar A. Majul (1973); Jainal Rasul (1970); Najeeb M. Saleeby (1963).
3. Ibid.
4. Found in Datu Tuban’s letter to Datu Harris Salleh, Chief Minister of Sabah, Malaysia, dated August 1, 1977, which strongly claims that Sabah must be returned to Sulu. See Bulletin Today, 13 January 1978, p. 7.
5. Sulu Salsila. Datu Aranan’s direct descendant is Sultan Tuban. Sultan Aranan is Tumanggung Bantilan Alimuddin IV.
6. He is presently in Jolo.

References

His Excellency
President Ferdinand E. Marcos
President of the Republic of the Philippines
Malacañang Palace, Manila
Manila, Philippines

Sir:

Before we begin to write this letter, may God bless you and your family and will protect you always and give you good health to reign our beloved country the Philippines for many more years.

We have the honor to inform you, your Excellency, that we the undersigned are the direct descendants of Sultan Fernando Alimud Din-I, Sultan Sakirawl Lah, Pangian Lana daughter of Sultan Jamalul Kiram-I, and also Eledgi son of Dayang Dayang Agta Halloween daughter of Sultan Bararud Din-I owner of the North Borneo Territory. As proof, we respectfully submit the following:

1. A diagram showing the Sulu Sultanate and the descendants of Sultan Fernando Alimud Din-I.
2. Photostat of Sultan F. Alimud Din-I with the Spaniards.
3. Two Photostats of the History of Sulu showing The Struggle for Sultanate—Pages 136 to 137 and;
4. That Sultan Aliyud Din-I fled to Laminusa, Siasi, in 1892—Pages 142 to 143. Authored By Dr. Naeem P. Saleeb.

On with North Borneo:

That sometime in 1704, North Borneo was ceded to Sultan Alimud Din-I son of Sultan Bararud Din-I by the Sultan of Brunei as a gratitude of War Aid. Elegi the Nephew of Sultan Alimud Din-I joined the War, and the living descendant of Eledgi is Panglima Jumadil Eledgi.

It is therefore safe to say that North Borneo Territory belongs to Sultan Alimud Din-I son of Sultan Bararud Din-I and their succeeding direct descendents, and also Eledgi and the living descendants. Sultan Bararud Din-I was succeeded by his son Sultan Alimud Din-I. Sultan Alimud Din-I was succeeded by Sultan Israel-I, and Sultan Israel was succeeded by Sultan Muizuddin Bantilan and succeeded by Sultan Alimud Din-II and then succeeded by Sultan Sarafudin son of Sultan Alimud Din-I.
Sultan Sarafud Din has three sons namely, Sultan Alimud Din-III, Sultan Aliyud Din-I and Sultan Sakirawl Lah. In 1823, Sultan Sakirawl Lah died. Three children of the three Sultans claimed to be Sultan of Sulu and proclaimed themselves Sultans of their own places.

a. Sultan Israel-II son of Sultan Sakirawl Lah proclaimed himself Sultan of Patikul. Sultan Israel-II was succeeded by his son Sultan Aliyud Din-III.

b. Sultan Aliyud Din-II son of Sultan Aliyud Din-I proclaimed himself Sultan of Matanda, Buanza and Silangkan.

c. Sultan Alimud Din-IV (Datu Tuban Han Alimud Din) son of Sultan Alimud Din-III proclaimed himself Sultan of Lamitan, Basilan facing Zamboanga.

d. Sultan Maulana proclaimed himself Sultan of Maimbung.

e. Sultan Jamalul Kiram-I succeeded as Sultan of Maimbung in the same year 1823-1841. Sultan Jamalul Kiram-I has two children namely Datu Mohammad Pulalun (Pogradar) and Pangian Lana.

The living descendant of Pangian Lana is Datu Tuban Wizer (Datu Juan S. Tuban).

Sultan Jamalul Kiram-I was succeeded by his son Sultan Mohammad Pulalun (Pogradar).

Sultan Mohammad Pulalun (Pogradar) was succeeded by his son Sultan Jamalul Alam.

Sultan Jamalul Alam was succeeded by his son Sultan Bararud Din-II.

Sultan Bararud Din-II was succeeded by Sultan Harun Ar Rasid a datu of Palawan was later deposed.

Sultan Harun Ar Rasid was succeeded by Sultan Jamalul Kiram-II (Datu Amirul Kiram) who proclaimed himself Sultan of Maimbung in 1896-1936.

Sultan Aliyud Din-III (Datu Pangiran Isnain Aliyud Din) son of Sultan Israel-II the grandson of Sultan Sakirawl Lah was also proclaimed Sultan of Patikul. Datu Tuban Wizer succeeded Sultan Aliyud Din-III his grandfather in 1917.

This means, that Sulu had two famous Sultans when Sultan Bararud Din-II died in 1884. One Sultan in Patikul, Sultan Aliyud Din-III and one Sultan in Maimbung, Sultan Jamalul Kiram-II. Sultan Jamalul Kiram-II has no definite successor.

When Sultan Ombra Amilbangsa was proclaimed Sultan, his Rajam was Datu Esmail Kiram, soon after Datu Esmail Kiram was proclaimed Sultan in Maimbung, to succeed Sultan Jamalul Kiram-II.

In 1962, Sultan Esmail Kiram ceded North Borneo to the Philippine Government. This means that Sultan Esmail Kiram ceded the sovereignty of the House of Sultan Jamalul Kiram-I only, because Sultan Esmail Kiram is only having sovereignty and control over the House of Sultan Jamalul Kiram-I.
That Datu Tuban Wizer Sultan Alimud Din-I and Sultan Sakirawl Lah (Datu Juan S. Tuban) has sovereign rights over the Two Houses of Sultan Alimud Din-I and Sultan Sakirawl Lah being the direct descendant and direct heir.

THE SUCCESSORS OF THE THREE HOUSES
Successor and Descendants: The House of Sultan Jamalul Kiram.
1. Sultan Mohammad Julaspi Kiram claimed to be the son of Sultan Jamalul Kiram-II, presently in North Borneo.
2. Sultan Esmail Kiram—the nephew of Sultan Jamalul Kiram and;
3. Datu Rajamuda Pungungan Kiram both of Jolo, Sulu.

Successors and descendants: House of Sultan Fernando Alimud Din-I.
1. Datu Tuban Wizer Sultan Alimud Din-I (Datu Juan S. Tuban) son of Datu Anni Tito Tuban (Datu Aniceto Tuban) great grandson of Sultan Alimud Din-III.
2. Datu Rubin Sug son of Dayang Dayang Piandao Sultan Alimud-III.
3. Salip Hussin Abubakar son of Dayang Dayang Rukiya Sultan Alimud Din-III.

Successors and descendants: The house of Sultan Sakirawl Lah:
1. Datu Tuban Wizer Sultan Alimud Din-I and Sultan Sakirawl Lah (Datu Juan S. Tuban) son of Datu Anni Tito (Datu Aniceto Tuban) and Dayang Dayang Fatima Sarirah Mariam daughter of Sultan Pangiran Isnain Aliyud Din (Sultan Aliyud Din-III) son of Sultan Israel-II the children of Sultan Sakirawl Lah.
2. Datu Saip Rajamin Baasal son of Dayang Dayang Kabayan daughter of Sultan Pangiran Isnain Aliyud Din (Sultan Aliyud Din-III).
3. Hadji Arsad Sali son of Hadji Sali the adopted son of Sultan Israel Israel-II, and descended from Datu Marajah Dindah.
4. Mr. Laurence Baird and Susan Baird children of Dayang Dayang Fatima Tamila Omat daughter of Sultan Pangiran Isnain Aliyud Din (Sultan Aliyud Din-III) and others not mentioned.

Panglima Jumadil Eledgi and Attorney Bakuin P. Aradani are the descendants of Dayang Dayang Agtan daughter of Sultan Bararud Din-I. That since Eledgi is the grandson of Sultan Bararud Din-I, therefore the descendants are also members of the house of Sultan Alimud Din-I.

Since we belong to the two houses, namely the house of Sultan Alimud Din the First and the House of Sultan Sakirawl Lah, we are the majority, and since we are the majority, we supercede the claim of the heirs of Sultan Jamalal Kiram I to the North Borneo Territory.

For these reasons, we are appealing to you, Sir, that a preventive sale of North Borneo be published and that the representatives of the descendants of Sultan Alimud Din-I and Sultan Sakirawl Lah, being the majority, be considered to seat in banc for whatever be deemed proper for the interest
of all concerned. As citizens of the Republic of the Philippines, we hope sir for your kind and benevolent consideration and we pray for a reply, we remain—

Very truly yours,

   Grandson of Sultan Sakirawl Lah
2. Datu Rubin Sug 4. Salip Hussin Abubakar
   Grandson of Sultan Alimud Din Grandson of Sultan
   Alimud Din-II

Copy furnished:
2. The President of the United States of America
3. The Secretary General of the United Nations, New York, USA
4. The Prime Minister of Malaysia, Kuala Lumpur, Malaysia

Appendix B
Salsila of the Sulu Sultanate and Descendants

1. Sultan Shariful Hashim Abubakar (r. 1450–80). He established the Sultanate of Sulu when he married DayangDayang Paramesuli, the daughter of Datu Raja Baginda.
2. Sultan Kamaluddin (r. 1480–1505). As the eldest son, he succeeded his father, Sultan Abubakar.
3. Sultan Amirul Umara (r. 1505–27). He succeeded his father, Sultan Kamaluddin.
5. Sultan Nasifuddin Awwal Dirugan (r. 1548–70). As the eldest son, he succeeded his father, Sultan Upoh.
6. Sultan Pangiran Buddiman (r. 1570–85). As the eldest son, he succeeded his father, Sultan Nasifuddin.
7. Sultan Batarasa Sha Taga (r. 1585–1600). He succeeded his father, Sultan Buddiman.
8. Sultan Muwallil Wasit Raja Bungsu (r. 1600–39). He succeeded his father, Sultan Taga.
10. Sultan Salahuddin Karamat (Baktir) (r. 1648–66). He succeeded his father, Sultan Ahir.

11. Sultan Sahabuddin (r. 1666–78). As the eldest son, he succeeded his father, Sultan Karamat. He abdicated in favor of his younger brother, Safiuddin.

12. Sultan Safiuddin (r. 1690– ). As the second son of Sultan Karamat, he succeeded his brother, Sultan Safiuddin. He abdicated in favor of Bararuddin, his younger brother.

13. Sultan Bararuddin Awwal (r. 1690–1735). As the youngest son of Sultan Karamat, he succeeded his brother, Sultan Safiuddin. He was officially proclaimed sultan in 1718.

14. Sultan Nasaruddin was the third son of Sultan Bararuddin Awwal I. He acted as a de facto ruler when his father, Sultan Bararuddin I was becoming old and weak. Meanwhile, Datu Lagasan (later S. Alimud Din I) his eldest brother, was in North Borneo as its Sultan. However, when Datu Lagasan arrived in Jolo from his exploits in Borneo in 1735, he ascended the throne as Sultan Alimuddin I and succeeded his aged father Sultan Bararuddin I.

15. Sultan Alimuddin Din I (r. 1735–73). He succeeded his father, Sultan Bararuddin I. In 1698, he and his twin brother, Datu Tumanggung Bagangan Salikala conquered North Borneo. He was called the first amirul mu’minin (the defender of the faithful) and he was also the first sultan who was converted to Christianity, taking the name Fernando de Alimuddin. Datu Alimuddin or Alimud Din and Datu Salikala were sent by Sultan Bararuddin I to Borneo in 1692 because Sultan Muhuddin of Brunei requested help from him and the reward would be North Borneo should the Sulians win the war against Sultan Abdul Mubin. In 1662 Abdul Mubin killed Sultan Mohammad Ali and this resulted in a civil war which ended in 1672. Muhuddin proclaimed himself sultan in 1682 and in 1692 he requested help from the sultan of Sulu.

16. Sultan Muizuddin (Bantilan I) (r. 1748–63). He was the son of Sultan Sahabuddin and the cousin of Sultan Alimuddin Din I. When Alimuddin Din I was in Manila, Muizuddin proclaimed himself sultan and he ascended the throne as a de facto ruler.

17. Sultan Israil I (r. 1773–78). He succeeded his father, Sultan Alimuddin Din I. In 1769, the Sulus under the leadership of Sultan Israil reconquered North Borneo when they defeated the Orang Tiruns. Because of this, Sultan Alimuddin I awarded North Borneo to Sultan Israil I.

18. Sultan Alimuddin Din II (r. 1778–89). He was the son of Sultan Muizuddin (Bantilan I).

19. Sultan Sarafuddin or Sharifud Din I (r. 1789–1805). He succeeded his cousin, Sultan Alimuddin II. He was a son of a concubine of Sultan Alimuddin I.

20. Sultan Azimuddin Sali (Azimuddin III) (r. 1805–07). He was the son of Sultan Israil I. He succeeded his uncle, Sultan Sarafuddin.
THE SULU SULTANATE

21. Sultan Aliyud Din I (r. 1807-08). He was the son of Sultan Sarafuddin I and he succeeded his first cousin, Sultan Azimuddin Salih.

22. Sultan Sakirawllah (r. 1808–23). As a second son of Sultan Sarafuddin or Sharifud Din I, he succeeded his elder brother Sultan Aliyud Din I. When Sultan Sakirawllah died in 1823, there was chaos in the sultanate and there were four claimants to the throne: 1. Sultan Jamalul Kiram I became sultan in Maimbung; 2. Sultan Israil II, sultan of Patikul; Sultan Aliyud Din II, sultan of Buansa; and 4. Sultan Tumanggung Bantilan Aranan Alimuddin IV, sultan of Basilan but later transferred to Dungun, Tawi-Tawi.

23. Sultan Israil II (r. 1823–62). He succeeded his father, Sultan Sakirawllah. He was a son of Sultan Sakirawllah who issued a decree that Israil II would succeed him as sultan of Sulu; so Israil II continued to reign as sultan in Patikul.

24. Sultan Aliyud Din II (r. 1823). He was the son of Sultan Aliyud Din I, a son of Sultan Sarafuddin and a brother of Sultan Sakirawllah. Unfortunately, he died after a few weeks of reign.

25. Sultan Tumanggung Bantilan (Tuban Aranan Alimuddin IV) (r. 1823–42). He was the son of Sultan Azimuddin Salih and the grandson of Sultan Israil I, the only son of Sultan Alimuddin I. He reigned as sultan in Parang, Sulu, in Basilan, and Dungun, Tawi-Tawi. He reigned as sultan from 1818 to 1863 in Parang, Sulu.

26. Sultan Jamalul Kiram I (r. 1823–42). He established the house of Kiram when he usurped the throne from the house of Sultan Sakirawllah. He was the son of Israel Maulana or Alimuddin III of Maimbung. Israel Maulana was the son of the daughter of Sultan Sarafuddin, named Fatima Piandao. Hence, Israel Maulana, whose father was a Maranao and mother, Piandao, was a grandson of Sultan Sarafuddin I. Israel Maulana died at the same time with Sultan Sarafuddin in 1805. In Sulu sultanate law, no female descendant can claim the throne unless nominated by her father, the sultan. Israel Maulana was not nominated by his grandfather, Sultan Sarafuddin to succeed him; hence, he was not a sultan of Sulu but a datu in Maimbung where he and his mother, Piandao lived.

Jamalul Kiram I was friendly with the Spaniards who helped him wrest the power from the house of Sakirawllah. He was a great grandson of Sultan Sarafuddin or Sharifud Din.

27. Sultan Mohammad Pulalun (Pugdar) (r. 1842–62). He was the son of Sultan Jamalul Kiram I.

28. Sultan Jamalul Kiram Alam (r. 1862–81). He was the son of Sultan Pulalun.

29. Sultan Bararuddin II (r. 1881–84). He was the son of Sultan Jamalul Alam.

30. Sultan Aliyud Din III or Aliyuddin III (r. 1862–96). He succeeded his father, Sultan Israil II in Patikul in 1862. Sultan Jamalul Kiram I issued a decree that the rule of the Kirams must end after the reign of his son Sultan Pulalun. Sultan Jamalul Kiram I made this decree upon the protest of his only daughter, Pangian Lana Fatima Albaini Jamala-Rah, who wanted
her husband Sultan Aliyud Din III to succeed her brother, Sultan Pulalun, as sultan, because she legally contended that Sultan Aliyud Din III was the rightful sultan to the Sultanate of Sulu. Aliyud Din III was a grandson of Sultan Sakirawllah and Jamalul Kiram I was a great grandson of Sultan Sharifud Din whose daughter DayangDayang Fatima Piandao was the grandmother of Jamalul Kiram I. Sultan Bararuddin II followed the decree. So, in 1881, Sultan Aliyud Din III took over the throne when Sultan Bararuddin II went to Mecca. When he returned from Mecca, Bararuddin II again ascended the throne until his death in 1884. In 1884, Sultan Aliyud Din III succeeded Sultan Bararuddin II as Sultan of Sulu. But Datu Amirul (later Jamalul Kiram II) protested because his legal opinion was that he was the brother of Bararuddin II. Sultan Aliyud Din III continued to reign as Sultan because he was older than Amirul and capable of handling the government and a rightful sultan to the sultanate of Sulu. He hated foreign domination, so he refused to deal with the Spaniards. Meanwhile, knowing that Aliyud Din III was a difficult sultan to deal with, the Spaniards courted Harun Ar Rasid, a great, great, great grandson of Sultan Alimuddin I and they crowned him sultan in Manila in 1886. However, the people of Sulu refused to recognize Harun Ar Rasid as their sultan because they wanted Aliyud Din III to remain as their sultan.

In 1892, a civil war ensued between the forces of Sultan Aliyud Din III and Datu Amirul (Jamalul Kiram II). In 1894, Harun Ar Rasid ended his de facto rule. He stayed mostly in Palawan. The Spaniards were now banking on Datu Amirul whose Mother Putli Insih Jamila or DayangDayang Sayah, a Spanish descent, sought the help of the Spaniards. With the help of the Spaniards, Datu Amirul’s forces outnumbered and defeated the forces of Sultan Aliyud Din III. In 1896, during the civil war, Sultan Aliyud Din III was wounded, so he retreated to Basilan then to Laminusa, Siasi. Later, he went back to Patikul where he died.

The popularity of Sultan Aliyud Din III is still engraved in the hearts of the people of Sulu, because he was able to preserve the culture, customs, tradition and Islam in Sulu. He was even called the second amirul mu’minin. The people of Sulu remember Sultan Aliyud Din III as the last true sultan of Sulu.

31. Sultan Harun Ar Rasid (r. 1886–94). He was a great, great, great grandson of Sultan Alimuddin I.

32. Sultan Jamalul Kiram II (r. 1896–1936). He was a son of Sultan Jamalul Alam.

33. Sultan Sarafuddin II (r. 1896–1917). He was the son of Sultan Aliyud Din III. He crowned his nephew, Sultan Tuban Wizer Han Sultan Alimuddin I, as sultan in 1917.

34. Sultan Tuban Aranar Sultan Alimuddin I (r. 1917–). He is the grandson of Sultan Aliyud din III and Pangiran Lana Albaini Jamala-Rah, and a direct descendant of Sultan Alimuddin I.
Historical Notes on the North Borneo Dispute
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Historical Notes on the North Borneo Dispute

LEIGH R. WRIGHT

The Philippine claim to the territory of North Borneo, or as it is now called, Sabah, is not of recent origin. Rather it is based on an older claim to the area by the Sultans of Sulu. But the Sulu claim itself is suspect. A look at the background and an analysis of the status of North Borneo is therefore essential to understanding the nature of the dispute.

In January 1878 Sultan Mohammed Jamalul Alam, granted a portion of North Borneo, which he claimed, to an international syndicate headed by Alfred Dent, a London businessman, and the Austrian Baron Gustav von Overbeck. A few weeks before this grant was made, in December 1877, the Sultan of Brunei had ceded North Borneo, including the whole of the area claimed by Sulu, to von Overbeck and Dent. Dent was the son of Thomas Dent of Dent and Company, the great commercial house of Hongkong and had himself been connected with the firm in Hongkong for years before removing to London. Overbeck had served as Austrian Consul in Hongkong. Dent bought out von Overbeck and organized the British North Borneo Company. Under a charter from the British crown, the company administered North Borneo until 1946 when it became a crown colony.

The nature of the grant of territory to Dent and von Overbeck by the Sultan of Sulu is the basis of the present Philippine claim. International rivalry which led up to the demarcation of territory between Spain and Britain in 1885, with Germany as an interested party, forms an intriguing background. Additionally, Bornean political conditions dating from the early eighteenth century also have a bearing upon the controversy. This background can only lightly be touched upon for it has not been adequately studied with respect to the question of sovereignty in North Borneo.

Although recognized as sovereign over the Sulu Archipelago it is not at all certain that the Sulu Sultans held sovereignty over any part of North Borneo. What is clear is that they never held de facto control there. Until 1878 power along the coast of Northeast Borneo was in the hands of rapacious pirates, mainly the Illanun and Balagnini but including some Sulus. Because of their power and because they were feared, the local people had long since removed far inland, up the rivers. When von Overbeck arrived in Sandakan in 1878, the first villages were found sixty miles up the rivers. Those few communities which remained along the coast were primarily

Leigh R. Wright is Assistant Professor in the Department of History and Government at Russell Sage College.


2 Ibid., passim. Dent with other old China hands was instrumental in organizing the China Association which had an interesting role in Anglo-Chinese relations after 1889. See N. A. Pelcovits, Old China Hands and the Foreign Office, New York, 1948.
supply bases for the pirate fleets.\(^3\) The northwest coast from Marudu Bay to Brunei Town was relatively free from pirate raids after the destruction of the Illanun fortified town of Temasasuk in 1869 by British gunboats. Chiefs of this coast looked to Brunei in a vague way as overlord. Several rivers on this coast were under the control of independent local chiefs or Datos who, when convenient, recognized the Sultan of Brunei as spiritual leader.

The story begins with the state of Brunei centered on Brunei Town on the northwest coast of Borneo.\(^4\) Before 1500 Brunei had a close connection with Majapahit, perhaps that of a tributary state. It is probable that Brunei sent tribute to China, but only irregularly.\(^5\) By 1500 Islam had spread to the coast of Borneo with the rise and success of Malacca and the country was an independent Malay state. The sixteenth century saw Brunei reach its greatest extent and glory. The Sultan was sovereign over all northern Borneo, the Sulu Archipelago and part of the Philippines, and for a short time Manila paid tribute to Brunei.\(^6\) Pigafetta, the historian of Magellan’s voyage, described the magnificence of the Brunei court in 1521.\(^7\) A century later Brunei was still powerful enough to consider going to the aid of Pahang in a war with Johore.\(^8\)

In the sixteenth thirties Brunei and Sulu people attacked Spanish settlements in the Philippines. The Spaniards, seeking revenge, sacked and burned Brunei in 1645, and from the middle of the seventeenth century Brunei declined steadily. By the nineteenth century the Sultan was not able to rule effectively beyond Brunei Town. His authority was only nominal on the northwest coast, with yet some residual respect for his title and leadership.

With the decline of Brunei, Sulu achieved an independent status.\(^9\) The Sulu Archipelago, lying between northeast Borneo and Mindanao, stretches across one of the most frequently used passages to the South China Sea. From 1578 the Spanish rulers of the Philippines periodically attempted to conquer the islands. In 1763 a permanent garrison was established at Zamboanga, on Mindanao opposite the Sulu Islands. By 1847 the actual occupation of the area by the Spaniards was still limited to the presidio of Zamboanga despite military expeditions in 1823 and 1827.

The Sulu claim to North Borneo dates from the early eighteenth century. Sometime late in the previous century rivals for the throne of Brunei, Abdul Mobin and Muaddin, were involved in civil war. They were grandsons of Hasan, the ninth Sultan of Brunei, and reportedly the most autocratic and magnificent of the sovereigns of Brunei, who ruled around 1600. After a dozen years of desultory fighting, the

\(^3\) W. B. Pryer, “Notes” on Ada Pryer’s manuscript of Ten Years In Borneo, London, 1894, in the British North Borneo Company Papers (hereafter BNBCoP).

\(^4\) The best record of early Brunei is in H. Low, “Selesiah” (Book of the Descent), in Journal of the Straits Branch of the Royal Asiatic Society (hereafter JRASSB), June 1880; and H. R. Hughes-Hallett, “Sketch of the History of Brunei” in Journal of the Malay Branch of the Royal Asiatic Society (hereafter JRAMBS), August 1940. Low’s information is from family records of the Brunei rajas which he translated. Together these two sketches furnish most of what is known about Brunei before the 19th century.

\(^5\) Hughes-Hallett, p. 24.


\(^9\) N. Saleeb, History of Sulu, Manila 1908, is perhaps the most complete history of Sulu.
Batara of Sulu arrived on the scene with several pĕrahus filled with warriors.\textsuperscript{10} Sulu tradition holds that both rivals sought the aid of the Sulus. Muaddin, who probably had the more legitimate claim,\textsuperscript{11} was successful in bargaining with the Batara. He reportedly received help by offering the Sulus some Brunei territory in northern Borneo from Pulau Sebatik on the east coast to Kimanis on the west coast.\textsuperscript{12} With the aid of the Sulu warriors Muaddin suppressed his rival and established his rule. H. Low's account says the Brunei people looked on while the Sulu people did the fighting. According to H. R. Hughes-Hallett it is not clear whether Brunei ceded northern Borneo to Sulu or whether the latter claimed it as the reward for military aid.\textsuperscript{13} The Sulu claim has been disputed by successive Sultans of Brunei who have denied that a cession of North Borneo to Sulu ever occurred.\textsuperscript{14} Sulu had little success, if indeed an effort was made, in establishing her rule over the area.\textsuperscript{15}

This was the state of things when Alexander Dalrymple, representing the British East India Company, arrived in Sulu late in 1760. He was charged by the company with the establishment of a factory in the Sulu seas in an attempt to exploit the trade of that area and to attract the traders from northern China who frequented the islands.\textsuperscript{16} In 1761 Dalrymple entered into an understanding with the Sultan of Sulu for the grant of a site for a factory, and he negotiated a treaty of friendship and commerce.\textsuperscript{17} He selected Balembangan Island, off the north point of Borneo, as the location for a company establishment. The island was ceded to the company in September of the following year. When Britain occupied Manila soon after, Dalrymple was instrumental in reestablishing the legitimate Sultan of Sulu, Alimuddin, in the islands in place of the usurper, Bantilan, with whom Dalrymple had previously treated.\textsuperscript{18} By the Sulu-British treaties of 1763 and 1764 not only were the former agreements confirmed but the Sultan awarded to the East India Company his claim in northern Borneo, from Kimanis River on the northwest coast to Trusan on the northeast side. The British were also granted the islands of Balambangan, Palawan, Banggi, Balabac and Manak.\textsuperscript{19} This large grant was confirmed and further defined by Sultan Alimuddin in 1769 when Captain Savage Trotter of the East India Company visited Sulu. According to Captain Trotter the Sultan was "extremely solicitous to have a settlement of English absolutely effected in some part of his domain as a balance against the power of the Dutch or Spaniards."\textsuperscript{20}

\begin{footnotes}
\item[10] Batara is a sanskrit title for a great ruler. This may have been the Sultan of Sulu but more than likely one of his rajahs.
\item[12] Low, "Selesilah," p. 15.
\item[15] Alexander Dalrymple, \textit{A Full and Clear Proof that the Spaniards Can Have No Claim to Balambangan,} London 1774, p. 31. Dalrymple puts the date of the Brunei "grant" to Sulu at 1704.
\item[16] V. Harlow, \textit{The Founding of the Second British Empire,} London 1952, pp. 70–97, gives a clear account of the East India Company's Borneo venture.
\item[17] The treaty of 20 November 1761, copy in British Parliamentary Papers (hereafter P.P.), 1882, LXXXI, pp. 530–1. See also India Board to Granville, 11 February 1852, British Foreign Office (FO) Sulu series 71, Vol. I (hereafter as FO 71/1). Dalrymple, p. 32, gives the date of the treaty as January 1761. It is probable that the agreement was negotiated in January and the documents drawn up and signed in November.
\item[18] Saleeby, \textit{History of Sulu,} pp. 72–9.
\item[19] \textit{Ibid.,} grant of 2 July 1764; treaties of 23 February 1763 and 28 September 1764. See also India Board to Granville, 11 February 1852, FO 71/1.
\item[20] Captain Trotter to Court of Directors, 24 December 1769, FO 71/1. The Sultan confirmed the
\end{footnotes}
Most accounts follow Saleebey on this phase of Sulu history. Dalrymple himself was not clear whether Sultan Alimuddin was in Manila “under restraint.” He noted that the Sultan was a professed Christian and thus could not hold the “regal dignity” in Sulu, a Mohammedan state. He further said that Alimuddin had abdicated, but it is unclear whether this was a willful act or an automatic result of his profession of Christianity. In any event a usurper, albeit of the royal line, Bantilan, known as Mohammed Muizzudd Din, had ruled and granted Balambangan to the company. Later, according to Dalrymple, his son as Alimuddin II, granted northern Borneo as well. In 1764 Alimuddin I, as noted, was reinstated and confirmed the grants.

The company failed to establish a permanent factory on Balambangan and the area was abandoned in 1805. Nor did Britain seriously press a claim to North Borneo on the basis of the Dalrymple treaties. The Law Officers of the crown even said in 1879 that the treaties would not support a British claim.

Sulu-Spanish relations until the final capitulation of Sulu in 1878 were characterized by periodic expeditions of subjugation by the Spaniards with more or less indecisive results. These were followed by treaties of capitulation which tended to be of dubious validity as far as the extension of Spanish sovereignty was concerned, because Sulu insisted on returning to its former status as soon as the Spaniards withdrew, and the Spaniards were unable to enforce their rule. The treaties themselves were vague. The treaty of 1836 could be interpreted as either an alliance or a treaty of Spanish protection. An American authority has noted that there is “nothing in the form or substance of that agreement implying Spanish sovereignty over the archipelago, but rather the contrary.” Treaties with the United States in 1842, with France in 1845 and with Raja James Brooke representing Britain in May 1849 at least indicate that Sulu was considered an independent entity.

Britain’s first altercation with the Spanish Philippine Government over Sulu came as a result of the Brooke treaty. In December 1850 the Philippine Government, using steam-powered war vessels recently arrived from Europe, sent a force to subdue and punish Sulu for negotiating with James Brooke. The force under the Governor-General, the Marquis de la Solano, was successful in destroying the Sultan’s capital. The Sultan capitulated and sent a deputation to Manila asking for protection and

cession “from Kimanis on the west side, in a direct line to Towson Abai on the east side thereof with all the lands, places and people within those limits and also all the islands to the northward of the said island of Borneo as Balambangan, Palawan . . .”

21 Dalrymple, pp. 29 and 33. See also H. de la Costa, S.J., “Muhammad Alimuddin I, Sultan of Sulu”, Paper before the International Conference on Asian History, University of Hong Kong, September 1964.

22 Law Officers to FO, 3 February 1879, FO 71/15. The Law Officers were the government’s legal advisers.

23 There were treaties between Sulu and Spain in 1646, 1726, 1737, 1805, 1836, 1851 and 1878. The treaties of 1737, 1836 and 1851 were treaties of “capitulation” which Spain interpreted as acknowledging Spanish sovereignty. See N. 66, and Saleeby, History of Sulu, passim.


26 Brooke to Palmerston, 24 January 1851 in British Foreign Office, Borneo Series 12, Vol. 9 (hereafter as FO 12/9); Farren to Palmerston, 4 May 1851, FO 71/1. See also D. P. Barrows, History of the Philippines, Chicago, 1924, pp. 243-4.
appealing on the basis of the treaty of 1836 to become subject to Spanish sovereignty. Yet after submitting to Spain in a new treaty the Sultan was apparently not sufficiently chastened for he made known to British officials that he was still independent and seeking British protection.

While local British officials were hoping to proceed with the exchange of ratifications of the Brooke treaty the Foreign Office moved cautiously. A diplomatic exchange between London and Madrid followed. Britain refused to acknowledge Spanish claims of sovereignty over Sulu. But upon the recommendation of the British Minister in Madrid, Lord Howden, that the matter “touched the sensibilities of the Spanish cabinet” the British Foreign Office decided the matter should “sleep.”

While maintaining the policy of non-recognition of the Spanish claim of sovereignty over Sulu up until 1885 Britain challenged Spanish pretensions on several occasions, the most significant occasion being when Spain attempted to close Sulu to foreign commerce by a naval blockade in the eighteen seventies. Germany, whose commerce was also affected, joined Britain in a joint demarche to Spain. The resulting protocol of 11 March 1877 settled the immediate issue and recognized a Spanish sphere of influence in the Sulu Archipelago but stopped short of recognizing Spanish sovereignty.

The following year the Sultan of Sulu made the grant of his claim in North Borneo to von Overbeck and Dent. The circumstances surrounding this grant are worth noting. In 1865 the Sultan of Brunei granted to the American Consul, C. L. Moses, the territory from Kimanis Bay to the Paitan River on the northeast coast. Moses sold his interests to a group of Chinese and Americans in Hong Kong led by one Joseph Torrey. This group formed the American Trading Company of Borneo and established a settlement on the Kimanis River. The settlement failed but in 1870 von Overbeck became interested in the company’s grant. In 1874 von Overbeck won the financial backing of Count Montgelas, Secretary of the Austro-Hungarian Embassy in London, and A. B. Mitford, a London businessman. Back in the East, von Overbeck agreed to buy Torrey’s grant for £15,000 if he could procure its renewal. A renewal was obtained, but it was questionable because the elderly Sultan refused a new grant on the advice of the British Consul, Hugh Low, but his heir, and later, regent, the Pengeran Temenggong issued a renewal to Torrey. Alfred Dent now appeared on the scene as chief financial backer in the scheme.

A two part plan was set in motion by the promoters. Von Overbeck obtained a new title to North Borneo and took possession of the territory while Dent set about organizing a company and making preparations to sell the rights upon the best

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27 Farren to Palmerston, 4 May 1851, FO 71/1; and Saleeby, pp. 89-112.
28 St. John to Palmerston, 14 October 1851, FO 71/1.
29 Private letter of Lord Howden to Lord Malmesbury, summer of 1852; and memo. thereon by Malmesbury, 26 August 1852, FO 71/1.
30 See Wright, “British Policy” Ch. V, passim.
33 Agreement of 11 July 1874 between von Overbeck, Montgelas and Mitford; and agreement of 19 January 1875 between von Overbeck and Torrey, in BNBCoP. The latter agreement was only an option to buy Torrey’s title.
possible terms. The new title to North Borneo granted by the Sultan of Brunei covered the area from Kimanis Bay to the Sibuco River on the east coast, or most of present day Sabah with the exception of several river enclaves held by independent chiefs on the northwest coast as noted previously. It is this grant by Brunei which forms the chief constitutional basis for the State of North Borneo. Von Overbeck sought a clear title to North Borneo and so went to Sulu for a similar grant because of the Sulu claim to the area.

Several considerations moved the Sultan of Sulu to comply. For one, he was again resisting a strong Spanish force. At the time the Spanish authorities were encouraging the intrigues against the Sultan of one of his Datos, Haroun al Raschid, who wanted to become Governor of Sandakan. According to one chronicler the agreement for Spanish backing of the Dato had already been obtained when the Sultan saw an opportunity to thwart the intrigue by responding to von Overbeck’s request for a grant of the very area in question. Another consideration was the Sultan’s desire to obtain British support against the Spanish force. The Sultan had been trying for years to involve Britain and Germany in his dispute with Spain. The presence of the acting British Consul to Brunei, W. H. Treacher, in a British war vessel, H.M.S. Hart, which preceeded von Overbeck to Sulu, was a significant indication of British interest. If further indication were needed it appeared when, at the Consul’s insistence, the agreement with the Sultan included a permissory clause. The new owners would not grant any territory without British permission. The thought of having a British settlement nearby under the protection of a consular agent and the British flag was undoubtedly comforting to the Sultan.

A third and minor consideration was the fact that the Sultan received very little benefit from his claim of overlordship over North Borneo. By accepting an annual payment of $5,000 (Malay) from von Overbeck some monetary gain could be realized.

The Sultan, then, granted to von Overbeck and Dent the territory from the Pandasan River on the northwest coast to the Sibuco River on the east coast. This represented a compromise. Sulu claimed the area as far as Kimanis Bay but said that its authority extended only along the coast southeastward from Marudu Bay. For good measure the grant named the Pandasan River as the western limit of the grant.

The syndicate immediately took possession of the area by stationing residents at three points along the coasts of North Borneo. William Pryer was stationed at Sandakan, William Pretyman at Tempasuk and H. L. Leicester at Papar on Kimanis Bay.

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34 The grant of the Sultan of Brunei, 29 December 1877, is in BNBCoP. See also G. Irwin, 19th Century Borneo, Singapore 1965, p. 200. For a discussion of Dent’s role see Wright, “British Policy,” Ch. V, passim.
36 W. B. Pryer, op. cit. Later in the century the Spaniards installed the same Dato as a puppet Sultan of Sulu.
37 W. H. Treacher was acting Consul and acting Governor of the Colony of Labuan. His part and the support which the Dent-von Overbeck project received from the British Foreign Office under the influence of Julian Pauncefote, Assistant Permanent Undersecretary, is fully discussed in Wright, op. cit.
38 See W. B. Pryer, op. cit., and Treacher, op. cit.
39 The grant, dated, 22 Jan. 1878, is in BNBCoP.
40 Treacher to Derby, 22 Jan. 1878, FO 12/53.
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Two weeks after the Sultan's grant to von Overbeck and Dent the Spanish efforts to extend their control over Sulu bore fruit. On February 5 the Sultan was persuaded to sign a treaty of capitulation. Although the agreement was liberal toward Sulu inasmuch as the Sultan was allowed to fly his own flag and receive a pension, it granted to Spain the sovereignty of Sulu.41

There is no doubt of the Sultan's reluctance to submit to Spain for he considered the Spanish request for a treaty as an ultimatum and he was unable to longer resist Spanish pressure. Indeed, he made an effort before signing to gain British support by offering to cede all of the Sulu Archipelago except two small islands to von Overbeck and Dent if the British government approved.42 Before ratification of the treaty the Sultan requested British and German mediation between Sulu and Spain.43 But while Britain and Germany were discussing joint action the Manila authorities prevailed upon the Sultan to sign an unconditional cession of Sulu and all its dependencies to Spain. This he did on July 22, 1878, being no longer able to wait for the long desired British-German intervention.44

The Spanish authorities immediately applied the treaty to North Borneo as constituting a Sulu dependency. They compelled the Sultan to write a letter to von Overbeck cancelling his grant.45 But the Sultan had foreseen such a contingency and had told von Overbeck that if he received such a letter in the Sulu language rather than the Malay, or which was improperly sealed, he could consider it as worthless, having been dictated by the Spaniards.46 This was confirmed in a later letter to von Overbeck, and when acting Consul Treacher visited the Sultan the following year the Sultan repeated that the Spanish-Sulu treaty did not apply to North Borneo.47

There followed a correspondence between von Overbeck and the Spanish Governor of Sulu, Carlos Martinez, in which von Overbeck maintained that he represented British interests and that the Spanish treaty could not possibly supercede the Sultan's grant of North Borneo made six months previously.48 The Spaniards followed this up with the visit of a naval vessel to Sandakan where they threatened to oust Pryer from his residency.49 Spanish ships also appeared at Marudu and Tempasuk and urged the people of those places to raise the Spanish flag. It is noteworthy that the people refused to comply.50 Pryer surrounded himself with the chiefs and people in Sandakan and resisted the Spanish efforts. He was supported by a British commercial

41 Treacher to FO, 20 April 1878, enclosing a copy of the treaty; and Walsham (in Madrid) to FO, 12 March 1878, FO 71/13.
42 See e.g. West (Madrid) to Salisbury, 23 September, 1878 in British FO Confidential Print NO. 4033, "Sulu." The Sultan "hard pressed" decided to give in to Spanish "pecuniary terms." Gov. Robinson of Singapore (telegram) to Colonial Office (hereafter CO), 22 Feb. 1878, FO 71/13.
43 Treacher to FO, 20 April and 31 May 1878, FO 71/13.
44 Correspondence between Odo Russell (in Berlin) and FO, Walsham (in Madrid) and FO between FO and CO, FO 71/13, passim.
45 Sultan to von Overbeck, 22 July 1878, BNBCoP. Copy also in FO 71/14, and noted in P. A. Ortiz, S.J., "Legal Aspects of the North Borneo Question" in Philippine Studies, Jan. 1963, pp. 25–26.
46 Treacher to FO, 24 August 1878, FO 71/14.
47 Sultan to von Overbeck, July 1878, in BNBCoP; and Treacher to CO, 25 April 1879, FO 71/15. The Sultan reported that the letter of 22 July was written by the Spanish interpreter and he had signed under protest.
48 Correspondence between 22 July and 19 August 1878, BNBCoP. See Ortiz, p. 25.
49 Treacher to FO, 24 Sept. 1878; Mackenzie (in Manila) to FO, 24 Oct. 1878, FO 71/14; W. B. Pryer's Diary, entry for 3 Sept. 1878; and von Overbeck to Pryer, 8 Nov. 1878, BNBCoP.
50 Treacher to FO, 24 Sept. 1878, FO, 71/14.
vessel which was in the harbor. The incident became the subject of diplomatic correspondence between London and Madrid.

The Anglo-Spanish dispute was settled after lengthy negotiations over the next seven years. As early as January 1877 the Spanish Foreign Minister told the British Minister in Madrid, Henry Layard, that Spanish claims of sovereignty were limited to Sulu and that Spain had no designs on Borneo. When Spain was queried on the Sandakan incident the Spanish Foreign Minister replied that it was all a mistake, Spain was not interested in North Borneo. But this was to be an example of policy in Madrid not being implemented in the Philippines, for several more attempts were made during the next three years to establish a footing upon the northeast coast.

It is clear that the British interest was in safeguarding North Borneo as a British sphere; that by refusing to acknowledge Spanish sovereignty in Sulu Britain was keeping Spain as far away from North Borneo as possible. Lord John Wodehouse, Parliamentary Undersecretary at the Foreign Office in 1860, had written,

We have, I should think, very little interest in the independence of Sulu. But if we admit the right of Spain, we ought to know how far those rights extend and on what they are based.

By 1881 the question was changed only in the fact that a British directed project was afoot to bring North Borneo under closer British control. In order to achieve the strongest possible government support for the von Overbeck-Dent project, which was the pressing question, and at the same time to forestall Spain's occupation of North Borneo, the Foreign Office continued the policy of non-recognition of Spanish claims of sovereignty over Sulu as well as over North Borneo. When Spain protested against British support of the North Borneo project and reports began to come in of a resumption of Spanish attempts to occupy North Borneo the Foreign Office decided that the uncertainties of Britain's position in the area must be removed.

Two years previously a plan had been devised by a legal assistant in the Foreign Office, F. S. Reilly, which was to form the basis of the 1885 agreement. Britain should recognize Spanish sovereignty in the Sulu Archipelago in return for Spain's abandonment of any claim on mainland Borneo. At the time, however, the Foreign Office decided to make a strong protest to Spain over the whole sovereignty issue. This would give room for negotiation and the Reilly plan could well be the end result. Finally the plan was put forward in 1881 and Spain agreed to it. In due course Germany became a party to the negotiation, her interest being based on the 1877 protocol. The new protocol was signed in Madrid in March 1885. By it Spain renounced "as far as regards the British government, all claims of sovereignty over the territory of the continent of Borneo, which belong or have belonged in the past

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51 Pryer's Diary; Ada Pryer, op. cit; see also W. C. Cowie, "North Borneo and How It Became British" in London and China Express, 27 Nov. 1908.
52 Layard to Derby, 3 Jan. 1877, FO 71/10.
53 West to FO, 9 Oct. 1878, FO 71/14.
54 Wodehouse minute on a Spanish Note, 27 July, 1860, FO 71/1.
57 Granville to Spanish Minister, 7 Dec. 1881, FO 12/58; FO to Morier, 25 Jan. 1882, FO 71/16; and and Morier to FO, 7 March 1885, FO 71/17.
to the Sultan of Sulu.” Britain and Germany recognized Spain as supreme in the Sulu Islands. Thus the British and Spanish spheres was defined.

The State of North Borneo was the fruit of British success in diplomacy which culminated in the protocol of 1885. Britain ended this phase by granting a protectorate over the state three years later. The line of demarcation between the Philippines and North Borneo was drawn by treaty between Britain and the United States, the successor to Spain in the Philippines, in 1930. Britain was acting in her role as protecting power of North Borneo. Then North Borneo became a crown colony after World War II. The Sulu Islands and North Borneo have become respectively part of the Republic of the Philippines and the Federation of Malaysia, the successors to Spain and the United States on the part of the Philippines, and of the British North Borneo Company and Britain with respect to Malaysia.

The Philippines claim North Borneo as successors in sovereignty to the Sultanate of Sulu. Whether Sulu ever held sovereignty over North Borneo is open to dispute. A claim to North Borneo did exist on the part of Sulu, however. The issue is further complicated by the grant which the Sultans of Sulu in the eighteenth century made of their claim to the English East India Company. It is necessary, therefore, to analyze and interpret these various claims and grants. First we shall consider the Sulu claim of sovereignty over North Borneo.

The Philippine government has not produced, and it is doubtful if there is extant, a document by which Brunei granted North Borneo to Sulu. It is only the weight of Sulu tradition which sustains the Sulu claim to ownership of the area. Historians dealing with Sulu, of which probably the most reliable is Najeeb Saleeby but including Jose Montero y Vidal and Juan de la Concepcion, and recent articles by Pacífico A. Ortiz, S.J., Horacio de la Costa, S.J. and Cesar Adib Majul assume that Brunei ceded North Borneo to Sulu. Majul puts the date of transfer as late in the seventh century, while Saleeby pinpoints it as 1704. Europeans visiting Sulu in the eighteenth and nineteenth centuries, such as Alexander Dalrymple in the seventeen sixties, Thomas Forrest in the seventeenth seventies and Raja James Brooke in 1849, note that Sulu claimed sovereignty over North Borneo. Others doubt the veracity of the claim. Hughes-Hallet, as cited above, notes that it is not clear whether the Sulu claim arose from a cession of the territory by Brunei or from its seizure by Sulu. Hugh Low, writing in 1880, reported that the then Sultan of Brunei and the “Selesislah” (Tarsila) of Penterin Kasuma, which he translated, both denied that Sulu had aided Brunei

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61 The grant in 1903 of the Turtle Islands and their subsequent return to the Philippines have no bearing upon the Philippines claim. They had been administered by the North Borneo Company but subsequently found to lie on the Philippine side of the demarcation line of 1930.
63 J. Montero y Vidal, Historia de la pirateria malaya-mahometania en Mindanao, Jolo, y Borneo, Madrid, 1888; de la Concepcion, Historia general de Filipinas, v. XII, Manila 1788–1792; Ortiz, op. cit.; and H. de la Costa, op. cit., and Cesar Adib Majul, “Political and Historical Notes on the Old Sulu Sultanate,” paper before the International Conference on Asian History, University of Hong Kong, September 1964.
64 Dalrymple, op. cit.; Henry Keppel, Voyage to the Indies Archipelago in 1850 in H.M.S. Maeander, London, 1853; and T. Forrest, A Voyage to New Guinea and the Moluccas from Balambangan including an account of Magindanao, Sooloo and the other Islands, London, 1779.
in an eighteenth century civil war and was granted North Borneo in return. Low is more explicit in his notes on Brunei’s sovereignty over the north of Borneo in a report to the British Foreign Office in 1875. Brunei, said Low, strongly asserted her sovereignty over the area. In 1889, W. H. Treacher reported substantially the same thing. 64

There is, then, at least equal weight to the Brunei tradition that sovereignty over North Borneo rested with the Sultans of Brunei until the area was ceded by Brunei in December 1877 to von Overbeck and Dent. That Brunei transferred the sovereignty to von Overbeck and Dent has not been denied by Brunei. As in the case of the several cessions of Brunei territory to Sarawak the new owners paid a yearly subsidy to the Sultan. Raja Charles Brooke of Sarawak, who had little reason to desire the transfer of North Borneo to a company, for he had ambitions of absorbing all Brunei territory, and who even opposed the transfer, admitted that the transfer was “not just a lease but the sale of land, rights and people of the area.” He noted “the criminal recklessness displayed by the Brunei government in thus signing away sovereign rights.” 65 It is important here only to note that Brooke, who probably knew more of Borneo affairs than any other European of the period, had no doubts as to the nominal sovereignty of Brunei in North Borneo.

Sources of the traditions in both Sulu and Brunei rest upon the various tarsilas—those of Sulu supporting the thesis of Sulu overlordship in North Borneo, and those of Brunei supporting Brunei tradition. Tarsilas must be assessed as not strictly reliable for historical purposes. Being genealogies of dynasties their writing was subject to all the obvious abuses of fact in order to present the royal record in a favorable light. 66 This being the case, Sulu’s claim remains unsubstantiated.

Brunei held nominal sovereignty over North Borneo up to 1878 although much research remains to be done in order to document it in precise legal terms. It is certain, however, that neither Brunei nor Sulu held de facto control over the area. Like most of the Malay states of the East, Sulu and Brunei had long since become weak and corrupt. The effective rule of these states was not felt far beyond the Sultan’s seat of residence. While some respect for the Sultan of Sulu’s title and spiritual leadership as the leading chief of the area may have existed on the Borneo coast closest to Sulu, it is clear that the Sultans enjoyed no great authority on the Borneo mainland. This was because the Sulu people aided and abetted the fierce Ilanun and Balagnini pirates who constantly raided the villages on the coast and rivers of North Borneo, plundering and taking slaves. 67 Captain Henry Keppel gives a vivid, first-hand account of the chaotic conditions along the northeast coast in 1850. After noting that the coast was infested with pirates he referred to an interview which he had with a Dato in Marudu Bay,

“... he and the chiefs with him admitted that nothing could be worse than the unprotected state and want of government under which they lived; that each petty

64 Low to Foreign Office, 6 July 1875, FO 12/41; see also N.14.
65 Sarawak Gazette (Kuching), 24 April 1878.
66 For a discussion of Sulu tarsilas see Majul, op. cit. The Spanish-Sulu treaties are only slightly more reliable. They refer to the relationship between Sulu and North Borneo variously as dependency (Treaties of 1851 and 1878) and as tributary (Treaty of 1836).
67 See K. G. Tregonning, “The Elimination of Slavery from North Borneo” in JRASMB, Vol. XXVI, pp. 24-36 (1953). The article notes that as late as 1878 some 600 people were captured as slaves by pirates in the neighborhood of North Borneo.
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chief quarreled with and attacked his weaker neighbors, while they in turn lived in constant dread of an attack from the more formidable Bijow or Soloo pirates.68

It is certain that the local chiefs considered themselves independent of Sulu and acted accordingly69 just as the chiefs along the northwest coast considered themselves independent of Brunei. In 1878 the chiefs of the northeast coast rejected Sulu and Spanish overlordship in preference to company rule in much the same way that earlier the Malay chiefs of Sarawak preferred James Brooke to the Brunei rulers.70 A year after his arrival William Pryer, the company's resident in Sandakan, could count on the support of some twenty local chiefs and headmen.71

The predominant view of the English and the Americans was that North Borneo properly came within the lands nominally held by Brunei. The American Trading Company did not even consider the possibility of a Sulu claim to the area when they received it as a grant from Brunei in 1865. It was only as an afterthought that Baron von Overbeck went to Sulu for a grant of the area when informed by the acting British Consul-General in Brunei that Sulu claimed the northeast coast. Having agreed to pay Brunei $15,000 (Malaya) per annum for the grant, von Overbeck thought the Sulu claim worth only $3,000 but compromised on $5,000. In the eighteen eighties the United States was apparently satisfied that the whole area was under Brunei and was ceded legitimately by Brunei to the English company, for they were assured in correspondence with the Sultan of Brunei and with the British Foreign Office that the "rights of extraterritorial jurisdiction vested in the United States under their treaty with the Sultan of Brunei of 1850" would be maintained in the company's territory.72 Further it was apparently not seen fit to apply a similar treaty which the United States had negotiated with Sulu in 1842. Had the United States recognized Sulu sovereignty in North Borneo the treaty of 1842 would have applied.

From the foregoing it seems clear that the Sulu claim to North Borneo is not yet proved; that chaotic conditions along the coasts and the weakness of Brunei and Sulu prevented either state from maintaining control over the area; that pirates were the only effective power over large areas of North Borneo; and that effective rule only came to the area with the assumption of control by the British North Borneo Company. The Philippine claim based upon the Sulu claim is thus also not proved.

We turn now to the treaties negotiated at Sulu by Alexander Dalrymple in the eighteenth century by which North Borneo was granted to the English East India Company.73 If we assume, for the sake of discussion, that the Sulu claim to North Borneo was valid, then on the basis of the Dalrymple treaties it can be argued that England had a better claim to the territory than either Spain or the Philippines. Despite the lack of a serious effort by Britain to press a claim on the basis of the

68 Keppel, p. 45. On piracy see L. A. Mills, British Malaya 1824-1867 (Singapore 1925), chs. XII and XIII.
69 Treacher, op. cit., pp. 48-55, June 1890.
72 Commander Schufeldt (U.S.N.) to the Sultan of Brunei, 1 March 1880; and Sultan of Brunei to President of the U. S., 8 March 1880, FO 12/55; Pauncefote memo., 28 April 1883, FO 12/60.
73 For a recent treatment of the incidents surrounding these negotiations see H. de la Costa, op. cit.
treaties, and despite the advice of the British Law Officers that the treaties could not
sustain a claim, the claim exists and forms an impediment with which the Philippines
will have to contend in pursuing their present line. If the British stand on the basis
of the 1878 grant were seriously weakened by Philippine argument, Britain’s prior
claim based upon the Dalrymple treaties might be resurrected.

At least twice during the hundred years following the negotiation of the treaties,
Sultans of Sulu referred to their validity and recognized that North Borneo was
owned by Britain. In 1769 Sultan Alimuddin himself confirmed the transfer and in
1849 Sultan Muhammad Pulalon reminded Raja James Brooke that his great-
grandfather had “ceded” North Borneo to the English.\textsuperscript{74} Several times in the nine-
teenth century the British Foreign Office considered pressing a claim to North
Borneo based on the Dalrymple treaties.\textsuperscript{75} When Spanish war vessels attempted to
raise the Spanish flag over Sandakan and other points along the coast, not only were
they obstructed by company officials but Foreign Secretary Lord Salisbury sent a
strong protest to Madrid, jointly with Germany, mentioning among other things that
the “British prior claim must be respected.”\textsuperscript{76}

While the Law Officers of the crown were undoubtedly correct in thinking that
the Dalrymple treaties would not by themselves sustain a British claim they do
support the thesis that on two occasions Sulu took legal steps to transfer its claims in
North Borneo to British hands. The Dalrymple treaties go a long way toward indicat-
ing that it was a long standing Sulu policy that Englishmen should possess the
neighboring territory. The reasons for this policy are not hard to find. The English
were reputed to be more humane and fair in their relations with indigenous peoples
of the Malay Archipelago than were the Spaniards.

The Philippines argue that their claim rests on the interpretation of the Sulu
grant to von Overbeck and Dent of January 22, 1878, as a lease and not a cession.\textsuperscript{77}
They further point to the letter written by the Sultan of Sulu to Baron von Overbeck
on July 22, 1878, the same day on which Sulu capitulated to Spain, in which the
Sultan supposedly cancelled his grant. But by a later letter from the Sultan we learn
that the letter of cancellation was written by the Spanish interpreter and that the
Sultan signed it under protest. While the Philippines declare that Baron von Over-
beck used threats to compel the Sultan to yield, Consul Treacher reported that
von Overbeck, in all his dealings at Sulu, “acted with the utmost courtesy.” At a later
date the Spanish Governor of Sulu attempted to obtain from the Sultan a pre-dated
cession of Borneo territory to Spain, but the Sultan refused.\textsuperscript{78}

The grant of 1878, written in Arabic script, has been interpreted variously as lease
and as cession. The Philippines cite what is supposedly a copy of the Sultan’s grant
in Arabic obtained in the United States and translated by Professor Harold Conklin
of Yale University. The English version found in the British North Borneo Company

\textsuperscript{74} Capt. Trotter to Court of Directors, 30 Nov. 1769 in \textit{Home Miscellaneous Series}, Vol. 102, pp.
337–8, East India Company papers, India Office Library, London, as noted in V. T. Harlow, \textit{op. cit.}
p. 90, and H. de la Costa, and Keppel, p. 67.
\textsuperscript{75} FO memo., 28 Sept. 1878, FO 12/53; and Wyndham to FO, 27 August 1880, FO 71/15.
\textsuperscript{76} Salisbury to West, 20 May 1879, FO 71/15.
\textsuperscript{77} See also Ortiz, p. 25.
\textsuperscript{78} Treacher to FO, 22 Jan. 1878, FO 12/53; and Treacher to FO, 10 Nov. 1879, FO 71/15.
papers uses the phrase "grant and cede." It is, I think, impossible to apply a precise legal meaning to these terms used in a rather vague way in the nineteenth century. There are many examples of the casual use of these terms where grants of territory are concerned. For example, Hong Kong in 1842 was "ceded" to Britain "to be possessed in perpetuity." But Kow Chow was, in 1898, "ceded" to Germany, for a term of 99 years, and Kuang-Chau Wan was "given by lease for 99 years" to France. The Island of Labuan in 1846 was "ceded" in perpetuity to Britain. The constant factor in all these examples of territorial transfer in the nineteenth century is in the stipulated length of time of the grant. In the case of North Borneo all versions of the grant indicate that North Borneo was transferred, not for a period of years, but "forever and in perpetuity," as in the Conklin translation, or "forever and until the end of time" as in the English version. When it is further considered that von Overbeck's commission from the Sultan of Sulu as Dato, and Raja of Sandakan appointed him "supreme and independent ruler . . . with all powers and rights usually exercised by and belonging to sovereign rulers" it would seem that the intention of the Sultan was clear. He intended that the British company should possess and rule North Borneo as sovereign. He further agreed, in effect, to place the foreign relations of North Borneo in the hands of the British crown by stipulating that the company should not transfer the country to a foreign power without Britain's consent.

Few people seriously questioned the British North Borneo Company's rights of sovereignty until the Philippines pressed their claim in 1962. Most observers of the last and present century refer to the cession as complete. Indeed, Britain in reply to the Philippine claim stated, "Her Majesty's Government are convinced that the British crown is entitled to and enjoys sovereignty over North Borneo . . . " The British and Malaysian view, of course, is that the Republic of the Philippines is the successor to the United States and Spain in the Philippine Islands. As Spain abandoned her claim to North Borneo in the protocol of 1885, and as a line of demarcation was agreed to by the United States and Britain in 1930, the Philippines could not possibly sustain a claim of sovereignty over North Borneo. As for the Philippine argument that sovereignty over North Borneo having been vested in the Sultan of Sulu was thence transferred to the Philippines by cession in September 1962, such an

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80 See E. Hertslet, China Treaties, Vol. 1, London 1908; and Maxwell and Gibson, op. cit., p. 143.
81 Philippine Claim, p. 63; and in BNBCoP. The terms of the Brunei and Sulu grants are substantially the same.
82 This point was further implemented in the British North Borneo Company Charter when Britain retained the right to dissent from, and negate any act of the company in its handling of foreign relations.
83 E.g. Sixto y Orosa, The Sulu Archipelago and Its People, Yonkers 1931, p. 32 says, "In 1878 Sultan Jamalul Alam ceded the remaining Sulu possessions in Borneo to the Sabah North Borneo Company . . . "; Harlow, p. 96; and Keppel, p. 67.
84 British Note to Philippines of 25 May 1962, noted in Philippine Claim, p. 150.
85 "A Proclamation" by the Sultan of Sulu, 25 Nov. 1957 in Philippine Claim, p. 147; and "Instrument of Cession . . . of North Borneo" by Sultan of Sulu, 12 Sept. 1962, Document 84, Philippine Government, Manila. In 1915 the Sultan renounced "his pretensions of sovereignty" which in fact he had not possessed after 1878, in a "Memorandum Agreement" with the U. S. Governor-General of the Philippines (the "Carpenter Agreement of March 1915", Philippine Claim, pp. 126-128. A pronouncement by C. F. C. Macaskie of the High Court of the State of North Borneo in 1939 recognized that the Philippine Government was "successor in sovereignty" of the Sultan and of Spain over the Sultanate of Sulu and does not imply that North Borneo was a part of the Sultanate (see Ortiz, p. 37 and C. F. C. Macaskie, "The Philippine Claim to Borneo" in North Borneo News and Sabah Times, 7 Sept. 1962).
argument falls down when it is considered that the Sultan of Sulu relinquished his sovereignty to Spain in July 1878.

North Borneo became British because of the success of British diplomacy in the nineteenth century. It is clear that Britain did not, after the grant to von Overbeck and Dent in January 1878, consider North Borneo a dependency of Sulu, if indeed it had ever been one, as Spain claimed in her treaty with Sulu of July 1878. If confirmation of the von Overbeck-Dent grant were needed as far as Spain is concerned it was inherent in the abandonment of her claim in the 1885 protocol. Thus if North Borneo had been under Sulu as late as 1885 the protocol would have the effect of partitioning Sulu territory between Spain and the British North Borneo Company. This would have been technically possible because Spain as of July 1878, and not the Sultan, held the sovereignty of Sulu and its dependencies. In theory Spain could dispose of any part of Sulu as she wished or as British and German diplomatic pressure indicated.

Whether the correct term for the Sulu grant of North Borneo is lease as the Philippines contend, or cession, is not the central issue of the North Borneo question. Indeed, the question of sovereignty is not the real issue. The fact is that a British sponsored company legally acquired and effectively ruled the territory, and that Sulu and Spain acquiesced in the scheme. An explanation by the British Foreign Office to the government opposition in Parliament that the company held the territory under the suzerainty of the Sultans of Brunei and Sulu quited opposition to the granting of a royal charter to the British North Borneo Company, but does not negate the contention that sovereignty was effectively held by the company. That was decided in 1885 and confirmed in 1888, in 1930 and in 1946.

Britain and Malaysia have never denied a financial obligation to the descendents of Sultan Mohammad Jamalul Alam with regard to the "cession" money. This is undoubtedly the true issue pending at the present time. It involves questions such as, which of the heirs of the Sultan are entitled to money, should it continue to be paid annually or should a lump sum settle the question. Once the Borneo issue ceases to be a highly charged political question, perhaps the Philippines and Malaysia can settle down to resolving this financial claim, which is the only real point of contention in the Borneo dispute.

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86 Pauncefote memo. to Granville, 8 July 1886, FO 12/55; Pauncefote Minute on CO to FO, 2 June 1881, and Law Officers to FO, 14 July, 1881, FO 12/56; Hansard (British Parliamentary Debates), 3rd series, Vol. CCLXVII, c. 1148 ff., 17 March 1882; and Vol. CCXCV, c. 448-9, 9 March 1885.

87 See the Protectorate Agreement of 1888.
CHARTER granted to the British North Borneo Company, Westminster, November 1st, 1881.

TO ALL to whom these presents shall come, greeting.

WHEREAS an humble Petition has been presented to us in Our Council by Alfred Dent, of 11, Old Street, in the city of London, merchant; the British North Borneo Provisional Association Limited; Sir Rutherford Alcock, of 14, Great Queen Street, in the City of Westminster, Knight Commander of Our Most Honourable Order of the Bath; Richard Biddulph Martin, of 68, Lombard Street in the City of London, banker, a Member of the Commons House of Parliament; Richard Charles Mayne, Companion of Our House of Parliament, Richard Charles Mayne, Companion of Our Most Honourable Order of the Bath, a Rear-Admiral in Our Navy; and William Henry Macleod Read, of 25, Durham Terrace, in the Country of Middlesex, merchant:

AND WHEREAS the said Petition states (among other things) to the effect that on the 29th day of December, 1877, the Sultan of Brunei, in the Island of Borneo, made and issued to the Petitioner Alfred Dent, and another, or one of them three several grants of territories, lands and islands therein mentioned, and a commission:

AND WHEREAS the said Petition further states that by the first of the grants aforesaid the Sultan of Brunei granted to the grantees co-jointly, their heirs, associates, successors, or assigns, all the territory and land belonging to the Sultan on the West Coast of Borneo comprising Gaya Bay from Gaya Head to Loutut Point including Sapangar Bay and Gaya Bay, and Sapangar Island and Gaya Island and all the other islands within the limits of the harbour and within the three marine leagues of the coast, likewise the province and territory of Pappar adjoining the province of Benoni, and belonging to the Sultan as his private property; and in consideration of that grant the grantees promised to pay severally and co-jointly to the Sultan his heirs or successors the sum of four thousand dollars per annum; and by that grant the said territories were from the date thereof declared vested in the grantees their heirs associates successors or assigns for so long as they shall choose and desire to hold them; provided however that the Sultan should have the right to resume the control and government of the said territories if the above-mentioned annual compensation should not have been paid for three successive years:

AND WHEREAS the said Petition further states that by the second of the grants aforesaid the Sultan of Brunei granted to the grantees co-jointly their heirs associates successors or assigns all the territories belonging to the Sultan from the Sulaman River on the north-west coast of Borneo unto the River Paitan on the north-east coast of the island containing twenty-one states together with the Island of Banguey and all the other islands within three marine leagues of the coast for their own exclusive uses and purposes; and in consideration of that grant the grantees promised to pay severally and co-jointly to the Sultan his heirs or successors the sum of six thousand dollars per annum, and by that grant the said territories were from the date thereof declared vested in the grantees their associates successors or assigns for as long as they should choose to hold them; provided however that the Sultan should have the right to resume the control and government of the said territories if the above-mentioned annual compensation should not have been paid for three successive years:

AND WHEREAS the said Petition further states that by the third of the grants aforesaid the Sultan of Brunei granted to the grantees their heirs associates successors or assigns all the following territories belonging to the Kingdom assigns all the following territories belonging to the Kingdom of Brunei and comprising the States of Paitan, Sugut, Bangaya, Labuk, Sandakan, Kina Batangan, Mumiang, and all the territories as far as the Sibuco River with all the islands within three leagues of the coast belonging thereto for their own exclusive and absolute use and purposes; and in consideration of that grant the grantees promised to pay co-jointly and severally as compensation the sum of two thousand dollars per annum; and from that date the said territories were thereby declared vested in the grantees their heirs associates successors and assigns for so long as they should choose or desire to hold them; provided however that the Sultan should have the right to resume the control and government of the said territories if the above-mentioned annual compensation should not have been paid for three successive years:
AND WHEREAS the said Petition further states that by the last-mentioned grant the Sultan of Sooloo on behalf of himself his heirs and successors and with the consent and advice of the Datoos in Council assembled granted and ceded of his own free and sovereign will to the grantees as representatives of a British Company co-jointly their heirs associates successors or assigns for ever and in perpetuity all the rights and powers belonging to the Sultan over all the territories and lands being tributary to him on the mainland of the island of Borneo commencing from the Pandassan River on the north-west coast and extending along the whole east coast as far as the Sibuco River in the south and comprising amongst the others the States of Paitan, Sugut, Bangaya, Labuk, Sandakan, Kina Batangan, Mumiang, and all the other territories and states to the southward thereof bordering on Darvel Bay and as far as the Sibuco River with all the islands within three marine leagues of the coast; and in consideration of that grant the grantees promised to pay as compensation to the Sultan his heirs or successors the sum of five thousand dollars per annum; and the said territories were thereby declared vested in the grantees co-jointly their heirs associates successors or assigns for as long as they should choose or desire to hold them; provided however that the rights and privileges conferred by that grant should never be transferred to any other nation or company of foreign nationality without the sanction of Our Government first being obtained; and in case any dispute should arise between in the Sultan his heirs or successors and the grantees therein in that behalf specified or his Company the matter should be submitted to Our Consul-General for Borneo; and the grantees, on behalf of himself and
his Company further promised to assist the Sultan his heirs or successors with his best counsel and advice whenever the Sultan might stand in need of the same:

AND WHEREAS the said Petition further states that by the last mentioned commission, after reciting to the effect that the Sultan of Sooloo had seen fit to grant unto his trusty and well-beloved friends the grantees certain portions of the dominions owned by the Sultan comprising all the lands on the north and east coast of the Island of Borneo from the Pandassan River on the north-west to the Sibucu of Borneo from the Pandassan River on the north-west to the Sibucu River on the east coast including, amongst others, the States of Paitan, Sugut, Bangaya, Labuk, Sandakan, Kina Batangan, and Mumiang, and all the lands and territories in Darvel Bay as far as the Sibucu River together with all the islands belonging thereto for certain considerations between them agreed, and that one of the grantees therein in that behalf named was the chief and only authorised representative of his Company in Borneo, it was declared that the Sultan of Sooloo has nominated and appointed and thereby did nominate and appoint the same grantee supreme and independent ruler of the above-mentioned territories with the title of Datu Bandahara and Rajah of Sandakan with absolute power of life and death over the inhabitants of the country with all the absolute rights of property over the soil of the country vested in the Sultan and the right to dispose of the same as well as the rights over the productions of the country whether mineral vegetable or animal, with the rights of making laws coining money creating an army and navy levying customs dues on home and foreign trade and shipping and other dues and taxes on inhabitants as to him might seem good or expedient together with all other powers and rights usually exercised by and belonging to sovereign rulers and which the Sultan thereby delegated to him of his own free and sovereign will; and the Sultan called upon all foreign nations with whom he had the formed friendly Treaties or alliances, and he commanded all the Datocs Nobles Governors Chiefs and People owing allegiance to him in the said territories, to receive and acknowledge the said Datu Bandahara as supreme ruler over the said States and to obey his commands and respect his authority therein as the Sultan’s own; and in case of the death or retirement from office of the said Datu Bandahara then his duly appointed successor in the office of supreme ruler and governor-in-chief of the Company’s territories in Borneo should likewise if appointed thereto by the Company succeed to the title of Datu Bandahara and Rajah of Sandakan, and all the powers above enumerated be vested in him:

AND WHEREAS the said Petition further states that all the interests and powers of the grantees under the several grants and commissions aforesaid came to be vested in the petitioner Alfred Dent:

AND WHEREAS the said Petition further states that the Petitioner Alfred Dent and his associates from time to time of necessary expended large sums of money and made great exertions in and about procuring the grants and commissions aforesaid and putting them into use and discharging the obligations arising thereunder:

AND WHEREAS the said Petition further states that the Petitioner the British North Borneo Provisional Association Limited consists of persons who lately agreed to join together for the temporary purposes of acting as intermediaries between the Petitioner Alfred Dent, on the one hand, and a company to be incorporated (if We should so think fit) by royal Charter, on the other hand, and of carrying out until the grant of such a Charter the management of the affairs arising under the grants and commission aforesaid, and who, for convenience of common action and for limitation of liability, have incorporated themselves under the general Statutes relating to companies, that provisional association having for its objects as declared by its Memorandum of Association (among others) the following (that is to say):

To purchase from Alfred Dent his interests and powers in over and affecting territories, land; and property in Borneo and islands lying near thereto, including Labuan;

To acquire by purchase or other lawful means other interests and powers in over or affecting the same territories, lands, and property, and interests and powers in over or affecting other territories, lands, and property in the region aforesaid;

To obtain from the Crown a Charter incorporating and regulating a company constituted with the like objects as aforesaid or other objects relating to any territories, lands, and property as aforesaid;

To transfer to the Company so incorporated any interests and powers as aforesaid for the time being vested in the Association:
AND WHEREAS the said Petition further states that all the interests and powers of the Petitioner Alfred Dent under the several grants and commissions aforesaid have been transferred to and are now vested in the Petitioner, the British North Borneo Provisional Association Limited:

AND WHEREAS the said Petitioner further states that Association will, in accordance with its provisional character indicated in its name, and in pursuance of the express provisions of its Articles of Association, be voluntarily wound up in manner provided by Statute, as soon as a sale or disposal of its territories, lands, and properties to a company to be incorporated (if We should so think fit) by Royal Charter has been effected, and will, after payment and discharge of its debts and liabilities, and after distribution among its members of the proceeds of such sale or disposal and of any other of its assets, be dissolved:

AND WHEREAS the said petition further states that the Petitioners Sir Rutherford Alcock, Richard Biddulph Martin, Richard Charles, Mayne, and William Henry Macleod Read are, with the Petitioner Alfred Dent, the directors of the Association:

AND WHEREAS the said Petition represents that the success of the enterprise in which the Petitioners are engaged as aforesaid would be greatly advanced if it should seem fit to Us to incorporate by Our Royal Charter a company to carry on that enterprise:

AND WHEREAS the said Petition further represents that such a chartered company would render to Our dominions services of much value, and would promote the commercial prosperity of many of Our subjects:

AND WHEREAS the said Petition further represents that the Petitioners are in a position to raise the capital requisite for the proper and effective conduct of the enterprise aforesaid, and they thereby undertake to do so on obtaining the grant of such a Charter:

AND WHEREAS by the said Petition the Petitioners therefore most humbly pray that We will most graciously be pleased to grant Our Royal Charter for incorporating a company to carry on the enterprise aforesaid by such name and with such powers and privileges and subject to such conditions as to Us may seem meet:

NOW THEREFORE WE, having taken the said petition into Our Royal consideration in Our Council, and being satisfied that the intentions of the Petitioners are praiseworthy and deserve encouragement, and that the enterprise in the Petition described may be productive of much benefit to Our dominions and to many of Our subjects, by Our Prerogative Royal and of Our especial grace, certain knowledge and mere motion, have constituted erected and incorporated, and by this Our Charter for Us and Our heirs and Royal successors do constitute erect and incorporate into one body politic and corporate, by the name of the British North Borneo Company, the said Alfred Dent, Sir Rutherford Alcock, Richard Biddulph Martin, Richard Charles Mayne, and William Henry Macleod Read, and such other persons and such bodies as from time to time become and are members of that party, with perpetual succession, and a common seal, with power to alter or renew the same at discretion, and with the further authorities, powers, and privileges conferred, and subject to the conditions imposed by this Our Charter; and We do hereby accordingly will, ordain, and declare as follows (that is to say):

TRANSFER TO COMPANY OF GRANTS AND COMMISSIONS.

1. The said British North Borneo Company (in this Our Charter referred to as the Company) is hereby authorised and empowered to acquire by purchase or other lawful means from the British North Borneo Provisional Association Limited, the full benefit of the several grants and commissions aforesaid, or any of them, as the same is vested in that Association, and all interests and powers of that Association thereunder, and all interests and powers vested in that Association in over or affecting the territories, lands, and property comprised in those several grants, or in over or affecting any territories, lands or property in Borneo or in any island lying near thereto, including Labuan, and to hold use enjoy and exercise the same for the purposes and on the terms of this Our Charter.
FULFILMENT BY COMPANY OF PROMISES OF GRANTEES.

2. The Company, as representing the original grantees under the several grants aforesaid, shall be bound by and shall fulfil the promises of payment and other promises therein made, subject to any subsequent agreement affecting those promises.

BRITISH CHARACTER OF COMPANY.

3. The Company shall always and remain British in character and domicile, and shall have its principal office in England; and all the members of its Court of Directors or other governing body and its principal representative in Borneo shall always be natural-born British subjects or person who have been naturalised as British subjects or persons who have been naturalised as British subjects by or under an Act of the Parliament of Our United Kingdom.

RESTRICTION ON TRANSFER BY COMPANY.

4. The Company shall not have power to transfer, wholly or in part, the benefit of the grants and commissions aforesaid, or any of them, except with the consent of one of Our Principal Secretaries of State (in this our Charter referred to as our Secretary of State).

DIFFERENCES WITH SULTANS.

5. In case at any time any difference arises between the Sultan of Brunei or the Sultan of Sooloo and the Company, that difference shall on the part of the Company be submitted to the decision of Our Secretary of State, if he is willing to undertake the decision thereof.

FOREIGN POWERS.

6. If at any time Our Secretary of State thinks fit to dissent from or object to any of the dealings of the Company with any foreign Power, and to make to the Company any suggestion founded on that dissent or objection, the Company shall act in accordance therewith.

SLAVERY.

7. The Company shall to the best of its power discourage and, as far may be practicable, abolish by degrees any system of domestic servitude existing among the tribes of the coast or interior of Borneo; and no foreigner, whether European, Chinese, or other, shall be allowed to own slaves of any kind in the Company's territories.

RELIGIONS OF INHABITANTS.

8. The Company as such, or its officers as such, shall not in any way interfere with the religion of any class or tribe of the people of Borneo, or of any of the inhabitants thereof.

ADMINISTRATION OF JUSTICE TO INHABITANTS.

9. In the administration of justice by the Company to the people of Borneo, or to any of the inhabitants thereof, careful regard shall always be had to the customs and laws of the class or tribe or nation to which the parties respectively belong, especially with respects to the holding possession transfer and disposition of lands and goods, and testate or intestate succession thereto, and marriage, divorce, and legitimacy, and other rights of property and personal rights.

TREATMENT OF INHABITANTS GENERALLY.

10. If at any time Our Secretary of State thinks fit to dissent from or object to any part of the proceedings or system of the Company relative to the people of Borneo, or to any of the inhabitants thereof, in respect of slavery or religion or the administration of justice or other matter, and to make to the Company any suggestion founded on that dissent or objection, the Company shall act in accordance therewith.

JURISDICTION OVER BRITISH SUBJECTS AND IN MIXED CASES.

11. In case at any time We think fit to make provision by Order in Our Council for the exercise and regulation of Our extra-territorial jurisdiction and authority in Borneo and to appoint any of the Company's officers to discharge judicial or other functions thereunder in Our name, then and so long the Company shall provide all court-houses and establishments necessary or proper in that behalf, and bear all expenses of the of the exercises of the jurisdiction or authority which those officers are so appointed to exercise.
FACILITIES FOR BRITISH NATIONAL SHIPS.

12. The Company shall freely afford all facilities requisite for Our ships in the harbours of the Company.

APPOINTMENT OF COMPANY’S PRINCIPAL REPRESENTATIVE.

13. The appointment by the Company of the Company’s principal representative in Borneo shall always be subject to the approval of Our Secretary of State.

FLAG.

14. The Company may hoist and use on its building and elsewhere in Borneo and on its vessels such distinctive flag indicating the British character of the Company as Our Secretary of State and the Lords Commissioners of the Admiralty from time to time approve.

GENERAL POWERS OF COMPANY.

15. The Company is hereby further authorised and empowered –

(i) To acquire and take by purchase, cession, or other lawful means, other interest or powers in, over, or affecting the territories, lands, or property comprised in the several grants aforesaid, or any interests or powers whatever in, over, or affecting other territories or property in the region aforesaid; and to hold, use, enjoy and exercise the same for the purposes and on the terms of this Our Charter.

(ii) To improve, develop, clear, plant, and cultivate any territories and lands comprised in the several grants aforesaid, or otherwise acquired under this Our Charter.

(iii) To make and maintain therein roads, harbours, railways, telegraphs, and other public works, and carry on therein mining and other industries.

(iv) To settle any such territories and lands as aforesaid, and to aid and promote immigration into the same.

(v) To grant any lands therein for term or in perpetuity absolutely or by way of mortgage or otherwise.

(vi) To make therein exclusive or other concessions of mining forestal or other rights.

(vii) To farm out for revenue purposes the right to sell in the Company’s territories spirits, tobacco, opium, salt, or other commodities.

(viii) To make loans or contributions of money or money’s worth for promoting any of the objects of the Company.

(ix) To acquire and hold or charter or otherwise deal with steam-vessels and other vessels.

(x) To acquire and hold any personal property.

(xi) To deal in merchandise, the growth, produce, or manufacture of the Company’s territories, or other merchandise.

(xii) To carry on any lawful commerce, trade, or dealing whatever in connection with any of the objects of the Company.

(xiii) To establish and maintain agencies in Our Colonies and Possessions and elsewhere. (xiv) To act as agent in the region aforesaid for any other Company or body or any person.

(xv) To sue and be sued by the Company’s name of incorporation, as well in Our Courts in Our United Kingdom, or in Our Courts in Our Colonies or Possessions, or in Our Courts in foreign countries, as elsewhere.

(xvi) to take and hold without licence in mortmain or other authority than this Our Charter, messuages and hereditaments in England and in any of Our Colonies or Possessions and elsewhere, convenient for carrying on the management of the affairs of the Company, and to dispose from time to time of any such messuages and dispose from time to time of any such messuages and hereditaments when not required for that purpose.

(xvii) to do all lawful things incidental or conducive to the exercise or enjoyment of the authorities and powers of the Company in this Our Charter expressed or referred to, or any of them.

QUESTIONS OF TITLE.

16. If at any time Our Secretary of State thinks fit to objects to the exercise by the Company of any authority or power within any part of the territories comprised in the several grants aforesaid, or otherwise acquired under this Our Charter, on the ground of there being an adverse claim to that part, the Company shall defer to that objection.
17. Nothing in this Our Charter shall be deemed to authorise the Company to set up or grant any general monopoly of trade; and, subject only to Customs duties imposed for revenue purposes, and to restrictions on importations similar in character to those applicable in Our United Kingdom, trade with the Company’s territories shall be free.

DEED OF SETTLEMENT.

18. Within one year after the date of this Our Charter there shall be executed by the members of the Company for the time being a deed of settlement providing for –
   (i) The amount and division of the capital of the Company and the calls to be made in respect thereof.
   (ii) The registration of members of the Company.
   (iii) The preparation and the circulation among the members of annual accounts.
   (iv) The audit of those accounts by independent auditors.
   (v) The making of by-laws.
   (vi) The making and using of official seals of the Company.
   (vii) The winding-up (in case of need) of the Company’s affairs.
   (viii) Any other matters usual or proper to be provided for in respect of a chartered company.

19. The deed of settlement shall before the execution thereof be submitted to and approved by the Lords of Our Council, and a certificate of their approval thereof, signed by the Clerk of Our Council, shall be indorsed on this Our Charter and on the Deed of Settlement.

20. The Provisions of the Deed of Settlement may be from time to time varied or added to by as supplementary deed, made and executed in such manner and subject to such conditions as the Deed of Settlement prescribes.

21. AND WE DO FURTHER WILL, ordain, and declare that this Our Charter shall be acknowledged by Our Governors, and Our Naval and Military Officers, and Our Consul, and Our other Officers in Our Colonies and Possessions, and on the high seas, and elsewhere, and they shall severally give full force and effect to this Our Charter and shall recognise and be in all lawful things aiding to the Company and its officers.

   AND WE DO FURTHER WILL, ordain, and declare that this Our Charter shall be taken construed and adjudged in the most favourable and beneficial sense for and to the best advantage of the Company as well in Our Courts in Our United Kingdom, and in Our Courts in Our Colonies or Possessions, and in Our Courts in foreign countries, as elsewhere, notwithstanding that there may appear to be in this Our Charter any non-recital, mis-recital, uncertainty, or imperfection.

   AND WE DO LASTLY WILL, ordain, and declare that in case at any time it is made to appear to Us in Our Council that the Company has failed to comply with any material condition by this Our Charter prescribed, it shall be lawful for Us, Our heirs and successors, and We do hereby expressly reserve and take to Ourselves, Our heirs and successors, the right and power by writing under the Great Seal of Our United Kingdom to revoke this Our Charter, without prejudice to any power to repeal the same by law belonging to Us or them, or to any of Our Courts, Ministers or Officers, independently of this present declaration and reservation.

IN WITNESS WHEREOF WE have caused these letters to be made patent.

WITNESS OURSELVES at Our Palace at Westminster, this 1st day of November, in 45th year of Our reign.
The undersigned, Sir Robert B. D. Morier, Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty, his Excellency Don Jose Elduayen, Marquis del Pazo de la Merced, Minister of State of his Majesty the King of Spain, and Count Solms Sonnenwale, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the German Emperor, duly authorised to bring to a close the negotiations conducted in London and at Berlin during the years 1881-82 by the Representatives of his Majesty the King of Spain at the Courts of Great Britain and Germany, for the purpose of obtaining from these two Powers the formal recognition of the sovereignty of Spain over the Archipelago of Sulu (Jolo), have agreed upon the following Articles:

ARTICLE I
The Governments of Great Britain and of Germany recognise the sovereignty of Spain over the places effectively occupied, as well as over those places not yet occupied, of the Archipelago of Sulu (Jolo), of which the limits are laid down in Article II.

ARTICLE II
The Archipelago of Sulu (Jolo), conformably to the definition contained in Article I of the treaty signed September 23rd, 1836, between the Spanish Government and the Sultan of Sulu (Jolo), comprises all the islands which are found between the western extremity of the island of Mindanao on the one, and the continent of Borneo and the Island of Paragua on the other side, with the exception of those which are indicated in Article III.

It is understood that the Islands of Balabac and of Cagayan-Jolo form part of the archipelago.

ARTICLE III
The Spanish Government renounces, as far as regards the British Government, all claims of sovereignty over the territories of the continent of Borneo, which belong, or which have belonged in the past to the Sultan of Sulu (Jolo), and which comprise the neighbouring islands of Balambangan, Banguex, and Malawali, as well as all those comprised within a zone of three maritime leagues from the coast, and which form part of the territories administered by the Company styled the “British North Borneo Company.”

ARTICLE IV
The Spanish Government engages to carry out, in the Archipelago of Sulu (Jolo), the stipulations contained in Articles I, II and III of the Protocol signed at Madrid, March 11th, 1877, that is to say: “(1) The commerce and the direct traffic of vessels and subjects of Great Britain, Germany, and the other Powers, with the Archipelago of Sulu (Jolo), and in all parts thereof, are declared to be, and shall be, absolutely free; as well as the right of fishing, without prejudice to the rights of Spain recognised by the present Protocol, conformably to the following declarations. (2) The Spanish authorities shall not be able to require in future that vessels and subjects of Great Britain, Germany, and the other Powers, freely repairing to the Archipelago of Sulu, or from one point of it to another indiscriminately, or thence to any other part of the world, shall be under the necessity of touching, before or after, at a point indicated in the archipelago or elsewhere; or of paying any dues whatsoever; or of procuring permission from the said authorities; whom on their side, shall abstain from all obstruction and all intervention in the abovenamed traffic. It is well understood that the Spanish authorities shall not hinder in any manner, or under any pretext, the free importation and exportation of all kinds of merchandise without exception, save at such places as are occupied, and conformably to Declaration III; and that in all the places not effectively occupied by Spain, neither the vessels, nor the subjects above-mentioned, nor their merchandise, shall be submitted to any tax or duty or payment whatever, nor to any regulation, sanitary or otherwise. (3) In those places in the Archipelago of Sulu, which are occupied by Spain, the Spanish government shall be able to establish taxes and regulations, sanitary or otherwise, during the effective occupation of the places indicated. But Spain, on its side, engages to maintain in those places the establishment and employees necessary for the needs of commerce, and for the application of the said regulations.
“It is, nevertheless, expressly understood, and the Spanish Government being resolved on its side not to apply restrictive regulations to the places occupied, undertakes the engagement willingly, that it shall not introduce in the said places any taxes or duties greater than those fixed by the Spanish tariffs, or by the Treaties or Conventions between Spain and any other Power. It shall not, moreover, put into force exceptional regulations applicable to the commerce or to the subjects of Great Britain, Germany, or the other powers.

“In case Spain shall effectively occupy other places in the Archipelago of Sulu, maintaining there the establishments and employees necessary for the needs of commerce, the Government of Great Britain and of Germany shall make no objection to the application of the same rules agreed upon for the places already occupied. But in order to prevent new cases of claims which might arise from the uncertainty as to trade with places which are occupied, and which are subject to regulations and tariffs, the Spanish Government shall communicate in each case the effective occupation of a place in the Archipelago of Sulu to the Governments of Great Britain and of Germany, and shall, at the same time, inform the trading interest concerned by a suitable notification published in the official journals of Madrid and Manila. As regards the tariffs and regulations for commerce agreed upon for the places actually occupied, they shall not be applicable to the places subsequently occupied by Spain until after a period of six months, dating from the said publication in the official journal of Madrid. It is agreed, however, that no vessel or subject of Great Britain, of Germany, or of other Powers shall be obliged to touch at one of the places occupied, either in going or returning from a place not occupied, either in going or returning from a place not occupied by Spain, and that no prejudice will be caused to them on this account, nor in respect of any kind of merchandise destined for a place in the archipelago which is not occupied.

ARTICLE V

The Government of Her Britannic Majesty engages to see that there is entire freedom of commerce and navigation, without distinction of flag, in the territory of North Borneo administered by the company styled “British North Borneo Company.”

ARTICLE VI

If the Governments of Great Britain and of Germany have not refused their adhesion to the present Protocol within a period of fifteen days from this date or if they notify their adhesion before the expiration of this period through their undersigned representatives, the present declarations shall immediately come into force.

Done at Madrid, March 7th, 1885.
Royal Army of Sulu Seeks to Restore the Sultanate in Malaysia’s Sabah State

The Royal Army of Sulu (RAS) is a militant organization with an estimated 200 to 400 members that seeks to reinstitute the control of the historic Sultanate of Sulu over Malaysia’s Sabah State, in the northeastern region of the island of Borneo. RAS fighters claim fealty to the Manila-based Sultan Jamalul Kiram III, one of nine living claimants to the throne of Sulu. A majority of RAS fighters are members of the Tausug ethnic group, the majority ethnic group in the nearby Sulu Archipelago, an island chain belonging to the Philippines.

The Royal Army of Sulu (RAS) is a militant organization with an estimated 200 to 400 members that seeks to reinstitute the control of the historic Sultanate of Sulu over Malaysia’s Sabah State, in the northeastern region of the island of Borneo. On February 9, RAS fighters landed in Sabah from the southern Philippine islands near the busy Malaysian port city of Lahad Datu (Borneo Insider,
February 14). On March 1, fighting between Malaysian security forces and the RAS broke out after several weeks of failed negotiations for the withdrawal of the RAS from Sabah. The fighting, which included air-strikes and mechanized raids by Malaysian security forces, is reported to have killed approximately 62 RAS fighters and ten members of the Malaysian soldiers (Philippine Daily Inquirer [Manila], March 17).

The Muslim Sultanate of Sulu was a small thalassocracy (a state based primarily on maritime territories such as islands and coastlines) dominated by the Tausug. Founded in the 15th century by the Arab explorer Sayyid Abu Bakr Abirin (later known as Paduka Mahasari Maulana al-Sultan Sharif al-Hashim), the Sultanate was based on the island of Jolo in the Sulu Sea southwest of the southern Philippine island of Mindanao. At its height, the Sultanate of Sulu controlled the islands of the Sulu Archipelago, Basilan Island, the southwestern peninsula of the Zamboaga region of the island of Mindanao and the northeastern region of the island of Borneo (currently Malaysia’s Sabah State).

In 1878, the Sultanate of Sulu either ceded or leased (there is a dispute over the exact translation of the agreement) control of its portion of northern Borneo to the British Northern Borneo Company for a yearly sum of money. The British claim to North Borneo was subsequently recognized by the Spanish colonial government in the Philippines, and in 1885 the Spanish relinquished their claim and the Sultan of Sulu's claim to sovereignty over northern Borneo. The Sultanate of Sulu disregarded this Spanish action and has maintained its claim to Sabah to the present day. In 1946, the British made Sabah a crown colony.

Northern Borneo was incorporated into Malaysia upon Malaysia’s independence from Great Britain in 1963. Sabah joined the federation government of Malaysia on the condition that it was an autonomous state with powers of self-determination. The
government of the Philippines still considers northeastern Borneo as part of the Philippines and the Malaysian government pays the descendants of the Sultanate of Sulu $1,700 a year as either rent or purchase of Sabah State, according to the interpretation of the 1878 agreement (Reuters, March 3). Sabah is estimated to have 11 trillion cubic feet of natural gas and 1.5 billion barrels of petroleum in both on and offshore reserves, equaling 25 percent and 12 percent of the Malaysia’s total natural gas and petroleum reserves (Reuters, November 15, 2011).

Sultan Jamalul III stated that the motivation for the invasion was his followers’ dissatisfaction with being left out of peace talks between the Philippine government and the Moro Islamic Liberation Front (MILF, the largest and most powerful Muslim political movement in the southern Philippines), which arrived at a draft agreement in October 2012 with Malaysia acting as a mediatory. Sultan Jamalul III stated that it was his perception that the Philippine government was ignoring him and unwilling to negotiate with Malaysia for reinstitution of the Sultanate in Sabah (Philippine Star [Manila], March 7).

RAS fighters are reported to be under the field command of Sultan Jamalul III’s brother and heir designate, Raja Muda Agbimuddin Kiram (Philippine Star [Manila], February 23). Malaysian security forces report that RAS fighters are utilizing nothing more powerful than assault rifles. It is believed that the RAS invaded Sabah by utilizing small speed boats operated from the southern Philippines island of Tawi-Tawi before infiltrating the region by exploiting family and social ties with Filipino Tausug immigrants (Daily Express [Kota Kinabalu], February 26).

Sabah has an estimated 800,000 Filipino immigrants who migrated to the state due to its proximity, common ethnic ties and Sabah’s expanding palm oil and construction industry. A significant number of Filipino immigrants in Sabah are reported to have received
Malaysian citizenship under Malaysia’s former prime minister, Dr. Mahathir Mohammad, in exchange for Filipino political support for the ruling Barisan Nacional (BN) coalition. The current Malaysian government has begun the process of revoking the Malaysian citizenship of Filipino migrants who received it during Prime Minister Mohammad’s government (Manila Times, March 11). Since the outbreak of the conflict in Sabah, Malaysian security forces have reportedly been intimidating and arresting Filipino immigrants in Sabah forcing thousands of Filipinos to return to the Sulu Archipelago, prompting official condemnation from the Philippine government (Philippine Daily Inquirer [Manila], March 11).

As a result of the intensity of the Malaysian military’s campaign against the RAS, Sultan Jamalul III ordered RAS fighters to remain in Sabah and conduct guerilla warfare (The Philippine Star [Manila], March 18). Malaysian security forces predict that RAS fighters will create “pockets of resistance,” in rural villages in and around the Lahad Datu region and will be supported in this effort by sympathetic Suluk-Tausug villagers native to Sabah (Daily Tribune [Manila], March 19).

Politics of ethnic identity and intra-Moro political rivalries are also complicating factors in the conflict over Sabah. Factions of the Moro National Liberation Front (MNLF), a MILF rival and one of the most powerful political and military organizations in the Muslim-majority Autonomous Region of Muslim Mindanao (ARMM), are reported to be closely tied to the RAS invasion of Sabah. The MILF has been less militant in its rhetoric in support of the RAS than the Nur Misuari faction of the MNLF and supports a negotiated settlement between the Malaysian government and the RAS (Solar News [Manila], February 19). Misuari, the founder of the MNLF and leader what is reported to be its most powerful faction, recently accused the MILF of being an “instrument of Malaysian colonialism” (al-
Misuari and Muhajab Hashim, the head of the Islamic Command Council (ICC - the MNLF’s military wing), have stated that ICC members are “adherents” and “followers” of the Sultan, with the former adding that Sabah is “sacred land” for the Tausug (*Philippine Star* [Manila], March 7; al-Jazeera, March 18). The MNLF draws much of its membership from the Sulu Archipelago (*Daily Tribune* [Manila], March 6).

All factions of the MNLF have publicly stated their support for a negotiated peace between the RAS and the Malaysian government. Former and current fighters of the MNLF are also believed to be seeking to fight alongside the RAS in growing numbers (ABS-CBN News [Manila], March 5). Haji Musa Abdullah, a former MNLF commander, is reported to be the second most powerful officer in the RAS and the strategist who planned the Sabah invasion (*The Star* [Petaling Jaya], March 14).

Misuari is reported to have boasted to a Filipino general that the MNLF retained hundreds of fighters in Sabah and could control it in a couple of hours (Malaysia Today, March 13). MNLF leaders close to Misuari state that the MNLF maintained small arms caches throughout Sabah, a legacy of training the MNLF is alleged to have received from Malaysian security forces during the MNLF’s armed conflict with the Philippine government (1970-1996). MNLF fighters who lived in Sabah before the start of the fighting between the RAS and the Malaysian military are also stated to be recruiting local Filipino Tausug immigrants and native Suluk-Tausug to fight with the RAS (*Manila Bulletin*, March 5).

The conflict in Sabah raises questions over the possibility of competing foreign agendas between the government of the Philippines, Malaysia, the MILF and the MNLF and its political allies in the autonomous Bangsamoro region near Sabah. The MNLF’s
ongoing operations against Abu Sayyaf Group in the Sulu islands and its support for the Royal Army of Sulu indicate that the MNLF is positioning itself to be an assertive force against its intra-Moro enemies and a source of support for its Moro allies in the Bangsamoro region, particularly in the restive Sulu island chains. The possibility of conflict between the Armed Forces of the Philippines and members of those movements seeking to fight in Sabah, particularly the MNLF, could add yet another complication to the already tenuous relations between the emerging Bangsamoro region (including Sabah) and the government of the Philippines.

Nicholas A. Heras is an independent analyst and consultant on Middle East issues and a former David L. Boren Fellow.
Manila, Philippines - The Department of Foreign Affairs (DFA) reminded government agencies yesterday of a government directive not to refer to Sabah as part of Malaysia.

DFA spokesman Raul Hernandez said Malacañang issued Memorandum Circular 162 dated Aug. 20, 2008 entitled “Guidelines on Matters Pertaining to North Borneo (SABAH)” to government departments with regard to any act or statement expressing or implying, directly or indirectly, any recognition of a foreign state’s sovereignty over Sabah, a Philippine territory.

Hernandez clarified the circular, issued by then Executive Secretary Eduardo Ermita by authority of then President Gloria Macapagal-Arroyo, after it was raised in a discussion at a meeting of the National Disaster Risk Reduction and Management Council (NDRRMC) on Monday.

“I understand the subject of whether or not to refer to Sabah as being part of Malaysia was mentioned in that meeting,” Hernandez said.

The Philippines has always maintained historical and legal rights over Sabah.

The circular was issued because of the need for guidelines with regard to activities, acts or statements in relation to Sabah for the protection of rights.
he DFA said the “existing circular has not been amended or changed yet.”

The circular provides that “No department, agency, or instrumentality of the Philippine Government shall make any act or statement expressing or implying, directly or indirectly, any recognition of a foreign state's sovereignty over North Borneo (Sabah) or non-recognition of Philippine title or historical and legal rights to the same.”

Section 3 of the circular provides that reference to North Borneo (Sabah) in official documents should not include its being part of a larger national/federal territory.

**Sultan's relative killed in Sabah**

A relative of Sultan of Sulu Jamalul Kiram III was reportedly killed in Semporna, Sabah after Malaysian authorities had arrested him.

Abraham Idjirani, sultanate spokesman, said Ustadhz Jamjam is a known religious leader in Semporna and in Jolo, Sulu, and not a member of the Sulu royal security force.

"I can’t remember his family name but he is a long time resident of Semporna, having lived there since the 1990s," he said.

Malaysian authorities arrested Jamjam a week ago and he was reported dead either last Monday or Tuesday, Idjirani said.

Meanwhile, Justice Secretary Leila de Lima stood firm yesterday on the finding of probable cause to charge in court 38 accused members of the sultanate royal army arrested upon returning from Sabah last March 13, despite the order of the Tawi-Tawi Regional Trial Court for a reinvestigation.

“It’s only a remedy provided or available to respondents,” she said.

“Since they were indicted via inquest, it’s just natural to seek a full-blown PI (preliminary investigation). It’s not an indication that the case filed was weak.”

Speaking to reporters yesterday, De Lima said she will designate a panel of prosecutors from the Department of Justice (DOJ) to conduct a preliminary
investigation on the charges of illegal possession of firearms and violations of the election gun ban and the Revised Penal Code provision on inciting to war.

The 38 shall remain in detention at a naval facility in Panglima Sugala, Tawi-Tawi pending the court's decision on their motion for reduction of bail, she added.

Chief Public Attorney Persida Rueda-Acosta said the court had originally set bail of P164,000 for each of the accused or a total of P6.2 million.

"We asked the court to reduce it to up to P9,000 each or total of P342,000 for all 38 accused because of their extreme poverty," she said.

Judge Peter Eisma decided to get the DOJ’s comment before ruling on the motion. The DOJ was given five days to comply with the order.

The Navy and Coast Guard stopped the 38 in three separate incidents in waters of Tawi-Tawi.

Defense Secretary Voltaire Gazmin said the Philippines cannot turn over the 38 to Malaysia without a mutual agreement.

“You cannot just send them there. (There) should be a mutually agreed arrangement," he said.

Gazmin said the Philippines and Malaysia have an agreement to exchange information on security matters.

He does not know of any formal request from Malaysia to surrender the 38, he added.

The Philippines has no extradition treaty with Malaysia, Gazmin said.

Sultan's brother’s whereabouts

Security forces have yet to receive reports that Agbimuddin Kiram, brother of the Sultan of Sulu, is now in the country as Malaysian authorities have claimed.
However, Idjirani said the leader of the sultanate’s royal security force in Sabah is still in Lahad Datu.

Gazmin said they have not received any Malaysian intelligence report that Agbimuddin has returned home.

“Remember Agbimuddin has been there for quite some time and he’s been moving in and out of Malaysia so he knows the terrain, he has a lot of relatives,” he said.

“It’s a low intensity conflict. It’s like a fish in the water. The water serves as the support system of the fish. That makes it hard to catch the fish.” — Mike Frialde, Edu Punay, Alexis Romero
LAMPIRAN C
Sanindia Septia Kisedi Putri  
Jakarta, 16 September 1993  
Binong Permai Blok C12 No 7 RT 06 RW 01  
Binong, Curug, Tangerang, Banten  
Phone : 081285776256  
Email : sanindiaseptia@ymail.com

Education
- 2011 – Present : Student of International Relations  
  Faculty of Social Political Science  
  Pelita Harapan University  
  Last GPA: 3.52 (Scale 0-4.00)
- 2008 – 2011 : Student of 65 Senior High School Jakarta  
- 2005 – 2008 : Student of Pramita Junior High School  
- 1999 – 2005 : Student of Persatuan Elementary School

Informal Education
- English Course at English First  
- Private English Course  
- Japanese language training  
- Private Spain Course  
- Computer training in SMAN 65 Jakarta

Experiences
- Intern at Department Export-Import PT. Freeport Indonesia, 2013  
- Public Relations of Himpunan Mahasiswa Jurusan Hubungan Internasional, Universitas Pelita Harapan (UPH), 2012-2013  
- Crew of International Relations Fiesta, Pelita Harapan University, 2011  
- Committee of Social Art, Pelita Harapan University, 2012  
- Leader of International Relations Charity, 2013  
- Secretary of MAKRAB HI UPH, 2011  
- Secretary of International Relations Fiesta, Pelita Harapan University, 2013  
- Committee of Young and Active 2013  
- International Relations Student Communication Forums, 2012-2013  
- Participant of Seminar Communication “Communicating Indonesia: Beyond Natural-Resources and Cultural Cliche”, 2012  
- Participant of Seminar Hukum Humaniter Internasional, 2012  
- Participant of Diskusi Publik Memperingati Hukuman Mati Internasional, 2011
- Participant of National Public Discussion “Prospek Demokrasi di Indonesia: Manfaat dan Tantangan”, 2012
- Participant of Public Discussion “Can Trade Barrier Reduce Deeper ASEAN Integration?”, 2013
- Participant of Learning Skill Training 2010
- Selected as Outstanding Delegates in Beginner only Diplomacy Model United Nations Representing ETHIOPIA, 2012
- Diplomacy Class Model United Nation Representing United Kingdom, 2014