

# Agreement Relating to Malaysia, 1963<sup>1</sup>

The Federation of Malaya, the United Kingdom of Great Britain and Northern Ireland, North Borneo, Sarawak and Singapore;

Desiring to conclude an agreement relating to Malaysia;

Agree as follows: -

## Article I

The Colonies of North Borneo and Sarawak and the State of Singapore shall be federated with the existing States of the Federation of Malaya as the States of Sabah, Sarawak and Singapore in accordance with the constitutional instruments annexed<sup>2</sup> to this Agreement and the Federation shall thereafter be called "Malaysia".

## Article II

The Government of the Federation of Malaya will take such steps as may be appropriate and available to them to secure the enactment by the Parliament of the Federation of Malaya of an Act in the form set out in Annex A<sup>3</sup> to this Agreement and that it is brought into operation on 31st August, 1963 (and the date on which the said Act is brought into operation is hereinafter referred to as "Malaysia Day").

## Article III

The Government of the United Kingdom will submit to Her Britannic Majesty before Malaysia Day Orders in Council for the purpose of giving the force of law to the Constitutions of Sabah, Sarawak and Singapore as States of Malaysia which are set out in Annexes B, C and D<sup>4</sup> to this Agreement.

## Article IV

The Government of the United Kingdom will take such steps as may be appropriate and available to them to secure the enactment by the Parliament of the United Kingdom of an Act providing for the relinquishment, as from Malaysia Day, of Her Britannic Majesty's sovereignty and jurisdiction in respect of North Borneo, Sarawak and Singapore so that the said sovereignty and jurisdiction shall on such relinquishment vest in accordance with this Agreement and the constitutional instruments annexed to this Agreement.

1 Text taken from the National Archives of Malaysia, P.75.

2 Constitutional instruments not annexed hereto (ed.).

3 Not annexed hereto (ed.).

4 Not annexed hereto (ed.).

## **Article V**

The Government of the Federation of Malaya will take such steps as may be appropriate and available to them to secure the enactment before Malaysia Day by the Parliament of the Federation of Malaya of an Act in the form set out in Annex E<sup>5</sup> to this Agreement for the purpose of extending and adapting the Immigration Ordinance, 1959, of the Federation of Malaya to Malaysia and of making additional provision with respect to entry into the States of Sabah and Sarawak; and the other provisions of this Agreement shall be conditional upon the enactment of the said Act.

## **Article VI**

The Agreement on External Defence and Mutual Assistance between the Government of the Federation of Malaya and the Government of the United Kingdom of 12th October, 1957, and its annexes shall apply to all territories of Malaysia, and any reference in that Agreement to the Federation of Malaya shall be deemed to apply to Malaysia, subject to the proviso that the Government of Malaysia will afford to the Government of the United Kingdom the right to continue to maintain the bases and other facilities at present occupied by their Service authorities within the State of Singapore and will permit the Government of the United Kingdom to make such use of these bases and facilities as that Government may consider necessary for the purpose of assisting in the defence of Malaysia, and for Commonwealth defence and for the preservation of peace in South-East Asia. The application of the said Agreement shall be subject to the provisions of Annex F<sup>6</sup> to this Agreement (relating primarily to Service lands in Singapore).

## **Article VII**

(1) The Federation of Malaya agrees that Her Britannic Majesty may make before Malaysia Day Orders in Council in the form set out in Annex G<sup>7</sup> to this Agreement for the purpose of making provision for the payment of compensation and retirement benefits to certain overseas officers serving, immediately before Malaysia Day, in the public service of the Colony of North Borneo or the Colony of Sarawak.

(2) On or as soon as practicable after Malaysia Day, Public Officers' Agreements in the forms set out in Annexes H and I<sup>8</sup> of this Agreement shall be signed on behalf of the Government of the United Kingdom and the Government of Malaysia; and the Government of Malaysia shall obtain the concurrence of the

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5 Not annexed hereto (ed.).

6 Not annexed hereto (ed.).

7 Not annexed hereto (ed.).

8 Not annexed hereto (ed.).

Government of the State of Sabah, Sarawak or Singapore, as the case may require, to the signature of the Agreement by the Government of Malaysia so far as its terms may affect the responsibilities or interests of the Government of the State.

### Article VIII

The Governments of the Federation of Malaya, North Borneo and Sarawak will take such legislative, executive or other action as may be required to implement the assurances, undertakings and recommendations contained in Chapter 3 of, and Annexes A and B to, the Report of the Inter-Governmental Committee signed on 27th February, 1963, in so far as they are not implemented by express provision of the Constitution of Malaysia.

### Article IX

The provisions of Annex J<sup>9</sup> to this Agreement relating to Common Market and financial arrangements shall constitute an Agreement between the Government of the Federation of Malaya and the Government of Singapore.

### Article X

The Governments of the Federation of Malaya and of Singapore will take such legislative, executive or other action as may be required to implement the arrangements with respect to broadcasting and television set out in Annex K<sup>10</sup> to this Agreement in so far as they are not implemented by express provision of the Constitution of Malaysia.

### Article XI

This Agreement shall be signed in the English and Malay languages except that the Annexes shall be in the English language only. In case of doubt the English text of the Agreement shall prevail.

In witness whereof the undersigned, being duly authorised thereto, have signed this Agreement.

Done at London, this 9th day of July, 1963, in five copies of which one shall be deposited with each of the Parties.

*For the United Kingdom:*

HAROLD MACMILLAN

DUNCAN SANDYS

LANSDOWNE

<sup>9</sup> Not annexed hereto (ed.).

<sup>10</sup> Not annexed hereto (ed.).

*For the Federation of Malaya:*

T. A. RAHMAN  
ABDUL RAZAK  
TAN SIEW SIN  
V. T. SAMBANTHAN  
ONG YOKE LIN  
S. A. LIM

*For North Borneo:*

DATU MUSTAPHA BIN DATU HARUN  
D. A. STEPHENS  
W. K. H. JONES  
KHOO SIAK CHIEW  
W. S. HOLLEY  
G. S. SUNDANG

*For Sarawak:*

P. E. H. PIKE  
T. JUGAH  
ABANG HAJI MUSTAPHA  
LING BENG SIEW  
ABANG HAJI OPENG

*For Singapore:*

LEE KUAN YEW  
GOH KENG SWEE