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## Australian Malaysian Singaporean Association

Passages  
April 2013 Edition

### Inside This Issue

- 1 Editor's Note
- 2 President's Review

### AMSA's Activities

- 3 BusNet Forum on Communication and Satisfaction
- 4 Temasek-AMSA Christmas Picnic
- 5 CNY Dinner and Karaoke Night

### Features

- 7 My Emceeing Experience at AMSA's 42<sup>nd</sup> Annual Gala Dinner
- 8 Jackie
- 9 Selling Properties in NSW
- 11 Chinese Ethical Beliefs
- 17 What if Brunei Never Ceded Sabah to the Sultanate of Sulu?

## Editor's Note

Greetings from your editorial team! On behalf of the Committee, I would like to remind our members of AMSA's 2013 Annual General Meeting (AGM) which will be held at 2pm, Saturday, 20 April 2013 at Sydney Mechanics' School of Arts, Level 1, 280 Pitt Street Sydney 2000, NSW. Members should have received an e-mail attaching AGM Notice, Nomination, Proxy Forms and a summary of the roles and responsibilities of the Executive Committee Members. Members who have not received this e-mail or have queries in relation to the AGM in general, please contact President Tong by e-mail at [eltong@benbonintl.com](mailto:eltong@benbonintl.com). Please also take note that only Financial Members are allowed to cast their votes. Members whose AMSA memberships are due to expire or have expired are encouraged to renew them if they wish to cast their votes at the AGM. There will be fresh candidates running for various positions in the Executive Committee and some changes of the old guard, including our President and our Editor (myself).



In the President's Review section of this issue of *Passages*, President Tong briefly highlights the activities held by AMSA in the past six months. Detailed versions of these reports are included in the AMSA Activities section. President Tong also shares his thoughts on the upcoming AGM.

Making a debut in the Features section is Ms Juliana Jamal. She shares with us her experience in hosting AMSA's 42<sup>nd</sup> Annual Gala Dinner held in October last year. We have also included various informative legal articles contributed by our regular contributors Mark Khoo of Salvo's Legal and Jeffrey Lee of Comasters Law Firm. Michael Toh, a retired psychologist and myself have also respectively contributed two articles to this section which would stimulate your intellectual senses.

I wish to thank President Tong and the Committee for this brief but wonderful experience as an editor. Our new editor will be unveiled in the next issue of *Passages*.

**Alvin Lee**  
Editor

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*'A job well done'."*

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## President's Review

It has been four months since the last issue of *Passages*. During that time we managed to squeeze in three AMSA events, namely the BusNet Forum, Christmas Picnic at Lane Cove Park and CNY Dinner and Karaoke Night at Kualu Restaurant. Reports and photos of these were already posted on our website and Facebook but will appear elsewhere again in this issue.

On 20 April 2013, we will have our all-important Annual General Meeting, when members will elect a new Executive Committee to take AMSA forward. Notices relating to the AGM are already broadcast but I would like to repeat the main points I made in early March 2013 as follows:

1. Some members of the present Committee will not be standing for re-election, including the President;
2. We are calling for nominees among our younger members to run for office in the next Committee;
3. In order to stand for election, appoint proxies and vote at the AGM, please be reminded to renew your membership before the AGM date if applicable;
4. AMSA is in a very healthy financial position, full details of which will be made known at the AGM.
5. AMSA's management, both internal and external, is at near peak performance. But more still remains to be done, from younger people with new vision, fresh ideas and bolder initiatives;
6. Some outgoing Committee members, including the President, will be happy to help with the transition of the new Committee; and
7. Lastly, we do not foresee a new Committee not being elected, as this might precipitate the dissolution of AMSA by a Special Resolution. AMSA has been with us since 1970, so it would be a sad eventuality.

May I conclude by saying, on behalf of the Executive Committee, that it has been an honour and privilege to have served AMSA for the last two years. Without support from loyal sponsors, AMSA members, like-minded associations and friends, the outgoing Committee could not say with pride, 'A job well done'.

**Elvan Tong**  
President

## AMSA's Activities

### BusNet Forum on Communication and Satisfaction

Saturday, 1 December 2012

By Elvan Tong

This Forum was attended by 30 AMSA members and friends who were treated to a feast of valuable information from Philip Bendeich, Anna Perdriau and Elvan Tong.

Philip and Anna delivered their Accent Reduction for Business and Professionals presentation in an interactive manner that took us through the origins of the English language, including why some of our quirky rules of pronunciation exist. They highlighted the importance of applying the correct rhythms to the spoken word as the key to being understood. The highlights included the use of bongo drums to demonstrate these rhythmic patterns and the practice of vocal cord warm-ups and tongue twisters.

Elvan presented the topic of measuring satisfaction. We face many choices and make numerous decisions daily. Each decision has various degrees of importance, the meeting of which amounts to satisfaction of the decision or choice we make. In order to measure satisfaction, we need three parameters: expectation (from the decision we make), importance (of that expectation) and performance (how that expectation is met). Using a management tool that he developed, C.O.R.E. Analysis, Elvan demonstrated, in the context of a business, how Customer Satisfaction is measured. Simply put, if the importance of an expectation (of the customer) is met or exceeded by performance (from the business), then the business will usually succeed and even thrive. Elvan urged attendees to put the C.O.R.E. Analysis to good use, not only on their business but also in their interaction with people, their family, friends and associates. This is especially pertinent in face-to-face selling situations, where influencing people and generating trust are paramount.

The Forum ended with an attractive coaching offer from Philip and Anna, and some business handbooks from Elvan that were won by four lucky winners.





## Temasek-AMSA Christmas Picnic

Sunday, 16 December 2012

By Elvan Tong

We would like to thank the President of the Temasek Club, Pauline Heng, for inviting AMSA members and their families to their Christmas Picnic at Lane Cove National Park on Sunday 16 December. Some 60 members and friends from both organisations, including 15 children, were blessed with fine weather, good facilities and wide open space for fun and games with the children.

The idea of bringing your own food produced an extensive range of simply delicious dishes for all to enjoy. The Club provided a little extra - many types of *nonya kuehs*, fruits and soft drinks. After lunch Dr Nutcase (a professional clown) and a contribution from AMSA, arrived to entertain the children as well as adults with his tricks and comic routine. While waiting for Santa, William Ng led a Christmas carols session. The highlight, for the children of course, was the distribution of Christmas gifts by Santa, with assistance from his little helper and Dr Nutcase.

Our congratulations to Pauline Heng and her team for their exemplary organisation of the event.



## CNY Dinner and Karaoke Night

Saturday, 23 February 2013

By Elvan Tong

We never had so much fun in any of our past events than on Saturday 23 February at our CNY Dinner and Karaoke Night, Kuala Malaysian Restaurant, Lane Cove. After a slow and hesitant start, all 50 guests finally got into the swing of it. President Elvan Tong kick started the singing with a number by Frank Sinatra 'Strangers in the Night'. Our dynamic hostess, Juliana Jamal, in her striking red cheongsam delighted our guests with her rendition of several songs, including the classic from Whitney Huston 'The Greatest Love of All'.

It was shortly after dessert that topped off our delicious dinner did the singing began in earnest. You better believe it that within AMSA there are many hidden talents, as the following names will attest: Janet Chuah, Issy Lo, Peter Khoo, Peter Wong, Rita Wong and Juliana each received a bottle of wine for their sportsmanship. The final three winners were: Ian Kok (3rd), Heng Lee Ming (2nd) and Phillip Haywood (1st). They received generous gift vouchers for magnetic jewellery donated by Sherlyn van der Voort of Energetix Australia.

We would like to thank Evon Siu of Kuala Restaurant for her hospitality and donation of five \$20 gift vouchers for the lucky draw prizes, Bobby Tan our karaoke DJ and his two assistants for making the singing much fun and less daunting. Lastly, to our Committee members present to help with the logistics during the evening.





## Features

### My Emceeing Experience at AMSA's 42<sup>nd</sup> Annual Gala Dinner

By Juliana Jamal

I would like to share my experience in emceeing one of AMSA's grand events – the AMSA 2012 Annual Gala Dinner. This is not a report on what had actually transpired but rather my own sense of being in a vibrant atmosphere replete with cultural richness.

It was an absolute pleasure to emcee this Gala Dinner. It gave one a sense of pride and togetherness as one community. There was an atmosphere of camaraderie as Malaysians, Singaporeans, their friends, business associates and even complete strangers found reason to introduce themselves, in anticipation of an evening of feasting, entertainment and merry making.

As I called the proceedings to order, there were close to 300 beaming faces looking up at me. Singaporeans, Malaysians and Australians gathered at the Zilver Restaurant to celebrate 'unity from diversity', the theme for the event. The attendees came from all walks of life, e.g. business sponsors, working professionals, family members and young students. There was a buzz in the air as guests looked forward to an evening of wining, dining and entertaining. A sense of '*Muhibbah*' (togetherness) among those present hit me. I felt proud that, for whatever reasons we Malaysians and Singaporeans had migrated, we would always bring with us the chatting and eating atmosphere and culture. The night was similar to a '*Pasar Malam*' back home, good homely noises like music to the ear.

Another delight during the evening was the sight of ladies in their best *baju kurung*, *sarong kebaya*, *sari*, *cheongsam* and Vietnamese *ao dai*. Twenty of them formed a parade of these traditional costumes and colours before the guests. The men were not less elegant, with some in smart '*batik*' printed shirts as well as dinner suits.

The evening finished off with the raffle draw, with prizes including cultural items, gift vouchers, appliances, colour TV, paintings, jewelry and practical gifts. The major prize was the Malaysian Airline return ticket that created much excitement. It came as no surprise, as the memory of a free journey back to Malaysia or Singapore is always a fond one.

As the evening came to the end with the last song played by the Band, there were 'goodbyes' and 'goodnights' aplenty, with a tinge of sadness. The happy gathering slowly made its way out into the dark heart of Sydney, many perhaps looking forward to be back again for another AMSA Annual Gala Dinner in 2013.

See you soon Malaysian and Singaporean folks!



## Jackie

By Andrea Christie David

Sourced by Mark Khoo of Salvos Legal

Our first contact with Jackie was at Balmain Local Court in July 2012, when Josh, a Senior Associate in our Humanitarian Team was appearing on behalf of another client. Josh, noticing Jackie standing outside the courtroom in obvious distress approached her to see if he could be of assistance. Jackie explained to Josh that she had just attended her initial court appearance for a mid-range drink driving offence. Josh gave Jackie his card and offered that she could call our office should she require further assistance. A few weeks later Jackie took Josh up on his offer and called to ask for his help. She was scared and couldn't face court again on her own. Josh's card had given her the hope she needed.

When Jackie met with Josh she told him she had been a user of illicit drugs for much of her adult life and had, in fact, become dependent. Jackie was living alone in an inner Sydney suburb and was estranged from her family. There were few people in her life to whom she could turn for guidance, which is why a simple business card, often thrown aside, had been so valuable. Jackie also felt that she possessed few skills that would allow her to obtain a decent job and had therefore turned to the sex industry to support herself.

It was this driving charge that had made Jackie realise she had to turn her life around. In the past she had unsuccessfully attempted to give up drugs, but found it difficult to stop without support. Jackie had turned to alcohol thinking it would be a means of dealing with her cravings for drugs, as at least alcohol was legal. However, a lapse in judgment following a few drinks with work friends at the end of her shift caused her to be in need of our help. At around 2.30am, when Jackie finished drinking with her workmates, she thought it would be too dangerous for her to walk home alone. Her house was only 15 minutes away, so she took the risk of jumping into her car to drive herself home. In her mind, it was a lot safer for her to drive home than to walk alone at that time of night. A short time after setting off on her journey she was pulled over by Police for a random breath test, where her alcohol reading was .09%. Jackie was at breaking point. Her life was falling apart. She had no 'proper' job, she was struggling to deal with her drug dependence, she was alone, and now she had lost her licence.

Josh agreed to act for Jackie on a pro bono basis. At the next court appearance Josh managed to have the matter adjourned so that he could arrange for Jackie to enrol in a Traffic Offender's Program. We felt this would help Jackie's understanding of the seriousness of the offence and show the Magistrate her willingness to learn from her mistake and turn her life around.

Josh also suggested that Jackie meet with our Salvos Legal Chaplain, Major Susan, which she agreed to. Jackie's meetings with Susan proved fruitful, and she was able to openly discuss her addiction and identify ways to deal with her dependence and the issues that stemmed from it. Susan is an expert Salvation Army officer with many, many years' experience in social work and work with people suffering from drug and alcohol addiction. She has an incredibly gentle manner and never gives up on people.

As is often the case in the court processes, Jackie's matter was not resolved for many months. During that time she became distressed, began abusing prescription medication, and made several poor decisions. However, through continued counselling with Susan and a firm approach by the Salvos Legal solicitors working to assist her, Jackie was able to stay committed to achieving the best outcome in her case. This meant getting her back on track with her Traffic Offender's Program, being diligent in gathering character references and other materials, and attending ongoing counselling with Susan. When the final hearing date came around Jackie was anxious and nervous. The solicitor acting on the day made representations to the court seeking to have the matter dismissed, therefore requesting that no fine, disqualification or criminal conviction be recorded. The Magistrate accepted the solicitor's submissions and dismissed the matter. Jackie was obviously overjoyed with the result.

Since her last day in court Jackie has changed her life. She has remained drug free and maintained contact with Susan. She has also reconnected with her family and is now looking to enrol in tertiary studies to enhance her education. Jackie is now definitely on a new and more hopeful path, one that she may not have found if it wasn't for Josh's willingness to approach a stranger in need, and one small business card.



## Selling Properties in NSW

By Jeffrey Lee of Comaster Law Firm

**This paper is a quick overview of selling a property in New South Wales. Its focus is to highlight to vendors the steps in selling a property.**

Before marketing your property, you should have a Contract for Sale of Land already drafted. This Contract can be prepared by your lawyer. You would need to tell your lawyer what items are to be included in the sale and other special requirements, eg. late settlement, early release of deposit, disclosure of any problem with the property, etc. Further information on the Contract for Sale of Land are set out in this article.

### Types of Agency Agreements

Most people engage a real estate agent to sell their property. There are several types of agencies available, including: Exclusive; Auction; Multilist; Sole; and Open. The first two of these agencies provide that only one agent has the right to sell the property. During the exclusive agency period, if you sell the property yourself or through another agent (not the exclusive one), you would still have to pay the exclusive agent their commission.

Multilist agency is where an agent signs an agency with you on behalf of a group of agents. Under this agreement, the listing agent gets a share of commission if another agent in the group sells the property.

A sole agency agreement gives sole selling rights to an agent but allows you to find a purchaser yourself without paying a commission to the agent.

An open agency means that you can appoint as many agents as you like; you only pay commission to the one who sells it.

### Costs of Selling

One of the costs in selling a property is the agent's commission. Normally the commission ranges from 1.5% to 3% of the sale price, depending on whether the sale is done through private treaty or through an auction. Other costs include lawyer's fees and disbursements, survey or council building certificate fees, land tax clearance, discharge of mortgage and associated bank fees, and then there is the removalist's costs.

### Contract for Sale of Land

As you are the Vendor, you are legally required to put specific information into the Contract, known as warranties. As a minimum, a Contract for Sale of Land must include:

1. A copy of the Certificate of Title, which shows the ownership of the property and any dealings on the property registered at the Land and Property Information NSW.
2. Copies of any registered land dealings listed in the Certificate of Title (e.g. easements, covenants, rights of way).
3. Zoning Certificate (known as a Section 149 certificate) which is issued by the Council.
4. Drainage Diagram which shows where sewerage lines are located in your property.
5. If your property is in a strata plan (as is most apartments and some townhouses), you would need to obtain a copy.

By providing the above information in a Contract you are disclosing and making warranties that the land is not subject to any government proposals that might affect the land ('adverse affectation'), that the sewers in your property are those shown in the drainage diagram and that the zoning certificate provides an accurate representation of the current zoning of the land. If a Contract does not comply with the Vendor Disclosure Requirements (ie. does not contain the information stated above), this could have serious consequences, including a rescission of Contract.

If you are selling a house, you may choose to obtain a Survey from a surveyor for inclusion in the contract. It is not a legal requirement but it is common practice to include a survey in the Contract. The cost for obtaining a survey ranges from \$550 to \$1,100. You could also consider including a building certificate or a home owners warranty insurance certificate in the

Contract. The Contract will normally contain standard terms and provisions, which may be slightly amended by inserting 'Special Conditions' into the Contract. It is common for negotiations on some of the provisions of the Contract to take place between the prospective Purchaser and the Vendor prior to exchange or during the cooling off period.

### **Exchange of Contract and Settlement**

When the Vendor and the Purchaser have signed the contract, an 'exchange of contract' will take place, whereby the parties are legally bound to proceed in accordance with the contract. Ten per cent (10%) of the purchase price is normally paid and deposited into the trust account of the selling agent.

Where there is a 'cooling off' period, the Contract will have been exchanged but the Purchaser will have five business days to reconsider whether they wish to purchase the property. Normally 0.25% of the purchase price of the property will be forfeited by the Purchaser when they decide to pull out of the purchase. In some instances where the Purchaser has already engaged a lawyer to look through the Contract prior to exchange of the Contract, the Vendor can request that the Purchaser waive the cooling off period by providing a signed Section 66W Certificate. A sale by auction does not provide the Purchaser with a cooling off period, and the Contract will become binding upon exchange.

After an 'exchange of Contract', settlement (or completion) normally takes place six (6) weeks later. It is the day when the Purchaser hands over the money for the balance of the purchase price of the property; and in return keys are handed over by the Vendor.

One or two weeks prior to settlement, it would be the Vendor's responsibility to arrange the disconnection of electricity, telephone services, and gas (if any).

If you (the Vendor) have council bill, water bill and strata levy (if it is a strata unit) requiring payment within three weeks before settlement, you should consider not settling payment. The council bill, water bill and strata levy will be adjusted between the parties on settlement. Any outstanding council, water and strata bills can be paid from the sale proceeds from settlement.

Land tax (where applicable) will normally be adjusted on settlement. It is advisable to contact the Office of State Revenue whether the Vendor is liable to pay land tax. If selling a commercial property, GST will apply, unless there are exemptions. The sale of an investment property may also result in Capital Gains Tax being payable by the Vendor.

Upon receiving an authorization called 'order on agent' from the Purchaser on settlement, the selling agent will account to the Vendor for the deposit monies (usually 10%) held by the agent less their commission and selling expenses. This usually takes place within three business days after settlement.

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## Chinese Ethical Beliefs

By Michael S.K. Toh,  
29th July, 2010 (revised)

### History and Core Beliefs

The Chinese culture had been deeply devoted to a folk religion of animism, humanism and ancestor worship dating back 1000 years before Taoism and Confucianism came on the scene and 1500 years before the arrival of Buddhism. Both Taoism and Confucianism were evolved through this tradition, and when Buddhism was introduced into China in the first century A.D., it was shaped and formed by the oldest of Chinese beliefs (Sinicized). Thus the Chinese beliefs and religion were evolved in harmony with its traditions. These modifications of beliefs were not in conflict with the Chinese tradition but added to the harmony of things and values of a society that was deeply rooted in respect for Nature and the 'order of things'. It may be said that the Chinese culture has always maintained a balance with Nature and the environment, long before the West talked about the balancing forces of the ecosystem with the discovery of Darwinism. The Chinese have always attempted to work with Nature in the 'order of things' in all aspects of the living, rather than against it.

The homogeneity of Chinese culture and philosophy arose as a result of a gradual natural evolution, where there was no radical and imposing ideologies infringing on its practices for a long period of time, until the 20th Century when the Western powers started to impose their ideologies onto China, creating great contradictions in the way of life that upsets the basic structure of its social system. For a long time, China was insulated from the rest of the world and the 'Central Kingdom' was in fact regarded as the centre of civilization in the East, a model to be emulated by the surrounding kingdoms. For this reason, the philosophy of life and society evolved out of the synthesis and integration of its own internal conditions brought about by the natural course of its history. It is a philosophy that is evolutionary but at the same time homogenous, brought about by gradual changes that conform to harmony of living and respect of nature in the 'order of things'.

Unlike the philosophies of the Middle-Eastern and Western traditions which are somewhat dogmatic and underwent radical changes with time, the philosophy of Taoism and Confucianism is a dynamic system that is evolutionary but at the same time maintains homogeneity throughout the hierarchy of a social system to be guided by changes in abiding with 'nature in the order of things'. It is therefore in the essence of the teachings of Taoism and Confucianism that are responsible for the creation of the social system in China. Through this process it has created a 'way of life' that is continuous giving those who belong to the Central Kingdom 'a distinctive' Chinese-ness in character. China is the only civilization in the world that has a continuous and unbroken line of history whose origins date back to the time when Egypt, Assyria and Babylon flourished, but these culture's hieroglyphs and cuneiform writings are now dead languages known only to a few scholars, while the Chinese language, culture and social system continue to thrive unbroken up to the present millennium.

Universality is an ancient dialectical principle that underlies all Chinese thoughts. Heaven, earth and humankind are seen as 3 components of one unified universe and they are embodied in the concepts of '**Way of Heaven**', '**Way of Humans**' and '**Way of Harmony**'. According to Confucian understanding, the world is sustained by, and structured around, these three 'ultimates'. These three powers work together in an organic cosmos so that 'Heaven', Earth and Humans are the origins of all things. Heaven generates them, Earth nourishes them and humans perfect them. The '**Way of Heaven**' is found in all of 'nature in the order of things', which includes the environment, the ethical, the political and the religious. The '**Way of Humans**' deals with the human correspondence, with and implementation of the integration, political order, and personal destiny based upon the development of virtues and to be civilized. The '**Way of Harmony**' is concerned with how harmony can be achieved between humans and Heaven reflected in between conscious activities and the environment, between individuals, between family members, as well as in society and the world.

All things that exist are in harmony, balanced by opposing forces. The two fundamental and antagonistic principles of 'Yin' and 'Yang' constitute the driving force behind all movements and accountable for the natural evolution of 'nature in the order of things'. 'Yang' is seen as the masculine, proactive, creative and positive principle. 'Yin' is the feminine, passive, reactive and negative principle. In the natural evolution in the 'order of things' the 'Yang' is always the proactive and creative element accountable for change. They complement each other and are intricately interconnected; and it is their working together and against each other that produce everything that we experience progressively in life and manifests in the cosmos. It is in the 'order of things' that accounts for the natural evolution of societies, history of the world and the cosmos.

All things that evolve must be in balance, where the emerging 'Yang' must be counter-balanced and addressed with the reactive 'Yin'. An example of this is in the discovery of the gunpowder which could be used either for good or evil, but under the guidance of the philosophy of the 'Way of Heaven' the reactive 'Yin' emerged in the form of discovery for the use of the 'Yang' in the form of fireworks which enhances harmonious living in the 'order of things'; instead of the West which used this for the invention of guns, thus failed to address the 'Yin', ignoring harmony with the increasing compilation of the 'Yang' in the form of other more destructive weapons; in the process creating more contradictory issues to be addressed. With the Gnostic or metaphysical mindset the process of evolution of the society and culture hinges on the compilation of the 'Yang' without addressing the corresponding harmonious balances of the 'Yin', thus introducing more

contradictions within the system, but nevertheless has the advantage of advancing in the discoveries of more things as in the sciences and the extended intrusion into other systems in its expanding aggressiveness.

Taoism was first taught by Lao Tzu (Old Master) (604B.C.), a much venerated wise man of China. The whole world of Taoism revolves around the concept of **Tao (or Dao)**, which means 'way' or 'path' or 'higher force'. In the big picture, Tao refers to the Way of the universe and everything in it. The philosophy of Taoism teaches that one single Way is the principle of existence and action for the universe as a whole and for all of its parts. One's objective in living is to acquire the *teh* which is a virtue, an ability to live naturally according to the Tao. There are 3 levels of Tao - the universe, the 'Yin' and 'Yang', and the earthly level of heaven, earth and nature. The central term for that which rules the world in cosmic order and preserves the universe is 'ShengTi' meaning 'Lord on High', later referred to by Confucius simply as 'T'ien'(heaven). The Chinese believe in the 'order of things' and that which preserves the order is 'ShengTi', which 'appoints' and 'issues' orders to the emperors who holds the 'mandate'; and 'ShengTi' is creator of everything, yet not one that is to be worshipped. The concept of 'God' is held in awe in the Chinese tradition, one that is not mentioned but respected and lived out by 'being with nature' in the 'order of things'.

Later, under the influence of Confucius (B.C. 551), 'ShengTi' was merely referred to as 'T'ien', or heaven, one step further removed from a personal God. The order in the universe was referred to as 'Tao' (Dao), which means 'path', a primal power that imposed order in nature and the life of mankind. The concept of harmony is very important to Chinese thoughts, for the objective in the 'order of things' must be in harmony. The guiding principle is not to disturb the harmony of life (thus to respect 'nature in the order of things'), but nevertheless addresses disharmonies from within the system, with the means to strengthen the 'Yin' to overcome the emerging 'Yang'. The strengthening of the 'Yin' is aimed at developing harmony of living. The achievement of harmony gives rise to **Te**, which is 'power' or 'virtue', in tune with the Tao. For people who are deeply in tune with such limitless and productive power as Dao, very long life is a real possibility. A peaceful and harmonious society can exist for a long period of time if the values and virtues are exercised among its members in tune with the Tao.

It was Confucius that translated the concepts of Taoism into practical ethical guidelines as to how one should behave towards each other and to create a more harmonious society. At the heart of Confucian, moral education are the four virtues: **Jen** (humanity), **I** (Justice), **Li** (proper behaviour) and **Chih** (wisdom). Thus society must be in order, where everyone has a place and duty in accordance with his/her position in life. The society is governed by a code of ethics. The society follows the same morale principles starting from the nucleus family right up to the emperor. The same ethical codes of conduct are expected to apply throughout the hierarchy. Thus the parent has its duties and obligations to the children and the children in turn have to follow the ethical code of conduct and obligations towards the parents - filial piety and responsibility to siblings according to the order of birth is a moral precepts embraced by all Chinese families. Persons 'born to serve' have their duties and responsibilities expected of them and in turn those who are served have duties and responsibilities towards them, which become an integral part of an extended family. The higher the authority the greater obligations and responsibilities are expected. If individuals practice the virtues expected of them by the respective positions in their lives, peace and harmony in society can be achieved and sustained. The same precepts are expected from the State towards the community and in turn the Emperor who represents 'ShengTi' to bring about order to his creation. It has become a 'way of life' where the values that are adopted which are conceived as universal and humanistic in nature and the ethical conduct that are expected are one and the same, practised throughout the hierarchy and the whole of the society.

To the Chinese, culture is very important and a cultured person (a civilized person) is one who displays all the virtues expected of an educated and wise person in a position of responsibilities. In such a social system all those who are in positions of power and responsibilities are expected to be virtuous and cultured. The process in the selection and appointments of people in these positions is guided by this principle. That is why in the old Chinese tradition all those who aspire to become the ruling class have to undergo a national examination based on their knowledge of the classics found in the teachings of Confucianism and Taoism. In the Chinese context a cultured person is a good person and in the context of Confucius' teaching is consonance with 'ShengTi' and the cosmos. The distinction is not based on ethnicity, but those who are civilized and those who are barbaric. Barbarism is loathed by the Chinese and therefore ostracized in Chinese society. The Chinese of old do not have the concept of 'nationalism' but only one belonging to the cultured or civilized Central Kingdom. Anyone who embraces the Chinese culture is considered as 'Chinese'. All those who are 'uncultured', displayed by their 'uncivilized behaviours' and not embracing the Central Kingdom, are considered barbarians.

Confucius' concept of 'order in society' believes in a hierarchical social structure. His main concern is with practical function to maintain order based upon learning and character, rather than on hereditary classes or deceptive conduct and prefers that people gain their station in society according to their degree of training, application and especially virtues. Under the Chinese tradition, life on earth is seen perfectible by maintaining order of things and creating harmony in living. The highest social class consists of the superior people or rulers (the chun-tzu) who study the Classics and practice the Way (Tao). These rulers are most likely to be genuine in their cultivation of the virtues of humanity (Jen), righteousness (I), propriety (Li) and wisdom (Chih). Following are the farmers, for they produce the food, which sustains the life of society. Confucius ranks moral virtues and the survival of the community far above the profit motive and the next social classes in the hierarchy are the artists and craftspeople, for their creative skills produce goods and make services possible. In modern times, the farmers and technicians are referred to as the 'proletariats'. The mercantile (businessmen) and managerial classes are second lowest, since their commercial activity is non-productive (in making people more virtuous) and they are concerned

primarily with material profit for themselves. At the bottom scale is the military class. It deals in death and destruction, so its function only becomes relevant when the social virtues are abandoned in favour of the impulse for brute force and warfare.

There are classes in the Chinese society, but these are conceived as being the 'order of things' that create a harmonious society. Through the demands of virtue, there are mutual respects and obligations between the classes. The structure of the social classes reflects the role and responsibilities of each person in a large family cemented by love and respect. These social classes are not fixed or hereditary. Efforts can be made to move from one social level to the next; for Confucius believes that in education there should be no class distinction. That is why the Chinese believe so highly in education. China is the only country that was the first to introduce the 'public examination' system that elevates a person from a lower class to the ruling class.

The goal of Confucian ethics may be summed up in his opening text of the Great Learning:

*"With righteousness in the heart, there will be beauty in the character,  
With beauty in the character, there will be harmony in the home.  
With harmony in the home, there will be order in the nation.  
With order in the nation, there will be peace in the world."*

Through moral and intellectual practices one's desire come to align with the will of the divine so that one's every thought and deed is spontaneously appropriate. Confucius, pragmatic to the last, was essentially agnostic on the question of life and death. When asked about the utility of worshipping the gods and spirits, he replied: 'We do not know yet how to serve men, how can we know about serving the gods?' then, when asked about death, he said: 'We do not know yet about life, how can we know about death?' Since the afterlife is beyond words, there is little speculation on this matter in the Confucian tradition. Confucius was not unconcerned about heaven, he just thought there were some important subjects upon which they are better to keep silent, but his silence indicates respect, not indifference. Through Taoism and Confucianism the world is seen perfectible if all men can attain the highest virtues in life and when this is achieved the perfectibility of the afterlife will automatically follow. In a practical sense, the all-pervading will of heaven is the supreme guide.

As noted above, human destiny is to live a life on earth, which affirms the will of heaven. We can find fulfilment in the present world by studying the Classics and practicing the virtues. Since the divine order prevails in all things, the virtuous life leads to the highest end possible, whether this involves a life after death or not. Rather than competing with one another the three 'religious' practices, Confucianism, Taoism, and Buddhism, found a harmony, with each contributing its special character to the needs of Chinese society. Thus, it is not uncommon for a traditional Chinese person to be of all three faiths: a Confucian in public life, a Taoist in private inner thoughts, and a Buddhist in times of personal crisis. In modern times, it is possible for a Chinese person to belong to any religion yet remains Chinese in character.

### Practices

The Chinese ethical beliefs and practices are governed by the Chinese Classics which have been preserved rather miraculously for millennia. The so-called Chinese Classics include nine books: 'The Four Books', and the 'Five Jing'. Like the Bible, these writings have multiple authors. For the traditional Chinese, these books have held the same reverence as the Bible does for Christians. Having come down through the centuries, they have shaped Chinese culture and history, and are deeply rooted in the mentality and conscience of the common people and became an integral part of life throughout China. For those who are not as educated many of the vital ethical teachings are committed to memory and recited as part of the upbringing of every Chinese. The following of these ethical teachings has become a 'way of life' in the whole of the Chinese society.

In understanding Nature, the Chinese strived to work with nature to bring things that are in disorder back to harmony, by balancing the 'Yin' and the 'Yang' in nature. This concept of harmonizing the 'Yin' and 'Yang' of nature gives rise to Chi, an energy that vitalizes the system. Over the years, the Taoists have experimented with material, movement and mind in their attempts to find means of increasing Chi-power. As a result the branch of vitalizing Taoism has built up a vast knowledge of medicinal herbs and energizing edibles, breathing exercises, sexual practices, astrology and routines of physical movement (the best known being Tai-Chi Chuan), all of which bring us more into line with Tao and Te, and boost the cosmic life-energy or Chi at our disposal.

The conscious effort to maintain harmony in nature has given shape to the structure of family life, influenced politics and philosophy, and completely determined the form of education in China itself. The unique feature of the Chinese education system is that for one to learn the ideographic written language one has to recite poetries and philosophical sayings in the texts of the Classics, where the ethical codes of conduct and the desirable virtues expected of men (and women) are expounded; the result of which, it inculcates these types of thinking and behaviour in the process of character building at a very young age. Its ethical values are integral to the Chinese character and have provided Chinese history with long periods of artistic creativity, political stability and domestic tranquillity. Confucianism manifests as a profoundly conservative

philosophy by having a deep respect for the values of nature and a high regard for social loyalty and obedience to superiors.

Because of the Chinese belief in the perfectibility of life on Earth, life is expected to be lived to the fullest by being a cultured person. This led to the developments of very rich art forms and elaborated customs, appreciation of beautiful things that appeal to all the senses (including foods, music, calligraphy, natural sceneries) and all the aesthetics of life to be enjoyed. All things are to be enjoyed in moderation by balancing the 'Yin' and 'Yang' opposites in all that we do. Thus to have good health through the enjoyment of eating foods, the Chinese has classified and devised foods that are 'cooling' and 'heaty' so as to balance the forces of nature. Even in the modern context, if given the means you will find that the Chinese really knows how to enjoy life and even with limited means you will find that the Chinese will find the way to maximize their enjoyment within their means.

Central to the Chinese ethical belief is focus on the concept of the family. Within the immediate family there is an order of birth and the responsibilities that come with it, with the parents being responsible for the children and the elders being more responsible to the younger and in turn the children are responsible for the parents in their old age. Confucius see the whole of society as part of a larger family, with the clan system, community within a dialect group, the province with the state governor and the emperor being parts of an extended family with their respective responsibilities based on justice and harmonious living.

The Chinese has a unique naming system that reveals the clan to which the person belongs, the generation level and the individual identity. Within every clan which has a common surname there are already second names given to the generations further down the line of descent and each individual is given a specific name, thus all Chinese has three names. This naming system was far ahead of its time, because through this system there is very little chance of inbreeding – the community is very much against people marrying under the same surname. The same code of conduct governed the family, the clan, community and in turn is expected from those who govern right up to the emperor. This system lends itself to good governance and that is why China has no tradition of having a legal system. Central to the system of governance is Confucius ethics and code of conduct expected from every hierarchy of the Chinese society.

Since there was no legal system of punishments governing the people there was really freedom to develop within the guidelines of Confucius ethics, where the policing force came from the heads of families, community leaders within the clan, provincial chiefs where the emperor established his jurisdiction. The guidelines for this hierarchy of command were founded upon Confucius ethics where men of virtues were recognized to be responsible for the conduct of the common people. There was homogeneity in the code of conduct. Within such system there was real democratic freedom, whereupon popular dissents were expressed through mass uprising that helped to check deviations of conduct of the leaders and the officials' maltreatment of majority of people ruled by the emperor, thus the belief in the 'mandate of heaven' and the 'right to make revolution'.

Historically speaking, it has lent itself extremely well as a way for the imperial rule to maintain its position of power. Ideally, however, rulers gain their authority from personal virtues. When the ruler is of good character then the state will be well governed for the benefit of the people; if the ruler is lacking in character then society will be poorly managed and it would be justified to replace him. Inherent in the Chinese mind is the belief that the people hold the 'rights to make revolution' if the emperor proved to be mismanaging the welfare of the people and is a sign where the 'mandate of heaven' is taken away from him/her. These are the ideals of a social system or a 'way of life' in which Confucius visualized as the social forces that facilitate the development of virtues in people, but ultimately it is in human nature (to be explained later) that the achievement of these ideals are being challenged.

To the Chinese the world seems to be populated by numerous gods and demons, good and bad spirits, who are derived from 'Yin' and 'Yang'. The gods of the state religion are as a rule cosmic power, but there are also a number of local household gods and family gods. In popular faith they were thought to bring good fortune and ward off harmful magic. The Chinese custom of ancestor worship includes complicated rituals that begin at the funeral when the spirit of the deceased is recalled. Festivals, customs and rituals were evolved perhaps around the original religion of animism and ancestor veneration, which later mixed with Confucian ethics and elements taken from Taoism and Buddhism to form the popular piety of folk religion, contributing to the enrichment of living. Virtuous men of the past are venerated and prayed upon, not believing them to be gods but are greatly respected. The same mental state is expressed by paying reverence to ancestors. There has been much misunderstanding in this respect held by the Westerners to be worshipping ancestors and past heroes as gods. The Chinese have many festivals, many of which are folklores and mythologies, but all are celebrated by all Chinese, whether Buddhists or Christians. With the introduction of Buddhism into China, the Buddhist ideology seems to be very conducive to the Chinese philosophy and in fact added some elements of its beliefs to the enrichment of Chinese cultures. The concept of birth and rebirth, to eventually attain nirvana, seems to complement the Chinese beliefs of the perfectibility of life on Earth and the 'order of things' and support the custom of ancestor worship.

It was Confucius that translated the concept of Taoism into ethical forms of behaviour, at an individual and societal level. Ancestors belong to a large family of blood relatives by descent and are integrated into the family values of love, obligations and protection. The emperor is seen as the link between heaven and humankind by the 'mandate' that is given to him. It is obliged of him to bring about the connection to heaven and cosmic harmony, and the art of government and

the entire state system were connected with these religious duties. His 'mandate' is to bring peace and harmony and order among the people. If this peace and harmony is disrupted by his rule of evil, then the mandate can be taken away and a new emperor is instituted. Inherent in the Chinese moral principle is the 'right to make revolution' and many revolutions have been fought when emperors failed in his/her duties and where the 'mandate of heaven' has been taken away. The belief in the 'right to make revolution' has prompted many insurgencies of popular uprising where the masses naturally rally around the cause to change dynasties, led by men of virtues who later justifiably established the claim for the 'mandate'. Thus, there are instances of many changes in 'dynasties' accepted through this belief.

The universality principle of the Chinese is manifested by the acceptance of the change of dynasties from 'foreign' invaders. The concept of a nation or superiority of an ethnic group is foreign to China in the old order of things. Racialism is alien to China. It is often said that **'whereas the barbarians conquered China by force of arms, China conquered the barbarians by the force of its culture'**. China has no history of conquering any country and no record of colonialism and imperialism, even up to the present age. All surrounding barbarian states which intrude into the Chinese territories defined by the Chinese 'way of life' were being 'punished' through intrusion of their territories or barbaric incursion by warfare and then the military is withdrawn with the condition that their kings pay yearly homage to the Emperor of China, or the setting up of local 'commanderies' in the foreign territories managed by local appointees for purpose of trade. All those who accept and embrace the Chinese cultures automatically become 'Chinese'. The expansion of China in its history is governed by this principle. 'Chinese' is not an ethnic, racial or territorial concept, but a universal concept that identifies a people that embraces the 'civilized' culture of the day that was in the 'Central Kingdom' (China), which is embodied in the virtues of men.

The 'Central Kingdom' or China is not defined by geographical boundaries as in the West, but by all those people who live within the territories that embrace the Chinese 'way of life' and culture. Thus Tibet was an integral part of China way back in 1271 under Kublai Khan in the Yuan Dynasty (1271-1368). Kublai Khan, a grandson of Genghis Khan who was considered a barbarian, conquered the Central Plain, embraced the Chinese culture and founded the Yuan Dynasty, thus became a 'Chinese'. He was responsible for bringing many independent regimes together and formed a united country that brought Mongolia, Xinjiang, Tibet and Yunnan under its sway. During the last Qing dynasty (1644-1911) it was the Manchus that ruled China and brought Manchuria and Taiwan under its wing. The 'expansion' of Chinese territories is a result of synthesis brought about by the natural course of its history, rather than through occupation by conquest. However, in the modern era, following the West, China has to exert its territorial rights by defining its borders, especially through the political maneuvering of the West for the annexation of its territory – thus taking back Tibet under its direct jurisdiction.

In the traditional sense a 'Chinese' is one who is civilized, cultured and ethical in the code of conduct lay down by Confucius. The Chinese viewed humanity as part of the macro family under heaven. Religion thus becomes a 'way of life' in the Chinese social systems and culture, where the family values are similar to that of the State and the State values are linked to the Emperor who is obligated to serve the people by his 'mandate of heaven' given to him by ShengTi to bring about balance, peace and harmony to humankind. The concern for everyone who wants to live a life consistent with the Tao, one has to be virtuous in every way – that is the goal for human existence.

In the Chinese social system there is no separation between religion, culture and way of life. All religions and cultures are parts of the Chinese 'way of life', a social system that incorporates many minority groups that have different religious beliefs and subcultures. There are 56 ethnic groups in China with the Han race consisting of 92% and 55 minority groups of different ethnicity; and they all live in harmony with each other, all become 'Chinese' in character under the social system or 'way of life' founded upon Taoism and Confucianism.

In the Chinese culture the interests of the masses always precedes that of the interests of the individuals. The concept of individualism is subordinate to the interests of the masses. There have been many stories of heroic deeds committed by individuals for the benefits of the whole in its history and many are worshipped as heroes to highlight the virtues of these persons. This is perhaps the motivation for the Chinese to worship the ancestors because they are more likely to express these virtues towards the descendents and the descendents are closest to the ancestors in experiencing the expression of these virtues.

The Chinese culture that has evolved as a 'way of life' over a period of five thousand years is so entrenched that it is independent of today's so-called political system like 'western democracy', 'individualism', 'socialism', 'monarchy' and even 'communism'. It is in the model of a social system ('way of life') that should be the consideration and any so-named political system should be used just as an instrument to bring about a social system that adopts a universal set of values that is based on humanism. In this sense all political system should be subordinate to this kind of social system and communism at that point in time when the West was encroaching into China's social system it was used as a vehicle to combat the onslaught of the metaphysical mindset of the West. The Chinese social system is one that accepts a uniform set of values that are homogenous throughout the society which is founded upon humanism. China is still evolving and hopefully the dialectic model of Daoism and Confucianism will still prevail. It is towards the evolution of a common social system based on the dialectic model that China can hope to make contribution to the world, to unify humanity and not ideologies founded upon political systems.

## Denominations

One unique feature of the Chinese traditional philosophical and ethical beliefs is that there is no denomination, except different dialect groupings and sub-cultures, but all embrace the same philosophical teachings of Confucianism and Taoism. The different dialects use a common set of written language and are not cause for division, but had in fact become an integral part of its culture with its rich customs, rituals and practices. The diverse use of dialects using a common written language, apart from the common Confucian established social system, is one of the major unifying factors unique to China. There is homogeneity of beliefs governed by abiding to the course of nature and the 'order of things'.

There is no denominational group that is radical except when occasions arise where the emperor has not kept in pace with the changes and is considered that the mandate of heaven has been taken away from him. When this happens, depending on which ethnic group has been deprived or mistreated and upon its power base, it uses the inherent principle of 'right to make revolution' to overthrow the corrupted reigning dynasty, where the 'mandate of heaven' is seen to be taken away. The principle of 'right to make revolution' inherent in the Chinese ethical beliefs has brought about many changes of dynasties and it is perhaps here where differences are resolved through the process of abiding with nature in the 'order of things'. The Chinese ethical beliefs thus provide the unifying force for the whole of China and its people who are known as the 'Chinese', who embrace a common set of beliefs and an established way of life that is consonance with nature and the order of things, ruled by people who have been selected upon their virtues.

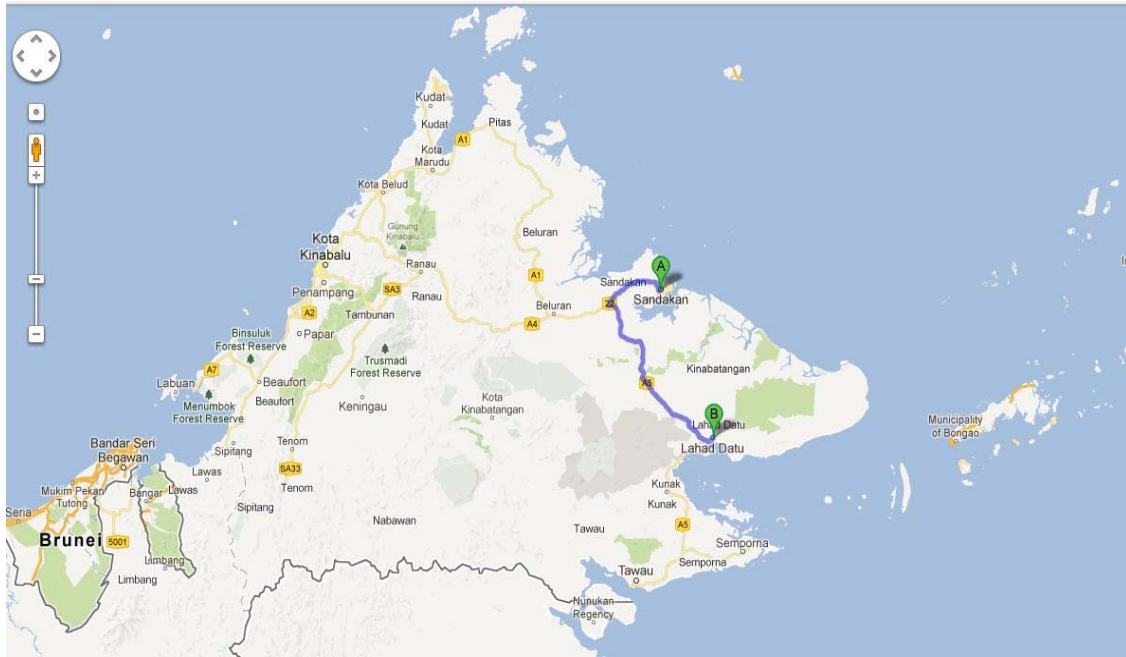
The adherents to the Chinese ethos with the knowledge of the Classics is in the region of 394 millions taking a fifth position of all nonreligious and religious groups (*Statistics from Adherents.com, 2002*), but if you take all the Chinese in the mainland of China as living under the philosophy and the established cultural social system which has become the 'way of life', it numbers around 1.5 billion. In fact, as part of the Chinese culture there are still remnants of beliefs about the 'order of life' and the 'way of life' amongst the Chinese population all over the globe. Taoism and Confucianism are unique in this respect because the philosophy and ethics that are practiced are founded upon these teachings. Taking these into consideration, the believers of Chinese ethos, which in practice encompass all Chinese and the neighbouring countries of Asia (prominently Korea and Japan), the adherent group could be ranked the highest in numbers if not the second highest only to Christianity.



## What if Brunei Never Ceded Sabah to the Sultanate of Sulu

Narrated and sourced by Alvin Lee

from Sabahkini's website (<http://www.sabahkini.net>)



Lahad Datu, a sleepy town in the eastern coast of Sabah which is merely a 172km drive from my home town of Sandakan.

### Introduction

In light of the recent and still on-going "invasion" of or "terrorists incursion" into Lahad Datu by a band of heavily armed "Royal Army" of the Sultanate of Sulu from the Southern Philippines, I feel the urge to share an article which I have recently come across on Sabahkini's website.

To those who are oblivious of the current situation in Sabah or unfamiliar with Sabah's history, the "historical claim of ownership" that the now defunct Sultanate of Sulu relies on to justify the said invasion is based on a promise made by the Sultan of Brunei in the mid 17<sup>th</sup> century to cede half of Sabah (most of the eastern coast) to the Sultanate of Sulu if they assisted him in quelling a civil rebellion. Irrespective of the veracity of this historical claim, it is debatable as to whether the Sultanate of Sulu had ever exercised its dominion and full control over the eastern coast of Sabah.

In the late 19<sup>th</sup> century, the Sultan of Brunei leased the entire Sabah to the American Consul General of Brunei Charles Lee Moses who later assigned the lease to an American trading company. Rights under that lease were again assigned to Gustav Baron Von Overbeck, the Austro-Hungarian Consul in Hong Kong who subsequently obtained a further lease from the Sultan of Brunei. The new lease was then converted, via a treaty with the Sultan of Brunei into a "cession" of the entire region of Sabah, **including parts of Sabah purporting to be the dominion of the Sultan of Sulu ("Disputed Region")**. Rights under this treaty were again assigned to Alfred Dent who subsequently formed the British North Borneo Company. Despite this assignment, Alfred Dent felt the need to enter into a lease agreement with the Sultan of Sulu for unknown reasons. A lease in perpetuity was then negotiated and obtained from the Sultan of Sulu over its holdings in this Disputed Region in 1878. This lease was signed on January 22, 1878 in the palace of the Sultan of Sulu.

It is against this historical backdrop that the debate on whether the Sultanate of Brunei had ever ceded parts of Sabah to the Sultanate of Sulu arises.

### Commencement of Article

Jamalul Kiram ("one of many claimants to the now defunct Sultanate of Sulu throne) wants to impose a fine on Malaysia RM78 billion for charging eight gunmen for waging a war against the Yang Di Pertuan Agong - an act which the 'Sultan' says Malaysia has no right to do because she is merely an occupant of Sabah, the land which "belongs to the Sulu Sultanate."

Meanwhile, it has been widely reported that Philippines government has lined up a slew of the best lawyers to study the feasibility of claiming Sabah for the Philippines.

The republic is doing this, despite President Aquino's overt support for Malaysia in the Lahad Datu intrusion and attack, to the point that Jamalul Kiram III and Nur Misuari (founder of the Moro National Liberation Front) have condemned him for siding with Malaysia and not with his countrymen in Sulu.

But any effort by the Philippines to claim Sabah, even with the most skilful of attorneys (as they are called in the Philippines), would be an exercise in futility because of the overwhelming evidences which have piled up over a century in favour of Sabah and Malaysia.

In the past three instalments of this column I have listed quite a few facts of history which would make such a legal suit to claim Sabah pointless and a waste of time for the Philippines.

But there is one point of history favouring Sabah and Malaysia which I had neither touched on, nor had those arguing from both sides of the issue had shown any awareness of it.

This is the critical question of whether Brunei had actually given North Borneo, or parts of North Borneo, to the Sulu Sultanate. The well-known version of the North Borneo handover says that the sultan of Brunei gave North Borneo to Sulu as the promised reward to the Sultan of Sulu for helping quash a rebellion in Brunei.

Centuries later, the sultan of Sulu then ceded North Borneo to the British North Borneo Company owned by Alfred Dent and Baron Gustavus Von Overbeck. The ensuing argument is whether the cession was in fact a cession or a lease, and the Philippines claims it is the latter. And this is the principal basis of the Sabah claim which was officially declared by Manila in 1962.

However, none of those making the arguments on the issue has ever asked the important question: What if Brunei had never given North Borneo to Sulu? This little-known 'tweak' of history may be very surprising to many, but there appears to be strong veracity in this alternative historical account which assures us that, indeed, such a handover never took place.

To have a perspective of the genesis of this argument, let us look at what transpired then (as related by Rozan Yunos of Brunei Times). At that time the sultan in power in Brunei was Sultan Muhydin (the 14th sultan who reigned from 1673 to 1690). The 13th sultan, Sultan Abdul Mubin, staged a war against Muhydin.

He usurped the throne after killing Sultan Muhammad Ali when the latter tried to stop Mubin from taking his revenge for the death of his son killed by the son of Sultan Muhammad Ali. Mubin then appointed Muhydin as Bendahara but later Muhydin with other followers created disturbances at the capital, forcing Mubin to flee to Pulau Chermin. This then gave Muhydin the opportunity to appoint himself as Sultan.

Thereafter a war ensued between the two, with Mubin fighting from Pulau Chermin as the rebel and Muhydin fighting from the palace as the sultan. Sir Hugh Low (the first man to climb Mount Kinabalu) had written to describe the negotiation between Sulu and Brunei during the war: "...the *Bataraa of Soolok* went up to Bruni and met the Sultan Muaddin and having feasted and drank, the Sultan asked the *Bataraa* for his assistance to destroy the enemies at the island, promising that if the island should be conquered, the land from the North as far as westward as *Kimani* should belong to *Soolook*".

Eventually Muhydin triumphed, supposedly due to the assistance provided by soldiers sent by the Sultan of Sulu. The popular story goes that thereafter Muhydin gave North Borneo to Sulu in gratitude for the assistance, as promised. Sir Hugh Low, wrote in the *Journal of the Straits Branch of the Royal Asiatic Society (JSBRAS)* published on June 5, 1880 under the title 'Selesilah (Book of Descent) of the Rajas of Bruni', that "by the assistance of a force from the Sultan of Soolok, the forts on the island (Pulau Cermin) were captured."

In support of this version of the events HR Hughes-Hallett wrote in the *Journal of the Malayan Branch of the Royal Asiatic Society* published in August 1940 entitled "A Sketch of the History of Brunei" thus: "...by the beginning of the 18th century, the kingdom (Brunei) had been territorially diminished by the cession to the Sultan of Sulu in the north."

However, it is very interesting that Pehin Jamil Umar, writing in his book, *Tarsilah Brunei II: Period of Splendour and Fame* (2007), denies this account. He does not deny the fact that the Sulus were invited and promised the northern Brunei territory by Sultan Muhydin if they helped him win the civil war against Sultan Abdul Mubin.

What he denies is that the Sulu actually helped Sultan Muhydin in the civil war. Pehin Jamil assures that during the battle for Pulau Cermin, the Sulu forces were supposed to attack the island from Pulau Keingaran and from the sea, but they did not do so.

Against all the tales of heroic fighting exploits of Sulu warriors, they were terrified by the resistance of Sultan Abdul Mubin's forces in Pulau Cermin! It was only after Sultan Muhydin had won the battle that the Sulu forces found their wits and courage, went up the island and took the opportunity to take a number of war booties!

Because of this failure of the part of the Sulu soldiers, according to Pehin Jamil, Sultan Muhydin refused to cede the territories promised to Sulu. Pehin Jamil notes that the area was only "claimed" and not "ceded"! Sir Stamford Raffles, writing in his book *History of Java* (1830), supports this, referring to a claim and not a cession, thus: "*on the north-east of Borneo proper (Brunei) lies a very considerable territory (North Borneo), the sovereignty of which has long been claimed by Sulu Government*".

Pehin Jamil goes on to write that according to the oral tradition of Brunei, Sulu continued to press their claim. In 1775, (about a century after the civil war), one of the Sulu chiefs went to Brunei in the pretense of looking for fresh water. His group was actually seeking an audience with the then ruler, Sultan Omar Ali Saifuddin I, to pursue their claim on North Borneo.

The Sultan, however, ordered one of his chief *wazirs* to deal with them, and threatened that if they persisted on their intention, he would have them killed. The Sulus left immediately but thereafter continued to maintain their claim.

This argument (that Brunei never ceded Sabah to Sulu) is supported by LR Wright in her book *The Origins of British Borneo* (1970), in which she writes: "*...indeed, the legitimacy of the Sulu claim to the territory (North Borneo) is in considerable doubt partly because of the unreliability of tarsilas such as 'Selesilah', which in many cases are nothing more than written-down legends to enhance the status of the royal house which produced them.*"

Such 'legends' are still being created in Sulu and Manila. It is also known that succeeding sultans of Brunei had denied the supposed cession of North Borneo. While Sulu kept pressing with the claim the weight of Brunei tradition denies it.

The current Sulu claim on Sabah is currently resting on the treaty signed by Sultan Jamalul Alam (Azam) of Sulu and British North Borneo Company. But there is a very pertinent question regarding this treaty, which is: If North Borneo was never given to Sulu, and there is no shred of evidence that it ever was, and neither is there any document to prove it, then isn't that treaty invalid and a product of fraud on the part of Jamalul Alam? If so the on-going claim is a huge world-shaking lie based on this fraudulent transaction.

We also need to ask: If North Borneo belonged to Sulu since the 17th century why then did Sultan Abdul Momin of Brunei appoint Baron de Overbeck as the Maharaja Sabah, Rajah Gaya and Sandakan by way of a document signed on 29th December 1877, just one year before the Jamalul Alam-Overbeck/Dent treaty?

If Sabah was given to Overbeck by Brunei before it was given by Jamalul Alam, then Jamalul Alam had given away something which did not belong to him in the first place, or given away something which someone else had given away earlier! But why did Overbeck, as the Rajah of Sabah, bring Dent to Sulu to sign the treaty to ask for something he already owned?

This can perhaps be explained as a clever strategy to prevent any trouble from Sulu in the form of attacks or intrusion into Sabah (over which Overbeck held jurisdiction), knowing that Sulu had been claiming Sabah since the end of the Brunei civil war. If that was the motive, then Jamalul Alam was conned big time into not creating trouble for the sake of 5,000 dollars per year.

But whatever the motive was on the 1878 treaty, it is very obviously that in 1877 -- centuries after the Brunei civil war -- the Brunei Sultanate then still believed and maintained that the North Borneo territory was under its control! This therefore proceeds to the great and ultimate implication that the present Sabah claim is totally unfounded, a daring and shameless lie, hence not even worth arguing over, simply because of the high possibility that Sabah never belonged to Sulu!

In any discussion with the Philippines over the Sabah claim, this important argument must be raised with a demand for proof of the supposed cession from Brunei to Sulu. And it would do no harm to bring Bruneian officials and historians into the discussion.

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