

Legal Aspects of the North Borneo Question

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The Article discusses the political controversy surrounding the conflicting claims of the Philippine and British governments over the sovereignty of British North Borneo. Central to the resolution of this issue is the effect of a Deed signed by the Sultan of Sulu and Baron von Overbeck in 1878 (Deed of 1978), perpetually “leasing” the land to the latter, his heirs, successors and assigns, and granting him a commission of government. By this agreement, did the Sultan of Sulu merely lease North Borneo, or did it cede its territory to Britain?

The Author seeks to answer this by presenting the historical facts of the case, from the events leading to the signing of the Deed of 1878, as well as other treaties signed by the relevant parties. After surveying the history, a discussion of the legal issues surrounding the events. The Author mainly concludes that what was intended was a lease, not a cession. There are strong and solid reasons to sustain the Philippines’ claim over North Borneo.