

20 JUN 2001

Focus-Islands-Claim

PHILIPPINES FISHING IN TROUBLED WATERS OF SIPADAN/LIGITAN?

By: Kuah Guan Oo

KUALA LUMPUR, June 20 (Bernama) - The dispute between Malaysia and Indonesia over the islands of Sipadan and Ligitan off the east coast of Sabah is now before the International Court of Justice in the Hague after more than 20 years of talks that failed to resolve their differences.

And just when they are ready to defend their cases before the court early next year, they have to contend with the Philippines' claim to "mediate" in their dispute on June 25.

Vexatious as it may seem, both Jakarta and Kuala Lumpur will have to tell the august court again why Manila have no place or part in their dispute over the two islands which they had agreed to let the ICJ arbitrate.

FIRST FILIPINO ATTEMPT

The Philippine government had surprised the two neighbours when it applied to the ICJ last March 21 for all the documents and written arguments filed by Malaysia and Indonesia to back their islands claim.

As expected, the two countries objected to the Filipino move but even before the ICJ could rule on the request, Manila invoked another article of the court for permission to intervene in the dispute.

By May, both Malaysia and Indonesia had submitted their written objections to the second Filipino request for intervention and the court has set June 25 to 29 to hear the oral arguments of the three countries.

WHY THE INTEREST?

To Malaysia, the Philippine interest is obviously linked to their claim to Sabah. If not, what could possibly be the Filipino interest in the island dispute that became public as far back as 1969?

By 1997, the leaders of the two countries then -- Dr Mahathir Mohamad and President Suharto of Indonesia -- had agreed to refer the dispute to the ICJ for arbitration.

After registering their case in July 1998, the two parties had submitted three sets of written arguments or pleas to the court by last March, and they were all geared up for the hearing early next year when Manila dropped the bombshell.

On the pretext of "mediation" in the Malaysia-Indonesia impasse, Manila is aiming to revive and broadcast their Sabah claim through the ICJ although the issue before the world court is the islands of Sipadan and Ligitan, not Sabah.

From the Indonesian perspective, the issue is not Sabah but those two islands off the Malaysian state, and Jakarta is not expected to take too kindly to the Filipino move to complicate the issue.

Inasfar as Malaysia is concerned, the ghost of the Sabah claim had long been exorcised by the findings of the Cobbold Commission and the special United Nations mission of 1963 that led to the birth of Malaysia.

The findings were that the people of Sabah had wanted to be with Malaysia.

Successive Malaysian prime ministers had refused to entertain any Filipino move to the claim, least of all from the current Philippine president, Gloria Macapagal-Arroyo, who is the daughter of the late President Macapagal, the Filipino president who first laid claim to Sabah.

The Sabah claim has long been dead to Malaysia but it has not been

buried by the Philippines.

POSSIBLE SCENARIO

The first scenario is the Philippines taking on not just Malaysia but also Indonesia as its adversaries before the world court. The two countries had objected to the Philippine move to "mediate" in the dispute and they are expected to do so again on June 25.

Indonesia, for one, would not want their claim to the two islands to be undermined by Manila. If the ICJ were to rule in the Philippines' favour, it would spell the end of their stake for Sipadan and Ligitan.

For Malaysia, the two islands claim would become a non-issue if the court were to allow Manila to mediate in the impasse. Instead, it would have to confront the ghost of the Sabah claim once more.

But this appears to be an unlikely scenario because if the court were to allow the Filipino request to mediate on the ground of their Sabah claim, then all the elections and referendums supervised by the UN over the years including East Timur could be called into question and be reviewed.

This is too dangerous a precedent for the ICJ to set. -- Bernama

KGO AU