

NO COMPROMISE ON OUR SOVEREIGNTY

MALAYSIA'S REPLY TO PHILIPPINE CLAIM TO SABAH

Tun Abdul Razak, the Deputy Prime Minister, defined the position of Malaysia on the Philippine claim to Sabah when he spoke in Dewan Ra'ayat on 21st August, 1965. He recalled that Malaysia was established on 16th September, 1963, with the full concurrence of the (people of Sabah and the blessing of the United Nations, in the following speech Tun Razak emphasised. "We cannot be expected to compromise on our sovereignty and integrity

SINCE March this year, when the notorious Corregidor Incident blew up in the Philippines, considerable public attention has been given in the Philippines to the question of the Philippine claim to Sabah.

It may be recalled (that directly as a result of this incident the Malaysia-Philippine talks at official level were held in Bangkok. It may be further recalled that the agreement to hold such talks was foreshadowed in the communique of as long ago as 3rd June, 1966. However, the Philippines did not show any interest in such talks until September, 1967, just before their Congressional elections. Malaysia naturally was agreeable to such a meeting but soon afterwards the Philippines, for no explicable reason, appeared to be losing their interest in the talks.

Thus in calling for the talks after the Corregidor revelation it became clear that the Philippines was taking the usual political step of shifting public attention and focussing popular emotion on Malaysia and the unsolved claim was handy as being the root-cause of the whole debacle. And, as Hon'ble Members are aware, in the next several months, through constant agitation by the Philippine press and persistent false allegations about so-called Malaysian provocations in Sabah and along the border areas, public opinion was worked up in the Philippines that the "Special Force¹", as exposed by the Corregidor **fiasco**, was indeed merely a reaction to the **unsatisfactory state of affairs on the issue of the claim.**

The image of Malaysia and Malaysian leaders was projected, by persistent press campaign, as the embodiment of arrogance, trickery and all the uncomplimentary epithets that could be thought of.

Sir, it was under these circumstances that the Philippine Government proposed that the long awaited talks at official level be held. Malaysia nevertheless agreed to these talks because we sincerely desire to settle this problem amicably and peacefully and because we place the peace and stability of this region and the co-operation among countries in this region above everything else.

We also agreed to these talks because we believe that the Philippine Government was sincere in its desire to settle this long standing issue on a friendly and amicable way and that the people of the Philippines, just as we in Malaysia, would place friendship and co-operation as of paramount importance and would not do anything that would endanger not only Malaysia and Philippine relations but the stability and progress of South-East Asia and the ideals of ASEAN as well.

This, Dato' Speaker, Sir, in brief, were the immediate developments preceding the abortive Bangkok talks.

Hon'ble Members are well aware of what happened in Bangkok and of the various reactions and developments that followed. This matter to us in Malaysia is of obvious national concern, irrespective of our different political affiliations. Since the problem *posed* by the Philippines infringes upon the integrity and sovereignty of the nation, and since the nation's peace and security will be jeopardised by future developments on this issue. I have thought it necessary to explain to this House what had happened and what had ensued so that no one would misrepresent and misinterpret the efforts of the Government in seeking an end to this problem which has bedevilled our relations for the last five and a half years.

It may be recalled that the problem started in early 1962 the Philippine Government began to take an interest to champion the private interests of the heirs of the Sultan of Sulu. It raised the issue to a national level, by trying to establish that the 182 Agreement signed by the then Sultan of Sulu and an Australian from Hong Kong. Baron de Overbeck. was not a cession but a lease.

The area affected according to the Sulu Grant stretches from the Pindassan river on the West Coast of Sabah to the Sibuku river in the East, part of which is within the present territory of Indonesia and the rest of which only forms part of Sabah. In the first place it would be possible for the Philippines

present what it called a legal claim in parts, without including Indonesia at the same time, is one of the mysteries that our delegation in Bangkok failed to unravel; but probably political expediency might be the answer.

However, on the basis of this laboured interpretation of the 1878 Agreement, the Philippine Government argues and persists in arguing that the sovereignty of that area which, as I have noted, forms only part of Sabah and extends into Indonesian territory had remained, throughout these years, with the Sultanate of Sulu: and such sovereignty had been transferred by a new Sultan to the Philippine Government, by a number of formal instruments in April and September, 1962 respectively, although as a matter of historical fact the Sultanate itself had ceased to exist in 1936 and had not been a sovereign entity in its own territory for already more than half a century.

Hon'ble Members may note that eighty long years have passed by since these events of bygone days. We have all achieved independence for our countries and peoples; we have all acknowledged the rights of colonial peoples everywhere to exercise their rights of self-determination and we have all undertaken to respect each other's sovereignty and integrity. Indeed, countries in South-East Asia have tried to look beyond, towards a peaceful era of inter-dependence and regional co-operation, so that we could achieve for ourselves and our region, security and stability, progress and prosperity in fulfilment of the aspirations and ideals of all our peoples. Consequently, any attempts to challenge sovereignties created in accordance with the United Nations Charter on the basis of new interpretation of old agreements would mean the opening of Pandora's Box and would expose this part of the world to claims and counter-claims which would inevitably lead to chaos and disorder.

Eighty long years have indeed passed by and the people of Sabah have since emerged from their colonial status and have given for themselves a future of independence, in association with other States within Malaysia. This, they have done, through a series of events beginning with the assessment of the people's desire by the joint Malaya-British Cobbold Commission in April, 1962, and subsequently through State-wide General Elections, based on universal adult suffrage in December, 1962, in which the question of whether Sabah should, as a state, join Malaysia, was the main issue in the campaign.

The result as Hon'ble Members will remember, was an unanimous decision by the people of Sabah in favour of achieving independence as a State within Malaysia; 113 of the 119 seats were won by political parties who were committed to this decision while the remaining six seats were won by independent candidates who also supported the proposal. 159, 831 voters were registered representing 90 per cent of those eligible to vote. Approximately 75 per cent of the adult population exercised their franchise.

Hon'ble Members may recall that we were then satisfied the the ascertainment by the joint Malaya-British Cobbold Commission, and the result of the General Elections, constituted irrefutable evidence that the people of the State of Sabah had fully exercised their right of self-determination and had made clear their choice as regards their future, in accordance with the United Nations Charter. Unfortunately, however, the Philippines chose to oppose the formation of Malaysia and refused to accept that the self-determination process had been properly carried out.

Accordingly, in a sincere desire to ensure that peace, stability and good neighbourliness in our region would be maintained, the Malayan Government agreed to the proposal made by the Philippines and Indonesia, during the Tripartite Summit meetings in Manila, July 30 to August 5, 1963, to invite the United Nations Secretary General or his representative to "ascertain prior to the establishment of Malaysia the wishes of the people of Sabah . . . and to take into consideration whether Malaysia was a major issue, if not the main issue at the elections and whether the procedure of the 1962 elections was in conformity with democratic practice and in accordance with the Resolution of the United Nations General Assembly.

As Hon'ble Members are aware the Secretary General accepted this assignment and the ascertainment was completed on 13 September, 1963. The Secretary General's team was satisfied every question posed in its terms of reference as stated by the three Heads of Government. The Secretary General's conclusion which had been agreed by the three Governments as not being subject to ratification or confirmation by any of the Government concerned, were submitted on 14th September, 1963. The Secretary General categorically stated that:

"Bearing in mind the fundamental agreement of the three participating Governments in Manila meetings, and the statement by the Republic of Indonesia and the Republic of the Philippine

that they would welcome the formation of Malaysia, provided that the support of the people of the territories concerned was ascertained by me and that in my opinion, complete compliance with the principle of self-determination within the requirements of the General Assembly resolution 1541 (XV), Principle IX of the Annex, was ensured. My conclusion based on the findings of the Mission is that on both of these counts, there is no doubt about the wishes of the sizeable majority of the peoples of these territories to join in the Federation of Malaysia

"In reaching my conclusions, I have taken account of the concern expressed with regard to the political factors resulting from the constitutional status of the territories and about influences from outside the area on the formation of the proposed Federation. Giving these considerations their due weight, in relation to the responsibilities and obligations established in Article 73 and General Assembly resolution 1541 (XV) in respect of the territories. I am satisfied that the conclusions set forth above take cognizance of the requirements set forth in the request addressed to me on 5th August, 1963 by Foreign Ministers of the Republic of Indonesia, Federation of Malaya and the Republic of the Philippines."

Malaysia was, therefore, established on 16th September, 1963, with the full concurrence of the people of Sabah and the blessing of the United Nations. The Philippines, however, again chose to reject this conclusion of the Secretary General whom they had themselves previously suggested as an impartial authority, and severed relations with Malaysia.

Hon'ble Members may note that this drastic action of severance of diplomatic relations was taken by the Philippines despite her solemn commitment contained in paragraph 10 of the Manila Accord which reaffirmed her adherence to the principle of self-determination and her undertaking to welcome Malaysia provided the support of the Borneo territories was ascertained by an independent and impartial authority, the Secretary General of the United Nations or his representative.

It was also in contravention of her undertaking in paragraph 13 of the same Accord which declares that in the event of Sabah joining the proposed Federation of Malaysia, the Government of the latter and the Government of the Philippines should maintain and promote the harmony and the friendly relations subsisting in their region to ensure the security and stability of the area.

Dato' Speaker. Sir, I recall these past events in order to emphasise that, the people of Sabah had freely chosen their destiny and decided to join Malaysia. In 1962 the people of Sabah had already exercised their rights of self-determination. We have the word of the Philippine leaders, and the word of the head of the Philippine delegation to the recent Bangkok talks which accepted, in no uncertain terms, the principle that the wishes of the people of Sabah are supreme. As we have said many times. Sabah is not a piece of real-estate to be bought or sold. It is a territory with people and as such they are independent and sovereign within Malaysia after having created for themselves a Constitution and a Government.

For this reason, we in Malaysia cannot understand the motive for the Philippine persistence in the pursuance of the claim, which apart from being void of legal basis, has no relevance to the political realities at all. We cannot but regard the continued pursuance of this claim as a mere political exercise undertaken by the Philippine Government for domestic purpose and would create nothing but ill-will and mischief.

Despite this basic attitude of ours, Hon'ble Members will remember that it has always been the Malaysian position throughout these years, to seek an amicable end to the differences between the two countries. For obvious reasons, we cannot allow these differences to be continued interminably. It is the task of the present leaders both in Malaysia and the Philippines to see an end to this problem once and for all, and to prevent future generations from being embroiled in this conflict. Both our countries. Philippines and Malaysia, cannot afford the perpetuation of these differences. As early as August. 1963, we therefore took note of the Philippine claim to Sabah and the reservation made by the Philippine Government and her right to pursue it in accordance with international law and the principle of pacific settlement of disputes.

We had agreed, consistent with the principle of self-determination which we have all accepted, to try and bring the claim to a just and expeditious solution by peaceful means, such as negotiation, conciliation, arbitration, or judicial settlement as well as other peaceful means of the parties' own choice in conformity with the Charter of the United Nations and the Bandung Declaration. This we have done and for our part have carried out

our obligation under the Manila Accord. In the light of self-determination that had already taken place in Sabah. Malaysia has always been prepared to listen to any clarifications about the further pursuance of this claim and to discuss ways and means of settling our mutual problem to the satisfaction of both parties.

When, therefore, the Philippines under the administration of President Marcos, resumed relations with Malaysia in June, 1966, Malaysia welcomed it; for such a move constituted not only an endorsement and an acceptance of the self-determination exercised by the people of Sabah, and a fulfilment, although belated, of the Philippine obligation to welcome Malaysia under paragraph 10 of the Manila Accord, but also indicated a willingness on the part of the Philippines to co-operate together with Malaysia as good neighbours.

Malaysia and the Philippines also agreed to hold talks at official level for the purpose of clarifying the claim and seeking a peaceful settlement but without sacrificing the principle of self-determination. Malaysia also indicated her willingness to co-operate with the Philippines in the eradication of smuggling and subsequently in September, 1967, Malaysia entered into an Anti-Smuggling Agreement and a Protocol on Border Crossing with the Philippines without any *quid pro quo* and despite loss of revenue and trade to us.

Hon'ble Members may recall that meanwhile Sabah held another General Elections in April, 1967. A formula was devised in order to resolve the problems that had existed between Indonesia and Malaysia arising out of the formation of Malaysia, to afford the people of Sabah an opportunity to reaffirm, as soon as practicable, in a free and democratic manner through General Elections, their previous decision about their status in Malaysia. These elections were held and were observed by representatives of five Asian countries— Burma, Ceylon. Japan. Indonesia and Thailand. The Philippine Government was also invited to send observers, but it declined.

The Sabah Alliance Party contested these elections on a three-point platform:

- (i) *To reaffirm our unshakeable faith in Malaysia:*
- (ii) *To reject the Philippine claim to Sabah; and*
- (iii) *To continue our revolution for progress.*

The Alliance candidates won all the 32 seats except one which was lost to an independent candidate who had also reaffirmed his support for Sabah remaining in Malaysia. This once more demonstrated the resolute will of the people of Sabah about their future in Malaysia. As a result of these elections, it opened the way for Indonesia to resume diplomatic relations with Malaysia.

Despite the reaffirmation of the people's desire to remain in Malaysia and their categorical rejection of the Philippine claim, and despite designs of the Philippines against Sabah as shown by the Corregidor Incident which were inconsistent with the desire to seek a peaceful end to this problem. Malaysia still unhesitatingly responded positively to President Marcos* request for talks at official level because we, for our part, wished to live in peace and amity with the Philippines. We were anxious to know how in spite of self-determination, the Philippines could throw any further light on this problem so that an end to the difference between the two countries may be achieved.

Malaysia sent her top officials to the negotiation table in Bangkok fully empowered to find whatever formula there might be that would meet with the satisfaction of both parties. However as Hon'ble Members are aware from reports on these talks it was apparent and later admitted by the leader of the Philippine delegation himself, that they had come to Bangkok not to negotiate and find a solution to the problem but merely to explore various possibilities towards a settlement with a view to reporting to the respective Governments.

Hon'ble Members will note that although the talks lasted for more than four weeks, there were only eighteen meetings held out of which only five were spent on the preliminary process of clarifications.

The meetings were characterised by all sorts of delays and evasions by the Philippine delegation. It was clear the two delegations had entirely different objectives as far as the talks were concerned. While the Malaysian delegation emphasised right at the outset, the need to negotiate and to have free and frank exchange of views in order to probe into various possibilities in seeking a solution, the Philippine delegation claimed to have been given the mandate only of having exploratory discussion and therefore, was more interested in having tape-recording of the proceedings and in having agreed minutes as well as joint

statements at the end of each session. Such a meeting, where every word is recorded we felt, cannot be fruitful and meaningful. **Tape**-recording and negotiations are contradictory concepts. Much time was consumed in the Philippine delegation waiting for instructions from Manila on this simple procedural question and in waiting for the arrival in Bangkok of the Philippine stenographic staff.

Again when the talks reached the substantive stage of seeking clarifications, our delegation was confronted with further delays and evasions. At the very first meeting on clarification the Philippine delegation asked for all questions to be given to it in writing so that written replies could be given. To us, this procedure was most impractical as subsequent questions would depend on the answer given to the first question. The Philippine delegation also often evaded the issue raised by saying that its position could only be revealed in the International Court of Justice. At one stage, our delegation had to wait for days for the Philippine delegation to receive instructions from Manila whether the 1962 documents which had already been made public and of which we had copies, could be shown to us.

More days were spent in waiting for the documents to arrive and later for the only expert who could reply to the questions on these documents to reach Bangkok. Further delay was also caused in approving agreed records of previous meetings and considerable time was spent by the Philippine delegation correcting the records in terms of what it would like them to be read. Despite these delays and evasions, our delegation in Bangkok in the live sessions spent in seeking clarifications, was successful in demolishing every basis of the Philippine claim.

The Bangkok talks as Hon'ble Members already know, came to an abrupt halt. Much propaganda use is being made of this in Manila. It is, therefore, desirable that the truth should be known. This abrupt halt was brought about solely by the sudden and unilateral decision of the Philippine delegation, expressed in offensive terms, to repudiate its commitment to give clarifications, by refusing to answer any more questions from our delegation. And this action was taken despite the Malaysian delegation's assurance given in writing that it required no more than two or at the most three more sessions to ask questions.

Our delegation had no alternative but to regard the Bangkok-talks was over and done with, and that on the basis not only of

our own research but on the clarifications so far given, it was right and proper for our delegation to state firmly that the Philippine claim had no legal or political basis whatsoever. The Malaysian legal and political position was stated fully and conclusively by the leader of the Malaysian delegation in his statement of 15th July, 1968 which has since been made public.

However, in rejecting the Philippine claim, our delegation still made a final effort to continue the dialogue between the two delegations. We posed to them that if economic problems and security consideration, as often stated by Philippine leaders, were the motivations of the Philippine claim, then the Malaysian delegation was prepared to discuss how co-operation between the two countries in these two fields could be strengthened. The Philippine delegation did not accept this offer on the ground that it did not have a mandate to that effect from Manila.

Allegations had been made that Malaysian delegation had walked out of the talks. I am bound to say this is not true. Before the Malaysian delegation left the Conference Hall, the Philippine delegation was asked more than once whether there was anything else to discuss, and since there was none, it was made clear there was nothing else for the Malaysian delegation to do except to regard the talks as having ended and to leave.

Suggestions have also been since made that Malaysia had broken an alleged understanding with the Philippines not to conclude the talks until after the Philippine Presidential elections in 1969. There was no such understanding and there can be no such understanding between the Malaysian and the Philippine Governments because in such a case we the Malaysian Government would not have been honest with our people to enter into a negotiation which was designed not to be purposeful in seeking a solution but to serve the political purpose of the Philippines. It is also clear from the abrupt action taken by the Philippine delegation in terminating the clarification half way through the process and its demand to proceed to the discussion of the modes of settlement that there could have been no such understanding.

In fact, the Malaysian delegation again and again made it **clear** that they wished the talks to be serious and purposeful negotiations.

It was obvious that the Philippine delegation, by its evasive and delaying tactics, was merely interested in making use of the platform to further their propaganda objective and, in particular.

to show how unreasonable Malaysia was in not agreeing to refer the matter for the adjudication of the International Court of Justice. Hon'ble Members could also discern that the Philippines' main objective was not to come to grip and resolve this problem, but rather to keep the issue alive by recessing or adjourning the Bangkok talks or by holding a series of such talks without reaching any conclusion.

Hon'ble Members should be aware that it has become a matter of policy, for reasons best known to themselves, on the part of the Philippines to take over Sabah. The legal arguments, the need to keep the issue alive for immediate or long-term domestic objectives or any other reasons that might be urged, are just excuses to implement this policy. Unless there is a change in this policy, we may be facing serious problems ahead of us.

We, on the other hand, cannot be expected to compromise our sovereignty and integrity. On this basic question there is no scope for compromise. Nor is it desirable to repeal the Bangkok talks on the claim once more at whatever level. The people of Sabah have decided that they wish to remain in Malaysia and Sabah has become part of Malaysia. The Malaysian Government must and will stand by that decision.

Hon'ble Members and the whole nation are aware of the tension that subsequently developed following the collapse of the Bangkok talks. The nation has taken cognizance of the security implications which consequently arise along the whole of Sabah sea frontiers. And the people will understand that Malaysia, while being desirous of seeking peace and stability in this region, and anxious to maintain close and friendly relations with the Philippines cannot be expected to surrender nearly a quarter of her national territory for the sake of such peace and friendship.

The Bangkok talks has helped to reinforce the Malaysian position on the claim and it is Malaysia's firm belief that no benefits can accrue from the continuation of such talks on the claim at whatever level. It is, however, the duty of all of us, both in the Philippines and in Malaysia to find ways and means to improve our friendship so that we may co-operate with one another on the basis of mutual respect of each other's integrity and sovereignty and in accordance with the principle of self-determination of peoples which the Philippines herself has acknowledged and accepted.

Recently, during the ASEAN Ministerial Conference in Jakarta, the Philippine Foreign Secretary, Mr Ramos, and I had a short discussion and, in view of the tension that existed between the two countries as a result of the Bangkok talks, we both agreed that the two countries should undergo a short cooling off period. It is, therefore, our hope and our prayer that this cooling off period would help to calm emotion and bring about sobriety and enlightenment so that wiser counsel would prevail in the interest of peace and stability of our region of South East Asia as a whole.

OUR ACHIEVEMENTS UNPRECEDENTED

WHAT WORLD LEADERS THINK OF MALAYSIA

The tributes paid to Malaysia by world leaders for her unprecedented achievements were referred to by Tun Abdul Razak in replying to criticisms by some members of the Opposition in the Dewan Ra'ayat. The speech that follows was in reply to the debate on the motion of thanks for the Royal Address on 13th June. 1968.

Tilt Hon'ble Member for Batu. originally of the Labour Party, now calling himself as representative of the Gerakan, made a number of serious allegations against this Government, stating that the Alliance Government is full of sins of omissions and misdeeds. Of course, we cannot expect any bouquet from an Opposition Member, but it is not for him to decide the future of this Government or what the people want. It is for the people themselves to decide. The people know the achievements of the Alliance Government during the past 13 years.

Our record of achievements has been unprecedented not only in our history but in the history of developing countries throughout the world. Today, our people of all races enjoy a better and higher standard of living and better amenities of life than they had ever enjoyed before. Our country, Malaysia, from a colonial territory, became an independent country and today, after over 10 years of independence, we have earned the respect of almost all countries of the world, both big and small.