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Japanese nationalists carrying national flags and placards during a rally over the Senkaku Islands issue in Tokyo. Countries in territorial rows should neither resort to violence nor stir up emotions that can go out of control. AFP pic

## Find peaceful end to territorial rows

By ST-20/9/2012

**WAR RESOLVES NOTHING:** Past experiences prove that the most sensible solution is to place claims before the court

I AM sorry to see dispute between China and Japan, and Korea and Japan over the offshore islands. Neighbours will always have problems over overlapping claims. But neighbours should not go to war or use violence in asserting their claims.

Malaysia has borders with five countries of Southeast Asia — namely Singapore, Thailand, Brunei, Indonesia and the Philippines. Once there was a confrontation by Indonesia though it was not about overlapping claims.

To avoid war and confrontations, Indonesia, Malaysia and the Philippines formed ASA, the Association of Southeast Asia.

This was later expanded to include Singapore and Thailand. Later, all the countries of Southeast Asia joined the association.

Many believed this was an economic community like the European Economic Community. But the real objective of Asean was to provide a fo-

rum for conflict resolution. It was launched after the end of the Indonesian confrontation against Malaysia. The association brought leaders of these countries together during frequent meetings. Knowing each other is important if problems between the countries are to be resolved. There is a Malay saying, "Tuk kenal makes tak cinta" (because you don't know each other, you do not love each other).

The first problem faced by Malaysia was over a triangular area of sea in the Gulf of Thailand where the northeastern border of Malaysia meets the southern border of Thailand. Malaysia's projection of the border of its continental shelf was towards the northeast while Thailand's was more southwards.

After repeated attempts by the respective foreign ministry officials of the two countries failed, the prime minister of Malaysia met the prime minister of Thailand and decided that

minerals, oil and gas discovered in the triangular area of sea between the two projected continental shelf borders should be shared equally, 50/50 between the two countries. A joint development plan by a joint development authority was put in place and today, the gas produced in the area is shared 50/50 between Malaysia and Thailand.



Tun Dr Mahatir Mohamad was the fourth prime minister of Malaysia

Then, there was a dispute over two beautiful islands in the seas at the border between the Malaysian state of Sabah and Indonesia. Prolonged negotiations and haggling by the two countries failed to resolve the issue. Both countries refused to give in or surrender their claims.

Eventually, both agreed to go to the World Court. It was a tedious process. Documents and other proofs had to be presented to the court by both sides.

After a considerable length of time and numerous hearings, the court decided that the islands belonged to Malaysia. Indonesia was unhappy of course. But Indonesia and Malaysia had both given the undertaking to accept whatever decision made by the court. And they both honored their promise.

During the British period, they set up lighthouses on several islands in the Malay peninsula, of which Singapore was then a part. Its government being the High Commissioner of the Malay States. For convenience, the lighthouses were administered from Singapore.

After the separation between Malaysia and Singapore, the island nation claimed that a rock on which a lighthouse had been built by the British in the sea between the southern tip of the Malay peninsula and Singapore belonged to Singapore.

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## Submitting to rule of law means accepting defeat

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Malaysia disputed this claim for various reasons. After years of trying to resolve the claim through negotiation, the two countries decided to go to the World Court.

To cut a long story short, the court decided the rock belonged to Singapore. Malaysia was disappointed but having given our undertaking, accepted the decision of the court.

There was also a dispute over the sea offshore Sarawak in the island of Borneo between Malaysia and Brunei. Believing that the sea belonged to Malaysia, Petronas, the Malaysian national petroleum company, began exploration in the waters concerned.

Brunei sent its warships and demanded that the Malaysians cease their operations. Later, the claims were discussed by the leaders of the two countries and it was agreed that the sea belonged to Brunei but the exploitation should be by Malaysia's national petroleum company.

Finally, the Philippines claimed the whole state of Sabah on Borneo island. But the Philippines did not join Indonesia in that country's confrontation. There has been no hostility between Malaysia and the Philippines, nor has there been any negotiation.

It is not a very satisfactory state of affairs. The problem is still there. But diplomatic relations between the two countries seem to be unimpaired.

The point I am trying to make is that the Japanese, Koreans and China should not resort to violent confrontation or stir up emotions which can become uncontrollable. The claims cannot be resolved through wars or through threatening acts like sending warships or putting up flags.

Wars, if resorted to, could spread to become an all-out war between the claimants. People would die.

The damage caused would be worse than the gain that the islands present. The cost of wars will damage not only the economies of the belligerents but the region as well, perhaps even the world as the United States might get involved.

No matter who wins the war, the loser would still dispute the posses-

sion of the island. Currently, there is a dispute between Russia, the winners in the last war, and Japan, the losers over islands north of Japan. Fortunately, the confrontation has not escalated to what we are seeing in China and Japan today. War resolves nothing despite the loss of lives, property and the huge cost of modern war. Even a limited war can bankrupt nations. Just look at the experience of war in Iraq and Afghanistan.

The only sensible solution to the dispute is to agree to negotiate, arbitrate or, failing this, to put the claims before the World Court. Someone will win and someone will lose of course. But war would also result in the same result.

In fact, war is worst because apart

from the high cost, the claims will still remain after the loss of lives and property. In fact, whatever wealth the islands will yield would probably be less than the total amount expended in the war.

Asia has had enough wars in the past. Let us keep East Asia peaceful. What we gain from peace will be a thousand times greater than what we can gain from the disputed islands.

Today, we talk of the rule of law. If we really do believe in it, then we should demonstrate it by resorting to the courts to settle disputes between nations as well. We have to accept that we can lose as much as we can win. That is what submission to the rule of law is about.

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