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# Malaysia-Philippines unnatural relations

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**LONG-STANDING:** The Philippines' claim on Sabah has remained unresolved for nearly 50 years, writes Dr Paridah Abd Samad

**T**HE level of irritation in the relationship between Malaysia and the Philippines is considered unnatural for two immediate neighbours who belong to a common regional grouping. The Philippines' claim on Sabah, one of Malaysia's 13 states, is an issue that has remained unresolved for nearly 50 years.

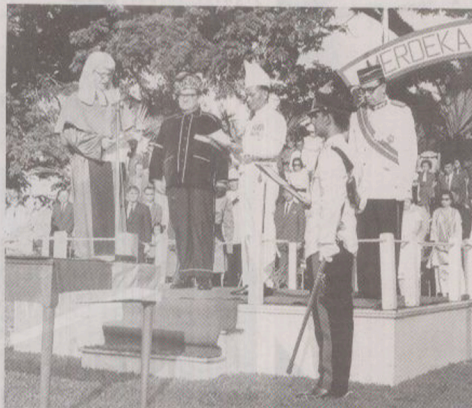
Once a part of the Sultanate of Sulu, Sabah's land area exceeds 29,000 square miles, smaller than neighbouring Mindanao by about 8,000 square miles. Its centuries-old ties with the Philippines are indicated by the fact that inhabitants of both came from the same racial stock and have similar customs and traditions.

The Sultan of Brunei originally ruled this part of Borneo, but in 1704, the Sultan of Sulu helped suppress an uprising there and, as a reward, North Borneo was ceded to Sulu. Subsequently, Europeans came to Southeast Asia for the valuable minerals, spices, and other rich sources of revenue, and in 1878, two of these enterprising merchants leased North Borneo from the sultan. Soon the British North Borneo Company was formed and awarded a royal charter.

In the course of laying the groundwork for Philippine independence, the treaty signed in 1930 by the US government and the British Crown, circumscribed the territorial jurisdiction of the Philippine Republic. It did not include Sabah within the boundaries of Spanish, American, or Philippine jurisdiction.

Six days after the Philippines was granted independence (July 10, 1946), the British North Borneo Company turned over all its rights and obligations to the British government, which in turn asserted full sovereign rights over Sabah through the North Borneo Cession Order.

There was no advancement of Philippine claims to Sabah from 1946 to 1962. Within that period, succes-



Sabah Chief Minister Donald Stephens (second from left), being sworn into office by the Chief Justice at the Malaysia proclamation ceremony in Jesselton, Sabah, on Sept 17, 1963. On the right is Deputy Prime Minister Tun Abdul Razak Hussein, representing the Federal Government.

sive Philippine administrations conducted low-keyed investigations on the merits of such a claim, and a study of these and other documents convinced Diosdado Macapagal, then chief of the Legal Division of the Philippines' Foreign Affairs Department, that a claim on North Borneo could be filed.

The first official Philippine act on the matter — House Resolution No. 42 adopted on April 28, 1950 — stated explicitly that North Borneo belonged to the heirs of the Sultan of Sulu and authorised the president to conduct negotiations for the restoration of sovereign jurisdiction.

But it was June 1962 before the Philippine government notified the United Kingdom of its claim on Sabah, and the following December the two agreed to hold talks on the issue. The promulgation of the claim brought the Philippines into diplomatic conflict with the British, who regarded it as a nuisance in relation to their own plan to change the status of North Borneo from a colony into a state of an expanded federation of Malaysia. The British government rejected the Philippine position in view of the overriding need to form the Federal Republic of Malaysia, ostensibly to con-

tain communism in Southeast Asia. Meanwhile, since Sabah has a total land area of 74,398 square kilometres and is only 16km from Sulu, it was a Philippine security concern. Such concerns, may have moved President Macapagal on April 20, 1963 to write to President John F. Kennedy stressing the importance of North Borneo as vital to the security of the Philippines.

At the first ministerial conference on the claim, held in London in 1963, a joint communiqué was issued by the foreign ministers of Malaysia, Indonesia, and the Philippines stating that the inclusion of North Borneo in the Federation of Malaysia "would not prejudice either the Philippine claim or any right thereunder". This joint statement was ratified by the leaders of the three countries when they met later that year in Manila, and Macapagal's participation in it, jeopardised the Philippine claim to Sabah.

In any case, the Federation of Malaysia came into being on September 16, 1963, and due to the physical possession of Sabah by Malaysia, the Philippine government refused to accord diplomatic recognition, contrary to its solemn commitment in the

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## Marcos recognised formation of Malaysia

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Manila Agreement. When Soekarno started his "confrontation" against Malaysia, Manila reduced its representation in Kuala Lumpur to consular level.

The claim was relegated to the sidelines when it became entangled within the wider context of the Republic of Indonesia's "confrontation" with Malaysia and the Sukarno regime's threat to resort to military means to crush the fledgling nation. Upon termination of the confrontation, the dispute over Sabah was carried to Bangkok, where bilateral negotiations aimed at its resolution were abruptly aborted.

In the United Nation's General Assembly, the disputants exchanged contentious charges and counter-charges.

Various unsuccessful efforts were made to reconcile Philippines and Malaysia until the two finally agreed to restore full diplomatic relations in June 1966. Ironically, President Ferdinand Marcos recognised the formation of Malaysia, after he took over political power in the Philippines.

With the inception of the five-member Association of Southeast Asian Nations (Asean), there was a tacit agreement between Malaysia and the Philippines that the issue be shelved in the interest of regional solidarity, and they agreed that it should be finally resolved through Asean.

In March 1967, the Philippine government was invited to send observers to witness the first direct elections in Sabah, but Manila refused on the ground that this might prejudice its position on the claim. The refusal did not, however, impede the participation of the Philippines and Malaysia in the formation of Asean in August 1967, and the following January President Marcos and his wife paid a state visit to Kuala Lumpur.

But deterioration in bilateral ties, again involving Sabah, led to a rupture in relations in 1969. The Philippines's institutionalisation of the claim through enactment of Republic Act 5546, incorporating Sabah as part of the territory of the Philippines, triggered Malaysian suspension of diplomatic ties. However, in the spirit of regional cooperation, relations were restored on Dec 16, 1969, during Asean's third ministerial conference.

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Tomorrow: Part Two of this article