



Beyond boundaries

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DURING his introductory visit to Indonesia last month, Prime Minister Datuk Seri Anwar Ibrahim said one of the issues raised in his bilateral meeting with Indonesian President Joko "Jokowi" Widodo was boundary negotiations.

In a briefing for the Malaysian media, Anwar said land and maritime delimitation issues have been dragging on for 60 years. He was referring to Jokowi's remarks at their joint press conference that the two leaders discussed land border and maritime delimitation and the possibility of signing a memorandum of understanding (MOU) on land borders in Sebatik and Sinapad-Sesai in the Sabah-Kalimantan Utara sector as well as an MOU on maritime boundaries in the Sulawesi Sea and the southernmost section of the Strait of Malacca this year.

In his response to Jokowi's remarks, Anwar invited the Indonesian leader to visit Malaysia soon to bolster negotiations on various aspects of bilateral cooperation.

"Yes, there are specific issues and I agree with the president on the ones that should be implemented.

"The president told me hundreds of meetings have been held and have taken years (to resolve),"

No price on sovereignty

Land border and maritime delimitation negotiations take time - sometimes decades - for a good reason: each country fiercely protects its myriad interests.



Good fences make good neighbours: Anwar (left) and Jokowi during their Jan 9 meeting at which Malaysia and Indonesia's border issues were discussed. - Reuters

Anwar said at the press conference without mentioning any particular issue.

"If you come (to Malaysia) sooner, we could resolve (our negotiations) sooner," he added.

In any relationship, issues are aplenty especially when it involves those closest to you.

One of the mechanisms to resolve and enhance bilateral cooperation is through a joint commission for bilateral cooperation (JCBC) which is led by the foreign minister. And for endorsement, certain matters would be brought to the leaders' level when they meet for their consultations, which could be an annual event. The last leaders' consultation was held in 2017.

Malaysia has held many rounds of JCBC meetings with Indonesia. This is the platform to promote dialogue and discussions on issues like maritime boundary delimitation and land boundary demarcation, migrant workers, economic cooperation and education cooperation as

well as trade and investment. The last JCBC meeting was held in 2018.

Certain issues could be resolved easily if there is political will but there are those, like land and maritime borders, that would need time.

"Delimitation takes time because we are demarcating boundaries. When there are issues of boundaries, of course of utmost important is the issue of sovereignty, especially on land.

"But at sea, there are different maritime zones, so the territorial seas themselves reflect sovereignty of the land, whereas the exclusive economic zone and the continental shelf would actually define a country's sovereign rights in the waters," said an official.

In delimitating maritime zones, there is a myriad of interests to be protected, especially for a coastal state.

"The country has to protect its interest, including its maritime rights and maritime securities as well as living and non-living

resources like fisheries among others," he added.

Malaysia is also guided and takes the position that all claims must be based on and resolved in accordance with international law, in particular the 1982 United Nations Convention on the Law of the Sea (Unclos). For the record Malaysia still has unresolved maritime and land borders with several countries, namely Indonesia, the Philippines, Singapore, Thailand and Vietnam.

When it comes to Indonesia, our maritime borders span from the Malacca Strait to the Sulawesi and South China Seas.

Many rounds of negotiations have been held over the years, and at one time special envoys were appointed to narrow the gap between both sides towards finding amicable solutions for the delimitation of territorial sea and other maritime zones in the Sulawesi Sea. Some progress has been achieved but it is painfully slow.

In 2018, Malaysia and Indonesia adopted joint technical proposals for a territorial sea boundary in the Sulawesi Sea and in the southern part of the Strait of Malacca. The demarcation and survey of the international boundary between Sabah and Sarawak and Indonesia's North Kalimantan and West Kalimantan are still being worked on by the joint Malaysia-Indonesia boundary committee.

"If we give the Indonesians what they want, of course these issues can be resolved quickly," said an official familiar with the negotiations.

"Maritime and border issues will take time. Indonesia wants to resolve all maritime issues before signing any agreement. We have resolved some parts in the southern part of the Strait of Malacca but not the Sulawesi Sea," he said.

Malaysia also needs to ensure

that its interests vis-a-vis other states will not be jeopardised. For example, in delimitating maritime zones with Indonesia in the southern part of the Strait of Malacca, Malaysia has to carefully look into its border with Singapore, as well as the Indonesia-Singapore agreement.

Leaders come and go. Of course, when they are new they want to resolve bilateral issues as soon as possible. But do they have a clear understanding and indepth knowledge of the issues on the table? We would expect the leader to be surrounded by ministers, senior officials and advisors who are able to brief them and give the true picture. It would be a breakthrough and legacy for any leader if an issue being negotiated for decades could be resolved during their administration.

Anwar has said that the Malaysian government would continue talks with Indonesia and review each issue carefully before bringing the matter to the Cabinet.

"I will try to avoid issues that could strain our relationship, I want the ties between Malaysia and Indonesia to remain in a special category," he said.

Since he returned from his trips to Jakarta and Singapore, the prime minister has remained upbeat on bilateral relations and has given instructions that he wants "things to move and get done".

But when leaders make any statements on border issues, they should be reminded that, in any negotiations, no country wants to be seen easily ceding even an inch of its territory. And it's worse if the issue is politicised for a domestic audience.

It is a good start if there is political commitment from leaders to resolve outstanding bilateral issues but there is no price on Malaysia's sovereignty.