

SABAH ISSUE IN MALAYSIA- PHILIPPINE RELATIONS

**Dissertation submitted to the Jawaharlal Nehru University
in partial fulfilment of the requirements for the
Award of Degree of
MASTER OF PHILOSOPHY**

Submitted by

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CERTIFICATE

*It is certified that the dissertation entitled **SABAH ISSUE IN MALAYSIA-PHILIPPINES RELATIONS** submitted by **Loktongbam Sunito Devi** is in partial fulfilment of **Master of Philosophy** degree of this University. This dissertation has not been submitted for any other University and it is her own work.*

We recommend that this dissertation be placed before the examiners for evaluation.

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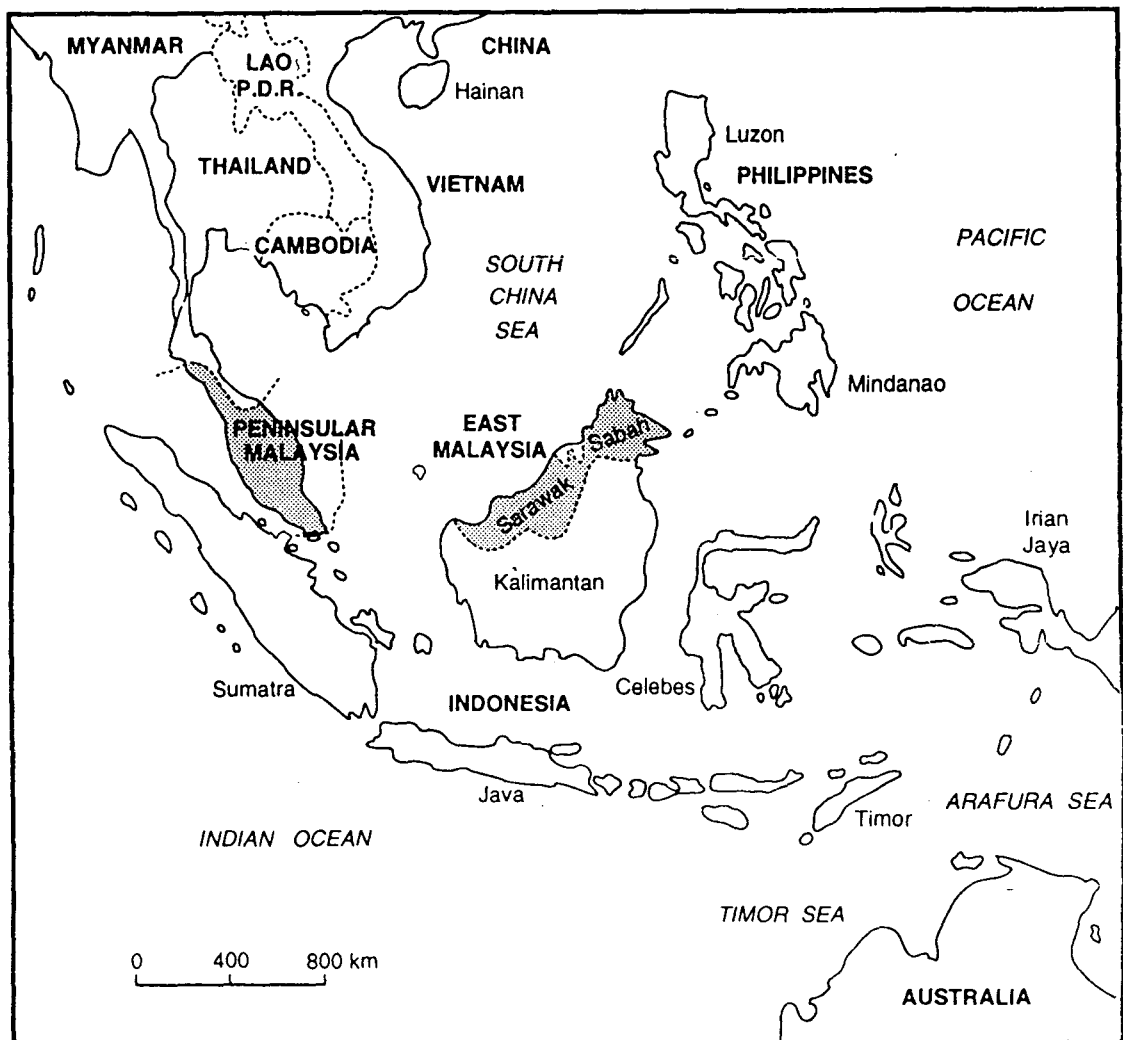
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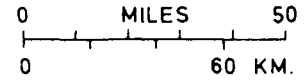
ABBREVIATIONS

1. **ASA** - Association of South East Asia
2. **UN** - United Nations
3. **ECAFE** - (United Nations) Economic Commission for Asia and Far East.
4. **ASEAN** - Association of South East – Asia Nation
5. **OPM** - Organizing Paper Merdekha
6. **PNG** - Papua New Guinea
7. **PC** - Philippine Constabulary
8. **MIM** - Muslim/Mindanao Independence Movement
9. **Col.** - Colonial
10. **NPA** - New People’s Army
11. **MRP** - Muslim Revolutionary Forces
12. **SEATO** - South East Asia Treaty Organisation
13. **M.N.C.F.** - Moro National Liberation Front
14. **AD** - Associated Press
15. **NY** - New York

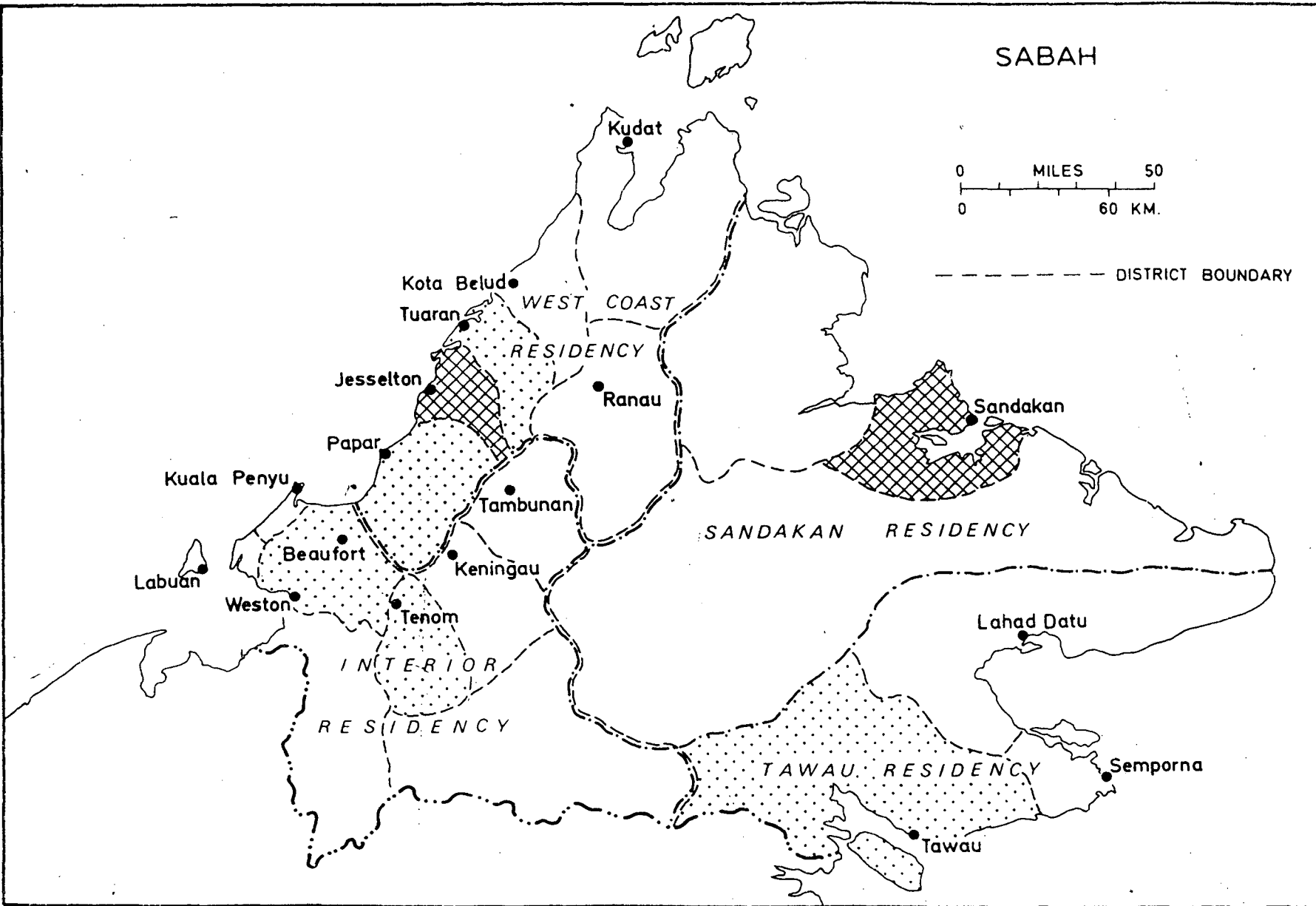


Map 1.1 Southeast Asia: Location of Peninsular Malaysia and East Malaysia

SABAH



--- DISTRICT BOUNDARY



11

10

1.2

CHAPTER – I **INTRODUCTION**

HISTORICAL BACKGROUND OF SABAH

Sabah (North Borneo) lies in the latitudes between one and seven degree North of the equator and it is an important province of Malaysia. The total area which Sabah (North Borneo) covers is 73,613 sq. km with the population of 1,177,000. Sunni Islam and the Christianity are the main religions. English and Malay are the official languages.¹

Sabah have a uniformly warm and humid climate with temperatures ranging from 25.5°C and 33°C, except at high attitudes where the nights are considerably cooler. Seasonal changes are marked not by variations in temperature but by changes in rainfall, which is turn are related to the cycle of the monsoonal winds.² The landform of both the Malay Peninsula and Borneo (Sabah and Sarawak) is characterized by coastal plain giving way to a rugged mountainous interior. In Sabah, the low lands, often-swampy alluvial plains, also form a belt along the cost. Behind these plains are the foothills leading inland up to a mountainous mass through which runs the border between Malaysian and Indonesian Borneo. The highest mountain in Borneo, and also in South East Asia, the Mount Kinabalu (4500 meters) is in Sabah. The great rivers of Sabah, like those on the peninsula, were the original sites of settlement. The heavy rainfall and

¹ Encyclopaedia of far east and Australia, 2000.

² Amarjit Kaur and Ian Metcalfe, the Shaping of Malaysia, p.1.

warm temperature have resulted in Sabah being covered by equatorial forest. Sabah possesses one of the richest and most diverse flora and fauna on earth, and the trade in tropical timber represents a major export earner for Sabah.³

The indigenous race-Malay Muslims in the North Borneo make-up three fourth of the total population. The largest numerical group is the Dusuns, which include Kadazan followed by the Bajaus, the Brunies and the Muruts. There are also less numerous ethnic groups like the Illanuns and the Bisayas. The Chinese form the second largest racial community, followed by a lesser number of Europeans, Indonesians, Indians, Pakistanis, Ceylonese and Filipinos.⁴

The overall literacy rate of north Borneo is low in all sections of the populations among the three territories. The Chinese have the highest literacy rate followed by the Malays in Sabah. The latter are mostly fishermen work in the lumber industries whereas the former are shopkeepers, government clerks and businessmen. The Chinese occupy on peculiar position in the North Borneo community.

Sabah (North Borneo) has enough natural resources, abounds in mineral resources and vegetable riches. Its chief exports are timber, rubber, copra, hemp and tobacco, which Japan being the leading importer of these products. Not only these tree, shrews, slowlores, tansur leaf, copper, palmoil, monkeys macaques and apes and a

³ Ibid., p.2

⁴ For the history of North Borneo (Sabah) refer to K.G. Tregonning, A history of modern Sabah – 1881-1963. Kuala – Lumpur – 1965.

* The Dussun is not a name for an district tribe but “One given by outsiders to a group of similar people”. (M.H., North Borneo The first ten years, 1946-1956, p.9

profusion of smaller mammal including civets squirrels, rats and bearded pigs. It is a country of coastal towns, its Jungle being covered interior having resisting any coast system of communication by either rail or good roads.⁵

Sabah was a territory under the Sultan of Brunei. To show his gratitude for help in suppressing a revolt, the then sultan of Brunei ceded the territory to the sultan of Sulu in 1704. An Austrian gentleman named Baron Von Overback in his capacity as an agent of an English Merchant named Alfred Dent obtained a grant of territory in North Borneo from the sultan of Brunei on 29th December 1877. On 22nd January 1878, to be certain of this cession, he also entered into an agreement with the Sultan of Sulu.

After 1878, Alfred Dent organised the British North Borneo Company and applied for a Royal charter. The status of the British North Borneo Company was that of a mere administrator. In 1888, North Borneo became "State of North Borneo" under the protection of the crown. In 1903 the British North Borneo Company entered into a confirmatory deed with the sultan of Sulu including new areas not covered under the original deed in 1878.

The greater part of the area over which the chartered company's jurisdiction had been acquired as leasehold was not a cession. In 1937, the Philippines government during the Common Era forbade the exercise of governmental authority in Mindanao and Sulu archipelago

⁵ Philippine claim to North Borneo Manila 1963, vol. II part 1, pp.11-13.

by traditional rulers Sultan and Datus. In 1936, the Sulu Sultan died and no successor had been proclaimed.⁶

British Military administration ended in 1946, Sabah including Lubean became a crown colony. The Governor assisted by an advisory council conducted government. In 1950, the new constitution provided for the establishment of executive and legislative councils.⁷

Later in July 1946, the Philippines presented a formal request to the newly established colonial administration to make payment and was disiron of having it computed in a Lumpsum – but it was not until 1962. In this year itself the United Kingdom planned to cede sovereignty of Sabah to Malaya and the concept of Malaysian Federation emerged. Sabah was to be the part of the Malaysian Federation, despite the Philippine's claimed that Sabah being the integral part of Sulu in the past should become part of their country in the post independence period.

There was a misunderstanding between the Philippines and Malaysia on the question of sovereignty over Sabah. The Philippines maintained that the territory was only leased out by the Sultan of Sulu in 1878. Malaysia held that it was ceded. Troubles arose over the interpretation of the Malay word "Padjak" written in the Arabic Script.⁸

⁶ Philippine claim to North Borneo – Manila 1963, vol. 1, p. 61 and see Report on the Anglo-Philippine talka p.26.

⁷ How Malaysia is Governed Edited by Research Board Research Delhi – p. 16.

⁸ Philippine claim to North Borneo, n3, pp.144-6. and K.G. Tregonning, "The claim for North Borneo by the Philippines," Australian outlook (Melbourne) vol.1,16, No. 3, December 1962, p. 285.

The territory of Sabah was claimed by the Philippines on historical, geographical, economical and ethnic grounds, and Sabah was considered important for its national security. But the British and Malayan delegation decided that the Borneo territories should be transferred to the new federation by August 31, 1963 and that detailed constitutional arrangements and safeguards governing their transfer would be drawn up. The committee composed by both British and Malayan members worked from August 1962 to December on the necessary safeguard and constitutional arrangement governing, such matters as religious freedom, education, representation in the Federal Parliament, the position of the indigenous races and the state constitutions etc and submitted its report to the British parliament in February 1963.⁹

The Philippines opposed to the Malaysia's plan because of Sabah on both legal and political considerations. The inclusion of the North Borneo's territory to which the Philippines had laid its claim in the proposed federation of Malaysia led the Philippines not only to oppose the Malaysia's plan but at the same time request the British for ministerial talks between the two governments in order to discuss the claim. Although Britain rejected the Philippine's claim on 3rd August 1962 in an aide Memoire, however gave signal of affirmative to the formation of the federation and Malaysia.

⁹ Philippines claim to North Borneo, n2, p, 57.

Meanwhile the Philippines claim over the sovereignty of Sabah not only decline by Great-Britain and Malaysia. But also there were critics of the claim even within Philippines itself. Basically the people of Sabah, on the ground of their security were not in the favour of Philippine's claim.¹⁰

In 1962, there was a revolt in Brunei in December led by A.M. Azahari of Rakjat party, Brunei's largest party. Azahari announced from, manila that he had formed a revolutionary government with himself as its head on it December 1962. Brunei was one of the territories to be incorporated in the proposed Malaysian Federation. Which Azahari opposed to. Although Indonesian openly supported to Azahari, the Philippines rather guarded in its support for Azahari. At first Azahari made Manila his headquarters but his presents there laid embittered to the relations between the Philippines and Malaya. Azahari was permitted to stay in Manila only for a short duration. Later, on 31 January 1963, he left for Jakarta. The Brunei revolt convinced the Philippine government that the Malaysian plan was not practicable.¹¹

The revolt also made Britain revise its attitude to the question of holding talks with the Philippines. It conveyed its willingness to hold talks. The talks commenced in London on 28 January 1962, vice president Pelaez led the Philippine delegation.¹² Nothing concrete,

¹⁰ Kaul M.M. – The Philippine – and South East Asia, p.77.

¹¹ Willard A. Hanna, *The Formation and Malaysia: New Factor in World Politics* (New York, 1964), pp. 138-9, Manila times, 9 December 1962, and 1 February 1963.

¹² Manila times, 29 January 1963.

however, emerged and Britain went ahead with its plan for a Malaysian federation.

On the other hand the Brunei revolt was a fiasco, its impact on the preparations for Malaysian was far reaching. Moreover it is not clear why the Filipinos lent their support, even unofficially to Azahari as there was potentially direct conflict of interest between their claim to North Borneo and the professed aim of the Rakjak party, to establish a federation under the Sultan of Brunei. The most probable explanation is that by the end of 1962, Manila was so affronted by the total lack of response which their claim had elicited from either London or Kuala Lumpur, that they reacted sympathetically to Azahari on the principle of "the enemy of my enemy is my friend", calculating that without some upheaval in the area, nothing could stop Malaysia coming into being according to plan.¹³

Meanwhile, Indonesia announced its policy of confrontation over the federation idea. This made the Philippines more vociferous in staking its claim to Sabah. To understand the event, which led ultimately to the severance of diplomatic relations between Djakarta and Kuala Lumpur in September 1963, two preliminary points must be made. First, confrontation was not, at the beginning of 1963, inevitable. Officially, Indonesia had no territorial ambitions beyond west New Guinea, a position which had been confirmed before the United Nations by Dr. Subandrio, the Indonesian Foreign Minister, at the end of 1961.¹⁴

¹³ Straits times, 22-23, November 1962.

¹⁴ Survey of International Affairs 1963, p. 143.

While in the conflict between the old Established and the New Emerging Forces, on which president-Sukarno based his foreign policy, confrontation with Malaysia was regarded as a natural extension to Indonesia's successful confrontation with the Dutch, in substance, if not in style, it was quite different against the Dutch. Indonesia had advanced a territorial claim and its interest in Malaysia on the other hand was ostensibly merely ideological. "Confrontation' in this case constituted a direct intervention in the internal affairs of a neighbouring state.¹⁵

The first move of Indonesia for confrontation to Malaysia was to initiate small-scale border raids, infiltrate for subversion and to launch a verbal campaign designed to frustrate the establishment of the projected federation. Malaysia was pictured as an instrument of neo-colonialism and "old established forces" and a threat to Indonesia's security in view of the planned retention of the British Military bases in the territory, although Sukarno never felt threatened with these bases before Malaysian was conceived of. The British and the Malays, who had earlier joked about the objection of Indonesia and Philippines, now realised the seriousness of the situation and decided to negotiate. Sukarno and Mecapagal had complained that they were being ignored. So the Malayan government decided to meet the aspect of their demands. Tun Abdul Razak, Malay's Deputy premier, saw Indonesia's Subandrio and the Philippine vice President Pelaez in Manila. Little came out of these consultations and Rahman and Sukanio exchanged abuses for several weeks.¹⁶

¹⁵ Ibid.

¹⁶ Lalita Prasad Singh, *Power Politics and SEA P-71*.

In May 1963, however, it seemed as if Sukarno was really eager to negotiate the dispute peacefully. He invited the Malay premier to see him in Tokyo where they apparently talked in a friendly spirit. Sukarno was reported to be amiable. Observers felt that Tunku had finally humbled himself before Sukarno and appeased latter vanity, Indonesia might call off the confrontation. Sukarno had not given up his goals, he had merely changed histatics. As a result of Sukarno – Tunku deliberations, the foreign ministers of three countries met in Manila in June 1963 giving thereby a big boost to Philippines rising international stature. The work of the foreign ministers was approved in August by the Tunku, Sukarno and Macapagal Summit conference, once again in Manila. The world eagerly hoped for a settlement of the differences between the three Malay neighbours. The outcome of Manila deliberations seemed to suggest that Malaysia would have a peaceful birth.¹⁷

In July 1963, Britain and Malaysia signed an agreement toward transfer of sovereignty. This development might be interpreted as the British effort to prevent the Philippines and Indonesia from delaying the formation of Malaysia. Macapagal sent a message to the British government through the American ambassador that the three countries had agreed to ascertain the wishes of the people of Sabah

¹⁷ Ibid.

under the auspices of the United Nations.¹⁸ Tunku, in face of British reluctance, agreed to postpone the formal proclamation of the New Federation pending the ascertainment of the wishes of the people of Borneo territories regarding their membership of the propose. Malaysian federation by an impartial authority such as the Secretary General of the United Nations on his representative. While Tunku thought that this would mean more than slight delay in the establishment of Malaysia, to Sukarno, this was merely the beginning of his diplomatic gains leading to eventual success.¹⁹

The Secretary General of the United Nation's agreed to carryout the work of ascertaining the wishes of the people of Sabah. The report of the United Nation's team stated that the majority of the people in Sabah were in favour of Malaysia. On 13th September 1963 Secretary General of united Nation said in his conclusion that the people of Sabah approved of the federation of Malaysia, but Philippines and Indonesia criticized the work of the United Nations team.²⁰

Due to the opposition from the Philippines to the Malaysian plan both on legal and political consideration, there were many peace talks held in different places for resolving this dispute. Even though having some shade overly this dispute North Borneo territory was transferred from the British Crown to Malaysia in 1963. Now Sabah remains as

¹⁸ Diosdado Mecapagal, Astone for the Exiric Quezo city, 1968, p. 254-5 and

¹⁹ Lalita Prasad n.13, p.41.

²⁰ Ibid, p. 73-4.

one of the self governing state in the federation of Malaysia. It's capital is Kota Kinabalu. The government consists of a constitutional head of state with the Chief Minister, council of Ministers and legislative Assembly. But the question of Philippine's claim over Sabah's sovereignty remained as bone of contention in every serious matter of Malaysian and Philippines relation.

The Federation of Malaysia came into being and the United States recognised the Federation of Malaysia but the Philippines and Indonesia rejected the finding of the United Nations Mission and refused to recognise Malaysia. Later on for maintaining the regional peace and security they had done.²¹

The Maphilindo died unceremoniously due to this Sabah dispute between the Philippines and Malaysia in one hand and due to the confrontation between Indonesia and Malaysia on the other hand. But with Marcos coming to power and with a realization among both the countries that their cooperation is needed to foster development. Both the countries came to negotiation table in 1966. Marcos was not assertive on the claim of Sabah and formally Malaysia was given upper hand in the province. This development could lead to the formation of ASEAN.²²

In the next three decades, the issue has not got much prominence, although not sidelined altogether. It has been able to raise rhetoric and sentiments simultaneously featuring in the foreign policy. Both the Philippine and Malaysia have spotted other area of

²¹ Far East Asia 2000, p. 4.

²² The Philippines Turns East (Quezon city, 1970) edn-2, p.19.

cooperation and convergence but still Sabah question maintain in foreign policy.

The question of disputes over Sabah between the Philippines and Malaysia have been kept under the carpet but this is an issue worth analysis with the conflict in Irian Jaya and Bougainvillea.

Irian Jaya is now an integral part of Indonesia but demands for independence by a small section of people continue to exist. It became necessary for Jakarta to have joint border agreement with Papua New Guinea for curbing activities of OPM since they had been successful in taking sanctuary across the border. But the East Timor and rumblings to Aceh might also strengthen the OPM activities. This secessionist-movement is, likely to arise in Sabah which has remained an integral part of Malaysia since 1963.²³

On the other hand, Bougainvillea is an island in the Soloman Sea located in the East of P.N.G. The people are mostly Melanesian who identify more with the Soloman Islanders. Bougainvillea wanted to be independent of P.N.G. The conflict is like a secessionist movement with the root in the unholy – marriage of Bougainvillea PNG. Although the question of Bougainvillea sovereignty and territorial disputes between the Soloman Island and PNG is somewhat different from the dispute over Sabah. But Sabah could be considered a potential source of tension.²⁴

²³ R.J. May – Between the two Island, pp. 65-68 and Asia pacific J.D.W, 12th June 1996.

²⁴ In sight –12 February 1996 Vol. 5, No. 1 and BBC News – Thursday April 30, 1998, R.J. May and Mathew springs – the Bougainvillea crisis, p.18-19.

Sabah has geographical proximity with the Philippines and the adjoining Islands Sulu and Mindanao are facing unrest. There is ethnic connection between the people of Sabah and Mindanao areas and this aspect of life is the point of tension in the Philippines.

CHAPTER - II

PHILIPPINE CLAIMS OVER SABAH

The Malaysia plan which envisaged a political association combining Brunei, Singapore, North-Borneo and Sarawak with the Federation of Malaya was first officially proposed by the Prime Minister of the Federation of Malaya On May 27, 1961 at a press luncheon in Singapore,¹ before the final decision, both the British and Malayan Governments agreed to ascertain the views of the people of North Borneo.² A Commission of Enquiry was set up, composed of Malayan and British members and headed by Lord Cobbold former Governor of the Bank of England. Its mission was to carryout the work of ascertaining the people's views about the proposed Federation. In April 1962, while the commission was winding up its work, the Philippine Secretary of Foreign Affairs, in a meeting with the Malayan Prime Minister in Cameron Highlands argued to the inclusions of North Borneo in the Proposed Federation. Though the most important action taken on the claim of Sabah sovereignty jurisdiction and proprietary ownership was officially filing on June 22,1962.³

North Borneo (Sabah) covers 29,388 squares miles. It occupies the whole of the Northern portion of the Island of Borneo. It is

¹ Hanna Willard A, *The Formation of Malaysia* (New York: American Universities field staff, Inc, 1962, 1963, 1964), p.7.

² Report of the Commission of enquiry, North Borneo, Brunei and Sarawak, p. 1.

³ *Ibid*, p.3.

bounded on the North by the Sulu Sea in the Southern Philippines, on the east by the Celebes Sea, on the South by Indonesian Borneo, Sarawak and Brunei, and on the west by the South China Sea. It has several fine bays like Darvel Bay, Cowei Harbour, Sandakan Harbour and Marudu Bay.

North Borneo (Sabah) has vast natural resources and abounds in mineral and vegetable riches. Its chief exports are timber, rubber, copra, hemp and Tobacco. The indigenous races in North Borneo make up three-fourth of the total population. The largest numerical group are the Dusuns which include Kadazans followed by the Bajaus, the Brunies and the Muruts.⁴

Earlier, the motive of the Philippines claim to North Borneo (Sabah) was on the Historical and legal basis. Though Philippines claim North Borneo, apparently only a few realize, that the Philippines and Sabah have had close historic links, dating as far back as the beginning of history. Authoritative western scientists have traced the land bridges which, during several geologic periods connected Borneo with the Philippine. From time immemorial, the Sulu Archipelago in the Philippines and North Borneo had constituted a single economic and cultural unit.

Philippines, in favour of themselves have sided that the Filipinos and North Borneos belong to the same racial stock. Years of colonial rule and political isolation, however have created a gap between the two peoples an unfortunate circumstance, considering that north

⁴ North Borneo Annual Report, 1962, p.174.

Borneo is only eighteen miles away from the nearest island of the Philippines archipelago.

Moreover without any hesitation Philippines expressed that the Filipinos desire freedom for the people of North Borneo. Freedom is the sum and substance of the Philippines struggle against foreign domination. Since Ferdinand Magellan, the Spanish navigator, landed on Mactan Island in 1521, freedom and respect for the ruled of law constitute the essence of the Philippine claim to North Borneo. It will be noted that President Diosado Macapagal in his state of the Nation Address stressed this on January 28, 1963.⁵

On the legal base they had been tried to make many events and evidence is favour of them. In 1704, the Sultan of Sulu, by virtue of a cession from the Sultan of Brunei became the sovereign ruler of Northern Borneo. The title of the sultanate of Sulu of North Borneo (Sabah) had been recognised by Spain, Great Britain and other European powers through a series of treaties of peace, friendship and commerce.

Infact, some historians comment their own views about 1704 succession of North Borneo by Sultan of Sulu. Among them, according to Prof. Tregonning, a historian on the faculty at the University of Singapore, North Borneo was "Ceded" to the Sultan of Sulu by the Sultan of Brunei in 1704 in return for help in suppressing a rebellion.

On 29 December 1877, a German named Baron Gustavus Von Overback, who has gone whaling in the pacific and who consul in

⁵ Philippine claim to North Borneo, vol. 1, p. 21.

Hong Kong for the Austro-Hungarian Empire, in his skill as an agent of an English merchant named Alfred Dent, obtained a grant of territory in North Borneo from the Sultan of Brunei. On 22 January 1878, to be certain of this cession, he also signed an agreement with the Sultan of Sulu.

In accordance with the 1878 document, Alfred Dent organized the “British North Borneo Company”, and applied for a royal Charter. The statement and application of Mr. Dent dated December 2nd 1878 submitted to the marquis of Salisbury, K.G. Secretary of state for Foreign affairs, indicate the exact nature of the contract and the scope of the powers of the British North Borneo Company.⁶ The company was awarded the charter, in response to the Spanish and the Dutch protests to the awarding of the Royal charter. Lord Earl Granville, the then British Foreign Minister, disclaimed any intention on the part of the British crown to assume either dominion or Sovereignty over North Borneo, and categorically stated that “Sovereignty remains vested in the Sultan”. Officially English documents show that the status of the British North Borneo Company was that of a mere “Administrator” and that exercised rights of control over North Borneo only by delegation from the Sultanate of Sulu.

In 1888, the company purportedly by entered into an agreement with the British government placing a so-called “State of north Borneo” under the protection of the crown. In 1903, the British North Borneo Company entered into a confirmatory deed with the sultan of Sulu,

⁶ Ibid, p. 21-22.

including new areas, which were not covered under the original deed of 1878.

In 1946, just six days after the independence of the Philippines, the British crown, in obvious haste, entered into a contract. With the British North Borneo Company, whereby the latter transferred to the crown all its rights “to the intent that the crown shall”, as from the day of transfer, have full sovereign rights over, and title, to the territory of the state of the north Borneo and that the said territory shall thereupon become part of “His Majesty” dominions.⁷

Philippines claim to North Borneo can be viewed in the larger context of history. Here the main sources of the claim and one of the misunderstanding over the dispute for Sabah between Philippine and Malaysia was “The contract dated January 1878”. And which was drafted by Overback as a result of his negotiations with the Sultan of Sulu, was written in the Malayan language and in Arabic characters.⁸

The Philippines Government argued that the Arabic text of the 1878 agreement used the word “Padjak” which meant lease. In this Harold Coklin, a language specialist of the Yale University supported them. Two British historians, Maxwell and Green, insist that the meaning of some words changes over time and whatever the meaning of ‘Padjak’ is, today it meant ceding in 1878.⁹ At any rate, there is little dispute over this point since British and contemporary Spanish documents show that the deed of 1878 was nothing more than a “lease”. The Spanish documents expressly use the term

⁷ Ibid. p.22.

⁸ Ibid, p. 23.

⁹ Lalita Prasad Singh – Power Politics and South East Asia. P. 105.

arrendamiento, which means lease.¹⁰ Therefore, Overback and Dent had not acquired sovereignty over North Borneo Company by and therefore it was not a legal transfer. Similarly the British crown could not acquire sovereignty over North Borneo from the British North Borneo Company. Not being sovereign over North Borneo, the British Crown was not competent to transfer North Borneo to the Federation of Malaysia.

Again the Filipinos also argued that the Sulu had become part of their country and that, therefore, their country had gained sovereignty over all the territories of the sultan including North Borneo. The heirs of the Sultan presented North Borneo to the Republic of the Philippine in 1962. So as legal successors to the sultan of Sulu the Philippine government claimed it.¹¹

FACTORS FOR CLAIMING SOVEREIGNTY OVER SABAH

The Philippine government officially staked its claim on June 22, 1962 over Sabah, then a British colony, in a formal diplomatic note sent by the Secretary of Foreign Affairs to the British Ambassador on direction of president Macapagal. President Macapagal was the main contender for shaping the claim of Philippine to the Sabah sovereignty.

We have had discussed shortly about the Historical and legal basis of the Philippines claim to Sabah. No doubt Philippines

¹⁰ Philippines Claim to North Borneo, n5, p. 23-24.

¹¹ The History of North Borneo (Sabah) refers to. G. Tregonning. A History of Modern Sabah 1981-1963 (Kuala Lumpur) 1965 and also Republic of the Philippines, Philippine claim to North Borneo (Manila) 1967, vol. 2.

considered Sabah as important for its national security and for geographical, economical and ethnic purpose. Besides their claim over Sabah Sovereignty, their pursuit of their national security was also as one of the main factor.

The Philippines drew on the geographical as well as on the political national security factor for reinforcing their historical and legal claim. They claim that it is hardly possible to draw even the smallest and most restricted map of the Philippines without including precisely the portion of the island of Borneo. A glance at the map shows how naturally the northern tip of the island forms the fourth side of the quadrilateral, that is the Sulu sea and falls into place as a necessary link in the chain of islands running clockwise from palawan to the western visayan islands, Mindanao and the Sulu archipelago.¹² This fact of geography is confirmed by the facts of history. From time immemorial, the Sulu archipelago and North Borneo have constituted a close economic and cultural unit, and the incorporation of North Borneo as part of the dominion ruled by the sultan of Sulu, merely lent political sanction to an accepted historian fact. After the independence of Philippine, this intimate connection between Philippines southern most islands and North Borneo has remained close. However, even under the absence of the old political ties

¹² Diosdado Macapagal – “A stone for the EDIFICE”, (Quezon City Philippine 1968, p. 268, and See n5, Philippine claim to North, p.17.

between them the normal economic and cultural life, which the geography and history have decreed to these contiguous territories have been gravely disturbed.

The map also shows how important North Borneo is to the Security of the Philippines within the larger context of the defenses of the Free World in the South West Pacific. The island of Borneo is part of the chain and archipelagos, which extend from Japan, through Okinawa and Taiwan, to the Philippines and Indonesian Island chain, which is separated from the mainland of Asia by the natural defense barrier of the China Sea.¹³

Britain and the Philippines share a common obligation to help prevent the further expansion of communist power on the Asian mainland, it would be reckless imprudence on their part to recourse, through error or negligence, the natural protection provided by the sea. Philippines views that they must not allow communism, to penetrate and outflank their defenses in the region through Borneo. In particular, they must not expose North Borneo, which is the Southern gate to their great inland sea, the Sulu sea, to the danger of becoming an extra-continental base for communist domination from the moment it is linked in a federation with Malaya and Singapore which, individually or together are themselves in danger of a communist take-over.

They believe that there is a better chance of keeping North Borneo out of communist control by restoring it to the Philippines.

¹³ Diosdado Macapagal - The Philippines Turns East-Quezon city Philippine, 1970, vol.2. p.25.

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Instead of depending for its security on Malaya and Singapore, which are a thousand miles away on the imperiled mainland, North Borneo (Sabah) would then become part of the compact, well-defended archipelago whose nearest island is only 18 miles away.¹⁴

On the other hand Malaya and Philippines have equally distinguished records of achievements in the struggle against communism. But the Philippines enjoy the protective barrier of the China Sea. It has four times the population of Malaya, and unlike Malaya, Philippine is not directly menaced by communism, both from the North and South. Therefore they had submitted to the views of the British Government that North Borneo can be more effectively defended and held from the Philippines, than from Malaya against the Communist menace. Moreover they would add, as a corollary to this, that it would in the long run be extremely difficult to hold and defend the territory without the positive collaboration and active support of neighbouring 'south east Asian countries.'¹⁵

The President Macapagal in relation to the national security, once quoted:

- (1) The President Macapagal himself stated on 28th January 1963, "Our claim to North Borneo cannot be less than the claim of Malaysia to the territory not only on the basis of superior judicial and historic rights but in the vital interest of our national security.....Furthermore, if through arbitrary arrangement the Borneo territory is placed under Malaya, the

¹⁴ Philippine claim to North Borneo – n. 5, vol. 1, p.17-18.

¹⁵ Ibid.

latter cannot likely insure for long the security of North Borneo for the free world. A profound and farsighted contemplation of the present and potential security posture in the whole region will conclusively support the judgment that the restriction of North Borneo as part of the territory of the Philippines would be the durable measure that could best insure against territorial disequilibrium and restlessness in the area and could constitute firm and stabilizing factor to maintain and safeguard the security of the region.”¹⁶

- (2) On April 20th 1963, He again explained in his letter to the late president Kennedy as follows:

“North Borneo (Sabah) as part of Philippines territory is vital to the security of the Philippines. The Philippine is like an inverted bottle with the Sulu Sea as its open end in the south and to which North Borneo is the cork. North Borneo is only 18 miles from the nearest Philippines Island while it is 1,000 miles from Malaysia. The control of the Northern tip of Borneo by an unfriendly power would constitute a more deadly threat to the Philippines than would the Island of Taiwan in the North in the hand of an enemy ... As a general principle, in accordance with long-range considerations for our security, we are opposed to placing North Borneo under the authority of any country on the Asia mainland, particularly one whose territorial integrity is itself under threat by communist domination.”¹⁷

¹⁶ M. GHAZALI SHAFIE, *Malaysia International Relations* Kuala Lumpur 1982, p. 128.

¹⁷ *Ibid*, p.129.

In the exchange of views Secretary Peralta presented the Philippines position on the political and security ground which was held in London from January 28 to February 1, 1963. He stated that the security of the region would be enhanced if North Borneo is restored as part of the Republic of the Philippines. He gives an estimates of the communist threat as viewed from the Philippine angle. Among the important points he made were the following:-

The communist threat to Southeast Asian countries

- (1) Laos is today nearly lost to the communists.
- (2) Cambodia is maintaining a neutralist line but is more inclined to the communist.
- (3) Vietnam is seriously threatened by the Communist rebels although with U.S. aid is holding back the communists.
- (4) Thailand is succeeding in keeping the communist out, except in the northern areas where the communist guerrillas are still a menace.
- (5) According to British sources, Malaya has succeeded in tracking down communist territories just as the Philippine did with the Huks.¹⁸
- (6) Singapore with a preponderant Chinese population is being threatened with subversion.

¹⁸ Philippine claim to North Borneo (Manila) 1967, vol. 2, p. 84.

- (7)(a) The danger of communist subversion spreading to the territories of Sarawak, Brunei and North Borneo is a serious one in view of the dominance of Chinese influence in the economy and because of the illiteracy of the indigenous people of the area.
- (b) The British view that the Federation of Malaysia will ensure the security of Singapore because the combined population of Malays would outnumber the Chinese as was answered by Secretary Peralta with the argument that addition of numbers alone will not necessarily neutralize Chinese influence. The Chinese being in control of trade and economy, they can easily offset the slight numerical advantage of the Malays.
- (c) Secretary Peralta stated that the Philippines would not keep North Borneo if it develops later that its inhabitants prefer to be independent or to join another state on the principle of self-determination.¹⁹

Over all claims based on historical, geographical, political and security, Philippines has made other matters also related to the piracy and arm raids, smuggling and illegal in – migration which happen through the North Borneo to Philippines and affected the Philippines economy. All these problems could be solved if the Philippines can extend their hand to the North Borneo regions.

¹⁹ Ibid, p. 85.

On the other hand, president Macapagal said that Philippines are loyal, committed to the principle of self-determination. Therefore, if the necessity of ascertaining the wishes of the inhabitants of North Borneo regarding their future should arise at any time, the Philippines would support their desire to exercise these rights, preferably in a plebiscite held under the auspices of the United Nations.²⁰

MACAPAGAL'S PLAN FOR GREATER MALAYAN CONFEDERATION

At a press conference in Manila on 27 July 1962, President Macapagal came out with his plan of a greater Malayan Confederation as an alternative to the proposed federation of Malaysia.²¹

The unity of the Malay people is an objective that goes back to the beginning of their history. As realized once or twice in historic times, that when this unity was destroyed, first by dissension among themselves and in more recent times by the coming of the western colonial powers.²² Regarding the proposed federation of Malaysia, the president declared, "we should not accept a European project as a substitute for an Asian project, as that planned and carried out by Asians themselves would be in the true enduring interest of the Asian world.²³ We, the Malay peoples, must try to discover a new broader basis for more effective co-operation and unity. If the Europeans have a project for territorial integration, let us go beyond them, by having our

²⁰ DIOSDADO MACAPAGAL, n, 10 – vol.12, p.29.

²¹ Department of Foreign Affairs Review (Manila) vol. iv, No 2, June 1963, pp. 174-5.

²² DIOSDADO MACAPAGAL, n 10, p. 29.

²³ Department of Foreign Affairs Review, vol. 4, No. 2, June 1963, p. 175.

own broader project political national federation, let us go beyond that and think in terms of a regional confederation.”

Accordingly, he suggested the idea of a greater Malayan confederation comprising, to begin with the Federation of Malaya, the Philippines, Singapore, Sarawak, Brunei and North Borneo. In this way, the great Islands consisting of the Philippine archipelago, North Borneo, Singapore and the Malay peninsula would form a formidable geographical, cultural, economic, and political unity that would be a powerful force for freedom, progress and peace not only in Asia but in the world.

He submitted this idea of a greater Malayan confederation to the serious consideration of everyone concerned. This is a decisive proof against the sophistry and deception of those who would accuse us of trying to sabotage the unity of Malaysia.²⁴

In support of the Philippines claim of the sovereignty of Sabah, even the president Macapagal himself delineated many factors. All the factors whatever they had been made are all having some loopholes. However, it was not the matter of claim, infact, they claimed it seriously. What is imperative is to have a look from both the Malaysian side and British Side.

The Philippine claim to Sabah was neither accepted by Great Britain nor Malaysia. Within the Philippines itself there were critics of the claim. One of the more vocal among them was Senator Lorenzo Sumerlong, who argued, “The basic weakness of our claim to Sabah is

²⁴ Diosdado Mecipagal, n. 10, p. 30.

that the people of Sabah do not want it. At this time and age it is the political status which the people want for themselves which matters, not the disposition made by Sultan centuries ago".²⁵

Another critic, Senator Berigno S. Aquino, Jr, said, "I believe all this fuse, all this excitement is nothing more than an exercise in futility and we are being brain washed to wage a campaign of hate and possibly war over a territory. We surely will never want to get if we abide by our holy preambles and prime principles as a people."²⁶

The Philippines sought for talks with Britain on the proposed Malaysian Federation and its own claim to North Borneo. Britain, however, rejected the Philippine claim on 3 August 1962 in an aide – Memoire.²⁷ Moreover the government of the Philippines through its acting Secretary of Foreign Affairs had in 1950 written to the British Ambassador in Manila referring to the 1878 documents as a lease and the British embassy rejected that note, stating that it was not a "lease", no rents were due and the payments were "Cession money", therefore why there was no challenge to that rejection either on behalf of a Sultan who had been proclaimed or by the Philippines government

²⁵ Lorenzo Sumulong, *The Sabah disputes*, manila, 1972.

²⁶ Representative Emilio cortes's criticism of the Philippine claim in the *Manila chronicle*, November 1964.

²⁷ *Federation of Malaysia – Philippine Relations 21 August 1957-15 September 1963* – Kuala Lumpur 1963, pp. 153-55.

if they had been proclaimed or by the Philippine Government if they had acquired sovereignty.²⁸

Malaysia challenged Philippine basic assumption to the legal aspects that the Sultan of Sulu had in fact sovereignty over the territory, his rights and powers over which he purported to convey to Dert and Overback in 1878. On this question Philippines unable to point to anything in support of the Sultan's claim to sovereignty, except to say in the vaguest terms that the Sultan of Brunei had ceded the territory to him and Philippines mentioned several dates when such cession was understood to have been made. Philippines drew their attention to various authorities, which cited different dates when the sultan of Sulu acquired some rights and power over the territory. There is a doubt whether in 1650, or 1704, or in about 1836, or near 1842 or was it in 1878? Philippines presented the various possible dates. It did not seem to have occurred to Philippines that each particular date destroyed every other dates and the fact of cession was thereby, at the highest, left in doubt. Nor were Philippines able to indicate the circumstances of his acquisitive whatever rebellion in the territories of Brunei, a war of succession or an act of capitulation.²⁹

Malaysia brought up a question related to legal base, they would like to know how in spite of the proclamation of the 25 November 1957 by which the sultan for himself and as a representative of the heirs purported to terminate what they called the "lease" of 1878, he and

²⁸ M. GHAZALI SHAFIE, n. 12, p. 121.

²⁹ Ibid, p. 120.

other heirs continued to receive the annual compensation until the end of 1960. Philippines couldn't answer this question.³⁰

Again, the bottled theory, which was made by president Macapagal as Malaysian Government challenged inter alia. In their words that "there is no question here of any legal rights or the political wishes of the people of Sabah. There is only the security consideration of the Philippines." That the security argument is itself foolish and need not detain us (Malaysia), here, for quite obviously if Sabah were to be part of her (Philippines) territory, Philippines would share a contiguous land boundary with Sarawak and with Indonesian. Borneo and, on the basis of Philippines own premise, this would present a greater threat to Philippine security than if she (Philippines) were protected to be a bufferzone for the protection of her real territory.³¹

In the politico-legal aspects of the claim made by Philippines, Malaysia made a clarification that in April 1967 in Sabah there was re-general elections held. In that election, as a re-affirmation of the peoples desire to remain in Malaysia, every Single candidate elected to the Legislative Assembly favoured Malaysia. It is pertinent to add that the election platform of 31 of the 32 candidates elected contained explicit rejection of the Philippine claim. In common with many of the states, the Philippines government watched and analysis the election. In the face of this unambiguous and repeated re-affirmation of the people of Sabah to remain in Malaysia, Malaysia would have wished to ask the Philippines Government that how does and how can Philippines Government persist in their claim to Sabah? However, in

³⁰ Ibid, p. 123.

³¹ Ibid, p-148, The Manila Claim in perspective.

the context of the exercise of self-determination by the people of Sabah as ascertained by the Secretary-General in 1963 and re-affirmed in the election in April 1967, reference to the world court of the Philippines claim is about as irrelevant. Therefore the Manila claim to Sabah is, absurd. That the Philippines, in this day and age should make a claim to Sabah, whose people have more than once and categorically expressed their wish to be in Malaysia.³²

Malaysia as opposed to the Philippine claim, have said that Philippine claim is a legal one and that it is propaganda, if the Philippines speak vaguely about the right of the Sabah people in some indeterminate future. Mr. Ramose states that Filipinos should colonize one part of Sabah or that there should be joint exploitation of Sabah's natural resources. This is in policy and Philippines also passed a law, which refers not to the territory, which allegedly ceded to them, and which must be treated as a single entity but to the "territory known as Sabah" that is policy. Not only these, Malaysia stated that "The area of propaganda is one in which any number can play but policy making is a deadly serious business. Now that we (Malaysia) know what Philippines policy is that they must have Sabah and until they succeed in their acquisition of Sabah sooner or later by fairer or foul means, they must by necessity keep the claim hanging the world court or somewhere". If the reason for this policy is security then the answer is that the needs of security can be met only by co-operation with Malaysia. If the reason for this policy is economic, then the answer is what Malaysia has shown clearly, not only by words but also by

³² Ibid, p. 127 and 147.

positive action such as the Anti-Smuggling Agreement that the door to co-operation is always open.

Lastly, as Malaysia expressed, Philippine policy to have Sabah is a bad policy, morally and politically. It is bad morally because the people of Sabah have expressed clearly their wish to be in Malaysia. It is bad politically because it distracts the two governments from the more urgent problems of national development and because it disrupts the progress in regional co-operation.³³

In conclusion, whether Sabah was ceded or leased, the British North Borneo Company ruled Sabah until 1946 when the company gave up all rights and the territory was proclaimed to be a British Crown colony. The earlier annual payment of £570, for an exclusive right to develop Sabah to the heirs of the Sultan of Sulu was also discontinued.

Although the Sultanate is extinct, the heirs of the Sultan, whose attorney Nicosia Osmena was the son of former president, have been asking the British ever since 1946 to settle the account for about \$20,000,000. When, the Malaysia scheme was announced, Osmena realised that it would be more difficult, both legally and politically, to deal with the successors of the British crown. He, therefore, transferred the "Sovereign right" of the heirs of the Sultan in Sabah to the Republic of the Philippines in 1962. Osmena was astute enough to realise that the claim would be given a consideration only if it could be

³³ Ibid, p. 152.

elevated to a national issue and pursued through the diplomatic channels. President Macapagal, who was familiar with the claim since his days in the Philippines. Foreign office was happy to oblige – Osmena and his clients. That is why, Manila insisted and claimed that the Sultan of Sulu merely lease the territory to the British North Borneo Company in 1878 while the British and Malaysia argue that the territory was aided to the company.³⁴

The Philippines, basing its argument on the documents of 1878 and 1882, insisted that all later changes in the territory's status were invalid. One may agree with Manila's contention as does Malaysia's, that the Arabic word a "padjak" means lease and yet rejected Manila's claim. In 1885, Britain, Spain and Germany signed a protocol whereby Britain recognised Spain's sovereignty over the Sulu Archipelago (the island between Mindanao and Borneo presently parts of the Philippines). In return Spain renounced all claims belonging to the Sultan of Sulu. In 1888, Britain established a protectorate over North Borneo having its way cleared by the protocol of 1885. These protectorate agreements which recognised the boundaries of Sarawak, Brunei and North Borneo, were never challenged by Spain or the United States, the predecessors of the Republic of the Philippines. Even Manila did not protest when North Borneo was declared a crown colony. It is interesting to note that Manila has never clearly specified

³⁴ Lalita Prasad Singh, n.9, p. 105.

the territorial extent of its claim. This is difficult to do because only a part of the British North Borneo came from the sultanate of Sulu (of which Philippines claims to be the heirs); another ruler ceded the rest. The Sultan of Brunei, who accepted British protection. As Bernard Gordon has rightly pointed out, Manila's documentation in support of its claim did not include "a single map". Interestingly, the 1878 agreement indicates that the Southern most limit of Sulu's domain extended to Sibuco River on Borneo's east-coast-areas that are now parts of Indonesian. Borneo, (Kalimattan). One wonders why Manila did not put forward a territorial claim against Indonesia? It is this factor, which explains why Sukarno was slow to endorse Manila's claims on Sabah even though they were allies in "Confrontation" diplomacy.³⁵

It is obvious that Manila had little legal basis to lay a claim on Sabah. Whether by lease or by cession, by establishing a protectorate or by outright annexation, the British has unchallenged authority over Sabah from 1878 to 1963 when Malaysia Federation was established. Manila cannot blame (Malaysia, it can only blame) the fact of European colonialism over Asia and that too is of no help now. In elevating a private claim (which was of dubious origin in that Osmena and his clients raised the issued to get a sum of about \$20 million from either Britain or Malaysia) to a national claim, in flirting with Sukarno to get support, and in trying to shift positions to defend a decision that was wrong from the beginning, president Macapagal

³⁵ Ibid, p. 106.

succeeded only in making himself and his country look foolish. He could not secure the sympathy or support of any country in the world, except Sukarno's Indonesia, but unleashed domestic forces that he and his successor found it difficult to contain.³⁶

On 18 September 1968, president Ferdinand Marcos signed a bill adopted by the Filipino Congress, which referred to the Malaysian State of Sabah (formerly British North Borneo) as a territory "Over which the republic of the Philippines has acquired dominion and sovereignty". Manila knew, of course, that they could not annex the neighbour's territory by a legislative act. Rebuffed by Britain and Malaysia and ignored by the world in their efforts to gain control in Sabah, the Filipinos wished to attract the world's attention regarding their territorial claim over Malaysia. Manila did not hesitate to demonstrate its capacity to disturb the peace in the area. President Marcos went so far as to warn that any Filipino who belittled his country's Military preparedness was guilty of a treasonable act. He also revealed on 7 October 1968, that the Philippines had received missiles from the United States and that he was able to mobilize 450,000 reservists who could be immediately armed and equipped. With the elections in 1969 around the corner, the Sabah's claim once again became a popular issue in the internal politics of the Philippines. Marcos, who aspired to be re-elected, wished to prove that he was second to none in beating the patriotic drum.³⁷

In early 1970's the Philippines began to reconsider its claim to Sabah when it was faced with Muslim insurgency in its southern

³⁶ Ibid, p. 107.

³⁷ Ibid, p. 103.

islands. The Moro liberation front, a separatist organisation was reported to have received sympathy and support from some Muslim countries and Marcos realized the danger of continuing the feud with Malaysia. So in 1976 he officially dropped the claim over Sabah in order to promote regional cooperation in a post – Vietnam context.³⁸

The Philippines claim over the Sovereignty of Sabah is related to their economic aspect, because Sabah's has huge of natural resources, apart from being important to the national Security or to territory Sabah, if required by the Philippines, would be a boon to future generations of Filipinos. In the next it is decade the issue has not received much prominence, though it is not sidelined altogether. Both the countries have spotted other areas of cooperation and convergence. But still Sabah has remained as a bone of contention.

³⁸ Ibid, p. 110.

CHAPTER- III

SABAH ISSUE IN RELATION OF MALAYSIA AND PHILIPPINES

The Filipinos and the Malays are of the same racial stock. They had close relations even before Islam came to the Southern Philippines via the Malaccan Empire. Philippines were on the first countries to recognize Malaya when it became independent in 1957. Tunku Abdul Rahman, the Prime Minister of Malaya, paid a visit to the Philippines on 3rd January 1959 at the invitation of President Garcia. This was a significant beginning for Philippine – Malayan Relations. Malaya established on legation in the Philippine in October 1961. The Association of South East Asia (ASA) was established on 31 July 191. It was on 27 May 1961 that Prime Minister Tunku Adbul Rahman of Malaya Proposed a federation of Malaysia. At first it did not receive much notice in the Philippines.

In 1961 December, just after Diosdado Macapagal was elected as “President”, the Philippines Free Press began an issue of articles by announcing “North Borneo as ours”. It’s crusade was picked up from the heirs to the Sultan of Sulu and their lawyers, who for over two decades had been convinced that they needed and had a right to more money from the North Borneo Government. The reasons for need were more clear and consistent than the reasons for their right.¹ The

¹ Extended discussion administration is found in Lela, A. Garner, “The Philippine Claim to North Borneo (Ph.D. Dissertation, 1965).

Philippine's claim had been announced on 21 June 1962 by President Macapagal.

The British government reacted to the Philippine note by ignoring it. British officials had had long experience with the original claimants, the Sultan of Sulu, his heirs and their lawyers, all of whom had wanted more money. They particularly disliked the current lawyer, Nicosia Osmena. They did not believe that the Philippine Government claim was valid, and it came at a particularly bad time. The British government shared Malaya's and Singapore's conviction that Malaysia was essential. North Borneo was becoming belatedly and superficially politicized, and in the process its politicians had developed adamant objection to any consideration of a tie to the Philippines. The British were in turns reflecting not just their own opinions but that the Philippines should not have pressed the claim.

The Filipinos, however, felt frustrated and insulted by the British policy. In reaction they began to patch up their position. After being told inefficiently that their claim violated the principles of self-determination, they offered to permit self-determination after a legal settlement, an idea borrowed from Indonesia. Macapagal was stung by the accusation that the Philippines had sabotage Malaysia. He attempted to demonstrate Philippine goodwill by proposing that Malaysia be expanded to a confederation of Malay states, to include the Philippines but not Indonesia. As for claims that the Philippines was not concerned with the Security of the area, Philippine spokesman argued that Borneo was needed to lessen the threat to its own backdoor, to provide a cork to the Sulu seas.² In Meantime when the

² Lela Garner Noble, *The National interest and the National Image: Philippine Policy in ASIA*, *ASIAN SURVEY*, June 1973, Vol. XIII, November 6, p. 564.

Malayan Prime Minister suggested a postponement of a scheduled meeting of the Association of South-East (ASA), Filipinos were astonished, protested that the claim was against Britain and not Malaya.

In December 1962 a rebellion occurred in Brunei, and the situation degenerated into chaos. After earlier indicating approval of Malaysia, the Indonesian decided that the Brunei rebellion proved that Malaysia lacked popular support and was simply a "Neo-Colonialist" plot. The Filipinos also changed track. The British had finally agreed to negotiate on the Philippine claim.

The Anglo-Philippine talks took place between 24 January and 1 February 1963 in London, the two sides being led by Emmanuel Palaez, the Philippine vice-President, and Lord Home, the British Foreign Secretary. But while they were officially described as taking place in a "Frank and Friendly" atmosphere, as predicted by the British, Philippines and Malayan press, it proved impossible, in practice, to separate the issues of regional defence against-communist subversion, which the British were prepared to discuss, from North Borneo claim which they were not. Thus, while agreements was reached on certain co-operative measures in the prevention of piracy and armed raids and on problems of smuggling and illegal immigration in the region.³

There was no meeting-point on the best means of securing the future political stability of the Borneo territories. The British side stood firm in their defence of the Malaysian project, while the Philippines

³ Anglo-Philippine talks, Officials Communique, 1963, pp. 344-5.

counted with a proposal for a confederation of Malay states, and continued to oppose the inclusion of North Borneo in Malaysia. Any hope that they would agree to drop their North Borneo claim in return for a reiteration of British determination to uphold the stability of the region against communist infiltration was shattered by the Philippine President. In a state of the nation address delivered in Manila while the talks were still proceeding, Macapagal emphasized his own deep opposition to the incorporation of North Borneo in Malaysia.⁴

However, Britain went ahead with its plan for Malaysian federation. But Macapagal was determined to match British intransigence the same considerations, which had kept the Philippines within the Western camp (economic and military dependence on the United States and fears of Communist subversion) now prompted him to take up a mediatory position between Indonesia and Malaya. In the same speech Macapagal announced an initiative which was presumably intended to provide an "Asian" solution to the problem which all could accept, even if the Philippines had to surrender its claim. It had already been reported that Manila wanted a summit conference of the heads of state of Malaya, the Philippines, Indonesia and Thailand to discuss regional problems.⁵ Macapagal now emphasized that the Philippines accepted the principle of self-determination for North Borneo and proposed that the issue should be tested through a United Nations referendum in which the people

⁴ Manila times, 29 January 1963.

⁵ Ny times, 22 January 1963.

would be asked whether they wished to be independent, part of the Philippines, or "placed under another state"⁶.

The Philippine initiatives for a UN referendum and a summit conference matured slowly. This was partly because the Malaysians were determined that their agreement to participate in regional talks should not be made conditional on prior agreement to delay the creation of Malaysia⁷, and partly because of the need for preparatory consultations to define detailed objective of the talks. Perhaps the main reason for the delay, however, was the crystallization of Indonesian opposition to Malaysia. Indonesia announced its policy of confrontation over the federation idea, like Azahari's revolt in Brunei, was found on premises quite incompatible with Filipino claims to Borneo. But in the short run it was in Sukarno's interest to widen the anti-Malaysia front to include Manila. Indonesia's interest in Malaysia on the other hand was ostensibly merely ideological. "Confrontation" in this case constituted a direct-intervention in the internal affairs of a neighbouring state. In diplomatic terms this had the important consequence that Sukarno was not able to depend on Afro-Asian support as he had done in opposing the Dutch.

But while the decision to oppose Malaysia by all sorts of outright war was taken in response to specific stimuli which presented themselves to the United Nations Secretary-general U. Thant, and the long-term question and regional co-operation through the adoption of President Macapagal's proposal for a confederation of Malay states⁸.

⁶ Maritimes, 29 January.

⁷ Straits Times, 20 February 1963.

⁸ Survey of International Affairs, 1963, p.143.

Following the failure of the talks between the Britain and the Philippines, Macapagal sought for direct talks with Malaysia. During Tun Razak visit to Manila on June 1963 for the ECAFE Ministerial conference he marked the idea of a summit meeting between Malaya and Indonesia.⁹ On 13 March 1963, Subandrio, the Indonesian Foreign Minister visited Manila. Macapagal placed his idea of a summit before him, too Subandrio and Razak were, according to Macapagal, skeptical about the possibility of a meeting between Sukarno and Tunku. Macapagal, however, assumed that he would attempt to bring about a meeting.¹⁰

In 1963 it was already clear that the government in Manila stood in need of a means to reconcile Philippine fears of communist subversion with a nationalist demand for an active foreign policy. What was not yet clear was that, as a party, the dispute over Malaysia, the Philippine government was inevitably handicapped as a mediator between Indonesia and Malay, a role which in other respects, might have given Macapagal his best opportunity for resolving this dilemma. Moreover, Macapagal did not wanted his country's relations with Malaya to worsen. He was aware of the internal situation in Indonesia too well to allow himself to be carried away by Sukarno's friendship. Besides, the Muslims living in the Southern Philippines posed a danger to the unity of the country. They had not been assimilated in the mainstream of Filipino life. If they felt attracted to Indonesia and Malaya, they might decide to secede from the Philippines.

⁹ Diosdado Macapagal, *A stone for the Edifice* (Quezon City) 1968, pp. 254-5.

¹⁰ *Ibid*, pp. 255-6.

Macapagal found an opportunity to meet Tunku when the latter came to Manila on 1 April 1963 to participate in the ASA conference of Foreign Ministers. Tunku expressed his willingness to meet Sukarno and Macapagal for talks.¹¹

President Macapagal's efforts to reduce tension in the area met with initial success when Malaya and Indonesia gave their consent to hold tripartite talks at the sub-Ministerial level. The Tripartite talks took place eventually in Manila from 9 to 17 April 1963. Indonesia was represented by its Deputy Foreign Minister, Suwito Kusumowidagdo. Malaya was represented by its permanent secretary for External Affairs, Mahammad Ghezalibin Sahafee. The Philippines was represented by its leader secretary for foreign Affairs, Salvador P. Lopez.

About a month later, on 31 May 1963, a meeting took place in Tokyo between Sukarno and Tunku. The communique stated that the meeting between the two had cleared the way for a meeting of Ministers to be held on 7 June in Manila.¹² Macapagal's absence from the Tokyo meeting between Tunku and Sukarno did not mean that he was not consulted. In fact, on 23 May 1963, Sukarno had stopped for a few hours in Manila in route to Tokyo for a statement issued by "President Sukarno to inform President-Macapagal that he was ready to meet with the latter and the Prime Minister of Malaya Tunku Abdul Rahman, in order to thrash out problems existing between the three countries and that Foreign Ministers of the Philippines and Malaya to

¹¹ Manila times, 4 April, 1963.

¹² Federation of Malaysia, *Malaya, Indonesia Relations* (Kuala-Lumpur 1963), p. 44.

lay the ground work for the meeting of the Malay Heads of Government”¹³.

The Foreign Minister’s conference opened in Manila on 7th June 1963. The Joint Communiqué issued at the end of the meeting stated that the foreign ministers studied Macapagal’s plan for confederation, and agreed to take initial steps towards the ultimate goal by establishing the necessary Machinery for frequent and regular consultations.¹⁴

The foreign ministers in their report and recommendations welcomed the proposed federation of Malaysia, but said that the wishes of the people of the Borneo territories should first be ascertained through the good offices of the secretary general of the United Nations or by his representatives.¹⁵ The Philippines was able to persuade the Foreign Ministers to take note of its claim to Sabah and its right to “continue to pursue it in accordance with international law and the principle of the pacific settlement of disputes. Foreign Ministers conference – “They agreed that the inclusion of North Borneo in the Federation of Malaysia would not prejudice either the claim, or any right there under. Moreover, in the context of their close association, the three countries agreed to exert their best endeavours

¹³ Federation of Malaysia, *Malaya-Philippines Relations* Kuala-Lumpur, 1963, p.25, *Manila Times*, 24 May 1963.

¹⁴ *Philippine claim to North Borneo (Sabah)* Manila 1967, Vol. 2, pp. 103-6.

¹⁵ *Ibid*, p.105.

to bring the claim, to a just and expeditious, 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.¹⁶

On 9 July 1963, Britain and Malaya signed an agreement. This development may be interpreted as the British effort to prevent the Philippines and Indonesia from delaying the formation of Malaysia. It temporarily overshadowed the scheduled summit meeting. The London agreement set 31 August 1963 as the date for the establishment of the Federation of Malaysia.¹⁷

President Sukarno felt let down by the agreement. He charged Tunku with going back on the promise he had made in Tokyo not to decide about the future of Malaysia until after the summit meeting. This led to a renewal of confrontation by Indonesia. Tunku denied having made any promise to Sukarno in Tokyo. The Malayan Government stated that both Indonesia and the Philippines were aware of Tunku's visit to London to finalize the formation of Malaysia. It also stated that the date of the summit meeting had been fixed by the Philippines and Indonesia in full awareness of the proposed visit of Tunku to London.¹⁸ Sukarno's adverse reaction to the London

¹⁶ Ibid.

¹⁷ Malaya-Philippine Relations, n. 13, p. 10.

¹⁸ Malaya-Indonesia Relations, n. 12, p. 17.

agreement dimmed the prospects of the Summit meeting. Officially, Indonesia did not announce Sukarno's willingness to participate in the Summit till almost the last minute. Ultimately, the summit took place in Manila on 30 July 1963; presidents Sukarno, Macapagal and Prime Minister Tunku signed the Manila Declaration, the Manila Accord, and a joint statement.

The Summit meeting had its difficult moments. On Macapagal's shoulder fell the heavy responsibility of mediating between Sukarno and Tunku. For example, Tunku refused to postpone the date of the establishment of Malaysia on the plea that Britain would oppose such postponement.¹⁹ Macapagal sent a message to the British Government through the American Ambassador to the Philippines, William Stevenson.²⁰ He said in his message that the three countries had agreed to ascertain the wishes of the people of Borneo under the auspices of the United Nations.²¹ He conceded that this would mean postponement of the date of establishment of Malaysia, but added; "Malaya agrees if the United Kingdom will agree". He warned Britain that if it went ahead with its plan to proclaim Malaysia on 31 August 1963, Indonesia would turn hostile to Britain. He emphasized the danger in antagonizing Indonesia. He said, it is very important to accede to Indonesia's position vis-avis Malaysia, i.e. to form Malaysia after a plebiscite supervised by the United Nation Secretary-General because this, in all probability will pave the way for Indonesia and the Britain-Malaya or between Indonesia and the Britain. Indonesia,

¹⁹ Macapagal n. 9, pp. 257-8.

²⁰ Ibid, p. 258.

²¹ Ibid, p. 259.

against its present inclination, to enlist Soviet Russia and/or led China on its side in such dispute.²²

Tunku Abdul Rahman eventually agreed to the postponement of the date for the formation of Malaysia. The British Government was not pleased with this decision. Duncan Sandys, Secretary of State for Commonwealth Relations, flew to Malaya immediately after getting the news of Tunku's decision.²³

The three leaders fully accepted the recommendations of the Foreign Ministers' conference and they agreed that the United Nations Secretary General should ascertain the wishes of the people of North Borneo before Malaysia was formed.²⁴ The main provisions of the agreement were laid down in a joint statement at the end of the conference. It would seem that in their anxiety to resolve tensions and arrive at an agreement they deliberately led to conflicting interpretations within a very short period.

With the agreement to form maphilindo (Ma'-Malaya, 'Phil' - Philippines and 'Indo'. Indonesia) President Macapagal was able to achieve partially his plan for a Greater Malaya Confederation. He had conceived of this plan in terms of the concept of *Mushawarah*, which entailed consultations among the three countries in case of mutual problems. The Philippines was probably the most enthusiastic advocate of Maphilindo. Whether maphilindo was an important step toward regional co-operation or not, the Philippines contribution to the

²² Ibid.

²³ Ibid and Times of India, New Delhi, 7 August 1963.

²⁴ Philippine claim to North Borneo, n. 14, pp. 106-114.

acceptance of the idea was substantial. Basically, however, Maphilindo was based on expediency. Indonesia and the Philippines wanted an alternative to the proposed Federation of Malaysia.

Malaya agreed to the idea of Maphilindo in order to keep the neighbours in good humour while the Malaysia plan was taking concrete shape. Hence, though Maphilindo was meant to enable the Asian countries to solve all Asian problems all by themselves, without outside interaction, it remained only a concept.

The U.N. Secretary-general's inquiry in North Borneo –

In the event, the procedures and timing of the Secretary-general's investigation provided Jakarta with an immediate target for renewed pressure. In deference to the British and Malayan desires for speed, U. Thant announced on 12 August the names of the secretariat's team and its immediate departure for Borneo.²⁵ Although an Indonesian foreign office spokesman indicated that the team was acceptable.²⁶ The tide of anti-Malaysian feeling was now following fast, and the government made no visible attempt to check anti-Malayan demonstrations, Sponsored by both left-wing organisations and the army. Soon after the arrival of the UN team in Sarawak, moreover, it became clear that the government had no intention of accepting a report in favour of Malaysia.

²⁵ The team was led by an American, Laurence Michelmore. The other members were Georges Jarack (Czechoslovakia) George Howard (Argentina). Nevith Karakaratre (Ceylon), Kenneth Dadzie (Ghana) Irshad Baqai (Pakistan) Abel Dajamri (Jordan), Jasushi Akashi (Japan), Jose Macheds (Brazil) Times 13, August 1963.

²⁶ Ibid, 14 August 1963.

The pretext for the approaching Indonesian volt face was provided by a dispute over the member and status of the observers who were to accompany the UN team. In conceding the Malayan request to allow the Secretary-General to test opinion, the British had made no secret of their belief that this should not delay the foundation of Malaysia. Their anxiety was understandable; in Sarawak, the SUPP defined a government ban on all demonstrations to mount a strong Chinese protest against the Federation to concede with the arrival of the UN mission on 16 August; in Borneo, British troops were already in action repelling guerrilla infiltration from across the Indonesian border.²⁷ It was perhaps not surprising therefore, that Britain and the governments of the two territories regarded with skepticism on Indonesian request for an observer team of not less than thirty persons, in response to a British offer which would have allowed Malaya, Indonesia, and the Philippines one observer each on the secretary-general's team. Djakarta's request for a larger number of observers, promptly echoed by Manila, was regarded in London as a crude attempt to influence the work of the Mission and turned down on these grounds.²⁸

Whether the British authorities were wise in their handling of this issue is open to question. By resisting pressure over the observer question, which was not of itself of much intrinsic importance. They undoubtedly made it easier for the two opposing governments to the predicate the secretary-general's report when it eventually announced, as expected, in favour of Malaysia. This was certainly the view held in

²⁷ Ibid – 17 and 20 August 1963.

²⁸ Straits Times, 20 August 1963.

Washington. Throughout the crisis the Americans urged the need to make tactical concessions to Sukarno in order to put him 'on the spot' should be subsequently attempt to revive confrontation. That this view did not prevail in London was no doubt due partly, as the American believed, to Duncan Sandy's intransigence, but it was also due to the situation in North Borneo. Where the governments of both territories protested strongly against Sukarno's delaying tactics, as did Lee Kuan Yew in Singapore.²⁹

The deadlock over observer was finally resolved after discussions at the UN between U-Thant and Britain and the British now offered to issue visas for four observers from each country, each of these to be accompanied by a clerical assistant.³⁰ That this offer represented the limit to which the departure for Malaya of Duncan Sandys. His visit had the immediate, and presumably intended, effect of stiffening Malayan resistance to further concessions. After the preliminary meeting on 23 August at which the Tunku tried to persuade the political leaders of the Borneo territories that it was worth paying the price of a few day's delay to achieve external security. A second meeting was conducted during mid-September among the five Malaysian leaders for the inauguration of Malaysia.³¹ This announcement, which inevitably appeared to prejudge the secretary-general's report³² effectively rendered redundant the British

²⁹ Times and Straits Times, 24 August 1963.

³⁰ Ibid.

³¹ NY Times, 24 August, Straits Times, 25 August 1963.

³² Straits Times, 6 September 1963.

concession on observers, even though it was eventually accepted by both the Philippine and Indonesian Government.³³

All hope of a regional solution to the Malaysia problem was now lost. In Indonesian eyes, the new hand line which Malaysian leaders had adopted, with the full support of the British Government, confirmed the neo-colonial nature of the Malaysian experiment. From the pronouncement of the new Malaysia date, the crisis deepened along tragically predictable lines. The next day, on 28 August, the official Indonesian news agency announced that the government observed the right to determine its attitude to the secretary-general's report on the grounds that 'British technical difficulties' had prevented Indonesia from sending observers. On 3 September Djakarta filed a strong protest against the announcement of 16 September as Malaysia Day, which it described as a reckless and premature decision, a unilateral act contravening the letter and spirit of the Manila agreements.³⁴

Finally on 5 September, only four days after Indonesian and Philippine observers, had taken up their post, Sukarno himself publicly denounced not only the inquiry but the United Nations which he described as absolute "because it does not reflect the spirit of the new emerging forces of which Indonesia is the pioneer."³⁵

The secretary-general's report was not finally published until 14 September. Well survey team had found in favour of Malaysia.³⁶ In his

³³ Daily Telegraph, 28 August Times, 29 August 1963.

³⁴ Straits Times, 6 September 1963.

³⁵ Ibid.

³⁶ Times, 14 September 1963.

statement U-Thant castigated Britain both for her failure to grant more promptly the necessary facilities for the observers, and for concerning with the premature announcement of the new inaugural date for the federation, a decision which, he suggested, "led to misunderstanding and confusion and even resentment amongst other parties to the Manila Agreements which could have been avoided if the date could have been fixed after my conclusions had been reached and made known". Nevertheless he found there to be 'no doubt about the wishes of a sizeable majority of Sabah peoples to join in the Federation of Malaysia and U-Thant ruled, accordingly, in favour of the New Federation.

The Philippines and Indonesia criticized the work of the UN teams. According to them, the UN team had largely depended on British help in conducting its survey and that the team did not truly reflect the wishes of the people of North Borneo.³⁷ The Secretary-general admitted in his conclusions that if more time had been given, the mission would have been able "to obtain more copious documentation and other evidence", but maintained that "it would not have affected the conclusions to any significant extent".³⁸

The Federation of Malaysia came into being on 16 September 1963. This was greatly resented by the Philippines and Indonesia. The United States recognized the Federation of Malaysia. This brought US

³⁷ Philippine claim to North Borneo, n. 14, pp. 66-70.

³⁸ United Nations Malaysia Mission: Final conclusions of the Secretary general on Sabah (Kuala-Lumpur) 1968, pp. 45.

Philippine differences into force.³⁹ The Philippines and Indonesia rejected the finding of the UN mission and withheld recognition and recalled their ambassador's for consultation.⁴⁰ By adopting this approach, they may have hoped to be referred to the possibility of recognition at a later date – to reopen the Borneo question in the General Assembly of the United Nations. But after an emergency meeting of the cabinet on 17 September, the New Malaysian Government took the initiative and severed relations with both countries. Despite rupture of diplomatic relations, Philippines was not averse to further negotiations with Malaysia. It did not also choose to follow a policy of confrontation towards Malaysia. These symbolic actions were the signal for the onset of a full-scale “confrontation” between Indonesia and Malaysia which was to occupy them for the next three years. By contrast, the conflict between Malaysia and the Philippines, while it continued to aggravate the situation, faded into relative insignificance.

The United States made an effort to bring Indonesia, Malaysia, and the Philippines together for talks. For that purpose President Lyndon B. Johnson sent attorney-general Robert Kennedy. Kennedy arrived to the Philippines on 19 January 1964. Robert Kennedy succeeded in arranging for talks between the three countries at

³⁹ Macapagal, n. 9, p. 316.

⁴⁰ Straits Times, 16 September 1963.

Bangkok. The main burden of preventing the talks from collapsing again rested on the Philippines.

The first round of talks ended in Bangkok on 10 February 1964. It did not achieve much.⁴¹ The second round began on 3 March. In both the rounds, S.P. Lopez, the Philippine representative, played an important part. Tun Abdul Razak and Subandrio worked at cross-purpose regarding the withdrawal of Indonesian Troops from Malaysian territory.⁴² Razak demanded on behalf of his government that Indonesian troops should be withdrawn altogether from the Malaysian border and that the cease-fire should be stable. Unless this was achieved, he held, Malaysia would not be ready to discuss the political issues regarding the Malaysian question. On the other hand, Subandrio said that for Indonesia the political issue and the cease-fire were inter connected and should be solved together.⁴³

The task of finding a solution acceptable to both Indonesia and Malaysia fell on Philippines. S.P. Lopez as an intermediary between Razak and Subandrio persuaded the two to remain in Bangkok after 5 March 1964 in the hope of enabling them to arrive at a compromising formula.

Lopez held that Malaysian intransigence was due to the elections announced for April 1964 in Malaysia. According to him, Tunku

⁴¹ Manila Times, 11 February 1964.

⁴² Ibid, 6 March, 1964.

⁴³ Kaul Man Muhini, *The Philippines and South East Asia*, p.87.

wanted the crisis to continue so that he might exploit the national sentiment to the advantage of his party.⁴⁴

On 5 March 1964, the Philippines offered three proposals, first Indonesia and Malaysia agree to disengage their forces and to confine the activities of these forces to their respective territories. Second, at the same time, they agree to commence talks with a view to reaching final political settlement of their differences and finally, the foreign Ministers agree to recommend that a summit meeting of their respective heads of government be convened.⁴⁵

Malaysia accepted this proposal. Indonesia said that it was considering all the same, the Bangkok talks remained deadlocked. Meanwhile, Macapagal met Tunku in Phnom Penh in Cambodia. The two had talks on 10th February 1964 behind closed doors. On his return to Manila. On 13 February 1964, Macapagal normalized the Philippine-Malaysian relations. Subsequently, in his memoirs, he wrote that Tunku gave him his verbal promise to refer the Philippine claim to North Borneo to the world court.⁴⁶ This reminded Tunku of the promise in a letter dated 18 June 1964.⁴⁷

Relations between the Philippines and Malaysia tended to improve after the Phnom Penh meeting. On 18 May 1964, the two countries established consular relations with each other.⁴⁸ On the other hand S.P. Lopez traveled between Jakarta and Kuala Lumpur a

⁴⁴ Ibid, and Manila Times, 5 March 1964.

⁴⁵ Ibid.

⁴⁶ Macapagal, n. 9, pp. 271-3.

⁴⁷ Straits Times (Singapore) 11 May 1968.

⁴⁸ The facts about Sabah, (Manila) 1968, p. 24.

number of times in order to arrange a meeting between Sukarno and Tunku in Tokyo. Tunku had insisted that Indonesian troops should first withdraw from Malaysian territory. Thailand agreed to provide a team for this assignment. The day the Thai team announced that the withdrawal had begun, Tunku agreed to participate in a meeting with Macapagal and Sukarno.

Before the start of the conference, President Macapagal held exploratory talks with Tunku and Sukarno in Tokyo. He worked hard to ensure the success of the talks. In his speech on 22 June 1964 in Tokyo before the Foreign correspondent's club of Japan, he said that "a settlement of the dispute was important because with its strategic location and potential power Indonesia would be an invaluable asset in the power struggle between the two main sectors of mankind". He wanted to prevent Indonesia from falling into the communist camp. If the dispute between Malaysia and Indonesia were settled, the United States and other like-minded countries would be able to help in making Indonesia 'strong not only spiritually but also economically and socially'.⁴⁹

The summit conference opened on 20 June 1964. In Phnom Penh Malaysia had asked for a memorandum on the Philippine claim. The Philippines, therefore, presented to the Malaysian delegation in

⁴⁹ Kaul Man Muhini, n. 43, p. 89.

Tokyo a copy of the Philippine Government publication, "Philippine claim to North Borneo, Volume 1".⁵⁰

In his attempt to settle the dispute Macapagal proposed the formation of a four-member Asian-African conciliation commission to make a study, among other things, of the "existing problems" in the three countries and make recommendations with a view to settling them.⁵¹

Tunku accepted in principle the proposal to establish an Asian-African commission. President Sukarno fully accepted Macapagal's proposal and agreed to honour the recommendations of the commission.⁵²

The summit conference ended in a deadlock over the question of withdrawal of Indonesian soldiers from Sabah and Sarawak. Tunku insisted that prior to the formation of any Asian-African commission there should be a complete withdrawal of the soldiers. Sukarno was equally firm that the soldiers would return only after the commission by leaving the question of withdrawal to the discretion of the commission. However this compromise proposal failed to gain Tunku's approval. Nevertheless, the three heads of Government instructed their

⁵⁰ Philippine claim to North Borneo, n. 14, pp.70-71.

⁵¹ Macapagal, n. 9, p.264.

⁵² Ibid, p.264.

foreign ministers to study Macapagal's proposal in order to make possible another meeting among them.⁵³

A joint statement was issued at the end of the conference. The statement acknowledged the "important role played by President Diosdado Macapagal of the Philippines in bringing together the three Head of Government to this summit conference".⁵⁴

Macapagal was of the opinion that the summit conference would probably have brought about an agreement for the withdrawal of Indonesian soldiers if only it had been given a little more time. Macapagal's optimism is clear from a statement made by him on his return to Manila, saying that the next summit meeting would definitely solve the disputes.⁵⁵

It is not surprising that the Philippines should have continued to mediate between the Indonesia and Malaysia even after the collapse of the Tokyo conference. Malaysia and Indonesia, however, rejected a Philippine proposal for holding a conference of Maphilindo Foreign Ministers. The Philippines took care to keep up its claim to Sabah. Malaysia and the Philippines exchanged notes on the possibility of holding talks on the Sabah claim. They were not, however, able to reach an agreement.⁵⁶

⁵³ Ibid, p.265.

⁵⁴ Ibid, p. 490.

⁵⁵ Ibid, p. 265, Manila Times, 23 June 1963, Far Eastern Economic Review (Hong Kong) Vol. 45, no. 1, 2 July 1964, p.4.

⁵⁶ Manila Chronicle, 29 June 1964.

The Malaysia issue took a turn for the worse when Indonesian guerrillas landed on the Malayan mainland. The Philippines was alarmed; it stepped up its efforts to solve the dispute peacefully. It had little success in making Indonesia agree to withdraw its guerrillas from the Malayan mainland.⁵⁷ Although, later the situation went on worsening so much so that Macapagal was obliged to abandon his efforts at mediation. The Philippines found itself being drawn more and more into the turbulent politics of South East Asia.

In 1965 Marcos came to power as President of Philippine, he decided to recognize Malaysia. But taking this step he expected to be in a better position to persuade Malaysia to agree to renew negotiations over the Philippine claim to Sabah. There was also the problem of smuggling from North Borneo into the Southern Philippines, which caused great harm to the economy of the country. The Philippines needed the co-operation and assistance of Malaysia to prevent smuggling.

The Filipinos were, moreover, not happy about cultivating Indonesia at the cost of Philippine-Malaysian relations. There was the fear that Indonesian guerrillas might infiltrate into the Southern Philippines. Marcos spelt out his policy towards Malaysia in his state of the Nation Address on 24 January 1966, "in motion for the normalization of our relation with Malaysia, without, however,

⁵⁷ Far Eastern Economic Review, Vol. 46, No. 5, 29 October 1964, p. 236.

prejudicing our claim to North Borneo and impairing our friendship with other countries"⁵⁸.

At the same time the Philippines did not want to antagonise Indonesia. It therefore, sent a note to Indonesia, informing it of its intention to recognize Malaysia. Sukarno opposed the Philippine move. He appealed to the Philippines to adhere to the Manila Agreement.⁵⁹

In the meantime, Marcos set an emissary, Modesto Farolan, to Kuala Lumpur to convey his government's regret at the delay in recognizing Malaysia. On 3 June 1966, he recognized Malaysia. Diplomatic representation was raised to the Ambassadorial level. The two governments issued a communique on 3 June 1966 reiterating that they would abide by the Manila Accord and the joint statement pledging to settle peacefully the controversy over Sabah.⁶⁰

In Indonesia the abortive communist coup of 1965 brought about the fall of Sukarno. Thereafter, the relations between Malaysia and Indonesia improved. The confrontation was officially called off after the Bangkok talks between Adam Malik, the Foreign Minister of Malaysia on 1 June 1966.⁶¹ An agreement to normalize relations between Indonesia and Malaysia was signed at Jakarta on 11 August 1966. The Philippines played a useful role in the beginning with Malaysia and Indonesia together for the talks. Foreign Secretary Ramos had met Adam Malik in Bangkok on 30 April 1966 in an effort

⁵⁸ Foreign Affairs Review, Manila, Vol. 5, no. 1, January-June 1966, p. 18.

⁵⁹ Manila Times, 9 February 1966.

⁶⁰ Foreign Affairs Review, vol. 5, no. 1, January-June 1966, p.75.

⁶¹ Far Eastern Economic Review, Vol. 52, no. 10, 9 June 1966, p.468.

to end the confrontation.⁶² In April 1967, elections were held in Sabah to the state Legislative Assembly. The main issue in the elections was whether Sabah should continue to form part of the Federation of Malaysia. The Government of Malaysia invited the Philippines to send observers to the election. The Philippines declined the invitation. It said that its claim to Sabah would not be affected by the elections.⁶³

One of the problems that the Philippines faced was that of smuggling from across the Malaysian borders. Resumption of diplomatic relations helped the two countries in preventing smuggling. On 1 September 1967, the Philippines and Malaysia signed the Anti-Smuggling Agreement in Kuala Lumpur.

Improved relations between the two countries encouraged reciprocal state visits by the leaders of the two countries. In December 1967 the Deputy Prime Minister of Malaysia, Tun Abdul Razak, visited the Philippines. In January 1968, President Marcos visited Malaysia. At the end of his visit, on 12 January 1968, a communique was issued. It stated that Tunku and Marcos had agreed to hold talks regarding Sabah at their earliest convenience.⁶⁴

There was some protest from liberal party politicians and from sectors of the press against re-establishing relations with Malaysia, generally on the grounds that Marcos was sacrificing the claim to Sabah. They argued that recognition should have been traded for a settlement of the claim. The critics apparently had no awareness that relations with the Philippines, mattered no more to Malaysia than

⁶² Ibid.

⁶³ *Far Eastern Economic Review*, vol. 55, no. 13, 30 March 1967, p.592.

⁶⁴ *Facts about Sabah*, n. 43, p.25.

relations with Malaysia did to the Philippines, and that Sabah mattered considerably more to Malaysia than it did to the Philippines.

The relations between both countries were unfortunately, short lived. On 21 March 1968, the Manila press carried reports about the existence of a training camp in Corregidor Island. It has never been clear exactly what happened. Apparently, a "special force" composed of Muslim recruits was being trained for a mission in Sabah. When they did not receive their paychecks, they protested, and some of them were shot. In the Philippines, congressmen, columnists, letter-writers and Muslims immediately raised uproar. The significant thing for most of them were the existence of a secret. "Special force" and the loss of lives. Many, usually non-Muslims, accused Marcos of secretly training troops to use for his own political purposes. Some accepted the Sabah allegation and criticized Marcos for contemplating the use of force in foreign policy. Muslims said that the incident showed the disregard of the Marcos administration for Muslim lives.⁶⁵

A striking characteristic of all-variations of the criticism was the assumption that the incident had only domestic implicators. A Malaysian note expressing concern and asking for an explanation was resented as representing interference in Philippine affairs. Philippine feelings along these lines were so intense that many of the Anti-Malaysia barbs prevalent in 1963 were revived. More seemed to distinguish between what was identified as a domestic concern, subject to all the suspicions, criticisms and attacks Filipinos are capable of levelling at one another, and what was identified as a

⁶⁵ Chronological Background of Events concerning Philippine Claim to Sabah, Manila, 1972, p.17.

foreign concern. Foreignness were not supported to react to what was, using their own perceptions and standards, but to what was projected for them to see. Because whatever was involved in Corregidor had not been identified as foreign policy, and because the incident was not projected for outside observation. Filipinos believed that Malaysians were meddling when they saw, wondered, and reacted.⁶⁶

The administration tried to escape from its self-created imbroglio by arranging a meeting with Malaysian officials. There was disagreement at the outset because the Filipinos considered the meeting to be another attempt at arranging procedures for settling the claim, and the Malaysians hoped that the meeting itself might settle the claim. Under the circumstances it was not surprising that the talks in Bangkok were a fiasco, to which both Philippine and Malaysian intentions and tactics contributed. The Philippine team had been neither carefully chosen nor prepared. Not prepared to discuss substantive matters, they stalled and quibbled.⁶⁷

Thus collapsed the Bangkok talks. On 20 July 1968, the Philippine department of Foreign Affairs sent a note to Malaysian. It charged that by rejecting the Philippine claim to Sabah at the Bangkok talks, Malaysia had violated the Manila Accord. By way of protest the Philippines withdrew its Embassy personel from Malaysia.⁶⁸

Tun Razak and Ramos reached an understanding in Djakarta in August 1968, during the ASEAN Ministerial conference, about a "cooling off" period. They also agreed that after the "cooling off" period,

⁶⁶ Lila Garner Nable, n. 2, p.566.

⁶⁷ Ibid, p.567.

⁶⁸ Sunday Times (manila) 21 July 1968.

talks should be resumed for improved relations between the two countries.

In the meantime, another issue had been raised in the Philippine congress. The United Nations was re-publishing the section on laws of the sea in its "Legislative services", and asked if any of the Philippine material should be up-dated. Senator Arturo Tolentino wanted modification at two points, and secured Senate approval for the changes. The first article of the new bill drew a continuous line around the islands of the archipelago and clearly identified both water and land within that line as Philippine territory. The second article said the description of the baselines shall be without prejudice to any future delineation that may have to be made by Philippine acquisition of sovereignty over Sabah.⁶⁹

In the House representative Carmelo Barbero felt that Tolentino's version might be "misinterpreted" and Secured House approval of wording which assumed that the Philippines already had acquired sovereignty over Sabah and declared that Sabah was a part of Philippine territory.⁷⁰ The compromise version finally passed by both houses said that the delineation was "without prejudice to the delineation of base lines of the territorial sea around the territory of Sabah... over which the Philippines has acquired dominion and Sovereignty"⁷¹. When Marcos signed the bill he said that it did not contemplate the Physical absorption of Sabah, but simply reiterated

⁶⁹ Lela Garner Noble n.2, p.567.

⁷⁰ Ibid, August 24, 1968.

⁷¹ Manila Daily Bulletin, September 8, 1968.

the Philippine position that it had sovereignty over the territory. A note to this effect was sent to Malaysia.⁷²

Malaysia however, chose to interpret the law on the basis of the most extreme statements made by the work belligerents members of the house. Its politicians and press branded the measures as the "annexation law", and Malaysia abrogated the anti-smuggling pact and withdraw its diplomatic staff. Public demonstrations against the Philippine law were reported as being the largest ever held in Malaysia, no "doubt" because they had official consent and some encouragement.

In the Philippine, there also were massive demonstrations. The major ones in Manila were directed primarily against the United States and Britain, and only rarely did the demonstrators ever get to the Malaysian Embassy. Also, in the words of one of the nationalistic columnists in the chronicle, the Filipinos felt-abandoned by their one and only protector", because a state department spokesman had said that the U.S. had recognised Malaysia without reservation.⁷³ British Military Officer had promised support for Malaysia. The Malaysian offenses were that Malaysian politicians and press had criticized the Philippine legislation, and that Malaysian demonstrators had desecrated the Philippine flag. For both cultural and ideological

⁷² Manila Choronicle, 19 September 1968.

⁷³ Ibid, September 21, 1968.

reasons Filipinos regarded the U.S. and British offenses as the most grievous, and attributed Malaysian "insults" to their neo-colonial leadership.

While the demonstrations went on, there were continuing exchanges over the meaning of the law to end its implications. Philippine officials were ambivalent over whether they wanted to take advantage of the law for a new diplomatic offensive or to maintain that it has no effect and represented to change. In practice they did both. The major change in policy, actually initiated before the bill was finally passed and signed, was a direction to all diplomatic personnel to announce at the beginning or end of all conferences that the Philippines did not recognize the competence of Malaysian officials to represent Sabah.⁷⁴ The effect of the policy was that it irritated Malaysian officials to the extent that they began boycotting conference. Apparently this effect provided Philippine decision makers adequate satisfaction; obviously the policy did not contribute to thin earlier objectives of securing negotiations with Malaysia over a settlement of Sabah, Unlike other Filipinos, Secretary Ramos felt the effect of the policy and tried periodically but unsuccessfully to get it changed.

Other sources of controversy were the status of diplomatic representation between the two states. After the Bangkok talks, the Philippines government had decided to withdraw its ambassador to Malaysia. Because the ambassador did not want to return at that time, and because the "cooling off" agreement followed soon thereafter, the government later decided to suspend the withdrawal. After the law so

⁷⁴ Manila Times, December 18, 1968.

as passed, the Malaysians reminded the Filipinos of their earlier announcement of withdrawal and asked for a clarification of the status of the staff in Kuala Lumpur. The Filipinos again protested interference with their decision-making process, and said that the withdrawal notice had not been rescinded but was in a state of "continuing implementation"⁷⁵. As the Malaysians were more adamant that they did not want diplomatic relations and eventually refused to have contact with the Philippine embassy staff, the Filipinos became more insistent that the staff remain and that full contacts be maintained.

In the meantime, Philippine military personnel, self-proclaimed refugees from Sabah, congressmen, and diplomatic staff reported and deplored examples of Malaysian hostility, belligerence, incursions, or subversion. The charges had no necessary relationship to identifiable incident; neither were similar charges being levelled against the Philippines in Sabah.

Resolution between the countries through ASIAN

The furor subsided by the end of October 1968. President Marcos stopped making speeches and going to Mindanao. Other items filled the papers. Ramos negotiated another settlement at an ASEAN meeting, but the Foreign policy council did not approve his agreement. At least part of the reason was a feeling that Tun Razak had outmaneuvered Ramos at the meeting by proposing the terms publicly and thus leaving Ramos no face-saving alternative to agreement. The terms were approximately the same as those the Philippines had

⁷⁵ Manila Daily Bulletin October 21, and 24, 1968.

agreed to earlier, and the alternative proposed by the council did not significantly clarify or distinguish a Philippine position, but independence was again demonstrated. It was a relatively costless gesture, since subsequently both Marcos and Carlos Ramenlo, who replaced Ramos as foreign secretary, indicated their intuition to “cool off” the dispute again. The elections in Malaysia in May and the Philippines in November 1969 justified the softening of policy. Philippine officials felt that Malaysian candidates would exaggerate Philippine actions or statements for their own political purposes, and decided not to give them causes.⁷⁶ Also, without Malaysian concessions, which were inconceivable during the Malaysian campaign, Marcos could gain no victories, and only victories were useful for the Philippine campaign.

After the election Marcos dispatched Ramulo to the ASEAN meeting in Kuala Lumpur to “Normalize” relations with Malaysia. His success in doing so on December 15, “without preconditions”, partly represented the feeling of Malaysian leaders that, given their domestic problems no more enemies, even for political purposes.⁷⁷

Normalization of relations was announced when Tunku and Romuleo met at the meeting of ASEAN Foreign Ministers on 16 December 1969 at conversion Highlands Malaysia.⁷⁸ Resumption of diplomatic relations did not, however, mean that the Philippines had withdrawn its claim to Sabah. Foreign Secretary Ramulo stated at a

⁷⁶ Lela Garner Noble, n. 2, p. 569-70.

⁷⁷ Ibid.

⁷⁸ Department of Foreign Affairs, the Philippines at the Third ASEAN Ministerial Conference, Manila, 1970, p. 23.

press conference in Manila. "An agenda for future talks will have to be discussed and I am sure Sabah will be one of the items"⁷⁹.

The Philippines continues to give the impression that it has not given up its claim to Sabah. Perhaps it does so in order not to lose face. On the other hand the Government of Malaysia has accelerated the process of integration and Malayization of the North Borneo territories, including Sabah.

In early 1970s the Philippines began to reconsider its claim to Sabah when it was faced with Muslim insurgency in its Southern islands. The Moro-Liberation front, a separatist organisation was reported to have received sympathy and support from some Muslim countries, especially Libya. Marcos now realized the danger of continuing the feud with Malaysia. The communist victory in Vietnam gave him an opportunity to get off the hook. In 1976 he officially dropped the claim over Sabah in order to promote regional cooperation in a post-Vietnam context.⁸⁰

Later at the 1977 ASEAN Summit in Kuala Lumpur, President Marcos publicly stated that his government was..... taking definite steps to eliminate the claim of the Philippine Republic to Sabah. Malaysia, however has not accepted this statement and insists on further proof of renunciation, for instance by amending its 1973 constitution that supposedly makes reference to Sabah. Sabah is also the cause of further friction as it is accused of providing assistance

⁷⁹ Straits Times 24 December, 1969.

⁸⁰ Lalita Prasad Singh – Power Politics and South East Asia, p.110.

and sanctuary to the secessionist Moro National Liberation Front that is seeking autonomy in Southern Philippines. These two interrelated issues need to be resolved before close relations can be established between Malaysia and the Philippines. The only ASEAN member that no Malaysian Prime Minister has officially visited so far in the Philippine and it appears that even Dr Mahathir had been continuing this trend. At the present cordial relations exist through ASEAN. Dr Mahathir has also indicated that in the event of an ASEAN summit being held in Manila he would make a clear sign that ASEAN solidarity is not narred by bilateral differences in fact, ASEAN has continued such differences. According to the premier, there is a difference between a state visit and attending a meeting. It is a fine difference but a difference nevertheless (NW Straits Times 12 June 1982). It appears that the issue, being bilateral would have to be settled bilaterally.⁸¹

Both the countries having faced their own internal political crisis and stability of the states, internal law and order as well as the economic crisis. Presently there is no potential question or issue related to Sabah officially, but this issue remains, as bone of contention between the two states. Even Manila did not feel strong about Sabah.

⁸¹ Southeast Asia Affairs – 1983

CHAPTER – IV

ETHNICITY AND PHILIPPINE – MALAYSIAN RELATIONS

The Philippines and Malaysia made normalization of relation in December 1969. As so this normalization of relation between the two countries made possible the development of ASEAN – the association of Southeast Asian-Nations into a regional organisation characterized by increasing cooperation. The ASEAN countries form a group of distinct heterogeneous communities that greatly differ in their political, social, and economic structures, cultural ethos, and ruling elite philosophic prior to and since independence (including the period since the formation of ASEAN) interstate disputes already manifest or still latent have existed among these countries. These disputes include territorial disputes, ethnic conflicts and animosities, religious prejudices, and smaller states fear of larger states.¹

Yet, the “normalization” of relations between the Philippine Malaysia coincide with the development of growing insurgency in Muslim areas of the Southern Philippines, and this Muslim insurgency group allegedly encouraged by Tan Mustapha Chief Minister of the Malaysian state of Sabah.² Mustapha, did not hide his personal sentiments, as a Muslim with family ties to Sulu, he translated these

¹ Shee Poon-Kim, A Decade of ASEAN, 1967 – 1977 ASIAN SURVEY; August 1977 Vol- XVII, No. 8, p – 753.

² Lela Garner Noble, Philippine – Malaysian relations 1963-1969.

feelings into aid for Sulu refugees who were virtually guaranteed admission and employment in Sabah.³

In these chapter, these two developments, i.e., the continuing cooperation of Malaysia and the Philippines in ASEAN, and the emergence of a secessionist movement among the Philippines minority who share common religious bonds with the Malaysian majority.

The argument is that these two developments are related in such a way as to reflect a bargain, implicit or explicit, between the policy makers of the two states. The policy makers act as if they have agreed that Malaysia will refrain from supporting Philippine Muslims but will not stop Tan Mustapha's assistance to them. The Philippines will continue to attack the Muslim separatist movement but will refrain from action against Sabah or from direct public criticism of Malaysia, the Philippines will not press its claim to Sabah but will assert its right to the waters around the Sulu archipelago. As a conclusion explain how this "bargain" was arrived at, how it has worked, and what suggests about the relationships between ethnicity and Philippines – Malaysian relations.⁴

To be result of almost a decade and regional friction the bargain appeared within this two states. For Malaysia the problems are most serious with Indonesia in the 1963-1966 period. But problems with the Philippines, primarily over the claim to Sabah, preceded exacerbated, and out lasted "confrontation" and also tensions in relations with Singapore and Thailand. The increased evidence of international vulnerability coincided with domestic strains which culminated in the 1969 elections. In Peninsular Malaysia, the

³ Robert O. Tilman, Mustapha's Sabah, 1968-75 ASIAN SURVEY – June 1976, Vol. XVI. No 6, pp. 495.

⁴ Lela Garner Noble, Ethnicity in the Philippines Asian Survey May 1975, Vol. XV, No. 5, p – 453.

announcement of elections results was followed by Malay – Chinese rioting, which in turn led to the postponement of elections in the Bornean states. When elections were finally held in Eastern Malaysia in 1970, Tan Mustapha delivered Sabah's votes solidly for the Alliance. Sabah thus emerged as the most stable of all states – from the standpoint of the Alliance leaders and Tan Mustapha as the most independent of all state leaders.⁵

For the Philippines, policy in South East Asia between 1962 and 1965 was dominated by two endeavors the making and prosecution of the Philippine's claim to Sabah and the assumption of a mediating role in the “confrontation” between Malaysia and Indonesia. In both endeavors ethnic factors were a minimal importance. Moreover, both endeavors were counterproductive.⁶

After Marcos became president in 1966, the Philippines moved to re-establish relations with Malaysia and joined Malaysia, Singapore, Indonesia, and Thailand in forming ASEAN, cooperation, however, was shortlived. It was jeopardized first by the “corregedor incident”, which presumably revealed the existence of a secret force of Muslims being trained by the Philippines to infiltrate Sabah. Then after Philippine legislators passed a bill which asserted Philippine sovereignty over Sabah in the process of redefining Philippine boundaries, active diplomatic relations between the Philippines and Malaysia were suspended. Malaysia abrogated the anti-smuggling agreement which it had negotiated with the Philippines over the protests of Tun Mustapha; withdraw its embassy staff from the Philippines; demanded that the Philippines implement its announced withdraw of its own

⁵ Tun Mustapha, “Houseboy, Messenger, Clerk and Then came the War”, *Malaysian Business* October 1973 pp. 33-36.

⁶ Lela – G, Noble, “The National Interest and the National Image; Philippine policy in Asia; *Asian Survey* vol. XIII, 6 June 1973 pp. 560-576.

staff; and sharply curtailed its participation in international meetings. These were also reports that Sabah, if not Malaysia, was cultivating active contacts with Muslim dissidents in the Southern Philippines.⁷ Meanwhile domestic conditions in the Philippines were worsening, and protest was becoming more widespread; better organised and coordinated, and more explicitly purposeful. Discontent was particularly strong among Muslims in Mindanao and Sulu.

The Muslims were divided by clan, language and location, and also by the manner in which they had chosen to accommodate themselves to a national system which they perceived as being dominated by Christians. Some, particularly Maranao in the Lanao area, perpetuated traditional patterns of clan organisation and sought to avoid contact with any alien influences, including electricity, schools and government officials, when challenged they fought. Others opted for integration, which was defined primarily by education in a public or private university, frequently with financial assistance from the government's commission on National Integration. The third option was an explicit Islamic one and involved training in local schools frequently ones established by Egyptian, Arabian, or Indonesian missionaries, education overseas at universities in Egypt or Arabia, or participating in Islamic organisations in the Philippines and outside it. Many of these Muslims were reformists in their orientation toward Philippines Islam and Muslim society. They might or might not be secessionist in relation to the Philippines, but their higher loyalties were clearly to Islam rather than to the Philippines.⁸

⁷ Lela Garner Noble, n. 4, p. 454.

⁸ *Ibid.*, p. 456.

The three options were not exclusive, Muslim politicians represented a fusion of the three; they participated fully in the party alignments and porkbarrel arrangements of the national political scene, but frequently did so with a traditional clan base which they extended by Islamic symbols, benefits and organisations. They arranged pilgrimages to Mecca, for example; sent their sons and godsons to Cairo University, had contacts with Malaysian, Egyptians, Arabian and Libyan Leaders. Muslims who tried the integrationist route were sometimes frustrated and hence found common cause with traditionalist or reformers. Traditionalists frequently respected the Islamic credentials and connections of the reformers and accepted their leadership.⁹

Whatever their orientation, the 3.5 million Philippine Muslims were subject to many of the same problems affected other Filipinos, They also had problems relating to continuing Christian migration into Mindanao, which by the late 1960s had reached a level threatening Muslim economic, political, and cultural interests. The economic conflict centered on the fact that Muslim landholding practices were rooted in a relationship between *datus* (clan chiefs) and classmen, not necessarily in Philippine law. The migrating Christian tended to assume that they had both the law and governmental agencies on their side. Since there was no agreement on legal systems or judges, as migration increased fighting between Christian settlers, a largely Christian Philippine constabulary, and Muslims increased in frequency, intensity, and organisation.

Fighting worsened in the years preceding elections because migrations also had political implications. Muslim families and groups

⁹ Ibid.

had frequently fought among themselves for political followings and positions. As Christian newcomers in some provinces began to outnumber Muslims, changes in registration patterns inevitably not only intensified the conflict but also added new, unpredictable factors. Christians sometimes simply voted for an “old” Muslim politician, for at least some of the same reasons Muslims did his connection with the Liberal Nacionalistic benefit network. Frequently, however shifts in registration produced new Christian politicians. Under these conditions, there was seldom any reason to distinguish between groups organised and fighting for economic reasons and those fighting for political reasons.¹⁰

Since both Christians and Muslims had a tendency to identify their life style as Christian and Muslim respectively, both identified Philippine culture as Christian, and both had a tendency to regard their own religion and lifestyles as superior, the conflict appeared to be irreconcilable. Whether or not an “Islamic resurgence” was inherently secessionist, in the context of generally worsening conditions and perceived “Christian” threat growing Islamic self-consciousness and contacts encouraged talk of secession. Secessionist threats and organizations had also traditionally been part of the bargaining process between provincial Muslim leaders and national Christian ones, Muslim leaders did not want to secede; they wanted rewards for not seceding. The formation of the Muslim (or Mindanao) Independence Movement by Udtong Matalam, former governor of Catabato, in 1968 appeared to fit the old model, particularly since he seemed temporarily mollified after Marcos gave him a watch and

¹⁰ Ibid, p. 455.

attention, but the movement tapped sentiments, which went beyond Matalam's intentions and control.

Thus by the end of the 1960s Marcos was confronted domestically with clean evidence of deteriorating socio-economic conditions, widespread discontent, and increasingly organized and ideological protest groups. The level of violence throughout the country seemed to be increasing. There were reports of outside support for both the New Peoples Army concentrated in Luzon, and for Muslim dissidents, concentrated in Mindanao and Sulu. There was also evidence that foreign policy, particularly policy toward the claim to Sabah, had increased the possibility that internal problems would be worsened by external ones. For Philippines as well as for Malaysian leaders vulnerability was dictating caution in foreign policy by 1969. Therefore the rationale for the Malaysian-Philippine "bargain" earlier.¹¹

During the 1970s the bargain has been tested by the increase in the level and scope of fighting in the southern Philippines, the growing evidence of external support for the Muslim activists, and the persistence of both concern and controversy in Islamic organisations over treatment of Philippine Muslims. In March 1970 there were reports in the Philippine press of the return to the Philippines of a number of Muslims who had been trained abroad, one report, based on information received by the commander of the Philippine Constabulary (P.C.), was that 120 Muslim youth had returned after receiving training under British and British trained in "Middle Eastern and nearby countries." Both versions linked the trainees with secessionist movements like the Darul Islam and M.I.M. in Cotabato, Lamalip in Lanao, the Muslim brotherhood of Jolo, and the Green

¹¹ Ibid p. 456

Guards of Zamboanga and Basilan.¹² There were also news stories in May of Muslim youth meetings in which secession was discussed, usually as a last resort if demands for reform were not met by the Philippine government.

When the level of violence escalated in Mindanao in October 1970, it was more related to the 1971 elections for senatorial, provincial, and local officers than to secession. By early 1971 fighting was fiercest in province in Mindanao where population and hence voting ratios were changing Lanao del Norte and Cotabats del Norte, Reports identified the Muslim combatants as “blackshirts” in Cotabat and “barracudas” in Lanao Del Norte. It was usually assumed that the “blackshirts” were linked with Matalam’s M.I.M. and the “barracudas” were the private army of Ali Dimaporo, the Muslim Nationalistic party congressman. The Christians were identified as “Illagas; the translation was “rates” the ethnic group Illongo. In Lanao Governor Arsenio A. Quibranza, Dimaporos chief rival, allegedly led the Illagas.¹³

Muslim and Christian groups raided villages, burned houses, and killed. There were reports that some Muslim members of the Philippine Constabulary participated in attacks on Christians. But it was widely assumed that the P.C. units predominantly Christians and headed by an Illango, generally intervened on behalf of Christian. Certainly the level of violence expanded with increases in the number of P.C. personnel sent into the area. Moreover, while causality and refugee figures were high for both Muslims and Christians, the worst incidents involved Christian attacks on Muslims.

¹² Manila Bulletin, March 11, 15, 30, 1970; Manila Times, March 26 and 27, 1970.

¹³ New York Times, September 9, 1971.

The first occurred in June 1971, when a group of 23 armed Illongos, some reportedly in P.C. uniforms, forced about 70 Muslims into a Mosque, threw a grenade at them, and shot anyone who escaped. They raided the barrio school and killed more Muslim children.¹⁴ The second incident occurred on November 23, Election Day in Lanao del Norte. A group of 200 Muslims had been persuaded with promises of safe conduct and a P.C. escort to return home to vote. According to one report they were identified as "flying voters" and were not allowed to vote when they arrived. Then on the return trip, contrary to the safe conduct agreement; they were stopped at an army checkpoint. The army charged that the first shot came from the Maranaos, but army personnel had only a few minor injuries while the Muslims were both shot by army men and boloed by the Christian civilians accompanying the soldiers.¹⁵

The two incidents, set in the context of continual fighting, aroused major protest from Muslim political leaders outside the country. Col. Moanmmer Kadaffi of Libya accused the Philippine government of having a deliberate plan to exterminate Philippines Muslims and threatened to assume responsibility for them. In an interview, Rascid Lucman, Philippines congressman from Lanao del Sur, said that Libya was already supplying aid to the "opposition in the Philippines."¹⁶ Reuters quoted Tunku Abdul Rahman, in his new

¹⁴ Far Eastern Economic Review, July 3, 1971, p. 15.

¹⁵ Far Eastern Economic Review, December 18, 1971, p. 17.

¹⁶ Arab Report and Record, October 1-15, 1971, p. 533.

role as head of the Islam Secretariat, as saying that the Secretariat was considering the mosque massacre at the request of worldwide Muslims.¹⁷ Claims that the Philippines were persecuting Muslims were circulated at the United Nations. In September the Indonesian news agency reported claims that Muslim leaders there had made statements expressing regret and sympathy for this Philippine brothers and appealing to the Philippine government for a peaceful settlement.¹⁸ In December, as an ASEAN foreign ministers meeting was closing in Kuala Lumpur, the Malaysian Prime Minister condemn the killing of Philippine Muslims.¹⁹

In 1972 violence spread into other areas of Mindanao, though the overall level of fighting appeared to have subsided. In June representative Salipada Pendatun visited Middle Eastern capitals and reported by received a promise of aid for Philippine Muslims from Sadat of Egypt. Meanwhile Kadaffi reiterated charges of genocide and on June 11 explicit offered arms and money to Philippine Muslims.²⁰ Marcos' reaction marked a significant shift in Philippine tactics. Earlier the Philippine response to statements by outsiders had been to declare that the situation was a purely internal dispute over land claims and that the policy and practice of the Philippine government were to have a "liberal and sympathetic attitude" toward non-Christian Filipinos, Kadaffi's statements had been branded as "mere

¹⁷ Asian Research Bulletin, (1 august 1-31, 1971) p. 270.

¹⁸ Asian Research Bulletin, I (September 1-30, 1971) p. 352.

¹⁹ Far Eastern Economic Review, December 11, 1971, p. 20.

²⁰ Arab report and Record June (16-30, 1972 p. 297.

meddling.”²¹ Arrangements made for Muslim Ambassadors in Manila to visit the southern Philippines had appeared to be a concession.

After the statements of June, however, Marcos invited representatives of the Egyptians and Libyan governments to visit Mindanao. He acted on the advice of Senator Mamintal Tamano (a former Senator in Philippine history) and over the objection of other members of congress. His objective was clearly to demonstrate that criticism and aid were unwarranted.

Egypt and Libyan responded by sending a four-man delegation to the Philippines on July 1-8. Marcos, who had earlier identified the problem as caused partly by a struggle for political power, partly by contention over land rights, told them that he believed communists and other elements were provoking violence. Dissidents seeking to “agitate and inflame Muslims against the government and Christians in general” were responsible for the interest; Communists had infiltrated the Ilagas.²² The Egyptian spokesman’s conclusions were that the conflict could develop into religious over 800 Muslims since early 1971, and said, “we will follow our mission by convincing our friends in the Philippines to try to do their best to stop the massacre and establish order.” A Libyan official compared the situation to pre – 1948 Palestine.

The Philippine government appeared satisfied with having won a reprieve from genocide charges. In any event, despite both the intensity of the violence and its growing international ramifications, throughout 1971 and 1972 most Filipinos considered other events to

²¹ Ibid, October 1-15 1971, p. 533 and Asia Research Bulletin 1, October 1-31, 1971) p. 426.

²² Asia Research Bulletin, II (July 1-31, 1972) p. 1099.

be of greater importance. The 1971 elections campaign was bitterly fought, and the results were interpreted as a major loss for Marcos. Debates in the constitutional convention were also bitter and had pro or anti Marcos implications. Bombings and shootouts accrued in the Manila area. Marcos attributed them to communists, his opponents charged his own men with having started them. Floods deluged areas of Luzon and threatened a nation wide rice crisis. Aided the former relations with neighbouring states remained cordial ASEAN continued its meetings and statements. During the floods Tun Razak expressed sympathy and offered rule.²³

When Marcos declared martial law in September 1972, his early justifications emphasized the communist threat, primarily as represented by the activities of the New People's Army. Ironically, by October Muslim rather than N.P.A. led rebellion constituted the most significant challenge to his regime.

The first large scale attack was on a P.C. camp in Marawi city, Lanao del Sur. Fighting spread through Basilan and the Sulu Archipelago. In late February a major offensive was launched in Cotabato. By the end of March the Muslim forces had control of most of Basilan and Sulu large portions of the Lanao, Zamboanga, and Cotabato province. Estimates as to this numbers regard considerably, but there were probably about 15,000.

²³ Asian Recorder, XVIII (September 16-22, 1972) p. 10988; Arab Report and Record July 1-15, 1972, p. 343.

The forces appeared well coordinated, better led, and better armed than earlier. In some areas they left leaflets announcing their objectives. Aimed at least partly at reassuring Christians, the leaflets identified the armed men as members of the Muslim Revolutionary Forces in Mindanao. They said that Christians had no reasons to fear that they would be harmed; the fighting was directed against the army and the P.C., not the people.²⁴ Other reports said that the leaders called for the ouster of all old Muslim feudal leaders and provincial officials.

A manifesto published by the underground free Philippine News service contained nineteen demands. The first demands were for the withdrawal of government troops the disbandment of local self-defence forces, the removal of all government officials who were not natives of the area, and the arrest and prosecution of the personnel guilty of the Killings of innocent Muslims. Other demands, apparently assuming that the first would not be met, dealt with controls on the behaviour of military personnel. A third group of demands centered on recognition that the M.R.P. activists were not communists but "God fearing people; on freedom to practice Islamic laws and customs without restriction; and on requests that "foreign dignitaries, especially representatives of world bodies" be allowed to travel freely in affected areas.²⁵

²⁴ New York Times, March 24, 1973.

²⁵ An Asian theology of Liberation; New York IDOC (North America 1973) p. 63.

What seemed to have emerged was a looking organised movement (it was later identified as the Moro National Liberation Front) with a core of young, University trained Muslim leaders. While many of them had links with the older generation of Muslim political leaders, they appeared to be renouncing those links and calling for reform within Muslim society as well as a change in the relationship of Philippine society. Nurul Hadji Misuari, early identified as the main leader, had been Lucman's protégé. Misuari's wife was the niece of the wife and Salih Ututalum, one of the long time political contenders in Sulu. Nizam Abubakar, a son of the of Jolo, was among the rebels. Some reportedly had doctorates in Islamic jurisprudence from Cairo University. Perhaps among the top leaders, and certainly within the movement as a whole, there were differences, particularly in defining reform and consequently and consulate acceptable term of settlement.

The external contacts of the movement's leaders were not clear. Those who were educated at Islamic universities obviously had relationships with Muslims in other countries. News stories said Misuari was in Libya in 1972 and had also spent time in Sabah. It was reported that Libyan and Sabahan aid went first to Lucman, then later directly to Misuari. According to Philippine officials, captured Muslims admitted that they received military training in Malaysia. Libyans admitted giving aid; Malaysian officials denied it.²⁶

²⁶ Lela Garner Noble *Ethnicity in the Philippines*. p. 460.

Within the Philippines, an underground newspaper connected with the N.P.A., the conclude first, reported "NPA – MRF" activities and identified the Muslim fighting as part of the common struggle. The Muslim objective, the paper alleged, was for autonomous. Zones in areas where Muslims have 85% of the population.²⁷ Other reports quoted an unnamed radical priest as claiming a 10% infiltration of Muslim movement by the N.P.A.²⁸ the term "infiltration" o" course implied that from the respective of the Muslims the commonality of the struggle might be less clear. While Misuari was a member of the Kabataang Makabayan several years ago, his friends have said that he left it because of a conviction that the Maoists in it were neither understanding of nor sympathetic to Muslims. Muslim spokesman have denied that they are communist or engaged in a struggle to overthrow the central Philippine government.

In Sulu, Cotabato, Zamboanga, and Basilan, the front appeared to include most Muslim dissident groups and to secure a degree of coordination and discipline groups in Lanao appeared to remain independent. In particular areas Muslim seizure of power was associated with peace and order. Price ceilings set and maintained, a complete ban on liquor, troops rigidly disciplined. In other areas, tactic remembered more closely the old black shirts banracuda Sulu clan feud style.

The martial law regime's analysis of the problem distinguished between socio-economic and military aspects, between leaders and followers, and between domestic and foreign ramifications. To deal with the socio economic aspects, the administration proposed

²⁷ See *Clenched fist*, (July 31, 1973 and September 21, 1973 and II Jan 15, 1974.

²⁸ *Asia Research Bulletin* III March, 31, 1974 p. 2436.

expansions of airports and ports ("to encourage tourism"), new programmes to train fisherman, provisions for a limited amount of barter trade between Sabah and Zamboanga and Jolo, an Amanah Bank (primarily to make loans to Muslims).government chartering of a ship for the Mecca pilgrimage (passage was free or subsidized if guns were surrendered) etc. It also established a number of organisations to plan to implement the program and announced the commitment of significant resources.²⁹

At the same time, the administration issued reminders that no socio economic programmes could be begun until peace and order were restored. By April 1973, half of the 62,000 men in the Philippine Armed Forces were estimated to be in Mindanao, and the armed forces were being expanded steadily.³⁰ They were also being bolstered by deliveries of military equipment from the U.S. and by purchases elsewhere. Military personnel in the South spoke of "Sanitizing" areas and "search and destroy" missions. There were reports of planes daily strafing areas of presumed rebel concentration. In March 1973 the government began issuing arms to local self-defense units. The effect was to increase the weapons available to the Ilagas and to give them paramilitary status. Apparently Muslims were given arms only in Sulu, and their Muslim government supporters complained that they were not given adequate ammunition.

Marcos moved immediately to win the support or neutralize the opposition of established Muslim leaders. He called about two hundred of them congressman, delegates to a peace conference in early January 1973. He offered selective amnesty for fighters who surrendered,

²⁹ The New York Times reported on May 11, 1973.

³⁰ Los Angeles Times, April 9, 1973.

reiterated his programmes of economic reform, and said government troops were in the southern Philippines not to fight Muslims but to identify and segregate insurgents, "if any; He said he had information that foreign trained and foreign armed troops were active in Mindanao.³¹

The duties had little influence since martial law left them no power and the rebel's ideology left them no authority. Other efforts centered on extending amnesty periods and sending special delegations to negotiate. The administration was dealing, according to press secretary Francisco Tatal, with "combined elements of outlaws, pirates and secessionists led by a young Maoist leadership.³²

The basic scheme for undercutting the rebels, then, was to offer them hope through promise of socio economic programs, convince them through military force that they could not win on their own terms, provide amnesty as a transition, and use mediators to make sure they received all the messages the government wanted sent. For other Filipinos the government restricted information. Press censorship was directed at minimizing the scale of fighting, rebel successes, and government casualties; and emphasizing the government's generosity and rebel surrender. Those who surrendered returned to the folds of the law; those who did not were outlaws, bandits, or Maoists.

Some of these tactics and classifications had relevance for the foreign audience of which the government was conscious. Top government officials also deliberately refrained from naming publicly the foreign countries they suspected of aiding the insurgents. While secretary of foreign affairs Carlos Romulo informed both SEAT and ASEAN that the government had evidence of foreign involvement, he

³¹ New York Times, January 4, 1973.

³² New York Times, March 17, 1973.

did not press the issue in either case. Nor did the government take the issue to the United Nations, as it had done regularly with the claim to Sabah.

There were press reports in May and June 1973 that the Philippines government either directly or through Indonesia had proposed to the Malaysian government that it would resource publicity its claim to Sabah if the Malaysian governments would give assurance that Sabah would not give sanctuary to Muslim dissidents. In response to questioning about the reports, Tun Razak, the Malaysian Prime Minister, denied that the Philippine government had made any formal proposal or that the Malaysian government had any involvement with the "insurgency problem".³³

The government's efforts achieved some successes. By December there were reports in the Manila papers of mass surrenders of rebels. Government troops also reoccupied areas in Basilan and Mindanao. The fighting remained regionalized; the N.P.A. in Luzon was surprisingly quiet. Some of the socio economic programmes were begun.

Equally important were some international successes. In late 1972 and early 1973 a Libyan envoy visited capitals of states associated with the Islamic Secretariat with a message from Kadaffi about the situation of Philippine Muslims. Presumably the envoy was trying to lobby for support of the proposals Libya later made at the Islamic Foreign Ministers; conference held in Benghazi, March 24-26. Libya wanted all Muslim states to Condemn and sever diplomatic and economic relations with the Philippines. The Libyan proposals lost,

³³ Foreign Affairs Malaysia VI (September 1973). P. 41.

and the proposals passed, "after extensive debate," were more moderate.

The conference resolved "to appeal to peace loving states," religions and international organisations to exert their good offices with the government of the Philippines of halt campaigns of violence against the Muslim community, to ensure their safety and realize their basic liberties.

It is also named a five-man team to visit the Philippines Muslims, and asked Indonesia and Malaysia to extent their good offices within ASEAN.³⁴ Saudi Arabia, Indonesia, and Malaysia well credited interfering in the internal affairs of a sovereign state.

In April 1973 ASEAN foreign ministers met in Pattaya, Thailand, Press reports indicated that the foreign ministers considered it in their mutual interest to avoid public discussion of divisive issues. After a private meeting of the Malaysian, Indonesian, and Philippines official, the three refused to discuss what they had talked about.³⁵ According to the final communiqué, "the ministers took note of the presentation of facts by the Philippine foreign minister concerning the Muslim minority in the Southern Philippine, especially the efforts being exerted to improve the conditions in the area". They also noted the Philippine expression of gratitude to Malaysia and Indonesia for their support at Benghazi.³⁶

In June a delegation from the world Islamic League went to Mindanao and, according to the Manila Daily Express, found proof of rapid development and heard Muslim leaders Praise Marcos for his

³⁴ Asia Research Bulletin II March 1-31, 1973, p. 1699.

³⁵ Bangkok post, April 18, 1973.

³⁶ Foreign Affairs Malaysia, VI (June 1973), pp. 30-31.

concern. The express quoted the head of the delegations as saying, "Separates is absolutely out of the question and is not to your interest."³⁷ Then in mid-August the Islamic foreign ministers' delegation visited the Philippines. The Philippine news agency quoted the delegates as saying that they were convinced that Marcos was sincere in solving problems and that Filipino Muslims could expect some aid but should not allow themselves to be used by extremists or communist groups.³⁸

Finally, in November, in the aftermath of the Middle East war and in the midst of oil shortages, Marcos publicly condemned Israel and called for a withdrawal of Israeli forces from occupied Arab territory. The Arab Summit meeting in Algiers then decided to spare the Philippines from further cuts in oil deliveries.

There was, however, an illusionary quality to many of the successes, reoccupation territory was as frequently a result of rebel tactics as of military success and as frequently associated with the deterioration of "law and order" as with its "restoration". While one of the earliest actions of the martial law regime was to round up guns, the net result of the government's policy of arming civilians was to put more and probably better weaponry into the area. Most of the people armed were avowed enemies of Muslims, whether or not they were identified with rebel groups. The fighting and rising fear and tensions created an enormous number of refugees—estimates ranged from 100,000 (Marco's figure in August) to 980,000— and the refugee problem was further complicated by food shortages and continuing, perhaps increasing, Muslim distrust of government agencies. The

³⁷ Asia Research Bulletin III August 1-31, 1973, p. 1918.

³⁸ Ibid, p. 2077.

government programme, then appeared to result in more devastation, more hostility, and more guns.

The nature of the situating was most clearly revealed by the rebels seizure of Jolo in February 1974. Many of the rebels whom the Manila paper reported as having surrendered in December 1973 came from Sulu. One was identified as having been trained abroad and responsible within the M.N.L.F. for some "foreign-trained" troops. Several were hadjis, datu, and imams, titles which suggested that they might not fit the pattern of second-generation leadership. Whatever their actual positions, they were flown to Manila to meet Marcos, who briefed them on plans for the socio economic program, then flown back, ostensibly to woo their former followers into surrounding. Military leaders said that former rebels were taking the initiative in hunting down the "Maoists," estimated to be two or three hundred in number.³⁹ Some people in Jolo believed that the new role of these returnees armed with government weapons and including at least one known "out law" as Marcos' emissaries at least partially prompted the decision to seize Jolo.

Descriptions of what happened during the seizure and subsequent fighting differed, but there seemed to be consensus that at least half of Jolo city was destroyed; about half of the population of Jolo city fled to Sabah, Basilan, or Zamboanga; loss of life was high; and the government continued to use massive firepower against suspected rebel hideout, throughout the island. These facts, plus what the government claimed was new information about the nature and extent of foreign involvement, further jeopardized Philippine relations

³⁹ Bulletin Today, Manila December 2,6,11,1973.

with Muslim countries, particularly with Malaysia. In the context of the continuing Arab oil boycott these relations were critical.

The Philippines attempted to deal with the international ramifications in two ways. It tried to stop Malaysia from giving or permitting what it was convinced was direct and critical aid to the rebels, and it tried to stave off condemnation and consequent oil cuts. About 80% of Philippine oil came from middle-eastern sources, primarily Saudi Arabia.⁴⁰

A widely distributed Associated press dispatch quoted "authoritatively informed diplomatic sources" as saying that the Philippines government had new evidence that Malaysia had supplied training, arms and ammunition for the rebels. Partially based on signed statements from M.N.L.F. captives, the information was that Malaysia training for Muslim guerrillas began in 1969 when five batches totaling 90 men were taken to Pulau Pangkor, off West Malaysia, or to Lahad Datu and Banguey Island, in Sabah. Nur Mishari was among the 90 trained since 1972, Malaysian sources had arranged shipments to deliver at least 200,000 pounds of ammunition and 5407 weapons. Malaysian naval boats made their last known delivery on December 31, 1973. The sources also cited an intercepted letter written by Rashed Lucman on June 3, 1972; it said that Tun Mustapha provided 750,000 dollars to Misuari and to Dr. Saleh Loong, whose relatives were identified as activist leaders. The money was for recruiting 300 men.⁴¹

⁴⁰ Far Eastern Economic Review March 18, 1974, p. 23.

⁴¹ Asia Research Bulletin III March 31, 1974, pp. 2535-36: Straits Times March, 11-1974.

An article in the Far Eastern Economic Review written from Manila Sources contained much of the same information, but said that money was originally channeled through older Mindanao. Muslims including Lucman, who has an army called Ausar EL Islam. Misauni and his companions, who had formed the M.N.L.F. while at Sulav Pangkor, returned to work with Lucman. A split occurred when Lucman discovered that Misauri was operating as the chairman of the front and was spending funds for the "Moro People's is Army" Malaysian aid stopped after the split, but Misauri successfully negotiated in Sabah for its resumption. Lucman tried regaining control of the movement by emphasizing secessionist aims and "denigrating the communist character" of Misauri's organisations and goals. When he failed, Lucman laid down his arms and was granted amnesty by Marcos.⁴²

Both Associated press and Review sources said that Romulo confronted the Malaysian ambassador with the information in a private conversation. The AP account reported that a Malaysian embassy official conformed the meeting. He said that the ambassadors had told Romulo that Malaysia had no knowledge of Malaysia government support for the rebels and suggested that if the Philippines had such information, it should be made public.⁴³ The officials also said that a similar meeting had been held in Kuala Lumpur between the Philippine ambassador and the Malaysia government. The Review articles cited Malaysian sources as saying that the government had asked Tun Mustapha about the charges several months ago, but that he denied all knowledge. Sabah Sources, however, said that both Tun Mustapha and the equally independent

⁴² Far Eastern Economic Review, March 25, 1974, pp. 12-13.

⁴³ Strait Times, March 11, 1974.

governor of Indonesian Makassar had been jointly channeling aid to rebels, and that Suharto had questioned the governor on the issue.⁴⁴

Later reports said that Romulo refused to comment on all reports, while Major-General Fidel Ramas, the P.C. commander deride denied of them.

In Kuala Lumpur, both foreign ministry official and Philippine diplomats disclaimed knowledge of Malaysian trained Muslim fighting in the Philippines Tun Razak, in response to a question in Parliament, said that 22,000 refugees from the Philippines had been given shelter on humanitarian grounds. Malaysia regarded the secessionist movement strictly to a non-interference policy, but had expressed concern over the Muslim's Plight to Marcos and asked that he find a peaceful and first solution to the problem.⁴⁵

Whatever the exact nature of the information and direct exchanges between Philippine and Malaysia officials, Indonesia increasingly emerged as a mediator. Marcos reportedly used a visit between his and Sunhanto's wives to send word to the Indonesian President that he discounted reports that the rebels had received help and training from the Malay Peninsula but did believe that Sabah was providing and relaying from Libya arms and other aid. Marco wanted Suharto to persuade Tun Razak to curtail Tun Mustapha's activities, as well to help improve the generally deteriorating relations between Malaysia and the Philippines.⁴⁶ Sahart and Tun Razak met in Penang on May 3; then Suharto and Marcos met in Sulawesi in late May. At the end of the Suharto-Marcos meeting the Indonesian statement referred to participation by Muslims in the Philippine

⁴⁴ Far Eastern Economic Review, March 25, 1974, p.14.

⁴⁵ Philippine times (Chicago) May 15, 1974.

⁴⁶ Far Eastern Economic Review, May, 1974, p. 10.

government and reflected the Indonesian conviction that Manila should make every effort to talk to the activists leadership. The Philippine statements stressed, between the Philippines and Indonesia and the multinational character of ASEAN but omitted a reference in an earlier draft to which the Indonesia had apparently objected, to Indonesia's appreciation for Manila's efforts to uplift its Muslim minority.⁴⁷

Philippines policies in relation to other Muslim states involved efforts at de-Muslimizing the rebel leadership by persistently identifying the attackers on Jolo as "Maoist". The government also tried to revise downward estimates of damage, particularly that caused by government shelling. The primary target was Arnold Zeitlin, AP correspondent in the Philippines, whose reports from Jolo had been widely circulated. A letter to the foreign ministers of Egypt, Saudi Arabia, and Kuwait, signed by Romulo, claimed to "clarify" the "false story" by Zeitlin, "suspected to be a Jewish journalist," of "alleged continued killing Muslims by Philippine government troops." Zeitlin himself was summoned before the media advisory council to answer charges of "Malicious, false and enormous reporting."⁴⁸

The attack on Zeitlin was counterproductive, but the Maoist identification campaign apparently helped whether or not the M.N.L.F. leaders were Maoist and Manila presented no evidence that they were, they were clearly radical and secessionist, and too many Muslim states had their own counterparts be enthusiastic about condemning Manila. The Saudi Arabian foreign minister paid another visit to Manila, talked with Philippine leaders, "pledged his governments

⁴⁷ Ibid, June 10, 1974, pp. 16-17.

⁴⁸ Philippine times, March 31, 1974.

support for the Philippine government's attempt to solve the problem" and promised that oil would continue to flow.⁴⁹

Manila was also anxious about the Islamic Summit Scheduled for Lahore in February and the Islamic foreign ministers who visited the Philippines in August 1973 was circulated and a decision was made to keep it secret.

There was, however, considerable discussion at the Kuala Lumpur meeting, despite Malaysia's position that the situation of Muslim minorities in the Philippines was best handled by ASEAN.⁵⁰ The Libyan foreign minister raised the issue in his opening speech. He characterised the misery of Philippine Muslims as no less horrifying than that faced by the Arabs and Christians in Palestine and said that the conference should consider finding a political solution for a problem, which was not social but political. In an interview he admitted that Libya and other states were actively aiding the fighting Philippine Muslims. He refused to name the other states, but directed that Libya arms were being channeled through Malaysia. He also maintained that Libya would continue its support, until the Philippine government negotiated a political settlement, which was possible, that, he thought, if Marcos would meet with the front leaders. "If these people are listened to, they are reasonable enough to realize that they are part of the Philippines and will cooperate within the framework of the government," he said. But he noted that thus far, rather than taking any practical steps to improve the situation, the Philippines had simply increased its military forces in the south.⁵¹

⁴⁹ Asia Research Bulletin III (March 31, 1974), p.2535.

⁵⁰ Far Eastern Economic Review, June 24, 1974, p. 18.

⁵¹ Far Eastern Economic Review, July 1, 1974, pp. 12-12 July 8, 1974, 10-11 and Straits Times June 26, 1974, New York Times, June 27, 1974.

In contrast, the Indonesian opening statement reported that the Philippine government had accepted the establishment of a Muslim welfare Agency, financed through the Islamic Secretariat in cooperation with the Philippine government and that a the sincerely and willingness of president Marcos to work toward an integrated Philippine society in which Muslims could assume their rightful place were not to be doubted.⁵² During the debate Indonesia argued that a call for a “just solution” should be moderated by the phrase “within the frame-work of the national sovereignty and territorial integrity of the Philippines. Malaysia reportedly wanted the phrase excised.⁵³

The final communique contained four points. The first called the Philippine government to stop all actions resulting in the killing of Muslims and distribution of their properties and places of wrokship. The second stated the conviction of the conference that the socio-economic measures proposed by the Philippine government to improve the condition of the Muslims would not-but themselves solve the problem and urged the Philippine government to find a political and peaceful solution through negotiation with Muslim leaders and particularly, with representatives of the National Liberation Front in order to a rive at a just solution to the plight of the Filipino Muslims within the framework of the national sovereignty and territorial integrity of the Philippines.

The third appealed to “peace-loving Slates and religious and international authorities, while recognizing the problem as an internal problem of the Philippines,” to use their good offices to ensure the safety, and liberties of Philippine Muslims. The final point announced

⁵² Straits Times, June 24, 1974.

⁵³ New York Times, June 27, 1974.

and decision to create a Filipino Muslim welfare and Relief Agency and called for contribution to support its operation.⁵⁴

After the conference two spokesman for the M.N.L.F. in Kuala Lumpur said they were finally in accord with the letter and spirit of the communiqué, but Marcos, would have to take the initiative in starting negotiation. His failure to meet the demand for a political solution would mean, "we will continue our struggle for liberation until we can enjoy the blessing of national freedom and independence". The Libyan foreign minister, another Libyan diplomat, and the Saudi Arabia foreign minister went to Sabah where the two Libyans, but not the Saudi Arabians, were reported as receiving "Datukhips" from Sabah" head of state.⁵⁵

The Lebanese foreign minister went to Manila, where Marcos gave him the sultan Kuderat Award for his role in "protecting the severing and integrity of the Philippines at the Islamic ministers; conference, Marcos also proclaimed amnesty the sovereignty and integrity of the Philippines at the Islamic ministers conference Marcos also proclaimed amnesty for all Muslim rebels, ruled out a military solution to the Muslims insurgency, pledged increased economic aid, and promised that all Filipino minority groups would be given "an active political voice in the country."⁵⁶ In Mindanao, Muslim attacks had been timed to coincide with the Kuala Lumpur meetings, and intense fighting continued.

In the following months peace moves and fighting remained Juxtaposed. When Tun Rasak offered the defense portfolio to turn Mustapha after the September 1974 Malaysian elections, most analyst

⁵⁴ Straits Times, June 26, 1974.

⁵⁵ Far Eastern Economic Review, July, 8, 1974.

⁵⁶ San Francisco Chronicles, June 29 and 30, 1974.

though that the offer represented an effort, dictated by both internal and international considerations, to get Mustapha out of Sabah, Tun Mustapha, however, postponed accepting the position. In early January 1975 the Philippine government said that Hassan Al Tohamy, the Egyptian Secretary of the Islamic conference, was in Manila on the third shuttle of a peace effort and that Marcos was optimistic that peace was in sight. Then the government announced that Marcos has sent a "top level delegation": to meet al Tohamy in Jeddah with the hope of having talks with Misuari and other insurgent leaders. The talks were held deadlocked quickly. They were re-scheduled for April, before another Islamic meeting in May. Never reports said that both Muslim and government forces were interfilming their military efforts and cited increasing figures of dead and wounded, as many as 1.7 million people dislocated growing polarization of the population and disruption economic activities throughout Mindanao and Sulu.⁵⁷

The major conflict in the two states after their reconciliation in December 1969 has been the Muslim insurgency in the Philippines. The Muslims movement are so strong in southern Philippines. Till recently developed evidence which Muslim rebels countered lead by Abu Sayyaf. Shows that ethnic problem in Philippines still exists. If does not mean there is no effect in neighbouring countries like Muslim states such as Malaysia.

Despite Malaysia's self conscious identification as a Muslim state, Malaysian policy in relation to the insurgency has been circumspect. It has denied giving support to the rebels, and in Islamic meetings it has generally insisted that the Philippine situation was an internal affair of the Philippines and that what international

⁵⁷ Lela Garner Noble 24, *Asian Survey*, May 1975, vol. XV, no. 5, p. 468.

ramification s the matter had could best be handled with ASEAN. Sabah, however, has continued to play and critical role in the insurgency, if it has done nothing, has continued to play a critical role in the insurgency, if it has one nothing more than provide a sanctuary and supply deport for the rebels Philippines official spokesman have refrained from public criticism of Malaysia and also worked to maintain cooperation in ASEAN. Bilaterally however, the two states have had significantly fever direct contacts with each other than either has had with any other state in ASEAN.

CHAPTER – V

CONCLUSION

To conclude it may be said that the problem of Sabah has been discussed world wide because of its historical significance. It was highly explosive in 1960s but today the situation is normal. This is unique that the government of Malaysia managed to resolve this without resorting to the strong arm tactics or any hassles. It has been found that whenever a disputed territory is integrated in a particular country without taking the consent of the people there are hostilities, insurgency and turmoil. But the people of Sabah were assimilated with the Malaysian of national mainstream, and time and again expressed their strong determination to remain with Malaysia.

Contrast is the case with the people in Patani areas, who indulge in insurgency movement against the government of Thailand. Another example is Irian Jaya in Indonesia. In all these cases there were contentious claims and counter claims. Their integration are contentious. Majority of them is unhappy and they have yet to accept their integration. Whole heartedly. Hence there is permanent tension in those areas. On the other hand Sabah has no tension. There is complete ethnic harmony and economic progress is the area.

The Sabah issue had been a source of tension in the past between Malaysia and Philippines due to three main reasons:-

- (a) Firstly, President of Philippines Macapagal wanted to prove himself more nationalistic in outlook than his predecessors. He claimed Sabah both on historical and strategic grounds as the existing situations suited his claims. He demanded that the territory of Sabah should come under the sovereignty of Philippines.
- (b) Secondly, the regional environment and the policies of Sukarno, who put the claim of sovereignty over Sabah and Malaya also favoured Philippines.
- (c) Thirdly, British government which had master minded the concept of Malaysian Federation was disliked both by Indonesia and Philippines. Because of all these reasons Sabah's claims for sovereignty became mere complicated.

These brought about the question of self determination which has resulted into the a series of election in the region – on the ground of the public's preference to either join Malaysia or Philippines. There had been observers from Malaysia and Philippines and the United Nations in the elections conducted. The results showed favour towards the Federation of Malaysia. Only a meager number of 1-2% of the public resented. This goes to show that the inhabitants of Sabah feel themselves to be a part of Malaysia as they have more than once and categorically express

about it. As a matter of the fact they rejected the Manila claim to Sabah.

Further, as far as the ethnic grounds are concerned people of this part of the earth were originally Muslims. However during the Spanish Empire the majority of the Philippines Muslims were converted into Christians. As a result they have become more liberated in their thinking. On the other hand, the Kadazans and the other minor communities of Sabah still remains Muslims (Orthodox). So they feel more inclined towards Malaysia whose official religion is Islam. It may be noted here that the Mindanao issue in the southern Philippines is a different one. In no way it can be compared to the Sabah issue. There were clandestine support of Sabah (however officially ignored) extended toward Mindanao based on religion but that is a past history.

To sum up the Manila claim is based just on the surface level. The existing conflict between the two countries must be solved not only for the maintenance of healthy relations between the two countries but also on the ground of security in the Asia region. And the conflict can be dealt with by referring to the Treaty of Amity and Cooperation in South East Asia, 24 February 1976. Article 14,15,16 and 17 of chapter – 4 PACIFIC SETTLEMENT OF DISPUTES, of this treaty, can take easy care of this problem. In accordance with this treaty, a bilateral talk between the two countries would bring about the desired result.

APPENDIX-1

THE BANGKOK DECLARATION,

8 AUGUST 1967

The Presidium Minister for Political Affairs/Minister of Foreign Affairs of Indonesia, the Deputy Prime Minister of Malaysia, the Secretary for Foreign Affairs of the Philippines, the Minister for Foreign Affairs of Singapore and the Minister for Foreign Affairs of Thailand.

Mindful of the existence of mutual interests and common problems among the countries of Southeast Asia and convinced of the need to strengthen further the existing bonds of regional solidarity and co-operation;

Desiring to establish a firm foundation for common action to promote regional co-operation in Southeast Asia in the spirit of equality and partnership and thereby contribute towards peace, progress and prosperity in the region;

Conscious that in an increasing inter-dependent world, the cherished ideals of peace, freedom social justice and economic well-being are best attained by fostering good understanding, good neighbourliness and meaningful co-operation among the countries of the region already bound together by ties of history and culture;

Considering that the countries of Southeast Asia share a primary responsibility for strengthening the economic and social stability of the region and ensuring their peaceful and progressive national development, and that they are determined to ensure their stability and security from external interference in any form of manifestation in order to preserve their national identities in accordance with the ideals and aspirations of their peoples;

Affirming that all foreign bases are temporary and remain only with the expressed concurrence of the countries concerned and are not intended to be used directly or indirectly to subvert the national

independence and freedom of states in the area or prejudice the orderly processes of their national development;

Do Hereby Declare:

First, the establishment of an Association for Regional Co-operation among the countries of Southeast Asia to be known as the Association of Southeast Asian Nations (ASEAN).

Second, that the aims and purpose of the Association shall be:

1. To accelerate the economic growth, social progress and cultural development in the region through joint endeavours in the spirit of equality and partnership and peaceful community of Southeast Asian nations.
2. To promote regional peace and stability through abiding respect for justice and the rule of law in the relationship among countries of the region and adherence to the principles of the United Nations Charter.
3. To promote active collaboration and mutual assistance on matters of common interest in the economic, social, cultural, technical, scientific and administrative fields.
4. To provide assistance to each other in the form of training and research facilities in the education, professional, technical and administrative spheres.
5. To collaborate more effectively for the greater utilization of their agriculture and industries, the expansion of their trade including the study of the problems of international communication facilities and the raising of the living standards of their peoples.
6. To promote Southeast Asian studies.
7. To maintain close and beneficial co-operation with existing international and regional organizations with similar aims and purposes, and explore all avenues for even closer co-operation among themselves.

Third, that to carry out these aims and purposes the following machinery shall be established:

1. Annual meeting of Foreign Ministers, which shall be by rotation and referred to ASEAN Ministerial Meeting. Special Meetings of Foreign Ministers may be convened as required.
2. A Standing Committee under the chairmanship of the Foreign Minister of the host country or his representative and having as its members the accredited Ambassadors to the other member countries, to carry on the work of the Association in between Meetings of Foreign Ministers.
3. *Ad Hoc* Committees and Permanent Committees of specialists and officials on specific subjects.
4. A National Secretariat in each member country to carry out the work of the Association on behalf of that country and to service the Annual of Special Meetings of Foreign Ministers, the Standing Committee and such other committees as may hereafter be established.

Fourth, that the Association is open for participation to all states in the Southeast Asian region subscribing to the aforementioned aims, principles and purposes.

Fifth, that the Association represents the collective will of the nations of Southeast Asia to bind themselves together in friendship and co-operation, and through joint efforts and sacrifices, secure for their peoples and for posterity the blessings of peace, freedom and prosperity.

APPENDIX - 2

Kuala Lumpur Declaration, 1971

Kuala Lumpur Declaration by Asean Foreign Ministers of Southeast Asia at a Zone of Peace, Freedom and Neutrality, 27 November 1971

WE the Foreign Ministers of Indonesia, Malaysia, the Philippines, Singapore and the Special Envoy of the National Executive Council of Thailand:

Firmly believing in the merits of regional co-operation which has drawn our countries to co-operate together in the economic, social and cultural fields in the Association of Southeast Asian Nations.

Desirous of bringing about a relaxation of international tension and of achieving a lasting peace in Southeast Asia.

Inspired by the worthy aims and objectives of the United Nations, in particular by the principles of respect for the sovereignty and territorial integrity of all States, abstention from the threat or use of force, peaceful settlement of international disputes, equal rights and self-determination and non-interference in the internal affairs of States.

Believing in the continuing validity of the "Declaration on the Promotion of World Peace and Co-operation" of the Bandung Conference of 1955, which, among others, enunciates the principles by which States may co-exist peacefully.

Recognising the right of every State, large or small, to lead its national existence free from outside interference in its internal affairs as this interference will adversely affect its freedom, independence and integrity.

Dedicated to the maintenance of peace, freedom and independence unimpaired.

Believing in the need to meet challenges and new developments by co-operating with all peace and freedom loving nations, both within and outside the region, in the furtherance of world peace, stability and harmony.

Cognizant of the significant trend towards establishing nuclear-free zones, as in the "Treaty for the Prohibition of Nuclear Weapons in Latin America" and the Lusaka Declaration proclaiming Africa a nuclear-free zone, for the purpose of promoting world peace and security by reducing the areas of international conflicts and tensions.

Reiterating our commitment to the principle in the Bangkok Declaration which established ASEAN in 1967, "that the countries of Southeast Asia share a primary responsibility for strengthening the economic and social stability of the region and ensuring their peaceful and progressive national development, and that they are determined to ensure their stability and security from external interference in any form or manifestation and order to preserve their national identities in accordance with the ideals and aspirations of their people.

Agreeing that the neutralization of Southeast Asia is a desirable objective and that we should explore ways and means of bringing about its realization, and

Convinced that the time is propitious for joint action to give effective expression to the deeply desire of the peoples of Southeast

Asia to ensure the conditions of peace and stability indispensable to their independence and their economic and social well-being:

Do hereby state:

1. That Indonesia, Malaysia, the Philippines, Singapore and Thailand are determined to exert initially necessary efforts to secure the recognition of, and respect for, Southeast Asia as Zone of Peace, Freedom and Neutrality, free from any form or manner of interference by outside Powers.
2. That Southeast Asia countries should make concerted efforts to broaden the areas of co-operation which would contribute to their strength, solidarity and closer relationship.

APPENDIX - 3

Treaty of Amity and Co-operation in Southeast Asia, 24 February 1976

Preamble

The High Contracting Parties:

Conscious of the existing ties of history, geography and culture, which have bound their peoples together.

Anxious to promote regional peace and stability through abiding respect for justice and the rule of law and enhancing regional resilience in their relations.

Desiring to enhance peace, friendship and mutual co-operation on matters affecting Southeast Asia consistent with the spirit and principles of the Charter of the United Nations, the Ten Principles adopted by the Asian-African Conference in Bandung on 25 April 1955, the Declaration of the Association of Southeast Asian Nations signed in Bangkok on 8 August 1967, and the Declaration signed in Kuala Lumpur on 27 November, 1971.

Convinced that the settlement of differences or disputes between their countries should be regulated by national, effective and sufficiently flexible procedures, avoiding negative attitudes which might endanger or hinder co-operation.

Believing in the need for co-operation with all peace-loving nations, both within and outside Southeast Asia, in the furtherance of world peace, stability and harmony.

Solemnly agree to enter into a Treaty of Amity and Co-operation as follows:

Chapter 1: Purpose and Principles

Article 1

The purpose of this Treaty is to promote perpetual peace, everlasting amity and co-operation among their peoples which would contribute to their strength, solidarity and closer relationship.

Article 2

In their relations with one another, the High Contracting Parties shall be guided by the following fundamental principles:

1. Mutual respect for the independence, sovereignty, equality, territorial integrity and national identity of all nations.
2. The right of every State to lead its national existence free from external interference, subversion or coercion.
3. Non-interference in the internal affairs of one another.
4. Settlement of differences or disputes by peaceful means.
5. Renunciation of the threat or use of force.
6. Effective co-operation among themselves.

Chapter 2: Amity

Article 3

In pursuance of the purpose of this Treaty the High Contracting Parties shall endeavour to develop and strengthen the traditional, cultural and historical ties of friendship, good neighbourliness and co-operation which bind them together and shall fulfil in good faith the obligations assumed under this Treaty. In order to promote closer understanding among them, the High Contracting Parties shall encourage and facilitate contact and intercourse among their peoples.

Chapter 3: Co-operation

Article 4

The High Contracting Parties shall promote active co-operation in the economic, social, cultural, technical, scientific and administrative fields as well as in matters of common ideas and aspirations of international peace and stability in the region and all other matters of common interest.

Article 5

Pursuant to Article 4 the High Contracting Parties shall exert their maximum efforts multilaterally as well as bilaterally on the basis of equality, non-discrimination and mutual benefit.

Article 6

The High Contracting Parties shall collaborate for the acceleration of the economic growth in the region in order to strengthen the foundation for a prosperous and peaceful community or nations in Southeast Asia. To this end, they shall promote the greater utilization of their agriculture and industries, the expansion of their trade and the improvement of their peoples. In this regard, they shall continue to explore all avenues for close and beneficial co-operation with other State as well as international and regional organisations outside the region.

Article 7

The High Contracting Parties, in order to achieve social justice and to raise the standards of living of the peoples of the region, shall intensify economic co-operation. For this purpose, they shall adopt appropriate regional strategies for economic development and mutual assistance.

Article 8

The High Contracting Parties shall strive to achieve the closest co-operation on the widest scale and shall seek to provide assistance to one another in the form of training and research facilities in the social, cultural, technical, scientific and administrative fields.

Article 9

The High Contracting Parties shall endeavour to foster co-operation in the furtherance of the cause of peace, harmony and stability in the region. To this end, the High Contracting Parties shall maintain regular contacts and consultations with one another on international and regional matters with a view to co-ordinating their views, actions and policies.

Article 10

Each High Contracting Party shall not in any manner or form participate in any activity which shall constitute a threat to the political and economic stability, sovereignty, or territorial integrity of another High Contracting Party.

Article 11

The High Contracting Parties shall endeavour to strengthen their respective national resilience in their political, economic, socio-cultural as well as security fields in conformity with their respective ideas and aspirations, free from external interference as well as internal subversive activities in order to preserve their respective national identities.

Article 12

The High Contracting Parties in their effort to achieve regional prosperity and security, shall endeavour to co-operate in all fields for the promotion of regional resilience, based on the principles of self-confidence, self-reliance, mutual respect, co-operation and solidarity which will constitute the foundation for a strong and viable community of nations in Southeast Asia.

Chapter 4: Pacific Settlement of Disputes

Article 13

The High contracting Parties shall have the determination and good faith to prevent disputes from arising. In case disputes on matters directly affecting them should arise, especially disputes likely to disturb regional peace and harmony, they shall refrain from the threat or use of force and shall at all times settle such disputes among themselves through friendly negotiations.

Article 14

To settle disputes through regional process, the High Contracting Parties shall constitute, as a continuing body, a High Council comprising a Representative at ministerial level from each of the High Contracting Parties to take cognizance of the existence of disputes or situations likely to disturb regional peace and harmony.

Article 15

In the event no solution is reached through direct negotiations, the High Council shall take cognizance of the dispute or the situation and shall recommend to the parties in dispute appropriate means of settlement such as good offices, mediation inquiry or conciliation. The High Council may however offer its good offices, or upon agreement of the parties in dispute, constitute itself into a committee of mediation, inquiry or conciliation. When deemed necessary, the High Council shall recommend appropriate measures for the prevention of a deterioration of the dispute or the situation.

Article 16

The foregoing provisions of this Chapter shall not apply to a dispute unless all parties to the dispute agree to their application to that dispute. However, this shall not preclude the other High Contracting Parties not party to the dispute from offering all possible assistance to settle the said dispute. Parties to the dispute should be well disposed towards such offer of assistance.

Article 17

Nothing in this Treaty shall preclude recourse to the modes of peaceful settlement contained in Article 33(1) of the Charter of the United Nations. The High Contracting Parties which are parties to a dispute should be encouraged to take initiatives to solve it by friendly negotiations before resorting to the other procedures provided for in the Charter of the United Nations.

Chapter 5: General Provisions

Article 18

This Treaty shall be signed by the Republic of Indonesia, Malaysia, the Republic of the Philippines, the Republic of Singapore and the Kingdom of Thailand. It shall be ratified in accordance with the constitutional procedures of each signatory State.

It shall be open for accession by other States in Southeast Asia.

Article 19

This Treaty shall enter into force on the date of the deposit of the fifth instrument of ratification with the Governments of the signatory States which are designated Depositories of this Treaty and of the instruments of ratification or accession.

Article 20

This Treaty is drawn up in the official languages of the High Contracting Parties, all of which are equally authoritative. There shall be an agreed common translation of the text in the English language. Any divergent interpretation of the common text shall be settled by negotiation.

In Faith Thereof the high Contracting Parties have signed the Treaty and have hereto affixed their seals.

BIBLIOGRAPHY

PRIMARY SOURCES

Arab reports and Record

Asian Recorder

Asian Research Bulletin

“Colony of North Borneo and state of Sabah” Annual report, Jesselton, Government printing office.

“Colony of North Borneo, North Borneo-1954 to 1959” compiled from official address given by Sir Roland Turnbull, illustrating major policies and was intended primarily for the use of government officers, Jesselton government printing office-1960.

“Federation of Malaya” Acts of parliament passed during the year 1963 Jabatan Chatak Kerajaan Kuala Lumpur 1964.

“Federation of Malaysia” Malay-Indonesia relation 31st august 1957 - 15 Sept. 1963, Kuala Lumpur 1963.

Foreign Affairs Malaysia

“Government of Malaysia- United Nations Malaysia Mission report to the Secretary General Department of Information” Malaysia 16th Sept 1963.

“Malaya-Philippine relations” 31st August 1957- 15 Sept. 1963, Kuala Lumpur 1963.

“Malaysia Foreign policy (n.p.ord)” Malaysia, Federal department of information Sabah’s claim through some Filipino Eyes (n.p.ord).

Malaysia Year Book 1973/74 Kaula Lumpen: Malay Mail, 1974.

Malaysia, Mid-Term Review of the Second Malaysian Plan, 1971, 1975, Kuala Lumpen Government Printer, 1974.

Malaysia, Ministry of Foreign Affairs, Diplomatic List, Tourism Affairs Staff list, Kuala Lumpur Government printer 1974.

Manila Bulletin

Philippine claim to North Borneo Manila 1963 vol. I and II Manila Government Publication

Rahman Tunku Abdul Philippine Grab Bill (n. p. ord).

"Report on the state legislative Assembly general election 1967", Jabatan Kerajaan, , Kuala Lumpur 1963.

"State of Sabah- Sabah legislative Assembly debates official reports" Jesselton Government printing office.

Various News clipping -

ARTICLES

Abdul Rahman, *Tunku*. "Looking Back". In the Star, 1975. Various issues.

Abdul Razak, *Tun*. "The Challenge in Southeast Asia". *Foreign Affairs Malaysia* 4(1971): 76-83.

AHMED (ZAKARIA HAJI) "World of Asian decision maker- a study of bureaucratic elite perception in Malaysia, Philippine, Singapore" contemporary Southeast Asia 8 (3) Dec 86, pp 192 -212.

BASS (JERRY) "Malaysia in 1983- a time of trouble Asian survey" 24 (2). Feb 84.pp 167 -177.

Boyce, Peter J. "The Machinery of Southeast Asian Regional Diplomacy." In *New Directions in the International Relations of Southeast Asia*, ed. Lau Teik Soon, pp. 173-185. Singapore: Singapore University Press for Institute of Southeast Asian Studies, 1973.

Chee, Stephen. "Malaysia's Changing Policy." In *Trends in Malaysia II*, ed. Yong Mun Cheong, pp. 37-57. Singapore: Singapore University Press for Institute of South-east Asian Studies, 1974.

DAVID FATINEAH "Some patterns of ethnic relations in Malaysia" Asian Profile 13(2) April -85, pp17 - 28.

Devillers, Philippe. "A Neutralized Southeast Asia?" In *New Directions in the International Relations of Southeast Asia*, ed. Lau Teik Soon, pp. 114-128. Singapore: Singapore University Press for Institute of Southeast Asian Studies, 1973.

Far Eastern Economic Review, 3 July 1971, p. 15.

Ghazali Shafie, *Tan Sri*. "Elements of Malaysian Foreign Policy." *Foreign Affairs Malaysia* 2 (1969): 11-13.

Ghazali Shafie. "Neutralization in Southeast Asia." *Ibid.*, 4(1971): 46-53.

HATTA, MOHAMMED, "One Indonesian view of the Malaysian issue" *Asian survey* Vol. 5 No.3 March 1965 pp139-143.

HERNADER (CAROLINE. G.) "Regional security in ASEAN" *A Philippine perspective journal of Asiatic studies*, 27(2) 1984 pp239 -257.

HINDLEY, DONALD, "Indonesia's confrontation with Malaysia: a search for motives" *Asian survey*, Vol 4, No. 6 June 1964, pp 904-913.

KRO E. F. (JUSTUS M. VANDER) "Aquino's Philippine the deepening security crisis conflict studies" 213, 1988, pp 1 -32.

LEE (RAYMOND L.M.) "Ethnic implication of contemporary religion movements and organization in Malaysia (Contemporary SEA)" 8(1) January 86, pp. 70 -87.

LEIFER MICHAL "The Philippine and Sabah Irredenta" *World Today* (London) Vol.24 No. 10 Oct. 1968 pp. 421-428.

Lela Garner Noble, "The National Interest and the National Image", *Philippine Policy in Asia*, *Asian Survey*, vol. XIII, 6 June 1973, pp. 560-576.

Lela Garner Noble, *Ethnicity in the Philippines Asian Survey*; May 1975, vol. XV, no. 5, p. 453.

LINDSEY (CHARLES. W) "Philippine economy monthly review" 36 (11) April 85: pp2-4.

"Malaysia: Key Area in Southeast Asia." *Foreign Affairs* July 1965. Reprinted in *Political Element of National Power*, pp. 3-15. Washington, D.C.: U.S. Army Command and General Staff College, n.d.

MALNE (R.S.) "Malaysia beyond the new economic policy" *Asian surveys* 26 (12): December 86. Pp1364 -1382.

MAY (R.J.) "Philippines under Aquino: a perspective from Mindanao" *Journal of institute of Muslim minority affairs*, 8(2) July 87. Pp. 345-355.

MEANS (GORDON. P) "Orang Asli-aboriginal policies in Malaysia pacific affairs" 58 (\$). Pp.637-52. Winter 1985/86.

Mezerik, A.G. "Malaysia-Indonesia Conflict". *International Review Service* 9, no. 83, n.d.

Milne, R.S. "The Influence on Foreign Policy of Ethnic Minorities with External Ties". In *Conflict and Stability in Southeast Asia*, ed. R.S. Milne and M.W. Zacher, pp. 81-120. New York: Anchor Press, 1974.

MILNE. R. S. "A new federation in the making Asian survey Vol .3. No.2 Feb. 1963. Pp.76-82.

PARPAN (ALFREDO.G) "Philippine claim on north Borneo, Another look" *Philippines studies* 36(1) 1988. Pp3-5.

Robert O. Tilman, Mustapha's Sabah, 1968-75, *Asian Survey*; June 1976, vol. XVI, no. 6, p. 495.

Rosenau, James N., ed. *International Politics and Foreign Policy: A Reader in Research and Theory*. Rev. ed. New York: Free Press, 1969.

"Storm in a Teacup". *Far Eastern Economic Review*, 20 January 1966, pp. 90-91.

Shee Poon-Kim, A Decade of ASEAN, 1967-1977 *Asian Survey*; August 1977. Vol. XVII, no. 8, p. 753.

STANNER FRANCES L. "Macapagal and Borneo" *Far Eastern economic review*. Vol. 40. No. 2. 11 April 1963. Pp 68-71.

"The Tunku's Tin Trouble". *Far Eastern Economic Review*, 20 January 1966, pp. 88-91.

Tilman, R.O. "Malaysian Foreign Policy: The Dilemmas of a Committed Neutral". In *Public Policy*, ed. J.D. Montgomery and A.D. Hirschman, pp. 115-159. Cambridge, Mass.: Harvard University Press, 1969.

Tilman, Robert, O. *Malaysian oreign Policy*. Report RAC-R-63-2. Washington, D.C.: Strategic Studies Department, 1969.

Tun Mustapha, "Houseboy, Messenger, Clerk and Then Came the War", *Malaysian Business*, October 1973, pp. 33-36.

VELLUT S.L. "The Philippines and the Malaysia Issue" *Australian Quarterly* Vol. 36. No.1 March 1964. Pp.31 -40.

Wang Gungwu, ed. *Malaysia: A Survey*. New York: F.A. raeger, 1964.

Zain Azraai. "Neutralization in Southeast Asia". In *New Directions in the International Relations of Southeast Asia*, ed. Lau Teik Soon, pp. 129-136. Singapore: Singapore University Press for Institute of Southeast Asian Studies, 1973.

BOOKS

ALIP BUFRONIO M "Political and cultural history of the Philippines" Manila 1950-Vol 2.

ANDERSON WILLAM H. "The Philippine problem" NewYork 1939.

ARIFF M.O. "The Philippines claim to Sabah", Kuala Lumpur 1970.

BAKER M.H. NORTH BORNEO "The first ten years 1946 to 1956" Singapore 1962.

BASTIN, JOHN AND WINKS ROBIN W., "Malaysia selected historical reading" Kuala Lumpur 1966.

Bastin, John, and Winks, Robin W. (comps.) *Malaysia: Selected Historical Readings*. Kuala Lumpur. Oxford University Press, 1966.

BENITEZ, CANRODO, " History of Philippine economic, social, political" Beston 1940.

BOYEE, PETER "Malaysia and Singapore in International Diplomacy Documents and commentary" Sydney 1968.

CADY JOHN F., "South East Asia, its historical development" NewYork 1964.

CHARTFEILD G.A. "Sabah A general geography London-1965" New edition 1972.

CUTSHALL ALDER., "The Philippines, nations of island" NewYork 1964.

DGE HALL "History of SEA" Mc Millan and Co. ltd. London and Basingstoke 1970.

Diosdado Macapagal, "A stone for the Edifice", Memories of a President, Quezon City Philippine, 1968.

Diosdado Macapagal, "The Philippines Turns East", Mac Publishing House Quezon City 1970, vol. 2.

DIVINE, JOHN BANCROFF "An observer in the Philippines" (Boston Mass1905).

EDWIN LEE "The Tonkeys of Sabah" Singapore university 1976.

GULLICK J.M. "Malaysia" London 1969. "Malaysia and its neighbors" London 1967.

Gullick. J.M., Malaya. New York: F.A. Praeger, 1969.

Gullick. Malaysia and Its Neighbours. London: Routledge K. Paul, 1967.

HANNA, WILLARD A, "Formation of Malaysia" New factor in world policies, NewYork 1964.

Horowitz, Donald, L., Ethnic Groups in Conflicts, Berkeley, University of California Press, 1985.

How Malaysia is Governed Edited by Research board Research Delhi.

J. Saravana Muttu, The Dilemma of Independence Two Decades of Malaysia's Foreign Policy 1957-1972, Penerbit University Sains Malaysia Penang 1983.

Jha, Ganganath, Ethnic Politics in Southeast Asia and the Quest for Identity, National Book Organization, Publishers - Distributor, 1997.

JOHN H.W. "The population of Borneo- a study of the people of Sarawak, Sabah and Brunei" London 1966.

K.G. Tregonning, A History of Modern Sabah 1881-1963, Kuala-Lumpur, 1965.

KAHIN MC. T.G. "Government and policies of SEA" Cornell university Ethica NewYork1959.

KAUL MAN MOHINI "The Philippines and south East Asia" Radiant publishers 1978.

Lalita Prasad, Power Politics and South East Asia, Radiant Publishers Kalkaji New Delhi.

LEE YONG LENG "North Borneo, Sabah- a study in settlement geography" Singapore 1965.

LEIFER M. "The Philippines claim to Sabah" centers for south East Asia studies, University of Hull 1968.

"Malaysia". Pages 683-693 in *Encyclopedia Britannica*, XIV. Chicago: William Benton, 1969.

M. GHARALISHAFEE "Malaysia international relation" selected speech creative enterprise Sendirian Berhad 1982, Kuala Lumpur.

Malaysia in Breif. Kuala Lumpur: Federal Department of Information, Malaysia, May 1967.

Malaysia Official Yearbook 1967, VII. Kuala Lumpur: Federal Department of Information, 1968.

Malaysia Yearbook 1968/1969. Kuala Lumpur: Malay Mail.

MEANS G.P. "Malaysian policies" London 1970.

Miller, Harry. *A Short History of Malaysia*. New York: Praeger, 1965.

MILNE R.S. "Government and policies in Malaysia" Boston 1967.

MILNE R.S. AND RATMAN K.J. "Malaysia- new states in a new nation political development of Sarawak and Sabah in Malaysia" London 1974.

Milne, R.S. and Ratnam, K.J. "Patterns and Peculiarities of Ethnic Voting in Sabah 1967", *Asian Survey*, IX, No. 5, May 1969.

MOORHEAL F.J. "A history of Malaya" Kuala Lumpur 1963 Vol.2.

NIHAL SINGH "Malaysia a commentary" New Delhi 1971.

ONG KILI T.P. "The Borneo Response To Malaysia 1961 -1963" Singapore 1967.

Ongkili, J.P. *The Borneo Response to Malaysia 1961-1963*. Singapore: Donald Moore, April 1966.

Robequain, Charles. *Malaya, Indonesia, and the Philippines*. New York: Longmans, Green, 1955.

ROMANI JOHN.H. "The Philippine Presidency" Manila 1956.

RUTTER, O, "British North Borneo- an account of its history resources and native tribes" London 1922.

SIMANDJUNTAK B "Malayan federation 1945 - 1963, a study of federal problems in a plural society" Kuala Lumpur 1969.

Singh, Kernial. "The Saga of the malaysian Squatter", *Journal of Southeast Asian History*, V, No. 1, March 1964, 143-177.

Survey of International Affair 1963.

TREGONNING K.G. "A history of Modern Sabah 1881 - 1963" Singapore 1965.

Willard A. Hanna, *The formation of malaysia: New Factor in World Politics* (New York 1965).

WILLIAM T.R. "The Dusun, North Borneo society" NewYork 1965.

Wright, Leigh R. "Historical Notes on the North Borneo Dispute", *Journal of Asian Studies*, XXV, No. 4, May 1966, 471-484.

ZAIDE GREGORIO F "Philippine political and cultural history, the Philippines since the British invasion Manila 1950" Vol -2.