

Philippines-Malaysia Conflict: Drop the Sabah Claim; Focus on the Bangsamoro Agreement

By [Dr. Chandra Muzaffar](#)

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*According to media reports, President-Elect **Rodrigo Duterte** of the Philippines would be staking a fresh claim on Sabah. He recognises Sabah as a Sulu Sultanate territory.*

It is a recognition that has been challenged by various quarters including the Malaysian federal government and the Sabah state government. Many students of law have also disputed the Sulu-Philippine claim which to a large extent has revolved around the question of whether Sabah was leased or ceded by the Sultan of Sulu to representatives of the British North Borneo Company in 1878.

Whatever happened in 1878, many would argue that what really matters is that the Cobbold Commission established in 1962 to ascertain the sentiments of the people of Sabah and Sarawak towards the formation of Malaysia in 1963 found that the majority in both states wanted to be part of Malaysia. Since the Commission's findings were endorsed by the UN, Sabah's position in Malaysia has the imprimatur of international law.

Even more significant from the perspectives of both International and domestic law is the fact that the people of Sabah have on numerous occasions proven that they are part and parcel of the Malaysian nation. This they have done through their voluntary participation in democratic state and general elections since the sixties. By exercising their fundamental right as citizens, they have re-affirmed that Sabah is an integral part of the Malaysian Federation. By fulfilling their duty as voters, the people of Sabah have in a sense expressed their right of self-determination.

In this regard, it is important to observe that no political party or politician contesting in elections in Sabah has ever championed the Sulu-Philippine claim to Sabah. No individual or group in Sabah outside the political process has ever espoused this meaningless cause. It is a claim that has no takers in Sabah itself.

It is only within political circles in the Philippines that this claim is kept alive. Every time there is a Presidential election, it is trotted out by some candidate or other in the hope of gaining some political mileage. After all, it is an issue related to territory and history and therefore evokes some emotions within a segment of the populace.

Instead of pursuing the claim on Sabah, Duterte should push for the adoption of the Comprehensive Agreement on Bangsamoro by the Philippine Congress. The peace Agreement signed between the Government of the Philippines and the Moro Islamic Liberation Front (MILF) on the 27th of March 2014 in Manila paves the way for the creation of

a new Muslim autonomous entity, the Bangsamoro, in the southern island of Mindanao. If it is successfully implemented it may bring to an end the conflict and the bloodshed that has blighted southern Philippines for centuries.

Duterte had said on the 28th of February 2016 that he would like to see the Philippine Congress adopt the Agreement in the form of the Bangsamoro Basic Law within the context of a Federal system of government. He wants the law to be an example for the rest of the Philippines in his drive to transform the nation into a viable federation. He has shown some sympathy for the Muslims in the South and has vowed to “correct historical wrongs.” Duterte has acknowledged publicly that his grandmother is a Moro and he has daughters-in-law and grandchildren who are Moro.

If under Duterte’s presidency, the longstanding claim of the Philippines government and the descendants of the Sulu Sultan to Sabah is dropped once and for all and an earnest attempt is made to recognise the rights of the Moro people within the framework of a sovereign, independent Philippine nation, the prospects for peace and development in the Philippines as a whole will be much brighter than it has been for decades. Malaysia and ASEAN will also benefit immensely from these moves.

Dr. Chandra Muzaffar is the President of the International Movement for a Just World (JUST)

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