Sabah Dispute and Numerous Problems in Southern Philippines

The visit by the Prime Minister of Malaysia, Mahathir Bin Mohamad, to the Philippines in March of this year once again raised the issue of ownership over Malaysia’s state of Sabah.

Although during the visit itself this problem was not discussed, afterwards Mahathir Bin Mohamad told journalists during an interview that there were no outstanding claims from either side, but an official statement from Manila said President Duterte’s view was that there were remaining grievances.

In 2016, the newly elected President Rodrigo Duterte confirmed that he would support the government’s original position on the Sabah issue, i.e. that the Philippines would lay claim to this territory rich in crude oil.

But as early as November of that same year, Rodrigo Duterte and the then Prime Minister of Malaysia, Najib Razak, agreed to postpone any negotiations to resolve this dispute, which in the past led to the severance of diplomatic relations between the two nations.

This key issue, which plagues the relationship between the two countries, is linked with the complex history of ownership of Sabah, and a wider range of problems connected with Southern Philippines and East Malaysia, where not only Sabah but the state of Sarawak is located.

In the 19th century the British received the lands in Sabah and Sarawak (at the time North Borneo) from the Sultan
of Brunei in exchange for aid they had provided. At the time it also came to light that the Sultan of Brunei had earlier handed over the north-eastern part of Sabah to the Sultan of Sulu, who was the ruler in the southern part of the Philippines. Hence, the Europeans were also forced to seek concessions from the latter.

In 1963, Malaysia laid its claim over the state of Sabah, which led to a conflict with the Philippines. In the end, Indonesia, Malaysia and the Philippines signed the Manila Accord, which set out conditions for a peaceful resolution of the Sabah dispute. But the agreement was subsequently ignored by the signatories.

In order to distract Manila from its territorial claims over Sabah, at the end of the 1960s, Malaysia began to support opposition forces who were fighting in the southern Philippines by, among other things, providing financial support and weapons to the Moro National Liberation Front (MNLF), which has been established under the leadership of Nur Misuari in 1972. The headquarters of MNLF was located in Sabah.

After Nur Misuari had been arrested in Malaysia, in 2001 the Prime Minister of Malaysia, Mahathir Bin Mohamad, announced that he would no longer support the Filipino insurgents. Since that time, Malaysian authorities began to actively participate in the peace process in Southern Philippines as a mediator between the government and the insurgents, in the hopes that Manila would abandon its territorial claims over Sabah in exchange. There is also an existing view that Malaysia wished to deliberately prolong these negotiations. This enabled it to gain control over the situation and block attempts to revive the dispute over Sabah at any given time.

At any rate, at the beginning of 2019, the Philippines staged a 2 step referendum, which allowed the government and the Moro Islamic Liberation Front (MILF) to achieve their goal of ratifying the Bangsamoro Organic Law (BOL), which guarantees the establishment of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM).

The fact that the BOL was adopted put an end to the 40-year struggle to create the new autonomous region under the MILF leadership (an organization that split from the MNLF in 1981 due to disagreements with Nur Misuari), and to the lengthy uprising in the south of the Philippines.

Still, Nur Misuari threatened to start a war if the Filipino government did not agree to federalism in the nation. Earlier Rodrigo Duterte had stated that he was prepared to work on a new agreement with Nur Misuari after the BOL had been ratified.

Federalism in the Philippines is supported by most of its elite, including President Rodrigo Duterte who hopes to strengthen his hold on power once appropriate amendments to the Constitution are made. Currently, there are three proposed versions of the new constitution. They have all been prepared by supporters of the President, and do not impose any limitations on Duterte to get re-elected after 2022.

The main obstacle standing in the way of realizing these aims was the Senate, a stronghold for the opposition. However, after the general (mid-term) election on 13 May 2019, Rodrigo Duterte gained control over both the Lower and the Upper houses of the Congress.

In the meantime, many local clans and elites will, naturally enough, attempt to take advantage of the nation’s transition towards federalism in their own interests. They include heirs to the Sultanate of Sulu, who have laid claim to Sabah, and who are in close contact with Nur Misuari.

In 1917, the U.S. administration recognized sovereignty of the Sultanate of Sulu, which then officially declared its independence on 17 November 2010. According to a prior agreement, heirs to the Sultanate of Sulu, who have laid claim to Sabah, and who are in close contact with Nur Misuari.

In April, 13 combatants were captured in Sabah. They included 6 supporters of the Abu Sayyaf Group (ASG), who took part in the Marawi siege in the south of the Philippines.

Two of the suspects are members of the Royal Security Forces of the Sultanate of Sulu and North Borneo (RSF) organization, which was involved in the Lahad Datu standoff in 2013. After this terrorist group’s defeat in Malaysia, its members fled to the south of the Philippines. And in November 2018, they managed to reach Semporna, where they attempted to revive the RSF and its activities in Sabah.

The invasion of Lahad Datu in 2013 by 235 Islamic combatants from Southern Philippines was organized by the self-proclaimed Sultan Jamalul Kiram III, one of the contenders for the throne in the Sultanate of Sulu.

The invasion was the worst security crisis that Malaysia had to face in the 21st century. During the 6-week confrontation, at least 70 people were killed.
In the meantime, there are more and more discussions about the possibility of Sabah and Sarawak separating from Malaysia in both of these states. In April of this year, an attempt to ease these tensions, made by introducing amendments into Malaysia’s Constitution, failed. These changes would have granted the status of a federate region (with fully fledged rights) to both Sabah and Sawarok once again (instead of their current status equivalent to that of the states in West Malaysia), as it was originally envisioned at the time when Malaysia was established in 1963.

Hence, in light of the latest developments in the Philippines and in East Malaysia, one could forecast an escalation in tensions stemming from the dispute over Sabah between the two countries in the near future.

It is also important to note that the heightened conflict in the region will also have an effect on the South China Sea issue, and will potentially involve not only regional players, such as Indonesia, in the Sabah dispute, but also global ones, i.e. the United States and China. At present, the confrontation in the South China Sea has already resulted in a much greater presence of U.S. diplomats and sailors in Kota Kinabalu, the capital of Sabah.

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