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The Sabah Conundrum: Defining the Agenda for Defense Diplomacy*

Introduction

Background

In one of the thorniest episodes in the history of Sabah, the Malaysian government in February 2013 faced a three-week standoff with the Filipino Sultanate claimant, culminating to armed clashes and deaths of 52 militant followers and 8 Malaysian troops as of 8 March 2013. Sultan Jamalul Kiram III, backed up by about 200-300 self-proclaimed “Royal Army of the Sultanate of Sulu” and other civilian supporters, asserted ancestral ownership of Sabah. Located across the southernmost islands of the Philippines, Sabah stands today as one of the member states of the Federation of Malaysia notwithstanding historic territorial claims in Sabah of the Philippines as well as of Indonesia.

Media reports from the two warring camps lashed out each other for escalating the conflict in what became a bloody transnational crisis in Southeast Asia. On 9 February 2013, Sultan Jamalul Kiram III and his armed followers had gone to Sabah in the pretext of visiting their ancestral heritage. After a while, they had taken their positions in Sabah as a demonstration of

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their pent-up frustrations rooted on historical and political reasons. Specifically, one of these was the alleged neglect of the Philippine government on the Sultanate’s proprietary rights over Sabah. It must be noted that the Philippine claim over Sabah has been a long-standing issue shelved out by government in a bid to bring peace and development in Muslim Mindanao. Malaysia has been instrumental as third party facilitator in resolving conflict with the Moro Islamic Liberation Front (MILF) in the Philippines. Malaysia’s role in the peace negotiation with the MILF could be seen as a diplomatic diversion from the more complicated issue of territorial claims over Sabah.

Aside from the perceived abandonment of the Philippine claim on Sabah, Sultan Kiram III decried that his family had been marginalized in peace negotiations with the MILF, considering that political concessions with the latter would

involve vast land mass and maritime areas under the Sultanate's dominion, according to him. Another grievance aired by Kiram pointed to the measly 5,300 Malaysian Ringgit, or about PhP 70,000.00, annual rental payment that the Sultanate has been receiving from Malaysia for the lease of Sabah. He said the amount is certainly not commensurate to oil and other resources generated in Sabah by Malaysia.

Understanding Policy Issues

Notably, Kiram's unanticipated assertion of its suzerainty over Sabah, which resulted in violence and deaths of 60, brought to fore critical policy issues and considerations from which policy-makers and security practitioners can draw important lessons on external defense engagements. Although the case of Sabah is being handled primarily through political and diplomatic channels, the Department of National Defense (DND), through the Armed Forces of the Philippines (AFP), can continue working with Malaysian security forces not only in Sabah, but also in other venues of defense cooperation.

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Had there been no security cooperation between the governments of the Philippines and Malaysia, conflict would further escalate and drive injurious wedge between the two countries.

Nevertheless, the

Meanwhile, not much has been said in media reports and news analysis about the implications of the Sabah conflict in regional peace and security. As the Association of Southeast Asian Nations (ASEAN) strives to build a politically secure regional community, the management of crisis in Sabah must be taken as an opportunity for building relations among neighboring countries. Using the "ASEAN way" of resolving conflict, the Philippines and Malaysia can cooperate in the field of defense and security without necessarily touching on a sensitive political issue of sovereignty over Sabah. To note, the "ASEAN way" connotes a diplomatic approach of working out disagreements, or even shelving them, through informal talks between and among ASEAN members in the common interests of regional peace and prosperity.

Through the lens of defense diplomacy, this brief policy paper provides a cursory view of some policy considerations arising from the Sabah standoff. Particularly, this paper outlines possible courses of actions that could help in enhancing Philippine-Malaysian relations in spite of the Sabah conundrum. It also identifies bilateral and multilateral channels for constructive defense engagements in Southeast Asia, which can be explored and exhausted by the Philippine government

Policy Considerations for Defense Diplomacy: Bilateral Channel

Protocol between Philippine and Malaysian Security Forces in Dealing with Undocumented Persons and Unauthorized Vessels in Sulu Sea Area

Owing to the sensitivity of the Sabah issue, the Philippine government could not function efficiently and effectively in its duties and responsibilities to Filipinos in the contested state. For one, Philippine consular services are not readily available to residents

and workers of Filipino descent in Sabah. The movement of the AFP is constrained in the Sulu Sea area, apprehensive of possible diplomatic rows between Manila and Kuala Lumpur. Yet as long as the Philippines does not abandon its claim to Sabah as part of the national territory, the Philippine government is thus expected to extend protection and other services to Filipinos under duress in Sabah.

Without prejudice to its claim of the Sabah state, the Philippines, through the DND, could explore the possibility of forging a standard operating procedure (SOP) with its Malaysian counterpart. Such protocol should outline agreed actions between the two parties on how to handle undocumented persons and vessels found in the Sulu Sea area and nearby coastal towns. This should make it easy for the Philippines to control movements of undocumented people and vessels across Sulu Sea.

Protocol between Philippine and Malaysian Security Forces in Dealing with Undocumented and Armed Filipinos in Sabah

The case of Filipinos suspected of illegal activities in another country touches the very core of law-enforcement jurisdiction of the sovereign nation. It might help, nonetheless, if the Philippine defense establishment considers an arrangement with Malaysian security forces on how to handle Filipinos in Sabah who are suspected of illegal possession of firearms. Again, this should not be construed as prejudicial to the Philippine claim over Sabah.

With the common objective to avoid violence and manage crisis in Sabah, Philippine and Malaysian forces can exchange intelligence information on security operations in the area. This practically ties up with Philippine efforts to stifle the proliferation of loose firearms in the country. Such arrangement could also provide

mechanism for Philippine government to deal with Filipino armed groups in Sabah.

Policy Considerations for Defense Diplomacy: Multilateral Channels

Aside from enhancing bilateral relations with Malaysia, the Philippine government can also use avenues for multilateral defense engagements with neighboring countries. There are two tracks that can be utilized to actively engage with allied countries in Southeast Asia. Track 1 mechanisms include the ASEAN Defense Ministers' Meeting (ADMM), ADMM-Plus, ASEAN Defense Senior Officials' Meeting (ADSOM), and other ASEAN-based interactions among Army, Navy, and Air Force officials. Track 2 (or Track 1.5) approaches, on the other hand, include the ASEAN Regional Forum Heads of Defense Universities, Colleges, and Institutes' Meeting (ARFHUCIM), the Asia Security Summit (popularly known as the Shangri-La Dialogue), and the Network of ASEAN Defense Institutes (NADI).

Protocol for Regional Humanitarian Assistance and Mechanisms

The Sabah incident, along with other crises and disasters in the Southeast Asian region, accentuates the crucial role of ASEAN to capacitate itself to address pressing and looming humanitarian as well as other security concerns in the regional community. The DND may consider spearheading efforts towards promoting the human security agenda in defense and security fora through Track 1 and Track 2. In particular, Track 2 and Track 1.5 mechanisms, such as the NADI and ARFHUCIM, can be utilized to provide substantive inputs for the benefit of Track 1 decision-makers.

Regional Cooperation in Porous Maritime Grey Areas

It is no secret to anyone that the maritime areas contiguous to Sabah, Tawi-Tawi, and Sulu are quintessentially porous and ambiguous. Filipinos, especially Tausugs, bound for Sabah can cross the sea with relative ease. As a result of this, maritime Southeast Asian countries are vulnerable to easy sea traffic that can be used and abused by transnational criminals. As an archipelagic country, the Philippines would significantly benefit if there were substantive multilateral discussions on regional level to secure porous maritime areas. Arrangements for well-coordinated border patrols may be revisited, without necessarily opening the issue of the two countries' conflicting sovereignty claims, which are better left to political diplomats to tackle. The Philippine Navy and the Philippine Coast Guard should take particular interest in this respect.

Assessment of Transnational Capabilities of Private Partisan Armed Groups, Non-Statutory Forces, and Terrorist Groups

The Sabah incident is the latest addition to a record list of conflicts in which dangerous non-state forces displayed their transnational abilities to breach national security. The Sabah conflict presses the need, especially for insular Southeast Asian states, to bolster coastal security by monitoring movements of vessels and persons in and out of their maritime territories. Strengthening networks for intelligence exchange and security cooperation is imperative to enhance Philippine relations with neighboring countries such as Malaysia, and avoid the likes of the Sabah standoff. Caution, however, must be exercised as to the extent or nature of intelligence that is to be shared to protect national security interests.

Conclusion: Philippines and Malaysia on the Same Page

Notwithstanding the violence that capped the standoff in Sabah, the principles that guided the actions of both Philippines and Malaysia appeared to have mutual and common characteristics. In a backdrop of the ongoing peace process in Mindanao, both countries have arguably treaded a difficult path of balancing respective national interests and bilateral relations. But the two countries part ways with regard to contentious questions of sovereignty as directed by domestic political pressures. Nevertheless, both countries are aware of the adverse implications of territorial disputes on their bilateral relations and regional security.

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Amidst the clouds of conflict and confusion, the Philippines and Malaysia are seen on the same page of writing a common history of building a peaceful security community in Southeast Asia.

How the two countries can effectively and responsibly handle immediate and long-term implications of unfortunate events in Sabah will imprint a saga of defense diplomacy that can be emulated by Asian nations for the price of peace.

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