

## Reviving the Sultanate of Sulu Through its Claim over Sabah, 1962-1986

### *Menghidupkan Semula Institusi Kesultanan Sulu Melalui Tuntutan ke atas Sabah, 1962-1986*

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#### ABSTRACT

*The aftermath of colonialism marked the end of a long-standing and glorious Sultanate of Sulu when it finally lost its power and supremacy under the newly-independent Philippines government. Even after the Philippines finally achieved its independence in 1946, the Sultanate of Sulu again failed to revive its old "kerajaan" as it had been abolished by the Philippines government in 1937. As the sultans and his followers had the historical experience regarding the idea of "kesultanan" and other socio-political concepts, the newly-introduced concept namely the nation-state whereby the idea of the boundary and a new nation was created making the traditional sultanate in desperation to sustain their sovereignty and power. The desperation to re-establish and revive their old glorious "kerajaan" eventually turned into a struggle and rigorous attempts to claim Sabah. Hence, this article aims to illustrate the survival of the Sultanate of Sulu after the death of the last sultan in 1936 and the efforts taken to preserve the sultanate within the modern nation-state system. The method of research used in this study involved library and archival research to obtain primary and secondary sources. Among the primary sources consulted in the study include British records, agreements, correspondence, newspapers, government gazettes, memoranda, speeches, and government official publications. Thus, this article lucidly concludes that various trends and approaches taken by the Sultan of Sulu and his heirs to claim Sabah were a part of their mission to sustain and revive the Sultanate of Sulu.*

*Keywords: Sultanate of Sulu; Philippines government; Sabah; nation-state; sovereignty*

#### ABSTRAK

*Impak kolonialisme telah menyebabkan sebuah kerajaan yang begitu lama bertahan dan gemilang iaitu Kesultanan Sulu akhirnya kehilangan kuasa dan ketuanan di bawah pemerintahan baru yang merdeka iaitu Republik Filipina. Walaupun selepas Filipina mencapai kemerdekaannya pada tahun 1946, Kesultanan Sulu masih gagal untuk menghidupkan semula kerajaannya apabila institusi Kesultanan Sulu dihapuskan oleh Filipina pada tahun 1937. Oleh kerana Sultan Sulu dan pengikutnya itu telah merasai pengalaman memiliki "kesultanan" sendiri serta konsep-konsep sosiopolitik lain, konsep negara bangsa yang baru diperkenalkan yang mengandungi konsep sempadan tertentu dan pembinaan bangsa baru telah menyebabkan Kesultanan Sulu berada dalam keadaan tertekan untuk mempertahankan kedaulatan dan kuasanya. Terdesak untuk memulihkan semula kegemilangan kerajaan lamanya, Sultan Sulu dan pengikutnya akhirnya mula menumpukan kepada perjuangan untuk menuntut Borneo Utara (Sabah). Oleh itu, artikel ini bertujuan untuk menjelaskan kewujudan Kesultanan Sulu selepas kematian Sultan Sulu yang terakhir pada tahun 1936 dan usaha-usaha yang dilakukan bagi mengekalkan kesultanan dalam sistem negara bangsa moden. Kaedah penyelidikan berbentuk kepustakaan telah dilaksanakan bagi mendapatkan data-data daripada sumber primer dan sekunder. Antara sumber primer yang dirujuk dalam kajian ini termasuklah rekod-rekod British, dokumen perjanjian, surat-menyurat, keratan akhbar, warta kerajaan, memorandum, teks ucapan serta terbitan rasmi kerajaan. Kesimpulannya, pelbagai trend dan pendekatan yang diambil oleh Sultan Sulu dan waris-warisnya untuk menuntut Sabah adalah sebahagian daripada misi mereka untuk mempertahankan dan menghidupkan kembali institusi Kesultanan Sulu.*

*Kata kunci: Kesultanan Sulu; kerajaan Filipina; Sabah; negara bangsa; kedaulatan*

## INTRODUCTION

Colonisation has changed the landscape of the ruling power dramatically in the Sulu and Southern Philippines. Before the advent of colonial powers, the areas were ruled by the Malay Sultanates such as Sulu Sultanate and Maguindanao. Sulu Sultanate reached the pinnacle of its ruling in the 17<sup>th</sup> century through an expansionist mission by the powerful sultan including during the reign of Sultan Muwalil Wasit or Raja Bongso (Cesar 1988: 25). Nevertheless, the glory of the Sulu Sultanate gradually began to reduce when the Spanish colonial power and thereafter the United States of America colonised the islands of the Philippines and expanded their dominion over the Sulu Archipelago and Mindanao. During the colonization of the two powers, the Sulu Sultanate began to lose their power and sovereignty over its territories. Thus, the sultan had to sign into treaties to surrender the *de facto* and *de jure* control of their territories to the United States and in return, the colonial power in some condition recognised few sultan and *datus* such as Datu Mandi and Datu Piang to become the leaders in a small village or areas where the Muslim custom and culture were still potent (Salman 2001).

Through the struggle to achieve independence primarily led by the Filipinos, the Philippines finally achieved its independence in July 1946. Following the independence of the Philippines, the Sultanate of Sulu was abolished by the Philippines government during Manuel Quezon's administration. President Quezon made a firm decision that his government has already abolished the Sultanate of Sulu and no longer recognize the sultanate. Therefore, there was no sultan in power and the sultanate had no rights to claim any territory. The Philippines' first decree to abolish the Sultanate of Sulu was declared when the British government in North Borneo made a query about the status of the Sultan of Sulu's heirs who were eligible for an annual payment in the 1878 and 1903 agreement when Sultan Jamalul Alam ceded the North Borneo to Baron Von Overbeck and Alfred Dent. In return, Overbeck's company had to pay a sum of \$5300 Straits Dollar to the Sultan of Sulu and his heirs.

However, the decree has raised discontentment among the heirs of the Sultan of Sulu. They contended that the decree was faulty and void. For them, the Philippines government had no right to abolish their sultanate as they claimed the

sultanate as an independent power. Even though they achieved independence under the Philippines government, they did not welcome the newly sovereign country wholeheartedly or sincerely as the sense of belonging to the Sulu Sultanate was still deeply embedded in their heart. They believed that even after the Philippines achieved independence and formed a nation-state, the Sulu Sultanate has never been successfully abolished. In fact, they still maintain the role of Rumah Bechara institution as the highest legislative council of the Sulu Sultanate although they realized that they had no *de facto* power and control over any territory.

The sense of belonging to their old "*kesultanan*" could not easily be eliminated from the mind of the heirs of the Sultan of Sulu and their followers. Consequently, the sense of belonging to the territory that they previously possessed, came to the consideration to claim back what they called as "ancestral domain". With the endless oppression towards the Bangsamoro after independence, there was no room for them to consider building a shared nation-state with the Christian Filipino under the brand of the Philippines Republic. Although there were continuing efforts done by the Philippines government to provide justice, equality, and peace in Southern Philippines as a whole or Sulu Province in particular, the Sultan of Sulu and his followers realized that the actual meaning of autonomy or self-determination through the Philippines Republic is hard to achieve. Therefore, one of the initiatives taken by the Sultan of Sulu's descendants to recover past possession of their territories was through the efforts of claiming other territories outside of the Philippines' domination which is Sabah.

There were previous studies on the Philippines' claim on Sabah that highlighted the role of the Sulu Sultanate's heirs as the main players that initiated the claim on Sabah. This includes a book written by Nik Anuar Nik Mahmud entitled *Tuntutan Filipina ke atas Borneo Utara*. As Nik Anuar propounded in his writing, for many years since the death of Sultan Jamalul Kiram II, the heirs of Sulu Sultanate had struggled very hard and put profound efforts to claim Sabah. However, he did not explain further about the development of the claim made by the heirs of Sultan of Sulu while focusing more on the severe diplomatic relations between the Federation of Malaya and the Philippines with regards to the formation of Malaysia. Most of the previous works pertaining to the Sabah dispute only made special emphasis on the legal aspects and foreign policy

without a thorough scrutiny on the survival of the Sulu Sultanate that used the Sabah dispute as subtle “weapon” to accentuate their existence. Mohd Arif Othman in his writing entitled *Tuntutan Filipina ke atas Sabah, Implikasi dari Segi Sejarah, Undang-Undang dan Politik* thoroughly discussed the legal aspects of the claim while Leifer (1968) and Nisperos (1977) in their writings, *The Philippine Claim on Sabah* and *Philippine Foreign Policy on the North Borneo Question*, respectively, discussed the Sabah dispute from the diplomatic and foreign policy perspectives. None of them have discussed the existence of the Sultanate of Sulu after 1936 and to what extent the heirs of Sultan of Sulu successfully projected their claim on Sabah and the mechanisms that had been used to prolong the claim regardless the fact that they possess no sovereignty.

The idea of the Sulu Sultanate used in this article illustrates, despite the fact that the sultanate had been abolished by the Philippines government since 1937 and had lost its status as a sovereign ruler, yet it still managed to assert and articulate its stance and position over Sabah claim through a slick diplomacy. The self-proclaimed sultan, the heirs and their followers sensibly discern any possible methods to attract and convince the Philippines government to support their claim on Sabah while at the same time drawing the public attention to their sultanate that once possessed a glorious supremacy. Therefore, this article aims to demonstrate the survival of the Sultanate of Sulu after the death of the last sultan in 1936 and the efforts taken by Sultan of Sulu and his heirs to preserve the Sultanate within the modern nation-state system through the claim on Sabah.

#### THE GLORY OF SULU SULTANATE BEFORE THE SPANISH COLONISATION

Although the Sultanate of Sulu was officially established circa 1450, a part of the areas in Sulu including Tawi-Tawi, Maimbung and Buansa were ruled by the Hindu Kingdoms until 1425. Nonetheless, the Hindu Kingdoms were not so well-structured vis-à-vis the Islamic Sulu Sultanate. A few attempts were made by the Hindu rulers to establish a strong kingdom but it failed especially after the advent of Islam as they eventually converted to Islam through the preaching of Sultan Berkat (Sururul-Ain & Abdul-

Karim 2003). The conversion of the Hindu Kings into Islam in Maimbung and Tawi-Tawi marked the end of Hindu Kingdoms in Sulu and became a prelude to the establishment of Sulu Sultanate in 1450.

The advent of Islam in the Philippines could be traced back as early as the 13<sup>th</sup> century when the Arab traders and merchants came to the Southern Philippines to engage in natural resources trade. While juggling with the trading, they were also reported to spread the teaching of Islam in the areas whereby the trading activities was carried out. The legacies of Islam then became greater with the arrival of Sayyid Abu Bakar in Sulu who was believed to come from Sumatera and became the Sultan of Sulu in 1450. With the spread of Islamic teachings in Mindanao, Sulu and other adjacent territories, the Sultan and his followers embarked on a phase of statehood or commonly known as “*kesultanan*”. One of the earliest sultanates was officially established in the middle of 15<sup>th</sup> century by Syed Abu Bakar or also known as Sultan Sharif ul-Hashim (Abhoud Syed 2004). The Sulu Sultanate which was established in 1450 was succeeded by Maguindanao Sultanate in early 16<sup>th</sup> century led by Sharif Muhammad Kabungsuwan.

The Islamic Sultanate played a very significant role in the development of the Muslim society in the Southern Philippines before the colonial era. Through it, the sphere of Islamic influence became wider and easily accepted by the tribal and native communities. Since the 15<sup>th</sup> century, the demographic and municipality maps changed rapidly in the Southeast Asia, particularly in the territories that the Islamic Sultanates were in existence. From obsolete settlements, it then developed dramatically into well-structured areas and became a central point that attracted more traders and local community who desire for barter transactions. The glory of the Sulu Sultanate would not be possible without the excellence leadership and the system of administration. To maintain the territories, the sultan was not alone in administrating his “*kerajaan*”. The sultan appointed *datus* who were responsible for implementing the executive power of the Sultan and administering the given territory, collecting the taxes and hunting the forest resources in their granted areas. Despite the decentralisation of power by the sultan to the *datus*, the Sultan still managed to maintain his supreme power in his territory. The sultan himself also acted as a direct ruler in some of the prominent areas under Sulu’s dominion.



In regard to the system of governance, the sultan was not free to make any important decision related to his administration. His power was exerted through the operation of Rumah Bechara in which the highest legislative and judicial power in the Sulu Sultanate was invested. Through the Council of Rumah Bechara, many matters regarding the administration of “*kesultanan*” had been discussed ranging from law and justice, financial management, taxation, and the appointment of the sultan. Rumah Bechara’s members comprise permanent and temporary members including the royal members, *datus* and local leaders. Quite different from the Malay court in Malaysia, Rumah Bechara has the absolute power to determine and to choose the best sultan based on four basic criteria namely nobility, pulchritude, knowledgeability and wealthiness. The influential *datus* had to choose the best sultan based on the above-mentioned characteristics from the the three lineages of the Sulu royal families; Syakirullah, Aranan and Kiram. The sultan himself possessed no absolute power to choose his successor and he had to accept the unanimous decision made by Rumah Bechara.

The well-structured sultanate has brought a tremendous advancement, especially in a struggle to expand its territory. An expansionism mission that was led by the sultan has increased the Sulu Sultanate’s sphere of influence beyond the Sulu Archipelago boundary. The mission’s primary aspiration was to dominate the nearby territories of Sulu Sultanate and thus competing with other Malay Sultanates to become a supreme power in the Malay realm. According to Rennel, “*the dominions of Sulu are composed of about 140 or 150 islands situated between the Philippines and Borneo; together with a large part of the Coast of Borneo; the Island of Parangoa or Palawan and the islands that form the Strait of Balabar*” (Harrison 1966: 105). Various ways had been taken by the sultan through the advice of Rumah Bechara to expand their territory including by war and military approaches. Nonetheless, there were also various pacification method used by the sultanate to expand their territory including through inter-marriages between sultan and *datus* with other Malay royal families, trading and commerce, through the preaching of Islam as well as by agreement and treaties made by the sultan to cede or lease the territory. One of the most momentous agreements successfully made by the Sultan of Sulu to enlarge their territory was by involving in a civil war in Brunei while

acting as an ally to the Sultan of Brunei, Sultan Muhyiddin. There was an agreement between the Sultan of Brunei, Sultan Muhyiddin and Sultan of Sulu in which, Sultan Muhyiddin promised that if the Sultan of Sulu helped him to defeat his rival (Sultan Abdul Mubin during the civil war in Brunei circa 1704), a territory from the north to the west of Kimanis will be given to the Sultan of Sulu (Low 1998; Philippines Claims to North Borneo, Vol. I & II 1963, 1967). Based on that agreement, Sultan of Sulu and his heirs claimed that Sabah originally and permanently belonged to their sultanate.

#### COLONIALISM AND THE ABOLISHMENT OF SULU SULTANATE

The history of colonialism may be regarded as one of the interesting subjects as it is always viewed in various perspectives and multitude of theories. One of the crucial issues regarding colonialism that needs a thorough and meticulous analysis is the aftermath of colonialism towards the colonised society. It is very significant to learn how colonialism can gradually and eventually shape various concepts that changed the nature of the native people and most importantly, introduce the concepts of “colonial territory”, “boundary”, and “nation-state”. For a long-standing and notorious kingdom like the Sultanate of Sulu, such concepts were hard to be accepted especially among the self-proclaimed sultans and the heirs of Sultan of Sulu. Their resistance against colonial powers in order to retain the sultanate’s sovereignty, however, was unsuccessful. Since the Spanish colonialism, the Sultanate of Sulu entered its retrogression era and began to lose its power and prestige.

The sultanate’s greatest pinnacle deliberately debilitated when the Spanish started a mission to colonise the Philippines. With the first conquest of some parts of the Philippines by Lopez de Miguel Legazpi in 1565, Spanish extended its possessions in the Northern and Eastern Mindanao and Zamboanga Peninsula. There were many reasons behind the Spanish colonialism in the Philippines that primarily could be categorized as for God, gold, and glory. While some scholars contended that the main reason of the colonisation was because of the economic interest, other scholars argued that the religious factor was the main reason that led to the colonisation. Through such subtle and strategic motivations, the Spanish managed to extend its power into the Muslim region. By the

time Spanish took possession of Manila, Islam had already reached the uttermost parts of the Malay archipelago, extending from Mindanao, Sulu Islands, and the Southern Philippines to the region of Manila Bay. There was also a notion that if Legazpi had not come to the islands at the right time, most probably all of the inhabitants in the Philippines would have been converted to Islam (The San Francisco Call 25 August 1907; Phelan 1967).

With more than three centuries of Spanish reign in the Philippines, it was finally defeated by the American colonial power through its subtle

strategies and war to colonise the Philippines. It then brought up to an agreement between the two colonial powers in 1898 known as the Paris Treaty in which the Spanish capitulated all its power and sovereignty over the Philippines to the American government. However, the agreement did not affect the British’s possession and sovereignty over Sabah. The Sultan of Sulu and his heirs, on the other hand, thought that they still possess *de jure* (sovereignty) over the Sabah and they believe that their possession over Sabah had been maintained although they had no effective control over the Sabah *vis-à-vis* the British government.

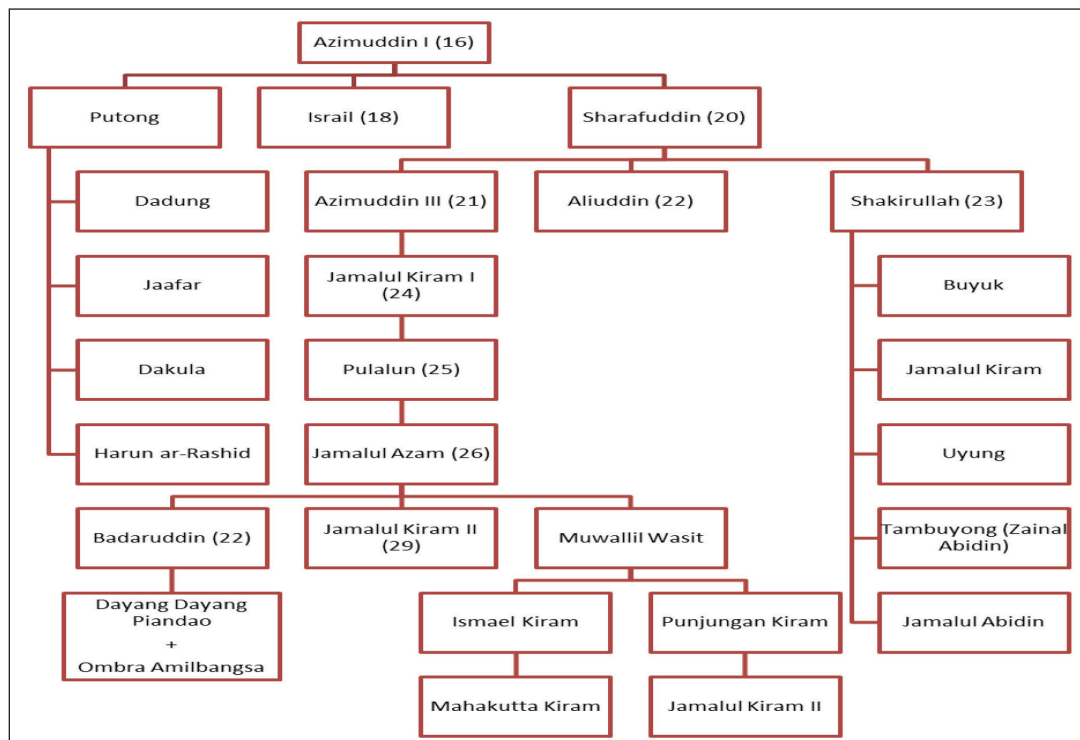


FIGURE 1: The Genealogy of the Sulu Royal Families

Source: Extracted and adapted from Majul (1988).

The status of Sulu Sultanate again attracted due to the North Borneo Company’s failure to find the rightful heirs of the Sultan of Sulu. At this juncture, the company was looking for the rightful heirs that were eligible for annual payment as agreed in the 1878 and 1903 agreement between the Sultan of Sulu, Sultan Jamalul ‘Alam and Overbeck (Overbeck & Dent Association). The problem occurred in 1936 after the demise of the last Sultan of Sulu, Sultan Jamalul Kiram II on 7 June 1936, who left no descendant to succeed his royal throne (See Figure 1). With no descendant from Sultan Jamalul Kiram II, the company faced the difficulty to give away the annual payment of

\$5300 as agreed in the 1878 agreement in which it specifically recorded that the annual payment must be given to “...his heirs and successors...” and not as “...his heirs or successors...”. Therefore, the annual payment must be paid continuously to the legitimate successors and the rightful heirs of Sultan of Sulu. In order to resolve this issue, the company via L. H. Foulds, British Consul-General in Manila made a query to the Philippines government related to the successor of the late Sultan Jamalul Kiram II. Subsequently, on July 28, 1936, Foulds informed the company that the Philippines government no longer recognised the Sultanate of Sulu nor any other person that had

been appointed as a successor of Sultan Jamalul Kiram II (DO 169/127). Manuel L. Quezon as the President of the Philippines government at that time, stated clearly in his memorandum on 30 September 1937, that his government no longer recognize the Sultanate of Sulu. Furthermore, payment of the pensions to Sultan Jamalul Kiram II made by the Philippines each year was also terminated after his death. In addition, the Philippines government was not interested at all to learn about the heirs of Sultan of Sulu (CO 874/942).

The validity of L. H. Foulds' report, however, was rebutted by the heirs of Sultan of Sulu including Dayang Dayang Hadji Piandao and Putri Tarhata Kiram. Tausug-background scholar, Karim Hedjazi who was also the husband of Sururul Ain Shirley Abu Bakar Ututalum, one of the descendants of Sultan of Sulu, denied the statement issued by Foulds (Sururul-Ain & Abdul-Karim 2003). According to Hedjazi, that was just the British North Borneo Company's tricks to abolish the Sultanate of Sulu institution. Foulds was believed to deliberately distort the contents of Quezon's memorandum, in which Quezon actually did not even mean to not recognize the Sultanate of Sulu but simply stating "*the government will only deal with the people and not the sultan, datus or other religious leaders*" (Sururul-Ain & Abdul-Karim 2003). Hedjazi further explained that the actual meaning of such statement by Quezon was that the Philippines will not recognize any heirs of Sultan Jamalul Kiram II until the real heirs of Sultan of Sulu is appointed legally (Sururul-Ain & Abdul-Karim 2003).

#### ENDLESS STRUGGLE TO RECOVER SULTANATE OF SULU'S TERRITORY THROUGH ITS CLAIM OVER SABAH

#### COLLABORATIONS BETWEEN THE HEIRS OF SULTAN OF SULU AND THE PHILIPPINES GOVERNMENT TO CLAIM SABAH

The nation-state, for the Sultan of Sulu's heirs and their followers, is just another form of colonialism that has conquered them through the political, social, and economical order of the ruling government. The consciousness of collective memory, history, and the sense of belongings seem to be more efficacious to trigger stout-heartedness among the heirs and their followers. The memory pertaining to their "*Kerajaan Sulu*" in the past

was embedded deeply in the notions of "ancestral domain", "homeland", and "historical identity" which were propagated before the independence of the Philippines. The concept of the nation-state, in fact, is meaningless to the heirs of the Sultan of Sulu and their followers, thus making this sultanate sustainable over the years while maintaining their claim on Sabah through various strategies even without *de facto* and *de jure* power over any territory. They are highly motivated and steered by the notion that they still manage to maintain the institution of the Sulu Sultanate although it is just only a skeleton of sultanate without any significant power.

The Sulu Sultanate eventually came to an end after the death of the last sultan, Sultan Jamalul Kiram II who left no descendant. Although the successor can also be from Sultan Jamalul Kiram's brothers and other royal families, however, it still cannot be accepted among the heirs of Sultan of Sulu. Datu Raja Muda Mawalil Wasit, a brother to the late sultan, who claimed himself as the newly-appointed Sultan of Sulu on 17 July 1936 also had been opposed by Sultan Jamalul Kiram's niece and foster-child, namely Dayang Dayang Hadji Piandao. Dayang who claimed herself as an acting sultan or *sandah* further argued that Raja Muda Mawalil Wasit's coronation was invalid because his followers are fewer than her followers and also she received a majority support from the member of Rumah Bechara in Jolo (Nik Anuar 2009). With the unsettling problem to appoint a new sultan, the Philippines government henceforth made an official announcement through President Manuel L. Quezon's memorandum, who asserted that the Philippines government no longer recognises the Sulu Sultanate.

The demise of Sultan Jamalul Kiram II in 1936 and the abolishment of Sulu Sultanate also marked a new phase to the movement of the Sulu Sultanate through its heirs and followers. At this juncture, although the sultanate was no longer recognised by the Philippines government, it still manages to survive due to certain internal political issues especially regarding the long-standing claim on Sabah. A rigorous struggle by the Sultanate of Sulu in defying the formation of the nation-state of Malaysia began when Tunku Abdul Rahman made an official announcement on 27 May 1961 regarding the Malaysia plan involving the conjoining of states namely the Federation of Malaya, Sabah, Sarawak, Singapore, and Brunei (Abdul Gani 2013).

The attempts to claim Sabah by the heirs of Sultan of Sulu already started since the death of the last sultan, Sultan Jamalul Kiram II including an insistence towards the British government to increase their annual payment. However, since they had no power and prestige to pursue their claim on Sabah, whilst the Greater Malaya plan was just around the corner to be established, they finally realised that they had to compromise with the Philippines government to defy the formation of Malaysia. They were also cognizant of the fact that if they manage to convince the Philippines government to support their claim, in return, the government will surely need to recognize their sultanate or at least they will be able to gain some special privilege as sovereign ruler of Sabah. Furthermore, for any overlapping claims or territorial disputes, region or islands, in order to be challenged or brought to the International Court of Justice (ICJ), it must involve two sovereign states which refers to a country to country dispute. In this regards, the Philippines government had tried multiple times to bring the Sabah issue to the ICJ, but without the consent of British government, the Philippines government failed to make it happen. The British government, however, has stressed repeatedly that the Philippines has no strong foundation to the claim and consider the claim as entirely absurd. In fact, the British government and the Federation of Malaya both agreed that the idea to bring the case to the ICJ was just another ploy of the Philippines government to delay the establishment of Malaysia (Ghazali 2015). Thus, since 1961, a massive propaganda was led by the Sultan of Sulu's heirs, their lawyers and interested parties to attract serious attention from the Philippines government to claim Sabah on behalf of the Sulu Sultanate before the formation of Federation of Malaysia.

One of the most important phases that has become a booster to the revival and revitalisation of the old Sulu Sultanate was during a thorough propaganda and campaign led by the Philippines' local media in late 1961 until 1963. The campaign's vital objective was to urge the Philippines government to initiate a significant move and approach to claim Sabah. Through the massive support from the local media especially the newspapers, it has successfully established a strong public consensus in favour of the claim on Sabah raised by the heirs of Sultan of Sulu. This progress has become an important achievement to the heirs of Sultan of Sulu ever since their sultanate was

abolished in 1936. They finally managed to make a "comeback" after a long while being abandoned by the mainstream's media, public sphere, and the Philippines government. Prior to the propaganda, various efforts were taken in order to gain public attention to their struggle regarding the Sabah issue. Such efforts, nevertheless, failed to gain a significant concern and support by the public and the Philippines government to approve and support their claim on Sabah.

During the pinnacle of dispute on Sabah in 1962, when the Philippines government posed the first claim on Sabah, there were extensive and widespread discussions about the readiness of the Philippines government to resolve the problems involving the Muslims in the Southern Philippines. Many journalists in the Philippines' mainstream newspapers, including Philippines Free Press, Manila Times, Philippine Herald, Manila Chronicle, Daily Mirror, Evening News, and Manila Daily Bulletin uplift the importance of the Philippines government's role to intervene in the Sultanate of Sulu affairs to claim Sabah for the sake of conciliation in the Southern Philippines. Ernesto del Rosario, a prominent journalist in the Philippines in one of his writings in *Manila Chronicle* argued that the Philippines government should help the heirs of Sultan of Sulu to grab Sabah from the Kiram family (Rosario 14 and 19 April 1962). There was a strong belief among the journalists and politicians that if the Philippines government helps the heirs of Sultan of Sulu to claim Sabah, the government will also benefit from it.

The Sultan of Sulu and his heirs would do anything to defy the formation of Malaysia including through violence and act of war. These could also be seen through a movement led by Sultan Esmail Kiram who called upon the Department of Foreign Affairs of the Philippines to strengthen the claim on Sabah on behalf of the Sultan of Sulu, whilst he also made a call of war to recruit a total of 500,000 volunteers against the British government (T 317/503; The Chronicle July 1963). The fruitful propaganda and campaign on Sabah issue did not just influenced the Philippines' foreign policy on Sabah, but also made the subject of Sulu Sultanate became a focal point within the whole society and the government. It is interesting to note that the Philippines newspapers, by playing an instrumental role in publicising extensively the Sabah issue through rigorous propaganda, had uplifted and benefited the Sultanate in various



ways. Despite the fact that the Sultanate was no longer recognised by the Philippines government, the way in which every president of the government since the administration of Presiden Diosdado

Macapagal until President Ferdinand Marcos collaborated and dealt with the heirs of Sultan of Sulu, illustrates that the Sultanate of Sulu still had silent and subtle power.



FIGURE 2: A Delegation of Sulu Royal Families Headed by Sultan Esmail Kiram Visited President Macapagal on April 25, 1962.

Source: Sururul-Ain & Abdul-Karim (2003: 136).

To a certain extent, the supremacy and influence of the Sultanate of Sulu was surprisingly getting more visible especially when the Philippines government itself during President Macapagal and President Marcos' administration signed an agreement with the Sultan of Sulu, Sultan Esmail Kiram in 1962 and 1963 regarding the claim on Sabah (The Facts About Sabah 1968: 3 & Pacific Settlement of Disputes Based on International Law, Malaysia's Experiences at the International Court of Justice 2008: 29). Such agreement was made due to the Philippines' failure to show its *locus standi* over Sabah as the Spanish abandoned their claim on Sabah in the Protocol of 1885 and when the demarcation convention was agreed between the United States and Britain in 1930. Consequently, the Philippines could not possibly sustain a claim of sovereignty over Sabah without any significant political and legal supports from the Sultanate of

Sulu. Therefore, in order to find an instrument of legal title to reclaim sovereignty over Sabah, the Philippines government then came to an agreement with Sultan Esmail Kiram together with other Kiram's descendants. The so-called agreement "Instrument of Cession of the Territory of North Borneo by His Highness Sultan Mohammad Esmail Kiram, Sultan of Sulu, Acting with the Advice and Authority of the Rumah Bechara" illustrated that the sovereignty of North Borneo was transferred to the Philippines government by cession on April 24, 1962 (FCO 15/303; Philippine Claim on North Borneo 1963: 147; North Borneo News and Sabah Times 7 September 1962). The inability of Sultan of Sulu's heirs to pursue their claim on Sabah led to a decision to hand over all the rights and sovereignty over Sabah to the Philippines while at the same time maintaining the claim on Sabah by all means. The Philippines, considered the



agreement as a valid and lawful act by relying on the fact that the Sultan of Sulu was a citizen of the Philippines and thus started their first official claim on Sabah. Nonetheless, this statement wholly contradicts with the prior stance and decision taken by the Philippines government that it would never recognize the Sulu Sultanate after the death of the last sultan, namely Sultan Jamalul Kiram. The agreement also mentioned the transferred territories to the Philippines government, which included:

All territories and lands tributary to us on the mainland of the island of Borneo, commencing from the Pandassan River on the west, and thence along the whole east coast as far as the Sibuku River on the south, and including all territories, on the Pandassan River and in the coastal area, known as Paitan, Sugut, Banggai, Labuk, Sandakan, China-batangan, Mumiang, and all other territories and coastal lands to the south, bordering on Darvel Bay, and as far as the Sibuku River, together with all the islands which lie within nine miles from the coast.

(FCO 15/303)

Five months later after the first agreement to transfer sovereignty, Sultan Esmail Kiram once again signed an agreement called the *Instrument of Cession of the Territory of North Borneo* on September 12, 1962. This action was taken after Sultan Esmail Kiram received an advice from members of Rumah Bechara, to immediately ratify the previous agreement on the transfer of sovereignty rights over Sabah to the Philippines. The agreement was signed by Vice President Emmanuel Pelaez, concurrently the Secretary of Foreign Affairs of the Philippines on behalf of President Macapagal. The agreement then became an attestation to the transfer of power and sovereignty of Sulu Sultanate over Sabah to the Philippines. The content of the agreement also mentioned:

The territory of North Borneo, and the full sovereignty, title and dominion over the territory, are hereby ceded by His Highness, Sultan Mohammad Esmail Kiram, Sultan of Sulu, acting with the advice and authority of the Rumah Bechara, to the Republic of the Philippines, fully confirming and ratifying the stipulations in the Instrument of April 24, 1962. The cession is hereby formally accepted on behalf of the Republic of the Philippines by the Honorable Emmanuel Pelaez, Vice President of the Philippines and concurrently Secretary of Foreign Affairs.

(FCO 15/303)

The transfer of sovereignty that was made by Sultan Esmail Kiram lasted for 20 years and finally ended in 1982. President Ferdinand Marcos became the last president who used such agreement to continue the government's efforts to claim Sabah from the Malaysian government. During President Marcos' administration, on 27 July 1966, a ratification agreement was signed between Sultan Ombra Amilbansa who was the former husband of late Dayang-Dayang Hadji Piandao with the representative of the Philippines government, Narciso Ramos as the Secretary of Foreign Affairs in Manila. This agreement ratified the two previous agreements made by Sultan Esmail Kiram namely *Recognition and Authority In Favour of the Republic of the Philippines* and *Instrument of Cession of the Territory of North Borneo* respectively on April 24, 1962 and September 12, 1962 (FCO 15/303). Nevertheless, the ratification agreement by Ombra Amilbansa was done privately without involving any other heirs of Sultan of Sulu. Moreover, he also claimed himself as the representative of Dayang Dayang Hadji Piandao which was already deceased. The agreement itself was assumed as fabrication by other heirs of Sultan of Sulu as there was no indication that the agreement was approved by Rumah Bechara.

The Philippines' stance on Sabah claim, undeniably, had a strong relation with the conflict in the Southern Philippines. The claim emerged at the pinnacle of an unresolved dispute between the Moros and the Philippines regarding the ancestral domain. For the Philippines, of course, it is impossible to give away a part of its territory to the Moros while at the same time, would also want to restore the peace in the Southern Philippines. This stalemate situation caused discontentment and endless battles and skirmishes between the two parties. The idea to reclaim Sabah by the Philippines government seems to fit very well with the state of conflicts in the Southern Philippines as it had no alternative option to shift the opposition by the separatist movement in quest of their struggle to gain independence.

A month before the Philippines' secret mission to encroach Sabah was uncovered on February 1, 1968 (Norizan & Suffian 2014), Sultan Esmail Kiram once again entered into an agreement of transferring power and sovereignty of the Sulu Sultanate over Sabah to the Philippines government. This second agreement on transferring power and sovereignty was made after Sultan Esmail Kiram began to realize that the transition of administrations from President Macapagal

to President Marcos may affect the status of the previously transferred sovereignty that was made during the President Macapagal's administration. Anticipating the previous agreement did not affect the Philippines' policy to claim Sabah anymore, the same agreement was brought into being in the hope that the Philippines could pursue its rigorous claim on Sabah. Unlike the previous agreement on 24 April 1962 and the ratification of the agreement in September 1962, the title of that agreement is "*Recognition of the Authority of the President of the Philippines to Act on Behalf of the Heirs of the Sultan of Sulu Regarding Proprietary Rights in North Borneo (Sabah)*" (FCO 15/303). The title of the agreement itself provides a different connotation than the previous agreement because, through this agreement, Sultan Esmail Kiram and his heirs transferred the right and sovereignty over Sabah specifically to President Marcos instead of the Philippines government and urged to claim Sabah on behalf of Sultan of Sulu. The agreement was stated as follows:

Now, therefore, bearing in mind all the above mentioned instruments and acts, the undersigned heirs of Sultan Jamalul Kiram II or their lawful representatives, all of legal age, Filipinos, and residents of Jolo, Sulu, Philippines, hereby recognize the right and authority of His Excellency, President Ferdinand E. Marcos to act for and on their behalf at any opportune time with a view to affecting a settlement of whatever proprietary rights and benefits the heirs may be entitled to; take up, discuss, negotiate and settle this matter with any person or persons concerned; and to empower any persons or officials of the Philippines government to exercise the right and authority herein recognised.

(FCO 15/303)

This official and legal action as claimed by the Philippines, in one sense, shows that the Sultanate of Sulu still has a prominent position and prestige to make such important agreement by transferring its legal title to the Philippines. Transferring sovereignty itself could not be possible without a recognition and full acknowledgement from the second party (Philippines government) where the entity has a sovereign power and mandate to certain territories. Apart from that, this event indeed gave an ample opportunity to the Sultanate of Sulu to make its "comeback" clearer, visible and shows that it still exists. In fact, it successfully made a visible gesture rather than being invisible for many years to defy the sovereignty of Malaysia, in which the State of Sabah already has become a part.

In regards to the claimants, there were endless claims to Sabah made by multitudes of people in the Southern Philippines although most of them had no proof to claim themselves as the descendants of Sultan of Sulu. For instance, in 1964, one of the Sultan of Sulu's descendants, Datu Jumadil Usama sent a letter to Queen Elizabeth II, claiming that Datu Han Tumanggong, Datu Sarikalla Tumanggong, Datu Eledgi, and other Sulu warriors were the ones who helped Sultan Muhyiddin to defeat Sultan Abdul Mubin, thus, denying the involvement of Sultan of Sulu (FO 371/175334). At the same time, Datu Jumadil Usama who claims himself as a descendant of the above-mentioned Sulu warriors also declared that he had absolute right over Sabah and thus claiming the annual payment from the Malaysian government (FO 371/175334). However, according to N. P. Bayne an officer in British Embassy in Manila, none of the claimants was known by him nor his friends in the Philippines (FO 371/175334). In fact, this was not the only letter sent to Queen Elizabeth to claim for an annual payment. Prior to the letter, Asaad Usman and Angeles, who claim to be the descendants of Sultan of Sulu also sent a similar letter to claim their rights. This conflict of interests extended again in September 1964, when Salip Hussin Abu Bakar sent another letter to claim rights on Sabah and simultaneously rebutted the rights of Kiram's family as a ruler of Sabah (FO 371/175334).

The increasing number of claimants from different ancestral background shows the desperation of the people from the Southern Philippines, not only from the Sulu province, to claim their right on Sabah although they had no evidence to claim they are the heirs of Sultan of Sulu. The claimants increased dramatically over the years and those people who proclaimed themselves as the heirs of Sultan of Sulu could easily be found in any part of the Southern Philippines especially in the Sulu province. As long as the Philippines government did not drop its claim on Sabah, it is not surprising that many other interested parties will appear to take advantage, thus reviving the claim on Sabah. Undeniably, the main motive for those common people to claim themselves as the heirs of the Sultan of Sulu was due to the annual payment, nevertheless, for some other people with a strong advocate, the annual payment was definitely not enough and they asked for more than the annual payment. Sabah which they thought belonged to them, should be returned to them

by any means. Although a major part of Sabah was originally ruled by the Sultanate of Brunei before the colonialism, surprisingly the Brunei royal family did not make a claim on Sabah. The social estrangement and economic retrogression in Southern Philippines apparently need to be tackled first to eradicate such nonsensical claim.

Evidently, by maintaining the claim on Sabah is the only way for the Sultanate of Sulu to stay relevant in the modern nation-state of the Philippines government. The continuations of the claim become a subtle weapon for the heirs of Sultan of Sulu to make sure that their sultanate is kept alive while at the same time the Philippines government also seems to be indefinite with their stance towards the existence of Sulu Sultanate and has used it to gain political mileage when it is needed. This is also the reason why even though the Sultanate of Sulu although was abolished many years ago, it still exists until today and be able to make a very incisive and unequivocal appearance with the support of the Philippines' top leaders. On the other hand, the approach to claim Sabah has changed accordingly with the current political situations in the Southern Philippines. Since possessing the political power is the main aim of their struggle to revive the sultanate, it is very crucial for the Suluk or Tausug original leaders to gain influence and position in the Southern Philippines especially through the Moro National Liberation Front (MNLF). Hitherto, this liberation organization has become another platform for the Suluk royal families' followers to urge the Philippines government to claim Sabah as most of the leaders in MNLF are from the Suluk origin.

### CONCLUSION

Relentless efforts to claim Sabah by the Sultan of Sulu and his heirs have never come to an end. Eventually, when they thought that the claim would be impossible without the endorsement and assistance from the Philippines government, they began to revive their claim by maneuvering ways to gain the government supports. This movement visibly shows that the Sultanate of Sulu managed to sustain their political entity through a slick diplomacy on the Sabah issue. Although many attempts to claim Sabah were unsuccessful, the sultanate managed to gain a public limelight and a serious collaboration with the Philippines

government to support their claim regardless of the fact that the Sultanate of Sulu was already abolished. Despite the fact that the Philippines government also had its ulterior motive to support the claim, it precisely indicates that the Sultanate of Sulu had become a political tool to strengthen the claim on Sabah whilst the descendants of the Sultan of Sulu also used it as a slick method to sustain their sultanate. By making a rigorous and relentless attempts to claim Sabah in various ways with different level of strategies, they hope that one day the Sultanate of Sulu could finally be re-established in its actual form.

### END NOTES

- <sup>1</sup> The term "North Borneo" had been used since the setting up of the British North Borneo Company administration in 1879, when the Provisional Association of North Borneo Company was established. From that time, the newly constituted territory was known as North Borneo (Borneo Utara in Malay), designating the northern region of the state on the island of Borneo. In 1963, this new name of Sabah, a new flag and a new coat of arms marked the beginning of an era when the state and its people assumed a new identity, and thus began a period of adjusting to the notion of being citizens of the new Federation of Malaysia as well as the new identity of being a Sabahan (*vis-à-vis* a North Bornean). See Wong Tze-Ken (2015) and Ueda (2006).
- <sup>2</sup> It is crucial to note that, although the heirs of Sultan of Sulu already surrendered their sovereignty over Sabah to the Philippines government in 1962, the agreement that was made by Sultan Esmail Kiram was only effective for 20 years as stated in the agreement.
- <sup>3</sup> The idea to claim the whole of Sabah instead only the east coast of Sabah was first appeared in July 1946 when Datu Ombra Amilbanga and other heirs asked for the opinion of Francis Burton Harisson, a former Governor General of the Philippines on how to prevent the North Borneo (Sabah) to become a part of the British government's territory. In his response to the question, Harisson propounded that the heirs of Sultan of Sulu had a strong legal foundation to claim North Borneo (Sabah).



- <sup>4</sup> In fact, until today the rightful heirs of Sultan of Sulu are still maintaining their sultanate in subtle ways regardless of the fact that they are the subjects of the Philippines government and without any sovereignty. The sultanate then made an appalling appearance on 12 February 2013 after a long while being invisible, when Sultan Jamallul Kiram III, the self-proclaimed sultan together with the so-called “Sulu Royal Army” were engaged in a standoff with the Malaysian Armed Forces and police. This tragic event was triggered by their old and unforgettable claim on Sabah.
- <sup>5</sup> For instance, Phelan contends that the religious factor was the primary factor for the Spanish colonialism in the Philippines, especially when they started to realise that they would not gain much profit from the conquered territory. See Phelan (1967).
- <sup>6</sup> A part of the agreement in 1878 specifically recorded, “...his heirs and successors...” and not as “...his heirs or successors...”, therefore, the annual payment must be paid continuously to the successors or the rightful heirs of Sultan of Sulu.
- <sup>7</sup> The pensions that had been paid to Sultan Jamalul Kiram II was a continuation of the prior agreement between the American government and Sultan Jamalul Kiram II in order to subdue the resistance of Sulu Sultan and his followers in Sulu province. The agreement signed on March 11, 1915, in which the Sultan and his heirs, renounced sovereignty over the Sulu Island including the right to collect taxes, the right to decide lawsuits and the right to all the lands. In exchange, Sultan of Sulu was recognised by the American government (thereafter Philippines government) as the Islamic religious leader in the Philippines, and received P12,000 annually as a lifetime pension and had been given a grant of land in Jolo. See Tillah (2010) and Carpenter (1925).
- <sup>8</sup> There were many lawyers that have been appointed by the heirs of Sultan of Sulu to defend their rights on annual payment including Calixto de Leon, Teopista Guingona (1946), Agripino Escarial (1947), Antonio Quirino (1948), Vicente Gariel (1957), Nicasio Osmena (1957-1961) and Juan Orendain in 1962. See Dizon (1978:213).
- <sup>9</sup> For a thorough emphasis on this issue, see Norizan and Wong Tze-Ken (2016).
- <sup>10</sup> Initially, Datu Ombra Amilbangsa who was married to Dayang Dayang Hadji Piandao dictated to take over the throne as Sultan of Sulu, but since he was not a legitimate heir of Sultan of Sulu, Sultan Esmail Kiram was selected as the Sultan of Sulu in 1950. In the period following the death of Sultan Mawallil until 1946, Dayang Dayang Hadji Piandao was an acting sultan or *sandah* before she died.
- <sup>11</sup> During President Macapagal’s administration, on April 24, 1962, the Philippines took a similar step when the House of Representatives passed Resolution No. 32 to urge President Macapagal to claim North Borneo. After Resolution No. 32 had passed, the desire to claim North Borneo was increasing among the main leaders of the Philippines. Tunku Abdul Rahman was also informed by the Ambassador of the Federation of Malaya in the Philippines, Zaiton Ibrahim, that the Philippines government was very interested in making a claim on North Borneo. See DO 35/10019, Note by Mr. MacDonald on his talk with Tunku Abdul Rahman, 22 December 1958; Mohd. Samsudin. 2016. *Persekutuan Malaysia 1961-1966: Penubuhan dan Cabaran*. Bangi: Penerbit Universiti Kebangsaan Malaysia.
- <sup>12</sup> The recognition agreement was signed jointly with other heirs of Sultan of Sulu including Rasamuda Punyungar Datu Kiram, Sitti Rada Kiram, Putli Tarhata Kiram Kiram, Putli Sakinulin and was approved by I. B. Bareja, Secretary of the Council of Representatives of the Philippines.
- <sup>13</sup> The agreement was signed by Sultan Esmail Kiram together with the heirs of Sultan of Sulu namely Putli Tarhata Kiram, Putli Sakinur-in Kiram, Datu Amerusin Asakil (represented Sitti Jahara Kiram), Datu Punjungan Kiram (represented Mora Napsa and Sitti Mariam Kiram) and Hadji Hashan Hashim (represented Sitti Rada Kiram). On behalf of the Philippines government, the agreement signed by Ofelia

B. Castano, who represented President Marcos and was verified by Narciso Ramos, Secretary of Foreign Affairs of the Philippines.

- <sup>14</sup> The controversial letter was signed by Datu Jumadil Usama as a chief commander of Sulu Sultanate altogether with other heirs, including Datu Hassan Datu Sug, Datu Duran D. Mabul, Datu Rubin Datu Sug, Datu Salip Saydina Omar, Salip Ali Pulalun, Salip Dalus Arsa, Salip Amirul Ali Pulalun, Salip Hussin Abu Bakar, Datu Puti Pangdan, Datu Sali Omar, Datu Unding and Datu Muhammad. See FO 371/175334.

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