

No dispute before 1978

S'pore never gave evidence to back its claim for Pulau Batu Puteh, ICJ told

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THE HAGUE: The sovereignty over Pulau Batu Puteh had never been in dispute prior to 1978, the International Court of Justice (ICJ) heard here yesterday.

Malaysian Attorney-General Tan Sri Abdul Gani Patail said that Singapore raised the issue of sovereignty over the island for the first time on April 13, 1978 during a meeting between officials of the two countries.

He said that during the meeting Singapore contended that it had "incontrovertible legal evidence" of its sovereignty over Pulau Batu Puteh.

However, Singapore had never been able to produce such evidence in the form of documents, Gani told the 16-member bench during Malaysia's first round of oral arguments.

It was unable to do so even until today, he said. Rather, the republic is relying on the *terra nullius* (no man's land) claim.

On the other hand, he said,

»Malaysia had consistently remained clear as to its sovereignty over Pulau Batu Puteh«

TAN SRI ABDUL GANI PATAIL



notwithstanding Singapore's claim, Malaysia had consistently remained clear as to its sovereignty over Pulau Batu Puteh, which was illustrated in a 1979 map.

The map showed Malaysia's territorial waters and continental shelf boundaries which included Pulau Batu Puteh.

He also submitted that a statement by the then Malaysian prime minister concerning the "unclear" position of Pulau Batu Puteh in 1980, was premised on documents which former Singapore prime minister

Lee Kuan Yew had said were in Singapore's possession proving its sovereignty over Pulau Batu Puteh.

But until today Malaysia has yet to see any definitive documents on this, he said.

He also submitted on the critical date for the Pulau Batu Puteh issue which he said was on Feb 14, 1980 when Singapore, through a protest note, officially claimed Pulau Batu Puteh as part of Singapore's territory.

He cited the *Ligitan and Sipadan* case where the the ICJ ruled that

"acts undertaken after the critical date will not be taken into consideration unless such acts are a normal continuation of prior acts and are not undertaken for the purposes of improving the legal position of the party relying on them."

As for the critical date for Middle Rocks and South Ledge dispute, he said it only emerged on Feb 6, 1993 when Singapore included these two features during the first round of bilateral discussions between the two parties.

Co-agent Noor Farida Ariffin submitted that Pulau Batu Puteh, Middle Rocks and South Ledge, are among the many maritime features that have always formed part of Johor.

She said Pulau Batu Puteh, being at the eastern entrance of the Singapore Straits, lies right in the middle of the old Sultanate of Johor, a mere 7.7 nautical miles from the Johor mainland.

Hearing continues tomorrow. - Bernama