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Three reasons why island went to S'pore

PETALING JAYA: Failure to show ownership over Pulau Batu Puteh, maps that indicated Singapore's sovereignty over the island, and a reply from a Johor state official saying that the state did not have sovereignty over the island were some of the reasons why Malaysia lost its case.

International Court of Justice case acting president Judge Awn Shawkat Al-Khasawneh, when delivering the court's decision in The Hague yesterday, said Johor initially had sovereignty over the island.

However, Johor and subsequently Malaysia lost its ownership to Singapore because of those reasons.

"The Court recalls their (United Kingdom and Singapore) investigation of marine accidents, their control over visits, Singapore's installation of naval communication equipment and its reclamation plans, all of which include acts *à titre de souverain* (acts consistent with sovereignty), the bulk of them after 1953," said Awn Shawkat.

He said Malaysia did not respond to Singapore's conduct on the island, including the flying of its ensign, except for the republic's installation of naval communication equipment.

"Further, the Johor authorities and their successors took no action at all on Pedra Branca/Pulau Batu Puteh from June 1850 for the whole of the following century or more," he said.

He also pointed out that Malaysia

needed Singapore's permission before any official visits to the island especially in the 1970s could be made.

As for the Malaysian maps between 1962 and 1975 – which depicted that Pulau Batu Puteh belonged to Singapore, Awn Shawkat said Malaysia's assertion that the map had a disclaimer and did not create ownership of territory could not be accepted.

"The map still stands as a statement of geographical fact, especially when the State adversely affected has itself produced and disseminated it, even against its own interest," he said.

He said the maps' assertions were consistent to the position of the acting state secretary of Johor in 1953 who said Johor did not claim ownership of Pulau Batu Puteh.

"That statement has major significance. The Court concludes, especially by reference to the conduct of Singapore and its predecessors as *à titre de souverain*, taken together with the conduct of Malaysia and its predecessors including their failure to respond to the conduct of Singapore and its predecessors, that by 1980 sovereignty over Pedra Branca/Pulau Batu Puteh had passed to Singapore," he said.

> Go to the ICJ website www.icj-cij.org for the full judgment.

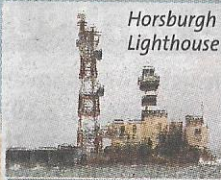


Hall of justice: The delegations of Malaysia (foreground left) and Singapore standing as judges of the International Court of Justice file in to issue the court's ruling at The Hague yesterday.

Decision resolves 28-year-old dispute

Row over Middle Rocks and South Ledge started in 1993

PULAU BATU PUTEH/PEDRA BRANCA (Portuguese for white rock)



FACTS

- **Where:** 7.7 nautical miles from Malaysia (east of Johor) and 25.5 nautical miles from Singapore. Near Middle Rocks and South Ledge.
- **Size:** 8,560 square metres at low tide.
- **Length:** A maximum 137m.
- **Name:** Called white rock because of the bird droppings that hardened on the rocks over centuries.
- **Houses:** Horsburgh Lighthouse built in 1851.

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PETALING JAYA: The 28-year dispute over the ownership of Pulau Batu Puteh is over with the International Court of Justice awarding it to Singapore.

However, the court in The Hague awarded Malaysia the ownership of Middle Rocks, a group of rocks located 0.6 nautical miles (1.1km) south of Pulau Batu Puteh, or Pedra Branca as it is known in Singapore.

The ICJ did not determine the ownership of South Ledge, a smaller group of rocks 2.1 nautical miles (3.8km) south of Pulau Batu Puteh, stating that its sovereignty would depend on whose territorial waters it was located in.

Case acting president and ICJ vice-president Judge Awn Shawkat Al-Khasawneh delivered the decision, which is binding and not subject to appeal.

The 300-page judgment took about two hours to be read. The judgment was telecast live by RTM1.

Twelve of the courts' 16 judges ruled in favour of Singapore on the question of the sovereignty of Pulau Batu Puteh.

As for Middle Rocks, only Singapore's appointed ad-hoc judge Pemmaraju Sree-

nivasa Rao of India dissented from the other judges' decision in favour of Malaysia.

Awn Shawkat, however, said South Ledge was not a clear-cut case as the low-tide elevation falls within the overlapping territorial waters by Pulau Batu Puteh and Middle Rocks and there was no previous mandate for Malaysia or Singapore to draw their delimitation line.

The court held that the dispute over the island crystallised on Feb 14, 1980 when Singapore lodged an official protest over a 1979 Malaysian map which showed the island as under Malaysian territorial waters.

The dispute over Middle Rocks and South Ledge only started in 1993, the court ruled as it was Singapore's first mention of it in its claim to Pulau Batu Puteh.

Pulau Batu Puteh, which is 7.7 nautical miles from Malaysia and 25.5 nautical miles from Singapore, has a maximum length of 137m.

It is also the site of the Singapore-operated Horsburgh Lighthouse, which was built in 1851 and marks the eastern entrance to the Straits of Singapore.