

CHAPTER IV

THE MECHANISM OF ICJ DECISION IN PEDRA BRANCA/PULAU

BATU PUTEH DISPUTE

In this chapter, the writer answers the research question of this undergraduate thesis. It discusses the procedure of dispute resolution that had been taken by ICJ toward Pedra Branca/*Pulau Batu Puteh* dispute between Malaysia and Singapore. Beside, this chapter also explores about the responses of the Parties towards the ICJ resolutions on that case.

A. The Procedure of ICJ in Pedra Branca Case

In April 14, 1998, the text of a Special Agreement made to bring the matter before the ICJ was agreed and the Agreement was signed by the two countries on February 6, 2003 and which entered into force on May 9, 2003.⁶⁹ It was notified to the Registrar of the Court in July 24, 2003. The case was assigned the name *Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia v. Singapore)* and the final decision/judgment of the Court in May 2008.⁷⁰

1. Special Agreement

On July 24, 2003, Malaysia and Singapore joined the International Court of Justice (ICJ) of a dispute concerning sovereignty over Pedra Branca/*Pulau Batu Puteh*, Middle Rockz and South Ledge. They did it because they consider the Court's Special Agreement which was signed on

⁶⁹ BBC News. (9 January 2003). *Court ruling on Singapore Strait islet*. Retrived February 28, 2013, from <http://news.bbc.co.uk/2/hi/apacific/2642187.stm>.

February 6, 2003, at Putrajaya, Malaysia. Later on, it came into force on May 9, 2003. In that Special Agreement, the Parties requested the Court “to determine whether sovereignty over: a. Pedra Branca/*Pulau Batu Puteh*; b. Middle Rocks; c. South Ledge belongs to Malaysia or the Republic of Singapore. They agreed to accept the Judgment of the Court as final and binding upon them.

According to the Special Agreement, the Parties further set out their views on the procedure to be followed. These will be taken into account by the Court when they fixed time-limits for filing the written pleadings in an order. Moreover, it would be the subject of a subsequent press release. Moreover, in accordance with Article 35 of the Rules of Court, both the Government of Malaysia and the Government of the Republic of Singapore hereby notify the Court of their intention to exercise the power conferred by Article 31 of the Statute of the Court to choose a judge *ad hoc* in these proceedings.⁷¹ Further, in accordance with Article 40 (3) of the Rules of Court the Malaysia and Singapore have informed the Court of the appointment as Agents of, respectively, H.E. Mr. Tan Sri Ahmad Fuzi Haji Abdul Razak and H.E. Mr. Tommy Koh, and whereas Malaysia and Singapore have further stated that they have appointed as their respective Co-Agents H.E. Dato’ Noor Farida Ariffin and H.E. Mr. A Selverajah.

⁷¹ Order. (September 2003). *Case Concerning Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks, and South Ledge*. p.1

In Article 4(2) of the Special Agreement, the Parties have agreed that without prejudice to any question as to the burden proof, the written pleadings should consist of:

- “ (a) a Memorial presented by each of the Parties not later than 8 months after the notification of its Special Agreement to the Registry of the International Court of Justice;
- (b) a Counter-Memorial presented by each of the Parties not later than 10 months after the date on which each has received the certified copy of the Memorial of the other Party;
- (c) a Reply presented by each of the Parties not later than 10 months after the date on which each has received the certified copy of the Counter-Memorial of the other Party;
- (d) Rejoinder, if the Parties so agree or if the Court decides *ex officio* or at the request of one of the Parties that this part of the proceedings is necessary and the Court authorizes or prescribes the presentation of a Rejoinder.”

Following directions issued by the Special Agreements, the parties exchanged memorials on March 25, 2004, counter-memorials on January 25, 2005 and replies on November 25, 2005.⁷² As the parties informed the Court by a letter dated January 23, 2006 that rejoinders were unnecessary, the written proceedings were closed. Furthermore, the Court determined by drawing lots that Singapore would present its case first. Public hearings were held between November 6 and 23, 2007. Singapore presented its case from November 6 to 9 and Malaysia did the same from November 13 to 16, 2007. Each country was then given two days to respond, with November 19 and 20, allocated to Singapore. November 22 and 23, 2007 allocated to Malaysia. .⁷³

2. Written Pleadings

Regarding to Article 46 of the Rules of Court that the Written Pleadings consist of:

a) Memorials of Parties

As a fixed date in the Special Agreement, on March 25, 2004 is used by each party to fill exchange Memorial. However, in the memorials of Malaysia, it claims the sovereignty over three features, *Pulau Batu Puteh*, Middle Rocks and South Ledge with the arguments. The First is these and other islands in and around Singapore Strait were part of the Sultanate of Johor before 1824. This was unaffected by the Anglo-Dutch Treaty of 1824, which concerned only islands and territory to the south of the Strait, moreover the sovereignty of the Sultanate and its extension to the offshore islands was repeatedly recognized by United Kingdom. This situation was confirmed by the Crawford Treaty of 1824, which ceded to the United Kingdom the Island of Singapore and all islets and rocks within 10 geographical miles/nm of Singapore, but otherwise left the territory of Johor unaffected. Malaysia argued that *Pulau Batu Puteh* was not *terra nullius*, but was used by the local Malay population, who were subjects of Johor, for fishing and other purposes. Furthermore they added that the English East India Company sought and obtained the permission of the Sultan and *Temenggong* of Johor to build the Horsburgh Lighthouse on their territory. This license extended to *Pulau Batu Puteh* which has the

sovereignty to the Straits Settlements. The United Kingdom have obtained consent to the construction and operation of the Lighthouse and it never acted as sovereign over *Pulau Batu Puteh*, still less the other two features. The ownership, maintenance and operation of a lighthouse do not involve an exercise of sovereign rights. Neither United Kingdom nor Singapore ever claimed sovereignty over the three features at any time prior to the critical dates in relation to the present dispute (1980 in the case of *Pulau Batu Puteh*, 1993 in the case of the other two features).⁷⁴

On the contrary, Singapore's legislation and treaty practice its publications and maps, as well as statements by knowledgeable, Singapore officials all confirmed that the three features were not territory of Singapore and were not administered as part of the territory of Singapore. By contrast, Johor and its successor Malaysia never escaping sovereignty over the three features, rather they exercised it in the context of their control over the wider range of islands in the region. Given the tiny surface of *Pulau Batu Puteh* and the character of the other features, as well as the continuing permission for the operation of Horsburgh Lighthouse, this sovereignty was essentially manifested in the field of the determination and use of Malaysian maritime areas, *inter alia*, in the grant of oil concessions and in the conclusion of bilateral treaties of delimitation.

On the same date, the Singapore's Memorial showed that Pedra Branca was *terra nullius* (belongs to no one), because since 1847 or more

⁷⁴ Memorial of Malaysia. (25 March 2004). *Case Concerning Sovereignty over Pedra Branca, Pulau Batu Puteh, Middle Rocks, and South Ledge*. P. 328.

than 130 years, Pedra Branca and its surrounding waters has been administered as part of Singapore's territory continuously without any protest or challenge from Malaysia or its predecessors until the present dispute arose in 1979 when Malaysia published a map showing Pedra Branca as their jurisdiction. However, the basis of the claim to sovereignty in respect of Pedra Branca is the lawful of Pedra Branca effected by a series of official actions in the period 1847 to 1851,⁷⁵ beginning with the first landing of Thomson between June 21 and July 9, 1847 and ending with the ceremonial official commissioning of the lighthouse on September 27, 1851 which is the decision to build the lighthouse on Pedra Branca was taken by the Court of Directors of the East India Company as an official organ of the United Kingdom and the entire process of planning, choice of site and the construction was subject to the exclusive control and approval of the British Crown and its representatives.

However, the pattern of activities and official visits in the 1847 to 1851 period constituted an unequivocal manifestation of the will of the United Kingdom to claim sovereignty of Pedra Branca for the certain purposes, to build the Horsburgh Lighthouse and its appurtenances and to maintain them on a permanent basis. Moreover, the acts of taking possession were peaceful, public and elicited no opposition from other powers, so that title to Pedra Branca was acquired by the British in

⁷⁵ Memorial of Singapore. (25 March 2004). *Case Concerning Sovereignty over Pedra*

accordance with the legal principles governing acquisition of territory in the period 1847 to 1851.⁷⁶

According to the document of 1953, correspondence is highly significant thing in showing that the Colonial Secretary of Singapore sought clarification about the legal status of Pedra Branca in a letter dated June 12, 1953 to the Government of Johor. The letter showed that colonial authorities in Singapore were aware that Singapore had sovereign rights over the island, which is the Acting Secretary of State of Johor confirmed Singapore's position when Johor Sultanate declared in a letter dated September 21, 1953 that "...the Johor Government does not claim ownership of Pedra Branca". That disclaimer was an unequivocal admission that Johor had no sovereignty over the island and by necessary implication Johor accepted Singapore's sovereignty and fully binding on Malaysia as Johor's successor. The Singapore's position is sovereignty in respect of Middle Rock and South Ledge goes together with sovereignty over Pedra Branca. Whoever owns Pedra Branca owns Middle Rocks and South Ledge, which are dependencies of the island of Pedra Branca and form with the latter a single group of maritime features.

b) Counter-Memorials

The Counter-Memorials of Parties is taken on January 25, 2005, 10 months after the Exchange Memorials. Begin with the Malaysia's Counter-Memorials contained by the replies in order to respond the Memorials of

Singapore that throughout its Memorial, Singapore argued that its title to three features derives from “a taking of lawful possession” of *Pulau Batu Puteh* in period 1847-1851.⁷⁷ But States may possess territory in the sense of lawfully using it for specific purposes without asserting or acquiring sovereignty. The key question is: “in what capacity did Great Britain construct and operate the lighthouse?”. Its conduct at the time indicated clearly that it did not to acquire territorial sovereignty but with a specific view to assisting navigation in the public interest. That was true of many other lights operated under British monitoring in the region and elsewhere at the time and subsequently. Singapore did not act differently until 1980 when the dispute broke out. In those circumstances, the location of sovereignty remains unchanged remains with the sovereign whose consent was sought in order to establish the lighthouse. Before 1824 the Sultanate of Johor was exist in north and south of the Strait of Singapore and included all islands and other maritime features. Both the Anglo-Dutch Convention of 1824 and the Crawford Treaty of 1824 confirmed this status. Moreover, the acts performed clearly differ from the consistent British practice concerning formal taking of possession on behalf of the British Crown in relation to the construction and inauguration of the lighthouse. They did not constitute a manifestation of the will of the British Crown to acquire sovereignty. Nor was there ever any annexation or incorporation of *Pulau Batu Puteh* into the British Colony of the Straits

⁷⁷ Counter Memorial of Malaysia. (25 January 2005). *Case Concerning Sovereignty over Pedra*

Settlements. On the contrary, the construction of the lighthouse was performed with the authorization of the recognized sovereign of the Johor territory.

The absence of any original title on the part of Great Britain to *Pulau Batu Puteh* was reflected in British practice. This was also true until 1980, no Singaporean authorizes ever referred to *Pulau Batu Puteh* as belonging to Singapore. The dependencies of Singapore have been carefully described and were consistently limited to the 10-miles limit of Singapore Island. They have never included *Pulau Batu Puteh*. Moreover, Middle Rocks and South Ledge are distinct and separate *from Pulau Batu Puteh*. The three features have never been named as a group and have distinct geological and geomorphological characteristics. Singapore's late claim to Middle Rocks and South Ledge is merely an effort to enlarge its territorial claim. Singapore's account of *effectivites* comes down to nothing more than the construction, operation and administration of the lighthouse in the context, including British practice in the region (the Straits' Lights system) and elsewhere, this is not conduct *titre de souverain*.

In the limited instances in which Singapore advances non-lighthouse conduct, this is either inconclusive (not being specifically related to Pulau Batu Puteh) or it is subsequent to the critical date and evidently self-serving in character. By contrast Johor (and subsequently Malaysia) never relinquished title to the three features, but continued to

wider range of islands. Further information is provided by Singapore. It explained to the use of waters around *Pulau Batu Puteh* as traditional fishing waters for fisherman from south-east Johor and as to Royal Malaysian Naval patrols in the waters around *Pulau Batu Puteh*. Finally, the delimitation practices of Malaysia, Singapore and other States in the Singapore Straits and the South China Sea consistently support Malaysia's sovereignty over *Pulau Batu Puteh* and rejected with Singapore's claim.

Responding Malaysia's Counter-Memorial, Singapore's Counter-Memorial stated that in the traditional Malay sultanate which includes the Johor-Riau-Lingga Sultanate, the notion of "sovereignty" was based on personal allegiance of inhabitants and not necessarily on control of territory. This means that it was common to find territory which was not regarded as belonging to anyone. It also means that the only reliable way to find out whether a particular territory belongs to a particular ruler was obtaining the views of the inhabitants about who they regard as their ruler. However, Pedra Branca was uninhabited before the British built a lighthouse on it. That time, there were no people on Pedra Branca. Therefore, there was no reason or incentive for any Sultan or local *Raja* or chief to consider Pedra Branca as part of his dominion. Pedra Branca could not be claimed as a territorial of the Johor-Riau-Lingga Sultanate. Malaysia's claim that the Johor-Riau-Lingga Sultanate "was able to

period” is contrary to the historical evidence and is an attempt to shore up its weak case based on an alleged “original title”.⁷⁸

Singapore argued that the 1824 Anglo-Dutch Treaty did not result in the transmission of the Sultanate’s title to Pedra Branca to the modern State of Johor.⁷⁹ In fact, the Anglo-Dutch Treaty did not touch upon or affect the status of Pedra Branca, neither the territorial domain of the *Temenggong* nor that of Sultan Hussein (and his son, Ali) ever extended to Pedra Branca. This was still there when the British took possession of the island in 1847. Moreover, Malaysia had unable to explain how its alleged “original title” appeared. When examined under classical international law concepts, Malaysia has failed to prove its title. Even when the examination under traditional Malay concepts of sovereignty, Malaysia’s claim to “original title” also fails. There is no clear “original title” on any basis. Malaysia’s claim to original title to Pedra Branca based on the ownership of both coasts of the Singapore Strait by the Johor-Riau-Lingga Sultanate in the past. It was nothing more than a claim based on proximity, a claim of no legal relevance in this case. Neither the Johor-Riau-Lingga Sultanate nor the State of Johor had ever displayed an intention to claim Pedra Branca. Besides, they had not ever exercised State authority relating to Pedra Branca. Malaysia has produced no evidence about State authority relating to Pedra Branca either by the Johor-Riau-Lingga Sultanate or the

⁷⁸ Counter Memorial of Singapore. (25 January 2005). *Case Concerning Sovereignty over Pedra Branca, Pulau Pinnacled and Pulau Besar and South Ledge*, P. 71.

State of Johor. The *Orang Laut* activities alleged by Malaysia were private activities which could not confer the title to territory. In addition, no one of Malay ruler had taken any interest in Pedra Branca and there is not a single historical document which has positively attributed Pedra Branca to the Johor-Riau-Lingga Sultanate or the State of Johor. At the time when the British took possession of Pedra Branca, it was not regarded as a territorial possession of Johor.

In other arguments, Singapore said that the cavalier approach to the documents does not serve Malaysia well. The key document "Butterworth's letter dated November 28, 1844", which is the centerpiece of the argument based upon the permission of Johor, is spectacularly misconstrued. It concerns Peak Rock and the documents to which it refers also relate to Peak Rock. The permission given in the Johor letters does not refer to Pedra Branca. The Malaysian Government seeks to increase a weak case by certain weak addition contentions. As an example, Malaysia relies upon the visit of the *Temenggong* to Pedra Branca on 2 June 1850, but fails to adduce any evidence that he made any protest or reservation of the position of Johor.⁸⁰ Moreover, Malaysia appears to have little confidence in the argument. Hence, it is necessary to edit the supporting quotation by omitting a key phrase. Apart from the 1979 Continental Shelf Boundaries map which triggered the present dispute and against which

single published map. Whether emanating from Malaysia, Johor or any other country, which positively and unequivocally attributed Pedra Branca to Malaysia (or Johor).

The last counter-memorial is as kind of cartographic materials produced by Malaysia, but it does not assist the Court to reach a decision with respect to sovereignty over Pedra Branca. Singapore's title to Pedra Branca is rooted in the lawful possession of the island and is confirmed by the open, peaceful and continuous exercise of State authority that subsequently exercised on it. The inconsistent and inconclusive cartography presented by Malaysia does not put this title in question. To the extent that any maps are relevant in the present case, they are limited to the official maps issued by Malaysia prior to the emergence of the dispute which showed that the Malaysian government itself regarded the island as Singapore's territory.

c) Replies of Parties

The reply of parties occurred on November 25, 2005. It is done to bring out the issues that still divided the parties. In Malaysia's Reply over sovereignty of *Pulau Batu Puteh*, Middle Rocks and South Ledge, Malaysia said that is based on the original title of the Sultanate of Johor to the three features. The basis of the original title over the three features can be summarized as follows:⁸¹

⁸¹ Reply of Malaysia. (25 November 2005). *Case Concerning Sovereignty over Pedra Branca, Pulau Puteh, Middle Rocks, and South Ledge*, p. 51.

- a) The three features and other islands in and around Singapore Strait were part of the maritime empire of the Sultanate of Johor, which was established around 1511 and covered parts of the Malay Peninsula, part of the island of *Sumatera*, islands in the China Sea and the Riau Archipelago. The sovereignty and international status of the Sultanate of Johor since the 16th century were well-known and recognized.
- b) The Sultanate of Johor was exposed to some reconfiguration as the result of Dutch and English interference particularly in 1824 the Anglo-Dutch Treaty resulted in the Sultanate being split into two in accordance with the English and Dutch spheres of influence established by the Treaty. The Dutch sphere lay south of the Singapore Strait, under Sultan Abdul Rahrnan and came to be called the Sultanate of Eau-Lingga, The British sphere covered the northern part of the Sultanate, under Sultan Hussain and retained the name of the Sultanate of Johor. The Sultanate of Johor subsequently became a constituent part of the modern-day State of Malaysia.
- c) *Pulau Batu Puteh* was not an island south of the Strait of Singapore. It fell within the British sphere of influence and remained the territory of the Sultanate of Johor. The Dutch never

Riau-Lingga observed the separation effected by the 1824 Anglo-Dutch Treaty.

- d) The territory of Johor thus remained intact, except for that part which became the Sultanate of Riau-Lingga and that part (including islands just north of the southern shore of the Strait) which Johor ceded to Great Britain in 1824 for the establishment of the Colony of the Singapore,
- e) After 1824 Britain acknowledged the Sultanate of Johor's sovereignty over its territory in all its dealings with the Johor rulers, for example in 1886 when Sultan Abu Bakar of Johor confirmed the extent of his territory with the British, and in the 1927 Territorial Waters Agreement between Britain and Johor.

As the additional evidence of Malaysia's Reply, *Pulau Batu Puteh* lying at the entrance of the busy Strait of Singapore into the South China Sea, was not *terra nullius*, but was (and still is) a very well known landmark and navigational point of reference which has been featured by name on the earliest maps and charts of the region (since at least 1552).⁸² It was used by the *Orang Laut*. They owed allegiance to the *Temenggong* of Johor and was subjects of the Sultanate of Johor. Singapore argues that its title to the three features derives from "a taking of lawful possession" of *Pulau Batu Puteh* in 1847 and 1851 or at any rate in the period 1847-1851 by virtue of the preparation for or construction of the Horsburgh

⁸² Ibid. p. 94

Lighthouse on the island. But States may possess territory in the sense of lawfully using it for specific purposes without asserting or acquiring sovereignty. As in Malaysia Counter-Memorial, the key question was: "in what capacity did Great Britain construct and operate the lighthouse?" In assessing this, the following points are determinative:⁸³

- a) Britain's conduct at the time of the construction of the Lighthouse indicated clearly that it did not do so with a view to claiming sovereignty, but with a view to assisting navigation in the public interest: there is no evidence at all of intention to acquire sovereignty over the island.
- b) The lighthouse was constructed on *Pulau Batu Puteh* with the permission of the Johor rulers. The British correspondence relating to the construction of the lighthouse makes it clear that the British authorities believed that they were constructing the lighthouse on *Pulau Batu Puteh* with the permission of the Johor rulers. This type of arrangement was quite common in the region and elsewhere at the time Britain and other European States built and operated lighthouses on the territory of local rulers.
- c) At no stage prior to Singapore's independence did the character of British conduct change, at no stage did Britain publicly assert sovereignty over *Pulau Batu Puteh*. Nor did Singapore act any

There was never any annexation or incorporation of *Pulau Batu Puteh* into the British Colony of the Straits Settlements.

- d) Singapore cannot show any conduct in respect of the island of the character of *titre de souverain*. The only thing that Britain or Singapore ever did in relation to the island was operate the lighthouse, which was a part of the regional Straits' Lights system. In those circumstances the location of sovereignty remains unchanged, it remains with the sovereign whose consent was sought and given to establish the lighthouse.

Furthermore, Johor and subsequently Malaysia never relinquished title to the three features, but continued to treat them as part of its territory, in the context of its sovereignty over a wider range of islands:

- a) The waters of *Pulau Batu Puteh* is continued to be used as traditional Malay fishing waters right up until modern times (only ceasing when Singapore's actions prevented Malay fishermen from doing so) and the Royal Malaysian Navy patrolled the waters around *Pulau Batu Puteh*,
- b) Malaysia's delimitation practices, as well as those of Singapore and other States in the Singapore Strait and South China Sea are consistent with and support Malaysia's sovereignty over *Pulau Batu Puteh* and inconsistent with Singapore's claim.

The core question before this Court, according to both Parties, is

lighthouse. Singapore's claims its title was established by planning and constructing the lighthouse on *Pulau Batu Puteh*. In Malaysia's side, it was wrong and the original title to the island remained with Johor with whose permission the lighthouse was built. According to both states, the case concerns a title which existed in 1851 and has not changed since. In accordance with basic principle, subsequent *eflectivities* cannot change that situation. In any case, both Parties' subsequent conduct has been entirely consistent with the state of affairs which existed in 1851. The Britain ever intended and all it ever did was to build and operate a lighthouse on an island belonging to Johor with its permission. It ever claimed the ownership of the lighthouse, yet they did not claim sovereignty over the island. Prior to the critical date, Singapore did not do it anymore and Malaysia never conceded anything. Consequently, sovereignty over *Pulau Batu Puteh* and the other features remains with the successor to the Sultanate of Johor, Malaysia.

The Singapore's Reply mentions: in accordance with the Court's Practice Direction II, Singapore presents reasoning as developed in Singapore's written pleadings, including this Reply.⁸⁴ With respect to the question of sovereignty over Pedra Branca, Singapore possesses sovereignty over the island on the basis of the lawful possession of Pedra Branca by Singapore's predecessor in title, the United Kingdom during the

⁸⁴ Reply of Singapore. (25 November 2005). *Case Concerning Sovereignty over Pedra Branca, Pulau Puteh, Middle Rocks and South Ledge*, p. 22.

period 1847-1851.⁸⁵ Prior to 1847, Pedra Branca was *terra nullius* (the island was uninhabited) and had never been the subject of a prior claim or any manifestation of sovereignty on the ground by any sovereign entity. The lawful possession of Pedra Branca by the United Kingdom during the period 1847-1851 was effected by a series of official actions evidencing the intention of the British Crown to establish an exclusive title under the principles and rules of international law that applicable at the time. The whole pattern of activities and official visits undertaken by agents of the British Crown during the period from 1847-1851 constituted a clear and unequivocal manifestation of the intention to claim sovereignty over Pedra Branca. These actions were peaceful and public and elicited no opposition from any other power.⁸⁶

Singapore argued that there was no doubt in the minds of contemporary observers that the British Crown had acquired sovereignty over Pedra Branca during this period. At the foundation stone laying ceremony for Horsburgh Lighthouse, Pedra Branca was described as a dependency of Singapore in the presence of the Governor of the Straits Settlements (the most senior British official in Singapore) and other British and foreign officials.⁸⁷ This attribution of sovereignty, which was widely reported in the local newspapers, elicited no response from any quarters. In

November 1850 the Government of the Netherlands East Indies expressly recognized British sovereignty over Pedra Branca by referring to the construction of the lighthouse at Pedra Branca as being “on British territory”.

After 1851, the United Kingdom and the successors (Singapore) maintained the title that had been acquired over Pedra Branca by the continuous, open and effective display of State authority on Pedra Branca and within its territorial waters. These activities were wide-ranging in nature, comprised both lighthouse and non-lighthouse activities suitable to the nature of the territory concerned and were undertaken *à titre de souverain*. All of them have been fully documented in Singapore’s pleadings. For over 130 years (in other words), from 1847 until after 1979 when Malaysia first declared a claim to the island, Singapore’s effective administration and control of Pedra Branca went unopposed by Malaysia or its predecessor (Johor) and was recognized by third States and their nationals. Singapore has demonstrated contemporary evidence that had the intention to claim sovereignty over Pedra Branca and that engaged in the concrete exercise of that sovereignty on the ground on a continuous basis.

Moreover, Singapore’s Reply added in contrast Malaysia’s that entire case rests on the oft-repeated but totally unproven assertion that the Sultanate of Johor possessed an “original title” to Pedra Branca which has never been displaced. This extraordinary contention is not supported by

id. . . . Malaysia has been unable to produce a single

piece of evidence that Johor ever had the intention to claim sovereignty over Pedra Branca or ever carried out a single sovereign act on the island at any time. For this reason, Malaysia's claim saying the British sought permission to build the lighthouse cannot stand. Not only did Malaysia (and Johor) never protest the taking of lawful possession of Pedra Branca by the British Crown in 1847-1851, but also Malaysia never objected to any of the official State actions that the United Kingdom and Singapore undertook on Pedra Branca until well after 1980. Malaysia recognized Singapore's sovereignty over the island by virtue of Malaysia's own conduct. For example:⁸⁸

- a) Malaysian officials sought permission from Singapore to visit Pedra Branca,
- b) Malaysia offered to fund lighthouses that were situated on its own territory, but never offered to contribute to the upkeep of the lighthouse on Pedra Branca,
- c) Malaysia protested the flying of the Singapore Marine Ensign on *Pulau Pisang*, which was Malaysian territory, but not the Singapore Ensign that flew at Pedra Branca,
- d) The Malaysian Meteorological Service listed Horsburgh Lighthouse as a Rainfall Station "in Singapore" but when it ceased publishing data from Singapore in 1967, it also ceased publishing data from Horsburgh Lighthouse,

- e) From 1962 to 1975 Malaysia issued a series of official maps which specifically attributed Pedra Branca to Singapore,
- f) In 1953, Johor officially declared that it did not claim ownership over Pedra Branca: this disclaimer is binding on Malaysia, and must be given effect to.

Thus, there is thus a remarkable consistency in the conduct of the two Parties in the case Pedra Branca. On one side, Singapore has always acted in a manner that it is entirely consistent with Malaysia sovereignty over Pedra Branca. Singapore has acted as sovereign over the island for more than 150 years. However, prior to Malaysia's belated claim in 1979, Malaysia never once intimated that it possessed title to Pedra Branca, never once carried out any sovereign act on or in relation to the island, officially disclaimed ownership over the island, issued official maps which depicted Pedra Branca as belonging to Singapore and remained silent in the face of Singapore's continuous administration and control of the island. Regarding to Middle Rocks and South Ledge, Singapore has shown that both features lie within Pedra Branca's territorial waters. Middle Rocks, lying only 0.6 nautical miles from Pedra Branca, is part of the same island group as Pedra Branca while South Ledge is a low-tide elevation incapable of independent appropriation. Sovereignty over both Middle Rocks and South Ledge belongs to Singapore by virtue of Singapore's

3. Oral Pleadings

The Court determined by drawing lots that Singapore would present its case first. A public hearing (Oral Pleadings) was held between November 6 and 23, 2007, with Singapore presenting its case from November 6 to 9, 2007 and Malaysia doing the same from November 13 to 16, 2007. Each country was then given two days to respond, with November 19 and 20, allocated to Singapore and November 22 and 23, 2007 allocated to Malaysia. The persons who spoke for the parties:⁸⁹

a) Representatives of Singapore:

1. Tommy Koh, Ambassador-at-Large, Ministry of Foreign Affairs (Singapore); Professor of Law at the National University of Singapore (acting as Singapore's Agent);
2. Chao Hick Tin, Attorney-General of Singapore (Counsel and Advocate);
3. Chan Sek Keong, Chief Justice of Singapore (Counsel and Advocate);
4. Alain Pellet, Professor at the Paris X University Nanterre; member and former Chairman of the United Nations International Law Commission; associate member of the Institut de Droit International (Counsel and Advocate);

⁸⁹ *Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore): Public hearings on the merits of the dispute to open on Tuesday 6 November 2007 (press release no. 2006/38)*, International Court of Justice, 16 November 2006,

5. Ian Brownlie, C.B.E., Q.C., F.B.A.; member of the English Bar; Chairman of the UN International Law Commission; Emeritus Chichele Professor of Public International Law, University of Oxford; member of the Institut de Droit International; Distinguished Fellow, All Souls College, Oxford (Counsel and Advocate);
6. Rodman R. Bundy, avocat à la Cour d'Appel de Paris; member of the New York State Bar Association; Frere Cholmeley/Eversheds, Paris (Counsel and Advocate);
7. Loretta Malintoppi, avocat à la Cour d'Appel de Paris; member of the Rome Bar; Frere Cholmeley/Eversheds, Paris (Counsel and Advocate); and
8. S. Jayakumar, Deputy Prime Minister; Co-ordinating Minister for National Security and Minister for Law; Professor of Law at the National University of Singapore (Counsel and Advocate).

b). Representative of Malaysia:

1. Abdul Kadir Mohamad, Ambassador-at-Large, Ministry of Foreign Affairs, Malaysia; Adviser for Foreign Affairs to the Prime Minister (Malaysia's Agent);
2. Farida Ariffin, Ambassador of Malaysia to the Netherlands (Co-Agent);
3. Abdul Gani Patail, Attorney-General of Malaysia (Counsel);
4. Elihu Lauterpacht, C.B.E., Q.C., Honorary Professor of International

Law, University of Cambridge; member of the Institut de Droit

International; member of the Permanent Court of Arbitration (Counsel);

5. James Crawford, S.C., F.B.A., Whewell Professor of International Law, University of Cambridge; member of the Institut de Droit International (Counsel);

6. Nicolaas Jan Schrijver, Professor of Public International Law, Leiden University; associate member of the Institut de Droit International (Counsel);

7. Marcelo G. Kohen, Professor of International Law, Graduate Institute of International Studies, Geneva; associate member of the Institut de Droit International (Counsel); and

8. Penelope Nevill, college lecturer, Downing College, Cambridge.

4. The Court's Judgements

During the Court, the case was presided over by ICJ Vice-President Judge Awn Shawkat Al-Khasawneh (Because the President can not joined), alongside 13 other judges and two *ad hoc* judges appointed by the two countries. The judges; Raymond Ranjeva (Madagascar), Shi Jiuyong (the People's Republic of China), Abdul G. Koroma (Sierra Leone), Gonzalo Parra Aranguren (Venezuela) Thomas Burgenthal (the U.S.), Hisashi Owada (Japan), Bruno Simma (Germany), Peter Tomka (Slovakia), Ronny Abraham (France), Kenneth Keith (New Zealand), Bernardo Sepúlveda Amor (Mexico), Mohamed Bennouna (Morocco)

15. ... did not include

any judges of the nationality of either party, the parties exercised their right to choose judges *ad hoc* to sit in the case. Singapore appointed Pemmaraju Sreenivasa Rao from India, and Malaysia Christopher John Robert Dugard from South Africa.⁹⁰

The ICJ rendered its decision on May 23, 2008. The decision processes of the decision making are described in the following points:

1. By twelve votes to four, that sovereignty over Pedra Branca belongs to Singapore. In favors: Vice President/ Acting President Al-Khasawneh, Judges Ranjeva, Shi, Koroma, Buergenthal, Owada, Tomka, Keith, Sepulveda-Amor, Bennouna, Skotnikov, Judge ad joc Sreenivasa Rao. Against: Judges Parra-Aranguren, Simma, Abraham and Judge *ad hoc* Dugard,

The separated opinion of Judges Parra-Aranguren, Simma, Abraham and Judge *ad hoc* Dugard stated that the conduct of both parties between 1953 (the correspondence) and 1980 is equivocal and cannot be interpreted to indicate that Malaysia had abandoned title to Pedra Branca/*Pulau Batu Puteh* or acquiesced in Singapore assertion of title over the island. They argued that notions of tacit agreement from the conduct of the parties (Malaysia and Singapore) and acquiescence are not supported by the facts and did not provided an acceptable legal foundation as a base the passing of sovereignty over Pedra

2. By fifteen votes to one, that sovereignty over Middle Rocks belongs to Malaysia. In favors: Vice President/ Acting President Al-Khasawneh, Judges Ranjeva, Shi, Koroma, Parra-Aranguren, Buergenthal, Owada, Simma, Tomka, Abraham, Keith, Sepulveda-Amor, Bennouna, Skotnikov, Judge ad hoc Dugard. Against: Judge *ad hoc* Sreenivasa Rao, and;

Judge *ad hoc* Sreenivasa Rao partially dissented. In his view, Malaysia failed to meet the burden of proof that Johor had original title over Pedra Branca/*Pulau Batu Puteh*, Middle Rocks and South Ledge. The general historical description of the Malay Kingdom cannot be taken as certain and convincing evidence that Johor ever considered these maritime features as its possessions. Moreover, activities of the *Orang Laut* do not account for display of Johor's State authority.

3. By fifteen votes to one, that sovereignty over South Ledge belongs to the state in the territorial waters of which it is located. In favour: Vice President/ Acting President Al-Khasawneh, Judges Ranjeva, Shi, Koroma, Buergenthal, Owada, Simma, Tomka, Abraham, Keith, Sepulveda-Amor, Bennouna, Skotnikov, Judge ad hoc Dugard, and Sreenivasa Rao. Against: Judge Parra-Aranguren.

B. The Considerations of the Court toward Pedra Branca Dispute

As the highest judiciary institution (court) at international level, the ICJ's

judicial decisions are final and there is no appeal court for the

verdict. The judges, with their backgrounds and experiences have discussed the case without any intervention from outside influence in ensuring the fairness of the judgment. If there is disagreement on their discussion, the verdict will be decided by votes. After oral pleadings or Public Hearings between November 6 to 23, 2007 while the Parties are presented the points in Memorial, Counter-Memorial and Reply to the Court (Judge), the ICJ made its final findings and announced it on May 23, 2008. The Court ruled that sovereignty over Pedra Branca was awarded to Singapore while the Middle Rocks were under Malaysia sovereignty. Yet South Ledge possession still remains undecided as it belongs to the state whose territorial water it is located.⁹¹

The Court has observed that the territorial and maritime domain of the Johor Sultanate comprised considerable portion of the Malay Peninsula, straddled the Singapore Straits included islands and islets in the area. The possession of the islands by the Sultanate was never been challenged by any other power and could be seen as satisfying the condition of “continuous and peaceful display of territorial sovereignty”. Hence, the ICJ concluded that the Johor Sultanate had original title to Pedra Branca.⁹² Secondly, the 1824 Anglo-Dutch Treaty was the legal base for the two colonial Powers to divide the old Johor Sultanate into two sultanates placed under their spheres of influence. The treaty suggested that all islands and islets within the Straits fell within the British sphere of influence. It means that Pedra Branca remained part of the new Sultanate of Johor. Consequently, when the British started their preparations for the construction of

⁹¹ R. Beckman and C Schofield, “Moving Beyond Disputes,” p.3

⁹² Yoshifumi Tanaka. (2008). *Passing of Sovereignty: the Malaysia/Singapore Territorial Dispute before the ICJ*. The Hague Justice Portal. pp.7-8.

the lighthouse in 1844, this island was under the sovereignty of the Sultan of Johor. In addition, any passing of sovereignty might be by way of agreement between two States in question. However, sovereignty over territory might under certain circumstances pass as a result of the failure of the State which has sovereignty to respond to conduct acts in right of sovereignty (*a titre de souverain*) of other State or to concrete manifestations of the display of territorial sovereignty by other State. The absence of reaction may well amount of acquiescence, but only if the conduct of other state calls for a response.⁹³

Thirdly, the correspondence between Governor Butterworth and Sultan of Johor has been the evident that construction of the lighthouse in the straits was under their consents. In reply letter from the Sultan dated November 25, 1844 to the Governor, the request to build a lighthouse has been granted without mentioning the exact location. By examining whether Johor ceded sovereignty over that particular territory which the British colonial government would select for the construction and operation of the lighthouse or granted permission only to that construction and operation, the Court found that correspondence was not conclusive.⁹⁴ It was noted that the construction of the lighthouse were in hands of the Government Surveyor of Singapore who was appointed by Governor Butterworth and on May 24, 1850 the foundation stone was laid in the presence of the Governor. In contrary, there was no Johor authority at the ceremony. That might suggest that the British and Singapore authorities did not consider it was

⁹³ Ibid. pp. 9-10

⁹⁴ Ibid. pp. 16-17

necessary to invite Johor representatives in their activities on Pedra Branca.⁹⁵

Fourth, on June 12, 1953 the Colonial Secretary of Singapore wrote to the British Adviser to the Sultan of Johor to ask for information about rock some 40 miles from Singapore (Pedra Branca) in the context of determination of the boundaries of the Colony's territorial waters. The Secretary asked to be informed of any document showing a lease or grant of the rock whether it had been ceded by the Government of the State of Johor. However, the Acting State Secretary of Johor replied in a letter dated September 21, 1953 stated that "*the Johor Government does not claim ownership of Pedra Branca*".⁹⁶ Singapore letter dated June 12, 1953 sought information about the rock, not simply about the lighthouse in determination of Colonial territorial waters. That could be interpreted as the Singapore authorities were not clear about events occurring over a century earlier. Yet, the Court considered the Johor Agreement was not relevant since the correspondence was initiated by a representative of British colonial government which was not to be seen as a foreign State, likewise the Court regarded the Johor action of responding to a request for information was not an "*exercise of executive authority*" which was ruled under the provisions of the Federation of Malaya Agreement.

Fifth, the Johor reply was clear in its meaning which related to the island as a whole rather than just the ownership of the lighthouse. When the letter was read in the context of the request by Singapore for elements of information

addressed the issue of sovereignty over the island. It was concluded that in 1953 letter, Johor understood that it did not have sovereignty over Pedra Branca.⁹⁷

Sixth, Singapore and the British have exercised sovereign authority by investigating shipwrecks within the island territorial waters. Singapore was able to demonstrate exclusive control over visit to the island by giving authorization to Malaysian officials in the context of a survey of the island's surrounding waters in 1978. It was seen as conduct of *a titre de souverain*. Furthermore, Singapore's claim that the flying of the British and Singapore ensigns at the lighthouse from its commissioning day as a display of sovereignty was not deemed as a manifestation of sovereignty. In fact, those conducts have being exercised continuously without protest from Malaysia. Singapore also performed other manner to show its sovereign right such as plan to reclaim Pedra Branca by Port of Singapore Authority in 1970, albeit it has not yet realized but it did go beyond maintenance and operation of the lighthouse. Further, in 1977 Singapore Navy installed a military communication station on Pedra Branca publicly. But by examining official maps being presented, the Court recalled that Singapore has failed to assert its sovereignty since only one single map published in 1995 showing that Pedra Branca as within its territory.

The Court concluded that relevant facts, including the conduct of the Parties, reflected a convergent evolution of the position of the parties regarding title to Pedra Branca. Although the island had originally been under the

carried out various acts in right of sovereignty such as investigation of marine accidents, the control over visits and its reclamation plans. In contrast, the Johor and its successor took no action from June 1850 until the critical date in 1980. The failure of Malaysia and its predecessors to respond to these acts and other actions which demonstrated their acknowledgment of Singapore's sovereignty over the island meant that by 1980 Singapore had gained sovereignty over Pedra Branca.⁹⁸ Singapore claimed that sovereignty over Middle Rocks and South Ledge goes together with Pedra Branca since those three islets was deemed as a single group of maritime features. On the other side, Malaysia argued that those features did not constitute one identifiable group of islands in which have been considered as features falling within Johor/Malaysia jurisdiction. However, the Court concluded that particular circumstance in which Pedra Branca has been passed to Singapore did not apply to other features. None of the conduct of both Parties reviewed in the previous part of the judgment has any application to the case of Middle Rocks; therefore its original title should remain with Malaysia as the successor to the Sultan of Johor. Meanwhile, the Court addressed the South Ledge as a special problem as it presented special geographical feature as a low-tide elevation (LTE). The Court considered that South Ledge would fall within the apparently overlapping territorial waters generated by the mainland Malaysia, Pedra Branca and Middle Rocks. Hence, the sovereignty over South Ledge would belong to the State in the territorial waters of which it is located.⁹⁹

⁹⁸ R. Beckman and C Schofield, *Op.cit.*, p. 3

⁹⁹ *Ibid.*, p. 4.

C. The Responses of Parties toward ICJ Decision

On May 23, 2008, Malaysian Foreign Minister Rais Yatim described the ICJ decision as creating a "win-win" situation and that both countries would "forge ahead" in their bilateral relationship. Deputy Prime Minister Najib Tun Razak called the judgment as a "balanced decision" as Malaysia had been "partly successful" in its territorial claims. Interviewed by journalists at The Hague, Singapore Deputy Prime Minister S. Jayakumar said: "We are pleased with the judgment because the court has awarded sovereignty over Pedra Branca, which is the main feature in dispute, to Singapore." Prime Minister of Singapore Lee Hsien Loong said that, he was pleased with the result and commented that bringing the dispute to the ICJ was "a good way for (Malaysia and Singapore) to resolve disagreements or problems while maintaining good relations with each other".¹⁰⁰

1. Malaysia want to Retaking Pedra Branca from Singapore

On the day the ICJ released its judgment; Rais Yatim asserted that since South Ledge was within the territorial waters of Middle Rocks, "Malaysia appears to be the sovereign holder".¹⁰¹ A week later, the Foreign Ministry of Malaysia asked the Malaysian media to cease using the Malay word *Pulau* ("Island") for Pedra Branca and to refer to it as "*Batu Puteh*" or "Pedra Branca".¹⁰² The ICJ's decision is final and not subject to appeal. Nevertheless, in June 2008 Rais Yatim stated that

¹⁰⁰ Nor Faridah A. Rashid. (23 May 2008). *Singapore has sovereignty over Pulau Batu Puteh, Malaysia owns Middle Rock*. Retrived January 7th 2013, from <http://www.bernama.com/id=334946>.

¹⁰¹ Foo Yun Chee & Jalil Hamid. (23 May 2008). *UPDATE 4-World Court rules Singapore owns strategic islet*. Retrived January 7th 2013, from <http://uk.reuters.com/article.pageNumber=2&virtualBr>.

Malaysia had renewed its search for the letter written by Governor Butterworth to the Sultan and *Temenggung* of Johor seeking permission to build Horsburgh Lighthouse on Pedra Branca. He noted that the rules of the ICJ allowed a case to be reviewed within ten years if new evidence was adduced. In response, Singapore's Law Minister K. Shanmugam said that the city-state would wait to see what new evidence the Malaysian government could come up with.¹⁰³

Several Malaysian Members of Parliament have urged the Federal Government to assert sovereignty over *Pulau Pisang* which also has a lighthouse on it that is operated by Singapore, or to take over administration of the lighthouse. Concerns were also expressed for *Pulau Merambong* near the western boundary of Malaysia and Singapore. The *Menteri Besar* of Johor, Abdul Ghani Othman, assured the public that *Pulau Pisang* belongs to Johor under a 1900 agreement between Sultan Ibrahim of Johor and British administrators in colonial Singapore.¹⁰⁴ Nonetheless, Malaysian agencies have taken up efforts to stake claims over a hundred islands, reefs, rocks and other features in the South China Sea, Malacca Straits and off Sabahan waters that Malaysia could lose to China, Indonesia and Vietnam. Two of these islands are *Pulau Unarang* off eastern Sabah near the Indonesian border, and *Pulau Perak* to the west of Penang. At the opening of Johor's 12th State Assembly in June

¹⁰³Channel NewsAsia. (30 April 2008). "ICJ's ruling on Pedra Branca to be delivered on May 23. Retrieved January 7, 2013, from <http://www.channelnesasia.com> .

¹⁰⁴New Straits Times. (27 May 2008). "Pulau Pisang won't be another Batu Puteh. Retrieved

2008, Sultan Iskandar of Johor pledged to reclaim the island "whatever it takes".¹⁰⁵ Speaking impromptu at the end of a prepared speech, the Sultan said in Malay: "Let us be reminded that I do not forget *Pulau Batu Puteh*. *Pulau Batu Puteh* is not Singapore's, but it belongs to Johor. It does not matter how long it may take, I will find the way to get back the island, which belongs to Johor." The *Menteri Besar* of Johor said the state government had "clearly heard" what the Sultan said, but did not elaborate.

On September 3, 2008 Tengku Razaleigh Hamzah, a Kelantan prince and MP from the state, sent a letter to Rais Yatim claiming that Johor's interests had not been raised before the ICJ. He alleged that the seas surrounding Pedra Branca had always been in Johor's hands and had never been surrendered to the British or to Singapore, and by accepting the ICJ decision and participating in technical discussions with Singapore the Malaysian government had infringed Johor's constitutional rights. Responding, Rais said the letter seemed designed for "political mileage" and that Johor had been fully involved in the proceedings. He told the *Straits Times*, "Everybody has his opinion on such matters but I, as Foreign Minister, have to abide by

¹⁰⁵ Siti Nurbaiah Nadzmi, (20 June 2008), '*Sultan to reclaim Pedra Branca 'whatever it takes'*', *New Straits Times* (reproduced on the Malaysian Bar website), <http://www.malaysianbar.org> retrieved on January 3, 2013.

the dictate of the law. I have to see the letter first but it's rather late in the day to express disappointment."¹⁰⁶

2. Singapore's Response about the Territorial Delimitation

In the final decision of ICJ in sovereignty over Pedra Branca, Middle Rocks and South Ledge, the Court has decided the ownerships of those islands which is Pedra Branca belongs to Singapore and Middle Rock belongs to Malaysia, however the ownership of South Ledge is belongs to the state in the territorial waters of which it is located. It is indicated the Court passing this problem to both states to make their delimitation boundary on that island. Even though, Malaysia and Singapore did not submitted territorial delimitation case around Pedra Branca to the Court but, that decision can produce a new dispute between Malaysia and Singapore in territorial delimitation after the Court session.

As on July 21, 2008, the response which answered questions from Singapore Members of Parliament about Pedra Branca, the Senior Minister of State for Foreign Affairs Balaji Sadasivan stated that the maritime territory around the island included a territorial sea of up to 12 nautical miles (22 km; 14 mi) and an Exclusive Economic Zone. This was condemned by Malaysia's Foreign Minister Rais Yatim as "against the spirit of ASEAN and the legal structure" as the claim was "unacceptable and unreasonable and contradicts the principles of international law". In response, Singapore's Ministry of Foreign Affairs

¹⁰⁶ Carolyn Hong, (5 September 2008), "*Razaleigh brings up Pedra Branca case*", The Straits Times, [http://www.straitstimes.com/2008/09/05/20080905/090509C.html](#)

spokesman said that Singapore first stated its claim to a territorial sea and Exclusive Economic Zone on September 15, 1980 and reiterated this claim on May 23, 2008 following the ICJ's judgment. Both statements had made clear that if the limits of Singapore's territorial sea or Exclusive Economic Zone overlapped with the claims of neighboring countries, Singapore would negotiate with those countries to arrive at agreed delimitations in accordance with international law.

In August 2008, Rais said Malaysia took the view that Singapore was not entitled to claim an Exclusive Economic Zone around Pedra Branca as it considered that the maritime feature did not meet internationally recognized criteria for an island, that is, land inhabited by humans that had economic activity.¹⁰⁷ In responding that statement, Malaysia and Singapore have established what they have named the Joint Technical Committee to delimit the maritime boundary in the area around Pedra Branca and Middle Rocks and to determine the ownership of South Ledge.¹⁰⁸

After a meeting on June 3, 2008 the Committee agreed that a technical sub-committee would be established to oversee the conduct of joint survey that works to prepare the way for a meeting on maritime issues in and around the area. If any incident occurred in and around the waters of Pedra Branca, Middle Rocks and South Ledge, either side

¹⁰⁷The Starits Times. (22 August 2008). "KL: 'Pulau' no more as Pedra Branca not an island".
Retrieved January 18, 2013, from <http://www.thestar.com.my/20080822/82671.html>

would provide humanitarian assistance to the vessels involved. Finally, both Malaysian and Singaporean fishermen could continue traditional fishing activities in those waters. In September 2008, the Joint Technical Committee reported that its Sub-Committee on Joint Survey Works was finalizing technical preparations for a hydrographic survey that would provide data for future delimitation discussions. A Sub-Committee on Maritime and Airspace Management and Fisheries had also been formed. After a meeting on August 20, 2008 it decided that traditional fishing activities by both countries should continue in waters beyond 0.5 nautical miles (0.9 km; 0.6 mi) off Pedra Branca, Middle Rocks and South Ledge.¹⁰⁹

¹⁰⁹ Zakir Hussain, (7 June 2008), *“Both sides agree on aid to ships, fishing: S’pore. Malaysia to cooperate on safety and security issues in area, conduct joint survey works”*, Singapore’s Ministry of Foreign Affairs website. Retrived February 20th 2013, from http://app.mfa.gov.sg/pr/read_content.asp?View, 10281