

Wednesday, 7 November, 2007

Hearing on 28-year Pulau Batu Puteh dispute begins

RESOLUTION of a 28-year dispute between Malaysia and Singapore over the sovereignty of Pulau Batu Puteh and two adjacent marine features began at the International Court of Justice yesterday.

Singapore, which began submissions, contended that Johor had no claim over the islands, which it referred to as Pedra Branca, the Middle Rocks and South Ledge marine features. The island republic's ambassador-at-large Tommy Koh told the court that Singapore had had sovereignty over the island for the past 150 years. "Malaysia said, prior to 1847, the island was part of Johor but there is no proof to support its claim," he said.

Koh said the British acquired sovereignty of Pulau Batu Puteh to build a lighthouse in 1851. He said Singapore was part of the Straits Settlement in 1867 and became part of the British colony. "So Singapore, a former British colony, is successor to the title to Pedra Branca and also the two marine features which are located nearby," he said.

He was making his opening address to settle the territorial dispute between the island republic and Malaysia. He said the dispute had been an irritant in the bilateral relations between the two countries.

"After almost 28 years, we are very pleased that the dispute will finally be brought to an end."

A 16-judge panel, led by court vice-president Awn Shawkat Al-Khasawaneh, will hear submissions from both parties scheduled for 12 days. It is to decide the ownership of the 137-metre by 60-metre granite outcrop, which is located 7.7 nautical miles off Johor and 25 nautical miles from Singapore. Situated where the Straits of Johor meets the South China Sea, it houses a light house, communication tower, helipad and a jetty.

Malaysia first claimed the island in 1979 when the country published new official maps, which included Pulau Batu Puteh as part of its territory. This drew a protest from Singapore which currently has exclusive control over Pulau Batu Puteh, the Middle Rocks and South Ledge marine features. The court is expected to issue its judgment next year and both countries have said they would abide by its ruling.

Koh yesterday supported his submissions with maps and documents. He said although Malaysia was formed in 1963 and Singapore became an independent state in 1965, many legal proceedings took place prior to that. He said the lawful taking of Pulau Batu Puteh was effected by a series of actions such as the landing of a British agent in 1847 and the inauguration of the Horsbrough light house in 1851.

He said Malaysia had been silent over Pulau Batu Puteh and only asserted sovereignty in 1979. "The taking over of the island was through peaceful means and there was no opposition from any party," he said adding that there was also no evidence that the British sought permission from Johor.

Indeed, he said the Dutch governor-general in Batavia (Indonesia) in the 1880s recognised the British acquisition of Pulau Batu Puteh.

The Malaysian legal team is led by Tan Sri Abdul Kadir Mohamed who is the Malaysian agent, Datuk Noor Farida Ariffin, the Malaysian ambassador to the Netherlands, Attorney-General Tan Sri Abdul Gani Patail, Sir Elihu Lauterpacht, Penelope Neville, Professors James Crawford, Nicolaas Jan Schrijver, Marcelo and G. Cohen.

Hearing continues.