

The lessons of Pedra Branca

THERE are a number of principles and lessons that we can draw from the Pedra Branca episode.

One, it is important to resolve inter-state disputes in a peaceful manner.

It is to the credit of the Malaysian and Singapore governments that from the outset they were determined to settle this longstanding conflict through bilateral negotiations, if possible, failing which they agreed to accept independent adjudication.

Two, the willingness of both parties to submit to the International Court of Justice has, in a sense, strengthened the rule of law. Strengthening international law is the responsibility of all member states of the United Nations. Malaysia had turned to the ICJ on an earlier occasion in its dispute with Indonesia over the Ligitan and Sipadan islands.

Indeed, in a number of other cases with greater implications for international law and politics, the ICJ has demonstrated its commitment to rationality, fairness and justice.

One recalls its 1986 decision in favour of Nicaragua against the United States in which the ICJ found that the US had violated international law by mining Nicaragua's harbours and supporting Contra gueril-

las in their war against the Nicaraguan government.

In July 2004, the ICJ condemned the separation wall that Israel was building on the West Bank.

It is because we can expect justice from the ICJ that we should promote it as the primary organ for the development of international law in an increasingly globalised world.

Three, the ICJ's decision on Pedra Branca also revealed that Malaysia had been somewhat lackadaisical in exercising its sovereign rights over it.

It is significant that the ICJ acknowledged the Johor sultanate's sovereignty over Pedra Branca since time immemorial but observed that, after 1844, when the British colonial administration built a lighthouse on it, the sultanate did not appear to assert its ownership over it.

The culmination of this was the written reply from the acting state secretary of Johor in September 1953 to a query from the colonial authority in Singapore about the status of Pedra Branca in which the former had stated that "Johor has no claim of ownership over Batu Putih".

What is, perhaps, even more telling is that after the separation of Singapore from Malaysia



Both parties in the dispute over Pedra Branca agreed to settle the matter in a peaceful way.

in 1965, for about 13 years, neither the state nor country sought to raise any question about the status of Pedra Branca with the island republic.

Given that separation itself had diminished the sovereign status of the Malaysia federation, one would have thought that the Malaysian government should have kept a close eye on other related issues of territorial jurisdiction.

In the meantime, Singapore acted as if it was the legal owner of Pedra Branca, undertaking activities that went beyond

mere management of the British-built lighthouse, without any objections from Johor or Malaysia.

To paraphrase the ICJ, Singapore's actions showed that it possessed sovereign rights over Pedra Branca.

There is no doubt that Malaysia should have been more vigilant about Pedra Branca. Eternal vigilance is the price of sovereignty.

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