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## **MALAYSIA DROPS CHALLENGE TO ICJ RULING ON PEDRA BRANCA**

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Channel News Asia (30 May 2018)

SINGAPORE: Malaysia has discontinued proceedings at the International Court of Justice (ICJ) relating to the court's 2008 judgment, which awarded sovereignty of Pedra Branca to Singapore.

In a press statement on Wednesday (May 30), Singapore's Ministry of Foreign Affairs (MFA) said it had been informed by the ICJ of Malaysia's decision to drop two cases to revise and to interpret the judgment.

The statement came shortly after new Malaysian Prime Minister Mahathir Mohamad told a media conference that his government would reconsider the previous administration's challenge to the Pedra Branca ruling.

Dr Mahathir added that his government is thinking of expanding Middle Rocks, which was awarded to Malaysia in the 2008 ICJ decision.

"On Middle Rocks we have already built structures," he said. "It is our intention to enlarge middle rocks so that we can form a small island for us."

Malaysia had informed the ICJ on Monday that it would discontinue the proceedings, said MFA, adding that Singapore then told the ICJ on Tuesday that it agreed with Malaysia's request.

"Prior to that, the Malaysian Solicitor General had written to inform Singapore's Attorney-General of Malaysia's intention to discontinue the proceedings, and Singapore's Attorney-General had replied conveying Singapore's agreement," MFA added.

In response to Malaysia's decision to discontinue its challenges, Singapore's Minister for Foreign Affairs Dr Vivian Balakrishnan said "we are happy to agree".

"We were confident of our case, and the correctness of the original ICJ decision," said Dr Balakrishnan.

"When Malaysia requested to discontinue the cases, without them being argued, we were happy to agree. Both Malaysia and Singapore had gone through the due legal process and put this matter to rest.

"I would like to thank our legal team, led by Professor S Jayakumar, for their meticulous and comprehensive preparations. The team had put forward clear and compelling arguments against the submissions advanced by Malaysia.

The legal team that Singapore had assembled also included Attorney-General Lucien Wong, Professor Tommy Koh and former Chief Justice Chan Sek Keong.

[Pedra Branca illustration]

A rocky outpost located 44km off Singapores east coast, the dispute over the ownership of Pedra Branca, referred to by Malaysia as Batu Puteh, dates back to 1979 when Malaysia published a map indicating that the island was within the countrys territorial waters.

The matter was brought to the ICJ in 2003, and on May 23, 2008, it ruled that Singapore had sovereignty over Pedra Branca, while Middle Rocks was awarded to Malaysia and South Ledge belonged to the state in whose territorial waters it is located.

Malaysia filed two applications after the ruling - one on Feb 2, 2017, to revise the ICJ's 2008 judgment. Its case was hinged on three documents discovered in the National Archives of the United Kingdom that demonstrated officials at the highest levels did not consider Singapore had sovereignty over Pedra Branca during the 1950s to 1960s.

The second application on Jun 30, 2017, sought an interpretation of the same ICJ judgment. It requested that the ICJ declare the waters surrounding Pedra Branca to be Malaysias and in turn, the sovereignty of South Ledge belongs to Malaysia – a move that Singapores Ministry of Foreign Affairs described as puzzling, unnecessary and without merit.

Public hearings for the two cases had been scheduled for next month at the Peace Palace in The Hague, Netherlands.

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Kaynak/Source: