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May 24, 2008

Navigating the rocks ahead may be tricky

But experts confident any unresolved issues will be ironed out

By Li Xueying

SOVEREIGNTY over Pedra Branca and Middle Rocks may be settled but rocks lie ahead as Singapore and Malaysia negotiate issues thrown up by the judgment of the International Court of Justice (ICJ).

Experts pointed some out yesterday: How will maritime activities in the area - whether fishing or patrolling by navies - be sorted out? And how about the airspace over the area?

Mr K. Kesavapany, director of the Institute of Southeast Asian Studies, noted: 'This is going to mean sensitive management of the issues. For instance, both our navies will go through the waters, so you need clear understanding of the circumstances under which this can be done, and taking into account the respective sovereignties.'

But the former Singapore high commissioner to Malaysia, as well as others who were contacted, expressed confidence that any outstanding questions will be resolved smoothly, given the 'goodwill' that exists on both sides.

Ministers in the two countries have continually emphasised that bilateral ties will not be affected, whatever the ICJ's decision.

Of crucial importance now will be the joint technical committee that was set up recently to enforce the judgment.

Co-chaired by Singapore's Permanent Secretary for Foreign Affairs Peter Ho and Malaysia's Foreign Ministry secretary-general Rastam Mohd Isa, and comprising senior officials, it met for the first time last Friday.

Analysts say it will have its work cut out for it.

One question is that of maritime traffic.

'Obviously, the parties will have to learn how to cooperate and work within the area,' said lawyer and Member of Parliament Indranee Rajah, who chairs the Government Parliamentary Committee for Foreign Affairs.

Associate Professor Simon Chesterman, director of the New York University School of Law Singapore Programme, agreed there was some degree of uncertainty now over issues such as maritime traffic.

But he believed both sides 'have a real interest in resolving (this) swiftly through negotiation'.

Another question is that of the South Ledge, the low-lying rock formation.

Mr Kesavapany said it was 'a little strange' that the ICJ left the question of its sovereignty open. 'The lawyers will have to sit down and define what that particular judgment means,' he said.

Ultimately, in any negotiations ahead, Singapore must not be seen to crow over its neighbour, said Ms Rajah.

'One should not see this in terms of I won, you lost. The approach should be one of gladness that the issue is resolved and a source of friction removed,' she said.

That the court eventually awarded Pedra Branca to Singapore came as little surprise to most of those interviewed.

Said law professor Eleanor Wong, who sat in on the three-week hearing in The Netherlands last November: 'I wasn't too surprised that the court recognised our claim on the basis of our long use, regardless of the original position. Especially since Malaysia sat back and allowed the use, without protest, all this time.'

Also not surprised was advertising agency owner Winston Chin, 61, who has been following the case closely through media reports.

'Our presentation was very professional and focused. Malaysia was flip-flopping - making claims they couldn't fully substantiate,' he said.

On a different level, the saga has featured another winner: the international law fora.

Mr Barry Desker, dean of the S. Rajaratnam School of International Studies, said the fact that both Singapore and Malaysia agreed to turn to the ICJ points to 'a growing maturity of the region in its willingness to turn to international norms'.

Added law professor Thio Li-ann: 'The case is a victory for the international rule of law. The politics of nationalism - in the bad jingoistic sense - is being subjugated to the reason of law.'

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