



Malaysia and Singapore compromise over long disputed waters

The governments of Malaysia and Singapore put one source of long-running contention behind them, when they reached compromise over a land reclamation project.

This ended an 18-month dispute, which had been taken to the International Tribunal for the Law of the Sea in Hamburg for settlement.

Malaysia filed the suit in the United Nations court in July 2003, citing concern over navigational safety and environmental degradation arising from Singapore's reclamation project in the Tebrau Straits - a narrow but busy international waterway between the two countries.

The Malaysian government highlighted likely risks to ships headed for ports in the state of Johor as well as to marine and estuarine fisheries along the southern coast.

In addition, it expressed anxiety about the proximity of the reclaimed site to its border. It said the distance would be reduced - from 1.8 km now to 0.75 km on completion of work - between Tekong Island, used by Singapore for military training, and Malaysia's naval training base at Tanjung Pengelih in Johor.

DISPUTE OVER CONSULTATION

Malaysia claimed it had not been consulted over the project, but Singapore countered that its action was within international law and that additional land was required for its growing industrial and population needs.

"The reclamation works that we do are a result of our own need for land. So I do not see why we have to con-

sult Malaysia," Singapore's Minister for National Development **Mah Bow Tan** reportedly told Parliament on 5 April 2004. "They do not encroach on Malaysian territory. We have carried out these works within our territorial waters."

On 7 October 2003, the court handed down its deci-



Dato' Seri Rt Hon. Abdullah Ahmad Badawi.

sion, which both parties immediately interpreted as a victory for their respective positions.

This allowed Singapore to continue with the reclamation work, but advised both parties to get independent experts to complete a study within a year to "propose, as appropriate, measures to deal with any adverse affects of such land reclamation".

The court also instructed Singapore to ensure that, in the interim, the work would not have irreparable effects on the rights of Malaysia or serious harm to the marine environment" in the affected waters.

COMMON INTEREST

In November 2003, at a meeting in Malaysia, the

governments agreed to engage a panel of experts and a consultant to assist them. Liaison officers were also appointed to facilitate communication all around.

EXPERT RECOMMENDATIONS

The expert group submitted its recommendations on 22 December 2004. These were



Brig-Gen Rt Hon. Lee Hsien Loong.

accepted at the most recent meeting from 7 to 9 January, when the text of a draft settlement agreement was completed for formal approval by the two governments.

On 10 January, their representatives briefed the Tribunal in The Hague on the development.

Three days later, the governments announced in a joint press statement that Singapore would proceed with the project, but that it would co-operate with Malaysia to limit any adverse impact on shipping and fisheries in the area.

"The positive outcome of the meeting between Malaysia and Singapore delegations reflects the goodwill and co-operation which exist between them and their

respective governments, they said.

It says the decision "augurs well for the further strengthening of good relations between these two friendly and close neighbours".

As the Tebrau Straits "constitute a shared water body", both parties recognize "a common interest in co-operating to ensure the safety of navigation" as well as "co-operating to protect the environment".

In this regard, they agreed to use the expert recommendations "as the basis of a mutually acceptable and beneficial solution". Among these are regular exchanges of maritime and environmental data derived through monitoring by agencies from the two countries.

IMPROVING BILATERAL RELATIONS

The compromise is seen as a sign that the countries' current leaders - Prime Minister **Dato' Seri Rt Hon. Abdullah Ahmad Badawi** of Malaysia and Prime Minister **Brig-Gen Rt Hon. Lee Hsien Loong** of Singapore - will find a way out of the thicket of unresolved issues that have plagued bilateral relations in recent years.

These include a revised price formula for long-term raw water supply to Singapore; the future of Malaysian-owned railway land in Singapore; and the site of a new bridge to link the two countries.

Singapore was a part of colonial Malaya and from 1963 of the independent Federation of Malaysia, which it left in 1965.