

INTERNATIONAL COURT OF JUSTICE

**APPLICATION FOR REVISION
OF THE JUDGMENT OF 23 MAY 2008
IN THE CASE CONCERNING
*SOVEREIGNTY OVER PEDRA BRANCA/PULAU BATU PUTEH,
MIDDLE ROCKS AND SOUTH LEDGE
(MALAYSIA/ SINGAPORE)*

(MALAYSIA v. SINGAPORE)**

Annex 1 Colony of Singapore Confidential Telegram No 52 from Governor of Singapore to Secretary of State for the Colonies dated 7 February 1958 regarding Territorial Waters.

30

G.M. 19

FOI 14174808

COLONY OF SINGAPORE

CONFIDENTIAL TELEGRAM No. Maritime Circular No. 1.

W 0990-1/56

FROM SECRETARY OF STATE FOR THE COLONIES.

TO GOVERNOR SINGAPORE. Maritime Circular No. 1.

REPTD. TO

Dated 18. 1. 58

CYPHER/OTF

Recvd. 18. 1. 58

PRIORITY

Despd.

TERRITORIAL WATERS.

Work of International Law Commission on Law of the Seas has been carried to the point where an International Conference on Law of the Seas is to be held in Geneva at the end of next month. I have consulted you on a number of aspects of this as the work of the Commission has progressed. It is clear one of the principal questions which an attempt will be made to settle is that of breadth of territorial sea. H.M. Government still regard maintenance of 3 mile limit as highly desirable but it is becoming increasingly apparent that it will be very difficult indeed to maintain it and that either some concession may have to be made to views of States who desire a "contiguous zone" (see Minute arising from my confidential Circular Despatch of 1st July 1954) or that H.M. Government may have to be prepared to acquiesce in, or even to advocate, an extension of territorial seas to controversial 6 miles in order to avoid a decision in favour of a wider limit. The effects of such extension to 6 miles (or alternatively 12 miles which will be favoured by many States) are being examined here urgently with a view to a decision shortly as to what should be our attitude on this question. I am aware from correspondence referred to above and that arising from my Circular Despatch of March 1st, 1952 that some territories would welcome an extension (e.g. for fisheries reasons) others would be indifferent as to it, and that in some cases it might give rise to difficulty. Your comments on my Circular Despatch of 1st July, 1954 will substantially cover 12 mile limit but I should be glad to know by telegraph as soon as possible what would be your attitude to a (grp. missing ? 6) mile limit, whether it gives rise to any special difficulties, whether you have any other comments.

/2.

Distribution:— H. E.
 Action: D.C.S. (3)
 Info: Attorney-General (2)
 P.S. Commerce & Industry (2)
 File.

KIV 28/1/58
 ✓ 10 24)

CONFIDENTIAL

CONFIDENTIAL

- 2 -

Maritime Circular No. 1.

2. I am advised neither a 6 mile nor a 12 mile limit would affect Singapore immediately provided present median line is still recognised but that with a 12 mile limit the navigable channel in Malacca Strait would be restricted to a width of one mile between Murrab Island and Port Swettenham; also that a 6 mile limit would restrict high seas passage of Indonesian chain via Torres Strait (provided Indonesia's present policy does not remain as a factor to be considered).

.....

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G.H. 19

COLONY OF SINGAPORE

CONFIDENTIAL TELEGRAM No. 52.

FROM GOVERNOR SINGAPORE. W 0990-1/56

TO SECRETARY OF STATE FOR THE COLONIES. 52

REPTD. TO COMMISSIONER GENERAL FOR S.E. ASIA. 10
 U.K. HIGH COMMISSIONER KUALA LUMPUR. SF7

CYPHER Dated 7. 2. 58

Recvd. PRIORITY

Despd. 7. 2. 58

Your Priority Telegram - Maritime Circular No.1

TERRITORIAL WATERS.

Extension of territorial waters to 6 miles would not be in Singapore's interest for the following reasons:-

- (a) The approaches to Singapore are through channels between the Indonesian Islands on the south and the mainland of the Federation of Malaya on the north. These channels are only 8½ miles wide at their narrowest parts on both the western and the eastern side. The effect of extending territorial waters to 6 miles would therefore be to close the high seas channels of approach to Singapore.
- (b) Provided that the right of innocent passage is assured, the movement of commercial shipping and aircraft should not normally be impeded by the imposition of 6 mile limits, but the movement of troopships might be embarrassed and it might be impossible to reinforce Singapore by air without the permission of the Malayan or Indonesian Governments.
- (c) Any extension of territorial waters would result in Indonesia being able to maintain patrol activity closer to shipping plying to and from Singapore, which is where the main danger of interference lies. It would be dangerous to minimise this risk, especially in view of the recent truculence by Indonesian patrol boats, and the likelihood that the Central Government of Indonesia may become more hostile when it finds it cannot otherwise control the barter trade between Singapore and its outlying provinces.
- (d) I am advised that it is unlikely that the seaward defence of Singapore could be assured without violating territorial waters of Indonesia.

Seen by H. [initials]

45
 H. 602
 (37)
 Annally
 P. 17 1/2 P. 1
 Distribution:-
 P.S. Secy. There are two more fcls. for enclosure
 D. Adria. 1/8/58

Copies to:-

- H.E.
- Action : D.C.S. (3)
- Info : Attorney General (2)
- P.S. Commerce & Industry (2)
- Commissioner General
- C.-in-C. F.E.S. (3)
- F.E.A.F. (2)
- P.O.M.A. (2)

CONFIDENTIAL

CONFIDENTIAL

NO. 52

- (e) Manoeuvres by the Navy and the R.A.F. would be restricted.
- (f) Many fishing grounds at present used by Singapore fishermen would fall within territorial waters of Indonesia or Malaya.
- (g) The extension of the Colony's territorial waters would impose the added responsibility of policing them.

2. It is therefore important to Singapore that the present 3 mile limits of territorial waters should be retained. However, if it is necessary in the last resort to agree to a general application of six mile limits, not only must the right of innocent passage through the international straits so created be reaffirmed, but special provision should be made for an international high seas corridor one mile wide through the straits between Singapore and Malayan territory on the north and Indonesian territory on the south. This corridor should follow the normal shipping channel from west to east which is approximately as follows. From a point 5 miles north of the Brothers Light to a point 3 miles south of Sultan Shoal Light to a point 2 miles south of Raffles Light to a point midway between the southernmost point of St. John's Islands and Batu Berhanti Light to a point 1 mile north of Horsburgh Light.

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belvss: 19007

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Annex 2 Memorandum reporting Labuan Haji incident, 25 February 1958 and accompanying file note.



Minute Paper No. _____

Sheet No. _____

Y.E.

Cuttings from the Straits Times & the Singapore Standard about the incident of the Kabuan Haji are attached. (1) (2)

- 2) With reference to "x" of Mr. Wickens' message, Mr. Wickens has since told me that, although he does not have
- X) details of the instructions issued on the subject to R.N. ships, the ~~R.N.~~ R.N. C. do not intervene in Johore territorial waters unless specifically requested to do so by the Fed^l Govt. This may be reasonable in Singapore but it seems odd for the Federation, where the number of miles of coast line per Govt. launch must obviously be so great.

- 3) I wd. suggest that at this stage we do not need to keep the S.S.S. informed of the incident. Does Y.E. agree?

[Signature]

26.ii.58.

G.S.

We have the R.N. orders X1- above.

- 2 I agree no need to telegraph but we should report to S. G. perhaps in Morse S.I.C.
- 3. We have had more of these incidents. C.S. no doubt has a file but we may also need a Private file

[Signature]

26/2/58

type written transcript of (44)

Y.E.

Cuttings from the Straits Times & the S'pore Standard about the incident of the Labuan Haji are attached. (A)&(B)

2) With reference to "X" of Mr. Wickens' message, Mr. Wickens has since told me that, although he does not have details of the instructions issued on the subject to R.N. ships, the R.N. cd not intervene in Johore territorial waters unless specifically requested to do so by the Fed. Govt. This may be reasonable in Singapore but it seems odd for the Federation, where the number of miles of coast line per Govt. launch must obviously be so great.

3) I wd. suggest that at this stage we do not need to keep the S. of S. informed of the incident.

Does Y.E. agree?

Sgd (illegible)

26.ii.58.

G.S.

We have the R.N. orders. X/- above.

2. I agree no need to telegraph but we should report to S. of S. perhaps in next S.I.C.

3 We shall have more of this incidents. G.S. no doubt has a file, but he may also need a Private office file.

Sgd (illegible)

26/2/58

Archives

CUTTING FROM THE "STRAITS TIMES"

114

GUNBOAT HARASSES SHIP OFF JOHORE

AN Indonesian gunboat harassed a K.P.M. ship in Johore territorial waters yesterday but vanished after the Dutch master signalled to Singapore for help.

The appeal was answered by a Sunderland flying boat and a Malayan naval launch.

By the time the flying boat reached the scene, the gunboat had turned away.

The ship, 250-ton Labuan Hadji which left Singapore in the morning, is continuing its voyage to South Siam.

A message from the ship at noon said an Indonesian gunboat was harassing it off Horsburgh lighthouse, 35 miles north east of Singapore. It asked for help.

A later message said that the gunboat had vanished.

The Dutch Navy disclosed yesterday that a crew of armed Indonesians aboard a Dutch registered vessel opened fire on a Dutch destroyer which stopped it in the Straits of Macassar last Thursday.

100%

b)

CUTTING FROM "SINGAPORE STANDARD"

FCO 141/14808

Navy Answers SOS

GUNBOAT SHADOWS K.P.M. SHIP

A K.P.M. cargo ship, the Labuan Haji, which left Singapore yesterday morning for Thailand, sent frantic radio telephone calls for assistance to the Master Attendant

The ship said that she was being closely followed by an Indonesian gunboat.

On receipt of the message a Royal Malayan Navy motor launch was alerted and in addition, a Sunderland aircraft from the Royal Air Force Station in Seletar was dispatched for investigation

When the Sunderland arrived in the area, north of Horsburgh Lighthouse, the Indonesian gunboat was seen moving off towards Indonesia, while the Labuan Haji steamed north-west within the Federation territorial waters.

No further incident was reported.

Meanwhile, an Antara news agency report received here stated that a ship sailing under a British master slipped out of Pontianak harbour shortly after midnight last Thursday, without notifying the port authorities.

The report added that it was believed that the ship was on its way to Singapore.

The vessel came from Bandjarmasin and was carrying a cargo of bartered rubber from South Borneo.

250051

283A

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FORNIGH INWARD

COMMISSIONER GENERAL IN SOUTH EAST ASIA
SINGAPORE

EN CLAIR

FROM DJAKARTA TO SINGAPORE

No. 1 Mast
February 25, 1958

Recd: 251900 G.

PRIORITY

Your Mast telegram No. 7.

The Ministry of Foreign Affairs have informed us verbally that ports of Padang, Kema, Bitung and Menado are "closed to all shipping".

2. The Ministry's attention was drawn to reports in the London "Times" of February 18 that according to the Indonesian Consulate General in Singapore ships visiting Djambi, Palembang, Peken Bara and Rengat were liable to be detained. The Ministry replied that this report was inaccurate and that all Indonesian Embassies and Consulates abroad had been informed of the names of the ports closed. He added that this Embassy would be sent official notification of this "in due course".

INDEXED BY

Shipping Advisor,
Mr. Scott.
Log.

Copy to Gov Spore

Received
10 MAR 1958
S. I. C.

SEARCHED	INDEXED
SERIALIZED	FILED
MAR 1 1958	
FBI - SINGAPORE	

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G.S.

Message from Mr. Wickens: (3.50 p.m.)

MKPM vessel Labuan Haji left Singapore this morning for Petani. At 12.56 p.m. message received that she was being followed by Indonesian gunboat near Horsburgh Light and she turned back to Singapore. The RMN patrol launch left Telok Ayer to go to the rescue. Further frantic messages received that the Indonesian gunboat was trying to block the Labuan Haji. Royal Navy were not in a position to act as ship still inside Johore territorial waters. Finally, 2.15 p.m. RAF Sunderland went up and at 2.50 p.m. Labuan Haji signalled that gunboat had sheered off and she (Labuan Haji) was turning north again and proceeding inside Federation territorial waters.

ER,
25th February, 1958.

*They said
M.C.P.*

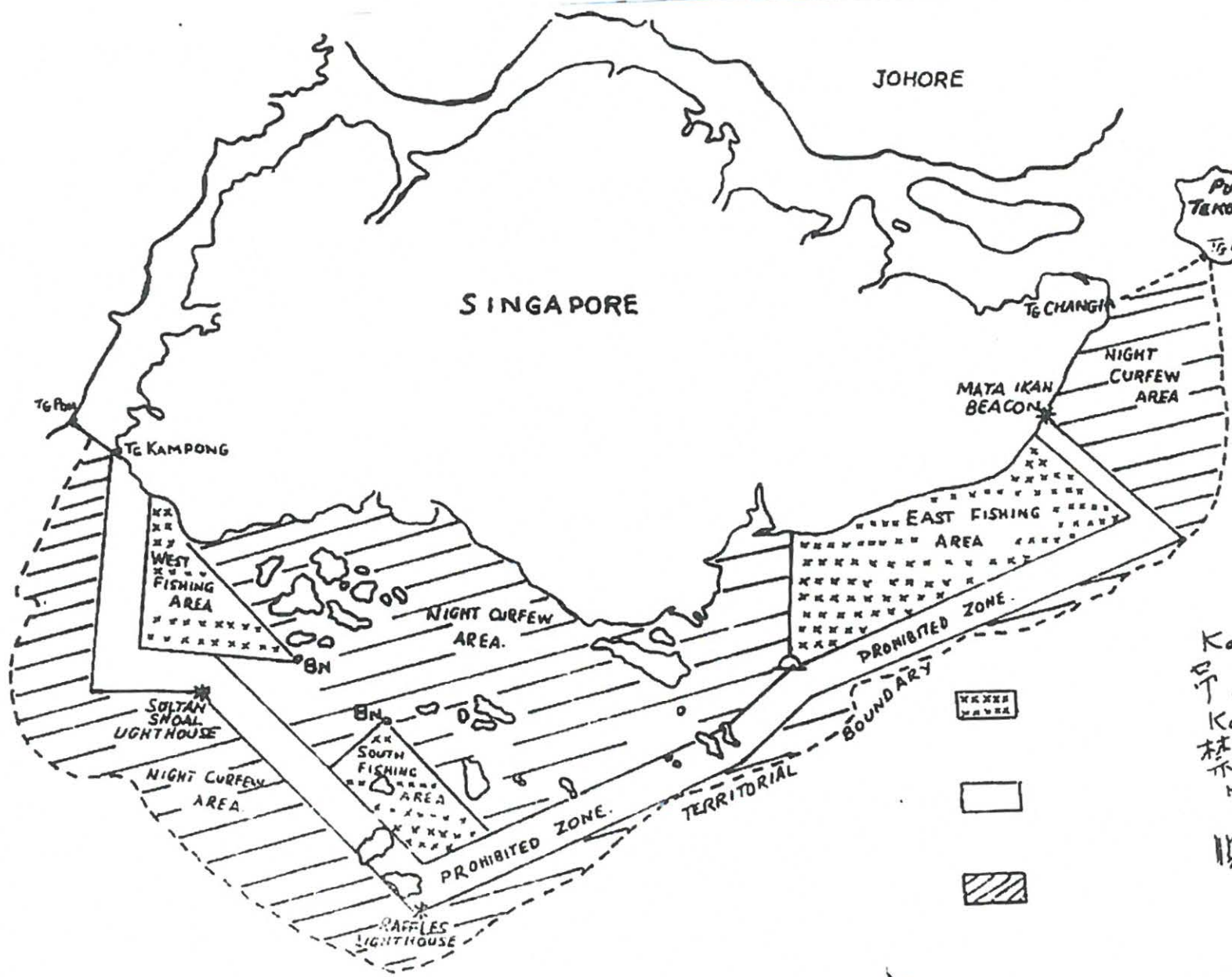
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Annex 3 Map of Restricted and Prohibited Areas – Singapore Territorial Waters, dated 25 March 1962

CONFIDENTIAL



JOHORE

SINGAPORE

PULAU
TEKONG BESAR
Tg BATU KOYOK

Tg CHANGI
MATA IKAN
BEACON

NIGHT
CURFEW
AREA

Tg KAMPONG

WEST
FISHING
AREA

NIGHT CURFEW
AREA

EAST FISHING
AREA

PROHIBITED ZONE

SULTAN
SHOAL
LIGHTHOUSE

NIGHT CURFEW
AREA

SOUTH
FISHING
AREA

PROHIBITED ZONE

TERRITORIAL
BOUNDARY

RAFFLES
LIGHTHOUSE

XXXX
XXXX

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NOTE - The night curfew arrangements described above are reviewed each month by Singapore Fisheries and re-imposed as necessary. Changes to that list do not come into effect until the following change in date.

CONFIDENTIAL

Kawasan Penangkap Ikan
 捕鱼区
 Kawasan Larangan
 禁止区
 Kawasan berkurung
 di-waktu Malam
 晚上禁止区