

## **Annex 1**

Extracts from Orders for Ships Patrolling In Defence of Western Malaysian Seaboard, 2nd ed., promulgated by the Naval Officer-in-Charge, West Malaysia, and the Commander, Far East Fleet of the Royal Navy on 25 March 1965 (MALPOS II)

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MALPOS II

ANNEX B

PATROL AREAS AND NAVIGATION.

## STANDARD COMBINED AREAS FOR PATROLS WESTERN MALAYSIA.

1. To provide a simple means of reference to the sea areas off the coast of Malaya and Singapore (West Malaysia) to facilitate the rapid and flexible deployment of Naval and Air Forces on such patrol tasks as may from time to time be required, the waters adjacent to the coast of West Malaysia are divided into numbered areas, as shown in para 3(d) below.

(a) Numerical designation of Areas.

The basic designation of each area is by the numbers shown in sub para delta. These numbers are only to be used as the basis for reference to the alphabetical code letters promulgated periodically.

(b) Alphabetical designations of Areas.

To increase security each numbered area is allocated one or two letters for operational use. Areas off West Malaysia are allocated single letters (e.g. A,B,C.). Unlike the basic numbers, the actual distribution of letters will be random and will be changed at three monthly intervals or as required if compromised.

Letters and letter changes will be worked out by the NOICWM and promulgated by him to:-

MINDEF KL  
ALL RMN Ships  
DOBOPS  
COMNAVBOR  
COMLANDBOR  
COMAIRBOR  
COMFEEF.

COMFEEF will in turn be responsible for promulgating this information to:-

CINCFE  
HQ FARELF  
HQ FEAF  
All ships of Far East Fleet.

The complete alphabetical designation is classified CONFIDENTIAL. References to an individual area by its alphabetical designation are classified RESTRICTED. However, where extreme urgency is required it is permissible to send short unclassified signals e.g. "Proceed forthwith to Romeo".

(c) REFERENCE POSITIONS.

(1) To facilitate plotting of positions by ships and LRMP aircraft the following reference positions are established.

<u>PATROL AREA.</u>	<u>POSITION</u>	<u>DESIGNATION</u>
4	White Rock Light	TL
5	03°30' North 100° 30' East	EW

/6 One.....

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(REF ID: A671)

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~~25th March, 1965.~~

THE PARALLELOGRAM.

4. A special area is allocated eastwards of Horsburgh Light as follows:

- S.W. corner - Horsburgh Light.
- South Edge - 070 degrees, 30 miles from Horsburgh Light.
- West Edge - 000 degrees, 20 miles from Horsburgh Light.

This area, if patrolled by a single ship at random at 15 knots, is computed to give a 30 percent chance of detection of a 15 knot infiltrator bound for East Coast of Malaya and routed east of Horsburgh.

SINGAPORE STRAIT - POLICE GRID.

5. (a) The Singapore Police use a grid system for reporting contacts in this area. This grid is required by R.N. Ships patrolling in the Singapore Strait and by all R.M.N. Ships. All ships should obtain copies from COMFEEF or MALAYA before going on patrol. The grid is modified GEOREF, with the mile square subdivided into four, lettered A,B,C,D.

A	B
C	D

(b) Example. St. John Island is 5113c.

(c) Coverage. This grid system is used in the Singapore Straits between KUKUP and HORSBURGH LIGHT

SINGAPORE PORT RESTRICTED AREAS.

6. In the waters South of Singapore Island. Restricted areas, night curfew areas and night fishing areas are in force. Details are given in Appendix One to this Annex.

CHINA ROCK RANGE ACTIVITY

7.a. China Rock Range (Area MS 3) is active as follows:-

MONDAYS	1000 to 1600
TUESDAYS to THURSDAYS	0845 to 1600
FRIDAYS	0845 to 1500

b. On TUESDAYS and THURSDAYS each week the China Rock Range is open for night firing practices from 1830 to 2200 and flares, etc., are likely to be sighted in this area at these times. Advance notice of such practices will normally be given in COMFEEF daily sitrep.

Ships are not to enter the area without COMFEEF approval

(c) Since the Clear Range Principle governs the use of the Range ships may enter the area during active hours when operationally necessary, and all practice activity will automatically cease. The Range Safety Net is on 117.9 or 276.4 Mcs.

d. A detailed chartlet of the area is in appendix III to this Annex

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c. Ships are not to enter the area without COMFEEF approval when the range is active.

(b) R.M.N. Craft. - K.D. MALAYA issues R.M.N. Craft with similar information.

d. A detailed chartlet of the range is shown at /9. ....  
appendix IV to this Annex

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APPENDIX ONE TO ANNEX B

Port of Singapore - Restricted Area for  
vessels under 100 net tons

Date: With effect from 1900 hours on 29th January, 1965.

Details:

- (1) With the exception of vessels detailed at para. 2, no vessel of under 100 net tons shall enter the area bounded by lines joining the following positions:-

Outer Limit.

- (i) Beacon 28 (Tg. Merawang ~~1°19'43"N 103°37'40"E~~ STET!  
1°14'23"N, 103°36'24"E
- (ii) Sultan Shoal Lighthouse (1°14'23"N 103°38'54"E)
- (iii) Raffles Lighthouse (1°09'36"N 103°44'26"E)  
along Port Limit to 1°14'49"N 103°54'19"E
- (iv) thence in a 068° direction to
- (v) 1°17'39"N 104°01'07"E
- (vi) thence in a direction 310° to Si Mata Ikan Light,  
(1°20'00"N 103°58'15"E)

Inner limit.

- (i) 1°19'05"N 103°38'35"E
- (ii) 1°15'28"N 103°37'46"E
- (iii) 1°15'12"N 103°39'32"E
- (iv) 1°10'48"N 103°44'40"E
- (v) Pt. Saki Jang Pelepah Air Flash Red Lt. Beacon  
(1°13'23"N 103°51'14"E)
- (vi) Outer Shoal Buoy (1°15'40"N 103°53'45"E)
- (vii) 1°18'04"N 103°59'45"E  
thence in a direction 310° to Tg. Bedok,  
(1°19'34"N 103°58'00"E)

- (2) This restriction shall not apply to:

- (a) vessels under 100 net tons arriving from a port outside Malaysia (other than vessels having on board Indonesian personnel or cargo originating from Indonesia) provided such vessels enter off Peak Island and proceed direct to the Immigration Anchorage;

/ (b) .....

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- (b) vessels under 100 net tons proceeding to a port outside Malaysia and having on board a Port Clearance from Singapore;
  - (c) vessels under 100 net tons proceeding to or returning from any port in Malaysia and having on board a Port Clearance from the Port of departure;
  - (d) vessels under 100 net tons owned by the Government or a Statutory Board; and
  - (e) vessels under 100 net tons having on board a pass issued by the Officer Commanding, Port Authority Police.
- (3) Mariners are reminded that Malaysian territorial waters surrounding the States of Malaya and the State of Singapore are a SECURITY AND CONTROL AREA and that all vessels must stop when ordered to do so by a security patrol.

Charts affected: 3833, 2403, 1995, 3836 and 3837.

Restricted and Prohibited Areas - Singapore  
Territorial Waters.

The Shipping and Fishing Community is advised that new night curfew arrangements for boats under oars, sails and outboard motors will come into force at 1900 hours (7 p.m.) Friday 29.1.65. Three areas where night fishing will be permitted have been designated. Boats must enter the areas before 1900 hours (7 p.m.) and remain in the area until 0530 hours (5.30 a.m.). Night movement of boats under oars, sails and outboard motors in all other parts of the territorial waters of Singapore between Tg. Changi and Tg. Kampong continues to be prohibited.

The prohibited day and night area for all vessels under 100 tons will with effect from 1900 hours (7 p.m.) 29.1.65 be extended to the East to a point off Tg. Mata Ikan and to the West off Sultan Shoal Lighthouse. Any vessel under 100 tons wanting to pass through the area by day or night must be in possession of a permit issued by the O.C. Port Authority or in possession of a Port Clearance. Passes are normally only issued for day-light passage through the prohibited area.

A plan showing:-

- (a) the night fishing areas and
- (b) the night curfew area for boats under oars, sails and outboard motors, and
- (c) the prohibited zones for all vessels under 100 tons during day and night,

is attached herewith.

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across

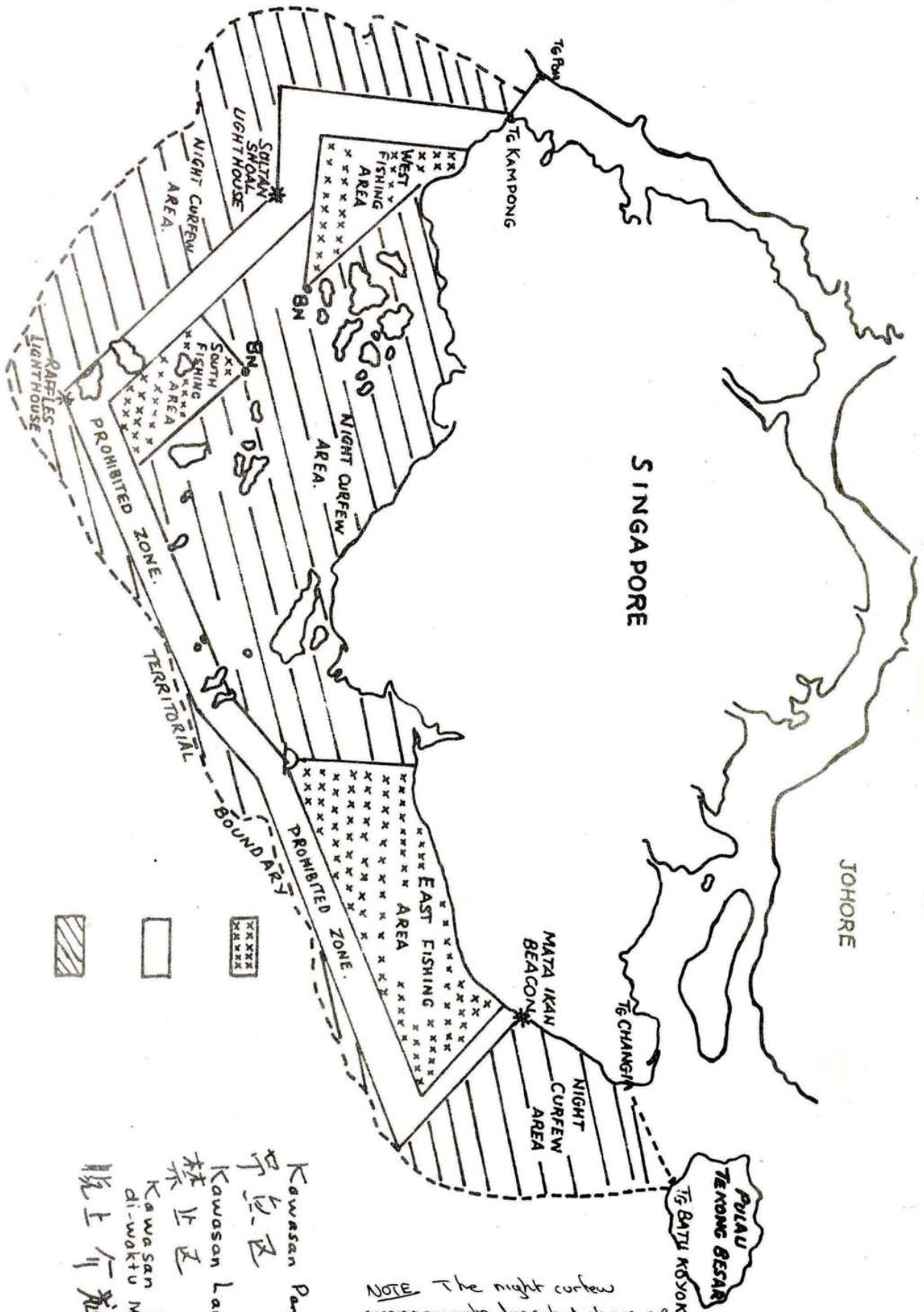
				55
	No 126			60
	FISHING	AREAS	IN	65
		ABEYANCE.		70
				75
	PENGERANG	↳ PUNGGAI	600 - 0600 G/M.	80
				85
	PUNGGAI	↳ BULOH	24 hrs	90
				95
				100
				105
				110
				115
				120
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				150



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APPENDIX ONE TO ANNEX B.

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Kawasan Panangkap Ikan  
 Kawasan Larangan  
 Kawasan berkurung  
 di-waktu Malam  
 捕鱼区  
 禁止区  
 晚上个 渔区

NOTE The night curfew arrangements described above are reviewed each month by Singapore Authorities and re-imposed as necessary. Currently (FEB 66) there is no change to that laid down above other than that the fishing areas are in abeyance

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## **Annex 2**

Correspondence concerning the date of release of DEFE 69/539 and DEFE 24/98 with The UK National Archives dated 4-25 April 2017

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4 April 2017

Mr Jeff James  
Chief Executive and Keeper  
The National Archives  
Kew, Richmond, Surrey,  
TW9 4DU

Dear Mr James,

### INFORMATION ON PUBLICLY RELEASED DOCUMENTS

1. The National Archives of Singapore (**NAS**) has had an active programme of obtaining copies of publicly released documents relating to Singapore as they are released through The National Archives (**TNA**).
2. In the most recent releases of the "Migrated Archives", our researchers in Singapore have found it useful to know when the files concerned were released for public access to have an idea of the state of knowledge available at each point in time. Such information was not always available with regard to past releases.
3. I refer to the 2 files set out below:

**DEFE 69/539: Naval Operations in the Malacca & Singapore Straits 1964-66**  
**DEFE 24/98: Report on Naval Operations in East and West Malaysia 1964-66**

Copies of both were obtained by NAS from TNA back in 2010. NAS has however been unable to discover any information on when these 2 files were first released for public access at the TNA. We have made checks for the information available in the relevant guides and catalogues at TNA including PRO 57.

4. I would like to confirm if there are any other means to obtain information on when these 2 files were first released for public access.
5. I look forward to hearing from you. Thank you.

Yours faithfully,



ERIC CHIN  
DIRECTOR  
NATIONAL ARCHIVES OF SINGAPORE

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Email: eric\_chin@nlb.gov.sg

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Mr Eric Chin  
Director  
National Archives of Singapore  
1 Canning Rise  
Singapore 179868

25<sup>th</sup> April 2017

Dear Mr Chin

Our Chief Executive, Jeff James, has asked me to respond to your letter of 4<sup>th</sup> April, and apologise for the delay in providing a response to your query regarding two specific files within the 'Migrated Archives' group. The release date of records has only recently been included on our catalogue, so we carried out an investigation to confirm the release dates of the files and I am now able to provide the following information:

DEFE 69/539: Naval Operations in the Malacca & Singapore Straits 1964-66  
The file was transferred to The National Archives on 20<sup>th</sup> September 2002. It was made available for research on 21<sup>st</sup> April 2005.

DEFE 24/98: Report on Naval Operations in East and West Malaysia 1964-66  
The file was transferred on 1<sup>st</sup> March 1993 and accessioned to our repositories (as a closed file) on 1<sup>st</sup> July 1993. The file was made available for research in January 1998. There is a note (dated 26<sup>th</sup> October 1993) that part of the file was retained. The physical file has been checked and there is one retained item (redacted) which is held by the Ministry of Defence.

I hope this is sufficient to answer your query, but please do let me know if you require any additional clarification.

Yours faithfully



Trish Humphries  
Chief Executive's Office



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### **Annex 3**

Printout of the 29 March 2015 post entitled “New Facts for Revision Application” by Professor Shaharil Talib, available at:  
<http://indefenceofresearch.blogspot.com/2015/03/new-facts-for-revision-application.html>  
(last accessed: 24 April 2017)

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# In Defence Of Research

This blog site is dedicated to the promotion of rigorous research in the social sciences. Its specific focus is the recent case heard at the International Court of Justice between Malaysia and Singapore over the sovereignty of Pulau Batu Puteh/Pedra Branca.

[The ICJ Record of Judgment on Pulau Batu Puteh](#) (Click to see the documents)

Sunday, March 29, 2015

## New Facts for Revision Application

2015

Let me thank all the readers of this blogspot for reading the on-going research work and giving us the encouragement to pursue the search for new evidence that could reveal the truth as to whether the Republic of Singapore or the State and Territory of Johore that possess sovereignty over Pedra Branca/Pulau Batu Puteh and its Territorial Waters in the Straits of Singapore. Some years have gone since the 2008 International Court of Justice's Judgment awarded Pedra Branca/Pulau Batu Puteh to the Republic of Singapore. Research has continued and we are now in a position to place on record the recent findings. Do continue to give us your feedback as your views are the source of our strength and inspiration. Thank you.

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"Contrariwise," continued Tweedledee, "if it was so, it might be; and if it were so, it would be; but as it isn't, it ain't. That's logic"

**Alice's Adventures in Wonderland & Through the Looking-Glass**



**Dato' Dr. Shaharil Talib**

Dato' Dr. Shaharil Talib is one of the leading historians of his generation. He has a long career with the University of Malaya, culminating in his appointment as Professor and Head of the

Department of Southeast Asian Studies. In recognition of his international links he was appointed as the Executive Director of the University's Asia-Europe Institute where he oversaw the development of innovative international postgraduate courses. In 2005, Dato' Shaharil was appointed by the Attorney General of Malaysia to head the new Special Research Unit of his Chambers. He has taught and published in a broad range of subject areas including Terengganu and Kelantan's experience of colonialism, the royal families of Southeast Asia and the state of contemporary historiography.

CV: [My CV \(click for detail\)](#)

Email: [shahariltalib@gmail.com](mailto:shahariltalib@gmail.com)

The information and analysis contained in this blog site is written by me as an academic and does not reflect the position of any Government agency. All data presented in this blog site is within the public domain and does not compromise official policy.

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- New Facts for Revision Application
- July (2)
- September (1)

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### Application for Revision of the Judgment of 23 May 2008 - Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore)

#### Introduction

On 23<sup>rd</sup> May 2008 the International Court of Justice (ICJ) delivered its Judgement regarding the case between Malaysia and Singapore on the Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge. The ICJ awarded the sovereignty over Pedra Branca to Singapore by a Judgement of 12 votes in favour; 4 votes dissenting. On the sovereignty of South Ledge the ICJ favoured Malaysia by a decision of 15 votes in favour and One vote against. That of Middle Rocks were left to the two parties to decide within whose Territorial Waters (Pedra Branca or South Ledge) to which it belonged. The decision on Middle Rocks was 15 votes for and One against. The matter is still in negotiation between the two parties.

The Statutes of the ICJ are clear that the Judgments of the Court are final and without appeal. However, its Statute does recognize that within a ten year period after delivery of Judgment any one of the Party involved has a right to make an application for its revision. These provisions are provided in accordance with Article 61 of the International Court of Justice's Statute and Articles 99 and 100 of the Rules of Court. This means that Malaysia has until 23<sup>rd</sup> May 2018 to apply for a revision of the Court's Judgment and time is crucial. In its Statutes and Rules the Court is clear that it will not be persuaded by legal arguments no matter how lofty it is. It will be more inclined to be impressed by the discovery of some evidence that, at the time the Judgment was given, was unknown to the Court and to the Party claiming revision, provided the unknown fact would be decisive factor therein. It is research and documents based on research that will be the bed-rock for the application for revision.

In the search for evidence that was unknown to the Court at the time when Judgment was delivered we return to the Judgment itself. Judge Dugard in his Dissenting Opinion pointed out that in its Decision to Award sovereignty over Pedra Branca/Pulau Batu Puteh to Singapore the Court held that "[i]n the light of Johor's reply [1953], the authorities in Singapore had no reason to doubt that the United Kingdom had sovereignty over the island". (See Judgement, para 223 and para 230). Simply stated it meant that the Settlement of Singapore during the period when it was part of the Colony of the Straits Settlements (1867-1946); the Colony of Singapore (1946-1959); the State of Singapore (1959-1963) and the Republic of Singapore, (1965 - ) who were the authorities in Singapore in each of the unfolding periods knew that all along that the United Kingdom had sovereignty over Pedra Branca/Pulau Batu Puteh.

The new research evidence, hitherto not opened to the public, presented below will establish that the United Kingdom did know for certain that Pedra Branca/Pulau Batu Puteh was within Johore's sovereignty and therefore Malaysia. Not only did the United Kingdom know that Pedra Branca/Pulau Batu Puteh was part of the State and Territory of Johore in the Straits of Singapore, the newly revealed facts will also establish that the Governor of the Colony of the Straits Settlements

and later the Governor of the Colony of Singapore did not register any Singapore claim on sovereignty over Pedra Branca/Pulau Batu Puteh when it set out to demarcate the Territorial Waters of the Settlement of Singapore from that of the State and Territory of Johore in the Straits of Singapore. In addition, the new evidence will also establish that the Law Commission, an agency set up under the auspices of the United Nations, and the Secretary-General of the United Nations knew that in the Straits of Singapore there was only one Agreement between the Colony of the Straits Settlements and the State and Territory of Johore that demarcated the Territorial Waters of the Settlement of Singapore from that of the Territorial Waters of the State and Territory of Johore. Finally, the newly disclosed evidence will reveal that the Singapore authorities knew that Pedra Branca/Pulau Batu Puteh and its Territorial Waters are part of the State and Territory of Johore and expressed this fact in its records.

### The Evidence

In 2013 the National Archives, UK under its series Migrated Files released three files for the years 1907, 1927 and 1958 respectively that revealed the territorial limits of the Settlement of Singapore in the Straits of Singapore and that of the State and Territory of Johore that is contiguous to the Straits of Singapore.

Collectively the evidence from these files make a compelling case that Britain knew the Territorial Waters of the Settlement of Singapore and it did not include the Island Rock Pedra Branca/Pulau Batu Puteh some forty miles eastwards from the Main Island of Singapore in the Straits of Singapore. These new evidence were unknown to the ICJ as the Malaysian pleadings did not have access to these files which were either newly released or hidden within unrelated files held by the National Archives, UK.

Without the above mentioned details the ICJ in its 2008 Judgment recorded that Singapore authorities knew during the periods of the Colony of the Straits Settlements (1867-1946); the Colony of Singapore (1946-1959); the State of Singapore (1959-1963) and the Republic of Singapore, (1965-) that Britain had the evidence that UK/Singapore had sovereignty over Pedra Branca/Pulau Batu Puteh. The newly released files files against the assumptions that led to the final Judgment of the ICJ.

In the newly released 1907 file the Governor of Colony of the Straits Settlements, Sir John Anderson, confirmed that the Settlement of Singapore had no territories in the Straits of Singapore beyond 10 geographical miles from the Main Island of Singapore. (**Draft, John Anderson to Lord Elgin, Secretary of State for the Colonies, 22 January 1907**) Outside this limit in the Straits of Singapore were Islands and the Territorial Waters of the State and Territory of Johore. The Settlement of Singapore did not possess property and sovereignty in the Straits of Singapore outside the ten miles from the Main Island of Singapore. The Governor of the Colony of the Straits Settlements was careful in pointing out that the Sultan of Johore did

possess property but not sovereignty in the Settlement of Singapore over the island of Pulau Tekong Ketchil in the Johore Straits which was part of the larger Straits of Singapore. In raising the issue of Territorial Waters of the Settlement of Singapore, the Governor of the Colony of the Straits Settlements (1867-1946), acknowledged that the territorial waters of the Settlement of Singapore was limited to 10 miles from the Main Island of Singapore as expressed in Article 2 of the 2<sup>nd</sup> August 1824 Treaty. There was no mention that Pedra Branca, in the Straits of Singapore, on which the Colony of the Straits Settlements operated one of several Lighthouses in the Straits of Singapore and the Straits of Malacca was an island regarded by the Governor of the Colony of the Straits Settlements as a sovereign appendage to the Settlement of Singapore. This new evidence of 1907 establishes that the United Kingdom and the Singapore authorities knew the territorial limits of the Settlement of Singapore in the Straits of Singapore within which it had full property and sovereign rights.

The second file released in 2013 is the original 1927 Agreement between the Colony of the Straits Settlements and the State and Territory of Johore. In its catalogue description the file is registered as an "Agreement concerning the boundary between the territorial waters of Singapore and Johore" It is the catalogue description of this new evidence that is most revealing on the intention of the 1927 Agreement which was to demarcate the Territorial Waters of Singapore and Johore. There was no Territorial Waters to demarcate between Pedra Branca/Pulau Batu Puteh in the Straits of Singapore and that of Mainland Johore and this fact was recognised by UK Parliament which ratified the Agreement in 1928 and the authorities in Singapore.

The third document is actually an archival file that was opened to the public prior to the 2008 Judgment. However, the case must be made that the evidence in the file is decisive to the Application for Revision of Judgment. The Title of the File in the UK Archives is very misleading. It reads "**Tidelands Oil**" and **U.S. Territorial Waters**. It had nothing to do with the subject of the Judgment. However, within this innocuous file title there are relevant unknown factual material evidence to the Application for Revision.

In 1953 the Foreign Office, UK replied to a letter of the Secretary-General of the United Nations on the subject "Delimitation of Territorial Sea of Adjacent States" which requested the assistance of the UK authorities to the request of the International Law Commission on Territorial Waters on UK practise and any observations they may wish to make. The 1953 reply of the UK authorities to the Secretary-General of the United Nations is as follows:

"5. So far as information on the practice of States in regard to this matter is concerned, Her Majesty's Government can add to the examples already referred to in the discussions of the Commission one of which the Commission may not yet be aware, namely, the Straits Settlements and Johore Territorial Waters (Agreement) Act, 1928. (footnote 6. 18 and 19 Geo. 5 c. 23)". This information was advanced as evidence to demonstrate how two states demarcated their Territorial Waters in the Straits of Singapore.

From the evidence of this particular file it is clear that in 1953 the Foreign Office of UK took the position that the Territorial Waters between adjacent countries, in this case the Settlement of Singapore within the Colony of the Straits Settlements,

1928 and now in 1953, Colony of Singapore, and the State and Territory of Johore was settled by the 1927 Agreement and ratified by UK Parliament in 1928. UK authorities knew that in 1927 and 1928 and in 1953 that Pedra Branca/Pulau Batu Puteh in the Straits of Singapore was not a sovereign entity as part of the Settlement/Colony of Singapore.

The final piece of evidence that is decisive in the Application for Revision of Judgment is yet another 2013 released file in the UK Archives. The file makes three important new facts hitherto unknown.

First, it lists all Indonesian patrol vessel intrusions into Singapore Territorial Waters in the Straits of Singapore which were raised with Indonesian authorities by the Government of the Colony of Singapore. The incidents listed covered the period 1955 to 1958. The cases included incidents near Mata Ikan, Raffles Lighthouse and Pulau Senang. There is no mention of Horsburgh Lighthouse and Pedra Branca/Pulau Batu Puteh in the list of intrusions into Singapore Territorial Waters.

Second, this file reveals another crucial piece of evidence where there was mention of an incident around the Territorial Waters of Pedra Branca/Pulau Batu Puteh and in its official correspondence the local authorities of Singapore mentioned that this incident occurred within the territorial waters of Johore which was also reported in the local press. The incident was never recorded in the List of Intrusions into the Territorial Waters of Singapore. This is a decisive fact.

The Third new fact was the observation of Singapore authorities to the suggested Extension of territorial waters to 6 miles in the Straits of Singapore would not be in Singapore's interests for the following reasons:

- (a) The approaches to Singapore are through the channels between the Indonesian Islands on the south and the mainland of the Federation of Malaya [The State and Territory of Johore] on the north. These channels are only 8 ½ miles wide at their narrowest parts on both the western and eastern side. The effect of extending territorial waters to 6 miles therefore be to close the high seas channels of approach to Singapore.
- (b) 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 a 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 3 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 southern point of St Johns Islands and Batu Berhentii Light to a point 1 mile north of Horsburgh Light."

It is obvious that had the Colony of Singapore sovereignty over Pedra Branca/Pulau Batu Puteh the issue of closing the entrance into the Straits of Singapore from the High Seas of the South China Sea or the exit from the Straits of Singapore into the South China Sea would never had been raised in 1958.

### Conclusion

The above mentioned new evidences satisfies all the conditions of the Statute of the ICJ in making an Application for Revision of Judgment. The Application for Revision should it be carried forward is within the ten year period since the date of Judgment in 2008. All the evidence, save one, were only made recently available in the National Archives, UK. And each of the mentioned files reveals evidence that is decisive that UK authorities knew that in Singapore's unfolding historical periods it never made a claim to have sovereignty over Pedra Branca/Pulau Batu Puteh. The 1907 file; the 1927 file; the 1953 file and the 1958 file all make a compelling case that sovereignty over Pedra Branca/Pulau Batu Puteh was with the State and Territory of Johore and this fact was known to the authorities in the UK, Singapore, Law Commission for Territorial Waters and the Secretary General, United Nations.

It is the Republic of Singapore that aggressively pushed a contemporary legal proposition that it had sovereignty over Pedra Branca/Pulau Batu Puteh. In the 1970's the Republic of Singapore tabled several unchallenged facts in establishing that it had sovereignty over Pedra Branca/Pulau Batu Puteh. It refused permission for a landing of a Malaysian survey team to land on Pedra Branca/Pulau Batu Puteh. It provided evidence that its naval patrol vessels were patrolling in the Territorial Waters of Pedra Branca/Pulau Batu Puteh unchanged. It showed a file that its Military Helicopters carried Military equipment onto Pedra Branca/Pulau Batu Puteh unchanged and that its Admiralty Court heard of a shipwreck case in the vicinity of Pedra Branca/Pulau Batu Puteh. Based on these unchallenged facts the Republic of Singapore in its pleadings set out to establish its contemporary assertions backwards into the historical records. Much evidence was not disclosed from its records to make its historical case. New and decisive evidence recently opened by the National Archives, UK makes a compelling case for an application for the revision of judgment as it substantially alters the judgment assumptions.

The earliest evidence it had was the 1920 Shipwreck that was heard in the Admiralty Court of the Colony of the Straits Settlements in the Settlement of Singapore. The cases of all Admiralty Court hearings under the Merchant Shipping Ordinance in the Settlement of Singapore; Colony of Singapore and State of Singapore are officially published in Singapore. In these Admiralty Court hearings sovereignty was not the cardinal principle of hearing a shipping incident case in Singapore. In 1907 and 1927 UK and Singapore authorities knew that Singapore's sovereignty did not extend over Pedra Branca/Pulau Batu Puteh and the Admiralty Court would not have made a case in its official records that it heard the 1923 Shipwreck incident on Pedra Branca/Pulau Batu Puteh on grounds that the Colony of the Straits Settlements had sovereignty over Pedra Branca/Pulau Batu Puteh. It is the contemporary Republic of Singapore that made that bold and unchallenged assertion in its pleadings.



Similarly the 1953 letter of the Acting State Secretary, Johore did not change the situation of sovereignty over Pedra Branca/Pulau Batu Puteh. The file was never translated into an active taking over of the sovereignty of Pedra Branca/Pulau Batu Puteh by the Colony of Singapore. Indeed, the UK authorities in 1953 informed the Law Commission for Territorial Waters and the Secretary-General, United Nations that there was only one Agreement that demarcated the Territorial Waters between Adjacent Countries in the Straits of Singapore.

In the 1958 newly disclosed file all intrusions by Indonesian Patrol Vessels, 1955-1958, were recorded that occurred within the Territorial Waters of the Colony of Singapore. There was one intrusion in the vicinity of Pedra Branca/Pulau Batu Puteh and Singapore authorities acknowledged it as one occurring within Johore's Territorial Waters. Its newspapers too confirmed the official view.

From newly released documents, sovereignty over Pedra Branca/Pulau Batu Puteh was never with the unfolding entity that started with the Settlement of Singapore within the Colony of the Straits Settlements; down to the Colony of Singapore; State of Singapore and finally the Republic of Singapore. Sovereignty over Pedra Branca/Batu Puteh and its Territorial Waters was and is with the State and Territory of Johore and the Singapore evidence that is out of joint must be contextually reconstructed with the new evidence to restore decisively its historical continuity.

Shaharil Talib

24<sup>th</sup> March 2015

Posted by **Dato' Dr Shaharil Talib** at 10:16 AM



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## **Annex 4**

*Curriculum vitae* of Dato' Dr. Shaharil Talib, undated, available via a link on  
www.indefenceofresearch.blogspot.com to  
<http://www.scribd.com/doc/15984859/CV-Prof-Shaharil>  
(last accessed: 15 April 2017)

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CURRICULUM VITAE  
DATO' DR. SHAHARIL TALIB

**Bio-data**

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Dato' Dr Shaharil Talib is one of the leading historians of his generation. After attaining his PhD in history at Monash University, Australia, he began a long professional career with the University of Malaya, culminating in his appointment as Professor and Head of the Department of Southeast Asian Studies. In recognition of his strong international links he was then appointed as the Executive Director of the University's Asia-Europe Institute where he oversaw the development of innovative international postgraduate social science courses. In 2005, Dato' Shaharil was appointed by the Attorney General of Malaysia to head the new Special Research Unit of his Chambers. He has taught and published in a broad range of subject areas. He first made his mark with the definitive study of Terengganu's experience of colonialism in *After Its Own Image: The Trengganu Experience, 1881-1941*, and followed this with studies of Kelantan, the royal families of Southeast Asia and the state of contemporary historiography. Dato' Shaharil has received numerous awards in recognition of his services to academic research including the Darjah Dato' Paduka Mahkota Perak (DPMP) conferred by the Sultan of Perak. He received a Fulbright Fellowship at Cornell University in 1983 and a Fellowship of the Centre for Southeast Asian Studies at Kyoto University in 1990. He was for many years a founding council member of Southeast Asian Regional Exchange Program (SEASREP).

**Personal Details**

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**Higher Education**

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1970 B.A. (Hons) in History, 2:1, University of Malaya

1974 M.A. in History, University of Malaya

1978 Ph.D. in History, Monash University, Australia

### **Professional Positions**

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2005–to date	Head, Special Research Unit, Attorney General’s Chambers, Putrajaya
2000–2005	Executive Director, Asia-Europe Institute, University of Malaya
1997–2000	Executive Director, Asia-Europe Centre and Director, University of Malaya European Studies Programme (UMESP)
1991–1998	Head, Department of Southeast Asian Studies, University of Malaya
1986–1990	Deputy Dean, Faculty of Arts and Social Sciences, University of Malaya
1978–2000	Lecturer, Associate Professor and Professor, Department of Southeast Asian Studies, University of Malaya

### **Selected Professional Service**

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Member, University of Malaya Senate

Member, Student Performance Committee, University of Malaya

Member of Board of Directors, University of Malaya Centre of Continuing Education

Council Member, Southeast Asian Regional Exchange Program (SEASREP)

Panel Member, IRPA (Intensified Research in Priority Areas)

Panel Member Malay Chambers of Commerce

Head of Research Unit at Asia-Europe Institute, University of Malaya, on “Historical Statistical Data Analysis, Malaya, 1895-1939”

Representative of University of Malaya: Working Committee, Ministry of Foreign Affairs Malaysia – ‘Think Tank’ for international relations

Research Consultant with Attorney General’s Chambers on Territorial Disputes and International Arbitration

### **Honours and Awards**

---

1999	Darjah Dato’ Paduka Mahkota Perak (DPMP), April 1999
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1990	Research Fellowship, Center for Southeast Asian Studies, Kyoto University, Japan
1983–1984	Fulbright Fellowship, Cornell University, Ithaca, New York, USA
1973–1977	Monash Graduate Scholarship, Australia

## Publications

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### Books

- Interrogating The State and Craft of History: The Malaysian Historiographical Journey*, Kuala Lumpur, Asia-Europe Institute, 2005.
- The Royal Families of South East Asia*, Selangor, Shahindera, 1997 (with Jeffrey Finestone) [2<sup>nd</sup> ed. 2002].
- History of Kelantan, 1890-1940*, Kuala Lumpur, Monographs of the Malaysian Branch, Royal Asiatic Society; no. 21, 1995.
- The Legends of Langkawi*, Singapore, Hoffer Publications, 1994.
- The Accumulation of Wealth Batu Pahat District, Johor, 1900-1941*, Kyoto, The Centre for Southeast Asian Studies, Kyoto University, Monograph, 1990.
- Tuhfat Al-Nafis: Naskhah Terengganu*, Kuala Terengganu, The House of Tengku Ismail, 1991.
- Syarahan Perdana: 25 Tahun Pertama Fakulti Sastera dan Sains Sosial, Universiti Malaya*, Kuala Lumpur, University of Malaya Press, 1988 [Joint compiler with Royal Professor Ungku A. Aziz].
- After Its Own Image: The Trengganu Experience, 1881–1941*, Kuala Lumpur, Oxford University Press, 1984.

### Articles and Book Chapters

- “Fluidity and fixity in the making of Southeast Asia”, in Azizan Baharuddin and Faridah Noor Mohd Noor, eds, *Occidentalism and Orientalism: Reflections of the East and the Perceptions of the West*, Kuala Lumpur, Centre for Civilisational Dialogue, University of Malaya, 2008, pp. 131-48 [with Gareth A Richards].
- “Colonial Knowledge and Malaysia Society: Reappropriating The Epistemological Space”, in A.B. Lopian, ed., *Arung Samudera, Pusat Penelitian Kemasyarakatan dan Budaya*, Lembaga Penelitian Universitas Indonesia, 2001, pp.771-782.
- “Bichara: Western Human Rights and Asian Values”, *Jati*, Ogos 1997, Bil. 3.
- “The Asiatic Archipelago: History Beyond Boundaries”, *Jati*, Ogos 1997, Bil. 3.
- “Post-Graduate Research in Southeast Asian Studies: An Open Agenda”, *Jati*, Disember 1996, Bil. 2.
- “Twentieth century capitalism in Southeast Asia: the balance sheet”, *Jati*, Disember 1996, Bil. 2.
- “Singapore (1824-1958): This is my island in the sun”, *Jati*, September 1995.
- “Getting off the yellow brick road: measurement and definitional issues in poverty”, *Jati*, September 1995, Bil. 1

- "Rintihan dari pusaka usang: Getir hidup kaum tani di semenanjung Tanah Melayu 1935-1945", *Jati*, September 1995, Bil. 1 [with Mohd Halib].
- "Penulisan dan Realiti Sejarah Asia Tenggara: Satu Persoalan", *Jati*, September 1995, Bil. 1 [with Mohd Raduan Mohd Ariff].
- "Industry in Kelantan: notes on research directions", in Nik Hassan Suhaimi bin Nik Abd Rahman, ed., *Kelantan Zaman Awal Kajian Arkeologi dan Sejarah di Malaysia*, Kota Bharu, Perbadanan Muzium Negeri Kelantan, 1987, pp. 154-160.
- "Jentera Undang-undang Kolonial: Suatu Alat Penembusan Kapitalisme di Desa Melayu", *Purba, Jurnal Persatuan Muzium Malaysia*, Vol. 4, 1985, pp. 68-80.
- "Peasant anger throughout the ages: an East Coast Malay Peninsular experience", *Malaysia in History*, Vol. 28, 1985, pp. 15-29.
- "Voices from the Kelantan Desa 1900–1940", *Modern Asian Studies*, Vol. 17, No. 2, 1983, pp. 177-195.
- "Neither rebellions nor revolutions: everyday resistance of the Malay peasantry under capitalist domination", *Ilmu Masyarakat*, Vol. 1, No. 2, 1983, pp. 25-41.
- "A revolt in Malaysian historiography", *Akademika*, No. 20-21, Jan-July 1982, pp. 445-467.
- "The extractive-colonial economy and the peasantry: Ulu Kelantan 1900–1940", *Review of Indonesian and Malayan Affairs*, Vol. 15, No. 2, 1981, pp. 32-91 [with Amarjit Kaur].
- "Nineteenth century Kelantan: a Malay tributary state", *Jurnal Antropologi dan Sosiologi, Universiti Kebangsaan Malaysia*, Vol. 9, 1981, pp. 43-59.
- "Perkembangan Rancangan Pengajian Asia Tenggara (RAPAT) – Satu Tinjauan", *Jurnal Pengajian Asia Tenggara*, Vol. 1, 1980, pp.1-13 [with Khatijah Muhammad].
- "Pemerintah dan Rakyat di Trengganu, 1881–1942: Suatu Kes Sejarah Petani", *Malaysia: Sejarah dan Proses Pembangunan*, Persatuan Sejarah Malaysia, 1979, Kuala Lumpur, pp. 73-90.
- "The Trengganu ruling class in the late nineteenth century" *Journal of the Malaysian Branch Royal Asiatic Society*, Vol. 50, Pt. 2, 1977, pp. 25-47.
- "The Duff Syndicate in Kelantan 1900–1902", *Journal of the Malaysian Branch Royal Asiatic Society*, Vol.45, Pt. 1, 1972, pp.81-110.

#### Reviews

- Everyday Forms of Peasant Resistance in South-East Asia*, Edited by James C. Scott and Benedict J. Tria Kerkvliet, London: Frank Cass, 1986, in *Journal of Southeast Asian Studies*, Vol. 19, No. 2, 1988, pp. 365-367.
- History of the Malay Kingdom of Patani (Sejarah Kerajaan Melayu Patani)*, translated by Conner Bailey and John N. Miksic.A., Ohio: Ohio University, Center for International Studies, 1985, Monographs in International Studies, Southeast Asia series, no. 68, in *Journal Asian Studies*, Vol. 45, No. 4, 1986, pp. 901-2.
- Honorable Intentions, Talks on the British Empire in Southeast Asia Delivered at the Royal Colonial Institute 1874–1928*, Paul H. Kratoska, ed., Singapore, Oxford University Press, 1983, in *Ilmu Masyarakat*, bil. 9, 1985, pp. 86-87.



### *Keynote Addresses / Seminar Papers*

- Keynote Speech: "SEA: For Your Eyes Only", International Conference on Economy and Polity: Historical Contemporary Studies of Some Southeast Asian States, Yangon, Myanmar.
- Inaugural Lecture: "Interrogating the state and craft of history: the Malaysian historiographical journey", Asia-Europe Institute, University of Malaya, 10 December 2004.
- Paper presented at 1<sup>st</sup> International Malaysian Studies Conference: "Colonial Knowledge and Malaysian Society: Reappropriating the Epistemological Space".
- Paper: "History our Survival and Geography our Destiny: The Historical Role of the Seas in the Malay World", at Workshop History Agenda 21, SEAMCO Regional Centre for History and Tradition, Yangon, Myanmar, 14-15 December 2000.
- Paper: "Asia-Europe: The Original World Wide Web", at International Workshop on European Studies in Asia: New Challenges and Contributions to the Understanding between Asia and Europe.
- Paper: "ASEAN: The Peoples' Heartland And Living Space", at Second ASEAN Congress.
- Paper: "An Integrated Approach to Global Area Studies", at The International Symposium Southeast Asia: Global Area Studies For the 21<sup>st</sup> Century, Kyoto International Community House, 18-22 October 1996.

### **International Conferences Attended [selected]**

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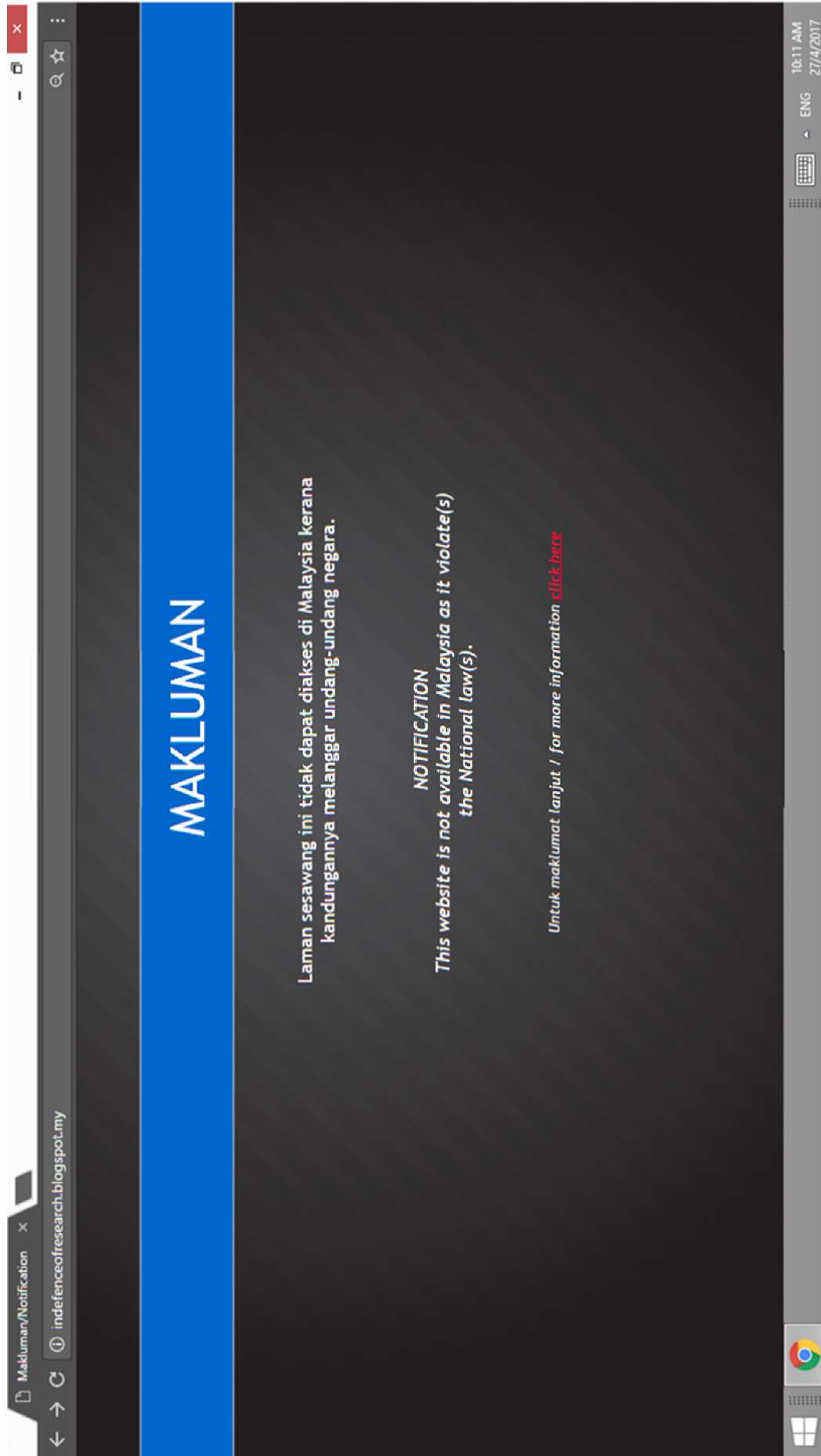
- International Conference "Revisiting The Dien Bien Phu Victory, Fifty Years On", Hanoi, April 2004.
- APRU International Workshop, Beijing, 25-27 February 2004.
- 3<sup>rd</sup> International Convention of Asia Scholars, Singapore, 19-22 August 2003.
- Lifelong Learning – The Way Forward, Singapore, 2-5 July 2002.
- XIII International History Congress of the International Economic History Association, Buenos Aires, Argentina, 22-26 July 2002.
- The DUO, ASEM, Seoul, Korea, 12-14 November 2003.
- University of Bocconi, Milan Italy – Masters Programme, Dec 2001.
- The DUO, ASEM Fellowship Programme, Seoul, 10-11 April 2001.
- Modern Economic Growth & Distribution in Asia, Latin America & the European Periphery: A Historical National Accounts Approach, Tokyo, Japan, 16-18 March 2001.
- Conference: Riau Menuju AFTA & Globalisasi: Pemasalahan Dunia Usaha & Kesilapan Pemerintah Daerah di Batam, Indonesia, 31 January–1 February 2001.
- Mesyuarat SEASREP Council/Toyota Foundation & Japan Foundation, Pulau Bintan, Indonesia, 12-17 February 2001.
- Mesyuarat ASEM/SOM, Lisbon, 2-3 May 2000.
- Mesyuarat dengan Duta Malaysia di Brussels, 2-6 April 2000
- The Nippon Foundation Conference – Nippon Foundation Fellowships for Asian Public Intellectuals, 18-19 September 1999.
- Philippines European Studies Program, University of the Philippines Diliman & European Documentation Centre, Ateneo de Manila University, 25-28 October 1999.

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## **Annex 5**

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## **Annex 6**

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