

INTERNATIONAL COURT OF JUSTICE

**REQUEST FOR INTERPRETATION 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)**

**WRITTEN OBSERVATIONS OF
THE REPUBLIC OF SINGAPORE**

VOLUME 2

(Annexes 1 to 26)

30 OCTOBER 2017

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Annex 1

*Meeting between Malaysia and Singapore on Pedra Branca/Pulau
Batu Puteh, Middle Rocks and South Ledge, 16 May 2008, Putrajaya,
Record of Meeting*

**MEETING BETWEEN MALAYSIA AND SINGAPORE
ON PEDRA BRANCA/PULAU BATU PUTEH, MIDDLE ROCKS AND
SOUTH LEDGE**

**16 MAY 2008
PUTRAJAYA**

RECORD OF MEETING

The above Meeting was co-chaired by H.E. Tan Sri Rastam Mohd Isa, Secretary-General, Ministry of Foreign Affairs, Malaysia, and H.E. Peter Ho, Permanent Secretary, Ministry of Foreign Affairs of the Republic of Singapore.

2. The list of the Malaysian Delegation is attached as ANNEX A. The list of the Singapore delegation is attached as ANNEX B. The Agenda of the Meeting is attached as ANNEX C.

3. The Meeting was aimed at discussing broadly, the issues arising from the International Court of Justice (ICJ) Judgment on the case concerning sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge and establishing a coordinating mechanism between the two countries.

4. The Meeting discussed the following issues:

- i) Reiterating commitment to respect the Judgment of the ICJ;
- ii) Maintaining good relations and cooperation between the two countries;
- iii) Ensuring safety, security and law and order in and around Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge;
- iv) Maintaining channels of communication between the Ministries of Foreign Affairs of the two countries for further follow-up after the ICJ Judgment;
- v) Maintaining direct communication between the relevant operational agencies, while keeping both MFAs informed on the implementation

of relevant operational activities relating to maritime safety and security and operation of the lighthouse, in accordance with the outcome of the Judgment;

- vi) Immediate measures or steps to be taken to implement the ICJ Judgment; and
- vii) Traditional fishing rights.

5. The Meeting was briefed on the informal discussions among the representatives of the operational agencies present, on the sidelines of the meeting. The discussions also addressed operational issues which require further deliberation.

6. The Meeting agreed that details in relation to the issues discussed today including other related issues that need to be addressed arising from the ICJ Judgment will be discussed at a later stage.

7. Both sides agreed to hold the next meeting within two weeks of the ICJ Judgment. The exact date and venue of the meeting will be agreed upon through diplomatic channels.

ANNEX A

**MALAYSIA/SINGAPORE MEETING ON PEDRA BRANCA/
PULAU BATU PUTEH, MIDDLE ROCKS AND SOUTH LEDGE,
16 MAY 2008, MARRIOTT PUTRAJAYA**

1. **H.E. Tan Sri Rastam Mohd Isa** – **Leader of Delegation/Co-Chairman**
Secretary General
Ministry of Foreign Affairs
2. **Vice Admiral Dato' Mohammed Noordin bin Ali**
Deputy Chief of Navy
Ministry of Defence
3. **Admiral Dato' Muhd Amdan bin Kurish**
Director General
Malaysian Maritime Enforcement Agency
4. **Rear Admiral Maritime Dato' Noor Aziz bin Yunan**
Director (Operations)
Malaysian Maritime Enforcement Agency
5. **Lieutenant General Dato' Mohd Salleh
bin Haji Ismail**
Director General
Ministry of Defence
6. **Dato' Captain Ahmad bin Othman**
Director General
Department of Marine
7. **Capt. Sahak Omar (TLDM)**
Director General
Department of Hydrography
8. **Datuk Azailiza Mohd Ahad**
Head of International Affairs Division
Attorney General's Chambers, Malaysia
9. **Ambassador Dr Fauziah Mohd Taib**
Director General
Department of Policy Planning and Strategy
Ministry of Foreign Affairs

10. **Dato' Hamsan Saringat**
Director
Deputy State Secretary (Development) Johor
11. **Mr Adenan Abdul Rahman**
Director
Prime Minister's Department
12. **Mr Abdul Khalil Abdul Karim**
Director
Resource Protection Division
Department of Fisheries
13. **Dato' Hussin b. Hj Ismail**
Director, Internal & Public Security
Royal Malaysian Police
14. **Datuk Seri Ramli bin Sha'ari**
Director (Special Branch)
Royal Malaysian Police
15. **Datin Almalena Sharmila Johan Thambu**
Deputy Head 1 (International Affairs)
Attorney-General Chambers, Malaysia
16. **Mr Abd. Rahim Hussin**
Under Secretary
National Security Council
17. **Ambassador Dato' Ramlan Ibrahim**
Under Secretary
South East Asia and Pacific Division
Ministry of Foreign Affairs
18. **Raja Nazrin Aznam**
Under Secretary
Department of Policy Planning and Strategy
Ministry of Foreign Affairs
19. **Dato' C. Pakianathan**
Principal Assistant Director
Royal Malaysian Police

20. **Mrs Suraya Harun**
Senior Federal Counsel (International Affairs)
Attorney General's Chambers, Malaysia
21. **Mr Awang Din Hussin**
Principal Assistant Secretary
Public Order Division
Ministry of Home Affairs
22. **Mr Hazreen bin Abdul Haleem**
Principal Assistant Secretary
Ministry of Home Affairs
23. **Ms Haznah Md Hashim**
Principal Assistant Secretary
Department of Policy Planning and Strategy
24. **Mr Ahmad Ma'aruf Mohamed Anuar**
Assistant Secretary
Ministry of Home Affairs
25. **Mrs Nazira Abdul Rahman**
Assistant Secretary
National Security Council
26. **Mrs Norfarina Mohd Azmee**
Assistant Secretary
Department of Policy Planning and Strategy
Ministry of Foreign Affairs
27. **Mrs Murni bt Abdul Hamid**
Assistant Secretary
South East Asia and Pacific Division
Ministry of Foreign Affairs

**MALAYSIA/SINGAPORE MEETING ON PEDRA BRANCA/
PULAU BATU PUTEH, MIDDLE ROCKS AND SOUTH LEDGE,
16 MAY 2008, MARRIOTT PUTRAJAYA**

1. **Mr Peter Ho** - Leader of Delegation/Co-Chairman
Permanent Secretary
Ministry of Foreign Affairs
2. **Mr Kwok Fook Seng**
Deputy High Commissioner
High Commission of Singapore, Malaysia
3. **Ms Foo Chi Hsia**
Senior Deputy Director
Southeast Asia Directorate
Ministry of Foreign Affairs
4. **Mr Iris Chen**
Assistant Director
Southeast Asia Directorate
Ministry of Foreign Affairs
5. **Mr Ramanathan Manivasagan**
Country Officer, Malaysia, Southeast Asia Directorate
Ministry of Foreign Affairs
6. **Mr Keok Tong San**
Deputy Director, Police & Operations Department
Ministry of Home Affairs
7. **Assistant Commissioner Wong Hong Kuan**
Director (Operations),
Singapore Police Force
8. **Supt Lee Su Peng**
Assistant Director Ops (Planning)
Singapore Police Force
9. **DSP Devrajan Bala**
Head Ops and Security, Police Coast Guard
Singapore Police Force
10. **Capt Lee Cheng Wee**
Deputy Director (Port)
Maritime and Port Authority of Singapore

11. **Mr Parry Oei**
Chief Hydrographer,
Maritime and Port Authority of Singapore
12. **Mr Pang Khang Chau**
Senior State Counsel
Attorney-General's Chambers
13. **Mr Ong Ching Seng**
State Counsel
Attorney-General's Chambers
14. **RADM Tay Kian Seng**
Head Naval Operations,
Republic of Singapore Navy
15. **LTC Tan Boon Ann**
Branch Head, Naval Operations Dept.
Republic of Singapore Navy
16. **Col. Chia Huan Boon**
Defense Attache,
Singapore High Commission
17. **Mr Ian Mak**
First Secretary
Singapore High Commission

**MALAYSIA/SINGAPORE MEETING ON PEDRA BRANCA/
PULAU BATU PUTEH, MIDDLE ROCKS AND SOUTH LEDGE**

AGENDA

1. Opening remarks
2. Confirmation of Agenda
3. Ensuring continued good bilateral relations
4. Issues related to law and order in and around Pedra Branca/Pulau Batu Puteh, Middle Rocks and south Ledge immediately after the ICJ Judgment
5. Channels of communication
6. Other Matters
7. Date and Venue of Next meeting
8. Closing Remarks

Annex 2

Ministry of Foreign Affairs Press Statement, International Court of Justice Awards Sovereignty of Pedra Branca to Singapore, dated 23 May 2008

MINISTRY OF FOREIGN AFFAIRS PRESS STATEMENT

INTERNATIONAL COURT OF JUSTICE AWARDS SOVEREIGNTY OF PEDRA BRANCA TO SINGAPORE

We are pleased with the judgment of the International Court of Justice (ICJ), which awards Singapore sovereignty over Pedra Branca which is the key feature in dispute. The judgment is not totally in Singapore's favour, as the Court has awarded Middle Rocks to Malaysia. The Court also decided that South Ledge belongs to the country in whose territorial waters it is located. We had argued that these features are part of Pedra Branca but as the Court has found otherwise, Singapore accepts the Court's decision.

This judgment brings to a closure a long-standing territorial dispute between Malaysia and Singapore. Both countries had undertaken to respect and abide by the findings regardless of which way the ICJ decided. We will now put this issue behind us and move on to strengthen our bilateral and regional cooperation.

By resolving this dispute through third party adjudication, both countries have demonstrated our respect for international law and our commitment to settling disputes in an amicable manner. This case exemplifies the usefulness of a third party dispute settlement mechanism, and can be a model for resolving other bilateral disputes.

Singapore will discuss with Malaysia the steps and procedures to implement the decision of the Court. In this regard, officials from both sides had already been in discussion prior to the judgment of the Court.

The Government wishes to thank the Singapore team and our foreign counsel for their able presentation of our case before the ICJ. The Government also thanks the officials from all the Ministries and agencies who had worked very hard over many years on this case.

In response to media queries on the implications of the judgment on issues regarding Singapore's entitlement to territorial sea or maritime zones around Pedra Branca, the MFA Spokesman said:

“The Court was not asked to determine such questions of maritime space or boundary delimitation. Singapore's rights and interests on these matters will be pursued in accordance with international law.

As indicated in the Ministry of Foreign Affairs Press Statement dated 15 September 1980, Singapore has a territorial sea limit that extends up to a maximum of 12 nautical miles and an Exclusive Economic Zone. This is consistent with the United Nations Convention on the Law of the Sea of 10 December 1982, which Singapore is a State Party to.

The precise coordinates of Singapore's territorial sea and Exclusive Economic Zone will be announced at an appropriate time. Should the limits of its territorial sea or Exclusive Economic Zone overlap with claims of neighbouring countries, Singapore will negotiate with those countries with a view to arriving at agreed delimitations in accordance with international law. Singapore reserves its position on international agreements it is not a party to.”

.

**MINISTRY OF FOREIGN AFFAIRS
SINGAPORE
23 MAY 2008**

Annex 3

Statement by Minister of Foreign Affairs Dato' Seri Utama Dr Rais Yatim to RTM on the Verdict by the International Court of Justice (ICJ) on the Pulau Batu Puteh Case, 23 May 2008

**STATEMENT BY MINISTER OF FOREIGN AFFAIRS
DATO' SERI UTAMA DR RAIS YATIM TO RTM
ON THE VERDICT BY THE INTERNATIONAL COURT OF JUSTICE (ICJ)
ON THE PULAU BATU PUTEH CASE, 23 MAY 2008**

The verdict by the International Court of Justice (ICJ) this morning has given rise to a "win-win" situation for both sides.

At one level, it was decided by the ICJ based on historical facts; the facts of international law; the effects of administrative acts and other matters related to the claim on Pulau Batu Puteh; that the sovereignty over Pulau Batu Puteh is to be awarded to the Republic of Singapore. At the same time however the ICJ awarded sovereignty over Middle Rocks to Malaysia, which represents a victory for our country.

Relating to South Ledge, the Court ruled that its sovereignty is dependent on the State in which the territorial waters are located. Since South Ledge is within the territorial waters of Middle Rocks, Malaysia appears to be the sovereign holder.

Therefore, the conclusion is that this is a "win-win" situation. The explanations given by the ICJ are being examined by both sides, and as I have earlier mentioned, this decision will be dependent on our follow-up action to create a technical committee for both countries. Our follow-up action will be announced later by both sides via the committee, once the committee has completed its study on the matter.

What's important to note is that the explanation given by the ICJ in its decision to award sovereignty was based on the fact that beginning from 1850 until 1953, Malaysia did not, in terms of evidence, effect any actions or grounds which can be accepted as proof of sovereignty, be it in terms of occupation, conducting checks or supervision activities on Pulau Batu Puteh.

Secondly, the Court also emphasised that the map drawn up and produced by Malaysia in 1962, 1965, 1974 and 1975 had actually reflected on Singapore's claim. Thirdly, the letter by the officer representing the Johor State Secretary in 1953 was regarded by the Court as proof that there was a handover of power and sovereignty over the island.

The Court, employing a different concept, meanwhile determined that the sovereignty over Middle Rocks belongs to Malaysia. With this decision by the ICJ, Malaysia can from now enforce any of its sovereign rights towards Middle Rocks, including occupying the island, allowing fishing, research, weather forecasting and other activities. South Ledge is meanwhile now in Malaysian territorial waters.

**Dato' Seri Utama Dr Rais Yatim
Minister of Foreign Affairs, Malaysia
23 May 2008**

**KENYATAAN MENTERI LUAR NEGERI
YB DATO' SERI UTAMA DR RAIS YATIM KEPADA RTM
MENGENAI KEPUTUSAN MAHKAMAH KeadILAN ANTARABANGSA (ICJ)
TERHADAP PULAU BATU PUTEH, 23 MEI 2008**

Keputusan Mahkamah Keadilan Antarabangsa (ICJ) pada pagi ini telah memberi kedudukan "menang-menang" kepada kedua-dua belah pihak, atau "win-win" situation.

Pada satu peringkat, diputuskan oleh ICJ bahawa berdasarkan pada fakta-fakta sejarah serta fakta-fakta perundangan antarabangsa dan kesan-kesan pentadbiran serta lain-lain hal yang berkaitan dengan tuntutan kepada Pulau Batu Puteh, maka mahkamah telah memutuskan untuk memberi kedaulatan kepada Republik Singapura. Tetapi pada masa yang sama, Pulau Middle Rocks adalah diberi milik kedaulatannya kepada Malaysia, dan ini merupakan satu kemenangan kepada Malaysia jua.

Berkaitan dengan South Ledge, mahkamah menentukan bahawa kedaulatannya adalah tertakluk kepada perairan yang dimiliki oleh sesuatu negara atau "territorial waters". Oleh kerana South Ledge adalah terletak di dalam kawasan perairan Middle Rocks, maka Malaysia nampaknya adalah pemegang kedaulatannya.

Jadi kesimpulannya ialah bahawa ini adalah "win-win" situation. Alasan-alasan yang diberikan ICJ sedang dikaji oleh kedua pihak, dan seperti mana saya umumkan tempoh hari, keputusan ini akan ditakluki kepada tindakan susulan kita mewujudkan jawatankuasa teknikal bagi kedua-dua negara. Tindakan yang akan kita lanjutkan nanti akan diumumkan oleh kedua-dua pihak melalui jawatankuasa tersebut setelah penelitian dilakukan.

Yang penting diketahui adalah bahawa alasan-alasan yang diberi oleh ICJ yang memberikan kedaulatan Pulau Batu Puteh adalah berasaskan kepada fakta bahawa mulai daripada tahun 1850 hingga kepada tahun 1953, Malaysia tidak ada, dari segi bukti, menentukan apa-apa kegiatan ataupun lunas yang boleh diterima sebagai bukti kedaulatan samada dari aspek kependudukan, pemeriksaan ataupun penyeliaan ke atas Pulau Batu Puteh.

Keduanya, mahkamah juga menegaskan bahawa peta yang ditera dan diperbuat oleh Malaysia pada tahun 1962, 1965, 1974 dan 1975, sesungguhnya mencerminkan tuntutan Singapura.

Yang ketiga adalah surat pegawai yang mewakili Setiausaha Kerajaan negeri Johor pada tahun 1953 itu dianggap oleh mahkamah sebagai bukti bahawa berlaku penyerahan kuasa serta kedaulatan pulau tersebut.

Dalam konsep yang agak berlainan pula mahkamah menentukan bahawa Middle Rocks adalah hakmilik Malaysia dan kedaulatannya ada pada Malaysia. Dengan keputusan ICJ ini, Malaysia, mulai sekarang, bolehlah menguatkuasakan apa-apa

hak-hak kedaulatannya terhadap Middle Rocks, termasuk mendudukinya, membenarkan aktiviti perikanan, penyelidikan, kajian cuaca, dan lain-lain lagi. South Ledge pula sekarang berada di dalam kawasan perairan Malaysia.

Dato' Seri Utama Dr Rais Yatim
Menteri Luar Negeri
23 Mei 2008

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Annex 4

Report dated 23 May 2008 by *Berita Nasional Malaysia (Bernama)*,
“ICJ Verdict a “Win-Win” Outcome for M’sia and S’pore, says Rais”

(last accessed: 12 October 2017, via www.lexisnexis.com)

Malaysia General News

May 23, 2008 Friday

ICJ VERDICT A "WIN-WIN" OUTCOME FOR M'SIA AND S'PORE, SAYS RAIS

LENGTH: 420 words**DATELINE:** KUALA LUMPUR May 23

Foreign Minister Datuk Seri Dr Rais Yatim today described as a "win-win" outcome for both Malaysia and Singapore in the split decision of the International Court Of Justice (ICJ) to award Pulau Batu Puteh to Singapore and Middle Rocks to Malaysia. Speaking to reporters outside the ICJ in The Hague, Netherlands, Rais said although the sovereignty over Pulau Batu Puteh went to Singapore, it was important to note that the sovereignty over Middle Rocks was given to Malaysia. "This morning's decision (Netherlands' time) is a "win-win" outcome to both sides. The ICJ decided based on historical facts and international law as well as administrative implications and other related matters. "...the court decided to award sovereignty to Singapore but at the same time awarded sovereignty over Middle Rocks to Malaysia. This is a victory for Malaysia as well," he said. On South Ledge, Dr Rais said the court said its sovereignty was subject to its location in the territorial waters of the country concerned. "This may be an issue which has to be taken up together by Singapore and Malaysia to determine the sovereignty status of the island," he said in an interview televised live by RTM from The Hague.

Rais said both sides were examining the grounds given by the court for the decision handed down today. "Hence, the conclusion in this morning's verdict is a win-win outcome for the claim," he said. Pursuant to the decision, he said, both sides would set up a committee and future announcements would be made through the panel. Rais said the grounds given by the ICJ in awarding sovereignty over Pulau Batu Puteh to Singapore was based on the fact that between 1850 and 1953, there was no evidence to show that Malaysia had carried out any activity or anything that could be accepted as proof of sovereignty by way of occupation, administration or supervision of Pulau Batu Puteh. "The court also said the map drawn up by Malaysia actually reflected matters which were related to Singapore's claim that the island and the lighthouse on it, the Horsburgh Lighthouse, belonged to Singapore.

He said the court had considered a letter of 1953 by an officer who represented the state secretary of Johor as proof of surrendering authority and sovereignty over the island. "Other claims made by Singapore also convinced the court that the sovereignty over Pulau Batu Puteh be handed to Singapore. "In a rather different context, the court decided that the ownership and sovereignty of Middle Rocks belongs to Malaysia," he added.

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Annex 5

Report dated 23 May 2008 by *Berita Nasional Malaysia (Bernama)*,
“Malaysia Needs to Prepare to Implement ICJ Decisions”

(last accessed: 12 October 2017, via www.lexisnexis.com)

Malaysia General News

May 23, 2008 Friday

MALAYSIA NEEDS TO PREPARE TO IMPLEMENT ICJ DECISIONS**LENGTH:** 453 words**DATELINE:** TOKYO May 23

Malaysia must make preparations to ensure that the decisions of the International Court of Justice (ICJ) on Pulau Batu Puteh, Middle Rocks and South Ledge are implemented immediately, said Datuk Seri Abdullah Ahmad Badawi. The Prime Minister said Malaysia must also determine quickly the boundary line for South Ledge in the Malaysian waters. "By doing so, it will determine that South Ledge is truly located in our waters, and thus considered to belong to Malaysia," he said at a press conference here Friday after attending the 14th Nikkei International Conference on Asia's Future. When asked whether Malaysia was confident of owning South Ledge, the prime minister said: "What I have been told is that South Ledge is not too far from Middle Rocks. Only 1.7 kilometres away. It's located within our territorial waters." He said this when commenting on the decision of the ICJ in The Hague which stipulated that Singapore had sovereignty over Pulau Batu Puteh while Malaysia was awarded sovereignty over Middle Rocks. Sovereignty over South Ledge will depend on whose territorial waters it is located in.

Abdullah, who was saddened by the ICJ decision awarding sovereignty over Pulau Batu Puteh to Singapore, also expressed his appreciation as well as that of the government and all Malaysians to all Malaysian officers and experts who had worked hard to prepare the case for hearing which had taken a long time. "I know that they have worked very hard," he said. Abdullah also advised Malaysians to avoid any action that could create conflicts or a situation that would pose difficulties to both countries. The prime minister said Malaysia appreciated that the ICJ decision was based on facts and was made in a peaceful manner. "We did not win all, nor did we lose all," he said. He said: "Although we are sad because we did not succeed, we must realise that the decision was made by an international court. We must accept the court's fairness."

"We must be thankful that Middle Rocks belongs to us. What needs to be determined is South Ledge," he said. He hoped that officers from both countries as well as mapping officers could determine the boundary based on existing law. At the ministerial level, Abdullah said there was no necessity for him to meet the Singapore leader on the case, "but Foreign Minister Datuk Seri Dr Rais Yatim will meet his counterpart in Singapore to determine the action to be taken by both parties." The prime minister said he would seek an audience with the Sultan of Johor with regard to the decision, as well as Rais who would explain to the Sultan in more detail. On the outstanding unresolved bilateral issues, he said both sides must continue to discuss them to arrive at a solution.

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Annex 6

Report dated 23 May 2008 by *Berita Nasional Malaysia (Bernama)*,
“Malaysia Loses Batu Puteh Not Due to Weak Arguments”

(last accessed: 12 October 2017, via www.lexisnexis.com)

Malaysia General News

May 23, 2008 Friday

MSIA LOSES PULAU BATU PUTEH NOT DUE TO WEAK ARGUMENTS, SAYS RAIS

LENGTH: 641 words

THE HAGUE, May 23 (Bernama) - Malaysia's failure to get sovereignty of Pulau Batu Puteh was not due to the weakness of its arguments presented before the International Court of Justice (ICJ), Foreign Minister Datuk Seri Rais Yatim said Friday. "The fact that we have lost Pulau Batu Puteh is not due to the weakness of our arguments but to the lack of exercise by the authorities (on that island) for some 100 years," he told Malaysian journalists at the Malaysian embassy here. He said that what was important to note was that the explanation given by the ICJ in its decision to award sovereignty was based on the fact that beginning from 1850 until 1953, Malaysia did not, in terms of evidence, effect any action or grounds which could be accepted as proof of sovereignty, be it in terms of occupation, conducting checks or supervision activities on Pulau Batu Puteh.

The Court had also emphasised that the map drawn up and produced by Malaysia in 1962, 1965, 1974 and 1975 had actually reflected on Singapore's claim, he said.

Rais said that another reason was the letter written by the Johor Acting State Secretary dated Sept 21, 1953 which the Court regarded as proof that there was a handover of power and sovereignty over the island.

The letter stated that "Johore Government (did) not claim ownership" of the island. Singapore had argued that the letter had expressed disclaimer of title of Pulau Batu Puteh.

The letter was in response to an enquiry dated June 12, 1953 made on behalf of the Singapore Colonial Secretary seeking to clarify the status of Pulau Batu Puteh, where a lighthouse had been built, with a view to determining the "boundaries of the Colony's territorial waters".

Rais said that while Pulau Batu Puteh was the significant material where the Horsburgh Lighthouse had been built and the administration done by Singapore, "we should also tell the public in Malaysia that we also won Middle Rocks which is so close."

"Of course in terms of area we have less than what it is compared to Pulau Batu Puteh but nonetheless, because of the adjacent position of these two units neither party can do any exercise of reclamation for anything without consultations," he said

On the judgement he said: "We should not create commotion out of it because for the last two weeks we have laid the ground for a peaceful solution. The fact that we have won half and Singapore half, this is to us sufficient reward so far subject to our next negotiation on South Ledge," he said.

As for South Ledge, the joint technical committee set up by both countries would hold a meeting not later than two weeks from today to lay down the principles and the steps ahead, Rais said.

He said the ICJ had ruled that sovereignty over South Ledge belongs to the state in the territorial waters of which it is located and as such this had to be determined.

"What's important now is the bilateral relations between Malaysia and Singapore. This decision should not in any way hinder us to go forward and reach out for those things that both of us have been wanting to," he said.

Meanwhile, Singapore's Deputy Prime Minister Prof S. Jayakumar said the court had awarded sovereignty of Pulau Batu Puteh to Singapore, which is the most important feature.

He said that of course Singapore would be happier if the court decided that it has sovereignty over the island and the two marine features but what important was that both countries have agreed to solve the dispute in an amicable way.

Malaysia's Attorney-General Tan Sri Abdul Gani Patail said the Malaysian team had put in good effort including that relating to the 1953 letter. But unfortunately, he said, the ICJ found the letter was significant to the case.

Malaysia had argued during the oral submission from Nov 6 to 23 last year that the Acting Johor State Secretary had no authority and capacity to issue the letter.

LOAD-DATE: May 26, 2008

LANGUAGE: ENGLISH

PUBLICATION-TYPE: Newswire

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Annex 7

Report dated 24 May 2008 by *The Star*, “A sad Abdullah accepts ICJ ruling”, available at: <https://www.thestar.my/news/2008/05/24/a-sad-abdullah-accepts-icj-ruling/>
(last accessed: 14 September 2017)



A sad Abdullah accepts ICJ ruling

NATION

Saturday, 24 May 2008 12:00 AM MYT



TOKYO: Malaysia accepts the decision of the International Court of Justice on Pulau Batu Puteh, said Datuk Seri Abdullah Ahmad Badawi.

Expressing sadness over the court's verdict in handing over sovereignty of the island to Singapore, the Prime Minister said what was significant was that the decision was made at the international level.

"There will be people who will be emotional, especially in Johor. I can understand this. But, the important thing is we have done this through the available legal channel," he told Malaysian journalists accompanying him on his working visit to Japan.



Looking East: Abdullah shaking hands with his Japanese counterpart Yasuo Fukuda at the start of their meeting at the latter's official residence in Tokyo yesterday. — Reuters

He said Malaysia was grateful that the ICJ had awarded Middle Rocks to the nation, adding that the next step was for officials from both sides to meet to decide on the maritime demarcation line as soon as possible.

"Any discussion to be held or action to be taken with Singapore must be done in a peaceful manner and with understanding from both sides. We do not want any conflict to arise," he stressed.

The Prime Minister also said that action must also be taken to determine the location of South Ledge.

"We need to determine the demarcation line to show that South Ledge is in our waters," he added.

Abdullah said Foreign Minister Datuk Seri Dr Rais Yatim would have an audience with the Johor Sultan to explain in detail the ICJ's decision.

"God willing, I will also have an audience with Tuanku," he said, as he recorded the Government's appreciation to the Malaysian legal team.

In JOHOR BARU, Deputy Prime Minister Datuk Seri Najib Tun Razak said the ICJ's decision meant that Singapore

would not be able to make unilateral decisions, such as conducting reclamation work around Pulau Batu Puteh. He said as Middle Rocks belonged to Malaysia, Singapore could not do anything unilaterally in the surrounding area. "We got some of what we wanted, so it was not entirely a disappointment. We accept it," he said, referring to the ICJ's decision to grant Pulau Batu Puteh to Singapore.

On whether he was disappointed with the decision, he replied: "When you go to court, sometimes you win and sometimes you do not. This time, we have partially won. Some will consider this a win-win decision."

Najib said he understood the feelings of the people, especially Johoreans, over the matter but said they had to accept the ICJ's decision.

"On the ground, nothing much changes as Middle Rocks belongs to us and Pulau Batu Puteh has always been managed by Singapore," he said, adding that Middle Rocks was important to Malaysia as it defined the country's maritime border.

Related Stories: [Three reasons why island went to Singapore](#) [Malaysians can now go fishing off Middle Rocks](#) [Decision resolves 28-year-old dispute](#) [Lee pleased with ICJ ruling](#) [Rais: Decision on island is a win-win situation](#) [Expert: Natural resources in territorial waters now Singapore's](#)

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Annex 8

Report dated 24 May 2008 by *New Straits Times*, “1953 Johor letter
‘hands’ island to Singapore (HL)”

(last accessed: 12 October 2017, via www.lexisnexis.com)

New Straits Times (Malaysia)

May 24, 2008 Saturday

1953 Johor letter `hands' island to Singapore (HL)

SECTION: LOCAL; Pg. 1

LENGTH: 241 words

THE International Court of Justice (ICJ) yesterday awarded Singapore sovereignty over the disputed Pulau Batu Puteh located at the eastern entrance of the Singapore Straits.

The UN's highest court, however, gave Malaysia ownership of Middle Rocks, a smaller uninhabited outcropping. Sovereignty over a third disputed cluster of rocks, South Ledge, is to be determined later by the countries when they sort out their territorial waters.

Malaysia had disputed Singapore's rule of the 0.8-hectare (about the size of a football field) island listed on most maps as Pedra Branca.

The 16-member court's final decision, by a 12-4 majority, rested largely on Singapore's consistent conduct over the last 100 years.

Singapore had argued that it had exercised sovereign powers over the island since the Horsburgh lighthouse opened in 1851, with no protest from Malaysia until 30 years ago.

The ICJ also noted that the strength of Singapore's claim lay in a letter sent by the state secretary of Johor in 1953 to the Singapore government where he informed that "the Johor government does not claim ownership of Pedra Branca".

Foreign Minister Datuk Seri Dr Rais Yatim called it a "win-win" ruling since each side won a partial victory. "Resolving such disputes through the rule of law," he said, "will make the world safer." He said the two countries would establish a committee to determine ownership of South Ledge, which lies in overlapping territorial waters.

LOAD-DATE: May 25, 2008

LANGUAGE: ENGLISH

PUBLICATION-TYPE: Newspaper

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Annex 9

Report dated 24 May 2008 by Berita Nasional Malaysia (Bernama),
“Singapore Urged to Consider Fishermen at Pulau Batu Puteh”

(last accessed: 12 October 2017, via www.lexisnexis.com)

Malaysia General News

May 24, 2008 Saturday

SINGAPORE URGED TO CONSIDER FISHERMEN AT PULAU BATU PUTEH**LENGTH:** 251 words**DATELINE:** KUALA LUMPUR May 24

The Singapore Government has been urged to consider that Johoreans, especially fishermen, have been using Pulau Batu Puteh for generations for transportation and fishing. International Trade and Industry Minister Tan Sri Muhyiddin Yassin said the Malaysian Government hoped Singapore would take note of this and not jeopardise the livelihood of the fishermen. "We hope that Singapore would understand that this matter is very close to our heart, the Johoreans," he told reporters after giving a talk on Umno's code of ethics to the Federal Territory Umno liaison committee here today. Muhyiddin was responding to a question on the decision by the International Court of Justice (ICJ) yesterday which ruled that the disputed Pulau Batu Puteh belongs to Singapore, while Malaysia owns Middle Rock. The ICJ ruled that South Ledge belonged to the country in whose territorial waters the outcrop was located in.

Asked whether he agreed that the decision could be considered as a win-win situation for both countries, Muhyiddin said, "For me, what is lost...is lost, we cannot say that we win...we have lost our territory." However, Muhyiddin said Malaysians had to abide by the ICJ's decision as it was not appealable. He was also asked who should be blamed for the loss of Pulau Batu Puteh. "I don't think we need to blame anybody on that, this is a collective responsibility. "The matter has been decided by the Malaysian Government that the best option to settle the matter is to refer it to the ICJ," he added.

LOAD-DATE: May 26, 2008**LANGUAGE:** ENGLISH**PUBLICATION-TYPE:** Newswire

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Annex 10

Transcript of doorstep interview with Singapore's Foreign Minister, George Yeo, and Malaysia's Foreign Minister, Dr Rais Yatim, on 25 May 2008 at Yangon, available at:

https://www.mfa.gov.sg/content/mfa/media_centre/press_room/if/2008/200805/infocus_20080526.html

(last accessed: 29 September 2017)

May 26, 2008

Doorstop Interview with Minister George Yeo and Malaysian Foreign Minister, Datuk Seri Utama Dr Rais Yatim on 25 May 2008 at Yangon



Minister Yeo: I congratulated Minister Rais on Malaysia being awarded Middle Rocks by the ICJ. He congratulated Singapore on being awarded Pedra Branca on Friday. Our officials will now sit down in the Joint Committee to go through the judgement in detail, to work out the transitional arrangements. In fact, that Joint Committee has already been at work before the judgement, in order to ensure that all scenarios have already been anticipated and that there will be no friction on the ground. The bilateral relation is very good and we should be more relaxed now about safeguarding our claims, about the intensity of our patrols and so. Both of us are bound by the ICJ decision. We respect it; we will implement it with a positive spirit. I think it is good for bilateral relations. To use Minister Rais' description, both sides have won and that is good. I remember the song in the movie "881", that when both sides get something, it is easier to keep relationships. Bilateral relations are very good and both Minister Rais and I are determined to push it to a higher level. It is time for Malaysia to host the next Wisma-MFA Games and Minister Rais says he will do so in the coming months. He doesn't play golf; I don't play badminton, so we thought we will go fishing. Maybe, we will go fishing between Pedra Branca and Middle Rocks.

Over to you, Minister Rais.

Minister Rais: Well, an episode of almost three decades, have come to past and I have summed it up in terms of the ICJ judgement as a win-win situation. It is a victory for Singapore and it is a winning episode for Malaysia for having obtained the Middle Rocks. We are also pleased that the judgement which states that the territorial waters within which South Ledge is situated, will be, to be in favour of the state that has the territorial waters. We will work this out with the technical committee and as George has stated, the technical committee is already in swing and in operation, virtually to be in session within 2 weeks from today. The second point is this is now behind us. What has been an issue for the past 3 decades almost, is now no more an issue for us, it is just to work out how the judgement ought to be translated and understood. Therefore, perhaps it is a day of joy for some of the fishermen around those islands and more than that, it is a joyous prediction for both countries. And I do assert again and reiterate that the bilateral, the good relations, the neighbourliness between Malaysia and Singapore will continue to be forged ahead on a firmer, more harmonious, friendly and cooperative base. Between us, we have decided that our job is to foster truly and effectively that friendship, that harmony and that cooperation.

Minister Yeo: Thank you.

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Annex 11

Report dated 25 May 2008 by *New Straits Times*, “Doing it the Asean way”

(last accessed: 12 October 2017, via www.lexisnexis.com)

New Straits Times (Malaysia)

May 25, 2008 Sunday

Doing it the Asean way

SECTION: LOCAL; Pg. 20

LENGTH: 416 words

IT was seen live on television and the official score now, so to speak, is level, with the venerable judges of the International Court of Justice ruling for Singapore in the case of Pulau Batu Puteh, giving Malaysia the Middle Rocks, and the South Ledge to be decided in extra time, which will be played out from now. The live telecast from The Hague may not have had the worldwide audience that the live telecast from Moscow of the pulsating Champions League final between Manchester United and Chelsea commanded, extra time penalty shoot-out and all. Nevertheless, the implications of the ICJ ruling could be far reaching for the two nations regarding the customary 12-nautical-mile territorial sea limit and the 200-nautical mile exclusive economic zone which involves the question of oil and mineral rights, fishing and right of passage, considering that tiny Pulau Batu Puteh is about 14.3km from Johor and 46.3km from Singapore.

And it gets more complicated with Middle Rocks, the two rocks situated about half a nautical mile south of Pulau Batu Puteh, and 1.7 nautical miles from South Ledge, a low tide elevation, which, according to the ICJ, "belongs to the state in the territorial waters of which it is located", not exactly Solomon's justice, but the court was "not mandated to draw the line of delimitation with respect to the territorial waters of Malaysia and Singapore in the area in question".

And these complicated little bits of territories lie at the eastern entrance of the very busy Straits of Singapore, which provides the deepwater passage to the Port of Singapore. But complicated as it may be, both countries chartered the right course, referring the dispute, which arose in 1980, to the ICJ, whose finding is binding on both countries.

Malaysian Foreign Minister Datuk Seri Dr Rais Yatim declared the decision "a win-win outcome for both sides"; and continued that on South Ledge and other related matters, both countries would set up a committee and future announcements would be made through it. Singapore's Foreign Ministry said the country would "put this issue behind us and move on to strengthen our bilateral and regional co-operation". This is the Asean way to solving disputes, with respect for international law and a commitment to settling disagreements in an amicable manner, like the way Malaysia and Indonesia went to The Hague over Pulau Ligitan and Pulau Sipadan, with the court ruling in favour of Malaysia in 2002, a decision that was accepted by Indonesia.

LOAD-DATE: May 25, 2008

LANGUAGE: ENGLISH

DOCUMENT-TYPE: Editorial

PUBLICATION-TYPE: Newspaper

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Annex 12

Report dated 25 May 2008 by *The Star*, “Don’t go to Middle Rocks yet, police warn Malaysians”, available at:
<http://www.thestar.com.my/news/nation/2008/05/25/dont-go-to-middle-rocks-yet-police-warn-malaysians/>
(last accessed: 15 September 2017)



Don't go to Middle Rocks yet, police warn Malaysians

NATION

Sunday, 25 May 2008 12:00 AM MYT



JOHOR BARU: Malaysians are still not allowed to go to Middle Rocks.

Federal Marine Police commander Senior Asst Comm II Isa Munir said the decision whether to allow people to go there had yet to be made.

"We have to wait for the decision by the Government and I am not sure when it will be made," he told *The Star* yesterday.

SAC II Isa added that Malaysia and Singapore had to resolve several issues over Middle Rocks before people could have access there.

"Among these are the boundaries and territorial waters of the two countries.

"I strongly advise the public to avoid any unwanted tension with Singapore by going there."

On Friday, the International Court of Justice (ICJ) ruled that Singapore had sovereignty over the disputed Pulau Batu Puteh or Pedra Branca, while Malaysia owned Middle Rocks.

On the other disputed territory of South Ledge, the ICJ ruled that it belonged to the country in whose territorial waters the rocky outcrop was located.

The ICJ decision brought to a close the 28-year-old territorial dispute between both countries, and was immediately described as a "win-win" outcome by Foreign Minister Datuk Seri Dr Rais Yatim, who led the Malaysian side at The Hague where the court is located.

Singapore said it was pleased with the judgment although it was not totally in its favour.

Both countries pledged to abide by the decision of the ICJ, the principal judicial organ of the United Nations, whose decision is final and not subject to appeal.

Related Stories: [After 18 years, Kadir's search for letter still goes on MB: Overlapping of rights](#)

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Annex 13

Report dated 26 May 2008 by *The Star*, “Keep off Middle Rocks”,
available at:

<http://www.thestar.com.my/news/nation/2008/05/26/keep-off-middle-rocks/>

(last accessed: 15 September 2017)



Keep off Middle Rocks

NATION

Monday, 26 May 2008 12:00 AM MYT



By Mazwin Nik Anis and Farik Zolkepli

PUTRAJAYA: Fishermen should stay away from Middle Rocks for the next few weeks while "technical matters" are sorted out, said Deputy Prime Minister Datuk Seri Najib Tun Razak.

He said that despite the International Court of Justice ruling on Friday, there were still issues to be ironed before Malaysians were free to go to the rock outcrop located near Pulau Batu Puteh.

"There is no doubt that Middle Rocks belongs to us now but my advice is for the people to wait for the time being, while the technical committee looks into this," he told reporters after launching the Unity month at the Putrajaya International Convention Centre yesterday.

On Friday, the ICJ decided that Singapore had ownership of Pulau Batu Puteh, called Pedra Branca by Singapore, while Malaysia had sovereignty over Middle Rocks which lies to the south.

The ICJ left the question of sovereignty over South Ledge, another rock outcrop south of Pulau Batu Puteh, to be determined by the two countries later.

Najib was asked to comment on differing views reported by the media on whether the public was free to visit Middle Rocks following the ICJ ruling.

Federal Marine Police commander Senior Asst Comm II Isa Munir had said a decision had yet to be made whether to allow Malaysians to go there while an academician was quoted to have said local fishermen could now operate freely in the waters off Middle Rocks.

Prof Nik Anuar Nik Mahmud of Universiti Kebangsaan Malaysia said the navy and marine police could now patrol the area without hindrance and the air force would also have access in the airspace.

Home Minister Datuk Seri Syed Hamid Albar also ruled out sending enforcement agencies to patrol the area in Middle Rocks.

"Let us not take an aggressive posture by sending the agencies.

"It is clear that Middle Rocks is ours and we have an interest to protect.

"However, both countries must work out the best way possible to create an understanding," he told pressmen after launching the Kota Tinggi parliamentary constituency *Gerak Gempur Dadah* programme yesterday.



Related News



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Annex 14

Report dated 26 May 2008 by *New Straits Times*, “Call for joint maritime patrols”

(last accessed: 12 October 2017, via www.lexisnexis.com)

New Straits Times (Malaysia)

May 26, 2008 Monday

Call for joint maritime patrols

SECTION: LOCAL; Pg. 2

LENGTH: 200 words

JOHOR BARU: Maritime patrols around Pedra Branca and Middle Rocks should be conducted jointly with Singapore as the two features were close to each other, Home Minister Datuk Seri Syed Hamid Albar said.

Details of the security arrangement will be worked out by the technical committee set up to study the implications of the International Court of Justice's decision, which ruled that Pedra Branca belonged to Singapore while Malaysia had sovereignty over Middle Rocks.

Syed Hamid said Malaysia would not adopt an aggressive posture by cordoning off the area around Middle Rocks.

"Though Singapore got Batu Puteh, Middle Rocks belongs to us and our fishermen and vessels should not be hindered from going to the area.

"The technical committee must sit down and figure out the security arrangement and navigation in the area," Syed Hamid said.

Following the decision by the court on Friday, the government said a bilateral technical committee would be formed to draw up the two countries' maritime borders around Pedra Branca and Middle Rocks.

The committee would also determine which country possessed South Ledge, an outcropping southwest of Pedra Branca and Middle Rocks that is only visible at low tide.

LOAD-DATE: May 25, 2008

LANGUAGE: ENGLISH

PUBLICATION-TYPE: Newspaper

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Annex 15

Letter from Singapore's Prime Minister, Lee Hsien Loong, to
Malaysia's Prime Minister, Abdullah Ahmad Badawi, dated 26 May
2008

*Prime Minister
Singapore*

26 May 2008

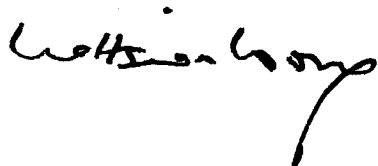
Dear *Abdullah,*

The International Court of Justice (ICJ) has issued its judgment on the case concerning sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge. Singapore fully accepts the judgment of the ICJ, and I am glad to read your comments in Tokyo that Malaysia also accepts the ICJ judgment.

I thank you for your support and leadership in enabling our two countries to resolve this long-standing bilateral issue, and to accept the ICJ judgment calmly and dispassionately. There is still work to be done to implement the decision of the Court, including finalising the status of South Ledge. I am confident that both sides will continue to cooperate closely on these technical issues through the Joint Committee coordinated by our respective foreign ministries.

With this problem put behind us, I look forward to further deepening mutually-beneficial cooperation between our two countries in many other areas, both bilaterally as well as in regional and international issues of mutual interest, including in the Iskandar Malaysia project.

Yours *sincerely*



His Excellency Dato' Seri Abdullah Ahmad Badawi
Prime Minister
Malaysia

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Annex 16

Transcript of RTM1 programme, “Rancangan Bersemuka Dengan Media: Isu Semasa & Polisi Luar Negara” (translated into English as: “Face to Face with the Media: Current Issues and Foreign Policy”), broadcast on Radio Television Malaysia on 28 May 2008, and English translation provided by Singapore, as well as screen capture of webpage containing links to video files on the official website of Malaysia’s Ministry of Foreign Affairs
(last accessed: 4 October 2017)

Transcript of RTM1 Programme, “Rancangan Bersemuka Dengan Media: Isu Semasa & Polisi Negara” (translated into English as: “Face to Face with the Media: Current Issues and Foreign Policy”), broadcast on 28 May 2008

ENGLISH TRANSLATION

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Part 1: From 02:04 to 29:55 of the first video recording titled “*Rancangan Bersemuka dengan Media 1 “Isu dan Polisi Luar Negara” – RTM1.flv*”, available on the official website of the Ministry of Foreign Affairs, Malaysia, at <http://www.kln.gov.my/web/guest/v2008?>. (last accessed: 4 October 2017)

Sabaruddin Ahmad Sabri (Panel Moderator): Datuk Seri just came back from The Hague yesterday, and before we comment further, let us hear the speech you made there, or the live recording yesterday, recorded by RTM.

Recording of Speech by Datuk Seri Dr Rais Yatim (Rais Yatim): “The decision by ICJ in the morning and afternoon of today has given victory to both sides – a win-win situation. At one stage, the ICJ decided that based on historical facts, or international law, and also other factors, on the claim for Pulau Batu Puteh, the Court decided to give sovereignty to the Republic of Singapore but at the same time, and this is important, the sovereignty over Middle Rocks was given to Malaysia and this happens to be a victory to Malaysia too and so the conclusion is this morning, in this win-win situation, we are able to determine the sovereignty over the two claims and the reasons given are being studied by both sides, as I mentioned earlier the other day, these decisions will be subject to our claims and follow-up actions. A technical committee will be set up for both countries and other further follow-up will be announced through the committee, after all the studies have been done.”

(Back to interview)

Sabaruddin Ahmad Sabri (Panel Moderator): Datuk Seri, with regard to the win-win situation you mentioned just now, there are many of our people who think that this victory is not a full victory, and during this cooling-off period, what would be your advice to our people regarding this decision?

Rais Yatim: First is to see that the decision made by the ICJ is a recognition of a situation where international law is playing its role. In the past, or specifically from the year 1844 to the year 2008, there was no Malaysian presence in the islands. After this, we have a role, a right and sovereignty there, in line with the system of territorial waters law there, so Malaysia has a right over Middle Rocks, and by extension, South Ledge is also in Malaysian waters, if the considerations in international law are recognised. This is a victory for us, where before there weren't any, but now we have 50 percent. This is similar to saying that the glass is half empty while some say that the glass is half full.

The Star Assistant News Editor Paul Gabriel (Panel Member): Can I begin with saying that the Malaysian administration now is using a diplomatic approach which is softer with countries like the US, Australia and Singapore. But there are parties that are not happy with this style. Are you certain that this is the best way for Malaysia in paving the way forward from the old administration that was more firm in its approach?

Rais Yatim: There is a proverb that says “When it is tense it twangs, when it is loose, it tinkles”. That is the best philosophy to practise, we cannot be soft all the time, sometimes we have to be firm, in order to achieve what we aim for. Only the way we begin that, it is best that diplomacy is used. The soft approach is used. We should be firm at times, or soft at times according to the situation. That is the kind of situation we should determine with time. I would say that there were good things that took place during Dr Mahathir’s era and there are also good things happening in Tun Abdullah Badawi’s era. Thus, I have tried to combine the two formulae to give the best for us. And as Foreign Minister, I would do my best.

Sabaruddin Ahmad Sabri (Panel Moderator): Datuk Seri, you met with the EU this morning. What about their reaction and perhaps what they want to know about our foreign policies?

Rais Yatim: I had a talk with 27 of them just now and they expressed various opinions, mostly constructive – want to have more interaction with ASEAN, with Malaysia, want to increase trade, promote commerce, and besides that, they also want to see Malaysia’s role among the Islamic countries, which is more liberal and effective, to be given a place in Europe. They also looked at the condition of human rights in Malaysia and gave their views but they agree that Malaysia has its own style of governing and they can already see how the human rights and the freedom rights have improved from time to time in the world’s view. Only I told them that we cannot follow the method of human rights in Los Angeles for instance, because we also have our own civilisation and we need not follow the human rights plan that is in Los Angeles or New York. We are happy to see, in Asia, our practice of human rights to be in line with our culture, our administration, politics and history in Asian lands.

New Straits Times Foreign Editor Kamarulzaman Mohd Salleh (Panel Member): When you talk about Batu Puteh being a win-win situation, there are parties who said that we have lost because the focus has been on Batu Puteh, but suddenly we got Middle Rocks and South Ledge instead. So how do you, on your part, try to explain or assuage their feelings of dissatisfaction?

Rais Yatim: I think the dissatisfaction is not from all quarters but perhaps our friends in Johor feel that we did not get 100 percent of what we asked for. The situation is this – Malaysia had not administrated or set rights over the island [Pedra Branca]. Since the year 1844, there had been no administration carried out there, and there had never been use of it. Thus, the court decided that based on that, and other matters that I could clarify later, the fact is that we cannot claim the island. But what would happen if the three areas had been given to Singapore? Surely the impact would be even more negative to

our community. But if there is anyone who says that we did not win at all, it is not fair, because we find that the position of Middle Rocks is a strategic place in the future, as a place for research, for patrolling and guarding fishermen, for weather studies, many things can be done there. Meanwhile there is nothing that grows on Batu Puteh, only the Horsburgh Lighthouse is there. We have to expand our outlook so that what happens in international law can be accepted with rationality and not merely express feelings that are without basis against our international case.

Sabaruddin Ahmad Sabri (Panel Moderator): Perhaps many asked because only yesterday [when] you returned, Utusan Malaysia had published on its front page, about a lighthouse on Pulau Pisang that is being managed by Singapore. How would it be, if this place becomes another historical issue that we need to deal with in the future, that we need to surrender to them? The Menteri Besar had explained that they have an agreement [with us]. And today [New] Straits Times has shown that there are various small islands which have become [subjects] of disputes and claims, especially with our neighbours, what do you think Sir?

Rais Yatim: The conditions for Pulau Pisang are so different, its location, its legal status and the rights over it. Only I have suggested that areas like Pulau Pisang should be developed in order to show that the place belongs to Johor, and that it is being developed in tandem with Johor's development. However whether it is developed or not is not a big issue because in terms of its geography, its history and title, they are still with Johor. The lighthouse is a result of a special agreement between the Johor state and the British so actually it is not the Federal Government which decided that the lighthouse was built that way. Only if Johor plans to develop the island, the Foreign Ministry can negotiate with every side so that it can be a new focus. We must accept the fact that Pulau Pisang's position is totally different from that of Pulau Batu Puteh.

The Star Assistant News Editor Paul Gabriel (Panel Member): Datuk has said that the court decision is a big victory for us, and the Malaysian people felt relieved when you used those terms. But would there be new complications that might arise with the

technical committee, which has set out to do its job, which Datuk himself is overseeing, because the distance between Pulau Batu Puteh, Middle Rocks and South Ledge is so near, only hundreds of metres. Are you certain that the process of discussions in the committee will be smooth and without other complications?

Rais Yatim: I predict that the technical committee will also encounter obstacles but I don't think it will be as heavy and as complicated as the one that we faced all this while, i.e. almost 30 years by both sides. But I need to say that what is contained in the deck of issues [to be discussed at the committee], is to determine the territorial waters where Singapore and Malaysia already have claims. Usually the area 12 miles from coast is the territorial sea of a country. So if Middle Rocks belongs to Malaysia, thus the issue of territorial waters can only be determined when the experts of law of the sea give their advice and we will all have these experts. In the past, in 1927, between Singapore and Malaysia we've already had that [demarcation of territorial sea], but because Pulau Batu Puteh had existed for such a long time under British rule, thus the waters around it have not been determined yet. Therefore, after [the work of the committee] the territorial waters of Batu Puteh will be determined, similarly also [the waters of] Middle Rocks and also South Ledge – whether it overlaps with the waters of Middle Rocks or not, will be determined. Second is about fishermen, and both sides will try their best, that the traditional rights of fishermen will be studied and “returned” to them, at the very least around Middle Rocks, and also around South Ledge. Because Singapore has also shown a positive attitude of wanting to be amicable and consultative and have good thoughts and be harmonious through cooperation, I am confident that the technical committee can be conducted in a consultative manner, contrary to before, where we leave it to the ICJ.

New Straits Times Foreign Editor Kamarulzaman Mohd Salleh (Panel Member):
When we talk about relations with Singapore, usually we would be reminded of the bridge, Water Agreement, because when we talk about Singapore, it is sensitive. People, [especially] among politicians, always talk about the difficult

relations between Singapore and Malaysia, so how are we able to overcome this, and with other agreements.

Rais Yatim: It's true, and I am attracted to this question. So I begin with a Malay saying that goes "If the knife is not sharp, don't peel the skin of the fruit". The reason why these parties are unhappy is because they do not know the law, are not skilled and not professional. And so when we don't know, we become cantankerous. Our opinion in the Foreign Ministry [is that] we must hone our capability in international law, our officers must have sharp minds, our treaties very well kept, and we must know what the other party is talking about that we can answer their arguments on the basis of the law. That is what I see. There [were] agreements in the 1990s for example that were signed by certain parties but the documents were not validated or attested. Isn't this carelessness on their part? So I don't want to hide anything in this matter. I would like to advise all experts to be professional, safe-keep and safeguard our records and we can face it with Singapore. Singapore has a stand that comes complete with their records, with their archives, with their arguments, with their words. We also should safe-keep our records well. After saying all that, from now onwards, we should not be afraid of facing Singapore. We should sharpen our minds and state one by one professionally what is facing us. About the matter of water, KTM land, water price, Pulau Pisang, we have to gather all these facts and conduct a review of them that is professional. Secondly, [the perception] that we are fierce, is not to base it on things that we don't know, but if we know, we must make counter-arguments.

Sabaruddin Ahmad Sabri (Panel Moderator): In other words we cannot be emotional. There is an SMS asking the same question and why things are still outstanding. But it is clear from what you said, *i.e.* to improve on our capabilities. Paul [Gabriel], do you have another question?

The Star Assistant News Editor Paul Gabriel (Panel Member): I go back to Batu Puteh again, this is not the first time we have dealt with the ICJ. In 2002, we dealt with ICJ over the Sipadan and Ligitan issue and we won. I was told that the Singapore team had emulated Malaysia's arguments in the case over Sipadan and Ligitan. Why did

Malaysia put such big hopes to win in this case when there was a very clear precedent when Malaysia won and Indonesia lost? Singapore was very confident because there was a precedent in the ICJ, and even Datuk Seri yourself had high hopes that Malaysia could win.

Rais Yatim: In a big case like this, whoever led the delegation, if he looked dejected, surely the country will also feel negative. We cannot show what is inside our minds on our face because we want to create an aura of capability and victory. Even in a football match it is the same, but if we lose, then we cannot be too emotional. Besides that, let me touch on something. For the case of Sipadan and Ligitan, the argument used for that case is effectivity. Meaning administration and use of it through the law. So what we see was Malaysia administering the place, streamlining the island, and even preserving the turtle eggs, there, we managed the place, whether good or bad.

When we talk about Batu Puteh, it was administered by the British, managed by Singapore and we did not say anything or make any protest until 1980 when Singapore started its protest against our maps which supposedly said that Batu Puteh belonged to Malaysia and they protested. Back to Sipadan and Ligitan, certainly our counterparts in Indonesia felt disappointed that both Sipadan and Ligitan had gone to Malaysia. Wouldn't it be nice, perhaps in the opinion of Indonesia, if Ligitan or Sipadan had gone to them, and so when we won the whole thing, we cheered and we rejoiced. But when we only won half of the Batu Puteh case, i.e. Middle Rocks, we were rather inclined to being very pessimistic. This is what I think we must overcome. This is about perception and about how we can determine our expertise for the future.

Sabaruddin Ahmad Sabri (Panel Moderator): Datuk we have a question from a caller.

Caller: Hello, I am Yahya Samad from Rembau. Just now you said win-win. But to me, we have lost, because the island is ours. It is so near Johor. Only we lost because of the letter of the Acting [State Secretary]. He is only "acting" for the post. How could we

have lost in this case? So, Singapore already has a lot of islands, Bukom and more, in future maybe even Pulau Pinang (Penang) will go to them, so I think we should defend it.

Rais Yatim: This is an example of an emotional reaction. This is not a reaction that comes from being knowledgeable. This is the danger of being emotional. If we continue being like this, we will lose in many of our international considerations, negotiations. He said just now that we might even lose Penang; that example is baseless in terms of reality. So Mr Yahya Samad from Rembau must look at things with facts. We cannot treat Penang in the same way as Singapore or Batu Puteh, there is no basis for that. It is only appropriate for me to say, in all sincerity, that the win for Middle Rocks is significant to us, something that had never been touched for hundreds of years is now ours again, belongs to Johor again. And I want to emphasise that we need to appreciate and honour this.

New Straits Times Foreign Editor Kamarulzaman Mohd Salleh (Panel Member): In the atmosphere of that decision Datuk, most Johoreans are angry, just like that Mr Yahya. There are some who said that for the lighthouse in Pulau Pisang, why is it that we did not just take over the place. So in what situation can we take over the administration?

Rais Yatim: There is a big possibility that we can carry out the process of taking over the lighthouse. But all this while there had not been any application from us for Malaysia to take over the lighthouse. So how can something be given when it is not asked? This is what I said that there must be caution and circumspection. And so let's just say Johor would like to take back the island for it to be developed, then let's do it. This is something that is good, we can raise it through a diplomatic note to Singapore and say that we need the island back because we want to build something on it and the past agreement between Johor and the British should be reviewed because we want the right to the land because the right to the lighthouse is solely right to the lighthouse alone but not to the land.

Sabaruddin Ahmad Sabri (Panel Moderator): Datuk Seri, in the last two days, we saw that Nur Misuari had made a claim over Sabah, and based on the news, it is said that they will bring this case to the ICJ. What is your opinion?

Rais Yatim: The stand of MNLF is not a new stand, and he had, it seems now, to have changed his inclination. The philosophy before was that of Moroism, was towards independence and about Moro nationalism. But if he now wants to train his target on Sabah, it is like what they say, “He wants to shoot the duck but he got the chicken”. Sabah can no longer be picked on, resurrected, because it had been decided by the ICJ and the decision of the Cobbold Commission that the people of Sabah had made a decision, in the 1960s, that they wanted to join Malaysia and if this issue is raised by MNLF or Misuari, it is just his political daydream.

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Part 2: From 30:56 of the first video recording (see above) to 27:17 of the second video recording titled “*Rancangan Bersemuka dengan Media 2 “Isu dan Polisi Luar Negara” – RTM1.flv*”, available on the official website of the Ministry of Foreign Affairs, Malaysia, at <http://www.kln.gov.my/web/guest/v2008?>. (last accessed: 4 October 2017)

Sabaruddin Ahmad Sabri (Panel Moderator): [Panel Member] Kamarulzaman Salleh, myself and perhaps other panel members, have questions for Datuk Seri.

The Star Assistant News Editor Paul Gabriel (Panel Member): In terms of preparations by the Malaysian team, are you satisfied that every step that has been taken, in terms of the law, was carried out meticulously? Because Singapore is happy that the ICJ has handed to them Pulau Batu Puteh, which they considered the jewel in this case,

and the opposition in Malaysia now claims that Malaysia had been neglectful in its preparations.

Rais Yatim: I certainly would not agree with the view that the Malaysian team has been negligent. The Malaysian team involved scores of countries for research and we had also been preparing from 1979 to 2003. We involved for example Elihu Lauterpacht, an international expert, we involved James Crawford, an international lawyer, so there is no question of our preparation not being robust. Only, in any legal case in the world or even in a domestic court, the issue of the possibility of not getting all of it is always there. Thus, in this case, if the opposition wants to accuse us of being careless, I would like to see the faces of those who said that we were careless. How did they know whether we were careless before the case was raised? We had briefed the Sultan of Johor, the Menteri Besar, Johor leader, members of Parliament, even the Prime Minister was present when I gave the briefing. Looking back at this case, actually I had been in the tail-end of it, I wasn't there from the very start. Had I been there from the very beginning, perhaps the method of tackling could have been different. But because I was at the tail-end, sometimes I would get the brunt of it, while the people before me could be whistling away now, and got away without getting any repercussions. But I accept this, this is a challenge in life but I would like to stress that we tried our best in this case and I would like to record my thanks, my appreciation to all the people who put their energy into building the case and the arguments. Only, the ICJ had 16 judges, surely they had views on the judgment, international jurisdiction, international law, law of the sea, territorial water rights, EEZ rights, all of these would still be determined later. But for now, to me the victory, even though small for some people, is still substantive.

Sabaruddin Ahmad Sabri (Panel Moderator): Datuk Seri, when the live telecast was on, I saw that you were jotting down a lot. If I may, I would like to know exactly what you had written at that time.

Rais Yatim: I still have the book here with me. There were many pages that I wrote on. I jotted down the arguments said by the judge who led the panel of justices. For example, in international law, the proximity of an island is not considered in their

considerations. Secondly, whether the September 1953 letter really did have hidden power behind it or not was also not an argument that they accepted. So I noted down all those things, if they are in the concept of ostensible authority or de facto authority besides authority de jure for example. More or less, it is used in law, but what I was puzzled about is why such arguments were not at all in their thinking. So as a person that is, even a little bit, affected by this, I felt that there were things that should have been considered.

Sabaruddin Ahmad Sabri (Panel Moderator): Dear audience, let us follow the people's blogs [and] the interviews that have been conducted and also the messages that the public had posted.

(Screen shows reactions and messages)

(Shown simultaneously with the messages is a news excerpt of UN Secretary-General Ban Ki Moon saying that Myanmar's head of state Than Shwe finally agreed to let all aid workers and supplies enter the stricken country to provide assistance to the more than two million people in need after Cyclone Nargis made landfall.)

Sabaruddin Ahmad Sabri (Panel Moderator): Those were the people's blogs that commented on Myanmar and there is a question for Datuk Seri.

New Straits Times Foreign Editor Kamarulzaman Mohd Salleh (Panel Member): Datuk, ASEAN was criticised. According to analysis, ASEAN was criticised for not being firm and was late to act when Cyclone Nargis hit Myanmar. What is your opinion of this criticism?

Rais Yatim: This is armchair criticism. They do not know the real thing. Singapore, Malaysia, Indonesia tried to give their views and advice from the beginning, on the second and third day, but because the administration in Myanmar was such, our opinions conveyed to their Foreign Minister received a late reaction. Meanwhile, we

among the ASEAN Foreign Ministers moved to have an immediate meeting which was held on the 19th. There we conveyed our messages quickly and from earlier on, Malaysia sent 500,000 RM worth of goods and in five days, help from Singapore came, and from Indonesia too. So to say that ASEAN did not act bordered on the outrageous. Because Indonesia, through its Foreign Minister had given a very good boundary for Myanmar to carry out its tasks. Because they were often cautious about outsiders, that was why the supplies took a while to reach. Thus, now we have the format where ASEAN becomes the gateway and the world can send assistance and medical help and others through ASEAN.

The Star Assistant News Editor Paul Gabriel (Panel Member): Datuk Seri, I would like to return to your duties in Wisma Putra. You returned to Wisma Putra after 22 years of serving there. Recently, Datuk Seri said that Wisma Putra had lost its cutting edge or advantages in several aspects in handling its tasks compared to other countries like Singapore, Thailand, Indonesia. Laos and Vietnam had even advanced forward. How could this have happened, Datuk Seri?

Rais Yatim: A certain entity sometimes becomes satisfied and complacent when they have achieved much success. Actually Malaysia achieved success and after the era of Dr Mahathir, which I consider a volatile but quick-to-react era, had turned back to reflect upon them. During that reflective period, perhaps many countries in Asia had advanced forward, especially in the way our country had the expertise in dialogue. Our way of conveying diplomacy, the way we argue in forums, was not able to produce fruitful ideas as it had at one time. This reminded me, in the second time that I am back in the Ministry, that there must be a little adjustment in the way we act, even though soft, but we must have the ability to set our priorities overseas. We have to conduct public diplomacy. For example, besides projecting our role in international forums, our assistance and our advice in projecting certain things must be fast. So in those things, some are quite progressive while a small part is less advanced. We would like to see our ambassadors change their attitude and assessments and they should put emphasis on methods that are progressive.

Sabaruddin Ahmad Sabri (Panel Moderator): Datuk Seri, one question in terms of experience. This is also important in terms of foreign policy. How do you see the experience of officers? Is it sufficient or there are areas where we need exposure.

Rais Yatim: In other countries, their foreign ministries were able to recruit talents, from the universities and quickly absorb them into their training and grooming machinery. In Malaysia, we have to follow a very long process, that at the end, the effectiveness is kind of watered down. The best would be to groom these talents from the university and if they shine, we absorb them directly into the Foreign Ministry because to work as a Foreign Service officer, you need skills. I want to be frank here to say that an obese person cannot enter this ministry. We need people who are active, who show enthusiasm, who have interest, and the ability to communicate and find new ideas, to debate and have very high sense of national interests. That may be quite a mouthful, but this is important for us to find, for the sake of the country's future. God willing, we will try, yet those who have served for a long time, we fully appreciate them.

New Straits Times Foreign Editor Kamarulzaman Mohd Salleh (Panel Member): Back to Myanmar, Datuk Seri. The latest report which I was made to understand is that the Myanmar junta has extended the house arrest of Aung San Suu Kyi for another year. The international world perhaps had thought that with the occurrence of Cyclone Nargis, perhaps the junta would be softer but it seems that there is no give and take. Thus, in this case, what would be ASEAN's reaction? Another thing Datuk, ASEAN is seen to be helpless in facing the Myanmar junta and they are taking advantage of ASEAN's soft approach on them. What is your opinion Datuk?

Rais Yatim: From one perspective, that opinion has some truth, *i.e.* Myanmar does not care about what ASEAN says, and if we want to retaliate, we might say, if it's like that, then why join ASEAN? That is frank talk, yes, but I still remember what Tun Mahathir had said before where he had really urged ASEAN members to take Myanmar in. The Myanmar process would take time, because of the culture in Burma in the past which

idolises the military which is still thick. So in that situation, the evolution must be through institution, through individual interaction, through business and commerce, and through international trade. Thus, what is done towards Aung San Suu Kyi needs to be debated each time we have a meeting but in a good way, because let's not have, because of Myanmar, ASEAN having a bad name in the world because we seem not to care about individual interests or universal freedoms which are not practised there right now, what more when the house arrest is extended for yet another year by their authorities. Even the referendum was held during the thunderstorm. Thus, in these matters, I believe the ASEAN heads of state meeting which will be held in Thailand soon would discuss the issue and we will follow up on that.

Sabaruddin Ahmad Sabri (Panel Moderator): Datuk Seri, we have a caller who has been waiting for a while.

Caller: Hello, my name is Aidid and I am from Selangor. I am not happy with our Datuk Seri. He is now telling us about Batu Puteh, and why did he say that Malaysia has a win-win when Malaysia has actually lost. It is habit to always talk in a long-winded way. Why doesn't he just be frank and tell the people that Malaysia lost. And I am not satisfied with the current MPs. Let's close the Batu Puteh issue, and tell the people the real thing.

Rais Yatim: Mr Aidid, I categorise you with those whom once again I say are people who do not give any empathy to our situation. I say here: Middle Rocks belongs to who now? For 100 years, to whom did it belong? If Mr Aidid cannot accept this as reality, I can also say that you are not telling the truth. To me, I have nothing to hide, because as I had said just now, I rode this horse at its tail-end. I only tried to do my best. So if Mr Aidid from Selangor is not satisfied, I say thanks be to Allah. To me, Malaysia still wins. That is my answer.

The Star Assistant News Editor Paul Gabriel (Panel Member): Among the statements that I find interesting that Datuk Seri made when you returned to Wisma

Putra was that the work of the Foreign Ministry was closely related to the national political situation, how foreign policy is moulded by strong leadership and clear thinking, as what you said in the diplomatic institute this morning. What is it that you really wanted to express?

Rais Yatim: The most important factor is that in foreign policy, while diplomacy is recognised as a way to produce a certain thing or a certain effect, the objective must be clear. And our officers must not be hesitant or in a state of puzzlement in their pronouncements, or directives or guidance that we give. In this case, I feel that if Malaysia wants to progress in the international arena, we must be proud in voicing out certain projects or certain programmes that have implications on mutual interests or individual interests of countries. Too soft as what we mentioned just now would not produce the effect that we want and so a combination of methods must be engaged to achieve the results needed. The one who steers the foreign policy is the Prime Minister and his Cabinet. The Foreign Minister is only like the spokesman. Thus, the firmer the top leadership of the country is, the better would be the country's foreign policy. An example that I can give is to ensure that the administration of Malaysia is suitable for Malaysia. We can defend this through various directions and arguments. But if we compromise on one aspect and try to project something else in an illogical way, we will be defeated by certain circles.

Sabaruddin Ahmad Sabri (Panel Moderator): Datuk Seri, if we observe things, in the past, we were indeed well-known on the international stage, but now it seems that we are famous for our people making mischief outside the country especially about drugs and such. What is happening outside and does this form as our worry too, when too many of our people, especially women, have been tricked and used to carry various types of narcotics. How are you in this issue Datuk Seri?

Rais Yatim: A few days ago, I expressed my view about parents, and including employers, watching young people under 21 and young women who leave Malaysia on the pretext of doing something. But there were people who called themselves human

rights group who said “we cannot do that” as if they are better than the New Yorkers and Los Angeles inhabitants.

So now there are 139 or more of our young people, mostly women, who are suffering in detention overseas. They were played by syndicates here and overseas who promised good payment and gifts in such an easy way, and they were attracted by it. Like the case in Tokyo, which can no longer be appealed now, also in Madrid, Spain, Venezuela, Colombia and other countries. They are in a sad situation, and this is not at all a good source of news about our country. So please realise that it is our own family that should be concerned. Our young people who go overseas should be asked why they are going. Usually they would say that they are going for courses or touring and so you need to ask where did they suddenly get that much money? The parents must be concerned. When they get into trouble, as usual, they would ask, why the Foreign Ministry did not do this, did not get them lawyers, did not visit them, all sorts of questions. We also have our limits as to how much we can do overseas, but we will still try to calm the situation. But the best cure is still prevention.

New Straits Times Foreign Editor Kamarulzaman Mohd Salleh (Panel Member):

Datuk, back to those who were arrested overseas and sometimes, like recently, there was a report in the papers, of our students overseas being involved in activities which are against the law, *e.g.* they enter college on the pretext of studying but were doing other stuff. So one way we can do, Datuk, is to do some form of vetting to overcome this problem.

Rais Yatim: I think there is vetting but that is not within the purview of the Foreign Ministry, perhaps the Tertiary Education Ministry should be more stringent in their vetting, second Immigration and third, those who organised these kids going overseas, to ensure that they are really seriously students and again enforcement has to be firm. When enforcement is weak, you will get these negative elements. For example, in shopping complexes now, why are there high incidences of stealing and

shoplifting? Why don't we take action that reveals weak enforcement by certain parties? The answer is clear.

The Star Assistant News Editor Paul Gabriel (Panel Member): Datuk Seri, Wisma Putra does play a role in the issue of hike in price. Datuk Seri, a sudden steep hike in the price of rice and fuel for example was reported today and the Malaysian government enforced control on the sales of petrol and diesel in border states to curb cars registered outside. Would this raise the wrath of neighbouring countries?

Rais Yatim: On one side maybe, but after the Ministry makes a clarification, I am certain it will be understood. The oil is our oil, we should decide to whom we want to sell it to, and particularly to our people. Second, about proximity, close or far from the border. We also should decide that the sales and the benefit are to Malaysians. Only, I believe that in the long-run, this will not produce any lasting results. How long we are able to continue giving subsidies has been answered by the Prime Minister. This is about 50 billion, only for subsidies, in the end, our government will not be able to function. Like it or not, those in rural areas, and our farming sector has to have a revolution, to plant our own food, seek survival and a method in the immediate future. Only about oil price, I feel that it will continue to rise. They will play with this phenomenon for their own profit. So we have to determine our attitude towards this and to educate ourselves to change and to change our lifestyle.

New Straits Times Foreign Editor Kamarulzaman Mohd Salleh (Panel Member): Datuk, back to border issues. If we look at the issue of security, we have a problem in Southern Thailand, and the most recent one, Batu Puteh and in Sabah, about immigrants. And that which was raised by MPs especially from Sabah. We are actually surrounded by various security problems. Thus, looking at it, how do we overcome this problem, Datuk?

Rais Yatim: That is why for border diplomacy, we have to create a regime and protocol immediately. Meaning, for Malaysia and Singapore, there must be a regime or system

which both sides must honour. But between Singapore and Malaysia it is not about immigrants, not about illegal entries. It is about issues of mutual interests that are disputed. With Indonesia, it is about the border in North Kalimantan and a bit in Straits of Malacca where their illegal immigrants enter. With Brunei there is none except for a small problem in Limbang and also our waters near Limbang which will decide on the direction of our distribution, as well as the interests in waters as well as land borders. In comparison, with Thailand the problem is over security in its southern border. Thus, if you look at them as a whole, the formula will have to be different, for Thailand, for Singapore, for Brunei and for Indonesia, where we have to find a new form of understanding. Hence, clarity in thought, our sincerity, our efficiency and effectiveness, and nimbleness, will be able to find us solutions.

Sabaruddin Ahmad Sabri (Panel Moderator): Thank you Datuk Seri and my panel this evening. We are running out of time but we should realise that the law is important as well as our foreign policy which has been clearly explained by our Minister. I close this session with a thank you to our guest, our panel members and viewers and listeners until next week, God willing.

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Transcript of RTM1 Programme, “Rancangan Bersemuka Dengan Media: Isu Semasa & Polisi Negara” (translated into English as: “Face to Face with the Media: Current Issues and Foreign Policy”), broadcast on 28 May 2008

BAHASA MALAYSIA TRANSCRIPT

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Part 1: From 02:04 to 29:55 of the first video recording titled “*Rancangan Bersemuka dengan Media 1 “Isu dan Polisi Luar Negara” – RTM1.flv*”, available on the official website of the Ministry of Foreign Affairs, Malaysia, at <http://www.kln.gov.my/web/guest/v2008?>. (last accessed: 4 October 2017)

Sabaruddin Ahmad Sabri (Panel Moderator): Sebelum kita berbincang lebih lanjut, Datuk Seri baru pulang dari the Hague ya?

Rais Yatim: Ya, semalam saya pulang.

Sabaruddin Ahmad Sabri (Panel Moderator): Boleh kita ikuti temubual ataupun ucapan DS masa di The Hague. Sama-sama kita ikuti dulu ucapan yang telah dirakamkan oleh RTM dengan secara langsung, silakan:

Recording of Speech by Rais Yatim: “Keputusan Mahkamah Antarabangsa ICJ di pagi ini adalah memberikan keputusan menang-menang kepada kedua-dua belah pihak atau pun ‘win-win situation’. Pada satu peringkat, Mahkamah ICJ memutuskan bahawa di atas fakta-fakta sejarah, fakta-fakta perundangan antarabangsa, serta menimbulkan kesan-kesan pentadbiran dengan tuntutan Pulau Batu Puteh. Mahkamah berkeputusan untuk memberi kedaulatan pada Pulau Batu Puteh kepada Singapura. Tetapi pada masa yang sama, ini penting, Pulau Middle Rocks diberi milik kedaulatannya kepada Malaysia. Dan ini merupakan satu kemenangan kepada Malaysia jua. Jadi dalam

keadaan ini, dalam ‘win-win situation’ inilah kita dapat menentukan kedaulatan atas kedua-dua tuntutan berkenaan dan dasar-dasar itu sedang dikaji oleh kedua pihak, seperti mana yang saya umumkan tempoh hari, keputusan ini akan di takluki tuntutan dan susulan kita. Mewujudkan jawatankuasa teknikal oleh kedua negara, dan apa-apa yang akan dilanjutkan akan di umumkan kedua-dua pihak menerusi jawatankuasa tersebut, setelah penelitiannya di buat.”

Sabaruddin Ahmad Sabri (Panel Moderator): Ya saudara, itulah ucapan yang terutama Datuk Seri Rais Yatim semasa mengulas keputusan yang telah dibuat oleh Mahkamah Antarabangsa.

Datuk Seri, kalau kita dengar apa yang di katakan tadi yaitu “win-win situation”, menang-menang, tapi ramai juga rakyat berkata bahawa kita tak menang sepenuhnya. Dalam tempoh “cooling-off period” ini atau waktu bertenang ini, apakah nasihat Datuk kepada rakyat kita khususnya?

Rais Yatim: Pertama ialah merasakan bahawa keputusan dibuat oleh Mahkamah adalah satu pengiktirafan situasi di mana undang-undang antarabangsa memainkan peranannya.

Oleh yang demikian, semasa dahulu atau khususnya pada tahun 1844 ke tahun 2008 tidak pernah keberadaan Malaysia di pulau itu. Selepas ini, kita ada peranan, kita ada hak, kita ada kedaulatan di situ, justeru dengan sistem perundangan perairan territorial, maka apa yang di sebut sebagai Batuan Tengah menjadi hak Malaysia dan jurusannya Tubir Selatan atau South Ledge juga berada dalam perairan Malaysia, serta perkiraan undang-undang antarabangsa di iktiraf. Ini satu kemenangan bagi kita, yang dahulu tidak ada langsung, sekarang 50% bagi kita. Ini juga samalah seperti mengatakan gelas tak penuh air, ada yang mengatakan gelas itu setengah penuh air.

Sabaruddin Ahmad Sabri (Panel Moderator): Paul, ada soalan untuk Datuk Seri?

The Star Assistant News Editor Paul Gabriel (Panel Member): Datuk Seri, Selamat kembali ke Malaysia. Saya ingin menanyakan pendekatan Malaysia sekarang menggunakan approach diplomasi yang lebih lembut dengan negara-negara seperti Amerika Syarikat, Australia dan Singapura. Tetapi ada beberapa pihak yang kurang senang hati dengan cara ini. Adakah Datuk Seri yakin bahawa inilah cara terbaik bagi Malaysia bagi mengorak langkah ke hadapan dari corak lama yang lebih tegas, lebih teguh.

Rais Yatim: Pada peribahasa yang berbunyi, bila “kendur berdenting-denting, bila tegang”, berjela-jela, sebenarnya itu falsafah yang paling baik di amalkan. Kita tak boleh lembut sepanjang masa, ada masa kita melonjak sedikit bila kena menegakkan apa yang kita hendak capai. Tinggal lagi cara permulaan yang sebaiknya kaedah diplomasi digunakan, kaedah lembut dahulu. Orang tidak suka kalau kita terlampau garang dan “garang bertempat, lembut pun bertompok”. Keadaan begitu yang kita harus tentukan dari masa ke semasa. Jadi saya meyakini apa yang telah dilaksanakan dalam era Tun Dr Mahathir ada baiknya tetapi era Datuk Seri Abdullah Badawi pun ada baiknya. Jadi saya telah cuba cantumkan ramuan itu dan sebagai Menteri Luar kami akan cuba sedaya upaya.

Sabaruddin Ahmad Sabri (Panel Moderator): Datuk Seri saya di fahamkan pagi tadi Datuk Seri ada pertemuan dengan Duta Eropah, Persatuan Eropah, bagaimanakah reaksi mereka dan mungkin dasar-dasar yang ingin mereka ketahui, tentang dasar kita di luar?

Rais Yatim: Dua puluh tujuh (27) orang pada tengahari tadi telah berbincang dengan saya, dan mereka menzahirkan beberapa pandangan, kebanyakan pandangannya membina ingin lebih berinteraksi dengan ASEAN, dengan Malaysia, ingin melonjakan pedagang serta commerce, dan selain itu, mereka juga ingin melihat supaya peranan Malaysia dalam negara-negara Islam lebih liberal dan berkesan itu diberi tempat dalam pengertian Eropah. Mereka juga melihat keadaan hak asasi manusia di Malaysia dan memberi pandangan mereka. Tetapi mereka bersetuju, Malaysia mempunyai corak pemerintahan sendiri dan mereka telah nampak bagaimana hak asasi manusia dan hal-

hak kebebasan itu kian lama kian meningkat dari segi pandangan dunia. Cuma saya menyatakan kami tidaklah dapat mengikut cara hak asasi di Los Angeles mitalnya sebab kita pun mempunyai tamadun sendiri dan tak semestinya kita mengikut apa yang direncanakan oleh pihak di Los Angeles atau pun di New York. Kita lebih senang jika di Asia kita melihat keadaan hak asasi manusia itu secocok dengan budaya dengan pentadbiran politik dan sejarah ketanahairan kita di Asia.

Sabaruddin Ahmad Sabri (Panel Moderator): Dan dalam acuan kita sendiri ya, Datuk Seri. Tuan Izwan, ada soalan?

New Straits Times Foreign Editor Kamarulzaman Mohd Salleh (Panel Member): Datuk tentang bila Datuk mengatakan pasal Batu Puteh tadi, “win-win situation”. Tapi ada pihak yang mengatakan kita sebenarnya kalah sebab tumpuan selama ini pun tentang Batu Puteh, tiba-tiba muncul Batuan Tengah dan Tubir Selatan. Jadi macam mana, bagaimana pihak Datuk boleh cuba terangkan dan meredakan suasana ketidakpuasan hati.

Rais Yatim: Saya kira rasa tidak puas hati ini tidak menyeluruh tapi mungkin saudara-saudara kita di Johor merasakan kita sudah tidak mendapat seratus peratus apa yang kita pohon. Kedudukannya begini, pulau itu sudah tidak diurus dan tidak diletakkan haknya semenjak tahun 1844, tidak ada pentadbirannya yang dijalankan disitu jadi penggunaannya pun tidak pernah dibuat. Lantaran itu mahkamah mengutuskan di atas perkara tersebut dan juga hal-hal yang berkaitan alasan yang mungkin saya dapat ceritakan kemudian menyebabkan kita tidak dapat menuntut pulau tersebut. Tetapi apa akan jadi sekiranya ketiga-tiga kawasan itu pergi ke Singapura? Tentu lebih hebat negatifnya kepada masyarakat kita. Oleh yang demikian kita tidak dapat menang semua, tapi kita tidak kalah semua, tapi barangsiapa yang mengatakan kita tidak menang langsung pun tak patut. Sebab kita mendapati kedudukan Batuan Tengah tadi sebagai satu tempat strategik masa depan untuk research, untuk pengawasan untuk nelayan, untuk penyelidikan cuaca. Pelbagai boleh dibuat di situ sedangkan di Batu Puteh pun tidak ada apa yang tumbuh cuma ada Horsburgh Lighthouse yang ada di

situ. Mesti kita luaskan pandangan kita itu agar apa yang berlaku kepada suasana perundangan antarabangsa dapat di terima dalam keadaan waras dan yang tidak menonjolkan emosi yang tidak bebas kepada perundangan antarabangsa kami.

Sabaruddin Ahmad Sabri (Panel Moderator): Mungkin Datuk Seri ramai yang tertanya, kalau kita perhatikan, ialah baru semalam mungkin semasa Datuk Seri baru kembali, Utusan Malaysia telah menjelaskan di muka depan (tentang) Pulau Pisang di mana terdapat sebuah rumah api di situ yang dikendalikan oleh pihak Singapura. Bagaimana pulak mungkin ini akan menjadi satu lagi bahan sejarah yang kita terpaksa menanggung esok, kita terpaksa menyerahkan kepada mereka. Ini satu jugak tapi Menteri Besar telah menjelaskan bajawa mereka ada perjanjian, bagaimana Datuk Seri ingat, hari ni pun Straits Times saya ingat ada menunjukkan seratus lebih pulau-pulau kecil yang telah menjadi tuntutan terutama dengan negara-negara jiran kita Datuk Seri.

Rais Yatim: Suasana dan keadaan Pulau Pisang berlainan sekali sejarahnya, perundangannya dan juga letak haknya. Cuma saya pernah menyarankan bahawa kawasan seperti di Pulau Pisang elok dibangunkan supaya menunjuk bahawa pulau itu sebenarnya adalah hak milik Johor, sama-sama membangun. Namun soal sama ada di bangunkan atau tidak Pulau Pisang tidak menjadi hal sebenarnya sebab dari segi geographisnya, dari segi sejarahnya, dari segi pemilikannya atau pun “title in history” atau hak milik sejarahnya tetap dengan Johor. Rumah api ini adalah hasil dari satu perjanjian khusus dibuat Antara Negeri Johor dengan pihak British jadi sebenarnya bukan Persekuatan yang menentukan yang rumah api dibuat sedemikian. Tinggal lagi sekiranya Johor berhasrat untuk membangunkan pulau ini Kementerian Luar boleh merundingkan dengan semua pihak supaya ia dapat menjadi satu tumpuan baru. Kita harus menerima hakikat bahawa Pulau Pisang berlainan langsung kedudukannya berbanding dengan Pulau Batu Puteh.

The Star Assistant News Editor Paul Gabriel (Panel Member): Datuk Seri telah mengisytiharkan keputusan itu sebagai keputusan kemenangan bersama. Rakyat

sungguh lega mendengar Datuk Seri pakai istilah itu. Tapi mungkinkah ada komplikasi baru timbul di masa teknikal kommiti sendiri di mana Datuk Seri sendiri akan mengetuai oleh kerana Pulau Batu Puteh, Middle Rocks dan South Ledge itu berada begitu dekat hanya ratusan meter sahaja perairannya. Dan adakah Datuk Seri yakin bahawa proses rundingan jawatankuasa nanti akan berjalan dengan lancar dengan tiada batu halangan yang lain.

Rais Yatim: Saya menduga bahawa jawatankuasa teknikal ini juga akan menghadapi beberapa aral. Tetapi tidaklah seberat yang ditanggung selama ini, yakni yang ditanggung selama hampir 30 tahun oleh kedua-dua pihak. Namun saya perlu menyatakan, yaitu terkandung di dalam sususan isu-isu ialah menentukan kawasan perairan territorial yang mana Singapura dengan Malaysia memang ada penentuan atau demarkasinya di lautan. Biasanya dalam jangkauan 12 batu dari pantai adalah kawasan perairan negara berkenaan. Jadi kalau Batuan Tengah adalah milik Malaysia, maka soal berkaitan soalan perairan territorial tadi hendaklah ditentukan apabila pakar-pakar undang-undang laut memberikan nasihat mereka. Jadi kami semua akan ada pakar-pakar ini dan sebagaimana pada satu ketika dulu tahun 1927 antara Singapura dengan Malaysia sudah ada perairan itu dibuat. Tetapi lantaran Batu Puteh telah wujud sedemikian lama dibawah kawalan British maka perairannya tidak menentu lagi. Justeru selepas ini, Perairan Batu Puteh ditentukan, perairan territorial Batu Tengah ditentukan dan Tubir Selatan sama ada di dalam perairan Batuan Tengah ataupun sebaliknya ditentukan. Kedua adalah berkaitan dengan nelayan. Dan kedua-dua belah pihak kami telah uruskan supaya sebaik mungkin supaya hak nelayan secara tradisi dikaji dan diberi balik kepada mereka sekurang-kurangnya di Batuan Tengah dan juga di Tubir Selatan. Oleh kerana Singapura juga telah menunjukkan satu sikap yang positif untuk berbaik-baik sangka, untuk berharmoni secara bekerjasama, saya yakin jawatankuasa teknikal ini boleh dilaksanakan dengan musyawarah berbeza dengan yang terdahulu di mana kita serahkan kepada Mahkamah Dunia.

New Straits Times Foreign Editor Kamarulzaman Mohd Salleh (Panel Member): Datuk Seri bila kita bercakap tentang hubungan antara Singapura selalu kita akan

ingatkan tentang jembatan, perjanjian air, sebab Singapura ni kalau kita cakap pasal Singapura ini sensitive. Orang di kalangan ahli politik selalu bercakap tentang masaalah dengan hubungan Malaysia-Singapura. Jadi bagaimana Datuk kita boleh atasi masaalah ini dengan perjanjian-perjanjian yang lain mithalnya.

Rais Yatim: Benar, saya tertarik dengan soalan ini jadi saya mulakan dengan menyatakan pepatah juga berkata “kalau pisau tak tajam, jangan dikupas buah”, bermakna yang menyebabkan pihak-pihak tertentu ini rasa dukacita sebab mereka tidak tahu undang-undang, tidak mahir dan tidak professional jadi bila dah tak tahu sesuatu itu kita bengis. Lantaran itulah pandangan kami dari Kementerian Luar, kita mesti asah kebolehan kita tentang undang-undang antarabangsa. Pegawai-pegawai kita mesti tajam pemikiran. Treati-treati kita tersusun dengan rapi dan kita mesti tahu apa yang dikatakan oleh pihak sana sehinggakan kita boleh jawab dengan undang-undang, itulah yang saya dapati. Tajuk-tajuk perjanjian tahun 90 mithalnya ditanda-tangani oleh pihak-pihak tertentu tetapi dokumen itu tidak disahkan. Itu contoh, bukankah ini satu kelalaian? Jadi saya tidak mahu mengasingkan atau menyorokkan apa-apa dalam soal ini. Saya ingin mengatakan kepada semua pakar, hendaklah professional, simpan rekod kita dan kita sama-sama hadapinya dengan Singapura. Singapura mempunyai pendirian mereka lengkap dengan rekod mereka, dengan archive mereka, dengan hujah-hujah mereka, dengan kata-kata mereka. Kita pun harus simpan rekod-rekod kita dengan baik. Setelah menyatakan sedemikianlah maka mulai kini, kita jangan takut menghadapi Singapura. Kita mesti tajamkan pemikiran kita, kita mesti nyatakan dengan satu persatu apa yang ada di hadapan. Berbalik kepada soal air, soal tanah Keretapi, soal harga air pun, Pulau Pisang, kita mesti kumpulkan semua ini balik dan buat semakan yang professional. Yang kedua, pengasingan pemikiran bahawa kita bengis jangan berasas kepada soal kita tidak tahu, tetapi kalau kita tahu, kita mesti buat balasannya.

Sabaruddin Ahmad Sabri (Panel Moderator): Jangan ikut emosi ya Datuk Seri.

Rais Yatim: Kalau emosi tak boleh menang.

Sabaruddin Ahmad Sabri (Panel Moderator): Itu yang tertarik saya kerana ramai orang pada masa ini telah menghantar sms kepada saya juga dan bertanyakan soalan tersebut kerana telah lama perjanjian-perjanjian ini telah tertangguh tetapi jelas tadi perkara yang perlu dilakukan ialah mempertingkatkan kemahiran kita. Ya itu yang kita dapat dengan jelas. Mungkin Paul ada soalan?

The Star Assistant News Editor Paul Gabriel (Panel Member): Ya Datuk, saya kembali kepada Batu Puteh sekali lagi. Ini bukan kali pertama Malaysia berurusan dengan ICJ. Dalam tahun 2002 kita berurusan dengan ICJ dalam urusan Sipadan dan Ligitan, kita menang. Saya diberitahu bahawa pasukan Singapura dikatakan mencontohi hujah-hujan Malaysia semasa kes 91- ICJ berkenaan Sipadan dan Ligitan. Mengapakah Malaysia menaruh harapan begitu besar dapat menang dalam kes ini sedangkan ada precedent yang begitu ketara Malaysia menang Indonesia yang kalah. Singapura begitu yakin sebab ada precedent ICJ dengan dua-dua. Datuk Seri sendiri menaruh harapan yang besar Malaysia boleh menang.

Rais Yatim: Dalam satu kes yang besar seperti ini, sesiapa yang menjadi ketua rombongan, kalau beliau nampak moyok, tentulah negara berdukacita. Jadi isi hati dalam kita tidak boleh keluarkan semua sebab kita ingin mewujudkan aura kesanggupan kemenangan. Dalam berlawan bolasepak pun begitu. Tetapi kalau akhirnya kalah pasukan itu kita tak begitu emosional. Di samping itu harus saya sentuh sedikit kes Ligitan, Sipadan, hujah yang paling ketara di situ digunakan ialah “effectivity”. Ertinya pentadbiran dan juga penggunaan menerusi undang-undang ataupun pentadbiran. Jadi didapati bahawa Malaysia disitu mentadbir pulau itu, mengemaskinikan pulau itu, malah telur penyu pun dikemaskan baik-baik. Kita mengurus pulau itu, baik buruknya kita urus. Yang disebut sebagai Batu Puteh pun begitu jugak diurus oleh British, diurus oleh Singapura begitu lama dan kita sedikit pun tak tegur, kita sedikit pun tak menyatakan bantahan sampailah pada tahun 1980 di mana Singapura membantah atas peta-peta kita yang menyatakan konon Pulau Batu Puteh adalah hak Malaysia maka mereka pun membantah. Berbalik kepada Sipadan tadi, tentulah rakan-rakan kita dari Indonesia merasa hampa Sipadan Ligitan kedua-duanya pergi kepada

Malaysia. Alangkah baik, pada pandangan Indonesia mungkin Ligitan pergi kepada mereka atau Sipadan pergi kepada mereka. Itu tidak berlaku, jadi apabila kita sudah menang dua dari Indonesia, kita bersorak sorai. Tapi apabila kita menang separuh di Batu Puteh atau Batuan Tengah, kita agak cenderung kepada perasan pesimis yang menebal. Ini saya rasa kita harus atasi. Ia adalah soal persepsi dan soal kita menentukan kepakaran kita buat masa-masa akan datang.

Sabaruddin Ahmad Sabri (Panel Moderator): Datuk kita terima satu pemanggil, yang telah menunggu kita. Hello, siapa di talian?

Caller: Assalamualaikum, saya Yahya Samad dari Rembau. Datuk Seri, tadi Datuk Seri cakap kita “win-win”. Sebenarnya bagi saya, kita dah kalah habis dah, sebab apa, pulau tu kita punya, dekat sangat dengan Johor. Cuma kita kalah disebabkan surat daripada Pemangku Setiausaha Johor itu saja, sebab Pemangku itu akhirnya Pemangku, kenapa pulak kita boleh kalah dalam soal ini? Jadi ini soalnya ya, pulau dah banyak bagi dia dah Pulau Singapura, Pulau Bukom dan selainnya, dah kasi kat dia. Tak lama lagi Pulau Pinang pun kita bagi lagi, jadi kita pertahankanlah.

Sabaruddin Ahmad Sabri (Panel Moderator): Terima kasih Cik Yahya.

Rais Yatim: Ini contoh reaksi emosi, ini bukan contoh perasaan yang timbul dari pengetahuan. Inilah bahayanya. Jadi kalau kita terus berperasaan begitu, aka kita akan kalah dalam banyak perhitungan antarabangsa kita. Beliau menyatakan tadi Pulau Pinang pun akan hilang, tentunya itu tidak berasas kepada kenyataan. Jadi saudara Yahya Samad yang datang dari Rembau tentulah perlu melihat Pulau Pinang dari sudut yang sebenar. Dan kalau kita samakan Pulau Pinang dengan Singapura atau Batu Puteh ini tidak ada basis bagi kita. Wajarlah saya katakan dengan segala keikhlasan, bahawa kemenangan bagi Batuan Tengah ini signifikan kita. Sesuatu yang tidak pernah disentuh ratusan tahun sekarang milik Malaysia kembali, milik Johor kembali dan saya ingin menegaskan thesis ini perlu kita hargai.

New Straits Times Foreign Editor Kamarulzaman Mohd Salleh (Panel Member):

Dalam suasana keputusan itu tadi Datuk, kebanyakan orang Johor memang marah, seperti jua Encik Yahya tadi, ada judak mengatakan pasal rumah api di Pulau Pisang kenapa tidak kita saja ambil-alih? Jadi dalam suasana yang macam mana tu boleh kita ambil alih pentadbirannya?

Rais Yatim: Ambil alihnya berkemungkinan besar dapat kita laksanakan prosesnya. Selama ini tidak ada pun permohonan untuk meminta supaya rumah api itu diambil-alih oleh Malaysia. Jadi benda yang tak mintak, macam mana nak beri? Inilah yang saya sebutkan tadi bahawa kewaspadaan mesti ada. Jadi sekarang katakanlah Kerajaan Johor ingin balik pulau ini sebab nak dibangunkan. Ayuh, satu jalan yang amat baik. Boleh kita kemukakan melalui nota diplomatik kepada Singapura, mengatakan kami perlukan balik pulau ini sebab kami nak bina pembanguanna di atasnya. Perjanjian dahulu antara Johor dengan British haruslah kita lihat semula dan kita ambil hak kepada tanah tersebut kerana hak kepada rumah api itu adalah semata-mata ke atas rumah api, tidak atas tanahnya.

Sabaruddin Ahmad Sabri (Panel Moderator): Datuk Seri, kalau kita tengok dalam dua hari lepas atau semalam, ada Nur Misuari membuat tuntutan ke atas Sabah kerana berdasarkan kepada keputusan ini beliau cuba membawa perkara ini kepada ICJ. Apa comment Datuk Seri?

Rais Yatim: Pendirian MNLF itu adalah pendirian yang bukan baru. Beliau telah sekarang berubah kecenderungannya. Beliau dulu falsafah Kemoroan beliau itu untuk kemerdekaan, untuk Bangsa Moro. Jadi sekarang kalau beliau menghalakan kepada Sabah, ini macam kata-kata “nak menembak itik tapi dah kena ayam”. Sabah dah tak dapat diungkit lagi sebab ianya sudah diputuskan sendiri oleh Mahkamah Antarabangsa dan juga oleh keputusan Cobbold Commisison bahawa rakyat Negeri Sabah sudah membuat keputusan dahulu lagi dalam tahun ‘60an bagi ianya menyertai Malaysia. Kalau soal ini dibangkit oleh MNLF atau Misuari dan lain-lain, ianya adalah sesuatu angan-angan politik beliau sahaja.

Sabaruddin Ahmad Sabri (Panel Moderator): Untuk mengalih pandangan ya Datuk Seri, dan kita berhenti seketika untuk memberi laluan pada iklan dan kita sambung selepas ini. Dalam tajuk Isu dan Polisi Luar Negara.

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Part 2: From 30:56 of the first video recording (see above) to 27:17 of the second video recording titled “*Rancangan Bersemuka dengan Media 2 “Isu dan Polisi Luar Negara” – RTM1.flv*”, available on the official website of the Ministry of Foreign Affairs, Malaysia, at <http://www.kln.gov.my/web/guest/v2008?>. (last accessed: 4 October 2017)

Sabaruddin Ahmad Sabri (Panel Moderator): Saya, Kamarulzaman Salleh and mungkin para ahli panel ada soalan untuk Datuk Seri.

The Star Assistant News Editor Paul Gabriel (Panel Member): Dari segi persiapan pasukan Malaysia Datuk Seri, adakah Datuk Seri puas hati bahawa setiap langkah segala-galanya dari segi perundangan telah pun dilaksanakan dengan rapi sebab pihak Singapura gembira dengan ICJ menyerahkan Pulau Batu Puteh yang mereka anggap sebagai permata dalam kes ini dan pihak pembangkang di Malaysia sekarang mendakwa Malaysia lalai dalam persiapannya.

Rais Yatim: Tentu sekali saya tak dapat menyetujui pandangan bahawa pasukan Malaysia lalai. Pasukan Malaysia telah melibatkan berpuluh-puluh negara di mana kita membuat penyelidikan dan juga dari tahun 1979 sampai ke tahun 2003 kita telah membuat persiapan... Antaranya, Elihu Lauterpacht yaitu pakar antarabangsa kita libatkan. James Crawford pakar undang-undang antarabangsa telah kita libatkan, jadi tidak ada timbul muslihat bahawa persiapan itu tidak teguh. Tinggal lagi dalam mana-mana kes undang-undang dalam dunia atau pun di mahkamah domestik pun soal kemungkinan tak dapat semua itu memang ada. Jadi dalam perkara tersebut kalau

pembangkok menuduh bahawa kita lalai, saya nak lihat muka beliau-beliau itu di mana yang kita lalai. Bagaimana beliau tahu (kita) lalai sebelum kes ini dikemukakan. Kami telah taklimatkan kes ini kepada Tuanku Sultan di Johor, kepada yang Amat Berhormat Menteri Besar, pemimpin-pemimpin di Johor, kepada ahli-ahli Parlimen, malah Yang Amat Berhormat Perdana Menteri pun hadir semasa saya memberi taklimat. Setelah menyorot pengalaman ini, sebenarnya saya ini berada di ekor kes ini, saya tak berada di kepalanya dahulu. Kalau saya berada di kepalanya dahulu, mungkin jugak cara yang dilakukan kaedahnya berbeza sedikit. Tapi oleh kerana sudah berada di ekor ini kadang kala yang kena lempangnya ialah saya, tetapi orang yang terdahulu ataupun pihak-pihak yang memandu dahulu sekarang bersiul-siul, dia tak kena apa-apa. Bagi saya saya terima, ini cabaran hidup tapi saya ingin menegaskan bahawa kes ini telah dicuba sedaya-upaya oleh semua pihak dan saya ingin merakamkan terima kasih, penghargaan kepada semua yang telah mencurahkan tenaga ke dalam pembinaannya dan penghujahannya. Tinggal lagi ICJ mempunyai 16 orang hakimnya, tentulah mereka mempunyai pandangan kehakiman, perundangan antarabangsa, international law, law of the sea, territorial water rights, EEZ rights, semuanya ini mungkin kemudian dipastikan lagi. Tapi buat kini, bagi saya kemenangan walaupun kecil kepada orang-orang, kepada kami tetap substantif.

Sabaruddin Ahmad Sabri (Panel Moderator): Datuk Seri, semasa siaran langsung itu di buat, saya melihat Datuk seri menulis banyak, kalaulah ada kesempatan dan apa sebenarnya Datuk Seri nak kemukakan pada masa itu?

Rais Yatim: Memang buku itu masih ada di sini. Banyak muka suratnya saya catat yaity hujah-hujah yang dikemukakan oleh hakim yang mengetuai kumpulan itu, mithalnya dalam undang-undang antarabangsa, kedekatan sesuatu pulau tidak di ambil kira pada hemah mereka. Yang kedua sama ada surat September 1953 itu sebenarnya mempunyai kuasa di belakang atau pun tidak itu pun tidak ada penghujahan yang diterima mereka. Jadi saya catitlah hal-hal ini ada konsep dalam undang-undang ostensible authority dan de facto authority di samping authority de jure mithalnya. Sebanyak sedikit dalam perundangan di pakai tapi kehairanan saya juga

adalah sedikit pun hujah seperti itu tidak ada dalam pemikiran mereka. Jadi sebagai seorang yang sedikit pun mengalami hal-hal ini merasakan memang ada beberapa hal yang sepatutnya di ambil kira.

Sabaruddin Ahmad Sabri (Panel Moderator): Saudara penonton, kita ikuti dulu blog rakyat (akan) temu bual yang telah di adakan dan juga antara pesanan yang di kemukakan oleh rakyat, silakan.

(Screen shows reactions and messages)

(Shown simultaneously with the messages is a news excerpt of UN Secretary-General Ban Ki Moon saying that Myanmar's head of state Than Shwe finally agreed to let all aid workers and supplies enter the stricken country to provide assistance to the more than two million people in need after Cyclone Nargis made landfall.)

Sabaruddin Ahmad Sabri (Panel Moderator): Itu di antara blog rakyat yang telah mengulas tentang Myanmar dan ada soalan berkenaan Myanmar Datuk Seri.

New Straits Times Foreign Editor Kamarulzaman Mohd Salleh (Panel Member): Datuk ASEAN telah dikritik, kalau ikut laporan analisis, ASEAN telah di kritik kerana tidak tegas dan lambat untuk bertindak apabila Cyclone Nargis melanda Myanmar. Apa pandangan Datuk tentang kritikan ini.

Rais Yatim: Ini kritikan kerusi sebenarnya, armchair criticism. Mereka tidak tahu yang sebenar. Singapura, Malaysia, Indonesia telah cuba menyampaikan pandangan dan nasihat awal-awal lagi, hari kedua dan hari ketiga, tapi lantaran pentadbiran di Myanmar sedemikian rupa, pandangan kami kepada Menteri Luarnya lambat di beri reaksi kemudiannya. Sementara itu, kami dikalangan Menteri Luar ASEAN bertindak untuk bermesyuarat cepat yang di adakan pada 19 haribulan. Di situ telah kami sampaikan. Malaysia telah awal-awal lagi menyampaikan bantuan 500,000 ribu ringgit dalam nilai barangan dan dalam tempoh 5 hari, bantuan daripada Singapura pun sampai,

daripada Indonesia pun sampai. Jadi mengatakan bahawa ASEAN tidak bertindak adalah sedikit mengena kepada keterlaluan. Oleh kerana Indonesia menerusi Menteri Luarnya telah memberi satu garisan yang amat baik bagi Myanmar menjalankan tugas. Oleh kerana mereka sentiasa berwaspada terhadap orang luar, sebab itulah maka penyampaian bahan-bahan barang-barang terlewat sampai. Jadi sekarang formatnya sudah kita adakan dimana ASEAN menjadi pintu gerbangnya dan dunia boleh menghantar barang-barang yalurkan bantuan serta barang perubatan dan in-lain menerusi ASEAN.

The Star Assistant News Editor Paul Gabriel (Panel Member): Datuk Seri, saya ingin kembali kepada tugas Datuk Seri di Wisma Putra. Datuk Seri kembali ke Wisma Putra selepas 22 tahun berkhidmat di sana. Baru-baru ni, Datuk Seri mengatakan bahawa Wisma Putra telah kehilangan cutting edge ataupun kelebihan dalam beberapa aspek dalam mengendalikan kerjanya manakala negara-negara lain seperti Singapura, Thailand, Indonesia, Laos dan Vietnam jugak telah pun maju ke hadapan. Bagaimana ini boleh berlaku Datuk Seri?

Rais Yatim: Sesuatu entiti kadang-kala berasa puas hati apabila setelah mencapai banyak kejayaan. Sebenarnya Malaysia sudah banyak mencapai kejayaan dan selepas era Dr Mahathir yang saya anggap era volatile but quick to react maka keadaan itu menyorot kebelakang untuk melihat dahulu. Dalam tempoh melihat dahulu ini mungkin ramai di kalangan negara-negara Asia sendiri sudah ke depan mithalnya cara negara kita mempunyai kepakaran untuk berdialog. Cara kita untuk menyampaikan segala diplomatik, cara kita berhujah dalam forum–forum hebat kita tidak dapat menelurkan idea-idea sebernas yang pada satu ketika dahulu jadi saya mengingatkan diri saya sendiri bahawa kali kedua datang balik ke kementerian ini harus dipesongkan sedikit cara kita bertindak, walaupun lembut, tapi kita mesti berkebolehan menentukan keutamaan atau prioriti kita di seberang laut. Public diplomacy mithalnya atau diplomasi masyarakat mesti kita jalankan, disamping itu penentuan peranan kita dalam forum-forum antarabangsa yang khusus mesti ditonjolkan, bantuan-bantuan kita dan nasihat kita bagi menonjolkan sesuatu konsep mesti cepat, jadi hal-hal sedemikian

sebahagian daripadanya maju tapi sebahagian kecil ada yang kurang maju. Kita ingin melihatkan para duta kita merubah sikap dan cara penilaian mereka juga harus kita diberi penekanan dan kaedah yang progresif.

Sabaruddin Ahmad Sabri (Panel Moderator): Datuk Seri satu soalan dari segi pengalaman, ini juga penting dari segi dasar luar, bagaimana Datuk Seri melihat pengalaman-pengalaman pegawai, adakah ia mencukupi atau ada yang kita perlu memberikan pendedahan.

Rais Yatim: Di negara-negara lain, kementerian luar mereka lekas boleh mengambil bakat atau talent, bakat dari university, lekas dapat diambil dan dimasukkan di dalam jentera asuhan kita, tapi di Malaysia kita kena mengikut proses yang begitu lama. Apabila sampai ke penghujungnya, maka keberkesanannya agak lembut. Sebaik-baiknya, asuhan daripada universiti itu kalau bakat tadi jelas kita ambil terus menjadi pegawai kementerian luar sebab bertugas di kementerian luar ini mesti ada keterampilan. Saya berterus terang mengatakan, orang boyak tak boleh masuk dalam kementerian ini, mesti orang yang cergas, orang yang menimbulkan enthusiasm, yang menimbulkan minat, dan berkebolehan berkomunikasi mencari idea baru berdebat tetapi mempunyai tahap kepentingan negara yang tinggi. Jadi bak kata orang Inggeris, it is quite a mouthful tetapi penting untuk kita cari untuk masa depan negara, insyaAllah kita cuba, tapi khidmat yang lama tetap kita hargai dengan sepenuhnya.

New Straits Times Foreign Editor Kamarulzaman Mohd Salleh (Panel Member): Jadi berbalik kepada Myanmar Datuk Seri, laporan terbaru yang saya di fahamkan adalah junta Myanmar telah menyambung tahanan kurungan di rumah pada Aug San Suu Kyi, untuk selama setahun lagi. Pihak antarabangsa mungkin merasakan dengan apa yang berlaku, yaitu Cyclone Nargis, mungkin pihak junta akan lebih berlembut tapi nampaknya tidak ada give and take. Jadi dalam hal ini apakah mungkin tindakan ASEAN. Satu lagi Datuk, ASEAN dilihat sebagai tidak terdaya berdepan dengan junta Myanmar dan mereka dikatakan mengambil kesempatan dari kelembutan ASEAN, jadi apa pandangan Datuk?

Rais Yatim: Pada satu hal pandangan itu memang pada tempatnya, yaitu Myanmar tak kisah apa yang ASEAN cakap, jadi kalau kita nak bertindak balas, kalau dah macam itu, buat apa masuk ASEAN? Ini cara kasar ya, tapi saya masih ingat apa yang Tun Dr Mahathir sebut dahulu di mana beliau yang benar-benar menggesa anggota ASEAN mengambil Myanmar masuk. Proses Myanmar mesti makan masa, tidak boleh cepat kerana budaya di Burma dahulu, yang mendewa-dewakan kuasa militari adalah sangat tebal. Jadi dengan keadaan itu, asuhan ini mestilah menerusi institusi, menerusi interaksi individu, menerusi perniagaan, commerce, dan juga dagangan antarabangsa. Jadi kalau yang demikian, apa yang dibuat terhadap Aung San Suu Kyi itu perlu kita debatkan setiap kali kita bermesyuarat tapi secara baik, oleh kerana jangan sebab Myanmar, nama buruk ASEAN itu menonjol di dunia sebab kita tidak memprihatinkan terhadap kepentingan individu, kebebasan sejagat yang tidak di amalkan disana pada masa ini. Apatah lagi tahanan itu di tambah setahun lagi oleh pihak berkuasa. Referendum pun mereka buat semasa angin kencang tu berlaku. Jadi hal-hal ini, saya percaya dalam mesyuarat ketua-ketua negara ASEAN tidak berapa lama lagi di Thailand akan dibangkitkan dan kami akan menyusul hal tersebut.

Sabaruddin Ahmad Sabri (Panel Moderator): Datuk Seri, kita ada satu pemanggil yang dah menunggu lama.

Caller: Hello, nama saya Aidid dari Selangor. Saya tidak berpuas hati pada Datuk Seri kita tu. Dia ni bercerita isu sekarang ni ialah Batu Puteh, kenapa dia kata Malaysia tu win-win sedangkan Malaysia dah kalah, ada dia nak mengayat sahaja tabiat dia, kena berterus terang dengan rakyat kalau kalah kata kalah ini saya tak berpuas hati dengan ahli-ahli parlimen sekarang ini. Isu Batu Puteh ini kita selesaikan, bagi tahu rakyat yang sebenarnya.

Rais Yatim: Encik Aidid, saya golongkan saudara sebagai orang yang sekali lagi saya nyatakan tidaklah memberi keperihatinan terhadap keadaan kita. Saya soal: Batuan Tengah siapa punya sekarang? 100 tahun lebih siapa memilikinya? Kalau saudara Aidid

tidak menerima ini sebagai satu kenyataan, maka saya juga boleh menyatakan, saudara tidak bercakap benar, pada saya, saya tidak ada apa yang nak disorok, sebab saya katakan tadi, saya menunggang kuda ini sudah sampai ekornya. Tinggal lagi saya buat yang terbaik. Jika Encik Aidil dari Selangor tidak berpuas hati Alhamdulillah saya ucapkan. Bagi saya, Malaysia tetap menang. Itulah dia jawapannya.

The Star Assistant News Editor Paul Gabriel (Panel Member): Di antara kenyataan yang saya anggap menarik Datuk Seri buat selepas kembali ke Wisma Putra ialah bagaimana kerja kementerian luar negeri berkait rapat dengan kedudukan politik tanah air, bagaimana dasar luar di bentuk oleh kepimpinan yang teguh dan pemikiran jelas. Clear thinking and strong leadership, sebagaimana Datuk kata di institusi diplomasi pagi ini. Apa sebenarnya Datuk Seri ingin meluahkan?

Rais Yatim: Faktor yang terpenting ialah, dalam dasar luar, sementara diplomasi itu di iktiraf sebagai cara mendapat sesuatu atau melahirkan sesuatu kesan matlamat mesti jelas. Dan para pegawai kita mesti tak tertunggu-tunggu ataupun dalam keadaan terpinga-pinga dalam ucapan kita atau arahan atau pun panduan yang kita beri. Dalam hal sedemikian lah saya rasa jika Malaysia ingin maju terus di arena antarabangsa, kita mesti berani menyuarakann sesuatu projek sesuatu program sabit dengan kepentingan bersama dan juga sabit dengan kepentingan individu negara masing-masing. Terlalu sangat berlembut, seperti yang kita mula-mula sebut tadi tidak akan melahirkan kesan yang di harap-harap jadi kombinasi kaedah tadi harus positif untuk mencapainya. Ikut mana pun yang mencorakkan dasar luar ialah perdana menteri dan cabinet. Menteri Luar adalah hanya sebagai jurucakapnya sebagai petugasnya. Oleh yang demikian lebih tegas pucuk pimpinan sesuatu kerajaan tadi melaksanakan satu dasar satu kehendak lebih baik untuk dasar luar sesebuah negara tersebut. Mithal yang saya boleh beri ialah menentukan bahawa cara pentadbiran Malaysia sesuai untuk Malaysia. Ini boleh kita pertahankan menerusi berbagai jurusan dan hujah. Tetapi jika kita mengalah dalam satu aspek dan cuba memandirikan sesuatu yang lain dengan cara yang tidak logic, kita akan dialahkan oleh mereka tertentu.

Sabaruddin Ahmad Sabri (Panel Moderator): Datuk Seri kalau kita perhatikan, dulu kita memang terkenal di peringkat antarabangsa, tapi sekarang ni kita terkenal kerana rakyat kita yang membuat hal di luar Negara terutamanya dadah dan perkara-perkara begini. Apakah sebenarnya yang berlaku di luar sana Datuk Seri dan adakah ini jadi kebimbangan kita jugak, apabila ramai sangat rakyat kita terutama wanita di telah perdaya dan di gunakan untuk membawa dadah yang berbagai. Bagaimana Datuk Seri dengan isu ini Datuk Seri?

Rais Yatim: Tempoh hari saya menzahirkan pandangan saya supaya ibu bapa termasuk juga majikan untuk mengawasi anak-anak yang bawah 21 tahun atau wanita yang muda yang keluar Malaysia untuk kononnya berbuat sesuatu. Tetapi ada pihak yang menamakan diri mereka sebagai kumpulan human rights itu mengatakan “ah itu tidak boleh dibuat” seolah-olah mereka lebih hebat dari the New Yorkers and the Los Angeles inhabitants.

Jadi sekarang ada 139 lebih kurang anak-anak kita, anak muda kita, yang kebanyakannya wanita yang merengkok dalam tahanan di luar Negara. Mereka telah dipermainkan oleh sindiket yang ada di tanah air kita dengan seberang laut menjanjikan bayaran lumayan, yang menjanjikan hadiah-hadiah dengan cara yang mudah sekali, tertarik mereka. Jadi kes yang ada di Tokyo, yang sekarang tidak dapat di rayu lagi sudah berlaku. Di Madrid, di Sepanyol, di Venezuela, di Colombia dan juga di negara-negara lain sedang dalam keadaan sedemikian, sedih dan ini sekali-sekali tidak menjadikan punca berita bail bagi kita. Oleh yang demikian kita insaflah bahawa keluarga kita sendiri kita mesti ambil berat dan insaflah, anak-anak muda kita yang keluar negara ini perlu di tanyakan di pastikan apa tujuan mereka? Biasa mereka nyatakan nak pergi berkursus, mengatakan nak melancong, bagaimana dapat duit tiba-tiba, mithalnya ibu bapa mestilah mengambil berat. Bila susah, Kementerian Luarlah yang kena kenapa tak buat ini, kenapa tidak dicarikan peguamnya, kenapa tidak dilawati, berbagai soalan. Jadi, kami pun ada had untuk memberi khidmat di seberang laut, tetapi kami cuba untuk meredakan keadaan. Tapi ubat yang paling baik adalah secara preventive tadi.

New Straits Times Foreign Editor Kamarulzaman Mohd Salleh (Panel Member):

Datuk balik kepada mereka yang di tangkap di luar negeri semua tu dan kadang-kadang, baru-baru ni ada laporan di akhbar, yang mengatakan kononnya pelajar-pelajar di luar negara terbabit dalam aktiviti yang tidak menepati undang-undang, ada yang masuk college, on the pretext nak belajar, tapi buat kerja-kerja lain. Jadi adalah satu cara Datuk kita buat penapisan atau vetting ke untuk mengatasi masaalah ini Datuk.

Rais Yatim: Saya fikir memang ada tapi bukanlah pada lingkungan tanggung jawab Kementerian Luar, mithalnya Kementerian Pengajian Tinggi perlu lebih halus tapisannya. Kedua immigration, ketiga ialah pihak-pihak yang menganjurkan anak-anak keluar ke seberang laut untuk menentukan mereka sebenarnya menjadi pelajar dan penguatkuasaan sekali lagi perlu kita tegaskan agak lema. Jadi apabila penguat-kuasaan lemah, kita akan mempunyai pelbagai unsur seperti ini. Di kompleks beli-belah, sekarang, kehilangan yang cukup besar. Kenapa kita tidak ambil tindakan yang mencerminkan penguatkuasaan yang tidak seberapa oleh pihak-pihak tertentu. Jawapannya sudah jelas.

The Star Assistant News Editor Paul Gabriel (Panel Member): Datuk Seri, Wisma Putra memang ada memainkan peranan dalam isu kenaikan harga. Datuk Seri, Kenaikan harga beras, kenaikan harga minyak sebagainya mendadak dan di laporkan hari ini dan kerajaan Malaysia akan menguat-kuasakan kawalan penjualan petrol dan diesel di negeri-negeri sempadan untuk kekang kenderaan-kendaraan yang di daftar diluar negeri. Adakah ini akan menimbulkan kemarahan negara-negara jiran kita?

Rais Yatim: Pada satu pihak mungkin, tetapi setelah kementerian itu membuat penjelasan, saya yakin ia akan difahami. Minyak itu minyak kita, kita harus tentukan kepada siapa nak jual, khusus nya kepada rakyat. Kedua, proximity, jauh atau pun dekat jaraknya hanya daripada sempadan itu, kita juga yang harus menentukan supaya penjualannya dan faedahnya ada pada rakyat Malaysia. Tinggal lagi jangka panjang tentu saya rasa perbuatan ini tidak akan menelurkan hasil yang berkekalan. Bagaimana kita mampu untuk terus beri subsidi sudah dijawab oleh Perdana Menteri. Ini cerita 50

billion, kalau 50 billion sahaja untuk subsidi, kerajaan kita tidak boleh berfungsi akhirnya. Mahu tidak mahu, rakyat kita di luar bandar, sektor pertanian kita harus revolusi balik, tanam makanan sendiri, dan cari survival dan kaedahnya yang terdekat. Tinggal lagi tentang harga minyak, saya berpendapat bahawa ia akan terus naik. Mereka akan memainkan fenomena ini terhadap keuntungan mereka. Jadi kita harus menentukan sikap dan mendidik diri kita sendiri supaya cara hidup kita berubah dan di tukar.

New Straits Times Foreign Editor Kamarulzaman Mohd Salleh (Panel Member):

Datuk berbalik pada isu-isu sempadan, kalau kita tengok dari segi keselamatan, kita ada masalah di Selatan Thai, dan baru lepas, Batu Puteh dan di Sabah dengan craft pendatang. Dan yang dibangkitkan oleh ahli-ahli Parlimen khususnya daripada Sabah. Jadi kita ini dilingkungi oleh berbagai masalah sekuriti Datuk. Jadi dari segi-segi hal yang sebegini, bagaimana kita nak atasi masalah ini Datuk.

Rais Yatim: Itu sebabnya diplomasi sempadan, kita perlu wujudkan regim atau protokolnya segera. Ertinya, antara Malaysia dengan Singapura mesti ada rejim atau sistemnya yang kedua belah pihak harus hormati. Tetapi di antara Singapura dengan Malaysia bukan soal pendatang. Bukan soal orang masuk secara haram. Ini soal-soal kepentingan bersama yang dipertikai. Dengan Indonesia sempadan di Kalimantan Utara dan juga sedikit sebanyak di Selat Melaka di mana pendatang datang ke mari. Dengan Brunei kita tak ada masalah kecuali di Limbang sedikit dan juga perairan kita dekat Limbang yang menentukan hala-tuju kita bagaimana agihan, serta kepentingan laut nak ditentukan selain dari sempadan tanah. Jadi kalau nak dibanding dengan Thailand pula ialah masalah sekuriti keselamatan selatan dan bukan sangat sempadan. Jadi apabila dijurus semula, formula untuk Siam atau Thailand mesti berasingan, dengan Singapura berbeda, Brunei pun sedemikian dan Indonesia kita kena cari juga persefahaman yang baru. Sebab itu jelas pemikiran, ikhlas kita, lebih cekap dan lebih lekas kita akan dapat jalan penyelesaian.

Sabaruddin Ahmad Sabri (Panel Moderator): Terima kasih pada Datuk Seri dan panel saya malam ini. Kita kesuntukan masa tapi kita harus sedar bahawa undang-undang itu penting dan dasar luar kita telah diterangkan dengan jelas oleh Yang Amat Berhormat Menteri tadi. Dengan itu saya ucapkan terima kasih kepada para penonton dan para pemanggil kita dan kita jumpa lagi insyaAllah pada minggu depan.

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Screen capture of webpage <http://www.kln.gov.my/web/guest/v2008?> on the official website of Malaysia's Ministry of Foreign Affairs (last accessed 4 October 2017), containing links to the two video files of the programme, *“Rancangan Bersemuka Dengan Media: Isu Semasa & Polisi Luar Negara”*

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Annex 17

Report dated 3 June 2008 by *The Star*, “Time to move on after decision”, available at:

<http://www.thestar.com.my/news/nation/2008/06/03/time-to-move-on-after-decision/>

(last accessed: 20 September 2017)



Time to move on after decision

NATION

Tuesday, 3 Jun 2008 12:00 AM MYT



SINGAPORE: It's time to put the Batu Puteh issue behind us and work on enhancing bilateral ties, especially getting Singaporeans to invest in Iskandar Malaysia, Malaysian High Commissioner Datuk N. Parameswaran said.

He said the issue over the island had never affected bilateral ties between Malaysia and the island republic.



"The recent decision will cause some fallout from some quarters"

DATUK N.

PARAMESWARAN

"Definitely, the recent decision on the island will cause some fallout from some quarters, but with the issue closed, both countries should work towards improving ties, especially with regard to Iskandar Malaysia," he told *The Star*.

"Singapore Prime Minister Lee Hsien Loong has mentioned about the country's willingness to participate in Iskandar Malaysia. Let's see how that goes now, as Singapore's participation is still low."

On the issue of the boundaries and South Ledge - another rock outcrop south of Batu Puteh - Parameswaran said the technical committee would be convening soon to discuss the matter.

The International Court of Justice (ICJ) ruled on May 23 that Singapore had sovereignty over Batu Puteh or Pedra Branca, while Malaysia owned Middle Rocks.

Asked about a recent remark by former Prime Minister Tun Dr Mahathir Mohamad that Iskandar Malaysia was a platform for Singapore to expand its sovereignty, Parameswaran said such remarks were baseless and that the issue did not arise.

"We have interests in Singapore, too, in banking, telecommunications, real estate and other industries. All these are mere investments to boost the economy," he said, stressing that such remarks would not hurt bilateral ties or keep away investors.

Parameswaran said that investors would only react to comments from Putrajaya as these were the voices, which mattered the most in building bilateral ties.

During a recent gathering here, Dr Mahathir said the Iskandar Malaysia project was intended to lure Singaporeans and Malay land would be sold to them for 10 times its worth.



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Annex 18

*Meeting between Malaysia and the Republic of Singapore on the
Implementation of the International Court of Justice Judgment on
Pedra Branca, Middle Rocks and South Ledge, 3 June 2008,
Singapore, Record of Meeting*

**MEETING BETWEEN MALAYSIA AND THE REPUBLIC OF
SINGAPORE ON THE IMPLEMENTATION OF THE
INTERNATIONAL COURT OF JUSTICE JUDGMENT ON
PEDRA BRANCA, MIDDLE ROCKS AND
SOUTH LEDGE, 3 JUNE 2008, SINGAPORE**

RECORD OF MEETING

The Meeting was co-chaired by Peter Ho, Permanent Secretary, Ministry of Foreign Affairs of the Republic of Singapore and Tan Sri Rastam Mohd Isa, Secretary-General, Ministry of Foreign Affairs, Malaysia.

2 The Singapore delegation list is at Annex A and the Malaysian delegation list is at Annex B. The Agenda of the Meeting is at Annex C.

3 The Meeting was aimed at discussing issues related to the smooth implementation of the International Court of Justice (ICJ) Judgment on the case concerning sovereignty over Pedra Branca, Middle Rocks and South Ledge.

4 The Meeting without prejudice to the issue of sovereignty and eventual delimitation of maritime boundary covered the following:

- i) reiteration of commitment to respect the Judgment of the ICJ;
- ii) maintaining good relations and cooperation between the two countries, including fine-tuning the arrangements and preparatory work for the smooth implementation of the ICJ Judgment;
- iii) establishment of a technical sub-committee known as the "Sub-Committee on the Joint Survey Works in and around Pedra Branca, Middle Rocks and South Ledge" to oversee the conduct of the Joint Survey works to prepare for eventual talks on maritime issues in and around Pedra Branca, Middle Rocks and South Ledge;
- iv) holding the first meeting of the Joint Survey Works Sub-Committee and establishing its Terms of Reference (at Annex D);
- v) agreement that current traditional fishing activities by both countries will be allowed to continue around Pedra Branca, Middle Rocks and South Ledge (see Annex E);

vi) agreement on the approach to render assistance if there is an incident at sea, maintaining a calm situation on the ground and for Singapore to raise Malaysia's request on the lifting of the NOTAM issued in and around PB with the relevant airspace authorities (see Annex F); and

vii) agreement to maintain direct communications between the relevant operational agencies, while keeping both MFAs informed on the implementation of relevant operational activities relating to maritime safety, in accordance with the outcome of the Judgment.

5 The Meeting was briefed on the informal discussions among the representatives of the operational agencies present, on the sidelines of the meeting, the reports of which are attached (Annexes D - F).

6 The Meeting agreed to convene the next meeting in 3 - 4 weeks, while the Sub-Committee will start work as soon as possible.

7 The Joint Press Statement from the Meeting to be issued at an agreed date is at Annex G.

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SINGAPORE DELEGATION

1. **Mr Peter Ho - Leader of Delegation/Co-Chairman**
Permanent Secretary
Ministry of Foreign Affairs
2. **Mrs Chua Siew San**
Deputy Secretary (Asia-Pacific)
Ministry of Foreign Affairs
3. **Ms Foo Chi Hsia**
Senior Deputy Director
Southeast Asia Directorate
Ministry of Foreign Affairs
4. **Mr Low Hon Mun**
Country Officer
Southeast Asia Directorate
Ministry of Foreign Affairs
5. **Ms Sharon Wong**
Country Officer
Southeast Asia Directorate
Ministry of Foreign Affairs
6. **Ms Wu Ye-min**
Country Officer
Southeast Asia Directorate
Ministry of Foreign Affairs
7. **Mr Ramanathan Manivasagan**
Country Officer, Malaysia
Southeast Asia Directorate
Ministry of Foreign Affairs
8. **Mr Keok Tong San**
Deputy Director, Policy & Operations Division
Ministry of Home Affairs

9. **Assistant Commissioner Wong Hong Kuan**
Director (Operations)
Singapore Police Force
10. **Supt Lee Su Peng**
Assistant Director Ops (Planning)
Singapore Police Force
11. **Assistant Commissioner Teo Kian Teck**
Commander, Police Coast Guard
Singapore Police Force
12. **Supt Devrajan Bala**
Head Ops and Security, Police Coast Guard
Singapore Police Force
13. **Mr Lim Wee Kiat**
Deputy Chief Hydrographer
Maritime and Port Authority of Singapore
14. **Capt Lee Cheng Wee**
Deputy Director (Port) / Deputy Port Master
Maritime and Port Authority of Singapore
15. **Mr Lionel Yee**
Deputy Principal Senior State Counsel
Attorney-General's Chambers
16. **Mr Pang Khang Chau**
Senior State Counsel
Attorney-General's Chambers
17. **Mr Ong Chin Heng**
State Counsel
Attorney-General's Chambers
18. **Mr Daren Tang**
State Counsel
Attorney-General's Chambers
19. **RADM Tay Kian Seng**
Head Naval Operations

Republic of Singapore Navy

20. **MAJ Chua Lu Fong**
Branch Head, MINDEF Policy Office
Ministry of Defence

21. **Mr Leslie Cheong**
Director, Food Supply and Technology
Agri-Food and Veterinary Authority of Singapore

.

MALAYSIAN DELEGATION

1. **Tan Sri Rastam Mohd Isa - Leader of Delegation/Co-Chairman**
Secretary General
Ministry of Foreign Affairs
2. **Tan Sri Abdul Gani Patail**
Attorney General,
Attorney General's Chambers of Malaysia
3. **Dato' N. Parameswaran**
High Commissioner to Singapore
4. **Ambassador Dr Fauziah Mohd Taib**
Director General
Department of Policy Planning and Strategy
Ministry of Foreign Affairs
5. **Dato' Hamsan Saringat**
Deputy State Secretary of Johor
6. **Datuk Azailiza Mohd Ahad**
Head (International Affairs)
Attorney General's Chambers of Malaysia
7. **Datuk Hamid Ali**
Director General
Department of Survey and Mapping
8. **Raja Nazrin Aznam**
Under Secretary
Department of Policy Planning and Strategy
Ministry of Foreign Affairs
9. **Mr Ahmad Anwar Adnan**
Deputy High Commissioner to Singapore
10. **Datin Almalena Sharmila Mohd Johar**
Deputy Head (International Affairs)
Attorney General's Chambers of Malaysia

11. **Mr Abd. Rahim Hussin**
Under Secretary, National Security Council
Prime Minister's Department
12. **Mr Adenan Ab. Rahman**
Director
Prime Minister's Department
13. **Dato' Zaitun bin Ab Damad**
UnderSecretary
Ministry of Home Affairs
14. **Major General Dato' Roslan bin Saad**
Assistant Chief of Staff J3 (Operations and Exercise)
Malaysian Armed Forces Headquarters
Ministry of Defence
15. **Rear Admiral Dato' Abdul Hadi bin A . Rashid**
Assistant Chief of Staff (Operations and Defence Training)
Malaysian Armed Forces Headquarters
Royal Malaysian Navy
Ministry of Defence
16. **Mr Baharin Abdul Hamid**
Deputy Director General, Marine Department
17. **Mr Tan Ah Bah**
Director of Survey (Boundaries Affairs)
Department of Survey and Mapping
18. **Captain Zaim Hasan**
Director Hydrography
National Hydrography Centre, Royal Malaysian Navy
19. **Mr Abduk Khalill Abdul Karim**
Director
Department of Fisheries
20. **Tn. Hj Ahmad Nizar b Zolfakar**
Director of Air Traffic, Department of Civil Aviation

21. **SAC I Dato' Haji Tun Hisan bin Dato' Haji Tun Hamzah**
Deputy Chief Police Officer
Johor
22. **SAC I Dato' C. Pakianathan**
Principal Assistant Director
Royal Malaysian Police
23. **SAC II Isa bin Munir**
Commander Marine Police
Royal Malaysian Police
24. **Colonel Abd Rahim bin Sinon**
Defence Advisor
High Commission of Malaysia in Singapore
25. **Mr Ahmad Saktian Ianggang**
Department of Fisheries
26. **Ms Haznah Md Hashim**
Principal Assistant Secretary
Department of Policy Planning and Strategy
Ministry of Foreign Affairs
27. **Major Azhar Tahir**
Assistant Defence Advisor
High Commission of Malaysia
28. **Mr Azhan Mohamed Yasin**
Second Secretary
High Commission of Malaysia

**MEETING BETWEEN MALAYSIA AND SINGAPORE ON
PEDRA BRANCA, MIDDLE ROCKS AND SOUTH LEDGE**

**3 JUNE 2008
SINGAPORE**

AGENDA

1. Opening remarks by Co-Chair
2. Confirmation of Proposed Agenda
3. Ensuring continued good bilateral relations
4. Arrangements for Joint Survey Works
5. Transitional Arrangements
 - 5.1 Continuation of Fishing Activities
 - 5.2 Environmental Protection
 - 5.3 Navigation
 - 5.4 Maritime Patrols, Rules of Engagement and SAR
 - 5.5 Airspace Management
6. Channels of Communication
7. Media Management
8. Other matters
 - 8.1 Date and Venue of Next Meeting
9. Closing remarks by Co-Chair

.

**Report of the Sub-Committee on the Joint Survey Works in and around
Pedra Branca, Middle Rocks and South Ledge,**

3 June 08, Singapore

- The sub-committee met on 3 June 08 in Singapore
- The terms of reference of the sub-committee were agreed upon and are attached as an Appendix to this report.
- The Joint Survey should be carried out as soon as possible, with the data gathering preferably to be completed before the onset of this year's north-east monsoon
- The Joint Survey should comply with IHO standards and collect data, in particular the low-water mark of the features, amongst others
- Preliminary discussions were held on the feasibility of commencing field work as well as the scope and methodology and costs of survey work. Further detailed discussions will be needed on these technical issues.

TERMS OF REFERENCE

1. This committee is a technical sub-committee of the Singapore-Malaysia Joint Technical Committee on the implementation of the ICJ judgment on sovereignty over Pedra Branca, Middle Rocks and South Ledge.
2. It shall be known as the “Sub-Committee on the Joint Survey Works in and around Pedra Branca, Middle Rocks and South Ledge”.
3. Its purpose is to oversee the conduct of the Joint Survey works with a view to prepare for eventual talks on maritime issues in and around Pedra Branca, Middle Rocks and South Ledge.
4. It shall be co-chaired by one member from Singapore and Malaysia respectively.

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Continuation of Fishing Activities, Environmental Protection and Navigation

- 1 Both sides agreed that current traditional fishing activities by both countries will be allowed to continue around PB, MR and SL except for a specific safety zone around PB and MR, and outside the Traffic Separation Scheme. Both sides also agreed that they would monitor their own fishing activities to ensure that they are sustainable and exercise restraint.
- 2 Both sides also agreed to continue with their existing channels of communication and work cooperatively together to ensure navigational safety and environmental protection in the vicinity.
- 3 These arrangements are without prejudice to issues of sovereignty and eventual delimitation of maritime boundaries.

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**MEETING BETWEEN MALAYSIA AND SINGAPORE ON THE
IMPLEMENTATION OF THE ICJ JUDGMENT ON SOVEREIGNTY
OVER PEDRA BRANCA, MIDDLE ROCKS AND SOUTH LEDGE**

**Breakout Session on
Maritime Patrols, Rule of Engagement, SAR, and Airspace Management**

1. **Search and Rescue**

If there is an incident at sea, the nearest vessel can render assistance in accordance with international law, regardless of the victim vessel's nationality or location, on the understanding that actions taken would be without prejudice to issues of sovereignty and eventual delimitation of maritime boundaries.

Operational agencies from both sides will continue to keep communication channels open.

For incidents involving larger vessels, the port authorities and the Maritime Rescue Coordinating Centres of both countries will cooperate and coordinate the assistance effort.

2. **Maritime Patrols**

Both sides should continue to maintain a calm situation on the ground, avoid untoward incidents, and maintain open communication channels.

Fishermen should be advised not to come too close to PB, MR and SL as these areas may pose navigational hazards.

3. **Airspace Management**

Malaysia requested the lifting of the NOTAM issued in and around PB. Singapore will raise Malaysia's request with the relevant airspace authorities.

JOINT PRESS STATEMENT

**MEETING BETWEEN MALAYSIA AND THE REPUBLIC OF
SINGAPORE ON THE IMPLEMENTATION OF THE
INTERNATIONAL COURT OF JUSTICE JUDGMENT ON
PEDRA BRANCA, MIDDLE ROCKS AND SOUTH LEDGE,
SINGAPORE, 3 JUNE 2008**

Malaysia and Singapore met on 3 June 2008 in Singapore to discuss the implementation of the International Court of Justice (ICJ) judgment on Pedra Branca, Middle Rocks and South Ledge issued on 23 May 2008. The Malaysian delegation was led by Tan Sri Rastam Mohd Isa, Secretary-General, Ministry of Foreign Affairs, Malaysia, and the Singapore delegation was led by Mr Peter Ho, Permanent Secretary, Ministry of Foreign Affairs, Singapore.

Both sides reiterated their commitment to honour and abide by the ICJ's judgment and fully implement its decision. It was agreed that a technical sub-committee would be set up to oversee the conduct of Joint Survey Works to prepare for eventual talks on maritime issues in and around Pedra Branca, Middle Rocks and South Ledge. Both sides also agreed that in the event of an incident occurring in the waters in and around Pedra Branca, Middle Rocks and South Ledge, humanitarian assistance will be provided by either side to the affected vessels as part of our common aim of ensuring the safety and security in and around these waters.

The Joint Committee also agreed that fishermen on both sides would be allowed to continue with their current traditional fishing activities in the waters around Pedra Branca, Middle Rocks and South Ledge.

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**MALAYSIA
REPUBLIC OF SINGAPORE**

Annex 19

Report dated 3 June 2008 by *The Star*, “Proposal on Middle Rocks just a suggestion, says Rais”, available at:
<http://www.thestar.com.my/news/nation/2008/06/03/proposal-on-middle-rocks-just-a-suggestion-says-rais/>
(last accessed: 12 September 2017)



Proposal on Middle Rocks just a suggestion, says Rais

NATION

Tuesday, 3 Jun 2008 12:00 AM MYT



By Mazwin Nik Anis

PUTRAJAYA: The proposal to "enjoin" two rocks that form Middle Rocks will have to be approved by the Cabinet after studying a feasibility report, Foreign Minister Datuk Seri Dr Rais Yatim said.

He said joining the two rocks was just a suggestion for the Government to consider after it had been determined that Middle Rocks now belongs to Malaysia following a ruling by the International Court of Justice last month.

"Whether the proposal will affect the eco-system in the area will have to be determined by a feasibility study. These are among points and suggestions raised by various parties but for now, we have to register our presence there through legal means," he said.

He was speaking to reporters Tuesday after handing over RM4.3mil to Chinese Ambassador to Malaysia Cheng Yonghua in aid of the people of China who were affected by a heavy snowstorm last February.

At the function, Yayasan Budi Penyayang chief executive officer Datuk Leela Mohd Ali also presented a cheque worth RM50,000 for the Foreign Ministry to hand over to Myanmar Government to assist victims of Cyclone Nargis.

News reports recently quoted Rais as saying there was a proposal to join the two rocks, which are about 500m to 600m apart so that Middle Rocks would have "more space" for Malaysia to carry out activities.

On May 23, the ICJ decided that Singapore had ownership of Batu Puteh, called Pedra Branca by Singapore, while Malaysia had sovereignty over Middle Rocks which lies to the south.

The ICJ let the question of sovereignty over South Ledge, another rock outcrop south of Batu Puteh to be determined by the two countries later.

Rais said that he would be presenting a report to Cabinet on Wednesday as a follow-up to the judgment in The Hague last month where Malaysia got back part of the "contentious domain", adding one of the main activities was to determine the territorial waters of Middle Rocks by experts.

"This may take a while as we must take cognisance of the rights of Singapore as well, being a very close neighbour of Middle Rocks. We would also like to map out territorial areas of Middle Rocks, vis-a-vis the distance of the outcrop to South Ledge.

"This is important because according to the ICJ, South Ledge should be in the territorial waters of the state that be or the state that owns it and most probably, according to logical assumption, South Ledge could be in the territorial waters of Middle Rocks," he said.

He said with Middle Rocks now formally belonging to Malaysia, there were "many possibilities" that the Government could do on the outcrop, including setting up a weather observation station and other facilities that could assist fishermen in their traditional way of fishing.

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Annex 20

Report dated 4 June 2008 by *New Straits Times*, “New dimension to
Middle Rocks”

(last accessed: 12 October 2017, via www.lexisnexis.com)

New Straits Times (Malaysia)

June 4, 2008 Wednesday

New dimension to Middle Rocks

SECTION: LOCAL; Pg. 4

LENGTH: 558 words

PUTRAJAYA: Malaysia has plans to make its presence felt on Middle Rocks following the International Court of Justice's decision that it had sovereignty over the two undersea boulders off Pedra Branca.

The Foreign Ministry will present some of these plans to the cabinet today, and they include reclaiming land around the boulders to join the rocks together.

Middle Rocks could host either a weather station or an observatory, research facilities, or facilities for fishermen, Foreign Minister Datuk Seri Rais Yatim said yesterday.

Any proposal, however, will have to be brought to the Malaysia-Singapore joint committee, which will have to be consulted over activities in the Pedra Branca area.

The two boulders of Middle Rocks lie about 500 metres apart and are only visible at low tide. Middle Rocks is about 1.1km to the south of Pedra Branca, which the ICJ has awarded to Singapore.

"We are convinced that with Middle Rocks in the hands of Malaysia, we can do various things for the future. The possibilities include joining the two rocks together, subject to government approval and feasibility studies.

"We have to register our presence there through legal means," Rais told reporters at the ministry.

Malaysia is keen to show activity there now that the ICJ has granted it sovereignty of the marine feature.

"There are a lot of benefits in joining the rocks but I can't tell you specifically what. Definitely when you join two points, it will become something bigger," he said when asked to elaborate on the proposal's implications for Malaysia.

He said the ministry's technical committee in a follow up to the ICJ judgment had compiled information and data on Middle Rocks and its territorial waters, but will need to enlist further help from experts as to the kind of activities that can be undertaken there, and the exact boundary lines to mark the surrounding territory.

The ownership of another marine feature, South Ledge, has yet to be fully determined, although, Rais said, it would seem that it lay in the territorial waters of Middle Rocks.

"We need to map out the territorial area, vis-a-vis the distance from Middle Rocks to South Ledge.

"According to the ICJ, South Ledge should be in the territorial waters of the state that owns it (the waters), and according to logical assumption, South Ledge could be in the territorial waters of Middle Rocks."

He said fishermen were still advised to stay away from Middle Rocks until the boundaries were finalised with Singapore.

Rais has also requested Singapore for a date for the joint committee to meet.

He said defining the territorial waters of Middle Rocks would take time because Malaysia had to consider the rights and views of Singapore as well.

He said both countries agreed that neither should politicise the issue.

Earlier, he presented a donation of RM4.3 million to China's ambassador to Malaysia Cheng Yonghua for the snowstorm disaster in central and southern China in February. The money is from the government through the ministry, the Information Ministry, Sin Chew Jit Poh and Nanyang Press.

He said the government was also sending tents, medical supplies and equipment to China for its earthquake victims.

Rais also accepted a donation of RM50,000 from Yayasan Budi Penyayang's chief executive officer Datuk Leela Mohd Ali. The funds are meant for the victims of Myanmar's cyclone Nargis.

LOAD-DATE: June 3, 2008

LANGUAGE: ENGLISH

PUBLICATION-TYPE: Newspaper

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Annex 21

Second Joint Technical Committee Meeting between Malaysia and Singapore on the Implementation of the International Court of Justice (ICJ) Judgment on Pedra Branca, Middle Rocks and South Ledge, Putrajaya, 20 August 2008, Record of Meeting

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SECOND JOINT TECHNICAL COMMITTEE MEETING BETWEEN MALAYSIA AND SINGAPORE ON THE IMPLEMENTATION OF THE INTERNATIONAL COURT OF JUSTICE (ICJ) JUDGMENT ON PEDRA BRANCA, MIDDLE ROCKS AND SOUTH LEDGE

**PUTRAJAYA
20 AUGUST 2008**

RECORD OF MEETING

The Second Joint Technical Committee Meeting between Malaysia and Singapore on the Implementation of the International Court of Justice (ICJ) Judgment on Pedra Branca, Middle Rocks and South Ledge was co-chaired by H.E. Tan Sri Rastam Mohd Isa, Secretary-General, Ministry of Foreign Affairs, Malaysia, and Mr Peter Ho, Permanent Secretary, Ministry of Foreign Affairs of the Republic of Singapore.

2. The list of the Malaysian Delegation is attached as **ANNEX A**. The list of the Singapore delegation is attached as **ANNEX B**. The Agenda of the Meeting is attached as **ANNEX C**.

3. The Meeting continued discussions on related issues arising from the International Court of Justice (ICJ) Judgment on the case concerning sovereignty over Pedra Branca, Middle Rocks and South Ledge.

4. The Meeting without prejudice to the issue of sovereignty and eventual delimitation of maritime boundary discussed and agreed on the following:

- i) That the Sub-Committee on the Joint Survey Works in and around Pedra Branca, Middle Rocks and South Ledge will meet inter-sessionally tentatively in September to finalise the Scope of Works (SoW) for the Joint Survey in and around Pedra Branca and Middle Rocks (see **ANNEX D**);
- ii) That the SoW will be appended to a Memorandum of Understanding (MoU) to be agreed between the parties; and

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- iii) That traditional fishing activities by both countries will continue in waters beyond 0.5 nautical miles off Pedra Branca, Middle Rocks and South Ledge respectively (see ANNEX E).

5. The Meeting also reaffirmed that if there is an incident or distress at sea, the nearest vessel can render assistance in accordance with international law, regardless of the victim vessel's nationality or location, on the understanding that actions taken would be without prejudice to issues of sovereignty and eventual delimitation of maritime boundaries.

6. The Meeting was briefed on the outcome of the Second Meeting of the Sub-Committee on the Joint Survey Works in and around Pedra Branca, Middle Rocks and South Ledge. The report of which is attached as ANNEX D.

7. The Meeting was briefed on the break out discussions on Maritime & Airspace Management and Fisheries which was held on the sidelines of the Meeting. The report of which is attached as ANNEX E. The Meeting agreed that discussions will continue under the newly established "Sub-Committee on Maritime & Airspace Management and Fisheries".

8. The Meeting agreed that working groups may be established under the respective sub-committees as and when necessary.

9. Following the Meeting held in Singapore on 3 June 2008, Malaysia reiterated its request for the lifting of the Notice to Airmen (NOTAM) and made a further request for the lifting of WSR 31 issued by Singapore in and around Pedra Branca. NOTAM has been issued on a daily basis by Singapore which covers the airspace from 2,000 feet and below while WSR 31 covers the airspace area between 3,500 feet to 10,000 feet. Malaysia noted Singapore's response that the issues of NOTAM and WSR 31 will need to be discussed further in the Sub-Committee on Maritime & Airspace Management and Fisheries.

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10. The Joint Press Statement from the Meeting which will be issued at an agreed date is attached as ANNEX F.

11. The Meeting agreed that the next meeting would be convened as soon as possible tentatively in mid-September. The exact date and venue of the meeting will be agreed upon through diplomatic channels.

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ANNEX A

SECOND JOINT TECHNICAL COMMITTEE MEETING BETWEEN MALAYSIA AND
SINGAPORE ON THE IMPLEMENTATION OF THE INTERNATIONAL COURT OF
JUSTICE (ICJ) JUDGMENT ON PEDRA BRANCA, MIDDLE ROCKS AND SOUTH
LEDGE

PUTRAJAYA, MALAYSIA
20 AUGUST 2008

MALAYSIAN DELEGATION

1. H.E. Tan Sri Rastam Mohd Isa – Leader
Secretary General
Ministry of Foreign Affairs
2. Dato' Hamsan Saringat
Director
Deputy State Secretary (Development) Johor
3. Rear Admiral Dato Abd. Hadi Rashid
Assistant Chief Staff (Operation and Defence Training)
Ministry of Defence
4. Dato' Muhammad Hatta Abd. Aziz
Secretary
National Security Council
5. Admiral Datuk Mohd Amdan bin Kurish
Director General
Malaysia Maritime Enforcement Agency
6. Lieut. Gen. Dato' Rodzali Daud
Admiral (Operation)
Malaysia Royal Air Force
7. Mr Abd. Rahim Hussin
UnderSecretary
National Security Council

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8. Datin Almalena Sharmila Johan Thambu
Deputy Head 1 (International Affairs)
Attorney-General Chambers, Malaysia
9. Dato' Captain Ahmad bin Othman
Director General
Department of Marine
10. Kept Sahak Omar
Director General
Hydrography Center
Royal Malaysia Navy
11. Maj. Gen. Dato' Roslan Saad
Assistant Chief Staff (Operation and Training)
Joint Force Unit
Ministry of Defence
12. Datuk Hamid Ali
Director General
Department of Survey and Mapping
13. Dato' Azaharuddin Abdul Rahman
Director General
Department of Civil Aviation
14. Mr Awang Din Husain
Under Secretary
Ministry of Internal Affairs
15. Mr Tan Ah Bah
Director of Survey
Department of Survey
16. Kept. Zaaim Hasan
Director I
Hydrography Centre
Royal Navy, Malaysia
17. Mr Abdul Khalil Abdul Karim
Director
Resource Protection Division
Department of Fisheries

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18. Mr Alfian Yang Amri
Senior Federal Counsel
Attorney General Chambers
19. Ms Nur Fauzah Mokhtar
Senior Federal Counsel
Attorney General Chambers
20. Captain Maritime Mohd Taha Ibrahim
Director, C31 (Operations)
Maritime Enforcement Agency
Prime Minister's Department
21. Mr Haji Abdul Jamal Mydin
Director
Department of Marine Park
22. Raja Nazrin Aznam
Under Secretary
Department of Policy and Strategy Planning
Ministry of Foreign Affairs
23. Dr Vijayan V.V. Rajan
Head (Geology)
Department of Mineral and Geoscience
24. SAC Dato' Chuah Chee Lye
Commander (Air Unit)
Royal Malaysia Police
25. Mr Sahimi Abdul Rahman
Deputy Director
Prime Minister's Department
26. Mr Mohd. Helmy Ahmad
National Security Council
Prime Minister's Department
27. Ms Haznah Md Hashim
Principal Assistant Secretary
Department of Policy and Strategy Planning
Ministry of Foreign Affairs
28. Mr Azmin Azli Faizul
Senior Assistant Secretary (Air Traffic)
Department of Civil Aviation

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29. Capt. Fadzilah Mohd. Salleh
Research Officer
Attorney General Chambers
30. Com. Badarudin Taha
Maritime Strategic Division
Royal Malaysian Navy
31. Mr. Ahmad Maaruf Mohamed Anuar
Assistant Secretary
Ministry of Internal Affairs
32. Mr. Deddy Faisal Ahmad Salleh
Assistant Secretary
Ministry of Foreign Affairs
33. SAC II Haji Mohd. Sueb Abdullah
Royal Malaysia Police
34. ACP Abd. Aziz Yusof
Royal Malaysia Police
35. SAC II Jalaluddin Ibrahim
Royal Malaysian Police
36. ASP Tan Yew Hong
Royal Malaysian Police

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ANNEX B

SECOND JOINT TECHNICAL COMMITTEE MEETING BETWEEN MALAYSIA AND
SINGAPORE ON THE IMPLEMENTATION OF THE INTERNATIONAL COURT OF
JUSTICE (ICJ) JUDGMENT ON PEDRA BRANCA, MIDDLE ROCKS AND SOUTH
LEDGE

PUTRAJAYA, MALAYSIA
20 AUGUST 2008

SINGAPORE DELEGATION

1. Mr Peter Ho - Leader
Permanent Secretary
Ministry of Foreign Affairs
2. Mr Peter Tan
Director (Southeast Asia)
Ministry of Foreign Affairs
3. Ms Iris Chen
Assistant Director
Ministry of Foreign Affairs
4. Mr Low Hon Mun
Desk Officer
Ministry of Foreign Affairs
5. Mr Manivasagan Ramanathan
Desk Officer
Ministry of Foreign Affairs
6. Mr Parry Oei
Chief Hydrographer
Maritime Port Authority of Singapore
7. Capt Lee Cheng Wee
Deputy Director (Port) / Port Master
Maritime Port Authority of Singapore
8. Mr Jamie Chen
Deputy Chief Hydrographer
Maritime Port Authority of Singapore

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9. Mr Lionel Yee
Principal Senior State Counsel
Attorney-General's Chambers
10. Mr Pang Khang Chau
Senior State Counsel
Attorney-General's Chambers
11. Mr Daren Tang
State Counsel
Attorney-General's Chambers
12. SUPT Devrajan Bala
Head Ops and Security, Police Coast Guard
Ministry of Home Affairs
13. RADM Tay Kian Seng
Head, Naval Operations Republic of Singapore Navy
Ministry of Defence
14. MAJ Chua Lu Fong
Branch Head, Policy Office
Ministry of Defence
15. Mr Kuah Kong Beng
Chief Air Traffic Control Officer
Civil Aviation Authority of Singapore
16. Mr Hwa Teck Pheng
Air Traffic Control Manager (Airspace)
Civil Aviation Authority of Singapore
17. Mr Leslie Cheong
Director, Food Supply and Technology
Agri-Food & Veterinary Authority of Singapore
18. Mr Kwok Fook Seng
Deputy High Commissioner
Singapore High Commission in Kuala Lumpur
19. Mr Heng Aik Yeow
First Secretary
Singapore High Commission in Kuala Lumpur

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ANNEX C

SECOND JOINT TECHNICAL COMMITTEE MEETING BETWEEN MALAYSIA AND
SINGAPORE ON THE IMPLEMENTATION OF THE INTERNATIONAL COURT OF
JUSTICE (ICJ) JUDGMENT ON PEDRA BRANCA, MIDDLE ROCKS AND SOUTH
LEDGE

PUTRAJAYA, MALAYSIA
20 AUGUST 2008

AGENDA

1. Opening remarks
2. Confirmation of Agenda
3. Joint survey
4. Maritime and Airspace Management
5. Fisheries
6. Other matters
7. Date and venue of next meeting
8. Closing remarks

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ANNEX D

**SECOND SUB-COMMITTEE MEETING
ON THE JOINT SURVEY WORKS IN AND AROUND
PEDRA BRANCA, MIDDLE ROCKS AND SOUTH LEDGE**

**PUTRAJAYA, MALAYSIA
19 - 20 AUGUST 2008**

RECORD OF DISCUSSION

INTRODUCTION

1. The Second Sub-Committee Meeting on the Joint Survey Works in and around Pedra Branca, Middle Rocks and South Ledge between Malaysia and the Republic of Singapore was held in Putrajaya, Malaysia on 19 - 20 August 2008. The Meeting was held pursuant to the decision of the First Sub-Committee Meeting on the Joint Survey Works in and around Pedra Branca, Middle Rocks and South Ledge held in Singapore on 3 June 2008.

2. The Malaysian delegation was led by Datuk Hamid Ali, Director General of Survey and Mapping, Department of Survey and Mapping, Malaysia and the Singapore delegation was led by Mr. Lionel Yee, Principal Senior State Counsel, Attorney-General's Chambers, Singapore. The lists of the Malaysian and Singapore delegations are appended as Appendix D1 and Appendix D2 respectively.

AGENDA ITEM 1: OPENING REMARKS

The Head of the Malaysian Delegation welcomed the Singapore Delegation to the Meeting and expressed hope that the Meeting would further deliberate on matters pertaining to the Joint Survey Works in and around Pedra Branca and Middle Rocks. His opening remarks are attached as Appendix D3. The Head of Singapore Delegation thanked the Malaysian side for the warm welcome and hospitality accorded to the Singapore delegates. He expressed confidence that the discussion would achieve the objectives as set out by both Governments through the close working relationship of both sides. His opening remarks are attached as Appendix D4.

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AGENDA ITEM 2: ADOPTION OF THE AGENDA

4. The Meeting adopted the Agenda, which is appended as Appendix D5.

AGENDA ITEM 3: DISCUSSION ON THE SCOPE OF WORKS FOR JOINT HYDROGRAPHIC SURVEY IN AND AROUND PEDRA BRANCA AND MIDDLE ROCKS

5. Both sides agreed to put on record that the discussion on the Scope of Works for the Joint Hydrographic Survey at this Meeting is made without prejudice to the issue of sovereignty and eventual delimitation of maritime boundary between Malaysia and Singapore.

6. Singapore presented its proposed Memorandum of Procedure (MoP) for the Joint Hydrographic Survey in and around Pedra Branca and Middle Rocks which is appended in Appendix D6. The proposed survey covers an area of approximately 1.8 km x 1.8 km. The survey would commence in mid-September 2008 using single beam echo sounder and is scheduled to take 7 days to be completed.

7. Malaysia presented its proposed Scope of Works for the Joint Hydrographic Survey in and around Pedra Branca and Middle Rocks as appended in Appendix D7. The said presentation encompassed a complete process of survey operations which among others, includes the planning phase, proposed survey area of 2.8 km by 2.8 km, standard of accuracy, survey methodology, survey personnel, report of survey and the expected survey outputs.

8. After deliberation, Singapore presented its counter proposal on the Scope of Works for the Joint Hydrographic Survey in and around Pedra Branca and Middle Rocks as appended in Appendix D8.

9. The Meeting agreed that both sides would undertake further study on the said counter proposal.

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AGENDA ITEM 4: OTHER MATTERS

Survey Cost

10. The Malaysian side proposed that the survey cost for the Joint Hydrographic Survey be shared equally on a 50 to 50 % basis.

11. Singapore proposed that each side will bear the cost it incurs for the survey as set out in section 15 of Appendix D8.

Survey Platform

12. Malaysia proposed that its survey platform be used for carrying out the Joint Hydrographic Survey.

13. Singapore's proposal on the survey platform to be used is set out in section 14 of Appendix D8.

Timeline for Joint Hydrographic Survey

14. The Malaysian side presented its proposed timeline for the Joint Hydrographic Survey scheduled to be completed within 9 weeks which encompassed related activities from survey planning until data analysis. The proposed timeline appears as Appendix D9.

15. Singapore's proposed timelines for the Joint Hydrographic Survey are set out in sections 5, 12.2 and 13.1 of Appendix D8.

Frequency of the Sub-Committee Meeting

16. Both sides agreed that the Sub-Committee Meeting should meet again to continue its work on the Scope of Works.

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AGENDA ITEM 5: CLOSING REMARKS

17. The Head of the Malaysian Delegation extended his appreciation and gratitude to all the members of the Sub-Committee and the Secretariat for the kind cooperation, support and understanding throughout the Meeting. The Head of the Singapore Delegation expressed its sincere appreciation to the Malaysian side for the excellent arrangements and hospitality accorded to them.

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APPENDIX D1

**SECOND SUB-COMMITTEE MEETING
ON THE JOINT SURVEY WORKS IN AND AROUND
PEDRA BRANCA, MIDDLE ROCKS AND SOUTH LEDGE**

**PUTRAJAYA, MALAYSIA
19-20 AUGUST 2008**

MALAYSIAN DELEGATION

1. Datuk Hamid Ali - Co-Chairman
Director General
Department of Survey and Mapping
2. Mr. Raja Nazrin Aznam
Under Secretary
Department of Policy Planning and Strategy
Ministry of Foreign Affairs
3. Mr. Abd Rahim Hussin
Under Secretary
National Security Council
Primes Minister's Department
4. Datin Almalena Sharmila Dato' Dr. Johan
Deputy Head of International Affairs Division
Attorney General's Chambers
5. Captain Sahak Omar RMN
Director General
National Hydrographic Centre
Royal Malaysian Navy
6. Captain Zaaim Hasan RMN
Director of Hydrography
National Hydrographic Centre
Royal Malaysian Navy
7. Mr. Tan Ah Bah
Director of Survey (Boundary Affairs)
Department of Survey and Mapping

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8. Dr. Azhari Mohamed
Director of Survey (Geodesy)
Department of Survey and Mapping
9. Dr. V.R. Vijayan
Principal Geologist
Department of Minerals and Geosciences
10. Mr. Alfian Yang Amri
Senior Federal Counsel
Attorney General's Chambers
11. Ms. Haznah Md Hashim
Principal Assistant Secretary
Department of Policy Planning and Strategy
Ministry of Foreign Affairs
12. Captain Fadzilah Mohd Salleh RMN
Research Officer
Attorney General's Chambers
13. Mr. Ahmad Aznan Zakaria
Principal Assistant Director of Survey
Boundary Affairs Section
Department of Survey and Mapping
14. Mr. Deddy Faisal Ahmad Salleh
Assistant Secretary
Ministry of Foreign Affairs
15. Lt. Cmdr. Ramli Johari
Principal Assistant Director
National Hydrographic Centre
Royal Malaysian Navy
16. Mr. Zakaria Abdullah
Assistant Director of Survey
Boundary Affairs Section
Department of Survey and Mapping

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APPENDIX D2

SECOND SUB-COMMITTEE MEETING
ON THE JOINT SURVEY WORKS IN AND AROUND
PEDRA BRANCA, MIDDLE ROCKS AND SOUTH LEDGE

PUTRAJAYA, MALAYSIA
19-20 AUGUST 2008

SINGAPORE DELEGATION

1. Mr. Lionel Yee - Co-Chairman
Principal Senior State Counsel
Attorney-General's Chambers
2. Mr. Pang Khang Chau
Senior State Counsel
Attorney-General's Chambers
3. Mr. Daren Tang
State Counsel
Attorney-General's Chambers
4. Mr. Parry Oei
Chief Hydrographer
Maritime Port Authority of Singapore
5. Capt. Lee Cheng Wee
Deputy Director (Port) / Port Master
Maritime Port Authority of Singapore
6. Mr. Jamie Chen
Deputy Chief Hydrographer
Maritime Port Authority of Singapore
7. Mr. Low Hon Mun
Country Officer
Southeast Asia Directorate
Ministry of Foreign Affairs

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APPENDIX D3

**SECOND SUB-COMMITTEE MEETING
ON THE JOINT SURVEY WORKS IN AND AROUND
PEDRA BRANCA, MIDDLE ROCKS AND SOUTH LEDGE**

**PUTRAJAYA, MALAYSIA
19 AUGUST 2008**

**OPENING REMARKS BY
THE HEAD OF THE MALAYSIAN DELEGATION**

**Y. BHG. DATUK HAMID BIN ALI
DIRECTOR GENERAL
DEPARTMENT OF SURVEY AND MAPPING MALAYSIA**

**Your Excellency Mr. Lionel Yee, Head of Singapore delegation
and Distinguished Members of Singapore and Malaysian Sub-Committee Meeting**

A very good afternoon to Your Excellency and members of Singapore and Malaysian delegations.

On behalf of the Malaysian Sub-Committee Members, it gives me great pleasure to extend our warm welcome to Singapore Sub-Committee Members to Putrajaya. I hope that the Singapore delegates will have their pleasant stay during the duration of the Second Sub-Committee Meeting on the Joint Survey Works in and around Pedra Branca and Middle Rocks in Putrajaya.

Your Excellency and distinguished delegates

As both sides are aware, the technical sub-committee was tasked to oversee the conduct of the Joint Survey Works in and around Pedra Branca and Middle Rocks in preparation for eventual talks on maritime issues in and around the said three (3) features. This second meeting was held pursuant to the decision of the meeting between Malaysia and Singapore on the Implementation of the International Court of

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Justice (ICJ) judgment on sovereignty over Pedra Branca, Middle Rocks and South Ledge held on 3 June 2008, in Singapore.

I am happy that this Sub-Committee is able to meet here for the second round of discussion in order to deliberate on the draft scope of work to facilitate the execution of Joint Survey Works in and around Pedra Branca and Middle Rocks. With the proper consideration and deliberation that Your Excellency and I shall undertake on the proposed draft scope of work, I believe that the said draft could be finalized at the end of this meeting. It is hoped that this will pave the way for eventual approval by both Chairmen of the Joint Malaysia-Singapore Technical Committee.

Your Excellency and distinguished delegates

I am optimistic that, with the close cooperation and goodwill that has long existed between our two countries, this meeting would proceed smoothly. I am convinced that this Meeting will proceed well in the spirit of mutual understanding and with Your Excellency's able leadership, we would eventually achieve the desired objectives that had been set out.

I am confident that at the end of the day, we would arrive at a fruitful and successful conclusion and could report the achievement from this meeting to the Joint Technical Committee Meeting scheduled tomorrow for consideration and approval.

Thank you.

19 August 2008

OPENING REMARKS OF MR LIONEL YEE, SINGAPORE CO-CHAIRMAN OF THE SUB-COMMITTEE ON THE JOINT SURVEY WORKS IN AND AROUND PEDRA BRANCA, MIDDLE ROCKS AND SOUTH LEDGE, 19 AUGUST 2008

Datuk Hamid Ali, Director-General, Department of Survey and Mapping, Malaysia, fellow co-chairman of the Sub-Committee on the Joint Survey Works and members of the Malaysian Delegation – Selamat petang. First, let me thank you and your delegation for hosting this meeting and for making all the arrangements to make this meeting possible and for your kind hospitality. I am very pleased to be here at our second meeting, to continue the important work which we began in June this year when we last met in Singapore.

At our last meeting in Singapore, we agreed on the Terms of Reference of the Sub-Committee, which specifies that the purpose of the Sub-Committee is to oversee the conduct of the Joint Survey works with a view to prepare for eventual talks on maritime issues in and around Pedra Branca, Middle Rocks and South Ledge.

We also agreed that the Joint Survey should be carried out as soon as possible, with the data gathering preferably to be completed before the onset of this year's north-east monsoon. I note that we are now into the second half of August and this year's north-east monsoon is barely two months away. We should therefore proceed with the data gathering work as soon as we can because the next available window of opportunity will not come about until March or April next year.

In terms of the progress of made by this Sub-Committee, I am pleased to recall that we managed to have a useful preliminary discussion on the scope, methodology and costs of the Joint Survey works at our last meeting, and we agreed to hold further detailed discussions on these issues. In continuation of the work already began, my delegation has prepared a draft Memorandum of Procedure which we would like to table for

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consideration at this afternoon's meeting when we get to the agenda item on the Joint Survey.

I apologise that we were not able to send the draft to you in advance of this meeting. We were still working on it yesterday. It is my hope that we will be able to quickly reach the stage where we can report to the main committee that we have agreed on the details of the Joint Survey to enable us to undertake the data gathering phase of our work before the onset of the north-east monsoon.

I look forward to working with your delegation in the spirit of friendliness and good cooperation to achieve a fruitful outcome for this afternoon's meeting.

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APPENDIX D5

**SECOND SUB-COMMITTEE MEETING
ON THE JOINT SURVEY WORKS IN AND AROUND
PEDRA BRANCA, MIDDLE ROCKS AND SOUTH LEDGE**

**PUTRAJAYA, MALAYSIA
19-20 AUGUST 2008**

AGENDA

1. Opening remarks
2. Adoption of Agenda
3. Discussion on the Scope of Works for Joint Hydrographic Survey in and around Pedra Branca and Middle Rocks
4. Others matters
 - i. Survey cost
 - ii. Survey platform
 - iii. Timeline for joint hydrographic survey
 - iv. Frequency of Sub-Committee Meeting
5. Closing remarks

*Singapore's Draft
(Version of 18 August 2008)*

MEMORANDUM OF PROCEDURE

PROPOSED JOINT HYDROGRAPHIC SURVEY IN AND AROUND PEDRA BRANCA AND MIDDLE ROCKS

1. INTRODUCTION

The proposed hydrographic survey will be jointly carried out by Singapore and Malaysia. Its purposes are to agree on the geodetic datum, and determination of the Low Water Lines in and around Pedra Branca (PB) and Middle Rocks (MR).

2. GENERAL LOCATION

An extract from the British Admiralty Chart 3831 showing the general location of PB and MR is attached as Annex 1.

3. JOINT TIDAL MEASUREMENTS AND LOW WATER LINE SURVEYS

The aim of the joint tidal and low water line surveys is to determine the outlines in and around PB and MR.

3.1 Determination of Horizontal Datum

3.1.1 Datum:

The geodetic datum to be adopted for computations will be the World Geodetic System 1984 Datum for which the defining parameters are:-

3.1.2 Spheroid: WGS84 Spheroid

3.1.3 Datum Station: Horsburgh Lighthouse (Singapore)

3.1.4 Projection: Mercator

3.1.4 Identification of points to be measured, including use of reference points

Reference points to be agreed by both parties.

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3.1.4 Equipment to be used

Geodetic Receiver with offline post-processing of Differential GPS data.

3.1.4 Period for observation

Minimum 2 hours per station. Expect 4 stations, 2 each at PB and MR respectively.

3.1.4 Composition of Team:

Malaysia --

Singapore --

3.2 Execution of Tidal Measurements

3.2.1 Tidal Datum:

Reference tidal datum will be Lowest Astronomical Tide (LAT).

3.2.2 Identify Tidal Stations:

The tidal station to be used to carry out continuous tidal measurements shall be the Horsburgh Tide Gauge.

3.2.3 Equipment to be used

The accuracy and resolution of the tide gauge to be used for the measurement is as follows:

Tide Gauge:
Accuracy: +/- 1 cm
Resolution: 0.3 cm

3.2.4 Period for observation

36 hours of continuous tidal level measurement during Spring Tide commencing 2 September 2008.

3.2.5 Composition of Team:

Malaysia --

Singapore -- 3 officers

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3.3 Execution of Hydrographic Surveys

3.3.1 Area to be surveyed

The area to be surveyed will be based on the agreement made by Malaysia and Singapore at the xx Round of Technical Discussion in in xx , date xx.

The low-water line area to be surveyed is bounded by the following coordinates in World Geodetic System (WGS84) horizontal datum, and also shown in Annex 2:

	Lat	Long
A.	01° 20.0'N,	104° 24.00'E
B.	01° 20.0'N,	104° 25.00'E
C.	01° 19.0'N,	104° 25.00'E
D.	01° 19.0'N,	104° 24.00'E

3.3.2 Duration of Survey

The survey will take about 7 days commencing from 15 Sep 2008_____.

3.3.3 Position-fixing System

Primary Positioning: Differential Global Positioning System DGPS using UHF correction signals.

3.3.4 Echo Sounder

A single beam echo sounder at a frequency of about 200 KHz providing a depth accuracy of +/- 0.1 metre shall be used for the sounding survey. The echo sounder shall be calibrated daily either by bar-check or sound velocity probe up to the maximum depth of the survey area, before and after sounding.

3.3.5 Reduction of Soundings

Actual tidal observation curves will be smoothed and used for reduction of soundings. Depths will be inked in metres and decimeters.

3.3.6 Horizontal Accuracy

The following accuracies will be maintained:

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Position of ship - ± 0.5 to 1 metres

3.3.7 Map Grid:

Plotting sheets of the survey area at a scale of 1 : 1,000 will be constructed on _____ Grid with origin at:

Lat: Long:

3.3.8 Sounding Line Intervals

Sounding lines at 5 m intervals. Where irregularities or shoals are detected, closely sounded lines and/or cross lines shall be run over these areas.

3.3.9 Depths

Depths will be designated in metres and decimeters.

3.3.10 Depth Contour

Depiction of depth contours on the fair drawing will follow IHO Technical Resolution B 2.31 i.e. depth contours at 2, 5, 10, 15, 20 and 30-metre will be drawn.

3.3.11 Tides

Horsburgh Tide Gauge will be used for tidal reduction.

3.3.12 Survey Vessel and Survey Representative

The hydrographic survey of waters in and around PB and MR shall be carried out using the survey vessel of the respective State, with a representative from the other State onboard to witness the conduct of the survey in accordance with the standards and specifications set out in this Memorandum Of Procedure.

4. DATA PROCESSING

4.1 Final data processing will be carried out in _____ by a
joint Malaysia and Singapore team from _____ to
_____.

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4.2 The team members for the data processing will be as follows:

Malaysia -
Singapore -

4.3 The following data will be rendered:

- a Computation worksheets
- b Triangulation diagrams/plans
- c Plotting Sheets
- d Field Books
- e Tidal Records
- f Echo-sounder graphs
- g Field sheets showing sounding tracks with fix numbers
- h Fair tracing showing reduced depths and contours
- i Report of Survey

5 FINAL JOINT SURVEY REPORT

A meeting will be held in _____ from _____ to _____ examine and finalise the results of the surveys.

The final joint survey report is to be submitted to the Joint Survey Sub committee for approval.

6 TIME FRAME

Low Water Line Survey and Tidal survey	-	9 days
Data Processing	-	10 days
Drafting of Final Report	-	3 days
		=====
Total	-	22 days

7 COST

Each side will bear the cost it incurs in the conduct of the survey.

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Annex 1

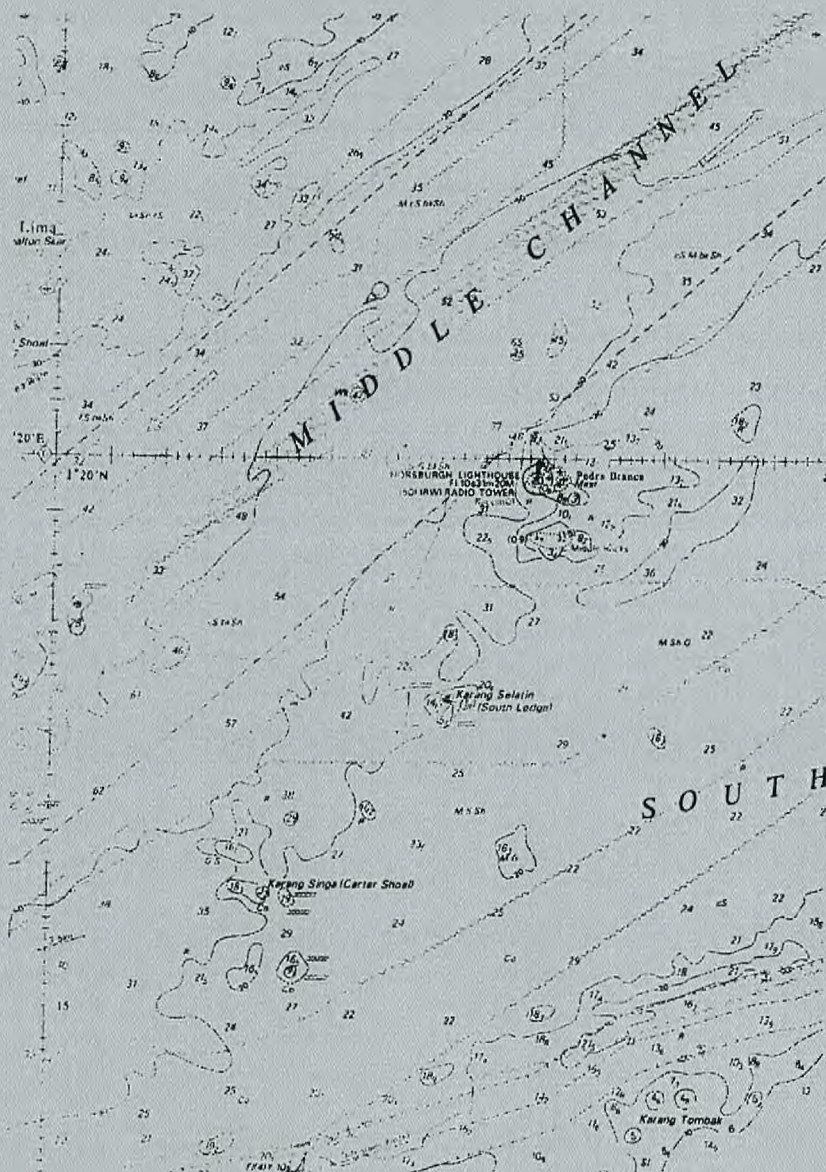


Chart Source: British Admiralty Chart 3831(Edn 30 Sept 2004)

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Annex 2

Survey Area

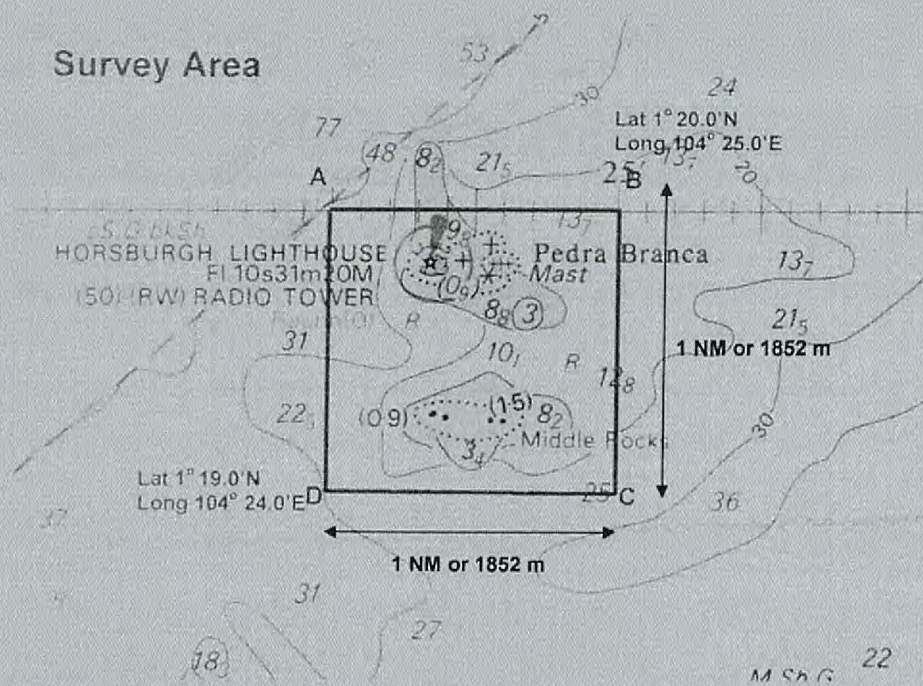


Chart Source: British Admiralty Chart 3831(Edn 30 Sept 2004)

MALAYSIA'S DRAFT (Version of 19 August 2008)
GENERAL SCOPE OF WORKS FOR JOINT HYDROGRAPHIC SURVEY IN AND
AROUND PEDRA BRANCA AND MIDDLE ROCKS

1. **PURPOSE**

The purpose of the Joint Survey Works in and around Pedra Branca and Middle Rocks ("Survey") is to acquire comprehensive and accurate bathymetric data in the area as defined in paragraph 5 ("Survey Area") to determine the low-water mark in order to prepare for eventual talks on maritime issues in and around Pedra Branca and Middle Rocks.

2. **MATTERS NOT TO BE PREJUDICED**

For the avoidance of doubt, any action taken or omission made by the Parties or any person engaged by the Parties pursuant to the Scope of Works, including any documentation and data directly or indirectly acquired, created, provided or generated in the performance of the Scope of Works, shall not be interpreted so as to in any manner whatsoever to prejudice or affect:

- 2.1 The past, present or future position taken by either Party in relation to the interpretation and application of UNCLOS 1982 or any applicable rule of international law;
- 2.2 The baselines and boundary lines as depicted in the relevant official maps and charts of the Parties including methods and any other matters related to the construction of the said baselines and boundary lines;
- 2.3 The question of delimitation of boundaries between the Parties; or

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- 2.4 The maritime or territorial claims made by either Party, or the determination of such claims and shall not be construed as conferring recognition or acceptance by either Party of such claims.

3. GENERAL SCOPE OF WORKS

The general Scope of Works for the Survey covers a complete process of survey operation from the planning phase to the submission of the result, which are as follows:

- 3.1 To determine the limits of the Survey Area in and around Pedra Branca and Middle Rocks;
- 3.2 To define the scope and specification for the Survey works;
- 3.3 To determine the equipment, survey platform and methodologies for data acquisition and processing used in the Survey;
- 3.4 To determine the conduct of the Survey, which includes mobilization and demobilization, commencement date, survey routine, survey lines and others;
- 3.5 To agree on the terms and conditions for data format, sharing and exchange;
- 3.6 To collect and process data jointly; and
- 3.7 To prepare and finalize the Survey reports and documentations.

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4. AREA TO BE SURVEYED

The Survey Area is bounded by the following coordinates in World Geodetic System 1984 (WGS 84):

POINT	WGS 84	
	LATITUDE (N)	LONGITUDE (E)
1	01° 20' 28.6"	104° 24' 35.2"
2	01° 19' 23.9"	104° 25' 38.6"
3	01° 18' 23.6"	104° 24' 29.4"
4	01° 19' 28.4"	104° 23' 26.0"

The Survey Area covers an area of 2.8 kilometres x 2.8 kilometres which is equivalent to 7.84 square kilometres.

The diagram of the Survey Area is shown in **Annex A**.

5. DURATION OF THE SURVEY

The Survey will take about 3 days to complete inclusive of 1 day downtime with 8 hours of working period per day commencing from mid-October 2008. Sounding speed during operation is 6 to 8 knots.

6. WEATHER

The Survey shall be stopped temporarily if the weather deteriorates, i.e. World Meteorological Organization (WMO) sea state more than 3 (wave height >1.25m) as this will effect the accuracy of survey and safety of boat crews.

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7. SCALE OF SURVEY

The Survey shall be plotted on a scale of 1:2,500 for Fair Sheet.

8. STANDARD OF SURVEY

All hydrographic works and field sheets shall comply with the International Hydrographic Organization (IHO) standard and meet the minimum standard for hydrographic survey in accordance with *IHO Standard for Hydrographic Surveys SP 44 5th Edition, February 2008, Order 1B*.

9. DATUM

9.1 Horizontal Datum, Projection and Grid

The Survey shall be carried out in World Geodetic System 1984 (WGS 84) and plotted based on the following geodetic parameters:

Ellipsoid	: WGS 84
Semi Major Axis (a)	: 6378137.0 m
Flattening (f)	: 1/298.25722
Projection	: Universal Transverse Mercator (UTM)
Zone	: 48
False Northing	: 0.0m
False Easting	: 500000.0m
Scale Factor at Central Meridian	: 0.9996
Central Meridian	: Centre of Zone 48

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9.2 Vertical Datum

9.2.1 The datum used during the Survey shall be Lowest Astronomical Tides (LAT), which is the lowest water plane to which soundings are reduced and above which drying heights are shown in the Fair Sheet and other survey records. LAT shall be determined by harmonic analysis with continuous tidal observations of at least 30 days. The data for the harmonic analysis shall be provided by both Parties.

9.2.2 Tidal observation shall be carried out in the waters off Middle Rocks and Pedra Branca for datum harmonization.

9.2.3 Heights of tide shall be observed throughout the survey period for sounding reduction using tide gauge with sampling interval not more than 10 minutes.

10. POSITIONING

10.1 Use of Differential GPS (DGPS) for Positioning

10.1.1 Positioning data shall be obtained using Differential GPS (DGPS). The following criteria shall apply:

- (i) The DGPS receivers shall be configured such as only satellites in view above the altitude 10 degrees to be used in the position computation;
- (ii) The age of pseudo-range corrections used in the position computation shall not exceed 10 seconds;

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- (iii) A minimum of four satellites shall be used to compute positioning;
- (iv) The Horizontal Dilution of Precision (HDOP) of the position shall be continuously monitored, recorded and shall not exceed 3.0;
- (v) Dead Reckoning is not permitted; and
- (vi) Horizontal and vertical offsets between GPS antenna and transducers shall be observed and applied in no coarser than 0.1 m increments.

10.2 Identification of Fixes

Fixes are to be identified by calendar date of the year and the Universal Time Coordinated (UTC).

10.3 Geodetic Control Stations

All geodetic control stations to be utilized for the purpose of the Survey must be agreed upon by both Parties.

11. SURVEY METHODOLOGY

The Survey methodology encompasses the following activities:

- (i) **Accurate Positioning of Sounding Points**
All sounding points must be positioned accurately. Automated logging system shall be set at the following intervals:

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- (a) Navigation Cycle Time : 2 sec or better
 - (b) Depth Cycle Time : 2 sec or better
 - (c) Position Logging Interval : 2 sec or better
- (ii) Sounding Units
Depths shall be recorded in metres and tenths of metres.
- (ii) Depth Accuracy
The total sounding uncertainty for swath widths of at least three times the average water depth shall be in compliance with the allowable Total Vertical Uncertainty (TVU) of $\pm \sqrt{0.25 + (0.013 \times d)^2}$ where d = depth.
- (iv) Line Orientation
Sounding track lines shall be generally parallel to the general configuration of the depth contour lines.
- (v) Position
The total uncertainties in the position of soundings and all other significant features shall not exceed 2 metres at 95% confidence level.
- (vi) Vessel Motion Data
All Multi Beam data shall be corrected for settlement and squat, heave, pitch, roll and the heading of the vessel.
- (vii) Velocity of Sound in the Water Column
The velocity of sound through water shall be determined at least daily during Multi Beam sonar operations. The velocity profile shall be determined to a minimum of 95% of anticipated water

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depth. Velocity corrections shall be based on the data obtained from profile and not on an averaged sound velocity reading for the water column.

- (viii) **Bottom Coverage**
100% complete Multi Beam coverage for the Survey Area.

- (ix) **Cross Lines**
Cross lines shall be run at angles of 45 to 90 degrees to the main scheme lines.

- (x) **Hydrographic Data Acquisition System (HDAS)**
 - (a) The HDAS shall comprise of hardware and software configured to control, manage, acquire and store digital data in survey format from positioning system and Multi Beam Echo Sounder System.

 - (b) The HDAS software shall include helmsman display facilities indicating vessel steering in a preplanned survey line, with digital display showing information on position, depth, COG, heading, SOG, line and fix number, distance from start and end line.

 - (c) The online QC for positioning and depth shall be monitored to ensure positional accuracy standard. Daily QC report shall be included as annex to the Report of Survey (ROS).

- (xi) **Drying Line (Low Water Mark) And Drying Feature**
All drying lines and drying features shall be delineated accurately and measured from LAT.

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- (xii) **Heights of Rocks**
The heights of rocks and other maritime features shall be determined from the summit to Mean High Water Spring (MHWS).

- (xiii) **Other Detected Underwater Features**
Any sign or indication of wreckage or artificial obstructions observed during the sounding operation shall be investigated by sonar sweep.

- (xiv) **Accuracy Test**
 - (a) Accuracy tests shall be conducted on the Multi Beam Echo Sounder System (MBES) and DGPS sensors.

 - (b) Prior to commencing Multi Beam operation, a system accuracy test (patch test) shall be conducted to quantify the accuracy, precision and alignment of the MBES. Patch test shall include determination of roll, pitch, heading and time latency. Depth accuracy testing shall also include testing of MBES against single beam echo sounder system. Details of test shall be included in the annex to the ROS.

 - (c) Accuracy check for DGPS system shall be conducted using at least two different reference stations. Positional differences should be less than 2 metres. Details of test shall be included in the annex to the ROS.

- (xv) **Data Processing**

Data processing is to be carried out jointly.

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12. OUTPUT

12.1 Field Records

All data gathered during the Survey shall be recorded as annexes to the ROS. This includes the following:

- (i) Tidal observation records
- (ii) Benchmarks descriptions
- (iii) Results of tidal analysis
- (iv) Geodetic Control Station
- (v) Accuracy Test for DGPS
- (vi) Patch Test Records for MBES
- (vii) Daily QC Test
- (viii) Other miscellaneous records and sheets used for submission of survey

12.2 Fair Sheet

- (i) Fair Sheet shall be drawn at scale of 1:2,500 in Universal Transverse Mercator Zone 48 projection and WGS 84 ellipsoid.
- (ii) Fair Sheet shall be endorsed by both Parties and signed by representative of each Party.

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13. REPORT OF SURVEY (ROS)

13.1 ROS shall be prepared jointly by both Parties and signed by the respective Hydrographer.

13.2 ROS shall be prepared in soft and hard copies.

13.3 The following documents (soft and hard copies) are to be rendered upon completion of the Survey:

- (i) Fair Sheet; and
- (ii) Survey Reports;

14. SURVEY PERSONNEL

The Survey team shall conduct the Survey using the survey platform agreed by both Parties with the following composition of personnel:

Survey Acquisition Team

- Malaysia - 2 x Hydrographic Surveyors
- Singapore - 2 x Hydrographic Surveyors
- Boat Crews - 2 x (Helmsman and Technical staff)

Data Processing Team

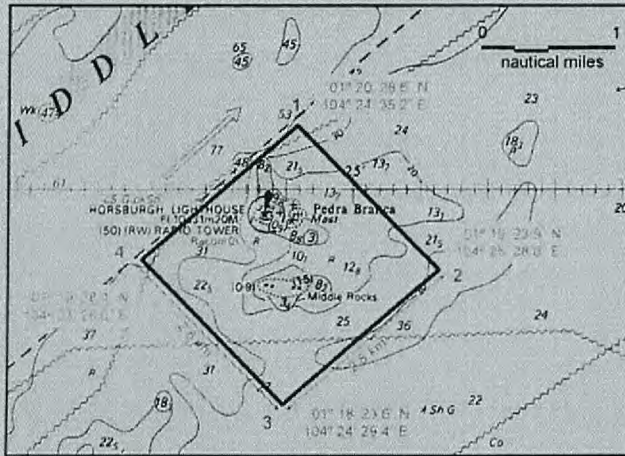
- Malaysia - 2 x Hydrographic Surveyors
- Singapore - 2 x Hydrographic Surveyors

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Survey Area for Joint Survey Works in and around
Pedra Branca and Middle Rocks

ANNEX A



For illustrative purposes only

Singapore's counter-proposal to Malaysia's text (20 Aug 08)

GENERAL SCOPE OF WORKS FOR JOINT HYDROGRAPHIC SURVEY IN AND AROUND PEDRA BRANCA AND MIDDLE ROCKS

1. PURPOSE

The purpose of the Joint Survey Works in and around Pedra Branca and Middle Rocks ("Survey") is to acquire relevant, comprehensive and accurate hydrographic data in the area as defined in paragraph 5 ("Survey Area") to determine the low-water mark in order to prepare for eventual talks on maritime issues in and around Pedra Branca and Middle Rocks.

2. MATTERS NOT TO BE PREJUDICED

For the avoidance of doubt, the Joint Survey Works undertaken pursuant to the Scope of Works are without prejudice to issues of sovereignty and eventual delimitation of maritime boundaries * (As per paragraph 3 of Annex E of the Record of Meeting between Malaysia and Singapore on the Implementation of the ICJ Judgment on Pedra Branca, Middle Rocks and South Ledge dated 3 June 2008).

3. GENERAL SCOPE OF WORKS

The general Scope of Works for the Survey covers a complete process of survey operation from the planning phase to the submission of the result, including:

Deleted: bathymetric

Deleted: any action taken or omission made by the Parties or any person engaged by the Parties

Deleted: , including any documentation and data directly or indirectly acquired, created, provided or generated in the performance of the Scope of Works, shall not be interpreted so as to in any manner whatsoever to prejudice or affect:

Deleted: 2.1 The past, present or future position taken by either Party in relation to the interpretation and application of UNCLOS 1982 or any applicable rule of international law.¶

¶

2.2 The baselines and boundary lines as depicted in the relevant official maps and charts of the Parties including methods and any other matters related to the construction of the said baselines and boundary lines.¶

¶

2.3 The question of delimitation of boundaries between the Parties; or¶

¶

2.4 The maritime or territorial claims made by either Party, or the determination of such claims and shall not be construed as conferring recognition or acceptance by either Party of such claims.¶

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- 3.1 To determine the limits of the Survey Area in and around Pedra Branca and Middle Rocks;
- 3.2 To define the scope and specification for the Survey works;
- 3.3 To determine the equipment, survey platform and methodologies for data acquisition and processing used in the Survey;
- 3.4 To determine the conduct of the Survey, which includes mobilization and demobilization, commencement date, survey routine, survey lines and others;
- 3.5 To agree on the terms and conditions for data format, sharing and exchange;
- 3.6 To provide for the collection and processing of data jointly; and
- 3.7 To determine the modalities for preparing and finalizing the Survey reports and documentations.

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4. AREA TO BE SURVEYED

The Survey Area is bounded by the following coordinates in World Geodetic System 1984 (WGS 84):

POINT	WGS 84	
	LATITUDE (N)	LONGITUDE (E)
1	01° 20.0'N	104° 24.00'E
2	01° 20.0'N	104° 25.00'E
3	01° 19.0'N	104° 25.00'E

Deleted: 01° 20' 28.6"
Deleted: 104° 24' 35.2"
Deleted: 01° 19' 23.9"
Deleted: 104° 25' 38.6"
Deleted: 01° 18' 23.6"
Deleted: 104° 24' 29.4"

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4	01° 19.0'N,	104° 24.00'E,
---	-------------	---------------

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Deleted: 104° 23' 26.0"

The diagram of the Survey Area is shown in Annex A.

Deleted: The Survey Area covers an area of 2.8 kilometres x 2.8 kilometres which is equivalent to 7.84 square kilometres. ¶

5. DURATION OF THE SURVEY

The Survey, will commence, from mid-October 2008, and shall consist of about 2 days of multi-beam sonar survey to detect low-tide elevations in the vicinity of Pedra Branca and Middle Rocks and about 7 days of single-beam sonar survey to determine the low-water lines. The sounding will be conducted at a speed appropriate to the operation.

Deleted: will take about 3 days to complete inclusive of 1 day downtime with 8 hours of working period per day

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Deleted: Sounding speed during operation is 6 to 8 knots

6. WEATHER

The Survey shall be stopped temporarily if the weather deteriorates, i.e. World Meteorological Organization (WMO) sea state more than 3 (wave height >1.25m) as this will effect the accuracy of survey and safety of boat crews.

7. SCALE OF SURVEY

The Survey shall be plotted on a scale of 1:1,000, for Fair Sheet.

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8. STANDARD OF SURVEY

All hydrographic works and field sheets shall comply with the International Hydrographic Organization (IHO) standard and meet the minimum standard for hydrographic survey in accordance with *IHO Standard for Hydrographic Surveys SP 44 5th Edition, February 2008, Order 1B*.

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9. DATUM

9.1 Horizontal Datum, Projection and Grid

The Survey shall be carried out in World Geodetic System 1984 (WGS 84) and plotted based on the following geodetic parameters:

Ellipsoid	: WGS 84
Semi Major Axis (a)	: 6378137.0 m
Flattening (f)	: 1/298.25722
Projection	: Universal Transverse Mercator (UTM)
Zone	: 48
False Northing	: 0.0m
False Easting	: 500000.0m
Scale Factor at Central Meridian	: 0.9996
Central Meridian	: Centre of Zone 48

9.2 Vertical Datum

9.2.1 The datum used during the Survey shall be Lowest Astronomical Tides (LAT), which is the lowest water plane to which soundings are reduced and above which drying heights are shown in the Fair Sheet and other survey records. LAT shall be determined by harmonic analysis with data already obtained from continuous tidal observations of at least 30 days. The data for the harmonic analysis shall be provided by both Parties.

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9.2.2 Tidal data from both Middle Rocks and Pedra Branca shall be used for datum harmonization.

Deleted: observation shall be carried out in the waters off

9.3 Reduction of Soundings

Heights of tide shall be observed throughout the survey period for sounding reduction using tide gauge with sampling interval not more than 10 minutes. Actual tidal observation curves will be smoothed and used for reduction of soundings. Depths will be inked in metres and decimeters.

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10. POSITIONING

10.1 Use of Differential GPS (DGPS) for Positioning

10.1.1 Positioning data shall be obtained using Differential GPS (DGPS). The following criteria shall apply:

- (i) The DGPS receivers shall be configured such as only satellites in view above the altitude 10 degrees to be used in the position computation;
- (ii) The age of pseudo-range corrections used in the position computation shall not exceed 10 seconds;
- (iii) A minimum of four satellites shall be used to compute positioning;
- (iv) The Horizontal Dilution of Precision (HDOP) of the position shall be continuously monitored, recorded and shall not exceed 3.0;

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- (v) Dead Reckoning is not permitted; and
- (vi) Horizontal and vertical offsets between GPS antenna and transducers shall be observed and applied in no coarser than 0.1 m increments.

10.2 Identification of Fixes

Fixes are to be identified by calendar date of the year and the Universal Time Coordinated (UTC).

10.3 Geodetic Control Stations

Equipment to be used shall be Geodetic Receiver(s) with offline post-processing of Differential GPS data.

Deleted: All geodetic control stations to be utilized for the purpose of the Survey must be agreed upon by both Parties. ¶

The period for observation shall be minimum 2 hours per station. A total of 4 geodetic control stations shall be established, ie. 2 each at PB and MR.

11. SURVEY METHODOLOGY

The Survey shall consist of (A) Multi-beam sonar survey for the purposes of detecting low-tide elevations and (B) Single-beam sonar survey for the purposes of determining the low-water line.

(A) Methodology for Multi-Beam Sonar Survey

The methodology for Multi-Beam Sonar Survey encompasses the following:

Deleted: Survey

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- (i) Accurate Positioning of Sounding Points

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All sounding points must be positioned accurately. Automated logging system shall be set at the following intervals:

- (a) Navigation Cycle Time : 2 sec or better
- (b) Depth Cycle Time : 2 sec or better
- (c) Position Logging Interval : 2 sec or better

(ii) Sounding Units

Depths shall be recorded in metres and tenths of metres.

(iii) Depth Accuracy

The total sounding uncertainty for swath widths of at least three times the average water depth shall be in compliance with the allowable Total Vertical Uncertainty (TVU) of $\pm \sqrt{0.25 + (0.013 \times d)^2}$ where d = depth.

(iv) Line Orientation

Sounding track lines shall be generally parallel to the general configuration of the depth contour lines.

(v) Position

The total uncertainties in the position of soundings and all other significant features shall not exceed 2 metres at 95% confidence level.

(vi) Vessel Motion Data

All Multi Beam data shall be corrected for settlement and squat, heave, pitch, roll and the heading of the vessel.

(vii) Velocity of Sound in the Water Column

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The velocity of sound through water shall be determined at least daily during Multi Beam sonar operations. The velocity profile shall be determined to a minimum of 95% of anticipated water depth. Velocity corrections shall be based on the data obtained from profile and not on an averaged sound velocity reading for the water column.

Deleted: (viii) Bottom Coverage ¶
100% complete Multi Beam coverage for the Survey Area.

- (ix) Cross Lines
Cross lines shall be run at angles of 45 to 90 degrees to the main scheme lines.

- (x) Hydrographic Data Acquisition System (HDAS)
 - (a) The HDAS shall comprise of hardware and software configured to control, manage, acquire and store digital data in survey format from positioning system and Multi Beam Echo Sounder System.

 - (b) The HDAS software shall include helmsman display facilities indicating vessel steering in a preplanned survey line, with digital display showing information on position, depth, COG, heading, SOG, line and fix number, distance from start and end line.

 - (c) The online QC for positioning and depth shall be monitored to ensure positional accuracy standard. Daily QC report shall be included as annex to the Report of Survey (ROS).

- (xi) Drying Line (Low Water Mark) And Drying Feature

All drying lines and drying features shall be delineated accurately and measured from LAT.

(xiv) Accuracy Test

- (a) Accuracy tests shall be conducted on the Multi Beam Echo Sounder System (MBES) and DGPS sensors.
- (b) Prior to commencing Multi Beam operation, a system accuracy test (patch test) shall be conducted to quantify the accuracy, precision and alignment of the MBES. Patch test shall include determination of roll, pitch, heading and time latency. Depth accuracy testing shall also include testing of MBES against single beam echo sounder system. Details of test shall be included in the annex to the ROS.
- (c) Accuracy check for DGPS system shall be conducted using at least two different reference stations. Positional differences should be less than 2 metres. Details of test shall be included in the annex to the ROS.

Deleted: Heights of Rocks ¶
The heights of rocks and other maritime features shall be determined from the summit to Mean High Water Spring (MHWS).

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Deleted: Other Detected Underwater Features¶
Any sign or indication of wreckage or artificial obstructions observed during the sounding operation shall be investigated by sonar sweep. ¶

(B) Methodology for Single-Beam Sonar Survey

The methodology for Single-Beam Sonar Survey encompasses the following activities:

(i) Echo Sounder

A single beam echo sounder at a frequency of about 200 KHz providing a depth accuracy of +/- 0.1 metre shall be used for the sounding survey. The

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echo sounder shall be calibrated daily either by bar-check or sound velocity probe up to the maximum depth of the survey area, before and after sounding.

(ii) Reduction of Soundings

Actual tidal observation curves will be smoothed and used for reduction of soundings. Depths will be inked in metres and decimeters.

(iii) Horizontal Accuracy

The following accuracies will be maintained:

Position of ship - \pm 0.5 to 1 metres

(iv) Sounding Line Intervals

Sounding lines at 5 m intervals. Where irregularities or shoals are detected, closer sounded lines and/or cross lines shall be run over these areas.

(xii) Drying Line (Low Water Mark) And Drying Feature

All drying lines and drying features shall be delineated accurately and measured from LAT.

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¶
(xv) Data Processing¶
¶
Data processing is to be carried out jointly.¶

12. OUTPUT

12.1 Field Records

All data gathered during the Survey shall be recorded as annexes to the ROS. This includes the following:

- (i) Tidal observation records
- (ii) Benchmarks descriptions
- (iii) Results of tidal analysis
- (iv) Geodetic Control Station

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- (v) Accuracy Test for DGPS
- (vi) Patch Test Records for MBES
- (vii) Daily QC Test
- (viii) Echo-sounder graphs
- (ix) Field sheets showing sounding tracks with fix numbers
- (x) Other miscellaneous records and sheets used for submission of survey

12.2 Data Processing

Data processing for the survey acquired from both the multi-beam and single-beam surveys shall be carried out jointly in (venue). The estimated time taken for data processing is 14 days.

12.3 Fair Sheet

- (i) Fair Sheet shall be drawn at scale of 1:1,000 in Universal Transverse Mercator Zone 48 projection and WGS 84 ellipsoid.
- (ii) Fair Sheet shall be endorsed by both Parties and signed by representative of each Party.

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13. REPORT OF SURVEY (ROS)

- 13.1 ROS shall be prepared jointly by both Parties and signed by the respective Hydrographer. The estimated time for preparation of the ROS is 5 days.

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13.2 ROS shall be prepared in soft and hard copies.

13.3 The following documents (soft and hard copies) are to be rendered upon completion of the Survey:

- (i) Fair Sheet; and
- (ii) Survey Reports;

13.4 The final ROS is to be submitted to the Joint Survey Sub committee for approval.

14. SURVEY PLATFORM AND PERSONNEL

The Survey Area shall be divided into two equal halves, with Singapore responsible for providing the survey platforms and conducting the surveys in the northern half and Malaysia responsible for providing the survey platforms and conducting the surveys in the southern half. The survey team shall consist of the following personnel:

Deleted: conduct the Survey using the survey platform agreed by both Parties with

Deleted: composition of

Survey Acquisition Team

Malaysia - 2 x Hydrographic Surveyors

Singapore - 2 x Hydrographic Surveyors

Boat Crews - 2 x (Helmsman and Technical staff)

A representative from one Party shall be on board the survey platform of the other Party to witness the conduct of the survey in accordance with the standards and specifications set out in this Scope of Works.

Data Processing Team

Malaysia - 2 x Hydrographic Surveyors

Singapore - 2 x Hydrographic Surveyors

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15 COST

Each side will bear the cost it incurs in the conduct of the survey.

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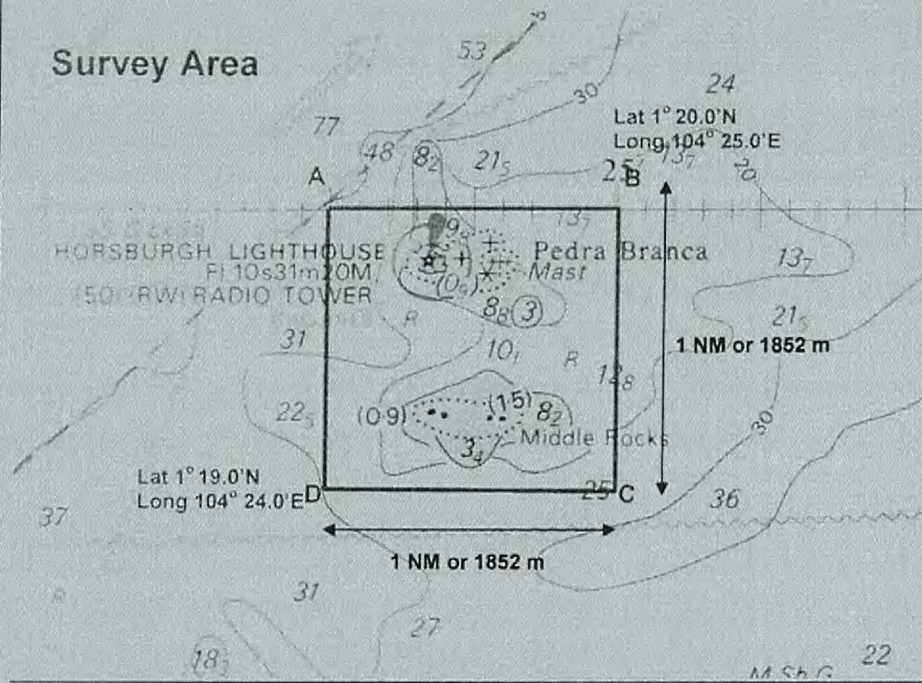
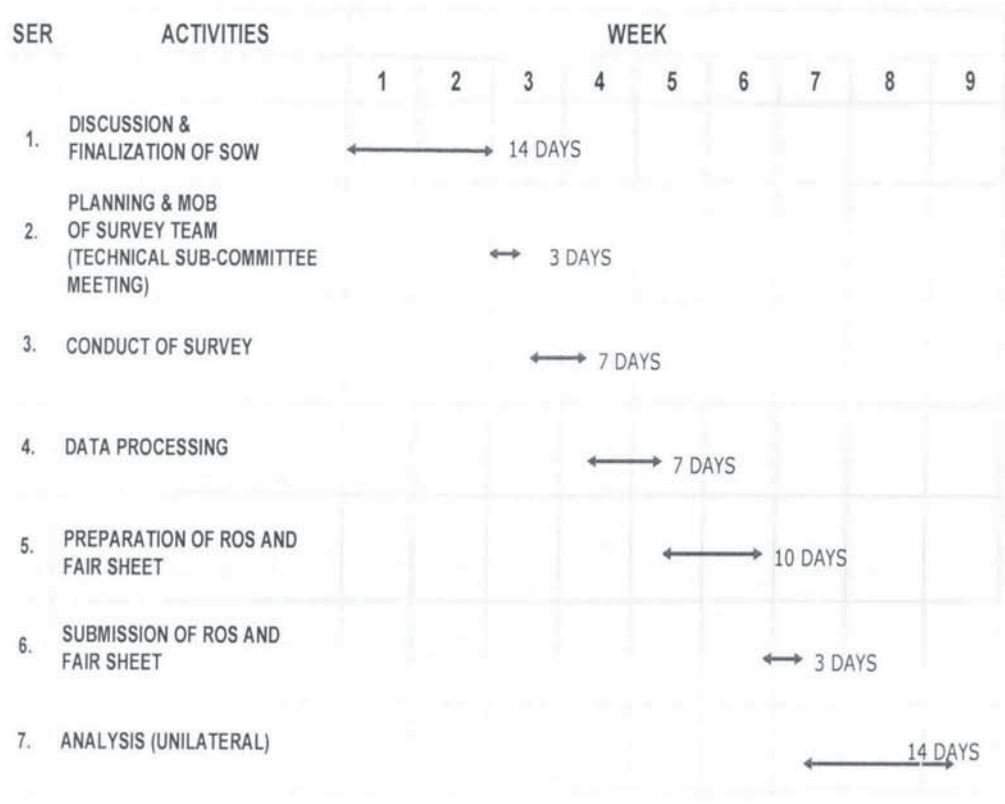


Chart Source: British Admiralty Chart 3831(Edn 30 Sept 2004)

TIMELINE



**SECOND JOINT TECHNICAL COMMITTEE MEETING BETWEEN
MALAYSIA AND SINGAPORE ON THE IMPLEMENTATION OF THE ICJ
JUDGMENT ON SOVEREIGNTY OVER PEDRA BRANCA, MIDDLE
ROCKS AND SOUTH LEDGE**

**BREAKOUT SESSION ON
MARITIME & AIRSPACE MANAGEMENT AND FISHERIES**

1. The Breakout Session was held on 20 August 2008 in Putrajaya, Malaysia.
2. The Session was co-chaired by Dato' Muhammad Hatta bin Ab. Aziz, Secretary, National Security Council, Prime Minister's Department and Rear Admiral Tay Kian Seng, Head of Naval Operations, Ministry of Defence, Singapore. Malaysia's list of delegation is as **Appendix E1**. Singapore's list of delegation is as **Appendix E2**.
3. The Session was held to discuss the airspace & maritime management and fisheries issue related to the International Court of Justice (ICJ) Judgment on the case concerning sovereignty over Pedra Branca, Middle Rocks and South Ledge. The discussion covered the following matters:
 - 3.1 Airspace Management

The report of which is attached to **Appendix E3**.
 - 3.2 Maritime Management;
 - (i) Both sides agreed to maintain a calm situation at sea and maintain open communications channels.
 - (ii) Both sides re-affirmed the prior agreement at the first Joint Technical Committee Meeting on 3 June 2008 that, if there is an incident at sea, the nearest vessel can render assistance in accordance with international law, regardless of the victim vessel's nationality or location, on the understanding that actions taken would be without

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prejudice to issues of sovereignty and eventual delimitation of maritime boundaries.

3.3 Fisheries

- (i) Both sides agreed that traditional fishing activities by both countries will continue in waters beyond 0.5 nautical miles off Pedra Branca, Middle Rocks and South Ledge respectively. These arrangements are without prejudice to issues of sovereignty and eventual delimitation of maritime boundaries.
- (ii) Both sides agreed to advise their respective fishermen not to encroach into these 0.5 nautical miles zones.

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Appendix E1

MALAYSIAN DELEGATION

1. Dato' Muhammad Hatta bin Ab. Aziz – **Leader of Delegation**
Secretary, National Security Council
Prime Minister's Department
2. Dato' Azaharuddin A. Rahman
Director-General
Department of Civil Aviation
3. Major Jeneral Dato' Roslan Saad
Ministry of Defence
4. RADM Dato' Abd. Hadi bin A. Rashid
Ministry of Defence
5. SAC II Dato' Chuah Ghee Lye
Royal Malaysian Police
6. Mr. Abd. Rahim bin Hussin
National Security Council
Prime Minister's Department
7. Raja Nazrin Aznam
Ministry of Foreign Affairs
8. SAC II Jalaludin Ibrahim
Royal Malaysian Police
9. Mr. Alfian bin Yang Amri
Senior Federal Counsel
Attorney General Chamber
10. Ms. Nur Fauzah binti Mokhtar
Senior Federal Counsel
Attorney General Chamber

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11. SAC II Mohd Sueb Abdullah
Royal Malaysian Police
12. Capt. Maritime Mohd Taha bin Ibrahim
Malaysia Maritime Enforcement Agency
13. Lt. Col. Mustaffa bin Abu Bakar
Ministry of Defence
14. Mr. Sahimi bin Abd. Rahman
Prime Minister's Department
15. Mr. Ahmad Saktian bin Langgang
Fisheries Department
16. ACP Abd. Aziz bin Yusof
Marine Police
Royal Malaysian Police
17. Cdr. Badaruddin Taha
Royal Malaysian Navy
18. Mr. Rosmin Muhammed
Ministry of Defence
19. Major Muhammad Daud bin Sulaiman
Ministry of Defence
20. Mr. Azmin bin Faizul
Department of Civil Aviation
21. ASP Tan Yew Hong
Royal Malaysian Police
22. Mr. Deddy Faisal Ahmad Salleh
Ministry of Foreign Affairs
23. Mr. Mohd Helmy bin Ahmad
National Security Council
Prime Minister's Department

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Appendix E2

SINGAPORE DELEGATION

1. Rear Admiral Tay Kian Seng – **Leader of Delegation**
Ministry of Defence
2. Mr. Pang Khang Chau
Attorney General Chambers
3. Mr. Devrajan Bala
Ministry of Home Affairs
Police Coast Guard
4. Mr. Chua Lu Fong
Ministry of Defence
5. Mr. Chia Huan Boon
Defence Attache
Singapore High Commission in Kuala Lumpur
6. Mr. Peter Tan
Ministry of Foreign Affairs
7. Ms. Iris Chen
Ministry of Foreign Affairs
8. Mr. Kuah Kong Beng
Civil Aviation Authority of Singapore
9. Mr. Hwa Teck Pheng
Civil Aviation Authority of Singapore
10. Mr. Leslie Cheng
Agri-Food & Veterinary Authority of Singapore
11. Mr. Kwok Fook Seng
Singapore High Commission in Kuala Lumpur

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Appendix E3

**SECOND JOINT TECHNICAL COMMITTEE MEETING BETWEEN
MALAYSIA AND SINGAPORE ON THE IMPLEMENTATION OF THE ICJ
JUDGMENT ON SOVEREIGNTY OVER PEDRA BRANCA, MIDDLE
ROCKS AND SOUTH LEDGE**

20 August 2008

Breakout Session on Airspace Management

1. Singapore explained that the NOTAM is issued for the purposes of aviation safety and is without prejudice to issues of sovereignty. Singapore assures Malaysia that it fully recognises Malaysia's sovereignty over Middle Rocks and that the NOTAM does not restrict Malaysia's freedom to fly to Middle Rocks.
2. Malaysia emphasized that the rights of territorial airspace over Middle Rocks and the surrounding airspace is an area of which Malaysia has full and exclusive sovereignty. Therefore, Malaysia insists that the NOTAM must be withdrawn. Singapore responded that, as the FIR authority, it is responsible for aviation safety and, hence, the issuance of NOTAM in the area concerned.
3. Malaysia views that since the area over Middle Rocks and the surrounding airspace is the territorial airspace of Malaysia, therefore Singapore must obtain prior consent from Malaysia on any NOTAM which affects the said airspace. Singapore does not agree that it has an obligation to seek Malaysia's prior comment in every case but agreed to keep channels of communication open for Malaysia to reflect its concerns over NOTAMs affecting Middle Rocks.
4. Malaysia made the observation that the wordings of the NOTAM is ambiguous. Malaysia maintained its position that Singapore must withdraw the NOTAM. Malaysia reiterated that bilateral discussions should take place before any action is taken to consider publishing any restriction or notice to airmen by other means e.g. AIP. While Singapore does not agree with Malaysia's observations, Singapore indicates that, in the spirit of friendly cooperation, it will take Malaysia's suggestions and concerns into consideration as part of its future overall safety assessment with regard to the area concerned.

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5. In furtherance of the position taken by Malaysia in paragraph 3, Malaysia also insists that WSR31 be withdrawn. As this is a new issue, Singapore noted Malaysia's request and will bring it back for consideration.

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ANNEX F

**JOINT PRESS STATEMENT
BY H.E. DR. RAIS YATIM,
MINISTER OF FOREIGN AFFAIRS MALAYSIA
AND H.E. GEORGE YEO, MINISTER FOR FOREIGN AFFAIRS,
REPUBLIC OF SINGAPORE**

**THE SECOND MALAYSIA-SINGAPORE
JOINT TECHNICAL COMMITTEE (MSJTC) MEETING
ON THE IMPLEMENTATION OF THE INTERNATIONAL COURT OF JUSTICE
JUDGMENT ON PEDRA BRANCA, MIDDLE ROCKS AND SOUTH LEDGE
PUTRAJAYA , 20 AUGUST 2008**

Malaysia and Singapore met on 20 August 2008 in Putrajaya to further discuss the implementation of the International Court of Justice (ICJ) Judgment on Pedra Branca, Middle Rocks and South Ledge. The Malaysian delegation was led by Tan Sri Rastam Mohd Isa, Secretary-General of the Ministry of Foreign Affairs, Malaysia and the Singapore delegation was led by Mr. Peter Ho, Permanent Secretary of the Ministry of Foreign Affairs, Singapore.

Both sides reiterated their commitment to honour and abide by the ICJ's judgment and fully implement its decision by continuing the discussions pursuant to the previous MSJTC Meeting held in Singapore on 3 June 2008.

The MSJTC reviewed the work of the work of the Sub-Committee on Joint Survey Works and agreed that the Sub-Committee should continue to hold discussions in the following weeks to finalise technical preparations relating to the Joint Hydrographic Survey. The Meeting agreed on the establishment of a Sub-Committee on Maritime & Airspace Management and Fisheries which met on 20 August 2008. The Meeting also agreed that traditional fishing activities by both countries will continue in waters beyond 0.5 nautical miles off Pedra Branca, Middle Rocks and South Ledge respectively.

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The MSJTC agreed that the Sub-Committee on Maritime & Airspace Management and Fisheries should also continue to hold discussions in the following weeks with regard to other issues relating to maritime and airspace management.

Both sides were very pleased with the progress made by the Joint Technical Committee and agreed that the next meeting be held in mid-September 2008 in Singapore.

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**MINISTRY OF FOREIGN AFFAIRS MALAYSIA
MINISTRY OF FOREIGN AFFAIRS REPUBLIC OF SINGAPORE**

29 AUGUST 2008

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Annex 22

Letter from Singapore's Permanent Secretary, Ministry of Foreign Affairs, Peter Ho, to Malaysia's Secretary General, Ministry of Foreign Affairs, Rastam Mohd Isa, dated 22 August 2008



22 August 2008

H E Tan Sri Rastam Mohd Isa
Secretary General
Ministry of Foreign Affairs
Malaysia

Dear *Rastam*

I refer to our conversation at the sidelines of the Second Malaysia-Singapore Joint Technical Committee (MSJTC) Meeting on the Implementation of the International Court of Justice (ICJ) Judgment on Pedra Branca, Middle Rocks and South Ledge in Putrajaya on 20 August 2008. We both agreed that, consistent with the ICJ judgement, the status of South Ledge would have to be determined by the proper process of delimitation.

2 I am therefore concerned that Malaysia has chosen to take unilateral action on South Ledge on 21 and 22 August 2008, by sending its personnel to South Ledge to set up equipment there. Malaysia's actions go against the spirit of the MSJTC and our mutual agreement to honour and abide by the ICJ judgment. These actions are not helpful in reaching a peaceful and amicable resolution of the issues relating to the ICJ judgment.

3 Singapore remains fully committed to implementing the judgment of the ICJ, and to maintaining continued good relations and cooperation with Malaysia.

With best regards

PETER HO
Permanent Secretary

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Annex 23

Diplomatic note from Singapore to Malaysia, MFA/SEA/00025/2008,
dated 23 August 2008



MFA/SEA/00025/2008

The Ministry of Foreign Affairs of the Republic of Singapore presents its compliments to the High Commission of Malaysia and has the honour to refer to the judgment of the International Court of Justice (ICJ) of 23 May 2008, wherein the ICJ ruled that sovereignty over South Ledge belongs to the State in the territorial waters of which it is located.

The Singapore Government notes with regret that, on 21 August 2008, Malaysia acted in disregard of the ICJ judgment by unilaterally landing 4 persons on South Ledge using a Royal Malaysian Marine Police boat. These 4 persons remained for more than 2 hours, during which they were seen setting up equipment on South Ledge.

The Singapore Government protests Malaysia's unilateral actions at South Ledge, which go against the spirit of the Malaysia-Singapore Joint Technical Committee, and are inconsistent with the mutual agreement to honour and abide by the ICJ judgment. Malaysia's actions at South Ledge are not helpful towards the common goal of reaching a peaceful and amicable resolution of the issues relating to the ICJ judgment.

The Singapore Government seeks the co-operation of the Malaysian Government to ensure the immediate cessation of its current activities on South Ledge, and to refrain from conducting further activities there until the status of South Ledge has been determined through the process of maritime boundary delimitation between our two countries.

Singapore remains fully committed to implementing the judgment of the ICJ, and to maintaining continued good relations and cooperation with Malaysia.

The Ministry of Foreign Affairs of the Republic of Singapore avails itself of this opportunity to renew to the High Commission of Malaysia the assurances of its highest consideration.

SINGAPORE
23 August 2008

High Commission of Malaysia
Singapore



Annex 24

Letter from Malaysia's Secretary General, Ministry of Foreign Affairs, Rastam Mohd Isa, to Singapore's Permanent Secretary, Ministry of Foreign Affairs, Peter Ho, dated 29 August 2008



**SECRETARY GENERAL
MINISTRY OF FOREIGN AFFAIRS MALAYSIA**

29 August 2008

Dear Peter,

I refer to your letter of 22 August 2008. You may recall that at the sidelines of both the First Malaysia-Singapore Joint Technical Committee (MSJTC) Meeting in Singapore on 3 June 2008, and again at the Second MSJTC Meeting in Putrajaya on 20 August 2008, I had stated to you Malaysia's firm belief that South Ledge clearly lies in Malaysian waters and has always been part of Malaysia. Consistent with the International Court of Justice (ICJ) judgment "that sovereignty over South Ledge belongs to the State in the territorial waters of which it is located", a proper process of delimitation of the whole area around Pedra Branca, Middle Rocks and South Ledge would have to be carried out.

I believe that Malaysia's actions on and around South Ledge do not go against the Judgment of the ICJ. I wish to reiterate that Malaysia views the MSJTC as the proper forum in which to discuss all issues related to the implementation of the ICJ Judgment.

Malaysia remains committed to continuing bilateral discussions through the MSJTC and to ensuring the continued good relations between our two countries.

Yours sincerely

Rastam Mohd Isa

H.E. Mr. Peter Ho
Permanent Secretary
Ministry of Foreign Affairs
Republic of Singapore

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Annex 25

Joint Press Statement by Malaysia's Ministry of Foreign Affairs and Singapore's Ministry of Foreign Affairs, "Joint Press Statement: The Second Malaysia-Singapore Joint Technical Committee (MSJTC) Meeting on the Implementation of the International Court of Justice Judgment on Pedra Branca, Middle Rocks and South Ledge", dated 1 September 2008, available at:

https://www.mfa.gov.sg/content/mfa/media_centre/press_room/if/2008/200809/infocus_20080901_02.html
(last accessed: 20 September 2017)

September 01, 2008

Joint Press Statement: The Second Malaysia-Singapore Joint Technical Committee (MSJTC) Meeting on the Implementation of the International Court of Justice Judgment on Pedra Branca, Middle Rocks and South Ledge

Malaysia and Singapore met on 20 August 2008 in Putrajaya to further discuss the implementation of the International Court of Justice (ICJ) Judgment on Pedra Branca, Middle Rocks and South Ledge. The Malaysian delegation was led by Tan Sri Rastam Mohd Isa, Secretary-General of the Ministry of Foreign Affairs, Malaysia and the Singapore delegation was led by Mr. Peter Ho, Permanent Secretary of the Ministry of Foreign Affairs, Singapore.

Both sides reiterated their commitment to honour and abide by the ICJ's judgment and fully implement its decision by continuing the discussions pursuant to the previous MSJTC Meeting held in Singapore on 3 June 2008.

The MSJTC reviewed the work of the Sub-Committee on Joint Survey Works and agreed that the Sub-Committee should continue to hold discussions in the following weeks to finalise technical preparations relating to the Joint Hydrographic Survey. The Meeting agreed on the establishment of a Sub-Committee on Maritime & Airspace Management and Fisheries which met on 20 August 2008. The Meeting also agreed that traditional fishing activities by both countries will continue in waters beyond 0.5 nautical miles off Pedra Branca, Middle Rocks and South Ledge respectively.

The MSJTC agreed that the Sub-Committee on Maritime & Airspace Management and Fisheries should also continue to hold discussions in the following weeks with regard to other issues relating to maritime and airspace management.

Both sides were very pleased with the progress made by the Joint Technical Committee and agreed that the next meeting be held in mid-September 2008 in Singapore.

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MINISTRY OF FOREIGN AFFAIRS MALAYSIA
MINISTRY OF FOREIGN AFFAIRS REPUBLIC OF SINGAPORE
1 SEPTEMBER 2008

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Annex 26

Third Sub-Committee Meeting on the Joint Survey Works in and around Pedra Branca, Middle Rocks and South Ledge, Kuala Lumpur, Malaysia, 11-12 September 2008, Record of Discussion

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**THIRD SUB-COMMITTEE MEETING
ON THE JOINT SURVEY WORKS IN AND AROUND
PEDRA BRANCA, MIDDLE ROCKS AND SOUTH LEDGE**

**KUALA LUMPUR, MALAYSIA
11 - 12 SEPTEMBER 2008**

RECORD OF DISCUSSION

INTRODUCTION

1. The Third Sub-Committee Meeting on the Joint Survey Works in and around Pedra Branca, Middle Rocks and South Ledge between Malaysia and the Republic of Singapore was held in Kuala Lumpur, Malaysia on 11 - 12 September 2008. The Meeting was held pursuant to the decision of the Second Sub-Committee Meeting on the Joint Survey Works in and around Pedra Branca, Middle Rocks and South Ledge held in Putrajaya, Malaysia on 19 - 20 August 2008.
2. The Malaysian delegation was led by Datuk Hamid Ali, Director General of Survey and Mapping, Department of Survey and Mapping, Malaysia and the Singapore delegation was led by Mr. Lionel Yee, Principal Senior State Counsel, Attorney-General's Chambers, Singapore. The lists of the Malaysian and Singapore delegations are appended as **Appendix A** and **Appendix B** respectively.

AGENDA ITEM 1: OPENING REMARKS

3. The Head of the Malaysian Delegation's opening remarks are attached as **Appendix C**. The Head of the Singapore Delegation's opening remarks are attached as **Appendix D**.

AGENDA ITEM 2: ADOPTION OF THE AGENDA

4. The Meeting adopted the Agenda, which is appended as **Appendix E**.

AGENDA ITEM 3: DISCUSSION ON THE SCOPE OF WORKS FOR JOINT HYDROGRAPHIC SURVEY IN AND AROUND PEDRA BRANCA AND MIDDLE ROCKS

5. Both sides agreed to put on record that the discussion on the Scope of Works for the Joint Hydrographic Survey at this Meeting is made without prejudice to the issue of sovereignty and eventual delimitation of maritime boundaries between Malaysia and Singapore.

Survey Area

6. With regard to the Survey area, Malaysia maintained its proposed Survey area as presented at the last Sub-Committee Meeting, that is, covering 2.8 km x 2.8 km (7.84 sq km).

7. Malaysia stated that the aforementioned proposed Survey area should be maintained as it would allow a more comprehensive survey to be conducted to identify the location of low water lines/marks and low tide elevations in the vicinity of the Survey area.

8. Singapore responded that the proposed Survey area should be the area as originally proposed by Singapore, given the fact that the data gathered was to be used mainly for the delimitation work in the waters around Pedra Branca and Middle Rocks.

9. The Meeting agreed that the concerned matter be further studied by both sides.

Survey Platform

10. Malaysia proposed that a single Survey platform (which includes survey vessel, crew, equipments and acquisition software) be used and offered its said platform for the execution of the Joint Hydrographic Survey for the entire Survey.

11. Singapore responded by offering the use of their platform. Alternatively, the Survey area should be divided into two equal halves with each country using its Survey platform in its respective half.

12. The Meeting agreed the matter be further studied by both sides. The Meeting also agreed that this issue will affect the Survey cost.

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Proposed Amendments on the Scope of Works for Joint Hydrographic Survey

13. The proposed amendments by Malaysia on the counter proposals made by Singapore at the Second Sub-Committee Meeting on the Scope of Works for Joint Hydrographic Survey are appended in **Appendix F**.

14. After deliberation, Singapore presented its counter proposals on the proposed amendments by Malaysia as appended in **Appendix G**.

15. After discussion, the Meeting agreed that the wording of a paragraph dealing with matters not to be prejudiced should be addressed in the Memorandum of Understanding instead of the Scope of Works.

AGENDA ITEM 4: OTHER MATTERS

Date and Venue of the Next Meeting

16. The Meeting agreed that the date and venue of the next meeting be decided through correspondence.

AGENDA ITEM 5: CLOSING REMARKS

17. The Head of the Malaysian Delegation extended his appreciation and gratitude to all the members of the Sub-Committee and the Secretariat for the kind cooperation, support and understanding throughout the Meeting. The Head of the Singapore Delegation expressed its sincere appreciation to the Malaysian side for the excellent arrangements and hospitality accorded to them.

Done in duplicate in Kuala Lumpur, Malaysia on 12 September 2008.

Head of the Singapore Delegation

Head of the Malaysian Delegation


Lionel Yee
Principal Senior State Counsel
Singapore


Datuk Hamid bin Ali
Director General of Survey and Mapping
Malaysia

APPENDIX A

**THIRD SUB-COMMITTEE MEETING
ON THE JOINT SURVEY WORKS IN AND AROUND
PEDRA BRANCA, MIDDLE ROCKS AND SOUTH LEDGE**

**KUALA LUMPUR, MALAYSIA
11 - 12 SEPTEMBER 2008**

MALAYSIAN DELEGATION

1. Datuk Hamid Ali - Co-Chairmen
Director General
Department of Survey and Mapping
2. Dato' Noor Farida Ariffin
Director General
Department of Research and International Law
Ministry of Foreign Affairs
3. Mr. Ahmad Fauzi Nordin
Director of Survey (Mapping Division)
Department of Survey and Mapping
4. Mr. Abd Rahim Hussin
Under Secretary
Maritime Security Policy Division
National Security Council
Prime Minister's Department
5. Captain Sahak Omar RMN
Director General
National Hydrographic Centre
Royal Malaysian Navy
6. Captain Zaaim Hasan RMN
Director of Hydrography
National Hydrographic Centre
Royal Malaysian Navy
7. Mr. Tan Ah Bah
Director of Survey (Boundary Affairs)
Department of Survey and Mapping
8. Dr. Azhari Mohamed
Director of Survey (Geodesy)
Department of Survey and Mapping
9. Mr. Alfian Yang Amri
Senior Federal Counsel
International Affairs Division
Attorney General's Chambers

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10. Mdm. Suraya Harun
Senior Federal Counsel
International Affairs Division
Attorney General's Chambers
11. Dr. V.R. Vijayan
Principal Geologist
Department of Minerals and Geoscience
12. Mr. Mohd. Faisal Abdullah
Principal Geologist
Department of Minerals and Geoscience
13. Ms. Haznah Md Hashim
Principal Assistant Secretary
Department of Policy Planning and Strategy
Ministry of Foreign Affairs
14. Captain Fadzilah Mohd Salleh RMN
Research Officer
International Affairs Division
Attorney General's Chambers
15. Mr. Chang Leng Hua
Principal Assistant Director of Survey (Geodesy)
Department of Survey and Mapping
and Mapping
16. Mr. Ahmad Aznan Zakaria
Principal Assistant Director of Survey (Boundary Affairs)
Department of Survey and Mapping
17. Lt. Cmdr. Ramli Johari
Principal Assistant Director
National Hydrographic Centre
Royal Malaysian Navy
18. Mr. Shaffri Baudi
Assistant Secretary (Survey)
Land, Survey and Mapping Division
Ministry of Natural Resources and Environment

APPENDIX B

**THIRD SUB-COMMITTEE MEETING
ON THE JOINT SURVEY WORKS IN AND AROUND
PEDRA BRANCA, MIDDLE ROCKS AND SOUTH LEDGE**

**KUALA LUMPUR, MALAYSIA
11 - 12 SEPTEMBER 2008**

SINGAPORE DELEGATION

1. Mr. Lionel Yee - Co-Chairmen
Principal Senior State Counsel
Attorney-General's Chambers
2. Mr. Daren Tang
State Counsel
Attorney-General's Chambers
3. Mr. Parry Oei
Chief Hydrographer
Maritime Port Authority of Singapore
4. Capt. Lee Cheng Wee
Deputy Director (Port) / Port Master
Maritime Port Authority of Singapore
5. Mr. Jamie Chen
Deputy Hydrographer
Maritime Port Authority of Singapore
6. Mr. Low Hon Mun
Country Officer
Southeast Asia Directorate
Ministry of Foreign Affairs

APPENDIX C

**THIRD SUB-COMMITTEE MEETING
ON THE JOINT SURVEY WORKS IN AND AROUND
PEDRA BRANCA, MIDDLE ROCKS AND SOUTH LEDGE**

**KUALA LUMPUR, MALAYSIA
11 - 12 SEPTEMBER 2008**

**OPENING REMARKS BY
THE HEAD OF THE MALAYSIAN DELEGATION**

**Y. BHG. DATUK HAMID BIN ALI
DIRECTOR GENERAL
DEPARTMENT OF SURVEY AND MAPPING MALAYSIA**

**Your Excellency Mr. Lionel Yee, Head of Singapore delegation
and Distinguished Members of Singapore and Malaysian Sub-Committee
Meeting**

A very good afternoon to Your Excellency and members of Singapore and Malaysian delegations.

On behalf of the Malaysian Sub-Committee Members, it gives me great pleasure to extend our warm welcome to my counterpart and Singapore Sub-Committee Members to Kuala Lumpur. I hope that the Singapore delegates will have a pleasant stay during the duration of the Third Sub-Committee Meeting on the Joint Survey Works in and around Pedra Branca, Middle Rocks and South Ledge in Kuala Lumpur.

Your Excellency and distinguished delegates

This Third Sub-Committee Meeting was held pursuant to the decision of the Second Meeting to pursue further discussion on the scope of works for the proposed joint hydrographic survey in the area of interest to both sides. As you could recall, at the Second Sub-Committee Meeting in Putrajaya, both sides have addressed our concerns and exchanged views with regards to the scope of works on the Joint Hydrographic Survey to be conducted in and around Pedra Branca and Middle Rocks in preparation towards eventual talks on maritime issues.

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I am happy that this Sub-Committee is able to meet again for the third round of discussion in Malaysia in our continuous effort to finalize the draft scope of work to facilitate the execution of the joint hydrographic survey in the concerned area. With the proper consideration and deliberation that Your Excellency and I shall undertake on the proposed draft scope of works, I hope that the said draft could be finalized at the end of this Third Meeting.

Your Excellency and distinguished delegates

I believe that, with the close cooperation and goodwill that has long persisted between our two countries, this meeting would proceed smoothly in a cordial atmosphere. I am confident that this Meeting will proceed well in the spirit of mutual understanding and that we would eventually attain the desired objectives that had been set out.

I hope that both sides would do their level best in order to arrive at a fruitful and successful conclusion and could convey the achievement from this meeting to the Joint Technical Committee Meeting for consideration and approval.

Thank you.

APPENDIX D

**OPENING REMARKS OF MR LIONEL YEE, SINGAPORE CO-
CHAIRMAN OF THE SUB-COMMITTEE ON THE JOINT SURVEY
WORKS IN AND AROUND PEDRA BRANCA, MIDDLE ROCKS AND
SOUTH LEDGE, 11 SEPTEMBER 2008**

Datuk Hamid Ali, Director-General, Department of Survey and Mapping, fellow co-chairman of the Sub-Committee on the Joint Survey Works, Dato' Noor Farida – whom I haven't seen for a number of months since we last met at the Hague – members of the Malaysian Delegation: We enjoyed your hospitality and generosity when we met last month in Putrajaya and I hoped that I might have had the pleasure of welcoming everyone to Singapore at this meeting, but as it turns out, we have had to impose ourselves on you and your officers again. Let me therefore begin by thanking you and your delegation for once again hosting the meeting of this sub-committee and for your hospitality, which I sincerely hope to be able to reciprocate fully when we next meet, which hopefully, will be in Singapore.

I should also put on record my apologies for not being able to stay back after our lunch at the last meeting in Putrajaya to sign the joint record of the meeting as I had to depart at short notice with my delegation leader and the rest of the delegation, to catch the flight back to Singapore. I hope that it did not cause too much inconvenience.

Excellency, I fully agree with you that we made good and substantive progress over our last two meetings. At our last meeting, we shared with each other our draft proposals in relation to the conduct of the Joint Survey. Singapore proposed a draft Memorandum of Procedure, while Malaysia proposed a draft Scope of Works. Based on these documents, we were able to engage in useful and detailed discussions. As Singapore was able to accept most of the provisions in the Malaysian draft Scope of Works, we were happy to work off it and put forward certain amendments to that proposal as our counter-proposal.

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Our key task at this meeting is to see how we can close the few gaps in our respective proposals. I am not sure how the weather in Kuala Lumpur has been like, but it has been raining almost everyday in Singapore over the last two weeks. This has been a constant reminder to me that the north-east monsoon will be starting soon, and therefore, I am hoping that we will be able to reach an agreement on the conduct of the Joint Survey, and report to the Joint Committee that we are ready to proceed with the actual data gathering phase of our work.

As always, I look forward to working with everyone in the spirit of co-operation, friendliness and openness to achieve a good outcome for this meeting.

APPENDIX E

**THIRD SUB-COMMITTEE MEETING
ON THE JOINT SURVEY WORKS IN AND AROUND
PEDRA BRANCA, MIDDLE ROCKS AND SOUTH LEDGE**

**KUALA LUMPUR, MALAYSIA
11 - 12 SEPTEMBER 2008**

AGENDA

1. Opening remarks
2. Adoption of Agenda
3. Discussion on the Scope of Works for Joint Hydrographic Survey in and around Pedra Branca and Middle Rocks
4. Others matters
5. Closing remarks

APPENDIX F

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Malaysia's proposal to Singapore's text (20 Aug 08)

**GENERAL SCOPE OF WORKS FOR JOINT HYDROGRAPHIC SURVEY IN AND
AROUND PEDRA BRANCA AND MIDDLE ROCKS**

1. PURPOSE

The purpose of the Joint Survey Works in and around Pedra Branca and Middle Rocks ("Survey") is to acquire relevant, comprehensive and accurate bathymetric hydrographic data in the area as defined in paragraph 5.4 ("Survey Area") ~~to determine the low-water mark~~ in order to prepare for eventual talks on maritime issues in and around Pedra Branca and Middle Rocks.

2. [MATTERS NOT TO BE PREJUDICED

For the avoidance of doubt, any action taken or omission made by the Parties or any person engaged by the Parties the Joint Survey Works undertaken any action taken or omission made by the Parties or any person engaged by the Parties pursuant to the Scope of Works ~~are without prejudice to issues of sovereignty and eventual delimitation of maritime boundaries *~~ (As per paragraph 3 of Annex E of the Record of Meeting between Malaysia and Singapore on the Implementation of the ICJ Judgment on Pedra Branca, Middle Rocks and South Ledge dated 3 June 2008) including any documentation and data directly or indirectly acquired, created, provided or generated in the performance of the Scope of Works, shall not be interpreted so as to in any manner whatsoever to prejudice or affect:

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- 2.1 The past, present or future position taken by either Party in relation to the interpretation and application of UNCLOS 1982 or any applicable rule of international law;
- 2.2 The baselines and boundary lines as depicted in the relevant official maps and charts of the Parties including methods and any other matters related to the construction of the said baselines and boundary lines;
- 2.3 The question of delimitation of boundaries between the Parties; or
- 2.4 The maritime or territorial claims made by either Party, or the determination of such claims and shall not be construed as conferring recognition or acceptance by either Party of such claims.]

3. GENERAL SCOPE OF WORKS

The ~~is~~ general Scope of Works for the Survey covers a complete process of survey operation from the planning phase to the submission of the result, which are as follows including:

- 3.1 To determine the limits of the Survey Area in and around Pedra Branca and Middle Rocks;
- 3.2 To define the scope and specification for the Survey works;
- 3.3 To determine the equipment, survey platform and methodologies for data acquisition and processing used in the Survey;
- 3.4 To determine the conduct of the Survey, which includes mobilization and demobilization, commencement date, survey routine, survey lines and others;

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- 3.5 To agree on the terms and conditions for data format, sharing and exchange;
- 3.6 To provide for the collection and processing of data jointly; ~~and~~
- 3.7 To determine the modalities for preparing and finalizing the Survey reports and documentations; and
- 3.8 Any other works which are within the ambit of this paragraph.

4. AREA TO BE SURVEYED

The Survey Area is bounded by the following coordinates in World Geodetic System 1984 (WGS 84):

POINT	WGS 84	
	LATITUDE (N)	LONGITUDE (E)
1	01° 20' 28.6" 01° 20.0' N, 01° 20' 28.6" 28.6"	104° 24' 35.2" 104° 24.00' E 104° 24' 35.2" 24' 35.2"
2	01° 19' 23.9" 01° 20.0' N, 01° 19' 23.9" 23.9"	104° 25' 38.6" 104° 25.00' E 104° 25' 38.6" 25' 38.6"
3	01° 18' 23.6" 01° 19.0' N, 01° 18' 23.6" 23.6"	104° 24' 29.4" 104° 25.00' E 104° 24' 29.4" 24' 29.4"
4	01° 19' 28.4" 01° 19.0' N, 01° 19' 28.4" 28.4"	104° 23' 26.0" 104° 24.00' E 104° 23' 26.0" 23' 26.0"

~~The Survey Area covers an area of 2.8 kilometres x 2.8 kilometres which is equivalent to 7.84 square kilometres.~~

The diagram of the Survey Area is shown in **Annex A**.

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5. DURATION AND TIMELINE OF THE SURVEY

~~The Survey, will take about 3 days to complete inclusive of 1 day downtime with 8 hours of working period per day will commence ing from mid-October 2008, and shall consist of about 2 days of multi-beam sonar survey to detect low-tide elevations in the vicinity of Pedra Branca and Middle Rocks and about 7 days of single-beam sonar survey to determine the low-water lines. The sounding will be conducted at a speed appropriate to the operation Sounding speed during operation is 6 to 8 knots.~~

The Survey shall commence on a date to be agreed by both Parties. The Survey operation is estimated to take about 10 days to complete including patch test, accuracy test and resounding (if deemed necessary). The sounding will be conducted at appropriate sounding speed.

6. WEATHER

The Survey shall be stopped temporarily if the weather deteriorates, i.e. World Meteorological Organization (WMO) sea state more than 3 (wave height >1.25m) as this will effect the accuracy of survey and safety of boat crews.

7. SCALE OF SURVEY

The Survey shall be plotted on a scale of 1:~~1,000~~2,500 for Fair Sheet.

8. STANDARD OF SURVEY

All hydrographic works and field sheets shall comply with the International Hydrographic Organization (IHO) standard and meet the minimum standard for hydrographic survey in accordance with *IHO Standard for Hydrographic Surveys SP 44 5th Edition, February 2008, Order 1B.*

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9. DATUM

9.1 Horizontal Datum, Projection and Grid

The Survey shall be carried out in World Geodetic System 1984 (WGS 84) and plotted based on the following geodetic parameters:

Ellipsoid	: WGS 84
Semi Major Axis (a)	: 6378137.0 m
Flattening (f)	: 1/298.25722
Projection	: Universal Transverse Mercator (UTM)
Zone	: 48
False Northing	: 0.0m
False Easting	: 500000.0m
Scale Factor at Central Meridian	: 0.9996
Central Meridian	: Centre of Zone 48

9.2 Vertical Datum

9.2.1 The datum used during the Survey shall be Lowest Astronomical Tides (LAT), which is the lowest water plane to which soundings are reduced and above which drying heights are shown in the Fair Sheet and other survey records. LAT shall be determined by harmonic analysis with data already obtained from continuous tidal observations of at least 30 days. The data for the harmonic analysis shall be provided by both Parties.

9.2.2 Tidal data from both observation shall be carried out in the waters off Middle Rocks and Pedra Branca shall be used for datum harmonization.

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9.3 Reduction of Soundings

~~9.2.3~~—Heights of tide shall be observed throughout the survey period for sounding reduction using tide gauge with sampling interval not more than 10 minutes. Actual tidal observation curves will be smoothed and used for reduction of soundings. Depths will be inked in metres and decimeters.

10. POSITIONING

~~40.3~~10.1 Geodetic Control Stations

~~All geodetic control stations to be utilized for the purpose of the Survey must be agreed upon by both Parties.~~

10.1.1 A total of four (4) geodetic control stations shall be established i.e. two (2) each at ~~PB~~ Pedra Branca and ~~MR~~ Middle Rocks.

10.1.2 The proposed GPS Survey Network shall be designed as follows:

- (i) a Primary GPS network comprising of two (2) Malaysia Real-Time Kinematic GPS Network System (MyRTKnet) Stations, two (2) Peninsular Malaysia Primary Geodetic Network Station and four (4) Singapore Permanent GPS Station.
- (ii) a Secondary GPS network of the four proposed geodetic control stations, as stated in para. 10.1.1.
- (iii) all stations shall be measured using static GPS technique; and
- (iv) GPS measurement duration and software shall be selected so as to ensure relative baseline accuracy of one part per million (1 ppm).

10.1.3 The diagram of the proposed GPS Survey Network is shown in

Annex B.

10.1.4 The GPS receiver set used for the observation shall have the following features and specification:

- (i) Equipment to be used shall be dual frequency and of Geodetic type Receiver(s) with offline post-processing of Differential GPS data.
- (ii) accuracy for positioning: Horizontal 5 mm+1 ppm
_____ Vertical 10 mm+1 ppm ;
- (iii) the antenna shall be a geodetic L1/L2 with fixed or removable ground plane; and
- iv) each observation party shall be equipped with the necessary communication instrument and other required operational equipments.

10.1.5 The specifications for the GPS observation are as follows:

<u>No.</u>	<u>ITEM</u>	<u>STATIC GPS</u>
<u>a.</u>	<u>Observation</u>	<u>Carrier Phase (L1 and L2)</u>
<u>b.</u>	<u>No. of Satellites</u>	<u>At least 5</u>
<u>c.</u>	<u>PDOP Value</u>	<u>Less than 7</u>
<u>d.</u>	<u>Elevation Angle Cut-off</u>	<u>15 degrees</u>
<u>e.</u>	<u>Epoch Recording Rate</u>	<u>30 seconds</u>
<u>f.</u>	<u>Observation Period</u>	<u>The period for observation shall be minimum Two (2) sessions of three (3) 2 hours observation per station</u>
<u>g.</u>	<u>Type of Antenna</u>	<u>Geodetic L1/L2 with ground plane/ multipath mitigation technique</u>
<u>h.</u>	<u>Height of Antenna</u>	<u>Nearest mm (Beginning and end of measurement)</u>
<u>i.</u>	<u>Centering of Antenna</u>	<u>On the mark</u>
<u>j.</u>	<u>Atmosphere</u>	<u>Default</u>
<u>k.</u>	<u>Quality Control</u>	<ul style="list-style-type: none"> • <u>Multipath</u> • <u>Height of antenna properly measured</u> • <u>Positive mark occupation</u> • <u>Log sheet to monitor data acquisition</u> • <u>Antenna orientation towards north</u>

10.1.6 During the conduct of GPS observation, at least one representative from each country shall be present at the

respective geodetic control station.

10.1.7 The data processing and adjustment shall be carried out on the Primary and Secondary GPS Networks using appropriate GPS processing software. Each country shall carry out GPS data processing independently and produces the independent set of coordinates. Comparison of the coordinates sets shall be carried out to establish the final coordinates sets.

10.1.8 The following technique of least square processing shall be carried out on the GPS data:

- (i) least squares adjustments shall be performed for the final data analysis and coordinate determination;
- (ii) the software used shall be capable of computing formal a-priori standard errors from the baseline variance/co-variance statistics, and shall use models which account for the reference ellipsoid for the network control, orientation and scale differences between the GPS and network control datum;
- (iii) least squares adjustments of the network, both minimally constrained and constrained by all the geodetic stations' coordinates, shall be carried out to verify that the survey meets the required standards; and
- (v) all adjustments of GPS data shall be 3 dimensional on the ITRF2000 reference frame.

10.1.9 During the process of observation, the GPS field recording sheets shall be recorded (the example are set out in Appendices

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Annexes 1 and 2 C and D). An independent check on the height of the antenna is essential.

10.1.10 Each country shall make available the following digital data:

- (i) raw observational data shall be archived and each country shall have the same complete set of data and information;
- (ii) if required, result files from the baseline processing and final adjustments shall be supplied in digital form. The processing and/or adjustment software digital format may be recommended by the recipient to enable automatic inclusion of the results in the recipient's data base systems;
- (iii) comparison of the coordinates sets shall be performed for validation, and the final result can be established if the differences are within the agreed tolerance range; and
- (iv) final adjusted coordinates are to be provided in the following coordinate systems:
 - (a) ITRF2000/WGS84
 - (b) UTM derived from ITRF2000/WGS84

10.1.11 The establishment process of geodetic control station along with the observed data, information, results and analysis shall be systematically and comprehensively documented in the form of hard and soft copies.

10.2 Use of Differential GPS (DGPS) for Positioning

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10.2.1 Positioning data shall be obtained using Differential GPS (DGPS). The following criteria shall apply:

- (i) The DGPS receivers shall be configured such as only satellites in view above the altitude 10 degrees to be used in the position computation;
- (ii) The age of pseudo-range corrections used in the position computation shall not exceed 10 seconds;
- (iii) A minimum of four satellites shall be used to compute positioning;
- (iv) The Horizontal Dilution of Precision (HDOP) of the position shall be continuously monitored, recorded and shall not exceed 3.0;
- (v) Dead Reckoning is not permitted; and
- (vi) Horizontal and vertical offsets between GPS antenna and transducers shall be observed and applied in no coarser than 0.1 m increments.

10.2.2 For the purpose of offline post processing of DGPS data, GPS equipment shall be set up at the four (4) geodetic control stations, as stated in para. 10.1.1, during the period of hydrographic survey.

10.3 Identification of Fixes

Fixes are to be identified by calendar date of the year and the Universal Time Coordinated (UTC).

11. SURVEY METHODOLOGY

~~11.1 The Survey shall consist of (A) Multi-beam sonar survey and for the purposes of detecting low-tide elevations and (B) Single-beam sonar surveys. In areas where the aforementioned methods are not feasible, other conventional methods shall be used. The methodology of field bathymetric observation will be decided by the Survey Acquisition Team during the Survey operation. for the purposes of determining the low-water line.~~

(A) Methodology for Multi-Beam Sonar Survey

11.2 The ~~Survey~~ methodology for Multi-Beam Sonar Survey encompasses the following ~~activities~~:

(i) Accurate Positioning of Sounding Points

All sounding points must be positioned accurately. Automated logging system shall be set at the following intervals:

- (a) Navigation Cycle Time : 2 sec or better
- (b) Depth Cycle Time : 2 sec or better
- (c) Position Logging Interval : 2 sec or better

(ii) Sounding Units

Depths shall be recorded in metres and tenths of metres.

(iii) Depth Accuracy

The total sounding uncertainty for swath widths of at least three times the average water depth shall be in compliance with the

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allowable Total Vertical Uncertainty (TVU) of $\pm \sqrt{[0.25 + (0.013 \times d)^2]}$ where d = depth.

- (iv) Line Orientation
Sounding track lines shall be generally parallel to the general configuration of the depth contour lines.
- (v) Position
The total uncertainties in the position of soundings and all other significant features shall not exceed 2 metres at 95% confidence level.
- (vi) Vessel Motion Data
All Multi Beam data shall be corrected for settlement and squat, heave, pitch, roll and the heading of the vessel.
- (vii) Velocity of Sound in the Water Column
The velocity of sound through water shall be determined at least daily during Multi Beam sonar operations. The velocity profile shall be determined to a minimum of 95% of anticipated water depth. Velocity corrections shall be based on the data obtained from profile and not on an averaged sound velocity reading for the water column.
- ~~(viii) Bottom Coverage~~
~~100% complete Multi Beam coverage for the Survey Area.~~
- (~~ix~~viii) Cross Lines
Cross lines shall be run at angles of 45 to 90 degrees to the main scheme lines.

(~~xix~~) Hydrographic Data Acquisition System (HDAS)

- (a) The HDAS shall comprise of hardware and software configured to control, manage, acquire and store digital data in survey format from positioning system and Multi Beam Echo Sounder System.
- (b) The HDAS software shall include helmsman display facilities indicating vessel steering in a preplanned survey line, with digital display showing information on position, depth, COG, heading, SOG, line and fix number, distance from start and end line.
- (c) The online QC for positioning and depth shall be monitored to ensure positional accuracy standard. Daily QC report shall be included as annex to the Report of Survey (ROS).

(~~xi~~) ~~(x)~~ Drying Lines (Low Water Marks) A and Drying Features

All drying lines and drying features shall be delineated accurately and measured from LAT.

(~~xii~~) Heights of Rocks

~~The heights of rocks and other maritime features shall be determined from the summit to Mean High Water Spring (MHWS).~~

~~Other Detected Underwater Features~~

~~Any sign or indication of wreckage or artificial obstructions observed during the sounding operation shall be investigated by sonar sweep.~~

(xivxi) Accuracy Test

- (a) Accuracy tests shall be conducted on the Multi Beam Echo Sounder System (MBES) and DGPS sensors.
- (b) Prior to commencing Multi Beam operation, a system accuracy test (patch test) shall be conducted to quantify the accuracy, precision and alignment of the MBES. Patch test shall include determination of roll, pitch, heading and time latency. Depth accuracy testing shall also include testing of MBES against single beam echo sounder system. Details of test shall be included in the annex to the ROS.
- (c) Accuracy check for DGPS system shall be conducted using at least two different reference stations. Positional differences should be less than 2 metres. Details of test shall be included in the annex to the ROS.

(B) Methodology for Single-Beam Sonar Survey

11.3 The methodology for Single-Beam Sonar Survey encompasses the following activities:

(i) Echo Sounder

A single beam echo sounder at a frequency of about 200 KHz providing a depth accuracy of ± 0.1 metre shall be used for the sounding survey. The echo sounder shall be calibrated daily either by bar-check or sound velocity probe up to the maximum depth of the survey area, before and after sounding.

(ii) Reduction of Soundings

Actual tidal observation curves will be smoothed and used for reduction of soundings. Depths will be inked in metres and decimeters.

(iii) Horizontal Accuracy

The following accuracies will be maintained:

Position of ship - \pm 0.5 to 1 metres

(iv) Sounding Line Intervals

Sounding lines at 5 m intervals. Where irregularities or shoals are detected, closer ~~sounded~~-sounding lines and/or cross lines shall be run over these areas.

(v) Drying Lines (Low Water Marks) Aand Drying Features

All drying lines and drying features shall be delineated accurately and measured from LAT.

(vi) Other Detected Underwater Features

Any sign or indication of underwater features observed during the sounding operation shall be investigated by sonar sweep.

(xv) Data Processing

Data processing is to be carried out jointly.

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12. DATA PROCESSING

Data processing for the survey acquired from both the multi-beam and single-beam surveys shall be carried out jointly in (venue) in-at a venue to be agreed by both sides. The estimated time taken for data processing is 14 days.

12.13. OUTPUT

12.13.1 Field Records

All data gathered during the Survey shall be recorded as annexes to the ROS. This includes the following:

- (i) Tidal observation records
- (ii) Benchmarks descriptions
- (iii) Results of tidal analysis
- (iv) Geodetic Control Station
- (v) Accuracy Test for DGPS
- (vi) Patch Test Records for MBES
- (vii) Daily QC Test
- (viii) Echo-sounder graphs
- (ix) Field sheets showing sounding tracks with fix numbers
- (viii) Other miscellaneous records and sheets used for submission of survey

Data processing for the survey acquired from both the multi-beam and single-beam surveys shall be carried out jointly in (venue). The estimated time taken for data processing is 14 days.

12.13.2 Fair Sheet

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- (i) Fair Sheet shall be drawn at scale of 1:~~1,000~~2,500 in Universal Transverse Mercator Zone 48 projection and WGS 84 ellipsoid.
- (ii) Fair Sheet shall be endorsed by both Parties and signed by representative of each Party.

1314. REPORT OF SURVEY (ROS)

~~1314.1~~ ROS shall be prepared jointly by both Parties and signed by the respective Hydrographer. The estimated time for preparation of the ROS is 5 days.

~~1314.2~~ ROS shall be prepared in soft and hard copies.

~~1314.3~~ The following documents (soft and hard copies) are to be rendered upon completion of the Survey:

- (i) Fair Sheet; and
- (ii) Survey Reports;

~~1314.4~~ The final ROS is to be submitted to the Joint Survey Sub-Committee for approval.

1415. SURVEY PLATFORM AND PERSONNEL

The Survey Area shall be divided into two equal halves, with Singapore responsible for providing the survey platforms and conducting the surveys in the northern half and Malaysia responsible for providing the survey platforms and

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~~conducting the surveys in the southern half. The survey team shall consist of conduct the Survey using the survey platform agreed by both Parties with the following composition of personnel:~~

~~—The Survey team shall conduct the Survey using a single platform (including survey vessel, crew, equipments, and -acquisition software) agreed by both Parties with the following personnel.:~~

~~_____~~
Survey Acquisition Team

Malaysia - 2 x Hydrographic Surveyors

Singapore - 2 x Hydrographic Surveyors

Boat Crews -- 2 x (Helmsman and Technical staff)

~~A representative from one Party shall be on board the survey platform of the other Party to witness the conduct of the survey in accordance with the standards and specifications set out in this Scope of Works.~~

Data Processing Team

Malaysia - 2 x Hydrographic Surveyors

Singapore - 2 x Hydrographic Surveyors

~~_____~~
~~15. COST~~

~~Each side will bear the cost it incurs in the conduct of the survey.~~

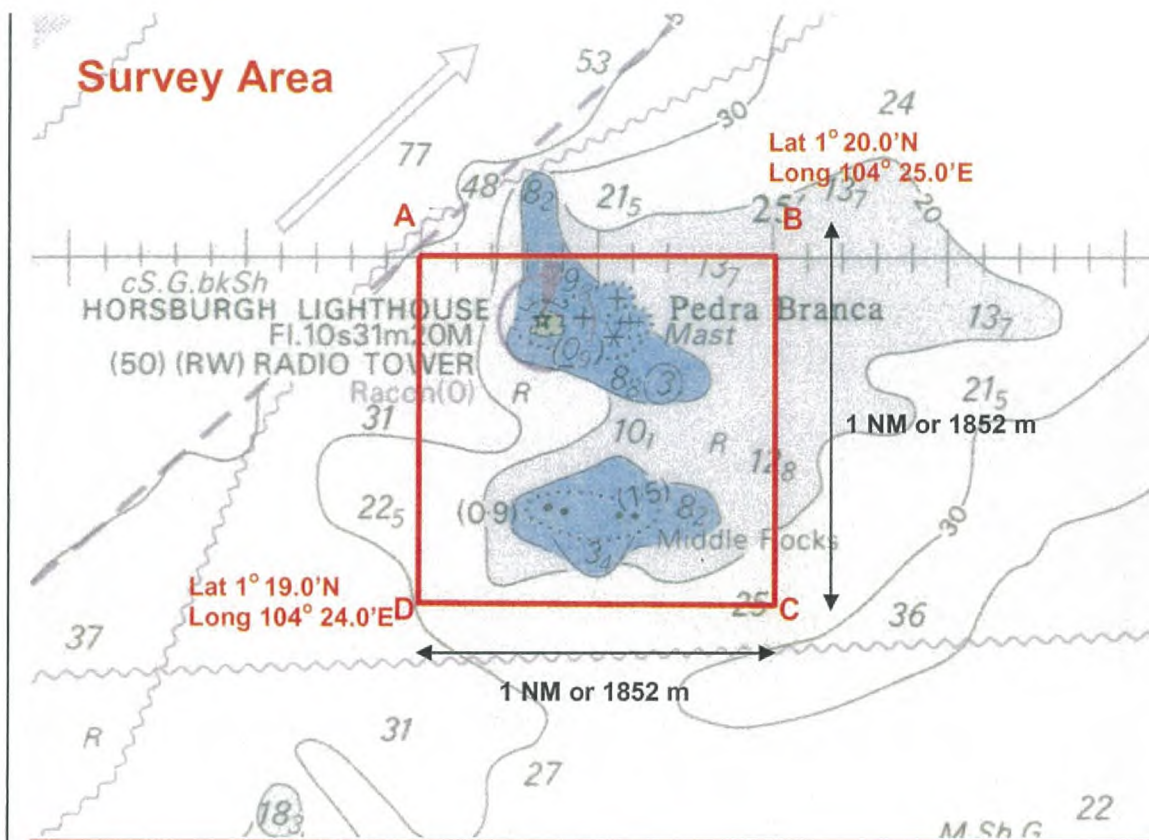
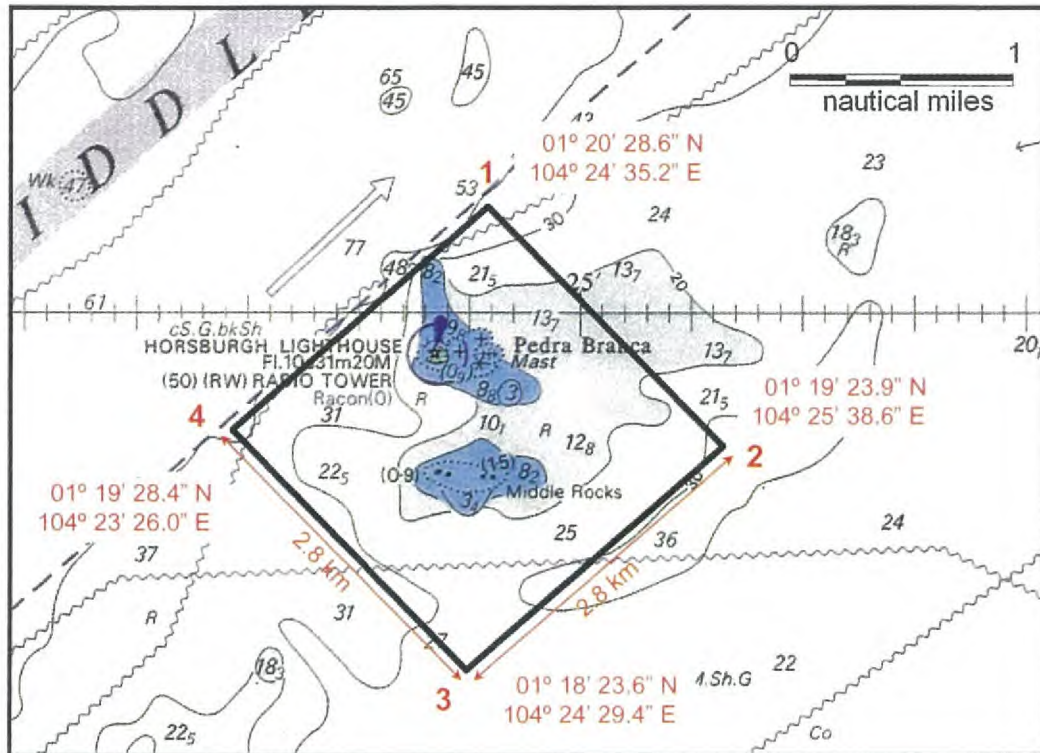
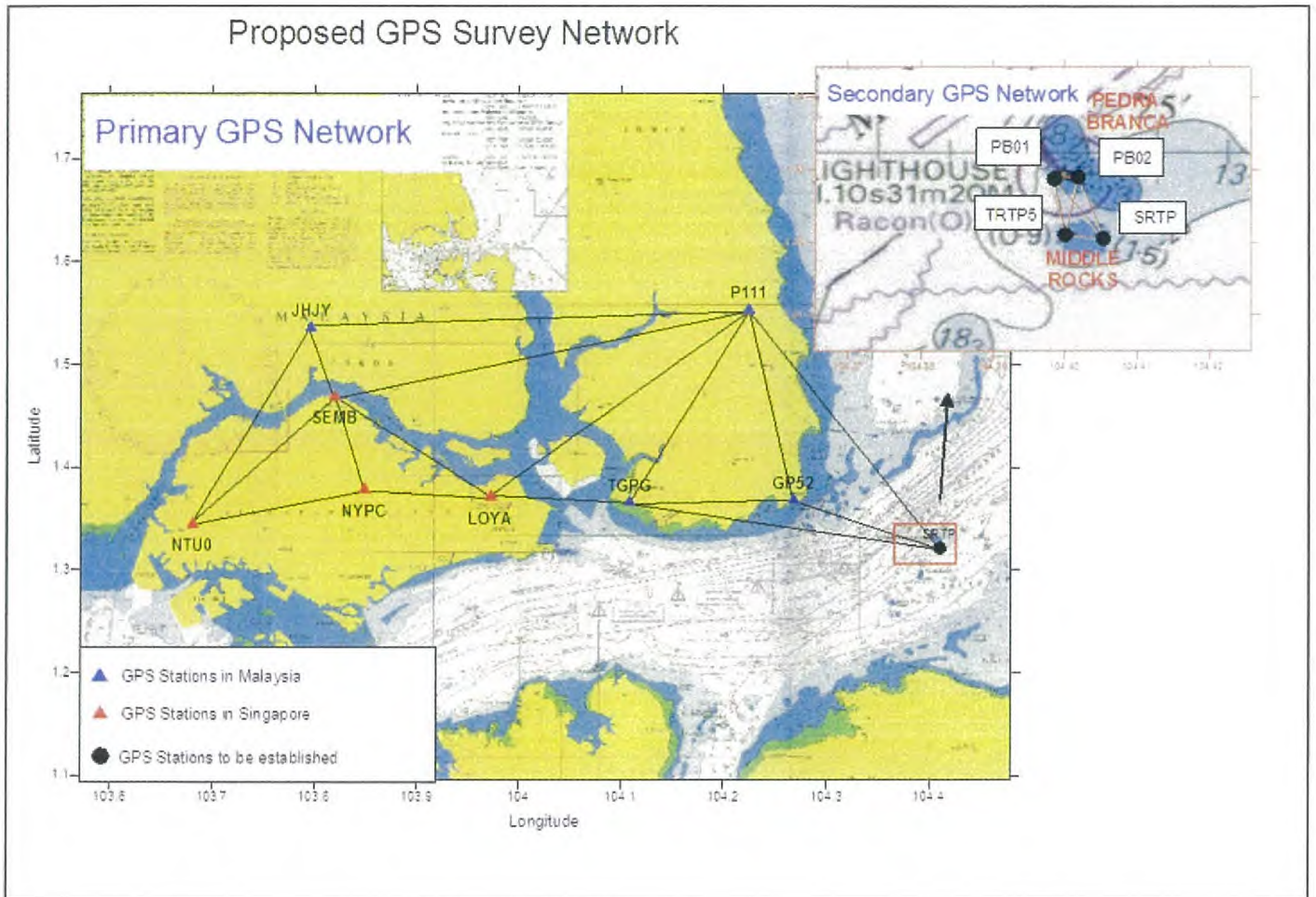


Chart Source: British Admiralty Chart 3831 (Edn 30 Sept 2004)

Survey Area for Joint Survey Works in and around Pedra Branca and Middle Rocks



For illustrative purposes only



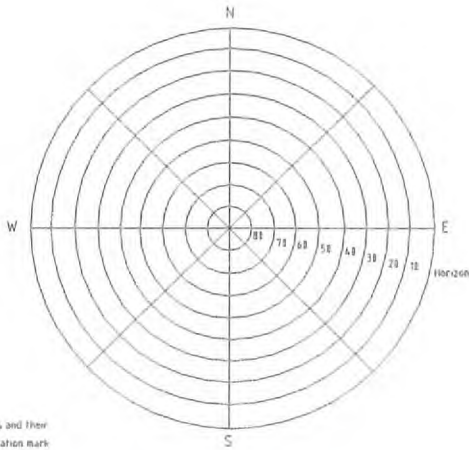
GPS Observation Log

<u>Station Name</u>	<u>Station ID</u>	<u>Project</u>
<u>Location</u>	<u>City</u>	
<u>Observing Monument Inscription and Description</u>		

<u>Type</u>	<u>Model</u>	<u>S/No.</u>	<u>Receiver Operator</u>
<u>Receiver</u>	<u>Agency</u>		
<u>Antenna</u>	<u>Equipment Used</u>		
<u>Receiver Software and Version</u>			
<u>Collection rate</u>	<u>Solution Rate</u>	<input type="checkbox"/> <u>Tribrach</u>	
<u>Download Information</u>		<input type="checkbox"/> <u>Tripod</u>	
<u>Download Date</u> / /	<input type="checkbox"/> <u>240v AC and power converter</u>		
<input type="checkbox"/> <u>Tapes</u>	<input type="checkbox"/> <u>Disks</u>	<input type="checkbox"/> <u>Backups made</u>	<input type="checkbox"/> <u>12v car battery</u>
<u>Disk/Tape</u>	<u>File Name</u>	<input type="checkbox"/> <u>Internal battery pack</u>	
<u>1</u>	<input type="checkbox"/> <u>External battery pack</u>		
<u>2</u>			
<u>3</u>			
<u>Timing</u>	<u>Local Time</u>	<u>Local date</u>	<u>UTC Time</u> <u>UTC Date</u> <u>UTC Day</u>
<u>Actual Start Time</u>			
<u>Actual End Time</u>			
<u>Daily Session Number</u>	<input type="checkbox"/> <u>Power Failure - started over with new Log</u>		
<u>Receiver Solution (record near end of session)</u>		<u>Site Access - unusual features</u>	
<u>UTC Time</u>			
<u>Latitude</u>			
<u>Longitude</u>			
<u>Height</u>	<u>Metres</u>		

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ANNEX D



Antenna Sketch

Station Name _____	Station ID _____	Date: / / _____
Location _____	City _____	
Observing Monument Inscription _____		Observers Name _____

Antenna Setup : Include a sketch of the antenna setup showing all mounting accessories ie. tripod, pillar, tribrach, etc. Show all distances measured from the ground mark to defined points on the antenna. Indicate whether distances are slant or vertical.

Antenna height above mark in metres - enter the vertical height to the ant. ref. point. Record the measured height above the ground mark to as many of the following as possible:

For slant measurements, include the horizontal offset distances to the centre of the antenna.

	Distance(metres)	vertical	slant	Offset Distance
Local Weather conditions				
L1 Phase centre		<input type="checkbox"/>	<input type="checkbox"/>	
L2 Phase centre		<input type="checkbox"/>	<input type="checkbox"/>	
Base of antenna		<input type="checkbox"/>	<input type="checkbox"/>	
Top of ground plane		<input type="checkbox"/>	<input type="checkbox"/>	
Bottom of ground plane		<input type="checkbox"/>	<input type="checkbox"/>	

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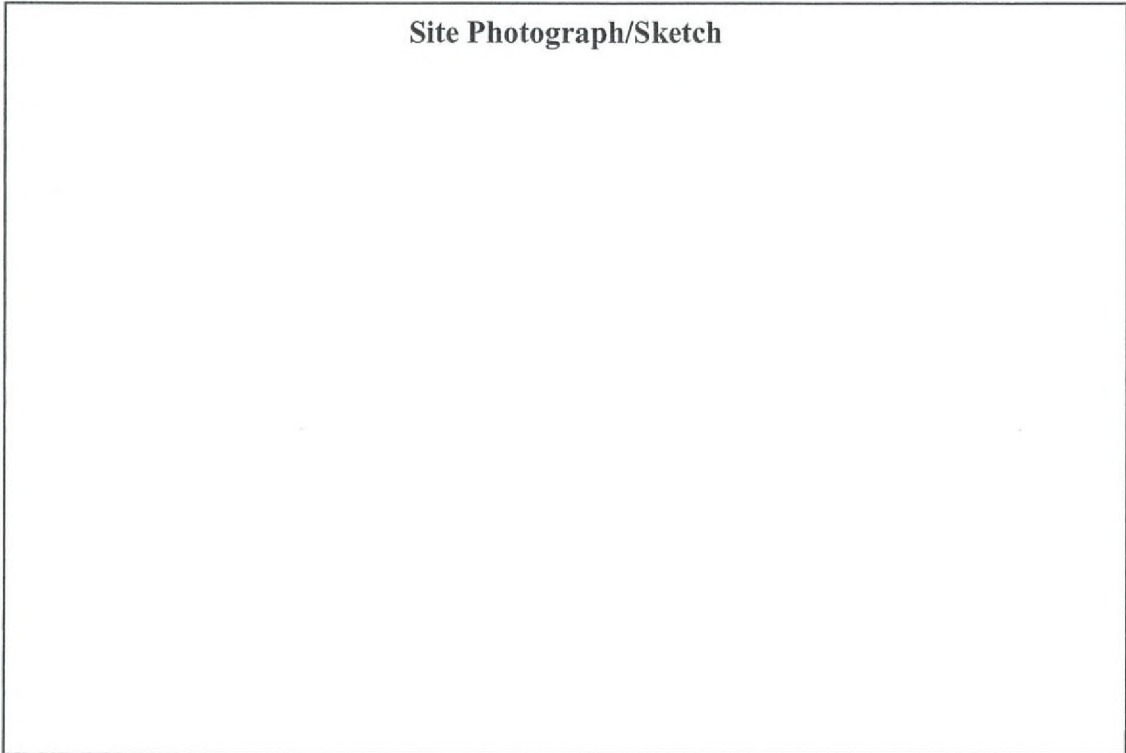
Bottom of choke ring _____ _____ _____

Height Hook used YES NO

Measured _____ Check _____ (Ft. In.)

Antenna Offset _____

Site Photograph/Sketch



Team Leader (Malaysia)

Team Leader (Singapore)

APPENDIX G

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Singapore's proposal of 11 Sep 08

**GENERAL SCOPE OF WORKS FOR JOINT HYDROGRAPHIC SURVEY IN AND
AROUND PEDRA BRANCA AND MIDDLE ROCKS**

1. PURPOSE

The purpose of the Joint Survey Works in and around Pedra Branca and Middle Rocks ("Survey") is to acquire relevant, comprehensive and accurate bathymetric hydrographic data in the area as defined in paragraph 5.4 ("Survey Area") **to determine the low-water mark and low tide elevations** in order to prepare for eventual talks on maritime issues in and around Pedra Branca and Middle Rocks.

2. [MATTERS NOT TO BE PREJUDICED]

For the avoidance of doubt, any action taken or omission made by the Parties or any person engaged by the Parties the Joint Survey Works undertaken any action taken or omission made by the Parties or any person engaged by the Parties pursuant to the Scope of Works are without prejudice to issues of sovereignty and eventual delimitation of maritime boundaries * (As per paragraph 3 of Annex E of the Record of Meeting between Malaysia and Singapore on the Implementation of the ICJ Judgment on Pedra Branca, Middle Reeks and South Ledge dated 3 June 2008) including any documentation and data directly or indirectly acquired, created, provided or generated in the performance of the Scope of Works, shall not be interpreted so as to in any manner whatsoever to prejudice or affect:

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- 2.1 The past, present or future position taken by either Party in relation to the interpretation and application of UNCLOS 1982 or any applicable rule of international law;
- 2.2 The baselines and boundary lines as depicted in the relevant official maps and charts of the Parties including methods and any other matters related to the construction of the said baselines and boundary lines;
- 2.3 The question of delimitation of boundaries between the Parties; or
- 2.4 The maritime or territorial claims made by either Party, or the determination of such claims and shall not be construed as conferring recognition or acceptance by either Party of such claims.]

3. GENERAL SCOPE OF WORKS

These general Scope of Works for the Survey covers a complete process of survey operation from the planning phase to the submission of the result, which are as follows including:

- 3.1 To determine the limits of the Survey Area in and around Pedra Branca and Middle Rocks;
- 3.2 To define the scope and specification for the Survey works;
- 3.3 To determine the equipment, survey platform and methodologies for data acquisition and processing used in the Survey;
- 3.4 To determine the conduct of the Survey, which includes mobilization and demobilization, commencement date, survey routine, survey lines and others;

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- 3.5 To agree on the terms and conditions for data format, sharing and exchange;
- 3.6 To provide for the collection and processing of data jointly; and
- 3.7 To determine the modalities for preparing and finalizing the Survey reports and documentations; and
- 3.8 Any other works which are within the ambit of this paragraph.

4. AREA TO BE SURVEYED

The Survey Area is bounded by the following coordinates in World Geodetic System 1984 (WGS 84):

POINT	WGS 84	
	LATITUDE (N)	LONGITUDE (E)
1	01° 20.0'N	104° 24.00'E
2	01° 20.0'N	104° 25.00'E
3	01° 19.0'N	104° 25.00'E
4	01° 19.0'N	104° 24.00'E

~~The Survey Area covers an area of 2.8 kilometres x 2.8 kilometres which is equivalent to 7.84 square kilometres.~~

The diagram of the Survey Area is shown in **Annex A**.

5. DURATION AND TIMELINE OF THE SURVEY

~~The Survey will take about 3 days to complete inclusive of 1 day downtime with 8 hours of working period per day will commence ing from mid-October 2008, and~~

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~~shall consist of about 2 days of multi-beam sonar survey to detect low-tide elevations in the vicinity of Pedra Branca and Middle Rocks and about 7 days of single-beam sonar survey to determine the low-water lines. The sounding will be conducted at a speed appropriate to the operation. Sounding speed during operation is 6 to 8 knots.~~

The Survey shall commence on a date to be agreed by both Parties. The Survey operation is estimated to take about 10 days to complete including patch test, accuracy test and resounding (if deemed necessary). The sounding will be conducted at an appropriate sounding speed.

6. WEATHER

The Survey shall be stopped temporarily if the weather deteriorates, i.e. World Meteorological Organization (WMO) sea state more than 3 (wave height >1.25m) as this will effect the accuracy of survey and safety of boat crews.

7. SCALE OF SURVEY

The Survey shall be plotted on a scale of 1:~~1,000~~2,500 for Fair Sheet.

8. STANDARD OF SURVEY

All hydrographic works and field sheets shall comply with the International Hydrographic Organization (IHO) standard and meet the minimum standard for hydrographic survey in accordance with *IHO Standard for Hydrographic Surveys SP 44 5th Edition, February 2008, Order 1B*.

9. DATUM

9.1 Horizontal Datum, Projection and Grid

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The Survey shall be carried out in World Geodetic System 1984 (WGS 84) and plotted based on the following geodetic parameters:

Ellipsoid	: WGS 84
Semi Major Axis (a)	: 6378137.0 m
Flattening (f)	: 1/298.25722
Projection	: Universal Transverse Mercator (UTM)
Zone	: 48
False Northing	: 0.0m
False Easting	: 500000.0m
Scale Factor at Central Meridian	: 0.9996
Central Meridian	: Centre of Zone 48

9.2 Vertical Datum

9.2.1 The datum used during the Survey shall be Lowest Astronomical Tides (LAT), which is the lowest water plane to which soundings are reduced and above which drying heights are shown in the Fair Sheet and other survey records. LAT shall be determined by harmonic analysis with data already obtained from continuous tidal observations of at least 30 days. The data for the harmonic analysis shall be provided by both Parties.

9.2.2 Tidal data from both ~~observation shall be carried out in the waters off Middle Rocks and Pedra Branca shall be used for~~ datum harmonization.

9.3 Reduction of Soundings

~~9.2.3~~ Heights of tide shall be observed throughout the survey period for sounding reduction using tide gauge with sampling interval not more than

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10 minutes. Actual tidal observation curves will be smoothed and used for reduction of soundings. Depths will be inked in metres and decimeters.

10. POSITIONING

10.1.1 Survey of Geodetic Control Stations

~~All geodetic control stations to be utilized for the purpose of the Survey must be agreed upon by both Parties.~~

10.1.1 A total of four (4) geodetic control stations shall be established i.e. two (2) each at PB-Pedra Branca and MR-Middle Rocks.

10.1.2 The proposed GPS Survey Network shall be designed as follows:

- (i) a Primary GPS network comprising of two (2) Malaysia Real-Time Kinematic GPS Network System (MyRTKnet) Stations, two (2) Peninsular Malaysia Primary Geodetic Network Stations and four (4) Singapore Satellite Positioning Reference Network (SiRENT), Permanent GPS Stations.
- (ii) a Secondary GPS network of the four proposed geodetic control stations, as stated in para. 10.1.1.
- (iii) all stations shall be measured using static GPS technique; and
- (iv) GPS measurement duration and software shall be selected so as to ensure relative baseline accuracy of one part per million (1 ppm).

10.1.3 The diagram of the proposed GPS Survey Network is shown in Annex B.

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10.1.4 The GPS receiver set used for the observation shall have the following features and specification:

(i) ~~tracks only GPS satellites~~

~~Equipment to be used shall be~~

(ii) ~~dual frequency and of Geodetic type Receiver(s)-with offline post-processing of Differential GPS data.~~

(ii) accuracy for positioning: Horizontal 5 mm+1 ppm

Vertical 10 mm+1 ppm ;

(iii) the antenna shall be a geodetic L1/L2 with fixed or removable ground plane; and

(iv) each observation party shall be equipped with the necessary communication instrument and other required operational equipments.

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10.1.5 The specifications for the static GPS observation are as follows:

<u>No.</u>	<u>ITEM</u>	<u>STATIC GPS</u>
a.	<u>Observation</u>	<u>Carrier Phase (L1 and L2)</u>
b.	<u>No. of Satellites</u>	<u>At least 5</u>
c.	<u>PDOP Value</u>	<u>Less than 7</u>
d.	<u>Elevation Angle Cut-off</u>	<u>15 degrees</u>
e.	<u>Epoch Recording Rate</u>	<u>30 seconds</u>
f.	<u>Observation Period</u>	<u>The period for observation shall be minimum <u>Two (2) independent</u> sessions of <u>three (3) 2-hours observation</u> per-station</u>
g.	<u>Type of Antenna</u>	<u>Geodetic L1/L2 with ground plane/ multipath mitigation technique</u>
h.	<u>Height of Antenna</u>	<u>Nearest mm (Beginning and end of measurement)</u>
i.	<u>Centering of Antenna</u>	<u>On the mark</u>
j.	<u>Atmosphere</u>	<u>Default</u>
k.	<u>Quality Control</u>	<ul style="list-style-type: none">• <u>Multipath</u>• <u>Height of antenna properly measured</u>• <u>Positive mark occupation</u>• <u>Log sheet to monitor data acquisition</u>• <u>Antenna orientation towards north</u>

10.1.6 During the conduct of GPS observation, at least one representative from each country shall be present at ~~the~~ each respective geodetic control station.

10.1.7 The data processing and adjustment shall be carried out on the Primary and Secondary GPS Networks using appropriate GPS processing software. Each country shall carry out GPS data processing independently and produces ~~the an~~ independent set of coordinates. Comparison of the set of coordinates sets shall be carried out to establish the final set of coordinates sets.

10.1.8 The following technique of least square processing shall be carried out on the GPS data:

(i) least squares adjustments shall be performed for the final data analysis and coordinate determination;

(ii) ~~the software used shall be capable of computing formal a-priori standard errors from the baseline variance/co-variance statistics, and shall use models which account for the reference ellipsoid for the network control, orientation and scale differences between the GPS and network control datum;~~

(iii) least squares adjustments of the network, both minimally constrained and constrained by all the geodetic stations' coordinates, shall be carried out to verify that the survey meets the required standards; and

(v) all adjustments of GPS data shall be 3 dimensional on the ITRF2000-WGS 84 reference frame.

10.1.9 During the process of observation, the GPS field recording sheets shall be recorded (~~the examples~~ are set out in Appendices Annexes 4 and 2 C and D). An independent check on the height

of the antenna is essential.

10.1.10 Each country shall make available the following digital data:

- (i) raw observational data shall be archived and each country shall have the same complete set of data and information;
- (ii) if required, result files from the baseline processing and final adjustments shall be supplied in digital form. The processing and/or adjustment software digital format may be ~~recommended-requested~~ by the ~~recipient-other country~~ to enable automatic inclusion of the results in ~~the recipient's-that country's~~ data base systems;
- (iii) comparison of the ~~sets of coordinates sets~~ shall be performed for validation, and the final result can be established if the differences are within the agreed tolerance range; and
- (iv) final adjusted coordinates are to be provided in the following coordinate systems:
 - (a) ~~ITRF2000~~/WGS84
 - (b) UTM derived from ~~ITRF2000~~/WGS84

10.1.11 The establishment process of geodetic control stations along with the observed data, information, results and analysis shall be systematically and comprehensively documented in the form of hard and soft copies.

10.2 Use of Differential GPS (DGPS) for Hydrographic Positioning

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10.2.1 Positioning data shall be obtained using Differential GPS (DGPS). The following criteria shall apply:

- (i) The DGPS receivers shall be configured such as only satellites in view above the altitude 10 degrees to be used in the position computation;
- (ii) The age of pseudo-range corrections used in the position computation shall not exceed 10 seconds;
- (iii) A minimum of four satellites shall be used to compute positioning;
- (iv) The Horizontal Dilution of Precision (HDOP) of the position shall be continuously monitored, recorded and shall not exceed 3.0;
- (v) Dead Reckoning is not permitted; and
- (vi) Horizontal and vertical offsets between GPS antenna and transducers shall be observed and applied in no coarser than 0.1 m increments.

10.2.2 For the purpose of offline post processing of DGPS data, GPS equipment shall be set up at the four (4) geodetic control stations, as stated in para. 10.1.1, during the period of hydrographic survey.

10.3 Identification of Fixes

Fixes are to be identified by calendar date of the year and the Universal Time Coordinated (UTC).

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11. SURVEY METHODOLOGY

11.1 ~~The Survey shall consist of (A) Multi-beam sonar survey and for the purposes of detecting low tide elevations and (B) Single-beam sonar surveys. In areas where the aforementioned methods are not feasible, other conventional methods shall be used. The execution of the field survey The methodology of field bathymetric observation will be decided by the Survey Acquisition Team during the Survey operation. for the purposes of determining the low water line.~~

(A) Methodology for Multi-Beam Sonar Survey

11.2 ~~The Survey methodology for Multi-Beam Sonar Survey encompasses the following activities:~~

- (i) **Accurate Positioning of Sounding Points**
All sounding points must be positioned accurately. Automated logging system shall be set at the following intervals:
 - (a) Navigation Cycle Time : 2 sec or better
 - (b) Depth Cycle Time : 2 sec or better
 - (c) Position Logging Interval : 2 sec or better
- (ii) **Sounding Units**
Depths shall be recorded in metres and tenths of metres.
- (iii) **Depth Accuracy**
The total sounding uncertainty for swath widths of at least three times the average water depth shall be in compliance with the

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allowable Total Vertical Uncertainty (TVU) of $\pm \sqrt{[0.25 + (0.013 \times d)^2]}$ where d = depth.

(iv) Line Orientation

Sounding track lines shall be generally parallel to the general configuration of the depth contour lines.

(v) Position

The total uncertainties in the position of soundings and all other significant features shall not exceed 2 metres at 95% confidence level.

(vi) Vessel Motion Data

All Multi Beam data shall be corrected for settlement and squat, heave, pitch, roll and the heading of the vessel.

(vii) Velocity of Sound in the Water Column

The velocity of sound through water shall be determined at least daily during Multi Beam sonar operations. The velocity profile shall be determined to a minimum of 95% of anticipated water depth. Velocity corrections shall be based on the data obtained from profile and not on an averaged sound velocity reading for the water column.

~~(viii) Bottom Coverage~~

~~100% complete Multi Beam coverage for the Survey Area.~~

~~(ix)~~ viii Cross Lines

Cross lines shall be run at angles of 45 to 90 degrees to the main scheme lines.

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(xix) Hydrographic Data Acquisition System (HDAS)

- (a) The HDAS shall comprise of hardware and software configured to control, manage, acquire and store digital data in survey format from positioning system and Multi Beam Echo Sounder System.
- (b) The HDAS software shall include helmsman display facilities indicating vessel steering in a preplanned survey line, with digital display showing information on position, depth, COG, heading, SOG, line and fix number, distance from start and end line.
- (c) The online QC for positioning and depth shall be monitored to ensure positional accuracy standard. Daily QC report shall be included as annex to the Report of Survey (ROS).

~~(x) Drying Lines (Low Water Marks) Aand Drying Features~~

~~All drying lines and drying features shall be delineated accurately and measured from LAT.~~

~~(xii) Heights of Rocks~~

~~The heights of rocks and other maritime features shall be determined from the summit to Mean High Water Spring (MHWS).~~

~~Other Detected Underwater Features~~

~~Any sign or indication of wreckage or artificial obstructions observed during the sounding operation shall be investigated by sonar sweep.~~

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(xivxi) Accuracy Test

- (a) Accuracy tests shall be conducted on the Multi Beam Echo Sounder System (MBES) and DGPS sensors.
- (b) Prior to commencing Multi Beam operation, a system accuracy test (patch test) shall be conducted to quantify the accuracy, precision and alignment of the MBES. Patch test shall include determination of roll, pitch, heading and time latency. Depth accuracy testing shall also include testing of MBES against single beam echo sounder system. Details of test shall be included in the annex to the ROS.
- (c) Accuracy check for DGPS system shall be conducted using at least two different reference stations. Positional differences should be less than 2 metres. Details of test shall be included in the annex to the ROS.

(B) Methodology for Single-Beam Sonar Survey

11.3 The methodology for Single-Beam Sonar Survey encompasses the following activities:

(i) Echo Sounder

A single beam echo sounder at a frequency of about 200 KHz providing a depth accuracy of ± 0.1 metre shall be used for the sounding survey. The echo sounder shall be calibrated daily either by bar-check or sound velocity probe up to the maximum depth of the survey area, before and after sounding.

(ii) Reduction of Soundings

Actual tidal observation curves will be smoothed and used for reduction of soundings. Depths will be inked in metres and decimeters.

(iii) Horizontal Accuracy

The following accuracies will be maintained:

Position of ship - \pm 0.5 to 1 metres

(iv) Sounding Line Intervals

Sounding lines at 5 m intervals. Where irregularities or shoals are detected, closer sounded-sounding lines and/or cross lines shall be run over these areas.

(v) Drying Lines (Low Water Marks) Aand Drying Features

All drying lines and drying features shall be delineated accurately and measured from LAT.

~~(vi) Other Detected Underwater Features~~

~~Any sign or indication of underwater features observed during the sounding operation shall be investigated by sonar sweep Multi Beam.~~

~~(xv) Data Processing~~

~~Data processing is to be carried out jointly.~~

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12. DATA PROCESSING

Data processing for the survey acquired from both the multi-beam and single-beam surveys shall be carried out jointly in (venue) in at a venue to be agreed by both sides. The estimated time taken for data processing is 14 days.

12.13. OUTPUT

12.13.1 Field Records

All data gathered during the Survey shall be recorded as annexes to the ROS. This includes the following:

- (i) Tidal observation records
- (ii) Benchmarks descriptions
- (iii) Results of tidal analysis
- (iv) Geodetic Control Station
- (v) Accuracy Test for DGPS
- (vi) Patch Test Records for MBES
- (vii) Daily QC Test
- (viii) Echo-sounder graphs
- (ix) Field sheets showing sounding tracks with fix numbers
- (viii) Other miscellaneous records and sheets used for submission of survey

~~Data processing for the survey acquired from both the multi beam and single beam surveys shall be carried out jointly in (venue). The estimated time taken for data processing is 14 days.~~

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~~12.3~~13.2 Fair Sheet

- (i) Fair Sheet shall be drawn at scale of 1:~~1,000~~2,500 in Universal Transverse Mercator Zone 48 projection and WGS 84 ellipsoid.
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~~13~~14. REPORT OF SURVEY (ROS)

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~~13~~14.2 ROS shall be prepared in soft and hard copies.

~~13~~14.3 The following documents (soft and hard copies) are to be rendered upon completion of the Survey:

- (i) Fair Sheet; and
- (ii) Survey Reports;

~~13~~14.4 The final ROS is to be submitted to the Joint Survey Sub-Committee for approval.

~~14~~15. SURVEY PLATFORM AND PERSONNEL

The Survey Area shall be divided into two equal halves, with Singapore responsible for providing the survey platforms and conducting the surveys in the

DRAFT

~~northern half and Malaysia responsible for providing the survey platforms and conducting the surveys in the southern half. The survey team shall consist of conduct the Survey using the survey platform agreed by both Parties with the following composition of personnel:~~

~~The Survey team shall conduct the Survey using a single platform (including survey vessel, crew, equipments, and acquisition software) agreed by both Parties with the following personnel.:~~

Survey Acquisition Team

Malaysia - 2 x Hydrographic Surveyors

Singapore - 2 x Hydrographic Surveyors

~~Boat Crews - 2 x (Helmsman and Technical staff)~~

~~A representative from one Party shall be on board the survey platform of the other Party to witness the conduct of the survey in accordance with the standards and specifications set out in this Scope of Works.~~

Data Processing Team

Malaysia - 2 x Hydrographic Surveyors

Singapore - 2 x Hydrographic Surveyors

15. COST

Each side will bear the cost it incurs in the conduct of the survey.

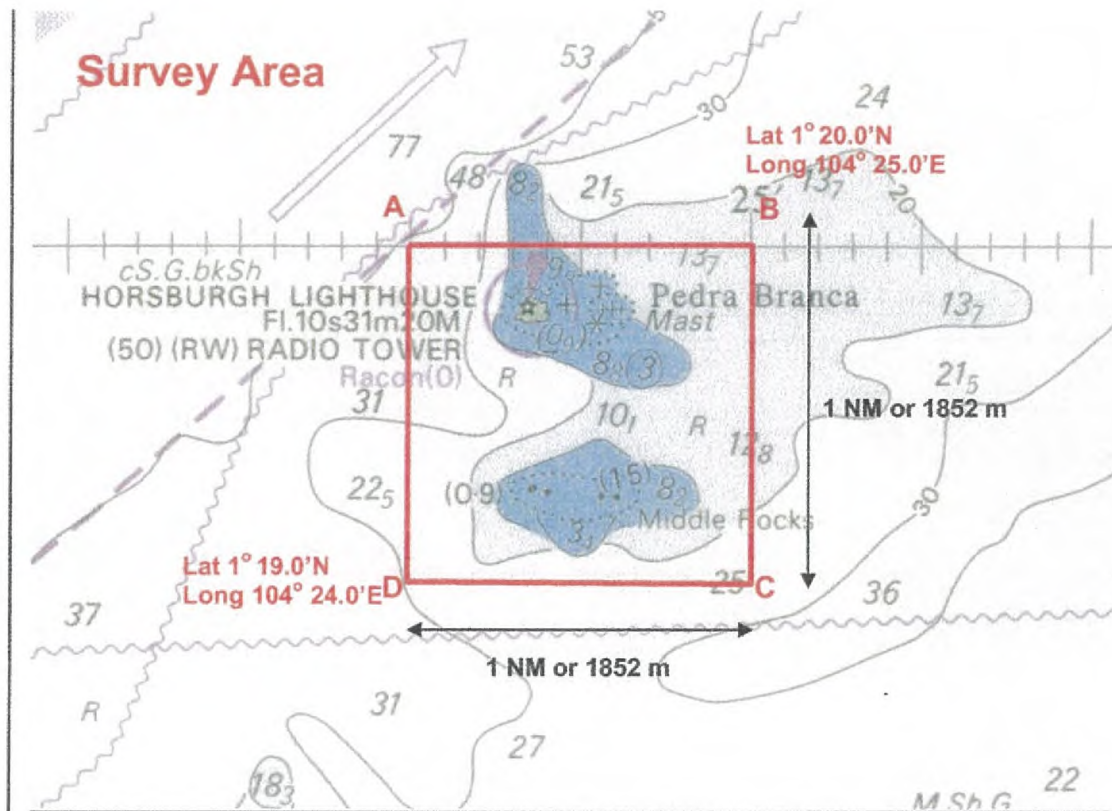


Chart Source: British Admiralty Chart 3831(Edn 30 Sept 2004)

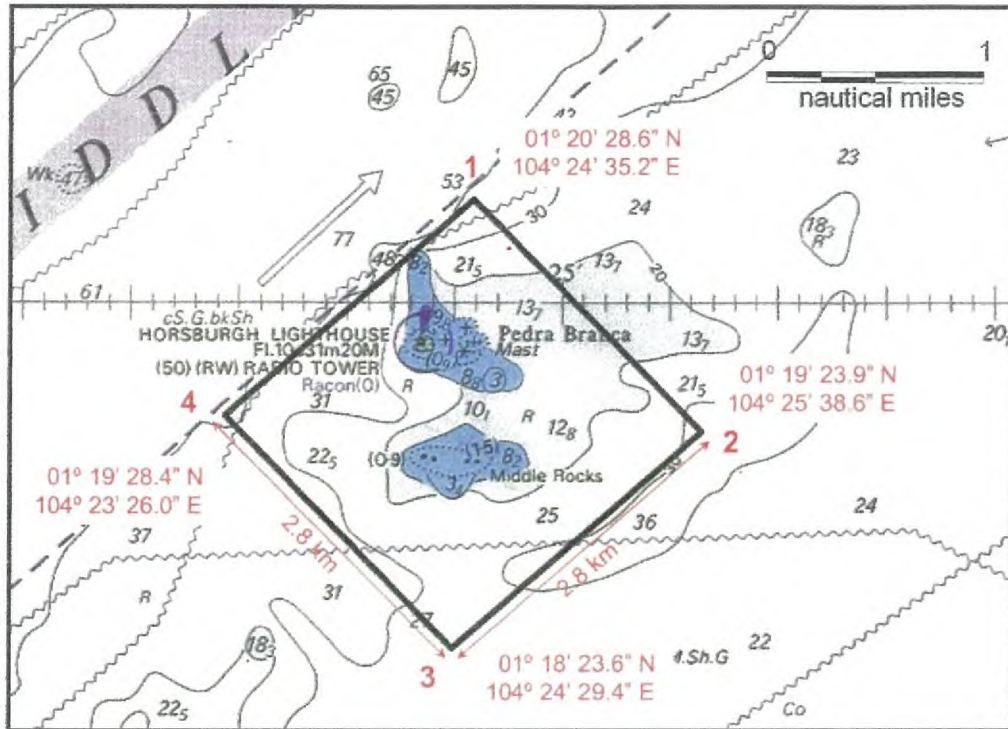
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(To be replaced by Annex A on the preceding page)

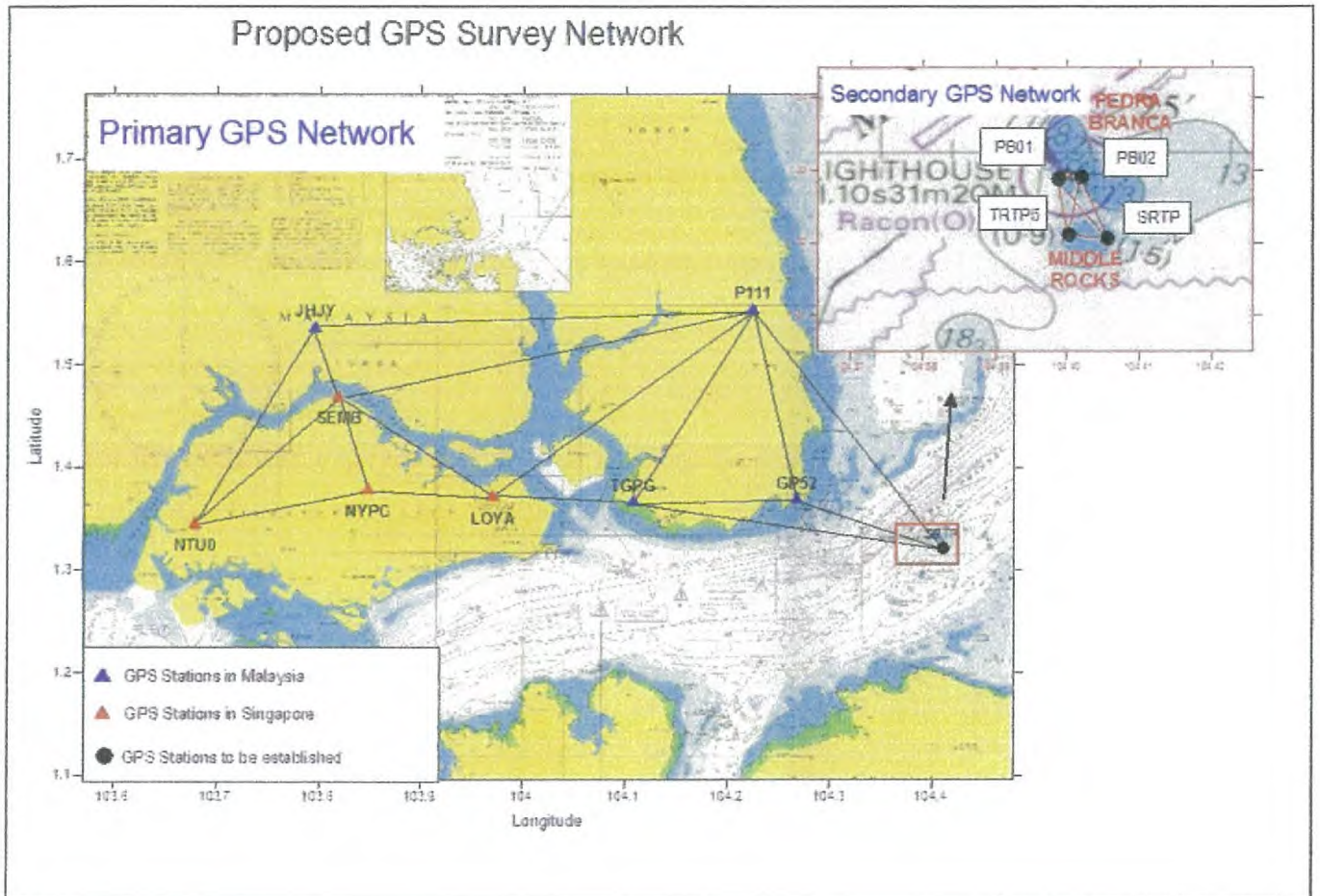
CONFIDENTIAL

Survey Area for Joint Survey Works in and around
Pedra Branca and Middle Rocks

ANNEX A



For illustrative purposes only



PB01 = 17998
PB02 = 17999

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ANNEX C APPENDIX 4

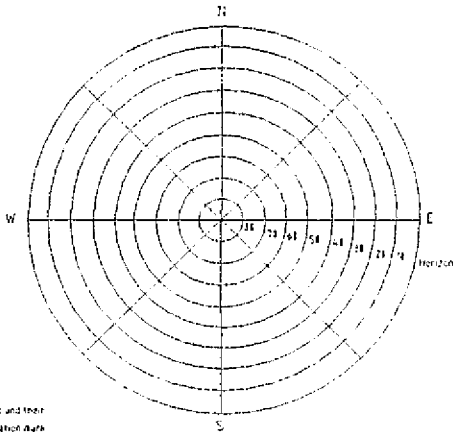
GPS Observation Log

<u>Station Name</u>	<u>Station ID</u>	<u>Project</u>
<u>Location</u>	<u>City</u>	
<u>Observing Monument Inscription and Description</u>		

<u>Type</u>	<u>Model</u>	<u>S/No.</u>	<u>Receiver Operator</u>		
<u>Receiver</u>			<u>Agency</u>		
<u>Antenna</u>			<u>Equipment Used</u>		
<u>Receiver Software and Version</u>					
<u>Collection rate</u>	<u>Solution Rate</u>	<input type="checkbox"/> <u>Tribrach</u>			
<u>Download Information</u>		<input type="checkbox"/> <u>Tripod</u>			
<u>Download Date</u> / /		<input type="checkbox"/> <u>240v AC and power converter</u>			
<input type="checkbox"/> <u>Tapes</u>	<input type="checkbox"/> <u>Disks</u>	<input type="checkbox"/> <u>Backups made</u>	<input type="checkbox"/> <u>12v car battery</u>		
<u>Disk/Tape</u>	<u>File Name</u>	<input type="checkbox"/> <u>Internal battery pack</u>			
<u>1</u>		<input type="checkbox"/> <u>External battery pack</u>			
<u>2</u>					
<u>3</u>					
<u>Timing</u>	<u>Local Time</u>	<u>Local date</u>	<u>UTC Time</u>	<u>UTC Date</u>	<u>UTC Day</u>
<u>Actual Start Time</u>					
<u>Actual End Time</u>					
<u>Daily Session Number</u>	<input type="checkbox"/> <u>Power Failure - started over with new Log</u>				
<u>Receiver Solution (record near end of session)</u>			<u>Site Access - unusual features</u>		
<u>UTC Time</u>					
<u>Latitude</u>					
<u>Longitude</u>					
<u>Height</u>	<u>Metres</u>				

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ANNEX D



Identify Constructions and their distance from the station mark

Antenna Sketch

Station Name	Station ID	Date: / /
Location	City	
Observing Monument Inscription	Observers Name	

Antenna Setup : Include a sketch of the antenna setup showing all mounting accessories ie. tripod, pillar, tribrach, etc. Show all distances measured from the ground mark to defined points on the antenna. Indicate whether distances are slant or vertical.

Antenna height above mark in metres - enter the vertical height to the ant. ref. point. Record the measured height above the ground mark to as many of the following as possible:

For slant measurements, include the horizontal offset distances to the centre of the antenna.

	Distance(metres)	vertical	slant	Offset Distance
<u>Local Weather conditions</u>				
<u>L1 Phase centre</u>		<input type="checkbox"/>	<input type="checkbox"/>	
<u>L2 Phase centre</u>		<input type="checkbox"/>	<input type="checkbox"/>	
<u>Base of antenna</u>		<input type="checkbox"/>	<input type="checkbox"/>	
<u>Top of ground plane</u>		<input type="checkbox"/>	<input type="checkbox"/>	
<u>Bottom of ground plane</u>		<input type="checkbox"/>	<input type="checkbox"/>	

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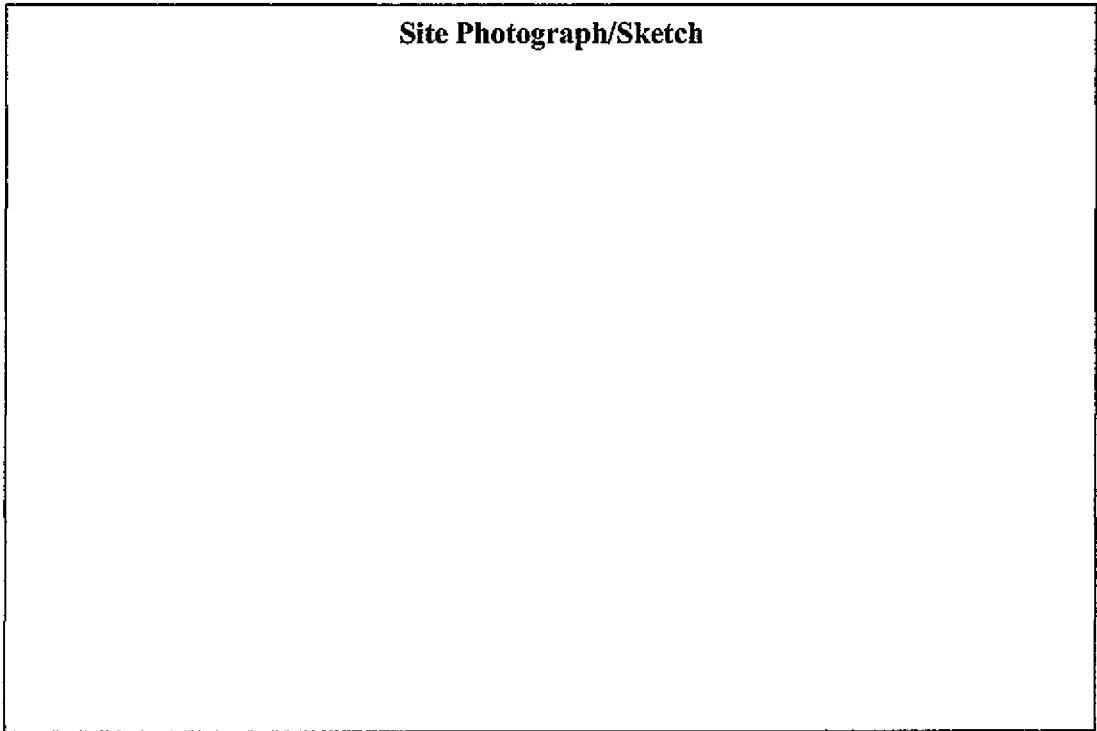
Bottom of choke ring

Height Hook used YES NO

Measured Check (Ft. In.)

Antenna Offset

Site Photograph/Sketch



Team Leader (Malaysia)

Team Leader (Singapore)
