

Pedra Branca: Lost in borderless waters

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In 2008, the International Court of Justice (ICJ) decided that Singapore would have sovereignty over Pedra Branca, a small rocky outcropping at the eastern end of Singapore Strait, toward the South China Sea. About 600 meters away lie the Middle Rocks which were awarded to Malaysia. The South Ledge was left unadjudicated by the world court.



Article 3 of the 1982 United Nations Convention on the Law of the Sea (UNCLOS) allows coastal states to claim a breadth of territorial sea of up to 12 nautical miles (approximately 22 kilometers) measured from their baseline.

Recently, Singapore has announced a plan to begin work on Pedra Branca to improve existing facilities, provide berthing for vessels and additional logistical services, administrative support and communications facilities on the island. These are to begin by the end of 2021.

This project includes reclamation work in maritime areas around Pedra Branca, claimed as part of Singapore's territorial sea. Malaysia and Indonesia also possess maritime entitlements in that area.

As mentioned earlier, Malaysia's Middle Rocks are located 600 meters away from Pedra Branca. Indonesia's Bintan Island is located approximately 21 km away from Pedra Branca, which is still within the territorial sea limits claimable by Indonesia as provided by Article 3 of the UNCLOS.

Malaysia and Singapore have yet to resolve their overlapping maritime claims in this region. Based on a report in The Straits

Times, talks on finalizing delimitation in areas around Pedra Branca were convened in January 2020, two months before the coronavirus outbreak reached pandemic status.

Considering the ongoing situation, it is crucial for Malaysia and Singapore to finalize their maritime boundary delimitations first before engaging in land reclamation and development work on both Pedra Branca and Middle Rocks, particularly when they are still at sea with their purported territorial limits.

When the ICJ decided that Pedra Branca was to be with Singapore and Middle Rocks was to remain with Malaysia, the world court did not specify the sovereignty over the maritime area between these two rocks.

Malaysia and Singapore have been successful in finalizing the 93 km maritime boundary running between the two nations in the Strait of Johor, from Tuas all the way to Pengerang. The initial agreement was entered into between the British government of Singapore and the Sultan of Johor in 1927. Decades later, the maritime boundaries were then precisely defined in a treaty between Malaysia and Singapore in 1995.

Once a maritime boundary treaty is concluded, the territorial limits remain unchanged, even if

reclamation work has altered the geographical configuration of the coastal areas. Malaysia and Singapore have, for a number of years, undergone active reclamation work in the Strait of Johor.

For instance, Singapore has undertaken extensive reclamation work in the eastern corner of the Strait of Johor near Pulau Tekong. Malaysia, on the other hand, has reclaimed land in areas near Johor Bahru for the development of a new waterfront city. As the 1995 treaty has clearly spelt out the precise limits between Malaysia and Singapore, the limits remained unaffected until both nations agree to modify the terms of the treaty.

Nevertheless, this is not the case for Pedra Branca or Middle Rocks as the territorial limits of both nations have yet to be finalized. Singapore could claim that it has maritime entitlements and so could Malaysia, as both maritime features are located a mere 600 m away from each other.

In order to avoid future disputes, it is proposed that both nations postpone any reclamation work planned for Pedra Branca and Middle Rocks until a precise maritime boundary has been drawn between Malaysia and Singapore.

Until and unless this is done, both nations will remain lost in borderless waters.

Associate professor and lecturer at the Faculty of Syariah and Law, Universiti Sains Islam Malaysia and senior research fellow at the Asian Institute of International Affairs and Diplomacy (AIIAD), Universiti Utara Malaysia