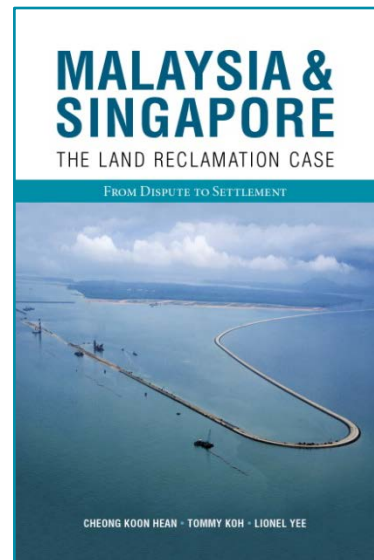


**Book Launch of *Malaysia & Singapore: The Land Reclamation Case, From Dispute to Settlement*
Salon, National Museum of Singapore
5 August 2013**

By Valerie Koh
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On 5 August 2013, 96 guests including members of the diplomatic corps and the media attended the launch of *Malaysia & Singapore: The Land Reclamation Case, From Dispute to Settlement* at the National Museum of Singapore. The book was co-published by the Centre for International Law, the Institute of Policy Studies, and the Straits Times Press.

The title was authored by Professor Tommy Koh, Special Adviser at the Institute of Policy Studies and Ambassador-at-Large at the Ministry of Foreign Affairs; Dr Cheong Koon Hean, Chief Executive Officer of the Housing and Development Board; and Judicial Commissioner Lionel Yee from the Supreme Court. It was launched by the Minister for Foreign Affairs and Minister for Law Mr K Shanmugam.



The authors were leading members of the team involved in defending Singapore's reclamation works before the International Tribunal for the Law of the Sea (ITLOS) in response to a request lodged by Malaysia in 2002 to suspend its reclamation work, claiming that it had resulted in environmental degradation. The book tells the story of this case and how it was resolved.

Welcome Remarks by Professor Tommy Koh

Prof. Koh thanked four individuals who played a central role in the case before ITLOS — former Minister for Foreign Affairs and Minister for Law Professor S Jayakumar, and former Attorney-General Mr Chan Sek Keong, who were both present at the ITLOS court in Hamburg, Germany; former Minister for National Development Mr Mah Bow Tan, who kept in close touch and provided counsel from Singapore; and former Minister for Foreign Affairs Mr George Yeo.

Prof. Koh also thanked the multi-disciplinary, multi-agency, multi-national team of 87 persons who had been involved in resolving the case and the many people who had helped in the publication of the book.



Remarks by Dr Cheong Koon Hean

Dr Cheong gave an overview of the case and the Settlement Agreement that was arrived at by the two countries. Singapore initially had only 15 days to prepare its written response to Malaysia's appeal to ITLOS, to decide if Singapore's reclamation works had harmed Malaysia. The Singapore team recognised that its response needed to be grounded in strong technical evidence rather in addition to legal arguments.

After the first ITLOS hearing, a joint working group comprising representatives from both countries, alongside foreign experts, was eventually formed to study the claims of both sides, after which it was determined that the works did not have a major impact on Malaysia's environment.

The case was ultimately resolved with the 2005 Settlement Agreement between the two countries, which recommended changes to the profile of Pulau Tekong. As a result, a "bite" was taken out of the island's south-east side while a "nose" was added to its southern tip, as shown on the cover of the book. This was done to improve the water flow out of Malaysia while ensuring the final reclaimed land area of Pulau Tekong remained the same.

Dr Cheong attributed the successful resolution of the case to the professional attitude of the multiple agencies involved, the comprehensive preparation and the good rapport within the team as well as between them and their Malaysian counterparts.

Remarks by Judicial Commissioner Lionel Yee

Judicial Commissioner Yee spoke of the legal significance of this case, as it marked the first time Singapore had gone thus far in legal proceedings before an international tribunal. The

high stakes of the case and the tight timeline the Singapore team had to work within made the effort challenging, but this experience proved useful for the subsequent settlement of the Pedra Branca dispute with Malaysia in 2007.

He said that Singapore is a small place that needs to do extraordinary things in order to survive and prosper, and expressed great admiration for the engineers and planners who have ensured the successful large-scale land reclamation projects of the country.

Finally, he paid tribute to the late Mr Sivakant Tiwari, then the Principal Senior State Counsel at the Attorney-General's Chambers whom he looked to as a mentor and who was an invaluable member of the legal team.

Launch of book by Minister K Shanmugam

In his remarks, Minister Shanmugam drew on a quote from Mr Chan's foreword, saying that this case was one of the "memories in the life of a nation that should be kept alive for posterity."¹ The Settlement Agreement was made possible by the co-operation between Malaysia and Singapore, and the conduct of bilateral relations at the time showed that those relations did not have to be held hostage to any particular issue. He then quoted Mr Yeo, his predecessor who witnessed the concluding of the Agreement in 2005, saying that "the civil and civilised manner in which we have been able to settle this dispute gives us confidence that our other bilateral disputes can be settled in a similar way."²

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The authors will be donating all royalties received to The Straits Times Pocket Money Fund.

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1. Cheong Koon Hean, Tommy Koh, Lionel Yee. 2013. *Malaysia & Singapore: The land reclamation case, from dispute to settlement*. Singapore: Straits Times Press, p. 7.
 2. Ibid. p. 116.