

Urban Land Institute
Conferment of the JC Nichols Prize
for Visionaries in Urban Development on Dr Cheong Koon Hean

18 January 2017

Fullerton Hotel

In Praise of Cheong Koon Hean by Tommy Koh

Salutations

1. Dr Seet Ngee Huat, Chairman of ULI Asia Pacific, Ms Kathleen Carey, President and CEO of the ULI Foundation, Mr John Fitzgerald, CEO, ULI Asia Pacific, Distinguished Guests, Ladies and Gentlemen.

Chairman Of CKH Fan Club

2. I have the great pleasure of speaking this evening in my capacity as the self-appointed Chairman of the Cheong Koon Hean Fan Club in Singapore.

Friendship Formed In The Heat Of Battle

3. Our friendship was formed in the heat of battle. I mean a legal battle between Singapore and Malaysia. Let me briefly explain the circumstances.

History Of Law Reclamation In Singapore

4. Singapore is a very small island. As a result, it has had to reclaim land from the sea since 1819, when Raffles founded Singapore. Our famous hotel, Raffles Hotel, is located on Beach Road. Due to land reclamation, the beach has disappeared from Beach Road!

Reclamation at Tekong, Ubin and Tuas

5. In 2000, Singapore began works to reclaim land around two of our small offshore islands, Tekong and Ubin, and at our port in Tuas. Two years later, we received a diplomatic protest from Malaysia alleging that our works had intruded into Malaysia's territorial waters and that we had caused damage to the marine environment in Malaysia.

Malaysia Takes Legal Action

6. In 2003, Malaysia initiated arbitral proceedings against Singapore, under the UN Convention on the Law of the Sea. In July 2003, Malaysia applied to the International Tribunal for the Law of the Sea, located in Hamburg, Germany, for a provisional measure to stop all of Singapore's reclamation works in Tekong.

Our Respective Roles

7. The Singapore Government appointed me as its Agent. Dr Cheong, who was the Deputy Secretary of the Ministry of National Development, was in charge of the technical team. We had to assemble a large team of lawyers, diplomats, engineers, experts of land reclamation, oceanographers, marine biologists and others. As this was our first experience of having to defend Singapore's legal rights in an international court of law, we were all learning on the job. However, our morale was high and we were united.

Heroine Of Hamburg

8. We submitted our written pleadings on 20 September 2003. A week later, we had to appear at the tribunal, in Hamburg, to argue our case. As the Agent, I was the first and last speaker. Other

members of the speaking team consisted of the Attorney-General, our two foreign counsel and Dr Cheong Koon Hean. I am convinced that it was not the lawyers but Koon Hean who won the case for us. She was eloquent and convincing in her presentation on the planning and approval process in Singapore and how the two reclamation projects had been carefully planned and executed and great care had been taken to protect the environment.

Fact-Finding by Experts

9. In its judgement, the Court did not grant the provisional measures which Malaysia had requested. Instead, it adopted a suggestion I had made that the Court should instruct the two Governments to set up a group of independent experts to verify the facts. Singapore appointed two Dutch experts and Malaysia appointed two British experts. The year-long fact-finding process was supervised by Dr Cheong, for Singapore and Madam Rosnani Ibrahim, for Malaysia. Dr Cheong was able to win her trust and friendship and the process went smoothly. After a year, the four experts submitted an unanimous report, which was largely supportive of Singapore's case.

Happy Ending

10.The report was accepted by both sides. On that basis, the two delegations were able to return to the negotiating table. On the 26 of April 2005, the two countries signed an agreement in Singapore to settle the dispute. Dr Cheong Koon Hean had made an enormous contribution to that happy ending. She was an eloquent and convincing advocate, a skilful negotiator and an accomplished diplomat.

11.Thank you very much.

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