

INTERNATIONAL COURT OF JUSTICE

APPLICATION

INSTITUTING PROCEEDINGS

filed in the Registry of the Court
on 30 June 2017

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)

COUR INTERNATIONALE DE JUSTICE

REQUÊTE

INTRODUCTIVE D'INSTANCE

enregistrée au Greffe de la Cour
le 30 juin 2017

DEMANDE EN INTERPRÉTATION
DE L'ARRÊT DU 23 MAI 2008
EN L'AFFAIRE RELATIVE À LA *SOUVERAINETÉ
SUR PEDRA BRANCA/PULAU BATU PUTEH,
MIDDLE ROCKS ET SOUTH LEDGE
(MALAISIE/SINGAPOUR)*

(MALAISIE c. SINGAPOUR)

I. THE AMBASSADOR OF MALAYSIA TO THE KINGDOM
OF THE NETHERLANDS TO THE REGISTRAR
OF THE INTERNATIONAL COURT OF JUSTICE

30 June 2017.

The Embassy of Malaysia presents its compliments to the International Court of Justice and has the honour to refer to the case concerning the *Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore)*.

I, in my capacity as the Ambassador of Malaysia to the Kingdom of the Netherlands, do hereby submit on behalf of Malaysia an Application for interpretation of the Judgment of 23 May 2008 in the case concerning the *Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore)* for the consideration of the International Court of Justice.

In accordance with the respective Rules and practices of the Court, I forward herewith two (2) signed original copies of the said Application, 30 additional copies and electronic USB in PDF format, for the Court's consideration and necessary action.

The Embassy of Malaysia avails itself of this opportunity to renew to the International Court of Justice the assurances of its highest consideration.

(Signed) Ahmad Nazri YUSOF.

II. APPLICATION INSTITUTING PROCEEDINGS

TABLE OF CONTENTS

	<i>Page</i>
I. Summary of the Application	6
II. Statement of the facts leading to the present dispute	8
A. Failure of bilateral attempts at implementation	8
B. Diplomatic incidents and official protests	10
C. Need for clarification by the Court	20
III. Jurisdiction and admissibility of the Application for interpretation	20
A. Jurisdiction of the Court under Article 60 of the Statute	20
(i) Conditions for the Court's jurisdiction	20
(ii) Existence of a dispute as to the meaning or scope of an operative part of the judgment	26
(a) Waters surrounding Pedra Branca/Pulau Batu Puteh	26
(b) Sovereignty over South Ledge	34
B. Admissibility	40
IV. Interpretation requested from the Court	42
List of Annexes	48

I. SUMMARY OF THE APPLICATION

1. On 24 July 2003, the Governments of Malaysia and Singapore (hereinafter “Malaysia” and “Singapore”, respectively) jointly initiated proceedings before the International Court of Justice (ICJ) by submission of a Special Agreement dated 6 February 2003. Article 2 of the Special Agreement provided:

“The Court is requested to determine whether sovereignty over:

- (a) Pedra Branca/Pulau Batu Puteh;
- (b) Middle Rocks;
- (c) South Ledge,

belongs to Malaysia or the Republic of Singapore.”

2. On 23 May 2008, the Court delivered its Judgment in *Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore)* (hereinafter “the 2008 Judgment”). The Court determined that Singapore had acquired sovereignty over Pedra Branca/Pulau Batu Puteh from Malaysia, while Malaysia retained sovereignty over Middle Rocks as the successor to the Sultan of Johor. In respect of South Ledge, the Court pronounced that “sovereignty over South Ledge belongs to the State in the territorial waters of which it is located”¹.

3. As soon as the 2008 Judgment was handed down, the Parties expressed their shared commitment to work together towards the full implementation of the Court’s 2008 Judgment. In this context, and taking advantage of the spirit of goodwill and friendship which unites them, the Parties created a joint committee, the Malaysia-Singapore Joint Technical Committee, to facilitate their co-operation in implementing the 2008 Judgment (see further paragraph 8). Among the tasks which this committee was expected to address was the delimitation of the maritime boundaries between the territorial waters of Malaysia and Singapore. Unfortunately, the Joint Technical Committee has failed to achieve its stated aims. No activity has taken place since November 2013.

4. One reason for this impasse is that the Parties have been unable to agree over the meaning of the 2008 Judgment as it concerns South Ledge and the waters surrounding Pedra Branca/Pulau Batu Puteh. Throughout the post-Judgment period, both Malaysia and Singapore have issued a large number of official protests in respect of incidents alleged to have taken place on, over and around South Ledge, as well as in the disputed waters surrounding Pedra Branca/Pulau Batu Puteh and the airspace above these waters.

5. In this context, Malaysia has taken the view that it has become necessary to request interpretation of those parts of the 2008 Judgment over which the Parties cannot agree. The Parties have been unable to agree on the meaning and/or scope of the following two points of the 2008 Judgment:

- (1) the Court’s finding that “sovereignty over Pedra Branca/Pulau Batu Puteh belongs to Singapore”, and
- (2) the Court’s finding that “sovereignty over South Ledge belongs to the State in the territorial waters of which it is located”.

6. By submitting this Application, Malaysia respectfully requests the Court to render an authoritative and binding interpretation of the meaning of its 2008 Judgment in respect of the waters surrounding Pedra Branca/Pulau Batu Puteh and sovereignty over South Ledge.

¹ *Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore)*, Judgment, I.C.J. Reports 2008, pp. 101-102, para. 300.

7. Malaysia notes that on 2 February 2017 it filed an Application for revision of part of the 2008 Judgment in accordance with Article 61 of the Statute of the Court. Through that Application, Malaysia is asking for revision of the finding that sovereignty over Pedra Branca/Pulau Batu Puteh belongs to Singapore. Malaysia underlines that the present Application for interpretation, which is made in accordance with Article 60 of the Statute of the Court, is separate and autonomous from the current revision proceedings before the Court, even if the two proceedings are necessarily closely related.

II. STATEMENT OF THE FACTS LEADING TO THE PRESENT DISPUTE

A. *Failure of Bilateral Attempts at Implementation*

8. Following the Judgment of 23 May 2008, Malaysia and Singapore established (on 3 June 2008) the Malaysia-Singapore Joint Technical Committee on the Implementation of the International Court of Justice Judgment on Pedra Branca, Middle Rocks and South Ledge (hereinafter “MSJTC”). The MSJTC was established with two primary purposes: to “discuss all preparatory issues leading to bilateral maritime boundary negotiations”, and to “address all other matters arising or related to the implementation of the International Court of Justice (ICJ) Judgment, including but not limited to fisheries and maritime and air space management”².

9. At the same time, the Parties also established the Sub-Committee on the Joint Survey Works in and around Pedra Branca, Middle Rocks and South Ledge. According to the Memorandum of Understanding signed by the Parties on 30 November 2010, the task of the Sub-Committee was to undertake jointly a hydrographic survey “to determine the low-water mark of the features and low-tide elevations [in the survey area], in order to prepare for eventual talks on maritime issues in and around Pedra Branca and Middle Rocks”. In that same Memorandum of Understanding, the Parties agreed that the joint survey works were undertaken without prejudice to the question of delimitation of boundaries between the Parties or to the maritime or territorial claims made by either party³. According to the Scope of Works, which was annexed to the Memorandum of Understanding, the joint survey was to be carried out in an area surrounding Pedra Branca/Pulau Batu Puteh and Middle Rocks. The survey area is depicted in Figure B, which is an extract from the Scope of Works document. The map shows that the survey area did not extend to include South Ledge or its surrounding waters. As a result, no hydrographic data concerning the South Ledge low-tide elevation was collected by the joint survey works. The Report of the Joint Hydrographic Survey was endorsed by the MSJTC at its Sixth Meeting on 23 February 2012, and the Sub-Committee on the Joint Survey Works, having successfully completed its work, was dissolved by the agreement of the MSJTC.

10. At the Singapore-Malaysia Leaders’ Retreat on 19 February 2013 — by which stage the Governments of both States had made numerous official protests in respect of incidents occurring in the disputed waters surrounding Pedra Branca/Pulau Batu Puteh and with regard to South Ledge — the Prime Ministers of Malaysia and Singapore agreed that, following the completion of the Joint Survey Works, “the next step would be for the MSJTC to move into the delimitation of

² Terms of Reference of the Malaysia-Singapore Joint Technical Committee (Ann. 1).

³ Memorandum of Understanding between the Government of Malaysia and the Government of the Republic of Singapore with regard to the Joint Hydrographic Survey in and around Pedra Branca and Middle Rocks, Art. 2 (Ann. 2).

maritime boundaries”⁴. The MSJTC took note of the Prime Ministers’ statement at its Seventh Meeting on 29 November 2013 and agreed to set up a new sub-committee for this purpose. However, there has been no progress towards the establishment of the sub-committee concerning the maritime boundary delimitation: the Parties have not even been able to agree upon the name of the new sub-committee, let alone proceed to discuss any substantive issues related to the delimitation of the maritime boundaries in the area. The Malaysian delegation has proposed naming the new sub-committee “the Sub-Committee on Maritime Boundary Delimitation between Pedra Branca and Middle Rocks”, whereas Singapore has recommended the name “the Sub-Committee on Maritime Boundary Delimitation in the area around Pedra Branca, Middle Rocks and South Ledge”.

11. There are further signs that the bilateral mechanism established by Malaysia and Singapore to implement the 2008 Judgment has reached an impasse. Above all, the MSJTC has never reconvened since its Seventh Meeting in November 2013, despite the fact that the Parties stated an intention to hold the Eighth Meeting of the MSJTC in 2014. Furthermore, at the 2014 Malaysia-Singapore Leaders’ Retreat on 7 April 2014, the Prime Ministers of both Malaysia and Singapore welcomed the decision of the MSJTC to establish a new sub-committee for the purpose of managing the delimitation of maritime boundaries, but no substantive steps were taken. Indeed, no further steps at all towards maritime boundary delimitation have been taken by the two sides. There is deadlock. The last official communication between the two States on this topic of maritime boundary delimitation was a diplomatic Note sent by the Ministry of Foreign Affairs of Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur dated 27 April 2014, which enclosed the draft Minutes of the Seventh Meeting of the MSJTC as prepared and proposed by Malaysia⁵. Diplomatic efforts to resolve the question of maritime boundaries in the area encompassing the three features (Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge) have stalled. Following the most recent Malaysia-Singapore Leaders’ Retreat in December 2016, the joint statement of the Prime Ministers made no mention of the MSJTC, maritime boundary delimitation, or the implementation of the 2008 Judgment⁶. This omission represents a departure from the previous practice at the Leaders’ Retreats, and provides further indication that the established bilateral mechanism for addressing all issues relating to the implementation of the 2008 Judgment is incapable of making progress.

B. Diplomatic Incidents and Official Protests

12. While Malaysia and Singapore have attempted to implement the 2008 Judgment through co-operative processes, there has been ongoing disagreement between

⁴ Joint Statement by Prime Minister Lee Hsien Loong and Prime Minister Dato’ Sri Mohd Najib Tun Abdul Razak at the Singapore-Malaysia Leaders’ Retreat in Singapore on 19 February 2013 (Ann. 3).

⁵ Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC 68/2014 dated 27 April 2014 (Ann. 4).

⁶ Joint Statement by Prime Minister Dato’ Sri Mohd Najib Tun Abdul Razak and Prime Minister Lee Hsien Loong at the Malaysia-Singapore Leaders’ Retreat in Putrajaya, Malaysia on 7 April 2014 (Ann. 5).

the Parties throughout the post-Judgment period on two issues: the status of South Ledge, and the status of the waters surrounding Pedra Branca/Pulau Batu Puteh.

13. The first formal protest in the post-Judgment period was made by Singapore on 23 August 2008, when it accused Malaysia of acting in disregard of the 2008 Judgment by unilaterally landing four persons on South Ledge to set up equipment there. By diplomatic Note Singapore called on Malaysia to refrain from conducting any other activities on South Ledge until the status of the feature was determined through a process of maritime boundary delimitation between the two States⁷. Malaysia rejected Singapore's contention, and affirmed strongly that South Ledge, as a low-tide elevation, is clearly located within the territorial waters of Malaysia, since it lies 7.9 nautical miles from the mainland of Johor and only 1.7 nautical miles from Middle Rocks. Moreover, Malaysia reiterated that South Ledge has always been part of the territory of Johor, and so Malaysia has sovereignty over South Ledge⁸.

14. From 2009 onwards, Malaysia has persistently objected to activity by Singaporean aircraft, vessels or Government which is inconsistent with Malaysia's sovereignty over its territorial waters and airspace. These protests have been made on at least 76 occasions, and have been directed at three types of activity: incursions into Malaysian territorial waters surrounding Pedra Branca/Pulau Batu Puteh and South Ledge by Singapore Government vessels without the consent of the Malaysian Government; incursions into Malaysian airspace above the territorial waters surrounding Pedra Branca/Pulau Batu Puteh and above South Ledge and its surrounding waters by Singapore Government aircraft; and exercises of authority by the Government of Singapore within Malaysia's airspace, over its territory and waters around Pedra Branca/Pulau Batu Puteh.

15. In no fewer than 54 diplomatic Notes⁹, Malaysia has reminded Singapore that the waters around Pedra Branca/Pulau Batu Puteh are within Malaysia's ter-

⁷ Note Verbale from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore, MFA/SEA/00025/2008, dated 23 August 2008 (Ann. 6).

⁸ Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC52/2008, dated 29 October 2008 (Ann. 7).

⁹ Notes Verbales from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur: EC54/2008, dated 29 October 2008 (Ann. 8); EC22/2009, dated 12 March 2009 (Ann. 9); EC30/2009, dated 2 April 2009 (Ann. 10); EC73/2009, dated 3 July 2009 (Ann. 11); EC75/2009, dated 3 July 2009 (Ann. 12); EC115/2009, dated 7 October 2009 (Ann. 13); EC116/2009, dated 7 October 2009 (Ann. 14); EC117/2009, dated 7 October 2009 (Ann. 15); EC118/2009, dated 7 October 2009 (Ann. 16); EC119/2009, dated 7 October 2009 (Ann. 17); EC88/2010, dated 15 June 2010 (Ann. 18); EC89/2010, dated 15 June 2010 (Ann. 19); EC90/2010, dated 15 June 2010 (Ann. 20); EC91/2010, dated 15 June 2010 (Ann. 21); EC92/2010, dated 15 June 2010 (Ann. 22); EC93/2010, dated 15 June 2010 (Ann. 23); EC141/2010, dated 22 September 2010 (Ann. 24); EC142/2010, dated 22 September 2010 (Ann. 25); EC143/2010, dated 22 September 2010 (Ann. 26); EC144/2010, dated 22 September 2010 (Ann. 27); EC145/2010, dated 22 September 2010 (Ann. 28); EC169/2010, dated 1 November 2010 (Ann. 29); EC177/2010, dated 18 November 2010 (Ann. 30); EC193/2010, dated 8 December 2010 (Ann. 31); EC99/2011, dated 29 June 2011 (Ann. 32); EC14/2012, dated 14 February 2012 (Ann. 33); EC15/2012, dated 14 February 2012 (Ann. 34); EC64/2012, dated 17 April 2012 (Ann. 35); EC65/2012, dated 17 April 2012 (Ann. 36); EC103/2012, dated 2 July 2012 (Ann. 37); EC28/2014, dated 17 February 2014 (Ann. 38); EC29/2014, dated 18 February 2014 (Ann. 39); EC30/2014, dated 19 February 2014 (Ann. 40); EC35/2014, dated 20 February 2014 (Ann. 41); EC36/2014, dated 21 February 2014 (Ann. 42); EC37/2014, dated 24 February 2014 (Ann. 43); EC38/2014, dated 25 February 2014 (Ann. 44); EC39/2014,

ritorial waters, and that the airspace above those waters is part of Malaysia's airspace. Malaysia usually states its position with respect to sovereignty over the waters around Pedra Branca/Pulau Batu Puteh in the following terms: "The Ministry wishes also to remind the Government of the Republic of Singapore that the airspace over the waters around Pedra Branca, which is located within the territorial waters of Malaysia is part of Malaysia's airspace, in accordance with the principles of international law as well as the Judgment of the ICJ"¹⁰. Malaysia's most recent protest against activities undertaken by Singapore's agencies within Malaysia's territorial waters in the vicinity of Pedra Branca/Pulau Batu Puteh was lodged on 8 June 2017, when Malaysia pointed out to Singapore that actions by the Maritime and Port Authority of Singapore in relation to a boat capsized 9.3 nautical miles from the coast of Johor were activities undertaken "clearly within Malaysia's territorial waters which violate Malaysia's sovereignty, jurisdiction and territorial integrity under the relevant principles of international law, in particular the provisions of the United Nations Convention on the Law of the Sea 1982 (UNCLOS 1982)"¹¹.

16. Similarly, in no fewer than 22 diplomatic Notes¹², Malaysia has reminded Singapore that the airspace above South Ledge is part of Malaysia's airspace fol-

dated 26 February 2014 (Ann. 45); EC40/2014, dated 27 February 2014 (Ann. 46); EC41/2014, dated 28 February 2014 (Ann. 47); EC44/2014, dated 3 March 2014 (Ann. 48); EC45/2014, dated 4 March 2014 (Ann. 49); EC46/2014, dated 4 March 2014 (Ann. 50); EC47/2014, dated 6 March 2014 (Ann. 51); EC48/2014, dated 7 March 2014 (Ann. 52); EC51/2014, dated 10 March 2014 (Ann. 53); EC52/2014, dated 11 March 2014 (Ann. 54); EC53/2014, dated 12 March 2014 (Ann. 55); EC54/2014, dated 13 March 2014 (Ann. 56); EC58/2014, dated 14 March 2014 (Ann. 57); EC75/2014, dated 3 April 2014 (Ann. 58); EC150/2014, dated 31 December 2014 (Ann. 59); EC151/2014, dated 31 December 2014 (Ann. 60); EC71/16, dated 28 June 2016 (Ann. 61).

¹⁰ Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC103/2012, dated 2 July 2012 (Ann. 37).

¹¹ Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC63/17, dated 8 June 2017 (Ann. 62).

¹² Notes Verbales from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur: EC22/2009, dated 12 March 2009 (Ann. 9); EC30/2009, dated 2 April 2009 (Ann. 10); EC73/2009, dated 3 July 2009 (Ann. 11); EC75/2009, dated 3 July 2009 (Ann. 12); EC117/2009, dated 7 October 2009 (Ann. 15); EC118/2009, dated 7 October 2009 (Ann. 16); EC119/2009, dated 7 October 2009 (Ann. 17); EC88/2010, dated 15 June 2010 (Ann. 18); EC89/2010, dated 15 June 2010 (Ann. 19); EC90/2010, dated 15 June 2010 (Ann. 20); EC91/2010, dated 15 June 2010 (Ann. 21); EC92/2010, dated 15 June 2010 (Ann. 22); EC93/2010, dated 15 June 2010 (Ann. 23); EC141/2010, dated 22 September 2010 (Ann. 24); EC142/2010, dated 22 September 2010 (Ann. 25); EC143/2010, dated 22 September 2010 (Ann. 26); EC144/2010, dated 22 September 2010 (Ann. 27); EC145/2010, dated 22 September 2010 (Ann. 28); EC169/2010, dated 1 November 2010 (Ann. 29); EC177/2010, dated 18 November 2010 (Ann. 30); EC193/2010, dated 8 December 2010 (Ann. 31); EC99/2011, dated 29 June 2011 (Ann. 32).

lowing the 2008 Judgment, since the Judgment affirms that Malaysia has sovereignty over Middle Rocks and further states that sovereignty over South Ledge, as a low-tide elevation, belongs to the State in the territorial waters of which it is located. Malaysia has consistently stated (in these terms, or words to similar effect):

“As Tubir Selatan/South Ledge is 7.9 nautical miles from the mainland of Johor and 1.7 nautical miles from Batuan Tengah/Middle Rocks, it is clearly located within the territorial waters of Malaysia. It naturally follows that sovereignty over Tubir Selatan/South Ledge belongs to Malaysia in accordance with the Judgment of the ICJ.”¹³

Malaysia gave its most recent restatement of its view that, on a true interpretation of the 2008 Judgment, South Ledge falls within the territorial waters of Malaysia and is thus subject to the sovereignty of Malaysia, on 20 April 2017¹⁴.

17. Throughout this period, Singapore has lodged many protests of its own against Malaysia’s actions in the waters surrounding Pedra Branca/Pulau Batu Puteh, and over and around South Ledge. In a series of diplomatic Notes spanning the period from March 2010 to December 2016, Singapore contended that Malaysian naval and law enforcement vessels intruded into the territorial waters of Singapore surrounding Pedra Branca/Pulau Batu Puteh and that Malaysian military and law enforcement aircraft intruded into Singapore’s airspace around Pedra Branca/Pulau Batu Puteh. Singapore’s diplomatic Notes frequently state the Government’s opposition to these activities in these terms:

“The Singapore Government strongly protests these incidents, which not only infringe Singapore’s sovereignty rights over the waters and airspace around Pedra Branca, but also go against the spirit of the Malaysia-Singapore Joint Technical Committee, in particular the mutual agreement between Malaysia and Singapore to honour and abide by the International Court of Justice (ICJ) Judgment of 23 May 2008, wherein the ICJ affirmed that sovereignty over Pedra Branca belongs to Singapore, as well as the mutual agreement to co-operate to maintain a calm situation on the ground and prevent incidents in the waters around Pedra Branca, Middle Rocks and South Ledge.”¹⁵

18. Singapore has also protested numerous times against the designation by Malaysia of a dumping ground in the waters lying off the southern part of eastern Johor, on the basis that Singapore considers the dumping grounds to encroach

¹³ Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC30/2009, dated 2 April 2009 (Ann. 10).

¹⁴ Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC46/17, dated 20 April 2017 (Ann. 63).

¹⁵ Note Verbale from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore, MFA/SEA/00047/2011, dated 17 November 2011 (Ann. 64).

into the territorial waters of Singapore¹⁶. Malaysia has stated its categorical rejection of Singapore's contention that the waters surrounding Pedra Branca are part of Singapore's territorial waters in no fewer than 28 diplomatic Notes¹⁷.

19. In relation to South Ledge, Singapore has repeatedly contended that Malaysia has, by sending military and law enforcement aircraft to fly over and around South Ledge, acted in disregard of the 2008 Judgment and in a manner which is inconsistent with the Parties' mutual agreement to honour and abide by that Judgment¹⁸. Moreover, Singapore explicitly rejected Malaysia's claim to sovereignty over Middle Rocks, maintaining instead that the status of South Ledge can only be determined through the process of maritime boundary delimitation between the two countries¹⁹. Singapore called upon Malaysia to refrain from conducting any further activities on South Ledge until such time as the delimitation of the mari-

¹⁶ Notes Verbales from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore: MFA/SEA/00022/2009 dated 28 May 2009 (Ann. 65); MFA/SEA1/00012/2016 dated 27 April 2016 (Ann. 66); MFA/SEA1/00012/2016, dated 13 May 2016 (Ann. 67); MFA/SEA1/00012/2016, dated 11 August 2016 (Ann. 68); MFA/SEA1/00048/2016, dated 19 December 2016 (Ann. 69); MFA/SEA1/00011/2017 dated 8 February 2017 (Ann. 70).

¹⁷ Notes Verbales from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur: EC72/2009, dated 3 July 2009 (Ann. 71); EC161/2010, dated 1 November 2010 (Ann. 72); EC164/2010, dated 1 November 2010 (Ann. 73); EC167/2010, dated 1 November 2010 (Ann. 74); EC168/2010, dated 1 November 2010 (Ann. 75); EC60/2011, dated 19 April 2011 (Ann. 76); EC61/2011, dated 19 April 2011 (Ann. 77); EC107/2011, dated 8 July 2011 (Ann. 78); EC122/2011, dated 22 August 2011 (Ann. 79); EC124/2011, dated 22 August 2011 (Ann. 80); EC145/2011, dated 30 September 2011 (Ann. 81); EC146/2011, dated 30 September 2011 (Ann. 82); EC18/2012, dated 14 February 2012 (Ann. 83); EC30/2012, dated 17 February 2012 (Ann. 84); EC31/2012, dated 17 February 2012 (Ann. 85); EC69/2012, dated 24 April 2012 (Ann. 86); EC70/2012, dated 9 May 2012 (Ann. 87); EC81/2012, dated 9 May 2012 (Ann. 88); EC88/2012, dated 1 June 2012 (Ann. 89); EC90/2012, dated 6 June 2012 (Ann. 90); EC7/2014, dated 27 January 2014 (Ann. 91); EC9/2014, dated 28 January 2014 (Ann. 92); EC11/2014, dated 29 January 2014 (Ann. 93); EC14/2014, dated 30 January 2014 (Ann. 94); EC17/2014, dated 4 February 2014 (Ann. 95); EC18/2014, dated 5 February 2014 (Ann. 96); EC22/2014, dated 7 February 2014 (Ann. 97); EC144/16, dated 24 November 2016 (Ann. 98).

¹⁸ Notes Verbales from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore, MFA/SEA/00003/2010 (I), dated 11 February 2011 (Ann. 99); MFA/SEA/00005/2010, dated 11 February 2011 (Ann. 100); MFA/SEA/00005/2010 (4A), dated 30 March 2010 (Ann. 101); MFA/SEA/00008/2010, dated 31 May 2010 (Ann. 102); MFA/SEA/00012/2010, dated 15 June 2010 (Ann. 103); MFA/SEA/00035/2010, dated 19 August 2010 (Ann. 104); MFA/SEA/00010/2011, dated 29 April 2011 (Ann. 105); MFA/SEA/00013/2011, dated 15 July 2011 (Ann. 106); MFA/SEA/00036/2011, dated 6 September 2011 (Ann. 107); MFA/SEA1/00001/2012, dated 2 May 2012 (Ann. 108); MFA/SEA1/00006/2012, dated 28 May 2012 (Ann. 109); MFA/SEA1/00019/2012, dated 24 August 2012 (Ann. 110); MFA/SEA1/00022/2012, dated 11 September 2012 (Ann. 111); MFA/SEA1/00027/2012, dated 1 November 2012 (Ann. 112); MFA/SEA1/00002/2013, dated 11 January 2013 (Ann. 113); MFA/SEA1/00026/2013, dated 3 June 2013 (Ann. 114); MFA/SEA1/00046/2013, dated 18 June 2013 (Ann. 115); MFA/SEA1/00074/2013, dated 4 November 2013 (Ann. 116); MFA/SEA/00002/2014, dated 7 January 2014 (Ann. 117); MFA/SEA1/00042/2014, dated 22 July 2014 (Ann. 118); MFA/SEA/00041/2016, dated 30 September 2016 (Ann. 119).

¹⁹ Note Verbale from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore, MFA/SEA/00003/2010, dated 30 March 2010 (Ann. 120).

time boundaries has been completed. Malaysia responded to these Notes of protest by reiterating repeatedly that all activities undertaken by Malaysia in its territory, including activities pertaining to and surrounding the airspace above South Ledge, are legitimate exercises of its sovereignty and jurisdiction. On that basis, Malaysia has stated consistently its intention to continue employing government vessels and aircraft to patrol and conduct activities in the maritime areas and airspace of Malaysia, including the area over and around South Ledge²⁰. As recently as 20 April 2017, Malaysia has requested that Singapore act in accordance with Malaysia's determination that, on a true interpretation of the 2008 Judgment, sovereignty over South Ledge belongs to Malaysia. Malaysia also reiterated its willingness to discuss with Singapore the question of the delimitation of the relevant maritime areas²¹.

C. Need for Clarification by the Court

20. Malaysia and Singapore established the MSJTC in an effort to settle the outstanding issues relating to the implementation of the 2008 Judgment on a co-operative, bilateral basis. These efforts have, however, proven unsuccessful on the issues of the status of South Ledge and the delimitation of the maritime boundaries in the area around Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge. The Parties remain deadlocked as to the true meaning of the Court's 2008 Judgment as it concerns South Ledge and the waters surrounding Pedra Branca/Pulau Batu Puteh. The ongoing uncertainty as to which State is sovereign over South Ledge and the airspace and maritime spaces over and around both South Ledge and Pedra Branca/Pulau Batu Puteh continues to complicate the task of ensuring orderly and peaceful relations. Given the high volume of aerial and maritime traffic in the area, the need to achieve a viable solution to this dispute is pressing. Malaysia now seeks to obtain clarification from the Court of the meaning of its 2008 Judgment.

III. JURISDICTION AND ADMISSIBILITY OF THE APPLICATION FOR INTERPRETATION

21. Before the Court may provide an interpretation of a judgment it has rendered, it must be satisfied that it has jurisdiction over the request for interpretation and that the request is admissible. Malaysia will briefly demonstrate that this request for an interpretation of the 2008 Judgment fulfils the conditions for jurisdiction and admissibility.

A. Jurisdiction of the Court under Article 60 of the Statute

(i) Conditions for the Court's jurisdiction

22. Article 60 of the Statute of the International Court of Justice provides: "The judgment is final and without appeal. In the event of dispute as to the meaning or scope of the judgment, the Court shall construe it upon the request of any party."

²⁰ For example, Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, ECC177/2010, dated 18 November 2010 (Ann. 30).

²¹ Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC46/17, dated 20 April 2017 (Ann. 63).

23. Article 60 is supplemented by Article 98 of the Rules of Court, which states:

“1. In the event of dispute as to the meaning or scope of a judgment any party may make a request for its interpretation, whether the original proceedings were begun by an application or by the notification of a special agreement.

“2. A request for the interpretation of a judgment may be made either by an application or by the notification of a special agreement to that effect between the parties; the precise point or points in dispute as to the meaning or scope of the judgment shall be indicated.”

24. In view of these provisions, and the settled jurisprudence of the Court, the Court’s jurisdiction to interpret its own judgments is contingent upon satisfaction of two conditions: that a dispute exists between the parties, and that the subject-matter of this dispute concerns the meaning or scope of the operative part of the judgment. Malaysia will demonstrate briefly how these conditions are met in the present Application and will show that the Court does enjoy jurisdiction to respond to this request for an interpretation of the 2008 Judgment.

25. The requirement for the existence of a dispute between the parties as to the meaning or scope of a judgment has been recalled consistently by the Court²². In the most recent proceedings concerning a request for interpretation, *Request for Interpretation of the Judgment of 15 June 1962 in the Case concerning the Temple of Preah Vihear (Cambodia v. Thailand) (Cambodia v. Thailand)*, the Court noted that “by virtue of Article 60 of the Statute, [the Court] may entertain a request for interpretation provided that there is a ‘dispute as to the meaning or scope’ of any judgment rendered by it”²³.

26. According to the most commonly cited definitions, a legal dispute exists between two States when there is “a disagreement on a point of law or fact, a conflict of legal views or of interests between two persons”²⁴, or when “the claim of one party is positively opposed by the other”²⁵. While these definitions are certainly satisfied in the present case, given the numerous and frequent official protests which have been exchanged between the two Parties on the question of the

²² *Request for Interpretation of the Judgment of 20 November 1950 in the Asylum Case (Colombia v. Peru)*, Judgment, I.C.J. Reports 1950, p. 402; *Application for Revision and Interpretation of the Judgment of 24 February 1982 in the Case concerning the Continental Shelf (Tunisia/Libyan Arab Jamahiriya) (Tunisia v. Libyan Arab Jamahiriya)*, Judgment, I.C.J. Reports 1985, pp. 216-217, para. 44; *Request for Interpretation of the Judgment of 11 June 1998 in the Case concerning the Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria)*, Preliminary Objections (*Nigeria v. Cameroon*), Judgment, I.C.J. Reports 1999 (I), p. 36, para. 12; *Request for Interpretation of the Judgment of 31 March 2004 in the Case concerning Avena and Other Mexican Nationals (Mexico v. United States of America) (Mexico v. United States of America)*, Judgment, I.C.J. Reports 2009, p. 10, para. 21.)

²³ *Request for Interpretation of the Judgment of 15 June 1962 in the Case concerning the Temple of Preah Vihear (Cambodia v. Thailand) (Cambodia v. Thailand)*, Judgment, I.C.J. Reports 2013, pp. 295-296, para. 32, citing *Request for Interpretation of the Judgment of 15 June 1962 in the Case concerning the Temple of Preah Vihear (Cambodia v. Thailand) (Cambodia v. Thailand)*, Provisional Measures, Order of 18 July 2011, I.C.J. Reports 2011 (II), p. 542, para. 21, *Request for Interpretation of the Judgment of 31 March 2004 in the Case concerning Avena and Other Mexican Nationals (Mexico v. United States of America) (Mexico v. United States of America)*, Provisional Measures, Order of 16 July 2008, I.C.J. Reports 2008, p. 323, paras. 44 and 46; and Judgment, I.C.J. Reports 2009, p. 9, paras. 15-16.

²⁴ *Mavrommatis Palestine Concessions*, Judgment No. 2, 1924, P.C.I.J., Series A, No. 2, p. 11.

²⁵ *South West Africa (Ethiopia v. South Africa; Liberia v. South Africa)*, Preliminary Objections, Judgment, I.C.J. Reports 1962, p. 328.

meaning of the 2008 Judgment's operative paragraph concerning South Ledge and the waters around Pedra Branca/Pulau Batu Puteh, the Court confirmed in the recent case *Request for Interpretation of the Judgment of 15 June 1962 in the Case concerning the Temple of Preah Vihear (Cambodia v. Thailand)* (*Cambodia v. Thailand*) that a broader definition of dispute is applicable in the specific context of Article 60 proceedings:

“The Court further recalls that ‘a dispute within the meaning of Article 60 of the Statute must be understood as a difference of opinion or views between the parties as to the meaning or scope of a judgment rendered by the Court’ (*Request for Interpretation of the Judgment of 15 June 1962 in the Case concerning the Temple of Preah Vihear (Cambodia v. Thailand)* (*Cambodia v. Thailand*), *Provisional Measures, Order of 18 July 2011, I.C.J. Reports 2011 (II)*, p. 542, para. 22) . . . [T]he existence of a dispute under Article 60 of the Statute does not require the same criteria to be fulfilled as those determining the existence of a dispute under Article 36, paragraph 2, of the Statute (*ibid.*; see also *Interpretation of Judgments Nos. 7 and 8 (Factory at Chorzów)*, *Judgment No. 11, 1927, P.C.I.J., Series A, No. 13*, pp. 10-12; *Request for Interpretation of the Judgment of 31 March 2004 in the Case concerning Avena and Other Mexican Nationals (Mexico v. United States of America)* (*Mexico v. United States of America*), *Provisional Measures, Order of 16 July 2008, I.C.J. Reports 2008*, p. 325, para. 53).”²⁶

27. The Court also affirmed in that case that there is no requirement for a dispute as to the meaning and scope of a judgment under Article 60 to have manifested itself in a formal way. Quoting the PCIJ decision in *Interpretation of Judgments Nos. 7 and 8 (Factory at Chorzów)*, the Court explained that “it should be sufficient if the two Governments have in fact shown themselves as holding opposite views in regard to the meaning or scope of a judgment of the Court”²⁷.

28. As for the requirement that the dispute concern the meaning or scope of a judgment, the Court has indicated that “a dispute within the meaning of Article 60 of the Statute must relate to the operative clause of the judgment in question and cannot concern the reasons for the judgment except in so far as these are inseparable from the operative clause”²⁸. Furthermore, the Court has clarified that “a dif-

²⁶ *Request for Interpretation of the Judgment of 15 June 1962 in the Case concerning the Temple of Preah Vihear (Cambodia v. Thailand)* (*Cambodia v. Thailand*), *Judgment, I.C.J. Reports 2013*, pp. 295-296, para. 32.

²⁷ *Ibid.*, citing *Interpretation of Judgments Nos. 7 and 8 (Factory at Chorzów)*, *Judgment No. 11, 1927, P.C.I.J., Series A, No. 13*, p. 11. See also *Application for Revision and Interpretation of the Judgment of 24 February 1982 in the Case concerning the Continental Shelf (Tunisia/Libyan Arab Jamahiriya)* (*Tunisia v. Libyan Arab Jamahiriya*), *Judgment, I.C.J. Reports 1985*, pp. 217-218, para. 46; *Request for Interpretation of the Judgment of 31 March 2004 in the Case concerning Avena and Other Mexican Nationals (Mexico v. United States of America)* (*Mexico v. United States of America*), *Provisional Measures, Order of 16 July 2008, I.C.J. Reports 2008*, pp. 325-326, para. 54.

²⁸ *Request for Interpretation of the Judgment of 15 June 1962 in the Case concerning the Temple of Preah Vihear (Cambodia v. Thailand)* (*Cambodia v. Thailand*), *Judgment, I.C.J. Reports 2013*, p. 296, para. 34, citing *Request for Interpretation of the Judgment of 15 June 1962 in the Case concerning the Temple of Preah Vihear (Cambodia v. Thailand)* (*Cambodia v. Thailand*), *Provisional Measures, Order of 18 July 2011, I.C.J. Reports 2011 (II)*, p. 542, para. 23; *Request for Interpretation of the Judgment of 11 June 1998 in the Case concerning the Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria)*, *Preliminary Objections (Nigeria v. Cameroon)*, *Judgment, I.C.J. Reports 1999 (I)*, p. 35, para. 10; *Request for Interpretation of the Judgment of 31 March 2004 in the Case*

ference of opinion as to whether a particular point has or has not been decided with binding force also constitutes a case which comes within Article 60 of the Statute”²⁹.

(ii) *Existence of a dispute as to the meaning or scope of an operative part of the judgment*

29. This second condition for the exercise of jurisdiction under Article 60 of the Statute is fully satisfied by the present Application. There are two precise points in dispute between the Parties as to the meaning or scope of the 2008 Judgment: the first point concerns the first part of the operative clause of the Judgment, in which the Court finds that “sovereignty over Pedra Branca/Pulau Batu Puteh belongs to the Republic of Singapore”; the second point concerns the third part of the operative clause, in which the Court finds that “sovereignty over South Ledge belongs to the State in the territorial waters of which it is located”.

(a) *Waters surrounding Pedra Branca/Pulau Batu Puteh*

30. The dispute concerning the meaning or scope of the Court’s finding that “sovereignty over Pedra Branca/Pulau Batu Puteh belongs to Singapore” arose shortly after the delivery of the 2008 Judgment. Singapore, having made official protests against activities of Malaysian vessels in the waters surrounding Pedra Branca/Pulau Batu Puteh in the period before the Judgment was handed down, continued to protest in similar manner as early as 1 September 2008³⁰.

31. Malaysia promptly opposed the contentions of Singapore that Malaysian vessels “entered Singapore’s purported territorial waters surrounding Batu Puteh”. In a diplomatic Note dated 29 October 2008, Malaysia rejected Singapore’s claim that the waters surrounding Pedra Branca/Pulau Batu Puteh are part of Singapore’s territorial waters.

“The Government of Malaysia also strongly rejects the assertions by the Republic of Singapore that Malaysia’s alleged activities infringed upon Singapore’s rights over the waters of Batu Puteh. The waters around Batu Puteh are part of the territorial waters and maritime areas of Malaysia as depicted in the Map Defining the Boundaries of the Continental Shelf of Malaysia of 1979.

In light of the above, the Government of Malaysia strongly affirms that the maritime areas surrounding Batu Puteh is located within the territorial waters of Malaysia in accordance with the principles of international law as well as the Judgment of the International Court of Justice. Malaysia strongly reiterates that such activities undertaken by Malaysian Government vessels before

concerning *Avena and Other Mexican Nationals (Mexico v. United States of America)* (*Mexico v. United States of America*), *Provisional Measures, Order of 16 July 2008*, *I.C.J. Reports 2008*, p. 323, para. 47.

²⁹ *Request for Interpretation of the Judgment of 15 June 1962 in the Case concerning the Temple of Preah Vihear (Cambodia v. Thailand) (Cambodia v. Thailand)*, *Provisional Measures, Order of 18 July 2011*, *I.C.J. Reports 2011 (II)*, p. 544, para. 31.

³⁰ Referred to in Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC53/2008, dated 29 October 2008 (Ann. 121).

the judgment of the ICJ were also an exercise of sovereignty and jurisdiction over its own territorial waters and maritime areas.”³¹

32. In the following years, Malaysia has consistently restated its rejection of Singapore’s contention that the waters surrounding Pedra Branca are part of Singapore’s territorial waters³². Malaysia has also indicated its objection in numerous diplomatic Notes to various activities of Singapore within the airspace and territorial waters of Malaysia surrounding Pedra Branca. These objections can be grouped into three categories. First, Malaysia has consistently objected to the presence of aircraft belonging to Singapore in Malaysia’s airspace off the coast of the State of Johor. Second, Malaysia has frequently objected to the incursion of Singapore Government vessels into Malaysia’s territorial waters surrounding Pedra Branca/Pulau Batu Puteh. Third, Malaysia has rejected categorically Singapore’s designation of a restricted flight area (Restricted Area WSR31) and continuous issuance of a “Notice to Airmen” (NOT AM) each day covering airspace extending to a radius of 3 nautical miles around Pedra Branca/Pulau Batu Puteh within Malaysia’s airspace over the waters off the coast of the State of Johor without prior consent from Malaysia. In this lengthy series of diplomatic Notes, Malaysia took the opportunity to restate its understanding that the waters around Pedra Branca/Pulau Batu Puteh are within the territorial waters of Malaysia. The Government reiterated this position in these terms:

“The Government of Malaysia wishes to also remind the Government of Singapore that the airspace over the waters around Batu Puteh, which is located within the territorial waters of Malaysia in accordance with the principles of international law as well as the Judgment of the ICJ, is part of Malaysia’s airspace.

The Government of Malaysia further reiterates that any and all activities undertaken by Malaysia in its territory, including activities pertaining to and

³¹ Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC53/2008, dated 29 October 2008 (Ann. 121).

³² Notes Verbales from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur: EC72/2009, dated 3 July 2009 (Ann. 71); EC161/2010, dated 1 November 2010 (Ann. 72); EC164/2010, dated 1 November 2010 (Ann. 73); EC167/2010, dated 1 November 2010 (Ann. 74); EC168/2010, dated 1 November 2010 (Ann. 75); EC60/2011, dated 19 April 2011 (Ann. 76); EC61/2011, dated 19 April 2011 (Ann. 77); EC107/2011, dated 8 July 2011 (Ann. 78); EC122/2011, dated 22 August 2011 (Ann. 79); EC124/2011, dated 22 August 2011 (Ann. 80); EC145/2011, dated 30 September 2011 (Ann. 81); EC146/2011, dated 30 September 2011 (Ann. 82); EC18/2012, dated 14 February 2012 (Ann. 83); EC30/2012, dated 17 February 2012 (Ann. 84); EC31/2012, dated 17 February 2012 (Ann. 85); EC69/2012, dated 24 April 2012 (Ann. 86); EC70/2012, dated 9 May 2012 (Ann. 87); EC81/2012, dated 9 May 2012 (Ann. 88); EC88/2012, dated 1 June 2012 (Ann. 89); EC90/2012, dated 6 June 2012 (Ann. 90); EC7/2014, dated 27 January 2014 (Ann. 91); EC9/2014, dated 28 January 2014 (Ann. 92); EC11/2014, dated 29 January 2014 (Ann. 93); EC14/2014, dated 30 January 2014 (Ann. 94); EC17/2014, dated 4 February 2014 (Ann. 95); EC18/2014, dated 5 February 2014 (Ann. 96); EC22/2014, dated 7 February 2014 (Ann. 97); EC144/16, dated 24 November 2016 (Ann. 98).

surrounding the above-mentioned airspace and its maritime areas are legitimate exercises of its sovereignty and jurisdiction. Malaysian Government vessels and aircraft have and will continue to patrol and carry out all their activities in the territorial waters, maritime areas and airspace of Malaysia.”³³

33. Singapore has responded to Malaysia’s diplomatic Notes by rejecting the position stated by Malaysia that the waters surrounding Pedra Branca/Pulau Batu Puteh remain within Malaysia’s territorial waters. In 2010, Singapore referred to the 2008 Judgment as the basis for its objection to Malaysia’s activities. In the following statement, Singapore describes its understanding of the 2008 Judgment, which stands in marked disagreement with the position clearly stated by Malaysia.

“The Government of Singapore strongly rejects the assertion by the Government of Malaysia that the waters around Pedra Branca are territorial waters of Malaysia, as well as the assertion that the airspace over the waters around Pedra Branca is part of Malaysia’s airspace. The Government of Singapore reiterates that such assertions are completely baseless. The ICJ in its Judgment of 23 May 2008 had affirmed that ‘sovereignty over Pedra Branca/Pulau Batu Puteh belongs to Singapore’ and also spoke of the ‘territorial waters generated by Pedra Branca/Pulau Batu Puteh’. It is incontrovertible that Singapore’s sovereignty over Pedra Branca clearly extends to the waters and airspace in and around the island.”³⁴

34. In 2012, Singapore set forth its disagreement with Malaysia on this point as follows:

“The Government of Singapore categorically rejects the Government of Malaysia’s assertion that the Malaysian Marine Department vessel was within the territorial waters of Malaysia in the stated incident in the aforementioned Note EC 163/2011. The Government of Singapore also categorically rejects the Government of Malaysia’s assertion that the Royal Malaysian Navy vessels were patrolling the territorial waters of Malaysia in the stated incidents in the aforementioned Note EC 166/2011 and the Government of Malaysia’s claim that the challenges by the Republic of Singapore Navy vessels and Singapore Police Coast Guard vessels in the aforementioned incidents were inconsistent with international law and with the spirit of good neighbourliness and that of ASEAN solidarity and understanding.”³⁵

35. In 2013, Singapore issued another protest against alleged intrusions by Malaysian Government vessels into the waters surrounding Pedra Branca/Pulau Batu Puteh, and it again set forth its understanding of the meaning and effect of the 2008 Judgment as it concerns the waters surrounding Pedra Branca/Pulau Batu Puteh:

“The Singapore Government strongly protests these incidents, which not only infringe Singapore’s sovereign rights over the waters and airspace around Pedra Branca, but also go against the spirit of the Malaysia-Singapore Joint

³³ Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC75/2009, dated 3 July 2009 (Ann. 12).

³⁴ Note Verbale from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore, MFA/SEA/00003/2010, dated 30 March 2010 (Ann. 120).

³⁵ Note Verbale from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore, MFA/SEA/00005/2012, dated 14 February 2012 (Ann. 122).

Technical Committee, in particular the mutual agreement between Malaysia and Singapore to honour and abide by the International Court of Justice (ICJ) Judgment of 23 May 2008, wherein the ICJ affirmed sovereignty over Pedra Branca belongs to Singapore, as well as the mutual agreement to co-operate to maintain a calm situation on the ground and prevent incidents in the waters around Pedra Branca, Middle Rocks and South Ledge.”³⁶

36. More recently, Singapore has filed official protests against the designation by the Director of Marine, Southern Region, of the Malaysia Marine Department of dumping grounds for dredged material in Port Circular No. 05/2016. This circular provides that “dredged material will be transported via barges and disposed off [sic] in the dumping ground in Malaysian Territorial Sea off the State of Johor” in four locations specified by co-ordinates. Singapore has protested that these co-ordinates, the southernmost of which lies approximately 4.1 nautical miles north of Pedra Branca/Pulau Batu Puteh, encroach into the territorial waters of Singapore³⁷. Malaysia in turn has rejected Singapore’s allegation that the dumping ground encroaches into the territorial waters of Singapore and reaffirms that the co-ordinates listed in the Port Circular are within Malaysian territorial waters³⁸.

37. The most recent incident provoking an official protest between the Parties occurred on 13 March 2017, and was the subject of a diplomatic Note sent by Malaysia to Singapore on 8 June 2017. Malaysia expressed its strong concern and strongly protested against interference by the Maritime and Port Authority of Singapore with the search and rescue operations conducted by the relevant Malaysian agencies following the capsizing and subsequent sinking of a vessel approximately 9.3 nautical miles from the coast of Johor. In addition, Malaysia protested the placement of an isolated danger buoy in Malaysia’s territorial waters by the Singaporean authorities without the Government of Malaysia’s prior approval and authorization. The Note drew attention to

“the illegal activities undertaken by Singapore’s agencies, notably the Maritime and Port Authority of Singapore, clearly within Malaysia’s territorial waters which violate Malaysia’s sovereignty, jurisdiction and territorial integrity under the relevant principles of international laws, in particular the provisions of the United Nations Convention on the Law of the Sea 1982”³⁹.

³⁶ Note Verbale from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore, MFA/SEA1/00047/2013, dated 18 June 2013 (Ann. 123).

³⁷ Notes Verbales from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore: MFA/SEA1/00012/2016, dated 27 April 2016 (Ann. 66); MFA/SEA1/00017/2016, dated 13 May 2016 (Ann. 67); MFA/SEA1/00031/2016, dated 11 August 2016 (Ann. 68); MFA/SEA1/00048/2016, dated 19 December 2016 (Ann. 69); MFA/SEA1/00011/2017, dated 8 February 2017 (Ann. 70).

³⁸ Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC71/16, dated 28 June 2016 (Ann. 61).

³⁹ Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC63/17, dated 8 June 2017 (Ann. 62).

38. Finally, Malaysia notes that in at least three diplomatic Notes, Singapore has officially protested against Malaysian activities in the waters lying more than 10 nautical miles from the island of Pedra Branca/Pulau Batu Puteh. Singapore has alleged that its territorial waters have been intruded upon as far away as 11.6 nautical miles from Pedra Branca/Pulau Batu Puteh⁴⁰. Such an extensive claim to territorial waters surrounding Pedra Branca/Pulau Batu Puteh is entirely at odds with the consistent position maintained by Malaysia, which is based on the 2008 Judgment and the principles of the United Nations Convention on the Law of the Sea 1982.

(b) *Sovereignty over South Ledge*

39. The dispute concerning the Court's finding that "sovereignty over South Ledge belongs to the State in the territorial waters of which it is located" emerged very shortly after the Judgment was delivered on 23 May 2008 when three months later, on 23 August 2008, Singapore lodged an official protest against Malaysia's actions at South Ledge. It stated:

"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."

40. In its response, Malaysia immediately set out an opposing view of the meaning and effect of the *dispositif* of the 2008 Judgment as it relates to South Ledge:

"The Government of Malaysia wishes to emphasize that the ICJ concluded that 'sovereignty over South Ledge, as a low-tide elevation, belongs to the State in the territorial waters of which it is located'. In light of the ICJ Judgment, the Government of Malaysia strongly affirms that as Tubir Selatan/South Ledge is 7.9 nautical miles from the mainland of Johor and 1.7 nautical miles from Batuan Tengah/Middle Rocks, it is clearly located within the territorial waters of Malaysia. It naturally follows that sovereignty over Tubir Selatan/South Ledge belongs to Malaysia in accordance with the principles of international law, in particular the United Nations Convention on the Law of the Sea (UNCLOS) 1982, as well as the Judgment of the ICJ. The Government of Malaysia reiterates that Tubir Selatan/South Ledge has always been part of the territory of Johor as affirmed by the Court in the

⁴⁰ Note Verbale from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore, MFA/SEA1/00002/2012, dated 2 May 2012 (Ann. 124).

above-mentioned Judgment and Malaysia has sovereignty over Tubir Selatan/South Ledge.”⁴¹

41. Following this exchange, Malaysia continually protested against incursions by Singaporean Government aircraft into the airspace over South Ledge, both by diplomatic correspondence and through the bilateral channels provided by the MSJTC. In addition, Malaysia continued to articulate consistently its interpretation of the *dispositif* of the 2008 Judgment as it applies to South Ledge. In 2011, for example, it reiterated its understanding of the meaning and effect of the 2008 Judgment in these terms:

“Due to the proximity of South Ledge to the mainland of Johor and Middle Rocks, it is clear that South Ledge is located within the territorial waters of Malaysia. It naturally follows that sovereignty over South Ledge belongs to Malaysia in accordance with the Judgment of the ICJ. As such, the Government of Malaysia wishes to remind the Government of the Republic of Singapore that the airspace above South Ledge is part of Malaysia’s airspace following the Judgment of the International Court of Justice (ICJ) of 23 May 2008 whereby the ICJ reaffirms Malaysia’s sovereignty over Middle Rocks and further stated that ‘sovereignty over South Ledge, as a low-tide elevation, belongs to the State in the territorial waters of which it is located’.”⁴²

42. Singapore has formally rejected the position set out by Malaysia in numerous formal protests during the post-Judgment period. In 2010, for example, Singapore exchanged with Malaysia a diplomatic Note which stated:

“The Government of Singapore again rejects the claim of the Government of Malaysia that sovereignty over South Ledge belongs to Malaysia. In its Judgment of 23 May 2008, the International Court of Justice (ICJ) ruled that sovereignty over South Ledge belongs to the State in the territorial waters of which it is located. The Government of Singapore reiterates that the status of South Ledge can only be determined through the process of maritime boundary delimitation between the two countries.”⁴³

43. Most recently, Malaysia has restated its interpretation of the operative clause of the 2008 Judgment in the following terms:

“The Government of Malaysia wishes to state that in view of this Judgment which held, inter alia, that sovereignty over Middle Rocks belongs to Malaysia, Malaysia takes the position that, on a true interpretation of the Judgment, South Ledge falls within the territorial sea of Malaysia and is thus subject to the sovereignty of Malaysia. Malaysia requests that the Government of Singapore respect and act in accordance with this determination. The Government of Malaysia avers that it is willing to discuss with the Government of

⁴¹ Note Verbale from the Ministry of Foreign Affairs of Malaysia to the High Commission of the Republic of Singapore, Kuala Lumpur, EC52/2008, dated 29 October 2008 (Ann. 7).

⁴² Note Verbale from the Ministry of Foreign Affairs of Malaysia to the High Commission of the Republic of Singapore, Kuala Lumpur, EC99/2011, dated 29 June 2011 (Ann. 32).

⁴³ Note Verbale from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore, MFA/SEA/00003/2010, dated 30 March 2010 (Ann. 120).

Singapore the question of the consequential delimitation of the relevant areas.”⁴⁴

44. In light of these diplomatic exchanges, the precise point on which a dispute has emerged as to the meaning and scope of the 2008 Judgment is whether or not the operative clause of the 2008 Judgment has indeed decided with binding force the question of sovereignty over South Ledge. In the Special Agreement by which the Parties jointly initiated proceedings before the Court on 24 July 2003, the Parties requested the Court “to determine whether sovereignty over . . . South Ledge . . . belongs to Malaysia or the Republic of Singapore”⁴⁵. The relevant section of the operative clause of the 2008 Judgment states that “sovereignty over South Ledge belongs to the State in the territorial waters of which it is located”⁴⁶.

45. Singapore’s official statements indicate that Singapore understands this section of the *dispositif* to mean that the question of sovereignty over South Ledge has not been decided at all, since Singapore has stated that “the status of South Ledge can only be determined through the process of maritime boundary delimitation between the two countries”. A further indication that Singapore considers that the 2008 Judgment’s operative clause has not decided the question of sovereignty over South Ledge can be seen in Singapore’s repeated request that Malaysia refrain from any activities on, over or around South Ledge until a maritime boundary delimitation has been completed by the Parties. Singapore does not accept Malaysia’s understanding that the 2008 Judgment allocated to Malaysia sovereignty over South Ledge, but nor does it make explicit claims to have sovereignty over South Ledge in its own right. Put simply, Singapore’s position entails the interpretation that the 2008 Judgment’s operative clause does not answer the specific question posed to it by the Parties.

46. In contrast, Malaysia considers that the Court has discharged its function under the Special Agreement by specifying the formula whose application allows the status of South Ledge to be determined. As Malaysia understands it, the application of this formula naturally leads to the conclusion that Malaysia has sovereignty over South Ledge because South Ledge falls within the territorial waters of Malaysia. As Malaysia has stated repeatedly, Malaysia has sovereignty both over the nearest feature to South Ledge, Middle Rocks (at a distance of 1.7 nautical miles), and over the nearest mainland territory, Johor (at a distance of 7.9 nautical miles). Pedra Branca/Pulau Batu Puteh lies 2.2 nautical miles away, and the island of Singapore itself lies approximately 22 nautical miles away.

47. It should be noted that the Parties’ differing interpretations of the meaning and effect of the first part of the 2008 Judgment’s operative clause rely to a certain extent on the Court’s characterization of South Ledge as a low-tide elevation. Although the operative clause of the 2008 Judgment does not expressly refer to South Ledge as a low-tide elevation, this step in the Court’s reasoning is clearly inseparable from the operative clause. In the 2008 Judgment, the Court opened its analysis of the issue of sovereignty over South Ledge by noting that “[w]ith regard to South Ledge, however, there are special problems to be considered, inasmuch as South Ledge, as distinct from Middle Rocks, presents a special geographical fea-

⁴⁴ Note Verbale from the Ministry of Foreign Affairs of Malaysia to the High Commission of the Republic of Singapore, Kuala Lumpur, EC46/17, dated 20 April 2017 (Ann. 63).

⁴⁵ Case concerning *Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore)*, Judgment, I.C.J. Reports 2008, pp. 17-18, para. 2.

⁴⁶ *Ibid.*, p. 102, para. 300.

ture as a low-tide elevation”⁴⁷. The Court proceeds to consider the definition of low-tide elevation provided in Article 13 of the United Nations Convention on the Law of the Sea, and the Court’s own prior jurisprudence concerning the appropriation of low-tide elevations, before noting that the Court was not mandated by the Parties to draw the line of delimitation between their respective territorial waters. It concludes its analysis of the status of South Ledge by pronouncing that “for the reasons stated above sovereignty over South Ledge, as a low-tide elevation, belongs to the State in the territorial waters of which it is located”⁴⁸. In view of the fact that the characterization of South Ledge as a low-tide elevation is inseparable from the operative clause or an “essential condition”⁴⁹ of the decision, the dispute which forms the subject of this Application remains within the scope of Article 60 of the Statute.

48. Since there exists a dispute between the Parties as to the meaning and scope of the operative clause of the 2008 Judgment as it relates to sovereignty over the waters surrounding Pedra Branca/Pulau Batu Puteh and over South Ledge, Malaysia maintains that the Court has jurisdiction to deliver an interpretation of the 2008 Judgment.

B. Admissibility

49. Having shown that the Court has jurisdiction to interpret its 2008 Judgment, Malaysia will briefly demonstrate that its Application is admissible and should be accepted by the Court.

50. Since the Court’s jurisdiction to interpret is founded on the “primacy of the principle of *res judicata*”⁵⁰, the Court has insisted that

“[t]he real purpose of the request [for interpretation] must be to obtain an interpretation of the judgment. This signifies that its object must be solely to obtain clarification of the meaning and the scope of what the Court has decided with binding force, and not to obtain an answer to questions not so decided. Any other construction of Article 60 of the Statute would nullify the provision of the Article that the judgment is final and without appeal.”⁵¹

51. Malaysia is requesting a clarification from the Court of the findings which it reached in the 2008 Judgment. Malaysia understands that the interpretation provided by the Court would be binding on both Malaysia and Singapore. Such an interpretation would serve as a basis for the maintenance of orderly and peaceful relations between the Parties in the management of their maritime zones and airspace in the future.

⁴⁷ *I.C.J. Reports 2008*, p. 99, para. 291.

⁴⁸ *Ibid.*, p. 101, para. 299.

⁴⁹ *Interpretation of Judgments Nos. 7 and 8 (Factory at Chorzów)*, Judgment No. 11, 1927, *P.C.I.J., Series A, No. 13*, p. 20.

⁵⁰ *Request for Interpretation of the Judgment of 11 June 1998 in the Case concerning the Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria)*, Preliminary Objections (*Nigeria v. Cameroon*), Judgment, *I.C.J. Reports 1999 (I)*, pp. 36-37, para. 12.

⁵¹ *Request for Interpretation of the Judgment of 20 November 1950 in the Asylum Case (Colombia v. Peru)*, Judgment, *I.C.J. Reports 1950*, p. 402, cited in *Request for Interpretation of the Judgment of 15 June 1962 in the Case concerning the Temple of Preah Vihear (Cambodia v. Thailand) (Cambodia v. Thailand)*, Judgment, *I.C.J. Reports 2013*, p. 303, para. 55.

52. For these reasons, the Government of Malaysia respectfully submits the present Application for interpretation of the 2008 Judgment.

IV. INTERPRETATION REQUESTED FROM THE COURT

53. In the first paragraph of the operative clause of the 2008 Judgment, the Court found that “sovereignty over Pedra Branca/Pulau Batu Puteh belongs to the Republic of Singapore”.

54. In the third paragraph of the operative clause of its 2008 Judgment, the Court pronounced that “sovereignty over South Ledge belongs to the State in the territorial waters of which it is located”. This operative provision is a consequence of the Court’s conclusion that South Ledge is a low-tide elevation feature.

55. The Parties’ attempt to resolve all issues arising from the 2008 Judgment through bilateral co-operative procedures has proven to be unsuccessful. Given this, Malaysia considers that it is necessary to request an interpretation from the Court of the meaning and scope of its decision to award “sovereignty” over Pedra Branca to Singapore, as well as the meaning and scope of its determination concerning the status of South Ledge. The necessity of this request is made clear by the fact that incidents taking place in the waters and airspace surrounding Pedra Branca/Pulau Batu Puteh and South Ledge continue to provoke objections from the Parties.

56. Malaysia respectfully asks the Court to adjudge and declare that :

- (a) “The waters surrounding Pedra Branca/Pulau Batu Puteh remain within the territorial waters of Malaysia”; and
- (b) “South Ledge is located in the territorial waters of Malaysia, and consequently sovereignty over South Ledge belongs to Malaysia”.

I have the honour to submit to the Court the Application 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)* as well as the annexes attached hereto.

In accordance with the respective Rules and practices of the Court, I submit a duly signed copy of the Application.

I am pleased to certify that the copies of the annexed documents are true copies of the originals.

Dated the 30th day of June 2017.

(Signed) Dato’ Ahmad Nazri Yusof,
Ambassador of Malaysia
to the Kingdom of the Netherlands.

FIGURE A. SKETCH-MAP OF PEDRA BRANCA/PULAU BATU PUTEH, MIDDLE ROCK AND SOUTH LEDGE, REPRODUCED FROM THE 2008 JUDGMENT

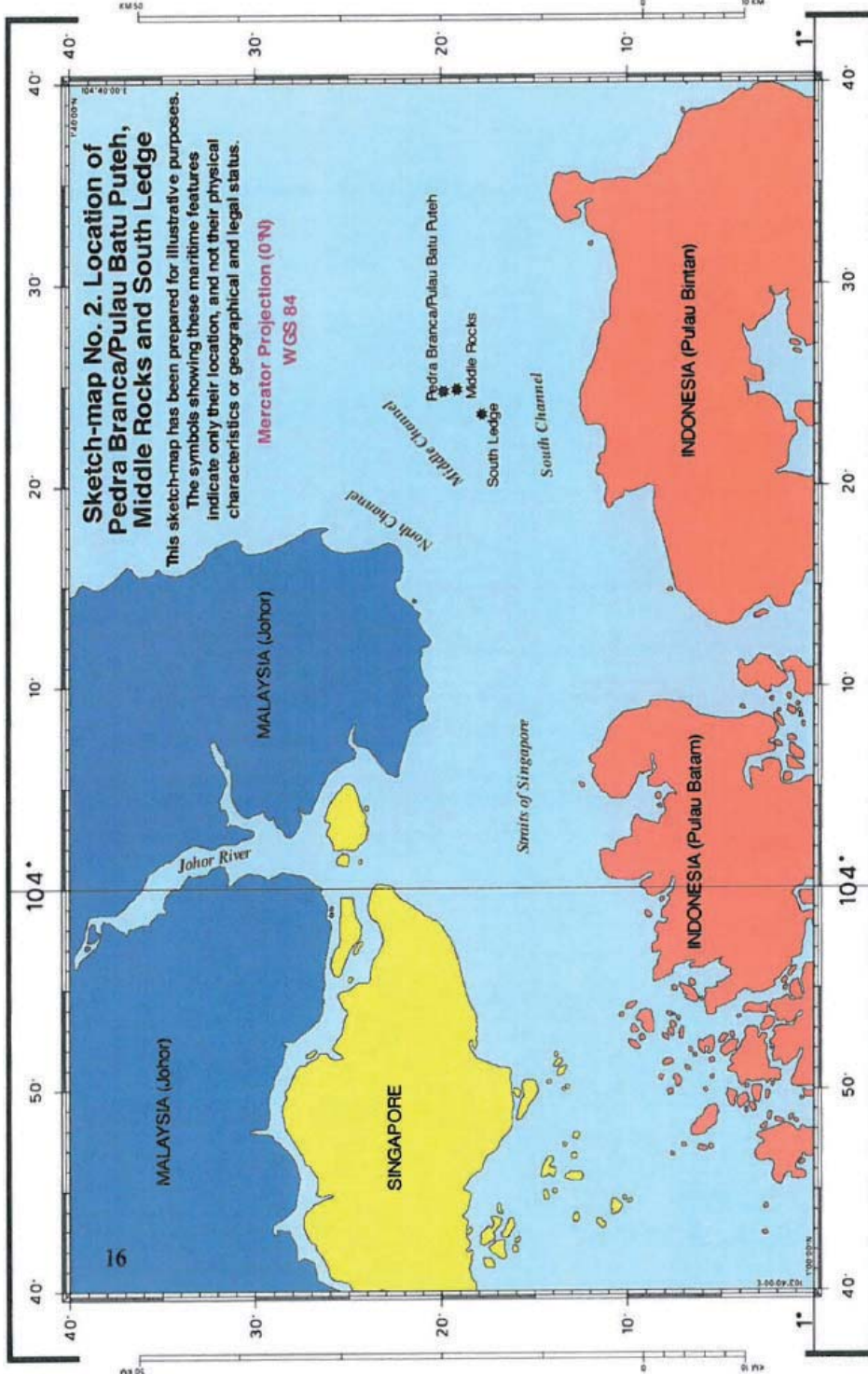
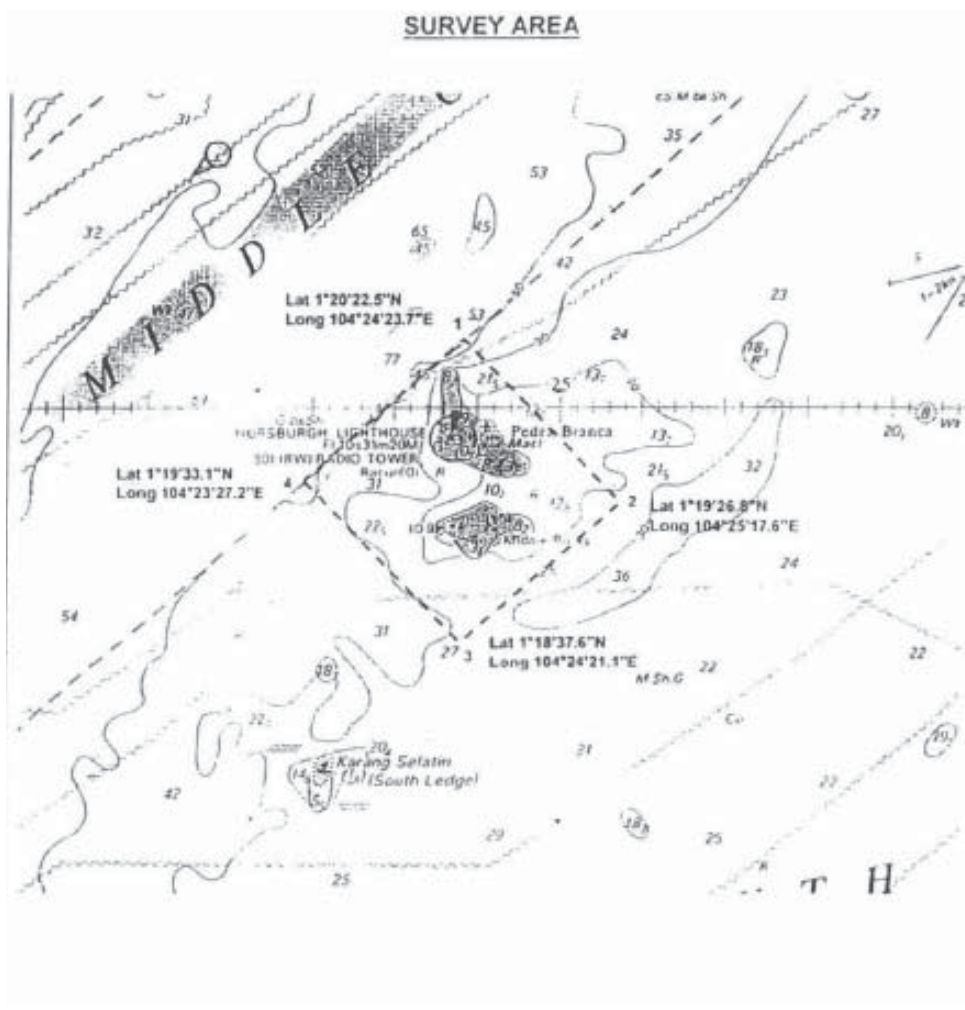


FIGURE B. SURVEY AREA OF THE JOINT HYDROGRAPHIC SURVEY



LIST OF ANNEXES*

- Annex 1.* Terms of Reference of the Malaysia-Singapore Joint Technical Committee.
- Annex 2.* Memorandum of Understanding between the Government of Malaysia and the Government of the Republic of Singapore with regard to the Joint Hydrographic Survey in and around Pedra Branca and Middle Rocks.
- Annex 3.* Joint Statement by Prime Minister Lee Hsien Loong and Prime Minister Dato' Sri Mohd Najib Tun Abdul Razak at the Singapore-Malaysia Leaders' Retreat in Singapore on 19 February 2013.
- Annex 4.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC 68/2014 dated 27 April 2014.
- Annex 5.* Joint Statement by Prime Minister Dato' Sri Mohd Najib Tun Abdul Razak and Prime Minister Lee Hsien Loong at the Malaysia-Singapore Leaders' Retreat in Putrajaya, Malaysia on 7 April 2014.
- Annex 6.* Note Verbale from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore, MFA/SEA/00025/2008, dated 23 August 2008.
- Annex 7.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC52/2008, dated 29 October 2008.
- Annex 8.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC54/2008, dated 29 October 2008.
- Annex 9.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC22/2009, dated 12 March 2009.
- Annex 10.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC30/2009, dated 2 April 2009.
- Annex 11.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC73/2009, dated 3 July 2009.
- Annex 12.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC75/2009, dated 3 July 2009.

* Annexes not reproduced in print version, but available in electronic version on the Court's website (<http://www.icj-cij.org>, under "cases").

- Annex 13.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC115/2009, dated 7 October 2009.
- Annex 14.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC116/2009, dated 7 October 2009.
- Annex 15.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC117/2009, dated 7 October 2009.
- Annex 16.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC118/2009, dated 7 October 2009.
- Annex 17.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC119/2009, dated 7 October 2009.
- Annex 18.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC88/2010, dated 15 June 2010.
- Annex 19.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC89/2010, dated 15 June 2010.
- Annex 20.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC90/2010, dated 15 June 2010.
- Annex 21.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC91/2010, dated 15 June 2010.
- Annex 22.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC92/2010, dated 15 June 2010.
- Annex 23.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC93/2010, dated 15 June 2010.
- Annex 24.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC141/2010, dated 22 September 2010.
- Annex 25.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC142/2010, dated 22 September 2010.
- Annex 26.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC143/2010, dated 22 September 2010.
- Annex 27.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC144/2010, dated 22 September 2010.
- Annex 28.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC145/2010, dated 22 September 2010.

- Annex 29.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC169/2010, dated 1 November 2010.
- Annex 30.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC177/2010, dated 18 November 2010.
- Annex 31.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC193/2010, dated 8 December 2010.
- Annex 32.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC99/2011, dated 29 June 2011.
- Annex 33.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC14/2012, dated 14 February 2012.
- Annex 34.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC15/2012, dated 14 February 2012.
- Annex 35.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC64/2012, dated 17 April 2012.
- Annex 36.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC65/2012, dated 17 April 2012.
- Annex 37.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC103/2012, dated 2 July 2012.
- Annex 38.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC28/2014, dated 17 February 2014.
- Annex 39.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC29/2014, dated 18 February 2014.
- Annex 40.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC30/2014, dated 19 February 2014.
- Annex 41.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC35/2014, dated 20 February 2014.
- Annex 42.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC36/2014, dated 21 February 2014.
- Annex 43.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC37/2014, dated 24 February 2014.
- Annex 44.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC38/2014, dated 25 February 2014.

- Annex 45.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC39/2014, dated 26 February 2014.
- Annex 46.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC40/2014, dated 27 February 2014.
- Annex 47.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC41/2014, dated 28 February 2014.
- Annex 48.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC44/2014, dated 3 March 2014.
- Annex 49.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC45/2014, dated 4 March 2014.
- Annex 50.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC46/2014, dated 5 March 2014.
- Annex 51.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC47/2014, dated 6 March 2014.
- Annex 52.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC48/2014, dated 7 March 2014.
- Annex 53.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC51/2014, dated 10 March 2014.
- Annex 54.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC52/2014, dated 11 March 2014.
- Annex 55.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC53/2014, dated 12 March 2014.
- Annex 56.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC54/2014, dated 13 March 2014.
- Annex 57.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC58/2014, dated 14 March 2014.
- Annex 58.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC75/2014, dated 3 April 2014.
- Annex 59.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC150/2014, dated 31 December 2014.
- Annex 60.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC151/2014, dated 31 December 2014.

- Annex 61.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC71/16, dated 28 June 2016.
- Annex 62.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC63/17, dated 8 June 2017.
- Annex 63.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC46/17, dated 20 April 2017.
- Annex 64.* Note Verbale from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore, MFA/SEA/00047/2011, dated 17 November 2011.
- Annex 65.* Note Verbale from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore, MFA/SEA/00022/2009 dated 28 May 2009.
- Annex 66.* Note Verbale from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore, MFA/SEA1/00012/2016 dated 27 April 2016.
- Annex 67.* Note Verbale from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore, MFA/SEA1/00017/2016, dated 13 May 2016.
- Annex 68.* Note Verbale from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore, MFA/SEA1/00031/2016, dated 11 August 2016.
- Annex 69.* Note Verbale from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore, MFA/SEA1/00048/2016, dated 19 December 2016.
- Annex 70.* Note Verbale from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore, MFA/SEA1/00011/2017 dated 8 February 2017.
- Annex 71.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC72/2009, dated 3 July 2009.
- Annex 72.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC161/2010, dated 1 November 2010.
- Annex 73.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC164/2010, dated 1 November 2010.
- Annex 74.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC167/2010, dated 1 November 2010.
- Annex 75.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC168/2010, dated 1 November 2010.
- Annex 76.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC60/2011, dated 19 April 2011.

- Annex 77.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC61/2011, dated 19 April 2011.
- Annex 78.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC107/2011, dated 8 July 2011.
- Annex 79.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC122/2011, dated 22 August 2011.
- Annex 80.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC124/2011, dated 22 August 2011.
- Annex 81.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC145/2011, dated 30 September 2011.
- Annex 82.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC146/2011, dated 30 September 2011.
- Annex 83.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC18/2012, dated 14 February 2012.
- Annex 84.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC30/2012, dated 17 February 2012.
- Annex 85.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC31/2012, dated 17 February 2012.
- Annex 86.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC69/2012, dated 24 April 2012.
- Annex 87.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC70/2012, dated 9 May 2012.
- Annex 88.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC81/2012, dated 9 May 2012.
- Annex 89.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC88/2012, dated 1 June 2012.
- Annex 90.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC90/2012, dated 6 June 2012.
- Annex 91.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC7/2014, dated 27 January 2014.
- Annex 92.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC9/2014, dated 28 January 2014.

- Annex 93.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC11/2014, dated 29 January 2014.
- Annex 94.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC14/2014, dated 30 January 2014.
- Annex 95.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC17/2014, dated 4 February 2014.
- Annex 96.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC18/2014, dated 5 February 2014.
- Annex 97.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC22/2014, dated 7 February 2014.
- Annex 98.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC144/16, dated 24 November 2016.
- Annex 99.* Note Verbale from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore, MFA/SEA/00003/2010(I), dated 11 February 2011.
- Annex 100.* Note Verbale from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore, MFA/SEA/00005/2010, dated 11 February 2011.
- Annex 101.* Note Verbale from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore, MFA/SEA/00005/2010(4A), dated 30 March 2010.
- Annex 102.* Note Verbale from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore, MFA/SEA/00008/2010, dated 31 May 2010.
- Annex 103.* Note Verbale from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore, MFA/SEA/00012/2010, dated 15 June 2010.
- Annex 104.* Note Verbale from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore, MFA/SEA/00035/2010, dated 19 August 2010.
- Annex 105.* Note Verbale from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore, MFA/SEA/00010/2011, dated 29 April 2011.
- Annex 106.* Note Verbale from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore, MFA/SEA/00013/2011, dated 15 July 2011.
- Annex 107.* Note Verbale from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore, MFA/SEA/00036/2011, dated 6 September 2011.
- Annex 108.* Note Verbale from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore, MFA/SEA1/00001/2012, dated 2 May 2012.

- Annex 109.* Note Verbale from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore, MFA/SEA1/00006/2012, dated 28 May 2012.
- Annex 110.* Note Verbale from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore, MFA/SEA1/00019/2012, dated 24 August 2012.
- Annex 111.* Note Verbale from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore, MFA/SEA1/00022/2012, dated 11 September 2012.
- Annex 112.* Note Verbale from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore, MFA/SEA1/00027/2012, dated 1 November 2012.
- Annex 113.* Note Verbale from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore, MFA/SEA1/00002/2013, dated 11 January 2013.
- Annex 114.* Note Verbale from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore, MFA/SEA1/00026/2013, dated 3 June 2013.
- Annex 115.* Note Verbale from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore, MFA/SEA1/00046/2013, dated 18 June 2013.
- Annex 116.* Note Verbale from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore, MFA/SEA1/00074/2013, dated 4 November 2013.
- Annex 117.* Note Verbale from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore, MFA/SEA/00002/2014, dated 7 January 2014.
- Annex 118.* Note Verbale from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore, MFA/SEA1/00042/2014, dated 22 July 2014.
- Annex 119.* Note Verbale from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore, MFA/SEA/00041/2016, dated 30 September 2016.
- Annex 120.* Note Verbale from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore, MFA/SEA/00003/2010, dated 30 March 2010.
- Annex 121.* Note Verbale from the Ministry of Foreign Affairs, Malaysia to the High Commission of the Republic of Singapore in Kuala Lumpur, EC53/2008, dated 29 October 2008.
- Annex 122.* Note Verbale from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore, MFA/SEA/00005/2012, dated 14 February 2012.
- Annex 123.* Note Verbale from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore, MFA/SEA1/00047/2013, dated 18 June 2013.
- Annex 124.* Note Verbale from the Ministry of Foreign Affairs of the Republic of Singapore to the High Commission of Malaysia, Singapore, MFA/SEA1/00002/2012, dated 2 May 2012.

IMPRIMÉ EN FRANCE – PRINTED IN FRANCE